

MINUTES – 26 APRIL 2022



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 26 April 2022, commencing at 5:59pm.

PRESENT:

Mayor R Palmer, Councillors L Anderson, G Arnott, M Bailey, C Doohan, G Dunkley, P Francis, P Kafer, S Tucker, J Wells, General Manager, Corporate Services Group Manager, Acting Facilities and Services Group Manager, Acting Development Services Group Manager and Governance Section Manager.

Cr Chris Doohan recited the Ode at the commencement of the proceedings following Anzac Day on 25 April 2022.

	There were no apologies or requests for leave of absence received.
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	<p>Mayor Ryan Palmer declared a less than significant non-pecuniary conflict of interest in item 1. The nature of the interest is Mayor Palmer has used the services of the owner's consultant, Le Mottee Group, as a consultant for personal business matters. The conflict is of no benefit to Mayor Palmer personally and is a purchase of service. To be transparent, Mayor Palmer has declared the interest and it has no bearing on his ability to make a decision on this item.</p> <p>Cr Matthew Bailey declared a less than significant non-pecuniary conflict of interest in item 1. The nature of the interest is Cr Bailey has</p>
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	<p>used the Le Mottee Group as a consultant for personal matters. The conflict is of no benefit to Cr Bailey personally. To be transparent, Cr Bailey declared such an interest as it has no bearing on the item.</p> <p>Cr Peter Kafer declared a significant non-pecuniary conflict of interest in item 1. The nature of the interest is the applicant's wife's father was a Senior Partner in my father's legal practice. My father's friendship with his former partner reaches back until 1958 - my family and partner's family were close. I have known the applicant's wife for a period of time, around 60 years now. Even though I have not spoken to the applicant's wife in almost 20 years. I cannot do anything personally about the situation of a friendship of my father and his former partner's family.</p> <p>Cr Jason Wells declared a significant non-pecuniary conflict of interest in Notice of Motion 3. The nature of the interest is Cr Wells is employed by the NSW Department of Education.</p>
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001	<p>Councillor Glen Dunkley Councillor Chris Doohan</p> <p>It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 12 April 2022 be confirmed.</p>
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Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period 4 meetings.

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

Those against the Motion: Nil.

The motion was carried.

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COUNCIL REPORTS

ITEM NO. 1

**FILE NO: 22/65828
EDRMS NO: 58-2018-23-1**

PLANNING PROPOSAL FOR 792 SEAHAM ROAD, SEAHAM

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the amendments to the planning proposal (**ATTACHMENT 2**) for 792 Seaham Road, Seaham (Lot 100, DP 1064980) to rezone the subject land from RU1 Primary Production to R5 Large Lot Residential and to reduce the minimum lot size on the land from AB3 (40 hectares) to Z1 (2 hectares).
 - 2) Receive and note the submissions (**ATTACHMENT 3**) received during agency consultation and public exhibition of the planning proposal.
 - 3) Endorse the submission of the planning proposal (**ATTACHMENT 2**) to the Department of Planning and Environment requesting they exercise their plan making authority to amend the Port Stephens Local Environmental Plan 2013 under section 3.36 of the Environmental Planning and Assessment Act 1979 (NSW).
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**ORDINARY COUNCIL MEETING - 26 APRIL 2022
MOTION**

002	<p>Councillor Giacomo Arnott Councillor Peter Francis</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Note the amendments to the planning proposal (ATTACHMENT 2) for 792 Seaham Road, Seaham (Lot 100, DP 1064980) to rezone the subject land from RU1 Primary Production to R5 Large Lot Residential and to reduce the minimum lot size on the land from AB3 (40 hectares) to Z1 (2 hectares).2) Receive and note the submissions (ATTACHMENT 3) received during agency consultation and public exhibition of the planning proposal.3) Following consideration of points 1 and 2, and community opposition, Council request the Minister to determine that the planning proposal does not proceed, in accordance with section 3.35(d) of the Environmental Planning and Assessment Act.
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MINUTES ORDINARY COUNCIL - 26 APRIL 2022

Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period 4 meetings.

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

Those against the Motion: Mayor Ryan Palmer, Crs Matthew Bailey, Chris Doohan and Glen Dunkley.

The motion was carried.

BACKGROUND

The purpose of this report is to advise Council of the outcome of the exhibition of the planning proposal (**ATTACHMENT 2**) for 792 Seaham Road, Seaham and note the submissions received (**ATTACHMENT 3**). The report also seeks endorsement to submit the planning proposal (**ATTACHMENT 2**) to the Department of Planning and Environment (DPE), requesting they exercise their plan making authority to make amendments to the Port Stephens Local Environmental Plan 2013 (LEP). A locality plan is provided at (**ATTACHMENT 1**).

The planning proposal seeks to amend the LEP to enable rural residential subdivision and housing on the subject land at 792 Seaham Road, Seaham. As a result of the planning proposal, an estimated 18 lots could be created, subject to a future Development Application (DA) for the subdivision of land. The planning proposal seeks to amend the LEP by rezoning the subject land from RU1 Primary Production to R5 Large Lot Residential and reducing the minimum lot size provisions from 40ha to 2ha.

The planning proposal is consistent with the criteria for rural residential housing listed in the local housing strategy, Live Port Stephens (LHS) and will provide a logical extension of existing rural residential housing in the locality to meet the housing needs of the community.

A summary of the planning proposal is set out below:

Date Lodged:	13 June 2018
Proponent:	Le Mottee Group
Subject properties:	Lot 100 DP 1064980
Area of Land:	Total site area is approximately 45ha
Potential lot yield:	Approximately 18 lots
Current Zoning:	RU1 Primary Production
Proposed Zoning:	R5 Large Lot Residential

On 28 July 2020, a Council delegate, in accordance with the Port Stephens Council Rezoning Request Policy, endorsed the planning proposal to be submitted to the Department of Planning and Environment (DPE) to seek a Gateway determination. A Gateway determination was issued on 28 August 2020 (**ATTACHMENT 4**).

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In response to the Gateway determination, additional studies were undertaken and relevant agencies were consulted with. Objections to the planning proposal were received from two agencies. Significant time was spent resolving these issues with agencies resulting in time delays. This included preparation of studies required to be carried out at specific times of the year.

On 28 May 2021 DPE advised that an amendment to the Gateway determination was required due to a drafting error. An alteration of Gateway determination was issued on 7 October 2021 (**ATTACHMENT 5**). Council officers resolved the initial objection from Biodiversity and Conservation Division – Water (BCD). An objection from the Department of Primary Industries - Agriculture (DPI) remains outstanding and as a result Council does not have delegation to make the plan.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The financial and resource implications are within the existing budget.

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that suitable sites for housing are not enabled to satisfy demand in the locality.	Low	Adopt the recommendations.	Yes

Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act)

Part 3 of the EP&A Act provides the framework for amending a LEP. DPE issued a Gateway determination (**ATTACHMENT 4**) and an altered Gateway determination (**ATTACHMENT 5**) under section 3.34 of the EP&A Act specifying that the planning proposal should proceed to exhibition, subject to conditions and consultation requirements.

The Gateway determination (**ATTACHMENT 4**) and the altered Gateway determination (**ATTACHMENT 5**) delegates plan making authority to Council in the circumstance that there are no unresolved objections from agencies. In this instance, an objection from DPI remains unresolved and so DPE retain plan making authority. Should Council adopt the recommendations, arrangements will be made to request DPE exercise plan making authority and give effect to the planning proposal.

Hunter Regional Plan 2036 (HRP)

The planning proposal is consistent with the aims of the Hunter Regional Plan 2036 (HRP). The proposal will provide housing choice and promote housing diversity, by encouraging rural residential housing in proximity to an established rural residential area and within 10 minutes of a strategic centre at Raymond Terrace. The planning proposal is also consistent with all of the objectives for rural residential development as set out in the HRP.

Greater Newcastle Metropolitan Plan 2036 (GNMP)

The planning proposal is consistent with Greater Newcastle Metropolitan Plan 2036 (GNMP) and will give effect to Strategy 18 as it will deliver well-planned rural residential housing areas close to jobs and services. The planning proposal is also consistent with the objectives set out in the GNMP for rural residential development. Port Stephens Local Environmental Plan 2013 (LEP)

The subject land is zoned RU1 Primary Production under the LEP. The planning proposal will rezone the entire site, approximately 45 hectares to R5 Large Lot Residential. The planning proposal will also reduce the minimum lot size within the proposed R5 zone from 40ha to 2ha.

The objective of the R5 Large Lot Residential zone is listed in the LEP as:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Amending the LEP will permit (with development consent) subdivision of the land and housing, which is consistent with the objectives of the zone and the surrounding subdivision pattern.

Port Stephens Local Strategic Planning Statement (LSPS)

The LSPS identifies the 20-year vision for land use in Port Stephens and sets out social, economic and environmental planning priorities for the future.

The planning proposal will give effect to the following planning priorities of the LSPS:

- Planning Priority 1 – Support the growth of strategic centres and major employment areas
- Planning Priority 4 – Ensure suitable land supply
- Planning Priority 5 – Increase diversity of housing choice

Port Stephens Local Housing Strategy (Live Port Stephens)

The planning proposal will give effect to the following priorities of Live Port Stephens:

- Priority 1.2 – Remove barriers to unlock housing supply
- Priority 1.3 – Increase the proportion of infill housing
- Priority 3.2 – Encourage a range of housing types and sizes.

The proposal is consistent with the Rural Residential Criteria listed in Live Port Stephens.

Port Stephens Rural Residential Strategy (2015)

The planning proposal is consistent with the Rural Residential strategy, as it addresses matters for investigation that have been identified relevant to the proposed land, including estimating potential yield, ensuring suitable buffers between intensive agriculture, avoiding areas of environmental sensitivity and provision for flood evacuation.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social and Economic:

The planning proposal is expected to deliver a range of social and economic benefits for the existing and future community, including:

- Development of the land for housing will assist in meeting regional dwelling targets identified within the GNMP
- Benefit will be found in the provision of additional housing to service the future needs of the community, containing this housing in an existing rural residential area

- The Seaham and Nelsons Plains community have access to community services and facilities within the regional center of Raymond Terrace and Maitland, and access to recreational facilities locally and within the wider Port Stephens locality.

Environmental

There are no significant adverse environmental effects expected as a result of this proposal. The subject land is partially cleared and contains scattered native trees throughout the middle of the site and along the eastern boundary. An ecological assessment was carried out to support the proposal. Given the proposed 2Ha lot size, a concept subdivision plan submitted with the planning proposal has demonstrated that a lot layout can be achieved where impacts to biodiversity are avoided and minimised. Any proposed removal of vegetation will be subject to ecological requirements during a future development application assessment, including the objectives of the R5 zoning which require consideration for minimising impacts on environmentally sensitive locations.

The eastern and western portions of the site are identified as being within the flood planning area. The subject land contains around 22ha of land that is flood prone, being below the 1:100 year flood level. The concept subdivision plan demonstrates that a lot layout can be achieved where each lot includes a building envelope that is elevated above the Flood Planning Level (FPL).

The planning proposal has considered the impacts of flooding, bushfire, rural land use conflict, acid sulfate soils, wastewater management, contamination and heritage, and demonstrated that the rezoning is compatible with the characteristics of the land.

CONSULTATION

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

Following issue of the Gateway determination, agency consultation was undertaken prior to public exhibition. Two agencies raised matters for further consideration, one of which remains outstanding as detailed below. Confirmation was received from all other agencies that they do not object to the planning proposal, and the planning proposal was updated prior to community consultation.

Twenty submissions from residents were received during the public exhibition period. No further amendments have been made to the planning proposal as a result of these submissions.

All submissions are addressed in detail in **(ATTACHMENT 3)**.

Internal

Consultation with internal stakeholders was undertaken to assess the planning proposal, including with Asset Engineering Services, Development Planning, and Natural Systems units. No objections were raised and associated impacts can be addressed adequately at the DA stage.

External

The Gateway determination required Council to undertake consultation with relevant agencies, prior to undertaking public exhibition. Council referred the planning proposal and associated studies to the following agencies on 8 February 2021.

- NSW Rural Fire Service (RFS)
- Department of Primary Industries (DPI)
- Biodiversity Conservation Division – Water (BCD)
- Newcastle Airport
- Civil Aviation and Safety Authority (CASA)
- Commonwealth Department of Defence
- Hunter Water Corporation.

Prior to agency referrals being sent, a meeting was held with DPI in December 2020 given historical responses to similar planning proposals, to discuss several rural residential proposals in Port Stephens, and the Local Housing Strategy. Irrespective of this meeting, DPI lodged an objection to the planning proposal on 3 March 2021. The objection was based on the Right to Farm Policy, a recommendation that the odour assessment be peer reviewed, as well as concerns surrounding the strategic justification of the planning proposal. To address this objection, the planning proposal was updated to include further information on surrounding land uses. In addition, the odour assessment was updated to include onsite monitoring and to take into account the growing cycle and meteorological conditions. The methodology for this assessment was then peer reviewed. DPI made a further submission during the public exhibition period confirming their objection. This matter remains an outstanding objection.

BCD (now Environment, Energy and Science Group) expressed concern that the concept road layout does not provide rising road access to all proposed lots in a flood event. This matter was resolved through consultation with BCD, as the concept subdivision plan demonstrates a building envelope within each lot that is above the Flood Planning Level (FPL). Additionally, flood related development controls apply to road design and subdivision layout and will be addressed in detail as part of a subsequent Development Application.

Both DPI and BCD comments have been addressed in detail in **(ATTACHMENT 3)**.

Following the above consultation and resulting amendments, the planning proposal was publicly exhibited in accordance with the Gateway determination from 3 February 2022 to 3 March 2022. During the exhibition period, 20 submissions were

received. The matters raised relate primarily to biodiversity values, traffic and access, and flooding. The matters raised in the submissions have been summarised and addressed in **(ATTACHMENT 3)**.

OPTIONS

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

ATTACHMENTS

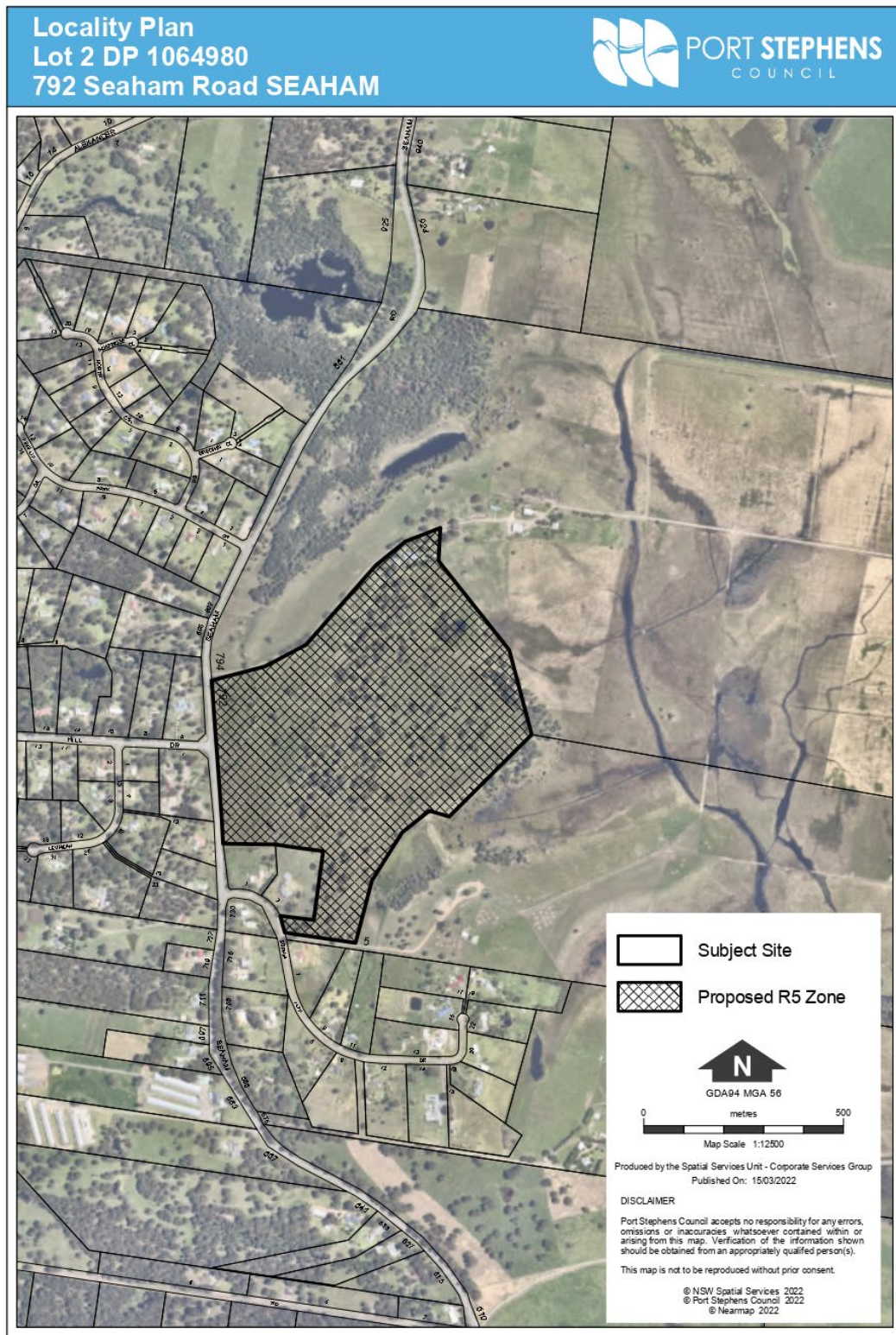
- 1) Locality Plan.
- 2) Final Planning Proposal. (Provided under separate cover)
- 3) Response to Submissions Table.
- 4) Gateway Determination.
- 5) Alteration of Gateway Determination.

COUNCILLORS ROOM

- 1) Relevant technical studies that form part of the planning proposal are available for review by Councillors upon request.
- 2) Copy of Submissions.

TABLED DOCUMENTS

- 1) Nil.



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ITEM 1 - ATTACHMENT 3 RESPONSE TO SUBMISSIONS TABLE.

Planning Proposal for 792 Seaham Road, Seaham submissions

No.	Author of submission	Comment	Council response
1	Resident	The submission expresses support for the proposal. The submission states that the development would provide housing to the area. The submission also states that more of this rural residential development is needed.	Council notes the positive submission.
2	Resident	The submission expresses support for the proposal. The submission states that the development will provide housing to the area, and allows more people access to a rural residential lifestyle.	Council notes the positive submission.
3	Resident	The submission notes that the resident was not made aware of the proposal until they read about it in the Port Stephens Examiner, and asks whether there is any requirement for notification at Gateway stage.	<p>Planning proposals are required to be exhibited in accordance with the Gateway determination issued by the State government. All Gateway determinations issued before 15 December 2021 require exhibition to be undertaken in accordance with the State government's <i>Local Environmental Plans: A guide to preparing local environmental plans</i> (the Guide). The Guide specifies that public exhibition is to be undertaken by notification in a local newspaper, on Councils website, and in writing to adjoining and adjacent landowners.</p> <p>In line with the Guide, letters notifying adjoining and adjacent landowners of the exhibition were sent on 1 February 2022. Community consultation was undertaken in accordance with the Gateway determination, which required the planning proposal to be publicly exhibited for a period of 28 days.</p> <p>Exhibition of the planning proposal has been undertaken in accordance with the Environmental Planning and Assessment Act 1979, the NSW Department of Planning, Industry and Environment's (DPIE) 'A guide to preparing local environmental plans' and Council's adopted Rezoning Request Policy. There are no statutory requirements for community consultation on a planning proposal prior to the proposal being forwarded to the NSW DPIE for a Gateway</p>

ITEM 1 - ATTACHMENT 3 RESPONSE TO SUBMISSIONS TABLE.

		<p>determination. This is because the planning proposal does not include all of the studies and information necessary to enable the community to make an informed submission.</p> <p>In 2020, Council amended its rezoning request process to include notification of adjoining and adjacent neighbours when a new planning proposal is lodged with Council. This application was lodged in 2018, and therefore notice at the lodgement stage was not given.</p>
	<p>The submission requests that all proposed lot sizes of subdivision remain at 2ha minimum.</p>	<p>At this stage there is no application for a subdivision being assessed. The planning proposal seeks to amend the land zoning and minimum lot size maps, which would enable a development application to subdivide the land to be lodged and assessed.</p> <p>The planning proposal will amend the Minimum Lot Size Map to 2ha, meaning that any future lot must be a minimum of 2ha. The future subdivision will be subject to a Development Application (DA).</p>
	<p>The submission notes that the subject land has had cattle grazing on it for 21 years.</p>	<p>It is noted that the subject land was historically used for cattle grazing.</p>
	<p>The submission notes that the planning proposal states there are some 'scattered native trees throughout the middle of the site', and argues that there are a lot of native trees on the land which are home to numerous types of wildlife. The submission expresses concern about the loss of trees and habitat for this wildlife, particularly because of the location of the road in the proposed lot layout.</p>	<p>The site is partially cleared. Some scattered native trees occur throughout the middle of the site and along the eastern boundary.</p> <p>An updated ecological assessment was undertaken in October 2020. The assessment has identified important biodiversity values on the site. In the absence of an environmental zoning, lot size and subdivision design are the key factors that will ensure impacts to biodiversity are avoided and minimised, which will be determined at DA stage.</p> <p>The subdivision and road layout will be defined and assessed at the DA stage. Given this and the proposed 2ha minimum lot size, it is reasonable to assume that the majority of key biodiversity/ecological constraints, that are likely to be identified through a Biodiversity Development Assessment Report (BDAR) process at the DA stage, may be avoided. Additionally, the</p>

ITEM 1 - ATTACHMENT 3 RESPONSE TO SUBMISSIONS TABLE.

		objectives of the R5 Large Lot Residential (R5) zoning provides consideration for minimising impacts on environmentally sensitive locations. The large lots proposed will enable tree retention to be maximised, and it is considered that any future subdivision DA could avoid impacts to the majority of critical vegetation.
	The submission disputes the comment that odour due to poultry farms has not historically been an issue for the area.	<p>The planning proposal states that odour due to poultry farms has not been an issue in the area. This is based on an audit of Council's complaints register. There have been no complaints in relation to the nearby poultry or grazing operations in the last five years from the existing neighbouring residences.</p> <p>To further support this, due to the site being located within 1km of a poultry farm an odour assessment was required pursuant to <i>Live Port Stephens</i>, Council's local housing strategy.</p> <p>An odour assessment was carried out after the Gateway determination was issued and an odour report was submitted to Council. The report concluded that there would be no adverse odour impact within the boundaries of the site.</p> <p>After reviewing the odour assessment report, Council requested that the applicant submit a proposed methodology for verifying the data in the report through onsite monitoring. The requirements to be included in the proposed methodology were set by Council and included taking into account the growing cycle meteorological conditions, and was to include onsite monitoring.</p> <p>The applicant submitted a proposed methodology, which was then independently peer reviewed. The independent review of the methodology supported the approach, and the applicant was then instructed to carry out the Quantitative Odour Modelling and provide an additional assessment report. The Quantitative Odour Assessment Report, which included an inspection and collection of samples for odour analysis from the two (2) poultry</p>

ITEM 1 - ATTACHMENT 3 RESPONSE TO SUBMISSIONS TABLE.

			operations and dispersion modelling supports the planning proposal. The report concluded that there will be no adverse impact of odour at the proposed development.
		The submission states that no mention is made of the many kangaroos that graze on the subject land. The submission also notes the lack of reference to the egrets that migrate to the water.	The ecological assessment makes note of species sighted incidentally during the assessment. Eastern Grey Kangaroo and Cattle Egret are both listed in the species sighted. The assessment notes all fauna sightings were confined to species adapted to open areas. The assessment concluded that the proposal can be designed in a sensitive way that would avoid removal of the site's most important areas of native vegetation and habitat.
		The submission notes that the land will be affected by aircraft noise, due to the regular commercial airlines, and also the RAAF aircraft.	<p>The site is not identified as being within the Australian Noise Exposure Forecast (ANEF) contours. Only proposals on land affected by ANEF contour 25 or above are deemed "unacceptable" for residential purposes under Australian Standard 2021 to 2015.</p> <p>As part of agency consultation Newcastle Airport, Civil Aviation and Safety Authority (CASA) and the Commonwealth Department of Defence were consulted with, and had no objections to the proposal.</p> <p>Despite this, the Port Stephens LGA regularly experiences some level of aircraft noise. Section 10.7(5) planning certificates issued for the site will contain a note advising that the property may be affected by aircraft noise.</p>
		<p>The submission expresses concerns regarding the ability of the Seaham Road and Sophia Jane Drive intersection to support additional traffic generated from new development. The submission states that the intersection at school drop off and pick up time is dangerous due to the location that the school bus parks and the speed of drivers along Seaham Road.</p> <p>The submission states that two children have been hit by cars crossing the road after getting off the bus.</p>	<p>The proposed lot layout is entirely indicative, and will be subject to a future DA if the land is rezoned. Any future application for subdivision will be required to do a traffic study to determine whether access to the lots will be via Seaham Road or Sophia Jane Drive. This traffic study, and internal review by Council engineers, will determine whether an upgrade to the intersection is required.</p> <p>The planning proposal was referred to the relevant agencies for consultation and no traffic concerns were raised. Access will be considered in detail at subdivision stage, subject to rezoning.</p>

ITEM 1 - ATTACHMENT 3 RESPONSE TO SUBMISSIONS TABLE.

