

**DRAFT**

## MINUTES – 14 FEBRUARY 2017



# PORT STEPHENS

## C O U N C I L

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 14 February 2017, commencing at 5.30pm.

**PRESENT:**

Mayor B MacKenzie, Councillors G. Dingle, C. Dohan, S. Dover, K. Jordan, P. Kafer, P. Le Mottee, J Nell, S. Tucker, General Manager, Corporate Services Group Manager, Facilities and Services Group Manager, Development Services Group Manager and Governance Manager.

<b>001</b>	<b>Councillor Ken Jordan</b> <b>Councillor Steve Tucker</b>
	It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 13 December 2016 be confirmed.

**MINUTES ORDINARY COUNCIL - 14 FEBRUARY 2017**

**ORDINARY COUNCIL MEETING - 14 FEBRUARY 2017  
MOTION**

<b>002</b>	<b>Councillor Ken Jordan</b> <b>Councillor John Nell</b>  It was resolved that the apology from Cr John Morello be received and noted.
------------	---

	There were no Declaration of Interest received.
--	---

# INDEX

**SUBJECT** **PAGE NO**

---

**MOTIONS TO CLOSE ..... 5**

1. MOTION TO CLOSE.....6

**COUNCIL REPORTS..... 8**

1. DEVELOPMENT APPLICATION 16-2016-679-1 FOR MULTI DWELLING HOUSING (8 X TWO STOREY UNITS) AND ASSOCIATED STRATA SUBDIVISION AT 14 BAGNALL AVENUE, SALAMANDER BAY (LOT 1 DP1101679) .....9
2. SECTION 96 APPLICATION TO MODIFY DETERMINATION NO. 16-2016-138-1 FOR A SINGLE STOREY DWELLING AT NO. 50 REFLECTIONS DRIVE, ONE MILE .....38
3. DOG NOISE POLICY .....45
4. COMPULSORY ACQUISITION OF LOT 2 DP 1225747, CORNER OF SHOAL BAY ROAD & GOVERNMENT ROAD, SHOAL BAY FOR ROAD WIDENING PURPOSES.....60
5. RELATED PARTY DISCLOSURE POLICY .....67
6. QUARTERLY BUDGET REVIEW AS AT 31 DECEMBER 2016.....79
7. SIX-MONTHLY REPORT JULY - DECEMBER 2016.....100
8. 2017 LGNSW TOURISM CONFERENCE - TAREE 12-14 MARCH 2017 .....122
9. INFORMATION PAPERS .....130

**INFORMATION PAPERS ..... 132**

1. CASH AND INVESTMENTS HELD AS AT 30 NOVEMBER 2016 .....133
2. CASH AND INVESTMENTS HELD AS AT 31 DECEMBER 2016 .....137
3. PETITION - FUNDING FOR EXPANSION OF MALLABULA SKATE PARK .....141
4. PETITION - COMPLETE SEALING OF HOLDOM ROAD, KARUAH .....147
5. DESIGNATED PERSONS' RETURN.....150

**NOTICES OF MOTION ..... 151**

1. DEVELOPMENT APPLICATIONS IN FLOOD AFFECTED AREA.....152
2. EXPRESSION OF INTEREST FOR THE "GATEWAY" SITE AT RAYMOND TERRACE.....154
3. INFRASTRUCTURE PROJECTS FUNDING.....157
4. ESTABLISHMENT OF A PROPERTY ADVISORY COMMITTEE .....160
5. MAYORAL FUND ALLOCATION .....162
6. REVIEW OF BUSHFIRE MAPS IN THE PORT STEPHENS LOCAL GOVERNMENT AREA.....164

**MINUTES ORDINARY COUNCIL - 14 FEBRUARY 2017**

7.	NOTIFICATION OF REZONING APPLICATIONS OR SUBDIVISION DEVELOPMENT APPLICATIONS .....	184
8.	PERMANENT MEMORIAL FOR RETURN SOLIDERS FROM WW1 - BOOMERANG PARK, RAYMOND TERRACE .....	187
9.	FEES AND CHARGES - FOOTWAY DINING LICENCES .....	189
10.	REVIEW OF ENVIRONMENTAL FACTORS .....	194
11.	INVESTIGATE ALTERNATIVE WAYS OF PUMPING WATER OUT OF CAMPVALE DRAIN .....	196
12.	MERGER PROPOSAL: PORT STEPHENS COUNCIL AND DUNGOG SHIRE COUNCIL .....	198
13.	YACAABA STREET TO VICTORIA PARADE ROAD CONSTRUCTION - FUNDING OPTIONS.....	201
14.	REPLACEMENT OF THE FOOTBALL (SOCCER) AND TOUCH FOOTBALL AMENITIES BUILDING AT THE TOMAREE SPORTS COMPLEX.....	205
15.	FINGAL BAY ROCK POOL.....	208
16.	SPLASH PAD - BOOMERANG PARK, RAYMOND TERRACE.....	213
17.	PETANQUE RINK IN BOOMERANG PARK, RAYMOND TERRACE.....	215
18.	INVESTIGATE FINANCIAL ASSISTANCE FOR BUSINESS OWNERS IN RAYMOND TERRACE .....	217

**CONFIDENTIAL ..... 219**

1.	CODE OF CONDUCT .....	220
----	-----------------------	-----

# MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: 17/14873  
RM8 REF NO: PSC2015-01018

**MOTION TO CLOSE**

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

---

**RECOMMENDATION:**

- 1) That pursuant to section 10A(2) (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 **CODE OF CONDUCT**.
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
  - alleged contraventions of any code of conduct requirements applicable under section 440.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

---

**ORDINARY COUNCIL MEETING - 14 FEBRUARY 2017**  
**MOTION**

<b>003</b>	<p><b>Councillor Chris Doohan</b> <b>Councillor Steve Tucker</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) That pursuant to section 10A(2) (i) of the <i>Local Government Act 1993</i>, 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 <b>CODE OF CONDUCT</b>.</li><li>2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:<ul style="list-style-type: none"><li>• alleged contraventions of any code of conduct requirements applicable under section 440.</li></ul></li><li>3) That the report remain confidential and the minute be released in accordance with Council's resolution.</li></ol>
------------	--

**ORDINARY COUNCIL MEETING - 14 FEBRUARY 2017  
MOTION**

<b>004</b>	<p><b>Mayor Bruce MacKenzie</b> <b>Councillor Ken Jordan</b></p> <p>Called for a division.</p> <p>Those for the Motion: Mayor Bruce MacKenzie, Crs Paul Le Mottee, Ken Jordan, Chris Doohan and Sally Dover.</p> <p>Those against the Motion: Crs Peter Kafer, Steve Tucker, Geoff Dingle and John Nell.</p>
------------	--

# COUNCIL REPORTS



**ITEM NO. 1**

**FILE NO: 16/477157  
RM8 REF NO: 16-2016-679-1**

**DEVELOPMENT APPLICATION 16-2016-679-1 FOR MULTI DWELLING HOUSING (8 X TWO STOREY UNITS) AND ASSOCIATED STRATA SUBDIVISION AT 14 BAGNALL AVENUE, SALAMANDER BAY (LOT 1 DP1101679)**

REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSMENT AND COMPLIANCE SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application 16-2016-679-1 for multi dwelling housing (8 x two storey units) and associated strata subdivision at 14 Bagnall Avenue, Salamander Bay (Lot 1 DP1101679) subject to the conditions contained in **(ATTACHMENT 3)**.

---

Councillor Peter Kafer left the meeting at 05:42pm, prior to voting in Committee of the Whole, and did not return for the remainder of the meeting.

**ORDINARY COUNCIL MEETING - 14 FEBRUARY 2017  
MOTION**

<b>005</b>	<b>Mayor Bruce MacKenzie Councillor Chris Doohan</b>  It was resolved that Council move into Committee of the Whole.
------------	--

**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Sally Dover Councillor Steve Tucker</b>  That the recommendation be adopted.
--	--

In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 14 FEBRUARY 2017  
MOTION**

<b>006</b>	<p><b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b></p> <p>It was resolved that Council approve Development Application 16-2016-679-1 for multi dwelling housing (8 x two storey units) and associated strata subdivision at 14 Bagnall Avenue, Salamander Bay (Lot 1 DP1101679) subject to the conditions contained in <b>(ATTACHMENT 3)</b>.</p>
------------	---

In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Nil.

**BACKGROUND**

The purpose of this report is to present to Council for determination development application (DA) 16-2016-679-1 for the construction of eight (8) x two storey units and associated strata subdivision.

The DA has been reported to the elected Council given Council is the owner of the site. The assessment of the proposal has been peer reviewed by an external town planning consultant who has concurred with the assessment and recommendations.

Proposal

The application proposes the construction of eight (8) x two storey units and associated strata subdivision.

The dwellings are similar in design, with:

- Living areas and garages on the ground level; and
- Three (3) bedrooms and rumpus room on the upper level.

Units 1 to 2 (Block A) and units 3 to 5 (Block B) are located along the northern boundary and are oriented to the north to maximise solar access to the open space and living areas. Units 6 to 8 (Block C) are located towards the south-western corner of the site. These units have been provided with open space to the north and south, with the main pedestrian access provided from Bagnall Avenue.

Each dwelling has been provided with a double garage and three visitor parking spaces have been provided at the entrance to the site.

Vehicle access is provided via a new access crossing from Bagnall Avenue that connects to an internal driveway. The access is located central to the site.

### Key Issues

The application has been considered against the requirements of the *Port Stephens Local Environmental Plan 2013*, Port Stephens Development Control Plan 2014 (The DCP), and other relevant legislation. The key matters considered in the development have been summarised below:

- 1) **Internal access** – The application was referred to Council's Development Engineering section for assessment. During the assessment concerns were raised regarding the vehicular access to the proposed garages.

The applicant provided additional comment on the access issues. The Development Engineering section was satisfied that the amended information addressed the concerns above and supported the proposal, subject to conditions of consent.

- 2) **Solar access to private open space** – The DCP requires a minimum of two hours sunlight to the principle private open space area between the hours of 9am-3pm midwinter.

Concerns were raised during the assessment regarding the solar access received by units 6, 7 and 8.

The applicant provided detailed shadow diagrams showing the solar access received by the open space areas to the north of the affected units. The shadow diagrams show that unit 7 receives four hours of solar access between 9.35am and 1.35pm and unit 8 will receive at least two hours of solar access between 9.35am and 11.35am.

- 3) **Solar access minor variation** - It is Council's opinion that the open space area associated with unit 6 will not receive sufficient solar access to comply with the DCP as direct sunlight within the courtyard is only available for a short period in the morning. The non-compliance of one unit represents a minor non-compliance when considered in the context of the larger development.

It is noted that Clause 79(3A) provides for alternative solutions to be proposed in achieving the objectives of the DCP requirements. With this in mind, it is considered that the traditional manner in measuring solar access does not provide a full understanding of the liveability of open space areas. The Apartment Design Guide (ADG), although not specifically applicable to the proposal, measures solar access 1m above floor level. This reflects the amount

of solar access residents will receive when sitting within the courtyards or balconies, as opposed to the solar access at ground level. If this principle is used, the open space area allocated to unit 6 receives at least four hours of direct sunlight. This is demonstrated in the additional shadow modelling provided by the applicant.

It is considered that the non-compliance is both acceptable and appropriate in this instance.

- 4) **Clothes drying areas in front of building line** – The DCP requires clothes drying areas are to be provided behind the building line or setback.

The clothes drying areas associated with units 6, 7 and 8 were originally located along the Bagnall Avenue frontage. The design was amended to relocate the clothes drying area of unit 8 to the side setback.

The clothes drying areas of units 6 and 7 are still located in front of the building line. To limit the impact on the streetscape, the applicant provided a high level of landscaping and a 1.5m high fence to screen these structures from the view of passing pedestrians and motorists.

It is considered that the location of the clothes drying areas in the road frontage is acceptable in this instance.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</b>
Sustainable Development.	Provide Strategic Land Use Planning Services. Provide Development Assessment and Building Certification Services.

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no anticipated financial or resource implications as a result of the proposed development.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		
Reserve Funds	No		
Section 94	Yes		Section 94 applies to the development.
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

The development application is consistent with Section 79C of the *Environmental Planning and Assessment Act 1979*.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that a third party or the applicant may appeal the determination.	Low	Approve the application as recommended. The assessment carried out details the merits of the proposed development.	Yes
There is a risk that if the application is refused the ability to provide new residential accommodation will not be realised.	Low	Approve the application as recommended.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The proposed development is anticipated to generate viable employment and economic activity through both the construction of the development and occupation by additional residents. The development is consistent with surrounding developments and is in keeping with the residential context of the locality.

The development also includes appropriate stormwater management systems and acceptable access arrangements to Bagnall Avenue.

The development is not anticipated to have significant adverse impacts on the locality, surrounding properties or public places.

A detailed assessment of the proposed development has been carried out against the requirements of the *Environmental Planning and Assessment Act 1979* and has been included as **(ATTACHMENT 2)** to this report.

**MERGER PROPOSAL IMPLICATIONS**

There are no known merger proposal implications.

## **CONSULTATION**

Consultation with key stakeholders has been undertaken, including through the public notification and advertising process.

### Internal

The application was referred to Councils Development Engineer, Building Surveyor and Section 94 Officer. Each internal staff member assessed the relevant portion of the original application and where necessary requested additional information.

Following receipt of amended plans and additional information, the application was referred back to the internal staff members for review. No objections were raised by any internal staff to the amended design and relevant conditions have been incorporated into the Schedule of Conditions provided at **(ATTACHMENT 3)**.

### External

The application was referred to the Rural Fire Service (RFS) as integrated development under Section 100B of the *Rural Fires Act 1997*. The RFS agreed with the findings of the Bushfire Threat Assessment (BTA) and issued their general terms of approval (GTAs).

### Public Consultation

The application was publicly notified and advertised for a period of fourteen (14) days. No submissions were received during this period.

### Conclusion

The proposed development is considered to suitably address the requirements of the relevant legislation. Mitigation measures proposed in the application, in addition to the proposed conditions of consent are anticipated to adequately address any potential impacts of the development.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Locality Plan - 14 Bagnall Avenue, Salamander Bay.
- 2) Planning Assessment Report.
- 3) Development Consent.

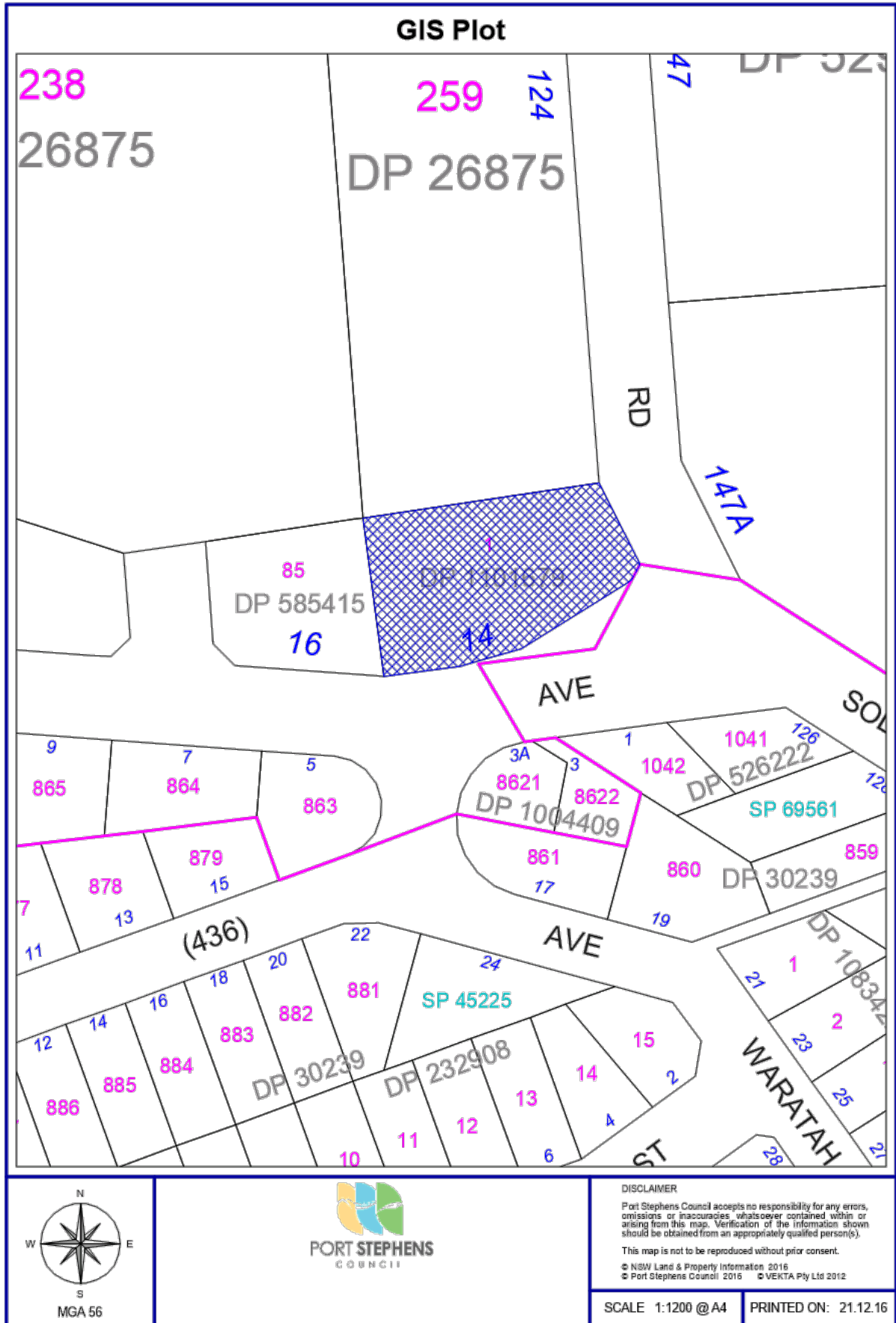
**COUNCILLORS ROOM**

- 1) Development Plans – provided under separate cover.

**TABLED DOCUMENTS**

Nil.

ITEM 1 - ATTACHMENT 1 LOCALITY PLAN - 14 BAGNALL AVENUE, SALAMANDER BAY.



116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 4980255 Fax: (02) 49872612 Email: council@portstephens.nsw.gov.au



 **PORT STEPHENS COUNCIL** **DEVELOPMENT ASSESSMENT REPORT**

**APPLICATION DETAILS**

<b>Application Number</b>	16-2016-679-1
<b>Development Description</b>	Multi-Dwelling Housing (8 Two Storey Units) and Associated Strata Title Subdivision
<b>Applicant</b>	ENVIRONMENTAL PROPERTY SERVICES
<b>Date of Lodgement</b>	06/10/2016
<b>Value of Works</b>	\$2,955,000.00

**Development Proposal**

The application proposes the construction of eight (8) x two-storey units and associated strata subdivision.

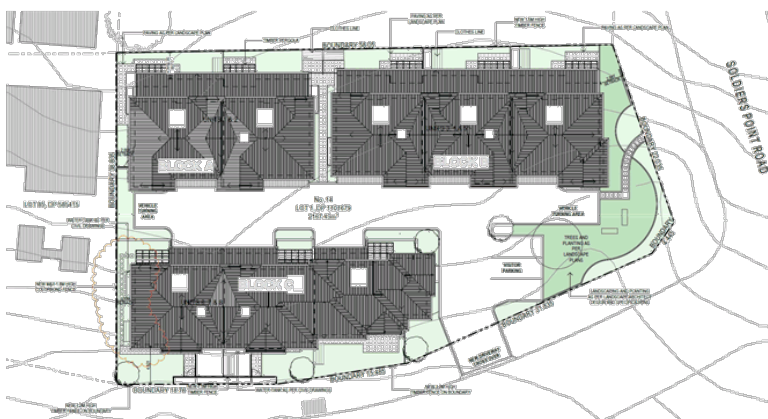
The dwellings are similar in design, with:

- living areas and garages on the ground level; and
- three (3) bedrooms and rumpus room on the upper level.

Units 1 to 2 (Block A) and Units 3 to 5 (Block B) are located along the northern boundary and are oriented to the north to maximise solar access to the open space and living areas. Units 6 to 8 (Block C) are located towards the south-western corner of the site. These units have been provided with open space to the north and south, with the main pedestrian access provided from Bagnall Avenue.

Each dwelling has been provided with a double garage. Three (3) visitors' parking spaces have been provided at the entrance to the site.

Vehicle access is provided via a new access crossing from Bagnall Avenue that connects to an internal driveway. The access is located central to the site.



**Figure 1 – Site Plan**

PROPERTY DETAILS	
<b>Property Address</b>	14 Bagnall Avenue SOLDIERS POINT
<b>Lot and DP</b>	LOT: 1 DP: 1101679
<b>Current Use</b>	VACANT
<b>Zoning</b>	R2 LOW DENSITY RESIDENTIAL
<b>Site Constraints</b>	Acid sulfate soils – Class 4 and 5 Bushfire Prone



**Figure 2 – Aerial of the locality**

**Site Description**

The subject site is located to the northwest of the intersection between Bagnall Avenue and Soldiers Point Road in Soldiers Point. The site is generally flat with a minor slope towards the north, is clear of vegetation and measures approximately 2,167.45m<sup>2</sup> in size.

A bus shelter is located along the Bagnall Avenue frontage. An existing vehicle crossing was previously constructed in the south-western corner of the site.

**Surrounding Development**

The site is located approximately 5km north of the Salamander Bay Shopping Centre and 30km east of the Raymond Terrace town centre.

Development immediately adjacent to the site includes a multi-dwelling residential development in its final stages of construction to the west, a Council owned public reserve to the north and low-density residential development across Bagnall Avenue to the south. The land to the east, opposite Soldiers Point Road, contains a large stand of vegetation. The BIG4 Soldiers Point Holiday Park is located north-west of the site.

**Site History**

A development application (16-2006-837-1) was approved for a six (6) unit development in 2006. The approved development involved the construction of four (4) two storey buildings. Each dwelling included three (3) bedroom, living areas and garages.

**Site Inspection**

A site inspection was carried out on 13 October 2016.

The subject site can be seen in figure 2 above and figures 3 to 5 below:



**Figure 3 – View of site from the north-eastern corner**



**Figure 4 – View of the adjoining development to the west of the site at 16 Bagnall Avenue**



**Figure 5** – View of the adjoining development to the south of the site at 1, 3 & 3A Bagnall Avenue, and 126 Soldiers Point Road

**ASSESSMENT SUMMARY**

<b>Designated Development</b>	The application is not designated development
<b>Integrated Development</b>	The application does require additional approvals listed under s.91 of the EP&A Act
<b>Concurrence</b>	The application does not require the concurrence of another body

**Internal Referrals**

The proposed development was referred to the following internal specialist staff. The comments of the listed staff have been used to carry out the assessment against the S79C Matters for Consideration below.

Development Engineer – The application was referred to Council's Development Engineering section for assessment. During the assessment some issues were identified requiring further clarification, including details and modelling of stormwater flows and clarification of vehicular access to garages.

The applicant amended the engineering design/modelling and provided additional comment on the access issues.

The Development Engineering section made no further objections and provided conditions of consent.

Building Surveyor – The application was referred to Council's Building Surveying section for assessment. No objections were raised and conditions of consent were provided.

Development Contributions Officer - The proposed development is required to be levied. A condition of consent has been attached to reflect this requirement.

**External Referrals**

The proposed development was referred to the following external agencies for comment.

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

16-2016-679-1

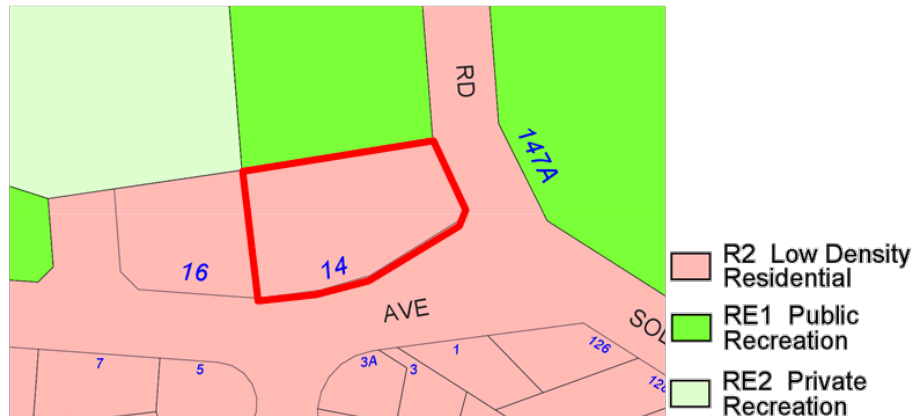
NSW Rural Fire Service – The application was referred to the RFS as integrated development under Section 100B of the *Rural Fires Act 1997*. The RFS agreed with the finding of the Bushfire Threat Assessment and issued bushfire authority with general term of approval. A detailed discussion on the issues associated with the bushfire threat has been included below.

**MATTERS FOR CONSIDERATION – SECTION 79C**

**s79C(1)(a)(i) – The provisions of any EPI**

Port Stephens Local Environmental Plan 2013 (LEP)

**Clause 2.3 – Zone objectives and Land Use Table**



**Figure 5 – PSLEP Zoning Map**

The site is zoned R2 Low Density Residential and the objectives of the zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To protect and enhance the existing residential amenity and character of the area.
- To ensure that development is carried out in a way that is compatible with the flood risk of the area.

The proposal is compatible with the zone objectives by providing a wider variety of housing in the Soldiers Point area. The development has been designed to ensure that the residential amenity of the area is maintained.

The proposed development is defined as Multi Dwelling Housing that *'means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building'*. The use is permissible with consent in the zone.

**Clause 2.6 Subdivision—consent requirements**

The clause states that land may only be subdivided with development consent. The application includes the strata subdivision of the site and consent is therefore required.

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

16-2016-679-1

**Clause 4.1 – Minimum subdivision lot size**

The proposal includes the strata subdivision of the complex. The clause does not apply to strata plan or community title scheme subdivisions and no specific minimum lot size therefore applies to the site.

