NOTICE OF ORDINARY MEETING
9 MAY 2023

PORT STEPHENS
COUNCIL

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.

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BUSINESS

1) Opening meeting.
2) Acknowledgement of Country
   We acknowledge the Worimi people as the original Custodians and inhabitants of Port Stephens. We acknowledge and pay respects to Worimi elders past and present. May we walk the road to tomorrow with mutual respect and admiration as we care for the beautiful land and waterways together.
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 11 April 2023.
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.

Statement of Ethical Obligations

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the commencement of this Council term to undertake their civic duties in the best interests of the people of Port Stephens and Port Stephens Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act, to the best of their skill and judgement.

The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Meeting Practice and Code of Conduct.

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.

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.]	☐ 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). ☐ An associated person of the councillor has an interest in the land. ☐ 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]	☐ The identified land. ☐ 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]

PORT STEPHENS
COUNCIL

Declaration of Interest form

Agenda item No. _____

Report title _____

Mayor/Councillor _____declared a

Tick the relevant response:

	pecuniary conflict of interest
	significant non pecuniary conflict of interest
	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: 23/90113**
EDRMS NO: 58-2022-4-1

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

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

RECOMMENDATION IS THAT COUNCIL:

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

BACKGROUND

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

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

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

The report seeks Council endorsement to submit the planning proposal to the NSW Department of Planning and Environment (DPE) and request they exercise their plan

making authority to amend the Port Stephens Local Environmental Plan 2013 (LEP) and reclassify the land.

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

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

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

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

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

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

Source of Funds	Yes/No	Funding ($)	Comment
Existing budget	No		
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	Yes		Stage 1 and 2 planning proposal fees and independent public hearing costs paid by the proponent.

LEGAL, POLICY AND RISK IMPLICATIONS

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

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

Environmental Planning and Assessment Act 1979 (NSW)

Part 3 of the Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act) provides the framework for amending a Local Environmental Plan. A Gateway determination was issued on 17 November 2022 under section 3.34 of the EP&A Act specifying that the planning proposal should proceed to public exhibition, subject to

conditions and consultation requirements. Should Council adopt the recommendations of this report, the planning proposal will be submitted to DPE with a request that they exercise their plan making authority to amend the LEP under section 3.36 of the EP&A Act to reclassify the subject land.

Port Stephens Local Environmental Plan 2013

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

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

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

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

SUSTAINABILITY IMPLICATIONS
Includes Social, Economic and Environmental Implications

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

CONSULTATION

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

Internal

No objections were raised during internal consultation.

External

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

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

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

OPTIONS

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

ATTACHMENTS

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

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Planning Proposal Reclassification of Community Land Part of 100 & 174A Salamander Way, Salamander Bay

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

PORT STEPHENS COUNCIL

FILE NUMBERS

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

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

SUMMARY

Subject land:	Part of Lot 21 DP 1044009 (100 Salamander Way, Salamander Bay) Part of Lot 23 DP 1044009 (174A Salamander Way, Salamander Bay)
Proponent:	Barr Planning Pty Ltd (for St Philip's Christian Education Foundation Pty Ltd)
Proposed changes:	Reclassification from Community land to Operational land
Area of land:	1.3 hectares
Lot yield:	Not applicable

BACKGROUND

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

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

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

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

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

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

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

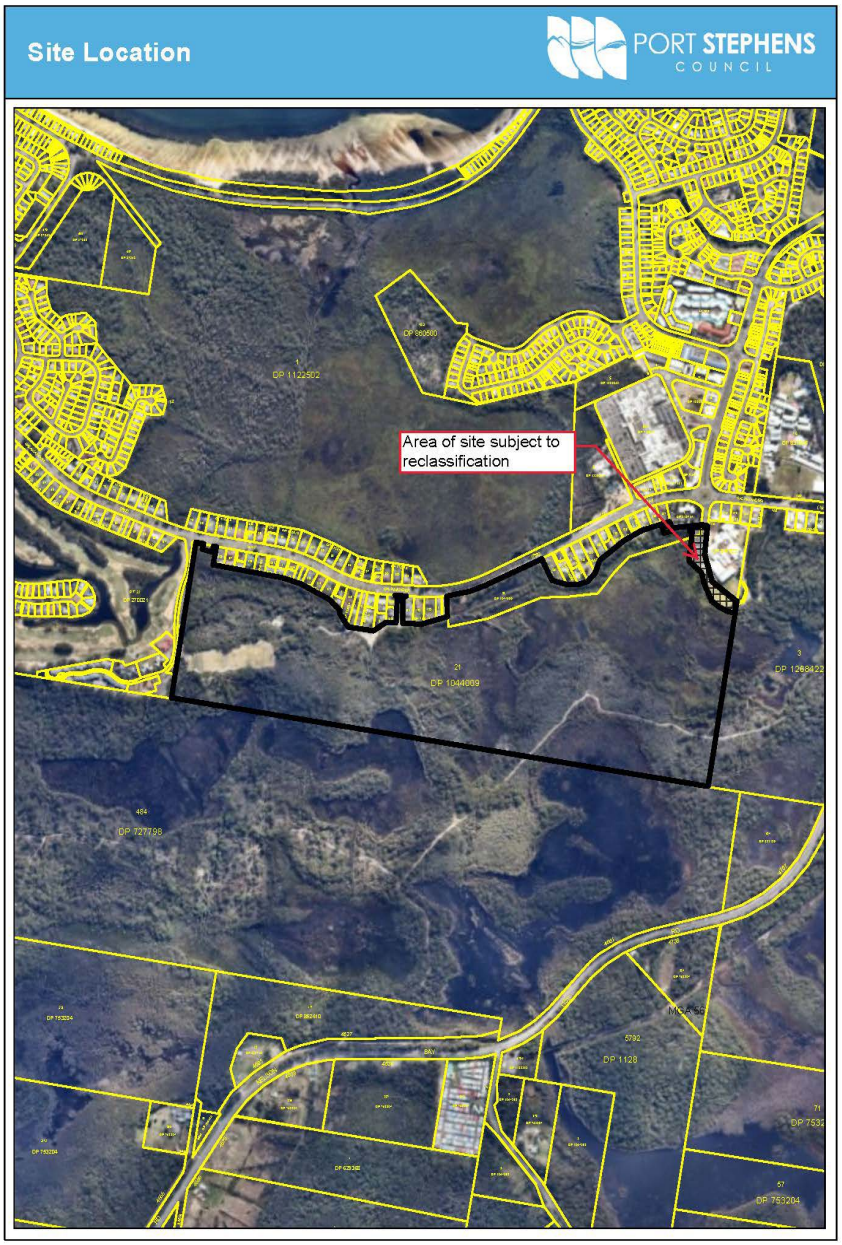
SITE

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

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

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

Figure 1 Site Location



4

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

Land Use Zone

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

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

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

Existing Split Zone

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

Figure 2 Area Subject to Reclassification (Aerial)

