

NOTICE OF ORDINARY MEETING

25 MAY 2021



The Mayor and Councillors attendance is respectfully requested:

Mayor: R Palmer (Chair).

Councillors: J Abbott, G Arnott, C Doohan, G Dunkley, K Jordan, P Le Mottee, J Nell, S Smith, S Tucker.

SCHEDULE OF MEETINGS

TIME	ITEM	VENUE
5:30pm:	Public Access (if applied for)	Council Chambers
Followed by:	Ordinary Meeting	Council Chambers

Please Note:

In accordance with the NSW Privacy and Personal Information Protection Act 1998, you are advised that all discussion held during the Open Council meeting is public information. This will include any discussion involving the Mayor, a Councillor, staff member or a member of the public. All persons present should withhold from making public comments about another individual without seeking the consent of that individual in the first instance. Should you have any questions concerning the privacy of individuals at the meeting, please speak with the Governance Section Manager or the General Manager prior to the meeting.

Please be aware that Council webcasts its Open Council meetings via its website. All persons should refrain from making any defamatory remarks. Council accepts no liability for any defamatory remarks made during the course of the Council meeting.

For the safety and wellbeing of the public, no signs, placards or other props made from material other than paper will be permitted in the Council Chamber. No material should be larger than A3 in size.

Food and beverages are not permitted in the Council Chamber.

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BUSINESS

- 1) Opening meeting.
- 2) Prayer - We ask Almighty God to give us wisdom and courage so we can serve our community, and uphold justice and equality in Port Stephens. Amen.
- 3) Acknowledgement of Country - Today, we are meeting on Worimi Country, we acknowledge the past, we are working towards a better tomorrow.
- 4) Apologies and applications for a leave of absence by Councillors.
- 5) Confirmation of minutes Ordinary Meeting of 11 May 2021.
- 6) Disclosure of interests.
- 7) Mayoral minute(s) – if submitted
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- 14) Rescission motions – if submitted.
- 15) Confidential matters – if submitted.
- 16) Conclusion of the meeting.

PRINCIPLES FOR LOCAL GOVERNMENT

Port Stephens Council is a local authority constituted under the Local Government Act 1993. The Act includes the Principles for Local Government for all NSW Councils.

The object of the principles for councils is to provide guidance to enable councils to carry out their functions in a way that facilitates local communities that are strong, healthy and prosperous.

Guiding principles for Council

1. Exercise of functions generally

The following general principles apply to the exercise of functions by Council. Council should:

- (a) provide strong and effective representation, leadership, planning and decision-making.
- (b) carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) work with others to secure appropriate services for local community needs.
- (h) act fairly, ethically and without bias in the interests of the local community.
- (i) be responsible employers and provide a consultative and supportive working environment for staff.

2. Decision-making

The following principles apply to decision-making by Council (subject to any other applicable law). Council should:

- (a) recognise diverse local community needs and interests.
- (b) consider social justice principles.
- (c) consider the long term and cumulative effects of actions on future generations.
- (d) consider the principles of ecologically sustainable development.
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

3. Community participation

Council should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

Principles of sound financial management

The following principles of sound financial management apply to Council. Council should:

- (a) spend responsible and sustainable, aligning general revenue and expenses.
- (b) invest in responsible and sustainable infrastructure for the benefit of the local community.
- (c) have effective financial and asset management, including sound policies and processes for the following:
 - (i) performance management and reporting,
 - (ii) asset maintenance and enhancement,
 - (iii) funding decisions,
 - (iv) risk management practices.
- (d) have regard to achieving intergenerational equity, including ensuring the following:
 - (i) policy decisions are made after considering their financial effects on future generations,
 - (ii) the current generation funds the cost of its services.

Integrated planning and reporting principles that apply to Council

The following principles for strategic planning apply to the development of the integrated planning and reporting framework by Council. Council should:

- (a) identify and prioritise key local community needs and aspirations and consider regional priorities.
- (b) identify strategic goals to meet those needs and aspirations.
- (c) develop activities, and prioritise actions, to work towards the strategic goals.
- (d) ensure that the strategic goals and activities to work towards them may be achieved within council resources.
- (e) regularly review and evaluate progress towards achieving strategic goals.
- (f) maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.
- (g) collaborate with others to maximise achievement of strategic goals.
- (h) manage risks to the local community or area or to the council effectively and proactively.
- (i) make appropriate evidence-based adaptations to meet changing needs and circumstances.

PORT STEPHENS COMMUNITY STRATEGIC PLAN

The Local Government Act requires Council to adopt a Community Strategic Plan (10+ years). The Plan includes a Delivery Program (3 years), Annual Operational Plan and a Resource Strategy, it also includes the Council's budget.

The Community Strategic Plan is organised into four focus areas:

OUR COMMUNITY – Port Stephens is a thriving and strong community respecting diversity and heritage.

OUR PLACE – Port Stephens is a liveable place supporting local economic growth.

OUR ENVIRONMENT – Port Stephens' environment is clean and green, protected and enhanced.

OUR COUNCIL – Port Stephens Council leads, manages and delivers valued community services in a responsible way.

BUSINESS EXCELLENCE

Port Stephens Council is a quality and a customer service focused organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on nine (9) principles.

These outcomes align with the following Business Excellence principles:

- 1) Clear direction and mutually agreed plans enable organisational alignment and focus on achievement of goals.
- 2) Understanding what customers and other stakeholders value, now and in the future, enables organisational direction, strategy and action.
- 3) All people work in a system. Outcomes are improved when people work on the system and its associated processes.
- 4) Engaging people's enthusiasm, resourcefulness and participation improves organisational performance.
- 5) Innovation and learning influence the agility and responsiveness of the organisation.
- 6) Effective use of facts, data and knowledge leads to improved decisions.
- 7) Variation impacts predictability, profitability and performance.
- 8) Sustainable performance is determined by an organisation's ability to deliver value for all stakeholders in an ethically, socially and environmentally responsible manner.
- 9) Leaders determine the culture and value system of the organisation through their decisions and behaviour.

MEETING PROCEDURES SUMMARY

Starting time – All meetings must commence within 30 minutes of the advertised time.

Quorum – A quorum at Port Stephens Council is six (6).

Declarations of Interest

Pecuniary – Councillors who have a pecuniary interest must declare the interest, not participate in the debate and leave the meeting.

Non-Pecuniary – Councillors are required to indicate if they have a non-pecuniary interest, should a Councillor declare a significant non-pecuniary they must not participate in the debate and leave the meeting. If a Councillor declares a less than significant non-pecuniary they must state why no further action should be taken. Councillors may remain in the meeting for a less than significant non-pecuniary.

Confirm the Minutes – Councillors are able to raise any matter concerning the Minutes prior to confirmation of the Minutes.

Public Access – Each speaker has five (5) minutes to address Council with no more than two (2) for and two (2) against the subject.

Motions and Amendments

Moving Recommendations – If a Committee recommendation is being moved, ie been to a Committee first, then the motion must be moved and seconded at Council prior to debate proceeding. A Councillor may move an alternate motion to the recommendation.

Amendments – A Councillor may move an amendment to any motion however only one amendment or motion can be before Council at any one time, if carried it becomes the motion.

Seconding Amendments – When moving an amendment, it must be seconded or it lapses.

Incorporating Amendments – If a motion has been moved and the mover and seconder agree with something which is being moved as an amendment by others, they may elect to incorporate it into their motion or amendment as the case may be.

Voting Order – When voting on a matter the order is as follows:

1. Amendment (If any)
2. Foreshadowed Amendments – (If any, and in the order they were moved)
3. Motion

NB – Where an amendment is carried, there must be another vote on the amendment becoming the motion.

Voting – an item is passed where a majority vote for the subject. If the voting is tied the Chairperson has a second (casting) vote which is used to break the deadlock.

Closed Session – There must be a motion to close a meeting. Prior to voting on the motion the chairperson will invite the gallery to make representations if they believe the meeting shouldn't be closed. Then Councillors vote on the matter. If adopted the gallery should then be cleared and the matter considered in closed session. Any decision taken in session closed is a resolution. There must be a motion to reopen the Council meeting to the public. If decision occurred in 'closed session', the meeting is advised of the resolution in 'open session'.

Procedural Motion – Is a motion necessary for the conduct of the meeting, it is voted on without debate, eg defer an item to the end of the meeting (however, to defer an item to another meeting is not a procedural motion), extend the time for a Councillor to speak etc.

Points of Order – when any of the following are occurring or have occurred a Councillor can rise on a 'Point of Order', the breach is explained to the Chairperson who rules on the matter.

A Point of Order can be raised where:

1. There has been any non-compliance with procedure, eg motion not seconded etc.
2. A Councillor commits an act of disorder:
 - a) Contravenes the Act, any Regulation in force under the Act, the Code of Conduct or this Code.
 - b) Assaults or threatens to assault another Councillor or person present at the meeting.
 - c) Moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or Committee, or address or attempts to address the Council or Committee on such a motion, amendment or matter.
 - d) Insults or makes personal reflections on or imputes improper motives to any other Councillor, any staff member or alleges a breach of Council's Code of Conduct.
 - e) Says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Committee into disrepute.

Declarations of Conflict of Interest – Definitions

Pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated as provided in Clause 7 of the Code of Conduct.

Non Pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Code of Conduct. These commonly arise out of family or personal relationships or involvement in sporting, social or other cultural groups and associations and may include an interest of financial nature.

The matter of a report to council from the conduct review committee/reviewer relates to the public duty of a councillor or the general manager. Therefore, there is no requirement for Councillors or the General Manager to disclose a conflict of interest in such a matter.

The political views of a Councillor do not constitute a private interest.



Form of Special Disclosure of Pecuniary Interest

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

ORDINARY COUNCIL - 25 MAY 2021

Special disclosure of pecuniary interests by [full name of councillor]

in the matter of [insert name of environmental planning instrument]

which is to be considered at a meeting of the PORT STEPHENS COUNCIL

to be held on the _____ day of _____ 20__

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor [Tick or cross one box.]	<input type="checkbox"/> The councillor has an interest in the land (eg is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² [Tick or cross one box]	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	

¹ Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	
Effect of proposed change of zone/planning control on councillor or associated person [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Mayor/Councillor's signature _____

Date _____

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]



Declaration of Interest form

Agenda item No. _____

Report title _____

Mayor/Councillor _____ declared a

Tick the relevant response:

<input type="checkbox"/>	pecuniary conflict of interest
<input type="checkbox"/>	significant non pecuniary conflict of interest
<input type="checkbox"/>	less than significant non- pecuniary conflict of interest

in this item. The nature of the interest is _____

If a Councillor declares a less than significant conflict of interest and intends to remain in the meeting, the councillor needs to provide an explanation as to why the conflict requires no further action to manage the conflict. (Attach a separate sheet if required.)

OFFICE USE ONLY: (Committee of the Whole may not be applicable at all meetings.)

Mayor/Councillor left the Council meeting in Committee of the Whole at _____pm.

Mayor/Councillor returned to the Council meeting in Committee of the Whole at _____ pm.

Mayor/Councillor left the Council meeting at _____ pm.

Mayor/Councillor returned to the Council meeting at _____ pm.

MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: 21/121991
EDRMS NO: PSC2021-00067

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (c) of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely **Proposed Sale of Land - Medowie**.
 - 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
 - 3) That the report remain confidential and the minute be released in accordance with Council's resolution.
-

ITEM NO. 2

FILE NO: 21/121999
EDRMS NO: PSC2008-2342

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (c) of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary agenda namely **Proposed Sale of Land - Williamtown**.
 - 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
 - 3) That the report remain confidential and the minute be released in accordance with Council's resolution.
-

ITEM NO. 3

FILE NO: 21/122256
EDRMS NO: A2004-0876

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (c) of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 3 on the Ordinary agenda namely **Lease Renewal - 2B Ridgeway Avenue, Soldiers Point**.
 - 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
 - 3) That the report remain confidential and the minute be released in accordance with Council's resolution.
-

COUNCIL REPORTS

ITEM NO. 1

**FILE NO: 21/121926
EDRMS NO: 16-2020-445-1**

DEVELOPMENT APPLICATION 16-2020-445-1 FOR A SINGLE STOREY DWELLING, SHED AND EARTHWORKS ON AN APPROVED FLOOD MOUND AT 232 SEAHAM ROAD, NELSONS PLAINS

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse development application 16-2020-445-1 for a dwelling, shed and earthworks on an existing flood mound at 232 Seaham Road, Nelsons Plains (Lot 1 DP 707147) for the reasons contained in **(ATTACHMENT 3)**.

BACKGROUND

The purpose of this report is to present a development application (DA) 16-2020-445-1 for a dwelling, shed and earthworks on an approved flood mound at 232 Seaham Road, Nelsons Plains (Lot 1 DP 707147) to Council for determination.