			<p>It is noted that there is one recorded traffic incident that occurred at the intersection of Sophia Jane Drive and Seaham Road in 2014. This was a rear-end crash with someone waiting to turn into Sofia Jane being struck from behind. This crash occurred in darkness and resulted in minor injury. Council is not aware of any other traffic incidents at this intersection. There may be other incidents that have not been reported to Police, but based on best available information, it is not considered a dangerous location.</p> <p>Council has access to a range of mechanisms to deliver safety for motorists and pedestrians using the public road network, including the use of safety signage and requiring construction of roads in accordance with the AustRoads Guidelines. Any concerns for the existing intersection at Seaham Road and Sophia Jane Drive can be lodged with the Traffic and Transport section of Council for review.</p>
4	Resident	The submission supports of planning proposal. The submission notes that the minimum lot size is large, and that it is an extension of the blocks in Sophia Jane Drive.	The positive submission is noted.
5	Resident	The submission objects to the proposal.	Noted.
		The submission expresses concerns over the loss of safe high ground for stock and wildlife in a flood event. The submission states that the floodplain has been inundated by floods 3 times in the last 15 years.	The Agricultural Land Viability Assessment was undertaken to assess the property in terms of its agricultural viability by an analysis of its natural physical assets, its man-made assets, and an economic analysis of its major agricultural enterprise – beef cattle. The assessment acknowledges that this property may offer some flood refuge for cattle, however flood free land also exists on neighbouring properties that run cattle.
		The submission expresses concern over the loss of large habitat trees and shrub land on the subject land, stating that trees will need to be removed for future development. The submission states the trees are home to many birds and other native animals.	See response to submission No 3.

ITEM 1 - ATTACHMENT 3 RESPONSE TO SUBMISSIONS TABLE.

	<p>The submission expresses concern about the loss of rural primary production land.</p>	<p>An Agricultural Land Viability Assessment was undertaken to assess the site in terms of its agricultural viability. The assessment found that the property is constrained by its limited arable agricultural land size of around 46ha, which limits numbers of stock and resultant income. Soils, slopes, flooding, high input costs of fertiliser, electricity, fuel and labour which are all rapidly rising, and income from agricultural produce being relatively low reduce the land's agricultural viability. The assessment concluded that the proposed rezoning for a rural residential subdivision is considered to have a minor impact on agricultural production in this area.</p> <p>Both the criteria in <i>Live Port Stephens</i> and Ministerial Directions 1.2 and 1.5 outline that land that is important agricultural land, state significant agricultural land, or Biophysical Strategic Agricultural Land (BSAL) should be excluded from rezoning unless justification is provided.</p> <p>The proposal does not relate to important agricultural land, state significant agricultural land or BSAL. Therefore the planning proposal is not considered to represent a meaningful loss of fertile farmland.</p>
	<p>The submission expresses concern that additional septic and stormwater runoff will filter into the adjacent wetlands located to the east of the subject land and will create pollution that will affect the wetlands.</p>	<p>Connection to a reticulated sewer system is not available therefore onsite wastewater systems shall be required for each lot, which is consistent with the surrounding rural residential development of Seaham, Nelsons Plains and Brandy Hill, and with the rural residential rezoning criteria in <i>Live Port Stephens</i>.</p> <p>There are potential hydrological changes that occur with any development. Future development has the potential to increase stormwater runoff from non-permeable roof surfaces. A future DA will require this to be addressed, and could include stormwater management infrastructure to address this, including a drainage basin.</p>

ITEM 1 - ATTACHMENT 3 RESPONSE TO SUBMISSIONS TABLE.

6	Resident	The submission expresses safety concerns from more traffic turning right into Sophia Jane Drive from Seaham Road, noting more trucks will be on the road as a result of the Brandy Hill Quarry expansion. The submission notes that traffic currently travels at 80 kilometres an hour and there is limited road to pass safely on the shoulder side.	See response to submission No 3.
		The submission expresses concern about the availability of power in the area, noting that blackouts currently occur in the area due to overloading during peak period, and worries that new development will make this worse.	The subject land is connected to a reticulated power supply. Preliminary service advice from Ausgrid (electricity) confirm the availability and capacity of electricity supply to the subject land.
		The submission opposes the proposal.	Noted.
		<p>The submission states that 50% of the area of the proposed development is subject to floods, and concern about the frequency of flooding increasing since 2015.</p> <p>The submission expresses concern about the cattle that currently use this higher ground as a flood refuge.</p>	<p>The subject land contains around 22ha of land that is flood prone, being below the 1:100 year flood level. These areas will not be developed, and all lots within the proposed subdivision will be subject to flood planning controls. However, the layout configuration provides land within each lot that is elevated above the Flood Planning Level (FPL), in order to satisfy minimum habitable floor level requirements.</p> <p>A Flood Certificate and Flood Report have been prepared in support of the planning proposal, which identifies sufficient flood free ground available, and if residents do not choose to stay then adequate warning time exists to permit evacuation prior to the subject land becoming isolated.</p>
		The submission expresses concern about the environmental impact from the removal of trees in future development, and notes the native species that exist here. The submission states that there will be no control on tree removal once building begins.	See response to submission No 3.
		The submission expresses safety concerns about the increased traffic from development and additional residents in the area. The submission expresses concern about the Seaham Road and Sophia Jane Drive, and states that the entry to the development should not be via Sophia Jane Drive.	See response to submission No 3.

ITEM 1 - ATTACHMENT 3 RESPONSE TO SUBMISSIONS TABLE.

		<p>The submission states that the value of houses in the area is tied to the rural amenity of the neighbourhood. The submission expresses concern that the planning proposal will devalue the existing properties due to increased traffic and noise.</p>	<p>The land is identified by the Rural Lands Study as being within the River Estuary area characterised by the floodplains of the Paterson and Williams River offering distant views of pasture and wetlands. Given the proximity of existing rural residential areas and the consistency of the proposal with adjoining land, it is not considered that the proposal will detract from the scenic values identified.</p> <p>The proposed lot size of 2ha and zone are consistent with the existing rural residential amenity of the area.</p>
7	Resident	The submission objects to the proposal.	Noted.
		<p>The submission states that there are contradictions in the development application, in regards to the overall effect on the local community and the flood prone land.</p>	<p>At this stage there is no application for a subdivision being assessed. The planning proposal seeks to amend the land zoning and minimum lot size maps, which would enable a DA to subdivide the land to be lodged and assessed.</p> <p>See response to submission No 5 in relation to flooding.</p>
		<p>The submission expresses concern about the nearby Koala habitat, and has concerns that post and rail fencing would not be sufficient to allow for Koala movement.</p>	<p>At this stage there is no application for a subdivision or development being proposed or assessed. The planning proposal seeks to amend the land zoning and minimum lot size maps, which would enable a DA to subdivide the land to be lodged and assessed.</p> <p>Any development subject to a DA would be assessed against the Port Stephens Comprehensive Koala Plan of Management (CKPoM) with further ecological studies that provide a more detailed assessment of potential development scenarios, in accordance with the Biodiversity Conservation Act, which would include the required offsets. Development controls and/or design features to minimise impacts on threatened species habitats will be established through the development assessment processes.</p>
		<p>The submission states that the RAAF and passenger flights fly directly above the development. The submission states that the noise level is above 96 DB.</p>	See response to submission No 3.

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		The submission expresses concern for the loss of habitat for other native animals in the area.	See response to submission No 3.
		The submission expresses concern regarding the intersection between Seaham Road and Sophia Jane Drive, and states there have been many near accidents.	See response to submission No 3.
8	Resident	The submitter states an objection to the proposal.	Noted.
		The submission expresses concern for the impact on the environment, and flora and fauna.	See response to submission No 3.
		The submission expresses concern about the loss of the cattle refuge.	See response to submission No 5.
		The submission states that nearby residents will be affected by the proposal in relation to rural amenity.	See response to submission No 6.
9	Resident	The submission objects to the proposed subdivision and housing.	At this stage there is no application for a subdivision or housing being proposed, and therefore this is not being assessed. The planning proposal seeks to amend the land zoning and minimum lot size maps, which would enable a development application to subdivide the land to be lodged and assessed.
		The submission expresses concern about the impacts of the rezoning on vulnerable, endangered or critically endangered flora and fauna. The submission notes the area provides habitat to a population of endangered birdlife and lists several species sighted in the area. The submission expresses concern about loss of foraging and roosting habitat, loss of ground litter, and loss of eucalypt over story.	See response to submission No 3. The ecological assessment determined that trees on the site may provide foraging, nesting, resting and roosting opportunities for a range fauna; however, the shrub layer is almost entirely absent and the groundlayer is highly disturbed. This limits habitat availability significantly for fauna that are not adapted to open areas, such as many small birds. The assessment recommends that the proposed development footprint should be designed to avoid the majority of the site's older growth vegetation and hollow-bearing trees. This will be subject to further ecological assessments at DA Stage.
		The submission states that the area lies within an endangered forest corridor extending from Paterson to Seaham.	The ecological assessment assessed corridors and connectivity in relation to the planning proposal. The site's vegetation has links to patches of

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		<p>bushland within the residential township of Brandy Hill to the west, south-west and north-west of the site as well as to a much larger area of more intact bushland approximately 3.5km to the north-west. It is otherwise surrounded by residential development to the west, north-west and south-west and by cleared agricultural land to the east, north-east and south-east. The site is likely to form part of a network of 'stepping stones' through the area for fauna species that are able to cross relatively open areas.</p> <p>The site is located outside of the Watagan to Stockton Corridor, as identified in the Hunter Regional Plan 2036. A review of Office of Environment and Heritage key habitats and corridors mapping demonstrates that the site is not part of any state or regional wildlife corridor.</p>
	<p>The submission states that the proposed rezoning will have irreversible impacts on the food and natural resources located in the area which may have been utilised by Aboriginal people, and will impact on the cultural value of the land.</p>	<p>Ministerial Direction 2.3 Heritage Conservation aims to preserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. A search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken with a 200m buffer around the site. There were no Aboriginal sites or places recorded within the study area.</p> <p>No items, areas, objects, or places of environmental heritage significance are located on the subject land. Heritage Item 84 'Eskdale House' is located to the north of the subject land however is not related to the proposal.</p> <p>The area is not in proximity to any areas or items of significance listed on the State Heritage Register.</p>
	<p>The submission states that the proposed rezoning area sits aside a wetland and flood plain which feeds into the Williams River. The submission states that the wetland demonstrates characteristics of the previous common permanent freshwater swamps of the Hunter Valley and may be an example of 'complex hydrosphere'.</p>	<p>The land is identified as containing a wetland in Port Stephens Local Environmental Plan. To ensure that wetlands are preserved and protected from the impacts of development, Clause 7.9 of the Port Stephens LEP will need to be addressed in any future development application to this part of the site.</p> <p>It is noted Swamp Oak – Weeping Grass grassy riparian forest of the</p>

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			<p>Hunter Valley occurs within the site, however this plant community type will not be impacted by future development in the future because it will be retained due to it occurring in flood prone land, which will not be developed.</p>
		<p>The submission also states the area has a number of rock shelves which have potential to be part of the Edgeworth David Quarry.</p>	<p>No items, areas, objects, or places of environmental heritage significance are located on the subject land. Heritage Item 84 'Eskdale House' is located to the north of the subject land however is not related to the proposal.</p> <p>Seaham Quarry is identified in Schedule 5 of the Port Stephens LEP as State heritage significance. As the proposal is located over 3 kilometres away from the Seaham Quarry site, it is unlikely that there would be any items of significance located on the subject site. Further, the Agricultural Land Viability Assessment tested geology and soils as part of their assessment and found no significant geology.</p>
		<p>The submission expresses concern about hydrological changes to the water bodies located within the subject site.</p>	<p>A 1st order watercourse runs through the western part of the site. In accordance with the Office of Water (2012) <i>Guidelines for Riparian Corridors on Waterfront Land</i>, this watercourse would require a vegetated riparian zone (VRZ) of 10m on each side. The proposed development footprint would remain external to the VRZ, subject to a future development application.</p>
		<p>The submission expresses concerns that the odour assessment may not be reflective of multiple weather conditions.</p> <p>The submission believes that a noise pollution impact study is necessary to be conducted at times when there is scheduled bird pickups.</p>	<p>See response to submission No 3.</p> <p>An odour assessment was required to be undertaken due to the site being located within 1km of a poultry farm. This assessment took into account various meteorological conditions, however it was model-based. The assessment report concluded that there would be no adverse odour impact within the boundaries of the site.</p> <p>Although this assessment concluded that there will be no adverse impact of odour at the proposed development from the nearby poultry operations, it did state that the planting of fast growing trees and shrubs along the western and southern boundaries of the proposed development should be considered. The justification of this recommendation is that the foliage</p>

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			would provide additional mitigation of potential odour impacts on the site (during rare times when worst case conditions occur) as well as potential noise impacts from traffic movements along Seaham Road.
		The submission expresses traffic concerns about the intersection of Seaham Road and Sophia Jane Drive, referencing several accidents	See response to submission No 3.
		The submission also expresses concern about the location of the bus stop and concern for the safety of children crossing the road.	
		The submission states that any development in the area will have an impact on the flooding of nearby properties.	See response to submission No 6. A Flood Certificate and Flood Report have been prepared in support of the planning proposal, which identifies sufficient flood free ground available and takes into consideration the impact on the surrounding properties. Any application that is lodged for subdivision will be assess for its impact on the flood plain and be referred to Council's Flooding and Drainage Engineers.
		The submission expresses concern about the proposal impacting the value of nearby property.	See response to submission No 6.
10	Resident	The submission expresses appreciation that the zoning and minimum lot size are in line with Sophia Jane Drive.	Noted.
		The submission expresses concern about the impact that the proposed lot layout will have on ecological communities and their habitats.	See response to submission No 3.
		The submission states that the flood levels are inconsistent, and expresses concern that development will increase the impact of flooding on existing properties and proposed properties.	See response to submission No 6.
		The submission expresses concern about the road and lot location on the proposed subdivision layout. The submission expresses concern about access, referencing the bushfire report that says that access is only available via Sophia Jane Drive. The submission states access should be considered at planning proposal stage.	See response to submission No 6. As above, access will be considered in detail at subdivision stage, subject to rezoning. A traffic study will be required as part of any future subdivision development application. This will assess the traffic situation in detail, and determine whether access to the lots will be via Seaham Road or Sophia

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			Jane Drive. This traffic study, and internal review by Council engineers, will determine whether an upgrade to the intersection is required.
11	Residents	The submission states that the original development proposal of Sophia Jane Drive stated that 22 hectares of flood prone land would not be subdivided.	See response to submission No 6.
		The submission states that the flood access study from another proposal (610 Seaham Road) demonstrates a different flood level to Council's flood mapping. The submission expresses concern that the flood level is above the proposed access route.	<p>Council's Flood Certificate demonstrates that the planning proposal affects minimal land that is subject to the probable maximum flood, including low hazard fringe and low hazard storage area.</p> <p>The Flood Certificate is provided in accordance with the provisions of section 733 of the Local Government Act 1993. Flood certificates provide an estimate of real flood characteristics. Any particular flood may be different to the conditions that were assumed to determine the information shown in this certificate. The provided flood information has been compiled from information provided by external consultants and flood studies completed by Council in accordance with the NSW Floodplain Development Manual.</p> <p>All lots within the proposed subdivision will be subject to flood planning controls, however the layout configuration provides land within each lot that is elevated above the FPL, in order to satisfy minimum habitable floor level requirements.</p>
		The submission states that in 2015 there was no flood warning, and as a result many animals died in the Seaham and Nelsons Plains area.	A Flood Certificate and Flood Report have been prepared in support of the planning proposal, which state that there is sufficient flood free ground available, and if residents do not choose to stay then adequate warning time exists to permit evacuation prior to the subject land becoming isolated.
		The submission expresses concern that development on this land will increase the flood risk by reducing the area that can absorb water and increase runoff.	There are potential hydrological changes that occur with any development. Future development would create an increase in stormwater runoff from non-permeable roof surfaces. A future development application will require this to be addressed, and could include stormwater management infrastructure,

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			such as a drainage basin, to address this.
		The submission notes that the Bushfire Assessment Report states that detailed compliance can be reassessed at DA stage. The submission states this may mean the proposed access may not meet the criteria.	A Preliminary Bushfire Assessment was prepared in support of the planning proposal. An updated Bushfire assessment report that reflects Planning for Bushfire Protection 2019 has been provided post-Gateway, and the planning proposal was referred to NSW Rural Fire Service (RFS). The indicative subdivision plan demonstrates that the proposed lot size allows for sufficient distance for asset protection zones. At the detailed design phase, lot design/APZ provision, infrastructure, access and construction plans are required to meet the specifications outlined in Planning for Bushfire Protection (PBP) 2019.
		The submission expresses concern at the age of the Aboriginal Heritage Information Management System (AHIMS), and states changes may have been made to identify Aboriginal sites since 2017.	An updated AHIMS search was undertaken in 2022 for the subject site. The search returned the same result as the existing result attached to the planning proposal.
		The submission notes that rural residential criteria requires demonstration that the land will be accessed via a sealed road. This submission expresses concern that the planning proposal confirms that Seaham is a sealed road, where the Bushfire Assessment Report refers to access being via Sophia Jane Drive.	As above, it is currently unclear where access to the development will be. Any future application for subdivision will be required to do a traffic study to determine whether access to the lots will be via Seaham Road or Sophia Jane Drive. Both Seaham Road and Sophia Jane Drive are sealed, so the planning proposal remains consistent with the rural residential criteria.
		The submission expresses ecological concerns relating to wildlife, including hollow bearing trees as habitat.	See response to submissions No 3 and 9.
		The submission agrees that further ecological studies should be undertaken to provide a more detailed assessment of potential development scenarios.	Noted.
		The submission states the characteristics of the wetland on site has a number of rock shelves with similar characteristics to The Edgeworth David Quarry.	See response to submission No 9.
		The submission expresses concern about hydrological changes to the water bodies located within the subject site.	See response to submission No 9.

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12	Resident	The submission expresses concern that there was no community consultation up until this point in the proposal.	See response to submission No 3.
		The submission expresses traffic concerns about the intersection of Seaham Road and Sophia Jane Drive, and states that an infrastructure upgrade is required.	See response to submission No 3.
		The submission questions whether the proposal is for a rezoning or development application.	<p>The application is a rezoning request that proposes to amend the Lot Size to 2ha, and amend the Land Zoning to R5 Large Lot Residential under the Port Stephens Local Environmental Plan, 2013. Any future subdivision will be subject to a development application.</p> <p>The concept subdivision and road layout is indicative only, and is used to show that a number of strategic outcomes can be achieved. The road design and subdivision would be assessed in detail as part of a subsequent development application.</p>
		The submission states that there are inconsistencies with Ministerial Directions 1.2 Rural Zones, 1.5 Rural Lands, 3.1 Residential Zones, and 3.4 Integrating Land Use and Transport.	A planning proposal may be inconsistent with these directions if the proposal is in accordance with the Hunter Regional Plan (HRP) or Greater Newcastle Metropolitan Plan (GNMP), if they are justifiably inconsistent, or the inconsistency is considered to be of a minor nature. The planning proposal is consistent with both the HRP and GNMP as it will assist in meeting the dwelling targets identified within the GNMP and reinforce the role of Raymond Terrace as a Strategic Centre by providing increased housing diversity within a short distance of Raymond Terrace.
		The submission expresses concerns about the odour from nearby poultry farms. The submission states that at least 5 of the lots are within the 1km buffer zone from the nearest poultry farm.	See response to submission No 3.
		<p>The submission expresses concern about the potential environmental impacts of the proposal. The submission expresses concern that the majority of flood free land is where the most vegetation is.</p> <p>The submission also notes the environmentally sensitive area outside the boundary of the subject</p>	<p>See response to submission No 3.</p> <p>The land is not within an environmentally sensitive area and is consistent with Ministerial Direction 2.1 Environment Protection Zones, which aims to protect and conserve environmentally protected areas.</p>

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		site, and states it would be impacted by development on the site	
		The submission expresses concern over the loss of koala feed trees, and concern that development would restrict koala movement.	See response to submission No 7.
		The submission states that social impacts were not considered due to a lack of community consultation.	See response to submission No 3. Community consultation was undertaken in accordance with the Gateway determination, which required the planning proposal to be publicly exhibited for a period of 28 days.
13	Resident	The submission expresses concern about the loss of high ground for cattle refuge in flood events, noting the loss of livestock in the 2015 flood events.	See response to submission No 5.
		The submission states the proposal's inconsistency with Ministerial Direction 1.2 Rural Zones, and planning priority 9 of the Port Stephens Local Strategic Planning Statement (LSPS).	See response to submission No 12. The Port Stephens LSPS includes 'Planning Priority 9 – Protect and preserve productive agricultural land'. Action 9.1 implements the Planning Priority: <i>"Prepare a local housing strategy that includes assessment criteria for new rural residential development to protect existing and potential productive agricultural land"</i> The Port Stephens Local Housing Strategy (Live Port Stephens) includes Rural Residential Criteria. The planning proposal is consistent with the criteria as detailed in the planning proposal.
		The submission states that the closest poultry shed is only 430 metres away from the subject land. The submission states that the minimum separation distance from a rural living area is not to be less than 1km.	See response to submission No 3.
		The submission notes references in the proposal that relate to biodiversity value, and expresses concern that these ecological values will not be considered at development application stage.	See response to submission No 3.
		The submission expresses concern that the proposed road and subdivision layout will lead to the removal of important vegetation.	See response to submission No 3. The concept subdivision and road layout is indicative only, and is used to show that a number of strategic outcomes can be achieved. Should the

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			land be rezoned, the road design and subdivision would be assessed in detail as part of a subsequent development application, in conjunction with more detailed assessment of flood, biodiversity and traffic outcomes.
		The submission expresses concern about the loss of koala habitat and fragmentation of koala movement.	See response to submission No 7.
		The submission notes that the land will be affected by aircraft noise from the RAAF as well as Newcastle Airport.	See response to submission No 3.
		The submission has concerns relating to the validity of the odour assessment.	See response to submission No 3.
14	Resident	The submission objects to the proposal on the basis of the Right to Farm Policy.	The NSW Right to Farm Act and Policy guides agricultural land use planning and aims to ensure that farmers are able to undertake lawful activities in line with accepted industry standards without undue interference or nuisance complaints. The Policy and Act ensures that farmers cannot be litigated against when operating lawful activities. The planning proposal has considered the Right to Farm Act and Policy.
		The submission expresses concern for the loss of arable land.	See response to submission No 5.
		The submission expresses traffic concern about the intersection of Seaham Road and Sophia Jane Drive.	See response to submission No 3.
		The submission states that there is no bus stop at the intersection of Seaham Road heading towards Clarencetown Road.	Transport for NSW determines the routes and operations of buses in the Port Stephens LGA. It is Council's responsibility to provide the local infrastructure, such as seating and shelters in response to this.
		The submission expresses concern about the loss of native fauna habitat.	See response to submission No 3.
15	Resident	The submission expresses concern about the loss of 'successful farmland' and loss of animal refuge during flood events.	See response to submission No 5.
		The submission states that this rezoning will set a precedent for additional rural rezoning applications in the area.	This rezoning request is the result of several strategic planning documents including the Hunter Regional Plan, Greater Newcastle Metropolitan Plan, and the Port Stephens Local Strategic

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			<p>Planning Statement (LSPS), which included an action to prepare a local housing strategy that includes assessment criteria for new rural residential development to protect existing and potential productive agricultural land.</p> <p>A local housing strategy that included criteria for new rural residential development was adopted in July 2020 (Appendix 2 of Live Port Stephens).</p> <p>This application has been assessed against the Rural Residential Criteria (RRC) in Appendix 2 of Live Port Stephens and is consistent.</p> <p>The RRC was developed by constraints mapping in response to the Hunter Regional Plan 2036 and Greater Newcastle Metropolitan Plan 2036 directions. It accounts for:</p> <ul style="list-style-type: none"> • land identified by, or in proximity to an area identified by, a local, regional or State strategic plan for potential urban housing • land within a 2km distance from existing or planned major employment areas • slopes greater than 18 degrees • class 1 and 2 acid sulphate soils • land within the Flood Planning Area • high biodiversity value land, including coastal wetlands or coastal lakes • noise exposure areas within an ANEF 25 or greater • land identified as Important Agricultural Land, as defined by the Biophysical Strategic Agricultural Land (BSAL) mapping prepared by the State Government for the purposes of Strategic Regional Land Use Planning • land located within 500 metres of known extractive industries, quarrying or mining. • land identified by the State Government as having known mineral resource potential
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		Suitability of locations for rural residential housing are defined in accordance with the RRC in Live Port Stephens.
	<p>The submission expresses environmental concerns. Particular concern is expressed for the loss of trees as habitat for endangered and native birds, and koalas.</p> <p>The submission states that the development application fails to address the importance of preserving the section of high biodiversity value mapped land and dismisses this as a minor issue.</p>	<p>See response to submission No 3 and No 7.</p> <p>At this stage there is no application for a subdivision being assessed. The planning proposal seeks to amend the land zoning and minimum lot size maps, which would enable a DA to subdivide the land to be lodged and assessed.</p> <p>The Biodiversity Value Map identifies a small part of the site as having high biodiversity values. This area is located on the eastern edge of the site within the flood planning area, and therefore will likely be retained as part of any development proposal for the site.</p>
	The submission states there are inconsistencies in the mapping and proposed lot layout, in relation to access and flood prone land.	<p>See response to submission No 3.</p> <p>The concept subdivision and road layout is indicative only and is used to show that a number of strategic outcomes can be achieved. Should the land be rezoned, the road design and would be assessed in detail as part of any subsequent subdivision application.</p>
	The submission expresses concern that neighbours of the proposed rezoning will be impacted by increased noise, and reduction in privacy and rural amenity.	<p>Should the land be rezoned, development applications can be lodged for subdivision and dwellings. Development applications would be assessed against the Port Stephens Development Control Plan 2014 (DCP). The DCP considers both privacy and amenity, and provides relevant setbacks and controls to ensure that these impacts are mitigated.</p>
	The submission states that the proposed rezoning would impact the road safety of the Seaham Road and Sophia Jane Drive intersection.	See response to submission No 3.
	The submission expresses flood concerns, stating that the proposal will increase flood risk.	See response to submission No 6.
	The submission states the proposal has inconsistencies with the HRP, GNMP and Live Port Stephens in relation to biodiversity and flooding.	The planning proposal is consistent with the aims of the HRP. The proposal will provide greater housing choice and promote housing diversity, by encouraging rural residential housing in proximity to an established rural residential area and within 10 minutes