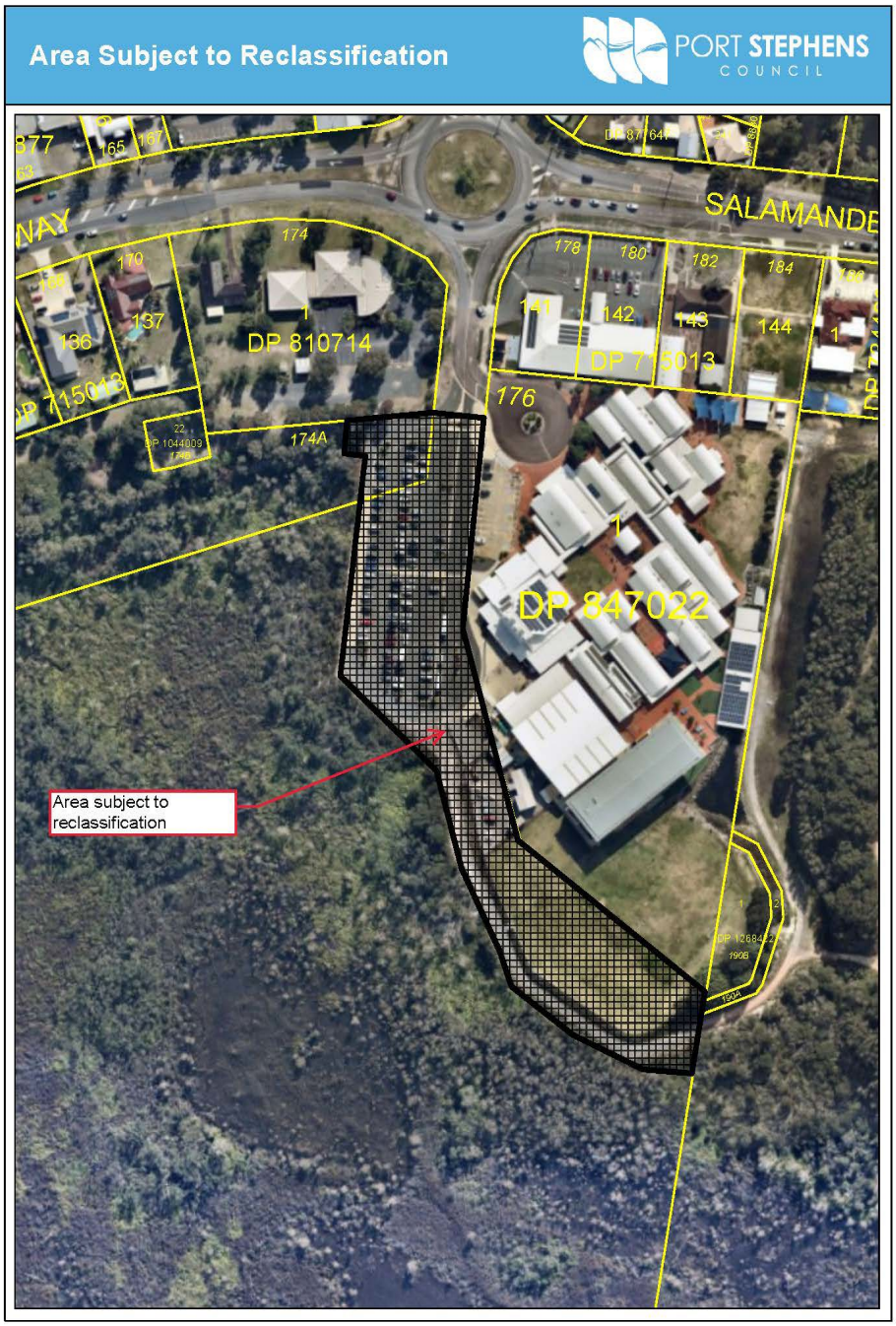


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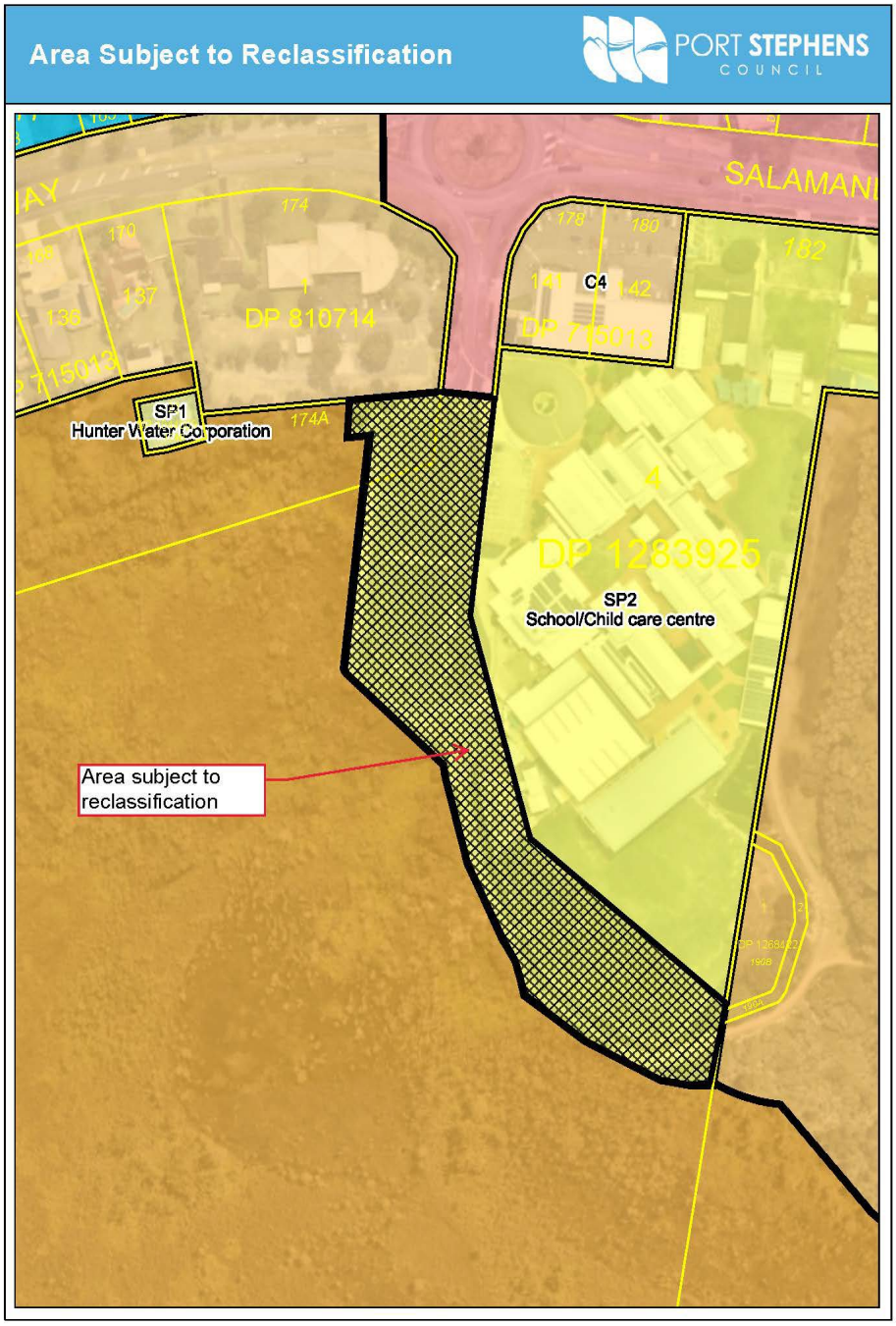
Figure 3 Area Subject to Reclassification (Zoning)



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PART 1 – Objectives and intended outcomes

The planning proposal seeks to achieve the following outcome:

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

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

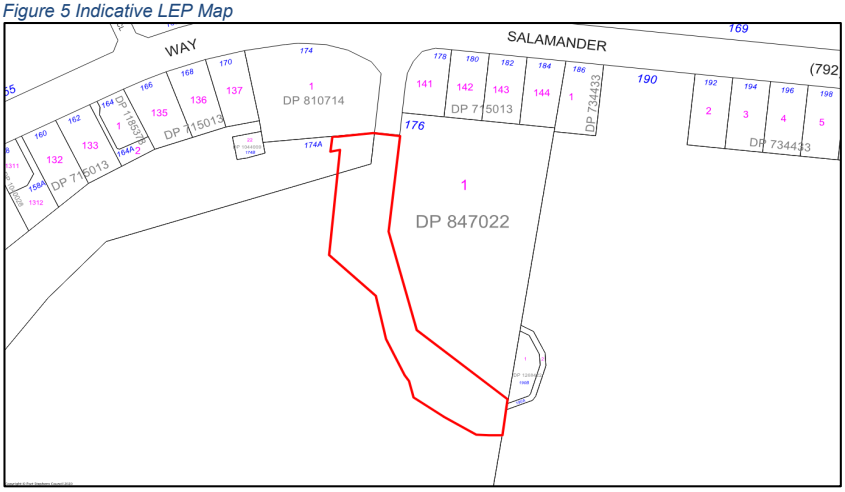
PART 2 – Explanation of provisions

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

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

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

Figure 5 Indicative LEP Map



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PART 3 – Justification of strategic and site specific merit

Section A – Need for the planning proposal

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

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

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

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

Section B – Relationship to strategic planning framework

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

Greater Newcastle Metropolitan Plan 2036

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

Hunter Regional Plan 2041

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

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

into private ownership will maintain and reinforce educational uses across the entire site, to support the provision of continuous local employment and education for the community.

