

COUNCIL REPORTS

Mayor Bruce MacKenzie left the meeting at 6:52pm. Deputy Mayor, Cr Chris Doohan took the Chair for the remainder of the meeting.

ITEM NO. 1

**FILE NO: 17/72423
RM8 REF NO: PSC2016-0281**

SUPPORT FOR BAN OF EXOTIC ANIMAL PERFORMANCES

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the submission from Newcastle City Council and continue to approve events in Port Stephens based on our current assessment processes.

**ORDINARY COUNCIL MEETING - 9 MAY 2017
MOTION**

098	Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council move into Committee of the Whole.
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COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Paul Le Mottee Councillor Ken Jordan That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 9 MAY 2017
MOTION**

099	Councillor Ken Jordan Councillor Paul Le Mottee It was resolved that Council note the submission from Newcastle City Council and continue to approve events in Port Stephens based on our current assessment processes.
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BACKGROUND

The purpose of this report is to provide Council with correspondence from Newcastle City Council in relation to their position on exotic animal performances in circuses.

Newcastle City Council wrote to Port Stephens Council on 13 March 2017 advising they had recently received a number of complaints in relation to the Star Dust Circus performances which include exotic animal performances carried out on land managed by Venues NSW adjacent the McDonald Jones Stadium in Newcastle.

At the Newcastle City Council Ordinary Council Meeting held on 28 February 2017, Council resolved a notice of motion that:

- Reaffirms its prohibition of the use of performing exotic animals in circuses on Council owned land.
- Respects widespread community concern that the welfare of animals is given recognition through appropriate legislation at a local, state and national level.
- Calls on all state government agencies that are responsible for the leasing of land within the Newcastle Local Government Area for circus use to implement a policy of prohibition on the use of performing exotic animals in circuses.
- Write to our adjacent Councils in the Hunter recommending their consideration of a similar position towards exotic circus animals.

The correspondence from Newcastle City Council is included as **(ATTACHMENT 1)**.

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

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resourcing implications resulting from the proposed recommendation.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Assessment and approval of events involving circus animals on Council land are undertaken under current legislation with approval granted based on the merits of the application.

There are no legal requirements or current policy position for Council to consider a ban on exotic circus animals.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There may be a reputational risk to Council if consideration to banning exotic circus animals is not supported.	Low	Consider supporting Newcastle City Council's position to ban exotic circus animals.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social implications may arise as a result of local groups holding protests at Council facilities.

CONSULTATION

Consultation with key stakeholders has been undertaken.

Internal

Coordinator of Planning and Developer Relations and Coordinator of Environmental Health and Compliance both advised that processes are adhered to and approvals granted based on the merit of the application.

External

Nil.

OPTIONS

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

ATTACHMENTS

- 1) Correspondence from Newcastle Council.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

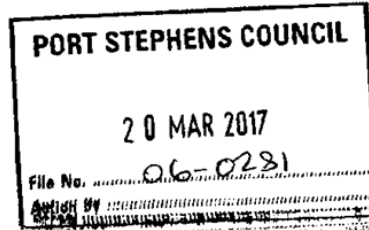
Nil.

ITEM 1 - ATTACHMENT 1 CORRESPONDENCE FROM NEWCASTLE COUNCIL.

Planning and Regulatory.ABaxter/PMcMurray
Ref: 5101600
Phone: 02 4974 2000

13 March 2017

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



PO Box 489, Newcastle
NSW 2300 Australia
Phone 02 4974 2000
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Great Place, Great Lifestyle, Great Future

Dear Mr Wallis

SUPPORT FOR BAN OF EXOTIC ANIMAL PERFORMANCES

Newcastle City Council has recently received a number of complaints in relation to the Star Dust Circus performances which include exotic animal performances carried out on land managed by Venues NSW adjacent the McDonald Jones Stadium in Newcastle.

At an Ordinary Council Meeting held on 28 February 2017, Council resolved a notice of motion that:

- Reaffirms its prohibition of the use of performing exotic animals in circuses on Council owned land.
- Respects widespread community concern that the welfare of animals is given recognition through appropriate legislation at a local, state and national level.
- Calls on all state government agencies that are responsible for the leasing of land within the Newcastle Local Government Area for circus use to implement a policy of prohibition on the use of performing exotic animals in circuses.
- Write to our adjacent Councils in the Hunter recommending their consideration of a similar position towards exotic circus animals.

I am writing to you to seek your Council's consideration of Newcastle City Council's position on this matter.

Council has also written to Venues NSW and the Department of Primary Industries. A copy of the correspondence sent to these agencies is attached for your information.

Yours faithfully

A black rectangular redaction box covering the signature of Frank Cordingley.

Frank Cordingley
ACTING INTERIM CHIEF EXECUTIVE OFFICER

ITEM NO. 2

**FILE NO: 16/438244
RM8 REF NO: PSC2016-01484**

PROPOSED KOALA HOSPITAL AND TOURISM FACILITY AT TREESCAPE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the development and operation of the proposed Koala Hospital and Tourism Facility at Treescape Holiday Park based on the appropriate funding model depending outcomes of grant applications.
- 2) Endorse the Business Case (**TABLED DOCUMENT 1**) for the operation of the facility.
- 3) Commit to capital funding in accordance with the Business Case subject to the success of the grant fund applications made.

**ORDINARY COUNCIL MEETING - 9 MAY 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Steve Tucker Councillor Sally Dover</p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 9 MAY 2017
MOTION**

100	<p>Councillor Ken Jordan Councillor Paul Le Mottee</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the development and operation of the proposed Koala Hospital and Tourism Facility at Treescape Holiday Park based on the appropriate funding model depending outcomes of grant applications.2) Endorse the Business Case (TABLED DOCUMENT 1) for the operation of the facility.3) Commit to capital funding in accordance with the Business Case subject to the success of the grant fund applications made.
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BACKGROUND

The purpose of this report is to provide Council with the outcome of the feasibility study undertaken on the concept of a koala hospital and tourism facility at Treescape Holiday Park.

In April 2016 Council endorsed \$64,000 in funding in order to undertake a study into the feasibility of a koala hospital and tourism facility. That funding has been utilised to undertake:

- The preparation of a Business Case;
- Full financial models based on different funding assumptions;
- Site survey including topography and vegetation mapping;
- The completion of architectural design plans;
- Cost estimate report on the construction of the main facility;
- Bushfire assessment;
- Traffic engineer's assessment;
- Key state agency engagement.

The concept of such a facility was initiated by Port Stephens Koalas (PSK) (formally known as Hunter Koala Preservation Society) in response to the challenges facing the region's koala population. Council recently commissioned a distribution and abundance study of koalas in the Port Stephens LGA. A key finding from the study stated:

At this point in time there is no indication that the PSLGA's population is endangered; there is also evidence of population recovery in the west in the form of widespread records over the last two koala generations which, if the reporting trends continue, will result in the identification of new areas of generational persistence in coming years. In this context however, there is evidence that decline is ongoing in the east, the occupancy estimate for the current koala generation (2010-2015) being approximately 35% of available habitat. This latter situation mandates against complacency and so requires further assessment and monitoring.

The findings of this study that incorporates treatment, release and mortality rates for koalas as recorded by Port Stephens Koalas emphasises the urgent requirement for a centralised facility to treat sick and injured koalas to assist with the wider strategic management of free living koalas in Port Stephens.

Port Stephens koalas are one of the last remaining populations located on the east coast of Australia. The population at best estimates may be as many as 1200, but may be as low as 250. PSK has recorded on average 50 koala deaths per year over the last three years, and mortality rates are increasing.

Koala populations face a number of significant threats in Port Stephens including habitat loss and fragmentation, disease, vehicle strikes, dog attacks and bushfires. There is strong scientific evidence to suggest that the koala populations in the east of

the LGA are in decline over the last three generations, and that there is no evidence that the population has increased across the LGA from 2000 when the Port Stephens Comprehensive Koala Plan of Management was prepared.

Evidence does suggest that some koala populations in the west of the LGA are increasing, which lends scientific weight to the argument that populations can recover in the area.

Council is currently developing and implementing an integrated strategy for the conservation of koalas and their habitat. This strategy will look to give effect to the NSW State Government's own strategy and recommended actions. The hospital and tourism facility will play a significant role in this wider approach to species and habitat management through its treatment and rehabilitation of sick and injured koalas.

The feasibility study has taken the concept of a koala hospital, and developed it into a one of a kind hospital and tourism facility, that still has the primary driver of koala care at its core. The proposed facility will incorporate three main areas of activity:

- 1) Koala hospital incorporating the care, rehabilitation, and breeding of koalas.
- 2) Education and research into koala population management.
- 3) Koala based tourism and unique accommodation.

The concept facility is ultimately a self-sufficient business model that will deliver the environmental, social and economic benefits detailed in the Business Case. In summary the key outcomes are:

- The unique facility and required associated infrastructure will have a capital construction cost of \$3M;
- The hospital component will play an integral role in the preservation of the Port Stephens koala population;
- The Business Case demonstrates that the concept is financially viable including assumed borrowings, ensuring the continued operation and success of Treescape;
- The tourism component of the facility is expected to generate \$675,000 in revenue per year, and uplift in accommodation of \$345,000 per year.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Economic Development.	Provide processes and services that deliver benefit to tourism in Port Stephens. Provide Economic Development services to local business.

FINANCIAL/RESOURCE IMPLICATIONS

The proposed facility has had a preliminary capital cost estimate of \$3M. Included in this figure is the construction and fit out of the facility, a new amenities building for the koala facility and Treescape, all pens, enclosures, fencing and boardwalk, and all required infrastructure including utilities and road and car park improvements. The business model demonstrates that the concept is financially viable and ongoing external funding is not required.

Council has applied for grant funding from two possible sources:

The first is for \$1.5M through the Federal Government's Building Better Regions program. The grant fund program is a dollar for dollar contribution, so if Council is successful the matching co-contribution will need to be made. Port Stephens Koalas has committed \$200,000 towards this, leaving the balance of \$1.3M to be funded.

The second is for the total \$2.8M through the State Government's Regional Growth – Environment and Tourism Fund. The grant fund program does not require any co-funding from Council.

The final funding solution for the facility will not be able to be determined until the grant applications have been finalised but will consist of one of the following options in order of preference:

- 1) \$2.8M through the State Government's Regional Growth – Environment and Tourism Fund plus \$200,000 from Port Stephens Koalas.
- 2) \$1.5M through the Federal Government's Building Better Regions Program, \$1.3M from Port Stephens Council, and \$200,000 from Port Stephens Koalas.
- 3) \$2.8M from Port Stephens Council, and \$200,000 from Port Stephens Koalas.

Simple financial budget sheets have been included in the Business Case for each of the three possible funding solutions.

If the grant fund applications are not successful, it is recommended that Council continues to seek funding from Federal and State Government to reduce the capital contribution made from Council. The Business Case includes this scenario and indicates that the financial outcome remains positive.

The Business Case and financial modelling has been independently audited by PKF (Councils Internal Auditor). The audit examined the base assumptions used for the business case and the details within the financial workings with no concerns raised.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No	3M	From borrowings if no grant fund application is successful; or
Existing budget	No	1.3M	From borrowings as a co-funding contribution to Federal Government Building Better Regions Fund.
Reserve funds	No		
Section 94	No		
External grants	Yes	3M	From the State Government Rebuilding NSW Regional Growth – Environment and Tourism Fund; or
External grants	Yes	1.5M	From the Federal Government Building Better Regions Fund application.
Other	Yes	200,000	Co-funding commitment from Port Stephens Koalas.

LEGAL, POLICY AND RISK IMPLICATIONS

Through the feasibility study several risk factors have been preliminarily identified and addressed. The facility requires several licences to care for and show koalas in the way proposed. Initial conversations with the respective agencies have established that there should be no impediment to the success of the applications.

Department of Industry - Lands has indicated a similar positive position with regards to lease arrangements, both extending the current lease period for Treescape and agreeing to a sublease arrangement for the proposed facility

Operational matters regarding bushfire and the like have all been assessed and can be satisfactorily addressed through the consent process and operational controls.

Governance of the facility is an issue to be addressed fully to ensure smooth and successful operation of the facility. It is suggested that this will be best undertaken by way of a board of management. While this has not been created at this time, other working examples have been considered and there is confidence that a successful governance structure will be put in place following endorsement of the proposal.

Alternate options were considered, including just constructing a standalone hospital and alternate locations for the facility. Risks associated with a standalone facility are that without an income stream, the facility will be reliant on continual funding from Council or external sources in order to continue operations. The proposed model

removes this risk through the income received through the tourism component. Alternate locations were considered but ruled out of consideration for various site constraints or issues that were identified.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that external funding won't be sourced, and the facility won't be constructed.	Moderate	Borrow required capital.	No
Without an effective governance structure, the facility will not be effective.	Moderate	Design and implement a proven governance structure, board or committee, with the required skill sets.	Yes
Construct a standalone hospital facility that does not have recurrent income to operate.	Moderate	Include revenue stream from tourism and accommodation component to ensure continued operations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The facility will deliver significant social, economic and environmental benefits to the community of Port Stephens. The hospital will focus and deliver high quality care and rehabilitation to sick and injured koalas. The research into disease control and the breeding program will further assist with population conservation. The education component of the facility will provide an opportunity for people to learn what they can do to assist with the conservation effort, and strengthen the community's affiliation with the koala and build community identity. Economic benefits will include increased job and volunteer opportunities, and offer training to Certificate 3 level through the facility. The tourism and accommodation business will return an additional \$8.1M in profit to Council over the next 10 years, and potentially add \$1M per year into the local economy.

CONSULTATION

Extensive consultation with key stakeholders has been undertaken by the Property Section to ensure that this proposed facility is integrated into Council's approach to koala and habitat management. Finance has been heavily involved in assisting with the financial modelling that is incorporated in the business model. The Business Development Unit that are located at the Treescape facility staff have assisted with market testing and sensitivity analysis with regards to visitor numbers and tariffs for day visitors and accommodation nights.

Internal

- Natural Resources.
- Business Development Unit - Holiday Parks.
- Finance Section.
- Koala Strategy Working Group.

External

In addition to planning matters in forming the Business Case, and recognising that the management of the Port Stephens koala population involves a number of various agencies and groups, significant discussion has been undertaken with the following agencies to gain input and manage obstacles and opportunities in their respective areas:

- Port Stephens Koalas.
- NSW Minister for the Environment.
- NSW Parliamentary Secretary for the Hunter.
- NSW Department of Industry - Lands.
- NSW Department of Primary Industry.
- NSW Department of Premier and Cabinet.
- Office of Environment and Heritage.
- Destination NSW.
- Meryl Swanson, Member for Paterson.
- Kate Washington, Member for Port Stephens.
- Port Macquarie Koala Hospital.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Business Case including financial models and concept plans.

ITEM NO. 3

**FILE NO: 16/477367
RM8 REF NO: PSC2016-02172**

**COMPULSORY ACQUISITION OF PART OF VICTORIA PARADE RESERVE
NELSON BAY FOR ROAD PURPOSES.**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Proceed with the compulsory acquisition of part of Lot 567 DP1033413 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 part Lot 567 DP1033413 by compulsory process under Section 186(1) of the *Local Government Act 1993*.
- 3) Upon acquisition classify the land as Operational Land.
- 4) Authorise the General Manager and the Mayor to sign and affix the Seal of Council to all required documentation.

**ORDINARY COUNCIL MEETING - 9 MAY 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Steve Tucker Councillor Ken Jordan</p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 9 MAY 2017
MOTION**

101	<p>Councillor Ken Jordan Councillor Paul Le Mottee</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Proceed with the compulsory acquisition of part of Lot 567 DP1033413 for the purpose of public road in accordance with the requirements of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>.2) Make an application to the Minister and the Governor for approval to acquire part Lot 567 DP1033413 by compulsory process under
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MINUTES ORDINARY COUNCIL - 9 MAY 2017

	Section 186(1) of the <i>Local Government Act 1993</i> .
3)	Upon acquisition classify the land as Operational Land.
4)	Authorise the General Manager and the Mayor to sign and affix the Seal of Council to all required documentation.

BACKGROUND

The purpose of this report is to recommend Council proceed with the compulsory acquisition of approximately 342sqm of the Victoria Parade Reserve Nelson Bay **(black hatch on ATTACHMENT 1)** to allow Council to extend Yacaaba Street through to the Victoria Parade roundabout. Victoria Parade Reserve is formally known as Crown Reserve R64421.

Council purchased 106 and 108 Magnus Street, Nelson Bay **(green tint on ATTACHMENT 1)** between 2000 and 2012 for the future purpose of alleviating traffic congestion and providing better traffic and pedestrian flow by extending Yacaaba Street from Magnus Street to the Victoria Parade roundabout. The Yacaaba Street extension is included in the Nelson Bay Town Centre and Foreshore Strategy 2012 as one of the actions to implement Recommendation 2.1 "Improve pedestrian access across Victoria Parade".

The recent design for the Yacaaba Street extension requires approximately 342sqm of Crown Land. This land will be compulsorily acquired to accommodate the new road along with existing and proposed Council infrastructure such as footpaths and stormwater detention.

Crown Lands (the Crown) own all of Crown Reserve R64421 for the purpose of Public Recreation. Council has submitted a "Proposed Acquisition of Crown Land" application to the Crown seeking 'in principle' agreement to apply to compulsorily acquire the Crown Land. The Crown has accepted this application and the Compulsory Acquisition process can now proceed however this can take between 6 and 12 months to complete. Due to the road work being planned to commence directly, the Crown has agreed that Section 175 of the Roads Act 1993 can be utilised to permit Council access to the Crown Land for construction prior to finalisation of the compulsory acquisition process.

The Crown has advised that Compulsory Acquisition should apply when Council seeks to establish infrastructure on Crown Land where the associated improvements will vest with Council. While negotiation of a private treaty sale is an option, the Crown has advised this may take considerable time to progress hence compulsory acquisition is preferred.

Following this resolution, Council will make application to the Office of Local Government for the Minister and the Governor's approval to acquire the Crown Land by compulsory process under Section 186 (1) of the Local Government Act 1993 and in accordance with the requirements of the Land Acquisition (Just Terms

MINUTES ORDINARY COUNCIL - 9 MAY 2017

Compensation) Act 1991. Compensation will be assessed by the NSW Valuer General.

The recent road design also requires acquisition of approximately 18sqm of the Common Property land (**red tint on ATTACHMENT 1**) within Strata Scheme 20977 at 110 Magnus Street, Nelson Bay. This separate acquisition will be the subject of negotiations and a future Business Paper to recommend either a negotiated purchase or compulsory acquisition should negotiations fail.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

This acquisition from the Crown is not expected to exceed \$20,000 plus costs estimated at no more than \$5,000.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	No		
External Grants	No	Nil at present	Grants have been applied for, though no announcements have been made.
Other	Yes	\$25,000	External loan as per the Notice of Motion dated 14 February 2017.

LEGAL, POLICY AND RISK IMPLICATIONS

There are no apparent legal implications from the recommendations.

There are no apparent policy implications from the recommendations. The Acquisition & Divestment of Land Policy will be followed to finalise the acquisition.

There are risk implications if the recommendations are not adopted in that the acquisition will not be able to be finalised.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the acquisition will not be finalised.	High	Adopt the recommendations.	Yes
There is a risk that the Minister will not approve the compulsory acquisition.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social implications include improved vehicle and pedestrian access between the town centre and the foreshore

Economic implications include Council having to fund the works without benefit of Government funding, improved access to the advantage of local businesses.

Environmental Implications include a minor increase in traffic noise to the neighbouring residential developments.

CONSULTATION

Consultation with key stakeholders has been undertaken by Council to determine that acquisition of this Crown Land is essential to complete works and the processes necessary to secure access for the works and complete the compulsory acquisition of the land.

Internal

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

External

- Crown Land Offices – Maitland and Newcastle.
- Office of Local Government.

OPTIONS

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

ATTACHMENTS

- 1) Locality Map.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



ITEM NO. 4

**FILE NO: 17/62085
RM8 REF NO: PSC2011-03812**

DEVELOPMENT OF 14 BAGNALL AVENUE SOLDIERS POINT

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Develop 8 townhouses at 14 Bagnall Ave Soldiers Point and endorse the funding strategy.

**ORDINARY COUNCIL MEETING - 9 MAY 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Ken Jordan Councillor Sally Dover That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 9 MAY 2017
MOTION**

102	Councillor Ken Jordan Councillor Paul Le Mottee It was resolved that Council develop 8 townhouses at 14 Bagnall Ave Soldiers Point and endorse the funding strategy.
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BACKGROUND

The purpose of this report is to obtain Council resolution to develop 8 townhouses at 14 Bagnall Ave, Soldiers Point.

At its ordinary meeting of 14 February 2017, Council resolved to approve Development Application 16-2016-679-1 for 8 x 3 bedroom townhouses on Council land. This replaces an earlier approval for 6 townhouses deemed to be not in keeping with current contemporary design and urban design outcomes. A Construction Certificate application is now being prepared and once secured, Council will run an open tender to select a builder for the development.

