

# MINUTES – 9 MAY 2023



## PORT STEPHENS C O U N C I L

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 9 May 2023, commencing at 5:57pm.

### PRESENT:

#### In Person

Mayor Ryan Palmer  
Cr Leah Anderson  
Cr Giacomo Arnott  
Cr Glen Dunkley  
Cr Peter Francis  
Cr Peter Kafer  
Cr Steve Tucker  
Cr Jason Wells  
General Manager  
Acting Corporate Services Group Manager  
Acting Development Services Group Manager  
Facilities and Services Group Manager  
Governance Section Manager

**MINUTES ORDINARY COUNCIL - 9 MAY 2023**

|            |   |
|------------|---|
| <b>001</b> | <b>Councillor Glen Dunkley</b><br><b>Councillor Peter Kafer</b><br><br>It was resolved that the apology from Cr Matthew Bailey be received and noted and note that Cr Chris Doohan was granted leave of absence on 11 April 2023. |
|------------|---|

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

|  |   |
|--|---|
|  | <p>Cr Leah Anderson declared a pecuniary interest in Mayoral Minute No. 1. The nature of the interest is Cr Anderson is employed part-time by Kate Washington MP.</p> <p>Cr Giacomo Arnott declared a less than significant non-pecuniary interest in Mayoral Minute No. 1. The nature of the interest is Cr Arnott is an employee of one of the emergency services that the ESL pays for. The motion is advocacy based and relates to Council's finances, not that of the emergency services.</p> <p>Cr Glen Dunkley declared a less than significant non-pecuniary interest in Item No. 1. The nature of the interest is Cr Dunkley's children attend the school site. Cr Dunkley advised he would leave the meeting for this item.</p> |
|--|---|

|            |  |
|------------|--|
| <b>002</b> | <b>Councillor Peter Kafer</b><br><b>Councillor Giacomo Arnott</b><br><br>It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 11 April 2023 be confirmed. |
|------------|--|

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

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# DECLARATION OF INTEREST

ORDINARY COUNCIL - 9 MAY 2023



## Declaration of Interest form

Agenda item No. MAYORAL MINUTE  
Report title INCREASE IN EMERGENCY SERVICES LEVY  
Mayor/Councillor LEAH ANDERSON declared a COSTS.

Tick the relevant response:

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

in this item. The nature of the interest is I WORK PART TIME FOR KATE WASHINGTON MP.

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

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

Mayor/Councillor left the Council meeting in Committee of the Whole at \_\_\_\_\_ pm.

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

Mayor/Councillor left the Council meeting at 6.00 pm.

Mayor/Councillor returned to the Council meeting at 6.11 pm.

ORDINARY COUNCIL - 9 MAY 2023



Declaration of Interest form

Agenda item No. Mayor's Minute

Report title \_\_\_\_\_

Mayor/Councillor Arnott declared a

Tick the relevant response:

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

in this item. The nature of the interest is I am an employee of one of the emergency services that the ESL pays for.

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

The motion is advocacy based and relates to Council's finances, not that of the emergency services

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

Mayor/Councillor left the Council meeting in Committee of the Whole at \_\_\_\_\_ pm.

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

Mayor/Councillor left the Council meeting at \_\_\_\_\_ pm.

Mayor/Councillor returned to the Council meeting at \_\_\_\_\_ pm.

ORDINARY COUNCIL - 9 MAY 2023



## Declaration of Interest form

Agenda item No. 1

Report title Planning Proposal

Mayor/Councillor Dunkley declared a

Tick the relevant response:

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

in this item. The nature of the interest is My children attend the school onsite

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

I will leave the room

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

Mayor/Councillor left the Council meeting in Committee of the Whole at \_\_\_\_\_ pm.

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

Mayor/Councillor left the Council meeting at 6:12 pm.

Mayor/Councillor returned to the Council meeting at 6:12 pm.

# MAYORAL MINUTES

Councillor Leah Anderson left the meeting at 6:00pm.

**MAYORAL MINUTE**

**ITEM NO. 1**

**FILE NO: 23/112260  
EDRMS NO: PSC2021-04199**

**INCREASE IN EMERGENCY SERVICES LEVY COSTS**

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**THAT COUNCIL:**

- 1) Writes to the Hon. Daniel Mookhey MLC, Treasurer, the Hon. Jihad Dib MP, Minister for Emergency Services, the Hon. Ron Hoenig MP, Minister for Local Government, the Hon. Kate Washington MP, Member for Port Stephens, and the Hon. Tim Crakanthorp MP, Member for Newcastle.
    - a) Expressing Council's strong opposition to the NSW Government's proposed scrapping of the Emergency Services Levy (ESL) subsidy for 2023-2024 at a time after Council has publicly advertised its Operational Plan and annual budget to the community;
    - b) Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's already declared 4.4% rate cap and proposed 9.5% Special Rate Variation has been significantly eroded through the removal of the ongoing subsidy;
    - c) Calling on the NSW Government to take immediate action to:
      - i. restore the ESL subsidy in 2023-2024
      - ii. urgently introduce legislation to decouple the ESL from the rate peg to enable councils to recover the full cost
      - iii. develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government.
  - 2) Writes to the Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023-2024 rate cap, which has resulted in additional financial stress.
  - 3) Writes to the President of LGNSW seeking the Association's ongoing advocacy to bring about a relief in the burden of Councils' emergency services contribution.
-



**ORDINARY COUNCIL MEETING - 9 MAY 2023  
MOTION**

|            |  |
|------------|--|
| <b>003</b> | <p><b>Mayor Ryan Palmer<br/>Councillor Giacomo Arnott</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Writes to the Hon. Daniel Mookhey MLC, Treasurer, the Hon. Jihad Dib MP, Minister for Emergency Services, the Hon. Ron Hoenig MP, Minister for Local Government, the Hon. Kate Washington MP, Member for Port Stephens, and the Hon. Tim Crakanthorp MP, Member for Newcastle.</li><li>a) Expressing Council's strong opposition to the NSW Government's proposed scrapping of the Emergency Services Levy (ESL) subsidy for 2023-2024 at a time after Council has publicly advertised its Operational Plan and annual budget to the community;</li><li>b) Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's already declared 4.4% rate cap and proposed 9.5% Special Rate Variation has been significantly eroded through the removal of the ongoing subsidy;</li><li>c) Calling on the NSW Government to take immediate action to:<ol style="list-style-type: none"><li>i. restore the ESL subsidy in 2023-2024</li><li>ii. urgently introduce legislation to decouple the ESL from the rate peg to enable councils to recover the full cost</li><li>iii. develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government.</li></ol></li><li>2) Writes to the Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023-2024 rate cap, which has resulted in additional financial stress.</li><li>3) Writes to the President of LGNSW seeking the Association's ongoing advocacy to bring about a relief in the burden of Councils' emergency services contribution.</li></ol> |
|------------|--|

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

Councillor Leah Anderson returned to the meeting at 6:11pm.

## **BACKGROUND**

The purpose of this report is to request representations to the NSW Government in response to the proposed increase in the Emergency Services Levy (ESL) imposed on all councils without warning for the 2023-2024 financial year.

The ESL is a cost imposed on councils and insurance policy holders to fund the emergency services budget in NSW. The majority is paid as part of insurance premiums, with a further 11.7% funded by councils and 14.6% by the NSW Government. The ESL represents cost shifting at its worst, as it is imposed on councils without any mechanism for councils to recover costs.

The levy increase for the State's 128 councils in 2023-2024 amounts to almost \$77 million, with the total cost imposed on the local government sector increasing from \$143 million in the current financial year to \$219 million next year. This represents a 53.1% increase, completely dwarfing the IPART baseline rate peg of 3.7% for 2023-2024, and Council's already declared rate cap of 4.4%. Should Council be successful in our Special Rate Variation application of 9.5%, the increased ESL levy and removal of the subsidy will significantly erode this additional rates income needed for our financial sustainability.

Reporting suggests that the increase in costs this year reflects a 73% increase in the State Emergency Service budget and an 18.5% funding increase to Fire and Rescue NSW. The impact of these large increases on councils' finances will be particularly severe in 2023-2024 as a result of the NSW Government deciding to scrap the subsidy for council ESL payments.

For Council, the ESL has increased by \$440,099 for 2023-2024, bringing the total Council contribution to \$1,299,092. The timing of this development is particularly challenging for councils as it comes so late in the local government budgeting cycle, well after IPART's rate determination for the coming financial year.

Council strongly supports a well-funded emergency services sector and the critical contribution of emergency services workers and volunteers (many of whom are councillors and council staff). However, it is essential that these services be supported through an equitable, transparent and sustainable funding model.

Local Government NSW has raised the serious concerns of the local government sector with the NSW Government and is seeking the support of councils across NSW in amplifying this advocacy.

This Mayoral Minute recommends that Council call on the NSW Government to take immediate action to:

- a) restore the ESL subsidy
- b) decouple the ESL from the rate peg to enable councils to recover the full cost
- c) develop a fairer, more transparent and financially sustainable method of funding critically important emergency services.

The Mayoral Minute also recommends that Council writes to IPART advising of the financial sustainability impacts of the ESL.

**ATTACHMENTS**

Nil.

# COUNCIL REPORTS

## MINUTES ORDINARY COUNCIL - 9 MAY 2023

Councillor Glen Dunkley left the meeting at 6:12pm.

**ITEM NO. 1**

**FILE NO: 23/90113**  
**EDRMS NO: 58-2022-4-1**

### **PLANNING PROPOSAL FOR PART OF 100 AND 174A SALAMANDER WAY, SALAMANDER BAY**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER

GROUP: DEVELOPMENT SERVICES

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#### **RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopts the planning proposal (**ATTACHMENT 1**) to reclassify part of 100 and 174A Salamander Way, Salamander Way (part of Lots 21 and 23 DP 1044009) from community to operational land.
- 2) Notes that no submissions were received during the public exhibition period.
- 3) Notes the report on the post-exhibition independent public hearing (**ATTACHMENT 2**).
- 4) Endorses the submission of the planning proposal to the NSW Department of Planning and Environment requesting they exercise their plan making authority to amend the Port Stephens Local Environmental Plan 2013 under section 3.36 of the Environmental Planning and Assessment Act 1979 (NSW) to reclassify the subject land.

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#### **ORDINARY COUNCIL MEETING - 9 MAY 2023** **MOTION**

|            |  |
|------------|--|
| <b>004</b> | <p><b>Councillor Peter Kafer</b><br/><b>Councillor Peter Francis</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Adopts the planning proposal (<b>ATTACHMENT 1</b>) to reclassify part of 100 and 174A Salamander Way, Salamander Way (part of Lots 21 and 23 DP 1044009) from community to operational land.</li><li>2) Notes that no submissions were received during the public exhibition period.</li><li>3) Notes the report on the post-exhibition independent public hearing (<b>ATTACHMENT 2</b>).</li><li>4) Endorses the submission of the planning proposal to the NSW Department of Planning and Environment requesting they exercise their plan making authority to amend the Port Stephens Local Environmental Plan 2013 under section 3.36 of the Environmental</li></ol> |
|------------|--|

## MINUTES ORDINARY COUNCIL - 9 MAY 2023

|  |  |
|--|--|
|  | Planning and Assessment Act 1979 (NSW) to reclassify the subject land. |
|--|--|

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

Councillor Glen Dunkley returned to the meeting at 6:12pm.

### BACKGROUND

The purpose of this report is to advise Council of the outcome following public exhibition for the planning proposal (**ATTACHMENT 1**) to reclassify part of 100 and 174A Salamander Way, Salamander Bay (part of Lots 21 and 23 DP 1044009) from community to operational land.

The subject parcel of land is owned by Council. A locality map of the land the subject of the planning proposal is available at (**ATTACHMENT 3**).

Reclassification of the subject land from community to operational will enable the commencement of negotiations for sale by Council to St Philip's Christian College. The subject land is currently occupied by St Philip's Christian College under a licence arrangement issued in 2016 for a 21-year period for the purposes of 'construction and maintenance of an area for car parking and playing fields'. The development application authorising the construction of the car park and playground extension was approved in 2017 and construction was completed in 2019. The car park and playing fields form part of the school.

The report seeks Council endorsement to submit the planning proposal to the NSW Department of Planning and Environment (DPE) and request they exercise their plan making authority to amend the Port Stephens Local Environmental Plan 2013 (LEP) and reclassify the land.

At its meeting of 28 September 2021, Minute No. 249 (**ATTACHMENT 4**), Council resolved to commence the reclassification process for the subject land. This was to allow for St Philip's Christian College to lodge a planning proposal for consideration by Council. A planning proposal was subsequently lodged by Barr Property and Planning Pty Ltd (on behalf of St Philip's Christian College) for assessment on 6 July 2022.

On 13 September 2022, Minute No. 243 (**ATTACHMENT 5**), Council resolved to adopt the planning proposal and submit the application to DPE for a Gateway determination. On 17 November 2022, a Gateway determination was issued by DPE, allowing the planning proposal to proceed.

## MINUTES ORDINARY COUNCIL - 9 MAY 2023

Following the issue of the Gateway determination, agency consultation and public exhibition has been undertaken. An independently chaired public hearing was held in accordance with Section 29 of the Local Government Act 1993 following the end of the public exhibition period. This was consistent with the requirements of the Gateway determination and requirements for planning proposals seeking to reclassify public land. A copy of the independent chairperson's report on the public hearing is provided within **(ATTACHMENT 2)**.

|                         |   |
|-------------------------|---|
| Date lodged:            | 6 July 2022   |
| Proponent:              | Barr Property and Planning Pty Ltd (on behalf of St Philip's Christian College)   |
| Subject land:           | Part of 100 Salamander Way,<br>Salamander Bay (part of Lot 21 DP 1044009)<br>Part of 174A Salamander Way,<br>Salamander Bay (part of Lot 23 DP 1044009) |
| Subject land area:      | 1.3 hectares  |
| Current classification: | Community land  |
| Proposed clarification: | Operational land  |
| Zoning (to be retained) | SP2 Infrastructure (School/child care centre)   |

### COMMUNITY STRATEGIC PLAN

| Strategic Direction             | Delivery Program 2022-2026  |
|---------------------------------|---|
| Thriving and safe place to live | Program to develop and implement Council's key planning documents |

### FINANCIAL/RESOURCE IMPLICATIONS

The planning proposal will enable the potential sale of the land to St Philip's Christian College following its reclassification.

St Philip's Christian College engaged an independent consultant, at their cost, to prepare and lodge the planning proposal. Planning proposal fees, costs associated with the independent public hearing and associated report have been paid by the proponent, consistent with Council's Fees and Charges.

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

**MINUTES ORDINARY COUNCIL - 9 MAY 2023**

| Source of Funds | Yes/No | Funding (\$) | Comment  |
|-----------------|--------|--------------|--|
| External Grants | No     |              |  |
| Other           | Yes    |              | Stage 1 and 2 planning proposal fees and independent public hearing costs paid by the proponent. |

**LEGAL, POLICY AND RISK IMPLICATIONS**

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

| Risk   | <a href="#">Risk Ranking</a> | Proposed Treatments        | Within Existing Resources? |
|--|------------------------------|----------------------------|----------------------------|
| There is a risk that should the land not be reclassified from community to operational, the sale cannot proceed and a financial return will not be realised. | Low                          | Accept the recommendation. | Yes                        |

**Environmental Planning and Assessment Act 1979 (NSW)**

Part 3 of the Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act) provides the framework for amending a Local Environmental Plan. A Gateway determination was issued on 17 November 2022 under section 3.34 of the EP&A Act specifying that the planning proposal should proceed to public exhibition, subject to conditions and consultation requirements. Should Council adopt the recommendations of this report, the planning proposal will be submitted to DPE with a request that they exercise their plan making authority to amend the LEP under section 3.36 of the EP&A Act to reclassify the subject land.

**Port Stephens Local Environmental Plan 2013**

The planning proposal seeks to amend Schedule 4 Classification and reclassification of public land of the Port Stephens Local Environmental Plan 2013 as well as the accompanying LEP Reclassification Map to identify the subject land as operational.

The subject land proposed for reclassification will retain its current zoning of SP2 Infrastructure (School / Child care centre). The objectives of the zone are:

- To provide for infrastructure and related uses.



- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

The existing development and use of the land by St Philip's Christian College, for car parking and playing fields, is consistent with these objectives.

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The planning proposal has positive social and economic impacts. The subject land is currently used for the purpose of a car park and playing fields. Its reclassification from community to operational land will facilitate securing the ongoing tenure of the site for this purpose. No works result from this proposal and there are no environmental implications from the planning proposal.

### **CONSULTATION**

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

#### Internal

No objections were raised during internal consultation.

#### External

In accordance with the Gateway determination, the planning proposal was referred to the NSW Rural Fire Service (RFS) who raised no objection.

The planning proposal was placed on public exhibition from 14 December 2022 to 1 February 2023. No submissions were received.

An independently chaired Public Hearing on the planning proposal was held on 2 March 2023, consistent with the requirements of the Gateway determination and planning requirements for planning proposals seeking to reclassify public land. There was 1 attendee at the public hearing who raised no objection to the planning proposal proceeding. A copy of the independent chairperson's report of the public hearing is provided within **(ATTACHMENT 2)**.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Planning Proposal 100 and 174A Salamander Way Salamander Bay.

## **MINUTES ORDINARY COUNCIL - 9 MAY 2023**

- 2) Report on Public Hearing 100 and 174A Salamander Way Salamander Bay.
- 3) Locality Plan 100 and 174A Salamander Way Salamander Bay.
- 4) 28 September 2021, Minute No. 249.
- 5) 13 September 2022, Minute No. 243.

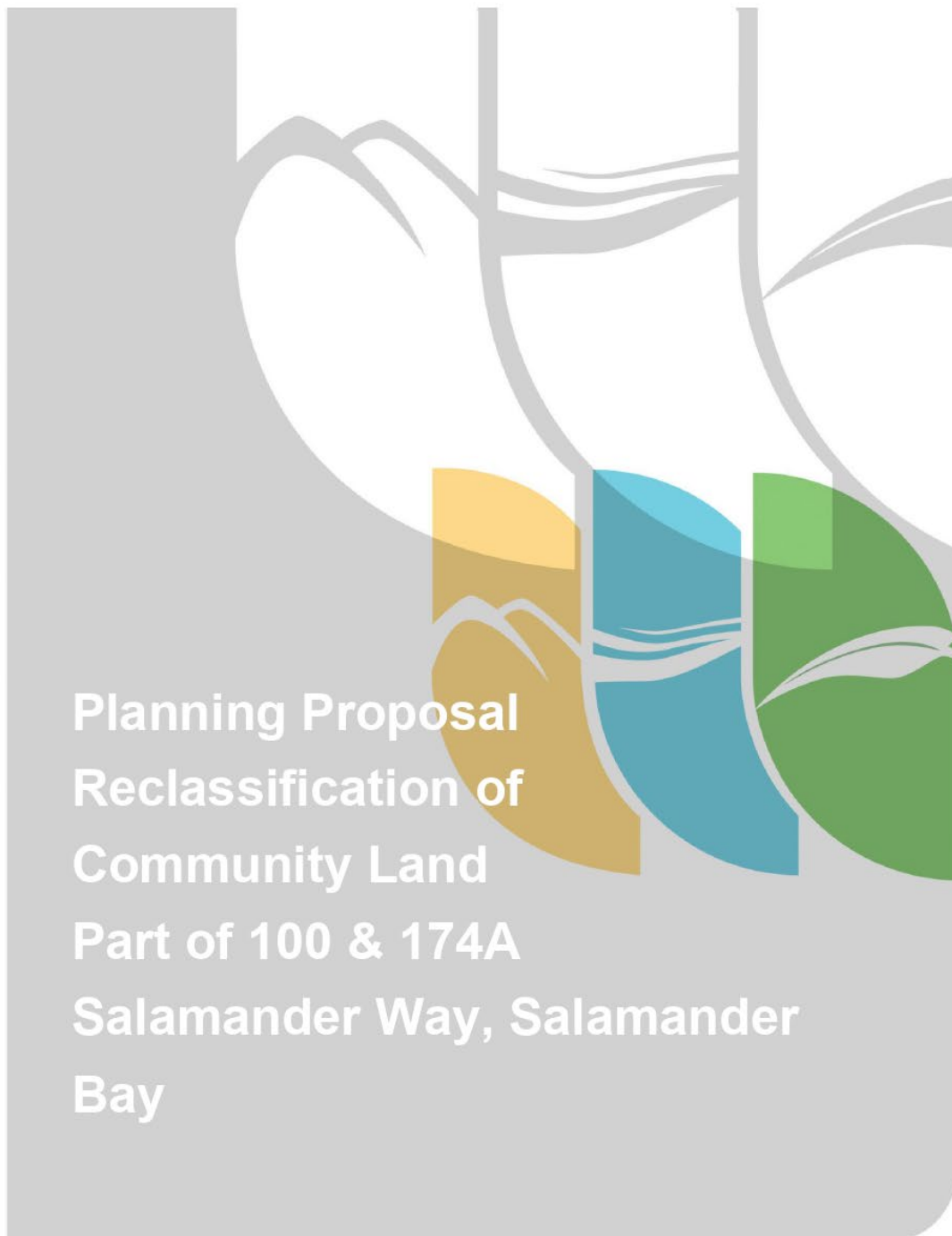
### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.

ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL 100 AND 174A  
SALAMANDER WAY SALAMANDER BAY.



**Proposed amendment to Port Stephens Local  
Environmental Plan 2013**  
Reclassification of Community Land  
Part of 100 & 174A Salamander Way (Part of Lots 21 &  
23 DP 1044009) Salamander Bay



**ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL 100 AND 174A SALAMANDER WAY SALAMANDER BAY.**

**FILE NUMBERS**

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**Port Stephens Council:** 58-2022-4-1 (Version 4.0 Post Exhibition Report to Council)

**NSW Department of Planning and Environment:** PP-2022-2174

**SUMMARY**

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**Subject land:** Part of Lot 21 DP 1044009 (100 Salamander Way, Salamander Bay)  
Part of Lot 23 DP 1044009 (174A Salamander Way, Salamander Bay)

**Proponent:** Barr Planning Pty Ltd (for St Philip's Christian Education Foundation Pty Ltd)

**Proposed changes:** Reclassification from Community land to Operational land

**Area of land:** 1.3 hectares

**Lot yield:** Not applicable

**BACKGROUND**

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The planning proposal seeks to reclassify a portion of land within 100 and 174A Salamander Way, Salamander Bay (also known as Lot 21 and Lot 23, DP 1044009) from Community Land to Operational Land.

The broader site is split zoned part C2 Environmental Conservation, RE1 Public Recreation and SP2 Infrastructure (School/Child care centre) under the Port Stephens Local Environmental Plan 2013 (LEP). The reclassification will only apply to the portion of the lots zoned as SP2 Infrastructure (School/Child care centre). The reclassification boundary will reflect the existing SP2 Infrastructure zoning on the two subject lots, which has an approximate area of 1.3 hectares. A subdivision will follow to create new lots to match the existing zone boundary.

The subject land proposed for reclassification is currently occupied by St Philip's Christian College Port Stephens for use as a car park and extension of its playing fields under a 21-year license with Port Stephens Council. The subject site is Community Land under the Local Government Act 1993 (NSW) (LG Act) and is zoned SP2 Infrastructure (School/Child care centre). The land is owned by Port Stephens Council as indicated in a certificate of title obtained on 28 January 2021. Reclassification from Community Land to Operational Land is sought in order to transfer the licenced land to the ownership of St Philip's Education Foundation Pty Ltd, the organisation that oversees various St Philip's Christian College campuses.

**ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL 100 AND 174A SALAMANDER WAY SALAMANDER BAY.**

St Philip's Christian College was founded in 1982 and currently operates six schools across Newcastle, Port Stephens, Cessnock, and Gosford. St Philip's Christian College has been owned and operated by St Philip's Christian Education Foundation Limited, a not-for-profit company, since 1985. St Philip's Christian College Port Stephens at 182 Salamander Way, Salamander Bay has operated since 1995. The school provides education services to students ranging from early learning to primary and secondary schooling. The school site has been subject to progressive development and expansion ranging from landscaping and playing field extensions to demountable classrooms to construction of a three-storey senior school building.

A licence agreement was issued by Council in July 2016 for a 21-year period for the 'Construction and maintenance of an area for car parking and playing fields'. Development Application 16-2016-770-1 was approved in June 2017 and allowed the construction of a car park, playground extension and relocation of fire trail. The licence and development application apply to the school site as well as the Council-owned subject site. Currently, the car park completed in 2019 operates for the benefit of the school.

On 28 September 2021, Council resolved to commence the reclassification process for the proposed footprint shown in *Figure 1 Site Location*.

The desired outcome of the reclassification is the eventual subdivision and transfer of ownership the subject site from Port Stephens Council to St Philip's Education Foundation Pty Ltd, through an acquisition process. This fully consolidates the St Philip's Christian College Port Stephens campus to include the land upon on which infrastructure, constructed and operated by St Philip's, is situated. Further physical works or development of the subject land is not proposed. The planning proposal seeks to facilitate a development application for the purpose of subdivision for future acquisition to occur.

**SITE**

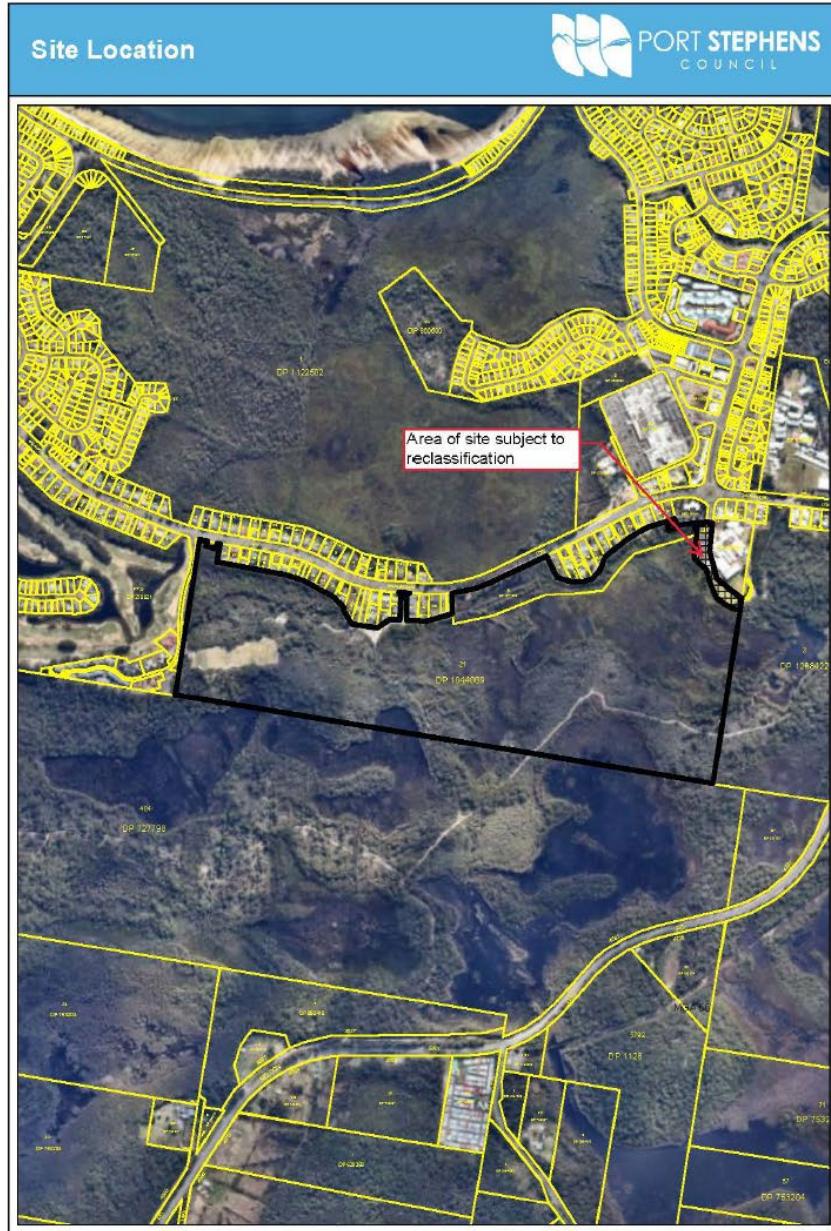
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This planning proposal applies to a 1.3 hectare area within 100 and 174A Salamander Way, Salamander Bay, otherwise known as Lot 21 DP 1044009 and Lot 23 DP 1044009 respectively.

The subject land is occupied in the north by a sealed formal car park and in the south by part of turfed playing fields, both of which are in service of St Philip's Christian College Port Stephens. An unsealed track extends south from the car park to a gated fire trail to the east. The site is accessed via a roundabout off Salamander Way. With the exception of the turfed playing fields, the site is generally clear of vegetation. The site is partially mapped as containing bushfire prone land, coastal wetland, and biodiversity values despite being cleared and developed. The site is mapped as Class 3 acid sulphate soils. The site is not identified as containing any Indigenous or non-Indigenous heritage.

ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL 100 AND 174A SALAMANDER WAY SALAMANDER BAY.

Figure 1 Site Location



**ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL 100 AND 174A  
SALAMANDER WAY SALAMANDER BAY.**

The proposed reclassification of the subject land from Community Land to Operational Land has significant strategic merit as it is consistent with the SP2 Infrastructure (School/Child care centre) land use zone, regional and local planning strategies and the existing development on the site.

Land Use Zone

The area of the site subject to reclassification is zoned SP2 Infrastructure (School/Child care centre). The zone objectives listed in the LEP Land Use Table are:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

The reclassification will facilitate the acquisition and incorporation of the subject site land with the St Philip's campus, which will ensure the long-term security of educational infrastructure. As a result, the reclassification will contribute to the provision of infrastructure and related uses. The reclassification will not vary the permissible or prohibited uses under the SP2 Infrastructure zone or exceed the relevant development standards. The reclassification will therefore not encourage development that is not compatible with, or that may detract from infrastructure provision.

Existing Split Zone

The broader site, being both 100 and 174A Salamander Way, is split-zoned as part C2 Environmental Conservation, RE1 Public Recreation and SP2 Infrastructure (School/Child care centre). The split zoning is considered undesirable, as undertaking any planning or development is typically reflective of the spatially dominant environmental zoning. The Community Land, being the entirety of the lots, is currently listed as natural areas (bushland, wetland) under Council's Natural Areas Generic Plan of Management 2003, which incorrectly reflects the SP2 Infrastructure (School/Child care centre) zoned areas of the lots. The reclassification and proposed subsequent subdivision along the zone boundaries will clearly delineate between conservation and infrastructure provisions, recognising the infrastructure purpose of the site whilst maintaining the environmental management status of the remnant lot portions.

ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL 100 AND 174A SALAMANDER WAY SALAMANDER BAY.

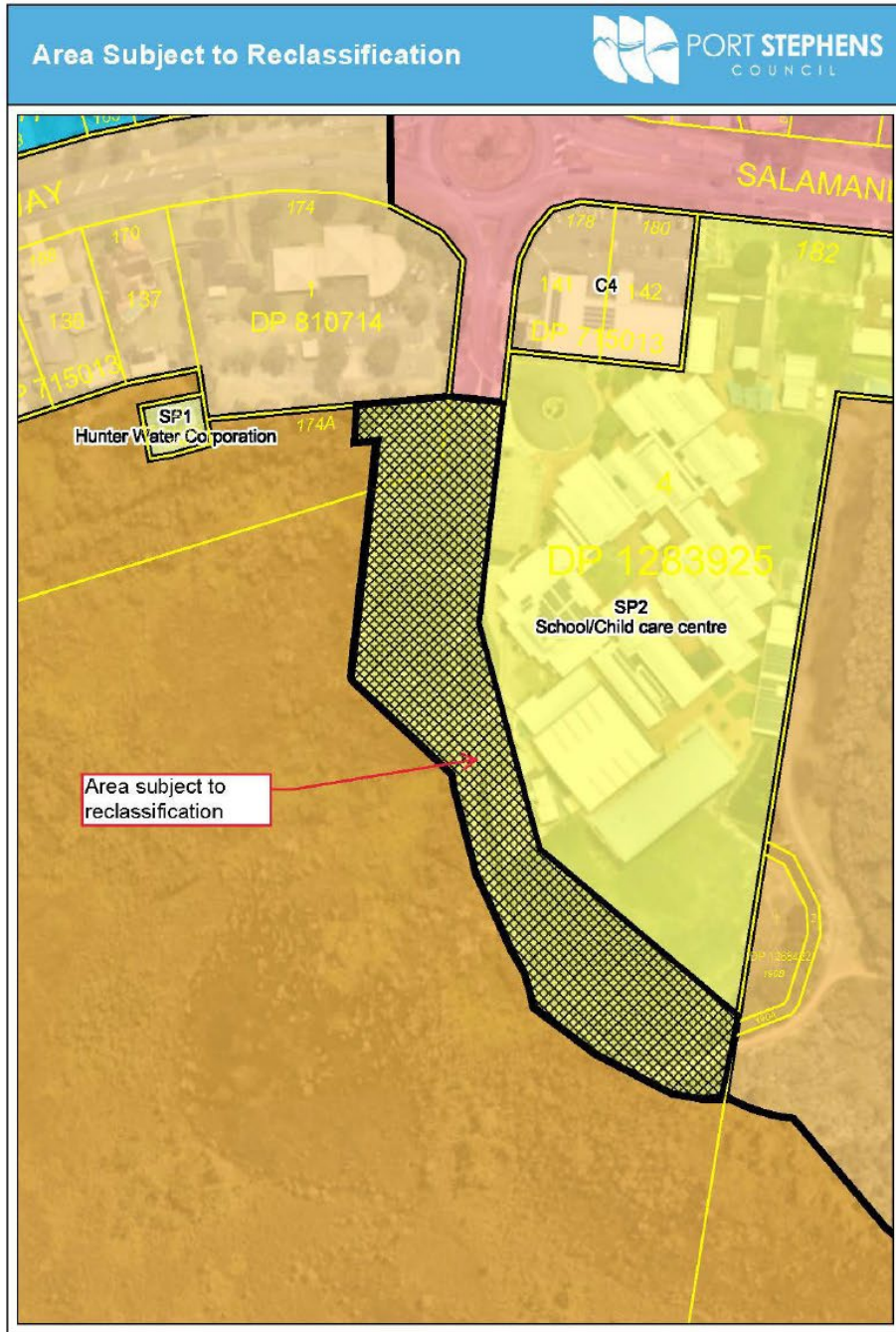
Figure 2 Area Subject to Reclassification (Aerial)





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Figure 3 Area Subject to Reclassification (Zoning)



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**PART 1 – Objectives and intended outcomes**

The planning proposal seeks to achieve the following outcome:

- To reclassify the subject site from Community Land to Operational Land.

The planning proposal will enable the subdivision of the lots present on the site and allow for Council’s divestment of the parcel zoned SP2 Infrastructure (School/Child care centre).

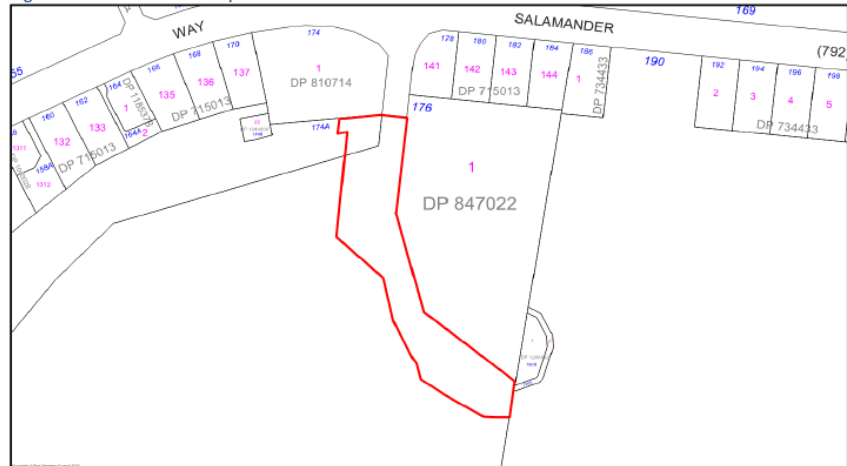
**PART 2 – Explanation of provisions**

The objectives of the planning proposal will be achieved by the following amendments to the Port Stephens Local Environmental Plan 2013 (LEP):

*Figure 4 Proposed Amendment to Port Stephens Local Environmental Plan 2013 (LEP)*

| <b>Schedule 4 Classification and reclassification of public land</b>                       |                           |
|--|---------------------------|
| <b>Part 1 Land Classified, or reclassified, as operational land – no interests changed</b> |                           |
| <b>Column 1</b>  | <b>Column 2</b>           |
| <b>Locality</b>  | <b>Description</b>        |
| Part of 100 Salamander Way, Salamander Bay   | Part of Lot 21 DP 1044009 |
| Part of 174A Salamander Way, Salamander Bay  | Part of Lot 23 DP 1044009 |

*Figure 5 Indicative LEP Map*



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**PART 3 – Justification of strategic and site specific merit**

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**Section A – Need for the planning proposal**

**Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?**

The planning proposal is not the result of a strategic study or report.

**Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The planning proposal is the only way to adhere to the relevant objectives. The land is classified as Community Land under the provisions of the LG Act, which imposes statutory limitations on the transfer of ownership. In order for St Philip's Education Foundation Pty Ltd to purchase the land, it must be classified as Operational Land in accordance with Part 2 of the LG Act. The reclassification cannot be made by council resolution under Section 31, 32, or 33 of the LG Act, therefore it must be made via LEP amendment.

**Section B – Relationship to strategic planning framework**

**Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited plans or strategies)?**

Greater Newcastle Metropolitan Plan 2036

The proposed reclassification is consistent with the Greater Newcastle Metropolitan Plan 2036 (GNMP), which sets out strategies and actions that will drive sustainable growth across the Cessnock, Lake Macquarie, Maitland, Newcastle, and Port Stephens local government areas. The reclassification will enable St Philip's Christian College Port Stephens campus greater autonomy over its built infrastructure and open space, which will allow for flexibility and future assurance into the use and development of the site. The ability to control and plan for the land in the long-term will ensure that students, staff, and the school community can enjoy enhanced green space and amenity in accordance with Outcome 2 'Enhance environment, amenity and resilience for quality of life' of the GNMP.

Hunter Regional Plan 2041

The proposed reclassification is consistent with the Hunter Regional Plan 2041 (HRP). The HRP has a renewed focus on providing inclusive and vibrant local communities, as set out in Objective 3 'Create a 15 minute region made up of mixed, multi-modal, inclusive and vibrant local communities'.

The planning proposal meets the related performance criteria that neighbourhoods provide local access to education, jobs, services, open space and community activities. The consolidation of the site and ultimate transfer

**ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL 100 AND 174A  
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into private ownership will maintain and reinforce educational uses across the entire site, to support the provision of continuous local employment and education for the community.

The retention of the C2 Environmental Conservation zone on the balance of the site supports the HRP Objective 6 to 'Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments'.

**Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or another endorsed local strategy or strategic plan?**

Port Stephens Local Strategic Planning Statement

The proposed reclassification is consistent with the Port Stephens Local Strategic Planning Statement (LSPS), which identifies the 20-year vision for land use in Port Stephens. It sets out social, economic and environmental planning priorities for the future and identifies when they will be delivered. The reclassification will contribute to retention of open space within the school's ownership, allowing for long term asset planning for healthy, active spaces for young people in accordance with Planning Priority 10 'Create people friendly spaces in our local centres where people can come together'. This planning proposal is relevant to the LSPS and Section 9.1 Directions in accordance with the requirements of the LSPS and EP&A Act.

Port Stephens Community Strategic Plan 2018-2028

The proposed reclassification is consistent with Port Stephens Community Strategic Plan (CSP), which outlines a roadmap to achieve community aspirations and priorities within Port Stephens LGA over the next 7 years to 2028.

The reclassification will, through its facilitation of St Philip's intended purchase of the land, contribute to the school's ability to continue deliver education services to the region in accordance with the CSP's intention to foster creative and active communities (CSP C3 Community partnerships). The consolidation of ownership will encourage the long-term management of private civil and community infrastructure in support of the CSP's vision for infrastructure and facilities (CSP P2 Infrastructure and facilities). Council's divestment from the land will contribute to the organisation's financial sustainability (CSP L2 Financial management). Following of statutory procedures to reclassify the subject land will provide an opportunity for the expression of community voice (CSP L3 Communication and engagement).

**Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?**


The planning proposal is not relevant within the context of other State or regional studies or strategies.

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**Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?**

Assessment of the planning proposal against relevant SEPPs is provided in the following table.

Table 1 – Relevant State Environmental Planning Policies

| SEPP   | Consistency and Implications   |
|--|--|
| <b>SEPP (Resilience and Hazards) 2021</b>  |  |
| <p>Chapter 2 Coastal Management</p> <p>Promotes an integrated and co-ordinated approach to land use planning in the coastal zone consistent with the objects of the Coastal Management Act 2016 (NSW).</p> | <p><u>Relevance</u></p> <p>The land is partially mapped as Coastal Wetlands under the Coastal Management chapter of the SEPP.</p>  <p><u>Consistency</u></p> <p>The proposed reclassification will not affect the application of this SEPP. The planning proposal is consistent with the objectives contained within Chapter 2 Coastal Management of the SEPP and the Coastal Management Act 2016 (NSW). The area proposed for reclassification is already developed for the purposes of a car park and playing field and will have no additional impact on coastal management.</p> |

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| SEPP  | Consistency and Implications   |
|---|--|
| <p>Chapter 4 Remediation of Land</p> <p>This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination.</p>  | <p><u>Relevance</u></p> <p>Chapter 4 applies to all land, particularly where sensitive uses (such as schools) are proposed. The SEPP requires consideration of contamination issues when rezoning land.</p> <p><u>Consistency</u></p> <p>The land is not proposed to be rezoned. The site has no known history of current or previous contamination. The area proposed for reclassification is already developed for the purposes of a car park and playing field.</p>   |
| <p><b>SEPP (Transport and Infrastructure) 2021</b></p>  |  |
| <p>Chapter 3 Educational Establishments and Child Care Facilities</p> <p>This chapter aims to facilitate the effective delivery of educational establishments and early education and care facilities.</p>  | <p><u>Relevance</u></p> <p>Chapter 3 aims to facilitate the effective delivery of educational establishments and early education and care facilities across the State.</p> <p><u>Consistency</u></p> <p>The land is proposed to be reclassified and does not propose or require any physical works. The subject land to which the reclassification applies to is already developed for the purposes of carparking and sports fields to serve the school.</p>   |
| <p><b>SEPP (Biodiversity and Conservation) 2021</b></p>   |  |
| <p>Chapter 4 Koala habitat protection 2021</p> <p>Aims to help reverse the decline of koala populations by ensuring koala habitat is properly considered during the development assessment process, and to provide a process for councils to strategically manage koala habitat through the development of koala plans of management.</p> | <p><u>Relevance</u></p> <p>Chapter 4 provides for development assessment processes for land affected by koalas or koala habitat. The land is mapped as 50m Buffer over Cleared within the Port Stephens Council Comprehensive Koala Plan of Management.</p> <p><u>Consistency</u></p> <p>The proposed reclassification will not affect koala habitat or the application of the Koala SEPP during any development assessment process. The area proposed for reclassification is already developed for the purposes of a car park and playing field.</p> |

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**Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 directions)?**

Assessment of the planning proposal against relevant Ministerial Directions is provided in the following table.

**Table 2 – Relevant Ministerial Directions**


| Ministerial Directions   | Consistency and Implications  |
|--|---|
| <b>1. PLANNING SYSTEMS</b>   |   |
| <p>1.1<br/>Implementation of Regional Plans</p> <p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions, and actions contained in Regional Plans.</p> | <p><u>Relevance</u></p> <p>Applicable. The Hunter Regional Plan 2041 (HRP) and Greater Newcastle Metropolitan Plan 2036 (GNMP) are applicable to the site.</p> <p><u>Consistency</u></p> <p>The proposal is aligned with the objectives and directions outlined in the HRP. Specifically, the proposal is consistent with Objective 3 'Create a 15 minute region made up of mixed, multi-modal, inclusive and vibrant local communities' of the HRP.</p> <p>The reclassification will enable the transfer and consolidation of the subject site with the existing St Philip's Christian College Port Stephens campus to ensure the long-term use of the site for educational and infrastructure purposes. This will include enhanced green space and amenity in accordance with Outcome 2 'Enhance environment, amenity and resilience for quality of life' of the GNMP.</p> <p>The reclassification will also support the provision of continuous local employment and education for the community.</p> <p>The retention of the C2 Environmental Conservation zone on the balance of the site supports the HRP Objective 6 to 'Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments'.</p> |

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| Ministerial Directions  | Consistency and Implications  |
|---|---|
| <b>3. BIODIVERSITY AND CONSERVATION</b>   |   |
| <p>3.1 Conservation Zones</p> <p>The objective of this direction is the protection and conservation of environmentally sensitive areas, by ensuring that planning proposals do not reduce the environmental protection standards applying to such land unless it is suitably justified by a relevant strategy or study or is of minor significance.</p> | <p><u>Relevance</u></p> <p>Applicable. Direction 3.1 applies to all relevant planning authorities during the preparation of a planning proposal.</p> <p><u>Consistency</u></p> <p>The planning proposal will not affect environmentally sensitive areas and does not apply to land within an environmental protection zone or land otherwise identified for environmental protection purposes in an LEP. The proposal seeks to reclassify land that is zoned SP2 Infrastructure (School/Child care centre) from Operational Land to Community Land.</p> |
| <p>3.2 Heritage Conservation</p> <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>  | <p><u>Relevance</u></p> <p>Applicable. Direction 3.2 applies to all relevant planning authorities that prepare a planning proposal.</p> <p><u>Consistency</u></p> <p>The site is not located in the vicinity of local or State heritage items. Aboriginal sites and places were not identified on a Basic AHIMS search conducted on 29 October 2021. The area proposed for reclassification is already developed for the purposes of a car park and playing field.</p>  |



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| Ministerial Directions  | Consistency and Implications  |
|---|---|
| <b>4. RESILIENCE AND HAZARDS</b>  |   |
| <p><b>4.2 Coastal Management</b></p> <p>The objective of this direction is to protect and manage coastal areas of NSW. This direction applies to land within the coastal zone.</p>  | <p><u>Relevance</u></p> <p>Applicable. Direction 4.2 applies to all relevant planning authorities that prepare a planning proposal. The land is partially within the 'Coastal Wetlands' area and the 'Proximity Area for Coastal Wetlands' under the SEPP (Coastal Management) 2018.</p> <p><u>Consistency</u></p> <p>The planning proposal is strictly limited to the reclassification of the subject site and does not involve any development or physical modifications on or to the site. The area proposed for reclassification is already developed for the purposes of a car park and playing field. The proposal is consistent with this direction.</p> |
| <p><b>4.3 Planning for Bushfire Protection</b></p> <p>The objectives of this direction are to protect life, property, and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound management of bush fire prone areas.</p> | <p><u>Relevance</u></p> <p>Applicable. The subject land is partially mapped as bush fire prone land.</p>  <p><u>Consistency</u></p> <p>The planning proposal satisfies Direction 4.3 . The planning proposal does not enable inappropriate development in hazardous areas. The area proposed for reclassification is already developed for the purposes of a car park and playing field. The planning proposal was referred to the NSW Rural Fire Service who raised no objection to the planning proposal.</p>   |

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| Ministerial Directions   | Consistency and Implications   |
|--|--|
| <p>4.5 Acid Sulphate Soils</p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.</p> | <p><u>Relevance</u></p> <p>Applicable. The planning proposal applies to land having a probability of containing acid sulfate soils. The land is mapped as Class 3 Acid Sulphate Soils on the relevant LEP map.</p> <p><u>Consistency</u></p> <p>The planning proposal is consistent with this Direction. The planning proposal will not introduce provisions to regulate works in acid sulphate soils and thus the Acid Sulfate Soils Planning Guidelines. The planning proposal does not propose an intensification of land uses on the subject land.</p> |

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**Section C – Environmental, social, and economic impact**

**Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?**

The proposed reclassification will not affect critical habitat, threatened species, populations or ecological communities, or their habitats. The subject site contains hardstand car park, unsealed fire trail, and cleared turfed playing fields. The reclassification will not enable any further uses not already permitted on the site.