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

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

Port Stephens Local Strategic Planning Statement

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

Port Stephens Community Strategic Plan 2018-2028

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

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

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

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

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

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

Table 1 – Relevant State Environmental Planning Policies

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

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

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

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

Table 2 – Relevant Ministerial Directions

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

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

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

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

Section C – Environmental, social, and economic impact

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

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

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

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

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

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

Section D – Infrastructure (Local, State and Commonwealth)

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

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

Section E – State and Commonwealth Interests

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

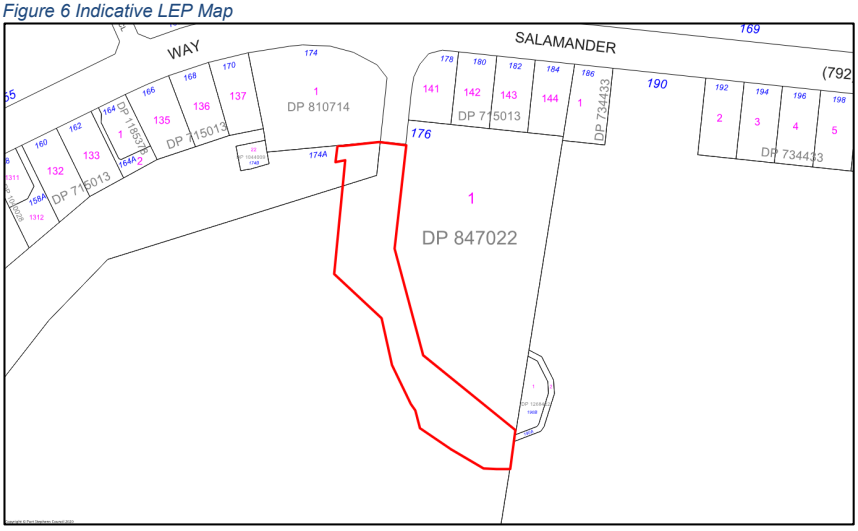
The planning proposal was referred to the Rural Fire Service and the Biodiversity and Conservation Division of the NSW Department of Planning and Environment for preliminary consultation with no objections received.

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

PART 4 – Maps

The proposed LEP map layer amendment is: 6400_COM_RPL_005B_ [XXX_XXXXXXXX]. The map will identify the part of the land subject to the planning proposal as Operational Land as indicted in the following figure:

Figure 6 Indicative LEP Map



PART 5 – Community consultation

Community consultation was undertaken in accordance with the Gateway determination.

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

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

No submissions were received during public exhibition.

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

PART 6 – Project timeline

The following timeline is proposed for the planning proposal:

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

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

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

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

Whether the planning proposal is consistent with council's community plan or other local strategic plans.	The proposed reclassification is consistent with the Port Stephens Local Strategic Planning Statement (LSPS), as it will contribute to the retention of open space within the school's ownership, allowing for long term asset planning for healthy, active spaces for young people in accordance with Planning Priority 10 'Create people friendly spaces in our local centres where people can come together'. The proposed reclassification is also consistent with Port Stephens Community Strategic Plan (CSP), through its facilitation of St Philip's intended purchase of the land, contributing to the school's ability to continue deliver education services to the region in accordance with the CSP's intention to foster creative and active communities.
A summary of council's interests in the land, including: - how and when the land was first acquired (e.g., was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution); - if council does not own the land, the land owner's consent; - the nature of any trusts, dedications etc.	The land is owned by Port Stephens Council. The land was first acquired by Council as part of a much larger land holding purchased by Council in the 1950s from the Commonwealth Government. Over the past 50 years, Council has subdivided and developed this original land holding to generate funds to support Council to offer its services to the local community. The land was classified as Community Land in 1993 when the LG Act 1993 was enacted. At this time Council did not classify all land they owned, and the land defaulted to Community Land. However, it has been Council's intention to develop/sell the site, indicating Councils intention to dispose of this land rather than retain it for community purposes.
Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why.	There are a number of interests on the land, all of which are to be retained, being for access, water and sewer easements.

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

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

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

TATTERSALL LANDER PTY LTD

3rd March 2023

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

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

Attention: Matthew Borsato, Senior Strategic Planner

Dear Matthew,

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

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

One (1) member of the general public attended.

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

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

The presentation was a PowerPoint presentation, refer Attachment A.

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

Question 1 – What is an SP2 zone.

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

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

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

DEVELOPMENT CONSULTANTS IN ENGINEERING, SURVEYING, PLANNING & ENVIRONMENTAL
Liability limited by a scheme approved under Professional Standards Legislation.
Tattersall Lander Pty Limited ABN 41 003 509 215
2 Bourke Street, RAYMOND TERRACE 2324 **All mail to**: PO Box 580
Telephone: (02) 4987 1500 **Fax**: (02) 4987 1733 **Email**: admin@tatland.com.au

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

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

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

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

Kind regards
TATTERSALL LANDER PTY LTD

[redacted]

Bob Lander
Director

Encl

Attachment A – Copy of Public Hearing Presentation Slides

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

Owner: Port Stephens Council

Public Meeting Chair: Bob Lander
Director, Tattersall Lander Pty Ltd
Public Hearing: Thursday 2 March 2023
Venue: Tomaree Library and Community Centre
7 Community Close, Salamander Bay

