

DRAFT

MINUTES – 28 MAY 2019



PORT STEPHENS C O U N C I L

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 28 May 2019, commencing at 5.54pm.

PRESENT:

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

101	Councillor Ken Jordan Councillor Chris Doohan It was resolved that the apology from Cr Steve Tucker be received and noted.
102	Councillor Jaimie Abbott Councillor Glen Dunkley It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 14 May 2019 be confirmed.
	There were no Declaration of Interest received.

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MAYORAL MINUTES

MAYORAL MINUTE

ITEM NO. 1

**FILE NO: 19/145934
EDRMS NO: PSC2015-01024**

EMERGENCY SERVICES LEVY INCREASE

THAT COUNCIL:

- 1) Notes:
 - a. That last December, the NSW Government enacted laws to provide better workers compensation coverage for firefighters who are diagnosed with one of twelve specific work-related cancers.
 - b. That in many areas of NSW, fire services are made up of elected and staff members of local government, and that local governments strongly support this expanded workers compensation scheme.
 - c. That as a result of these changes, the State Government has decided to implement the new scheme by charging local governments an increased Emergency Services Levy without consultation.
 - d. That the expected increase in costs to local governments will be \$19m in the first year alone, and that there is little or no time to enshrine this charge in Council's 2019-2020 budgets.
 - e. That Local Government NSW has long advocated for the Emergency Services Levy to be significantly modified to ensure it is transparent, equitable and accountable.
 - 2) That this Council supports Local Government NSWs call for:
 - a. The NSW Government to cover the initial additional \$19m increase to local governments for the first year.
 - b. The NSW Government to work with NSW local governments to redesign the funding mechanism for the scheme to ensure fairness into the future.
 - 3) Requests that the General Manager liaise with Local Government NSW to provide information on:
 - a. The impact on council budgets.
 - b. Council advocacy actions undertaken.
 - 4) Request that the Mayor:
 - a. Write to the NSW Premier and NSW Interim Opposition Leader, NSW Minister for Customer Services, NSW Minister for Emergency Services, Minister for Local Government and Shadow Minister for Local Government, and local state members to:
 - i. Call upon the NSW Government to fund 12 months of this extra cost rather than requiring councils to find the funds at short notice when budgets have already been allocated.
 - ii. Explain how this sudden increase will impact council services/the local community.
-

- iii. Highlight that councils were not warned of the increased cost until May 2019, despite the new laws being passed in November 2018.
 - iv. Explain that the poor planning and implementation of the increase is inconsistent with the Government's commitment to work in partnership with the sector.
 - v. Ask the Government to work with local governments to redesign the implementation of the scheme to ensure it is fairer for councils and communities into the future.
- b. Copy the above letter to Local Government NSW.

**ORDINARY COUNCIL MEETING - 28 MAY 2019
MOTION**

103	<p>Mayor Ryan Palmer Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <p>1) Notes:</p> <ul style="list-style-type: none">a. That last December, the NSW Government enacted laws to provide better workers compensation coverage for firefighters who are diagnosed with one of twelve specific work-related cancers.b. That in many areas of NSW, fire services are made up of elected and staff members of local government, and that local governments strongly support this expanded workers compensation scheme.c. That as a result of these changes, the State Government has decided to implement the new scheme by charging local governments an increased Emergency Services Levy without consultation.d. That the expected increase in costs to local governments will be \$19m in the first year alone, and that there is little or no time to enshrine this charge in Council's 2019-2020 budgets.e. That Local Government NSW has long advocated for the Emergency Services Levy to be significantly modified to ensure it is transparent, equitable and accountable. <p>2) That this Council supports Local Government NSW's call for:</p> <ul style="list-style-type: none">a. The NSW Government to cover the initial additional \$19m increase to local governments for the first year.b. The NSW Government to work with NSW local governments to redesign the funding mechanism for the scheme to ensure fairness into the future. <p>3) Requests that the General Manager liaise with Local Government NSW to provide information on:</p> <ul style="list-style-type: none">a. The impact on council budgets.b. Council advocacy actions undertaken.
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	<p>4) Request that the Mayor:</p> <p>a. Write to the NSW Premier and NSW Interim Opposition Leader, NSW Minister for Customer Services, NSW Minister for Emergency Services, Minister for Local Government and Shadow Minister for Local Government, and local state members to:</p> <ul style="list-style-type: none">i. Call upon the NSW Government to fund 12 months of this extra cost rather than requiring councils to find the funds at short notice when budgets have already been allocated.ii. Explain how this sudden increase will impact council services/the local community.iii. Highlight that councils were not warned of the increased cost until May 2019, despite the new laws being passed in November 2018.iv. Explain that the poor planning and implementation of the increase is inconsistent with the Government's commitment to work in partnership with the sector.v. Ask the Government to work with local governments to redesign the implementation of the scheme to ensure it is fairer for councils and communities into the future. <p>b. Copy the above letter to Local Government NSW.</p>
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BACKGROUND

Each year the NSW Government collects payments from councils and insurers to fund emergency services agencies in NSW, with councils required to pay 11.7 per cent of the budget required by NSW Emergency Services. These charges are embedded in council rates and insurance premiums.

From 1 July 2019 the NSW Government plans to collect an additional \$160 million (in 2019-2020) from NSW councils, communities and those paying insurance premiums to provide better workers' compensation coverage for volunteer and career firefighters who are diagnosed with one of 12 specific work-related cancers.

Councils were sent bills with a letter from Revenue NSW in May 2019, saying NSW council contributions will increase by \$19 million in 2019-2020. The letter also foreshadowed increases in the following year, but not the amount.

Port Stephens Council received an invoice from Revenue NSW for \$800,897.83 for its emergency services levy contribution. This is \$125,236.13 more than last year's levy (an 18.5%) increase. This will mean Council will need to find additional funds and/or cut planned initiatives or services.

Council supports career and volunteer firefighters in NSW – as it does all emergency services workers and volunteers. Indeed, many NSW council staff and councillors are volunteers. We also support the Bill passed in November 2018 to address what was a workers' compensation shortfall.

However, the sector was at no point advised that it would be required to cover the cost via significant increases to the emergency services levy, or what this cost would be.

Proportional to Council revenue, the extra \$125,236.13 Port Stephens Council is being asked to pay is a large amount and the impact of this unplanned cost will certainly be felt by the community.

Local Government NSW is calling upon the NSW Government to fund the first 12 months of this extra cost and work with local governments to ensure the implementation of the funding mechanism is fairer into the future.

ATTACHMENTS

Nil.

MAYORAL MINUTE**ITEM NO. 2****FILE NO: 19/148644
EDRMS NO: PSC2015-01024****2019 FEDERAL ELECTION**

THAT COUNCIL:

- 1) Congratulate the Liberal-National Coalition on winning the 2019 Federal election.
 - 2) Congratulate Scott Morrison on his election as Prime Minister.
 - 3) Congratulate Meryl Swanson, Member for Paterson, on her re-election.
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**ORDINARY COUNCIL MEETING - 28 MAY 2019
MOTION**

104	Mayor Ryan Palmer Councillor Chris Doohan It was resolved that Council: <ol style="list-style-type: none">1) Congratulate the Liberal-National Coalition on winning the 2019 Federal election.2) Congratulate Scott Morrison on his election as Prime Minister.3) Congratulate Meryl Swanson, Member for Paterson, on her re-election.
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BACKGROUND

The purpose of this report is to congratulate the Liberal-National Coalition following the recent 2019 Federal election and reaffirm Council's support to work with the newly formed Federal Government to deliver infrastructure and services to the community of Port Stephens.

We also congratulate Meryl Swanson, on her re-election as Member for Paterson and provide our ongoing support to work together for the people of the electorate.

ATTACHMENTS

Nil.

COUNCIL REPORTS

ITEM NO. 1

**FILE NO: 19/111557
EDRMS NO: PSC2017-01665**

DRAFT FERN BAY AND NORTH STOCKTON STRATEGY

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the draft Fern Bay and North Stockton Strategy, incorporating Implementation Plan and Background Investigations Report (**ATTACHMENT 1**).
- 2) Place the draft Fern Bay and North Stockton Strategy, Implementation Plan and Background Investigations Report on public exhibition for a period of 28 days and should no submissions be received, the Strategy and associated documents be adopted, without a further report to Council.

**ORDINARY COUNCIL MEETING - 28 MAY 2019
MOTION**

105	Mayor Ryan Palmer Councillor Chris Doohan It was resolved that Council defer item 1 at the request of City of Newcastle 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 Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell and Sarah Smith.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to seek Council endorsement to place the draft Fern Bay and North Stockton Strategy (the draft Strategy) and associated documents (**ATTACHMENT 1**) on public exhibition for a period of 28 days.

Fern Bay has experienced rapid urban development and population growth over the past 15 years. Much of this growth has occurred as a result of State approvals and without a specific plan for the local area.

In 2017 Council received three Planning Proposals seeking to rezone land in Fern Bay, summarised as follows:

1. 2 Seaside Boulevard, Fern Bay – the Planning Proposal seeks to rezone the existing B1 Neighbourhood Centre Zone within the Seaside Estate to R2 Low Density Residential Zone.
2. 42 Fullerton Cove Road, Fullerton Cove – the Planning Proposal seeks to rezone the site, located on the corner of Fullerton Cove Road and Nelson Bay Road, from RU2 Rural Landscape Zone to B1 Neighbourhood Centre and E3 Environmental Management Zones.
3. 14 Popplewell Road, Fern Bay – the Planning Proposals seeks to rezone the site, a former rifle range, from E2 Environmental Conservation Zone to R3 Medium Density Residential Zone.

To coordinate the proper and orderly development of land, the draft Strategy has been developed to provide the future strategic direction for the area in terms of land use and infrastructure. The draft Strategy will provide a framework to assess and determine the above-mentioned Planning Proposals.

There are a number of large land holdings within North Stockton and south of Fern Bay that have potential to create positive outcomes for the community by their redevelopment. The draft Strategy has therefore been developed in conjunction with the City of Newcastle (CN) to plan for the future development of Fern Bay and North Stockton holistically.

The draft Strategy seeks to identify opportunities to create a pedestrian focused place for people, offering housing diversity, a new mixed-use town centre, and to better connect residents to open spaces and community facilities.

To achieve this vision, the draft Strategy identifies the following goals which have been directly informed by community consultation undertaken during the preparation of the draft Strategy:

1. *Environment*: Protect the treasured and unique Stockton Bight for future generations and attract responsible heritage and nature-based tourism.
2. *Town Centre*: Establish a conveniently located mixed-use town centre connected by technology, transport, housing and great public places.
3. *Housing*: Grow a resilient coastal community with access to liveable and diverse housing.
4. *Open Space and Community Facilities*: Improve access to useable open spaces and well-designed community facilities to support daily activity and healthy lifestyles.

5. *Transport*: Prioritise safe and convenient travel by walking, cycling and use of public transport while maintaining regional journeys on Nelson Bay Road.

The draft Strategy is accompanied by an Implementation Plan outlining the key actions to be undertaken by each council (CN and PSC) to achieve the goals for Fern Bay and North Stockton.

A Background Investigations Report supports the draft Strategy by providing a summary of the research, technical studies and evidence underpinning the draft Strategy and its actions.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live.	Provide land use plans, tools and advice that sustainably support the community.

FINANCIAL/RESOURCE IMPLICATIONS

The development of the draft Strategy has been managed within the existing budget.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Hunter Regional Plan 2036

The draft Strategy is consistent with the Hunter Regional Plan 2036 (HRP) which identifies Fern Bay as a centre of local significance. The draft Strategy is consistent with the actions in the HRP to create healthy built environments through good urban design, enhance access to recreational facilities and connect open spaces, and to create compact settlements with housing diversity.

Greater Newcastle Metropolitan Plan

The draft Strategy is consistent with the Greater Newcastle Metropolitan Plan and the outcomes identified in that plan to enhance the environment, amenity and quality of life, deliver housing close to jobs and services, and to improve connections to services and recreation spaces.

Port Stephens Planning Strategy 2011-2036

The draft Strategy is consistent with the Port Stephens Planning Strategy (PSPS). The PSPS provides a comprehensive planning strategy for the LGA and identifies Fern Bay as part of an 'Eastern Growth Corridor' and the importance of the coastal area that includes Stockton Bight. The PSPS also identifies opportunities and potential demand for additional commercial/retail activity in the Fern Bay area, which is addressed in the draft Implementation Plan (**ATTACHMENT 1**).

Port Stephens Local Environmental Plan 2013

Council has received three Planning Proposals for the Fern Bay area seeking to amend the Port Stephens Local Environmental Plan 2013. Should a Strategy be adopted following public exhibition, the Planning Proposals will be assessed for consistency against the planning principles contained in the Strategy.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that members of the community and other stakeholders do not support the outcomes in the draft Strategy.	Moderate	The draft Strategy has been informed by extensive community consultation. Supporting explanatory materials will be exhibited with the draft Strategy and submissions received during public exhibition will be considered and, if necessary, the draft Strategy will be revised prior to submission to Council for adoption.	Yes

MINUTES ORDINARY COUNCIL - 28 MAY 2019

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the partnership between Port Stephens Council and the City of Newcastle dissolves.	Low	A Memorandum of Understanding has been entered into with the City of Newcastle outlining the key roles and responsibilities of each Council in the implementation of the draft Strategy and dispute resolution processes.	Yes
There is a risk that Council will not have adequate funding to implement actions in the Strategy and expectations of the community cannot be met.	Moderate	Provide information about the processes available for securing infrastructure funding (including development contributions and grant funding) in the draft Strategy and during public exhibition.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The draft Strategy proposes a number of outcomes that will have positive social, economic and environmental effects. This includes the identification of two sites as options for establishing a future town centre. The new town centre will provide a destination for local residents to shop, hold community events and interact with other members of their community. A new town centre will be capable of supporting a large format supermarket and specialty shops that will create opportunities for new business and employment growth.

The draft Strategy also recommends providing future housing within close proximity to the town centre and containing new housing development within the existing urban footprint. The draft Strategy proposes to limit further development north of the strategy area to maximise the efficient use of existing facilities and lessen impacts on the surrounding environmental areas including endangered ecological communities and koala habitat.

CONSULTATION

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

Internal

The draft Strategy has been developed in consultation with, and with assistance from, the Natural Resources unit, Communications Section and Assets Section of Council.

External

The draft Strategy has been informed by previous community consultation conducted between August and September 2017. The community were invited to participate in the development of the draft Strategy through an online survey, interactive map and two 'drop-in' sessions. The community insights received during this consultation have directly informed the key focus areas of the Strategy, being Environment, Town Centre, Housing, Open Space and Community Facilities and Transport. These insights are summarised in Part B of the draft Strategy, which illustrates how community aspirations have informed the goals for each focus area.

Council staff have also given presentations to the Fern Bay and Fullerton Cove Progress Association in December 2017 and December 2018 to provide updates and information to the local community at key stages of the project.

Consultation has been undertaken with relevant State agencies during the preparation of the draft Strategy, including the NSW Department of Planning and Environment and the NSW Office of Environment Heritage.

OPTIONS

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

ATTACHMENTS

- 1) Draft Fern Bay and North Stockton Strategy, Implementation Plan and Background Investigations Report.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1 DRAFT FERN BAY AND NORTH STOCKTON
STRATEGY, IMPLEMENTATION PLAN AND BACKGROUND INVESTIGATIONS
REPORT.

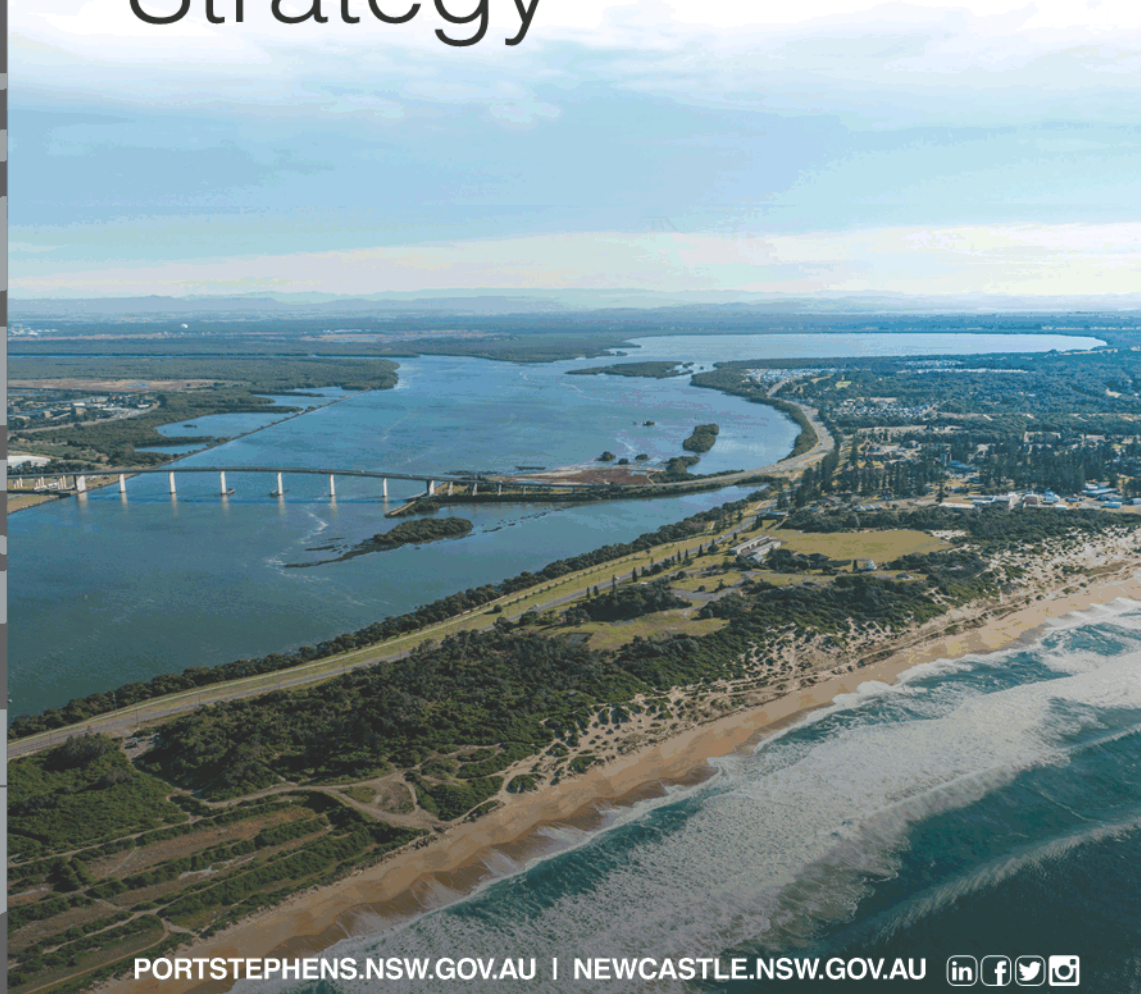


PORT STEPHENS
COUNCIL



City of
Newcastle

Draft Fern Bay and North Stockton Strategy



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**ITEM 1 - ATTACHMENT 1 DRAFT FERN BAY AND NORTH STOCKTON
STRATEGY, IMPLEMENTATION PLAN AND BACKGROUND INVESTIGATIONS
REPORT.**

ITEM 1 - ATTACHMENT 1 DRAFT FERN BAY AND NORTH STOCKTON STRATEGY, IMPLEMENTATION PLAN AND BACKGROUND INVESTIGATIONS REPORT.**Acknowledgement**

Port Stephens Council and City of Newcastle acknowledges the Worimi People as traditional custodians of this land and pays its respects to Worimi Elders, past, present and future.

Revision History

Revision	Date	Detail	Council Resolution	
			CN	PSC
1	28 May 2019	Draft Strategy		

Abbreviations

CN	City of Newcastle
DCP	Development Control Plan
DHA	Defence Housing Australia
EPA	Environment Protection Authority
GNMP	Greater Newcastle Metropolitan Plan 2036
HRP	Hunter Regional Plan 2036
LEP	Local Environmental Plan
LGA	Local Government Area
NLEP	Newcastle Local Environmental Plan 2012
NPWS	National Parks and Wildlife Services
PFAS	Per- and Poly-Fluoroalkyl Substances
PSC	Port Stephens Council
PSLEP	Port Stephens Local Environmental Plan 2013
RAAF	Royal Australian Air Force

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**ITEM 1 - ATTACHMENT 1 DRAFT FERN BAY AND NORTH STOCKTON
STRATEGY, IMPLEMENTATION PLAN AND BACKGROUND INVESTIGATIONS
REPORT.**

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ITEM 1 - ATTACHMENT 1 DRAFT FERN BAY AND NORTH STOCKTON STRATEGY, IMPLEMENTATION PLAN AND BACKGROUND INVESTIGATIONS REPORT.**Executive Summary**

Fern Bay has experienced rapid urban development and population growth over the past 15 years; much of this has occurred without a specific plan for the area. Port Stephens Council and the City of Newcastle have developed the draft Fern Bay and North Stockton Strategy (the Strategy) to guide future development and ensure sufficient community infrastructure is provided for the growing community. The Strategy is based on evidence utilising information gathered from technical studies and investigations.

The Strategy seeks to identify opportunities for Fern Bay and North Stockton to create a pedestrian focused place for people, which offers housing diversity, a mixed-use town centre, and connected open spaces and community facilities. To achieve this vision the Strategy is guided by the following goals:

- 1 **Environment:** Protect the treasured and unique Stockton Bight for future generations and attract responsible heritage and nature-based tourism
- 2 **Town Centre:** Establish a conveniently located mixed-use town centre connected by technology, transport, housing and great public places
- 3 **Housing:** Grow a resilient coastal community with access to liveable and diverse housing
- 4 **Open Space and Community Facilities:** Improve access to useable open spaces and well-designed community facilities to support daily activity and healthy lifestyles and
- 5 **Transport:** Prioritise safe and convenient travel by walking, cycling and use of public transport while maintaining regional journeys on Nelson Bay Road.

The Strategy sets out Planning Principles for each of these goals, to guide future development including the preparation and assessment of planning proposals to amend the relevant Local Environmental Plan (LEP).

Implementation of the Strategy is driven through identification of specific Outcomes for the six precincts that make up the Strategy Area: North Stockton, Original Fern Bay, Beachfront, Sports, Seaside Estate and Fullerton Cove.

Future development is likely to occur in the North Stockton and Beachfront precincts with redevelopment of larger, already disturbed sites. Development further north (of Fern Bay) is limited due to a range of environmental factors.

Fern Bay and North Stockton are well connected to the Newcastle City Centre, Newcastle Airport and Nelson Bay which increase the opportunities for attracting visitors to the area further capturing the spirit, rich culture and raw beauty of Stockton Bight.

ITEM 1 - ATTACHMENT 1 DRAFT FERN BAY AND NORTH STOCKTON STRATEGY, IMPLEMENTATION PLAN AND BACKGROUND INVESTIGATIONS REPORT.

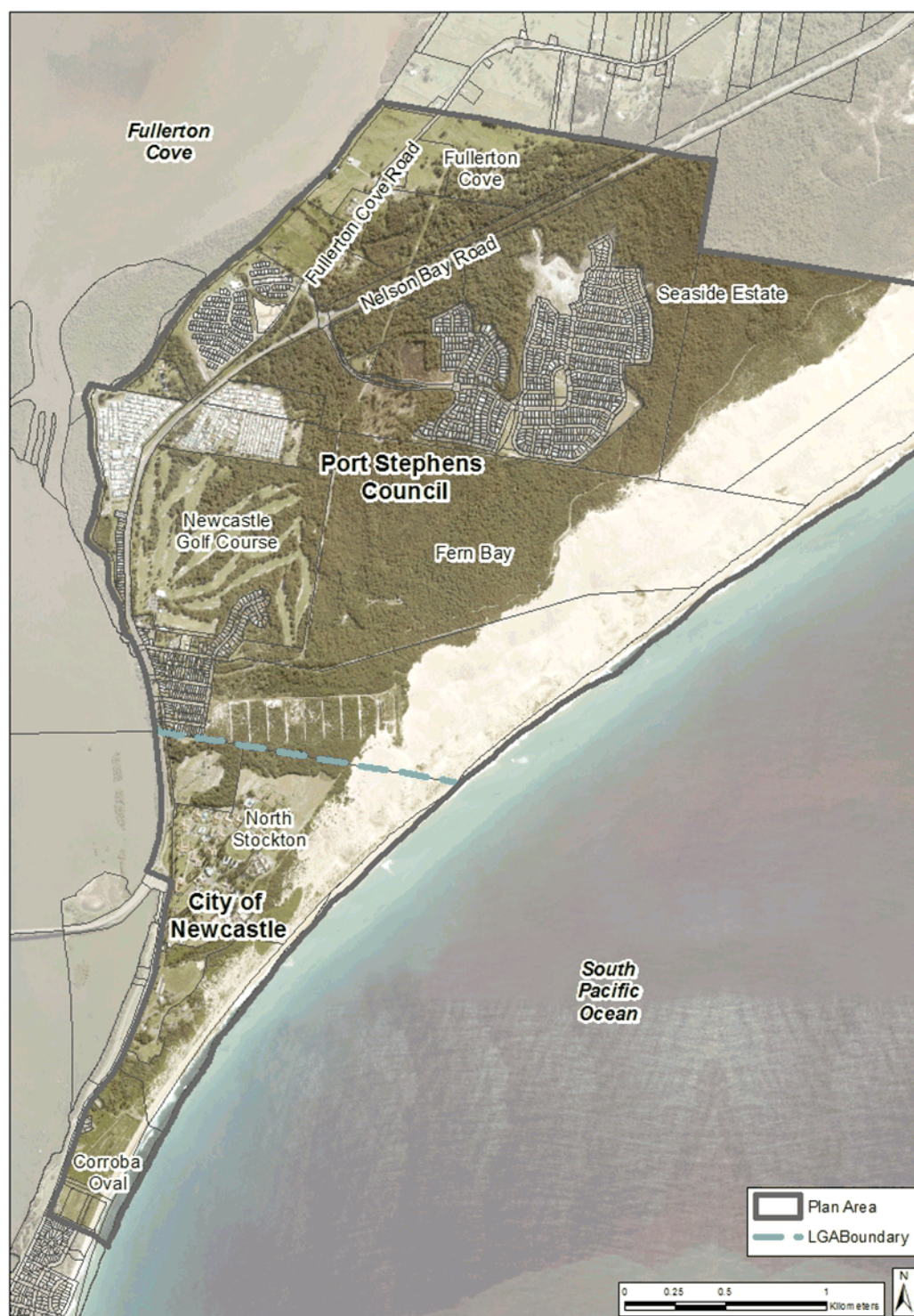
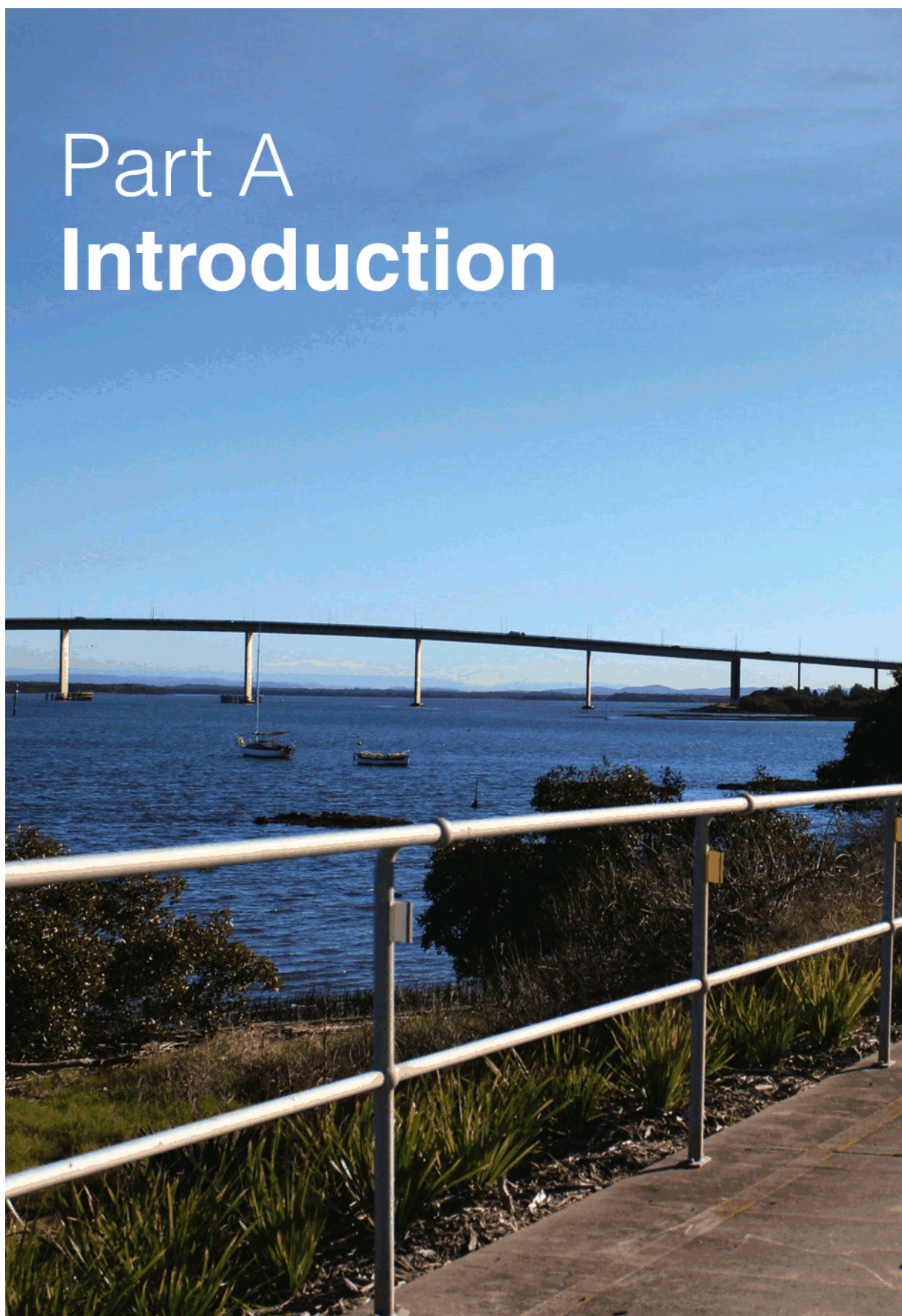


Figure 1 – Strategy Area

ITEM 1 - ATTACHMENT 1 DRAFT FERN BAY AND NORTH STOCKTON
STRATEGY, IMPLEMENTATION PLAN AND BACKGROUND INVESTIGATIONS
REPORT.

Part A

Introduction



ITEM 1 - ATTACHMENT 1 DRAFT FERN BAY AND NORTH STOCKTON STRATEGY, IMPLEMENTATION PLAN AND BACKGROUND INVESTIGATIONS REPORT.

A1 Purpose

Fern Bay has experienced rapid population growth over the last 15 years. The area has developed from a small village to a larger community incorporating a number of large disconnected residential developments. This has resulted in the creation of an urban population where a semi-rural village centre had been.

Port Stephens Council (PSC) and City of Newcastle (CN) have received planning proposals for the redevelopment of the Rifle Range and Fort Wallace sites proposing up to approximately 400 additional dwellings within the Strategy Area. Further growth is also expected at the Seaside Estate development. These additional residents are expected to increase demand for essential community services and transport infrastructure. There are a number of large land holdings within North Stockton and South of Fern Bay that have potential to create positive outcomes for the community in their redevelopment. PSC and CN have identified the need to develop this Strategy (the Strategy) to guide development in Fern Bay and North Stockton for the next 20 years.

A2 Structure of the Strategy

- Part A provides context for the Strategy
- Part B provides an overview of the goals for the area informed by community aspirations.
- Part C lists principles to inform future planning when land is rezoned.
- Part D details the outcomes for each of the six precincts in the Strategy Area with specific actions to achieve the goals.

A3 Application and Effect

The Strategy Area includes land within Port Stephens (Fern Bay and Fullerton Cove) and City of Newcastle (North Stockton) Local Government Areas (LGAs) (Figure 1). The Strategy does not include the established Stockton neighbourhood, south of Corroba Oval or most parts of Fullerton Cove due to a range of known environmental constraints limiting development potential.

Amendments to relevant Local Environmental Plans (LEPs), Development Control Plans (DCPs)

and Local Infrastructure Plans will be required to implement the Strategy. Planning Proposals within the Strategy Area are to demonstrate consistency with the Planning Principles (Part C) and achieving the Strategy's Goals (Part B).

A4 Precincts

Six precincts (Figure 2) have been identified within the Strategy Area:

North Stockton includes the Stockton Centre (a residential care facility) and Fort Wallace immediately to its south. Both sites have significant heritage value.

Original Fern Bay includes the original village boundary for Fern Bay, providing single detached dwellings within a grid street pattern. Palm Lakes Resort and Bayway Village are located to the north of the precinct consisting of manufactured dwellings for people aged over 50. Newcastle Golf Course is a significant land holding within that may influence opportunities for future development.

Beachfront comprises the greatest area of environmentally significant land being Worimi Conservation Lands (WCL) and Stockton Beach. While no recent development has occurred within this precinct, the Rifle Range offers opportunities for future urban development and connecting to the surrounding environmental lands.

Sports precinct includes Corroba Oval and surrounding recreational land. The precinct will provide a common place for recreation and community activities for the Stockton Peninsula.

Seaside Estate is a planned community located within proximity to Stockton Beach and WCL. It consists mostly of single dwellings and some landscaped recreation areas.

Fullerton Cove includes the only rural lands in the Strategy Area. The Cove Village, located in the south of the precinct, provides housing for over 55's with resort style facilities. Rural dwellings and agricultural land use are dispersed through the northern section of the precinct.

ITEM 1 - ATTACHMENT 1 DRAFT FERN BAY AND NORTH STOCKTON STRATEGY, IMPLEMENTATION PLAN AND BACKGROUND INVESTIGATIONS REPORT.

