

# DRAFT

## MINUTES – 10 OCTOBER 2017



## 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 – 10 October 2017, commencing at 6.06pm.

**PRESENT:**

Mayor R Palmer, Councillors J Abbott, G Arnott, C. Doohan, K. Jordan, P. Le Mottee, J Nell, S Smith, S. Tucker, General Manager, Corporate Services Group Manager, Facilities and Services Group Manager, Acting Development Services Group Manager and Governance Manager.

<b>228</b>	<b>Councillor Chris Doohan</b> <b>Councillor Ken Jordan</b>  It was resolved that Council grant Cr Glen Dunkley leave of absence from 10 October 2017 to 19 October 2017.
<b>229</b>	<b>Councillor Chris Doohan</b> <b>Councillor Steve Tucker</b>  It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 26 September 2017 be confirmed.

Cr Paul Le Mottee declared a pecuniary conflict of interest in item 1 of the Council reports and item 1 of the confidential reports. The nature of the interest is the Le Mottee Group conducts survey work for the owners in both matters.

Mayor Ryan Palmer declared a less than significant non-pecuniary conflict of interest in confidential item 1. The nature of the interest is that Mayor Palmer's grandfather owns the property at 102 Port Stephens Street, Raymond Terrace.

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<b>CONFIDENTIAL</b>
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# MOTIONS TO CLOSE

**ITEM NO. 1**

**FILE NO: 17/188138  
RM8 REF NO: PSC2017-00180**

**MOTION TO CLOSE**

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

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**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 1 on the Ordinary agenda namely ***Sale of 96-100 Port Stephens Street, Raymond Terrace.***
- 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.

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**ORDINARY COUNCIL MEETING - 10 OCTOBER 2017  
MOTION**

<b>230</b>	<p><b>Councillor Steve Tucker Councillor Chris Doohan</b></p> <p>It was resolved:</p> <ol style="list-style-type: none"><li>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 0 on the Ordinary agenda namely <b><i>Sale of 96-100 Port Stephens Street, Raymond Terrace.</i></b></li><li>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"><li>• information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.</li></ul></li><li>3) That the report remain confidential and the minute be released in accordance with Council's resolution.</li></ol>
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**ITEM NO. 2**

**FILE NO: 17/188141  
RM8 REF NO: PSC2017-00180**

**MOTION TO CLOSE**

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

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**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 ***new lease of 9-11 Government Road, Nelson Bay for Temporary Public Car Parking.***
- 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.

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**ORDINARY COUNCIL MEETING - 10 OCTOBER 2017  
MOTION**

231	<p><b>Councillor Chris Doohan Councillor Steve Tucker</b></p> <p>It was resolved:</p> <ol style="list-style-type: none"><li>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 0 on the Ordinary agenda namely <b><i>new lease of 9-11 Government Road, Nelson Bay for Temporary Public Car Parking.</i></b></li><li>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"><li>• information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.</li></ul></li><li>3) That the report remain confidential and the minute be released in accordance with Council's resolution.</li></ol>
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<b>MINUTES ORDINARY COUNCIL - 10 OCTOBER 2017</b>
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**ORDINARY COUNCIL MEETING - 10 OCTOBER 2017**  
**MOTION**

<b>232</b>	<b>Councillor Giacomo Arnott</b> <b>Councillor Sarah Smith</b>  It was resolved that all Notice of Motions and Item 10 – Information Papers be brought forward and dealt with prior to Council reports.
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# NOTICES OF MOTION

**NOTICE OF MOTION**

**ITEM NO. 1**

**FILE NO: 17/188233**

**RM8 REF NO: PSC2017-00019**

**WEBCASTING OF COUNCIL MEETINGS**

**COUNCILLOR: RYAN PALMER  
JOHN NELL**

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**THAT COUNCIL:**

- 1) Request the General Manager to initiate the necessary processes to reinstate and reinstall the webcam system for council meetings to allow for residents and ratepayers of Port Stephens to watch from any computer or device. This will allow for residents and ratepayers to be more involved and aware of the decision making process at Council.
  - 2) Amend the Code of Meeting Practice to include the ability to webcast at Council meetings, and public exhibit the amended Code of Meeting Practice for a period of 28 days seeking submissions in accordance with the *Local Government Act 1993*. Should there be no submissions received, the Code of Meeting Practice be adopted as amended, without a further report to Council.
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**ORDINARY COUNCIL MEETING - 10 OCTOBER 2017  
MOTION**

<b>233</b>	<p><b>Councillor Giacomo Arnott Councillor John Nell</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Request the General Manager to initiate the necessary processes to reinstate and reinstall the webcam system for council meetings to allow for residents and ratepayers of Port Stephens to watch from any computer or device. This will allow for residents and ratepayers to be more involved and aware of the decision making process at Council.</li><li>2) Amend the Code of Meeting Practice to include the ability to webcast at Council meetings, and public exhibit the amended Code of Meeting Practice for a period of 28 days seeking submissions in accordance with the <i>Local Government Act 1993</i>. Should there be no submissions received, the Code of Meeting Practice be adopted as amended, without a further report to Council.</li></ol>
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**BACKGROUND REPORT OF: TONY WICKHAM – GOVERNANCE MANAGER**

**BACKGROUND**

Council first resolved to commence broadcasting Council meetings via the website at its meeting on 22 November 2011. Following the amendment of the Code of Meeting Practice and the procurement processes involved, Council broadcast its first Council meeting in March 2012.

Following the local government election in 2012, Council considered an implementation status report on the webcasting. At this meeting Council resolved to immediately cease broadcasting Council meetings 'live'. Since this time, Council has not broadcast Council meetings via the website.

Council has retained the equipment from 2012 and the equipment is still considered up to date and appropriate for use. The costs associated with re-commencing the webcasting would be approximately \$2,500 for the start-up costs and \$390 per meeting ongoing.

Should Council wish to proceed with this Notice of Motion, there are two aspects that Council needs to consider as broadcasting the Council meetings 'live' increases the distribution of any inappropriate behaviours, and therefore may have more serious consequences. The two aspects are:

- 1) No Parliamentary Privilege.
- 2) Comments made about individuals not listed on a Council business paper – *Privacy and Personal Information Protection Act 1998.*

1) No Parliamentary Privilege

Parliamentary privilege is an absolute defence which is only available to State and Federal government parliamentarians.

Local government elected members may be able to rely on a defence of qualified privilege when carrying out official duties at a council or committee meeting.

The Office of Local Government's Practice Note No. 16 – Meetings Practice Note states:

*"Councillors acting within their official capacity at meetings of council or council committees have a defence of 'qualified privilege' to actions in defamation. This recognises that you may need to speak freely and publicly in carrying out your duties. However qualified privilege needs to be treated with great caution. It only covers statements made at a council or committee meeting when you are carrying out your duties and on business relevant to the council. Statements also need to be made with good intentions, not malice."*

*A statement made outside a council or committee meeting will not be protected by qualified privilege, but may be protected under the Defamation Act 1974 [now the Defamation Act 2005]. You should be guided by your own legal advice on defamation issues."*

2) Comments made about individuals not listed on a Council business paper – Privacy and Personal Information Protection Act 1998

During a Council meeting, councillors are only able to consider matters listed on the business paper, which includes personal information at times. These items are debated and ultimately a resolution is passed.

The *Privacy and Personal Information Protection Act 1998*, requires Council to ensure it properly manages the collection, access and disclosure of personal information. Therefore it is important Council is aware that disclosing the name of an individual in a public forum such as a Council meeting may be a potential breach of the legislation particularly where Council does not have consent to do so. (For example, making reference to an individual/s from past Council meetings, at a future Council meeting without the matter being listed on the business paper, and therefore without consent being granted).

Should this occur the potential consequences due to a breach of legislation are increased with the broadcasting of Council meetings 'live' via the website.

To facilitate the re-instatement of the webcasting should Council resolve to do so the Code of Meeting Practice will require amendment. The Code of Meeting Practice sets out how Council will conduct its meetings and the procedures to be followed when meetings are convened. The *Local Government Act 1993* requires 28 days public exhibition of any amendments to the Code of Meeting Practice.

**ATTACHMENTS**

Nil.



**NOTICE OF MOTION**

**ITEM NO. 2**

**FILE NO: 17/188253**

**RM8 REF NO: PSC2017-00019**

**REQUEST TO COMPLETE FOOTPATH FROM CORNER OF GORDON CLOSE  
AND GAN GAN ROAD ALONG SOUTHERN SIDE OF GAN GAN ROAD TO THE  
CORNER OF JAMES PATERSON STREET, ANNA BAY**

**COUNCILLOR: CHRIS DOOHAN**

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**THAT COUNCIL:**

- 1) Request that the footpath on Gan Gan Road from the corner of Gordon Close to the corner of James Paterson Street, Anna Bay be given priority in Council's Capital Works Program. This footpath is critical for the safety of many residents from the 'Bay Village Retreat' and the 'Emerald Tiki Village' who regularly travel to the Anna Bay Town Centre by foot, wheelchair or mobility scooter, and return.

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**ORDINARY COUNCIL MEETING - 10 OCTOBER 2017  
MOTION**

	<p><b>Councillor Chris Doohan</b> <b>Councillor Sarah Smith</b></p> <p>That Council request that the footpath on Gan Gan Road from the corner of Gordon Close to the corner of James Paterson Street, Anna Bay be given priority in Council's Capital Works Program. This footpath is critical for the safety of many residents from the 'Bay Village Retreat' and the 'Emerald Tiki Village' who regularly travel to the Anna Bay Town Centre by foot, wheelchair or mobility scooter, and return.</p>
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**ORDINARY COUNCIL MEETING - 10 OCTOBER 2017  
AMENDMENT**

<b>234</b>	<p><b>Councillor John Nell</b> <b>Councillor Steve Tucker</b></p> <p>It was resolved that a further report be provided to Council on future funding options.</p>
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The amendment on being put became the motion which was carried.

**BACKGROUND REPORT OF: GREG KABLE – FACILITIES & SERVICES GROUP MANAGER**

**BACKGROUND**

The purpose of this report is to provide information in regard to the Notice of Motion.

The adopted Pathways Plan has denoted that the proposed path is part of Council's future shared pathway network. The proposed pathway between James Paterson Drive to Gordon Close is approximately 1.1km long and 2.4m and would formally connect the township of Anna Bay to the residential villages on Nelson Bay Road. A desktop estimate has been undertaken and the proposed pathway would cost in the order of \$400,000.

At present the proposed pathway is not funded or on the Council's 10 Year Capital Works Program. To include the proposed pathway in the Council's 10 Year Capital Works Program would require Councillors to agree that this project is a priority, reallocate priorities and allocate funds.

**ATTACHMENTS**

Nil.

**NOTICE OF MOTION**

**ITEM NO. 3**

**FILE NO: 17/192692**

**RM8 REF NO: PSC2017-00019**

**SUPPORT FOR MARRIAGE EQUALITY**

**COUNCILLOR: GIACOMO ARNOTT**

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**THAT COUNCIL:**

- 1) Notes its support for marriage equality.
  - 2) Encourages all Port Stephens ratepayers to participate in the postal survey and return their ballot papers as soon as possible.
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**ORDINARY COUNCIL MEETING - 10 OCTOBER 2017  
MOTION**

	<p><b>Councillor Giacomo Arnott</b> <b>Councillor Chris Doohan</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Notes its support for marriage equality.</li><li>2) Encourages all Port Stephens ratepayers to participate in the postal survey and return their ballot papers as soon as possible.</li></ol>
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**ORDINARY COUNCIL MEETING - 10 OCTOBER 2017  
AMENDMENT**

<b>235</b>	<p><b>Councillor John Nell</b> <b>Councillor Ken Jordan</b></p> <p>It was resolved that Council encourages all Port Stephens ratepayers to participate in the postal survey and return their ballot papers as soon as possible.</p>
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The amendment on being put became the motion which was carried.

**BACKGROUND REPORT OF: STEPHEN CROWE – COMMUNICATIONS  
MANAGER**

**BACKGROUND**

Port Stephens Council has a fundamental commitment to valuing and respecting diversity in our community. This includes the provision of services and as an employer of equal opportunity and beyond that, to include the extension of compassion, understanding and the notion of equality to community members regardless of their of backgrounds.

These commitments are articulated in Council's Cultural Diversity Policy, which specifically states;

*"Council plays an important role in ensuring that people from all backgrounds have equitable access to community services, facilities and resources, and that everyone can take part in community life."*

In light of this overarching and fundamental commitment, and given the current national debate and postal survey regarding same sex marriage, Council should consider the adoption of a public position of supporting marriage equality; that is that civil marriage should be available, without discrimination, to all adult couples, regardless of sex, sexual orientation or gender identity.

**ATTACHMENTS**

Nil.

# INFORMATION PAPERS

**MINUTES ORDINARY COUNCIL - 10 OCTOBER 2017****ITEM NO. 10****FILE NO: 17/188130  
RM8 REF NO: PSC2017-00015****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 10 October 2017.

<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	Cash and Investments held at 31 July 2017	20
2	Cash and Investments held at 31 August 2017	24
3	Public Toilet Facility - Boomerang Park Raymond Terrace	28
4	General Manager's Annual Performance Review	35
5	Quarterly report of Mayor and Councillors Expenses 2016-2017	37
6	Designated Persons' Return – Pecuniary Interest 1 July 2016 to 30 June 2017	41
7	Designated Persons' Return	45

**ORDINARY COUNCIL MEETING - 10 OCTOBER 2017  
MOTION**

<b>236</b>	<b>Councillor John Nell Councillor Chris Doohan</b>  It was resolved that items 1, 2 and 4 to 7 be receives and notes the Information Papers listed below being presented to Council on 10 October 2017.  <table><tr><th><b>No:</b></th><th><b>Report Title</b></th></tr><tr><td>1</td><td>Cash and Investments held at 31 July 2017</td></tr><tr><td>2</td><td>Cash and Investments held at 31 August 2017</td></tr><tr><td>4</td><td>General Manager's Annual Performance Review</td></tr><tr><td>5</td><td>Quarterly report of Mayor and Councillors Expenses 2016-2017</td></tr><tr><td>6</td><td>Designated Persons' - Pecuniary Interest Returns 1 July</td></tr></table>	<b>No:</b>	<b>Report Title</b>	1	Cash and Investments held at 31 July 2017	2	Cash and Investments held at 31 August 2017	4	General Manager's Annual Performance Review	5	Quarterly report of Mayor and Councillors Expenses 2016-2017	6	Designated Persons' - Pecuniary Interest Returns 1 July
<b>No:</b>	<b>Report Title</b>												
1	Cash and Investments held at 31 July 2017												
2	Cash and Investments held at 31 August 2017												
4	General Manager's Annual Performance Review												
5	Quarterly report of Mayor and Councillors Expenses 2016-2017												
6	Designated Persons' - Pecuniary Interest Returns 1 July												

<b>MINUTES ORDINARY COUNCIL - 10 OCTOBER 2017</b>
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	7	2016 to 30 June 2017 Designated Persons' Return
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**ORDINARY COUNCIL MEETING - 10 OCTOBER 2017**  
**MOTION**

<b>237</b>	<b>Councillor Giacomo Arnott</b> <b>Councillor Jaimie Abbott</b>  It was resolved that Council retain the public toilet block in Boomerang Park.
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**ITEM NO. 1**

**FILE NO: 17/152832  
RM8 REF NO: PSC2006-6531**

**CASH AND INVESTMENTS HELD AT 31 JULY 2017**

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 July 2017.

**ATTACHMENTS**

1) Cash and Investments July 2017.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



# MINUTES ORDINARY COUNCIL - 10 OCTOBER 2017

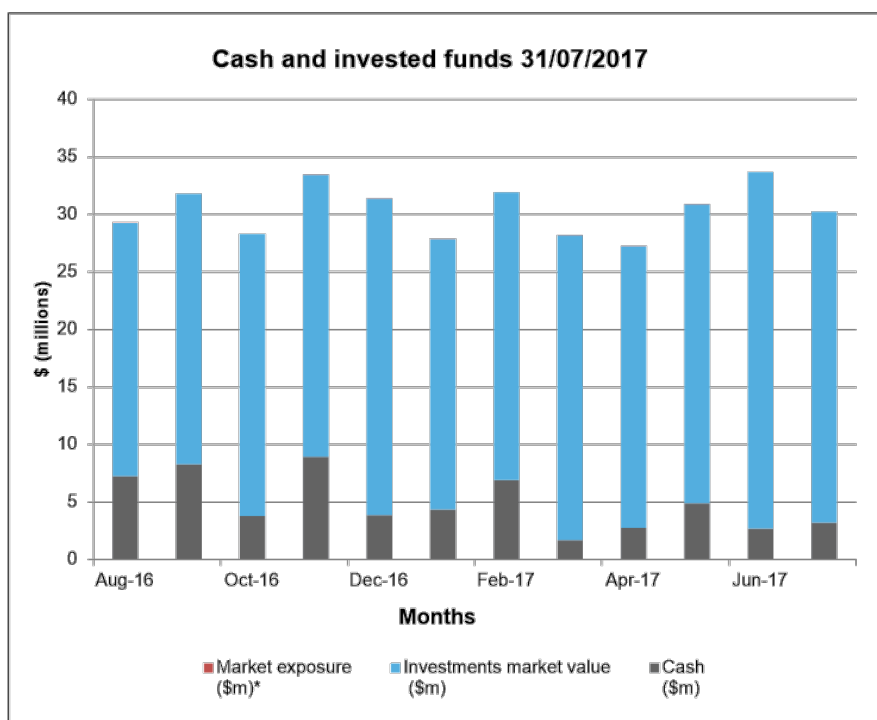
## ITEM 1 - ATTACHMENT 1 CASH AND INVESTMENTS JULY 2017.