Reclassification of Community land

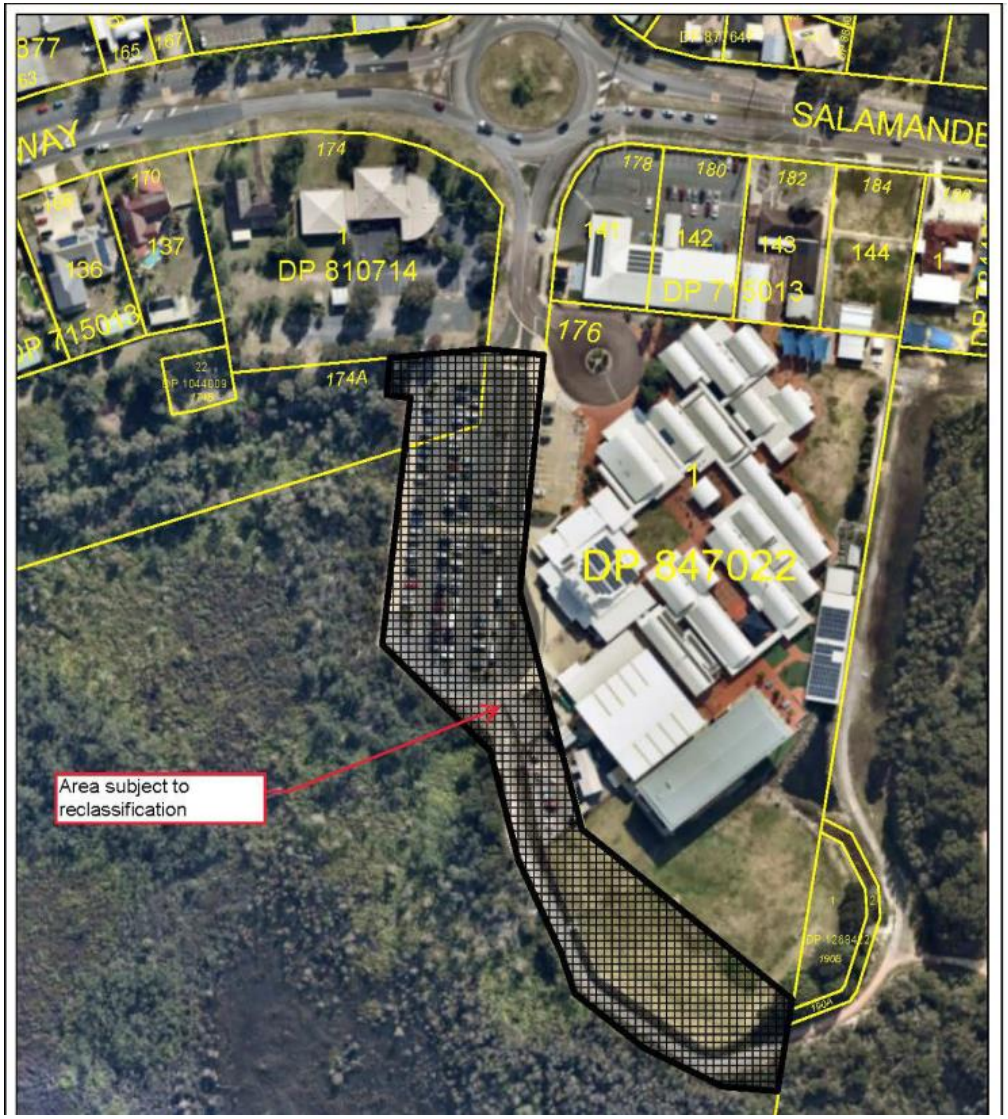
Introduction for this Meeting

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

Role of Tattersall Lander Pty Ltd

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

Site Plan


SALAMANDE
174
174A
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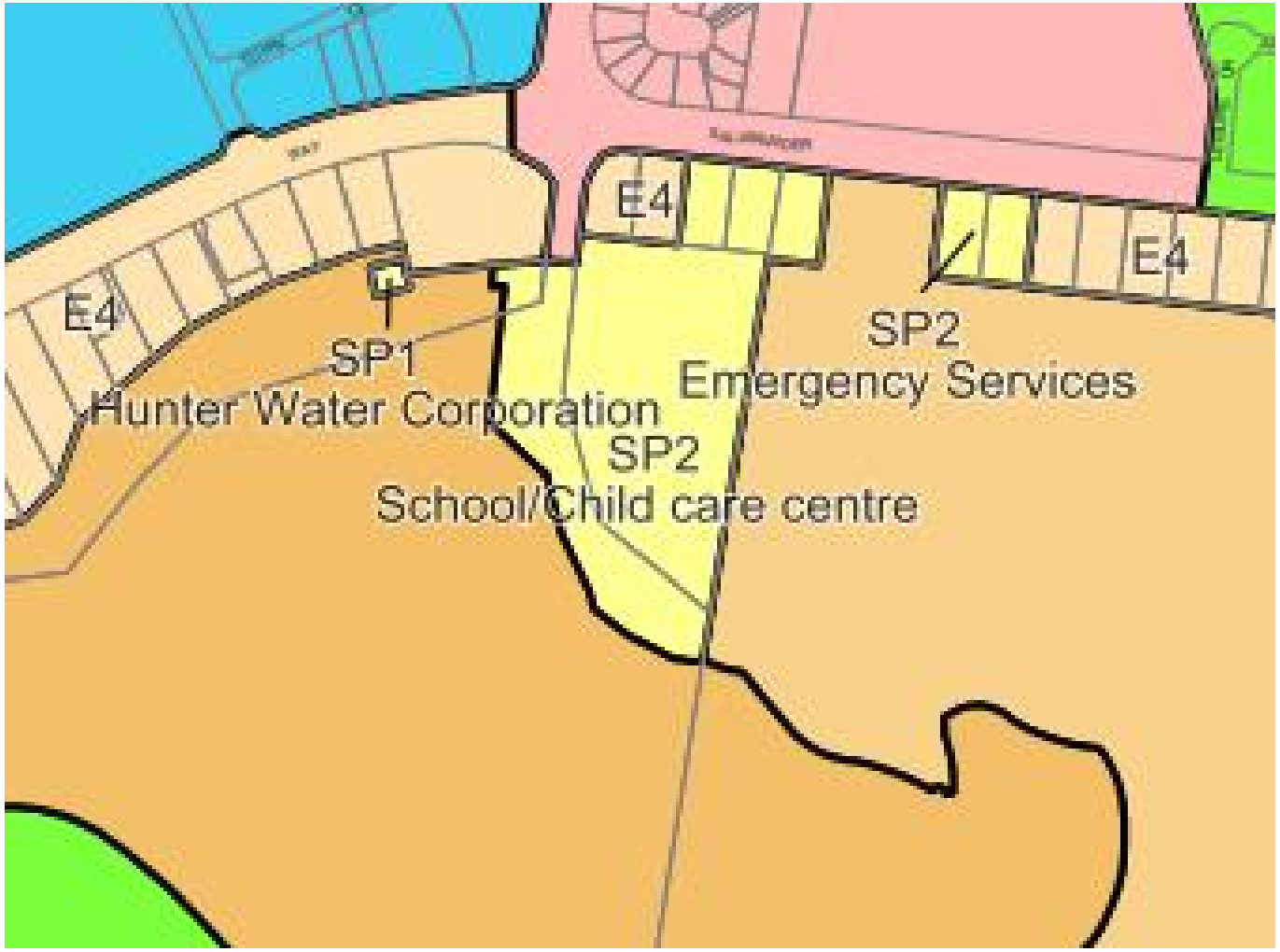
DP 810714
DP 847022
Area subject to reclassification

Current Zoning – SP2



Overview

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

Current zoning of the land is in part:-

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

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

Overview

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

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

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

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

Questions from the Community?

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

Where to from now

Consideration of submissions/ issues raised

Post exhibitions report to Council

Submission to Department for finalisation of reclassification process

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

MINUTES ORDINARY COUNCIL - 28 SEPTEMBER 2021

ITEM NO. 7 **FILE NO: 21/108986**
EDRMS NO: PSC2021-00699-002

RECLASSIFICATION OF A PORTION OF COUNCIL OWNED LANDS AT 100 AND 174A SALAMANDER WAY, SALAMANDER BAY

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

RECOMMENDATION IS THAT COUNCIL:

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

ORDINARY COUNCIL MEETING - 28 SEPTEMBER 2021
MOTION

249	**Councillor Ken Jordan** **Councillor Paul Le Mottee** It was resolved that Council commence the land reclassification process of a portion of 100 and 174A Salamander Way, Salamander Bay.

The motion was carried.

BACKGROUND

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

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

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

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

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

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

Source of Funds	Yes/No	Funding ($)	Comment
Existing budget	No		Not required. All costs associated with reclassification will be met by the applicant.
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

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

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

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the potential purchasers may seek to remove their financial offers.	Medium	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS
Includes Social, Economic and Environmental Implications

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

CONSULTATION

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

Internal

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

External

- St Phillip's Christian College

OPTIONS

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

ATTACHMENTS

1) Footprint of future land classification planning proposal.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 13 SEPTEMBER 2022

ITEM NO. 6 **FILE NO: 22/210262**
EDRMS NO: 58-2022-4-1

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

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

RECOMMENDATION IS THAT COUNCIL:

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

ORDINARY COUNCIL MEETING - 13 SEPTEMBER 2022
MOTION

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

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

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

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

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

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

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

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

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

A summary of the planning proposal is set out below:

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

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

Purpose of the amendment

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

Existing and surrounding uses

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

Suitability of the subject land

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

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

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

Source of Funds	Yes/No	Funding ($)	Comment
Existing budget	Yes	6,300	Stage 1 planning proposal fee

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

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

Environmental Planning and Assessment Act 1979 (NSW)

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

Port Stephens Local Environmental Plan 2013

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

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

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

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

SUSTAINABILITY IMPLICATIONS
Includes Social, Economic and Environmental Implications

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

CONSULTATION

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

Internal

No objections were raised during internal consultation.

External

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

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

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

OPTIONS

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

ATTACHMENTS

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

COUNCILLORS ROOM

Nil.

MINUTES ORDINARY COUNCIL - 13 SEPTEMBER 2022

TABLED DOCUMENTS

Nil.

ITEM NO. 2 **FILE NO: 23/55218**
EDRMS NO: PSC2014-01592

ABORIGINAL PROJECTS FUND - 2022-2023

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

RECOMMENDATION IS THAT COUNCIL:

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

BACKGROUND

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

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

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

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

TOTAL AMOUNT RECOMMENDED: $26,712

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

Organisation name	Project Name	Project description	Amount requested	Amount recommended
Seaham Pre-school	Connecting to Culture	The project aims to increase the children's, families and educators'	$3,712	$3,712

Organisation name	Project Name	Project description	Amount requested	Amount recommended
		knowledge and understanding of Worimi culture through learning sessions with Murrook Culture Centre. The sessions will share with dance, language, art, song, traditions, food, culture and history.		
Anna Bay Public School	Supportive safe space for Aboriginal students	In partnership with Aboriginal students and families, the project aims to transform a designated room into an environment that connects students to culture and provides a safe space where children feel their cultural identity is supported. The space will create a welcoming environment for community and their cultural group to meet with cultural educators.	$6,000	$6,000
Midnight Dreaming Studio	Midnight Dreaming Creative Showcase	This project will help the Aboriginal Community through providing digital resources to keep culture alive and strong through song lines, stories, dance, art and products. The project will include working with a wide range of students in the Midnight Dreaming Studio dance and school program building sustainable Aboriginal dance	$6,000	$6,000

Organisation name	Project Name	Project description	Amount requested	Amount recommended
		programs into schools. The project will fund the purchase of an iPad Pro and a professional digital camcorder to allow the creation of digital cultural pieces.		
Capital Chemist Raymond Terrace	Aboriginal artwork for shop entrance	Capital Chemist Raymond Terrace are working in partnership with Wahroonga Aboriginal Corporation and Awabakal Medical Service to deliver a health program where visiting Allied Health services utilise the chemist's consulting rooms free of charge. This project will fund the creation of Aboriginal artwork at the entrance to create a safe and welcoming cultural space for Aboriginal clients.	$6,000	$6,000
Salamander Childcare Centre	Wayapa Program	The project proposes to engage the services of Sarah Corrigan from Rainbow Crow Cultural Collective to run weekly sessions with multiple groups of children at the centre. The Wayapa Program focusses on connecting children to Country through movement, stories and walks. The program will also focus on the wellbeing of all children.	$5,000	$5,000

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding ($)	Comment
Existing budget	Yes	$26,712	Aboriginal Projects Fund
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no foreseen legal, policy or risk implications.