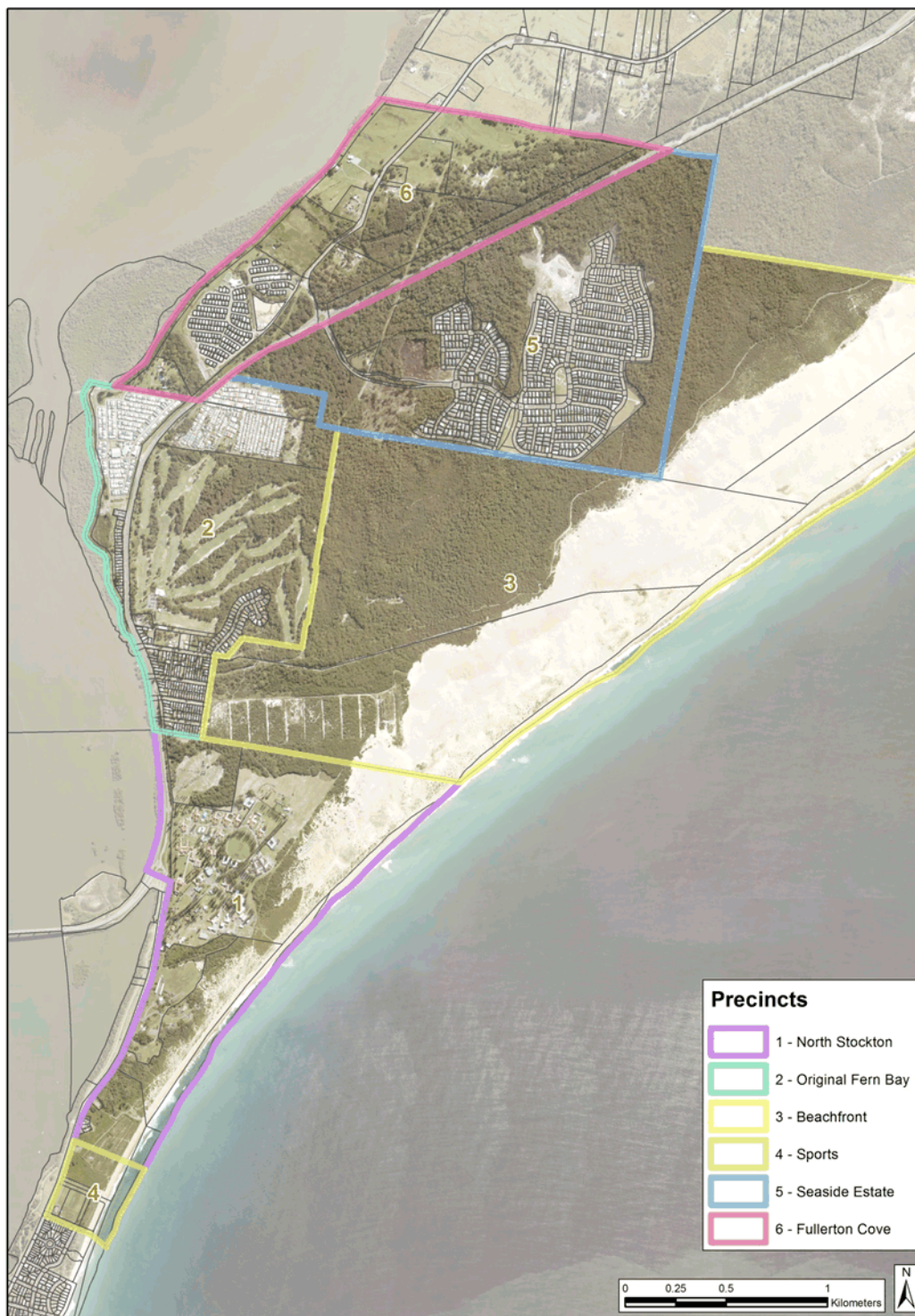


Figure 2 – Land use precincts

ITEM 1 - ATTACHMENT 1 DRAFT FERN BAY AND NORTH STOCKTON STRATEGY, IMPLEMENTATION PLAN AND BACKGROUND INVESTIGATIONS REPORT.

A5 Monitoring and Review

CN and PSC will monitor and review the Strategy and report annually to each respective council on the implementation of its outcomes. The Strategy will be reviewed every five years, or as necessary.



Figure 3 – Monitoring, reporting and review cycle

Partnerships

CN and PSC have worked collaboratively to develop the Strategy with early input from the community and relevant organisations to plan for coordinated and sustainable growth. Councils will be unable to deliver this Plan alone and will require cooperation and assistance across Government.

Further engagement will occur throughout this process. Roles for each council, State agencies and other organisations have been clearly outlined in the Implementation Plan (**Attachment 1**) to ensure that the Goals of the Strategy are realised.

A6 Community Engagement

The Strategy has been guided by the community via comments received on an interactive online map, survey and two separate drop-in sessions in September, 2017. The themes identified as priorities are Environment; Housing and People; Town Centre; Open Space and Community Facilities; and Transport. The goals for each of these focus areas reflect the aspirations derived from the community during the consultation. The

community aspirations also act as strategic directions for planning and decision making that will help achieve the goals for each focus area.

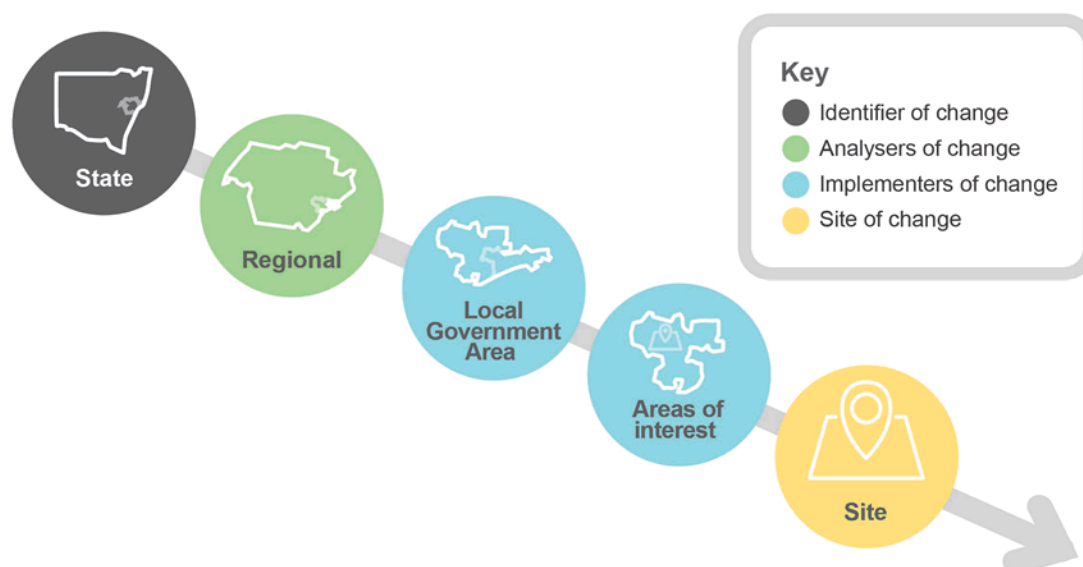
A7 Regional context

Fern Bay and North Stockton are well positioned within the region (Figure 4) to capitalise on the vision projected by the NSW Government in the Greater Newcastle Metropolitan Plan 2036 (2018). The Strategy Area is situated on the main thoroughfare between Newcastle City and Newcastle Airport. The Airport and Newcastle Port are considered 'Global Gateways' that offer employment opportunities next to Fern Bay and North Stockton. The Strategy Area's proximity to these regional assets in addition to the lifestyle and visitor opportunities offered in Fern Bay/North Stockton demonstrate the potential to positively contribute to Greater Newcastle.

**ITEM 1 - ATTACHMENT 1 DRAFT FERN BAY AND NORTH STOCKTON STRATEGY, IMPLEMENTATION PLAN AND
BACKGROUND INVESTIGATIONS REPORT.**

ITEM 1 - ATTACHMENT 1 DRAFT FERN BAY AND NORTH STOCKTON STRATEGY, IMPLEMENTATION PLAN AND BACKGROUND INVESTIGATIONS REPORT.

A8 Planning Context



Hunter Regional Plan 2036 (2016)

The Strategy will contribute to achieving:

Goal 1 'The leading regional economy in Australia' by promoting new small business with the establishment of a new mixed-use town centre (Direction 8) and growing tourism in the region at both Fern Bay and Stockton (Direction 9). The Strategy also supports the establishment of the DAREZ lands by providing additional housing within a 30min drive of the Airport/RAAF Base (Direction 7).

Goal 2 'A biodiversity-rich natural environment' by protecting natural areas, including Worimi Conservation Lands and Hunter Wetlands, (Direction 14) and considering natural hazards and climate change for future residential areas (Direction 16)

Goal 3 'Thriving communities' by enhancing walking and cycling opportunities through identifying appropriate and accessible spaces and facilities (Direction 17 & 18) and protecting natural, built and cultural heritage (Direction 19). The design of a new mixed-use town centre is to incorporate place-making principles (Direction 20).

Goal 4 'Greater housing choice and jobs' by establishing a compact settlement surrounding a new mixed-use town centre and limiting further development on the urban fringe (Direction 21) and promote a mix of housing choices in new and existing residential areas (Direction 20)

ITEM 1 - ATTACHMENT 1 DRAFT FERN BAY AND NORTH STOCKTON STRATEGY, IMPLEMENTATION PLAN AND BACKGROUND INVESTIGATIONS REPORT.**Greater Newcastle Metropolitan Plan 2036 (2018)**

The Strategy will contribute to achieving:

Outcome 1 'Create a workforce skilled and ready for the new economy' by providing housing close to the airport and aerospace and defence precinct (Strategy 2) and increase tourism opportunities (Strategy 6)

Outcome 2 'Enhance environment, amenity and resilience for quality of life' by creating great public places where the community can come together (Strategies 10 and 11) and consider natural hazards and climate change for future residential areas (Strategy 14)

Outcome 3 'Deliver housing close to jobs and services' by increasing housing diversity and choice (Strategy 16)

Outcome 4 'Improve connections to jobs, services and recreation' by integrating land use and transport planning (Strategy 20)

The GNMP also requires CN and PSC to work together to coordinate housing and infrastructure development in Fern Bay to protect transport connections between the Newcastle Airport and Newcastle Port. It also requires focus on development of tourism opportunities in Stockton to support the establishment of a cruise ship terminal in the Carrington Precinct

Newcastle 2030 CSP (2018) and Port Stephens CSP (2018)

The role of the Community Strategic Plan is to detail the community's agreed aspirations and needs for a LGA. From this, it can be understood that it is the role of strategic plans, such as the Fern Bay and North Stockton Strategy to directly inform the Delivery and Operational Plan.

Newcastle Local Planning Strategy (2015)

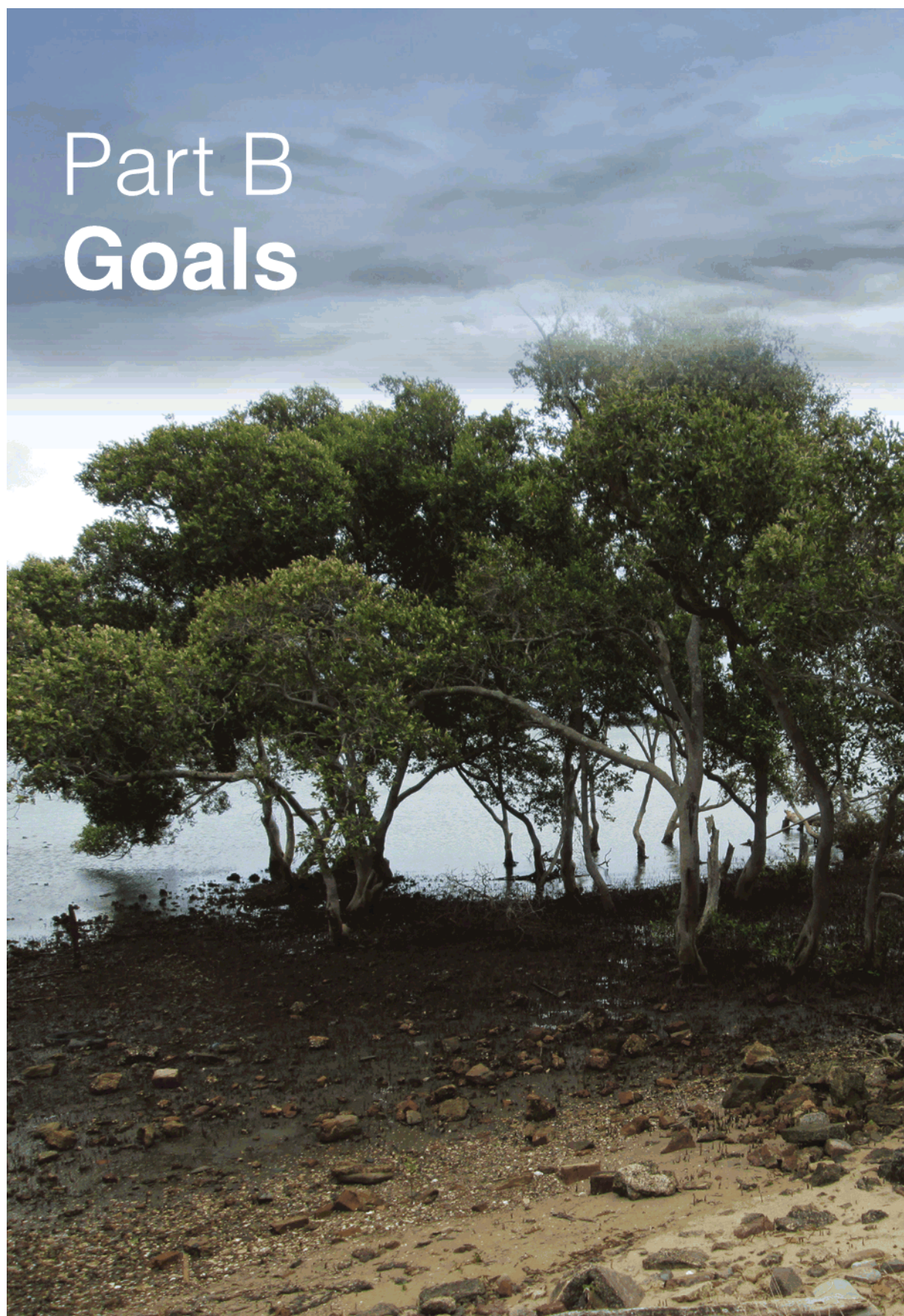
Stockton's commercial centre, located in Mitchell Street, is a 'Local centre (minor)' that should be promoted as a tourism destination without reducing its appeal as a place to reside. The LPS identifies the consideration of a new commercial centre in North Stockton and the need to consider coastal erosion.

An opportunity is identified for a new commercial centre at North Stockton to service residents outside the existing Stockton Local Centre pedestrian catchment.

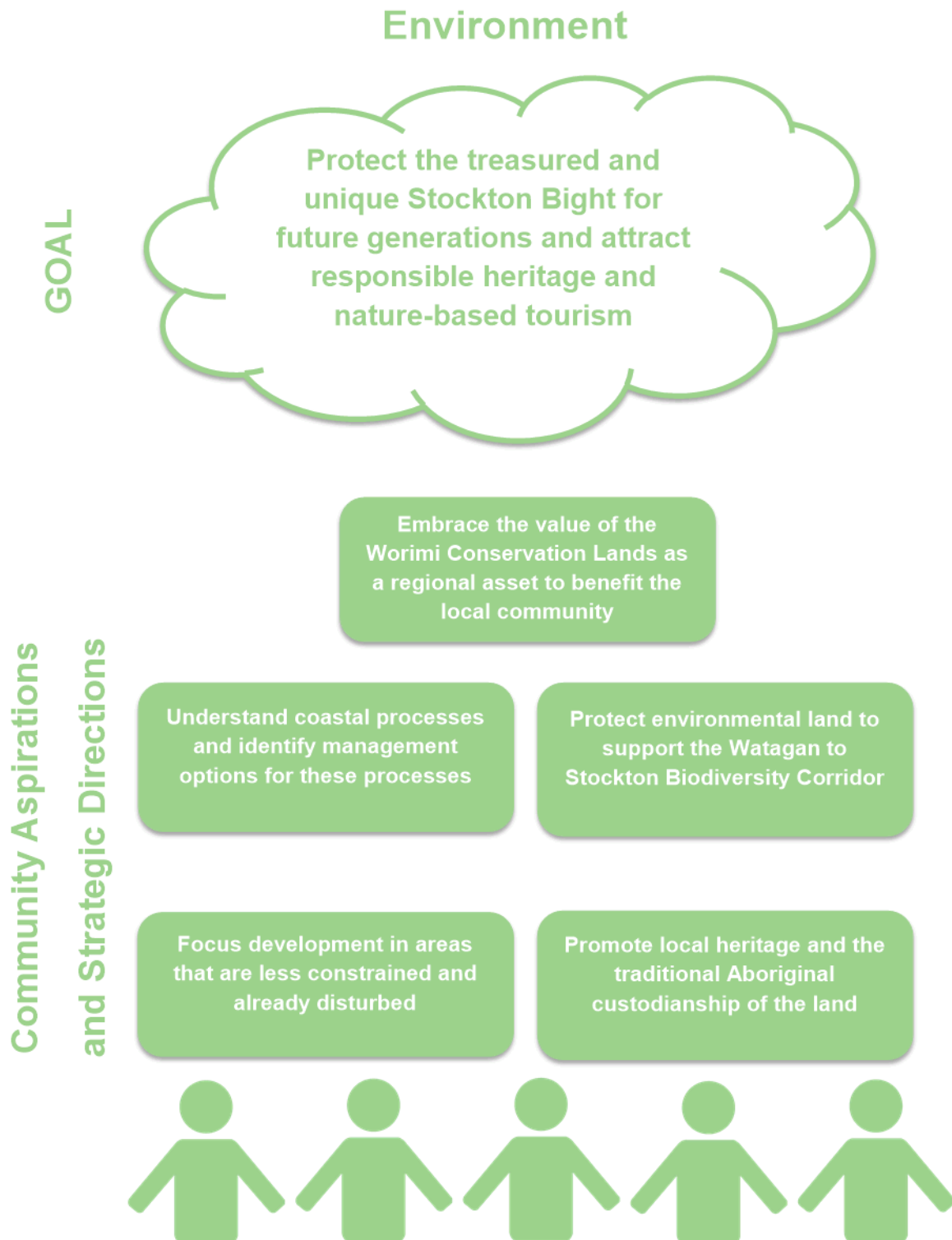
Port Stephens Planning Strategy (2011)

Fern Bay is a 'Smaller Village Centre' within the Eastern Growth Corridor of Port Stephens. Opportunities exist for increasing densities to maximise access to existing infrastructure and additional commercial zoned land is required. There are opportunities for infill (42) and greenfield (1,396) residential dwellings with an estimated density of 10-12 dwellings per hectare

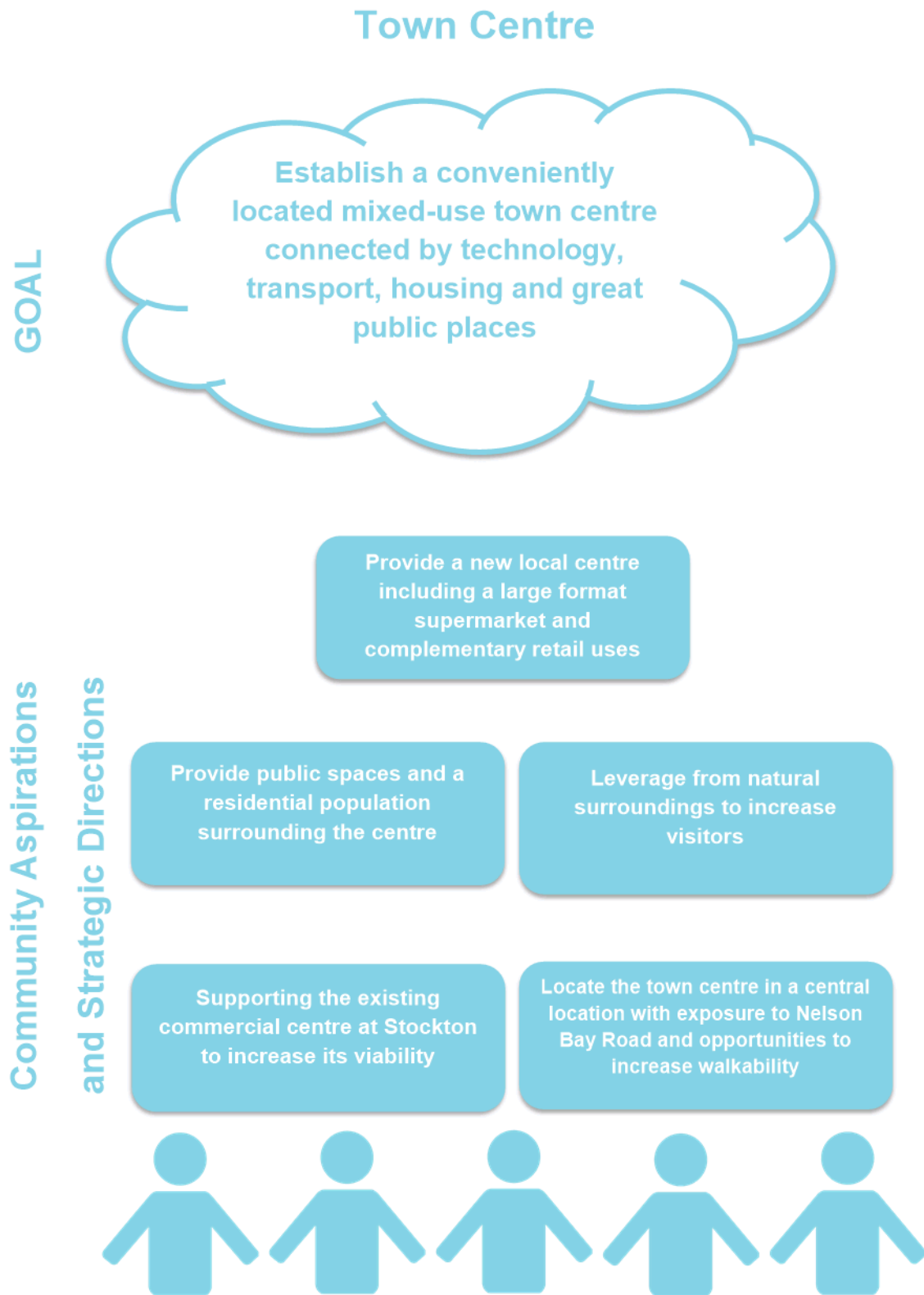
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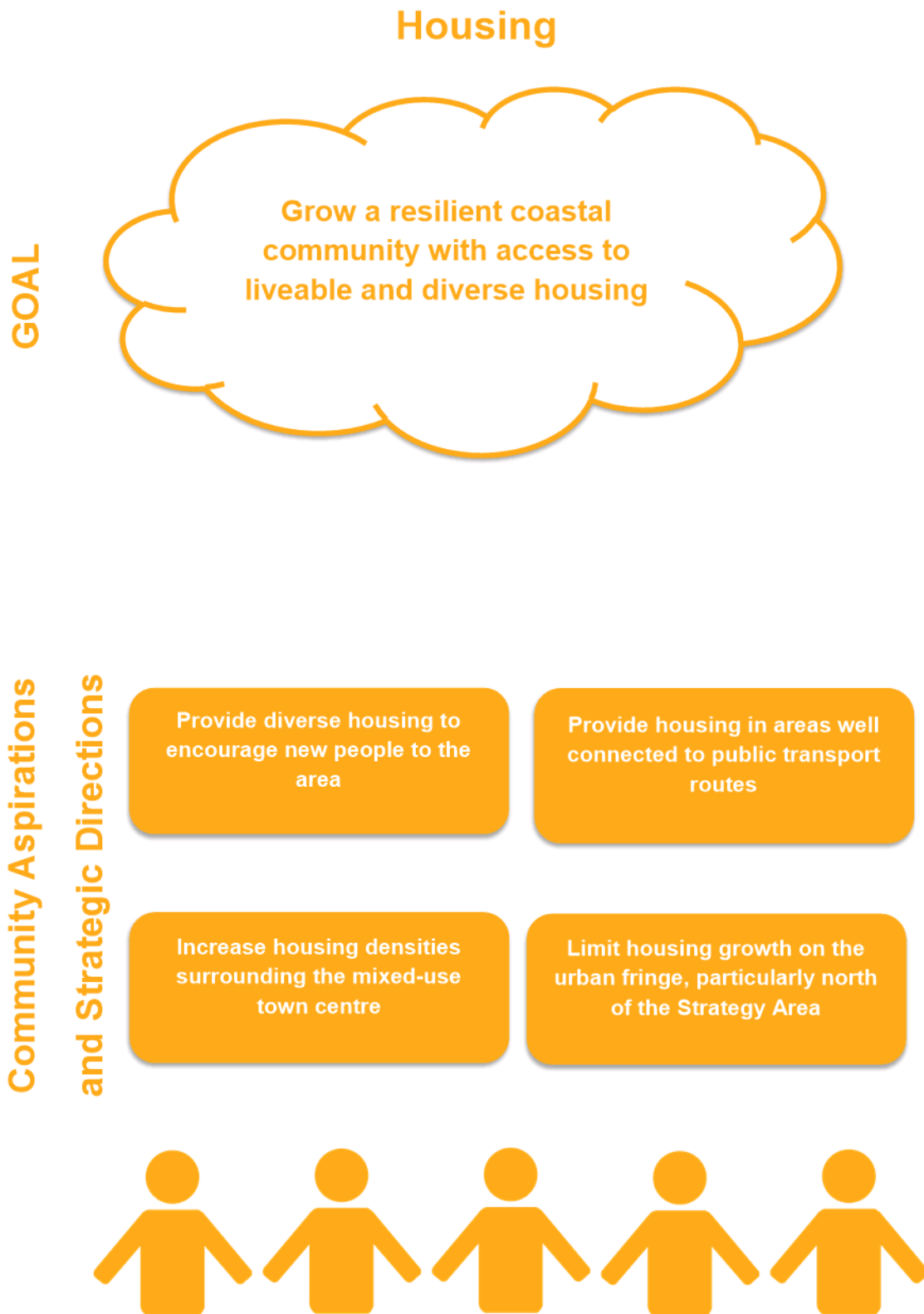
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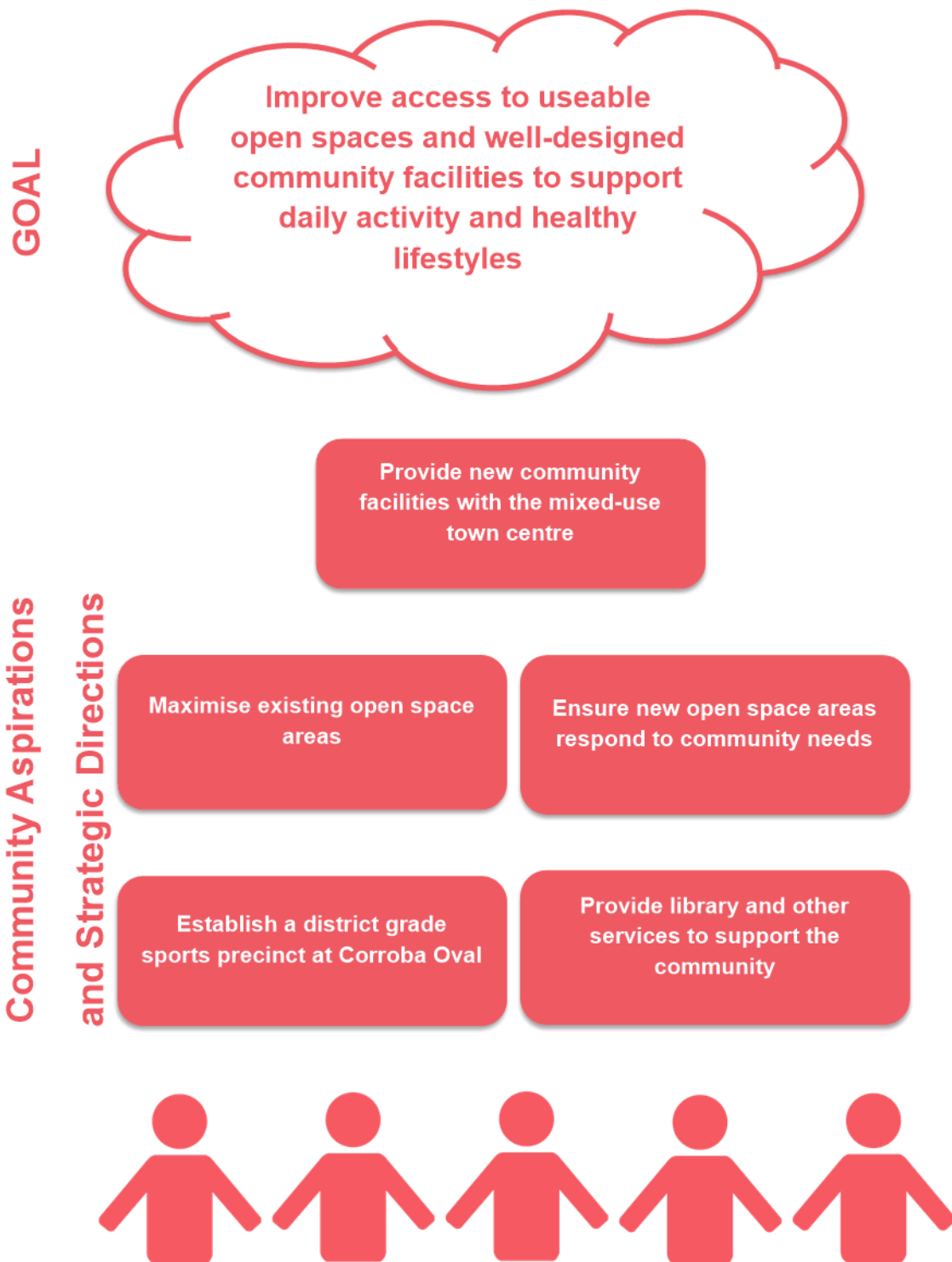


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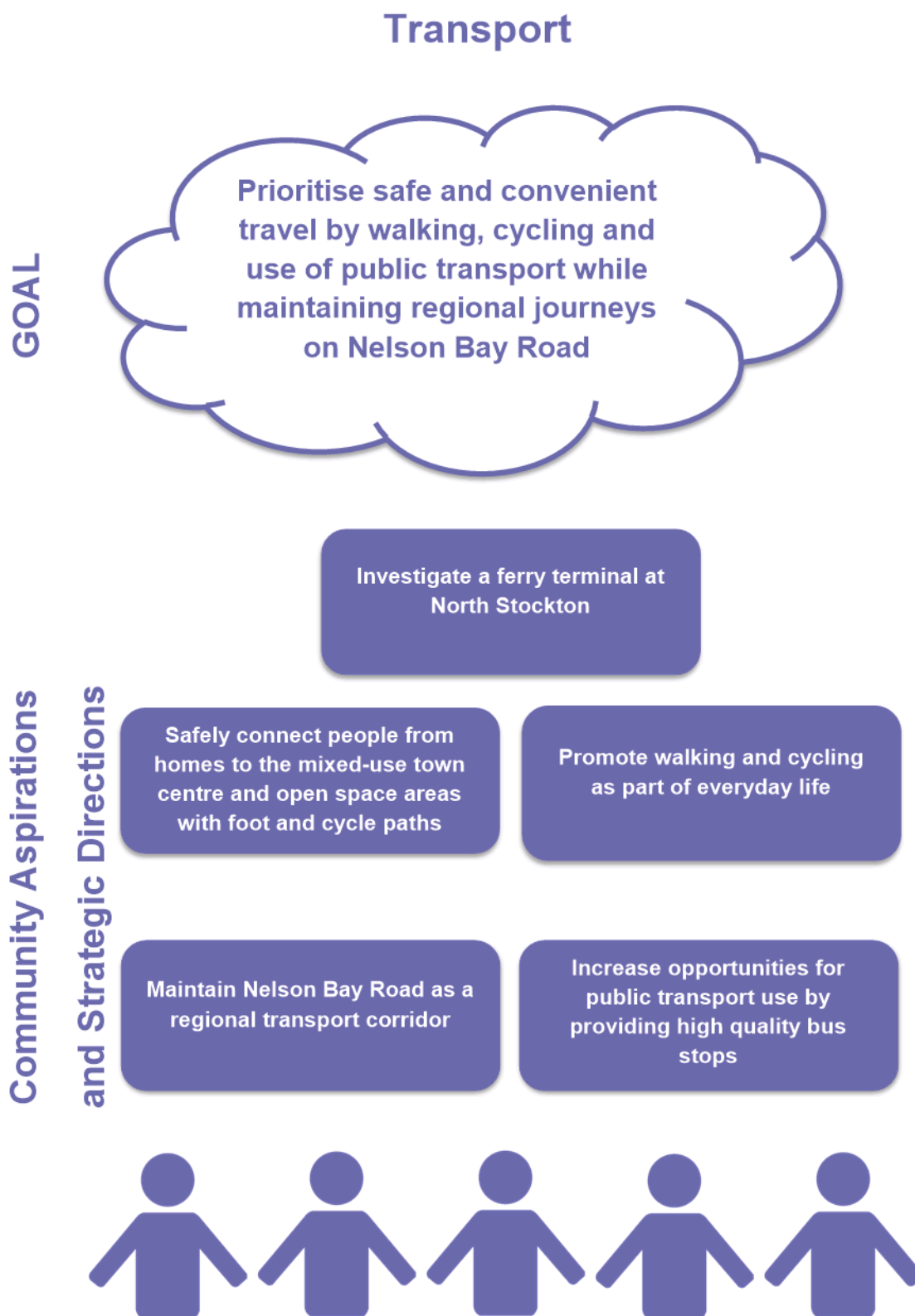


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Open Space and Community Facilities



ITEM 1 - ATTACHMENT 1 DRAFT FERN BAY AND NORTH STOCKTON STRATEGY, IMPLEMENTATION PLAN AND BACKGROUND INVESTIGATIONS REPORT.



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Part C

Planning Principles



ITEM 1 - ATTACHMENT 1 DRAFT FERN BAY AND NORTH STOCKTON STRATEGY, IMPLEMENTATION PLAN AND BACKGROUND INVESTIGATIONS REPORT.

This Part provides the principles for development within the Strategy Area. A Planning Proposal within the Strategy Area is to demonstrate how it is consistent with the principles and how it contributes to achieving each of the listed Goals.

C1 Environment

Goal: Protect the treasured and unique Stockton Bight for future generations and attract responsible heritage and nature-based tourism

Principles

1. Grow tourism in the region

- Encourage visitors to experience the history and natural beauty of the area and promote tourism support services such as cafes, restaurants and short term accommodation.

2. Protect the coast and increase resilience to natural hazards

- Consider the Newcastle Coastal Zone Management Plan 2018 and requirements of the future Coastal Management Program under the *Coastal Management Act 2016*.

3. Protect important environmental assets and enhance biodiversity connections

- Protect the Watagan to Stockton Link Biodiversity Corridor including WCL and other areas of environmental significance.

4. Recognise and conserve heritage

- Ensure the indigenous and non-indigenous significance of the area is reflected in the built environment through design, colours and materials.

Goal: Establish a centrally located mixed-use town centre that is connected to technology, transport, housing and great public places

Principles

1. A traditional pattern of complete streets and public spaces

- Identify a distinct town centre incorporating a public domain that enables engagement and interaction of people.
- Provide a legible layout, with appropriate "landmarks" and adequate signage.
- Develop policies that promote high quality, creative design of development, urban spaces and landscape settings.
- Provide a variety of public spaces that are useable and pleasant to reflect community needs, including those for quiet reflection, noisy activities, public events and casual meetings.

2. Pedestrian priority and integrated public transport

- Provide a compact retail core and street network to encourage low vehicle speeds, use of public transport, walking and cycling, including commuter cycling and links to the beach.

3. Balanced and discrete parking provision

- Provide convenient car parking for shoppers at a level of provision that will encourage the use of public transport but not disadvantage retailers in competition with other town centres.

C2 Town Centre

ITEM 1 - ATTACHMENT 1 DRAFT FERN BAY AND NORTH STOCKTON STRATEGY, IMPLEMENTATION PLAN AND BACKGROUND INVESTIGATIONS REPORT.

C3 Housing

Goal: Grow a resilient coastal community with access to liveable and diverse housing

Principles

- 1. Focus housing growth in locations that maximise infrastructure and services**
 - Encourage higher density residential development in the town centre, near public transport stops, parks and other public open spaces.
- 2. Deliver greater housing supply and choice**
 - Provide housing that is diverse in form, number of bedrooms, configuration and is universally designed¹ to cater for aging in place.
 - Provide aged care accommodation co-located with the mixed-use town centre to provide older residents easier access to services and transport.
- 3. Limit urban sprawl and impacts on the natural environment**
 - Promote housing development within the existing urban footprint and provide highest residential densities in proximity to the town centre.

