

# NOTICE OF ORDINARY MEETING

## 24 JUNE 2025



The Mayor and Councillors attendance is respectfully requested:

Mayor: L Anderson (Chair).

Councillors: R Armstrong, G Arnott, C Doohan, N Errington, P Francis, P Le Mottee, B Niland, M Watson, 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

**COUNCIL REPORTS ..... 17**

1. LOCAL HOUSING STRATEGY AMENDMENT - NULLA NULLA  
LANE, HINTON ..... 18
2. PLAN OF MANAGEMENT: FINGAL BAY HOLIDAY PARK ..... 50
3. POLICY REVIEW: SPONSORSHIP POLICY ..... 109
4. POLICY REVIEW: MULTICULTURAL POLICY ..... 127
5. POLICY REVIEW: ACQUISITION AND DIVESTMENT OF LAND  
POLICY ..... 135
6. POLICY REVIEW: PROPERTY INVESTMENT AND DEVELOPMENT  
POLICY ..... 181
7. POLICY REVIEW - PROVISION AND MANAGEMENT OF  
CEMETERIES ..... 218
8. REQUEST FOR FINANCIAL ASSISTANCE ..... 231
9. INFORMATION PAPERS ..... 237

**INFORMATION PAPERS ..... 238**

1. CASH AND INVESTMENT PORTFOLIO - MAY 2025 ..... 239
2. AUDIT, RISK AND IMPROVEMENT COMMITTEE MINUTES - 27  
FEBRUARY 2025 ..... 249
3. DESIGNATED PERSONS' RETURN ..... 274
4. DELEGATIONS REPORT ..... 275
5. COUNCIL RESOLUTIONS ..... 277

**NOTICES OF MOTION ..... 286**

1. MEDOWIE DRAINAGE ..... 287
2. DRAINAGE ON SPORTS FIELDS ..... 290

**CONFIDENTIAL ..... 292**

1. 112 ADELAIDE STREET AND 18A STURGEON STREET,  
RAYMOND TERRACE
2. PROPOSED SALE OR LEASE OF 36A FERODALE ROAD,  
MEDOWIE

## **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
  - i. 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.
  - ii. Almighty God, we ask for your blessing as we meet together on behalf of our community. So that today and into the future, you would direct and favour our deliberations to advance the welfare, safety and prosperity of our region. Amen.
- 4) Apologies and applications for a leave of absence from Mayor and Councillors.
- 5) Disclosures of interests.
- 6) Confirmation of minutes.
- 7) Mayoral minute(s).\*
- 8) Motions to close meeting to the public.\*
- 9) Reports to Council.
- 10) General Manager reports.\*
- 11) Questions with Notice.\*
- 12) Questions on Notice.
- 13) Notices of motions.\*
- 14) Rescission Motions.\*
- 15) Confidential matters.\*
- 16) Conclusion of the meeting.

*\*if submitted*

### **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** – An accessible and welcoming community respecting diversity, heritage and culture.

**OUR PLACE** – A liveable and connected place supporting community wellbeing and 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 - 24 JUNE 2025**

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 \_\_\_\_\_

---

---

---

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

---

---

---

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

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

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

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

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

# MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: 25/140945

EDRMS NO:

**MOTION TO CLOSE**

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

---

**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 **112 Adelaide Street and 18A Sturgeon 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:
    - 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: 25/140944  
EDRMS NO: PSC2022-02499

**MOTION TO CLOSE**

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

---

**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 **Proposed Sale or Lease of 36a Ferodale Road, Medowie**.
  - 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.
-

# COUNCIL REPORTS

ITEM NO. 1

FILE NO: 25/93359  
EDRMS NO: 38-2024-48-1

**LOCAL HOUSING STRATEGY AMENDMENT - NULLA NULLA LANE, HINTON**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
DIRECTORATE: COMMUNITY FUTURES

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receive and note the submissions made during the exhibition of the request to amend the Port Stephens Local Housing Strategy to identify 20 Nulla Nulla Lane, Hinton in the Housing Supply Plan and note the responses to the key issues raised in the submissions **(ATTACHMENT 1)**.
- 2) Note the Addendum Assessment Report at **(ATTACHMENT 2)** and endorse an addendum request to amend the Port Stephens Local Housing Strategy to identify 20 Nulla Nulla Lane, Hinton in the Housing Supply Plan.
- 3) Forward the amended Port Stephens Local Housing Strategy to the NSW Department of Planning, Housing and Infrastructure for consideration and endorsement.

---

**BACKGROUND**

The purpose of this report is to advise Council on the outcome of the exhibition of the request to amend the Port Stephens Local Housing Strategy (LHS) to identify 20 Nulla Nulla Lane, Hinton in the Housing Supply Plan (HSP) (addendum request) and note the responses to the key issues raised in the submissions **(ATTACHMENT 1)**.

The report recommends Council endorse the addendum request and forward an amended Port Stephens Local Housing Strategy to the NSW Department of Planning, Housing and Infrastructure (DPHI) for consideration and endorsement.

The addendum request was submitted by Patch Planning Pty Ltd and seeks to identify the site as suitable for future large lot rural residential housing. The site has the potential to provide an additional 25 to 35 houses in Port Stephens.

The land is currently zoned RU1 Primary Production under the Port Stephens Local Environmental Plan 2013 (LEP) with a minimum lot size of 40ha. If the site is included within the HSP, a future planning proposal to rezone the site from RU1 Primary Production to R5 Large Lot Residential and reduce the minimum lot size from 40ha to 4,000m<sup>2</sup> would be able to be lodged for assessment.

Prior to the lodgement of any future planning proposal, the proponent would be required to consult with the relevant State agencies on key issues.

The Addendum Assessment Report (**ATTACHMENT 2**) includes an assessment against the relevant criteria set out in Appendix 2 of the LHS - Rural Residential Criteria. The assessment highlights considerations and constraints that would require further investigation as the suitability of the site is considered. This includes but is not limited to agency consultation and studies such as a Flood Impact Risk Assessment, Transport and Movement Assessment, Agricultural Assessment Capability Assessment and Biodiversity Assessment. These studies would be required as part of a future planning proposal.

The site has the potential to assist Port Stephens in meeting its housing targets.

A summary of the addendum request and property details are provided below:

<b>Date lodged</b>	13 February 2025
<b>Proponent</b>	Patch Planners Pty Ltd on behalf of Eastview Advisory
<b>Land Owner</b>	Allan Douglas Mann
<b>Subject property</b>	Lot 327 DP 808038 (20 Nulla Nulla Lane, Hinton)
<b>Site area</b>	21 ha
<b>Current zoning</b>	RU1 Primary Production
<b>Current use</b>	The site contains a single dwelling, shed structures and a telecommunications facility leased by NBN Co
<b>Proposed changes</b>	Identify the site in the HSP for future rural residential development
<b>Lot yield</b>	25-35 dwellings on lots ranging in size between 4,000m <sup>2</sup> to 1ha

#### Key Issues Raised in Submissions

Key themes raised in submissions in support of the site include:

- The site represents an opportunity to provide diverse housing for the community.
- The site would revitalise the local community.
- The site would boost the local economy.
- The site is an efficient use of existing infrastructure.

Requests for further information and key themes raised against the site include:

- Concerns relating to the strategic justification for identifying the site.
- Concerns relating to flooding and stormwater impacts, in particular flood isolation and potential impacts on emergency services.
- Concerns relating to the impact of future development on current road infrastructure.
- Concerns relating to additional on-site sewer management systems in the Hinton area.

- Concerns relating to the impact of future development on the agricultural industry and the availability of land for agricultural purposes.

A summary of these key issues and detailed responses is provided at **(ATTACHMENT 1)**.

It is considered that the requests for further information and key concerns raised with the identification of the site would be considered and assessed as part of a future planning proposal.

#### Investigation of inclusion of surrounding sites

10 adjoining landowners were notified of the application. To ensure collective consideration of potential housing opportunities in the area, enquiries were made to understand the level of interest of these properties in being included in the addendum request. 3 responses were received from adjoining landowners noting no interest in being included in the addendum request at this time.

### **COMMUNITY STRATEGIC PLAN**

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

### **FINANCIAL/RESOURCE IMPLICATIONS**

Financial and resourcing implications for Council as a consequence of the recommendations of this report are outlined below.

<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**

Legal, policy and risk implications for Council as a consequence of the recommendations of this report are outlined below.



<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 housing needs in Port Stephens will not be met if suitable land supply is not identified.	Medium	Accept the recommendations.	Yes
There is a risk that future investigations identify that the site has issues that cannot be resolved and housing cannot be delivered.	Medium	Accept the recommendations.	Yes

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

Consideration and assessment of an addendum request is a non-statutory process. Should Council and DPHI endorse the addendum request, a scoping or planning proposal is able to be prepared. This would include the preparation of studies and agency consultation as part of an initial scoping proposal and lodgement of a planning proposal for assessment in accordance with Part 3 of the EP&A Act.

**Hunter Regional Plan 2041 (HRP)**

The HRP has projected a need for an additional 11,100 dwellings to be delivered across Port Stephens by 2041. This addendum request has the potential to deliver additional residential land and support the provision of new housing that meets the objectives set out within the HRP.

The addendum request supports the priorities and objectives of the HRP by providing greater housing choice in the form of large lot residential land.

**Local Strategic Planning Statement 2020 (LSPS)**

The addendum request would give effect to the following planning priorities from the LSPS:

- Priority 4: Ensure suitable land supply (for housing)
- Priority 5: Increase diversity of housing choice

**Port Stephens Local Housing Strategy 2024**

The outcomes of the addendum request are consistent with the LHS as it seeks to provide additional large lot residential land to ensure suitable land supply and will increase housing diversity.

The Addendum Assessment Report (**ATTACHMENT 2**) includes an assessment against the relevant criteria set out in Appendix 2 of the LHS - Rural Residential Criteria.

## **SUSTAINABILITY IMPLICATIONS**

Future development of the site for residential purposes could deliver a range of social and economic benefits, including:

- The provision of additional housing across Port Stephens.
- Employment opportunities within the Port Stephens LGA and the Hunter Region through construction and future maintenance of the development.
- Stimulation of local economic activity through increased local spending – an increased population will support the existing rural village of Hinton and surrounds.

The site is not mapped as containing areas of high biodiversity value and is largely cleared of vegetation. Any potential environmental impacts will identified and assessed as part of the preparation of a planning proposal.

## **COMMUNICATION AND ENGAGEMENT**

Council's Communication and Engagement Strategy uses the IAP2 Framework to identify the level of engagement undertaken. An explanation for each level is shown below.

INFORM	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
CONSULT	To obtain public feedback on analysis, alternatives and/or decisions.
INVOLVE	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
COLLABORATE	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
EMPOWER	To place final decision-making and/or developed budgets in the hands of the public.
	No external communications and engagement are required for this report.

The following communication and engagement applies to this report.

#### External communications and engagement

CONSULT	<p>The addendum request was formally exhibited from 26 March 2025 to 28 April 2025. This included a post on the Port Stephens Council's Facebook page, notification on Council's website and a notice in both the Examiner and News of the Area.</p> <p>A total of 19 letters were sent to adjoining or adjacent landowners to notify them of the exhibition.</p> <p>10 adjoining landowners were notified of the application. To ensure collective consideration of potential housing opportunities in the area, enquiries were made to understand the level of interest of these properties in being included in the addendum request. 3 responses were received from adjoining landowners noting no interest in being included in the addendum request at this time.</p> <p>During the exhibition period, 65 written submission were received. Of the 65 submissions, 32 submissions were supportive and 33 submissions were not supportive.</p> <p>Preliminary consultation with DPHI was undertaken during the assessment of the addendum request. Should Council and DPHI endorse the addendum request, relevant State agencies would be consulted before lodgement of any planning proposal.</p> <p>This would include key agencies such as:</p> <ul style="list-style-type: none"><li>• NSW Department of Climate Change, Energy, the Environment and Water</li><li>• Hunter NSW State Emergency Services</li><li>• Department of Primary Industries – Agriculture</li><li>• NSW Rural Fire Service</li></ul>
---------	---

#### Internal communications and engagement

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

- Assets Section
- Development Assessment and Compliance Section

**OPTIONS**

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

**ATTACHMENTS**

- 1) Response to submissions table. [↓](#)
- 2) Addendum Assessment Report. [↓](#)
- 3) Minute No. 005, 25 March 2025. [↓](#)

**COUNCILLORS' ROOM/DASHBOARD**

- 1) Unredacted Submissions.
- 2) Addendum Request Report prepared by Patch Planning Pty Ltd.

**TABLED DOCUMENTS**

Nil.

**Local Housing Strategy Amendment for Nulla Nulla Lane - Key issues raised in submissions and responses**

**Issue 1: Strategic justification**

**Summary of submissions:**

- The request to amend the Port Stephens Local Housing Strategy (LHS) to identify 20 Nulla Nulla Lane, Hinton in the Housing Supply Plan (HSP) (addendum request) is not consistent with the Rural Residential Criteria (Appendix 2) in the LHS.
- The site is not identified in Council's strategic planning documents and it is inconsistent with several of the planning priorities in the Port Stephens Local Strategic Planning Statement (LSPS).
- The site is not consistent with the objectives of the Large Lot Residential Zone in the Local Environmental Plan (LEP).

**Response:**

The site is seeking to be identified in the LHS through an addendum request. This is a process that the NSW Department of Planning, Housing and Infrastructure (DPHI) introduced in late 2024 to enable sites that have not been included in council strategies to be considered prior to commencing a planning proposal process.

The site has not previously been identified in any Council strategies for residential development. If it is to be included in the LHS, it will enable a future planning proposal to be considered.

The site is consistent with the following planning priorities in the LSPS:

- Priority 4: Ensure suitable land supply (for housing).
- Priority 5: Increase diversity of housing choice.

Identifying the site for potential future housing is not inconsistent with the remaining LSPS objectives, in particular given the LSPS as a long term, high level vision statement.

The addendum request does not trigger any of the Exclusionary Criteria in Appendix 2 of the LHS so as to exclude the site from consideration for future housing.

The remaining relevant criteria in the LHS requires the submission of further justification and or reports on lodgement of a planning proposal in order to be satisfied.

For example, the criteria around flooding and drainage and proximity to agricultural industries require specialist reports to be submitted with any subsequent planning proposal.

It would be possible for any future planning proposal for this site to address all of the relevant criteria in the LHS and none of the exclusionary criteria applies to this site.

The addendum request proposes a future R5 Large Lot Residential zoning for the land, subject to the assessment of any planning proposal. The objectives of that zone include:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.

- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Addressing consistency against these objectives requires further information about the nature of the proposal, including potential lot yield, the location of any buffer zones, infrastructure requirements and potential impacts on the agricultural industry. At the addendum request stage, Council is considering whether or not the site is suitable to progress to the next stage of assessment when this level of information and detail can reasonably be required. As such a definitive assessment against the objectives of this zone is not possible at this stage.

A similar rural residential housing outcome could be possible under an RU5 Village zoning (which would align with the neighbouring land) and the objective of that zone is to "provide for a range of land uses, services and facilities that are associated with a rural village".

As above, a definitive assessment against this zone objective would only be possible at a later stage in the assessment.

#### Issue 2: Flooding, stormwater and impact on emergency services

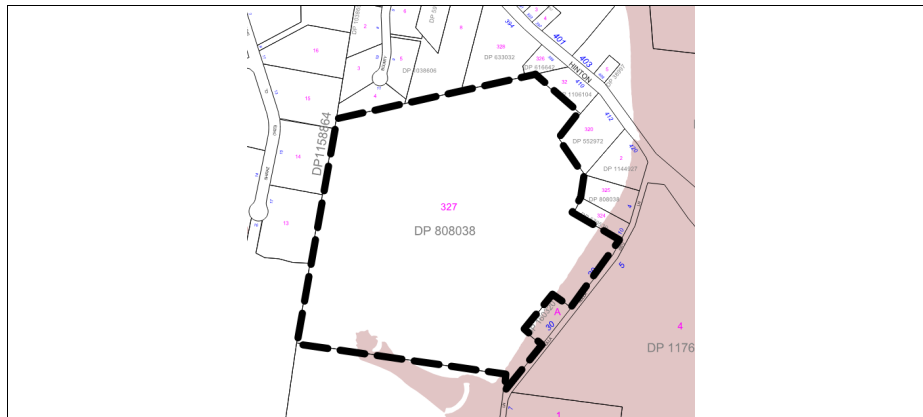
##### Summary of submissions:

- The proposal is not consistent with NSW Government's Local Planning Direction 4.1 Flooding.
- Nulla Nulla Lane is susceptible to flooding and the current drainage is not sufficient. The impact on surrounding properties may worsen with an increase of stormwater runoff if the proposed site was to be cleared and developed.
- The Preliminary Flooding Advice states that the site would receive 24 hours notice prior to being isolated during a flood event. There are concerns that residents may choose not to evacuate, which could add extra pressure on State Emergency Services (SES) and emergency services during a flood event.

