

NOTICE OF ORDINARY MEETING

8 MARCH 2022



The Mayor and Councillors attendance is respectfully requested:

Mayor: R Palmer (Chair).

Councillors: L Anderson, G Arnott, M Bailey, C Doohan, G Dunkley, P Francis, P Kafer, S Tucker, J Wells.

SCHEDULE OF MEETINGS

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

Please Note:

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

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

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

Food and beverages are not permitted in the Council Chamber.

INDEX

SUBJECT**PAGE NO****COUNCIL REPORTS..... 14**

1.	PLANNING PROPOSAL FOR 70, 70A, 70B, 70C LATTITUDE DRIVE AND 4473 NELSON BAY ROAD, ANNA BAY	15
2.	ADDITION OF PAPER ROADS TO COLUMBEY AND MEDOWIE STATE CONSERVATION AREAS.....	63
3.	SIX MONTH PROGRESS REPORT: JULY TO DECEMBER 2021 AGAINST THE PORT STEPHENS COUNCIL DELIVERY PROGRAM 2018-2022.....	68
4.	ORGANISATION STRUCTURE.....	71
5.	REQUEST FOR FINANCIAL ASSISTANCE	77
6.	INFORMATION PAPERS	80

INFORMATION PAPERS 81

1.	DESIGNATED PERSONS' RETURN.....	82
2.	COUNCIL RESOLUTIONS	83

NOTICES OF MOTION 96

1.	CONFLICTS OF INTEREST	97
2.	TREE MORATORIUM.....	99
3.	COUNCIL AGENDAS	108
4.	OPERATIONAL LAND	110
5.	LAKESIDE LEISURE CENTRE.....	112

RESCISSION MOTIONS 114

1.	MAYORAL MINUTE - URGENT COMMUNITY WORKS PROGRAM - SALE OF LAND, LOT 95 DP26610, 109 FORESHORE DRIVE, SALAMANDER BAY	115
2.	PROPOSED SALE OF COUNCIL OWNED LAND - 44B SQUIRE STREET, FINGAL BAY	126

BUSINESS

- 1) Opening meeting.
- 2) Acknowledgement of Country - Today, we are meeting on Worimi Country, we acknowledge the past, we are working towards a better tomorrow.
- 3) Prayer - We recognise the rich cultural and religious diversity in Port Stephens and pay respect to the beliefs of all members of our community, regardless of creed or faith.
- 4) Apologies and applications for a leave of absence by Councillors.
- 5) Disclosures of interests.
- 6) Confirmation of minutes Ordinary Meeting of 22 February 2022.
- 7) Mayoral minute(s) – if submitted
- 8) Motions to close meeting to the public – if submitted
- 9) Reports to Council
- 10) General Manager's reports – if submitted
- 11) Questions with Notice – if submitted
- 12) Questions on Notice
- 13) Notices of motions – if submitted
- 14) Rescission motions – if submitted
- 15) Confidential matters – if submitted
- 16) Conclusion of the meeting.

PRINCIPLES FOR LOCAL GOVERNMENT

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

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

Guiding principles for Council

1) Exercise of functions generally

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

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

2) Decision-making

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

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

3) Community participation

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

Principles of sound financial management

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

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

Integrated planning and reporting principles that apply to Council

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

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

PORT STEPHENS COMMUNITY STRATEGIC PLAN

The Local Government Act requires Council to adopt a Community Strategic Plan (10+ years). The Plan includes a Delivery Program (4 years), Annual Operational Plan and a Resource Strategy, it also includes the Council's budget.

The Community Strategic Plan is organised into 4 focus areas:

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

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

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

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

BUSINESS EXCELLENCE

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

These outcomes align with the following Business Excellence principles:

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

MEETING PROCEDURES SUMMARY

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

Quorum – A quorum at Port Stephens Council is 6.

Declarations of Interest

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

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

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

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

Motions and Amendments

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

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

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

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

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

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

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

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

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

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

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

A Point of Order can be raised where:

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

Declarations of Conflict of Interest – Definitions

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

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

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

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



Form of Special Disclosure of Pecuniary Interest

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

Important information

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

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

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

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

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

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

ORDINARY COUNCIL - 8 MARCH 2022

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

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

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

to be held on the _____ day of _____ 20__

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

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

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

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

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

Mayor/Councillor's signature _____

Date _____

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



Declaration of Interest form

Agenda item No. _____

Report title _____

Mayor/Councillor _____ declared a

Tick the relevant response:

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

in this item. The nature of the interest is _____

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

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

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

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

Mayor/Councillor left the Council meeting at _____ pm.

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

COUNCIL REPORTS

ITEM NO. 1

**FILE NO: 22/28903
EDRMS NO: 58-2018-25-1**

PLANNING PROPOSAL FOR 70, 70A, 70B, 70C LATITUDE DRIVE AND 4473 NELSON BAY ROAD, ANNA BAY

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**) to permit 'caravan park' on Lots 2 & 4 DP 398888, Lot 2 DP 1204319, Lot 1 DP 1225542 and Lot 25 DP 852410 at 70, 70A, 70B, 70C Latitude Drive and 4473 Nelson Bay Road, Anna Bay and amend the Land Zoning Map – from RU2 Rural Landscape to part RU2 Rural Landscape and part C2 Environmental Conservation for Lot 25 DP 852410.
- 2) Receive and note the submissions (**ATTACHMENT 3**) received during the public exhibition of the planning proposal.
- 3) Authorise the exercise of delegations to make the amendment to the Port Stephens Local Environmental Plan 2013 under section 3.36 of the Environmental Planning and Assessment Act 1979 (NSW).

BACKGROUND

The purpose of this report is to advise Council of the outcome of the exhibition of the planning proposal (**ATTACHMENT 2**) for 70, 70A, 70B and 70C Latitude Drive, and 4473 Nelson Bay Road, Anna Bay and note the submissions received (**ATTACHMENT 3**). The report also seeks authorisation to exercise delegations to make the amendments to the Port Stephens Local Environmental Plan 2013 (LEP) set out in this report. A locality plan is provided at (**ATTACHMENT 1**).

The planning proposal seeks to amend the LEP to regularise the approved caravan park located on part of the site, by adding 'caravan park' as an additional permitted use on these lots, to Schedule 1 of the LEP. The approved caravan park has 270 sites on which manufactured homes are currently located, or being installed and is operating as a seniors living lifestyle resort. The current zoning of the site is RU2 Rural Landscape which no longer permits this use and the development operates relying on existing use rights.

The planning proposal also seeks to facilitate the extension of this use to part of an adjoining parcel, Lot 25 DP852410, by extending the additional permitted use outlined above, over this lot. Subject to development consent and further approvals, an additional 170 manufactured homes could potentially be accommodated on Lot 25

ORDINARY COUNCIL - 8 MARCH 2022

DP852410. The planning proposal would also amend the Land Zoning Map from RU2 Rural Landscape to part RU2 Rural Landscape and part C2 Environmental Conservation for Lot 25 DP852410.

A summary of the planning proposal is set out below:

Date Lodged:	17 October 2018
Proponent:	Focus Town Planning on behalf of Ingenia Communities
Subject properties:	70 Latitude Drive, Anna Bay (Lot 2 DP 398888) 70A Latitude Drive, Anna Bay (Lot 4 DP 398888) 70B Latitude Drive, Anna Bay (Lot 2 DP 1204319) 70C Latitude Drive, Anna Bay (Lot 1 DP 1225542) and 4473 Nelson Bay Road, Anna Bay (Lot 25 DP 852410)
Site Area:	Total site area (all lots combined) is approximately 43ha, comprised of: Lot 2 DP 39888 approx. 10.3ha Lot 4 DP 39888 approx. 18.8ha Lot 1 DP 1225542 approx. 0.5ha Lot 2 DP 1204319 approx. 0.7ha Lot 25 DP 852410 approx. 13.2ha
Current Zoning:	RU2 Rural Landscape
Proposed Zoning	RU2 Rural Landscape and C2 Environmental Conservation and Schedule 1 additional permitted use 'caravan park'.

At its meeting on 26 November 2019 (**ATTACHMENT 4**), Council resolved to adopt the planning proposal and forward it to the Department of Planning, Industry and Environment (DPIE) to seek a Gateway determination and delegated authority to make the plan.

In response to the Gateway determination subsequently issued on 11 May 2020, the planning proposal was updated to address a number of ministerial directions and SEPPs, including a review of ecological outcomes on the site. Through discussion with the Biodiversity Conservation Division, the proposal was amended to include land to be rezoned C2 Environmental Conservation.

The Gateway determination authorises Council to make the necessary amendments to the LEP to give effect to the planning proposal following public exhibition.

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

There are no financial implications for Council as a consequence of the recommendations of this report.

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 there is insufficient land available in the Anna Bay area for future housing 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 local environmental plan. DPIE issued a Gateway determination under section 3.34 of the EP&A Act specifying that the planning proposal should proceed to exhibition, subject to conditions and consultation requirements.

Council is authorised to act as the local plan making authority in the Gateway determination. Should the recommendations be adopted, arrangements will be made for the drafting of the amendment to the LEP to give effect to the planning proposal.

Hunter Regional Plan 2036 (HRP)

The planning proposal is generally consistent with the visions and goals of the HRP. The proposal will make efficient use of the land, as it provides housing choice

(including for seniors) with easy access to a range of community facilities and services within a lifestyle village setting.

Port Stephens Local Environmental Plan 2013 (LEP)

The subject land is zoned RU2 Rural Landscape under the LEP, which does not permit caravan parks. The current development on the site was approved under the previous Port Stephens Local Environmental Plan 2000 and relies on existing use rights to operate.

The planning proposal would result in an addition to Schedule 1 Additional Permitted Uses to permit a caravan park on the subject land.

Anna Bay Strategy and Town Plan 2008

The subject land is not located within the Anna Bay town centre and therefore many of the key strategic directions outlined in the strategy are not relevant. The planning proposal is considered to support the vision established in the Strategy for Anna Bay as a small and vibrant town with a mix of retail and office space for local and visitor patronage. The proposed development will provide for additional residents within proximity of Anna Bay, resulting in patronage to the commercial uses within the town centre.

Port Stephens Local Strategic Planning Statement (LSPS)

The planning proposal is consistent with planning priorities 4 and 5 from the LSPS and will respond to the need for suitable land supply for housing and increase housing choice that suits the needs and lifestyle of current and future residents.

Live Port Stephens Local Housing Strategy (LHS)

The planning proposal is consistent with the LHS. It gives effect to the LHS as it meets the locational criteria of the LHS and provides additional housing supply in a suitable location with access to various town centres and adequate on site facilities.

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 to the existing and future community, including:

- Additional housing choices in the Anna Bay area and the Port Stephens LGA
- Employment through construction and the long term employees within the lifestyle village
- Increased retail and service industry patronage for nearby town centres

- Efficient use of (private) community facilities and services provided at the existing approved caravan park.

Environmental

The land is partially developed for the purposes of an approved caravan park. Lot 25 DP 852410 is predominately vacant, comprising grassland and scattered vegetation towards the southern and eastern periphery. Sand extraction has previously occurred over part of lot 25, resulting in a heavily disturbed area.

The planning proposal seeks to rezone an environmentally sensitive part of Lot 25 DP 852410 from RU2 Rural Landscape to C2 Environmental Conservation. This will incentivise future opportunities to enhance faunal movements across the site and improve the vegetation found within this corridor.

CONSULTATION

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

Following issue of the Gateway determination, consultation was undertaken with Biodiversity Conservation Division. The planning proposal was updated as a result of this consultation, before being public exhibited.

Four submissions were received as a result of agency consultation. All agency concerns have been resolved and there are no objections to the planning proposal.

Eleven submissions 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 development assessment stage.

External

The Gateway determination required Council to identify an environmental outcome in consultation with Biodiversity Conservation Division (BCD), the Central Coast and Hunter Team (DPIE), and Council. Various meetings and conversations were held with BCD about the rezoning of an environmentally sensitive part of Lot 25 DP 852410 from RU2 Rural Landscape to C2 Environmental Conservation. In addition, opportunities were identified (subject to a future development application) for a koala

corridor, replanting of koala feed trees, and the development of a vegetation management plan supported by a legal mechanism.

As a result of consultation, the following changes were made to the proposed LEP provisions:

- Inclusion of the rezoning of Lot 25 DP 852410 from RU2 Rural Landscape to part RU2 Rural Landscape and part C2 Environmental Conservation
- Removal, on request of the proponent, of the initially proposed provision to enable a one-in-two lot subdivision of Lot 25 DP 852410.

Following the above amendments, the planning proposal was publicly exhibited in accordance with the Gateway determination from 19 November 2021 to 17 December 2021. During the public exhibition period, 11 submissions were received. The matters raised relate primarily to traffic safety and potential impact on koala habitat, however did not justify further amendment to the planning proposal. The matters raised in the submissions have been summarised and addressed in **(ATTACHMENT 3)**.

In addition, the following public authorities were consulted prior to and during public exhibition in accordance with the Gateway determination:

- Department of Planning, Industry and Environment (Biodiversity Conservation Division)
- Department of Planning, Industry and Environment (Geoscience Division)
- NSW Rural Fire Service
- Transport NSW
- Worimi Local Aboriginal Land Council.

No public authorities objected to the planning proposal. A summary of submissions and responses is provided at **(ATTACHMENT 3)**.

OPTIONS

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

ATTACHMENTS

- 1) Locality Plan. [↓](#)
- 2) Planning Proposal. (Provided under separate cover)
- 3) Submissions Summary and Response Table. [↓](#)
- 4) Council Minutes - 26 November 2019. [↓](#)

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

Nil.



ITEM 1 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

Planning Proposal for 70 Latitude Drive, Anna Bay – Response to Submissions

No.	Author of submission	Summary	Council response
1	Resident	The submission states that the current development is not a caravan park as the structures are permanent fixtures and therefore it is a housing estate.	<p>The Standard Instrument Local Environmental Plan definition of 'caravan park' includes land on which caravans and moveable dwellings are, or are to be, installed or placed.</p> <p>The existing Latitude One development has an approval for 'caravan park' for the land use and a separate approvals under the local government legislation for the installation of the moveable dwellings.</p>
		The submission raises concerns that future development will use Council services and infrastructure like roads and libraries, but not contribute fairly via Council rates.	<p>Clause 121 of the <i>Local Government (General) Regulation 2021</i> provides that land used for a caravan park or a manufactured home estate is to be categorised as business for rating purposes. The owner of the estate pays the business rate.</p> <p>Residents will only contribute to rates through the fees they pay the park operator. Council is not permitted to levy rates on each separate occupancy as they are not separately valued by the NSW Valuer General. The NSW Valuer General can only provide separate valuations based on occupancy where all services are separate and there are no shared facilities.</p> <p>In addition, any future installation of moveable dwellings as a result of the planning proposal will be subject to developer contributions for each dwelling</p>

ITEM 1 - ATTACHMENT 3
TABLE.

SUBMISSIONS SUMMARY AND RESPONSE

			<p>at the same value as a single dwelling on a single lot. This is in accordance with the Port Stephens Local Infrastructure Contributions Plan which came into effect on 1 January 2020.</p> <p>It should be noted that the current and future proposed development on the subject land provides for a range of on-site private facilities and services. This includes pools, library, community centre, parks, walking trails, and a dog exercise area.</p> <p>Internal roads, infrastructure, and resident facilities will be provided and maintained at the cost of the owner of the site which will reduce the reliance on Council provided facilities and services.</p>
		<p>The submission suggests that a roundabout at the intersection of 70 Latitude Drive and Nelson Bay Road would be required as a prerequisite for any expansion and should be paid for by the proponent.</p>	<p>A Traffic and Parking Assessment report was prepared for the planning proposal.</p> <p>Modelling shows that the likely additional traffic from the full development of the proposed expansion of the park will not have an adverse impact on the operation/capacity of the Nelson Bay Road/Latitude Drive T- intersection post development in 2021 and in 2031.</p> <p>Council's Traffic Engineer reviewed the planning proposal and the Traffic and Parking Assessment Report and has no objection to the planning proposal.</p> <p>Transport for NSW (TfNSW) reviewed the planning</p>

ITEM 1 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

			<p>proposal and the Traffic and Parking Assessment report and raises no objections to or requirements for the proposed development.</p> <p>TfNSW considers there will be no significant impact on the nearby classified (State) road network.</p>
2	Resident	<p>The submission requests consideration of road safety for all road users, including older drivers, when entering and exiting Latitude Drive from and onto Nelson Bay Road.</p> <p>Points of concern include:</p> <ul style="list-style-type: none"> • safety of drivers, cyclists, and vehicles towing caravans, boats, and box trailers accessing Nelson Bay Road; • Peak hour times traffic congestion into and from Latitude Drive; • Holiday tourism traffic which impedes access and reduces safety; • Increased caution because of fears of collision causing vehicle build up to and from Latitude Drive; • The 90km speed limit on Nelson Bay Road being too high. 	<p>A Traffic and Parking Assessment Report was prepared for the planning proposal.</p> <p>Modelling shows that the likely additional traffic from the full development of the proposed expansion of the park will not have an adverse impact on the operation/capacity of the Nelson Bay Road/Latitude Drive T- intersection post development in 2021 and in 2031.</p> <p>Council's Traffic Engineer reviewed the planning proposal and the Traffic and Parking Assessment Report and has no objection to the planning proposal.</p> <p>Transport for NSW (TfNSW) reviewed the planning proposal and the Traffic and Parking Assessment report and raises no objections to or requirements for the proposed development.</p> <p>TfNSW considers there will be no significant impact on the nearby classified (State) road network.</p> <p>Council could consider approaching TfNSW to review the speed limit at Nelson Bay Road. However, this is not a</p>

