

DRAFT

MINUTES – 25 MAY 2021



PORT STEPHENS C O U N C I L

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 25 May 2021, commencing at 5.58pm.

PRESENT:

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

116	Councillor John Nell Councillor Chris Doohan It was resolved that the apologies from Cr Ken Jordan and Cr Jaimie Abbott be received and noted.
117	Councillor Steve Tucker Councillor Sarah Smith It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 11 May 2021 be confirmed.
	Cr Chris Doohan declared a less than significant conflict of interest in confidential Item 2. The nature of the interest is an association with Newcastle Airport Pty Limited as a staff member of BAE Systems.

MINUTES ORDINARY COUNCIL - 25 MAY 2021

	<p>Mayor Ryan Palmer declared a pecuniary conflict of interest in confidential Item 2. The nature of the interest is Mayor Palmer is a Board member of Newcastle Airport Pty Limited.</p>
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	<p>The General Manager declared a pecuniary conflict of interest in confidential Item 2. The nature of the interest is the General Manager is a Board member of Newcastle Airport Pty Limited.</p>
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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.

**ORDINARY COUNCIL MEETING - 25 MAY 2021
MOTION**

118	<p>Councillor Giacomo Arnott Councillor Paul Le Mottee</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">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:<ul style="list-style-type: none">• information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.3) That the report remain confidential and the minute be released in accordance with Council's resolution.
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The motion was carried.

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.

**ORDINARY COUNCIL MEETING - 25 MAY 2021
MOTION**

119	<p>Councillor Giacomo Arnott Councillor Paul Le Mottee</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">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:<ul style="list-style-type: none">• information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.3) That the report remain confidential and the minute be released in accordance with Council's resolution.
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The motion was carried.

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 Ave, 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.

ORDINARY COUNCIL MEETING - 25 MAY 2021
MOTION

120	<p>Councillor Giacomo Arnott Councillor Paul Le Mottee</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">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 Ave, 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:<ul style="list-style-type: none">• information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.3) That the report remain confidential and the minute be released in accordance with Council's resolution.
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The motion was carried.

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)**.
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**ORDINARY COUNCIL MEETING - 25 MAY 2021
MOTION**

	<p>Councillor John Nell Councillor Giacomo Arnott</p> <p>That Council 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).</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Giacomo Arnott and John Nell.

Those against the Motion: Mayor Ryan Palmer, Crs Chris Doohan, Glen Dunkley, Paul Le Mottee, Sarah Smith and Steve Tucker.

The motion was lost.

ORDINARY COUNCIL MEETING - 25 MAY 2021
MOTION

121

Mayor Ryan Palmer
Councillor Chris Doohan

It was resolved that Council approve 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 following reasons:

1.0 - General Conditions of Consent

The following conditions of consent are general conditions applying to the development.

- (1) **Approved plans and documentation** – Development must be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan reference/ drawing No.	Name of plan	Prepared by	Date
HTP-201801 02	Site Plan	Hoover Group	11.06.2020
HTP-201801 03	Perspective Views	Hoover Group	16.12.2019
HTP-201801 04	Floor Plan of Dwelling	Hoover Group	16.12.2019
HTP-201801 06	Floor Plan of Shed	Hoover Group	16.12.2019
HTP-201801 07	Elevations of Dwelling	Hoover Group	16.12.2019
HTP-201801 08	Elevations of Dwelling	Hoover Group	16.12.2019
HTP-201801 09	Elevations of Shed	Hoover Group	16.12.2019
HTP-201801 10	Sections	Hoover Group	16.12.2019