¹ **universal design** is the design and composition of an environment (e.g. building) so that it can be accessed, understood and used to the greatest extent possible by all people regardless of their age, size, ability or disability (Source: National Disability Authority, 2012).

C4 Open Space and Community Facilities

Goal: Improve access to useable open spaces and well-designed community facilities to support daily activity and healthy lifestyles

Principles

- 1. Optimise access**
 - Improve connections between residential and community areas and provide multipurpose, safe and innovative spaces that are equitably distributed across the local government areas
- 2. Connect with nature and culture**
 - Utilise the existing natural setting and cultural values to design an integrated open space network
- 3. Maximise user experience**
 - Encourage social connections, community participation, and promote health and wellbeing

C5 Transport

Goal: Prioritise safe and convenient travel by walking, cycling and use of public transport while maintaining regional journeys on Nelson Bay Road

Principles

- 1. Prioritise pedestrians and cyclists**
 - Link footpaths/shared paths from homes to the town centre, public spaces, and transport nodes including bus stops and ferry terminal(s)
- 2. Support public transport ridership**
 - Provide high quality transit stops (shelter, seating, signage, information and lighting) forming part of the transport network enabling convenient and safe access within and from the Strategy Area.
- 3. Maintain the integrity of Nelson Bay Road**
 - Limit of one signalised intersection on Nelson Bay Road and promote walking and cycling.

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Part D

Precinct Plans



ITEM 1 - ATTACHMENT 1 DRAFT FERN BAY AND NORTH STOCKTON STRATEGY, IMPLEMENTATION PLAN AND BACKGROUND INVESTIGATIONS REPORT.

This Part provides the outcomes for each precinct that will be implemented through the Implementation Plan (**Attachment 1**).

Figure 5 – Overall Structure Plan**Environment Outcomes**

- Investigate a Tomaree to Stockton walk (involving boardwalk/trails and observation decks) to link with the Great North Walk.
- Investigate the establishment of formal walking trails (including directional, educational and interpretational signage) to link Seaside Estate and the Rifle Range site with the WCL and existing beach access.

Town Centre Outcomes (for existing Stockton)

- Implementation of the Stockton Public Domain Plan and Traffic Plan
- Review residential uses (particularly single dwellings) that are permissible within the B2 Local Centre Zone of NLEP.
- Further explore place making options and events to better activate spaces and assist in overall revitalisation of the existing centre.

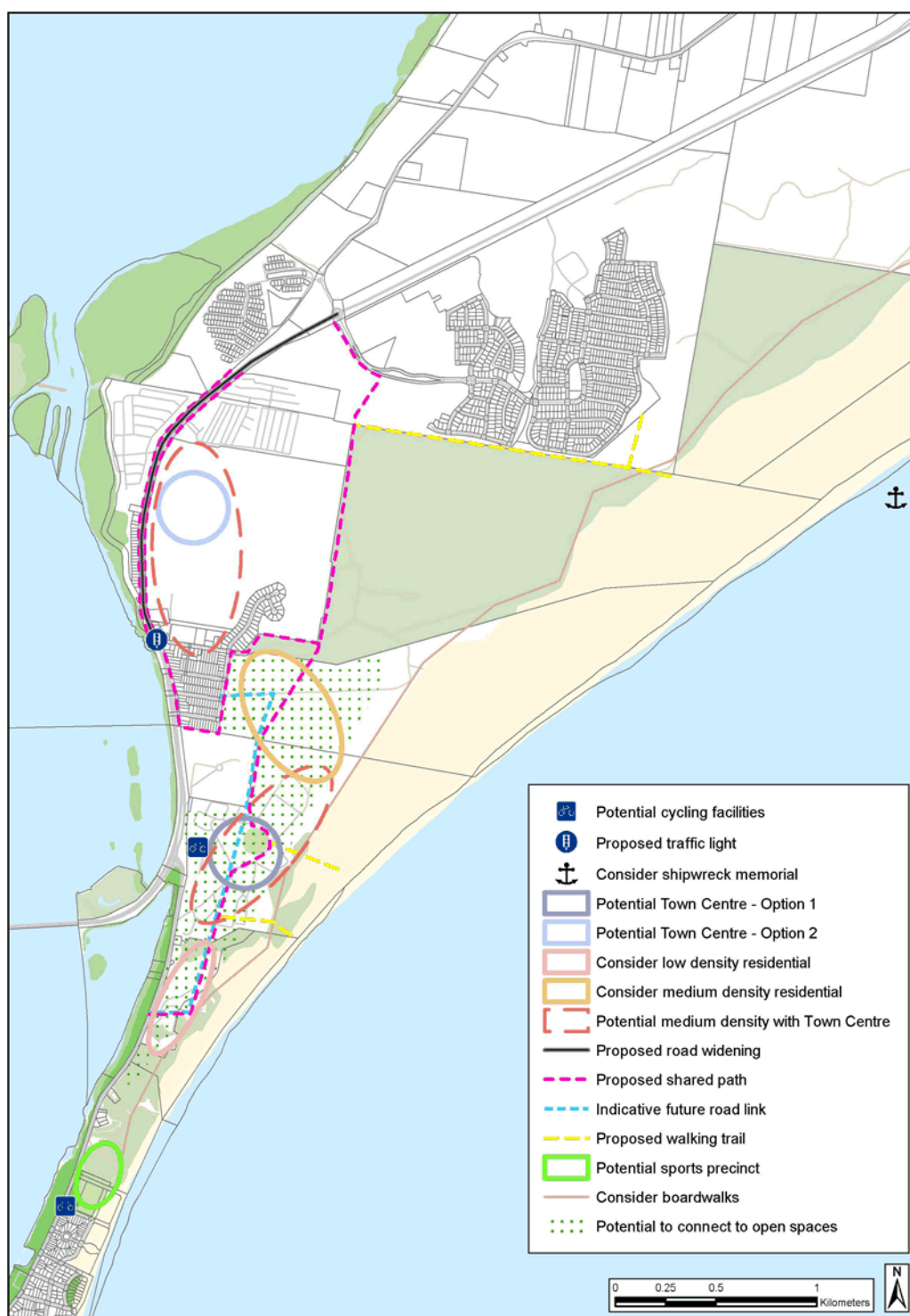
Open Space and Community Facilities Outcomes

- Investigate future ownership of the beachfront land within the Strategy Area to enable continuous public access to the beach from Stockton to the WCL.
- Investigate feasibility of a new modern library and multipurpose facility to be located within the proposed mixed-use town centre.

Transport Outcomes

- Provide a shared path from Seaside Boulevard, along the access trail to the east of Newcastle Golf Club, through to Popplewell Road then link up with the existing shared path to the east of Nelson Bay Road. This could also include a link to the rear of Bayway village.
- Indicative shared path providing a link between future development of the Rifle Range, potential mixed-use town centre and Fort Wallace sites. The location of this path would be determined pending detailed design of these developments.
- A future road link should be provided connecting the existing Fern Bay residential area through to North Stockton (Fullerton Street). The road would pass through the Rifle Range, the potential mixed-use town centre and Fort Wallace sites. Ensure relevant site specific DCP Sections allows for a road link connecting the three sites.
- Relocate, upgrade or construct bus stops in accordance with the Seca Traffic and Transport Study.
- Widening of Nelson Bay Road to two lanes of travel in each direction between Vardon Road and Seaside Boulevard

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ITEM 1 - ATTACHMENT 1 DRAFT FERN BAY AND NORTH STOCKTON STRATEGY, IMPLEMENTATION PLAN AND BACKGROUND INVESTIGATIONS REPORT.**Figure 6 – Precinct 1: North Stockton****Environment Outcomes**

- Recommend that Fort Wallace is included on the State Heritage Register.
- Review public access points to the northern parts of Stockton Beach to enhance accessibility, considering the impact on coastal erosion.
- Investigate potential source of sand for beach nourishment in Stockton area.

Town Centre Outcomes

- **Preferred Option 1:** Liaise with land owner to discuss future use of site. The site remains operational and no decision has been made by the State government regarding future use of the site. A masterplan to outline how the site can be redeveloped into the future is required to support any future change in land use. The masterplan process is to consider (but is not limited to) connections to adjacent sites, access to Stockton Beach, heritage and environmental opportunities, dwelling type and yield (including provision of affordable housing), location of mixed-use town centre incorporating commercial, residential, tourist and visitor accommodation, open space and community uses.

Housing Outcomes

- Provide housing incorporated with a mixed-use town centre comprising residential (low - medium density) accommodation, commercial, community and recreation uses. Note, the envisaged potential land uses would allow the existing uses on the site to continue.
- Fort Wallace – Proceed with planning proposal as per the Gateway Determination to allow part of the site to be zoned R2 Low Density Residential

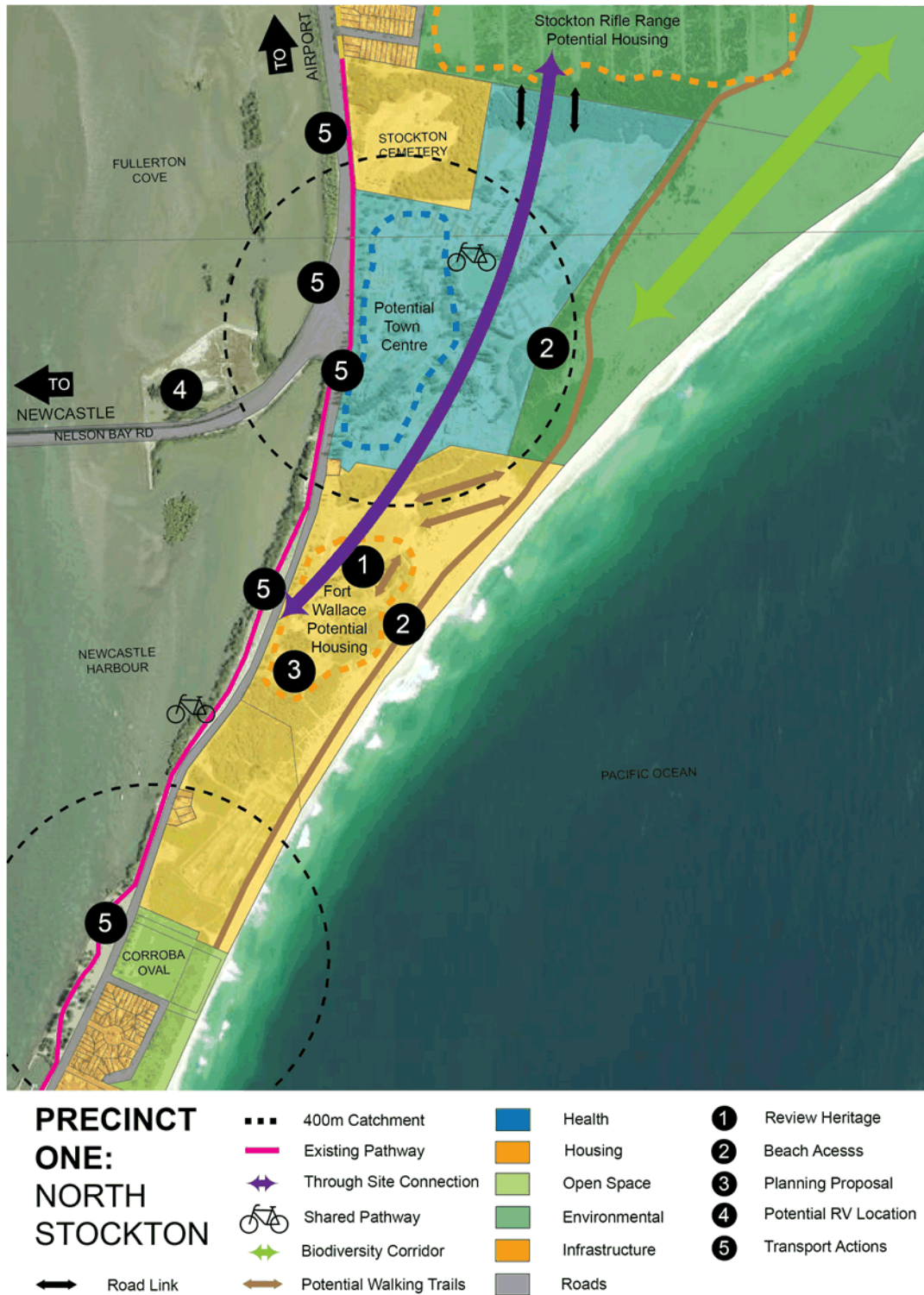
Open Space and Community Facilities Outcomes

- Identify a preferred location for the establishment of an RV/campground within the Strategy Area.

Transport Outcomes

- Upgrade the existing bus stop on the eastern side of Fullerton Street, adjacent to the Fort Wallace access, to provide seating and shelter.
- Remove the signage for the bus stop to the immediate north of the Stockton Bridge. Upgrade the existing bus stop on the western side of Nelson Bay Road, adjacent to the Stockton Cemetery access, to provide seating and shelter. This would be developed in conjunction with a pedestrian refuge to be provided in this location.
- Provide a bus stop with seating and shelter along the western side of Fullerton Street, opposite the access to the potential future mixed-use town centre. Encouraging safe crossing of Fullerton Street at the existing pedestrian (zebra) crossing in this location.
- Review the operation of the roundabout intersection at Nelson Bay Road / Fullerton Street prior to planning for the North Stockton Precinct which may not be required if the predicted level of background growth or future development is not realised.
- Investigate a ferry terminal at North Stockton to support growth in the longer term. An existing boat ramp at North Stockton (south of Corroba Oval) has recently been upgraded. This opportunity could be further investigated in the future

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ITEM 1 - ATTACHMENT 1 DRAFT FERN BAY AND NORTH STOCKTON STRATEGY, IMPLEMENTATION PLAN AND BACKGROUND INVESTIGATIONS REPORT.**Figure 7 – Precinct 2: Original Fern Bay****Town Centre Outcomes**

- **Preferred Option 2:** Liaise with landowner to discuss potential future use of the site including the second preferred town centre site. The masterplan process is to consider (but is not limited to) connections to adjacent sites, access to Worimi Conservation Lands, heritage and environmental opportunities, dwelling type and yield (including provision of affordable housing), location of mixed-use town centre incorporating commercial, residential, tourist and visitor accommodation, open space and community uses.

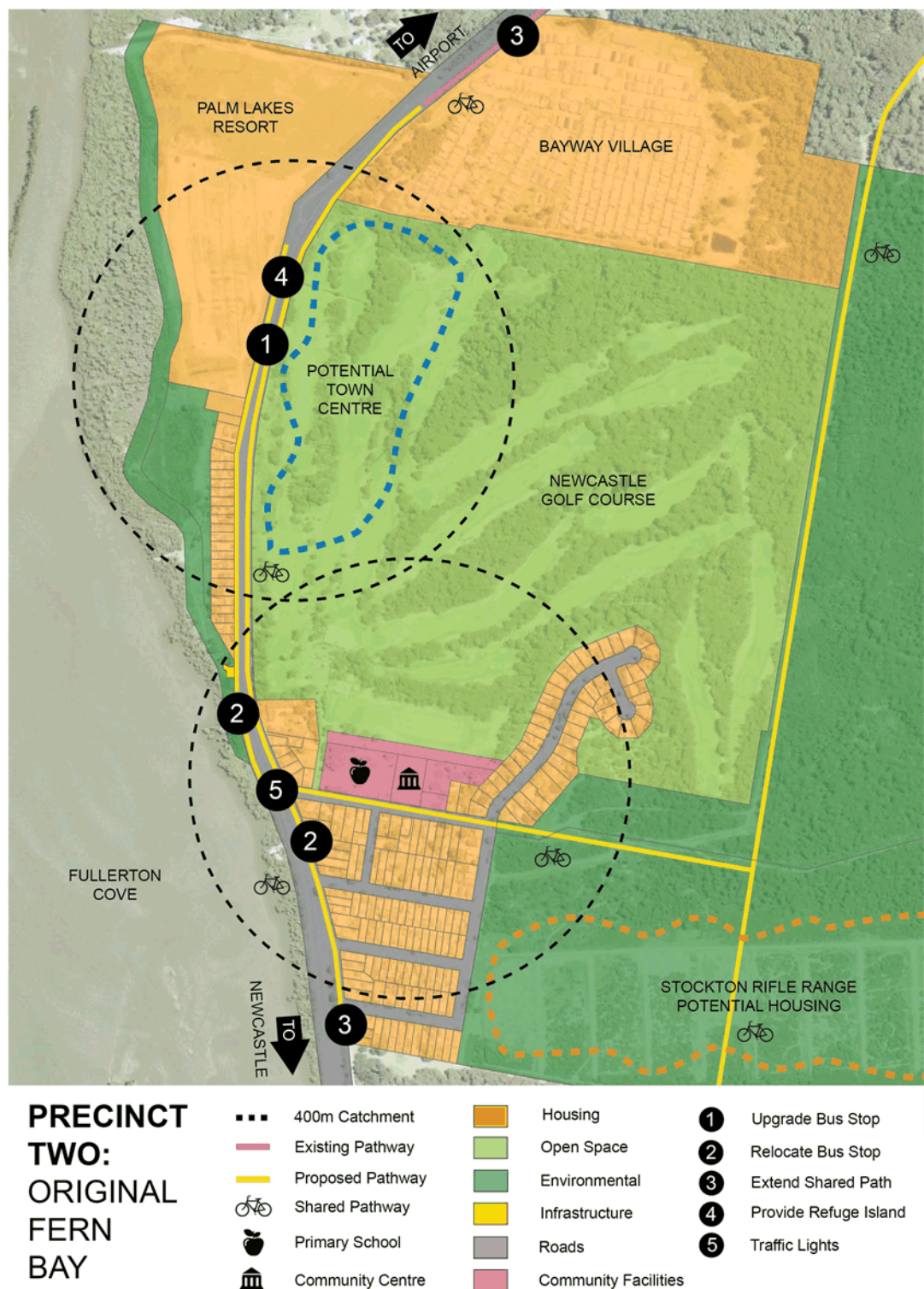
Housing Outcomes

- Provide housing incorporated with a mixed-use town centre comprising residential (low - medium density) accommodation, commercial, community and recreation uses.
- Undertake feasibility modelling to identify incentives or necessary amendments to planning controls to encourage infill housing development in Original Fern Bay.
- Consult with the NSW Department of Education on potential growth scenarios and the provision of educational facilities and advocate for the provision of preschools.

Transport Outcomes

- Upgrade the existing bus stop on the western side of Nelson Bay Road, adjacent to the Palm Lakes Resort access, to provide seating and shelter.
- Relocate the existing bus stop on the eastern side of Nelson Bay Road, north of Vardon Road, to the south of Vardon Road. This relocation will allow for sufficient area to provide a bus stop with seating and shelter located in close proximity to the future signalised intersection of Nelson Bay Road and Vardon Road allowing for pedestrian phases on the signals.
- Provide a bus stop with seating and shelter along the western side of Nelson Bay Road, to the north of Vardon Road, to encourage safe crossing at the future signalised intersection.
- Upgrade the existing footpath along the eastern side of Nelson Bay Road, between Bayway Village and Braid Road, to provide a shared path along the length of Nelson Bay Road through the locality.
- Extend the existing footpath, along the frontage of the residential developments on the western side of Nelson Bay Road, to the south to Vardon Road providing connection for pedestrians to cross safely at the future signalised intersection of Nelson Bay Road and Vardon Road.
- Provide a suitably located refuge island at Nelson Bay Road near Palm Lakes / Bayway Village.
- Construct traffic signals and pedestrian crossing at the intersection of Vardon Road and Nelson Bay in conjunction with the Rifle Range Planning Proposal to allow the safe crossing of Nelson Bay Road for pedestrians and enable safe vehicular access onto Nelson Bay Road.

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ITEM 1 - ATTACHMENT 1 DRAFT FERN BAY AND NORTH STOCKTON STRATEGY, IMPLEMENTATION PLAN AND BACKGROUND INVESTIGATIONS REPORT.**Figure 8 – Precinct 3: Beachfront****Environment Outcomes**

- Review the heritage significance of the Rifle Range site through the assessment of the 'Request to Amend the Port Stephens Local Environmental Plan'.

Housing Outcomes

- Undertake a detailed assessment of the 'Request to Amend the Port Stephens Local Environmental Plan' submitted by DHA for the Rifle Range site
- Support the proposed town centre (preferred option 1 or 2) by providing medium density housing within walkable distances

Open Space and Community Facilities Outcomes

- Investigate options for improved continuous public access to the breach from Stockton to the Worimi Conservation Lands.

Transport Outcomes

- Provide an internal bus stop as part of the future development of the Rifle Range Site. Consideration should be given to providing bus services through the existing Fern Bay residential area, to service the adjacent Rifle Range site.

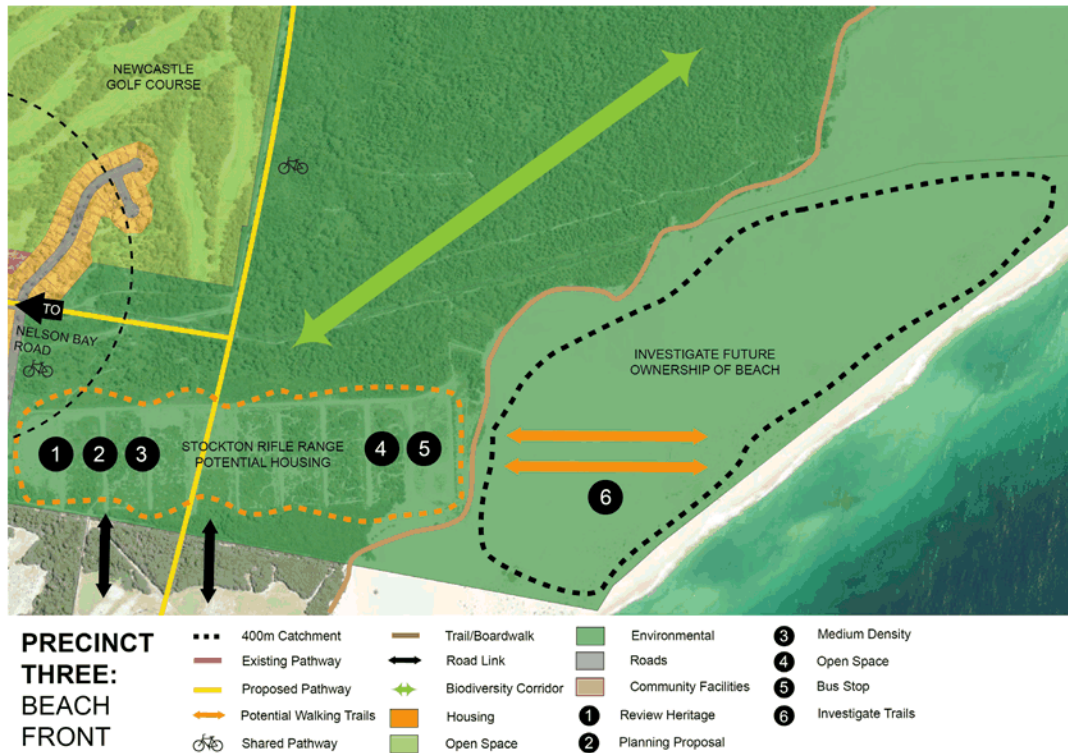
Figure 8 – Precinct 4: Sports**Open Space and Community Facilities Outcomes**

- Investigate a new Sporting Precinct at Corroba Oval including multipurpose courts, additional playing fields, parking, amenities building and undercover seating.

Transport Outcomes

- Consider constructing a pedestrian refuge island on Fullerton Street to ensure safe pedestrian access to Corroba Oval.
- Request RMS to review the 70km/hr speed limit on Fullerton Street and consider a reduction to 50km/hr.
- Consider cycling facilities (including electric) at the proposed Sporting Precinct at Corroba Oval or the mixed-use town centre and Stockton Ferry terminal.
- Advocate to Transport NSW for a new ferry terminal at North Stockton. A potential location is the existing boat ramp that has recently been upgraded.

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Figure 9 – Precinct 5: Seaside Estate

Town Centre Outcomes

- Undertake a detailed assessment of the 'Request to Amend the Port Stephens Local Environmental Plan' submitted for 2 Seaside Boulevard, Fern Bay.

Open Space and Community Facilities Outcomes

- Continue investigations to improve recreational and community facilities at Seaside Estate, including public toilets within the development.

Transport Outcomes

- Relocate and upgrade (seating and shelter) the existing Seaside Estate bus stop further east along Seaside Boulevard to provide greater connectivity for local residents.

Figure 10 – Precinct 6: Fullerton Cove

Environment Outcomes

- Consider rezoning land mapped as containing an endangered ecological community to an environmental zone.

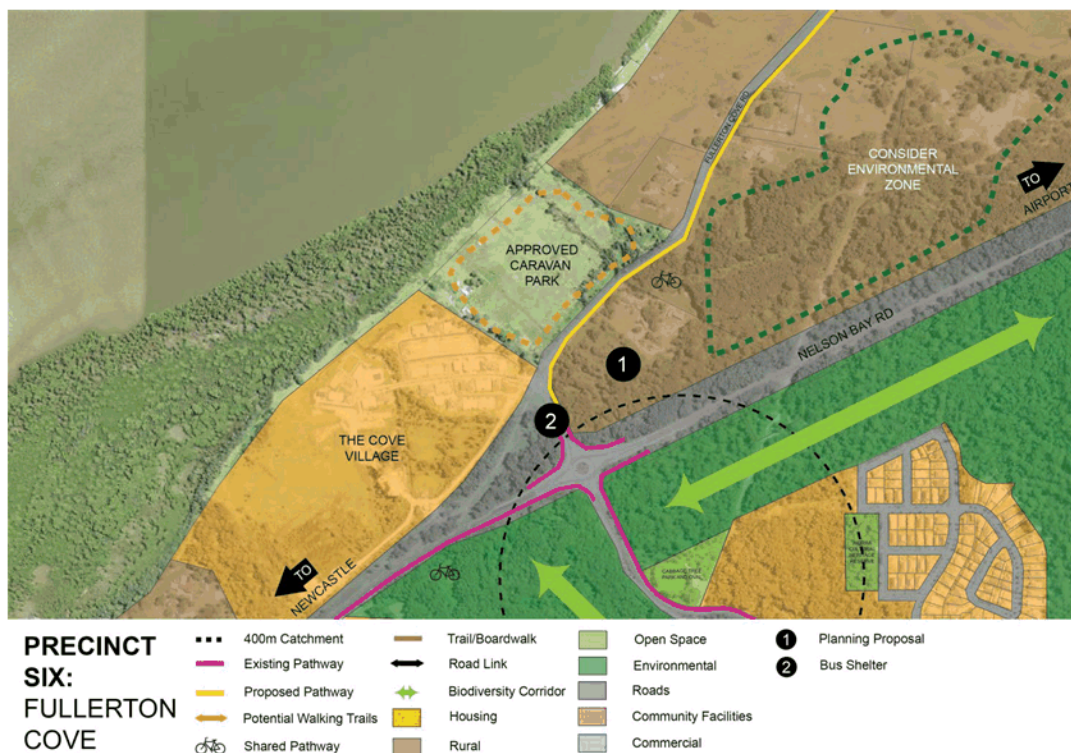
Town Centre Outcomes

- Undertake a detailed assessment of the 'Request to Amend the Port Stephens Local Environmental Plan' submitted for 42 Fullerton Cove Road, Fullerton Cove.
- Do not support proposals to establish a town centre within the precinct at this time as per the HillPDA. 2017, 'Commercial Land Study: Fern Bay and North Stockton'.

Transport Outcomes

- Provide seating and shelter on both sides of Fullerton Cove Road in the location of the existing bus zones.

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STRATEGY, IMPLEMENTATION PLAN AND BACKGROUND INVESTIGATIONS
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PORT STEPHENS
COUNCIL



City of
Newcastle

Implementation Plan:

Draft Fern Bay and North Stockton Strategy



ITEM 1 - ATTACHMENT 1 DRAFT FERN BAY AND NORTH STOCKTON STRATEGY, IMPLEMENTATION PLAN AND BACKGROUND INVESTIGATIONS REPORT.
Attachment 1 Implementation Plan

Key:	
I	Immediate – 0-2 years (2019 – 2021)
S	Short term – 3-5 years (2022 – 2024)
M	Medium term – 6-10 years (2025 – 2029)
L	Long term – 11-20 years (2030 – 2039)
O	Ongoing (continuous action and/or monitoring)

No	Actionable Outcome	Specific
		What will be undertaken?
Overall		
1	Investigate a Tomaree to Stockton walk (involving boardwalk/trails and observation decks) to link with the Great North Walk.	Discussions with relevant stakeholders will be undertaken to plan for a connected trail.
2	Investigate the establishment of formal walking trails (including directional, educational and interpretational signage) to link Seaside Estate and the Rifle Range site with the WCL and existing beach access.	<ul style="list-style-type: none"> Ensure planning proposals or staging of existing residential developments include pedestrian access to conservation lands and the beach. Discuss options with Seaside Estate residents/developer, NPWS and WCL Board of Management.
3	For existing Stockton Town Centre: Implementation of the Stockton Public Domain Plan and Traffic Plan.	Staging and costing of the works, detailed design and implementation.
4	For existing Stockton Town Centre: Review residential uses (particularly single dwellings) that are permissible within the B2 Local Centre Zone of Newcastle Local Environmental Plan 2012.	Further investigate removing single dwellings as a permissible use within the B2 Local Centre Zone in response to actions contained within Newcastle Local Planning Strategy and the Hill PDA Commercial Study.
5	For existing Stockton Town Centre: Further explore place making options and events to better activate spaces and assist in overall revitalisation of the existing centre.	Consider more activities to celebrate Stockton's unique history, heritage and culture.
6	Investigate options for improved continuous public access to the breach from North Stockton to the WCL.	Undertake discussions concerning future ownership and management of beachfront land with key stakeholders, including landowners so the community can access the beach. Sites include Lot 5, DP 233358; Lot 430, DP 835921; and Lot 202, DP 1150470
7	Investigate feasibility of a new modern library and multipurpose facility to be located within the proposed mixed-use town centre.	A larger library is required to support the District Area (Fullerton Cove, Fern Bay and Stockton). Further planning and understanding around feasibility is required.

ITEM 1 - ATTACHMENT 1 DRAFT FERN BAY AND NORTH STOCKTON STRATEGY, IMPLEMENTATION PLAN AND BACKGROUND INVESTIGATIONS REPORT.

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Measurable	Assignable	Realistic	Timing
How will the action be measured as a success?	Who will implement the action?	What results can be achieved given resources?	
Overall			
Funding and approval of a project plan to construct a Tomaree to Stockton Walk.	NPWS, WCL Board of Management and Worimi LALC (landowners). PSC (Strategic Planning) & CN as advocates in conjunction with land owners and board.	The project would require multi-agency cooperation and significant contributions from grant funding. Liaison with the state government is recommended.	L
<ul style="list-style-type: none"> Future planning proposals to identify how these will work. Detailed costing and design for location and number of links finalised. 	NPWS, WCL Board of Management and Worimi LALC and site landowners PSC (Strategic Planning) to advocate and consider with any relevant rezoning.	<ul style="list-style-type: none"> Subject to working in collaboration with landowners and key stakeholders. PSC does not own any land and this may increase complexity in delivering the projects. 	M
Implementation of the works outlined in the plan.	CN	Through work programs and already agreed upon funding.	O
Finalise assessment as part of preparation of the Housing Strategy and Local Strategic Planning Statement and potential planning proposal.	CN	Through work programs and already agreed upon funding.	S
Community feedback, activated spaces and a revitalised centre.	Stockton Community in partnership with CN	Through work programs and place making grants.	O
Improved public access to the beach between Stockton and WCL.	CN, PSC (Strategic Planning + Community and Recreation Assets), NPWS, landowners and other key stakeholders.	Through work programs. Investigation needs to understand ongoing maintenance and associated costs required.	S
Selection of preferred site and location ideally within an identified community hub or precinct, located within the proposed mixed use centre and better understanding of associated costs.	CN and PSC (Library Services)	Preparation of a project brief can be done through work programs. A new library for Stockton is listed in the Development Contributions Plan. Funding and grants are also available to construct libraries.	S

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No	Actionable Outcome	Specific
8	A future road link should be provided connecting the existing Fern Bay residential area through to North Stockton (Fullerton Street). The road would pass through the Rifle Range, the potential mixed-use town centre and Fort Wallace sites.	Ensure relevant site specific DCP Sections allows for a road link connecting the three sites.
9	Construct footpaths and shared paths in accordance with the Seca Traffic and Transport Study.	Four paths have been identified and prioritised in the Seca T&T Study. These paths will be designed, costed and included in the relevant SAMP.
10	Relocate, upgrade or construct bus stops in accordance with the Seca Traffic and Transport Study.	Eleven bus stop locations have been identified and prioritised in the Seca T&T Study. These bus stops will be designed, costed and included in the relevant SAMP.
11	Widening of Nelson Bay Road to two lanes of travel in each direction between Vardon Road and Seaside Boulevard.	Provide a written submission to RMS detailing outcomes of the Seca T&T Study and need for upgrade.
12	Prepare an amendment to the Strategic Asset Management Plan (SAMP) to align the infrastructure items outlined in this Strategy with the SAMP for each council.	Each council will prepare separate amendments to their SAMP to ensure that the infrastructure identified in this Strategy can be delivered as the area grows
13	Prepare an amendment to the s7.11 Development Contributions Plan to align the infrastructure items outlined in this Strategy with the s7.11 Plan for each council.	Each council will prepare separate amendments to their s7.11 Development Contributions Plans to ensure that the infrastructure identified in this Strategy can be delivered as the area grows
14	Consider infrastructure funding options in addition to the SAMP and s7.11 Plans.	Council's often rely on grant funding, either wholly or partly, to deliver infrastructure projects. This action will be implemented by identifying other funding options, such as state and national grants, to deliver the infrastructure identified in this Strategy.
Precinct 1: North Stockton		
15	Review public access points to the northern parts of Stockton Beach to enhance accessibility, considering the impact on coastal erosion.	Consolidation of access points to be considered through the preparation of the Stockton Coastal Management Plan.
16	Investigate potential source of sand for beach nourishment in Stockton area.	Further explore with landowner and key stakeholders potential to use sand from north of Fort Wallace as a source of sand to replenish the southern end of Stockton.