A recent construction cost estimate prepared by a Quantity Surveyor for the Development Application was \$2,686,000. The Quantity Surveyor advises that a lower construction cost is likely to be achieved through the open tender process. Allowing for contingencies at 5%, total construction cost should not exceed \$2,820,000. The estimate of total development cost is \$3,325,000 made up of the above construction cost estimate, GST, real estate agency fees, legal fees and the Section 94 contribution.

Local real estate agents have provided opinions on end sale price ranging from \$550,000 to \$575,000. Based on these opinions, development of the approved scheme should return Council between \$1,100,000 and \$1,275,000. This compares favourably with the land's value "As Is" estimated at \$650,000 to \$750,000. A 4 lot residential subdivision has also been briefly modelled and returns around \$800,000 to Council. Consequently to progress with the DA approved 8 townhouse development is recommended.

It is recommended that marketing and sales of the individual townhouses should be undertaken by a local real estate agent to be appointed at a later date following a competitive process. The marketing and sales strategy and recommended sales prices will be determined at that time in consultation with the Property Advisory Committee and Council will require an independent valuation.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
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 completed development is expected to generate gross sales revenue in the order of \$4,400,000 to \$4,600,000. The funding strategy developed with assistance from the Finance Section is to fund the construction cost of \$2,820,000 to build the proposed townhouses from the proceeds of sales from the commercial subdivision at 155 Salamander Way Salamander Bay.

This strategy may require delay of construction until early 2018 however Council will continue to progress the development by way of securing a Construction Certificate, running an open tender for construction and awarding the tender.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget			
Reserve Funds			
Section 94			
External Grants			
Other	Yes	\$2,820,000	Funded from the Property Reserve through sale proceeds from 155 Salamander Way Salamander Bay

LEGAL, POLICY AND RISK IMPLICATIONS

Legal implications extend to the open tender and appointment of a builder however these will be mitigated by utilising the HROC standard tender and contract documents.

There are no apparent policy implications. The open tender will be run by Council's Finance Section and a Tender Panel will be appointed to include Council officers from Finance and Property Services with external independent advisors as required.

There is a risk that if the resolutions are not secured, Council will not benefit from additional returns from the development of the land over and above its current estimated value. There is also a risk that the completed townhouses may sell for less than estimated. At present there are only three 3 bedroom medium density dwellings listed for sale in Soldiers Point and the surrounding suburbs, none of which are new construction. Two recent sales in the adjoining 3 dwelling development at 16 Bagnall Avenue are a 3 bedroom 2 bathroom double garage single level dwelling for \$660,000 and a 4 bedroom 2 bathroom double garage single level dwelling for \$685,000. With the current buoyant market conditions for residences in the location together with the new construction, the risk of lower than estimated sale prices is considered to be low. Should this risk be evident leading up to completion of the development Council has the option of renting the completed townhouses then selling them at some future time to capitalise on price increases.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council will over capitalise the development.	Med	Significant feasibility undertaken to confirm expected expense and revenue, buoyant market assists this outcome.	Yes
There is a risk that a reduced return to Council will result if the land is sold undeveloped	High	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social implications include the likelihood that some purchasers will be investors and this will provide much needed rental accommodation in the location.

Economic implications include Council utilising proceeds of commercial land sales at 155 Salamander Way Salamander Bay into the Property Reserve funds for the development. The timing of the availability of these funds may see the need to delay the commencement of construction on the subject development until early 2018. Funding of the development should generate a return between \$1,100,000 and \$1,275,000. This return is in excess of the land's estimated current value of \$650,000 to \$750,000.

There are no known environmental implications.

CONSULTATION

Consultation with key stakeholders has been undertaken by Council to determine support for the development and the preferred funding model.

Internal

- Property Advisory Committee supports this development.
- Financial Services Manager has determined the funding option being bank borrowings.

External

- Local real estate agents for market sentiment and opinions of value.
- Quantity Surveyor for development cost estimate.

OPTIONS

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

ATTACHMENTS

- 1) Stamped Plans.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

PORT STEPHENS COUNCIL
 This plan relates to
 Development Consent No.
 16-2016-679-1
 and is subject to conditions
 as shown on that Consent



DA SITE PLAN

EJE ARCHITECTURE
 ACK 932 543 | AIN 42 848 548
 Commercial Street, First Floor
 114 Bagnall Street, Newcastle NSW 2298
 P +61 2 4929 2253 | F +61 2 4929 3699 | E info@eje.com.au | W www.eje.com.au



REV	DATE	COMMENTS
A	16/05/16	ISSUE FOR LANDSCAPING
B	01/08/16	ALTER UNIT & LAYOUT
C	08/09/16	ISSUE TO CONSULTANTS
D	15/09/16	ISSUE FOR PRE-DEVELOPMENT
E	22/09/16	ISSUE FOR DA
F	29/10/16	RELOCATE WATER TANK AND CLOTHES LINE - UNIT 6 - TO BEEYEBOUNDARY

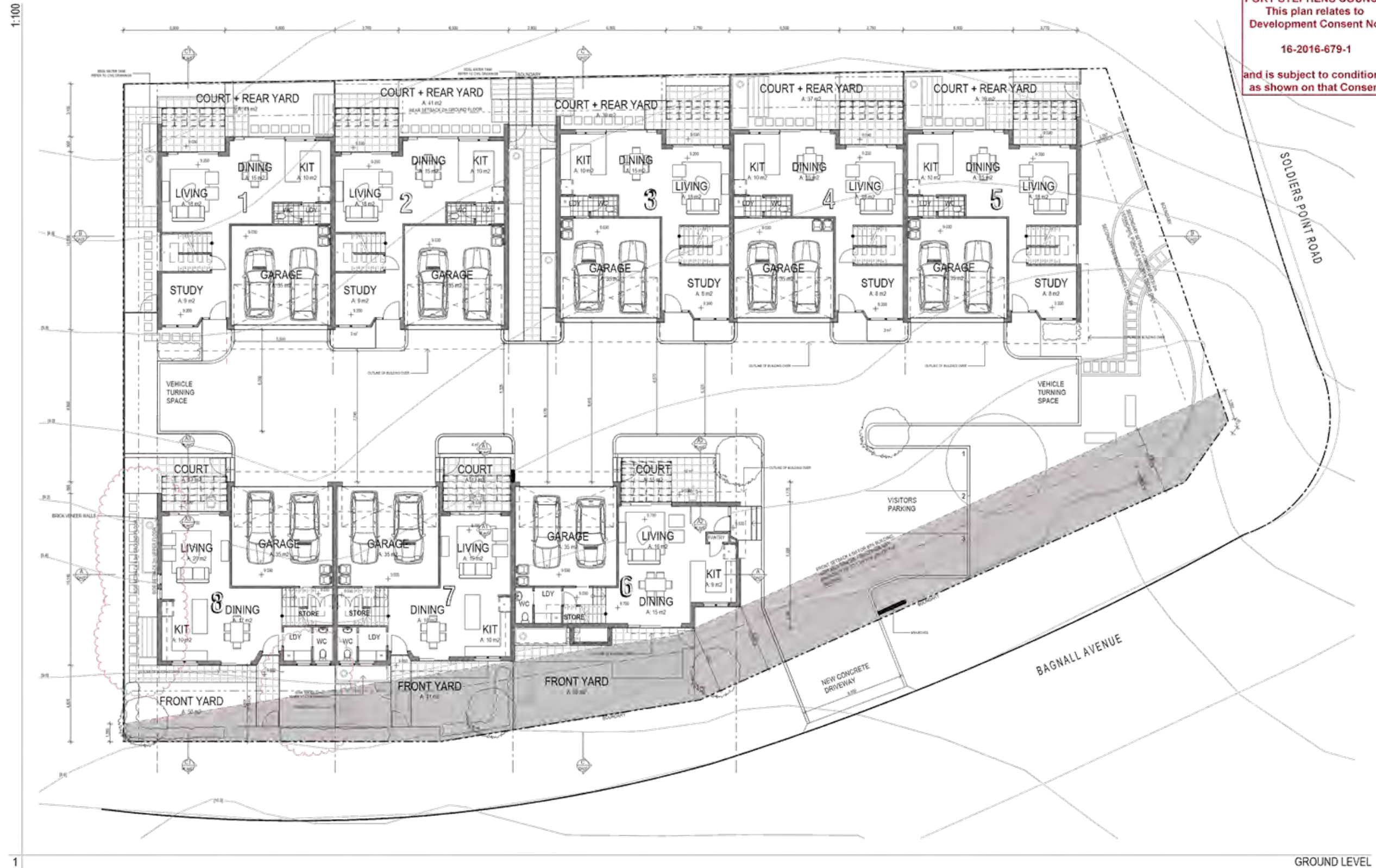
CHK	CHKD	HW	PROJECT
RD			Townhouse Development
LE	GE		
LE	OK		
LE	OK		
LE	OK		
LE	OK		
LE	OK		
LE	OK		

DATE: 14 Bagnall Ave
 Soldiers Point 2317
 CLIENT: Sean Fox
 DRAWING: Site Plan

WORK IN DIMENSIONED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF SHOROTERM DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.
 PROJECT: 11044 2016-11-29 Bagnall Avenue Townhouse
 DRAWN: LE
 DATE: AUG 2016
 SCALE: 1:200/A1



PORT STEPHENS COUNCIL
This plan relates to
Development Consent No.
16-2016-679-1
and is subject to conditions
as shown on that Consent



EJE ARCHITECTURE
ACK 902 932 643 | AIN 02 848 648 548
100 Adelaide Street West, Suite 2000
Toronto, Ontario M5H 1A1, Canada
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112 090 511671 NEWCASTLE, 10/01/2016
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REV	DATE	COMMENTS
A	10/05/16	ISSUE FOR LANDSCAPING
B	01/08/16	ALTER UNIT 6 LAYOUT
C	09/09/16	ISSUE TO CONSULTANTS
D	10/09/16	ISSUE FOR PRE-GAMEETING
E	22/09/16	ISSUE FOR B.A.
F	29/09/16	RELOCATE WATER TANK AND G.D. LINE - UNIT 6 - TO BEE BOUNDARY

PROJECT: Townhouse Development
CLIENT: Sean Fox

SITE: 14 Bagnall Ave
Soldiers Point 2317
DRAWING: Ground Floor Plan

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.
FILENAME: 1104 2016-11-23 Bagnall Avenue Townhouse EJE
DRAWN: LE
DATE: AUG 2016
SCALE: 1:100(A1)



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1:100



SOLDIERS POINT ROAD

BAGNALL AVENUE

LEVEL 1

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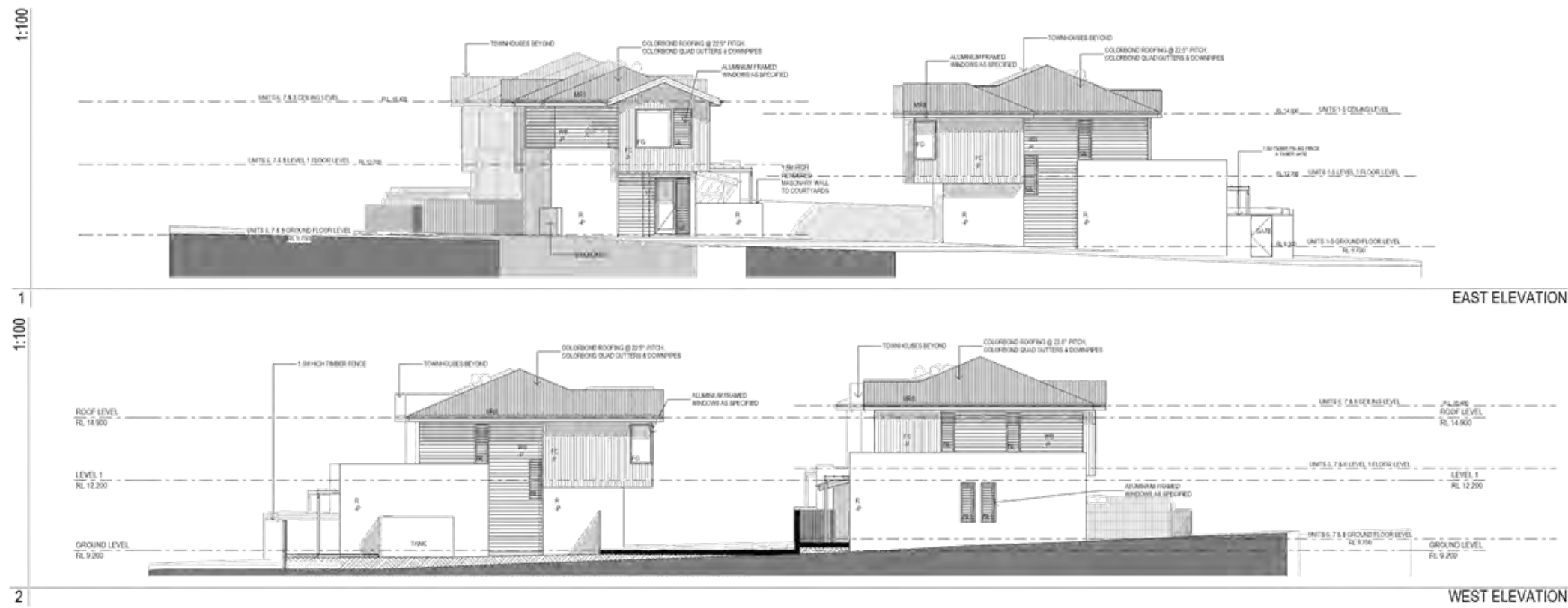


REV	DATE	COMMENTS
A	16/05/16	ISSUE FOR LANDSCAPING
B	01/08/16	ALTER UNIT 2 LAYOUT
C	09/09/16	ISSUE TO CONSULTANTS
D	15/09/16	ISSUE FOR PRE-GAMESTEPS
E	22/09/16	ISSUE FOR DA

PROJECT: Townhouse Development
 SITE: 14 Bagnall Ave Soldiers Point 2317
 CLIENT: Sean Fox
 DRAWING: First Floor Plan

WORK IN DIMENSIONED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.
 FILENAME: 11044-2016-08-16 Bagpail Avenue Townhouse (DA) (P) (S) (R) (D) 22/09/2016
 DRAWN: LE DATE: AUG 2016 SCALE: 1:100
 PROJECT NO: 11044 PHASE: DA DRAWING NO: DA04 REV: E





KEY

AW	AWNING WINDOW
FC	FIBRE CEMENT
GL	GLASS
GL	GLASS EGGFRAMES
HWS	HOT WATER SYSTEM
MRS	METAL ROOF SHEETING
O	OBSCURE
PF	PAINT FINISH
R	RENDER
SG	SLIDING GLASS
SGD	SLIDING GLASS DOOR
SL	SKYLIGHT
WB	WEATHERBOARDS

PORT STEPHENS COUNCIL
 This plan relates to
 Development Consent No.
 16-2016-679-1
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EJE ARCHITECTURE
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REV	DATE	COMMENTS
A	10/05/16	ISSUE FOR LANDSCAPING
B	01/08/16	ALTER UNIT 6 LAYOUT
C	09/09/16	ISSUE TO CONSULTANTS
D	15/09/16	ISSUE FOR PRE-DEVELOPMENT MEETING
E	22/09/16	ISSUE FOR D.A.

PROJECT: Townhouse Development
 SITE: 14 Bagnall Ave Soldiers Point 2317
 CLIENT: Sean Fox
 DRAWING: East and West Elevations

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF SHOROTERM DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.
 FILENAME: 11044 2016 08 16 Bagnall Avenue Townhouse (DA) (P) (S) (D) 22/09/2016
 DRAWN: LE DATE: AUG 2016 SCALE: 1:100
 PROJECT NO: 11044 PHASE: DA DRAWING NO: DA05 REV: E



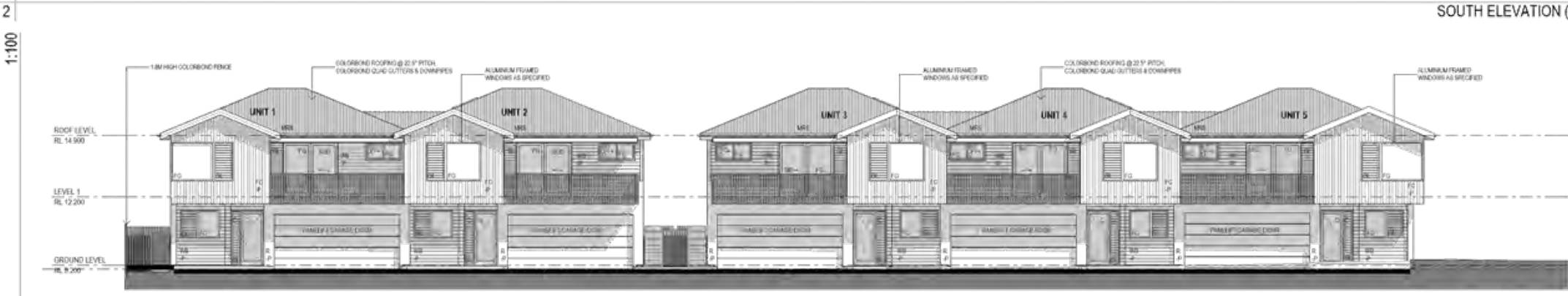


NORTH ELEVATION (Block A & B)

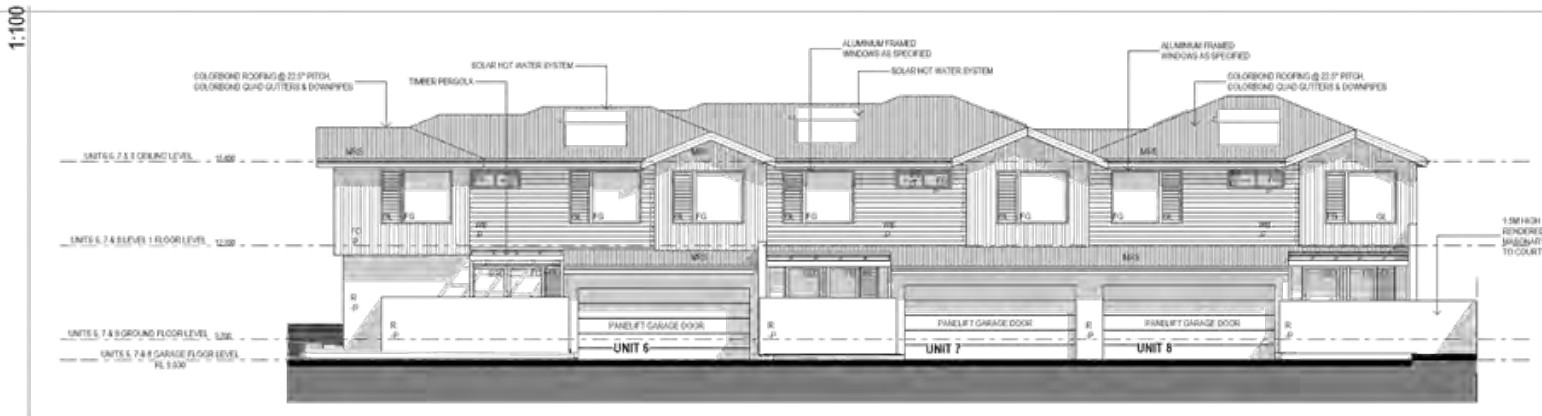
PORT STEPHENS COUNCIL
 This plan relates to
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 16-2016-679-1
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SOUTH ELEVATION (Block C)



SOUTH ELEVATION (blocks A & B)



NORTH ELEVATION (Block C)

- KEY**
- AW AWNING WINDOW
 - FC FIBRE CEMENT
 - FG FIXED GLASS
 - GL GLASS LOUVRES
 - RWS HOT WATER SYSTEM
 - MRS METAL ROOF SHEETING
 - O OBSCURE
 - P PAINT FINISH
 - R RENDER
 - SG SLIDING GLASS
 - SGD SLIDING GLASS DOOR
 - SL SKYLIGHT
 - WB WEATHERBOARDS

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REV	DATE	COMMENTS
A	10/05/16	ISSUE FOR LANDSCAPING
B	01/08/16	ALTER UNIT 6 LAYOUT
C	09/09/16	ISSUE TO CONSULTANTS
D	10/09/16	ISSUE FOR PRELIMINARY MEETING
E	22/09/16	ISSUE FOR EX.