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

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

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk of adverse public perception regarding projects that are funded.	Low	Accept the recommendation.	Yes

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that some grant recipients may fail to comply with the required terms of funding, reporting and acquittal processes.	Low	Accept the recommendation. Council staff implement the reporting and acquittal process.	Yes

SUSTAINABILITY IMPLICATIONS
Includes Social, Economic and Environmental Implications

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

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

CONSULTATION

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

Internal

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

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

External

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

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 3 **FILE NO: 23/90056**
EDRMS NO: PSC2023-01499

ENVIRONMENTAL ADVISORY GROUP

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

RECOMMENDATION IS THAT COUNCIL:

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

BACKGROUND

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

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

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

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

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

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

CONSULTATION

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

OPTIONS

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

ATTACHMENTS

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

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

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

PORT STEPHENS COUNCIL

Environmental Advisory Group

Terms of Reference

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

Terms of Reference

PORT STEPHENS COUNCIL

ENVIRONMENTAL ADVISORY GROUP

1. PURPOSE:

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

2. BACKGROUND:

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

3. SCOPE AND LIMITATIONS:

3.1 To provide community representation for consultation, advice and advocacy on environmental matters, including biodiversity and sustainability, in Port Stephens.

3.2 To share and preserve knowledge, network and build environmental understanding across Port Stephens.

3.3 To identify opportunities for community based environmental projects across Port Stephens.

3.4 To promote the importance of the environment within the community.

3.5 Council retains the responsibilities for planning matters in accordance with the Environmental Planning and Assessment Act 1979. It is therefore not the role of the Group to resolve environmental related issues associated with development or rezoning applications.

3.6 The Group is required to comply with the following policies and legislation:

a) Local Government Act 1993
b) Work Health and Safety Act 2011
c) Privacy and Personal Information Protection Act 1998
d) State Records Act 1998
e) PSC Code of Conduct
f) PSC Access to Information Policy
g) PSC WHS Statement of Commitment

Terms of Reference

PORT STEPHENS COUNCIL

4. DEFINITIONS:

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

5. AUTHORITY:

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

5.2 The Group does not:

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

6. TERM:

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

7. MEMBERSHIP:

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

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

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

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

7.3.2 Up to three (3) independent community representatives (not affiliated with an existing established community group).

7.4 Group members may resign at any time by advising of their resignation in writing to the Chairperson.

7.5 A Group member who is absent for more than two (2) consecutive meetings without leave or reasonable excuse, may be requested to explain their absence. If absenteeism of a member is ongoing, the Group may request Council to declare the position vacant.

7.6 In the event that a panel member resigns or position becomes vacant:

7.6.1 The eligibility list (described below) will be utilised to replace the outgoing independent community representative.

7.6.2 Established Community groups will reserve the right to nominate one (1) representative to replace the outgoing member.

7.6.3 Council may appoint an independent community representative to fill the casual vacancy for the remainder of the term.

8. MEMBER SELECTION PROCESS:

8.1 One (1) nominated representative from up to ten (10) established community groups, and up to three (3) independent community representatives (not affiliated with an existing established community group) will be selected through an expression of interest (EOI).

8.2 EOIs will be accepted in multiple formats including but not limited to:

a) written (electronic or handwritten);
b) video (including video recording of person using Auslan);
c) audio.

8.3 An assessment panel of two (2) nominated Councillors and two (2) Council Officers will assess all applications and endorse group membership.

8.4 Applicants are to nominate if they are representing an established community group and are to specify which group they are representing.

8.5 Applicants must reside, work or study in the Port Stephens LGA and demonstrate they meet the below criteria:

a) have knowledge or skills and an active interest in environmental protection and enhancement within the Port Stephens LGA;
b) have a willingness to make an active contribution to discussions;
c) have a capacity to commit to the Group.

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

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

9. ROLES AND RESPONSIBILITIES:

9.1 The General Manager may refer any matter to the Group within the scope of its role and responsibilities.

9.2 Council reserve the right to revise or expand the responsibilities of the Group.

9.3 The responsibilities of the Group are described below. All roles are to adhere to Council's Code of Conduct. Conflict of interests must be managed in accordance with the Code of Conduct.

9.4 <u>The Chairperson</u>

a) Manages Group meetings;
b) Ensures that the meeting agenda is followed and discussion remains focused on the matters being considered;
c) Ensures the Group endorses the minutes.

9.5 <u>Group members</u>

a) Works collaboratively with all members of the Group to achieve its purpose;
b) Provides independent and constructive advice and feedback to Council;
c) Identifies opportunities for environmental advocacy;
d) Identifies opportunities for community based environmental projects across Port Stephens.

9.6 <u>Council Secretariat</u>

a) Organises meeting dates, times and location;
b) Takes and distributes draft meeting minutes.

10. ADMINISTRATION ARRANGEMENTS:

10.1 <u>Meeting practices and cycles</u>

10.1.1 The Group shall hold ordinary meetings four (4) times in a calendar year and these shall be held in February, May, August and November. The meetings will run for up to two (2) hours.

10.1.2 Meetings are to be held in Council's Administration Building, or other locations as determined by the Chairperson, and members may attend in person or over zoom.

10.2 Secretariat

10.2.1 Council will provide a secretariat for the Group.

10.3 Agenda and minutes

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

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

10.3.3 Circulation of the agenda will be by electronic means.

10.4 Recordkeeping

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

11. CONFIDENTIALITY:

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

12. INTELLECTUAL PROPERTY:

12.1 The Group acknowledges and agrees:

a) It is important for Council to develop, maintain, protect and manage the organisation's intellectual property including copyright, trademarks, registered designs, patents and databases.

b) The Group has a duty to observe and help protect Council's intellectual property by not copying or supplying such property without the express permission of Council or the copyright owner.

c) Council retains ownership of all intellectual property created by Members in the course of their Group work.

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

Terms of Reference

13. MEDIA:

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

14. REVIEW:

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

15. OTHER MATTERS:

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

16. MEETING CODE OF COOPERATION:

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

17. RELATED DOCUMENTS:

17.1 CODE OF CONDUCT
17.2 LOCAL GOVERNMENT ACT 1993

Terms of Reference

PORT STEPHENS COUNCIL

CONTROLLED DOCUMENT INFORMATION:

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

VERSION HISTORY:

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

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

PORT STEPHENS
COUNCIL

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

MINUTES ORDINARY COUNCIL - 28 MARCH 2023

NOTICE OF MOTION

ITEM NO. 2 **FILE NO: 23/60467**

EDRMS NO: PSC2021-04195

ENVIRONMENTAL ADVISORY PANEL

COUNCILLOR: LEAH ANDERSON

THAT COUNCIL:

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

ORDINARY COUNCIL MEETING - 28 MARCH 2023
MOTION

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

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

Those against the Motion: Nil.

The motion was carried.

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

BACKGROUND

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

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

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

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

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

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

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

FINANCIAL/RESOURCE IMPLICATIONS

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.

ITEM NO. 4 **FILE NO: 23/88596**
EDRMS NO: PSC2023-01498

HERITAGE ADVISORY GROUP

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

RECOMMENDATION IS THAT COUNCIL:

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

BACKGROUND

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

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

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

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

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Recognised traditions and lifestyle	Support the preservation of Port Stephens heritage

FINANCIAL/RESOURCE IMPLICATIONS

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

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

CONSULTATION

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

OPTIONS

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

ATTACHMENTS

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

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

PORT STEPHENS COUNCIL

Heritage Advisory Group

Terms of Reference

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

Terms of Reference

PORT STEPHENS COUNCIL

HERITAGE ADVISORY GROUP

1. PURPOSE:

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

2. BACKGROUND:

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

3. SCOPE AND LIMITATIONS:

3.1 To provide community representation for consultation, advice and advocacy on heritage matters in Port Stephens.

3.2 To share and preserve knowledge, network and build local heritage understanding across Port Stephens.

3.3 To identify opportunities for community based heritage projects across Port Stephens.

3.4 To promote the importance of heritage within the community.

3.5 Council retains the responsibilities for planning matters in accordance with the Environmental Planning and Assessment Act 1979. It is therefore not the role of the Group to resolve heritage related issues associated with development or rezoning applications.

3.6 The Group is required to comply with the following policies and legislation:

a) Local Government Act 1993
b) Work Health and Safety Act 2011
c) Privacy and Personal Information Protection Act 1998
d) State Records Act 1998
e) PSC Code of Conduct
f) PSC Access to Information Policy
g) PSC WHS Statement of Commitment

Terms of Reference

4. DEFINITIONS:

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

5. AUTHORITY:

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

5.2 The Group does not:

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

6. TERM:

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

7. MEMBERSHIP:

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

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

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

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

7.3.2 Up to three (3) independent community representatives (not affiliated with an existing established community group).

7.4 Group members may resign at any time by advising of their resignation in writing to the Chairperson.

7.5 A Group member who is absent for more than two (2) consecutive meetings without leave or reasonable excuse, may be requested to explain their absence. If absenteeism of a member is ongoing, the Group may request Council to declare the position vacant.

7.6 In the event that a panel member resigns or position becomes vacant:

7.6.1 The eligibility list (described below) will be utilised to replace the outgoing independent community representative.

7.6.2 Established Community groups will reserve the right to nominate one (1) representative to replace the outgoing member.