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Measurable	Assignable	Realistic	Timing
Council Adopted DCP's identifying the proposed link	CN and PSC (Strategic Planning + Civil Assets)	Subject to landowners undertaking relevant proposals and liaison with Council.	S
Inclusion of proposed paths in relevant SAMP and Development Contributions Plans.	CN and PSC (Civil Assets)	Though works programs. Development Contributions funds may be utilised and grants should be considered following detailed design and costing.	S
Inclusion of proposed paths in relevant SAMP and Development Contributions Plans.	CN and PSC (Civil Assets)	Though works programs. Development Contributions funds may be utilised and grants should be considered following detailed design and costing.	S-M
Construction of road widening.	RMS – construction PSC – written submission (Strategic Planning)	RMS are intending to develop a Strategy which will identify and prioritise upgrades along the corridor. Implementation of this action will be dependent on RMS.	L
The adoption of an amended SAMP for each council	CN and PSC (Civil Assets)	The SAMP is updated every 12 months. Depending on the timing for adoption of this Strategy, the infrastructure items can be identified in a future amendment to the SAMP	I
The adoption of an amended s7.11 Plan for each council	CN and PSC (Strategic Planning)	An amendment can be prepared to the existing s7.11 Plans adapted by each council. This could occur following adoption of the Strategy	I
This action will be measured by the identification of potential grant funding schemes and the completion of grant applications for infrastructure item identified in this plan	CN and PSC (Strategic Planning, Civil Assets + Community and Recreation Assets)	Council often applies for grants to assist in delivering infrastructure projects. This action is realistic given the nature of infrastructure delivery through local government.	O
Precinct 1: North Stockton			
<ul style="list-style-type: none"> Public access points are constructed. Monitoring through implementation of Plans. Visual inspections to show reduction of informal access points. 	CN	<ul style="list-style-type: none"> CN will implement this action through respective work programs. Funding sources may be available through grants or Development Contributions. 	S-M
Investigation studies for sand sourcing completed.	CN	Investigations conducted as part of implementation of Newcastle Coastal Zone Management Plan and preparation of Coastal Management Program.	S

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No	Actionable Outcome	Specific
17	Preferred Option 1: Liaise with land owner to discuss future use of site. A masterplan to outline how the site can be redeveloped into the future is required to support any future change in land use. The masterplan process is to consider matters identified in this Plan.	Development of a masterplan consistent with the Fern Bay and North Stockton Strategic Plan, Location Environment Plan, Development Control Plan and other relevant legislation.
18	Fort Wallace – Proceed with planning proposal as per the Gateway Determination to allow part of the site to be zoned R2 Low Density Residential.	Proceed with LEP Amendment to allow around 100 dwellings on growth on the Fort Wallace site.
19	Identify a preferred location for the establishment of an RV/campground within the Strategy Area.	Further investigate activating the space under the Stockton Bridge as a campground for RVs.
20	Establish a ferry terminal at North Stockton to support growth in the longer term.	Advocate to Transport NSW for a new ferry terminal at North Stockton. A potential location is the existing boat ramp that has recently been upgraded.
Precinct 2: Original Fern Bay		
21	Preferred Option 2: Liaise with land owner to discuss future use of site. A masterplan to outline how the site can be redeveloped into the future is required to support any future change in land use. The masterplan process is to consider matters identified in this Plan.	Development a masterplan consistent with the Fern Bay and North Stockton Strategic Plan, Location Environment Plan, Development Control Plan and other relevant legislation.
22	Undertake feasibility modelling to identify incentives or necessary amendments to planning controls to encourage infill housing development in Original Fern Bay.	Further investigate planning incentives to encourage infill housing in original Fern Bay by liaising with DPE.
23	Consult with the NSW Department of Education on potential growth scenarios and the provision of educational facilities and advocate for the provision of preschools.	Provide a joint written submission to NSW Department of Education on potential growth scenarios, the provision of educational facilities and consider the provision of preschools.
24	Provide a suitably located refuge island at Nelson Bay Road near Palm Lakes / Bayway Village.	Liaise with RMS regarding relocating the refuge island.
25	Construct traffic signals and pedestrian crossing at the intersection of Vardon Road and Nelson Bay in conjunction with the Rifle Range Planning Proposal to allow the safe crossing of Nelson Bay Road for pedestrians and enable safe vehicular access onto Nelson Bay Road.	Traffic signals will be linked to development of the Rifle Range site and subject to the development progressing.
Precinct 3: Beachfront		
26	Review the heritage significance of the Rifle Range site through the assessment of the Request to Amend the Port Stephens Local Environmental Plan.	Prepare Councils planning proposal to list the Rifle Range as a Heritage item (Part 1) in Schedule 5 of the PSLEP.
27	Undertake a detailed assessment of the 'Request to Amend the Port Stephens Local Environmental Plan' submitted by DHA for the Rifle Range site.	Undertake a detailed assessment of the 'Request to Amend the Port Stephens Local Environmental Plan' submitted by DHA for the Rifle Range site.

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Measurable	Assignable	Realistic	Timing
Completion of the master plan.	Landowner in consultation with CN	Through work programs.	S
Gazettal of the LEP Amendment.	CN Urban Planning	Through work programs.	I
The identification of a site for RV campground with detailed design and costing.	CN NPWS require consultation for any proposal involving National Park land Liaise with CMCA, Hunter Water	<ul style="list-style-type: none"> Preparation of a project brief can be done through work programs. Funding of the project is subject to future costings. 	M
Construction of a ferry terminal.	Transport for NSW / RMS – construction CN – written submission	Need for the terminal is apparent from the overuse of the Stockton terminal and projected growth identified in this plan. Implementation will be dependent on Transport for NSW/RMS.	I
Precinct 2: Original Fern Bay			
Completion of the Master Plan	Landowner in consultation with PSC (Strategic Planning)	Through work programs.	I
PSC to review progress including reviewing DAs or CC's for infill development.	PSC (Strategic Planning) to liaise with DPE.	Through work programs.	M
Discussion with NSW Department of Education and ongoing review of social infrastructure to support the North Stockton and Fern Bay community.	PSC & CN (Strategic Planning) – written joint submission	Through works programs.	I
Construction of refuge island.	PSC (Civil Assets) / RMS	Needs to be identified in the SAMP and funding determined.	S
Construction of traffic signals.	PSC (Strategic Planning) / landowner	Identification of the item in Development Contributions Plan may be necessary.	M
Precinct 3: Beachfront			
An amendment to the LEP is gazetted 12 months following the Gateway Determination.	PSC (Strategic Planning)	The NSW Department of Planning and Environment identifies 12 months as a target timeframe for minor LEP amendments.	I
Completion of the detailed assessment and preparation of a Planning Proposal.	PSC (Strategic Planning)	Through work programs.	I

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No	Actionable Outcome	Specific
Precinct 4: Sports		
28	Investigate a new Sporting Precinct at Corroba Oval including multipurpose courts, additional playing fields, parking, amenities building and undercover seating.	<ul style="list-style-type: none"> • Prepare a report considering the potential upgrades needed to support the community and recommendations from the Stockton Coastal Zone Management Plan and Program. • Liaise with HWC as adjoining landowner.
29	Consider constructing a pedestrian refuge island on Fullerton Street to ensure safe pedestrian access to Corroba Oval.	Identify the refuge island in the SAMP.
30	Request RMS to review the 70km/hr speed limit on Fullerton Street and considered a reduction to 50km/hr.	Provide a written submission to RMS detailing outcomes of the Seca T&T Study and need for review.
Precinct 5: Seaside Estate		
31	Undertake a detailed assessment of the 'Request to Amend the Port Stephens Local Environmental Plan' submitted for 2 Seaside Boulevarde, Fern Bay.	Undertake a detailed assessment of the 'Request to Amend the Port Stephens Local Environmental Plan' submitted for Site 6.
32	Continue investigations to improve recreational and community facilities at Seaside Estate.	Liaise with developer to better understand what facilities are proposed and when they will be constructed to support residents of the development.
Precinct 6: Fullerton Cove		
33	Consider rezoning land mapped as containing an endangered ecological community to an environmental zone.	Investigate preparing a planning proposal by leasing with DPE, OEH and relevant Council staff to amend LEP.
34	Undertake a detailed assessment of the 'Request to Amend the Port Stephens Local Environmental Plan' submitted for 42 Fullerton Cove Road, Fullerton Cove.	Undertake a detailed assessment of the 'Request to Amend the Port Stephens Local Environmental Plan' submitted for Site 4.

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Measurable	Assignable	Realistic	Timing
Precinct 4: Sports			
Adoption of a masterplan for the site.	CN	Report prepared initially may be included through works programs. Master planning of the site may require an external consultant (which may be funded by Development Contributions).	S
Construction of refuge island	CN / RMS	Needs to be identified in the SAMP and funding determined.	S
Review undertaken by RMS and response received.	RMS – review CN – written submission	Through works program.	I
Precinct 5: Seaside Estate			
Completion of the detailed assessment and preparation of a Planning Proposal.	PSC (Strategic Planning)	Through work programs.	I
Community feedback on appropriate facilities.	PSC (Strategic Planning) to facilitate communication between Seaside Estate developer and residents.	Through work programs.	S
Precinct 6: Fullerton Cove			
Preparation of a planning proposal to amend the LEP.	PSC (Strategic Planning)	Through works program.	S
Completion of the detailed assessment and preparation of a Planning Proposal.	PSC (Strategic Planning)	Through work programs.	I

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STRATEGY, IMPLEMENTATION PLAN AND BACKGROUND INVESTIGATIONS
REPORT.**



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STRATEGY, IMPLEMENTATION PLAN AND BACKGROUND INVESTIGATIONS
REPORT.



PORT STEPHENS
COUNCIL



City of
Newcastle

Background Investigations:

Draft Fern Bay and North Stockton Strategy



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Attachment 2 Background Investigations

Attachment 2 provides an overview of the investigations that were carried out to inform the Planning Principles (Part C) and Precinct Plans (Part D).

List of Figures in Attachment

- Figure 2A Existing land uses*
- Figure 2B Environmental considerations heat map*
- Figure 2C Potential town centre sites*
- Figure 2D Strengths and opportunities - SWOT Analysis: Stockton Local Centre*
- Figure 2E Images showing growth*
- Figure 2F Envisaged demographic*
- Figure 2G Anticipated dwellings*
- Figure 2H Expected growth*
- Figure 2I Envisaged housing types*
- Figure 2J Estimated growth*
- Figure 2K Standards for open space and facilities*

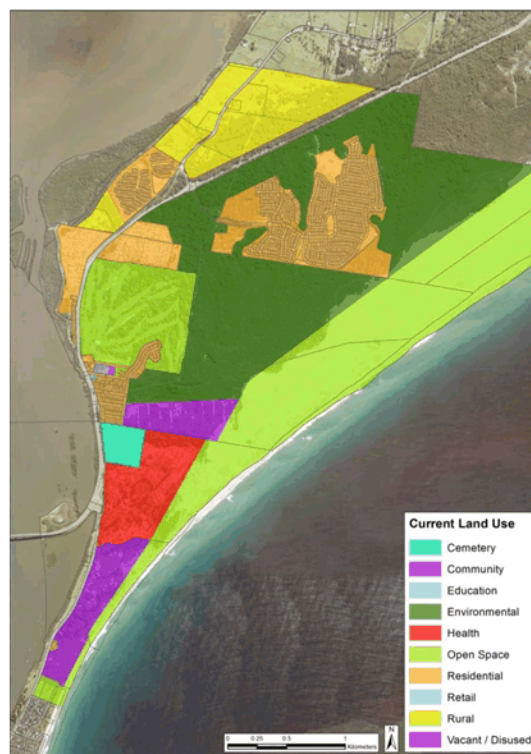


Figure 2A – Existing land uses

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B1 Environment

The Strategy Area has a diverse range of environmental attributes affecting land use patterns. The Heat Map (Figure 6) illustrates how land in the Strategy Area is affected by accumulative constraints. The Strategy Area is bound by the Hunter River and Stockton Beach which increases the likelihood of flooding and drainage issues. The following list includes some of the environmental considerations in the Strategy Area:

- Coastal Zone and Wetlands
- Drainage and Flooding
- Endangered Ecological Communities
- Heritage (Indigenous and Non-Indigenous)
- Ramsar (Hunter) Wetlands
- Koala Habitat

Coastal Erosion

Stockton has the largest active dunes in coastal Australia and the Stockton Beach has a long history of erosion and recession. The dunes are un-vegetated which allows sand to be blown into and northwards along the dunes and onto surrounding lands (BMT WBM, 2017). Past modelling has indicated that the breakwaters at the Hunter River entrance have interrupted the flow of sand from Nobbys north to Stockton Beach. Erosion continues to worsen resulting in a significant volume of sand being lost from Stockton Beach each year. Sand from further north along the dunes may offer a potential source of sand to replenish eroded beach. Hazard lines have been developed to assist with planning for growth. These hazard lines are under review by CN.

Green Corridors

The Strategy Area is located within the Watagan to Stockton Link Biodiversity Corridor (identified by the HRP). Planning in this area aims to conserve existing remnant vegetation and invest in the rehabilitation of land to strengthen the regionally significant corridor. The viability of the corridor is influenced by current and future land use demands in the area. The Strategy attempts

to ensure lands of ecological significance are protected to support the corridor.

Worimi Conservation Lands

Worimi Conservation Lands (WCL) and Stockton Bight are distinctive features of the Port Stephens LGA connecting Nelson Bay to Stockton. The Bight includes 30km of beach and prominent sand dunes reaching up to 40m in height. The Stockton Bight provides a unique setting for outdoor recreation, education and cultural tourism.

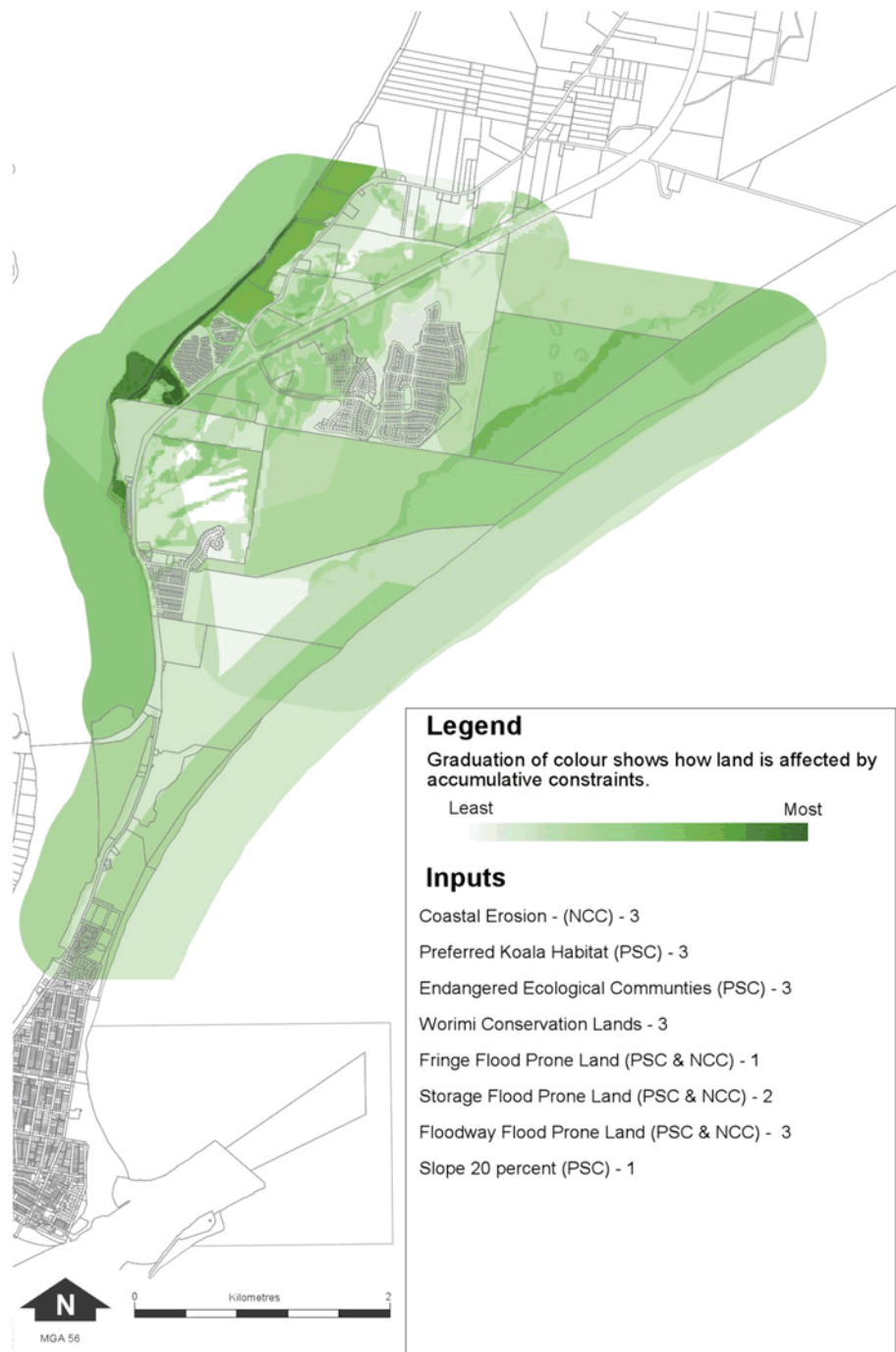
The Plan of Management for WCL sets a vision to protect, respect and connect with Country. Considerable archaeological investigations and reporting of the lands has been undertaken with a number of sites (including middens, stone artefacts and bird, fish, animal bone and burial sites) identified as providing material evidence of the Worimi People's past use. The sites protected are "important to Aboriginal people for social, spiritual, historical, and commemorative reasons" (OEH, 2015).

There is limited pedestrian access to the WCL including the absence of a walking trail to Stockton Beach. While significant tourism opportunities are available at WCL, such as four-wheel driving, horse riding and quad bike riding, these activities must be balanced with the efforts seeking to protect conservation lands including Aboriginal sites.

PFAS Contamination

The Williamtown RAAF Base PFAS Management Area Maps published by the EPA identify the North West portion of the Strategy Area as part of its Broader Management Zone. The EPA advises that the topography and hydrology of the area means PFAS detections could occur within the Broader Management Zone. Precautionary advice issued by the EPA for residents in the PFAS Management Area aims to discourage activities that would increase the likelihood of human exposure to PFAS chemicals originating from the Williamtown RAAF Base.

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Map Disclaimer: The map focuses on identifying where development is not appropriate due to land suitability. The map is intended to give an overview of constrained land within the Strategy Area only and an indication of where future development should be located.

Figure 2B – Environmental considerations heat map

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B2 Town Centre

This section investigates the demand, potential locations and opportunity for a supermarket and supporting retail uses within the Strategy Area.

B2.1 Is there a need for a supermarket?

Existing retail development in Fern Bay is limited to a take-away food and drink shop on Nelson Bay Road. While the existing commercial centre at Stockton (7-10 minute drive from Strategy Area) offers a supermarket, residents have indicated they are more likely to travel to Medowie, Newcastle and Mayfield for their main shop. These centres are approximately 20 minutes by car outside peak hours.

A recent study by Hill PDA found that there is sufficient demand in the Strategy Area to support a retail centre of approximately 6,285m². The Hill PDA Study recommends:

- a new local centre of 4,000–6,500m² (including a large format supermarket of 2,800-3,200m² with complementary specialty floor space) within the Strategy Area;
- that the new centre could leverage from its natural surroundings to increase visitors;
- the resident population within the immediate vicinity of the new local centre should be increased; and
- there may be potential for a mixed-use development (retail and residential) at the new centre given recent housing trends.

B2.2 Where should a supermarket be located?

The Hill PDA study examined 6 sites within the Strategy Area (Figure 7) and ranked the sites from 1 (Very Poor) to 5 (Very Strong) against several assessment criteria that included:

- **Developable Area:** a centre 5,000–6,000m² provided over one level with at grade parking would require approximately 2ha of developable land;

- **Location:** a successful centre must be centrally located for convenient access by a majority of residents of which it serves;
- **Exposure:** retail development benefits from being located in high profile locations such as main arterial roads;
- **Accessibility:** with people becoming increasingly 'time poor' convenience and accessibility increases the attractiveness and visitation of a centre; and
- **Walkable Catchment:** Walkable communities bring significant economic and social benefits including reduced vehicle emissions and petrol costs, improved traffic safety and health benefits. A centre that has a higher residential population within 800m (10min walk) is likely to experience increased pedestrian activity and vitality.

The sites assessed are in single ownership and their developable area offers greater opportunity for major changes in land use than other sites.

There are two sites already zoned for commercial use within the Strategy Area including the take-away food and drink shop (referred to in B2.1) and Site 6 (Figure 7). These sites were found not to be suitable for expanded commercial use as a town centre due to their size or location.

The site ranking process identified Site 1 (in North Stockton Precinct) and Site 2 (in Original Fern Bay Precinct) as the preferred locations for a town centre. Both sites are accessible to residents in the Strategy Area, have large developable areas and contain comparatively few environmental constraints. The town centre's location will be dependent on the intentions of landowners and willingness to accommodate development. Should a planning proposal be lodged for either site councils will consult with each other and the State Government in considering the proposal. A masterplan will be needed for either site to determine the appropriate scale, type and mix of development that could occur.

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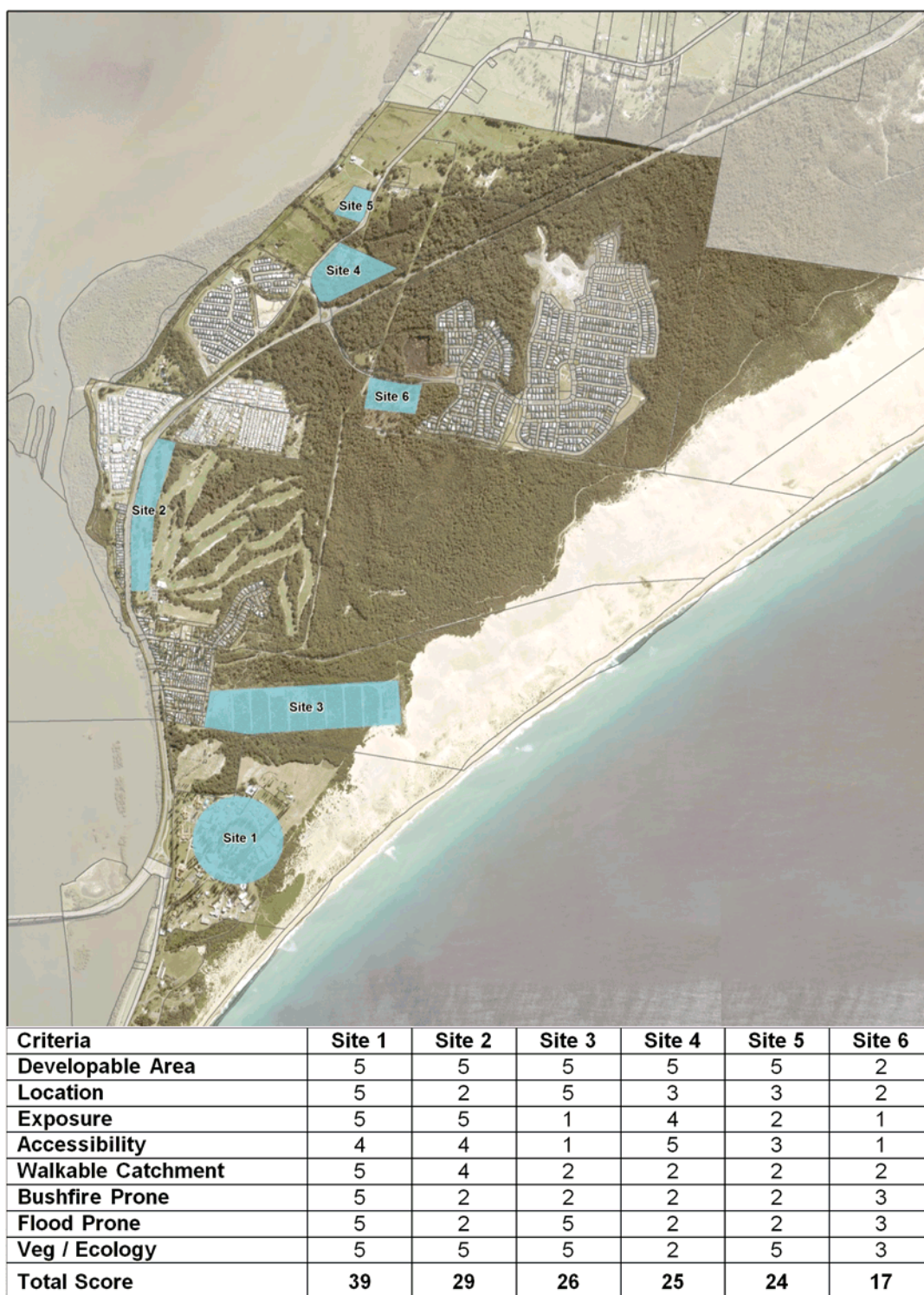


Figure 2C – Potential town centre sites

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B2.3 Coexisting with the existing commercial centre at Stockton

The Hunter Regional Plan (DPE, 2016) identifies the importance of utilising existing centres for commercial and retail development to ensure that new centres:

- are integrated with existing or planned residential development;
- encompass high quality urban design;
- consider transport and access requirements; and
- do not undermine existing centres.

The Hill PDA study examined the existing commercial centre at Stockton and Figure 8 identifies its strengths and opportunities. Significantly, the existing commercial centre at Stockton is not conveniently located for residents in the north of the Strategy Area and does not meet the needs of current residents in Fern Bay.

The Hill PDA study does identify that a new retail centre may result in a moderately strong or significant impact on trade in the existing Stockton commercial centre, although this impact would lessen overtime with population growth and expenditure in the locality.

Despite the potential impact on the existing commercial centre in Stockton, it is recommended that a new mixed-use town centre be supported to:

- meet the needs of the local (and future) residents in an area which is currently underserved;
- reduce travel demand by providing an improved range of shops and services to reduce the number of journeys made by local residents to surrounding centres. This supports a reduction in vehicle emissions, improves transport safety and can contribute to lower cost of living; and
- increase employment opportunities in the area.

The existing commercial centre at Stockton will continue to provide an important role in supporting the residents and visitors of Stockton by providing a mix of retail and community uses. Although it is not located within the Strategy Area, there are several initiatives that may improve the performance of the Stockton commercial centre, these include:

- Local eat street
- Tourism
- Increase the resident population surrounding the town centre.

STRENGTHS

- Compact and walkable retail core, with flat topography and minimal fall
- Anchor tenant located at the northern end of centre (i.e. entry point)
- Well served by public carparks/street parking
- Proximity to strong amenities (schools, medical services) encouraging dual purpose visits
- Well served by bus services
- Close proximity to natural assets (open space, beaches, leisure centre)
- Proximity to touristic accommodation
- Existence of adaptive reuse opportunities
- Strong projected population growth in the locality

OPPORTUNITIES

- Improve and expand retail offer
- Include a stronger anchor tenant
- Increase residential densities
- Raise the tourism profile of the area
- Implement competitive pricing strategies
- Address reputation and safety/anti-social behaviour concerns surrounding the centre. Potentially through increased surveillance

Figure 2D – Strengths and opportunities - SWOT Analysis: Stockton Local Centre
(Source: Hill PDA, 2017)

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B3 Housing



Figure 2E – Images showing growth

B3.1 How has the area grown?

From 2006 to 2016 Fern Bay's population doubled from 1,137 to 2,673 people. This growth has been facilitated by new developments such as the Seaside Estate, Palm Lakes Resort and The Cove Village.

Previously, PSC's vision for Fern Bay was a compact village confined to the existing urban footprint within the Original Fern Bay Precinct (PSC, 2002). The rapid increase in residential development in the area has resulted in development being out of step with the provision of infrastructure.

Fern Bay is a desirable place to live and visit, and is identified as part of the Eastern Growth Corridor (PSC, 2011). The Strategy not only attempts to identify the community infrastructure required to support the local

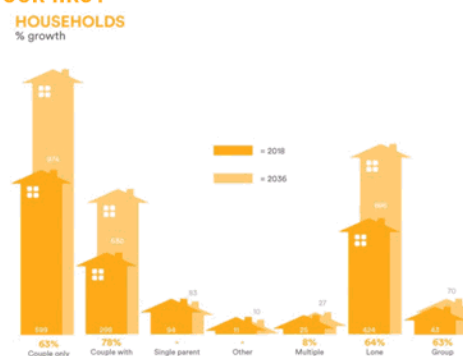
community but also ensure further growth of the Strategy Area occurs in a coordinated way.

The current demographics for each precinct can be summarised as:

Precinct	Demographics
North Stockton	(307 persons at 1.8 persons/ha) Consisting mostly of residents from the care facility aged between 35 and 74 years of age.
Original Fern Bay	(930 persons at 7.08 persons/ha outside Bayway Village and 729 persons at 27.25 persons/ha within Bayway Village) has the most diverse mix of age groups of any precinct.
Beachfront	(0 persons)
Sports	(0 persons)
Seaside Estate	(1,111 persons at 5.17 persons/ha) Predominately young families with the highest number persons aged 0-14.
Fullerton Cove	(568 persons at 0.31 persons/ha). Predominately people aged over 65 due to The Cove Village.

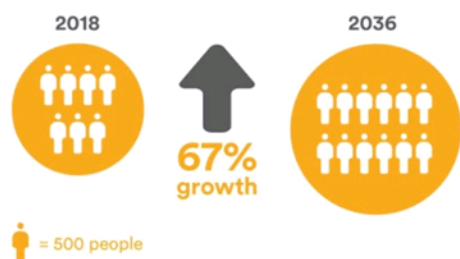
(Source: Remplan, 2018)

B3.2 What does the future population look like?



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POPULATION FORECASTS



Note: Assumes 100% of dwelling potential will be constructed. Site specific investigations required.

AGE

	2018	2036
0 - 4	195	257
5 - 19	404	1,001
20 - 34	423	571
35 - 49	558	1,024
50 - 64	828	1,132
65 - 74	765	906
75 - 84	414	752
85+	94	323
Total	3,681	5,966

Figure 2F – Envisaged demographic (Source: Remplan, 2018)

Hill PDA (2017) provided forecasts for Fern Bay, Fullerton Cove and Stockton as part of the Commercial Lands Study. High growth scenario projections predict a population of up to 12, 500 people.

It is expected that Stockton (not including North Stockton) will grow from 4,400 up to 5,000 people by 2036. This is consistent with projections forecast by profile.id which expect a population of 4, 526 in Stockton by 2041 (profile.id, 2018).

B3.3 Where will future housing occur?

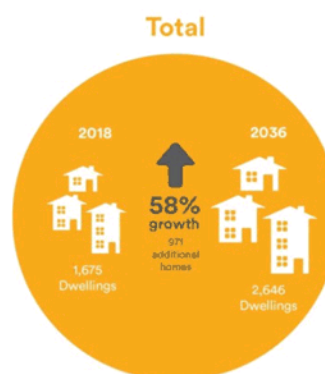
The HRP has set a target of 95% of people living within 30 minutes of a strategic centre. The Strategy Area is within 30 minutes of a

strategic centre (Newcastle Airport) and the following precincts are expected to accommodate housing growth.

Precinct	Estimated dwelling yield
Seaside Estate	133
North Stockton	110 + 750+
Beachfront	300
Original Fern Bay	80
Fullerton Cove	145
Total	1,518

Note: Assumes approximately 750 dwellings can be accommodated with mixed use town centre.

Figure 2G – Anticipated dwellings



Note: Assumes 100% of dwelling potential will be constructed. Site specific investigations required.

Figure 2H – Expected growth (Source: Remplan, 2018)

Future housing within the Strategy Area will predominantly be focused on three key sites, within the North Stockton Precinct and south of the Beachfront Precinct. Housing is to be integrated within and surrounding the mixed-use town centre and adjoining properties. Figure 13 illustrates the diversity of housing that may be provided in the differing precincts. The greatest diversity of housing will be provided in conjunction with the mixed-use town centre. A challenge associated with 'aging in place' within the Strategy Area will be to provide adequate social support services to the community.

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Figure 21 – Envisaged housing types

Key Site: Town Centre

Potential Dwellings Subject to detailed site investigations
Existing Zone SP2 Infrastructure (Health Services Facility)(Site 1)
 RE2 Private Recreation (Site 2)

Potential Land Uses Mixed-use town centre (commercial/residential), community and recreation uses. Potential zones and planning controls will be determined through the master planning process. The planning controls will be determined through the master planning process however a dwelling yield of 25 dwellings per hectare is suggested as per the Hill PDA Study. The envisaged potential land uses would allow the existing uses on Site 1 to continue. A higher dwelling yield may not be appropriate on Site 1 in the event it is not utilised as the town centre.

Key Site: Rifle Range

Potential Dwellings Approximately 300
Existing Zone E2 Environmental Conservation
Potential Land Uses Low / medium density residential and open space

PSC received a request to amend the LEP to allow a rezoning of the site facilitating residential accommodation with a mix of housing types. The site is largely disturbed and is considered appropriate for residential development. The limited opportunity for growth in the Strategy Area reinforces the importance of housing at the Rifle Range. Vehicle and shared (bicycle and pedestrian) connections between the Rifle Range and the future town centre must be demonstrated with any proposal. Potential zones and planning controls will be determined through the master planning process.

Key Site: Fort Wallace

Potential Dwellings Approximately 110
Existing Zone SP2 Infrastructure (Defence)
Potential Land Uses Low density residential and open space

In March 2019, CN adopted a planning proposal to rezone Fort Wallace to allow a mix of housing types. The proposal focuses development on lands already disturbed and of a coastal character. The bulk and scale proposed will protect important views to heritage features and the coastline. This has been forwarded to DPE for finalising.

Infill Development

Infill housing may be provided within the Original Fern Bay Precinct. The Port Stephens Planning Strategy (2011) identifies an opportunity for 42 infill dwellings. It is expected that any additional dwellings will mostly be provided in the form of secondary dwellings. Potential for up to 60 infill dwellings has been investigated within Original Fern Bay subject to detailed site investigations.

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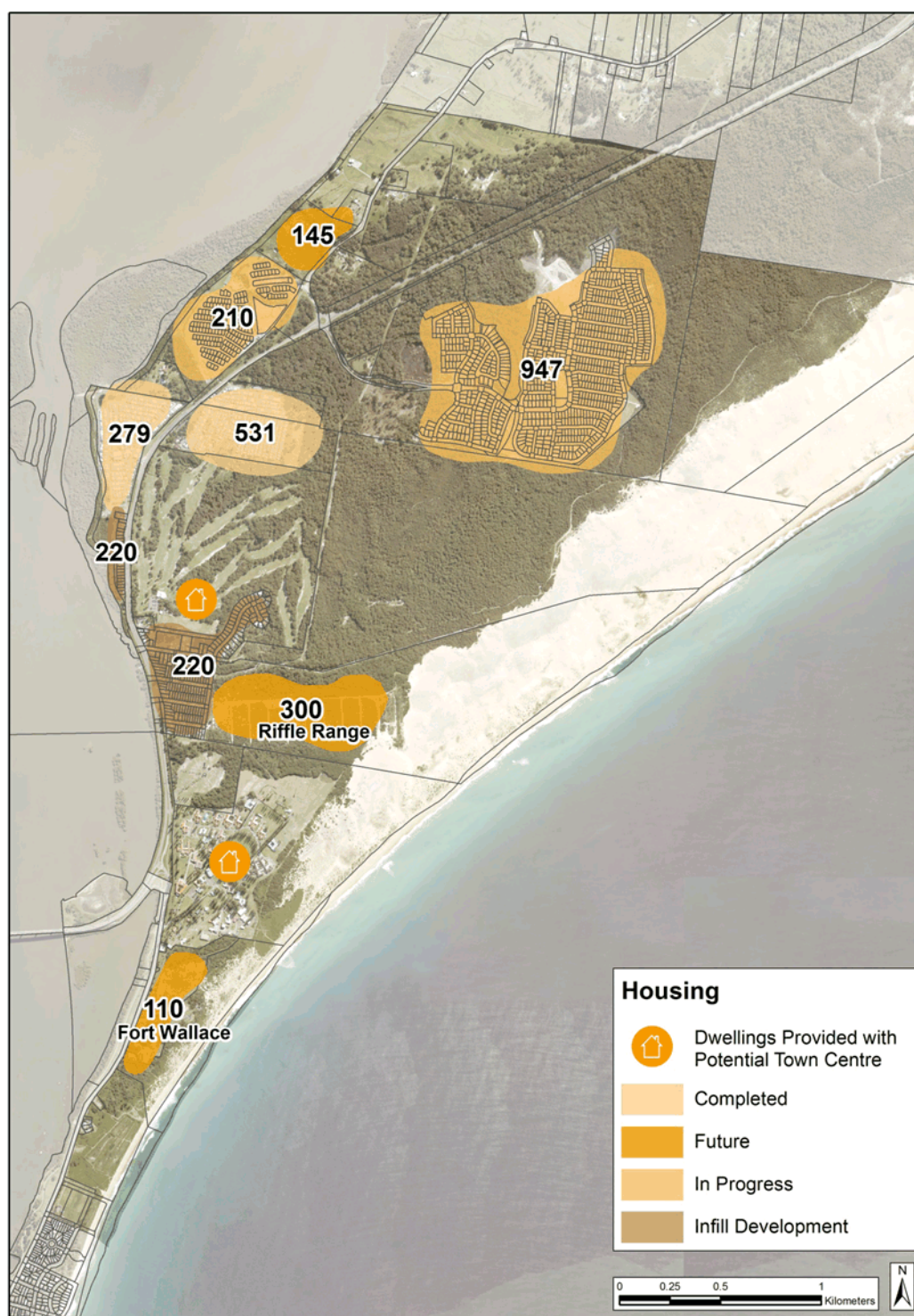


Figure 2J – Estimated growth

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B4 Open Space and Community Facilities

This section investigates the provision of open space and community facilities.

