

NOTICE OF ORDINARY MEETING

11 MAY 2021



PORT STEPHENS C O U N C I L

The Mayor and Councillors attendance is respectfully requested:

Mayor: R Palmer (Chair).

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

SCHEDULE OF MEETINGS

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

Please Note:

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

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

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

Food and beverages are not permitted in the Council Chamber.

INDEX

SUBJECT

PAGE NO

MOTIONS TO CLOSE 14

1. MOTION TO CLOSE 15

COUNCIL REPORTS..... 16

1. CAR PARKING IN SHOAL BAY 17
2. REQUEST FOR FINANCIAL ASSISTANCE 25
3. INFORMATION PAPERS 29

INFORMATION PAPERS 30

1. COUNCIL RESOLUTIONS 31
2. DESIGNATED PERSONS' RETURN 42

NOTICES OF MOTION 43

1. CRANE IN CHURCH STREET, NELSON BAY 44

CONFIDENTIAL 46

1. INVESTIGATION OF DEVELOPMENT OF LAND AT SHOAL BAY

BUSINESS

- 1) Opening meeting.
- 2) Prayer - We ask Almighty God to give us wisdom and courage so we can serve our community, and uphold justice and equality in Port Stephens. Amen.
- 3) Acknowledgement of Country - Today, we are meeting on Worimi Country, we acknowledge the past, we are working towards a better tomorrow.
- 4) Apologies and applications for a leave of absence by Councillors.
- 5) Confirmation of minutes Ordinary Meeting of 27 April 2021.
- 6) Disclosure of interests.
- 7) Mayoral minute(s) – if submitted
- 8) Motions to close meeting to the public – if submitted.
- 9) Reports to Council.
- 10) General Manager’s reports – if submitted.
- 11) Questions with Notice – if submitted.
- 12) Questions on Notice.
- 13) Notices of motions – if submitted.
- 14) Rescission motions – if submitted.
- 15) Confidential matters – if submitted.
- 16) Conclusion of the meeting.

PRINCIPLES FOR LOCAL GOVERNMENT

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

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

Guiding principles for Council

1. Exercise of functions generally

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

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

2. Decision-making

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

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

3. Community participation

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

Principles of sound financial management

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

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

Integrated planning and reporting principles that apply to Council

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

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

PORT STEPHENS COMMUNITY STRATEGIC PLAN

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

The Community Strategic Plan is organised into four focus areas:

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

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

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

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

BUSINESS EXCELLENCE

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

These outcomes align with the following Business Excellence principles:

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

MEETING PROCEDURES SUMMARY

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

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

Declarations of Interest

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

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

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

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

Motions and Amendments

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

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

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

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

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

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

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

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

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

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

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

A Point of Order can be raised where:

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

Declarations of Conflict of Interest – Definitions

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

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

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

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



Form of Special Disclosure of Pecuniary Interest

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

Important information

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

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

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

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

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

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

ORDINARY COUNCIL - 11 MAY 2021

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

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

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

to be held on the _____ day of _____ 20__

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

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

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

ORDINARY COUNCIL - 11 MAY 2021

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

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

Mayor/Councillor's signature _____

Date _____

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



Declaration of Interest form

Agenda item No. _____

Report title _____

Mayor/Councillor _____ declared a

Tick the relevant response:

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

in this item. The nature of the interest is _____

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

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

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

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

Mayor/Councillor left the Council meeting at _____ pm.

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

MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: 21/108224
EDRMS NO: PSC2018-00382

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (c) and (d)i of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely **Investigation of Development of Land at Shoal Bay.**
 - 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
and
 - commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
 - 3) That the report remain confidential and the minute be released in accordance with Council's resolution.
-

COUNCIL REPORTS

ITEM NO. 1

FILE NO: 21/86969
EDRMS NO: PSC2018-00382

CAR PARKING IN SHOAL BAY

REPORT OF: TIMOTHY CROSDALE - GROUP MANAGER CORPORATE SERVICES
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receives and notes the contents of the report.
- 2) Continues consultation with Crown Lands to enable this proposed use.
- 3) Undertake the construction of a car park on land at the corner of Shoal Bay Road and Government Road, Shoal Bay as part of the continued roll out of the smart parking scheme.

