

# DRAFT

## MINUTES – 10 SEPTEMBER 2019



### PORT STEPHENS COUNCIL

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 10 September 2019, commencing at 5.30pm.

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

<b>216</b>	<b>Councillor Jaimie Abbott</b> <b>Councillor Ken Jordan</b>  It was resolved that Council grant leave of absence to Cr Glen Dunkley for this meeting.
<b>217</b>	<b>Councillor Jaimie Abbott</b> <b>Councillor Ken Jordan</b>  It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 27 August 2019 be confirmed.
	Cr Le Mottee declared a pecuniary conflict of interest in item 1. The nature of the interest is the Le Mottee Group has undertaken survey work on the site and assisted the applicant with the application.

# INDEX

SUBJECT

PAGE NO

**COUNCIL REPORTS.....3**

1.	DEVELOPMENT APPLICATION - 16-2019-135-1 SINGLE STOREY DWELLING ON APPROVED FLOOD MOUND AT 1 SWANREACH ROAD, HINTON (LOT: 51 DP: 1250604).....	4
2.	DRAFT LOCAL INFRASTRUCTURE CONTRIBUTION PLAN AND DRAFT FIXED LOCAL INFRASTRUCTURE CONTRIBUTION PLAN.....	24
3.	2018-2019 GENERAL PURPOSE FINANCIAL REPORTS .....	35
4.	POLICY REVIEW: COMMUNITY GROUP LOANS POLICY.....	45
5.	WARD BOUNDARY REVIEW .....	56
6.	NOMINATION: HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL .....	65
7.	NOMINATION: PORT STEPHENS-GREAT LAKES MARINE PARK ADVISORY COMMITTEE .....	68
8.	REQUEST FOR FINANCIAL ASSISTANCE .....	71
9.	INFORMATION PAPERS .....	74

**INFORMATION PAPERS .....75**

1.	DESIGNATED PERSONS' RETURN.....	76
2.	COUNCIL RESOLUTIONS .....	77

# COUNCIL REPORTS

**MINUTES ORDINARY COUNCIL - 10 SEPTEMBER 2019**

Councillor Paul Le Mottee left the meeting at 5:32pm prior to item 1.

**ITEM NO. 1**

**FILE NO: 19/159333  
EDRMS NO: 16-2019-135-1**

**DEVELOPMENT APPLICATION - 16-2019-135-1 SINGLE STOREY DWELLING ON APPROVED FLOOD MOUND AT 1 SWANREACH ROAD, HINTON (LOT: 51 DP: 1250604)**

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND COMPLIANCE SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Refuse development application 16-2019-135-1 for a single storey dwelling on approved flood mound at 1 Swanreach Road, Hinton (LOT: 51 DP: 1250604) for the reasons provided within **(ATTACHMENT 3)**.

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**ORDINARY COUNCIL MEETING - 10 SEPTEMBER 2019  
MOTION**

<b>218</b>	<p><b>Mayor Ryan Palmer Councillor Chris Doohan</b></p> <p>It was resolved that Council defer development application 16-2019-135-1 for a single storey dwelling on approved flood mound at 1 Swanreach Road, Hinton (LOT: 51 DP: 1250604) for a site inspection, and convene the Floodplain Committee.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Ken Jordan, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**BACKGROUND**

The purpose of this report is to present a development application (DA) to Council for determination. The subject DA relates to land located at 1 Swanreach Road, Hinton legally identified as LOT: 51 DP: 1250604 ('the subject site'). A locality plan is provided at **(ATTACHMENT 1)**.

The development application was called to Council by Mayor Palmer, Councillor Smith and Councillor Dunkley as provided at **(ATTACHMENT 4)**.

### Proposal

The applicant seeks approval for the construction of a single dwelling on an approved flood mound at the subject site. Details of the proposal are as follows:

- Single storey dwelling is to be located on an approved flood mound. The flood mound was approved by Council staff under delegation on 31 January 2019 (DA No. 16-2018-621-1) and is currently nearing completion. Advisory Note D of the DA consent identifies that the approval of the flood mound is not to be taken as tacit approval for the erection of a dwelling house on the subject site.
- The internal living spaces (260m<sup>2</sup>) contain 4 bedrooms, bathroom, powder room, ensuite, kitchen, living/dining area, and lounge areas. The external perimeter verandah area has a footprint of 85m<sup>2</sup> and the alfresco area had a footprint of 49m<sup>2</sup> bringing the total footprint of the dwelling to 394m<sup>2</sup>.

### Site History

The subject site has a total area of 9.497 hectares, is generally flat and is zoned RU1 Primary Production. Access to the site is direct from both Hinton Road and Swanreach Road. Swanreach Road severs the lot into 2 portions. The larger portion area is 8.771 hectares and the smaller portion area is 7266m<sup>2</sup>.

An approval was issued in January 2019 for a flood mound. The flood mound is currently nearing completion and has been constructed with an approximate finished level of 5.7 metres Australian Height Datum (AHD). The flood mound at the time was not assessed for residential development. Advisory Note D of the DA consent identifies that the approval of the flood mound is not to be taken as tacit approval for the erection of a dwelling house on the subject site.

The site is surrounded by similar large rural lots for the purposes of farming. The site is located in a high hazard floodway. The land is generally clear of vegetation and comprises mainly of pasture. A majority of the subject site is below the level of Hinton Road. The flood mound (under construction) raises the proposed building site above the level of Hinton Road and is located approximately 11.85 metres away from the Swanreach Road frontage and 180 metres to Hinton Road.

An existing metal farm shed is located in the east of the site, which is to be retained.

### Key Issues

The key issues resulting in the recommendation to refuse the application are outlined in this report. A detailed assessment of the development application is provided at **(ATTACHMENT 2)**.

### Flood Impacts

The subject site is mapped as flood prone land. Recent flood data obtained from Maitland City Council highlight the subject site as High Hazard Floodway.

The applicant has submitted a Flood Impact Assessment for the proposal (from BMT dated 11 September 2018). The impact assessment considers a range of flood events (2%, 1%, 0.5% and Probable Maximum Flood (PMF)) and concludes that the construction would have negligible impact on flood levels (less than 0.1m difference) and minor impact on flood velocities (largely confined to the site, estimated at 0.2m/s increase on the north site boundary).

Table 1 below shows the finished floor levels of the proposed dwelling relative to Council's Adopted Flood Planning Level.

<b>Description</b>	<b>Level</b>
Councils Adopted Flood Planning Level (FPL)	RL 6.2m AHD
Top of flood mound (Existing)	RL 5.7m AHD (variable)
Finished floor level of proposed dwelling	RL 6.4m AHD

Table 1: Nominated levels relating to the subject site and proposed development.

Despite the finish floor level of the dwelling being 200mm above the adopted Flood Planning Level (FPL), development in a high hazard floodway is not encouraged under section B5.11 of the Port Stephens Development Control Plan 2014 (DCP 2014). An application may only be considered when accompanied with a flood report and demonstrating it has a specific community need/benefit. In this regard, the flood report does not address the current proposal and incorrectly categorises the flood risk. Further, the provision of private housing does not meet community need/benefit criteria and therefore the proposal is inconsistent with Council's adopted policy.

New residential development on land which becomes an island (isolated) during a flood event must provide flood refuge and must be constructed to withstand the flood action events up to the Probable Maximum Flood (PMF) (B5.3 of DCP 2014). The residential component is single storey which does not provide compliant flood refuge. The proposal could be adapted to provide flood refuge during a major event. The PMF level is at 8.9 metres AHD which would require modifications to the proposal to achieve this aspect of the DCP 2014.

Egress from the site is via Swanreach Road, with the low point of the road being at RL 2.4 metres AHD in Swanreach Road, near the intersection with Hinton Road. In the defined flood event (future 1% AEP), the depth of floodwater at the road in this location is 2.8 metres. Noting this, the site would experience the loss of connection to access roads, limiting access to the site and options for safe evacuation during these events. The land and access points have traditionally been developed with the

consideration of the land being prime agricultural and grazing land and were not developed with residential occupation in mind.

In addition to the controls within Council's DCP 2014, clause 7.3 of Council's Local Environmental Plan (LEP 2013) also applies. Clause 7.3(3) states that the development must be compatible with the flood hazard of the land and that it must not have a significant, adverse effect on flood behaviour (resulting in detrimental increases in the potential flood affectation of other development or properties). As outlined above, in the event of a flood, the site would experience connection loss and there would be limited options for the evacuation of the site. This is likely to place unreasonable and unnecessary strain upon emergency services.

The social and economic impacts of flooding are well documented locally and state wide. Legislation, policies and strategies (including the NSW Floodplain Development Manual, Council's LEP 2013 and DCP 2014) have been endorsed and implemented by Council to mitigate the impacts of flooding within the Local Government Area (LGA). On this basis, the development is considered to be inconsistent with clause 7.3(3) of the LEP 2013 and is recommended for refusal.

The proposed residential development cannot be supported for the above mentioned reasons.

#### Suitability of the Site

The subject site is zoned for rural purposes. The existing filling of the subject site could be considered to allow for additional opportunities for the rural land use and support the social and economic environment through decreasing the stress associated with the loss and recovery during and after the flood.

Based on the information provided the assessment has determined that the site is not suitable for the proposed development as:

- The development does not comply with the requirements under the NSW Floodplain Manual and Council's adopted LEP 2013 and DCP 2014.
- The subject site is not suitable for the proposed residential development due to the high hazard floodway constraints and the associated risks.

#### Conclusion

The development is inconsistent with the relevant legislation and policies, including:

- Environmental Planning and Assessment Act 1979, including section 4.15(1)(c) the suitability of the site.
- Port Stephens LEP 2013; clause 7.3 Flood Planning.
- Port Stephens DCP 2014; section B5 Flooding.
- Council Floodplain Risk Management Policy.
- NSW Government Floodplain Development Manual 2005.

The key issues arising through the assessment of the application are that the proposed development is not a suitable outcome for the site, and is recommended for refusal for the reasons provided within **(ATTACHMENT 3)**.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Thriving and Safe Place to Live	Enhance public safety, health and liveability through use of Council's regulatory controls and services.

**FINANCIAL/RESOURCE IMPLICATIONS**

The application could be potentially challenged in the Land and Environment Court. Defending Council's determination could have financial implications.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

The development application is inconsistent with the relevant planning instruments, flood development guidelines and studies including the Environmental Planning and Assessment Act 1979 (EP&A Act), Port Stephens Local Environmental Plan 2013 (LEP 2013), Port Stephens Development Control Plan 2014 (DCP 2014), Council's Floodplain Risk Management Policy and the NSW Government Floodplain Development Manual 2005.

Detailed assessments against these requirements are contained within the assessment report provided at **(ATTACHMENT 2)**.

In addition, section 733 of the Local Government Act 1993 (LG Act) provides Council with a general exemption from liability with respect to flood liable land only if the necessary studies and works are carried out in accordance with the principles contained in the NSW Floodplain Development Manual 2005.



The approval of the proposed development is considered to be inconsistent with the principles contained within the NSW Floodplain Development Manual and may negate the good faith immunity provisions in the LG Act.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that if the application is approved Councils decisions will contradict the requirements set out under clause 7.3 LEP 2013.	Medium	Determine the application in line with the recommendation.	Yes
There is a risk that if the application is approved, Council may be liable for damage or consequences to approving a development located on a site with a known high flood risk.	Medium	Determine the application in line with the recommendation.	Yes
The risk is that the proposal will expose the property and people to risk of damage and death as a consequence of approving fill and a dwelling within a known flood risk area.	Medium	Determine the application in line with the recommendation.	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The key issues arising through the assessment of the application are that the proposed development is not a suitable outcome for the site, and for these reasons the proposed development is recommended for refusal as outlined in **(ATTACHMENT 3)**.

### **CONSULTATION**

#### Internal referral

Consultation was undertaken with internal officers, including the Engineering section. The referral comments from these officers were considered as part of the assessment provided within **(ATTACHMENT 2)** and accordingly the proposed development is recommended for refusal for the reasons provided within **(ATTACHMENT 3)**.

External agency

Referral to external agencies was not required.