### CASH AND INVESTMENTS HELD AS AT 31 JULY 2017

ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
BANKWEST	BANKWEST	AA-	TD	2.55%	60	1-Aug-17	3,000,000	3,000,000
SUNCORP	SUNCORP	A+	TD	2.65%	182	9-Aug-17	2,000,000	2,000,000
SUNCORP	SUNCORP	A+	TD	2.65%	182	23-Aug-17	1,500,000	1,500,000
AMP BANK	CURVE	A+	TD	2.75%	184	8-Sep-17	2,000,000	2,000,000
MAITLAND MUTUAL	RIM	NR	TD	2.80%	196	20-Sep-17	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK	NAB	AA-	TD	2.58%	196	4-Oct-17	2,000,000	2,000,000
HUNTER UNITED EMPLOYEES CU	RIM	NR	TD	2.80%	189	11-Oct-17	1,000,000	1,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.60%	210	18-Oct-17	1,000,000	1,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.60%	209	18-Oct-17	1,000,000	1,000,000
BANK OF SYDNEY	RIM	NR	TD	2.83%	181	1-Nov-17	1,250,000	1,250,000
RURAL BANK	LAMINAR	A-	TD	2.65%	190	15-Nov-17	1,250,000	1,250,000
AMP BANK	FARQUHARSON	A+	TD	2.60%	189	22-Nov-17	2,000,000	2,000,000
BANK AUSTRALIA LTD	FIIG	BBB+	TD	2.81%	188	13-Dec-17	1,500,000	1,500,000
ING BANK AUSTRALIA	ING	A-	TD	2.61%	230	24-Jan-18	2,000,000	2,000,000
ING BANK AUSTRALIA	CURVE	A-	TD	2.61%	242	6-Feb-18	2,000,000	2,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.55%	270	6-Mar-18	750,000	750,000
DEFENCE BANK	LAMINAR	BBB+	TD	2.77%	376	30-May-18	1,000,000	1,000,000
BANANA COAST CREDIT UNION	CURVE	NR	TD	2.85%	369	13-Jun-18	750,000	750,000
SUB TOTAL (\$)							27,000,000	27,000,000
OTHER INVESTMENTS								
SUB TOTAL (\$)							0	0
INVESTMENTS TOTAL (\$)							27,000,000	27,000,000
CASH AT BANK (\$)							3,232,277	3,232,277
TOTAL CASH AND INVESTMENTS (\$)							30,232,277	30,232,277
CASH AT BANK INTEREST RATE				1.90%				
BBSW FOR PREVIOUS 3 MONTHS				1.77%				
AVG. INVESTMENT RATE OF RETURN				2.66%				
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 1 - ATTACHMENT 1 CASH AND INVESTMENTS JULY 2017.**
**CASH AND INVESTMENTS BALANCE**

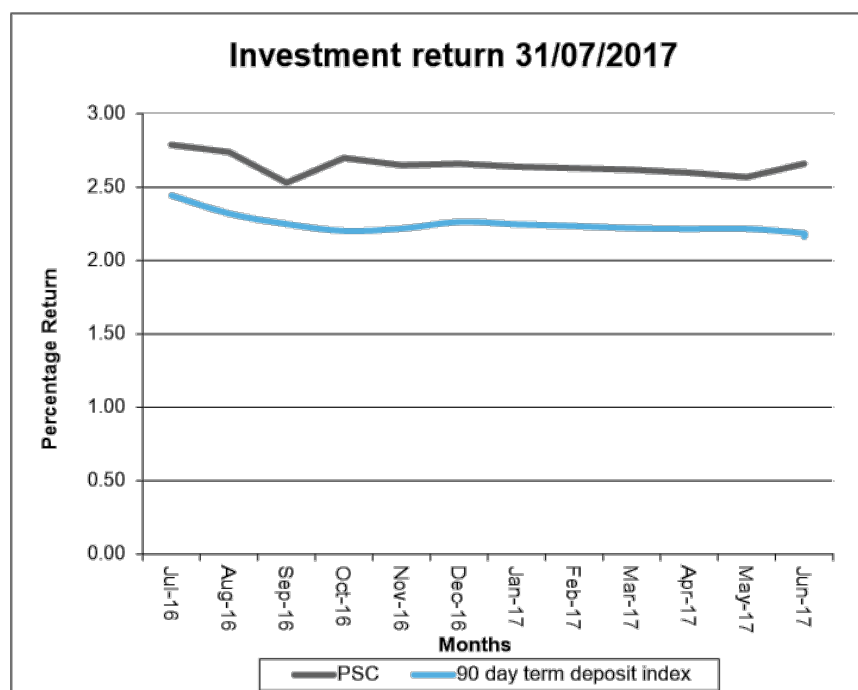
Date	Cash (\$m)	Investments market value (\$m)	Market exposure (\$m)*	Total funds (\$m)
Aug 16	7.269	21.998	0.020	29.287
Sep 16	8.289	23.498	0.020	31.807
Oct 16	3.786	24.503	0.015	28.304
Nov 16	8.940	24.506	0.012	33.458
Dec 16	3.875	27.507	0.010	31.393
Jan 17	4.346	23.507	0.010	27.864
Feb 17	6.916	25.011	0.007	31.934
Mar 17	1.689	26.512	0.005	28.206
Apr 17	2.747	24.513	0.005	27.265
May 17	4.894	26.014	0.003	30.912
Jun 17	2.685	31.000	-	33.685
Jul 17	3.232	27.000	-	30.232



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

**AUSTRALIAN TERM DEPOSIT ACCUMULATION INDEX**

<b>Date</b>	<b>90 day term deposit index</b>	<b>PSC</b>
Jul 16	2.4442	2.79
Aug 16	2.3210	2.74
Sep 16	2.2495	2.53
Oct 16	2.2025	2.70
Nov 16	2.2183	2.65
Dec 16	2.2637	2.66
Jan 17	2.2474	2.64
Feb 17	2.2357	2.63
Mar 17	2.2214	2.62
Apr 17	2.2163	2.60
May 17	2.2168	2.57
Jun 17	2.1860	2.66
Jun 17	2.1627	2.66



**ITEM NO. 2**

**FILE NO: 17/172777  
RM8 REF NO: PSC2006-6531**

**CASH AND INVESTMENTS HELD AT 31 AUGUST 2017**

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 August 2017.

**ATTACHMENTS**

1) Cash and Investments August 2017.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

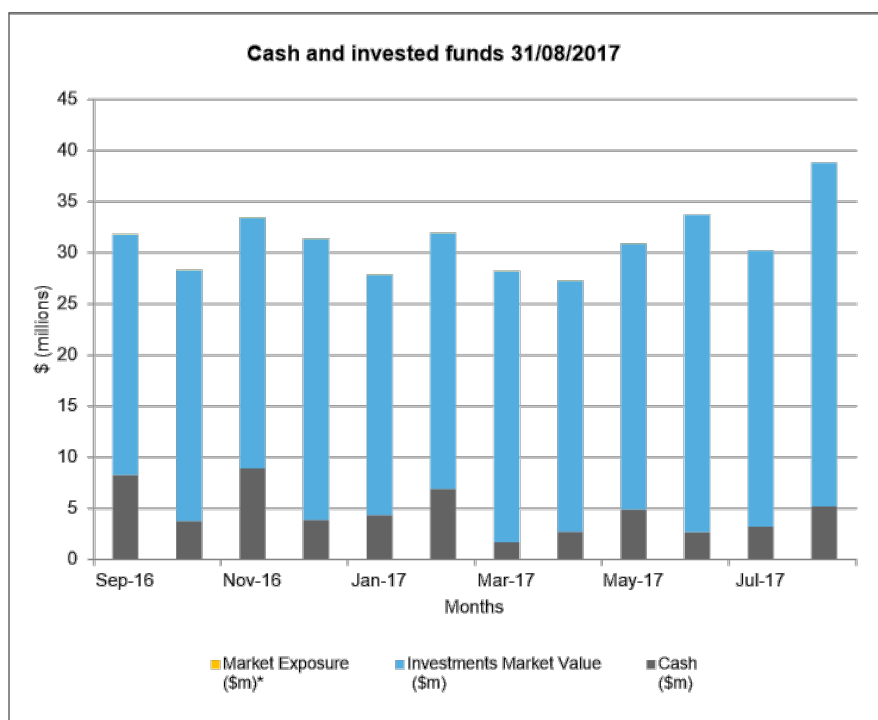
Nil.

**CASH AND INVESTMENTS HELD AS AT 31 AUGUST 2017**

ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
AMP BANK	CURVE	A+	TD	2.75%	184	8-Sep-17	2,000,000	2,000,000
MAITLAND MUTUAL	RIM	NR	TD	2.80%	196	25-Sep-17	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK	NAB	AA-	TD	2.58%	196	4-Oct-17	2,000,000	2,000,000
HUNTER UNITED EMPLOYEES CU	RIM	NR	TD	2.80%	189	11-Oct-17	1,000,000	1,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.60%	210	18-Oct-17	1,000,000	1,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.60%	209	18-Oct-17	1,000,000	1,000,000
BANK OF SYDNEY	RIM	NR	TD	2.83%	181	1-Nov-17	1,250,000	1,250,000
RURAL BANK	LAMINAR	A-	TD	2.65%	190	15-Nov-17	1,250,000	1,250,000
AMP BANK	FARQUHARSON	A+	TD	2.60%	189	22-Nov-17	2,000,000	2,000,000
BANK AUSTRALIA LTD	FIIG	BBB+	TD	2.81%	188	13-Dec-17	1,500,000	1,500,000
NATIONAL AUSTRALIA BANK	NAB	AA-	TD	2.40%	124	13-Dec-17	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK	NAB	AA-	TD	2.40%	152	10-Jan-18	1,000,000	1,000,000
ING BANK AUSTRALIA	ING	A-	TD	2.61%	230	24-Jan-18	2,000,000	2,000,000
ING BANK AUSTRALIA	CURVE	A-	TD	2.61%	242	6-Feb-18	2,000,000	2,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.55%	270	6-Mar-18	750,000	750,000
SUNCORP	SUNCORP	A+	TD	2.45%	210	21-Mar-18	1,500,000	1,500,000
MYSTATE	FARQUHARSON	BBB	TD	2.60%	246	2-May-18	1,000,000	1,000,000
AMP BANK	FARQUHARSON	A+	TD	2.60%	272	16-May-18	600,000	600,000
ME BANK	FARQUHARSON	BBB	TD	2.60%	273	23-May-18	1,000,000	1,000,000
DEFENCE BANK	LAMINAR	BBB+	TD	2.77%	376	30-May-18	1,000,000	1,000,000
BANANA COAST CREDIT UNION	CURVE	NR	TD	2.85%	369	13-Jun-18	750,000	750,000
COMMONWEALTH BANK	CBA	AA-	TD	2.53%	314	13-Jun-18	2,000,000	2,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.58%	300	27-Jun-18	1,000,000	1,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.55%	356	25-Jul-18	2,250,000	2,250,000
POLICE CREDIT UNION (SA)	FARQUHARSON	NR	TD	2.90%	365	2-Aug-18	750,000	750,000
COMMONWEALTH BANK	CBA	AA-	TD	2.61%	361	27-Aug-18	1,000,000	1,000,000
SUB TOTAL (\$)							33,600,000	33,600,000
OTHER INVESTMENTS								
SUB TOTAL (\$)							0	0
INVESTMENTS TOTAL (\$)							33,600,000	33,600,000
CASH AT BANK (\$)							5,200,882	5,200,882
TOTAL CASH AND INVESTMENTS (\$)							38,800,882	38,800,882
CASH AT BANK INTEREST RATE				1.90%				
BBSW FOR PREVIOUS 3 MONTHS				1.76%				
AVG. INVESTMENT RATE OF RETURN				2.63%				
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								

**CASH AND INVESTMENTS BALANCE**

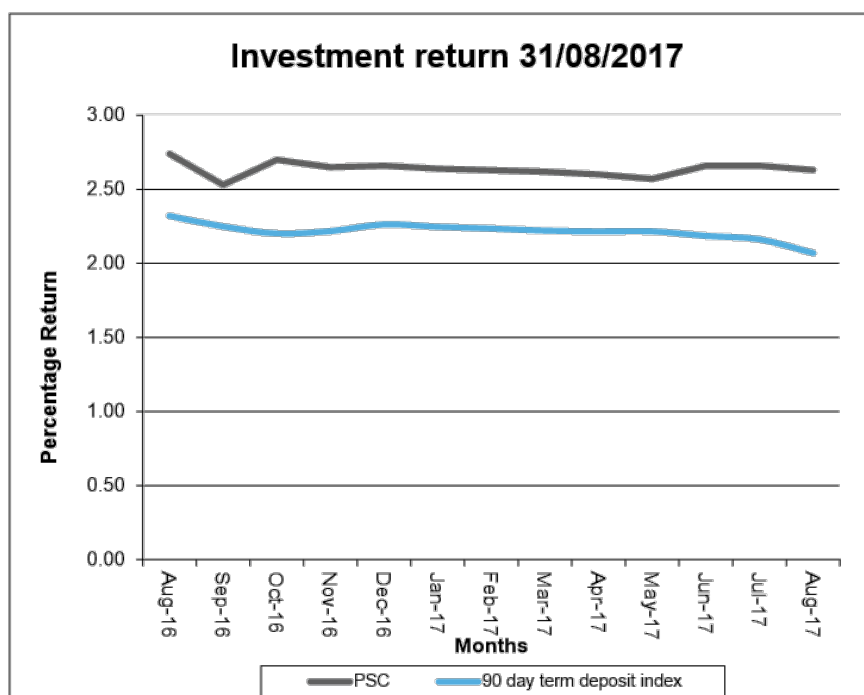
Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure (\$m)*	Total Funds (\$m)
Sep-16	8.289	23.498	0.020	31.807
Oct-16	3.786	24.503	0.015	28.304
Nov-16	8.940	24.506	0.012	33.458
Dec-16	3.875	27.507	0.010	31.393
Jan-17	4.346	23.507	0.010	27.864
Feb-17	6.916	25.011	0.007	31.934
Mar-17	1.689	26.512	0.005	28.206
Apr-17	2.747	24.513	0.005	27.265
May-17	4.894	26.014	0.003	30.912
Jun-17	2.685	31.000	-	33.685
Jul-17	3.232	27.000	-	30.232
Aug-17	5.201	33.600	-	38.801



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

AUSTRALIAN TERM DEPOSIT ACCUMULATION INDEX

Date	90 day term deposit index	PSC
Aug-16	2.3210	2.74
Sep-16	2.2495	2.53
Oct-16	2.2025	2.70
Nov-16	2.2183	2.65
Dec-16	2.2637	2.66
Jan-17	2.2474	2.64
Feb-17	2.2357	2.63
Mar-17	2.2214	2.62
Apr-17	2.2163	2.60
May-17	2.2168	2.57
Jun-17	2.1860	2.66
Jul-17	2.1627	2.66
Aug-17	2.0703	2.63



**ITEM NO. 3**

**FILE NO: 17/130950  
RM8 REF NO: PSC2011-04276**

**PUBLIC TOILET FACILITY - BOOMERANG PARK RAYMOND TERRACE**

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

**BACKGROUND**

The purpose of this report is to respond to the resolution made by Council with reference to Notice of Motion on the 28 March 2017 17/65208 "Public Toilet Facility – Boomerang Park, Raymond Terrace". The resolution detailed the following actions:

1. Call upon the General Manager to not proceed with the demolition of the current toilet facility that is located near to the water tank at the top of Boomerang Park.
2. Call upon the General Manager to initiate a community consultation process as soon as possible in regard to this facility and Council's plans for it.
3. Call upon the General Manager to provide all information of incidences of malicious damage and costs associated that pertains to this toilet facility. That this information be part of the community consultative process regarding this facility.
4. Conduct a site inspection with Council officers and the NSW Police.

In response to these actions the following processes have been undertaken by Council staff:

1. The planned demolition and service disconnection of the existing amenities building has been postponed until further direction.
2. Council staff have met with representatives from key community groups to discuss the amenities block. A memo detailing the information provided by the community representatives has been provided for review as (**ATTACHMENT 1**).
3. A table detailing maintenance and repair information relating specifically to the existing amenities building at Boomerang Park over the past 2 year period has been provided for review as (**ATTACHMENT 2**). The evident theme of graffiti has been attributed to the site's poor level of visibility from actively used areas of the park. A schedule of maintenance costs to tend to the below actions has not been kept as these types of maintenance jobs are being carried out on Council assets throughout the LGA on a continual basis. Considerable staff time is lost dealing with minor criminal activities such as graffiti.
4. A site inspection was held on the 5 June 2017 with Council staff and a representative from the NSW Police in attendance. Outcomes from the site meeting were that the Police were supportive of Council's objective to locate new infrastructure in the active areas of the park which are highly visible from Irrawang Street (playground, skate park and new amenities). This methodology is consistent with the Safer by Design or CPTED (Crime Prevention through Environmental Design) principles, which are actively promoted by the NSW Police. The Police noted that whilst incidents do occur from time to time in



## **MINUTES ORDINARY COUNCIL - 10 OCTOBER 2017**

Boomerang Park and its surrounds, the amenities building itself was not a major contributing factor to crime in the park.

Taking into account the above information, it is considered by staff that the ongoing repair, maintenance and cleaning costs associated with the existing amenities building outweigh the matters raised seeking its retention. The new unisex accessible toilet facilities constructed above the playground area are highly visible, co-located for ease of access from the playground and impending skate park.

Should a contrary resolution not be the outcome of this information paper, Council staff will be directed to arrange for the demolition and disconnection of the existing amenities building as detailed within the adopted Boomerang Park Plan of Management.

### **ATTACHMENTS**

- 1) Community Group Consultation.
- 2) Boomerang Park Amenities - Maintenance Schedule.

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.



From: Elizabeth Akerman  
Date: 18 May 2017  
Subject: Boomerang Park Amenities Building – Notice of Motion 17/65208

**Notes from meeting with Raymond Terrace Tidy Towns 355c Committee members Dave Davies (President), Brenda Klingberg, Anne Challinor (apologies Coral Berry) and Port Stephens Council staff Brock Lamont, James Campbell and Liz Akerman on Thursday, 18 May 2017.**

The meeting was called in response to the Notice of Motion raised at the Council Meeting on 28 March 2017 regarding the public toilet facility at Boomerang Park.

The recommendations from this Notice of Motion included a community consultation element and this meeting was called as part of this process.

The meeting began with an open ended question about the parameters of the consultation and this was about getting some input from the community about the value of keeping the existing amenities building.

**The feedback included:**

1. Location – the current location of the existing amenities is great as it is near the picnic area at the top of the road and lookout area; the 355c committee are working towards improving the pond area; the toilet services this part of the park.
2. Condition – the current amenities are in good condition and are well built. The state of the toilet is no worse than many other facilities.
3. Access and Parking – there is ample parking adjacent to the existing facilities but there is no parking available to the new facilities. Currently community buses from aged care facilities use the existing facilities as it is nice and level. The new facilities don't have this same level access or parking. Currently, people are

**ITEM 3 - ATTACHMENT 1 COMMUNITY GROUP CONSULTATION.**

parking all over the place to get near the playground. There really needs to be something done about providing some car parking in this area.

