

DRAFT

MINUTES – 26 MAY 2015



PORT STEPHENS C O U N C I L

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 26 May 2015, commencing at 6.19pm.

PRESENT: Mayor B MacKenzie; Councillors C. Doohan; S. Dover; P. Le Mottee; J. Morello; J Nell; S. Tucker; General Manager; Corporate Services Group Manager; Facilities and Services Group Manager; Development Services Group Manager and Governance Manager.

120	<p>Councillor Steve Tucker Councillor Paul Le Mottee</p> <p>It was resolved that the apologies from Cr Geoff Dingle, Cr Peter Kafer and Cr Ken Jordan be received and noted.</p>
121	<p>Councillor John Nell Councillor John Morello</p> <p>It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 12 May 2015 be confirmed.</p>
	<p>Declaration of Interest from Cr Paul Le Mottee in Item 1 was received and noted. The nature of the interest is that the Le Mottee Group have undertaken survey work on the subject site.</p>

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MAYORAL MINUTES

MAYORAL MINUTE

ITEM NO. 1

FILE NO: PSC2015-01000/282

TRIM REF NO: PSC2015-01247

DANGEROUS TREES

THAT COUNCIL:

- 1) Allocate \$100,000 in the 2014-2015 financial year to remove dangerous and/or inappropriate trees from road reserves and open space network. That the funding be provided in the 2014-2015 March 2015 Quarterly budget review.
 - 2) Undertake a review of the street tree planting guidelines and prepare a report for Council that addresses potential conflict between trees in the road reserve, built property and utilities.
 - 3) Provide a moratorium on the need to obtain pre-approval for the removal of trees or vegetation covered by Council's tree preservation requirements where there is a risk to human life or property for a period of 12 months.
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ORDINARY COUNCIL MEETING - 26 MAY 2015

MOTION

122	<p>Mayor Bruce MacKenzie Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Allocate \$100,000 in the 2014-2015 financial year to remove dangerous and/or inappropriate trees from road reserves and open space network. That the funding be provided in the 2014-2015 March 2015 Quarterly budget review.2) Undertake a review of the street tree planting guidelines and prepare a report for Council that addresses potential conflict between trees in the road reserve, built property and utilities.3) Provide a moratorium on the need to obtain pre-approval for the removal of trees or vegetation covered by Council's tree preservation requirements where there is a risk to human life or property for a period of 12 months.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Cr John Nell.

BACKGROUND

The purpose of this report is to consider issues associated with dangerous trees arising from the recent storm event.

Councils focus in terms of the public domain is to manage the potential conflict between trees, public safety, built property and utilities.

The preservation of trees or vegetation within the Port Stephens LGA is provided for by the provisions of the Port Stephens Local Environmental Plan 2013 (PSLEP2013) and supporting tree preservation policies. The provisions of the PSLEP 2013 provide that Council can define the species or kinds of trees or other vegetation through the development control plan that these preservation requirements apply, generally through reference to defined species, size, location or other relevant matters.

Council's existing policies broadly require approval for the removal of vegetation for a range of listed species (including threatened species), trees located on significant tree register, trees listed as heritage items or within heritage conservation areas or where tree height exceeds 3m. Council's powers in relation to removing the need for pre-approval would need to have consideration for the relevant provisions of other key legislation and controls relating to vegetation protection and management, including legislation related to threatened species and native vegetation protection, and heritage conservation.

In addition a range of exemptions are currently provided in Council's existing controls including a general exemption for applicable vegetation located within 5 metres of the wall of an approved structure. Moreover the recently introduced 10/50 regulation also provides exemptions for vegetation removal within 10 metres of a habitable dwelling for properties that are located within a defined bushfire prone area.

Furthermore, in circumstances where Council can satisfy itself that there is a risk to human life or property the tree preservation provisions do not apply. Council's current tree preservation policies detail specific processes for when this can occur and relates to circumstances where the imminent risk of failure precludes a landholder from obtaining approval from Council prior to the removal of the vegetation. In these cases the onus of proof of the imminent risk of failure is on the landholder usually through the provision of a Tree Removal Notification post event.

In order to implement the proposed moratorium, Council's existing tree preservation policies would require amendment to ensure that all relevant matters are considered and appropriate weight is given to the consideration of community safety in the management of trees across the LGA.

COUNCIL REPORTS

ITEM NO. 1

FILE NO: PSC2015-01000/268

TRIM REF NO: 16-2014-471-1

**DEVELOPMENT APPLICATION FOR RESIDENTIAL FLAT BUILDING
COMPRISING 14 AFFORDABLE RESIDENTIAL HOUSING UNITS AT NO
40-42 GLENELG STREET RAYMOND TERRACE**

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

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2014-471-1 for a residential flat building comprising 14 affordable housing units, at 40-42 Glenelg Street, Raymond Terrace (Lots 5 & 6 DP6992) **(ATTACHMENT 2)** subject to the conditions contained in **(ATTACHMENT 4)**.

**ORDINARY COUNCIL MEETING - 26 MAY 2015
MOTION**

123	Councillor Steve Tucker Councillor Paul Le Mottee That Council move into Committee of the Whole.
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Councillor Paul Le Mottee left the meeting at 06:40pm, in Committee of the Whole.

COMMITTEE OF THE WHOLE RECOMMENDATION

124	Councillor John Nell Councillor Sally Dover That the recommendation be adopted.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING - 26 MAY 2015

MOTION

Councillor Paul Le Mottee left the meeting at 07:00pm, in Open Council.

125	Mayor Bruce MacKenzie Councillor Chris Doohan It was resolved that Council approve Development Application 16-2014-471-1 for a residential flat building comprising 14 affordable housing units, at 40-42 Glenelg Street, Raymond Terrace (Lots 5 & 6 DP6992) (ATTACHMENT 2) subject to the conditions contained in (ATTACHMENT 4) .
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

Councillor Paul Le Mottee returned to the meeting at 07:00pm, in Open Council.

BACKGROUND

It is noted that this matter was deferred by Council at its 14 April 2015 Council Meeting and then again at its 12 May 2015 Council Meeting.

The purpose of this report is to present to Council for determination development application 16-2014-471-1. The application has been called to Council by Councillor Jordan due to overshadowing. A copy of the call up form is included at **(ATTACHMENT 1)**.

Proposal

The development proposal relates to a residential flat building comprising 14 affordable housing units. The development comprises 12 one bedroom units and two studio units. The building is two storeys, with units 1-7 having ground floor access and units 8-14 requiring access from internal staircases. Units range in size from 50m² to 53m² for one bedroom units and 38m² for the proposed studio units. Small balconies are provided to first floor units and courtyards form the private open space for ground floor units.

The development involves the demolition of the existing dwelling and garage along with removal of the minor landscape vegetation on site. Two large trees will be retained to the rear of the site and will form part of the landscaped communal private open space area. Seven uncovered car parking spaces are proposed within a hard stand area that runs along the sites south-east boundary.

A site inspection was held with Councillors on 24 March 2015 and the Mayor on 1 March 2015. The development plans have also been made available within the Councillors room for viewing.

Background

The subject site comprises two torrens title lots with a total area of 1,019m² and currently contains a single storey dwelling with detached garage. The site is rectangular in shape having a 25 metre frontage to Glenelg Street. The Raymond Terrace town centre is located a short distance to the north of the site. The area to the east, west and south of the site comprises established single storey residential development. Development to the north includes higher density single storey unit development. Bailiwick Cottage (Heritage Item 150 PSLEP2013) is located on the opposite side of Glenelg Street, at 70 Irawang Street. Several other local heritage items are located nearby, such as St Brigid's Convent and Church Hall. Boomerang Park and Muree Golf Course is located beyond Irawang Street to the north-east of the site.

The subject land is zoned R3 Medium Density Residential under the Port Stephens Local Environmental Plan 2013 (PSLEP2013). The proposed development is defined under the LEP as a 'residential flat building' as it comprises more than 3 dwellings including a number of dwellings that do not have access at ground level. Residential flat buildings are permissible with consent in the R3 Medium Density Residential Zone. The proposal is considered to be consistent with the zone objectives, by providing affordable residential accommodation within an accessible location. Given the proximity of the site to the Raymond Terrace town centre the site is appropriately located in order to facilitate affordable housing.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The proposed development will consist of 14 affordable rental housing units to cater for low-moderate income households. The application was originally lodged under Division 1 'In-fill affordable housing' SEPP (Affordable Rental Housing) 2009. However, the applicant was advised that division 1 did not apply as the site was not located within 400 metres of land zoned either B2 Local Centre or B4 Mixed Use Zone. The site is located 200 metres from the Raymond Terrace B3 Commercial Core.

The development could have been lodged under Division 5 of the SEPP pertaining 'Residential flat buildings'. This division specifically applies to development located within 400 metres of land zoned B3 Commercial Core in Raymond Terrace. Both the development and subject site satisfy the requirements of Division 5. However the application was not assessed in accordance with this part as a site compatibility statement was not provided.

Whilst the application has not been lodged under the SEPP the site is appropriately located in order to facilitate affordable housing, particularly as a result of its proximity to the Raymond Terrace Town Centre. The proposed development is permissible under Council's Local Environmental Plan 2013 (LEP2013) and the application has been assessed in accordance with relevant Council policy.

It is noted that the discounted Section 94 rate for affordable housing under Council's Section 94 Plan would no longer apply to the development. The relevant contribution applicable is \$163,344.

16-2014-471-1 Conclusion

Throughout the assessment process Council staff met with both the applicant and objectors to address key issues associated with the development including:

- Car parking
- Design
- Privacy
- Heritage impacts
- Compliance with LEP2013 and DCP2013

As a result of negotiations with the applicant an amended design was submitted by the applicant. The proposal has been sited and designed to minimise impacts to adjoining properties and the streetscape. Further, the development is considered to adequately respond to the heritage character of the locality.

The application has been considered against the provisions of the LEP2013 and the DCP 2013 and is recommended for approval. A detailed assessment of the proposed development is provided within **(ATTACHMENT 3)** in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

There are no known financial or resource implications resulting from the recommendation.

If refused the applicant could challenge Council's decision in the Land and Environment Court. Defending Council's determination could have financial implications.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Funds to defend Council's decision are available within the existing budget.

MINUTES ORDINARY COUNCIL - 26 MAY 2015

Source of Funds	Yes/No	Funding (\$)	Comment
Reserve Funds	No		
Section 94	Yes		A condition has been included for Section 94 contributions.
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The development application is generally consistent with Council's Local Environmental Plan and local policies including Development Control Plan 2013 and Section 94 Plan.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that if the application is refused the determination may be challenged in the Land and Environment Court.	Low	Endorse the recommendation for approval of the application.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The development has a positive social impact through the provision of affordable housing stock within the Raymond Terrace town centre which contributes to increased rental affordability within the region. The works will also result in a number of jobs during construction which will have flow on effects within the local economy. Future residents of the development will have a positive impact upon local retail in the area by increasing the local population utilising local goods and services.

There has been concern raised by objectors to the proposal that the development will result in devaluing of local properties. There is no evidence to suggest that the development will adversely impact upon the value of adjoining properties.

CONSULTATION

The original development lodged with Council was advertised and notified to adjoining neighbours for a period of 14 days from 11 August 2014 to 27 August 2014. During this time six submissions were received (including one submission with 13 signatures). The key issues raised included privacy, amenity, heritage, stormwater, lack of car parking, solar access, density, and visual impact.

Following the initial exhibition period and an assessment of the development by Council officers, negotiations were commenced with the applicant to address a

number of concerns including streetscape and building design, privacy, private open space, heritage, engineering, waste management and fencing. As a result of these negotiations, the applicant submitted an amended design and correspondence addressing each of the concerns raised.

The amended development was advertised and notified for a period of 14 days from 26 February 2015 to 12 March 2015. A total of six submissions were received, including two petitions (13 signatures and 93 signatures). The main issues raised during the second exhibition period included:

- Privacy and amenity.
- Impacts to heritage values.
- Car parking.
- Design.

The issues raised within the submissions have been assessed and it is considered that the proposed development is satisfactory. A detailed response to the matters raised during the exhibition period is held within the assessment report at **(ATTACHMENT 3)**.

OPTIONS

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

ATTACHMENTS

- 1) Councillor call to Council form.
- 2) Locality Plan.
- 3) Assessment.
- 4) Conditions.

COUNCILLORS ROOM

- 1) Development plans.
- 2) Statement of Environmental Effects.

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1 COUNCILLOR CALL TO COUNCIL FORM.

Amy



CALL TO COUNCIL FORM
DEVELOPMENT APPLICATION



I, Councillor Jordan
require Development Application Number 16-2014-471-1
for 14 units 40 Glenelg
Street
at Raymond Terrace

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

Reason:

The reason for this call-up to Council is Over shadowing

Declaration of Interest:

I have considered any pecuniary or non-pecuniary conflict of interest (including political donations) associated with this development application on my part or an associated person. I have a conflict of interest? Yes/No (delete the response not applicable).

If yes, please provide the nature of the interest and reasons why further action should be taken to bring this matter to Council:

Signed: ..

.....Date: 26/8/2014

ITEM 1 - ATTACHMENT 2 LOCALITY PLAN.



ITEM 1 - ATTACHMENT 3 ASSESSMENT.**ATTACHMENT 3
ASSESSMENT**

APPLICATION REFERENCES	
Application No.	16-2014-471-1
Property	40-42 Glenelg Street RAYMOND TERRACE
Lot and DP	Lot: 5 and Lot:6 DP:6992
Description of development	Residential flat building (14 affordable rental housing units)
Applicant	Monteath and Powys Surveyors
Date lodged	29/07/2014
Owners Consent	Provided
Capital Investment Value	\$800,000
Present use	Residential dwelling
Zoning	R3 Medium Density Residential
Site Constraints	Bushfire prone land and Acid Sulfate Soils Level 5
88B Instrument and Deposited Plan	Nothing upon the lot or DP restricts the proposed development.
Submissions	Yes Original proposal: six (one petition included 13 submissions) Amended plans: six (two petitions which 13 signatures and 93 signatures).
Recommendation	Approval
Assessing Officer	Amy Stone

SITE DESCRIPTION

The subject site comprises two torrens title lots with a total area of 1,019m² and currently contains a single storey dwelling with detached garage. The site is rectangular in shape with a 25 metre frontage to Glenelg Street. The Raymond Terrace town centre is located a short distance to the north of the site. As detailed within figure 1 the area to the east, west and south of the site comprises established single storey residential development. Development to the north includes higher density single storey unit development. Bailiwick Cottage (Heritage Item 150 PSLEP2013) is located on the opposite side of Glenelg Street, at 70 Irrawang Street. Several other local heritage items are located nearby, such as St Brigid's Convent and Church Hall. Boomerang Park and Muree Golf Course is located beyond Irrawang Street to the south-east of the site.



The development proposal relates to a 14 unit affordable housing development comprising 12 one bedroom units and two studio units. The building is two storeys, with units 1-7 having ground floor access and units 8-14 requiring access from internal staircases. Units range in size from 50m² to 53m² for one bedroom units and 38m² for the proposed studio units. Small balconies are provided to first floor units and courtyards form the private open space for ground floor units.

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ITEM 1 - ATTACHMENT 3 ASSESSMENT.**PLANNING ASSESSMENT**

The proposal has been assessed under the relevant matters for consideration detailed in Section 79C(1) of the Environmental Planning and Assessment Act, 1979 as follows:

Section 79C(1)(a)(i) provisions of any environmental planning instrument**Local Environmental Plan 2013****Zoning**

The subject land is zoned R3 Medium Density Residential under the Port Stephens Local Environmental Plan 2013 (PSLEP2013). The proposed development is defined under the LEP as a 'residential flat building' as it comprises more than 3 dwellings including a number of dwellings that do not have access at ground level. Residential flat buildings are permissible with consent in the R3 Medium Density Residential Zone. The proposal is considered to be consistent with the zone objectives, by providing affordable residential accommodation within an accessible location.

Clause 4.3 – Height of buildings

Clause 4.3 prescribes the maximum height of building on land with reference to the adopted height of buildings map. The subject site has a maximum height limitation of 9 metres. The maximum height of the development is 8.38 metres and is compliant with the applicable height limitation.

Clause 5.10 - Heritage conservation

Clause 5.10 seeks to conserve the significance of heritage items and heritage conservation areas including associated fabric, settings and views. The site is located within a heritage conservation area and as such Council is required to consider the effect of the proposed development prior to granting consent. A locally listed heritage item 'Bailiwick' (a Federation Filigree building circa 1900) is located at the corner of Glenelg Street and Irawang Street.

It is acknowledged that Council's Heritage Consultant did raise concerns with the initial development, particularly the removal of the existing dwelling and impacts to the streetscape. Council officers requested the applicant to provide further information addressing these concerns. An addendum to the Heritage Impact Statement was provided addressing the concerns raised and adequately demonstrating there are no significant reasons why the existing dwelling could not be demolished. The information provided argued that the dwelling proposed to be demolished is not of cultural significance and there is no evidence of any associations with historically significant people or events. The dwelling is not a historical record that provides a connection to the community or landscape, furthermore it does not present an important expression of Australian identity and experience. The existing dwelling is not an example of unique architectural design and that Glenelg Street does not have a dominant element, nor a building style of

ITEM 1 - ATTACHMENT 3 ASSESSMENT.

theme that encompasses the overall conservation area (unlike many other streets in the Conservation area such as Hunter Street and Jacaranda Street that have recognised street plantings of significance). Further, a number of existing dwellings within proximity to the site detract from the overall heritage significance of the street as the street comprises dwellings that are reflective of various architectural styles of varied construction date.

The amended design submitted has encompassed changes to the external treatments on the building to ensure the building sits well in its context and is sympathetic to the conservation area and nearby listed heritage items. In order to provide a sympathetic response to heritage values the development: has been designed to appear as a two storey single dwelling from the street; uses traditional materials and colours including facebrick, timber balustrade and vertically proportioned windows; and provides suitable landscaping within the front setback.

Whilst the proposed development is two storeys and surrounding development in close proximity to the site is single storey this does not preclude the development from being of compatible character. The local area is also typified by high-medium density development; including No.31 Glenelg Street and Nos. 181, 179 and 175 Adelaide Street. Further, Glenelg Street includes recent developments and dwellings (Nos.22, 38 and 31) which (due to the heritage character of the locality) have been required to be constructed from face brick or to respond to restrictions relating to building colours and finishes. Similarly, the subject proposal has been designed to be sympathetic to the heritage character of the locality and appears as a two storey dwelling from the street; it uses traditional materials and colours including facebrick, timber balustrade and vertically proportioned windows; and provides suitable landscaping within the front setback. As a result of the design and use of suitable colours and finishes the proposal is in keeping with the existing streetscape character of the locality. In this regard, the demolition of the existing dwelling and construction of the proposed development will not result in adverse impacts to 'Bailliwick' or the heritage significance of the Raymond Terrace Conservation Area.

Clause 7.1 - Acid Sulfate Soils

The site is mapped as class 5 acid sulfate soils (ASS) and cl.7.1 identifies that the carrying out of development on land affected by ASS must not disturb, drain or expose soils. The development does not involve extensive work below the natural ground surface and will not result in environmental damage as a result of impact to ASS. The development is satisfactory with regard to cl.7.1.

Clause 7.2 - Earthworks

Clause 7.2 aims to ensure that earthworks for which development consent is required will not have a detrimental impact upon environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. The development requires fill to 1.6 metres to the south-west property boundary (to the rear). The effect of the fill to adjoining properties has been considered and the

ITEM 1 - ATTACHMENT 3 ASSESSMENT.

design and siting of the building is assessed as having minimised the extent of cut and fill on site (it is noted that if the development had been 'flipped' so as to orientate the proposed car park adjoining the boundary of No.38 Glenelg Street this would have increased the fill by approximately an additional 500mm). Furthermore, the site was required to be filled to the rear to ensure stormwater drainage requirements could be achieved.

Retaining walls will be constructed on the side boundary and to the rear of the building. The maximum height of the wall is 1.6 metres at the rear of the lot, which then decreases in height. Batter is proposed within the rear landscape area and the visual impact to adjoining properties has been limited. Impacts of the retaining to the south-western property boundary (adjoining No.2 Osborn Cr) has been limited with a setback of one metre provided and retaining being contained within the building footprint. The proposed cut/fill and retaining are acceptable. Subject to conditions of consent, to be imposed during construction, the proposed earthworks shall not have an adverse impact to the environment or surrounding properties.