B4.1 What are the existing open spaces and community facilities?

<i>Figure 2K – Standards for open space and facilities</i>		District ¹		
Item	Standard	Required ²	Currently provided	Plan provision
Community Services				
Community Multipurpose Facility	600-1,000 m ²	600-1,000 m ²	165 m²	1
Cultural Services and Leisure Facilities				
Library	42m ² per 1,000 people	504 m ²	157 m²	1
Recreational Facilities				
Surf Lifesaving Clubs	1 facility per 30,000 people	-	1	-
	1 boat ramp per 6,000 people	2	3	-
Parkland	District 1 per 15, 000 - 25, 000 people	-	1	-
	Local 0.4 ha of local park per 1,000 people	4.8 ha	7.5 ha	4.4 ha
Public Toilets (Strat Area only)	1 per 2,000 people	3	3 toilet blocks	3
Sports Facilities				
Multipurpose Courts	2 courts per 10,000 people	2	0	-
Skate / BMX	1 per 10, 000 - 15, 000 people	1	1	-
Soccer fields	1 sports ground (comprising two playing fields per 5,000 people)	4	4	-
Sports fields (local)	0.4 ha per 1,000 people	4.8 ha	5 ha	-
Tennis Courts	2 courts per 10,000 people	2	4	-
Playgrounds (Strat Area only)	1 per 1,500 people	4	4	-
Dog exercise area	1 per 5, 000 - 10, 000 people	1	1	1
Sources: AEC, 2013 and CN Parkland & Recreation Plan		KEY		
		Oversupply – no action		
		Meets standard – monitor over time		
		Undersupply – requires action		
		City of Newcastle Standard		

Terms used in this Section

active recreation area means an area used for structured recreational activities which require specialised parkland development and management (e.g. sports fields, playgrounds, golf courses, gymnasiums etc.)

district park means a park area of substantial size, well developed, offering a broad range of quality recreation opportunities i.e. quality landscaping, signage, playground for a variety of ages, seating, shade, paths, toilets, BBQ facilities and lighting. Not necessarily within walking distance. Generally regular in shape, preferable not less than 50m wide.

local park means defined spaces primarily serving a local population. Positioned in a visible location for safety. Ideally 5-10m walk of majority of households. May support community gardens and/or off leash dog areas.

passive recreation area means an undeveloped area, including an environmentally sensitive area, which requires minimal development or management and is used for less structured recreational activities (e.g. walking, jogging,

¹ Includes Fern Bay, Fullerton Cove and Stockton to ensure an equitable distribution along the peninsula.

² To meet standards under the high growth scenario (12,220 people within the District Area by 2031) (HillPDA, 2017).

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B4.2 What is the condition of open spaces and community facilities?

There is a diverse range of active and passive open space areas within the Strategy Area. Passive open spaces are mostly provided within the Worimi Conservation lands, Hunter Wetlands, Stockton Beach and along the Hunter River Foreshore. There are opportunities to improve access to these open space areas, particularly Stockton Beach and encourage recreation activities, such as walking, hiking and fishing. Sections of the beach have been inaccessible to the public due to fragmented public/private ownership. Continuous public access beachfront from Stockton through to the WCL would benefit the local and community and general public.

Palm Lakes Resort, Cove Village and Bayway Village include open space areas and facilities for their residents; these spaces are not open to the public.

Corroba Oval (2.8 ha in Sports Precinct) is centrally located along the peninsula in Stockton, servicing both the Fern Bay and Stockton community. Corroba Oval provides the hard surface playing courts within the Strategy Area which are not easily accessible for Fern Bay residents and could be better adapted for multiple purposes. Survey responses from the community indicate a desire to:

- increase the number of soccer fields;
- improve the parking area;
- prioritise safe pedestrian movements;
- improve the amenity of the club house, seating and toilets; and
- upgrade the netball courts to be co-located with other sporting uses.

Fern Bay Community Centre and Reserve (0.7 ha in Original Fern Bay Precinct) has recently been upgraded to form a central community and recreational hub for the public; however there is limited room for expansion and it is unlikely this facility will be

able to cater for the predicted growth in the Strategy Area.

Amenities and toilets blocks provided at Corroba Oval and on Nelson Bay Road (opposite the takeaway shop) require upgrading.

Seaside Estate open space areas, including six parks, are owned and managed under a Community Title Scheme. Residents have indicated a need for additional high quality community infrastructure, embellishment and amenities.

Child care services, including long day care, outside of school hours and preschool services are lacking within the District Area (GHD, 2017).

Library services may be improved. PSC operates a mobile library service from Fern Bay Community Centre every fortnight. The service is restricted from visiting most residential areas due to vehicle access and manoeuvrability constraints. The Stockton Library, operated by CN, is open two full days and two half days per week; however, is comparatively small (157m²) in size. Although located outside the Strategy Area the library serves Fern Bay residents. A review of standard provisions and community responses indicates that the footprint and function of the library is inadequate to service the existing and evolving needs of the community.

B4.3 What are the opportunities for new open space and community facilities?

Community Hub

The nature of libraries is changing to form hub like spaces, with a growing focus on community activities that support lifelong learning and digital access to information. A library is an essential service for community wellbeing and cohesion. Co-locating a library with related and supporting uses (such as internal and external meeting spaces for youth, art and cultural activities and events)

ITEM 1 - ATTACHMENT 1 DRAFT FERN BAY AND NORTH STOCKTON STRATEGY, IMPLEMENTATION PLAN AND BACKGROUND INVESTIGATIONS REPORT.

combined with good quality amenities will establish a community hub to exchange information and support the evolving community.

The incorporation of a community hub with the proposed town centre will contribute to the centre's viability and promote a strong sense of community.

Recreation Vehicle Destination could be established to capture visitors and capitalise on the Strategy Areas location along Nelson Bay Road. The Campervan and Motorhome Club of Australia maintain a register of Recreation Vehicle (RV) Friendly Destinations. Currently, there are not any RV Friendly Destinations within the Newcastle or Port Stephens LGAs. A destination is 'RV Friendly' if it provides:

1. Parking bays for all sized RVs within 1km of a Post Office/Agency;
2. Short term overnight parking within 5km from a Post Office/Agency;
3. Longer term parking for a minimum of 2 days for self-contained vehicles;
4. A dump point for the safe disposal of black and grey water waste; and
5. Potable water for refilling fresh water tanks.

An RV destination may be provided at the junction of Fullerton Street and Nelson Bay Road under the Stockton Bridge. The site is already utilised as a car parking area to gain access to the Hunter Wetlands. Appropriate investigations will need to be carried out to determine the feasibility of installing the relevant infrastructure to comply with the RV Friendly Destination criteria. If this location is not suitable then other locations nearby, such as part of the reserve near the Stockton Yacht Club, should be considered.

Additional Open Space areas may be provided through the redevelopment of the Fort Wallace (North Stockton Precinct) and Rifle Range (Beachfront Precinct) sites where the following is proposed:

- Fort Wallace – gathering and event space, adaptively reused heritage buildings, sport lawn and picnic area, playground, community space and walking trails.
- Rifle Range – open lawn and field area, playground, picnic and shelters.

Subject to consideration by Council, these facilities may be shared by the public.

A range of suggestions have been received from the community. Council's limited capacity to provide additional infrastructure within existing open space areas will require further consideration of the suggestions in planning for new open space areas with new developments (e.g. Rifle Range, Fort Wallace and Town Centre). Suggestions for consideration will include (but are not limited to):

- **Community / Men's Shed** with public access to support the health and wellbeing of men and women;
- **Off-Leash Dog Area** as currently none exist in the Strategy Area;
- **Seating, picnic facilities and rubbish bins and toilets** to improve the appeal and usability of open space areas;
- **Shade trees and landscaping** to promote an urban tree canopy and increase the usability of open space during summer; and
- **Skate Park** to cater for the increasing number of adolescent children within the Strategy Area.

Note: A district skate park and playground will be built in Griffith Park in Stockton. The park is likely to attract local residents and visitors to the area. A local skate park should be considered within the Seaside Estate Precinct to meet the needs of Fern Bay residents.

ITEM 1 - ATTACHMENT 1 DRAFT FERN BAY AND NORTH STOCKTON STRATEGY, IMPLEMENTATION PLAN AND BACKGROUND INVESTIGATIONS REPORT.

B5 Transport

A traffic and transport study (Seca, 2018) has been undertaken to:

- assess the capacity of the existing road network to support new urban development and population growth,
- ensure the function of Nelson Bay Road as a regional connection is maintained, and
- investigate opportunities to prioritise active transport and improved safety.

B5.1 Active Transport (Walking/Cycling)

The Strategy Area is car dependent and offers few destinations within a walkable distance (400-800 metres) of residential areas. The future mixed-use town centre offers an opportunity to better connect residents to services and each other. The benefits of active transport in people's lives include:

- more exercise;
- reduced pollution;
- more opportunities for interaction; and
- reduced road congestion and cost.

The Strategy Area can benefit from higher levels of walking and cycling by providing:

- an interconnected path network enabling greater alternative choices of travel routes and methods to destinations;
- safe street crossings; and
- increased residential densities surrounding destinations.

B5.2 Public Transport

Bus The Strategy Area is serviced by Hunter Valley Buses and Port Stephens Coaches in addition to a school bus service. Bus services connect residents to Newcastle City, Newcastle Airport and Stockton.

Ferry A 10 minute ferry service is available from the Stockton peninsular to Newcastle (Queen Street Wharf). The Draft Regional NSW Services and Infrastructure Plan (Transport for NSW, 2017) lists new ferry stops in Newcastle as an "initiative for

investigation". The timing for investigation and delivery of these proposed stops is unknown.

Cycling facilities may be appropriate at the Ferry Terminal. The provision of an end of trip facility which allows for both e-bikes (with charging area) and regular bicycles may encourage additional Ferry patronage and less vehicular movements.

B5.3 Roads and Private Vehicles Nelson Bay Road provides a major connection between Nelson Bay to the north and Kooragang to the south. It forms part of the regional road network and carries a high volume of traffic between Newcastle and the Port Stephens LGA, including Newcastle Airport / Williamstown RAAF base. Within the Strategy Area the road varies between a dual and single lane carriageway.

North of Stockton Bridge, Nelson Bay Road connects with Fullerton Street. This intersection provides the only vehicle access into and out of Stockton.

Traffic surveys and modelling indicate the intersection of Vardon Road and Nelson Bay Road is heavily used, particularly the right hand turn out of Vardon Road. Providing traffic signals at this intersection would accommodate future growth projections, support vehicle movements to/from Fern Bay Public School and Newcastle Golf Course and provide improved pedestrian connectivity for existing residents on the western side of Nelson Bay Road travelling south.

Parking A parking survey was undertaken around the Stockton foreshore to understand parking requirements. The Council carpark is well utilised with overflow parking occurring in surrounding streets and the Stockton Foreshore.

CN is investigating the feasibility of expanding the car park at Stockton Ferry Terminal to cater for additional commuters. A concept plan under design would see the total number of parking spaces at the terminal increase from 120 to more than 250 by extending the existing car park to the east.

ITEM 1 - ATTACHMENT 1 DRAFT FERN BAY AND NORTH STOCKTON STRATEGY, IMPLEMENTATION PLAN AND BACKGROUND INVESTIGATIONS REPORT.

B6 Infrastructure

This section describes how the need of essential infrastructure may be met.

Gas

Jemena have confirmed that gas mains are located within the vicinity of the proposed growth areas and these mains have adequate capacity to serve expected growth. Further consultation at master planning stage is recommended.

Telecommunications

The North Stockton Precinct falls within an active NBN area and any development within this precinct, including the potential mixed-use town centre, will be connected to the network.

Water and Sewer

The Rifle Range and Fort Wallace sites are included in Hunter Water's Growth Plan. Water to service the mixed-use town centre is not included in the growth plan and requires further consultation at master planning stage.

No regional upgrades are required to the water system as there is surplus existing capacity. In terms of waste water, should it exceed capacity, Hunter Water would connect initial stages and undertake a risk assessment to determine if system upgrades are required.

Through Site links

Shared "through site" links proposed as part of this Plan are to be made publicly accessible. If these are logically associated with a particular proposal, access will have to be negotiated with the relevant land owner.

Local Infrastructure Contributions

It is likely some of the community infrastructure proposed in this Plan will be funded from Local Infrastructure Contributions. The relevant Local Infrastructure Contribution Plans will be reviewed to incorporate the outcomes of this Plan. Further detail is provided in the Implementation Plan (**Attachment 1**)

Infrastructure is to be integrated into the planning, design and construction phases of development. The Strategy supports an intensity and more diverse range of land uses and commits to ensuring new sites are well serviced. The Beachfront Precinct must be accompanied by the appropriate level of supporting infrastructure to result in a high level of amenity.

ITEM 1 - ATTACHMENT 1 DRAFT FERN BAY AND NORTH STOCKTON STRATEGY, IMPLEMENTATION PLAN AND BACKGROUND INVESTIGATIONS REPORT.**References**

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**ITEM 1 - ATTACHMENT 1 DRAFT FERN BAY AND NORTH STOCKTON
STRATEGY, IMPLEMENTATION PLAN AND BACKGROUND INVESTIGATIONS
REPORT.**



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ITEM NO. 2**FILE NO: 19/110024
EDRMS NO: PSC2018-01135****AUSTRALIA DAY EVENTS IN PORT STEPHENS 2019**

REPORT OF: STEVEN BERNASCONI - COMMUNICATIONS SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the report on 2019 Australia Day activities in Port Stephens.
 - 2) Acknowledge the contributions from sponsors, volunteers, community service representatives and the community to 2019 Australia Day activities across Port Stephens.
 - 3) Approve the provision of continuation of funding arrangements for the Nelson Bay, Raymond Terrace, Lemon Tree Passage and Karuah events.
 - 4) Endorse the addition of the Environmental Citizen of the Year Award category in the Port Stephens Annual Awards.
-

**ORDINARY COUNCIL MEETING - 28 MAY 2019
MOTION**

106	Councillor Sarah Smith Councillor John Nell It was resolved that Council: <ol style="list-style-type: none">1) Note the report on 2019 Australia Day activities in Port Stephens.2) Acknowledge the contributions from sponsors, volunteers, community service representatives and the community to 2019 Australia Day activities across Port Stephens.3) Approve the provision of continuation of funding arrangements for the Nelson Bay, Raymond Terrace, Lemon Tree Passage and Karuah events.4) Endorse the addition of the Environmental Citizen of the Year Award category in the Port Stephens Annual Awards.
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BACKGROUND

The purpose of this report is to inform Council on the delivery of 2019 Australia Day activities and make recommendations to assist future events.

Australia Day events are overseen by the Australia Day 355c Committee and are held in four locations across Port Stephens being:

- Fly Point, Nelson Bay: organised by the Australia Day Nelson Bay 355c Subcommittee.
- Riverside Park, Raymond Terrace: organised by the Rotary Club of Raymond Terrace.
- Henderson Park, Lemon Tree Passage: organised by the Lions Club of Tilligerry Peninsula Inc.
- Karuah RSL, Karuah: organised by the Karuah RSL.

It is recommended that this structure of organising Australia Day events be maintained for 2020.

Raymond Terrace Event

The agreement between Council and the Rotary Club of Raymond Terrace (the Club) saw the Club assume responsibility for most informal elements of the 2019 event, including entertainment, markets and community stalls. The agreement excludes the

citizenship ceremony, ambassadorial activities and annual awards, which are managed by Council.

As per the resolution from the Council meeting on 8 May 2018, Minute Number 113 (**ATTACHMENT 1**), the agreement with Rotary Club of Raymond Terrace was extended to allow the Club to conduct Australia Day celebrations for 2019 and 2020 with a review following the 2020 event. The Council resolution is provided below.

Minute Number 113: It was resolved that Council:

- 1) Note this report on 2018 Australia Day activities held in Port Stephens.*
- 2) Approve the provision of continuation of funding arrangements for the Nelson Bay, Raymond Terrace and Lemon Tree Passage events.*
- 3) Approve the extension of the agreement between Rotary Club of Raymond Terrace and Port Stephens Council for two years to 2020.*
- 4) Approve the provision of \$1000 to the Karuah RSL Club to assist with the organisation of 2019 Australia Day activities in Karuah and to apply CPI to this amount going forward similar to the other funding arrangements for Nelson Bay, Raymond Terrace and Lemon Tree Passage events.*

Australia Day Ambassador

Prominent local community member, businesswoman and President of Rotary Nelson Bay, Kathy Rimmer was the Port Stephens Australia Day Ambassador 2019. Kathy's address and participation was warmly received in both Raymond Terrace and Nelson Bay.

Port Stephens Annual Awards and Citizenship Ceremony

As in previous years, the Port Stephens Annual Awards were announced at the Raymond Terrace ceremony. Most recipients then travelled to Nelson Bay where they were acknowledged as part of formal proceedings. Details of the 2018 annual award winners are available on Council's website.

Citizenship Ceremonies were conducted in Raymond Terrace and Nelson Bay with eight and 16 conferees respectively taking the pledge of citizenship.

Sponsors

Each location attracted sponsors, both cash and in-kind, to support their activities. This support is invaluable and acknowledged by Council.

Suez Environment Australia provided waste and recycling bins free of charge to the Nelson Bay and Raymond Terrace events.

Other sponsors were:

Raymond Terrace

The Mutual Building Society \$3,500.
Raymond Terrace Bowling Club \$3,300.

Nelson Bay

Marquis Bathrooms \$1,000.

It must be noted that the event would not happen without the commitment from volunteers from the various community groups and service organisations involved as well as the support provided by Council across various groups and sections.

Future directions/planning

For Australia Day 2019 the Australia Day Council of NSW introduced the Environmental Citizen of the Year Award in partnership with Return and Earn. Local award recipients from across the state are then in the running to become the state winner and receive \$5,000 towards their community initiative from Return and Earn.

It is suggested that nominees be recognised for one or more of the following:

- Efforts to preserve the environment within their local community.
- The ability to foster partnerships that achieved litter reduction and recycling outcomes.
- The use of the Return and Earn Container Depot Scheme to help fundraise for a meaningful cause.

It is recommended that Council introduces an Environmental Citizen of the Year Award and amend Annual Award Guidelines to reflect this.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Community Partnerships.	Support local community events that highlight and foster the creative and diverse nature of our community.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications from the recommendations.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council's reputation may be damaged by poorly organised events.	Low	The efficient operation of Council's 355c Australia Day Committee and partnerships with community groups has improved the coordination and management of Australia Day events in the local government area. Staff and volunteers have clear plans and budgets.	Yes
There is a risk that attendance at Australia Day events may decrease.	Low	Close involvement of the community in organisation and management of these activities.	Yes

MINUTES ORDINARY COUNCIL - 28 MAY 2019

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that political pressure will see January 26 as an unsuitable day of national celebration.	Low	The risk level is dependent on a range of political pressures outside the control of Port Stephens Council.	Yes

SUSTAINABILITY IMPLICATIONS

Adopting the recommendations in this report will demonstrate Council's ongoing commitment to the efficient and coordinated management and support of community organised Australia Day activities in the local government area.

CONSULTATION

Council's 355c Australia Day Committee met three times in the lead up the events. The committee met most recently on 6 February 2019 to review this year's events and begin planning for 2020.

Council staff are in regular contact with all groups to assist with the organisation of the events.

OPTIONS

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

ATTACHMENTS

- 1) Minutes Ordinary Council - Australia Day Events in Port Stephens - 8 May 2018.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

**ITEM 2 - ATTACHMENT 1 MINUTES ORDINARY COUNCIL - AUSTRALIA DAY
EVENTS IN PORT STEPHENS - 8 MAY 2018.****MINUTES ORDINARY COUNCIL - 8 MAY 2018****ITEM NO. 4****FILE NO: 18/75040
EDRMS NO: PSC2017-00473****AUSTRALIA DAY EVENTS IN PORT STEPHENS 2018****REPORT OF: STEPHEN CROWE - COMMUNICATIONS SECTION MANAGER
GROUP: DEVELOPMENT SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Note this report on 2018 Australia Day activities held in Port Stephens.
- 2) Approve the provision of continuation of funding arrangements for the Nelson Bay, Raymond Terrace and Lemon Tree Passage events.
- 3) Approve the extension of the agreement between Rotary Club of Raymond Terrace and Port Stephens Council for two years to 2020.
- 4) Approve the provision of \$1000 to the Karuah RSL Club to assist with the organisation of 2019 Australia Day activities in Karuah and to apply CPI to this amount going forward similar to the other funding arrangements for Nelson Bay, Raymond Terrace and Lemon Tree Passage events.

**ORDINARY COUNCIL MEETING - 8 MAY 2018
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Giacomo Arnott Councillor Chris Doohan That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 8 MAY 2018
MOTION**

113	Councillor Chris Doohan Councillor John Nell It was resolved that Council: <ol style="list-style-type: none">1) Note this report on 2018 Australia Day activities held in Port Stephens.2) Approve the provision of continuation of funding arrangements for the Nelson Bay, Raymond Terrace and Lemon Tree Passage events.3) Approve the extension of the agreement between Rotary Club of Raymond Terrace and Port Stephens Council for two years to 2020.4) Approve the provision of \$1000 to the Karuah RSL Club to assist with the organisation of 2019 Australia Day activities in Karuah and to apply
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ITEM 2 - ATTACHMENT 1 MINUTES ORDINARY COUNCIL - AUSTRALIA DAY EVENTS IN PORT STEPHENS - 8 MAY 2018.**MINUTES ORDINARY COUNCIL - 8 MAY 2018**

	CPI to this amount going forward similar to the other funding arrangements for Nelson Bay, Raymond Terrace and Lemon Tree Passage events.
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BACKGROUND

The purpose of this report is to provide Council with an overview of the planning and delivery of 2018 Australia Day activities held across the local government area and make recommendations to assist future events.

Australia Day events in Port Stephens were held in four locations:

- Fly Point, Nelson Bay: Organised by the Australia Day Nelson Bay Subcommittee with Council financial support of \$13,146.71.
- Riverside Park, Raymond Terrace: Organised by the Rotary Club of Raymond Terrace under agreement with Port Stephens Council with Council financial support of \$13,146.71.
- Henderson Park, Lemon Tree Passage: Organised by the Lions Club of Tilligerry Peninsula Inc. with Council financial support of \$3,069.39.
- Karuah RSL, Karuah: Organised by the Karuah RSL with Council financial support of \$1,000.

Australia Day 355c Committee

The redefined structure and membership of the Australia Day 355c Committee endorsed in April 2015 proved to be effective for the 2018 event. The inclusion of representatives from community groups; Lions Club of Tilligerry, Rotary Club of Raymond Terrace, Karuah RSL and the Australia Day Nelson Bay Subcommittee allowed for strong representation of the four locations of festivities in the region. This should be continued.

Raymond Terrace Event

The agreement between Port Stephens Council and the Rotary Club of Raymond Terrace saw the club assume responsibility for all informal elements of the 2018 event, including entertainment, market and community stalls. The agreement excludes the citizenship ceremony, ambassadorial activities and annual awards.

As per the resolution from the Ordinary Council Meeting dated 12 April 2016, the Rotary Club of Raymond Terrace conducted Australia Day celebrations for 2018, to be reviewed after the 2018 event. An agreement between Port Stephens and the Rotary Club of Raymond Terrace made detailing this arrangement was executed on 29 September 2016. This report recommends that the agreement be extended to allow the Rotary Club of Raymond Terrace to continue to conduct Australia Day celebrations for 2019 and 2020. The review of this agreement would then be deferred until after the Australia Day celebrations for 2020.

ITEM 2 - ATTACHMENT 1 MINUTES ORDINARY COUNCIL - AUSTRALIA DAY EVENTS IN PORT STEPHENS - 8 MAY 2018.**MINUTES ORDINARY COUNCIL - 8 MAY 2018**Australia Day Ambassador

Port Stephens Council utilised the Australia Day Ambassador program via the Australia Day Council of NSW for the appointment of the 2018 ambassador. CEO of Cancer Charity CanToo Foundation, Peter McClean, was appointed the Port Stephens Australia Day Ambassador. Peter presented his address at both Raymond Terrace and Nelson Bay.

In the future it is recommended that Council attempts to acquire an Australia Day ambassador through its own means and connections. The recommendation is to approach potential ambassadors very early in the year for the following year's Australia Day with a view to acquiring a high profile individual with a clear connection to Port Stephens and/or the Hunter.

Port Stephens Annual Awards and Citizenship Ceremony

As in previous years, the Port Stephens Annual Awards were announced at the Raymond Terrace ceremony. Most recipients then travelled to Nelson Bay where they were acknowledged as part of formal proceedings. Details of the 2017 annual award winners are available on Council's website.

Only Nelson Bay undertook the citizenship ceremony on Australia Day in 2018 with fifteen (15) people taking the pledge of citizenship. There were no requests for any citizenship ceremonies at Raymond Terrace for Australia Day 2018.

Budget

As per the Ordinary Council Meeting dated 26 June 2016, it was determined that funding for the Australia Day Nelson Bay Subcommittee and Raymond Terrace Australia Day community group/s would be allocated of \$12,000 each and this would increase by CPI each year. For Australia Day 2018, the funding amount of \$13,146.71 was allocated by Council to **both** the Australia Day Nelson Bay Subcommittee and the Rotary Club of Raymond Terrace. The payment to Raymond Terrace was paid in a two-staged payment as per the executed agreement between Port Stephens Council and Rotary Club of Raymond Terrace on 29 September 2016.

As per the Ordinary Council Meeting dated 12 April 2016, it was resolved that an annual amount of \$3,000 be provided to the Lions Club of Tilligerry Peninsula Inc. to include an increase of CPI per year. For Australia Day 2018, the funding amount of \$3,069.39 was paid to the Lions Club of Tilligerry Peninsula Inc.

As per the Ordinary Council Meeting dated 12 April 2016, a further \$1,000 was paid to Karuah RSL to assist with activities at Karuah. This arrangement has been in place for the past two years. This year it is recommended (see Recommendation 4) to apply CPI to these funds to ensure the funding arrangements for each event is consistent.

ITEM 2 - ATTACHMENT 1 MINUTES ORDINARY COUNCIL - AUSTRALIA DAY EVENTS IN PORT STEPHENS - 8 MAY 2018.**MINUTES ORDINARY COUNCIL - 8 MAY 2018**

Note: As gazetted on December 2017, CPI was 0.6%, obtained from the Australia Bureau of Statistics, 6401.0 - Consumer Price Index, June 2016.

Further cash funding from Council for both Raymond Terrace (\$1500) and Nelson Bay (\$1000) events was provided through application under the Mayoral and Ward funds programs.

Sponsors

Each location attracted sponsors, both cash and in-kind, to support their activities. This support is invaluable and acknowledged by Council. Suez Environment Australia provided waste bins free of charge to the Nelson Bay and Raymond Terrace events.

Other sponsors were:

Raymond Terrace

The Mutual Building Society	\$3,500
Raymond Terrace Bowling Club	\$3,500

Nelson Bay

Marquis Bathrooms	\$1,000
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It is noted that the Nelson Bay event would benefit from further business sponsorship to help deliver future events.

It must be noted that the event would not happen without the huge commitment from volunteers from the various community group and service organisations involved as well as the support provided by Council across various groups and sections.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Community Planning and Partnerships.	Council will engage its citizens in developing plans for the future of the Port Stephens local government area.

FINANCIAL/RESOURCE IMPLICATIONS

The existing Council approved support funds totalled \$30,362 for the 2018 event. Applying an even CPI percentage of 0.6% to this amount will provide \$30,544.17 to be split between the four events for 2019 as per previous funding arrangements.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$30,544.17	To support community groups undertake Australia Day events.

ITEM 2 - ATTACHMENT 1 MINUTES ORDINARY COUNCIL - AUSTRALIA DAY EVENTS IN PORT STEPHENS - 8 MAY 2018.**MINUTES ORDINARY COUNCIL - 8 MAY 2018**

Source of Funds	Yes/No	Funding (\$)	Comment
Reserve Funds	No		
Developer Contributions (Section 7.11)	No		
External Grants	No		
Other			

LEGAL, POLICY AND RISK IMPLICATIONS

As explained above this report recommends that the current agreement between Rotary Club of Raymond Terrace be extended to allow the Rotary Club of Raymond Terrace to continue to conduct Australia Day celebrations for 2019 and 2020.

The current agreement is for the Raymond Terrace event only and was the result of an Expression of Interest process with only two Expressions of Interest received in 2015. It is therefore recommended to extend the current agreement and undertake a review after the Australia Day celebrations for 2019 and 2020.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council's reputation may be damaged by poorly organised events.	Low	The efficient operation of Council's 355c Australia Day Committee and partnerships with community groups, has improved the coordination and management of Australia Day events in the local government area. Council staff and volunteers have clear plans and budgets.	Yes
There is a risk that attendance at Australia Day events may decrease.	Low	Close involvement of the community in organisation and management of these activities.	Yes
There is a risk that political pressure will see January 26 as an unsuitable day of national celebration.	Low	The risk level is dependent on a range of political pressures outside the control of Port Stephens Council.	Yes

**ITEM 2 - ATTACHMENT 1 MINUTES ORDINARY COUNCIL - AUSTRALIA DAY
EVENTS IN PORT STEPHENS - 8 MAY 2018.**

MINUTES ORDINARY COUNCIL - 8 MAY 2018

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting recommendations in this report will demonstrate Council's ongoing commitment to the efficient and coordinated management and support of community organised Australia Day activities in the local government area.

CONSULTATION

Council's 355c Australia Day Committee met three times in the past 12 months to plan and coordinate events in the local government area. The committee met most recently on 7 February 2018 to review this year's activities and begin planning for 2019.

Staff (both administrative and outdoor based) are in regular contact with all groups to assist with the organisation of the events.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 3

**FILE NO: 19/126807
EDRMS NO: PSC2018-01223**

SALE OF LAND FOR UNPAID RATES

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Sell by auction or failing auction by private treaty the properties listed in **(ATTACHMENT 1)** for unpaid rates in accordance with section 713 of the Local Government Act 1993 unless the overdue rates and charges are paid in full prior to the time of sale.
 - 2) Delegate to the General Manager authority to set the reserve or sale price and appoint an agent to conduct the auction.
 - 3) Authorise the General Manager and Mayor to affix the Council seal to and sign any transfer documents arising out of the sale.
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**ORDINARY COUNCIL MEETING - 28 MAY 2019
MOTION**

107	<p>Councillor John Nell Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Sell by auction, or failing auction, by private treaty, properties listed in (ATTACHMENT 1) of the report for unpaid rates in accordance with section 715(2) of the Local Government Act 1993 unless the overdue rates and charges are paid in full or a satisfactory payment plan is entered into prior to the time of sale.2) Delegate to the General Manager authority to set the reserve or sale price and appoint an agent to conduct the auction.3) Authorise the General Manager and Mayor to affix the Council Seal to and sign any transfer documents arising out of the sale.
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BACKGROUND

The purpose of this report is to advise Council of properties with rates and charges which have remained unpaid for more than five years.

Six properties are listed within **(ATTACHMENT 1)** which are due to be sold in accordance with Council's Debt Recovery and Hardship Policy and section 713(2) of the Local Government Act 1993 (the Act) as stated below:

"A council may, in accordance with this Division:

(a) sell any land (including vacant land) on which any rate or charge has remained unpaid for more than 5 years from the date on which it became payable."

The General Manager has certified the rates and charges due on each property. The total amount of rates and charges outstanding on these properties as at 12 March 2019 is \$116,697.96. This situation has resulted from the failure of legal action to recover the rates and charge, the ratepayer being untraceable, the ratepayer being deceased or bankruptcy. In each case the only means of recouping monies is by Council selling the land under section 713.

The six properties consist of one dwelling and five parcels of vacant land.

It is proposed to engage a Port Stephens licenced real estate auctioneer to market the properties and conduct the auction. A date for the auction is required to be set being not more than six months and not less than three months from the date of publishing the notice of proposed sale. The venue for the auction is to be selected in consultation with the auctioneer. A proposed timetable of events is listed at **(ATTACHMENT 2)**.

All owners and interested parties will be notified of Council's intention to sell the property using the last known address or information available. The proposed sale will be advertised in the Port Stephens Examiner and the Government Gazette.

Under section 715(2) of the Act if all rates and charges are paid at any point prior to auction time, then Council must not proceed with the sale. It is recommended Council not accept any arrangement for payment unless it is payment of the total of all rates and charges owing to Council.

If the land is not sold at auction, Council may organise another public auction or the property may be sold by private treaty. All costs associated with the sale are to be met by the purchaser. For the particular attention of Councillors and Staff, section 716(3) of the Act states:

"Land may be sold under this division to the council, a councillor, a relative of a councillor, a member of staff of the council or any relative of a member of staff of the council in the case of sale by public auction, but may not be sold in the case of sale by private treaty."

Upon settlement of the sale, if the amount is less than the outstanding balance, Council will consider the debt to be paid in full in accordance with section 719 of the Act. If the amount received is more than the amount outstanding Council will hold the money for persons having estates or interest in the land immediately before the sale

according to their respective estates and interests. Section 720 of the Act provides for Council to pay the balance of the purchase money or any part of the balance to or among the persons who are, in its opinion, clearly entitled to it. The receipt by the person of any payment so made is an effectual discharge of Council's liability.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Financial Management	Maintain strong financial sustainability.

FINANCIAL/RESOURCE IMPLICATIONS

Where Council has failed to recover rates and charges through debt recovery action, sale of the land for unpaid rates is the last option available to Council. Council has a duty to recover rates and charges and the sale of land provisions in the Local Government Act 1993 reflect this.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The action recommended in this report is in compliance with sections 713 to 726 of the Local Government Act 1993 and Council's Debt Recovery and Hardship Policy.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that an occupied residence might be difficult to sell.	Low	The Campvale residence has been unoccupied for many years.	Yes
There is a risk that properties with no legal access or irregular features might be difficult to sell except to adjoining owners.	High	It is proposed to notify adjoining owners of all land proposed to be sold of the upcoming sale.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Recovery of \$116,000 in unpaid rates will reduce Council's overall overdue accounts and therefore have a positive impact on the financial performance indicator 'outstanding rates and annual charges'.

CONSULTATION

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

Internal

- Senior Leadership Team.
- Finance Revenue Coordinator.

External

- Insolvency and Trustee Services.
- Australian Financial Security Authority.