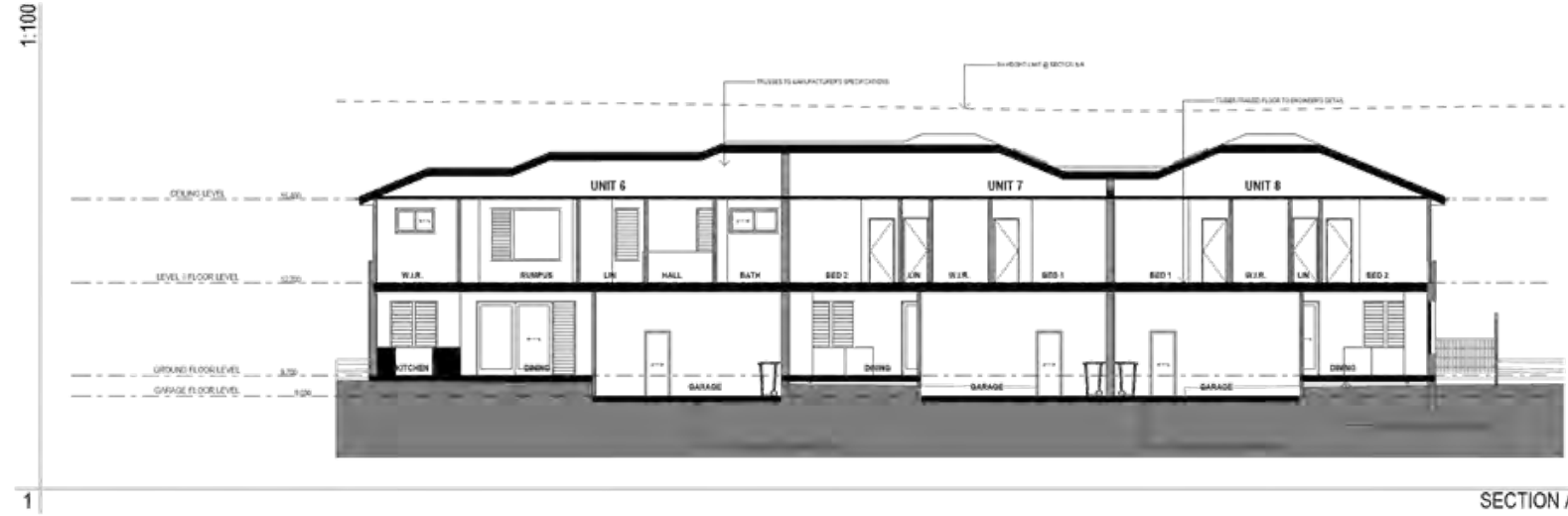
PROJECT: Townhouse Development
 CLIENT: Sean Fox

SITE: 14 Bagnall Ave
 Soldiers Point 2317
 DRAWING: North & South Elevations

WORK IN DIMENSIONED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.
 FILENAME: 11044_2016_08_16_Bagnall Avenue Townhouse (Block A & B) - 22/09/2016
 DATE: AUG 2016
 SCALE: 1:100
 PROJECT NO: 11044
 PHASE: DA
 DRAWING NO: DA06
 REV: E



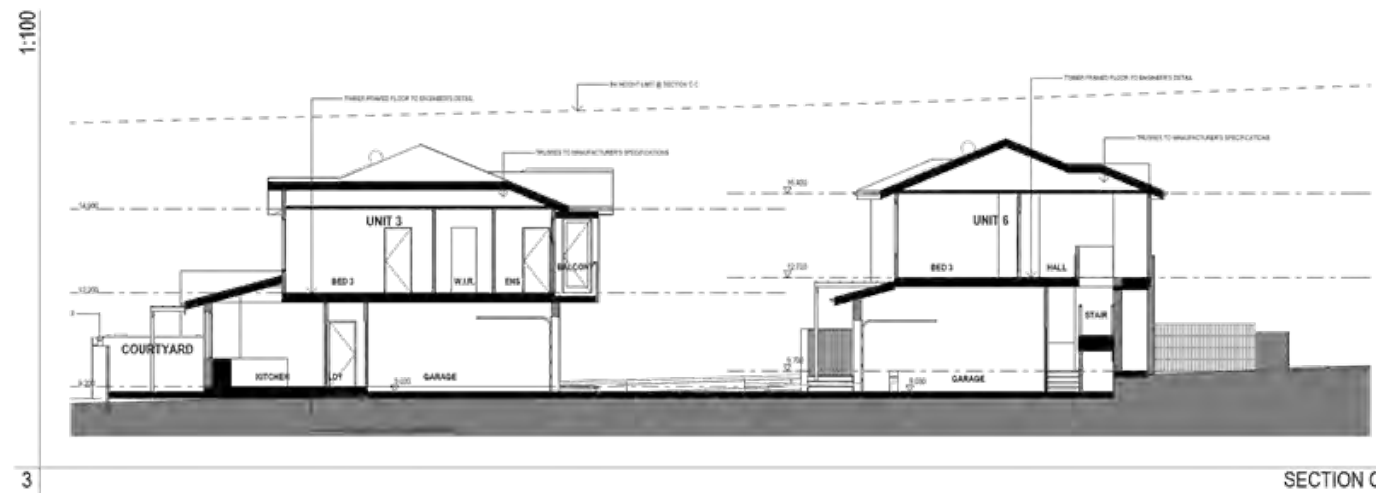
PORT STEPHENS COUNCIL
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SECTION A-A



SECTION B-B



SECTION C-C

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REV	DATE	COMMENTS
A	15/05/16	ISSUE FOR LANDSCAPING
B	01/08/16	ALTER UNIT LAYOUT
C	09/09/16	ISSUE TO CONSULTANTS
D	15/09/16	ISSUE FOR PRE-GA MEETINGS
E	22/09/16	ISSUE FOR B.A.

PROJECT: Townhouse Development
 DATE: 14 Bagnall Ave Soldiers Point 2317
 CLIENT: Sean Fox
 DRAWING: Sections

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.
 FILENAME: 11044 2016 08 16 Bagnall Avenue Townhouse (16-2016-679-1) 22/09/2016
 DRAWN: LE DATE: AUG 2016 SCALE: 1:100
 PROJECT NO: 11044 PHASE: DA DRAWING NO: DA07 REV: E



PORT STEPHENS COUNCIL
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LEGEND

- STREET TREE - TUCKEROO
Casuarina cunninghamiana
- FEATURE TREE
Jacaranda, Ficus, etc.
- MEDIUM TREE
Starbush, etc.
- LARGE SHRUB
Syzygium, etc.
- SHRUB
Correa, etc.
- ACCENT PLANTING
Dianella, etc.
- GROUNDCOVERS
Poa, etc.
- TURF
- ARTIFICIAL TURF
- LIFT PAVERS IN GRAVEL OR TURF
- CONCRETE EDGE
- ENTRY PAVING
- PATIO PAVING
- EXPOSED AGGREGATE IN COLOURED CONCRETE
- COLOURED CONCRETE
- PERGOLA - REFER TO ARCHITECT'S DRAWING
- PIT - REFER TO ENGINEER'S DRAWING
- EXISTING BUS-STOP AND FOOTPATH - APPROXIMATE LOCATION ONLY
- SEWER EASEMENT NO. PLANTING GREATER THAN 300MM IN HEIGHT
- PROPOSED SIGNAGE LOCATION
- PROPOSED SEAT
Concrete, galvanized metal bench



KEY LANDSCAPE COMPONENTS

- ① Paving within the car parks to encourage low vehicle speeds.
- ② Street Tree planting
- ③ Communal meeting area. Turfed with corner seat on concrete slab.
- ④ Dense planting along the building edge responding to bushland opposite. Combination of natives and exotic to also reflect a sense of the tropical.
- ⑤ Informal pedestrian access point, steps and signage used to subtly denote the private threshold.
- ⑥ Main entry sign on Bagnall Avenue, includes letterbox.
- ⑦ Screen planting in front of fence on Bagnall Avenue where space permits to breakup the facade.
- ⑧ Artificial turf used due to size of courtyard spaces and low maintenance requirements.
- ⑨ Paved courtyard with pergola.
- ⑩ Feature tree planting to terminate the view, and give seasonal contrast.
- ⑪ Dense rich planting to breakup the driveway and internal facade.

		NOTES: THIS IS FOR DA ONLY NOT FOR CONSTRUCTION.	EJE ARCHITECTURE Engineer: NORTHROP ENGINEERING	No. DRAFT A	Date 16/08/16 17/8/16	REVISION FOR REVIEW FOR SUBMISSION	By HR JEL	Status FOR SUBMISSION	LANDSCAPE PLAN BAGNALL AVENUE TOWNHOUSE DEVELOPMENT 14 Bagnall Avenue, Soldiers Point. Port Stephens Council	Project No. Proj No. 1346
				ORIGINAL DRAWING AT A1. Drawn By: HR Checked By: DM	Dwg Date: 17/08/2016	Scale SCALE 1:150	Drawing No. Rev # DA-002 A OF 4			

PORT STEPHENS COUNCIL
 This plan relates to
 Development Consent No.
 16-2016-679-1
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SOUTH ELEVATION (SOUTH BLOCK) 1:100@A1



WESTERN ELEVATION 1:100@A1

		NOTES: THIS IS FOR DA ONLY, NOT FOR CONSTRUCTION.	Architect: EJE ARCHITECTURE Engineer: NORTHROP ENGINEERING	No.	Date	REVISION	By	Status: FOR SUBMISSION SCALE 1:100 ORIGINAL DRAWING AT A1. Drawn By: HR Checked By: DM Dwg Date: 17/06/2016	ELEVATIONS BAGNALL AVENUE TOWNHOUSE DEVELOPMENT 14 Bagnall Avenue, Soldiers Point. Port Stephens Council	Project No.
				DRAFT A	16/08/16 17/6/16	FOR REVIEW FOR SUBMISSION	HR HR			Proj No. 1346
MOIR LANDSCAPE ARCHITECTURE 26 FERN ST LINDINGTON 2256 P: (02) 4985 3555 F: (02) 4985 3556 E: dm@moir.com.au										Drawing No. Rev # DA-003 A OF 4

PLANTING PALLETTE



PLANTING SCHEDULE

CODES:	BOTANICAL NAME:	COMMON NAME:	POT SIZE:	SPACING:
TREE:				
CUP ana	<i>Cupaniopsis anacardioides</i>	Tuckeroo	75L	As Shown
EUP cot	<i>Euphorbia cotinifolia 'Rubra'</i>	Cottonwood Tree- Rubra	450mm	As Shown
JAC mim	<i>Jacaranda mimosifolia</i>	Jacaranda	45L	As Shown
MAG gra	<i>Magnolia grandiflora 'Little Gem'</i>	Little Gem Magnolia	75L	As Shown
PLU sp	<i>Plumeria species</i>	Frangipani	500mm	As Shown
MAG eli	<i>Magnolia 'Elizabeth'</i>	Magnolia Yellow	45L	As Shown
LARGE SHRUBS:				
SYZ res	<i>Syzygium resilience</i>	Lily Pilly Resilience	200mm	As Shown
GRE hon	<i>Grevillea 'Honey Gem'</i>	Grevillea Honey Gem	200mm	As Shown
SHRUBS:				
COR alb	<i>Correa alba</i>	White Correa	200mm	As Shown
WES fru	<i>Westringia fruticosa 'Morning Light'</i>	Coastal Rosemary - Golden	200mm	As Shown
ACCENT PLANTING:				
CYC rev	<i>Cycas revoluta</i>	Cycad	450mm	As Shown
PHI xan	<i>Philodendron xanadu</i>	Philodendron	200mm	As Shown
ALP sp	<i>Alpinia sp. Variegated</i>	Ornamental Ginger	200mm	As Shown
DOR exc	<i>Doryanthes excelsa</i>	Gymea Lilly	200mm	As Shown
DIC	<i>Dichorisandra thyrsiflora</i>	Purple Ginger	200mm	As Shown
thy	<i>Aspidistra elatior</i>	Cast Iron Plant	200mm	As Shown
ASP ela	<i>Agave attenuata</i>	Agave	400mm	As Shown
AGA att	<i>Acanterea 'Purple'</i>	Giant Purple Bromeliad	450mm	As Shown
ALC pur				
GROUND COVER:				
DIA cae	<i>Dianella caerulea</i>	Dianella Cv.	140mm	5/m2
DIC rep	<i>Dichondra repens</i>	Dichondra	140mm	5/m2
POA aff	<i>Poa affinis</i>	Tussock Grass	140mm	5/m2

INTERNAL PAVING



Courtyard paving, Loose gravel, Steppers

FENCE TYPES



Timber panel infill atop masonry walls with masonry posts, Eastern and northern boundary. Outside sewer easement. Timber panel infill. Within easement and between properties.

DRIVEWAY



Exposed aggregate to break up the surface and define entries to buildings. Coloured concrete to driveway.

PORT STEPHENS COUNCIL
This plan relates to
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PLANT ESTABLISHMENT & MAINTENANCE PERIOD:

The planting establishment period shall be 52 weeks during which time the landscape contractor shall undertake the following.

MAINTENANCE LOGBOOK:

Contractor to keep a maintenance record of works carried out on a monthly basis. Log should include but not limited to:
- Activities carried out during each attendance;
- Irregularities encountered and actions taken;
NB: Maintenance payments will be evaluated on submission of monthly logbooks.

PLANTING:

Throughout the planting establishment period carry out maintenance work including: watering, weeding, rubbish removal, fertilising, pest and disease control, replanting and, reinstatement of mulch, and keeping the site neat and tidy. Any additional work required should be undertaken and documented in the maintenance log book.

RECURRENT WORK:

Throughout the planting establishment period carry out maintenance work including: watering, weeding, rubbish removal, fertilising, pest and disease control, replanting and, reinstatement of mulch, and keeping the site neat and tidy. Any additional work required should be undertaken and documented in the maintenance log book.

MULCHED SURFACES:

Maintain the surface in a clean and tidy condition and reinstate the mulch as necessary.

LAWN AND PLANTED AREAS:

Generally: Maintain a vigorous healthy appearance.

Application rates: Soak to a depth of 150 mm for lawn and 300 mm for planting. Avoid frequent dampening of the surface. Allow the surface of the soil to partially dry out between waterings. Confirm soaked depth and record in the log book.

Timing: Water at times of day to minimise water evaporation loss. Do not water during the hottest period of Summer days.

Public areas without installed watering systems: Water only in excessive dry periods. Make available all necessary equipment to carry out hand and sprinkler watering as required. Water restrictions: Coordinate the water supply and confirm the watering regime against federal and state government legislation and restrictions at the time.

HAND WATERING:

General: Manually water all lawn and planting areas in the absence of an irrigation system or until the proposed irrigation system is fully operational.

TEMPORARY IRRIGATION SYSTEM:

The contractor shall design, supply, lay and maintain the system for the supply of water to the whole of the landscape works.

TAPS:

Refer to engineers plan.

IRRIGATION SYSTEM:

A temporary irrigation system is to be installed for all mass planted beds, new turfed areas, and new tree planting. This system shall be installed and maintained for the duration of the maintenance period (26 weeks) & (52 weeks for Street Trees).

All irrigation works shall be performed by a licensed irrigation contractor. Materials to be used are to be submitted to the site superintendent for approval. The contractor shall provide design drawings and material specifications/samples prior to commencing work. All works are to be conducted to all current and relevant Australian Standards.

The contractor is to be completely responsible for the coordination of the installation of the irrigation system with other services throughout the site.

Recommended flow rates: The system shall be set up on a trial basis and then adjusted to suit the local requirements and conditions. Once the system is satisfactorily adjusted the contractor shall make fortnightly visits within the establishment period to ensure satisfactory performance of the system and to adjust the watering periods as required. A minimum even coverage of 25mm of water per week is recommended.

NB: A temporary system may be as simple as the contractor hand watering with garden hoses if the desired flow rates can be achieved. If this is the preferred approach the contractor should inform the site superintendent.

		NOTE: THIS IS FOR DA ONLY, NOT FOR CONSTRUCTION.	Architect: EJE ARCHITECTURE Engineer: NORTHROP ENGINEERING	No. DRAFT A	Date 16/05/16 17/0/16	REVISION FOR REVIEW FOR SUBMISSION	By: HR HR	Status: FOR SUBMISSION	PLANTING PALLETTE BAGNALL AVENUE TOWNHOUSE DEVELOPMENT 14 Bagnall Avenue, Soldiers Point. Port Stephens Council	Project No. Proj No. 1346
				Scale: SCALE: NTS ORIGINAL DRAWING AT A1. Drawn By: HR Checked By: DM	Dwg Date: 17/05/2016	Drawing No. Rev # DA-004 A OF 4				
MOIR LANDSCAPE ARCHITECTURE 28 FEARN ST LINDSAY NSW 2250 P: 02 4395 3555 F: 02 4395 3590 E: dm@moir.com.au										

MINUTES ORDINARY COUNCIL - 9 MAY 2017

Councillor Ken Jordan left the meeting at 7:17pm, in Committee of the Whole.
Councillor Paul Le Mottee left the meeting at 7:18pm, in Committee of the Whole.

ITEM NO. 5

FILE NO: 17/67810
RM8 REF NO: PSC2008-3848

282, 282A, 282B & 398 CABBAGE TREE RD WILLIAMTOWN - AGREEMENT FOR LEASE - WILLIAMTOWN SAND SYNDICATE P/L

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolves to extend the Sunset Date in the Agreement for Lease from 31 December 2017 to 31 December 2018;
- 2) Authorises the Mayor and the General Manager to sign and affix the Seal of Council to all documents relevant to the extension.

ORDINARY COUNCIL MEETING - 9 MAY 2017
COMMITTEE OF THE WHOLE RECOMMENDATION

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

The motion on being put was carried.

Cr Peter Kafer recorded his vote against the recommendation.

ORDINARY COUNCIL MEETING - 9 MAY 2017
AMENDMENT

	<p>Councillor Peter Kafer Councillor Geoff Dingle</p> <p>That Council defer item 5 until November 2017 for consideration by the new Council.</p>
--	--

The amendment on being put was lost.

**ORDINARY COUNCIL MEETING - 9 MAY 2017
FORESHADOWED AMENDMENT**

	Councillor John Nell That Council defer item 5 until June 2017 to allow for a copy of the report submitted to DPE to be provided to Council.
--	--

The foreshadowed amendment lapsed without being seconded.

Councillor Paul Le Mottee left the meeting at 7:46pm, in Open Council.

Councillor Ken Jordan left the meeting at 7:46pm, in Open Council.

Councillor Geoff Dingle returned to the meeting at 7:46pm, in Open Council.

**ORDINARY COUNCIL MEETING - 9 MAY 2017
MOTION**

103	Councillor Steve Tucker Councillor Sally Dover It was resolved that Council: 1) Resolves to extend the Sunset Date in the Agreement for Lease from 31 December 2017 to 31 December 2018; 2) Authorises the Mayor and the General Manager to sign and affix the Seal of Council to all documents relevant to the extension.
------------	--

Cr Peter Kafer recorded his vote against the resolution.

Councillor Ken Jordan returned to the meeting at 7:47pm, in Open Council.

Councillor Paul Le Mottee returned to the meeting at 7:47pm, in Open Council.

BACKGROUND

The purpose of this report is to recommend Council extend the Sunset Date from 31 December 2017 to 31 December 2018 in the Agreement for Lease (AFL) between Council and Williamtown Sand Syndicate Pty Ltd (WSS). On 10 May 2016, Council resolved to extend the Sunset Date to 31 December 2017 however further delays outside the control of WSS mean the current Sunset Date is unlikely to be met, putting at risk significant future income to Council. This further extension will provide WSS sufficient time to finalise outstanding matters.

On 28 July 2015, Council resolved to assign the AFL from Castle Quarry Products Pty Ltd to WSS. The assignment came into effect on 31 July 2015. In accordance with the AFL, WSS has worked towards securing all necessary consents to set up and operate a sand extraction facility on Council land. Once all consents have been secured, Council will lease the land to WSS for an annual base rental of \$100,000 and royalty payments of \$5.00 for each tonne of sand extracted. As a result of further investigative studies undertaken by WSS, the available resource on the site has been revised to 3.6 million tonnes, which translates into total income to Council of \$18,000,000 of royalty payments plus the annual base rental over the life of the facility.

WSS lodged its application with Department of Planning & Environment (DPE) which advised Council on 26 November 2015 that the application would go on public exhibition from 4 December 2015 to 1 February 2016. DPE then advised the exhibition period would be extended out to 12 February 2016 and it would convene a community consultation meeting on 15 February 2016 at Tomago Bowling Club.

On 18 February 2016 WSS was briefed by DPE on the community consultation meeting and was advised that it needed to address significant additional site specific matters and undertake further community consultation before the application could be determined. These additional requirements could not have reasonably been foreseen by WSS and were largely triggered as a result of the extended community consultation process.

WSS wrote to Council on 2 May 2016 attaching advice from its lead environmental consultant in support of its contention that the program of works required to address the further matters raised by DPE will put at risk the securing of all required approvals before the Sunset Date.

Early in 2017 DPE requested WSS undertake further research on air quality as required by EPA in response to community and health authority concerns over potential airborne PFAS particles. The results of this further work were provided to DPE on 21 March 2017.

WSS advises Council that DPE is now finalising its assessment of the application and Council officers have been able to confirm this with DPE. It is expected that the assessment will be completed by early May 2017. Referral to the Planning Assessment Commission (PAC) takes place after DPE has completed its assessment and the assessment report (and recommendation) is made available on DPE's website. It is expected that a further public meeting may be held to hear public views on DPE's assessment report and recommendation before the application is determined.

WSS believes the PAC can make its determination without the need for the outstanding Environment Protection and Biodiversity Conservation Act 1999 approval, the Biobanking Agreements or the RMS Works Authorisation Deed to be secured and that these 3 items can be conditioned. DPE is unable to confirm this.

