

# NOTICE OF ORDINARY MEETING

## 28 MARCH 2023



The Mayor and Councillors attendance is respectfully requested:

Mayor: R Palmer (Chair).

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

### SCHEDULE OF MEETINGS

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

### Please Note:

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

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

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

Food and beverages are not permitted in the Council Chamber.



# INDEX

## SUBJECT

## PAGE NO

### **MOTIONS TO CLOSE ..... 14**

1. MOTION TO CLOSE ..... 15
2. MOTION TO CLOSE ..... 16
3. MOTION TO CLOSE ..... 17

### **COUNCIL REPORTS..... 18**

1. REVOKING CONTRIBUTION DISCOUNTS FOR CARAVAN PARKS  
AND INCREASING HAULAGE LEVIES ..... 19
2. PROPOSED SURPLUS ROAD CLOSURES ..... 37
3. CORLETTE HALL - 355C COMMITTEE ..... 50
4. REQUEST FOR FINANCIAL ASSISTANCE ..... 55
5. INFORMATION PAPERS ..... 58

### **INFORMATION PAPERS ..... 59**

1. FEBRUARY 2023 CASH AND INVESTMENTS ..... 60
2. POTTERS LANE BASKETBALL HOOP ..... 64
3. DESIGNATED PERSONS' RETURN ..... 69
4. DELEGATIONS REPORT ..... 70
5. COUNCIL RESOLUTIONS ..... 72

### **NOTICES OF MOTION ..... 81**

1. STREET TREE STRATEGY ..... 82
2. ENVIRONMENTAL ADVISORY PANEL ..... 84
3. HERITAGE ADVISORY PANEL ..... 86
4. NAMING OF ATHLETICS TRACK AT VI BARNETT OVAL ..... 88

### **CONFIDENTIAL ..... 94**

1. 22 HOMESTEAD STREET, SALAMANDER BAY
2. EASEMENT FOR ACCESS TO PATHWAY - 30 KING STREET,  
RAYMOND TERRACE
3. ACQUISITION FOR ROAD WIDENING PURPOSES - PART OF 352  
DUNS CREEK ROAD, DUNS CREEK





## **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 14 March 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.



**ORDINARY COUNCIL - 28 MARCH 2023**

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

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

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

to be held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

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

<sup>1</sup> 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.

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

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

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

Mayor/Councillor's signature \_\_\_\_\_

Date \_\_\_\_\_

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



## Declaration of Interest form

Agenda item No. \_\_\_\_\_

Report title \_\_\_\_\_

Mayor/Councillor \_\_\_\_\_ declared a

Tick the relevant response:

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

in this item. The nature of the interest is \_\_\_\_\_

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**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.)**

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

Mayor/Councillor left the Council meeting in Committee of the Whole at \_\_\_\_\_pm.

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

Mayor/Councillor left the Council meeting at \_\_\_\_\_ pm.

Mayor/Councillor returned to the Council meeting at \_\_\_\_\_ pm.



# MOTIONS TO CLOSE



ITEM NO. 1

FILE NO: 23/60992  
EDRMS NO: PSC2021-02492

**MOTION TO CLOSE**

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

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**RECOMMENDATION:**

- 1) That pursuant to section 10A(2) (c) of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely **22 Homestead Street, Salamander Bay**.
  - 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
    - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
  - 3) That the report remain confidential and the minute be released in accordance with Council's resolution.
-

ITEM NO. 2

FILE NO: 23/60999  
EDRMS NO: PSC2020-02765

**MOTION TO CLOSE**

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

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**RECOMMENDATION:**

- 1) That pursuant to section 10A(2) (d)i of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary agenda namely **Easement for Access to Pathway - 30 King Street, Raymond Terrace.**
  - 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
    - commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
  - 3) That the report remain confidential and the minute be released in accordance with Council's resolution.
-



ITEM NO. 3

FILE NO: 23/61001  
EDRMS NO: PSC2006-6753

**MOTION TO CLOSE**

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

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**RECOMMENDATION:**

- 1) That pursuant to section 10A(2) (c) of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 3 on the Ordinary agenda namely **Acquisition for Road Widening Purposes - part of 352 Duns Creek Road, Duns Creek.**
  - 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
    - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
  - 3) That the report remain confidential and the minute be released in accordance with Council's resolution.
-

# COUNCIL REPORTS



ITEM NO. 1

FILE NO: 23/14017  
EDRMS NO: PSC2022-01759

**REVOKING CONTRIBUTION DISCOUNTS FOR CARAVAN PARKS AND  
INCREASING HAULAGE LEVIES**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Note the report on revoking contribution discounts for caravan parks and increasing haulage levies **(ATTACHMENT 1)**.
- 2) Amend the Local Infrastructure Contributions Plan to revoke the discount for caravan parks and moveable dwellings, unless the development is for short term tourist and visitor accommodation or an applicant can demonstrate the development will contribute to affordable housing supply.
- 3) Amend the Local Infrastructure Contributions Plan to implement all of the options listed to increase levies for extractive industries.

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**BACKGROUND**

At its meeting of 13 December 2022, Minute No. 326 **(ATTACHMENT 2)**, Council resolved to prepare a report outlining:

- 1) What actions Council could take to revoke the developer contribution discount which is applied to caravan parks and moveable dwellings
- 2) The impact of Council revoking the developer contribution discount which is applied to caravan parks and moveable dwellings
- 3) What actions Council could take to increase the haulage fees applicable to extractive industries which use Council's local roads
- 4) The impact of Council increasing the haulage fees applicable to extractive industries which use Council's local roads.

It is noted that the Port Stephens Local Infrastructure Contributions Plan (LIC) as adopted currently provides a discount for caravan parks and moveable dwellings based on their lower occupancy rate and therefore generally a lesser demand for local infrastructure. The LIC as adopted also provides a specific contribution rate for extractive industries to offset the impact of truck movements from quarries and mines travelling on local roads.

The report provided within **(ATTACHMENT 1)** details the questions posed and provides an investigation of options available to Council.

**ORDINARY COUNCIL - 28 MARCH 2023**

It is noted that the LIC was adopted in January 2021 and is comprehensively reviewed every 5 years. Annual amendments are prepared to ensure the projects in the Works Schedule align with capital works programming and can include other necessary amendments.

**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	Yes		Adopting the recommendation will increase contributions income.
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.

<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that revoking the developer contributions discounts currently available will have a negative impact on the provision of housing in Port Stephens.	Low	Accept the recommendation.	Yes
There is a risk that increasing haulage levies will impact the operations of associated industries within Port Stephens.	Low	Accept the recommendation.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The recommendations made within this report are considered to have positive social and economic benefits for Council and the wider community.

Through more rigorous controls relating to what type of development a contributions discount would apply to, Council ensures that only the type of development offering wider social and community housing benefits would qualify.

Through the increased contributions income received by Council for industries which attract haulage levies, Council would be able to increase the level of service and delivery of infrastructure outside of defined haulage routes.

## **CONSULTATION**

### Internal

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

- Assets Section
- Development and Compliance Section.

### External

Should the LIC be amended, public exhibition and external stakeholder consultation would be undertaken in accordance with this process.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Report on revoking contributions discounts for caravan parks and increasing haulage levies. [↓](#)
- 2) 13 December 2022, Minute No. 326. [↓](#)

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

**ITEM 1 - ATTACHMENT 1      REPORT ON REVOKING CONTRIBUTIONS  
DISCOUNTS FOR CARAVAN PARKS AND INCREASING HAULAGE LEVIES.**



Author: Senior Strategic Planner – Infrastructure Coordination & Funding  
Date: 3 February 2023  
File No: PSC2022-04357  
Subject: Report on revoking contributions discounts for caravan parks and increasing haulage levies

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**Background:**

At its meeting of 13 December 2022, Minute No. 326, Council resolved to prepare a report outlining:

- 1) What actions Council could take to revoke the developer contribution discount which is applied to caravan parks and moveable dwellings
- 2) The impact of Council revoking the developer contribution discount which is applied to caravan parks and moveable dwellings
- 3) What actions Council could take to increase the haulage fees applicable to extractive industries which use Council's local roads
- 4) The impact of Council increasing the haulage fees applicable to extractive industries which use Council's local roads.

**Discounts for caravan parks and moveable dwellings**

The Port Stephens Local Infrastructure Contributions Plan (LIC) provides discounts for caravan parks and moveable dwellings based on their lower occupancy rate and therefore lesser demand for local infrastructure. A similar discount applies for other tourist and visitor accommodation.

The Australian Bureau of Statistics Census of Population and Housing 2021 (2021 Census) identified an occupancy rate of 2.4 persons per residential dwelling in Port Stephens. The occupancy rate for caravan parks was reported as 1.4 persons per moveable dwelling or caravan in Port Stephens in the same Census.

Due to the lower occupancy rate, it is considered that there would be a lesser demand for local infrastructure generated from caravan parks and moveable dwellings. However, because caravans are generally towed to site, the impact on road infrastructure is still relevant to consider and a lesser discount on contributions is applied for road works.

The contribution rate for caravan parks and moveable dwellings in the LIC is 50% for all local infrastructure categories except for the road work category, where the discount is only 20%.

**ITEM 1 - ATTACHMENT 1      REPORT ON REVOKING CONTRIBUTIONS  
DISCOUNTS FOR CARAVAN PARKS AND INCREASING HAULAGE LEVIES.**

The LIC does not apply any discounts to caravan parks with long term occupants (such as manufactured home estates like Latitude One, Anna Bay and Sunrise Village, Bobs Farm) because these developments have the same impact on local infrastructure as other long term occupied, medium density residential development.

The LIC also permits Council to decide that no discounts should apply to caravan parks or moveable dwellings. Some of the matters Council might consider include the size and nature of the proposed dwellings (caravans or moveable dwellings installed onsite), whether the development is for short term tourist and visitor accommodation, and whether the development is likely to provide an affordable housing option in the locality.

**Issues:**Options to revoke the developer contribution discount for caravan parks

Actions include:

1. Amend the LIC to revoke the discount and apply the contributions rate per residential dwelling/lot for all development applications for all caravan parks or moveable dwellings.
2. Amend the LIC to revoke the discount for caravan parks and moveable dwellings, unless the development is for short term tourist and visitor accommodation or an applicant can demonstrate the development will contribute to affordable housing supply. 'Affordable housing' is a term defined in the planning legislation as housing for very low income households, low income households or moderate income households and often consists of rental housing owned by community housing providers.

**Implications:**Housing affordability

Housing affordability can be supported via reduced local infrastructure contributions for diverse housing types such as long term caravan sites and moveable dwellings in caravan parks.

Removing the discount entirely may be a disincentive to increasing this supply of more affordable housing options in Port Stephens. On 13 December 2022, Council considered a report on homelessness in Port Stephens noting how contributions discounts for caravan parks can help promote housing affordability and supply of diverse housing types. Retaining the discount for caravan parks that can demonstrate they contribute to affordable housing stock with reference to the definitions in the planning legislation would minimise this risk.