Clause 7.6 - Essential services

Essential services are available to the development including, water, electricity, sewer, stormwater drainage and vehicular access. Plans have been stamped by Hunter Water Corporation. The development satisfies cl.7.6.

Regional Environmental Plan

There are no Regional Environmental Plans that are relevant to this proposal.

State Environmental Planning Policies**State Environmental Planning Policy (Affordable Rental Housing) 2009**

The SEPP aims to facilitate the effective delivery of new affordable rental housing through incentives and consistent development standards. Under Clause 6 of the SEPP, affordable housing is for low-moderate income households. It is acknowledged that the application was originally lodged under Division 1 'In-fill affordable housing' of the SEPP. However, the applicant has subsequently advised that the proposal is not being considered under the SEPP and therefore the provisions of the SEPP are not applicable. The proposal is therefore considered having regard to Council's LEP2013 and DCP2013. Notwithstanding, as the development remains as affordable rental housing the provisions of the SEPP have provided guidance for elements of the proposal requiring merits assessment, particularly cl.14 (2)(a) and cl.35(4) relating to car parking.

State Environmental Planning Policy No.55 - Remediation of Land

The aim of the policy is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. The development has a history of residential use and a single storey

ITEM 1 - ATTACHMENT 3 ASSESSMENT.

residential dwelling exists upon the site. Further the site is not identified as contaminated land on Council's record system. The proposal is satisfactory having regards to the requirements of the policy and given the nature of the site and the development further investigation or site remediation is not required.

State Environmental Planning Policy No.71 – Coastal Protection

State Environmental Planning Policy No.71 Coastal Protection (SEPP71) aims to ensure that development in coastal areas protects and preserves natural areas of the NSW coast. The site is located within the NSW Coastal Zone as identified under the *Coastal Protection Act 1979* (NSW). As such the provisions of SEPP71 applies to the proposed development. Clause 8 SEPP71 prescribes matters for consideration for a consent authority to address where assessing development located within the coastal zone. The development has been assessed against the provisions of cl.8 and is determined to be satisfactory. The subject site is not located within proximity to the coastline or visible from waterways. The development occurs within an existing residential precinct and does not impact upon coastal foreshores or public access to foreshores. Further, the development does not result in detrimental impacts upon the amenity of the coastal foreshore or to the natural environment.

State Environmental Planning Policy – Building Sustainability Index (BASIX)

A valid BASIX certificate (563350M) was submitted with the application confirming that the proposed development will meet the NSW Government's requirements for sustainability with respect to energy and water reduction targets.

Section 79C(1)(a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition

There are no draft Environmental Planning Instruments that are or have been placed on public exhibition that are relevant to this proposal.

Section 79C(1)(a)(iii) any development control plan

The relevant chapters of Port Stephens Development Control Plan 2013 are discussed below:

Part A1 – Introduction

A.1.10 – Developer Contributions

The development attracts developer contributions under s.94 of the *Environmental Planning and Assessment Act 1979*. Fees have been calculated with regards to Councils s.94 policy and the development application will attract a monetary contribution of \$163,344.

ITEM 1 - ATTACHMENT 3 ASSESSMENT.***A.1.9 – Community Participation***

The original development lodged with Council was advertised and notified to adjoining neighbours for a period of 14 days from 11 August 2014 to 27 August 2014. During this time six submissions were received (including one submission with 13 signatures). The key issues raised included privacy, amenity, heritage, stormwater, lack of car parking, solar access, density, and visual impact.

Following the initial exhibition period and an assessment of the development by Council officers, negotiations were commenced with the applicant to address a number of concerns including streetscape and building design, privacy, private open space, heritage, engineering, waste management and fencing. As a result of these negotiations, the applicant submitted an amended design and correspondence addressing each of the concerns raised.

The amended development was advertised and notified for a period of 14 days from 26 February 2015 to 12 March 2015. A total of six submissions were received, including two petitions (13 signatures and 93 signatures). The main issues raised during the second exhibition period included:

- Privacy and amenity;
- Impacts to heritage values;
- Car parking; and
- Design.

The issues raised are considered under Section 79C(1)(d) in this report.

Part B2 – Environmental and Construction Management

The application has been assessed against the provisions of Development Control Plan 2013 (DCP2013), B2 – Environmental and Construction Management and it is identified that controls relating to landfill, vegetation management, erosion and sediment control, and construction waste are applicable to the development. Subject to the inclusion of standard conditions of consent the proposed development is considered satisfactory with regards to the relevant controls of Part B2.

Part B3 Parking and Traffic

Vehicle access is provided to the site from Glenelg Street. Site distances and pedestrian safety have been considered by Council's Development Engineer and has been found to be satisfactory. All other provisions outlined in this section of the DCP have been adequately addressed including line marking, dimensions and visibility and found satisfactory.

Residential flat buildings are required to provide one space per one/two bedroom dwelling and one visitor space per three dwellings. A total of 19 spaces are required for the site (14 resident spaces and five visitor spaces). Affordable rental housing is not separately identified within the DCP. The demand for parking for affordable

ITEM 1 - ATTACHMENT 3 ASSESSMENT.

rental housing is generally lower than the rate prescribed within the DCP for residential flat buildings. For example, a rate of at least 0.5 parking spaces are provided for each dwelling containing one bedroom under cl.14(2)(a) of SEPP Affordable Housing pertaining to 'infill housing development'. Further, it is noted that the development could have been lodged under Division 5 'Residential flat buildings – social housing providers, public authority's and joint ventures' with provision of a site compatibility certificate. This division applies to development located within 400 metres of land zoned B3 Commercial Core in Raymond Terrace. Division 5 clause 36(4) provides that car parking is not required to be provided.

As parking requirements for the intended use are not prescribed the development is considered upon its merits. It is noted that a total of seven spaces have been provided for on-site which is compliance with the parking requirements outlined within cl.14(2)(a) of the SEPP. Further, the site is within approximately 400 metres walking distance of Raymond Terrace town centre, and walking/cycling trips will be higher than for normal residential development. Raymond Terrace provides a local hub for bus services and residents will have access to buses that travel within the LGA, Newcastle and Maitland. Overall, it is considered that the proposed motor vehicle trips from the proposed development can be accommodated within the existing road network.

Therefore, whilst the car parking requirements prescribed within cl.14(2)(a) SEPP (Affordable Rental Housing) does not specifically apply to the proposed development the car parking requirements outlined within cl.14(2)(a) indicates a suitable level of car parking provision for affordable housing development.

Vehicle access is provided to the site from Glenelg Street. The entry allows reasonable site distances from nearby intersections and allows sufficient site distances for oncoming traffic and pedestrians using Glenelg Street. Appropriate safety signage will be in place for vehicles leaving the car park to ensure pedestrian safety. Vehicles will be required to give way to pedestrians at all times. The car park entry off Glenelg Street is 4.7 metres wide. The entry is of sufficient width to allow for maneuvering whilst entering and exiting the site.

Although car parking numbers are regulated by State Environmental Planning Policy (Affordable Rental Housing) 2009 (addressed in Section 79C(1)(a)(i) of this report), it is acknowledged that parking space, aisle dimensions and car park geometry meet the requirements of the DCP.

Overall, the proposal is generally consistent with this part of the DCP. Site distances and pedestrian safety has been considered in designing the car park entry off Glenelg Street. All other provisions outlined in this section of the DCP have been adequately addressed including line marking and visibility.

Part B7 Multi Dwelling Housing and Residential Flat Buildings

The application has been assessed against Part B7 Multi Dwelling Housing and Residential Flat Buildings as the development satisfies the definition of a 'residential flat building' under PSLEP2014 but is not captured by State Environmental Planning Policy No.64 Design Quality of Residential Flat Development.

ITEM 1 - ATTACHMENT 3 ASSESSMENT.

Controls	Comments
Part B7.2 Streetscape and front setback	<p>Part B7.2 specifies streetscape and front setback requirements to provide for development that is of a scale and appearance that reinforces the existing or desired future character of the street.</p> <p>The proposal provides a six meter front setback from the proposed building line to Glenelg Street. The private open space of unit 1 and unit 8 provide outlook to the street. The balcony area to unit 8 fronts Glenelg Street. The development includes hardstand parking only, no garages form part of the development. Further as not all units have direct street frontage access has been provided via a single driveway.</p> <p>The development has been designed to appear as a two storey single dwelling from the streetscape. Traditional materials and colours have been utilised to harmonise the development within the heritage conservation area, including a combination of red and blue brick incorporated into the façade, timber balustrade detailing and vertical proportioned windows to present a more traditional design. Landscaping treatment is also utilised to integrate the development within the existing streetscape.</p>
Part B7.3 Heritage sites	The development is located within a heritage conservation area. The existing dwelling does not contribute to the heritage conservation of the Raymond Terrace Conservation area as discussed within clause 5.10 discussion under PSLEP2013.
Part B7.4 Bulk and scale	The subject is zoned R3 Medium Density and a maximum site coverage of 75% is allowable under part B7.4. The development includes 78.5% site coverage. The variation is minor and is supported. Adequate landscape provision has been provided and satisfactory arrangements for stormwater and drainage runoff have been provided.
Part B7.5 Cut and fill	The development includes earthworks in excess of one metre (1.6 metres proposed). A retaining wall of 1.5 metres is including within the building footprint (drop edge beam) to the western elevation. A retaining wall of 1.6 metres is proposed to the south-west of the site. Batter is proposed within the rear landscape area. The extent of retaining is generally limited to the rear of the site. In this regard, the visual impact of the retaining to adjoining properties has been limited. Retaining to the south-western property boundary (adjoining No.2 Osborn Cr) has been limited as a setback of one metre has been provided and retaining is contained within the building footprint. Cut and fill has been minimised on site as a result of the siting and design of the development. The proposed cut/fill and retaining are acceptable.
Part B7.6 Height	The development has a maximum height of 8.41 metres (rear south-west corner. A maximum height limit of nine metres applies to the site. The development is satisfactory.
Part B7.7 Side & rear setbacks	Part B7.7 seeks to ensure that appropriate side/rear setbacks are achieved. A 900mm ground floor setback and two metre first floor setback is required to side boundaries. A two metre setback is provided to the north-west property boundary and 16 metre setback to the south-east side boundary. A six metre rear setback is required. The development provides for a one metre rear setback. An existing garage is constructed to the boundary in the location of the proposed building. Further the built form only extends for 50%

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	of the sites width. The variation to the rear setback can be supported.
Part B7.8 Building Design Elements	<p>Part B7.8 seeks to ensure design elements such as 'stepping' or articulation of wall lines, vertical window treatments, highlight materials and colours are incorporated into building design so as to contribute to build character and street identity. The development has been amended during the assessment process to include façade design of high quality materials and detailing. Building elements have been orientated and utilised to respond to environmental conditions such as sun orientation and overlooking.</p> <p>It is noted that discussions were held with the applicant to explore amendments to the design to the extent of 'flipping' the design so that the car park adjoined the north-western property boundary (No.38 Glenelg Street) and the building adjoined the south-eastern boundary (No. 44 Glenelg Street). However, the applicant demonstrated that the proposed siting resulted in a better development outcome on site particularly as the proposal would have resulted in unreasonable solar access impacts to the dwelling at No.44 and existing mature vegetation would not have been able to be retained.</p> <p>Further, the building has been sited so as to minimise the extent of bulk earth works. The alternative design proposal which would have seen the building 'flipped' would have resulted in the development siting 500mm higher on the site. The proposed siting of the development minimises impacts arising to adjoining properties and the streetscape.</p>
Part B7.9 Energy efficiency	Valid BASIX certificates have been provided. The development is satisfactory with regard to energy efficiency.
Part B7.10 Private Open Space	The private open space for each unit is located to the north of the development and is not accessible from the unit bedroom. Approximately 10m ² of private open space is provided for ground floor units and 2.5m ² has been provided to first floor units. However, the applicant has provided an area of 120m ² shared communal private open space in which landscaping and bench seating has been provided. Further, the site is located within close proximity to Boomarang Park. The variation to the private open space controls are supported in this instance.
Part B7.11 Privacy and amenity	Part B7.11 seeks to ensure that consideration is given to the comfort and liveability for both new and existing residents affected by a development proposal. It is preferable that balconies and windows be offset from the private open space/windows of adjoining dwellings. If offsetting cannot be achieved development must provide suitable screening. The balconies of units 8-14 have the potential to overlook the adjoining property located to the north-west (No.38 Glenelg Street). As such the applicant was required by Council to introduce suitable privacy screening to these balconies. Privacy fins have been incorporated into 'elevation 2' and addresses overlooking concerns whilst still enabling sufficient solar access to the proposed units.
Part B7.12 Backyard fences and walls	A brick and timber fence have been proposed to the front setback having a maximum height of 1.5 meters. A planter box is provided forward of the proposed fencing.
Part B7.13 Vehicular access and	Parking has been considered under Part B3 Traffic and Parking DCP2013. Access and parking is considered satisfactory.

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parking	
Part B7.14 Stormwater and greywater	Adequate stormwater provision can be achieved on site the proposal is satisfactory.
Part B7.15 Landscape	Part B8.21 requires that landscape planting be provided to create shade, provide privacy and enhance the local streetscape. The proposed landscaping is satisfactory.
Part B7.16 Site facilities and services	Site facilities and services including garbage bin enclosures and mailboxes have been provided for appropriately on site. Insufficient area exists for each dwelling for open air clothes drying, as the applicant proposes that clothes drying facilities will be provided internally to each unit. Sufficient street frontage is available for the collection of bins.

Section 79C(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

Division 5 of Part 9

Division 5 of Part 9 of the *Environmental Planning & Assessment Regulation 2000* applies to the proposal. The proposal fulfils the fire safety and structural adequacy requirements of the regulations and is therefore considered appropriate. In accordance with the requirements of the regulation, a condition of consent is included requiring the submission of annual fire safety statement from the applicant.

Section 79C(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The proposed development is not expected to result in any significant impacts to the natural and built environment, or detrimental social or economic impacts in the locality. The proposal is considered suitable with respect to the existing character of the heritage conservation area and should have positive social and economic impacts. The proposal is suitable for the locality given it will not have significant adverse impacts upon the existing character of the area. The development will make a positive economic and social contribution to the community by offering additional employment opportunities during the construction phase and the opportunity to increase the availability of affordable rental accommodation in Raymond Terrace.

Bushfire prone land

The subject site is mapped as bushfire prone land. An assessment of the development has been undertaken in accordance with s 79BA *Rural Fires Act 1997* and Planning for Bushfire Protection. The bushfire threat from vegetation and slope is low. The subject site is located within an established residential area, surrounded by other residential dwellings. Vegetation is mostly limited to scattered trees and shrubs located within managed land (i.e. residential backyards). Boomarang Park is also located within proximity (75 metres to vegetation) to the site but contains managed grass lands and underscrubbed vegetation. Further, the site is located in an area that

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is generally flat with minimal slope. The bushfire assessment identifies that construction requirements for bushfire are not required and the risk to human life and to property arising from the bushfire threat associated with the development is low.

Building Design and Context

The building presents as a two storey dwelling to the streetscape but provides two floors of affordable residential units. The bulk and scale is generally acceptable, as the building has been carefully articulated to break the mass down through the use of different architectural features, materials and colours. The contrast in building height/scale at the interface with the adjoining single storey dwellings is considered satisfactory. The height limitation of 9 metres prescribed to the site under PSLEP2013 further reinforces from a strategic perspective that two storey development within the locality is acceptable. Appropriate setbacks have been provided to adjoining dwellings and careful use of colours/materials ensures that an acceptable transition to the existing dwellings is achieved.

Traffic

It is expected that the extent of trips will be minimal due to its close proximity within walking distance to the shopping and entertainment facilities within the town centre. The surrounding road system within the locality has the capacity to cater for the traffic generated by the development. Sufficient infrastructure (i.e. lights at Glenelg Street/Adelaide Street and roundabout at Glenelg Street/Irrawang Street). The site is within approximately 400 metres walking distance of Raymond Terrace town centre, and walking/cycling trips will be higher than for normal residential development. Furthermore, Raymond Terrace provides a local hub for bus services and residents will have access to buses that travel within the LGA, Newcastle and Maitland. Overall, it is considered that the proposed motor vehicle trips from the proposed development can be accommodated within the existing road network.

Social & Economic Impact

The development will make a positive economic and social contribution to the community by offering additional employment opportunities during the construction phase and increased availability of affordable rental housing within close proximity of existing services and facilities, including public transport and commercial facilities. Increasing the residential population within the Raymond Terrace Town Centre will benefit local businesses. The development is for affordable housing, which is targeted at households who are employed, but on relatively lower salaries and wages.

Stormwater Management

A Stormwater Management Plan was prepared by Northrop Consulting Engineers for the development. On-site detention has been provided in accordance with Council's DCP2013 requirements. An underground OSD is provided within the front setback area and shall be suitably landscaped. Reuse tanks are provided to each ground floor unit. The development is located within a drainage requirement area. As such the development is required to restrict post development flows to pre-

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development flows for all storm events up to the 1%AEP. This requirement can be satisfied subject to the inclusion of conditions of consent as recommended at **ATTACHMENT 4**. The proposed stormwater measures will suitably mitigate and manage stormwater impacts within and downstream of the subject site.

Erosion and Sediment Control

Erosion and sediment controls will be implemented during the construction phase and include the use of run-off and sediment control measures, as well as limiting site disturbance. Subject to standard conditions of consent the development is satisfactory.

Safety and Security

Crime Prevention through Environmental Design principles have been incorporated into the design of the development. The proposal includes well-defined areas that clearly guide the public and residents to access points through use of appropriate fencing, pavement treatments, landscaping, signage and screening. The design of the development allows for natural surveillance from balcony areas and within common areas to maximise security. Units 1 and 8 front Glenelg Street and provide passive surveillance to the streetscape.

Flora and Fauna

The site contains an existing residential dwelling and associated improvements (detached garage and shed) a landscaped garden surrounds the dwelling. The site located within an existing residential area within proximity to the Raymond Terrace CBD. There is no threatened flora or fauna identified on the site. As such, the development will not impact upon threatened flora or fauna.

Landscaping

A landscape plan was prepared for the proposed development and provides for satisfactory landscaping arrangements on the site. Particular focus has been placed upon the treatment of the front setback area including incorporating planter boxes as a feature.

Utilities

The site is serviced by town water, sewer, electricity, gas and telecommunications. A Section 50 Compliance Certificate will be required from Hunter Water Corporation prior to issue of a construction certificate.

Section 79C(1)(c) the suitability of the site for the development

The general locality comprises predominately residential land uses and includes a number of medium to high density developments within proximity to the site. Given that the subject land is appropriately zoned for the construction of a residential flat building, existing utility services are available and the topography is suitable, the

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proposed development is not expected to create any significant demand on the provision of public amenities or services. The site is located in close proximity to existing commercial services and public transport facilities. The development can be integrated into the locality without any significant adverse impacts.

Section 79C(1)(d) any submissions made in accordance with this act or the regulations

Public Submissions

The development application and accompanying information were placed on public exhibition for a period of 14 days from 11 August 2014 to 27 August 2014. As a result of the notification process during round one, a total of six submissions were received, including one submission that included the signatures of 13 individuals. The key issues raised during the first round of submissions included; privacy, amenity, heritage, stormwater, lack of car parking, solar access, density, and visual impact.