The 3 outstanding matters are as follows:-

Environment Protection and Biodiversity Conservation Act 1999

The project requires referral to the Commonwealth Department of Environment under the Environment Protection and Biodiversity Conservation Act 1999. There are no prescribed timeframes for determining such approvals under this Act. WSS has provided evidence that the referral to the Commonwealth has been received and feedback will be provided by the Commonwealth by 1st May 2017. The Sunset Date extension request is to permit sufficient time (along with a buffer period given the open ended nature of the approval process) to secure EPBC Act approval.

Biobanking Agreements

At its ordinary meeting on 13 December 2016, Council resolved to permit the preparation and lodgement of a Biobanking Agreement over the site to provide some satisfaction of required biodiversity offset credits, for sale to WSS. All costs associated with these actions are to be borne by WSS. WSS will also secure other required credits offsite at its cost. WSS advises that the onsite credits have been investigated and reported by its consultant while the offsite credits are currently being negotiated. The Sunset Date extension request is to permit sufficient time to address the Biobanking Agreement registration process through the Office of Environment & Heritage.

RMS Works Authorisation Deed

Required to permit road works along Cabbage Tree Rd. WSS has spoken with both its traffic engineer and RMS regarding the timeframe to secure the Works Authorisation Deed and has requested the Sunset Date extension to reflect the anticipated timeframe for the Deed.

In its revised program, WSS has estimated that the RMS authorisation will be secured by December 2017 while the EPBC approval and the Biobanking Agreements will be secured by January 2018.

In order to ensure there is sufficient time to secure a satisfactory determination from PAC and secure the 3 remaining approvals/authorisations, WSS has requested Council extend the Sunset Date from the current 31 December 2017 to 31 December 2018. This will provide some protection to both 1) the investment to date and additional investments of WSS in the project and 2) the potential income stream to flow to Council should the project be approved and the Lease commence.

In support of its request to extend the Sunset Date, WSS has provided a table summarising the Conditions Precedent (**ATTACHMENT 1**) with relevant dates and its revised Indicative Program (**ATTACHMENT 2**).

It is important to note that once all required approvals are secured, the Conditions Precedent are deemed to have been satisfied and the formal Lease commences at that date. WSS must then make rental and royalty payments set out in the Lease.

The additional work requested by DPE is also viewed as a positive move in seeking to fully address concerns raised by the community.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
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

There are no known financial implications directly associated with this request for an extension of time. Any amendments to the Agreement for Lease will be at the cost of WSS. An indirect implication is that the revenue stream to Council is delayed as a result, but the approval to extend as recommended ensures that the income will be realised.

There are no known resource implications.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are legal implications in varying the Agreement for Lease, however, these will be mitigated by the use of Legal Services or an external legal services provider to draft appropriate documentation.

There are no known policy implications.

There are risk implications to Council should the Sunset Date not be extended namely, the risk the project will not proceed with Council losing a significant future income stream circa \$18,000,000 over the life of the facility.

Should Council not agree to the request to extend the Sunset Date, WSS may then consider legal action as the wording of the Agreement for Lease requires Council to not unreasonably withhold support for such requests. As WSS is not directly responsible for the delays experienced refusing the request for extension could be viewed as unreasonable.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council will lose future non-rate revenue.	High	Adopt the recommendations.	Yes
There is a risk that Council could be subjected to legal action if the request to extend the Sunset Date is refused.	High	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social implications are considered to be limited to potential impacts on local residents which will be adequately managed with appropriate treatments.

Economic implications are considered to be the ability for Council to reduce its reliance on rate revenue for the delivery of services by way of the future income stream the Lease will generate.

There is also an implication for Williamtown Sand Syndicate that due to reasons out of their control, the significant investment they have made to date will not realise a return for the company if they cannot secure an appropriate determination from DPE and gain the 3 outstanding approvals.

Environmental implications have been considered by the proponent and DPE. Both parties considered these are of sufficiently low scale to be managed with appropriate treatments.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Property Services Section. The objective of the internal consultation was to gauge the support of the Executive Team to the Sunset Date extension request. The objective of the external consultation was to obtain advice from WSS and its consultant on background to the delays and a reworked programme.

Internal

- Property Strategic Committee has been advised of the delays and supports the request for the further extension to the Sunset Date.

External

- WSS has provided background including a revised timeline and a "Conditions Precedent" table in support of its request.
- DPE has confirmed that it is finalising its determination to go to the Planning Assessment Commission.

OPTIONS

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

ATTACHMENTS

- 1) Conditions Precedent Table.
- 2) Indicative Program - Landscape.

COUNCILLORS ROOM

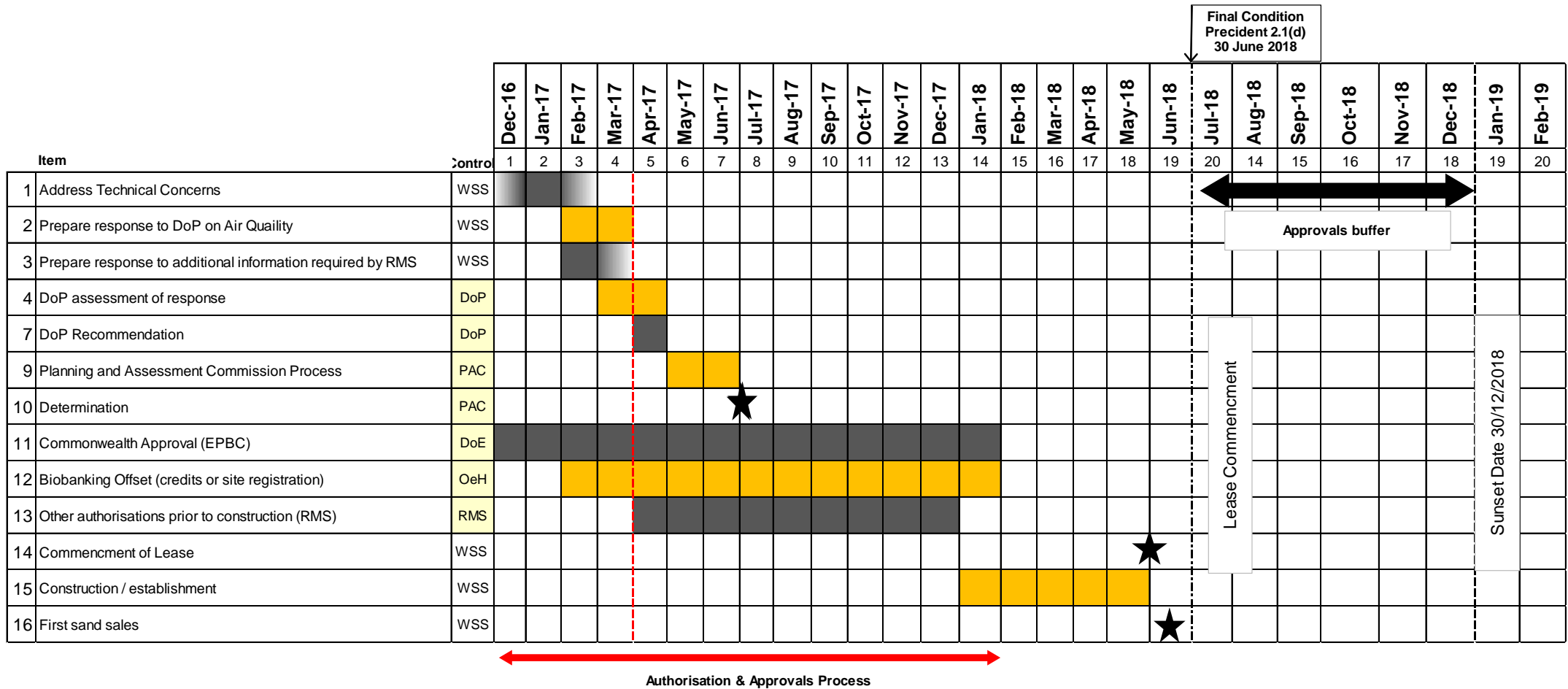
Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 9 MAY 2017
ITEM 5 - ATTACHMENT 1 CONDITIONS PRECEDENT TABLE.

Ref	Summary of condition precedent	AFL Time period	AFL Date for completion	Current Status 13/03/2017	Requested Date
2.1 (a)	Prepare request for DGR's	8 weeks from execution		Satisfied	Satisfied
2.1 (b)	Prepare EIS	12 months from execution	15 th April 2015*	Satisfied	Satisfied
2.1 (c)	Apply for all authorisation to undertake the proposed development	12 months from execution	15 th April 2015*	Satisfied	Satisfied
2.1 (d)	Obtain all authorisation to undertake and construct the works without limitation	24 months from execution	30 th June 2017*	Unobtainable until project approved	30 th June 2018
2.1 (e)	Obtain Councils approval for lessee's works	6 months from execution	15 th January 2014	Satisfied	Satisfied
2.1 (f)	Provide evidence to Council of an Environmental Management system in place.	3 months from precedent 2.1(d)	30 th June 2017*	Needs to follow consent conditions for completion	30 th June 2018
2.1(g)	Provide Council with Operational Management Plan	3 months from precedent 2.1(d)	30 th June 2017*	Needs to follow consent conditions for completion	30 th June 2018
2.1(h)	Provide Council with survey of extraction areas	3 months from execution	15 October 2014	Satisfied	Satisfied
Sunset Date		Current	31 th December 2017	Requested	31 th December 2018



MINUTES ORDINARY COUNCIL - 9 MAY 2017

Councillor Peter Kafer left the meeting at 7:37pm, in Committee of the Whole.
Councillor Ken Jordan returned to the meeting at 7:38pm, in Committee of the Whole.
Councillor Paul Le Mottee returned to the meeting at 7:38pm, in Committee of the Whole.

ITEM NO. 6

FILE NO: 17/70458
RM8 REF NO: PSC2009-02488

POLICY REVIEW - RELATED PARTY DISCLOSURES POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submission (**ATTACHMENT 1**).
- 2) Endorse the Related Party Disclosure Policy shown at (**ATTACHMENT 2**).

ORDINARY COUNCIL MEETING - 9 MAY 2017 COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor John Nell Councillor Steve Tucker That the recommendation be adopted.
--	--

ORDINARY COUNCIL MEETING - 9 MAY 2017 MOTION

104	Councillor Ken Jordan Councillor Paul Le Mottee It was resolved that Council: <ol style="list-style-type: none">1) Receive and note the submission (ATTACHMENT 1).2) Endorse the Related Party Disclosure Policy shown at (ATTACHMENT 2).
------------	---

BACKGROUND

Council is required to comply with the financial standard, AASB 124 – Related Party Transactions. The Related Party Disclosures Policy was created to ensure compliance with disclosure requirements concerning key management personnel.

As its meeting on the 14 February 2017 Council endorsed the Related Party Disclosures 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 policy be adopted.

A total of one submission was received from Tomaree Ratepayers and Residents (TRRA) on the Related Party Disclosures Policy (**ATTACHMENT 1**). In their submission, the TRRA indicated that disclosures should be made sooner than directed by the policy.

The comments from TRRA are noted. The submission requested that information collected and presented in the Annual Report be publically disclosed prior to the independent audit and approval of the Annual Financial Statements. Releasing such information would be outside of Council's legislative and governance process.

Given the above, and that there was only one (1) submission, it is recommended the policy be adopted unchanged.

Council staff will liaise directly with TRRA in relation to the specific points the raised in their submission.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
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 recommendation results in no direct financial implications for Council.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		No additional funding is required.

MINUTES ORDINARY COUNCIL - 9 MAY 2017

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

LEGAL, POLICY AND RISK IMPLICATIONS

The policy recognises Council's commitment to complying with all applicable Australian Accounting Standards. Compliance with this Accounting Standard for the 30 June 2017 financial year is a first for all NSW Councils.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council's financial statements will not comply with all Australian Accounting Standards due to the inherent nature of some financial information.	Medium	Implementing policy and control procedures can reduce financial statement risk. Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no direct sustainability implications.

CONSULTATION

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

The *Local Government Act 1993* requires Council to conduct public consultation on policies prior to adoption.

Internal

- The Executive Team and Governance Manager were consulted prior to management endorsement. The purpose was to educate all relevant stakeholders in the application of the new Accounting Standard.

External

- The policy was placed on public exhibition from 23 February 2017 to 22 March 2017 with written submissions invited. It was advertised in The Port Stephens Examiner and copies of the policy were available to view on Council's website, Council's Administration Building, Raymond Terrace Library, Tomaree Library and the Mobile Library.

OPTIONS

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

ATTACHMENTS

- 1) Submission from the TRRA.
- 2) Related Party Disclosures Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



22 March 2017

The General Manager
Port Stephens Council

council@portstephens.nsw.gov.au

Your reference PSC2009-02488-497

Related Party Disclosure Policy

TRRA Inc. welcomes this new policy as potentially making a major contribution to transparency and accountability of Council.

We note that the policy only requires publication of key management personnel (KMP) disclosures, and of KMP remuneration, in the annual general purpose financial statements. As these statements are typically not published until November, this means that it could be up to 18 months after a related party transaction before it becomes public.

We submit that there should be no good reason why, with the use of electronic tools, disclosures could not be made publicly available much sooner after they have been lodged – this would significantly improve the utility of the policy as a transparency and accountability tool.

Unless there is a legal impediment to earlier reporting, we urge Council to go beyond the bare minimum requirement of the Accounting Standard, and make a commitment to publication of disclosures via the Council website as soon as practicable after receipt. We submit that a target of 4 weeks after the 15 July reporting deadline would not be unreasonable.

Geoffrey Washington
President
Tomaree Ratepayers & Residents Association Inc.



A: Po Box 290, Nelson Bay 2315 **T:** 49813916 **E:** president@trra.com.au

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

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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);

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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:

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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

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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:

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

VERSION HISTORY:

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

<p>Policy</p> <p><small>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</small></p>	
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 6 - ATTACHMENT 2 RELATED PARTY DISCLOSURES 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"> 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. 	<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"> 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); 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. <p>The notification requirements do not apply to:</p> <ul style="list-style-type: none"> a) related party transactions that are ordinary citizen transactions 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.

ITEM 6 - ATTACHMENT 2 RELATED PARTY DISCLOSURES 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. 7

**FILE NO: 17/81129
RM8 REF NO: A2004-0242**

QUARTERLY BUDGET REVIEW AS AT 31 MARCH 2017

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 – March 2017
-

**ORDINARY COUNCIL MEETING - 9 MAY 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor John Morello Councillor Paul Le Mottee That the recommendation be adopted.
--	---

**ORDINARY COUNCIL MEETING - 9 MAY 2017
MOTION**

105	Councillor Ken Jordan Councillor Paul Le Mottee It was resolved that Council approve the discretionary changes to the adopted budget as detailed in (ATTACHMENT 1) presented as the 2016-2017 Quarterly Budget Review Statement – March 2017
------------	---

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 – March 2017. This statement sets out the details of variations between Council's original budget and the proposed budget as part of the March 2017 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

Strategic Direction	Delivery Program 2013-2017
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:

	Surplus (\$)	Deficit
Budget 2016-2017	1,017,000	
September Review	666,000	
December Review	939,000	
March Review	1,154,000	

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

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 April 2017 to provide an update on the overall financial result for the quarter.
- Executive Leadership Team and Executive Team during formal meetings in April 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 recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

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

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



"A great lifestyle in a treasured environment"

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

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1) Executive Summary

Categorising the changes by Group:

Corporate Services: The operating budget change in this group relates to a fair value adjustment (non-cash) on council owned property to the value of \$696k (Unfavourable). Fair value adjustments are eliminated when analysing Councils underlying surplus and fit for the future ratios. There were no operating or capital budget changes in this group.

Development Services: There were no operating or capital budget changes in this group.

Facilities & Services: The operating budget changes in this group were \$275k (Favourable). Operating income increased \$1M and operating expenditure increased by \$725k, primarily as result increased demand in private works on behalf of RMS.

Changes in the capital budget were \$1.5M (Unfavourable) which consists of a decrease in capital grants by \$610k and net increase in capital expenditure by \$921k. The capital expenditure adjustments relate to the following projects:

1. Fern Bay Hall and tennis facilities - \$633k
2. One Mile Beach Surf Life Saving Facilities - \$346k
3. Drainage work on Clemenceau Road - \$322k
4. Planning costs on the development of new fire stations for the RFS - \$88k
5. A new wash bay facility at the Raymond Terrace depot - \$80k
6. New recreational and waterway projects - \$85k
7. Road work improvements at Salamander Bay Transfer Station - \$160k

The capital income and expenditure related to the Lemon Tree Passage roundabout for \$795k has been carried over to next financial year subject to funding.

General Manager's Office: The operating budget changes in this group were \$60k (Unfavourable). This was as a result of the additional Mayoral funding allocation for distribution to the community.

MINUTES ORDINARY COUNCIL - 9 MAY 2017

ITEM 7 - ATTACHMENT 1 2016-2017 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2017.

Operating Budget	2017 Original Budget	Budget revotes & carry forwards	Budget Revision Sept Qtr	Budget Revision Dec Qtr	Budget Revision Mar Qtr	Budget Revision Jun Qtr	2017 Revised Budget	2017 YTD Actuals
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Corporate Services	37,529	-	480	79	(696)	-	37,392	36,869
Development Services	(7,359)	-	39	-	-	-	(7,320)	(5,637)
General Manager's Office	(2,794)	(104)	-	3	(60)	-	(2,955)	(1,895)
Facilities & Services	(26,669)	-	(66)	133	275	-	(26,327)	(15,854)
Newcastle Airport	2,352	-	-	-	-	-	2,352	-
Operating Surplus/(Deficit) before capital grants	3,059	(104)	453	215	(481)	-	3,142	13,483
Less: Gain on sale	(250)	-	(700)	-	-	-	(950)	(286)
Less: Fair value (gains) / losses	(615)	-	-	-	696	-	81	696
Less: Newcastle Airport	(2,352)	-	-	-	-	-	(2,352)	-
Add: NAP Dividend	1,175	-	-	58	-	-	1,233	1,233
Underlying Operating Surplus/(Deficit)	1,017	(104)	(247)	273	215	-	1,154	15,126

Capital Budget	2017 Original Budget	Budget revotes & carry forwards	Budget Revision Sept Qtr	Budget Revision Dec Qtr	Budget Revision Mar Qtr	Budget Revision Jun Qtr	2017 Revised Budget	2017 YTD Actuals
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Corporate Services	(2,379)	(1,238)	(8,452)	(313)	-	-	(12,382)	(4,464)
Development Services	3,000	-	-	-	-	-	3,000	2,278
General Manager's Office	-	-	-	-	-	-	-	-
Facilities & Services	(5,489)	(8,325)	(2,895)	(4,422)	(1,531)	-	(22,662)	(10,504)
Total	(4,868)	(9,563)	(11,347)	(4,735)	(1,531)	-	(32,044)	(12,690)

Note - + = inflow () = outflow

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2017 and should be read in conjunction with other documents in the QBRS.

2) Introduction

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

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

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

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

The QBRS is composed of the following components:

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

3) Responsible Accounting Officer's Statement

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

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

It is my opinion that the Quarterly Budget Review Statement for Port Stephens Council for the quarter end 31/03/2017 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

4) Income & Expenses Budget Review Statement

Consolidated	2017 Original Budget	Budget revotes & carry forwards	Budget Revision Sept Qtr	Budget Revision Dec Qtr	Budget Revision Mar Qtr	Budget Revision Jun Qtr	2017 Revised Budget	2017 YTD Actuals
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Rates and Annual Charges	52,779	-	-	-	-	-	52,779	53,395
User Charges & Fees Income	37,702	-	103	(189)	955	-	38,571	19,309
Interest & Investment Income	1,680	-	-	-	-	-	1,680	640
Other Income	5,909	-	251	111	16	-	6,287	4,517
Grants and Cont.	12,814	-	180	439	38	-	13,471	10,041
Grants and Cont.(Capital)	8,003	-	1,312	1,587	(610)	-	10,292	3,563
Gain on Sale	250	-	700	-	-	-	950	286
Total Revenue	119,137	-	2,546	1,948	399	-	124,030	91,751
Employee Costs	40,822	-	646	578	-	-	42,046	30,107
Borrowing Costs	818	-	-	-	-	-	818	340
Materials & Contracts	39,084	-	227	(615)	696	-	39,392	28,655
Other Expenses	12,638	104	(92)	183	98	-	12,931	5,621
Depreciation & Impairment	14,713	-	-	-	696	-	15,409	9,982
Total Expenditure	108,075	104	781	146	1,490	-	110,596	74,705
Operating Surplus/(Deficit) after capital grants	11,062	(104)	1,765	1,802	(1,091)	-	13,434	17,046
Operating Surplus/(Deficit) before capital grants	3,059	(104)	453	215	(481)	-	3,142	13,483
Less: Gain on sale	(250)	-	(700)	-	-	-	(950)	(286)
Less: Fair value (gains) / losses	(615)	-	-	-	696	-	81	696
Less: Newcastle Airport	(2,352)	-	-	-	-	-	(2,352)	-
Add: NAP Dividend	1,175	-	-	58	-	-	1,233	1,233
Underlying Operating Surplus/(Deficit)	1,017	(104)	(247)	273	215	-	1,154	15,126

Notes:

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

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2017 and should be read in conjunction with other documents in the QBRS.

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 statement sets out the details of variations between Council's original operating budget and the revised budget as part of the March Quarterly Budget Review. 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 \$1,154,000.