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			<p>of a strategic centre at Raymond Terrace. The planning proposal is also consistent with all of the objectives for rural residential development as set out in the HRP.</p> <p>The planning proposal is also consistent with GNMP and will give effect to Strategy 18 as it will deliver well-planned rural residential housing areas close to jobs and services. The planning proposal is also consistent with the objectives set out in the GNMP for rural residential development.</p> <p>The planning proposal is consistent with, and will give effect to the following priorities of Live Port Stephens:</p> <ul style="list-style-type: none"> • Priority 1.2 – Remove barriers to unlock housing supply • Priority 1.3 – Increase the proportion of infill housing • Priority 3.2 – Encourage a range of housing types and sizes. <p>Live Port Stephens includes Rural Residential Criteria. The planning proposal is consistent with the criteria.</p> <p>The proposal's consistency with the relevant strategic planning documents has been addressed in further detail throughout the planning proposal.</p>
		The submission expresses concerns about the provision of infrastructure, specifically electricity and sewage.	See response to submission No 5.
16	Resident	<p>The submission states that during major Lower Hunter flooding events the subject site will become isolated. The submission expresses concern about rising flood levels, lack of warning times and the location of future dwellings.</p> <p>The submission expresses concern about the proposal's inconsistency with Hunter Regional Plans (HRP) 2036, particularly the focus of the HRP on walking and cycling links.</p>	<p>See response to submission No 6.</p> <p>The HRP is the regional land use strategy that applies to the Port Stephens. It aims to provide the overarching framework to guide the NSW Government's land use planning priorities and decisions to 2036 and to guide subsequent and more detailed land use plans, development proposals and infrastructure funding decisions. The HRP is high-level and it is difficult for any proposal to align with all objectives set out in the HRP. The</p>

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		<p>planning proposal is, however consistent with all of the objectives for rural residential development as set out in the HRP.</p> <p>The planning proposal is also consistent with the aims of the HRP as it will provide greater housing choice and promote housing diversity by encouraging rural residential housing in proximity to an established rural residential area and within 10 minutes of a strategic centre at Raymond Terrace.</p>
	<p>The submission advocates for contributions to be paid by any new rural residential proposal in the local area for use towards a dual use pathway between Brandy Hill and Raymond Terrace along Seaham road.</p>	<p>When a new lot is created the Port Stephens Local Infrastructure Contributions Plan (LIC Plan) applies. For the creation of each lot, the Developer would pay approximately \$18,000 towards the provision of infrastructure as detailed in the Works Schedule of the LIC Plan. There is a \$20,000 cap on how much Councils are able to levy on new development.</p> <p>While infrastructure contributions are a key way to fund infrastructure, including public and open space, footpaths, cycleways, roads, social and community infrastructure and stormwater management, they are not the only funding mechanism used.</p> <p>Similarly, infrastructure contributions do not pay for the entire cost of new projects, unless it can be demonstrated that the entire need of the infrastructure item is a result of the new development.</p> <p>There is currently a number of items in the Works Schedule of the LIC plan scheduled for the Brandy Hill area, including a shared pathway from Clarencetown Road to Seaham Road along Brandy Hill Drive, upgrades to Seaham Park, upgrades to Brendon Park, Seaham, roadworks on East Seaham Road, and an upgrade to the Seaham RFS station.</p> <p>The items in the Works Schedule are determined by infrastructure needs analyses, as well as items that are included in Council's other strategic asset plans.</p>

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			<p>Council's Pathway Plans and locational Pedestrian Access and Mobility Plans (PAMPs) and Strategic Asset Management Plan (SAMP) identify the current and planned shared pathways and other infrastructure items. These documents take into account the anticipated population increase as a result of new development.</p> <p>There is currently no pathway identified in the Works Schedule that extends from Brandy Hill to Raymond Terrace.</p>
		<p>The submission notes the Port Stephens Rural Residential Policy references a rural land resource buffer of 1km, highlighting that the site states a buffer of 430 metres from operating poultry sheds.</p> <p>The submission expresses concerns over the methodology used to check the odour.</p>	<p>See response to submission No. 3</p>
17	Koala Coalition EcoNetwork Port Stephens (KKEPS)	<p>The submission states that the conservation status of koalas in NSW has been recently upgraded to endangered, and requests that this information is considered.</p>	<p>It is noted that the upgraded conservation status of koalas came into effect on 12 February 2022, after the public exhibition period had concluded.</p> <p>While this is not referred to in the planning proposal document, if the site were to be rezoned, any future development applications would be required to take into account any new requirements or controls in place as a result of the change, as well as updated ecological studies.</p>
		<p>The submission expresses concerns that the cumulative environmental impacts from additional nearby rezoning at 610 Seaham Road have not been adequately considered as part of the proposal.</p>	<p>Each rezoning request is assessed against both site specific and strategic merit, including the Rural Residential Criteria in Live Port Stephens.</p> <p>The rezoning request for 610 Seaham Road is being assessed against the same criteria, and is currently preparing the relevant studies and justification required.</p> <p>The proposed minimum lot size ensures that a development layout can be achieved which gives regard to the impacts of development of the environment. These impacts can be considered in detail, including cumulative impact, during assessment of a future development application where critical information such as</p>

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			proposed lot layout and vegetation removal is available.
		<p>The submission expresses concerns that the ecological assessment is not sufficient to determine the impact on the koala population. The submission points out that the assessment recognises the survey limitations that suggests further ecological studies may be required.</p> <p>The submission states the koala habitat map used in the ecological assessment to is out of date.</p> <p>The submission expresses concerns that the ecological assessment expresses contradictory information on which trees will be retained to conserve important biodiversity in the area.</p>	<p>Refer to submission No 7.</p> <p>Should the rezoning be successful, further ecological studies will be required at both the subdivision and in any applications for dwellings.</p>
18	Voice of Woodville and Wallalong (VOWW)	<p>The submission states that VOWW opposes this rezoning proposal.</p> <p>The submission expresses confusion over the number of lots referenced in the proposal.</p>	<p>Noted.</p> <p>The planning proposal is to amend the Lot Size Map to 2ha, which means that any future lot would be a minimum of 2ha.</p> <p>Should the land be rezoned, any future subdivision of the land will be subject to a development application, which will determine the number of lots as a result of detailed design and further studies.</p>
		<p>The submission states that the effect of climate change has not been mentioned, and expresses concern about the flood impacts of this.</p>	<p>See response to submission No 6.</p> <p>Climate change is a consideration under the Floodplain Development Manual.</p>
		<p>The submission expresses concerns that the 'Agricultural Land Viability assessment' does not take into consideration former successful use of this land.</p> <p>The submission expresses concerns that the report does not take into account the impact on neighbouring rural enterprises, specifically the loss of high land used for security of cattle during flood events.</p>	<p>Refer to submission No 5.</p> <p>The Agricultural Land Viability Assessment acknowledges that the site may offer some flood refuge for cattle, however noting that flood free land also exists on neighbouring properties.</p>
		<p>The submission states that the proposal is inconsistent with the ministerial directions and rural subdivision principles.</p>	<p>See response to submission No 12.</p>

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		The submission states that social impacts were not considered due to lack of community consultation.	See response to submission No 3.
		The submission expresses environmental concerns for the impact to local flora and fauna arising from removal of native tree species.	See response to submissions No 3 and No 9. Should the rezoning be successful, further ecological studies will be required at both the subdivision and in any applications for dwellings.
		The submission states that aircraft noise has not been adequately addressed.	See response to submission No 3.
19	Save Port Stephens Koalas	The submission expresses concern about the risk that land fragmentation and loss of habitat poses to native species.	At this stage there is no application for a subdivision or development being proposed or assessed, or for the clearing of any vegetation. Should the site be rezoned, further ecological studies will be required at both the subdivision and in any applications for dwellings. The site is located outside of the Watagan to Stockton Corridor, as identified in the Hunter Regional Plan 2036. A review of Office of Environment and Heritage key habitats and corridors mapping demonstrates that the site is not part of any state or regional wildlife corridor.
		The submission expresses concerns that the only land suitable for development due to flood levels is the vegetated area part of the koala corridor.	See response to submission No 3. It is considered that the large lot size proposed enables tree retention to be maximised and enough flood free land available should the land be subdivided. Should the site be rezoned and later subdivided, flooding and ecology will be assessed in detail at the DA stage. The ecological assessment concluded that there is no koala corridor on the site, and that the site contains only a small amount of preferred koala habitat. Due to the surrounding rural development, the ecological assessment found that the site is likely to form part of a network of 'stepping stones' through the area for fauna species that are able to cross relatively open areas.

ITEM 1 - ATTACHMENT 3 RESPONSE TO SUBMISSIONS TABLE.

		The submission states that the land suitable for development on the subject site provides high ground refuge for wildlife and stock during flood events, which would no longer be accessible for this purpose if this land is developed.	See response to submission No 5.
20	Resident	The submission expresses concerns about the Seaham Road and Sophia Jane Drive intersection, and the ability for the intersection to support a potential increase in traffic.	See response to submission No 3.
		The submission expresses concerns around the ecological impact that rezoning the subject land may have on the wildlife and wetlands.	See response to submissions No 3 and No 9.
21	Newcastle Airport	The referral notes that the site is not within the Australian Noise Exposure Forecast (ANEF) for Newcastle Airport. However, the subject site will regularly experience some level of aircraft noise from aircraft movements.	Noted.
		The referral requested that the constraints associated with aircraft noise be placed on any S10.7 planning certificate issued by Council for the property.	Any section 10.7(5) planning certificates issued for the site contain a note to say that the property may be affected by aircraft noise.
22	Civil Aviation and Safety Authority (CASA)	CASA raised no objection to the planning proposal proceeding.	Noted.
23	Commonwealth Department of Defence	Defence noted that the site is outside the ANEF for RAAF Base Williamtown and Salt Ash Air Weapons Range but the site will still regularly experience some level of aircraft noise from aircraft on approach and departure from RAAF Base Williamtown.	Noted.
		Defence requested that a property notation be placed on any S10.7 certificate that may be issued by Council for the property advising that the property is subject to aircraft noise generated by activities at RAAF Base Williamtown.	Any section 10.7(5) planning certificate issued for the site contains a note to say that the property may be affected by aircraft noise.
24	NSW Rural Fire Service (RFS)	NSW RFS raised no objections to the planning proposal.	Noted.
25	Department of Primary Industries –	The response from the DPI referred to there being no supply and demand analysis for the proposal in Live Port Stephens, and that Live Port Stephens is not endorsed by	Planning proposals for rural residential development are not relied on for meeting the housing targets identified by DPIE.

ITEM 1 - ATTACHMENT 3 RESPONSE TO SUBMISSIONS TABLE.

Agriculture (DPI)	Department of Planning, Industry and Environment (DPIE).	Rather, they align with Outcome 3 of Live Port Stephens to "Increase diversity of housing choice" and respond directly to the findings of the 'Housing Preferences in Port Stephens Report' prepared by SGS Economics & Planning which identifies rural blocks as being the preferred housing choice amongst 14.4% of survey participants.
	It was noted that while it is unlikely to impact existing nearby farmers, the proposal lacks details regarding the Right to Farm Act and the existing land uses within the area (other than rural residential).	Regarding the Right to Farm Act, the planning proposal has been updated to include further information on the surrounding land uses.
	<p>The response noted that an odour assessment had been completed, and that DPI did not comprehensively review this but made the following point:</p> <ul style="list-style-type: none"> A large portion of the conclusion of 'no or minimal impact' from the poultry farms was based on a site visit. Poultry operations vary in odour depending on which phase of the bird's growth cycle and a singlet visit would most likely not be a reliable measure of the greatest impact. <p>DPI recommended that the odour assessment be peer reviewed.</p>	<p>After a Gateway determination was issued an odour assessment was carried out, and an odour report was submitted to Council. After reviewing the odour assessment report, Council requested that the applicant submit a proposed methodology for having the data that was provided in the report verified through onsite monitoring.</p> <p>The requirements to be included in the proposed methodology were set out by Council and included taking into account the growing cycle, meteorological conditions, and was to include onsite monitoring.</p> <p>The applicant submitted a proposed methodology, which was then independently peer reviewed. The independent review of the methodology supported the approach, and the applicant was then instructed to carry out the Quantitative Odour Modelling and provide an additional assessment report.</p> <p>The Quantitative Odour Assessment Report supports the planning proposal.</p>
	The response included broader comments on Council's recently adopted local housing strategy and rural residential development.	Given these comments were not in relation to the planning proposal, they have been addressed elsewhere with DPI.
	DPI sent another submission during the public exhibition period confirming their objection.	Noted.

ITEM 1 - ATTACHMENT 3 RESPONSE TO SUBMISSIONS TABLE.

26	Biodiversity Conservation Division (BCD)	<p>The response from BCD stated that the concept road layout does not provide rising road access to proposed lot 18 in the concept subdivision plan and recommended that at the Development Application stage, Council ensures that all lots have rising road access to an emergency evacuation route, so that the occupants can still evacuate along a formed roadway even if they do not immediately respond to a flood warning.</p>	<p>The concept subdivision and road layout is indicative only, and is used to show that a number of strategic outcomes can be achieved. The road design and subdivision would be assessed in detail as part of a subsequent application.</p> <p>BCD provided subsequent formal correspondence that they were satisfied that this issue should be addressed during assessment of a future development application, and not at planning proposal stage.</p>
		<p>The response noted that although the biodiversity on the site has been impacted by grazing, there are still high biodiversity values which should be retained or enhanced where possible as part of the proposal.</p> <p>The response noted which species comprised the remnant vegetation and stated that some of these species are likely to be using the remnant vegetation on the property.</p> <p>The recommendation from BCD was that the proposal includes development footprints which have been located to retain as many high biodiversity values as possible on site.</p>	<p>Council notes and is aware of the biodiversity value of the site.</p> <p>Subsequent to a Gateway determination being issued Council requested that a further study be carried out, and an updated Ecological Assessment was prepared and submitted to Council post-Gateway.</p> <p>Council referred the assessment internally to the Natural Systems team, and was satisfied with the updated assessment, noting that as a result of the 2 ha minimum lot size proposed, and the refinement of subdivision/road layout at DA stage that the majority of key biodiversity/ecological constraints that are likely to be identified through a BDAR process at DA stage may be avoided. Further to this, the objectives of the R5 zoning provides consideration for minimising impacts on environmentally sensitive locations.</p> <p>BCD provided subsequent formal correspondence that they were satisfied that this issue should be addressed during assessment of a future development application, and not at planning proposal stage.</p>
27	Hunter Water Corporation.	<p>Formal consultation with Hunter Water Corporation was undertaken through preliminary servicing advice.</p> <p>After a Gateway determination for the site was issued, Hunter Water, the planning proposal was referred to Hunter Water and no objections were received.</p>	<p>Noted.</p>

ITEM 1 - ATTACHMENT 4 GATEWAY DETERMINATION.

**Planning,
Industry &
Environment**

Gateway Determination

Planning proposal (Department Ref: PP_2020_PORTS_003_00): to rezone RU1 Primary Production land to zone R5 Large Lot Residential and amend the minimum lot size from 40ha to 2ha at 792 Seaham Road, Seaham.

I, Director, Western Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Port Stephens Local Environmental Plan (LEP) 2013 to amend zoning and minimum lot size for land at 792 Seaham Road, Seaham should proceed subject to the following conditions:

1. Prior to undertaking community consultation, the following is required:
 - a. Preparation of a Bushfire Assessment Report and consultation with the Rural Fire Service to address the proposal's inconsistency with section 9.1 Direction 4.4 Planning for Bushfire Protection.
 - b. Consultation with Department of Planning, Industry and Environment - Agriculture to address the proposals inconsistency with section 9.1 Direction 1.5 Rural Lands and potential agricultural land use conflict.
 - c. Preparation of the necessary Biodiversity Study(s) and consultation with Department of Planning, Industry and Environment – Biodiversity Conservation Division to address the proposals inconsistencies with section 9.1 Direction 2.1 Environmental Protection Zones and performance criteria (c) and (d) of Port Stephens Comprehensive Koala Plan of Management.
 - d. Preparation of report detailing the findings of a preliminary contamination investigation of the land carried out in accordance with the contaminated land planning guidelines to address section 9.1 Direction 2.6 Remediation of Contaminated Land.
 - e. Consultation with Newcastle Airport, Civil Aviation and Safety Authority (CASA) and Commonwealth Department of Defence to address section 9.1 Direction 3.5 Development Near Regulated Airports and Defence Airfields.
 - f. Consultation with Department of Planning, Industry and Environment – Water to address section 9.1 Direction Flood Prone Land.
 - g. Consultation with Hunter Water to confirm capacity of existing water infrastructure & feasibility of onsite wastewater management to service future development of the site.

Council is to update the planning proposal to take into account the outcomes of the above studies and consultation and reflect the findings in the final public

ITEM 1 - ATTACHMENT 4 GATEWAY DETERMINATION.

exhibition document along with all updated reports and consultation documents. Council is to seek approval from the Department of Planning, Industry and Environment prior to undertaking community consultation.

2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018) and must be made publicly available for a minimum of **28 days**; and

the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination and
 - (b) there are no outstanding written objections from public authorities.
5. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 28th day of August 2020.

28.8.20

Damien Pfeiffer
Director, Western Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces

PP_2020_PORTS_003_00 (IRF20/3645)



**Planning,
Industry &
Environment**

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2020_PORTS_003_00)

I, the Executive Director, Local and Regional Planning at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 28 August 2020 for the proposed amendment to the *Port Stephens Local Environmental Plan 2013* as follows:

1. Amend "condition 1" to delete 'Council is to seek approval from the Department of Planning, Industry and Environment prior to undertaking community consultation.'

2. Add to "condition 2"

b. Public exhibition is to commence by 1 December 2021.

3. Delete: "condition 5"

and replace with:

a new condition 5: "The time frame for completing the LEP is by 28 May 2022."

Dated 7th day of October 2021.

**Monica Gibson
Executive Director, Local and Regional
Planning
Planning and Assessment
Department of Planning, Industry and
Environment**

**Delegate of the Minister for Planning and
Public Spaces**

PP_2020_PORTS_003_00 (IRF21/2772)

MINUTES ORDINARY COUNCIL - 26 APRIL 2022

Councillor Peter Kafer returned to the meeting at 6:21pm.

ITEM NO. 2

FILE NO: 21/342543
EDRMS NO: PSC2020-02848

PROPOSED CLOSURE OF UNFORMED ROAD - MORNA POINT ROAD, ANNA BAY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Consents to the closure of part of Morna Point Road, Anna Bay as shown in black hatching at **(ATTACHMENT 1)**.
- 2) Completes required Council Road Closure Process under Part 4, Division 3 of the Roads Act 1993, including community consultation.
- 3) Lodges a subdivision application with Council for the lot creation and completes registration as required by NSW Land Registry Services (LRS).
- 4) Authorises the Mayor and General Manager to sign and affix the Seal of Council to all documents required to effect the closure, including survey plans.

ORDINARY COUNCIL MEETING - 26 APRIL 2022 MOTION

003	<p>Mayor Ryan Palmer Councillor Chris Doohan</p> <p>It was resolved that Council not proceed with the closure of part of Morna Point Road, Anna Bay as shown in black hatching at (ATTACHMENT 1).</p>
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Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period 4 meetings.

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to approve the closure of part of Morna Point Road, Anna Bay as shown by black hatching on **(ATTACHMENT 1)**. The road is unformed and considered surplus to operational needs as it is not required to provide adequate public access to any lands or facilities.

The subject road has an area of 814m² and is zoned R2 Low Density Residential. It is situated amongst residential properties and adjoins the ocean on its southern border. The adjoining oceanfront land is a rocky escarpment and practical access to the ocean cannot be obtained through it.

Public access to the waterfront is via a large public reserve named Iris Moore Reserve situated 52 metres to the east of the subject road. Two further access points exist 95 metres and 209 metres respectively to the west. All public access point are shown in white on **(ATTACHMENT 2)**.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Financial Management	Maintain strong financial sustainability.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$5,250	Survey and plan registration fees
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The closure will be processed in accordance with Part 4, Division 3 of the Roads Act 1993 (the Act). Section 38A of the Act specifically states that a council may close a public road if the road is not reasonably required for use by the public or for continuity of a public road network, and closure will not impede lawful vehicular or practical access to other lands.

Vehicular access to adjoining land at 2 Morna Point Road, Anna Bay is currently across a small part of the subject road as shown in white on **(ATTACHMENT 1)**. A Right of Access will be created prior to closure in favour of house number 2 to ensure

continued unfettered vehicular access to the dwelling in accordance with their development consent.

Creation of a Right of Access as proposed will not adversely affect future access to or use of the closed road as it will retain 13 metres of direct (unfettered) road frontage to Ocean Avenue.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that other authorities or the adjoining neighbour may object to the proposed road closure.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no adverse social, economic or environmental implications associated with the road closure. The land is primarily cleared of vegetation.

CONSULTATION

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

Internal

Internal consultation has taken place with the parties listed below and the proposed closure is supported.

- Principal Drainage and Flooding Engineer
- Traffic Engineer
- Asset Section Manager
- Civil Assets Manager
- Strategic Property Coordinator
- Senior Property Officer
- Property Manager

External

Should the recommendation be endorsed, consultation will be undertaken with all adjoining landowners before the closure process is instigated. If instigated Council will also consult with all notifiable authorities (as defined by the Act) and undertake statutory public advertising as required by Part 4, Division 3 of the Act.

OPTIONS

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

ATTACHMENTS

- 1) Morna Point Road, Anna Bay.
- 2) Public Access Points - Morna Point Road, Anna Bay.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



ITEM 2 - ATTACHMENT 2 PUBLIC ACCESS POINTS - MORNA POINT ROAD, ANNA BAY.



ITEM NO. 3

**FILE NO: 22/93880
EDRMS NO: PSC2017-00180**

**DRAFT INTEGRATED PLANNING AND REPORTING DOCUMENTS AND FEES
AND CHARGES**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorses the draft Integrated Planning and Reporting documents, being the Community Strategic Plan 2022 to 2032 (**ATTACHMENT 1**), Delivery Program 2022 to 2026 incorporating the Operational Plan 2022 to 2023 (**ATTACHMENT 2**), Resourcing Strategy 2022 to 2023 incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2022 to 2032 and Strategic Asset Management Plan 2022 to 2032 (**ATTACHMENT 3**) and the Fees and Charges 2022 to 2023 (**ATTACHMENT 4**).
- 2) Places the draft documents on public exhibition for a period of 28 days, invite submissions and report back to Council.

**ORDINARY COUNCIL MEETING - 26 APRIL 2022
MOTION**

004	<p>Councillor Chris Doohan Councillor Glen Dunkley</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorses the draft Integrated Planning and Reporting documents, being the Community Strategic Plan 2022 to 2032 (ATTACHMENT 1), Delivery Program 2022 to 2026 incorporating the Operational Plan 2022 to 2023 (ATTACHMENT 2), Resourcing Strategy 2022 to 2023 incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2022 to 2032 and Strategic Asset Management Plan 2022 to 2032 (ATTACHMENT 3) and the Fees and Charges 2022 to 2023 (ATTACHMENT 4).2) Places the draft documents on public exhibition for a period of 28 days, invite submissions and report back to Council.
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Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period 4 meetings.

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council endorsement to place the following draft documents on public exhibition for a period of 28 days and invite submissions in accordance with the Local Government Act 1993 (Local Government Act).

- Draft Integrated Planning and Reporting (IPR) documents:
 - Community Strategic Plan 2022 to 2032 (**ATTACHMENT 1**)
 - Delivery Program 2022 to 2026 incorporating the Operational Plan 2022 to 2023 (**ATTACHMENT 2**)
 - Resourcing Strategy 2022 to 2023 incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2022 to 2032 and Strategic Asset Management Plan 2022 to 2032 (**ATTACHMENT 3**) and
 - Fees and Charges 2022 to 2023 (**ATTACHMENT 4**).