**Clause 4.1B – Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings**

The proposed development is defined as Multi Dwelling Housing and is located within the R2 zone. The minimum area for this type of development is 750m<sup>2</sup> under the provisions of Clause 4.1B(2). The site area comprises 2,170m<sup>2</sup> and is therefore permissible on the site.

**Clause 4.3 – Height of building**

The building height requirement for the site is 9m. The development proposed a maximum building height of 8.1m and complies with the LEP requirement.

**Clause 5.5 – Development within the coastal zone**

The subject site is located within the coastal zone, however it is located landward of the coastal foreshore and will thus have no impact upon coastal processes. No significant environmental impacts will result from the proposal. As such, the proposed development is considered to be generally compliant with the coastal zone provisions.

**Clause 7.1 – Acid sulfate soils**

Although the subject land is mapped as containing potential Class 4 & 5 acid sulfate soils, the majority of the site is classified as Class 5 soils. The proposed development is not anticipated to entail significant excavations that are likely to lower the water table on any adjoining land and therefore there are no expected adverse impacts as a result of acid sulfate soils.

State Environmental Planning Policy 71 – Coastal Protection

State Environmental Planning Policy 71 – Coastal Protection (SEPP 71) aims to protect and manage the New South Wales coast and foreshores and requires certain development applications in sensitive coastal locations to be referred to the Director-General for comment, and it identifies master plan requirements for certain developments in the coastal zone.

The proposed development is roughly 200m from the coastline and is therefore located within the Coastal Zone as identified in the SEPP 71 mapping. It is considered that the proposal will not impact on the coastline or any foreshore or the interface with the waterways and related activities and as such, is considered to be consistent with Clause 2 (the aims of the Policy) and Clause 8 (Matters for consideration) of SEPP 71. As such, the proposed development is acceptable under this policy.

**s79C(1)(a)(ii) – Any draft EPI**Draft State Environmental Planning Policy (Coastal Management) 2016

The draft State Environmental Planning Policy (Coastal Management) 2016 (Coastal SEPP) is on public exhibition until 23 December 2016.

The draft policy aims to balance social, economic and environmental interest by promoting a coordinated approach to coastal management, consistent with the objectives of Part 2 of the Coastal Management Act 2016.

The Act divides the coastal zone into four (4) management areas:

- Coastal Wetland and Littoral Forest areas;
- Coastal Vulnerable areas;
- Coastal Environment areas; and
- Coastal Use areas.

Page 6 of 11

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

16-2016-679-1

The subject land is located with the Coastal Use area and the objectives for this area are:

- (a) to protect and enhance the scenic, social and cultural values of the coast by ensuring that:
  - (i) the type, bulk, scale and size of development is appropriate for the location and natural scenic quality of the coast, and
  - (ii) adverse impacts of development on cultural and built environment heritage are avoided or mitigated, and
  - (iii) urban design, including water sensitive urban design, is supported and incorporated into development activities, and
  - (iv) adequate public open space is provided, including for recreational activities and associated infrastructure, and
  - (v) the use of the surf zone is considered,
- (b) to accommodate both urbanised and natural stretches of coastline

The proposed development is consistent with the objectives of the Coastal Use area, as identified in the draft policy, and can therefore be supported.

**s79C(1)(a)(iii) – Any DCP****Port Stephens Development Control Plan 2014**

The Port Stephens Development Control Plan 2014 (DCP) is applicable to the proposed development and has been assessed below.

**Section A – Introduction****Chapter A.12 – Notification and Advertising**

In accordance with the requirements of chapter A.12, the development application was notified and advertised until 2 November 2016. An extension to the notification period was granted to the Soldiers Point Community Group.

**Section B – General Controls****Chapter B2 – Natural Resources**

This part applies to development that is located within 130m from a Swamp Sclerophyll Forest that is listed as an Endangered Ecological Community (EEC). It is however not considered that the proposed development will impact significantly on the ecological qualities of the vegetation as it is located opposite soldiers Point Road.

**Chapter B3 – Environmental Management**

Bushfire Prone Land – The large stand of vegetation to the east of the site resulted in the site being classified as bush fire prone land. A Bushfire Threat Assessment (BTA) was submitted in support of the application and was reviewed by the NSW RFS.

The BTA required the entire site to be maintained as an Inner Protection Area, while the buildings along the eastern side of the site will require specific upgrades to comply with BAL 29 and BAL 19 standards. All building will be upgraded to meet at least BAL 12.5 standards.

The NSW RFS was satisfied with the findings of the BTA and provided bushfire authority and general terms of approval.

Acid Sulfate Soils – The requirements of Chapter B3.B have been considered above in relation to Clause 7.1 – Acid Sulfate Soils of the LEP.

Earthworks – Chapter B3.F of PSDCP2014 outlines objectives and requirements in order to facilitate earthworks as to minimise potential environmental impacts, such as erosion. Conditions of consent will stipulate the use of Virgin Excavated Natural Material (VENM).

The earthworks proposed are minimal and are not anticipated to have a detrimental impact on drainage patterns or soil stability, subject to conditions of consent. The proposal will not impact

Page 7 of 11

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

16-2016-679-1

future potential development on-site and due to the cleared nature of the site it is highly unlikely that the development will disturb relics. The proposal is consistent with requirements outlined in Councils DCP2014 relating to earthworks.

**Chapter B4 – Drainage & Water Quality**

Stormwater management plans submitted with the application are satisfactory. A condition has been placed on the condition of consent requiring full details of the proposed stormwater drainage design and its interface with existing council infrastructure, including associated calculations be submitted prior to the issue of a construction certificate.

**Chapter B6 – Essential Services**

Reticulated water, electricity and sewer are available to the subject site. In addition, an acceptable stormwater management plan has been submitted.

**Chapter B9 – Road Network and Parking**

The application proposes eight (8) x three bedroom dwellings.

PSDCP2014 requires two (2) parking spaces for each dwelling. In addition, one (1) visitor space for every three (3) dwellings must be provided, calculating to a requirement of three (3) visitor spaces.

The subject development proposes a double garage to each dwelling and provided three (3) visitor' spaces at the entrance to the development. The proposal therefore satisfies the car parking requirements outlined in PSDCP2014.

The engineering referral found that the additional traffic, associated with the proposed development, will not impact significantly on the local road network.

Although the sight distance to the west of the access is impacted by the location of the bus shelter, it is considered that safe access is available as the:

- bus shelter is only semi enclosed with a 1m wide wall on the western elevation;
- view corridor to the north of the bus shelter is unimpeded; and
- Bagnall Avenue is considered a low speed environment, with vehicles slowing down approaching the Soldiers Point Road intersection.

**Section C – Development Types****Chapter C.5 – Multiple Dwelling Housing**

The development generally complies with the provisions of the provisions of the DCP Chapter.

The areas of non-compliance have been discussed below:

- C5.10 Secondary Setback (Corner Lots)

The minimum secondary setback required by the DCP is 3m, except for an open veranda, porch.

The development does not strictly comply with the secondary setback to Soldiers Point Road as it only provides a setback of 2.9m, representing a minor variation of 0.1m. It is however noted that the average setback is significantly above the requirement and it is not considered that the minor non-compliance will significantly impact on the Soldiers Point Road streetscape.

- C5.12 Rear Setbacks

The minimum upper level rear setback required by the DCP is 6m.

The development does not comply with this requirement by only providing 5.78m in the north western section of the development. It is however noted that the average setback is

Page 8 of 11



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

16-2016-679-1

significantly above the requirement and it is not considered that the minor non-compliance will significantly impact on the amenity of the area or the privacy of the surrounding residential development.

- **C5.21 Solar Access**

The DCP requires a minimum of 2hrs sunlight to the principle private open space area between the hours of 9am-3pm midwinter.

Concerns were raised during the assessment regarding the solar access received by Units 6, 7 & 8.

The applicant provided detailed shadow diagrams showing the solar access received by the open space areas to the north of the affected units. The shadow diagrams show that Unit 7 receives 4 hours of solar access between 9:35 am and 1:35pm and Unit 8 will receive at least 2 hours of solar access between 9:35 am and 11:35am.



**Figure 6 – Solar Access to Unit 6 courtyard at 11:35am**

It is Council's opinion that the open space area associated with Unit 6 will not receive sufficient solar access to comply with the DCP as direct sunlight within the courtyard is only available for a short period around 11:35am. The non-compliance of one (1) unit represents a minor non-compliance when considered in the context of the development.

It is noted that Clause 79(3A) provides for alternative solutions to be proposed in achieving the objectives of the DCP requirements. With this in mind, it is considered that the traditional manner in measuring solar access does not provide a full understanding of the liveability of open space areas. The Apartment Design Guide (ADG), although not specifically applicable to the proposal, measures solar access 1m above floor level. This reflects the amount of solar access residents will receive when sitting within the courtyards or balconies, as opposed to the solar access at floor level. If this principle is used, the open space area allocated to Unit 6 receives at least 4 hours of direct sunlight. This is demonstrated in the additional shadow modelling provided by the applicant.

It is considered that the non-compliance can be justified in this instance.

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

16-2016-679-1

- C5.27 Clothes Drying

The DCP requires clothes drying areas are to be provided behind the building line or setback.

The clothes drying areas associated with Units 6, 7 & 8 were originally located along the Bagnall Avenue frontage. The design was amended to relocate the clothes drying area of Unit 8 to the side setback.

The clothes drying areas of Unit 6 & 7 are still located in front of the building line. To limit the impact on the streetscape, the applicant provided a high level of landscaping and a 1.5m high fence to screen these structures from the view of passing pedestrians and motorists.

It is considered that the location of the clothes drying areas in the road frontage is acceptable in this instance.

**s79C(1)(a)(iia) – Any planning agreement or draft planning agreement entered into under section 93F**

There are no planning agreements that have been entered into under section 93F relevant to the proposed development.

**s79C(1)(a)(iv) – The regulations**

N/A

**s79C(1)(a)(v) – Any coastal management plan**

There are no coastal management plans applicable to the proposed development.

**s79C(1)(b) – The likely impacts of the development**

Social and Economic Impacts

The proposed development includes a subdivision which will result in the ability for the construction of additional dwellings to service the needs of the community. The ability to construct additional dwellings will eventually increase number of residents in the locality, which will provide ongoing economic input through daily living activities. There are no anticipated adverse social or economic impacts as a result of the proposed development.

Impacts on the Built Environment

The development complies with the R2 zone objectives and is compatible with the surrounding residential development in terms of bulk, scale and overall design. It is therefore considered that there are no significant adverse impacts on the built environment as a result of the proposed development.

Impacts on the Natural Environment

The proposed development includes a stormwater water system that manages stormwater in accordance with Council's quantity and quality requirements. In addition, a condition of consent is proposed that requires the installation and maintenance of erosion and sedimentation controls. It is noted that no significant vegetation is proposed to be removed.

**s79C(1)(c) – The suitability of the site**

The subject site is located within an existing residential area and, as discussed earlier in the assessment, is relatively clear of significant vegetation. The site has access to all relevant services and the proposed development makes good use of the available land. The application design includes all elements required under the relevant planning instruments and policies and there are no anticipated negative impacts on the locality as a result of the development.

Page 10 of 11

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

16-2016-679-1

**s79C(1)(d) – Any submissions**

No submissions have been received in relation to the proposed development. Although an extension to the notification period was granted to the Soldiers Point Community Group, no submission was received.

**s79C(1)(e) – The public interest**

The proposal represents additional allotments and dwellings in the locality to service the needs of the community, whilst not anticipated to have any significant adverse impacts on surrounding properties or the amenity of the locality. The proposed development reinforces the residential nature of the land and is in keeping with the character of surrounding developments. The proposed development is in the public interest.

**DETERMINATION**

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

REAN LOURENS



PORT STEPHENS  
COUNCIL

## Notice of Determination

Under section 80, 80A, 80(1) and 81(1)(a) of the Environmental Planning and Assessment Act 1979 (NSW).

Development consent is granted to development application 16-2016-679-1 subject to the conditions in Schedule 1.

Notice is hereby made under Section 81 of the Environmental Planning and Assessment Act 1979 (the Act) of a Development Consent issued under Section 80 of the Act, for the development described below. The consent should be read in conjunction with the conditions contained in Schedule 1, the notes contained in Schedule 2 and the New South Wales Rural Fire Service General Terms of Approval contained in Schedule 3.

**Determination Outcome:** Approval, subject to conditions

### APPLICATION DETAILS

**Application No:** 16-2016-679-1

**Property Address:** LOT: 1 DP: 1101679  
**14 Bagnall Avenue SOLDIERS POINT**

**Description of Development:** **Multi-Dwelling Housing (8 Two Storey Units) and Associated Strata Title Subdivision**

**Date of determination:** 20 February 2016

**Date from which the consent operates:** 20 February 2016

**Date on which the consent shall lapse:** 21 February 2021  
(unless physical commencement has occurred)

MR R J LOURENS  
Senior Development Planner



**PORT STEPHENS**  
COUNCIL

## Notice of Determination

Under section 80, 80A, 80(1) and 81(1)(a) of the Environmental Planning and Assessment Act 1979 (NSW).

**SCHEDULE 1**

**REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED**

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

**CONDITIONS THAT IDENTIFY APPROVED PLANS AND LIMITATIONS OF CONSENT**

1. The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent or as noted in red by Council on the approved plans:

Plan/Doc.Title	Plan Ref.	Sheet.	Date	Drawn By
Townhouse Development (2 Sheets)	11044	DA02 & DA03	29/11/16	EJE Architecture
Townhouse Development (5 Sheets)	11044	DA04 – DA07	22/08/2016	EJE Architecture
Landscape Plan (3 Sheets)	1346	DA002 – DA004	17/8/2016	Moir Landscape Architecture

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail. If there is any inconsistency between the plans and documentation referred to above the most recent document shall prevail to the extent of any inconsistency.

2. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.
3. The development shall be undertaken in accordance with conditions specified by the NSW Rural Fire Service (referenced D16/3461 and dated 22 November 2016) contained within Schedule 3 of this consent, as specified under Section 100B of the *Rural Fires Act 1997*.



**PORT STEPHENS**  
COUNCIL

## Notice of Determination

Under section 80, 80A, 80(1) and 81(1)(a) of the Environmental Planning and Assessment Act 1979 (NSW).

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

4. A monetary contribution is to be paid to Council for the provision of 7 additional lots, pursuant to section 80A(1) of the *Environmental Planning and Assessment Act 1979*, Section 94 of the *Environmental Planning and Assessment Act 1979*, and Councils Section 94 Contribution Plan towards the provision of the following public facilities:

Facility	Per lot/dwelling	Total
Civic Administration	\$1,146.00	\$8,022.00
Public Open Space, Parks and Reserves	\$2,511.00	\$17,577.00
Sports and Leisure Facilities	\$6,778.00	\$47,446.00
Cultural and Community Facilities	\$2,417.00	\$16,919.00
Road Works	\$1,595.00	\$11,165.00
Fire & Emergency Services	\$222.00	\$1,554.00
<b>Total</b>		<b>\$102,683.00</b>

Payment of the above amount shall apply to Development Applications as follows:

- a) Subdivision and building work - **prior to the issue of the Construction Certificate, or Subdivision Certificate, whichever occurs first.**

**Note:** The amount of contribution payable under this condition has been calculated at the time of determination and in accordance with the Port Stephens Section 94 contributions plan. The contribution amount is valid for twelve months from the consent date. Should payment take place after twelve months the contribution shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics.

5. Detailed engineering plans shall be submitted to Council or an accredited Private Certifier (with the appropriate category of accreditation) for approval **prior to issue of the Construction Certificate.**

The details shall be in accordance with this consent, the BCA, Council's Design and Construction Specifications, policies and standards, as a minimum and include but are not limited to:

- a) Vehicle manoeuvring and parking;
- b) Pavement construction details and design traffic loading;
- c) Structural details for boundary retaining walls;
- d) Construction erosion and sediment control;

6. The shared vehicle driveway shall have a width to cater for design vehicle paths determined by Australian Standard AS2890 into and out of garage areas for two (2) vehicle parking spaces for each dwelling and the provision of three (3) visitor parking spaces onsite. This requirement will be met by providing vehicle swept paths utilising the 85th percentile turning circle as outlined in AS 2890.1: Off-street Car Parking. Details of vehicle access are to be submitted to the certifying authority for



assessment prior to the issue of any Construction Certificate.

A Construction Certificate cannot be issued until full details of the driveway have been supplied to the Certifying Authority for assessment and determined to be satisfactory by the Certifying Authority.

7. The following details of the stormwater drainage system piped to **Soldiers Point Road**, are required prior to the issue of any Construction Certificate:
  - a) The driveway and other ground level hardstand areas shall be graded to the street drainage network where practical or so that water runoff is shed to the approved stormwater drainage system. All ground surface collected stormwater overflows shall be dispersed as sheet flow at ground level in a manner that does not create concentrated or nuisance flows for nearby buildings or neighbouring properties.
  - b) A detailed on site detention/infiltration plan shall be prepared by a suitably qualified and experienced engineer to adequately attenuate ground surface collected stormwater for all storm events up to and including the 1% Annual Exceedance Probability (AEP) event.
  - c) The design shall include details of the location (including levels), type and size of detention/infiltration system, orifice, roof guttering (with gutter guards to prevent blockage), downpipes, pipes, pits and the boundary pit discharge point to the public drainage system.
  - d) Complete design calculations are to be provided demonstrating the system's capacity to contain/infiltrate and convey concentrated roof stormwater run-off, via guttering and downpipes suitably sized, into the **Soldiers Point Road** kerb and gutter network.
  - e) The stormwater quality treatment train shall treat storm water, prior to discharge, to PSC DCP 2014 targets. Small Scale Site Quality Model or DCP deem to comply methodology may be used to demonstrate how the following targets are met:
    - i. Total nitrogen retention post-development load: 45%
    - ii. Total phosphorus retention post-development load: 60%
    - iii. Total suspended solids post-development load: 90%
    - iv. Gross pollutants post-development load: 90%
8. **Prior to the issue of a Construction Certificate**, all works required to be carried out within a public road reserve must be separately approved by Council, under Section 138 of the Roads Act 1993. Contact Council's Facilities and Services Section regarding this approval. This must include the removal of the existing layover and the rectification of the kerb & gutter.

### CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION

9. Erosion and sediment control measures shall be put in place to prevent the movement of soil by wind, water or vehicles onto any adjoining property, drainage



line, easement, natural watercourse, reserve or road surface, in accordance with Managing Urban Stormwater – Soils and Construction, Volume 1 (Landcom, 2004).

### CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES

10. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
11. Civil Works within the development site are subject to:
  - a) inspection by Council, or the Certifying Authority;
  - b) testing by a registered NATA Laboratory; and
  - c) Approval by Council or the Certifying Authority at each construction stage as determined by Council's Design and Construction Specification, policies and standards.
12. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:
  - Monday to Saturday, 7am to 5pm;
  - No construction work to take place on Sunday or Public Holidays.

When the construction site is in operation the L10 level measured over a period of not less than 15 minutes must not exceed the background by more than 10dB(A). All possible steps should be taken to silence construction site equipment.
13. It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works.
14. Where no sanitary facilities currently exist onsite for construction workers toilet accommodation for all tradespersons shall be provided from the time of commencement until the building is complete. The toilet facilities shall be located so as to have minimal impact of adjoining properties and shall not be placed on the road reserve, without separate approval from Council.
15. A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced. Council may issue 'on the spot' fines for pollution/littering offences under the Protection of the Environment Operations Act 1997.

### CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

16. The Principal Certifying Authority shall only **issue an Occupation Certificate** when:





- All site landscaping has been installed and established as per the approved plan to the satisfaction of the Principal Certifying Authority.
  - The building has been constructed in accordance with the approved plans, specifications and conditions of consent. No occupational use is permitted until the Principal Certifying Authority issues an occupation certificate. **Note: If an accredited certifier approves occupation of a dwelling the accredited certifier is to immediately notify Council in writing.**
  - All civil engineering works shall be carried out in accordance with the Construction Certificate and Council's Design and Construction Specification, Policies and Standards, to the satisfaction of the Principal Certifying Authority.
17. **Prior to the issue of the Occupation Certificate**, the requirements set out within BASIX Certificate No. **754129M** dated 23/08/2016 are to have been constructed, installed and complied with to the satisfaction of the Principle Certifying Authority.
18. The provision of a reinforced concrete vehicle footpath crossing with a minimum width of 6.0m is required **prior to the issue of the Occupation Certificate**. A Driveway Construction Application must be made with Council, as the Roads Authority, prior to the commencement of vehicle footpath crossing works.
19. **Prior to the issue of the Occupation Certificate**, Works-As-Executed plans and an accompanying report prepared and certified by a suitability qualified hydraulic engineer confirming all stormwater drainage systems are constructed in accordance with the approved plan shall be submitted to the Principle Certifying Authority for assessment and determination.
- Minor variations can be accepted providing they are clearly identified in the report and the hydraulic engineer certifies that site flow up to the 1% annual exceedance probability (AEP) rainfall event are conveyed from all roof areas on site to the **Soldiers Point Road kerb and gutter** drainage network.
20. The applicant shall restore, replace or reconstruct any damaged sections of kerb and guttering, footpaths, road pavement, stormwater, or any other public infrastructure located within the Road Reserve which results from construction activities, as determined by Council's Development Engineers or Civil Assets Engineer. The applicant shall bear all associated costs with restoring the public infrastructure to satisfaction of the Council.
- The **Occupation Certificate shall not be issued** until all necessary remediation and repair works have been completed to the satisfaction of Council.
21. **Prior to the issue of the Occupation Certificate**, the person having the benefit of the consent is to contact Council's Mapping Section via email at: **addressing@portstephens.nsw.gov.au** stating your Development Approval number, address of the property and the assessing officer, to obtain the correct house numbering. Be advised that any referencing on Development Application plans to house or lot numbering operates to provide identification for assessment purposes only.



PORT STEPHENS  
COUNCIL

## Notice of Determination

Under section 80, 80A, 80(1) and 81(1)(a) of the Environmental Planning and Assessment Act 1979 (NSW).

### CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

22. **The Subdivision Certificate must not be issued** until all conditions of development consent have been satisfied and an Occupation Certificate has been issued by the Principal Certifying Authority.

**Prior to the issue of a Subdivision Certificate**, evidence is to be provided to Council demonstrating that essential services as specified under Clause 7.6 of the *Port Stephens Local Environmental Plan 2013* have been provided to each created lot. To support this, a Section 50 Compliance Certificate is to be provided from Hunter Water Corporation.

23. **Prior to issue of the Subdivision Certificate**, one signed original copy of the original plans and/or documents, and final plan of survey/title, shall be submitted to Council. All easements as illustrated on the approved Subdivision Plan are to be included on the plan and associated 88B instrument. A USB containing an electronic copy of all relevant documents must also be provided.

### CONDITIONS TO BE SATISFIED AT ALL TIMES

24. The stormwater system (including any water quality or quantity components) and access driveways shall be maintained in perpetuity for the life of the development.

### SCHEDULE 2

#### RIGHT OF APPEAL

If you are dissatisfied with this decision:

- a review of determination can be made under Section 82A of the Act, or
- a right of appeal under Section 97 of the Act can be made to the Land and Environment Court within six (6) months from the date on which that application is taken to have been determined.

#### NOTES

- This is not an approval to commence work. Building works cannot commence until a construction certificate is issued by Council or an accredited certifier.
- Consent operates from the determination date. For more details on the date from which the consent operates refer to section 83 of the Environmental Planning and Assessment Act 1979.
- Development consents generally lapse five years after the determination date, however different considerations may apply. For more details on the lapsing date of consents refer to section 95 of the Environmental Planning and Assessment Act 1979.



PORT STEPHENS  
COUNCIL

## Notice of Determination

Under section 80, 80A, 80(1) and 81(1)(a) of the Environmental Planning and Assessment Act 1979 (NSW).

### SCHEDULE 3

All communications to be addressed to:

Headquarters  
15 Carter Street  
Lidcombe NSW 2141

Telephone: 1300 NSW RFS  
e-mail: [csc@rfs.nsw.gov.au](mailto:csc@rfs.nsw.gov.au)

Headquarters  
Locked Bag 17  
Granville NSW 2142

Facsimile: 8741 5433



The General Manager  
Port Stephens Council  
PO Box 42  
RAYMOND TERRACE NSW 2324

Your Ref: 16-2016-679-1  
Our Ref: D16/3461  
DA16101704303 JC

ATTENTION: Rean Lourens

22 November 2016

Dear Sir/Madam

#### Integrated Development for 1/1101679 14 Bagnall Avenue Soldiers Point

I refer to your letter dated 21 November 2016 seeking general terms of approval for the above Integrated Development in accordance with Clause 55(1) of the Environmental Planning and Assessment Regulation 2000.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

##### Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of subdivision certificate and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

##### Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with section 4.1.3.3 of 'Planning for Bush Fire Protection 2006'.

ID:104303/98420/5

Page 1 of 3

Ade aicc Street (PO Box 42), Raymond Terrace NSW 2324  
DX 21406 Raymond Terrace • Phone 4980 0255  
E-mail [council@portstephens.nsw.gov.au](mailto:council@portstephens.nsw.gov.au)

16 2016 679 1

Page 8 of 10



## Notice of Determination

Under section 80, 80A, 80(1) and 81(1)(a) of the Environmental Planning and Assessment Act 1979 (NSW).

### Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

3. Property access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.

### Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

4. New construction to the roof of proposed Block B and as identified in Figure 5-1: Bushfire Attack Levels Map in the document 'Bushfire Threat Assessment for Proposed 1 into 8 Lot Strata Subdivision and the Development of 8 Townhouses at 14 Bagnall Avenue, Soldiers Point', prepared by Firebird ecoSultants, dated September 2016 and shall comply with Sections 3 and 7(BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
5. New construction to the proposed Block B as identified in Figure 5-1: Bushfire Attack Levels Map in the document 'Bushfire Threat Assessment for Proposed 1 into 8 Lot Strata Subdivision and the Development of 8 Townhouses at 14 Bagnall Avenue, Soldiers Point', prepared by Firebird ecoSultants, dated September 2016 and shall comply with Sections 3 and 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
6. New construction to proposed Blocks A, B & C as identified in Figure 5-1: Bushfire Attack Levels Map in the document 'Bushfire Threat Assessment for Proposed 1 into 8 Lot Strata Subdivision and the Development of 8 Townhouses at 14 Bagnall Avenue, Soldiers Point', prepared by Firebird ecoSultants, dated September 2016 and shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

### Landscaping

7. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

This letter is in response to a further assessment of the application submitted and supersedes our previous general terms of approval dated 3 November 2016.