Contributions income

In the past 5 years, 7 applications have been received for caravan parks or manufactured home estates, including extensions to existing developments where contributions have been payable. Removing the discount or restricting the application of



**ITEM 1 - ATTACHMENT 1      REPORT ON REVOKING CONTRIBUTIONS  
DISCOUNTS FOR CARAVAN PARKS AND INCREASING HAULAGE LEVIES.**

the discount may not have a significant impact on either contributions revenue or affordable housing supply given the number and type of applications and Council's existing discretion to choose not to apply the discount.

**Haulage levies for extractive industries using local roads**

The LIC provides a contribution rate for extractive industries and mining to offset the impact of truck movements from quarries and mines travelling on nominated local roads (haulage levies). The haulage levy was last reviewed in 2020 and updated in 2021 (The levy was increased from \$0.04 / tonne / km to \$0.086 / tonne / km).

Haulage levies are ongoing payments collected for the operating life of a mine or quarry and fund the repairs, resealing, upgrading and reconstruction of haulage roads required because of the heavy truck movements. Haulage levies cannot be spent on other roads or on other infrastructure.

Haulage levies cannot be amended or increased after an application is determined even if Council amends the LIC. As a result, many extractive industries in Port Stephens pay different levies depending on the date their consent was issued.

The planning legislation requires haulage levies to be imposed in accordance with an adopted LIC and they may only be imposed to require a reasonable contribution towards recoupment of the cost concerned.

To accurately calculate reasonable contributions, Council could require the travel routes for every heavy haulage truck movement to be logged and weighbridge receipts to calculate the precise cost of the likely road damage and future road reconstruction or maintenance.

This would be an onerous administrative burden, so Council estimates the likely cost of damage caused by a typical heavy haulage vehicle (per tonne per kilometres) and multiplies this cost with an assumed average trip length of a tonne of hauled material to calculate a reasonable heavy haulage levy. Approved extractive industries submit regular reports to Council demonstrating their hauled tonnage so that Council can recover contributions.

The LIC contains details about the assumptions made as to the size of typical heavy vehicles operating in our area (e.g. number of axles) including average tonnage of material carried, the length of haulage routes, the condition of the road, and projected maintenance and reconstruction costs over time.

If an applicant provides a Traffic and Transport Economic Study prior to determination of their application, the levy can be varied. For example, this might be necessary if specific operations use different sized trucks than the assumptions in the LIC.

Most applications for extractive industries in Port Stephens are determined by the State government and Council is not the consent authority determining the application and imposing the levy. Council is consulted during assessment, however the planning legislation enables other consent authorities the discretion to apply levies other than in accordance with Council's Contribution Plan.

# ITEM 1 - ATTACHMENT 1      REPORT ON REVOKING CONTRIBUTIONS DISCOUNTS FOR CARAVAN PARKS AND INCREASING HAULAGE LEVIES.

For example, the Brandy Hill Quarry was recently determined by the Independent Planning Assessment Commission and Council was required to provide detailed justification for the methodology in calculating our local haulage levies, including a comparison of haulage levies in other council areas. That consent applies the haulage levies in the LIC, however also directs that a portion of the levies be spent other than in accordance with the Plan.

## Issues:

A review of haulage levies imposed by other councils has been undertaken. Table 1 below shows a comparison of some of the heavy haulage levies that apply in NSW.

**Table 1 Review of haulage levies in NSW**

	<b>Haulage Levy Rate</b>
Port Stephens Council	\$0.086 / tonne / km
Cessnock Council	\$0.205 / tonne / km
Narromine Council	\$0.146 / tonne / km
Yass Valley Council	\$0.134 / tonne / km for primary local roads (sealed)
Coffs Harbour Council	\$0.088 / tonne / km
Tweed Shire Council	\$0.0744 / tonne / km for extractive industries and mining \$0.051 / tonne / km for other heavy haulage generating development
Ballina Council	\$0.073 / tonne / km for extractive industries and mining \$0.054 / tonne / km for other heavy haulage generating development
Coolamon Shire Council	\$0.0584 / tonne / km
Goulburn Mulwaree Council	\$0.0504 / tonne / km
Mid-Coast Council	\$0.038 / tonne / km
Maitland Council	Calculated for each individual development application and haul route
Lake Macquarie Council	Calculated for each individual development application and haul route
Singleton Council	Calculated for each individual development application and haul route
Muswellbrook Council	1% of the estimated cost of the development (one off payment)
Liverpool Plains Shire Council	1% of the estimated cost of the development (one off payment)
Eurobodalla Council	1% of the estimated cost of the development (one off payment)

Each contributions plan sets out the rationale for the haulage levy and there are individual differences that influence the assumptions and methodology adopted in each

# ITEM 1 - ATTACHMENT 1      REPORT ON REVOKING CONTRIBUTIONS DISCOUNTS FOR CARAVAN PARKS AND INCREASING HAULAGE LEVIES.

council area. For example, an average haulage vehicle in Cessnock is specified as 25 tonnes and has a different number of axles whereas in Port Stephens, the size of the average haulage vehicle from local extractive industries is specified as 15 tonnes (a composite calculation considering loaded and non-loaded vehicles and for heavy vehicles across many classes) with less axles. Trucks with less axles are likely to cause less road damage. Other key differences in the haulage route calculations include the existing condition of local haul roads (sealed or unsealed) which also changes the maintenance costs.

Some councils that have both mining as well as extractive industries located in their areas have chosen different methodologies to better capture the funds needed to maintain their local roads (for example Muswellbrook Council and Liverpool Plains Shire).

Councils that impose heavy haulage levies can also include a surcharge to cover the costs associated with administering and updating the LIC. In Port Stephens, this covers:

- costs expended for the preparation of the plan, including consultants' fees
- cost of staff time to implement the plan, process and account for contributions, monitor and amend the plan
- the processing of quarterly returns from extractive industries.

Depending on how levies are applied, administration of heavy haulage levies can cost some councils more than the administration of other contribution levies which are one off payments. Table 2 below shows a sample of different administration levies for haulage in NSW.

**Table 2 Review of administration costs for haulage levies**

	<b>Surcharge for administration of haulage levies as a proportion of the calculated cost of road reconstruction/maintenance</b>
Port Stephens Council	2.79%
Tweed Shire Council	5%
Cessnock Council	1.5%
Ballina Council	1.5%
Coolamon Shire Council	1.5%
Narromine Council	1%

In Port Stephens, haulage levies are only applied to mining and extractive industries. Other commercial and industrial developments that might generate regular heavy truck movements are levied 1% of the estimated cost of the development (as a one off payment) (known as section 7.12 levies). These levies are not solely directed towards the impact of heavy haulage truck movements but cover roadworks more generally as well as other infrastructure items. Section 7.12 levies cannot be imposed in addition to heavy haulage levies under section 7.11 (See section 7.12(2) of the EP&A Act). In most cases it is likely that collecting the existing section 7.12 levies for these developments better enables Council to deliver the infrastructure in our LIC.

**ITEM 1 - ATTACHMENT 1      REPORT ON REVOKING CONTRIBUTIONS  
DISCOUNTS FOR CARAVAN PARKS AND INCREASING HAULAGE LEVIES.**

Other development that might generate significant heavy vehicles on local roads includes earthworks (excavation and filling) associated with development charged section 7.11 levies (such as residential subdivision). Some councils choose to extend heavy haulage levies to these applications in addition to the contribution per lot/dwelling charged under section 7.11. In Port Stephens, the section 7.11 levies for residential development and subdivision are currently either at or close to the Ministerial cap amounts (\$20,000 per lot) and adding additional levies for heavy haulage to these applications would exceed the cap in every catchment.

In Port Stephens, extractive industries are only charged contributions for haulage. Some other councils choose to levy quarries for additional local infrastructure contributions for other items outside of maintenance of haulage routes. In Port Stephens, all other types of commercial and industrial development pay towards these other infrastructure items through section 7.12 levies). There is no Ministerial cap on the amount of contributions councils can charge extractive industries and mining under section 7.11.

Options to increase haulage levies

The review of haulage levies identifies the following opportunities to either increase haulage levies or increase the contributions collected from extractive industries and mining:

1. Review the administration surcharge to ensure it reflects the true cost of administering the levy including maintaining databases and separate accounting for haulage, notification procedures, processing quarterly returns, as well as invoicing and recovering late or missed payments.
2. Amend the LIC to levy additional contributions under section 7.11 for extractive industries and mining to fund infrastructure needs in addition to haulage road maintenance, such as fire and emergency services, flood and drainage works, civic administration – works depot, or shared paths. This change will ensure extractive industries are contributing towards the same categories of community and other infrastructure as all other commercial development in Port Stephens.

The Brandy Hill Quarry recently determined by the Independent Planning Assessment Commission is an example of an extractive industry that created a need for infrastructure other than the items funded by the existing haulage levy (i.e. shared paths). As the current LIC does not require quarries to contribute to this type of community infrastructure, the determination required Council to use the haulage levy to partially fund this item which could lead to a deficit in funds to repair haulage routes.

3. Amend the LIC to include a statement that works may also be required for a specific development to be undertaken in addition to works funded by contributions levied under the Plan.

Some roads and infrastructure may not be able to accommodate additional heavy vehicle loading without immediate upgrades. There may be upgrades to roads or

**ITEM 1 - ATTACHMENT 1      REPORT ON REVOKING CONTRIBUTIONS  
DISCOUNTS FOR CARAVAN PARKS AND INCREASING HAULAGE LEVIES.**

traffic facilities that are directly required by a development and without which the development could not or should not reasonably occur. New roads, or upgrades to the existing road network, may be required to accommodate the additional heavy vehicle loading. Where a development requires works to be undertaken, the requirement will be by way of a condition imposed on the development consent under section 4.17(1)(f) of the EP&A Act. This will be in addition to contributions required for haul routes.

The Brandy Hill Quarry recently determined by the Independent Planning Assessment Commission is an example of an extractive industry that created a need for immediate infrastructure upgrades that were not funded by the existing haulage levy (i.e. construction of bus bays). The determination requires Council to use the heavy haulage levy to fund this item which could lead to a deficit in funds to repair haulage routes.

4. Review the most appropriate price index to apply to the haulage levy, for example the current LIC relies on the Consumer Price Index Sydney - All Groups, published by the Australian Bureau of Statistics (ABS). Since the making of the *Environmental Planning and Assessment Regulation 2021*, councils can now choose the most appropriate price index for contributions levies. Tweed Shire Council recently updated their Contributions Plan to index heavy haulage levies with reference to the Producer Price Index (PPI) 3101 Road and bridge construction NSW (ABS).

**Implications:**Increasing haulage levies

As set out above, the methodology for calculating haulage levies under the LIC was only recently reviewed and amended. There are likely limited opportunities to increase the haulage levies collected by revising the current methodology, particularly given in most instances an applicant will submit a Traffic and Transport Economic Study to vary the assumptions in the Plan to reflect their specific operations more accurately.

There are however opportunities to increase the total levies collected from mining and extractive industries as set out above and to include statements in the LIC clearly outlining Council's position on funding the provision of infrastructure directly required by a development and without which the development could not or should not reasonably occur.