Notification

It is noted that Councils notification policy outlined in Chapter A of the DCP 2014 that single dwellings do not require notification. Accordingly, the proposed development was not placed on public notification.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Locality Plan. [↓](#)
- 2) Assessment Report. [↓](#)
- 3) Reasons for Refusal. [↓](#)
- 4) Call to Council Form. [↓](#)

**COUNCILLORS ROOM**

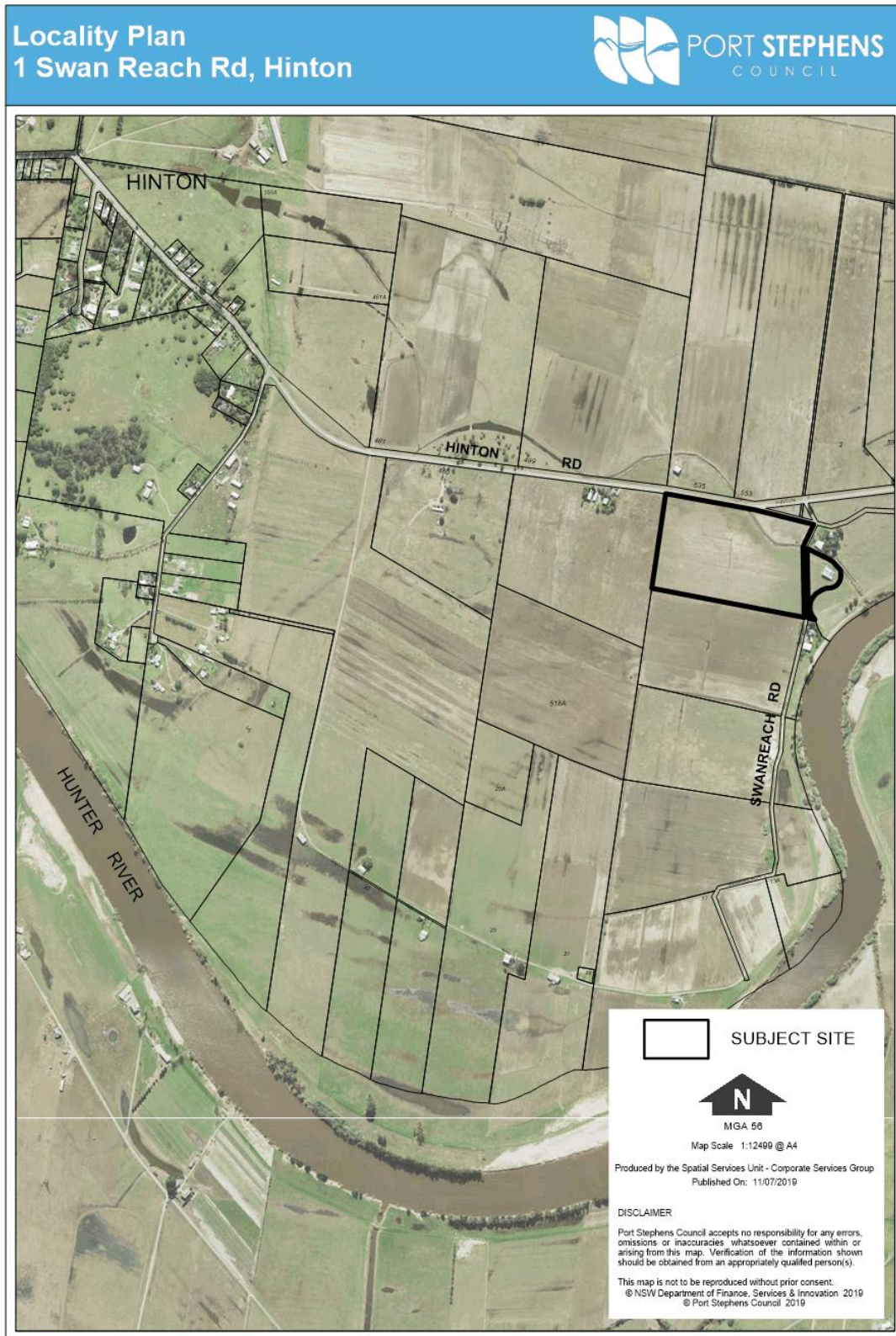
- 1) Development Plans.

Note: Any third party reports referenced in this report can be inspected upon request.

**TABLED DOCUMENTS**

Nil.

ITEM 1 - ATTACHMENT 1 LOCALITY PLAN.



118 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800255 Fax: (02) 49873812 Email: council@portstephens.nsw.gov.au



# DEVELOPMENT ASSESSMENT REPORT

**APPLICATION DETAILS**

<b>Application Number</b>	16-2019-135-1
<b>Development Description</b>	Single Storey Dwelling
<b>Applicant</b>	MR N A WARD
<b>Date of Lodgement</b>	08/03/2019
<b>Value of Works</b>	\$446,480.00

**Development Proposal**

The applicant seeks approval for the construction of a single dwelling on an approved flood mound at the subject site. Details of the proposal are as follows:

- Single storey dwelling is to be located on an approved flood mound. The flood mound was approved by Council staff under delegation on 31 January 2019 (DA No. 16-2018-621-1) and is currently nearing completion. Advisory Note D of the flood mound consent identifies that the approval of the flood mound is not to be taken as tacit approval for the erection of a dwelling house on the subject site.
- The internal living spaces (260m<sup>2</sup>) contain four bedrooms, bathroom, powder room, ensuite, kitchen, living/dining area, and lounge areas. The external perimeter verandah area has a footprint of 85m<sup>2</sup> and the alfresco area had a footprint of 49m<sup>2</sup> bringing the total footprint of the dwelling to 394m<sup>2</sup>.

**PROPERTY DETAILS**

<b>Property Address</b>	1 Swanreach Road HINTON
<b>Lot and DP</b>	LOT: 51 DP: 1250604
<b>Zoning</b>	RU1 PRIMARY PRODUCTION
<b>Site Constraints</b>	<i>High Hazard Floodway, Site Access, Onsite septic requirements</i>

**Site History**

The subject site has a total area of 9.497 hectares, generally flat and is zoned RU1 – Primary Production. Access to the site is direct from both Hinton Road and Swanreach Road. Swanreach Road severs the lot into two portions. The larger portion area is 8.771 hectares and the smaller portion area is 7266m<sup>2</sup>.

**ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.**

16-2019-135-1

An approval was issued in January 2019 for a flood mound. The flood mound currently is nearing completion and has been constructed with an approximate finished level of 5.7 metres Australian Height Datum (AHD). At the time, the flood mound was not assessed intended for residential development. Advisory Note D of the flood mound consent identifies that the approval of the flood mound is not to be taken as tacit approval for the erection of a dwelling house on the subject site.

**Site Inspection**

Two site inspections were carried out in April 2019 and June 2019. The site can be seen in the photographs below.

The site is surrounded by similar large rural lots for the purposes of farming. The site is located in a high hazard floodway. The land is generally clear of vegetation and comprises mainly of pasture grass. A majority of the subject site is below the level of Hinton Road. The flood mound (under construction) raises the proposed building site above the level of Hinton Rd and is located approximately 11.85 metres away from the Swanreach Road frontage and 180 metres too Hinton Road.

An existing metal farm shed is located to the east of the site, which is to be retained.

**Site Photos:**



Photo 1: Looking North down Swanreach Road towards Hinton Road, approved mound being constructed and existing metal shed



Photo 2: Looking North-East, approved mound being constructed, proposed site of development and existing metal shed



Photo 3: Looking East, approved mound being constructed, proposed site of development and existing metal shed



Photo 4: Looking South, approved mound being constructed, proposed site of development



**REFERRALS**

No external referrals were required. The proposed development was referred to the following internal specialists. The comments of the listed staff have been used to carry out the assessment against the S4.15 Matters for Consideration below.

**Council’s Flooding Drainage Engineers Comments:**

For large floods, flows from the Paterson River and the Hunter River combine just upstream of Hinton and separate to travel on the north side of Hinton over the Hunter Valley Flood Mitigation Levee and on the south side through the Hunter River and across the Swanreach floodplain, joining again in the vicinity of the subject site.

The lot does not have an existing dwelling on the site and introducing or intensifying development in the floodplain creates a flood risk to the new development and its users and emergency services. The site is generally at RL 1.7m AHD to RL 2.3m AHD. Egress from the site is via Swanreach road, with the low point of the road being at RL 2.4m AHD in Swanreach Road, near the intersection with Hinton Road. In the defined flood event (future 1% AEP), the depth of floodwater at the road in this location is 2.8 metres.

Recent flood data obtained from Maitland City Council highlight the area as High Hazard Floodway, not as High Hazard Storage as shown on the Flood Certificate issued in early 2018. This can be seen in the image below with the lot highlighted and velocity vectors showing the hazardous nature of the flood in this location.

Refusal for a dwelling is recommended from a floodplain risk management perspective because:

- i) The proposal is incompatible with the land's flood hazard (being a high hazard floodway and surrounded by high hazard floodway), would create a flood island during events smaller than the defined flood event (future 1% AEP), does not incorporate appropriate measures to manage risk to life from flood and would increase the flood risk to life in the floodplain (refer to Section 4.15(1)(a)(i) of the EP&A Act 1979 and Clause 7.3 Flood Planning of the Port Stephens LEP 2013).
- ii) The site is not suitable for this development because of the nature of flooding in this area and the flood hazard across the site (refer to Section 4.15(1)(c) of the EP&A Act 1979 and Clause 7.3 Flood Planning of the Port Stephens LEP 2013).

**ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.**

16-2019-135-1

- iii) The proposal will result in flood isolation during floods smaller than the defined flood event (future 1% AEP), would place additional people at risk during floods (in contravention of the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005), would place extra burden on the State Emergency Services and is not in the public interest (refer to Section 4.15(1)(e) of the EP&A Act 1979 and Clause 7.3 Flood Planning of the Port Stephens LEP 2013).

**MATTERS FOR CONSIDERATION – SECTION 4.15**

**s4.15(1)(a)(i) – The provisions of any EPI**

<b>STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX BASIX) 2008</b>		
<b>Clause</b>	<b>Compliant</b>	<b>Notes (where needed or if not compliant)</b>
6	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> The proposed BASIX affected development, or buildings that become BASIX affected development (conversion of garage for example) is accompanied by a BASIX certificate</li> <li><input checked="" type="checkbox"/> Condition of consent relating to BASIX</li> </ul>	

<b>PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2013</b>		
<b>Clause</b>	<b>Compliant</b>	<b>Notes (where needed or if not compliant)</b>
2.1	<input checked="" type="checkbox"/> Permissible in zone and meets zone objectives.	
4.1	<input checked="" type="checkbox"/> The proposal is consistent with the Lot Size Map;	
4.2B	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Dwelling proposed on RU1, RU2, R5, E2 or E3 land where there is no current dwelling on site.</li> <li><input checked="" type="checkbox"/> Land zoned RU1, RU2, E2 or E3 and created before 22 February 2014 with an area of at least 4,000m<sup>2</sup> on which a dwelling was permissible under the previous LEP; OR,</li> </ul>	
4.3	<input checked="" type="checkbox"/> There is no maximum building height and the development satisfies the objectives.	

Page 4 of 8

**ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.**

16-2019-135-1

5.9AA	<input checked="" type="checkbox"/> Trees will be removed that are not prescribed under DCP.	No nominated vegetation to be removed.
7.1	<input checked="" type="checkbox"/> Potential Class 3 ASS with no works more than 1m below ground level.	<p>The property is affected by ASS Class 3.</p> <p>No works will require the excavation into natural ground. Although consideration must be made for the type of substructure required as the existing mound may not have been engineered for residential purposes. Compaction rates would require piercing into natural ground to provide adequate bearing pressure for the new propose structures.</p>
7.2	<input checked="" type="checkbox"/> Earthworks required, but do not have negative impacts on surrounding properties.	<p>Some earth works will be required to bring the existing fill mound to the required FPL. Minor earthworks will also be required for the proposed septic system required on site, no detail has been provided for the type of system proposed.</p>
7.3	<input checked="" type="checkbox"/> Development within flood planning area but no anticipated flood risk to life and property, or change in flood characteristics.	<p>The development is located in a High Hazard Flood Way.</p> <p>The applicant has submitted a Flood Impact Assessment for the proposal (from BMT dated 11 September 2018) The impact assessment considers a range of flood events (2%, 1%, 0.5% and Probable Maximum Flood (PMF)) and concludes that the construction would have negligible impact on flood levels (less than 0.1m difference) and minor impact on flood velocities (largely confined to the site, estimated at 0.2m/s increase on the north site boundary).</p> <p>It is considered that the</p>



**ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.**

16-2019-135-1

		proposal is not compatible with the flood hazard of the land as it increases the risk to life. In the event of a flood the site would experience connection loss and there would be limited options for the evacuation of the site, which could place unreasonable strain upon emergency services.
7.6	<input checked="" type="checkbox"/> Essential services are available to the site where required.	

**s4.15(1)(a)(ii) – Any Draft EPI**

There are no draft EPI's relevant to the proposed development.

**s4.15(1)(a)(iii) – Any DCP**

PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014		
Clause	Compliant	Notes (where needed or if not compliant)
A.12	<input checked="" type="checkbox"/> Notification and advertising.	Not required for single dwellings
B1	<input checked="" type="checkbox"/> Trees to be removed do not require approval as outlined in B1.1.	No vegetation is required to be removed
B2	<input checked="" type="checkbox"/> Not in proximity of items of environmental significance. <input checked="" type="checkbox"/> Land does not contain koala habitat or development is consistent with the CKPoM.	
B3	<input type="checkbox"/> Development meets bushfire construction requirements. <input checked="" type="checkbox"/> Development would not disturb acid sulphate soils or an acceptable ASSMP has been prepared. <input checked="" type="checkbox"/> Earthworks would have minimal environmental impacts with conditions on VENM fill and erosion and sediment controls.	The flood mound was approved by Council staff under delegation on 31 January 2019 (DA No. 16-2018-621-1) and is currently nearing completion.
B4	<input type="checkbox"/> Non-permeable area not significantly increased and development consistent with figure BD, on-site detention not required; OR, <input type="checkbox"/> Non-permeable area above figure BD and acceptable on-site detention proposed or condition for details added. <input type="checkbox"/> Insignificant increases to adversely impact on water quality.	N/A

Page 6 of 8

**ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.**

16-2019-135-1

<p>B5</p>	<p><input checked="" type="checkbox"/> Proposed development is on flood prone land; AND,  <input type="checkbox"/> A flood certificate has been submitted with the application and the finished levels are consistent with Table 2: Development Suitability Table; AND,  <input type="checkbox"/> The submitted documents are consistent with Table 2: Development Suitability Table.</p> <p>B5.11                  Development located within High Hazard 1 – Floodway adheres to the following:                  • New buildings or structures and fill are not supported unless accompanied by a report                  Note: Development within a floodway is not encouraged. An application may only be considered where it demonstrated to have specific community needs/benefits, which does not relate to the provision of housing</p>	<p>The proposed property is identified as a High Hazard Floodway category.</p> <p>No flood certificate was submitted with the application. Conflicting levels have been provided by the Applicant.</p> <p>The Applicant has not adequately addressed part B5.11 the DCP or demonstrated that the application benefits the needs of the community.</p>
<p>B6</p>	<p><input checked="" type="checkbox"/> Essential services are available to the site, where required.</p>	<p>Yes – Onsite septic system required</p>
<p>C4</p>	<p><input checked="" type="checkbox"/> BASIX submitted in accordance with SEPP.  <input checked="" type="checkbox"/> Site coverage is in accordance with figure BD.  <input checked="" type="checkbox"/> Proposal ensures development provides continuity to the street and setbacks comply with C4.10-C4.19.  <input checked="" type="checkbox"/> Development appropriately activates the street with habitable rooms where applicable.  <input checked="" type="checkbox"/> The proposed development would be sympathetic to the streetscene as it is consistent with the existing development in its form, height, bulk, design and materials.  <input checked="" type="checkbox"/> The development would not adversely affect the amenity of neighbouring properties or the public domain.</p>	<p>The development is setback approximately 11.86m from Swanreach Road and will not have a significant impact on the streetscape or neighbouring properties.</p>

**s4.15(1)(a)(iiia) – Any planning agreement or draft planning agreement entered into under section 7.4**

	Notes (where needed)
<p><input checked="" type="checkbox"/> There are no planning agreements that have been entered into under section 7.4 relevant to the proposed development.</p>	<p>N/A</p>

**ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.**

16-2019-135-1

**s4.15(1)(a)(iv) – The regulations**

	Notes (where needed)
<input checked="" type="checkbox"/> There are no matters within the regulations that are relevant to the determination of the application.	