Page 2 of 3



**PORT STEPHENS**  
COUNCIL

## Notice of Determination

Under section 80, 80A, 80(1) and 81(1)(a) of the Environmental Planning and Assessment Act 1979 (NSW).

For any queries regarding this correspondence please contact Joshua Calandra on 1300 NSW RFS.

Yours sincerely

Nika Fomin  
**Manager, Planning and Environment Services (East)**

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) and search under 'Planning for Bush Fire Protection, 2006'.

**ITEM NO. 2**

**FILE NO: 17/9131  
RM8 REF NO: 16-2016-138-2**

**SECTION 96 APPLICATION TO MODIFY DETERMINATION NO. 16-2016-138-1  
FOR A SINGLE STOREY DWELLING AT NO. 50 REFLECTIONS DRIVE, ONE  
MILE**

REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSMENT AND  
COMPLIANCE SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Refuse the Section 96 application for DA 16-2016-138-2 (Single storey Dwelling) at No. 50 Reflections Drive, One Mile for the following reasons:
  - a) The development fails to satisfy cl.7.3 *Port Stephens Local Environment Plan 2013* as the development does not minimise flood risk to life and property associated with the land use (s.79C(1)(a)(i) *Environmental Planning and Assessment Act 1979*).

---

**ORDINARY COUNCIL MEETING - 14 FEBRUARY 2017  
COMMITTEE OF THE WHOLE RECOMMENDATION**

**DEVELOPMENT SERVICES GROUP MANAGER LEFT THE MEETING 5.44PM.**

	<p><b>Mayor Bruce MacKenzie Councillor Chris Doohan</b></p> <p>That Council approve the Section 96 application for DA 16-2016-138-2 (Single storey Dwelling) at No. 50 Reflections Drive, One Mile.</p>
--	---

In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Chris Doohan, Sally Dover, Ken Jordan, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Cr Geoff Dingle.

**ORDINARY COUNCIL MEETING - 14 FEBRUARY 2017  
MOTION**

<b>007</b>	<b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b>  It was resolved that Council approve the Section 96 application for DA 16-2016-138-2 (Single storey Dwelling) at No. 50 Reflections Drive, One Mile.
------------	--

In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Chris Doohan, Sally Dover, Ken Jordan, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Cr Geoff Dingle.

**BACKGROUND**

The purpose of this report is to present the Section 96 (S96) application to Council. The development application (DA) relates to land located at No. 50 Reflections Drive, One Mile which is identified as Lot: 29 DP 1070133 ('the subject site').

The application had been called to Council for determination by Mayor MacKenzie as per the call up form – see **(ATTACHMENT 1)**.

The flood planning level (FPL) is the level to which buildings should be constructed to ensure the asset is protected from flooding and water inundation into the future. The Council stipulated level on this site is 3.2 AHD and the owner would prefer to build 500mm less at 2.7 AHD. This is the sole component of this s96 application.

FPL's for the local government area (LGA) were established when Council adopted the flood maps and flood policy.

DA No. 16-2016-138-1 (Original Consent)

The original approval was assessed under *Port Stephens Local Environment Plan 2013* and Development Control Plan (DCP) 2014 and approved. Approval was granted under staff delegation for a four bedroom dwelling with a floor area of approximately 343m<sup>2</sup>.

The dwelling is a single storey structure with a Flood Planning Level (FPL) of 3.2m AHD requiring a finished floor level (FFL) for habitable spaces to be at 3.2m AHD or above. This will require fill or another method of construction to elevate the dwelling above natural ground. The dwelling is set back approximately 10m from Reflections Drive and 3.125m to the closest adjacent property. The fill required will encroach within these setbacks.

DA No. 16-2016-163-2 (the S96)

The S96 modification to the existing approval is to amend Development Consent condition no.14. The applicant requests to reduce the approved FPL from the 3.2m AHD to 2.7m AHD bringing it 500mm below the established 1% FRL for this site.

The proposed modifications are permissible with the E4 Environmental Living zoning however the key issues with the development is the lowering of the FPL as the site has been identified as flood prone.

No architectural modifications have been proposed with the application although the design may be impacted by what construction method is adopted to meet the FPL. The existing setbacks of the approved development will also remain unchanged.

The applicant's three main reasons for lowering approved FPL are listed below:

- Aesthetically the development would look out of context as the existing streetscape is a mixture of building height responding to flood data changes over a period of eight years with this application sitting 500mm higher than the highest existing approval.
- Construction costs have significantly increased due to the type of construction required to increase the floor height or importing the amount of fill required on site to increase the building pad height.
- Preferred level access or disabled access with minimal stairs for wheelchair entry to the property and between indoor and outdoor areas.

The above mentioned reasons from the applicant/owner are reasonable however; do not dissolve Council's responsibility in terms of building to the required FPLs.

Revised flooding data had been presented in response to the S96 application. Current data indicates that the 1% FPL still remains at 3.2m AHD. An adaptable FPL of 2.9m AHD may be applied although this will rely on the development being able to be raised in the future. This will have significant impacts on the construction method used in achieving raising of the building. It has been noted that the subject site is within a flood study area covered by the Anna Bay/Tilligerry Creek flood study. Hence the flood level may be subject to change in the future.



**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</b>
Sustainable Development.	Provide Strategic Land Use Planning Services. Provide Development Assessment and Building Certification Services.

**FINANCIAL/RESOURCE IMPLICATIONS**

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

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		There is scope within Council's existing budget to defend Council's determination if challenged.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

The development application is not consistent with the relevant planning instruments, flood development guidelines and studies including; *The Environmental Planning and Assessment Act 1979 (EP&A Act)*, *Port Stephens Local Environment Plan 2013*, *Port Stephens Development Control Plan 2014*, the Port Stephens Council "Areas Affected by Flooding and/or Inundation" Policy, *Floodplain Risk Management Policy*, and the *NSW Floodplain Development Manual 2005*.

Section 733 *Local Government Act 1993* provides Council with a general exemption from liability with respect to flood liable land only if the necessary studies and works are carried out in accordance with the principles contained in the *NSW Floodplain Development Manual 2005*. Endorsement of this development would be contrary to these principles.

A decision contrary to the planning framework may negate the good faith immunity provisions in *Local Government Act 1993*. This could result in individual Councillors being personally accountable and responsible for any subsequent implications resulting from the decision. Further, in the event of any future claim Council's insurers

may determine not to cover Council should the application be approved contrary to the recommendation.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that in approving the application Council will be increasing the risk to property and life in flood events.	Medium	Determine the application in line with the recommendation refuse the application.	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

As previously stated property and life could be compromised as occupiers/property could potentially be exposed to floodwaters and/or isolated on or from the property for long periods of time. However, it is noted in this catchment the water would not be fast flowing or floodway.

### **MERGER PROPOSAL IMPLICATIONS**

There are no known merger proposal implications.

### **CONSULTATION**

Consultation with key stakeholders has been undertaken through public notification process and internal referral process.

#### Internal

The application was referred to Councils Flooding Engineers who assessed the relevant information in relation to the design changes. Revised recommendations were provided which have been noted in the attached assessment report.

#### External

The application did not require external consultation in accordance with Part A of the Port Stephens Development Control Plan 2014.

### **OPTIONS**

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

**ATTACHMENTS**

- 1) Call to Council form.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



CALL TO COUNCIL FORM  
DEVELOPMENT APPLICATION

I, Councillor Bruce MacKenzie.....  
require Development Application Number... 16-2016-138-2.....  
for S96(2) Amendment to Single Storey Dwelling – Amend Condition 14.....  
.....  
at ...50 Reflections Drive One Mile.....  
.....  
to be subject of a report to Council for determination by Council.

**Reason:**

The reason for this call-up to Council is *to review the Flood*.....  
*Planning level requirements*.....  
.....  
.....

**Declaration of Interest:**

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

**I have a conflict of interest? Yes/No** (delete the response not applicable).

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

.....  
.....  
.....  
.....

Signed:  Date: *24/1/2017*.....

**ITEM NO. 3**

**FILE NO: 17/8324  
RM8 REF NO: PSC2013-00406**

**DOG NOISE POLICY**

REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSMENT AND  
COMPLIANCE SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Dog Noise Policy shown at **(ATTACHMENT 2)**.
  - 2) Revoke the Dog Noise Strategy Policy dated 13 August 2013 (minute no. 216) **(ATTACHMENT 3)**.
- 

**ORDINARY COUNCIL MEETING - 14 FEBRUARY 2017  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Mayor Bruce MacKenzie Councillor Ken Jordan</b></p> <p>That the recommendation be adopted.</p>
--	--

**ORDINARY COUNCIL MEETING - 14 FEBRUARY 2017  
MOTION**

<b>008</b>	<p><b>Councillor Ken Jordan Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the revised Dog Noise Policy shown at <b>(ATTACHMENT 2)</b>.</li><li>2) Revoke the Dog Noise Strategy Policy dated 13 August 2013 (minute no. 216) <b>(ATTACHMENT 3)</b>.</li></ol>
------------	---

**BACKGROUND**

Council has a policy framework for the management and regulation of barking dog noise complaints in the Port Stephens local government area (LGA).

On 8 November 2016 Council endorsed the Dog Noise Policy for the purposes of public exhibition and invited submissions on the policy.

The purpose of this report is to advise Council of the submissions received during the exhibition period and recommend the updated policy be adopted.

A total of 29 submissions were received as outlined in the summary of submissions **(ATTACHMENT 1)**.

Of the 29 submissions received:

- 11 or 38% were supportive of the policy changes.
- 17 or 59% were against the policy changes.
- One or 3% had used the current policy with success however was non-committal on the proposed policy changes.

Of the 17 submissions against the proposed policy changes the following key reasons or comments were raised:

- Seven or 41% of submissions advised that dogs provide security and protection and that barking forms a component of this response.
- 10 or 35% of submissions advised that barking was a completely natural response mechanism for dogs.
- Six or 35% of submissions had concerns about the proposed criteria for the number of barking episodes (three episodes of four to five barks). Of the submissions that raised this concern the following comments were made:
  - "Excessive barking should be measured in length of episodes not individual episodes".
  - "Putting a cap on three to five barks is ridiculous more like two to three minutes would seem reasonable".
  - "It seems extreme to class five barks three times a days as a reason to complain".
  - "Even the most quiet dog would bark at least 15 times a day".
- Six or 35% of submissions had concerns that the proposed changes would lead to vexatious complaints being lodged against dog owners.
- Five submissions however recognised that excessive dog barking needs to be managed.
- Three submissions did not provide any comments.
- One submission questioned the ability of Council to legally implement the policy changes.

Of the 11 submissions supportive of the policy changes:

- Five were completely supportive of the policy changes without comment or suggestion, and
- Six were supportive of the policy changes but had concerns or provided suggestions. Of these submissions four raised concerns relating to the criteria used to define a barking episode.

The following addresses the two main areas of concern:

- 1) Barking Episode Definition - This would only be enforced and acted upon by Council, if there were more than three documented barking episodes, that the episodes had an undue impact on the health and well-being of the complainant and that offensive noise (as defined in the legislation) could be proven. Without specific factual and documented information relating to the impact of dog barking on the complainant that meets the offensive noise test then Council officers would not be able to act on the matter.

Comment: It is recommended that the number of barking episodes remain unchanged.

- 2) Vexatious complaints - Under the old Dog Noise Policy, Council received a significant number of complaints that it could not act on. Between 2013 and 2015 Council issued two nuisance orders out of a total of 116 noise diaries received. During a trial of the new policy only on three occasions have diaries been returned for further information. All other diaries have been acted upon with noise abatement directions issued. This shows that the new policy approach is far more efficient and outcome focussed. The proposed changes require that the complainant provide a greater level of detail about the barking and its impact. This typically reduces the level of vexatious complaints and this was observed during the trial period where no vexatious complaints were received.

Comment: The requirement to provide a greater level of detail will in most circumstances reduce the number of vexatious complaints. Council staff are also experienced in recognising non-genuine complaints and typically are able to filter vexatious from genuine complaints.

Notwithstanding the greater number of submissions against the policy changes Council staff are of the belief that the two main concerns discussed above can be adequately and reasonably managed. It is recommended that the policy be adopted without change.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</b>
Community Safety.	Use Council's regulatory powers and Government legislation to enhance public safety.

## **FINANCIAL/RESOURCE IMPLICATIONS**

The recommendation results in no direct financial implications for Council.

There are indirect financial savings from savings in staff time via the new and more efficient method of barking dog complaint investigation.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		No additional funding is required.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

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

There are no significant legal, policy or risk implications.

The proposed method of handling barking dog complaints is available to council currently under the legislation and are both legitimate ways of investigating such complaints. This policy position simply formalises such.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that barking dog complaints will continue to be unresolved as complainants will not provide multiple barking dog diaries as suitable evidence.	Low	Adopt the revised policy.	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are no direct sustainability implications.

### **MERGER PROPOSAL IMPLICATIONS**

There are no implications on a future merger as a result of this policy. A new entity will be required to consider existing policies of both organisations regardless and this new approach is considered leading practice.



## **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Development Assessment and Compliance Section.

### Internal

The Ranger and Compliance Unit discussed the proposed policy changes with other areas of Council associated with the policy which is limited to the Environmental Health Unit. The purpose of this liaison was to ascertain if the new approach would present any issues and it was determined not to be the case.

### External

The revised policy was advertised in the Examiner, Council's website and social media from 17 November 2016 to 15 December 2016.

The proposed policy changes have been discussed informally with the Environmental Protection Agency (EPA) and a Barrister (who presented at the ranger conference) and the public via a trial period. The discussions were in relation to the suitability and success of the approach, all of which were favourable.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Summary of Submissions.
- 2) Dog Noise Policy (revised).
- 3) Dog Noise Strategy 2013 (Min No. 216).

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

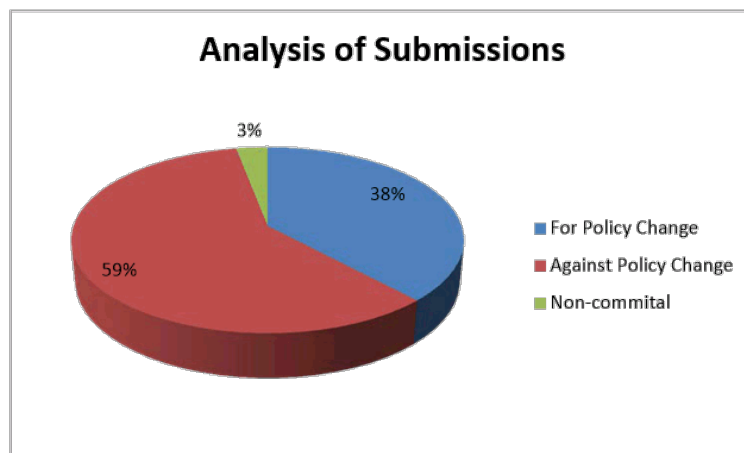
**ITEM 3 - ATTACHMENT 1 SUMMARY OF SUBMISSIONS.**

**Dog Noise Policy – Review of Submissions**

The following attachment contains an analysis of the submissions received relating to the proposed Dog Noise Policy.

**Review of all submissions**

Total submissions received:	29
Submissions for policy:	11 (38%)
Submissions against policy:	17 (59%)
Submissions non-committal:	1 (3%)



**Chart 1 – Percentage breakdown of submissions.**

**Review of Submissions for the new policy:**

Total submissions for policy: 11

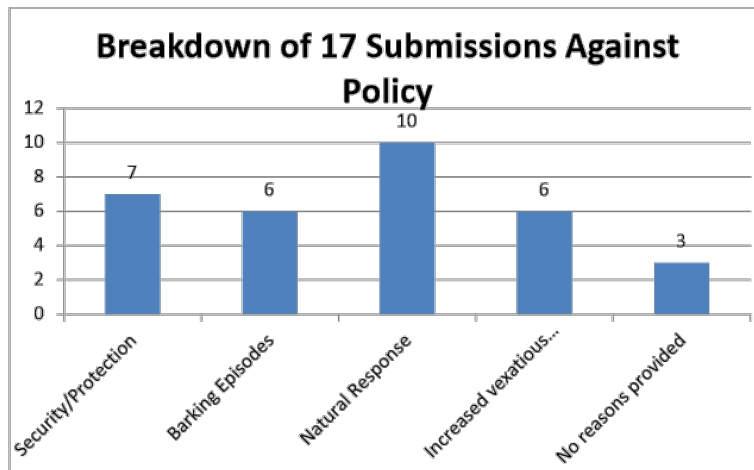
- 5 were supportive of the changes without comment or concern;
- 6 were supportive of the changes however made comment or had concerns. Of these:
  - 4 had concerns relating to the definition of a barking episode;
  - 2 raised the issue of vexatious complaints;
  - 1 suggested that the noise diary be utilised later in the complaint process.

**ITEM 3 - ATTACHMENT 1 SUMMARY OF SUBMISSIONS.**

**Review of Submissions against the new policy:**

Total submissions for policy: 17

- 7 of the submissions indicated that they owned a dog or dogs;
- 5 of the submissions recognised that excessive barking requires some form of management or intervention;
- 7 of the against submissions stated that dogs provide security and protection to households and the barking is a reaction to this type of situation;
- 6 were concerned about the definition of a barking episode and the criteria used to initiate a complaint;
- 10 stated that barking is normal and healthy for dogs;
- 6 stated that the policy changes could lead to an increased number of vexatious complaints against neighbours/people;
- 3 submissions were against the policy changes but did not elaborate;
- 1 questioned the validity of the policy.



**Chart 2 – Main concerns and comments included in against submissions**

ITEM 3 - ATTACHMENT 2 DOG NOISE POLICY (REVISED).

Policy



**FILE NO:** PSC2013-00406  
**TITLE:** DOG NOISE POLICY  
**POLICY OWNER:** COORDINATOR ENVIRONMENTAL HEALTH & COMPLIANCE

**PURPOSE:**

The purpose of this policy is to provide a formal framework for the management and regulation of barking dog noise complaints in the Port Stephens local government area (LGA). The Policy also provides an efficient and cost effective method of gathering the information and evidence required to resolve dog noise control issues.

**CONTEXT/BACKGROUND:**

The previous Dog Noise Strategy was first adopted by Council on 3 June 1997 and was most recently amended on 13 August 2013. The policy set out to provide Council operational staff with an improved cost effective method of dealing with noise complaints in relation to barking dogs as well as enabling a sufficient amount of evidence to be obtained in dog noise control matters.

The new Dog Noise Policy has undergone some significant changes and the way complaints are dealt with by Council staff has been revised. The way complaint, non-compliance and subsequent enforcement is escalated has also been refined. The policy has shifted the focus away from the previous "nuisance order" pathway available under the *Companion Animals Act 1998*, to pursuing the matter as an "offensive noise" matter under the *Protection of the Environment Operations Act 1997*. Approaching the majority of barking dog matters in this manner enables more definitive decision making and requires the submission of only one barking dog diary in comparison to the three (3) previously required, the absence of which more often than not led to complaints remaining unresolved. The new barking dog diary and fact sheet attached to the new policy are more prescriptive than the previous policy and are more effective in assisting the Rangers obtaining the critical evidence required to satisfy the "offensive noise" legislative criteria.

Council is committed to resolving dog noise problems having regard to legislative requirements and can only do so when persons who lodge complaints about barking dogs provide a level of information to support the complaint and enable efficient investigation. An integral part of the investigation process includes persons lodging complaints being willing to provide evidence and appear as a witness if necessary.

**Policy**

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



Issue Date: 03/06/1997      Printed: xx/xx/xxxx      Review Date: xx/xx/xxxx      Page: 1 of 5

ITEM 3 - ATTACHMENT 2 DOG NOISE POLICY (REVISED).

Policy



The new policy will set Port Stephens Council apart in terms of how other peer Council's manage nuisance dogs and continues to demonstrate a consistent and transparent approach to the community.

**SCOPE:**

The role of Council's Ranger team in this regard is to manage and regulate complaints about barking dogs in the Port Stephens LGA where the complainant is able to provide evidence demonstrating the noise created is "offensive noise" as defined by the *Protection of the Environment Operations Act 1997*.

**DEFINITIONS:**

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

Nuisance Dog	A dog that makes a noise, by barking or otherwise, that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises.
Offensive Noise	Interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted.

**POLICY STATEMENT:**

- 1) Prior to the matter being investigated complainants will be requested to complete and sign a dog noise nuisance complaint form. The form requires certain information and undertakings such as; willingness to appear as witness in Court and assistance in assessment.  
  
Completion of the complaint form will assist in reducing vexatious complaints.
- 2) A Council approved offensive noise diary and statement form needs to be completed by the complainant giving times and duration of barking and signed as a statement. Complainants are encouraged to obtain audio recordings of noise episodes where possible, to accompany the diary.
- 3) On submitting the diary to Council, if the noise is deemed offensive then a Council officer will visit the dog owner and issue a noise abatement direction and remain in force for twenty eight (28) days.

**Policy**

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



Issue Date: 03/06/1997      Printed: xx/xx/xxxx      Review Date: xx/xx/xxxx      Page: 2 of 5

ITEM 3 - ATTACHMENT 2 DOG NOISE POLICY (REVISED).

Policy



- 4) If further offensive noise is caused in the twenty eight (28) days the complainant is to complete a further offensive noise diary and take recordings where possible. A Council Officer may issue infringements to the owner of the dog.
- 5) After the expiry of the twenty eight (28) days Council staff may take the following action:
  - a) if multiple offensive noise diaries and statements have been received, issue a Prevention Notice under the *Protection of the Environment Operations Act 1997*; Or
  - b) if multiple offensive noise diaries and statements have been received, issue a Nuisance Order under *The Companion Animals Act 1998*.
  - 6) In response to the dog owner being uncooperative additional diaries may be submitted and infringement notices may be issued.
- 7) The definition of "offensive noise" is set out in the *Protection of the Environment Operations Act 1997*. For the purposes of dog barking noise, it is accepted that dogs may bark for various reasons and this alone does not make the noise offensive. As a guide to dog barking noise interfering unreasonably with comfort or repose, the dog noise would need to meet one or more of the following:
  - a) Barking before 7am or after 8pm; or
  - b) Repeated barking of more than 3 episodes of 4-5 barks per day; or
  - c) Interrupted normal home activity such as conversations, phone calls, watching television, study etc.
- 8) Should additional completed diaries be received, a decision will be made, having consideration to Council's legal procedures policy as to further action.
- 9) If the matter is not resolved following the above process Council may issue a Court Attendance Notice.

**POLICY RESPONSIBILITIES:**

- 1) Coordinator Environmental Health and Compliance.
- 2) Ranger Team Leader.
- 3) Ranger Team.

**RELATED DOCUMENTS:**

- 1) Councils Local Companion Animals Management Plan.
- 2) Council's Local Orders Policy.
- 3) *Companion Animals Act 1998* (Nuisance Orders).
- 4) *Protection of the Environment Operations Act 1997* (Prevention Notice, Noise Abatement Order).

**Policy**

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



Issue Date: 03/06/1997      Printed: xx/xx/xxxx      Review Date: xx/xx/xxxx      Page: 3 of 5

**ITEM 3 - ATTACHMENT 2 DOG NOISE POLICY (REVISED).**

Policy



- 5) Dog Noise Diary Statement.
- 6) Dog Noise Fact Sheet.

**CONTROLLED DOCUMENT INFORMATION:**

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website <a href="http://www.portstephens.nsw.gov.au">www.portstephens.nsw.gov.au</a>			
<b>RM8 container No</b>	PSC2013-00406	<b>RM8 record No</b>	16/
<b>Audience</b>	Staff, public		
<b>Process owner</b>	Ranger Team Leader		
<b>Author</b>	Coordinator Environmental Health and Compliance		
<b>Review timeframe</b>	Two years	<b>Next review date</b>	xx October 2018
<b>Adoption date</b>	03/06/1997		

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
V1	3/6/1997		Policy adopted by Council	1083
V2	30/1/2001		Amended	016
V3	19/10/2004		Amended	375
V4	13/8/2013		Amended	216

**Policy**

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)

Issue Date: 03/06/1997      Printed: xx/xx/xxxx      Review Date: xx/xx/xxxx      Page: 4 of 5

Policy



V5		Coordinator Environmental Health and Compliance.	Changes to policy and approach based on <i>Protection of Environmental Operations Act</i> offensive noise, rather than <i>Companion Animals Act</i> nuisance order. New noise diary and supplementary fact sheet. Provides for a robust yet effective way to manage noise.	
----	--	--	--	--

**Policy**

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)

Issue Date: 03/06/1997
Printed: xx/xx/xxxx
Review Date: xx/xx/xxxx
Page: 5 of 5



# Port Stephens

## C·O·U·N·C·I·L

### POLICY

Adopted: 3/6/97  
Minute No: 1083  
Amended: 30/01/2001  
Minute No: 016  
Amended: 19/10/2004  
Minute No: 375  
Amended: 13/08/13  
Minute No: 216

**FILE NO:** PSC2013-00406

**TITLE:** DOG NOISE STRATEGY 2013

**RESPONSIBLE OFFICER:** COORDINATOR ENVIRONMENTAL HEALTH AND COMPLIANCE

#### BACKGROUND

Council first adopted the Dog Noise Strategy on 3/6/97.

#### OBJECTIVE

1. To provide an efficient and cost effective method of dealing with noise complaints relating to barking dogs.
2. To enable a sufficient level of information and evidence to be obtained in dog noise control issues.

#### PRINCIPLES

1. Council will act to resolve dog noise problems having regard to legislative requirements.
2. Persons who lodge complaints about barking dogs must provide a level of information to support the complaint and enable efficient investigation.
3. Persons who make complaints shall be willing to provide evidence and appear as a witness if necessary.

