

NOTICE OF ORDINARY MEETING

23 FEBRUARY 2021



The Mayor and Councillors attendance is respectfully requested:

Mayor: R Palmer (Chair).

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

SCHEDULE OF MEETINGS

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

Please Note:

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

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

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

Food and beverages are not permitted in the Council Chamber.

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TERRACE

BUSINESS

- 1) Opening meeting.
- 2) Prayer - We ask Almighty God to give us wisdom and courage so we can serve our community, and uphold justice and equality in Port Stephens. Amen.
- 3) Acknowledgement of Country - Today, we are meeting on Worimi Country, we acknowledge the past, we are working towards a better tomorrow.
- 4) Apologies and applications for a leave of absence by Councillors.
- 5) Confirmation of minutes Ordinary Meeting of 9 February 2021.
- 6) Disclosure of interests.
- 7) Mayoral minute(s) – if submitted
- 8) Motions to close meeting to the public – if submitted.
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- 11) Questions with Notice – if submitted.
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- 14) Rescission motions – if submitted.
- 15) Confidential matters – if submitted.
- 16) Conclusion of the meeting.

PRINCIPLES FOR LOCAL GOVERNMENT

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

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

Guiding principles for Council

1. Exercise of functions generally

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

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

2. Decision-making

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

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

3. Community participation

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

Principles of sound financial management

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

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

Integrated planning and reporting principles that apply to Council

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

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

PORT STEPHENS COMMUNITY STRATEGIC PLAN

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

The Community Strategic Plan is organised into four focus areas:

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

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

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

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

BUSINESS EXCELLENCE

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

These outcomes align with the following Business Excellence principles:

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

MEETING PROCEDURES SUMMARY

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

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

Declarations of Interest

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

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

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

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

Motions and Amendments

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

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

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

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

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

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

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

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

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

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

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

A Point of Order can be raised where:

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

Declarations of Conflict of Interest – Definitions

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

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

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

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



Form of Special Disclosure of Pecuniary Interest

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

Important information

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

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

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

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

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

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

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

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

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

to be held on the _____ day of _____ 20__

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

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

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

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

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

Mayor/Councillor's signature _____

Date _____

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



Declaration of Interest form

Agenda item No. _____

Report title _____

Mayor/Councillor _____ declared a

Tick the relevant response:

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

in this item. The nature of the interest is _____

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

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

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

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

Mayor/Councillor left the Council meeting at _____ pm.

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

MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: 21/31827
EDRMS NO: A2004-0869

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (d)i 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 **Renewal of Lease - 49 William Street, Raymond Terrace**.
 - 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
 - 3) That the report remain confidential and the minute be released in accordance with Council's resolution.
-

ITEM NO. 2

FILE NO: 21/31842
EDRMS NO: PSC2012-00846

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (c) and (d)i 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 **Renewal of Lease - 29 Sturgeon Street, Raymond Terrace.**
 - 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,
and
 - commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
 - 3) That the report remain confidential and the minute be released in accordance with Council's resolution.
-

COUNCIL REPORTS

ITEM NO. 1

**FILE NO: 21/630
EDRMS NO: PSC2019-00821**

DRAFT LOCAL INFRASTRUCTURE CONTRIBUTION PLAN - AMENDMENT NO. 1

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the public submissions received during the exhibition period **(ATTACHMENT 1)**.
- 2) Approve the Port Stephens Local Infrastructure Contribution Plan – Amendment No. 1 as amended **(ATTACHMENT 2)**.
- 3) Provide public notice that the Port Stephens Local Infrastructure Contribution Plan – Amendment No. 1 has been approved, in accordance with the Environmental Planning and Assessment Regulations 2000 (NSW).

BACKGROUND

The purpose of this report is to advise Council of the outcomes of the consultation undertaken on the draft Port Stephens Local Infrastructure Contribution Plan – Amendment No. 1 (the Amendment) and to seek Council approval to make the Amendment **(ATTACHMENT 2)**.

The Amendment inserts a new chapter in the Port Stephens Local Infrastructure Contribution Plan (the Plan) that will apply to new development in the Kings Hill Urban Release Area (URA). The contributions collected pursuant with section 7.11 of the Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act), fund the provision of traffic, recreation, community and a new Rural Fire Service station in Kings Hill URA, and upgrades and extensions of public infrastructure in Raymond Terrace and the wider LGA. This includes funding for regional infrastructure items such as Boomerang Park, Lakeside Aquatic Centre and King Park Sports Complex.

The Amendment also includes a number of administrative changes to the Plan, including:

- The amalgamation of the Fixed Local Infrastructure Contributions Plan (which applies to levy contributions under section 7.12 of the EP&A Act) to reduce duplication and improve readability.
- Deletion of infrastructure items in the Plan that have already been funded and completed, are wholly funded by sources other than local infrastructure contributions, or have been included in other projects listed in the Plan.

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- New infrastructure items that have been identified in the Strategic Asset Management plan, where there is a connection with new development and infrastructure needs, including infrastructure items to support growth in Fern Bay and the proposed redevelopment of the Stockton Rifle Range.

At its meeting on 10 November 2020, Council endorsed the draft of the Amendment for public exhibition (Minute No. 231) (**ATTACHMENT 3**). The draft was publicly exhibited for 28 days from 12 November 2020 to 10 December 2020 in accordance with the Environmental Planning and Assessment Regulations 2000 (NSW) (EP&A Regulation).

The exhibited draft included the proposed contribution rates for each catchment shown in the table below.

Contributions catchments	Current contribution rate	Proposed contribution rate	Difference
Raymond Terrace and the West	\$17,861	\$17,736	-\$125
Central Growth Corridor	\$19,845	\$18,309	-\$1,536
Tomaree	\$18,628	\$18,378	-\$250
Fern Bay	\$15,972	\$16,609	+\$637
Kings Hill URA	N/A	\$22,957	N/A

Two submissions were received during the exhibition period. There were no submissions received that raised matters outside of the Kings Hill URA. The submissions have been summarised and addressed in (**ATTACHMENT 1**).

No changes are proposed to the Amendment following exhibition.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The Amendment aims to secure contributions from development towards local infrastructure. Should the Amendment be adopted, it will enable funding and construction of essential public infrastructure, including within the Kings Hill URA, Raymond Terrace and Fern Bay, to satisfy future population demands.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Developer Contributions (\$7.11)	Yes		The preparation of the Amendment has been funded by local infrastructure contributions.
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that infrastructure essential to the delivery of the Kings Hill URA is not included in the Amendment, resulting in Council funding the shortfall.	Low	The Amendment has been informed by independent studies that identify the future infrastructure needs within the Kings Hill URA. The Plan will be regularly reviewed to ensure infrastructure needs align with the latest population projections. Adopt the recommendations.	Yes
The Kings Hill URA consists of multiple land holdings and developers and there is a risk that Kings Hill infrastructure items have been included in the Plan without adequate nexus to individual development precincts.	Low	The infrastructure items listed in the Kings Hill chapter will likely benefit the entire future population of the URA, and therefore the costs have been shared across all development precincts in the URA rather than apportioned to individual landholders or developers. Infrastructure works that would only benefit one landholder or one	Yes

		developer can be required as conditions of consent. Adopt the recommendations.	
There is a risk that Council will not be able to provide the necessary infrastructure to support new development within the Kings Hill URA if the Amendment is not adopted before the URA is developed.	Medium	The Amendment is necessary because the current Local Infrastructure Contribution Plan does not identify or fund the additional infrastructure required to support growth in the Kings Hill URA. Adopt the recommendations.	Yes

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

Division 7.1, sections 7.11 and 7.12 of the EP&A Act authorises Council to require new development to contribute to the provision and upgrade of local infrastructure through conditions of consent. These conditions are to be in accordance with an approved local infrastructure contribution plan.

The Amendment has been prepared in accordance with Division 7.1 of the EP&A Act. It will enable contributions to be collected under sections 7.11 and 7.12.

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

In accordance with clause 27 of the EP&A Regulation, the Amendment has been prepared with regard to the Practice Note released in July 2005 by the then NSW Department of Infrastructure Planning and Natural Resources.

It is recommended that Council approve the Amendment in the same form in which it was publicly exhibited. It is also recommended that a notice of the approval of the Amendment be published in accordance with clause 31(2) of the EP&A Regulation.

Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012 (the Direction)

The Direction sets maximum contribution rates for new development and development in URAs, unless a contribution plan is reviewed by the Independent Pricing and Regulations Tribunal. In Port Stephens, the maximum rate per residential lot is \$20,000, and in the Kings Hill URA the maximum rate per residential lot is \$30,000. As the proposed rates are below these figures, the Amendment satisfies the Direction.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The population of the Kings Hill URA is expected to use new community, recreational and transport facilities within the URA and existing facilities in Raymond Terrace. The likely infrastructure demand has been informed by technical studies, which identify the specific new or upgraded infrastructure requirements. The Amendment will provide a means of collecting, managing and administering the contributions to fund this infrastructure. Therefore, there will be overall positive implications.

The Amendment ensures an adequate standard of services and facilities can be provided in the LGA without imposing a financial burden on the existing community. This has been balanced against the need to ensure unreasonable costs are not imposed upon new residential development, thereby reducing financial viability. Therefore, it is expected that the Amendment will have an overall positive economic impact.

CONSULTATION

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

Internal

The Amendment has been prepared in consultation with the Development Contributions Analysis Team, Financial Services, Assets and Development Assessment and Compliance Sections.

The projects in the Amendment have been aligned with Council's Strategic Asset Management Plan and Capital Works Program, together with other strategic asset management documents including plans of management and adopted land use strategies.

External

The draft Amendment was publicly exhibited from 12 November 2020 to 10 December 2020 in accordance with the EP&A Regulation. Prior to the public exhibition, a targeted consultation workshop was held with the landowners and developers of the Kings Hill URA.

Two written submissions were received as a result of the exhibition and raised matters specific to the Kings Hill chapter. The matters raised have been summarised and addressed in **(ATTACHMENT 1)**.

OPTIONS

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

- 3) Reject the recommendations.

ATTACHMENTS

- 1) Response to Submissions.
- 2) Port Stephens Local Infrastructure Contribution Plan - Amendment No. 1 (Provided under separate cover)
- 3) 10 November 2020 - Ordinary Council Minutes.

COUNCILLORS ROOM

- 1) Copy of submissions.

TABLED DOCUMENTS

- 1) Kings Hill Residential Lands Rezoning Updated Traffic and Transport Study, April 2019.
- 2) Kings Hill Urban Release Area Community and Recreation Infrastructure Study, April 2020.
- 3) Northrop revised infrastructure costing information, August 2020.

ITEM 1 - ATTACHMENT 1 RESPONSE TO SUBMISSIONS.

Draft Local Infrastructure Contributions Plan Amendment No. 1 – Response to Submissions

No.	Author of submission	Submission Comment	Council response
1	Developer – Kings Hill Development	<p>The following principles are outlined in response to the draft Port Stephens Local Infrastructure Contribution Plan – Amendment No. 1 (the Amendment):</p> <ol style="list-style-type: none"> 1. Ensure all infrastructure items that serve the greater Kings Hill urban release area (URA) are included. 2. Infrastructure that does not serve the wider URA should be excluded from the plan and delivered through conditions of development consent. 3. The plan fairly and equitably shares the cost of infrastructure across all landowners and developers in the URA. 4. The future population is supported with appropriate: <ul style="list-style-type: none"> o Accessible vehicle and pedestrian movement networks; o Open space and recreation facilities; o Infrastructure that promotes cultural and ecological elements; and, o Community facilities and services. 5. The costs of capital works and land acquisitions are reflective of current values and appropriately indexed. 6. The infrastructure planned to a suitable 	<p>The Port Stephens Local Infrastructure Contribution Plan already includes objectives that overlap with the principles stated. Additionally, Council has taken all of these principles into consideration when preparing the Amendment.</p> <p>Below are responses to the relevant principles:</p> <ol style="list-style-type: none"> 1. Noted. Council has commissioned the preparation of detailed studies to identify the essential infrastructure to service the future Kings Hill population. The infrastructure items listed in the Amendment are taken from these studies. 2. Noted. Some infrastructure identified in the background studies are not included in the final Amendment as they do not benefit the wider URA (e.g. local parks, north-south collector road). These will be conditioned on relevant consents for the URA. 3. Noted. The Amendment will allow the cost of essential infrastructure to be shared amongst developers and landowners. 4. Noted. The Amendment will support the listed

		<p>standard that is mindful of Council's long term maintenance responsibilities.</p> <p>7. The Amendment minimises the financial exposure of Council by ensuring mechanisms are in place to recover funds for infrastructure provision.</p> <p>8. The Amendment seeks to enhance the attractiveness of Port Stephens and its position as a destination of choice.</p>	<p>infrastructure, where appropriate.</p> <p>5. Noted. The cost of infrastructure items listed in the Amendment are based on the background studies, which considers the demand from future development, best design standards (including durability and maintenance requirements) and appropriate land valuation. Indexation is proposed in accordance with the current contributions plan.</p> <p>6. Noted. These costs have been considered as stated above.</p> <p>7. Noted. The Amendment will allow the provision of works through in kind provision or by Council.</p> <p>8. Noted.</p>
		<p>There are concerns that the proposed land acquisition rate of \$10/m² fails to capture the value of the land.</p> <p>The developer undertook a land valuation as part of the Voluntary Planning Agreement (VPA) negotiations with the State government relating to the Pacific Highway interchange, stormwater drainage channel and public school land. This valued the land the subject of that State Agreement in the URA at \$50/m².</p> <p>It is important that accurate land values with suitable indexing and review mechanisms are</p>	<p>To support the background studies which informed the Amendment, an independent and suitably qualified land valuer was engaged to prepare a land valuation report for the land at Kings Hill relevant to local infrastructure. This report determined the \$10/m² land value, which has been used to determine the final infrastructure costs.</p> <p>The valuation was determined through selecting recent sale records of nearby land with similar characteristics (size, zoning, development yield, constraints etc.).</p>

		<p>incorporated to ensure the land that supports local infrastructure can be delivered without financial burden.</p>	<p>The land value was also influenced by the site specific size, scale, topography, environmental characteristics and expected timeframe of the development.</p> <p>The land valuation takes into consideration the entire URA, rather than specific sites (as opposed to the valuations that informed the State VPA negotiation).</p> <p>The relevant land in the URA was also assessed and valued as not being serviced (noting that no services are currently available to the site).</p> <p>For the State VPA, the land valuation was prepared only considering the 3.5ha parcel of land for the Pacific Highway interchange. The State land valuation also assumed the site was already serviced.</p> <p>For the purposes of determining the land value of the entire Kings Hill site, it is considered that the independent valuation of \$10/m² is appropriate. In addition, Council expects to review and amend the plan periodically, with land values amended as required. Therefore changes to land valuation will be able to be considered in the future.</p> <p>At this stage there is no justification for departing from the advice of the</p>
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			<p>independent expert land valuer.</p> <p>No changes to the final Amendment are recommended.</p>
		<p>Whilst the majority of the Kings Hill infrastructure items listed were supported, there are the following comments:</p> <ol style="list-style-type: none"> 1. Intersection of the east-west collector road and Newline Road (KH3): if a roundabout is required, a higher cost should be considered. 2. District park (KH8): appropriate design and funding requirements will need to be considered, together with ensuring residents will have access in a timely manner. It is intended that the park be co-located with other infrastructure items to maximise use and amenity. 	<p>Below is the response to the comments:</p> <ol style="list-style-type: none"> 1. The intersection treatment with Newline Road was determined from the Traffic and Transport Study, which, taking into consideration the impacts of the development, stated a roundabout treatment is not necessary. The developer has not provided any evidence to demonstrate that a roundabout is required. Therefore the costs included in the Amendment are considered appropriate. 2. The district park was identified taking into consideration the design requirements of Council (including the preference for co-location of recreational infrastructure), together with detailed costings from developers. Staging has been determined based on expected population needs and the anticipated timing of lot releases. Therefore it is considered that the costs, design and staging of the district park are appropriate. <p>No changes to the final Amendment are proposed</p>

			in response to these comments.
		<p>It is recommended that the following additional infrastructure items be included in the Amendment:</p> <ol style="list-style-type: none"> 1. Upgrades to Newline Road and Six Mile Road for flood free access for the URA (\$7,809,681, 100% apportionment): the inclusion would ensure the road work costs are shared equitably across the URA, as well as reduce uncertainty and provide an incentive for developers to undertake the works. 2. Six Mile Road/ Pacific Highway intersection (\$491,366 100% apportionment): Transport for NSW (TfNSW) has requested the closure of the intersection and it should be included as an integral part of the road network. 3. Designated cycleway along the east-west and north-south collector roads (\$2,951,363 100% apportionment). 4. Pedestrian and cycle link from school/district park to the Kings Hill town centre (\$868,744 100% apportionment). 	<p>Below is the response to the comments:</p> <ol style="list-style-type: none"> 1. It is a requirement of the Port Stephens Local Environmental Plan 2013 (PSLEP) for any development application for subdivision in the Kings Hill URA to provide flood free access. Two applications for subdivision are currently under assessment (Hunterland, DA number 16-2013-599-1 & Kings Hill Development, DA number 16-2018-772-1) and it is proposed to condition for flood free access in accordance with the PSLEP. As it will be conditioned to the consents, the works have not been included in the Amendment. This is appropriate as the works will only benefit the developers who need to satisfy this clause in the PSLEP). 2. As part of the assessment of the Kings Hill Development application (16-2018-772-1), TfNSW provided comments requesting the closure of the Six Mile Road intersection with the Pacific Highway. This is a requirement of TfNSW and not a local infrastructure requirement or need.