An amended application was received following Council staffs request for design amendments and further information. Following receipt of the amended plans the application was notified from 26 February 2015 to 12 March 2015. A total of six submissions were received, including two petitions (13 signatures and 93 signatures). The main issues raised by the objectors are summarised in the following table and with comment provided in response:

Submission table

Issue	Planners Comment
Privacy and amenity (submission: 4, 5 and 6)	
The outlook of the private open space of the first floor units is located so as to result overlooking of the primary open space and habitable living areas of adjoining properties.	Privacy screens and balustrade treatments have been included to to north-western elevation ensure ongoing privacy for neighbouring properties. Privacy screens have been located in order to direct views away from the adjoining properties primary private open space. Bedrooms have been located off the balconies instead of living areas in order to maintain the privacy and amenity of the adjoining property owner. Further, the development achieves the required two metre setback.
Heritage (submission: 3,5 and 6)	
The existing dwelling should not be demolished as it has heritage value.	An addendum to the Statement of Heritage Impact (SHI) was prepared for the proposal by LeMotte Group. It is noted that Council's Heritage Consultant did initially raise concerns with the development in particular the removal of the existing dwelling and impacts to the streetscape. Council officers requested that the applicant provide further information addressing these concerns. During the assessment process, Council worked

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	<p>through issues relating to heritage and the design of the building. Changes were made to the external treatments on the building to ensure the building sits well in its context and was sympathetic to the existing conservation area and nearby listed heritage items. The applicant provided an addendum to the Heritage Impact Statement addressing the concerns raised and adequately demonstrating that there were no significant reasons why the existing dwelling could not be demolished (as outlined within this report).</p> <p>The demolition of the existing dwelling and construction of the proposed development will not result in adverse impacts to 'Bailiwick' or the heritage significance of the Raymond Terrace Conservation Area. Following discussions with Council and review of submission received during round one exhibition period the applicant submitted amended design in order to better respond to the heritage values of the locality. In order to provide a sympathetic response to heritage values the development; has been designed to appear as a two storey single dwelling from the street; uses traditional materials and colours including timber balustrade and vertically proportioned windows; and provides suitable landscaping within the front setback.</p>
Car parking (submission: 2, 4 and 6)	
Submissions raise concerns that car parking is inadequate as only seven spaces have been provided for the proposed 14 units.	<p>The parking rates for affordable rental housing is not separately identified within the DCP. As such the required rate of parking has been considered on merit having regard to the relevant provisions (Cl.14(2)(a) and Cl.36(4) of SEPP (Affordable Rental Housing) 2000. Seven spaces have been provided for on-site which is compliance with the parking requirements outlined within cl.14(2)(a) of the SEPP. The assessment undertaken within this report confirms that the car parking requirements outlined within cl.14(2)(a) indicates a suitable level of car parking provision for affordable housing development. Therefore the car parking is adequate.</p> <p>Further, the proposed development is located within walking distance (400 metres) of Raymond Terrace Town Centre which includes access to public transport networks (local bus services). In light of this it can be reasonably assumed that a significant number of residents will walk/cycle to facilities within the town center for their day to day needs given the close proximity of the site to these services and facilities.</p>
Fire safety (Submission 6)	
Proximity of the development to adjoining properties presents a fire safety risk.	The proposal provides satisfactory setbacks and is of brick construction. A condition of consent shall be

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	<p>imposed requiring construction in accordance with the building code of Australia adequate fire separation exists.</p> <p>Assessment has also been undertaken in accordance with s.79BA <i>Rural Fires Act 1997</i>. The subject site is located in a low risk area. The site is classified as managed land and will not present any additional bushfire risk to adjoining properties.</p>
Density (submission: 1,2, 3, 4 and 5)	
<p>A number of submission suggests that the unit sizes are too small and that the density and number of units proposed is not suitable for the locality or the site in general.</p>	<p>The subject site is zoned R3 Medium Density under Port Stephens LEP 2013. Residential flat buildings are permissible within the R3 zone. A floor space ratio (FSR) does not apply to the development, however the floor space ratio of the proposal is 0.67:1. The FSR is consistent with the intended medium density development of the zone, noting that the applicable FSR for multi-dwelling/residential flat development in the R2 Low Density Zone is 0.5:1.</p> <p>The assessment of the application outlined within this report identifies that the scale and density of the development is satisfactory. In this regard, it is not reasonable to request that the proponent amend the design in order to reduce the number of units proposed. Further, the proposal complies with the minimum dwelling size as prescribed under cl.14 SEPP(Affordable Housing), these requirements have been used to guide the assessment of the proposal with regard to density as DCP2013 does not prescribe minimum dwelling size requirements.</p>
Design (submission: 1,2, 3, 4 and 5)	
<p>A number of submissions identified that the development was inconsistent with the character of the existing locality and surrounding development. In particular it was noted that the development is two storeys where the surrounding area is characterised by single storey development. Concerns were also raised with regard to the impact to streetscape and inappropriate setbacks.</p>	<p>The development complies with the required setbacks and as discussed elsewhere within this report provides an appropriate response to the streetscape.</p> <p>Whilst the proposed development is two storeys and surrounding development in close proximity to the site is single storey this does not preclude the development from being of compatible character. The LEP2013 allows for buildings up to 9 metres in height. The local area is also typified by high-medium density development; including No.31 Glenelg Street and Nos. 181, 179 and 175 Adelaide Street. Further, Glenelg Street includes recent developments and dwellings (Nos.22, 38 and 31) which due to the heritage character of the locality have been required to be constructed from face brick or required to respond to restrictions relating to building colours and finishes. Similarly, to these developments the proposal has been designed to be sympathetic to the heritage character of the locality and appears as a two storey single dwelling from the street; uses traditional</p>

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	materials and colours including timber balustrade and vertically proportioned windows; and provides suitable landscaping within the front setback. As a result of the design and use of suitable colours and finishes the proposal is in keeping with the existing streetscape character of the locality.
Overshadowing (submission: 2)	
The development results in impacts to solar access to adjoining properties.	The development has been sited to ensure minimal impact to solar access of adjoining dwellings. Due to the orientation of the site, shadowing predominately occurs towards No. 44 Glenelg Street. However, a 11 metre setback is provided from the development to the adjoining property boundary. This provides sufficient setback to ensure that solar access to the existing dwelling at No.44 can be maintained. Shadow diagrams were provided demonstrating the proposal would not have any unreasonable impacts with respect to solar access.
Social housing (submission: 2 and 3)	
Submissions identified that sufficient social/affordable housing existed within Raymond Terrace and that there was no demand for the development.	There is no evidence to suggest that there is no demand for social housing in the locality. The proposed development is permissible on the subject site and given its proximity to the Raymond Terrace Town Centre is appropriately located for affordable housing provision.
Impact to property values (submission: 4)	
A number of concerns were raised with regard to the provision of affordable housing on the site and potential impacts to property values.	There is no evidence to suggest that the proposed development would impact upon the value of adjoining properties. Further, this is not a matter for Council's consideration under s.79C EP&A Act.

Submissions from public authorities

No submissions were received from any Public Authorities.

Section 79C(1)(e) the public interest

The proposal is considered consistent with the public interest as it is providing affordable housing within proximity to the Raymond Terrace CBD. The housing is within accessible location near existing commercial facilities, public transport and outdoor recreation areas. The development provides employment opportunities during the construction phase. The proposal will also have benefits to local businesses within the Raymond Terrace Local Centre.

ITEM 1 - ATTACHMENT 4 CONDITIONS.**ATTACHMENT 4
CONDITIONS OF CONSENT****CONDITIONS THAT IDENTIFY APPROVED PLANS AND LIMITATIONS OF CONSENT**

1. Approval has been granted to a 'Residential Flat Building' comprising 14 affordable housing units, and must be carried out in accordance with the following plans and documentation and endorsed with Council's stamp, except where amended by other conditions of this consent:

Architectural plans rev 02 dwg no. A.01, A.03, A.04, A.05, A.06, A.09 and A.10 (date unstated).

Engineering plans, prepared by Northrop, dated 23/02/15, C01DA and CO2DA Rev B.

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 PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION

2. At least 48 hours prior to the commencement of any development (including demolition, excavation, shoring or underpinning works), a notice of commencement of building or subdivision work form and appointment of the Principal Certifying Authority form shall be submitted to Council.
3. Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during the construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifying Authority and Council officers.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

4. Prior to issue of Construction Certificate a contribution pursuant to section 94 of the Environmental Planning and Assessment Act as specified in Port Stephens Section 94 Contributions Plan and detailed below.

	Per lot	Total
Civic Administration	\$1,134	\$13,608
Open Space	\$2,352	\$28,224
Sports and Leisure Facilities	\$5,548	\$66,576

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Cultural and Community Facilities	\$2,787	\$33,444
Road Works	\$1,566	\$18,792
Fire & Emergency Services	\$225	\$2,700
Total	\$13,612	\$163,344

The contribution shall be paid to Council prior to the issue of the Construction Certificate. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs, and the consumer price index. Prior to payment, you are advised to check the contribution amount required with Council.

5. Prior to issue of a Construction Certificate, a colour scheme is to be submitted to and approved by Council giving full detail of the colour and character of all external building materials and finishes to be used. The colours and finishes must be sympathetic to the heritage character of the locality; including use of timber features, two-toned face brick, and vertically proportioned windows. The driveway shall be of a dull natural earthy colour.
6. Prior to issue of the Construction Certificate or Occupation Certificate, a certificate of compliance for this development, under Section 50 of the Hunter Water Act 1991, shall be submitted to the Accredited Certifier.
7. Disabled parking shall be designed in accordance with Australian Standard AS2890.6-2009. The shared zone shall be located adjacent to car parking space No.1. **A Construction Certificate cannot be issued** until full details have been provided to the Certifying Authority for assessment and determined to be satisfactory by the Certifying Authority.
8. The stormwater detention system shall be designed and built in accordance with the approved concept plan and the table provided below. A staged orifice structure shall be provided that restricts site discharge to pre-developed flows as per the minor and major events listed in the table. Full calculations shall be provided demonstrating that the staged discharge rates are achieved (i.e. minor volume up to minor event discharges at minor discharge rate and volume in excess of minor volume discharges at equal to or below major discharge rate).

The construction detail shall also include details of the location and type of detention system, orifice, pipes, pits, major overland flow path and the discharge point to the public drainage system.

Details shall be submitted and certified by a suitably qualified and practising drainage engineer, and approved by the certifying authority prior to issue of the construction certificate.

Average annual rainfall probability	PSD (l/s) per site	Storage site specific (m ³ per site)
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5	11.3	15
100	27.6	17

9. The stormwater detention system shall include design features in accordance with **Section 8.11** of **Australian Standard AS3500.3:2003. A Construction Certificate cannot be issued** until full details of the stormwater detention system have been provided to the Certifying Authority for assessment and determined to be satisfactory by the Certifying Authority.

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

10. All demolition works are to be carried out in accordance with Australian Standard AS 2601-2001.
11. Where any demolition, alteration or renovation works encounter asbestos or products containing asbestos, the materials encountered shall be managed in accordance with the provisions of the A.S 2601-2001 and Workcover Authority Guidelines. Material should be disposed of at a licenced landfill facility.
12. Prior to commencement of building work a contract of insurance must be obtained in accordance with Part 6 of the Home Building Act 1989. Works cannot commence on site until the relevant insurance is in force.
13. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- a. in the case of work for which a principal contractor is required to be appointed:
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of that Act,
 - b. in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

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14. All building work must be carried out in accordance with the provisions of the **Building Code of Australia**.
15. Construction 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 1pm;
 - * No construction work to take place on Sunday or Public Holidays.
16. It is the responsibility of the applicant to erect a PCA sign and to ensure the PCA sign remains in position for the duration of works.
17. Where no sanitary facilities currently exist onsite for construction workers toilet accommodation for all tradespersons shall be provided from the time of commencement until the building is complete. The toilet facilities shall be located so as to have minimal impact of adjoining properties and shall not be placed on the road reserve, without separate approval from Council.
18. The applicant is required to notify Council in writing prior to commencing building operations, of any existing damage to kerbing and guttering and/or footpath paving the absence of such notification shall signify that no damage exists and that the applicant will be liable for the cost of the reinstatement of any damage to kerbing and guttering or footpath paving which may be necessary after completion of the building operation.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION CERTIFICATE

19. Prior to issue of an Occupation Certificate, Lots 5 and 6, DP 6992 shall be consolidated.
20. All civil engineering works shall be carried out in accordance with the Construction Certificate and Council's Design and Construction Specification, Policies and Standards, to the satisfaction of Council or the Certifying Authority prior to issue of the Subdivision Certificate or Occupation Certificate.

CONDITIONS TO BE SATISFIED AT ALL TIMES

21. The stormwater system, including any water quality or quantity components, shall be maintained in perpetuity for the life of the development.

ADVICES

- a. Any damage to the public road infrastructure caused by the approved works must be repaired in accordance with Council's standards. You are advised to notify Council in writing prior to commencing building operations, of any existing damage to kerbing and guttering and/or footpath paving the absence of such notification shall signify that no damage exists and that the applicant will be

ITEM 1 - ATTACHMENT 4 CONDITIONS.

liable for the cost of the reinstatement of any damage to kerbing and guttering or footpath paving which may be necessary after completion of the building operation.

- b. Access to an adjoining property for construction & maintenance work requires the owner(s) consent. It is the responsibility of the owner/the person having the benefit of the development consent to ensure that no part of the structure encroaches onto the adjoining property. The adjoining property owner can take legal action to have an encroachment removed.
- c. Should excavation extend below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - i. Protect and support the building, structure or work from possible damage from the excavation, and
 - ii. Where necessary underpin the building, structure or work to prevent any such damage.
- d. Prior to occupying the approved dwelling(s), or Subdivision Certificate release, whichever occurs first contact Council's Mapping Section via email at: addressing@portstephens.nsw.gov.au stating your Development Approval number, address of the property and the assessing officer to obtain the correct house numbering. Be advised that any referencing on Development Application plans to house or lot numbering operates to provide identification for assessment purposes only.

MINUTES ORDINARY COUNCIL - 26 MAY 2015

Councillor Paul Le Mottee returned to the meeting at 06:45pm, in Committee of the Whole.

ITEM NO. 2

FILE NO: PSC2015-01000/116

TRIM REF NO: PSC2009-09539

RAYMOND TERRACE & HEATHERBRAE STRATEGY 2015-2031

REPORT OF: TIMOTHY CROSDALE - STRATEGY AND ENVIRONMENT SECTION
MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the DRAFT Raymond Terrace and Heatherbrae Strategy 2015-2031 **(ATTACHMENT 1)** and to amend the Draft Port Stephens Development Control Plan 2014 with the proposed site specific parts for D1 – Heatherbrae and D9 – Raymond Terrace Town Centre **(ATTACHMENT 2)**.
- 2) Place the DRAFT Raymond Terrace and Heatherbrae Strategy 2015-2031 with the accompanying amendments to the Port Stephens Development Control Plan 2014 on public exhibition for a minimum period of 28 days.
- 3) Following public exhibition, report this matter back to Council.

ORDINARY COUNCIL MEETING - 26 MAY 2015 COMMITTEE OF THE WHOLE RECOMMENDATION

126	Councillor Paul Le Mottee Councillor Steve Tucker That the recommendation be adopted.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Chris Doohan, Sally Dover, Paul Le Mottee, John Morello, John Nell and Steve Tucker.

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING - 26 MAY 2015 MOTION

127	Councillor Paul Le Mottee Councillor Steve Tucker It was resolved that Council:
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	<ol style="list-style-type: none">1) Endorse the DRAFT Raymond Terrace and Heatherbrae Strategy 2015-2031 (ATTACHMENT 1) and to amend the Draft Port Stephens Development Control Plan 2014 with the proposed site specific parts for D1 – Heatherbrae and D9 – Raymond Terrace Town Centre (ATTACHMENT 2).2) Place the DRAFT Raymond Terrace and Heatherbrae Strategy 2015-2031 with the accompanying amendments to the Port Stephens Development Control Plan 2014 on public exhibition for a minimum period of 28 days.3) Following public exhibition, report this matter back to Council.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Chris Doohan, Sally Dover, Paul Le Mottee, John Morello, John Nell and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to recommend Council place the draft Raymond Terrace and Heatherbrae Strategy (the draft strategy) (**ATTACHMENT 1**) and accompanying amendments to the Port Stephens Development Control Plan 2014 (**ATTACHMENT 2**) on public exhibition for a period of 28 days.

The strategy seeks to facilitate the future development of Raymond Terrace and its neighbouring centre of Heatherbrae into a strong major regional centre, a great place to live, work and play. The strategy seeks to achieve this through a number of key actions which relate to quality open space, main street upgrades, marketing, business promotion and improved development standards such as the zoning and maximum building height.

From a land-use planning perspective the primary controls for Council within the Raymond Terrace and Heatherbrae areas were established under the Port Stephens Local Environmental Plan 2013 (PSLEP2013). The draft strategy seeks to provide further controls and incentives to further implement the broad land use controls outlined in the PSLEP2013. The draft strategy also provides the basis for the coordination of Council activities within Raymond Terrace and Heatherbrae to reinforce its regional centre status within the Port Stephens Local Government Area and the lower Hunter region. This includes the identification of a range of infrastructure upgrades and improvements, notably proposed upgrades to William Street and a range of open spaces within and around Raymond Terrace.

Moreover the draft strategy recognises that Council has an active role in the future development of Raymond Terrace and surrounds through a range of important functions. This includes potential catalyst development sites owned by Council, specific actions in relation to place activation and management, as well as effective

promotion of the commercial development opportunities within these areas. The identification of these actions reflects that direct Council and private development is necessary for the realisation of the broad goals outlined in this draft strategy.

An integrated approach to the implementation of a range of Council services provides the effective basis for the achievement of the goals outlined in the draft strategy. This is defined in a specific implementation plan that details defined and measureable actions for Council to implement, supported by regular measurement, monitoring and reporting. Importantly, a key aspect of the implementation of the draft strategy is the proposed formation of an implementation panel consisting of Councillors, Council staff and community members. This model is based on the recent success of similar panels for the development of local land use planning strategies, and will form the model for the implementation of Council's strategic land use policies into the future.

This Report follows the public exhibition of the Raymond Terrace and Heatherbrae Discussion Paper. This paper was placed on public exhibition for 28 days from 2 May 2013. The feedback received during this exhibition period has been incorporated into the development of this draft strategy. The outcomes of the exhibition period is summarised under the consultation section of this report.

The timing of the draft strategy is particularly important with ongoing growth within areas surrounding Raymond Terrace and Heatherbrae, including key population centres of Medowie and the proposed Kings Hill Urban Release Area. The projected population at these centres will serve to reinforce the importance of Raymond Terrace and Heatherbrae, as well as increase requirements for the services associated with a regional centre.

Existing Planning Framework

The growth of Raymond Terrace and Heatherbrae is guided by the broader policy framework provided by the Port Stephens Planning Strategy (PSPS) and the Lower Hunter Regional Strategy (LHRS). The LHRS identifies Raymond Terrace as one of six major regional centres within the Lower Hunter Valley and forecasts that Raymond Terrace will accommodate an additional 1 600 jobs and 300 dwellings by 2031.

In order to achieve this target, the NSW Department of Planning & Environment (the Department) and Council both provided resources towards undertaking studies relating to economics, transport/parking, community consultation and business retention/expansion. The outcomes of these studies have assisted in forming the contents of the discussion paper and this draft strategy.

Key Actions

The draft strategy proposes a total of 32 actions. These actions seek to achieve the strategy vision for Raymond Terrace and its neighbouring centre of Heatherbrae, being a strong major regional city, a great place to live, work and play.

This vision is based on the following key factors. Addressing these factors is critical to achieving the strategy vision, they include:

- Maintaining the position of Raymond Terrace as the primary commercial centre within the Port Stephens local government area;
- Maintaining the vitality and attractiveness of William Street as the 'main street';
- Continued growth of surrounding residential and employment nodes, such as Kings Hill, Medowie, Newcastle Airport and the industrial concentration at Tomago;
- Providing key transport links (e.g. vehicular, pedestrian & cycle) to and from Raymond Terrace to these key nodes (e.g. Newcastle Airport);
- Heatherbrae expanding to recoup escape expenditure from bulky goods retail (e.g. hardware and whitegoods);
- Raymond Terrace accommodating aged housing due to the concentration of existing community services (e.g. GP Super Clinic); and
- Active public and private stakeholders who actively place manage the Raymond Terrace town centre (e.g. street festivals).

Key strategy actions developed to address these matters include:

- The need to develop a commercial strategy/prospectus that promotes land availability and its development potential;
- Identification of lands to be zoned for bulky goods premises at Heatherbrae to transform this location as the key destination for bulky goods;
- Providing support to missing pedestrian and cycling linkages;
- Implementing a number of development standard amendments, such as increasing the height limit of buildings within the Zone R3 Medium Density Residential to achieve dwelling targets and support businesses;
- Upgrade of main streets, including Port Stephens Street, Adelaide Street and William Street;
- Support the implementation of the Boomerang Park Masterplan;
- Identification and promotion of catalyst sites & sites with subdivision potential;
- Development incentives for the King Street historical precinct;
- The need to develop a streetscape design guideline to ensure consistency of urban design elements (e.g. paving) in town centre;
- Promotion of catalyst sites to host temporary uses, such as pop-up stalls;
- The need to develop a parking management plan for Raymond Terrace and undertake a detailed traffic analysis/management plan to determine the future traffic environment for Heatherbrae after the Pacific Motorway by-pass;
- Reinforcement of the role of Raymond Terrace within the LGA commercial hierarchy as the key commercial centre to service Kings Hill and Medowie;
- Formulate a panel to implement the strategy consisting of Councillors, Council staff and community members.