ITEM 1 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

			requirement for the planning proposal, but can be done independently and at any time.
3	Resident	<p>The submission objects to the proposed extension of the Latitude One development as the present onsite community facilities are considered inadequate for the current number of residents. An increase of residents will exacerbate this situation.</p> <p>The submission includes suggestions to minimise the effects of the planning proposal on existing residents including:</p> <ul style="list-style-type: none"> • That new dwellings are not permitted to be occupied until completion of the planned new resident facilities; • New facilities should be built closer to the existing facilities as they are centrally located. 	<p>Any future development application will need to meet the minimum requirements in concurrence with the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i> (the Regulations). The Regulations set out requirements for community amenities:</p> <ul style="list-style-type: none"> • A minimum of 10% of the total land area of a caravan park or camping ground must be reserved for recreation or other communal activities. • The council may allow a lower percentage, not less than 6% of the total land area of the caravan park or camping ground, to be reserved for recreation or other communal activities. • Before allowing a lower percentage, the council must consider (a) the type and range of amenities to be provided, and (b) other matters the council considers relevant.
		<p>The submission requests a revision of the future traffic situation as access to Nelson Bay Road in both directions is considered dangerous because of high vehicle speed.</p>	<p>A Traffic and Parking Assessment Report was prepared for the planning proposal.</p> <p>Modelling shows that the likely additional traffic from the full development of the proposed expansion of the park will not have an adverse impact on the operation/capacity of the Nelson Bay Road/Latitude</p>

ITEM 1 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

			<p>Drive T- intersection post development in 2021 and in 2031.</p> <p>Council's Traffic Engineer reviewed the planning proposal and the Traffic and Parking Assessment report and has no objection to the planning proposal.</p> <p>Transport for NSW (TfNSW) reviewed the planning proposal and the Traffic and Parking Assessment report and raises no objections to or requirements for the proposed development.</p> <p>TfNSW considers there will be no significant impact on the nearby classified (State) road network.</p>
4	Resident	<p>The submission objects to the planning proposal.</p> <p>The submission notes that the current development is approved as a 'caravan park' with on-site manufactured homes (moveable dwellings) and is marketed as a housing estate.</p> <p>The submission is concerned that the land is subject to lower rural land rates compared to residential land rates paid by other residents. The submission acknowledges that the current planning framework for moveable dwellings within caravan parks is set by the NSW planning framework (and not Council) and leads to potential disadvantage to existing ratepayers.</p>	<p>The Standard Instrument Local Environmental Plan definition of 'caravan park' includes land on which caravans and moveable dwellings are, or are to be, installed or placed.</p> <p>The existing Latitude One development has an approval for 'caravan park' for the land use and a separate approvals under the local government legislation for the installation of the moveable dwellings.</p> <p>Council charges the owner of the estate business rates, based on the land value of the entire estate as determined by the NSW Valuer General.</p> <p>Any future installation of moveable dwellings as a result of the planning proposal will be subject to developer contributions for each dwelling</p>

ITEM 1 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

			<p>at the same value as a single dwelling on a residential lot, in accordance with the Port Stephens Development Contribution Plan 2014.</p> <p>The current and future proposed development on the subject land provides for a range of on-site private facilities and services. This includes pools, library, community centre, parks, walking trails, and a dog exercise area. This will reduce the reliance on Council provided facilities and services.</p> <p>Internal roads, infrastructure, and resident facilities will be provided and maintained at the cost of the owner of the site.</p>
5	Resident	<p>The submission raises concerns about stormwater potentially being discharged from the development site onto adjoining properties and into the main drain.</p> <p>The submission advises that adjoining properties do not currently receive stormwater discharge.</p>	<p>The proponent provided a Stormwater Strategy to demonstrate that stormwater from future development is able to be managed appropriately.</p> <p>At development application stage the proponent will need to provide sufficient detail to demonstrate if stormwater can be contained within the boundaries of the future development site.</p> <p>If this is not possible, detail is required at development application stage to demonstrate how any stormwater flows discharged from the development site shall not have a negative impact on surrounding land and/or that a legal point of discharge has been achieved.</p>

ITEM 1 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

			Alternatively, a deferred development application commencement condition may be imposed requiring an easement to be obtained.
		The submission expresses concerns about future maintenance of stormwater controls.	<p>The owner of the estate will be required to maintain all private infrastructure for the life of the development.</p> <p>If there were any infrastructure dedicated to Council as part of the future development, then Council will, as per standard process, be responsible for future maintenance of this infrastructure.</p> <p>Maintenance of stormwater controls can be secured through a concept operation & maintenance plan, to be provided as part of a future development application.</p>
		The submission seeks more information about the proposed installation of sewer and water mains to the site.	Further information about the proposed installation of sewer and water mains will be addressed by the proponent and Hunter Water at development application stage when more detailed information is available.
		The submission states that the proposal will put more strain on already overwhelmed doctors and hospitals.	<p>The existing demand for health services is acknowledged.</p> <p>The planning proposal is likely to create demand for health services associated with population growth generally in the local area and Hunter region. Health services are established (and permitted with consent) in nearby centres and in the Hunter region generally.</p>
6	Anna Bay Drainage Union	The submission raises concerns that the Anna Bay Drainage Union was not contacted by the proponent in	Drainage matters will be addressed at the development application stage when more

ITEM 1 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

		respect to their drainage plans for this planning proposal.	<p>detailed information is available.</p> <p>The land is located within the catchment of the Anna Bay Drainage Union. Future development may need to contribute to the maintenance of the local drainage network, consistent with other existing development in the catchment area, in further consultation with the Anna Bay Drainage Union and Council.</p>
7	Resident	The submission objects to the planning proposal on a range of grounds.	Noted. Concerns are responded to in the below.
		<p>The submission raises concerns relating to traffic movements and the increased potential for accidents, including:</p> <ul style="list-style-type: none"> • access and exit points between Latitude Drive and Nelson Bay Road • 90km speed limit on Nelson Bay Road • traffic increase over time • lack of slip lanes on Nelson Bay Road at the intersection with Latitude Drive 	<p>A Traffic and Parking Assessment Report was prepared for the planning proposal.</p> <p>Modelling shows that the likely additional traffic from the full development of the proposed expansion of the park will not have an adverse impact on the operation/capacity of the Nelson Bay Road/Latitude Drive T- intersection post development in 2021 and in 2031.</p> <p>Council's Traffic Engineer reviewed the planning proposal and the Traffic and Parking Assessment report and has no objection to the planning proposal.</p> <p>Transport for NSW (TfNSW) reviewed the planning proposal and the Traffic and Parking Assessment Report and raises no objections to or requirements for the proposed development.</p> <p>TfNSW considers there will be no significant impact on the</p>

ITEM 1 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

			<p>nearby classified (State) road network.</p> <p>Council could consider approaching TfNSW to review the speed limit at Nelson Bay Road. However, this is not a requirement for the planning proposal, but can be done independently and at any time.</p>
		The submission objects to the positioning of the boat and caravan storage as it is unsightly for this location and a distraction to motorists. The submission states that the plans do not allow for landscaping to screen the area from Nelson Bay Road.	Any future development application proposing boat and caravan storage will be assessed in accordance with local planning controls at the time of lodgement. This includes the potential need for screening the area from Nelson Bay Road.
		The submission states that it is unclear if the proposed expansion of Latitude One will affect other infrastructure in Port Stephens, especially waste water (sewerage) management, and overload of other services.	Hunter Water will advise if infrastructure upgrades are required at the development application stage.
		<p>The submission raises concerns regarding the potential impact of the planning proposal on koala habitat and refers to several points raised in the preliminary advice provided by the BCD, including:</p> <ul style="list-style-type: none"> • Querying compliance with previous rehabilitation requirements. • Recommending a Biodiversity Stewardship Agreement in addition to the Vegetation Management Plan for the conservation zone. • Identifying the development will impact on preferred koala habitat mapped under the Port Stephens Comprehensive 	<p>The submission refers to superseded preliminary advice provided by Biodiversity and Conservation Division (BCD) on 14 September 2021.</p> <p>Since then, a Biodiversity Assessment Report was prepared by the proponent and considered by BCD as part of their assessment of the planning proposal (undertaken in December 2022).</p> <p>Refer to the response provided to the final submission 14 received from BCD.</p>

ITEM 1 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

		Koala Plan of Management.	
		The submission states that the public interest needs to be considered regarding a range of topics including submissions from residents and visitors and issues including alternative transport, community facilities, traffic safety and signage.	Community submissions raising a wide range of issues have been received and responded to in this submission summary table and the Council report. The matters raised have been considered in the recommendation to adopt the planning proposal.
8	Department of Planning, Industry and Environment - Crown Lands (as adjoining land owner)	The submission raises no objection to the planning proposal as no impact to Crown land has been identified.	Noted.
9	Koala Coalition Econetwork Port Stephens Inc. (KKEPS)	<p>The submission acknowledges the willingness of the proponent (Ingenia) to engage with local community, environment groups like KKEPS, and Council to seek 'win-win' outcomes.</p> <p>The submission states that several issues would need to be addressed and resolved before the planning proposal could be approved.</p>	Noted.
		<p>The submission seeks consideration of:</p> <ul style="list-style-type: none"> • Safe crossing options at Nelson Bay Road for native wildlife including koalas. • Making the development 'wildlife friendly' including assurances that provision is made and kept for koalas to move through the site, including koala friendly fencing, koala feed trees, and the exclusion of dogs. 	<p>Measures to ensure the safety of koalas can be addressed at development application stage and may include:</p> <ul style="list-style-type: none"> • Fencing and structures that only allow one way access for koalas (from east to west) from Nelson Bay Road. • Speed limits. • Traffic signs raising awareness of koalas. • Requirements for dogs to be kept on leash.

ITEM 1 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

			A Vegetation Management Plan (VMP) will be required as a condition of consent for a future development application. A VMP can consider recommendations made in the submission.
		The submission supports the proposal for a vegetation management plan which includes re-planting to establish a corridor linking native wildlife habitat to the east and west of Lot 25.	Noted.
		The submission expresses concerns about future infrastructure needs (water and sewer) that may require additional clearing.	At this stage it is not known if and where additional infrastructure (water and sewer) may occur. Hunter Water will advise if infrastructure upgrades are required at development application stage.
		The submission notes that the Vegetation Management Plan (VMP) required as a condition of approval for the 'borrow pit' (DA 2017-282 for Lot 25) has not been fully implemented, and that more vegetation may have been cleared from Lot 25 than was approved.	The VMP for the 'borrow pit' has not been implemented, but a requirement for an updated VMP can be a condition of any future DA. A new VMP can be required to reflect the current proposed development, the inclusion of the C2 Environmental Conservation zone and the future koala corridor. The landholder has advised that clearing activities were carried out by the landholder in accordance with the <i>Local Lands Service Act (2013)</i> .
		The submission notes preliminary advice from Biodiversity Conservation Division (BCD) dated 14 September 2021 and states that it would be premature for Council to approve the planning proposal until the proponent has prepared a	The submission refers to preliminary advice provided by BCD on 14 September 2021. Since then, a Biodiversity Assessment Report has been prepared by the proponent and considered by BCD as part of their assessment of the

ITEM 1 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

		Biodiversity Assessment Report and recommendations from BCD have been received and any concerns satisfied.	<p>planning proposal (undertaken in December 2022).</p> <p>Refer to the response provided to the final submission 14 received from BCD.</p>
		<p>The submission supports the recommendation from the BCD that the koala corridor should be reinstated to be a complete functioning vegetation community with all vegetation structural layers and that it will need to be as wide as possible.</p> <p>The submission states that the proposed koala corridor is narrower than previously indicated and submits that wider corridors provide utility for their intended purpose.</p>	<p>The proposed koala corridor will provide a north-south and an east-west koala connection for koalas moving across Nelson Bay Road at this location.</p> <p>The planning proposal and supporting Biodiversity Assessment Report was prepared by the proponent and considered the existing vegetation, opportunities for revegetation, introducing a C2 Environmental Conservation Zone and the need for an Asset Protection Zone.</p> <p>The planning proposal and supporting documentation was referred to BCD for review. BCD have no objections to the planning proposal proceeding.</p> <p>Refer to the response provided to the final submission 14 received from BCD.</p>
		The submission states that the inclusion of the existing Vegetation Management Plan (VMP) prepared by Anderson (consultants) as part of the 'borrow pit' development application is confusing as the vegetation management areas identified in the Biodiversity Assessment Report prepared by MJD (consultants) are different.	<p>The planning proposal includes an older VMP which was prepared for a development application for the 'borrow pit' (DA 2017-282 for Lot 25 DA). It was a condition of the Gateway determination to include a copy of this VMP as an attachment to the planning proposal.</p> <p>A new VMP will be required as part of any future development application to better reflect the</p>

ITEM 1 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

			proposed future extension of the existing development over Lot 25, the inclusion of the new C2 Environmental Conservation zone, and proposed the koala corridor. This new VMP will replace the previous one.
		The submission states that a proposed Vegetation Management Area (VMA) close to Nelson Bay Road is dangerous as a high number of koalas is killed along Nelson Bay Road.	<p>The east-west koala corridor connection is proposed because there are records to indicate that koalas move across Nelson Bay Road at this location.</p> <p>It is acknowledged that road strike is a serious threat to koalas. Therefore, measures to establish this part of the corridor as a one-way crossing (to accept koalas from the east only) will be considered further at DA stage. The one-way crossing seeks to prevent koalas crossing Nelson Bay Road from Lot 25.</p>
		<p>The submission states that the location of Swamp Sclerophyll Forest EEC on Lot 25 appears different in the Vegetation Management Plan (VMP) from 2017 compared to the Biodiversity Assessment report for this planning proposal (MJD 2021).</p> <p>The submission seeks for the proposal to have greater consistency with the original VMP and to include the Vegetation Management Areas (VMA) 1 and 2 (currently identified as potential caravan storage area on the draft concept layout plan) as part of the future VMP area to strengthen the koala corridor.</p>	<p>The previous VMP prepared by Anderson Environmental (consultants) did not provide detailed vegetation mapping of the VMA in the 2017 Ecological Assessment or the VMP prepared for the 'borrow pit' development application.</p> <p>The latest vegetation mapping prepared by MJD (2020) to support this planning proposal is considered an accurate representation of the vegetation currently on site.</p> <p>The VMA identified in the 2017 Anderson VMP reflects vegetation condition classes (i.e. vegetation structure and level of weed infestation). They provide a guide for management and should not</p>

ITEM 1 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

			<p>be considered representative of vegetation mapping.</p> <p>A new VMP will be required as part of any future development application to better reflect the proposed future extension of the existing development over Lot 25, the inclusion of the new C2 Environmental Conservation zone, and proposed the koala corridor. This new VMP will replace the previous one.</p>
		<p>The submission raises concerns about the location of a caravan and boat storage area in the south east corner of Lot 25 as it will be visible from Nelson Bay Road and reduces the vegetation management area.</p>	<p>Any future development application proposing a boat and caravan storage will be assessed against planning provisions in force at the time of lodgement. This includes consideration of the potential need for screening the area from Nelson Bay Road and the requirement for a vegetation management plan, including the vegetation management area.</p>
		<p>The submission states that the Biodiversity Assessment Report for the planning proposal mentions the presence of koala scats on Lot 25, but does not provide the exact locations. The submission states that without a map of these locations it is not possible to see if koala scats have been found in the area indicated to provide storage space for caravans and boats.</p>	<p>The recorded presence of koala scat provides evidence that koalas are utilising habitat on site. All habitat on site has been considered as habitat for koalas. The exact location of the scat would not influence the assessment of the planning proposal.</p>
		<p>The submission raises concerns about traffic matters including:</p> <ul style="list-style-type: none"> Road deaths to any wildlife trying to cross Nelson Bay Road. 	<p>A Traffic and Parking Assessment Report was prepared for the planning proposal.</p> <p>Modelling shows that the likely additional traffic from the full development of the proposed expansion of the park will not</p>

ITEM 1 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

		<ul style="list-style-type: none"> Safety concerns for residents entering and leaving the precinct. The need for a more comprehensive traffic survey. The need to reduce the maximum speed on Latitude Drive. 	<p>have an adverse impact on the operation/capacity of the Nelson Bay Road/Latitude Drive T- intersection post development in 2021 and in 2031.</p> <p>Council's Traffic Engineer reviewed the planning proposal and the Traffic and Parking Assessment Report and has no objection to the planning proposal.</p> <p>Transport for NSW (TfNSW) reviewed the planning proposal and the Traffic and Parking Assessment report and raises no objections to or requirements for the proposed development.</p> <p>TfNSW considers there will be no significant impact on the nearby classified (State) road network.</p> <p>Council could consider approaching TfNSW to review the speed limit at Latitude Drive for the public part of the road. The road owner can implement speed limits for the private portion of Latitude Drive. However, this is not a requirement for the planning proposal, and can be done independently and at any time.</p>
10	Tomaree Ratepayers & Residents Association (TRRA)	<p>The submission acknowledges that the Latitude One development and other similar land-lease communities are filling a gap in the housing market in Port Stephens and meeting a demand.</p> <p>The submission does not accept that the proposed expansion of the development is in the public interest unless</p>	<p>Noted.</p>

ITEM 1 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

		and until several outstanding issues are resolved.	
		The submission states that feedback should be obtained from existing residents of Latitude One and a summary of the feedback included in the report to Council on the planning proposal.	<p>At the time of community consultation (19 November – 17 December 2021), the requirements for public exhibition were set out in Local Environmental Plans – A guide to preparing local environmental plans 2018 (DPIE).</p> <p>The guide requires that public exhibition of the planning proposal is generally undertaken in the following manner:</p> <ul style="list-style-type: none"> • notification in a newspaper that circulates in the area affected by the planning proposal • notification on the website of the planning proposal authority • notification in writing to affected and adjoining landowners, unless the planning authority is of the opinion that the number of landowners makes it impractical to notify them. <p>Public exhibition for the planning proposal was undertaken in accordance with these requirements.</p> <p>The submissions received are responded to in this submissions table.</p>
		<p>The submission supports the proposed rezoning of part of Lot 25 to C2 Environmental Conservation.</p> <p>The submission also supports the preparation of a Vegetation Management Plan (VMP) and potentially linking native wildlife habitat to the east and west of Lot 25.</p>	Noted.