			<p>The project has also not been identified in any of the background infrastructure needs assessments. Therefore it is not considered appropriate to include this item in the Amendment.</p> <p>3. Council design standards for collector roads, which were used to inform the capital costs of the east-west collector road, include shared paths. Therefore the costs for incorporating cycle movements have been considered. Whilst the north-south collector road is not included in the Amendment, it is expected to be provided through conditions of consent for relevant development applications. Council standards would still be applicable and therefore a shared pathway would be included in the construction. Therefore cycle pathways would be provided throughout the URA without including this item in the Amendment.</p> <p>4. The specific pedestrian and cycle link proposed in the submission is unlikely to be used by many residents in the wider URA, given it is approximately 400m in length and located within the single development site. None</p>
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ITEM 1 - ATTACHMENT 1 RESPONSE TO SUBMISSIONS.

			<p>of the background studies have identified this specific piece of infrastructure as required to support the development of the URA. Subsequently these works are not considered to be essential works that serve the wider URA and as above, Council has planned appropriately for shared paths throughout the URA.</p> <p>Based on the costs and apportionment detailed in the submission, the inclusion of the additional items would increase the contribution rate from \$22,866 to \$26,242 per lot. As these items are either to be provided through conditions of consent on relevant applications or are not essential to support the wider URA, it is considered that this increase in contribution rates would be unreasonable.</p> <p>No changes to the final Amendment are recommended.</p>
2	Developer – Gwynvill	<p>Included as an attachment is a previous submission (dated 20 December 2013) to a previous draft of the contribution plan raising the following matters:</p> <ul style="list-style-type: none"> • Population projections. • Inclusion of appropriate transport infrastructure, together with apportionment. • Removal of flood free access. 	<p>The issues raised in previous submissions are noted.</p> <p>It is considered that the matters raised have been adequately addressed during the progress of preparing the Amendment (a targeted landowner consultation workshop was held prior to exhibition), or</p>

	<ul style="list-style-type: none"> Support for the inclusion of stormwater drainage infrastructure. Comments on citywide contributions. <p>Also included as an attachment is a submission (dated 13 August 2020) to the draft Amendment prior to public exhibition, raising the following matters:</p> <ul style="list-style-type: none"> Concerns with costs and design of transport infrastructure. Concerns over the apportionment of transport infrastructure. Removal of certain transport infrastructure. 	are otherwise addressed in detail below.
	<p>It has been noted that the north-south collector road has not been included in the Amendment. It is assumed that this is because the road will provide access to individual lots and therefore the costs and dedication of land should be provided through conditions of consent.</p> <p>There is no objection to the removal of this item, subject to this approach being followed for the remaining road network in the URA.</p>	The north-south collector road is not included in the Amendment, however this is not due to it providing individual access to lots. Rather, it was determined that it would not be used by the wider URA. For this reason, it was considered that the inclusion of the north-south collector road should be provided through conditions of consent on the relevant development applications.
	<p>The entire east-west collector road has been included in the plan with a 100% apportionment, equally applied to all development and all landowners or developers (KH1).</p> <p>It is stated that the Gwynvill development and landholdings will only rely on</p>	The east-west collector road provides access to the Pacific Highway for the entire URA, together with flood free access. Therefore, it is considered that the road is essential to support the future population of the URA, and hence its inclusion is appropriate.

		<p>a small section of the collector road to access to the Pacific Highway.</p> <p>Additionally, the road, which is located wholly on land owned by KHD, would facilitate access to future residential lots to be developed by KHD (approximately 89%).</p> <p>Based on this, it is suggested that the inclusion of the entire east-west collector road is inequitable; and it is recommended that the cost of the east-west collector road be apportioned between the developers and landowners and the portions of the road that provide lot access to individual landowners should be solely funded by those landowners.</p>	<p>Specific to the Gwynvill development site and landholdings, the east-west collector road will provide an alternative route to the Raymond Terrace town centre (including King Park Sport Complex) and Maitland down Newline Road.</p> <p>Additionally there are a number of potential attractor sites in the western portion of the URA, such as recreational land, which future residents from the Gwynvill landholdings will use the east-west road to access.</p> <p>The public transport routes that link future residents of the Gwynvill landholdings and development sites to Raymond Terrace will run via the east-west collector road and Newline Road. This is shown in the Traffic and Transport Study which supported the preparation of the Amendment and the inclusion of the east-west collector road in the Amendment.</p> <p>For these reasons, it is likely that the future population of the Gwynvill landholdings would use the entire east-west collector road in some capacity. Therefore the inclusion and apportionment in the Amendment is considered justified.</p> <p>The capital costs of the east-west collector road are based on estimates provided by Northrop, which is included in the</p>
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			<p>Tabled Documents to the Council report. The estimates specifically exclude the portions of the east-west road that provide direct access to future lots on KHD land, as per the concept DA 16-2018-772-1. The costs in the Amendment for the east-west road only include the centre portion of the road, as this would carry the future traffic of the URA. This has been considered appropriate to be included in the contribution plan and apportioned across all landholders in the URA.</p> <p>As the costs of the east-west collector road only include those portions that would be essential for the entire URA and excludes portions that provide direct lot access for KHD land, this part of the submission has already been addressed in the Amendment and no changes are proposed.</p>
		<p>The intersection of the east-west collector road and Newline Road has been included with 100% apportionment to all development in the URA (KH3). Upgrades to Newline Road (KH4) and an upgrade to the intersection of Port Stephens Street, William Bailey Street, Newline Road and Seaham Road (KH5) with an apportionment of 45% is also included.</p> <p>Similar to the above, it is stated that Gwynvill landholdings and the</p>	<p>The intersection of the east-west collector road and Newline Road is required to ensure development in the URA has access to the existing local road network. Additionally, the increase in traffic will require upgrades to Newline Road and the intersection with Port Stephens Street, William Bailey Street and Seaham Road. These have been apportioned according to the expected traffic use from the URA.</p>

		<p>development site would not utilise these items as future residents are more likely to travel via the Pacific Highway.</p> <p>Therefore it is recommended that the cost of these items are not applied to future development on Gwynvill landholdings.</p>	<p>As outlined above, development from Gwynvill is likely to use the east-west collector road, and therefore the works listed, as an alternative route to Raymond Terrace and Maitland. The works will also form part of the public transport network.</p> <p>Therefore it is considered that these works are likely be used by the entire URA, including the future residents on Gwynvill landholdings, and it is appropriate to apply the costs of these items equally across the URA.</p> <p>No changes to the final Amendment are recommended.</p>
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ITEM 1 - ATTACHMENT 3 10 NOVEMBER 2020 - ORDINARY COUNCIL MINUTES.**MINUTES ORDINARY COUNCIL - 10 NOVEMBER 2020****ITEM NO. 1****FILE NO: 20/284657
EDRMS NO: PSC2019-00821****DRAFT LOCAL INFRASTRUCTURE CONTRIBUTION PLAN 2020 - AMENDMENT NO. 1**

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the draft Port Stephens Local Infrastructure Contributions Plan – Amendment No. 1 (**ATTACHMENT 1**).
- 2) Exhibit the draft Port Stephens Local Infrastructure Contributions Plan – Amendment No. 1 (the Amendment) for 28 days in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000.
- 3) If no submissions are received, approve the Amendment as exhibited, without a further report to Council.

**ORDINARY COUNCIL MEETING - 10 NOVEMBER 2020
MOTION**

231	<p>Councillor Glen Dunkley Councillor Jaimie Abbott</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the draft Port Stephens Local Infrastructure Contributions Plan – Amendment No. 1 (ATTACHMENT 1).2) Exhibit the draft Port Stephens Local Infrastructure Contributions Plan – Amendment No. 1 (the Amendment) for 28 days in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000.3) If no submissions are received, approve the Amendment as exhibited, without a further report to Council.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

ITEM 1 - ATTACHMENT 3 10 NOVEMBER 2020 - ORDINARY COUNCIL MINUTES.**MINUTES ORDINARY COUNCIL - 10 NOVEMBER 2020**

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek endorsement to publicly exhibit the draft Port Stephens Local Infrastructure Contributions Plan – Amendment No. 1 (the Amendment).

The Amendment includes a new chapter that will apply to new development in the Kings Hill urban release area (URA) to require contributions of \$22,866 per residential lot.

The Amendment also includes changes to the Port Stephens Local Infrastructure Contributions Plan (the Plan) to make administrative amendments, including incorporating the Port Stephens Fixed Local Infrastructure Contributions Plan and changes to remove the infrastructure projects that have been completed since the Plan commenced.

The Kings Hill Chapter

The Amendment will enable Council to levy contributions (both land dedication and monetary contributions) from new residential development in the Kings Hill URA under section 7.11 of the Environmental Planning and Assessment Act (EP&A Act). The contributions will be applied towards the public infrastructure specified in the Amendment to support the expected population growth from the URA.

The infrastructure that will be funded has been identified following independent expert studies and reports and benchmarked against relevant standards and best practice guidance. As a comparison, the table below shows infrastructure contributions rates in neighbouring Local Government Area (LGA) URAs:

Urban release area	Local Contributions Rate
Kings Hill (Port Stephens LGA)	\$22,866
Farley (Maitland LGA)	\$30,000
Lochinvar (Maitland LGA)	\$25,513
Thornton North (Maitland LGA)	\$29,998
Glendale Central URA (Lake Macquarie LGA)	\$21,810
Arcadia Vale URA (Lake Macquarie LGA)	\$24,756
Lake Cathie/Bonny Hills (Port Macquarie-Hastings LGA)	\$33,419
Average rate	\$27,583

ITEM 1 - ATTACHMENT 3 10 NOVEMBER 2020 - ORDINARY COUNCIL MINUTES.**MINUTES ORDINARY COUNCIL - 10 NOVEMBER 2020**

Some infrastructure items will be located in the URA (e.g. roads and parks); however, some of the funds will go towards upgrades and extensions of public infrastructure in Raymond Terrace, which will be used by the future population of Kings Hill.

New development in the URA will also contribute towards the public infrastructure items that benefit the entire Port Stephens LGA. All new development in other parts of Port Stephens currently contribute to these items and the common rate will be applied to Kings Hill. This funding also contributes to regional infrastructure items such as Boomerang Park, Lakeside Aquatic Centre and King Park Sports Complex.

A schedule, which summarises the specific infrastructure items that are to be funded, and an infrastructure map are included in the Amendment (**ATTACHMENT 2**).

Administrative amendments

The Amendment includes minor administrative amendments, including:

- The amalgamation of the Fixed Local Infrastructure Contributions Plan (otherwise known as 'section 7.12 contributions'). Combining the Plans will reduce duplication and improve readability.
- Deletion of infrastructure items that have been:
 - funded and completed
 - wholly funded by sources other than infrastructure contributions, or
 - duplicated elsewhere in the Plan.
- The addition of infrastructure projects that have been identified in the Capital Works Program where there is a nexus between the development and the identified infrastructure.
- The addition of infrastructure to support anticipated growth associated with proposed development, including the proposed redevelopment of the Stockton Rifle Range at Fern Bay.

The Amendment results in changes to the contribution rates for all the catchments in the LGA as a result of the administrative amendments above, as well as the inclusion of the population projections for Kings Hill.

As shown in the table below, most catchments will have a reduction in contributions rates as a result of the Amendment.

Contributions catchments	Current contribution rate	Proposed contribution rate	Difference
Raymond Terrace and the West	\$17,861	\$17,736	-\$125
Central Growth Corridor	\$19,845	\$18,309	-\$1,536
Tomaree	\$18,628	\$18,378	-\$250

PORT STEPHENS COUNCIL

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ITEM 1 - ATTACHMENT 3 10 NOVEMBER 2020 - ORDINARY COUNCIL MINUTES.**MINUTES ORDINARY COUNCIL - 10 NOVEMBER 2020**

Fern Bay	\$15,972	\$16,609	+\$637
Kings Hill URA	N/A	\$22,957	N/A

Fern Bay will not have a reduced rate as the Amendment includes significant new infrastructure items to support future growth, including local road upgrades. This aligns with Action 13 and 14 in the adopted Fern Bay and North Stockton Strategy.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The Amendment aims to secure contributions from development towards local infrastructure. Should the Amendment be adopted, it will enable funding and construction of essential public infrastructure, including within Kings Hill, Raymond Terrace and Fern Bay, to satisfy the demands of the future population.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the Amendment includes infrastructure not considered essential to support new development.	Low	The Amendment has been informed by independent studies that identify the infrastructure needs of the projected increased population. The Plan will be regularly reviewed to ensure infrastructure needs align	Yes

ITEM 1 - ATTACHMENT 3 10 NOVEMBER 2020 - ORDINARY COUNCIL MINUTES.