The draft strategy is Port Stephens Council's plan to address these matters. It's an action plan focused on bringing all stakeholders together with a common purpose – making Raymond Terrace and Heatherbrae a strong major regional city, a great place to live, work and play.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

Placing the strategy on public exhibition along with the accompanying development control plan amendments has minimal financial and resource implications as this process will be managed within existing resources. The draft strategy was prepared as part of a grant from the NSW Department of Planning and Environment. Once implemented, the draft strategy has the potential to serve as a key economic stimulator through the proposed actions and the profiling/promotion that the strategy will provide.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Allocated through operational budgets to prepare studies.
Reserve Funds	No		
Section 94	No		
External Grants	Yes	65,000	Remaining \$35,000 to be received from the Department on the completion of the strategy.
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Draft Raymond Terrace and Heatherbrae Strategy

The draft strategy (**ATTACHMENT 1**) will seek to implement actions of higher order land-use policy, including the Lower Hunter Regional Strategy (LHRS) and the Port Stephens Planning Strategy (PSPS). The LHRS identifies Raymond Terrace as a major regional centre that is forecast to accommodate an additional 1,600 jobs and 300 dwellings by 2031.

MINUTES ORDINARY COUNCIL - 26 MAY 2015

To ensure key stakeholder consultation, the draft strategy will be on public exhibition for minimum period of 28 days. An implementation panel is also proposed to be formed following the adoption of the draft strategy to ensure its effective implementation. The make-up and process for establishing this panel will be reported to Council along with the final strategy for endorsement following the public exhibition period.

Port Stephens Development Control Plan 2013

Part 3 of the Environmental Planning & Assessment Regulation 2000 provides further guidance in regard to the form, structure and subject matter of development control plans. Council will continue to monitor its progress against the regulations to ensure the requirements are met at drafting, exhibition and adoption of the Draft DCP.

EP&A Regulation 2000	Date	Comment
S16 DCP Preparation	2015	
S18 DCP Public Exhibition	26 MAY	Subject to Council Resolution
S20 DCP Submissions		Subject to Council Resolution
S21 DCP Approval		Subject to Council Resolution
S22 DCP Repeal of existing		Subject to Council Resolution

The proposed amendments to the Port Stephens Development Control Plan 2014 (the DCP) seek to implement the relevant matters of the draft strategy, such as the identification of the King Street Historical Precinct and locations to provide activated street frontages. It is a means to ensure that the relevant regulatory matters of the draft strategy are considered in development assessment under s79C of the Environmental Planning & Assessment Act 1979.

The proposed amendments (**ATTACHMENT 2**) to the DCP correspond to the existing parts of the draft DCP titled C1 – Raymond Terrace Town Centre and C8 - Heatherbrae Industrial Area. These draft parts will not be placed on public exhibition until the draft DCP has been adopted by Council, which is anticipated to take place at one of the July 2015 Council meetings.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the community, landowners and other stakeholders do not support the Draft strategy.	Low	This Draft strategy has been prepared having regard for community comments on the exhibited Discussion Paper. The Draft strategy will also be placed on public exhibition and driven by an implementation panel to ensure its effective	Yes

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
		implementation.	
There is a risk that Council will not receive its funding from the Department if this project is not completed.	Low	Support the draft strategy and then report the matter back to Council for adoption.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The draft strategy is consistent with the higher order policy framework that is provided by the Lower Hunter Regional Strategy (LHRS) and the Port Stephens Planning Strategy (PSPS). Both these strategies seek to guide the long-term development based on the identified social, economic and environmental goals.

An example of how the draft strategy seeks to be environmentally sustainable is provided by the protection of the Stockton-Watagan Green Corridor. An example of how the draft strategy seeks to be socially sustainable is provided by identifying catalyst sites that would be suitable for the provision of affordable housing. While an example of economic sustainability is provided by the promotion/profiling of this major regional centre through the development of commercial strategy/prospectus and other actions to be implemented by Council.

CONSULTATION

The draft strategy has been developed in consultation with the Port Stephens Community. The following key community consultation initiatives were undertaken in the development of this draft strategy:

- Business retention survey
- Submissions to the discussion paper
- Information stands
- Collaborative mapping tool – Social Pinpoint
- Surveys – Aboriginal community

Council received eight submissions to the discussion paper, 84 completed business retention surveys, 215 comments on the collaborative mapping tool and 8 completed aboriginal community surveys.

A summary of the matters raised during the exhibition period is provided by the Raymond Terrace Town Centre and Heatherbrae Strategy Collaborative Community Output Report (**ATTACHMENT 3**). Simplistically, the top matters generally included:

- Things I like – playgrounds, trees and parks
- Things that I do not like – Boomerang Park and the intersection of Adelaide Street with the Pacific Highway
- Things that are missing – Variety/quantity of retail shops the quality of Boomerang Park

The recommendation is to now place the draft strategy on public exhibition for a minimum period of 28 days. Following this, a subsequent report will be provided back to Council on the outcomes of this exhibition period.

OPTIONS

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

ATTACHMENTS

- 1) Draft Raymond Terrace and Heatherbrae Strategy. (Provided under separate cover)
- 2) Draft amendments to the Port Stephens Development Control Plan. (Provided under separate cover)
- 3) Summary of community consultation. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 3

FILE NO: PSC2015-01000/151
TRIM REF NO: A2004-0242**QUARTERLY BUDGET REVIEW AS AT 31 MARCH 2015**REPORT OF: TIMOTHY HAZELL - FINANCIAL SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the discretionary changes to the adopted budget as detailed in the 2014-2015 Quarterly Budget Review Statement – March 2015 – **(ATTACHMENT 1)**.
-

**ORDINARY COUNCIL MEETING - 26 MAY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

128	Councillor Steve Tucker Councillor John Nell That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 26 MAY 2015
MOTION**

129	Councillor Paul Le Mottee Councillor Steve Tucker It was resolved that Council approve the discretionary changes to the adopted budget as detailed in the 2014-2015 Quarterly Budget Review Statement – March 2015 – (ATTACHMENT 1) .
-----	--

BACKGROUND

The purpose of this report is to amend the budget by bringing to Council's attention the proposals and issues that have an impact on the 2014-2015 budget that are detailed in the Quarterly Budget Review Statement – March 2015. This statement sets out the details of variations between Council's original budget and the proposed budget as part of the December Quarterly Budget Review.

Council adopted its Integrated Strategic plans on 27 May 2014 (Minute No. 122) and these plans include the budget estimates for the 2014-2015 financial year.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens Council's services and assets are sustainable in the longer term.	Council will reduce its underlying deficit to break even in 2014-2015 financial year. 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

Council's anticipated underlying result is as follows:

	Surplus (\$)	Deficit
Budget 2014/2015	1.959M	
September Review	1.496M	
December Review	1.343M	
March Review	1.506M	

The net increase of \$0.164 million is primarily due to the additional income from asset sales.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	64,000	
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Clause 203 (1) of the Local Government (General) Regulation 2005 requires Council's Responsible Accounting Officer to prepare and submit a Quarterly Budget Review Statement (QBRs) to Council.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that underlying operating result may return to a deficit.	Medium	Long Term Financial plan established to reach break-even point.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council's budget is fundamental for operational sustainability and to the provision of facilities and services to the community.

CONSULTATION

- 1) Executive Leadership Team.

OPTIONS

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

ATTACHMENTS

- 1) 2014-2015 Quarterly Budget Review Statement - March 2015.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Port Stephens
C.O.U.N.C.I.L
... a community partnership

2014 – 2015

Quarterly Budget Review Statement – Mar 2015

ITEM 3 - ATTACHMENT 1 2014-2015 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2015.

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ITEM 3 - ATTACHMENT 1 2014-2015 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2015.

1. Executive Summary

With a focus on continuous improvement the Quarterly Budget Report follows on from the changes that were made last quarter to simplify the understanding of the changes to Council's budget.

Categorising the changes by Group:

- **Corporate Services** – The operating budget changes in this group were \$151k (Favourable). The revenue changes related to increases in user charges associated with administration charges against Crown Land holiday parks (Offset by an increase in the contractor costs within the Property Section) and an increase in profit on sale due to the recognition of the profit from the sale of The Anchorage. The expenditure changes relate to revised costs in the Business Development Unit now operating out of TreEscape.
- **Development Services** – The net changes within this group amounted to \$11k (Favourable). The changes in this Group centred on revised forecasts in inspection fees and development advertisement fees, with increased expenditure for training costs and the use of external consultants.
- **Facilities & Services** - The operating budget changes in this group were \$0K (Favourable). Changes in the operating expenditure budget were driven by increased material estimates for the waste collection contract which are funded by the restricted waste asset reserve.

Changes in the capital budget were \$2.3M (Unfavourable). Capital income was increased to allow for revised RMS contracts for roads, grants for sport field lighting, as well as general grants for foreshore and boat ramp revitalisation. Expenditure has been increased with regards to additional costs for added work on Carmichaels Creek, LTP Road and Hinton Rd.
- **General Managers Office** – There were nil changes to the General Managers Office for this quarter.

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/3/2015 and should be read in conjunction with other documents in the QBRs.

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ITEM 3 - ATTACHMENT 1 2014-2015 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2015.

2. Introduction

Clause 203(1) of the Local Government (General) Regulation 2005 requires Council's responsible accounting officer to prepare and submit a Quarterly Budget Review Statement (QBRS) to Council. The QBRS must show, by reference to the estimated income & expenditure that is set out in the operational plan, a revised estimate of income and expenditure for the year.

It also requires the QBRS to include a report by the responsible accounting officer as to whether or not the statement indicates Council to be in a satisfactory financial position, with regard to Council's original budget.

Council's operational plan sets out the achievements, goals and revenue policy, including estimates of income and expenditure. The QBRS plays an important role in monitoring Council's progress against the plan and ongoing management of the annual budget.

The QBRS is the mechanism whereby Councillors and the community are informed of Council's progress against the operational plan (original budget) and the recommended changes and reasons for major variances.

The QBRS is composed of the following components:

- Responsible Accounting Officer Statement;
- Income & Expenses Budget Review Statement;
- Capital Budget Review Statement;
- Cash Flow Statement Review;
- Budget Review Contracts and Other Expenses.

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/3/2015 and should be read in conjunction with other documents in the QBRS.

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ITEM 3 - ATTACHMENT 1 2014-2015 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2015.

3. Responsible Accounting Officer's Statement

The Regulations require that a budget review statement must include or be accompanied by a report as to whether or not the Responsible Accounting Officer (RAO) believes that the QBRs indicates that Council's financial position is satisfactory, having regard to the original estimate of income and expenditure. If Council's financial position is considered by the RAO to be unsatisfactory, then recommendations for remedial action must be included.

The following statement is made in accordance with clause 203(2) of the Local Government (General) Regulations 2005.

It is my opinion that the Quarterly Budget Review Statement for Port Stephens Council for the quarter end 31/3/2015 indicates that Council's projected financial position at 31/3/2015 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Name: Tim Hazell

Responsible Accounting Officer, Port Stephens Council

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/3/2015 and should be read in conjunction with other documents in the QBRs.

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ITEM 3 - ATTACHMENT 1 2014-2015 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2015.

4. Income & Expenses Budget Review Statement

Consolidated	2015 Original Budget \$'000	Budget revotes & carry forwards	Budget Revision Sept Qtr \$'000	Budget Revision Dec Qtr \$'000	Budget Revision Mar Qtr \$'000	Budget Revision Jun Qtr \$'000	2015 Revised Budget Full Year \$'000	2015 YTD Actuals \$'000
Rates & Annual Charges	48,272		0	0	60		48,332	49,681
User Charges & Fees Income	34,018		1,084	766	1,239		37,107	15,314
Interest & Investment Income	1,944		0	0	0		1,944	866
Other Income	6,307		(136)	995	(8)		7,158	3,939
Grants and Cont.	13,655		106	168	57		13,986	9,139
Grants and Cont (Capital)	8,571		0	1,527	1,086		11,184	6,253
Gain on Sale	250		0	450	450		1,150	563
Total Revenue	113,017		1,053	3,907	2,884		120,861	85,755
Employee Costs	38,194	45	342	587	9		39,177	27,718
Borrowing Costs	529	0	74	0	(50)		553	486
Materials & Contracts	31,825	686	1,109	2,580	2,022		38,122	27,060
Other Expenses	11,610	0	294	454	1		12,359	5,696
Depreciation	16,936	0	0	0	0		16,936	12,702
Total Expenditure	99,096	731	1,820	3,621	1,982		107,247	73,662
Operating Surplus/(Deficit) after capital grants	13,922	(731)	(767)	286	902		13,614	25,978
Operating Surplus/(Deficit) before capital grants	5,351	(731)	(767)	(1,240)	(184)		2,430	21,208
Add changes supported by cash reserves	0	0	1,035	1,086	248		2,369	0
Less: NAL Surplus	(2,691)		0	0	0		(2,691)	0
Less: LIRS principal repayment 1	(83)		0	0	0		(83)	0
Less: LIRS principal repayment 2	(152)		0	0	0		(152)	0
Less: Principal repayment 3	(466)		0	0	0		(466)	0
Underlying Operating Surplus/(Deficit)	1,959	(731)	268	(154)	64		1,406	21,208

Notes:

1. Revised Budget = Original Budget +/- approved budget changes in previous quarters. 2. Proposed Budget = Revised Budget +/- recommended changes this quarter.

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/3/2015 and should be read in conjunction with other documents in the QBRs.

ITEM 3 - ATTACHMENT 1 2014-2015 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2015.

Council's original operating budget for 2014/15 was incorporated as part of the Integrated Plans and was adopted by Council on 27 May 2014.

This statement sets out the details of variations between Council's revised operating budget and the proposed budget as part of the December Quarterly Budget Review. There are a number of budgetary changes proposed across the Council budget which have delivered Council's Underlying Operating result, Newcastle Airport and loan funds borrowed for infrastructure projects. This has altered from an original projected surplus of \$1.959 million to a projected surplus of \$1.506 million.

Note that for budgetary changes: **F** = favourable budget change, **U** = unfavourable budget change.

	\$'000	Budget Change F/U
REVENUE		
Rates and Annual Charges	60	F
The increase in rates and annual charges is due to revised income from waste services and resource recovery charges.		
User Charges and Fees	1,239	F
User charges have been increased to account for the administration charge against Crown Land holiday parks. This is offset by an increase in the contractor costs within the Property section.		
Grants and Contributions provided for Operating Purposes	57	F
Grant income has been increased to account for a Vegetation Management Grant that has been received.		

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/3/2015 and should be read in conjunction with other documents in the QBRs.

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ITEM 3 - ATTACHMENT 1 2014-2015 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2015.

Interest and Investment Revenue		
Nil	-	-
Other Revenues		
8	U	
There has been a small reallocation of income and expenditure in Organisational Development with a nil effect on the operating budget.		
Grants and Contributions provided for Capital Purposes		
1,086	F	
Capital grants have been increased for RMS contracts for roads, \$650k grants for sport field lighting and irrigation as well as general grants for foreshore and boat ramp revitalisation \$400k.		
Net Gains from the Disposal of Assets		
450	F	
An increase in net gain on sale has been performed to account for the sale of the Anchorage.		

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/3/2015 and should be read in conjunction with other documents in the QBRs.

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ITEM 3 - ATTACHMENT 1 2014-2015 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2015.

EXPENDITURE	\$'000	Budget Change F/U
Borrowing Costs	50	F
Loan interest expenditure has been decreased in line with actual charged.		
Depreciation and Amortisation	-	-
Nil		
Employee Benefits and On-Costs	9	U
Employee costs have gently increased as a result of revised costs in the Development Assessment and Compliance Section.		
Materials and Contracts	1,922	U
Increased expenditure on Contractor & Materials is mainly due to the following areas: 1) An increase in contractor costs within the Property Section, regarding admin charges against Crown Land Holiday Parks. This is offset by an increase in income with a nil effect on the operating surplus. 2) F&S increased \$466k unfavourably which was mainly for the waste collection contract. This change is funded from the restricted waste asset reserve. 3) Development Services has increased \$42k unfavourably for consultants and training activities. This has been internally funded by the Group through revised income forecasts.		
Other Expenses	1	U
No material changes in Other Expenses		

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/3/2015 and should be read in conjunction with other documents in the QBRs.

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ITEM 3 - ATTACHMENT 1 2014-2015 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2015.

5. Capital Budget Review Statement

Consolidated	2015 Original Budget \$000	Budget revotes & carry forwards \$000	Budget Revision Sept Qtr \$000	Budget Revision Dec Qtr \$000	Budget Revision Mar Qtr \$000	Budget Revision Jun Qtr \$000	2015 Revised Budget Full Year \$000	2015 YTD Actuals \$000
Grants and Cont (Capital)	8,025	0	0	1,526	1,086		10,639	6,253
Total Receipts	8,025	0	0	1,526	1,086		10,639	6,253
Capitalised Labour	0	0	0	0	0		0	0
Capital Materials & Contracts	9,436	2,889	0	1,370	3,543		16,156	8,078
Property Acquisition & Development	6,663	0	72	2,875	0		9,609	4,805
Other	0	0	0	0	0		0	0
Total Payments	16,099	2,889	72	4,245	3,543		25,765	12,883
Add back changes supported by cash reserves	0	0	0	3,090	1,135		4,225	0
Capital Surplus/(Deficit)	(8,074)	(2,889)	(72)	371	(239)		(10,901)	(5,117)

Council's original capital budget for 2014/15 was incorporated as part of the Integrated Plans and was adopted by Council on 27 May 2014.

This statement sets out the details of variations between Council's revised capital budget and the June Quarterly Budget Review. There are budgetary changes proposed which result in an increase within capital expenditure of \$3.5M. This increase is funded by capital grants from the RMS, Department of Environment and Sport & Rec as well as cash reserves (section 94 plan additions). The amendments to the capital program are detailed below for each Section. Note that for budgetary changes: **F** = favourable budget change, **U** = unfavourable budget change.

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/3/2015 and should be read in conjunction with other documents in the QBRs.

ITEM 3 - ATTACHMENT 1 2014-2015 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2015.

		Budget Change	
	\$'000	F/U	
INCOME			
Capital Grants	1,086	F	
Capital income has been increased for the following			
1. \$636k for RMS projects – Carmichaels Corner, River Flat and Lemon Tree Passage.			
2. \$242k from the Department of Environment & Heritage primarily for the Tanilba Bay Foreshore			
3. \$180k from other Government Departments for sport field lighting and irrigation, Hinton Pontoon, Wallalong skate park and Boomerang park.			
EXPENDITURE			
Property Acquisition and Development	-	-	
Nil			
Capital Materials and Contracts	3,543	U	
Capital costs have been increased to align with the additional capital income from various RMS projects which was recognised last quarter (timing difference with income and expenditure being recognised) as well as the capital income projects various projects this quarter which were identified in the income section. The amount spent on the temporary car parks at Nelsons Bay have also been included in the budget for \$400k which were finished in December.			

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/3/2015 and should be read in conjunction with other documents in the QBRs.

ITEM 3 - ATTACHMENT 1 2014-2015 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2015.

The capital works program by section is as follows:

	Original Budget	Budget Revolves & carry forwards	Budget Revision Sept	Budget Revision Dec	Budget Revision Mar	Revised Budget	Actual 31 Mar 2015
Capital Funding	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Capital Grants & Contributions	8,025	0	0	1,526	1,086	10,639	6,253
Total Capital Funding	8,571	0	0	1,526	1,086	10,639	6,253
Capital Expenditure							
Corporate Services Group							
Commercial Property							
Fingal Bay Holiday Park	2,325	686	0	18	0	3,029	327
Halifax Holiday Park	380	489	0	18	0	887	114
Shoal Bay Holiday Park	390	0	0	468	0	858	89
Thou Walla Sunset Retreat	130	0	0	308	0	438	214
TreEscape	0	0	0	380	0	380	42
Office and Chambers	171	0	0	225	0	396	59
Property Development	0	0	0	1,067	135	1,201	137
Property Investments	0	0	0	237	0	237	56
Commercial Property Total	3,396	1,175	0	2,721	135	7,426	1,038
Business System Support							
Business Improvement Technology	0	0	0	1,595	0	1,595	997
Business System Support Total	0	0	0	1,595	0	1,595	997
Corporate Services Total	3,396	1,175	0	4,316	135	9,021	2,035

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/3/2015 and should be read in conjunction with other documents in the QBRs.

ITEM 3 - ATTACHMENT 1 2014-2015 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2015.