4. Visibility – it was agreed that there is a problem with the casual surveillance with the existing facilities however if the gardening work around the pond area is undertaken properly which would include the removal of casuarinas this visibility would be significantly improved.
5. Service level - Can one toilet really service the whole area? The 355c committee are not interested in using the facility as a storage room but want to retain it as a toilet to provide service.
6. Motive behind removal – Council has another motive for the removal of the toilets so as to activate the area of the park away from the proposed rezoning area.

**Further comments and discussion:**

There was some discussion regarding how a parking area adjacent to the new facilities would be able to be used by not only visiting community buses but also to be used as a 'community corner' to allow visiting service providers such as Salvation Army and Port Stephens Family Support to run outreach programs to engage the community particularly the youth sector. This parking area could be serviced from the new facilities and would need generally access to power and water.

The concept of having a 'community corner' would help to build community ownership of these assets which will help minimise potential vandalism and other anti-social behaviour.

**Other comments to follow up:**

- In Boomerang Park, the existing BBQ does not work and neither does the tap at the playground.
- The look of a stainless steel bowl without a seat looks terrible and would look a lot better with a seat although it was understood why it wasn't included.
- The Fitzgerald Bridge and Kittyhawk Park BBQ's also do not work.

These comments will be circulated to the West Ward Councillors and representative of the NSW Police prior to an on-site meeting.

**ITEM 3 - ATTACHMENT 2 BOOMERANG PARK AMENITIES - MAINTENANCE SCHEDULE.**

SN00563	02/Sep/2015	Raymond Terrace	BOOMERANG PARK AMENITIES	BOOMERANG PARK - internal lights not working - reported by security	ELECTRICAL REPAIR
SN00588	04/Sep/2015	Raymond Terrace	BOOMERANG PARK AMENITIES	toilet seat in male amenities broken, used men's latex product on seat	PLUMBING REPAIR
SN00724	22/Sep/2015	Raymond Terrace	BOOMERANG PARK AMENITIES	please remove graffiti as reported by security	GRAFFITI REMOVAL
SN01279	01/Dec/2015	Raymond Terrace	BOOMERANG PARK AMENITIES	graffiti in the toilets	GRAFFITI REMOVAL
SN01316	07/Dec/2015	Raymond Terrace	BOOMERANG PARK AMENITIES	Toilet paper dispenser lid is missing and needs replacing.	DISPENSER REPAIR
CH01120	05/Jan/2016	Raymond Terrace	BOOMERANG PARK AMENITIES	BOOMERANG PARK - internal lights not working - reported by security	ELECTRICAL REPAIR
SN01445	11/Jan/2016	Raymond Terrace	BOOMERANG PARK AMENITIES	as reported by security, graffiti on male toilet door	GRAFFITI REMOVAL
SN01523	22/Jan/2016	Raymond Terrace	BOOMERANG PARK AMENITIES	Raymond Terrace Boomerang Park male toilet not flushing.	TOILET CLEARING
CH01278	26/Feb/2016	Raymond Terrace	BOOMERANG PARK AMENITIES	Boomerang Park - Male public toilets - Graffiti inside.	GRAFFITI REMOVAL
CH01286	02/Mar/2016	Raymond Terrace	BOOMERANG PARK AMENITIES	Damage to partition and doors to ladies cubicles at Boomerang Park Toilets.	INTERNAL SEAT REPAIR
JS02088	27/Apr/2016	Raymond Terrace	BOOMERANG PARK AMENITIES	Boomerang park, Raymond terrace - male amenities -	GRAFFITI REMOVAL

**ITEM 3 - ATTACHMENT 2 BOOMERANG PARK AMENITIES - MAINTENANCE SCHEDULE.**

				graffiti inside (offensive - glen will try and scrap off)	
JS02087	27/Apr/2016	Raymond Terrace	BOOMERANG PARK AMENITIES	Boomerang park, Raymond terrace - male & female amenities - plumbing under the sinks is damaged - please repair	PLUMBING REPAIR
SN02086	18/May/2016	Raymond Terrace	BOOMERANG PARK AMENITIES	BOOMERANG PARK AMENITIES - TOILET PAPER DISPENSER DAMAGED, PLEASE REPAIR / REPLACE	DISPENSER REPAIR
JS02331	31/May/2016	Raymond Terrace	BOOMERANG PARK AMENITIES	Boomerang Park - Raymond terrace- female amenities - toilet continually running --please repair	PLUMBING REPAIR
JS02643	28/Jun/2016	Raymond Terrace	BOOMERANG PARK AMENITIES	Boomerang park female toilets - system is continually running.	PLUMBING REPAIR
SN04708	25/Nov/2016	Raymond Terrace	BOOMERANG PARK AMENITIES	Boomerang Park Raymond Terrace - amenities block - cistern at the rear of the amenities appears to be leaking.	PLUMBING REPAIR
JS04897	16/Dec/2016	Raymond Terrace	BOOMERANG PARK AMENITIES	Boomerang park, patrol 25 Graffiti in male toilets	GRAFFITI REMOVAL
JS04938	20/Dec/2016	Raymond Terrace	BOOMERANG PARK AMENITIES	Boomerang park - amenities - male & female - graffiti in both	GRAFFITI REMOVAL

**ITEM 3 - ATTACHMENT 2 BOOMERANG PARK AMENITIES - MAINTENANCE SCHEDULE.**

SN04774	08/Feb/2017	Raymond Terrace	Boomerang Park Amenities	GRAFFITI OFFENSIVE	GRAFFITI REMOVAL
SN04834	15/Feb/2017	Raymond Terrace	BOOMERANG PARK AMENITIES	as reported by security, please remove graffiti	GRAFFITI REMOVAL
RB00306	29/Mar/2017	Raymond Terrace	BOOMERANG PARK AMENITIES	graffiti on the outside wall	GRAFFITI REMOVAL
RB00478	19/May/2017	Raymond Terrace	BOOMERANG PARK AMENITIES	Boomerang Park - male toilets. Graffiti inside, tag only, not offensive	GRAFFITI REMOVAL
RB00519	24/May/2017	Raymond Terrace	BOOMERANG PARK AMENITIES	Graffiti in Boomerang Park outside and inside male toilets non offensive. Thank you	GRAFFITI REMOVAL

**ITEM NO. 4**

**FILE NO: 17/167018  
RM8 REF NO: PSC2005-1318**

**GENERAL MANAGER'S ANNUAL PERFORMANCE REVIEW**

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

**BACKGROUND**

The purpose of this report is to receive and note the outcome of the General Manager's Annual Performance Review 1 July 2016 to 30 June 2017, which has been signed by the Mayor and General Manager.

Council established a performance evaluation process for the General Manager in accordance with the Guidelines for the Appointment and Oversight of General Managers issued pursuant to Sections 23A and 338 of the *Local Government Act 1993*. This includes the establishment of a Performance Evaluation panel to review the General Manager's performance against the agreed criteria.

The annual performance review summary is noted as **(ATTACHMENT 1)**.

**ATTACHMENTS**

1) General Manager's Performance Review 2016-2017.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 4 - ATTACHMENT 1**
**GENERAL MANAGER'S PERFORMANCE REVIEW**
**2016-2017.**

**ATTACHMENT 1 – GENERAL MANAGER'S PERFORMANCE REVIEW 2016-2017**

Level	Definition
Excellent	<ul style="list-style-type: none"> <li>Performance is clearly outstanding.</li> <li>Performance is superior – it far exceeds standards or expectations.</li> <li>Performance is exceptional on a continuous basis.</li> </ul>
Good	<ul style="list-style-type: none"> <li>Performance generally meets or exceeds standards or expectations.</li> <li>Attains all or nearly all of position objectives.</li> </ul>
Acceptable	<ul style="list-style-type: none"> <li>Performance is adequate – it meets standards or expectations, and is developing within the position.</li> </ul>
Needs improvement	<ul style="list-style-type: none"> <li>Fails to meet one or a few expectations.</li> </ul>
Unacceptable	<ul style="list-style-type: none"> <li>Performance is below accepted levels.</li> <li>Fails to meet most job expectations.</li> </ul>

	Median
Business improvement program	Excellent
Community strategic plan/operational plan delivery	Good
Capital works delivery	Good
Financial sustainability program	Excellent
Workforce strategy implementation	Excellent
Infrastructure planning	Good
Technology improvement program	Excellent
Land use strategy development	Good
Flood and drainage study implementation	Good
Integrated risk management program	Good
Community engagement and customer focus initiatives	Good
<b>Overall performance</b>	<b>Good</b>



**ITEM NO. 5**

**FILE NO: 17/171863  
RM8 REF NO: PSC2015-02258**

**QUARTERLY REPORT OF MAYOR AND COUNCILLORS EXPENSES 2016-2017**

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

**BACKGROUND**

The purpose of this report is to provide the quarterly expenses of the former Mayor and Councillors which have been incurred in accordance with the Payment of Expenses and Provision of Facilities to Councillors policy for the quarter ending 30 June 2017.

The table at **(ATTACHMENT 1)** includes the total number of meetings attended during these periods.

**ATTACHMENTS**

- 1) Councillors Expense Register at 30 June 2017.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



## Councillors Expenses Quarterly Report - April, May and June 2017

			Cr Bruce MacKenzie	Cr Chris Doohan	Cr Geoff Dingle	Cr John Morello	Cr John Neil	Cr Ken Jordan	Cr Paul Le Mottee	Cr Peter Kafer	Cr Sally Dover	Cr Steve Tucker	TOTALS
Total Council Meetings Attended (4 held)			2	4	4	1	4	4	4	3	3	2	31
		Limits as per policy											
Councillor Mobile Rental	802.123	\$200 per month	\$295.00	\$404.00	\$505.00	\$1,211.00	\$96.00		\$507.00		\$202.00		\$3,220.00
Councillor Mobile Calls	803.123		\$941.00	\$506.00	\$100.00				\$1,025.00				\$2,572.00
Councillor Landline Phone Rental	804.123			\$44.00	\$345.00				\$194.00				\$583.00
Councillor Landline Phone Calls	805.123			\$77.00	\$36.00	\$489.00			\$399.00				\$1,001.00
Councillor Fax Rental	807.123												\$0.00
Councillor Fax Calls	808.123												\$0.00
Councillor Internet	806.123	\$60 per month		\$491.00	\$655.00	\$600.00			\$655.00				\$2,401.00
Councillor Intrastate Travel Expenses	801.123	\$6,000 per year	\$119.00	\$1,806.00	\$1,283.00	\$2,120.00	\$5,600.00	\$662.00	\$2,067.00		\$2,838.00	\$3,414.00	\$19,909.00
Councillor Intrastate out of pocket expenses	809.123												\$0.00
Councillor Interstate Travel (out of NSW)	810.123												\$0.00
Councillor Interstate out of pocket expenses	813.123												\$0.00
Councillor Interstate Accommodation (out of NSW)	811.123												\$0.00
Councillors Intrastate Accommodation	812.123												\$0.00
Councillor Conferences	814.123	\$5,000 per year (excluding LGNSW Annual Con.)	\$2,246.00	\$6,086.00		\$3,753.00	\$1,689.00	\$1,273.00	\$5,970.00		\$2,879.00		\$23,896.00
Councillor Training	815.123												\$0.00
Councillor Partner Expenses	816.123	Mayor \$1,000 per year Crs \$500 per year (excluding LGNSW Annual Con.)		\$1,298.00		\$810.00							\$2,108.00
Councillor Computers	817.123	\$4,000 per term			\$42.00		\$250.00	\$472.00	\$454.00		\$504.00	\$1,033.00	\$2,755.00
Councillor Stationary	818.123	No limit.			\$19.00							\$136.00	\$155.00
Councillor Awards/Ceremonies/Diners	819.123	\$100 per day	\$50.00	\$331.00	\$23.00	\$331.00	\$74.00		\$45.00	\$23.00	\$56.00	\$685.00	\$1,618.00
Councillor Child Care Costs	820.123	\$2,000 per term											\$0.00
Councillor Communications Bundle	821.123	\$120 per month/landline					\$1,774.00	\$1,800.00	\$153.00		\$1,067.00	\$2,280.00	\$7,074.00
Councillor Allowances		Mayor \$59,930 per annum.	\$14,982.51	\$4,710.00	\$4,710.00	\$4,710.00	\$4,710.00	\$4,710.00	\$4,710.00	\$4,710.00	\$4,710.00	\$4,710.00	\$57,372.51
TOTALS			\$18,633.51	\$15,753.00	\$7,718.00	\$14,024.00	\$14,193.00	\$8,917.00	\$16,179.00	\$4,733.00	\$12,256.00	\$12,258.00	\$124,664.51



**ITEM NO. 6**

**FILE NO: 17/189931  
RM8 REF NO: PSC2016-00018**

**DESIGNATED PERSONS RETURNS - PECUNIARY INTEREST 1 JULY 2016 TO  
30 JUNE 2017**

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

**BACKGROUND**

The purpose of this report is to advise Council of designated persons who have submitted returns for the 2016-2017 period.

Mayor Bruce MacKenzie  
Councillor Geoffrey Dingle  
Councillor Christopher Doohan  
Councillor Kenneth Jordan  
Councillor Peter Kafer  
Councillor Paul Le Mottee  
Councillor John Morello  
Councillor John Nell

**GENERAL MANAGER'S OFFICE**

General Manager  
Governance Manager  
Legal Services Manager

**CORPORATE SERVICES**

Business Development Manager  
Business Systems Support Section Manager  
Facilities Coordinator  
Financial Services Section Manager  
Group Manager Corporate Services  
Land Acquisition and Development Manager  
Organisation Development Section Manager  
Property Development Coordinator  
Property Officer  
Property Services Section Manager

## DEVELOPMENT SERVICES

Assistant Development Planner  
Building and Developer Relations Coordinator  
Cadet Building Surveyor (used to be Trainee Building Surveyor)  
Cadet Environmental Health Officer  
Communication Section Manager  
Compliance Officer  
Development Assessment and Compliance Section Manager  
Development Contributions Officer  
Development Planner (Temp)  
Development Planner (Perm)  
Development Planner  
Economic Development Coordinator  
Economic Development Project Officer  
Environment Health and Compliance Project Officer  
Environmental Health and Compliance Coordinator  
Environmental Health Officer  
Environmental Health Officer  
Environmental Health Team Leader  
Group Manager Development Services  
Health and Building Surveyor  
Health and Building Surveyor  
Health and Building Surveyor  
Health and Building Surveyor (Perm)  
Health and Building Surveyor (Temp)  
Planning and Developer Relations Coordinator  
Planning and Developer Relations Coordinator  
Principal Strategic Planner  
Ranger  
Ranger  
Ranger  
Ranger Team Leader and Compliance  
Senior Building Surveyor  
Senior Building Surveyor  
Senior Building Surveyor  
Senior Development Planner  
Senior Development Planner  
Senior Development Planner  
Senior Environmental Health Officer (temp)  
Senior Environmental Planner  
Senior Health and Building Surveyor Fire Safety  
Senior Health and Building Surveyor Swim  
Senior Ranger  
Senior Social Planning Officer

Senior Strategic Planner  
Social Planning Officer  
Strategic Planner  
Strategic Planner  
Strategic Planner  
Strategic Planning Coordinator  
Strategy and Environment Section Manager  
Vegetation Management Officer  
Waste Compliance and Strategy Coordinator

#### FACILITIES & SERVICES

Assets Section Manager  
Building Trades Coordinator  
Building Trades Team Leader Carpentry  
Building Trades Team Leader Electrical  
Building Trades Team Leader Painting  
Building Trades Team Leader Plumbing  
Capital Works Section Manager  
Childrens Services Coordinator  
Civil Assets Planning Manager  
Civil Assets Planning Engineer  
Civil Projects Engineer  
Community and Recreation Asset Officer  
Community and Recreation Coordinator  
Community Services Section Manager  
Coordinator - Roadside and Drainage  
Development Engineer  
Development Engineer  
Drainage and Flooding Engineer  
Drainage and Flooding Engineer  
Engineering Services Manager  
Facilities and Services Officer  
Facilities and Services Officer  
Facilities and Services Officer  
Fleet and Depot Services Coordinator  
Fleet Management Supervisor  
Group Manager Facilities and Services  
Library Services Manager  
Parks Programs Coordinator  
Project Manager - Construction  
Project Manager - Design  
Project Manager - RMS/Reseals  
Project Manager - Survey  
Public Domain and Services Manager

<b>MINUTES ORDINARY COUNCIL - 10 OCTOBER 2017</b>
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Senior Development Engineer  
Senior Drainage and Flooding Engineer  
Traffic Engineer  
Waste Management Coordinator

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

1) Pecuniary Interest returns 1 July 2016 to 30 June 2017.



**ITEM NO. 7**

**FILE NO: 17/161402  
RM8 REF NO: PSC2016-00018**

**DESIGNATED PERSONS' RETURN**

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

**BACKGROUND**

The purpose of this report is to advise Council of new Council staff who have submitted their Designated Persons' Return/s (Return).

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

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

- Principal Strategic Planner (PSC044)
- Cadet Town Planner (PSC438)
- Property Services Section Manager (PSC652)

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

- 1) Designated Persons' Return.

# COUNCIL REPORTS

## MINUTES ORDINARY COUNCIL - 10 OCTOBER 2017

Councillor Paul Le Mottee left the meeting at 07:02pm in Open Council.

### ITEM NO. 1

FILE NO: 17/188477  
RM8 REF NO: 16-2015-766-2

#### **DA16-2015-766-2 - SECTION 96(1A) MODIFICATION TO EARTHWORKS (LANDFILL) - AMEND CONDITION 4 TO ALLOW SOURCING OF CLEAN FILL MATERIAL FROM WITHIN PFAS INVESTIGATION AREA AT 2356-2356G NELSON BAY ROAD AND 35-39 STOCKTON BIGHT TRACK, WILLIAMTOWN**

REPORT OF: ANDREW ASHTON - ACTING DEVELOPMENT ASSESSMENT & COMPLIANCE SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

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#### **RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Modification Application DA16-2015-766-2 to allow clean fill material to be sourced from within the PFAS Investigation Area for Earthworks (landfill) at 2356-2356G Nelson Bay Road and 35-39 Stockton Bight Track, Williamtown, subject to the amended conditions contained in **(ATTACHMENT 3)**.