**Q9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?**

No adverse environmental effects are anticipated as a result of the proposed reclassification. The reclassification will not enable any further uses not already permitted on the site.

**Q10. Has the planning proposal adequately addressed any social and economic effects?**

The planning proposal will be processed in accordance with statutory obligations, which will ensure that the community is adequately consulted during the preparation of the LEP amendment. The planning proposal will not be to the detriment of community use as the land does not currently service the community beyond the utilisation of St Philip's Christian College functions.

**Section D – Infrastructure (Local, State and Commonwealth)**

**Q11. Is there adequate public infrastructure for the planning proposal?**

There is adequate public infrastructure. The planning proposal does not facilitate any works that are not already permissible. The change in classification will not necessitate additional public infrastructure.

**Section E – State and Commonwealth Interests**

**Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

The planning proposal was referred to the Rural Fire Service and the Biodiversity and Conservation Division of the NSW Department of Planning and Environment for preliminary consultation with no objections received.

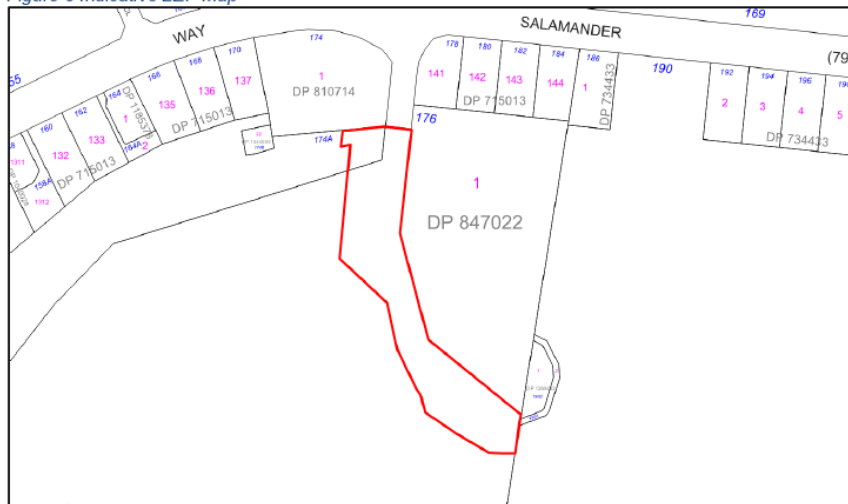
Further formal consultation with the Rural Fire Service was undertaken consistent with the Gateway determination and no objection to the planning proposal was received.

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**PART 4 – Maps**

The proposed LEP map layer amendment is: 6400\_COM\_RPL\_005B\_[XXX\_XXXXXXXX]. The map will identify the part of the land subject to the planning proposal as Operational Land as indicated in the following figure:

Figure 6 Indicative LEP Map



**PART 5 – Community consultation**

Community consultation was undertaken in accordance with the Gateway determination.

The planning proposal was placed on public exhibition from 14 December 2022 to 1 February 2023.

The planning proposal was made available on the Port Stephens Council website and the NSW Department of Planning and Environment website.

No submissions were received during public exhibition.

An independently chaired public hearing was held on 2 March 2023 at the Tomaree Library and Community Centre. 1 person attended. No objection to the planning proposal was raised. The independent chairperson provided a report on the public hearing, which was made available on Council's website.

**ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL 100 AND 174A SALAMANDER WAY SALAMANDER BAY.****PART 6 – Project timeline**

The following timeline is proposed for the planning proposal:

| Stage   | Timeframe and/or date               |
|---|-------------------------------------|
| Consideration by council                                | August 2022                         |
| Council decision  | 13 September 2022                   |
| Gateway determination                                   | 17 November 2022                    |
| Pre-exhibition  | November 2022                       |
| Commencement and completion of public exhibition period | 14 December 2022 to 1 February 2023 |
| Public hearing  | 2 March 2023                        |
| Consideration of submissions                            | March 2023                          |
| Post-exhibition review and additional studies           | April - May 2023                    |
| Submission to the Department for finalisation           | May 2023                            |
| Gazettal of LEP amendment                               | July 2023                           |

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**Attachment 1 – Response to Planning Practice Note PN 16-001 – Classification and reclassification of public land through a local environmental plan**

All planning proposals classifying or reclassifying public land must address the following matters for Gateway consideration.

| Item   | Comment  |
|--|--|
| The current and proposed classification of the land.   | The subject land is currently classified as Community Land and is proposed to be reclassified to Operational Land under the provisions of the Local Government Act 1993 (NSW) (LG Act).  |
| Whether the land is a 'public reserve' (defined in the LG Act).                              | The land is not a public reserve as per the meaning of public reserve defined in the LG Act.   |
| The strategic and site-specific merits of the reclassification and evidence to support this. | <p>The proposed reclassification of the subject land from Community Land to Operational Land has significant strategic merit, as it is consistent with the SP2 Infrastructure (School/Child care centre) land use zone, regional and local planning strategies, and the existing development on the site.</p> <p>The proposed reclassification of the land is limited and would reflect the existing use and infrastructure developed on the land. There is strong site-specific merit for the proposal.</p> |
| Whether the planning proposal is the result of a strategic study or report.                  | The proposed reclassification is not the result of a strategic study or report, but does reflect Council's long-term intension to divest the land to the adjoining school, as reflected by the issuing of development consent for support infrastructure.  |

**ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL 100 AND 174A SALAMANDER WAY SALAMANDER BAY.**

|   |   |
|---|---|
| <p>Whether the planning proposal is consistent with council's community plan or other local strategic plans.</p>  | <p>The proposed reclassification is consistent with the Port Stephens Local Strategic Planning Statement (LSPS), as it will contribute to the retention of open space within the school's ownership, allowing for long term asset planning for healthy, active spaces for young people in accordance with Planning Priority 10 'Create people friendly spaces in our local centres where people can come together'.</p> <p>The proposed reclassification is also consistent with Port Stephens Community Strategic Plan (CSP), through its facilitation of St Philip's intended purchase of the land, contributing to the school's ability to continue deliver education services to the region in accordance with the CSP's intention to foster creative and active communities.</p> |
| <p>A summary of council's interests in the land, including:</p> <ul style="list-style-type: none"> <li>- how and when the land was first acquired (e.g., was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution);</li> <li>- if council does not own the land, the land owner's consent;</li> <li>- the nature of any trusts, dedications etc.</li> </ul> | <p>The land is owned by Port Stephens Council.</p> <p>The land was first acquired by Council as part of a much larger land holding purchased by Council in the 1950s from the Commonwealth Government. Over the past 50 years, Council has subdivided and developed this original land holding to generate funds to support Council to offer its services to the local community.</p> <p>The land was classified as Community Land in 1993 when the LG Act 1993 was enacted. At this time Council did not classify all land they owned, and the land defaulted to Community Land. However, it has been Council's intention to develop/sell the site, indicating Councils intention to dispose of this land rather than retain it for community purposes.</p>                          |
| <p>Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why.</p>  | <p>There are a number of interests on the land, all of which are to be retained, being for access, water and sewer easements.</p>   |

**ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL 100 AND 174A SALAMANDER WAY SALAMANDER BAY.**

|  |   |
|--|---|
| <p>The effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged).</p>   | <p>The land is currently subject of a long-term licence agreement and has been developed for the purposes of a car park with associated drainage and a sports field. It is currently not available for public open space.</p>   |
| <p>Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g., electronic title searches, notice in a Government Gazette, trust documents).</p>   | <p>The Certificates of Title for Lots 21 and 23 DP 1044009 confirm the owner of the land as being Port Stephens Council, but do not indicate that the land is a public reserve.</p>   |
| <p>Current use(s) of the land, and whether uses are authorised or unauthorised.</p>  | <p>The part of the land subject to the planning proposal is currently used for car parking, associated drainage and part of the school sports field.</p> <p>Development Application 16-2016-770-1 was approved in June 2017 to permit the construction of a car park and playground extension.</p> <p>The car park was completed in 2019 for the benefit of the school.</p> |
| <p>Current or proposed lease or agreements applying to the land, together with their duration, terms, and controls.</p>  | <p>A licence agreement was issued by Council in July 2016 for a 21-year period for the 'Construction and maintenance of an area for car parking and playing fields'.</p> <p>The licence and Development Application 16-2016-770-1 apply to the school site as well as the Council-owned subject site.</p>   |
| <p>Current or proposed business dealings (e.g., agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time).</p> | <p>Council's intention is to commence commercial negotiations with St Philip's Education Foundation Pty Ltd, immediately following the reclassification of the land, with the intent to agree on the acquisition and transfer of the land.</p>  |
| <p>Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy).</p>  | <p>The planning proposal is not associated with a rezoning. The existing zoning of SP2 Infrastructure (School/Child care centre) is appropriate for the current and future proposed use.</p>  |



**ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL 100 AND 174A SALAMANDER WAY SALAMANDER BAY.**

|   |   |
|---|---|
| <p>How council may or will benefit financially, and how these funds will be used.</p>   | <p>The reclassification will facilitate the excise of the land from the balance of the lot and the acquisition of this land by the school.</p> <p>As per Council's resolution of On 28 September 2021, the proposed reclassification process is being undertaken by the proponent at no cost to Port Stephens Council.</p>                                  |
| <p>How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal.</p>              | <p>Not considered to be relevant in this instance. The reclassification is to facilitate an existing use of the site which supports the operation of the school on the adjoining lot, and is subject to a 20 year plus lease for car parking and playing fields. There is no intention to create public open space within this subject portion of land.</p> |
| <p>A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot.</p> | <p>Indicative part lot mapping is shown in Part 4 Maps of this planning proposal. An indicative LEP map is at Figure 6 Indicative LEP Map.</p>  |
| <p>Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.</p>   | <p>The site formed part of a larger lot in 1950 when Council acquired the land from the Commonwealth in 1950.</p>   |

ITEM 1 - ATTACHMENT 2 REPORT ON PUBLIC HEARING 100 AND 174A SALAMANDER WAY SALAMANDER BAY.



3<sup>rd</sup> March 2023

**OUR REF: 223080-L001001**  
**PSC REF: 58-2022-4-1**

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

Attention: Matthew Borsato, Senior Strategic Planner

Dear Matthew,

**RE: REPORT ON THE PUBLIC HEARING INTO THE RECLASSIFICATION OF PARTS OF LOTS 21 & 23 DP 1044009, 100 & 174A SALAMANDER WAY, SALAMANDER BAY**

The Public Hearing was undertaken at the Tomaree Library and Community Centre on Thursday 2<sup>nd</sup> March 2023 at 6:00pm.

One (1) member of the general public attended.

The Public Hearing was chaired by Bob Lander, Director, Tattersall Lander Pty Ltd with staff from Tattersall Lander recording attendees and the presentation. Permission for the recording of the meeting was obtained from the attendee and this recording provides details of the questions raised, as indicated below. The Presentation commenced at 6:06pm.

Also in attendance was Mr Matthew Borsato, Senior Strategic Planner, Port Stephens Council.

The presentation was a PowerPoint presentation, refer Attachment A.

With only one (1) attendee, questions were asked throughout the presentation and related to:-

*Question 1 – What is an SP2 zone.*

*Answer – SP2 Zones are an Infrastructure zone that are utilised to allow for, in this instance, the development of schools and associated development ie carparks, child care etc*

*Question 2 – Why does the Council need to reclassify the land.*

*Answer – At the moment the subject land is Community Land and it needs to be reclassified as Operational Land so that Council can deal commercially, if decided, with the St Philips Educational Foundation Pty Ltd for the sale of the subject land.*

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**Telephone:** (02) 4987 1500 **Fax:** (02) 4987 1733 **Email:** admin@taland.com.au

**ITEM 1 - ATTACHMENT 2 REPORT ON PUBLIC HEARING 100 AND 174A SALAMANDER WAY SALAMANDER BAY.**



*Question 3 – What is the timeframe for this proposal to be completed.*

*Answer – It is tentatively expected that Council may consider the matter in mid-April with a submission to the Department of Planning being undertaken in May and Gazettal of the Reclassification in July 2023. This timeframe is an estimate only.*

With no further questions, the Public Hearing was closed at 6:21pm.

Should you require any further information or have any questions, please do not hesitate to contact this office.

Kind regards  
**TATTERSALL LANDER PTY LTD**



**Bob Lander**  
**Director**

Encl

**ITEM 1 - ATTACHMENT 2 REPORT ON PUBLIC HEARING 100 AND 174A  
SALAMANDER WAY SALAMANDER BAY.**



Attachment A – Copy of Public Hearing Presentation Slides

**Reclassification of Community Land  
Parts of Lot 100 and 174A Salamander  
Way Salamander Bay**

**Owner: Port Stephens Council**

**Public Meeting Chair: Bob Lander**

**Director, Tattersall Lander Pty Ltd**

**Public Hearing: Thursday 2 March 2023**

**Venue: Tomaree Library and Community Centre**

**7 Community Close, Salamander Bay**

# Reclassification of Community land

## Introduction for this Meeting

- 1.To provide information about the proposed reclassification of Community Land to Operational Land and the associated planning process; and
- 2.To provide an opportunity for public input into finalisation of planning documents prior to lodgement with the Department of Planning & Environment; and
- 3.To provide a Community forum to ask questions about the proposed reclassification process; and
- 4.To provide an opportunity to have the Community raise issues in a independent forum.

## Role of Tattersall Lander Pty Ltd

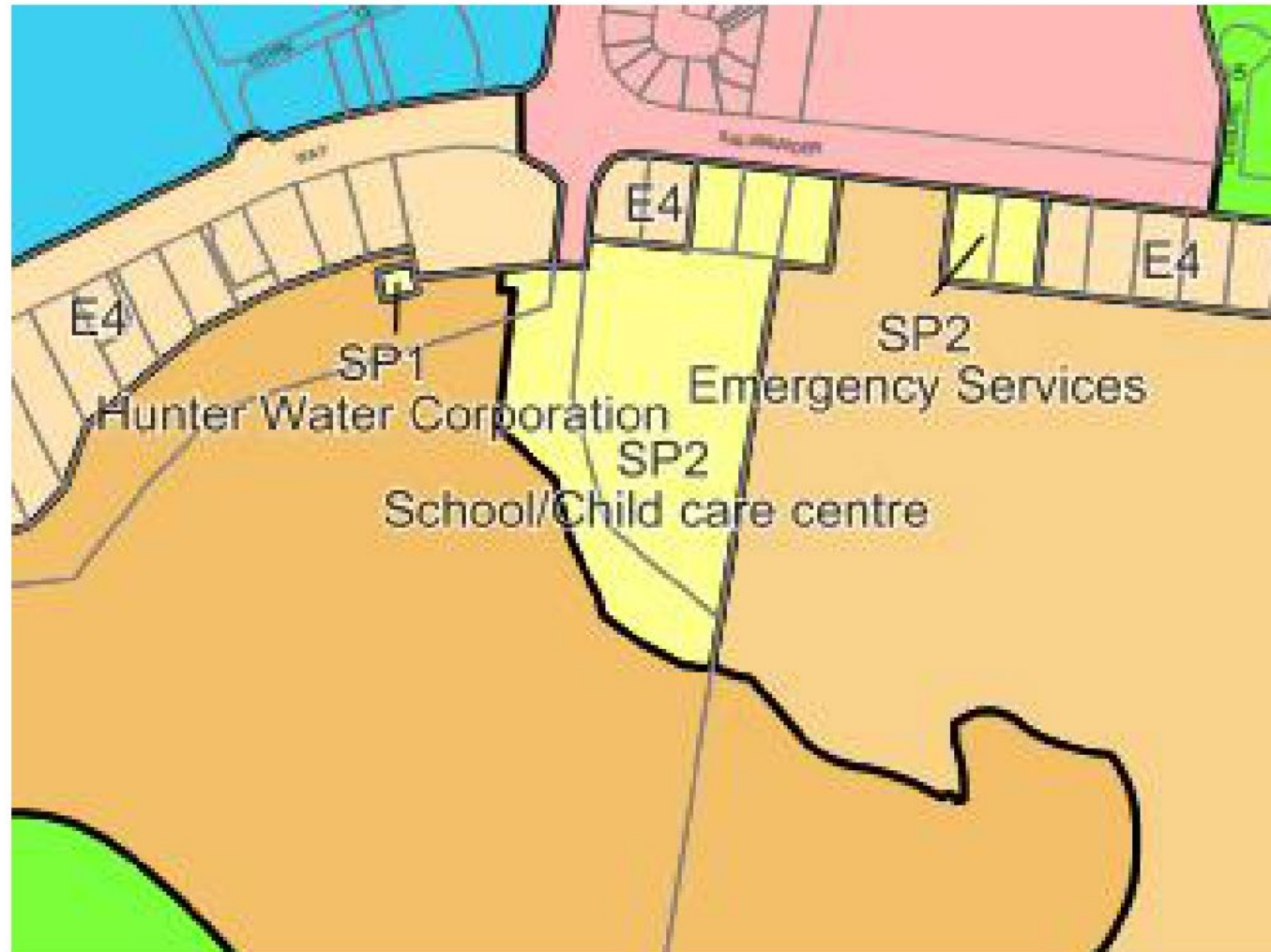
- Chair this Public Forum as part of the Department of Planning and Environment's requirements for Community consultation via a public hearing.
- Independent external consultant that is not a proponent for the reclassification process.
- Provide an Overview of the Planning Proposal.
- Provide an independent report to Council on this public hearing

# Site Plan





## Current Zoning – SP2



# Overview

Proposal to reclassify parts of Lots 100 and 174A Salamander Way to Operational Land from the current classification of Community Land.

Current zoning of the land is in part:-

- C2 Environmental Conservation
- RE1 Public Recreation
- SP2 Infrastructure (School/Child Care Centre)

Only the current developed parts of land are the subject of the reclassification process and these lands are only zoned SP2.

## Overview

Existing footprint is as per the site plan. The existing use by St Philip's Christian College Port Stephens is as a Carpark and Playground Extension and was approved under DA 16-2016-770-1 in June 2017.

A licence was issued by Council in July 2016 to allow the School to undertake the development.

Council intention is to commence commercial negotiations with St Philip's Education Foundation Pty Ltd if the land is reclassified and may sell the land.

# Reclassification of Community Land Parts of Lot 100 and 174A Salamander Way Salamander Way

## Questions from the Community?

Reclassification of Community Land  
Parts of Lot 100 and 174A Salamander  
Way Salamander Bay

**Where to from now**

Consideration of submissions/ issues  
raised

Post exhibitions report to Council

Submission to Department for  
finalisation of reclassification process

ITEM 1 - ATTACHMENT 3 LOCALITY PLAN 100 AND 174A SALAMANDER WAY SALAMANDER BAY.



**MINUTES ORDINARY COUNCIL - 28 SEPTEMBER 2021**

ITEM NO. 7

FILE NO: 21/108986  
EDRMS NO: PSC2021-00699-002**RECLASSIFICATION OF A PORTION OF COUNCIL OWNED LANDS AT 100 AND 174A SALAMANDER WAY, SALAMANDER BAY**REPORT OF: TIMOTHY CROSDALE - GROUP MANAGER CORPORATE SERVICES  
GROUP: CORPORATE SERVICES**RECOMMENDATION IS THAT COUNCIL:**

- 1) Commence the land reclassification process of a portion of 100 and 174A Salamander Way, Salamander Bay.

**ORDINARY COUNCIL MEETING - 28 SEPTEMBER 2021  
MOTION**

|            |  |
|------------|--|
| <b>249</b> | <b>Councillor Ken Jordan<br/>Councillor Paul Le Mottee</b><br><br>It was resolved that Council commence the land reclassification process of a portion of 100 and 174A Salamander Way, Salamander Bay. |
|------------|--|

The motion was carried.

**BACKGROUND**

The purpose of this report is to authorise St Phillips Christian College (the applicant) to make an application to reclassify a portion of each of the following Council owned lands:

- Part Lot 21 DP 1044009, 100 Salamander Way, Salamander Bay
- Part Lot 23 DP 1044009, 174A Salamander Way, Salamander Bay

The lands are illustrated in **(ATTACHMENT 1)** and are currently occupied by the applicant under a license arrangement issued in 2016 for a 21 year period for the purpose of 'Construction and maintenance of an area for car parking and playing fields'. The development application authorising the construction of the car park and playground extension was approved in 2017 and construction was completed in 2019. The carpark and playing fields form part of the applicant's school and are part constructed on the applicant's freehold land and part on the Council owned lands.

**MINUTES ORDINARY COUNCIL - 28 SEPTEMBER 2021**

The applicant would like to purchase the subject Council owned lands which are classified Community land under the Local Government Act 1993. Community lands cannot be sold and a reclassification from Community to Operational is required to enable the sale.

The applicant will apply directly to Council as consent authority for the reclassification planning proposal, and that application will be separately determined by Council. Likewise the request to purchase the lands will be determined separately by Council if reclassification is successful and if not, the status quo will be maintained.

**COMMUNITY STRATEGIC PLAN**

| <b>Strategic Direction</b>      | <b>Delivery Program 2018-2022</b>  |
|---------------------------------|--|
| Thriving and Safe Place to Live | Provide land use plans, tools and advice that sustainably support the community. |

**FINANCIAL/RESOURCE IMPLICATIONS**

The applicant will engage an independent consultant, at its cost, to prepare all documentation required to support the reclassification planning proposal.

| <b>Source of Funds</b>           | <b>Yes/No</b> | <b>Funding (\$)</b> | <b>Comment</b>   |
|----------------------------------|---------------|---------------------|--|
| Existing budget                  | No            |                     | Not required. All costs associated with reclassification will be met by the applicant. |
| Reserve Funds                    | No            |                     |  |
| Developer Contributions (\$7.11) | No            |                     |  |
| External Grants                  | No            |                     |  |
| Other                            | No            |                     |  |

**LEGAL, POLICY AND RISK IMPLICATIONS**

The proposed reclassification is provided for by the Local Government Act 1993 and governed by the Environmental Planning and Assessment Act 1979. The reclassification process will be managed by Strategic Planning.

Council's policy requires a resolution of Council authorising the reclassification before commencing the process for Council land.



**MINUTES ORDINARY COUNCIL - 28 SEPTEMBER 2021**

| <b>Risk</b>  | <b><a href="#">Risk Ranking</a></b> | <b>Proposed Treatments</b> | <b>Within Existing Resources?</b> |
|--|-------------------------------------|----------------------------|-----------------------------------|
| There is a risk that the potential purchasers may seek to remove their financial offers. | Medium                              | Adopt the recommendation.  | Yes                               |

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are no environmental implications associated with the proposal as the subject lands are developed.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Strategic Property team.