Following the local government election all Councils are required to review and endorse a 10 year Community Strategic Plan (the Plan) prior to 30 June 2022. This is the highest level of strategic planning that a Council will prepare on behalf of its community, with Council playing a custodial role in collating the Plan and engaging with the community on priorities and aspirations for the next 10 years.

Many community priorities are beyond Council's sphere of control, involving partnerships and advocacy with many other government departments, private enterprises, agencies and the community. Establishing community priorities is critical in informing what services, facilities and programs Council should sustainably deliver and how we assign and balance our resourcing to support delivery while balancing affordability.

The Delivery Program (**ATTACHMENT 2**) outlines a 4-year program that Council commits to delivering within the resources available. It translates the Plan's key directions/goals into clear activities and actions

The Operational Plan (**ATTACHMENT 2**) is Council's annual action plan which contributes to the 4-year Delivery Program. It outlines what Council proposes to deliver for 2022 to 2023 and which area of Council is responsible for delivery. The Operational Plan is implemented with a supporting annual budget to fund necessary work.

MINUTES ORDINARY COUNCIL - 26 APRIL 2022

The Operational Plan and Long Term Financial Plan incorporate the application to the Independent Pricing and Regulatory Tribunal (IPART) for a one-off additional special variation, in accordance with Council's resolution of 12 April 2022 Minute No. 099 (**ATTACHMENT 5**). This will see the less than anticipated 2022-2023 rate peg lift from 1.3% back to the instructed figure of 2.5%. The result of this will assist in delivering planned services to the community and closing the financial sustainability gap that is being driven by the implications of the COVID-19 pandemic and recent weather events. As a result of the pending application, the Statement of Revenue Policy and Long Term Financial Plan are proposed to be exhibited with Option 1 – 1.3% and Option 2 – 2.5%.

To implement these plans they need to be appropriately resourced with human, capital and asset resources. The Resourcing Strategy consists of three interrelated plans; the Long Term Financial Plan, Strategic Asset Management Plan and Workforce Management Strategy (**ATTACHMENT 3**) which provide more detail on the financial, workforce and asset matters that Council is responsible for.

Council, also in accordance with the Local Government Act and other applicable legislation, charges and recovers approved fees and charges for any services it provides as contained within its schedule of fees and charges. All of Council's fees and charges are reviewed on an annual basis, however, Council cannot implement these fees until they have been placed on public exhibition and submissions considered.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Governance	Provide a strong ethical governance structure.

FINANCIAL/RESOURCE IMPLICATIONS

The cost of printing these draft documents can be substantial. For this reason, a limited number of copies are produced and will be made available for inspection at Council's libraries and Administration Building. They are also available for download from Council's website.

Advertisements will be placed in the Port Stephens Examiner inviting submissions as well as on Council's website. Social media will also be used to promote the documents.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		

MINUTES ORDINARY COUNCIL - 26 APRIL 2022

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

Council is required to adopt the Operational Plan, Long Term Financial Plan and Fees and Charges before 30 June each year and cannot expend funds or charge fees unless the process, including public exhibition and consideration of submissions is undertaken.

LEGAL, POLICY AND RISK IMPLICATIONS

Council is required to undertake integrated planning and report activities in accordance with the Local Government Act, Local Government (General) Regulation 2021 (Local Government Regulation) and the NSW Government's Integrated Planning and Reporting Guidelines (IPR Guidelines) and Handbook (IPR Handbook) September 2021. Sections 402 to 406 and 608 to 610 of the Local Government Act outline the specific requirements for developing the IPR documents and Fees and Charges.

In summary, under this legislation and Guidelines Council is required to:

- Engage with the community and review the Community Strategic Plan before 30 June following the Council election.
- Prepare a long-term strategy (Resourcing Strategy which includes the Long Term Financial Plan, Workforce Management Strategy and Strategic Asset Management Plan) for the provision of resources required to perform its functions.
- Establish a new delivery program after the Council election to cover the principal activities of the council for the 4-year period commencing on 1 July following the election.
- Have its operational plan adopted before the beginning of each year and detail the activities to be engaged in by the council during the year as part of the delivery program covering that year.
- Set its fees and charges prior to 1 July 2022, and make the rates prior to 1 August 2022.
- Publicly exhibit all of the IPR documents and Fees and Charges for a period of at least 28 days, considering submissions prior to adoption of the final documents.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council's draft IPR documents and fees and charges may not comply with legislation leading to a loss of Council's reputation.	Low	Staff cross reference legislative requirements of the documents with the Office of Local Government requirements as best as possible.	Yes
There is a risk that Council does not have an understanding of community priorities.	Low	Public exhibition of the Community Strategic Plan which has been revised based on integrated engagement over the past 18 months.	Yes
There is a risk that Council does not have the resources to meet is delivery program and annual operational plan.	Medium	Staff continue to realistically plan and investigate resourcing opportunities as outlined in the Delivery Program and Resourcing Strategy.	Yes
<p>There is a risk that if the draft documents are not exhibited as required:</p> <ul style="list-style-type: none"> • the fees therein cannot be charged; • funds cannot be expended; and • plans will not be implemented prior to 1 July as legislatively required. <p>This could lead to a loss of time, potential financial, reputational and legal implications for Council.</p>	Low	Public exhibition of draft documents during April and May 2022 to allow sufficient time for public submissions and Council consideration and adoption of the final documents prior to 30 June 2022.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The draft Plan has been developed in alignment with the principles of sustainability and social justice addressing social, economic, environmental and governance factors (quadruple bottom line) through four interconnected focus areas: Our

Community, Our Place, Our Environment and Our Council. The 4 focus areas shown at **(ATTACHMENT 6)** provide a structure for planning in each of the documents, enabling Council to address key actions while aiming to holistically meet the community's vision of 'A great lifestyle in a treasured environment'.

CONSULTATION

Consultation with internal and external stakeholders has been undertaken in accordance with Council's Community Engagement Strategy to develop the draft documents. This has included:

Internal

- Input on key priorities from Councillors was sought at a workshop in February 2022.
- A cross Council project team was established to guide the development and integration of various facets of the draft IPR documents from community engagement to finance, workforce to assets. This team will continue to monitor the progress of the draft documents until their formal adoption by Council.
- Responsible officers from across Council have reviewed the fees and charges.
- The draft documents were developed in consultation with the Senior Leadership Team and discussed as part of a workshop with the Combined Leadership Team.

External

Council has an integrated approach to engaging with the community, engaging on a number of fronts since 2020 to help inform the review of the Plan and associated documents. Over the past 18 months, we have been talking with and listening to our community on various projects and plans to understand the aspirations and priorities of Port Stephens. Council has taken a phased approach, delving deeper into what we have heard to make sure we clearly understand what the community is looking for in the future. This has been through:

Phase 1 – Broad engagement, base data collection

- Liveability Index Survey – conducted September to December 2020. 3700 surveys were completed on community values and priorities.
- Youth Strategy – adopted November 2020. 450 people were involved in an 18 month consultation phase.
- Our Incredible Place Strategy – adopted 24 November 2020. 327 people were involved in a 12-month consultation phase
- Coastal Management Program stage 2 – completed November 2020. 3 webinars were conducted with 208 views.
- Wellbeing Strategy Engagement – conducted over April to May 2021. 177 survey responses received and 48 workshop attendees.
- Community Satisfaction Survey 2021 – conducted over May to June 2021. 2187 survey responses received.
- Economic Development Strategy – adopted 26 October 2021. 286 survey responses were received and 12 key partner consultations occurred.

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- End of Term Report 2017 to 2021 – updated the community on how we were progressing with achieving the 2018-2028 Community Strategic Plan. Noted by Council in October 2021.

Phase 2 – Targeted engagement, deeper dive

- Targeted place workshops – conducted over September to December 2021. 215 expressions of interest, 12 workshops and 103+ workshop participants.

Phase 3 - Community check in

- Community Strategic Plan check-in – conducted from 28 February – 14 March 2022 involving a pre-recorded video, Facebook live event, online survey and photo competition.
 - promoted via 4 Social media posts with an average reach of 4,500 per post
 - the Facebook live event reached 4,500 people with 115 comments and 174 reactions
 - the pre-recorded video received 113 views
 - the online survey received 59 survey responses
 - the photo competition received 23 entries

In accordance with local government legislation and our Community Engagement Strategy the draft documents will go on public exhibition for 28 days.

It is anticipated that community submissions will be collated and tabled at council at its meeting on 28 June 2022.

OPTIONS

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

ATTACHMENTS

- 1) Draft Community Strategic Plan 2022 to 2032. (Provided under separate cover)
- 2) Draft Delivery Program 2022 to 2026 incorporating the Operational Plan 2022 to 2023. (Provided under separate cover)
- 3) Draft Resourcing Strategy 2022 to 2023 incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2022 to 2032 and Strategic Asset Management Plan 2022 to 2032. (Provided under separate cover)
- 4) Draft Fees and Charges 2022 to 2023. (Provided under separate cover)
- 5) Additional Special Variation Application - Resolution of 12 April 2022 Minute No. 099. (Provided under separate cover)
- 6) Our Community Vision. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 4

**FILE NO: 22/98772
EDRMS NO: A2004-0284**

CODE OF MEETING PRACTICE REVIEW

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Code of Meeting Practice shown at **(ATTACHMENT 1)**.
- 2) Place the revised Code of Meeting Practice on public exhibition for a period of 28 days, allowing 42 days for submissions to be received.
- 3) Approve the Code of Meeting Practice as publicly exhibited, should no submissions be received, without a further report to Council.
- 4) Revoke the Code of Meeting Practice dated 9 June 2020, Minute No. 098, should no submissions be received.

**ORDINARY COUNCIL MEETING - 26 APRIL 2022
MOTION**

	<p>Councillor Peter Francis Councillor Giacomo Arnott</p> <p>That Council:</p> <ol style="list-style-type: none">1) Endorse the revised Code of Meeting Practice shown at (ATTACHMENT 1).2) Place the revised Code of Meeting Practice on public exhibition for a period of 28 days, allowing 42 days for submissions to be received.3) Approve the Code of Meeting Practice as publicly exhibited, should no submissions be received, without a further report to Council.4) Revoke the Code of Meeting Practice dated 9 June 2020, Minute No. 098, should no submissions be received.5) Include the following clause in the Code of Meeting Practice – “11.2.1 – The casting vote be only utilised in all instances of its use to maintain the status quo”.
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The Mayor ruled the motion was not lawful, as it was inconsistent with the provisions of the Model Code of Meeting Practice.

MINUTES ORDINARY COUNCIL - 26 APRIL 2022

ORDINARY COUNCIL MEETING - 26 APRIL 2022 MOTION

	Councillor Giacomo Arnott Councillor Peter Francis That a motion of dissent be moved.
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Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period 4 meetings.

Those for the Motion: Crs Leah Anderson, Giacomo Arnott, Peter Francis, Peter Kafer and Jason Wells.

Those against the Motion: Mayor Ryan Palmer, Crs Matthew Bailey, Chris Doohan, Glen Dunkley and Steve Tucker.

The motion was declared lost on the casting vote of the Mayor.

ORDINARY COUNCIL MEETING - 26 APRIL 2022 MOTION

005	Councillor Peter Francis Councillor Giacomo Arnott It was resolved that item 4 be deferred pending advice from the Office of Local Government on the question of the amendment proposed by Cr Francis, being: "Include the following clause in the Code of Meeting Practice – 11.2.1 – The casting vote be only utilised in all instances of its use to maintain the status quo".
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Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period 4 meetings.

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to provide Council with the revised Code of Meeting Practice (the Code) (**ATTACHMENT 1**).

The Port Stephens Council Code of Meeting Practice is based on the revised Model Code of Meeting Practice released by the Office of Local Government on 29 October 2021 (**TABLED DOCUMENT**).

The Code applies to meetings of the Council and Committees of Council where members are all elected members. The model Code also applies to boards of joint organisations and county councils.

Council first adopted the Code on 28 May 2019, with further amendments adopted on 9 June 2020. The Code includes mandatory and non-mandatory provisions. Council is also able to include supplementary clauses, however, any supplementary clauses cannot be inconsistent with the model Code.

The Code has maintained any previously adopted non-mandatory provisions.

Please note that yellow highlighting in the revised Code indicates an amendment has been made and strikethrough text is to be deleted.

The key amendments to the Code are:

- 1) Clause 3.23 – makes provision for the inclusion of a statement of ethical obligations in each business paper to remind Mayor and Councillors of their oath or affirmation of office and appropriate management of conflicts of interest.
- 2) Clause 3.5 – allows pre-meeting briefings to be held by audio-visual link (non-mandatory).
- 3) Clause 3.5 – includes provision specifying timeframe to publish business paper on Council's website, as adopted by Council. (non-mandatory).
- 4) Clause 3.7 – change to the timeframe for distribution of business papers to Mayor and Councillors, as adopted by Council.
- 5) Clause 3.10 - change to the timeframe to lodge a notice of motion, as adopted by Council.
- 6) Clause 4.2 – allows public forums (public access) to be held by audio-visual link (non-mandatory).
- 7) Clause 5.2 – includes reference to attendance at meeting by audio-visual link (non-mandatory).
- 8) Clauses 5.15 to 5.17 – makes provision for meetings to be held by audio-visual link (non-mandatory).
- 9) Clauses 5.18 to 5.22 – makes provision for attendance by councillors at a meeting by audio-visual link (non-mandatory).

MINUTES ORDINARY COUNCIL - 26 APRIL 2022

- 10) Clauses 5.26 to 5.31 – updated to reflect mandatory provisions in the model code.
- 11) Clause 14.20 – makes provision for obligations of a councillor attending a meeting by audio-visual link during closed meetings (non-mandatory).
- 12) Clauses 15.20 to 15.21 – makes provision for dealing with disorder by a councillor if attendance is by audio-visual link (non-mandatory).
- 13) Clause 16.2 – makes provision for managing conflicts of interest when attending a meeting by audio-visual link (non-mandatory).
- 14) Clause 16.3 – includes a new provision adopted by Council (non-mandatory).
- 15) Clauses 17.12 to 17.14 – makes provision to deal with a rescission motion at the same meeting a motion was considered (non-mandatory).
- 16) Clause 19.2(a) – requires the names of councillors attending a meeting and to record if they attended in person or by audio-visual link (non-mandatory).
- 17) Clause 20.22(a) - requires the names of councillors attending a meeting and to record if they attended in person or by audio-visual link (non-mandatory).

In addition to the amendments above, the Code has been updated to reflect changes in clause numbers and other minor amendments from the revised model Code.

Additional considerations by Council

Council also needs to give consideration to recording a division after each item.

Section 375A of the Local Government Act 1993, requires Council to record those voting 'for' and 'against' each item.

It is not mandatory for Council to record those voting 'for' and 'against' other motions passed by Council. Clause 11.10 and 20.23, shown below, would need to be included in the revised Code of Meeting Practice should Council be of a mind to include recording a division for all items.

- a) Clause 11.10 - makes provision for recording a division (non-mandatory).
- b) Clause 20.23 – makes provision for recording a division (non-mandatory).

Council has been conducting a trial of this approach following the Council meeting of 22 February 2022.

Public Access survey

Council recently conducted a public access survey to engage with speakers from the past 4 years, the Mayor and Councillors, Council staff and the general community, with 55 surveys completed.

The questions included in the survey were:

- 1) How did you find the experience of presenting at Public Access? Were you shaky/nervous/anxious while presenting?
- 2) Would being seated whilst presenting have been helpful with the nervous feeling?
- 3) Thinking about the Public Access process, was the 5 minute time limit sufficient to present, or is it too constraining?
- 4) If you used the presentation display (i.e. PowerPoint presentation), how easy did you find the experience?
- 5) If given the option, would you have agreed to have your presentation broadcast on Council's live webcast to raise awareness?
- 6) Did you find questions from Councillors helpful?
- 7) Please provide any additional comments you might have on the current Public Access process.
- 8) Please provide any suggestions you might have to improve the Public Access process.

The survey graphs are shown at **ATTACHMENT 2**. Responses from questions 7 and 8 can be themed as follows:

- Councillor interaction during the sessions – both positive and opportunities for improvement
- Review time limit for speakers
- Provide Public Access via webcast with the speakers to have an option to present via the webcast
- Happy with the current process – enjoyed and provided an insight into Council meeting process
- Provide feedback to speakers on decisions of Council
- Limit questions from Councillors
- Speakers to have the ability to manage slide presentation
- Speakers able to attend by audio-visual link
- General improvements to the Public Access process

The following table provides Public Access benchmarking conducted as part of revising the Code.

Council		Speaker time limit	Public access webcast	Questions asked by councillors
Cessnock City		3 minutes with 2 further 1 minute extensions available.	Yes	Yes
Lake Macquarie City		4 minutes. Total of 10 minutes by speaker slot includes questions from councillors.	Yes	Yes
Maitland City		3 with 1 minute extension by resolution.	Yes	No direct questions to speakers – able to seek clarification from the chairperson.
Mid Coast		3 minutes	No	Yes
City of Newcastle		<p>Public Voice (generally DAs only) – 10 minutes each ‘for’ and ‘against’ and 10 minutes for councillor questions.</p> <p>Public briefings (other council related matters once a month) – 2 sessions per month, 20 minutes for speakers and 10 minutes for councillor questions.</p>	Yes	Yes

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Governance	Provide strong civic leadership and government regulations.

FINANCIAL/RESOURCE IMPLICATIONS

The financial and resource implications are within the existing budget.

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

Council is required to adopt a Code of Meeting Practice based on the model Code to ensure it meets all legislative requirements in relation to conducting a meeting of the Council and a committee meeting of Council. In addition, Council is required to review its Code of Meeting Practice within 12 months of an ordinary local government election.

Section 361 of the Local Government Act 1993, requires Council to publicly exhibit the Code for a period of 28 days and allow 42 days for submissions to be received from the community.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council may be in breach of the Local Government Act 1993 and Local Government (General) Regulation 2021 should it not adopt a Code of Meeting Practice.	Low	Adopt the recommendations.	Yes.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are limited sustainability implications associated with this report.

CONSULTATION

Internal

- Executive Team.
- Mayor and Councillors.

External

The revised Code of Meeting Practice is required to be publicly exhibited for a period of 28 days and allow 42 days for submissions to be received from the community. Public exhibition will take place at Council's library network, the Administration Building and be available from Council's website.

OPTIONS

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

ATTACHMENTS

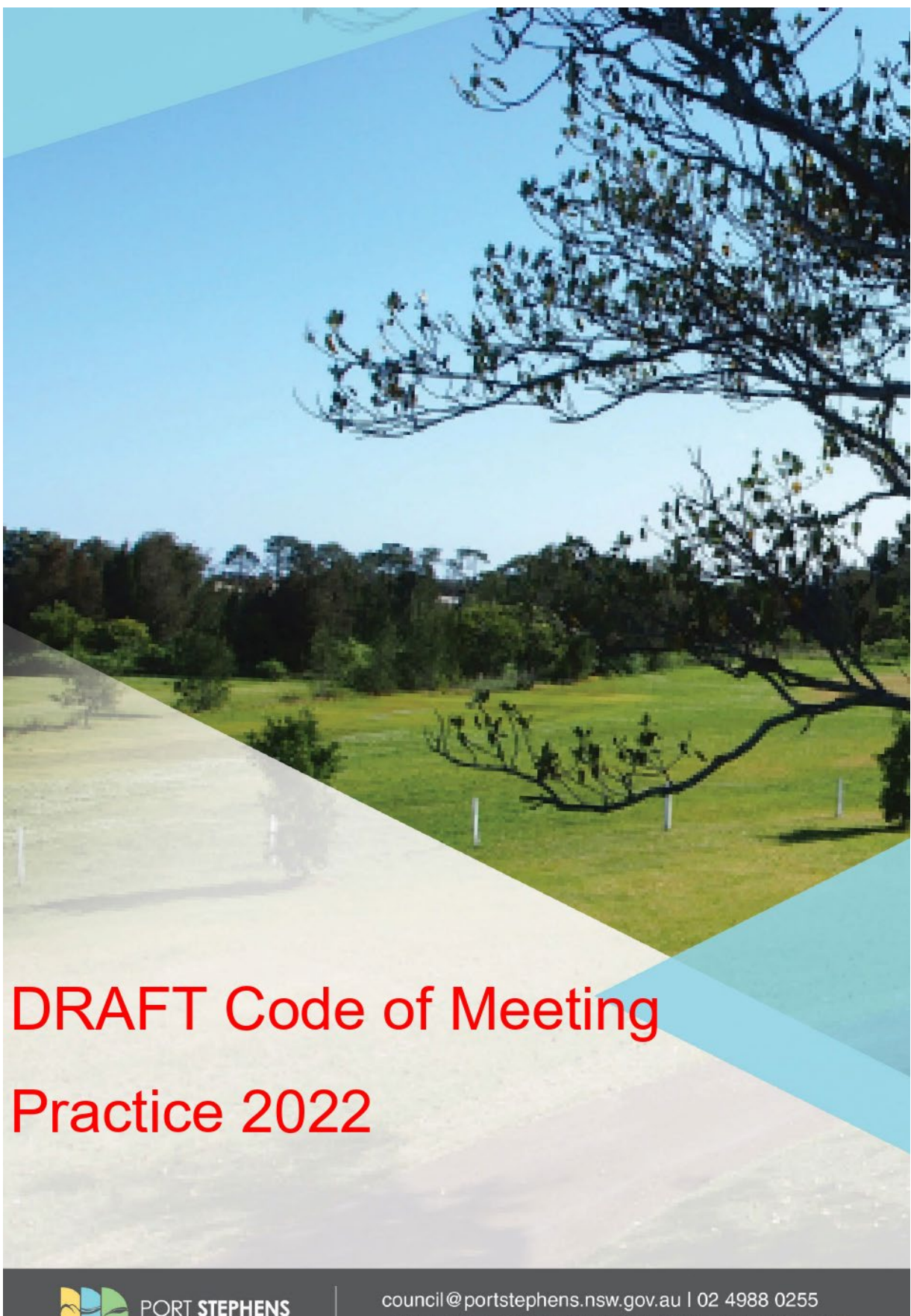
- 1) Draft Code of Meeting Practice
- 2) Public Access survey.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Office of Local Government – Model Code of Conduct.



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1 INTRODUCTION

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is made ~~made~~ **prescribed** under section 360 of the Local Government Act 1993 (the Act) and the Local Government (General) Regulation 2005 **2021** (the Regulation).

This code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

Transparent: Decisions are made in a way that is open and accountable.

Informed: Decisions are made based on relevant, quality information.

Inclusive: Decisions respect the diverse needs and interests of the local community.

Principled: Decisions are informed by the principles prescribed under Chapter 3 of the Act.

Trusted: The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.

Respectful: Councillors, staff and meeting attendees treat each other with respect.

Effective: Meetings are well organised, effectively run and skilfully chaired.

Orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

3 BEFORE THE MEETINGTiming of ordinary council meetings

- 3.1 The Council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.
- 3.2 Despite clauses 3.1, 3.4, 3.7 and 3.17, an ordinary meeting may be cancelled if there are no operational reports to be considered by Council. The General Manager must inform the Mayor should this situation arise. The Mayor may, after consultation with each Councillor, as far as practicable, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the Council's website and in such other manner that the Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

Extraordinary meetings

- 3.3 If the Mayor receives a request in writing, signed by at least 2 Councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable, but in any event, no more than 14 days after receipt of the request. The Mayor can be 1 of the 2 Councillors requesting the meeting.

Note: Clause 3.3 reflects section 366 of the Act.

Notice to the public of council meetings

- 3.4 The Council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the Council.

Note: Clause 3.4 reflects section 9(1) of the Act.

- 3.5 For the purposes of clause 3.4, notice of a meeting of the Council and of a committee of Council is to be published before the meeting takes place. The notice must be published on the Council's website, and in such other manner that the Council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible. **The business paper will be published on the Council website by 10am the first Monday after the previous meeting of Council.**
- 3.6 For the purposes of clause 3.4, notice of more than 1 meeting may be given in the same notice.

ITEM 4 - ATTACHMENT 1 DRAFT CODE OF MEETING PRACTICENotice to councillors of ordinary council meetings

- 3.7 The General Manager must send to each Councillor, at least 3 days before each **by close of business on the first Friday after the previous** meeting of the Council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.7 reflects section 367(1) of the Act.

- 3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to Councillors in electronic form, but only if all Councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.8 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

- 3.9 Notice of less than 3 days may be given to Councillors of an extraordinary meeting of the Council in cases of emergency.

Note: Clause 3.9 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

- 3.10 A Councillor may give notice of any business they wish to be considered by the Council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted ~~10 business days before the meeting is to be held:~~ **3 days prior to the distribution of the business paper.**
- 3.11 A Councillor may, in writing to the General Manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.12 If the General Manager considers that a notice of motion submitted by a Councillor for consideration at an ordinary meeting of the Council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the General Manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the Council.
- 3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the General Manager must either:
- (a) Prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the Council, or
 - (b) By written notice sent to all Councillors with the business papers for the meeting for which the notice of motion has been submitted, defer

ITEM 4 - ATTACHMENT 1 DRAFT CODE OF MEETING PRACTICE

consideration of the matter by the Council to such a date specified in the notice, pending the preparation of such a report.