OPTIONS

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

ATTACHMENTS

- 1) Schedule of properties.
- 2) Timetable of Events.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 1 SCHEDULE OF PROPERTIES.**Schedule of Properties**

Assess. No.	Owner	Legal Description	Street Address	Balance at 12 March 2019
172700	Yary Kawecky	Lot 2 DP 247953	138 Six Mile Road Eagleton	\$18,105.32
182402	Estate of the late Roman Kawecky	Lot B DP 418757	975 Richardson Road Campvale	\$33,460.45
348631	Matthew John Healey	Lot 137 DP 753192	39 Lavis Lane Williamtown	\$16,204.62
388827	Tesoriero Holdings Pty Ltd	Lot 211 DP 1113487	3884 Nelson Bay Road Bobs Farm	\$38,500.93
396432	Hugh Eadie Dewar	Lot 145 DP 1138207	6 Stockton Bight Track Fullerton Cove	\$5,454.16
401083	Robert Claude Burton	Lot 170 DP 1146444	725A Hinton Road Osterley	\$4,972.48
TOTAL				\$116,697.96

ITEM 3 - ATTACHMENT 2 TIMETABLE OF EVENTS.**Timetable of Events**

Date	Action
1 to 8 March 2018	Letter written to ratepayers advising of the sale of their property for unpaid rates next year.
12 March 2019	Certificates prepared by General Manager stating the rates and charges on the land and how and when they were levied.
14 March 2019	Title searches conducted.
14 March 2019	Letters sent to ratepayers, mortgagees and caveators advising of proposed sale of land for unpaid rates.
28 May 2019	Council resolution on above report.
4 June 2019	Write to owners, mortgagees and caveators advising of Council's resolution to sell the properties.
4 June 2019	Call for expressions of interest from licenced real estate agents to be received by 21 June 2019.
5 July 2019	Set auction date and venue in conjunction with the appointed auctioneer.
18 July 2019	Place advertisement in the Government Gazette and Port Stephens Examiner.
19 July 2019	Send letter to owners, mortgagees, caveators and adjoining owners advising of proposed sale by public auction.
16 November 2019	Proposed auction date.

ITEM NO. 4**FILE NO: 19/122073
EDRMS NO: A2004-0242****QUARTERLY BUDGET REVIEW AS AT 31 MARCH 2019**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the discretionary changes to the adopted budget as detailed in **(ATTACHMENT 1)** presented as the 2018 – 2019 Quarterly Budget Review Statement – March 2019.

**ORDINARY COUNCIL MEETING - 28 MAY 2019
MOTION**

108	Councillor Jaimie Abbott Councillor Glen Dunkley It was resolved that Council approve the discretionary changes to the adopted budget as detailed in (ATTACHMENT 1) presented as the 2018 – 2019 Quarterly Budget Review Statement – March 2019.
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Councillor Jaimie Abbott left the meeting at 6:09pm.
Councillor Jaimie Abbott returned to the meeting at 6:11pm.

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 2018-2019 budget, which are detailed in the Quarterly Budget Review Statement – March 2019. This statement sets out the details of variations between Council's original budget and the proposed budget as part of the March 2019 Quarterly Budget Review.

Council considered its Integrated Strategic Plans in March 2018 and these plans include the budget estimates for the 2018-2019 financial year.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Financial Management	Maintain strong financial sustainability.

FINANCIAL/RESOURCE IMPLICATIONS

Council's anticipated underlying result is as follows:

	Surplus (\$)	Deficit
Budget 2018-2019	984,000	
September Review	790,000	
December Review	949,000	
March Review	738,000	

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the 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

Consultation with key stakeholders has been undertaken by the Financial Services Section to discuss the overall financial result for the quarter.

Internal

- Executive Team via email in April 2019 to provide an update on the overall financial result for the quarter.
- Senior Leadership Team during formal individual meetings in April and May 2019 to discuss the overall financial result for the quarter.

Formal communication has been conducted and the recommendation to submit to Council for formal adoption was accepted.

OPTIONS

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

ATTACHMENTS

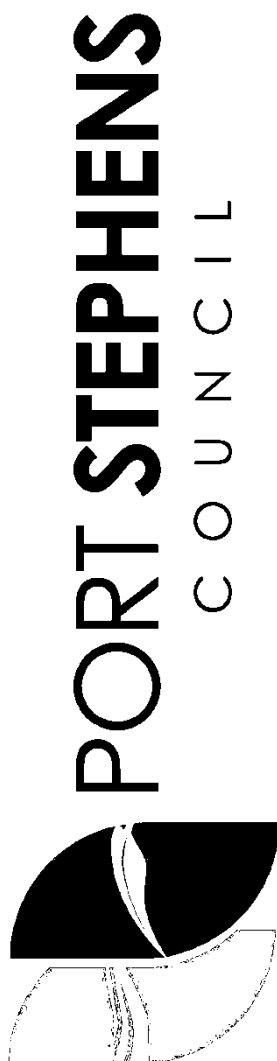
- 1) Quarterly Budget Review as at 31 March 2019.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



"A great lifestyle in a treasured environment"

2018 – 2019 Quarterly Budget Review Statement March 2019

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1) Executive Summary

Categorising the changes by Group:

Corporate Services: There were no operating budget changes in this group.

Changes in the capital budget were \$3,975 (Unfavourable). This relates to the upgrade of amenities at the Holiday Parks and the acquisition of land for the Birubi Tourism Interchange project.

Development Services: Operating budget changes for this Group were \$75k (Favourable). This relates to contributions for Infrastructure Planning.

There were no capital budget changes in this group.

Facilities & Services: The operating budget change in this Group was \$86k (Unfavourable). This is mainly due to an increase in maintenance works for unsealed rural roads.

Changes in the capital budget were \$2,555k (Favourable) which consists of an increase in various capital grants and contribution by \$950K and net decrease in capital expenditure by \$1.6M.

General Manager's Office: The operating budget changes in this Group were \$200k (Unfavourable). This is due to an increase in the legal expenditure budget.

ITEM 4 - ATTACHMENT 1

QUARTERLY BUDGET REVIEW AS AT 31 MARCH 2019.

Operating Budget	2019 Original Budget	Budget revotes & carry forwards	Budget Revision Sept Qtr	Budget Revision Dec Qtr	Budget Revision Mar Qtr	2019 Revised Budget	2019 YTD Actuals
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Corporate Services	39,079	-	(173)	(208)	-	38,699	38,474
Development Services	(7,608)	-	(215)	53	75	(7,695)	(4,906)
General Manager's Office	(2,643)	-	205	(33)	(200)	(2,670)	(2,123)
Facilities & Services	(28,888)	-	(11)	347	(86)	(28,638)	(20,146)
Newcastle Airport	3,886	-	-	-	-	3,886	3,034
Operating Surplus/(Deficit) before capital grants	3,827	-	(194)	159	(211)	3,581	14,334
Less: Gain on sale	(250)	-	-	-	-	(250)	137
Less: Fair value (gains) / losses	(650)	-	-	-	-	(650)	-
Less: Newcastle Airport	(3,886)	-	-	-	-	(3,886)	(3,034)
Add: NAP Dividend	1,943	-	-	-	-	1,943	1,943
Underlying Operating Surplus/(Deficit)	984	-	(194)	159	(211)	738	13,380

Capital Budget	2019 Original Budget	Budget revotes & carry forwards	Budget Revision Sept Qtr	Budget Revision Dec Qtr	Budget Revision Mar Qtr	2019 Revised Budget	2019 YTD Actuals
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Corporate Services	(4,721)	(1,074)	(56)	36	(3,975)	(9,789)	(3,694)
Development Services	3,100	-	-	1,400	-	4,500	4,871
Facilities & Services	(8,675)	(17,585)	(945)	(1,083)	2,555	(25,733)	(8,350)
Total	(10,296)	(18,659)	(1,001)	353	(1,420)	(31,023)	(7,173)

Note - + = inflow () = outflow

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2018 and should be read in conjunction with other documents in the QBRs.

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 31/12/2018 and should be read in conjunction with other documents in the QBRs.

Page 3 of 16

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 31/03/2019 indicates that Council's projected financial position 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 31/12/2018 and should be read in conjunction with other documents in the QBRs.

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ITEM 4 - ATTACHMENT 1

QUARTERLY BUDGET REVIEW AS AT 31 MARCH 2019.

4) Income & Expenses Budget Review Statement

Consolidated	2019 Original Budget	Budget revotes & carry forwards	Budget Revision Sept Qtr	Budget Revision Dec Qtr	Budget Revision Mar Qtr	2019 Revised Budget	2019 YTD Actuals
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Rates and Annual Charges	56,787	-	4	-	-	56,791	56,821
User Charges & Fees Income	39,367	-	(253)	3,619	160	42,892	31,007
Interest & Investment Income	1,353	-	-	-	-	1,353	1,076
Other Income	6,591	-	78	-	-	6,669	7,263
Grants and Cont.	11,758	-	140	60	96	12,054	7,484
Grants and Cont.(Capital)	5,811	-	(60)	10,361	968	17,080	9,088
Gain on Sale	250	-	-	-	-	250	(137)
Total Revenue	121,916	-	(91)	14,040	1,224	137,089	112,601
Employee Costs	45,135	-	121	125	310	45,691	34,791
Borrowing Costs	698	-	-	30	-	728	554
Materials & Contracts	36,830	-	203	3,335	148	40,516	30,453
Other Expenses	13,995	-	(161)	30	9	13,873	11,612
Depreciation & Impairment	15,621	-	-	-	-	15,621	11,768
Total Expenditure	112,279	-	163	3,520	467	116,429	89,179
Operating Surplus/(Deficit) after capital grants	9,637	-	(254)	10,520	757	20,661	23,422
Operating Surplus/(Deficit) before capital grants	3,827	-	(194)	159	(211)	3,581	14,334
Less: Gain on sale	(250)	-	-	-	-	(250)	137
Less: Fair value (gains) / losses	(650)	-	-	-	-	(650)	-
Less: Newcastle Airport	(3,886)	-	-	-	-	(3,886)	(3,034)
Add: NAP Dividend	1,943	-	-	-	-	1,943	1,943
Underlying Operating Surplus/(Deficit)	984	-	(194)	159	(211)	738	13,380

Notes:

1. Revised Budget = Original Budget +/- approved budget changes in previous quarters.

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2018 and should be read in conjunction with other documents in the QBRS.

ITEM 4 - ATTACHMENT 1

QUARTERLY BUDGET REVIEW AS AT 31 MARCH 2019.

Council's original operating budget for 2018-2019 was incorporated as part of the Integrated Plans and was adopted by Council on 26 June 2018.

This statement sets out the details of variations between Council's original operating budget and the revised budget as part of the March Quarterly Budget Review. This has altered from an original projected underlying surplus of \$984,000 to a revised underlying surplus of \$738,000.

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

REVENUE	Budget Change \$'000	F/U
Rates and Annual Charges	-	-
No Change.		
User Charges and Fees	160	F
User charges and fees have increased due to the increase in child care services and revised income from parking meters.		
Grants and Contributions provided for Operating Purposes	96	F
Operating grants have increased due to increase of development contributions and RMS Block grant.		
Interest and Investment Revenue	-	-
No Change		

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2018 and should be read in conjunction with other documents in the QBRs.

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Other Revenues	-	-
Grants and Contributions provided for Capital Purposes	968	F
Capital grants have increased due to number of new grants being received which are mainly for:		
• State Blackspot Grant (\$500K),		
• Tomaree RSC Croquet Lawn Expansion (\$220K),		
• State Library Grant for Renovations (\$89K)		
• State Grant for drainage repair from storm damage at Waterfront Road Swan Bay (\$86K)		
• Other grants (\$73K)		
Net Gains from the Disposal of Assets	-	-
No Change		

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2018 and should be read in conjunction with other documents in the QBRs.

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EXPENDITURE	\$'000	Budget Change F/U
Borrowing Costs	-	-
No Change		
Depreciation, Amortisation and Impairment	-	-
No Change		
Employee Benefits and On-Costs	310	U
Employee benefits have increased due to the introduction of new OOSH centres and the increase in staff labour hours towards local roads maintenance.		
Materials and Contracts	148	U
Materials and contracts have increased due to increase in the use of consultants for legal services.		
Other Expenses	9	U
Other expenses have increased due to education department requirements for the children services.		

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2018 and should be read in conjunction with other documents in the QBRs.

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5) Capital Budget Review Statement

Consolidated	2019 Original Budget	Budget revotes & carry forwards	Budget Revision Sept Qtr	Budget Revision Dec Qtr	Budget Revision Mar Qtr	2019 Revised Budget	2019 YTD Actuals
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Grants and Cont.(Capital)	5,811	-	(60)	10,361	968	17,080	9,088
Total Receipts	5,811	-	(60)	10,361	968	17,080	9,088
Capital Equipment & Contracts	16,107	18,550	911	9,608	1,088	46,263	16,010
Property Acquisition & Development	-	109	30	400	1,300	1,839	251
Total Payments	16,107	18,659	941	10,008	2,388	48,102	16,261
Capital Surplus/(Deficit)	(10,296)	(18,659)	(1,001)	353	(1,420)	(31,023)	(7,173)

This statement sets out the details of variations between Council's original capital budget and revised capital budget. There are budgetary changes proposed which result in a net decrease in the capital program to the value of \$120k.

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

INCOME		Budget Change
	\$'000	F/U
Capital Grants & Contributions	968	F
Capital grants have increased due to number of new grants being received which are mainly for:		
<ul style="list-style-type: none"> • State Blackspot Grant (\$500K), • Tomaree RSC Croquet Lawn Expansion (\$220K), • State Library Grant for Renovations (\$89K) • State Grant for drainage repair from storm damage at Waterfront Road Swan Bay (\$86K) • Other grants (\$73K) 		
EXPENDITURE		
Property Acquisition and Development	1,300	U
Property acquisition expenditure increased due to the purchase of land for the Birubi Tourism Interchange project.		
Capital Materials and Contracts	1,088	U
Capital materials and contracts expenditure has increased due to the introduction of the following projects:		
<ul style="list-style-type: none"> • Holiday Park amenities upgrade - \$2.6M • Sports assets – Yulong Oval upgrade for \$483K and NB Croquet Court for \$197K • Parks and playgrounds upgrade – Robinson Reserve for \$650K • These additions were offset by a reduction in other capital works budgets due to savings on completed jobs and revised timelines 		

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2018 and should be read in conjunction with other documents in the QBRs.

Page 10 of 16

ITEM 4 - ATTACHMENT 1
2019.

QUARTERLY BUDGET REVIEW AS AT 31 MARCH

The capital works program by section is as follows:

	2019 Original Budget \$'000	Budget revotes & carry forwards \$'000	Budget Revision Sept Qtr \$'000	Budget Revision Dec Qtr \$'000	Budget Revision Mar Qtr \$'000	2019 Revised Budget \$'000	2019 YTD Actuals \$'000
Capital Funding							
Capital Grants & Contributions	5,811	-	(60)	10,361	968	17,080	9,088
Total Capital Funding	5,811	-	(60)	10,361	968	17,080	9,088
Capital Expenditure							
Corporate Services Group							
Commercial Property Reserve & Cluster Plan							
Fingal Bay Holiday Park	1,630	-	-	(871)	17	776	330
Halifax Holiday Park	1,225	-	-	(577)	1,260	1,908	401
Shoal Bay Holiday park	685	-	-	(235)	1,259	1,709	127
Thou Walla Sunset Retreat	70	-	-	50	100	220	98
TreEscape	-	-	-	185	(50)	135	138
Office and Chambers	332	-	-	-	125	457	125
Property Development	-	109	30	400	-	539	251
Property Section Manager	-	-	-	500	1,300	1,800	1,560
Property Investments	239	41	-	512	-	792	41
Commercial Property Total	4,181	150	30	(36)	4,011	8,336	3,071
Business Improvement Technology	540	924	26	-	(36)	1,454	765
Corporate Services Group Total	4,721	1,074	56	(36)	3,975	9,789	3,836

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2018 and should be read in conjunction with other documents in the QBRs.

ITEM 4 - ATTACHMENT 1

QUARTERLY BUDGET REVIEW AS AT 31 MARCH 2019.

	2019 Original Budget \$'000	Budget revotes & carry forwards \$'000	Budget Revision Sept Qtr \$'000	Budget Revision Dec Qtr \$'000	Budget Revision Mar Qtr \$'000	2019 Revised Budget \$'000	2019 YTD Actuals \$'000
Facilities and Services							
Assets							
Fleet Maintenance	2,165	1,765	-	442	-	4,372	1,785
Drainage and Flooding	-	34	-	-	-	34	-
Assets Total	2,165	1,799	-	442	-	4,406	1,785
Community Services							
Domestic Waste Management	-	-	-	290	-	290	-
Library Services	250	-	-	-	-	250	172
Community Services	250	-	-	290	-	540	172
Capital Works							
Capital Works Construction	8,971	15,786	885	9,312	(1,587)	33,367	10,468
Capital Works Total	8,971	15,786	885	9,312	(1,587)	33,367	10,468
Facilities and Services Total	11,386	17,585	885	10,044	(1,587)	38,313	12,425
Total Capital Expenditure	16,107	18,659	941	10,008	2,388	48,102	16,261
Net Outlay	10,296	18,659	1,001	(353)	1,420	31,023	7,173

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2018 and should be read in conjunction with other documents in the QBRs.

6) Cash Flow Statement (Consolidated)		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 and Annual Charges		56,226	-	4	-	-	56,230
User Charges & Fees Income		39,283	-	(253)	3,619	160	42,809
Interest & Investment Revenue Received		1,353	-	-	-	-	1,353
Other		5,887	-	78	-	-	5,965
Grants and Contributions		15,468	-	80	10,421	1,064	27,033
Payments:							
Employee Benefits & On-Costs		(46,193)	-	(121)	(125)	(310)	(46,749)
Borrowing Costs		(698)	-	-	(30)	-	(728)
Materials & Contracts		(36,049)	-	(203)	(3,335)	(148)	(39,735)
Other		(13,212)	-	161	(30)	(9)	(13,090)
Net Cash provided (or used in) Operating Activities		22,065	-	(254)	10,520	757	33,088
Cash Flows from Investing Activities							
Receipts:							
Proceeds from disposal of Property Plant & Equipment		250	-	-	-	-	250
Proceeds from development		-	2,700	-	-	-	2,700
Payments:							
Purchase of Infrastructure, Property Plant & Equipment		(21,583)	(18,659)	(941)	(10,008)	(2,388)	(53,579)
Net Cash provided (or used in) Investing Activities		(21,333)	(15,959)	(941)	(10,008)	(2,388)	(50,629)
Cash Flows from Financing Activities							
Receipts:							
Proceeds from borrowings		2,000	1,000	-	-	-	3,000
Payments:							
Repayment of Borrowings & Advances		(3,485)	-	-	-	-	(3,485)
Net Cash provided (or used in) Financing Activities		(1,485)	1,000	-	-	-	(485)
Net Increase/(Decrease) in Cash & Cash Equivalents		(753)	(14,959)	(1,194)	512	(1,631)	(18,025)
plus: Cash & Investments - beginning of year (*)		51,070	-	-	-	-	51,070
Cash & Investments - end of the year		50,317	(14,959)	(1,194)	512	(1,631)	33,045

* - opening balance adjustment made to reflect 30 June 2018 actual closing balance

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2018 and should be read in conjunction with other documents in the QBRS.

Cash Flow Statement Funding Reconciliation

The 'Recommended Changes to Budget' in the March QBR constitute an overall decrease in Council's Cash Flow position by \$1.6M (Unfavourable) after the use of internal reserves and external funding sources are factored in. These changes are split across the Operating budget of \$211k (Unfavourable) and Capital Budget of \$1.4M (Unfavourable).

PSC is clearly solvent based on the current and estimated cash position from the review changes. PSC's current cash position as per the March investment report was \$37.6m.

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 31/03/2019; and
- Have a value equal to or more than \$50,000.

Part B of the report shows expenditure as at 31/03/2019 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.

ITEM 4 - ATTACHMENT 1
2019.

QUARTERLY BUDGET REVIEW AS AT 31 MARCH

Part A
Contracts Listing

Contractor	Contract Details and Purpose	Contract Value Inc GST	Commencement date	Contract end date	Budgeted (Y/N)
COATES HIRE OPERATIONS PTY LTD	Provision of barriers	\$50,943	01/02/2019	1/05/2019	Y
GHD PTY LTD	King Park Sports Complex Masterplan- RFQ24-20,	\$52,503	13/03/2019	31/12/2019	Y
MARIC BUILD PTY LTD	Provide bathroom renovations	\$58,827	06/03/2019	30/06/2019	Y
PARAMOUNT COMMERCIAL SERVICES LTD	437 Hunter Street - monthly contract cleaning	\$60,000	07/01/2019	7/01/2020	Y
LINKEDIN SINGAPORE PTE LTD	24 Month Contract Renewal for Recruitment Ads	\$63,338	20/02/2019	20/02/2021	Y
BAY & BEYOND LANDSCAPES PTY LTD	Prepare Supply and lay Turf - Anna Bay Cemetery	\$67,435	27/02/2019	31/03/2019	Y
DIRTZ TRAX N TRAILZ	Construct Junior BMX/Pump track 389	\$67,900	13/02/2019	30/04/2019	Y
LEAR & SMITH ELECTRICAL WHOLESALERS PTY	Fingal Bay Walk - Lighting Upgrade	\$68,573	17/01/2019	30/04/2019	Y
APP CORPORATION	RFQ01-2019 - Holiday Parks Plans of Management	\$69,080	25/03/2019	30/06/2019	Y
SURESEARCH UNDERGROUND SERVICES	Provision for Potholing - Williamtown	\$86,523	21/01/2019	30/06/2019	Y
LANDMARK ENGINEERING & DESIGN PTY LTD	Supply of Olympus Custom Amenities - Raymond Terrace	\$95,290	10/01/2019	28/02/2019	Y
NORTHROP CONSULTING ENGINEERS PTY	Contract Administration of Medowie Sports	\$129,338	19/03/2019	31/12/2019	Y
PORT STEPHENS TOURISM LTD	Council contribution January- June 2019	\$218,625	07/01/2019	30/06/2019	Y
B & M ELLISON PTY LTD	Deposit for the purchase of land on behalf of GNAP	\$2,750,000	-	-	Y
RUNDAS PTY LTD	Land purchase for Birubi Tourism Interchange	\$1,200,365	-	-	-

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2018 and should be read in conjunction with other documents in the QBRS.

ITEM 4 - ATTACHMENT 1
2019.

QUARTERLY BUDGET REVIEW AS AT 31 MARCH

Part B
Consultancy & Legal Expenses

[REDACTED]		
Consultancies	452,228	Y
Legal Fees	517,922	Y

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2018 and should be read in conjunction with other documents in the QBRs.

Page 16 of 16

ITEM NO. 5

**FILE NO: 19/112586
EDRMS NO: PSC2008-0257**

PROPOSED ACQUISITION OF FORMER FIRE STATION SITE - 51 WILLIAM STREET, RAYMOND TERRACE

REPORT OF: JANET MEYN - PROPERTY SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Proceed with the compulsory acquisition of Lot 1 DP874513 for the purpose of future road and community use of a public area in accordance with the requirements of the Land Acquisition (Just Terms) Compensation Act 1991 (LAJTCA).
- 2) Make an application to the Minister and Governor for approval to acquire Lot 1 DP874513 by compulsory process under section 203 of the Roads Act 1993.
- 3) Classify Lot 1 DP874513 as Operational Land once compulsorily acquired.
- 4) Authorise the General Manger and Mayor to sign and affix the Seal of Council to all documentation.
- 5) Rescind Minute 283 of 11 September 2018 (**ATTACHMENT 1**) and Minute 265 of 25 August 2009 (**ATTACHMENT 2**) as the Office of Local Government (OLG) advised that the acquisition was to occur under the Roads Act 1993, not the Local Government Act 1993 as recommended.

**ORDINARY COUNCIL MEETING - 28 MAY 2019
MOTION**

109	<p>Councillor Ken Jordan Councillor Paul Le Mottee</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Proceed with the compulsory acquisition of Lot 1 DP874513 for the purpose of future road and community use of a public area in accordance with the requirements of the Land Acquisition (Just Terms) Compensation Act 1991 (LAJTCA).2) Make an application to the Minister and Governor for approval to acquire Lot 1 DP874513 by compulsory process under section 203 of the Roads Act 1993.3) Classify Lot 1 DP874513 as Operational Land once compulsorily acquired.
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MINUTES ORDINARY COUNCIL - 28 MAY 2019

- | | |
|--|---|
| | <ul style="list-style-type: none">4) Authorise the General Manger and Mayor to sign and affix the Seal of Council to all documentation.5) Rescind Minute 283 of 11 September 2018 (ATTACHMENT 1) and Minute 265 of 25 August 2009 (ATTACHMENT 2) as the Office of Local Government (OLG) advised that the acquisition was to occur under the Roads Act 1993, not the Local Government Act 1993 as recommended. |
|--|---|

BACKGROUND

The purpose of this report is to recommend the acquisition of 51 William Street, Raymond Terrace (the 'Property') for future road use and classify the Property as 'Operational' upon acquisition. The location of the Property is identified in (**ATTACHMENT 3**).

Council at its meeting of 25 August 2009, Minute No. 265 (**ATTACHMENT 2**) resolved to place a Road Widening Order over the Property to preserve it for public vehicular access to service the proposed future commercial development on the adjacent Council land.

The Property is Crown Land which was excised from Sturgeon Street and dedicated as a Fire Brigade Station in 1959, and the building was constructed in 1960. The compulsory acquisition will allow the Property to be used for the widening of Sturgeon Street and enable an essential, clear and safe link between the proposed commercial development with the Council Administration Building and existing business area in William Street. The constructed roundabout has been centrally located in the intersection to cater for a future increase in traffic to and from this section of Sturgeon Street. Once the fire station building is demolished, considerable road works on the kerbs and splitter islands will be necessary.

On 5 April 2018, the Minister refused an Aboriginal Land Claim (ALC 37149) over the Property. The Land and Environment Court Rules 1996, allows a four month appeal period relating to the determination of Aboriginal Land Claims. The appeal period concluded on 7 August 2018 and no appeals or claims were lodged.

Council at its meeting of 11 September 2018 Minute 283 (**ATTACHMENT 1**) authorised making an application to the Minister and Governor under the Local Government Act 1993. The OLG have advised that as the land is being acquired for road purposes, the application needs to be made under the Roads Act 1993 and therefore a new resolution is required.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Provide land use plans, tools and advice that sustainably support the community.

FINANCIAL/RESOURCE IMPLICATIONS

Compensation to Crown Lands for the site will be determined by the Valuer General as is the case with all compulsory acquisitions. Payment for the purchase will be made from Council's Property Reserve which is estimated to be a nominal amount.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no apparent legal or policy implications from the recommendations.

There is a risk that if the recommendations are not adopted, control of the Property may be lost by Council thus impacting upon the alignment of Sturgeon Street and pedestrian access through to future development on the former sports fields.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council will lose Control of the Property.	High	Accept the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Fire Station was relocated to a more suitable site in Raymond Terrace in 2009.

The demolition of the building may expose asbestos and Council is not aware if underground fuel tanks or any other contamination is present on the site. Therefore appropriate risk management and demolition processes with suitability qualified contractors will be engaged to undertake the work.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Property Services Section to determine the status of the Aboriginal Land Claim, that acquisition of this Crown Land is essential to complete works and what the acquisition process should entail.

Internal

- Senior Survey and Land Information Manager.
- Asset Section Manager.
- Civil Assets Planning Manager.
- Property Services Section Manager.

External

- Crown Land Offices – Maitland and Newcastle.
- Office of Local Government.
- Crown Land Aboriginal Land Claims Unit.
- National Native Title Tribunal.
- NSW Aboriginal Land Council.
- Worimi Local Aboriginal Land Council.

OPTIONS

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

ATTACHMENTS

- 1) Minute 283 - 11 September 2018.
- 2) Minute 265 - 25 August 2009.
- 3) Locality Map.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 11 SEPTEMBER 2018

ITEM NO. 3

FILE NO: 18/61933
EDRMS NO: PSC2008-0257**PROPOSED ACQUISITION OF FORMER FIRE STATION SITE - 51 WILLIAM STREET, RAYMOND TERRACE**REPORT OF: JANET MEYN - PROPERTY SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES**RECOMMENDATION IS THAT COUNCIL:**

- 1) Proceed with the compulsory acquisition of Lot 1 DP874513 for the purpose of future road and community use of a public area in accordance with the requirements of the *Land Acquisition (Just Terms) Compensation Act 1991* (LAJTCA).
- 2) Makes an application to the Minister and the Governor for approval to acquire Lot 1 DP874513 by compulsory process under section 186(1) of the *Local Government Act 1993*.
- 3) Classify Lot 1 DP874513 as Operational Land once compulsorily acquired.
- 4) Authorise the General Manager and Mayor to sign and affix the Seal of Council to all documentation.

**ORDINARY COUNCIL MEETING - 11 SEPTEMBER 2018
MOTION**

283	Councillor Paul Le Mottee Councillor Steve Tucker It was resolved that Council: <ol style="list-style-type: none">1) Proceed with the compulsory acquisition of Lot 1 DP874513 for the purpose of future road and community use of a public area in accordance with the requirements of the <i>Land Acquisition (Just Terms) Compensation Act 1991</i> (LAJTCA).2) Makes an application to the Minister and the Governor for approval to acquire Lot 1 DP874513 by compulsory process under section 186(1) of the <i>Local Government Act 1993</i>.3) Classify Lot 1 DP874513 as Operational Land once compulsorily acquired.4) Authorise the General Manager and Mayor to sign and affix the Seal of Council to all documentation.
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MINUTES ORDINARY COUNCIL - 11 SEPTEMBER 2018**BACKGROUND**

The purpose of this report is to recommend the acquisition of 51 William Street, Raymond Terrace (the 'Property') for future road and community use and classify the Property as 'Operational' upon acquisition. The location of the Property is detailed at **(ATTACHMENT 1)**.

Council at its meeting of 25 August 2009, Minute No. 265 **(ATTACHMENT 2)** resolved to place a Road Widening Order over the Property to preserve it for public vehicular access to service the proposed future commercial development on the adjacent Council land. A detailed view of the Property is detailed at **(ATTACHMENT 3)**.

The Property is Crown Land which was excised from Sturgeon Street and dedicated as a Fire Station site in 1959 and the building was constructed in 1960. The compulsory acquisition will allow the Property to be used for road widening of Sturgeon Street and/or enable an essential, clear and safe link between the proposed commercial development with the Council Administration Building and existing business area in William Street to be established. The constructed roundabout has been centrally located in the intersection to cater for a future increase in traffic to and from this section of Sturgeon Street. Once the building is demolished, considerable road works on the kerbs and splitter islands will be necessary.

On 5 April 2018 the Minister refused an Aboriginal Land Claim (ALC 37149) over the Property. *The Land and Environment Court Rules 1996*, allows a four month appeal period relating to the determination of Aboriginal Land Claims. The appeal period concluded on 7 August 2018 and no appeals or claims were lodged.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Provide land use plans, tools and advice that sustainably support the community.

FINANCIAL/RESOURCE IMPLICATIONS

Compensation to Crown for the site will be determined by the Valuer General (VG) as is the case with all compulsory acquisitions. Payment for the purchase will be made from Council's Property Reserve which is estimated to be a nominal amount.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		

MINUTES ORDINARY COUNCIL - 11 SEPTEMBER 2018

Source of Funds	Yes/No	Funding (\$)	Comment
Developer Contributions (Section 7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no apparent legal or policy implications from the recommendations.
 There is a risk that if the recommendations are not adopted, control of the Property may be lost by Council thus impacting upon Council's future development plans for the location.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council will lose control of the Property.	High	Accept the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Fire Station was relocated to a more suitable site in Raymond Terrace.

The demolition of the building may expose asbestos and Council is not aware if underground fuel tanks were in place. Therefore appropriate risk management and demolition processes with suitability qualified contractors will be engaged to undertake the work.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Property Services Section to determine the status of the Aboriginal Land Claim, that acquisition of this Crown Land is essential to complete works and what the acquisition process should entail.

Internal

- Senior Survey and Land Information Manager.
- Asset Section Manager.
- Civil Assets Planning Manager.
- Land Acquisition and Development Manager.
- Property Services Section Manager.
- Property Officer.

MINUTES ORDINARY COUNCIL - 11 SEPTEMBER 2018

External

- Crown Land Offices – Maitland and Newcastle.
- Office of Local Government.
- Crown Land Aboriginal Land Claims Unit.
- National Native Title Tribunal.
- NSW Aboriginal Land Council.
- Worimi Local Aboriginal Land Council.

OPTIONS

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

ATTACHMENTS

- 1) Locality Map.
- 2) Minute No. 265 - 25 August 2009.
- 3) Proposed area to be acquired.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL – 25 AUGUST 2009

ITEM NO. 2

FILE NO: PSC2009-02472

**REALIGNMENT OF STURGEON STREET RAYMOND TERRACE NEAR THE
FORMER FIRE BRIGADE STATION****REPORT OF: CARMEL FOSTER – MANAGER, COMMERCIAL PROPERTY
GROUP: COMMERCIAL SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Prepares a road widening plan under Section 22 of the Roads Act 1993 over the former section of Sturgeon Street known as Lot 1 D.P.874513.
- 2) The required notices of the proposed road widening be prepared and advertised under the Roads Act 1993.
- 3) Submit the proposed plan to the Minister for Local Government with advice Council proposes to issue a Road Widening Order over the plan.
- 4) Following advertising if any submissions are received they are reported to Council and forward to the Minister under Section 23 Roads Act, 1993.
- 5) The Road Widening Order be notified in the Government Gazette if no submissions are received or the Minister grants his approval if submissions are received.
- 6) On completion of 5 above, referral of the matter to Strategic Planning Section for inclusion in relevant LEP.

OPERATIONS COMMITTEE – 11 AUGUST 2009

	Councillor Ken Jordan Councillor Glenys Francis	That the recommendation be adopted.
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ORDINARY COUNCIL – 25 August 2009

265	Councillor Ken Jordan Councillor Glenys Francis	It was resolved that the recommendation be adopted.
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OPERATIONS COMMITTEE – 11 AUGUST 2009**ITEM NO. 2****FILE NO: PSC2009-02472****REALIGNMENT OF STURGEON STREET RAYMOND TERRACE NEAR THE FORMER FIRE BRIGADE STATION****REPORT OF: CARMEL FOSTER – MANAGER, COMMERCIAL PROPERTY****RECOMMENDATION IS THAT COUNCIL:**

- 1) Prepares a road widening plan under Section 22 of the Roads Act 1993 over the former section of Sturgeon Street known as Lot 1 D.P.874513.
- 2) The required notices of the proposed road widening be prepared and advertised under the Roads Act 1993.
- 3) Submit the proposed plan to the Minister for Local Government with advice Council proposes to issue a Road Widening Order over the plan.
- 4) Following advertising if any submissions are received they are reported to Council and forward to the Minister under Section 23 Roads Act, 1993.
- 5) The Road Widening Order be notified in the Government Gazette if no submissions are received or the Minister grants his approval if submissions are received.
- 6) On completion of 5 above, referral of the matter to Strategic Planning Section for inclusion in relevant LEP.

BACKGROUND

The purpose of this report is to recommend the return to the status of public road, the entire site occupied by the former fire station in Sturgeon Street, Raymond Terrace, to re-establish the full original width of that street by utilising a Road Widening Plan and Order under the provisions of the Roads Act 1993. The site is currently owned by the Department of Lands and dedicated for Fire Brigade Station.