Internal

- Principal Property Planner
- Strategic Property Coordinator
- Strategic Planning Coordinator
- Strategic Planner

External

- St Phillip's Christian College

**OPTIONS**

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

**ATTACHMENTS**

- 1) Footprint of future land classification planning proposal.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**MINUTES ORDINARY COUNCIL - 13 SEPTEMBER 2022**

ITEM NO. 6

FILE NO: 22/210262  
EDRMS NO: 58-2022-4-1**PLANNING PROPOSAL FOR PART OF 100 AND 174A SALAMANDER WAY,  
SALAMANDER BAY**REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the planning proposal (**ATTACHMENT 1**) to amend the Port Stephens Local Environmental Plan 2013 to reclassify part of 100 and 174A Salamander Way, Salamander Bay (part of Lots 21 and 23 DP 1044009) from community to operational land.
- 2) Forward the planning proposal to the NSW Department of Planning and Environment for a Gateway determination and request authority to make the plan.

**ORDINARY COUNCIL MEETING - 13 SEPTEMBER 2022  
MOTION**

|            |  |
|------------|--|
| <b>243</b> | <b>Councillor Jason Wells</b><br><b>Councillor Leah Anderson</b><br><br>It was resolve that Council:<br><br><ol style="list-style-type: none"><li>1) Adopt the planning proposal (<b>ATTACHMENT 1</b>) to amend the Port Stephens Local Environmental Plan 2013 to reclassify part of 100 and 174A Salamander Way, Salamander Bay (part of Lots 21 and 23 DP 1044009) from community to operational land.</li><li>2) Forward the planning proposal to the NSW Department of Planning and Environment for a Gateway determination and request authority to make the plan.</li></ol> |
|------------|--|

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

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

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**PORT STEPHENS COUNCIL**

71

**MINUTES ORDINARY COUNCIL - 13 SEPTEMBER 2022****BACKGROUND**

The purpose of this report is to recommend that Council adopt a planning proposal (**ATTACHMENT 1**) to amend the Port Stephens Local Environmental Plan 2013 (LEP) to reclassify part of 100 and 174A Salamander Way, Salamander Bay (part of Lots 21 and 23 DP 1044009) (**ATTACHMENT 2**) from community to operational land. A Strategic Planning Assessment Report is included at (**ATTACHMENT 3**).

A planning proposal to amend LEP Schedule 4 Classification and reclassification of public land is the appropriate mechanism to consider the reclassification of the subject land. The NSW Department of Planning and Environment (Department) has additional requirements that must be addressed in the justification of planning proposals that seek to reclassify public land. These requirements are set out in NSW LEP Practice Note PN 16-001 Classification and reclassification of public land through a local environmental plan. They include additional information on Council's interests in the land and a requirement for an independently chaired public hearing following public exhibition.

Council previously resolved as landowner on 28 September 2021 to commence the reclassification process for the subject land and authorise St Philip's Christian College to lodge a planning proposal for consideration by Council.

The planning proposal (**ATTACHMENT 1**) has subsequently been lodged by Barr Property and Planning Pty Ltd (for St Philip's Christian College) in the NSW Planning Portal for consideration by Council. If the planning proposal is adopted, a Gateway determination will be sought from the Department. If the planning proposal proceeds, it will be subject to the community consultation process, including public exhibition and an independently chaired public hearing. A post-exhibition report will be prepared for consideration by Council.

The subject land is currently occupied by St Philip's Christian College under a licence arrangement issued in 2016 for a 21 year period for the purpose of 'construction and maintenance of an area for car parking and playing fields'. The development application authorising the construction of the car park and playground extension was approved in 2017 and construction was completed in 2019. The car park and playing fields form part of the school.

To facilitate any potential sale of the land, reclassification to operational land under the Local Government Act 1993 is required.

A summary of the planning proposal is set out below:

|               |  |
|---------------|--|
| Date lodged:  | 6 July 2022  |
| Proponent:    | Barr Property and Planning Pty Ltd (for St Philip's Christian College) |
| Subject land: | Part of 100 Salamander Way, Salamander Bay (part of Lot 21 DP 1044009) |

**MINUTES ORDINARY COUNCIL - 13 SEPTEMBER 2022**

|                          |   |
|--------------------------|---|
|                          | Part of 174A Salamander Way, Salamander Bay (part of Lot 23 DP 1044009) |
| Subject land area:       | 1.3 hectares (approximate)  |
| Current classification:  | Community land  |
| Proposed classification: | Operational land  |
| Zoning (to be retained): | SP2 Infrastructure (School/Child care centre)                           |

Purpose of the amendment

The purpose of the planning proposal is to amend LEP Schedule 4 Classification and reclassification of public land for the subject land from community to operational land. Reclassification will enable commencement of negotiations to sell the subject land as outlined in the planning proposal (**ATTACHMENT 1**).

Existing and surrounding uses

The subject land has an area of 1.3 hectares. It is currently occupied by St Philip's Christian College for use as a car park and extension of its playing fields under a 21 year license with Council.

Suitability of the subject land

The subject land proposed for reclassification is already developed and suitably zoned SP2 Infrastructure (School/Child care centre) consistent with its current use. It is suitable for reclassification from community to operational land, subject to the planning proposal process including community consultation and an independently chaired public hearing.

**COMMUNITY STRATEGIC PLAN**

| <b>Strategic Direction</b>      | <b>Delivery Program 2022-2026</b>  |
|---------------------------------|--|
| Thriving and Safe Place to Live | Provide land use plans, tools and advice that sustainably support the community. |

**FINANCIAL/RESOURCE IMPLICATIONS**

There are potential positive financial implications for Council as a result of the planning proposal. Reclassification of the subject land would enable long term tenure of the site.

The proponent has engaged an independent consultant, at their cost, to prepare and lodge the planning proposal.

| <b>Source of Funds</b> | <b>Yes/No</b> | <b>Funding (\$)</b> | <b>Comment</b>                |
|------------------------|---------------|---------------------|-------------------------------|
| Existing budget        | Yes           | 6,300               | Stage 1 planning proposal fee |

**MINUTES ORDINARY COUNCIL - 13 SEPTEMBER 2022**

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

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

| Risk  | Risk Ranking | Proposed Treatments  | Within Existing Resources? |
|---|--------------|--|----------------------------|
| There is a risk that parts of the community may not support the reclassification of the subject land. | Low          | Undertake community consultation consistent with the planning proposal process for the reclassification of community land, including an independently chaired public hearing following exhibition. | Yes                        |

Environmental Planning and Assessment Act 1979 (NSW)

The planning proposal is being processed in accordance with Part 3 of the Environmental Planning and Assessment Act 1979 (NSW) (EP & A Act). Should Council resolve to adopt the planning proposal, it would be forwarded to the NSW Department of Planning and Environment (Department) for a Gateway determination and a request for delegated authority to make the plan.

Port Stephens Local Environmental Plan 2013

The planning proposal seeks to amend Port Stephens Local Environmental Plan 2013 (LEP) Schedule 4 Classification and reclassification of public land and the accompanying LEP Reclassification Map to identify the subject land as operational.

The subject land proposed for reclassification would retain its current zoning of SP2 Infrastructure (School/Child care centre). The objectives of this zone are:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

**MINUTES ORDINARY COUNCIL - 13 SEPTEMBER 2022**

The existing development and use of the land is consistent with these objectives.

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The planning proposal has positive social and economic impacts. The subject land is currently used for the purpose of a car park and playing field and reclassification will secure ongoing tenure of the site for this purpose. There are no environmental implications from the planning proposal.

**CONSULTATION**

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

Internal

No objections were raised during internal consultation.

External

Consultation with the community and any relevant government authorities would be undertaken in accordance with any Gateway determination issued by the Department.

It is anticipated that the planning proposal would be exhibited for a minimum of 28 days.

A public hearing, chaired independently and at full cost to the proponent, would be held following public exhibition of the planning proposal, consistent with the planning proposal process for the reclassification of community land.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Planning Proposal 100 and 174A Salamander Way, Salamander Bay.
- 2) Locality Plan 100 and 174A Salamander Way, Salamander Bay.
- 3) Strategic Planning Assessment Report 100 and 174A Salamander Way, Salamander Bay.

**COUNCILLORS ROOM**

Nil.

**MINUTES ORDINARY COUNCIL - 13 SEPTEMBER 2022**

**TABLED DOCUMENTS**

Nil.

**ORDINARY COUNCIL MEETING - 9 MAY 2023  
MOTION**

|            |   |
|------------|---|
| <b>005</b> | <b>Councillor Peter Kafer<br/>Councillor Peter Francis</b><br><br>It was resolved that Council adopt the recommendations of Items 2, 5 and 6 by multiple item adoption. |
|------------|---|

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.



**ITEM NO. 2**

**FILE NO: 23/55218  
EDRMS NO: PSC2014-01592**

**ABORIGINAL PROJECTS FUND - 2022-2023**

REPORT OF: JANELLE GARDNER - COMMUNICATIONS SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorses the allocation of Aboriginal Project Funding to the amount of:
  - a) \$3,712 to Seaham Pre-school for Connecting to Culture program.
  - b) \$6,000 to Anna Bay Public School for Supportive Safe Space for Aboriginal students.
  - c) \$6,000 to Midnight Dreaming Studio for Midnight Dreaming Creative Showcase.
  - d) \$6,000 to Capital Chemist Raymond Terrace for Aboriginal Artwork project.
  - e) \$5,000 to Salamander Child Care Centre for their Wayapa program.

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**ORDINARY COUNCIL MEETING - 9 MAY 2023  
MOTION**

|            |  |
|------------|--|
| <b>110</b> | <p><b>Councillor Peter Kafer<br/>Councillor Peter Francis</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorses the allocation of Aboriginal Project Funding to the amount of:<ol style="list-style-type: none"><li>a) \$3,712 to Seaham Pre-school for Connecting to Culture program.</li><li>b) \$6,000 to Anna Bay Public School for Supportive Safe Space for Aboriginal students.</li><li>c) \$6,000 to Midnight Dreaming Studio for Midnight Dreaming Creative Showcase.</li><li>d) \$6,000 to Capital Chemist Raymond Terrace for Aboriginal Artwork project.</li><li>e) \$5,000 to Salamander Child Care Centre for their Wayapa program.</li></ol></li></ol> |
|------------|--|

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**BACKGROUND**

The purpose of this report is to seek Council's endorsement for the allocation of funding from the Aboriginal Projects Fund for 5 projects as recommended by Council's 355c Aboriginal Strategic Committee.

The purpose of the Aboriginal Projects Fund is to support projects that empower the Aboriginal community in Port Stephens through the delivery of programs, events and other activities.

Applications for the 2022–2023 round of funding are open all year round. The total amount of annual funding available is \$35,000.

The applications were assessed and endorsed at the Aboriginal Strategic Committee meeting on 22 March 2023.

**TOTAL AMOUNT RECOMMENDED: \$26,712**

The proposed projects meets the objectives of the fund as outlined below:

| <b>Organisation name</b> | <b>Project Name</b>                           | <b>Project description</b>  | <b>Amount requested</b> | <b>Amount recommended</b> |
|--------------------------|---|---|-------------------------|---------------------------|
| Seaham Pre-school        | Connecting to Culture                         | The project aims to increase the children's, families and educators' knowledge and understanding of Worimi culture through learning sessions with Murrook Culture Centre. The sessions will share with dance, language, art, song, traditions, food, culture and history. | \$3,712                 | \$3,712                   |
| Anna Bay Public School   | Supportive safe space for Aboriginal students | In partnership with Aboriginal students and families, the project aims to transform a designated room into an environment that connects students to culture and provides a safe space where children feel their   | \$6,000                 | \$6,000                   |

**MINUTES ORDINARY COUNCIL - 9 MAY 2023**

| <b>Organisation name</b>        | <b>Project Name</b>                  | <b>Project description</b>   | <b>Amount requested</b> | <b>Amount recommended</b> |
|---------------------------------|--------------------------------------|--|-------------------------|---------------------------|
|                                 |                                      | cultural identity is supported. The space will create a welcoming environment for community and their cultural group to meet with cultural educators.  |                         |                           |
| Midnight Dreaming Studio        | Midnight Dreaming Creative Showcase  | This project will help the Aboriginal Community through providing digital resources to keep culture alive and strong through song lines, stories, dance, art and products. The project will include working with a wide range of students in the Midnight Dreaming Studio dance and school program building sustainable Aboriginal dance programs into schools. The project will fund the purchase of an iPad Pro and a professional digital camcorder to allow the creation of digital cultural pieces. | \$6,000                 | \$6,000                   |
| Capital Chemist Raymond Terrace | Aboriginal artwork for shop entrance | Capital Chemist Raymond Terrace are working in partnership with Wahrenonga Aboriginal Corporation and Awabakal Medical Service to deliver a health program where visiting Allied Health services utilise the chemist's consulting rooms free of charge. This project will fund   | \$6,000                 | \$6,000                   |

**MINUTES ORDINARY COUNCIL - 9 MAY 2023**

| <b>Organisation name</b>    | <b>Project Name</b> | <b>Project description</b>  | <b>Amount requested</b> | <b>Amount recommended</b> |
|-----------------------------|---------------------|---|-------------------------|---------------------------|
|                             |                     | the creation of Aboriginal artwork at the entrance to create a safe and welcoming cultural space for Aboriginal clients.  |                         |                           |
| Salamander Childcare Centre | Wayapa Program      | The project proposes to engage the services of Sarah Corrigan from Rainbow Crow Cultural Collective to run weekly sessions with multiple groups of children at the centre. The Wayapa Program focusses on connecting children to Country through movement, stories and walks. The program will also focus on the wellbeing of all children. | \$5,000                 | \$5,000                   |

**COMMUNITY STRATEGIC PLAN**

| <b>Strategic Direction</b>          | <b>Delivery Program 2022-2026</b>  |
|-------------------------------------|--|
| Recognised traditions and lifestyle | Implement the Yabang Gumba-Gu Agreement to recognise and support local Aboriginal and Torres Strait Islander people. |

**FINANCIAL/RESOURCE IMPLICATIONS**

| <b>Source of Funds</b>           | <b>Yes/No</b> | <b>Funding (\$)</b> | <b>Comment</b>           |
|----------------------------------|---------------|---------------------|--------------------------|
| Existing budget                  | Yes           | \$26,712            | Aboriginal Projects Fund |
| Reserve Funds                    | No            |                     |                          |
| Developer Contributions (\$7.11) | No            |                     |                          |
| External Grants                  | No            |                     |                          |
| Other                            | No            |                     |                          |

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no foreseen legal, policy or risk implications.

The recommendations have been made in accordance with the Local Government Act 1993 (NSW) (s356) and Council's adopted Grants and Donations Policy. The recommendations for funding also align with Council's relevant Fund Guidelines.

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.

| <b>Risk</b>  | <b><a href="#">Risk Ranking</a></b> | <b>Proposed Treatments</b>   | <b>Within Existing Resources?</b> |
|--|-------------------------------------|--|-----------------------------------|
| There is a risk of adverse public perception regarding projects that are funded.   | Low                                 | Accept the recommendation.   | Yes                               |
| There is a risk that some grant recipients may fail to comply with the required terms of funding, reporting and acquittal processes. | Low                                 | Accept the recommendation.<br><br>Council staff implement the reporting and acquittal process. | Yes                               |

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The Aboriginal Projects Fund directly supports organisations and groups involved in programs to empower the Aboriginal community and raise their profile. The proposed projects aim to achieve this through the facilitation of:

- Partnerships and collaboration with the providers of Cultural awareness and education training providers, Aboriginal young people, families and children.
- Employment of Aboriginal artists and creation of spaces that consolidate safe learning.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Vibrant Places team with the aim of promoting the funding opportunity, and explaining the guidelines and objectives of the Aboriginal Projects Fund.

Internal

Internal meetings with Council staff responsible for the administration of the financial assistance programs were held.

The application was assessed by Council's 355c Aboriginal Strategic Committee on 22 March 2023.

External

Council promotes the funding opportunity widely through social media, Council's website and notices appeared in Council pages of the Port Stephens Examiner.

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 3**

**FILE NO: 23/90056**  
**EDRMS NO: PSC2023-01499**

**ENVIRONMENTAL ADVISORY GROUP**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorses the Environmental Advisory Group Terms of Reference **(ATTACHMENT 1)**.
- 2) Nominates 2 Councillors as representatives on the Environmental Advisory Group (Chair and Alternate).

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**ORDINARY COUNCIL MEETING - 9 MAY 2023**  
**MOTION**

|            |   |
|------------|---|
| <b>006</b> | <p><b>Councillor Leah Anderson</b><br/><b>Councillor Peter Kafer</b></p> <p>It was resolve that Council:</p> <ol style="list-style-type: none"><li>1) Endorses the Environmental Advisory Group Terms of Reference <b>(ATTACHMENT 1)</b> subject to the following amendments:<ol style="list-style-type: none"><li>a) Amend item 3.1 to read 'To provide community representation for consultation, advice and advocacy on environmental matters, including biodiversity, climate change and sustainability, in Port Stephens.'</li><li>b) Add item 10.3.4 to read 'The agenda and minutes will be made available on Council's website.'</li></ol></li><li>2) Nominates Cr Leah Anderson as Chair and Cr Peter Francis as the alternate delegate on the Environmental Advisory Group.</li></ol> |
|------------|---|

Councillor Peter Kafer left the meeting at 6:14pm.  
Councillor Peter Kafer returned to the meeting at 6:16pm.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**BACKGROUND**

The purpose of this report is to seek endorsement for the Environmental Advisory Group (the 'Group') Terms of Reference (ToR) (**ATTACHMENT 1**) and Expression of Interest brief. In addition, this report requests Council nominate a Councillor to act as Chairperson and a Councillor to act as a Group Member and alternate Chairperson for the Group.

At its meeting of 28 March 2023, Minute No. 071 (**ATTACHMENT 2**), Council resolved to request the General Manager to prepare a report on the establishment of the Group to provide community representation for consultation, advice and advocacy on Environmental matters.

The establishment of the Group would offer Council a regular forum for discussion, consultation, collaboration and advice provided by interested members of the Port Stephens community concerning environmental matters.

The ToR (**ATTACHMENT 1**) provides the framework for the Group to be established including the intended scope for the Group, the operations, term and processes relating to the membership of the Group.

**COMMUNITY STRATEGIC PLAN**

| <b>Strategic Direction</b> | <b>Delivery Program 2022-2026</b>   |
|----------------------------|---|
| Ecosystem function         | Develop and deliver a program for Council leading the way to a climate positive future and mitigating environmental risks |

**FINANCIAL/RESOURCE IMPLICATIONS**

The Group is intended to meet 4 times a year, for up to 2 hours. 2 Council Officers will undertake the administration of the Group and will attend the meetings along with nominated Councillors.

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



**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no known significant legal, policy or risk implications as a result of the recommendations.

| <b>Risk</b>  | <b><u>Risk Ranking</u></b> | <b>Proposed Treatments</b>   | <b>Within Existing Resources?</b> |
|--|----------------------------|--|-----------------------------------|
| There is a risk that if the Group is not established, community participation in the preservation of Port Stephens Environment is reduced.           | Medium                     | Accept the recommendation.   | Yes                               |
| There is a risk that Group membership could be misrepresentative of a diverse cross section of the community resulting in biased community outcomes. | Medium                     | Accept the recommendation.<br><br>The ToR includes membership requirements for the Group and outlines the selection process. | Yes                               |

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The protection and improvement of the environment is important to the Port Stephens community. This is evidenced through Council’s endorsed Community Strategic Plan (Our Environment – Port Stephens’ environment is clean, green, protected and enhanced) and Council’s Liveability Survey (the top scoring community priority – 71% of respondents placing a high care factor on the natural environment).

The establishment of the group would offer Council a regular forum for discussion, consultation, collaboration and advice provided from interested members of the Port Stephens community.

**CONSULTATION**

The Natural Systems unit has undertaken consultation with key stakeholders, including the Executive Team and Councillors to develop the ToR for the Group.

**OPTIONS**

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

**ATTACHMENTS**

- 1) DRAFT Terms of Reference - Environmental Advisory Group.
- 2) 28 March 2023, Minute No. 071.

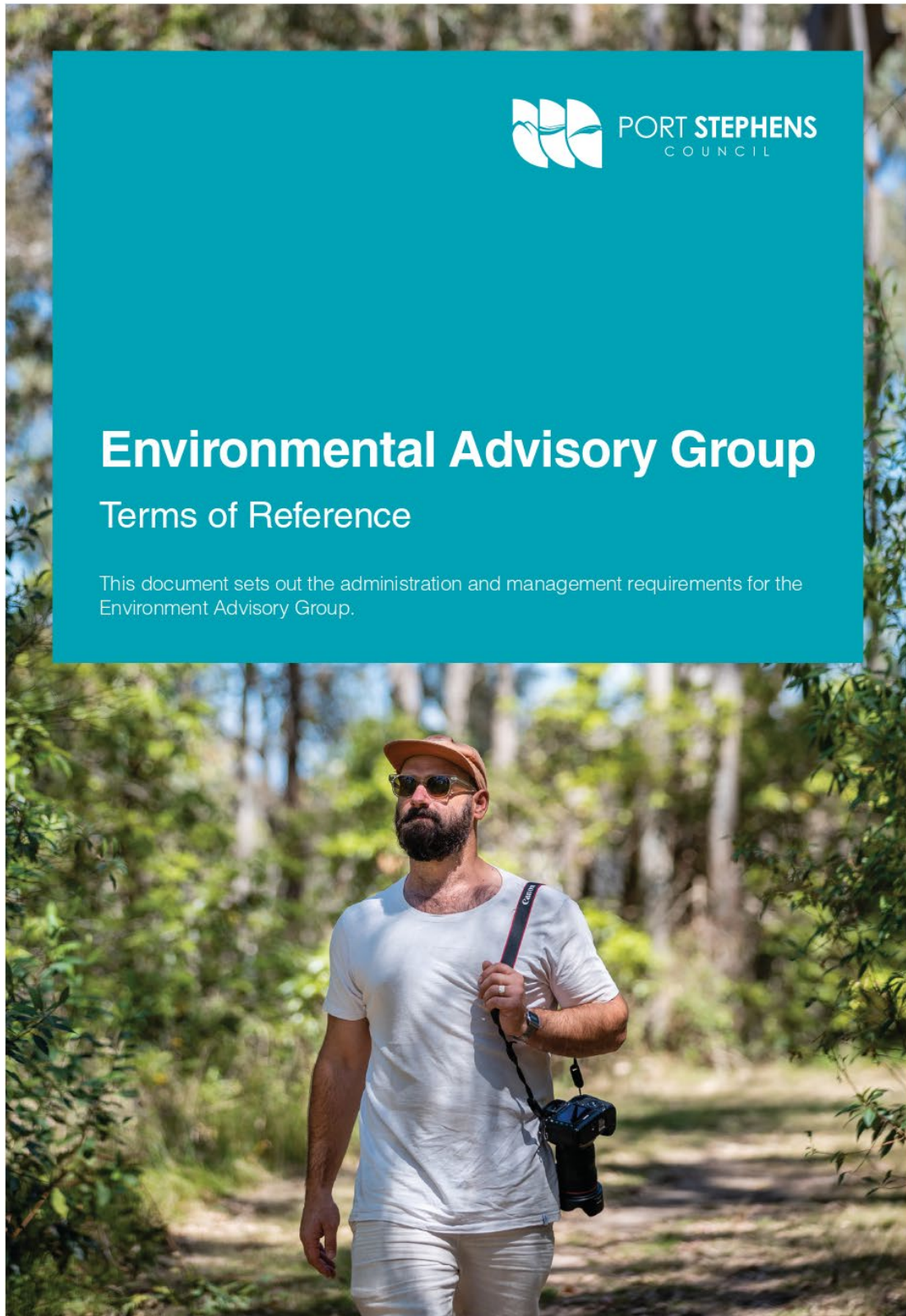
**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

ITEM 3 - ATTACHMENT 1 DRAFT TERMS OF REFERENCE - ENVIRONMENTAL ADVISORY GROUP.