Questions with notice

- 3.14 A Councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the General Manager about the performance or operations of the Council.
- 3.15 A Councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the General Manager or a member of staff of the Council, or a question that implies wrongdoing by the General Manager or a member of staff of the Council.
- 3.16 The General Manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the Council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.17 The General Manager must cause the agenda for a meeting of the Council or a committee of the Council to be prepared as soon as practicable before the meeting.
- 3.18 The General Manager must ensure that the agenda for an ordinary meeting of the Council states:
- (a) All matters to be dealt with arising out of the proceedings of previous meetings of the Council, and
 - (b) If the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) All matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) Any business of which due notice has been given under clause 3.10.
- 3.19 Nothing in clause 3.18 limits the powers of the Mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.20 The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of the Council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the General manager, is likely to take place when the meeting is closed to the public, the General Manager must ensure that the agenda of the meeting:

- (a) Identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
- (b) States the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.21 reflects section 9(2A)(a) of the Act.

- 3.22 The General Manager must ensure that the details of any item of business which, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to Councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a Councillor or by any other person to another person who is not authorised to have that information.

Statement of ethical obligations

- 3.23 Business papers for all ordinary and extraordinary meetings of the Council and committees of the Council must contain a statement reminding the Mayor and Councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

Availability of the agenda and business papers to the public

- 3.234 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the Council and committees of Council, are to be published on the Council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the Council, at the relevant meeting and at such other venues determined by the Council.

Note: Clause 3.234 reflects section 9(2) and (4) of the Act.

- 3.245 Clause 3.234 does not apply to the business papers for items of business that the General Manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.245 reflects section 9(2A)(b) of the Act.

- 3.256 For the purposes of clause 3.234, copies of agendas and business papers must be published on the Council's website and made available to the public at a time that is as close as possible to the time they are available to Councillors.

Note: Clause 3.256 reflects section 9(3) of the Act.

- 3.267 A copy of an agenda, or of an associated business paper made available under clause 3.234, may in addition be given or made available in electronic form.

Note: Clause 3.267 reflects section 9(5) of the Act.

ITEM 4 - ATTACHMENT 1 DRAFT CODE OF MEETING PRACTICEAgenda and business papers for extraordinary meetings

- 3.27⁸ The General Manager must ensure that the agenda for an extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.
- 3.28⁹ Despite clause 3.27⁸, business may be considered at an extraordinary meeting of the Council, even though due notice of the business has not been given, if:
- (a) A motion is passed to have the business considered at the meeting, and
 - (b) The business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.
- 3.29³⁰ A motion moved under clause 3.28⁹ (a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.30¹ Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.28⁹ (a) can speak to the motion before it is put.
- 3.34² A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.28⁹ (b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 3.32³ Prior to each ordinary meeting of the Council, the General Manager may arrange a pre-meeting briefing session to brief Councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the Council and meetings of committees of the Council.
- 3.33⁴ Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.35 Pre-meeting briefing sessions may be held by audio-visual link.**
- 3.34⁶ The General Manager or a member of staff nominated by the General Manager is to preside at pre-meeting briefing sessions.
- 3.35⁷ Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal Council or committee meeting at which the item of business is to be considered.
- 3.36⁸ Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a Council or committee meeting. The Council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the Councillor who made the declaration.

ITEM 4 - ATTACHMENT 1 DRAFT CODE OF MEETING PRACTICE**4 PUBLIC FORUMS (Public Access)**

4.1 The Council may hold a public forum prior to each ordinary meeting of the Council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting and/or other matters at the discretion of the Mayor. Public forums may also be held prior to extraordinary Council meetings and meetings of committees of the Council.

4.2 Public forums may be held by audio-visual link.

4.23 Public forums are to be chaired by the Mayor or their nominee.

4.34 To speak at a public forum, a person must first make an application to the Council in the approved form. Applications to speak at the public forum must be received by 12 noon on the Monday before the date on which the public forum is to be held, and must identify the item of business on the agenda of the Council meeting the person wishes to speak on, if applicable, and whether they wish to speak 'for' or 'against' the item.

4.45 A person may apply to speak on no more than 2 items of business on the agenda of the Council meeting.

4.56 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.

4.67 The Mayor or their delegate may refuse an application to speak at a public forum. The Mayor or their delegate must give reasons in writing for a decision to refuse an application.

4.78 No more than 2 speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Council meeting, with the total number of speakers at any one meeting being 12.

4.89 If more than the permitted number of speakers' apply to speak 'for' or 'against' any matter, those permitted to speak will be determined by the order the applications were received by Council.

4.910 If more than the permitted number of speakers apply to speak 'for' or 'against' any matter, the Mayor or their delegate may, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the Council to hear a fuller range of views on the relevant item of business.

4.101 ~~Council may require a~~ Approved speakers at the public forum ~~are~~ to register with the Council any written, visual or audio material to be presented in support of their address to the Council at the public forum, and to identify any equipment needs by 2pm the day of the public forum. The Mayor or their delegate may refuse to allow such material to be presented.

4.142 The Mayor or their delegate is to determine the order of speakers at the public forum.

ITEM 4 - ATTACHMENT 1 DRAFT CODE OF MEETING PRACTICE

- 4.123 Each speaker will be allowed 5 minutes to address the Council. This time is to be strictly enforced by the chairperson.
- 4.134 Speakers at public forums must not digress from the item on the agenda, if applicable, of the Council meeting they have applied to address the Council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.145 A Councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.156 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, will be regulated by the chairperson.
- 4.167 Speakers at public forums cannot ask questions of the Council, Councillors or Council staff.
- 4.178 The General Manager or their nominee may, with the concurrence of the chairperson, address the Council in response to an address to the Council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.189 Where an address made at a public forum raises matters that require further consideration by Council staff, the General Manager may recommend that the Council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.1920 When addressing the Council, speakers at public forums must comply with this Code and all other relevant Council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the Council's Code of Conduct or making other potentially defamatory statements.
- 4.201 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.242 Clause 4.201 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this Code.
- 4.223 Where a speaker engages in conduct of the type referred to in clause 4.19, the Mayor or their delegate may refuse further applications from that person to speak at public forums for such a period as the Mayor or their delegate considers appropriate.
- 4.234 Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do

so at a Council or committee meeting. The Council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the Councillor who made the declaration.

Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council.

5 COMING TOGETHER

Attendance by councillors at meetings

- 5.1 All Councillors must make reasonable efforts to attend meetings of the Council and of committees of the Council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

- 5.2 A councillor cannot participate in a meeting of the Council or of a committee of the Council unless personally present at the meeting, **unless permitted to attend the meeting by audio-visual link under this Code.**
- 5.3 Where a Councillor is unable to attend 1 or more ordinary meetings of the Council, the Councillor should request that the Council grant them a leave of absence from those meetings. This clause does not prevent a Councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this Code and the Act.
- 5.4 A Councillor's request for leave of absence from Council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.5 The Council must act reasonably when considering whether to grant a Councillor's request for a leave of absence.
- 5.6 A Councillor's civic office will become vacant if the councillor is absent from 3 consecutive ordinary meetings of the Council without prior leave of the Council, or leave granted by the Council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the Council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.6 reflects section 234(1)(d) of the Act.

- 5.7 A Councillor who intends to attend a meeting of the Council despite having been granted a leave of absence should, if practicable, give the General Manager at least 2 days' notice of their intention to attend.

ITEM 4 - ATTACHMENT 1 DRAFT CODE OF MEETING PRACTICEThe quorum for a meeting

- 5.8 The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office at that time and are not suspended from office. The quorum for Port Stephens Council is 6.

Note: Clause 5.8 reflects section 368(1) of the Act.

- 5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the Council.

Note: Clause 5.9 reflects section 368(2) of the Act.

- 5.10 A meeting of the Council must be adjourned if a quorum is not present:
- (a) At the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) Within half an hour after the time designated for the holding of the meeting, or
 - (c) At any time during the meeting.
- 5.11 In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) By the chairperson, or
 - (b) In the chairperson's absence, by the majority of the Councillors present, or
 - (c) Failing that, by the General Manager.
- 5.12 The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.
- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety and or welfare of Councillors, Council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire) or a public health emergency, the Mayor may, in consultation with the General Manager and, as far as is practicable, with each Councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the Council's website and in such other manner that the Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the Council or at an extraordinary meeting called under clause 3.3.

Meetings held by audio-visual link

- 5.15 A meeting of the Council or a committee of the Council may be held by audio-**

visual link where the Mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The Mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of Councillors and staff at risk. The Mayor must make a determination under this clause in consultation with the General Manager and, as far as is practicable, with each Councillor.

5.16 Where the Mayor determines under clause 5.15 that a meeting is to be held by audio-visual link, the General Manager must:

- (a) give written notice to all Councillors that the meeting is to be held by audio-visual link, and
- (b) take all reasonable steps to ensure that all Councillors can participate in the meeting by audio-visual link, and
- (c) cause a notice to be published on the Council's website and in such other manner the General Manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.

5.17 This code applies to a meeting held by audio-visual link under clause 5.15 in the same way it would if the meeting was held in person.

Note: Where a council holds a meeting by audio-visual link under clause 5.15, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

Attendance by Councillors at meetings by audio-visual link

5.18 Councillors may attend and participate in meetings of the Council and committees of the Council by audio-visual link.

5.19 The Council must comply with the Health Privacy Principles prescribed under the Health Records and Information Privacy Act 2002 when collecting, holding, using and disclosing health information in connection with a request by a Councillor to attend a meeting by audio-visual link.

5.20 This code applies to a Councillor attending a meeting by audio-visual link in the same way it would if the Councillor was attending the meeting in person. When a Councillor attends a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.

5.21 A Councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The Councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.

5.22 A Councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the Council or the committee into disrepute.

DRAFT

ITEM 4 - ATTACHMENT 1 DRAFT CODE OF MEETING PRACTICEEntitlement of the public to attend council meetings

5.45²³ Everyone is entitled to attend a meeting of the Council and committees of the Council. The Council must ensure that all meetings of the Council and committees of the Council are open to the public.

Note: Clause 5.45²³ reflects section 10(1) of the Act.

5.46²⁴ Clause 5.45²³ does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

5.47²⁵ A person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or a committee of the Council if expelled from the meeting:

- (a) By a resolution of the meeting, or
- (b) By the person presiding at the meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.47²⁵ reflects section 10(2) of the Act.

Note: Clause 15.15⁴ authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Webcasting of meetings

5.18²⁶ ~~All meetings of the Council and committees of the Council are to be webcast on the Council's website.~~ Each of the meeting of the Council or committee of the Council is to be recorded by means of audio or audio-visual device.

5.27 At the start of each meeting of the Council or a committee of the Council, the chairperson must inform the persons attending the meeting that:

- (a) the meeting is being recorded and made publicly available on the council's website, and
- (b) persons attending the meeting should refrain from making any defamatory statements.

5.28 The recording of a meeting is to be made publicly available on the Council's website:

- (a) at the same time as the meeting is taking place, or
- (b) as soon as practicable after the meeting.

5.29 The recording of a meeting is to be made publicly available on the Council's website for at least 12 months after the meeting or to the limit of Council's Information Technology storage capacity, whichever is greater.

5.30 Clauses 5.28 and 5.29 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

Note: Clauses 5.26 – 5.30 reflect section 236 of the Regulation.

ITEM 4 - ATTACHMENT 1 DRAFT CODE OF MEETING PRACTICE

5.31 Recordings of meetings may be disposed of in accordance with the State Records Act 1998.

5.19 Council will audio-visual record (livestream) all Council meetings held in the Council Chamber at 116 Adelaide Street, Raymond Terrace.

5.20 Any meetings held outside the Council Chambers at 116 Adelaide Street, Raymond Terrace, will be either audio-visual recording or an audio recording, and made available on Council's website following the meeting.

5.21 Clause 5.18 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.

5.22 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.

5.23 A recording of each meeting of the Council and committee of the Council is to be retained on the Council's website for a minimum of 12 months or to the limit of Council's Information Technology storage capacity, whichever is greater. Recordings of meetings may be disposed of in accordance with the State Records Act 1998.

Attendance of the general manager and other staff at meetings

5.24³² The General Manager is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a committee of the Council of which all of the members are Councillors.

Note: Clause 5.24³² reflects section 376(1) of the Act.

5.25³³ The General Manager is entitled to attend a meeting of any other committee of the Council and may, if a member of the committee, exercise a vote.

Note: Clause 5.25³³ reflects section 376(2) of the Act.

5.26³⁴ The General Manager may be excluded from a meeting of the Council or a committee while the Council or committee deals with a matter relating to the standard of performance of the General Manager or the terms of employment of the General Manager.

Note: Clause 5.26³⁴ reflects section 376(3) of the Act.

5.27³⁵ The attendance of other Council staff at a meeting, (other than as members of the public) shall be with the approval of the General Manager.

6 THE CHAIRPERSON

The chairperson at meetings

6.1 The Mayor, or at the request of or in the absence of the Mayor, the Deputy Mayor (if any) presides at meetings of the Council.

Note: Clause 6.1 reflects section 369(1) of the Act.

- 6.2 If the Mayor and the Deputy Mayor (if any) are absent, a councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.

Note: Clause 6.2 reflects section 369(2) of the Act.

Election of the chairperson in the absence of the Mayor and Deputy Mayor

- 6.3 If no chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election of a chairperson must be conducted:
- (a) By the General Manager or, in their absence, an employee of the Council designated by the General Manager to conduct the election, or
 - (b) By the person who called the meeting or a person acting on their behalf if neither the General Manager nor a designated employee is present at the meeting, or if there is no General Manager or designated employee.
- 6.5 If, at an election of a chairperson, 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:
- (a) Arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) Then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the Council:
- (a) Any Councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
 - (b) Every Councillor present must be silent to enable the chairperson to be heard without interruption.

7 MODES OF ADDRESS

- 7.1 If the chairperson is the Mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the Mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.

ITEM 4 - ATTACHMENT 1 DRAFT CODE OF MEETING PRACTICE

- 7.3 A Councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A Council officer is to be addressed by their official designation or as Mr/Ms [surname].

8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 8.1 At a meeting of the Council, the general order of business is as fixed by resolution of the Council.
- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the Council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

Note: If adopted, Part 13 allows Council to deal with items of business by exception.

- 8.3 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGSBusiness that can be dealt with at a Council meeting

- 9.1 The Council must not consider business at a meeting of the Council:
- (a) Unless a Councillor has given notice of the business, as required by clause 3.10, and
 - (b) Unless notice of the business has been sent to the Councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) Is already before, or directly relates to, a matter that is already before the Council, or
 - (b) Is the election of a chairperson to preside at the meeting, or
 - (c) Subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
 - (d) Is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the Council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the Council even though due notice of the business has not been given to the Councillors if:
- (a) A motion is passed to have the business considered at the meeting, and
 - (b) The business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

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- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral minutes

- 9.6 Subject to clause 9.9, if the Mayor is the chairperson at a meeting of the Council, the Mayor may, by minute signed by the Mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the Council, or of which the Council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the Council's agenda for the meeting. The chairperson (but only if the chairperson is the Mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the Mayor is, so far as it is adopted by the Council, a resolution of the Council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the Council before the next scheduled ordinary meeting of the Council.
- 9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the Council must defer consideration of the matter, pending a report from the General Manager on the availability of funds for implementing the recommendation if adopted.

Staff reports

- 9.11 A recommendation made in a staff report is, so far as it is adopted by the Council, a resolution of the Council.

Reports of committees of council

- 9.12 The recommendations of a committee of the Council are, so far as they are adopted by the Council, resolutions of the Council.
- 9.13 If in a report of a committee of the Council distinct recommendations are made, the Council may make separate decisions on each recommendation.

ITEM 4 - ATTACHMENT 1 DRAFT CODE OF MEETING PRACTICEQuestions

- 9.14 A question must not be asked at a meeting of the Council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 9.15 A Councillor may, through the chairperson, put a question to another Councillor about a matter on the agenda.
- 9.16 A Councillor may, through the General Manager, put a question to a Council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the General Manager at the direction of the General Manager.
- 9.17 A Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents **information**. Where a Councillor or Council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or Council employee.

10 RULES OF DEBATEMotions to be seconded

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of motion

- 10.2 A Councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a Councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to Councillors, the Councillor may request the withdrawal of the motion when it is before the Council.
- 10.4 In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of the Council:
- (a) Any other Councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) The chairperson may defer consideration of the motion until the next meeting of the Council.

ITEM 4 - ATTACHMENT 1 DRAFT CODE OF MEETING PRACTICEChairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment, or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

- 10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the Council must defer consideration of the matter, pending a report from the General Manager on the availability of funds for implementing the motion if adopted.

Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the Council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than 1 motion and 1 proposed amendment can be before Council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions

- 10.17 A Councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the Council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a Councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the Council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

- 10.20 A Councillor who, during a debate at a meeting of the Council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than 5 minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the Council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a Councillor may move that a motion or an amendment be now put:
- (a) If the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it, or
 - (b) If at least 2 Councillors have spoken in favour of the motion or amendment and at least 2 Councillors have spoken against it.

ITEM 4 - ATTACHMENT 1 DRAFT CODE OF MEETING PRACTICE

- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All Councillors must be heard without interruption and all other Councillors must, unless otherwise permitted under this code, remain silent while another Councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

11 VOTINGVoting entitlements of councillors

- 11.1 Each Councillor is entitled to 1 vote.

Note: Clause 11.1 reflects section 370(1) of the Act.

- 11.2 The person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 11.2 reflects section 370(2) of the Act.

- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at council meetings

- 11.4 A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.5 If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.
- 11.6 The decision of the chairperson as to the result of a vote is final, unless final unless the decision is immediately challenged and not fewer than 2 Councillors rise and call for a division.
- 11.7 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the Council's minutes for the meeting.

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- 11.8 When a division on a motion is called, any Councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.4 of this Code.
- 11.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.

11.10 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

Note: If clause 11.10 is adopted, clauses 11.5 – 11.8 and clause 11.11 may be omitted.

Voting on planning decisions

- 11.10 The General Manager must keep a register containing, for each planning decision made at a meeting of the Council or a Council committee (including, but not limited to a committee of the Council), the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.
- 11.11 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the Council or a Council committee.
- 11.12 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.13 Clauses 11.10-11.12 apply also to meetings that are closed to the public.

Note: Clauses 11.10-11.13 reflect section 375A of the Act.

Note: The requirements of clause 11.10 may be satisfied by maintaining a register of the minutes of each planning decision.

12 COMMITTEE OF THE WHOLE

- 12.1 The Council may resolve itself into a committee to consider any matter before the Council.

Note: Clause 12.1 reflects section 373 of the Act.

- 12.2 All the provisions of this Code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of the Council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.20–10.30 limit the number and duration of speeches.

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- 12.3 The General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager, is responsible for reporting to the Council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 12.4 The Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

13 DEALING WITH ITEMS BY EXCEPTION

- 13.1 The Council or a committee of Council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the Council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The Council or committee must not resolve to adopt any item of business under clause 13.1 that a Councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the Council or committee must resolve to alter the order of business in accordance with clause 8.2.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the Council's Code of Conduct.

14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLICGrounds on which meetings can be closed to the public

14.1 The Council or a committee of the Council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

- (a) Personnel matters concerning particular individuals (other than Councillors),
- (b) The personal hardship of any resident or ratepayer,
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
- (d) Commercial information of a confidential nature that would, if disclosed:
 - (i) Prejudice the commercial position of the person who supplied it, or
 - (ii) Confer a commercial advantage on a competitor of the Council, or
 - (iii) Reveal a trade secret,
- (e) Information that would, if disclosed, prejudice the maintenance of law,
- (f) Matters affecting the security of the Council, Councillors, Council staff or Council property,
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of the Council's Code of Conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

14.2 The Council or a committee of the Council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

- (a) Except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) If the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 14.3 reflects section 10B(1) of the Act.

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14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:

- (a) Are substantial issues relating to a matter in which the Council or committee is involved, and
- (b) Are clearly identified in the advice, and
- (c) Are fully discussed in that advice.

Note: Clause 14.4 reflects section 10B(2) of the Act.

14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

- (a) A person may misinterpret or misunderstand the discussion, or
- (b) The discussion of the matter may:
 - (i) Cause embarrassment to the Council or committee concerned, or to Councillors or to employees of the Council, or
 - (ii) Cause a loss of confidence in the Council or committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

14.7 In deciding whether part of a meeting is to be closed to the public, the Council or committee concerned must consider any relevant guidelines issued by the **Departmental** Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

14.8 Part of a meeting of the Council, or of a committee of the Council, may be closed to the public while the Council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.22 as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) It becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
- (b) The Council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) Should not be deferred (because of the urgency of the matter), and
 - (ii) Should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects section 10C of the Act.

ITEM 4 - ATTACHMENT 1 DRAFT CODE OF MEETING PRACTICERepresentations by members of the public

- 14.9 The Council, or a committee of the Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 14.9 reflects section 10A(4) of the Act.

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the Council in the approved form. Applications must be received by 2pm the day before the meeting at which the matter is to be considered.
- 14.12 The General Manager (or their delegate) may refuse an application made under clause 14.11. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than 2 speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the Council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the General Manager or their delegate is to determine who will make representations to the Council.
- 14.15 The General Manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the Council or a committee of the Council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than 2 speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed 5 minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

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- 14.18 If a meeting or part of a meeting of the Council or a committee of the Council is closed to the public in accordance with section 10A of the Act and this Code, any person who is not a Councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Obligations of councillors attending meetings by audio-visual link

14.20 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Information to be disclosed in resolutions closing meetings to the public

- 14.20¹ The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) The relevant provision of section 10A(2) of the Act,
 - (b) The matter that is to be discussed during the closed part of the meeting,
 - (c) The reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.20¹ reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.24² If the Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.22³ Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 14.24² during a part of the meeting that is webcast.

15 KEEPING ORDER AT MEETINGSPoints of order

- 15.1 A Councillor may draw the attention of the chairperson to an alleged breach of this Code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the Councillor raising the point of order to state the provision of this Code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- 15.4 The chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.8 A Councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this Code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

ITEM 4 - ATTACHMENT 1 DRAFT CODE OF MEETING PRACTICEActs of disorder

- 15.11 A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a committee of the Council:
- (a) Contravenes the Act, ~~the~~ or any ~~Regulation in force under the Act or this~~ code, or
 - (b) Assaults or threatens to assault another Councillor or person present at the meeting, or
 - (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 the committee, or addresses or attempts to address the Council or the committee on such a motion, amendment or matter, or
 - (d) Insults, ~~or makes personal reflections~~ unfavourable personal remarks about, ~~on~~ or imputes improper motives to any other Council official, or alleges a breach of the Council's Code of Conduct, or
 - (e) Says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or the committee into disrepute.

Note: Clause 15.11 reflects section 182 of the Regulation.

- 15.12 The chairperson may require a Councillor:
- (a) To apologise without reservation for an act of disorder referred to in clauses 15.11(a), ~~or (b), or~~ (e), or
 - (b) To withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
 - (c) To retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.11(d) and (e).

Note: Clause 15.12 reflects section 233 of the Regulation.

How disorder at a meeting may be dealt with

- 15.13 If disorder occurs at a meeting of the Council, the chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The Council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

Expulsion from meetings

- 15.14 All chairpersons of meetings of the Council and committees of the Council are authorised under this Code to expel any person other than a Councillor, from a Council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the Council or the committee of the Council.
- 15.15 Clause 15.14, does not limit the ability of the Council or a committee of the Council to resolve to expel a person, including a Councillor, from a Council or committee meeting, under section 10(2)(a) of the Act.

- 15.16 A Councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for having failed to comply with a requirement under clause 15.12. The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

Note: Clause 15.16 reflects section 233(2) of the Regulation.

- 15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.18 Where a Councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.19 If a Councillor or a member of the public fails to leave the place where a meeting of the Council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the Councillor or member of the public from that place and, if necessary, restrain the Councillor or member of the public from re-entering that place for the remainder of the meeting.

How disorder by councillors attending meetings by audio-visual link may be dealt with

15.20 Where a Councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the Councillor's audio link to the meeting for the purposes of enforcing compliance with this code.

15.21 If a Councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the Councillor's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.20² Councillors, Council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the Council and committees of the Council.
- 15.24³ A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the Council or a committee of the Council without the prior authorisation of the Council or the committee.
- 15.22⁴ **Without limiting clause 15.17, a contravention of clause 15.23 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.17.** Any person who contravenes or attempts to contravene clause 15.24³, may be expelled from the meeting as provided for under section 10(2) of the Act.

- 15.23⁵ If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

16 CONFLICTS OF INTEREST

- 16.1 All Councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the Council and committees of the Council in accordance with the Council's Code of Conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the Council's Code of Conduct. Where a Councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the Councillor's audio-visual link to the meeting must be suspended or terminated and the Councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the Council or committee, or at any time during which the Council or committee is voting on the matter.

16.3 The full form that was filled out by the Councillor to declare their conflict of interest will be displayed in the meeting minutes, with any confidential or personal information redacted.

17 DECISIONS OF THE COUNCIL

Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.

Note: Clause 17.1 reflects section 371 of the Act.