BACKGROUND

The purpose of this report is respond to the Notice of Motion on 9 February 2021 (**ATTACHMENT 1**) that resolved that Council will:

Minute Number 016: Investigate the use of the Crown reserve to construct a car park on Crown land at the corner of Shoal Bay Road and Government Road, Shoal Bay.

The subject land is partly Crown land and partly road reserve (**ATTACHMENT 2**). It has a total area of approximately 3,932m² and is zoned part RE2 Private Recreation (the Crown land) and part RE1 Public Recreation (the road reserve).

The Crown land (shown in black on **ATTACHMENT 3**) forms part of a large lot that includes Bernie Thompson Park and part of the Shoal Bay Holiday Park, as well as an unsealed area that is currently utilised as an informal parking area. It has a total area of 2.081 hectares. The road reserve portion of the subject land (shown in white on **ATTACHMENT 3**) is also used as an informal parking area.

The informal car parking area enables access to Crown land shown on (**ATTACHMENT 3**) as well as other areas of Crown land along the Shoal Bay foreshore.

A meeting was held with Crown Lands on 12 March 2021 to discuss the possibility of that part of the Crown land being constructed and used for public car parking purposes and explored the ability to utilise the Crown reserve to fund the works.

Under the Crown Lands Management Act 2016, any use of Crown land **(ATTACHMENT 3)** must be consistent with the reserve purpose. The Crown land was reserved for public recreation purposes in 1957 and in isolation, the proposed use is not consistent with the reserve purpose.

It is considered that the proposed use as a car park is ancillary to the reserve purpose as it will:

- Facilitate the continued use of the whole of the reserve, as well as the adjacent public recreation reserves, by the general public.
- Formalise the long term informal use of the land.
- Mitigate the risk of damage to the land or its users caused by vehicles driving over natural ground.

In principle support to the proposed construction and use of the subject land on the basis of it being ancillary to the reserve purpose has been provided by Crown Lands.

Investigations have found that 95-100 car parking spaces could be accommodated on the subject land, at a potential cost of \$1 million (based on typical unit rates for this type of construction). These costs would be further refined through additional design and investigations.

It is recommended that Council undertake the car park works as part of its previously resolved continued roll out of smart parking in Shoal Bay to ensure delivery is integrated with this program.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

As Council is appointed land manager of the Crown land it is able to manage the land for the benefit of the community, in accordance with the reserve purpose, without having to pay to lease or purchase.

A summary of construction and purchase costs is provided below.

Potential Yield (no. of spaces)	Purchase costs	Total construction costs	Cost per car park
100	Nil	\$1,000,000 (based on typical unit rates for this type of construction)	\$10,000

Funding options have been examined and the works can be funded as part of the smart parking roll out.

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 a number of legislative requirements to be addressed should Council resolve to undertake further investigation into car parking on the site.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Crown Lands may not accept car park as an ancillary use.	Low	Adopt the recommendations.	Yes
There is a risk that funding source may not be available.	Medium	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Construction of the car park will make parking spaces more accessible for public car parking, reducing traffic congestion for users of the waterfront and adjacent public areas. It may also assist in mitigating any risk of conflict between pedestrians and vehicles as it will reduce the number of vehicles required to drive down towards the headland and pedestrians can safely cross the road at the traffic lights located on the corner of the land.

Construction may require removal of some trees from the Crown land and this will be considered as part of the environmental assessment process.