	<p>In the event of any inconsistency between the approved plans and the conditions, the conditions will prevail.</p> <p>(2) BASIX Certificate – The applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) for the development to which this consent applies.</p> <p>(3) Building Code of Australia – All building work must be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.</p> <p>(4) Home Building Act – Pursuant to Section 4.17(11) of the Environmental Planning & Assessment Act 1979, residential building work within the meaning of the Home Building Act 1989 shall not be carried out unless the PCA for the development to which the work relates:</p> <p>a) In the case of work for which a principal contractor has been appointed:</p> <ul style="list-style-type: none"> i. Has been informed in writing of the name and licence number of the principal contractor; and ii. Where required has provided an insurance certificate with the name of the insurer by which work is insured under Part 6 of that Act. <p>b) In the case of work to be carried out by an owner-builder;</p> <ul style="list-style-type: none"> i. Has been informed in writing of the name of the owner-builder; and ii. If the owner-builder is required to hold an owner-builder permit under that Act; has provided a copy of the owner-builder permit. <p>(5) Home Building Act – Insurance – Building work that involves residential building work within the meaning of the Home Building Act 1989, must not commence until such time as a contract of insurance is in force in accordance with Part 6 of that Act.</p> <p>This clause does not apply:</p> <p>a) to the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning & Assessment Regulation 2000 (EP&A Regulation 2000), subject to the terms of any condition or requirement referred to in Clause 198(6) or 188(4) of the EP&A Regulation 2000; or</p>
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	<p>b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) of Clause 98 of the EP&A Regulation 2000 applies.</p> <p>(6) Approval of OSMS under LG Act - An approval under Section 68 of the Local Government Act 1993 is to be obtained from Council for the installation of an on-site sewage management system (OSMS) prior to the issue of a Construction Certificate.</p> <p>NOTE: This consent has not addressed any additional fill for the purpose of providing adequate disposal field or infrastructure location for any wastewater treatment system. Any additional fill required for the provision of any wastewater treatment system is subject to separate approval.</p> <p>2.0 – Prior to Issue of a Construction Certificate</p> <p>The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.</p> <p>(1) Construction Certificate - The following information must be provided to the Certifying Authority with the Construction Certificate application prepared and certified by a Chartered Professional Structural Engineer:</p> <p>a) Amended plans demonstrating flood free access by upgrading the existing driveway access to an elevation at, or above, the 1% AEP event (5.5m AHD). Plans and design certification are to be prepared to demonstrate the upgrade works of the driveway leading from the dwelling to Hinton Road.</p> <p>(2) Structural engineer's certificate – A certificate must be prepared by a qualified Structural Engineer certifying that the building design is capable of withstanding the effects of flood waters, including immersion, structural stability, buoyancy, impact and loading from debris up to and including the future 1% Annual Exceedance Probability (AEP) event.</p> <p>Details demonstrating compliance must be provided to the Certifying Authority.</p> <p>(3) Soil, erosion, sediment and water management – An Erosion and Sediment Control Plan (ESCP) must be prepared in accordance with Council's Infrastructure Specifications. Details demonstrating compliance must be provided to the Certifying Authority.</p>
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- (4) **Long service levy** – In accordance with Section 34 of the Building and Construction Industry Long Service Payments Act 1986, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any works that cost \$25,000 or more.
- (5) **Free flow of water** - The location and design of the proposed doors must allow free access and escape of floodwaters without causing damage to the building. Details demonstrating compliance must be provided to the Certifying Authority.
- (6) **Flood Risk Management Plan** – A Flood Risk Management Plan prepared by a suitably qualified Engineer must be provided to the Certifying Authority demonstrating compliance with the following:
 - a) The design must show that the proposed development is capable of withstanding the effects of flood waters, including immersion, structural stability, buoyancy and impact and loading from debris up to and including the 1% Annual Exceedance Probability (AEP) event.
 - b) Certification that the proposed development/ building flood refuge is capable of withstanding the force of any flood waters experienced up to the Probable Maximum Flood Event (PMF).
 - c) Certification demonstrating that any damage to the proposed development sustained in a flood will not generate debris capable of causing damage to downstream buildings or property
 - d) Certification demonstrating that the rainwater tank, finishes, plant fittings and equipment and any other buoyant fixtures will be of materials and functional capacity to withstand the forces of floodwater in events up to and including the 1% AEP event including hydrostatic pressure, hydrodynamic pressure and buoyancy forces.

3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Notice of Principal Certifying Authority appointment** – Notice must be given to Council at least two days prior to subdivision and/or building works commencing in accordance with Clause 103 of the Environmental Planning & Assessment Regulation 2000. The notice must include:
 - a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;

	<ul style="list-style-type: none"> c) the Registered number and date of issue of the relevant development consent; d) the name and address of the Principal Certifying Authority (PCA), and of the person by whom the PCA was appointed; e) if the PCA is an accredited certifier, their accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and f) a telephone number on which the PCA may be contacted for business purposes. <p>(2) Notice commencement of work – Notice must be given to Council at least two days prior to subdivision and/or building works commencing in accordance with Clause 104 of the Environmental Planning & Assessment Regulation 2000. The notice must include:</p> <ul style="list-style-type: none"> a) the name and address of the person by whom the notice is being given; b) a description of the work to be carried out; c) the address of the land on which the work is to be carried out; d) the Registered number and date of issue of the relevant development consent and construction certificate; e) a statement signed by or on behalf of the Principal Certifying Authority to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and f) the date on which the work is intended to commence. <p>(3) Sign of PCA and contact details – A sign must be erected in a prominent position on the site stating the following:</p> <ul style="list-style-type: none"> a) that unauthorised entry to the work site is prohibited; b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; c) the name, address and telephone number of the Principal Certifying Authority. <p>The sign must be maintained while the work is being carried out and must be removed upon the completion of works.</p> <p>(4) Construction Certificate Required – In accordance with the provisions of Section 6.7 of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979), construction or subdivision</p>
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	<p>works approved by this consent must not commence until the following has been satisfied:</p> <ul style="list-style-type: none"> a) a Construction Certificate has been issued by a Consent Authority; b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 6.5 of the EP&A Act 1979; and c) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works. <p>(5) Soil erosion and sediment control – Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this Development Consent.</p> <p>Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).</p> <p>(6) Rubbish generated from the development – Where not already available, a waste containment facility is to be established on site. The facility is to be regularly emptied and maintained for the duration of works.</p> <p>No rubbish must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development.</p> <p>(7) Flood design measures – Evidence of certification demonstrating that the following flood related design precautions have been adhered to in the design must be submitted to the Principal Certifying Authority:</p> <ul style="list-style-type: none"> a) In sewered areas some plumbing fixtures may be located below the Flood Planning Level (FPL). Where this occurs sanitary drainage is to be fitted with a reflux valve to protect against internal sewage surcharge; b) All materials stored at the site and capable of causing harm to the environment must be stored at a level not less than the FPL or suitable bunding must be placed around such materials to a minimum of the FPL;
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- c) All building materials, equipment, ducting, etc., below the FPL must be flood compatible and ducting must be provided with openings for drainage and cleaning;
- d) All main power supply, heating and air conditioning service installations, including meters must be located above the FPL. All electrical equipment installed below the FPL must be capable of disconnection by a single plug from the power supply;
- e) All electrical wiring below the FPL must be suitable for continuous submergence in water. All conduits below the FPL must be self-draining. Earth core leakage systems or safety switches are to be installed;
- f) Wherever possible, the premises must be designed to ensure that plant, equipment, storage tanks or other fixtures or fittings liable to damage by floods are located above the FPL or be moveable to levels above the FPL. Should this not have the ability to occur, they shall be suitable for submergence in water and securely anchored to overcome buoyancy and movement. All storage tanks must be vented to an elevation above the FPL.