A summary of the DA and property details is provided below:

Subject land:	232 Seaham Road, Nelsons Plains (Lot 1 DP 707147)
Total area:	11.45ha
Zoning:	RU1 – Primary Production
Submissions:	No submissions were received
Key issues:	The subject land is in a high hazard flood risk category. An assessment against the relevant planning provisions found that the application cannot be supported as it will result in an unacceptable risk to life and is not compatible with the flood hazard category applying to the site.

The DA has been reported in accordance with Council's Planning Matters to be Reported to Council Policy as it has been called up by Mayor Ryan Palmer, Councillor Sarah Smith and Councillor Glen Dunkley **(ATTACHMENT 4)**.

A locality plan is provided at **(ATTACHMENT 1)**.

Proposal

The DA proposes the construction of a single dwelling and shed on an existing flood mound located on the site. The DA also seeks approval to raise the height of the flood mound level from 5.4m AHD to 6.8m AHD. The dwelling is to be constructed above the Flood Planning Level (FPL) and a mezzanine level of the shed is to be constructed above the Probable Maximum Flood (PMF) level.

The dwelling will be located on a concrete pad on top of the raised flood mound, and comprises 4 bedrooms, open plan living, dining and kitchen.

Site Description and History

The site is located within a rural precinct characterised by large rural allotments.

The approved flood mound at the rear of the site is currently constructed at a level of 5.4m AHD.

The entire site is mapped as High Hazard Floodway which is characterised by the potential for high levels of flood inundation with associated high velocity flood water.

Key issues

The key issue identified during assessment relates to the fact that the DA seeks to construct a dwelling on a portion of the site characterised as High Hazard Floodway. A detailed assessment of the DA is contained within the Planners Assessment Report (**ATTACHMENT 2**).

Flooding risk

The DA is inconsistent with both the Port Stephens Local Environmental Plan (LEP 2013) and the Development Control Plan 2014 (DCP 2014) noting the High Hazard Floodway categorisation applying to the site.

LEP/DCP Requirement	Height	DA Proposed	Height
1% AEP (Current day)	4.9m	Flood mound level	6.8m
Flood Planning Level (FPL)	5.9m	Finished Floor Level (FFL)	7.4m
Probable Maximum Flood (PMF)	8.8m	PMF Refuge	10.2m

The entire site is identified within a High Hazard Floodway, as reflected in Council flood hazard maps and the current Flood Certificate.

Clause 7.3(3) of LEP 2013 states that development must be compatible with the flood hazard of the land and that it must not have a significant, adverse effect on flood behaviour. The development is not considered to be compatible with the flood hazard category applying to the site resulting in an unnecessary risk to life.

Chapter B.5 of the DCP 2014 provides specific controls for development on flood prone land. DCP 2014 states that dwelling houses on land categorised as High Hazard Floodway may be considered where the proposal can address set performance based solutions. The solutions include an assessment of the development against the risk to life (B5.18), risk to property (B5.19) and the compatibility of development with the site specific flood hazard (B5.20).

Chapter B5.18, in considering the risk to life, requires that evacuation access to an area free of risk from flooding must be provided in a PMF flood. The site and its surrounds are significantly flood affected and it is not possible to design an egress from the proposed dwelling to flood free areas off site. A PMF flood refuge has been included in the DA as an alternative to a safe egress to a flood event. As the DA can provide a flood free refuge, the DA meets the performance based solution contained in Chapter B5.18 of DCP 2014.

Chapter B5.19 requires development to address the risk to property during various flood events. The existing flood mound will be raised to 6.8m AHD, which is above the 1% AEP level (4.8m AHD) and the FPL (5.9m AHD). The design of the DA therefore addresses a performance based solution contained in Chapter B5.19 of DCP 2014 and the risk to property has been mitigated for events up to the FPL. The minor increased height of the existing mound has also been assessed to not have a cumulative impact on the larger flood plain storage.

Chapter B5.20 requires the development to be compatible with the flood hazard category of the site. The site is located within a High Hazard Floodway with high velocity rates. As the site does not have access to flood free areas, the proposed dwelling will become isolated during large flood events, which increases the risk to life and potentially places an unreasonable and unnecessary strain upon emergency services in a major flooding event.

With consideration of the above, the DA is unable to be supported. The DA is inconsistent with the provisions of both LEP 2013 and DCP 2014 as the DA is not compatible with the flood hazard category applying to the site.

Conclusion

Due to the proposed location of the dwelling in a High Hazard Floodway area, the proposal is inconsistent with the relevant legislation and policies, including:

- Environmental Planning and Assessment Act 1979
- Port Stephens LEP 2013 – Clause 7.3 Flood Planning
- Port Stephens DCP 2014 – Chapter B5 Flooding

Based on a detailed assessment of the DA, and with consideration to the inconsistencies identified with LEP 2013 and DCP 2014, the DA is recommended for refusal for the reasons contained in **(ATTACHMENT 3)**.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Support the amenity and identity of Port Stephens.

FINANCIAL/RESOURCE IMPLICATIONS

The application could be potentially challenged in the Land and Environment Court. Defending Council's determination could have financial 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, POLICY AND RISK IMPLICATIONS

The DA is inconsistent with the relevant planning instruments including the EP&A Act, LEP 2013 and DCP 2014.

Detailed assessments against these requirements are contained within the Planners Assessment Report provided at **(ATTACHMENT 2)**.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
If the DA is approved, a third party may appeal the determination.	Low	Determine the DA in line with the recommendations.	Yes
If the DA is approved, there is a risk that Council will be held liable for damage or consequences.	Medium	Determine the DA in line with the recommendations.	Yes
If the DA is approved, people and property may be exposed to an unacceptable level of risk.	Medium - High	Determine the DA in line with the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Outside of the flood related issues associated with the proposal, it is considered that the development will have a positive economic impact on the local area and the broader community through the creation of employment and economic activity during the construction of the development.

However, the location of the dwelling within a High Hazard Floodway results in the DA being incompatible with the flood hazard category applying to the site and is therefore recommended for refusal for the reasons outlined in **(ATTACHMENT 3)**.

CONSULTATION

Internal

Consultation was undertaken with internal technical staff to facilitate the assessment of the DA including:

- Development Engineering
- Flood Advisory Review Panel.

The referral comments provided by these officers were considered as part of the detailed assessment and are discussed within the Planners Assessment Report **(ATTACHMENT 2)**. The DA is supported by all internal referrals, other than Development Engineering and Flood Advisory Review Panel for the reasons outlined above.

External

No consultation with any external agencies was required to be undertaken during the assessment of this DA.

Notification

The application was not notified to adjoining properties and no submissions have been received in relation to the proposed development.

OPTIONS

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

ATTACHMENTS

- 1) Locality Plan. [↓](#)
- 2) Planners Assessment Report. [↓](#)
- 3) Reasons for Refusal. [↓](#)

ORDINARY COUNCIL - 25 MAY 2021

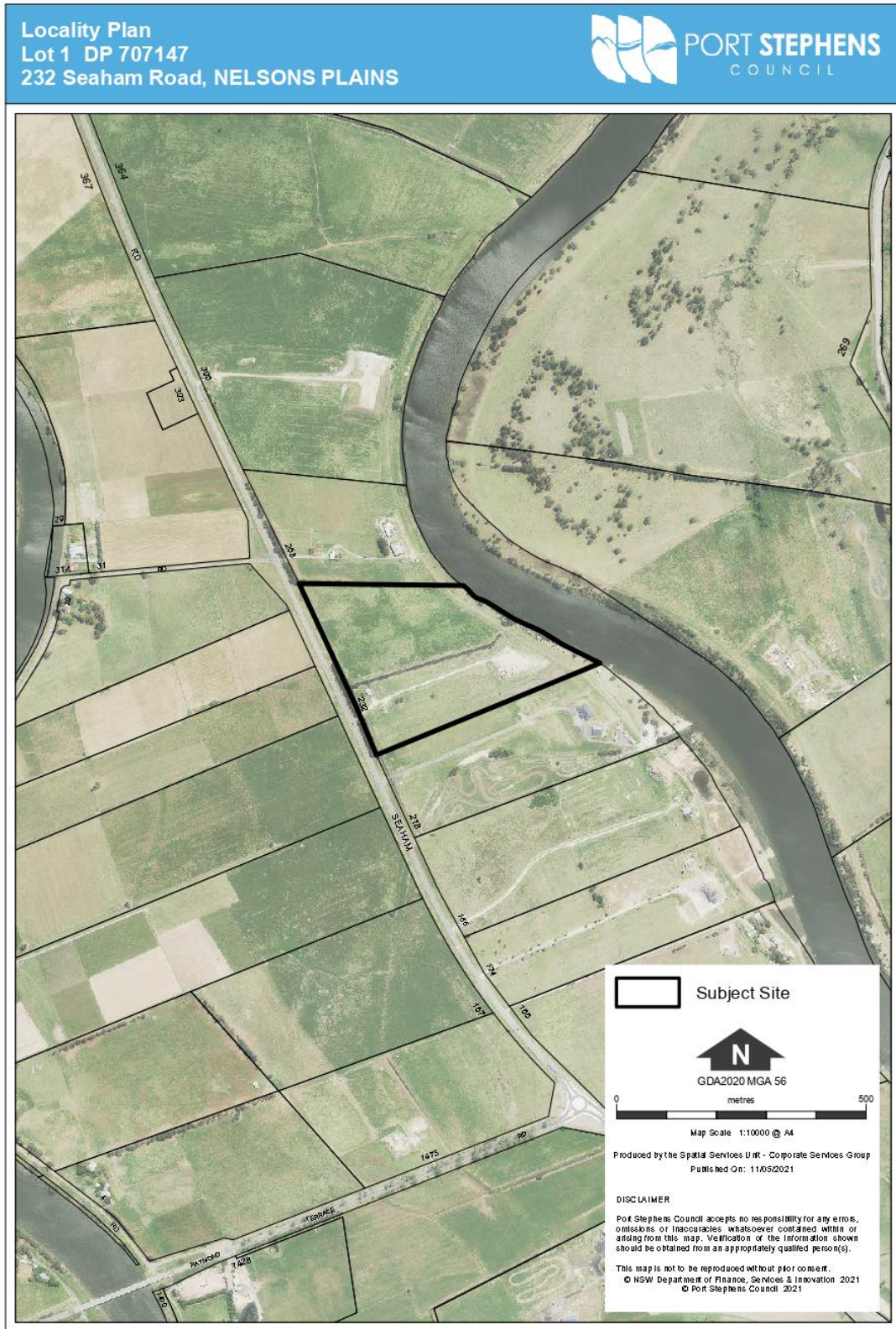
- 4) Call to Council form. [↓](#)
- 5) Flood plan. [↓](#)
- 6) Development Plans (provided to Councillors separately due to privacy and copyright legislation). [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au



DEVELOPMENT ASSESSMENT REPORT

APPLICATION DETAILS

Application Number	16-2020-445-1
Development Description	Single storey dwelling, shed and height increase of existing earthmound and access road
Applicant	HILL TOP PLANNERS PTY LTD
Land owner	Phillip Purkamu
Date of Lodgement	28/07/2020
Value of Works	\$460,000.00
Submissions	Nil

PROPERTY DETAILS

Property Address	232 Seaham Road NELSONS PLAINS
Lot and DP	LOT: 1 DP: 707147
88B Restrictions on Title	Nil
Current Use	Farmland
Zoning	RU1 PRIMARY PRODUCTION
Site Constraints	Bushfire Prone Land - Class 3 (Buffer) OEH Referral – HV Flood Mitigation Scheme Acid Sulfate Soils – Class (2 and 3) Koala Habitat Planning Map (Mainly Cleared) SEPP (Coastal Management) 2018 – Coastal Zone Combined Footprint Height Trigger Map – RAAF Base Williamtown and Salt Ash Air Weapons Range – DoD Bird Strike Group A – RAAF Base Williamtown and SAWR - DoD Prime Agricultural Land (Classes 1-3)
State Environmental Planning Policies	SEPP (Building Sustainability Index: BASIX) 2004 SEPP (Coastal Management) 2018

SEPP (Koala Habitat Protection) 2020
SEPP No. 55 – Remediation of Land

PLANNERS PRE-ASSESSMENT CHECKLIST

OWNERS CONSENT	YES / N/A
Land owners consent	Yes
If the land owned by a corporation/company, relevant signatures have been provided (sole director, or director/director / director/company secretary).	N/A
For works occurring outside property, neighbouring consent provided.	N/A
For works occurring on common property within Strata, owner's consent from Strata body provided (common seal).	N/A
DA FORM AND AUTHORITY	
Applicant's description of proposal consistent with DA plans.	Yes
DA description correct in Authority (i.e. LEP definition).	Yes
DA lodged over all affected properties and Authority correct.	Yes
Satisfactory cost of works.	Yes
S.4.55 APPLICATION	
Check if S.4.55 to be reported to Council (original DA determined by Council)	N/A
Check whether consent is still valid (check lapse date).	N/A
NOTIFICATION	
Application notified correctly (i.e. check properties notified).	N/A
S.4.55 application only - notify previous objectors.	N/A
REFERRALS	
Check referrals are correct and identify if additional required: i.e. Integrated Development (send within 14 days cl.66(2) EPA Regs 2000	Yes
S.4.55 Application only - Integrated referral bodies notified.	N/A
Call applicant and send email acknowledgement.	Yes

PROPOSAL

The application seeks approval for the construction of a dwelling and shed on an existing earth mound. Ancillary earthworks also form part of the application. Details of the proposal are as follows:

- Single storey dwelling with a wraparound verandah to be located on the existing earth mound. The internal living spaces (361m²) containing four bedrooms, bathroom, ensuite, living/dining area, and lounge areas. The external perimeter verandah area has a footprint of 341m² bring the total footprint of the dwelling to 702m².
- Ancillary shed with an area of 504m² including a mezzanine is to be constructed on the earth mound adjacent the dwelling. The shed has an overall height of 7.46m with a second storey mezzanine and verandah.
- Ancillary earthworks including the addition of 1400mm of fill to an approved earth mound (raising the height of the mound from 5.4m AHD to 6.8m AHD). 1300mm of fill will also be added to site's vehicular access route. All earthworks will utilise clean fill and will undergo compaction techniques to ensure stability.

