

# DRAFT

## MINUTES – 11 MAY 2021



### PORT STEPHENS COUNCIL

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 11 May 2021, commencing at 5.31pm.

PRESENT: Mayor R Palmer, Councillors J Abbott, G Arnott, C Doohan, P Le Mottee, J Nell, S Smith, S Tucker, General Manager, Corporate Services Group Manager, Facilities and Services Group Manager, Development Services Group Manager and Governance Section Manager.

<b>105</b>	<b>Councillor Chris Doohan</b> <b>Councillor Sarah Smith</b>  It was resolved that the apology from Cr Ken Jordan be received and noted, and leave of absence granted on 13 April 2021 for Cr Glen Dunkley be noted.
<b>106</b>	<b>Councillor Giacomo Arnott</b> <b>Councillor Steve Tucker</b>  It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 27 April 2021 be confirmed.
	There were no declarations of interest received.

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**MOTION TO CONSIDER BUSINESS WHICH NOTICE HAS NOT BEEN GIVEN**

**ORDINARY COUNCIL MEETING - 11 MAY 2021  
MOTION**

	<p><b>Councillor Giacomo Arnott</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Acknowledges the significant community and business concerns about the parklet trial at Shoal Bay.</li><li>2) Commits to engaging meaningfully with the Shoal Bay community.</li><li>3) In response to these concerns, requests a report to be presented to the 25 May 2021 Council meeting with an assessment of the trial and recommendations going forward.</li></ol>
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The Chairperson ruled that the business was not a matter of great urgency in accordance with the Code of Meeting Practice.

# 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

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**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.
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**ORDINARY COUNCIL MEETING - 11 MAY 2021  
MOTION**

<b>107</b>	<p><b>Councillor Sarah Smith Councillor John Nell</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Receives and notes the contents of the report.</li><li>2) Continues consultation with Crown Lands to enable this proposed use.</li><li>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.</li></ol>
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The motion was carried.

**ORDINARY COUNCIL MEETING - 11 MAY 2021  
AMENDMENT**

	<p><b>Councillor Giacomo Arnott</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Receives and notes the contents of the report.</li><li>2) Continues consultation with Crown Lands to enable this proposed use.</li></ol>
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## MINUTES ORDINARY COUNCIL - 11 MAY 2021

	<ol style="list-style-type: none"><li>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.</li><li>4) Acknowledges the significant community and business concerns about the parklet trial at Shoal Bay.</li><li>5) Commits to engaging meaningfully with the Shoal Bay community.</li><li>6) In response to these concerns, requests a report to be presented to the 25 May 2021 Council meeting with an assessment of the trial and recommendations going forward.</li></ol>
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The amendment lapsed without a seconder.

### 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 3,932m<sup>2</sup> 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:

## MINUTES ORDINARY COUNCIL - 11 MAY 2021

- 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.

## MINUTES ORDINARY COUNCIL - 11 MAY 2021

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	<a href="#">Risk Ranking</a>	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**

<b>016</b>	<b>Mayor Ryan Palmer Councillor Glen Dunkley</b>  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.
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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**

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

Shoal Bay Road and Government Road, Shoal Bay



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

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



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**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

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**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.

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**ORDINARY COUNCIL MEETING - 11 MAY 2021  
MOTION**

<b>108</b>	<p><b>Councillor Sarah Smith Councillor Jaimie Abbott</b></p> <p>It was resolved that Council approves provision of financial assistance under Section 356 of the Local Government Act 1993 Mayoral and Ward funds to the following:-</p> <ol style="list-style-type: none"><li>a. Trek4Kidz – Mayoral funds - \$750 donation towards rally car sponsorship to raise funds for the Starlight Children's Foundation.</li><li>b. Medowie Lions Club – Mayoral funds - \$2500 donation towards driver reviver van repairs.</li><li>c. Tilligerry Chamber of Commerce &amp; Industry – Mayoral funds - \$850 donation towards the purchase of a new drum kit for the Port Stephens Community Band.</li><li>d. Central Ward funds – Cr Steve Tucker - Rapid Response - \$500 donation to Tilligerry Adult &amp; Community Education Inc. towards Port Stephens Literature Awards 2021.</li></ol>
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The motion was carried.

**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.

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	\$850	Donation towards a new drum kit for the Port Stephens Community Band.

**MINUTES ORDINARY COUNCIL - 11 MAY 2021**

	growth and development of the local community.		
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**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.
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**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
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.