CONSULTATION

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

Internal

- Assets Section Manager
- Acting Civil Infrastructure Engineer
- Financial Services Section Manager
- Property Manager
- Strategic Property Coordinator

External

- Crown Lands – Group Leader, Regional Services

OPTIONS

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

ATTACHMENTS

- 1) Notice of Motion - Shoal Bay Car Park - 9 February 2021. [↓](#)
- 2) Locality Plan - subject land in black hatch. [↓](#)
- 3) Locality Plan - Crown land and road reserve. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1 NOTICE OF MOTION - SHOAL BAY CAR PARK - 9 FEBRUARY 2021.

MINUTES ORDINARY COUNCIL - 9 FEBRUARY 2021

NOTICE OF MOTION

ITEM NO. 6

FILE NO: 21/17509

EDRMS NO: PSC2017-00019

SHOAL BAY CAR PARK

COUNCILLOR: RYAN PALMER

THAT COUNCIL:

- 1) Investigates the use of the Crown Reserve to construct a car park on Crown Land at the corner of Shoal Bay Road and Government Road at Shoal Bay.

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

016	Mayor Ryan Palmer Councillor Glen Dunkley It was resolved that Council investigates the use of the Crown Reserve to construct a car park on Crown Land at the corner of Shoal Bay Road and Government Road at Shoal Bay.
------------	--

The motion was carried.

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

BACKGROUND

The Crown Land Management Act 2016 encourages multiple uses of Crown Land where appropriate, and where the additional use does not pose material harm to the reserve.

Any use of Crown Land must be consistent with the reserve purpose and must consider Native Title and Aboriginal Land Rights.

The land is reserved for public reserve purposes and part is developed and used as a children's playground. Constructing a public car park on the remaining part will formalise the current use, facilitate use of the children's playground, and facilitate use of the adjacent Crown foreshore reserve.

ITEM 1 - ATTACHMENT 1 NOTICE OF MOTION - SHOAL BAY CAR PARK - 9 FEBRUARY 2021.**MINUTES ORDINARY COUNCIL - 9 FEBRUARY 2021**

It is noted that concurrence from Crown Lands will be required prior to Council undertaking any works.

Any construction or earthworks may impact on Native Title and the proposal will have to be assessed under the Future Act Subdivisions of the Native Title Act 1993 (Cth).

All Crown Land is subject to the provisions of Aboriginal Land Rights Act 1984 and may become subject to a claim under that Act at any time. Crown Land subject to a land claim cannot be leased, licensed or developed without the consent of the claimant land council.

The investigation will also need to examine Council's funding options for the necessary construction works.

These issues will be investigated and reported back to Council for consideration.