**POLICY STATEMENT**

1. Prior to the matter being investigated complainants will be requested to complete and sign a Dog Noise Nuisance complaint Form. The form requires certain information and undertakings such as; willingness to appear as witness in Court and assistance in assessment.

Completion of the complaint form will assist in reducing vexatious complaints.

2. A seven (7) day diary needs to be completed by the complainant giving times and duration of barking.
3. On the return of the seven (7) day diary, Council staff will visit the dog owner to discuss the matter and seek a commitment to cause the barking to cease.
4. The dog owner will be given seven (7) days to consider a course of action.
5. After the expiry of the seven (7) days Council staff will take the following action-
  - a) if the owner is co-operative – defer action and contact the complainant after thirty (30) days to see if the problem still exists.
  - Or
  - b) If the dog owner is unco-operative , issue a Nuisance Order under *The Companion Animals Act 1998*.
6. In response to the dog owner being uncooperative three (3) additional seven (7) day diaries may be provided to the complainant. The additional diaries are to be completed in Order to secure additional evidence to support the Nuisance Order.

Three (3) copies of the diary are sent with a recommendation that the complainant arrange for other affected persons to complete them. If the additional diaries cannot be obtained the complainant will be referred to the Community Justice Centre.

7. Should additional completed diaries be received, a decision will be made, having consideration to Council's legal procedures policy as to further action.
8. Options in the matter include;
  - a) Issue Penalty Infringement Notice
  - b) Issue second Penalty Infringement Notice

Alternatively, where the above enforcement options do not achieve compliance the matter may be escalated under the *Protection of the Environment Operations Act 1997* by way of a Prevention Notice.

9. If the matter is not resolved following the above process Council may issue a Court Attendance Notice.

**RELATED POLICIES**

The Dog Noise Strategy is referred to in Councils Local Companion Animals Management Plan.

Council's Local Orders Policy has provisions for the keeping of Animals on Private Property

**REVIEW DATE**

1 July 2016

**RELEVANT LEGISLATIVE PROVISIONS**

Companion Animals Act 1998 - Nuisance Orders

Protection of the Environment Operations Act 1997

Prevention Notice  
Noise Abatement Order

**IMPLEMENTATION RESPONSIBILITY**

Environmental Health and Compliance

**ITEM NO. 4**

**FILE NO: 16/473044  
RM8 REF NO: PSC2016-00474**

**COMPULSORY ACQUISITION OF LOT 2 DP 1225747, CORNER OF SHOAL BAY ROAD & GOVERNMENT ROAD, SHOAL BAY FOR ROAD WIDENING PURPOSES.**

REPORT OF: GLENN BUNNY - PROPERTY SERVICES SECTION MANAGER  
GROUP: CORPORATE SERVICES

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Proceed with the compulsory acquisition of Lot 2 DP1225747 for the purpose of public road in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*.
- 2) Make an application to the Minister and the Governor for approval to acquire Lot 2 DP 1225747 by compulsory process under section 186(1) of the *Local Government Act 1993*.
- 3) Classify Lot 2 DP 1225747 as Operational Land once compulsorily acquired.
- 4) Authorise the General Manager and the Mayor to sign and affix the Seal of Council to all documentation required for the compulsory acquisition and classification.

---

**ORDINARY COUNCIL MEETING - 14 FEBRUARY 2017  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor John Nell Councillor Sally Dover</b></p> <p>That the recommendation be adopted.</p>
--	--

**ORDINARY COUNCIL MEETING - 14 FEBRUARY 2017  
MOTION**

<b>009</b>	<p><b>Councillor Ken Jordan Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Proceed with the compulsory acquisition of Lot 2 DP1225747 for the purpose of public road in accordance with the requirements of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>.</li><li>2) Make an application to the Minister and the Governor for approval to</li></ol>
------------	--

## MINUTES ORDINARY COUNCIL - 14 FEBRUARY 2017

	<p>acquire Lot 2 DP 1225747 by compulsory process under section 186(1) of the <i>Local Government Act 1993</i>.</p> <p>3) Classify Lot 2 DP 1225747 as Operational Land once compulsorily acquired.</p> <p>4) Authorise the General Manager and the Mayor to sign and affix the Seal of Council to all documentation required for the compulsory acquisition and classification.</p>
--	--

### BACKGROUND

The purpose of this report is to recommend Council compulsorily acquire Lot 2 DP 1225747 which is located at the intersection of Shoal Bay Road and Government Road, Shoal Bay (**white circle on ATTACHMENT 1**). The compulsory acquisition will allow Council to widen Government Road to accommodate the installation of traffic lights at the intersection.

The area to be compulsorily acquired is 144.6sqm (**pink colour on ATTACHMENT 2**) in Deposited Plan 1225747. NSW Roads and Maritime Services and Council have been working together to create a safer intersection for some time and the proposed traffic light solution is the preferred outcome from various traffic engineering studies. The cost of the proposed works will be fully covered through the Federal Government's Black Spot Grant funding program.

Crown Lands (the Crown) own both Lots 1 and 2 DP 1225747, the public purpose of which is Public Recreation. The current use of both lots is part informal car parking accessed from Government Road and part of Council's Shoal Bay Holiday Park. In February 2016 Council secured 'in principle' agreement from the Crown to apply to compulsorily acquire Lot 2. As the road work was due to start early 2016, the Crown agreed that Section 175 of the *Roads Act 1993* could be utilised to permit access to Lot 2 by Council for road construction prior to finalisation of the compulsory acquisition process.

Through the design planning phase of the traffic lights project in 2016, the scope of works changed to account for site conditions. This change in the scope of works required further approval from the funding agency being NSW Roads and Maritime Services. Though the funding program is administered by Roads and Maritime Services, it is federally funded. During this further funding approval process the Federal Government went into caretaker mode prior to the Federal election and the approval stalled until a new Federal government was elected. Once the further approval was provided, Council sought the most opportunistic time to undertake the works outside of peak tourist period with works now scheduled to commence early 2017.

Following this resolution, Council will make application to the Office of Local Government for the Minister and the Governor's approval to acquire Lot 2 by compulsory process under Section 186 (1) of the *Local Government Act 1993* and in

## MINUTES ORDINARY COUNCIL - 14 FEBRUARY 2017

accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*.

### COMMUNITY STRATEGIC PLAN

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

### FINANCIAL/RESOURCE IMPLICATIONS

100% Grant - A Federal Government Black Spot Grant is covering all costs associated with this project including construction and acquisition costs. There will be no cost to Council.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	No		
External Grants	Yes	100% grant	No cost to Council – Federal Government Blackspot Grant.
Other	No		

### LEGAL, POLICY AND RISK IMPLICATIONS

There are no apparent legal implications from the recommendations.

There are no apparent policy implications from the recommendations.

There are risk implications if the recommendations are not adopted in the form of continued traffic and pedestrian safety issues.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that further traffic incidents will occur if the project does not go ahead.	High	Adopt the recommendations.	Yes
There is a risk that the Minister will not approve the compulsory acquisition.	Low	Comply with compulsory acquisition requirements providing the Minister with details to ensure approval.	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are apparent social and economic implications by way of improved traffic and pedestrian safety and, therefore, reduced incidents and insurance claims. A further economic implication will be that Council would not receive essential funding from the Federal Government for these works, placing further burden on Council's budget.

There are no apparent environmental implications.

### **MERGER PROPOSAL IMPLICATIONS**

There are no known merger proposal implications.

### **CONSULTATION**

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

#### Internal

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

#### External

- Crown Land Offices – Maitland and Newcastle.
- NSW Roads and Maritime Services.
- Office of Local Government.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Locality Map.
- 2) DP1225747.

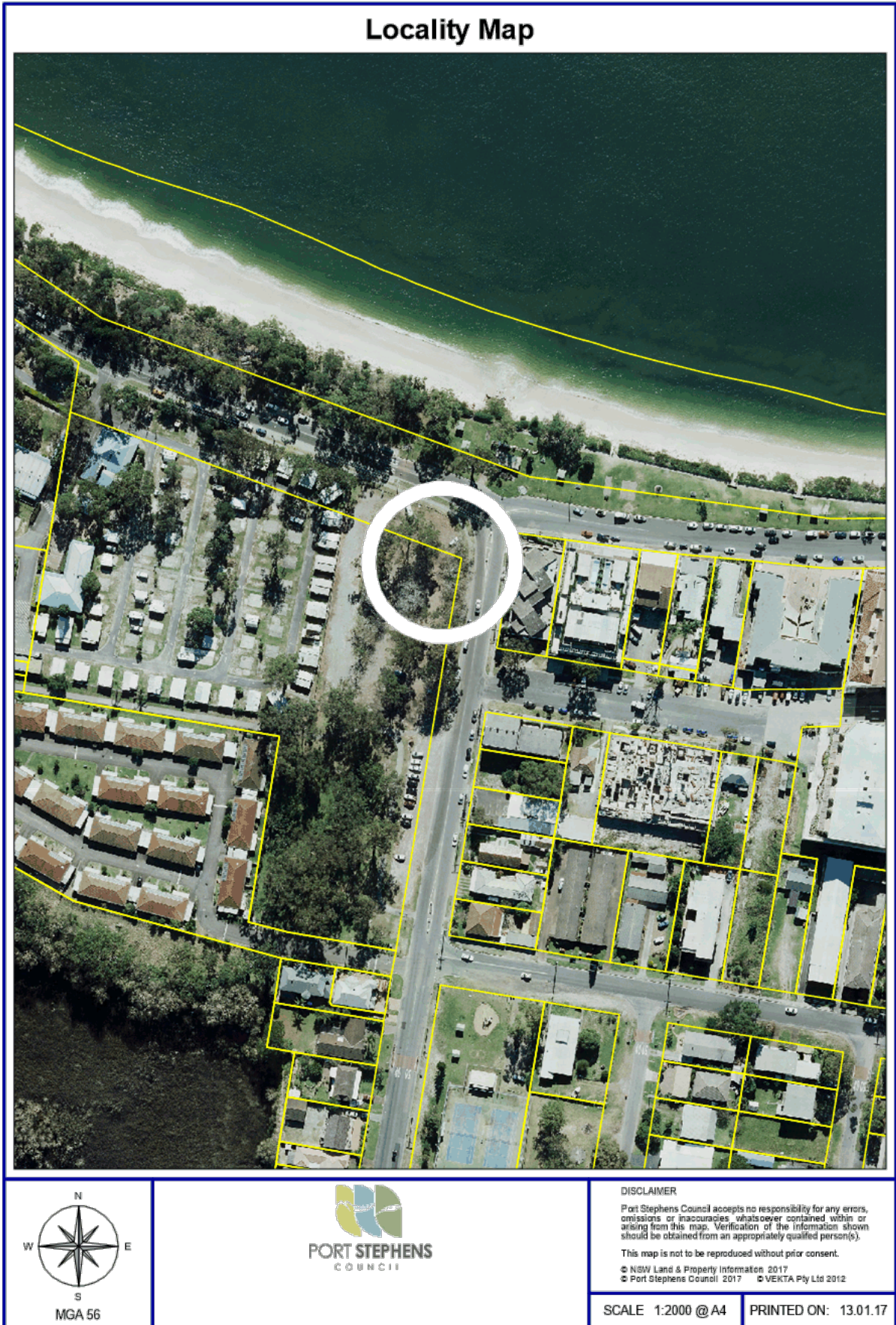
**COUNCILLORS ROOM**

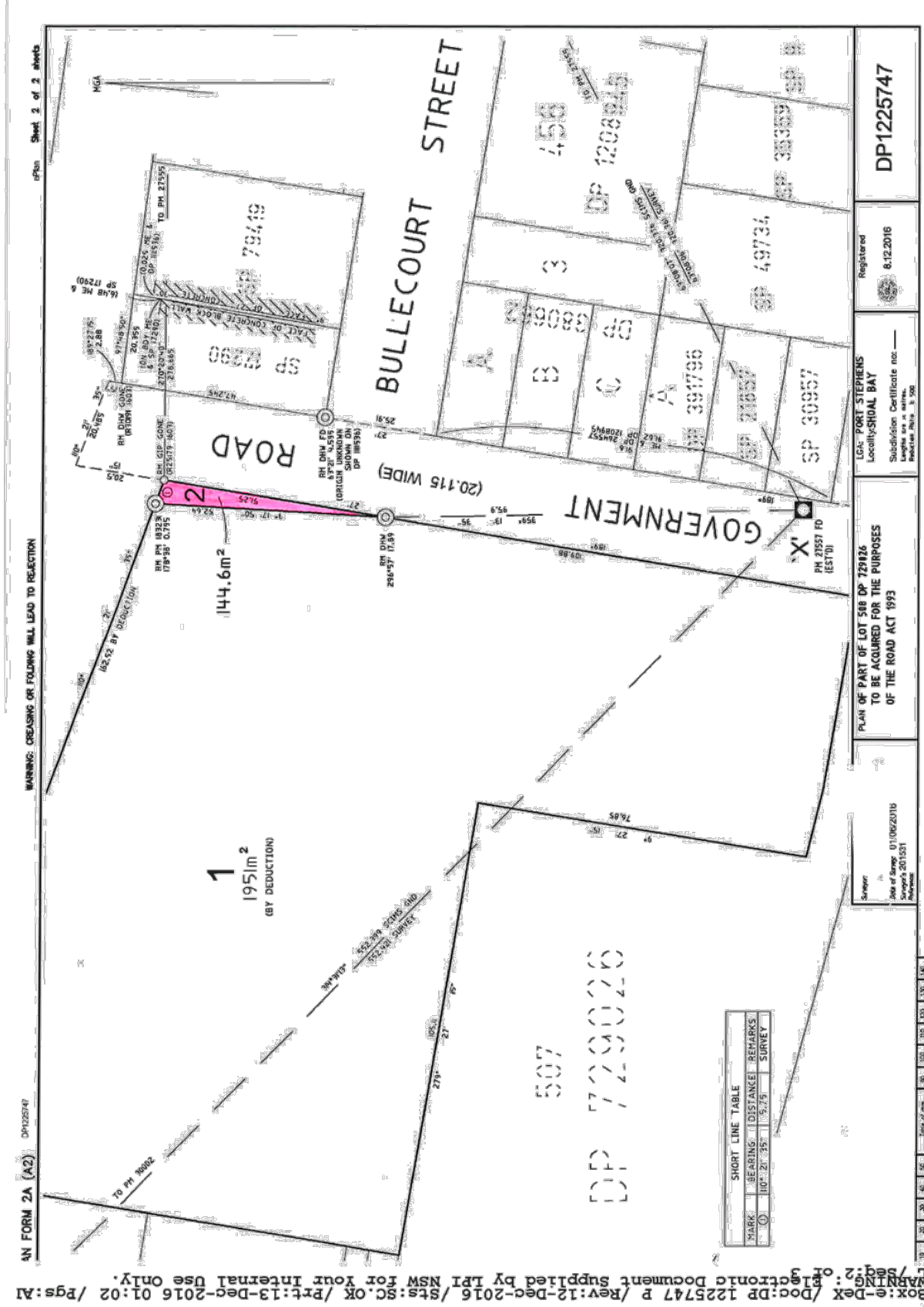
Nil.

**TABLED DOCUMENTS**

Nil.







**ITEM NO. 5**

**FILE NO: 17/6013  
RM8 REF NO: PSC2009-02488**

**RELATED PARTY DISCLOSURE POLICY**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the Related Party Disclosure Policy shown at **(ATTACHMENT 1)**.
- 2) Place the Related Party Disclosure Policy on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted without a further report to Council.

**ORDINARY COUNCIL MEETING - 14 FEBRUARY 2017  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor John Nell Councillor Ken Jordan</b></p> <p>That the recommendation be adopted.</p>
--	---

**ORDINARY COUNCIL MEETING - 14 FEBRUARY 2017  
MOTION**

<b>010</b>	<p><b>Councillor Ken Jordan Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the Related Party Disclosure Policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the Related Party Disclosure Policy on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted without a further report to Council.</li></ol>
------------	---

**BACKGROUND**

The purpose of this report is to present the Related Party Disclosure Policy.

For the 2017 financial year Council is required to comply with the AASB 124 – Related Party Transactions. The Office of Local Government (OLG) recently released a circular (16-36) which highlighted the importance and also included examples of what is considered to be a related party transaction.

The circular highlights that:

- related parties are likely to include the Mayor, Councillors, General Manager, senior executives, their close family members and any entities controlled or jointly controlled by Councils;
- any transactions between Councils and these parties, whether monetary or otherwise, will need to be identified and may need to be disclosed;
- this information will be audited as part of the annual external audit;
- from 1 July 2016 Councils should have systems in place to identify related parties and capture transactions. Comparatives are not required;
- it will involve the possible publication of information of a nature not previously placed in the public domain;
- compliance with the standard involves reviewing transactions and relationships that are beyond the pecuniary interest register.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</b>
A Sustainable Council.	Council will maintain its underlying financial performance to budget at break even or better. Council will increase its revenue from non-rates sources. Manage risks across Council. Attract, retain and develop staff to meet current and future workforce needs. Provide enabling business support services for Council's operations.

## **FINANCIAL/RESOURCE IMPLICATIONS**

The OLG is advocating that as a result of the introduction of the standard that Councils implement a policy that provides a clear outline of the reporting specifics, data collection requirements and processes/procedures to be put in place to ensure compliance with the standard.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		Within existing budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that non-compliance with the Accounting Standard would lead to a qualified Annual Financial Report.	Medium	Accept the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

To ensure compliance with Australian Accounting Standards and transparency of related party transactions.

**MERGER PROPOSAL IMPLICATIONS**

There are no known merger proposal implications.

**CONSULTATION**

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

Internal

- Executive Leadership Team.
- Financial Services Section.

External

- Pitcher Partners – external auditor.

In accordance with local government legislation the draft Related Party Disclosure Policy will go on public exhibition from Thursday 23 February 2017 to Wednesday 22 March 2017 for 28 days.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Related Party Disclosure Policy.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

Policy



**FILE NO:** PSC2009-02488  
**TITLE:** RELATED PARTY DISCLOSURES  
**POLICY OWNER:** FINANCIAL SERVICES SECTION MANAGER

**PURPOSE:**

The Related Party Disclosure Policy aims to ensure compliance with disclosure requirements concerning key management personnel, their close family members and entities controlled or jointly controlled by any of them stipulated under the Australian Accounting Standard AASB 124 Related Party Disclosures and the Australian implementation guidance for not-for-profit public sector entities (AASB 124).

**CONTEXT/BACKGROUND:**

The *Local Government Act 1993* section 413, requires Council to prepare its general purpose financial report in compliance with the publications issued by the Australian Accounting Standards Board. AASB 124 comes into effect for annual reporting periods beginning on or after 1 July 2016, Council will disclose in its general purpose financial statements the information specified in AASB 124 regarding related party transactions during the period covered by the financial statements.

A related party relationship could influence the normal business operations of Council. In some instances, Council may enter into transactions with a related party that unrelated parties would not. For example, goods are supplied to Council on terms that might not be offered to other customers. Also, transactions between related parties may not be made on the same terms as between unrelated parties.

For these reasons, knowledge of Council's transactions and outstanding balances (including commitments and relationships with related parties) may affect assessments of Council's operations by users of financial statements, including assessments of the risks and opportunities facing Council, this is the background regarding the release of AASB 124.

**SCOPE:**

This policy applies to related parties of Council including key management personnel and their related party transactions with Council (as defined in the definitions section of this policy).

**Policy**

WARNING: This is a controlled document. Handcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



Issue Date: xx/xx/xxxx      Printed: 22/12/2016 9:35:00 AM      Review Date: xx/xx/xxxx      Page: 1 of 5

## Policy



### DEFINITIONS:

#### Related party

A person or entity that is related to Council pursuant to the definition contained in the AASB 124, paragraph 9.

Examples of related parties of Council are:

- a) key management personnel;
- b) close family members of key management personnel;
- c) entities that are controlled or jointly controlled by key management personnel or their close family members.

#### Key management personnel

Person(s) having authority and responsibility for planning, directing and controlling the activities of Council.

Specifically, key management personnel of Council are:

- a) Mayor;
- b) Councillors;
- c) General Manager;
- d) Group Managers;
- e) Section Managers.

#### Close family members

A close family member includes:

- a) that person's children and spouse or domestic partner;
- b) children of that person's spouse or domestic partner; and
- c) dependants of that person or that person's spouse or domestic partner.

Close family members could include extended members of a family (such as, without limitation, parents, siblings, grandparents, uncles/aunts or cousins) if they could be expected to influence, or be influenced by, the key management person in their dealings with Council.

#### Related party transaction

A transfer of resources, services or obligations between the Council and a related party, regardless of whether a price is charged.

Examples of related party transactions are:

- a) purchases or sales of goods;
- b) purchases or sales of property and other assets;
- c) rendering or receiving of services;
- d) rendering or receiving of goods;
- e) leases;
- f) transfers under licence agreements;
- g) transfers under finance arrangements (example, loans);

## Policy

**WARNING:** This is a controlled document. Handcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)





Policy



- h) provision of guarantees (given or received);
- i) commitments to do something if a particular event occurs or does not occur in the future;
- j) settlement of liabilities on behalf of Council or by Council on behalf of that related party.

**Ordinary citizen transactions**

Transactions that an ordinary citizen would undertake with Council, which is undertaken on arm's length terms and in the ordinary course of carrying out Council's functions and activities.

Examples of ordinary citizen transactions assessed to be not material in nature are:

- a) paying rates and utility charges;
- b) using Council's public facilities after paying the corresponding fees.

**Materiality**

The assessment of whether the transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis an entity's financial statements. For the purpose of this policy, it is not considered appropriate to set either a dollar value or a percentage value to determine materiality.

**Key Management Personnel remuneration**

Council shall in its annual financial statements disclose key management personnel remuneration (compensation) in total and for each of the following categories:

- a) short-term employee benefits
- b) post-employment benefits
- c) other long-term benefits; and
- d) termination benefits

**POLICY STATEMENT:**

Key management personnel (as defined in the definitions section of this policy) must provide a Related Party Transactions Notification in the form set out in **(ATTACHMENT 1)** notifying of any existing related party transactions (as defined in the definitions section of this policy) between Council and either themselves, their close family members or entities controlled or jointly controlled by them or any of their close family members to the Financial Services Section Manager by no later than 15 July for each financial year ended 30 June.

Some examples of the types of transactions that may need to be captured for analysis to be included in the related party disclosure in Council's annual financial statements are as follows:

**Policy**

WARNING: This is a controlled document. Handcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)

## Policy



From Council:

- Grants paid by Council to related parties of Council.
- Donations, contributions and assistance paid by Council to related parties of Council.
- Charges for goods or services paid to related parties of Council from Council.

To Council:

- Fees and charges paid to Council from related parties of Council that are out of the ordinary.
- Infrastructure contributions and development application fees paid to Council from related parties of Council.

Non-monetary transactions between Council and related parties of Council also need to be captured.

The notification requirements do not apply to:

- a) related party transactions that are ordinary citizen transactions (as defined in the definitions section of this policy) not assessed as being material; and
- b) for Councillors, expenses incurred and facilities provided to a Councillor during the financial year, under Council's Payment of Expenses and Provision of Facilities to Mayor/Councillors Policy.

Council will disclose the following information in Council's general purpose financial statements:

- a) the nature of the related party relationship
- b) the amount of the transactions
- c) the amount of outstanding balances, including commitments, and:
  - i) their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in settlement; and
  - ii) details of any guarantees given or received
- d) provisions for doubtful debts related to the amount of outstanding balances; and
- e) the expense recognised during the period in respect of bad or doubtful debts due from related parties

### POLICY RESPONSIBILITIES:

- 1) Council's key management personnel are responsible for complying with the Related Party Disclosures Policy.

## Policy

WARNING: This is a controlled document. Handcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



Issue Date: xx/xx/xxxx

Printed: 22/12/2016 9:35:00 AM

Review Date: xx/xx/xxxx

Page: 4 of 5

Policy



- 2) The Financial Services Section Manager is responsible for providing advice regarding the Related Party Disclosures Policy and will make the decision whether a related party transaction is disclosed in Council's financial statements.

**RELATED DOCUMENTS:**

- 1) *Local Government Act 1993*, section 413.
- 2) Australian Accounting Standard AASB 124 Related Party Disclosures.
- 3) Australian implementation guidance for not-for-profit public sector entities for AASB 124.

**CONTROLLED DOCUMENT INFORMATION:**

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)

<b>RM8 container No</b>	PSC2009-02488	<b>RM8 record No</b>	17/7917
<b>Audience</b>	Key management personnel		
<b>Process owner</b>	Financial Services section manager		
<b>Author</b>	Financial Services section manager		
<b>Review timeframe</b>	Two years	<b>Next review date</b>	##/##/201#
<b>Adoption date</b>			

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1.0	15/12/2016	Financial Services Section Manager		

**Policy**

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)

Issue Date: xx/xx/xxxx      Printed: 22/12/2016 9:35:00 AM      Review Date: xx/xx/xxxx      Page: 5 of 5



**This notification is only required to be completed by Key Management Personnel (KMP)**

KMP are person(s) having authority and responsibility for planning, directing and controlling the activities of Council. Specifically, KMP of Council are:

- a) Mayor
- b) Councillors
- c) General Manager
- d) Group Managers
- e) Section Managers

NAME OF THE KEY MANAGEMENT PERSONNEL	ROLE/POSITION OF THE KEY MANAGEMENT PERSONNEL

Please complete the table below for each related party transaction with Council that you or a close member of your family, or an entity related to you or a close member of your family:

- a) has previously entered into and which will continue in the 2016-2017 financial year; or
- b) has entered into in the 2016-2017 financial year.