The original Fire Station site was dedicated for that purpose in June 1959 over part of Sturgeon Street which was closed. See **(ATTACHMENT 1)** for general location map. In the 1960's the fire station was constructed and become operational. The land was known as Lot 11 Section 11 Town of Raymond Terrace and later had a small amount of road widening taken from it and is now known as Lot 1 D.P.874513 **(SEE ATTACHMENT 2)**, which measured 14.935 x 33.53 metres, this reduced the effective width of that part of Sturgeon Street to 15.2 metres.

The current round-about at the intersection of William Street is located to suit the full original width of both streets. Following the rezoning of the former sports ground area to Business General 3(a), which contains about 6.8 hectares it is now possible for this large area to be developed for commercial activities potentially creating significant traffic generation. If such a development is to take place and to link to the existing business area in William Street, it is imperative that Sturgeon Street be returned to its full original width. To do this the procedures contained within the

OPERATIONS COMMITTEE – 11 AUGUST 2009

Roads Act 1993 by the preparation of a Road Widening Plan and Order can be followed. The Act caters for notifications, advertising and the obtaining of the Minister for Local Governments consent. If the procedures meet the Ministers approval a notification can be placed in the Government Gazette which formerly creates the official Road Widening Order.

LINKS TO CORPORATE PLANS

The links to the 2008-2012 Council Plan are:-

SOCIAL SUSTAINABILITY – Council will preserve and strengthen the fabric of the community, building on community strengths.

ECONOMIC SUSTAINABILITY – Council will support the economic sustainability of its communities while not compromising its environmental and social well being.

BUSINESS EXCELLENCE – Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey

FINANCIAL/RESOURCE IMPLICATIONS

By placing a road widening order the Council indicates that it is prepared to acquire the area sometime in the future. At the time of purchase the land acquisition (Just Term Compensation) Act 1991 will apply. Obviously there will be road works to be carried out in the future for which funds will have to be made available.

LEGAL AND POLICY IMPLICATIONS

Sections 22 to 26 of the Roads Act 1993 (**SEE ATTACHMENT 3**) will apply with the main implication being on the parcel of lands affected by the Road Widening Order. This places a restriction on the land owner that no constructions, replacement or repair of a building can take place. This would allow the site to be available for Council in the future when it acquires the land. Provided the proposal is acceptable the relevant LEP should reflect the changes to zoning.

BUSINESS EXCELLENCE FRAMEWORK

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.

OPERATIONS COMMITTEE – 11 AUGUST 2009

- 2) **CUSTOMERS** – Understand what markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.
- 3) **CORPORATE AND SOCIAL RESPONSIBILITY** – Behave in an ethically, socially and environmentally responsible manner.
- 4) **SUSTAINABLE RESULTS** – Focus on sustainable results, value and outcomes.

SUSTAINABILITY IMPLICATIONS**SOCIAL IMPLICATIONS**

The recommendation in itself will have no social implications as the fire station has closed down and a new one is in use in another location in Raymond Terrace. Social implications would arise when and if a commercial development takes place on the former sports ground site.

ECONOMIC IMPLICATIONS

Council will have to fund the acquisition of the site sometime in the future.

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Commercial Property Manager, Strategic Planners, Engineering Services Manager and Principal Property Advisor.

OPTIONS

- 1) Agree with recommendations
- 2) Refuse recommendations
- 3) Modify recommendations

ATTACHMENTS

- 1) General locality plan
- 2) Plan of the property DP874513
- 3) Road Widening Order procedures

COUNCILLORS ROOM

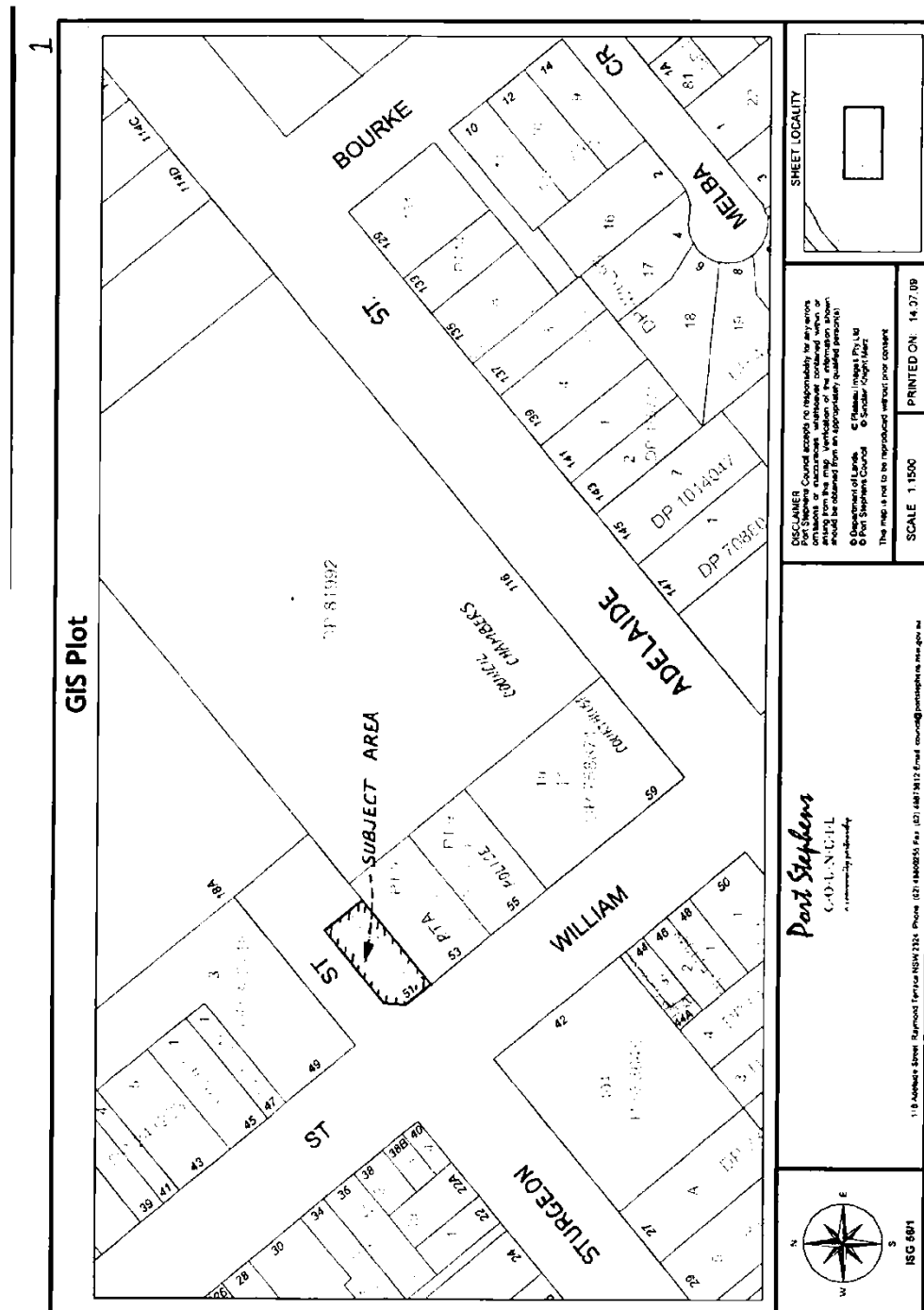
Nil

TABLED DOCUMENTS

Nil

OPERATIONS COMMITTEE – 11 AUGUST 2009

ATTACHMENT 1



34

ATTACHMENT 3

3

Road Widening Order

Council should officially resolve to prepare a "Road Widening Plan" and issue a "Road Widening Order" over the affected land(s).

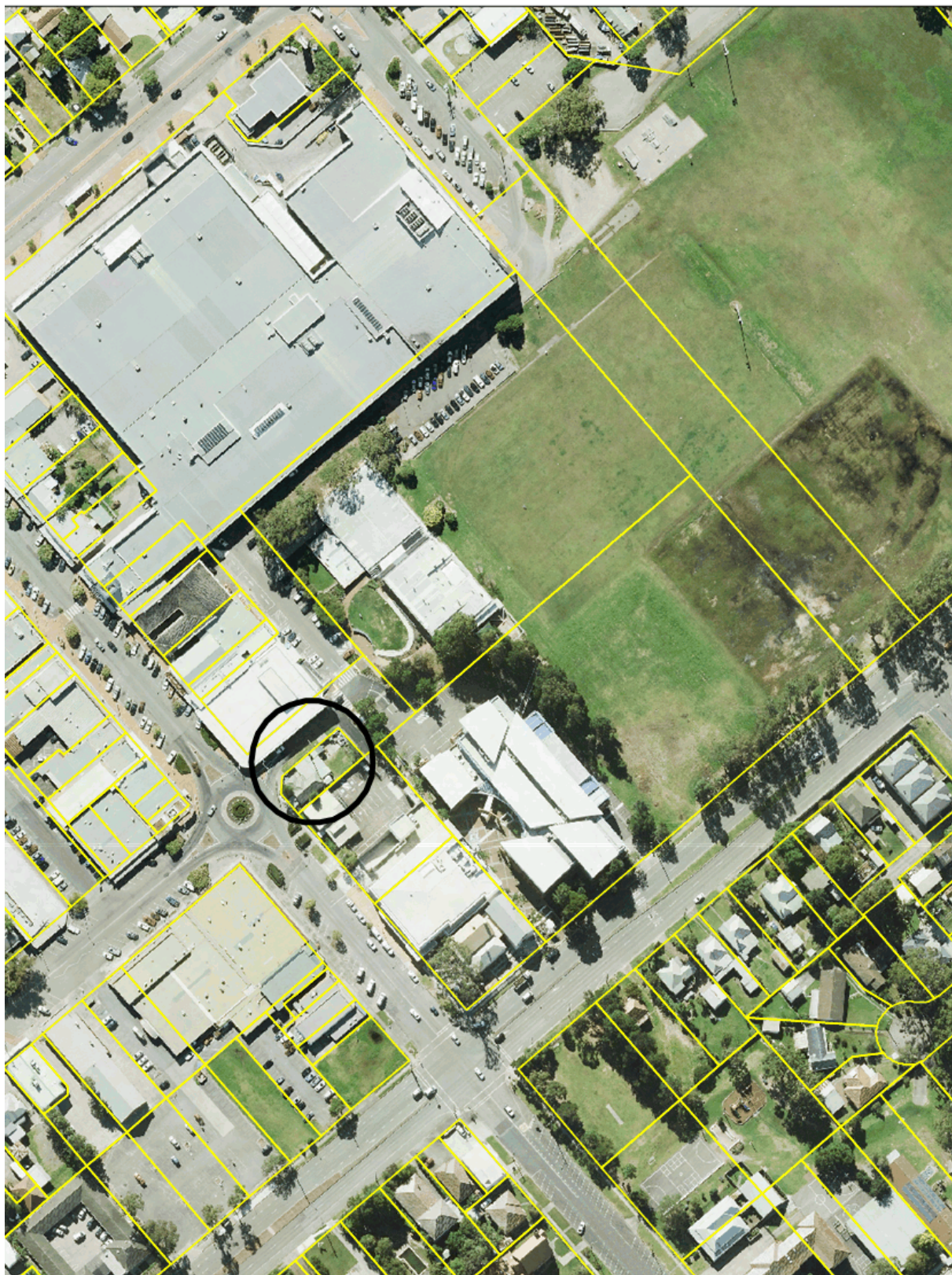
ROADS ACT, 1993

- Sec. 22 (1) Council as the road authority MAY submit the proposed widening plan to the Minister for Local Government – *This is recommended at initial stages if multiple properties are affected.*
- (2) Council MUST place notice in –
- (a) Local Newspaper
 - (b) Serve notice on affected property owner(s)
- (3) Notices to state –
- (a) Plan Identity
 - (b) Place(s) and times plan may be inspected
 - (c) Any person can make submission to Council or Minister
 - (d) Time available (usually min. 28 days) to make and the manner of submission
- Sec. 23 Any submission received to be forwarded to Minister – *This could be done together with Councils original notification of the proposal, if not done earlier.*
- Sec. 24 (1) Minister to consider submissions and can approve, alter or refuse plan.
- Sec. 25 If submissions are received and Ministers approval is given Council can then notify the plan in the Government Gazette under "Road Widening Order".
- (4) Order takes effect on the date of the gazette publication.
- (a) Council must notify affected land owner(s). *(Notice MUST state Council will acquire area affected some time in the future to satisfy Sec. 21 Land Acquisition (Just Terms Compensation) Act 1991 (J.T.C. Act).*
 - (b) Council must lodge survey plan for registration at LPI.
 - (c) Forward a copy of the plan to Valuer General.

A Road Widening Order relates to Sec.21 J.T.C. Act in that it creates affected lands as "designed for acquisition" for a public purpose – (Section 26(c) Environmental Planning and Assessment Act can be used to do a similar thing and reserve the affected land for the purpose referred to).

ITEM 5 - ATTACHMENT 3 LOCALITY MAP.

Locality map - 51 William St, Raymond Terrace



DISCLAIMER

Port Stephens Council accepts no responsibility for any errors, omissions or inaccuracies whatsoever contained within or arising from this map. Verification of the information shown should be obtained from an appropriately qualified person(s).

This map is not to be reproduced without prior consent.

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ITEM NO. 6

**FILE NO: 19/112646
EDRMS NO: PSC2016-00139**

**COMPULSORY ACQUISITION OF PART OF VICTORIA PARADE RESERVE
NELSON BAY FOR ROAD PURPOSES**

REPORT OF: JANET MEYN - PROPERTY SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Proceed with the compulsory acquisition of part of Lot 567 DP1033413 for the purpose of public road in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.
- 2) Make an application to the Minister and the Governor for approval to acquire part Lot 567 DP1033413 by compulsory process under Section 203 of the Roads Act 1993.
- 3) Upon acquisition classify the land as Operational Land.
- 4) Authorise the General Manager and the Mayor to sign and affix the Seal of Council to all required documentation.
- 5) Rescind Minute 101 of 9 May 2017 (**ATTACHMENT 1**) as the Office of Local Government (OLG) advised that the acquisition was to occur under the Roads Act 1993, not the Local Government Act 1993 as recommended.

**ORDINARY COUNCIL MEETING - 28 MAY 2019
MOTION**

110	<p>Councillor John Nell Councillor Glen Dunkley</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Proceed with the compulsory acquisition of part of Lot 567 DP1033413 for the purpose of public road in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.2) Make an application to the Minister and the Governor for approval to acquire part Lot 567 DP1033413 by compulsory process under Section 203 of the Roads Act 1993.3) Upon acquisition classify the land as Operational Land.4) Authorise the General Manager and the Mayor to sign and affix the Seal of Council to all required documentation.
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- | | |
|--|---|
| | 5) Rescind Minute 101 of 9 May 2017 (ATTACHMENT 1) as the Office of Local Government (OLG) advised that the acquisition was to occur under the Roads Act 1993, not the Local Government Act 1993 as recommended. |
|--|---|

BACKGROUND

The purpose of this report is to recommend Council proceed with the compulsory acquisition of approximately 342sqm of the Victoria Parade Reserve Nelson Bay (**black hatch on ATTACHMENT 2**) for the recently completed extension of Yacaaba Street through the Victoria Parade Reserve.

Council purchased 106 and 108 Magnus Street, Nelson Bay (**green tint on ATTACHMENT 2**) between 2000 and 2012 for the purpose of alleviating traffic congestion and providing improved traffic and pedestrian flow by extending Yacaaba Street from Magnus Street to the Victoria Parade roundabout. The Yacaaba Street extension is included in the Nelson Bay Town Centre and Foreshore Strategy 2012 as one of the actions to implement Recommendation 2.1 "Improve pedestrian access across Victoria Parade".

Victoria Parade Reserve is Crown Land known as Reserve R64421 and zoned as RE1 public recreation.

Council submitted a "Proposed Acquisition of Crown Land" application to Crown Lands in September 2017 seeking 'in principle' agreement to apply to compulsorily acquire the Crown Land. Crown provided its consent to the application in November 2017 and authorised Council to commence the civil works under section 175 Roads Act 1993, due to the time the acquisition process could take.

The civil works were completed in late 2018 and the acquisition now needs to be finalised.

Application to acquire has been submitted to Office of Local Government and it required an amended resolution, authorising acquisition under the Roads Act 1993.

Compensation for the acquisition will be assessed by the NSW Valuer General.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Financial Management	Maximise non-rate revenue and investment to support Council services.

FINANCIAL/RESOURCE IMPLICATIONS

This acquisition from the Crown is not expected to exceed \$20,000 plus costs estimated at no more than \$5,000.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	Yes	\$25,000	External loan as per Notice of Motion dated 13 June 2017 (ATTACHMENT 3) and Minute 246 dated 10 October 2017 (ATTACHMENT 4).

LEGAL, POLICY AND RISK IMPLICATIONS

There are no apparent legal implications from the recommendations.

There are no apparent policy implications from the recommendations. The Acquisition & Divestment of Land Policy will be followed to finalise the acquisition.

There are risk implications if the recommendations are not adopted in that the acquisition will not be able to be finalised.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the acquisition will not be finalised.	High	Accept the recommendations.	Yes
There is a risk that the Minister will not approve the compulsory acquisition.	Low	Accept the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

As the road is existing there is no additional implications.

CONSULTATION

Consultation with key stakeholders has been undertaken by Council to determine that acquisition of this Crown Land is essential to complete works and the processes necessary to secure access for the works and complete the compulsory acquisition of the land.

Internal

- Senior Survey & Land Information Manager.
- Asset Section Manager.
- Civil Projects Engineer.
- Property Services Section Manager.

External

- Crown Land Offices – Maitland and Newcastle.
- Office of Local Government.

OPTIONS

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

ATTACHMENTS

- 1) Minute No. 101 - 9 May 2017.
- 2) Locality Map.
- 3) Notice of Motion - Min No. 132 - 13 July 2017.
- 4) Min No. 246 - 10 October 2017.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 9 MAY 2017**ITEM NO. 3****FILE NO: 16/477367
RM8 REF NO: PSC2016-02172****COMPULSORY ACQUISITION OF PART OF VICTORIA PARADE RESERVE
NELSON BAY FOR ROAD PURPOSES.****REPORT OF: GLENN BUNNY - PROPERTY SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Proceed with the compulsory acquisition of part of Lot 567 DP1033413 for the purpose of public road in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*.
- 2) Make an application to the Minister and the Governor for approval to acquire part Lot 567 DP1033413 by compulsory process under Section 186(1) of the *Local Government Act 1993*.
- 3) Upon acquisition classify the land as Operational Land.
- 4) Authorise the General Manager and the Mayor to sign and affix the Seal of Council to all required documentation.

**ORDINARY COUNCIL MEETING - 9 MAY 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Steve Tucker Councillor Ken Jordan That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 9 MAY 2017
MOTION**

101	Councillor Ken Jordan Councillor Paul Le Mottee It was resolved that Council: <ol style="list-style-type: none">1) Proceed with the compulsory acquisition of part of Lot 567 DP1033413 for the purpose of public road in accordance with the requirements of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>.2) Make an application to the Minister and the Governor for approval to acquire part Lot 567 DP1033413 by compulsory process under
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MINUTES ORDINARY COUNCIL - 9 MAY 2017

	Section 186(1) of the <i>Local Government Act 1993</i> .
3)	Upon acquisition classify the land as Operational Land.
4)	Authorise the General Manager and the Mayor to sign and affix the Seal of Council to all required documentation.

BACKGROUND

The purpose of this report is to recommend Council proceed with the compulsory acquisition of approximately 342sqm of the Victoria Parade Reserve Nelson Bay **(black hatch on ATTACHMENT 1)** to allow Council to extend Yacaaba Street through to the Victoria Parade roundabout. Victoria Parade Reserve is formally known as Crown Reserve R64421.

Council purchased 106 and 108 Magnus Street, Nelson Bay **(green tint on ATTACHMENT 1)** between 2000 and 2012 for the future purpose of alleviating traffic congestion and providing better traffic and pedestrian flow by extending Yacaaba Street from Magnus Street to the Victoria Parade roundabout. The Yacaaba Street extension is included in the Nelson Bay Town Centre and Foreshore Strategy 2012 as one of the actions to implement Recommendation 2.1 "Improve pedestrian access across Victoria Parade".

The recent design for the Yacaaba Street extension requires approximately 342sqm of Crown Land. This land will be compulsorily acquired to accommodate the new road along with existing and proposed Council infrastructure such as footpaths and stormwater detention.

Crown Lands (the Crown) own all of Crown Reserve R64421 for the purpose of Public Recreation. Council has submitted a "Proposed Acquisition of Crown Land" application to the Crown seeking 'in principle' agreement to apply to compulsorily acquire the Crown Land. The Crown has accepted this application and the Compulsory Acquisition process can now proceed however this can take between 6 and 12 months to complete. Due to the road work being planned to commence directly, the Crown has agreed that Section 175 of the Roads Act 1993 can be utilised to permit Council access to the Crown Land for construction prior to finalisation of the compulsory acquisition process.

The Crown has advised that Compulsory Acquisition should apply when Council seeks to establish infrastructure on Crown Land where the associated improvements will vest with Council. While negotiation of a private treaty sale is an option, the Crown has advised this may take considerable time to progress hence compulsory acquisition is preferred.

Following this resolution, Council will make application to the Office of Local Government for the Minister and the Governor's approval to acquire the Crown Land by compulsory process under Section 186 (1) of the Local Government Act 1993 and in accordance with the requirements of the Land Acquisition (Just Terms

MINUTES ORDINARY COUNCIL - 9 MAY 2017

Compensation) Act 1991. Compensation will be assessed by the NSW Valuer General.

The recent road design also requires acquisition of approximately 18sqm of the Common Property land (**red tint on ATTACHMENT 1**) within Strata Scheme 20977 at 110 Magnus Street, Nelson Bay. This separate acquisition will be the subject of negotiations and a future Business Paper to recommend either a negotiated purchase or compulsory acquisition should negotiations fail.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

This acquisition from the Crown is not expected to exceed \$20,000 plus costs estimated at no more than \$5,000.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	No		
External Grants	No	Nil at present	Grants have been applied for, though no announcements have been made.
Other	Yes	\$25,000	External loan as per the Notice of Motion dated 14 February 2017.

LEGAL, POLICY AND RISK IMPLICATIONS

There are no apparent legal implications from the recommendations.

There are no apparent policy implications from the recommendations. The Acquisition & Divestment of Land Policy will be followed to finalise the acquisition.

There are risk implications if the recommendations are not adopted in that the acquisition will not be able to be finalised.

MINUTES ORDINARY COUNCIL - 9 MAY 2017

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the acquisition will not be finalised.	High	Adopt the recommendations.	Yes
There is a risk that the Minister will not approve the compulsory acquisition.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social implications include improved vehicle and pedestrian access between the town centre and the foreshore

Economic implications include Council having to fund the works without benefit of Government funding, improved access to the advantage of local businesses.

Environmental Implications include a minor increase in traffic noise to the neighbouring residential developments.

CONSULTATION

Consultation with key stakeholders has been undertaken by Council to determine that acquisition of this Crown Land is essential to complete works and the processes necessary to secure access for the works and complete the compulsory acquisition of the land.

Internal

- Senior Survey & Land Information Manager.
- Asset Section Manager.
- Civil Projects Engineer.
- Land Acquisition & Development Manager.
- Property Services Manager.
- Property Officer.

External

- Crown Land Offices – Maitland and Newcastle.
- Office of Local Government.

MINUTES ORDINARY COUNCIL - 9 MAY 2017

OPTIONS

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

ATTACHMENTS

- 1) Locality Map.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



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MINUTES ORDINARY COUNCIL - 13 JUNE 2017**NOTICE OF MOTION****ITEM NO. 1****FILE NO: 17/113560****RM8 REF NO: PSC2017-00019****ALLOCATION OF FUNDS****COUNCILLOR: MAYOR BRUCE MACKENZIE****THAT COUNCIL:**

- 1) Allocate \$6 million of the Port Stephens Council loan as follows:
- a. Yacaaba Street extension - \$1.5 million;
 - b. Shoal Bay drainage works - \$400,000;
 - c. Tilligerry roads including - \$1 million;
 - i. Russell Street, Lemon Tree Passage;
 - ii. Lloyd George Grove, Tanilba Bay – Beatty Boulevard to President Wilson Walk rehabilitation;
 - iii. Purcell Avenue, Lemon Tree Passage – Turn head;
 - iv. Admiralty Avenue, Lemon Tree Passage – Summerhouse to Tanilba Avenue rehabilitation;
 - v. The Parkway North, Mallabula – Turn head;
 - vi. Wemyss Way, Tanilba Bay – Lane sealing.
 - d. Skate Park at Anna Bay - \$200,000;
 - e. Croquet Court and Petanque at Boomerang Park - \$300,000;
 - f. Karuah sports amenities - \$500,000;
 - g. East Seaham Road - \$1.5 million;
 - h. Swan Bay Road sealing - \$500,000
 - i. Toilet block on Tomaree sports ground - \$100,000.

**ORDINARY COUNCIL MEETING - 13 JUNE 2017
MOTION**

132	Mayor Bruce MacKenzie Councillor Chris Doohan It was resolved that Council allocate \$6 million of the Port Stephens Council loan as follows: <ul style="list-style-type: none"> a. Yacaaba Street extension - \$1.5 million; b. Shoal Bay drainage works - \$500,000; c. Tilligerry roads including - \$1 million;
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MINUTES ORDINARY COUNCIL - 13 JUNE 2017

	<ul style="list-style-type: none">i. Russell Street, Lemon Tree Passage;ii. Lloyd George Grove, Tanilba Bay – Beatty Boulevard to President Wilson Walk rehabilitation;iii. Purcell Avenue, Lemon Tree Passage – Turn head;iv. Admiralty Avenue, Lemon Tree Passage – Summerhouse to Tanilba Avenue rehabilitation;v. The Parkway North, Mallabula – Turn head;vi. Wemyss Way, Tanilba Bay – Lane sealing. <ul style="list-style-type: none">d. Skate Park at Anna Bay - \$200,000;e. Croquet Court and Petanque at Boomerang Park - \$300,000;f. Karuah sports amenities - \$500,000;g. East Seaham Road - \$1.5 million;h. Swan Bay Road sealing - \$500,000
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BACKGROUND REPORT OF: JOHN MARETICH – ASSET MANAGER**BACKGROUND**

Council resolved on 14 February 2017 to borrow \$6 million for infrastructure projects to be determined by Council. The first project nominated is the Yacaaba Street extension at Nelson Bay.

This loan funding proposal was included in the Long Term Financial Plan which has been subsequently advertised and public submissions invited. At the close of the exhibition period no submissions were received into the Long Term Financial Plan which is now scheduled to be formally adopted by Council.

The projects listed above had been included in the Strategic Asset Management Plan which was also advertised and public submissions invited with no such submissions received at the close of the exhibition period.

It is now for Council to determine if these projects are to be included as part of the original resolution to borrow \$6 million for infrastructure projects.

ATTACHMENTS

Nil.

MINUTES ORDINARY COUNCIL - 10 OCTOBER 2017

ITEM NO. 9

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

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

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

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

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

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

MINUTES ORDINARY COUNCIL - 10 OCTOBER 2017

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

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

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

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

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

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

MINUTES ORDINARY COUNCIL - 10 OCTOBER 2017**LEGAL, POLICY AND RISK IMPLICATIONS****Nelson Bay Town Centre and Foreshore Strategy 2012**

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

Port Stephens Local Environmental Plan 2013

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

Port Stephens Integrated Planning and Reporting Framework

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

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

MINUTES ORDINARY COUNCIL - 10 OCTOBER 2017

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

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

CONSULTATION

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

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

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

Internal

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

External

- Nelson Bay Now.

OPTIONS

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

MINUTES ORDINARY COUNCIL - 10 OCTOBER 2017

ATTACHMENTS

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

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 7**FILE NO: 19/126651
EDRMS NO: PSC2018-03253****SERVICE REVIEW - COMMUNITY SERVICES SECTION**

REPORT OF: GREGORY KABLE - FACILITIES AND SERVICES GROUP
MANAGER
GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the Community Services Section service package as outlined, to deliver the required level of service to meet the organisation's future needs.
-

**ORDINARY COUNCIL MEETING - 28 MAY 2019
MOTION**

111	Councillor Sarah Smith Councillor Chris Doohan It was resolved that Council endorse the Community Services Section service package as outlined, to deliver the required level of service to meet the organisation's future needs.
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BACKGROUND

The purpose of this report is to endorse the Community Services Section service package.

The Community Services Section is part of the Facilities and Services Group. It is one of Council's primary external facing customer service sections which achieves very high levels of customer satisfaction scores annually.

Community Services Section services are provided through 52.90 FTE and a draw on general revenue of \$2,209,000 per annum and includes the following six (6) units:

- Office of the Community Services Section Manager.
- Children's Services.
- Waste Services.
- Contracts and Services.
- Library Services (not part of this combined service review).
- Emergency Management Service (not part of this combined service review).

Service reviews have been completed for each unit with the exception of Library Services (completed in 2018) and Emergency Management Services (scheduled for 2020).

These reviews have identified a 2.62% saving on general revenue (or approximately \$58,000) through productivity savings and increases in revenue. The recommendations also drive improvements in safety, staff engagement, business leadership and business resilience.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Recognised Traditions and Lifestyles	Support and promote local cultural activities.

FINANCIAL/RESOURCE IMPLICATIONS

The recommendation results in an increase in service levels across the combined services with a reduction in general rate payer subsidy of \$58,000.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	58,000	Reduction general revenue subsidy for combined services reviewed.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal or policy impediments from endorsing the recommendation.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that not endorsing the recommendation will lead to reduced service levels that results in reduced customer satisfaction from the community.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendation will ensure that Council's highest customer satisfaction performing Section, Community Services, is able to continue to deliver quality services that maintain a sustainable service level and aspire to increase performance against customer demand and expectations.

Working families that require affordable and reliable child care will benefit from the increases in service levels recommended for the Children's Services Unit.

A greater focus on separation and recycling of materials from mixed waste that are destined for landfill, at Salamander Bay Waste Transfer Station, will improve the community's ecological footprint.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Community Services Section. The consultation formed part of the cyclical service review process.

Internal

Consultation using interviews, surveys, presentations and desk top analysis has involved an array of internal stakeholders from across the whole organisation.

External

Consultation using interviews, surveys and presentations has involved external customers and stakeholders from across the service packages under review.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 8

**FILE NO: 19/130068
EDRMS NO: PSC2011-02442**

**POLICY REVIEW: WORKING TOGETHER AND PROVISION OF INFORMATION
POLICY**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submission.
- 2) Adopt the revised Working Together and Provision of Information Policy shown at **(ATTACHMENT 1)**.
- 3) Revoke the Working Together and Provision of Information Policy dated 13 February 2018, Minute No. 017.

**ORDINARY COUNCIL MEETING - 28 MAY 2019
MOTION**

112	Councillor Chris Doohan Councillor Glen Dunkley It was resolved that Council: <ol style="list-style-type: none">1) Receive and note the submission.2) Adopt the revised Working Together and Provision of Information Policy shown at (ATTACHMENT 1).3) Revoke the Working Together and Provision of Information Policy dated 13 February 2018, Minute No. 017.
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BACKGROUND

The purpose of this report is to provide Council with the Working Together and Provision of Information Policy (the 'Policy') following the public exhibition period from 4 April to 2 May 2019.

As a result of the public exhibition, one submission was received. A summary of the submission is shown at **(ATTACHMENT 2)**.

The Policy seeks to provide Council officials with clarity with regard to their respective obligations and responsibilities in dealing with each other. The Policy only relates to interaction and provision of information between Council officials, it is not applicable to the general public.

Council continually reviews its practices in terms of managing information in accordance with legislation such as the Copyright Act 1968 (Cth) and the Privacy and Personal Information Protection Act 1998 (NSW), based on its legal advice and on the advice and direction of agencies such as the NSW Information and Privacy Commission. The NSW Civil and Administrative Tribunal (NCAT) decisions also provide guidance to councils on these topics. The summary of submission contains a link to a recent NCAT decision from the copyright perspective, which confirms Council's existing practice.

A copy of the Policy is shown at **(ATTACHMENT 1)**.

The Policy is provided for Council's consideration.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Governance	Provide strong civic leadership and government regulations.

FINANCIAL/RESOURCE IMPLICATIONS

All costs associated with the development and implementation of the Policy are within the existing 2018-2019 budget.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The Policy has been developed to meet the requirements of the Office of Local Government and the Code of Conduct.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council official may interaction inappropriate without a policy framework in place.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no sustainability implications.

CONSULTATION

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

Internal

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

External

- The draft Policy was publicly exhibition in the Port Stephens Examiner, on Council's website and in the libraries across the local government area from 4 April to 2 May 2019.

OPTIONS

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

ATTACHMENTS

- 1) Revised Working Together and Provision of Information policy.
- 2) Summary of submission.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 8 - ATTACHMENT 1 REVISED WORKING TOGETHER AND PROVISION
OF INFORMATION POLICY.

Policy



FILE NO: PSC2011-02442
TITLE: WORKING TOGETHER AND PROVISION OF INFORMATION
POLICY OWNER: GOVERNANCE SECTION MANAGER

1. PURPOSE:

- 1.1 This policy seeks to provide Council officials with clarity in respect to their respective obligations and responsibilities in dealing with each other.
- 1.2 It is recognised that interaction between Council officials may in certain circumstances have the potential to lead to unacceptable behaviours, and it is necessary to document an understanding about what to do if this occurs.
- 1.3 Employees should be aware that the Mayor/Councillors are elected to represent the community, to provide community leadership and guidance, and to facilitate communication between the community and Council. Employees should provide assistance to the Mayor/Councillors in fulfilling their role in accordance with this Policy and the Code of Conduct.
- 1.4 The Mayor and Councillors should be aware that employees have a legitimate right and responsibility to maintain professional integrity and should not be subject to undue pressure. The Mayor and Councillors should avoid placing employees in difficult positions with requests for information and action.

2. CONTEXT/BACKGROUND:

- 2.1 Council is committed to providing an environment where the Mayor, all Councillors, employees, contractors, volunteers and customers are treated with respect, dignity and courtesy. As such, we have the right to be in an environment that is free from unacceptable behaviours, and we all have a responsibility to ensure this happens.
- 2.2 To this end, the *Local Government Act 1993* and the Model Code of Conduct require appropriate interaction between Council officials. The Mayor, Councillors and Council staff have very different roles to play within Council.
- 2.3 The elected Council is responsible for policy making and strategic direction. The General Manager is responsible for the day to day administration of Council. Under the leadership of the General Manager, the Executive Team provides assistance to the General Manager in managing their respective areas of responsibility.

Policy

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ITEM 8 - ATTACHMENT 1 REVISED WORKING TOGETHER AND PROVISION OF INFORMATION POLICY.

Policy



2.4 This Policy is not intended to limit any statutory and common law rights of the Mayor and Councillors' access to information; nor to limit their obligations as elected officials, but to provide an appropriate framework to work within.

2.5 Council is committed to a community partnership.

3. **SCOPE:**

3.1 The Mayor and Councillors, as elected officials, will at times be involved in obtaining information from, make representations to, or facilitate communication with, Council staff on behalf of constituents.

3.2 The General Manager has nominated particular roles within Council, which the Mayor and Councillors are able to liaise directly with, to undertake their civic role. It is noted that Councillors are delegates on various committees such as 355 (c) Committees and as such will come into contact with staff other than those nominated. On such occasions, Councillors will be permitted to liaise with operational staff to assist with the operation of committees and groups, however contact should only be for the purpose of fulfilling committee obligations and not general operational matters.