4.0 - During Works

The following conditions of consent shall be complied with during the construction phase of the development.

- (1) **Construction hours** – All work (including delivery of materials) must be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Toilet facilities** – Temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must be one toilet per 20 persons or part thereof employed on the site at any one time.

The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.
- (3) **Compliance with BCA** – All building work must be carried out in accordance with the requirements of the Building Code of Australia.
- (4) **Finished floor level** - The finished floor level of the dwelling must be a minimum level of Reduced Level 7.4metres Australian Height Datum in accordance with the approved plans.

	<p>A survey report prepared by a Registered Surveyor confirming that the finished floor level complies with the approved plans or floor levels specified by the development consent, must be provided to Principal Certifying Authority prior to the development proceeding beyond floor level stage.</p> <p>(5) Stormwater disposal – Following the installation of any roof, collected stormwater runoff from the structure must be:</p> <p>a) Dispersed at ground level, so as not to be concentrated or create nuisance flows onto any buildings, or neighbouring properties. The discharge location must be at least 3m down slope of the building and 6m minimum clearance from receiving down slope property boundaries.</p> <p>(6) Placement of fill - Filling must not be placed in such a manner that natural drainage from adjoining land will be obstructed or in such a manner that surface water will be diverted.</p> <p>Further, any alterations to the natural surface contours must not impede or divert natural surface water runoff so as to cause a nuisance to adjoining property owners.</p> <p>(7) Offensive noise, dust, odour and vibration – All work must not give rise to offensive noise, dust, odour or vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the nearest property boundary.</p> <p>(8) Completion of flood mound – Following completion of the earthwork:</p> <p>a) The final pad shape, levels and location will be confirmed by the submission of a detailed survey plan prepared by a Registered Surveyor. The detailed works as executed survey plan must be provided in accordance with Council's Infrastructure Specification to Council within 14 days of completion.</p> <p>b) The mound is to be top dressed and seeded with fast growing grasses.</p> <p>(9) Bush Fire Safety - Dwellings - The site is located within a bushfire prone area and must comply with NSW Rural Fire Service document "Planning for Bushfire Protection 2019 and AS 3959 2018.'Construction of Buildings in Bushfire Prone Areas' construction and the entire property must be managed as an 'Inner Protection Area' as outlined within Appendix 4 of Planning for Bushfire Protection 2019.</p>
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Details demonstrating compliance must be provided to the Certifying Authority.

5.0 - Prior to Issue of an Occupation Certificate

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Occupation Certificate required** - An Occupation Certificate must be obtained prior to any use or occupation of the development.

The Principal Certifying Authority must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent.
- (2) **Survey Certificate** – A Registered Surveyor must prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate must be provided to the satisfaction of the Principal Certifying Authority.
- (3) **Services** – Evidence is to be provided to Council demonstrating that the following reticulated services are available to each lot:
 - a) Electricity;
 - b) Water;
 - c) Sewer; and
 - d) Gas (where available).

Should any of the above reticulated services not be available to the development site, a detailed statement is to be provided explaining why connection of the relevant service is not possible or practical.
- (4) **Flood Risk Management Plan** – A Certificate of Compliance prepared by a suitably qualified Flood engineer must be provided to the Principal Certifying Authority stating that all aspects of the Flood Risk Management Plan have been completed and/or implemented in accordance with the approved Plan.
- (5) **On-Site sewerage management inspection** – An onsite sewage management system/waste treatment device is to be installed and obtain approval to operate from Council in accordance with Local Government Act 1993 (Section 68A) prior to the issue of any Occupation Certificate.