**ITEM 3 - ATTACHMENT 1 DRAFT TERMS OF REFERENCE - ENVIRONMENTAL ADVISORY GROUP.**

Terms of Reference



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**ENVIRONMENTAL ADVISORY GROUP**

**1. PURPOSE:**

- 1.1 The purpose of the Port Stephens Environmental Advisory Group (the Group) is to provide community representation for consultation, advice and advocacy on environmental matters in Port Stephens.

**2. BACKGROUND:**

- 2.1 The Group has been established in accordance with a 2023 Council resolution. The Group offers Council a regular forum for discussion, consultation, collaboration and advice with interested members of the Port Stephens community concerning Environmental matters. The Group meets four (4) times throughout the year with an agenda prepared by Port Stephens Council.

**3. SCOPE AND LIMITATIONS:**

- 3.1 To provide community representation for consultation, advice and advocacy on environmental matters, including biodiversity and sustainability, in Port Stephens.
- 3.2 To share and preserve knowledge, network and build environmental understanding across Port Stephens.
- 3.3 To identify opportunities for community based environmental projects across Port Stephens.
- 3.4 To promote the importance of the environment within the community.
- 3.5 Council retains the responsibilities for planning matters in accordance with the Environmental Planning and Assessment Act 1979. It is therefore not the role of the Group to resolve environmental related issues associated with development or rezoning applications.
- 3.6 The Group is required to comply with the following policies and legislation:
- a) Local Government Act 1993
  - b) Work Health and Safety Act 2011
  - c) Privacy and Personal Information Protection Act 1998
  - d) State Records Act 1998
  - e) PSC Code of Conduct
  - f) PSC Access to Information Policy
  - g) PSC WHS Statement of Commitment

**ITEM 3 - ATTACHMENT 1 DRAFT TERMS OF REFERENCE - ENVIRONMENTAL ADVISORY GROUP.**

Terms of Reference



**4. DEFINITIONS:**

|                             |   |
|-----------------------------|---|
| Council                     | Port Stephens Council and the officers of Council.  |
| PSC                         | Port Stephens Council.  |
| The Group                   | Environmental Advisory Group.   |
| ToR                         | Terms of Reference.   |
| EOI                         | Expression of Interest.   |
| Established Community Group | A group that is currently active and located in the Port Stephens Local Government area with 10 or more registered members. |

**5. AUTHORITY:**

5.1 The Group is not a committee of Council in accordance with the NSW Local Government Act 1993. The Group provides support and advisory services and are not delegated functions of Council.

5.2 The Group does not:

- a) make decisions on behalf of Council;
- b) provide formal policy advice or recommendations to Council;
- c) expend moneys on behalf of Council;
- d) commit Council to any arrangement;
- e) consider any matter outside its specific reference;
- f) direct Council officers in the performance of their duties.

**6. TERM:**

6.1 The initial term of the Group will be until September of the next Council Election. Council are to re-adopt the ToR within three (3) months following the election.

**7. MEMBERSHIP:**

7.1 The Group will be chaired by a nominated Councillor Chairperson or the alternate Councillor, in their absence.

7.2 Port Stephens Council: four (4) representatives – two (2) Councillors, Strategy and Environment Section Manager, or their delegate, and an additional officer. The Mayor and any Councillors may attend any Group meeting.

7.3 Nominated representatives selected through an Expression of Interest (EOI) as described in the Community Group Member Selection Process below. Nominated representatives to include:

7.3.1 One (1) nominated representative from an established community group, or a delegate, in their absence. Up to ten (10) community groups to be represented.

**ITEM 3 - ATTACHMENT 1 DRAFT TERMS OF REFERENCE - ENVIRONMENTAL ADVISORY GROUP.**

Terms of Reference



- 7.3.2 Up to three (3) independent community representatives (not affiliated with an existing established community group).
- 7.4 Group members may resign at any time by advising of their resignation in writing to the Chairperson.
- 7.5 A Group member who is absent for more than two (2) consecutive meetings without leave or reasonable excuse, may be requested to explain their absence. If absenteeism of a member is ongoing, the Group may request Council to declare the position vacant.
- 7.6 In the event that a panel member resigns or position becomes vacant:
  - 7.6.1 The eligibility list (described below) will be utilised to replace the outgoing independent community representative.
  - 7.6.2 Established Community groups will reserve the right to nominate one (1) representative to replace the outgoing member.
  - 7.6.3 Council may appoint an independent community representative to fill the casual vacancy for the remainder of the term.
- 8. MEMBER SELECTION PROCESS:**
  - 8.1 One (1) nominated representative from up to ten (10) established community groups, and up to three (3) independent community representatives (not affiliated with an existing established community group) will be selected through an expression of interest (EOI).
  - 8.2 EOIs will be accepted in multiple formats including but not limited to:
    - a) written (electronic or handwritten);
    - b) video (including video recording of person using Auslan);
    - c) audio.
  - 8.3 An assessment panel of two (2) nominated Councillors and two (2) Council Officers will assess all applications and endorse group membership.
  - 8.4 Applicants are to nominate if they are representing an established community group and are to specify which group they are representing.
  - 8.5 Applicants must reside, work or study in the Port Stephens LGA and demonstrate they meet the below criteria:
    - a) have knowledge or skills and an active interest in environmental protection and enhancement within the Port Stephens LGA;
    - b) have a willingness to make an active contribution to discussions;
    - c) have a capacity to commit to the Group.

**ITEM 3 - ATTACHMENT 1 DRAFT TERMS OF REFERENCE - ENVIRONMENTAL ADVISORY GROUP.**

## Terms of Reference



In addition to the above, where an applicant seeks appointment as a representative of an established community group, an explanation of how the group aligns with the Environmental Advisory Group purpose as described above is required.

- 8.6 Offers of membership will be made to the applicants that most closely align with the selection criteria and which ensures the Group has a broad representation from across all three (3) Council wards. The unsuccessful applicants will be placed on an eligibility list for up to two (2) years.

### **9. ROLES AND RESPONSIBILITIES:**

- 9.1 The General Manager may refer any matter to the Group within the scope of its role and responsibilities.
- 9.2 Council reserve the right to revise or expand the responsibilities of the Group.
- 9.3 The responsibilities of the Group are described below. All roles are to adhere to Council's Code of Conduct. Conflict of interests must be managed in accordance with the Code of Conduct.
- 9.4 The Chairperson
- a) Manages Group meetings;
  - b) Ensures that the meeting agenda is followed and discussion remains focused on the matters being considered;
  - c) Ensures the Group endorses the minutes.
- 9.5 Group members
- a) Works collaboratively with all members of the Group to achieve its purpose;
  - b) Provides independent and constructive advice and feedback to Council;
  - c) Identifies opportunities for environmental advocacy;
  - d) Identifies opportunities for community based environmental projects across Port Stephens.
- 9.6 Council Secretariat
- a) Organises meeting dates, times and location;
  - b) Takes and distributes draft meeting minutes.
10. **ADMINISTRATION ARRANGEMENTS:**
- 10.1 Meeting practices and cycles
- 10.1.1 The Group shall hold ordinary meetings four (4) times in a calendar year and these shall be held in February, May, August and November. The meetings will run for up to two (2) hours.

**ITEM 3 - ATTACHMENT 1 DRAFT TERMS OF REFERENCE - ENVIRONMENTAL ADVISORY GROUP.**

## Terms of Reference



- 10.1.2 Meetings are to be held in Council's Administration Building, or other locations as determined by the Chairperson, and members may attend in person or over zoom.
- 10.2 Secretariat
  - 10.2.1 Council will provide a secretariat for the Group.
- 10.3 Agenda and minutes
  - 10.3.1 Any Group member may submit agenda items. The Chairperson, with the support of a Council officer, is responsible for finalising the agenda. The Chairperson will make the final decision on matters to be included.
  - 10.3.2 The Secretariat will ensure the agenda for each meeting are circulated to members in sufficient time (at least three (3) working days) before the meeting.
  - 10.3.3 Circulation of the agenda will be by electronic means.
- 10.4 Recordkeeping
  - 10.4.1 The Secretariat will be responsible for minute taking and appropriate record keeping in line with Council policy and the requirements of the State Records Act 1998. Meeting minutes will be circulated to all members within one (1) week of the meeting.
- 11. CONFIDENTIALITY:**
  - 11.1 Members listed in this Terms of Reference may become acquainted with or have access to confidential and/or sensitive information. Members should not disclose such information to any other party unless specifically authorised to do so and should not make improper use of any information.
- 12. INTELLECTUAL PROPERTY:**
  - 12.1 The Group acknowledges and agrees:
    - a) It is important for Council to develop, maintain, protect and manage the organisation's intellectual property including copyright, trademarks, registered designs, patents and databases.
    - b) The Group has a duty to observe and help protect Council's intellectual property by not copying or supplying such property without the express permission of Council or the copyright owner.
    - c) Council retains ownership of all intellectual property created by Members in the course of their Group work.
  - 12.2 The Group will refer to the Secretariat any questions relating to intellectual property rights or the use of another organisation's document.



**ITEM 3 - ATTACHMENT 1 DRAFT TERMS OF REFERENCE - ENVIRONMENTAL ADVISORY GROUP.**

Terms of Reference



**13. MEDIA:**

13.1 Any media liaison associated with the activities of the Group shall be undertaken in accordance with Port Stephens Council protocols and with the Chairperson or Council staff member with appropriate delegations.

**14. REVIEW:**

14.1 The Terms of Reference will be reviewed at the first meeting in each calendar year.

**15. OTHER MATTERS:**

15.1 In carrying out its functions the Group will be guided by existing processes and policies of Council.

**16. MEETING CODE OF COOPERATION:**

- We start on time and finish on time.
- We focus on the strategic intent of the item.
- We ensure that people attending meetings are provided with guidance and support.
- We consider the risks and opportunities of each item.
- We are prepared to have open and honest conversations about an issue even if it is uncomfortable.
- We all participate fully and are prepared to challenge each other.
- We use improvement tools that enhance meeting efficiency and effectiveness.
- We actively listen to what others have to say, seeking first to understand then to be understood.
- We consider the deployment of actions and programs through appropriate frameworks and communicate the consensus view through appropriate channels.
- We follow up on the actions we are assigned responsibility for and complete them on time.
- We give and receive open and honest feedback in a constructive manner.
- We use data to make decisions (whenever possible).
- We determine issues arising by consensus or refer to the Chair for consideration.
- We strive to continually improve our meeting process and build time into each agenda for reflection and learning.
- We will promote best practice, keeping open minds, combining our experiences and shared learnings to inform our deliberations.

**17. RELATED DOCUMENTS:**

- 17.1 CODE OF CONDUCT
- 17.2 LOCAL GOVERNMENT ACT 1993

**ITEM 3 - ATTACHMENT 1 DRAFT TERMS OF REFERENCE - ENVIRONMENTAL ADVISORY GROUP.**

Terms of Reference



**CONTROLLED DOCUMENT INFORMATION:**

|   |  |                         |     |
|---|--|-------------------------|-----|
| This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website <a href="http://www.portstephens.nsw.gov.au">www.portstephens.nsw.gov.au</a> |  |                         |     |
| <b>EDRMS container No</b>   | PSC2023-01499                            | <b>EDRMS record No</b>  | TBC |
| <b>Audience</b>   | Environmental Advisory Group             |                         |     |
| <b>Process owner</b>  | Strategy and Environment Section Manager |                         |     |
| <b>Author</b>   | Strategy and Environment Section Manager |                         |     |
| <b>Review timeframe</b>   | 2 years                                  | <b>Next review date</b> | TBC |
| <b>Adoption date</b>  | TBC                                      |                         |     |

**VERSION HISTORY:**

| Version | Date          | Author                                   | Details           |
|---------|---------------|--|-------------------|
| 1       | 31 March 2023 | Strategy and Environment Section Manager | Created document. |
|         |               |  |                   |
|         |               |  |                   |

ITEM 3 - ATTACHMENT 1 DRAFT TERMS OF REFERENCE - ENVIRONMENTAL ADVISORY GROUP.



PORT STEPHENS  
COUNCIL

council@portstephens.nsw.gov.au | 02 4988 0255 | PORTSTEPHENS.NSW.GOV.AU    

**MINUTES ORDINARY COUNCIL - 28 MARCH 2023**

**NOTICE OF MOTION**

**ITEM NO. 2**

**FILE NO: 23/60467**

**EDRMS NO: PSC2021-04195**

**ENVIRONMENTAL ADVISORY PANEL**

**COUNCILLOR: LEAH ANDERSON**

**THAT COUNCIL:**

- 1) Requests the General Manager to prepare a report on the establishment of an Environmental Advisory Panel to provide community representation for consultation, advice and advocacy on environmental matters.

**ORDINARY COUNCIL MEETING - 28 MARCH 2023  
MOTION**

|            |   |
|------------|---|
| <b>071</b> | <b>Councillor Leah Anderson<br/>Councillor Peter Kafer</b><br><br>It was resolved that Council requests the General Manager to prepare a report on the establishment of an Environmental Advisory Panel to provide community representation for consultation, advice and advocacy on environmental matters. |
|------------|---|

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Amott, Matthew Bailey, Glen Dunkley, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**BACKGROUND REPORT OF: BROCK LAMONT – STRATEGY AND ENVIRONMENT SECTION MANAGER**

**BACKGROUND**

The protection and improvement of the environment is important to the Port Stephens community.

This is evidenced through Council's endorsed Community Strategic Plan (Our Environment - Port Stephens' environment is clean, green, protected and enhanced)

**MINUTES ORDINARY COUNCIL - 28 MARCH 2023**

and Council's Liveability Survey (the top scoring community priority - 71% of respondents placing a high care factor on the natural environment).

The establishment of an advisory panel would offer Council a regular forum for discussion, consultation, collaboration and advice provided from interested members of the Port Stephens community.

Advisory panels are not committees of Council in accordance with the NSW Local Government Act 1993. Advisory panels provide support and advisory services and are not delegated functions of Council.

Should this motion be supported, a report would be prepared detailing:

- A draft Terms of Reference for the panel covering matters such as purpose, scope, membership, term and governance requirements.
- The resourcing requirements to administer the panel.
- Any ongoing recurrent budget implications to deliver the panel.

**FINANCIAL/RESOURCE IMPLICATIONS**

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

**ATTACHMENTS**

Nil.

**ITEM NO. 4**

**FILE NO: 23/88596  
EDRMS NO: PSC2023-01498**

**HERITAGE ADVISORY GROUP**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorses the Heritage Advisory Group Terms of Reference (**ATTACHMENT 1**).
  - 2) Nominates 2 Councillors as representatives on the Heritage Advisory Group (Chair and Alternate).
- 

**ORDINARY COUNCIL MEETING - 9 MAY 2023  
MOTION**

|            |   |
|------------|---|
| <b>007</b> | <p><b>Councillor Jason Wells<br/>Councillor Glen Dunkley</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorses the Heritage Advisory Group Terms of Reference (<b>ATTACHMENT 1</b>) subject to the following amendments<ol style="list-style-type: none"><li>a) Add item 10.3.4 to read 'The agenda and minutes will be made available on Council's website.'</li></ol></li><li>2) Nominates Cr Jason Wells as Chair and Cr Peter Kafer as the alternate delegated on the Heritage Advisory Group.</li></ol> |
|------------|---|

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**BACKGROUND**

The purpose of this report is to seek endorsement for the Heritage Advisory Group (the 'Group') Terms of Reference (ToR) (**ATTACHMENT 1**) and Expression of Interest brief. In addition, this report requests Council nominate a Councillor to act as Chairperson and a Councillor to act as a Group Member and alternate Chairperson for the Group.

At its meeting of 28 March 2023, Minute No. 072 (**ATTACHMENT 2**), Council resolved to request the General Manager to prepare a report on the establishment of the Group to provide community representation for consultation, advice and advocacy on heritage matters.

The establishment of the Group would offer Council a regular forum for discussion, consultation, collaboration and advice provided by interested members of the Port Stephens community concerning heritage matters.

The ToR (**ATTACHMENT 1**) provides the framework for the Group to be established including the intended scope for the Group, the operations, term and processes relating to the membership of the Group.

**COMMUNITY STRATEGIC PLAN**

| <b>Strategic Direction</b>          | <b>Delivery Program 2022-2026</b>                  |
|-------------------------------------|--|
| Recognised traditions and lifestyle | Support the preservation of Port Stephens heritage |

**FINANCIAL/RESOURCE IMPLICATIONS**

The Group is intended to meet 4 times a year, for up to 2 hours. 2 Council Officers will undertake the administration of the Group and will attend the meetings along with nominated Councillors.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no known significant legal, policy or risk implications as a result of the recommendations.

| <b>Risk</b>  | <b><u>Risk Ranking</u></b> | <b>Proposed Treatments</b>   | <b>Within Existing Resources?</b> |
|--|----------------------------|--|-----------------------------------|
| There is a risk that if the Group is not established, community participation in the preservation of Port Stephens heritage is reduced.              | Medium                     | Accept the recommendation.   | Yes                               |
| There is a risk that Group membership could be misrepresentative of a diverse cross section of the community resulting in biased community outcomes. | Medium                     | Accept the recommendation.<br><br>The ToR includes membership requirements for the Group and outlines the selection process. | Yes                               |

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The protection and improvement of heritage is important to the Port Stephens community. This is evidenced through Council’s endorsed Community Strategic Plan (Our Community – Our community supports the richness of its heritage and culture) and Council’s Liveability Survey (local history, historic buildings and features scored a 21% care factor).

The establishment of the Group would offer Council a regular forum for discussion, consultation, collaboration and advice provided by interested members of the Port Stephens community.

**CONSULTATION**

The Strategic Planning unit has undertaken consultation with key stakeholders, including the Executive Team and Councillors to develop the ToR for the Group.

**OPTIONS**

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



**ATTACHMENTS**

- 1) DRAFT Terms of Reference - Heritage Advisory Group.
- 2) 28 March 2023, Minute No. 072.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

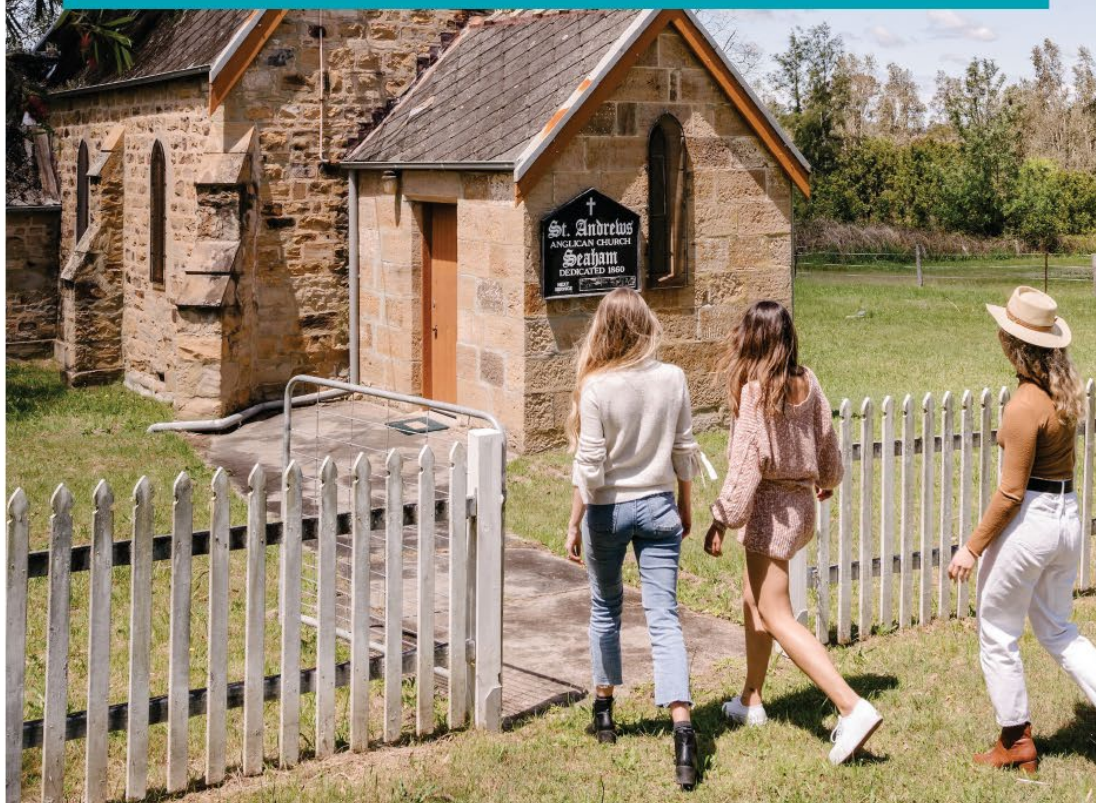


PORT STEPHENS  
COUNCIL

# Heritage Advisory Group

## Terms of Reference

This document sets out the administration and management requirements for the Heritage Advisory Group.



ITEM 4 - ATTACHMENT 1 DRAFT TERMS OF REFERENCE - HERITAGE ADVISORY GROUP.

Terms of Reference



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**HERITAGE ADVISORY GROUP**

**1. PURPOSE:**

1.1 The purpose of the Port Stephens Heritage Advisory Group (the Group) is to provide community representation for consultation, advice and advocacy of heritage matters in Port Stephens.

**2. BACKGROUND:**

2.1 The Group has been established in accordance with a 2023 Council resolution. The Group offers Council a regular forum for discussion, consultation, collaboration and advice with interested members of the Port Stephens community concerning local heritage matters. The Group meets four (4) times throughout the year with an agenda prepared by Port Stephens Council.

**3. SCOPE AND LIMITATIONS:**

- 3.1 To provide community representation for consultation, advice and advocacy on heritage matters in Port Stephens.
- 3.2 To share and preserve knowledge, network and build local heritage understanding across Port Stephens.
- 3.3 To identify opportunities for community based heritage projects across Port Stephens.
- 3.4 To promote the importance of heritage within the community.
- 3.5 Council retains the responsibilities for planning matters in accordance with the Environmental Planning and Assessment Act 1979. It is therefore not the role of the Group to resolve heritage related issues associated with development or rezoning applications.
- 3.6 The Group is required to comply with the following policies and legislation:
  - a) Local Government Act 1993
  - b) Work Health and Safety Act 2011
  - c) Privacy and Personal Information Protection Act 1998
  - d) State Records Act 1998
  - e) PSC Code of Conduct
  - f) PSC Access to Information Policy
  - g) PSC WHS Statement of Commitment

**ITEM 4 - ATTACHMENT 1 DRAFT TERMS OF REFERENCE - HERITAGE ADVISORY GROUP.**

Terms of Reference



**4. DEFINITIONS:**

|                             |   |
|-----------------------------|---|
| Council                     | Port Stephens Council and the officers of Council.  |
| PSC                         | Port Stephens Council.  |
| The Group                   | Heritage Advisory Group.  |
| ToR                         | Terms of Reference.   |
| EOI                         | Expression of Interest.   |
| Established Community Group | A group that is currently active and located in the Port Stephens Local Government area with 10 or more registered members. |

**5. AUTHORITY:**

5.1 The Group is not a committee of Council in accordance with the NSW Local Government Act 1993. The Group provides support and advisory services and are not delegated functions of Council.