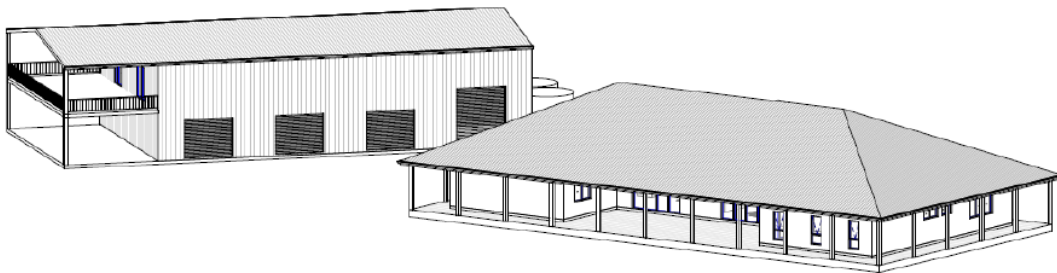


Figure 1: 3D perspective of proposed development

SITE DESCRIPTION

The subject site is legally identified as lot 1 DP 707147, 232 Seaham Road, Nelsons Plains. The irregular shaped lot is located on the eastern side of Seaham Road, within a rural precinct that is characterised by large rural allotments. The lot comprises a total area of 11.58ha with development including an earth mound, shed and unsealed access route identified over the site.

The lot is flat in its topography and is situated in close proximity of the Williams River. Essential services including vehicular access and electricity are available to the lot, with services including water, wastewater and stormwater able to be managed onsite. No easements or land use restrictions have been identified over the site.

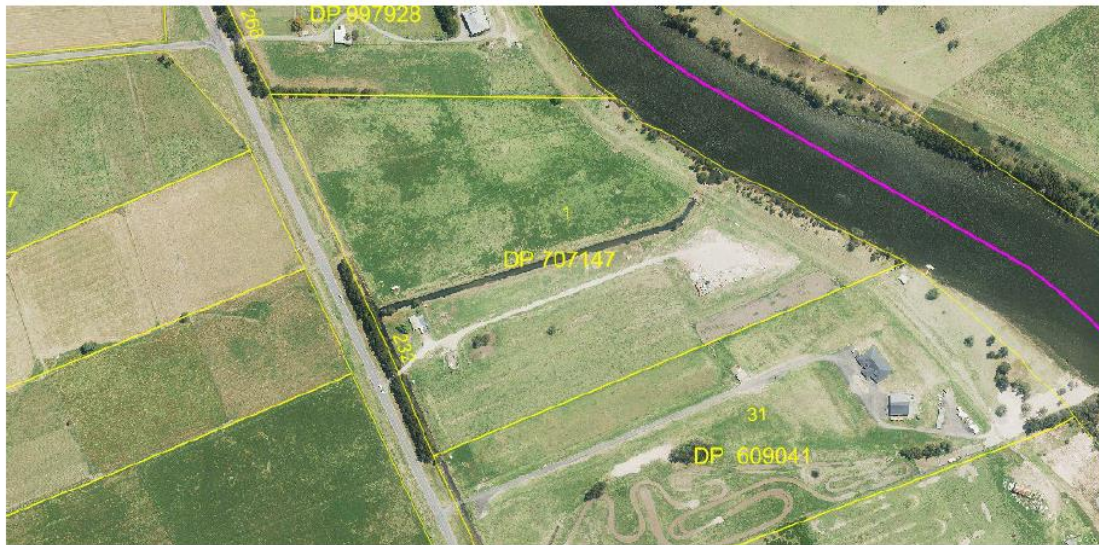


Figure 2: Aerial view of subject site

SITE HISTORY

An existing approval was issued in 2003 for a flood mound and hay shed for the purpose of cattle refuge. The fill mound has been constructed and has an approximate finished level of 5.4m AHD.

An application for a single storey dwelling in 2000 was refused by Council as well as an application for a Tourist Facility (Cabins) in 2011, primarily due to flooding concerns.

Building material was identified on the site in 2004; investigation showed the materials were used to backfill excavated holes dug on the property. Asbestos was also identified. The site has been identified under Councils Contaminated Lands Register.

Council identified in 2009 that an unauthorised septic system was operating on site and requested it be removed due to the environment impact it posed noting it was adjacent to a drainage canal that led directly to the Williams River.

Site inspection

A site inspection was carried out in September 2020.

The subject site can be seen in the images below:

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Figure 3: Photo of site taken from road (flood mound in background)



Figure 4: Photo of existing shed located on site

REFERRALS

The proposed development was referred to the following internal specialists and external agencies. The comments provided by the special staff and external agencies have been used to carry out the assessment against the S4.15 Matters for Consideration below.

Development Engineer – Application not supported.

Flood Advisory Review Panel (FARP) – Application not supported.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**S4.14 - Consultation and development consent (certain bushfire prone land)**

The Port Stephens Bushfire Prone Land Map has identified the site as bushfire prone with Vegetation Category 3. As the entire site has been identified as managed land, the threat of bushfire to the proposed development has been assessed as BAL low. Recommendations including; the entire site shall be managed as an Inner Protection Area, reliable sources of reticulated water, access requirements and landscaping shall be imposed as conditions of development consent. Council is satisfied the proposal can conform to the specifications and requirements of PBP 2019.

S4.15 – Matters for Consideration**s4.15(1)(a)(i) – The provisions of any EPI****State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX) was enacted to ensure that dwellings are designed to utilise less potable water and to minimise greenhouse gas emissions by setting energy and water reduction targets for residential houses and units.

A valid BASIX certificate has been submitted with the development application which demonstrates that the water, thermal comfort and energy requirements for the proposal have been achieved. The proposal is considered to satisfy the relevant provisions of SEPP BASIX.

State Environmental Planning Policy (Coastal Management) 2018

The subject land is located within the Coastal Environmental Area and Coastal Use Area. The subject is located in close proximity to the Williams River and triggers the consideration of the Coastal Management SEPP.

As per Clause 13 of the SEPP, development consent must not be granted for development within the coastal environment area unless the consent authority has considered whether the development will cause impact to the integrity of the biophysical and ecological environment, the values and natural coastal processes, marine vegetation, native vegetation and fauna and existing public open space and access to and along the foreshore.

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The proposed development is setback approximately 80m from the Williams River waterbody, and will therefore not have any significant adverse impacts to the coastal environment.

As per Clause 14 of the SEPP, development consent must not be granted for development unless the consent authority has considered existing and safe access to and along the foreshore, overshadowing and loss of views, visual amenity and scenic qualities and heritage values. The consent authority must also be satisfied that the development is designed and sited to avoid adverse impacts and to ensure the development has taken into account the surrounding built environment in its design.

The proposed dwelling is not located in close proximity to the Williams River and will not impact on access to the river. The proposed residential use of the site, in conjunction with the existing flood risk as a result of the Hunter River, presents as a potential risk to the ecological environment in the event of the dwelling being destroyed in flood waters.

Clause 15 of the SEPP requires consideration to whether the development would increase the risk of coastal hazards. The proposed development is not likely to increase risk to coastal hazards.

There is minor associated risk with the dwelling being destroyed by flooding. The proposed dwelling, in significant flooding events, may result in the destruction of the mound and structure. In the event of the development being destroyed by flood waters materials would be washed down stream affecting surrounding properties and risk to the ecological environment of the river network. If the proposal were amended to be further setback from the river and potential hazard the risk associated with the flooding could be minimised.

The application can therefore be supported as it generally complies with the aims and the matters for consideration of the Policy.

State Environmental Planning Policy No 55 - Remediation of Land

Clause 7 of SEPP 55 requires the consent authority to consider whether land is contaminated, is in a suitable state despite contamination, or requires remediation to be made suitable for the proposed development.

It is noted that the NSW list of contaminated sites and list of notified sites published by the EPA does not identify the site as being contaminated. Despite this the site has been identified under Councils Contaminated Lands Register. Council has reviewed site records of land contamination, and is satisfied the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

State Environmental Planning Policy (Koala Habitat Protection) 2020

This policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. This Policy commenced on 30 November 2020.

The site is located in an area mapped mainly cleared, the rear of the site along the boundary to the waterfront is mapped and 50m buffer over cleared land. The development application does not include the removal of natural vegetation for koala habitat. The development is not considered to exacerbate impact to the koala habitat or decline in koala population.

Port Stephens Local Environmental Plan 2013 (LEP)

Clause 2.3 – Zone Objectives and Land Use Table

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The proposed development is defined as a 'dwelling house' and is permissible with consent in the RU1 Primary Production zone. The development addresses the objectives of the zone to minimise the fragmentation and alienation of resource lands.

Clause 4.2B – Erection of a Dwelling on Land in Certain Rural, Residential and Environmental Protection Zones

The site is located in the RU1 zone and the lot was created before 22 February 2014 with an area of at least 4,000m² on which a dwelling was permissible under the previous Local Environmental Plan.

The site therefore holds a dwelling entitlement.

Clause 7.1 – Acid Sulfate Soils

The subject land is mapped as containing potential Class 3 and 2 acid sulfate soils. The proposed development is not anticipated to involve excavations below 1 metres and therefore it is not expected that acid sulfate soils would be disturbed during works.

Clause 7.2 – Earthworks

Earthworks are required as part of the proposal and requires development consent. An earth mound design plan has been prepared that outlines proposed cut, fill, material, placement, compaction methods and AHD levels. Earthworks proposed with this application will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Clause 7.3 – Flood Planning

The proposed development is located on land mapped as Flood Prone land and is identified as High Hazard Floodway. Developments on land identified as flood prone are to demonstrate minimal flood risk to life and property, and to achieve development which is compatible with the flood hazard to avoid significant adverse impacts on the flood behaviour in the environment.

The proposed development seeks to construct a dwelling and shed above the site FPL and 1% AEP flood level; whilst also providing a Probable Maximum Flood (PMF) level refuge. The proposed development thereby seeks to minimise flood risk to life and property associated with the use of land for habitable purposes.

The proposed development has been designed and engineered to withstand flood constraints associated with the site and projected changes as a result of climate change. Conditions of development consent imposed by Council's Development Engineer, will ensure the structural integrity of the earth-mound, dwelling and shed are compatible with the flood risk.

Although the proposed development will result in a slight localised increase in flood velocity, it is accepted this is a negligible risk to adjoining properties and the environment. It is considered that the development will have a negligible affect to adjoining properties and the environment.

Please refer to section B5 of this report, for an assessment of the proposed development against prescribed development control standards for flooding.

Clause 7.6 – Essential Services

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Essential services including vehicular access and electricity are available to the lot. The applicant has listed appropriate methods for the provision of water, sewer and stormwater; as reticulated services are not available.

Section 4.15(a)(ii) - any draft environmental planning instrument that is or has been placed on public exhibition

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

Section 4.15(a)(iii) – any development control planPort Stephens Development Control Plan 2014

The DCP is applicable to the proposed development and has been assessed below.