Accessing Information by a Councillor

3.3 The Mayor or a Councillor will be provided with access to all relevant information relating to any matter before Council to ensure consideration can be given to any matter requiring a Council resolution. This will be conducted within the limits of the law such as, but not limited to, copyright and privacy legislation provisions.

3.4 The General Manager has the right to refuse access to any documents the Mayor or a Councillor requests to view or obtain a copy of. Some of the limitations of access to certain Council records will be due to:

- a) a record that has been provided on a confidential basis and has been explicitly marked 'confidential' or is confidential under the *Public Interests Disclosure Act 1994*, *Independent Commission Against Corruption (ICAC) Act 1988* or other legislation.
- b) the General Manager has reason to believe that there may be a potential conflict of interest; or
- c) access would violate the right to privacy of a particular individual/s.

3.5 If the General Manager refuses to allow the Mayor or a Councillor to inspect, or be provided with, a copy of a Council record, a written reason for the refusal will be provided.

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ITEM 8 - ATTACHMENT 1 REVISED WORKING TOGETHER AND PROVISION OF INFORMATION POLICY.

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- 3.6 If the Mayor or a Councillor seeks access to information outside their civic role, the request will be considered an application under the *Government Information (Public Access) Act 2009*.
- 3.7 If staff are unsure whether to provide the Mayor or a Councillor with information requested, or whether the request for action should proceed, staff should direct the matter to their Group Manager, the Public Officer or the General Manager for direction. Alternatively, the Mayor or the Councillor may be requested to direct their request through the General Manager's Office.
- 3.8 Should the Mayor or a Councillor be requested to direct their request through the General Manager's Office, the Mayor or a Councillor should not persist with their request through staff.

Mayor/Councillor requests

- 3.9 The Mayor and Councillors receive a large number of requests from residents seeking assistance of the Mayor/Councillors regarding a variety of Council functions. The Mayor and Councillors also at times seek further information on matters relating to their civic duties.
- 3.10 The Mayor and Councillors are able to lodge these requests verbally, by email, fax or in writing. All requests will be logged in the Councillor Request System (CRM). This enables the request to be tracked and actions recorded. Generally all requests should be directed to the ~~Executive Assistant-Councillor Support~~ **Senior Executive Assistant** to ensure the request is logged and forwarded to the appropriate staff for action. This Policy only extends to matters concerning the functions of an elected member where it is not covered by any other legislation and/or Council policy framework. Where the functions of an elected member is covered by other legislation and/or Council policy, the relevant legislation and/or Council policy will take precedence over this policy.
- 3.11 The Mayor and Councillors are responsible to ensure that they comply with any legislation that is imposed on Council such as (but not limited to) the *Local Government Act 1993*, the *Privacy & Personal Information Protection Act 1998* and *Copyright Act 1968 (Cth)*, *Government Information (Public Access) Act 2009* and *State Records Act 1998*.
- 3.12 Only those employees nominated by the General Manager shall provide information to the Mayor/Councillors.
- 3.13 Generally, the Mayor or Councillors seeking to meet with nominated staff do so by way of an appointment and should not expect that staff are readily available. The General Manager has the discretion to require the Mayor/Councillors to put requests in writing, or to lodge a Notice of Motion at a Council meeting.

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- 3.14 The Mayor and Councillors should generally lodge requests for information or advice in writing to enable a response by the General Manager or a nominated person. All requests will form part of Council's records and will be filed/stored in accordance with the *State Records Act 1998*.
- 3.15 Any request for information or advice that is refused, a reason for the refusal will be provided in writing. If the Mayor or a Councillor is concerned about the refusal to provide the information or advice, the Mayor or Councillor can raise the matter with the General Manager (or the Mayor if the General Manager refused to provide the information). If the Mayor or Councillor continues to be concerned after enquiries they should lodge a legal Notice of Motion at a Council meeting.
- 3.16 The Mayor and Councillors must not seek to direct Council staff in the performance of their duties. Should the Mayor or a Councillor behave in this manner the staff member should direct the Mayor or Councillor to the Group Manager or the General Manager.
- 3.17 No Council official should take advantage of their official position to improperly influence the Mayor, Councillors, Council staff or delegates in the performance of their public or professional duties.
- 3.18 The Mayor or Councillors should only enter staff only areas, by invitation or by prior arrangements for the purpose of official business.
- 3.19 A listing of employees nominated by the General Manager to communicate with the Mayor or Councillors will be maintained by the General Manager and a copy will be provided to the elected Council.
- 3.20 Acceptable behaviours:
- a) Treat everyone with respect, courtesy and dignity;
 - b) Open and balanced communications;
 - c) Respecting the roles of the other person;
 - d) Be inclusive on all matters;
 - e) Always seek to problem solve rather than placing blame.
- 3.21 Unacceptable behaviours:
- a) Mayor/Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters.

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- b) Council staff approaching Mayor/Councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters.
- c) Subject to clause 8.6 of Council's Code of Conduct, Council staff refusing to give information that is available to other Councillors, to a particular Councillor.
- d) Mayor/Councillors and administrators, who have lodged an application with the Council, discussing the matter with Council staff in staff-only areas of the Council.
- e) Mayor/Councillors and administrators approaching members of local planning panels, or discussion on any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and Councillor has a right to be heard by the panel at the meeting.
- f) Mayor/Councillors and administrators being overbearing or threatening to Council staff.
- g) Council staff being overbearing or threatening to the Mayor/Councillors or administrators.
- h) Mayor/Councillors and administrators making personal attacks on Council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of the Code of Conduct in public forums including social media.
- i) Mayor/Councillors and administrators directing or pressuring Council staff in the performance of their work, or recommendations they should make.
- j) Council staff providing ad hoc advice to the Mayor/Councillors and administrators without recording or documenting the interaction, as they would if the advice was provided to a member of the community.
- k) Council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals.
- l) Mayor/Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the Council associated with current or proposed legal proceedings, unless permitted to do so by the Council's General Manager or, in the case of the Mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

- ~~Mayor/Councillors and administrators approaching staff and staff organisations to discuss individual staff matters and not broader industrial policy issues.~~
- ~~Council staff approaching Mayor/Councillors and administrators to discuss individual staff matters and not broader industrial policy issues.~~
- ~~Council staff refusing to give information that is available to the Mayor or other Councillors to a particular Councillor.~~
- ~~Mayor/Councillors and administrators who have lodged a development application with Council, discussing the matter with Council staff in staff-only areas of the Council.~~
- ~~Mayor/Councillors and administrators being overbearing or threatening to Council staff.~~
- ~~Mayor/Councillors and administrators making personal attacks on Council staff in a public forum.~~

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- ~~Mayor/Councillors and administrators directing or pressuring Council staff in the performance of their work, or recommendations they should make. Council staff providing ad hoc advice to the Mayor or Councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.~~
- ~~Council staff meeting with developers alone AND outside office hours to discuss development applications or proposals.~~
- ~~Mayor or Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by Council associated with current or proposed legal proceedings unless permitted to do so by Council's General Manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.~~

(Extract from the Code of Conduct)

- 3.22 All reports of unacceptable behaviours will be dealt with in accordance with the Code of Conduct.

Access to Council Buildings

- 3.23 The Mayor and Councillors will be provided with 24 hour access to the Councillors room within the Administration Building. The Mayor will have 24 hour access to the Mayor's Office.
- 3.24 Mayor/Councillors will be provided with access to the Administration Building public areas during business hours. Mayor/Councillors will only be provided with access to staff areas during business hours and in the presence of a staff member.
- 3.25 Mayor/Councillors will only be provided with access to the Committee rooms and training room after hours where a staff member is present.

4. DEFINITIONS:

Act	<i>Local Government Act 1993.</i>
Council official	Is the mayor, elected councillor, council employee, contractor and volunteer.
Council staff/employee	An employee of Port Stephens Council performing duties in accordance with their role or under delegation.
Councillor	In accordance with section 232 (1) and (2) of the <i>Local Government Act 1993</i> .
Mayor	In accordance with section 226 of the <i>Local Government Act 1993</i> .

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ITEM 8 - ATTACHMENT 1 REVISED WORKING TOGETHER AND PROVISION
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Record Is any document that is written or printed material, sound recording, plan, map film, photograph, storage device, model, painting, disc or any other form of document that is held by Port Stephens Council.

5. POLICY STATEMENT:

5.1 The objectives of this Policy are to:

- a) Provide a documented process on how the Mayor and Councillors can access Council records;
- b) Ensure the Mayor and Councillors received advice to assist in undertaking their civic duties in an orderly and regulated manner; and
- c) Ensure the Mayor and Councillors have access to all relevant Council employees necessary to assist with exercising their civic roles.

6. POLICY RESPONSIBILITIES:

- 6.1 The General Manager, Group Managers and Section Managers are responsible for the implementation and compliance of the policy.
- 6.2 The Governance **Section** Manager is responsible for implementation, compliance, monitoring, evaluating, reviewing and providing advice on the policy.

7. RELATED DOCUMENTS:

- 7.1 *Local Government 1993*
- 7.2 *Government Information (Public Access) Act 2009*
- 7.3 *State Records Act 1998*
- 7.4 *Copyright Act 1968 (Cth)*
- 7.5 *Independent Commission Against Corruption Act 1988*
- 7.6 *Code of Conduct*

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EDRMS container No	PSC2011-02442	EDRMS record No	
Audience	Elected Council and Council employees.		
Process owner	Governance Section Manager		
Author	Governance Section Manager		
Review timeframe	Two years	Next review date	February 2020 March 2021
Adoption date	24 September 2013		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	24/09/2013	Executive Officer	Adopted by Council	275
2.0	23/09/2014	Executive Officer	Adopted by Council	242
3.0	09/02/2016	Governance Manager	Transferred into the new policy template and corporate branding. Minor wording amendments.	022
3.1	13/02/2018	Governance Manager	Minor administrative updates to clarify when the policy is applicable under Mayor/Councillor request section.	017

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ITEM 8 - ATTACHMENT 1 REVISED WORKING TOGETHER AND PROVISION OF INFORMATION POLICY.

Policy



Version	Date	Author	Details	Minute No.
3.2		Governance Section Manager.	<p>Reviewed the policy, included numbering to each paragraph and updated the version control.</p> <p>Updated title of policy owner.</p> <p>3.3 – added 'but not limited to' and 'legislation' deleting 'provisions'.</p> <p>3.10 – updated Councillor support title.</p> <p>3.21 – updated unacceptable behaviours to reflect the new Code of Conduct.</p> <p>6.2 – updated Section Manager title.</p>	

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ITEM 8 - ATTACHMENT 2 SUMMARY OF SUBMISSION.

Submission for the Working Together and Provision of Information Policy

	Author	Comment	Council response
1	Tomaree Ratepayers and Residents Association (TRRA)	The TRRA raises concerns about Council's application of privacy and copyright laws, as it is considered that Council has a narrow and conservative view on such matters.	<p>As a local government authority Council does not have the same copyright exemptions as Commonwealth and State governments. Council is bound by the legislative requirements of the Copyright Act 1968 (Cth). A recent case before the NSW Civil and Administrative Tribunal - <u>Sandy v Kiama Municipal Council [2019] NSWCATAD 49</u> provides a position on dealing with matters involving copyright. Whilst this case relates to development applications and the release of information under the Government Information (Public Access) Act 2009, it generally supports Council's existing approach to managing all information that is subject to copyright.</p> <p>In regards to privacy law, Council is required to ensure it manages personal information in accordance with the Privacy and Personal Information Protection Act 1998 (PPIPA). In general terms, Council is not permitted to release personal information without the consent of the owner of that information.</p> <p>Council's approach to managing personal information is guided by advice and direction from the NSW Information and Privacy Commission and by the PPIPA.</p> <p>It is not proposed that any changes be made to the draft policy attached to this report.</p>

ITEM NO. 9

**FILE NO: 19/130590
EDRMS NO: A2004-0284**

POLICY REVIEW: CODE OF MEETING PRACTICE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submission.
 - 2) Endorse the Revised Code of Meeting Practice shown at **(TABLE DOCUMENT 1)**.
 - 3) Revoke the Code of Meeting Practice dated 12 December 2017, Min. No. 329.
-

**ORDINARY COUNCIL MEETING - 28 MAY 2019
MOTION**

113	<p>Councillor Giacomo Arnott Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Receive and note the submission.2) Endorse the Revised Code of Meeting Practice shown at (TABLE DOCUMENT 1).3) Revoke the Code of Meeting Practice dated 12 December 2017, Min. No. 329.
------------	--

Councillor Jaimie Abbott left the meeting at 6:17pm and did not return to the meeting.

**ORDINARY COUNCIL MEETING - 28 MAY 2019
AMENDMENT**

	<p>Councillor Giacomo Arnott</p> <p>That Council:</p> <ol style="list-style-type: none">1) Edit clause 4.12 to read, in full:<ul style="list-style-type: none">▪ From:▪ "Each speaker will be allowed five minutes to address the Council. This time is to be strictly enforce by the chairperson."
--	--

MINUTES ORDINARY COUNCIL - 28 MAY 2019

	<ul style="list-style-type: none"> ▪ To: ▪ "Each speaker will be allowed five minutes to address the Council. Speakers attending on behalf of an organisation speaking about an issue relevant to their organisation will be allowed ten minutes to address the Council. This time is to be strictly enforce by the chairperson." <p>2) Insert optional clause 11.11 from the model code of meeting practice, which reads:</p> <ul style="list-style-type: none"> ▪ "All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded." <p>3) Insert new clause 10.22(a), which will read:</p> <ul style="list-style-type: none"> ▪ "On items relating to Council's finances, Councillors will be automatically granted an additional five minutes speaking time on top of the five minutes as allowed in clause 10.22, to a total of ten minutes, if they request extra time." <p>4) Amend 8.1 - order of meeting business, as follows:</p> <ul style="list-style-type: none"> ▪ Move number 3 (acknowledgement of Worimi people) to become number 2, and drop number 2 (prayer) down to number 3. <p>5) Insert optional clause 20.24, which reads:</p> <ul style="list-style-type: none"> ▪ "All voting at meetings of committees of the council, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded."
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The amendment lapsed without a seconder.

ORDINARY COUNCIL MEETING - 28 MAY 2019 AMENDMENT

	<p>Councillor Giacomo Arnott</p> <p>1) That Council edit clause 4.12 to read, in full:</p> <ul style="list-style-type: none"> ▪ From: ▪ "Each speaker will be allowed five minutes to address the Council. This time is to be strictly enforce by the chairperson." ▪ To: ▪ "Each speaker will be allowed five minutes to address the Council. Speakers attending on behalf of an organisation speaking about an issue relevant to their organisation will be allowed ten minutes to address the Council. This time is to be strictly enforce by the chairperson."
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MINUTES ORDINARY COUNCIL - 28 MAY 2019

The amendment lapsed without a seconder.

ORDINARY COUNCIL MEETING - 28 MAY 2019 AMENDMENT

	<p>Councillor Giacomo Arnott</p> <p>That Council insert optional clause 11.11 from the model code of meeting practice, which reads: "All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded."</p>
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The amendment lapsed without a seconder.

ORDINARY COUNCIL MEETING - 28 MAY 2019 AMENDMENT

	<p>Councillor Giacomo Arnott</p> <p>That Council insert new clause 10.22(a), which will read: "On items relating to Council's finances, Councillors will be automatically granted an additional five minutes speaking time on top of the five minutes as allowed in clause 10.22, to a total of ten minutes, if they request extra time."</p>
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The amendment lapsed without a seconder.

ORDINARY COUNCIL MEETING - 28 MAY 2019 AMENDMENT

	<p>Councillor Giacomo Arnott</p> <p>That Council amend 8.1 - order of meeting business, as follows: Move number 3 (acknowledgement of Worimi people) to become number 2, and drop number 2 (prayer) down to number 3.</p>
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The amendment lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 28 MAY 2019
AMENDMENT**

	<p>Councillor Giacomo Arnott</p> <p>That Council insert optional clause 20.24, which reads: "All voting at meetings of committees of the council, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded."</p>
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The amendment lapsed without a seconder.

The original motion on being put was carried.

BACKGROUND

The purpose of this report is to provide Council with the Code of Meeting Practice (the 'Code') following the public exhibition period from 21 March to 18 April 2019, allowing up to 2 May 2019 for submissions to be received, as required by the Local Government Act 1993.

As a result of the public exhibition, one submission was received. A summary of the submission is shown at **(ATTACHMENT 1)**.

As Council is aware amendments to the Local Government Act 1993 in August 2016 provided for a model code of meeting practice for all local councils in NSW. In December 2018, the Office of Local Government released the new model Code of Meeting Practice.

The Code applies to meetings of the Council and Committees of Council where the membership comprises all elected members. The model code also applies to boards of joint organisations and county councils.

Council is required to adopt a new Code of Meeting Practice based on the model Code by 14 June 2019, and may enhance the Code, however, any supplementary clauses cannot be inconsistent with the model Code.

The new Code contains mandatory and non-mandatory provisions. The majority of the Code is the same or similar to Council's existing Code of Meeting Practice. Webcasting of Council meetings is mandatory under the model Code. A number of the non-mandatory provisions have been incorporated into the Code.

A copy of the Code is shown at **(TABLE DOCUMENT 1)**.

The Code is provided for Council's consideration.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Governance	Provide strong civic leadership and government regulations.

FINANCIAL/RESOURCE IMPLICATIONS

The financial and resource implications are within the existing budget.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Council is required to adopt a new Code of Meeting Practice based on the model Code to ensure it meets all legislative requirements in relation to conducting a meeting of the Council and a committee meeting of Council. The new Code must be adopted by 14 June 2019.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may be in breach of the Local Government Act 1993 should it not adopt a new Code of Meeting Practice and the model Code of Meeting Practice will automatically come into force.	Low	Adopt the recommendations.	Yes.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are limited sustainability implications associated with this report.

CONSULTATION

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

Internal

- General Manager
- Mayor

External

The new Code of Meeting Practice was publicly exhibited from 21 March 2019 to 18 April 2019, with submissions received up to 2 May 2019 as required by the Local Government Act 1993.

OPTIONS

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

ATTACHMENTS

- 1) Submission summary

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Draft Code of Meeting Practice.

ITEM 9 - ATTACHMENT 1 SUBMISSION SUMMARY

Submission for the Code of Meeting Practice

Author		Comment	Council response
1	Tomaree Ratepayers and Residents Association (TRRA)	The TRRAs submission makes the following comments: 1. Notes the revised Code is mostly mandated by the NSW State Government under the provisions of the model Code and it contains optional content.	1. Noted – the model Code of Meeting Practice contains both mandatory and non-mandatory clauses.
		2. Notes that Council is able to enhance the Code subject to the enhancements not being inconsistent with the model Code.	2. Noted.
		3. Meeting schedules, notices - that Council consider amending the current meeting cycle from two Council meetings to the practice of holding alternate meeting as committee of the whole meetings and a full Council meeting respectively, as the TRRA is of the view it allows Councillors and the community greater opportunity to consider and seek feedback on matters.	3. The current meeting cycle is considered appropriate at this time.
		4. Public Forums - that most of Section 4 Public Forums is mandatory with some discretion to set limits and timeframes. It is noted that the Mayor has been substituted for the General Manager and that a maximum number of speakers has been set at 12. Further, that clause 4.12 sets a speaking limit of 5 minutes for individuals with no mention of a limit for those representing an organisation. It is suggested that a limit of 10 minutes should be set for organisations.	4. The submission indicates that most of Section 4 – Public Forums is mandatory however the entire section is non-mandatory in the model Code. Council has elected to include Section 4 in its Code and is able to make amendments to the non-mandatory provisions as advised by the Office of Local Government in its Circular No. 18-45, 18 December 2018. Amendments cannot be made to the mandatory provisions of the Code.

		<p>5. Webcast - TRRA have concerns about the limitations of Council's minimalist approach to webcasting and the length of time webcast recordings are retained on the website. The TRRA call on Council to investigate options to enhance the value of the webcast as an 'after the event' resource, such as a facility that would provide an online meeting agenda that a viewer can click on to go straight to that point of the recording.</p>	<p>5. Council's existing webcasting has been introduced to allow members of the public to access Council meetings whenever and wherever they wish, without the need to be present in person - the current system achieves this outcome. It also provides access to agenda items in written on line form as the meeting progresses – this facility is also available post the meeting. Viewers have the option of viewing the recording and/or the written agenda during the webcast.</p>
		<p>6. Record of voting - that Council should include non-mandatory clauses 11.11 and 20.24 of the model Code which requires all resolutions of Council to have the names of those who voted for and against the motion recorded in the minutes.</p> <p>7. Expulsion from meetings - notes the provision of expulsion from meetings, and welcomes Council's approach to require a resolution to expel a councillor from a meeting.</p>	<p>6. The Local Government Act 1993 requires Council to record the names of those who voted for and against all planning decisions. The recording of who voted for and against all other resolutions is currently at the discretion of Council.</p> <p>7. Council had 2 options in terms of expulsion from a meeting – to give the Mayor the sole discretion to expel anyone (including a councillor) from a meeting for disorder or to give the Mayor the discretion to expel anyone (other than a councillor) from a meeting for disorder. Council elected the latter provision.</p>
		<p>8. Rescission motions – TRRA notes that Council did not adopt the non-mandatory clause to allow a rescission motion to be dealt with at the same meeting (cl. 17.12 of the model Code), however Council adopted the non-mandatory clause to allow a resolution to be</p>	<p>8. Council's current practice has been to require a rescission motion to be lodged and presented to the next Ordinary Council meeting, on this basis the draft Code was put forward for consideration.</p> <p>Clause 17.12 of the model Code, as opposed to</p>

ITEM 9 - ATTACHMENT 1 SUBMISSION SUMMARY

		<p>recommitted to correct an error. Further, the TRRA state that there are both pros and cons for allowing a rescission motion at the same meeting. The TRRA believe that Council should explain its reasoning on the matter before it is resolved.</p>	<p>Council's draft Code, states: 17.12 <i>Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:</i></p> <ul style="list-style-type: none"> (a) <i>a notice of motion signed by three councillors is submitted to the chairperson, and</i> (b) <i>a motion to have the motion considered at the meeting is passed, and</i> (c) <i>the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.</i> <p>Council's draft Code of Meeting Practice enables a resolution to be recommitted to correct an error (clause 17.12).</p>
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ITEM NO. 10**FILE NO: 19/135408
EDRMS NO: PSC2017-00178****REQUEST FOR FINANCIAL ASSISTANCE**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the provision of financial assistance under Section 356 of the Local Government Act 1993 from the respective Mayoral Funds to the following:
 - a. Seaham Public School P&C – Mayoral Funds - \$1000 donation towards the costs of advertising and entertainment for the 2019 School Fete.
-

**ORDINARY COUNCIL MEETING - 28 MAY 2019
MOTION**

114	Councillor Chris Doohan Councillor Sarah Smith It was resolved that Council approve the provision of financial assistance under Section 356 of the Local Government Act 1993 from the respective Mayoral Funds to Seaham Public School P&C – Mayoral Funds - \$1000 donation towards the costs of advertising and entertainment for the 2019 School Fete.
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BACKGROUND

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

Council's Grants and Donations Policy provides the community, the Mayor 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

MINUTES ORDINARY COUNCIL - 28 MAY 2019

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

The request for financial assistance is shown below:

MAYORAL FUNDS – Mayor Palmer

Seaham Public School P&C.	A group of parents and teachers who are interested in developing the school community and helping to make Seaham Public School a great place for children to learn.	\$1000.	Donation towards the costs of advertising and entertainment for the 2019 School Fete.
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COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Community Partnerships	Support financially creative and active communities.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	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	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may set a precedent when allocating funds to the community and an expectation those funds will always be available.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

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

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

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. 11**FILE NO: 19/135390
EDRMS NO: PSC2017-00015****INFORMATION PAPERS****REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE**

RECOMMENDATION IS THAT THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 28 May 2019.

No:	Report Title	Page:
1	April 2019 Cash and Investments	182
2	Designated Persons' Return	185

**ORDINARY COUNCIL MEETING - 28 MAY 2019
MOTION**

115	Councillor Chris Doohan Councillor Ken Jordan It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 28 May 2019. <hr/> No: Report Title: 1 April 2019 Cash and Investments 2 Designated Persons' Return
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INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 19/124996
EDRMS NO: PSC2006-6531**

APRIL 2019 CASH AND INVESTMENTS

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

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held at 30 April 2019.

ATTACHMENTS

- 1) April 2019 Cash and Investments.
- 2) April 2019 Cashflow Report.

ITEM 1 - ATTACHMENT 1 APRIL 2019 CASH AND INVESTMENTS.
CASH AND INVESTMENTS HELD AS AT 30 APRIL 2019

ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
AMP BANK	RIM	A+	TD	2.75%	365	14-May-19	1,000,000	1,000,000
AMP BANK	IMPERIUM	A+	TD	2.95%	370	29-May-19	1,000,000	1,000,000
POLICE CREDIT UNION (SA)	RIM	NR	TD	2.90%	365	30-May-19	1,000,000	1,000,000
AMP BANK	IMPERIUM	A+	TD	2.95%	376	13-Jun-19	1,250,000	1,250,000
NATIONAL AUSTRALIA BANK	IMPERIUM	AA-	TD	2.80%	365	13-Jun-19	1,000,000	1,000,000
BANK OF US	RIM	BBB	TD	2.95%	365	22-Jun-19	1,000,000	1,000,000
ING	IMPERIUM	A-	TD	2.83%	368	25-Jun-19	1,000,000	1,000,000
AMP BANK	IMPERIUM	A+	TD	3.00%	365	28-Jun-19	800,000	800,000
BANANA COAST CREDIT UNION	RIM	NR	TD	2.95%	376	9-Jul-19	800,000	800,000
AUSTRALIAN MILITARY BANK	FARQUHARSON	NR	TD	2.78%	146	24-Jul-19	500,000	500,000
BANK OF US	CURVE	BBB	TD	2.90%	338	8-Aug-19	1,000,000	1,000,000
ICBC	RIM	A	TD	2.84%	362	21-Aug-19	1,500,000	1,500,000
QBANK	FARQUHARSON	BBB	TD	2.90%	364	30-Aug-19	1,000,000	1,000,000
ICBC	RIM	A	TD	2.84%	373	5-Sep-19	1,000,000	1,000,000
ICBC	RIM	A	TD	2.85%	384	18-Sep-19	1,500,000	1,500,000
ICBC	RIM	A	TD	2.84%	342	3-Oct-19	1,000,000	1,000,000
ARAB BANK	FARQUHARSON	BB+	TD	2.95%	369	16-Oct-19	1,250,000	1,250,000
SOUTH WEST CREDIT UNION CO-OP	RIM	BBB	TD	2.90%	378	30-Oct-19	1,000,000	1,000,000
ICBC	RIM	A	TD	2.83%	377	13-Nov-19	1,000,000	1,000,000
ICBC	RIM	A	TD	2.86%	453	27-Nov-19	1,000,000	1,000,000
BOC	CURVE	A	TD	2.87%	399	11-Dec-19	1,000,000	1,000,000
BOC	CURVE	A	TD	2.88%	391	18-Dec-19	1,000,000	1,000,000
BOC	CURVE	A	TD	2.88%	412	9-Jan-20	1,000,000	1,000,000
AUSTRALIAN MILITARY BANK	LAMINAR	NR	TD	3.01%	420	22-Jan-20	1,000,000	1,000,000
DNISTER UKRANIAN CREDIT UNION CO-OP	FIIG	NR	TD	3.00%	362	5-Feb-20	1,000,000	1,000,000
ARAB BANK	FARQUHARSON	BB+	TD	2.95%	359	19-Feb-20	1,000,000	1,000,000
AMP BANK	IMPERIUM	A+	TD	2.95%	373	13-Mar-20	1,000,000	1,000,000
ICBC	RIM	A	TD	2.93%	509	1-Apr-20	1,000,000	1,000,000
ARAB BANK	RIM	BB+	TD	2.97%	502	20-Apr-20	1,500,000	1,500,000
BOC	CURVE	A	TD	2.88%	512	28-Apr-20	1,000,000	1,000,000
DNISTER UKRANIAN CREDIT UNION CO-OP	FIIG	NR	TD	3.00%	362	5-Aug-20	1,000,000	1,000,000
SUB TOTAL (\$)							32,100,000	32,100,000
INVESTMENTS TOTAL (\$)							32,100,000	32,100,000
CASH AT BANK (\$)							1,002,243	1,002,243
TOTAL CASH AND INVESTMENTS (\$)							33,102,243	33,102,243
CASH AT BANK INTEREST RATE				1.60%				
BBSW FOR PREVIOUS 3 MONTHS				1.88%				
AVG. INVESTMENT RATE OF RETURN				2.90%				
TD = TERM DEPOSIT								
*STANDARD AND POORS LONG TERM RATING								
CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER								
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY								
T HAZELL								



Cash flow analysis 30/04/2019

CASHFLOW STATEMENT

Opening Cash and Investment 1 July 2018
Closing Cash and Investment 30 April 2019

Movement in cash

Movement in cash represented by:

Operating Activities

Receipts from ratepayers, customers and government authorities	96,368,830
Payments to suppliers & employees	(79,105,313)
Interest received	951,124
Interest paid	(475,718)
Total	17,738,924

Investing Activities

Receipts from sale of Infrastructure, Property, Plant & Equipment	1,491,518
Payments for Property, Plant & Equipment	(20,384,652)
Total	(18,893,134)

Financing Activities

Payment of loans	(4,005,224)
Receipt of new loans	1,750,000
Total	(2,255,224)

Total Cash Movement

Plus: Opening Cash and Investment 1 July 2018	36,013,235
Closing Cash and Investment 30 April 2019	32,603,801

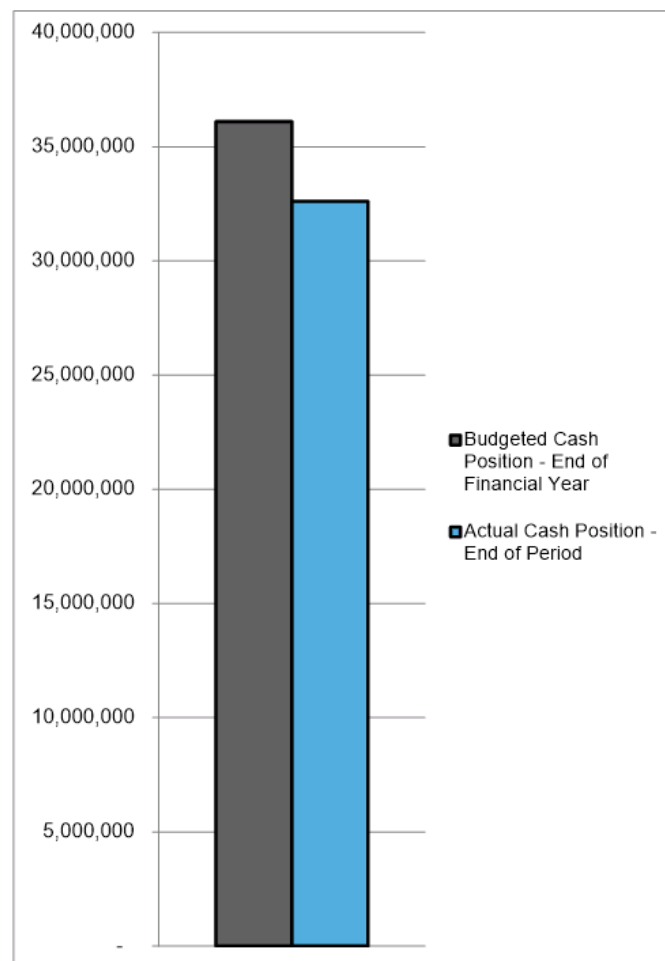
Budgeted Cash Movement for the Financial Year 83,765
Plus Opening Cash and Investment 1 July 2018 36,013,235
Budgeted Cash and Investment Position 30 June 2019

36,097,000

In front / (behind) on budget

(3,493,199)

Notes

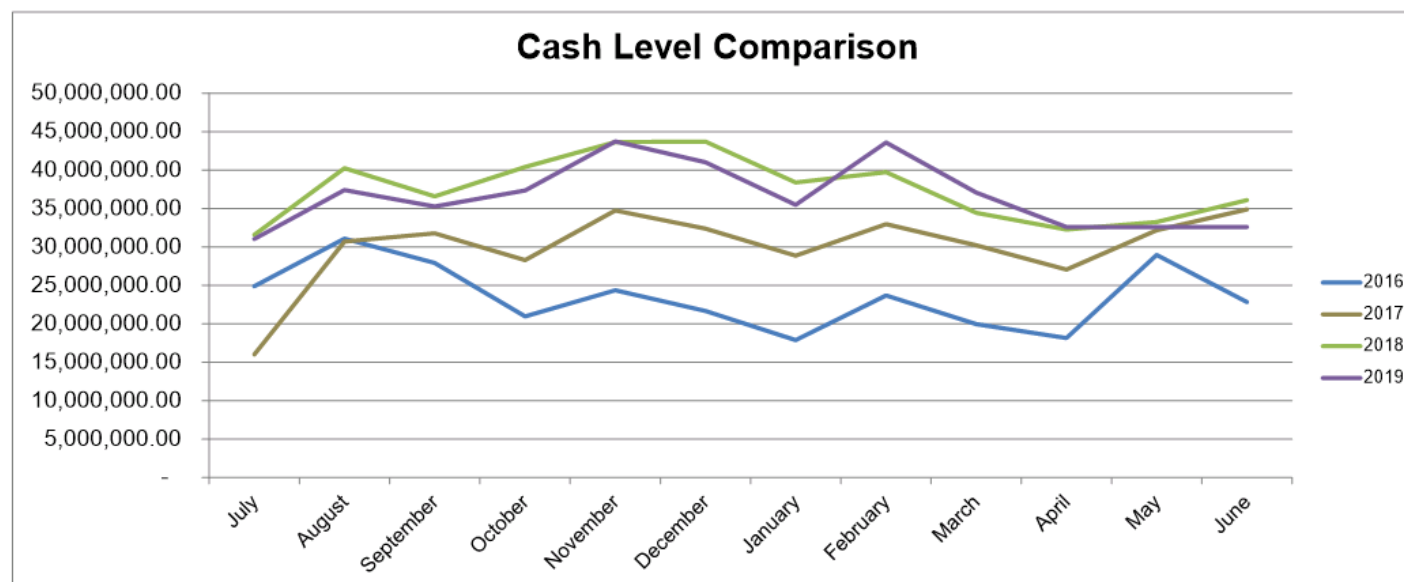


Notes

- 1 Council's cash position is down on the budgeted year end position by \$3.5M predominately due to the following reasons:
- Large capital outlays have been made in relation to internally funded jobs Capital Works projects.
 - The proceeds from recent State Roads project work is yet to be received.

Significant future cash inflows expected in next few months include fee for service charges from the State Roads program calendar year operating grants and 4th quarter rates.

Significant future cash outflows expected in next few months include: Medowie Bowls project, CCTV rollout program, Ferodale Sports Complex Tomaree road upgrade, Airconditioning unit replacement at 528 Hunter St and plant purchases.



ITEM NO. 2

**FILE NO: 19/127615
EDRMS NO: PSC2018-01339**

DESIGNATED PERSONS' RETURN

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

BACKGROUND

The purpose of this report is to table Designated Persons' Return/s (Return) submitted by new Council employees.

In accordance with the Part 4 – Pecuniary Interest of the Code of Conduct, all new employees are required to submit a Return within three (3) months of commencement. 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:

- Senior Development Planner (PSC077)
- Governance Section Manager (PSC4342)
- Holiday Parks Section Manager (PSC949)
- Building Surveyor (PSC071)

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Designated Persons' Return.

There being no further business the meeting closed at 6.26pm.