ITEM 1 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

		The submission supports adding a permitted use to the RU2 Rural Landscape zone for this site only. This option is preferred to a residential zone which could allow for uses like local shops which could undermine the viability of nearby centres	Noted.
		<p>The submission seeks the preliminary comments made by Biodiversity and Conservation Division (BCD) of DPIE on the Vegetation Management Plan (VMP) to be addressed in an updated version.</p> <p>A biodiversity stewardship agreement should be required in addition to the VMP for the proposed C2 Environmental Conservation zone.</p>	<p>The submission refers to superseded preliminary advice provided by Biodiversity and Conservation Division (BCD) on 14 September 2021.</p> <p>Since then, a Biodiversity Assessment Report was prepared by the proponent and considered by BCD as part of their assessment of the planning proposal (undertaken in December 2022).</p> <p>Refer to the response provided to the final submission 14 received from BCD.</p>
		The submission requests that a safe wildlife crossing option for Latitude Drive should be required and implemented at the expense of the developer.	It is acknowledged that road strike is a serious threat to koalas. Therefore, measures to establish safe wildlife crossings will be considered further at DA stage.
		<p>The submission requests consideration of a safe wildlife crossing of Nelson Bay Road to the northeast of the Latitude Drive junction.</p> <p>This requires an appropriate contribution by the developer to the cost, and integration with the required road safety improvements to the junction.</p>	<p>The land to the northeast of Latitude Drive is not owned by the proponent. Therefore, this proposed wildlife crossing is unlikely to be feasible.</p> <p>Detailed measures for the koala corridors will be considered at development application stage.</p>
		The submission requests Council require discussions between the proponent and volunteer koala care and protection groups about arrangements for fencing,	Volunteer koala care and protection groups are encouraged to engage with the project throughout the submissions process for

ITEM 1 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

		planting and control of domestic animals within the Latitude One development, and protection of native wildlife in the proposed C2 Environmental Conservation zone and vegetation management area.	planning proposals and development applications.
		The submission requests Council require the caravan and boat storage area to be relocated to the north or west of the C2 Environmental Conservation zone, and that zone extended to include the southeast corner of Lot 25.	This is not a matter that can be addressed in the planning proposal. Any future development application proposing relocation of boat and caravan storage will be assessed against planning provisions in force at the time of lodgement.
		The submission requests that the provision of some specific additional community facilities for residents are 'locked in' to the approval of the planning proposal, with details of the facilities to be agreed with the Latitude One Residents Committee.	<p>Additional facilities are not required to be determined with the planning proposal.</p> <p>Any future development application will need to meet the minimum requirements in concurrence with the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i> (the Regulations). The Regulations set out requirements for community amenities:</p> <ul style="list-style-type: none"> • A minimum of 10% of the total land area of a caravan park or camping ground must be reserved for recreation or other communal activities. • The council may allow a lower percentage, not less than 6% of the total land area of the caravan park or camping ground, to be reserved for recreation or other communal activities.

ITEM 1 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

			<ul style="list-style-type: none"> Before allowing a lower percentage, the council must consider (a) the type and range of amenities to be provided, and (b) other matters the council considers relevant.
		<p>The submission request a more comprehensive traffic survey as a basis both for technical assessment against the RTA/RMS guidelines and for a separate 'common sense' appraisal of the actual situation on the ground at this location.</p> <p>The submission requests improvements to the junction of Latitude Drive and Nelson Bay Road to prevent increased risk of serious accidents.</p> <p>The submission requests consideration by TfNSW for installation of a roundabout, or at least to a physically protected centre lane in Nelson Bay Road for vehicles turning right out of Latitude Drive.</p> <p>The submission requests that intersection-improvements should be made a condition of confirmation of the planning proposal.</p>	<p>A Traffic and Parking Assessment Report was prepared for the planning proposal.</p> <p>The Traffic and Parking Assessment Report for this the planning proposal was prepared with reference to the RTA's Guide to Traffic Generating Developments, Austroads Guide to Road Design (2019), and the Austroads Guide to Traffic Management (2020).</p> <p>Reference is also made to the Port Stephens Council Development Control Plan 2014 and the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i>, and information provided by ADW Johnson Pty Ltd (consultants).</p> <p>Modelling shows that the likely additional traffic from the full development of the proposed expansion of the park will not have an adverse impact on the operation/capacity of the Nelson Bay Road/Latitude Drive T- intersection post development in 2021 and in 2031.</p> <p>Council's Traffic Engineer reviewed the planning proposal and the Traffic and Parking Assessment report</p>

ITEM 1 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

			<p>and has no objection to the planning proposal.</p> <p>Transport for NSW (TfNSW) reviewed the planning proposal and the Traffic and Parking Assessment Report and raises no objections to or requirements for the proposed development.</p> <p>TfNSW considers there will be no significant impact on the nearby classified (State) road network.</p>
		The submission requests that Council and/or Transport for NSW/RMS should implement a low speed limit on the public part of Latitude Drive.	<p>Council could consider approaching TfNSW to review the speed limit at Latitude Drive for the public part of the road. The road owner can implement speed limits for the private portion of Latitude Drive. However, this is not a requirement for the planning proposal, and can be done independently and at any time.</p>
		The submission states that the developer should be required to fund at least the 'marking' of a shared path (and street lighting) along Latitude Drive, including the 400m stretch for which Council is responsible.	<p>This is not a matter that can be addressed in a planning proposal.</p> <p>In addition, the current road width is approximately 6m. This is not wide enough to allow for any additional marked lanes, while maintaining 2-way travel.</p> <p>Austrorads suggests that on local streets with low volumes, it is usually not necessary to make special provision for cyclists as the lower speed of motor traffic should enable cyclists to safely share the road with other users. Consideration of reducing speed limits has been addressed in the above.</p>

ITEM 1 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

		The submission states that any concerns Hunter Water has about the proposal should be addressed, with the cost of any further works required to be met as a condition on the developer.	<p>This is not a matter that can be addressed in a planning proposal.</p> <p>Hunter Water will advise if infrastructure upgrades are required at development application stage.</p>
		The submission states that written consent for the establishment of an easement across Lot 27 for stormwater be established prior to the planning proposal being confirmed, and provisions included to ensure any clearing of native vegetation on this easement is minimised.	<p>The proponent provided a Stormwater Strategy to demonstrate that stormwater from future development is able to be managed appropriately.</p> <p>At development application stage the proponent will need to provide sufficient detail to demonstrate if stormwater can be contained within the boundaries of the future development site.</p> <p>If this is not possible, detail is required at development application stage to demonstrate how any stormwater flows discharged from the development site shall not have a negative impact on surrounding land and/or that a legal point of discharge has been achieved.</p> <p>Alternatively, a deferred development application commencement condition may be imposed requiring an easement to be obtained.</p>
11	Resident	The submission objects to the planning proposal because of potential impact on preferred koala habitat. The submission makes reference to the preliminary advice provided by BCD.	The planning proposal aims to protect and enhance koala habitat with the introduction of a C2 Environmental Conservation zone and the future revegetation with koala feed trees on part of the site, and ongoing management and protection through a future vegetation management plan

ITEM 1 - ATTACHMENT 3
TABLE.

SUBMISSIONS SUMMARY AND RESPONSE

			<p>The submission refers to superseded preliminary advice provided by Biodiversity and Conservation Division (BCD) on 14 September 2021.</p> <p>Since then, a Biodiversity Assessment Report was prepared by the proponent and considered by BCD as part of their assessment of the planning proposal (undertaken in December 2022).</p> <p>Refer to the response provided to the final submission 14 received from BCD.</p>
		<p>The submission raises concerns about the safety of the intersection between Latitude Drive and Nelson Bay Road.</p>	<p>A Traffic and Parking Assessment Report was prepared for the planning proposal.</p> <p>Modelling shows that the likely additional traffic from the full development of the proposed expansion of the park will not have an adverse impact on the operation/capacity of the Nelson Bay Road/Latitude Drive T- intersection post development in 2021 and in 2031.</p> <p>Council's Traffic Engineer reviewed the planning proposal and the Traffic and Parking Assessment report and has no objection to the planning proposal.</p> <p>Transport for NSW (TfNSW) reviewed the planning proposal and the Traffic and Parking Assessment Report and raises no objections to or requirements for the proposed development.</p>

ITEM 1 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

			TfNSW considers there will be no significant impact on the nearby classified (State) road network.
12	Transport for NSW (TfNSW)	The submission states that TfNSW raises no objections to or requirements for the proposed development as it is considered there will be no significant impact on the nearby classified (State) road network.	Noted.
		The submission advises that Council should consult with the local bus company about the potential to service the development through Latitude Drive. This arrangement may complement the current minibus service for the residents.	Council may consider consulting with a local bus company about the opportunity to provide a bus service to Latitude Drive. This is not a matter for the planning proposal and can be actioned independently and at any time.
13	Department of Regional NSW – Mining, Exploration & Geoscience (MEG) – Geological Survey of NSW (GSNSW)	The submission advises that GSNSW have no resource sterilisation issues for consideration under section 9.1 of the Environmental Planning and Assessment Act 1979, Ministerial Direction 1.3 Mining, Petroleum Production and Extractive Industries.	Noted.
14	Department of Planning, Industry and Environment – Biodiversity and Conservation Division (BCD)	The submission supersedes the preliminary advice from 14 September 2021 and does not provide objections to the planning proposal. The submission makes 3 recommendations and BCD understands that these will be addressed at the development application stage, following determination of the planning proposal.	Noted.
		The submission recommends for Council to consider whether the proposal will	Any future development application will be required to consider this matter.

ITEM 1 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

		<p>cause 'prescribed impacts' which trigger entry into the Biodiversity Offset Scheme.</p> <p>The <i>Biodiversity Conservation Regulation 2017</i>, Part 6 section 6.1 outlines 'prescribed impacts' including possible vehicle strike, or impacts on the connectivity between different areas of habitat of threatened species that facilitates the movement of those species across their range', or changes to the hydrology of the area.</p>	
		<p>The submission recommends a review of the Test of Significance (ToS) included in the Biodiversity Assessment Report.</p> <p>Information on each species/entity is to be provided in accordance with the ToS guidelines and may some species may require their own individual ToS.</p>	<p>Council agrees that the format of the Test of Significance (ToS) does not follow standard best practice, but is sufficient for the purposes of this planning proposal.</p> <p>Any future development application will be required to consider this matter.</p>
		<p>The submission recommends that a suitable mechanism is provided to ensure the biodiversity values of the koala corridor are protected into the future.</p> <p>BCD recommends a new Vegetation Management Plan with a legal mechanism attached to it. Alternatively, the proponent could investigate whether they could enter into a Biodiversity Stewardship Agreement.</p>	<p>Any future development application will be required to consider this matter.</p>
15	NSW Rural Fire Service	<p>The submission has no objection to the planning proposal.</p> <p>The submission provides recommendations for additional provisions to be</p>	Noted.

ITEM 1 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

		made at development application stage.	
		The submission recommends that any future additional areas, outside of Lot 25, proposed to be rezoned to C2 Environmental Conservation need to be assessed against the requirements for bush fire protection measures.	<p>The C2 Environmental Conservation zone over Lot 25, as identified in the planning proposal, has been considered against the requirements of the Planning for Bush Fire Protection 2019. No issues have been identified.</p> <p>No land outside of Lot 25 is proposed to be rezoned to C2 Environmental Conservation as part of this planning proposal.</p> <p>It is acknowledged that land outside of Lot 25 would require further assessment and consideration through a separate rezoning process.</p>
		The submission recommends to consider the internal road design and best traffic movement for emergency service vehicles at development application stage.	A final layout plan and internal road designs will be required and prepared for a future development application. Traffic movement for emergency service vehicles can be assessed at that stage.
		The submission recommends a review of traffic volumes onto Latitude Drive, taking into account emergency vehicle access. This matter can be considered at development application stage.	<p>TfNSW have reviewed the planning proposal and the traffic assessment and do not object to the planning proposal.</p> <p>A future development application will take into account the recommendations from NSW RFS.</p>
		The submission recommends the provision of a traffic-able defensible space for firefighters at the unmanaged hazard interface with the proposed future development. This matter can be addressed at development application stage.	A final layout design plan will be prepared at development application stage and consider the recommendations from NSW RFS.

ITEM 1 - ATTACHMENT 3 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

16	Worimi Local Aboriginal Land Council	No submission was received.	<p>Worimi Local Aboriginal Land Council was invited to comment on the planning proposal, however no submission was received.</p> <p>Consultation with Worimi Local Aboriginal Land Council was undertaken during the preparation of the Aboriginal Cultural Heritage Assessment for this planning proposal.</p>
----	--------------------------------------	-----------------------------	---

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019

ITEM NO. 2

FILE NO: 19/324404
EDRMS NO: 58-2018-25-1**PLANNING PROPOSAL FOR 70, 70A, 70B, 70C LATITUDE DRIVE AND 4473 NELSON BAY ROAD, ANNA BAY**REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Planning Proposal (**ATTACHMENT 3**) to amend the Port Stephens Local Environmental Plan 2013 to:
 - a. Regularise the existing approved use of land at Lots 2 & 4 DP 398888, Lot 2 DP 1204319, Lot 1 DP 1225542 at 70, 70A, 70B and 70C Latitude Drive (known as the 'Latitude One Lifestyle Resort').
 - b. Enable the extension of the existing use to adjoining land at Lot 25 DP852410 at 4473 Nelson Bay Road (subject to development consent); and
 - c. Facilitate future subdivision of Lot 25 DP852410 at 4473 Nelson Bay Road, Anna Bay into 2 lots.
- 2) Forward the Planning Proposal to the NSW Department of Planning, Industry and Environment for a Gateway Determination and request authority to make the plan.

**ORDINARY COUNCIL MEETING - 26 NOVEMBER 2019
MOTION**

224	Councillor John Nell Councillor Chris Doohan It was resolved that Council: <ol style="list-style-type: none">1) Adopt the Planning Proposal (ATTACHMENT 3) to amend the Port Stephens Local Environmental Plan 2013 to:<ol style="list-style-type: none">a. Regularise the existing approved use of land at Lots 2 & 4 DP 398888, Lot 2 DP 1204319, Lot 1 DP 1225542 at 70, 70A, 70B and 70C Latitude Drive (known as the 'Latitude One Lifestyle Resort').b. Enable the extension of the existing use to adjoining land at Lot 25 DP852410 at 4473 Nelson Bay Road (subject to development consent); andc. Facilitate future subdivision of Lot 25 DP852410 at 4473 Nelson Bay Road, Anna Bay into 2 lots.
------------	---

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019

	2) Forward the Planning Proposal to the NSW Department of Planning, Industry and Environment for a Gateway Determination and request authority to make the plan.
--	--

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

Those for the Motion: Mayor Ryan Palmer, Crs Chris Doohan, Ken Jordan, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to recommend that Council adopt a Planning Proposal (**ATTACHMENT 3**) to amend the Port Stephens Local Environmental Plan 2013 (PSLEP 2013) to regularise the existing approved use of land at 70, 70A, 70B and 70C Latitude Drive, enable the extension of that use to adjoining land at 4473 Nelson Bay Road, and to facilitate the future subdivision of the adjoining land.

A locality map of the land the subject of the Planning Proposal is available at (**ATTACHMENT 1**) and a Strategic Planning Assessment Report (SPAR) for this Planning Proposal is available at (**ATTACHMENT 2**).

The Planning Proposal will regularise the approved existing use on the part of the site where an approved caravan park is located. The approved caravan park has 270 sites on which manufactured homes are currently located, or being installed and it is currently operating as a seniors living lifestyle resort. The current zoning of the site no longer permits this use and the development operates relying on existing use rights.

The Planning Proposal seeks to facilitate the extension of this use to part of an adjoining parcel, Lot 25 DP852410. Subject to development consent and further approvals, an additional 170 manufactured homes could potentially be accommodated on Lot 25 DP852410.

On 12 March 2019, Council resolved to prepare a planning proposal to amend the PSLEP 2013 to better plan for manufactured homes and caravan parks (Minute Number 045). That resolution responded to recent case law that potentially broadened the scope of the permissibility of this type of development. The Planning Proposal is not inconsistent with this resolution given the existing approved use of land. The Planning Proposal will facilitate the extension of this approved use and does not rely on the recent case law to enable the permissibility of manufactured homes on the site.

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019

The Planning Proposal will also facilitate the future subdivision of Lot 25 DP852410, enabling the part of the lot fronting Nelson Bay Road that is that not proposed to be used for the caravan park, to be excised.

Any expansion of the existing caravan park and future subdivision would be subject to future applications and assessment.

Should Council resolve to adopt the Planning Proposal, it will be forwarded to the NSW Department of Planning, Industry & Environment (DPIE) for a Gateway determination.

A summary of the Planning Proposal and property details are provided below.

Date Lodged:	17 October 2018
Proponent:	Ingenia Communities C/- ADW Johnson
Subject Site:	Lots 2 and 4 DP 39888; Lot 1 DP 1225542; Lot 2 DP 1204319; Lot 25 DP 852410
Total Area:	Total site area (all lots combined) is approximately 43ha, comprised of: Lot 2 DP 39888 approx. 10.3ha Lot 4 DP 39888 approx. 18.8ha Lot 1 DP 1225542 approx. 0.5ha Lot 2 DP 1204319 approx. 0.7ha Lot 25 DP 852410 approx. 13.2ha
Current Use:	Approved development on Lots 2 and 4 DP 39888; Lot 2 DP 1204319 and Lot 1 DP 1225542 consists of a caravan park with 270 sites, on which manufactured homes have been installed. This development was approved under a historic zoning and currently operates relying on existing use rights. Lot 25 DP 852410 is not included in the land subject to the caravan park approval. A single dwelling house is currently located on this lot.
Intended Use:	The purpose of the Planning Proposal is to regularise the existing approved use of Lots 2 and 4 DP 39888; Lot 2 DP 1204319 and Lot 1 DP 1225542 and to facilitate the future extension of that use to the adjoining Lot 25 DP 852410. The Planning Proposal also seeks to enable the future subdivision of Lot 25 DP 852410 which currently contains a dwelling fronting Nelson Bay Road.
Current Zoning:	RU2 Rural Landscape
Current Minimum Lot Size:	The minimum lot size that currently applies to all of the site is 20ha.