Chapter B3 – Environmental ManagementAcid Sulfate Soils

The objective of this DCP Chapter is to ensure that developments do not disturb, expose or drain Acid Sulfate Soils (ASS) and cause environmental damage. As detailed within Clause 7.1 discussion above, the proposed development could be undertaken, subject to conditions of consent, without resulting in adverse impact to ASS. In this regard the development is consistent with the objective and requirements of the DCP.

Chapter B4 – Drainage and Water Quality

A stormwater management plan was submitted with the application and includes adequate quality and quantity controls as required by Councils policy. The stormwater drainage plan has been assessed as being consistent with the Infrastructure Specification.

Chapter B5 – Flooding

The subject land is mapped as being within the Flood Planning Area. Chapter B5 outlines objectives to inform and assist with determining development suitability on land designated in particular flood hazards. All new developments are required to address the development controls within this part of the DCP to mitigate risks and consider suitability.

Chapter B.5 of the DCP 2014 provides more detailed provisions to inform the assessment against the LEP 2013 provisions. The DCP chapter was amended in December 2020 which included performance based solutions for certain development in flood prone areas. The amended chapter states that dwelling houses on land categorised as High Hazard Floodway can be considered, where the newly adopted performance based criteria in the DCP 2014 can be addressed.

The area has been classified as flood prone land and is located within a High Hazard Floodway.

The current flood levels applicable to the site are:

- Flood Planning Level - 5.9m AHD
- 1% AEP (Current day) – 4.9m AHD
- Probable Maximum Flood – 8.8m AHD

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The proposed development includes finished floor level (FFL) as follows:

- Proposed Flood Mound – 6.8m AHD
- Dwelling – 7.4m AHD
- PMF Refuge – 10.2m AHD

The DA was assessed by both Council's Development Engineering Section and FARP, which included an assessment of the proposal against the recently adopted performance based solutions listed in Chapter B5.D of the Port Stephens Council Development Control Plan (DCP).

Chapter B.5 of the DCP 2014 provides specific controls for development on flood prone land. DCP 2014 states that dwelling houses on land categorised as High Hazard Floodway may be considered where the proposal can address set performance based solutions. The solutions include an assessment of the development against the risk to life (B5.18), risk to property (B5.19) and the compatibility of development with the site specific flood hazard (B5.20).

Chapter B5.18, in considering the risk to life, requires that evacuation access to an area free of risk from flooding must be provided in a PMF flood. The site and its surrounds are significantly flood affected and it is not possible to design an egress from the proposed dwelling to flood free areas off site. A PMF flood refuge has been included in the DA as an alternative to a safe egress to a flood event. As the DA can provide a flood free refuge the DA can meet a performance based solution contained in Chapter B5.18 of DCP 2014.

Chapter B5.19 requires development to address the risk to property during various flood events. The existing flood mound will be raised to 6.8m AHD which is above the 1% AEP level (4.8m AHD) and the FPL (5.9m AHD). The design of the proposal therefore addresses a performance based solution contained in Chapter B5.19 of DCP 2014 and the risk to property has been mitigated for events at least up to the FPL. The increased height of the existing mound has also been assessed to not have a cumulative impact on the larger flood plain storage.

Chapter B5.20 requires the development to be compatible with the flood hazard category of the site. The site is located within a High Hazard Floodway with high velocity rates. As the site does not have access to flood free areas, the proposed dwelling will become isolated during large flood events, which increases the risk to life and potentially places an unreasonable and unnecessary strain upon emergency services in a major flooding event.

With consideration of the above, the DA is unable to be supported. The DA is inconsistent with the provisions of both the LEP 2013 and DCP 2014 as the proposal presents unacceptable risk to life and is not compatible with the flood hazard category applying to the site.

Chapter B8 – Road Network and Parking

The proposal includes a 4 bedroom dwelling, the DCP requires 2 car spaces to be provided to support the development on the site. There are adequate car spaces available for the additional development on the site.

Chapter C – Development Types

The proposed development comprises of a single dwelling therefore the provisions of Chapter C4 are applicable.

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Chapter D4 - Dwelling House, Secondary Dwelling, or Dual OccupancyBuilding height

There is no maximum building limit under the LEP, as such the maximum limit of 8m applies to the site. The proposal is for a single storey dwelling and shed to be constructed on top of a flood mound with a maximum proposed height of 7.47m and 7.46m respectively. The dwelling does not exceed the maximum building height under the DCP 2014.

Setbacks

The proposal is appropriately setback from all the side and rear boundary setbacks. The proposal is located to the rear of the site. The proposal does not detract from the rural character of the area.

Streetscape and privacy

The development is appropriately setback to ensure the rural character and streetscape and privacy of the area is maintained.

Private open space

The development is proposed on a rural property and is adequately setback to facilitate ample private open space for the proposed dwelling.

Landscaping

The subject site is a rural property with sufficient space for landscaping and plantings. There are no matters of privacy which would require landscape screening to be planted. The subject site has sufficient space to achieve landscaping requirements.

Site Facilities and Services

The proposed dwelling location and flood mound area create suitable area to support facilities and services such as waste storage and clothes drying. Areas have been designated for sewage management, drainage and potable water supply, all to be connected to the new dwelling.

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

There are no planning agreements that have been entered into under section 7.4 relevant to the proposed development.

s4.15(1)(a)(iv) – The regulations

There are no matters within the regulations that are relevant to the determination of the application.

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

The subject site is zoned RU1 – Primary Production, whereby the proposed dwelling is a permissible land use under the zoning. However, the site is identified as high hazard flood-way and the proposed

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

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development and use does not align or address all of the necessary requirements under current Council endorsed policy and legislation. Due to the identified flood hazard, the proposal has been assessed as not being 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 not considered to be in the public interest as the proposed development is not consistent or suitable with the flood category applicable to the subject site. The impact and increase in risk to life as a result of the development in a significant flood event is not supported in this instance.

s7.11 – Contribution towards provision or improvement of amenities or services (developer contributions)

Nil.

DETERMINATION

The application is recommended to be refused by the elected Council.

ISAAC LANCASTER
Development Planner

**SCHEDULE 1 – REASONS FOR REFUSAL**

The application is recommended for refusal on the following grounds:

1. The proposed development fails to satisfy Clause 7.3 - Flood Planning of the Port Stephens Local Environmental Plan 2013 as the development does not demonstrate that it is compatible with the high hazard floodway category of the site, including minimising the risk to life associated with the flood hazard (s4.15(1)(a)(i) EP&A Act);
2. The development does not comply with the controls contained within Chapter B5 Flooding of the Port Stephens Development Control Plan (s4.15(1)(a)(iii) EP&A Act);
3. The proposed development does not demonstrate the site is suitable for the proposed site given the flood category 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 (s4.15(1)(e) EP&A Act).

**PORT STEPHENS COUNCIL**

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Call to Council form

Development Application

DEVELOPMENT APPLICATION (DA) CALL TO COUNCIL REQUEST

We (Mayor/Councillor/s)

Name:

Ryan Palmer

Name:

Alec Dunkley

Name:

SARAH SMITH

request that DA number:

16-2020-445-1

for DA description:

Single storey dwelling, shed + increased fill.

located at:

232 Seaham Rd, Nelsons Plains

be reported to Council for determination.

REASON

Public interest due to review
of flood policy.

SIGNATURE OF APPLICANT/S

Signature

Date

8 / 9 / 2020

Signature

Date

8 / 9 / 2020

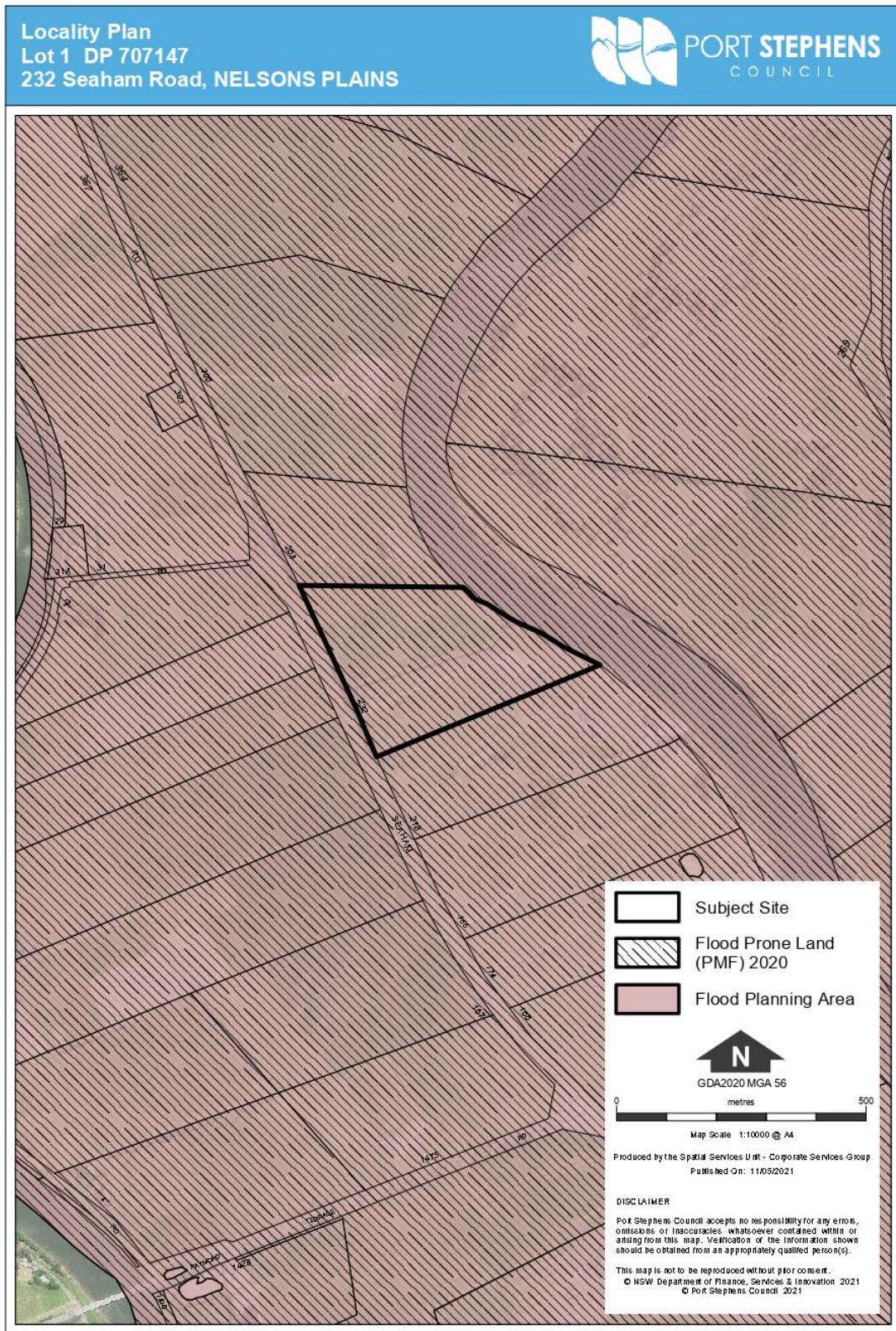
Signature

Date

8 / 9 / 2020

PRIVACY

Port Stephens Council is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and Council policy. **Purpose:** The purpose of this form is to enable Council to record the matter raised and taken appropriate action. **Intended recipients:** Council employees, contractors and other third parties where appropriate. **Supply:** Voluntary. **Consequence of Non Provision:** Council may not take action on the matter raised. **Storage and security:** This document will be placed on the relevant file and/or saved in Council's records management system in accordance with Council policy and relevant legislation. **Access:** Please contact Council on 02 4988 0255 to enquire how you can access information.



116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

ITEM NO. 2**FILE NO: 21/103379
EDRMS NO: A2004-0242****QUARTERLY BUDGET REVIEW - 31 MARCH 2021****REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the discretionary changes to the adopted budget as detailed in **(ATTACHMENT 1)** presented as the 2020-2021 Quarterly Budget Review Statement – March 2021.

BACKGROUND

The purpose of this report is to amend the budget by bringing to Council's attention the proposals and issues that have an impact on the 2020-2021 budget. The Quarterly Budget Review Statement – March 2021 **(ATTACHMENT 1)** sets out the details of variations between Council's original budget and the proposed budget.

The COVID-19 pandemic has had a significant impact on Council's financial position, with lengthy, detailed analysis across all financial operations undertaken to achieve a level of clarity.