	<p>(6) Protection and certification of electrical services – All power points, fittings, electrical connections and the incoming meter box are to be located above the Flood Planning Level (FPL) which is RL 5.9m.</p> <p>Switches, light fittings and power points may be located below the FPL provided they are capable of being isolated by a single Residual Current Device (RCD) protected switch that is located above the FPL. Certification of these works are to be provided to the Principal Certifying Authority.</p> <p>(7) Flood Emergency Response Plan - A Flood Emergency Response Plan (FERP) for the proposed development must be provided to the Principal Certifying Authority. The FERP must include the following as a minimum:</p> <ol style="list-style-type: none"> a) A map of the proposed evacuation route to a suitable location above the Probable Maximum Flood (PMF) that provides adequate shelter from the storm, including the route direction and description and identification of the depth of floodwater along the evacuation route in the 1% Annual Exceedance Probability flood and PMF events. b) Specific trigger heights linked to the nearest river and tidal gauges used for flood warnings and the specific evacuation route cut-off times linked to the gauge height. c) Description of the specific flood inundation at the site and the relevant surrounding area, including flood depths, direction of flow, velocities, hazard and specific relevant vulnerabilities. d) Consideration of and strategies for, the needs of the elderly, disabled and vulnerable who may be on site. e) A realistic time period for evacuation preparations linked to the trigger heights and evacuation route cut-off times, which includes: <ul style="list-style-type: none"> • Locating important papers, valuables etc., that will be evacuated. • Locating and stacking possessions that are to be left behind, well above the predicted flood level. • Dealing with all utilities such as electricity, gas, water, fuel, toilets, showers, wastewater system (including removal fuses) and moving pumps and machinery above the predicted flood level. • Time to gather, identify and load animals (pets, livestock and other animals), including the possible need for additional assistance in handling your animals in an emergency.
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- f) Determining the vehicular needs of the site to appropriately respond to the flood risk;
- g) A strategy for a night time flood emergency; and
- h) A strategy for effective flood risk management when the electricity, internet, telecommunications etc., are unavailable.

Note: Digital elevation data is available from Geosciences Australia, current flood studies are available on Council's website and river gauge/ tidal gauge data is available from the Bureau of Meteorology website.

6.0 – Ongoing Use

The following conditions of consent are operational conditions applying to the development.

- (1) **Residential air conditioning units** – The operation of air conditioning units must operate as follows:
 - a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays;
 - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute; and
 - c) not discharge any condensate or moisture onto the ground surface of the premises or into stormwater drainage system in contravention of the requirements of the Protection of the Environment Operations Act 1997.

Advice Note(s):

- (1) **'Dial Before you Dig'** – Before any excavation work starts, contractors and others should phone the “Dial Before You Dig” service to access plans/information for underground pipes and cables.
- (2) **Dividing fences** – The erection of dividing fences under this consent does not affect the provisions of the Dividing Fences Act 1991. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent.

Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of, or payment for,

	<p>the erection of dividing fences. If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre, or if legal advice or action is required, you may contact the Chamber Magistrate.</p> <p>(3) Aboriginal archaeological deposit – In the event of any aboriginal artefact, object or structure being unearthed, all work must cease immediately in the affected area, and the Biodiversity Conservation Division (BCD) shall be informed of the discovery. Work must not recommence until the material has been inspected and permission has been given by BCD to proceed.</p> <p>(4) Flood information is subject to change – You are advised that flood information is subject to change if more accurate data becomes available to Council. It is the responsibility of the applicant to use the most up-to-date flood information. Prior to applying for a construction certificate, Council should be contacted to verify the currency of the flood information.</p> <p>(5) Flood Evacuation Plan – A flood evacuation plan indicating that permanent, fail-safe, maintenance free measures are incorporated in the development to ensure that timely, orderly and safe evacuation of people and potential pollutant material from the buildings on-site should a flood occur. Details demonstrating compliance must be provided to the Certifying Authority with the Construction Certificate application.</p> <p>(6) Responsibility for damage for tree removal/pruning – The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicants' agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Chris Doohan, Glen Dunkley, Paul Le Mottee, Sarah Smith and Steve Tucker.

Those against the Motion: Crs Giacomo Arnott and John Nell.

The motion was carried.

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	<u>Risk Ranking</u>	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)**.