MINUTES ORDINARY COUNCIL - 10 NOVEMBER 2020

		<p>with the latest population projections.</p> <p>It is recommended that the draft be endorsed for public exhibition.</p>	
There is a risk the Amendment includes infrastructure items that have been incorrectly costed and Council will need to fund a shortfall in the future.	Low	<p>The Amendment has been informed by independent reports and studies and the costs have been calculated based on the most up-to-date design information available. The Plan can be amended if costings are revised at a later date.</p> <p>It is recommended that the draft be endorsed for public exhibition.</p>	Yes
There is a risk that local contributions will impact development feasibility.	Low	<p>The contribution rates have been calculated to balance the need for infrastructure required by new development and development feasibility. Any reduction of infrastructure items or their costs would impact the standard of infrastructure.</p> <p>The contributions rates proposed for Kings Hill are less than, or commensurate with, URAs in other LGAs.</p> <p>The Amendment includes other changes to the Plan that will reduce contributions rates in all other catchments, except Fern Bay.</p> <p>It is recommended that the draft be endorsed for public exhibition.</p>	Yes

ITEM 1 - ATTACHMENT 3 10 NOVEMBER 2020 - ORDINARY COUNCIL MINUTES.**MINUTES ORDINARY COUNCIL - 10 NOVEMBER 2020**

There is a risk that Council will not be able to provide the necessary infrastructure to support new development in Kings Hill if the Amendment is not adopted before a development consent for subdivision is granted. There are currently 3 applications under assessment in Kings Hill, 1 of the applications seeks consent for subdivision.	Medium	The current Local Infrastructure Contribution Plan does not identify or fund the additional infrastructure to support future growth in Kings Hill. Adopting the Amendment will ensure Council can fund the necessary infrastructure. It is recommended that the draft be endorsed for public exhibition.	
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Environmental Planning and Assessment Act 1979 (EP&A Act)

Division 7.1, sections 7.11 and 7.12 of the EP&A Act authorises Council to require new development to contribute to the provision and upgrade of local infrastructure through conditions of consent. These conditions are to be in accordance with an approved local infrastructure contributions plan.

The Amendment has been prepared in accordance with Division 7.1 of the EP&A Act. It will therefore allow contributions to be collected under sections 7.11 and 7.12.

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

Part 4 of the EP&A Regulation relates to development contributions, and the Amendment will amend the current contribution plan, pursuant to clause 32(1).

Clause 27 sets out the particulars a local infrastructure contributions plan must contain, and the Amendment is consistent with this clause.

Division 2 of Part 4 of the EP&A Regulation sets out the exhibition requirements for amendments and draft contributions plans. The public exhibition of the Amendment will be in accordance with the EP&A Regulation, as detailed below.

Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012 (the Direction)

The Direction sets maximum contribution rates for new development and development in URAs, unless a contributions plan is reviewed by the Independent Pricing and Regulations Tribunal. In Port Stephens, the maximum rate per residential lot is \$20,000, and in the Kings Hill URA the maximum rate per residential lot is \$30,000. As the proposed rates are below these figures, the Amendment satisfies the Direction.

MINUTES ORDINARY COUNCIL - 10 NOVEMBER 2020**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The population of the Kings Hill URA is expected to use new community, recreational and other facilities within the URA and also the existing facilities in nearby Raymond Terrace. The likely infrastructure demand has been informed by background studies, which identify the specific new or upgraded infrastructure likely to be required. The Amendment will provide a means of collecting, managing and administering the contributions to fund this infrastructure, therefore there will be overall positive implications.

The Amendment ensures an adequate standard of services and facilities can be provided in the LGA and that the existing community will not be funding the infrastructure needs that result from new development. This has been balanced against the need to ensure unreasonable costs are not imposed upon new residential development, thereby reducing financial viability. Therefore, it is expected that the Amendment will have an overall positive economic impact.

CONSULTATION

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

Internal

The Amendment has been prepared in consultation with the Development Contributions Analysis Team, Financial Services section, Assets section and Development Assessment and Compliance section.

The projects in the Amendment have been aligned with Council's Strategic Asset Management Plan and Capital Works Program and with other strategic asset management documents including plans of management for parks and community facilities, and adopted land use strategies.

External

Consultation has been undertaken with the landowners and developers of the Kings Hill URA. A workshop was held and 3 written submissions were received. All written and verbal submissions were taken into consideration in the preparation of the Amendment.

Community

The Amendment will be publicly exhibited in accordance with the EP&A Regulations for a period of 28 days. The Amendment will be made available on Council's website in accordance with the Environmental Planning and Assessment Amendment (Public Exhibition) 2020. Submissions can be made to Council during the exhibition period

MINUTES ORDINARY COUNCIL - 10 NOVEMBER 2020

and if submissions are received, they will be considered in a report back to Council with details of any post-exhibition changes.

OPTIONS

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

ATTACHMENTS

- 1) Draft Port Stephens Local Infrastructure Contributions Plan 2020 - Amendment No. 1. (Provided under separate cover)
- 2) Infrastructure schedule for Kings Hill URA.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 2

FILE NO: 21/112
EDRMS NO: PSC2019-05731

RAYMOND TERRACE PUBLIC DOMAIN PLAN

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the outcomes of the community consultation (**ATTACHMENT 3**) and (**ATTACHMENT 4**) on the Raymond Terrace Public Domain Plan and the Raymond Terrace Streetscape Design Guidelines.
- 2) Endorse the Raymond Terrace Public Domain Plan (**ATTACHMENT 1**) and the Raymond Terrace Streetscape Design Guidelines (**ATTACHMENT 2**).

BACKGROUND

The purpose of this report is to seek Council endorsement of the Raymond Terrace Public Domain Plan (PDP) (**ATTACHMENT 1**) and the Raymond Terrace Streetscape Design Guidelines (**ATTACHMENT 2**).

The NSW Government, via the Greater Newcastle Metropolitan Plan has identified Raymond Terrace as a strategic centre recognising it's potential to deliver a range of services to support growth across the Hunter Region. Raymond Terrace is located within close proximity to key regional centres, major employment zones and transport routes and offers opportunities for future housing and job growth.

The Raymond Terrace PDP responds to community priorities to deliver a 20 year vision that supports positive economic, social and environmental outcomes. Projects in the Raymond Terrace PDP prioritise people and opportunities with a focus on connectivity, public spaces and place activation.

The Raymond Terrace PDP identifies six key precincts for improvement: William Street, King Street, Terrace Central, the Hunter River foreshore, Adelaide Street, and a new civic space to be created near the Raymond Terrace library.

The Raymond Terrace PDP also supports the delivery of actions in the Raymond Terrace and Heatherbrae Strategy 2015-2031, including the development of the Raymond Terrace Streetscape Design Guidelines (actions 27 and 35), the preparation of concept designs for upgrades to Port Stephens and Adelaide Streets (action 32), and the details of upgrades to William Street (action 31).

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

Projects in the Raymond Terrace PDP will be delivered over a 20 year timeframe and be funded through a range of revenue sources including grant funding and developer contributions as outlined below:

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$750,000	PSC2020 community projects. This funding has also supported the preparation of the Raymond Terrace PDP.
Reserve Funds	No		
Developer Contributions (\$7.11)	Yes	\$12.8m	Total funding identified in the Port Stephens Local Infrastructure Contributions Plan 2020, which will collect levies from new development for projects in the Raymond Terrace PDP, including footpaths, roadworks and town centre upgrades, including at Riverside Park.
External Grants	Yes	\$600,000	\$400,000 from the Streets as Shared Spaces grant from the NSW Government for temporary improvements like parklets and public art in Raymond Terrace. \$200,000 committed from the Federal Government Local Roads and Community Infrastructure Program.

ORDINARY COUNCIL - 23 FEBRUARY 2021

Source of Funds	Yes/No	Funding (\$)	Comment
Future External Grants	No	\$1,350,000	\$1 million pending from the NSW Public Spaces Legacy Program. \$350,000 pending from the NSW Your High Street Program.

LEGAL, POLICY AND RISK IMPLICATIONS

There are no significant legal, policy or risk implications as a consequence of the recommendations of this report.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that if the Raymond Terrace PDP is not endorsed, actions in the Raymond Terrace and Heatherbrae Strategy will not be implemented; delaying the revitalisation of the Raymond Terrace town centre.	Low	Endorse the Raymond Terrace PDP.	Yes
There is a risk that funding to implement the Raymond Terrace PDP will not be available.	Low	Funding has already been secured for some of the projects and there are grant applications pending to fund future projects. The Port Stephens Local Infrastructure Contributions Plan 2020 also identifies a range of upgrades for the Raymond Terrace town centre which align with Raymond Terrace PDP projects.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Raymond Terrace PDP provides the framework for the delivery of actions identified in the Raymond Terrace and Heatherbrae Strategy and aims to create

modern, vibrant and functional public spaces that support social connections and increase liveability.

Through improvements to the public space, economic growth can also be realised. Wayfinding and gateway signage, accessibility, improved car parking spaces and a focus on improving walkability within the town centre will increase visitation and invite people to stay longer, driving trade and supporting business growth.

The Raymond Terrace PDP will also support environmental sustainability through improved green spaces by significantly increasing the tree canopy cover to mitigate urban heat and improve air quality.

CONSULTATION

Internal

A Project Control Group (PCG) was formed consisting of staff from the Strategy and Environment, Property Services, Assets, Capital Works, Development Assessment and Compliance, and Communications sections. Members of the PCG were involved in preparation of the Raymond Terrace PDP.

External

A detailed engagement program was implemented with residents, business and key stakeholders as part of the development of the Raymond Terrace PDP.

Full reports on the consultation process and outcomes are available at **(ATTACHMENT 3)** and **(ATTACHMENT 4)**.

OPTIONS

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

ATTACHMENTS

- 1) Raymond Terrace Public Domain Plan 2021. (Provided under separate cover)
- 2) Raymond Terrace Streetscape Design Guidelines 2021. (Provided under separate cover)
- 3) Raymond Terrace Public Domain Plan - Community Engagement Phase 1. (Provided under separate cover)
- 4) Raymond Terrace Public Domain Plan - Community Engagement Phase 2. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 3

**FILE NO: 20/416523
EDRMS NO: PSC2013-00406**

POLICY REVIEW MULTICULTURAL POLICY

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke the Multicultural Policy dated 12 February 2019, Minute No. 023
(ATTACHMENT 1).

BACKGROUND

The purpose of this report is to revoke the Multicultural Policy (the Policy) dated 12 February 2019, Minute No. 023 **(ATTACHMENT 1)**.

Under section 8A of the Local Government Act 1993 (NSW), Council has an obligation to 'recognise diverse local community needs and interests' in decision making.

Under section 3 of the Multicultural NSW Act 2000 (NSW), Council has an obligation to observe the multicultural principles outlined in the Act and the General Manager has a duty to implement those principles.

Following a review of the Policy, the legislative framework, and publically available information, it is considered that the Policy does not provide any additional value to the existing resources available to Council and the community. The Policy duplicates information already available under the relevant legislation, including the principles in the Multicultural NSW Act 2000 (NSW).

The review identified a number of existing Council plans and procedures that include actions to satisfy the legislative requirements, including the Recruitment, Selection and Employment Management Directive and Our Incredible Place Strategy.

In addition, Council has invested in developing a Liveability Index, a place management and census tool which provides insights into local values and our community's real time experience. The Liveability Index informs Council plans and strategies that relate to measures of liveability and community wellbeing such as:

- Social inclusion
- Celebrating diversity
- Community cohesion

Liveability Index data helps Council identify and measure the specific actions and interventions necessary to support wellbeing and liveability for our communities, including the activities to support inclusivity and diversity related to Council's legislative obligations outlined above.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Community Diversity	Encourage Port Stephens to be inclusive and access friendly.

FINANCIAL/RESOURCE IMPLICATIONS

There is no direct financial implication for Council in relation to the revocation of the Policy.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no foreseen legal or policy implications as a result of the proposed recommendations.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that relevant Council decisions will not be informed by the multicultural principles under the Multicultural NSW Act 2000 (NSW).	Low	The legislation requires Council decision making to incorporate the principles and there are plans and procedures in place to satisfy the legislative requirements.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no expected social, economic or environmental implications as a result of revoking the policy.

CONSULTATION

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

Internal

The Community Services, Strategy and Environment, Communications, Organisation Support Sections were consulted during the review and support the recommendation.

The Executive Team has been consulted to seek management endorsement.

External

Council plans and strategies that relate to measures of liveability and community wellbeing such as social inclusion, celebrating diversity, and community cohesion are subject to community consultation and include the Liveability Index census tool.

OPTIONS

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

ATTACHMENTS

- 1) Multicultural Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2014-03911

TITLE: MULTICULTURAL POLICY

POLICY OWNER: STRATEGY AND ENVIRONMENT SECTION MANAGER

1. PURPOSE:

1.1 The purpose of this Policy is to guide Council in recognising and responding to cultural diversity in the exercise of functions such as service provision, planning, advocacy and community development.

2. CONTEXT/BACKGROUND:

2.1 This Policy provides a platform for collaboration and partnerships between Council, business, service providers, other tiers of government and the community where cultural diversity is observed, respected and appreciated.

2.2 Councils have statutory obligations to observe the multicultural principles outlined in the *Multicultural NSW Act 2000* (NSW) and to recognise diverse local community needs and interests in decision making under the *Local Government Act 1993* (NSW).

2.3 The multicultural principles are as follows:

2.3.1 All individuals in New South Wales, irrespective of their linguistic, religious, and ancestral backgrounds, should demonstrate a unified commitment to Australia, its interests and future.

2.3.2 All individuals in New South Wales should recognise the importance of shared values governed by the rule of law within a democratic framework.

2.3.3 The people of New South Wales are of different linguistic, religious and ancestral backgrounds who, either individually or in community with other members of their respective groups, are free to profess, practise and maintain their own linguistic, religious and ancestral heritage.

2.3.4 All individuals and institutions should respect and make provision for the culture, language and religion of others within an Australian legal and institutional framework where English is the common language.

2.3.5 All individuals in New South Wales should have the greatest possible opportunity to:

Policy

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ITEM 3 - ATTACHMENT 1 MULTICULTURAL POLICY.

Policy



- 2.3.5.1 contribute to, and participate in, all aspects of public life in which they may legally participate, and
- 2.3.5.2 make use of, and participate in, relevant activities and programs provided or administered by the Government of New South Wales.
- 2.3.6 All institutions of New South Wales should recognise the linguistic and cultural assets in the population of New South Wales as a valuable resource and promote this resource to maximise the development of the State.

3. SCOPE:

- 3.1 This Policy is designed to support Council in fulfilling obligations to observe and recognise cultural diversity under the *Multicultural NSW Act 2000* and the *Local Government Act 1993*.

4. DEFINITIONS:

Cultural diversity	Means the different linguistic, religious and ancestral backgrounds of the people of New South Wales.
Principles of Multiculturalism	The multicultural principles outlined in section 3 of the <i>Multicultural NSW Act 2000</i> and as listed in this Policy.

These definitions are sourced from the *Multicultural NSW Act 2000*.

5. POLICY STATEMENT:

- 5.1 The Port Stephens Multicultural Policy aims to achieve the following objectives in order to observe the Principles of Multiculturalism:
- 5.1.2 Objective 1: Leadership
Council promotes the principles of multiculturalism both within the organisation and to the wider community.
- 5.1.3 Objective 2: Community Harmony
Council works with communities and stakeholders to promote activities and initiatives that foster inclusion.
- 5.1.4 Objective 3: Access and Equity
Council endeavours to provide information, programs, services and facilities that are accessible for the community and makes provision for cultural diversity.

Policy

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Policy



5.1.5 Objective 4: Economic and Cultural Opportunities

Council, in collaboration with community and stakeholders, promotes the benefits of cultural diversity as a social, cultural and economic asset for the local government area.

5.1.6 Objective 5: Planning and Engagement

Council's approach to integrated planning and community engagement embraces cultural diversity and aims to increase inclusivity.

6. POLICY RESPONSIBILITIES:

6.1 The key position/s are responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on this Policy:

6.1.1 General Manager - to lead staff (either directly or through delegated authority) in their understanding of this Policy and the application of the multicultural principles.

6.1.2 Group and Section Managers - to plan, action, communicate, and exercise functions in accordance with this Policy as it impacts their areas of responsibility.