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019

Proposed amendment to PSLEP 2013:	<p>The PSLEP 2013 will be amended to regularise the existing, approved use of Lots 2 and 4 DP 398888; Lot 2 DP 1204319 and Lot 1 DP 1225542 and to facilitate the future extension of that use to the adjoining Lot 25 DP 852410.</p> <p>The amendments will also enable the future subdivision of Lot 25 DP 852410 so as to permit a minimum lot of approximately 8,000m² to be created fronting Nelson Bay Road.</p> <p>The necessary amendments to the PSLEP 2013 to achieve these outcomes will be identified in consultation with DPIE, should a Gateway determination be issued.</p>
Residential Lot Yield:	<p>Lot 25 DP 852410 is proposed to create 1 additional lot with capacity for approximately 170 sites on which manufactured homes could be installed.</p>

Development Application (DA16-2009-257)

On 13 July 2010, Council approved a development application (DA16-2009-257-1) for a caravan park on the land now known as 70, 70A, 70B and 70C Latitude Drive, Anna Bay. At that time the land was zoned 1(a) Rural Agriculture zone and caravan parks were permissible with consent (under the Port Stephens Local Environmental Plan 2000).

The Local Government Act 1993 and Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 permits the installation of moveable dwellings in approved caravan parks, including manufactured homes, without further Council approval. The consent has been modified over time and the site currently has 270 caravan sites on which manufactured homes are being installed.

The PSLEP 2013 zoned the land RU2 Rural Landscape zone, which does not permit caravan parks. The development on the site relies on the existing consent to operate.

Suitability of the site

The subject land is considered suitable for the proposed future use given that part of the land is already utilised for this use. The residual land (Lot 25 DP 852410) that will accommodate an extension of the caravan park (subject to development consent) is relatively unconstrained and, based on preliminary investigations, it is considered that constraints relating to ecology, acid sulphate soils, and flood prone land can be resolved should the Planning Proposal receive a Gateway determination to proceed.

This site can be distinguished from typical residential developments as it can provide a wide range of community facilities and services for future residents due to an existing development on a neighbouring lot. These include a community bus service, a club house (including hall, sports lounge, cinema, craft room, library, salon, indoor pool, spa, sauna, gym and café/hall), outdoor swimming pool, lawn bowls facility, croquet area, pocket parks, off leash dog exercise area, and walking areas.

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019

The site also offers opportunity to contribute to the targets and directions set by the Greater Newcastle Metropolitan Plan 2036 (GNMP) for new residential development in Port Stephens. The GNMP projects 11,050 new dwellings for Port Stephens by 2036. To support a changing population and dwelling needs, the GNMP sets a 60% target for new dwellings in the existing urban areas (infill) by 2036. The Plan also highlights the need for more variety of housing types and densities, and the provision of access to transport and community services and facilities for local communities.

The Planning Proposal will also respond to the need for increased variety of housing types and densities as identified by the GNMP. More specifically, the subject site provides opportunity for a particular type of medium density infill development which includes access to (bus) transport, and a wide range of community services and facilities. The Planning Proposal will also facilitate dwelling types that are suitable for seniors and will contribute to the housing choices available in the area.

The subject site is considered suitable for the outcomes of the Planning Proposal based on the land being relatively unconstrained, the availability and quality of community facilities and services, and the provision of an existing community bus service which connects the site with nearby town centres.

Servicing

Significant public infrastructure works, including a new access road to the subject land and upgrade of the Nelson Bay Road and Latitude Drive intersection, has been carried out as part of the current development consent. Consultation with service providers will be undertaken should the Planning Proposal receive a Gateway determination to proceed.

Contamination

Previous assessment of contamination in the vicinity undertaken as part of the development application process for the existing consent indicates that there is potential for contamination due to historic sand mining activities. Further assessment of the potential for contamination will be undertaken should the Planning Proposal receive a Gateway determination to proceed.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Provide land use plans, tools and advice that sustainably support the community.

FINANCIAL/RESOURCE IMPLICATIONS

There are no foreseen financial or resource implications for Council as a consequence of the recommendation of this report.

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Stage 1 fees of \$11,200 (incl. GST)
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no foreseen legal, policy or risk implications for Council as a result of the recommendation of this report.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the DPIE will refuse the Planning Proposal at Gateway.	Low	Adopt the recommendations of this Report.	Yes
There is a risk that the Planning Proposal will result in outcomes inconsistent with the Port Stephens Planning Strategy 2011 (PSPS) because the Planning Proposal is not identified for development in the PSPS and it is inconsistent with some of the principles and directions in the PSPS.	Medium	Assess the Planning Proposal in accordance with the guidance issued by DPIE for planning proposals that may not be consistent with State or local strategic plans and policies. See assessment of strategic and site specific merit assessment below and the Strategic Planning Assessment Report for the Planning Proposal (ATTACHMENT 2).	Yes

Environmental Planning and Assessment Act 1979

The Planning Proposal is being processed in accordance with Part 3 of the EP&A Act. Should Council resolve to adopt the Planning Proposal, it will be forwarded to DPIE for a Gateway determination, including a request for authority to make the plan.

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019Hunter Regional Plan 2036 (2016)

The Hunter Regional Plan (HRP) sets priorities and provides direction for regional planning decisions. It focuses on new housing and jobs, and targets growth in strategic centres and renewal corridors close to transport to deliver social and economic benefits.

The HRP is applicable to the area, but the subject site is not located in an identified or emerging growth area identified in the HRP. The land is not located in a centre and some external services such as shops for day-to-day needs are a short drive away in nearby Anna Bay, Salamander Bay, and Nelson Bay.

However, the Planning Proposal is generally consistent with the visions and goals of the HRP. The proposal will make efficient use of the land, as it provides housing choice (including for seniors) with easy access to a range of community facilities and services within a lifestyle village setting.

Anna Bay Strategy and Town Plan (2008)

The Anna Bay Strategy and Town Plan guides the management of future population growth and the building of neighbourhoods in Anna Bay. It establishes a context and policy direction for future rezoning requests and development controls in the Anna Bay area. It also integrates the location, timing and funding for community facilities and infrastructure.

The subject land is not located within the Anna Bay town centre and therefore many of the key strategic directions outlined in the strategy are not relevant. The Planning Proposal is considered to support the vision established in the Strategy for Anna Bay as a small and vibrant town with a mix of retail and office space for local and visitor patronage. The proposed development will provide for additional residents within proximity of Anna Bay, resulting in patronage to the commercial uses within the town centre.

Port Stephens Planning Strategy (2011)

The Port Stephens Planning Strategy 2011 (PSPS) provides a comprehensive planning strategy for the Port Stephens LGA and was developed to inform the adoption of the PSLEP 2013. The Strategy identifies that medium density housing areas should be located where residents have good access to services and not in isolated locations to avoid the creation of social disadvantage.

The subject land is centrally located within a short drive from the town centres of Anna Bay (3.2km), Nelson Bay (8km), and the retail centre of Salamander Bay (5.6km). The caravan park is required to provide a community bus service for residents under the existing development consent. This service offers regular trips to surrounding retail centres, connects with existing public bus services, and is likely to be able to service an expanded development footprint.

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019

In addition, and unlike typical residential developments, the existing caravan park provides high quality community facilities for residents. These include a club house (including hall, sports lounge, cinema, craft room, library, salon, indoor pool, spa, sauna, gym and café/hall), outdoor swimming pool, lawn bowls facility, croquet area, pocket parks, off leash dog exercise area, and walking areas. The Planning Proposal provides the opportunity for the sharing of these facilities and potentially new facilities within future development. Because of the quality and variety of the facilities, the distance of the site from town centres is unlikely to result in an outcome where residents are at social disadvantage or feel isolated.

The PSPS acknowledges that medium density housing should, where practicable, be located according to principles in the PSPS which guide the application of new residential zones. These principles include locating medium density housing within a five minute walk of a centre or a five minute walk of a bus stop with frequent services to major centre or within a ten minute walk of Raymond Terrace or another town centre. As mentioned in the above, the existing caravan park provides residents with a community bus service and in combination with existing public bus services, is likely to provide a reasonable level of service.

The Planning Proposal is inconsistent with some of the principles and directions in the PSPS relating to medium density housing, however given the availability of a wide range of community services and facilities in existing development in combination with the existing community bus service linking residents to surrounding town centres, the proposal is considered to respond adequately to the PSPS directions.

State Environmental Planning Policy No 21—Caravan Parks (SEPP 21)

SEPP 21 applies to caravan parks or camping grounds, this includes moveable dwellings (such as manufactured homes) where they are located in a caravan park. This SEPP may apply to future development applications on the subject site, depending on the potential amendments made to the PSLEP 2013.

SEPP 21 provides matters for consideration when development consent is granted for a caravan park, including a caravan park that includes manufactured homes. These matters include site suitability, location and character, and whether necessary community facilities and services are available.

The Planning Proposal is considered to be consistent with the aims and objectives of the SEPP relating to the provision of community facilities, the protection of the environment in the vicinity of the land, and the orderly and economic development of the land used for long term residents. The proposal is also likely to be generally consistent with the matters listed for consideration during the assessment of any future development application.

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019State Environmental Planning Policy No 36—Manufactured Home Estates (SEPP 36)

SEPP 36 provides for manufactured home estates to be carried out in zones where caravan parks are permissible and where the land is not otherwise excluded by the SEPP. Schedule 2 of SEPP 36 lists categories of excluded land, including land in Port Stephens that is not zoned for an urban use and not identified as suitable for urban development in a strategy endorsed by DPIE.

SEPP 36 does not currently apply to the site given the current zoning does not permit caravan parks, the current zone is not for urban purposes, and the site is not identified in an endorsed strategy as suitable for urban development.

Should the Planning Proposal receive a Gateway determination, it is proposed to consult with DPIE on the specific amendments to the PSLEP necessary to achieve the intended outcomes and the application of SEPP 36 to future development applications.

Port Stephens Local Environmental Plan 2013

The PSLEP 2013 zones the land RU2 Rural Landscape, which does not permit caravan parks. The current development on the site relies on the existing consent to operate and an extension of that use to the adjoining parcel would not be permissible under the current zoning.

Similarly the existing minimum lot size that applies to the land would not permit Lot 25 DP 852410 to be subdivided so as to excise the land fronting Nelson Bay Road.

There are a number of potential amendments that could be made to the PSLEP to facilitate the outcomes of the Planning Proposal. As outlined above, some mechanisms may relate to the application of State policies. Other potential amendments include site specific local provisions to permit and regulate additional uses.

DPIE provides guidance to councils that it is not necessary to identify the specifics of amendments to a local environmental plan prior to a Gateway determination if the objectives and outcomes have been identified.

Should the Planning Proposal receive a Gateway determination, it is proposed to consult with DPIE on the specific amendments to the PSLEP necessary to achieve the intended outcomes.

Assessment and Recommendation

As noted above, the subject site is not identified in State and local planning strategies for urban development. DPIE provides general guidance for assessing planning proposals that may not be consistent with State or local strategic plans and policies (Planning Proposals – a guide to preparing planning proposals, 2018) (DPIE Guide).

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019

The assessment requires consideration of both the strategic merit and site-specific merits of a proposal:

(a) Strategic merit

The DPIE Guide specifies that Planning Proposal is considered to have strategic merit if it gives effect to relevant State strategies and local strategies that have been endorsed by DPIE, or responds to a change in circumstances that have not been considered by existing strategic plans.

As outlined above, the Planning Proposal is not consistent with State or local planning strategies, however it is considered to demonstrate strategic merit as it responds to a change in circumstances that has not been recognised by existing strategic plans.

The existing approved development is currently underway and includes a substantial investment in new infrastructure such as roads, services, and community infrastructure. The Planning Proposal would facilitate efficient use of this investment, including the community facilities and services located within the existing approved development site.

While the Planning Proposal does not demonstrate consistency with the medium density housing principles in the PSPS, the existing approved development includes a wide range of community facilities and services for residents which typical medium residential developments do not provide. Therefore, the principles of the PSPS can be considered more relevant to medium density residential development housing types that are not operating under land lease arrangements with substantial on-site facilities and services for residents.

These facilities and services and the nature of the manufactured homes that have been installed under the existing approval can also be distinguished from the caravan parks with moveable dwellings that were more predominant at the time the PSPS 2011 was prepared. The HRP similarly does not identify or address the range of modern housing typologies under land lease arrangements that have become more prevalent in coastal areas such as Port Stephens.

Given these changes since the preparation of the PSPS in 2011, and the changes in the housing market that are not reflected in the HRP, the Planning Proposal is considered to have strategic merit as it will respond appropriately by ensuring the orderly and economic use and development of land, consistent with the objects of the EP&A Act.

(b) Site-specific merit of the Proposal

The DPIE Guide requires a Planning Proposal to be assessed having regard to site-specific criteria as follows.

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019**1. The natural environment**

The land is relatively clear from environmental constraints. Parts of Lot 25 DP 852410 are significantly degraded from previous use (sand mining) and current earthworks. The environmental values that remain on site can be protected and kept outside the proposed development footprint and these matters can be addressed at the development application stage. The Planning Proposal provides a balance between housing and conservation outcomes and is unlikely to result in significant adverse impacts on the natural environment.

2. The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal.

The existing uses of land in the vicinity of the site include a limited number of single dwellings, dual occupancies, rural land, a trotting track, a golf course with a driving range, and vegetated sites.

Land to the north of the subject site consists of vacant vegetated land zoned E2 Environmental Conservation pursuant to the PSLEP. All other land to the south, east and west is zoned RU2 Rural Landscape pursuant to the PSLEP.

Directly adjoining the site to the east and south is land used for rural residential purposes, consisting of dwellings, dual occupancies and associated outbuildings on large lots. To the west of the subject site (at the rear of the rural residential properties) is land which contains cleared and vegetated areas and areas used for rural industry.

There are no unacted-on consents for approved uses in the vicinity of the site and the likely future uses of the land in the vicinity are expected to remain as per the current uses given there are no current planning proposals for that land. The surrounding land is also not identified in a State or local strategy for future land use changes.

Proposed vegetation management areas on the southern and eastern boundaries of Lot 25 DP 852410 will also create a buffer between any future development on that lot and land in the vicinity of the proposal.

The Planning Proposal is not expected to have a negative effect on land in the vicinity of the proposal.

3. The services and infrastructure that are or will be available to meet demands from the proposal.

Existing public utility services, (road) infrastructure, and community facilities and services associated within the site of the existing approved use can be extended to service a proposed extension on to Lot 25 DP 852410 (subject to development consent).

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019

The site can provide a wide range of existing community facilities for future residents which are not available in typical medium residential developments. Demands for services and infrastructure from the proposal can therefore be met efficiently and to a high standard.

Given the Planning Proposal's ability to demonstrate both strategic merit and site-specific merits, it is considered appropriate for the Planning Proposal to proceed for a Gateway Determination.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social and Economic

The Planning Proposal is likely to deliver a range of social and economic benefits, including:

- Additional housing choices in the Anna Bay area and the Port Stephens LGA.
- Employment through construction and the long term employees within the lifestyle village.
- Increased retail and service industry patronage for nearby town centres.
- Efficient use of (private) community facilities and services provided at the existing approved caravan park.

Environmental

The land is partially cleared and Lot 25 DP 852410 is predominately vacant, comprising grassland and scattered vegetation towards the southern and eastern periphery. Sand extraction has previously occurred over part of the lot, resulting in a heavily disturbed area.

A Vegetation Management Plan (VMP) was prepared for Lot 25 DP 852410 which proposes vegetation management areas totalling approximately 3.6ha, adjacent to the southern and eastern boundaries of the lot.

CONSULTATIONInternal

Internal consultation was undertaken with the Natural Resources, Development Engineering, Traffic Engineering, Drainage & Flooding teams.

Further detailed investigations will be required should the Planning Proposal receive a Gateway Determination to proceed, including further ecological assessments.

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019External

External consultation was undertaken with the DPIE to discuss possible amendments to the PSLEP 2013 to implement the outcomes the Planning Proposal seeks to achieve. The Department supports the approach taken in the Planning Proposal to outline the objectives and outcomes of the proposed amendment in the PSLEP 2013 and for the matter to be determined in accordance with any Gateway determination.

Further consultation with community and State Government agencies will be undertaken in accordance with the Gateway determination.