##### Response 2

NSW Government's Local Planning Direction 4.1 applies to flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land. The direction requires any planning proposal to consider whether the proposal will significantly increase government spending on emergency management services, flood mitigation and emergency response measures. It also requires consideration of flood risks and flood isolation.

The Preliminary Flood Advice, addendum request and Addendum Assessment Report (AAR) all note that the site contains a small section of flood prone land. Flood prone land is represented in pink in Figure 1.



**Figure 1 – Flood Prone Land – As shown on Council's online mapping portal**  
<https://www.portstephens.nsw.gov.au/council/maps>

A large majority of the site is elevated and not identified as flood prone land. Only a small section of the site is identified in the flood planning area. It would be possible to develop the site without encroaching on flood prone land.

To address NSW Government's Local Planning Direction 4.1, consultation with the State Emergency Services (SES) will be required to properly assess whether the future housing would be likely to significantly increase government spending and impact on emergency response measures.

Consultation will also be required with the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) in relation to flooding risks and impacts, including flood isolation.

This agency consultation could be determinative as to whether or not a planning proposal can satisfy the NSW Government's Local Planning Direction 4.1 and should proceed to rezoning. Therefore, this consultation will need to be completed prior to the submission of a planning proposal.

This agency consultation will be reported to Council as part any future planning proposal that is submitted for consideration.

In relation to stormwater impacts, a stormwater management strategy will be required at lodgement of any scoping proposal and planning proposal and it would need to include measures to manage runoff and impacts on neighbouring properties.

#### **Issue 3: Traffic and road infrastructure**

Summary of submissions:

- Increasing the number of residents in Hinton would have a negative impact on existing infrastructure, including roads and would require Council to invest in footpaths.
- There are issues with traffic in the area including drivers not adhering to speed zones, narrow roads with poor sight lines and a lack of footpaths.

- The current access road to the site, Nulla Nulla Lane, is narrow, flood prone and would not be able to support an increase in traffic movement. There are additional implications with the access road as it is used to transport farm machinery regularly.

**Response 3:**

Prior to the lodgement of a planning proposal the proponent will be required to consult with the relevant Council staff and potentially Transport for NSW for consideration of the potential traffic and transport implications.

The proponent will be required to provide a Transport and Movement Assessment as part of a planning proposal. This study would consider the anticipated traffic and transport implications of the proposal and details of transport infrastructure improvements required to accommodate the proposal as well as proposed funding and delivery arrangements.

The current access road may need significant upgrades. Any planning proposal would need to include details of these upgrades and it will be relevant for the planning proposal to consider the feasibility of the site having regard for the cost of these upgrades and the potential lot yield.

**Issue 4: On-site sewer management systems****Summary of submissions:**

- There is no piped sewerage in Hinton and properties rely on On-Site Sewer Management Systems (OSSM). An increase in OSSMs on the site in combination with an increase in stormwater runoff and a sloping site could have potential pollution impacts on surrounding residents.

**Response 4:**

The criteria in Appendix 2 of the LHS notes that the site must be able to dispose of on-site sewage in accordance with Port Stephens Council On-Site Sewage Management Development Assessment Framework (DAF).

The DAF and Port Stephens On-Site Sewage Management Policy set out the requirements for sites without access to piped sewerage.

The DAF stipulates that the minimum lot size considered for On-Site Sewer Management (OSSM) is 4,000m<sup>2</sup>. The proposed minimum lot size for the site is 4,000m<sup>2</sup>.

At development application stage, when assessing a proposed subdivision, Council would consider the slope of the site, environmental impacts, neighbouring land uses and stormwater runoff when determining an appropriate lot layout.

**Issue 5: Agricultural industry****Summary of submissions:**

- The proposal should be considered against NSW Government's Local Planning Direction 9.2.
- There is potential for land use conflicts between the proposed residential development and the existing agricultural businesses operating on adjoining properties. The subject land may be incompatible with the existing surrounding agricultural land uses and there may be an inadequate buffer between existing



- agricultural land and the subject site. This could affect whether farming impacts such as noise and odour from farming practices can be appropriately manage.
- The land should be kept for agriculture.

#### Response 5

The AAR notes that a farm is located within 1km of the site and that the site is not mapped as Important Agricultural Land or identified on the Biophysical Strategic Agricultural Land (BSAL) maps. The site is outlined in yellow and BSAL is represented in green in Figure 2.



**Figure 2 – Biophysical Strategic Agricultural Land map – As shown on the NSW Planning Portal Spatial Viewer.**

NSW Government's Local Planning Direction 9.2 applies to a planning proposal that will affect land within an existing rural zone or proposes to change the minimum lot size on land within a rural zone. It requires any planning proposal to consider significance of agriculture and primary production, support farmers in exercising their right to farm and prioritise efforts and consider measures to reduce the risk of land use conflict.

To address the NSW Government's Local Planning Direction 9.2, the proponent will be required to consult with the NSW Department of Primary Industries – Agriculture (DPI Ag) for advice and consideration of the potential risks and impacts of a future development. This will be required prior to the preparation and lodgement of a planning proposal.

DPI Ag will nominate any studies required for a future planning proposal, such as an Agricultural Assessment Capability Report.

An Agricultural Assessment Capability Report will address the agricultural suitability of the site, the impact of the development on the primary production values of the site and the impact on adjoining agricultural land. This would determine any buffers and/or mitigation measures that could be required as part of a future planning proposal. This

could include a site specific chapter in the Development Control Plan that sets out an appropriate site layout out and states development setbacks or planting requirements for individual lots.



## ADDENDUM ASSESSMENT REPORT (AAR)

Application No.	38-2024-48-1
Applicant Name	Patch Planners Pty Ltd on behalf of Eastview Advisory
Applicant Address	70 George Street, The Rocks, NSW, 2000
Property Owner	Allan Douglas Mann
Site Location Details	Lot 327 DP 808038 (20 Nulla Nulla Lane, Hinton)
Proposal Summary	<p>Seeking an addendum to the Port Stephens Local Housing Strategy to identify the site within the Housing Supply Plan to facilitate a future planning proposal.</p> <p>A future planning proposal would seek to amend the Port Stephens Local Environmental Plan 2013 to rezone the site from RU1 Primary Production to R5 Large Lot Residential and to reduce the minimum lot size from 40 ha to 4,000 m<sup>2</sup>. The proposal aims to facilitate 25-35 dwellings.</p>

### Subject Site



## Rural Residential Housing Criteria in the Port Stephens Local Housing Strategy

Information	Assessment
<b>Locational Criteria</b> The land must meet the following locational criteria to be considered suitable for future rural residential housing:	
Zoned RU1 Primary Production, RU2 Rural Landscape, C3 Environmental Management, C4 Environmental Living;	The subject site is currently zoned RU1 Primary Production and meets this criteria.
Located a minimum of 800 metres from existing RU5 Rural Village, R1 General Residential or R2 Low Density Residential zoned land; and	<p>The subject site does not strictly meet this criteria as it immediately adjoins the existing RU5 Village zoned land in Hinton.</p> <p>This criteria aims to preserve land immediately adjoining urban zoned land for future urban residential expansion. Hinton is unlikely to be suitable for future urban expansion because it is unsewered and prone to flooding isolation. As such the site is considered to be justifiably inconsistent with this criteria and can be considered for future rural residential.</p>
Any part of the landholding is located within 800 metres of existing R5 Large Lot Residential zoned land. Proposals not within 800 metres of an R5 Large Lot Residential zone must consider all land within the relevant investigation area identified in the Port Stephens Rural Residential Strategy (2015); and	<p>The subject site is within 800m of existing RU5 Village zoned land in Hinton. The subject site forms a large part of the investigation area located on the southern side of Hinton Road identified in the 2015 Strategy.</p> <p>This criteria considers whether surrounding properties should be investigated for inclusion as part of a precinct approach to rezoning.</p> <p>As part of the consultation process, 10 landowners that own lots zoned RU1 Primary Production adjoining the site were notified of the opportunity to be included in the addendum request. No landowners nominated to be included.</p>
The proposed development is necessary to ensure the adequate supply of housing in the local area and will be compatible with the preferred uses of land in the vicinity.	<p>The proposal will increase the supply of housing in the local area by facilitating 25-35 dwellings. At present the Housing Supply Plan does not propose any additional housing in this area. The proposal will provide additional housing to meet demand.</p> <p>Any future planning proposal will need to address the compatibility and suitability of the site. This would include preparing an Agricultural Assessment Capability Report, which addresses potential land use conflict and the impact on adjoining agricultural land. This would determine any buffers and/or mitigation measures that could be required as part of a future planning proposal.</p>

**Exclusionary Criteria**

In accordance with Council resolution Minute No. 212 (9 August 2022), the following areas are excluded from any further consideration:

Any land within Wallalong that has previously been considered for urban development as part of the Wallalong Urban Release Area.

The subject site is not part of the Wallalong Urban Release Area.

**Constraints Criteria**

Land that is subject to any of the following criteria will require extensive justification to be lodged with any future rezoning request:

Areas identified by, or in proximity to an area identified by, a local, regional or State strategic plan for potential urban housing, including land that demonstrates consistency with the criteria in Appendix 1.

The site is not identified for potential urban housing in any local, regional or State strategic plan.

Land within a 2km distance from existing or planned major employment areas.

The subject site is not within 2km of an identified major employment area, such as Heatherbrae or the Maitland Hospital.

Slopes greater than 18 degrees slope instability and clearing of vegetation is restricted under State legislation.

The topography of the varies, however, the slopes are generally gradual and the land is conducive to rural residential development. Some portions of the site do contain slopes greater than 18 degrees. The site is already relatively fully cleared of vegetation. Future residential lots are unlikely to be affected by the slope.

Class 1 and 2 acid sulphate soils, because of the high risk of exposing acid soils during dwelling and infrastructure construction.

The site is mapped as having Class 5 soils with Class 3 in the surrounding area. No Class 1 or Class 2 Acid Sulphate soils are present in the area.

No further consideration of this requirement is needed at this stage.

Land within the Flood Planning Area as defined in the Port Stephens Development Control Plan 2014.

Small sections of the site to the south and where the site fronts Nulla Nulla Lane are identified as being within the Flood Planning Area. It could be possible for future lots to be developed outside of the flood planning area.

Hinton is known to become isolated in a range of flood events below the 1% AEP.

Consultation with NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) and State Emergency Services (SES) will be required prior to the lodgement of a planning proposal. In particular, consultation with the SES will be required to properly assess whether the future housing would be likely to significantly increase government spending and impact on emergency response

## ITEM 1 - ATTACHMENT 2      ADDENDUM ASSESSMENT REPORT.

**Constraints Criteria**

Land that is subject to any of the following criteria will require extensive justification to be lodged with any future rezoning request:

	measures.
	<p>This agency consultation could be determinative as to whether or not a planning proposal should proceed to rezoning. Therefore, this consultation will need to be completed prior to the submission of a planning proposal.</p> <p>This agency consultation will be reported to Council as part any future planning proposal that is submitted for consideration.</p> <p>A Flood Impact Assessment Report will be required for lodgement of a planning proposal.</p>
High biodiversity value land including coastal wetlands or any coastal lakes identified under the State Environmental Planning Policy (Coastal Management) 2018.	The site is not mapped as containing high biodiversity value land, including coastal wetlands or any coastal lakes.
Noise exposure areas within an ANEF 25 or greater.	The site is not mapped within an ANEF noise map.
Land identified as Important Agricultural Land as defined by the Biophysical Strategic Agricultural Land (BSAL) mapping. This mapping was prepared by the State Government for the purposes of Strategic Regional Land Use Planning.	<p>The site is not mapped as Important Agricultural Land or identified on the Biophysical Strategic Agricultural Land (BSAL) maps.</p> <p>Consultation with NSW Department of Industries - Agriculture (DPI – Ag) will be required prior to the lodgement of a planning proposal to understand the likely impacts of the proposed residential use on the existing agricultural industries in the area.</p> <p>An Agricultural Assessment Capability Report will be required for lodgement of a planning proposal. This will include assessing the agricultural suitability of the site, the impact of the development on the primary production values of the site and the impact on adjoining agricultural land. This would determine any buffers and/or mitigation measures that could be required as part of a future planning proposal.</p>
Land located within 500 metres of known extractive industries, quarrying or mining.	The site is not within 500m of any known extractive industries, quarries or mines.
Land identified by the State Government as having known mineral resource potential.	The site is not known to have any mineral resource potential.

## ITEM 1 - ATTACHMENT 2      ADDENDUM ASSESSMENT REPORT.

**Management Criteria**

Additional supporting documentation is required to be lodged with a rezoning request if any of the following criteria applies.

Rezoning requests on land that has the potential to be isolated in flood events, must demonstrate access to evacuation facilities via a public road that is given 24 hours warning of flood isolation.

The preliminary Flood Impact and Risk Assessment states that at least 24hrs warning can be provided.

Consultation with DCCEE and SES will be required prior to the lodgement of a planning proposal. In particular, consultation with the SES will be required to properly assess whether the future housing would be likely to significantly increase government spending and impact on emergency response measures.

This agency consultation could be determinative as to whether or not a planning proposal should proceed to rezoning. Therefore, this consultation will need to be completed prior to the submission of a planning proposal.

This agency consultation will be reported to Council as part any future planning proposal that is submitted for consideration.

A Flood Impact Assessment Report will be required for lodgement of a planning proposal.

Rezoning requests on land identified as bush fire prone (on Council's Bush Fire Prone Land Map) must demonstrate consistency with the strategic principles contained within Planning for Bush Fire Protection 2019.

The Preliminary Bushfire Advice states that the site is capable of development for rural-residential purposes in accordance with Planning for Bush Fire Protection 2019.

Rezoning requests on land identified in coastal management areas, defined in the State Environmental Planning Policy (Coastal Management) 2018, must be justified by a study or strategy prepared to demonstrate consistency with the SEPP.

Parts of the site are mapped as being within the Coastal Environment Area.

Further consideration of the requirements for a proposal within the Coastal Environment Area will need to be provided as part of the future planning proposal.

Rezoning requests on land that includes koala habitat areas and/or corridors, significant native vegetation, endangered ecological communities, threatened species or habitats must submit a Preliminary Ecological Assessment unless the proposed disturbance area requires the lodgement of a Biodiversity Development Assessment Report.

The site is not mapped as containing Koala habitat or containing areas of biodiversity values.

Consultation with DCCEE will be required prior to the lodgement of a planning proposal to inform the preparation of a Biodiversity Assessment Report.

A Biodiversity Assessment Report considers the vegetation and fauna on site and surrounds and identifies any potential impacts. This report will be required for lodgement of a planning proposal.

Rezoning requests that are likely to impact on an item of environmental heritage (identified in the Port Stephens Local Environmental Plan 2013) must submit a Statement of Heritage Impact that considers the impact on heritage values, including the setting of the items and any archaeological remains.	<p>Part of the site is within Hinton Heritage Conservation Area.</p> <p>No heritage items are located on the site.</p> <p>A Heritage Impact Statement assessing the heritage value of the site and any potential impacts on the Conservation Area. This report will be required for lodgement of a planning proposal.</p>
<p>Rezoning requests should include an initial assessment of the likelihood of Aboriginal cultural heritage values including:</p> <ul style="list-style-type: none"> <li>• a search of the Aboriginal Heritage Information Management System (AHIMS)</li> <li>• determination of whether the sites include landscape features that indicate the likely presence of aboriginal objects</li> <li>• site inspections</li> <li>• consultation with the Aboriginal community</li> </ul>	<p>It is considered that any associated risk regarding Aboriginal cultural heritage is low as the site does not contain any Aboriginal sites according to an AHIMS search.</p> <p>Further consideration of the Aboriginal cultural heritage values of the site and any potential impacts would need to be provided as part of the future planning proposal.</p>
Rezoning requests on land within a drinking water catchment must be able to be connected to reticulated sewer or able to demonstrate a neutral or beneficial effect (NorBE) on water quality in accordance with Hunter Water Corporation requirements.	The site is not within the drinking water catchment.
Rezoning requests on land within a 1km buffer from existing agricultural industries (e.g. poultry farms, aquaculture) measured from property boundary are required to provide expert reports to establish appropriate setbacks. These reports may relate to, but not be limited to, noise, odour, visual amenity and biosecurity risks.	<p>A dairy is located within 1km of the site.</p> <p>Consultation with DPI – Ag will be required prior to the lodgement of a planning proposal.</p> <p>An Agricultural Assessment Capability Report assessing the agricultural suitability of the site, the impact of the development on the primary production values of the site and the impact on adjoining agricultural land will be required for lodgement of a planning proposal. This would determine any buffers and/or mitigation measures that could be required as part of a future development.</p>
Rezoning requests on land within a high or very high landscape area, as defined in the Port Stephens Rural Lands Study (2011), must submit a visual impact assessment.	<p>Due to the topography of the site, potential development of the site may affect the rural character of Hinton.</p> <p>A Visual Impact Assessment that considers the potential visual impacts of the proposal and determines the need for mitigation measures. If there are visual impacts, mitigation measures might include changes to lot size and lot layout and landscaping requirements are the development application stage. This report will be required for lodgement of the planning proposal.</p>



**ITEM 1 - ATTACHMENT 2      ADDENDUM ASSESSMENT REPORT.**

---

Rezoning requests are to identify an appropriate buffer zone between housing and existing road corridors to prevent clearing and protect scenic qualities.