Economic impacts

Increasing the levies collected from mining and extractive industries can have an economic impact on the feasibility of these developments. Some other councils have addressed this in their contributions plans by:

- Resolving to adjust the haulage levy to 40% of the calculated contribution with council meeting the remaining 60% in recognition of the local economic benefits mining and extractive industries (Narromine Shire Council).
- Excluding extractive industries with an average annual approved output of up to and including 5,000 m<sup>3</sup> of solid material to assist the viability of smaller scale enterprises

**ITEM 1 - ATTACHMENT 1      REPORT ON REVOKING CONTRIBUTIONS  
DISCOUNTS FOR CARAVAN PARKS AND INCREASING HAULAGE LEVIES.**

and recognise the smaller and localised haulage associated with these developments (Narromine Shire Council, Ballina Shire Council, Tweed Shire Council).

- Limiting the calculation of the levies by setting 15 km as the maximum local haul route in any calculation (Narromine Shire Council).

Overall, there are likely limited applications in Port Stephens that would be impacted by the changes. No local applications for quarries have been lodged or determined in the past 5 years and there have been limited State applications approved in the same timeframe. Council occasionally receives heavy haulage contributions from quarries in neighbouring local government areas if their trucks use local haul routes in Port Stephens to access the State network.

The changes listed above would result in positive financial implications for Council.

**Recommendations:**

- 1) Note the issues and implications identified in this report.
- 2) Amend the LIC to revoke the discount for caravan parks and moveable dwellings, unless the development is for short term tourist and visitor accommodation or an applicant can demonstrate the development will contribute to affordable housing supply.
- 3) Amend the LIC to implement all of the options listed to increase levies for extractive industries.

**Senior Strategic Planner – Infrastructure Coordination & Funding**

**MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022****ITEM NO. 4****FILE NO: 22/270051  
EDRMS NO: PSC2022-01759****DRAFT LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN - AMENDMENT 2****REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER****GROUP: DEVELOPMENT SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Note that there were no submissions received during the exhibition period.
- 2) Approve the Port Stephens Local Infrastructure Contribution Plan – Amendment No. 2 as amended (**ATTACHMENT 1**).
- 3) Provide public notice that the Port Stephens Local Infrastructure Contribution Plan – Amendment No. 2 has been approved, in accordance with the Environmental Planning and Assessment Regulations 2021 (NSW).

**ORDINARY COUNCIL MEETING - 13 DECEMBER 2022  
MOTION**

<b>326</b>	<b>Councillor Steve Tucker Councillor Leah Anderson</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Note that there were no submissions received during the exhibition period.</li><li>2) Approve the Port Stephens Local Infrastructure Contribution Plan – Amendment No. 2 as amended (<b>ATTACHMENT 1</b>).</li><li>3) Provide public notice that the Port Stephens Local Infrastructure Contribution Plan – Amendment No. 2 has been approved, in accordance with the Environmental Planning and Assessment Regulations 2021 (NSW).</li><li>4) The General Manager will, by the end of March 2023, provide a report to Council outlining:<ol style="list-style-type: none"><li>i. What actions Council could take to revoke the developer contribution discount which is applied to caravan parks and moveable dwellings</li><li>ii. The impact of Council revoking the developer contribution discount which is applied to caravan parks and moveable dwellings</li><li>iii. What actions Council could take to increase the haulage fees applicable to extractive industries which use Council's local roads</li><li>iv. The impact of Council increasing the haulage fees applicable to extractive industries which use Council's local roads.</li></ol></li></ol>
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**MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022**

Cr Giacomo Arnott moved the following amendment, which was accepted by the mover and seconder and merged into the original motion:

- 1) Note that there were no submissions received during the exhibition period.
- 2) Approve the Port Stephens Local Infrastructure Contribution Plan – Amendment No. 2 as amended (**ATTACHMENT 1**).
- 3) Provide public notice that the Port Stephens Local Infrastructure Contribution Plan – Amendment No. 2 has been approved, in accordance with the Environmental Planning and Assessment Regulations 2021 (NSW).
- 4) The General Manager will, by the end of March 2023, provide a report to Council outlining:
  - v. What actions Council could take to revoke the developer contribution discount which is applied to caravan parks and moveable dwellings
  - vi. The impact of Council revoking the developer contribution discount which is applied to caravan parks and moveable dwellings
  - vii. What actions Council could take to increase the haulage fees applicable to extractive industries which use Council's local roads
  - viii. The impact of Council increasing the haulage fees applicable to extractive industries which use Council's local roads.

Councillor Peter Kafer left the meeting at 8:00pm.

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, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**ORDINARY COUNCIL MEETING - 13 DECEMBER 2022  
MOTION**

<b>327</b>	<b>Councillor Giacomo Arnott Councillor Steve Tucker</b>  It was resolved that Item 13 be brought forward to Item 5 and Item 9 be brought forward to Item 6.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.



**MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022**

The motion was carried.

**BACKGROUND**

The purpose of this report is to advise Council of the outcomes of the consultation undertaken on the draft Port Stephens Local Infrastructure Contribution Plan (LIC) – Amendment No. 2 (the Amendment) and to seek Council endorsement to make the Amendment (**ATTACHMENT 1**).

Council collects local infrastructure contributions to support growth from new developments by funding community infrastructure such as local roads, pathways, parks and sporting facilities. Local infrastructure contributions are levied in accordance with Part 7 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the endorsed LIC plan. The funds collected must be allocated to the projects identified within the LIC plan.

The LIC plan is amended on an annual basis to make administrative changes and to update projects identified to support growth and development.

At its meeting on 13 September 2022, Minute No. 245 (**ATTACHMENT 2**), Council endorsed the draft Amendment for public exhibition. The draft was publicly exhibited for 28 days from Thursday 15 September 2022 to Thursday 13 October 2022 in accordance with the Environmental Planning and Assessment Regulations 2021 (NSW) (EP&A Regulation).

The exhibited draft amendment included the removal of infrastructure items, the amendment of the amounts required to deliver infrastructure items and the introduction of additional infrastructure items.

The administrative amendments to the LIC plan relates to:

- clarifications regarding secondary dwellings, moveable dwellings and cost of works
- replacement of any reference to the recently repealed Environmental Planning and Assessment Regulations 2000 (EP&A Regulation) and its contents with the Environmental Planning and Assessment Regulations 2021 (EP&A Regulation) and its contents.

The removal of infrastructure items from the LIC plan relates to:

- items that have been funded by the LIC plan and completed
- items that have been funded by sources other than infrastructure contributions (i.e. grant funding)
- items that are not considered feasible within the life of the plan due to population growth and contributions income within the catchment.

The amendment of the amounts dedicated to infrastructure items from the LIC plan relates to:

## MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022

- increasing market values for the delivery of infrastructure
- increased scope of the infrastructure projects to be delivered.

The introduction of new infrastructure items into the LIC plan relates to:

- the addition of infrastructure projects that have been identified as being required to support growth and development.

The exhibited draft included the proposed contribution rates for each catchment shown in the table below.

Contributions catchments	Current contribution rate	Proposed contribution rate	Difference
Raymond Terrace and the West	\$18,938	\$19,833	\$895
Central Growth Corridor	\$19,550	\$19,729	\$179
Tomaree	\$19,623	\$19,854	\$231
Fern Bay	\$17,735	\$19,833	\$2,098
Kings Hill Urban Release Area (URA)	\$24,416	\$24,726	\$310

No submissions were received during the exhibition period.

The following minor typographical errors and clarifications are proposed to the Amended Works Schedule following exhibition:

- OSF19 – Clarify spelling in item description
- OSF18 – Amend staging threshold to 2027
- SRF7 – Clarify description to 'Meadowie – tennis facility upgrade'
- OSF22 – Clarify item description to 'reserve upgrades'
- OSF29 – Clarify item description to 'reserve upgrades'

## 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

The Amendment aims to secure contributions from development towards local infrastructure. Should the Amendment be adopted, it would enable funding and

**MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022**

construction of essential public infrastructure to satisfy the demands of the future population.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Developer Contributions (\$7.11)	Yes		The preparation of the Amendment has been funded by local infrastructure contributions.
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that Council will not be able to provide the necessary infrastructure to support new development if the Amendment is not adopted.	Medium	Adopt the recommendations.	Yes

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

Part 7 of the EP&A Act authorises Council to collect local infrastructure contributions from new development. Conditions imposed on new development would be in accordance with an approved local infrastructure contributions plan.

The Amendment has been prepared in accordance with Division 7.1 of the EP&A Act. It will enable contributions to be collected under sections 7.11 and 7.12.

Environmental Planning and Assessment Regulations 2021 (EP&A Regulation)

Part 9 of the EP&A Regulation relates to development contributions. The Amendment will amend the current contributions plan, pursuant to clause 215 (1).

Clause 212 sets out the particulars a local infrastructure contributions plan must contain. The Amendment is consistent with this clause.

**MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022**

Clause 213 sets out the exhibition requirements for amendments and draft contributions plans. The public exhibition of the Amendment was carried out in accordance with the EP&A Regulation, as detailed below.

It is recommended that Council approve the Amendment as amended **(ATTACHMENT 1)**. It is also recommended that a notice of the approval of the Amendment be published in accordance with clause 215(3) of the EP&A Regulation.

Environmental Planning and Assessment (Local Infrastructure Contributions)  
Direction 2012 (the Direction)

The Direction sets maximum contribution rates for new development and development in URAs, unless a contributions plan is reviewed by the Independent Pricing and Regulations Tribunal. In Port Stephens, the maximum rate per residential lot is \$20,000, and in the Kings Hill URA the maximum rate per residential lot is \$30,000. As the proposed rates are below these figures, the Amendment satisfies the Direction.

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The Amendment ensures an adequate standard of services and facilities can be provided in the Local Government Area without imposing a financial burden on the existing community. This has been balanced against the need to ensure unreasonable costs are not imposed upon new residential development, thereby reducing financial viability. Therefore, it is expected that the Amendment will have an overall positive economic impact.

**CONSULTATION**

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

Internal

The Amendment has been prepared in consultation with the Development Contributions Analysis Team, Financial Services, Assets and Development Assessment and Compliance Sections.

The projects in the Amendment have been aligned with Council's Strategic Asset Management Plan and Capital Works Program, together with other strategic asset management documents including plans of management and adopted land use strategies.

On 21 June 2022 a Councillor two way conversation was held to discuss the proposed amendment.

External

**MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022**

The draft Amendment was publicly exhibited for 28 days from Thursday 15 September 2022 to Thursday 13 October 2022 in accordance with the EP&A Regulation 2021. There were no submissions received.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Port Stephens Local Infrastructure Contributions Plan.
- 2) Minute No. 245, 13 September 2022.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

ITEM NO. 2

FILE NO: 23/15358  
EDRMS NO: PSC2022-02800

## PROPOSED SURPLUS ROAD CLOSURES

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

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### RECOMMENDATION IS THAT COUNCIL:

- 1) Consents to the closure of the surplus roads identified in the body of this report.
- 2) Completes the required Council Road Closure Process under Part 4 Division 3 of the Road Act, 1993.
- 3) Prepares Plans of First Title Creation for each road and takes all steps required to complete registration by Land Registry Services NSW (LRS), and following registration, gazette the road closures.
- 4) Authorises the General Manager to sign all documents required to effect the closures on behalf of Council as its authorised representative.

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## BACKGROUND

The purpose of this report is to seek consent to close a number of unused public roads.

Further to the engagement with the Mayor and Councillors regarding Council's financial sustainability there was an action arising to carry out a review of Council's underperforming assets.