CONSULTATIONInternal

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

ATTACHMENTS

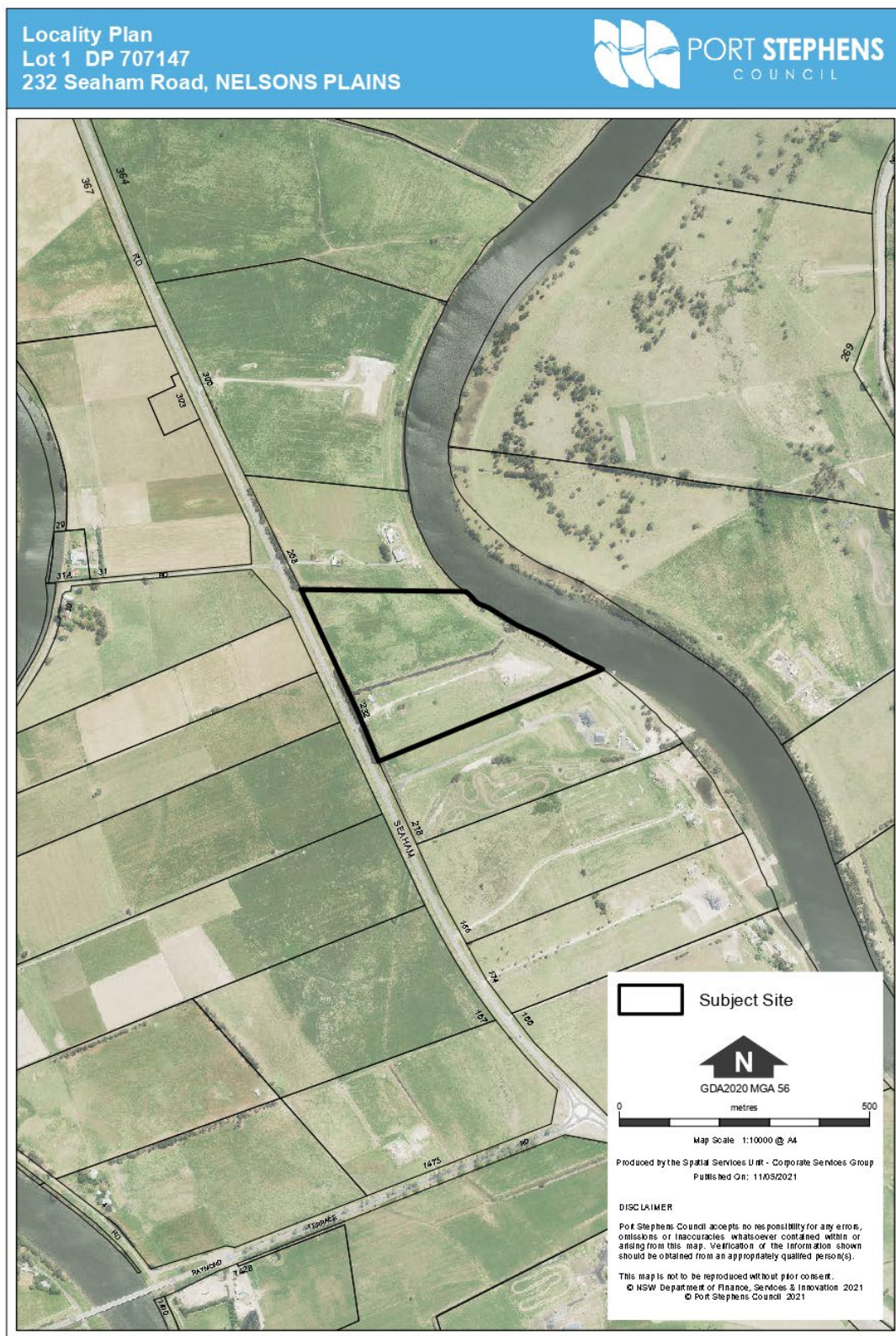
- 1) Locality Plan.
- 2) Planners Assessment Report.
- 3) Reasons for Refusal.
- 4) Call to Council form.
- 5) Flood plan.
- 6) Development Plans (provided to Councillors separately due to privacy and copyright legislation).

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.

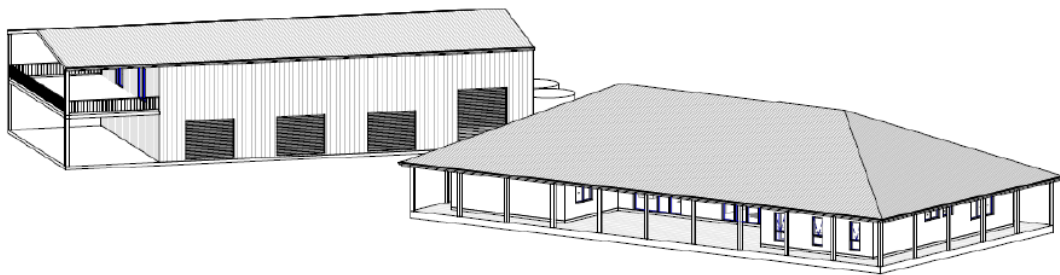


Figure 1: 3D perspective of proposed development

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.