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

REVENUE	Budget Change	
	\$'000	F/U
Rates and Annual Charges	-	-
No Change.		
User Charges and Fees	955	F
User charges have increased due to additional private works being performed on behalf of RMS.		
Grants and Contributions provided for Operating Purposes	38	F
Grant income has increased due to the traffic light subsidy received by Council.		
Interest and Investment Revenue	-	-
No Change.		

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2017 and should be read in conjunction with other documents in the QBRS.

Page 6 of 16

Other Revenues 16 F

Other revenue has increased due to additional rental income.

Grants and Contributions provided for Capital Purposes 610 U

Capital income has a net decrease as a result of the following:

1. \$795k in blackspot funding for Lemon Tree Passage roundabout has been carried over to the next financial year.
2. \$70k from the RFS to cover planning costs into new facilities.
3. \$30k for sport & recreational projects.
4. \$85k contribution from the Men's Shed Association for the new Boomerang Park facility.

Net Gains from the Disposal of Assets - -

No Change

EXPENDITURE	\$'000	Budget Change F/U
Borrowing Costs	-	-
No Change.		
Depreciation, Amortisation and Impairment	696	U
The change relates to a fair value adjustment on council owned property (\$696k). Fair value adjustments are eliminated when analysing Councils underlying surplus and fit for the future ratios.		
Employee Benefits and On-Costs	-	-
No Change .		
Materials and Contracts	696	U
Increased expenditure on Materials & Contracts is mainly due to the following:		
<ol style="list-style-type: none"> 1. \$740k was added due to the additional private works being performed on behalf of RMS. 2. \$36k was added for road maintenance repairs. 3. \$80k has been removed from the operating budget and reallocated to the capital budget for the new wash bay facility at the Raymond Terrace Depot. 		
Other Expenses	98	U
Other expenses have increased due to the Mayoral Fund allocation (\$60k) for community distribution and traffic light subsidy (\$38k).		

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2017 and should be read in conjunction with other documents in the QBRS.

5) Capital Budget Review Statement

Consolidated	2017 Original Budget	Budget revotes & carry forwards	Budget Revision Sept Qtr	Budget Revision Dec Qtr	Budget Revision Mar Qtr	Budget Revision Jun Qtr	2017 Revised Budget	2017 YTD Actuals
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Grants and Cont.(Capital)	8,003	-	1,312	1,587	(610)	-	10,292	3,563
Total Receipts	8,003	-	1,312	1,587	(610)	-	10,292	3,563
Capital Materials & Contracts	11,801	9,563	7,141	6,322	921	-	35,748	14,949
Capital Acquisition & Development	1,070	-	5,518	-	-	-	6,588	1,304
Total Payments	12,871	9,563	12,659	6,322	921	-	42,336	16,253
Capital Surplus/(Deficit)	(4,868)	(9,563)	(11,347)	(4,735)	(1,531)	-	(32,044)	(12,690)

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 for \$1.5M.

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

INCOME	\$'000	Budget Change F/U
Capital Grants	610	U

There has been a net decrease in the capital income budget as a result of the following:

1. \$795k in blackspot funding for Lemon Tree Passage roundabout has been removed from the current budget and carried over to the next financial year.
2. \$70k from the RFS to cover planning costs into new facilities.
3. \$30k for sport & recreational projects.
4. \$85k contribution from the Men's Shed Association for the new Boomerang Park facility.

EXPENDITURE	\$'000	Budget Change F/U
Capital Acquisition and Development	-	-
No Change.		
Capital Materials and Contracts	921	U
Capital materials and contracts was increased mainly as a result of the following:		
<ol style="list-style-type: none"> 1. Fern Bay hall and tennis facilities - \$633k 2. One Mile Beach Surf Life Saving Facilities - \$346k 3. Drainage work on Clemenceau Road - \$322k 4. Planning costs on the development of new fire stations for the RFS - \$88k 5. A new wash bay facility at the Raymond Terrace depot - \$80k 6. New recreational and waterway projects - \$85k 7. Road work improvements at Salamander Bay Transfer station - \$160k 8. Removal of \$795k in capital expenditure from the budget for the Lemon Tree Passage roundabout project. 		

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2017 and should be read in conjunction with other documents in the QBRS.

The capital works program by section is as follows:

	2017 Original Budget	Budget revotes & carry forwards	Budget Revision Sept Qtr	Budget Revision Dec Qtr	Budget Revision Mar Qtr	2017 Revised Budget	2017 YTD Actuals
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Capital Funding							
Capital Grants & Contributions	8,003	-	1,312	1,587	(610)	10,292	3,563
Total Capital Funding	8,003	-	1,312	1,587	(610)	10,292	3,563
Capital Expenditure							
Corporate Services Group							
Commercial Property							
Fingal Bay Holiday Park	525	652	711	60	-	1,948	933
Halifax Holiday Park	430	122	654	-	-	1,206	574
Shoal Bay Holiday park	305	129	863	-	-	1,297	870
Thou Walla Sunset Retreat	49	-	300	-	-	349	108
TreEscape	-	-	303	-	-	303	3
Office and Chambers	-	-	-	-	-	-	-
Property Development	-	-	5,418	-	-	5,418	1,304
Property Section Manager	-	-	164	-	-	164	234
Property Investments	-	-	-	254	-	254	49
Commercial Property Total	1,309	903	8,413	314	-	10,939	4,075
Business System Support							
Business Improvement Technology	1,070	335	40	-	-	1,445	388
Business System Support Total	1,070	335	40	-	-	1,445	388
Corporate Services Group Total	2,379	1,238	8,453	314	-	12,384	4,463

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2017 and should be read in conjunction with other documents in the QBRS.

MINUTES ORDINARY COUNCIL - 9 MAY 2017

ITEM 7 - ATTACHMENT 1 2016-2017 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2017.

	2017 Original Budget	Budget revotes & carry forwards	Budget Revision Sept Qtr	Budget Revision Dec Qtr	Budget Revision Mar Qtr	2017 Revised Budget	2017 YTD Actuals
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Facilities and Services							
Civil Assets							
Community and Recreational Assets	-	100	-	-	(100)	-	-
Fleet Maintenance	970	-	-	-	-	970	320
Drainage	-	156	102	-	-	258	68
Civil Assets Total	970	256	102	-	(100)	1,228	388
Community and Recreation							
Domestic Waste Mangement	-	-	-	-	160	160	-
Library Services	250	-	112	-	-	362	247
Community and Recreation Total	250	-	112	-	160	522	247
Capital Works							
Capital Works Construction	9,272	8,050	3,992	6,008	781	28,103	11,142
Capital Works Total	9,272	8,050	3,992	6,008	781	28,103	11,142
Public Domain and Services							
Building Trades	-	-	-	-	-	-	-
Depots	-	19	-	-	80	99	13
Public Domain and Services Total	-	19	-	-	80	99	13
Facilities and Services Total	10,492	8,325	4,206	6,008	921	29,952	11,790
Total Capital Expenditure	12,871	9,563	12,659	6,322	921	42,336	16,253

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2017 and should be read in conjunction with other documents in the QBRS.

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
Cash Flows from Operating Activities						
Receipts:						
Rates and Annual Charges	52,066	-	-	-	-	52,066
User Charges & Fees Income	36,430	-	103	(189)	955	37,299
Interest & Investment Revenue Received	1,680	-	-	-	-	1,680
Other	5,827	-	221	111	16	6,175
Grants and Contributions	21,366	-	1,522	2,026	(572)	24,342
Payments:						
Employee Benefits & On-Costs	(41,124)	-	(646)	(578)	-	(42,348)
Borrowing Costs	(841)	-	-	-	-	(841)
Materials & Contracts	(36,568)	-	(227)	615	(696)	(36,876)
Other	(14,479)	(104)	92	(183)	(98)	(14,772)
Net Cash provided (or used in) Operating Activities	24,357	(104)	1,065	1,802	(395)	26,725
Cash Flows from Investing Activities						
Receipts:						
Proceeds from disposal of Property Plant & Equipment	250	-	6,000	-	-	6,250
Payments:						
Purchase of Infrastructure, Property Plant & Equipment	(12,871)	(9,563)	(12,659)	(6,322)	(921)	(42,336)
Net Cash provided (or used in) Investing Activities	(12,621)	(9,563)	(6,659)	(6,322)	(921)	(36,086)
Cash Flows from Financing Activities						
Receipts:						
Proceeds from borrowings	-	1,000	4,970	-	-	5,970
Payments:						
Repayment of Borrowings & Advances	(3,767)	-	-	-	-	(3,767)
Net Cash provided (or used in) Financing Activities	(3,767)	1,000	4,970	-	-	2,203
Net Increase/(Decrease) in Cash & Cash Equivalents	7,969	(8,667)	(624)	(4,520)	(1,316)	(7,158)
plus: Cash & Investments - beginning of year	33,891	-	-	-	-	33,891
Cash & Investments - end of the year	41,860	(8,667)	(624)	(4,520)	(1,316)	26,733

* - The opening balance has been affected by the April 2015 storm which is yet to be reimbursed *

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2017 and should be read in conjunction with other documents in the QBRS.

Cash Flow Statement Funding Reconciliation

The 'Recommended Changes to Budget' in the March QBR constitute an overall decrease in Council's Cash Flow position by \$1.3M after external funding is factored in. These changes are split across the Operating budget of \$215k (Favourable) and Capital Budget of \$1.5M (Unfavourable).

These changes are funded from the following areas:

Sourced from current year operating result:	225
Transfer from internally restricted cash:	(250)
Transfer from externally restricted cash:	<u>(1,291)</u>
	<u>(1.316)</u>

PSC is clearly solvent based on the current and estimated cash position from the March review changes. PSC's current cash position as per the March investment report was \$28.2M.

6) 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 31/03/2017; and
- Have a value equal to or more than \$50,000.

Part B of the report shows expenditure as at 31/03/2017 for:

- Consultancies
- Legal fees

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2017 and should be read in conjunction with other documents in the QBRs.

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**

Contractor	Contract Details and Purpose	Contract Value (\$)	Commencement date	Duration of contract (weeks)	Contract end date	Contract Status
BAY PROJECTS PTY LTD	Dutchman's Amenities Shoal Bay HP - deck repairs Shoal Bay HP - BBQ replacement Thou Walla HP - refurbishment	58,790	30/03/2017	On Going	TBA	In Progress
ENVIROPACIFIC SERVICES PTY LIMITED	Boomerang Park decontamination and rectification works	81,471	17/01/2017	Complete	30/03/2017	Complete
HUNTER CLEAR & MULCH PTY LTD	Tree Clearing at East Seaham Road, Capital Works Upgrade	67,280	15/02/2017	Complete	Complete	Complete
SEWER EQUIPMENT CO AUSTRALIA	Quickview Camera, replacement asset x 2	54,600	13/02/2017	N/A	30/03/2017	Complete
SUITE DESIGN AUSTRALIA PTY LTD	Furniture & Refurbishment for Holiday Parks	160,681	04/01/2017	On Going	Complete	Active
THE TRUSTEE FOR OZZ PROJECTS UNIT TRUST	Site works for Shoal Bay Holiday Parks	138,739	18/01/2017	Complete	Complete	In Progress
TOX FREE AUSTRALIA PTY LTD	Removal of water from Boomerang Park - Detention basin	52,522	8/02/2017	N/A	30/03/2017	Complete

**Part B
Consultancy & Legal Expenses**

Expense	Annual Budget (\$)	Expenditure YTD (\$)	Budgeted (Y/N)
Consultancies	534,718	277,335	Y
Legal Fees	572,393	330,697	Y

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2017 and should be read in conjunction with other documents in the QBRS.

ITEM NO. 8

**FILE NO: 17/7049
RM8 REF NO: PSC2015-03685**

355(C) COMMITTEE TERMS OF REFERENCE AND APPENDICES REVIEW

REPORT OF: STEVEN BERNASCONI - COMMUNITY SERVICES SECTION
MANAGER
GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke the current 355(c) Committee Terms of Reference (adopted by Council 27 October 2015, Minute No. 322) and adopt the amended 355(c) Committee Terms of Reference (**TABLED DOCUMENT 1**).

 - 2) Revoke the current 355(c) Committee Schedules to Constitution for the following eight committees (**TABLED DOCUMENT 2**):
 - Anna Bay Reserves Hall and Tidy Towns Committee
 - Boat Harbour Parks and Reserves Committee
 - Corlette Headland and Hall Committee
 - Fingal Bay Parks and Reserves Committee
 - Mambo Wanda Wetlands, Reserves & Landcare 355(b) Committee
 - Nelson Bay West Parkcare Committee
 - Salt Ash Community Hall, Reserves and Tennis Court Committee
 - Seaham Park and Wetlands Committee

 - 3) Adopt the 355(c) Committee Terms of Reference Appendices for the following committees (**TABLED DOCUMENT 3**):
 - Anna Bay/Birubi Community Hall and Landcare Group
 - Boat Harbour Parks and Reserves Committee
 - Corlette Headland and Hall Committee
 - Fingal Bay Parks and Reserves Committee
 - Mambo Wanda Wetlands Reserves and Landcare Committee
 - Nelson Bay West Landcare Committee
 - Salt Ash Community Hall Park and Reserve Committee
 - Seaham Park and Wetlands Committee
-

**ORDINARY COUNCIL MEETING - 9 MAY 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Geoff Dingle Councillor Steve Tucker</p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 9 MAY 2017
MOTION**

106	<p>Councillor Ken Jordan Councillor Paul Le Mottee</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Revoke the current 355(c) Committee Terms of Reference (adopted by Council 27 October 2015, Minute No. 322) and adopt the amended 355(c) Committee Terms of Reference (TABLED DOCUMENT 1).2) Revoke the current 355(c) Committee Schedules to Constitution for the following eight committees (TABLED DOCUMENT 2):<ul style="list-style-type: none">• Anna Bay Reserves Hall and Tidy Towns Committee• Boat Harbour Parks and Reserves Committee• Corlette Headland and Hall Committee• Fingal Bay Parks and Reserves Committee• Mambo Wanda Wetlands, Reserves & Landcare 355(b) Committee• Nelson Bay West Parkcare Committee• Salt Ash Community Hall, Reserves and Tennis Court Committee• Seaham Park and Wetlands Committee3) Adopt the 355(c) Committee Terms of Reference Appendices for the following committees (TABLED DOCUMENT 3):<ul style="list-style-type: none">• Anna Bay/Birubi Community Hall and Landcare Group• Boat Harbour Parks and Reserves Committee• Corlette Headland and Hall Committee• Fingal Bay Parks and Reserves Committee• Mambo Wanda Wetlands Reserves and Landcare Committee• Nelson Bay West Landcare Committee• Salt Ash Community Hall Park and Reserve Committee• Seaham Park and Wetlands Committee
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BACKGROUND

The purpose of this report is to amend the 355(c) Committee Terms of Reference and adopt Appendices for eight 355(c) committees.

355(c) Committee Terms of Reference

The current 355(c) Committee Terms of Reference was adopted by Council on 27 October 2015, Minute Number 322. However, governance reviews into committee operations has highlighted the need to propose new clauses and make amendments to other clauses. These proposed changes were presented to committees for comment and feedback early 2017. Following this consultation, an amended 355(c) Committee Terms of Reference is recommended to Council for adoption (**TABLED DOCUMENT 1**).

The following table details the additional or amended clauses to the current 355(c) Committee Terms of Reference. Note that amendments are shown in bold type and underlined.

Change	Clause	Page no. in TOR
Addition of new clause	5.8 Executive Members are only permitted to communicate with the media in their capacity as an Executive Member or appointed Advisory Member of a 355(c) committee on committee functions and activities (such as working bees and promotion of that Committee). No members of a Committee are permitted to speak to the media on matters of any nature that is likely to generate negative publicity.	9
Addition of new clause	6.8 A maximum of two persons, where there is a familial relationship between the parties, can be Executive Members of the same 355(c) Committee in the same term. Only one of those related Executive Members are permitted to be a signatory to the Committee's bank account.	10
Amendment re quorum for ordinary meetings	8.3 At the Annual General Meeting of the Committee, a quorum is 50% plus one of all members, or at least ten (10) members, whichever is the smaller number. <u>At ordinary meetings, the quorum is a minimum of two Executive Members, and any number of members.</u>	13
Addition of new clause	8.4 d) Committees are obligated to publicly advertise the date time and location of their Annual General Meetings. Council will advertise the Annual General Meeting in the local press on the Committee's behalf, but notice of the details of the AGM must be given to Council with a minimum of four weeks' notice.	13
Addition of new clause	e) The 355(c) Committee Terms of Reference and the Committee's Appendix to the Terms of Reference must be tabled at the Annual General Meeting for notation and review. Council's Code of Conduct and Work Health and Safety information must also be tabled at Annual General Meetings.	13
Amended clause	10.3 b) Minutes of the matters discussed will be kept. <u>A copy</u> of the minutes shall be forwarded to the Committee's Responsible Officer, Committee Members and the Committee's Councillor/s <u>within two weeks of the meeting date.</u>	15

MINUTES ORDINARY COUNCIL - 9 MAY 2017

Amended clause	c) The Chair/Deputy Chair is required to pass a motion to accept the minutes of a meeting as the true record of proceedings of the meeting. <u>Upon ratification of the previous minutes, the Chairperson of the meeting at which the minutes are ratified is to sign the minutes, after which they may not be altered.</u> The minutes must record all motions and amendments put to the meeting, and the results. There is no need to record what members said at the meeting, but there may be occasions when it is appropriate to record the thrust of the debate.	15
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Committee Schedules and Appendices

The purpose of this report is to also revoke current Committee Schedules to Constitution for eight 355(c) committees (**TABLED DOCUMENT 2**) and adopt 355(c) Committee Appendices for these committees (**TABLED DOCUMENT 3**).

In consultation with Council's Volunteers Coordinator, eight committees have reviewed their current Schedule to Constitution and updated this into the new format as an Appendix to the Terms of Reference. The table below lists these eight committees and also notes when the Schedule to Constitution was last adopted by Council.

Name of committee	Date Schedule Adopted	New Appendix
Anna Bay/Birubi Community Hall and Landcare Group	28 Oct 2003, Min No. 454	Tabled 9 May 2017
Boat Harbour Parks and Reserves Committee	23 July 2002, Min No. 291 Amendment 16 Dec 2008, Min No. 378	Tabled 9 May 2017
Corlette Headland and Hall Committee	22 July 2014, Min No. 190	Tabled 9 May 2017
Fingal Bay Parks and Reserves Committee	23 July 2002, Min No. 291	Tabled 9 May 2017
Mambo Wanda Wetlands Reserves and Landcare Committee	22 July 2004, Min No. 241	Tabled 9 May 2017
Nelson Bay West Landcare Committee	28 Oct 2003, Min No. 454	Tabled 9 May 2017
Salt Ash Community Hall Park and Reserve Committee	19 Sept 2000, Min No. 506	Tabled 9 May 2017
Seaham Park and Wetlands Committee	22 July 2003, Min No. 312 Amendment 12 April 2011, Min No. 114	Tabled 9 May 2017

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Community Planning and Partnerships.	Council will engage its citizens in developing plans for the future of the Port Stephens local government area.

FINANCIAL/RESOURCE IMPLICATIONS

There are no foreseen financial or resource implications resulting from the recommendations in this report.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that conflict between 355(c) Committee Members arises due to management and operational requirements not being clearly outlined in a detailed 355(c) Committee Terms of Reference Appendix.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council establishes 355(c) Committees to assist in Council operations under the *Local Government Act 1993*.

Council has forty three (43) 355(c) committees that are made up of volunteers who assist in the maintenance and operation of Council parks, reserves and cemeteries, undertake bush regeneration in our natural areas, manage our community halls, run sports councils, and participate on advisory and cultural groups. They offer a range of services that enhance the environment and the community, promoting positive partnerships and financially sustainable practices.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Community Services Section. Consultation both within Council and with the community is vital for key governance documents such as this to ensure requirements are met in the operation of community volunteers under the *Local Government Act 1993*.

Internal

Consultation has occurred with internal stakeholders regarding changes to the 355(c) Committee Terms of Reference, as continual improvement to ensure Council volunteer management is both accountable and operationally realistic. This has occurred with the Governance Manager, Community Services section and other sections of Council that administer 355(c) committees.

External

Consultation has occurred with the committees regarding proposed additions and/or changes to the 355(c) Terms of Reference. Some additions have been considered as direct feedback from committees. Individual committees that have updated their current Schedule to the new Appendix format have been directly consulted regarding their roles. Committees have tabled their Appendix for review and ratification at their committee meetings, and these are the documents being recommended for Council adoption.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) 355(c) Committee Terms of Reference – draft of amended version.
- 2) Current Schedules to Constitution for eight 355(c) committees.
- 3) Proposed 355(c) Committee Terms of Reference Appendices for eight 355(c) committees for adoption.

ITEM NO. 9

**FILE NO: 17/69608
RM8 REF NO: PSC2010-04912**

**TENANCY POLICY FOR BUILDINGS, SPORTS AND RECREATIONAL AREAS
MANAGED BY THE COMMUNITY AND RECREATION SERVICES DEPARTMENT**

REPORT OF: STEVEN BERNASCONI - COMMUNITY SERVICES SECTION
MANAGER

GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke the Tenancy Policy for Buildings, Sports and Recreational Areas Managed by the Community and Recreation Services Department (Min.217, 18 April 2000) (**ATTACHMENT 1**).