FINANCIAL/RESOURCE IMPLICATIONS

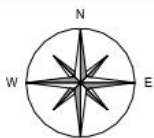
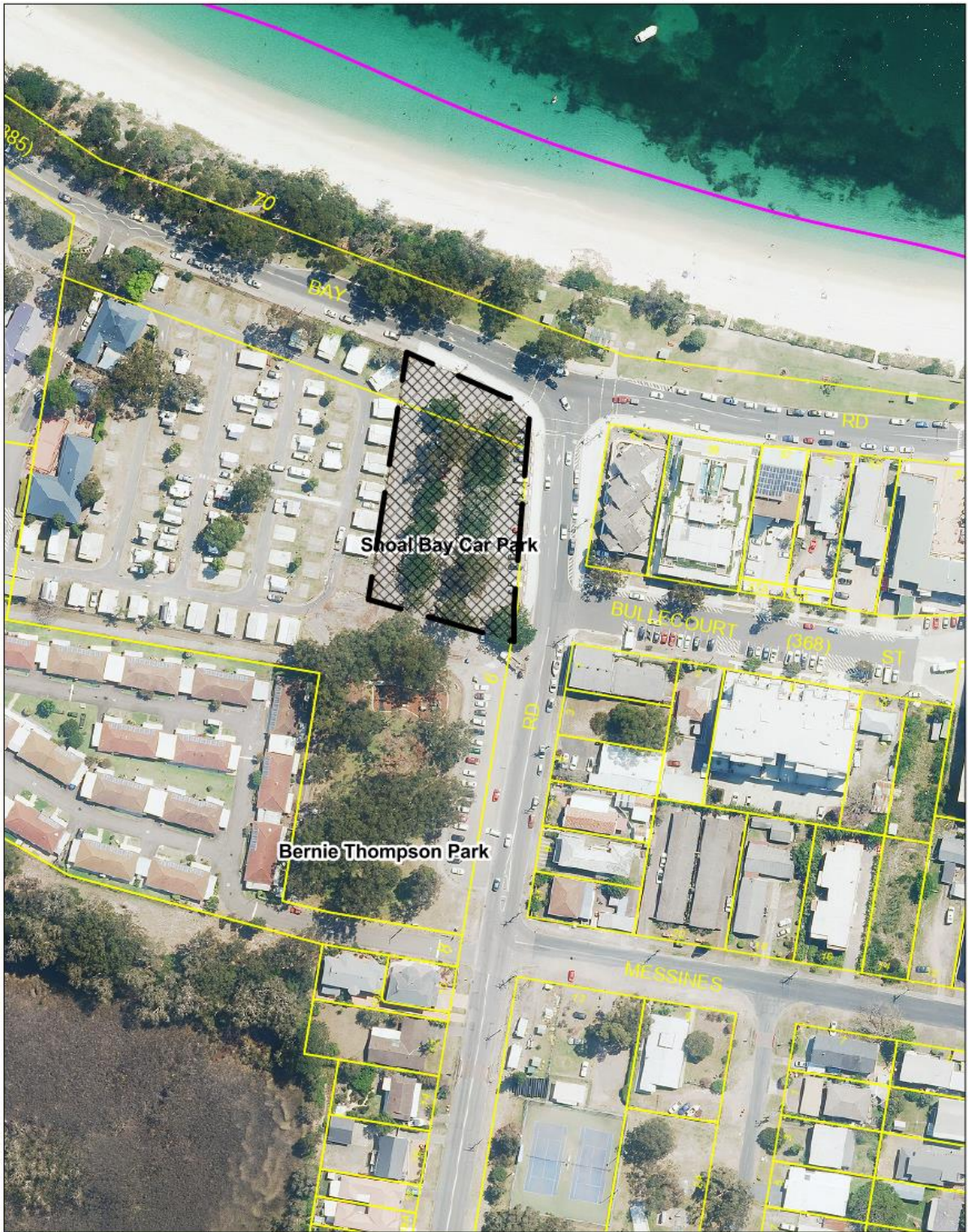
Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

ATTACHMENTS

Nil.

ITEM 1 - ATTACHMENT 2 LOCALITY PLAN - SUBJECT LAND IN BLACK HATCH.

Shoal Bay Road and Government Road, Shoal Bay



MGA 56



DISCLAIMER

Port Stephens Council accepts no responsibility for any errors, omissions or inaccuracies whatsoever contained within or arising from this map. Verification of the information shown should be obtained from an appropriately qualified person(s).

This map is not to be reproduced without prior consent.

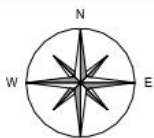
© NSW Department of Finance, Services & Innovation 2021
© Port Stephens Council 2021 © Aerometrex Pty Ltd 2019

SCALE 1:1800 @ A4

PRINTED ON: 08.04.21

ITEM 1 - ATTACHMENT 3 LOCALITY PLAN - CROWN LAND AND ROAD RESERVE.

Shoal Bay Rd and Government Rd - Crown land and Road Reserve



MGA 56



DISCLAIMER

Port Stephens Council accepts no responsibility for any errors, omissions or inaccuracies whatsoever contained within or arising from this map. Verification of the information shown should be obtained from an appropriately qualified person(s).

This map is not to be reproduced without prior consent.