**ITEM 5 - ATTACHMENT 1 RELATED PARTY DISCLOSURE POLICY.**

Related Party's Name (Individual's or entity's name)	Related Party's Relationship/ Reasons why related	Description of Related Party Transaction
	<p>A person or entity that is related to Council pursuant to the definition contained in AASB 124, paragraph 9.</p> <p>Examples of related parties of Council are:</p> <ul style="list-style-type: none"> <li>a) key management personnel;</li> <li>b) close family members of key management personnel;</li> <li>c) entities that are controlled or jointly controlled by key management personnel or their close family members.</li> </ul>	<p>A related party transaction is a transfer of resources, services or obligations between the Council and a related party, regardless of whether a price is charged. Examples of related party transactions are:</p> <ul style="list-style-type: none"> <li>a) purchases or sales of goods;</li> <li>b) purchases or sales of property and other assets;</li> <li>c) rendering or receiving of services;</li> <li>d) rendering or receiving of goods;</li> <li>e) leases;</li> <li>f) transfers under licence agreements;</li> <li>g) transfers under finance arrangements (example, loans);</li> <li>h) provision of guarantees (given or received);</li> <li>i) commitments to do something if a particular event occurs or does not occur in the future;</li> <li>j) settlement of liabilities on behalf of Council or by Council on behalf of that related party.</li> </ul> <p>The notification requirements do not apply to:</p> <ul style="list-style-type: none"> <li>a) related party transactions that are ordinary citizen transactions not assessed as being material and</li> <li>b) for councillors, expenses incurred and facilities provided to a councillor during the financial year, under Council's Payment of Expenses and Provision of Facilities to Mayor/Councillors Policy.</li> </ul>

**ITEM 5 - ATTACHMENT 1 RELATED PARTY DISCLOSURE POLICY.**


I notify that, to the best of my knowledge, information and belief, as at the date of this notification, the above list includes all existing related party transactions with Council involving myself, close members of my family, or entities controlled or jointly controlled by me or close members of my family, relevant to the 2016-2017 financial year.

I make this notification after reading the Related Party Transactions Policy.

I permit the use the information for the purposes specified in the Related Party Transactions Policy.

**SIGNATURE OF THE NAMED KMP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**This notification is due by 15 July, please send completed notification to the Financial Services Section Manager.**

**ITEM NO. 6**

**FILE NO: 17/5103  
RM8 REF NO: A2004-0242**

**QUARTERLY BUDGET REVIEW AS AT 31 DECEMBER 2016**

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 2016-2017 Quarterly Budget Review Statement – December 2016.
- 

**ORDINARY COUNCIL MEETING - 14 FEBRUARY 2017  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Mayor Bruce MacKenzie Councillor John Nell</b></p> <p>That the recommendation be adopted.</p>
--	---

**ORDINARY COUNCIL MEETING - 14 FEBRUARY 2017  
MOTION**

<b>011</b>	<p><b>Councillor Ken Jordan Councillor Chris Doohan</b></p> <p>It was resolved that Council approve the discretionary changes to the adopted budget as detailed in <b>(ATTACHMENT 1)</b> presented as the 2016-2017 Quarterly Budget Review Statement – December 2016.</p>
------------	--

**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 2016-2017 budget that are detailed in the Quarterly Budget Review Statement - December 2016. This statement sets out the details of variations between Council's original budget and the proposed budget as part of the September Quarterly Budget Review.

Council considered its Integrated Strategic Plans on 24 May 2016 (Minute No. 142) and these plans include the budget estimates for the 2016-2017 financial year.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</b>
A Sustainable Council.	<p>Council will maintain its underlying financial performance to budget at break even or better.</p> <p>Council will increase its revenue from non-rates sources.</p> <p>Manage risks across Council.</p> <p>Attract, retain and develop staff to meet current and future workforce needs.</p> <p>Provide enabling business support services for Council's operations.</p>

**FINANCIAL/RESOURCE IMPLICATIONS**

Council's anticipated underlying result is as follows:

	<b>Surplus (\$)</b>	<b>Deficit</b>
Budget 2016-2017	1,017,000	
September Review	666,000	
December Review	939,000	
March Review		

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		Within existing budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the underlying operating result may return to a deficit.	Medium	Long Term Financial Plan established to reach break-even point.	Yes



**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Council's budget is fundamental for operational sustainability and to the provision of facilities and services to the community.

**MERGER PROPOSAL IMPLICATIONS**

There are no known merger proposal implications.

**CONSULTATION**

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

Internal

- Group Managers via email in January 2017 to provide an update on the overall financial result for the quarter.
- Executive Leadership Team and Executive Team during formal meetings in January 2017 to discuss the overall financial result for the quarter.

Formal communication and meetings have been held and the recommendation to submit to Council for formal adoption was accepted.

**OPTIONS**

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

**ATTACHMENTS**

- 1) 2016-2017 Quarterly Budget Review Statement - December 2016.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



"A great lifestyle in a treasured environment"

**2016 – 2017**  
**Quarterly Budget Review Statement**  
**December 2016**

**ITEM 6 - ATTACHMENT 1 2016-2017 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2016.**

**TABLE OF CONTENTS**

1. EXECUTIVE SUMMARY	1
2. INTRODUCTION	3
3. RESPONSIBLE ACCOUNTING OFFICER'S STATEMENT	4
4. INCOME & EXPENSES BUDGET REVIEW STATEMENT	5
5. CAPITAL BUDGET REVIEW STATEMENT	9
6. CASH FLOW STATEMENT & ANALYSIS	13
7. BUDGET REVIEW CONTRACTS AND OTHER EXPENSES	14

ITEM 6 - ATTACHMENT 1 2016-2017 QUARTERLY BUDGET REVIEW  
STATEMENT - DECEMBER 2016.

1) **Executive summary**

Categorising the changes by group:

**Corporate Services:** The operating budget changes in this group were \$79k (Favourable). A net increase of \$31k to income was recognised for insurance rebates (\$100k) and rental income (\$30k) which was offset by a decrease in holiday park income (\$101k). Expenditure was decreased by \$48k to offset the reduced holiday park income. Capital budget changes were \$313k (Unfavourable). These changes predominately relate to office fit out improvements on the investment property portfolio and refurbishment at Fingal Bay Holiday Park.

**Development Services:** The operating budget changes in the group amounted to no change in the net result.

**Facilities & Services:** The operating budget changes in this group were \$133k (Favourable). Operating income was increased \$273k as a result of operating grants from RFS, DEEVR and RMS. Operating expenditure was also increased \$140k as a result of the grants.

Changes in the capital budget were \$4.4M (Unfavourable) which consists of an increase in capital grants for \$1.6M and an increase in capital expenditure of \$6M. The capital expenditure adjustment mainly relates to the following projects:

1. Construction of the new men's shed - \$770k.
2. Road pavement works - \$2.7M.
3. Drainage works - \$1M.
4. Expansion of Anna Bay Cemetery - \$250k.
5. Fleet replacement and construction of a wash bay - \$350k.
6. Footpath, cycleway and pedestrian ramps - \$520k.
7. Parks and recreational assets - \$450k.

**General Manager's Office:** The operating budget changes in this group were \$3k (Favourable). This was as a result of an increase in budgeted income.

**Newcastle Airport** – The annual dividend received by Council as part of the underlying surplus calculation was increased by \$58k.

ITEM 6 - ATTACHMENT 1 2016-2017 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2016.

Operating budget	2017 Original budget \$'000	Budget revotes & carry forwards \$'000	Budget revision Sept qtr \$'000	Budget revision Dec qtr \$'000	Budget revision Mar qtr \$'000	Budget revision Jun qtr \$'000	2017 revised budget full year \$'000	2017 YTD actuals \$'000
Corporate Services	37,529	-	480	79	-	-	38,088	37,353
Development Services	(7,359)	-	39	-	-	-	(7,320)	(3,620)
General Manager's Office	(2,794)	(104)	-	3	-	-	(2,895)	(1,313)
Facilities & Services	(26,669)	-	(66)	133	-	-	(26,602)	(5,346)
Newcastle Airport	2,352	-	-	-	-	-	2,352	-
<b>Operating surplus/(deficit) before capital grants</b>	<b>3,059</b>	<b>(104)</b>	<b>453</b>	<b>215</b>	<b>-</b>	<b>-</b>	<b>3,623</b>	<b>27,074</b>
Less: Gain on sale	(250)	-	(700)	-	-	-	(950)	-
Less: Fair value gains	(615)	-	-	-	-	-	(615)	-
Less: Newcastle Airport	(2,352)	-	-	-	-	-	(2,352)	-
Add:: NAP dividend	1,175	-	-	58	-	-	1,233	1,233
<b>Underlying operating surplus/(deficit)</b>	<b>1,017</b>	<b>(104)</b>	<b>(247)</b>	<b>273</b>	<b>-</b>	<b>-</b>	<b>939</b>	<b>28,307</b>

Capital budget	2017 original budget \$'000	Budget revotes & carry forwards \$'000	Budget revision Sept qtr \$'000	Budget revision Dec qtr \$'000	Budget revision Mar qtr \$'000	Budget revision Jun qtr \$'000	2017 Revised budget full year \$'000	2017 YTD actuals \$'000
Corporate Services	(2,379)	(1,238)	(8,453)	(313)	-	-	(12,384)	(3,403)
Development Services	3,000	-	-	-	-	-	3,000	1,602
General Manager's Office	-	-	-	-	-	-	-	-
Facilities & Services	(5,489)	(8,325)	(2,895)	(4,420)	-	-	(21,131)	(7,296)
<b>Total</b>	<b>(4,868)</b>	<b>(9,563)</b>	<b>(11,348)</b>	<b>(4,733)</b>	<b>-</b>	<b>-</b>	<b>(30,515)</b>	<b>(9,097)</b>

Note - + = inflow () = outflow

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2016 and should be read in conjunction with other documents in the QBRS.

ITEM 6 - ATTACHMENT 1 2016-2017 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2016.

**2) Introduction**

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

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

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

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

The QBRS is composed of the following components:

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

ITEM 6 - ATTACHMENT 1 2016-2017 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2016.

**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 31/12/2016 indicates that Council's projected financial position will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Name: Tim Hazell

Responsible Accounting Officer, Port Stephens Council

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2016 and should be read in conjunction with other documents in the QBRS.

Page 4 of 16

ITEM 6 - ATTACHMENT 1 2016-2017 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2016.

4) Income & expenses budget review statement

Consolidated	2017 Original budget \$'000	Budget revotes & carry forwards \$'000	Budget revision Sept qtr \$'000	Budget revision Dec qtr \$'000	Budget revision Mar qtr \$'000	Budget revision Jun qtr \$'000	2017 Revised budget full year \$'000	2017 YTD actuals \$'000
Rates & annual charges	52,778	-	-	-	-	-	52,778	53,333
User charges & fees income	37,702	-	102	(188)	-	-	37,616	12,686
Interest & Investment Income	1,680	-	-	-	-	-	1,680	398
Other Income	5,909	-	251	111	-	-	6,271	2,821
Grants and Cont.	12,814	-	180	439	-	-	13,433	6,927
Grants and Cont. (Capital)	8,003	-	1,312	1,587	-	-	10,902	1,992
Gain on Sale	250	-	700	-	-	-	950	236
<b>Total revenue</b>	<b>119,136</b>	-	<b>2,545</b>	<b>1,949</b>	-	-	<b>123,630</b>	<b>78,392</b>
Employee costs	40,822	-	646	578	-	-	42,046	20,104
Borrowing costs	818	-	-	-	-	-	818	212
Materials & contracts	39,084	-	227	(615)	-	-	38,696	18,481
Other expenses	12,638	104	(92)	183	-	-	12,833	4,223
Depreciation	14,713	-	-	-	-	-	14,713	6,306
<b>Total expenditure</b>	<b>108,075</b>	<b>104</b>	<b>781</b>	<b>146</b>	-	-	<b>109,106</b>	<b>49,326</b>
<b>Operating surplus/(deficit) after capital grants</b>	<b>11,061</b>	<b>(104)</b>	<b>1,764</b>	<b>1,802</b>	-	-	<b>14,524</b>	<b>29,066</b>
<b>Operating surplus/(deficit) before capital grants</b>	<b>3,059</b>	<b>(104)</b>	<b>453</b>	<b>215</b>	-	-	<b>3,623</b>	<b>27,074</b>
Less: Gain on sale	(250)	-	(700)	-	-	-	(950)	-
Less: Fair value gains	(615)	-	-	-	-	-	(615)	-
Less: Newcastle Airport	(2,352)	-	-	-	-	-	(2,352)	-
Add: NAP dividend	1,175	-	-	58	-	-	1,233	1,233
<b>Underlying operating surplus/(deficit)</b>	<b>1,017</b>	<b>(104)</b>	<b>(247)</b>	<b>273</b>	-	-	<b>939</b>	<b>28,307</b>

Notes:

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

Council's original operating budget for 2016-2017 was incorporated as part of the Integrated Plans and was adopted by Council on 24 May 2016.

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2016 and should be read in conjunction with other documents in the QBRS.



ITEM 6 - ATTACHMENT 1 2016-2017 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2016.

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. There are a number of budgetary changes proposed across the Council budget which have delivered Council's Underlying Operating result. This has altered from an original projected surplus of \$1,017,000 to a projected surplus of \$939,000.

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

<b>REVENUE</b>	<b>Budget change</b>
	<b>\$'000 F/U</b>
<b>Rates and annual charges</b>	-
No Change	
<b>User charges and fees</b>	<b>188 U</b>
User charges have been revised to account for re-forecasted income from childcare services and holiday parks. These impacts have been offset by a reduction in operating expenditure and attraction of operating grants.	
<b>Grants and contributions provided for operating purposes</b>	<b>439 F</b>
Grant income has been revised to account for the following items which have a net impact as follows:	
1. Children Services have obtained an operating grant from DEEWR in return for service related activity.	
2. The budgeted operating grant from the RFS has been increased. This has been offset by an increase in materials and contracts.	
<b>Interest and investment revenue</b>	-
No Change	

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2016 and should be read in conjunction with other documents in the QBRS.

**ITEM 6 - ATTACHMENT 1 2016-2017 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2016.**

<b>Other revenues</b>	<b>111</b>	<b>F</b>
There has been an increase in other revenue mainly as a result of the following:		
1. Additional rental income from the leasing of commercial office space.		
2. Receipt of insurance rebates from Statewide Cover.		
	<b>1,587</b>	<b>F</b>
<b>Grants and contributions provided for capital purposes</b>		
Capital income has been increased mainly as a result of the following:		
1. \$150k for drainage studies		
2. \$365k for aquatic infrastructure at Seaham and Tilligerry.		
3. \$1.1M for roads under the Federal Government blackspot program.		
	<b>-</b>	<b>-</b>
<b>Net gains from the disposal of assets</b>		
No change	<b>-</b>	<b>-</b>

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2016 and should be read in conjunction with other documents in the QBRS.

ITEM 6 - ATTACHMENT 1 2016-2017 QUARTERLY BUDGET REVIEW  
STATEMENT - DECEMBER 2016.

EXPENDITURE	\$'000	Budget change F/U
<b>Borrowing costs</b>	-	-
No Change		
<b>Depreciation and amortisation</b>	-	-
No Change		
<b>Employee benefits and on-costs</b>	578	U
The increase in employee costs is the result of a reallocation from materials and contracts due to a change in the operating structure at the holiday parks.		
<b>Materials and contracts</b>	615	F
Decreased expenditure on Contractor & Materials is mainly due to the following areas:		
1. \$670k was transferred out and reclassified as employee and other expenditure due to a change in the operating structure at the holiday parks.		
2. \$55k was added to the RFS maintenance budget.		
<b>Other expenses</b>	183	U
Other expenses have increased due to the additional grant income attracted.		

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2016 and should be read in conjunction with other documents in the QBRS.

ITEM 6 - ATTACHMENT 1 2016-2017 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2016.

5) Capital budget review statement

Consolidated	2017 Original budget \$'000	Budget revotes & carry forwards \$'000	Budget revision Sept qtr \$'000	Budget revision Dec qtr \$'000	Budget revision Mar qtr \$'000	Budget revision Jun qtr \$'000	2017 revised budget full year \$'000	2017 YTD actuals \$'000
Grants and cont. (capital)	8,003	-	1,312	1,587	-	-	10,901	1,992
<b>Total receipts</b>	<b>8,003</b>	-	<b>1,312</b>	<b>1,587</b>	-	-	<b>10,901</b>	<b>1,992</b>
Capital materials & contracts	11,801	9,563	7,141	6,320	-	-	34,825	9,735
Capital acquisition & development	1,070	-	5,518	-	-	-	6,588	1,354
<b>Total payments</b>	<b>12,871</b>	<b>9,563</b>	<b>12,659</b>	<b>6,320</b>	-	-	<b>41,413</b>	<b>11,089</b>
<b>Capital surplus/(deficit)</b>	<b>(4,868)</b>	<b>(9,563)</b>	<b>(11,398)</b>	<b>(4,733)</b>	-	-	<b>(30,515)</b>	<b>(9,097)</b>

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 within capital expenditure of \$4.7M for December.

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

INCOME	\$'000	Budget change F/U
<b>Capital grants</b>	<b>1,587</b>	<b>F</b>

Capital income has been increased mainly as a result of the following:

- \$150k for drainage studies.
- \$365k for aquatic infrastructure at Seaham and Tilligerry.
- \$1.1M for roads under the Federal Government blackspot program.

**Budget change**

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2016 and should be read in conjunction with other documents in the QBRS.

**ITEM 6 - ATTACHMENT 1 2016-2017 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2016.**

<b>EXPENDITURE</b>	<b>\$'000</b>	<b>F/U</b>
<b>Capital acquisition and development</b>	-	-
No Change		
<b>Capital materials and contracts</b>	<b>6,320</b>	<b>U</b>
Capital materials and contracts was increased mainly as a result of the following:		
<ol style="list-style-type: none"> <li>1. Construction of the new men's shed - \$770k. This project is funded by the Commercial Properties reserve.</li> <li>2. Investment property fit out - \$255k. This project is funded by the Commercial Properties reserve.</li> <li>3. Road pavement works - \$2.7M. These projects are primarily funded from capital grants and the Asset Rehabilitation reserve.</li> <li>4. Drainage works - \$1M. These projects are funded by the Drainage reserve.</li> <li>5. Expansion of Anna Bay Cemetery - \$250k. This project is primarily funded by s94 funds.</li> <li>6. Fleet replacement and construction of a wash bay - \$350k. These items are funded from the Waste reserve.</li> <li>7. Footpath, cycleway and pedestrian ramps - \$520k. These projects are primarily funded from capital grants and the Asset Rehabilitation.</li> <li>8. Parks and recreational assets - \$450k. These projects are primarily funded from capital grants and s94 funds.</li> </ol>		

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2016 and should be read in conjunction with other documents in the QBRS.

ITEM 6 - ATTACHMENT 1 2016-2017 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2016.

The capital works program by section is as follows:

	Original Budget	Budget Revotes & carry forwards	Budget Revision Sept	Budget Revision Dec	Budget Revision Mar	Revised Budget	Actual YTD
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Capital Funding</b>							
Capital Grants & Contributions	8,003	-	1,312	1,587	-	10,901	1,992
<b>Total Capital Funding</b>	<b>8,003</b>	<b>-</b>	<b>1,312</b>	<b>1,587</b>	<b>-</b>	<b>10,901</b>	<b>1,992</b>
<b>Capital Expenditure</b>							
<b>Corporate Services Group</b>							
<b>Commercial Property</b>							
Fingal Bay Holiday Park	525	652	711	60	-	1,948	734
Halifax Holiday Park	430	122	654	-	-	1,206	525
Shoal Bay Holiday Park	305	129	863	-	-	1,297	756
Thou Walla Sunset Retreat	49	-	300	-	-	349	63
TreEscape	-	-	303	-	-	303	-
Office and Chambers	-	-	-	-	-	-	-
Property Development	-	-	5418	-	-	5,418	1,124
Property Services Section Manager	-	-	164	-	-	164	135
Property Investments	-	-	-	253	-	253	45
<b>Commercial Property Total</b>	<b>1,309</b>	<b>903</b>	<b>8,413</b>	<b>313</b>	<b>-</b>	<b>10,938</b>	<b>3,382</b>
<b>Business System Support</b>							
Business Improvement Technology	1,070	335	40	-	-	1,445	21
<b>Business System Support Total</b>	<b>1,070</b>	<b>335</b>	<b>40</b>	<b>-</b>	<b>-</b>	<b>1,445</b>	<b>21</b>
<b>Corporate Services Total</b>	<b>2,379</b>	<b>1,238</b>	<b>8,453</b>	<b>313</b>	<b>-</b>	<b>12,383</b>	<b>3,403</b>

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2016 and should be read in conjunction with other documents in the QBRS.

ITEM 6 - ATTACHMENT 1 2016-2017 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2016.

	Original Budget \$'000	Budget Revotes & carry forwards \$'000	Budget Revision Sept \$'000	Budget Revision Dec \$'000	Budget Revision Mar \$'000	Revised Budget \$'000	Actual YTD \$'000
<b>Facilities and Services</b>							
<b>Civil Assets</b>							
Community and Recreational Assets	-	100	-	-	-	100	-
Fleet Maintenance	970	-	-	-	-	970	293
Drainage	-	156	102	-	-	258	65
<b>Civil Assets Total</b>	<b>970</b>	<b>256</b>	<b>102</b>	<b>-</b>	<b>-</b>	<b>1,328</b>	<b>358</b>
<b>Community and Recreation</b>							
Library Services	250	-	112	-	-	362	191
<b>Community and Recreation Total</b>	<b>250</b>	<b>-</b>	<b>112</b>	<b>-</b>	<b>-</b>	<b>362</b>	<b>191</b>
<b>Capital Works</b>							
Capital Works Construction	9,272	8,050	3,992	6,007	-	27,323	7,123
<b>Capital Works Total</b>	<b>9,272</b>	<b>8,050</b>	<b>3,992</b>	<b>6,007</b>	<b>-</b>	<b>27,323</b>	<b>7,123</b>
<b>Public Domain and Services</b>							
Building Trades	-	-	-	-	-	-	-
Depots	-	19	-	-	-	19	13
<b>Public Domain and Services total</b>	<b>-</b>	<b>19</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>19</b>	<b>13</b>
<b>Facilities and Services Total</b>	<b>10,492</b>	<b>8,325</b>	<b>4,206</b>	<b>6,007</b>	<b>-</b>	<b>29,033</b>	<b>7,685</b>
<b>Total Capital Expenditure</b>	<b>12,871</b>	<b>9,563</b>	<b>12,659</b>	<b>6,320</b>	<b>-</b>	<b>41,413</b>	<b>11,089</b>
<b>Net Outlay</b>	<b>4,868</b>	<b>9,563</b>	<b>11,398</b>	<b>4,733</b>	<b>-</b>	<b>30,515</b>	<b>9,097</b>

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2016 and should be read in conjunction with other documents in the QBRS.

ITEM 6 - ATTACHMENT 1 2016-2017 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2016.

6) Cash flow statement (consolidated)	Original budget	Revotes carried forward	Budget revision Sept	Budget revision Dec	Budget revision Mar	Revised budget
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Cash flows from operating activities</b>						
<b>Receipts:</b>						
Rates & annual charges	52,066	-	-	-	-	52,066
User charges & fees	36,430	-	102	(188)	-	36,344
Interest & investment revenue received	1,680	-	-	-	-	1,680
Other	5,827	-	221	111	-	6,159
Grants & contributions	21,366	-	1,522	2,026	-	24,914
<b>Payments:</b>						
Employee benefits & on-costs	(41,124)	-	(646)	(578)	-	(42,348)
Borrowing costs	(841)	-	-	-	-	(841)
Materials & contracts	(36,568)	(104)	(227)	615	-	(36,284)
Other	(14,479)	-	92	(183)	-	(14,570)
<b>Net cash provided (or used in) operating activities</b>	<b>24,357</b>	<b>(104)</b>	<b>1,064</b>	<b>1,802</b>	<b>-</b>	<b>27,120</b>
<b>Cash flows from investing activities</b>						
<b>Receipts:</b>						
Proceeds from disposal of Property Plant & Equipment	250	-	6,000	-	-	6,250
<b>Payments:</b>						
Purchase of Infrastructure, Property, Plant & Equipment	(12,871)	(9,563)	(12,659)	(6,320)	-	(41,413)
<b>Net cash provided (or used in) investing activities</b>	<b>(12,621)</b>	<b>(9,563)</b>	<b>(6,659)</b>	<b>(6,320)</b>	<b>-</b>	<b>(35,163)</b>
<b>Cash flows from financing activities</b>						
<b>Receipts:</b>						
Proceeds from borrowings	-	1,000	4,970	-	-	5,970
<b>Payments:</b>						
Repayment of borrowings & advances	(3,767)	-	-	-	-	(3,767)
<b>Net cash flow provided (used in) financing activities</b>	<b>(3,767)</b>	<b>1,000</b>	<b>4,970</b>	<b>-</b>	<b>-</b>	<b>2,203</b>
Net increase/(decrease) in cash & cash equivalents	7,969	(8,667)	(625)	(4,518)	-	(5,841)
plus: Cash & Investments - beginning of year	*33,891	-	-	-	-	*33,891
<b>Cash &amp; Investments - end of the year</b>	<b>**41,860</b>	<b>(8,667)</b>	<b>(625)</b>	<b>(4,518)</b>	<b>-</b>	<b>**28,050</b>

\* - The opening balance has been affected by the April 2015 storm which is yet to be reimbursed \*\* - Opening and closing cash includes restricted cash from NAL of \$11,052  
 This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2016 and should be read in conjunction with other documents in the QBRS.



ITEM 6 - ATTACHMENT 1 2016-2017 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2016.

**Cash flow statement funding reconciliation**

The 'recommended changes to budget' in the December QBRs constitute an overall decrease in Council's cash flow position by \$4.5M after external funding is factored in. These changes are split across the operating budget of \$215k (Favourable) and capital budget of \$4.7M (Unfavourable).

These changes are funded from the following areas:

Sourced from current year operating result:	273
Sourced from capital grants:	1,587
Transfer from internally restricted cash:	1,555
Transfer from externally restricted cash:	1,103
	<u>4,518</u>

PSC is clearly solvent based on the current and estimated cash position from the December review changes. PSC's current cash position as per the December investment report was \$31.4M.