**s4.15(1)(a)(v) – Any coastal management plan**

	Notes (where needed)
<input checked="" type="checkbox"/> There are no coastal management plans that are relevant to the determination of the application.	

**s4.15(1)(b) – The likely impacts of the development**

	Notes (where needed)
<input checked="" type="checkbox"/> <b>Social and Economic Environment:</b> There would be beneficial impacts as a result of the development.	Yes, Refer to comment above in relation to flooding and the associated social and environmental impacts
<input checked="" type="checkbox"/> <b>Built Environment:</b> The proposed development would not cause harm to the existing character.	
<input checked="" type="checkbox"/> <b>Natural Environment:</b> There are no adverse impacts expected as a result of the proposed development and appropriate conditions have been added.	

**s4.15(1)(c) – The suitability of the site**

The subject site is zoned RU1 – Primary Production, whereby the proposed dwelling is a permissible use under the zoning. The site is identified as high hazard flood way and the proposed development and use does not align or address all of the requirements under current Council endorsed policy and legislation. Due to the identified flood hazard, the use of the site for residential accommodation is not a suitable outcome for the site.

**s4.15(1)(d) – Any submissions**

No submissions have been received in relation to the proposed development.

**s4.15(1)(e) – The public interest**

The proposed development is no considered to be in the public interest as it is inconsistent with the adopted principles and strategies which seek to promote the appropriate development of land. The development poses an unacceptable risk to life and may also result in adverse flood impacts to surrounding properties.

**DETERMINATION**

The application is recommended to be refused under delegated authority, subject to conditions as contained in the notice of determination.

HEIDI MCLOUGHLIN



**REASONS FOR REFUSAL**

1. The proposed development fails to satisfy Clause 7.3 (Flood Planning) of the LEP2013 as the development does not demonstrate that it is compatible with the flood characteristics of the site including minimising the flood risk to life associated with the land (s4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'));
2. The development does not comply with the controls contained within Port Stephens Development Control Plan (Chapter B5 Flooding) (s.4.15(1)(a)(i) of the *EP&A Act*);
3. The proposed development does not demonstrate the suitability of the use of the site given the flood characteristics of the land (s4.15(1)(c) of the *EP&A Act*); and
4. The proposed development is not considered to be in the public interest as the development is inconsistent with the adopted principles and strategies which seek to promote the appropriate development of the land (s.4.15(1)(e) of the *EP&A Act*).


**PORT STEPHENS COUNCIL**
**CALL TO COUNCIL FORM**  
**DEVELOPMENT APPLICATION**

<b>Development application (DA) call to Council request:</b>	
I/We (Mayor/Councillor/s) <u>Mayor Palmer, Cr Smith &amp; Cr Dunkley</u> request that DA number <u>16-2019-135-1</u> description <u>Single dwelling</u> for DA located at <u>1 Swanreach Road, Hinton</u> be reported to Council for determination.	
<b>Reason:</b>	
For public interest due to Council previously having resolved to review the flood policy via a newly formed committee that has not met as yet.	
<b>Declaration of Interest:</b>	
I/We have considered any pecuniary or non-pecuniary conflict of interest (including political donations) associated with this DA on my part or an associated person.	
I/We (Mayor/Councillor/s) <u>Ryan Palmer</u> have a conflict of interest:	
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	
If <b>yes</b> , please provide the nature of the interest and reasons why further action should be taken to bring this DA to Council:	
<b>Signed:</b> Please sign or type name & attached to an email.	<b>Date:</b> Click here to enter a date. <u>3/6/19</u>
<b>Signed:</b> Please sign or forward supporting email.	<b>Date:</b> Click here to enter a date. <u>3/6/19</u>
<b>Signed:</b> Please sign or forward supporting email.	<b>Date:</b> Click here to enter a date.

ITEM 1 - ATTACHMENT 4 CALL TO COUNCIL FORM.



PORT STEPHENS COUNCIL

CALL TO COUNCIL FORM DEVELOPMENT APPLICATION

Development application (DA) call to Council request:

I/We (Mayor/Councillor/s) Mayor Palmer, Cr Smith and Cr Dunkley request that DA number 16-2019-135-1 for DA description Single Dwelling located at 1 Swanreach Road Hinton be reported to Council for determination.

Reason:

For public interest due to Council previously having resolved to review the flood policy via a newly formed committee that has not met as yet.

Declaration of Interest:

I/We have considered any pecuniary or non-pecuniary conflict of interest (including political donations) associated with this DA on my part or an associated person.

I/We (Mayor/Councillor/s) SARAH SMITH have a conflict of interest:

- [x] No
[ ] Yes

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

Signed: Mayor Palmer
Please sign or type name & attached to an email.

Date: 3/6/19 to enter a date.

Signed: Cr Smith
Please sign or forward supporting email.

Date: 4/6/19 to enter a date.

Signed: Cr Dunkley
Please sign or forward supporting email.

Date: 4/6/19 to enter a date.

 **PORT STEPHENS COUNCIL** **CALL TO COUNCIL FORM DEVELOPMENT APPLICATION**

**Development application (DA) call to Council request:**

I/We (Mayor/Councillor/s) Mayor Palmer, Cr Smith and Cr Dunkley request that DA number 16-2019-135-1 for DA description Single Dwelling located at 1 Swanreach Road Hinton be reported to Council for determination.

**Reason:**

For public interest due to Council previously having resolved to review the flood policy via a newly formed committee that has not met as yet.

**Declaration of Interest:**

I/We have considered any pecuniary or non-pecuniary conflict of interest (including political donations) associated with this DA on my part or an associated person.

I/We (Mayor/Councillor/s) Cr Dunkley have a conflict of interest:

- No
- Yes

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

<p><b>Signed:</b> Mayor Palmer <small>Please sign or type name &amp; attached to an email.</small></p>	<p><b>Date:</b> <u>3/6/19</u> <small>enter a date.</small></p>
<p><b>Signed:</b> Cr Smith <small>Please sign or forward supporting email.</small></p>	<p><b>Date:</b> <u>4/6/19</u> <small>enter a date.</small></p>
<p><b>Signed:</b> Cr Dunkley <small>Please sign or forward supporting email.</small></p>	<p><b>Date:</b> <u>4/6/19</u> <small>enter a date.</small></p>

**MINUTES ORDINARY COUNCIL - 10 SEPTEMBER 2019**

Councillor Paul Le Mottee returned to the meeting at 5:39pm prior to item 2.

**ITEM NO. 2**

**FILE NO: 19/196316**  
**EDRMS NO: PSC2006-0066V2-050**

**DRAFT LOCAL INFRASTRUCTURE CONTRIBUTION PLAN AND DRAFT FIXED LOCAL INFRASTRUCTURE CONTRIBUTION PLAN**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION  
MANAGER

GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the draft Port Stephens Local Infrastructure Contributions Plan **(TABLED DOCUMENT 1)** and draft Port Stephens Fixed Local Infrastructure Contributions Plan **(TABLED DOCUMENT 2)**.
  - 2) Exhibit the draft Port Stephens Local Infrastructure Contributions Plan and draft Port Stephens Fixed Local Infrastructure Contributions Plan for 28 days in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulations 2000.
- 

**ORDINARY COUNCIL MEETING - 10 SEPTEMBER 2019**  
**MOTION**

<b>219</b>	<p><b>Councillor John Nell</b> <b>Councillor Sarah Smith</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the draft Port Stephens Local Infrastructure Contributions Plan <b>(TABLED DOCUMENT 1)</b> and draft Port Stephens Fixed Local Infrastructure Contributions Plan <b>(TABLED DOCUMENT 2)</b>.</li><li>2) Exhibit the draft Port Stephens Local Infrastructure Contributions Plan and draft Port Stephens Fixed Local Infrastructure Contributions Plan for 28 days in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulations 2000.</li><li>3) Note the error identified in the Draft Local Infrastructure Contributions Plan and Draft Fixed Local Infrastructure Contributions Plan which will be amended and reported back to Council following the exhibition period.</li></ol>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.



Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

## **BACKGROUND**

The purpose of this report is to seek endorsement to publicly exhibit the draft Port Stephens Local Infrastructure Contributions Plan and draft Port Stephens Fixed Local Infrastructure Contributions Plan (draft Plans) in accordance with planning legislation.

Council collects local infrastructure contributions from new developments to fund the local roads, parks, drains, and community and sporting facilities necessary to support growth. Local infrastructure contributions are levied in accordance with Council's adopted developer contributions plans and the funds collected must be allocated to the projects identified in the plans.

The draft Plans:

- reflect new population data and growth in the local government area.
- simplify population catchments across the local government area to improve equity in collection of levies and efficiency in funding growth infrastructure.
- prioritise infrastructure delivery to meet projected growth and demand for supporting infrastructure.
- align the works schedule with adopted asset strategies including the Strategic Asset Management Plan (SAMP), capital works program and adopted strategic plans for town centres across the local government area.
- remove infrastructure projects that have been completed.
- update calculations to ensure levies are based on current and accurate data and that infrastructure can be delivered efficiently in line with projected growth.

Some of the key outcomes the draft Plans seek to achieve include:

### Promoting healthy living and delivering connected communities

Over 41 kilometres of shared paths will be funded by local infrastructure contributions including footpaths and cycleways at Anna Bay, Corlette, Fern Bay, Fingal Bay, Karuah, Lemon Tree Passage, Medowie, Raymond Terrace, Salamander Bay, and Shoal Bay. Sporting facilities including upgrades at King Park and Lakeside in Raymond Terrace and upgrades to Tomaree Sports Complex in Salamander Bay.

### Supporting thriving communities

Town centre upgrades and public domain works that implement actions in the Nelson Bay Delivery Program, Raymond Terrace and Heatherbrae Strategy, and Medowie Planning Strategy will be funded from local infrastructure contributions.

Delivering facilities and services to meet demand

Projects are aligned with Council’s Strategic Asset Management Plan 2019 to 2029 and have been identified, costed and prioritised in accordance with land use plans and current development data so that funding and delivery can be timed with projected future growth.

Improved local roads

Funding will be allocated to local road upgrades. Additionally, charges levied on new quarries for the maintenance of roads used by quarry trucks will more accurately reflect the costs of repairing and maintaining haulage routes.

A summary of the local infrastructure contributions rates under the draft Plans is provided at **(ATTACHMENT 1)**.

The draft Plans will be reviewed every 5 years to update infrastructure projects. The draft Plans will be amended when new strategic plans are adopted to ensure the infrastructure identified can be funded by contributions.

Repealed Funds

The draft Plans have been prepared to replace the existing Port Stephens Development Contribution Plan 2007 and Port Stephens Fixed Development Contribution Plan 2006. Once adopted, the funds collected under the current plans will become repealed funds and may be used for purposes other than the local infrastructure projects in a contributions plan. Funds that have been collected under the current plans for civic administration and maintaining haulage roads are proposed to be rolled over into the draft Plans.

At its meeting on 27 August 2019, Council resolved to allocate repealed funds towards community priority projects across Port Stephens following extensive consultation with the community.

Any remaining funds will be allocated to equivalent projects under the draft Plans targeted at existing growth areas such as Fern Bay and Medowie.

**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

The draft Plans aim to secure contributions towards local infrastructure from new development. Should the draft Plans be adopted, it will enable Council to provide adequate public services and amenities to satisfy community expectations.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	No		
Reserve Funds	No		
Developer Contributions (\$7.11)	Yes		The preparation and exhibition of the draft Plans is an administrative cost funded by the local infrastructure contributions allocated for plan management.
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the projects identified in the draft Plans will not be adequately funded by contributions sourced from new development and will require other sources of revenue.	Medium	Project funding has been estimated and apportioned based on current population data and development projections. The Plans will be reviewed every 5 years and amended when new strategic plans are adopted.	Yes
There is a risk that infrastructure projects will not be included in Council's capital works program.	Low	The draft Plans have been prepared to align with the Strategic Asset Management Plan.	Yes

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that local infrastructure contributions will impact development feasibility.	Low	Contributions rates have been calculated to fund the infrastructure prioritised as necessary to provide the facilities and services of the projected population. Contributions rates have also been benchmarked against other regional councils to ensure development charges are comparable.	Yes

Environmental Planning and Assessment Act 1979 (EP&A Act)

Division 7.1, Sections 7.11 and 7.12 of the EP&A Act authorise Council to require new development to contribute to the provision and upgrade of local infrastructure through conditions of development consent imposed in accordance with adopted local infrastructure contributions plans.

The draft Plans have been prepared in accordance with Division 7.1 of the EP&A Act.

Environmental Planning and Assessment Regulations 2000 (EP&A Regulation)

Part 4 of the EP&A Regulation and Clause 27 sets out the particulars a local infrastructure contributions plan must contain. Division 2 of Part 4 of the EP&A Regulation sets out the exhibition requirements for draft local infrastructure contributions plans.

The draft Plans have been prepared, and will be exhibited, in accordance with the EP&A Regulation.

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

New development is expected to require new and upgraded public facilities and amenities. The draft Plans provide a means of collecting, managing and administering local infrastructure contributions to ensure that the community has an adequate level of public services and amenities. Projects in the draft Plans will promote healthy living and support thriving communities and town centres. Therefore, it is expected that there will be overall positive social implications.