The site is adjacent to a laneway. It is not adjacent to a local or State identified road corridor.

---

Rezoning requests must demonstrate that the land:

- will be accessed via a sealed road
- will not result in the creation of direct access to a State road
- will not create additional demand for unplanned State infrastructure upgrades
- will be connected to reticulated power supply
- is able to dispose of on-site sewage in accordance with Council's Development Assessment Framework (DAF) for the management of on-site sewage management, which includes performance standards and recommendations about appropriate areas

---

Further consideration of the infrastructure requirements to demonstrate that the land is capable of complying with the respective criteria will be needed as part of the planning proposal. This would include:

- consultation with agencies and service providers such as Ausgrid and Hunter Water;
  - consideration of the Port Stephens Council On-Site Sewage Management Development Assessment Framework; and
  - assessment of any infrastructure upgrades required for the access road.
-

**MINUTES ORDINARY COUNCIL - 25 MARCH 2025****ITEM NO. 1****FILE NO: 25/30370  
EDRMS NO: 38-2024-48-1****LOCAL HOUSING STRATEGY AMENDMENT - 20 NULLA NULLA LANE, HINTON**

REPORT OF:      BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
                         MANAGER  
DIRECTORATE: COMMUNITY FUTURES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Note the Addendum Assessment Report at **(ATTACHMENT 1)** and endorse an addendum request seeking to amend the Port Stephens Local Housing Strategy to identify 20 Nulla Nulla Lane, Hinton in the Housing Supply Plan.
- 2) Forward the addendum request to the NSW Department of Planning, Housing and Infrastructure for endorsement.

**ORDINARY COUNCIL MEETING - 25 MARCH 2025  
MOTION**

<b>005</b>	<p><b>Councillor Giacomo Arnott</b> <b>Councillor Rosalyn Armstrong</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Note the Addendum Assessment Report at <b>(ATTACHMENT 1)</b> which is an addendum request seeking to amend the Port Stephens Local Housing Strategy to identify 20 Nulla Nulla Lane, Hinton in the Housing Supply Plan.</li><li>2) Places the Addendum Request on public exhibition for a period of 28 days, with the information to be provided to all relevant community groups in the Hinterland, placed in the newspapers with Council's regular advertising, and publicised on Council's social media channels, to drive engagement and awareness.</li></ol>
------------	---

Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Nathan Errington, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**MINUTES ORDINARY COUNCIL - 25 MARCH 2025****BACKGROUND**

The purpose of this report is to seek Council's endorsement for an amendment to the Port Stephens Local Housing Strategy (LHS) to identify 20 Nulla Nulla Lane, Hinton in the Housing Supply Plan (addendum request).

Patch Planning Pty Ltd (the Proponent) have submitted an addendum request seeking to amend the LHS to identify that the site can accommodate new large lot residential housing, subject to further investigation and assessment as part of a future rezoning process.

The LHS provides Rural Residential Criteria to enable land that is not identified in the Housing Supply Plan to be assessed as suitable for further investigation and potential rezoning.

The addendum request as received is considered to be consistent with the Rural Residential Housing Criteria and the intended outcomes listed within the LHS. Subject to further assessment as part of a future rezoning, the site could provide an additional 25 to 35 houses in Port Stephens. This will assist in meeting the housing needs of the community. A detailed assessment report is at **(ATTACHMENT 1)**.

The LHS was endorsed by the NSW Department of Planning, Housing and Infrastructure (DPHI) subject to conditions that require sites that are not identified for rezoning in the Housing Supply Plan to be identified in an addendum to the LHS that has been endorsed by Council and endorsed by DPHI.

If Council endorse the addendum request, it will be forwarded to DPHI for endorsement. If DPHI endorse the addendum request, the Housing Supply Plan will be amended to include the site and the process to amend the Port Stephens Local Environmental Plan (LEP) through a rezoning can commence. This includes preparation of studies and agency consultation as part of an initial scoping proposal and lodgement of a planning proposal for assessment and consideration by Council and DPHI.

A summary of the addendum request and property details are provided below:

**MINUTES ORDINARY COUNCIL - 25 MARCH 2025**

<b>Date lodged</b>	13 February 2025
<b>Proponent</b>	Patch Planners Pty Ltd
<b>Land Owner</b>	Allan Douglas Mann
<b>Subject property</b>	20 Nulla Nulla Lane, Hinton legally referred to as Lot 327 DP 808038.
<b>Site area</b>	The site has a total area of approximately 21 hectares.
<b>Current zoning</b>	RU1 Primary Production
<b>Current use</b>	The site is currently used by an existing single dwelling, shed structures and a telecommunications facility leased by NBN Co.
<b>Proposed changes</b>	The site is proposed to be zoned R5 Large Lot Residential or RU5 Village.
<b>Lot yield</b>	25-35 dwellings on lots ranging in size between 4,000sqm to 1ha.

Suitability of the site

The site is considered suitable for investigation for future large lot residential development for the following reasons:

- The site is predominantly cleared of vegetation and is not mapped as having 'High Biodiversity Value' or containing koala habitat.
- The site is not mapped as 'Important Agricultural Land'.
- The majority of the site is not within the mapped 'Flood Planning Area'.
- The site is positioned within an existing large lot residential area on the outskirts of a rural village with community facilities and a school.

Flood Isolation

Hinton is known to become isolated in a range of flood events below the 1% AEP.

Rezoning requests for land that has the potential to be isolated in flood events must demonstrate access to evacuation facilities via a public road that can be given 24 hours warning of flood isolation. The preliminary Flood Impact and Risk Assessment submitted with the addendum request states that at least 24 hours warning of a flood event can be provided for this site.

Further consideration of the flood impacts and isolation response will need to be part of any subsequent State agency consultation and addressed within the assessment of a future rezoning application.

**MINUTES ORDINARY COUNCIL - 25 MARCH 2025****COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

Financial and resourcing implications for Council as a consequence of the recommendations of this report are outlined below.

<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**

Financial and resourcing implications for Council as a consequence of the recommendations of this report are outlined below.

<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 housing needs in Port Stephens will not be met if suitable land supply is not identified.	Medium	Accept the recommendations.	Yes
There is a risk that future investigations identify that the site has issues that cannot be resolved and housing cannot be delivered.	Medium	Accept the recommendations.	

**MINUTES ORDINARY COUNCIL - 25 MARCH 2025**Environmental Planning and Assessment Act, 1979

Consideration and assessment of an addendum request is a non-statutory process.

Should the addendum be endorsed by Council and DPHI, a rezoning process can commence. This includes the preparation of studies and agency consultation as part of an initial scoping proposal and lodgement of a planning proposal for assessment in accordance with Part 3 of the EP&A Act.

Hunter Regional Plan 2041 (HRP)

The HRP has projected a need for an additional 11,100 dwellings to be provided across Port Stephens by 2041. This addendum request has the potential to deliver additional residential land and support the provision of new housing that meets the objectives set out within the HRP.

The addendum request supports the priorities and objectives of the HRP by providing greater housing choice in the form of large lot residential land.

Local Strategic Planning Statement 2020 (LSPS)

The addendum request would give effect to the following planning priorities from the LSPS:

- Priority 4: Ensure suitable land supply (for housing)
- Priority 5: Increase diversity of housing choice

Port Stephens Local Housing Strategy 2024 (LHS)

The addendum request is consistent with the LHS as it seeks to provide additional large lot residential land to ensure suitable land supply and increase housing diversity.

The site is not identified in the Housing Supply Plan however the addendum request is consistent with the locational and constraints criteria set out in the LHS for rural residential housing (**ATTACHMENT 1**).

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The planning proposal is likely to deliver a range of social and economic benefits, including:

- The provision of additional housing across Port Stephens.
- Employment opportunities within the Port Stephens LGA and the Hunter Region through construction and future maintenance of the development.

**MINUTES ORDINARY COUNCIL - 25 MARCH 2025**

- Stimulation of local economic activity through increased local spending - an increased population will support the existing rural village of Hinton and surrounds.

**COMMUNICATION AND ENGAGEMENT**

Council's Communication and Engagement Strategy uses the IAP2 Framework to identify the level of engagement undertaken. An explanation for each level is shown below.

INFORM	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
CONSULT	To obtain public feedback on analysis, alternatives and/or decisions.
INVOLVE	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
COLLABORATE	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
EMPOWER	To place final decision-making and/or developed budgets in the hands of the public.

The following communication and engagement applies to this report.

External communications and engagement

INFORM	This Council Report serves as the public record of the addendum request and proposal.
CONSULT	<p>Preliminary consultation with DPHI has been undertaken during the assessment of the addendum request.</p> <p>Should Council and DPHI endorse the addendum request, relevant State agencies will be consulted as part of the preparation of a scoping proposal.</p> <p>This will include key agencies such as:</p> <ul style="list-style-type: none"> <li>• NSW Department of Climate Change, Energy, the Environment and Water</li> <li>• Hunter NSW State Emergency Services</li> <li>• Department of Primary Industries – Agriculture</li> <li>• Rural Fire Services</li> </ul> <p>Should the scoping proposal progress to a planning proposal to rezone the land, and Council adopts the planning proposal, DPHI will have an opportunity to identify the community</p>

**MINUTES ORDINARY COUNCIL - 25 MARCH 2025**

	consultation requirements such as exhibition periods and further agency consultation as part of the Gateway determination.
--	--

Internal communications and engagement

Preliminary consultation has been undertaken by the Strategy and Environment Section with the Assets Section and Development and Compliance Section of Council. This consultation has informed the assessment at **(ATTACHMENT 1)**.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Addendum Assessment Report.

**COUNCILLORS' ROOM/DASHBOARD**

Nil.

**TABLED DOCUMENTS**

Nil.



## MINUTES ORDINARY COUNCIL - 25 MARCH 2025

## ITEM 1 - ATTACHMENT 1

## ADDENDUM ASSESSMENT REPORT.



## ADDENDUM ASSESSMENT REPORT (AAR)

Application No.	38-2024-48-1
Applicant Name	Patch Planning (Patch Planners Pty Ltd)
Applicant Address	70 George Street, The Rocks, NSW, 2000
Property Owner	Allan Douglas Mann
Site Location Details	Lot 327 DP 808038 - 20 Nulla Nulla Lane, Hinton
Proposal Summary	Seeking an addendum to the Port Stephens Local Housing Strategy to identify the site within the Housing Supply Plan to facilitate a future rezoning. A future rezoning would seek to amend the Port Stephens Local Environmental Plan 2013 to rezone the site from RU1 Primary Production to R5 Large Lot Residential or RU5 Village and to reduce the minimum lot size from 40ha to 4,000sqm. The proposal aims to facilitate 25-35 dwellings.

Subject Site



Page 1 of 5

**MINUTES ORDINARY COUNCIL - 25 MARCH 2025****ITEM 1 - ATTACHMENT 1      ADDENDUM ASSESSMENT REPORT.****Rural Residential Housing Criteria in the Port Stephens Local Housing Strategy**

Information	Assessment
<b>Locational Criteria</b>	
The land must meet the following locational criteria to be considered suitable for future rural residential housing:	
Zoned RU1 Primary Production, RU2 Rural Landscape, C3 Environmental Management, C4 Environmental Living;	The subject site is currently zoned RU1 Primary Production and meets this criteria.
Located a minimum of 800 metres from existing RU5 Rural Village, R1 General Residential or R2 Low Density Residential zoned land; and	The subject site does not meet this criteria as it immediately adjoins the existing RU5 Village zoned land in Hinton. Notwithstanding, Hinton is unlikely to be suitable for future urban expansion and as such the site is considered to be justifiably inconsistent with this criteria.
Any part of the landholding is located within 800 metres of existing R5 Large Lot Residential zoned land. Proposals not within 800 metres of an R5 Large Lot Residential zone must consider all land within the relevant investigation area identified in the Port Stephens Rural Residential Strategy (2015); and	The subject site is within 800m of existing RU5 Village zoned land in Hinton. The subject site forms a large part of the investigation area located on the southern side of Hinton Road identified in the 2015 Strategy and as such is considered to be justifiably inconsistent with this criteria.
The proposed development is necessary to ensure the adequate supply of housing in the local area and will be compatible with the preferred uses of land in the vicinity.	The proposal will increase the supply of housing in the local area by facilitating 25-35 dwellings. At present the Housing Supply Plan does not propose any additional housing in this area. The proposal will provide additional housing to meet demand.
<b>Exclusionary Criteria</b>	
In accordance with Council resolution Minute No. 212 (9 August 2022), the following areas are excluded from any further consideration:	
Any land within Wallalong that has previously been considered for urban development as part of the Wallalong Urban Release Area.	The subject site is not part of the Wallalong Urban Release Area.
<b>Constraints Criteria</b>	
Land that is subject to any of the following criteria will require extensive justification to be lodged with any future rezoning request:	
Areas identified by, or in proximity to an area identified by, a local, regional or State strategic plan for potential urban housing, including land that demonstrates consistency with the criteria in Appendix 1.	The site is not identified for potential urban housing in any local, regional or State strategic plan.

Page 2 of 5

## MINUTES ORDINARY COUNCIL - 25 MARCH 2025

## ITEM 1 - ATTACHMENT 1

## ADDENDUM ASSESSMENT REPORT.

**Constraints Criteria**

Land that is subject to any of the following criteria will require extensive justification to be lodged with any future rezoning request:

Land within a 2km distance from existing or planned major employment areas.	The subject site is not within 2km of a major employment area either existing or planned.
Slopes greater than 18 degrees slope instability and clearing of vegetation is restricted under State legislation.	<p>The site's topography varies, however, the slopes are generally gradual and the land is conducive to rural residential development. Some portions of the site do contain slopes greater than 18 degrees.</p> <p>Further consideration of the site slopes and their impact on the proposed development/ concept will need to be provided as part of the future planning proposal.</p>
Class 1 and 2 acid sulphate soils, because of the high risk of exposing acid soils during dwelling and infrastructure construction.	<p>The site is mapped as having Class 5 soils with Class 3 in the surrounding area. No Class 1 or Class 2 Acid Sulfate soils are present in the area.</p> <p>No further consideration of this requirement is needed at this stage.</p>
Land within the Flood Planning Area as defined in the Port Stephens Development Control Plan 2014.	<p>Portions of the site to the south and where the site fronts Nulla Nulla Lane are identified as being within the Flood Planning Area. In addition to this, Hinton is known to become isolated in a range of flood events below the 1% AEP.</p> <p>Further consideration of the flood impacts and isolation response will need to be provided as part of the future planning proposal.</p>
High biodiversity value land including coastal wetlands or any coastal lakes identified under the State Environmental Planning Policy (Coastal Management) 2018.	The site is not mapped as containing high biodiversity value land, including coastal wetlands or any coastal lakes.
Noise exposure areas within an ANEF 25 or greater.	The site is not mapped within an ANEF noise map.
Land identified as Important Agricultural Land as defined by the Biophysical Strategic Agricultural Land (BSAL) mapping. This mapping was prepared by the State Government for the purposes of Strategic Regional Land Use Planning.	<p>The site is not mapped as Important Agricultural Land as defined by the Biophysical Strategic Agricultural Land (BSAL).</p> <p>No further consideration of this requirement is needed at this stage.</p>
Land located within 500 metres of known extractive industries, quarrying or mining.	The site is not within 500m of any known extractive industries, quarries or mines.
Land identified by the State Government as having known mineral resource potential.	The site is not known to have any mineral resource potential.

Page 3 of 5

**MINUTES ORDINARY COUNCIL - 25 MARCH 2025**

**ITEM 1 - ATTACHMENT 1 ADDENDUM ASSESSMENT REPORT.**

**Management Criteria**

Additional supporting documentation is required to be lodged with a rezoning request if any of the following criteria applies.