7.6.3 Council may appoint an independent community representative to fill the casual vacancy for the remainder of the term.

8. MEMBER SELECTION PROCESS:

8.1 One (1) nominated representative from up to ten (10) established community groups, and up to three (3) independent community representatives (not affiliated with an existing established community group) will be selected through an expression of interest (EOI).

8.2 EOIs will be accepted in multiple formats including but not limited to:

a) written (electronic or handwritten);
b) video (including video recording of person using Auslan);
c) audio.

8.3 An assessment panel of two (2) nominated Councillors and two (2) Council Officers will assess all applications and endorse group membership.

8.4 Applicants are to nominate if they are representing an established community group and are to specify which group they are representing.

8.5 Applicants must reside, work or study in the Port Stephens LGA and demonstrate they meet the below criteria:

a) have knowledge or skills and an active interest in heritage conservation and enhancement within the Port Stephens LGA;
b) have a willingness to make an active contribution to discussions;
c) have a capacity to commit to the Group.

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

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

9. ROLES AND RESPONSIBILITIES:

9.1 The General Manager may refer any matter to the Group within the scope of its role and responsibilities.

9.2 Council reserve the right to revise or expand the responsibilities of the Group.

9.3 The responsibilities of the Group are described below. All roles are to adhere to Council's Code of Conduct. Conflict of interests must be managed in accordance with the Code of Conduct.

9.4 <u>The Chairperson</u>

a) Manages Group meetings;
b) Ensures that the meeting agenda is followed and discussion remains focused on the matters being considered;
c) Ensures the Group endorses the minutes.

9.5 <u>Group members</u>

a) Works collaboratively with all members of the Group to achieve its purpose;
b) Provides independent and constructive advice and feedback to Council;
c) Identifies opportunities for local heritage advocacy;
d) Identifies opportunities for community based heritage projects across Port Stephens.

9.6 <u>Council Secretariat</u>

a) Organises meeting dates, times and location;
b) Takes and distributes draft meeting minutes.

10. ADMINISTRATION ARRANGEMENTS:

10.1 <u>Meeting practices and cycles</u>

10.1.1 The Group shall hold ordinary meetings four (4) times in a calendar year and these shall be held in February, May, August and November. The meetings will run for up to two (2) hours.

10.1.2 Meetings are to be held in Council's Administration Building, or other locations as determined by the Chairperson, and members may attend in person or over zoom.

Terms of Reference

10.2 Secretariat

10.2.1 Council will provide a secretariat for the Group.

10.3 Agenda and minutes

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

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

10.3.3 Circulation of the agenda will be by electronic means.

10.4 Recordkeeping

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

11. CONFIDENTIALITY:

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

12. INTELLECTUAL PROPERTY:

12.1 The Group acknowledges and agrees:

a) It is important for Council to develop, maintain, protect and manage the organisation's intellectual property including copyright, trademarks, registered designs, patents and databases.

b) The Group has a duty to observe and help protect Council's intellectual property by not copying or supplying such property without the express permission of Council or the copyright owner.

c) Council retains ownership of all intellectual property created by Members in the course of their Group work.

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

Terms of Reference

13. MEDIA:

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

14. REVIEW:

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

15. OTHER MATTERS:

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

16. MEETING CODE OF COOPERATION:

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

17. RELATED DOCUMENTS:

17.1 CODE OF CONDUCT
17.2 LOCAL GOVERNMENT ACT 1993

Terms of Reference

CONTROLLED DOCUMENT INFORMATION:

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

VERSION HISTORY:

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

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

PORT STEPHENS
COUNCIL

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MINUTES ORDINARY COUNCIL - 28 MARCH 2023

NOTICE OF MOTION

ITEM NO. 3 **FILE NO: 23/61851**

EDRMS NO: PSC201-04195

HERITAGE ADVISORY PANEL

COUNCILLOR: JASON WELLS

THAT COUNCIL:

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

ORDINARY COUNCIL MEETING - 28 MARCH 2023
MOTION

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

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

Those against the Motion: Nil.

The motion was carried.

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

BACKGROUND

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

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

MINUTES ORDINARY COUNCIL - 28 MARCH 2023

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

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

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

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

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

FINANCIAL/RESOURCE IMPLICATIONS

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.

ITEM NO. 5 **FILE NO: 23/86641**
EDRMS NO: PSC2005-3570

WILLIAMTOWN HALL - 355C COMMITTEE

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

RECOMMENDATION IS THAT COUNCIL:

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

BACKGROUND

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

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

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

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

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

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

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the community will have no access to the facility if Council does not take over management.	Low	Adopt the recommendations	Yes
There is a risk to Council's reputation if community assets remained unutilised.	Low	Adopt the recommendations	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

CONSULTATION

Consultation with key stakeholders has been undertaken by the Community Services Section. Consultation both within Council and with the community is vital for key governance documents such as this to ensure requirements are met in the operation of community volunteers under the Local Government Act 1993.

Internal

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

External

- Williamtown Hall 355c Committee members.

OPTIONS

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

ATTACHMENTS

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

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Minutes
Williamtown Hall 335c Committee
Annual General Meeting

31 March 2023

Meeting Opened: 15:05

Present:

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

Apologies: Nil

Minutes from 2022 AGM;

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

Treasurers Report:

The annual statement of accounts was tabled by the treasurer. Balance at 30 December $20.640, Balance at 31 March $21,355.57. There being no discussion it was moved by Dave, seconded by Winifred that the report be accepted. Passed.

Secretary Report:

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

Election of Office Bearers:

Chair
No nomination

Treasurer
No nomination

Secretary
No nomination

Committee
No nomination

Notices of Motion:
Nil

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

Meeting Closed: 15:30

ITEM NO. 6 **FILE NO: 23/100267**
EDRMS NO: PSC2022-02308

INFORMATION PAPERS

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

RECOMMENDATION IS THAT COUNCIL:

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

No:	Report Title	Page:
1	March 2023 Cash and Investments	106
2	Lakeside Masterplan - Options to Provide Demountable Change Rooms and Toilet Facilities at Lakeside Sporting Complex	110
3	Delegations Report	116
4	Council Resolutions	118

INFORMATION PAPERS

ITEM NO. 1 **FILE NO: 22/325461**
EDRMS NO: PSC2017-00180

MARCH 2023 CASH AND INVESTMENTS

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

BACKGROUND

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

The invested funds are set aside for:

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

Admin Building	387
Ward Funds	63
Community Halls	41
Community Loans	200
Total	**89,458**

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

Cash and Investment Report	83,573
Variance Cash Reserves to Bank Account	(5,885)
Variance Due to:	
Outstanding State Roads payments	352
Loans not funded through a reserve	272
Outstanding GST refund	418
Contract Asset (Outstanding Grant Payments)	2,581
Outstanding Natural Disaster Funding	1,472
Total Variance	**5,095**
Cash Shortfall	**(790)**
(due to timing of income and expenditure)	

ATTACHMENTS

1) Cash and Investments - March 2023. ⇩

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

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

Cash and Investments Held as at 31 March 2023

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

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

Cash and Investments Held as at 31 March 2023

ISSUER	Broker	Rating*	Type	Investment Date	Yield (%)	Term (days)	Maturity Date	Amount Invested	Market Value
Judo Bank	IAM	BBB	TD	22-Apr-22	3.35%	746	7-May-24	825,000	850,972
Macquarie Bank	Curve	A	TD	1-Sep-22	4.41%	627	20-May-24	1,000,000	1,025,493
Commonwealth Bank of Australia	CBA	AA	TD	7-Feb-23	4.65%	475	27-May-24	1,000,000	1,006,625
Macquarie Bank	Curve	A	TD	1-Sep-22	4.41%	649	11-Jun-24	1,000,000	1,025,493
Westpac	Westpac	AA	TD	23-Aug-22	4.35%	685	8-Jul-24	1,000,000	1,004,290
Westpac	Westpac	AA	TD	23-Aug-22	4.35%	692	15-Jul-24	1,000,000	1,004,290
Australian Military Bank	Curve	BBB	TD	25-Aug-22	4.40%	704	29-Jul-24	1,000,000	1,026,279
Police Credit Union	IAM	NR	TD	14-Feb-23	5.02%	538	5-Aug-24	1,000,000	1,006,189
Westpac	Westpac	AA	TD	21-Feb-23	5.01%	538	12-Aug-24	1,000,000	1,005,216
ING Bank	ING	A	TD	23-Dec-22	4.68%	655	8-Oct-24	1,000,000	1,012,565
ING Bank	ING	A	TD	23-Dec-22	4.70%	661	14-Oct-24	1,000,000	1,012,619
Westpac	Westpac	AA	TD	3-Nov-22	4.90%	732	4-Nov-24	1,000,000	1,007,518
Summerland Credit Union	Curve	NR	TD	23-Nov-22	4.65%	719	11-Nov-24	1,000,000	1,016,307
Summerland Credit Union	Curve	NR	TD	23-Nov-22	4.65%	726	18-Nov-24	1,000,000	1,016,307
ING Bank	IAM	A	TD	2-Dec-22	4.50%	724	25-Nov-24	1,000,000	1,014,671
ING Bank	IAM	A	TD	2-Dec-22	4.50%	738	9-Dec-24	1,000,000	1,014,671
Commonwealth Bank of Australia	CBA	AA	TD	20-Dec-22	4.71%	731	20-Dec-24	1,000,000	1,011,485
Commonwealth Bank of Australia	CBA	AA	TD	8-Feb-23	4.74%	733	10-Feb-25	1,000,000	1,006,623
Bank Vic	IAM	BBB	TD	15-Mar-23	5.02%	544	9-Sep-24	1,000,000	1,002,201
Summerland Credit Union	Curve	NR	TD	15-Mar-23	5.05%	726	10-Mar-25	1,000,000	1,002,214
Total Term Deposits ($)								**77,345,604**	**78,425,320**
Macquarie Bank	Laminar	A	At Call		3.50%			0	0
Total Investments ($)								**77,345,604**	**78,425,320**
Cash at Bank ($)								**5,148,049**	**5,148,049**
Total Cash and Investments ($)								**82,493,653**	**83,573,369**