Council considered its Integrated Strategic Plans on 13 April 2021 and these plans include the budget estimates for the 2020-2021 financial year.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

Council's anticipated underlying result is as follows:

	Surplus (\$)	Deficit (\$)
Budget 2020 - 2021		(4,400k)
September 2020 review		(691k)
December 2020 review	0	(0)
March 2021 review	316k	

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

LEGAL, POLICY AND RISK IMPLICATIONS

While Council's financial situation has improved, financial expenditure must continue to be carefully managed to ensure minimal financial risk to the organisation and community.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the underlying operating result may be unsteady for an unforeseeable amount of time.	High	The Long Term Financial Plan will be reviewed regularly to ensure that expenditure remains sustainable and that revenue is at appropriate levels.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council's budget is fundamental for operational sustainability and for the provision of facilities and services to the community. The budget will continue to be carefully managed with conservative expenditure while the financial outlook continues to improve.

CONSULTATION

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

Formal communication and meetings have been held and it was recommended to submit the Quarterly Budget Review for March 2021 to Council for formal adoption.

Internal

- Executive Team.

External

- Nil.

OPTIONS

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

ATTACHMENTS

- 1) Quarterly Budget Review - 31 March 2021. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



"A great lifestyle in a treasured environment"

**2020 – 2021
Quarterly Budget Review Statement
March 2021**

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ITEM 2 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW - 31 MARCH 2021.

1) Executive Summary

The latest quarterly budget review has been compiled during an ongoing period of unpredictability. While the situation remains uncertain, many possible scenarios have been and will continue to be modelled, with the following summary best representing the current situation, as it is presently known.

Financial performance is generally measured through three primary statements. Each are discussed in detail in the attached report. A summary of the predicted outcomes are provided as follows:

	(\$'000)	(\$'000)
<u>Profit & Loss Statement – operating budget</u>	<u>Surplus</u>	<u>Deficit</u>
Original budget – expected result		4,311
September 2020 review		691
December 2020 review	0	0
March 2021 review	316	

The improvement of 316k is principally due to:

Increased income from:

Childcare revenues	80	
Plant hire recoveries	60	
Grant funding	<u>100</u>	240

Decreased expenditure from:

Street lighting	<u>64</u>	<u>64</u>
		304k

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2021 and should be read in conjunction with other documents in the QBRs.

ITEM 2 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW - 31 MARCH 2021.

	(\$'000)	(\$'000)	(\$'000)
<u>Capital Works Program – capital budget</u>			
	<u>Gross</u>	<u>Contribution</u>	<u>Net</u>
Original budget – total spend	\$14,201	\$9,523	\$4,678
September 2020 review	\$48,571	\$23,815	\$24,756
December 2020 review	\$61,565	\$25,895	\$35,670
March 2021 review	\$63,126	\$27,505	\$35,621

The revised program is in line with previous estimates.

Cash flow

Original budget – cash projected	\$55,086
September 2020 review	\$38,627
December 2020 review	\$38,404
March 2021 review	\$28,314

The decline in the anticipated cash position to 30th June 2021 is principally due to major capital works as detailed above being brought to account, and loan funds for depot/administration building works now not being drawn down by 30th June 2021.

ITEM 2 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW - 31 MARCH 2021.

Operating Budget	2021 Original Budget	Budget revotes & carry forwards	Budget Revision Sept Qtr	Budget Revision Dec Qtr	Budget Revision Mar Qtr	2021 Revised Budget	2021 YTD Actuals
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Corporate Services	50,094	-	3,248	300	(3,410)	50,233	44,080
Development Services	(7,888)	-	(221)	11	-	(8,098)	(6,280)
General Manager Office	(5,747)	-	(308)	-	-	(6,055)	(4,934)
Facilities and Services	(30,491)	-	901	380	(293)	(29,503)	(17,040)
Newcastle Airport	3,842	-	-	-	(6,527)	(2,685)	(2,014)
Operating Surplus/(Deficit) before capital grants	9,810	-	3,619	691	(10,230)	3,891	13,812
Less: Gain on sale	(8,272)	-	-	-	4,222	(4,050)	(19)
Less: Fair value increases & royalties	(2,008)	-	-	-	(203)	(2,210)	831
Less: Newcastle Airport	(3,842)	-	-	-	6,527	2,685	2,014
Add: NAP Dividend	-	-	-	-	-	-	-
Underlying Operating Surplus/(Deficit)	(4,311)	-	3,619	691	316	316	16,638

Capital Budget	2021 Original Budget	Budget revotes & carry forwards	Budget Revision Sept Qtr	Budget Revision Dec Qtr	Budget Revision Mar Qtr	2021 Revised Budget	2021 YTD Actuals
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Corporate Services	(3,865)	(243)	-	(4,150)	724	(7,534)	(2,670)
Development Services	4,010	-	-	-	-	4,010	6,183
Facilities and Services	(4,823)	(15,124)	(4,481)	(6,860)	(871)	(32,159)	(9,194)
General Manager Office	-	-	(230)	-	-	(230)	-
Newcastle Airport	(9,328)	-	-	-	292	(9,036)	-
Total	(14,006)	(15,368)	(4,711)	(11,010)	145	(44,949)	(5,681)

Note - + = inflow () = outflow

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2021 and should be read in conjunction with other documents in the QBRS.

2) Introduction

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

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

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

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

The QBRS is composed of the following components:

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

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2021 and should be read in conjunction with other documents in the QBRS.

3) Responsible Accounting Officer's Statement

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

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

It is my opinion that the Quarterly Budget Review Statement for Port Stephens Council for the quarter end 31/03/2021 indicates that Council's projected financial position is in a satisfactory position at year-end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure. The projected financial position to 30th June 2021 continues to improve and reflects the additional management on discretionary spend across the organisation. The projected underlying surplus result is considered appropriate given the economic circumstances of the financial year.

Name: Tim Hazell

Responsible Accounting Officer, Port Stephens Council

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2021 and should be read in conjunction with other documents in the QBRS.

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ITEM 2 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW - 31 MARCH 2021.

4) Income & Expenses Budget Review Statement

Consolidated Income Statement	2021 Original Budget	Budget revotes & carry forwards	Budget Revision Sept Qtr	Budget Revision Dec Qtr	Budget Revision Mar Qtr	2021 Revised Budget	2021 YTD Actuals
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Rates and annual charges	63,649	-	-	-	-	63,649	63,338
User charges and fees	46,025	-	4,480	423	(11,557)	39,371	21,148
Interest & Investment Revenue	1,213	-	-	-	(177)	1,036	563
Other Income	6,922	-	187	-	203	7,312	4,783
Grants & contributions for operating purposes	12,408	-	1,356	168	135	14,067	8,610
Grants and Cont.(Capital)	9,523	4,913	9,379	2,080	1,610	27,505	14,667
Fair Value Gains	810	-	-	-	-	810	-
Net gains from the disposal of assets	8,272	-	-	-	(4,222)	4,050	(19)
Total Revenue	148,822	4,913	15,402	2,671	(14,008)	157,801	113,090
Employee benefits and on-costs	52,268	-	600	(70)	(920)	51,878	38,991
Borrowing costs	893	-	82	-	126	1,101	332
Materials & contracts	44,318	-	1,446	(1)	230	45,993	29,284
Other expenses	14,917	-	277	(29)	(4,913)	10,252	5,457
Depreciation and amortisation	17,092	-	-	-	88	17,180	10,547
Total Expenditure	129,489	-	2,405	(100)	(5,388)	126,405	84,612
Operating Surplus/(Deficit) after capital grants	19,334	4,913	12,998	2,771	(8,620)	31,396	28,479
Operating Surplus/(Deficit) before capital grants	9,810	-	3,619	691	(10,230)	3,891	13,812
Less: Net Gain on Sale	(8,272)	-	-	-	4,222	(4,050)	- 19
Less: Fair Value Increases & Royalties	(2,008)	-	-	-	(203)	(2,210)	831
Less: Newcastle Airport	(3,842)	-	-	-	6,527	2,685	2,014
Add: NAP Dividend	-	-	-	-	-	-	-
Underlying Operating Surplus/(Deficit)	(4,311)	-	3,619	691	316	316	16,638

Notes:

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

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2021 and should be read in conjunction with other documents in the QBRS.

ITEM 2 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW - 31 MARCH 2021.

Council's original operating budget for 2020-2021 was incorporated as part of the Integrated Plans and was adopted by Council on 23 June 2020.

This statement sets out the details of variations between Council's original operating budget and the revised budget as part of the March Quarterly Budget Review. This has altered from an original projected underlying deficit of \$4,311k to an underlying surplus of \$316k.

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

REVENUE	Budget Change	
	\$'000	F/U
Rates and Annual Charges	-	-
No change		
User Charges and Fees	11,557	U
User charges and fees has decreased due to the reduction in Newcastle Airport income upon adoption of revised budgets.		
Grants and Contributions provided for Operating Purposes	135	F
Income has increased due to the receipt of grants for a sports ground, children services, summer events and weed control.		
Interest and Investment Revenue	177	U
Interest income has decreased due the reduction in Newcastle Airport income upon adoption of revised budgets.		
Other Revenues	203	F
Income has increased due to the increase in royalties.		

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2021 and should be read in conjunction with other documents in the QBRS.

Grants and Contributions provided for Capital Purposes 1,610 F

Capital grants & contributions have increased primarily due to the following projects:

- Amenities upgrade - \$590k
- Robinson Reserve skate park - \$160k
- Soldiers Point - revetment work - \$120k
- Bettles Park playground - \$120k
- Shoal Bay Foreshore pathways - \$100k
- *Other capital works projects - \$230k
- Newcastle Airport - \$290k

*Includes grants in Tanilba Bay, Seaham and Medowie

Net Gains from the Disposal of Assets 4,222 U

Net gains from asset disposals has decreased due to land development projects being allocated over coming time periods.

ITEM 2 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW - 31 MARCH 2021.

EXPENDITURE	\$'000	Budget Change F/U
Borrowing Costs	126	U
Interest expense has increased due to the adoption of revised budgets from Newcastle Airport.		
Depreciation, Amortisation and Impairment	88	U
Depreciation expense has increased due to the adoption of revised budgets from Newcastle Airport.		
Employee Benefits and On-Costs	920	F
Employee benefits and on-costs have decreased primarily due to the adoption of Newcastle Airport budgets and adjustments for staff vacancies at Council.		
Materials and Contracts	230	U
Materials and contracts have been increased due to new operational grants.		
Other Expenses	4,913	F
Other expenses have decreased due to the adoption of revised budgets from Newcastle Airport		

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2021 and should be read in conjunction with other documents in the QBRS.

5) Capital Budget Review Statement

Consolidated - Summary	2021 Original Budget	Budget revotes & carry forwards	Budget Revision Sept Qtr	Budget Revision Dec Qtr	Budget Revision Mar Qtr	2021 Revised Budget	2021 YTD Actuals
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Grants and Cont.(Capital)	9,523	4,913	9,379	2,080	1,610	27,505	14,667
Total Receipts	9,523	4,913	9,379	2,080	1,610	27,505	14,667
Capital Equipment & Contracts	23,529	20,281	14,089	13,090	495	71,484	19,190
Property Acquisition & Development	-	-	-	-	970	970	1,158
Total Payments	23,529	20,281	14,089	13,090	1,465	72,454	20,347
Capital Surplus/(Deficit)	(14,006)	(15,368)	(4,711)	(11,010)	145	(44,949)	(5,681)

This statement sets out the details of variations between Council's original capital budget and revised capital budget. There are budgetary changes proposed which result in a net decrease in the capital program of \$145k.

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

INCOME	\$'000	Budget Change F/U
Capital Grants & Contributions	1,610	F

Capital grants & contributions have increased primarily due to the following projects:

- Amenities upgrade - \$590k
- Robinson Reserve skate park - \$160k
- Soldiers Point - revetment work - \$120k
- Bettles Park playground - \$120k
- Shoal Bay Foreshore pathways - \$100k
- Other capital works projects - \$230k
- Newcastle Airport - \$290k

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2021 and should be read in conjunction with other documents in the QBRS.

ITEM 2 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW - 31 MARCH 2021.

EXPENDITURE	\$'000	Budget Change F/U
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Property Acquisition and Development	970	U
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Property acquisition and development expenditure has increased due to the purchase of property in Nelson Bay and Raymond Terrace.

Capital Equipment and Contracts	495	U
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Capital equipment and contracts have increased primarily due to the following projects:

- Tomaree Sports Complex amenities - \$560k
- Robinson Reserve stage 2 - \$260k
- Boyd Oval and Stuart Park upgrades - \$220k
- Lakeside Leisure Centre heat pump - \$180k
- Bettles Park amenities - \$160k
- Government Road rehab - \$150k
- Shoal Bay amenities replacement - \$130k
- Soldier Point revetment works - \$120k
- Smart parking signage - \$110k
- Other capital works projects - \$305k
- Revision of the Holiday parks capital works program - (\$1.7m)

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2021 and should be read in conjunction with other documents in the QBRs.

ITEM 2 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW - 31 MARCH 2021.