The draft Plans will enable Council to adequately fund and deliver the infrastructure upgrades and new facilities likely to be needed as a result of new development. The draft Plans ensure an adequate standard of services and facilities can be provided for existing and future communities and that the existing community will not be funding the infrastructure needs that result from growth. Therefore, the draft Plans will have positive economic implications for the community.

Contribution rates have been benchmarked against other regional councils to ensure development charges are comparable. This is detailed in the following table.

<b>Local Government Area (LGA)</b>	<b>Contribution rate (\$/dwelling)</b>
Port Stephens current rate (LGA wide average).	\$16,600
Maitland (LGA wide average).	\$19,700
Lake Macquarie (LGA wide average).	\$18,700
Port Macquarie – Hastings (LGA wide average).	\$31,600
Port Stephens draft rate (LGA wide average).	\$18,500

No environmental implications are expected.

## **CONSULTATION**

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

### Internal

The draft Plans have been prepared in consultation with the Financial Services Section, Assets Section and Development Assessment and Compliance Section. The projects in the draft Plans have been aligned with Council's Strategic Asset Management Plan and capital works program, and with other strategic asset management documents including plans of management for parks and community facilities, and adopted strategies for town centres.

### External

The draft Plans will be publicly exhibited in accordance with legislative requirements for a period of 28 days.

Exhibition of the draft Plans will include a public notice published in the Port Stephens Examiner. The draft Plans will be available for inspection on Council's website, and at the Administration Building at Raymond Terrace and Tomaree Library. Submissions can be made to Council during the public exhibition period.

Following exhibition, a report will be prepared to summarise any submissions and to seek Council approval to finalise the draft Plans.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Summary of Contributions Rates. [↓](#)

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

- 1) Draft Port Stephens Local Infrastructure Contributions Plan.
- 2) Draft Port Stephens Fixed Local Infrastructure Contributions Plan.

**ITEM 2 - ATTACHMENT 1 SUMMARY OF CONTRIBUTIONS RATES.**

**1.2 Summary of Contribution Rates**

For the purposes of this Plan, the local government area (LGA) has been divided into 5 catchments as illustrated in the Catchment Area Map above.

Contributions rates for each catchment have been calculated based on the items listed in the Work Schedule at Appendix A and the Contribution Strategy in Chapter 5 of this Plan.

Table 1 below provides a summary of the contributions payable towards the specific infrastructure categories in each catchment. Further details are provided in Chapter 5 of this Plan.

**Table 1 – Summary of local infrastructure contribution category rates per catchment**

Infrastructure Category	Catchment Rate (per dwelling/lot)			
	West	Central	Tomaree	Fern Bay/ Fullerton Cove
Civic Administration – Plan Management	\$587	\$587	\$587	\$587
Civic Administration – Works Depot	\$1,531	\$1,531	\$1,531	\$1,531
Town Centre Upgrades	\$4,124	\$4,124	\$4,124	\$4,124
Public Open Space, Parks and Reserves	\$1,147	\$2,038	\$1,516	\$381
Sports and Leisure Facilities	\$2,185	\$3,135	\$2,292	\$2,004
Community and Cultural Facilities	\$0	\$0	\$824	\$0
Road Works	\$5,136	\$2,882	\$2,283	\$0
Medowie Traffic and Transport	\$0	\$3,067	\$0	\$0
Shared Paths	\$2,516	\$831	\$3,312	\$3,070
Bus Facilities	\$17	\$36	\$0	\$1,035
Fire and Emergency	\$34	\$0	\$226	\$2,813
Flood and Drainage Works	\$665	\$1,452	\$1,738	\$0
Cross Boundary Contributions	\$0	\$0	\$0	\$2,407
<b>Total</b>	<b>\$17,942</b>	<b>\$19,683</b>	<b>\$18,433</b>	<b>\$17,952</b>

**ITEM 2 - ATTACHMENT 1 SUMMARY OF CONTRIBUTIONS RATES.**

Table 2 – Summary of discounts for Secondary Dwellings

Infrastructure Category	Catchment Rate (per dwelling)			
	West	Central	Tomaree	Fern Bay/ Fullerton Cove
Civic Administration – Plan Management	\$293	\$293	\$293	\$293
Civic Administration – Works Depot	\$765	\$765	\$765	\$765
Town Centre Upgrades	\$2,062	\$2,062	\$2,062	\$2,062
Public Open Space, Parks and Reserves	\$573	\$1,019	\$758	\$190
Sports and Leisure Facilities	\$1,092	\$1,567	\$1,146	\$1,002
Community and Cultural Facilities	\$0	\$0	\$412	\$0
Road Works	\$2,568	\$1,441	\$1,141	\$0
Medowie Traffic and Transport	\$0	\$1,533	\$0	\$0
Shared Paths	\$1,258	\$415	\$1,656	\$1,535
Bus Facilities	\$8	\$18	\$0	\$517
Fire and Emergency	\$17	\$0	\$113	\$1,406
Flood and Drainage Works	\$332	\$726	\$869	\$0
Cross Boundary Contributions	\$0	\$0	\$0	\$1,203
<b>Total</b>	<b>\$8,968</b>	<b>\$9,839</b>	<b>\$9,215</b>	<b>\$8,973</b>

Table 3 – Summary of discounts for Caravan Parks

Infrastructure Category	Catchment Rate (per site)			
	West	Central	Tomaree	Fern Bay/ Fullerton Cove
Civic Administration – Plan Management	\$293	\$293	\$293	\$293
Civic Administration – Works Depot	\$765	\$765	\$765	\$765
Town Centre Upgrades	\$2,062	\$2,062	\$2,062	\$2,062
Public Open Space, Parks and Reserves	\$573	\$1,019	\$758	\$190
Sports and Leisure Facilities	\$1,092	\$1,567	\$1,146	\$1,002
Community and Cultural Facilities	\$0	\$0	\$412	\$0
Road Works	\$4,109	\$2,306	\$1,826	\$0
Medowie Traffic and Transport	\$0	\$2,454	\$0	\$0
Shared Paths	\$1,258	\$415	\$1,656	\$1,535

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**ITEM 2 - ATTACHMENT 1 SUMMARY OF CONTRIBUTIONS RATES.**

Bus Facilities	\$8	\$18	\$0	\$517
Fire and Emergency	\$17	\$0	\$113	\$1,406
Flood and Drainage Works	\$332	\$726	\$869	\$0
Cross Boundary Contributions	\$0	\$0	\$0	\$1,203
<b>Total</b>	<b>\$10,509</b>	<b>\$11,625</b>	<b>\$9,900</b>	<b>\$8,973</b>

Table 4 – Summary of discounts for Tourist and Visitor Accommodation

Infrastructure Category	Catchment Rate (per unit)			
	West	Central	Tomaree	Fern Bay/ Fullerton Cove
Civic Administration – Plan Management	\$293	\$293	\$293	\$293
Civic Administration – Works Depot	\$765	\$765	\$765	\$765
Town Centre Upgrades	\$2,062	\$2,062	\$2,062	\$2,062
Public Open Space, Parks and Reserves	\$573	\$1,019	\$758	\$190
Sports and Leisure Facilities	\$1,092	\$1,567	\$1,146	\$1,002
Community and Cultural Facilities	\$0	\$0	\$412	\$0
Road Works	\$2,568	\$1,441	\$1,141	\$0
Medowie Traffic and Transport	\$0	\$1,533	\$0	\$0
Shared Paths	\$1,258	\$415	\$1,656	\$1,535
Bus Facilities	\$8	\$18	\$0	\$517
Fire and Emergency	\$17	\$0	\$113	\$1,406
Flood and Drainage Works	\$332	\$726	\$869	\$0
Cross Boundary Contributions	\$0	\$0	\$0	\$1,203
<b>Total</b>	<b>\$8,968</b>	<b>\$9,839</b>	<b>\$9,215</b>	<b>\$8,973</b>

Table 4 – Housing for Seniors or People with a Disability (excluding Residential Care Facilities and development undertaken by a Social Housing Provider)

Infrastructure Category	Catchment Rate (per dwelling/unit)			
	West	Central	Tomaree	Fern Bay/ Fullerton Cove
Civic Administration – Plan Management	\$293	\$293	\$293	\$293
Civic Administration – Works Depot	\$765	\$765	\$765	\$765
Town Centre Upgrades	\$2,062	\$2,062	\$2,062	\$2,062
Public Open Space, Parks and Reserves	\$573	\$1,019	\$758	\$190

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**ITEM 2 - ATTACHMENT 1 SUMMARY OF CONTRIBUTIONS RATES.**

Sports and Leisure Facilities	\$1,092	\$1,567	\$1,146	\$1,002
Community and Cultural Facilities	\$0	\$0	\$412	\$0
Road Works	\$2,568	\$1,441	\$1,141	\$0
Medowie Traffic and Transport	\$0	\$1,533	\$0	\$0
Shared Paths	\$1,258	\$415	\$1,656	\$1,535
Bus Facilities	\$8	\$18	\$0	\$517
Fire and Emergency	\$17	\$0	\$113	\$1,406
Flood and Drainage Works	\$332	\$726	\$869	\$0
Cross Boundary Contributions	\$0	\$0	\$0	\$1,203
<b>Total</b>	<b>\$8,968</b>	<b>\$9,839</b>	<b>\$9,215</b>	<b>\$8,973</b>

Table 3 – Summary of road haulage contribution

Development Type	Contribution Amount
Extractive Industry and/or mining	\$0.084/t/km

**ITEM NO. 3**

**FILE NO: 19/186083  
EDRMS NO: PSC2005-4217**

**2018-2019 GENERAL PURPOSE FINANCIAL REPORTS**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Ratify the referring of the draft 2018-2019 General Purpose financial reports for audit; and
  - 2) Signs the statement on the General Purpose financial reports.
- 

**ORDINARY COUNCIL MEETING - 10 SEPTEMBER 2019  
MOTION**

<b>220</b>	<p><b>Councillor Sarah Smith Councillor Ken Jordan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Ratify the referring of the draft 2018-2019 General Purpose financial reports for audit; and</li><li>2) Signs the statement on the General Purpose financial reports.</li></ol>
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**Background**

The purpose of this report is to advise Council that the draft General Purpose financial reports for the period ending 30 June 2019 have been prepared and the audit commenced on Monday 9 September 2019.

Under section 413 of the Local Government Act 1993 (NSW) Council is required to submit with the General Purpose financial reports, a Statement by Councillors and management as to its opinion on the reports **(ATTACHMENT 1)**.

For information purposes, an extract of the General Purpose financial statements is shown at **(ATTACHMENT 2)**.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Financial Management	Maintain strong financial sustainability.

**FINANCIAL/RESOURCE IMPLICATIONS**

The 2018-2019 General Purpose financial reports have been prepared in compliance with the Local Government Act 1993, the Local Government Code of Accounting Practice and Financial Reporting, and the Australian Accounting Standards.

All revenues for 2018-2019 have been recognised together with any revenues due but not yet received, which have been raised as debtors for the period.

All expenditure incurred for the period has been recognised.

Provision has been made for all unpaid creditors.

Funds received for specific purposes but not expended during the period have been identified as either an external or internal restriction.

All known assets of Council have been recognised and brought to account.

All known assets acquired during the period have been recognised at actual cost, or at fair value in line with fair value accounting for assets.

All known liabilities incurred during the period have been recognised at actual or committed cost.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

Signing of the statement giving Council's opinion on the financial reports will comply with section 413 of the Local Government Act 1993.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that failure to sign the General Purpose financial reports will result in non-compliance with legislative requirements leading to potential reputational and financial loss.	Low	Accept the recommendations and sign the statement on the General Purpose financial reports.	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are no significant sustainability implications.

### **CONSULTATION**

No consultation is required as this is a statement by Councillors and management that the General Purpose financial statements have been prepared in accordance with applicable regulations.

#### Internal

Nil.

#### External

Nil.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) General Purpose Financial Statements - Statement by Councillors and management. [↓](#)
- 2) Extract of the General Purpose Financial Statements [↓](#)

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 3 - ATTACHMENT 1      GENERAL PURPOSE FINANCIAL STATEMENTS -  
STATEMENT BY COUNCILLORS AND MANAGEMENT.**

Port Stephens Council

General Purpose Financial Statements

for the year ended 30 June 2019

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Statement by Councillors and Management made pursuant to Section 413(2)(c) of the Local Government Act 1993 (NSW) (as amended)

The attached General Purpose Financial Statements have been prepared in accordance with:

- the *Local Government Act 1993* (NSW) (as amended) and the regulations made thereunder,
- the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board
- the *Local Government Code of Accounting Practice and Financial Reporting*.

To the best of our knowledge and belief, these statements:

- present fairly the Council's operating result and financial position for the year
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 10 September 2019.

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Ryan Palmer  
**Mayor**  
10 September 2019

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**Councillor**  
10 September 2019

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Wayne Wallis  
**General Manager**  
10 September 2019

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Tim Hazell  
**Responsible Accounting Officer**  
10 September 2019

**ITEM 3 - ATTACHMENT 2      EXTRACT OF THE GENERAL PURPOSE  
FINANCIAL STATEMENTS**

**Port Stephens Council**

**Income Statement**

for the year ended 30 June 2019

Original unaudited budget 2019	\$ '000	Notes	Actual 2019	Actual 2018 <sup>1</sup>
<b>Income from continuing operations</b>				
<b>Revenue:</b>				
56,787		3a	57,652	56,097
39,367		3b	44,698	39,752
1,353		3c	1,451	1,417
6,591		3d	6,596	6,206
11,758		3e, 3f	11,918	12,621
5,811		3e, 3f	21,312	15,125
<b>Other income:</b>				
250		5	278	816
-		10	3,592	4,799
121,917			147,497	136,833
<b>Expenses from continuing operations</b>				
45,135		4a	48,294	43,104
698		4b	705	679
36,830		4c	38,120	40,980
15,621		4d	14,684	14,522
13,995		4e	17,317	16,901
-		4d	3,174	573
112,279			122,294	116,759
9,638			25,203	20,074
<b>9,638</b>			<b>25,203</b>	<b>20,074</b>
9,638			25,203	20,074
3,827			3,891	4,949

(1) The Council has not restated comparatives when initially applying AASB 9. The comparative information has been prepared under AASB 139 *Financial Instruments: Recognition and Measurement*

The above Income Statement should be read in conjunction with the accompanying notes.