6.1.3 All Council officials - to observe this Policy.

7. RELATED DOCUMENTS:

7.1 *Local Government Act 1993*

7.2 *Multicultural NSW Act 2000*

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No	PSC2014-03911	EDRMS record No	
Audience	Council Staff and Community		
Process owner	Strategy and Environment Section Manager		
Author	Strategic Planning Coordinator		
Review timeframe	Two years	Next review date	February 2021
Adoption date	12 February 2019		

Policy

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Policy

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1.0	12 February 2019	Strategic Planning Coordinator	<p>Reviewed the Policy, included numbering to each paragraph. Substantial re-write of the Policy which necessitates the existing Cultural Diversity Policy dated 9 December 2014 (Minute No. 337) to be revoked.</p> <p>No significant departure from the intent of the existing Policy.</p> <p>Draft prepared for public exhibition.</p>	023

Policy

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ITEM NO. 4

**FILE NO: 21/12061
EDRMS NO: PSC2005-2795**

**POLICY REVIEW - INFORMATION & DIRECTION SIGNS IN ROAD RESERVES
POLICY**

REPORT OF: JOHN MARETICH - ASSET SECTION MANAGER
GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note submissions **(ATTACHMENT 2)**.
- 2) Revoke the Information & Direction Signs in Road Reserves Policy dated 9 October 2018, Minute No.123.
- 3) Adopt the revised Information & Direction Signs in Road Reserves Policy shown at **(ATTACHMENT 1)**.

BACKGROUND

The purpose of this report is to seek Council's endorsement of the revised Information & Direction Signs in Road Reserves Policy (the policy) **(ATTACHMENT 1)** following public exhibition.

During the public exhibition period, 1 submission was received which has been summarised in **(ATTACHMENT 2)**. In response to the submission, the policy was further reviewed however remains unchanged.

The intent of the policy is to manage the type and number of information, advertising and directional signs that may be displayed within Council's road reserves.

This policy refers to advertising within the road reserve only and does not relate to advertising on private property or in Council's recreation reserves, which is dealt with in separate policies and NSW legislation. The types of signs covered by this policy are advertising locality and facility, directional, advertising structures, regulatory/warning and advisory and parks and reserves.

The regulation of information and direction signs is a function of Council and contributes to the orderly display of signs across the Local Government Area. Control of signs within the road reserve is necessary to reduce visual clutter that could otherwise detract from the natural environment of Port Stephens and potentially reduce the effectiveness of essential traffic and road safety signs.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Infrastructure and Facilities	Maintain the Council's civil and community infrastructure to support the community.

FINANCIAL/RESOURCE IMPLICATIONS

The recommendation will not result in any financial or resource implications.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal or policy implications as a result of the proposed recommendation.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that signage will not meet requirements in terms of type and placement resulting in visual clutter and reduced effectiveness of required signs on the road reserve.	Low	Adopt the policy.	Yes
There is a risk that without a consistent hierarchy of signs this will lead to the community not having a sense of place or visitors not taking the most direct route to the desired location.	Low	Adopt the policy.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The continued regulation of the placement of information, advertising and directional signs within Council's road reserves will assist in reducing visual clutter while allowing business operators to display essential information for potential customers.

Reasonable limitation on the size and number of advertising signs that can be displayed will ensure that the visual amenity of the environment in Port Stephens is maintained.

Council seeks to assist in the creation of a vibrant business community by implementation of a fair and equitable advertising signs policy. Driver safety, awareness and focus will be improved through proper management of sign clutter.

CONSULTATION

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

Internal

Review has been undertaken with Development Assessment and Compliance.

External

The revised Information & Direction Signs in Road Reserve Policy was publically exhibited for a period of 28 days from 14 October 2020 to 10 November 2020. During the public exhibition period, 1 submission was received and is summarised in **(ATTACHMENT 2)**.

OPTIONS

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

ATTACHMENTS

- 1) Information and Direction Signs in Road Reserves Policy.
- 2) Submissions - Information and Directional Signs on Road Reserves Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 4 - ATTACHMENT 1 INFORMATION AND DIRECTION SIGNS IN ROAD RESERVES POLICY.

Policy



FILE NO: PSC2005-2795

TITLE: INFORMATION & DIRECTION SIGNS IN ROAD RESERVES POLICY

OWNER: ASSETS SECTION MANAGER

1. PURPOSE:

- 1.1 To provide a safe, effective and efficient network of signs to guide motorists to tourist services, community facilities and natural features within Port Stephens.
- 1.2 To meet Council's statutory requirements under the Local Government Act, the Roads Act and other relevant legislation in relation to the use of Council's road reserve.
- 1.3 To control the type, size and position of advertising that may be displayed within Council's road reserves.
- 1.4 To provide a level of detail that is not covered in other forms of legislation and instruments such as State Environmental Planning Policy Infrastructure (SEPP) Infrastructure and State Environmental Planning Policy Infrastructure (SEPP) 64 – Advertising and Signage.

2. CONTEXT/BACKGROUND:

- 2.4 ~~This policy was previously named the Advertising Signs in Road Reserve Policy. The title of this policy has been changed to better reflect the content of the associated code.~~
- 2.1 The types of signs covered by this policy are locality and facility, directional, advertising structures, regulatory/warning/advisory and parks and reserves.
- 2.2 The regulation of signs is a function of Council. This policy contributes to the orderly display of signs in Council's road reserves. Control of signs is necessary to reduce visual clutter that could otherwise detract from the natural environment of Port Stephens and potentially reduce the effectiveness of essential traffic and road safety signs.
- 2.3 The Information and Direction Signs in Road Reserves Policy refers to signs within the road reserve only and does not relate to advertising on private property or in Council Recreation Reserves.

3. SCOPE:

- 3.1 Council is responsible for controlling or monitoring activities being undertaken in its road reserves.
- 3.2 Council will adopt clear and consistent procedures when dealing with applications for signs within the road reserve.
- 3.3 Signs situated on private property are controlled by the Port Stephens Council Development Control Plan.

Policy

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ITEM 4 - ATTACHMENT 1 INFORMATION AND DIRECTION SIGNS IN ROAD RESERVES POLICY.

Policy



- 3.4 Council will assess all applications for signs within the road reserve in accordance with the Information and Direction Signs in Road Reserve Code.

4. DEFINITIONS:

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

Road Reserves	An area of land set aside for potential road construction on which building is not allowed
SEPP	State Environmental Planning Policy

5. STATEMENT:

- 5.1 The policy is to provide a consistent approach to the approval of a safe, effective and efficient network of signs to guide motorists to Tourist Services, Community Facilities and natural features within Port Stephens. Motorists should be guided to the Suburb, then the Street and then Facility.
- 5.2 Reasonable limitation on the size and number of signs displayed within Council's road reserve will ensure that the visual amenity of the Port Stephens environment is maintained.
- 5.3 Information and directional signage must conform to relevant legislations and the requirements of the Information and Direction Signs in Road Reserve Code.
- 5.4 Advertising signs on buildings or awnings is controlled by the Port Stephens Council Development Control Plan.
- 5.5 All signage associated with any election must comply with local government, NSW State and Australian Commonwealth laws

6. RESPONSIBILITIES:

- 6.1 The continued regulation of the placement of advertising within Council's road reserves will assist in reducing visual clutter while allowing business operators to display essential information for potential customers.
- 6.2 Council seeks to assist in the creation of a vibrant business community by implementation of a fair and equitable advertising signs policy.
- 6.3 Council will charge any applicable fee for installation and management of signs as noted in Council's adopted Fees & Charges.
- 6.4 Installation and maintenance costs are to be met by the applicant.
- 6.5 Enforcement of illegal signage within the road reserve will be carried out in accordance with Council's Compliance Policy.

Policy

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ITEM 4 - ATTACHMENT 1 INFORMATION AND DIRECTION SIGNS IN ROAD RESERVES POLICY.

Policy



7. RELATED DOCUMENTS:

- 7.1 Local Government Act 1993.
- 7.2 Roads Act 1993.
- 7.3 State Environmental Planning Policy Infrastructure.
- 7.4 State Environmental Planning Policy 64 – Advertising and Signage.
- 7.5 Bus Shelter Policy.
- 7.6 Outdoor Trading Policy.
- 7.7 Information & Direction Signs in Road Reserve Code.
- 7.8 Port Stephens Council Development Control Plan.
- 7.9 Port Stephens Council Compliance Policy.

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2005-2795	EDRMS record No.	20/281016
Audience	Community, Assets Section, Civil Assets, Staff and General Manager		
Process owner	Assets Section Manager		
Author	Civil Assets Planning Manager		
Review timeframe	3 years	Next review date	
Adoption date	04/11/1995		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	04/11/1995	Civil Assets Manager	Adopted	147
2	25/11/2014	Civil Assets Manager	Amended	318

Policy

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ITEM 4 - ATTACHMENT 1
RESERVES POLICY.

INFORMATION AND DIRECTION SIGNS IN ROAD

Policy



Version	Date	Author	Details	Minute No.
3	9 Oct 2018	Civil Assets Planning Manager	Reviewed and updated in to the new Policy Template. New Title and EDERMS File. 1.1, 1.2, 1.4, 2.1, 2.2, 3.3, 5.1, 5.2, 5.4, 5.5, 6.4 & 6.6 – New points added. 1.4, 2.3, 2.4, 3.2, 3.4, 5.1, 5.3, 6.3 – Reworded to improve purpose. 4 – Removal of definition. 7.3, 7.4, 7.7 & 7.9 – Added Related Documents.	123
4		Civil Assets Manager	Reviewed and updated in to the new Policy Template. Removed - 2.1 This policy was previously named the Advertising Signs in Road Reserve Policy. The title of this policy has been changed to better reflect the content of the associated code.	

Policy

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ITEM 4 - ATTACHMENT 2 SUBMISSIONS - INFORMATION AND DIRECTIONAL SIGNS ON ROAD RESERVES POLICY.

Policy Review: Information & Direction Signs in Road Reserves Policy submissions

No.	Author of submission	Comment	Council response
1	Tomaree Ratepayers & Residents Association	Gateway signage priority	Council's gateway signage replacement program commenced with the major entry already completed. The suburb gateway signage in the new style will be replaced once funds become available to this project.
		Access to review document not user friendly with limited understanding as to what has changed in the policy.	Noted for consideration for future policy changes.
		Reason for policy revision and highlighting of changes absent.	No action - Review timeframe identified on policy document, version history details changes which have been made. Council undergoes a review of all policies in a cycle to ensure that they are current and meet the needs of the elected Council and Community.
		Signage content.	Satisfied that the style, font and colours are logical and non intrusive.
		Removal of Advertising Signs from the title is inconsistent with the fact advertising structures are included in the policy.	No action - Changes to the title are to provide consistency with the associated code (Information & Direction Signs in Road Reserve Code) related to this policy. Advertising is one aspect to this policy.
		Advertising structures and their impact should be included in any approval process.	No action – Approval process for advertising structures is covered in the associated Information & Direction Signs in Road Reserve Code. Assessments are undertaken as part of the application process given the surrounding environmental conditions/constraints.
		Council's responsibility regarding compliance and enforcement of illegal advertising structures especially trailers should be included in policy.	No action – As noted in the Policy, compliance and enforcement is carried out in accordance with Council's Compliance Policy.

ITEM NO. 5**FILE NO: 21/13165
EDRMS NO: A2004-0242****QUARTERLY BUDGET REVIEW - 31 DECEMBER 2020**

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 – December 2020.
-

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, which are detailed in the Quarterly Budget Review Statement to December 2020. This statement 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. Adjustments to Council's expenditure was required to ensure Council maintains its financial sustainability.

The summary **(ATTACHMENT 1)** best represents the current situation as well as it is presently known.

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, which for December 2020 is a balanced budget.

ORDINARY COUNCIL - 23 FEBRUARY 2021

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

Council did enter a precarious financial situation as a result of COVID-19; however, an improvement on original projections has eventuated to December 2020. Despite the improvement, it is still prudent that Council manages its expenditure carefully to ensure minimal risk to the organisation and community.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the underlying operating result may remain in a deficit 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 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 with a higher level of uncertainty.

Since completion of this review, further impacts to the projected underlying result have occurred. Further ongoing review and actions will continue to be undertaken to manage Council's overall position.

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 2020 – 2021 Quarterly Budget Review for December 2020 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) 2020 - 2021 Quarterly Budget Review to 31 December 2020.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



PORT STEPHENS
C O U N C I L

"A great lifestyle in a treasured environment"

2020 – 2021
Quarterly Budget Review Statement
December 2020

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ITEM 5 - ATTACHMENT 1 2020 - 2021 QUARTERLY BUDGET REVIEW TO 31 DECEMBER 2020.

1) Executive Summary

The quarterly budget review has been compiled during period of great uncertainty, not only for Council but for the industry as a whole. While many possibly scenarios have and will continue to be modelled, the following summary best represents the current situation as well as it is 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:

Profit & Loss Statement – operating budget

	<u>Surplus</u>	<u>Deficit</u>
Original budget – expected result		(\$4,400k)
September 2020 review		(\$691k)
December 2020 review	-	-
March 2021 review		

The improvement of \$691k is principally due to:

Increased income from:

Holiday park operations	\$200k	
SMART parking	<u>\$250k</u>	\$450k

Decreased expenditure from:

Street lighting	\$150k	
Staff vacancies	<u>\$100k</u>	\$250k
		\$700k

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2020 and should be read in conjunction with other documents in the QBRS.

ITEM 5 - ATTACHMENT 1 2020 - 2021 QUARTERLY BUDGET REVIEW TO 31 DECEMBER 2020.

Capital Works Program – capital budget

	<u>Gross</u>	<u>Contribution</u>	<u>Net</u>
Original budget – total spend	\$14,201k*	\$9,523k	\$4,678k
September 2020 review	\$48,571k*	\$23,815k	\$24,756k
December 2020 review	\$61,565k*	\$25,895k	\$35,670k
March 2021 review			

The increase of \$12,994k is principally due to:

Increased program

Administration building refurbishment	\$3,000k
Koala Sanctuary	\$750k
Property – investment properties	\$400k
Depot relocation	\$6,700k
Grant program (p. 11)	\$2,080k

*Total capital works program includes \$9,328k for airport works.

Cash flow

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

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, partially offset by raising \$10m loan funds for the depot/administration building works.

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2020 and should be read in conjunction with other documents in the QBRS.

1) Executive Summary – continued

Categorising the changes by Group:

Corporate Services: The operating budget change in this Group was \$300k (favourable). The operating budget changes predominately relate to the increase in Holiday parks income.

Changes in the capital budget were \$4.1m (unfavourable) which is due to the refurb of admin building, investment property upgrades and the finalisation of the Koala Sanctuary.

Development Services: Operating budget changes for this Group were \$11k (favourable). The operating budget changes predominately relate to the reduction in advertising spend.

There were no capital budget changes for the quarter.

Facilities & Services: The operating budget change in this Group was \$380k (favourable). This is mainly due to the increase in parking meter income and decrease in street lighting expense.

Changes in the capital budget were \$6.8m (unfavourable) which is mainly due to the depot renovations and other minor projects.

General Manager's Office: There were no budget changes for the quarter.

ITEM 5 - ATTACHMENT 1 2020 - 2021 QUARTERLY BUDGET REVIEW TO 31 DECEMBER 2020.