The capital works program by section is as follows:

Consolidated - Detailed	2021 Original Budget	Budget revotes & carry forwards	Budget Revision Sept Qtr	Budget Revision Dec Qtr	Budget Revision Mar Qtr	2021 Revised Budget	2021 YTD Actuals
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Capital Funding							
Capital Grants & Contributions	9,523	4,913	9,379	2,080	1,610	27,505	14,667
Total Capital Funding	9,523	4,913	9,379	2,080	1,610	27,505	14,667
Capital Expenditure							
Corporate Services Group							
Commercial Property Reserve & Cluster Plan							
Fingal Bay Holiday Park	2,199	-	-	-	(1,249)	950	78
Halifax Holiday Park	295	-	-	-	(190)	105	52
Shoal Bay Holiday park	541	-	-	-	(310)	231	30
Thou Walla Sunset Retreat	100	-	-	-	(95)	5	4
Koala Sanctuary	100	549	-	750	150	1,549	1,339
Property Development	-	-	-	-	970	970	1,158
Administration Building	250	-	-	3,000	-	3,250	190
Property Investments	-	-	-	400	-	400	90
Commercial Property Total	3,485	549	-	4,150	(724)	7,460	2,943
Business Improvement Technology	380	119	-	-	-	499	250
Corporate Services Group Total	3,865	668	-	4,150	(724)	7,958	3,193

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2021 and should be read in conjunction with other documents in the QBRS.

ITEM 2 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW - 31 MARCH 2021.

Consolidated - Detailed	2021 Original Budget	Budget revotes & carry forwards	Budget Revision Sept Qtr	Budget Revision Dec Qtr	Budget Revision Mar Qtr	2021 Revised Budget	2021 YTD Actuals
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
General Manager's Office							
Software	-	-	230	-	-	230	-
General Manager's Office Total	-	-	230	-	-	230	-
Facilities and Services							
Assets							
Fleet Maintenance	2,104	-	356	-	-	2,460	269
Drainage and Flooding	1,100	319	27	-	65	1,511	1,405
Assets Total	3,204	319	383	-	65	3,971	1,674
Community Services							
Domestic Waste Management	-	-	-	15	-	15	1
Library Services	250	-	-	-	-	250	170
Community Services	250	-	-	15	-	265	171
Capital Works							
Capital Works Construction	6,882	19,295	13,476	8,925	2,124	50,702	15,310
Capital Works Total	6,882	19,295	13,476	8,925	2,124	50,702	15,310
Facilities and Services Total	10,336	19,613	13,859	8,940	2,189	54,938	17,155
Newcastle Airport	9,328	-	-	-	-	9,328	-
Total Capital Expenditure	23,529	20,281	14,089	13,090	1,465	72,454	20,347
Net Outlay	14,006	15,368	4,711	11,010	(145)	44,949	5,681

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2021 and should be read in conjunction with other documents in the QBRS.

ITEM 2 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW - 31 MARCH 2021.

6) Reserve Balances

This statement sets out the budgeted reserve balances and funding source change

Reserves	Opening Balance	Rollover Transfers	Operating & Financing Transfers	Original Budget	Budget Revision Sept Qtr	Budget Revision Dec Qtr	Budget Revision Mar Qtr	Closing
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Administration Building Reserve	734	-	87	(250)	-	-	-	571
Asset Rehabilitation Reserve	409	(403)	3,839	(3,450)	(306)	-	(89)	0
Commercial Properties Reserve	31	(166)	7,271	-	(1,227)	(400)	(5,190)	319
Community Loans	200	-	-	-	-	-	-	200
Crown Reserves	1,430	(124)	2,242	(3,235)	(250)	(750)	1,794	1,107
Developer contributions and Haulage	4,530	(2,273)	4,010	(250)	33	1,755	(8)	7,797
Domestic Waste	4,561	(469)	(115)	(275)	-	(200)	-	3,502
Drainage Reserve	38	-	1,062	(1,100)	-	-	-	-
Election Reserve	400	-	100	-	-	-	-	500
Federal Assistance Grant in Advance Reserve	3,542	-	(3,542)	-	-	-	-	-
Fleet Reserve	1,315	-	2,200	(2,104)	(356)	-	(122)	933
IT Reserve	176	(119)	800	(380)	(230)	-	-	247
Newcastle Airport	11,873	-	5,855	(9,328)	-	-	(6,439)	1,961
Other Waste Services Reserve	451	(185)	(131)	-	-	-	-	135
Parking Meters Reserve	590	-	338	-	(847)	-	-	81
Repealed Funds Reserve	10,014	(5,012)	-	-	(1,800)	(1,485)	(205)	1,512
Roads / Environmental Reserve	-	-	425	(425)	-	-	-	-
Section 355C committees	674	-	-	-	-	-	-	674
Specific Purpose Unexpended Grants Reserve	1,616	(376)	(888)	-	-	-	(352)	-
Sustainable energy and water reserve	125	-	23	-	-	-	-	148
Unexpended Loan Funds Reserve	5,000	(4,429)	10,000	-	(476)	(10,000)	(95)	-
Ward Funds Reserve	39	(50)	100	-	(50)	-	-	39
Total	47,748	(13,606)	33,676	(20,797)	(5,509)	(11,080)	(10,705)	19,726

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2021 and should be read in conjunction with other documents in the QBRS.

ITEM 2 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW - 31 MARCH 2021.

7) Cash Flow Statement (Consolidated)	Original Budget	Revotes & Carried Forward	Budget Revision Sept	Budget Revision Dec	Budget Revision Mar	Revised Budget
Cash Flows from Operating Activities	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Receipts:						
Rates and Annual Charges	63,308	-	-	-	-	63,308
User Charges & Fees Income	45,282	-	4,480	423	(11,557)	38,629
Interest & Investment Revenue Received	1,213	-	-	-	(177)	1,036
Other	2,762	-	187	-	203	3,152
Grants and Contributions	19,381	4,913	10,735	2,248	1,745	39,022
Payments:						
Employee Benefits & On-Costs	(55,211)	-	(600)	70	920	(54,821)
Borrowing Costs	(893)	-	(82)	-	(126)	(1,101)
Materials & Contracts	(39,040)	-	(1,446)	1	(230)	(40,715)
Other	(10,405)	-	(277)	29	4,913	(5,740)
Net Cash provided (or used in) Operating Activities	26,397	4,913	12,998	2,771	(4,309)	42,770
Cash Flows from Investing Activities						
Receipts:						
Proceeds from Disposal of Property Plant & Equipment	250	-	-	-	-	250
Proceeds from Development & Land Sales	12,950	-	-	-	(4,220)	8,730
Payments:						
Purchase of Real Estate, Infrastructure, Property Plant & Equipment and Intangibles	(23,529)	(20,281)	(14,089)	(13,090)	(1,465)	(72,454)
Net Cash provided (or used in) Investing Activities	(10,329)	(20,281)	(14,089)	(13,090)	(5,685)	(63,474)
Cash Flows from Financing Activities						
Receipts:						
Proceeds from Borrowings	-	-	-	10,000	-	10,000
Payments:						
Repayment of Leases, Borrowings & Advances	(4,359)	-	-	-	-	(4,359)
Net Cash provided (or used in) Financing Activities	(4,359)	-	-	10,000	-	5,641
Net Increase/(Decrease) in Cash & Cash Equivalents	11,709	(15,368)	(1,091)	(319)	(9,994)	(15,063)
plus: Cash & Investments - Beginning of Year (*)	43,377	-	-	-	-	43,377
Cash & Investments - end of the year	55,086	(15,368)	(1,091)	(319)	(9,994)	28,314

*opening * balance adjustment made to reflect 30 June 2020 actual closing balance

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2021 and should be read in conjunction with other documents in the QBRS.

Cash Flow Statement Funding Reconciliation

The 'Recommended Changes to Budget' in the March QBR constitute an overall decrease in Council's Cash Flow position by \$10.8m (unfavourable), this is after the use of internal reserves and external funding sources are factored in.

PSC is clearly solvent based on the current and estimated cash position from the review changes. PSC's current cash position as per the March investment report was \$41.1m

8) Budget Review Contracts and Other Expenses

Councillors are currently made aware of tenders of \$250,000 or more in accordance with legislation. However, Councillors should be made aware of other material contracts entered into by Council and details of other expenses that are of particular interest. To this end, a contract listing and details of legal fees and consultancy expenses are included in the QBRS.

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

- Were entered into during the quarter ending 31/03/2021; and
- Have a value equal to or more than \$50,000.

Part B of the report shows expenditure as at 31/03/2021 for:

- Consultancies
- Legal fees

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

ITEM 2 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW - 31 MARCH 2021.
**Part A
Contracts Listing**

Contractor	Contract Details and Purpose	Contract Value Inc GST	Commencement date	Contract end date	Budgeted (Y/N)
Anna Bay Sands and Earthmoving	RFQ10-2021 Amenities Replacement - Longworth Park	103,400	8/02/2021	30/06/2021	Y
Olympic Fencing NSW Pty Ltd	RFQ93-2020 Nelson Bay Tennis Club Fencing & Retaining Wall	97,997	26/02/2021	30/06/2021	Y
Think Project Services Pty Ltd	RFQ21-2021 Nelson Bay Tennis Club Fencing & Retaining Wall	88,428	25/02/2021	30/06/2021	Y
ARA Electrical High Voltage Services	RFQ77-2020 Grahamstown Road Power Pole Relocation	74,498	26/02/2021	30/06/2021	Y

**Part B
Consultancy & Legal Expenses**

Expense	Expenditure YTD (\$)	Budgeted (Y/N)
Consultancies		
Waste strategy / audit	68,000	Y
Property	37,000	Y
IT	12,000	Y
HR	11,000	Y
Other	24,000	Y
Total consultancies	152,000	
Legal Fees		
Litigation	62,000	Y
Advice	21,000	Y
Planning	7,000	Y
Total legal fees	90,000	

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2021 and should be read in conjunction with other documents in the QBRS.

ITEM NO. 3**FILE NO: 21/62352
EDRMS NO: PSC2017-00178****REQUEST FOR FINANCIAL ASSISTANCE****REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE**

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Ward funds to the following:-
 - a. East Ward funds – Cr Jaimie Abbott – Rapid Response – \$500 donation to Nelson Bay Hockey Club towards replacement of 2 training goals.

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

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

The request for financial assistance is shown below:

WARD FUNDS

Nelson Bay Hockey Club	Nelson Bay Hockey Club welcomes members of the community of all ages and abilities to participate	\$500	Donation towards replacement of 2 hockey training goals.
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	in hockey competition games.		
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COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

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

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

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 4

**FILE NO: 21/121765
EDRMS NO: PSC2017-00015**

INFORMATION PAPERS

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

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 25 May 2021.

No:	Report Title	Page:
1	April 2021 Cash and Investments	68
2	Council Resolutions	71

INFORMATION PAPERS

ITEM NO. 1

FILE NO: 21/114490
EDRMS NO: PSC2006-1531

APRIL 2021 CASH AND INVESTMENTS

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

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held as at 30 April 2021.