On 11 October 2022, Minute No. 278, Council resolved to commence the land reclassification and rezoning process for a number of parcels of Council owned lands which were identified as surplus to needs (**ATTACHMENT 1**). This is currently underway.

In addition, Council have identified the following unused public roads as surplus to be included as part of the initial surplus land sales.

### Part Morgan Crescent, Raymond Terrace

Part Morgan Crescent, Raymond Terrace (as shown in black hatching **ATTACHMENT 2**) is a regular shaped parcel of vacant land at the western most end of Morgan Crescent, Raymond Terrace. It adjoins a privately owned commercial premises at the rear boundary and residential dwellings on each side boundary. It is considered surplus to needs as it does not provide legal or practical access to any

private properties or public land. It has a 15 metre frontage to Watt Street, a total land area of 695m<sup>2</sup> and is zoned R2 Low Density Residential.

The property has kerb and guttering, sewer, nbn, electricity and gas services already in place and could easily be developed as a standalone residential premises consistent with the adjoining properties. The property will be offered for sale on the open market, if closed.

#### Part Coonanbarra Street, Raymond Terrace

Part Coonanbarra Street, Raymond Terrace (**ATTACHMENT 3**) is a regular shaped parcel of vacant land situated at the western most end of Coonanbarra Street, Raymond Terrace. The road sits within an existing residential area and has a 20 metre frontage to each of Bareena and Charles Streets. It has a total land area of approximately 1,796m<sup>2</sup> and is zoned R2 Low Density Residential.

The road has existing Council drainage infrastructure installed diagonally through it as well as power lines traversing another part of the site connecting to a pole situated near the road's mid-point. Both of these will have to be relocated to the side boundary to facilitate development of the site, if the road is closed.

The road has potential for a minimum 1 into 2 lot residential subdivision which will be managed by Council staff if the road closure is successfully completed. Any relocation of assets will be dealt with through the subdivision process. A further report will be presented to Council after the subdivision process has been finalised.

#### Part Benjamin Lee Drive, Raymond Terrace

Part Benjamin Lee Drive, Raymond Terrace (**ATTACHMENT 4**) is an irregular shaped parcel of vacant land. It adjoins residential properties on each side boundary and backs onto Irrawang High School at the rear. It has an area of approximately 278m<sup>2</sup> and is zoned R2 Low Density Residential.

The land will be offered to adjoining neighbours including Irrawang High School.

### **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Financial Management	Manage the property portfolio in accordance with the Property Investment Strategy.

### **FINANCIAL/RESOURCE IMPLICATIONS**

Costs for survey plan preparation and LRS registration fees will be incurred for each road, at an estimated cost of \$5,000 per road.

**ORDINARY COUNCIL - 28 MARCH 2023**

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$15,000	Property Reserve
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that adjoining owners or external authorities may object to the proposed road closures.	Low	Adopt the recommendations.	Yes

The road closure process is a statutory process under the Roads Act 1993. Council officers will manage the statutory process.

Any sale following closure will be subject to a separate report to Council in accordance with the Acquisition and Divestment of Land Policy.

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The proposed closures will remove any requirement on Council to maintain or undertake works on the surplus roads in the future.

There are no apparent environmental implications to Council from the closure of any of the roads identified.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Strategic Property team to determine whether the various surplus roads were suitable for closure.

Internal

- Principal Drainage and Flooding Engineer
- Traffic Engineer
- Asset Section Manager



- Senior Development Engineer
- Strategic Planning Coordinator
- Senior Environmental Planner
- Environmental Operations Team Leader
- Civil Assets Manager
- Community Assets Coordinator
- Development Planning Coordinator
- Principal Property Planner
- Senior Property Officer
- Property Planner

### External

External consultation will be undertaken in accordance with the Council Road Closure Process under Part 4 Division 3 of the Roads Act 1993, including:

- Public notification of the intention to close a road including an opportunity to comment on the proposal.
- Direct notification to adjoining landowners.
- Direct notification to the following notifiable authorities:
  - Ausgrid
  - Endeavour Energy
  - Essential Energy
  - Fire & Rescue NSW
  - Forestry Corporation
  - Hunter Water Corporation
  - Jemena Asset Management
  - Local Lands Service
  - NBN Co
  - NSW National Parks & Wildlife Services
  - NSW Rural Fire Service
  - Roads & Maritime Service
  - State Transit Authority
  - Transgrid
  - Transport for NSW

### **OPTIONS**

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

## **ATTACHMENTS**

- 1) Council Meeting - 11 October 2022, Minute Number 278. [↓](#)
- 2) Part Morgan Crescent, Raymond Terrace (proposed closure area). [↓](#)
- 3) Part Coonanbarra Street, Raymond Terrace (proposed closure area). [↓](#)
- 4) Off Benjamin Lee Drive, Raymond Terrace (proposed closure area). [↓](#)

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

**MINUTES ORDINARY COUNCIL - 11 OCTOBER 2022****ITEM NO. 3****FILE NO: 22/208586  
EDRMS NO: PSC2021-00699-002****RECLASSIFICATION AND REZONING OF SURPLUS COUNCIL OWNED LAND**

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

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Commence the land reclassification and rezoning process for the land parcels identified and detailed in this report.
- 

**ORDINARY COUNCIL MEETING - 11 OCTOBER 2022  
MOTION**

<b>278</b>	<b>Councillor Giacomo Arnott Councillor Peter Kafer</b>  It was resolved that Council commence the land reclassification and rezoning process for the land parcels identified and detailed in the Supplementary Report.
------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Councillor Jason Wells left the meeting at 6:46pm.  
Councillor Jason Wells returned to the meeting at 6:48pm.

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

Those against the Motion: Nil.

The motion was carried.

**BACKGROUND**

The purpose of this report is to authorise the commencement of the reclassification and rezoning process for the following Council owned lands:

- Lot 721 DP 1033896, 101 Kindlebark Drive, Medowie
- Lot 35 and 38 DP 259487, 87A Adelaide Street, Raymond Terrace and 87B Adelaide Street, Raymond Terrace (rezoning only)
- Lot 1063 DP 826758, 20 Benjamin Lee Drive, Raymond Terrace

**MINUTES ORDINARY COUNCIL - 11 OCTOBER 2022**

- Lot 3082 DP 786401, 124 Benjamin Lee Drive, Raymond Terrace
- Lot 68 DP 248229, 4 Payton Street, Raymond Terrace
- Lot 4 DP 787398, 27 Campbell Avenue, Anna Bay
- Lot 18 DP 238628, A-1 Mount Hall Road, Raymond Terrace
- Lot 4 DP 807214, 1B Jessica Close, Raymond Terrace
- Lot 7 DP 716614, 13 Lyndel Close, Soldiers Point
- Lot 17 DP805074, 154 Rocky Point Road, Fingal Bay

Following the engagement with Councillors regarding Council's financial sustainability, one of the actions undertaken was a review of surplus lands.

Surplus lands and underutilised assets can be a maintenance liability for Council. Development and/or sale of surplus sites can reduce the maintenance liability to Council as well as add to housing stock or employment generating lands in the local government area while providing additional non-rate revenue to enhance Council's long term financial sustainability.

The sites listed above are identified in **(ATTACHMENT 1)** and have been declared surplus to needs. All sites with the exception of 87A Adelaide Street, Raymond Terrace are classified Community land under the provisions of the Local Government Act 1993 and will require a Local Environmental Plan (LEP) Amendment to reclassify them from Community to Operational land.

The LEP Amendment will also seek to rezone the following properties from RE1 Public Recreation to a residential zone, consistent with adjoining properties, so that they can be developed for residential purposes:

- 87A Adelaide Street, Raymond Terrace
- 20 Benjamin Lee Drive, Raymond Terrace
- 4 Payton Street, Raymond Terrace
- 27 Campbell Avenue, Anna Bay
- 13 Lyndel Close, Soldiers Point

Reclassification and rezoning of public land occurs by amending the LEP under the Environmental Planning and Assessment Act. The process is a statutory process that can take between 12-18 months. The outcome is not guaranteed and is subject to consultation with the community and government authorities.

The reclassification and/or rezoning of Council owned land is initiated by the asset owner as the applicant, and the process is managed by Strategic Planning as the planning proposal (or local consent) authority. The Department of Planning and Environment is the determining authority for LEP Amendments in NSW.

Should the reclassification and rezoning be approved as proposed it will provide increased flexibility in the future use of the lands and will permit development and sale consistent with Council's Property Investment Strategy.

**MINUTES ORDINARY COUNCIL - 11 OCTOBER 2022****COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Financial Management	Manage the property portfolio in accordance with the Property Investment Strategy.

**FINANCIAL/RESOURCE IMPLICATIONS**

Council will engage a planning consultant to prepare all documentation required to support the reclassification and rezoning planning proposal.

Subject to approval, and following gazettal of the LEP Amendment, the lands will be incorporated into the development pipeline consistent with the Property Investment Strategy. This will enhance Council's long and short term projects and improve Council's financial sustainability.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

The proposed reclassification and rezoning is provided for by the Local Government Act 1993 and governed by the Environmental Planning and Assessment Act 1979.

Council's Strategic Planning team will manage the LEP Amendment on behalf of Strategic Property as the applicant, consistent with Council's policy and process for managing LEP Amendments.

Council's policy requires a resolution of Council authorising the reclassification process for all Council owned lands.

**MINUTES ORDINARY COUNCIL - 11 OCTOBER 2022**

<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
Council does not reclassify the subject lands which continue to be underutilised and required to be up kept.	Medium	Adopt the recommendation.	Yes
Council will not be able to establish a sustainable development pipeline.	High	Adopt the recommendation.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There have been no significant environmental implications identified with the proposal. A detailed investigation of each site is to be completed prior to lodging the reclassification and rezoning proposal.

**CONSULTATION**

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

Internal

- Senior Flooding and Drainage Engineer
- Principal Drainage and Flooding Engineer
- Engineering Services Manager
- Property Planner
- Principal Property Planner
- Strategic Property Coordinator
- Communications Business Partner
- Councillors

External

Community consultation, including a public hearing, will be undertaken on all sites as required by the Local Government Act as part of the reclassification and rezoning process.

**OPTIONS**

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

**MINUTES ORDINARY COUNCIL - 11 OCTOBER 2022**

**ATTACHMENTS**

1) Locality Plans.

**COUNCILLORS ROOM**

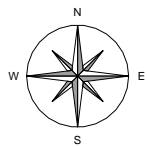
Nil.

**TABLED DOCUMENTS**

Nil.