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#### **ORDINARY COUNCIL MEETING - 10 OCTOBER 2017 MOTION**

<b>238</b>	<b>Councillor Chris Doohan Councillor Steve Tucker</b>  It was resolved that Council approve Modification Application DA16-2015-766-2 to allow clean fill material to be sourced from within the PFAS Investigation Area for Earthworks (landfill) at 2356-2356G Nelson Bay Road and 35-39 Stockton Bight Track, Williamtown, subject to the amended conditions contained in <b>(ATTACHMENT 3)</b> .
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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 Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Ken Jordan, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

## BACKGROUND

The purpose of this report is to present to Council for determination modification application DA16-2015-766-2 for filling of a number of lots in Williamstown. The modification application has been called to Council by former Councillor Dingle due to community concern – a copy of the form has been provided in **(ATTACHMENT 4)**. A locality plan has been provided in **(ATTACHMENT 1)**.

Development Consent for application DA16-2015-766-1 was granted for the filling of land by Council on 23 March 2016. The subject land is located within the Williamstown RAAF Base Per-and-Poly-Fluoroalkyl Substances (PFAS) Investigation Area and due to its low-lying nature, is subject to outbreaks of Alligator Weed (*Alternanthera philoxeroides*) – a noxious weed listed by the NSW Department of Primary Industries. The development included the stripping and stockpiling of topsoil, application of between 150mm to 200mm of fill, then reapplication of the topsoil. The resulting dryer ground is less hospitable for Alligator Weed and its occurrence would likely be reduced.

The modification proposes to amend existing condition 4 of the DA to allow fill material to be sourced from within the PFAS Investigation Area. The current condition stipulates that no fill material can be obtained from within the PFAS Investigation Area. This condition was recommended by the EPA as a means to reduce the movement of PFAS contaminated material.

The applicant has submitted that there are a number of EPA approved quarries within the PFAS Investigation Area, which have been allowed to continue operation as the extracted material is located above the ground-water level and so is unlikely to be impacted by PFAS. It is this material that the applicant proposes to utilise in carrying out the approved development.

The application was referred to the EPA for comment. The EPA acknowledged that material from licenced quarries within the PFAS Investigation Area are unlikely to be contaminated with PFAS, however noting the potential for PFAS mobilisation in surface water, provided alternative wording for condition 4 to address the applicants concerns.

The reworded condition will allow for the use of material sourced from within the PFAS Investigation Area. The revised wording has been included in the amended conditions contained in **(ATTACHMENT 3)**.

A detailed assessment of the proposal against the provisions of s.96 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) is provided at **(ATTACHMENT 2)**.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</b>
Sustainable Development.	Provide Strategic Land Use Planning Services. Provide Development Assessment and Building Certification Services.

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no anticipated financial or resource implications as a result of the proposed development.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

The development application is consistent with Section 79C of the *Environmental Planning and Assessment Act 1979*.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that a third party or the applicant may appeal the determination.	Low	Approve the application as recommended. The assessment carried out details the merits of the proposed development.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The proposed modification is considered to have a positive social impact by reducing the length of vehicle movements on the public road network.

There are no anticipated negative impacts as a result of the proposed modification.

## **CONSULTATION**

Consultation with key stakeholders has been undertaken, including through the public notification process.

### External

The application was referred to the EPA for comment as noted above. The EPA support the Modification Application subject to the detail outlined in **(Attachment 3)**.

### Public Consultation

In accordance with the requirements of PSDCP2014, the modification application was notified for a period of 14 days from 10<sup>th</sup> July to 23<sup>rd</sup> July, 2017. No submissions were received as a result of this process.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Locality Plan.
- 2) S96(1A) Assessment Report.
- 3) Modified conditions of consent.
- 4) Call To Council Form.

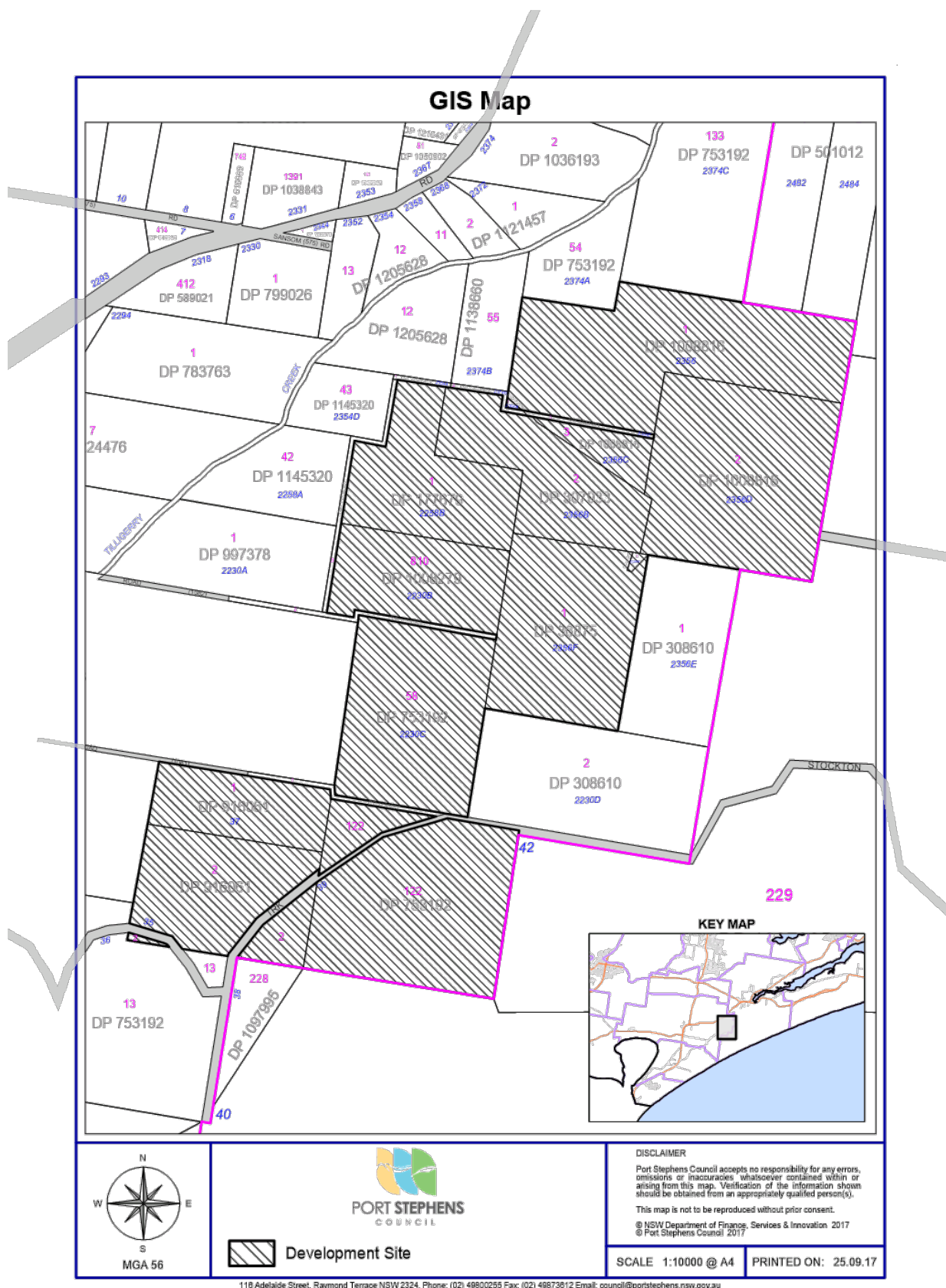
## **COUNCILLORS ROOM**

Nil

## **TABLED DOCUMENTS**

Nil

ITEM 1 - ATTACHMENT 1 LOCALITY PLAN.



**ITEM 1 - ATTACHMENT 2 S96(1A) ASSESSMENT REPORT.**

**APPLICATION DETAILS**

<b>Modification Application Number</b>	16-2015-766-2
<b>Development Description</b>	Earthworks (Landfill)
<b>Modification Description</b>	Section 96(1A) Modification to Approved Earthworks (Landfill) – Modify Condition 4
<b>Applicant</b>	MR B MACKENZIE
<b>Date of Lodgement</b>	30/06/2017

**Modification Proposal**

The application proposes to modify condition 4 of the consent to allow the application of fill material to the site that has been sourced from within the Williamtown RAAF Base Per-and-Poly-Fluoroalkyl Substances (PFAS) Investigation Area (IA), but is not contaminated with PFAS.

The condition of consent proposed to be modified has been discussed in further detail below.

**PROPERTY DETAILS**

<b>Property Address</b>	2356 Nelson Bay Road WILLIAMTOWN, 2356D Nelson Bay Road WILLIAMTOWN, 2356C Nelson Bay Road WILLIAMTOWN, 2356B Nelson Bay Road WILLIAMTOWN, 2356A Nelson Bay Road WILLIAMTOWN, 2258B Nelson Bay Road WILLIAMTOWN, 2230B Nelson Bay Road WILLIAMTOWN, 2356F Nelson Bay Road WILLIAMTOWN, 2356G Nelson Bay Road WILLIAMTOWN, 2230C Nelson Bay Road WILLIAMTOWN, 37 Stockton Bight Track WILLIAMTOWN, 35 Stockton Bight Track WILLIAMTOWN, 39 Stockton Bight Track WILLIAMTOWN
<b>Lot and DP</b>	LOT: 1 DP: 1008816, LOT: 2 DP: 1008816, LOT: 3 DP: 1008816, LOT: 2 DP: 307933, LOT: 1 DP: 307933, LOT: 1 DP: 177679, LOT: 810 DP: 1008279, LOT: 1 DP: 36875, LOT: 2 DP: 36875, LOT: 58 DP: 753192, LOT: 1 DP: 916061, LOT: 2 DP: 916061, LOT: 122 DP: 753192
<b>Zoning</b>	RU2 RURAL LANDSCAPE
<b>Site Constraints That Affect The Modification</b>	Williamtown RAAF Base PFAS Investigation Area



**ITEM 1 - ATTACHMENT 2 S96(1A) ASSESSMENT REPORT.**

16-2015-766-2

**ASSESSMENT SUMMARY**

Designated Development	The application is not designated development
Integrated Development	The application does not require additional approvals listed under s.91 of the EP&A Act
Concurrence	The application does not require the concurrence of another body

**Internal Referrals**

The proposed modification was not referred to any internal specialist staff.

**External Referrals**

The proposed modification was referred to the EPA for advice in relation to the potential for movement of PFAS contaminated material. The EPA agreed that a blanket restriction on the use of material from within the IA was not necessary however consideration should be given to potential PFAS mobilisation in surface water. Recommended wording was provided to allow the use of uncontaminated material from within the IA.

**MODIFICATIONS INVOLVING MINIMAL ENVIRONMENTAL IMPACT – S96(1A)****S96(1A)(a) – Minimal Environmental Impact**

The intent of the original conditions of consent was to prevent the use of contaminated material (include PFAS) as fill on the site. The reworded condition proposed by the EPA allows the use of local material but still ensures material is not contaminated (including by PFAS). The sourcing of fill material from the local area will reduce the distance of vehicle movements on the local road networks, and so is likely to reduce the traffic impact of the development.

**S96(1A)(b) – Substantially The Same Development**

The development as modified is substantially the same as the approved development for the following reasons:

There is no change to the proposed development, only the range of sources from where fill material may be obtained.

On this basis, the application is considered substantially the same.

**S96(1A)(c) – Notification**

The application has been notified in accordance with Councils Development Control Plan.

**S96(1A)(d) – Submissions**

There were no submissions received relating to the proposed modification.

**S96(3) – S79C(1) Assessment of relevant matters****s79C(1)(b) – The likely impacts of the development**

Page 2 of 4

**ITEM 1 - ATTACHMENT 2 S96(1A) ASSESSMENT REPORT.**

16-2015-766-2

	Notes (where needed)
<input checked="" type="checkbox"/> Social and Economic Environment: There would be beneficial impacts as a result of the development.	Reduced traffic on the local road network will improve the development outcomes.
<input checked="" type="checkbox"/> Built Environment: The proposed development would not cause harm to the existing character.	
<input checked="" type="checkbox"/> Natural Environment: There are no adverse impacts expected as a result of the proposed development and appropriate conditions have been added.	The reworded condition will ensure that only material that is free from contamination (including PFAS) is utilised on the site.

**MODIFIED CONDITIONS**

Existing Condition 4

4. All surface water and groundwater encounter during works should not be considered PFOS and PFOA impacted unless other information is available.

Any groundwater that accumulates during any earthmoving activities, which needs to be relocated, must be pumped to a location on the property where it can seep into the ground and not run off. This must be as close to the point of origin and as far away from drainage points and other property boundaries as practical. Extracted groundwater must not be permitted to run off the property.

Any fill brought onto the property for the purposes of the activity approved within this consent, must not originate from within the Williamstown Investigation Area.

Amended Condition

- 4A. All surface water and groundwater encounter during works should not be considered PFOS and PFOA impacted unless other information is available.

Any groundwater that accumulates during any earthmoving activities, which needs to be relocated, must be pumped to a location on the property where it can seep into the ground and not run off. This must be as close to the point of origin and as far away from drainage points and other property boundaries as practical. Extracted groundwater must not be permitted to run off the property.

Any fill brought onto the property for the purposes of the activity approved within this consent, must not originate from within the Williamstown RAAF Base Per-and-Poly-Fluoroalkyl Substances (PFAS) Investigation Area. The restriction on sourcing fill from within the PFAS Investigation Area does not apply if:

- a. The fill material has been sourced from an EPA licenced quarry, where the fill material has been extracted from an elevation not less than 700mm above the highest known groundwater level; or
- b. The fill material has been certified as not being contaminated with Per-and-Poly-Fluoroalkyl Substances (PFAS), and:
  - i. An appropriate written sampling plan has been developed to determine whether the fill is PFAS-impacted;
  - ii. Sampling has been carried out in accordance with the written sampling plan and Australian Standard 1141.3.1-2012 Methods for Sampling;

Page 3 of 4

**ITEM 1 - ATTACHMENT 2      S96(1A) ASSESSMENT REPORT.**

16-2015-766-2

- iii. Samples have been sent to a NARA-accredited laboratory and appropriate certifications issued; and
- iv. Before fill originating from within the IA is applied to land all appropriate certifications must be provided to Council showing the fill material is not contaminated with PFAS; or
- c. A combination of a. and b. above.

**RECOMMENDATION**

The modification application is recommended to be approved, subject to amended conditions as shown above.

BRETT GARDINER  
PLANNING AND DEVELOPER RELATIONS COORDINATOR

## ITEM 1 - ATTACHMENT 3 MODIFIED CONDITIONS OF CONSENT.

**CONDITIONS THAT IDENTIFY APPROVED PLANS AND LIMITATIONS OF CONSENT**

1. The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent or as noted in red by Council on the approved plans:

Plan/Doc. Title	Plan Ref. No.	Sheet.	Date	Drawn By
Development Plans	001	1 of 1	11/02/2016	Not Specified

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail. If there is any inconsistency between the plans and documentation referred to above the most recent document shall prevail to the extent of any inconsistency.

**CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES**

2. Work that is likely to cause annoyance due to noise is to be restricted to the following times:

- Monday to Friday, 7am to 6pm;
- Saturday, 8am to 3pm;
- No construction work to take place on Sunday or Public Holidays.

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

3. The only waste derived fill material that may be applied to the development site is:
  - a. Virgin Excavated Natural Material (VENM) within the meaning of the Protection of the Environment Operations Act 1997 (POEO); or
  - b. Any other waste-derived material the subject of a resource recovery order or a resource recovery exemption under clauses 92 & 93 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.
  - c. No additional truck movements are allowed on Nelson Bay Road.
- 4A. All surface water and groundwater encounter during works should not be considered PFOS and PFOA impacted unless other information is available.

**ITEM 1 - ATTACHMENT 3      MODIFIED CONDITIONS OF CONSENT.**

Any groundwater that accumulates during any earthmoving activities, which needs to be relocated, must be pumped to a location on the property where it can seep into the ground and not run off. This must be as close to the point of origin and as far away from drainage points and other property boundaries as practical. Extracted groundwater must not be permitted to run off the property.

Any fill brought onto the property for the purposes of the activity approved within this consent, must not originate from within the Williamstown RAAF Base Per-and-Poly-Fluoroalkyl Substances (PFAS) Investigation Area. The restriction on sourcing fill from within the PFAS Investigation Area does not apply if:

- a. The fill material has been sourced from an EPA licenced quarry, where the fill material has been extracted from an elevation not less than 700mm above the highest known groundwater level; or
  - b. The fill material has been certified as not being contaminated with Per-and-Poly-Fluoroalkyl Substances (PFAS), and:
    - i. An appropriate written sampling plan has been developed to determine whether the fill of PFAS-impacted;
    - ii. Sampling has been carried out in accordance with the written sampling plan and Australian Standard 1141.3.1-2012 Methods for Sampling;
    - iii. Samples have been sent to a NARA-accredited laboratory and appropriate certifications issued; and
    - iv. Before fill originating from within the IA is applied to land all appropriate certifications must be provided to Council showing the fill material is not contaminated with PFAS; or
  - c. A combination of a. and b. above.
5. It is an offence under the Noxious Weeds Act 1993 to spread Alligator Weed. Any excavated material from a noxious weed affected land parcel is to be retained on site where ever possible and if this is not achievable then transported to a licensed landfill facility. This may require a permit for the transport of a noxious weed from the relevant state government department.
6. A soil and water management plan, consistent with the Blue Book, is to be developed and implemented so that excavated areas and temporary topsoil stockpiles are managed within the immediate area of infestation and so that no soil or vegetation is transported off site. The plan should be made available to Council officers upon request.
7. All machinery and equipment that has operated in affected areas is considered contaminated and shall be cleaned thoroughly before leaving the site. An agreed wash down area shall be established, and subsequently monitored for the presence of Alligator Weed. Cleaning shall include the removal of all mud and plant matter, followed by washing down with high pressure water, prior to leaving the site.



**ADVICES**

- A. Any waste-derived fill material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the materials compliance with the exemption conditions and must be provided to the Principal Certifying Authority.

The application of waste derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997*. However, a licence is not required if the only material applied to land is Virgin Excavated Natural Material or waste-derived material that is the subject of a resource order and a resource recovery exemption (that allows the use of the material as fill) under clauses 92 & 93 of the Protection of the Environmental Operations (Waste Regulation 2014).