© NSW Department of Finance, Services & Innovation 2021
© Port Stephens Council 2021 © Aerometrex Pty Ltd 2019

SCALE 1:2400 @ A4

PRINTED ON: 08.04.21

ITEM NO. 2

**FILE NO: 21/62344
EDRMS NO: PSC2017-00178**

REQUEST FOR FINANCIAL ASSISTANCE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 Mayoral and Ward funds to the following:-
 - a. Trek4Kidz – Mayoral funds - \$750 donation towards rally car sponsorship to raise funds for the Starlight Children’s Foundation.
 - b. Medowie Lions Club – Mayoral funds - \$2500 donation towards driver reviver van repairs.
 - c. Tilligerry Chamber of Commerce & Industry – Mayoral funds - \$850 donation towards the purchase of a new drum kit for the Port Stephens Community Band.
 - d. Central Ward funds – Cr Steve Tucker - Rapid Response - \$500 donation to Tilligerry Adult & Community Education Inc. towards Port Stephens Literature Awards 2021.
-

BACKGROUND

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

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

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

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

ORDINARY COUNCIL - 11 MAY 2021

The requests for financial assistance are shown below:

MAYORAL FUNDS

Trek4Kidz	A non-profit organisation founded in 1982 for hospitalised children and their families.	\$750	Donation towards rally car sponsorship for the Trek4Kidz event to raise funds for the Starlight Children's Foundation.
Medowie Lions Club	The Medowie Lions Club is a community group which serves the community with a common desire to make the community better using their creativity, enthusiasm and energy.	\$2500	Donation towards repairs of driver reviver van.
Tilligerry Chamber of Commerce & Industry	The aim of the Tilligerry Chamber of Commerce & Industry is to support and represent business on the Tilligerry Peninsula and to participate in the growth and development of the local community.	\$850	Donation towards a new drum kit for the Port Stephens Community Band.

WARD FUNDS

Tilligerry Adult & Community Education Inc.	The Tilligerry Adult & Community Education Inc. is a non-profit organisation, operated by a voluntary committee whose aim is to plan and conduct economical educational programs to meet the needs and interests of adults in the local community.	\$500	Donation towards the Port Stephens Literature Awards 2021.
---	--	-------	--

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

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

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

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 3

**FILE NO: 21/108278
EDRMS NO: PSC2017-00015**

INFORMATION PAPERS

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

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 11 May 2021.

No:	Report Title	Page:
1	Council Resolutions	31
2	Designated Persons' Return	42

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 21/62291
EDRMS NO: PSC2017-00106**

COUNCIL RESOLUTIONS

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

BACKGROUND

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

ATTACHMENTS

- 1) Corporate Services Group report. [↓](#)
- 2) Development Services Group report. [↓](#)
- 3) Facilities & Services Group report. [↓](#)
- 4) General Manager's Office report. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.



Outstanding	Division: Corporate Services	Date From: 26/09/2017
	Committee:	Date To: 27/04/2021
	Officer:	
Action Sheets Report		Printed: Monday, 3 May 2021

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/03/2018	Crosdale, Timothy	COMPULSORY ACQUISITION OF AN EASEMENT FOR ACCESS OVER PART OF 6 GOVERNMENT ROAD, SHOAL BAY	30/12/2021	28/03/2018	
13 066		Crosdale, Timothy				18/66656
30 Apr 2021 Awaiting Minister's approval to proceed with the compulsory acquisition.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/02/2019	Crosdale, Timothy	King Street, Raymond Terrace Easements	30/12/2021	14/02/2019	
3		Crosdale, Timothy				19/39843
30 Apr 2021 The Minister for Local Government has approved Council's application to compulsorily acquire an easement through 24A and 26 King Street, Raymond Terrace, for the purposes of construction of a shared pedestrian pathway. Proposed Acquisition Notices have been served on the land owners.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2019	Crosdale, Timothy	COMPULSORY ACQUISITION OF PART OF VICTORIA PARADE RESERVE NELSON BAY FOR ROAD PURPOSES	30/12/2021	29/05/2019	
6 110		Crosdale, Timothy				19/148388
30 Apr 2021 Waiting on Aboriginal Land Claim determination by Crown Lands.						