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	-	53,642	43,286
Development Services	(7,888)	-	(221)	11	-	(8,098)	(3,895)
General Manager's Office	(5,747)	-	(308)	-	-	(6,055)	(3,931)
Facilities & Services	(30,491)	-	901	380	-	(29,210)	(3,630)
Newcastle Airport	3,842	-	-	-	-	3,842	1,921
Operating Surplus/(Deficit) before capital grants	9,810	-	3,619	691	-	14,121	33,751
Less: Gain on sale	(8,272)	-	-	-	-	(8,272)	-
Less: Fair value increases & royalties	(2,008)	-	-	-	-	(2,008)	(411)
Less: Newcastle Airport	(3,842)	-	-	-	-	(3,842)	(1,921)
Add: NAP Dividend	-	-	-	-	-	-	-
Underlying Operating Surplus/(Deficit)	(4,311)	-	3,619	691	-	(0)	31,420

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)	-	(8,258)	(1,521)
Development Services	4,010	-	-	-	-	4,010	2,987
Facilities & Services	(4,823)	(15,124)	(4,481)	(6,764)	-	(31,192)	(4,962)
General Manager's Office	-	-	(230)	-	-	(230)	-
Newcastle Airport	(9,328)	-	-	-	-	(9,328)	-
Total	(14,006)	(15,368)	(4,711)	(10,914)	-	(44,998)	(3,497)

Note - + = inflow () = outflow

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2020 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 31/12/2020 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 31/12/2020 indicates that Council's projected financial position would have been in a satisfactory position at year-end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure. Additional information has come to light following the completion of this review which indicates a deterioration of the expected financial result to 30 June 2021, which is now anticipated to be an underlying deficit of around \$500,000. Further work on curtailing discretionary spending will be required to return this result to, at best, a breakeven point or the preferred surplus result.

Name: Tim Hazell

Responsible Accounting Officer, Port Stephens Council

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2020 and should be read in conjunction with other documents in the QBRS.

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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	63,281
User Charges & Fees Income	45,282	-	4,478	423	-	50,183	12,530
Interest & Investment Income	1,213	-	-	-	-	1,213	432
Other Income	7,665	-	190	-	-	7,855	3,398
Grants and Cont.	12,408	-	1,356	168	-	13,932	6,651
Grants and Cont.(Capital)	9,523	4,913	9,379	2,080	-	25,895	9,262
Fair Value Gains	810	-	-	-	-	810	-
Net Gain on Sale	8,272	-	-	-	-	8,272	-
Total Revenue	148,822	4,913	15,402	2,671	-	171,809	95,555
Employee Costs	52,268	-	600	(70)	-	52,797	24,304
Borrowing Costs	893	-	82	-	-	975	239
Materials & Contracts	39,468	-	1,209	149	-	40,826	16,329
Other Expenses	19,767	-	514	(179)	-	20,102	4,637
Depreciation & Impairment	17,092	-	-	-	-	17,092	7,031
Total Expenditure	129,489	-	2,405	(100)	-	131,793	52,541
Operating Surplus/(Deficit) after capital grants	19,334	4,913	12,998	2,771	-	40,016	43,014
Operating Surplus/(Deficit) before capital grants	9,810	-	3,619	691	-	14,121	33,751
Less: Net Gain on Sale	(8,272)	-	-	-	-	(8,272)	-
Less: Fair Value Increases & Royalties	(2,008)	-	-	-	-	(2,008)	(411)
Less: Newcastle Airport	(3,842)	-	-	-	-	(3,842)	(1,921)
Add: NAP Dividend	-	-	-	-	-	-	-
Underlying Operating Surplus/(Deficit)	(4,311)	-	3,619	691	-	(0)	31,420

Notes:

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

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2020 and should be read in conjunction with other documents in the QBRS.

ITEM 5 - ATTACHMENT 1 2020 - 2021 QUARTERLY BUDGET REVIEW TO 31 DECEMBER 2020.

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 December Quarterly Budget Review. This has altered from an original projected underlying deficit of \$4,311,000 to break even.

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	423	F
User charges and fees have increased due the reforecasting of parking meter and holiday parks income.		
Grants and Contributions provided for Operating Purposes	168	F
Income has increased due to the receipt of grants for sustainable living, Australia day and environmental protection.		
Interest and Investment Revenue	-	-
No change		

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2020 and should be read in conjunction with other documents in the QBRS.

ITEM 5 - ATTACHMENT 1 2020 - 2021 QUARTERLY BUDGET REVIEW TO 31 DECEMBER 2020.

Other Revenues	-	-
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No change

Grants and Contributions provided for Capital Purposes	2,080	F
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Capital grants & contributions have increased primarily due to the following projects:

- Shared spaces – street activation grant - \$630k
- Seaham bus interchange grants - \$575k
- Shared pathway – Medowie Road - \$495k
- Glen Oak bridges renewal program - \$150k
- Fly point footpath - \$100k
- Other capital works projects - \$130k

Net Gains from the Disposal of Assets	-	-
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No change

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2020 and should be read in conjunction with other documents in the QBRS.

ITEM 5 - ATTACHMENT 1 2020 - 2021 QUARTERLY BUDGET REVIEW TO 31 DECEMBER 2020.

EXPENDITURE	\$'000	Budget Change F/U
Borrowing Costs	-	-
No change		
Depreciation, Amortisation and Impairment	-	-
No change		
Employee Benefits and On-Costs	70	F
Employee benefits and on-costs have decreased primarily due to staff vacancies.		
Materials and Contracts	149	U
Materials and contracts have been increased in line with the operational grants.		
Other Expenses	179	F
Other expenses have decreased due to the reduction in street lighting expense and reallocation of training costs into employee benefits.		

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2020 and should be read in conjunction with other documents in the QBRS.

5) Capital Budget Review Statement

Consolidated - Summary	2021 Original Budget	Budget revotes & carry forwards	Budget Revision Sept Qtr	Budget Revision Dec Qtr	Budget Revision Mar Qtr	2021 Revised Budget	2021 YTD Actuals
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Grants and Cont.(Capital)	9,523	4,913	9,379	2,080	-	25,895	9,262
Total Receipts	9,523	4,913	9,379	2,080	-	25,895	9,262
Capital Equipment & Contracts	23,529	20,281	14,089	12,994	-	70,893	12,700
Property Acquisition & Development	-	-	-	-	-	-	59
Total Payments	23,529	20,281	14,089	12,994	-	70,893	12,759

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 increase in the capital program to the value of \$10.9m.

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

INCOME	\$'000	Budget Change F/U
Capital Grants & Contributions	2,080	F

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

- Shared spaces – street activation grant - \$630k
- Seaham bus interchange grants - \$575k
- Shared pathway – Medowie Road - \$495k
- Glen Oak bridges renewal program - \$150k
- Fly point footpath - \$100k
- Other capital works projects - \$130k

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2020 and should be read in conjunction with other documents in the QBRs.

ITEM 5 - ATTACHMENT 1 2020 - 2021 QUARTERLY BUDGET REVIEW TO 31 DECEMBER 2020.

EXPENDITURE	\$'000	Budget Change F/U
Property Acquisition and Development	-	-
No change		
Capital Equipment and Contracts	12,994	U
Capital equipment and contracts have increased primarily due to the following projects:		
<ul style="list-style-type: none"> • Depot relocation - \$6.7m • Admin building refurbishment - \$3m • Koala Sanctuary upgrades - \$750k • Related to capital grants - \$2m • Investment properties refurbishment - \$400k 		

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2020 and should be read in conjunction with other documents in the QBRS.

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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	-	25,895	9,262
Total Capital Funding	9,523	4,913	9,379	2,080	-	25,895	9,262
Capital Expenditure							
Corporate Services Group							
Commercial Property Reserve & Cluster Plan							
Fingal Bay Holiday Park	2,199	-	-	-	-	2,199	47
Halifax Holiday Park	295	-	-	-	-	295	38
Shoal Bay Holiday park	541	-	-	-	-	541	30
Thou Walla Sunset Retreat	100	-	-	-	-	100	4
Koala Sanctuary	100	549	-	750	-	1,399	1,140
Office and Chambers	-	-	-	-	-	-	-
Property Development	-	-	-	-	-	-	59
Administration Building	250	-	-	3,000	-	3,250	121
Property Investments	-	-	-	400	-	400	405
Commercial Property Total	3,485	549	-	4,150	-	8,184	1,844
Business Improvement Technology	380	119	-	-	-	499	161
Corporate Services Group Total	3,865	668	-	4,150	-	8,683	2,005

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2020 and should be read in conjunction with other documents in the QBRS.

ITEM 5 - ATTACHMENT 1 2020 - 2021 QUARTERLY BUDGET REVIEW TO 31 DECEMBER 2020.

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	225
Drainage and Flooding	1,100	319	27	-	-	1,446	997
Assets Total	3,204	319	383	-	-	3,906	1,221
Community Services							
Domestic Waste Management	-	235	-	15	-	250	0
Library Services	250	-	-	-	-	250	19
Community Services	250	235	-	15	-	500	19
Capital Works							
Capital Works Construction	6,882	19,060	13,476	8,829	-	48,247	9,514
Capital Works Total	6,882	19,060	13,476	8,829	-	48,247	9,514
Facilities and Services Total	10,336	19,613	13,859	8,844	-	52,653	10,754
Newcastle Airport	9,328	-	-	-	-	9,328	-
Total Capital Expenditure	23,529	20,281	14,089	12,994	-	70,893	12,759
Net Outlay	14,006	15,368	4,711	10,914	-	44,998	3,497

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2020 and should be read in conjunction with other documents in the QBRS.

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6) Reserve Balances

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

Reserves	Opening Balance	Rollover Transfers	Transfers in / (out)	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)	2,000	(1,850)	(156)	-	-	-
Commercial Properties Reserve	31	(166)	1,898	-	(1,227)	(400)	-	136
Community Loans	200	-	-	-	-	-	-	200
Crown Reserves	1,583	(129)	3,115	(3,235)	(250)	(394)	-	690
Developer contributions and Haulage	4,530	(2,273)	5,019	(565)	1,767	366	-	8,844
Domestic Waste	5,266	(469)	(131)	(275)	-	(200)	-	4,191
Drainage Reserve	38	-	1,328	(1,100)	-	-	-	266
Election Reserve	400	-	100	-	-	-	-	500
Federal Assistance Grant in Advance Reserve	3,542	-	(3,542)	-	-	-	-	-
Fleet Reserve	1,315	-	2,200	(2,104)	(356)	-	-	1,055
IT Reserve	176	(119)	800	(380)	(230)	-	-	247
Newcastle Airport	13,776	-	14,035	(9,328)	-	-	-	18,483
Other Waste Services Reserve	451	(185)	(131)	-	-	-	-	135
Parking Meters Reserve	590	-	740	-	(847)	94	-	577
Repealed Funds Reserve	10,014	(5,012)	-	-	(3,492)	70	-	1,580
Roads / Environmental Reserve	-	-	425	(425)	-	-	-	-
Section 355C committees	674	-	-	-	-	-	-	674
Specific Purpose Unexpended Grants Reserve	520	(376)	(144)	-	-	-	-	-
Sustainable energy and water reserve	148	-	102	-	-	-	-	250
Unexpended Loan Funds Reserve	5,000	(4,524)	10,000	-	(476)	(10,000)	-	0
Ward Funds Reserve	39	(50)	66	-	(50)	-	-	5

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2020 and should be read in conjunction with other documents in the QBRS.

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Total	49,436	(13,706)	37,967	(19,512)	(5,317)	(10,464)	-	38,404
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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	-	4,478	423	-	50,183
Interest & Investment Revenue Received	1,213	-	-	-	-	1,213
Other	2,762	-	190	-	-	2,952
Grants and Contributions	19,381	4,913	10,735	2,248	-	37,277
Payments:						
Employee Benefits & On-Costs	(55,211)	-	(600)	70	-	(55,741)
Borrowing Costs	(893)	-	(82)	-	-	(975)
Materials & Contracts	(39,040)	-	(1,209)	(149)	-	(40,398)
Other	(10,405)	-	(514)	179	-	(10,740)
Net Cash provided (or used in) Operating Activities	26,397	4,913	12,998	2,771	-	47,079
Cash Flows from Investing Activities						
Receipts:						
Proceeds from Disposal of Property Plant & Equipment	250	-	-	-	-	250
Proceeds from Development & Land Sales	12,950	-	-	-	-	12,950
Payments:						
Purchase of Real Estate, Infrastructure, Property Plant & Equipment and Intangibles	(23,529)	(20,281)	(14,089)	(12,994)	-	(70,893)
Net Cash provided (or used in) Investing Activities	(10,329)	(20,281)	(14,089)	(12,994)	-	(57,693)
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)	(223)	-	(4,973)
plus: Cash & Investments - Beginning of Year (*)	43,377	-	-	-	-	43,377
Cash & Investments - end of the year	55,086	(15,368)	(1,091)	(223)	-	38,404

*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 31/12/2020 and should be read in conjunction with other documents in the QBRS.

Cash Flow Statement Funding Reconciliation

The 'Recommended Changes to Budget' in the December QBR constitute an overall decrease in Council's Cash Flow position by \$10.9m (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 December investment report was \$39.2m

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 31/12/2020; and
- Have a value equal to or more than \$50,000.

Part B of the report shows expenditure as at 31/12/2020 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 31/12/2020 and should be read in conjunction with other documents in the QBRs.

Part A
Contracts Listing

Contractor	Contract Details and Purpose	Contract Value Inc GST	Commencement date	Contract end date	Budgeted (Y/N)
NEWCASTLE CITY COUNCIL	PUTRESCIBLE WASTE DISPOSAL - 01 NOV TO 15 NOV	300,574	08/12/2020	22/12/2020	Y
NEWCASTLE CITY COUNCIL	PUTRESCIBLE WASTE DISPOSAL - 16 OCT TO 31 OCT	295,233	08/12/2020	5/01/2021	Y
SHANNON TOWER PTY LTD	SUPPLY AND INSTALL NEW STREET PRINTING	161,673	23/12/2020	7/01/2021	Y
NEWCASTLE CITY COUNCIL	PUTRESCIBLE WASTE DISPOSAL - 16 NOV TO 25 NOV	151,641	08/12/2020	22/12/2020	Y
NEWCASTLE CITY COUNCIL	PUTRESCIBLE WASTE DISPOSAL - 11 OCT TO 15 OCT	122,300	08/12/2020	15/12/2020	Y
EC SUSTAINABLE PTY LTD	WASTE AUDIT 1 OCT/NOV, WASTE AUDIT 2 JAN/FEB	119,801	14/10/2020	28/02/2021	Y
ANNA BAY SAND & EARTHMOVING	RFQ87-2020 - SHOAL BAY FORESHORE AMENITIES	115,830	17/12/2020	28/02/2021	Y
SPARKE HELMORE LAWYERS	PSS870-00356 - T10-2019 KOALA SANCTUARY	106,246	17/12/2020	13/01/2021	Y
ANNA BAY SAND & EARTHMOVING	RFQ67-2020 NELSON BAY CBD AMENITIES	99,440	14/10/2020	28/02/2021	Y
REINO INTERNATIONAL PTY LTD	NELSON BAY SMART PARKING - ADDITIONAL SIGNAGE	88,437	18/12/2020	28/01/2021	Y
ARA ELECTRICAL HIGH VOLTAGE SERVICES	RFQ66-2020 - POWER POLE RELOCATION X 3	79,960	02/11/2020	28/02/2021	Y
ATCO STRUCTURES PTY LTD	DEMOUNTABLE CRIB ROOM 6 X 12M	79,230	05/11/2020	28/02/2021	Y
MCCALLUM HYDRAULICS PTY LTD	RFQ59-2020 BIRUBI INTERCHANGE - BUILDING DESIGN	63,018	19/10/2020	30/06/2021	Y
ENSIGN SERVICES (AUST) PTY LTD	SA2019-02-1 LINEN SERVICE SUPPLY HOLIDAY PARKS	59,844	07/10/2020	30/06/2021	Y
HIGHLUX PTY LTD	SUPPLY AND INSTALL OF 9 SOLANOVA SYSTEMS	58,366	02/10/2020	5/12/2020	Y
APEX CO PTY LTD	FURNITURE - MEDOWIE SPORT AND COMMUNITY FACILITY	55,909	12/10/2020	24/11/2020	Y
THINK PROJECT SERVICES PTY LTD	RFQ49-2020 MEDOWIE TENNIS AMENITIES	53,798	16/10/2020	4/02/2021	Y

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2020 and should be read in conjunction with other documents in the QBRS.