Rezoning requests on land that has the potential to be isolated in flood events, must demonstrate access to evacuation facilities via a public road that is given 24 hours warning of flood isolation.	The preliminary Flood Impact and Risk Assessment states that at least 24hrs warning can be provided.
Rezoning requests on land identified as bush fire prone (on Council's Bush Fire Prone Land Map) must demonstrate consistency with the strategic principles contained within Planning for Bush Fire Protection 2019.	The Preliminary Bushfire Advice states that the site is capable of development for rural-residential purposes in accordance with Planning for Bush Fire Protection 2019.
Rezoning requests on land identified in coastal management areas, defined in the State Environmental Planning Policy (Coastal Management) 2018, must be justified by a study or strategy prepared to demonstrate consistency with the SEPP.	Parts of the site are mapped as being within the Coastal Environment Area.  Further consideration of the requirements for a proposal within the Coastal Environment Area will need to be provided as part of the future planning proposal.
Rezoning requests on land that includes koala habitat areas and/or corridors, significant native vegetation, endangered ecological communities, threatened species or habitats must submit a Preliminary Ecological Assessment unless the proposed disturbance area requires the lodgement of a Biodiversity Development Assessment Report.	The site is not mapped as containing Koala habitat or containing areas of biodiversity values.  Further consideration of the vegetation on site and any potential impacts would need to be provided as part of the future planning proposal.
Rezoning requests that are likely to impact on an item of environmental heritage (identified in the Port Stephens Local Environmental Plan 2013) must submit a Statement of Heritage Impact that considers the impact on heritage values, including the setting of the items and any archaeological remains.	Part of the site is within Hinton Heritage Conservation Area. No heritage items are located on the site. Further consideration of the heritage values of the site and any potential impacts would need to be provided as part of the future planning proposal.
Rezoning requests should include an initial assessment of the likelihood of Aboriginal cultural heritage values including: • a search of the Aboriginal Heritage Information Management System (AHIMS) • determination of whether the sites include landscape features that indicate the likely presence of aboriginal objects • site inspections • consultation with the Aboriginal community	It is considered that any associated risk regarding Aboriginal cultural heritage is low as the site does not contain any Aboriginal sites according to an AHIMS search.  Further consideration of the Aboriginal cultural heritage values of the site and any potential impacts would need to be provided as part of the future planning proposal.

**MINUTES ORDINARY COUNCIL - 25 MARCH 2025****ITEM 1 - ATTACHMENT 1****ADDENDUM ASSESSMENT REPORT.**

Rezoning requests on land within a drinking water catchment must be able to be connected to reticulated sewer or able to demonstrate a neutral or beneficial effect (NorBE) on water quality in accordance with Hunter Water Corporation requirements.	The site is not within the drinking water catchment.
Rezoning requests on land within a 1km buffer from existing agricultural industries (e.g. poultry farms, aquaculture) measured from property boundary to property boundary are required to provide expert reports to establish appropriate setbacks. These reports may relate to, but not be limited to, noise, odour, visual amenity and biosecurity risks.	A dairy is located within 1km of the site.  Further consideration will be required to determine the need for buffers and/or mitigation measures as part of the future planning proposal.
Rezoning requests on land within a high or very high landscape area, as defined in the Port Stephens Rural Lands Study (2011), must submit a visual impact assessment.	Due to the topography of the site, it contains some of the highest land within Hinton.  Further consideration of the potential visual impacts of the proposal and the need for mitigation measures will form part of the future planning proposal.
Rezoning requests are to identify an appropriate buffer zone between housing and existing road corridors to prevent clearing and protect scenic qualities.	The site is not adjacent to a road corridor.
Rezoning requests must demonstrate that the land: <ul style="list-style-type: none"> <li>• will be accessed via a sealed road</li> <li>• will not result in the creation of direct access to a State road</li> <li>• will not create additional demand for unplanned State infrastructure upgrades</li> <li>• will be connected to reticulated power supply</li> <li>• is able to dispose of on-site sewage in accordance with Council's Development Assessment Framework (DAF) for the management of on-site sewage management, which includes performance standards and recommendations about appropriate areas</li> </ul>	Further consideration of the infrastructure requirements to demonstrate that the land is capable of complying with the respective criteria will be needed as part of the planning proposal.

**ITEM NO. 2**

**FILE NO: 25/95003  
EDRMS NO: PSC2017-00180**

**PLAN OF MANAGEMENT: FINGAL BAY HOLIDAY PARK**

REPORT OF: KIM LATHAM - HOLIDAY PARKS SECTION MANAGER  
DIRECTORATE: COMMUNITY FUTURES

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receive and note the submission **(ATTACHMENT 1)**.
- 2) Adopt the revised Plan of Management for Fingal Bay Holiday Park **(ATTACHMENT 2)**.
- 3) Revoke the Plan of Management (PoM) dated 9 August 2022.

---

**BACKGROUND**

The Crown Land Management Act 2016 (CLM Act), authorises local councils that have been appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the Local Government Act 1993 (LG Act).

In accordance with the CLM Act, Port Stephens Council is required to prepare a Plan of Management (PoM) for Fingal Bay Holiday Park.

The Plan of Management establishes objectives, strategies and performance targets for the ongoing operation and development of the Holiday Park. The PoM seeks to conserve and maintain the natural environment of the Holiday Park while providing a range of recreation and accommodation opportunities for visitors. As a key source of non-rate revenue to Council, the PoM ensures we remain competitive in the market and can continue to optimise the economic benefit to the community.

Port Stephens Council was required to undertake community engagement on the draft PoM. The purpose of this report is to provide Council with information on the community submission received during the public exhibition of the Fingal Bay Holiday Park Plan of Management.

The draft PoM was placed on public exhibition from 27 January 2025 to 24 February 2025. During the public exhibition period, 1 submission was received with a summary outlined in **(ATTACHMENT 1)**. As a result, there are no proposed changes to the document.

Please note that yellow highlighting in the attached draft PoM indicates an amendment has been made.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Financial Management	Implement the 2022 to 2026 Delivery Plans for Beachside Holiday Parks and Koala Sanctuary

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no financial or resource implications associated with the Plans of Management.

<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**

Clause 70A of the Crown Land Management Regulation 2016 exempts councils from conducting a public hearing under section 40A of the Local Government Act 1993 (LG Act). The only requirement is to publicly exhibit the PoM under section 38 of the LG Act.

Any legal implications are mitigated by the relevant planning approval process for any future works proposed for the lands.

<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 continued viability of the Fingal Bay Holiday Park will not be managed appropriately if the PoM is not adopted.	High	Adopt the recommendations.	Yes

**ORDINARY COUNCIL - 24 JUNE 2025**

There is a risk that no further improvement or other works could take place in the Fingal Bay Holiday Park.	High	Adopt the recommendations.	Yes
---	------	----------------------------	-----

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The PoM establishes objectives, strategies and performance targets for the ongoing operation and development of the Fingal Bay Holiday Park.

The PoM seeks to conserve and maintain the natural environment of the Holiday Park while providing a range of recreation and accommodation opportunities for visitors.

As a key source of non-rate revenue to Council, the PoM ensures Council remains competitive in the market and can continue to optimise the economic benefit to the community.

**COMMUNICATION AND ENGAGEMENT**

Council's Communication and Engagement Strategy uses the IAP2 Framework to identify the level of engagement undertaken. An explanation for each level is shown below.

INFORM	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
CONSULT	To obtain public feedback on analysis, alternatives and/or decisions.
INVOLVE	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
COLLABORATE	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
EMPOWER	To place final decision-making and/or developed budgets in the hands of the public.
	No external communications and engagement are required for this report.



The following communication and engagement applies to this report.

#### External communications and engagement

<b>CONSULT</b>	<p>In accordance with local government legislation the draft PoM for the Fingal Bay Holiday Park was placed on public exhibition from 27 January 2025 to 24 February 2025.</p> <p>As advised by Crown Lands staff, Council were not required to hold a public hearing during the exhibition period.</p> <p>Historically, Holiday Van Owners (HVOs) at Fingal Bay Holiday Park have shown interest in the Plan of Management. All HVOs at Fingal Bay Holiday Park were advised via email on 28 January 2025 that the PoM was on public exhibition.</p> <p>Council received 1 community submission during the exhibition period. No changes are required to the draft PoM as a result of the submission.</p>
----------------	--

#### Internal communications and engagement

Consultation with key stakeholders has been undertaken by the Holiday Parks Section with:

- Assets Section

#### **OPTIONS**

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

#### **ATTACHMENTS**

- 1) Submission Table - Fingal Bay Holiday Park Plan of Management. [↓](#)
- 2) Plan Of Management for Fingal Bay Holiday Park. [↓](#)

#### **COUNCILLORS' ROOM/DASHBOARD**

- 1) Copy of unredacted submission.

#### **TABLED DOCUMENTS**

Nil.

**ITEM 2 - ATTACHMENT 1 SUBMISSION TABLE - FINGAL BAY HOLIDAY PARK PLAN OF MANAGEMENT.**

**Submissions Table: Fingal Bay Holiday Park Draft Plan of Management (PoM)**

No.	Author	Summary	Response
<b>Agency comments</b>			
1.	Holiday Van Owner	<p>A submission with comments relating to the management of vegetation and local wildlife were raised, particularly in relation to a large tree in precinct 3.</p> <p>A submission with comments relating to concerns that traffic flow and access may be compromised if planned site upgrades take place in precinct 3.</p>	<p>Vegetation management is ongoing at Fingal Bay Holiday Park. Existing trees are monitored and managed under Council's tree removal process.</p> <p>Council is not obligated to undertake any works recommended in the PoM. Any works they do choose to implement are subject to further investigation and must consider the legislative framework – including any environmental impacts and access to amenities.</p>



# FINGAL BAY HOLIDAY PARK PLAN OF MANAGEMENT

October 2023

1 FINGAL BAY HOLIDAY PARK PLAN OF MANAGEMENT

## ITEM 2 - ATTACHMENT 2 PLAN OF MANAGEMENT FOR FINGAL BAY HOLIDAY PARK.



### CONTENTS

.....	4	Landscaping.....	21
PREAMBLE .....	4	PRECINCT 1.....	22
INTRODUCTION.....	5	Overview & Description.....	22
KEY MANAGEMENT ACTIVITIES.....	5	Desired Future Character .....	22
VISION STATEMENT .....	5	Current Constraints .....	23
THE PLAN OF MANAGEMENT PROCESS ..	5	Improvement Opportunities.....	23
IMPLEMENTATION AND REVIEW.....	7	Key Management Priorities.....	23
COMMUNITY CONSULTATION .....	7	PRECINCT 2.....	25
BACKGROUND.....	8	Overview and Description.....	25
HISTORY AND DESCRIPTION OF FINGAL BAY HOLIDAY PARK .....	9	Desired Future Character .....	26
CROWN LAND AND COUNCIL'S ROLE .....	9	Current Constraints .....	26
Background .....	9	Improvement Opportunities.....	26
Port Stephens Regional Crown Reserve	9	Key Management Priorities.....	26
Reserve Status .....	11	PRECINCT 3.....	27
STRATEGIC DIRECTION.....	13	Overview and Description.....	27
GUIDING PRINCIPLES .....	14	Desired Future Character .....	28
STRATEGIC DIRECTIONS .....	14	Current Constraints .....	28
STRATEGIC DIRECTION ONE:		Improvement Opportunities.....	28
ENVIRONMENTAL PROTECTION AND		Key Management Priorities.....	28
LAND STEWARDSHIP.....	14	PRECINCT 4.....	29
STRATEGIC DIRECTION TWO: SITES AND		Overview and Description.....	29
ACCOMMODATION .....	15	Desired Future Character .....	29
STRATEGIC DIRECTION THREE: SITE		Current Constraints .....	29
MANAGEMENT AND COMMERCIAL		Improvement Opportunities.....	30
SUSTAINABILITY .....	16	Key Management Priorities.....	30
REVIEW PROCESS .....	17	PRECINCT 5.....	31
SITE ANALYSIS & PRECINCT		Overview and Description.....	31
IMPROVEMENTS .....	18	Desired Future Character .....	31
OVERVIEW OF THE SITE.....	19	Current Constraints .....	32
KEY CONSTRAINTS AND OPPORTUNITIES		Improvement Opportunities.....	32
.....	20	Key Management Priorities.....	32
OVERVIEW OF IMPROVEMENTS .....	20	PRECINCT 6.....	33
Services.....	20	Overview and Description.....	33
Accommodation and Site Types .....	21		
Guest Facilities.....	21		

## ITEM 2 - ATTACHMENT 2 PLAN OF MANAGEMENT FOR FINGAL BAY HOLIDAY PARK.



Desired Future Character .....	33	Residential (Land Lease) Communities Act 2013 .....	43
Current Constraints .....	34	Holiday Parks (Long-Term Casual Occupation) Act 2002.....	43
Improvement Opportunities .....	34	Native Title Act 1993 (Commonwealth) .....	43
Key Management Priorities .....	34	Aboriginal Land Rights Act 1983 (NSW).....	43
PRECINCT 7 .....	35	State Environmental Planning Policy (Resilience and Hazards) 2021 .....	44
Overview and Description .....	35	Coastal Management Act 2016 .....	44
Desired Future Character .....	35	State Environmental Planning Policy (Transport and Infrastructure) 2021 .....	45
Current Constraints .....	36	State Environmental Planning Policy (Housing) 2021 .....	46
Improvement Opportunities .....	36	PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2013.....	47
Key Management Priorities .....	36	OTHER PLANNING REGULATIONS, CONTROLS AND STRATEGIES.....	48
INTERNAL REVIEW PROCESS .....	37	Port Stephens Coastal Management Program 2024 .....	48
IMPLEMENTATION PLAN .....	37	Other Statutory and Policy Documents .....	48
STATUTORY FRAMEWORK .....	39	Categorisation of Land.....	50
INTRODUCTION.....	40	Express authorisation of leases and licences and other estates .....	52
Crown Land Management Act 2016 .....	40		
The Environmental Planning and Assessment Act 1979 .....	40		
The Local Government Act 1993 .....	41		
Rural Fires Act 1997 .....	41		

# PREAMBLE

---



## INTRODUCTION

This Plan of Management establishes objectives, strategies and performance targets for the ongoing operation and development of Fingal Bay Holiday Park.

Successful implementation of the Plan will:

- ❖ Improve sustainable resource management
- ❖ Improve facilities for guests
- ❖ Increase capacity to address changing market demands
- ❖ Improve the Park's commercial operating position
- ❖ Increase visitation and local economic activity
- ❖ Improve park amenity and facilities, without compromising the existing character

## KEY MANAGEMENT ACTIVITIES

This Plan of Management establishes the actions by which Port Stephens Council will address the requirements and expectations of the NSW Government, visitors, residents, businesses, community groups and the wider regional community.

The key management activities addressed in this Plan include:

- ❖ Providing improved amenities and recreational facilities
- ❖ Providing a mix of accommodation types that respond to current and changing visitor needs
- ❖ Ongoing compliance with the applicable technical standards and regulations
- ❖ Implementing strategies to improve occupancy rates in the shoulder and low seasons
- ❖ Incorporating environmental sustainability practices into development and management activities
- ❖ Introduce energy efficient products and renewables and reduce plastic waste
- ❖ Implementing a high standard of risk management practices
- ❖ Exploring opportunities to increase revenue and reduce operating costs

## VISION STATEMENT

*To conserve and maintain the natural environment of the Holiday Park while providing a range of recreation and accommodation opportunities for visitors and optimise a return to the community*

## THE PLAN OF MANAGEMENT PROCESS

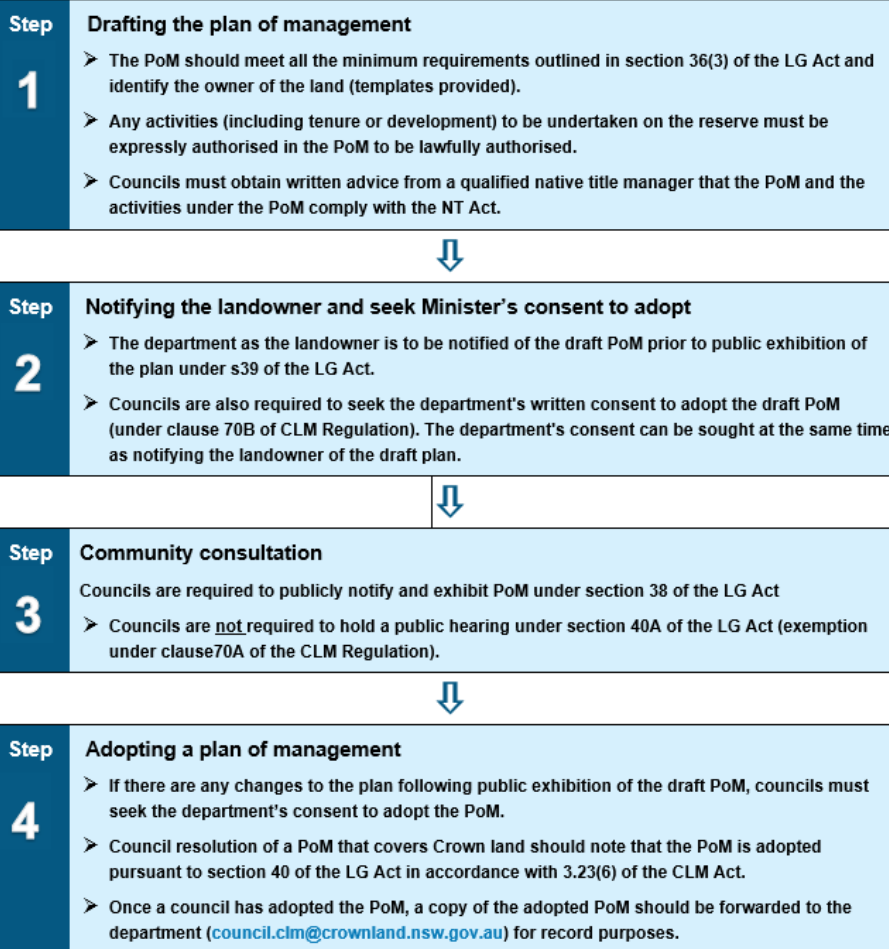
A Plan of Management is a statutory instrument that provides strategic planning and governance for the management and use of Crown and Community Land.