OPTIONS

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

ATTACHMENTS

- 1) Locality Map. [↓](#)
- 2) Strategic Planning Assessment Report (SPAR). [↓](#)
- 3) Planning Proposal. (Provided under separate cover)

COUNCILLORS ROOM

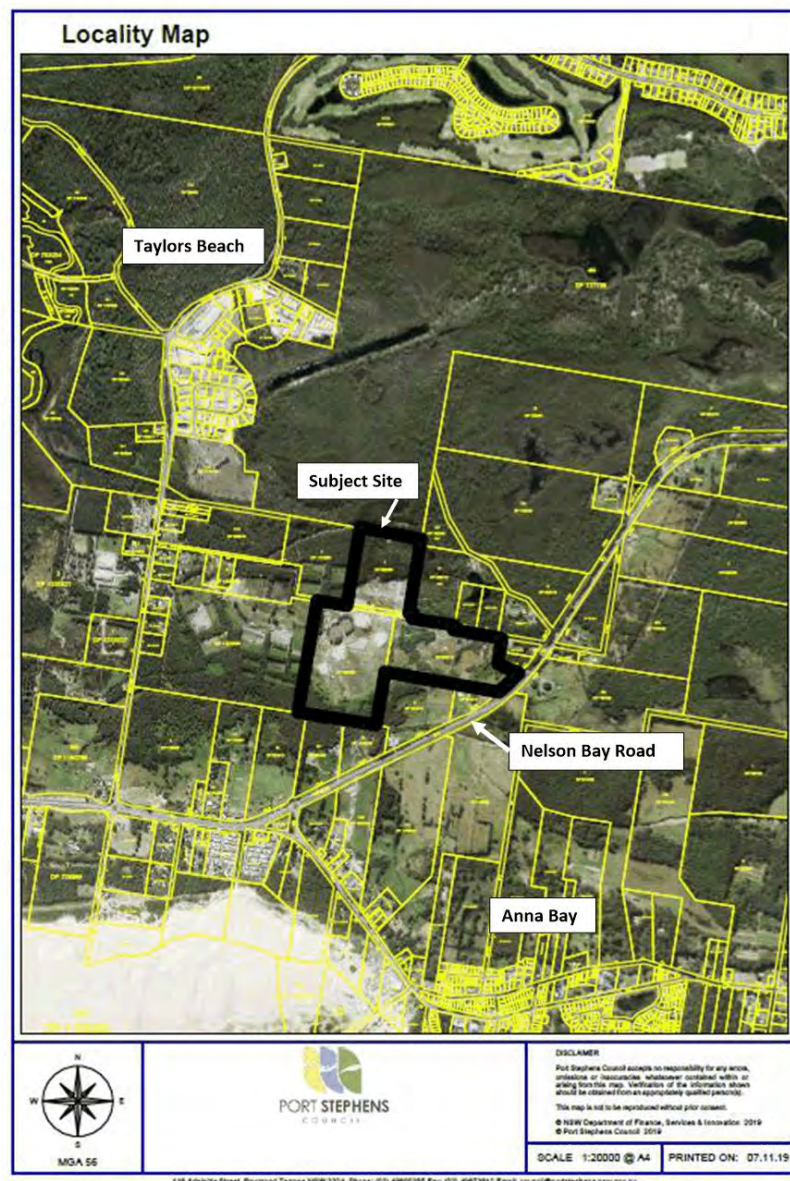
Note: All relevant technical studies referenced in this report can be inspected upon request.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019

ITEM 2 - ATTACHMENT 1 LOCALITY MAP.



ITEM NO. 2

**FILE NO: 22/28772
EDRMS NO: PSC2006-2170**

**ADDITION OF PAPER ROADS TO COLUMBEY AND MEDOWIE STATE
CONSERVATION AREAS**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Agree to that part of Road 1163 as shown by hatching on **(ATTACHMENT 1)** being closed by National Parks and Wildlife Service and incorporated into the Columbey State Conservation Area.
- 2) Agree to that part of Road 1509 as shown by hatching on **(ATTACHMENT 2)** being closed by National Parks and Wildlife Service and incorporated into the Medowie State Conservation Area.

BACKGROUND

The purpose of this report is to authorise National Parks and Wildlife Service (NPWS) to close 2 paper roads so that they can be added to the adjoining state conservation areas. A paper road is a legally identified but unformed road.

Road 1163 **(ATTACHMENT 1)** is located at Duns Creek and is proposed to be closed and added to the Columbey State Conservation Area (CSCA).

Council has been the roads authority for Road 1163 since 11 June 1958 when it was declared a public road and dedicated to the public. It remains an unformed paper road that does not provide practical access to any private or Council owned lands. All lands adjoining the road form part of the CSCA and are under the care and control of NPWS.

The CSCA covers 25 hectares of land and is known to contain a variety of threatened species including the Koala and Glossy Black-Cockatoo, as well as the endangered ecological community Lower Hunter Spotted Gum-Ironbark Forest in the Sydney Basin Bioregion (EEC). NPWS' investigations indicate the paper road contains continuous native vegetation comparable to the CSCA and adding the road to it will facilitate ongoing conservation through unified management arrangements, and will transfer all maintenance obligations and liabilities from Council to NPWS.

Road 1509 **(ATTACHMENT 2)** is located in Medowie and is proposed to be closed and added to the Medowie State Conservation Area (MSCA).

The whole of Road 1509 was transferred from Crown Lands to Council on 15 January 2016. Part of the road is formed and provides public access to the Bower Estate, Medowie (the estate). The subject part as shown in hatching on **(ATTACHMENT 2)** is unformed and not required for future road purposes. It is situated north of the estate and is surrounded to the east, north and west by lands under the care and control of NPWS.

NPWS has recently acquired the lot immediately adjoining the paper road to the east (Lot 2 DP 1224780) **(ATTACHMENT 2)** and adding the closed road to the MSCA will facilitate ongoing conservation through unified management arrangements, and will transfer all maintenance obligations and liabilities from Council to NPWS.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Environmental Sustainability	Reduce the community's environmental footprint.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications associated with the transaction.

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

NPWS' legislation enables it to extinguish roads by publication in the Government Gazette, without the need for a formal road closure to be undertaken.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that maintenance responsibilities and other liabilities will remain with Council in perpetuity.	Medium	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Addition of the paper roads to the surrounding state conservation areas will facilitate ongoing conservation efforts in both localities.

CONSULTATION

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

Internal

- Senior Development Engineer.
- Development Engineer.
- Civil Assets Manager.

External

- National Parks and Wildlife Service.

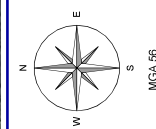
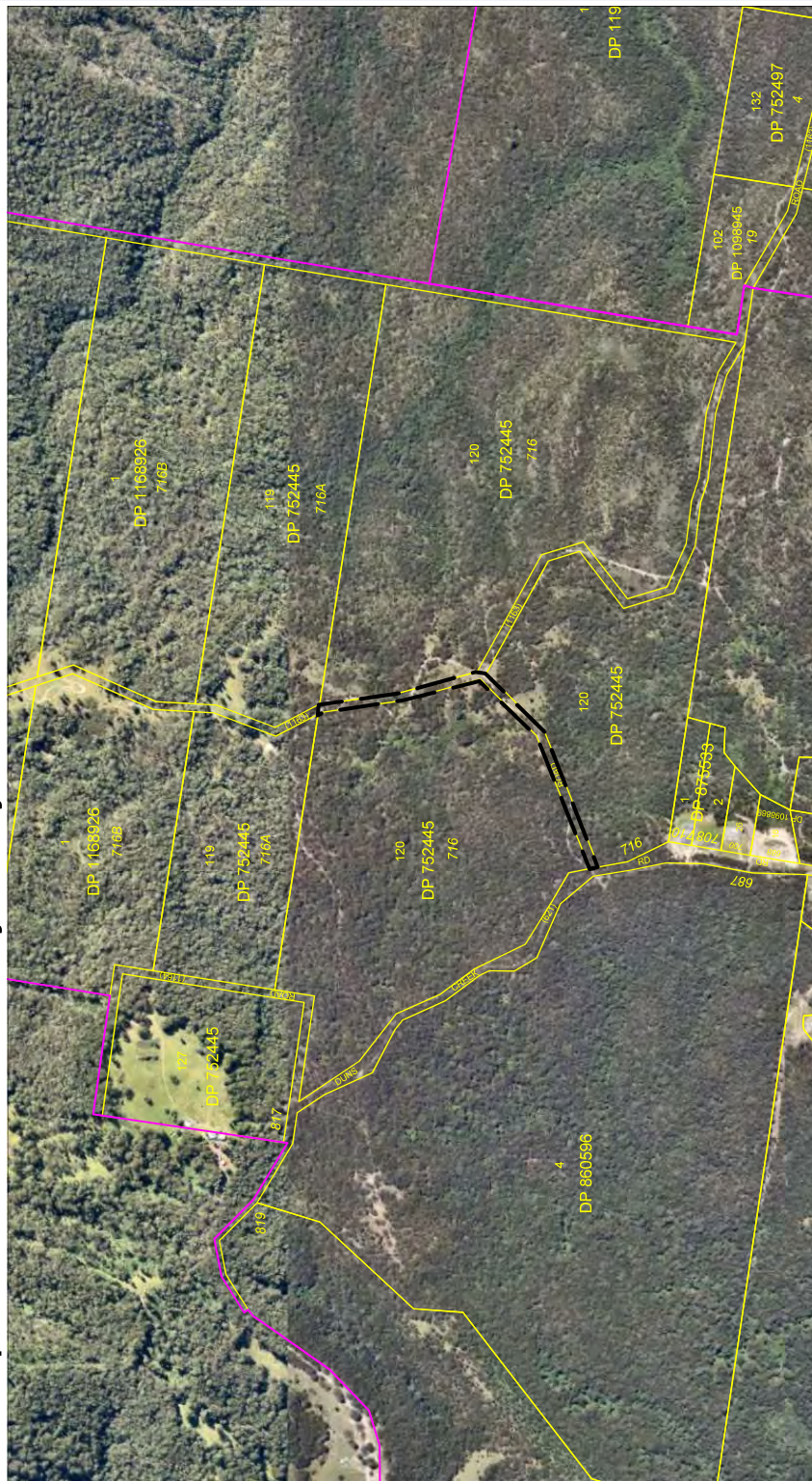
OPTIONS

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

ATTACHMENTS

- 1) Locality Plan - Road 1163. [↓](#)
- 2) Locality Plan - Road 1509. [↓](#)

Proposed Addition to Columbey SCA by NPWS - Unformed Council Road - Duns Creek



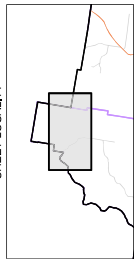
116 Adelaide Street, Raymond Terrace NSW 2324, Phone: (02) 49800255 fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

DISCLAIMER

Port Stephens Council accepts no responsibility for any errors, omissions or misstatements in this map. Verification of the information shown should be obtained from an appropriately qualified person(s).
This map is not to be reproduced without prior consent.
© NSW Spatial Services, 2022 © Neatmap 2022
© Port Stephens Council, 2022 © Aeromatrix Pty Ltd 2022

SCALE: 1:8200 @ A3 PRINTED ON: 31.01.22

SHEET LOCALITY





116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

ITEM NO. 3**FILE NO: 22/42690
EDRMS NO: PSC2011-02657****SIX MONTH PROGRESS REPORT: JULY TO DECEMBER 2021 AGAINST THE
PORT STEPHENS COUNCIL DELIVERY PROGRAM 2018-2022**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Six Month Progress Report for July to December 2021
(**ATTACHMENT 1**) on the progress of Port Stephens Council's Delivery
Program 2018 – 2022.

BACKGROUND

The purpose of this report is to provide Council and the community with an update of the progress of Council's Delivery Program 2018 - 2022.

This is the seventh progress report of the Delivery Program 2018 - 2022 which was originally adopted by Council in June 2018.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The Six Month Progress Report (**ATTACHMENT 1**) is generated from a combination of information and data from across Council's operations. There are no financial or resource implications in providing this report.

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

ORDINARY COUNCIL - 8 MARCH 2022

Source of Funds	Yes/No	Funding (\$)	Comment
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Essential Element 4.9 of the Integrated Planning and Reporting Guidelines for Local Government in NSW, September 2021 stipulates that: 'The General Manager must ensure that progress reports are provided to the Council, with respect to the principal activities detailed in the Delivery Program, at least every 6 months'.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council will not adopt the Six Month Progress Report July to December 2021 placing Council in breach of legislation leading to reputational loss.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Community Strategic Plan, Delivery Program and Operational Plans are founded on a basis of social, economic, environmental and governance through 4 focus areas Our Community, Our Place, Our Environment and Our Council. The report reflects these factors and provides a comprehensive progress report according to each focus area along with a scorecard of Council's key result measures.

Due to the timing of this report, some of the annual results for our key result measures such as service delivery, community satisfaction, governance, infrastructure backlog and underlying financial position have not been finalised and will be reported in the 2021-2022 Annual Report.

To date, Council has exceeded the targets set for employee engagement (83% against a target of 70%) and risk management (87% against a target of 80%). Due to the ongoing impacts of COVID-19 and a general economic downturn, despite financial austerity measures at the December 2021 Quarterly Budget Review, Council reported an underlying budget deficit of \$975,000. Similarly, our service delivery and asset backlog measure has been impacted, tracking at 92.8% against a target of 95%.

CONSULTATION

The Six Month Progress Report July to December 2021 has been compiled from information and data provided across Council's operations and reviewed by the Executive Team of Council.

Following Council consideration the report will be made available on Council's website and distributed across a number of communication channels.

OPTIONS

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

ATTACHMENTS

- 1) Six Month Progress Report for July to December 2021. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 4

**FILE NO: 22/22526
EDRMS NO: PSC2018-00057**

ORGANISATION STRUCTURE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the organisational structure as shown in **(ATTACHMENT 1)**.
- 2) Endorse the 4 senior staff positions in the structure consisting of the General Manager, Group Manager Corporate Services, Group Manager Development Services and Group Manager Facilities and Services.

BACKGROUND

The purpose of this report is to seek endorsement by Council of the organisational structure as shown at **(ATTACHMENT 1)**.

The current structure was initially adopted by Council on 28 August 2018, Minute No. 275 **(ATTACHMENT 2)** and has been modified at various times through the Service Review process. Current senior staff positions are the General Manager, Group Manager Corporate Services, Group Manager Development Services and Group Manager Facilities and Services.

Council delivers a diverse range of more than 300 services which have been grouped into 60 service packages. They are delivered under the following organisation structure:

- General Manager's Office responsible for provision of strategic leadership and governance.
- Corporate Services Group responsible for internal service provision.
- Development Services Group responsible for enabling balanced growth.
- Facilities and Services Group responsible for external service delivery.

Recently the Workforce Management Strategy was reviewed as part of the Community Strategic Planning process. During this review it was determined by the Executive Team that the structure continues to be appropriate to deliver on the service needs of the community into the foreseeable future.

Port Stephens Council operates a rolling program of Service Reviews across all services which ensures that changes required to the structure are implemented in a timely way and presented to Council when required.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Governance	Develop and encourage the capabilities and aspirations of a contemporary workforce.

FINANCIAL/RESOURCE IMPLICATIONS

The Service Review program ensures that savings are identified through efficiencies in service delivery and these savings are returned to the organisation and reinvested in improved service delivery.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Funds have been allocated in the 2021-2022 budget to fund salaries under the organisation structure.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Under Section 332 of the Local Government Act 1993, Council is required to determine an organisation structure and to identify positions within the structure that are deemed to be senior staff. A senior staff position is one where:

- The total remuneration package is to be at least equal to or greater than that (within the meaning of Part 3B of the Statutory and Other Offices Remuneration Act 1975) payable with respect to senior executives whose positions are graded Band 1 under the Government Sector Employment Act 2013.
- Senior staff are to be employed under performance based fixed-term contracts not less than 12 months and not exceeding 5 years. These are standard contracts determined by the Office of Local Government.
- Council is required to publish the total package value of senior staff's employment contracts in the annual report.
- Note: On 15 October 2021, Local Government NSW Board supported a proposal to remove references to senior staff from the Local Government Act (the Act) so that all executive level employees (excluding General Managers) are to be covered by the Local Government (State) Award or a Council's applicable

ORDINARY COUNCIL - 8 MARCH 2022

Enterprise Agreement. The Office of Local Government and industry unions are yet to identify the necessary amendments to the Act, determine transitional timeframes and arrangements and develop relevant guidelines and Award advice. It is expected that further consultation and advice will become available during 2022.

Section 333 of the Act, provides that the structure (at the senior staff level) may be re-determined by the Council from time to time. It must be reviewed and may be re-determined within 12 months after any ordinary election of the Council.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
That the Organisation structure is unsuitable to support Council's strategic direction.	Low	Workforce Management Plan. Rolling program of Service Reviews. Australian Business Excellence Framework. Accept the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The organisation structure assists Council to ensure it is delivering valued services to its community and supports the Delivery Program in the Community Strategic Plan.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Organisation Support Section through the Integrated Planning and Reporting process to ensure the Workforce Plan and the resulting structure is appropriate to deliver objectives of the current Community Strategic Plan.

Internal

- Executive Team.
- Section Managers.
- Staff.
- Consultative Committee.

External

- Community.
- Relevant Unions.

OPTIONS

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

ATTACHMENTS

- 1) Port Stephens Council Organisation Structure 2022. [↓](#)
- 2) Port Stephens Council Organisation Structure - adopted. 28 August 2018. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 4 - ATTACHMENT 1
STRUCTURE 2022.