ITEM 1 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.



Outstanding	Division: Corporate Services	Date From: 26/09/2017
	Committee:	Date To: 27/04/2021
	Officer:	
Action Sheets Report		Printed: Monday, 3 May 2021

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/07/2019	Crosdale, Timothy	GRANT OF EASEMENTS IN FAVOUR OF AGL - PUNT ROAD, TOMAGO	30/06/2021		
7		Crosdale, Timothy				19/200498
169						
30 Apr 2021						
Still in negotiations between AGL and LGL.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Crosdale, Timothy	COMPULSORY ACQUISITION OF PART 879 SWAN BAY ROAD, SWAN BAY FOR ROAD WIDENING PURPOSE	30/12/2021	12/02/2020	
2		Crosdale, Timothy				20/39141
028						
30 Apr 2021						
Awaiting Minister's approval to proceed with the compulsory acquisition.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/09/2020	Crosdale, Timothy	Newline Road, Raymond Terrace	30/06/2021		
2		Crosdale, Timothy				20/288489
199						
30 Apr 2021						
Approved. Contracts prepared. Finalising survey levels in contract.						

ITEM 1 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.



Outstanding	Division: Corporate Services	Date From: 26/09/2017
	Committee:	Date To: 27/04/2021
	Officer:	
Action Sheets Report		Printed: Monday, 3 May 2021

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/03/2021	Crosdale, Timothy	Proposed sale of land - 77 Dawson Road, Raymond Terrace (Part)	30/06/2021	11/03/2021	
1		Crosdale, Timothy				21/60805
051						
30 Apr 2021						
Recommendation endorsed by Council. Settlement will occur upon registration of lots.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/04/2021	Crosdale, Timothy	Proposed sale of Land in Raymond Terrace	31/12/2021	14/04/2021	
1		Crosdale, Timothy				21/96728
089						
30 Apr 2021						
Revised Target Date changed From: 27 Apr 2021 To: 31 Dec 2021						
Staff to progress the sale as per the recommendations of the report.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/04/2021	Crosdale, Timothy	PROPOSED CLOSURE AND SALE OF PATHWAY IN BOAT HARBOUR	30/06/2021	14/04/2021	
2		Crosdale, Timothy				21/96728
090						
30 Apr 2021						
Revised Target Date changed From: 27 Apr 2021 To: 30 Jun 2021						
Recommendation endorsed. Staff to progress the closure of the pathway and sale as per the recommendations of the report.						

ITEM 1 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP REPORT.



Outstanding	Division: Development Services	Date From: 26/09/2017
	Committee:	Date To: 27/04/2021
	Officer:	
Action Sheets Report		Printed: Monday, 3 May 2021

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/08/2020	Drinan, Kate	DEVELOPMENT APPLICATION 16-2019-679-1 FOR DEMOLITION OF EXISTING STRUCTURE AND CONSTRUCTION OF SHOPTOP HOUSING AND DETACHED DWELLING AT 26 KING STREET, RAYMOND TERRACE	22/06/2021		
1		Peart, Steven				20/265439
151						
11 Mar 2021						
Revised Target Date changed From: 23 Mar 2021 To: 22 Jun 2021						
Reason: DA 16-2019-679-1 will be reported back to council 22 June 2021.						