**ITEM 3 - ATTACHMENT 2      EXTRACT OF THE GENERAL PURPOSE  
FINANCIAL STATEMENTS**

Port Stephens Council

Statement of Comprehensive Income

for the year ended 30 June 2019

\$ '000	Notes	2019	2018 <sup>1</sup>
<b>Net operating result for the year (as per Income Statement)</b>		<b>25,203</b>	<b>20,074</b>
<b>Other comprehensive income:</b>			
Amounts which will not be reclassified subsequently to the operating result			
Gain (loss) on revaluation of IPP&E	9(a)	8,951	20,651
<b>Total items which will not be reclassified subsequently to the operating result</b>		<b>8,951</b>	<b>20,651</b>
<b>Total other comprehensive income for the year</b>		<b>8,951</b>	<b>20,651</b>
<b>Total comprehensive income for the year</b>		<b>34,154</b>	<b>40,725</b>

<sup>(1)</sup> The Council has not restated comparatives when initially applying AASB 9. The comparative information has been prepared under AASB 139 *Financial Instruments: Recognition and Measurement*

The above Statement of Comprehensive Income should be read in conjunction with the accompanying notes.

ITEM 3 - ATTACHMENT 2      EXTRACT OF THE GENERAL PURPOSE  
FINANCIAL STATEMENTS

Port Stephens Council

Statement of Financial Position

as at 30 June 2019

\$ '000	Notes	2019	Restated 2018 <sup>1</sup>	Restated 1 July 2017
<b>ASSETS</b>				
<b>Current assets</b>				
Cash and cash equivalent assets	6(a)	13,948	9,828	8,093
Investments	6(b)	35,067	40,209	40,402
Receivables	7	8,914	9,068	9,659
Inventories	8a	5,162	5,849	14,313
Other	8b	610	426	435
<b>Total current assets</b>		<u>63,701</u>	<u>65,380</u>	<u>72,902</u>
<b>Non-current assets</b>				
Investments	6(b)	1,222	1,033	231
Receivables	7	188	190	176
Inventories	8a	13,550	16,622	9,241
Infrastructure, property, plant and equipment	9(a)	960,972	930,630	890,274
Investment property	10a	35,550	31,467	26,000
Intangible assets	11	2,627	1,184	1,196
Other	8b	1,774	8	10
<b>Total non-current assets</b>		<u>1,015,883</u>	<u>981,134</u>	<u>927,128</u>
<b>TOTAL ASSETS</b>		<u>1,079,584</u>	<u>1,046,514</u>	<u>1,000,030</u>
<b>LIABILITIES</b>				
<b>Current liabilities</b>				
Payables	12	14,345	11,167	9,322
Income received in advance	12	-	9	431
Borrowings	12	4,464	3,460	2,837
Provisions	13	17,067	17,220	15,409
<b>Total current liabilities</b>		<u>35,876</u>	<u>31,856</u>	<u>27,999</u>
<b>Non-current liabilities</b>				
Payables	12	-	8	8
Borrowings	12	15,064	20,371	18,721
Provisions	13	742	531	532
<b>Total non-current liabilities</b>		<u>15,806</u>	<u>20,910</u>	<u>19,261</u>
<b>TOTAL LIABILITIES</b>		<u>51,682</u>	<u>52,766</u>	<u>47,260</u>
<b>Net assets</b>		<u>1,027,902</u>	<u>993,748</u>	<u>952,770</u>
<b>EQUITY</b>				
Accumulated surplus	14a	618,885	593,330	572,467
Revaluation reserves	14a	409,017	400,418	380,303
<b>Council equity interest</b>		<u>1,027,902</u>	<u>993,748</u>	<u>952,770</u>
<b>Total equity</b>		<u>1,027,902</u>	<u>993,748</u>	<u>952,770</u>

(1) The Council has not restated comparatives when initially applying AASB 9. The comparative information has been prepared under AASB 139 *Financial Instruments: Recognition and Measurement*

The above Statement of Financial Position should be read in conjunction with the accompanying notes.

ITEM 3 - ATTACHMENT 2 EXTRACT OF THE GENERAL PURPOSE FINANCIAL STATEMENTS

Port Stephens Council

Statement of Changes in Equity

for the year ended 30 June 2019

\$ '000	Notes	2019			2018 <sup>1</sup>		
		Accumulated surplus	IPP&E revaluation reserve	Total equity	Accumulated surplus	IPP&E revaluation reserve	Total equity
Opening balance		593,330	400,418	993,748	567,409	380,303	947,712
Correction of prior period errors	14b	-	-	-	5,311	-	5,311
<b>Restated opening balance</b>		<b>593,330</b>	<b>400,418</b>	<b>993,748</b>	<b>572,720</b>	<b>380,303</b>	<b>953,023</b>
Net operating result for the year		25,203	-	25,203	20,336	-	20,336
Correction of prior period errors	14b	-	-	-	(262)	-	(262)
<b>Restated net operating result for the period</b>		<b>25,203</b>	<b>-</b>	<b>25,203</b>	<b>20,074</b>	<b>-</b>	<b>20,074</b>
<b>Other comprehensive income</b>							
- Gain (loss) on revaluation of IPP&E	9(a)	-	8,951	8,951	-	20,651	20,651
<b>Other comprehensive income</b>		<b>-</b>	<b>8,951</b>	<b>8,951</b>	<b>-</b>	<b>20,651</b>	<b>20,651</b>
<b>Total comprehensive income</b>		<b>25,203</b>	<b>8,951</b>	<b>34,154</b>	<b>20,074</b>	<b>20,651</b>	<b>40,725</b>
Transfers between equity items		352	(352)	-	536	(536)	-
<b>Equity - balance at end of the reporting period</b>		<b>618,885</b>	<b>409,017</b>	<b>1,027,902</b>	<b>593,330</b>	<b>400,418</b>	<b>993,748</b>

(1) The Council has not restated comparatives when initially applying AASB 9. The comparative information has been prepared under AASB 139 *Financial Instruments: Recognition and Measurement*

The above Statement of Changes in Equity should be read in conjunction with the accompanying notes.

**ITEM 3 - ATTACHMENT 2      EXTRACT OF THE GENERAL PURPOSE  
FINANCIAL STATEMENTS**

**Port Stephens Council**

**Statement of Cash Flows**

for the year ended 30 June 2019

Original unaudited budget 2019	\$ '000	Notes	Actual 2019	Actual 2018
<b>Cash flows from operating activities</b>				
<u>Receipts</u>				
56,226			57,360	55,080
39,283			47,184	40,774
1,353			1,284	1,239
15,468			23,646	22,779
–			133	62
5,887			11,774	12,202
<u>Payments</u>				
(46,193)			(47,166)	(44,132)
(36,049)			(39,120)	(44,308)
(698)			(702)	(674)
(13,212)			(24,151)	(16,045)
<u>22,065</u>		15b	<u>30,242</u>	<u>26,977</u>
<b>Cash flows from investing activities</b>				
<u>Receipts</u>				
–			32,950	70,600
–			2,255	5,460
250			1,403	984
–			–	14
<u>Payments</u>				
–			(27,997)	(71,209)
–			(491)	(41)
(21,583)			(30,699)	(29,966)
–			2,911	(2,957)
–			(2,148)	(395)
<u>(21,333)</u>			<u>(21,816)</u>	<u>(27,510)</u>
<b>Cash flows from financing activities</b>				
<u>Receipts</u>				
2,000			–	8,000
<u>Payments</u>				
(3,485)			(4,306)	(5,732)
<u>(1,485)</u>			<u>(4,306)</u>	<u>2,268</u>
<u>(753)</u>			<u>4,120</u>	<u>1,735</u>
–		15a	9,828	8,093
<u>(753)</u>		15a	<u>13,948</u>	<u>9,828</u>
Additional Information:				
51,070		6(b)	36,289	41,242
<u>50,317</u>			<u>50,237</u>	<u>51,070</u>

The above Statement of Cash Flows should be read in conjunction with the accompanying notes.

**ITEM NO. 4**

**FILE NO: 19/216764  
EDRMS NO: PSC2009-02488**

**POLICY REVIEW: COMMUNITY GROUP LOANS POLICY**

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

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Community Group Loans Policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Community Group Loans Policy on public exhibition for a period of 28 days and should no submissions be received, the revised policy be adopted without a further report to Council.
- 3) Revoke the Community Group Loans Policy dated 14 July 2015, Minute No.196 should no submissions be received.

---

**ORDINARY COUNCIL MEETING - 10 SEPTEMBER 2019  
MOTION**

<b>221</b>	<p><b>Councillor Jaimie Abbott Councillor Sarah Smith</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the revised Community Group Loans Policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the revised Community Group Loans Policy on public exhibition for a period of 28 days and should no submissions be received, the revised policy be adopted without a further report to Council.</li><li>3) Revoke the Community Group Loans Policy dated 14 July 2015, Minute No.196 should no submissions be received.</li></ol>
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**BACKGROUND**

The purpose of this report is to seek Council's endorsement of the revised Community Groups Loans Policy (the 'policy').

The policy is currently under the ownership of the Community and Recreation Coordinator. Following internal discussions it has been deemed appropriate for Financial Services to undertake ownership of the policy.

The intent of the policy is to provide community cultural and sporting groups in the local government area with access to low interest loan funding. While Community and Recreation will maintain responsibility for assessing and determining which applications should be progressed, Financial Services will establish which applicants meet the criteria for loan funding. Financial Services will also prescribe the terms of the loan in accordance with standard lending practices.

While there are currently loans outstanding, this facility has only been utilised in the past by only a few groups. The latest was by the Raymond Terrace Tennis Club to assist with upgrades to the tennis courts.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Financial Management	Maintain strong financial sustainability.

**FINANCIAL/RESOURCE IMPLICATIONS**

Adoption of the revised policy and the transfer of ownership to Financial Services are within existing budget allocations.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

No adverse legal, policy or risk implications have been identified as a result of the adoption of the revised policy and transfer of ownership.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that if the revised policy is not adopted then Council could be vulnerable to defaulting loans.	Medium	Council adopt the revised policy.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

By Council facilitating reasonable loans as a responsible lender to approved Community groups, valuable facilities and services will be provided on a sustainable basis.

## **CONSULTATION**

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

### Internal

- Executive Team.
- Assets Section.

### External

In accordance with local government legislation the revised Community Groups Loans Policy will go on public exhibition for 28 days.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Revised Community Group Loans Policy. [↓](#)

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

Policy



**FILE NO:** PSC2011-02343 **PSC2009-02488**  
**TITLE:** COMMUNITY GROUP LOANS POLICY  
**POLICY OWNER:** **COMMUNITY & RECREATION COORDINATOR**  
**FINANCIAL SERVICES SECTION MANAGER**

**1. PURPOSE:**

1.1 To provide access to funding through the provision of available loans for improvements to community, cultural, sport and recreation facilities in the Port Stephens Local Government Area **in an effective and equitable manner.**

**2. CONTEXT/BACKGROUND:**

2.1 This policy applies to groups seeking to develop buildings or facilities that are Council owned; under Council's Care, Control or Management; under Council's Trusteeship, provides services to the local community or responsibility has been devolved to Council by some form of legislation.

**3. SCOPE:**

3.1 The Community and Recreation Loans Reserve will be self-supporting over time with repayments to the reserve used to fund further allocation. The Reserves upper limit will be \$200,000.

3.2 This policy assists community groups that are operating and providing services in the Port Stephens Local Government Area and enables Council's assets to be enhanced, improved and maintained in a good state of repair.

**4. DEFINITIONS:**

4.1 An outline of the key definitions of terms included in the policy.

Loan The act of giving money, property or other material goods to a party in exchange for future repayment of the principal amount along with interest or other finance charges.

Interest The charge for the privilege of borrowing money, typically expressed as an annual percentage rate.

Policy

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## Policy

**5. POLICY STATEMENT:**

- 5.1 The Community Group Loans is to provide an accessible fund where groups and clubs can borrow funds at low interest rates for approved projects. This will assist community groups to improve and develop Council's facilities to support community activities in the Local Government Area. program will provide funding through the provision of available loans for improvements to the community, cultural, sport and recreation facilities in the Port Stephens Local Government Area (LGA).
- 5.2 This policy is made possible by a reserve of \$200,000 so loan funds can be drawn upon and Council's financial position managed appropriately.
- 5.2.1 Interest rates are to be set at Indicative Borrowing Rate for Local Government Authorities (IBRLGA) applicable on the day of approval of recommendation by the Group Manager of the respective Group.
- 5.2.2 For projects that are Asset Rehabilitation and are in Port Stephens Council's Asset Management Plans, the interest rate will be 50% of the IBRLGA.
- 5.2.3 The interest from Community and Recreation Loans Vote, being equal to Indicative Borrowing Rates for Local Government Authorities, is paid to Council on a quarterly basis (except for Asset Rehabilitation Projects).
- 5.3 Interest to be fixed for the term of the loan. This loan is available to groups seeking to develop buildings or facilities that are Council owned, under Council's care, control or management, or under Council's Trusteeship.
- 5.4 Loans to be for a maximum of 84 months. Applicants must be providing services to the local community or responsibility has been devolved to Council by some form of legislation.
- 5.5 Loans have a minimum of \$2,000 and an upper limit of \$75,000. Any increase of this amount will require a formal resolution of Council.
- 5.5 Transparency and Equity**
- 5.5.1 The Community Loans Program will be administered in a transparent and equitable manner and be promoted across the district in a manner that will allow maximum opportunity for community groups to apply.
- 5.5.2 Each funding program has a process for the assessment of applications with Council making the final decision.
- 5.6 Should a club or group default on loan payments, Council has the right to take whatever

## Policy

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## Policy



— action it considers necessary to recover the funds. In extreme cases, Council may  
 — consider closing the use of the facilities to the club or community group in default and  
 — taking legal action to recover funds.