## Proposed Road Closure - Part Morgan Crescent, Raymond Terrace



MGA 56



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

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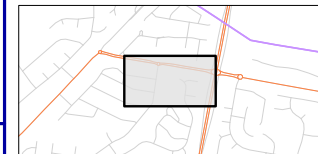
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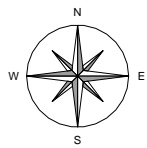
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### SHEET LOCALITY





## Proposed Road Closure - Part Coonanbarra Street, Raymond Terrace



MTA 56



PORT STEPHENS  
COUNCIL

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

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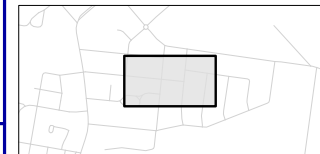
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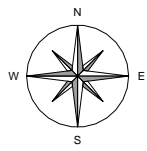
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### SHEET LOCALITY





## Proposed Road Closure - Benjamin Lee Drive, Raymond Terrace



MGA 56



PORT STEPHENS  
COUNCIL

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

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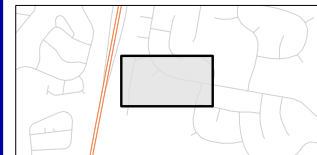
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### SHEET LOCALITY



**ITEM NO. 3**

**FILE NO: 23/47137  
EDRMS NO: PSC2006-1030**

**CORLETTE HALL - 355C COMMITTEE**

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

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Dissolve the Corlette Hall 355c Committee as of 14 April 2023 and close related committee bank accounts.
- 2) Acknowledge past achievements of the Committee Members and thank them for their dedication.

---

**BACKGROUND**

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

The Corlette Hall 355c Committee held their Annual General Meeting on Friday 17 February 2023. At the meeting, a motion was passed for the Corlette Hall 355c Committee to dissolve, returning full management of the facilities to Council.

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

Council's Community Services Section will take over coordination of bookings and financial management of Corlette Hall from Monday 17 April 2023.

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**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

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

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

**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.

<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
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**

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

- Corlette Hall 355c Committee members.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Corlette Hall 355c Committee - AGM Minutes - 17 February 2023. [↓](#)

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.



ITEM 3 - ATTACHMENT 1 CORLETTE HALL 355C COMMITTEE - AGM  
MINUTES - 17 FEBRUARY 2023.



**DRAFT 355(c) Committee  
AGM MINUTES**

**Name of 355(c) Committee:** CORLETTE HALL 355C COMMITTEE

**Minutes of meeting:** Corlette Hall, 17/2/23 at 10.22am

**Meeting opened:** 10.22am

**Present:** Cr Mathew Bailey, Mrs Jo Holley (Chair), Mr Brian Watson-Will (Sec/Treas/Bookings), Mrs Cheryl Watson-Will.

**Apologies:** Cr Anderson. Vice-Chairman Graham Blythman has been sent all correspondence and failed to respond to any of them. His last of 2022 stated he may not make out next meeting.

**Committee recognised the passing of Gail Armstrong and forwarded a condolence card, on behalf of said Committee, to her partner Graham Blythman mentioning our sorrow of her passing.**

**Confirmation of a quorum:** Yes

**Declarations of interest:** No declarations of interest.

**Adoption of minutes of previous AGM 28/3/22 and business arising:** Nil.

**Moved:** Brian, **Seconded:** Jo. **Carried.**

**Endorsement of new General Members:** No new members.

**CHAIR/SECRETARY'S/TREASURER'S REPORT 17/2/2023  
(As per General Meeting)**

**Treasurer's Report:** All bank statements from NAB Nelson Bay were presented to the meeting. Current Balance: \$20K??? as at 31/1/23. Bank account name: Corlette Hall 355c Committee: NAB, Nelson Bay. [REDACTED]. Acc No [REDACTED]. This account to be renamed as above. Moved: Brian. Seconded: Jo. Carried as per GM.

**Appointment of Returning Officer:** Cr Mathew Bailey.

**Election of Executive and Members:**

**It was moved Brian and seconded Jo that Committee remain with the status quo as follows:-**

Chairperson: Mrs Jo Holley. Moved Brian seconded Cheryl. There being no further nominations. Carried.

Deputy Chairperson: Vacant

Secretary/Treasurer: Mr Brian Watson-Will. Moved Jo, seconded Cheryl. There being no further nominations. Carried

Advisory Member and Bookings Officer: To be appointed by Committee.

*The Returning Officer hands the chair over to the newly elected Chairperson who presides over the following:*

**Cr Bailey welcomed the current Executive Committee and member.**

**It was recommended by Brian that we remain in a caretaker role for the Hall until a date to be agreed upon to wind up responsibilities of the current Committee. Council officers to be notified of this decision and time to enact for a smooth transition for Council to operate the Hall. Moved: Brian, seconded Jo. Carried. Cr Bailey understood this decision and thanked Committee for all the years of service.**

*[Double click here and insert date of meeting]*

1

**ITEM 3 - ATTACHMENT 1      CORLETTE HALL 355C COMMITTEE - AGM  
MINUTES - 17 FEBRUARY 2023.****Confirmation of account signatories and bank account name:**

*(Committees are required to have a minimum of two committee signatories, and two Council staff signatories.)*

Committee signatories

Full Name:

Mrs Jo Holley (Chair)

Mr Graham Blythman (Vice-Chair) to be removed as a signatory.

Carried by consensus.

Mr Brian Watson-Will (Sec/Treas)

PSC signatories:

Ms Annette Stor, Port Stephens Council Officer

Mr Glen Peterkin, Port Stephens Council Officer

Bank account name: Corlette Hall 355c Committee: NAB, Nelson Bay. BSB 082-755

Acc No. 66-794-2899

Annette to approach the NAB, Nelson Bay with a copy of these minutes as a co-signatory of Committee, also mentioning that the name should read: Corlette Hall 355c Committee, as already pointed out to the bank by the Secretary.

**Tabling of Documents:**

- 355(c) committee Terms of Reference and individual committee Appendix
- PSC Code of Conduct
- WHS for Volunteers booklet
- All forwarded and available via emails to Committee

**Meeting dates for coming year: TBA. Meeting closed: 10.30am.**

**Chairperson and Secretary of meeting at which these AGM minutes were endorsed:**

..... Mrs Jo Holley (Chair)	..... Signature	..... Date 17/2/23
..... Mr Brian Watson-Will (Sec/Treas)	..... Signature	..... Date 17/2/23

**ITEM NO. 4****FILE NO: 23/68868  
EDRMS NO: PSC2021-04206****REQUEST FOR FINANCIAL ASSISTANCE****REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE**

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral funds to the following:-
  - a. Seaham Public School P&C – Mayoral funds - \$1000 donation towards overhead costs associated with running the school fete.

---

**BACKGROUND**

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

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

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

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

The requests for financial assistance are shown below:

**MAYORAL FUND**

Seaham Public School P&C	Seaham Public School P&C assist the school with fundraising to	\$1000	Donation towards overhead costs associated with
--------------------------	----------------------------------------------------------------	--------	-------------------------------------------------



**ORDINARY COUNCIL - 28 MARCH 2023**

	provide additional resources and facilities for students.		running the school fete.
--	-----------------------------------------------------------	--	--------------------------

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Thriving and safe place to live	Provide the Community Financial Assistance Program

**FINANCIAL/RESOURCE IMPLICATIONS**

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

**LEGAL AND POLICY IMPLICATIONS**

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

The policy interpretation required is whether the Council believes that:

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

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

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**CONSULTATION**

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

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

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 5**

**FILE NO: 23/71343**  
**EDRMS NO: PSC2022-2308**

**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 28 March 2023.

---

<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	February 2023 Cash and Investments	60
2	Potters Lane Basketball Hoop	64
3	Designated Persons' Return	69
4	Delegations Report	70
5	Council Resolutions	72

---

# INFORMATION PAPERS



**ITEM NO. 1****FILE NO: 22/325459  
EDRMS NO: PSC2017-00180****FEBRUARY 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 28 February 2023.

The invested funds are set aside for:

<b>Restricted Cash</b>	
<b>Reserve</b>	<b>As at February 2023 \$'000</b>
<b>External</b>	
Deposits, retentions and bonds	875
Grants and Contributions	14,138
Developer contributions (inc Haulage)	20,293
Domestic Waste Management	8,239
Crown Reserve	7,474
	-
<b>Internal</b>	-
Asset Rehab/Reseals	2,283
Drainage	584
Commercial Property	15,495
Election Reserve	191
Federal Assistance Grant in Advance	-
Fleet	940
Resilience fund	3,000
Grants Co-contribution	3,000
Emergency & Natural Disaster	7,000
Other Waste	309
Council Parking	399
IT	1,982
Sustainable energy and water reserve	209
Unexpended loan funds	2,986
Repealed	2,673
Transport levy	463
Admin Building	415

**ORDINARY COUNCIL - 28 MARCH 2023**

Ward Funds	60
Community Halls	45
Community Loans	200
<b>Total</b>	<b>93,253</b>

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

Cash and Investment Report	86,487
Variance Cash Reserves to Bank Account	(6,766)

Variance Due to:

Outstanding State Roads payments	350
Loans not funded through a reserve	272
Outstanding GST refund	453
Contract Asset (Outstanding Grant Payments)	3,177
Outstanding Natural Disaster Funding	1,342
<b>Total Variance</b>	<b>5,594</b>

<b>Cash Shortfall</b>	<b>(1,172)</b>
(due to timing of income and expenditure)	

**ATTACHMENTS**

1) Cash and Investments - February 2023. [↓](#)