5.2 The Group does not:

- a) make decisions on behalf of Council;
- b) provide formal policy advice or recommendations to Council;
- c) expend moneys on behalf of Council;
- d) commit Council to any arrangement;
- e) consider any matter outside its specific reference;
- f) direct Council officers in the performance of their duties.

**6. TERM:**

6.1 The initial term of the Group will be until September of the next Council Election. Council are to re-adopt the ToR within three (3) months following the election.

**7. MEMBERSHIP:**

7.1 The Group will be chaired by a nominated Councillor Chairperson or the alternate Councillor, in their absence.

7.2 Port Stephens Council: four (4) representatives – two (2) Councillors, Strategy and Environment Section Manager, or their delegate, and an additional officer. The Mayor and any Councillors may attend any Group meeting.

7.3 Nominated representatives selected through an Expression of Interest (EOI) as described in the Community Group Member Selection Process below. Nominated representatives to include:

7.3.1 One (1) nominated representative from an established community group, or a delegate, in their absence. Up to ten (10) community groups to be represented.

**ITEM 4 - ATTACHMENT 1 DRAFT TERMS OF REFERENCE - HERITAGE ADVISORY GROUP.**

## Terms of Reference



- 7.3.2 Up to three (3) independent community representatives (not affiliated with an existing established community group).
- 7.4 Group members may resign at any time by advising of their resignation in writing to the Chairperson.
- 7.5 A Group member who is absent for more than two (2) consecutive meetings without leave or reasonable excuse, may be requested to explain their absence. If absenteeism of a member is ongoing, the Group may request Council to declare the position vacant.
- 7.6 In the event that a panel member resigns or position becomes vacant:
  - 7.6.1 The eligibility list (described below) will be utilised to replace the outgoing independent community representative.
  - 7.6.2 Established Community groups will reserve the right to nominate one (1) representative to replace the outgoing member.
  - 7.6.3 Council may appoint an independent community representative to fill the casual vacancy for the remainder of the term.
- 8. MEMBER SELECTION PROCESS:**
  - 8.1 One (1) nominated representative from up to ten (10) established community groups, and up to three (3) independent community representatives (not affiliated with an existing established community group) will be selected through an expression of interest (EOI).
  - 8.2 EOIs will be accepted in multiple formats including but not limited to:
    - a) written (electronic or handwritten);
    - b) video (including video recording of person using Auslan);
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  - 8.3 An assessment panel of two (2) nominated Councillors and two (2) Council Officers will assess all applications and endorse group membership.
  - 8.4 Applicants are to nominate if they are representing an established community group and are to specify which group they are representing.
  - 8.5 Applicants must reside, work or study in the Port Stephens LGA and demonstrate they meet the below criteria:
    - a) have knowledge or skills and an active interest in heritage conservation and enhancement within the Port Stephens LGA;
    - b) have a willingness to make an active contribution to discussions;
    - c) have a capacity to commit to the Group.

ITEM 4 - ATTACHMENT 1 DRAFT TERMS OF REFERENCE - HERITAGE ADVISORY GROUP.

## Terms of Reference



In addition to the above, where an applicant seeks appointment as a representative of an established community group, an explanation of how the group aligns with the Heritage Advisory Group purpose as described above is required.

- 8.6 Offers of membership will be made to the applicants that most closely align with the selection criteria and which ensures the Group has a broad representation from across all three (3) Council wards. The unsuccessful applicants will be placed on an eligibility list for up to two (2) years.

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- 9.1 The General Manager may refer any matter to the Group within the scope of its role and responsibilities.
- 9.2 Council reserve the right to revise or expand the responsibilities of the Group.
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- a) Manages Group meetings;
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- 9.5 Group members
- a) Works collaboratively with all members of the Group to achieve its purpose;
  - b) Provides independent and constructive advice and feedback to Council;
  - c) Identifies opportunities for local heritage advocacy;
  - d) Identifies opportunities for community based heritage projects across Port Stephens.
- 9.6 Council Secretariat
- a) Organises meeting dates, times and location;
  - b) Takes and distributes draft meeting minutes.

### 10. ADMINISTRATION ARRANGEMENTS:

- 10.1 Meeting practices and cycles
- 10.1.1 The Group shall hold ordinary meetings four (4) times in a calendar year and these shall be held in February, May, August and November. The meetings will run for up to two (2) hours.
- 10.1.2 Meetings are to be held in Council's Administration Building, or other locations as determined by the Chairperson, and members may attend in person or over zoom.

ITEM 4 - ATTACHMENT 1 DRAFT TERMS OF REFERENCE - HERITAGE ADVISORY GROUP.

## Terms of Reference



### 10.2 Secretariat

10.2.1 Council will provide a secretariat for the Group.

### 10.3 Agenda and minutes

10.3.1 Any Group member may submit agenda items. The Chairperson, with the support of a Council officer, is responsible for finalising the agenda. The Chairperson will make the final decision on matters to be included.

10.3.2 The Secretariat will ensure the agenda for each meeting are circulated to members in sufficient time (at least three (3) working days) before the meeting.

10.3.3 Circulation of the agenda will be by electronic means.

### 10.4 Recordkeeping

10.4.1 The Secretariat will be responsible for minute taking and appropriate record keeping in line with Council policy and the requirements of the State Records Act 1998. Meeting minutes will be circulated to all members within one (1) week of the meeting.

## 11. **CONFIDENTIALITY:**

11.1 Members listed in this Terms of Reference may become acquainted with or have access to confidential and/or sensitive information. Members should not disclose such information to any other party unless specifically authorised to do so and should not make improper use of any information.

## 12. **INTELLECTUAL PROPERTY:**

12.1 The Group acknowledges and agrees:

- a) It is important for Council to develop, maintain, protect and manage the organisation's intellectual property including copyright, trademarks, registered designs, patents and databases.
- b) The Group has a duty to observe and help protect Council's intellectual property by not copying or supplying such property without the express permission of Council or the copyright owner.
- c) Council retains ownership of all intellectual property created by Members in the course of their Group work.

12.2 The Group will refer to the Secretariat any questions relating to intellectual property rights or the use of another organisation's document.

ITEM 4 - ATTACHMENT 1 DRAFT TERMS OF REFERENCE - HERITAGE ADVISORY GROUP.

Terms of Reference



13. MEDIA:

13.1 Any media liaison associated with the activities of the Group shall be undertaken in accordance with Port Stephens Council protocols and with the Chairperson or Council staff member with appropriate delegations.

14. REVIEW:

14.1 The Terms of Reference will be reviewed at the first meeting in each calendar year.

15. OTHER MATTERS:

15.1 In carrying out its functions the Group will be guided by existing processes and policies of Council.

16. MEETING CODE OF COOPERATION:

- We start on time and finish on time.
- We focus on the strategic intent of the item.
- We ensure that people attending meetings are provided with guidance and support.
- We consider the risks and opportunities of each item.
- We are prepared to have open and honest conversations about an issue even if it is uncomfortable.
- We all participate fully and are prepared to challenge each other.
- We use improvement tools that enhance meeting efficiency and effectiveness.
- We actively listen to what others have to say, seeking first to understand then to be understood.
- We consider the deployment of actions and programs through appropriate frameworks and communicate the consensus view through appropriate channels.
- We follow up on the actions we are assigned responsibility for and complete them on time.
- We give and receive open and honest feedback in a constructive manner.
- We use data to make decisions (whenever possible).
- We determine issues arising by consensus or refer to the Chair for consideration.
- We strive to continually improve our meeting process and build time into each agenda for reflection and learning.
- We will promote best practice, keeping open minds, combining our experiences and shared learnings to inform our deliberations.

17. RELATED DOCUMENTS:

- 17.1 CODE OF CONDUCT
- 17.2 LOCAL GOVERNMENT ACT 1993



**ITEM 4 - ATTACHMENT 1 DRAFT TERMS OF REFERENCE - HERITAGE ADVISORY GROUP.**

Terms of Reference



**CONTROLLED DOCUMENT INFORMATION:**

|   |  |                         |     |
|---|--|-------------------------|-----|
| This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website <a href="http://www.portstephens.nsw.gov.au">www.portstephens.nsw.gov.au</a> |  |                         |     |
| <b>EDRMS container No</b>   | PSC2023-01498                            | <b>EDRMS record No</b>  | TBC |
| <b>Audience</b>   | Heritage Advisory Group                  |                         |     |
| <b>Process owner</b>  | Strategy and Environment Section Manager |                         |     |
| <b>Author</b>   | Strategy and Environment Section Manager |                         |     |
| <b>Review timeframe</b>   | 2 years                                  | <b>Next review date</b> | TBC |
| <b>Adoption date</b>  | TBC                                      |                         |     |

**VERSION HISTORY:**

| Version | Date          | Author                                   | Details           |
|---------|---------------|--|-------------------|
| 1       | 31 March 2023 | Strategy and Environment Section Manager | Created document. |
|         |               |  |                   |
|         |               |  |                   |

ITEM 4 - ATTACHMENT 1 DRAFT TERMS OF REFERENCE - HERITAGE ADVISORY GROUP.



PORT STEPHENS  
COUNCIL

council@portstephens.nsw.gov.au | 02 4988 0255 | PORTSTEPHENS.NSW.GOV.AU    

**MINUTES ORDINARY COUNCIL - 28 MARCH 2023**

**NOTICE OF MOTION**

**ITEM NO. 3**

**FILE NO: 23/61851**

**EDRMS NO: PSC201-04195**

**HERITAGE ADVISORY PANEL**

**COUNCILLOR: JASON WELLS**

**THAT COUNCIL:**

- 1) Requests the General Manager to prepare a report on the establishment of a Heritage Advisory Panel to provide community representation for consultation, advice and advocacy on heritage matters.

**ORDINARY COUNCIL MEETING - 28 MARCH 2023  
MOTION**

|            |   |
|------------|---|
| <b>072</b> | <b>Councillor Jason Wells<br/>Councillor Giacomo Arnott</b><br><br>It was resolved that Council requests the General Manager to prepare a report on the establishment of a Heritage Advisory Panel to provide community representation for consultation, advice and advocacy on heritage matters. |
|------------|---|

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Glen Dunkley, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**BACKGROUND REPORT OF: BROCK LAMONT – STRATEGY AND ENVIRONMENT SECTION MANAGER**

**BACKGROUND**

The protection and improvement of heritage is important to the Port Stephens community.

This is evidenced through Council's endorsed Community Strategic Plan (Our Community – Our community supports the richness of its heritage and culture).

**MINUTES ORDINARY COUNCIL - 28 MARCH 2023**

Through Council's Liveability Survey, local history, historic buildings and features scored a 21% care factor.

The establishment of an advisory panel would offer Council a regular forum for discussion, consultation, collaboration and advice provided from interested members of the Port Stephens community.

Advisory panels are not committees of Council in accordance with the NSW Local Government Act 1993. Advisory panels provide support and advisory services and are not delegated functions of Council.

Should this motion be supported, a report would be prepared detailing:

- A draft Terms of Reference for the panel covering matters such as purpose, scope, membership, term and governance requirements.
- The resourcing requirements to administer the panel.
- Any ongoing recurrent budget implications to deliver the panel.

**FINANCIAL/RESOURCE IMPLICATIONS**

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

**ATTACHMENTS**

Nil.

**ITEM NO. 5**

**FILE NO: 23/86641  
EDRMS NO: PSC2005-3570**

**WILLIAMTOWN HALL - 355C COMMITTEE**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Dissolves the Williamtown Hall 355c Committee as of 3 April 2023 and close related committee bank accounts.
  - 2) Acknowledges past achievements of the Committee Members and thank them for their dedication.
- 

**ORDINARY COUNCIL MEETING - 9 MAY 2023  
MOTION**

|            |   |
|------------|---|
| <b>110</b> | <p><b>Councillor Peter Kafer<br/>Councillor Peter Francis</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Dissolves the Williamtown Hall 355c Committee as of 3 April 2023 and close related committee bank accounts.</li><li>2) Acknowledges past achievements of the Committee Members and thank them for their dedication.</li></ol> |
|------------|---|

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**BACKGROUND**

The purpose of this report is to recommend that Council dissolves the Williamtown Hall 355c Committee and acknowledge past achievements of the outgoing committee members.

## MINUTES ORDINARY COUNCIL - 9 MAY 2023

The Williamtown Hall 355c Committee held their Annual General Meeting on Friday 31 March 2023. At the meeting, a motion was passed for the Williamtown Hall 355c Committee to dissolve, returning full management of the facilities to Council.

All assets and unspent funds associated with the Williamtown Hall 355c Committee will return to Council and the bank account closed.

Council's Community Services Section will commence transition to manage the coordination of bookings and financial management of Williamtown Hall from Monday 3 April 2023 as requested by the outgoing Committee.

Our volunteers are highly valued and will be supported to maintain their representation as an active volunteer group that will continue to participate in the operation and caring for the facility.

Council will arrange an event for the outgoing committee members to acknowledge their achievements and thank them for all their hard work. Council staff will continue to engage with interested volunteers in order to maintain their involvement in caring for the facility.

### COMMUNITY STRATEGIC PLAN

| Strategic Direction | Delivery Program 2022-2026  |
|---------------------|---|
| Community Wellbeing | Provide a program of recreational, leisure and community services |

### FINANCIAL/RESOURCE IMPLICATIONS

The bank account held by the Williamtown Hall 355c Committee will be closed, with remaining funds to be transferred to Council and used for continued hall management purposes.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no legal or policy impediments to accepting the recommendations. Council is able to endorse changes to the 355c committees under section 355c of the Local Government Act 1993.

| <b>Risk</b>  | <b><a href="#">Risk Ranking</a></b> | <b>Proposed Treatments</b> | <b>Within Existing Resources?</b> |
|--|-------------------------------------|----------------------------|-----------------------------------|
| There is a risk that the community will have no access to the facility if Council does not take over management. | Low                                 | Adopt the recommendations  | Yes                               |
| There is a risk to Council's reputation if community assets remained unutilised.                                 | Low                                 | Adopt the recommendations  | Yes                               |

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are no sustainability implications resulting from the dissolution of this 355c Committee.

**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

- Executive Team.
- Facilities and Services Group.
- Governance Section.
- Community Services Section.

External

- Williamtown Hall 355c Committee members.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Williamtown Hall 355c Committee - AGM Minutes - 31 March 2023.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



Minutes  
Williamtown Hall 335c Committee  
Annual General Meeting

31 March 2023

Meeting Opened: 15:05

Present:

Graham Giddey, Paul Griffiths, Winifred Griffiths,  
Dave Thomas, Richard Antcliff

**Apologies:** Nil

Minutes from 2022 AGM;

Tabled, Moved Graham, Seconded David that the minutes be accepted. Passed.

**Treasurers Report:**

The annual statement of accounts was tabled by the treasurer. Balance at 30 December \$20,640, Balance at 31 March \$21,355.57. There being no discussion it was moved by Dave, seconded by Winifred that the report be accepted. Passed.

**Secretary Report:**

The Secretary advised that no formal Committee meetings were held during the year due to Covid, however members meet at least once per month in another forum where any issues regarding the hall are discussed and resolved.

**Election of Office Bearers:**

*Chair*

No nomination

*Treasurer*

No nomination

*Secretary*

No nomination

*Committee*

No nomination

**Notices of Motion:**

Nil

**Resolution**

There being no person in attendance willing to form a committee it was resolved that all current functions of the Williamtown Hall 335c Committee be returned to Port Stephens Council with immediate effect.

Meeting Closed: 15:30

**ITEM NO. 6**

**FILE NO: 23/100267  
EDRMS NO: PSC2022-02308**

**INFORMATION PAPERS**

REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE

**RECOMMENDATION IS THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 9 May 2023.

| <b>No:</b> | <b>Report Title</b>  | <b>Page:</b> |
|------------|--|--------------|
| 1          | March 2023 Cash and Investments  | 110          |
| 2          | Lakeside Masterplan - Options to Provide Demountable Change Rooms and Toilet Facilities at Lakeside Sporting Complex | 114          |
| 3          | Delegations Report   | 120          |
| 4          | Council Resolutions  | 122          |

**ORDINARY COUNCIL MEETING - 9 MAY 2023  
MOTION**

|            |  |
|------------|--|
| <b>110</b> | <b>Councillor Peter Kafer<br/>Councillor Peter Francis</b><br><br>It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 9 May 2023.<br><br><hr/> <b>No: Report Title</b><br>1 March 2023 Cash and Investments<br>2 Lakeside Masterplan - Options to Provide Demountable Change Rooms and Toilet Facilities at Lakeside Sporting Complex<br>3 Delegations Report<br>4 Council Resolutions |
|------------|--|

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

# INFORMATION PAPERS

**ITEM NO. 1**

**FILE NO: 22/325461  
EDRMS NO: PSC2017-00180**

**MARCH 2023 CASH AND INVESTMENTS**

REPORT OF: ZOE PATTISON - ACTING GROUP MANAGER CORPORATE SERVICES  
GROUP: CORPORATE SERVICES

**BACKGROUND**

The purpose of this report is to present Council's schedule of cash and investments held at 31 March 2023.

The invested funds are set aside for:

| <b>Restricted Cash</b>                |                                    |
|---------------------------------------|------------------------------------|
| <b>Reserve</b>                        | <b>As at March 2023<br/>\$'000</b> |
| <b>External</b>                       |                                    |
| Deposits, retentions and bonds        | 859                                |
| Grants and Contributions              | 11,281                             |
| Developer contributions (inc Haulage) | 20,365                             |
| Domestic Waste Management             | 7,521                              |
| Crown Reserve                         | 7,915                              |
| <b>Internal</b>                       |                                    |
| Asset Rehab/Reseals                   | 2,054                              |
| Drainage                              | 510                                |
| Commercial Property                   | 15,296                             |
| Election Reserve                      | 208                                |
| Federal Assistance Grant in Advance   | 0                                  |
| Fleet                                 | 1,477                              |
| Resilience fund                       | 3,000                              |
| Grants Co-contribution                | 3,000                              |
| Emergency & Natural Disaster          | 7,000                              |
| Other Waste                           | 347                                |
| Council Parking                       | 414                                |
| IT                                    | 2,061                              |
| Sustainable energy and water reserve  | 211                                |
| Unexpended loan funds                 | 2,280                              |
| Repealed                              | 2,673                              |
| Transport levy                        | 295                                |

**MINUTES ORDINARY COUNCIL - 9 MAY 2023**

|                 |               |
|-----------------|---------------|
| Admin Building  | 387           |
| Ward Funds      | 63            |
| Community Halls | 41            |
| Community Loans | 200           |
| <b>Total</b>    | <b>89,458</b> |

The variance in the Cash and Investment Report (**ATTACHMENT 1**) and the table above is explained below.

|  |         |
|--|---------|
| Cash and Investment Report             | 83,573  |
| Variance Cash Reserves to Bank Account | (5,885) |

Variance Due to:

|   |              |
|---|--------------|
| Outstanding State Roads payments            | 352          |
| Loans not funded through a reserve          | 272          |
| Outstanding GST refund                      | 418          |
| Contract Asset (Outstanding Grant Payments) | 2,581        |
| Outstanding Natural Disaster Funding        | 1,472        |
| <b>Total Variance</b>                       | <b>5,095</b> |

**Cash Shortfall** (790)  
(due to timing of income and expenditure)

**ATTACHMENTS**

1) Cash and Investments - March 2023.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 1 - ATTACHMENT 1 CASH AND INVESTMENTS - MARCH 2023.**