**7) Budget review contracts and other expenses**

Councillors are currently made aware of tenders of \$150,000 or more in accordance with legislation. However, Councillors should be made aware of other material contracts entered into by Council and details of other expenses that are of particular interest. To this end a contract listing and details of legal fees and consultancy expenses are included in the QBRs.

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

- Were entered into during the quarter ending 31 December 2016; and
- Have a value equal to or more than \$50,000.

Part B of the report shows expenditure as at 31 December 2016 for:

- Consultancies;
- Legal fees.

ITEM 6 - ATTACHMENT 1 2016-2017 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2016.

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.

**Part A  
Contracts Listing**

<b>Contractor</b>	<b>Contract details and purpose</b>	<b>Contract value (\$)</b>	<b>Commencement date</b>	<b>Duration of contract (weeks)</b>	<b>Contract end date</b>	<b>Contract status</b>
OZSTEEL MANUFACTURED PRODUCTS PTY LTD	HOLIDAY PARK LITTER BINS, SPORTING COMPLEX & SURROUND LITTER BINS	85,000	1/12/2016	On Going	TBA	In Progress
SUITE DESIGN AUSTRALIA PTY LTD	FURNITURE & REFURBISHMENT FOR HOLIDAY PARKS	94,805	27/10/2016 to 23/12/2016	Complete	Complete	Complete
HUNTER CLEAR & MULCH PTY LTD	TREE CLEARING - GLEN OAK & SEAHAM	99,500	05/12/2016	08/12/2016	On Going	TBA
PEAKE PROJECT SERVICES PTY LIMITED	PROJECT MANAGEMENT - ONE MILE SURF CLUB	113,600	8/12/2016	On Going	TBA	In Progress
THE TRUSTEE FOR OZZ PROJECTS UNIT TRUST	HOLIDAY PARKS CAPITAL WORKS - FINGAL, SHOAL BAY, HALIFAX PROPERTY - NELSON BAY, RAYMOND TERRACE	550,887	14/10/2016 to 22/12/2016	Complete	Complete	Complete

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2016 and should be read in conjunction with other documents in the QBRS.

**ITEM 6 - ATTACHMENT 1 2016-2017 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2016.**

<b>Part B Consultancy &amp; legal expenses</b>	<b>Annual budget (\$)</b>	<b>Expenditure YTD (\$)</b>	<b>Budgeted (Y/N)</b>
<b>Expense</b>			
Consultancies	534,718	151,608	Y
Legal fees	572,393	187,956	Y

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/12/2016 and should be read in conjunction with other documents in the QBRS.  
Page 16 of 16

**ITEM NO. 7**

**FILE NO: 16/476819  
RM8 REF NO: PSC2011-02657**

**SIX-MONTHLY REPORT JULY - DECEMBER 2016**

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

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the Six-Monthly Report July to December 2016 on the progress of Council's Delivery Program 2013-2017.

---

**ORDINARY COUNCIL MEETING - 14 FEBRUARY 2017  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Paul Le Mottee Councillor John Nell</b>  That the recommendation be adopted.
--	--

**ORDINARY COUNCIL MEETING - 14 FEBRUARY 2017  
MOTION**

<b>012</b>	<b>Councillor Ken Jordan Councillor Chris Doohan</b>  It was resolved that Council adopt the Six-Monthly Report July to December 2016 on the progress of Council's Delivery Program 2013-2017.
------------	--

**BACKGROUND**

The purpose of this report is to inform Council and the community of the progress made against the Delivery Program 2013-2017 for the period July to December 2016.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</b>
Governance and Civic Leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of

## MINUTES ORDINARY COUNCIL - 14 FEBRUARY 2017

government, stakeholder organisations and Hunter Councils Inc.

### FINANCIAL/RESOURCE IMPLICATIONS

This six monthly report is generated from a combination of Council's Interplan software and data provided from across Council's operations. There are no financial or resource implications.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

### LEGAL, POLICY AND RISK IMPLICATIONS

Section 404(5) of the *Local Government Act 1993* requires that:  
"The general manager must ensure that regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months."

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk of breach in legislation should Council not adopt the Six Monthly Report July to December 2016 leading to reputational loss.	Low	Adopt the Six Monthly Report July to December 2016.	Yes

### SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council's Delivery Program 2013-2017 has been formulated according to principles of access, equity and social justice to contribute to the Community Strategic Plan and in line with social, economic and environmental factors. This report reflects consideration of those implications.

### MERGER PROPOSAL IMPLICATIONS

There are no implications for the merger proposal.

**CONSULTATION**

This report has been compiled from data provided across Council's operations and reviewed by the Executive Leadership Team of Council.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Draft Six monthly report July to December 2016.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

ITEM 7 - ATTACHMENT 1 DRAFT SIX MONTHLY REPORT JULY TO DECEMBER 2016.



SIX-MONTHLY REPORT  
JULY - DECEMBER 2016



Port Stephens Council Six Monthly Report July to December 2016

1

**ITEM 7 - ATTACHMENT 1      DRAFT SIX MONTHLY REPORT JULY TO  
DECEMBER 2016.**

The Six-Monthly Report July to December 2016 has been prepared in accordance with the requirements of Section 404(5) of the *Local Government Act 1993*:

"The general manager must ensure that regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months."

© *Port Stephens Council 2017*



**ITEM 7 - ATTACHMENT 1 DRAFT SIX MONTHLY REPORT JULY TO DECEMBER 2016.**

**General Manager's Report**

**Merger proposals**

At the time of writing this report, more than a year has elapsed since the surprise announcement of a proposed merger between this Council and Newcastle City Council.

It has been more than six months since Council made a counter-proposal of a merger with Dungog Shire Council.

In December 2016 the NSW Premier indicated that a decision would be made 'early in 2017' on outstanding merger proposals, of which there are 25 currently awaiting decisions across the state. There has been no definite indication of when the Minister for Local Government will determine the outcome of this process as it affects the Port Stephens Council and community. However Minister Toole has indicated that his preferred position is to wait until all legal challenges are resolved.

Despite the fact that none of the three potential merger councils are involved in these legal challenges, in this scenario the determination may yet take months to eventuate.

As a result of this situation no Council elections were held in September 2016, and the Mayor and Councillors elected in 2012 will continue to serve until further notice.

Although not required to do so because of the merger process, Council delivered an End of Term Report and a State of Environment Report, which were adopted as part of the Annual Report 2015-2016. These documents and the audited financial statements are available on Council's website.

I am immensely proud of the staff of Council who have taken these unsettling times in their stride and continued to deliver valued services to our community, win awards for performance across a range of operations, and remain highly engaged in the face of an uncertain future.

**Financial sustainability**

More than a year ago Council was found to be 'fit for the future' by the Independent Pricing and Regulatory Tribunal, the latest in a series of reviews of Council's performance that found it to be financially sustainable into the future.

The financial results for the six months to 31 December 2016 continue to support those findings. Revenue sits at 19% more than budgeted and an underlying operating surplus of \$930,000 continues to allow Council to address its decreasing infrastructure backlog and add valued service delivery to its community in line with the Long Term Financial Plan.



ITEM 7 - ATTACHMENT 1 DRAFT SIX MONTHLY REPORT JULY TO DECEMBER 2016.

**Community survey results**

The Port Stephens community has once again given Port Stephens Council its endorsement delivering an overall community satisfaction rating of 86.5% for 2016.

Council conducted its annual survey over April and May of this year, with the end result representing an increase of 7.5% on the 2015 result and a return to levels seen in 2013-2014 where results of 87% were achieved.

The wide-ranging survey comprised community appraisals on general facilities, libraries, communications, development services, holiday parks and children's services, with significant improvement in satisfaction across 11 surveyed categories.

The results are indicative of the focus placed on business improvement across the organisation. This is a journey we've been taking as a team for a number of years, improving the way we do business to ultimately provide better service to our residents. The community survey results are available on Council's website.

**Capital works**

Opening of Men's Shed, Boomerang Park December 2016:

The Raymond Terrace Men's Shed was officially opened on Tuesday 20 December 2016 with the Mayor, Councillors and Council staff in attendance.

An interim tenancy agreement was issued Wednesday 21 December 2016 for the new facility with a full lease to be issued in 2017.

A public exhibition process has commenced for the full lease with a public notice appearing in the Examiner on Thursday 22 December 2016. This process is in keeping with the requirements of the *Local Government Act 1993* for leasing community land. A report will be prepared for Council following the public exhibition period.

Road Safety Projects

Four major road safety projects have commenced in Port Stephens as a result of successful funding applications under the Federal Black Spot Program and the NSW Government Safer Roads Program.

The Black Spot Program is part of the Federal government's commitment to reducing accidents on Australian roads, with projects selected based on the number and nature of incidents recorded at each location.

Projects funded under the Federal Black Spot Program are:

- **Glen Oak** – shoulder widening along a section of Clarence Town Road just north of the Timber Tops intersection.

**ITEM 7 - ATTACHMENT 1 DRAFT SIX MONTHLY REPORT JULY TO DECEMBER 2016.**

- **Salamander Bay** – provision of an acceleration lane and improvements to the delineation of the intersection of Salamander Way and Town Centre Circuit.
- **Shoal Bay** – installation of traffic lights at the intersection of Shoal Bay Road and Government Road along with a new raised pedestrian crossing near the shopping precinct (rescheduled from 2015-2016 due to a revised funding application).

The project funded under the NSW Government Safer Roads Program is at Tanilba Bay, and involves the construction of a new roundabout at the intersection of Avenue of the Allies and Lemon Tree Passage Road.

Road Construction and Rehabilitation Projects

Other works completed recently include Shoal Bay Road rehabilitation in front of West Diggers, and Burbong Street, Nelson Bay.

Projects currently under construction include Shoal Bay Road in the foreshore area and Clemenceau Crescent, Tanilba Bay.

Council was contracted by NSW Roads and Maritime Services to complete project works on Nelson Bay Road and rehabilitation and shoulder widening of Richardson Road.

Lemon Tree Passage Boat Facility

In December 2016 the upgraded Lemon Tree Passage boat facility at Port Stephens was completed in time for summer. The NSW government provided Port Stephens Council with \$900,000 through the Transport NSW Boating Now program and Council provided \$400,000 to improve boating infrastructure in the community.

The \$1.3 million project will deliver a significant upgrade of the existing boat ramp area, provision of an additional boat ramp, installation of a pontoon, sea wall revetment works and landscaping.

Seaham Boat Ramp Upgrade

A significant project this period was the Seaham boat ramp upgrade which resulted in the temporary closure of the ramp to allow major works which commenced in September, 2016.

The works involved improvements to the supporting structure and surface of the boat ramp. Additional works including the installation of a canoe launcher and the formalisation of the car park at Torrence Street were carried out once the ramp reopened. The cost of the project was \$300,000 and has been jointly funded by Port Stephens Council and Transport NSW's Boating Now Program.

**ITEM 7 - ATTACHMENT 1 DRAFT SIX MONTHLY REPORT JULY TO DECEMBER 2016.****Emergency management**

Port Stephens Council is a member of the Lower Hunter Emergency Management Committee, which on 2 November 2016 endorsed the Port Stephens Emergency Management Plan. This timely endorsement provided the framework for managing the large bushfire that engulfed the northern part of the local government area between 5 and 12 November 2016.

Fortunately this event resulted in no loss of life or homes and minimal damage to other property. Lessons learned from this large fire have been incorporated in a Remediation Program as part of the Emergency Management Plan.

**Economic development**

On 27 September 2016 Council agreed to the closure of the Port Stephens Business Centre in its current format. This change in operation will enable the Economic Development unit to focus on core objectives that provide the greatest value to Council and local business.

In July 2016 Council completed a 'town centres' audit. This audit mapped progress to date on the actions identified within Council's five town centres strategies. Annual reports on the progress of each Town Centre Strategy will be rolled out in 2017. As part of this focus, discussions began on the potential development of two separate sites in the Nelson Bay central business district after Council resolved to enter into exclusive negotiations with Veritas Property Group and Anglican Care.

These organisations were behind initial concept plans for the Donald Street East and Donald Street West car parks incorporating residential units, retail space, aged care, private and public car parking. They were selected from a response to Council's Call for Detailed Proposals campaign in 2015-2016. This is the beginning of a long process and consultation will continue with the community and stakeholders on an ongoing basis. A Nelson Bay strategy discussion paper went before Council in December 2016 generating significant discussions with Nelson Bay NOW, an advocacy group for the Tomaree Peninsula – especially Nelson Bay.

In late December 2016 Council sought expressions of interest to develop two parcels of land in Raymond Terrace on the proviso that any proposals would provide a boost to the local economy.

Council continues to support a major events strategy designed to attract high profile events to the local government area. Some of Australia's biggest Surf Life Saving stars converged on Fingal Bay on the weekend of 26 and 27 November 2016 for round three of the 2016 Summer of Surf national series. The event saw 680 competitors and officials descend on the region, whilst over 1,000 spectators also visited Fingal Bay and surrounds over the weekend. The event was televised nationally and internationally and contributed to the ongoing strategy to profile Port Stephens as having the capacity to attract major events.

**ITEM 7 - ATTACHMENT 1 DRAFT SIX MONTHLY REPORT JULY TO DECEMBER 2016.**

On 14 September Council hosted a major conference dinner of the Otitis Media Australia (OMOZ) 2016. The event was held at Birubi Surf Life Saving Club which looks out over the spectacular Worimi Conservation Lands, a culturally significant coastal landscape owned by the Worimi people. This event promoted Port Stephens and its indigenous culture to conference attendees, most from outside the region. The event also provided opportunities for destination marketing to promote Port Stephens as a leading conference location.

Council has developed a project led by Group Manager Development Services, Mike McIntosh to oversee the economic development of the airport and surrounding precincts. Key issues identified to date include drainage, and land use requirements in the short and medium term. A report is planned for Council in mid-2017.

**Environment**

We have achieved an 80% reduction in illegal dumping across the local government area through a range of proactive measures managed by our specialist compliance officers. This outcome received strong praise from the NSW Environment Protection Agency.

**Awards**

Thou Walla Sunset Retreat

I am pleased to report that Council has again achieved excellence in three major awards. Thou Walla Sunset Retreat has been awarded silver in the Unique Accommodation category at the prestigious 2016 NSW Tourism Awards at Luna Park in Sydney. Nominated for the first time, Thou Walla ranked amongst some of the most competitive accommodation offerings in the state, including Taronga Western Plains Zoo, which took gold for both Unique Accommodation and Best Attraction. It is truly an honour for Thou Walla to have been recognised alongside such strong competition.

Port Stephens Family Day Care

Port Stephens Family Daycare has taken out top prize in the children's services category at the *Port Stephens Examiner's Annual Business Awards*. In a ceremony at Wests Nelson Bay Diggers in October, the daycare was acknowledged for its excellent service and tireless work serving the Port Stephens community. Raymond Terrace Out of School Hours Care was also acknowledged as a finalist in the category.

Work Health and Safety Management

Port Stephens Council has been recognised by Safework NSW as having the best Workplace Health and Safety Management System in the Public Sector and Not for Profit category in the 2015-2016 year.

**ITEM 7 - ATTACHMENT 1 DRAFT SIX MONTHLY REPORT JULY TO DECEMBER 2016.**

Vast improvements have been made to Council's safety record over the past five years, which has resulted in less workplace injuries, less severe injuries and a reduction in our 2015-2016 workers compensation premiums – from \$1.8 million to \$558,000 per annum – resulting in significant financial savings for Council.

Additionally, in the 2015-2016 Workers Compensation report from local government insurer, StateCover, Port Stephens Council has achieved the number one average premium rating across councils of a comparable size, well below the local government average.

I acknowledge the efforts of Council staff for these impressive safety results, and extend congratulations across the whole organisation, from our holiday parks, to our libraries, depot staff and those based in our administration building.

While the result is outstanding, the effort needs to continue. Less people are being injured at Port Stephens Council than ever before, but, unfortunately, we still do have some accidents in the workplace. Our focus must remain on achieving zero injuries in the workplace.

Recent awards in the areas of Risk Management, Workplace Safety and Leadership Excellence have seen Council identified as an Employer of Choice. I believe that this is due to Port Stephens Council's whole of organisation focus on safety.

**People**

Freeman of Port Stephens

In July 2016 Council named lifetime Port Stephens resident and community stalwart Eric Holliday as a Freeman of Port Stephens. This is the highest honour that Port Stephens Council can bestow. The honour is in recognition of decades of service to the community largely through his work as one of the area's most recognised vegetable farmers.

Mr Holliday is a prominent member and past National President of the vegetables association, an advocate for the Port Stephens and Veterans Aged Care Committee, a Justice of the Peace, Order of Australia recipient and has mentored thousands of students at Tocal Agricultural College during his career.

Appointment of Group Manager Facilities & Services

On 14 December 2016 I was delighted to announce the appointment of Greg Kable as Group Manager Facilities & Services. Greg, who has fulfilled the role of Section Manager Capital Works since 2013 and Works Manager before that since 2011, brings over 30 years' local government experience to his new role with Council's Executive Team.

**ITEM 7 - ATTACHMENT 1      DRAFT SIX MONTHLY REPORT JULY TO  
DECEMBER 2016.**

Greg's appointment follows an extensive recruitment process which drew an extremely high calibre of candidates. Greg is a great addition to our strong leadership team here at Port Stephens Council and I look forward to working with him in his new role.





I take this opportunity to thank our staff and volunteers for our ongoing strong performance in the six months to 31 December 2016.

**Wayne Wallis  
General Manager**

**ITEM 7 - ATTACHMENT 1 DRAFT SIX MONTHLY REPORT JULY TO DECEMBER 2016.**

**Key Result Areas: A Snapshot**

The table below is a snapshot of Council's performance against a set of measures agreed between the Council and the General Manager to be significant priorities for the period. Full details are provided in the section which follows this table.

- Legend:
-  Target exceeded
  -  Target achieved or on track to be achieved
  -  Target not achieved
  -  Data not available at time of report

Key Result Area	Status
1. Business Improvement Program	
2. Community Strategic Plan/Operational Plan Delivery	
3. Capital Works Delivery	
4. Financial Sustainability Program	
5. Workforce Strategy Implementation	
6. Infrastructure Planning	
7. Technology Improvement Program	
8. Land Use Strategy Development	
9. Flood and Drainage Study Implementation	
10. Integrated Risk Management Program	
11. Community Engagement and Customer Focus Initiatives	



**ITEM 7 - ATTACHMENT 1 DRAFT SIX MONTHLY REPORT JULY TO DECEMBER 2016.**

**1. Business Improvement Program**

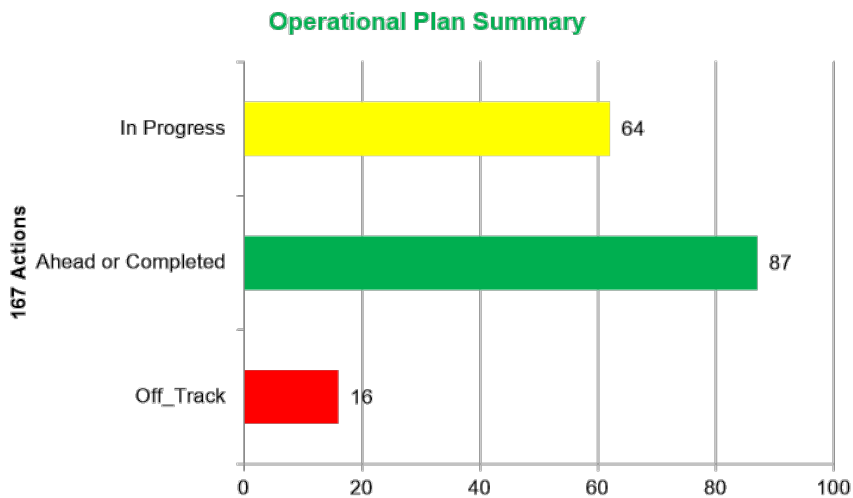
This program is in two parts. The Sustainability Review program of work has been developed however all reviews, unless there were extenuation circumstances, were placed on hold due to the merger proposals. Discussions have commenced to re-invigorate this program.

The Business Improvement program of work has been developed to bring together a whole of Council approach to improvement initiatives. All actions, which have been scheduled to progress irrespective of the merger proposal, are on track.

**2. Community Strategic Plan/Operational Plan Delivery**

The target is to complete >90% of the actions due for completion or in progress in this six months.

Actual comprises 38.3% in progress and 52.1% ahead of schedule or completed – a result of 90.4% as at 31 December 2016.



**ITEM 7 - ATTACHMENT 1 DRAFT SIX MONTHLY REPORT JULY TO DECEMBER 2016.**

**3. Capital Works Delivery**

**Road works projects**

<b>Project</b>	<b>Cost</b>
Victoria Parade, Nelson Bay	\$430,000
Burbong St, Salamander Way	\$30,000
Nelson Bay Rd, Bobs Farm	\$705,000
Clemenceau Crescent, Tanilba Bay	\$1,500,000
Richardson Rd, Grahamstown	\$1,210,000
Dawson Rd, Raymond Terrace	\$40,000

**Community and recreation projects**

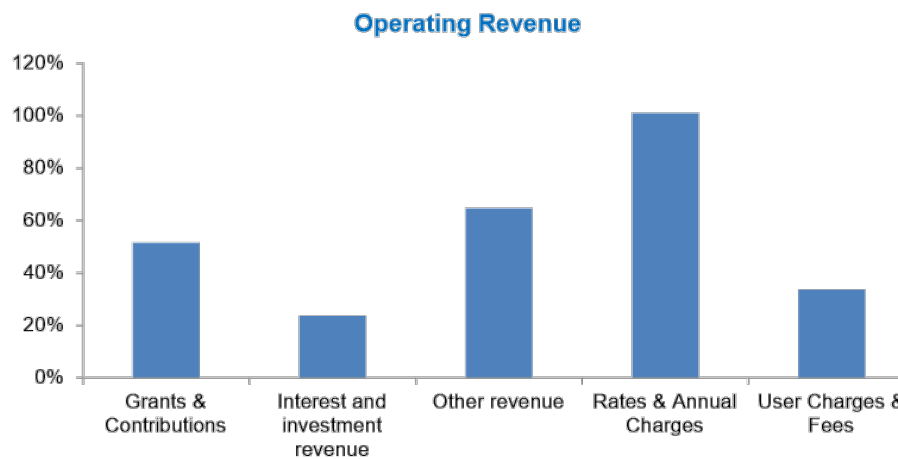
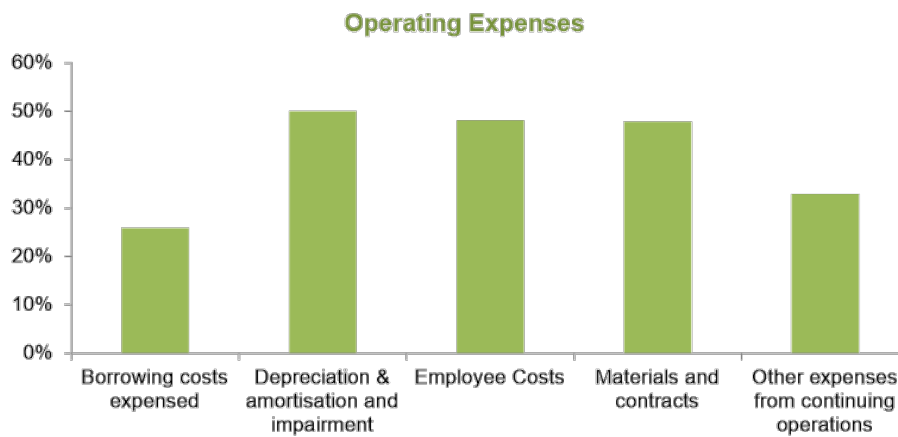
<b>Project</b>	<b>Cost</b>
Sunset Beach Revetment	\$110,000
Taylor's Beach Amenities	\$140,000
Lakeside Playground	\$55,000
Lemon Tree Passage Foreshore	\$324,000 (Note: total project cost on completion will be \$1,300,000)

**ITEM 7 - ATTACHMENT 1 DRAFT SIX MONTHLY REPORT JULY TO DECEMBER 2016.**

**4. Financial Sustainability Program**

Council contained expenditure (\$50.4 million) to 46% of revised annual budget against a target of 50% year to date. Council's revenue (\$77.4 million) represented 69% of the annual revenue budget.

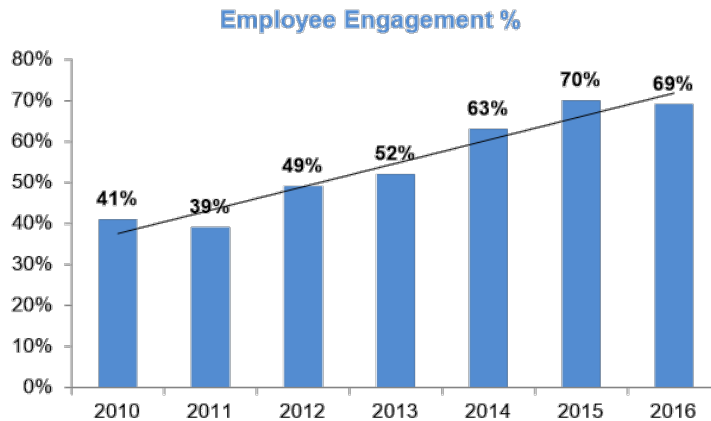
The year to date underlying operating surplus is \$930,000.



**ITEM 7 - ATTACHMENT 1 DRAFT SIX MONTHLY REPORT JULY TO DECEMBER 2016.**

**5. Workforce Strategy Implementation**

Staff engagement target = >65%. Actual (August 2016) = 69%



A program is in place to provide work experience places throughout Council. To date we have placed 16 students across various areas including customer relations, environmental, engineering, planning, libraries, information services, human resources, surveying and event management.

Council intends to recruit another seven apprentice, trainee and cadets:

- Building and Development Cadet
- School Based Trainee – Tourism
- Customer Relations Administration Trainee
- Apprentice Boilermaker
- Business Systems Support Trainee
- Property Services Cadet
- Graduate Engineer or Student Engineer

An information session for these positions was held at Council on 26 October 2016 and was well attended.