### 5.6 Eligibility

#### 5.6.1 Local Sports Club:

- a) Must be a current financial member of a Port Stephens Council Sports Council.
- b) Must provide a business plan that clearly establishes the group's capacity to meet the commitments of a loan.
- c) Must be up to date with any Council/Sports Council/Committee accounts.
- d) Have appropriate Public Liability insurance cover.

#### 5.6.2 Community/Cultural Groups:

- a) Must be a properly constituted, incorporated not-for-profit association operating and providing services in the Port Stephens LGA.
- b) Must provide a business plan that clearly establishes the group's capacity to meet the commitments of a loan.
- c) Have appropriate Public Liability insurance cover.

#### 5.6.3 The following groups are ineligible to apply:

- a) Groups which do not meet the above requirements.
- b) Groups which already have an outstanding community group loan.
- c) Commercial organisations.
- d) Projects which will be carried out on private land or outside the Port Stephens LGA.

### 5.7 Assessment

#### 5.7.1 Priority will be given to loans for projects that:

- a) will benefit a wide range of people in the community
- b) have a long term benefit for the community
- c) have a clearly defined plan and budget.

#### 5.7.2 The application must clearly demonstrate the capacity to repay the loan including:

- a) detailed expenditure and revenue forecast budget for term of loan
- b) forecast repayment schedule for term of loan

## Policy

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Policy



- c) additional fundraising and income generating activities
- d) evidence of sound governance procedures

5.7.3 Applications made by sporting clubs must be for projects included on the relevant Sports Council's Sports Development Strategy. The relevant Sports Council must be supportive of the project and agree to:

- a) Be a signatory to the application; and
- b) Meet the repayments for the loan in the instance where the applicant fails to meet two (2) successive payments

5.7.4 Applications will be prioritised and assessed on:

- a) Financial ability to repay loan; and
- b) Having particular regard to projects identified as a part of the 10 year Capital Works Plan or Sports Development Strategy.

5.8 Terms of Loan

5.8.1 Loans to be a maximum of 84 months.

5.9 Value of Loan

- a) Loans provided to be a minimum of \$20,000 and a maximum of \$75,000
- b) Loan funds cannot exceed more than 75% of the overall project value excluding in kind support, i.e. expected cash value of the project x 75% = maximum loan value.

6. POLICY RESPONSIBILITIES:

6.1 Community & Recreation Co-ordinator – Responsible for the overall implementation of the policy. The Financial Services Section Manager has overall responsibility for the implementation of this policy in consultation with the Assets Section Manager.

6.2 Management Accounting Co-ordinator – Responsible for monitoring the Community and Recreation Loans Reserve and ensuring payments are received. Applications for Community Group Loans may be received and coordinated at coordinator level, if relevant to their role at Council. In all cases, consultation with the relevant section and group manager must occur prior to agreement being entered into.

Policy

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Policy



6.3 The Financial Services Section Manager is responsible for reporting Community Group Loan requests over \$20,000 to a maximum of \$75,000 to Council for endorsement.

7. RELATED DOCUMENTS:

7.1 LGA Act 1993

7.1 Suitable documents, records and evidence of review will be maintained in support of application, approval and management of loans.

7.2 Code of Conduct

7.3 PSC Financial Assistance Policy

CONTROLLED DOCUMENT INFORMATION:

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<b>EDRMS container No</b>	PSC2015-01000 PSC2009-02488	<b>EDRMS record No</b>	19/230340
<b>Audience</b>	Financial Services Section, PSC staff, local Community Groups and Sporting Clubs		
<b>Process owner</b>	<del>Community &amp; Recreation Co-ordinator</del> Financial Services Section Manager		
<b>Author</b>	<del>Brendan Callander</del> Financial Services Section Manager.		
<b>Review timeframe</b>	Every 4 Years 2 years	<b>Next review date</b>	
<b>Adoption date</b>	14/7/15		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	26/06/2007	Jason Linnane		158
2	14/07/2015	John Maretich	Updated Community Group Loans Policy does not change the existing policy's intent and only updates the format of the policy	196

Policy

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Policy



3		Financial Services Section Manager	<p>Updated policy into new template.                  Changed Policy Owner from Community &amp; Recreation Coordinator to Financial Services Section Manager.</p> <p>1.1 – Added “in an effective and equitable manner.”</p> <p>5.1 – Removed “is to provide an accessible fund where groups and clubs can borrow funds at low interest rates for approved projects. This will assist community groups to improve and develop Council's facilities to support community activities in the Local Government Area.”</p> <p>5.1 – Added “program will provide funding through the provision of available loans for improvements to the community , cultural, sport and recreation facilities in the Port Stephens Local Government Area (LGA).”</p> <p>5.2.1 - Removed “Interest rates are to be set at Indicative Borrowing Rate for Local Government Authorities (IBRLGA) applicable on the day of approval of recommendation by the Group Manager of the respective Group.”</p> <p>5.2.2 - Removed “For projects that are Asset Rehabilitation and are in Port Stephens Council’s Asset Management Plans, the interest rate will be 50% of the IBRLGA.”</p> <p>5.2.3 – Removed</p> <p>5.5.1 – Added “The Community Loans Program will be administered in a transparent and equitable manner and be</p>	
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Policy

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Policy



			<p>promoted across the district in a manner that will allow maximum opportunity for community groups to apply.”</p> <p>5.5.2 – Added “Each funding program has a process for the assessment of applications with Council making the final decision.”</p> <p>5.6 – Removed “Should a club or group default on loan payments, Council has the right to take whatever action it considers necessary to recover the funds. In extreme cases, Council may consider closing the use of the facilities to the club or community group in default and taking legal action to recover funds.</p> <p>5.6 – Added “Eligibility”.</p> <p>Added 5.6.1 – 5.6.3.</p> <p>5.7 - Added “Assessment”.</p> <p>Added 5.7.1 – 5.7.4.</p> <p>5.8 – Added “Terms of Loan”</p> <p>Added 5.8.1</p> <p>5.9 – Added “Value of Loan”</p> <p>Added points a) and b)</p> <p>6.1 – Removed “Community &amp; Recreation Co-ordinator – Responsible for the overall implementation of the policy.”</p> <p>6.1 – Added “The Community &amp; Recreation Section Manager has overall responsibility for the implementation of this policy.”</p> <p>6.2 – Removed “Management Accounting Co-ordinator – Responsible for monitoring the Community and Recreation Loans Reserve and ensuring</p>	
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Policy

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Policy



			<p>payments are received.”</p> <p>6.2 – Added “Applications for Community Group Loans may be received and coordinated at coordinator level, if relevant to their role at Council. In all cases, consultation with the relevant section and group manager must occur prior to agreement being entered into.”</p> <p>6.3 – Added “The relevant section manager is responsible for reporting Community Group Loan requests over \$20,000 to a maximum of \$75,000 to Council for endorsement.”</p> <p>7.1 – Removed “LGA Act 1993”</p> <p>7.1 – Added “Suitable documents, records and evidence of review will be maintained in support of application, approval and management of loans.”</p> <p>7.2 – Removed “Code of Conduct”</p> <p>7.3 – Removed “PSC Financial Assistance Policy”.</p>	
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Policy

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**ITEM NO. 5**

**FILE NO: 19/232547  
EDRMS NO: PSC2019-02834**

**WARD BOUNDARY REVIEW**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the Ward boundaries changes in accordance with Option 1 shown at **(ATTACHMENT 2)**.
- 2) Commence public exhibition for a period of 28 days and allow 42 days for submissions to be received following approval from the Electoral Commission NSW.

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**ORDINARY COUNCIL MEETING - 10 SEPTEMBER 2019  
MOTION**

<b>222</b>	<p><b>Councillor Giacomo Arnott Councillor Jaimie Abbott</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1. Endorse the Ward boundaries changes so that Karuah, Swan Bay and Twelve Mile creek move to Central Ward from West Ward, that Ferodale be split along Medowie Road, with those east of this road moving to Central ward and those west of this road remaining in West Ward, and that Boat Harbour remain in Central Ward.</li><li>2. Commence public exhibition for a period of 28 days and allow 42 days for submissions to be received following approval from the NSWEC.</li></ol>
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**BACKGROUND**

The purpose of this report is to consider the options available as a result of the Ward boundary review within the Port Stephens local government area. This review is required in preparation for the 2020 local government election.

The last review was conducted in 2015 and came into effect at the next ordinary local government election, which was held in 2017.



Section 211 of the Local Government Act 1993 (the 'Act') requires Council to keep its ward boundaries under review and ensure the variance between the ward with the highest number of electors and the lowest number of electors is not in excess of 10%. The elector numbers are reviewed on a monthly basis from data accessed from the NSW Electoral Commission.

The data shows that there have been significant increases in elector numbers before and after each Federal, State and local government election since 2016. In 2016 prior to the Federal election, the elector numbers across the local government area increased around 500 and again after the election just over 400. At the 2017 local government election there was an increase, however not at the same rate as the Federal election. The 2019 NSW State election again produced an increase before and after the election. The elector numbers significantly increased at the Federal election 2019 by around 300.

Based on the data to July 2019, the current variance is around 12%. Council is therefore required to review ward boundaries to ensure the new boundaries are in place for the 2020 local government election.

Two (2) options have been identified for Council's consideration. In identifying the options available, Council is required to meet legislative requirements and may consider other factors such as:

- 1) Must ensure compliance with section 211 of the Act, meeting the 10% variance rule.
- 2) Must ensure compliance with section 210 and 210A of the Act, which requires consideration of boundaries of appropriate subdivisions and census districts.
- 3) Consider appropriate representation across each ward.
- 4) Maintaining central hubs within each ward, ie Raymond Terrace, Medowie and Nelson Bay.
- 5) Consider the geographical size of each ward.
- 6) Transferring a whole suburb from one ward to another, therefore no suburb is split between 2 wards.

The 2 options identified to meet the criteria above are:

#### Option 1

Transfer the suburb of Boat Harbour (817 electors) from Central Ward to East Ward. Transfer the suburbs of Ferodale, Karuah, Swan Bay and Twelve Mile Creek from West Ward to Central Ward (1508 electors). The elector number projections are shown at **(ATTACHMENT 1)**. The mapped proposal for Option 1 is shown at **(ATTACHMENT 2)**.

Option 2

Transfer suburbs of Ferodale, Karuah, Swan Bay and Twelve Mile Creek from West Ward to Central Ward (1508 electors). The projections are shown at **(ATTACHMENT 3)**. The mapped proposal for Option 2 is shown at **(ATTACHMENT 4)**.

Option 1 is the recommended option as it provides the best outcome over the long term with respect to elector numbers and meeting the obligations of section 211 of the Act. It is anticipated Option 1 would not require Council to conduct a further ward boundary review until approximately 2029, whereas Option 2 may require a further review around 2025.

The review also considered reversing the 2015 ward boundary changes, however due to the growth in the Fern Bay area this was not a viable option, as it would result in a variance in excess of 10%.

The proposal has taken into account growth, including known planning proposals.

The proposed timeframe for the ward boundary review is:

Date	Purpose
20 August 2019.	Two way conversation.
10 September 2019.	Report to Council to endorse an option.
19 September 2019.	Commence public exhibition with submissions closing 31 October 2019.
26 November 2019.	Report to Council to consider submissions, if any, and adoption of final option.
9 December 2019.	Deadline to advise the NSW Electoral Commission of changes.

**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 will be advertising and community consultation sessions where the community will be invited to comment on the ward boundary proposal. These costs will be met within the existing budget.

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

### **LEGAL, POLICY AND RISK IMPLICATIONS**

Section 211 of the Act requires Council to keep its wards under review and to take action should the variance be greater than 10% between the highest and lowest ward elector numbers.

The Act requires Council to take action and correct the variance should it continue to exist after the first year of a new Council term.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council will be in breach of the Local Government Act 1993 if the ward boundary review is not conducted.	Low	Adopt the recommendation.	Yes
There is a risk that there will be an imbalance between wards at the next local government election.	Low	Adopt the recommendation.	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The review of the ward boundaries will correct the current imbalance that exists between wards and provide an improved representation by the elected Council to the community.

### **CONSULTATION**

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

Internal

Consultation has been undertaken with the General Manager and planning staff as part of the review.

A two way conversation was held with Council on 20 August 2019.

External

Council will place the proposal on public exhibition for a period of 28 days and allow 42 days for submissions to be lodged.

Consultation sessions will be held in Karuah and Boat Harbour to engage with the local communities and provide further information and answer questions on the proposal.