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

## ITEM 1 - ATTACHMENT 1 CASH AND INVESTMENTS - FEBRUARY 2023.

## Cash and Investments Held as at 28 February 2023

ISSUER	Broker	Rating*	Type	Investment Date	Yield (%)	Term (days)	Maturity Date	Amount Invested	Market Value
Westpac	Westpac	AA	TD	16-Feb-22	0.95%	391	14-Mar-23	1,000,000	1,005,023
Australian Unity Bank	Laminar	BBB	TD	8-Jul-22	3.80%	257	22-Mar-23	1,000,000	1,024,466
Australian Unity Bank	Laminar	BBB	TD	8-Jul-22	3.80%	264	29-Mar-23	1,000,000	1,024,466
AMP Bank	IAM	BBB	TD	25-Aug-22	3.80%	230	12-Apr-23	1,000,000	1,019,468
Summerland Credit Union	IAM	NR	TD	27-Oct-22	4.47%	175	20-Apr-23	1,000,000	1,015,186
AMP Bank	IAM	BBB	TD	25-Aug-22	3.80%	242	24-Apr-23	1,000,000	1,019,468
Transport Mutual Credit Union Limited	Laminar	NR	TD	24-Jan-23	4.35%	90	24-Apr-23	2,000,000	2,008,342
Macquarie Bank	Laminar	A	TD	24-Jan-23	4.09%	90	24-Apr-23	5,000,000	5,019,610
Commonwealth Bank of Australia	CBA	AA	TD	24-Jan-23	4.03%	90	24-Apr-23	2,750,000	2,760,627
Macquarie Bank	Laminar	A	TD	25-Jan-23	4.09%	89	24-Apr-23	5,620,604	5,642,017
Police Credit Union	IAM	NR	TD	4-Nov-22	4.40%	174	27-Apr-23	1,000,000	1,013,984
Commonwealth Bank of Australia	CBA	AA	TD	9-May-22	3.17%	365	9-May-23	1,000,000	1,025,621
Westpac	Westpac	AA	TD	16-Feb-22	1.12%	454	16-May-23	1,000,000	1,003,099
BNK Bank	Curve	NR	TD	23-Nov-22	4.42%	180	22-May-23	1,000,000	1,011,746
National Australia Bank	Curve	AA	TD	28-Nov-22	4.15%	182	29-May-23	1,000,000	1,010,460
Police Credit Union	IAM	NR	TD	22-Dec-22	4.48%	181	21-Jun-23	1,000,000	1,008,346
Bank of Queensland	BOQ	BBB	TD	2-Jun-22	3.40%	389	26-Jun-23	1,500,000	1,537,866
AMP Bank	Laminar	BBB	TD	2-Aug-22	4.20%	332	30-Jun-23	825,000	844,936
Defence Bank	IAM	BBB	TD	21-Jun-22	4.38%	379	5-Jul-23	1,000,000	1,030,240
Illawarra Credit Union	Laminar	BBB	TD	3-Jun-22	3.52%	403	11-Jul-23	1,000,000	1,026,038
Westpac	Westpac	AA	TD	16-Feb-22	1.30%	517	18-Jul-23	1,000,000	1,003,597
AMP Bank	IAM	BBB	TD	18-Aug-22	4.15%	340	24-Jul-23	1,000,000	1,022,058
Westpac	Westpac	AA	TD	3-Jun-22	3.28%	424	1-Aug-23	1,000,000	1,007,638
Mutual Bank	Curve	BBB	TD	2-Jun-22	3.40%	438	14-Aug-23	1,000,000	1,025,244
AMP Bank	Laminar	BBB	TD	29-Jul-22	4.45%	382	15-Aug-23	1,000,000	1,026,090
AMP Bank	Laminar	BBB	TD	2-Aug-22	4.45%	384	21-Aug-23	825,000	846,122
AMP Bank	IAM	BBB	TD	25-Aug-22	4.25%	361	21-Aug-23	500,000	510,887
AMP Bank	Laminar	BBB	TD	1-Sep-22	4.25%	368	4-Sep-23	700,000	714,671
Australian Unity Bank	Curve	BBB	TD	1-Jun-22	3.40%	468	12-Sep-23	1,000,000	1,025,337
Commonwealth Bank of Australia	CBA	AA	TD	17-Jun-22	4.39%	467	27-Sep-23	1,000,000	1,006,976
Commonwealth Bank of Australia	CBA	AA	TD	17-Jun-22	4.41%	481	11-Oct-23	1,000,000	1,007,008
Commonwealth Bank of Australia	CBA	AA	TD	17-Jun-22	4.42%	495	25-Oct-23	1,000,000	1,007,024
Westpac	Westpac	AA	TD	16-Feb-22	1.48%	629	7-Nov-23	1,000,000	1,004,095
Commonwealth Bank of Australia	CBA	AA	TD	17-Jun-22	4.45%	524	23-Nov-23	1,000,000	1,007,071
Summerland Credit Union	IAM	NR	TD	30-Nov-22	4.72%	362	27-Nov-23	1,000,000	1,011,638
ING Bank	ING	A	TD	24-Jun-22	4.22%	531	7-Dec-23	1,000,000	1,028,788
QBANK	Ord Minnett	BBB	TD	2-Dec-22	4.70%	374	11-Dec-23	975,000	986,048
Commonwealth Bank of Australia	CBA	AA	TD	17-Jun-22	4.48%	552	21-Dec-23	1,000,000	1,007,119
ING Bank	ING	A	TD	24-Jun-22	4.33%	559	4-Jan-24	1,000,000	1,029,539
ING Bank	ING	A	TD	29-Jun-22	4.35%	566	16-Jan-24	1,000,000	1,029,079
Westpac	Westpac	AA	TD	8-Aug-22	4.00%	532	22-Jan-24	1,000,000	1,003,945
Westpac	Westpac	AA	TD	8-Aug-22	4.00%	539	29-Jan-24	1,000,000	1,003,178
Westpac	Westpac	AA	TD	28-Jan-22	1.53%	732	30-Jan-24	1,000,000	1,004,988
Westpac	Westpac	AA	TD	28-Jan-22	1.53%	746	13-Feb-24	1,000,000	1,004,988
Westpac	Westpac	AA	TD	16-Feb-22	1.72%	741	27-Feb-24	1,000,000	1,004,759
Westpac	Westpac	AA	TD	1-Sep-22	4.30%	557	11-Mar-24	1,000,000	1,010,485
Bank Vic	IAM	BBB	TD	3-Feb-23	4.62%	409	18-Mar-24	1,000,000	1,003,164



## ITEM 1 - ATTACHMENT 1 CASH AND INVESTMENTS - FEBRUARY 2023.

## Cash and Investments Held as at 28 February 2023

ISSUER	Broker	Rating*	Type	Investment Date	Yield (%)	Term (days)	Maturity Date	Amount Invested	Market Value
Westpac	Westpac	AA	TD	14-Oct-22	4.53%	542	8-Apr-24	1,000,000	1,005,337
Judo Bank	IAM	BBB	TD	22-Apr-22	3.35%	732	23-Apr-24	825,000	848,624
Summerland Credit Union	Curve	NR	TD	23-Nov-22	4.60%	523	29-Apr-24	1,000,000	1,012,225
Judo Bank	IAM	BBB	TD	22-Apr-22	3.35%	746	7-May-24	825,000	848,624
Macquarie Bank	Curve	A	TD	1-Sep-22	4.41%	627	20-May-24	1,000,000	1,021,748
Commonwealth Bank of Australia	CBA	AA	TD	7-Feb-23	4.65%	475	27-May-24	1,000,000	1,002,675
Macquarie Bank	Curve	A	TD	1-Sep-22	4.41%	649	11-Jun-24	1,000,000	1,021,748
Westpac	Westpac	AA	TD	23-Aug-22	4.35%	685	8-Jul-24	1,000,000	1,000,596
Westpac	Westpac	AA	TD	23-Aug-22	4.35%	692	15-Jul-24	1,000,000	1,000,596
Australian Military Bank	Curve	BBB	TD	25-Aug-22	4.40%	704	29-Jul-24	1,000,000	1,022,542
Police Credit Union	IAM	NR	TD	14-Feb-23	5.02%	538	5-Aug-24	1,000,000	1,001,925
Westpac	Westpac	AA	TD	21-Feb-23	5.01%	538	12-Aug-24	1,000,000	1,000,961
ING Bank	ING	A	TD	23-Dec-22	4.68%	655	8-Oct-24	1,000,000	1,008,591
ING Bank	ING	A	TD	23-Dec-22	4.70%	661	14-Oct-24	1,000,000	1,008,627
Westpac	Westpac	AA	TD	3-Nov-22	4.90%	732	4-Nov-24	1,000,000	1,003,356
Summerland Credit Union	Curve	NR	TD	23-Nov-22	4.65%	719	11-Nov-24	1,000,000	1,012,358
Summerland Credit Union	Curve	NR	TD	23-Nov-22	4.65%	726	18-Nov-24	1,000,000	1,012,358
ING Bank	IAM	A	TD	2-Dec-22	4.50%	724	25-Nov-24	1,000,000	1,010,849
ING Bank	IAM	A	TD	2-Dec-22	4.50%	738	9-Dec-24	1,000,000	1,010,849
Commonwealth Bank of Australia	CBA	AA	TD	20-Dec-22	4.71%	731	20-Dec-24	1,000,000	1,007,484
Commonwealth Bank of Australia	CBA	AA	TD	8-Feb-23	4.74%	733	10-Feb-25	1,000,000	1,002,597
Total Term Deposits (\$)								78,345,604	79,257,221
Macquarie Bank	Laminar	A	At Call		3.35%			0	0
Total Investments (\$)								78,345,604	79,257,221
Cash at Bank (\$)								7,229,473	7,229,473
Total Cash and Investments (\$)								85,575,077	86,486,694
Cash at Bank Interest Rate		3.45%							
3 month BBSW		3.46%							
Weighted Average Investment Rate of Return on TD's		3.98%							
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: 23/45222**  
**EDRMS NO: PSC2017-00019**

## **POTTERS LANE BASKETBALL HOOP**

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

### **BACKGROUND**

The purpose of this paper is to provide information as requested in the Notice of Motion (**ATTACHMENT 1**) Council meeting 12 December 2022, Minute No. 341.

The Recreation Strategy, adopted in 2018, identifies suitable embellishments for Council managed land. In the strategy, half-courts, hit-up walls etc. are supported in District and Regional parks. This recognises the strategy's objective to deliver recreational facilities that are appropriately scaled and responsive to community need, ensuring the facility provision is sustainable. The quality of Council's recreational assets can be improved through investing in centrally located, multi-use recreational district and regional facilities.

Potters Lane (Old Dairy Reserve) is identified as a 'local park' (**ATTACHMENT 2**) and therefore not identified in the Contributions Plan. Half-court facilities are not a condition of consent within the Potters Lane Development.

A typical half-court basketball court is 14m x 15m. Old Dairy Reserve has the available green space, but topography will require the need for retaining walls. Adjoining residences will also be a consideration, with the asset being 20-25m from their boundaries.

This proposal currently has no allocated budget (estimate - \$72,780). Should Council resolve to include this in the future works plan, a budget would need to be allocated to the project.

The project is not listed in the Contributions Plan, however, Council officers may be able to identify potential opportunities such as future grant submissions.

### **ATTACHMENTS**

- 1) Council Resolution - Potters Lane Basketball Hoop - Minute No 341 - Council Meeting 12 December 2022. [↓](#)
- 2) Old Dairy Reserve Site Plan. [↓](#)

### **COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 2 - ATTACHMENT 1 COUNCIL RESOLUTION - POTTERS LANE BASKETBALL HOOP - MINUTE NO 341 - COUNCIL MEETING 12 DECEMBER 2022.****MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022****NOTICE OF MOTION****ITEM NO. 1****FILE NO: 22/299610****EDRMS NO: PSC2017-00019****POTTERS LANE BASKETBALL HOOP****COUNCILLOR: GIACOMO ARNOTT**

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**THAT COUNCIL:**

- 1) Notes that the Potters Lane estate in Raymond Terrace is growing every week and is steadily moving towards completion.
  - 2) Notes that aside from a park, there is little recreational infrastructure in the estate.
  - 3) Asks the General Manager to prepare a report outlining:
    - a. Indicative cost and potential locations for a half-court slab and basketball hoop in the estate.
    - b. Indicative date when funds would be available for the works to be completed.
    - c. Whether the project is in the contributions plan or required of the developer.
- 

**ORDINARY COUNCIL MEETING - 13 DECEMBER 2022  
MOTION**

<b>341</b>	<b>Councillor Giacomo Arnott Councillor Peter Kafer</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Notes that the Potters Lane estate in Raymond Terrace is growing every week and is steadily moving towards completion.</li><li>2) Notes that aside from a park, there is little recreational infrastructure in the estate.</li><li>3) Asks the General Manager to prepare a report outlining:<ol style="list-style-type: none"><li>a. Indicative cost and potential locations for a half-court slab and basketball hoop in the estate.</li><li>b. Indicative date when funds would be available for the works to be completed.</li><li>c. Whether the project is in the contributions plan or required of the developer.</li></ol></li></ol>
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**ITEM 2 - ATTACHMENT 1 COUNCIL RESOLUTION - POTTERS LANE BASKETBALL HOOP - MINUTE NO 341 - COUNCIL MEETING 12 DECEMBER 2022.****MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022**

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

Those against the Motion: Nil.

The motion was carried.