**6. Infrastructure Planning**

A review of the Strategic Asset Management Plan was undertaken in October and November 2016 in accordance with Section 403 of the *Local Government Act 1993*. A revised Strategic Asset Management Plan with associated works program will be placed on public exhibition in April 2017 together with the revised Long Term Financial Plan.

**ITEM 7 - ATTACHMENT 1 DRAFT SIX MONTHLY REPORT JULY TO DECEMBER 2016.****7. Technology Improvement Program**

The Information and Communications Technologies (ICT) program of work has been developed to support a whole of Council approach to ICT improvement initiatives. This includes a structured ICT Asset Management program of work. All actions which have been scheduled to progress, irrespective of the merger proposal, are on track.

A Spatial Services program of work has been developed. Underpinning this is a Spatial Data Catalogue. There are a number of projects within the program of work, all aimed at improving the system including: bringing in webmap layers; improving and mapping processes; providing training; moving data to SQL; and improving reporting solutions. The program is on track.

**8. Land Use Strategy Development**

Council has produced roadmaps for Authority (149 certificates) to provide greater efficiency to ensure targets and priorities are being met. This ensures continued process improvements relating to legislative requirements, attribute date reviews and GIS updates. Recent improvements include creating a process for updating flood data. It is envisaged the process will be used as a template for updating other data across Council systems.

Strategic Planning staff continue to monitor and develop planning strategies and policies within project timeframes such as the Medowie Strategy review, alcohol management, CCTV policy, Kings Hill and Nelson Bay town centre review.

Council continues to receive requests for amendments to the Port Stephens Local Environment Plan (LEP). The target is that all new requests to amend the LEP will be initially assessed within 40 days. Staff are monitoring the assessment times and the flow-on impact with extension requests from internal staff referrals. We continue to monitor internal referral timeframes and consider ways in which these can be improved. It is important to note, the legislative amendment process is subject to State planning timeframes outside Council's control.

**9. Flood and Drainage Study Implementation**

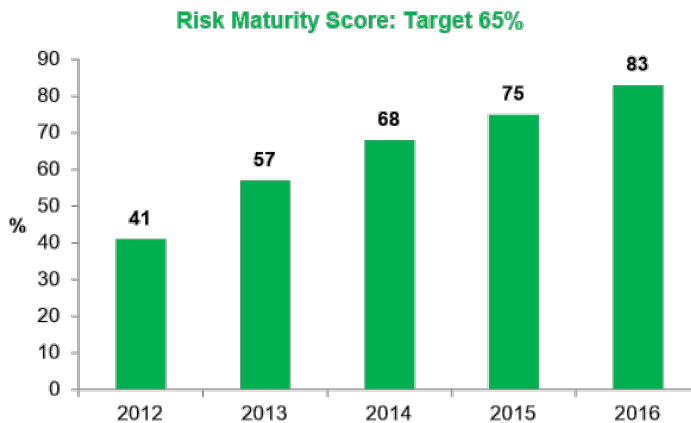
- Flood and drainage studies for Anna Bay/Lemon Tree Passage: The Floodplain Advisory Committee was engaged and an engineering consultant has been awarded the project. The field survey is complete and the consultant is calibrating the hydraulic model.
- Flood and drainage studies for Tanilba Bay and Mallabula: Tanilba Bay is now part of the Anna Bay/Lemon Tree Passage Flood Study. Mallabula was part of the Flood Study that was administered by the (then) Great Lakes Council with our Council assisting with data, though this project has now been postponed by the new Mid Coast Council.

**ITEM 7 - ATTACHMENT 1 DRAFT SIX MONTHLY REPORT JULY TO DECEMBER 2016.**

- Drainage and flood studies for the Paterson River and Port Stephens Flood Risk Management Study: This project is being administered by Maitland City Council and was on public exhibition until late October 2016.

**10. Integrated Risk Management Program**

Risk Maturity Score<sup>1</sup> Target: >65%. Actual = 83%.



Implementation of our Integrated Risk Management Framework has resulted in a significant decrease in the level of risk across Council. In the period July to December 2016 there were no risks assessed as extreme due to the implementation of a number of controls. This indicates a higher level of attention is being given to implementing controls by the due date. The corporate risk register and all group risk registers are being reviewed on a quarterly basis.

Improvements have been made to reporting of outstanding actions which has seen a 60% reduction in outstanding items since 1 July 2016. A risk maturity self-audit and risk improvement exercise was held in November 2016 to develop further items for improvement across Council.

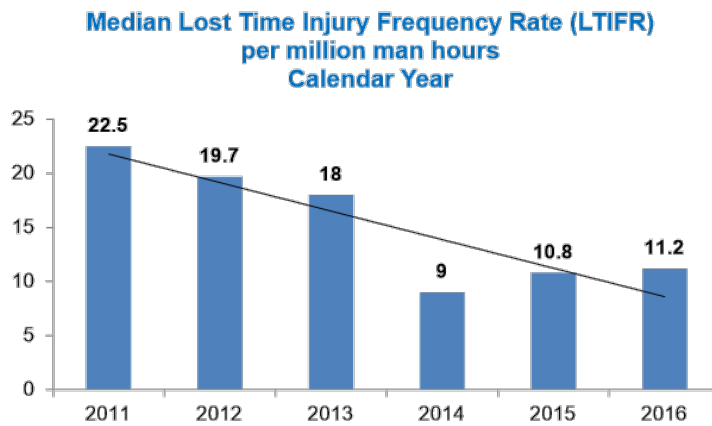
<sup>1</sup> Risk Maturity Score is assessed independently by an expert panel against AS/NZS ISO 31000:2009 *Risk Management*.

**ITEM 7 - ATTACHMENT 1 DRAFT SIX MONTHLY REPORT JULY TO DECEMBER 2016.**

**Workplace Health & Safety**

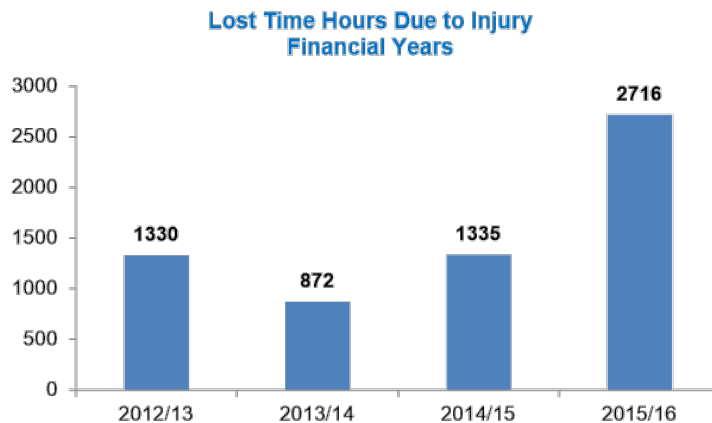
Lost Time Injury Frequency Rate:

The graph below compares the lost time injury frequency rate for workers compensation injuries. The rate is expressed as a median of the calendar months in each calendar year to December 2016.



Lost Time Hours Due to Injury:

The graph below provides a comparison of the total lost time hours as a result of workers compensation injuries. Overall there has been a 50% increase in the hours lost for 2015-2016 compared to last year. This is consistent with the nature and severity of injuries sustained as there were several significant and complex claims.



**ITEM 7 - ATTACHMENT 1 DRAFT SIX MONTHLY REPORT JULY TO DECEMBER 2016.**

The Statecover audit has been completed and submitted for this year with 100% compliance in all but three elements. Council has received a refund of \$10,330.28 against its 2015-2016 premium. Our 2016-2017 deposit premium is \$675,000. Statecover has advised that Port Stephens Council is the best performing Council of our size in the scheme.

Work has recommenced on identifying improvements for our work health and safety system and risk systems with recommendations for improvements to be delivered by 30 June 2017.

**11. Community Engagement and Customer Focus Initiatives**

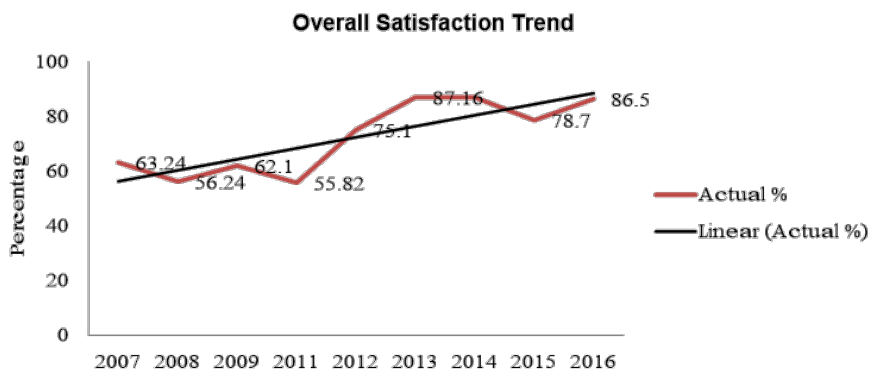
Council continues to support the Port Stephens Youth Advisory Panel (YAP), including daily Facebook posts, and supported the production of PSC YAP Summary of Business document to Advocate for Children and Young People. The YAP met with Council staff in September 2016.

In addition Council supported young people to attend a Youth Forum Event (Sydney) in July 2016; met with the NSW Mental Health Commissioner in September 2016; hosted a youth sector meeting in August 2016; and facilitated the Port Stephens Youth Interagency meeting in September 2016. Council also assisted with a Youth Opportunities funding application submitted in July 2016.

There was a meeting of the 355c Aboriginal Strategic Committee in August 2016 and a joint dinner was held on 18 November 2016.

Council met with the 355c Strategic Arts Committee on 11 August 2016. Council also participated with the Committee in a Smarts Arts Program and Pop up shop at Nelson Bay on 14 and 29 July, 12 August and 9 September 2016.

In April and May 2016 Council conducted its annual community satisfaction survey, which yielded an overall satisfaction level of 86.5% against the target of 75% satisfaction. The next survey is due to be conducted in April and May 2017.







Port Stephens Council Six Monthly Report July to December 2016

**ITEM NO. 8**

**FILE NO: 17/12649  
RM8 REF NO: PSC2015-03309**

**2017 LGNSW TOURISM CONFERENCE - TAREE 12-14 MARCH 2017**

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

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the attendance of Cr Sally Dover at the 2017 LGNSW Tourism Conference to be held in Taree from 12 to 14 March 2017.

---

**ORDINARY COUNCIL MEETING - 14 FEBRUARY 2017  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Mayor Bruce MacKenzie Councillor Paul Le Mottee</b></p> <p>That the recommendation be adopted.</p>
--	--

**ORDINARY COUNCIL MEETING - 14 FEBRUARY 2017  
MOTION**

<b>013</b>	<p><b>Councillor Ken Jordan Councillor Chris Doohan</b></p> <p>It was resolved that Council endorse the attendance of Cr Sally Dover at the 2017 LGNSW Tourism Conference to be held in Taree from 12 to 14 March 2017.</p>
------------	---

**BACKGROUND**

The purpose of this report is to inform Council of the 2017 LGNSW Tourism Conference to be held in Taree from 12 to 14 March 2017.

The conference program is shown at **(ATTACHMENT 1)**.

The conference is open to all Councillors.

As Councillors are aware the Payment of Expenses and Provision of Facilities to Councillors Policy requires that a resolution of Council be sought for all travel outside of the Hunter Region.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</b>
Governance and Civic Leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

**FINANCIAL/RESOURCE IMPLICATIONS**

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

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		Within existing Councillor budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

The Payment of Expenses and Provision of Facilities to Councillors Policy requires Council to approve all Councillor conference attendances outside of the Hunter Region. Councillors' conference costs are limited to \$5,000 per year under the Policy.

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

**MERGER PROPOSAL IMPLICATIONS**

There will be no Councillor representation at the 2017 LGNSW Tourism Conference should Port Stephens Council be merged with another entity or placed in Administration prior to the conference.

**CONSULTATION**

Nil.

**OPTIONS**

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

**ATTACHMENTS**

- 1) 2017 LGNSW Tourism Conference draft program.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 8 - ATTACHMENT 1 2017 LGNSW TOURISM CONFERENCE DRAFT PROGRAM.**



**Local Government NSW Tourism Conference 2017**  
 “Tourism is everyone’s business”

**SUNDAY 12 TO TUESDAY 14 MARCH 2017**  
**MANNING ENTERTAINMENT CENTRE, 33 Manning River Drive,**  
 Taree North  
**DRAFT PROGRAM**  
 (As of 16 December 2016)

**CO-HOSTED BY:**  
**MidCoast**  
 Council

<b>Sunday 12 March – AVIC SUMMIT</b>	
<b>12.00pm – 5.00pm</b>	<b>Exhibitors set up for trade exhibition</b>
<b>1.00pm – 5.00pm</b>	<b>Registration at Manning Entertainment Centre</b>
<b>2.00pm – 5.00pm</b>	<b>Optional AVIC Summit: Book separately on the registration forms \$120.00 per person</b>
<b>1.30pm – 2.00pm</b>	For all AVIC Network and tourism and operations staff and volunteers, this half day session is facilitated by The Tourism Group Pty Ltd – Light refreshments served
<b>2.00pm – 2.20pm</b>	Introducing The Tourism Group <b>Mark Greaves</b> , Managing Director, The Tourism Group
<b>2.20pm – 2.50pm</b>	DNSW presents the NSW Visitor Information Servicing Report and research by DNSW and TRA <b>Peter Lipman</b> , Manager Visitor Services, Destination NSW
<b>2.50pm – 3.15pm</b>	Case study MidCoast Council – How do you manage a VIC in a newly merged council region? <b>Donna Hudson</b> , Team Leader Tourism Events & Communication, MidCoast Council
<b>3.15pm – 3.45pm</b>	Innovation in visitor servicing – opportunities for local councils <b>Janet Mackay</b> , Director TRC Tourism
<b>3.45pm – 4.00pm</b>	Afternoon Tea
<b>4.00pm – 4.25pm</b>	Applying inclusive tourism principles across community initiatives, within council, across visitor services, events, advocacy and planning <b>Coralie Bell</b> , Tourism Manager, Shoalhaven City Council
<b>4.25pm – 5.00pm</b>	Q&A with the audience
<b>From 5.00pm</b>	Transfer bus at MEC to drop back to accommodation and loop to Welcome reception at Manning Quays in Manning Street, Taree
<b>6.00pm – 9.00pm</b>	<b>Welcome reception</b> Welcome to MidCoast, <b>Glenn Handford</b> , Interim General Manager Welcome to Country: <b>Russell Saunders</b> , Elder of Biribi Tribe <i>Delegate registration will be available at this event</i>

**ITEM 8 - ATTACHMENT 1 2017 LGNSW TOURISM CONFERENCE DRAFT PROGRAM.**

<b>Monday 13 March</b>		
<b>8.00am</b>	Trade exhibition opens	
<b>8.50am</b>	Introduction and housekeeping	<b>Gerry Gannon</b> , Master of Ceremonies
<b>9.00am – 9.10am</b>	Welcome to MidCoast and surrounds	<b>Cr John Turner, Administrator</b> , MidCoast Council
<b>9.10am – 9.20am</b>	Conference welcome and opening	<b>Cr Keith Rhoades AFSM</b> , President, LGNSW
<b>9.20am – 9.50am</b>	Opening of the conference Ministerial Address	<b>The Hon Stuart Ayres MP</b> Minister for Trade, Tourism and Major Events
<b>9.50am – 10.20am</b>	An update from Destination NSW including the outcomes of the Regional NSW review announced in July 2016	<b>Simonne Shepherd</b> , GM Industry Partnerships and Government Policy, Destination NSW
<b>10.30am – 10.50am</b>	Morning tea	
<b>10.50am – 11.20pm</b>	Keynote on collaboration between the Australian Local Government Association (ALGA) and Australian Regional Tourism Network (ARTN) Research results nationally on the local government spend on tourism	<b>David Sheldon</b> , Chair, Australian Regional Tourism Network
<b>11.20am – 12.20pm</b>	Tourism is Everyone’s Business - Panel insights on key conference themes - new markets and product, economic impacts, and community involvement	<b>Wendy Hills</b> , Acting Director, Visitor Experiences Branch, Cultural Tourism, Office of Environment & Heritage, NSW National Parks & Wildlife Service; <b>Christian Hampson</b> , Manager Heritage Near Me Program, Office of Environment and Heritage, <b>Bill Forrester</b> , CEO, Travability on the economic impact of Inclusive Tourism programs
<b>12.20am – 12.50pm</b>	Jobs for local communities: Growing business through inclusive tourism	<b>The Hon John Ajaka MLC</b> Minister for Ageing, Disability Services and Multiculturalism
<b>12.50pm – 1.00pm</b>	Local Update on Garry O’Dell’s research into event red tape and the Hunter Region of councils	<b>Garry O’Dell</b> , Doctoral Candidate Newcastle Business School Faculty of Business and Law University of Newcastle
<b>1.15pm – 2.00pm</b>	Lunch	

**ITEM 8 - ATTACHMENT 1 2017 LGNSW TOURISM CONFERENCE DRAFT PROGRAM.**

<b>2.00pm – 5.00pm</b>	<b>Site visits</b> Choose one of the options below	
	<b>Site Visit 1:</b> Aboriginal Connections. Visit Saltwater National Park, see the headland and the five islands walking track, traditional sand art and great storytelling	<b>Uncle Russ (Saunders)</b> , Biripi Elder and Jeremy Saunders, Local Site and Cultural Officer
	<b>Site Visit 2:</b> Cattai Wetlands. Tour this award winning wetlands and learn of the balance between environmental and tourism outcomes, future planning, achievements and awards	<b>Tanya Cross</b> , Team Leader Environmental Services, and <b>Bob MacDonald</b> , Environmental Officer, MidCoast Council, and <b>Linda Hall</b> , Area Zone Manager, NPWS
	<b>Site Visit 3:</b> Developing Tourism Product. This tour starts with a presentation at Manning Entertainment Centre on the challenges, outcomes and development of tourism product from their Destination Management Plan, followed by viewing Taree Airport upgrades resulting from grant funding, and on to the Taree Hockey Complex to be inspired by the importance of sports tourism in regional areas	<b>Donna Hudson</b> , Team Leader Tourism Events & Communication, MidCoast Council
	<b>Site Visit 4:</b> Enabling Business – Our vibrant spaces, bus from MEC to council chambers to hear from Sue Calvin, Senior Planner as to how to relax the red tape and create a self-regulated approach to welcoming tourism as everybody's business, walk and talk the main street, engage with business owners, visit Manning Valley Art Gallery for afternoon tea	<b>Sue Calvin</b> , Senior Planner, MidCoast Council
<b>7.00pm – 10.30pm</b>	<b>Conference dinner</b> The Winning Post Function Centre, Taree – Wingham Race Club (bus transfers from selected hotels from 6.30pm)	

<b>Tuesday 14 March</b>		
<b>8.00am</b>	Trade exhibition opens	
<b>8.55am</b>	Welcome to day two	<b>Gerry Gannon</b> , Master of Ceremonies
<b>9.00am</b>	Keynote on Marketing: getting the message out	<b>Jessica Quinlan</b> , Senior Sales Advisor, Destination Marketing, Tripadvisor (invited)

**ITEM 8 - ATTACHMENT 1 2017 LGNSW TOURISM CONFERENCE DRAFT PROGRAM.**

<b>9.30am – 10.45am</b>	<b>Understanding and communicating tourism benefits:</b> Panel on the economic benefits of emerging market segments and achieving cut-through in a crowded market place  Facilitated by <b>Gerry Gannon</b>	<b>Dr Helen Smith</b> , Naturally Accessible Project Officer, National Parks Association <b>John Huggins</b> , Director Brand and Communications, Indigenous Business Australia <b>Bill Forrester</b> , CEO, Travability, <b>Fiona Hamilton</b> , Team Leader Visitor Economy, City of Wagga Wagga, (invited)
<b>10.45am – 11.15am</b>	Morning tea	
<b>11.15am – 12.15pm</b>	<b>Concurrent topic stream 1 Inclusive tourism</b>	<b>Facilitated by Simon Watts</b> , Executive Director, Volunteering and Disability Inclusion, Department of Family and Community Services (FACS)
	The State of Play, the potential in the market, recent research results and business opportunities	<b>Bronwyn White</b> , Director, MyTravelResearch
	Building an inclusive culture – recognising the value of the market, communications, enabling your workforce, training, operations, and product development	<b>Bill Forrester</b> , CEO, Travability
	Newcastle inspiration for their DIAP informing visitor information	<b>Petria Jukes</b> , Community Development Facilitator, Newcastle City Council
<b>12.15pm – 12.30pm</b>	Open question and answer session: Inclusive tourism	
<b>11.15am – 12.15pm</b>	<b>Concurrent topic stream 2 National Parks – a key tourism asset</b>	Facilitated by <b>Jo Jewitt</b> , Visitor and Tourism Services Manager, NSW National Parks & Wildlife Services (TBC)
	Understanding the needs of nature tourists	<b>Lawrence Franklin</b> , Visitor Research Officer and Marketing Representative (TBC)
	Supporting partners in the delivery of outstanding visitor experiences; case studies including Bathurst City Council and their Hill End Event, and experience development in Great Lakes	<b>Christina Bullivant</b> , Acting Tourism and Partnerships Manager, Cultural Tourism, Office of Environment & Heritage, NSW National Parks & Wildlife Service
	Destination Marketing: A case study of the NPWS Young Adults Campaign	<b>David Annesley</b> , Marketing and Campaigns Manager, NPWS
<b>12.15pm – 12.30pm</b>	Open question and answer session: National Parks – a key tourism asset	



**ITEM 8 - ATTACHMENT 1 2017 LGNSW TOURISM CONFERENCE DRAFT PROGRAM.**

<b>11.15am – 12.15pm</b>	<b>Concurrent topic stream 3 Art, heritage and culture</b>	Facilitated by <b>Christian Hampson</b> , Manager, Heritage Near Me, Heritage Division, Office of Environment and Heritage
	Developing indigenous tourism (product development, consultation and storytelling)	<b>Dwayne Bannon-Harrison</b> , Director, Ngaran Ngaran Culture Awareness
	Case Study (TBC)	(TBC)
	Activating and sharing heritage including customer research results, digital interaction and case studies resulting from grant funding	<b>Christian Hampson</b> , Manager, Heritage Near Me, Heritage Division, Office of Environment and Heritage
<b>12.15pm – 12.30pm</b>	Open question and answer session: Art, heritage and culture	
<b>12.35pm – 1.20pm</b>	Final Keynote – Leading the community to enjoy tourism and events	<b>John Trevillian AM</b> , Director, Inspire Strategic Solutions
<b>1.20pm – 2.00pm</b>	Lunch and event close	

*This program is correct at the time of publication. Speakers and topics may change.*

**ITEM NO. 9****FILE NO: 17/14881  
RM8 REF NO: PSC2017-00015****INFORMATION PAPERS****REPORT OF: WAYNE WALLIS - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 14 February 2017.

<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	Cash and Investments held as at 30 November 2016	133
2	Cash and Investments held as at 31 December 2016	137
3	Petition – Funding for expansion of Mallabula Skate Park	141
4	Petition – Complete sealing of Holdom Road, Karuah	147
5	Designated Persons' Return	150

**ORDINARY COUNCIL MEETING - 14 FEBRUARY 2017  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor John Nell Councillor Paul Le Mottee</b>  That the recommendation be adopted.
<b>014</b>	<b>Mayor Bruce MacKenzie Councillor Ken Jordan</b>  It was resolved that Council move out of Committee of the Whole.

**ORDINARY COUNCIL MEETING - 14 FEBRUARY 2017  
MOTION**

<b>015</b>	<p><b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b></p> <p>It was resolved that Council receive and notes the Information Papers listed below being presented to Council on 14 February 2017.</p> <hr/> <p><b>No:      Report Title</b></p> <p>1          Cash and Investments held as at 30 November 2016 2          Cash and Investments held as at 31 December 2016 3          Petition – Funding for expansion of Mallabula Skate Park 4          Petition – Complete sealing of Holdom Road, Karuah 5          Designated Persons' Return</p>
------------	---

# INFORMATION PAPERS

**ITEM NO. 1**

**FILE NO: 16/467030  
RM8 REF NO: PSC2006-6531**

**CASH AND INVESTMENTS HELD AS AT 30 NOVEMBER 2016**

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

**BACKGROUND**

The purpose of this report is to present Council's schedule of cash and investments held at 30 November 2016.

**MERGER PROPOSAL IMPLICATIONS**

There are no merger proposal implications as this is a legislative requirement.