Council will consult with the NSW Electoral Commission, Office of the Local Government and the Australian Statistician as part of the process.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Option 1 - elector number projections. [↓](#)
- 2) Option 1 - boundary changes map. [↓](#)
- 3) Option 2 - elector number projections. [↓](#)
- 4) Option 2 - boundary changes map. [↓](#)

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 5 - ATTACHMENT 1      OPTION 1 - ELECTOR NUMBER PROJECTIONS.**

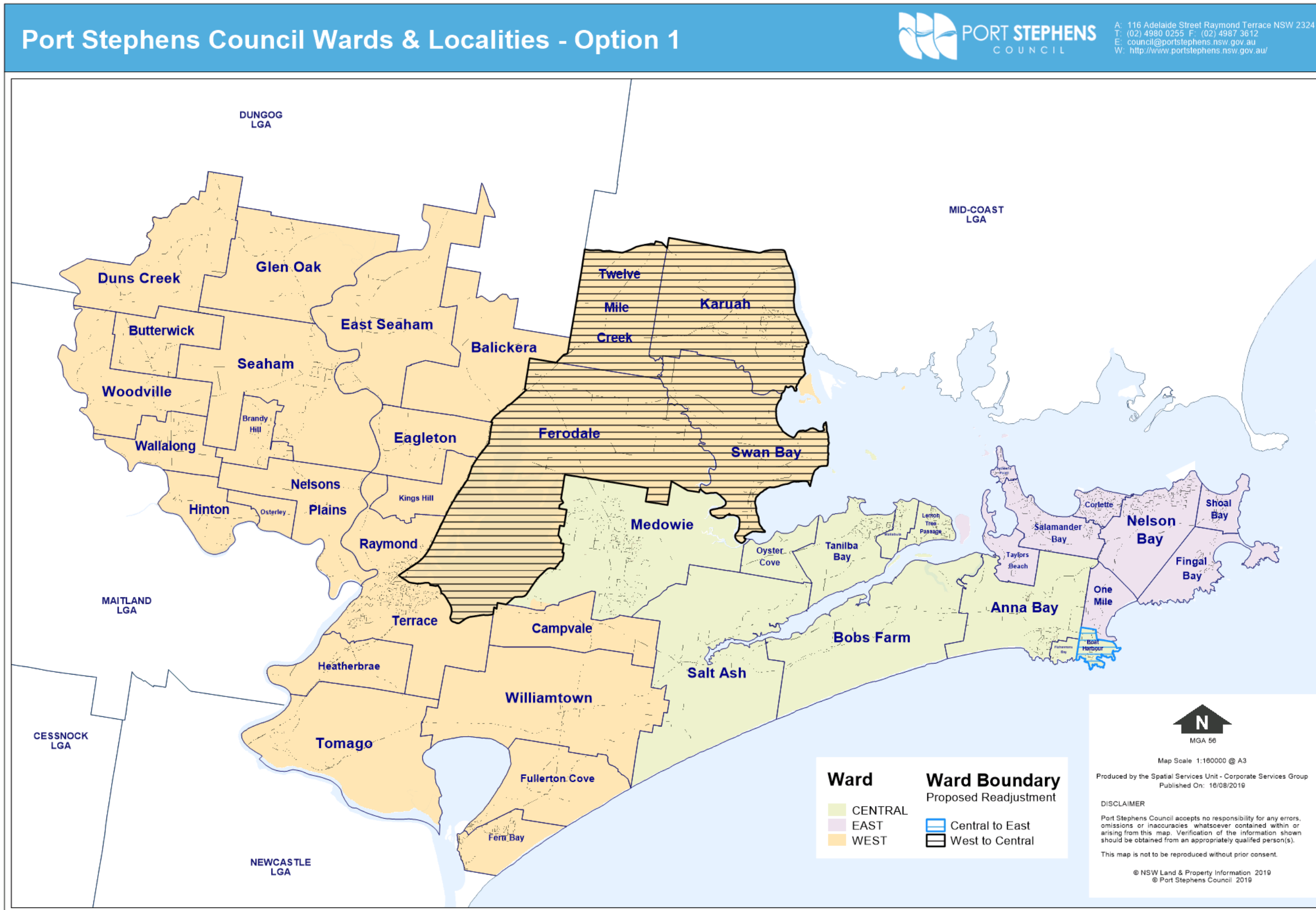
Ward elector number projections - Option 1

**Option 1**

<b>Year</b>	<b>East Ward</b>	<b>Central Ward</b>	<b>West Ward</b>	<b>Total</b>	<b>Variance</b>
Current	17689	17651	20062	55402	2411 (12.01%)
Karuah, Swan Bay , Ferodale, Twelve Mile Ck		1508	-1508		
Boat Harbour	817	-817	0		
	18506	18342	18554	55402	212 (1.14%)

<b>Projections</b>					
2019	18506	18342	18554	55402	212 (1.14%)
2020	18706	18542	18954	56202	412 (2.17%)
2021	18906	18742	19354	57002	612 (3.16%)
2022	19106	18942	19754	57802	812 (4.11%)
2023	19306	19142	20154	58602	1012 (5.02%)
2024	19506	19342	20454	59302	1112 (5.43%)
2025	19706	19542	20854	60102	1312 (6.29%)
2026	19906	19742	21254	60902	1512 (7.11%)
2027	20106	19942	21654	61702	1712 (7.90%)
2028	20306	20142	22054	62502	1912 (8.66%)
2029	20506	20342	22454	63302	2112 (9.40%)
2030	20706	20542	22854	64102	2312 (10.11%)

Denotes Ward with highest number of electors



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**N**  
MGA 56

Map Scale 1:180000 @ A3  
 Produced by the Spatial Services Unit - Corporate Services Group  
 Published On: 16/08/2019

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FILE LOCATION: G:\projects\Ward Boundary Readjustment\2019

**ITEM 5 - ATTACHMENT 3      OPTION 2 - ELECTOR NUMBER PROJECTIONS.**

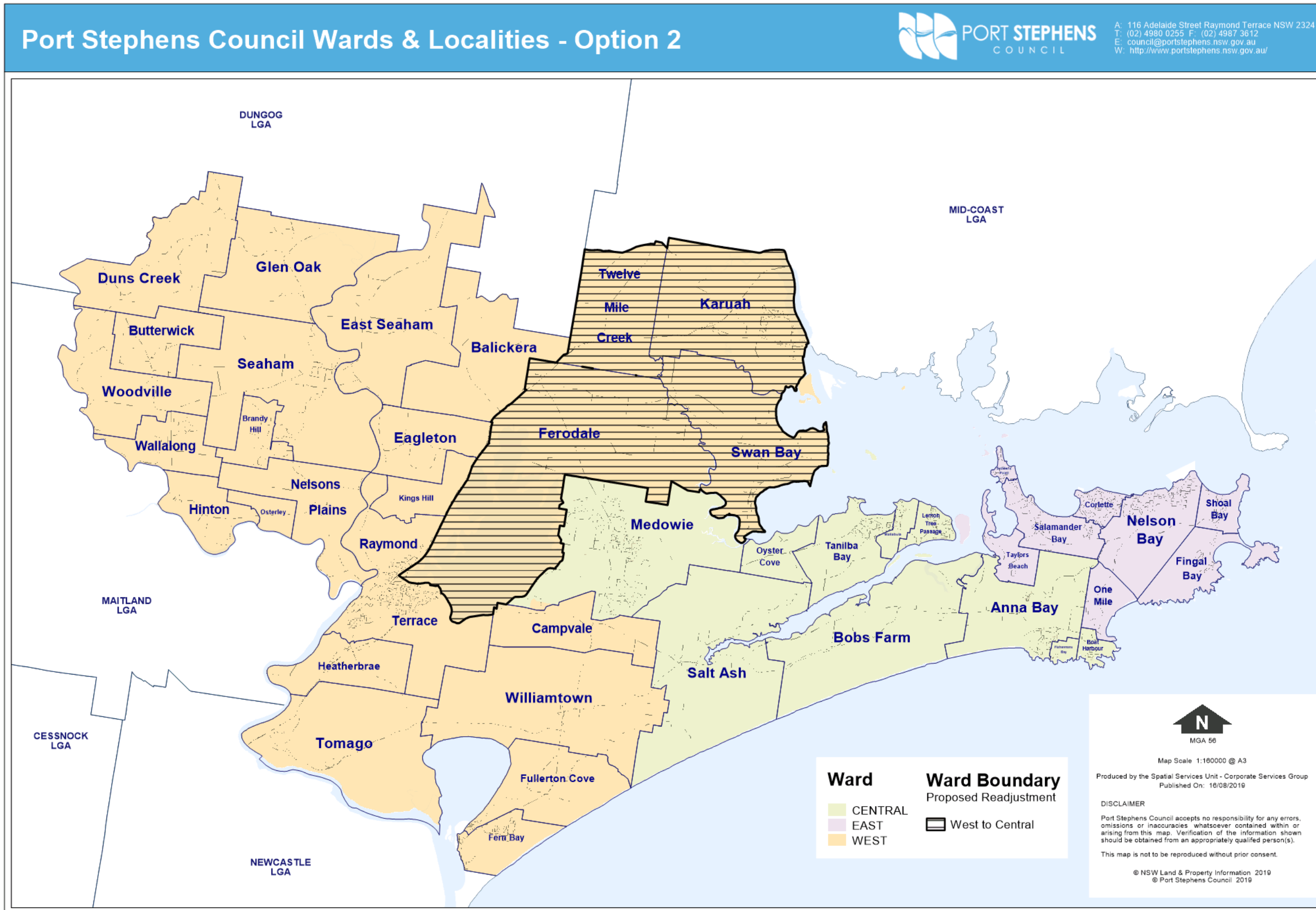
Ward elector number projections - Option 2

**Option 2**

<b>Year</b>	<b>East Ward</b>	<b>Central Ward</b>	<b>West Ward</b>	<b>Total</b>	<b>Variance</b>
Current	17689	17651	20062	55402	2411 (12.01%)
Karuah, Swan Bay , Ferodale, Twelve Mile Ck		1508	-1508		
	17689	19159	18554	55402	1470 (7.67%)

<b>Projections</b>					
2019	17689	19159	18554	55402	1470 (7.67%)
2020	17889	19359	18994	56242	1470 (7.59%)
2021	18089	19559	19394	57042	1470 (7.51%)
2022	18289	19759	19794	57842	1505 (7.60%)
2023	18489	19959	20194	58642	1905 (9.43%)
2024	18689	20159	20594	59442	1905 (9.25%)
2025	18889	20359	20994	60242	2105 (10.02%)

Denotes Ward with highest number of electors





**ITEM NO. 6**

**FILE NO: 19/234214  
EDRMS NO: PSC2010-00134**

**NOMINATION: HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Nominate the Asset Section Manager and the Strategy and Environment Section Manager as alternate Council members on the Hunter and Central Coast Regional Planning Panel.

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**ORDINARY COUNCIL MEETING - 10 SEPTEMBER 2019  
MOTION**

<b>223</b>	<b>Councillor Steve Tucker Councillor Ken Jordan</b>  It was resolved that Council nominate the Asset Section Manager and the Strategy and Environment Section Manager as alternate Council members on the Hunter and Central Coast Regional Planning Panel.
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**BACKGROUND**

The purpose of this report is to seek alternate Council representation on the Hunter and Central Coast Regional Planning Panel (the Panel).

The next meeting of the Panel will consider the Birubi Information Centre development application submitted by Council. As this raises potential conflict of interests for the current Council Panel members, Council is required to appoint alternate members to represent Council on the Panel.

The current Council panel memberships comprises the Mayor and Cr Paul Le Mottee, with alternate members being Cr Giacomo Arnott and Cr Chris Doohan.

After reviewing the Planning Panels Operational Procedures – September 2016 and the Code of Conduct – August 2018, it is considered appropriate that a staff member can be appointed to the Panel on the basis they have not been involved in the matter through their role at Council and meet the criteria to be a panel member contained in the document above.

It is recommended that Council's Asset Section Manager, John Maretich and the Strategy and Environment Section Manager, Steven Peart be nominated as Council's alternate members on the Panel.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Governance	Provide a strong ethical governance structure.

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no implications arises out of this recommendation.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council will not be represented on the Panel if an alternate member is not nominated. This may also result in the lack of a quorum at the Panel meeting.	Low	Adopt the recommendation.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are no implications arising out of this recommendation.

## **CONSULTATION**

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

### Internal

The relevant Council officers have been consulted as part of the process.

## **OPTIONS**

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

## **ATTACHMENTS**

Nil.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

**ITEM NO. 7**

**FILE NO: 19/246215  
EDRMS NO: PSC2005-5715**

**NOMINATION: PORT STEPHENS-GREAT LAKES MARINE PARK ADVISORY COMMITTEE**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Nominate a delegate as the local government representative on the Port Stephens-Great Lakes Marine Park Advisory Committee.
- 2) Conduct a review of the local government delegate post the 2020 local government election.

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**ORDINARY COUNCIL MEETING - 10 SEPTEMBER 2019  
MOTION**

<b>224</b>	<p><b>Councillor Paul Le Mottee Councillor Ken Jordan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Nominate Cr John Nell as the local government representative on the Port Stephens-Great Lakes Marine Park Advisory Committee.</li><li>2) Conduct a review of the local government delegate post the 2020 local government election.</li></ol>
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**BACKGROUND**

The purpose of this report is for Council to nominate a local government delegate to the Port Stephens-Great Lakes Marine Park Advisory Committee (Marine Park Advisory Committee).

The current local government delegate is Cr John Nell. The term of the membership must not exceed 4 years and members are able to seek re-appointment at the end of their current term. Nominations close on 22 September 2019.

The Marine park advisory committees provide a voice for local communities in the management of the NSW marine estate and local marine parks.

The NSW Government's response to the Report of the Independent Scientific Audit of Marine Parks in NSW (2013) and marine estate reform identified revitalising local marine park advisory committees as a specific aim.

Marine park advisory committees advise the NSW Government, through the Marine Park Manager, on the management of the marine park, in particular including:

- the application of the Marine Estate Management Act 2014.
- the development and implementation of management plans and rules for a marine park.
- local environmental, social, cultural and economic values.
- local threats, risks and opportunities.
- spatial distribution of values and threats and appropriate spatial management.
- emerging issues.

Marine park advisory committees may also provide advice to the relevant Ministers responsible for the NSW marine estate, the Marine Estate Management Authority and/or the Marine Estate Expert Knowledge Panel on management of the broader marine estate and the system of marine protected areas within NSW.

The Marine Park Advisory Committee will:

- engage with local communities and stakeholders.
- provide a forum for local communities to identify values, threats, issues and opportunities.
- contribute valuable local knowledge to decision making processes.
- provide feedback to the NSW Government to support continuous improvement.

### **COMMUNITY STRATEGIC PLAN**

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

### **FINANCIAL/RESOURCE IMPLICATIONS**

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the Marine Park Advisory Committee would not comprise of a local government representative should this recommendation not be endorsed.	Low	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

A local government delegate on this committee will enable information to be shared between Council and the committee for an improved outcome for the community as a whole.

**CONSULTATION**

The NSW Department of Primary Industries has requested a nomination to represent local government on the Marine Park Advisory Committee.

**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: 19/234258  
EDRMS NO: PSC2017-00178**

**REQUEST FOR FINANCIAL ASSISTANCE**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral funds to the following:
  - a. Tilligerry Peninsula Chamber of Commerce & Industry – Mayoral Funds - \$875 – donation towards the cost of coach hire to transport Blackalls Park Swing Band to Lemon Tree Passage for an event.