Cash at Bank Interest Rate	3.70%
3 month BBSW	3.64%
Weighted Average Investment Rate of Return on TD's	4.05%

TD = Term Deposit
*Standard & Poors Long Term Rating

Certificate of Responsible Accounting Officer

I hereby certify that the investments listed above have been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government

Zoë Pattison
Acting Group Manager - Corporate Services

ITEM NO. 2 **FILE NO: 23/95520**
EDRMS NO: PSC2021-04195

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

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

BACKGROUND

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

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

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

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

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

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

ATTACHMENTS

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

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

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

MINUTES ORDINARY COUNCIL - 11 APRIL 2023

NOTICE OF MOTION

ITEM NO. 1 **FILE NO: 23/64745**

EDRMS NO: PSC2021-04195

LAKESIDE MASTERPLAN

COUNCILLOR: PETER KAFER

THAT COUNCIL:

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

ORDINARY COUNCIL MEETING - 11 APRIL 2023
MOTION

086	**Councillor Peter Kafer** **Councillor Giacomo Arnott** It was resolved that Council: 1) Note that a Masterplan has been developed for Tomaree Sports Complex and King Park Sports Complex. 2) Acknowledge that Lakeside Sports Complex is a valued sporting facility in Port Stephens. 3) Acknowledge the financial contribution of $25,000 from West Ward Sports Council towards the development of a Masterplan. 4) Facilitate the development of a Masterplan for Lakeside Sports Complex with consideration of available financial and staffing resources.

Cr Peter Kafer foreshadowed a matter arising.

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

MINUTES ORDINARY COUNCIL - 11 APRIL 2023

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING - 11 APRIL 2023
MATTER ARISING

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

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND REPORT OF: JOHN MARETCH – ASSET SECTION MANAGER

BACKGROUND

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

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

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

MINUTES ORDINARY COUNCIL - 11 APRIL 2023

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

FINANCIAL/RESOURCE IMPLICATIONS

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

Source of Funds	Yes/No	Funding ($)	Comment
Existing budget	Yes		Staffing resources to project manage and/or develop background information such as consultation outcomes and demand analysis.
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	Yes	$25,000	West Ward Sports Council contribution.

ATTACHMENTS

Nil.

ITEM 2 - ATTACHMENT 2 LAKESIDE SPORTS DEMOUNTABLE SITE PLAN.

Lakeside Sports Complex Demountable Site Plan

ITEM NO. 3 **FILE NO: 23/89973**
EDRMS NO: PSC2009-00965

DELEGATIONS REPORT

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

BACKGROUND

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

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

ATTACHMENTS

1) Delegations Report. ⇩

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 1 DELEGATIONS REPORT.

MAYOR AND GENERAL MANAGER DELEGATION REPORT

Date exercised	Delegations exercised	Purpose	Role exercising delegation	Reported to Council
22 March 2023	Clause 178 of the Local Government (General) Regulation 2022	Acceptance of quote for asphalt works - Ferodale Road, Medowie, Kindlebark Road, Medowie and Gan Gan Road, Nelson Bay Road Intersection.	General Manager	9 May 2023
27 March 2023	Clause 178 of the Local Government (General) Regulation 2022	Acceptance of quote for ICT Server and Storage Infrastructure - Hyper Converged Solution.	General Manager	9 May 2023
28 March 2023	Clause 178 of the Local Government (General) Regulation 2022	Acceptance of tender for heating ventilation and air conditioning (HVAC) scheduled servicing.	General Manager	9 May 2023
30 March 2023	Clause 178 of the Local Government (General) Regulation 2022	Acceptance of quote for Field Service Body to suit MY22 Hino 330 Series 817 4x4 Single Cab.	Acting General Manager	9 May 2023
6 April 2023	Code of Meeting Practice	Approval of Public Access applications - 2 x DA - 2 Old Punt Road, Swan Bay and 22 Homestead Street, Salamander Bay.	Mayor	9 May 2023
6 April 2023	Roads and Maritime Services delegations	Port Stephens Local Traffic Committee Meeting Minutes - 7 March 2023.	Acting General Manager	9 May 2023
6 April 2023	Roads and Maritime Services delegations	Authorises the installation, display, removal or alteration of the traffic control devices for the listed items identified in the Port Stephens Local Traffic Committee report dated 7 March 2023.	Acting General Manager	9 May 2023
11 April 203	Clause 178 of the Local Government (General) Regulation 2022	Acceptance for the provision of supply and install of new fauna fencing of numerous types of fencing along Port Stephens Drive to prevent koalas entering the roadway.	Acting General Manager	9 May 2023
12 April 2023	Code of Meeting Practice	Approval of Public Access applications - 2 x DA - 2 Old Punt Road, Swan Bay.	Deputy Mayor	9 May 2023
13 April 2023	Clause 178 of the Local Government (General) Regulation 2022	Acceptance of Tender for Environmental Operation Services	General Manager	9 May 2023
18 April 2023	Clause 178 of the Local Government (General) Regulation 2022	Acceptance of quote for supply and delivery of 2 x Truck Cab Chassis to include attachment of AH Peters Tipping Body.	General Manager	9 May 2023

ITEM NO. 4 **FILE NO: 23/89376**
EDRMS NO: PSC2017-00106

COUNCIL RESOLUTIONS

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

BACKGROUND

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

ATTACHMENTS

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

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

PORT STEPHENS COUNCIL

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

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 1	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Property Investment and Development Policy	30/06/2023	12/10/2022	22/273002

13 Apr 2023
Public Exhibition deferred to allow for further clarification on the distribution of funds.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 2	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Acquisition and Divestment of Land	30/06/2023	12/10/2022	22/273002

13 Apr 2023
Report deferred to allow for further clarification on the distribution of funds.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 1	Ordinary Council 8/11/2022	Hazell, Tim	Special Rate Variation - Revised Integrated Planning and Reporting Documents - Rate Rise Options Engagement	30/06/2023	9/11/2022	22/300562

13 Apr 2023
Recommendation endorsed. Council submitted an application to the Independent Pricing and Regulatory Tribunal for a Special Rate Variation in January 2023. Application pending assessment.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 2199	Ordinary Council 22/09/2020	Pattison, Zoe	Newline Road, Raymond Terrace	30/06/2023		20/288489

13 Apr 2023
Completion of the acquisition is subject to completion of the road works, as finished levels are required to inform the survey. The road works have been substantially delayed due to continued adverse weather conditions.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 1	Ordinary Council 11/05/2021	Pattison, Zoe	Car parking in Shoal Bay	30/06/2023	12/05/2021	21/123694

14 Apr 2023
Construction of the car park is subject to adoption of a Plan of Management for the land. The land has been added to the draft Plan of Management for the Shoal Bay Holiday Park. Public Exhibition of the draft Plan of Management has concluded and a post exhibition report is currently being prepared.

PORT STEPHENS COUNCIL

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

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 243	Ordinary Council 27/08/2013	Pattison, Zoe	Campvale Drain	30/06/2023		

13 Apr 2023
Awaiting final execution of easement documentation for 2 properties. All other properties (with exception of these 2) have been finalised.

ITEM 4 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP RESOLUTIONS.