Resource recovery exemptions are available on the EPA website at:  
<http://www.epa.nsw.gov.au/wasteregulation/orders-exemptions.htm>

- B. Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment and Heritage must be informed accordance with Section 89A of the *National Parks and Wildlife Act, 1974* (as amended). Works affecting Aboriginal 'objects' on the site must not continue until the Office of Environment and Heritage has been informed. Aboriginal 'objects' must be managed in accordance with the *National Parks and Wildlife Act, 1974*.

**ITEM 1 - ATTACHMENT 4      CALL TO COUNCIL FORM.**

**CALL TO COUNCIL – DEVELOPMENT APPLICATION**

I, Councillor Geoff Dingle

Require development application Number; DA Number: S96 (16-2015-766-2)

- *A development application for*

sect 96 Application to modify a development Consent (Part A) S96 16-2015-766-2

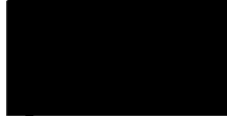
To be the subject of a report to Council for determination by Council.

The reason for this call up to Council is:

Residents have expressed concern over the impact of infilling land within Williamtown contamination red zone and the potential for the proposed est. 70,000 cub metres of fill to redistribute inundation from rain events into the agricultural and road drainage systems and the impact of transferring of contamination of floodwaters onto neighbouring properties.

A report is required to satisfy residents that these works will not impact on the community and the nature of communications with authorities including Hunter Water, EPA, Dept. health and Dept. of Lands and Agriculture etc.

Signed:

A black rectangular box redacting the signature of the councillor.

Date: 7<sup>th</sup> August 2017

**ITEM NO. 2**

**FILE NO: 17/173609  
RM8 REF NO: T17-2017**

**T17-2017 TOMAREE AQUATIC CENTRE SPLASH PARK**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) That pursuant to section 10A(2)(d) of the *Local Government Act 1993* (NSW) the Council resolve to close to the public that part of its meetings to discuss Item 2 on the Ordinary Council agenda namely T17-2017 Tomaree Aquatic Centre Splash Park.
- 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 T17-2017 Tomaree Aquatic Centre Splash Park.
- 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 reject all the tenders submitted from Swimplex Aquatics Pty Ltd, The trustee for the Farley Family Trust trading as Farley Pools Australia and Crystal Pools Pty Ltd.

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Councillor Paul Le Mottee returned to the meeting at 7:09pm in Open Council.

**ORDINARY COUNCIL MEETING - 10 OCTOBER 2017  
MOTION**

<b>239</b>	<b>Councillor John Nell Councillor Sarah Smith</b>  It was resolved that Council reject all the tenders submitted from Swimplex Aquatics Pty Ltd, The trustee for the Farley Family Trust trading as Farley Pools Australia and Crystal Pools Pty Ltd.
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**BACKGROUND**

The purpose of this report is to reject all tender submissions received for the Tomaree Aquatic Centre Splash Park tender.

The purpose for this rejection is that all tender submissions exceeded the budget allocation for this project.

Tender submissions were received from:

- Swimplex Aquatics Pty Ltd;
- The trustee for the Farley Family Trust trading as Farley Pools Australia; and
- Crystal Pools Pty Ltd.

The tender was advertised and closed on 21 July 2017 with a total of three submissions received at the close of the tender period, a summary of which is included as **(ATTACHMENT 1)**.

The work comprises the provision of all resources and materials required to construct a new Splash Park at Tomaree Aquatic Centre, Nelson Bay. The construction site is located adjacent to the existing program pool as per the provided tender drawings.

The weightings agreed for this tender were:

<b>Criteria</b>	<b>Weighting (%)</b>
Price	30
Commercial Terms	5
Capability	30
Timing and Work Plan	15
Relevant Experience	10
Staff Experience	10
<b>Total</b>	<b>100</b>

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</b>
A Sustainable Council.	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.

**MINUTES ORDINARY COUNCIL - 10 OCTOBER 2017**

	Provide enabling business support services for Council's operations.
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**FINANCIAL/RESOURCE IMPLICATIONS**

There is a significant financial implication as the compliant tenders are over the expected funding arrangements for this project.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no significant legal, policy and risk implications.

Recent changes to the Local Government Act have made it possible to delegate acceptance of tenders to the General Manager, however, where tenders are to be rejected this must be presented to Council for resolution.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that work on the Splash Park will not commence.	Medium	Review funding arrangements and request extra funding.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are no significant social, economic and environmental implications.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Community Services section and Tomaree Aquatic Centre.

**OPTIONS**

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

**ATTACHMENTS**

- 1) CONFIDENTIAL Weighted criteria methodology summary. (Provided under separate cover)

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 3****FILE NO: 17/146388  
RM8 REF NO: T14-2017****T14-2017 FINGAL BAY HOLIDAY PARK AMENITIES REFURBISHMENT****REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER  
GROUP: CORPORATE SERVICES**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) That pursuant to section 10A(2)(d) of the *Local Government Act 1993* (NSW) the Council resolve to close to the public that part of its meetings to discuss Item 3 on the Ordinary Council agenda namely T14-2017 Fingal Bay Holiday Park Amenities Refurbishment.
  - 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 T14-2017 Fingal Bay Holiday Park Amenities Refurbishment.
  - 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 reject all tender submissions from Bay Projects Pty Ltd, Drew Constructions and Newcourt Pty Limited.
- 

**ORDINARY COUNCIL MEETING - 10 OCTOBER 2017  
MOTION**

<b>240</b>	<b>Councillor Ken Jordan Councillor John Nell</b>  It was resolved that Council reject all tender submissions from Bay Projects Pty Ltd, Drew Constructions and Newcourt Pty Limited.
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**BACKGROUND**

The purpose of this report is to reject all tender submissions received for the Fingal Bay Holiday Park Amenities Refurbishment.

The purpose for this rejection is that all tender submissions were either non-compliant or exceeded the budget allocation for this project.

The tender submissions were received from:

- Bay Projects Pty Ltd (two options);
- Drew Construction Group Pty Ltd (two options); and
- Newcourt Constructions (NSW).

The tender was advertised and closed on 13 June 2017 with a total of three submissions received at the close of the tender period, a summary of which is included as **(ATTACHMENT 1)**.

The objective of the project was to carry out an upgrade/refurbishment of the amenities block at the Fingal Bay Holiday Park to achieve functional improvements that will contribute to better energy efficiency and improve the block's environmental efficiencies.

The upgrade/refurbishment is mostly focused on the internal layout, fittings and fixtures along with provisions for safety, efficiency and visual improvements of the asset and its curtilage.

An important part of the project is the construction of a Disability Discrimination Act compliant disabled facility within the existing building. It is envisaged to convert/extend the existing outside ambulant toilets accordingly. The scoping and design of this facility is the sole responsibility of the contractor.

All works are to be compliant with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds, and Moveable Dwellings) Regulation 2005* and all relevant Australian Standards and Building Code of Australia/National Construction Code.

The weightings agreed for this tender were:

<b>Criteria</b>	<b>Weighting (%)</b>
Price	40
Commercial Terms	5
Capability	15
Timing and Work Plan	30
Relevant Experience / Expertise	10
<b>Total</b>	<b>100</b>

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</b>
A Sustainable Council.	<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**

There is a significant financial implication as the compliant tenders are over the expected funding arrangements for this project.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

There is a significant risk implication as listed below.

Recent changes to the Local Government Act have made it possible to delegate acceptance of tenders to the General Manager, however, where tenders are to be rejected this must be presented to Council for resolution.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the amenities block is not refurbished to the appropriate standards.	High	Reject the tender.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There is a social implication, whereby not refurbishing the amenities block may affect the holiday park guests.

## **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Property Services Section.

### Internal

- Park management.
- Park staff.

### External

- Park guests.
- Design consultants.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) CONFIDENTIAL Weighted criteria methodology summary. (Provided under separate cover)

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

**ITEM NO. 4****FILE NO: 17/169942  
RM8 REF NO: A2004-0242****2016-2017 BUDGET ITEMS CARRIED FORWARD**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve the revotes from the 2016-2017 budget as detailed in **(ATTACHMENT 1)** in this report and vote the necessary funds to meet expenditure.
- 

**ORDINARY COUNCIL MEETING - 10 OCTOBER 2017  
MOTION**

<b>241</b>	<b>Councillor Steve Tucker Councillor Chris Doohan</b>  It was resolved that Council approve the revotes from the 2016-2017 budget as detailed in <b>(ATTACHMENT 1)</b> in this report and vote the necessary funds to meet expenditure.
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**BACKGROUND**

The purpose of this report is to advise of budget items from 2016-2017 that were not completed in that year and are proposed to be carried forward to 2017-2018.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</b>
A Sustainable Council.	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**

The works included in this report were partially or wholly unexpended at the end of last financial year, however, the funds are not automatically carried forward and require Council resolution. The majority of the works are funded from reserves and grants, and have little to no negative impact on Council's Long Term Financial Plan.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	Yes		Budget from 2016-2017.
Section 94	Yes		Budget from 2016-2017.
External Grants	Yes		Budget from 2016-2017.
Other	Yes		Budget from 2016-2017.

**LEGAL, POLICY AND RISK IMPLICATIONS**

In accordance with the *Local Government Act 1993* (NSW) and the *Local Government (General) Regulations 2005*, all budgets lapse at the end of the financial year and require a Council resolution to be reinstated. Failure to reinstate these budget votes would result in these projects being cancelled.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that unspent grant funds may have to be returned.	Low	Revote budget to allow projects to proceed.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

A budget forms part of the integrated planning approach to sustainable service delivery.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Financial Services Section for the purpose of peer reviewing the need for projects to be carried forward.

Internal

- Property Services Section Manager.
- Investment and Asset Manager.
- Asset Section Manager.

## **MINUTES ORDINARY COUNCIL - 10 OCTOBER 2017**

- Community and Recreation Coordinator.

### External

Nil.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Revotes and rollovers from 2017 to 2018 ledger year.

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.

**ITEM 4 - ATTACHMENT 1  
LEDGER YEAR.**
**REVOTES AND ROLLOVERS FROM 2017 TO 2018**

2016-2017 Revotes

<b>Section</b>	<b>Job description</b>	<b>Budget remaining (\$)</b>
Assets	FLOOD STUDIES - WILLIAMTOWN SALT ASH	43,382
Capital Works	LITTLE BEACH WHARF DISABLED ACCESS MODIFICATIONS	98,350
Capital Works	FERN BAY HALL WINDOW REPLACEMENTS	8,000
Capital Works	ANNA BAY CEMETERY EXPANSION CONSTRUCTION	150,000
Capital Works	TOMAREE TOUCH/SOCCER AMENITY PLAN - SURVEY AND DESIGN	50,000
Capital Works	YULONG OVAL TOPDRESSING OF FIELDS	10,000
Capital Works	LAKESIDE SPORTS HOLDING TANK FOR NO. 3 OVAL IRRIGATION	35,000
Capital Works	ROBINSON RESERVE INSTALL SHADESAIL OVER PLAYGROUND	20,000
Capital Works	ROSS WALLBRIDGE RESERVE VEGETATION CLEAN UP	5,000
Capital Works	MEDOWIE SKATE PARK INSTALL ADDITIONAL COMPONENTS	15,000
Capital Works	MALLABULA SKATE PARK INSTALL ADDITIONAL COMPONENTS	10,000
Capital Works	BOOMERANG PARK RAYMOND TERRACE PLAYGROUND UPGRADE	50,000
Community Services	SALAMANDER WTS BACKHOE REPLACEMENT	250,000
IT	EPLANNING PROJECT	75,000
IT	BOARD PAPER SOLUTIONS	40,000
IT	CAMMS	20,000
IT	ICT INFRASTRUCTURE AND HARDWARE	25,000
IT	HR INFORMATION SYSTEM (HRIS)	140,000
IT	DESKTOP INFRASTRUCTURE ROLLOVER	330,000
Property Services	113 BEAUMONT STREET	10,000
Property Services	HALIFAX IMPROVEMENTS - FIRE HYDRANT WORKS	100,000
Property Services	HALIFAX IMPROVEMENTS - UPGRADE AMENITIES	313,160
Property Services	SHOAL BAY HOLIDAY PARK IMPROVEMENTS - ELECTRICAL AUDIT WORKS	17,800
Property Services	SHOAL BAY HOLIDAY PARK IMPROVEMENTS - FIRE HYDRANT WORKS	100,000
Property Services	SHOAL BAY HOLIDAY PARK IMPROVEMENTS - REPLACE CONCRETE SLABS STAGE TWO	10,006
Property Services	TREESCAPE REDEVELOPMENT AND IMPROVEMENTS - RELOCATION OF MARQUEE	20,000
Property Services	TREESCAPE REDEVELOPMENT AND IMPROVEMENTS - REFURBISHMENT OF ROOMS	30,000
Property Services	TREESCAPE REDEVELOPMENT AND IMPROVEMENTS - AMENITIES	21,788

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**ITEM 4 - ATTACHMENT 1  
LEDGER YEAR.**
**REVOTES AND ROLLOVERS FROM 2017 TO 2018**
**2016-2017 Revotes**

<b>Section</b>	<b>Job description</b>	<b>Budget remaining (\$)</b>
Property Services	TREESCAPE REDEVELOPMENT AND IMPROVEMENTS - FIRE HYDRANT	100,000
Property Services	FINGAL BAY HOLIDAY PARK IMPROVEMENTS - MANAGER RESIDENCE CABIN REFURBISHMENT	60,000
Property Services	FINGAL BAY HOLIDAY PARK IMPROVEMENTS - RECREATION ROOM UPGRADE	23,351
Property Services	FINGAL BAY HOLIDAY PARK IMPROVEMENTS - ELECTRICAL AUDIT WORKS	58,820
Property Services	FINGAL BAY HOLIDAY PARK IMPROVEMENTS - FIRE HYDRANT WORKS	100,000
Property Services	FINGAL BAY HOLIDAY PARK IMPROVEMENTS - UPGRADE AMENITIES BLOCK	300,000
Property Services	FINGAL BAY HOLIDAY PARK IMPROVEMENTS - STREET LIGHTS SOLAR CONVERSION STAGE TWO	50,000
Property Services	FINGAL BAY HOLIDAY PARK IMPROVEMENTS - REESTABLISH PLAYGROUND GOOYAH STREET	80,000
Property Services	FINGAL BAY HOLIDAY PARK IMPROVEMENTS - CONVERT SIX HOLIDAY SITES TO POWER CAMPS	120,000
Public Domain	DEPOT CAPITAL WORKS - WASHDOWN BAY CONSTRUCTION	80,000
	<b>TOTAL REVOTES</b>	<b>\$2,969,657</b>

**ITEM 4 - ATTACHMENT 1  
LEDGER YEAR.**
**REVOTES AND ROLLOVERS FROM 2017 TO 2018**

2016-2017 Rollovers

<b>Section</b>	<b>Job description</b>	<b>Budget remaining (\$)</b>
Assets	MAJOR PLANT - BULK VOTE	333,212
Assets	SHOAL BAY DRAINAGE STUDY	34,178
Assets	PATERSON RIVER FLOOD STUDY	19,928
Assets	ANNA BAY CATCHMENT FLOOD STUDY	27,550
Capital Works	NELSON BAY FORESHORE UPGRADE WORKS	48,328
Capital Works	KARUAH BOAT RAMP PROJECTS	460,097
Capital Works	TAYLORS BEACH WHARF REPLACEMENT	357,712
Capital Works	FINGAL BAY RFS BUILDING CONSTRUCTION	23,532
Capital Works	KARUAH RFS BUILDING CONSTRUCTION	34,020
Capital Works	TANILBA BAY RURAL FIRE STATION CONSTRUCTION - NEW SITE	82,000
Capital Works	FERN BAY TENNIS BUILDING REPLACEMENT	896,121
Capital Works	FERN BAY HALL REPLACEMENT	399,767
Capital Works	ANNA BAY CEMETERY EXPANSION PLANNING	85,051
Capital Works	PEDESTRIAN ACCESS MOBILITY PLAN (PAMP) REVIEW RMS ACTIVE TRANSPORT PLANNING	23,107
Capital Works	RMS ACTIVE TRANSPORT PEDESTRIAN REFUGE SANDY POINT ROAD	7,769
Capital Works	BOULDER BAY ROAD FOOTPATH AND PRAM RAMP CONSTRUCTION	17,303
Capital Works	DRAIN-BEACH TO END OF BULLECOURT STREET SHOAL BAY	459,598
Capital Works	FUTURE DESIGNS DRAINAGE	47,553
Capital Works	SCADA REMOTE MONITORING OF PUMP STATIONS	11,050
Capital Works	MOORS DRAIN STUDY - INVESTIGATE FOR FUTURE WORKS	67,448
Capital Works	9 NULLA NULLA LANE HINTON PITS, PIPES, OPEN DRAINS	138,455
Capital Works	IONA CLOSE WOODVILLE CONSTRUCT NEW DRAINAGE LINE	98,425
Capital Works	HORACE STREET DRAINAGE WORKS	141,007
Capital Works	OPERATIONS CIVIL PROJECTS CAPITAL WORKS	99,961
Capital Works	SHOAL BAY ROAD SHOAL BAY/NELSON BAY	324,066
Capital Works	BENJAMIN LEE DRIVE RAYMOND TERRACE	24,606
Capital Works	FRANCIS AVE LEMON TREE PASSAGE	525,287
Capital Works	FORESHORE DRIVE CORLETTE/SALAMANDER BAY	220,116
Capital Works	HINTON ROAD HINTON/NELSONS PLAINS	27,808
Capital Works	CAPITAL WORKS CYCLEWAY, PATHS AND BUS SHELTER CONSTRUCTION	25,745
Capital Works	YACAABA STREET NELSON BAY	27,929
Capital Works	ABUNDANCE ROAD MEDOWIE	95,092

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**ITEM 4 - ATTACHMENT 1  
LEDGER YEAR.**
**REVOTES AND ROLLOVERS FROM 2017 TO 2018**