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**ORDINARY COUNCIL MEETING - 10 SEPTEMBER 2019  
MOTION**

<b>225</b>	<p><b>Councillor Chris Doohan Councillor Steve Tucker</b></p> <p>It was resolved that Council approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral funds to the following:</p> <ol style="list-style-type: none"><li>a. Tilligerry Peninsula Chamber of Commerce &amp; Industry – Mayoral Funds - \$875 – donation towards the cost of coach hire to transport Blackalls Park Swing Band to Lemon Tree Passage for an event.</li></ol>
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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 - 10 SEPTEMBER 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 requests for financial assistance are shown below:

### MAYORAL FUNDS – Mayor Palmer

Tilligerry Peninsula Chamber of Commerce & Industry.	A not for profit organisation representing the business community of the Tilligerry Peninsula.	\$875	Donation towards the cost of coach hire to transport Blackalls Park Swing Band to Lemon Tree Passage for an event.
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### COMMUNITY STRATEGIC PLAN

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
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.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
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. 9**

**FILE NO: 19/238836  
EDRMS NO: PSC2017-00015**

**INFORMATION PAPERS**

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

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**RECOMMENDATION IS THAT THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 10 September 2019.

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<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	DESIGNATED PERSONS' RETURN	76
2	COUNCIL RESOLUTIONS	77

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**ORDINARY COUNCIL MEETING - 10 SEPTEMBER 2019  
MOTION**

<b>226</b>	<p><b>Councillor Chris Doohan Councillor Ken Jordan</b></p> <p>It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 10 September 2019.</p> <hr/> <p><b>No: Report Title:</b></p> <p>1 DESIGNATED PERSONS' RETURN 2 COUNCIL RESOLUTIONS</p>
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# INFORMATION PAPERS

**ITEM NO. 1**

**FILE NO: 19/223937  
EDRMS NO: PSC2019-02300**

**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 (PSC078).

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

- 1) Designated Persons' Return.

**ITEM NO. 2**

**FILE NO: 19/189293**  
**EDRMS NO: PSC2017-00105**

**COUNCIL RESOLUTIONS**

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

**BACKGROUND**

The purpose of this report is to inform Elected Members of the status of all matters to be dealt with arising out of the proceedings of previous meetings of the Council in accordance with the Code of Meeting Practice.

**ATTACHMENTS**

- 1) Corporate Services Group report. [↓](#)
- 2) Development Services Group report. [↓](#)
- 3) Facilities & Services Group report. [↓](#)
- 4) General Manager's Office report. [↓](#)

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 2 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.**



<b>Outstanding</b>	<b>Division:</b> Corporate Services	<b>Date From:</b> 26/09/2017
<b>Action Sheets Report</b>	<b>Committee:</b> Ordinary Council	<b>Date To:</b> 27/08/2019
		<b>Printed:</b> Monday, 2 September 2019

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/11/2017	Meyn, Janet	Ground Lease over Part of 4 Leisure Way, Raymond Terrace for Telecommunications Facility	31/10/2019	29/11/2017	
1 297		Foster, Carmel				17/236078
29 Aug 2019 - The Lease has been executed by both parties and is currently awaiting registration with Lands Registry Services.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/03/2018	Meyn, Janet	COMPULSORY ACQUISITION OF AN EASEMENT FOR ACCESS OVER PART OF 6 GOVERNMENT ROAD, SHOAL BAY	31/12/2019	28/03/2018	
13 066		Foster, Carmel				18/66656
29 Aug 2019 - Council is awaiting approval from the Office of Local Government.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/07/2018	Meyn, Janet	398 CABBAGE TREE ROAD, WILLIAMTOWN	31/12/2019		
2 221		Foster, Carmel				18/151411
29 Aug 2019 - Williamtown Sand Syndicate are in the process of completing the final conditions precedent. It is expected that Council will be able to sign the lease agreement by October 2019 due to issues with the Roads & Maritime Services approvals.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/08/2018	Meyn, Janet	Proposed Partial Road Closure - The Close, Raymond Terrace for future Development of Terrace Central Shopping Centre	31/10/2019	15/08/2018	
1 254		Foster, Carmel				18/179364
29 Aug 2019 - Council is awaiting registration of the subdivision by Land Registry Services.						

**ITEM 2 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.**



<b>Outstanding</b>	<b>Division:</b> Corporate Services	<b>Date From:</b> 26/09/2017
<b>Action Sheets Report</b>	<b>Committee:</b> Ordinary Council	<b>Date To:</b> 27/08/2019
		<b>Printed:</b> Monday, 2 September 2019

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/02/2019	Meyn, Janet	King Street, Raymond Terrace Easements	31/05/2020	14/02/2019	
3		Foster, Carmel				19/39843
29 Aug 2019 - Council is awaiting approval from the Office of Local Government.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/05/2019	Meyn, Janet	DEBT RECOVERY	24/12/2019	15/05/2019	
1		Foster, Carmel				19/136619
099						
29 Aug 2019 - Debt recovery is underway.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2019	Meyn, Janet	PROPOSED ACQUISITION OF FORMER FIRE STATION SITE - 51 WILLIAM STREET, RAYMOND TERRACE	29/11/2019	29/05/2019	
5		Foster, Carmel				19/148388
109						
29 Aug 2019 - Council is awaiting approval from the Office of Local Government.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2019	Meyn, Janet	COMPULSORY ACQUISITION OF PART OF VICTORIA PARADE RESERVE NELSON BAY FOR ROAD PURPOSES	29/11/2019	29/05/2019	
6		Foster, Carmel				19/148388
110						
29 Aug 2019 - The application has been lodged with the Office of Local Government.						

**ITEM 2 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.**



<b>Outstanding</b>	<b>Division:</b> Corporate Services	<b>Date From:</b> 26/09/2017
<b>Action Sheets Report</b>	<b>Committee:</b> Ordinary Council	<b>Date To:</b> 27/08/2019
		<b>Printed:</b> Monday, 2 September 2019

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/06/2019	Meyn, Janet	Naming of Reserve - Bower Reserve, Medowie	27/09/2019	12/06/2019	
3		Foster, Carmel				19/160026
121						
29 Aug 2019 - The paperwork will go to the Geographical Names Board meeting on 10 September 2019.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/07/2019	Hazell, Tim	COMMUNITY PROJECTS FUND 2019-2020	16/09/2019		
8		Foster, Carmel				19/186501
148						
29 Aug 2019 - Following up with groups for their banking information.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/07/2019	Hazell, Tim	REVIEW LOCAL PROCUREMENT PRACTICES	30/12/2019		
3		Foster, Carmel				19/186501
156						
22 Aug 2019 - The review of the Procurement MD has been finalised and will be circulated week commencing 26 August 2019 for endorsement. The review of the Procurement Policy will be brought forward to be considered in conjunction with the Procurement MD. Progress updates will be provided.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/07/2019	Meyn, Janet	Sale of 2 Jessie Road, Anna Bay (formerly Anna Bay Oval)	30/11/2019		
1		Foster, Carmel				19/186501
158						
29 Aug 2019 - Council are awaiting purchasers Lawyers to review copy of contract.						



**ITEM 2 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.**



<b>Outstanding</b>	<b>Division:</b> Corporate Services	<b>Date From:</b> 26/09/2017
<b>Action Sheets Report</b>	<b>Committee:</b> Ordinary Council	<b>Date To:</b> 27/08/2019
		<b>Printed:</b> Monday, 2 September 2019

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/07/2019	Meyn, Janet	GRANT OF EASEMENTS IN FAVOUR OF AGL - PUNT ROAD, TOMAGO	30/09/2019		
7 169		Foster, Carmel				19/200498
29 Aug 2019 - Property Services are progressing with the statutory process with AGL to organise paperwork to proceed.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/08/2019	Hazell, Tim	Koala Sanctuary - Request for Additional Funding	30/11/2019		
7 204		Foster, Carmel				19/238998
2 Sep 2019 - Loan funding to be secured.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/08/2019	Hazell, Tim	COMMUNITY PROJECTS FUND - FRIENDS OF TOMAGO HOUSE	10/09/2019		
11 208		Foster, Carmel				19/238998
29 Aug 2019 - Friends of Tomago House have been advised that Council endorsed the re-allocation of funds. Progress updates will be provided.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/08/2019	Hazell, Tim	PSC2020 PROPOSED COMMUNITY PROJECTS	13/09/2019		
12 209		Foster, Carmel				19/238998
29 Aug 2019 - Ancillary projects are to be placed on public exhibition for 28 days. This is being facilitated by Capital Works. Progress updates will be provided.						

**ITEM 2 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP REPORT.**



<b>Outstanding</b>	<b>Division:</b> Development Services	<b>Date From:</b> 26/09/2017
<b>Action Sheets Report</b>	<b>Committee:</b> Ordinary Council	<b>Date To:</b> 27/08/2019
		<b>Printed:</b> Monday, 2 September 2019

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2019	Peart, Steven	Draft Fern Bay and North Stockton Strategy	22/10/2019	29/05/2019	
1		Crosdale, Timothy				19/148388
105						
28 Aug 2019 - It was resolved that Council defer Item 1 at the request of the City of Newcastle. Councillor workshop held on 8 August 2019. Report scheduled for Council meeting on 22 October 2019.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/07/2019	Peart, Steven	ELECTRIC VEHICLE CHARGING POINTS FOR NEW DEVELOPMENTS	24/09/2019		
1		Crosdale, Timothy				19/186501
154						
28 Aug 2019 - A Council report is scheduled for 24 September 2019.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/08/2019	Bernasconi, Steven	REVERSAL OF BILL - NSW EMERGENCY SERVICES LEVY	27/08/2019		
1		Crosdale, Timothy				19/223851
181						
29 Aug 2019 - Letter drafted.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/08/2019	Bernasconi, Steven	INVESTIGATE INSTALLATION OF A DIALYSIS UNIT AT TOMAREE HOSPITAL	10/09/2019		
2		Crosdale, Timothy				19/238998
215						
29 Aug 2019 - Letter drafted.						

**ITEM 2 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.**



<b>Outstanding</b>	<b>Division:</b> Facilities & Services	<b>Date From:</b> 26/09/2017
<b>Action Sheets Report</b>	<b>Committee:</b> Ordinary Council	<b>Date To:</b> 27/08/2019
		<b>Printed:</b> Monday, 2 September 2019

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/02/2018	Maretich, John	SPORTS GROUND IRRIGATION SYSTEMS	30/11/2019	14/02/2018	
2 026		Kable, Gregory				18/32353
29 Aug 2019 - Irrigation assets to be reviewed as per the Strategic Asset Management Plan.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/03/2018	Malloy, Aaron	Lease of grounds of 43, 45, 47 and 47A Tanilba Avenue Tanilba Bay (Lot 238, Lot 270 and Lot 271 DP753194, Lot 342 DP704442) to Calvary Retirement Communities Hunter- Manning Limited ACN 102625212.	30/12/2019	28/03/2018	
14 067		Kable, Gregory				18/66656
29 Aug 2019 - Once approval from Crown Lands comes through it then has to go to both the Worimi Land Council and the NSW Local Aboriginal Council as both have land claims on this parcel of land.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/04/2018	Maretich, John	BOBS FARM DRAINAGE	31/12/2020	11/04/2018	
2 084		Kable, Gregory				18/75830
29 Aug 2019 - Currently examining funding options to determine if Council can adopt these as public assets.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/06/2019	Maretich, John	Funding for Proposed Community Projects	31/10/2019		
1 136		Kable, Gregory				19/171142
29 Aug 2019 - Further report to go to Council on 22 October 2019.						

**ITEM 2 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.**



<b>Outstanding</b>	<b>Division:</b> Facilities & Services	<b>Date From:</b> 26/09/2017
<b>Action Sheets Report</b>	<b>Committee:</b> Ordinary Council	<b>Date To:</b> 27/08/2019
		<b>Printed:</b> Monday, 2 September 2019

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/07/2019	Maretich, John	ROCK REVETMENT AT KANGAROO POINT, SOLDIERS POINT	31/07/2020		
2		Kable, Gregory				19/186501
155						
29 Aug 2019 - Council staff will seek to identify grant funding opportunities for this project.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/08/2019	Maretich, John	Policy Review - Contribution to Works for Kerb and Gutter Construction	31/10/2019		
5		Kable, Gregory				19/223851
186						
28 Aug 2019 - Contribution to Works for Kerb & Gutter Policy is out on Public Exhibition until Monday 16 September 2019.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/08/2019	Malloy, Aaron	Policy Review - Provision and Management of Cemeteries	31/10/2019		
6		Kable, Gregory				19/223851
187						
28 Aug 2019 - On Public Exhibition from 13 August 2019 to 18 September 2019.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/08/2019	Maretich, John	ANNA BAY 7 day makeover program	31/10/2019		
4		Kable, Gregory				19/223851
194						
29 Aug 2019 - Funding approved at Council meeting on Tuesday 27 August 2019. Negotiations underway for project to begin.						

# MINUTES ORDINARY COUNCIL - 10 SEPTEMBER 2019



<b>Outstanding</b>  <b>Action Sheets Report</b>	<b>Division:</b>	General Manager's Office	<b>Date From:</b>	26/09/2017
	<b>Committee:</b>	Ordinary Council	<b>Date To:</b>	27/08/2019
			<b>Printed:</b>	Monday, 2 September 2019

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 30/07/2019	Wickham, Tony	2 DOWLING STREET, NELSON BAY	13/11/2019		
1		Wallis, Wayne				19/208838
176						
15 Aug 2019 - Deed of Settlement progressing.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/08/2019	Wickham, Tony	NEWCASTLE AIRPORT COMPANIES - DEEDS OF INDEMNITY	30/09/2019		
14		Wallis, Wayne				19/238998
211						
2 Sep 2019 - Execution of this document is in progress.						

There being no further business the meeting closed at 6.24pm.