Part B**Consultancy & Legal Expenses**

Expense	Expenditure YTD (\$)	Budgeted (Y/N)
Consultancies	219,819	Y
Legal Fees	216,594	Y

A breakdown of the legal services expenditure is as follows:

Litigation	\$166,598
Advice	\$6,427
Planning agreements	\$40,458
Conveyancing	\$3,111

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2020 and should be read in conjunction with other documents in the QBRS.

ITEM NO. 6

**FILE NO: 20/399372
EDRMS NO: PSC2005-1826**

**AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NATIONAL GENERAL
ASSEMBLY - 20-23 JUNE 2021 - CANBERRA**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the attendance of Mayor Ryan Palmer and Cr Glen Dunkley at the 2021 National General Assembly to be held in Canberra from 20-23 June 2021.

BACKGROUND

The purpose of this report is to inform Council of the 2021 National General Assembly to be held in Canberra from 20-23 June 2021.

The conference program is not yet available, but will be distributed as soon as practicable. The conference did not proceed in 2020 due to COVID-19. In 2019, the conference program included sessions on:

- Panel session: Housing, Infrastructure and Population
- Prime Minister Address
- ALGA President's Address
- Keynote address: How did Local Government Fair Post Election
- Panel of Mayors: Opportunities for Local Government Post Election
- Keynote address: Crowd Powered Communities
- Engaging with your Community into the Future
- Housing your Community
- Reducing Community Harm
- Built Environment in your Community
- Your Community, Your Environment
- Council's using Technology to Excel
- The Great Debate: Revenue, Cost Shifting, Rate Capping
- An address from the Leader of the Opposition
- An address from the Federal Minister for Local Government
- Keynote address: Overcoming the Odds

This event provides a unique opportunity for Local Government to engage directly with the Federal Government, to develop national policy and to influence the future direction of councils and communities.

ORDINARY COUNCIL - 23 FEBRUARY 2021

As Councillors are aware, the Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy (the 'Policy') requires that a resolution of Council be sought for all attendance at a conference or seminar.

The costs associated with registration, travel and accommodation will be covered from within the existing professional development budget, subject to the Mayor or any individual Councillor/s not exceeding the conference budget limits set in the Policy.

Ensuring the Port Stephens local government area is well represented in all matters at the conference will benefit the Port Stephens community. Information received at the conference will be reported back to Council and will be distributed to the appropriate members of the community and relevant Council staff.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The conference costs are not known at this stage and will be made available on receipt of the conference program. The registration cost for 2019 was \$969.

The costs associated with registration, travel and accommodation will be covered from within the existing budget, subject to any individual elected member not exceeding the conference budget limits in the policy.

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 Payment of Expenses and Provision of Facilities to Councillors/Mayor Policy requires approval of a full Council meeting.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Port Stephens Council will not be represented on matters at the conference.	Low	That the recommendation be adopted.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Ensuring the local government area is well represented in all matters at the conference will benefit the Port Stephens Community. Information received will be distributed to the appropriate members of the community and relevant Council staff.

CONSULTATION

Nil.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 7

**FILE NO: 21/29485
EDRMS NO: PSC2005-1826**

**LGNSW DESTINATION AND VISITOR ECONOMY CONFERENCE 26 TO 28 MAY
2021 IN PORT MACQUARIE**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the attendance of Mayor Ryan Palmer, Cr Glen Dunkley and Cr Sarah Smith at the 2021 Local Government NSW Destination and Visitor Economy Conference from 26-28 May 2021 in Port Macquarie.

BACKGROUND

The purpose of this report is to inform Council of the 2021 Local Government NSW Destination and Visitor Economy Conference in Port Macquarie from 26 to 28 May 2021.

The conference program is not yet available, but will be distributed as soon as practicable. Conference topics in 2020 were:

- Servicing the customer of the future: Increasing visitors and revenue in today's market.
- Partnering to please the discerning visitor: NSW National Parks and wildlife Service (NPWS) and Snowy Valleys Council Case Study.
- Customer Journey Mapping: What will the customers personas of the future look like?
- Safety management presentation and mock crisis management workshop.
- Measuring the impact of the visitor economy.
- Planning for the future.
- Capitalising on business events.
- Introduction to digital marketing.

The conference will aim to embrace not just tourism, but also a wider aspect of economic development to regional and metropolitan councils.

As Councillors are aware, the Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy (the 'Policy') requires that a resolution of Council be sought for all attendance at a conference or seminar.

ORDINARY COUNCIL - 23 FEBRUARY 2021

The costs associated with registration, travel and accommodation will be covered from within the existing professional development budget, subject to the Mayor or any individual Councillor/s not exceeding the conference budget limits set in the Policy.

Ensuring the Port Stephens local government area is well represented in all matters at the conference will benefit the Port Stephens community. Information received at the conference will be reported back to Council and will be distributed to the appropriate members of the community and relevant Council staff.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Governance	Provide a strong ethical governance structure.

FINANCIAL/RESOURCE IMPLICATIONS

The conference costs are not known at this stage and will be made available on receipt of the conference program. The registration cost for 2020 was \$700.

The costs associated with registration, travel and accommodation will be covered from within the existing budget, subject to any individual elected member not exceeding the conference budget limits in the Policy.

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 Payment of Expenses and Provision of Facilities to Councillors/Mayor Policy requires approval of a full Council meeting.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Port Stephens Council will not be represented on matters at the conference.	Low	That the recommendation be adopted.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Ensuring the local government area is well represented in all matters at the conference will benefit the Port Stephens Community. Information received will be distributed to the appropriate members of the community and relevant Council staff.

CONSULTATION

Nil.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 8

FILE NO: 21/31796
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 23 February 2021.

No:	Report Title	Page:
1	Quarterly Grants Update - 31 December 2020	99
2	January 2021 Cash and Investments	101
3	Petition – Proposed Parklets at Shoal Bay	104
4	Council Resolutions	108

ITEM NO. 9

**FILE NO: 21/36374
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 Mayoral and Ward funds to the following:-
 - a. Rotary Club of Nelson Bay – Mayoral funds - \$756.80 donation towards pull-up banners to celebrate 100 years of Rotary in Australia and New Zealand.
 - b. Raymond Terrace Historical Society – West Ward funds – \$1000 donation towards the installation of a history sign to be erected in Boomerang Park, Raymond Terrace to be created and delivered by Port Stephens Council staff.
 - c. Tanilba Foreshore Hall 355c Committee – Central Ward – \$3500 donation towards operating expenses.
 - d. Endorse the provision of funds to Anthony O'Donnell – East Ward – Cr John Nell rapid response – \$342 donation as a refund of a park use fee and place the proposal on public exhibition for a period of 28 days, in accordance with the Local Government Act 1993 to seek public comment.
- 2) Should no submissions be received as a result of the public exhibition stated in 1d) above, the funds be approved.

BACKGROUND

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

Council's Grants and Donations Policy provides the community, the Mayor and Councillors with a number of options when seeking financial assistance from Council. Those options being:

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

Council is unable to grant approval of financial assistance to individuals unless it is performed in accordance with the Local Government Act 1993. This would mean that the financial assistance would need to be included in the Operational Plan or Council

ORDINARY COUNCIL - 23 FEBRUARY 2021

would need to advertise for 28 days of its intent to grant approval. Council can make donations to community groups.

The requests for financial assistance are shown below:

MAYORAL FUNDS

Rotary Club of Nelson Bay	Rotary International is an international service organisation whose stated purpose is to bring together business and professional leaders in order to provide humanitarian service and to advance goodwill and peace around the world.	\$756.80	Donation towards pull-up banners to celebrate 100 years of Rotary in Australia and New Zealand. The banners will also illustrate Rotary's lengthy contribution to the Port Stephens community since 1956.
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WARD FUNDS

Raymond Terrace Historical Society	The society is a voluntary group which aims to bring together people who share a love for their heritage, admire the achievements of people of the past, and desire to discover, record and publicise these people, their lives, and the times in which they lived.	\$1000	Donation towards installation of a history sign in Boomerang Park, Raymond Terrace.
Tanilba Foreshore Hall 355c Committee	Tanilba Foreshore Hall is a community hall run by volunteers.	\$3500	Donation towards operating expenses.

RAPID RESPONSE

Anthony O'Donnell	Ratepayer	\$342	Donation towards a refund of a park use fee.
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COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

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

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

OPTIONS

- 1) Accept the recommendations.
- 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.

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 21/11025
EDRMS NO: A2004-0242**

QUARTERLY GRANTS UPDATE - 31 DECEMBER 2020

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

BACKGROUND

The purpose of this report is to provide Council with a quarterly update on its Grants status.

ATTACHMENTS

- 1) Quarterly Grants Status - Q2 2021.

ITEM 1 - ATTACHMENT 1 QUARTERLY GRANTS STATUS - Q2 2021.

Grants status

for the period 30 September 2020 to 31 December 2020

Grant	Section	Team	Status	Value
COVID Safe Australia Day Program	Communications	Community Development and Engagement	Successful	20,000.00
Hunter Weeds Action Program 2020-2025	Strategy and Environment	Natural Resources	Successful	647,603.00
National Australia Day Council - Australia Day Branding	Communications	Community Development and Engagement	Successful	1,000.00
Total				668,603.00

Grant	Section	Team	Status	Value
ClubGrants Infrastructure Grants 2020-21	Assets	Community and Recreation	Awaiting outcome	100,000.00
Everyone Can Play 2020-21	Assets	Community and Recreation	Awaiting outcome	75,000.00
Fixing Country Bridges Program	Assets	Civil Projects	Awaiting outcome	150,000.00
Fixing Local Roads Round 2020 21 Round 2	Assets	Civil Projects	Awaiting outcome	5,679,779.00
Total				6,004,779.00

There were no unsuccessful grants to report for the period 30 September 2020 to 31 December 2020.

ITEM NO. 2

**FILE NO: 21/25668
EDRMS NO: PSC2006-6531**

JANUARY 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 at 31 January 2021.

ATTACHMENTS

- 1) January 2021 - Cash and Investments.
- 2) January 2021 - Cash Flow.

CASH AND INVESTMENTS HELD AS AT 31 JANUARY 2021									
ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE	
TERM DEPOSITS									
MUTUAL BANK	MUTUAL BANK	NR	TD	0.95%	159	3-Feb-21	550,000	550,000	
BANK OF SYDNEY	CURVE	NR	TD	1.99%	365	18-Feb-21	750,000	750,000	
JUDO BANK	CURVE	NR	TD	2.00%	363	18-Feb-21	200,000	200,000	
AUSWIDE BANK	FARQUHARSON	BBB	TD	0.75%	168	31-Mar-21	1,000,000	1,000,000	
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	
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	
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	
DEFENDE 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 (\$)							23,325,000	23,325,000	
TCORP SHORT TERM INCOME FUND	TCORP	AAA					4,000,000	4,013,564	
TCORP MEDIUM TERM GROWTH FUND	TCORP	AAA					4,000,000	4,061,531	
TCORP LONG TERM GROWTH FUND	TCORP	AAA					2,000,000	2,031,979	
INVESTMENTS TOTAL (\$)							33,325,000	33,432,074	
CASH AT BANK (\$)							2,779,468	2,779,468	
TOTAL CASH AND INVESTMENTS (\$)							36,104,468	36,211,542	
CASH AT BANK INTEREST RATE				0.30%					
BBSW FOR PREVIOUS 3 MONTHS				0.21%					
AVG. INVESTMENT RATE OF RETURN ON TDs				0.98%					
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									

ITEM 2 - ATTACHMENT 2 JANUARY 2021 - CASH FLOW.



Cash flow analysis
31/01/2021

CASHFLOW STATEMENT

Opening Cash and Investment 1 July 2020
Closing Cash and Investment 31 January 2021
Movement in cash

YTD
31,502,431
36,659,653
5,157,222

Notes

Movement in cash represented by:

Operating Activities

Receipts from ratepayers, customers and government authorities 77,107,579
Payments to suppliers & employees (54,988,446)
Interest received 230,920
Interest paid (281,635)
Total 22,068,418

Investing Activities

Receipts from sale of Infrastructure, Property, Plant & Equipment 124,741
Payments for Property, Plant & Equipment (15,035,951)
Total (14,911,210)

Financing Activities

Payment of loans (1,999,986)
Receipt of new loans
Total (1,999,986)

Total Cash Movement

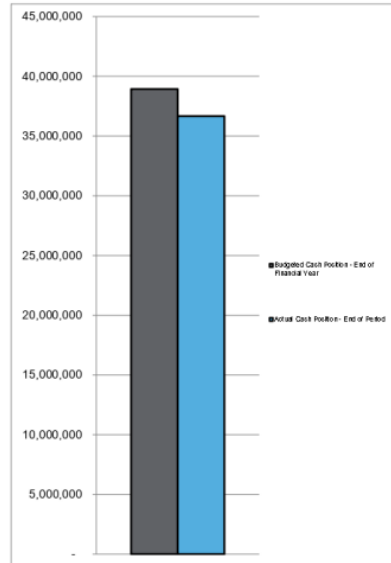
Plus: Opening Cash and Investment 1 July 2020 31,502,431
Closing Cash and Investment 31 January 2021 36,659,654

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

(2,263,691)

1

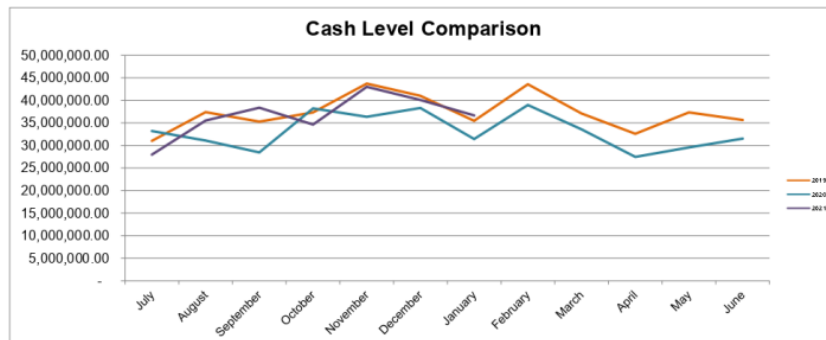


Notes

- 1 Council's cash position is down on the budgeted year end position predominately due to the following reasons:
a) Outstanding debts for the State Roads program is approx \$500k
b) Sale of commercial land is yet to be completed

Significant future cash inflows expected in next few months include various 2021 grants and 3rd quarter rates.

Significant future cash outflows expected in next few months include: Fingal Bay new amenities block, depot relocation, Birubi Point aboriginal place tourism interchange, Tomaree sports complex amenities replacement, Lakeside leisure centre heat pump replacement, smart parking signage and pods, Seabreeze estate drainage, Riverflat road realignment, Shoal Bay West amenities replacement, Seaham road pavement rehab and sundry plants.