2016-2017 Rollovers

<b>Section</b>	<b>Job description</b>	<b>Budget remaining (\$)</b>
Capital Works	NELSON BAY CROQUET CLUB NEW COURT EXPANSION	18,200
Capital Works	YULONG OVAL FORMALISE CAR PARKING	7,374
Capital Works	FERODALE SPORTS COMPLEX NEW NETBALL COURTS AND LAND	72,265
Capital Works	SALT ASH SPORTSGROUND INSTALL BMX TRACK	39,072
Capital Works	TANILBA SAILING CLUB REPLACE EXIST SEWER CONNECTION	11,027
Capital Works	ONE MILE SURF CLUB REPLACE LIFE GUARD FACILITIES	745,957
Capital Works	BOOMERANG PARK CROQUET COURTS AND STORAGE SHED CONSTRUCTION	22,139
Capital Works	LAKESIDE SPORTS COMPLEX IRRIGATION UPGRADE	46,821
Capital Works	FERODALE SPORTS COMPLEX MPC-CIVIL/GROUND WORKS	1,223,373
Capital Works	FERODALE SPORTS COMPLEX MPC ARCHITECT DESIGN/CONSTRUCTION	2,089,117
Capital Works	ROSS WALLBRIDGE RESERVE INSTALL SOLAR LIGHTING	15,000
Capital Works	BOOMERANG PARK FITNESS TRAIL CONSTRUCTION	30,514
Capital Works	CONROY PARK FURNITURE-CTW COMMITTEE PARKS PROJECTS	3,632
Capital Works	LITTLE BEACH PARK FURNITURE REPLACEMENT	1,170
Capital Works	CONSTRUCT LAKESIDE SKATE PARK	70,520
Capital Works	BOAT HARBOUR PLAYGROUND REPLACEMENT AND LANDSCAPING	47,798
Capital Works	LAKESIDE 2 RESERVE PLAYGROUND ASSET REPLACEMENT	11,540
Capital Works	DUTCHIES BEACH NEW PLAYGROUND INSTALLATION	67,408
Capital Works	ROBINSON RESERVE INSTALL NEW PLAYGROUND	95,231
Capital Works	BOOMERANG PARK PLAYGROUND CONSTRUCTION STAGE 2	7,618
Capital Works	BOOMERANG PARK SKATE PARK CONSTRUCTION	179,582
Capital Works	BOOMERANG PARK NEW AMENITIES CONSTRUCTION	52,570
Capital Works	TAYLORS BEACH AMENITIES	4,177
Capital Works	TILLIGERRY AQUATIC CENTRE REPLACE SHADE SHELTERS	2,600
Capital Works	BUDGET ONLY TOMAREE SPLASH PAD INSTALLATION	293,991
Community Services	ROAD UPGRADE	158,900
Community Services	WASH BAY CONSTRUCTION	40,433
Community Services	CAP OLD LANDFILL ON NEWLINE ROAD	1,736,312
IT	SHAREPOINT	29,714
Property Development	89 PORT STEPHENS DRIVE TAYLORS BEACH	41,030
Property Development	22 HOMESTEAD STREET AND DIEMARS ROAD SALAMANDER BAY - ADMINISTRATION/SUPPORT	47,668
Property Development	3 INDUSTRIAL ROAD MEADOWIE	70,540

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**ITEM 4 - ATTACHMENT 1  
LEDGER YEAR.**
**REVOTES AND ROLLOVERS FROM 2017 TO 2018**

2016-2017 Rollovers

<b>Section</b>	<b>Job description</b>	<b>Budget remaining (\$)</b>
Property Development	110 ADELAIDE STREET, RAYMOND TERRACE	45,644
Property Development	2A SUNSET BOULEVARD SOLDIERS POINT	23,510
Property Development	SALAMANDER COMMERCIAL (155 SALAMANDER WAY) - ADMINISTRATION/SUPPORT	3,478,286
Property Services	437 HUNTER STREET, NEWCASTLE	75,085
Property Services	YMCA BILO BUILDING TSV	14,140
Property Services	528 HUNTER STREET	39,864
Property Services	HALIFAX IMPROVEMENTS - HALIFAX CABIN REFURBISHMENT	53,859
Property Services	HALIFAX IMPROVEMENTS - ELECTRICAL AUDIT WORKS	7,975
Property Services	HALIFAX IMPROVEMENTS - CABIN REFURBISHMENT PROJECT	131,366
Property Services	HALIFAX IMPROVEMENTS - CONVERT 11 CAMPSITES TO TOURIST VAN SITE	16,262
Property Services	THOU WALLA IMPROVEMENTS - INFRASTRUCTURE AND CABIN UPGRADES	160,866
Property Services	SHOAL BAY HOLIDAY PARK IMPROVEMENTS - REPLACE BBQ FACILITIES	28,513
Property Services	SHOAL BAY HOLIDAY PARK IMPROVEMENTS - REPLACE BOUNDARY FENCE AND LANDSCAPE	214,580
Property Services	SHOAL BAY HOLIDAY PARK IMPROVEMENTS - ESTABLISH KERB AND GUTTER	38,132
Property Services	TREESCAPE REDEVELOPMENT & IMPROVEMENTS - CONCRETE SLAB CONSTRUCTION	47,169
Property Services	TREESCAPE REDEVELOPMENT & IMPROVEMENTS - GENERAL CABIN REFURBISHMENT	78,266
Property Services	FINGAL BAY HOLIDAY PARK IMPROVEMENTS - CONVERT HOLIDAY VAN SITES/TOURIST VAN	40,604
Property Services	FINGAL BAY HOLIDAY PARK IMPROVEMENTS - REPLACE BBQ CONVERT TO GAS AND STRUCTURE	7,237
Property Services	FINGAL BAY HOLIDAY PARK IMPROVEMENTS - HOLIDAY VAN SITES TO SIX LARGE VEHICLE ENSUITES	21,409
Property Services	FINGAL BAY HOLIDAY PARK IMPROVEMENTS - SWIMMING POOL UPGRADE	42,167
Property Services	FINGAL BAY HOLIDAY PARK IMPROVEMENTS - CABIN REFURBISHMENT PROJECT	92,543
Public Domain	DEPOT SAFETY COMPLIANCE FIRE SYSTEMS	6,102
General Manager's Office	WARD AND MAYORAL FUNDS	34,957
	<b>TOTAL ROLLOVERS</b>	<b>\$ 17,165,649</b>

**ITEM NO. 5****FILE NO: 17/171956  
RM8 REF NO: PSC2005-4217****ANNUAL FINANCIAL REPORTS - ATTENDANCE OF AUDITORS****REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER  
GROUP: CORPORATE SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Asks the Auditor General, or their appointee, to attend the Two Way Conversation being held Tuesday 14 November 2017.
- 2) Exercises its option for the Auditor General, or their appointee, not to attend the meeting where the Annual Financial Reports will be considered.

**ORDINARY COUNCIL MEETING - 10 OCTOBER 2017  
MOTION**

<b>242</b>	<b>Councillor Ken Jordan Councillor Steve Tucker</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Asks the Auditor General, or their appointee, to attend the Two Way Conversation being held Tuesday 14 November 2017.</li><li>2) Exercises its option for the Auditor General, or their appointee, not to attend the meeting where the Annual Financial Reports will be considered.</li></ol>
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**BACKGROUND**

The purpose of this report is to notify Council that in accordance with *section 419 (3)* of the *Local Government Act 1993* (NSW). Council can invite the Auditor General, or their appointee, to attend the meeting at which Council considers the Annual Financial Reports.

The Annual Financial Reports are to be considered by Council on 14 November 2017. at a Two Way Conversation to allow Councillor's to ask questions of the Auditor General. Port Stephens Council has traditionally invited the external auditor to present a report to Council via a Two Way Conversation prior to the consideration of the Annual Financial Reports. The Auditor General, or their appointee, needs to be given at least seven days' notice should Council wish to have them attend the meeting.



## MINUTES ORDINARY COUNCIL - 10 OCTOBER 2017

This conversation has been scheduled for 14 November 2017 where the auditor, Pitcher Partners, has indicated a willingness to attend and discuss with Council the Annual Financial Reports.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
A Sustainable Council.	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

There are no known financial/resource implications.

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

### LEGAL, POLICY AND RISK IMPLICATIONS

There are no known legal or policy implications. The risk implications are listed in the table below.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may not comply with the provisions of the Local Government Act 1993.	Low	Consider the report.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are no known sustainability implications.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Financial Services Section for consideration of this report.

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 6**

**FILE NO: 17/179462  
RM8 REF NO: PSC2016-00601**

**NAMING CORLETTE HILL - FEATURE WITHIN GANYA-BA RESERVE -  
CORLETTE**

REPORT OF: MARK STACE - PROPERTY SERVICES SECTION MANAGER  
GROUP: CORPORATE SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Make application to the Geographical Names Board of NSW to approve the name 'Ganya-ba Reserve' at Corlette.
  - 2) Place the application on public exhibition for a period of 28 days if the Geographical Names Board agrees to the name and, should no submissions be received, progress the application without a further report to Council.
- 

**ORDINARY COUNCIL MEETING - 10 OCTOBER 2017  
MOTION**

<b>243</b>	<p><b>Councillor John Nell</b> <b>Councillor Steve Tucker</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Make application to the Geographical Names Board of NSW to approve the name 'Ganya-ba Reserve' at Corlette.</li><li>2) Place the application on public exhibition for a period of 28 days if the Geographical Names Board agrees to the name and, should no submissions be received, progress the application without a further report to Council.</li></ol>
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**BACKGROUND**

The purpose of this report is to recommend Council apply to the Geographical Names Board of NSW (GNB) to formally adopt the name 'Ganya-ba Reserve' for a public reserve dedicated to Council by the developer. The reserve includes the whole of Lot 2 DP1026536, Lot 2852 DP194081 and Lot 3132 DP1201622 as shown edged white on the attached locality map (**ATTACHMENT 1**).

Application has been made previously to GNB proposing to name this reserve 'Corlette Hill Reserve' as adopted by Council at its meeting dated 26 April 2016 (Min No 097) (**ATTACHMENT 2**). This name was rejected by GNB due to similarly named

## MINUTES ORDINARY COUNCIL - 10 OCTOBER 2017

reserves within the vicinity, such as Corlette Foreshore Reserve and Corlette Point Reserve.

The name 'Ganya-ba' is of Gathang language meaning 'the place of camping or home' and has been accepted by the Worimi Local Aboriginal Land Council (LALC) Board at its meeting held 22 June 2017.

If the GNB agrees to this proposed name it will be locally advertised with a submission period of 28 days. Should no submissions be received objecting to the name, the Gazette will then be published to complete the official naming process.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Engagement.	Engage our community in conversations and provide timely & accurate information.

### FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications to Council in submitting the application to the GNB to name reserves.

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

### LEGAL, POLICY AND RISK IMPLICATIONS

The application will be prepared in accordance with Council's Naming and Renaming of Reserves Policy. Once approved, GNB will prepare and advertise the Gazette Notice as required by the *Geographical Names Board Act 1996*.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the GNB will reject the proposed name.	Low	Overcome objection and, if required, reapply to the GNB.	Yes

**MINUTES ORDINARY COUNCIL - 10 OCTOBER 2017**

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that if reserves are left unidentified this may cause identification difficulties for not only the general public but also authorities such as Emergency Services.	Low	Gazette all reserve names.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

No adverse social, economic or environmental implications are expected.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Property Services Section. The objective of the internal consultation was to gauge the support of the use of an Aboriginal name due to the roads surrounding the reserve being Aboriginal. The objective of external consultation was to involve the Worimi LALC in the naming process and provide an opportunity to name the reserve. The inclusion of external groups in the naming proposal assists in reducing the chance of submissions objecting to the proposed name. Council received one objection to the proposed name with an alternate naming proposal. Council referred this to GNB which rejected the alternate name proposed as it was too similar in name to an existing reserve nearby. It is not the role of Council to overrule the actions of GNB.

Internal

- Property Officer.
- Land Acquisition & Development Manager.
- GIS Technical Officer.
- Community & Recreation Coordinator.

External

- Worimi Local Aboriginal Land Council – CEO and Language Expert.
- Worimi Local Aboriginal Land Council Board.
- Geographical Names Board.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Location Map.
- 2) Minutes 26 April 2016.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.





**MINUTES ORDINARY COUNCIL - 26 APRIL 2016****ITEM NO. 5****FILE NO: 16/277377  
RM8 REF NO: PSC2016-00601****NAMING OF RESERVES AT CORLETTE - COVE RESERVE, MOORING  
RESERVE & CORLETTE HILL RESERVE****REPORT OF: GLENN BUNNY - PROPERTY SERVICES SECTION MANAGER  
GROUP: CORPORATE SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Make application to the Geographical Names Board (GNB) of NSW to approve the names of three separate Council Public Reserves at Corlette:
  - i) Cove Reserve
  - ii) Mooring Reserve; and
  - iii) Corlette Hill Reserve
- 2) Place the application on public exhibition for a period of 28 days if the Geographical Names Board agrees to the names and, should no submissions be received, progress the application without a further report to Council.

**ORDINARY COUNCIL MEETING - 26 APRIL 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

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

**ORDINARY COUNCIL MEETING - 26 APRIL 2016  
MOTION**

<b>097</b>	<b>Councillor Chris Doohan</b>
	<b>Councillor Ken Jordan</b>
	It was resolved that Council:
	1) Make application to the Geographical Names Board (GNB) of NSW to approve the names of three separate Council Public Reserves at Corlette:
	i) Cove Reserve
	ii) Mooring Reserve; and
	iii) Corlette Hill Reserve
	2) Place the application on public exhibition for a period of 28 days if the Geographical Names Board agrees to the names and, should no



**MINUTES ORDINARY COUNCIL - 26 APRIL 2016**

	submissions be received, progress the application without a further report to Council.
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**BACKGROUND**

The purpose of this report is to recommend Council apply to the Geographical Names Board of NSW (GNB) to formally adopt the names 'Cove Reserve', 'Mooring Reserve' and 'Corlette Hill Reserve' for three reserves located at Corlette.

These three reserves were dedicated to Council by Urban Growth (Landcom) upon registration of various subdivision plans - Cove Reserve - Lot 2427 DP1148801; Mooring Reserve - Lot 2746 DP1188840; Corlette Hill Reserve - Lot 2 DP1026536, Lot 2852 DP1194081 and Lot 3132 DP1201622.

Since these reserves were dedicated, Council's GIS Mapping has identified these reserve names shown edged blue, red and white on **(ATTACHMENT 1)**. Making application to the GNB to adopt and gazette these already identified names will formalise the proposed reserve names.

Two reserve names have been chosen using the name of the roads which provide access to them as this is a common approach to naming reserves. Cove Reserve (edged white) is accessed via Reveal Cove, and Mooring Reserve (edged blue) is accessed via Mooring Avenue. The name Corlette Hill Reserve (edged red) is due to the reserve being on the hill above Corlette. GNB staff have advised Council's Property Officer these names should be acceptable to the Board.

If the GNB agrees to the proposed names they will be locally advertised with a submission period of 28 days. Should no submissions be received objecting to the names, the Gazette will then be published to complete the official naming process.

**COMMUNITY STRATEGIC PLAN**

Strategic Direction	Delivery Program 2013-2017
The Port Stephens community is informed and involved in decisions that affect them.	Engage our community in conversations and provide timely & accurate information.

**MINUTES ORDINARY COUNCIL - 26 APRIL 2016**

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no financial or resource implications to Council involved in submitting the application to the GNB to name reserves.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

The application will be prepared in accordance with Council's Naming and Renaming of Reserves Policy. Once approved, GNB will prepare and advertise the Gazette Notice as required by the *Geographical Names Board Act 1996*. Additionally, the Council Plans of Management require Council to 'ensure the sustainable management of assets which meet community needs'.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the GNB will reject the proposed names.	Low	Overcome objection and, if required, reapply to the GNB.	Yes
There is a risk that if reserves are left unidentified this may cause identification difficulties for not only the general public but also authorities such as Emergency Services.	Low	Gazette all reserve names.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

No adverse social, economic or environmental implications are expected.

**MERGER PROPOSAL IMPLICATIONS**

There are no implications for a merger with the naming of these reserves.

**MINUTES ORDINARY COUNCIL - 26 APRIL 2016**

**CONSULTATION**

Internal

- 1) Property Officer.
- 2) Land Acquisition & Development Manager.
- 3) GIS Technical Officer.
- 4) Community & Recreation Coordinator.

External

- 1) Geographical Names Board.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Aerial Photo - Three Reserves Corlette.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



**ITEM NO. 7**

**FILE NO: 17/187460  
RM8 REF NO: PSC2016-01186**

**ACQUISITION OF EASEMENT FOR SEWER MAIN - LOT 109 DP 1140938 AT  
RAYMOND TERRACE**

REPORT OF: MARK STACE - PROPERTY SERVICES SECTION MANAGER  
GROUP: CORPORATE SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Agree to pay compensation for the acquisition of an easement for sewer main.
  - 2) Authorise the Mayor and General Manager to sign and affix the Seal of Council to all relevant documents.
- 

**ORDINARY COUNCIL MEETING - 10 OCTOBER 2017  
MOTION**

<b>244</b>	<p><b>Councillor Ken Jordan</b> <b>Councillor Giacomo Arnott</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Agree to pay compensation for the acquisition of an easement for sewer main.</li><li>2) Authorise the Mayor and General Manager to sign and affix the Seal of Council to all relevant documents.</li></ol>
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**BACKGROUND**

The purpose of this report is to seek Council resolution for the payment of compensation to the landowner, Hunter Water Corporation (HWC) for the grant of an easement for sewer main over part of 17C Irawang Street, Raymond Terrace **(blue circle on ATTACHMENT 1)**.

A two metre wide easement for sewer main is required over HWC land as shown by green tint on **(ATTACHMENT 2)**. This is required to formalise sewer connection works in Boomerang Park with the works already completed by Council.

HWC provided a licence to permit the works to be undertaken and the easement now requires formalisation. The licence included approval to do the works and required a valuation to be obtained to inform the compensation negotiations. The valuation has been completed and reports compensation in the sum of \$500 + GST for the grant of the easement.

## COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Recreation and Leisure.	Maintain and develop recreational facilities for residents and visitors.

## FINANCIAL/RESOURCE IMPLICATIONS

It is anticipated that the total cost of the acquisition will amount to no more than \$2,000 including the compensation and survey costs. HWC has executed the Plan Administration Sheet and 88B Instrument and returned to Council for its execution.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Provided for in existing Facilities and Services budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

## LEGAL, POLICY AND RISK IMPLICATIONS

There are no known Policy implications to arise from this acquisition. The acquisition will have regard to the *Land Acquisition (Just Terms Compensation) Act 1991*, as amended. The Licence Agreement for access to the land was reviewed by Council's Legal Services Section and included a requirement for compensation to be paid within seven days of the Plan of Survey being registered at the Land Titles Office. Non-completion of the acquisition by Council may see the landowner raise objection that the terms of the Licence Agreement are not being complied with and the completed road works are illegal.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the landowner may object to the works if the acquisition is not finalised.	Medium	Adopt the recommendations.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The sewer works were essential and have improved the public amenities for those who use Boomerang Park.