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

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<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	Council Resolutions	20
2	Designated Persons' Return	31

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**ORDINARY COUNCIL MEETING - 11 MAY 2021  
MOTION**

<b>109</b>	<b>Councillor Sarah Smith Councillor Paul Le Mottee</b>  It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 11 May 2021. <hr/> <b>No: Report Title</b>  1 Council Resolutions 2 Designated Persons' Return
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The motion was carried.

# 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.**



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

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.**



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

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.**



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

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.**



<a href="#">Outstanding</a>	<b>Division:</b> Development Services	<b>Date From:</b> 26/09/2017
	<b>Committee:</b>	<b>Date To:</b> 27/04/2021
	<b>Officer:</b>	
<a href="#">Action Sheets Report</a>		<b>Printed: Monday, 3 May 2021</b>

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.**



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

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.**



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

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.**



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

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 3	Ordinary Council 8/12/2020	Stewart, Adam  Kable, Gregory	Fly Point and Little Beach Parking/SMART Parking	31/12/2021		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 3 006	Ordinary Council 9/02/2021	Stewart, Adam  Kable, Gregory	5G Small Cell Technology Rollout in Port Stephens	30/06/2021		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 2 012	Ordinary Council 9/02/2021	Lamont, Brock  Kable, Gregory	MEDOWIE REGIONAL PLAYGROUND AND TOWN CENTRE	31/05/2021		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 4 014	Ordinary Council 9/02/2021	Stewart, Adam  Kable, Gregory	ROAD RESEALS ACROSS PORT STEPHENS	30/06/2021		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.**



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

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.**



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

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.**



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

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**THAT COUNCIL:**

- 1) Request the General Manager investigate how the crane on Church Street, Nelson Bay can be removed as soon as possible.
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**ORDINARY COUNCIL MEETING - 11 MAY 2021  
MOTION**

<b>110</b>	<p><b>Councillor John Nell</b> <b>Councillor Chris Doohan</b></p> <p>It was resolved that Council request the General Manager to make contact with the owner of the crane with the view to the removing the crane from the site and investigate repair works of the adjoining footpath by the owner of the site.</p>
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The motion was carried.

**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.

**MINUTES ORDINARY COUNCIL - 11 MAY 2021**

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**

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

**ATTACHMENTS**

Nil.

# CONFIDENTIAL ITEMS

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

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

## ORDINARY COUNCIL MEETING – 11 MAY 2021 MOTION

111	<b>Councillor Paul Le Mottee</b> <b>Councillor John Nell</b>  It was resolved that Council move into confidential session.
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The following Council officers were present for the Confidential Session:

Senior Governance Officer

# MOTIONS TO CLOSE

**ORDINARY COUNCIL MEETING - 11 MAY 2021  
MOTION**

<b>112</b>	<b>Councillor Jaimie Abbott Councillor Chris Doohan</b>  It was resolved that Motion to Close be dealt with following the Notice of Motion.
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The motion was carried.

**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

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**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.
-

ORDINARY COUNCIL MEETING - 11 MAY 2021  
MOTION

113	<p><b>Councillor Jaimie Abbott</b> <b>Councillor Chris Doohan</b></p> <p>It was resolved that:</p> <ol style="list-style-type: none"><li>1) That pursuant to section 10A(2) (c) and (d)i of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary agenda namely <b>Investigation of Development of Land at Shoal Bay</b>.</li><li>2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:<ul style="list-style-type: none"><li>• information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,</li><li>and</li><li>• commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.</li></ul></li><li>3) That the report remain confidential and the minute be released in accordance with Council's resolution.</li></ol>
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The motion was carried.

**ITEM NO. 1**

**FILE NO: 21/93954  
EDRMS NO: PSC2018-00382**

**INVESTIGATION OF DEVELOPMENT OF LAND AT SHOAL BAY**

REPORT OF: TIMOTHY CROSDALE - GROUP MANAGER CORPORATE  
SERVICES

GROUP: CORPORATE SERVICES

**ORDINARY COUNCIL MEETING - 11 MAY 2021  
MOTION**

<b>114</b>	<b>Councillor Sarah Smith Councillor Chris Doohan</b>  It was resolved that Council not proceed with further investigation of development of the land as detailed in the report and the supplementary information.
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The motion was carried.

**ORDINARY COUNCIL MEETING – 11 MAY 2021  
MOTION**

<b>115</b>	<b>Councillor Paul Le Mottee Councillor Chris Doohan</b>  It was resolved that Council move out of confidential session.
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There being no further business the meeting closed at 6.04pm.