**ATTACHMENTS**

- 1) Cash and investments held at 30 November 2016.
- 2) Monthly cash and investments balance November 2015 to November 2016.
- 3) Monthly Australian Term Deposit Index November 2015 to November 2016.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**MINUTES ORDINARY COUNCIL - 14 FEBRUARY 2017**

**ITEM 1 - ATTACHMENT 1 CASH AND INVESTMENTS HELD AT 30 NOVEMBER 2016.**

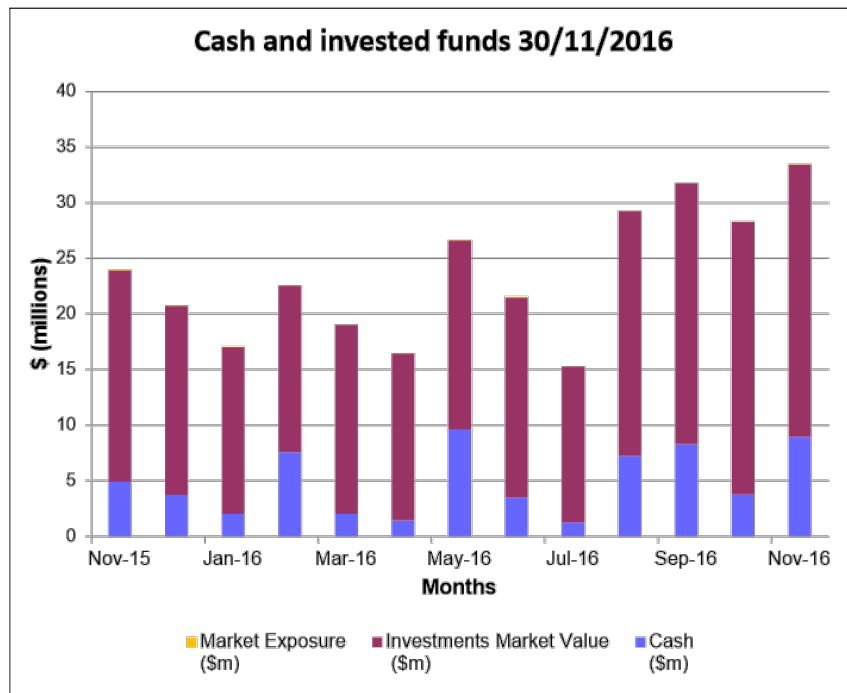
**CASH AND INVESTMENTS HELD AS AT 30 NOVEMBER 2016**

ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
<b>TERM DEPOSITS</b>								
BANK OF QUEENSLAND	BOQ	A+	TD	3.00%	195	14-Dec-16	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK	NAB	AA-	TD	2.63%	112	14-Dec-16	2,000,000	2,000,000
ME BANK	ME BANK	BBB+	TD	2.70%	90	21-Dec-16	2,000,000	2,000,000
NATIONAL AUSTRALIA BANK	NAB	AA-	TD	2.69%	98	11-Jan-17	2,000,000	2,000,000
POLICE CREDIT UNION LTD (SA)	FARQUHARSON	NR	TD	3.05%	231	11-Jan-17	1,000,000	1,000,000
ANZ	ANZ	AA-	TD	2.70%	147	25-Jan-17	2,000,000	2,000,000
ANZ	ANZ	AA-	TD	2.70%	161	8-Feb-17	2,000,000	2,000,000
NATIONAL AUSTRALIA BANK	NAB	AA-	TD	2.71%	126	22-Feb-17	2,000,000	2,000,000
AMP BANK	CURVE	A+	TD	2.75%	174	8-Mar-17	1,500,000	1,500,000
BANANA COAST CREDIT UNION	CURVE	NR	TD	2.75%	112	8-Mar-17	2,000,000	2,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.61%	154	22-Mar-17	1,000,000	1,000,000
HUNTER UNITED EMPLOYEES CU	RIM	NR	TD	2.90%	181	5-Apr-17	1,000,000	1,000,000
BANK OF QUEENSLAND	BOQ	A-	TD	2.75%	168	19-Apr-17	2,000,000	2,000,000
AMP BANK	FARQUHARSON	A+	TD	3.00%	364	17-May-17	2,000,000	2,000,000
<b>SUB TOTAL (\$)</b>							<b>23,500,000</b>	<b>23,500,000</b>
<b>OTHER INVESTMENTS</b>								
ANZ ZERO COUPON BOND	ANZ	AA-	BOND	0.00%	9yrs	1-Jun-17	1,017,877	1,006,250
<b>SUB TOTAL (\$)</b>							<b>1,017,877</b>	<b>1,006,250</b>
<b>INVESTMENTS TOTAL (\$)</b>							<b>24,517,877</b>	<b>24,506,250</b>
<b>CASH AT BANK (\$)</b>							<b>8,939,652</b>	<b>8,939,652</b>
<b>TOTAL CASH AND INVESTMENTS (\$)</b>							<b>33,457,529</b>	<b>33,445,902</b>
CASH AT BANK INTEREST RATE				1.90%				
BBSW FOR PREVIOUS 3 MONTHS				1.80%				
AVG. INVESTMENT RATE OF RETURN				2.65%				
TD = TERM DEPOSIT								
*STANDARD AND POORS LONG TERM RATING								
<b>CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER</b>								
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								
<b>T HAZELL</b>								

**ITEM 1 - ATTACHMENT 2 MONTHLY CASH AND INVESTMENTS BALANCE NOVEMBER 2015 TO NOVEMBER 2016.**

**CASH AND INVESTMENTS BALANCE**

Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure (\$m)	Total Funds (\$m)
Nov-15	4.959	18.989	0.029	23.977
Dec-15	3.759	16.989	0.029	20.776
Jan-16	2.043	14.989	0.029	17.061
Feb-16	7.589	14.989	0.029	22.607
Mar-16	2.038	16.984	0.034	19.055
Apr-16	1.469	14.990	0.028	16.487
May-16	9.650	16.990	0.028	26.668
Jun-16	3.526	17.990	0.028	21.544
Jul-16	1.277	13.998	0.020	15.294
Aug-16	7.269	21.998	0.020	29.287
Sep-16	8.289	23.498	0.020	31.807
Oct-16	3.786	24.503	0.015	28.304
Nov-16	8.940	24.506	0.012	33.458

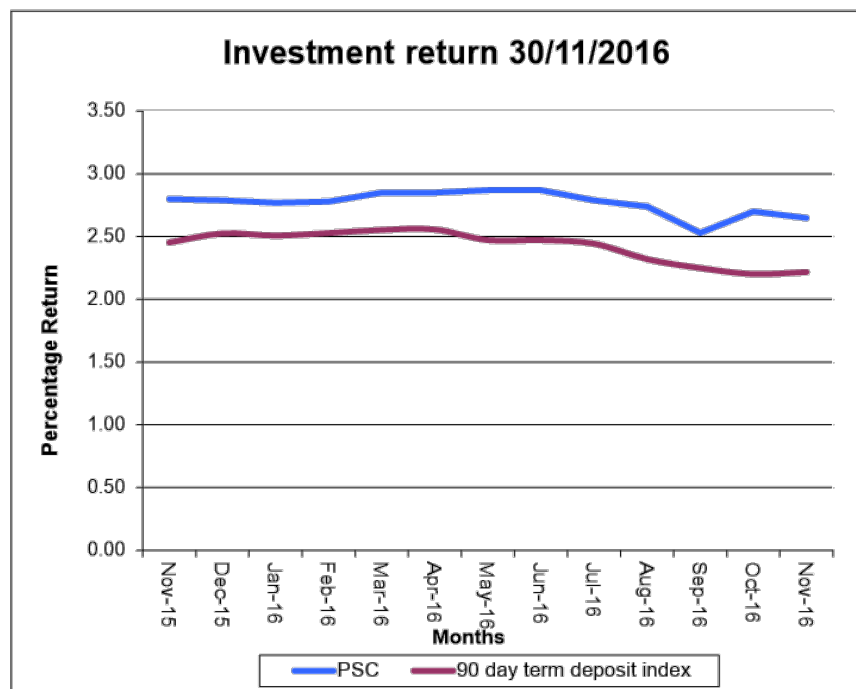


\*market exposure is the difference between the face value of an investment and its current market value

**ITEM 1 - ATTACHMENT 3 MONTHLY AUSTRALIAN TERM DEPOSIT INDEX NOVEMBER 2015 TO NOVEMBER 2016.**

**AUSTRALIAN TERM DEPOSIT ACCUMULATION INDEX**

<b>Date</b>	<b>90 day term deposit index</b>	<b>PSC</b>
Nov-15	2.4535	2.80
Dec-15	2.5259	2.79
Jan-16	2.5089	2.77
Feb-16	2.5293	2.78
Mar-16	2.5539	2.85
Apr-16	2.5578	2.85
May-16	2.4730	2.87
Jun-16	2.4727	2.87
Jul-16	2.4442	2.79
Aug-16	2.3210	2.74
Sep-16	2.2495	2.53
Oct-16	2.2025	2.70
Nov-16	2.2183	2.65





**ITEM NO. 2**

**FILE NO: 17/273  
RM8 REF NO: PSC2006-6531**

**CASH AND INVESTMENTS HELD AS AT 31 DECEMBER 2016**

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 December 2016.

**MERGER PROPOSAL IMPLICATIONS**

There are no merger proposal implications as this is a legislative requirement.

**ATTACHMENTS**

- 1) Cash and investments held at 31 December 2016.
- 2) Monthly cash and investments balance December 2015 to December 2016.
- 3) Monthly Australian Term Deposit Index December 2015 to December 2016.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 2 - ATTACHMENT 1 CASH AND INVESTMENTS HELD AT 31 DECEMBER 2016.**

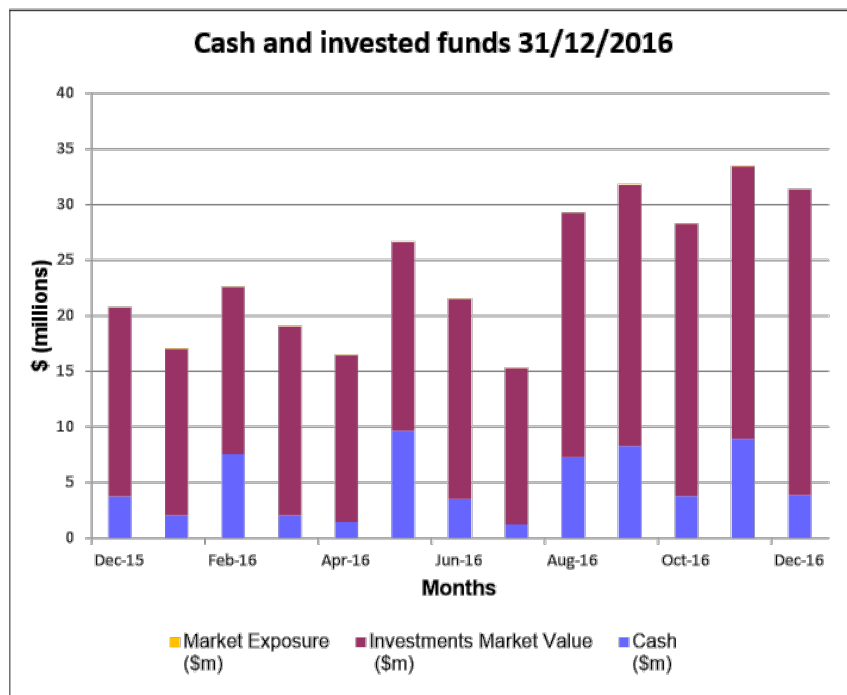
**CASH AND INVESTMENTS HELD AS AT 31 DECEMBER 2016**

ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
<b>TERM DEPOSITS</b>								
NATIONAL AUSTRALIA BANK	NAB	AA-	TD	2.69%	98	11-Jan-17	2,000,000	2,000,000
POLICE CREDIT UNION LTD (SA)	FARQUHARSON	NR	TD	3.05%	231	11-Jan-17	1,000,000	1,000,000
ANZ	ANZ	AA-	TD	2.70%	147	25-Jan-17	2,000,000	2,000,000
ANZ	ANZ	AA-	TD	2.70%	161	8-Feb-17	2,000,000	2,000,000
NATIONAL AUSTRALIA BANK	NAB	AA-	TD	2.71%	126	22-Feb-17	2,000,000	2,000,000
AMP BANK	CURVE	A+	TD	2.75%	174	8-Mar-17	1,500,000	1,500,000
BANANA COAST CREDIT UNION	CURVE	NR	TD	2.75%	112	8-Mar-17	2,000,000	2,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.61%	154	22-Mar-17	1,000,000	1,000,000
ANZ	ANZ	AA-	TD	2.60%	98	22-Mar-17	2,000,000	2,000,000
HUNTER UNITED EMPLOYEES CU	RIM	NR	TD	2.90%	181	5-Apr-17	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK	NAB	AA-	TD	2.69%	112	5-Apr-17	2,000,000	2,000,000
BANK OF QUEENSLAND	BOQ	A-	TD	2.75%	168	19-Apr-17	2,000,000	2,000,000
ME BANK	ME BANK	BBB+	TD	2.85%	133	3-May-17	2,000,000	2,000,000
AMP BANK	FARQUHARSON	A+	TD	3.00%	364	17-May-17	2,000,000	2,000,000
BANK OF QUEENSLAND	BOQ	A+	TD	2.80%	182	14-Jun-17	2,000,000	2,000,000
<b>SUB TOTAL (\$)</b>							<b>26,500,000</b>	<b>26,500,000</b>
<b>OTHER INVESTMENTS</b>								
ANZ ZERO COUPON BOND	ANZ	AA-	BOND	0.00%	9yrs	1-Jun-17	1,017,877	1,007,477
<b>SUB TOTAL (\$)</b>							<b>1,017,877</b>	<b>1,007,477</b>
<b>INVESTMENTS TOTAL (\$)</b>							<b>27,517,877</b>	<b>27,507,477</b>
<b>CASH AT BANK (\$)</b>							<b>3,875,486</b>	<b>3,875,486</b>
<b>TOTAL CASH AND INVESTMENTS (\$)</b>							<b>31,393,363</b>	<b>31,382,964</b>
CASH AT BANK INTEREST RATE				1.90%				
BBSW FOR PREVIOUS 3 MONTHS				1.81%				
AVG. INVESTMENT RATE OF RETURN				2.66%				
TD = TERM DEPOSIT								
*STANDARD AND POORS LONG TERM RATING								
<b>CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER</b>								
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 MONTHLY CASH AND INVESTMENTS BALANCE  
DECEMBER 2015 TO DECEMBER 2016.**

**CASH AND INVESTMENTS BALANCE**

Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure (\$m)	Total Funds (\$m)
Dec-15	3.759	16.989	0.029	20.776
Jan-16	2.043	14.989	0.029	17.061
Feb-16	7.589	14.989	0.029	22.607
Mar-16	2.038	16.984	0.034	19.055
Apr-16	1.469	14.990	0.028	16.487
May-16	9.650	16.990	0.028	26.668
Jun-16	3.526	17.990	0.028	21.544
Jul-16	1.277	13.998	0.020	15.294
Aug-16	7.269	21.998	0.020	29.287
Sep-16	8.289	23.498	0.020	31.807
Oct-16	3.786	24.503	0.015	28.304
Nov-16	8.940	24.506	0.012	33.458
Dec-16	3.875	27.507	0.010	31.393

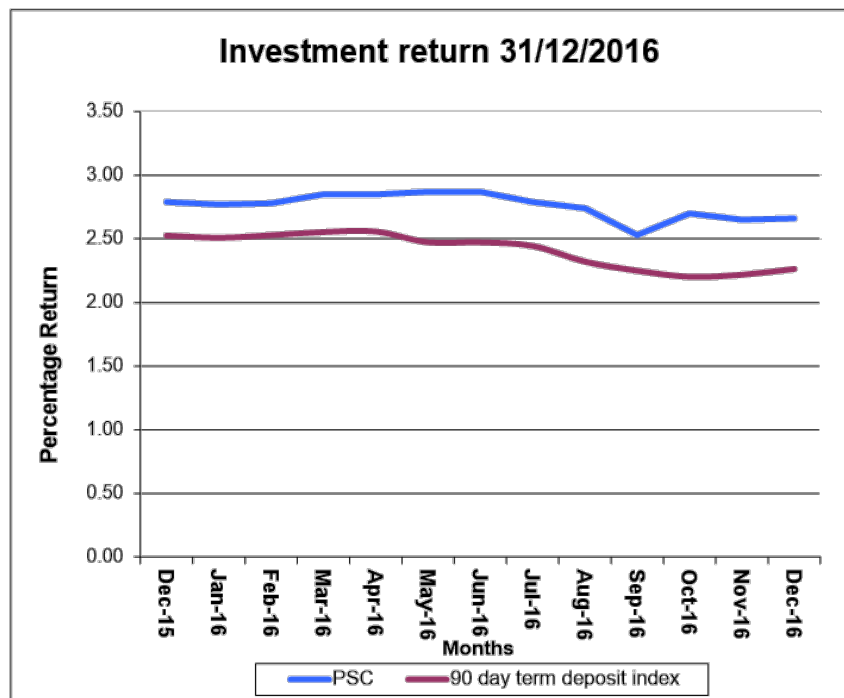


\*market exposure is the difference between the face value of an investment and its current market value.

**ITEM 2 - ATTACHMENT 3 MONTHLY AUSTRALIAN TERM DEPOSIT INDEX  
DECEMBER 2015 TO DECEMBER 2016.**

**AUSTRALIAN TERM DEPOSIT ACCUMULATION INDEX**

<b>Date</b>	<b>90 day term deposit index</b>	<b>PSC</b>
Dec-15	2.5259	2.79
Jan-16	2.5089	2.77
Feb-16	2.5293	2.78
Mar-16	2.5539	2.85
Apr-16	2.5578	2.85
May-16	2.4730	2.87
Jun-16	2.4727	2.87
Jul-16	2.4442	2.79
Aug-16	2.3210	2.74
Sep-16	2.2495	2.53
Oct-16	2.2025	2.70
Nov-16	2.2183	2.65
Dec-16	2.2637	2.66



**ITEM NO. 3**

**FILE NO: 16/465683  
RM8 REF NO: PSC2015-03017**

**PETITION - FUNDING FOR EXPANSION OF MALLABULA SKATE PARK**

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

**BACKGROUND**

The purpose of this information paper is to inform the Mayor and Councillors that a petition containing 87 signatures has been received to expand the existing Mallabula Skate Park (**ATTACHMENT 1**).

The existing skate park is located within the Mallabula sports and leisure precinct on Lemon Tree Passage Road (**ATTACHMENT 2**). The site forms part of the existing Mallabula Sports Complex and is located adjacent to the BMX track and sports fields to the north.

The petition requests additional skate park components to complement the existing series of ramps, grinds and hardstand area on-site. The request cites the positive community benefits of the expansion as encouraging an active and healthy lifestyle, increasing exercise opportunities within the area and providing social benefit as a meeting place for young persons.

The skate park expansion project is already included within the 2016/17 Capital Works Program with an allocation of \$10,000. The scope of works include an additional concrete apron and mound to cater for beginner and medium skaters.

The petition author has been contacted to notify them of the proposed works.

**MERGER PROPOSAL IMPLICATIONS**

There are no known merger implications.

**ATTACHMENTS**

- 1) Petition for Mallabula Skate Park.
- 2) Site Photographs.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

30.11.16.

<b>PORT STEPHENS COUNCIL</b> Information Services
- 1 DEC 2016
File No. ....
Action by .....
<input type="checkbox"/> P.H.C.

Dear Wayne,  
We have been in contact with Ryan Moutaam from the Council and he advised us to hand in this petition directly to you.

My 9 year old son, has organised this petition in relation to expanding Mallabula skate park.

We look forward to hearing from you in due course.

Regards,

TO: PORT STEPHENS COUNCIL

FROM :

To whom it may concern:

My name is \_\_\_\_\_ and I am petitioning for funding to expand our local skatepark at Mallabulla.

I am 9 years old and live at Lemon Tree Passage. I am a keen skater and I ride my skateboard at Mallabulla skatepark daily.

Expanding our existing skatepark would be good for our Community for lots of reasons which are:

- 1) Helps us improve our tricks and skills on our skateboards, bikes and scooters.
- 2) Gets kids outdoors more and away from their screens.
- 3) Its great exercise and will keep us fit and healthy.
- 4) Great place to catch up with friends after school and on weekends.

There is more than enough room next to the current skate park at Mallabulla to expand it.

I have asked many people in our Community to sign this petition who agree with the above and their names are listed below.

Thank you for your time and I look forward to your reply.

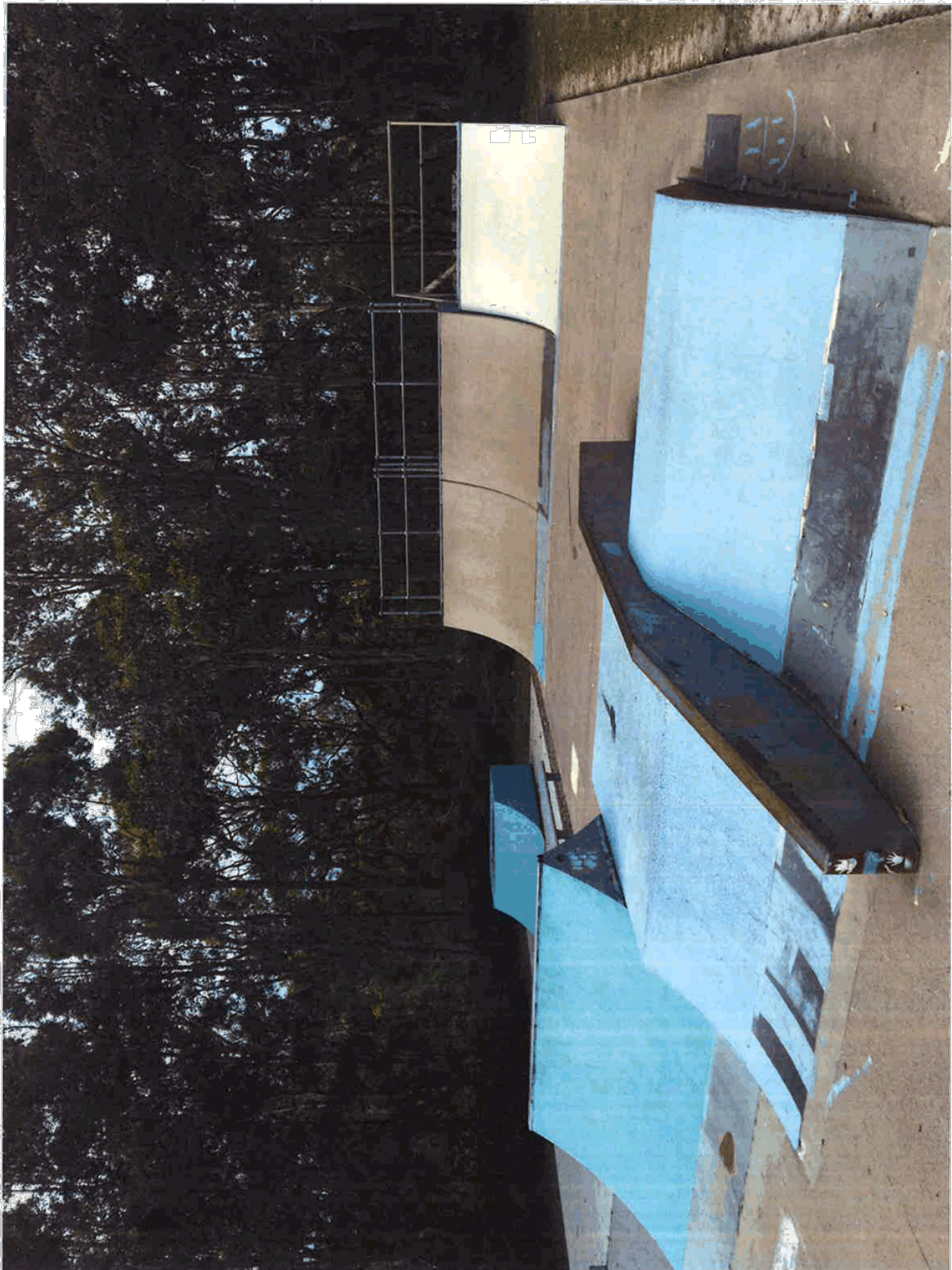
**ITEM 3 - ATTACHMENT 1      PETITION FOR MALLABULA SKATE PARK.**

**PLEASE EXPAND MALLABULLA SKATEPARK**

NAME	AGE	SUBURB	SIGNATURE
------	-----	--------	-----------



ITEM 3 - ATTACHMENT 2 SITE PHOTOGRAPHS.



ITEM 3 - ATTACHMENT 2 SITE PHOTOGRAPHS.



**ITEM NO. 4**

**FILE NO: 17/712  
RM8 REF NO: PSC2015-03017**

**PETITION - COMPLETE SEALING OF HOLDOM ROAD, KARUAH**

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

**BACKGROUND**

The purpose of this information paper is to inform Councillors that the Member for Port Stephens, Kate Washington is requesting that the Council's 10 Year Capital Works Program be reviewed to include the sealing of the unsealed section of Holdom Road, Karuah. The request has been made on behalf of the residents of Karuah Waters Estate who use the unsealed section of Holdom Road, Karuah. This representation includes a petition with 53 signatures from the residents **(ATTACHMENT 1)**.

Previous representations have been made from MP Kate Washington's Office to seal this road. Council staff have previously responded noting that the sealing of Holdom Road is not a priority amongst many other community projects. Hence, sealing of Holdom Road has not been included in the Council's 10 Year Capital Works Program at this time.

Holdom Road is 689m long of which 318m is unsealed with an average width of about 5m. There are no recorded incidents/crash data. Holdom Road is deemed an access street under our roads hierarchy and has an estimated Average Annual Daily Traffic (AADT) of less than 150 vehicles that are predominately cars. It is considered a very low usage road. Council does undertake routine maintenance on both the existing sealed and unsealed segments of Holdom Road to ensure the road is safe for road users.

The desk top estimate to seal this road would cost in excess of \$130,000, which includes the placement of additional gravel, cement stabilisation and sealing of a 6m wide pavement. To include the sealing of Holdom Road in the Council's 10 Year Capital Works Program would require Councillors to agree that this project is a priority and allocate funds.

**MERGER PROPOSAL IMPLICATIONS**

There are no known merger implications associated with this request.

**ATTACHMENTS**

- 1) Petition - Sealing of Holdom Road.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

## **KARUAH WATERS ESTATE**

We, the Residents of Karuah Waters Estate petition the Port Stephens Council,  
to finish and complete the road on Holdom Rd Karuah.

As we the residents have to bear all the dust which comes from the road, this has a great  
impact on those whom suffer from Ashtma and Respiratory complaints, the dust also  
settles inside and outside of our houses, it is a never ending chore to keep dust free  
homes.

We would appreciate you dealing with this matter ASAP.

**ITEM NO. 5**

**FILE NO: 16/468684  
RM8 REF NO: PSC2016-00018**

**DESIGNATED PERSONS' RETURN**

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

**BACKGROUND**

The purpose of this report is to advise Council of new Council staff who have submitted their Designated Persons' Return/s (Return).

In accordance with Section 450A of the *Local Government Act 1993*, all new staff are required to lodge a Return within three (3) months of commencement. These Returns are to be tabled at the first Council meeting after the lodgement date.

The following is a list of position/s who has submitted Return/s:

- Environmental Health Officer (PSC462).

**MERGER PROPOSAL IMPLICATIONS**

This are no merger proposal implications associated with this Information Paper.

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

- 1) Designated Persons' Return.