	Original Budget	Budget Revolves & carry forwards	Budget Revision Sept	Budget Revision Dec	Budget Revision Mar	Revised Budget	Actual 31 Dec 2014
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Facilities and Services							
Civil Assets							
Civil Projects	0	642	0	0	(642)	0	69
Community and Recreational Assets	0	980	0	38	(622)	365	191
Drainage	0	93	0	199	0	292	179
Civil Assets Total	0	1,715	0	236	(1,264)	687	438
Community and Recreation							
Library Services	250	0	0	0	0	250	178
State Emergency Services	0	0	0	18	0	18	18
Community and Recreation Total	250	0	0	18	0	268	196
Capital Works							
Capital Works Construction	9,436	0	0	(324)	4,673	13,785	7,052
Capital Works Total	9,436	0	0	(324)	4,673	13,785	7,052
Public Domain and Services							
Building Trades	0	0	0	0	0	0	27
Depots	0	0	72	0	0	72	63
Fleet Maintenance	3,017	0	0	0	0	3,017	1,795
Public Domain and Services total	3,017	0	72	0	0	3,089	1,885
Facilities and Services Total	12,703	1,715	72	(70)	3,409	17,828	9,571
Total Capital Expenditure	16,099	2,890	72	4,245	3,544	26,849	11,606

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/3/2015 and should be read in conjunction with other documents in the QBRs.

ITEM 3 - ATTACHMENT 1 2014-2015 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2015.

6. Cash Flow Statement		Original Budget	Revotes Carried Forward	Budget Revision Sept	Budget Revision Dec	Budget Revision Mar	Revised Budget
		\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Cash Flows from Operating Activities							
Receipts:							
Rates & Annual Charges		48,272	0	0	0	60	48,332
User Charges & Fees		34,018	0	1,084	766	1,239	37,107
Interest & Investment Revenue Received		1,944	0	0	0	0	1,944
Grants & Contributions		19,358	0	106	1,694	1,143	22,301
Other		5,723	0	(136)	995	(8)	6,574
Payments:							
Employee Benefits & On-Costs		(38,194)	0	(342)	(587)	(9)	(39,132)
Materials & Contracts		(31,825)	(363)	(1,109)	(2,580)	(1,922)	(37,799)
Borrowing Costs		(529)	0	(74)	0	50	(553)
Other		(11,610)	(127)	(294)	(453)	(1)	(12,483)
Net Cash provided (or used in) Operating Activities		27,157	(490)	(765)	(165)	552	26,289
Cash Flows from Investing Activities							
Receipts:							
Net Gain/(Loss) on Disposal of Assets		250	0	0	450	450	1150
Payments:							
Purchase of Infrastructure, Property, Plant & Equipment		(16,099)	(241)	(72)	(4,245)	(3,543)	(24,200)
Net Cash provided (or used in) Investing Activities		(15,849)	(241)	(72)	(3,795)	(3,093)	(23,050)
Cash Flows from Financing Activities							
Payments:							
Repayment of Borrowings & Advances		(4,538)	0	0	0	0	(4,538)
Net Cash Flow provided (used in) Financing Activities		(4,538)	0	0	0	0	(4,538)
Net Increase/(Decrease) in Cash & Cash Equivalents		6,770	(731)	(837)	(3,960)	(2,541)	(1,299)
plus: Cash & Investments - beginning of year		40,685	0	0	0	0	40,685
Cash & Investments - end of the year		47,455	(731)	(837)	(3,960)	(2,541)	39,386

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/3/2015 and should be read in conjunction with other documents in the QBRs.

ITEM 3 - ATTACHMENT 1 2014-2015 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2015.

Cash Flow Statement Funding Reconciliation

The 'Recommended Changes to Budget' in the Mar QBR constitute an overall decrease in Council's Cash Flow position by \$2.5M. These changes are split across the Operating budget of \$84k and Capital Budget of \$2.4M. The changes are funded from the following areas.

Sourced from current year result:	1,308
Transfer from internally restricted cash:	896
Transfer from externally restricted cash:	337
	<u>2,541</u>

PSC is clearly solvent based on the current and estimated cash position from the September review changes. PSC's current cash position at the end of December was \$32.7M.

7. Budget Review Contracts and Other Expenses

Councillors are currently made aware of tenders of \$150,000 or more in accordance with legislation. However, Councillors should be made aware of other material contracts entered into by Council and details of other expenses that are of particular interest. To this end a contract listing and details of legal fees and consultancy expenses are included in the QBRs.

Part A lists contracts (other than employment contracts and contracts entered into from Council's preferred suppliers list) that:

- Were entered into during the quarter ending 31 March 2015; and
- Have a value equal to or more than \$50,000

Part B of the report shows expenditure as at 31 March 2015 for:

- Consultancies
- Legal fees

For the purposes of this report, a consultancy is defined as a person or organisation engaged under contract on a temporary basis to provide recommendation or high level specialist or professional advice to assist decision-making by management.

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/3/2015 and should be read in conjunction with other documents in the QBRs.

ITEM 3 - ATTACHMENT 1 2014-2015 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2015.

Part A
Contracts Listing

Contractor	Contract Detail & Purpose	Contract Value (\$)	Commencement Date	Duration of Contract	Budgeted (Y/N)
Telstra	Relocation of Telstra Services	\$61,948	Feb 15		Y
Ozsteel Manufactured Products	Bin Surrounds – grant money	\$72,000	Mid feb	6 weeks	Y

Part B
Consultancy & Legal Expenses

Expense	Annual Budget (\$)	Expenditure YTD (\$)	Budgeted (Y/N)
Consultancies	682,932	371,803	Y
Legal Fees	1,708,793	1,061,177	Y

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2014 and should be read in conjunction with other documents in the QBRs.

ITEM NO. 4**FILE NO: PSC2015-01000/179****TRIM REF NO: PSC2013-04357****MAKING OF RATES AND CHARGES 2015-2016**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Make rates and charges for 2015-2016 in accordance with **(ATTACHMENT 1)**.
-

ORDINARY COUNCIL MEETING - 26 MAY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION

130	Councillor Paul Le Mottee Councillor Chris Doohan That the recommendation be adopted.
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ORDINARY COUNCIL MEETING - 26 MAY 2015
MOTION

131	Councillor Paul Le Mottee Councillor Steve Tucker It was resolved that Council make rates and charges for 2015-2016 in accordance with (ATTACHMENT 1) .
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BACKGROUND

The purpose of this report is to make rates and charges for 2015-2016. The proposed rates and charges reflect those included in the Statement of Revenue policy contained in the Operational Plan 2015-2016. Legislation requires 2015-2016 rates to be calculated using 1 July 2013 base date land values.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens Council's services and assets are sustainable in the longer term.	Council will reduce its underlying deficit to break even in 2014-2015 financial year. 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.
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FINANCIAL/RESOURCE IMPLICATIONS

The Independent Pricing and Regulatory Tribunal (IPART) has set the rate peg for 2015-2016 at 2.4%. Rate and charge income must be collected in a timely manner to ensure cash flow to fund Council operations.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Levy and collection functions are within existing operational budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Legislation requires rates and charges to be made annually by Council resolution and served by 1 August. Council must obtain IPART approval to exceed the rate pegging limit.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that failure to make and serve rate notices by 1 August 2015 will defer the due date of the first instalment payment to 30 November 2015 adversely affecting cash flow.	High	Make rates and charges and serve notices before 1 August 2015.	Yes
There is a risk that rate income may exceed the rate pegging limit.	Low	Calculate notional income prior to levy.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Rate and charge income is necessary for Council to deliver the services outlined in the Integrated Plans.

CONSULTATION

The proposals were exhibited in the Operational Plan 2015-2016.

OPTIONS

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

ATTACHMENTS

- 1) Schedule of Rates and Charges 2015-2016.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 4 - ATTACHMENT 1 SCHEDULE OF RATES AND CHARGES 2015-2016.
SCHEDULE OF RATES AND CHARGES 2015-2016

1. Make ordinary rates in accordance with the following schedule for 2015-2016 using 2013 land values.

Type of Rate	Name of Rate	Category Rate Applies to	Ad Valorem Rate c in \$	Base Amount \$	% of Yield from Base Amount
Ordinary	Residential	Residential	0.3383c	\$349.00	35%
Ordinary	Farmland	Farmland	0.3383c	\$349.00	20%
Ordinary	Business	Business	0.8063c	\$1,464.00	35%
Ordinary	Mining	Mining	0.8063c	\$0.00	

2. Levy on behalf of Hunter Local Land Services a catchment contribution at the rate determined by the Service for 2015-2016 on all rateable land with a land value of \$300 or more in the defined catchment area. The defined catchment area is shown on the Hunter Local Land Services Contribution Area map.
3. Fix the interest rate to apply to overdue rates and charges in 2015-2016 at 8.5% the maximum rate as determined by the Minister for Local Government.
4. Make the following annual Domestic Waste Management Charges and Waste Management Charges for 2015-2016. All rateable assessments that are undeveloped (ie. have no buildings erected upon them) will be levied either a Domestic Waste Management Charge or a Waste Management Charge. All developed rateable assessments (ie. have a building/s erected upon them) will be levied either a Domestic Waste Management Service Charge or a Waste Management Service Charge in addition to the Domestic Waste Management Charge/Waste Management Charge.

Charge Type	Charge Code	Charge Name	Land Category Charge Applies to	Amount of Charge (ex GST)
Domestic Waste Management [s496 Local Government Act, 1993]	6-63	Domestic Waste Management Charge	All rateable land categorised as Residential except land that is levied a s496 Domestic Waste Management Service Charge (7-73).	\$61.00 per assessment
Waste Management Charge [s501 Local Government Act, 1993]	6-64	Waste Management Charge	All rateable land categorised as Mining or Business. All rateable land categorised as Farmland except land that is levied a s501 Additional Farm Waste Management Charge (6-65). All rateable land categorised as Residential except land that is levied a s496 Domestic Waste Management Charge (6-63). All non-rateable land that uses the Domestic Waste Management	\$61.00 per assessment

ITEM 4 - ATTACHMENT 1 SCHEDULE OF RATES AND CHARGES 2015-2016.

Charge Type	Charge Code	Charge Name	Land Category Charge Applies to	Amount of Charge (ex GST)
			Service.	
Waste Management Charge [s501 Local Government Act, 1993]	6-65	Additional Farm Waste Management Charge	All rateable land categorised as Farmland where more than one assessment is held in the same ownership and those assessments are operated as a single farming entity, then the Waste Management Charge (6-64) is to be levied on the first assessment and this Additional Farm Waste Management Charge (6-65) is to be levied on the second and subsequent assessments.	\$1.00 per assessment
Domestic Waste Management [s496 Local Government Act, 1993]	7-73	Domestic Waste Management Service Charge	All developed rateable land categorised as Residential or Farmland, whether occupied or unoccupied. All non-rateable land that uses the Domestic Waste Management Service.	\$388.00 per dual 240 or 360 litre bin service
Waste Management Charge [s501 Local Government Act, 1993]	7-74	Waste Management Service Charge	All developed rateable land categorised as Mining or Business, whether occupied or unoccupied.	\$388.00 per dual 240 or 360 litre bin service
Waste Management Charge [s501 Local Government Act, 1993]	3-74	Waste Service Charge – Additional Red Bin	All rateable land categorised as Farmland, Residential, Mining or Business where the ratepayer requests provision of the additional service. All non-rateable land where provision of the additional service is requested.	\$200.00 per additional waste (red lid) bin
Waste Management Charge [s501 Local Government Act, 1993]	4-74	Waste Service Charge – Additional Yellow Bin	All rateable land categorised as Farmland, Residential, Mining or Business where the ratepayer requests provision of the additional service. All non-rateable land where provision of the additional service is requested.	\$100.00 per additional recycling (Yellow lid) bin

ITEM NO. 5**FILE NO: PSC2015-01000/180****TRIM REF NO: T04-2015****TREESCAPE - TENDER FOR SALE OF CABINS**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the *Local Government Act, 1993*, the Council resolve to close to the public that part of its meetings to discuss Item 5 on the Ordinary Council agenda namely TreEscape - Tender for Sale of Cabins.
- 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 TreEscape - Tender for Sale of Cabins.
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
- 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the *Local Government (General) Regulation 2005*.
- 5) That Council accept the tender submitted by Middle Rock Holiday Resort to the extent of \$220,000.

ORDINARY COUNCIL MEETING - 26 MAY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION

132	Mayor Bruce MacKenzie Councillor Steve Tucker That Council accept the tender submitted by Middle Rock Holiday Resort to the extent of \$220,000.
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**ORDINARY COUNCIL MEETING - 26 MAY 2015
MOTION**

133	Councillor Paul Le Motfee Councillor Steve Tucker It was resolved that Council accept the tender submitted by Middle Rock Holiday Resort to the extent of \$220,000.
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BACKGROUND

The purpose of this report is to recommend the acceptance of a tender received from Middle Rock Holiday Resort for the sale of 11 cabins at TreEscape Camping and Accommodation.

A total of five (5) tender submissions were received, a summary of which is included as **(ATTACHMENT 1)**. These tender submissions were assessed by a panel composed of Property Services and Financial Services staff.

The weightings agreed for this Tender evaluation were:

Criteria	Weighting (%)
Price	100

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens Council's services and assets are sustainable in the longer term.	Council will reduce its underlying deficit to break even in 2014-2015 financial year. 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

While the original budget made a provision to receive \$450,000 from the sale of these cabins the highest tender was for \$220,000.

The principal reason for the shortfall in the tender price is due to recent changes to the requirements of the legislative bodies with regards to transport and relocation of large structures. It is now a requirement for additional escort vehicles to be used and additional police involvement which has meant a substantial increase in transport

MINUTES ORDINARY COUNCIL - 26 MAY 2015

costs. It is now estimated to relocate one (1) cabin, costs in the region of \$10,000 - \$15,000. The business case for TreEscape Camping and Accommodation has been amended as shown in **(ATTACHMENT 2)** to ensure that the overall financial implication to Council remains positive.

The original case provided for an extensive capital works program to be funded from the sale of the cabins. This program has now been amended and large purchases such as the amenities and camp kitchen facilities have been delayed and pushed out to 2018/2019 when operating profits will be sufficient to pay for the works.

It is still anticipated that TreEscape will become profitable at the end of the 2016 financial year and projections demonstrate a growing profitable position thereafter.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	220,000	Within existing budget allocations.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the sale price does not meet the original budget.	High	To rework the business case for TreEscape.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Financial Services Section Manager.
Corporate Services Group Manager.
Business Development Manager.
TreEscape Day Manager.

OPTIONS

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

- 3) Reject the recommendations.

ATTACHMENTS

- 1) CONFIDENTIAL Weighted Criteria Methodology Summary.
- 2) CONFIDENTIAL Treescape Amended Financials.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 6

FILE NO: PSC2015-01000/177
TRIM REF NO: PSC2011-02144

PORT STEPHENS COUNCIL INTEGRATED PLANS - REPORT OF SUBMISSIONS RECEIVED

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

RECOMMENDATION IS THAT COUNCIL:

- 1) That the submissions related to the Integrated Plans received after public exhibition be acknowledged.
 - 2) That the recommendations contained in **(ATTACHMENT 1)** and **(ATTACHMENT 2)** be adopted.
-

ORDINARY COUNCIL MEETING - 26 MAY 2015 COMMITTEE OF THE WHOLE RECOMMENDATION

134	<p>Councillor Steve Tucker Mayor Bruce MacKenzie</p> <p>That Council:</p> <ol style="list-style-type: none">1) The submissions related to the Integrated Plans received after public exhibition be acknowledged.2) That the recommendations contained in (ATTACHMENT 1) and (ATTACHMENT 2) be adopted, subject to Francis Ave being including in the 2016-2017 financial year.
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ORDINARY COUNCIL MEETING - 26 MAY 2015 MOTION

135	<p>Councillor Paul Le Mottee Councillor Steve Tucker</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) The submissions related to the Integrated Plans received after public exhibition be acknowledged.2) That the recommendations contained in (ATTACHMENT 1) and (ATTACHMENT 2) be adopted, subject to Francis Ave being including in the 2016-2017 financial year.
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BACKGROUND

The purpose of this report is to provide to Council a report on submissions received concerning the Integrated Plans that Council agreed at its meeting of 24 March 2015 to place on public exhibition for the period 1 to 30 April 2015 in accordance with Section 404(4) of the *Local Government Act 1993* (Minute No. 060).

A total of 10 submissions were received and details with recommendations are contained in **(ATTACHMENT 1)**. Four of the submissions relate to the Operational Plan 2015-2019 and six submissions relate to the Strategic Asset Management Plan 2015-2025. (Please note that as there were no changes proposed to the Workforce Strategy 2013-2017 it was not included in the documents on public exhibition).

As a result of the process for self-assessment and improvement proposal in the Fit for the Future program, Council is required to develop an action plan. Whilst most of the proposed actions are already in the Integrated Plans, **(ATTACHMENT 2)** details those required to be included. A separate report to Council on the improvement proposal in full will be made to Council's meeting on 9 June 2015.

The Fees and Charges 2015-2016 form part of the Operational Plan for that year and submissions received are the subject of a separate report to Council.

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.

FINANCIAL/RESOURCE IMPLICATIONS

The recommendation to bring forward works in the community and recreation portfolio will involve additional expenditure in 2015-2016; however, this expenditure is fully funded by grants received. Now that funding has been received Council has the capacity to complete these additional works.

Submissions related to additional actions in the Operational Plan 2015-2019 may be incorporated without incurring additional expenditure initially as they relate to development of project plans, which would be funded in 2019 from recurrent expenditure budgets at that time.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Resources within existing budget.
Reserve Funds	No		
Section 94	No		

MINUTES ORDINARY COUNCIL - 26 MAY 2015

External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Under Section 405(3) of the *Local Government Act 1993* Council is required to place its Operational Plan annually on exhibition for 28 days and consider submissions received during that period. It is also required under Section 403 to review its Resource Strategy annually. The Integrated Plans must be adopted by Council prior to 30 June in any given year.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the Integrated Plans are not adopted in the timeframe required by legislation, leading to breach of legislation and loss of reputation.	Low	Council will adopt the Integrated Plans.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

As required by the *Local Government Act 1993* the Integrated Plans including the Resource Strategy were developed and reviewed in accordance with the principles of equity and social justice. They contain themes which expand the social, economic and environmental sections of the Community Strategic Plan 2013-2023.

CONSULTATION

The Integrated Plans were placed on public exhibition for a period from 1 to 30 April 2015 and submissions invited from members of the public of Port Stephens through advertisement in the Council page of the *Port Stephens Examiner* newspaper; on Council's web site; on social media; and copies were made available at Council's Administration Building and through its libraries.

Councillors were consulted at a workshop on 17 February 2015 prior to the exhibition drafts being made available to the community for submissions.

OPTIONS

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

ATTACHMENTS

- 1) Port Stephens Council Integrated Plans - Submissions Received.
- 2) Actions from Fit for the Future to be included in Integrated Plans.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 6 - ATTACHMENT 1 PORT STEPHENS COUNCIL INTEGRATED PLANS - SUBMISSIONS RECEIVED.

Attachment 1: Submissions Received – Integrated Plans

No.	Submission	Details	Recommendation
1	Residents of Francis Avenue, Lemon Tree Passage	<p>Request to bring forward from FY18 to FY16 works on Francis Avenue.</p> <p>Reasons relate to:</p> <ul style="list-style-type: none"> • Poor Road Condition; • Road Width; • Traffic Type and Volume (Buses); • Road damage contributed by vehicles fitted with air bag suspension; • Vibration of houses when buses with air bag suspensions travel past. <p>Civil Assets Section:</p> <ol style="list-style-type: none"> 1. <i>Francis Avenue between Morton Drive and Marine Drive is in a poor state, with the existing pavement beyond its life. Multiple failures are evident which will be resolved when the road is reconstructed.</i> 2. <i>The road is narrow for this classification of road, primarily as it is a bus route. Many of the surrounding roads are of similar width which for low volume local roads is acceptable, but not desirable. Again, when the road is reconstructed Council will widen the pavement to current specifications.</i> 3. <i>This road is not on a state government prescribed bus route. This road is on a designated school bus route. Unfortunately Council has minimal say in the routes set as in many locations for alternative routes are not suitable. Thoughts on this matter should be directed to Transport for NSW.</i> 4. <i>In relation to heavy vehicles fitted with or without air bag suspension, this is outside the control of Council. The effect of the additional mass of these heavy vehicles on the road pavement which is not designed to cater for such loads is our main issue. Council</i> 	That the correspondence be noted.