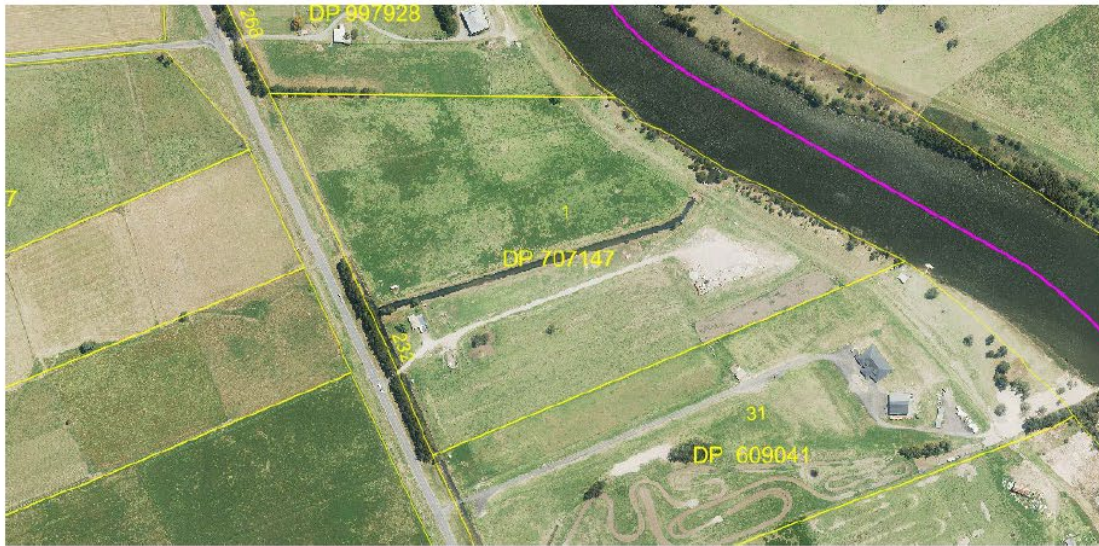


Figure 2: Aerial view of subject site

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)(iiia) – 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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Raymond Terrace NSW 2324

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DX 21406 | ABN 16 744 377 876