ITEM NO. 3

**FILE NO: 21/28384
EDRMS NO: PSC2015-03017**

PETITION - PROPOSED PARKLETS AT SHOAL BAY

REPORT OF: JOHN MARETICH - ASSET SECTION MANAGER
GROUP: FACILITIES & SERVICES

BACKGROUND

The purpose of this report is to present to Council a petition containing 46 signatures regarding the proposed parklets at Shoal Bay town centre (**ATTACHMENT 1**).

The parklet project has been funded by the NSW Government through the Streets as Shared Spaces program and is designed to boost vibrancy in the streets. Vibrant streets generate positive social, economic and cultural outcomes.

The parklets expand the footpath by providing a mix of seating, tables, planting and art that creates more space for outdoor dining for nearby cafes and restaurants.

The temporary parklet implementation is designed as a trial to inform decisions on future town centre infrastructure design and investment. The parklets have been designed as temporary modular units that are not permanently fixed. An evaluation of the project will be undertaken at the completion of the trial to determine whether the parklets will remain, modified, relocated or removed.

The parklets are currently proposed to be installed in March 2021 within the town centre area on the southern side of Shoal Bay Road, occupying five 1-hour on-street parking spaces adjacent to food based business. The installation is planned to be supported by an activation program that includes performers, art displays and markets.

Engagement activities undertaken in the lead up to the project delivery include business doorstep conversations (11 businesses), email contact with businesses not open at the time (7), follow up phone meetings (2), correspondence with the Business Chamber, and business meetings (4). Responses have been largely supportive of the project. A small number of business (3 actively communicated) who are concerned about the loss of parking in the area.

ATTACHMENTS

- 1) Petition - Proposed Parklets at Shoal Bay.
- 2) Shoal Bay Parklets Image.

COUNCILLORS ROOM

- 1) Petition.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 1

PETITION - PROPOSED PARKLETS AT SHOAL BAY.

PETITION TO PORT STEPHENS COUNCIL re THE PROPOSED PARKLETS at SHOAL BAY.

Shoal Bay village is a small community that has a high percentage of older, retired folk. They depend on easy access to local shops and facilities and we, the local businesses need this accessibility all year round for our customers. The last lot of councils 'improvements' at Shoalie -- moving the bus stops and installing the pedestrian crossing has already taken 6 car parking spaces, we don't want or need to lose anymore.

These parklets, unless really well maintained and serviced, become a great roosting ground for Indian minors, the same as what has happened in Bondi Junction plaza where the parklets are now nothing but an eyesore.

Shoal Bay is a place of natural beauty, please don't spoil it.



ITEM NO. 4

**FILE NO: 21/31747
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.

The General Manager's Office has no outstanding resolutions.

ATTACHMENTS

- 1) Corporate Services Group report.
- 2) Development Services Group report.
- 3) Facilities & Services Group report.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 4 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.



Outstanding	Division: Corporate Services	Date From: 26/09/2017
	Committee:	Date To: 9/02/2021
	Officer:	
Action Sheets Report		Printed: Monday, 15 February 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
12 Feb 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
12 Feb 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
12 Feb 2021						
Waiting on Aboriginal Land Claim determination by Crown Lands.						

ITEM 4 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.



Outstanding	Division: Corporate Services	Date From: 26/09/2017
Action Sheets	Committee:	Date To: 9/02/2021
Report	Officer:	Printed: Monday, 15 February 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
12 Feb 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
12 Feb 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	30/06/2021		
2 199		Crosdale, Timothy				20/288489
12 Feb 2021						
Approved. Contracts are being prepared by HWC. Awaiting works to be finalised for survey.						

ITEM 4 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP REPORT.



Outstanding	Division: Development Services	Date From: 26/09/2017
	Committee:	Date To: 9/02/2021
Action Sheets	Officer:	Printed: Monday, 15 February 2021
Report		

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	23/03/2021		
1		Pearl, Steven				20/265439
151						
15 Feb 2021						
Revised Target Date changed From: 28 Feb 2021 To: 23 Mar 2021						
Reason: Being reported back to Council 23 March 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Gardner, Janelle	Draft Voluntary Planning Agreement - Salsands (NSW) Pty Ltd	26/03/2021		
2		Pearl, Steven				21/33235
005						
11 Feb 2021						
Revised Target Date changed From: 23 Feb 2021 To: 26 Mar 2021						
Reason: Exhibit the draft Voluntary Planning Agreement and explanatory note for a period of 28 days in accordance with the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulations 2000.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Gardner, Janelle	5G Small Cell Technology Rollout in Port Stephens	30/06/2021		
3		Pearl, Steven				21/33235
006						
11 Feb 2021						
Revised Target Date changed From: 23 Feb 2021 To: 30 Jun 2021						
Reason: Investigate opportunities to identify appropriate locations for telecommunications infrastructure on Council owned assets to minimise visual impacts. Encourage creative telecommunications infrastructure design.						



Outstanding	Division: Development Services	Date From: 26/09/2017
	Committee:	Date To: 9/02/2021
	Officer:	
Action Sheets Report		Printed: Monday, 15 February 2021

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Drinan, Kate	Caravan Parks / Manufactured Housing Estates - Notification of internal residents of alterations and additions to land lease villages	19/03/2021		
1		Peart, Steven				21/33235
011						
11 Feb 2021						
Revised Target Date changed From: 23 Feb 2021 To: 19 Mar 2021						
Reason: Amend the Community Engagement Strategy to require reasonable attempts be made to notify the relevant residents committee or equivalent in the event that a development application for alterations and additions or a modification application is received for a caravan park/manufactured housing estate.						
Place the revised Community Engagement Strategy on public exhibition for a period of 28 days and should no submissions be received, the strategy be adopted without a further report to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Gardner, Janelle	RAYMOND TERRACE CBD UPGRADE	30/06/2021		
5		Peart, Steven				21/33235
015						
11 Feb 2021						
Revised Target Date changed From: 23 Feb 2021 To: 30 Jun 2021						
Reason: It was resolved that Council:						
1) Commits to applying for \$1 million in grant funding under the NSW Public Spaces Legacy Program for the upgrade of Raymond Terrace CBD (informed by the Raymond Terrace Public Domain Plan).						
2) Commits to applying for \$350,000 from the NSW Your High Street Program for the upgrade of Raymond Terrace CBD (informed by the Raymond Terrace Public Domain Plan).						
3) Commits \$200,000 from the Federal Government Local Roads and Community Infrastructure Program for the upgrade of Raymond Terrace CBD (informed by the Raymond Terrace Public Domain Plan).						
MINUTES ORDINARY COUNCIL - 9 FEBRUARY 2021						
PORT STEPHENS COUNCIL 114						
4) Acknowledges the \$750,000 already committed from the Port Stephens 2020 Program for the upgrade of Raymond Terrace CBD (informed by the Raymond Terrace Public Domain Plan).						

ITEM 4 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 9/02/2021
	Officer:	
Action Sheets Report	Printed: Monday, 15 February 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 6 264	Ordinary Council 10/12/2019	Maretich, John Kable, Gregory	Solar Infrastructure	8/03/2021	11/12/2019	19/388450
11 Feb 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 7 265	Ordinary Council 10/12/2019	Gutsche, Tammy Kable, Gregory	GREEN WASTE DROP OFF - SALAMANDER BAY	30/06/2021	11/12/2019	19/388450
11 Feb 2021 Revised Target Date changed by: Coleman, Airlie From: 26 Mar 2021 To: 30 Jun 2021						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 4 042	Ordinary Council 25/02/2020	Lamont, Brock Kable, Gregory	Indoor Sports Facility	30/06/2021	26/02/2020	20/50488
11 Feb 2021 Current discussions with the Dept of Education about co-sharing a single facility has become not viable. Will commence engagement with Sports Council to determine the indoor sporting needs of this community. Business case development and feasibility to be developed once parameters agreed.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 1 101	Ordinary Council 9/06/2020	Stewart, Adam Kable, Gregory	Naming of Pathway, Gan Gan Road, Anna Bay	2/03/2021	10/06/2020	20/164033
11 Feb 2021 Proposals have been received from contractors, which will be presented to Central Ward Councillors in February 2021.						

ITEM 4 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 9/02/2021
	Officer:	
Action Sheets Report		Printed: Monday, 15 February 2021

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	2/03/2021		
1 138		Kable, Gregory				20/192934
11 Feb 2021 The first phase of consultation was completed in December 2020. The feedback and comments provided will inform the review recommendations to be exhibited to the community in early 2021 before the Council report is finalised.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/07/2020	Stewart, Adam	Tomaree Headland	31/03/2021		
2 139		Kable, Gregory				20/192934
11 Feb 2021 Discussions ongoing with National Parks as part of their footpath plans as well as other community groups who have a vested interest.						

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
11 Feb 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	Maretich, John	Fly Point and Little Beach Parking/SMART Parking	31/03/2021		
3		Kable, Gregory				20/391301
11 Feb 2021 Report is being prepared and will be reported back to Council in March 2021.						

ITEM 4 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 9/02/2021
	Officer:	
Action Sheets Report	Printed: Monday, 15 February 2021	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Maretich, John	Policy Review - Foreshore Vessel Storage Policy	30/04/2021		
5008		Kable, Gregory				21/33235
11 Feb 2021 Foreshore Vessel Storage Policy has been placed on public exhibition for 28 days from Thursday 11 February 2021 to Wednesday 10 March 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Maretich, John	MEDOWIE REGIONAL PLAYGROUND AND TOWN CENTRE	31/05/2021		
2012		Kable, Gregory				21/33235
11 Feb 2021 Staff will investigate and prepare a report for Council as per Notice of Motion.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Maretich, John	ROAD RESEALS ACROSS PORT STEPHENS	30/06/2021		
4014		Kable, Gregory				21/33235
11 Feb 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	Maretich, John	FERN BAY SHARED PATHWAY	31/03/2021		
7017		Kable, Gregory				21/33235
12 Feb 2021 Staff will start the process to apply for developer contributions.						

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 21/34649

EDRMS NO: PSC2017-00019

WILLIAMTOWN SAP

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Expresses its concern about locals in the Williamtown area becoming stressed out at the potential for compulsory land acquisitions as a result of the Williamtown Special Activation Precinct (SAP).
 - 2) Notes its strong support for the rights and needs of people in the Williamtown area, who have been negatively impacted by living in the red zone created following PFAS contamination thanks to RAAF Base Williamtown.
 - 3) Writes to the NSW Premier, asking for an outline of whether any compulsory land acquisitions will occur within the Williamtown SAP, and noting our concern about the prospect of compulsory acquisitions for people who have been through years of uncertainty and confusion at the hands of Government.
-

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

BACKGROUND

The Williamtown Special Activation Precinct (Williamtown SAP) is one of five special activation precincts declared in NSW as part of a NSW Government initiative to create more jobs and drive investment. The Williamtown SAP is positioned to be Australia's leading national and international defence, aeronautics and aerospace hub, and has the potential to deliver substantial employment and ancillary benefits to the Port Stephens Local Government Area and broader region. Early estimates are the precinct could create up to 4,300 jobs in the region.

The SAP Program is led by the Department of Regional NSW, planned by the NSW Department of Planning, Industry and Environment and delivered by the Regional Growth NSW Development Corporation, with input from Council as a key stakeholder.

Williamtown SAP investigations currently cover more than 10,000 hectares of land within the Port Stephens Local Government Area. Extensive areas of land subject to Williamtown SAP Investigations are also located within the NSW Environmental

Protection Agency Williamstown Management Area for Per- and Polyfluoroalkyl Substances (PFAS).

Initial investigations and studies are currently being undertaken by agencies to inform the SAP boundary and draft master plan, which is expected to go on public exhibition for comments and feedback in the second half of 2021. It will include a refined proposed boundary for the precinct, land uses and potential acquisition needs.

The State government has provided fact sheets and information to the community describing how any land to be acquired will be informed by technical studies and the draft master plan process. The Regional Growth NSW Development Corporation will undertake any required acquisitions in accordance with the Land Acquisition (Just Terms Compensation Act 1991 (the Just Terms Act), which sets out legislative requirements to ensure a fair process for compensation in the event of land acquisition by an authority of the State.

At this stage, Council has not received any notification of any proposed land acquisitions by the State government.

Council has previously made representations to both the State and Federal governments on behalf of landowners and businesses affected by PFAS and continues to advocate for the community on this issue.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 2

FILE NO: 21/35996

EDRMS NO: PSC2017-00019

PURCHASE OF PROPERTY AT SHOAL BAY

COUNCILLOR: GLEN DUNKLEY

THAT COUNCIL:

- 1) Investigates the potential purchase of the property at 12 Bullecourt Street, Shoal Bay and 14 Messines Street, Shoal Bay (Lots 8 and 9 of SEC: B DP 9686) to be funded from the Property Reserve.
-

**BACKGROUND REPORT OF: TIM CROSDALE – ACTING GROUP MANAGER
CORPORATE SERVICES**

BACKGROUND

The land legally identified as Lots 8 and 9 of SEC: B, DP9686 - 12 Bullecourt Street, Shoal Bay and 14 Messines Street, Shoal Bay is privately owned land. A locality plan is provided at **(ATTACHMENT 1)**.

The subject lots are currently being offered to the market via an Expression of Interest.

The subject lots are undeveloped and cleared of significant vegetation, providing a potential linkage from Bullecourt Street to Messines Street. 12 Bullecourt Street, Shoal Bay is zoned B2 Local Centre. 14 Messines Street, Shoal Bay is zoned R3 Medium Density Residential and adjoins 12 Bullecourt Street, Shoal Bay from the north.

There are a large range of potential residential and commercial uses permitted with consent in the B2 Local Centre and R3 Medium Density Residential zone under the Port Stephens Local Environmental Plan 2013.

A development application for commercial and urban housing (14 Units) has been approved for the subject lots. The approved development encompasses a 5 storey residential flat building fronting Bullecourt Street and a dual occupancy development fronting Messines Street.

Further investigations as required by this Notice of Motion will be completed under Council's Property Investment and Development Policy and Acquisition and Divestment of Land Policy.