MINUTES ORDINARY COUNCIL - 26 MAY 2015
ITEM 6 - ATTACHMENT 1 PORT STEPHENS COUNCIL INTEGRATED PLANS - SUBMISSIONS RECEIVED.

No.	Submission	Details	Recommendation
		<p><i>is working closely with geotechnical engineers to design a road pavement to cater for the current and future needs.</i></p> <p>5. <i>Vibration to houses with heavy vehicles fitted with airbag suspension is again outside the control of Council. Once the road is upgraded and the pavement strengthened to handle the loads of these heavy vehicles the issue should be resolved.</i></p> <p><i>During the process of initiating the upgrading of Francis Avenue, we have discovered many issues in relation to stormwater drainage. These stormwater drainage issues require attention at the same time as the road upgrade, but the required studies take time. It would be inefficient and cost prohibitive for Council not to undertake the drainage upgrades required before road works are undertaken. The drainage works will also help determine levels for the road pavement, kerb and guttering and the surrounding road reserve area. To obtain a scale of economy and minimise disruption to residents we are planning to reconstruct both the drainage system and the road pavement at the same time. Due to this we have had to move the reconstruction time forward to the 2017-2018 financial year to allow for the additional drainage studies and subsequent design to take place.</i></p>	
2	General Manager	<p>On behalf of Community & Recreation Services, seeking changes to the Capital Works Plan for 2015-2016 as a result of receipt of grant funding as follows:</p> <ul style="list-style-type: none"> • Change job titled: Waterways Assets – Henderson Park Aquatic Infrastructure – Upgrade - \$1,300,000 (This is due to a grant that was recently received for this job 	That Council agrees to the proposed changes to the 2015-2016 Capital Works Plan.

MINUTES ORDINARY COUNCIL - 26 MAY 2015
ITEM 6 - ATTACHMENT 1 PORT STEPHENS COUNCIL INTEGRATED PLANS - SUBMISSIONS RECEIVED.

No.	Submission	Details	Recommendation
		<p>which has made further funding available);</p> <ul style="list-style-type: none"> • Include additional job titled: Waterways Assets – Seaham Boat Ramp – Upgrade - \$300,000 (This is due to a grant that was recently received for this job which has made further funding available); • Include additional job titled: Waterways Assets – Conroy Park Sea Wall – Upgrade works - \$100,000 (This is due to funds being freed up from the addition of grant funds); • Remove job titled: Sports Assets – Bowthorne Park – Fencing replacement - \$20,000 (This is due to the Bowthorne Soccer Club receiving a grant to complete these works); • Include additional job titled: Sports Assets – Mallabula Sports Complex – Rehabilitation of soccer/athletics car park - \$20,000 (This is due to funds being freed up from the removal of the Bowthorne Park fencing job). 	
3	Lemon Tree Passage Parks, Reserves and Tidy Town 355c Committee	<p>The amount allocated (\$15,500) in the Works Plan for the public amenity at Henderson Park is inadequate: request that a major upgrade to a "basic, acceptable standard" be allocated.</p> <p><i>Civil Assets Section: The amount allocated is sufficient to complete all required works as noted in the submission, with the exception of the concreting of the service duct. These works will not be completed as a service duct requires access to the services underground which would be inaccessible if concreted.</i></p>	That Council notes the correspondence.
4	Tilligerry Peninsula Chamber of Commerce & Industry Inc	Writing in support of Lemon Tree Passage Parks, Reserves and Tidy Town Committee's submission: upgrade of Henderson Park toilet should be moved up the schedule of works as it is a busy and popular area.	That Council notes the correspondence.

MINUTES ORDINARY COUNCIL - 26 MAY 2015
ITEM 6 - ATTACHMENT 1 PORT STEPHENS COUNCIL INTEGRATED PLANS - SUBMISSIONS RECEIVED.

No.	Submission	Details	Recommendation
5	Councillor Steve Tucker, Deputy Mayor	That the following action be added to the Operational Plan: "Develop a project plan for the long term enhancement of Raymond Terrace Library to accommodate diverse cultural activities."	That Council agree to include the action in the Operational Plan for 2018-2019.
6	Councillor Steve Tucker, Deputy Mayor	<i>"Work with the community to develop a long term project plan for eventual re-use of the decommissioned emergency building at Lemon Tree Passage, including for an arts/crafts/cultural centre."</i>	That Council agree to include the action in the Operational Plan for 2018-2019.
7	Councillors Paul Le Mottee and Ken Jordan	That the following action be added to the Operational Plan: <i>"Prepare a project plan to redefine the civic precinct of Raymond Terrace"</i> .	That Council agree to include the action in the Operational Plan for 2018-2019
8	Councillors Paul Le Mottee and Ken Jordan	That the following action be added to the Operational Plan <i>Conduct a study to define a dining and cultural precinct along King Street, Raymond Terrace.</i>	That Council agree to include the action in the Operational Plan for 2018-2019
9	Resident	<p>Objection to assumptions in the Strategic Asset Management Plan: statements related to financial basis for future works and deployment of annual surplus.</p> <p><i>Civil Assets Section: Council is in a financial surplus position, though we need to ensure we have the right balance between</i></p> <ul style="list-style-type: none"> - the amount of financial surplus; - the existing infrastructure backlog; - the services supplied; <p><i>This balance is used to ensure that we do remain in a surplus position.</i></p> <p><i>It should be noted that the surplus is being used to reduce the infrastructure backlog and reduce in the annual maintenance backlog. As a result of work done in preparing Council's documentation for Fit for the Future we have refined our approach to allocation of resources for infrastructure so that we will meet the State government's criteria by 2020.</i></p>	That Council notes the correspondence.

MINUTES ORDINARY COUNCIL - 26 MAY 2015**ITEM 6 - ATTACHMENT 1 PORT STEPHENS COUNCIL INTEGRATED PLANS - SUBMISSIONS RECEIVED.**

No.	Submission	Details	Recommendation
10	Resident of Corlette	<p>Submission related to Strategic Asset Management Plan Section 5.9 Parks: points to perceived anomalies in this section related to population data; missing assets.</p> <p><i>Civil Assets Section: Council is currently revising the Strategic Asset Management Plan to update it; to incorporate long term infrastructure strategies for each asset category; and to ensure that Council remains within the parameters of the State government's criteria as outlined in Fit for the Future. At the same, the new draft Open Space Strategy referee to by the author of the submission is almost complete and will come to Council in this financial year or early thereafter.</i></p>	That Council notes the correspondence.

ITEM 6 - ATTACHMENT 2 ACTIONS FROM FIT FOR THE FUTURE TO BE INCLUDED IN INTEGRATED PLANS.**Attachment 2: Fit for the Future Action Plans to be included in Integrated Plans**

Action	Responsibility within Council	Timeframe
Contribute to and implement the new Emergency Management Plan as part of the Lower Hunter Emergency Management Committee	Facilities and Services Group Manager/Civil Assets Manager	2015-2016
Conduct condition rating and risk assessment on all categories of assets – 2015-2016	Civil Assets Section Manager	2015-2017
Implement the recommendations of the PKF Lawler Partners audit of Council's assets, backlog and methodologies and incorporate in them FY2016 Special Schedule 7 to the Financial Statements of Council	Civil Assets Section Manager/Financial Services Manager re depreciation	2015-2016
Incorporate the Fit for the Future criteria in the new performance management software Interplan to track performance	Corporate Strategy & Planning Manager	Before 30 November 2015
Incorporate performance against the Fit for the Future criteria in Council's annual reports, and where appropriate/applicable in the more regular reports.	Corporate Strategy & Planning Manager	By 30 November each year for annual reports; monthly monitoring – to 2020

ITEM NO. 7

FILE NO: PSC2015-01000/159
TRIM REF NO: PSC2014-03298

PROPOSED FEES AND CHARGES 2015-2016

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Agrees to the recommendations in the schedule of submissions **(ATTACHMENT 1)**.
- 2) Agrees to the schedule of fees for Holiday Parks in **(ATTACHMENT 2)**.
- 3) Agrees to amendments to the re-zoning fees in response to a submission received as shown in **ATTACHMENT 3)**.
- 4) Adopts the draft Fees and Charges 2015-2016.

ORDINARY COUNCIL MEETING - 26 MAY 2015 COMMITTEE OF THE WHOLE RECOMMENDATION

136	<p>Mayor Bruce MacKenzie Councillor Chris Doohan</p> <p>That Council:</p> <ol style="list-style-type: none">1) Agrees to the recommendations in the schedule of submissions (ATTACHMENT 1).2) Agrees to the schedule of fees for Holiday Parks in (ATTACHMENT 2).3) Agrees to amendments to the re-zoning fees in response to a submission received as shown in ATTACHMENT 3).4) Adopts the draft Fees and Charges 2015-2016, subject to the deletion of the development application to remove/prune trees fee of \$58.90.
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ORDINARY COUNCIL MEETING - 26 MAY 2015 MOTION

137	<p>Councillor Paul Le Mottee Councillor Steve Tucker</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Agrees to the recommendations in the schedule of submissions (ATTACHMENT 1).
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MINUTES ORDINARY COUNCIL - 26 MAY 2015

	2)	Agrees to the schedule of fees for Holiday Parks in (ATTACHMENT 2) .
	3)	Agrees to amendments to the re-zoning fees in response to a submission received as shown in ATTACHMENT 3) .
	4)	Adopts the draft Fees and Charges 2015-2016, subject to the deletion of the development application to remove/prune trees fee of \$58.90.

BACKGROUND

The purpose of this report is to advise Council of submissions received during the period of public exhibition of the draft Fees and Charges 2015-2016 from 1 to 30 April 2015, as per Council's meeting of 24 March 2015 (Minute No. 059); and to make recommendations regarding the submissions received.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens Council's services and assets are sustainable in the longer term.	Council will reduce its underlying deficit to break even in 2014-2015 financial year. 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

Fees and charges represent approximately one third of all revenue to Council. They form part of the Operational Plan of Council but are presented for the convenience of the public in a separate document, published by Corporate Strategy & Planning in the General Manager's unit.

Copies of the fees and charges document, once adopted will be placed on Council's website, with hard copies to be available at Council's Administration Building and libraries. Copies are also made available to Halls Committees and Sports Councils.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Resources covered within existing budget.
Reserve Funds	No		

MINUTES ORDINARY COUNCIL - 26 MAY 2015

Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Council is required under Sections 405 and 610F of the *Local Government Act 1993* and Regulation 201 of the *Local Government (General) Regulation 2005* to place any fees proposed for the following year on public exhibition for a period of 28 days and invite written submissions. Council is prohibited from levying any fee or charge until it has been exhibited; submissions considered; and the schedule of fees and charges must be formally adopted before 30 June each year.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that failure to adopt the draft Fees and Charges 2015-2016 means that no fees can be charged with the result that Council will have a loss of revenue.	Low	Council will adopt the Fees and Charges 2015-2016.	Yes
There is a risk that failure to adopt the draft Fees and Charges 2015-2016 will result in breaking the law with consequent damage to Council's reputation.	low	Council will adopt the Fees and Charges 2015-2016.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The draft Fees and Charges 2015-2016 have been formulated in accordance with Council's Pricing policy which has regard to its community service obligations, economic return to Council for use of assets, paid for by the community, ability of customers to pay for services, and in accordance with Council's legal obligations.

CONSULTATION

The draft Fees and Charges 2015-2016 were placed on public exhibition from 1 – 30 April 2015. Copies were placed on Council's website, in libraries and at the Administration Building. An advertisement was placed in the Port Stephens Examiner during the exhibition period. Draft fees for children's services were separately advised to parents and carers who were also asked for written submissions.

Fees for Community Public Halls and those associated with Sports Councils were developed on the recommendation of members of the respective 355c Committees.

OPTIONS

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

ATTACHMENTS

- 1) Submissions Fees and Charges 2015-2016.
- 2) Recommended Changes to Holiday Parks Fee Schedule.
- 3) Restructured Rezoning Fees.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 7 - ATTACHMENT 1 SUBMISSIONS FEES AND CHARGES 2015-2016.

Attachment A: Submissions – Fees and Charges 2015-2016

No.	Submission	Details	Recommendation
1	Resident	Lakeside Leisure Centre submission seeks the reinstatement of the discount for siblings for Squad and Learn to Swim; and no increase in fees. If left as proposed it will cause financial hardship and potential withdrawal of three children from the programs.	That Council notes the correspondence and reinstates the siblings' discount.
2	Resident of Corlette	<p>Suggested that fees for Ngioka Centre be rounded down:</p> <p>Proposed fee \$8.20 be rounded to \$8.00</p> <p>Proposed fee \$1.55 be rounded to \$1.50</p> <p>Proposed fee \$3.10 be rounded to \$3.00</p> <p>Proposed fee \$1.85 be rounded to \$1.80</p> <p>Proposed fee \$2.00 be rounded to \$2.00</p> <p>Proposed fee \$4.10 be rounded to \$4.00</p> <p>Rationale is that staff are too busy to deal with odd amounts of change for clients.</p> <p><i>Comment: The costs of materials and labour continue to rise and this is why we check against other wholesalers annually to ensure we stay within the median price range but to also ensure we are covering costs and not further adding to the ratepayer subsidy.</i></p> <p><i>Ngioka costs are set in accordance with the wholesale market and adjusted to the higher or lower end based on cost pressures. This is done as part of the annual review of fees and charges.</i></p>	That Council notes the correspondence.
3	Raymond Terrace Community Care Centre	<p>Proposed hourly fee of \$10.20 be rounded down to \$10.00 for the upstairs meeting room;</p> <p>Proposed fee of \$20.30 for private, funded, government (including Council for Council business) or for profit organisations be reduced to \$15.00 per hour for the upstairs meeting room;</p> <p>Proposed new fee of \$60.00 per day for all user categories.</p> <p>All fees included are Market Pricing and include GST.</p>	That Council accept the submission and make the changes to the fees for Raymond Terrace Community Care Centre.
4	Karuah Community Hall Committee	Addition of 'per hour' to wording in relation to Meeting Room hire.	That Council accept the submission and make the wording change.
5	General Manager – Port Stephens Council	<p>Signs for dangerous dogs: \$35.00</p> <p>Collar (medium): \$40.00</p> <p>Collar (Large): \$45.00</p> <p>Collar (Extra Large): \$55.00</p> <p>All prices including GST and are set at full cost recovery pricing.</p> <p><i>Comment: where a dog has been declared a</i></p>	That Council agree to the inclusion of these new fees in the Fees & Charges for 2015-2016.

ITEM 7 - ATTACHMENT 1 SUBMISSIONS FEES AND CHARGES 2015-2016.

No.	Submission	Details	Recommendation
		<i>"dangerous dog", legislation requires the animal to wear a specific type of collar (fluoro red and yellow). The entrances to the property where the animal is normally housed are to be posted with specific signage. This signage and these collars are not easily sourced by the public and it is proposed that Council provide the required items to further public safety by ensuring that members of the community can readily fulfil the legislative requirements.</i>	
6	General Manager – Port Stephens Council	The changes to fees at Council's holiday parks (Attachment B) are necessary to adapt to changed business requirements.	That Council agree to the changes to the fees schedule and the inclusion of new fees as shown in Attachment 3 for 2015-2016.
7	General Manager – Port Stephens Council	As a result of Council's adoption of the Foreshore Dinghy Storage policy at its meeting on 14 April 2015 (Minute #086), a fee of \$100 including GST is needed to give effect to the provisions of the policy.	That Council accepts the submission and includes the foreshore dinghy storage fee in the schedule of fees and charges for 2015-2016.
8	Seventeen residents in six separate submissions	Residents are asking that childcare fees not be increased as affordability is an issue. <i>Community Services Section: the cause of the increase is not Council but is driven by the reduction in Funding Subsidy by Federal Government.</i>	That Council notes the correspondence.
9	Resident	Objecting to the current A, B and C categories of rezoning fees and requesting Council consider a five category system as follows: Category A - as per existing Category A - \$8,000 Category B - proposals that are of a small scale with 4 or less planning issues requiring detailed assessment. Total charge \$12,000. Category C - proposals that are of a small scale involving more than four planning issues or medium scale proposals up to four planning issues. \$18,000 Category D - proposals that are of a moderate scale involving more than 4 planning issues of significance. Total charge \$30,000 Category E - proposals that of a large scale,	That Council adopts the fee structure proposed by Strategy & Environment Section and recognises the validity of points made in the submission.

ITEM 7 - ATTACHMENT 1 SUBMISSIONS FEES AND CHARGES 2015-2016.

No.	Submission	Details	Recommendation
		<p>i.e. 100 or more lots or of a scale which involve significant planning assessment \$50,000</p> <p><i>Strategy & Environment Section: We acknowledge the points made in this submission and we have reviewed the fee structure and modelled options including those proposed by the Resident in his submission.</i></p> <p><i>To better reflect the range of Planning Proposals submitted and the actual cost to Council to assess these applications it is recommended that an additional category be included for low impact proposals. These proposals include those which require a low to moderate level of assessment, consultation and coordination. The definition of each category has also been amended to clarify their application.</i></p> <p><i>Further clarification has also be made to ensure that the cost of all third parties engaged by Council to undertake supporting studies, public hearings or peer reviews will be charged in addition to the fee. The proposed changes are Attachment C.</i></p>	

ITEM 7 - ATTACHMENT 2 RECOMMENDED CHANGES TO HOLIDAY PARKS FEE SCHEDULE.

Attachment B – Recommended Changes to Holiday Parks' Fee Schedule**HOLIDAY PARKS**

Fee Name	Fee Description	Fee Amount Incl. GST	Pricing Policy	Clarification	Fee Unit
Accommodation Deposits					
Accommodation deposit	Excluding Christmas School Holidays	Deposit is first 2 nights tariff for accommodation and sites	Market Pricing		
Accommodation deposit	Christmas School Holidays	Villas & Cabins - Deposit is 20% of full tariff or 1st nights tariff (whichever is the greater) Powered & unpowered sites - Deposit is \$150 - Full payment received by 1 December Recommendation: Deposit to be \$200 instead of \$150.	Market Pricing		
Cancellations					
Cancellation - Reservation Management System online & general bookings	Excluding Christmas School Holidays.	Reservations cancelled with less than 7 days' notice prior to arrival time will forfeit 50% of the deposit. Reservations cancelled more than 7 days' notice prior to arrival time will receive a credit letter or refund less the \$30 processing charge.	Market Pricing		
Cancellation - Reservation Management System online & general bookings for Christmas School Holidays		Reservations cancelled prior to December will forfeit 50% of the deposit. Reservations cancelled from 1st December forfeit the full deposit. (Took out asterisks - no idea what referenced)	Market Pricing		
Late Check Out – subject to availability					
Cabins	NEW	\$50.00	Market Pricing	Until noon	

ITEM 7 - ATTACHMENT 2 RECOMMENDED CHANGES TO HOLIDAY PARKS FEE SCHEDULE.

Fee Name	Fee Description	Fee Amount Incl. GST	Pricing Policy	Clarification	Fee Unit
Cabins	New	50% of day rate	Market Pricing	Until 5.00pm	
Camp site	New	\$20.00	Market Pricing	Until 5.00pm	
Wi-Fi Access: Holiday Packages					
3 day short break	New	\$20.00	Market Pricing	500mb downloads/500mb uploads signup	
7 day relax package	New	\$30.00	Market Pricing	1000mb downloads/1000mb uploads signup	
30 day long stay package	New	\$50.00	Market Pricing	2Gb uploads/2Gb downloads signup	
Communication & Administration Charges					
Facsimile Services	Outgoing - International	\$7.80 Recommendation: Fee to be \$7.60	Market Pricing	First page	First page
Facsimile Services	Outgoing - International	\$2.40 Recommendation: Fee to be \$2.30	Market Pricing	Additional page	Per additional page
Facsimile Services	Outgoing - Australia	\$4.55 Recommendation: Fee to be \$4.40	Market Pricing	First page	First page
Facsimile Services	Outgoing - Australia	\$1.65 Recommendation: Fee to be \$1.60	Market Pricing	Additional page	Per additional page
Facsimile Services	Incoming	\$5.75 Recommendation: Fee to be \$5.60	Market Pricing	First page	First 5 pages
Facsimile Services	Incoming	\$1.65 Recommendation: Fee to be \$1.60	Market Pricing	Additional page	Per additional page
Photocopying	A4	\$0.70	Market Pricing		Per copy
Photocopying	A3	\$1.05 Recommendation: Fee to be \$1.00	Market Pricing		Per copy
Telephone Charges		Local, STD & International calls charged at 3 times the standard rate	Market Pricing		
FINGAL BAY: Accommodation Tariffs MAXIMUM nightly rates					
Advanced bookings for next financial year will be subject to increases to reflect CPI.					
These are peak season rates chargeable. Rates may increase through dynamic pricing via Reservation Management System depending on availability.					