- 17.2 Decisions made by the Council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

- 17.3 A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

Note: Clause 17.3 reflects section 372(1) of the Act.

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 17.4 reflects section 372(2) of the Act.

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- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

Note: Clause 17.5 reflects section 372(3) of the Act.

- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by 3 Councillors if less than 3 months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects section 372(4) of the Act.

- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within 3 months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the General Manager no later than 5pm of the day after the meeting at which the resolution was adopted.

- 17.11 A motion to alter or rescind a resolution of the Council may be moved on the report of a committee of the Council and any such report must be recorded in the minutes of the meeting of the Council.

Note: Clause 17.11 reflects section 372(6) of the Act.

- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the Council may be moved at the same meeting at which the resolution was adopted, where:

- (a) a notice of motion signed by three councillors is submitted to the chairperson, and
- (b) a motion to have the motion considered at the meeting is passed, and
- (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.

17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

Recommitting resolutions to correct an error

17.125 Despite the provisions of this Part, a Councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

- (a) To correct any error, ambiguity or imprecision in the Council's resolution, or
- (b) To confirm the voting on the resolution.

17.136 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.125(a), the Councillor is to propose alternative wording for the resolution.

17.147 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.125(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

17.158 A motion moved under clause 17.125 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.125 can speak to the motion before it is put.

17.169 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.125.

17.170 A motion moved under clause 17.125 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

18 TIME LIMITS ON COUNCIL MEETINGS

18.1 Meetings of the Council and committees of the Council are to conclude no later than 9pm.

18.2 If the business of the meeting is unfinished at 9pm, the Council or the committee may, by resolution, extend the time of the meeting.

18.3 If the business of the meeting is unfinished at 9pm, and the Council does not resolve to extend the meeting, the chairperson must either:

- (a) Defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the Council, or
- (b) Adjourn the meeting to a time, date and place fixed by the chairperson.

18.4 Clause 18.3 does not limit the ability of the Council or a committee of the Council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.

- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the General Manager must:
- (a) Individually notify each councillor of the time, date and place at which the meeting will reconvene, and
 - (b) Publish the time, date and place at which the meeting will reconvene on the Council's website and in such other manner that the General Manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

19 AFTER THE MEETING

Minutes of meetings

- 19.1 The Council is to keep full and accurate minutes of the proceedings of meetings of the Council.

Note: Clause 19.1 reflects section 375(1) of the Act.

- 19.2 At a minimum, the General Manager must ensure that the following matters are recorded in the Council's minutes:

- (a) the names of Councillors attending a Council meeting and whether they attended the meeting in person or by audio-visual link.
- (a)(b) Details of each motion moved at a council meeting and of any amendments moved to it,
- (b)(c) The names of the mover and seconder of the motion or amendment,
- (e)(d) Whether the motion or amendment was passed or lost, and
- (d)(e) Such other matters specifically required under this code.

- 19.3 The minutes of a Council meeting must be confirmed at a subsequent meeting of the Council.

Note: Clause 19.3 reflects section 375(2) of the Act.

- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 19.5 reflects section 375(2) of the Act.

- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 19.7 The confirmed minutes of a Council meeting must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

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- 19.8 The Council and committees of the Council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 19.8 reflects section 11(1) of the Act.

- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 19.9 reflects section 11(2) of the Act.

- 19.10 Clause 19.8 does not apply if the Council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 19.10 reflects section 11(3) of the Act.

- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

- 19.12 The General Manager is to implement, without undue delay, lawful decisions of the Council.

Note: Clause 19.12 reflects section 335(b) of the Act.

20 COUNCIL COMMITTEESApplication of this Part

- 20.1 This Part only applies to committees of the Council whose members are all Councillors.

Council committees whose members are all councillors

- 20.2 The Council may, by resolution, establish such committees as it considers necessary.
- 20.3 A committee of the Council is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
- 20.4 The quorum for a meeting of a committee of the Council is to be:
- (a) Such number of members as the Council decides, or
 - (b) If the Council has not decided a number – a majority of the members of the committee.

ITEM 4 - ATTACHMENT 1 DRAFT CODE OF MEETING PRACTICEFunctions of committees

- 20.5 The Council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

Notice of committee meetings

- 20.6 The General Manager must send to each Councillor, regardless of whether they are a committee member, at least 3 days before each meeting of the committee, a notice specifying:
- (a) The time, date and place of the meeting, and
 - (b) The business proposed to be considered at the meeting.
- 20.7 Notice of less than 3 days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 20.8 A committee member (other than the Mayor) ceases to be a member of a committee if the committee member:
- (a) Has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
 - (b) Has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 20.9 Clause 20.8 does not apply if all of the members of the Council are members of the committee.

Non-members entitled to attend committee meetings

- 20.10 A Councillor who is not a member of a committee of the Council is entitled to attend, and to speak at a meeting of the committee. However, the Councillor is not entitled:
- (a) To give notice of business for inclusion in the agenda for the meeting, or
 - (b) To move or second a motion at the meeting, or
 - (c) To vote at the meeting.

Chairperson and deputy chairperson of council committees

- 20.11 The chairperson of each committee of the Council must be:
- (a) The Mayor, or
 - (b) If the Mayor does not wish to be the chairperson of a committee, a member of the committee elected by the Council, or
 - (c) If the Council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The Council may elect a member of a committee of the Council as deputy

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chairperson of the committee. If the Council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 20.14 The chairperson is to preside at a meeting of a committee of the Council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the Council may regulate its own procedure. The provisions of this Code are to be taken to apply to all committees of the Council unless the Council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the Council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 Voting at a Council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

- 20.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the Council to the public in the same way they apply to the closure of meetings of the Council to the public.
- 20.19 If a committee of the Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the Council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.19 during a part of the meeting that is webcast.

Disorder in committee meetings

- 20.21 The provisions of the Act and this code relating to the maintenance of order in Council meetings apply to meetings of committees of the Council in the same way as they apply to meetings of the Council.

ITEM 4 - ATTACHMENT 1 DRAFT CODE OF MEETING PRACTICEMinutes of council committee meetings

20.22 Each committee of the Council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:

- (a) the names of Councillors attending a Council meeting and whether they attended the meeting in person or by audio-visual link.
- ~~(a)~~(b) Details of each motion moved at a council meeting and of any amendments moved to it,
- ~~(b)~~(c) The names of the mover and seconder of the motion or amendment,
- ~~(e)~~(d) Whether the motion or amendment was passed or lost, and
- ~~(d)~~(e) Such other matters specifically required under this code.

20.23 All voting at meetings of committees of the Council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each motion or amendment (including the use of the casting vote), being recorded

20.23⁴ The minutes of meetings of each committee of the Council must be confirmed at a subsequent meeting of the committee.

20.24⁵ Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

20.25⁶ When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

20.26⁷ The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

20.27⁸ The confirmed minutes of a meeting of a committee of the Council must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of meetings of committees of the Council on its website prior to their confirmation.

21 IRREGULARITIES

21.1 Proceedings at a meeting of a Council or a Council committee are not invalidated because of:

- (a) A vacancy in a civic office, or
- (b) A failure to give notice of the meeting to any Councillor or committee member, or
- (c) Any defect in the election or appointment of a Councillor or committee member, or
- (d) A failure of a Councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Council or committee meeting in accordance with the Council's Code of Conduct, or
- (e) A failure to comply with this Code.

Note: Clause 21.1 reflects section 374 of the Act.

ITEM 4 - ATTACHMENT 1 DRAFT CODE OF MEETING PRACTICE

22 DEFINITIONS

the Act	means the Local Government Act 1993.
act of disorder	means an act of disorder as defined in clause 15.11 of this code.
amendment	in relation to an original motion, means a motion moving an amendment to that motion.
audio recorder	any device capable of recording speech.
audio-visual link	means a facility that enables audio and visual communication between persons at different places.
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales.
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code.
this code	means the council's adopted code of meeting practice.
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1.
councillor	means a councillor elected to Port Stephens Council, including the mayor, unless the mayor is defined in another capacity within this code.
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in New South Wales.
day	means calendar day.
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion.
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment.
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion.
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means.
planning decision	means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979 including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act.

performance improvement order	means an order issued under section 438A of the Act.
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting.
the Regulation	means the Local Government (General) Regulation 2005 2021 .
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time.
year	means the period beginning 1 July and ending the following 30 June.

CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au			
TRIM container No	A2004-0284	EDRMS record No	20/242259 TBC
Audience	Elected Council		
Process owner	Governance Section Manager		
Author	Governance Section Manager		
Review timeframe	Four years 3 years	Next review date	9 June 2023 TBC
Adoption date	28 May 2019		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	28 May 2019	Governance Section Manager	Adoption of the model Code of Conduct.	113
1.1	9 June 2020	Governance Section Manager	Reviewed the Code, format numbering to align with corporate style guide and updated version control. 3.1, 3.1.1 to 3.1.4 – delete. 3.1 & 3.2 – insert new clauses. 3.2 to 3.36 – renumber to 3.3 to 3.37 and update reference clauses. 3.10 – replace 7 days with 10 days. 4.3 – amend 12.00 noon to read 12 noon. 8.1 – delete. 8.1 – insert new clause. Update definitions to include 'councillor'.	098

1.2		Governance Section Manager	<p>Reviewed the Code in accordance with amendments in the Model Code of Meeting Practice , format numbering to align with corporate style guide and updated version control.</p> <p>Amendments</p> <p>Introduction - replaced "made" with "prescribed" and updated the Local Government (General) Regulation to 2021.</p> <p>3.5 – update to include timeframe to publish business paper on website.</p> <p>3.7 – update to include distribution of business paper to Mayor and Councillors.</p> <p>3.10 – change to timeframe to lodge a notice of motion.</p> <p>3.23 - new clause "Statement of ethical obligations".</p> <p>3.35 – new clause to enable pre-meeting briefings to be held by audio-visual link.</p> <p>4.2 – new clause to enable public forums to be held by audio-visual link.</p> <p>4.11 – Minor amendment to wording.</p> <p>5.2 – include reference to audio-visual link.</p> <p>5.13 – updated wording to "health"</p>	
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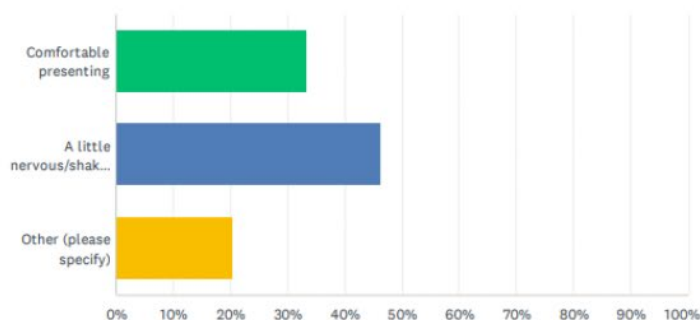
			<p>and "public health emergency", and remove reference to flood or bushfire.</p> <p>5.15 to 5.17 – new clauses to enable meetings to be held by audio-visual link.</p> <p>5.18 to 5.22 – new clauses to enable meeting attendance by audio-visual link.</p> <p>5.26 – amendments to reflect method of recording webcast.</p> <p>5.27 to 5.31 – clauses wording in the model code of meeting practice.</p> <p>Former 5.19 to 5.23 – clauses removed.</p> <p>9.17 – remove "documents" and replace with "information".</p> <p>11.6 – minor update.</p> <p>11.10 – new clause to enable a division on each item</p> <p>14.7 – include "departmental".</p> <p>14.20 – new clause.</p> <p>15.11 – remove "personal reflections" and replace with "unfavourable personal remarks about," and include reference to section 182 of the Regulation.</p> <p>15.12 – update to include (e) and "any statement that constitutes" and include reference to</p>	
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Version	Date	Author	Details	Minute No.
			<p>section 233 of the Regulation.</p> <p>15.16 – Include reference to section 233(2) of the Regulation.</p> <p>15.20 and 15.21 – new clause.</p> <p>15.24 – update to include reference to 15.17.</p> <p>16.2 – new clause.</p> <p>17.12 to 17.14 – new clauses.</p> <p>19.2(a) – new sub-clause.</p> <p>20.22(a) – new sub-clause.</p> <p>20.23 – new clause to enable a division on each item</p> <p>Definitions updated to include audio-visual link and reference to 2021 Regulation.</p>	

PUBLIC ACCESS SURVEY

Q1 How did you find the experience of presenting at Public Access?
Were you shaky/nervous/anxious while presenting?

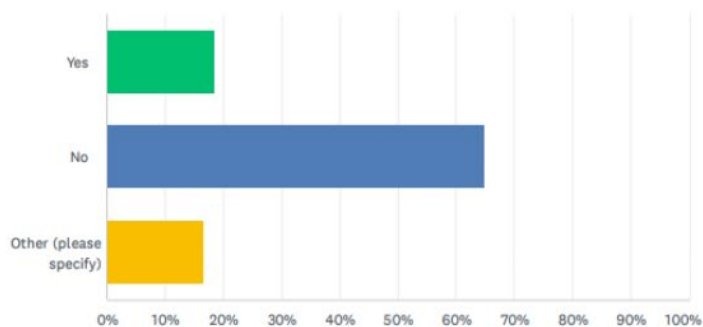
Answered: 54 Skipped: 1



ANSWER CHOICES	RESPONSES
Comfortable presenting	33.33% 18
A little nervous/shaky/anxious	46.30% 25
Other (please specify)	20.37% 11
TOTAL	54

Q2 Would being seated whilst presenting have been helpful with the nervous feeling?

Answered: 54 Skipped: 1

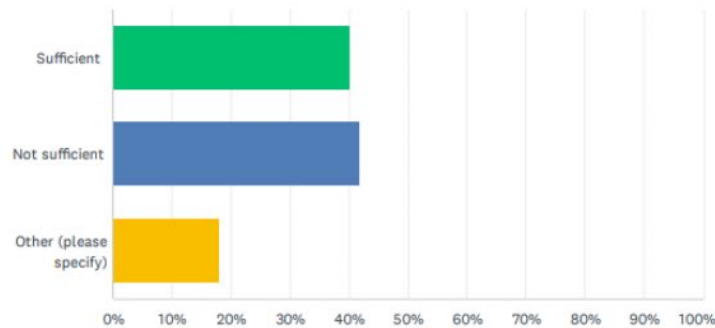


ANSWER CHOICES	RESPONSES
Yes	18.52% 10
No	64.81% 35
Other (please specify)	16.67% 9
TOTAL	54

ITEM 4 - ATTACHMENT 2 PUBLIC ACCESS SURVEY.

Q3 Thinking about the Public Access process, was the 5 minute time limit sufficient to present, or is it too constraining?

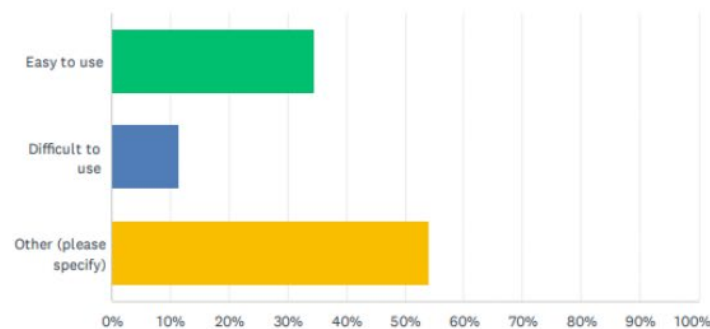
Answered: 55 Skipped: 0



ANSWER CHOICES	RESPONSES	
Sufficient	40.00%	22
Not sufficient	41.82%	23
Other (please specify)	18.18%	10
TOTAL		55

Q4 If you used the presentation display (ie. powerpoint presentation), how easy did you find the experience?

Answered: 52 Skipped: 3

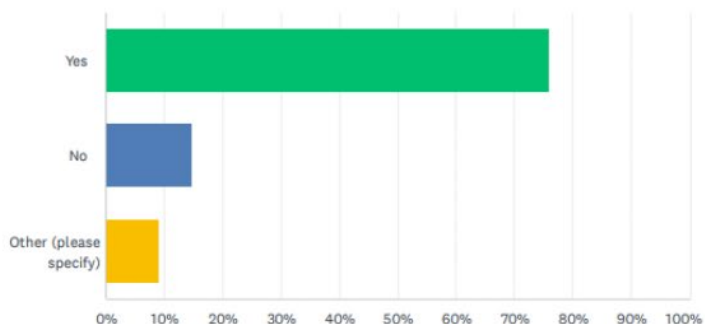


ANSWER CHOICES	RESPONSES	
Easy to use	34.62%	18
Difficult to use	11.54%	6
Other (please specify)	53.85%	28
TOTAL		52

ITEM 4 - ATTACHMENT 2 PUBLIC ACCESS SURVEY.

Q5 If given the option, would you have agreed to have your presentation broadcast on Council's live webcast to raise awareness?

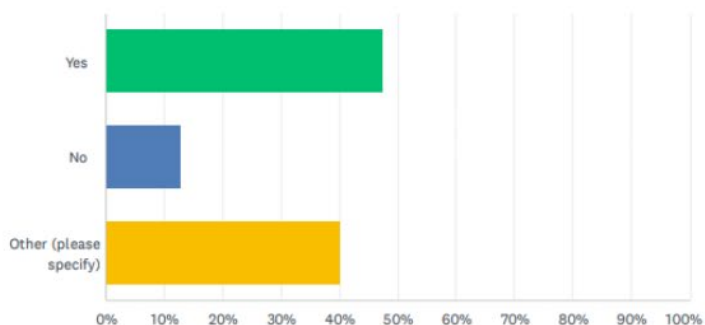
Answered: 54 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	75.93%	41
No	14.81%	8
Other (please specify)	9.26%	5
TOTAL		54

Q6 Did you find questions from councillors helpful?

Answered: 55 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	47.27%	26
No	12.73%	7
Other (please specify)	40.00%	22
TOTAL		55

ITEM NO. 5**FILE NO: 22/96391
EDRMS NO: PSC2021-04205****REQUEST FOR FINANCIAL ASSISTANCE**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral and Ward funds to the following:-
 - a. EcoNetwork Port Stephens – Mayoral funds - \$2139.50 donation towards Koala warning signs for Pearson Park.

**ORDINARY COUNCIL MEETING - 26 APRIL 2022
MOTION**

006	Mayor Ryan Palmer Councillor Glen Dunkley It was resolved that Council approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral and Ward funds to the following:- <ol style="list-style-type: none">a. EcoNetwork Port Stephens – Mayoral funds - \$2139.50 donation towards Koala warning signs for Pearson Park.
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Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period 4 meetings.

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to determine and, where required, authorise payment of financial assistance to recipients judged by the Mayor and or Councillors as

MINUTES ORDINARY COUNCIL - 26 APRIL 2022

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 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

EcoNetwork Port Stephens	EcoNetwork Port Stephens is a not-for-profit volunteer conservation organisation dedicated to promoting sustainability and protecting the natural environment in the biodiverse Port Stephens region.	\$2139.50	Donation towards koala warning signs for Pearson Park.
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COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
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		

MINUTES ORDINARY COUNCIL - 26 APRIL 2022

Source of Funds	Yes/No	Funding (\$)	Comment
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 undertaken 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. 6**FILE NO: 22/100202
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 26 April 2022.

No:	Report Title	Page:
1	March 2022 Cash and Investments	120
2	Caravan Park Communities	126
3	Tree Moratorium	132
4	Flying Fox issues at Ross Walbridge Reserve, Raymond Terrace	137
5	Raymond Terrace Lakeside Pathway	141
6	Council Resolutions	145
7	Designated Persons' Return	159

**ORDINARY COUNCIL MEETING - 26 APRIL 2022
MOTION**

007	Councillor Leah Anderson Councillor Matthew Bailey It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 26 April 2022. <table><tr><th>No:</th><th>Report Title</th></tr><tr><td>1</td><td>March 2022 Cash and Investments</td></tr><tr><td>2</td><td>Caravan Park Communities</td></tr><tr><td>3</td><td>Tree Moratorium</td></tr><tr><td>4</td><td>Flying Fox issues at Ross Walbridge Reserve, Raymond Terrace</td></tr><tr><td>5</td><td>Raymond Terrace Lakeside Pathway</td></tr><tr><td>6</td><td>Council Resolutions</td></tr><tr><td>7</td><td>Designated Persons' Return</td></tr></table>	No:	Report Title	1	March 2022 Cash and Investments	2	Caravan Park Communities	3	Tree Moratorium	4	Flying Fox issues at Ross Walbridge Reserve, Raymond Terrace	5	Raymond Terrace Lakeside Pathway	6	Council Resolutions	7	Designated Persons' Return
No:	Report Title																
1	March 2022 Cash and Investments																
2	Caravan Park Communities																
3	Tree Moratorium																
4	Flying Fox issues at Ross Walbridge Reserve, Raymond Terrace																
5	Raymond Terrace Lakeside Pathway																
6	Council Resolutions																
7	Designated Persons' Return																

MINUTES ORDINARY COUNCIL - 26 APRIL 2022

Councillor Peter Kafer left the meeting at 7:00pm.
Councillor Peter Kafer returned to the meeting at 7:02pm.
Councillor Jason Wells left the meeting at 7:10pm.
Councillor Jason Wells returned to the meeting at 7:14pm.

Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period 4 meetings.

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

Those against the Motion: Nil.

The motion was carried.

ORDINARY COUNCIL MEETING - 26 APRIL 2022 MATTER ARISING

008	Councillor Giacomo Arnott Councillor Peter Kafer It was resolved that Council request an additional report be provided to the Flying Foxes report, asking for options, including financial implications, for moving the Flying Fox colony on without harming them.
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Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period 4 meetings.

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

Those against the Motion: Nil.

The motion was carried.

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 22/98649
EDRMS NO: PSC2017-00180**

MARCH 2022 CASH AND INVESTMENTS

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

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held at 31 March 2022.

ATTACHMENTS

1) March 2022 Cash and Investments

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

CASH AND INVESTMENTS HELD AS AT 31 MARCH 2022								
ISSUER	BROKER	RATING	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
JUDO BANK	RIM	BBB	TD	0.70%	294	12-Apr-22	1,000,000	1,000,000
ILLAWARRA CREDIT UNION	LAMINAR	NR	TD	0.86%	175	10-May-22	2,000,000	2,000,000
DEFENCE BANK	CURVE	BBB	TD	0.65%	539	25-May-22	1,000,000	1,000,000
DEFENCE BANK	CURVE	BBB	TD	0.65%	550	7-Jun-22	600,000	600,000
MOVE BANK	RIM	NR	TD	0.65%	384	21-Jun-22	1,000,000	1,000,000
MOVE BANK	RIM	NR	TD	0.65%	391	28-Jun-22	500,000	500,000
MUTUAL BANK	CURVE	NR	TD	1.00%	123	5-Jul-22	1,000,000	1,000,000
JUDO BANK	RIM	BBB	TD	0.75%	392	19-Jul-22	1,000,000	1,000,000
BNK BANK	RIM	NR	TD	1.02%	356	2-Aug-22	1,000,000	1,000,000
JUDO BANK	LAMINAR	BBB	TD	0.80%	349	18-Aug-22	875,000	875,000
BNK BANK	LAMINAR	NR	TD	0.77%	376	14-Sep-22	875,000	875,000
JUDO BANK	LAMINAR	BBB	TD	0.80%	390	28-Sep-22	875,000	875,000
AMP BANK	LAMINAR	BBB	TD	0.80%	361	11-Oct-22	750,000	750,000
ARAB BANK	LAMINAR	NR	TD	0.86%	369	8-Nov-22	1,000,000	1,000,000
AMP BANK	LAMINAR	BBB	TD	1.00%	375	22-Nov-22	750,000	750,000
AMP BANK	LAMINAR	BBB	TD	1.00%	368	22-Nov-22	750,000	750,000
AMP BANK	LAMINAR	BBB	TD	1.00%	390	20-Dec-22	1,000,000	1,000,000
MUTUAL BANK	CURVE	NR	TD	1.10%	397	3-Jan-23	1,000,000	1,000,000
AMP BANK	LAMINAR	BBB	TD	1.00%	405	17-Jan-23	800,000	800,000
JUDO BANK	LAMINAR	BBB	TD	0.99%	368	31-Jan-23	470,000	470,000
BANK OF QUEENSLAND	BANK OF QLD	BBB	TD	0.80%	382	14-Feb-23	955,000	955,000
WESTPAC	WESTPAC	AA-	TD	0.95%	391	14-Mar-23	1,000,000	1,000,000
G & C MUTUAL BANK	IAM	BBB	TD	1.00%	397	29-Mar-23	1,000,000	1,000,000
G & C MUTUAL BANK	IAM	BBB	TD	1.00%	411	12-Apr-23	1,000,000	1,000,000
JUDO BANK	CURVE	BBB	TD	1.05%	425	26-Apr-23	650,000	650,000
WESTPAC	WESTPAC	AA-	TD	1.12%	454	16-May-23	1,000,000	1,000,000
G & C MUTUAL BANK	IAM	BBB	TD	1.00%	432	3-May-23	600,000	600,000
MUTUAL BANK	CURVE	NR	TD	1.25%	551	6-Jun-23	1,000,000	1,000,000
AMP BANK	LAMINAR	BBB	TD	1.35%	550	20-Jun-23	585,000	585,000
MACQUARIE BANK	CURVE	A+	TD	0.95%	487	4-Jul-23	1,000,000	1,000,000
WESTPAC	WESTPAC	AA-	TD	1.30%	517	18-Jul-23	1,000,000	1,000,000
WESTPAC	WESTPAC	AA-	TD	1.48%	629	7-Nov-23	1,000,000	1,000,000
WESTPAC	WESTPAC	AA-	TD	1.53%	732	30-Jan-24	1,000,000	1,000,000
WESTPAC	WESTPAC	AA-	TD	1.53%	746	13-Feb-24	1,000,000	1,000,000
WESTPAC	WESTPAC	AA-	TD	1.72%	741	27-Feb-24	1,000,000	1,000,000
BANK OF QUEENSLAND	BANK OF QLD	BBB	TD	2.60%	727	26-Mar-24	900,000	900,000
SUB TOTAL (\$)							32,935,000	32,935,000
TCORP SHORT TERM INCOME FUND	TCORP	AAA					5,000,000	4,995,980
TCORP MEDIUM TERM GROWTH FUND	TCORP	AAA					3,500,000	3,840,883
TCORP LONG TERM GROWTH FUND	TCORP	AAA					1,000,000	1,149,887
MACQUARIE BANK	LAMINAR	A+	AT CALL	0.35%			3,000,000	3,000,000
INVESTMENTS TOTAL (\$)							45,435,000	45,721,750
CASH AT BANK (\$)							3,134,227	3,134,227
TOTAL CASH AND INVESTMENTS (\$)							48,569,227	48,855,977
CASH AT BANK INTEREST RATE				0.20%				
BBSW FOR PREVIOUS 3 MONTHS				0.16%				
AVG. INVESTMENT RATE OF RETURN ON TDs				0.99%				
TD = TERM DEPOSIT								
*STANDARD AND POORS LONG TERM RATING								
CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER								
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY								
T HAZELL								

ITEM NO. 2

**FILE NO: 22/88498
EDRMS NO: PSC2017-00019**

CARAVAN PARK COMMUNITIES

REPORT OF: KATE DRINAN - DEVELOPMENT AND COMPLIANCE SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

BACKGROUND

The purpose of this report is to provide information on caravan park / lend-lease communities. At the Council meeting of 8 February 2022, following consideration of a Notice of Motion (**ATTACHMENT 1**) relating to caravan communities, it was resolved that the General Manager prepare a report answering the following questions relating to 'caravan park'/lend-lease communities such as Latitude One and Sunrise:

- 1) How do energy efficiency standards apply compared to equivalent 'normal' developments?
- 2) How do setbacks apply compared to equivalent 'normal' developments?
- 3) How does noise insulation apply compared to equivalent 'normal' developments?
- 4) How is rate income determined compared to equivalent 'normal' developments?
- 5) What is the average cost of these homes compared to equivalent 'normal' developments?
- 6) Do these communities assist with affordable housing? If so, can examples please be provided?