Plans of management set out objectives and performance targets and provide for active land management and use, including the issuing of tenures over the land.

A Plan of Management must be prepared in accordance with the Crown Land Management Act (2016) and adhere to the specific requirements stated in Division 3.6 of the Act. This requires Port Stephens Council, as Crown Land Manager of Fingal Bay Holiday Park, to adhere to the following requirements:

- ❖ The Crown Land Manager must undertake community engagement on a draft Plan of Management, including the preparation of a community engagement strategy in accordance with the Crown Land Management Act
- ❖ The Minister must review and approve the Plan of Management prior to adoption.
- ❖ Any future amendments to the adopted Plan of Management require community consultation and engagement.

## ITEM 2 - ATTACHMENT 2 PLAN OF MANAGEMENT FOR FINGAL BAY HOLIDAY PARK.





ITEM 2 - ATTACHMENT 2  
HOLIDAY PARK.

PLAN OF MANAGEMENT FOR FINGAL BAY



## IMPLEMENTATION AND REVIEW

This Plan of Management provides a long-term strategy for the management of Fingal Bay Holiday Park. It is anticipated that most of the works described will be implemented over a five to seven-year period. Priorities for works and funding will be addressed on an annual basis to meet operational, and stakeholder needs.

This plan is to be reviewed every five years, or as required to ensure that it remains relevant and useful.

## COMMUNITY CONSULTATION

This Plan of Management was placed on public exhibition from 27 January 2025 to 24 February 2025 in accordance with the requirements of section 38 of the Local Government Act 1993.



ITEM 2 - ATTACHMENT 2      PLAN OF MANAGEMENT FOR FINGAL BAY  
HOLIDAY PARK.

# BACKGROUND

---

ITEM 2 - ATTACHMENT 2  
HOLIDAY PARK.

## PLAN OF MANAGEMENT FOR FINGAL BAY



## HISTORY AND DESCRIPTION OF FINGAL BAY HOLIDAY PARK

Fingal Bay Holiday Park is located at Port Stephens on the NSW coast just to the north of Newcastle. The Park is located at 52 Marine Drive, Fingal Bay which lies on the coast to the south of Shoal Bay and the Port Stephens inlet.

Fingal Bay is surrounded by Tomaree National Park, which isolates Fingal Bay from Shoal Bay, Nelson Bay and Anna Bay.

The total area of the reserve occupied by the Fingal Bay Holiday Park is approximately 8.6 hectares.

The park is a favourite destination for families due to its facilities such as resort style swimming pool and children's playground and is positioned adjacent to Fingal Beach, a patrolled surfing beach. Additionally, the waters off Fingal Beach are an aquatic reserve and are a popular diving location in Port Stephens.

## CROWN LAND AND COUNCIL'S ROLE

### Background

The land occupied by Fingal Bay Holiday Park is managed by Port Stephens Council. Port Stephens Council has provided a long-standing function as Crown Land Manager for three Holiday Parks located within the Council area and Port Stephens Regional Crown Reserve. These parks are known as:

- ❖ Fingal Bay Holiday Park;
- ❖ Shoal Bay Holiday Park, and
- ❖ Halifax Holiday Park.

To ensure that these valuable properties are managed in a manner that will result in the optimum benefit to the community, Council in partnership with NSW Government, determined the need to undertake a review of

the Holiday Park businesses. The purpose was to establish appropriate strategies to guide future improvement and development of the Holiday Parks in line with the principles of the Crown Land Management Act.

### Port Stephens Regional Crown Reserve

The Port Stephens Regional Crown Reserve (Figure 2) is a land area that has been set aside for current and future public uses for a variety of purposes. The Crown Reserve included Crown Lands from Fern Bay in the South, along the Tomaree Peninsula, extending north of Karuah.

The Reserve includes an assortment of land uses and types throughout Port Stephens, including a large estuarine area featuring wetlands and mangroves, a variety of threatened and non-threatened species of flora and fauna, important Aboriginal sites and landscapes, areas connected with military activities and abundant public space for community use. Nelson Head has historically provided navigational aids to shipping and supports an old Pilot's cottage as well as volunteer coastal patrol services and telecommunications facilities.

The Port Stephens Crown Reserve allows for efficient planning and management, enhancement of the area through targeted improvement works as well as heightening community awareness of the ongoing challenges and opportunities this unique natural landscape presents to the region.

Included in this Crown Reserve is Fingal Bay Holiday Park and its connecting local beaches.

As Crown Land Manager, Port Stephens Council must manage this land in the public interest, considering the reserves position within the region and aligning with best practice for management of such land.

ITEM 2 - ATTACHMENT 2 PLAN OF MANAGEMENT FOR FINGAL BAY HOLIDAY PARK.



Figure 1. Locality map

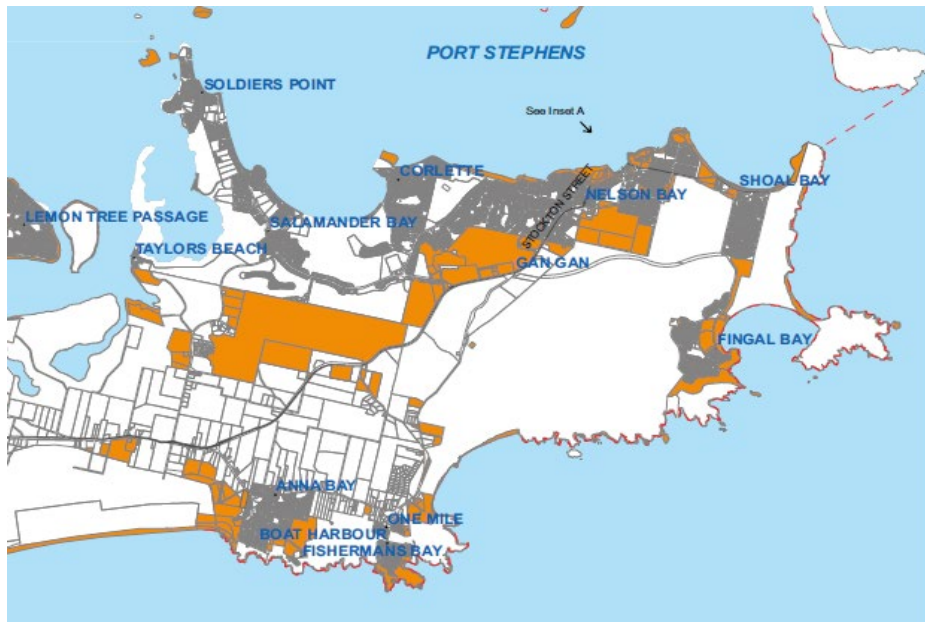


Figure 2. Port Stephens Crown Regional Reserve



## ITEM 2 - ATTACHMENT 2

## PLAN OF MANAGEMENT FOR FINGAL BAY HOLIDAY PARK.

**Reserve Status**

The land occupied by Fingal Bay Holiday Park is known as Reserve 1037608. The land was reserved for Caravan Park purposes on 12 July 2013 and Council was appointed land manager on the same date.

The land surrounding the park to the north, south and east is Crown land reserved for public recreation purposes and Council is also the appointed land manager of those reserves (Figure 3).

Reserve 1037608 is categorised as General Community Use as shown in Figure 3. Details of the reserve are set out in Table 1 below.

**Table 1:** Information about the reserve covered by this plan of management.

<b>Reserve Number</b>	1037608
<b>Gazettal Date</b>	12 July 2013
<b>Reserve purpose</b>	Caravan Park
<b>Land parcel/s</b>	Lot 419 DP 257378
<b>Area (Ha)</b>	8.607 ha
<b>LEP zoning</b>	RE1 Public Recreation
<b>Assigned category/categories</b>	General Community Use



Figure 3. Locality map showing Crown reserves by purple (General Community Use), orange (Sportsground) and green (Natural Area).



Figure 4. Reserve 1037608 shown by black outline

# STRATEGIC DIRECTION

## ITEM 2 - ATTACHMENT 2 PLAN OF MANAGEMENT FOR FINGAL BAY HOLIDAY PARK.



### GUIDING PRINCIPLES

Seven guiding principles define the way in which Fingal Bay Holiday Park will be developed and managed into the future. These principles have informed the performance targets and objectives within this plan of management and are reflected throughout this document.

In its future ongoing operations and development, Fingal Bay Holiday Park aims to:

1. Protect and enhance the surrounding environment.
2. Provide a range of recreational activities.
3. Be financially and operationally sustainable.
4. Respect cultural heritage.
5. Enhance accessibility to visitors.
6. Respond to the needs of new and existing customers.
7. Maintain or improve customer satisfaction.

### STRATEGIC DIRECTIONS

The objectives for Fingal Bay Holiday Park have been divided into three broad categories, or Strategic Directions. These Strategic Directions provide a framework which guides the development and operation of the Park and ensures the Park's vision and core principles are achieved.

### STRATEGIC DIRECTION ONE: ENVIRONMENTAL PROTECTION AND LAND STEWARDSHIP

#### Aim

Improve the sustainability of Fingal Bay Holiday Park's operations and the quality of the surrounding natural environment.

#### Objective 1 – Vegetation, Habitat and Natural Land Management

- ❖ Minimise disturbance to natural vegetation.
- ❖ Implement practices and procedures consistent with Beachside Holiday Parks Environmental Management Plan.
- ❖ Maintain and implement a current Vegetation Management Plan for the Holiday Park.
- ❖ Seek opportunities to maintain and restore natural vegetation.
- ❖ Implement management strategies to protect the habitats of important native species.

#### Objective 2 - Waterways, Catchments and Coastal Protection

- ❖ To manage coastal processes and climate change while allowing for natural occurrences.
- ❖ Develop specific climate change adaptation plans in conjunction with the rest of the local government area.
- ❖ Review existing stormwater management procedures and seek opportunities to make improvements.
- ❖ Seek opportunities to use ecofriendly chemicals throughout the Park and ensure all chemicals used satisfy relevant guidelines and industry best practice.

#### Objective 3 – Fire Protection

- ❖ Implement and maintain best practice fire management strategies.
- ❖ Provide and maintain adequate fire control access;
- ❖ Provide and maintain fuel free and fuel reduced zones where necessary.
- ❖ Ensure biannual fire safety inspections of the Park are completed and records maintained.
- ❖ Ensure an annual fire safety statement is provided and records kept.

#### Objective 4 – Aboriginal and Non-Aboriginal Cultural Values

- ❖ Identify and protect significant Aboriginal and Non-Aboriginal culture sites.
- ❖ Ensure access is provided to significant Aboriginal sites.
- ❖ Provide educational and interpretative signage where desirable and appropriate.



## ITEM 2 - ATTACHMENT 2 PLAN OF MANAGEMENT FOR FINGAL BAY HOLIDAY PARK.



### STRATEGIC DIRECTION TWO: SITES AND ACCOMMODATION

#### Aim

Create, enhance, or maintain a diverse range of recreational facilities, accommodation offerings and associated infrastructure consistent with current trends of modern holiday parks. Successful achievement of this aim requires consideration of the changing demands and requirements of visitors and the local community.

#### Objective 1 – Recreational Facilities

- ❖ Maintain and upgrade designated recreation areas to cater for a range of recreational activities.
- ❖ Consider opportunities to improve the range of facilities offered to guests to support future sustainability.
- ❖ Ensure design, construction and maintenance of recreational facilities complies with the relevant regulations.

#### Objective 2 - Accommodation Upgrades and Improvements

- ❖ Consider opportunities to provide additional and multi-use short-term Sites and Cabin Spaces.
- ❖ Consider upgrades to existing tourist sites in general to ensure suitable surfaces and access.
- ❖ Consider opportunities to upgrade holiday van sites to multi use, drive through, powered van sites.
- ❖ Ensure site presentation, maintenance and compliance standards are in place and enforced.
- ❖ Protect and enhance the visual amenity of the Park and adjoining land.
- ❖ Conduct upgrades in accordance with best practices for environmental responsibility and sustainability.

#### Objective 3 – Waste and Energy Management

- ❖ Implement strategies to reduce the incidence of litter and dumping.
- ❖ Design new and upgraded facilities to ensure the responsible use and disposal of resources.
- ❖ Design, construct and maintain the Park using ecologically sensitive materials.
- ❖ Seek opportunities to minimise maintenance and operational energy requirements.
- ❖ Consider opportunities to improve energy reading measures.
- ❖ Consider the installation of solar collectors on Holiday Park buildings.

#### Objective 4 – Facility and Infrastructure Upgrades

- ❖ Consider opportunities to improve current amenity facilities including water, sewer, and fire hydrants infrastructure.
- ❖ Continue to improve electrical infrastructure.
- ❖ Consider opportunities to improve caravan access via road widening.
- ❖ Review essential services (water, sewer, power, and stormwater) and consider reading measure improvements.
- ❖ Consider continuing the use of Helipad mesh and/or synthetic turf products to mitigate impacts of repetitive vehicle use on grass.
- ❖ Avoid location of new services in or through natural areas.
- ❖ Ensure appropriate ongoing management and access regimes for public utilities.
- ❖ Ensure an appropriate road and pathway layout to allow efficient movement within and through the Park, including to recreational facilities.
- ❖ Ensure appropriate access and parking for emergency vehicles.
- ❖ Ensure disabled access is provided to community facilities and amenities consistent with the Australian Standards.

## ITEM 2 - ATTACHMENT 2 PLAN OF MANAGEMENT FOR FINGAL BAY HOLIDAY PARK.



### STRATEGIC DIRECTION THREE: SITE MANAGEMENT AND COMMERCIAL SUSTAINABILITY

#### Aim

Develop a sustainable revenue base to support the long-term management and development of Fingal Bay Holiday Park. Sustainable revenue ensures that the Holiday Park contributes to the economy of the local region, providing amenity that will help make the region a great place to live, work and visit.

#### Objective 1 – Awareness of the Holiday Park

- ❖ Identify and consider potential to address new and emerging market opportunities.
- ❖ Prepare and implement an annual marketing and promotional strategy.
- ❖ Actively monitor the short-term holiday rental market within the Port Stephens area and take actions to remain competitive as a unique and attractive holiday offering.

#### Objective 2 – Improved Revenue Opportunities

- ❖ Design accommodation that responds to current and future demand and can generate a consistent income stream.
- ❖ Operate with the objective to self-fund the ongoing management of the Holiday Park and make a substantial contribution to the management of the reserved lands.
- ❖ Maintain existing diverse accommodation range to provide both affordable family holiday accommodation and premium accommodation options.
- ❖ Investigate opportunities to provide additional accommodation.
- ❖ Identify and investigate additional revenue sources.

#### Objective 3 - Safety and Risk Management

- ❖ Prepare and implement best practice health, safety, and risk management plans.
- ❖ Ensure prohibited activities are adequately discouraged.
- ❖ Carry out regular risk management inspections for all infrastructure and implement maintenance and repairs as required.
- ❖ Carry out regular inspections to ensure appropriate tree and vegetation maintenance and intervention is undertaken.



## REVIEW PROCESS

The purpose of this Plan of Management is to provide a strategic and statutory basis for improvements, management, and operations within Fingal Bay Holiday Park.

To ensure that the key objectives and performance targets of the Holiday Park are adhered to over the life of the Plan of Management, the Crown Land Manager must periodically review the Park's improvements, management, and operations in line with the adopted key objectives.

The Plan of Management is to be reviewed every 5 years, or as required, to ensure the plan remains relevant to the operational direction of the park, in line with community's expectations for the land and consistent with any changes in legislation.

Prior to the drafting of the next Plan of Management, it is essential that the Crown Land Manager reviews the performance of the Holiday Park against the objectives and targets outlined in this Plan of Management.