PORT STEPHENS COUNCIL

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

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 3 093	Ordinary Council 11/04/2023	Lamont, Brock Peart, Steven	NSW Electric Vehicle Strategy	26/05/2023	12/04/2023	23/92450

13 Apr 2023
Council is undertaking consultation with stakeholders to establish a framework for the proposed Development Control Plan amendments. Investigations have commenced into available grant funding opportunities. Expression of Interest for EV charging providers is currently being developed.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 5 088	Ordinary Council 11/04/2023	Lamont, Brock Peart, Steven	22 Homestead Street, Salamander Bay	15/09/2023	12/04/2023	23/92450

13 Apr 2023
Council is investigating options for the rezoning of 22 Homestead Street, Salamander Bay. Council has commenced benchmarking and investigations into the feasibility of developing an Environmental Management Plan for the relevant lots. A report is forecasted to be presented to Council for consideration at the 12 September 2023 meeting.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Matter Arising 091	Ordinary Council 11/04/2023	Peart, Steven Peart, Steven	DA - Group Home - Transitional - Swan Bay - Write to the Federal Member for Paterson, Meryl Swanson and State Member for Port Stephens, Kate Washington requesting they find a suitable location for a rehabilitation centre to operate in Port Stephens.	26/04/2023		

17 Apr 2023
Correspondence seeking a collaborative approach to providing Rehabilitation Facilities in the Port Stephens LGA has been drafted to both Federal and State members.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 6 105	Ordinary Council 11/04/2023	Lamont, Brock Peart, Steven	Housing Affordability	29/09/2023	12/04/2023	23/92450

13 Apr 2023
Council has commenced drafting an Affordable Housing Action Plan. A Councillor briefing has been undertaken on 18 April 2023, seeking feedback. A draft action plan is forecasted to be placed on public exhibition in July 2023.

ITEM 4 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP RESOLUTIONS.

PORT STEPHENS COUNCIL

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

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Peart, Steven	Development Application Information	31/07/2023	12/04/2023	
3 103		Peart, Steven				23/92450

17 Apr 2023
Council staff have commenced discussions with the 'DA Tracker' software vendor in relation to adding additional fields. A report will be provided to Council in relation to providing additional information on 'DA Tracker'.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Lamont, Brock	Health Facilities in Port Stephens	26/05/2023	12/04/2023	
5 095		Peart, Steven				23/92450

13 Apr 2023
Council is reviewing work plans to include the adopted recommendations in work programs. Council is preparing correspondence to further advocate for government investment in public hospitals and associated tertiary education and/or research facilities in Port Stephens.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/03/2023	Lamont, Brock	Street Tree Strategy	11/08/2023	29/03/2023	
1 070		Peart, Steven				23/81000

17 Apr 2023
Council has commenced benchmarking and investigations on the development of a Street Tree Strategy. A report is forecasted to be presented to Council at the 8 August 2023 meeting.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/03/2023	Lamont, Brock	Draft amendment to Port Stephens Development Control Plan (2014) Chapter D17: Stockton Rifle Range	26/05/2023	15/03/2023	
2 047		Peart, Steven				23/69308

13 Apr 2023
The public exhibition period for the Draft amendment to Port Stephens Development Control Plan (2014) Chapter D17: Stockton Rifle Range closed on 14 April 2023. A report on the outcomes of the public exhibition is scheduled to be presented to Council for consideration at the 23 May 2023 meeting.

ITEM 4 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP RESOLUTIONS.

PORT STEPHENS COUNCIL

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

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/02/2023	Drinan, Kate	Development Application (DA) 16-2022-223-1 for a Residential Flat Building at 18 to 20 Soldiers Point Road, Soldiers Point	23/05/2023	2/03/2023	
3 016		Peart, Steven				23/54781

17 Apr 2023
The Development Application for 18-20 Soldiers Point Road, Soldiers Point has been scheduled to be reported to Council's meeting of 23 May 2023.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/09/2021	Lamont, Brock	Port Stephens Waterway Strategy	29/12/2023	15/09/2021	
1 240		Peart, Steven				21/252518

17 Apr 2023
Council was unsuccessful in the Regional NSW - Business Case and Strategy Development Fund grant, other funding sources are currently being investigated. Funding is being sought for consultants to prepare the Port Stephens Waterways Strategy.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Matter Arising	Ordinary Council 1403/2023	Lamont, Brock Peart, Steven	LEP Amendment to review building height controls	15/12/2023		

13 Apr 2023
Council has commenced consultation with external stakeholders and continues to investigate options for the resolved LEP amendment. A draft amendment is forecasted to be presented to Council at the 12 December 2023 meeting, seeking endorsement to submit the planning proposal to the NSW Department of Planning and Environment for a Gateway determination.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/03/2023	Gardner, Janelle	Policy Review: Media Liaison Policy	16/06/2023	15/03/2023	
5 050		Peart, Steven				23/69308

13 Apr 2023
Media Liaison Policy public exhibition period closed 15 April 2023. To be reported to Council for consideration at the 13 June 2023 meeting.

PORT STEPHENS COUNCIL

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

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/03/2023	Lamont, Brock	Draft Development Control Plan - Housekeeping	30/07/2023	15/03/2023	
3 048		Peart, Steven				23/69308

13 Apr 2023
The endorsed Port Stephens Development Control Plan 2014 has been adopted. Council is undertaking consultation with internal stakeholders and impacted landholders regarding a further review of Chapter D12 - Richardson Road.

PORT STEPHENS COUNCIL

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

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 2	Ordinary Council 26/07/2022	Maretich, John Kable, Gregory	Smart Parking	31/05/2023	27/07/2022	22/199431

12 Apr 2023
Staff compiling details to report back to Council at the meeting to be held on 23 May 2023.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 4	Ordinary Council 24/05/2022	Maretich, John Kable, Gregory	Review of Dog Off Lead Areas - Boat Harbour Beach	30/06/2023	27/05/2022	22/136825

12 Apr 2023
Report was endorsed by Council at its meeting held 24 May 2022, Minute No. 133. A review will be carried out in 12 months as per the Council resolution.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 4 073	Ordinary Council 28/03/2023	Maretich, John Kable, Gregory	Naming of Athletics Track at Vi Barnett Oval	31/05/2023	29/03/2023	23/81000

12 Apr 2023
Currently designing sign to be ordered and installed as soon as possible.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 2 085	Ordinary Council 11/04/2023	Maretich, John Kable, Gregory	Naming Recreation Precinct at Medowie after Geoff Dingle	31/12/2023	12/04/2023	23/92450

14 Apr 2023
Once the reserve has been subdivided as per the Medowie Place Plan, an application will be submitted to the Geographical Naming Board to the name the recreation precinct after Geoff Dingle.

PORT STEPHENS COUNCIL

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

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Matter Arising 086	Ordinary Council 11/04/2023	Maretich, John Kable, Gregory	Lakeside Masterplan - Request the General Manager prepare a report for the next Council meeting outlining options to provide demountable change rooms and toilet facilities at Lakeside Sporting Complex.	12/05/2023		

14 Apr 2023
Report will be prepared for the Council Meeting to be held 9 May 2023.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 17 228	Ordinary Council 10/08/2021	Maretich, John Kable, Gregory	Raymond Terrace Seven Day Makeover	30/06/2023		21/218740

12 Apr 2023
This will be discussed with the Councillors in the lead up to William Street, Stage 2 which funded through the Streets of Shared Spaces grant. There is the possibility to incorporate a Business Boosters Program to create great business vibrancy in Raymond Terrace.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 2 012	Ordinary Council 9/02/2021	Maretich, John Kable, Gregory	Medowie Regional Playground and Town Centre	30/06/2023		21/33235

12 Apr 2023
The regional playground will be addressed in the Medowie Place Plan. A separate report will be prepared for Council following the outcome of the Medowie Place Plan.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 8 270	Ordinary Council 12/10/2021	Gutsche, Tammy Kable, Gregory	Change to Lease Arrangements for Fingal Bay Surf Life Saving Club and Commercial Tenancies	30/06/2023	13/10/2021	21/274186

12 Apr 2023
Lease for Saltwater Restaurant has been executed. Still waiting on solicitors for Longboat Café and Fingal Surf Club to finalise these leases.

PORT STEPHENS COUNCIL

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

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

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

PORT STEPHENS COUNCIL

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

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

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1 **FILE NO: 23/89223**

EDRMS NO: PSC2021-04195

CONSTRUCTION OF A BUILDING

COUNCILLOR: PETER KAFER

THAT COUNCIL:

1) Requests the General Manager to provide a report to Council that investigates the following:

a) The erection of a building that incorporates a Town Hall and 2 floors of either indoor staff office space or rooms suitable for holding conferences or training.

b) The report should envision such a building, built on the ground sited directly to the west of the current Council Chambers, where there is currently ground level car parking situated.

BACKGROUND REPORT OF: JOHN MARETICH – ASSETS SECTION MANAGER

BACKGROUND

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

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

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

FINANCIAL/RESOURCE IMPLICATIONS

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

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

ATTACHMENTS

Nil.