ITEM 1 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 27/04/2021
	Officer:	
Action Sheets Report		Printed: Monday, 3 May 2021

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Maretich, John	Solar Infrastructure	31/08/2021	11/12/2019	
6 264		Kable, Gregory				19/388450
29 Apr 2021 External consultants draft report on energy lighting efficiency/solar panels options was reviewed by internal staff and By external 3rd party consultant. Project will proceed through normal procurement methods.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Gutsche, Tammy	GREEN WASTE DROP OFF - SALAMANDER BAY	30/06/2021	11/12/2019	
7 265		Kable, Gregory				19/388450
29 Apr 2021 Will be considered as part of the Waste Management Strategy.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/02/2020	Lamont, Brock	Indoor Sports Facility	30/06/2021	26/02/2020	
4 042		Kable, Gregory				20/50488
29 Apr 2021 Current discussions with the Dept of Education about co-sharing a single facility has become not viable. West Ward Sports Council discussed item at recent meeting. Business case development and feasibility to be developed once facility parameters agreed.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/06/2020	Stewart, Adam	Naming of Pathway, Gan Gan Road, Anna Bay	30/04/2021	10/06/2020	
1 101		Kable, Gregory				20/164033
29 Apr 2021 Gained confirmation to proceed with wording and location of plaque with Central Ward Councillors.						

ITEM 1 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 27/04/2021
	Officer:	
Action Sheets Report		Printed: Monday, 3 May 2021

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/07/2020	Lamont, Brock	REVIEW OF THE OFF LEASH DOG AREAS AND TIMES AT ANNA BAY / BIRUBI POINT, FISHERMANS BAY AND BOAT HARBOUR	30/06/2021		
1		Kable, Gregory				20/192934
138						
22 Apr 2021 The findings of the investigation will be presented to Council in June 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/07/2020	Stewart, Adam	Tomaree Headland	31/07/2022		
2		Kable, Gregory				20/192934
139						
29 Apr 2021 Council has undertaken a site review with National Parks as part of their footpath design assessment. It should be noted that National Parks are still in design phase of this project and at present Council has not allocated funds Though options are being assessed for a funding source for this project.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/11/2020	Miles, Philip	Disposal of Surplus Excavated Materials at Newcastle Airport Development Project Site.	30/09/2021		20/358525
11		Kable, Gregory				
261						
29 Apr 2021 Development modification required and legal contracts to be drawn up.						

ITEM 1 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 27/04/2021
	Officer:	
Action Sheets Report		Printed: Monday, 3 May 2021

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/12/2020	Stewart, Adam	Fly Point and Little Beach Parking/SMART Parking	31/12/2021		
3		Kable, Gregory				20/391301
29 Apr 2021 Awaiting completion of the associated Place Plans. Report to prepared and reported back to council by the end of 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Stewart, Adam	5G Small Cell Technology Rollout in Port Stephens	30/06/2021		
3006		Kable, Gregory				21/33235
29 Apr 2021 Works have not commenced given other priorities. Expect this work to be completed by end of June 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Lamont, Brock	MEDOWIE REGIONAL PLAYGROUND AND TOWN CENTRE	31/05/2021		
2012		Kable, Gregory				21/33235
29 Apr 2021 Staff will investigate and prepare a report for Council as per Notice of Motion and will be discussed and proposed during the 7 Day Makeover in May 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Stewart, Adam	ROAD RESEALS ACROSS PORT STEPHENS	30/06/2021		
4014		Kable, Gregory				21/33235
29 Apr 2021 Staff will prepare a report for Council with road recommendations as per Notice of Motion.						

ITEM 1 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
	Committee:	Date To: 27/04/2021
	Officer:	
Action Sheets Report		Printed: Monday, 3 May 2021

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Stewart, Adam	FERN BAY SHARED PATHWAY	28/05/2021		
7 017		Kable, Gregory				21/33235
29 Apr 2021 Staff will start the process to apply for developer contributions. Design is underway and works scheduled for June 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/04/2021	Lamont, Brock	Drainage at Vi Barnett Field in Raymond Terrace	1/07/2021		
12 083		Kable, Gregory				21/96728
29 Apr 2021 Council Staff have been in discussion with Raymond Terrace Athletics to schedule proposed works around their sporting events.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/04/2021	Stewart, Adam	Drainage investigation - Lemon Tree Passage	1/12/2021	14/04/2021	
1 088		Kable, Gregory				21/96728
29 Apr 2021 Drainage investigation and property evaluation has commenced. Discussion with property owners in on going. Any future actions will be determined by Council.						