For the purposes of this report, a manufactured home describes a dwelling within a 'caravan park'/lend-lease communities and the equivalent 'normal' development is taken to be multi-dwelling (detached) development.

The below responds to the above questions:

- 1) How do energy efficiency standards apply compared to equivalent 'normal' developments?

Multi dwelling developments are to comply with BASIX. BASIX is a planning control used to reduce household electricity and water use by setting minimum sustainability targets for new and renovated homes.

A manufactured home does not have set energy efficiency standards. BASIX does not apply to these dwellings.

- 2) How do setbacks apply compared to equivalent 'normal' developments?

A comparison of setback requirements for manufactured homes and multi dwelling housing is provided in the table below.

Setback requirement	Manufactured home	Multi dwelling
Front	A dwelling site must not be located closer than 10m from a public road, or 3m to another boundary or another moveable dwelling.	Minimum 4.5m front setback from the front property line or the existing average building line for 75% of the building facade.
Rear	3m setback to another movable dwelling.	Minimum 3m from the rear boundary, or 25% of the average of the length of the side boundaries. Minimum 4m rear setback for the upper levels.
Side	3m setback to another movable dwelling.	Minimum 0.9m side boundary setback for any part of a building at or below 5.5m in height. Minimum 3m side boundary setback for any part of a building above 5.5m in height.

3) How does noise insulation apply compared to equivalent 'normal' developments?

There are no noise insulation requirements for manufactured homes or detached multi-dwelling developments. Where a development may be impacted by aircraft noise or road noise, consideration would need to be given at the development application stage for potential noise attenuation within a dwelling, whether that be a manufactured home or multi-dwelling development.

4) How is rate income determined compared to equivalent 'normal' developments?

Every rateable parcel of land pays rates. Each manufactured home estate is usually a single business rate assessment as all of the land is owned by a single entity. Each residential site is leased by the occupant from that entity. As each site has shared services the NSW Valuer General cannot issue a separate valuation for each residence. In Port Stephens there are eleven (11) manufactured home estates. They have a combined land value of \$35 million and pay combined business rates of \$293,000 for an estimated 2,090 residences. This equates to an average of \$140 per residence in rates.

Strata lot residential rates (being the equivalent 'normal' development) in Port Stephens typically range from an average of \$558.67 in Lemon Tree Passage to an average of \$991.11 in Corlette, the overall average being \$731.38.

- 5) What is the average cost of these homes compared to equivalent 'normal' developments?

Price information on the cost of manufactured homes compared to equivalent 'normal' developments is not readily available to be able to provide fully informed advice on this.

- 6) Do these communities assist with affordable housing? If so, can examples please be provided?

Affordable Housing is a term defined by the Environmental Planning and Assessment Act 1979 and includes boarding houses, supportive accommodation, residential flat buildings (but only if built by social housing providers or public authority), and infill housing that meets specific criteria. These types of housing are specifically to cater for very low, low or moderate income households. Similar to residential estates such as The Bower or The Vantage Estate, caravan parks / land lease communities (including Latitude One and Sunrise Estate) do not meet the definition of affordable housing.

Caravan parks / land lease communities do however contribute to housing affordability. Housing affordability, different from Affordable Housing, includes provision of housing at an affordable level for different segments of the housing market. Caravan parks/ land lease communities operating within Port Stephens generally offer housing options at a lower price point than other housing that benefits from the same level of access to recreation and community facilities.

Sense of community and increased ability to age in place also mean that caravan park / land lease communities are an attractive housing choice for many residents, as indicated in the Housing Preferences Study carried out in preparation of Live Port Stephens – the local housing strategy. Provision of in-demand housing options allows for the relocation of existing residents in other housing types, and for those other housing types to contribute to the supply of housing available to other potential residents. A diverse supply of housing allows for residents to select the appropriate style of housing for their own needs, increasing the chance of that housing being affordable.

ATTACHMENTS

- 1) Notice of Motion - 8 February 2022.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 8 FEBRUARY 2022**NOTICE OF MOTION****ITEM NO. 1****FILE NO: 21/288554****EDRMS NO: PSC2017-00019****CARAVAN PARK COMMUNITIES****COUNCILLOR: GIACOMO ARNOTT****THAT COUNCIL:**

- 1) Requests that the General Manager prepare a report answering the following questions relating to 'caravan park'/lend-lease communities such as Latitude One and Sunrise:
 - a) How do energy efficiency standards apply compared to equivalent 'normal' developments?
 - b) How do setbacks apply compared to equivalent 'normal' developments?
 - c) How does noise insulation apply compared to equivalent 'normal' developments?
 - d) How is rate income determined compared to equivalent 'normal' developments?
 - e) What is the average cost of these homes compared to equivalent 'normal' developments?
 - f) Do these communities assist with affordable housing? If so, can examples please be provided?

**ORDINARY COUNCIL MEETING - 8 FEBRUARY 2022
MOTION**

026	Councillor Giacomo Arnott Councillor Leah Anderson <p>It was resolved that Council requests that the General Manager prepare a report answering the following questions relating to 'caravan park'/lend-lease communities such as Latitude One and Sunrise:</p> <ol style="list-style-type: none">a) How do energy efficiency standards apply compared to equivalent 'normal' developments?b) How do setbacks apply compared to equivalent 'normal' developments?c) How does noise insulation apply compared to equivalent 'normal' developments?d) How is rate income determined compared to equivalent 'normal' developments?
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MINUTES ORDINARY COUNCIL - 8 FEBRUARY 2022

- | | |
|--|---|
| | e) What is the average cost of these homes compared to equivalent 'normal' developments?
f) Do these communities assist with affordable housing? If so, can examples please be provided? |
|--|---|

The motion was carried.

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

Latitude One and Sunrise developments are developments approved by Council which permit moveable dwellings to be installed on the land along with associated facilities such as clubhouses, swimming pools, bowling greens, tennis courts for the over 55's population. They provide a secure village environment for seniors and provide facilities and activities for the occupiers to enjoy.

The moveable dwellings require approval under Section 68 of the Local Government Act which provides requirements around setbacks and other matters surrounding amenity.

The rating of moveable dwellings is prescribed by the Local Government Act. The individual occupiers of the moveable dwellings generally are not subject to rates. The overall landowner of the village pays the rates for the village which does result in lower rate income for Council than if the individual occupiers paid rates.

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 NO. 3

**FILE NO: 22/92568
EDRMS NO: PSC2021-04195**

TREE MORATORIUM

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

BACKGROUND

The purpose of this report is to provide additional information as requested from Councillors at the Council meeting held on 22 March 2022 (**ATTACHMENT 1**).

At the meeting Councillors requested additional information be provided to further inform the community on the efficiency of the changes made to the Development Control Plan (DCP) on 25 August 2020. The additional information is provided below:

- The most recent Council data shows that between July 2021 and March 2022 (from which date all applications were recorded electronically), Council has received a total of 182 tree removal notifications.
- Data regarding this period is as follows;
 - Council staff assessed all tree removal notifications against the DCP 2014 provisions and found that 59 tree removal notifications complied with the notification requirements. This resulted in the removal of 75 trees.
 - The remaining 123 non-compliant tree removal notifications were transferred to the tree permit process and included the removal of 146 trees and the planting of 181 replacement trees.
 - During this time 38 trees were refused for removal. The reasons for refusal related to:
 - Trees considered to have high ecological value; or
 - Trees assessed and considered to not pose a risk to life or property; or
 - Trees assessed as dead or dying, but considered to be required for habitat due to the presence of nests or hollows and considered to not pose a risk to life or property.
 - During this time, Council did not receive any notifications of removal on account of immediate failure, while 11 trees are known to have been removed with no notification or permit. These 11 incidents have been placed on Council's breaches register and compliance actions were undertaken by staff.
- To inform the community of the changes to DCP 2014, Council produced factsheets that are available on the Council website (link - <https://www.portstephens.nsw.gov.au/development/trees>). A number of social media posts were also published that included posts after large storm events.

MINUTES ORDINARY COUNCIL - 26 APRIL 2022

Council staff also established a web-based application process to streamline applications.

- Council has recently undertaken a major redesign of its website to increase the usability and accuracy for our community. The Natural Systems team is currently updating the information available relating to trees to clearly explain the processes, standards and requirements for tree pruning and removal. The updates are scheduled for completion by June 2022.
- Staff continue to educate both internal staff and external contractors on sustainable tree management approaches. Further in-person education is planned to be undertaken in 2022 now that COVID-19 restriction have eased.
- It is further noted that residents have historically been responsible for the removal of trees on private property. There has, therefore, not been any additional costs incurred by residents or Council subsequent to the adoption of the DCP 2014 amendments on 25 August 2020.

ATTACHMENTS

- 1) Notice of Motion - 22 March 2022.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ORDINARY COUNCIL - 22 MARCH 2022**NOTICE OF MOTION****ITEM NO. 2****FILE NO: 22/74981****EDRMS NO: PSC2021-04195****TREE MORATORIUM****COUNCILLOR: GIACOMO ARNOTT****THAT COUNCIL:**

- 1) Notes that on 10 March 2020, Council amended its tree removal practices to allow for dangerous trees to be removed without the need for approval from Council.
- 2) Requests a report from the General Manager outlining the following:
 - a. How many trees have been removed and reported after the fact since then?
 - b. How many trees have been found to have been removed without the proper reporting occurring?
 - c. How many trees have been removed and reported after the fact, and found to have not been dangerous?
 - d. What educational material was pushed out by Council at the time of the moratorium?
 - e. How much money is Council estimated to have saved since then, by essentially outsourcing tree removal to residents, without oversight?

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

The Port Stephens Development Control Plan 2014 (DCP 2014) was amended on 25 August 2020 to enact the Council resolution on 10 March 2020 (**ATTACHMENT 1**), which requested that Council approval not be required for removal of vegetation and trees where there is a risk to human life or property.

The amendments also aligned DCP 2014 with State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) that provides that a permit is not required to remove trees and vegetation in non-rural areas that the Council is satisfied are:

- dying or dead and is not required as the habitat of native animals, or
- a risk to human life or property.

ORDINARY COUNCIL - 22 MARCH 2022

The effect of the amendments were to require landowners to submit a tree notification application to Council 10 days prior to undertaking any tree removal works. Council staff have been reviewing these notifications to verify the information provided as part of the assessment process.

Since July 2021, from which date all applications were recorded electronically, Council has received a total of 168 tree removal notifications.

Council's Vegetation Management Officer assessed the tree removal notifications against the DCP 2014 provisions and found that 50 tree removal notifications complied with the notification requirements. This resulted in the removal of 66 trees.

The remaining 118 non-compliant tree removal notifications were transferred to the tree permit process and included the removal of 138 trees and the planting of 172 replacement trees.

During this period there has not been any instances where Council were notified of removal on account of immediate failure, while 11 trees are known to have been removed with no notification or permit. These 11 incidents have been placed on Council's breaches register and compliance action was undertaken.

To inform the community of the changes to DCP 2014, Council produced factsheets that are available on the Council website. A number of social media posts were published that included posts after large storm events.

Council staff also established a web-based application process to streamline applications.

It is further noted that residents have historically been responsible for the removal of trees on private property. There has therefore not been any additional costs incurred by residents or Council subsequent to the adoption of the DCP 2014 amendments on 25 August 2020.

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		

ORDINARY COUNCIL - 22 MARCH 2022

ATTACHMENTS

- 1) Ordinary Council Meeting - 25 August 2020 (Minute 156).

ITEM NO. 4

**FILE NO: 22/92654
EDRMS NO: PSC2013-04598**

FLYING FOX ISSUES AT ROSS WALBRIDGE RESERVE, RAYMOND TERRACE

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

BACKGROUND

The purpose of this report is to provide further information on the Flying Fox colony in Ross Walbridge Reserve, Raymond Terrace. This information was requested by Council at the 8 February 2022 Council meeting (**ATTACHMENT 1**).

The flying-foxes first established a camp at Newbury Park, Raymond Terrace in the summer of 2011 and have since expanded into the adjacent Ross Walbridge Reserve in November 2014. The camp has been primarily occupied by the Grey-Headed Flying Fox (GHFF), with a smaller proportion of Little Red Flying-foxes (LRFF) and Black Flying Foxes (BFF) also occurring.

The Raymond Terrace Camp (RTC) is located adjacent to light industrial, commercial and residential areas causing community concern due to noise, smell and excrement impacts.

The GHFF is listed as a threatened species under both the NSW Biodiversity Conservation Act 2016 (BC Act) and the Commonwealth Environmental Protection Biodiversity Conservation Act 1999 (EPBC Act). The RTC is also designated as a Nationally Significant Camp under the EPBC Act. Disturbance to flying-foxes and their habitat is limited by these legislative controls and requirements.

Council and community volunteers, predominantly Wildlife In Need of Care Inc., undertake regular population counts to monitor the camp with this information provided back to the NSW Department of Planning and Environment. Similar to other Flying Fox camps and typical of the species, the RTC population number fluctuates substantially based on the availability of seasonal feeding resources. Council continues to monitor the population, which typically fluctuates between 2,000 to more than 20,000 individuals. The population was estimated at 13,300 individuals in early March 2022.

Council prepared and adopted the Flying Fox Camp Plan of Management for the Raymond Terrace Camp (FFPoM) (**ATTACHMENT 2**) in 2018, which outlines the issues of concern caused by the presence of Flying Foxes and the measures that will be taken to manage the land. This includes how Council manages and maintains the RTC.

MINUTES ORDINARY COUNCIL - 26 APRIL 2022

Council undertakes routine maintenance of the vegetation (including pruning and mowing), and park assets under an existing environmental assessment. The FFPoM provides a number of management options for the camp which has informed Council's standard operating procedures for maintenance activities in the reserve.

These standard operating procedures include the following stop work triggers:

- Works will not take place in periods of adverse weather including strong winds, sustained heavy rains, in very cold temperatures or during periods of likely population stress.
- Works will be postponed on days predicted to exceed 35°C (or ideally 30°C), and for one day following a day that reached ≥35°C.
- Unacceptable levels of stress during maintenance activities are visually monitored if any individual is observed panting, saliva spreading or if an individual is located on or within 2 metres of the ground.
- Unacceptable levels of fatigue during maintenance activities are visually monitored by signs such as more than 30% of the camp taking flight during daylight hours, individuals are in flight for more than 5 minutes or Flying Foxes appear to be leaving the camp during maintenance activities.
- Relevant authorities are notified in relation to any observed deaths in or around the camp or if a significant loss of condition is evident.

ATTACHMENTS

- 1) Minutes of Council Meeting - 8 February 2022.
- 2) Raymond Terrace Flying Fox Camp Management Plan. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 8 FEBRUARY 2022**NOTICE OF MOTION****ITEM NO. 7****FILE NO: 21/288540****EDRMS NO: PSC2017-00019****FLYING-FOX ISSUES AT ROSS WALLBRIDGE RESERVE****COUNCILLOR: GIACOMO ARNOTT****THAT COUNCIL:**

- 1) Notes that bats at Ross Wallbridge reserve are continuing to be a nuisance for locals in Raymond Terrace.
- 2) Requests the General Manager to prepare a report to provide an update on the flying-fox colony in Ross Wallbridge Reserve that includes:
 - An update on the current flying-fox numbers; and
 - Clarification on the flying-fox management actions in place for the reserve.

**ORDINARY COUNCIL MEETING - 8 FEBRUARY 2022
MOTION**

032	Councillor Giacomo Arnott Councillor Peter Francis It was resolved that Council: <ol style="list-style-type: none">1) Notes that bats at Ross Wallbridge reserve are continuing to be a nuisance for locals in Raymond Terrace.2) Requests the General Manager to prepare a report to provide an update on the flying-fox colony in Ross Wallbridge Reserve that includes:<ul style="list-style-type: none">• An update on the current flying-fox numbers; and• Clarification on the flying-fox management actions in place for the reserve.
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The motion was carried.

MINUTES ORDINARY COUNCIL - 8 FEBRUARY 2022**BACKGROUND REPORT OF: JANELLE GARDNER – STRATEGY & ENVIRONMENT SECTION MANAGER****BACKGROUND**

Flying-fox first established a camp at Newbury Park, Raymond Terrace in summer 2011 and then later at the adjacent Ross Wallbridge reserve in 2016. Historically, the camp has been primarily occupied by the Grey-headed Flying-fox with the population varying seasonally over time in response to food resources.

The Grey-headed Flying-fox is listed as a 'vulnerable' species under both the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 and the NSW Biodiversity Conservation Act 2016. The Raymond Terrace Flying-fox camp is also recognised and protected as a 'Nationally Important Camp' under the Environmental Protection and Biodiversity Conservation Act 1999.

The number of flying-fox in the reserve varies substantially over time, particularly seasonally, in response to food resources and habitat changes. The Raymond Terrace Flying-fox Camp is located adjacent to residential areas, approximately 700 metres east of Raymond Terrace shopping district, and is a cause of conflict and community concern due to noise, smell and excrement impacts, as well as potential health risk perceptions by the community.

The Raymond Terrace Flying-fox Camp Management Plan, prepared in 2016, provides a tool to ensure appropriate management of the camp. This management plan outlines the issues of concern to the community caused by the presence of flying-fox and the measures that will be taken to manage the land and reduce conflict with the local community. Council also undertakes regular flying-fox population monitoring and has adopted specific processes to limit impacts on the colony during routine maintenance activities.

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 NO. 5

**FILE NO: 22/93381
EDRMS NO: PSC2005-3182**

RAYMOND TERRACE LAKESIDE PATHWAY

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

BACKGROUND

The purpose of this report is to provide information on options to reduce entry points for unregistered motorbikes to access our pathways along Lakeside to Medowie, in response to the Council resolution (Minute No. 029) of the Council Meeting of 8 February 2022 (**ATTACHMENT 1**).

The pathway between Martens Avenue Reserve and Lakeside Leisure Centre is approximately 2.5km in length and is intended for active recreational usage.

Previous site inspections and preliminary investigations confirm that this stretch of pathway features approximately 20 formalised access points. Many of the access points are extremely wide. Due to the width, dismount points for cyclists (and motorcycles) could be installed at these entry points, but would also need to be supplemented with steel cable barrier or other fencing types to effectively prevent access at these points.

There are a number of physical barrier options that would prevent access to the pathway, in particular at the ends of footpaths where it meets a local road. These options have been costed in excess of \$100,000. Most of the cost is the peripheral fencing to prevent motor bike riders by passing the footpath treatments.

The NSW Police have recently sought assistance from Port Stephens Council, neighbouring Councils and other large property owners such as National Parks and Hunter Water Corporation. The Police run programs including education and surveillance with the aim of reducing illegal motorbike activities. The Police have sought Council's assistance in collaborative education, communication and information. Council's Rangers have been working with the Police to date.

After looking at the physical barrier options along Lakeside with the Police, they have indicated that this may not have the desired effect due to the easy access of the pathway to neighbouring reserves. When fronted with barriers, illegal bike riders may be forced further into adjoining properties/reserves and still access the footpath between physical barriers. In addition, providing physical barriers may result in risky illegal bike rider behaviour onto the road network. Causing more concerns and risk to the public and legal drivers on our road network.

MINUTES ORDINARY COUNCIL - 26 APRIL 2022

Council shall continue to work with the Police to reduce the illegal motorbike activities. The Police believe that this combined illegal motorbike program will provide a better outcome than spending funds on barrier options at this location.

ATTACHMENTS

- 1) Notice of Motion - Raymond Terrace Lakeside Pathway - 8 February 2022.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

**ITEM 5 - ATTACHMENT 1 NOTICE OF MOTION - RAYMOND TERRACE
LAKESIDE PATHWAY - 8 FEBRUARY 2022.****MINUTES ORDINARY COUNCIL - 8 FEBRUARY 2022****NOTICE OF MOTION****ITEM NO. 4****FILE NO: 21/288536****EDRMS NO: PSC2017-00019****RAYMOND TERRACE LAKESIDE PATHWAY****COUNCILLOR: GIACOMO ARNOTT****THAT COUNCIL:**

- 1) Notes the significant number of unregistered motorbikes which travel along the Lakeside to Medowie pathway behind Raymond Terrace and Richardson Road.
- 2) Notes that local families use this path, and should not have to face the physical danger of unregistered motorbikes when using the pathway.
- 3) Asks the General Manager to prepare a report on ways to reduce entry points for unregistered motorbikes, and engineered solutions to prevent usage on the pathway of unregistered motorbikes.

**ORDINARY COUNCIL MEETING - 8 FEBRUARY 2022
MOTION**

029	Councillor Giacomo Arnott Councillor Peter Francis It was resolved that Council: <ol style="list-style-type: none">1) Notes the significant number of unregistered motorbikes which travel along the Lakeside to Medowie pathway behind Raymond Terrace and Richardson Road.2) Notes that local families use this path, and should not have to face the physical danger of unregistered motorbikes when using the pathway.3) Asks the General Manager to prepare a report on ways to reduce entry points for unregistered motorbikes, and engineered solutions to prevent usage on the pathway of unregistered motorbikes.
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The motion was carried.

**ITEM 5 - ATTACHMENT 1 NOTICE OF MOTION - RAYMOND TERRACE
LAKESIDE PATHWAY - 8 FEBRUARY 2022.****MINUTES ORDINARY COUNCIL - 8 FEBRUARY 2022****BACKGROUND REPORT OF: JOHN MARETICH – ASSETS SECTION MANAGER****BACKGROUND**

The purpose of this report is to provide background information to allow consideration of the Notice of Motion

The shared pedestrian and cyclist pathway between Martens Avenue Reserve and Lakeside Leisure Centre is approximately 2.5km in length and is intended for active recreational usage.

Previous site inspections and preliminary investigations confirm that this stretch of pathway features approximately 20 access points available to motorcyclists. Many of the access points are extremely wide. Due to the width, dismount points for cyclists (and motorcycles) could be installed at these entry points, but would also need to be supplemented with steel cable barrier to be effective at a cost of at least \$5,000 per site. Dismount style treatments were also considered to be placed along the length of the pathway. Their effectiveness is predicted to be low with the adjoining bushland providing opportunity to circumnavigate the treatments.

Given motorcycles often feature similar dimension to bicycles, proposed treatments introduced to prevent motorbikes may have adverse impacts to bicyclists.

Riding of motorbikes on footpaths is illegal with the NSW Police Force as the appropriate regulatory authority. Council staff will continue to work with the NSW Police Force on monitoring the area.