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

Council's Recreation Strategy (the 'strategy'), which was adopted in 2018, identifies suitable embellishments for Council managed land. In the strategy, half courts and hit-up walls are supported in district and regional parks.

This recognises the strategy's objective to deliver recreational facilities that are appropriately scaled, responsive to community needs and ensuring facility provision is sustainable. The quality of Council's recreational assets can be improved by investing in centrally located, multi-use recreational district and regional facilities.

Potters Lane (Old Dairy Reserve) is identified as a 'Local Park' in the strategy.

Should the Notice of Motion be adopted, the General Manager will prepare a report.

**FINANCIAL/RESOURCE IMPLICATIONS**

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

**ATTACHMENTS**

Nil.

Site Plan



**ITEM NO. 3**

**FILE NO: 23/62775  
EDRMS NO: PSC2022-01241**

**DESIGNATED PERSONS' RETURN**

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

**BACKGROUND**

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

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

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

- Ranger – PSC018.

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

- 1) Designated Persons' Return.

**ITEM NO. 4**

**FILE NO: 23/61254  
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 4 - ATTACHMENT 1      DELEGATIONS REPORT.****MAYOR AND GENERAL MANAGER DELEGATION REPORT**

<b>Date exercised</b>	<b>Delegations exercised</b>	<b>Purpose</b>	<b>Role exercising delegation</b>	<b>Reported to Council</b>
13 March 2023	Code of Meeting Practice	Approval of Public Access application - DA 16-2022-566-1 at 23 Tareebin Road, Nelson Bay & Draft Development Control Plan – Housekeeping	Mayor	28 March 2023

**ITEM NO. 5**

**FILE NO: 23/60788  
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 Council resolutions. [↓](#)
- 2) Development Services Group Council resolutions. [↓](#)
- 3) Facilities & Services Group Council resolutions. [↓](#)
- 4) General Manager's Office resolutions. [↓](#)

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

**ITEM 5 - ATTACHMENT 1 CORPORATE SERVICES GROUP COUNCIL RESOLUTIONS.**



<b>Division:</b>	Corporate Services	<b>Date From:</b> 27/08/2013
<b>Committee:</b>		<b>Date To:</b> 14/03/2023
<b>Officer:</b>		<b>Printed:</b> Thursday, 16 March 2023
<b>Action Sheets Report</b>		

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 27/08/2013	Pattison, Zoe	Campvale Drain	30/06/2023		
<b>15 Mar 2023</b> Awaiting final execution of easement documentation for 2 properties. All other properties (with exception of these 2) have been finalised.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/09/2020	Pattison, Zoe	Newline Road, Raymond Terrace	30/06/2023		
2						20/288489
<b>15 Mar 2023</b> 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	Ordinary Council 11/05/2021	Pattison, Zoe	Car parking in Shoal Bay	30/06/2023	12/05/2021	
1						21/123694
<b>15 Mar 2023</b> 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. The draft Plan of Management is currently on public exhibition from 28 February 2023 to 11 April 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Acquisition and Divestment of Land	30/06/2023	12/10/2022	
2						22/273002
<b>15 Mar 2023</b> Report deferred to allow for further clarification on the distribution of funds.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Property Investment and Development Policy	30/06/2023	12/10/2022	
1						22/273002
<b>15 Mar 2023</b> Public Exhibition deferred to allow for further clarification on the distribution of funds.						

ITEM 5 - ATTACHMENT 1 CORPORATE SERVICES GROUP COUNCIL  
RESOLUTIONS.

<b>Action Sheets Report</b>	<b>Division:</b>	Corporate Services	<b>Date From:</b> 27/08/2013
	<b>Committee:</b>		<b>Date To:</b> 14/03/2023
	<b>Officer:</b>		<b>Printed:</b> Thursday, 16 March 2023

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	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	
1						22/300562
<b>15 Mar 2023</b> Recommendation endorsed. Council submitted an application to the Independent Pricing and Regulatory Tribunal for a Special Rate Variation in January 2023. Application pending assessment.						

## ITEM 5 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP COUNCIL RESOLUTIONS.



<b>Action Sheets Report</b>	<b>Division:</b>	Development Services	<b>Date From:</b> 14/09/2021
	<b>Committee:</b>		<b>Date To:</b> 14/03/2023
	<b>Officer:</b>		<b>Printed:</b> Thursday, 16 March 2023

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/03/2023	Lamont, Brock	Matter Arising - LEP Amendment to review building height controls	15/12/2023	16/03/2023	
2		Peart, Steven				
<b>16 Mar 2023</b> Council is investigating options to include the resolved LEP amendment in the 2023 review. 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 14/09/2021	Lamont, Brock	Port Stephens Waterway Strategy	29/12/2023	15/09/2021	
1		Peart, Steven				21/252518
<b>16 Mar 2023</b> 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
Report	Ordinary Council 12/10/2021	Lamont, Brock	Carbon Neutrality	15/04/2023	13/10/2021	
2		Peart, Steven				21/274186
<b>15 Mar 2023</b> Council has established baseline data and focus areas. A Project Control Group has been established to enable an organisation-wide approach, further develop a roadmap and identify funding sources. A report has been prepared to be presented to Council at the 11 April 2023 meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/09/2022	Lamont, Brock	NSW Electric Vehicle Strategy	14/04/2023	28/09/2022	
1		Peart, Steven				22/262103
<b>15 Mar 2023</b> Council has consulted with stakeholders and identified opportunities available to Council. A report has been prepared to be presented to Council at the 11 April 2023 meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/10/2022	Lamont, Brock	Health Facilities	24/05/2023	12/10/2022	
2		Peart, Steven				22/273002
<b>08 Mar 2023</b> Council has identified opportunities to further support and advocate health facilities in Port Stephens LGA, including committees. Further studies are being undertaken as a part of the Employment land study. A report has been prepared to be presented to Council at the 11 April 2023 meeting.						

**ITEM 5 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP COUNCIL RESOLUTIONS.**



<b>Action Sheets Report</b>	<b>Division:</b>	Development Services	<b>Date From:</b> 14/09/2021
	<b>Committee:</b>		<b>Date To:</b> 14/03/2023
	<b>Officer:</b>		<b>Printed:</b> Thursday, 16 March 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	26/05/2023	2/03/2023	
3		Pear, Steven				23/54781
<b>15 Mar 2023</b> It was resolved that Council defer Development Application DA No. 16-2022-223-1 for a residential flat building comprising 18 units, ground floor café, basement parking and strata subdivision at 18 to 20 Soldiers Point Road, Soldiers Point (Lot 8 DP 26597, Lot 92 DP 577122), to allow for conversations between Council staff and the proponent, with the aim of reducing the building height to comply with the 15m height limit. The Development Application will be returned to a future Council 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		Pear, Steven				23/69308
<b>15 Mar 2023</b> Council has placed the Draft amendment to Port Stephens Development Control Plan (2014) Chapter D17: Stockton Rifle Range on public exhibition for a 28 day period, commencing 16 March 2023. A report on the outcomes of the public exhibition is scheduled to be presented to Council at the 23 May 2023 meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/03/2023	Gardner, Janelle	Policy Review: Media Liaison Policy	15/04/2023	15/03/2023	
5		Pear, Steven				23/69308
<b>15 Mar 2023</b> Media Liaison Policy on Exhibition until 15 April 2023. To be report to a Council meeting after the exhibition has closed.						

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		Pear, Steven				23/69308
<b>15 Mar 2023</b> Council resolved to endorse the Port Stephens Development Control Plan 2014 – Housekeeping, public notice will be published on Friday 17 March 2023. Council will undertake consultation with internal stakeholders and impacted landholders regarding a further review of Chapter D12 - Richardson Road.						

**ITEM 5 - ATTACHMENT 3 FACILITIES & SERVICES GROUP COUNCIL RESOLUTIONS.**



<b>Action Sheets Report</b>	<b>Division:</b>	Facilities & Services	<b>Date From:</b> 09/02/2021
	<b>Committee:</b>		<b>Date To:</b> 14/03/2023
	<b>Officer:</b>		<b>Printed:</b> Thursday, 16 March 2023

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Maretich, John	Medowie Regional Playground an Town Centre	30/04/2023		
2		Kable, Gregory				21/33235
<b>10 Mar 2023</b>						
The regional playground will be addressed in the Medowie Place Plan. A separate report will be prepared for Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Maretich, John	Raymond Terrace Seven Day Makeover	30/04/2023		
17		Kable, Gregory				21/218740
<b>10 Mar 2023</b>						
This will be discussed with the Councillors in the lead up to William Street, Stage 2 which is 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	Ordinary Council 10/08/2021	Maretich, John	Kirrang Drive, Medowie Shared Pathway	30/04/2023	13/08/2021	
8		Kable, Gregory				21/218740
<b>10 Mar 2023</b>						
Preliminary investigation and conceptual designs are complete. A report will be prepared for the Council meeting scheduled for 11 April 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Maretich, John	Agreement with Community Association DP270468 - Lagoons Estate, Nelson Bay	30/04/2023		
4		Kable, Gregory				21/218740
<b>10 Mar 2023</b>						
Council to enter agreement with the Community Association DP 270468 in accordance with the confidential terms as per Council report. This is likely to be completed by the end of March 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/10/2021	Gutsche, Tammy	Change to Lease Arrangements for Fingal Bay Surf Life Saving Club and Commercial Tenancies	30/04/2023	13/10/2021	
8		Kable, Gregory				21/274186
<b>10 Mar 2023</b>						
Lease for Saltwater Restaurant has been executed. Still waiting on solicitors for Longboat Café and Fingal Surf Club to finalise these leases.						

## ITEM 5 - ATTACHMENT 3 FACILITIES &amp; SERVICES GROUP COUNCIL RESOLUTIONS.



<b>Action Sheets Report</b>	<b>Division:</b>	Facilities & Services	<b>Date From:</b> 09/02/2021
	<b>Committee:</b>		<b>Date To:</b> 14/03/2023
	<b>Officer:</b>		<b>Printed:</b> Thursday, 16 March 2023

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Foreshore Reserves and Parking on Council Land	30/04/2023	14/02/2022	
5		Kable, Gregory				22/45826
<b>10 Mar 2023</b>						
A report will be prepared for the Council Meeting scheduled for 11 April 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Medowie Library	30/04/2023	14/02/2022	
2		Kable, Gregory				22/45826
<b>10 Mar 2023</b>						
A report will be prepared for the Council Meeting scheduled for 11 April 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Policy Review - Contribution to Works for Kerb and Guttering Construction Policy	30/04/2023	14/02/2022	
6		Kable, Gregory				22/45826
<b>10 Mar 2023</b>						
A report will be prepared for the Council Meeting scheduled for 9 May 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/05/2022	Maretich, John	World Menstruation Hygiene Day	30/04/2023	27/05/2022	
1		Kable, Gregory				22/136825
<b>10 Mar 2023</b>						
An Information Paper will be prepared for the Council Meeting scheduled for 11 April 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/05/2022	Maretich, John	Review of Dog Off Lead Areas - Boat Harbour Beach	30/06/2023	27/05/2022	
4		Kable, Gregory				22/136825
<b>10 Mar 2023</b>						
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	Ordinary Council 12/07/2022	Maretich, John	Koala Signage	30/04/2023	13/07/2022	
1		Kable, Gregory				22/186061
<b>10 Mar 2023</b>						
Continued engagement with this group to install flip-board type signage to be shown during breeding season. A report will be prepared for the Council meeting scheduled for 11 April 2023.						
Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed



**ITEM 5 - ATTACHMENT 3      FACILITIES & SERVICES GROUP COUNCIL  
RESOLUTIONS.**



<b>Action Sheets Report</b>	<b>Division:</b>	Facilities & Services	<b>Date From:</b> 09/02/2021
	<b>Committee:</b>		<b>Date To:</b> 14/03/2023
	<b>Officer:</b>		<b>Printed:</b> Thursday, 16 March 2023

Report	Ordinary Council 26/07/2022	Maretich, John	Smart Parking	31/05/2023	27/07/2022	
2		Kable, Gregory				22/199431
<b>10 Mar 2023</b>						
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	Ordinary Council 13/12/2022	Maretich, John	Potters Lane Basketball Hoop	30/04/2023	15/12/2022	
1		Kable, Gregory				22/333678
<b>10 Mar 2023</b>						
A report will be prepared for the Council meeting scheduled for 28 March 2023.						