ITEM 7 - ATTACHMENT 2 RECOMMENDED CHANGES TO HOLIDAY PARKS FEE SCHEDULE.

Fee Name	Fee Description	Fee Amount Incl. GST	Pricing Policy	Clarification	Fee Unit
Beach House	Weekend nightly rate	\$393.90 Recommendation: Fee to be \$395.00	Market Pricing		Per night
Garden Cabin	Weekend nightly rate	\$327.40 Recommendation: Fee to be \$325.00	Market Pricing		Per night
Getaway Cabin	Weekend nightly rate	\$230.20 Recommendation: Fee to be \$240.00	Market Pricing		Per night
Powered Site	Weekend nightly rate	\$73.70 Recommendation: Fee to be \$75.00	Market Pricing		Per night
Surf Villa	Weekend nightly rate	\$439.90 Recommendation: Fee to be \$440.00	Market Pricing		Per night
Drive through ensuite site	New	\$105.00	Market Pricing		Per night
Ensuite campsite	New	\$97.00	Market Pricing		Per night
FINGAL BAY: Accommodation Tariffs MINIMUM nightly rates					
Advanced bookings for next financial year will be subject to increases to reflect CPI.					
These are the minimum rates to including any discounts. Rates increase through dynamic pricing via Reservation Management System depending on availability.					
Beach House	Weekday nightly rate	\$138.20 Recommendation: Fee to be \$135.00	Market Pricing		Per night
Garden Cabin	Weekday nightly rate	\$127.90 Recommendation: Fee to be \$125.00	Market Pricing		Per night
Getaway Cabin	Weekday nightly rate	\$67.60 Recommendation: Fee to be \$99.00	Market Pricing		Per night
Powered Site	Weekday nightly rate	\$34.80 Recommendation: Fee to be \$34.00	Market Pricing		Per night
Surf Villa	Weekday nightly rate	\$163.70 Recommendation: Fee to be \$160.00	Market Pricing		Per night
Drive through ensuite site	New	\$55.00	Market Pricing		Per night
Ensuite campsite	New	\$52.00	Market Pricing		Per night
Fingal Bay Meeting Room	New	\$80.00	Market Pricing	Full Day	

ITEM 7 - ATTACHMENT 2 RECOMMENDED CHANGES TO HOLIDAY PARKS FEE SCHEDULE.

Fee Name	Fee Description	Fee Amount Incl. GST	Pricing Policy	Clarification	Fee Unit
Fingal Bay Meeting Room	New	\$50.00	Market Pricing	Half Day	
General Services & Ancillary Charges					
Additional Housekeeping Services		\$61.40 Recommendation: Fee to be 60.00	Market Pricing		Per hour or part thereof
Roll away bed	New	\$25.00	Market Pricing		Per night
Casual Showers		\$5.65 Recommendation: Fee to be \$5.50	Market Pricing		Per person
Extension Lead Hire		\$5.65 Recommendation: Fee to be \$5.50	Market Pricing		Per day
Gas		Recommended Retail Price as charged by Service Provider	Market Pricing		
Ice		Recommended Retail Price as charged by Service Provider	Market Pricing		
Internet Access		Recommended Retail Price as charged by Service Provider	Market Pricing		
Lost key replacement		\$51.20 Recommendation: Fee to be \$50.00	Market Pricing		Per key
Re-sanitation costs	Charge to clean vomit or excreta.	\$255.80 Recommendation: Fee to be \$250.00	Market Pricing		Per service
Remote control replacement		\$153.50 Recommendation: Fee to be \$150.00	Market Pricing		Per remote device
Tennis Court Hire		Recommended Retail Price as charged by Service Provider	Market Pricing		
Use of Barbeques		No charge applies	Free (zero priced)		
Washing Machines & Dryers		\$4.30	Market Pricing		Per token
Washing Powder	New	\$1.00	Market Pricing		Per sachet

ITEM 7 - ATTACHMENT 2 RECOMMENDED CHANGES TO HOLIDAY PARKS FEE SCHEDULE.

Fee Name	Fee Description	Fee Amount Incl. GST	Pricing Policy	Clarification	Fee Unit
Day visitors	New	\$5.00	Market Pricing		Per person
Breakfast packs	New	\$10.00	Market Pricing		Each
Beachside Bonus Membership	New	\$15.00	Market Pricing		Each
Group Bookings					
Advanced bookings for next financial year will be subject to increases to reflect CPI.					
Cancellations		Notice less than 50 days, a cancellation fee of 10% will be charged. Cancellation between 21 – 30 days a fee of 20% will be charged. Cancellation less than 21 days, there will be no refund of deposit monies paid.	Market Pricing		
Final Deposit		Within one month of arrival date 30% of total quoted costs	Market Pricing		
Final Payment		Balance to be paid at least one week prior to arrival.	Market Pricing		
Initial Deposit		Within 50 days of reservation 10% to hold accommodation	Market Pricing		
Security deposits		A credit card imprint must be provided on arrival as security to cover costs if damage is incurred by the park during the group's stay	Market Pricing		
HALIFAX: Accommodation Tariffs MAXIMUM nightly rates					
Advanced bookings for next financial year will be subject to increases to reflect CPI.					
These are peak season rates chargeable. Rates may increase through dynamic pricing via Reservation Management System depending on availability.					
3 Bedroom Assisted Cabin	Weekend nightly rate	\$383.70 Recommendation: Fee to be \$385.00	Market Pricing		Per night
Bay Villa	Weekend nightly rate	\$291.60 Recommendation: Fee to be \$295.00	Market Pricing		Per night
Beach Villa	Weekend nightly rate	\$439.90 Recommendation:	Market Pricing		Per night

ITEM 7 - ATTACHMENT 2 RECOMMENDED CHANGES TO HOLIDAY PARKS FEE SCHEDULE.

Fee Name	Fee Description	Fee Amount Incl. GST	Pricing Policy	Clarification	Fee Unit
		Fee to be \$440.00			
Castaway Cabin	Weekend nightly rate	\$230.20 Recommendation: Fee to be \$240.00	Market Pricing		Per night
Powered Site	Weekend nightly rate	\$73.70 Recommendation: Fee to be \$75.00	Market Pricing		Per night
Quarterdeck Villa	Weekend nightly rate	\$327.40 Recommendation: Fee to be \$325.00	Market Pricing		Per night
HALIFAX: Accommodation Tariffs MINIMUM nightly rates					
Advanced bookings for next financial year will be subject to increases to reflect CPI.					
These are the minimum rates to including any discounts. Rates increase through dynamic pricing via Reservation Management System depending on availability.					
3 Bedroom Assisted Cabin	Weekday nightly rate	\$153.50 Recommendation: Fee to be \$150.00	Market Pricing		Per night
Bay Villa	Weekday nightly rate	\$117.70 Recommendation: Fee to be \$115.00	Market Pricing		Per night
Beach Villa	Weekday nightly rate	\$163.70 Recommendation: Fee to be \$160.00	Market Pricing		Per night
Castaway Cabin	Weekday nightly rate	\$101.30 Recommendation: Fee to be \$99.00	Market Pricing		Per night
Powered Site	Weekday nightly rate	\$34.80 Recommendation: Fee to be \$34.00	Market Pricing		Per night
Quarterdeck Villa	Weekday nightly rate	\$127.90 Recommendation: Fee to be \$125.00	Market Pricing		Per night
Holiday Van Administration					
Holiday Van Annual Agreement	Preparation Charge	\$11.30 Recommendation: Fee to be \$11.00	Market Pricing		
Holiday Van Annual Agreement Postal Charge	Postal Charge	\$5.65 Recommendation: Fee to be \$5.50	Market Pricing		
Holiday Van Annual Agreement Sale/ Transfer of Ownership Fee	Fee payable by owner upon transfer of ownership or when	\$450.20 Recommendation: Fee to be \$440.00	Market Pricing		

ITEM 7 - ATTACHMENT 2 RECOMMENDED CHANGES TO HOLIDAY PARKS FEE SCHEDULE.

Fee Name	Fee Description	Fee Amount Incl. GST	Pricing Policy	Clarification	Fee Unit
	adding or removing names from agreements				
Holiday Van Occupancy Fees					
Electricity account administration		\$5.15 Recommendation: Fee to be \$5.00	Market Pricing		Per quarter
Holiday Van Site A (Fingal Bay Only)	Monthly occupancy fee up to 150 nights	\$455.30 Recommendation: Fee to be \$455.00	Market Pricing		
Holiday Van Site B (Halifax, Fingal Bay & Shoal Bay)	Monthly occupancy fee up to 150 nights	\$455.30 Recommendation: Fee to be \$445.00	Market Pricing		
Holiday Van Site Electricity Usage and Daily Supply Charge		Metered electricity usage charged quarterly at the rate provided by Independent Pricing and Regulatory Tribunal.	Market Pricing		
MAXIMUM Nightly Additional Person Charges					
Extra person cabin accommodation	Per additional adult	\$25.60 Recommendation: Fee to be \$25.00	Market Pricing		Per night
Extra person cabin accommodation	Per additional child	Per additional child	Free (zero priced)		Per night
Extra person site accommodation	Per additional adult	\$15.40 Recommendation: Fee to be \$15.00	Market Pricing		Per night
Extra person site accommodation	Per additional child	\$10.30 Recommendation: Fee to be \$10.00	Market Pricing		Per night
MINIMUM Nightly Additional Person Charges					
Extra person cabin accommodation	Per additional adult	\$15.40 Recommendation: Fee to be \$15.00	Market Pricing		Per night
Extra person cabin accommodation	Per additional child	Per additional child	Free (zero priced)		Per night
Extra person site accommodation	Per additional adult	\$10.30 Recommendation: Fee to be \$10.00	Market Pricing		Per night
Extra person site accommodation	Per additional	\$5.15 Recommendation:	Market Pricing		Per night

ITEM 7 - ATTACHMENT 2 RECOMMENDED CHANGES TO HOLIDAY PARKS FEE SCHEDULE.

Fee Name	Fee Description	Fee Amount Incl. GST	Pricing Policy	Clarification	Fee Unit
	child	Fee to be \$5.00			
Security Deposits					
Security Deposit - Camp Kitchen Key	Security deposit required when photo ID is not available	\$20.50 Recommendation: Fee to be \$20.00	Market Pricing		
Security Deposit - Extension Lead Hire		\$51.20 Recommendation: Fee to be \$50.00	Market Pricing		
Shoal Bay - Conference Room Hire					
Advanced bookings for next financial year will be subject to increases to reflect CPI.					
Additional Person - premium package surcharge	Per person added to full day standard package rate	\$8.20 Recommendation: Fee to be \$8.50	Market Pricing	Both packages include one of either morning or afternoon tea	Per person
Additional Person - premium package surcharge	Per person added to half day premium package rate	\$8.20 Recommendation: Fee to be \$8.50	Market Pricing	Both packages include one of either morning or afternoon tea	Per person
Additional Person - standard package surcharge	Per person added to half day standard package rate	\$2.05 Recommendation: Fee to be \$2.50	Market Pricing	Both packages include one of either morning or afternoon tea	Per person
Additional Person - standard package surcharge	Per person added to full day standard package rate	\$2.05 Recommendation: Fee to be \$2.50	Market Pricing	Both packages include one of either morning or afternoon tea	Per person
Full Day Premium Package	Flat Rate - includes cleaning costs, audio visual equipment & premium catering package up to 20 people.	\$291.60 Recommendation: Fee to be \$295.00	Market Pricing	Both packages include one of either morning or afternoon tea	
Full Day Standard Package	Flat Rate - includes cleaning costs, audio	\$266.00 Recommendation: Fee to be \$270.00	Market Pricing	Both packages include one of either morning or afternoon tea	

ITEM 7 - ATTACHMENT 2 RECOMMENDED CHANGES TO HOLIDAY PARKS FEE SCHEDULE.

Fee Name	Fee Description	Fee Amount Incl. GST	Pricing Policy	Clarification	Fee Unit
	visual equipment & standard catering package up to 20 people.				
Half Day Premium Package	Flat Rate - includes cleaning costs, audio visual equipment & premium catering package up to 20 people.	\$203.90 Recommendation: Fee to be \$205.00	Market Pricing	Both packages include one of either morning or afternoon tea	
Half Day Standard Package	Flat Rate - includes cleaning costs, audio visual equipment & standard catering package up to 20 people.	\$189.30 Recommendation: Fee to be \$190.00	Market Pricing	Both packages include one of either morning or afternoon tea	
SHOAL BAY: Accommodation Tariffs MAXIMUM nightly rates					
Advanced bookings for next financial year will be subject to increases to reflect CPI.					
These are peak season rates chargeable. Rates may increase through dynamic pricing via Reservation Management System depending on availability.					
Catamaran Villa	Weekend nightly rate	\$291.60 Recommendation: Fee to be \$295.00	Market Pricing		Per night
Ensuite Site	Weekend nightly rate	\$97.20 Recommendation: Fee to be \$97.00	Market Pricing		Per night
Outrigger Villa	Weekend nightly rate	\$327.40 Recommendation: Fee to be \$325.00	Market Pricing		Per night
Powered Site	Weekend nightly rate	\$73.70 Recommendation: Fee to be \$75.00	Market Pricing		Per night
Safari Tent	Weekend nightly rate	\$138.20 Recommendation: Fee to be \$140.00	Market Pricing		Per night
Sunseeker Villa	Weekend nightly rate	\$230.20 Recommendation: Fee to be \$240.00	Market Pricing		Per night

ITEM 7 - ATTACHMENT 2 RECOMMENDED CHANGES TO HOLIDAY PARKS FEE SCHEDULE.

Fee Name	Fee Description	Fee Amount Incl. GST	Pricing Policy	Clarification	Fee Unit
SHOAL BAY: Accommodation Tariffs MINIMUM nightly rates					
Advanced bookings for next financial year will be subject to increases to reflect CPI.					
These are the minimum rates to including any discounts. Rates increase through dynamic pricing via Reservation Management System depending on availability.					
Catamaran Villa	Weekday nightly rate	\$117.70 Recommendation: Fee to be \$115.00	Market Pricing		Per night
Ensuite Site	Weekday nightly rate	\$53.20 Recommendation: Fee to be \$52.00	Market Pricing		Per night
Outingge: Villa	Weekday nightly rate	\$127.90 Recommendation: Fee to be \$125.00	Market Pricing		Per night
Powered Site	Weekday nightly rate	\$34.80 Recommendation: Fee to be \$34.00	Market Pricing		Per night
Safari Tent	Weekday nightly rate	\$56.30 Recommendation: Fee to be \$55.00	Market Pricing		Per night
Sunseeker Villa	Weekday nightly rate	\$101.30 Recommendation: Fee to be \$99.00	Market Pricing		Per night
Treescape Accommodation Tariffs MAXIMUM nightly rates (includes 2 adults unless specified otherwise)					
Advanced bookings for next financial year will be subject to increases to reflect CPI.					
Studio		\$180.00	Market Pricing		
1 bedroom suite		\$220.00	Market Pricing		
1 bedroom deluxe suite		\$240.00	Market Pricing		
Drive through site		\$75.00	Market Pricing		
Powered van/tent site		\$60.00	Market Pricing		
Unpowered tent site		\$60.00	Market Pricing		
Dormitory Tent	Includes 10 occupants	\$350.00	Market Pricing		
First time camping (Safari-style tents)		\$125.00	Market Pricing		
Treescape Marquee Hire	Room only	\$80.00	Market Pricing	Full Day	

ITEM 7 - ATTACHMENT 2 RECOMMENDED CHANGES TO HOLIDAY PARKS FEE SCHEDULE.

Fee Name	Fee Description	Fee Amount Incl. GST	Pricing Policy	Clarification	Fee Unit
Treescape Marquee Hire	Room only	\$50.00	Market Pricing	Half Day	
Treescape Accommodation Tariffs MINIMUMM nightly rates (includes 2 adults unless specified otherwise)					
Advanced bookings for next financial year will be subject to increases to reflect CPI.					
Studio		\$75.00	Market Pricing		
1 bedroom suite		\$89.00	Market Pricing		
1 bedroom deluxe suite		\$95.00	Market Pricing		
Drive through site		\$35.00	Market Pricing		
Powered van/tent site		\$30.00	Market Pricing		
Unpowered tent site		\$25.00	Market Pricing		
Dormitory Tent	Includes 10 occupants	\$150.00	Market Pricing		
First time camping (Safari-style tents)		\$50.00	Market Pricing		
Treescape Marquee Hire	Room only	\$80.00	Market Pricing	Full Day	
Treescape Marquee Hire	Room only	\$50.00	Market Pricing	Half Day	

ITEM 7 - ATTACHMENT 3 RESTRUCTURED REZONING FEES.

Attachment C: Restructured Rezoning Fees

Local Environmental Plan (Re zoning)					
Category A: Minor amendments consistent with the parent LEP and do not require additional studies (i.e. minor map anomalies).					
Stage 1 - Lodgement (up to Gateway)		\$2,046.00	Full Cost Pricing		Per proposal
Stage 2 – Post Gateway (exhibition)		\$4,604.00	Full Cost Pricing		Per proposal
Stage 3 - Gazettal		\$2,046.00	Full Cost Pricing		Per proposal
Category B: Planning proposals for low impact and low yield development that require a low to moderate level of assessment, consultation and coordination. A minimal number of supporting studies are required. An accompanying DCP, Section 94 Plan or Planning Agreement is not required.					
Stage 1 - Lodgement (up to Gateway)		\$5,250.00	Full Cost Pricing		Per proposal
Stage 2 – Post Gateway (exhibition)		\$10,500.00	Full Cost Pricing		Per proposal
Stage 3 - Gazettal		\$5,250.00	Full Cost Pricing		Per proposal
Note: In addition, all direct costs of all third parties engaged by Council to undertake supporting studies, public hearings or peer reviews will apply.					
Category C: Planning proposals for locally significant urban release areas and development that require a moderate to high level of assessment, consultation and coordination. A moderate to high number of supporting studies are required. An accompanying DCP, Section 94 Plan or Planning Agreement may be required.					
Stage 1 - Lodgement (up to Gateway)		\$10,750.00	Full Cost Pricing		Per proposal
Stage 2 – Post Gateway (exhibition)		\$22,000.00	Full Cost Pricing		Per proposal
Stage 3 - Gazettal		\$7,673.00	Full Cost Pricing		Per proposal
Note: In addition, any direct costs of all third parties engaged by Council to undertake supporting studies, public hearings or peer reviews will apply.					
Category D: Planning proposals for large scale regionally significant urban release areas that require a high level of assessment, consultation and coordination. A high number of supporting studies are required. A DCP, Section 94 Plan and Planning Agreement are required.					

ITEM 7 - ATTACHMENT 3 RESTRUCTURED REZONING FEES.

Category C Proposals outside of an endorsed Department of Planning and Infrastructure Strategy attract an additional fee above the total \$106,000 for all Stages (Inclusive of Lodgement, Exhibition and Gazettal)	Calculated on a per hectare basis (of all land subject to the LEP amendment regardless of the proposed zone)	Capped at \$100,000 (charges at a pro rata basis across each stage resulting in a maximum capped cost of a Category C Planning Proposal of \$206,000).	Partial Cost Pricing	\$1650 per hectare	Per hectare
Stage 1 - Lodgement (up to Gateway)		\$40,920.00	Full Cost Pricing		Per proposal
Stage 2 – Post Gateway (exhibition)		\$43,990.00	Full Cost Pricing		Per proposal
Stage 3 - Gazettal		\$23,530.00	Full Cost Pricing		Per proposal
Note: In addition, all direct costs of all third parties engaged by Council to undertake supporting studies, public hearings or peer reviews will apply.					

ITEM NO. 8**FILE NO: PSC2015-01000/212
TRIM REF NO: PSC2015-00035****REQUEST FOR FINANCIAL ASSISTANCE****REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE**

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:-
 - a. Mayoral funds – Mayor Bruce MacKenzie – Integrated Living – DA Fees for Dementia Garden - \$2,600.42.
 - b. Mayoral funds – Mayor Bruce MacKenzie – Karuah News Letter – Assistance toward costs of newsletter printing - \$500.00.
 - c. Mayoral funds – Mayor Bruce MacKenzie – Anna Bay Public School P&C Association – Assistance toward play equipment - \$500.00.
 - d. West Ward funds – Councillor Peter Kafer – Raymond Terrace RSL – Anzac Day service 2015 - \$500.00.
 - e. West Ward funds – Cr Peter Kafer – NSW Police Force – Reimbursement of Event Fees - \$449.00.
 - f. West Ward funds – Councillor Peter Kafer – Port Stephens Netball Association – State Championship Support - \$500.00.