# SITE ANALYSIS & PRECINCT IMPROVEMENTS

---



ITEM 2 - ATTACHMENT 2  
HOLIDAY PARK.PLAN OF MANAGEMENT FOR FINGAL BAY  
HOLIDAY PARK.

## OVERVIEW OF THE SITE

### Current Use of the Site

The land is currently improved with:

- ❖ Reception and office building
- ❖ 135x powered sites including 6x with ensuite
- ❖ 1x 3 bedroom deluxe house
- ❖ 30x villas
- ❖ 244x holiday van sites
- ❖ 3x Amenities buildings with laundries
- ❖ Camp kitchen and barbeque area
- ❖ Games room
- ❖ Children's playground
- ❖ Swimming pool

The accommodation offerings are occupied by holiday makers on short term letting arrangements either through Port Stephens Beachside Holiday Parks or one of the many online booking platforms.

The structures were last valued on 17 May 2023 with a total depreciated value of almost \$10m. Weighted average remaining useful life (RUL) scores were attributed to each component of each building with an average RUL of 32.83 years attributed across all assets

and 37.81 years across the non-lettable assets.

### Future Use of the Site

Potential uses of land categorised as General Community Use are many and varied. Council encourages a wide range of uses of its community land but does not propose to change or expand the use of the land from a holiday park.

Instead, following assessment and evaluation of the Fingal Bay Holiday Park site, operations and development potential has identified a range of opportunities to improve the performance of the Park.

This Plan separates Fingal Bay Holiday Park into seven (7 no.) distinct precincts, each with its own unique character and values as defined by land use, function, character, and location. This chapter outlines the status and future potential for each precinct, and includes management actions to improve the commercial, functional and/or environmental performance of each precinct.

The seven precincts are detailed in the below site map:

Figure 5: Overview of Fingal Bay Holiday Park's Precincts



ITEM 2 - ATTACHMENT 2  
HOLIDAY PARK.

## PLAN OF MANAGEMENT FOR FINGAL BAY



## KEY CONSTRAINTS AND OPPORTUNITIES

The following 'SWOT' analysis summarises the status and future potential of Fingal Bay Holiday Park. This has been used to inform and prioritise operational and development activities across all precincts.

### Strengths

- ❖ Fingal Bay Holiday Park's location and proximity to Fingal Beach
- ❖ Short distance to attractive natural assets including Port Stephens Lighthouse, Shark Island Nature Reserve and Tomaree National Park
- ❖ Established visitor base with continued re-visitation
- ❖ Variety of accommodation offerings and price-points
- ❖ Located within an established tourism area
- ❖ Suitably maintained and serviced
- ❖ Positive reputation as a preferred holiday destination

### Weaknesses

- ❖ Existing Amenity facilities are aging and require improvement or replacement
- ❖ Some instances where the existing accommodation and recreational facilities are not the most effective use for the site it occupies
- ❖ Exiting road layout creates difficulty manoeuvring large vehicles

### Opportunities

- ❖ Additional revenue by converting low yielding sites, to high yielding sites.
- ❖ Reconfiguration to increase total short-term lettable accommodation and multiple use
- ❖ Installation of additional drive through and/or large van sites where appropriate, which generate the greatest return
- ❖ relocation of children's recreational facilities to a safer more secluded area
- ❖ Widening of existing road to accommodate ease to manoeuvre oversized vehicles
- ❖ Installation of a 2<sup>nd</sup> entry / exit gate at Farm Road to reduce traffic movements within the Holiday Park

### Threats

- ❖ Potential loss in revenue due to disruption created by improvement works
- ❖ "Check-In, Check-Out" process causes significant congestion during peak periods
- ❖ Price point for accommodation facing competition from other short-term stay options

## OVERVIEW OF IMPROVEMENTS

The proposed improvements capitalise on the Park's existing strengths and address existing weaknesses. The intention is to address elements throughout the Park in stages, according to priority and impact. In this way the operational, environmental, and financial sustainability of the Park will be progressively improved as budget and resourcing allows.

### Services

Essential services such as water, sewer, power, and stormwater are already found within the Park. An opportunity exists to improve, extend, and replace services depending upon other initiatives and needs within the Park and/or maintenance considerations. This Opportunity for improved services will be explored to ensure they remain cost effective, efficient, and where possible consistent with prevailing technologies, environmental best practice, and greenhouse gas emission targets.

Ongoing stormwater management and modification will continue to be planned, consistent with changing infrastructure and development within the Park as well as surrounding land. As part of the ongoing management of the Park, other initiatives should be explored, including water minimisation strategies such as water meter monitoring, rainwater capture and storage to provide water for toilet systems and irrigation.

Other basic services provided in the Park include the road system and visitor car parking. Where necessary and consistent with other initiatives, some internal roads may be

## ITEM 2 - ATTACHMENT 2 PLAN OF MANAGEMENT FOR FINGAL BAY HOLIDAY PARK.



altered, extended, and temporarily closed. The overall aim is to provide enhanced amenity for Park guests while maintaining appropriate levels of servicing and access consistent with the requirements of the Regulations.

### Accommodation and Site Types

The Holiday Park currently supports a range of accommodation options. Where necessary and consistent with current market expectations, additional sites will be introduced in identified sections of the park replacing the sites' current use. Tourist van drive through sites with ensuite facilities are now a sought-after option for many guests. In addition, the Park provides sites suitable for short-term tented and caravan accommodation.

Accommodation sites which currently contain semi-permanent Holiday Van accommodation may be better suited to drive-on tourist uses.

The semi-permanent Holiday Vans are privately owned managed under the Holiday Parks (Long-term Casual Occupation) Act 2002. The permanent (caretaker) site in Precinct 5 is a Council owned cabin managed under the Residential Tenancies Act 2012.

### Guest Facilities

Fingal Bay Holiday Park currently provides a range of amenity and recreational facilities for visitors. To remain competitive as a holiday destination, some of these facilities require refurbishment or relocation consistent with anticipated guest usage and prevailing marketplace expectations.

Works for consideration include renovation / redevelopment of the existing swimming pool amenity building and the relocation of playground facilities.

### Landscaping

The Park has remnants of native vegetation which provide a basis for ongoing landscaping programs. An opportunity exists to continue minimised maintenance by maintaining helipad mesh or using synthetic turf products to upgrade sites enhancing the visual amenity of the Park whilst reducing the reliance on potable water usage and intensive daily maintenance.





## PRECINCT 1



Figure 6: Precinct 1 – Fingal Bay Holiday Park

### Overview & Description

The area defined as Precinct 1 features the primary entry and is the current activity point for the Fingal Bay Holiday Park. The Precinct features recreational areas, including the swimming pool, children's playground and barbeque facilities, and an amenity building and visitor parking. Precinct 1 also contains the only exit road for the Holiday Park, which present an opportunity for future enhancement for ease of access. In addition, this precinct includes powered van sites as well as tourist cabins.

It is important that this precinct is maintained and enhanced as required, considering its proximity to recreational areas and Fingal Beach, to ensure the ongoing marketability of Fingal Bay Holiday Park.

Key existing features of Precinct 1 include:

- ❖ 56 powered caravan sites (short-term sites)
- ❖ 12 tourist cabins (short-term sites)
- ❖ Barbecue facilities
- ❖ Amenities building w/ laundry
- ❖ Waste disposal w/ recycling station and dump point
- ❖ Swimming pool & pump house
- ❖ Children's playground
- ❖ Visitor car park
- ❖ Primary entry and exit road
- ❖ Housekeeping shed
- ❖ Muster point / Emergency evacuation site
- ❖ 2 entry boom gates & 1 exit boom gate.

### Desired Future Character

Precinct 1 encompasses the Parks primary entry point and provides a variety of recreational and communal facilities that target the demographic and trends of modern holiday parks. The desired future of Precinct 1 utilises its proximity to Fingal Beach and adapts



ITEM 2 - ATTACHMENT 2  
HOLIDAY PARK.

## PLAN OF MANAGEMENT FOR FINGAL BAY



consistent with trends of modern holiday parks increasing accessibility and suitability for oversized holiday vehicles. Precinct 1 will be revised, relocating key recreation facilities to another Precinct. The Precinct will be maintained and enhanced as required, sustaining the visual appeal of the park to ensure ongoing marketability.

### Current Constraints

- ❖ The children's playground is currently bordered by Marine Drive to the east and Barkala Street, the only exit road within the park, to the west. The playgrounds' location presents a minor safety concern due to proximity to two high traffic roads.
- ❖ A Norfolk Island Pine (*Araucaria heterophylla*) is located along the fence line separating Marine Drive from the children's playground. The tree is protected in New South Wales by the Biodiversity Conservation Act 2016 and will need to be considered in relocating the playground facilities.
- ❖ Any future works that reconfigure or create new sites will need to comply with the applicable provisions of the Local Government (General) Regulation 2021, most notably new/reconfigured short-term sites must be within 100m of existing amenities block.
- ❖ The road network along Barkala Street is constrained due to its narrow path and sharp corner causing difficulties with manoeuvring oversized vehicles through the primary exit.
- ❖ Vegetation separating the swimming pool facilities from Barkala Street provide a structural root system supporting the foundation of the swimming pool. Removing the vegetation would expose the foundation and should be considered with future works.

### Improvement Opportunities

- ❖ The children's playground should be relocated to a more secluded area of the holiday park to increase safety of its use. An opportunity exists to relocate the playground to a more suitable location central within Precinct 7.
- ❖ The children's playground is currently situated on a prime location with views of the beach and access, presenting an opportunity to enhance accommodation offerings and position this precinct as a premium site location. An opportunity exists to redevelop this site into accommodation that responds to current and future demands such as cabins or drive through caravan sites.
- ❖ Installing an exit gate alongside Cabin 301 to reduce the flow of traffic at the main gate
- ❖ Works to widen Barkala Street could be considered to allow for larger vehicles to pass through the exiting corner.
- ❖ The amenities building and laundry adjoining the swimming pool present an opportunity for future enhancement. Because of its proximity to other facilities, the building is a strong communal hub and should be upgraded to reflect its consistent use.
- ❖ The 2 entry boom gates and 1 exit boom gate Access Control System will be upgraded.

### Key Management Priorities

Explore opportunities to:

- ❖ Relocate the children's playground to a more secluded and central location within the Holiday Park.
- ❖ Create additional revenue via enhancing accommodation offerings such as drive through sites or additional cabins along the perimeter of the precinct previously occupied by the children's playground.
- ❖ Expand and develop the current amenities building.
- ❖ Widen the primary exit road along Barkala Street



Figure 7. Swimming Pool



Figure 8. Children's playground





## PRECINCT 2



Figure 9: Precinct 2 – Fingal Bay Holiday Park

### Overview and Description

The area defined as Precinct 2 sits at the south-eastern-most end of Fingal Bay Holiday Park. This Precinct is bounded by a fence to the east, separating the park from Marine Drive and to the south separating the park from land functioning as a stormwater drainage link and pathway system from Farm Road to Marine Drive.

The precinct is adjacent to the primary entry point for the holiday park and includes the check-in and check-out Reception and a large, attached villa known as the Surf House.

In addition, this Precinct includes a diverse range of accommodation options including tourist cabins, villas, powered sites, drive through and tent camping sites with ensuites.

It is important that this precinct is maintained utilising its ocean views and proximity to Fingal Beach to ensure the ongoing marketability of Fingal Bay Holiday Park.

Key existing features of Precinct 2 include:

- ❖ Main office / Reception & 'Surf House'
- ❖ 9 powered motorhome sites
- ❖ 6 Villas (premium accommodation)
- ❖ 1 Villa - disability access (SV7)
- ❖ 6 powered ensuite drive through sites (short-term sites)
- ❖ 5 Cabins (movable dwellings)
- ❖ 2 Cabins - disability access
- ❖ 1 powered tent site with ensuite
- ❖ 1 exit boom gate.



Figure 10. Villa 512 in Precinct 2

## ITEM 2 - ATTACHMENT 2

PLAN OF MANAGEMENT FOR FINGAL BAY  
HOLIDAY PARK.**Desired Future Character**

This precinct provides a variety of accommodation options which target different demographic groups. Precinct 2 will maintain its diverse accommodation range to provide both affordable family holiday accommodation and premium accommodation options consistent with trends of modern holiday parks. Precinct 2 will continue to utilise its proximity to Fingal Beach and ocean views.

**Current Constraints**

- ❖ Any future works that reconfigure or create new sites will need to comply with the applicable provisions of the Local Government (General) Regulation 2021, most notably new/reconfigured short-term sites must be within 100m of existing amenities block.
- ❖ 5 existing short-term sites are outside 100m radius of an amenity block, all other sites within this precinct are currently within 100m of the amenities block.
- ❖ Drinking water catchment must overlay any future proposed work will need to comply with Clause 7.8 of the PSLEP.

**Improvement Opportunities**

- ❖ The existing range of accommodation options require minimal scope for improvement as they reflect the desired future character of the precinct.
- ❖ In future planning documentation, consider the 5 existing short-term sites which are not located 100m from an amenity building.
- ❖ Consider a program of future renovations as required.
- ❖ The 1 x exit boom gate Access Control System will be upgraded.

**Key Management Priorities**

Explore opportunities to:

- ❖ Continue to maintain Precinct 2 as a Precinct that offers a diverse range of accommodation options and utilises its proximity to Fingal Beach and maintains its beach views.



Figure 11. Main office/reception





## PRECINCT 3



Figure 12: Precinct 3 – Fingal Bay Holiday Park

### Overview and Description

The area defined as Precinct 3 in Figures 5 and 12 predominately features semi-permanent Holiday Van Owner sites situated between Rumaïy Street and Pinaroo Street. In Addition, powered tent sites and a powered caravan site are also located in the precinct along Rumaïy Street. The road network is configured in an oval formation with access off Impara Street and exits onto Pinaroo Street.

A proportion of the site, including the 4 semi-permanent holiday Van Owner sites, borders the reserve 86928, functioning as a stormwater drainage line and public pathway system, to the south of Fingal Bay Holiday Park.

Key existing features of Precinct 3 include:

- ❖ 60 Holiday Van Owner sites (short-term sites)
- ❖ 3 powered tent sites (short-term sites)
- ❖ 1 powered caravan sites (short-term sites)

## ITEM 2 - ATTACHMENT 2 PLAN OF MANAGEMENT FOR FINGAL BAY HOLIDAY PARK.



### Desired Future Character

The proposed future for Precinct 3 is a diversified character of accommodation types consistent with the trends of modern holiday parks. The Precinct will reconfigure and replace accommodation to respond to current and future demand.

This involves allowing for an increase in the Ensuite Drive Through sites to provide accommodation options to meet an increase in oversized vehicles and the demand for parking ease.

### Current Constraints

- ❖ To facilitate the requirements of a diverse range of accommodation, it may be necessary to remove a portion of pre-existing Semi-Permanent Holiday Van sites, powered tent sites and powered caravan site between. The sites that would require demolition reside between Rumaïy Street and Kalyan Street and are bordered by the pedestrian footpath. 13 Holiday Van Sites, 3 Powered Tent Sites and 1 Powered Caravan Site would need to be considered for adjustment.
- ❖ Rumaïy Street may become too congested with the addition of drive through sites
- ❖ Any future works that reconfigure or create new sites will need to comply with the applicable provisions of the Local Government (General) Regulation 2021, most notably new/reconfigured short-term sites must be within 100m of existing amenities block (note: all sites within this precinct are currently within 100m of an amenities block).
- ❖ This precinct is located within Flood Prone Land - Probable Maximum Flood

Level 2020 and flood prone land subject to further investigation any future proposed work will need to meet the flood management requirements of the PSLEP.

- ❖ Drinking water catchment overlay any future proposed work will need to comply with Clause 7.8 of the PSLEP.

### Improvement Opportunities

- ❖ There is considerable demand for an increase in larger caravan sites to accommodate oversized vehicles. An opportunity for increasing drive through sites or creating larger van sites within the park can be accommodated between Rumaïy Street and Kalyan Street. This location is ideal as it would expand the surrounding cluster of caravan sites bordering Precinct 1, 2 and 5.
- ❖ Consider the potential opportunity to align Quandong Street in Precinct 1 to Kalyan Street to reduce congestion along Rumaïy Street.

### Key Management Priorities

Explore opportunities to:

- ❖ Consider converting current semi-permanent caravan sites between Rumaïy Street and Kalyan Street into drive through caravan sites.
- ❖ Consider the opportunity to align Quandong Street to Kalyan Street.



## PRECINCT 4



Figure 13: Precinct 4 – Fingal Bay Holiday Park

### Overview and Description

The area defined as Precinct 4 sits at the southern-most end of Fingal Bay Holiday Park. This Precinct is bounded by a fence to the west, separating the park from Farm Road and to the south, separating the park from reserve 86928, functioning as a stormwater drainage link and public pathway system.

Precinct 4 is populated by a single accommodation type being 67 Semi-permanent Holiday Van Sites, sitting within three main groups.