PORT STEPHENS COUNCIL ORGANISATION

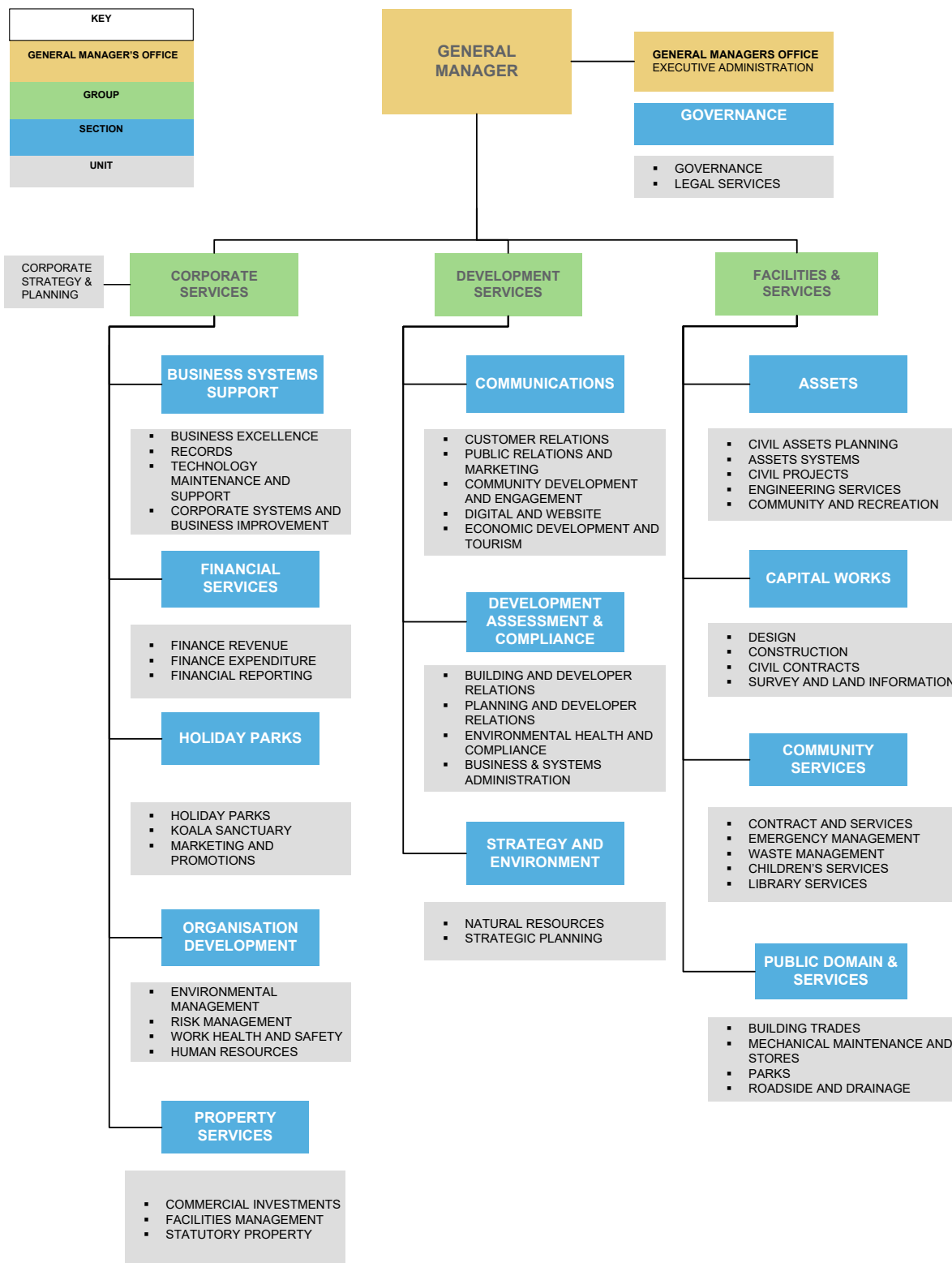


Organisation Structure 5

ITEM 4 - ATTACHMENT 2 PORT STEPHENS COUNCIL ORGANISATION STRUCTURE - ADOPTED. 28 AUGUST 2018.



Port Stephens Council Organisation Structure



ITEM NO. 5**FILE NO: 22/52237
EDRMS NO: PSC2017-00178****REQUEST FOR FINANCIAL ASSISTANCE****REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE**

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Ward funds to the following:-
 - a. 1st Tilligerry Scout Group – Cr Steve Tucker – Rapid Response - \$206 donation towards reimbursement of fire safety inspection fee.

BACKGROUND

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

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

- 1) Mayoral Funds
- 2) Rapid Response
- 3) Community 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:

WARD FUNDS

1 st Tilligerry Scout Group	Scouts prepare young people with skills for life by taking in part in various activities.	\$206	Donation towards reimbursement of annual fire safety inspection fee.
--	---	-------	--

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		
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: 22/55773
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 8 March 2022.

No:	Report Title	Page:
1	Designated Persons' Return	82
2	Council Resolutions	83

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 22/39342
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:

- Development Planner (PSC768)

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Designated Persons' Return.

ITEM NO. 2

**FILE NO: 22/55669
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 Resolution Report. [↓](#)
- 2) Development Services Group Resolutions Report. [↓](#)
- 3) Facilities and Services Resolution Report. [↓](#)
- 4) General Manager's Office Resolutions Report. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 2 - ATTACHMENT 1 CORPORATE SERVICES RESOLUTION REPORT.



Action Sheets Report	Division:	Corporate Services	Date From:	26/09/2017
	Committee:		Date To:	22/02/2022
	Officer:		Printed:	Monday, 28 February 2022

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/05/2021	Crosdale, Timothy	Car parking in Shoal Bay	30/06/2022	12/05/2021	
1		Crosdale, Timothy				21/123694
25 Feb 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	Ordinary Council 27/08/2013	Crosdale, Timothy	Campvale Drain	30/12/2022		
243		Crosdale, Timothy				
25 Feb 2022						
Hunter Water Corporation, National Parks and Wildlife Service (NPWS) and two private owners involved. Matter ongoing.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/09/2020	Crosdale, Timothy	Newline Road, Raymond Terrace	30/04/2022		
2		Crosdale, Timothy				20/288489
199						
25 Feb 2022						
Approved. Contracts prepared. Finalising survey levels in contract.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/04/2021	Crosdale, Timothy	PROPOSED CLOSURE AND SALE OF PATHWAY IN BOAT HARBOUR	30/04/2022	14/04/2021	
2		Crosdale, Timothy				21/96728
090						
25 Feb 2022						
Matter progressing.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Crosdale, Timothy	Proposed sale of Council owned land - 44B Squire Street, Fingal Bay	8/03/2022	25/02/2022	
1		Crosdale, Timothy				22/57049
063						
25 Feb 2022						
Subject to Notice of Rescission on 8 March 2022.						

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



Action Sheets Report	Division:	Development Services	Date From:	13/07/2021
	Committee:		Date To:	22/02/2022
	Officer:		Printed:	Monday, 28 February 2022

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Drinan, Kate	Caravan Park Communities	26/04/2022	14/02/2022	
1 026		Peart, Steven				22/45826
24 Feb 2022						
A report is being drafted to be put to Council on 26 April 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Lourens, Rean	FLYING-FOX ISSUES AT ROSS WALLBRIDGE RESERVE	15/04/2022	14/02/2022	
7 032		Peart, Steven				22/45826
24 Feb 2022						
Action underway, currently undertaking population number monitoring and surveys; and has commenced consulting with external stakeholders including wildlife care groups.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Lourens, Rean	AIR QUALITY MONITORING AT EXTRACTIVE INDUSTRIAL OPERATIONS	15/04/2022	14/02/2022	
11		Peart, Steven				22/45826
24 Feb 2022						
Action underway, consultation with stakeholders commenced.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Drinan, Kate	Illegal Dumping	24/05/2022	14/02/2022	
10 035		Peart, Steven				22/45826
25 Feb 2022						
A report is being drafted to be put to Council in May 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/10/2021	Connell, Sarah	Karuah Place Plan	31/03/2022	28/10/2021	
3 285		Peart, Steven				21/286560
24 Feb 2022						
To be considered at Council meeting of 22 March 2022. This report will include submissions from Public Exhibition.						

ITEM 2 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP
RESOLUTIONS REPORT.Action Sheets
Report

Division: Development Services
Committee:
Officer:

Date From: 13/07/2021
Date To: 22/02/2022

Printed: Monday, 28 February 2022

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Drinan, Kate	Publication of Development Application Submissions	30/04/2022		
4		Peart, Steven				21/190429
28 Feb 2022						
Awaiting legal advice.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/07/2021	Drinan, Kate	Publication of Development Application Information	30/04/2022		
3		Peart, Steven				21/190429
178						
28 Feb 2022						
Awaiting legal advice.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/09/2021	Connell, Sarah	Port Stephens Waterway Strategy	31/03/2022	15/09/2021	
1		Peart, Steven				21/252518
240						
24 Feb 2022						
Project has been reallocated to Strategic Planning. The project scope is being researched.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/10/2021	Lourens, Rean	Carbon Neutrality	31/03/2023	13/10/2021	
2		Peart, Steven				21/274186
275						
24 Feb 2022						
Action underway, consultation commenced with internal stakeholders associated with carbon emissions to obtain baseline data. Consultants have been engaged for preparation of a baseline report and baseline data has been supplied for reporting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Lamont, Brock	Policy Review: Rezoning Request Policy	12/5/2022	25/02/2022	
4		Peart, Steven				22/57049
051						
28 Feb 2022						
Policy placed on public exhibition for 28 days.						

ITEM 2 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP RESOLUTIONS REPORT.



Action Sheets Report	Division:	Development Services	Date From:	13/07/2021
	Committee:		Date To:	22/02/2022
	Officer:		Printed: Monday, 28 February 2022	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Drinan, Kate	Minor DA Modification Reporting	24/05/2022	25/02/2022	
7 060		Peart, Steven				22/57049
28 Feb 2022						
Policy will be updated and exhibited. Should submissions be received, the policy will be returned to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Peart, Steven	Williamtown CRG	8/03/2022	25/02/2022	
5 057		Peart, Steven				22/57049
28 Feb 2022						
A letter will be drafted to various organisations regarding the reinstatement of the Williamtown CRG.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Gardner, Janelle	Newspaper Notices	8/03/2022	25/02/2022	
2 055		Peart, Steven				22/57049
28 Feb 2022						
A number of options are being considered and will be reported back to Council in April 2022.						

ITEM 2 - ATTACHMENT 3 FACILITIES AND SERVICES RESOLUTION REPORT.

Action Sheets
Report

Division: Facilities & Services
Committee:
Officer:

Date From: 27/11/2020
Date To: 22/02/2022

Printed: Monday, 28 February 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
24 Feb 2022						
Report with requested information shall be provided to Council.						

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

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Ford Avenue, Medowie, Sturgeon Street, Raymond Terrace, Nelson Bay Road and Gan Gan Road	29/03/2022	14/02/2022	
3 028		Kable, Gregory				22/45826
24 Feb 2022						
As requested an update will be provided to Councillors via PS News.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	POLICY REVIEW - ASSET MANAGEMENT POLICY	30/04/2022	14/02/2022	
5		Kable, Gregory				22/45826
24 Feb 2022						
The Asset Management Policy has been placed on Public Exhibition until the 10 March 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
24 Feb 2022						
Item will be added to Works Program Plus, advocacy documentation and staff will seek to identify suitable grant funding for the options analysis.						

ITEM 2 - ATTACHMENT 3 FACILITIES AND SERVICES RESOLUTION REPORT.

Action Sheets
Report

Division: Facilities & Services
Committee:
Officer:

Date From: 27/11/2020
Date To: 22/02/2022

Printed: Monday, 28 February 2022

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
24 Feb 2022						
A report will be prepared once the extension of the trial period has been completed.						

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
24 Feb 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.						

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
24 Feb 2022						
Report will be provided to Council.						

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
24 Feb 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	Gutsche, Tammy	Independent Audit of Financial Positions of 355c Hall Committees	22/06/2022	14/02/2022	
16 041		Kable, Gregory				22/45826
25 Feb 2022						
Report is currently in progress.						

ITEM 2 - ATTACHMENT 3 FACILITIES AND SERVICES RESOLUTION REPORT.



Action Sheets Report	Division:	Facilities & Services	Date From:	27/11/2020
	Committee:		Date To:	22/02/2022
	Officer:		Printed:	Monday, 28 February 2022

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Iris Moore Reserve	29/03/2022	14/02/2022	
12 036		Kable, Gregory				22/45826
24 Feb 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	Maretich, John	Foreshore Reserves and Parking on Council Land	26/07/2022	14/02/2022	
5 030		Kable, Gregory				22/45826
24 Feb 2022						
Report shall be provided to Council.						

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
25 Feb 2022						
Report is currently in progress.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Boomerang Park BBQs	28/06/2022	14/02/2022	
9 034		Kable, Gregory				22/45826
24 Feb 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 25/05/2021	Maretich, John	Anna Bay Drainage Union	1/06/2022	26/05/2021	
2 126		Kable, Gregory				21/138820
24 Feb 2022						
The State Government agency responsible for Anna Bay Drainage Union shall be consulted with.						

ITEM 2 - ATTACHMENT 3 FACILITIES AND SERVICES RESOLUTION REPORT.



Action Sheets Report	Division:	Facilities & Services	Date From:	27/11/2020
	Committee:		Date To:	22/02/2022
	Officer:		Printed:	Monday, 28 February 2022

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
24 Feb 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 8/06/2021	Burton , Paul	Sand Movement from Shoal Bay to Fly Point	31/12/2022	9/06/2021	
2 143		Kable, Gregory				21/156213
24 Feb 2022						
Council shall apply for grants in accordance with associated criteria.						

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
24 Feb 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 8/12/2020	Stewart, Adam	Fly Point and Little Beach Parking/SMART Parking	31/05/2022		
3		Kable, Gregory				20/391301
24 Feb 2022						
A Two-Way Briefing has been scheduled for 26 April 2022.						

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
24 Feb 2022						
Discussions have commenced with Telstra.						

ITEM 2 - ATTACHMENT 3 FACILITIES AND SERVICES RESOLUTION REPORT.

Action Sheets
Report

Division: Facilities & Services
Committee:
Officer:

Date From: 27/11/2020
Date To: 22/02/2022

Printed: Monday, 28 February 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
24 Feb 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 10/08/2021	Burton , Paul	Raymond Terrace Seven Day Makeover	31/12/2022		
17 228		Kable, Gregory				21/218740
24 Feb 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 12/10/2021	Burton , Paul	Shade Sail at Robinson Reserve, Anna Bay	30/06/2022	13/10/2021	
7 269		Kable, Gregory				21/274186
24 Feb 2022						
Item will be added to Works Program Plus and staff will seek to identify suitable grant funding for the project.						

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	31/03/2022	13/10/2021	
8 270		Kable, Gregory				21/274186
25 Feb 2022						
Paperwork currently being prepared for the Mayor and General Manager for the official seal.						

ITEM 2 - ATTACHMENT 3 FACILITIES AND SERVICES RESOLUTION REPORT.



Action Sheets Report	Division:	Facilities & Services	Date From:	27/11/2020
	Committee:		Date To:	22/02/2022
	Officer:		Printed:	Monday, 28 February 2022

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
24 Feb 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 post box, 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 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
24 Feb 2022						
Council staff will commence transfer of land parcel to the road reserve.						

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
24 Feb 2022						
Council to enter agreement with the Community Association DP 270468 in accordance with the confidential terms as per Council report.						

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
24 Feb 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.						

**ITEM 2 - ATTACHMENT 3 FACILITIES AND SERVICES RESOLUTION
REPORT.**

Action Sheets Report	Division:	Facilities & Services	Date From:	27/11/2020
	Committee:		Date To:	22/02/2022
	Officer:		Printed:	Monday, 28 February 2022

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Maretich, John	Port Stephens Disaster Recovery 2021	31/03/2022	25/02/2022	
2 046		Kable, Gregory				22/57049
28 Feb 2022 Staff to prepare letters requesting urgent action on funding the disaster recovery works across Port Stephens.						

ITEM 2 - ATTACHMENT 4 GENERAL MANAGER'S OFFICE RESOLUTIONS REPORT.

Action Sheets
Report

Division: General Manager's Office
Committee:
Officer:

Date From: 10/08/2021
Date To: 22/02/2022

Printed: Monday, 28 February 2022

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Wickham, Tony	Public Access	26/04/2022	13/08/2021	
23 230		Wallis, Wayne				21/218740
25 Feb 2022						
Council staff will commence review of the Public Access process as resolved by Council.						

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
25 Feb 2022						
The trial to commence from 8 March 2022 and conclude 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
25 Feb 2022						
Council staff will commence surveying all candidates from the local government election held in Port Stephens and compile a report to Council.						

NOTICES OF MOTION

NOTICE OF MOTION**ITEM NO. 1****FILE NO: 22/57337
EDRMS NO: PSC2021-04195****CONFLICTS OF INTEREST****COUNCILLOR: GIACOMO ARNOTT**

THAT COUNCIL:

- 1) Agrees to amend the Code of Meeting Practice at 16.1 as follows:
 - a. After the existing paragraph, add in the following: "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".
 - 2) Agrees to place the amended policy on public exhibition for 28 days. If no submissions are received, the amendment will be made. If any submissions are received, the policy is to come back to Council for a decision.
-

**BACKGROUND REPORT OF: TONY WICKHAM – GOVERNANCE SECTION
MANAGER****BACKGROUND**

The Code of Conduct and the Code of Meeting Practice both require Council officials to declare any conflict of interests.

Conflict of interests are generally declared at the beginning of each Council meeting and at any time during a meeting, where required. All conflict of interest declarations are recorded in the Council minutes.

There is no requirement to include the declaration form in the Council minutes.

It is anticipated the review of the new Model Code of Meeting Practice will be tabled with Council in April 2022.

An amendment of the Code of Meeting Practice is required to be placed on public exhibition for a period of 28 days and allow 42 days for submissions to be received.

FINANCIAL/RESOURCE IMPLICATIONS

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

ORDINARY COUNCIL - 8 MARCH 2022

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

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 2

**FILE NO: 22/57352
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 - 8 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		

ATTACHMENTS

- 1) Ordinary Council Meeting - 25 August 2020 (Minute 156). [↓](#)

MINUTES ORDINARY COUNCIL - 25 AUGUST 2020**ITEM NO. 4****FILE NO: 20/234295
EDRMS NO: PSC2019-05146****AMENDMENT TO THE PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014
- CHAPTER B1 TREE MANAGEMENT**

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submissions received during the exhibition period **(ATTACHMENT 3)**.
 - 2) Approve the Port Stephens Development Control Plan 2014 (Amendment No. 13) **(ATTACHMENT 1)**.
 - 3) Provide public notice that the amendment to the Port Stephens Development Control Plan 2014 has been approved in accordance with the Environmental Planning and Assessment Regulation 2000.
-

**ORDINARY COUNCIL MEETING - 25 AUGUST 2020
MOTION**

156	Councillor John Nell Councillor Glen Dunkley It was resolved that Council: <ol style="list-style-type: none">1) Receive and note the submissions received during the exhibition period (ATTACHMENT 3).2) Approve the Port Stephens Development Control Plan 2014 (Amendment No. 13) (ATTACHMENT 1).3) Provide public notice that the amendment to the Port Stephens Development Control Plan 2014 has been approved in accordance with the Environmental Planning and Assessment Regulation 2000.
------------	--

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

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Glen Dunkley, Ken Jordan, John Nell and Sarah Smith.