**Cash and Investments Held as at 31 March 2023**

| ISSUER                                | Broker      | Rating* | Type | Investment Date | Yield (%) | Term (days) | Maturity Date | Amount Invested | Market Value |
|---------------------------------------|-------------|---------|------|-----------------|-----------|-------------|---------------|-----------------|--------------|
| AMP Bank                              | IAM         | BBB     | TD   | 25-Aug-22       | 3.80%     | 230         | 12-Apr-23     | 1,000,000       | 1,022,696    |
| Sumnerland Credit Union               | IAM         | NR      | TD   | 27-Oct-22       | 4.47%     | 175         | 20-Apr-23     | 1,000,000       | 1,018,982    |
| AMP Bank                              | IAM         | BBB     | TD   | 25-Aug-22       | 3.80%     | 242         | 24-Apr-23     | 1,000,000       | 1,022,696    |
| Transport Mutual Credit Union Limited | Laminar     | NR      | TD   | 24-Jan-23       | 4.35%     | 90          | 24-Apr-23     | 2,000,000       | 2,015,732    |
| Macquarie Bank                        | Laminar     | A       | TD   | 24-Jan-23       | 4.09%     | 90          | 24-Apr-23     | 5,000,000       | 5,036,978    |
| Commonwealth Bank of Australia        | CBA         | AA      | TD   | 24-Jan-23       | 4.03%     | 90          | 24-Apr-23     | 2,750,000       | 2,770,040    |
| Macquarie Bank                        | Laminar     | A       | TD   | 25-Jan-23       | 4.09%     | 89          | 24-Apr-23     | 5,620,604       | 5,661,542    |
| Police Credit Union                   | IAM         | NR      | TD   | 4-Nov-22        | 4.40%     | 174         | 27-Apr-23     | 1,000,000       | 1,017,721    |
| Commonwealth Bank of Australia        | CBA         | AA      | TD   | 9-May-22        | 3.17%     | 365         | 9-May-23      | 1,000,000       | 1,028,313    |
| Westpac                               | Westpac     | AA      | TD   | 16-Feb-22       | 1.12%     | 454         | 16-May-23     | 1,000,000       | 1,001,319    |
| BNK Bank                              | Curve       | NR      | TD   | 23-Nov-22       | 4.42%     | 180         | 22-May-23     | 1,000,000       | 1,015,500    |
| National Australia Bank               | Curve       | AA      | TD   | 28-Nov-22       | 4.15%     | 182         | 29-May-23     | 1,000,000       | 1,013,985    |
| Police Credit Union                   | IAM         | NR      | TD   | 22-Dec-22       | 4.48%     | 181         | 21-Jun-23     | 1,000,000       | 1,012,151    |
| Bank of Queensland                    | BOQ         | BBB     | TD   | 2-Jun-22        | 3.40%     | 389         | 26-Jun-23     | 1,500,000       | 1,542,197    |
| AMP Bank                              | Laminar     | BBB     | TD   | 2-Aug-22        | 4.20%     | 332         | 30-Jun-23     | 825,000         | 847,878      |
| Defence Bank                          | IAM         | BBB     | TD   | 21-Jun-22       | 4.38%     | 379         | 5-Jul-23      | 1,000,000       | 1,033,960    |
| Illawarra Credit Union                | Laminar     | BBB     | TD   | 3-Jun-22        | 3.52%     | 403         | 11-Jul-23     | 1,000,000       | 1,029,028    |
| Westpac                               | Westpac     | AA      | TD   | 16-Feb-22       | 1.30%     | 517         | 18-Jul-23     | 1,000,000       | 1,001,532    |
| AMP Bank                              | IAM         | BBB     | TD   | 18-Aug-22       | 4.15%     | 340         | 24-Jul-23     | 1,000,000       | 1,025,582    |
| Westpac                               | Westpac     | AA      | TD   | 3-Jun-22        | 3.28%     | 424         | 1-Aug-23      | 1,000,000       | 1,002,516    |
| Mutual Bank                           | Curve       | BBB     | TD   | 2-Jun-22        | 3.40%     | 438         | 14-Aug-23     | 1,000,000       | 1,028,132    |
| AMP Bank                              | Laminar     | BBB     | TD   | 29-Jul-22       | 4.45%     | 382         | 15-Aug-23     | 1,000,000       | 1,029,870    |
| AMP Bank                              | Laminar     | BBB     | TD   | 2-Aug-22        | 4.45%     | 384         | 21-Aug-23     | 825,000         | 849,240      |
| AMP Bank                              | IAM         | BBB     | TD   | 25-Aug-22       | 4.25%     | 361         | 21-Aug-23     | 500,000         | 512,692      |
| AMP Bank                              | Laminar     | BBB     | TD   | 1-Sep-22        | 4.25%     | 368         | 4-Sep-23      | 700,000         | 717,198      |
| Australian Unity Bank                 | Curve       | BBB     | TD   | 1-Jun-22        | 3.40%     | 468         | 12-Sep-23     | 1,000,000       | 1,028,225    |
| Commonwealth Bank of Australia        | CBA         | AA      | TD   | 17-Jun-22       | 4.39%     | 467         | 27-Sep-23     | 1,000,000       | 1,010,704    |
| Commonwealth Bank of Australia        | CBA         | AA      | TD   | 17-Jun-22       | 4.41%     | 481         | 11-Oct-23     | 1,000,000       | 1,010,753    |
| Commonwealth Bank of Australia        | CBA         | AA      | TD   | 17-Jun-22       | 4.42%     | 495         | 25-Oct-23     | 1,000,000       | 1,010,778    |
| Westpac                               | Westpac     | AA      | TD   | 16-Feb-22       | 1.48%     | 629         | 7-Nov-23      | 1,000,000       | 1,001,744    |
| Commonwealth Bank of Australia        | CBA         | AA      | TD   | 17-Jun-22       | 4.45%     | 524         | 23-Nov-23     | 1,000,000       | 1,010,851    |
| Sumnerland Credit Union               | IAM         | NR      | TD   | 30-Nov-22       | 4.72%     | 362         | 27-Nov-23     | 1,000,000       | 1,015,647    |
| ING Bank                              | ING         | A       | TD   | 24-Jun-22       | 4.22%     | 531         | 7-Dec-23      | 1,000,000       | 1,032,373    |
| QBANK                                 | Ord Minnett | BBB     | TD   | 2-Dec-22        | 4.70%     | 374         | 11-Dec-23     | 975,000         | 989,940      |
| Commonwealth Bank of Australia        | CBA         | AA      | TD   | 17-Jun-22       | 4.48%     | 552         | 21-Dec-23     | 1,000,000       | 1,010,924    |
| ING Bank                              | ING         | A       | TD   | 24-Jun-22       | 4.33%     | 559         | 4-Jan-24      | 1,000,000       | 1,033,216    |
| ING Bank                              | ING         | A       | TD   | 29-Jun-22       | 4.35%     | 566         | 16-Jan-24     | 1,000,000       | 1,032,774    |
| Westpac                               | Westpac     | AA      | TD   | 8-Aug-22        | 4.00%     | 532         | 22-Jan-24     | 1,000,000       | 1,007,342    |
| Westpac                               | Westpac     | AA      | TD   | 8-Aug-22        | 4.00%     | 539         | 29-Jan-24     | 1,000,000       | 1,006,575    |
| Westpac                               | Westpac     | AA      | TD   | 28-Jan-22       | 1.53%     | 732         | 30-Jan-24     | 1,000,000       | 1,002,515    |
| Westpac                               | Westpac     | AA      | TD   | 28-Jan-22       | 1.53%     | 746         | 13-Feb-24     | 1,000,000       | 1,002,515    |
| Westpac                               | Westpac     | AA      | TD   | 16-Feb-22       | 1.72%     | 741         | 27-Feb-24     | 1,000,000       | 1,002,026    |
| Westpac                               | Westpac     | AA      | TD   | 1-Sep-22        | 4.30%     | 557         | 11-Mar-24     | 1,000,000       | 1,003,534    |
| Bank Vic                              | IAM         | BBB     | TD   | 3-Feb-23        | 4.62%     | 409         | 18-Mar-24     | 1,000,000       | 1,007,088    |
| Westpac                               | Westpac     | AA      | TD   | 14-Oct-22       | 4.53%     | 542         | 8-Apr-24      | 1,000,000       | 1,009,184    |
| Judo Bank                             | IAM         | BBB     | TD   | 22-Apr-22       | 3.35%     | 732         | 23-Apr-24     | 825,000         | 850,972      |
| Sumnerland Credit Union               | Curve       | NR      | TD   | 23-Nov-22       | 4.60%     | 523         | 29-Apr-24     | 1,000,000       | 1,016,132    |



**ITEM 1 - ATTACHMENT 1 CASH AND INVESTMENTS - MARCH 2023.**

**Cash and Investments Held as at 31 March 2023**

| ISSUER  | Broker  | Rating* | Type    | Investment Date | Yield (%) | Term (days) | Maturity Date | Amount Invested   | Market Value      |
|---|---------|---------|---------|-----------------|-----------|-------------|---------------|-------------------|-------------------|
| Judo Bank   | IAM     | BBB     | TD      | 22-Apr-22       | 3.35%     | 746         | 7-May-24      | 825,000           | 850,972           |
| Macquarie Bank  | Curve   | A       | TD      | 1-Sep-22        | 4.41%     | 627         | 20-May-24     | 1,000,000         | 1,025,493         |
| Commonwealth Bank of Australia  | CBA     | AA      | TD      | 7-Feb-23        | 4.65%     | 475         | 27-May-24     | 1,000,000         | 1,006,625         |
| Macquarie Bank  | Curve   | A       | TD      | 1-Sep-22        | 4.41%     | 649         | 11-Jun-24     | 1,000,000         | 1,025,493         |
| Westpac   | Westpac | AA      | TD      | 23-Aug-22       | 4.35%     | 685         | 8-Jul-24      | 1,000,000         | 1,004,290         |
| Westpac   | Westpac | AA      | TD      | 23-Aug-22       | 4.35%     | 692         | 15-Jul-24     | 1,000,000         | 1,004,290         |
| Australian Military Bank  | Curve   | BBB     | TD      | 25-Aug-22       | 4.40%     | 704         | 29-Jul-24     | 1,000,000         | 1,026,279         |
| Police Credit Union   | IAM     | NR      | TD      | 14-Feb-23       | 5.02%     | 538         | 5-Aug-24      | 1,000,000         | 1,006,189         |
| Westpac   | Westpac | AA      | TD      | 21-Feb-23       | 5.01%     | 538         | 12-Aug-24     | 1,000,000         | 1,005,216         |
| ING Bank  | ING     | A       | TD      | 23-Dec-22       | 4.68%     | 655         | 8-Oct-24      | 1,000,000         | 1,012,565         |
| ING Bank  | ING     | A       | TD      | 23-Dec-22       | 4.70%     | 661         | 14-Oct-24     | 1,000,000         | 1,012,619         |
| Westpac   | Westpac | AA      | TD      | 3-Nov-22        | 4.90%     | 732         | 4-Nov-24      | 1,000,000         | 1,007,518         |
| Summerland Credit Union   | Curve   | NR      | TD      | 23-Nov-22       | 4.65%     | 719         | 11-Nov-24     | 1,000,000         | 1,016,307         |
| Summerland Credit Union   | Curve   | NR      | TD      | 23-Nov-22       | 4.65%     | 726         | 18-Nov-24     | 1,000,000         | 1,016,307         |
| ING Bank  | IAM     | A       | TD      | 2-Dec-22        | 4.50%     | 724         | 25-Nov-24     | 1,000,000         | 1,014,671         |
| ING Bank  | IAM     | A       | TD      | 2-Dec-22        | 4.50%     | 738         | 9-Dec-24      | 1,000,000         | 1,014,671         |
| Commonwealth Bank of Australia  | CBA     | AA      | TD      | 20-Dec-22       | 4.71%     | 731         | 20-Dec-24     | 1,000,000         | 1,011,485         |
| Commonwealth Bank of Australia  | CBA     | AA      | TD      | 8-Feb-23        | 4.74%     | 733         | 10-Feb-25     | 1,000,000         | 1,006,623         |
| Bank Vic  | IAM     | BBB     | TD      | 15-Mar-23       | 5.02%     | 544         | 9-Sep-24      | 1,000,000         | 1,002,201         |
| Summerland Credit Union   | Curve   | NR      | TD      | 15-Mar-23       | 5.05%     | 726         | 10-Mar-25     | 1,000,000         | 1,002,214         |
| <b>Total Term Deposits (\$)</b>   |         |         |         |                 |           |             |               | <b>77,345,604</b> | <b>78,425,320</b> |
| Macquarie Bank  | Laminar | A       | At Call |                 | 3.50%     |             |               | 0                 | 0                 |
| <b>Total Investments (\$)</b>   |         |         |         |                 |           |             |               | <b>77,345,604</b> | <b>78,425,320</b> |
| <b>Cash at Bank (\$)</b>  |         |         |         |                 |           |             |               | <b>5,148,049</b>  | <b>5,148,049</b>  |
| <b>Total Cash and Investments (\$)</b>  |         |         |         |                 |           |             |               | <b>82,493,653</b> | <b>83,573,369</b> |
| Cash at Bank Interest Rate  |         | 3.70%   |         |                 |           |             |               |                   |                   |
| 3 month BBSW  |         | 3.64%   |         |                 |           |             |               |                   |                   |
| Weighted Average Investment Rate of Return on TD's  |         | 4.05%   |         |                 |           |             |               |                   |                   |
| TD = Term Deposit   |         |         |         |                 |           |             |               |                   |                   |
| *Standard & Poors Long Term Rating  |         |         |         |                 |           |             |               |                   |                   |
| <b>Certificate of Responsible Accounting Officer</b>  |         |         |         |                 |           |             |               |                   |                   |
| I hereby certify that the investments listed above have been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government |         |         |         |                 |           |             |               |                   |                   |
| <b>Zoë Pattison</b>   |         |         |         |                 |           |             |               |                   |                   |
| <b>Acting Group Manager - Corporate Services</b>  |         |         |         |                 |           |             |               |                   |                   |

**ITEM NO. 2**

**FILE NO: 23/95520  
EDRMS NO: PSC2021-04195**

**LAKESIDE MASTERPLAN - OPTIONS TO PROVIDE DEMOUNTABLE CHANGE ROOMS AND TOILET FACILITIES AT LAKESIDE SPORTING COMPLEX**

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

**BACKGROUND**

The purpose of this report is to provide information outlining options to provide demountable change rooms and toilet facilities at Lakeside Sporting Complex as per Matter Arising at Council's Ordinary Meeting held on 11 April 2023 (**ATTACHMENT 1**).

Following initial scoping, preliminary infrastructure requirements would require 3 demountable buildings to be located behind field 1 (**ATTACHMENT 2**) positioned to service both main fields. Buildings would consist of 2 change rooms and an amenity building. As the location of these is currently un-serviced, the placement of these buildings would require additional service connections including water, electricity and sewer and surrounding hardstand and pathways.

Given the temporary nature of this infrastructure and the required timeline is unknown, 2 options have been considered. The initial estimates are as follows including abovementioned associated costs:

- Council purchase demountable buildings - \$150,650.00.
- Council hire demountable buildings - \$49,851.55 pa.

Alternative locations could be included to reduce the connection cost, though this would not be conducive to the use of the sporting clubs.

There is currently no funding allocated through the Capital Works Program budget to undertake these works. To proceed with the works would require a source of funds.

**ATTACHMENTS**

- 1) Council Resolution - Lakeside Masterplan - Min. No 087 - 11 April 2023.
- 2) Lakeside Sports Demountable Site Plan.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 2 - ATTACHMENT 1 COUNCIL RESOLUTION - LAKESIDE  
MASTERPLAN - MIN. NO 087 - 11 APRIL 2023.**

**MINUTES ORDINARY COUNCIL - 11 APRIL 2023**

**NOTICE OF MOTION**

**ITEM NO. 1**

**FILE NO: 23/64745**

**EDRMS NO: PSC2021-04195**

**LAKESIDE MASTERPLAN**

**COUNCILLOR: PETER KAFER**

**THAT COUNCIL:**

- 1) Note that a Masterplan has been developed for Tomaree Sports Complex and King Park Sports Complex.
- 2) Acknowledge that Lakeside Sports Complex is a valued sporting facility in Port Stephens.
- 3) Acknowledge the financial contribution of \$25,000 from West Ward Sports Council towards the development of a Masterplan.
- 4) Facilitate the development of a Masterplan for Lakeside Sports Complex with consideration of available financial and staffing resources.

**ORDINARY COUNCIL MEETING - 11 APRIL 2023  
MOTION**

|            |   |
|------------|---|
| <b>086</b> | <p><b>Councillor Peter Kafer</b><br/><b>Councillor Giacomo Arnott</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Note that a Masterplan has been developed for Tomaree Sports Complex and King Park Sports Complex.</li><li>2) Acknowledge that Lakeside Sports Complex is a valued sporting facility in Port Stephens.</li><li>3) Acknowledge the financial contribution of \$25,000 from West Ward Sports Council towards the development of a Masterplan.</li><li>4) Facilitate the development of a Masterplan for Lakeside Sports Complex with consideration of available financial and staffing resources.</li></ol> |
|------------|---|

Cr Peter Kafer foreshadowed a matter arising.

Those for the Motion: Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

**ITEM 2 - ATTACHMENT 1 COUNCIL RESOLUTION - LAKESIDE  
MASTERPLAN - MIN. NO 087 - 11 APRIL 2023.**

**MINUTES ORDINARY COUNCIL - 11 APRIL 2023**

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 11 APRIL 2023  
MATTER ARISING**

|            |   |
|------------|---|
| <b>087</b> | <b>Councillor Peter Kafer<br/>Councillor Steve Tucker</b><br><br>It was resolved that Council request the General Manager prepare a report for the next Council meeting outlining options to provide demountable change rooms and toilet facilities at Lakeside Sporting Complex. |
|------------|---|

Those for the Motion: Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**BACKGROUND REPORT OF: JOHN MARETCH – ASSET SECTION MANAGER**

**BACKGROUND**

Lakeside Sports Complex is a district sporting facility located at 13 Leisure Way, Raymond Terrace. The facility contains 3 senior rugby league fields and 2 synthetic cricket wickets and is home to the Raymond Terrace Roosters Junior Rugby League Football Club, the Raymond Terrace Magpies Rugby League Club and the Lakeside Village Tavern Panthers Cricket Club. The facility also hosts the Nations of Origin Rugby League Competition and finals for the Tooheys Newcastle Rugby League Competition. The facility is regarded as one of the premier rugby league facilities within the Hunter and has a fundamental role in the growth of the game.

Across Port Stephens the sporting landscape is changing with people seeking a variety of sporting opportunities, all year round and at convenient times. Contemporary facilities are improving in quality and offer an inclusive environment for people of all backgrounds to enjoy the benefits of community sport. To ensure the Ports Stephens community has access to quality facilities, it is important that Council invests in its planning framework to prioritise future upgrades and take advantage of funding opportunities.

State and Federal Government funding programs are requesting funding applications, particularly for higher value projects, to be supported with a robust business case and evidence that Council has undertaken consultation and planning to identify a project.

**ITEM 2 - ATTACHMENT 1 COUNCIL RESOLUTION - LAKESIDE  
MASTERPLAN - MIN. NO 087 - 11 APRIL 2023.****MINUTES ORDINARY COUNCIL - 11 APRIL 2023**

A masterplan is an effective planning tool to document the needs and desires of users and illustrate the future vision for a facility. Following the adoption of the Tomaree Sports Complex Masterplan in 2018 and King Parks Sports Complex Masterplan in 2020, both facilities have received significant amounts of funding from government grants.

**FINANCIAL/RESOURCE IMPLICATIONS**

The cost to develop a masterplan is estimated at \$60,000. The West Ward Sports Council has expressed its interest to contribute \$25,000. This contribution is not adequate to engage a consultant to deliver the masterplan in its entirety, therefore, there will need to be further contribution from Council by way of staffing resources or other funding sources.

| <b>Source of Funds</b>           | <b>Yes/No</b> | <b>Funding (\$)</b> | <b>Comment</b>  |
|----------------------------------|---------------|---------------------|---|
| Existing budget                  | Yes           |                     | Staffing resources to project manage and/or develop background information such as consultation outcomes and demand analysis. |
| Reserve Funds                    | No            |                     |   |
| Developer Contributions (\$7.11) | No            |                     |   |
| External Grants                  | No            |                     |   |
| Other                            | Yes           | \$25,000            | West Ward Sports Council contribution.  |

**ATTACHMENTS**

Nil.

Lakeside Sports Complex Demountable Site Plan



**ITEM NO. 3**

**FILE NO: 23/89973  
EDRMS NO: PSC2009-00965**

**DELEGATIONS REPORT**

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

**BACKGROUND**

The purpose of this report is to advise Council of each occasion the Mayor and/or General Manager have exercised their delegations, other than under section 226 and 335 of the Local Government Act 1993, which are conferred on each role.

The report at **(ATTACHMENT 1)** provides details of the delegation exercised, such as the delegated authority, the date and the reason for exercising the delegation.

**ATTACHMENTS**

1) Delegations Report.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



**ITEM 3 - ATTACHMENT 1 DELEGATIONS REPORT.**

**MAYOR AND GENERAL MANAGER DELEGATION REPORT**

| <b>Date exercised</b> | <b>Delegations exercised</b>                                 | <b>Purpose</b>   | <b>Role exercising delegation</b> | <b>Reported to Council</b> |
|-----------------------|--|--|-----------------------------------|----------------------------|
| 22 March 2023         | Clause 178 of the Local Government (General) Regulation 2022 | Acceptance of quote for asphalt works - Ferodale Road, Medowie, Kindlebark Road, Medowie and Gan Gan Road, Nelson Bay Road Intersection.   | General Manager                   | 9 May 2023                 |
| 27 March 2023         | Clause 178 of the Local Government (General) Regulation 2022 | Acceptance of quote for ICT Server and Storage Infrastructure - Hyper Converged Solution.  | General Manager                   | 9 May 2023                 |
| 28 March 2023         | Clause 178 of the Local Government (General) Regulation 2022 | Acceptance of tender for heating ventilation and air conditioning (HVAC) scheduled servicing.  | General Manager                   | 9 May 2023                 |
| 30 March 2023         | Clause 178 of the Local Government (General) Regulation 2022 | Acceptance of quote for Field Service Body to suit MY22 Hino 330 Series 817 4x4 Single Cab.  | Acting General Manager            | 9 May 2023                 |
| 6 April 2023          | Code of Meeting Practice                                     | Approval of Public Access applications - 2 x DA - 2 Old Punt Road, Swan Bay and 22 Homestead Street, Salamander Bay.   | Mayor                             | 9 May 2023                 |
| 6 April 2023          | Roads and Maritime Services delegations                      | Port Stephens Local Traffic Committee Meeting Minutes - 7 March 2023.  | Acting General Manager            | 9 May 2023                 |
| 6 April 2023          | Roads and Maritime Services delegations                      | Authorises the installation, display, removal or alteration of the traffic control devices for the listed items identified in the Port Stephens Local Traffic Committee report dated 7 March 2023. | Acting General Manager            | 9 May 2023                 |
| 11 April 2023         | Clause 178 of the Local Government (General) Regulation 2022 | Acceptance for the provision of supply and install of new fauna fencing of numerous types of fencing along Port Stephens Drive to prevent koalas entering the roadway.                             | Acting General Manager            | 9 May 2023                 |
| 12 April 2023         | Code of Meeting Practice                                     | Approval of Public Access applications - 2 x DA - 2 Old Punt Road, Swan Bay.   | Deputy Mayor                      | 9 May 2023                 |
| 13 April 2023         | Clause 178 of the Local Government (General) Regulation 2022 | Acceptance of Tender for Environmental Operation Services  | General Manager                   | 9 May 2023                 |
| 18 April 2023         | Clause 178 of the Local Government (General) Regulation 2022 | Acceptance of quote for supply and delivery of 2 x Truck Cab Chassis to include attachment of AH Peters Tipping Body.  | General Manager                   | 9 May 2023                 |

**ITEM NO. 4**

**FILE NO: 23/89376  
EDRMS NO: PSC2017-00106**

**COUNCIL RESOLUTIONS**

REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE

**BACKGROUND**

The purpose of this report is to inform the Mayor and Councillors of the status of all matters to be dealt with arising out of the proceedings of previous meetings of the Council in accordance with the Code of Meeting Practice.