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

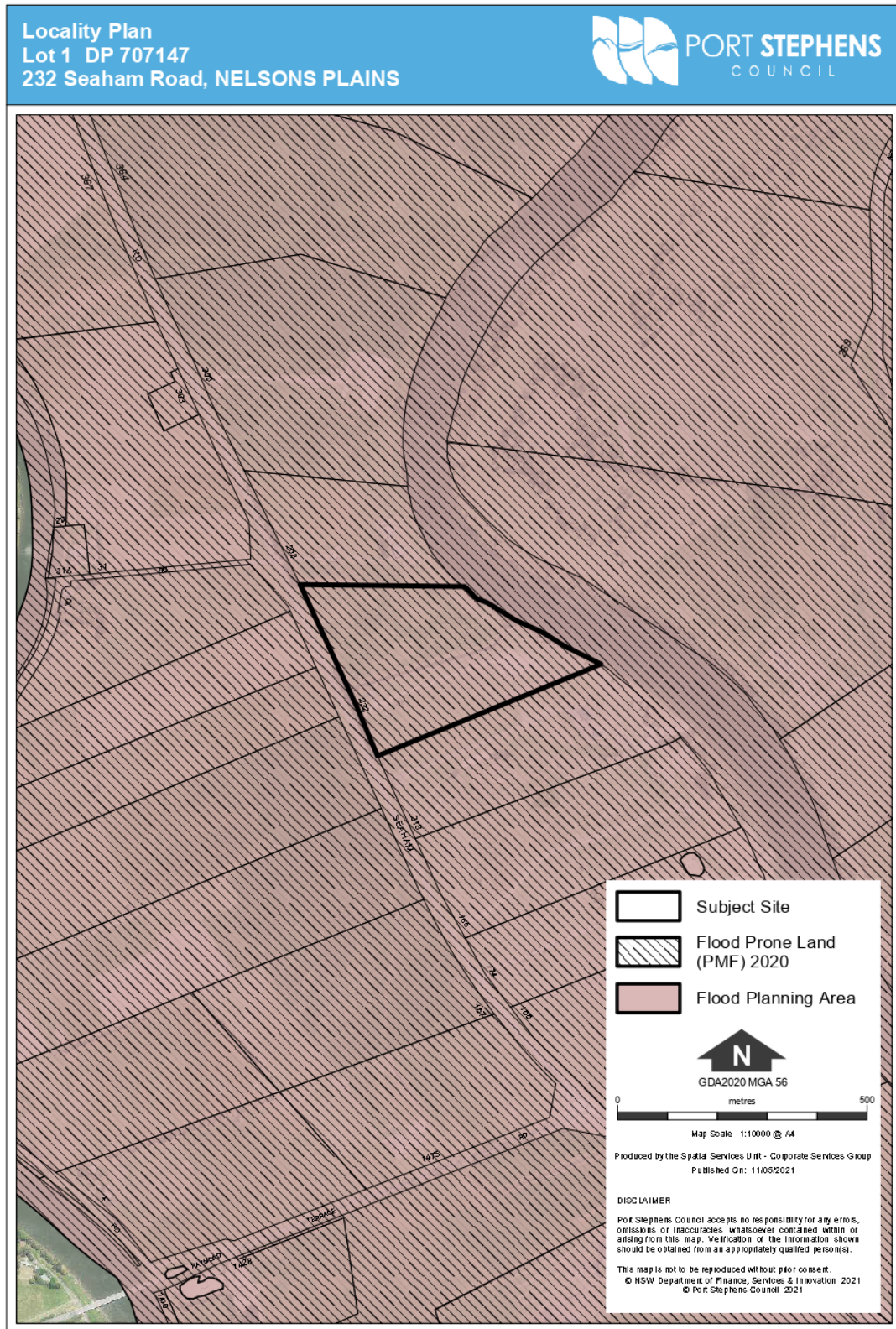
Date

8 / 9 / 2020

PRIVACY

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ITEM 1 - ATTACHMENT 5 FLOOD PLAN.



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.
-

**ORDINARY COUNCIL MEETING - 25 MAY 2021
MOTION**

122	Councillor Glen Dunkley Councillor Sarah Smith It was resolved that Council approve the discretionary changes to the adopted budget as detailed in (ATTACHMENT 1) presented as the 2020-2021 Quarterly Budget Review Statement – March 2021.
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The motion was carried.

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.

MINUTES ORDINARY COUNCIL - 25 MAY 2021**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.

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

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.

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

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

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.
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.

**ORDINARY COUNCIL MEETING - 25 MAY 2021
MOTION**

123	Councillor Chris Doohan Councillor John Nell It was resolved that Council approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Ward funds to the following:- <ol style="list-style-type: none">a. East Ward funds – Cr Jaimie Abbott – Rapid Response – \$500 donation to Nelson Bay Hockey Club towards replacement of 2 training goals.
------------	---

The motion was carried.

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)

MINUTES ORDINARY COUNCIL - 25 MAY 2021**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 in hockey competition games.	\$500	Donation towards replacement of 2 hockey training goals.
------------------------	--	-------	--

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.

MINUTES ORDINARY COUNCIL - 25 MAY 2021

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

- | | |
|---|---------------------------------|
| 1 | April 2021 Cash and Investments |
| 2 | Council Resolutions |
-

**ORDINARY COUNCIL MEETING - 25 MAY 2021
MOTION**

124	Councillor John Nell Councillor Glen Dunkley			
	It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 25 May 2021.			
	<hr/> No: Report Title <table><tr><td>1</td><td>April 2021 Cash and Investments Report</td></tr><tr><td>2</td><td>Council Resolutions</td></tr></table>	1	April 2021 Cash and Investments Report	2
1	April 2021 Cash and Investments Report			
2	Council Resolutions			

The motion was carried.

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

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)

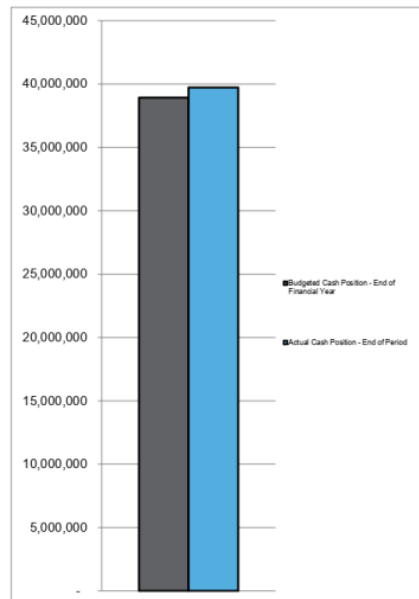
Total Cash Movement

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	7,420,913
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
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Notes

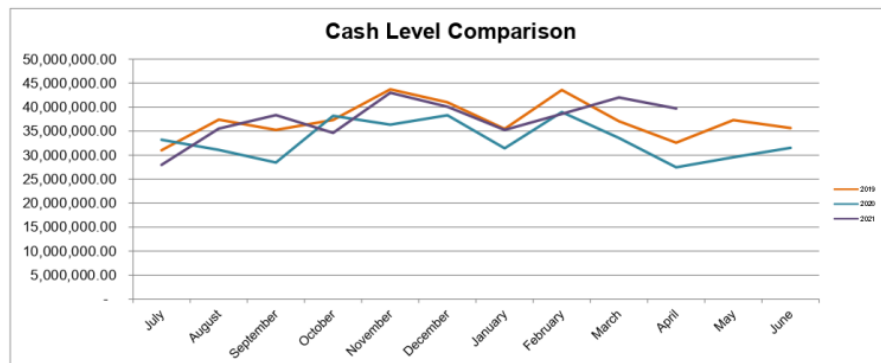


Notes

- 1 Council's cash position is up on the budgeted year end position predominately due to the following reasons:
- Sale of commercial land is complete
 - 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.						

ITEM 2 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP REPORT.



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.
-

**ORDINARY COUNCIL MEETING - 25 MAY 2021
MOTION**

125	Mayor Ryan Palmer Councillor Chris Doohan It was resolved that Council 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.
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The motion was carried.