Key existing features of Precinct 4 include:

- ❖ 67 Holiday Van Owner sites (short-term sites)

### Desired Future Character

The character and usage of Precinct 4 should remain as a single accommodation type,

reflecting the current demand to retain Semi-permanent Van Owner sites within the Fingal Bay Holiday Park.

### Current Constraints

- ❖ Any future works that reconfigure or create new sites will need to comply with the applicable provisions of the Local Government (General) Regulation 2021, most notably new/reconfigured short-term sites must be within 100m of existing amenities block.
- ❖ Drinking water catchment must overlay any future proposed work will need to comply with Clause 7.8 of the PSLEP.
- ❖ This precinct is located within Flood Prone Land - Probable Maximum Flood Level 2020 and flood prone land subject to further investigation any future proposed work will need to meet the flood management requirements of the PSLEP.

ITEM 2 - ATTACHMENT 2 PLAN OF MANAGEMENT FOR FINGAL BAY  
HOLIDAY PARK.



**Improvement Opportunities**

- ❖ Consider a program of future renovations as required.
- ❖ Minimal scope for improvement of this precinct as the existing accommodation is fit for purpose.
- ❖ An opportunity exists to install a 2<sup>nd</sup> entry / exit point on Farm Road for use by semi – permanent Holiday Van Owners.

**Key Management Priorities**

Explore opportunities to:

- ❖ Continue to maintain Precinct 5 as a Precinct predominantly accommodating semi-permanent Holiday Van Sites to satisfy the current demand.
- ❖ Develop a scope of works and install a 2<sup>nd</sup> exit / entry point on Farm Road for use by semi – permanent Holiday Van Owners.





## PRECINCT 5



Figure 14: Precinct 5 – Fingal Bay Holiday Park

### Overview and Description

The area defined as Precinct 5 is predominately populated by semi-permanent Holiday Van Sites. In addition, this precinct includes powered caravan and tent sites.

Precinct 5 is bounded by a fence to the west, separating the park from Farm Road. The northern border of the precinct follows a sewerage pathway system from Farm Road to the recreational facilities located in Precinct 7.

The south border of precinct 5 contains an amenity building including female, male and disability accessible facilities, a laundry including clothes lines and a waste disposal location including a recycling station. This amenity building services the short-term sites located in Precincts 1, 2, 3 and 5.

Key existing features of Precinct 5 include:

- ❖ Amenities building including a Laundry and clothes lines
- ❖ Waste disposal including Recycling Station
- ❖ 46 Holiday Van Owner sites (short term)
- ❖ 1 permanent site (long term)
- ❖ 2 powered caravan / tent sites (short term)
- ❖ 7 powered tent sites (short term)
- ❖ 1 powered van site (short term)

### Desired Future Character

The current use as predominantly semi-permanent Holiday Van Sites is the desired future character for Precinct 5. The Amenity building will provide upgraded services for Precincts 1, 2, 3 and 5 consistent with current trends of modern parks.

ITEM 2 - ATTACHMENT 2  
HOLIDAY PARK.

## PLAN OF MANAGEMENT FOR FINGAL BAY

**Current Constraints**

- ❖ Any future works that reconfigure or create new sites will need to comply with the applicable provisions of the Local Government (General) Regulation 2021, most notably new/reconfigured short-term sites must be within 100m of existing amenities block.
- ❖ All short-term sites within this precinct are currently within 100m of the existing amenities block.
- ❖ Drinking water catchment must overlay any future proposed work will need to comply with Clause 7.8 of the PSLEP.

**Improvement Opportunities**

- ❖ Consider a program of future renovations as required which may require the removal of permanent Holiday Vans.
- ❖ Minimal scope for improvement of this precinct as the existing accommodation is fit for purpose.

- ❖ An opportunity exists to install a 2<sup>nd</sup> entry / exit point on Farm Road for use by semi – permanent Holiday Van Owners.
- ❖ There is increasing demand for larger caravan sites to accommodate oversized vehicles. An opportunity exists to review the existing sites between Nowrairie St and the Hunter Water easement to expand the offering for oversized caravans.

**Key Management Priorities**

Explore opportunities to:

- ❖ Continue to maintain Precinct 5 as a Precinct predominantly accommodating semi-permanent Holiday Van Sites to satisfy the current demand.
- ❖ Develop a scope of works and install a 2<sup>nd</sup> exit / entry point on Farm Road for use by semi – permanent Holiday Van Owners.



Figure 15. Amenities building





## PRECINCT 6



Figure 16: Precinct 6 – Fingal Bay Holiday Park

### Overview and Description

The area defined as Precinct 6 predominately contains semi-permanent Holiday Van sites. In addition, this precinct includes powered tent sites.

Precinct 6 sits at the north-western most end of Fingal Bay Holiday Park. This Precinct is bounded by a fence to the west, separating the park from Farm Road and to the north, separating the park from a separately managed Council Tennis Court and public pathway. The southern border of the Precinct is bounded by a sewerage system and pathway connecting to the recreational facilities in Precinct 7.

Precinct 6 sits to the rear of the Precinct 7 recreation facility, which includes an amenity

building, games room, bike hire station and camp kitchen

Key existing features of Precinct 6 include:

- ❖ 79 Holiday Van Owner sites (short-term sites)
- ❖ 4 powered tent sites (short-term sites)

### Desired Future Character

- ❖ The current use as predominantly semi-permanent Holiday Van Sites is the desired future character for Precinct 6.

ITEM 2 - ATTACHMENT 2  
HOLIDAY PARK.

## PLAN OF MANAGEMENT FOR FINGAL BAY

**Current Constraints**

- ❖ Any future works that reconfigure or create new sites will need to comply with the applicable provisions of the Local Government (General) Regulation 2021, most notably new/reconfigured short-term sites must be within 100m of existing amenities block.
- ❖ Drinking water catchment must overlay any future proposed work will need to comply with Clause 7.8 of the PSLEP

**Improvement Opportunities**

- ❖ Consider a program of future renovations as required which may require the removal of permanent Holiday Vans.
- ❖ The existing accommodation options require minimal scope for improvement of this precinct as they reflect the desired future character of the precinct. An opportunity exists to install a 2<sup>nd</sup> entry / exit point on Farm Road for use by semi – permanent Holiday Van Owners.

**Key Management Priorities**

Explore opportunities to:

- ❖ Continue to maintain Precinct 5 as a Precinct predominantly accommodating semi-permanent Holiday Van Sites to satisfy the current demand.
- ❖ Develop a scope of works and install a 2<sup>nd</sup> exit / entry point on Farm Road for use by semi – permanent Holiday Van Owners.



## PRECINCT 7



Figure 17: Precinct 7 – Fingal Bay Holiday Park

### Overview and Description

The area defined as Precinct 7 sits in the northern-eastern most end of the Fingal Bay Holiday Park. Precinct 7 is bounded by a fence to the east, separating the park from Marine Drive and to the North separating the park from the Fingal Bay Oval and a public pathway.

The Precinct features a games room, camp kitchen, barbeque facilities, bike hire station and recently renovated amenity building, which includes a disability access and a laundry. Precinct 7 includes a variety of accommodation options including powered tent sites and tourist villas.

It is important that this precinct is maintained in utilising its proximity to recreational facilities and Fingal Beach to ensure the ongoing marketability of Fingal Bay Holiday Park.

Key existing features of Precinct 7 include:

- ❖ 51 Powered Tent Sites (short-term sites)
- ❖ 8 Villas
- ❖ 8 Beach Villas
- ❖ Boat Trailer Parking
- ❖ 3 Barbeque facilities
- ❖ Dump Point
- ❖ Games Room
- ❖ Camp Kitchen
- ❖ Bike Hire Station
- ❖ Disability Accessible Amenity Building and Laundry
- ❖ Work shed and maintenance compound.

### Desired Future Character

Precinct 7 is the Fingal Bay Holiday Parks main recreational hub, providing a variety of facilities that target the trends of modern holiday parks. The desired future of Precinct 7 utilises its proximity to Fingal Beach and adapts consistent with trends of modern holiday parks. The future character of Precinct 7 is the continued focus on providing a variety



## ITEM 2 - ATTACHMENT 2

## PLAN OF MANAGEMENT FOR FINGAL BAY HOLIDAY PARK.



of accommodation options which attract a wide range of demographic.



Figure 18. Villa 302 in Precinct 7



Figure 19. Villa 408 in Precinct 7

### Current Constraints

- ❖ The use of vehicles on the powered tent sites within the precinct can have an impact on the terrain.
- ❖ The current powered tent sites cannot be used by caravans and some camper trailers due to insufficient sewerage facilities. This presents a lost opportunity to address the demand of a multi-use space and does not address the target market for Fingal Bay Holiday Park.
- ❖ Any future works that reconfigure or create new sites will need to comply with the applicable provisions of the Local Government (General) Regulation

2021, most notably new/reconfigured short-term sites must be within 100m of existing amenities block.

### Improvement Opportunities

- ❖ An opportunity exists to relocate the children's playground within Precinct 1 to Precinct 7. By relocating the playground, recreational activity will shift to Precinct 7 and address the Precincts desired future character as a recreational hub. The children's playground presents an opportunity for improvement by incorporating a shade sail for sun safety.
- ❖ Temporary Helipad mesh has been used to mitigate the impacts of repetitive vehicle use on powered tent sites. This measure should be continued with the future use of synthetic turf products considered to reduce potable water usage.
- ❖ An opportunity exists to repurpose the current powered tent sites into a multi-use location. This aligns with the desired future character of Precinct 7 providing a variety of accommodation options targeting varying demographics. Consideration for improvements include extending the current sewerage system through the powered tent sites to allow for use from caravans and camper trailers.

### Key Management Priorities

Explore opportunities to:

- ❖ Relocate the children's playground from precinct 1 to precinct 7.
- ❖ Continue the use of Helipad mesh to protect the powered tent site terrain.
- ❖ Consider the use of synthetic turf products for future developments.
- ❖ Explore opportunities to extend and improve the current sewerage system to allow additional site uses on the powered tent sites.

## ITEM 2 - ATTACHMENT 2 PLAN OF MANAGEMENT FOR FINGAL BAY HOLIDAY PARK.



### INTERNAL REVIEW PROCESS

This Plan of Management recommends several improvement projects for consideration over the coming 5 years.

The identified improvements serve as a guide to appropriate developments for Fingal Bay Holiday Park over the life of this Plan of Management. It is essential that each improvement is reviewed and assessed against the relevant regulatory framework, key management and development objectives of the Holiday Park and current customer demands. After such a review is conducted, the Crown Land Manager must assess whether the improvement proceeds or is subject to variation, postponement, or cancellation.

The following are some of the key issues that should still be considered by the Crown Land Manager when deciding whether a particular land use or development is to proceed within the Reserve.

- ❖ The provisions of relevant State and Local Government planning controls including the current Local Environmental Plan (LEP)
- ❖ The compatibility of the proposal with the reserved purpose of Caravan Park;
- ❖ The compatibility of the proposal with the RE1 Public Recreation Zone;
- ❖ The impact on the existing use of the Park and the wider reserve
- ❖ The compatibility with the Vision Statement and Management Principles for the Park
- ❖ The benefit the development would bring to the normal Park user
- ❖ Compliance with the Native Title Act 1993 (Cth) and the Aboriginal Land Rights Act 1984.

### IMPLEMENTATION PLAN

To facilitate the ongoing improvement of Fingal Bay Holiday Park, it is necessary to implement capital works and operational improvements in a manner which best suits Park management, minimises disruption to business, adds value to the Park and safeguards its ongoing financial sustainability.

The below table prioritises some of the specific precinct improvements, which will assist with the programming and implementation of improvements over the life of the Plan of Management.

Priority will be given to items which:

- ❖ Have greater importance because of a safety or regulatory issues
- ❖ The management responsibility and public availability of the development to Park users
- ❖ Are essential pre-cursors for an item to be implemented in a later year
- ❖ Demonstrate the benefits to existing guests as well as new clients
- ❖ Have the potential to make a substantial change to the presentation and competitiveness of the property

## ITEM 2 - ATTACHMENT 2 PLAN OF MANAGEMENT FOR FINGAL BAY HOLIDAY PARK.



PRECINCT	IMPROVEMENT	PRIORITY
1 & 7	Relocation of children's playground from Precinct 1 to Precinct 7.	Medium
1	Conversion of children's playground location to accommodation when available.	Low
1	Widening the corner of Barkala Street.	Medium
1	Upgrades to the amenity building and laundry.	Low
3	Aligning the road between Quandong Street and Kalyan Street.	Medium
3	Redeveloping a land parcel between Rumaïy Street and Kalyan to increase drive through sites / larger van sites.	Medium
7	Expansion of the sewerage system to connect with powered tent sites between Gooyah Street and the northern boundary of Precinct 7.	Low
1 & 2	Upgrade entry / exit gates infrastructure and technologies	High
1	Redevelop tourist van sites	Medium
All	Upgrade water, sewer, fire hydrant infrastructure (staged)	Low
All	Upgrade electrical infrastructure as required	Medium

Table 2: Improvement Implementation Priority Matrix



# STATUTORY FRAMEWORK

---

## ITEM 2 - ATTACHMENT 2 PLAN OF MANAGEMENT FOR FINGAL BAY HOLIDAY PARK.



### INTRODUCTION

This Plan of Management has been prepared in accordance with the Crown Lands Management Act 2016 to provide a framework for the future management, use and development of Fingal Bay Holiday Park. Other legislation including environmental planning policies as well as guidelines and strategies also require consideration especially where any new development proposals are contemplated.

#### Crown Land Management Act 2016

The objects and principles for the management of Crown Land are listed in Sections 1.3 and 1.4 of Division 1.1 of the Crown Land Management Act 2016 (CLMA) and form the starting point for the preparation of Plans of Management. The principles of Crown Land Management are:

- a) That environmental protection principles be observed in relation to the management and administration of Crown land, and
- b) That the natural resources of Crown land (including water, soil, flora, fauna, and scenic quality) be conserved wherever possible, and
- c) That public use and enjoyment of appropriate Crown land be encouraged, and
- d) That, where appropriate, multiple use of Crown land be encouraged, and
- e) That, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and
- f) That Crown land be occupied, used, sold, leased, licensed, or otherwise dealt with in the best interests of the State consistent with the above principles.

The CLMA and existing policy for the management of Crown land has always encouraged the appropriate commercial use of reserved Crown land. Commercial activity can meet the needs of public users of a reserve as well as generate the financial means to manage and improve the Crown Reserve system generally. A specific requirement of the CLMA is that the proceeds of commercial

activities on reserved Crown land are to be spent on the management of reserved Crown land.

The CLMA deals specifically with the management of reserves and matters related to the appointment and responsibilities of land managers. The purpose of establishing land managers is to allow reserved Crown land to be managed within a statutory framework.

Crown Land Managers have responsibility for the care, control, and management of the Crown Land for the purposes for which the land is reserved or dedicated, or any other purpose authorised by a plan of management (section 3.38 of Division 3.6 of the CLMA).

#### The Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) provides the statutory basis for the development consent process in New South Wales. Section 4.15 of Division 4.3 of the EP&A Act outlines the factors that a Council must consider when assessing a Development Application. These include:

- ❖ Any environmental planning instrument;
- ❖ Any draft environmental planning instrument that has been placed on public exhibition and details of which have been notified to the consent authority.
- ❖ Any development control plan;
- ❖ The regulations;
- ❖ The likely impacts of the development, including environmental impacts on both the natural and built environment, and social and economic impacts on the locality;
- ❖ The suitability of the site for the development;
- ❖ Any submissions made in accordance with the act or the regulations; and
- ❖ The public interest.

The EP&A Act has a range of other provisions that may take effect depending upon the nature of a development proposal and the issues that may be encountered.

Notwithstanding the provisions of Part 4 of the Act, a public authority may take the role of determining authority where a Plan of

## ITEM 2 - ATTACHMENT 2 PLAN OF MANAGEMENT FOR FINGAL BAY HOLIDAY PARK.



Management has been adopted (refer to SEPP (Infrastructure) 2007).

Under Part 5 of the EP&A Act, a public authority is a "determining authority" for development that is permissible without consent and is being carried out by it or someone else on its behalf. This development is called an "activity". Within Part 5, section 5.5 requires a determining authority to "examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity".

Typically, the section 5.5 duty is addressed by way of an assessment report known as a Review of the Environmental Factors (REF). If the Part 5 planning pathway applies, CHPLM would need to consider all relevant environmental impacts, and set out ways in which it proposes to avoid and minimise adverse impacts on the environment. A REF may include matters such as impacts on the community, ecosystems, the environmental quality of a locality, pollution, safety, and the cumulative environmental effect.