**ORDINARY COUNCIL MEETING - 26 MAY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

138	Councillor Steve Tucker Councillor John Morello That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 26 MAY 2015
MOTION**

139	Councillor Paul Le Mottee Councillor Steve Tucker It was resolved that Council approves provision of financial assistance under Section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:- <ol style="list-style-type: none">a. Mayoral funds – Mayor Bruce MacKenzie – Integrated Living – DA Fees for Dementia Garden - \$2,600.42.
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MINUTES ORDINARY COUNCIL - 26 MAY 2015

	<ul style="list-style-type: none"> b. Mayoral funds – Mayor Bruce MacKenzie – Karuah News Letter – Assistance toward costs of newsletter printing - \$500.00. c. Mayoral funds – Mayor Bruce MacKenzie – Anna Bay Public School P&C Association – Assistance toward play equipment - \$500.00. d. West Ward funds – Councillor Peter Kafer – Raymond Terrace RSL – Anzac Day service 2015 - \$500.00. e. West Ward funds – Cr Peter Kafer – NSW Police Force – Reimbursement of Event Fees - \$449.00. f. West Ward funds – Councillor Peter Kafer – Port Stephens Netball Association – State Championship Support - \$500.00.
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The purpose of this report is to determine and, where required, authorise payment of financial assistance to recipients judged by Councillors as deserving of public funding. The Financial Assistance Policy gives Councillors a wide discretion to either grant or to refuse any requests.

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

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

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

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

WEST WARD – Councillors Jordan, Kafer & Le Mottee

Raymond Terrace RSL	Anzac Day service 2015	\$500.00
NSW Police Force	Reimbursement of event fees	\$449.00
Port Stephens Netball Association	State Championship support	\$500.00

MAYORAL FUNDS – Mayor MacKenzie

Integrated Living	DA Fees for Dementia Garden	\$2,600.42
Karuah Newsletter	Assistance toward printing costs	\$500.00

MINUTES ORDINARY COUNCIL - 26 MAY 2015

Anna Bay Public School P&C	Assistance toward play equipment	\$500.00
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COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	5,049.42	(Mayoral funds \$3,600.42) (West ward funds \$1,449.00) Funding allocated within existing budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

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

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 9**FILE NO: PSC2015-01000/314
TRIM REF NO: PSC2015-01022****INFORMATION PAPERS****REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 26 May 2015.

No:	Report Title	Page:
1	CASH AND INVESTMENTS HELD AS AT 30 APRIL 2015	110
2	DESIGNATED PERSONS - PECUNIARY INTEREST	114
3	ANNUAL DESIGNATED PERSONS - PECUNIARY INTEREST	115

**ORDINARY COUNCIL MEETING - 26 MAY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

140	Councillor Steve Tucker Councillor John Morello That the recommendation be adopted.
141	Councillor Steve Tucker Councillor Paul Le Mottee That Council move out of Committee of the Whole.

ORDINARY COUNCIL MEETING - 26 MAY 2015
MOTION

142	Councillor Paul Le Mottee Councillor Steve Tucker	
	It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 26 May 2015.	
	<hr/>	
	No:	Report Title
	1	CASH AND INVESTMENTS HELD AS AT 30 APRIL 2015
	2	DESIGNATED PERSONS - PECUNIARY INTEREST
	3	ANNUAL DESIGNATED PERSONS - PECUNIARY INTEREST

INFORMATION PAPERS



ITEM NO. 1

FILE NO: PSC2015-01000/157

TRIM REF NO: PSC2006-6531

CASH AND INVESTMENTS HELD AS AT 30 APRIL 2015

REPORT OF: TIMOTHY 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 30 April 2015.

ATTACHMENTS

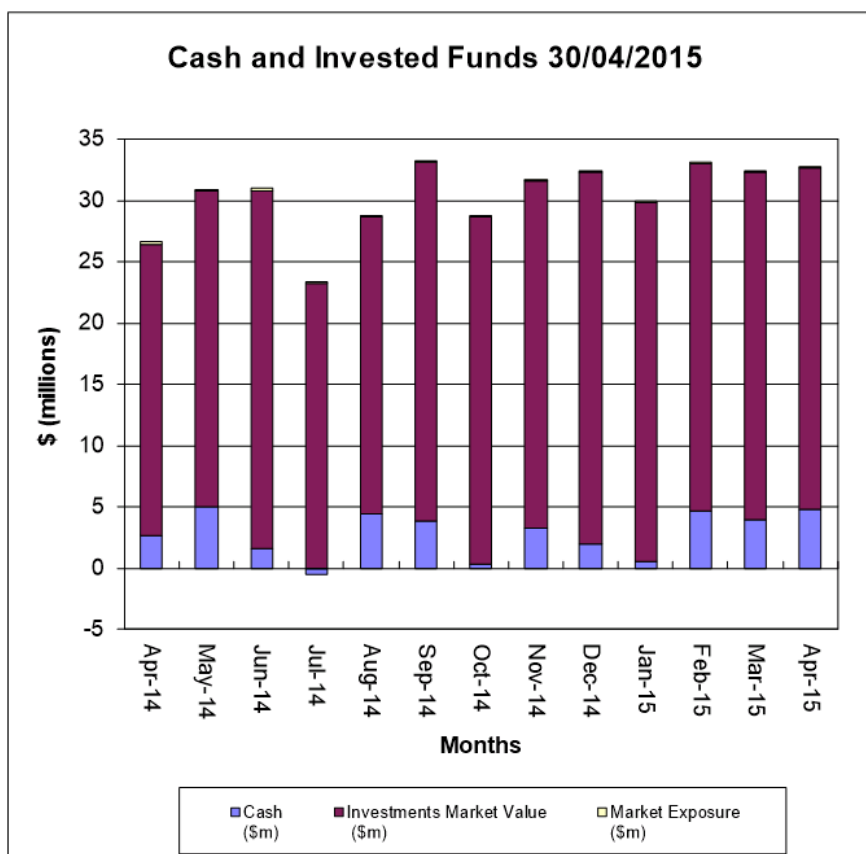
- 1) Cash and Investments held at 30 April 2015.
- 2) Monthly Cash and Investments Balance April 2014 to April 2015.
- 3) Monthly Australian Term Deposit Index April 2014 to April 2015.

ITEM 1 - ATTACHMENT 1 CASH AND INVESTMENTS HELD AT 30 APRIL 2015.

CASH AND INVESTMENTS HELD AS AT 30 APRIL 2015								
ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
ARAB BANK AUSTRALIA LTD	RIM	BB+	TD	3.85%	266	6-May-15	500,000	500,000
ING BANK (AUSTRALIA)	ING	A-	TD	3.52%	182	20-May-15	2,000,000	2,000,000
AMP BANK LTD	FARQUHARSON	A+	TD	3.50%	275	29-May-15	1,000,000	1,000,000
BANK OF QUEENSLAND LTD	BOQ	A-	TD	3.60%	266	3-Jun-15	2,500,000	2,500,000
AMP BANK LTD	CURVE	A+	TD	3.50%	266	3-Jun-15	1,000,000	1,000,000
BANK OF QUEENSLAND LTD	BOQ	A-	TD	3.60%	196	17-Jun-15	1,500,000	1,500,000
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.58%	182	17-Jun-15	2,000,000	2,000,000
WAW CREDIT UNION CO-OPERATIVE	CURVE	N/R	TD	3.65%	301	1-Jul-15	2,000,000	2,000,000
BANK OF SYDNEY LTD	RIM	N/R	TD	3.58%	182	15-Jul-15	2,000,000	2,000,000
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.50%	182	29-Jul-15	1,000,000	1,000,000
ME BANK	ME	BBB+	TD	3.45%	182	29-Jul-15	1,000,000	1,000,000
AMP BANK LTD	FARQUHARSON	A+	TD	3.50%	266	12-Aug-15	2,000,000	2,000,000
MAITLAND MUTUAL BUILDING SOCIETY	RIM	NR	TD	3.10%	182	9-Sep-15	1,500,000	1,500,000
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.11%	182	23-Sep-15	2,000,000	2,000,000
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	2.99%	182	7-Oct-15	2,000,000	2,000,000
IMB	IMB	BBB+	TD	2.80%	182	21-Oct-15	1,500,000	1,500,000
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.20%	266	18-Nov-15	1,000,000	1,000,000
SUB TOTAL (\$)							26,500,000	26,500,000
OTHER INVESTMENTS								
NEXUS BONDS LTD "TOPAZ AA-"	GRANGE	A	CDO	0.00%	10yrs	23-Jun-15	412,500	407,591
ANZ ZERO COUPON BOND	ANZ	AA-	BOND	0.00%	9yrs	1-Jun-17	1,017,877	958,942
SUB TOTAL (\$)							1,430,377	1,366,533
INVESTMENTS TOTAL (\$)							27,930,377	27,866,533
CASH AT BANK (\$)							4,792,777	4,792,777
TOTAL CASH AND INVESTMENTS (\$)							32,723,154	32,659,310
CASH AT BANK INTEREST RATE				2.20%				
BBSW FOR PREVIOUS 3 MONTHS				2.35%				
AVG. INVESTMENT RATE OF RETURN				3.11%				
TD = TERM DEPOSIT			FRN = FLOATING RATE NOTE			CDO = COLLATERALISED DEBT OBLIGATION		
*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								
W WALLIS								

ITEM 1 - ATTACHMENT 2 MONTHLY CASH AND INVESTMENTS BALANCE APRIL 2014 TO APRIL 2015.
CASH AND INVESTMENTS BALANCE

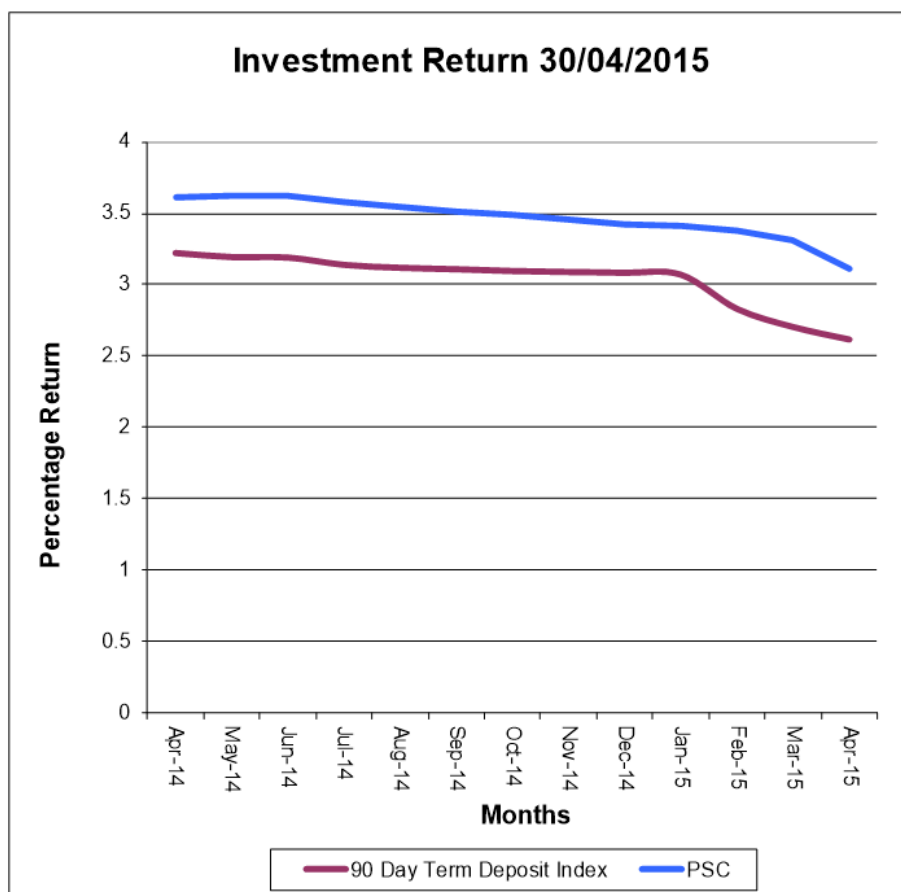
Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure (\$m)	Total Funds (\$m)
Apr-14	2.692	23.761	0.169	26.622
May-14	4.964	25.775	0.156	30.895
Jun-14	1.572	29.276	0.155	31.002
Jul-14	- 0.532	23.290	0.147	22.905
Aug-14	4.375	24.305	0.132	28.811
Sep-14	3.793	29.310	0.126	33.230
Oct-14	0.350	28.313	0.123	28.786
Nov-14	3.293	28.313	0.123	31.729
Dec-14	1.959	30.317	0.113	32.389
Jan-15	0.527	29.323	0.107	29.957
Feb-15	4.691	28.328	0.103	33.122
Mar-15	3.937	28.332	0.098	32.367
Apr-15	4.793	27.867	0.064	32.723



ITEM 1 - ATTACHMENT 3 MONTHLY AUSTRALIAN TERM DEPOSIT INDEX APRIL 2014 TO APRIL 2015.

AUSTRALIAN TERM DEPOSIT ACCUMULATION INDEX

Date	90 Day Term Deposit Index	PSC
Apr-14	3.2216	3.61
May-14	3.1931	3.62
Jun-14	3.1897	3.62
Jul-14	3.1389	3.58
Aug-14	3.1182	3.55
Sep-14	3.1082	3.51
Oct-14	3.0955	3.49
Nov-14	3.0886	3.46
Dec-14	3.0832	3.42
Jan-15	3.0697	3.41
Feb-15	2.8301	3.38
Mar-15	2.7035	3.31
Apr-15	2.6157	3.11



ITEM NO. 2

FILE NO: PSC2015-01000/156

TRIM REF NO: PSC2015-00570

DESIGNATED PERSONS - PECUNIARY INTEREST

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

BACKGROUND

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

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

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

Building Surveyor (PSC810)

TABLED DOCUMENTS

1) Pecuniary Interest Returns.

ATTACHMENTS

Nil.

ITEM NO. 3

**FILE NO: PSC2015-01000/262
TRIM REF NO: PSC2015-00570**

ANNUAL DESIGNATED PERSONS - PECUNIARY INTEREST

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

BACKGROUND

The purpose of this report is to advise Council of the persons designated for the submission of Pecuniary Interest Returns for the period 2014-2015.

Councillors

Mayor Bruce MacKenzie
Cr Geoffrey Dingle
Cr Christopher Doohan
Cr Sally Dover
Cr Kenneth Jordan
Cr Peter Kafer
Cr Paul Le Mottee
Cr John Morello
Cr John Nell
Cr Steve Tucker

General Manager's Office

General Manager
Governance Manager
Legal Services Manager

Corporate Services Group

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

Development Services Group

Assistant Development Planner (2)
Building and Developer Relations Coordinator

Communicate Port Stephens Coordinator
Communication Section Manager
Compliance Officer
Development Assessment and Compliance Section Manager
Development Planner (4)
Economic Development Manager
Economic Development Project Officer
Environment Health and Compliance Project Officer (perm)
Environment Health and Compliance Project Officer (temp)
Environmental Health and Compliance Coordinator
Environmental Health Officer (2)
Environmental Health Officer (temp)
Environmental Health Team Leader
Environmental Officer
Group Manager Development Services
Health and Building Surveyor (3)
Health and Building Surveyor (temp)
Natural Resources Coordinator (perm)
Major Project Liaison
Natural Resources Coordinator (temp)
Planning - Customer Service
Planning and Developer Relations Coordinator
Principal Strategic Planner
Ranger (3)
Ranger Contract
Ranger Team Leader and Compliance
Senior Building Surveyor (3)
Senior Development Planner (3)
Senior Environmental Health Officer
Senior Health and Building Surveyor Fire Safety
Senior Health and Building Surveyor Swim
Senior Ranger
Senior Social Planning Officer
Senior Strategic Planner (temp)
Senior Strategic Planner
Social Planning Officer
Strategic Planner (3)
Strategic Planner (temp)
Strategic Planning Coordinator
Strategy and Environment Section Manager
Tourism and Events Coordinator
Trainee Building Surveyor (2)
Vegetation Management Officer
Waste Compliance and Strategy Coordinator
Development Contributions Officer (temp)

Facilities and Services Group

Building Trades Team Leader Carpentry
Building Trades Coordinator
Building Trades Team Leader Electrical
Building Trades Team Leader Painting
Building Trades Team Leader Plumbing
Building Asset Officer
Capital Works Section Manager
Children's Services Coordinator
Civil Assets Engineer
Civil Assets Section Manager
Community and Recreation Coordinator
Civil Projects Engineer
Community and Recreation Planning Officer
Community Options Coordinator (temp)
Community Services Section Manager
Coordinator - Roadside and Drainage - East
Coordinator - Roadside and Drainage - West
Development Engineer (2)
Development Engineering Coordinator
Drainage and Flooding Coordinator
Facilities and Services Officer (3)
Fleet and Depot Services Coordinator
Infrastructure Planning Coordinator
Group Manager Facilities and Services
Fleet Management Supervisor
Library Services Manager
Parks and Waterways Officer
Parks Programs Coordinator
Project Manager - Design
Project Manager - Construction
Project Manager - RMS/Reseals
Project Manager - Survey
Project Manager Civil/Landscape
Public Domain and Services Manager
Senior Development Engineer
Transport Project Officer
Waste Management Coordinator

ATTACHMENTS

Nil.

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: PSC2015-01000/280

A2004-0693

TRIM REF NO: PSC2009-02404

ILLEGAL FORESHORE STRUCTURES IN PORT STEPHENS

COUNCILLOR: JOHN NELL

THAT COUNCIL:

- 1) Prepare a report on erosion caused by illegal foreshore structures.
 - 2) Prepare a strategy to stop the construction of illegal foreshore structures in the future.
 - 3) Prepare an action plan on how to deal with existing illegal foreshore structures.
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ORDINARY COUNCIL MEETING - 26 MAY 2015 MOTION

143	<p>Councillor John Nell Mayor Bruce MacKenzie</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Prepare a report on erosion caused by illegal foreshore structures.2) Prepare a strategy to stop the construction of illegal foreshore structures in the future.3) Prepare an action plan on how to deal with existing illegal foreshore structures.
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BACKGROUND REPORT OF: JOHN MARETICH – CIVIL ASSETS MANAGER

BACKGROUND

Within Council's 'Foreshore Management Plan - 2009' foreshore erosion in Port Stephens is discussed. The Plan also discusses the general presence and impacts of unauthorised building works on foreshore stability and erosion. While we are aware that a number of structures are placed on Council's foreshore reserves, these structures range from simple garden beds to full vertical retaining walls that have illegally been installed over several decades by residents. While the intent of some of these structures has been to protect the foreshore and properties, it is not known if

these are in fact causing erosion. In order to understand the current state of erosion, and whether any of these unauthorised developments are contributing factors, further detailed field investigations would need to be undertaken. Some of these investigations have commenced as part of the foreshore process studies.

Currently Council's position for unauthorised development is in accordance with the *Environmental Planning and Assessment Act 1979* (s. 125). This means an alleged failure to obtain the required approval or permits for works may lead to enforcement action, which includes:

- Notices and Orders requiring the offender to do or refrain from doing something
- Prosecution for criminal offences
- Fines (Penalty Infringement Notices)
- Deeds of Settlement (Agreements as to what will happen to avoid or settle Court proceedings)
- Injunctions to restrain or remedy serious breaches (Court Orders)

The current position under the *Environmental Planning and Assessment Act 1979* is black and white and does not take into account all relevant information including a risk approach, the available evidence, cost to the community of any action, the circumstances of the individual case, public policy and precedent considerations.

It should also be noted that Council does have limited resources and should exercise discretion when deciding how to deal with unauthorised work. Hence a "common sense approach" Council position would need to be developed in consultation with Councillors and Community.

The '*Foreshore Management Plan*' also contains guidelines for the rehabilitation of seawall structures and recommends that 'a community education program that informs residents about the important ecological values of a naturally vegetated foreshore would be worthwhile'. It also recommends that given 'it is likely that many people who construct foreshore structures are unaware that a rigorous process is required' that the DCP includes information about the 'appropriate location, design and construction of foreshore... structures'.

Council staff acknowledges that an action plan is required and will report back to Council in due course.

There being no further business the meeting closed at 7.07pm.