**ORDINARY COUNCIL MEETING - 9 MAY 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor John Nell Councillor Paul Le Mottee</p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 9 MAY 2017
MOTION**

107	<p>Councillor Ken Jordan Councillor Paul Le Mottee</p> <p>It was resolved that Council revoke the Tenancy Policy for Buildings, Sports and Recreational Areas Managed by the Community and Recreation Services Department (Min.217, 18 April 2000) (ATTACHMENT 1).</p>
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BACKGROUND

The purpose of this report is to revoke the Tenancy Policy for Buildings, Sports and Recreational Areas Managed by the Community and Recreation Services Department.

MINUTES ORDINARY COUNCIL - 9 MAY 2017

The Policy was adopted by Council (Min. 217) on 10/04/2000. The Policy is out dated and has been superseded by the Community Leasing and Tenancy Policy (Min. 173, 23 June 2015) and the Commercial Operators Policy (Min. 342, 10 November 2015).

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
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

There are no financial or resource implications.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Council is required to review its Policies during the term of a Council. This policy is outdated, has been superseded and is not in active use.

There are no legal or policy impediments to adopting the recommendation.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the revocation of the policy may be seen as a lessening of governance and rigour over tenancy arrangements for community facilities resulting in reputation damage.	Low	Adopt the recommendation in the knowledge that the policy has been superseded by the Community Leasing and Tenancy Policy (Min. 173, 23 June 2015) and the Commercial Operators Policy (Min. 342, 10 November 2015)	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no social, economic or environmental implications from adopting the recommendation.

CONSULTATION

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

Internal

The Assets Section (Community and Recreation Planning Team), Property Services Section (Investment and Asset Management Team) and the Community Services Section (Contracts and Services Team) have reviewed the Policy and agree with the recommendation to revoke it.

External

No external consultation is required as the recommendation is designed to tidy up an administrative oversight in 2015 when the Community Leasing and Tenancy Policy and the Commercial Operators Policy were adopted.

OPTIONS

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

ATTACHMENTS

- 1) Tenancy Policy for Buildings, Sports and Recreational Areas Managed by the Community and Recreation Services Department (Min.217, 18 April 2000).

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 9 - ATTACHMENT 1 TENANCY POLICY FOR BUILDINGS, SPORTS AND RECREATIONAL AREAS MANAGED BY THE COMMUNITY AND RECREATION SERVICES DEPARTMENT (MIN.217, 18 APRIL 2000).

Port Stephens
C·O·U·N·C·I·L
POLICY

Adopted: 18/04/2000
Minute No. 217
Amended: #
Minute No. #

FILE NO: 7100-083

**TITLE: TENANCY POLICY FOR BUILDINGS, SPORTS AND RECREATIONAL AREAS
MANAGED BY THE COMMUNITY AND RECREATION SERVICES
DEPARTMENT.**

OBJECTIVE

To provide fair and equitable access to Community, Sport and Recreational Services and Facilities for residents of Port Stephens and to enable facilities to be maintained and developed to meet the future needs of the community.

PRINCIPLES

1. The Community Services and Facilities Strategy, the Forward Works Plan and the Section 94 Plan guide the provision by Council of Community and Recreation Facilities.
2. Provision of accommodation in Council owned buildings, sports and recreational areas reflects a commitment to entering into partnership with community, sporting and recreational groups to ensure that community and recreational services are provided within the Port Stephens LGA. It also reflects a commitment by Council to have the community manage its facilities.
3. Council's commitment to providing accommodation is dependent on available resources.
4. Council will encourage multiple use of buildings and recreational areas wherever appropriate, maximising the use of capital infrastructure and encouraging cooperation between groups and organisations.
5. Groups seeking exclusivity of use must be able to demonstrate the social and community benefit and ongoing financial viability of the facility and their service. They must also demonstrate a high level of usage and occupancy of the facility.
6. Council will enter into written Leases, Licenses or Accommodation or Management Agreements with community, sporting and recreational groups in relation to their tenancy arrangements. The form of agreement will be determined by taking into account;
 - Exclusivity of use
 - Length of tenure

ITEM 9 - ATTACHMENT 1 TENANCY POLICY FOR BUILDINGS, SPORTS AND RECREATIONAL AREAS MANAGED BY THE COMMUNITY AND RECREATION SERVICES DEPARTMENT (MIN.217, 18 APRIL 2000).

- Land classification and zoning
- Land management provisions of the Local Government Act
- Other Legislative requirements
- Social and community benefit

The cost of entering agreements is to be borne by the lessee or licensee.

7. All new facilities are to have an agreement prior to occupancy.
8. Groups may seek a donation from Council to cover rental costs. Applications for rental assistance must proceed via Council's Donations Policy.
9. Rents, fees or charges made by Council will be determined by taking into account:
 - Council's annual schedule of fees and charges.
 - The total annual cost of maintaining the facility at desired levels.
 - Capital cost to Council of providing the facility.
 - Exclusivity of use.
 - Length of tenure.
 - Contribution made by the community, sporting or recreational group to the capital costs or level of intended investment in the capital infrastructure.
 - Intended purpose of use.
 - Assessment of social and community benefit.
10. Prospective tenants may be required to develop a Business Plan according to Council's guidelines for the use of facilities, which will include:
 - Clear objectives for the management and use of the facility including the links to Council's aims and any relevant Plans of Management.
 - A demonstrated commitment to community input into the operations of the facility.
 - Financial planning and accounting processes.
 - Maintenance plans and schedules, including proposed improvements.
 - Review strategies.

POLICY STATEMENT

1. Vacant facilities will be advertised, specifying the purpose for which they are available and inviting submissions for use or occupation. Submissions may be sought directly from specific community groups where appropriate.
2. Submissions will be required to meet an established deadline and are to be assessed on established criteria. Criteria will include, but not necessarily be restricted to the following;
 - Proposed use of facility.
 - Type of service to be provided.
 - Established need for service and fit with existing Council plans and strategies.
 - Structure and nature of organisation making the submission.
 - Willingness to meet conditions of usage, including shared usage where appropriate.

ITEM 9 - ATTACHMENT 1 TENANCY POLICY FOR BUILDINGS, SPORTS AND RECREATIONAL AREAS MANAGED BY THE COMMUNITY AND RECREATION SERVICES DEPARTMENT (MIN.217, 18 APRIL 2000).

- Willingness to enter into a formal agreement with Council and establish a Business Plan.
- 3. Appropriate officers will assess submissions. Recommendations, taking into account any statutory obligations, will be made by the Community and Cultural Services Manager or the Sports & Recreation Manager to the Departmental Manager.
- 4. Councillors will be advised regarding recommended tenant, prior to the negotiation of an agreement.
- 5. When the agreement is finalised the successful group will have a period of 6 months to develop a Business Plan for the use of the facility for final approval by Council.

Note: Click on the following hyperlink to go to the Flowchart for this policy

[Flowchart](#)

ITEM NO. 10

**FILE NO: 17/79692
RM8 REF NO: PSC2015-01562**

2017 FUTURE OF LOCAL GOVERNMENT NATIONAL SUMMIT MELBOURNE 25-26 MAY 2017

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the attendance of Cr Ken Jordan at the 2017 Future of Local Government National Summit to be held in Melbourne from 25 to 26 May 2017.
- 2) Allow a 'one off' increase of the conference allowance under the Policy for Cr Ken Jordan to attend the conference.

**ORDINARY COUNCIL MEETING - 9 MAY 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Paul Le Mottee Councillor John Morello</p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 9 MAY 2017
MOTION**

108	<p>Councillor Ken Jordan Councillor Paul Le Mottee</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the attendance of Cr Ken Jordan at the 2017 Future of Local Government National Summit to be held in Melbourne from 25 to 26 May 2017.2) Allow a 'one off' increase of the conference allowance under the Policy for Cr Ken Jordan to attend the conference.
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BACKGROUND

The purpose of this report is to inform Council of the 2017 Future of Local Government National Summit to be held in Melbourne from 25 to 26 May 2017.

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

The conference is open to all Councillors.

As Councillors are aware of 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

Strategic Direction	Delivery Program 2013-2017
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.

Source of Funds	Yes/No	Funding (\$)	Comment
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 excluding costs associated with attendance at the Local Government NSW annual conference.

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

CONSULTATION

Nil.

OPTIONS

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

ATTACHMENTS

- 1) 2017 Future of Local Government National Summit Program.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 10 - ATTACHMENT 1 2017 FUTURE OF LOCAL GOVERNMENT NATIONAL SUMMIT PROGRAM.

2017 FUTURE OF LOCAL GOVERNMENT

NATIONAL SUMMIT

THURSDAY MAY 25 & FRIDAY MAY 26, 2017

The Angliss Conference Centre,
555 La Trobe Street, Melbourne.

Addressing inconvenient truths

Future Shock is upon us but our system of governance is disintegrating. What next? There is a Better Way. Lets design it. A call to action!



We are in the midst of a crisis of confidence in government and governance. It's time:

- to realise we are poised between an old world that no longer works and a new one struggling to be born. We need to strengthen local democracy so citizens have more control of their own lives, communities and services.
- to reclaim 'municipal': where Local Government (LG) catalyses the collaboration of citizens, communities and institutions to work together for the public good. Every issue demands a localist response.
- to recognise LG is the connective tissue that holds the disparate elements of community together in a broader process of community building.
- to recognise the full benefits of cost efficiencies, modern service delivery and citizen engagement will not be realised until there is more devolution of political, administrative and funding powers to LG and LG creates more space for communities.
- for LG to capture the Australian political imagination by putting people and place first.

Taking account of:

- The great degree of disillusionment most citizens feel towards the current system, where they have a largely passive role to play.
- The 'top down' silo planning, confusion, waste and duplication that exists in the current unstable, unsatisfactory and unsustainable Federation arrangements in Australia.
- The need to enable place-based, collaborative local planning and delivery of required outcomes.
- The rapid advance of technology that is enabling participatory decision-making to take place to provide citizens with more control over their lives

it is self-evident that we need to transition to an adapted model of governance for the 2020s.

These dimensions will be discussed by a great array of Australian and international presenters supported by co-design input from attendees. The outcome will be the Better Way.

The Summit is excitedly convened by the
Municipal Association of Victoria for Councils nationally


Future of
Local Government
Program
Smart Councils Strong Communities

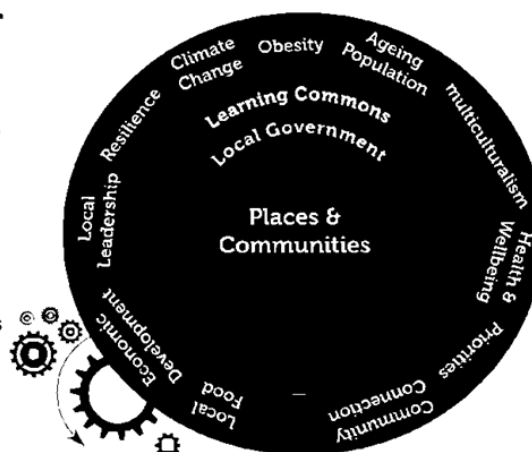

MUNICIPAL ASSOCIATION OF VICTORIA

ITEM 10 - ATTACHMENT 1 2017 FUTURE OF LOCAL GOVERNMENT NATIONAL SUMMIT PROGRAM.

2016 FUTURE OF LOCAL GOVERNMENT SUMMIT COMMUNIQUE

In the next 10 years, seismic change will transform society and government. To take advantage of this opportunity, and remain relevant, the Local Government sector needs to:

- Truly become the servant of the community and support citizens to build stronger communities
- Increase stakeholder trust in local government
- Take a bolder, more strategic, leadership position in the debate about the future of Australia's Federal agenda
- Establish a local government R&D function where Councils can experiment, pilot and take risks.



DAY 1: THERE IS A BETTER WAY: THE NEW STORY IS ABOUT PLACES AND COMMUNITIES. LG NEEDS TO STEP BACK AND MAKE SPACE FOR EMPOWERED COMMUNITIES

9.05AM	<p>WELCOME AND INTRODUCTION (MAV PRESIDENT AND GILBERT ROCHECOUSTE MC)</p> <ul style="list-style-type: none"> • Are we happy with the present position in which LG finds itself? • Are we happy with Donald Trump?
9.15AM	<p>WHAT'S CURRENTLY NOT WORKING IN THE PUBLIC SECTOR IN AUSTRALIA?</p>
9.30AM	<p>SETTING THE SCENE:</p> <ul style="list-style-type: none"> • The Future of Local Government journey to date: MAV • From the old story to the new story: from Business as Usual to Places and Communities, Gilbert Rochecouste and Graham Sansom. <p>Gilbert and Graham will discuss the opportunity for local government to recognise that the sector can self-empower its way to a very different and more productive future, by focussing on community strengthening and place-making.</p> <p>Gilbert is the founder of Village Well and is recognised both nationally and internationally as a leading voice in Placemaking. He has worked with hundreds of communities, developers and businesses over the last 25 years to create more vibrant, connected and resilient communities.</p> <p>Graham Sansom is Adjunct Professor at the University of Technology, Sydney. Until recently he was Director of the UTS Centre for Local Government and also the Australian Centre of Excellence for Local Government. From 1994-98 he was CEO of the Australian Local Government Association.</p> <ul style="list-style-type: none"> • Yes, we can! Case studies from the sector: demonstrating LG can do it.
10.30AM	<p>MORNING TEA NETWORKING</p>
11AM	<p>'TRANSFORMING LOCAL GOVERNMENT', JONATHAN CARR-WEST, CEO, THE LOCAL GOVERNMENT INFORMATION UNIT (UK)</p> <p>Dr Jonathan Carr-West has been Chief Executive of the Local Government Information Unit (LGIU), the local democracy think tank, since 2013. Jonathan is a leading national authority on local government transformation, local democracy and public services. Some of his particular interests are in participative democracy, the evolving nature of public services and devolution. With an extensive media profile and sector credibility, he has published on topics as diverse as localism</p>
11.45AM	<p>WHAT IS THE ROLE OF LOCAL GOVERNMENT IN THE NEW STORY? PLENARY DISCUSSION</p>
12.30pm	<p>'THE IMPORTANCE OF LEARNING HOW TO BE COMMUNITY-LED AND PLACE-BASED', LUCINDA HARTLEY, CO-FOUNDER CODESIGN STUDIO, SUPPORTED BY TRACEY O'CONNOR, WHITEHORSE CITY COUNCIL.</p> <p>There is a lot of talk about being community-led and place-based but it can be challenging to walk the talk. An enhanced local government framework must be built on a re-assessment of the role and importance of place. The need now is for community-based leadership with the capacity to work with communities to help them determine their priorities and how to meet them, including co-design and co-production with community playing an active role. The role of LG is to act as facilitator (not director) to meet the varying needs of the community, and to arrange government and private partnerships to deliver on these needs. Lucinda is a landscape architect, urban designer and Honorary Senior Fellow at the University of Melbourne. She is co-author of the Tactical Urbanism Guide to Australia and New Zealand and the Rapid Urban Revitalisation toolkit. She is a member of the Ministerial Advisory Council for Fisherman's Bend and the global Place Leadership Council. Tracey will discuss the ground-breaking Neighbourhood Project at Whitehorse.</p>
1PM	<p>LUNCH NETWORKING</p>

ITEM 10 - ATTACHMENT 1 2017 FUTURE OF LOCAL GOVERNMENT NATIONAL SUMMIT PROGRAM.

1.45PM	<p>'CITY-CHARRETTE 2030: FUTURE= PAST + NOW', JACYL SHAW, DIRECTOR ENGAGEMENT, CARLTON CONNECT INITIATIVE (CCI), It's 2030 and local communities across Australia have undergone the great "greenaissance". After that long hot summer of 2020 with temperatures of 49 degrees not to mention memorable 2026 when four of the nation's cities reached 10+ million people now The Republic is leading the world with fresh thinking and active citizens co- creating healthy communities, liveable and loveable public spaces, conscious governance and civil civic society. Churchill once claimed "If we open up a quarrel with the past, we will find that we have lost the future ... " This City Charrette 2030 will turn Churchill's quote on its head and suggest that "we must open up a discussion with our past in order to find our future". This interactive discussion and thought- experiment will engage participants and an invited panel to work together to consider how decisions and actions made by communities in 2017 have impacted on the future city, the tomorrow town and posterity. The session is designed to put participants in a series of alternative futures to help consider ways and means for communities to create equitable prosperity and opportunity for all, via knowledge, networks and pioneering ventures. This City-Charrette is created and presented by the good people at the University of Melbourne's Carlton Connect Initiative, which has laid the foundations for Australia's leading innovation precinct, anchored by the University of Melbourne.</p>
3.15PM	AFTERNOON TEA NETWORKING
3.40PM	'CREATING A SENSE OF PLACE', FRED KENT, FOUNDER OF PROJECT FOR PUBLIC SPACES (PPS) (VIDEO)
3.55PM	<p>'THE BETTER WAY: LESS LOCAL GOVERNMENT AND MORE LOCAL GOVERNANCE', DAVID HAMMOND, DIRECTOR, HAMMOND ROBERTSON AND FORMER CEO, THAMES-COROMANDEL COUNCIL (NZ) David oversaw a leading-edge example of the devolution of power to the community at Thames Coromandel. Facing a hostile community, the Council determined that the community should manage local issues locally and allocated 14 services to local (elected) Community Boards. The outcomes were:</p> <ul style="list-style-type: none"> • The emergence of capable local leadership • Significantly higher community satisfaction and trust in Council • Citizens shaping their own area (co-design and co-production approach) • Reduced Council rates (project cost and time reduced significantly) • To remove 'local' from Council business so they can focus on strategic directions. <p>After a sweep out of Councillors at the previous election, the next election saw no change in Councillors and strong competition for a place on the Community Boards.</p>
4.30PM	THE NEW STORY: PROGRESS TO DATE AND NEXT STEPS
5PM	NETWORKING DRINKS/LIGHT REFRESHMENTS
6PM	CLOSE - A SMALL GROUP WORKS UP THE MANIFESTO FOR DAY 2

DAY 2: CALL TO ACTION: CREATING A MOVEMENT TO IMPLEMENT THE BETTER WAY; SELF-EMPOWERMENT

9AM	THE MANIFESTO IS LAUNCHED: THE 'SMALL GROUP' SPEAKS TO IT' AND THE PANEL INTERACTS AND TESTS IT WITH THE SUMMIT PARTICIPANTS
9.45AM	<p>'PLACEMAKING: THE BETTER WAY. YES, WE CAN!', GILBERT ROCHECOUSTE, VILLAGE WELL. Gilbert will demystify the practical art and science of empowering community engagement and Placemaking processes and how to create more resilient, vibrant and just communities. The foundations for 21st Century Place Leadership will be presented as a new model for Councils. Gilbert will discuss:</p> <ul style="list-style-type: none"> • Key Placemaking trends and processes • Best practice skills to mobilise communities for action • New metrics to measure resilience and Placemaking outcomes • Inspiring and practical case studies of can-do communities
10.20AM	<p>'THE NEED FOR MORE DEVOLUTION OF POLITICAL, ADMINISTRATIVE AND FUNDING POWERS TO LOCAL GOVERNMENT', DR MIKE REID, PRINCIPAL POLICY ADVISOR, LOCAL GOVERNMENT NEW ZEALAND. Mike will discuss the need for greater power to be handed to local government to enable the "Better Way" to be fully successful and for local communities to reap the potential benefits. Mike has worked in a diverse range of policy areas including local governance, elected member development, legislative change, social policy, relationships with Maori and local democracy. Mike completed his PhD in public policy in 2011 and is currently on the board of the Institute of Governance and Policy Studies. He speaks regularly on local government matters and has published widely.</p>

ITEM 10 - ATTACHMENT 1 2017 FUTURE OF LOCAL GOVERNMENT NATIONAL SUMMIT PROGRAM.