ATTACHMENTS

- 1) Cash and Investments Report - April 2021. [↓](#)
- 2) Cashflow Report - April 2021. [↓](#)

CASH AND INVESTMENTS HELD AS AT 30 APRIL 2021									
ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE	
TERM DEPOSITS									
JUDO BANK	CURVE	NR	TD	1.05%	256	11-May-21	275,000	275,000	
JUDO BANK	CURVE	NR	TD	1.05%	253	11-May-21	300,000	300,000	
JUDO BANK	FIIG	NR	TD	0.70%	97	8-Jun-21	1,000,000	1,000,000	
AMP BANK	LAMINAR	BBB+	TD	0.80%	295	23-Jun-21	300,000	300,000	
AUSTRALIAN MILITARY BANK	FARQUHARSON	BBB+	TD	1.65%	635	30-Jun-21	1,000,000	1,000,000	
JUDO BANK	CURVE	NR	TD	1.05%	343	4-Aug-21	900,000	900,000	
JUDO BANK	CURVE	NR	TD	1.05%	337	4-Aug-21	300,000	300,000	
MUTUAL BANK	MUTUAL	NR	TD	0.95%	351	18-Aug-21	300,000	300,000	
JUDO BANK	FIIG	NR	TD	0.90%	181	31-Aug-21	700,000	700,000	
AMP BANK	LAMINAR	BBB+	TD	0.80%	383	15-Sep-21	1,000,000	1,000,000	
AUSWIDE BANK	CURVE	BBB	TD	1.75%	727	28-Sep-21	1,000,000	1,000,000	
ICBC	IMPERIUM	A	TD	1.62%	729	13-Oct-21	1,000,000	1,000,000	
AUSWIDE BANK	IMPERIUM	BBB	TD	1.65%	731	15-Oct-21	500,000	500,000	
MACQUARIE BANK	LAMINAR	A	TD	0.70%	286	25-Oct-21	1,000,000	1,000,000	
MUTUAL BANK	MUTUAL BANK	NR	TD	0.90%	159	27-Oct-21	700,000	700,000	
AMP BANK	LAMINAR	BBB+	TD	0.75%	365	25-Nov-21	1,250,000	1,250,000	
DEFENCE BANK	CURVE	BBB	TD	0.60%	367	6-Dec-21	600,000	600,000	
AMP BANK	LAMINAR	BBB	TD	0.75%	371	8-Dec-21	550,000	550,000	
AMP BANK	LAMINAR	BBB	TD	0.75%	376	15-Dec-21	350,000	350,000	
JUDO BANK	LAMINAR	NR	TD	0.84%	385	22-Dec-21	350,000	350,000	
JUDO BANK	LAMINAR	NR	TD	0.85%	383	22-Dec-21	550,000	550,000	
NAB	LAMINAR	AA	TD	0.50%	386	23-Dec-21	1,000,000	1,000,000	
DEFENCE BANK	CURVE	BBB	TD	0.60%	399	5-Jan-22	1,000,000	1,000,000	
NAB	LAMINAR	AA	TD	0.50%	399	5-Jan-22	1,000,000	1,000,000	
NAB	LAMINAR	AA	TD	0.50%	413	19-Jan-22	1,000,000	1,000,000	
JUDO BANK	LAMINAR	NR	TD	0.70%	391	19-Jan-22	750,000	750,000	
MACQUARIE BANK	LAMINAR	A	TD	0.70%	385	1-Feb-22	1,000,000	1,000,000	
AUSWIDE BANK	RIM	BBB	TD	1.73%	701	2-Feb-22	1,250,000	1,250,000	
DEFENCE BANK	CURVE	BBB	TD	0.65%	539	22-May-22	1,000,000	1,000,000	
DEFENCE BANK	CURVE	BBB	TD	0.65%	550	7-Jun-22	600,000	600,000	
SUB TOTAL (\$)							22,525,000	22,525,000	
MACQUARIE BANK (AT CALL)	LAMINAR	A+	AT CALL	0.35%			3,500,000	3,500,000	
TCORP SHORT TERM INCOME FUND	TCORP	AAA					4,000,000	4,011,742	
TCORP MEDIUM TERM GROWTH FUND	TCORP	AAA					4,000,000	4,160,176	
TCORP LONG TERM GROWTH FUND	TCORP	AAA					2,000,000	2,139,086	
CASH ON HAND							2,657,333	2,657,333	
INVESTMENTS TOTAL (\$)							38,682,333	38,993,337	
CASH AT BANK (\$)								0	
TOTAL CASH AND INVESTMENTS (\$)							38,682,333	38,993,337	
CASH AT BANK INTEREST RATE				0.20%					
BBSW FOR PREVIOUS 3 MONTHS				0.29%					
AVG. INVESTMENT RATE OF RETURN ON TDs				0.93%					
TD = TERM DEPOSIT									
AC = AT CALL CASH ACCOUNT									
FRTD = FLOATING RATE TERM DEPOSIT									
*STANDARD AND POORS LONG TERM RATING									
CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER									
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY									
T HAZELL									



Cash flow analysis
30/04/2021

CASHFLOW STATEMENT

Opening Cash and Investment 1 July 2020
Closing Cash and Investment 30 April 2021
Movement in cash

YTD	Notes
31,502,431	
39,722,748	
8,220,318	

Movement in cash represented by:

Operating Activities

Receipts from ratepayers, customers and government authorities	111,562,462
Payments to suppliers & employees	(78,667,851)
Interest received	329,388
Interest paid	(372,583)
Total	32,851,416

Investing Activities

Receipts from sale of Infrastructure, Property, Plant & Equipment	215,119
Payments for Property, Plant & Equipment	(22,063,728)
Total	(21,848,609)

Financing Activities

Payment of loans	(2,782,490)
Receipt of new loans	-
Total	(2,782,490)

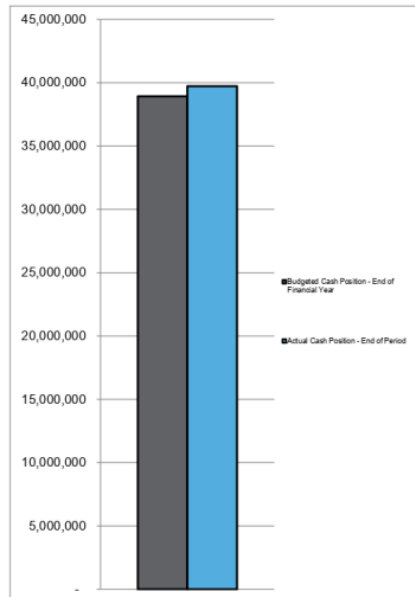
Total Cash Movement

Plus: Opening Cash and Investment 1 July 2020	31,502,431
Closing Cash and Investment 30 April 2021	39,722,749

Budgeted Cash Movement for the Financial Year

Plus Opening Cash and Investment 1 July 2020	31,502,431
Budgeted Cash and Investment Position 30 June 2021	38,923,344

In front / (behind) on budget	799,405	1
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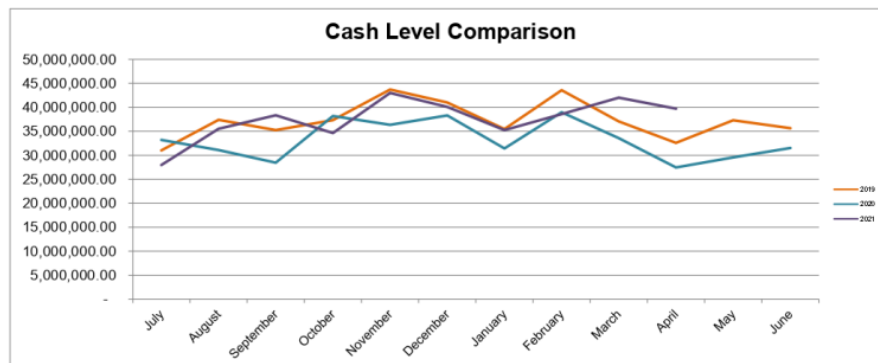


Notes

- 1 Council's cash position is up on the budgeted year end position predominately due to the following reasons:
 - a) Sale of commercial land is complete
 - b) Receipt of various capital grants for \$3.3m and capital contributions for \$1.1m this month

Significant future cash inflows expected in next few months include various 2021 grants and 4th quarter rates.

Significant future cash outflows expected in next few months include: Fingal Bay new amenities block, depot relocation, Soldiers Point revetment work, Birubi Point aboriginal place tourism interchange, Riverflat road realignment, Nelson Bay tennis - fencing and retaining wall replacement, Lakeside leisure centre heat pump replacement, smart parking signage, Tomaree sports complex amenities replacement, Seabreeze estate drainage, George Reserve amenities replacement, Seaham bus interchange, Longworth park amenities replacement and sundry plants.



ITEM NO. 2

**FILE NO: 21/121763
EDRMS NO: PSC2017-00106**

COUNCIL RESOLUTIONS

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

BACKGROUND

The purpose of this report is to inform the Mayor and Councillors 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.



Outstanding	Division: Corporate Services	Date From: 26/09/2017
	Committee:	Date To: 11/05/2021
	Officer:	
Action Sheets Report	Printed: Monday, 17 May 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/03/2018	Crosdale, Timothy	COMPULSORY ACQUISITION OF AN EASEMENT FOR ACCESS OVER PART OF 6 GOVERNMENT ROAD, SHOAL BAY	30/12/2021	28/03/2018	
13 066		Crosdale, Timothy				18/66656
13 May 2021 Awaiting Minister's approval to proceed with the compulsory acquisition.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/02/2019	Crosdale, Timothy	King Street, Raymond Terrace Easements	30/12/2021	14/02/2019	
3		Crosdale, Timothy				19/39843
13 May 2021 The Minister for Local Government has approved Council's application to compulsorily acquire an easement through 24A and 26 King Street, Raymond Terrace, for the purposes of construction of a shared pedestrian pathway. Proposed Acquisition Notices have been served on the land owners.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2019	Crosdale, Timothy	COMPULSORY ACQUISITION OF PART OF VICTORIA PARADE RESERVE NELSON BAY FOR ROAD PURPOSES	30/12/2021	29/05/2019	
6 110		Crosdale, Timothy				19/148388
13 May 2021 Waiting on Aboriginal Land Claim determination by Crown Lands.						

ITEM 2 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.



Outstanding	Division: Corporate Services	Date From: 26/09/2017
	Committee:	Date To: 11/05/2021
	Officer:	
Action Sheets Report	Printed: Monday, 17 May 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/07/2019	Crosdale, Timothy	GRANT OF EASEMENTS IN FAVOUR OF AGL - PUNT ROAD, TOMAGO	30/06/2021		
7 169		Crosdale, Timothy				19/200498
13 May 2021 Still in negotiations between AGL and LGL.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Crosdale, Timothy	COMPULSORY ACQUISITION OF PART 879 SWAN BAY ROAD, SWAN BAY FOR ROAD WIDENING PURPOSE	30/12/2021	12/02/2020	
2 028		Crosdale, Timothy				20/39141
13 May 2021 Awaiting Minister's approval to proceed with the compulsory acquisition.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/09/2020	Crosdale, Timothy	Newline Road, Raymond Terrace	28/02/2022		
2 199		Crosdale, Timothy				20/288489
13 May 2021 Approved. Contracts prepared. Finalising survey levels in contract.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/03/2021	Crosdale, Timothy	Proposed sale of land - 77 Dawson Road, Raymond Terrace (Part)	30/06/2021	11/03/2021	
1 051		Crosdale, Timothy				21/60805
13 May 2021 Recommendation endorsed by Council. Settlement will occur upon registration of lots.						

ITEM 2 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.



Outstanding	Division: Corporate Services	Date From: 26/09/2017
	Committee:	Date To: 11/05/2021
	Officer:	
Action Sheets Report	Printed: Monday, 17 May 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/04/2021	Crosdale, Timothy	Proposed sale of Land in Raymond Terrace	31/12/2021	14/04/2021	
1		Crosdale, Timothy				21/96728
089						
13 May 2021						
Staff to progress the sale as per the recommendations of the report.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/04/2021	Crosdale, Timothy	PROPOSED CLOSURE AND SALE OF PATHWAY IN BOAT HARBOUR	30/04/2022	14/04/2021	
2		Crosdale, Timothy				21/96728
090						
13 May 2021						
Recommendation endorsed. Staff to progress the closure of the pathway and sale as per the recommendations of the report.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/05/2021	Crosdale, Timothy	Car parking in Shoal Bay	30/12/2021	12/05/2021	
1		Crosdale, Timothy				21/123694
14 May 2021						
Revised Target Date From: 25 May 2021 To: 30 Dec 2021						
Consultation continues with Crown Lands to enable this proposed use.						



Outstanding	Division: Development Services	Date From: 26/09/2017
	Committee:	Date To: 11/05/2021
	Officer:	
Action Sheets Report	Printed: Monday, 17 May 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/08/2020	Drinan, Kate	DEVELOPMENT APPLICATION 16-2019-679-1 FOR DEMOLITION OF EXISTING STRUCTURE AND CONSTRUCTION OF SHOPTOP HOUSING AND DETACHED DWELLING AT 26 KING STREET, RAYMOND TERRACE	22/06/2021		
1		Pearl, Steven				20/265439
151						
11 Mar 2021						
Revised Target Date changed From: 23 Mar 2021 To: 22 Jun 202						
Reason: DA 16-2019-679-1 will be reported back to council 22 June 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/05/2021	Pearl, Steven	Crane in Church Street, Nelson Bay	25/05/2021	12/05/2021	
1		Pearl, Steven				21/123694
110						
13 May 2021						
Letter forwarded to crane owner.						

ITEM 2 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 11/05/2021
	Officer:	
Action Sheets Report	Printed: Monday, 17 May 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Maretich, John	Solar Infrastructure	31/08/2021	11/12/2019	
6		Kable, Gregory				19/388450
264						
13 May 2021 External consultants draft report on energy lighting efficiency/solar panels options was reviewed by internal staff and By external 3rd party consultant. Project will proceed through normal procurement methods.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Gutsche, Tammy	GREEN WASTE DROP OFF - SALAMANDER BAY	30/06/2021	11/12/2019	
7		Kable, Gregory				19/388450
265						
13 May 2021 Will be considered as part of the Waste Management Strategy.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/02/2020	Lamont, Brock	Indoor Sports Facility	30/06/2021	26/02/2020	
4		Kable, Gregory				20/50488
042						
13 May 2021 Current discussions with the Dept of Education about co-sharing a single facility has become not viable. West Ward Sports Council discussed item at recent meeting. Business case development and feasibility to be developed once facility parameters agreed.						