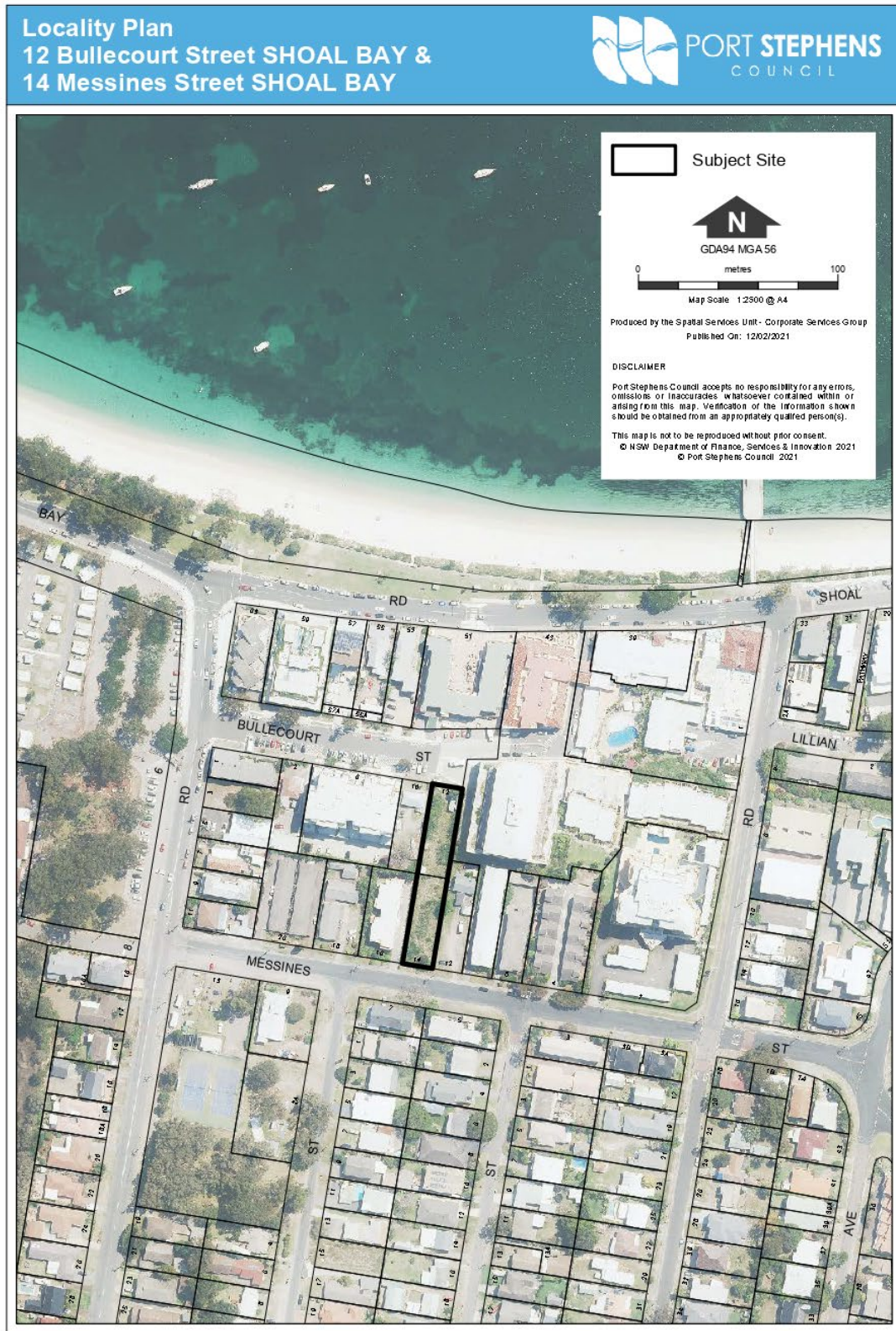
Specifically, the investigation will consider the feasibility of the potential purchase in consideration of development constraints, opportunities, estimated costs to develop this site for a range of options, and capacity of the Property Reserve, which will form part of a report for consideration at a future Council meeting.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

- 1) Locality Plan.



NOTICE OF MOTION

ITEM NO. 3

FILE NO: 21/37017

EDRMS NO: PSC2017-00019

RAYMOND TERRACE PUBLIC DOMAIN PLAN

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Borrows \$5 million over a maximum of 10 years to fund the beginning of the Raymond Terrace Public Domain Plan.
 - 2) Repays the loan from the SMART Parking revenue collected in Nelson Bay.
-

**BACKGROUND REPORT OF: TIM CROSDALE - ACTING GROUP MANAGER
CORPORATE SERVICES**

BACKGROUND

The Raymond Terrace Public Domain Plan (PDP) responds to community priorities to deliver a 20 year vision for the Raymond Terrace Central Business District that supports positive economic, social and environmental outcomes. Projects in the Raymond Terrace PDP prioritise people and opportunities with a focus on connectivity, public spaces and place activation.

The Raymond Terrace PDP identifies 6 key precincts for improvement: William Street, King Street, Terrace Central, the Hunter River foreshore, Adelaide Street, and a new civic space to be created near the Raymond Terrace Library.

Underpinning the PDP are a number of funding strategies to enable the actions identified in the PDP to be implemented. These include funding allocated from Council's Port Stephens 2020 projects, secured and proposed grant funding and also through developer contributions.

SMART parking was installed in the Nelson Bay Town Centre in late 2020 in conjunction with the first tranche of public domain works centred on traffic flows. Council's resolution at its meeting held on 10 December 2019 (**ATTACHMENT 1**) provides guidance for the roll out of the SMART parking program, which includes (in part) to invest the funds raised from SMART Parking back into the precinct where the funds are collected.

ORDINARY COUNCIL - 23 FEBRUARY 2021

In accordance with this resolution, a reserve is established to manage funding collected from SMART Parking in Nelson Bay for works to be undertaken in the Nelson Bay Town Centre.

At its meeting held on 9 February 2021, Council resolved to borrow \$5 million for Nelson Bay public domain works to be funded from Nelson Bay SMART Parking revenue (**ATTACHMENT 2**). This resolution will utilise projected Nelson Bay SMART Parking revenue for an estimated 10 year period.

Based on Council's previous resolutions, the funding source identified by this Notice of Motion is not currently available for this period of time nor can it be expended in the manner proposed.

Should Council resolve to support this motion, the General Manager will provide a further report detailing the necessary actions required to act upon its resolution.

Notwithstanding the above resolutions, in relation to the borrowing of funds, whilst SMART Parking infrastructure has only been installed for a short period of time, it has been estimated that sufficient cash could be generated to service loan funds of \$5 million over a 10 year period.

It is noted that the revenue from the current financial year has already been allocated to the current installation of SMART Parking and traffic flow works in Nelson Bay. To ensure adequate cash flow, it will be necessary to ensure collection of parking revenue for a longer period of time, meaning that any consideration of loan funding would have to be made in the 2021/2022 financial year.

While the anticipated cash flow is predicted to be sufficient to fund loan repayments, the resultant interest repayments will have a negative impact on the underlying result for each year. For a loan of \$5 million over 10 years at current indicative rates, this is anticipated to add around \$100k to Council's interest repayments and subsequently reduce the underlying result.

This additional interest repayment cost needs to be factored into the Long Term Financial Plan (LTFP) which is currently being formulated for Council's consideration.

While it is reasonable to suggest that the interest repayments could be accommodated within existing parameters, the LTFP will be considered by Council in the coming months and further details would be available at that time.

FINANCIAL/RESOURCE IMPLICATIONS

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

ORDINARY COUNCIL - 23 FEBRUARY 2021

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

ATTACHMENTS

- 1) Council Minutes - 10 December 2019.
- 2) Council Minutes - 9 February 2021.

MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019**NOTICE OF MOTION****ITEM NO. 3****FILE NO: 19/378259
EDRMS NO: PSC2017-00019****SMART PARKING****MAYOR: RYAN PALMER****THAT COUNCIL:**

- 1) Investigate the installation of SMART Parking at Birubi Headland and Shoal Bay CBD Precinct/Foreshore.
- 2) Continue community consultation in Nelson Bay around the installation of SMART Parking.
- 3) All SMART Parking in Port Stephens be free for residents, rate payers and employees of local businesses. Time based restrictions to apply.
- 4) Invest the funds raised from SMART Parking back into the precinct where the funds are collected.
- 5) Invest the funds into the following projects (but not limited to) – public domain, improved/increased car parking, place activation, marketing and advertising, landscaping etc.
- 6) Each precinct shall have its own reserve to managing funding.

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

261	Mayor Ryan Palmer Councillor Glen Dunkley It was resolved that Council: <ol style="list-style-type: none">1) Investigate the installation of SMART Parking at Birubi Headland and Shoal Bay CBD Precinct/Foreshore.2) Continue community consultation in Nelson Bay around the installation of SMART Parking.3) All SMART Parking in Port Stephens be free for residents, rate payers and employees of local businesses. Time based restrictions to apply.4) Invest the funds raised from SMART Parking back into the precinct where the funds are collected.5) Invest the funds into the following projects (but not limited to) – public domain, improved/increased car parking, place activation, marketing and advertising, landscaping etc.
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MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019

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|--|
| 6) Each precinct shall have its own reserve to manage funding. |
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BACKGROUND REPORT OF: JOHN MARETICH – ASSET SECTION MANAGER**BACKGROUND**

Smart parking schemes help to influence transport mode choice and prioritise efficient travel in areas where there is a high demand for parking on roads and road related areas. Generally, smart parking schemes are intended primarily:

- a. to ensure both safety and traffic efficiency within the overall context of travel demand management and the management of traffic on the road system
- b. to provide equitable access to parking spaces through increased parking turnover in areas where demand for parking exceeds the available parking spaces
- c. to help manage the competition between short-medium term parking and all day parking
- d. to ensure that any parking demand strategy is consistent with any land transport strategy for the area, and to support and complement the transport objectives, especially public and active transport, rather than working against them
- e. to enable revenue capture to ensure establishment and administration of the scheme and the provision of infrastructure.

Roads & Maritime Services (RMS) concurrence must be sought for the implementation of a smart parking scheme. This is because parking signs, meters/machines and certain pavement marking are prescribed traffic control devices and therefore must go through the Local Traffic Committee before they can be installed. A review of the regulations and RMS guidelines confirm that Council may introduce a concurrent permit parking scheme which would allow permit holders to park without charge and/or time restrictions in relevant pay parking spaces.

The proposed smart parking scheme is supported by the Nelson Bay Strategy/Progressing the Nelson Bay Town Centre and Foreshore Strategy: A revised implementation and delivery program through recommendations of the Citizens Parking Panel. Additionally, the technical Traffic and Parking Studies parking studies and community consultation recommendations 9 and 15 - Parking in Nelson Bay: Engagement Report (AKA Independent Citizens Parking Panel Report).

9. Rationalise parking limits and times, with:

- a. a review of the different time zones (eg 5, 10, 15 minute parking zones) and of their location
- b. paid parking in certain areas/car parks
- c. permits/times for locals.

MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019**15. Investigate 'smart parking' opportunities, including but not limited to the following:**

- a. Signage to include count of available spaces and direction/distance to
- b. Cameras linked to signage to identify and direct to available spaces
- c. Plate recognition to identify parking users, generate data, but also enable remote payment ie users (potentially only non-locals) are identified by a sensor as they enter the CBD and start paying a fee after a given number of hours (or straightaway depending on the time of the year)
- d. Technology linked to smartphones via applications
- e. Use Artificial Intelligence (drone parking).

Recommendations P3 and P5 in the Nelson Bay Traffic and Parking Study Update:

- P3 – Improve town centre off-street parking facilities
- P5 – Expand paid parking coverage.

The Birubi Headland and Shoal Bay CBD precinct/foreshore area will need further investigation to be reported back to Council.

ATTACHMENTS

Nil.

MINUTES ORDINARY COUNCIL - 9 FEBRUARY 2021**NOTICE OF MOTION****ITEM NO. 3****FILE NO: 21/17503****EDRMS NO: PSC2017-00019****NELSON BAY PUBLIC DOMAIN AND CAR PARKING****COUNCILLOR: RYAN PALMER****THAT COUNCIL:**

- 1) Borrows \$5 million over a maximum of 10 years to fund the beginning of the Nelson Bay Public Domain Plan and fund the construction of a new car park in Nelson Bay.
- 2) Repays the loan from the SMART Parking revenue collected in Nelson Bay.
- 3) Continues additional capital works, maintenance and marketing in Nelson Bay with the remaining SMART Parking revenue.

**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2021
MOTION**

013	Mayor Ryan Palmer Councillor Glen Dunkley It was resolved that Council: <ol style="list-style-type: none">1) Borrows \$5 million over a maximum of 10 years to fund the beginning of the Nelson Bay Public Domain Plan and fund the construction of a new car park in Nelson Bay.2) Repays the loan from the SMART Parking revenue collected in Nelson Bay.3) Continues additional capital works, maintenance and marketing in Nelson Bay with the remaining SMART Parking revenue.4) Continues Community Consultation regarding the allocating of the \$5 million loan in relation to:<ol style="list-style-type: none">i) Stages of the Public Domain Planii) Additional car parking
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Councillor Paul Le Mottee left the meeting at 6:40pm prior to voting on Item 3.
Councillor Paul Le Mottee returned to the meeting at 6:45pm prior to voting on Item 3.

The motion was carried.

MINUTES ORDINARY COUNCIL - 9 FEBRUARY 2021**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2021
AMENDMENT**

	<p>Councillor Giacomo Arnott</p> <p>That Council receives a full Council report outlining:</p> <ol style="list-style-type: none">1) The financial feasibility of borrowing \$5million over a maximum of 10 years.2) Precisely where a \$5million bucket of money would be spent on the Nelson Bay Public Domain Plan and car parking in the Nelson Bay CBD.3) A full breakdown of smart parking receipts to date, including trends and predictions going forward.4) What might need to be sacrificed in the ordinary budget if the SMART Parking program is unable to 100% cover the costs of this loan.
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The amendment lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 9 FEBRUARY 2021
AMENDMENT**

	<p>Councillor Giacomo Arnott</p> <p>That Council:</p> <ol style="list-style-type: none">1) Acknowledges the precarious financial situation it is in since the COVID-19 pandemic began.2) Agrees that Council being financially stable is exceedingly important while Council and the community works through its recovery from COVID-19.3) Supports the Nelson Bay Public Domain Plan and a carpark being constructed in the Nelson Bay CBD.4) Investigates grant funding and developer contributions that might be able to assist with these projects.
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The amendment lapsed without a seconder.

MINUTES ORDINARY COUNCIL - 9 FEBRUARY 2021**BACKGROUND REPORT OF: TIM HAZELL – FINANCIAL SERVICES SECTION MANAGER****BACKGROUND**

The issue of paid car parking in the Nelson Bay town centre has been ongoing for some time. This resulted in a comprehensive program of works being set forward to implement SMART Parking within the Nelson Bay town centre, utilising the funding generated from this parking to further fund significant improvements to the precinct. This program will deliver on a range of projects over the short, medium and long term that includes road upgrades and traffic redirection, increased parking spaces, public domain upgrades and marketing of the town centre.

SMART Parking was installed in late 2020 in conjunction with the first tranche of public domain works centred on traffic flows. While the SMART Parking infrastructure has only been installed for a little over a month, it is difficult to predict with any certainty the additional revenue that may be generated from this initiative. Modelling over a number of years has been necessarily conservative and will be updated when further actual data is collected.

That said, it has been estimated that sufficient cash could be generated to service additional loan funds to accelerate the works program previously identified. While these works were scheduled to be completed over an approximate 10 year period, they could be considered for earlier completion pending resource allocation stemming from the current Strategic Asset Management Plan.

The timing of this accelerated program would need to be carefully considered, pending actual data on revenue collections. It is noted that the revenue from the current financial year has already been allocated to the current installation of SMART Parking and traffic flow works. To ensure adequate cash flow, it will be necessary to ensure collection of parking revenue for a longer period of time, meaning that any consideration of loan funding would have to be made in the 2021/2022 financial year.

While the anticipated cash flow is predicted to be sufficient to fund loan repayments, the resultant interest repayments will have a negative impact on the underlying result for each year. For a loan of \$5 million over 10 years at current indicative rates, this is anticipated to add around \$100k to Council's interest repayments and subsequently reduce the underlying result.

This additional interest repayment cost needs to be factored into the Long Term Financial Plan (LTFP) which is currently being formulated for Council's consideration. While it is reasonable to suggest that the interest repayments could be accommodated within existing parameters, the LTFP will be considered by Council in the coming months and further details would be available at that time.

MINUTES ORDINARY COUNCIL - 9 FEBRUARY 2021**FINANCIAL/RESOURCE IMPLICATIONS**

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	550,000 per annum	Loan funding requirements to come from Nelson Bay parking reserve.
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.