**ATTACHMENTS**

- 1) Corporate Services Group resolutions.
- 2) Development Services Group resolutions.
- 3) Facilities & Services Group resolutions.
- 4) General Manager's Office resolutions.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 4 - ATTACHMENT 1 CORPORATE SERVICES GROUP RESOLUTIONS.**



|                             |                                       |                              |
|-----------------------------|---------------------------------------|------------------------------|
| <b>Action Sheets Report</b> | <b>Division:</b> Corporate Services   | <b>Date From:</b> 27/08/2013 |
|                             | <b>Committee:</b>                     | <b>Date To:</b> 11/04/2023   |
|                             | <b>Officer:</b>                       |                              |
|                             | <b>Printed: Friday, 14 April 2023</b> |                              |

| Type  | Meeting                        | Officer/Director | Subject   | Est. Compl. | Emailed    | Completed |
|---|--------------------------------|------------------|---|-------------|------------|-----------|
| Report  | Ordinary Council<br>11/10/2022 | Pattison, Zoe    | Policy Review: Property Investment and Development Policy | 30/06/2023  | 12/10/2022 |           |
| 1   |                                |                  |   |             |            | 22/273002 |
| <b>13 Apr 2023</b><br>Public Exhibition deferred to allow for further clarification on the distribution of funds. |                                |                  |   |             |            |           |

| Type   | Meeting                        | Officer/Director | Subject   | Est. Compl. | Emailed    | Completed |
|--|--------------------------------|------------------|---|-------------|------------|-----------|
| Report   | Ordinary Council<br>11/10/2022 | Pattison, Zoe    | Policy Review: Acquisition and Divestment of Land | 30/06/2023  | 12/10/2022 |           |
| 2  |                                |                  |   |             |            | 22/273002 |
| <b>13 Apr 2023</b><br>Report deferred to allow for further clarification on the distribution of funds. |                                |                  |   |             |            |           |

| Type   | Meeting                       | Officer/Director | Subject   | Est. Compl. | Emailed   | Completed |
|--|-------------------------------|------------------|---|-------------|-----------|-----------|
| Report   | Ordinary Council<br>8/11/2022 | Hazell, Tim      | Special Rate Variation - Revised Integrated Planning and Reporting Documents - Rate Rise Options Engagement | 30/06/2023  | 9/11/2022 |           |
| 1  |                               |                  |   |             |           | 22/300562 |
| <b>13 Apr 2023</b><br>Recommendation endorsed. Council submitted an application to the Independent Pricing and Regulatory Tribunal for a Special Rate Variation in January 2023. Application pending assessment. |                               |                  |   |             |           |           |

| Type  | Meeting                        | Officer/Director | Subject                       | Est. Compl. | Emailed | Completed |
|---|--------------------------------|------------------|-------------------------------|-------------|---------|-----------|
| Report  | Ordinary Council<br>22/09/2020 | Pattison, Zoe    | Newline Road, Raymond Terrace | 30/06/2023  |         |           |
| 2   |                                |                  |                               |             |         | 20/288489 |
| 199   |                                |                  |                               |             |         |           |
| <b>13 Apr 2023</b><br>Completion of the acquisition is subject to completion of the road works, as finished levels are required to inform the survey. The road works have been substantially delayed due to continued adverse weather conditions. |                                |                  |                               |             |         |           |

| Type  | Meeting                        | Officer/Director | Subject                  | Est. Compl. | Emailed    | Completed |
|---|--------------------------------|------------------|--------------------------|-------------|------------|-----------|
| Report  | Ordinary Council<br>11/05/2021 | Pattison, Zoe    | Car parking in Shoal Bay | 30/06/2023  | 12/05/2021 |           |
| 1   |                                |                  |                          |             |            | 21/123694 |
| <b>14 Apr 2023</b><br>Construction of the car park is subject to adoption of a Plan of Management for the land. The land has been added to the draft Plan of Management for the Shoal Bay Holiday Park. Public Exhibition of the draft Plan of Management has concluded and a post exhibition report is currently being prepared. |                                |                  |                          |             |            |           |

**ITEM 4 - ATTACHMENT 1 CORPORATE SERVICES GROUP RESOLUTIONS.**



|                             |                                     |                                       |
|-----------------------------|-------------------------------------|---------------------------------------|
| <b>Action Sheets Report</b> | <b>Division:</b> Corporate Services | <b>Date From:</b> 27/08/2013          |
|                             | <b>Committee:</b>                   | <b>Date To:</b> 11/04/2023            |
|                             | <b>Officer:</b>                     | <b>Printed:</b> Friday, 14 April 2023 |

| Type  | Meeting                        | Officer/Director | Subject        | Est. Compl. | Emailed | Completed |
|---|--------------------------------|------------------|----------------|-------------|---------|-----------|
| Report  | Ordinary Council<br>27/08/2013 | Pattison, Zoe    | Campvale Drain | 30/06/2023  |         |           |
| 243<br><b>13 Apr 2023</b><br>Awaiting final execution of easement documentation for 2 properties. All other properties (with exception of these 2) have been finalised. |                                |                  |                |             |         |           |

**ITEM 4 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP RESOLUTIONS.**



|                             |                                       |                                       |
|-----------------------------|---------------------------------------|---------------------------------------|
| <b>Action Sheets Report</b> | <b>Division:</b> Development Services | <b>Date From:</b> 14/09/2021          |
|                             | <b>Committee:</b>                     | <b>Date To:</b> 11/04/2023            |
|                             | <b>Officer:</b>                       | <b>Printed:</b> Monday, 17 April 2023 |

| Type  | Meeting                        | Officer/Director | Subject                       | Est. Compl. | Emailed    | Completed |
|---|--------------------------------|------------------|-------------------------------|-------------|------------|-----------|
| Report  | Ordinary Council<br>11/04/2023 | Lamont, Brock    | NSW Electric Vehicle Strategy | 26/05/2023  | 12/04/2023 |           |
| 3<br>093  |                                | Pear, Steven     |                               |             |            | 23/92450  |
| <b>13 Apr 2023</b>  |                                |                  |                               |             |            |           |
| Council is undertaking consultation with stakeholders to establish a framework for the proposed Development Control Plan amendments. Investigations have commenced into available grant funding opportunities. Expression of Interest for EV charging providers is currently being developed. |                                |                  |                               |             |            |           |

| Type   | Meeting                        | Officer/Director | Subject                             | Est. Compl. | Emailed    | Completed |
|--|--------------------------------|------------------|-------------------------------------|-------------|------------|-----------|
| Report   | Ordinary Council<br>11/04/2023 | Lamont, Brock    | 22 Homestead Street, Salamander Bay | 15/09/2023  | 12/04/2023 |           |
| 5<br>088   |                                | Pear, Steven     |                                     |             |            | 23/92450  |
| <b>13 Apr 2023</b>   |                                |                  |                                     |             |            |           |
| Council is investigating options for the rezoning of 22 Homestead Street, Salamander Bay. Council has commenced benchmarking and investigations into the feasibility of developing an Environmental Management Plan for the relevant lots. A report is forecasted to be presented to Council for consideration at the 12 September 2023 meeting. |                                |                  |                                     |             |            |           |

| Type  | Meeting                        | Officer/Director | Subject   | Est. Compl. | Emailed | Completed |
|---|--------------------------------|------------------|---|-------------|---------|-----------|
| Matter Arising  | Ordinary Council<br>11/04/2023 | Pear, Steven     | DA - Group Home - Transitional - Swan Bay - Write to the Federal Member for Paterson, Meryl Swanson and State Member for Port Stephens, Kate Washington requesting they find a suitable location for a rehabilitation centre to operate in Port Stephens. | 26/04/2023  |         |           |
| 091   |                                | Pear, Steven     |   |             |         |           |
| <b>17 Apr 2023</b>  |                                |                  |   |             |         |           |
| Correspondence seeking a collaborative approach to providing Rehabilitation Facilities in the Port Stephens LGA has been drafted to both Federal and State members. |                                |                  |   |             |         |           |

| Type  | Meeting                        | Officer/Director | Subject               | Est. Compl. | Emailed    | Completed |
|---|--------------------------------|------------------|-----------------------|-------------|------------|-----------|
| Report  | Ordinary Council<br>11/04/2023 | Lamont, Brock    | Housing Affordability | 29/09/2023  | 12/04/2023 |           |
| 6<br>105  |                                | Pear, Steven     |                       |             |            | 23/92450  |
| <b>13 Apr 2023</b>  |                                |                  |                       |             |            |           |
| Council has commenced drafting an Affordable Housing Action Plan. A Councillor briefing has been undertaken on 18 April 2023, seeking feedback. A draft action plan is forecasted to be placed on public exhibition in July 2023. |                                |                  |                       |             |            |           |

**ITEM 4 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP RESOLUTIONS.**



**Division:** Development Services      **Date From:** 14/09/2021  
**Committee:**      **Date To:** 11/04/2023  
**Officer:**  
**Action Sheets**      **Printed: Monday, 17 April 2023**  
**Report**

| Type  | Meeting                        | Officer/Director | Subject                             | Est. Compl. | Emailed    | Completed |
|---|--------------------------------|------------------|-------------------------------------|-------------|------------|-----------|
| Report  | Ordinary Council<br>11/04/2023 | Pear, Steven     | Development Application Information | 31/07/2023  | 12/04/2023 |           |
| 3   |                                | Pear, Steven     |                                     |             |            | 23/92450  |
| 103   |                                |                  |                                     |             |            |           |
| <b>17 Apr 2023</b>  |                                |                  |                                     |             |            |           |
| Council staff have commenced discussions with the 'DA Tracker' software vendor in relation to adding additional fields. A report will be provided to Council in relation to providing additional information on 'DA Tracker'. |                                |                  |                                     |             |            |           |

| Type  | Meeting                        | Officer/Director | Subject                            | Est. Compl. | Emailed    | Completed |
|---|--------------------------------|------------------|------------------------------------|-------------|------------|-----------|
| Report  | Ordinary Council<br>11/04/2023 | Lamont, Brock    | Health Facilities in Port Stephens | 26/05/2023  | 12/04/2023 |           |
| 5   |                                | Pear, Steven     |                                    |             |            | 23/92450  |
| 095   |                                |                  |                                    |             |            |           |
| <b>13 Apr 2023</b>  |                                |                  |                                    |             |            |           |
| Council is reviewing work plans to include the adopted recommendations in work programs. Council is preparing correspondence to further advocate for government investment in public hospitals and associated tertiary education and/or research facilities in Port Stephens. |                                |                  |                                    |             |            |           |

| Type  | Meeting                        | Officer/Director | Subject              | Est. Compl. | Emailed    | Completed |
|---|--------------------------------|------------------|----------------------|-------------|------------|-----------|
| Report  | Ordinary Council<br>28/03/2023 | Lamont, Brock    | Street Tree Strategy | 11/08/2023  | 29/03/2023 |           |
| 1   |                                | Pear, Steven     |                      |             |            | 23/81000  |
| 070   |                                |                  |                      |             |            |           |
| <b>17 Apr 2023</b>  |                                |                  |                      |             |            |           |
| Council has commenced benchmarking and investigations on the development of a Street Tree Strategy. A report is forecasted to be presented to Council at the 8 August 2023 meeting. |                                |                  |                      |             |            |           |

| Type   | Meeting                        | Officer/Director | Subject  | Est. Compl. | Emailed    | Completed |
|--|--------------------------------|------------------|--|-------------|------------|-----------|
| Report   | Ordinary Council<br>14/03/2023 | Lamont, Brock    | Draft amendment to Port Stephens Development Control Plan (2014) Chapter D17: Stockton Rifle Range | 26/05/2023  | 15/03/2023 |           |
| 2  |                                | Pear, Steven     |  |             |            | 23/69308  |
| 047  |                                |                  |  |             |            |           |
| <b>13 Apr 2023</b>   |                                |                  |  |             |            |           |
| The public exhibition period for the Draft amendment to Port Stephens Development Control Plan (2014) Chapter D17: Stockton Rifle Range closed on 14 April 2023. A report on the outcomes of the public exhibition is scheduled to be presented to Council for consideration at the 23 May 2023 meeting. |                                |                  |  |             |            |           |

**ITEM 4 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP RESOLUTIONS.**



|                             |                                       |                                       |
|-----------------------------|---------------------------------------|---------------------------------------|
| <b>Action Sheets Report</b> | <b>Division:</b> Development Services | <b>Date From:</b> 14/09/2021          |
|                             | <b>Committee:</b>                     | <b>Date To:</b> 11/04/2023            |
|                             | <b>Officer:</b>                       | <b>Printed:</b> Monday, 17 April 2023 |

| Type   | Meeting                        | Officer/Director | Subject  | Est. Compl. | Emailed   | Completed |
|--|--------------------------------|------------------|--|-------------|-----------|-----------|
| Report   | Ordinary Council<br>28/02/2023 | Drinan, Kate     | Development Application (DA) 16-2022-223-1 for a Residential Flat Building at 18 to 20 Soldiers Point Road, Soldiers Point | 23/05/2023  | 2/03/2023 |           |
| 3016   |                                | Pear, Steven     |  |             |           | 23/54781  |
| <b>17 Apr 2023</b><br>The Development Application for 18-20 Soldiers Point Road, Soldiers Point has been scheduled to be reported to Council's meeting of 23 May 2023. |                                |                  |  |             |           |           |

| Type   | Meeting                        | Officer/Director | Subject                         | Est. Compl. | Emailed    | Completed |
|--|--------------------------------|------------------|---------------------------------|-------------|------------|-----------|
| Report   | Ordinary Council<br>14/09/2021 | Lamont, Brock    | Port Stephens Waterway Strategy | 29/12/2023  | 15/09/2021 |           |
| 1240   |                                | Pear, Steven     |                                 |             |            | 21/252518 |
| <b>17 Apr 2023</b><br>Council was unsuccessful in the Regional NSW - Business Case and Strategy Development Fund grant, other funding sources are currently being investigated. Funding is being sought for consultants to prepare the Port Stephens Waterways Strategy. |                                |                  |                                 |             |            |           |

| Type  | Meeting                        | Officer/Director | Subject  | Est. Compl. | Emailed | Completed |
|---|--------------------------------|------------------|--|-------------|---------|-----------|
| Matter Arising  | Ordinary Council<br>14/03/2023 | Lamont, Brock    | LEP Amendment to review building height controls | 15/12/2023  |         |           |
|   |                                | Pear, Steven     |  |             |         |           |
| <b>13 Apr 2023</b><br>Council has commenced consultation with external stakeholders and continues to investigate options for the resolved LEP amendment. A draft amendment is forecasted to be presented to Council at the 12 December 2023 meeting, seeking endorsement to submit the planning proposal to the NSW Department of Planning and Environment for a Gateway determination. |                                |                  |  |             |         |           |

| Type   | Meeting                        | Officer/Director | Subject                             | Est. Compl. | Emailed    | Completed |
|--|--------------------------------|------------------|-------------------------------------|-------------|------------|-----------|
| Report   | Ordinary Council<br>14/03/2023 | Gardner, Janelle | Policy Review: Media Liaison Policy | 16/06/2023  | 15/03/2023 |           |
| 5050   |                                | Pear, Steven     |                                     |             |            | 23/69308  |
| <b>13 Apr 2023</b><br>Media Liaison Policy public exhibition period closed 15 April 2023. To be reported to Council for consideration at the 13 June 2023 meeting. |                                |                  |                                     |             |            |           |

**ITEM 4 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP RESOLUTIONS.**



|                             |                                       |                                       |
|-----------------------------|---------------------------------------|---------------------------------------|
| <b>Action Sheets Report</b> | <b>Division:</b> Development Services | <b>Date From:</b> 14/09/2021          |
|                             | <b>Committee:</b>                     | <b>Date To:</b> 11/04/2023            |
|                             | <b>Officer:</b>                       | <b>Printed:</b> Monday, 17 April 2023 |

| Type  | Meeting                        | Officer/Director | Subject                                       | Est. Compl. | Emailed    | Completed |
|---|--------------------------------|------------------|---|-------------|------------|-----------|
| Report  | Ordinary Council<br>14/03/2023 | Lamont, Brock    | Draft Development Control Plan - Housekeeping | 30/07/2023  | 15/03/2023 |           |
| 3<br>048  |                                | Pearl, Steven    |   |             |            | 23/69308  |
| <b>13 Apr 2023</b>  |                                |                  |   |             |            |           |
| The endorsed Port Stephens Development Control Plan 2014 has been adopted. Council is undertaking consultation with internal stakeholders and impacted landholders regarding a further review of Chapter D12 - Richardson Road. |                                |                  |   |             |            |           |



**ITEM 4 - ATTACHMENT 3 FACILITIES & SERVICES GROUP RESOLUTIONS.**



**Division:** Facilities & Services  
**Committee:**  
**Officer:**  
**Date From:** 09/02/2021  
**Date To:** 11/04/2023  
**Printed:** Monday, 17 April 2023

**Action Sheets Report**

| Type  | Meeting                        | Officer/Director | Subject       | Est. Compl. | Emailed    | Completed |
|---|--------------------------------|------------------|---------------|-------------|------------|-----------|
| Report  | Ordinary Council<br>26/07/2022 | Maretich, John   | Smart Parking | 31/05/2023  | 27/07/2022 |           |
| 2   |                                | Kable, Gregory   |               |             |            | 22/199431 |
| <b>12 Apr 2023</b>  |                                |                  |               |             |            |           |
| Staff compiling details to report back to Council at the meeting to be held on 23 May 2023. |                                |                  |               |             |            |           |

| Type   | Meeting                        | Officer/Director | Subject   | Est. Compl. | Emailed    | Completed |
|--|--------------------------------|------------------|---|-------------|------------|-----------|
| Report   | Ordinary Council<br>24/05/2022 | Maretich, John   | Review of Dog Off Lead Areas - Boat Harbour Beach | 30/06/2023  | 27/05/2022 |           |
| 4  |                                | Kable, Gregory   |   |             |            | 22/136825 |
| <b>12 Apr 2023</b>   |                                |                  |   |             |            |           |
| Report was endorsed by Council at its meeting held 24 May 2022, Minute No. 133. A review will be carried out in 12 months as per the Council resolution. |                                |                  |   |             |            |           |

| Type  | Meeting                        | Officer/Director | Subject                                      | Est. Compl. | Emailed    | Completed |
|---|--------------------------------|------------------|--|-------------|------------|-----------|
| Report  | Ordinary Council<br>28/03/2023 | Maretich, John   | Naming of Athletics Track at Vi Barnett Oval | 31/05/2023  | 29/03/2023 |           |
| 4<br>073  |                                | Kable, Gregory   |  |             |            | 23/81000  |
| <b>12 Apr 2023</b>  |                                |                  |  |             |            |           |
| Currently designing sign to be ordered and installed as soon as possible. |                                |                  |  |             |            |           |

| Type  | Meeting                        | Officer/Director | Subject  | Est. Compl. | Emailed    | Completed |
|---|--------------------------------|------------------|--|-------------|------------|-----------|
| Report  | Ordinary Council<br>11/04/2023 | Maretich, John   | Naming Recreation Precinct at Medowie after Geoff Dingle | 31/12/2023  | 12/04/2023 |           |
| 2<br>085  |                                | Kable, Gregory   |  |             |            | 23/92450  |
| <b>14 Apr 2023</b>  |                                |                  |  |             |            |           |
| Once the reserve has been subdivided as per the Medowie Place Plan, an application will be submitted to the Geographical Naming Board to the name the recreation precinct after Geoff Dingle. |                                |                  |  |             |            |           |

**ITEM 4 - ATTACHMENT 3 FACILITIES & SERVICES GROUP RESOLUTIONS.**



**Division:** Facilities & Services  
**Committee:**  
**Officer:**  
**Date From:** 09/02/2021  
**Date To:** 11/04/2023  
**Printed:** Monday, 17 April 2023  
**Action Sheets Report**

| Type   | Meeting                        | Officer/Director | Subject   | Est. Compl. | Emailed | Completed |
|--|--------------------------------|------------------|---|-------------|---------|-----------|
| Matter Arising   | Ordinary Council<br>11/04/2023 | Maretich, John   | Lakeside Masterplan - Request the General Manager prepare a report for the next Council meeting outlining options to provide demountable change rooms and toilet facilities at Lakeside Sporting Complex. | 12/05/2023  |         |           |
| 086  |                                | Kable, Gregory   |   |             |         |           |
| <b>14 Apr 2023</b><br>Report will be prepared for the Council Meeting to be held 9 May 2023. |                                |                  |   |             |         |           |

| Type   | Meeting                        | Officer/Director | Subject                            | Est. Compl. | Emailed | Completed |
|--|--------------------------------|------------------|------------------------------------|-------------|---------|-----------|
| Report   | Ordinary Council<br>10/08/2021 | Maretich, John   | Raymond Terrace Seven Day Makeover | 30/06/2023  |         |           |
| 17<br>228  |                                | Kable, Gregory   |                                    |             |         | 21/218740 |
| <b>12 Apr 2023</b><br>This will be discussed with the Councillors in the lead up to William Street, Stage 2 which funded through the Streets of Shared Spaces grant. There is the possibility to incorporate a Business Boosters Program to create great business vibrancy in Raymond Terrace. |                                |                  |                                    |             |         |           |

| Type   | Meeting                       | Officer/Director | Subject                                     | Est. Compl. | Emailed | Completed |
|--|-------------------------------|------------------|---|-------------|---------|-----------|
| Report   | Ordinary Council<br>9/02/2021 | Maretich, John   | Medowie Regional Playground and Town Centre | 30/06/2023  |         |           |
| 2<br>012   |                               | Kable, Gregory   |   |             |         | 21/33235  |
| <b>12 Apr 2023</b><br>The regional playground will be addressed in the Medowie Place Plan. A separate report will be prepared for Council following the outcome of the Medowie Place Plan. |                               |                  |   |             |         |           |

| Type   | Meeting                        | Officer/Director | Subject  | Est. Compl. | Emailed    | Completed |
|--|--------------------------------|------------------|--|-------------|------------|-----------|
| Report   | Ordinary Council<br>12/10/2021 | Gutsche, Tammy   | Change to Lease Arrangements for Fingal Bay Surf Life Saving Club and Commercial Tenancies | 30/06/2023  | 13/10/2021 |           |
| 8<br>270   |                                | Kable, Gregory   |  |             |            | 21/274186 |
| <b>12 Apr 2023</b><br>Lease for Saltwater Restaurant has been executed. Still waiting on solicitors for Longboat Café and Fingal Surf Club to finalise these leases. |                                |                  |  |             |            |           |

**ITEM 4 - ATTACHMENT 3 FACILITIES & SERVICES GROUP RESOLUTIONS.**



**Division:** Facilities & Services  
**Date From:** 09/02/2021  
**Committee:**  
**Date To:** 11/04/2023  
**Officer:**  
**Printed:** Monday, 17 April 2023

[Action Sheets Report](#)

| Type   | Meeting                       | Officer/Director | Subject         | Est. Compl. | Emailed    | Completed |
|--|-------------------------------|------------------|-----------------|-------------|------------|-----------|
| Report   | Ordinary Council<br>8/02/2022 | Maretich, John   | Medowie Library | 31/05/2023  | 14/02/2022 |           |
| 2<br>027   |                               | Kable, Gregory   |                 |             |            | 22/45826  |
| <b>12 Apr 2023</b>   |                               |                  |                 |             |            |           |
| A report will be prepared for the Council Meeting scheduled for the 23 May 2023. |                               |                  |                 |             |            |           |

| Type   | Meeting                       | Officer/Director | Subject  | Est. Compl. | Emailed    | Completed |
|--|-------------------------------|------------------|--|-------------|------------|-----------|
| Report   | Ordinary Council<br>8/02/2022 | Maretich, John   | Policy review - Contribution to Works for kerb and guttering construction policy | 31/05/2023  | 14/02/2022 |           |
| 6<br>018   |                               | Kable, Gregory   |  |             |            | 22/45826  |
| <b>12 Apr 2023</b>   |                               |                  |  |             |            |           |
| A report will be prepared for the Council Meeting scheduled for 23 May 2023. |                               |                  |  |             |            |           |

**ITEM 4 - ATTACHMENT 4      GENERAL MANAGER'S OFFICE RESOLUTIONS.**



|                             |   |   |
|-----------------------------|---|---|
| <b>Action Sheets Report</b> | <b>Division:</b> General Manager's Office | <b>Date From:</b> 11/04/2023            |
|                             | <b>Committee:</b>                         | <b>Date To:</b> 11/04/2023              |
|                             | <b>Officer:</b>                           | <b>Printed:</b> Thursday, 17 April 2023 |

| Type  | Meeting                        | Officer/Director | Subject              | Est. Compl. | Emailed    | Completed |
|---|--------------------------------|------------------|----------------------|-------------|------------|-----------|
| Mayoral Minute                                    | Ordinary Council<br>11/04/2023 | Walker, Ashley   | Financial Assistance | 25/04/2023  | 12/04/2023 |           |
| 3<br>083  |                                |                  |                      |             |            | 23/92450  |
| <b>13 Apr 2023</b>                                |                                |                  |                      |             |            |           |
| Awaiting necessary paperwork to process payments. |                                |                  |                      |             |            |           |

# NOTICES OF MOTION

**NOTICE OF MOTION**

**ITEM NO. 1**

**FILE NO: 23/89223**

**EDRMS NO: PSC2021-04195**

**CONSTRUCTION OF A BUILDING**

**COUNCILLOR: PETER KAFER**

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**THAT COUNCIL:**

- 1) Requests the General Manager to provide a report to Council that investigates the following:
  - a) The erection of a building that incorporates a Town Hall and 2 floors of either indoor staff office space or rooms suitable for holding conferences or training.
  - b) The report should envision such a building, built on the ground sited directly to the west of the current Council Chambers, where there is currently ground level car parking situated.

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**ORDINARY COUNCIL MEETING - 9 MAY 2023  
MOTION**

|            |   |
|------------|---|
| <b>008</b> | <p><b>Councillor Peter Kafer</b><br/><b>Councillor Giacomo Arnott</b></p> <p>It was resolved that Council requests the General Manager to provide a report to Council that investigates the following:</p> <ol style="list-style-type: none"><li>a) The erection of a building that incorporates a Town Hall and 2 floors of either indoor staff office space or rooms suitable for holding conferences or training.</li><li>b) The report should envision such a building, built on the ground sited directly to the west of the current Council Chambers, where there is currently ground level car parking situated.</li></ol> |
|------------|---|

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

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

The purpose of this background is to provide information in relation to this Notice of Motion.

Whilst conceptual ideas have previously highlighted an extension of the Council's administration building to the west for a community space, the idea has not progressed past the first step of a preliminary desktop estimate. Using current rate per square metre for a construction of a civic building, a very preliminary estimate shows that the final build would be in excess of \$12 million.

Determining the final purpose and design style of the building will provide a better, but still very preliminary build cost. The purpose and the cost would form part of any business case for this project.

**FINANCIAL/RESOURCE IMPLICATIONS**

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

**ATTACHMENTS**

Nil.

There being no further business the meeting closed at 6:33pm.