ITEM 1 - ATTACHMENT 4 GENERAL MANAGER'S OFFICE REPORT.



Outstanding	Division: General Manager's Office	Date From: 26/09/2017
	Committee:	Date To: 27/04/2021
	Officer:	
Action Sheets Report		Printed: Monday, 3 May 2021

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/04/2021	Wickham, Tony	POLICY REVIEW: RISK MANAGEMENT	20/05/2021	14/04/2021	
9080		Wallis, Wayne				21/96728
30 Apr 2021 On public exhibition until 20 May 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/04/2021	Wickham, Tony	POLICY REVIEW - WORKING TOGETHER AND PROVISION OF INFORMATION POLICY	29/05/2021	28/04/2021	
5099		Wallis, Wayne				21/109842
30 Apr 2021 On public exhibition until 29 May 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/04/2021	Wickham, Tony	POLICY REVIEW: COMPLAINT HANDLING POLICY	29/05/2021		
6100		Wallis, Wayne				21/109842
30 Apr 2021 On public exhibition until 29 May 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/04/2021	Wickham, Tony	POLICY REVIEW: PECUNIARY INTEREST RETURNS - LODGEMENT	29/05/2021		
7101		Wallis, Wayne				21/109842
30 Apr 2021 On public exhibition until 29 May 2021.						

ITEM 1 - ATTACHMENT 4 GENERAL MANAGER'S OFFICE REPORT.



Outstanding	Division: General Manager's Office	Date From: 26/09/2017
	Committee:	Date To: 27/04/2021
	Officer:	
Action Sheets Report		Printed: Monday, 3 May 2021

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/04/2021	Wickham, Tony	POLICY REVIEW: COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT	29/05/2021		
8 102		Wallis, Wayne				21/109842
30 Apr 2021 On public exhibition until 29 May 2021.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/04/2021	Edwards, Ann	Request for Financial Assistance	13/05/2021	28/04/2021	
9 103		Wallis, Wayne				21/109842
30 Apr 2021 On public exhibition until 13 May 2021.						

ITEM NO. 2

**FILE NO: 21/94195
EDRMS NO: PSC2020-02093**

DESIGNATED PERSONS' RETURN

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

BACKGROUND

The purpose of this report is to table Designated Persons' Return/s (return) submitted.

In accordance with the Part 4 – Pecuniary Interest of the Code of Conduct, all designated persons' are required to submit a return. Returns are to be tabled at the first Council meeting after the lodgement date.

The following is a list of position/s who have submitted return/s:

- Senior Development Planner (PSC078).

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Designated Persons' Return.

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 21/111690

EDRMS NO: PSC2017-00019

CRANE IN CHURCH STREET, NELSON BAY

COUNCILLOR: GLEN DUNKLEY

THAT COUNCIL:

- 1) Request the General Manager investigate how the crane on Church Street, Nelson Bay can be removed as soon as possible.
-

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

BACKGROUND

A crane was erected approximately 3 years ago on the site at 11 Church Street, Nelson Bay. The crane is associated with the development approved on the site (DA-2016-631-1) for a residential flat building.

The crane has not been used for active construction works for some time, however, a valid development consent remains in place. The community has raised visual and safety concerns with respect to the crane. Council is not aware when construction works will recommence on site. However, following conversations with the owner, active work is being undertaken by the owner to progress the development on the site.

No separate approval is required from Council for the erection of a crane on the site noting it is associated with an existing valid development consent. There is limited compliance action that Council can take with respect to the visual impacts associated with the crane.

SafeWork NSW regulate the safety concerns associated with the crane and, in this regard, it is noted that the crane is currently registered with SafeWork NSW until the end of 2021.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

CONFIDENTIAL ITEMS

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

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