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 NO. 6

**FILE NO: 22/96394
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 Resolutions.
- 2) Development Services Group Resolutions.
- 3) Facilities & Services Group Resolutions.
- 4) General Managers Office Resolutions.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



Division:	Corporate Services	Date From:	27/08/2013
Committee:		Date To:	12/04/2022
Officer:		Printed:	Thursday, 14 April 2022
Action Sheets Report			

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 243	Ordinary Council 27/08/2013	Crosdale, Timothy Crosdale, Timothy	Campvale Drain	30/12/2022		
14 Apr 2022 Hunter Water Corporation, National Parks and Wildlife Service (NPWS) and 2 private owners involved. Matter ongoing.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 1	Ordinary Council 11/05/2021	Crosdale, Timothy Crosdale, Timothy	Car parking in Shoal Bay	30/06/2022	12/05/2021	21/123694
14 Apr 2022 In principle approval received from Crown Lands. Plan of Management to be addressed before progressing works.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 2 199	Ordinary Council 22/09/2020	Crosdale, Timothy Crosdale, Timothy	Newline Road, Raymond Terrace	31/05/2022		20/288489
14 Apr 2022 Approved. Contracts prepared. Finalising survey levels in contract.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 2 090	Ordinary Council 13/04/2021	Crosdale, Timothy Crosdale, Timothy	Proposed Closure and Sale of Pathway in Boat Harbour	31/05/2022	13/05/2022	21/96728
14 Apr 2022 Matter progressing.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 4 089	Ordinary Council 22/03/2022	Crosdale, Timothy Crosdale, Timothy	Operational Land	12/04/2022	23/03/2022	22/81589
14 Apr 2022 Item deferred to 26 April 2022 meeting.						



Action Sheets Report	Division:	Corporate Services	Date From:	27/08/2013
	Committee:		Date To:	12/04/2022
	Officer:		Printed:	Thursday, 14 April 2022

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/03/2022	Lloyd, Tracey Crosdale, Timothy	Financial Sustainability	29/04/2022		
14 Apr 2022						
Terms of Reference approved in principle pending minor amendments.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/04/2022	Hazell, Tim Crosdale, Timothy	Additional Special Variation Application 2022-2023	26/04/2022	13/04/2022	
5 099						22/100753
14 Apr 2022						
Application being prepared.						

ITEM 6 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP RESOLUTIONS.



Action Sheets Report	Division:	Development Services	Date From:	13/07/2021
	Committee:		Date To:	12/04/2022
	Officer:		Printed:	Thursday, 14 April 2022

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Drinan, Kate	Minor DA Modification Reporting	27/05/2022	25/02/2022	
7 060		Pearl, Steven				22/57049
14 Apr 2022						
Executive Team. Council Report will be drafted and reported to Council towards the end of May 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Gardner, Janelle	Newspaper Notices	26/07/2022	25/02/2022	
2 055		Pearl, Steven				22/57049
14 Apr 2022						
Due to finances a number of options are being considered and will be reported back to Council in July 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Lamont, Brock	Policy Review: Rezoning Request Policy	12/05/2022	25/02/2022	
4 051		Pearl, Steven				22/57049
14 Apr 2022						
Should submissions be received following public exhibition, the policy will be returned to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Drinan, Kate	Publication of Development Application Submissions	17/06/2022		
4		Pearl, Steven				21/190429
14 Apr 2022						
Discuss Publication of Development Application Information and Submissions two way has been scheduled for Tuesday 14 June 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Drinan, Kate	Publication of Development Application Information	17/06/2022		
3 178		Pearl, Steven				21/190429
14 Apr 2022						
Discuss Publication of Development Application Information and Submissions two way has been scheduled for Tuesday 14 June 2022.						

ITEM 6 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP RESOLUTIONS.



Action Sheets Report	Division:	Development Services	Date From:	13/07/2021
	Committee:		Date To:	12/04/2022
	Officer:		Printed:	Thursday, 14 April 2022

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/09/2021	Connell, Sarah	Port Stephens Waterway Strategy	30/06/2022	15/09/2021	
1		Pear, Steven				21/252518
240						
14 Apr 2022						
Project scope to be defined.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Drinan, Kate	Illegal Dumping	3/05/2022	14/02/2022	
10		Pear, Steven				22/45826
035						
14 Apr 2022						
A Council report is being prepared for the Ordinary Meeting of Council on 10 May 2022.						

ITEM 6 - ATTACHMENT 3 FACILITIES & SERVICES GROUP RESOLUTIONS.



Action Sheets Report	Division:	Facilities & Services	Date From:	8/12/2020
	Committee:		Date To:	12/04/2022
	Officer:		Printed:	Thursday 14 April 2022

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Burton , Paul	Iris Moore Reserve	29/03/2022	14/02/2022	
12 036		Kable, Gregory				22/45826
14 Apr 2022						
As requested Council staff shall write to National Parks.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Burton , Paul	Boomerang Park BBQs	28/06/2022	14/02/2022	
9 034		Kable, Gregory				22/45826
14 Apr 2022						
Report shall be provided to Council on the proposal to increase facilities as per this NOM.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Basketball Backboard and Rings - Croquet Court, Boomerang Park	24/05/2022	14/02/2022	
15 039		Kable, Gregory				22/45826
14 Apr 2022						
Further investigation on the foundation will be undertaken to ensure the court is fit for the proposed use. Report will then be provided back to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Tomaree Road Footpath	24/05/2022	14/02/2022	
13 037		Kable, Gregory				22/45826
14 Apr 2022						
Report will be provided to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Raymond Terrace Lakeside Pathway	24/05/2022	14/02/2022	
4 029		Kable, Gregory				22/45826
14 Apr 2022						
Preliminary investigation was undertaken to form part of the NOM background. Additional investigation with assistance from NSW Police will be undertaken and report will be presented to Council.						

ITEM 6 - ATTACHMENT 3 FACILITIES & SERVICES GROUP RESOLUTIONS.



Division: Facilities & Services	Date From: 8/12/2020
Committee:	Date To: 12/04/2022
Officer:	Printed: Thursday 14 April 2022
Action Sheets Report	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Gutsche, Tammy	Medowie Library	28/06/2022	14/02/2022	
2 027		Kable, Gregory				22/45826
14 Apr 2022						
Investigation underway to determine viability as requested.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Gutsche, Tammy	Reusable Nappies and Menstrual Products	22/06/2022	14/02/2022	
6 031		Kable, Gregory				22/45826
14 Apr 2022						
Report is currently in progress.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Foreshore Reserves and Parking on Council Land	26/07/2022	14/02/2022	
5 030		Kable, Gregory				22/45826
14 Apr 2022						
Report shall be provided to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/03/2022	Maretich, John	Lakeside Leisure Centre	26/04/2022	23/03/2022	
5 090		Kable, Gregory				22/81589
14 Apr 2022						
NOM deferred. Presented to Council on 26 April 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/03/2022	Gutsche, Tammy	POLICY REVIEW - PROVISION AND MANAGEMENT OF CEMETERIES POLICY	31/05/2022	23/03/2022	
10		Kable, Gregory				22/81589
14 Apr 2022						
Policy is currently on Public Exhibition - during the dates of 23 March - 19 April 2022.						



Division: Facilities & Services	Date From: 8/12/2020
Committee:	Date To: 12/04/2022
Officer:	Printed: Thursday 14 April 2022
Action Sheets Report	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/03/2022	Maretich, John	Identifying Potholes	30/06/2022	23/03/2022	
7 092		Kable, Gregory				22/81589
14 Apr 2022						
Report is currently in progress.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/03/2022	Maretich, John	Guy Marks Oval, King Park, Raymond Terrace	30/06/2022	23/03/2022	
6 091		Kable, Gregory				22/81589
14 Apr 2022						
Staff to prepare a sign to rename the oval.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/03/2022	Maretich, John	Policy Review - Public Property Encroachment Policy	31/05/2022	23/03/2022	
7		Kable, Gregory				22/81589
14 Apr 2022						
The Policy has been placed on Public Exhibition from 23 March until 19 April 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Gutsche, Tammy	Independent Audit of Financial Positions of 355c Hall Committees	22/06/2022	14/02/2022	
16 041		Kable, Gregory				22/45826
14 Apr 2022						
Report is currently in progress.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/03/2022	Gutsche, Tammy	POLICY REVIEW - FINANCIAL ASSISTANCE FOR THE DISPOSAL OF WASTE	31/05/2022	23/03/2022	
9		Kable, Gregory				22/81589
14 Apr 2022						
Policy is currently on Public Exhibition - during the dates of 23 March - 19 April 2022.						



Action Sheets Report	Division:	Facilities & Services	Date From:	8/12/2020
	Committee:		Date To:	12/04/2022
	Officer:		Printed:	Thursday 14 April 2022

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	POLICY REVIEW - CONTRIBUTION TO WORKS FOR KERB AND GUTTERING CONSTRUCTION POLICY	26/07/2022	14/02/2022	
6 018		Kable, Gregory				22/45826
14 Apr 2022 Report with requested information shall be provided to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/05/2021	Maretich, John	Bus Stop in Seaside Estate, Fern Bay	31/05/2022	26/05/2021	
5 128		Kable, Gregory				21/138820
14 Apr 2022 This review shall be undertaken through Local Traffic Committee and consultation with members of the Seaside Community Association and a report is being compiled.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/05/2021	Maretich, John	Anna Bay Drainage Union	1/06/2022	26/05/2021	
2 126		Kable, Gregory				21/138820
14 Apr 2022 The State Government agency responsible for Anna Bay Drainage Union shall be consulted with.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Maretich, John	DEDICATION AS PUBLIC ROAD OF PART LOT 491 DP 27846 - 18C CROMARTY ROAD, SOLDIERS POINT	31/12/2022	13/08/2021	
1 210		Kable, Gregory				21/218740
14 Apr 2022 Council staff will commence transfer of land parcel to the road reserve.						

ITEM 6 - ATTACHMENT 3 FACILITIES & SERVICES GROUP RESOLUTIONS.



Action Sheets Report	Division:	Facilities & Services	Date From:	8/12/2020
	Committee:		Date To:	12/04/2022
	Officer:		Printed:	Thursday 14 April 2022

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Stewart, Adam	Hydrogen and Electric Vehicles in Council's Fleet	30/06/2022		
2 177		Kable, Gregory				21/190429
14 Apr 2022						
Staff are currently in consultation with suppliers on how to introduce new fuel sources for our vehicles.						

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	31/05/2022		
3		Kable, Gregory				20/391301
14 Apr 2022						
A 2 Way Briefing scheduled for 26 April 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Burton , Paul	Medowie Regional Playground and Town Centre	31/08/2022		
2 012		Kable, Gregory				21/33235
14 Apr 2022						
Two-Way Council briefing will be scheduled in the near future to discuss the future of this land.						

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	30/06/2022		
3 006		Kable, Gregory				21/33235
14 Apr 2022						
Discussions have commenced with Telstra.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/10/2021	Gutsche, Tammy	Change to Lease Arrangements for Fingal Bay Surf Life Saving Club and Commercial Tenancies	30/04/2022	13/10/2021	
8 270		Kable, Gregory				21/274186
14 Apr 2022						
Paperwork currently being prepared for the Mayor and General Manager for the official seal.						

ITEM 6 - ATTACHMENT 3 FACILITIES & SERVICES GROUP RESOLUTIONS.



Division: Facilities & Services	Date From: 8/12/2020
Committee:	Date To: 12/04/2022
Officer:	Printed: Thursday 14 April 2022
Action Sheets Report	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/10/2021	Burton , Paul	Shade Sail at Robinson Reserve, Anna Bay	30/06/2022	13/10/2021	
7 269		Kable, Gregory				21/274186
14 Apr 2022						
Item will be added to WPP. Grant funding opportunities will be investigated following adoption of the WPP.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/10/2021	Maretich, John	REVIEW OF DOG OFF LEAD AREAS - BOAT HARBOUR	31/08/2022	28/10/2021	
20		Kable, Gregory				21/286560
14 April 2022						
A report will be prepared following a 2 way scheduled for 19 April 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/10/2021	Burton , Paul	Raymond Terrace Indoor Sports Facility	30/06/2022	13/10/2021	
9 271		Kable, Gregory				21/274186
14 Apr 2022						
Item will be added to WPP. Grant funding opportunities will be investigated following adoption of the WPP.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Stewart, Adam	Kirrang Drive, Medowie Shared Pathway	30/06/2022	13/08/2021	
8 217		Kable, Gregory				21/218740
14 Apr 2022						
Council staff will undertake further investigations into the financial requirements and options to accelerate the Kirrang Drive, Medowie pathway. Staff will report the outcomes back to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Maretich, John	Agreement with Community Association DP270468 - Lagoons Estate, Nelson Bay	30/06/2022		
4 208		Kable, Gregory				21/218740
14 Apr 2022						
Council to enter agreement with the Community Association DP 270468 in accordance with the confidential terms as per Council report.						



Division:	Facilities & Services	Date From:	8/12/2020
Committee:		Date To:	12/04/2022
Officer:		Printed:	Thursday 14 April 2022
Action Sheets Report			

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Burton , Paul	Raymond Terrace Seven Day Makeover	31/12/2022		
17 228		Kable, Gregory				21/218740
14 Apr 2022 This will be discussed with the Councillors in the lead up to William St, Stage 2 which funded through the Streets of Shared Spaces grant.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Stewart, Adam	Australia Post Mail Box, 14A William Street, Raymond Terrace	30/06/2022	13/08/2021	
20 229		Kable, Gregory				21/218740
14 Apr 2022 There are a variety of site specific constraints and factors which need to be taken into account including compliance with the Disability Discrimination Act, NSW Road Rules in regard to stopping near a postbox, and Council's Stage 2 works for William Street which will seek to relocate and optimise the location of street furniture including mail boxes.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/04/2022	Gutsche, Tammy	Anna Bay Hall 355c Committee	20/05/2022	13/04/2022	
6 100		Kable, Gregory				22/100753
14 Apr 2022 Staff are in discussion with outgoing committee members regarding handover of the facility. A thank you luncheon is being arranged to acknowledge the committee's achievements.						



Action Sheets Report	Division:	General Manager's Office	Date From:	22/02/2022
	Committee:		Date To:	12/04/2022
	Officer:		Printed: Thursday, 14 April 2022	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/03/2022	Wickham, Tony	Conflicts of Interest	30/04/2022	23/03/2022	
1 085		Wallis, Wayne				22/81589
14 Apr 2022						
To be considered as part of the review of the Code of Meeting Practice presented to Council on 26 April 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/03/2022	Wickham, Tony	Council Agendas	30/04/2022	23/03/2022	
3 087		Wallis, Wayne				22/81589
14 Apr 2022						
To be considered as part of the review of the Code of Meeting Practice presented to Council on 26 April 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Wickham, Tony	Election Report	26/04/2022	25/02/2022	
8 061		Wallis, Wayne				22/57049
14 Apr 2022						
Survey has been distributed and closed on 3 April 2022. Report to be submitted to Council in May 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Wickham, Tony	Public Access	26/04/2022	25/02/2022	
1 054		Wallis, Wayne				22/57049
14 Apr 2022						
To be considered as part of the review of the Code of Meeting Practice presented to Council on 26 April 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Wickham, Tony	Vote Recording	26/04/2022	25/02/2022	
6 059		Wallis, Wayne				22/57049
14 Feb 2022						
The trial to commence from 8 March 2022 and conclude on 26 April 2022.						



Action Sheets Report	Division:	General Manager's Office	Date From:	22/02/2022
	Committee:		Date To:	12/04/2022
	Officer:		Printed: Thursday, 14 April 2022	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/04/2022	Walker, Ashley	Request for Financial Assistance	13/05/2022	13/04/2022	
7 101		Wallis, Wayne				22/100753
14 Apr 2022						
On public exhibition until 12 May 2022 as the request is for an individual.						

ITEM NO. 7

**FILE NO: 22/96575
EDRMS NO: PSC2021-01880**

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 Building Surveyor (PSCDS01)
- Strategic Planner (PSC072)

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Designated Persons' Return.

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 22/102593

EDRMS NO: PSC2021-04195

OPERATIONAL LAND

COUNCILLOR: PETER KAFER

THAT COUNCIL:

- 1) Notes the importance of protecting the local environment of Port Stephens.
 - 2) Calls upon the General Manager to brief Councillors on parcels of land within Port Stephens that Council owns that are operational and could be sold and be used to fund projects for the community of Port Stephens in the future.
-

ORDINARY COUNCIL MEETING - 26 APRIL 2022
MOTION

009	Councillor Peter Kafer Councillor Giacomo Arnott It was resolved that Council: 1) Notes the importance of protecting the local environment of Port Stephens. 2) Calls upon the General Manager to brief Councillors on parcels of land within Port Stephens that Council owns that are operational and could be sold and be used to fund projects for the community of Port Stephens in the future.
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Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period 4 meetings.

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

Those against the Motion: Nil.

The motion was carried.

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

Note: This Notice of Motion was deferred at the Council meeting of 12 April 2022.

A briefing on operational land resources can be arranged through Council's two way conversation process. In the context of potential land sales, Council has 3 main types of operational land in its property portfolio being lands surplus to Council, property development sites and investment properties.

Surplus lands are operational lands that are held by Council for no specific or identified purpose, or are underutilised, underperforming or declining assets.

Property development sites are those that have been identified as appropriate for subdivision or development. These sites are prioritised and managed in accordance with Council's Property Investment Strategy (PIS) to enable Council to generate a non-rate capital revenue source. In accordance with the PIS, the revenue generated through property development sites is reinvested into property assets to continue this source of non-rate revenue into the future.

Investment properties are those that have been purchased or developed by Council for the sole purpose of returning a recurrent non-rate revenue to Council. Should Council resolve to sell an investment property, the proceeds need to be reinvested to maintain or improve the recurrent revenue generated from Council's property portfolio. This process is undertaken in accordance with the PIS.

The management of the property portfolio and implementation of the PIS is undertaken with input from Council's Property Advisory Panel (PAP) consisting of the Mayor and nominated Councillors.

FINANCIAL/RESOURCE IMPLICATIONS

The revenue generated from surplus land sales and property development projects are directed to the Restricted Property Reserve and used to fund future capital projects with any surplus profits directed to the Prosperity Fund.

Investment income supplements Council's rate income and supports operational needs.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		

MINUTES ORDINARY COUNCIL - 26 APRIL 2022

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

ATTACHMENTS

Nil.

NOTICE OF MOTION**ITEM NO. 2****FILE NO: 22/102599
EDRMS NO: PSC2021-04195****LAKESIDE LEISURE CENTRE****COUNCILLOR: PETER KAFER**

THAT COUNCIL:

- 1) Call upon the General Manager to brief Council where the subsequent staged works of Lakeside Leisure Centre (pool) are up to given Stage 1 (the indoor and outside 50 metre pool) has been in place for over 20 years – (so the local community becomes better informed – as Raymond Terrace community have been asking this question for years).
-

**ORDINARY COUNCIL MEETING - 26 APRIL 2022
MOTION**

010	Councillor Peter Kafer Councillor Chris Doohan It was resolved that Council call upon the General Manager to brief Council where the subsequent staged works of Lakeside Leisure Centre (pool) are up to given Stage 1 (the indoor and outside 50 metre pool) has been in place for over 20 years – (so the local community becomes better informed – as Raymond Terrace community have been asking this question for years).
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Councillor Matthew Bailey left the meeting at 7:25pm.
Councillor Matthew Bailey returned to the meeting at 7:27pm.
Councillor Glen Dunkley left the meeting at 7:34pm.
Councillor Glen Dunkley returned to the meeting at 7:36pm.

Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period 4 meetings.

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

Those against the Motion: Nil.

The motion was carried.

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

Note: This Notice of Motion was deferred at the Council meeting of 12 April 2022.

The purpose of this report is provide information on this Notice of Motion.

The centre was constructed in 2000 to replace the previous aquatic centre that was located in Raymond Terrace. Compared to the previous aquatic centre, Lakeside Leisure Centre increased the level of service to include an indoor heated leisure pool for both learn to swim and recreation swimmers. The new centre also has an external 50m pool that is also heated all year round.

This centre was located at Lakeside to cater for the growth in Raymond Terrace and Medowie districts.

The centre site has the capacity for future expansion that includes a 25m indoor pool. External market expressions of interest were undertaken in the past. Due to the quantum of capital expense required for this next stage, there were no interested parties.

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.

URGENCY MOTION

Cr Giacomo Arnott moved to introduce a matter of great urgency under clause 9.3 of the Code of Meeting Practice:

THAT COUNCIL:

- 1) Notes that this is the last of 4 meetings for the trial of recording of votes passed on 22 February 2022.
- 2) Notes that voting is now being conducted by a show of hands, making the recording of votes much less onerous.
- 3) Agrees to continue recording votes on each item at Council until the Code of Meeting Practice draft is returned to Council after public exhibition for a final decision on its inclusion in the code or otherwise.
- 4) That a report by staff on the trial is no longer required.

On the Urgency Motion:

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

Those against the Motion: Crs Matthew Bailey, Chris Doohan, Glen Dunkley and Mayor Ryan Palmer

The motion was granted by the Chairperson.

**ORDINARY COUNCIL MEETING – 26 APRIL 2022
MOTION**

115	Councillor Giacomo Arnott Councillor Chris Doohan It was resolved that Council: <ol style="list-style-type: none">1) Notes that this is the last of 4 meetings for the trial of recording of votes passed on 22 February 2022.2) Notes that voting is now being conducted by a show of hands, making the recording of votes much less onerous.3) Agrees to continue recording votes on each item at Council until the Code of Meeting Practice draft is returned to Council after public exhibition for a final decision on its inclusion in the code or otherwise.4) That a report by staff on the trial is no longer required.
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MINUTES ORDINARY COUNCIL - 26 APRIL 2022

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

Those against the Motion: Nil.

The motion was carried.

Councillor Jason Wells left the meeting at 7:47pm and did not return to the meeting.

NOTICE OF MOTION

ITEM NO. 3

FILE NO: 22/104039

EDRMS NO: PSC2021-04195

MEDOWIE HIGH SCHOOL

COUNCILLOR: CHRIS DOOHAN

THAT COUNCIL:

- 1) Notes the importance of the provision of quality education opportunities to all people of Port Stephens.
 - 2) Calls on the NSW Minister for Education to conduct an urgent review of the December 2009 report titled "Review of the Education Provision and Demographic Patterns Relating to the Raymond Terrace, Medowie, Salt Ash and Tilligerry Peninsula areas in West Port Stephens", using current demographical data.
 - 3) Calls on the NSW Minister for Education to carry out an Environmental audit of the currently proposed 4.4 hectare site of a new Medowie High School (Lot 2 in Deposited Plan 595932) and consider an alternative already environmentally degraded site in Medowie, should that audit identify the currently proposed site as being environmentally valuable.
-

ORDINARY COUNCIL MEETING - 26 APRIL 2022
MOTION

116	<p>Councillor Chris Doohan Councillor Leah Anderson That Council:</p> <ol style="list-style-type: none">1) Notes the importance of the provision of quality education opportunities to all people of Port Stephens.2) Calls on and writes to the NSW Minister for Education, Shadow Minister for Education and the State Member for Port Stephens to conduct an urgent review of the December 2009 report titled "Review of the Education Provision and Demographic Patterns Relating to the Raymond Terrace, Medowie, Salt Ash and Tilligerry Peninsula areas in West Port Stephens", using current demographical data.3) Calls on the NSW Minister for Education to carry out an Environmental audit of the currently proposed 4.4 hectare site of a new Medowie High School (Lot 2 in Deposited Plan 595932) and consider an alternative already environmentally degraded site in Medowie, should that audit identify the currently proposed site as being environmentally valuable.4) Council notes continuing Community Voice for over 30 Years around the need for a Public High School in Medowie and agrees to support
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MINUTES ORDINARY COUNCIL - 26 APRIL 2022

	<p>the community in advocating for a Public High School by way of written communication to the NSW Minister for Education, Shadow Minister for Education and the State Member for Port Stephens.</p> <p>5) Council's desire to see a public High School constructed in Medowie will be added to Council's advocacy document for the 2023 State Election.</p>
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Councillor Glen Dunkley left the meeting at 7:56pm and did not return to the meeting.

Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period 4 meetings.

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

Those against the Motion: Nil.

The motion was carried.

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

BACKGROUND

The purpose of this report is to provide background information to allow consideration of this Notice of Motion relating to the provision of a public high school in Medowie. The NSW Department of Education is responsible for the delivery and coordination of public secondary school education and associated infrastructure.

Two public high schools currently exist in Raymond Terrace, Irrawang High School at Raymond Terrace (80 Mount Hall Road, Raymond Terrace) and Hunter River High School (36 Elkin Avenue, Heatherbrae). Public high school students living in Medowie are currently zoned to attend Irrawang High School.

Within Medowie there are 2 private schools that cater for high school students, Medowie Christian School (Years 7-12) and Catherine McAuley Catholic College (planning to offer Years 7-12 by 2025).

According to the 2016 Census, the population of Medowie was 10,300 people. Population projections expect an increase by 7,200 people to a total of 17,500 people by year 2036. These figures are estimates under a maximum growth scenario with potential areas for new land release and infill housing being considered.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

- 1) Irrawang High School Catchment.



MINUTES ORDINARY COUNCIL - 26 APRIL 2022

There being no further business the meeting closed at 8:07pm.