There are no apparent economic or environmental implications from this recommendation.

## **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Property Services Section. The purpose of the internal consultation was to determine the extent of the easement required for future access /maintenance purposes and to arrange the survey/documentation of the easement. The purpose of external consultation was to liaise with HWC on the licence and the easement terms and secure an independent valuation.

### Internal

- Senior Surveyor and Land Information Officer.

### External

- Hunter Water Corporation.
- Independent Valuer.
- Land Acquisition & Development Manager.
- Design and Project Development Engineer.
- Senior Survey & Land Information Manager.
- HWC.
- Independent valuer.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Locality Map.
- 2) Survey Plan.

**COUNCILLORS ROOM**

Nil.

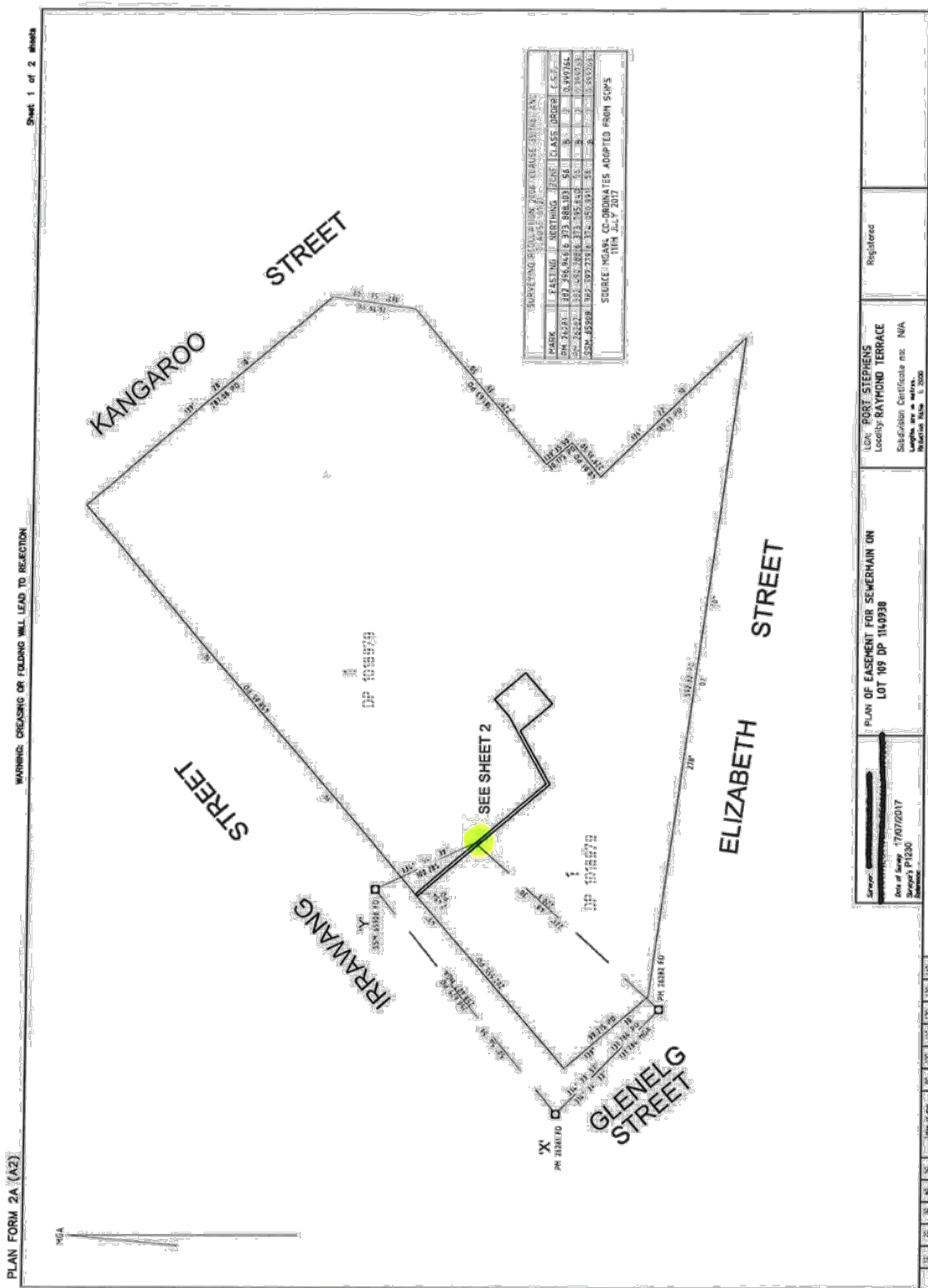
**TABLED DOCUMENTS**

Nil.





ITEM 7 - ATTACHMENT 2 SURVEY PLAN.







**ITEM NO. 8**

**FILE NO: 17/184318  
RM8 REF NO: PSC2015-01478**

**ANNA BAY AND TILLIGERRY CREEK DRAFT FLOOD STUDY - PUBLIC EXHIBITION**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Place the Anna Bay and Tilligerry Creek Draft Flood Study (**TABLED DOCUMENT 1**) on public exhibition for a period of 28 days.
  - 2) Receive a report after the public exhibition period to allow for the adoption of the Anna Bay and Tilligerry Creek Flood Study.
- 

**ORDINARY COUNCIL MEETING - 10 OCTOBER 2017  
MOTION**

<b>245</b>	<p><b>Councillor Steve Tucker</b> <b>Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Place the Anna Bay and Tilligerry Creek Draft Flood Study (<b>TABLED DOCUMENT 1</b>) on public exhibition for a period of 28 days.</li><li>2) Receive a report after the public exhibition period to allow for the adoption of the Anna Bay and Tilligerry Creek Flood Study.</li></ol>
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**BACKGROUND**

The purpose of this report is to recommend that the Anna Bay and Tilligerry Creek Draft Flood Study (**TABLED DOCUMENT 1**) be placed on public exhibition. The Executive Summary of the Anna Bay and Tilligerry Creek Final Draft Report is attached (**ATTACHMENT 1**).

The State Government has issued a direction to all Councils under the *Environmental Planning and Assessment Act* (Section 117) that flood studies are required to adequately assess rezoning and development approvals. Also, these flood studies must be consistent with the NSW Flood Prone Land Policy and the Floodplain Development Manual 2005.

The Anna Bay and Tilligerry Creek Flood Study is two-thirds funded by The NSW Office of Environment and Heritage. The condition of the funding agreement requires the Floodplain Development Manual 2005 be followed. To follow the Floodplain Development Manual 2005 requires the flood study to follow five stages. These five stages are:

1. Data Collection.
2. Flood Study – build hydraulic model and define the nature and extent of the flood problem in technical rather than map form.
3. Floodplain Risk Management Study – update the hydraulic model and determine options in consideration of triple bottom line and risk.
4. Floodplain Risk Management Plan – planned actions to be adopted for Council.
5. Plan Implementation – doing the works.

The Anna Bay and Tilligerry Creek Flood Study was created in accordance with the State Government's Floodplain Development Manual 2005 and was prepared by Jacobs consultancy firm.

This Draft Flood Study has been presented to Council's Floodplain Advisory Panel by the consultants on 13 June 2017 and endorsed by the Panel to be placed on Public Exhibition for comment. The Anna Bay and Tilligerry Creek Flood Study is currently in its draft form and requires a Council resolution to place the Flood Study on public exhibition.

The public exhibition is to allow the community and other stakeholders to review the draft report. It also provides a platform for public comment to be submitted regarding the study which will be compiled and assessed by the consultant. The report investigates the existing and future flood risks in the study area and provides information for the development of the subsequent floodplain risk management study and plan.

Following public exhibition any comments received will be reviewed and if need be the Flood Study will be modified. The Flood Study will then be presented to Council for adoption.

The Anna Bay and Tilligerry Creek Draft Flood Study has been aligned with the Council's currently adopted "Anna Bay Strategy and Town Plan" providing preliminary direction for potential future development.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</b>
Sustainable Development.	Provide Strategic Land Use Planning Services. Provide Development Assessment and Building Certification Services.

**FINANCIAL/RESOURCE IMPLICATIONS**

The cost of the public exhibition of the Anna Bay and Tilligerry Creek Draft Flood Study will be carried out within existing budgets.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		Within existing budget and not material.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

The *Local Government Act 1993* (Section 733) provides Council with a general exemption from liability with respect to flood liable land if the necessary studies and works are carried out in accordance with the State Government's Floodplain Development Manual 2005. The Anna Bay and Tilligerry Creek Draft Flood Study provides the framework and recommendation options to manage the full range of floodplain risks through effective measures that address existing, future and continuing risks.

The State Government has issued a direction regarding the advice to be provided on Section 149 Certificates where land is subject to flood related development controls. The direction promotes the appropriate use of flood prone land and designates the land into areas dependent upon:

- Frequency of inundation.
- Their hydraulic function (floodways in which floodwaters are conveyed, flood storage areas where flood waters are temporarily stored during flood events, and flood fringe areas).
- Flood hazard (a minimum of two categories, high and low).

The Insurance Council of Australia has indicated that while insurance companies use a variety of flood data sources to make their own assessment of risk, it is likely that they will take a conservative view of risk. A conservative view without up-to-date data will result in an increase in insurance premiums for residents. Hence having up-to-date flood studies in accordance with the latest State Government guidelines and the Floodplain Development Manual will benefit residents and potentially reduce insurance premiums.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that not placing the study on exhibition will result in defaulting on the funding agreement leading to reputation risk from the public and funding agency.	Medium	Adopt Recommendations and place the study on public exhibition.	Yes
There is a risk that the proposed study recommendations will create concern from residents, land holders and other public utilities.	Medium	Adopt Recommendations and place the study on public exhibition so the residents, land holders and other public utilities can provide comment. Comments will be used to review the study before being reported back to Council.	Yes
There is a risk that not following the State Government's Floodplain Development Manual 2005 to undertake flood studies will result in Council having to fund the whole study and Council not meeting legislative obligations leading to financial and legal risk to Council.	High	Adopt Recommendations and place the study on public exhibition to continue with the State Government's Floodplain Development Manual 2005 process.	Yes

**MINUTES ORDINARY COUNCIL - 10 OCTOBER 2017**

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that not following the State Government's Floodplain Development Manual 2005 will allow the insurance companies to continue to take a conservative view of flood risk which results in increased insurance premiums for residents.	High	Adopt Recommendations and place the study on public exhibition.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The Anna Bay and Tilligerry Creek Draft Flood Study aims to systematically reduce the impact of flooding and flood liability on individual owners in Anna Bay and Tilligerry Creek area including the localities of Anna Bay, Boat Harbour, One Mile, Fishermans Bay, Bobs Farm, Taylors Beach, Salt Ash, Tanilba Bay, Mallabula and Lemon Tree Passage and reduce the private and public losses resulting from floods.

The Anna Bay and Tilligerry Creek Draft Flood Study also recognises that flood prone land is a value resource to the community, land holders and the economy and these lands should not be sterilised by unnecessarily restricting its development.

The implementation of the Anna Bay and Tilligerry Creek Draft Flood Study will also help local State Emergency Service personnel to better plan and respond to floods, and therefore reduce the overall community cost of these natural disasters.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Assets Section.

**Internal**

- Development Assessment and Compliance Section.
- Strategy and Environment Section.

**External**

- The Anna Bay and Tilligerry Creek Draft Flood Study has been presented to the State Government's Office of Environment and Heritage and to Council's Floodplain Advisory Panel which includes Core Members (Councillors, State



Emergency Service, Office of Environment and Heritage, Hunter Water, Community Members) and a Local Representative (Anna Bay Drainage Union).

The following community consultation has been undertaken during the preparation of the Flood Study:

- Messages and web content posted on Council's website to provide updates at key milestones during the study.
- Distribution of a community questionnaire to gather information from locals regarding historic flooding including flood behaviour and flood levels.
- Meeting with Anna Bay Drainage Union to elicit further information relating to previous flooding events, operation of the drainage infrastructure, maintenance regimes of the drainage network and views on the current and future management of the drainage network.

In accordance with local government legislation the Anna Bay and Tilligerry Creek Draft Flood Study will go on public exhibition for a period of 28 days.

A community engagement and communications plan has been developed and includes:

- A drop-in session will be organised in an appropriate location within the study area during the public exhibition period (late October / early November 2017).
- Information provided by media release/public notice/web update/social media

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Executive Summary - Anna Bay and Tilligerry Creek Final Draft Flood Study Report.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

- 1) Anna Bay and Tilligerry Creek Draft Flood Study.

**ITEM 8 - ATTACHMENT 1 EXECUTIVE SUMMARY - ANNA BAY AND TILLIGERRY CREEK FINAL DRAFT FLOOD STUDY REPORT.****Anna Bay and Tilligerry Creek Flood Study  
Final Draft Report****Executive Summary**

A flood study has been conducted on behalf of Port Stephens Council ("Council") for the 122km<sup>2</sup> Anna Bay and Tilligerry Creek study area including the localities of Anna Bay, Boat Harbour, One Mile, Fishermans Bay, Bobs Farm, Taylors Beach, Salt Ash, Tanilba Bay, Mallabula and Lemon Tree Passage. The purpose of this study is to investigate the existing and future flood risks in the study area and to provide information for the development of the subsequent floodplain risk management study and plan in accordance with the NSW Government's *Floodplain Development Manual*.

The catchment is comprised primarily of rural/agricultural areas and open space, with urban centres located at Anna Bay – Boat Harbour and Tanilba Bay – Lemon Tree Passage. The urban areas are served by stormwater drainage networks with pit and pipe drainage mainly in the streets. The terrain includes large areas of flat, low-lying floodplain at elevations less than 2m AHD, with steeper areas formed by sand hills and rocky outcrops. A number of trapped drainage points are present, formed by the sand hills as well as road embankments and levees. A number of drainage channels including Anna Bay Main Drain, Back Drain, Fern Tree Drain and Moors Drain as well as numerous minor drains form the main drainage paths for the floodplain areas.

Flood behaviour in the study area is complex, originating from tidal inundation, local catchment runoff and Hunter River overflows in rare flood events. The assessment considers combinations of concurrent flooding from these sources.

A range of data was obtained by Jacobs or provided by Council and other agencies in October/November 2015. The data includes reports of studies that have been undertaken in the area; spatial data including stormwater assets, surveyed cross sections and other GIS layers; recorded rainfall, water level and tide data; and modelling data including hydrologic and hydraulic models of Anna Bay and surrounding areas and groundwater modelling of aquifers in the study area. Additional topographic survey as collected of selected hydraulic structures, open drains and flood marks in August and September 2016. The features surveyed were selected based on the review of available data and gaps analysis.

Community consultation undertaken for the study included overviews and updates of the study posted on Council's website and social media, a newsletter and questionnaire mailed out to the community, and interviews with residents and stakeholders.

Hydrologic modelling of has been undertaken based on a XP-RAFTS model to establish inflow hydrographs at numerous local sub-catchments in the study area. The modelling has been calibrated and verified against flooding observations provided by local residents of the April 2015 and January 2016 storm events.

The flood study assessment is based on TUFLOW 1D/2D dynamic hydraulic modelling developed specifically for this study. The flooding characteristics and catchment settings vary widely across the study area. As such, three separate TUFLOW models have been developed to estimate flooding in different areas and levels of detail:

- A "regional" TUFLOW model of the entire study area, to assess flooding in the predominantly rural land use setting. The regional model has been developed by extending the existing Williamstown – Salt Ash FRMS&P TUFLOW flood model (BMT WBM, 2015) to ensure consistency for the inflows into the study area from Hunter River overflows from Fullerton Cove. Flooding is assessed at a 20m model grid resolution; and
- Two finer-scale "urban" TUFLOW models of existing urbanised areas in the vicinity of Anna Bay. Flooding is assessed at a 2m grid resolution in order to account for smaller scale flow patterns in these urbanised areas, due to stormwater drainage and flow obstructions due to buildings.

The models have been run separately, with the results from the detailed urban models taking precedence over the regional model where these are available.

Design flood conditions are defined based on the full level of permissible development under Council's LEP 2013 and for existing climate conditions. Design flood events including the 20%, 10%, 5% and 1% AEP and

**ITEM 8 - ATTACHMENT 1 EXECUTIVE SUMMARY - ANNA BAY AND TILLIGERRY CREEK FINAL DRAFT FLOOD STUDY REPORT.**

**Anna Bay and Tilligerry Creek Flood Study  
Final Draft Report**



Probable Maximum Flood (PMF) events have been analysed. Flood mapping of depth, flood level, flow velocity and provisional flood hazard has been undertaken for selected event AEPs. Flood profile long sections for the major drains in Anna Bay, and inundation versus time plots for selected locations in the study area have been prepared. The flood hazard and hydraulic categories have been defined and mapped based on Council's Floodplain Risk Management Policy.

Flooding in the study area has been related to nearby river water level gauges in Port Stephens at Mallabula Point and the Hunter River at Raymond Terrace for potential flood warning applications. The detection of elevated water levels at the Mallabula Point gauge is unlikely to be useful for flood warning purposes as the gauge is in the immediate vicinity of the study area and there is unlikely to be a significant timing difference between the gauge and water levels in Tilligerry Creek. Flood gauging at Raymond Terrace may provide warning of overflows from Fullerton Cove and into the study area during events from the 0.5% AEP up to the PMF, which would cause significant flooding exceeding 2m in depth in areas of the study area. If there is a PMF event in the Hunter River, there is approximately 10 hours warning time from when the river level at Raymond Terrace exceeds 5.2m AHD (the 0.5% AEP peak flood level at Raymond Terrace) and when the Hunter River overflows reach the study area.

The flood planning area has been defined based on Council's Floodplain Risk Management Policy, by the area below the 1% AEP flood level under the climate change scenario (0.9m sea level rise and 20% increase in rainfall intensity) plus a 0.5m freeboard. The reduced extent of a 0.3m freeboard, which is suggested for application on overland flood flow areas, is also shown on the flood planning area mapping for consideration by Council.

The number of properties affected by varying maximum flood depths is summarised in **Table 1**. There are 5,241 properties in total in the study area. Properties in the study area have been classified based on the minimum flood AEP at which the property becomes flood-affected. For the purposes of this assessment, a property is considered "flood-affected" when it becomes more than 20% covered by floodwaters over 0.15m deep. This filter has been applied to exclude shallow depth of water which may not be considered as flooding. The maximum flood depth may not reflect the flood depth at the dwelling. The analysis is based on the land parcels spatial layer provided by Council and includes both private property as well as public property and other reserves and open space.