Those against the Motion: Nil.

The motion was carried.

MINUTES ORDINARY COUNCIL - 25 AUGUST 2020**BACKGROUND**

The purpose of this report is to report on the outcomes of the public exhibition and to seek Council approval for the Port Stephens Development Control Plan 2014 (DCP 2014) (Amendment No. 13) (the Amendment) (**ATTACHMENT 1**), which will align the DCP 2014 with State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP).

The Vegetation SEPP provides that approval 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.

The Amendment will ensure consistency with the Vegetation SEPP and educational resources have been prepared to assist landowners to identify when removal of vegetation can occur without Council approval.

The Amendment will give effect to the Council resolution on 10 March 2020, Minute Number 055 (**ATTACHMENT 2**) by amending the DCP 2014 to specify that approval to remove vegetation and trees is not required where there is a risk to human life or property.

The Amendment also includes changes to chapters E1 and E3 of the DCP 2014 to clarify references included in chapter B1 of the DCP 2014 (**ATTACHMENT 1**).

The Amendment was publically exhibited for a period of 28 days from 25 June 2020 to 27 July 2020. During public exhibition, 22 submissions were received. The submissions are summarised and addressed in (**ATTACHMENT 3**).

Minor changes to the Amendment have been made following consultation to update references to State agencies. The Amendment will also be supported by educational materials on Council's website. As noted in (**ATTACHMENT 3**) some amendments to the materials will be made in response to matters raised in submissions.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Enhance public safety, health and liveability through use of Council's regulatory controls and services.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications for Council as a consequence of the proposed recommendations.

MINUTES ORDINARY COUNCIL - 25 AUGUST 2020

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 known legal, policy or risk implications resulting from the proposed recommendations.

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

Division 3.6 of the EP&A Act relates to development control plans. Should Council resolve to approve the Amendment, all necessary matters in making the amendment to the plan will be carried out in accordance with the EP&A Act.

Environmental Planning & Assessment Regulations 2000 (EP&A Regulations)

Division 2 of Part 3 of the EP&A Regulations specifies the requirements for public participation. The public exhibition of the Amendment has satisfied these requirements.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)

Clause 9 of the Vegetation SEPP enables a development control plan to declare the kinds of vegetation in non-rural areas which require a council permit to be cleared.

The Vegetation SEPP specifies the type and thresholds of vegetation which do not require approval for clearing.

Clause 8(3) of the Vegetation SEPP provides that approval is not required for the removal of vegetation that the council is satisfied is:

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

The Amendment will give effect to the provisions of the SEPP and will clarify tree removal requirements and exemptions for the community.

MINUTES ORDINARY COUNCIL - 25 AUGUST 2020Port Stephens Development Control Plan 2014 (DCP 2014)

Chapter B1 of the DCP 2014 declares the kinds of vegetation and trees in non-rural areas that may be cleared with approval and when removal is exempt from approval.

Currently, tree removal that is exempt from requiring approval includes where urgent removal is necessary on account of immediate failure. The Amendment will align the DCP 2014 with the Vegetation SEPP by enabling removal where a tree is dead or dying and is not required as the habitat of native animals, or where there is a risk to human life or property.

The Amendment includes notification requirements where removal is proposed for a tree that is dead or dying and is not required as the habitat of native animals, or where there is a risk to human life or property. Notice is required to be provided to Council 10 days prior to the removal of the tree.

Other amendments are proposed to ensure consistency with the Vegetation SEPP and other relevant legislation.

Port Stephens Local Strategic Planning Statement

The Port Stephens Local Strategic Planning Statement (LSPS) was adopted by Council on 14 July 2020. The Amendment is consistent with Action 7.1 in the LSPS which requires Council to review and update the tree management framework.

Environment Policy

Clause 5.4 of the Environment Policy (the policy) requires Council to meet all its statutory responsibilities under environmental legislation. The Amendment is consistent with the policy as it will align the DCP 2014 with relevant environmental legislation, specifically the Vegetation SEPP.

Port Stephens Comprehensive Koala Plan of Management

Chapter B1 of the DCP 2014 specifies the categories of tree removal that are exempt from approval or require a permit. The Port Stephens Comprehensive Koala Plan of Management applies to the assessment of tree removal and other development that requires development consent. Therefore the Amendment has no impact on the operation of the Port Stephens Comprehensive Koala Plan of Management.

MINUTES ORDINARY COUNCIL - 25 AUGUST 2020

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
If the Amendment is not made, there is a risk that Council's tree management framework is inconsistent with State legislation.	Medium	Adopt the recommendations.	Yes
There is a risk that the Amendment results in increased compliance actions for Council.	Low	Adopt the recommendations. Educational materials have been prepared to clarify tree removal requirements and exemptions for the community. The existing provisions of the DCP 2014 note that a landowner bears the onus of proof when undertaking tree removal without a permit.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Amendment will align Council's tree management framework with State environmental legislation by specifying that approval is not required for the removal of trees or vegetation that Council is satisfied is:

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

This will be through the Port Stephens Council Exempt Tree Removal Self Certification Form which is required to be provided to Council 10 days prior to the removal of the tree.

There are no changes proposed to the categories of trees and vegetation that can currently be removed without approval under the DCP 2014, Vegetation SEPP or other legislation.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategy and Environment section to identify and consider any issues post exhibition.

MINUTES ORDINARY COUNCIL - 25 AUGUST 2020Internal

Internal consultation has been undertaken with the Facilities and Services Group, Development Assessment and Compliance section, and the Natural Resources unit on the proposal. All stakeholders support the Amendment as it will align the tree management framework with State legislation. The consultation has informed the preparation of the Amendment and the development of additional processes for the tree removal notification requirements outlined in the Amendment.

The Natural Resources unit prepared the educational materials to support the Amendment.

External

The Amendment was placed on public exhibition for 28 days from 25 June 2020 to 27 July 2020. In response to the exhibition of the Amendment, 22 submissions were received. A summary and response to the submissions can be found in **(ATTACHMENT 3)**.

OPTIONS

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

ATTACHMENTS

- 1) Development Control Plan Amendment. [↓](#)
- 2) Minute No.055, 10 March 2020. [↓](#)
- 3) Submissions Summary. [↓](#)

COUNCILLORS ROOM

- 1) Copy of unredacted submissions.
- 2) Vegetation SEPP and Educational Resources.

TABLED DOCUMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 3

**FILE NO: 22/57378
EDRMS NO: PSC2021-04195**

COUNCIL AGENDAS

COUNCILLOR: LEAH ANDERSON

THAT COUNCIL:

- 1) Notes the release of the Model Code of Meeting Practice by the Office of Local Government
- 2) As part of the review of the Model Code of Meeting Practice, the following be included for consideration by Council:
 - a. Provide Council business papers to the Mayor and Councillors by close of business on the first Friday after the previous Council meeting.
 - b. Publish Council business papers to the website for public view by 10am the first Monday after the previous Council meeting.

**BACKGROUND REPORT OF: TONY WICKHAM – GOVERNANCE SECTION
MANAGER**

BACKGROUND

Clause 3.7 of the Code of Meeting Practice requires the business paper to be provided to the Mayor and Councillors at least 3 days before each Council meeting. This clause reflects section 376(1) of the Local Government Act 1993. The agenda is currently provided 4 business days prior to a Council meeting.

Should Council wish to amend clause 3.7, clause 3.10 would also require amendment. Clause 3.10 relates to the lodgement of a notice of motion. The Code of Meeting Practice requires a notice of motion to be lodged 10 business days before the meeting is to be held. This would need to be extended to 15 business days before the meeting.

The Office of Local Government has released a new Model Code of Meeting Practice. It is anticipated the review of the new Model Code of Meeting Practice will be tabled at Council in April 2022.

Any amendment of the Code of Meeting Practice is required to be placed on public exhibition for 28 days and allow 42 days for submissions to be received.

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

Nil.

NOTICE OF MOTION

ITEM NO. 4

**FILE NO: 22/57412
EDRMS NO: PSC2021-04195**

OPERATIONAL LAND

COUNCILLOR: PETER KAHER

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.
-

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

BACKGROUND

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.

ORDINARY COUNCIL - 8 MARCH 2022

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		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

ATTACHMENTS

Nil.

NOTICE OF MOTION**ITEM NO. 5****FILE NO: 22/57422
EDRMS NO: PSC2021-04195****LAKESIDE LEISURE CENTRE****COUNCILLOR: PETER KAHER**

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).

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

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		

ORDINARY COUNCIL - 8 MARCH 2022

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

ATTACHMENTS

Nil.

RESCISSION MOTIONS

NOTICE OF RESCISSION

ITEM NO. 1

**FILE NO: 22/57618
EDRMS NO: PSC2017-00020**

**MAYORAL MINUTE - URGENT COMMUNITY WORKS PROGRAM - SALE OF
LAND, LOT 95 DP26610, 109 FORESHORE DRIVE, SALAMANDER BAY**

COUNCILLORS: GIACOMO ARNOTT
PETER FRANCIS
PETER KAHER
JASON WELLS
LEAH ANDERSON

THAT COUNCIL:

Rescind its decision of 22 February 2022 on Item No. 1 – Mayoral Minute – Urgent Community Works Program – Sale of Land, Lot 95 DP26610, 109 Foreshore Drive, Salamander Bay (Minute No. 045).

ATTACHMENTS

- 1) Mayoral Minute - Urgent Community Works Program - Sale of Land, Lot 95 DP26610, 109 Foreshore Drive, Salamander Bay - Minute No. 045, 22 February 2022. [↓](#)

ITEM 1 - ATTACHMENT 1 MAYORAL MINUTE - URGENT COMMUNITY WORKS PROGRAM - SALE OF LAND, LOT 95 DP26610, 109 FORESHORE DRIVE, SALAMANDER BAY - MINUTE NO. 045, 22 FEBRUARY 2022.

MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022

MAYORAL MINUTE

ITEM NO. 1

**FILE NO: 22/55231
EDRMS NO: PSC2015-01024**

URGENT COMMUNITY WORKS PROGRAM - SALE OF LAND, LOT 95 DP26610, 109 FORESHORE DRIVE, SALAMANDER BAY

THAT COUNCIL:

- 1) Commits to the funding of the following community projects:
 - a) Urgent update to the Port Stephens Koala Plan of Management - \$200,000.
 - b) Urgent funding for foreshore improvements and drainage pipes for a number of sites across the Tilligerry Peninsula including the Tanilba Foreshore and Lemon Tree Passage Foreshore - \$150,000.
 - c) Urgent funding for the construction of a pathway along Kirrang Drive, Medowie - \$400,000.
 - d) Urgent funding for the conversion of the croquet court in Boomerang Park - \$25,000.
 - e) Urgent funding for a 7 Day Makeover in Raymond Terrace - \$180,000.
 - f) Urgent funding for a 7 Day Makeover in Karuah - \$180,000.
 - g) Urgent funding for the resealing, sealing and/or rehabilitation of priority roads including some car parks, re-sheeting of gravel roads and new pathways across Port Stephens to ensure the safety of our residents including school children – minimum \$1,000,000 or balance of sale.
 - h) Urgent funding for the replacement of the toilet block at Fly Point - \$140,000.
 - i) Urgent funding for the replacement of the toilet block at Shoal Bay boat ramp - \$130,000.
 - j) Urgent funding for pathway connections for school children and the community in Hinton - \$200,000.
 - k) Urgent funding for the continuation of the pathway through the Mallabula Sports Complex - \$50,000.
- 2) Fund the urgent community works from the sale of residentially zoned land at 109 Foreshore Drive, Salamander Bay.
- 3) Authorise the sale of Council owned land described as Lot 95, DP26610, 109 Foreshore Drive, Salamander Bay in accordance with the Acquisition and Divestment of Land Policy.
- 4) Authorise the seller's agent to sign the contract at auction, subject to the sale conditions established in accordance with the Acquisition and Divestment of Land Policy.
- 5) Authorise the General Manager to negotiate variations to contract conditions as required, excluding sale price outside of that set in accordance with the Acquisition and Divestment of Land Policy.
- 6) Authorise the Mayor and General Manager to affix the Council Seal and sign all documents necessary to complete the sale.

ITEM 1 - ATTACHMENT 1 MAYORAL MINUTE - URGENT COMMUNITY WORKS PROGRAM - SALE OF LAND, LOT 95 DP26610, 109 FORESHORE DRIVE, SALAMANDER BAY - MINUTE NO. 045, 22 FEBRUARY 2022.**MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022**

- 7) Acknowledges that the sale of residential land at 109 Foreshore Drive, Salamander Bay does not hinder access to the foreshore at Salamander Bay, as there is access through the adjacent community land that will remain as community land and that there are 7 access points along this 950m section of properties, including the parkland next to the subject residentially zoned land.
- 8) Acknowledges that the above urgent community works program does not have an identified funding source for the next 10 years as a minimum.
- 9) Acknowledges that the above projects have been identified from extensive community engagement conducted over the previous term of Council and the start of this term from thousands of community responses.

**ORDINARY COUNCIL MEETING - 22 FEBRUARY 2022
MOTION**

045	Mayor Ryan Palmer Councillor Chris Doohan It was resolved that Council: <ol style="list-style-type: none">1) Commits to the funding of the following community projects:<ol style="list-style-type: none">a) Urgent update to the Port Stephens Koala Plan of Management - \$200,000.b) Urgent funding for foreshore improvements and drainage pipes for a number of sites across the Tilligerry Peninsula including the Tanilba Foreshore and Lemon Tree Passage Foreshore - \$150,000.c) Urgent funding for the construction of a pathway along Kirrang Drive, Medowie - \$400,000.d) Urgent funding for the conversion of the croquet court in Boomerang Park - \$25,000.e) Urgent funding for a 7 Day Makeover in Raymond Terrace - \$180,000.f) Urgent funding for a 7 Day Makeover in Karuah - \$180,000.g) Urgent funding for the resealing, sealing and/or rehabilitation of priority roads including some car parks, re-sheeting of gravel roads and new pathways across Port Stephens to ensure the safety of our residents including school children – minimum \$1,000,000 or balance of sale.h) Urgent funding for the replacement of the toilet block at Fly Point - \$140,000.i) Urgent funding for the replacement of the toilet block at Shoal Bay boat ramp - \$130,000.j) Urgent funding for pathway connections for school children and the community in Hinton - \$200,000.k) Urgent funding for the continuation of the pathway through the Mallabula Sports Complex - \$50,000.2) Fund the urgent community works from the sale of residentially zoned land at 109 Foreshore Drive, Salamander Bay.
------------	---

ITEM 1 - ATTACHMENT 1 MAYORAL MINUTE - URGENT COMMUNITY WORKS PROGRAM - SALE OF LAND, LOT 95 DP26610, 109 FORESHORE DRIVE, SALAMANDER BAY - MINUTE NO. 045, 22 FEBRUARY 2022.**MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022**

	<p>3) Authorise the sale of Council owned land described as Lot 95, DP26610, 109 Foreshore Drive, Salamander Bay in accordance with the Acquisition and Divestment of Land Policy.</p> <p>4) Authorise the seller's agent to sign the contract at auction, subject to the sale conditions established in accordance with the Acquisition and Divestment of Land Policy.</p> <p>5) Authorise the General Manager to negotiate variations to contract conditions as required, excluding sale price outside of that set in accordance with the Acquisition and Divestment of Land Policy.</p> <p>6) Authorise the Mayor and General Manager to affix the Council Seal and sign all documents necessary to complete the sale.</p> <p>7) Acknowledges that the sale of residential land at 109 Foreshore Drive, Salamander Bay does not hinder access to the foreshore at Salamander Bay, as there is access through the adjacent community land that will remain as community land and that there are 7 access points along this 950m section of properties, including the parkland next to the subject residentially zoned land.</p> <p>8) Acknowledges that the above urgent community works program does not have an identified funding source for the next 10 years as a minimum.</p> <p>9) Acknowledges that the above projects have been identified from extensive community engagement conducted over the previous term of Council and the start of this term from thousands of community responses.</p>
--	---

Cr Giacomo Arnott and Mayor Ryan Palmer called for a division.

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

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

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

**ORDINARY COUNCIL MEETING - 22 FEBRUARY 2022
MOTION**

	<p>Councillor Giacomo Arnott Councillor Leah Anderson</p> <p>That a motion of dissent be moved.</p>
--	---

Cr Giacomo Arnott and Cr Leah Anderson called for a division for dissent motion.