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

MINUTES ORDINARY COUNCIL - 25 MAY 2021

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 (\$7.11)	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.
-

**ORDINARY COUNCIL MEETING - 25 MAY 2021
MOTION**

126	Mayor Ryan Palmer Councillor John Nell It was resolved that Council: <ol style="list-style-type: none">1) Facilitates discussions between the Drainage Union and DPI Fisheries as well as any other relevant Government Agencies about the upgrade to the Flood Gates at Taylors Beach.2) Start discussion to potentially obtain an easement over the Anna Bay Drain, as it is now vital in the drainage of predominantly urban areas.
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The motion was carried.

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

MINUTES ORDINARY COUNCIL - 25 MAY 2021

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 (\$7.11)	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.
-

**ORDINARY COUNCIL MEETING - 25 MAY 2021
MOTION**

	<p>Councillor Giacomo Arnott Mayor Ryan Palmer</p> <p>That Council:</p> <ol style="list-style-type: none">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.
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The motion was lost.

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		

MINUTES 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. 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.
-

**ORDINARY COUNCIL MEETING - 25 MAY 2021
MOTION**

127	<p>Councillor Giacomo Arnott Councillor Paul Le Mottee</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">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.
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The motion was carried.

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		
Developer Contributions (\$7.11)	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.
-

**ORDINARY COUNCIL MEETING - 25 MAY 2021
MOTION**

128	Councillor Giacomo Arnott Councillor Chris Doohan It was resolved that Council: <ol style="list-style-type: none">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.
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The motion was carried.

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.

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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		
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.

ORDINARY COUNCIL MEETING – 25 MAY 2021 MOTION

129	Councillor Glen Dunkley Councillor John Nell It was resolved that Council move into confidential session.
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The following Council officers were present for the Confidential Session:

Senior Governance Officer
Executive Administration Coordinator

CONFIDENTIAL**ITEM NO. 1****FILE NO: 21/111335
EDRMS NO: PSC2021-00067****PROPOSED SALE OF LAND - MEDOWIE****REPORT OF: TIMOTHY CROSDALE - GROUP MANAGER CORPORATE
SERVICES****GROUP: CORPORATE SERVICES****ORDINARY COUNCIL MEETING - 25 MAY 2021
MOTION**

130	Councillor Chris Doohan Councillor John Nell It was resolved that Council: 1) Authorise the sale of the land as outlined on the confidential terms and conditions disclosed in this report. 2) Authorise the Mayor and General Manager to affix the Council Seal and sign all documents necessary to exchange contracts and settle the sale.
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The motion was carried.

**ORDINARY COUNCIL MEETING - 25 MAY 2021
PROCEDURAL MOTION**

131	Mayor Ryan Palmer Councillor Steve Tucker It was resolved that Item 3 be brought forward and dealt with prior to Item 2.
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Mayor Ryan Palmer vacated the chair and left the meeting at 7.20pm.

General Manager left the meeting at 7.20pm.

Councillor Chris Doohan left the meeting at 7.21pm.

Cr Le Mottee, Deputy Mayor, chaired the meeting in the absence of the Mayor.

CONFIDENTIAL**ITEM NO. 3****FILE NO: 21/122125
EDRMS NO: A2004-0876****LEASE RENEWAL - 2B RIDGEWAY AVENUE, SOLDIERS POINT**

REPORT OF: TAMMY GUTSCHE - COMMUNITY SERVICES SECTION
MANAGER
GROUP: FACILITIES & SERVICES

**ORDINARY COUNCIL MEETING - 25 MAY 2021
MOTION**

132	Councillor John Nell Councillor Glen Dunkley It was resolved that Council: <ol style="list-style-type: none">1) Authorises a new lease of 2B Ridgeway Avenue, Soldiers Point on the confidential terms and conditions outlined in the body of this report.2) Authorise the Mayor and General Manager to affix the Council Seal and sign the Lease Document.
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The motion was carried.

CONFIDENTIAL

ITEM NO. 2

**FILE NO: 21/121574
EDRMS NO: PSC2008-2342**

PROPOSED SALE OF LAND - WILLIAMTOWN

REPORT OF: TIMOTHY CROSDALE - GROUP MANAGER CORPORATE
SERVICES

GROUP: CORPORATE SERVICES

**ORDINARY COUNCIL MEETING - 25 MAY 2021
MOTION**

133	Councillor Steve Tucker Councillor Giacomo Arnott It was resolved that Council: 1) Authorise the sale of the land as outlined on the confidential terms and conditions disclosed in this report. 2) Authorise the Mayor and General Manager to affix the Council Seal and sign all documents necessary to exchange contracts and settle the sale.
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The motion carried.

**ORDINARY COUNCIL MEETING – 25 MAY 2021
MOTION**

134	Councillor John Nell Councillor Sarah Smith It was resolved that Council move out of confidential session.
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The motion was carried.

There being no further business the meeting closed at 7.36pm.