10.40AM	MORNING TEA NETWORKING		
11.05AM	HOW CAN LG SHIFT THE FOCUS FROM SERVICE DELIVERY TO COMMUNITY STRENGTHENING?		
11.30AM	'THE NEW DIGITAL AGE CAN DELIVER FOR COMMUNITIES BUT IT NEEDS COLLABORATION AND INNOVATION', MARTIJN SCHRODER, DIGITAL TRANSFORMATION MANAGER, CITY OF BALLARAT. Martijn has worked internationally in business transformation for Transurban & Queensland Motorways, Myer, Dept. of Treasury and Finance (Vic), Royal District Nursing Service, Caltex Indonesia and Cap Gemini (The Netherlands). He firmly believes that local government can use technology to significantly improve efficiency and responsiveness to the community.		
11.55AM	HOW CAN WE FAST TRACK COLLABORATION BETWEEN COUNCILS TO BENEFIT COMMUNITIES?		
12.15PM	'THE IMAGE OF LG IS AN ONGOING PROBLEM: WHAT CAN BE DONE? HOW CAN WE BUILD TRUST AND IMPROVE THE IMAGE OF LG?		
12.45PM	LUNCH NETWORKING		
1.30PM	'LEADING IN UNCERTAINTY AND COMPLEXITY' WITH DIANA RENNER, UNCHARTED LEADERSHIP INSTITUTE. Mastery of known knowledge and technical skills no longer guarantees today's local government leaders either personal or organisational success. What's required is developing the skills, flexibility and resiliency to operate and thrive in challenging and uncertain environments. Diana is co-director and co-founder of the Uncharted Leadership Institute. In her work she weaves together a range of disciplines including Adaptive Leadership, Complexity Theory, Adult Development and Process Oriented Psychology to build the capability of organizations and individuals to successfully navigate uncertainty and make progress on complex challenges. The objective is to develop more self-awareness and comfort with ambiguity and uncertainty, learn new tools for making progress in uncertainty and designing 'safe to fail' experiments.		
1.50PM	HOW CAN WE INTRODUCE LOCALISM INTO THE FEDERATION? THIS IS A KEY QUESTION FOR THE BETTER WAY		
2.15PM	TRANSITIONING TO THE 2020S: IMPLEMENTING THE BETTER WAY & CREATING A MOVEMENT: ACTION TO CREATE LEARNING SITES AROUND AUSTRALIA: YES, WE CAN!		
	<table border="0"> <tr> <td style="vertical-align: top;"> <p>ISSUE</p> <ul style="list-style-type: none"> • Community governance • Knowing what is important: community planning • Citizens juries • Learning to be community-led • Climate change • Obesity: • Multiculturalism • Minimising waste • Crowdfunding • Local food • Positive ageing • Nurturing community connection • Growing community leaders • Others to be added (by you) </td> <td style="vertical-align: top; padding-left: 20px;"> <p>PLACE-BASED RESPONSE</p> </td> </tr> </table>	<p>ISSUE</p> <ul style="list-style-type: none"> • Community governance • Knowing what is important: community planning • Citizens juries • Learning to be community-led • Climate change • Obesity: • Multiculturalism • Minimising waste • Crowdfunding • Local food • Positive ageing • Nurturing community connection • Growing community leaders • Others to be added (by you) 	<p>PLACE-BASED RESPONSE</p>
<p>ISSUE</p> <ul style="list-style-type: none"> • Community governance • Knowing what is important: community planning • Citizens juries • Learning to be community-led • Climate change • Obesity: • Multiculturalism • Minimising waste • Crowdfunding • Local food • Positive ageing • Nurturing community connection • Growing community leaders • Others to be added (by you) 	<p>PLACE-BASED RESPONSE</p>		
2.30PM	HOW CAN WE BECOME BETTER AT SHARING KNOWLEDGE ACROSS LG?		
2.50PM	THE MANIFESTO (PARTICIPANTS INVITED TO SIGN IT) AND THE LIGHT ON THE HILL AND THE WAY FORWARD: NEXT STEPS		
3.15PM	CLOSE		

NOTE: The outcome of the Summit will be discussed with the ABC with a view to it being a Q&A topic later this year.

Who should attend? Anyone with an interest in change and the future of local government. Especially Councillors, CEOs, Directors, and managers and officers in Innovation, Organisational Development, Corporate Planners, Strategic Planning, Human Resources, Service Planners, Business Transformation, Digital Transformation, Information Management and Business Analysis.

COST: \$594 (including GST)

NOTE: no single day registrations are available.

TO REGISTER: For online registration and conference details go to www.mav.asn.au/events (click on 'upcoming events' and scroll down to May 25).

QUERIES: jhennessy@mav.asn.au

NOTE: Program subject to change

SUGGESTED ACCOMMODATION: Radisson on Flagstaff Gardens, 380 William St, Melbourne Vic 3000. Phone (03) 9322 8000 (refer to MAV event at Angliss Conference Centre for discount).

ITEM NO. 11

**FILE NO: 17/79667
RM8 REF NO: PSC2017-03945**

REQUEST FOR FINANCIAL ASSISTANCE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the *Local Government Act 1993* from the respective Mayor and Ward Funds to the following:-
 - a. West Ward – Raymond Terrace RSL Sub Branch – \$500 Donation towards hiring a sound system for ANZAC Day.
 - b. West Ward – Karuah Golf Club - \$2,500 towards refurbishment of amenities building.
 - c. East Ward – Corlette Parks & Reserves & Landcare Group - \$2,000 Donation towards BBQ shelter Conroy Park.
 - d. East Ward – Nelson Bay Dive - \$2,500 Donation towards installation of a hand rail at 'Pipeline'.
 - e. Central Ward – Medowie Tidy Towns - \$1,350 Donation towards shade cover over picnic tables at Coolabah Reserve.

Councillor Peter Kafer returned to the meeting at 07:42pm.

**ORDINARY COUNCIL MEETING - 9 MAY 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Sally Dover Councillor Geoff Dingle</p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 9 MAY 2017
MOTION**

109	<p>Councillor Ken Jordan Councillor Paul Le Mottee</p> <p>It was resolved that Council approves provision of financial assistance under Section 356 of the <i>Local Government Act 1993</i> from the respective Ward Funds to the following:-</p> <ol style="list-style-type: none">a. West Ward – Raymond Terrace RSL Sub Branch – \$500 Donation
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MINUTES ORDINARY COUNCIL - 9 MAY 2017

	towards hiring a sound system for ANZAC Day.
b.	West Ward – Karuah Golf Club - \$2,500 towards refurbishment of amenities building.
c.	East Ward – Corlette Parks & Reserves & Landcare Group - \$2,000 Donation towards BBQ shelter Conroy Park.
d.	East Ward – Nelson Bay Dive - \$2,500 Donation towards installation of a hand rail at 'Pipeline'.
e.	Central Ward – Medowie Tidy Towns - \$1,350 Donation towards shade cover over picnic tables at Coolabah Reserve.

BACKGROUND

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

Council's Financial Assistance Policy provides the community and Councillors with a number of options when seeking financial assistance from Council. Those options being:

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

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

The requests for financial assistance are shown below:-

WEST WARD – Councillors Jordan, Kafer & Le Mottee

Raymond Terrace RSL Sub Branch	Donation towards hiring a sound system for ANZAC Day 2017.	\$500
Karuah Golf club	Donation towards refurbishment of amenities building	\$2,500

CENTRAL WARD – Councillors Dingle, Doohan & Tucker

Medowie Tidy Towns	Donation towards shade cover over picnic tables at Coolabah Reserve.	\$1,350
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MINUTES ORDINARY COUNCIL - 9 MAY 2017**EAST WARD – Councillors Dover, Morello & Nell**

Corlette Parks & Reserves & Landcare Group	Donation towards BBQ shelter Conroy Park.	\$2,000
Nelson Bay Dive	Donation towards installation of a hand rail at 'Pipeline'.	\$2,500

MAYORAL FUNDS – Mayor MacKenzie

Nil.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
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

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

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

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

MINUTES ORDINARY COUNCIL - 9 MAY 2017

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

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

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

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 12

**FILE NO: 17/86888
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 9 May 2017.

No:	Report Title	Page:
1	Port Stephens Cultural Plan - Mid Term Report	217
2	Cash and Investments held as at 31 March 2017	219
3	Petition – Beach Access – Cromarty Bay Road to Marys Beach Soldiers Point	223
4	Petition - Requesting Bitumen Sealing - Clarence Street Wallalong	230

Councillor Geoff Dingle left the meeting at 7:44pm, in Committee of the Whole.

**ORDINARY COUNCIL MEETING - 9 MAY 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

<p>Councillor John Nell Councillor Steve Tucker</p> <p>That Council receives and notes the Information Papers listed below being presented to Council on 9 May 2017.</p> <ol style="list-style-type: none">1 Port Stephens Cultural Plan - Mid Term Report2 Cash and Investments held as at 31 March 20173 Petition - Beach Access - Cromarty Bay Road to Marys Beach Soldiers Point4 Petition - Requesting Bitumen Sealing – Clarence Street, Wallalong5 Local Government Elections – Exclusively by Postal Vote

MINUTES ORDINARY COUNCIL - 9 MAY 2017

110	Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council move out of Committee of the Whole.
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ORDINARY COUNCIL MEETING - 9 MAY 2017
MOTION

111	Councillor Ken Jordan Councillor Paul Le Mottee It was resolved that Council receive and notes the Information Papers listed below being presented to Council on 9 May 2017. ----- No: Report Title 1 Port Stephens Cultural Plan - Mid Term Report 2 Cash and Investments held as at 31 March 2017 3 Petition - Beach Access - Cromarty Bay Road to Marys Beach Soldiers Point 4 Petition - Requesting Bitumen Sealing – Clarence Street, Wallalong 5 Local Government Elections – Exclusively by Postal Vote
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INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 17/71687
RM8 REF NO: PSC2015-03639**

PORT STEPHENS CULTURAL PLAN - MID TERM REPORT

REPORT OF: STEPHEN CROWE - COMMUNICATIONS SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

BACKGROUND

The purpose of this report is to provide a mid-term report on activities against actions as outlined in the Port Stephens Cultural Plan 2015-2018, adopted by Council on 10 February 2015.

The development of the Cultural Plan included extensive consultation that engaged a range of external partners and stakeholders, as well as key Council staff. As a Council wide document, it includes resources and activities for business units across the organisation with the monitoring and evaluation of progress being the responsibility of the Community Development and Engagement (CD & E) Unit.

Cultural development is a key element of the Community Strategic Plan (CSP) as reflected in the 2016-2017 Operational Plan - 2.1.1.5 Implement Council's Cultural Plan.

Council supports cultural activities in four ways:

Enabler - Council partners with community to achieve actions largely driven by community development processes involving Council's 355c Strategic Arts Committee, Heritage Committee, Aboriginal Strategic committee, community cultural groups, individual artists and the involvement of volunteers.

Council also provides support through the Aboriginal Projects Fund, Cultural Projects Fund and Heritage Projects Fund.

Facilitator - Council supports the Port Stephens Cultural Interagency, which brings together a range of cultural agencies, both local and from the region. Council also provides a number of training opportunities including the recent Smart Arts professional development program.

Service provider - Council provides library services and the development and management of public spaces for a range of purposes including cultural activities such as festivals and events.

Advocate - Council has assisted groups apply for other grant programs including State government funding for cultural projects and provides advice to other government agencies on cultural activity in the region.

Key Outcomes

The Port Stephens Cultural Plan 2015-2018 provides a framework for Council to manage a diverse spectrum of ideas, values and interests in a strategic way in line with the CSP, and has delivered significant highlights including:

- Introduction and development of the Port Stephens Smart Arts program, that builds on the creative industries contribution to the local economy, which had initially identified 40 creative professionals and led to a number of training programs and creation of a "pop up" shop in Nelson Bay;
- Involvement in the development of the Soldiers Point Plan of Management – Aboriginal Place and its celebration event;
- Recent launch of *Botanica*, a public art mural in Raymond Terrace;
- Initial work to install a public art mural in Nelson Bay;
- Stronger links between local arts, culture and tourism including events that attract the visitor economy, e.g. Taste of the Bay; Karuah Bluegrass Music Festival;
- Endorsement of a Public Art Policy and Guidelines that has supported local initiatives in Raymond Terrace (mural and sculpture installation) and the endorsement of the Heritage Signs and Trails Policy and Guidelines that supported the development of the Mariners Walk and Heritage Trail (Tomaree); and
- Development of stronger networks across cultural groups including the introduction of an online portal for cultural business via Engagement HQ and Council's website and social media platforms.

These types of cultural activity are in response to the unique networks and characteristics of towns, villages and landscapes that define Port Stephens, and their diverse social demographic profiles.

A number of mid and long term action items remain to be addressed. The implementation of these is currently being prioritised to ensure focus is placed on those projects which are most valued by the community.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 2

**FILE NO: 17/77816
RM8 REF NO: PSC2006-6531**

CASH AND INVESTMENTS HELD AS AT 31 MARCH 2017

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 March 2017.

ATTACHMENTS

- 1) Cash and investments held at 31 March 2017.
- 2) Monthly cash and investments balance March 2016 to March 2017.
- 3) Monthly Australian Term Deposit Index March 2016 to March 2017.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 9 MAY 2017

ITEM 2 - ATTACHMENT 1 CASH AND INVESTMENTS HELD AT 31 MARCH 2017.

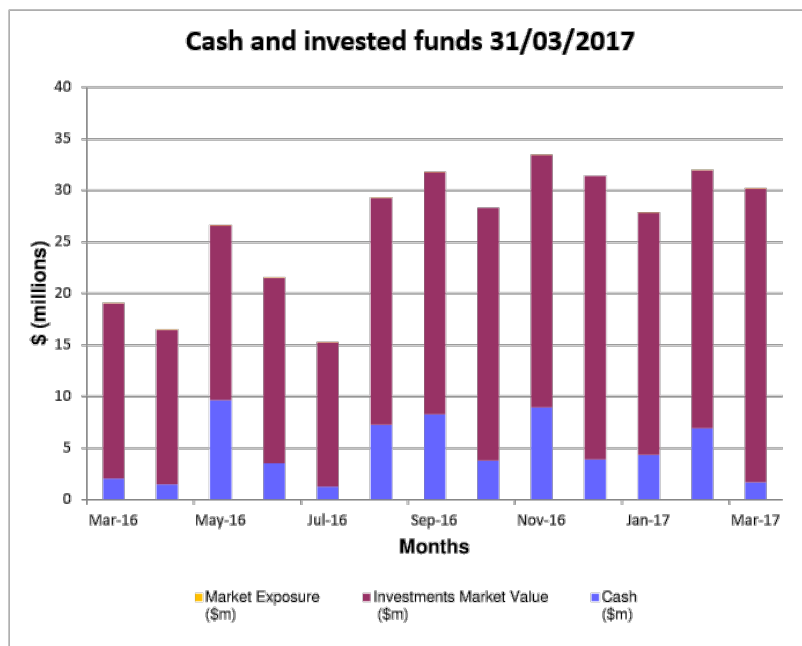
CASH AND INVESTMENTS HELD AS AT 31 MARCH 2017

ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
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
NATIONAL AUSTRALIA BANK	NAB	AA-	TD	2.57%	126	28-Jun-17	2,000,000	2,000,000
POLICE CREDIT UNION LTD (SA)	FARQUHARSON	NR	TD	2.85%	182	12-Jul-17	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK	NAB	AA-	TD	2.56%	127	12-Jul-17	2,000,000	2,000,000
BANANA COAST CREDIT UNION	CURVE	NR	TD	2.60%	126	12-Jul-17	1,000,000	1,000,000
SUNCORP	SUNCORP	A+	TD	2.65%	182	9-Aug-17	2,000,000	2,000,000
SUNCORP	SUNCORP	A+	TD	2.65%	182	23-Aug-17	1,500,000	1,500,000
AMP BANK	CURVE	A+	TD	2.75%	184	8-Sep-17	2,000,000	2,000,000
MAITLAND MUTUAL	RIM	NR	TD	2.80%	196	20-Sep-17	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK	NAB	AA-	TD	2.58%	196	4-Oct-17	2,000,000	2,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.60%	210	18-Oct-17	1,000,000	1,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.60%	209	18-Oct-17	1,000,000	1,000,000
SUB TOTAL (\$)							27,500,000	27,500,000
OTHER INVESTMENTS								
ANZ ZERO COUPON BOND	ANZ	AA-	BOND	0.00%	9yrs	1-Jun-17	1,017,877	1,012,822
SUB TOTAL (\$)							1,017,877	1,012,822
INVESTMENTS TOTAL (\$)							28,517,877	28,512,822
CASH AT BANK (\$)							1,689,380	1,689,380
TOTAL CASH AND INVESTMENTS (\$)							30,207,257	30,202,202
CASH AT BANK INTEREST RATE				1.90%				
BBSW FOR PREVIOUS 3 MONTHS				1.83%				
AVG. INVESTMENT RATE OF RETURN				2.62%				
TD = TERM DEPOSIT								
*STANDARD AND POORS LONG TERM RATING								
CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER								
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY								
T HAZELL								

ITEM 2 - ATTACHMENT 2 MONTHLY CASH AND INVESTMENTS BALANCE MARCH 2016 TO MARCH 2017.

CASH AND INVESTMENTS BALANCE

Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure (\$m)	Total Funds (\$m)
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
Jan-17	4.346	23.507	0.010	27.864
Feb-17	6.916	25.011	0.007	31.934
Mar-17	1.689	28.512	0.005	30.206

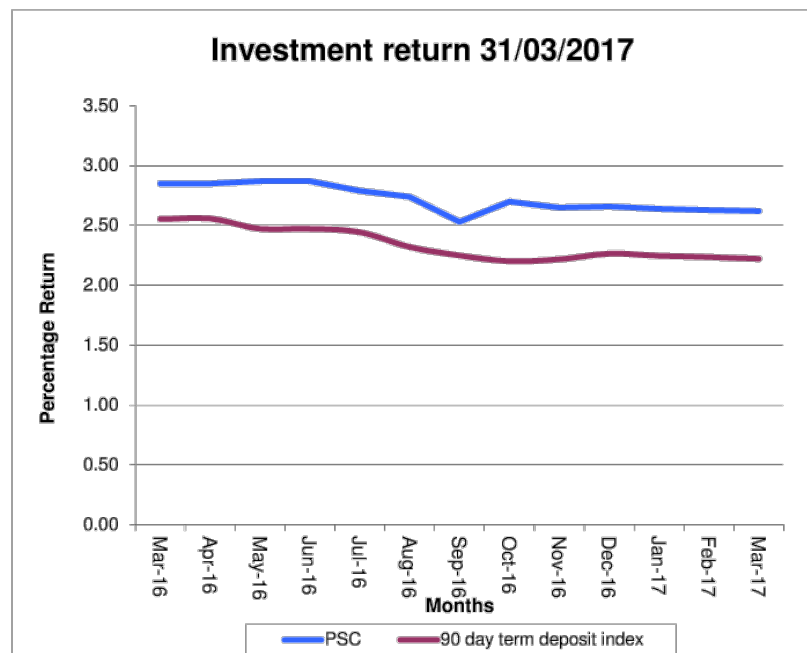


*market exposure is the difference between the face value of an investment and its current market value.

**ITEM 2 - ATTACHMENT 3 MONTHLY AUSTRALIAN TERM DEPOSIT INDEX
MARCH 2016 TO MARCH 2017.**

AUSTRALIAN TERM DEPOSIT ACCUMULATION INDEX

Date	90 day term deposit index	PSC
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
Jan-17	2.2474	2.64
Feb-17	2.2357	2.63
Mar-17	2.2214	2.62



ITEM NO. 3

**FILE NO: 17/77767
RM8 REF NO: PSC2011-02312V3**

**PETITION - BEACH ACCESS - CROMARTY BAY ROAD TO MARYS BEACH
SOLDIERS POINT**

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

BACKGROUND

The purpose of this report is to inform Council that a petition containing 28 signatures has been received from residents requesting that the gate on Cromarty Bay Road to Marys Beach Soldiers Point be removed (**ATTACHMENT 1**).

The boom gate was installed to prevent vehicle access to the reserve and waterway. The site is not a formalized boat launching facility and vehicle access is not permitted to the public in this location.

Access to the public has been retained with a 1.5m wide gap on the northern side of the boom gate. Photos of the boom gate, access and track to the water have been attached. This allows for the public to park vehicles within the Cromarty Bay Road Reserve and carry/wheel (using kayak buggies or similar) their equipment down to the water (approximately a 50m distance). Limiting unauthorized vehicle access prevents illegal camping, damage to bushland, littering, hooning etc.

With regard to comments made about an impediment for access restricted persons, the access point and location is not formalized and is not advocated as an accessible beach access point. Council has constructed purpose built boat launching facilities at Soldiers Point and provides accessible swimming facilities at Little Beach.

The site is also part of the Cromarty Bay Rainforest Restoration Program. Unauthorised vehicle access has allowed for additional tracks and damage to vegetation to occur as shown in the attached photographs (**ATTACHMENTS 1,2,3 and 4**). This is not considered to be in the interest of the vegetation and habitat restoration work occurring in the area.

ATTACHMENTS

- 1) Petition Cromarty Bay Road to Marys Beach Soldiers Point.
- 2) Photo 1
- 3) Photo 2
- 4) Photo 3
- 5) Photo 4

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 1 PETITION CROMARTY BAY ROAD TO MARYS BEACH SOLDIERS POINT.

Councillor John Nell

95 Sergeant Baker Drive

CORLETTE NSW 2317

We, the undersigned hereby request that the gate on Cromarty Bay Road to Marys Beach Soldiers Point to be removed. Or a compromise is agreed to.

The access track has been in place for many years and it used on a daily basis by the local residents to gain access to unload small water craft such as Kayaks, canoes, SUP's and children's play equipment. Most alarmingly is the fact that a person with a disability cannot gain access to Marys Beach.

The track was gated without consultation with the regular users and local residents of Soldiers Point and Salamander Bay.

Name	Address	Signature
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ITEM NO. 4

**FILE NO: 17/77764
RM8 REF NO: PSC2005-3103**

**PETITION - REQUESTING BITUMEN SEALING - CLARENCE STREET
WALLALONG**

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

BACKGROUND

The purpose of this report is to inform Council that a petition containing 191 signatures has been received from residents who utilise Clarence Street Wallalong to request Council to ensure that the unsealed section in Clarence Street Wallalong which directly adjoins the proposed planned works in Morpeth Street (approximately 200 metres) is also bitumen sealed at the same time (**ATTACHMENT 1**).