ITEM 1 - ATTACHMENT 1 MAYORAL MINUTE - URGENT COMMUNITY WORKS PROGRAM - SALE OF LAND, LOT 95 DP26610, 109 FORESHORE DRIVE, SALAMANDER BAY - MINUTE NO. 045, 22 FEBRUARY 2022.**MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022**

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 - 22 FEBRUARY 2022
AMENDMENT**

	<p>Councillor Giacomo Arnott Councillor Peter Francis</p> <p>That Council:</p> <ol style="list-style-type: none">1) Commits to the funding of the following community projects:<ol style="list-style-type: none">a) Urgent update to the Port Stephens Koala Plan of Management - \$200,000.b) Urgent funding for foreshore improvements and drainage pipes for a number of sites across the Tilligerry Peninsula including the Tanilba Foreshore and Lemon Tree Passage Foreshore - \$150,000.c) Urgent funding for the construction of a pathway along Kirrang Drive, Medowie - \$400,000.d) Urgent funding for the conversion of the croquet court in Boomerang Park - \$25,000.e) Urgent funding for a 7 Day Makeover in Raymond Terrace - \$180,000.f) Urgent funding for a 7 Day Makeover in Karuah - \$180,000.g) Urgent funding for the resealing, sealing and/or rehabilitation of priority roads including some car parks, re-sheeting of gravel roads and new pathways across Port Stephens to ensure the safety of our residents including school children – minimum \$1,000,000 or balance of sale.h) Urgent funding for the replacement of the toilet block at Fly Point - \$140,000.i) Urgent funding for the replacement of the toilet block at Shoal Bay boat ramp - \$130,000.j) Urgent funding for pathway connections for school children and the community in Hinton - \$200,000.k) Urgent funding for the continuation of the pathway through the Mallabula Sports Complex - \$50,000.2) Fund the urgent community works from the sale of residentially zoned land at 109 Foreshore Drive, Salamander Bay.3) Authorise the sale of Council owned land described as Lot 95, DP26610, 109 Foreshore Drive, Salamander Bay in accordance with the Acquisition and Divestment of Land Policy.
--	---

ITEM 1 - ATTACHMENT 1 MAYORAL MINUTE - URGENT COMMUNITY WORKS PROGRAM - SALE OF LAND, LOT 95 DP26610, 109 FORESHORE DRIVE, SALAMANDER BAY - MINUTE NO. 045, 22 FEBRUARY 2022.**MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022**

- 4) Authorise the seller's agent to sign the contract at auction, subject to the sale conditions established in accordance with the Acquisition and Divestment of Land Policy.
- 5) Authorise the General Manager to negotiate variations to contract conditions as required, excluding sale price outside of that set in accordance with the Acquisition and Divestment of Land Policy.
- 6) Authorise the Mayor and General Manager to affix the Council Seal and sign all documents necessary to complete the sale.
- 7) Acknowledges that the sale of residential land at 109 Foreshore Drive, Salamander Bay does not hinder access to the foreshore at Salamander Bay, as there is access through the adjacent community land that will remain as community land and that there are 7 access points along this 950m section of properties, including the parkland next to the subject residentially zoned land.
- 8) Acknowledges that the above urgent community works program does not have an identified funding source for the next 10 years as a minimum.
- 9) Acknowledges that the above projects have been identified from extensive community engagement conducted over the previous term of Council and the start of this term from thousands of community responses.
- 10) Notes that the Mayor supported a 66% or \$700/year rate rise in the last term of Council, with the funding to be used for capital projects.
- 11) Notes that this proposal is to sell a block of valuable community land to spend on capital projects.
- 12) Notes that this calculated decision to use a Mayoral Minute to put this forward is some of the most sad behaviour Council has seen coming from someone sitting in the Mayor's chair.
- 13) Notes that there's a reason this is being proposed early in the term - it's because the Mayor knows if he proposed this just before an Election, he would have been crucified. He didn't talk about this during the election campaign, because he knew it'd be unpopular and hurt his chances.
- 14) Notes that this motion is pure gutter politics and sets the scene for what is now apparent will be a Council that continues to disrespect the community and continues its efforts to undermine our community groups and community members who organise together and work for our collective benefit.
- 15) Notes that Councillors should not fall for the very obvious ploy being perpetrated here. Mayor Palmer tried it with the rate rise, he tried to guilt Councillors and the community into accepting a bad outcome by bribing us with projects and all sorts of money, but there are ways to fund projects without destroying our community in the process.
- 16) Agrees that this is not a good outcome for the community.

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

ITEM 1 - ATTACHMENT 1 MAYORAL MINUTE - URGENT COMMUNITY WORKS PROGRAM - SALE OF LAND, LOT 95 DP26610,109 FORESHORE DRIVE, SALAMANDER BAY - MINUTE NO. 045, 22 FEBRUARY 2022.**MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022****ORDINARY COUNCIL MEETING - 22 FEBRUARY 2022
FORESHADOWED AMENDMENT**

	Councillor Peter Kafer Councillor Giacomo Arnott That Mayoral Minute No. 1 be deferred for 2 weeks.
--	---

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

**ORDINARY COUNCIL MEETING - 22 FEBRUARY 2022
MOTION**

	Councillor Leah Anderson Councillor Giacomo Arnott That Council notes for the record that Councillors were not given sufficient notice to appropriately liaise with members of the community who we are elected to represent.
--	---

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

BACKGROUND

The purpose of this report is to request Council to commit funding to community projects.

Based on the ongoing impacts of COVID-19 on Council's financial position, the ability to provide ongoing funding to significant community infrastructure, important maintenance and key programs will continue to be highly constrained.

The matters listed for funding either have no current identified funding source and/or are scheduled for funding in the medium to long term. Providing funding to these items through the proposed asset sale is a means to ensure that these projects, maintenance activities and programs are implemented in the short term.

The recent consultation through the Liveability Index and Place Plans has highlighted the community's desire for a range of infrastructure, maintenance projects and programs across the Local Government Area. Moreover, a number of the projects have been previously considered by Council for further investigation.

The recent success of 7 Day Makeovers in Anna Bay and Medowie has highlighted the benefits to town centres and communities from these initiatives. Missing link

ITEM 1 - ATTACHMENT 1 MAYORAL MINUTE - URGENT COMMUNITY WORKS PROGRAM - SALE OF LAND, LOT 95 DP26610, 109 FORESHORE DRIVE, SALAMANDER BAY - MINUTE NO. 045, 22 FEBRUARY 2022.**MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022**

pathways, such as along Kirrang Drive, have also been identified by Council to improve the safety of users.

There are a number of low lying areas in the Local Government Area that require drainage and footpath works to improve public amenity and useability. Areas such as the Tilligerry Peninsula are subjected to tidal influences and stormwater during heavy events. The allocation of funds to these assets would improve the useability and amenity of these areas.

Part of the Council's total infrastructure backlog is the resurfacing of gravel roads and car parks. The speed limits in car parks are low and, hence, are considered a low risk priority environment. This low risk can result in limited funding opportunities and are not undertaken as often as desired. Similar, funds for the resurfacing of gravel roads is difficult to attract and gain. Allocation of monies would not only improve the asset, but lift the amenity and safety for users of these assets.

In addition, there are a range of other significant programs of works that are unfunded. This includes a continuation of a significant update to the Comprehensive Koala Plan of Management and also the continuation of support to the visitor economy of Port Stephens which is still impacted by the ongoing effects of COVID-19.

Council has a range of options available to fund priority projects, including the sale of surplus operational land. The sale of surplus operational land has the dual effect of reducing Council's maintenance requirements as well as creating funding available for specific projects and programs.

Lot 95 in Deposited Plan 26610 described as 109 Foreshore Drive, Salamander Bay is a standalone parcel of operational land with an area of 557m² and zoned Residential R2 as shown in white in **(ATTACHMENT 1)**. Immediately adjacent to this property is a parcel of community land which extends from Foreshore Drive to and along the beach front **(ATTACHMENT 2)**. As shown on **(ATTACHMENT 1)** this parcel of land links to a large area of community land extending both west and east along the foreshore which provides multiple direct access to the Port.

The parcels of land were created along with 55 other lots in DP26610 along Foreshore Drive. The allotment at 109 Foreshore Drive has been in Council ownership for over 42 years and adjoins open space to the west and to the north and residential development to the east.

Under the provisions of the Local Government Act 1993, Lot 95 DP 26610 described as 109 Foreshore Drive, Salamander Bay is classified "operational" which allows the use of the land for Council's operations and also for the sale of the land.

A recent valuation undertaken in February 2022 placed an estimated value on the land of circa \$2.65 million under its current zoning. This is a significant increase from the previous independent value of land of circa \$1.5 million in January 2020. Should

ITEM 1 - ATTACHMENT 1 MAYORAL MINUTE - URGENT COMMUNITY WORKS PROGRAM - SALE OF LAND, LOT 95 DP26610, 109 FORESHORE DRIVE, SALAMANDER BAY - MINUTE NO. 045, 22 FEBRUARY 2022.**MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022**

Council resolve to sell the property it would be via a public marketing campaign and affected through public auction or private treaty.

A number of community groups including the Mambo-Wanda Wetlands Conservation Group have made representations to Council regarding the environmental value of this parcel of land. In summary, this has related primarily to the potential use of this site by Koalas and proximity to the Mambo Wetlands.

Council undertakes regular assessments of land holdings, including 109 Foreshore Drive, to determine environmental values of parcels of land in accordance with relevant standards and recognised professional practice. The outcomes of this assessment identified that 1 Koala feed tree exists on 109 Foreshore Drive, with the community land adjacent to 109 Foreshore Drive and along the foreshore containing some 15 Koala feed trees in proximity to the subject land. As this exists on Community classified land it cannot be sold and remains under Council management.

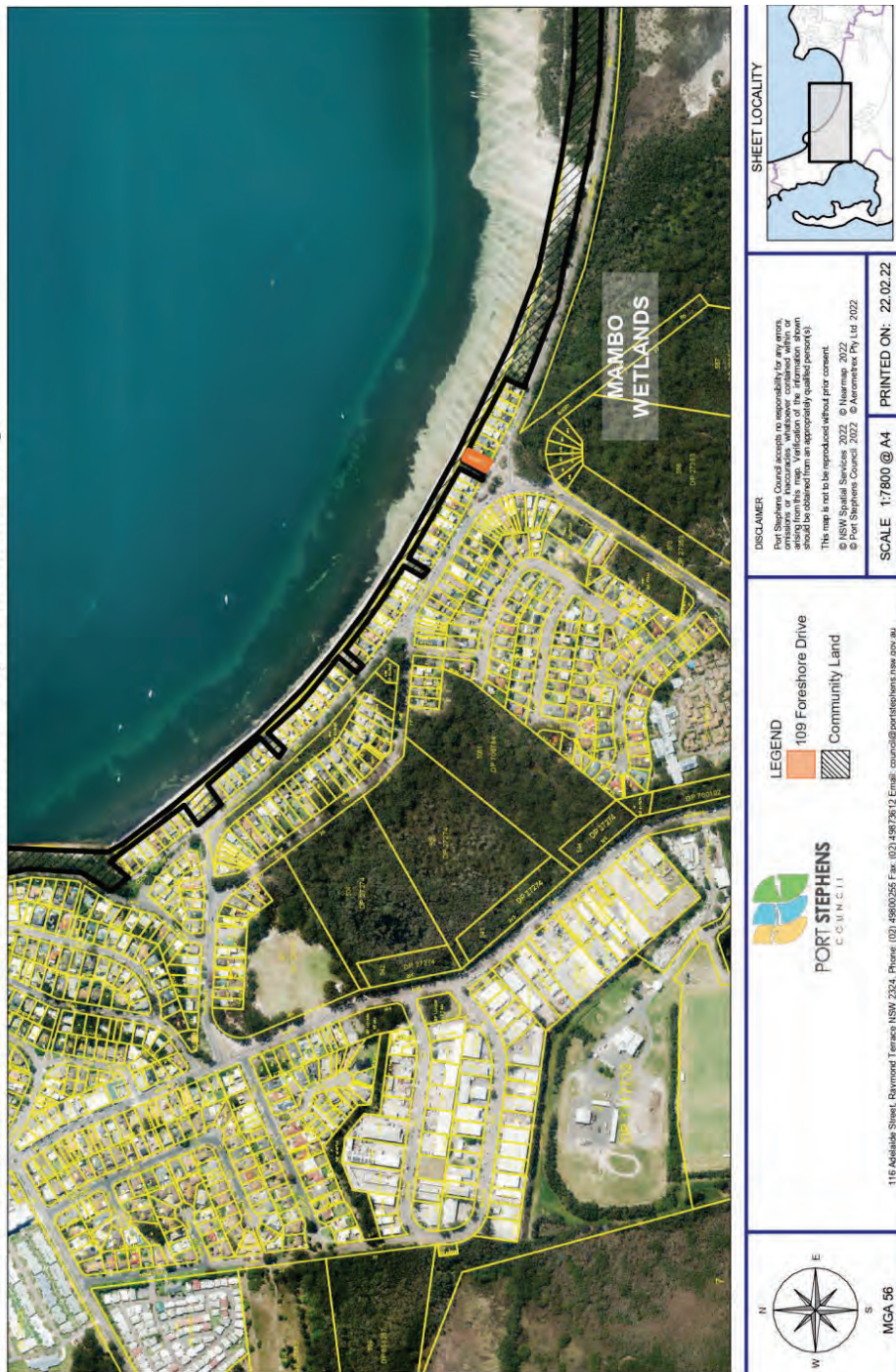
The potential future development of 109 Foreshore Drive would not have a direct impact on the Koala feed trees located on the surrounding community land. Impacts on the single Koala feed tree on 109 Foreshore Drive and potential indirect impacts could also be managed as part of further detailed assessments undertaken as part of any potential future development process.

In addition, the community land located to the east of 109 Foreshore Drive (**ATTACHMENT 1**) also contains preferred Koala habitat and provides a direct link between the foreshore, the beach and the Mambo Wetlands conservation area for this species.

ATTACHMENTS

- 1) Locality Map - 109 Foreshore Drive, Salamander Bay.
- 2) Land adjacent 109 Foreshore Drive, Salamander Bay.

109 Foreshore Drive, Salamander Bay



ITEM 1 - ATTACHMENT 1 MAYORAL MINUTE - URGENT COMMUNITY WORKS PROGRAM - SALE OF LAND, LOT 95 DP26610,109 FORESHORE DRIVE, SALAMANDER BAY - MINUTE NO. 045, 22 FEBRUARY 2022.

MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022

ITEM 1 - ATTACHMENT 2 LAND ADJACENT 109 FORESHORE DRIVE, SALAMANDER BAY.

109 FORESHORE DRIVE, SALAMANDER BAY



109 Foreshore Drive, Salamander Bay
Community Land

NOTICE OF RESCISSION

ITEM NO. 2

FILE NO: 22/57651

EDRMS NO: PSC2017-00020

PROPOSED SALE OF COUNCIL OWNED LAND - 44B SQUIRE STREET, FINGAL BAY

COUNCILLORS: RYAN PALMER
STEVE TUCKER
CHRIS DOOHAN

THAT COUNCIL:

Rescind its decision of 22 February 2022 on Item No. 1 – Confidential Item – Proposed Sale of Council Owned Land – 44B Squire Street, Fingal Bay (Minute No. 063).

ATTACHMENTS

- 1) Proposed Sale of Council Owned Land - 44B Squire Street, Fingal Bay - Minute No. 063 - 22 February 2022. [↓](#)
- 2) CONFIDENTIAL Proposed Sale of Council Owned Land - 44B Squire Street, Fingal Bay - Minute No. 063 - 22 February 2022.

**ITEM 2 - ATTACHMENT 1 PROPOSED SALE OF COUNCIL OWNED LAND -
44B SQUIRE STREET, FINGAL BAY - MINUTE NO. 063 - 22 FEBRUARY 2022.****MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022****CONFIDENTIAL**

ITEM NO. 1

FILE NO: 21/348333
EDRMS NO: PSC2021-00070**PROPOSED SALE OF COUNCIL OWNED LAND - 44B SQUIRE STREET, FINGAL
BAY**REPORT OF: TIMOTHY CROSDALE - GROUP MANAGER CORPORATE
SERVICES

GROUP: CORPORATE SERVICES

**ORDINARY COUNCIL MEETING - 22 FEBRUARY 2022
MOTION**

063	Councillor Giacomo Arnott Councillor Peter Francis It was resolved that Council: <ol style="list-style-type: none">1) Authorise the sale of Council owned land on the confidential terms and conditions set out in this report.2) Authorise the seller's agent to sign the contract at the auction, subject to the sale conditions of this report.3) Authorise the General Manager to negotiate variations to contract conditions as required, excluding the sale price outside of the range identified in the body of this report.4) Authorise the Mayor and General Manager to affix the Council Seal and sign all documents necessary to complete the sale.5) Commits to the funding of the following community projects:<ol style="list-style-type: none">a) Urgent update to the Port Stephens Koala Plan of Management - \$200,000.b) Urgent funding for foreshore improvements and drainage pipes for a number of sites across the Tilligerry Peninsula including the Tanilba Foreshore and Lemon Tree Passage Foreshore - \$150,000.c) Urgent funding for the construction of a pathway along Kirrang Drive, Medowie - \$400,000.d) Urgent funding for the conversion of the croquet court in Boomerang Park - \$25,000.e) Urgent funding for a 7 Day Makeover in Raymond Terrace - \$180,000.f) Urgent funding for a 7 Day Makeover in Karuah - \$180,000.g) Urgent funding for the resealing, sealing and/or rehabilitation of priority roads including some car parks, re-sheeting of gravel roads and new pathways across Port Stephens to ensure the safety of our residents including school children – minimum \$1,000,000 or balance of sale.
------------	--

**ITEM 2 - ATTACHMENT 1 PROPOSED SALE OF COUNCIL OWNED LAND -
44B SQUIRE STREET, FINGAL BAY - MINUTE NO. 063 - 22 FEBRUARY 2022.****MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022**

	<ul style="list-style-type: none">h) Urgent funding for the replacement of the toilet block at Fly Point - \$140,000.i) Urgent funding for the replacement of the toilet block at Shoal Bay boat ramp - \$130,000.j) Urgent funding for pathway connections for school children and the community in Hinton - \$200,000.k) Urgent funding for the continuation of the pathway through the Mallabula Sports Complex - \$50,000.
--	---

The motion was carried.

**ORDINARY COUNCIL MEETING – 22 FEBRUARY 2022
MOTION**

064	Councillor Giacomo Arnott Councillor Chris Doohan It was resolved that Council move out of confidential session.
------------	--

There being no further business the meeting closed at 9:31pm.