**Table 1 Count of properties by maximum flood depth on each property\***

Depth (m)	Design Flood Event				
	20% AEP	10% AEP	5% AEP	1% AEP	PMF
>0.15	688	774	955	1168	2508
>0.3	645	737	910	1138	2479
>0.5	471	535	645	863	2165
>1.0	285	320	373	440	1389
>2.0	78	89	104	142	561
<b>Total</b>	688	774	955	1168	2508

\* For properties with >20% coverage by floodwaters over 0.15m deep. Number of properties with a maximum depth exceeding the depth category Example: in the 10% AEP there are 737 properties with a maximum flood depth of 0.3m or more.

\*\* Total of 5,241 properties in the study area.

**ITEM 8 - ATTACHMENT 1 EXECUTIVE SUMMARY - ANNA BAY AND TILLIGERRY CREEK FINAL DRAFT FLOOD STUDY REPORT.**

**Anna Bay and Tilligerry Creek Flood Study  
Final Draft Report**



Properties within the study area have been classified for flood emergency response based on NSW Government floodplain risk management guidelines. The classification has been undertaken for the 20% and 1% AEP and PMF events, and indicates the relative vulnerability of different areas of the catchment and considers the ability to evacuate certain parts of the community. The classification is denoted preliminary and subject to update in the subsequent Floodplain Risk Management Study.

The impact of climate change on flooding in the study area has been assessed for the 5% and 1% AEP events for a range of scenarios, including:

- ☐ Year 2050 sea level (+0.4m), rainfall intensity derived from 1987 Australian Rainfall and Runoff
- ☐ Year 2050 sea level (+0.4m), 10% increase in rainfall intensity
- ☐ Year 2050 sea level (+0.4m), 20% increase in rainfall intensity
- ☐ Year 2100 sea level (+0.9m), rainfall intensity derived from 1987 Australian Rainfall and Runoff
- ☐ Year 2100 sea level (+0.9m), 20% increase in rainfall intensity
- ☐ Year 2100 sea level (+0.9m), 30% increase in rainfall intensity.

Large areas of the study area have existing development on low lying terrain, at elevations of 0.5 – 2m AHD, and are already susceptible to elevated tides and water levels during Port Stephens coastal and riverine flooding events, when tailwater levels may reach up to 1.8m AHD in the 1% AEP event. Depths of flooding on these low lying areas may therefore be expected to reach up to 2m or more in the year 2100 climate change flooding scenarios. Elevated 1% AEP event water levels in Tilligerry Creek would be approximately 2.2m AHD and 2.7m AHD at the year 2050 and 2100 horizons. Increased runoff in the 1% AEP event with 30% increase in rainfall intensity results in increases in flood depths in Anna Bay and other low points of approximately 0.2m, with up to 0.56m increase in Blanch Street low point.

A number of main flood problem areas have been identified in the study area. Two flood problem areas located in the Anna Bay township area are subject to significant development pressures as outlined in Council's Anna Bay Strategy and Town Plan. Potential mitigation options have been identified for each area, including structural and non-structural options for each area, as summarised in Table 2.

**Table 2 Summary of Flood Problem Areas and Potential Mitigation**

Flood Problem Area	Refer to	Potential Mitigation
Gan Gan Road between Morna Point Road and McKinley Swamp, Anna Bay	Section 10.1	<ul style="list-style-type: none"> <li><input type="checkbox"/> Divert and potentially upgrade the main stormwater line to discharge directly to Fern Tree Drain.</li> <li><input type="checkbox"/> Upgrade the existing second drainage line, east of Morna Point Road.</li> <li><input type="checkbox"/> Increase pit inlet capacity in combination with the above two options.</li> <li><input type="checkbox"/> Form a floodway to drain McKinley Swamp floodwaters to Fern Tree Drain</li> <li><input type="checkbox"/> A combination of the above.</li> </ul>
Clark Street low point, Anna Bay	Section 10.2	<ul style="list-style-type: none"> <li><input type="checkbox"/> Thrust-boring of a large pipe/culvert through the sand hill to the north of the low point, discharging to the Main Drain floodplain.</li> </ul>
Trapped low point at Gan Gan Road and Blanch Street, Boat Harbour	Section 10.3	<ul style="list-style-type: none"> <li><input type="checkbox"/> Upgrade/supplement existing, underperforming pipe outlet. New pipe/s need to be laid at deeper levels.</li> </ul>
Marsh Road, Bobs Farm and Salt Ash	Section 10.4	<ul style="list-style-type: none"> <li><input type="checkbox"/> Raised building pads to achieve higher dwelling floor levels to reduce flood damages. However, adopting a policy such as this may encourage future development in this area which would expose a larger population and associated property to the existing flood risk, which will increase with climate change.</li> <li><input type="checkbox"/> Voluntary house raising could be considered as a measure to reduce flood damages to existing development.</li> <li><input type="checkbox"/> Increased cross drainage capacity to reduce times of inundation.</li> </ul>

**ITEM 8 - ATTACHMENT 1 EXECUTIVE SUMMARY - ANNA BAY AND TILLIGERRY CREEK FINAL DRAFT FLOOD STUDY REPORT.**

**Anna Bay and Tilligerry Creek Flood Study  
Final Draft Report**

**JACOBS**

North side of Lemon Tree Passage Road, Salt Ash	Section 10.5	<ul style="list-style-type: none"> <li><input type="checkbox"/> Debris control structures at main cross culvert inlets.</li> <li><input type="checkbox"/> Increased culvert capacity will permit better drainage of the area, provided that tailwater levels are low.</li> <li><input type="checkbox"/> Improved capacity of existing drainage channels, including maintenance (management of vegetation and siltation) of the drains.</li> <li><input type="checkbox"/> Maintenance of culverts and proposed debris control structures for debris and siltation.</li> <li><input type="checkbox"/> Additional drains to improve connectivity of low points in the floodplain to drainage outlets.</li> <li><input type="checkbox"/> Voluntary house raising to reduce flood damages to existing development.</li> <li><input type="checkbox"/> Development controls including setting of appropriate habitable floor levels for future development.</li> </ul>
Tanilba Bay urban area	Section 10.6	<ul style="list-style-type: none"> <li><input type="checkbox"/> Increase culvert capacity under Lemon Tree Passage 250m south of Avenue of the Allies</li> <li><input type="checkbox"/> Floodway in the vacant block between 37 and 39 Tilligerry Track</li> <li><input type="checkbox"/> Upgrade of existing 600mm pipe branch to at least a 1.05m diameter pipe in President Wilson Walk south of Lemon Tree Passage Road to prevent the flow surcharge</li> <li><input type="checkbox"/> Increased pipe capacity crossing Lemon Tree Passage Road, along with increased pit capacity on the high side of Lemon Tree Passage Road and in Success Street</li> <li><input type="checkbox"/> vegetation management and desilting of open channels through Tanilba Bay Golf Club course including.</li> </ul>
Lemon Tree Passage urban area	Section 10.7	<ul style="list-style-type: none"> <li><input type="checkbox"/> New pit inlets at Paroa Avenue sag points and upgrade of the existing pipe capacity</li> <li><input type="checkbox"/> New pit inlets and drainage of sag point on private properties on corner of Gould Drive and John Parade</li> <li><input type="checkbox"/> New pit inlets and drainage of sag point on private properties on Meredith Avenue between Gould Drive and Johnson Parade.</li> </ul>

An assessment of mitigation options has been undertaken for selected flood problem areas including parts of Anna Bay and surrounds including:

- ☐ Clark Street low point
- ☐ Low point in the vicinity of Gan Gan Road and Morna Point Road intersection
- ☐ McKinley Swamp and Gan Gan Road low points to the east (Anna Bay shops)
- ☐ Trapped low point at Gan Gan Road and Blanch Street
- ☐ Fern Tree Drain floodplain.

The assessment considers flooding under future development conditions associated with the Anna Bay Strategy and Town Plan with the objective of identifying potential drainage upgrades to improve flooding conditions and realise the development potential of various areas. The assessment and outcomes are documented in Appendix J. Note that the identified mitigation options are indicative and may not necessarily be implemented. They are subject to further design refinement and engineering feasibility assessments.

Recommendations have been made on the further investigation of mitigation options including further capacity upgrades, feasibility assessment, refined modelling assessment and climate change.

**ITEM 8 - ATTACHMENT 1 EXECUTIVE SUMMARY - ANNA BAY AND  
TILLIGERRY CREEK FINAL DRAFT FLOOD STUDY REPORT.**

**Anna Bay and Tilligerry Creek Flood Study  
Final Draft Report**



**Important note about this report**

The sole purpose of this report and the associated services performed by Jacobs is to undertake a flood study for the Anna Bay and Tilligerry Creek floodplain areas located in New South Wales in accordance with the scope of services set out in the contract between Jacobs and Port Stephens Council (the Client). That scope of services, as described in this report, was developed with the Client.

In preparing this report, Jacobs has relied upon, and presumed accurate, any information (or confirmation of the absence thereof) provided by the Client and/or from other sources. Except as otherwise stated in the report, Jacobs has not attempted to verify the accuracy or completeness of any such information. If the information is subsequently determined to be false, inaccurate or incomplete then it is possible that our observations and conclusions as expressed in this report may change.

Jacobs derived the data in this report from information sourced from the Client, third parties, and/or available in the public domain at the time or times outlined in this report. The passage of time, manifestation of latent conditions or impacts of future events may require further examination of the project and subsequent data analysis, and re-evaluation of the data, findings, observations and conclusions expressed in this report. Jacobs has prepared this report in accordance with the usual care and thoroughness of the consulting profession, for the sole purpose described above and by reference to applicable standards, guidelines, procedures and practices at the date of issue of this report. For the reasons outlined above, however, no other warranty or guarantee, whether expressed or implied, is made as to the data, observations and findings expressed in this report, to the extent permitted by law.

This report should be read in full and no excerpts are to be taken as representative of the findings. No responsibility is accepted by Jacobs for use of any part of this report in any other context.

Topographic data used in this study included data sourced from a LiDAR survey which was undertaken by third parties. The accuracy of this data has been verified against ground survey collected for this study.

This report has been prepared on behalf of, and for the exclusive use of, Jacobs's Client, and is subject to, and issued in accordance with, the provisions of the contract between Jacobs and the Client. Jacobs accepts no liability or responsibility whatsoever for, or in respect of, any use of, or reliance upon, this report by any third party.

**ITEM NO. 9****FILE NO: 17/184925  
RM8 REF NO: PSC2013-05247****ROAD DEDICATION - YACAABA STREET EXTENSION, NELSON BAY****REPORT OF: PHILIP MILES - CAPITAL WORKS SECTION MANAGER  
GROUP: FACILITIES & SERVICES**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Authorise the General Manager to proceed with the dedication of the extension of Yacaaba Street, Nelson Bay as previously resolved by Council on 24 June 2014 (Minute No. 155).
  - 2) Grants authority for the General Manager and the Mayor to sign and affix the seal of Council to any related documents and plans.
- 

**ORDINARY COUNCIL MEETING - 10 OCTOBER 2017  
MOTION**

<b>246</b>	<b>Councillor Paul Le Mottee Councillor John Nell</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Authorise the General Manager to proceed with the dedication of the extension of Yacaaba Street, Nelson Bay as previously resolved by Council on 24 June 2014 (Minute No. 155).</li><li>2) Grants authority for the General Manager and the Mayor to sign and affix the seal of Council to any related documents and plans.</li></ol>
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**BACKGROUND**

The purpose of this report is to recommend Council dedicate and construct the extension of Yacaaba Street, Nelson Bay in accordance with Council Minute No.155 of the Ordinary Meeting held on 24 June 2014 where the following was resolved:

- 1) Acknowledge submissions received during public exhibition and continue to endorse concept 5 – one way north bound extension of Yacaaba Street as the preferred extension option without the pedestrian crossing at Victoria Parade, and with the residual land to be landscaped to provide improved amenity and public green space area from Yacaaba Street to the Foreshore.
- 2) The General Manager investigates the matter of pedestrian walkways in this location and provides a further report to Council.

Since this resolution of Council the General Manager has had Council's Traffic Engineer investigate pedestrian treatment options in a memorandum dated 28 July 2014. Further to the resolution and memorandum, the Roads and Maritime Service granted Council Black Spot Funding to improve pedestrian access to the foreshore that has now been constructed.

The extension is designed as a shared space for both vehicular and pedestrian movement between the foreshore and the town centre. The shared space creates a safer and more accessible urban environment through the calming of traffic.

The extension requires acquisition from two adjoining properties to allow for the connection to Victoria Parade. It also requires the dedication of part of Council's land by a plan of Road Opening to dedicate the extension as public road under Section 9(1) of the *Roads Act 1993* (**ATTACHMENT 1**).

### **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</b>
Transport.	Promote sustainable and improved, accessible and flexible transport modes.

### **FINANCIAL/RESOURCE IMPLICATIONS**

At the Ordinary Meeting of Council on 13 June 2017 in a Notice of Motion (Minute No. 132) Council resolved to allocate \$1.5M to the Yacaaba Street extension as part of the \$6M million Port Stephens Council loan.

Survey, design and acquisition negotiations based on the preferred concept as amended to provide a landscaped amenity upon the residual land have all now commenced.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	No		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	Yes	1,500,000	Council Loan



**LEGAL, POLICY AND RISK IMPLICATIONS****Nelson Bay Town Centre and Foreshore Strategy 2012**

The Nelson Bay Town Centre and Foreshore Strategy provides further urban design guidance for the Nelson Bay Town Centre. The Yacaaba Street extension is a step towards implementing its recommendations.

**Port Stephens Local Environmental Plan 2013**

108 Magnus Street Nelson Bay is zoned SP2 Infrastructure and under the Plan in accordance with Clause 5.1 of this plan, the site can only be developed for the purpose of a Local Road.

**Port Stephens Integrated Planning and Reporting Framework**

The Integrated Planning and Reporting Framework is intended to provide an integrated approach to various planning and reporting processes of Council in order to strengthen its strategic focus. Council infrastructure is to align with budget allocations, which aligns with the community goals of the Community Strategic Plan.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that if the road is not constructed Council will have dedicated public road with no formation for vehicles to traverse.	Low	Funding available through a Council loan for the project.	Yes
There is a risk that the extension will not encourage pedestrian connections between the Town Centre and the Foreshore.	Low	The extension together with the new Victoria Parade pedestrian facilities will not only provide a shared-zone but a direct flow for access to the Foreshore from the Town Centre.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Council has consulted with the Nelson Bay Community in the development of the Yacaaba Street extension.

The Yacaaba Street extension is a step towards implementing the Nelson Bay and Town Centre Strategy, which reinforces Council's commitment to public domain improvements. It will lead to reduced traffic congestion within the Town Centre.

The community will be encouraged to use this space as it includes a shared zone that will provide pedestrian movement freely to and from the Town Centre and the Foreshore. Pedestrian environments have been evidenced to have direct correlations with increased business activity.

The extension will follow the most direct path to the Foreshore, which is already being trafficked by pedestrians /cyclists who are using an informal path. The integration of the land scaping will provide green infrastructure, which will increase the amenity of the precinct.

## **CONSULTATION**

Consultation involved Councillors, Council Officers, and the community by public exhibition for 32 days from Thursday 20 March until Sunday 27 April 2014. A total of 18 submissions were received during this period. The submissions were considered and as a result concept 5 was endorsed at the Ordinary Meeting of Council on 24 June 2014.

More recently, the concept plans have been presented to and discussed with Nelson Bay Now.

Consultation with key stakeholders has been undertaken by the Development Services Section. Presentation of the final concept plan to Nelson Bay Now has occurred for the purpose of providing updated information to the community.

### Internal

- Capital Works Section Manager.
- Senior Survey and Land Information Manager.
- Asset Section Manager.
- Capital Works Program Coordinator.
- Land Acquisition and Development Manager.
- Property Services Manager.
- Planning and Development Coordinator.
- Economic Development Coordinator.

### External

- Nelson Bay Now.

## **OPTIONS**

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

**ATTACHMENTS**

- 1) Plan of Extension to Yacaaba Street, Nelson Bay.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.









# 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 – 10 OCTOBER 2017 MOTION

247	<b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b>  It was resolved that Council move into confidential session.
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The following Council officers were present for the Confidential Session:

Communications Section Manager  
Public Relations and Marketing Coordinator  
Public Relations and Marketing Officer



<b>MINUTES ORDINARY COUNCIL - 10 OCTOBER 2017</b>
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Councillor Paul Le Mottee left the meeting at 7:24pm in confidential session and did not return to the meeting.

<b>CONFIDENTIAL</b>
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**ITEM NO. 1**

**FILE NO: 17/160050**  
**RM8 REF NO: PSC2015-03284**

**SALE OF 96-100 PORT STEPHENS STREET, RAYMOND TERRACE**

REPORT OF: MARK STACE - PROPERTY SERVICES SECTION MANAGER  
GROUP: CORPORATE SERVICES

**ORDINARY COUNCIL MEETING - 10 OCTOBER 2017**  
**MOTION**

<b>248</b>	<b>Councillor Ken Jordan</b> <b>Councillor John Nell</b>  It was resolved that Council amend the terms and conditions of sale as outlined in this report.
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**CONFIDENTIAL**

**ITEM NO. 2**

**FILE NO: 17/187401  
RM8 REF NO: PSC2014-03305**

**NEW LEASE OF 9-11 GOVERNMENT ROAD, NELSON BAY FOR TEMPORARY  
PUBLIC CAR PARKING**

REPORT OF: MARK STACE - PROPERTY SERVICES SECTION MANAGER  
GROUP: CORPORATE SERVICES

**ORDINARY COUNCIL MEETING - 10 OCTOBER 2017  
MOTION**

<b>249</b>	<b>Councillor Steve Tucker Councillor John Nell</b>  It was resolved that Council authorise the Mayor and the General Manager to sign and affix the Seal of Council to the lease documentation and any associated legal documentation including the Option lease, if exercised, in respect to the land legally described as Lots 19 and 20 Section A Deposited Plan 5616.
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**ORDINARY COUNCIL MEETING – 10 OCTOBER 2017  
MOTION**

<b>250</b>	<b>Councillor Ken Jordan Councillor Chris Doohan</b>  It was resolved that Council move out of confidential session.
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There being no further business the meeting closed at 7.35pm.