Council's current works program for 2016/17 includes the sealing of Morpeth Street, Wallalong. During the initiation process for this project, Council staff also investigated the sealing of Clarence Street due to the relatively short length of unsealed road remaining. The sealing of both Morpeth Street and Clarence Street is achievable within the existing budget and is programmed for construction during May 2017, weather dependant.

ATTACHMENTS

- 1) Petition Requesting Bitumen Sealing Clarence Street, Wallalong.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 4 - ATTACHMENT 1 PETITION REQUESTING BITUMEN SEALING
CLARENCE STREET, WALLALONG.

General Manager
Mayor
West Ward Councillors
Port Stephens Council
116 Adelaide Street
Raymond Terrace NSW 2324

PORT STEPHENS COUNCIL Customer Relations	
- 3 APR 2017	
File No.
Action by
Parcel

Re: Petition requesting bitumen sealing Clarence Street, Wallalong

According to Council's website it proposes Capital Works in Morpeth Street, Wallalong, to be completed by July 2017, which comprises of sealing approximately 300 metres of road as well as drainage work. However, this 300 metres is part of approximately 500 metres of unsealed road which surrounds Bowthorne Park Wallalong.

There have been numerous unsuccessful complaints to Council over the years regarding the 500 metres of unsealed road. In addition, despite unsuccessful recent complaints to Council requesting the adjoining unsealed section of approximately 200 metres in Clarence Street, Wallalong, be sealed at the same time as the above, ratepayers are hopeful that the attached petition (of almost 200 signatures) may favour a more positive outcome.

As you can see by the accompanying photos, in the middle of bitumen sealed road there is approximately 500 metres of unsealed road, commencing in Morpeth Street and finishing in Clarence Street, yet for some reason only 300 metres of the road is scheduled to be sealed as mentioned above. This absurdly leaves 200 metres of unsealed road which does not make any sense. Having 500 metres of unsealed road between bitumen in the first place has never made any sense, then to seal only 300 metres of this further amplifies no strategic planning.

While the machinery and resources are being utilised for the planned 300 metres it would be much cheaper to do the remaining 200 metres at the same time compared with completing this at a later stage.

Please note that minimal effort was carried out in obtaining signatures for this petition due to the anticipated commencement of the Capital Works above. Had we allowed more time there would be many more signatures.

Additionally, out of our annual rates of approximately \$2,000 each year, we are provided with a garbage service. There is no sewerage or street lighting, yet despite also having an unsealed section of road, we are charged comparable rates to other landowners in Wallalong who not only have street lighting but also have sealed roads.

It is respectfully requested that the unsealed section of approximately 200 metres in Clarence Street also be bitumen sealed together with the planned Capital Works in Morpeth Street.

Yours faithfully

**ITEM 4 - ATTACHMENT 1 PETITION REQUESTING BITUMEN SEALING
CLARENCE STREET, WALLALONG.**

To the Mayor, West Ward Councillors, and General Manager, of Port Stephens Council.

The Petition of the citizens who utilise Clarence Street, Wallalong, in the Port Stephens Local Government area.

Brings to the attention of the Council the proposal by Port Stephens Council Capital Works Program to bitumen seal the remaining unsealed section of Morpeth Street, Wallalong, (approx. 300mtrs), which is planned to be completed in July 2017.

The undersigned petitioners therefore request the Council ensures that the unsealed section in Clarence Street Wallalong, which directly adjoins the proposed planned works, is also bitumen sealed at the same time (approx. 200mtrs).

Name	Address	Signature
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ITEM NO. 5

**FILE NO: 17/79269
RM8 REF NO: PSC2014-02039**

LOCAL GOVERNMENT ELECTION - EXCLUSIVELY BY POSTAL VOTE

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

BACKGROUND

The purpose of this report is to inform Council on the outcome of the resolution of 28 February 2017, where Council resolved to write to the Minister of Local Government seeking an exemption from the 18 month timeframe to conduct the 2017 local government election exclusively by postal voting.

Council has received a response from the Office of Local Government (OLG) concerning the resolution. The OLG has advised that Section 310B of the *Local Government Act 1993* only applies to the City of Sydney and any other council prescribed for the purpose of that section. To date, no other councils have been prescribed for the purposes of that section. To do so would require the agreement of the NSW Electoral Commission which is responsible for the administration of most council elections.

Therefore, the option of exclusive postal voting for the 2017 local government election is not possible.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 17/80299

RM8 REF NO: PSC2017-00480

PORT STEPHENS INTERNATIONAL WOMEN'S DAY SCHOLARSHIP

COUNCILLOR: SALLY DOVER

THAT COUNCIL:

1. In recognition of 2018 International Women's Day, contribute \$1,000 from each Ward Fund to provide for three scholarships of \$1,000 for women aged 16 and older in Port Stephens LGA. This scholarship is to be used to assist in achieving their goals and to support their valuable contribution to our communities.
-

**ORDINARY COUNCIL MEETING - 9 MAY 2017
MOTION**

112	<p>Councillor Sally Dover Councillor John Morello</p> <p>It was resolved that Council that Council in recognition of 2018 International Women's Day, contribute \$1,000 from each Ward Fund to provide for three scholarships of \$1,000 for women aged 16 and older in Port Stephens LGA. This scholarship is to be used to assist in achieving their goals and to support their valuable contribution to our communities.</p>
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**BACKGROUND REPORT OF: STEPHEN CROWE – COMMUNICATIONS
SECTION MANAGER**

BACKGROUND

The aim of the Port Stephens International Women's Day (IWD) scholarship program is to encourage women in the Port Stephens Local Government Area (LGA) to achieve their goals and to support their valuable contribution to our communities.

Port Stephens Council would offer three scholarships of \$1,000 each for a woman to achieve an important goal and contribute to their community – across arts and culture, environment, business, community, health, sport – during 2018.

The awardees would be announced on International Women's Day 2018 at the Rotary Club of Salamander Bay IWD lunch. This year, over 120 people attended the lunch, including many community leaders. At the end of the scholarship period, the successful candidates would be asked to make a small presentation in following year on how they used the scholarship.

Female residents of Port Stephens LGA, 16 years and above would be eligible to apply. The Community Development and Engagement Unit would administer the scholarship process. Applications would open in December and close in February.

The assessment panel could include Councillors, a representative of the Rotary Club of Salamander Bay and Council's community awards assessment panel.

ATTACHMENTS

Nil.

MINUTES ORDINARY COUNCIL - 9 MAY 2017

Councillor Ken Jordan left the meeting at 7:54pm, in Open Council.
Councillor Paul Le Mottee left the meeting at 7:54pm, in Open Council, and did not return to the meeting.

NOTICE OF MOTION

ITEM NO. 2

FILE NO: 17/80839

RM8 REF NO: PSC2010-04979

REZONING - 111 SOUTH STREET AND 1C SYLVAN AVENUE, MEDOWIE

**COUNCILLOR: GEOFF DINGLE
PETER KAFER**

THAT COUNCIL:

- 1) Commence the process of rezoning 111 South Street (Lot 14 DP 1079392) and 1C Sylvan Avenue (Lot 11 DP 1105086) from the current zoning R2 to R5. This provides consistencies with surrounding zoning and prevents subdivision into smaller lots creating traffic parking hazards and have a significant impact on the amenity and streetscape of the surrounding area.

**ORDINARY COUNCIL MEETING - 9 MAY 2017
MOTION**

113	<p>Councillor Geoff Dingle Councillor Peter Kafer</p> <p>It was resolved that Council that Council commence the process of rezoning 111 South Street (Lot 14 DP 1079392) and 1C Sylvan Avenue (Lot 11 DP 1105086) from the current zoning R2 to R5. This provides consistencies with surrounding zoning and prevents subdivision into smaller lots creating traffic parking hazards and have a significant impact on the amenity and streetscape of the surrounding area.</p>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Crs Geoff Dingle, Chris Doohan, Peter Kafer and Steve Tucker.

Those against the Motion: Crs Sally Dover, John Morello and John Nell.

BACKGROUND REPORT OF: DAVID ROWLAND – STRATEGY AND ENVIRONMENT SECTION MANAGER

BACKGROUND

Site Context

The subject land 111 South Street (Lot 14 DP 1079392) and 1C Sylvan Avenue (Lot 11 DP 1105086) is located on the north side of the intersection of South Street and Sylvan Avenue. Under the Port Stephens Local Environmental Plan 2013 the current zoning is R2 Low Density Residential with a minimum lot size of 450m². The attached maps show the site context (**ATTACHMENTS 1, 2 and 3**).

The current minimum lot size of 450m² for the subject land was not intended. Its application occurred during the transition from the former Port Stephens Local Environmental Plan 2000 to the Port Stephens Local Environmental Plan 2013 (published on 23 December 2013 and commenced 22 February 2014). The minimum lot size was intended to be a minimum 700m² to be consistent with previous resolutions of Council (outlined below).

History

Under Port Stephens Local Environmental Plan 2000 the subject land was zoned 1(c5) Rural Small Holdings with a minimum lot size of 2,000m².

In August 2010 Council received a planning proposal to facilitate additional development at Pacific Dunes Estate. The initial planning proposal did not include the subject land.

8 February 2011 Council resolved to defer consideration of the proposal in order to facilitate additional consultation with residents.

February 2012 the proponent lodged a revised planning proposal for the Pacific Dunes Estate. The revised planning proposal added the subject land.

24 April 2012 Council resolved to prepare a planning proposal including to amend the zoning of the subject land to 2(a) Residential and 720m² (or 700m² for NSW Standard Instrument LEP purposes).

The planning proposal was placed on public exhibition from 21 February to 7 March 2013 including the subject land. Council records indicate that notification letters were sent to adjoining landowners on 20 February 2013. Eleven submissions were received from the community.

13 August 2013 Council resolved to proceed with the planning proposal, post-exhibition, including the subject land with a zoning of 2(a) Residential and a minimum lot size of 700m².

The current minimum lot size of 450m² was not intended and occurred with the transition from the former Port Stephens Local Environmental Plan 2000 to the Port Stephens Local Environmental Plan 2013.

It is intended to address the lot size as a part of the forthcoming 'housekeeping' amendment to the Port Stephens Local Environmental Plan 2013 to apply a minimum lot size of 700m² consistent with previous resolutions of Council. This process is estimated to take 12 to 18 months.

Notice of Motion

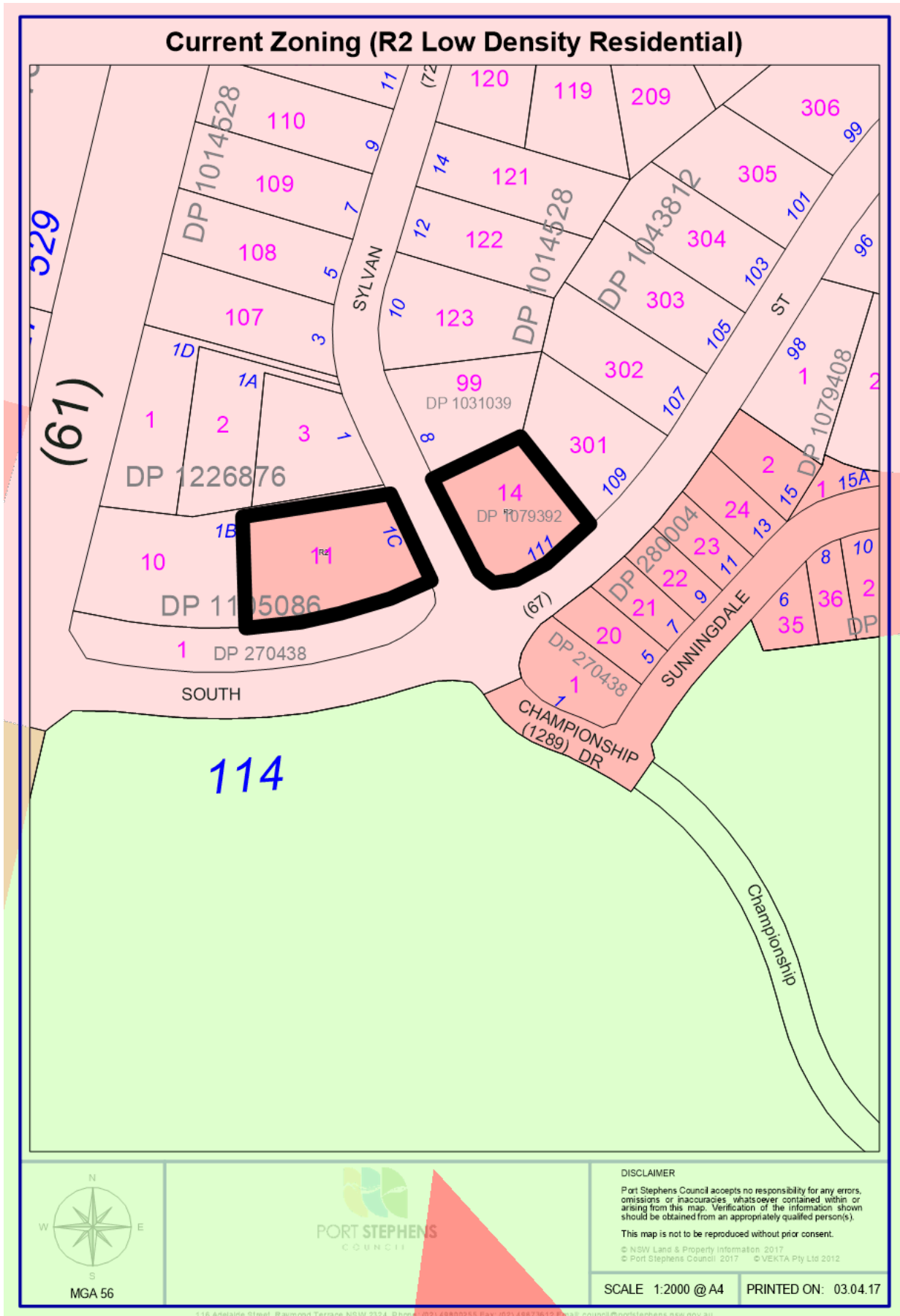
Amending the zoning of the subject land to R5 Large Lot Residential and applying a minimum lot size of 2,000m² will require a resolution to prepare a separate planning proposal for the subject land (only) and setting out a revised land use planning assessment for the proposed changes to land use planning controls. This process may take approximately 12 months from a Council resolution.

ATTACHMENTS

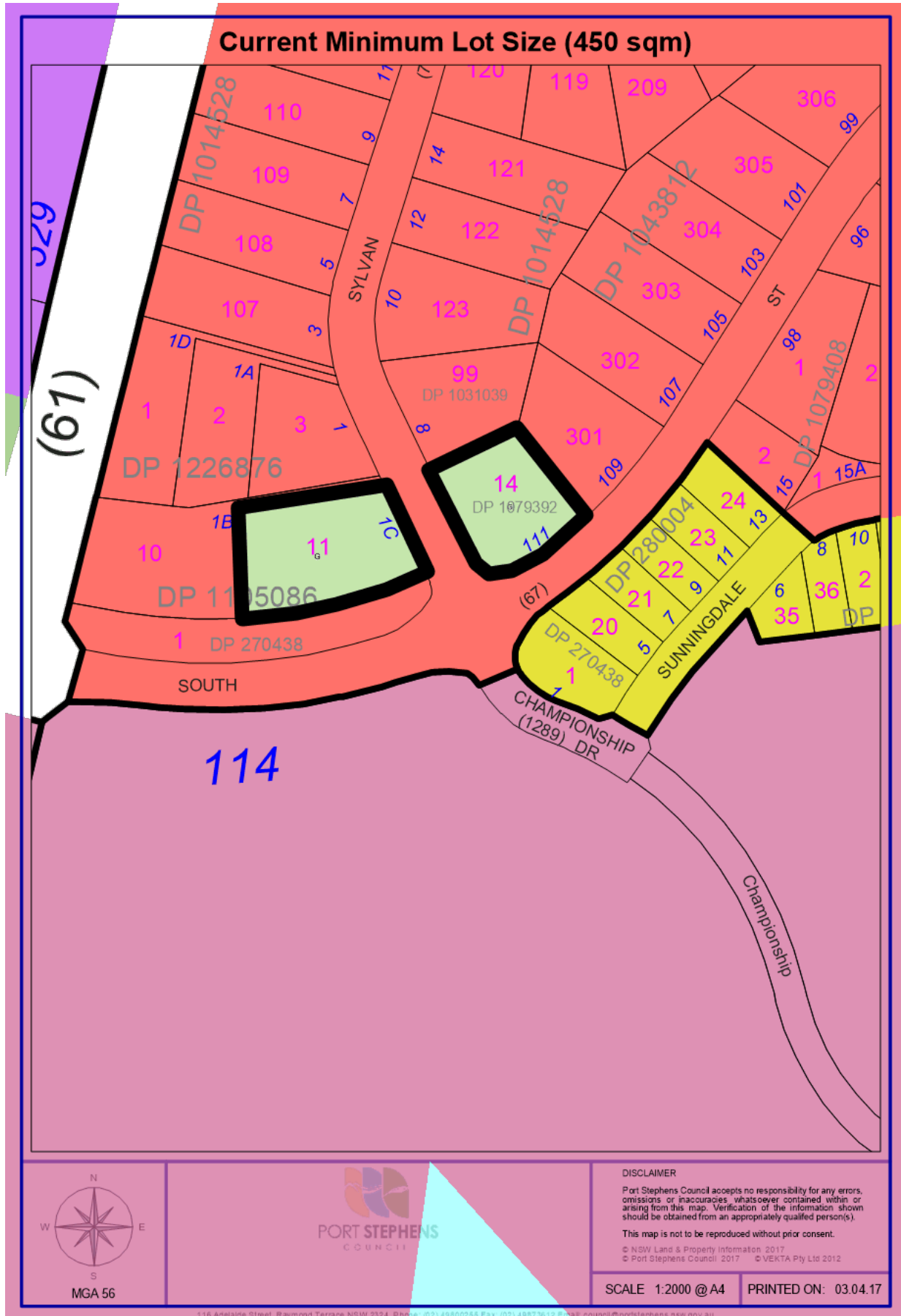
- 1) Subject Land.
- 2) Current Zoning.
- 3) Current Minimum Lot Size.



116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49802355 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au



ITEM 2 - ATTACHMENT 3 CURRENT MINIMUM LOT SIZE.



CONFIDENTIAL ITEMS

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

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

Councillor John Nell left the meeting at 8:09pm, in Open Council.

Councillor John Morello left the meeting at 8:09pm, in Open Council.

Councillor Peter Kafer left the meeting at 8:09pm, in Open Council, and did not return to the meeting.

Councillor Geoff Dingle left the meeting at 8:09pm, in Open Council, and did not return to the meeting.

Councillor Ken Jordan returned to the meeting at 8:10pm, in Open Council.

Councillor John Morello returned to the meeting at 8:10pm, in Open Council.

Councillor John Nell returned to the meeting at 8:10pm, in Open Council.

ORDINARY COUNCIL MEETING – 9 MAY 2017

MOTION

114	Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council move into confidential session.
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The following Council officers were present for the Confidential Session:

Financial Services Manager
Public Relations and Marketing Coordinator
Public Relations and Marketing Officer

CONFIDENTIAL

ITEM NO. 1

**FILE NO: 16/470072
RM8 REF NO: PSC2016-03581**

SALE OF PART OF 795 MEDOWIE ROAD, MEDOWIE

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

**ORDINARY COUNCIL MEETING - 9 MAY 2017
MOTION**

115	<p>Councillor Ken Jordan Councillor Sally Dover</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Sell part of 795 Medowie Road, Medowie on the confidential terms and conditions disclosed in this report.2) Authorises the Mayor and the General Manager to affix the Council Seal and sign all documents necessary to exchange contracts, subdivide the land and settle the sale.
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CONFIDENTIAL

ITEM NO. 2

**FILE NO: 17/80843
RM8 REF NO: PSC2016-01890**

CODE OF CONDUCT

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

**ORDINARY COUNCIL MEETING - 9 MAY 2017
MOTION**

116	<p>Councillor Ken Jordan Councillor Steve Tucker</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Receive the Investigation Report.2) That Cr Geoff Dingle has breached the Code of Conduct and that sanctions be imposed as follows:<ol style="list-style-type: none">a) That Cr Dingle apologise to the residents and Councillors of Port Stephens in an open Council meeting.b) That the apology is to be proffered at the first general meeting of Council after Council's consideration of this report and must include reference to:<ul style="list-style-type: none">• The fact that Cr Dingle's email did not contain facts, including the statements about the individual Councillors;• Cr Dingle's regret if his email acted to interfere with Council's intention to merge with Dungog Shire Council; and• That in future, Cr Dingle will endeavour to check the truthfulness of his statements before they are uttered or written.
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**ORDINARY COUNCIL MEETING – 9 MAY 2017
MOTION**

117	Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council move out of confidential session.
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There being no further business the meeting closed at 8.37pm.