ITEM 2 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 11/05/2021
	Officer:	
Action Sheets Report	Printed: Monday, 17 May 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/06/2020	Stewart, Adam	Naming of Pathway, Gan Gan Road, Anna Bay	30/04/2021	10/06/2020	
1		Kable, Gregory				20/164033
101						
13 May 2021						
Gained confirmation to proceed with wording and location of plaque with Central Ward Councillors.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/07/2020	Lamont, Brock	REVIEW OF THE OFF LEASH DOG AREAS AND TIMES AT ANNA BAY / BIRUBI POINT, FISHERMANS BAY AND BOAT HARBOUR	30/06/2021		
1		Kable, Gregory				20/192934
138						
13 May 2021						
The findings of the investigation will be presented to Council in June 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/07/2020	Stewart, Adam	Tomaree Headland	31/07/2022		
2		Kable, Gregory				20/192934
139						
13 May 2021						
Council has undertaken a site review with National Parks as part of their footpath design assessment. It should be noted that National Parks are still in design phase of this project and at present Council has not allocated funds though options are being assessed for a funding source for this project.						

ITEM 2 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 11/05/2021
	Officer:	
Action Sheets Report	Printed: Monday, 17 May 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/11/2020	Miles, Philip	Disposal of Surplus Excavated Materials at Newcastle Airport Development Project Site.	30/09/2021		
11 261		Kable, Gregory				20/358525
13 May 2021 Development modification required and legal contracts to be drawn up.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/12/2020	Stewart, Adam	Fly Point and Little Beach Parking/SMART Parking	31/12/2021		
3		Kable, Gregory				20/391301
13 May 2021 Awaiting completion of the associated Place Plans. Report to prepared and reported back to Council by the end of 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Stewart, Adam	5G Small Cell Technology Rollout in Port Stephens	30/06/2021		
3 006		Kable, Gregory				21/33235
13 May 2021 Works have not commenced given other priorities. Expect this work to be completed by end of June 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Lamont, Brock	MEDOWIE REGIONAL PLAYGROUND AND TOWN CENTRE	31/05/2021		
2 012		Kable, Gregory				21/33235
13 May 2021 Staff will investigate and prepare a report for Council as per Notice of Motion and will be discussed and proposed during the 7 Day Makeover in May 2021.						

ITEM 2 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 11/05/2021
	Officer:	
Action Sheets Report	Printed: Monday, 17 May 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Stewart, Adam	ROAD RESEALS ACROSS PORT STEPHENS	30/06/2021		
4		Kable, Gregory				21/33235
014						
13 May 2021 Staff will prepare a report for Council with road recommendations as per Notice of Motion.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Stewart, Adam	FERN BAY SHARED PATHWAY	30/06/2021		
7		Kable, Gregory				21/33235
017						
13 May 2021 Staff will start the process to apply for developer contributions. Design is underway and works scheduled for June 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/04/2021	Lamont, Brock	Drainage at Vi Barnett Field in Raymond Terrace	1/07/2021		
12		Kable, Gregory				21/96728
083						
13 May 2021 Following on from discussions with the Athletics Club they have requested that we push back the works until July 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/04/2021	Stewart, Adam	Drainage investigation - Lemon Tree Passage	1/12/2021	14/04/2021	
1		Kable, Gregory				21/96728
088						
13 May 2021 Drainage investigation and property evaluation has commenced. Discussion with property owners in on going. Any future actions will be determined by Council.						



Outstanding	Division: General Manager's Office	Date From: 26/09/2017
	Committee:	Date To: 11/05/2021
	Officer:	
Action Sheets Report	Printed: Monday, 17 May 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/04/2021	Wickham, Tony	POLICY REVIEW - WORKING TOGETHER AND PROVISION OF INFORMATION POLICY	29/05/2021	28/04/2021	
5		Wallis, Wayne				21/109842
099						
13 May 2021						
On public exhibition until 29 May 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/04/2021	Wickham, Tony	POLICY REVIEW: COMPLAINT HANDLING POLICY	29/05/2021		
6		Wallis, Wayne				21/109842
100						
13 May 2021						
On public exhibition until 29 May 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/04/2021	Wickham, Tony	POLICY REVIEW: PECUNIARY INTEREST RETURNS - LODGEMENT	29/05/2021		
7		Wallis, Wayne				21/109842
101						
13 May 2021						
On public exhibition until 29 May 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/04/2021	Wickham, Tony	POLICY REVIEW: COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT	29/05/2021		
8		Wallis, Wayne				21/109842
102						
13 May 2021						
On public exhibition until 29 May 2021.						

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 21/124434

EDRMS NO: PSC2017-00019

NELSON BAY ROAD UPGRADE

MAYOR: RYAN PALMER

THAT COUNCIL:

- 1) Make representations to the Premier, Minister for Roads, local Member of Parliament and Transport for NSW seeking an urgent determination on the proposed route for the Nelson Bay Road upgrade duplication project.
-

BACKGROUND REPORT OF: JOHN MARETICH – ASSETS SECTION MANAGER

BACKGROUND

Transport for NSW (TfNSW) is currently proposing an upgrade of Nelson Bay Road from Williamtown to Bobs Farm.

TfNSW had initially proposed 2 route options that were provided to the community in 2020. During this community consultation an alternative route option was presented to the State Government. TfNSW confirmed that this third option is viable. With the new option community consultation had to be undertaken again showing all 3 options. This was completed in 2021.

The 'on-line' option is an upgrade of Nelson Bay Road along the existing road alignment. There are also 2 "off-line" options that place the proposed road on privately owned properties. The off-line routes are on the southern side of the existing Nelson Bay Road alignment.

During this consultation some members of the community and business owners had raised concerns with Council about some of the route options. Representing the community, Council had made a submission to TfNSW noting the concerns raised about potential lost business patronage and the severance of farming land.

TfNSW has been discussing issues raised and the proposed route with the Minister for Roads. It is anticipated that an announcement will occur in mid-2021.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 2

FILE NO: 21/124353

EDRMS NO: PSC2017-00019

ANNA BAY DRAINAGE UNION

MAYOR: RYAN PALMER

THAT COUNCIL:

- 1) Work with the Anna Bay Drainage Union to seek the upgrade of the flood gates at Taylors Beach.
-

BACKGROUND REPORT OF: JOHN MARETICH – ASSETS SECTION MANAGER

BACKGROUND

The Anna Bay Drainage Union (ABDU) is the last of its type in the Port Stephens Local Government Area. The ABDU is a NSW State Government function and is not covered under local government.

The ABDU owns and maintains a series of open drains that carry stormwater from predominately Anna Bay and One Mile drainage catchments. These open drains discharge into Tilligerry Creek via the main floodgates. The open drains and floodgates are not a Council asset, though we do provide ABDU with an annual contribution as Council does discharge stormwater into their drainage system.

It is acknowledged by the ABDU and Council that the main floodgates do need upgrading. Council has, in the past, assisted the ABDU in seeking funding and has made representation on their behalf to NSW State Government agencies.

Council is currently undertaking the Anna Bay and Tilligerry Creek Flood Study Risk Management Plan which will lead towards what upgrades are needed in this catchment though no modelling, environmental studies or design works have been undertaken that directly relate to the main floodgates. It should be noted that a feasibility study was carried out by NSW Fisheries (now known as the Department of Primary Industries) to improve quality of water discharging into Tilligerry Creek.

As these drainage assets are not Council's assets, there is currently no future allocated funds for the design work, any environmental studies or any physical work that relates directly to the proposed floodgates.

The sustainability of the ABDU is critical to the community and Council.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 3

FILE NO: 21/124316

EDRMS NO: PSC2017-00019

PARKLET TRIAL AT SHOAL BAY

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Acknowledges the significant community and business concerns about the parklet trial at Shoal Bay.
 - 2) Commits to engaging meaningfully with the Shoal Bay community.
 - 3) In response to these concerns, requests a report to be presented to the 8 June 2021 council meeting with an assessment of the trial and recommendations going forward.
-

**BACKGROUND REPORT OF: STEVEN PEART – DEVELOPMENT SERVICES
GROUP MANAGER**

BACKGROUND

The Shoal Bay parklets were installed as part of the NSW Government's Streets as Shared Spaces initiative, where grant funding was made available to pilot projects that improve or activate streets.

The trial was designed to test and experiment with streetscape changes in a low cost and temporary way. As part of the trial, an evaluation program has been designed to gather feedback and guide future decision making for streetscape changes.

Parklets are a placemaking initiative used globally to temporarily convert carparking spaces into new community spaces. They encourage people to slow down and spend more money with local business. They create more space for business activity and create a more inviting public spaces to site and relax.

The evaluation and community engagement process with the Shoal Bay community has included:

- Face to face Local Business conversations
- Regular engagement with Business Port Stephens
- Community drop-in sessions
- Community newsletters

- Direct email and telephone communication
- Surveys, and
- Signage

Throughout implementation of the trial and the community engagement process, some members of the community and local businesses have provided feedback regarding aspects of the trial. In accordance with the trial evaluation process, the feedback has led to PSC replacing lost car parking spaces and increasing pedestrian safety.

PSC proposes to continue to evaluate the trial in regular consultation with the Shoal Bay community.

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		

ATTACHMENTS

Nil.

NOTICE OF MOTION**ITEM NO. 4****FILE NO: 21/124372****EDRMS NO: PSC2017-00019****INTERSECTION AT VARDON ROAD, FERN BAY****COUNCILLOR: GIACOMO ARNOTT**

THAT COUNCIL:

- 1) Notes the unsafe intersection at Vardon Road, Fern Bay where it meets Nelson Bay Road.
 - 2) Affirms its support for traffic light treatment at the intersection.
 - 3) Writes to Tim Crakanthorp MP, Member for Newcastle, asking for his advocacy for the traffic light treatment.
 - 4) Writes to Transport for NSW asking them for a briefing on this intersection and when traffic light treatment will be carried out.
-

BACKGROUND REPORT OF: JOHN MARETICH – ASSETS SECTION MANAGER**BACKGROUND**

Nelson Bay Road is owned and managed by Transport for NSW (TfNSW) and Vardon Road is a Council road.

The future requirement to upgrade the intersection of Vardon Road and Nelson Bay Road has been acknowledged by TfNSW. TfNSW has noted that the timing of the upgrades will depend on a number of surrounding development triggers and linkages to the Williamstown Special Activation Precinct determination.

Upgrades to the intersection were also included in the Fern Bay and North Stockton Strategy when exhibited and specifically links to the Rifle Range Planning Proposal. The size and staging of any development will determine this type of intersection treatment and the timing of the upgrade.

FINANCIAL/RESOURCE IMPLICATIONS

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

ORDINARY COUNCIL - 25 MAY 2021

Source of Funds	Yes/No	Funding (\$)	Comment
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

ATTACHMENTS

Nil.

NOTICE OF MOTION**ITEM NO. 5****FILE NO: 21/124386****EDRMS NO: PSC2017-00019****BUS STOP IN SEASIDE ESTATE, FERN BAY****COUNCILLOR: GIACOMO ARNOTT**

THAT COUNCIL:

- 1) Notes that bus stop ID 229560 in Seaside Estate, Fern Bay is directly in front of driveways and poorly located.
 - 2) Requests a report from staff on alternate locations so that the bus stop can be moved.
-

BACKGROUND REPORT OF: JOHN MARETICH – ASSETS SECTION MANAGER**BACKGROUND**

The bus stop in the Seaside Estate was built in an earlier stage of this estate and prior to the dwellings.

The request to relocate the bus stop has previously been put forward and assessed by the Local Traffic Committee (LTC) in 2017 and 2020. At both times this relocation was not supported by the LTC.

Representatives from the estate have informed Council that the number of students who use this bus stop appear to exceed the room allowed to board and exit the bus. Alternatives have been suggested and Council staff are reviewing these.

Communication will also be undertaken with the bus company.

FINANCIAL/RESOURCE IMPLICATIONS

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

ORDINARY COUNCIL - 25 MAY 2021

Source of Funds	Yes/No	Funding (\$)	Comment
Other	No		

ATTACHMENTS

Nil.

CONFIDENTIAL ITEMS

In accordance with Section 10A, of the Local Government Act 1993, Council can close part of a meeting to the public to consider matters involving personnel, personal ratepayer hardship, commercial information, nature and location of a place or item of Aboriginal significance on community land, matters affecting the security of Council, Councillors, staff or Council property and matters that could be prejudice to the maintenance of law.

Further information on any item that is listed for consideration as a confidential item can be sought by contacting Council.