<b>Action Sheets Report</b>	<b>Division:</b>	General Manager's Office	<b>Date From:</b> 28/02/2023
	<b>Committee:</b>		<b>Date To:</b> 14/03/2023
	<b>Officer:</b>		<b>Printed:</b> Thursday, 16 March 2023

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/02/2023	Wickham, Tony	Code of Meeting Practice	19/04/2023	2/03/2023	
1		Crosdale, Timothy				23/54781
<b>16 Mar 2023</b> On public exhibition until 13 April 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/03/2023	Wickham, Tony	Policy Review: Requests for Assistance - Legal Costs Policy	11/04/2023	15/03/2023	
10		Crosdale, Timothy				23/69308
<b>16 Mar 2023</b> On public exhibition until 14 April 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/03/2023	Wickham, Tony	Policy Review: Legislative Compliance Policy	11/04/2023	15/03/2023	
9		Crosdale, Timothy				23/69308
<b>16 Mar 2023</b> On public exhibition until 14 April 2023.						

# NOTICES OF MOTION



**NOTICE OF MOTION**

**ITEM NO. 1**

**FILE NO: 23/35916**

**EDRMS NO: PSC2021-04195**

**STREET TREE STRATEGY**

**COUNCILLOR: LEAH ANDERSON**

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**THAT COUNCIL:**

- 1) Notes that Council does not currently have a Street Tree Strategy to encourage, promote and facilitate a commitment to increasing the number of street trees throughout the town centres of Port Stephens.
  - 2) Requests that the General Manager prepares a report on the development of a Street Tree Strategy with the aim of increasing street trees in town centres where they will have a significant impact on reducing urban heat, improving amenity, promoting biodiversity and making areas more desirable to live and visit.
- 

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

**BACKGROUND**

Port Stephens Council's current approach to tree management is generally reactive and risk based. This approach is endorsed by Council as part of the Integrated Planning and Reporting Framework and, more specifically, the Strategic Asset Management Plan.

Additions to Council's street tree portfolio are generally the result of new development and the controls imposed by the Port Stephens Development Control Plan 2014. Street trees are also delivered as part of Council's broader capital works projects. Opportunistic project based planting has been carried out in the past with the support of Council's volunteers, however, this is not an ongoing program.

A capital budget is not currently allocated for street tree replacement or for additional street tree planting in town centres. Street trees do form a critical part of the endorsed Raymond Terrace and Nelson Bay Public Domain Plans, however, planting is generally included as part of broader and more significant public space upgrades. The amenity and value provided by street trees is recognised as having high community value in Council's Liveability Survey results and is a consistent theme with the community as Place Plans are being developed.

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

- The scope and limitations of a proposed Street Tree Strategy
- The resourcing requirements to prepare and implement the Strategy
- Identification of external funding opportunities available to support the delivery of the Strategy
- The ongoing recurrent budget implications to deliver the Strategy.

**FINANCIAL/RESOURCE IMPLICATIONS**

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

**ATTACHMENTS**

Nil.

**NOTICE OF MOTION**

**ITEM NO. 2**

**FILE NO: 23/60467**

**EDRMS NO: PSC2021-04195**

**ENVIRONMENTAL ADVISORY PANEL**

**COUNCILLOR: LEAH ANDERSON**

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**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.
- 

**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**

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

**ATTACHMENTS**

Nil.



**NOTICE OF MOTION**

**ITEM NO. 3**

**FILE NO: 23/61851**

**EDRMS NO: PSC201-04195**

**HERITAGE ADVISORY PANEL**

**COUNCILLOR: JASON WELLS**

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**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.
- 

**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). 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**

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

**ATTACHMENTS**

Nil.

**NOTICE OF MOTION**

**ITEM NO. 4**

**FILE NO: 23/52416**

**EDRMS NO: PSC2021-04195**

**NAMING OF ATHLETICS TRACK AT VI BARNETT OVAL**

**COUNCILLOR: PETER KAHER**

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**THAT COUNCIL:**

- 1) Endorse the naming of the current running track at Vi Barnett Oval to now be named the "David Marsh Athletics Track".
- 

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

**BACKGROUND**

David Marsh was a Founding and Life Member of Raymond Terrace Athletics Club who suddenly passed in June 2022.

Raymond Terrace Athletics Club representatives raised the proposal of naming the current running track at Vi Barnett Oval in David's honour at the West Ward Sports Council meeting on 7 November 2022. The proposal was unanimously supported.

The NSW Geographical Names Act 1966 empowers the Geographic Naming Board (GNB) as the body responsible for overseeing the formal naming of places. The GNB Place Naming Policy sets out the rules and regulations that apply to such applications.

Relative to this Notice of Motion, the policy states that 'personal names, may be used for built features e.g. pavilions and grandstands etc., however, these features are not formally assigned by the GNB and are not covered by the Act.'

As such, the formal naming of an open space asset such as a running track would not be generally supported by the GNB. As an alternative to the above process, Council may name assets or projects by dedication in an informal manner (such as sporting fields, community buildings, footpaths, boardwalks etc.).

Although the GNB policy does not strictly apply in this instance, it does provide guidance as to what information should be considered when assessing commemorative naming requests. The GNB policy offers the following guidelines regarding association or contribution for naming:

## ORDINARY COUNCIL - 28 MARCH 2023

- Two or more terms of office on the governing local government council
- Twenty or more years association with a local community group or service club
- Twenty or more years of association or service with a local or state government or organisation
- Action by an individual to protect, restore, enhance or maintain an area that produces substantial long term improvements for the community
- The death of a person within a place is not solely to be considered sufficient justification for commemoration
- Local residents of note.

### FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	Nil	RTAC contribution to facility.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

### ATTACHMENTS

- 1) Raymond Terrace Athletics Club supporting documentation. [↓](#)

**ITEM 4 - ATTACHMENT 1      RAYMOND TERRACE ATHLETICS CLUB  
SUPPORTING DOCUMENTATION.****DAVID MARSH**

Our Raymond Terrace Athletics Centre family is still struggling to come to terms with the June death of David Marsh, one of our Founding Members, a Life Member, RTAC athlete, Middle and Long Distance coach and a very dear friend. It was a sad and sudden loss of such a valued and respected member of the Centre who was always happy and had a smile and a hug for anyone who needed it. He loved athletics, coaching, people and having a chat. His loss is being felt more now that our season has started and we face it without him.

David also enjoyed singing and was a member of the Raymond Terrace Community Choir. He took great joy singing songs with his niece prior to the start of our annual Presentation. Some of us remember David long before joining the Centre. He was the local milkman who used to run from house to house with milk and juices while his wife, Daphne, rolled their milk truck along to keep up with him.

David's athletic passion began 61 years ago in Newcastle with his focus on race walking. He achieved his dream at the time of being the top runner in Newcastle by breaking all the records from 1,500m to 10,000m. One of the athletes he coached eventually broke his 1500m record.

As an 18 year old, his favourite distance was The Mile. He won The Golden Mile at Masonite 3 years in a row before being encouraged to run with a handicap to give other runners a chance! He joined the Newcastle Harriers; and from running a mile, he graduated to longer distances until a few years later he ran a Marathon from the RAAF Base to Hexham and return in just 3 hours.

One of David's funny memories is of his first cross country, although it was run on roads that started and finished at the Newcastle track. He was only able to keep the other runners in sight behind him for about 4 or 5 miles and because he didn't know the course, he got lost. In trying to get back on course, he unintentionally took a short cut and found himself running towards the leader. David turned and ran with him for about 1½ miles until they got close to the Newcastle track. The other runner took off and finished first with David 2nd. He did, however, confess his honest mistake!

In 1976 David was approached to be part of a Committee to help start Raymond Terrace Little Athletics Centre and chair the Centre's first meeting. During Saturday morning competitions he would run endless laps, coaching and encouraging the young ones. He became a helper and coach in all events before becoming our Walks, Middle and Long Distance coach.

When, in 1992, our Centre was able to expand from just a Little Athletics Centre to include athletes older than 15 years, David began competing with us in the Veterans age group. His first 3 records here were the 1500m, shot put and discus. Today, he still holds every 60 to 69 year old Centre record (except hurdles) and the 3000m, Shot Put and Discus in the 70 to 79 years.

The year 2000 was a milestone year for David when he became a Life Member of our Centre and was awarded the Australia Sports medal for his contribution to athletics.

David has coached athletes to NSW medal level. Some of them still hold RTAC records that have stood for over 20 years. David's current squad of athletes is a close-knit group and range in age from Little Athletes to Masters. Some of his parent runners had no interest in running until their children started Little A's and under David's guidance, some are now running half marathons and looking towards running a full marathon. David believed that you don't have to be a champion runner, just have a desire and want to achieve a goal. As a coach he encouraged his athletes to be the best they could be, as he had done during his competitive years.

Over the years, David also competed in all 20 years of our Pentathlon, Wallaroo State Forest Fun Runs, soccer, bike racing, triathlons, other Fun Runs and over 60 Park Runs. As well as coaching, he was still competing in the 800, 1500m, 3000m and throws until recent years when he decided to focus on throws. His many years as a race walker had taken its toll on his knees, but he didn't let that stop him from riding his bicycle distances even until recent weeks prior to his death.

**ITEM 4 - ATTACHMENT 1      RAYMOND TERRACE ATHLETICS CLUB  
SUPPORTING DOCUMENTATION.**

David's last day of competition was on our Centre's final day of the season on February 26 this year in the Discus and Javelin. Ironically, his final Javelin throw was a personal best distance.

On the day he passed away, he had enjoyed his daily walk with his dog followed by hill running at Boomerang Park. He was never one to take it easy or have a day slip by without enjoying what he loved.

David, 79, was a happy, kind and thoughtful gentle man who was dedicated to his family, friends and fellow athletes. It is a testament to him that over 40 of his athletes, RTAC parents and Committee members attended his funeral, dressed in their uniform and formed a guard of honour to farewell him.

Our Centre is so grateful for, and will always value, the years David dedicated to our athletes, the Centre and athletics. We had hoped it would continue for years to come. We miss him.

# CONFIDENTIAL ITEMS

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

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