### The Local Government Act 1993

Section 68 (Part F in the Table) of the Local Government Act 1993 requires the owner or manager of a caravan park to seek an approval from council to operate a caravan park and, in certain circumstances, the prior approval for the installation of moveable dwellings. A council can impose conditions on the operation and structure of a caravan park.

The standards for caravan parks are defined in the Local Government (Manufactured Homes, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021. The standards address such planning standards as site types, setbacks, size, and site coverage; road dimensions, amenities, and the like.

Clause 74 of this Regulation provides that the prior approval of a council is not required for the installation of a relocatable home or an associated structure on a dwelling site within a

caravan park so long as it is designed and constructed in accordance with the requirements of the Regulations. This exemption is modified by sub clauses 6 and 7 which deal with installation on flood-labile land and moveable dwellings of more than one storey.

The Crown Land Management Act 2016 specifies that approvals of activities under the Local Government Act 1993 must comply with Plans of Management. A local council cannot grant an approval for an activity on dedicated or reserved Crown land under Part 1 of Chapter 7 (including Section 68) of the Local Government Act 1993 that contravenes a plan of management for the land.

Crown Lands Division granted concurrence to the Trust prior to the current operational approval being issued by Port Stephens Council for Fingal Bay Holiday Park.

### Rural Fires Act 1997

Amendments to the Rural Fires Act 1997 have led to the mapping of bush fire prone lands and a requirement for development proposals to respond to the requirements of the "Planning for Bushfire Protection 2006" Guidelines. In addition, the Act now defines several different land uses including tourist accommodation within the category of "special fire protection purpose". Development proposals coming within this category need to respond to a more restrictive set of requirements in the guidelines.

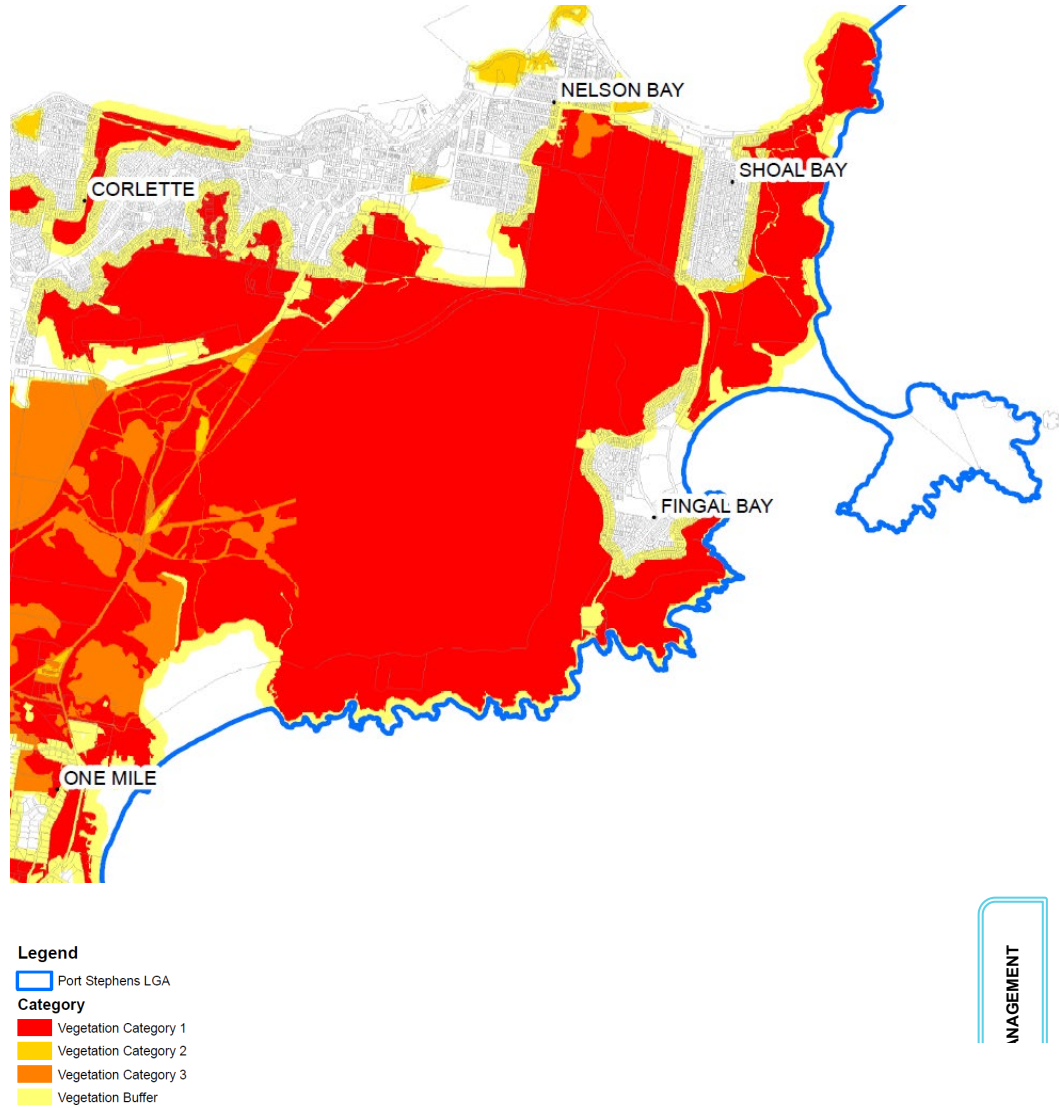
Bushfire Prone Land mapping found on the Port Stephens Council web sites indicates that much of the Reserve is surrounded by fire prone land. Where this designation occurs, and a proposal is for a special fire protection purpose, a bushfire safety authority must be obtained from the Rural Fire Service. This is usually achieved by way of a report prepared by a bushfire specialist and usually accompanies a development application. The below map shows these designated bushfire prone areas and their categorisation.

ITEM 2 - ATTACHMENT 2  
HOLIDAY PARK.

PLAN OF MANAGEMENT FOR FINGAL BAY



Figure 20: Fingal Bay Holiday Park Bushfire Prone Land Mapping



## ITEM 2 - ATTACHMENT 2 PLAN OF MANAGEMENT FOR FINGAL BAY HOLIDAY PARK.



### Residential (Land Lease) Communities Act 2013

The Residential (Land Lease) Communities Act 2013 is the new act which repeals the Residential Parks Act 1998. The Residential Parks Act 1998 was developed by the Government to ensure the rights of permanent park residents and obligations of park owners were clearly defined and appropriate processes and procedures were implemented which recognised these rights.

The Residential (Land Lease) Communities Act 2013 was passed by both houses of the parliament on 14th November 2013. This Act provides appropriate protections for homeowners while recognising the needs of operators to develop and sustain efficient and effective business operations. Key elements of the legislation include:

- ❖ Rules of conduct for operators and sanctions for non-compliance;
- ❖ Mandatory education for all new operators;
- ❖ A community-based approach to dealing with increases in site fees;
- ❖ Processes for making, amending, and enforcing community rules;
- ❖ Arrangements for disclosure of information to prospective homeowners; and
- ❖ Rules to clarify and streamline the process for owners selling their home on site.

In accordance with the Residential (Land Lease) Communities Act 2013 The Land Manager will administer community agreements in accordance with the Act and Crown Lands' policies and guidelines.

### Holiday Parks (Long-Term Casual Occupation) Act 2002

The Holiday Parks (Long-term Casual Occupation) Act 2002 and the associated Regulations set out the rights and obligations for owners of moveable dwellings in holiday parks in New South Wales. This Act provides for an occupation agreement, which runs for at least 12 months, between the manager of a caravan park and the owner of a moveable dwelling for the use of a site.

Some of the principal issues addressed by the Act include:

- ❖ Information that a park owner must provide prospective occupants;
- ❖ The form and content of agreements;
- ❖ What happens at the end of an agreement;
- ❖ Occupation fees and charges;
- ❖ The formation and amendment of Park Rules;
- ❖ Dispute resolution mechanisms and the role of the Consumer, Trader and Tenancy Tribunal constituted by the Consumer, Trade and Tenancy Tribunal Act 2001)
- ❖ The fate of abandoned goods (i.e., moveable dwelling) and sites.

The Land Manager will administer the holiday van occupancy agreements in accordance with the Act and Crown Lands' policies and guidelines.

### Native Title Act 1993 (Commonwealth)

Native Title is the legal recognition of traditional rights and interests of Aboriginal and Torres Strait Islander people to land and waters. Native Title is recognised under the common law and is governed by the Native Title Act 1993 (Cth) (NT Act).

Native title can exist on any Crown land where the traditional owners can prove an unbroken connection to the land through their traditional law and customs. As a result, Crown land can only be dealt with strictly in accordance with the provisions of the Native Title Act.

Council's certified native title manager has assessed the Improvement Opportunities and Key Management Actions against the future act pathways set out in the NT Act and has provided advice to Council on the pathways available to it under that Act.

### Aboriginal Land Rights Act 1983 (NSW)

In New South Wales, the Aboriginal Land Rights Act 1983 (ALRA) was introduced to support Aboriginal communities' social and economic development.

## ITEM 2 - ATTACHMENT 2 PLAN OF MANAGEMENT FOR FINGAL BAY HOLIDAY PARK.



The ALRA provides Land Councils with an opportunity to claim title to Crown land in NSW.

No works can be undertaken on any Crown land that is subject to a claim under the ALRA, without the express written consent of the claimant land council.

### State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) was introduced in 2021 as part of the NSW Government's Coastal Reforms Package. The SEPP applies to the coastal zone of the State as defined in the Coastal Management Act 2016 (the CMA).

The aim of the SEPP is to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the CMA, including the management objectives for each coastal management area, by:

- a) managing development in the coastal zone and protecting the environmental assets of the coast, and
- b) establishing a framework for land use planning to guide decision-making in the coastal zone, and
- c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the definitions in the Coastal Management Act 2016.

The SEPP includes development controls for each of the specific coastal management areas being: Coastal wetlands and littoral rainforests area; coastal vulnerability area; coastal environmental area and coastal use area. Development in the coastal zone generally is not to increase the risk of coastal hazards and is to incorporate measures to manage risk to life and public safety from coastal hazards and respond to anticipated coastal processes.

### Coastal Management Act 2016

The objectives of the CMA are to manage the coastal environment of New South Wales in a manner consistent with the principles of ecologically sustainable development for the social, cultural, and economic well-being of the people of the State, and in particular:

- a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and
- b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and
- c) to acknowledge Aboriginal peoples' spiritual, social, customary, and economic use of the coastal zone, and
- d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and
- e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and
- f) to mitigate current and future risks from coastal hazards, considering the effects of climate change, and
- g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and
- h) to promote integrated and co-ordinated coastal planning, management, and reporting, and
- i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and
- j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and
- k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and
- l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities to promote the protection, enhancement, maintenance, and restoration of the environment of the coastal zone, and
- m) to support the objects of the Marine Estate Management Act 2014.

The CMA defines the coastal zone as comprising four coastal management areas. Each area has different characteristics and may at times overlap.

## ITEM 2 - ATTACHMENT 2 PLAN OF MANAGEMENT FOR FINGAL BAY HOLIDAY PARK.



The four coastal management areas are:

1. Coastal wetlands and littoral rainforests area — areas which display the characteristics of coastal wetlands or littoral rainforests that were previously protected by SEPP 14 and SEPP 26
2. Coastal vulnerability area — areas subject to coastal hazards such as coastal erosion and tidal inundation
3. Coastal environment area — areas that are characterised by natural coastal features such as beaches, rock platforms, coastal lakes and lagoons and undeveloped headlands. Marine and estuarine waters are also included
4. Coastal use area — land adjacent to coastal waters, estuaries and coastal lakes and lagoon

### State Environmental Planning Policy (Planning Systems) 2021

State Environmental Planning Policy (Planning Systems) 2021 commenced in March 2021. Among other things this SEPP establishes what types of development constitute State Significant Development (SSD), State Significant Infrastructure (SSI) as well as Regional Development (in conjunction with Schedule 4A of the EP&A Act).

For the purpose of this SEPP, caravan parks are not development for 'tourist related purposes' for the purposes of SSD.

Schedule 6 of the SEPP specifies development that is considered to be regionally significant for the purposes of the EP&A Act. Among other types of development, development that has a capital investment value of more than \$30 million is regionally significant development under Clause 2. In accordance with Clause 3, development with a CIV of more than \$5 million is also regionally significant development if:

- a) a council for the area in which the development is to be carried out is the applicant for development consent, or the council is the owner of any land on which the development is to be carried out, or
- c) the development is to be carried out by the council, or
- d) the council is a party to any agreement or arrangement relating to the development (other than any agreement

or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).

The determining authority for these types of developments is the Regional Planning Panel.

### State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP) provides that certain types of works do not require development consent under Part 4 of the EP&A Act.

Chapter 2 of the Transport and Infrastructure SEPP provides that a range of works are "exempt development" when carried out on behalf of a public authority. These works are itemised in Schedule 1 of the SEPP and include paths and ramps for disabled access, fencing, small decks, prefabricated sheds of up to 30m<sup>2</sup> in area, retaining walls up to 2m in height, landscaping including paving and access tracks, minor external and internal alterations to buildings, open car parks and demolition of buildings covering an area of up to 100m<sup>2</sup>.

Clause 2.73 of the Transport and Infrastructure SEPP provides that in respect of land reserved within the meaning of the Crown Land Management Act 2016, development can be carried out without the consent of the Minister for Lands, a trustee of the reserve or the Ministerial Land Corporation, or an administrator of the reserve, if the development is for the purposes of implementing a plan of management adopted for the land. It should be noted that where this occurs, a review of environmental factors (REF) under Part 5 of the EP&A Act is usually undertaken.

Clause 2.73 (3) of the Infrastructure SEPP provides that development for any of the following purposes may be carried out by or on behalf of a public authority without consent, on a public reserve under the care or control of the public authority:



## ITEM 2 - ATTACHMENT 2 PLAN OF MANAGEMENT FOR FINGAL BAY HOLIDAY PARK.



- (i) roads, pedestrian pathways, cycleways, single storey car parks, ticketing facilities, viewing platforms and pedestrian bridges,
- (ii) recreation areas and recreation facilities (outdoor), but not including grandstands, visitor information centres, information boards and other information facilities,
- (iii) lighting, if light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard,
- (iv) landscaping, including landscape structures or features (such as artwork) and irrigation systems,
- (v) amenities for people using the reserve, including toilets and change rooms,
- (vi) food preparation and related facilities for people using the reserve,
- (vii) maintenance depots,
- (viii) portable lifeguard towers,
- (ix) environmental management works,
- (x)

The provisions of this Policy mean that Port Stephens Council as Land Manager can undertake a range of works in accordance with Clause 2.73(3). It also means that if formal Plans of Management are in place, works set out in those Plans of Management can be undertaken without the need for planning consent – except when the matters fall within the provisions of the Major Development SEPP.

Pursuant to the provisions of Clause 2.74 several additional works may be able to be undertaken as exempt development on a Crown reserve where a plan of management has been adopted. The provisions of this SEPP are relevant to the future implementation of the actions in this Plan of Management, as well as to the ongoing management of the reserved land.

### State Environmental Planning Policy (Housing) 2021

Development for the purpose of caravan parks and camping grounds is regulated under local environmental plans (LEPs) and State Environmental Planning Policy (Housing) 2021.

An LEP regulates whether caravan parks or camping grounds are permitted or prohibited on any land. However, Housing SEPP overlays this by providing that on land where development for a caravan park or camping ground is permitted with or without consent under an LEP, that development may only be carried out with the development consent of the council.

Housing SEPP requires a council to consider a range of social, economic, and environmental matters in deciding whether to grant consent for development for a caravan park or camping ground. If the relevant LEP permits sites for long-term residence in a caravan park, then under the SEPP, the council must determine the number of sites (if any) that are suitable for long term residence and the number of sites that are suitable for short-term residence. In determining any DA for a park or ground, council is also required to consider all relevant matters under section 4.5 of the EP&A Act.

With limited exceptions, Housing SEPP allows moveable dwellings to be installed in caravan parks and camping grounds without development consent being required under clause 131 (4A).



ITEM 2 - ATTACHMENT 2  
HOLIDAY PARK.

## PLAN OF MANAGEMENT FOR FINGAL BAY



## PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2013

The Port Stephens Local Environmental Plan 2013 (LEP 2013) provides the primary planning framework for this study. The land-use zone for Fingal Bay Holiday Park is the RE1 Public Recreation Zone. The provisions in the LEP with respect to this Zone are as follows:

### Zone RE1 Public Recreation

#### Objective of the Zone:

- ❖ To enable land to be used for public open space or recreational purposes.
- ❖ To provide a range of recreational settings and activities and compatible land uses.
- ❖ To protect and enhance the natural environment for recreational purposes.

#### Permitted without consent:

Bee keeping; Environmental facilities; Environmental protection works; Flood mitigation works; Home occupations; Roads.

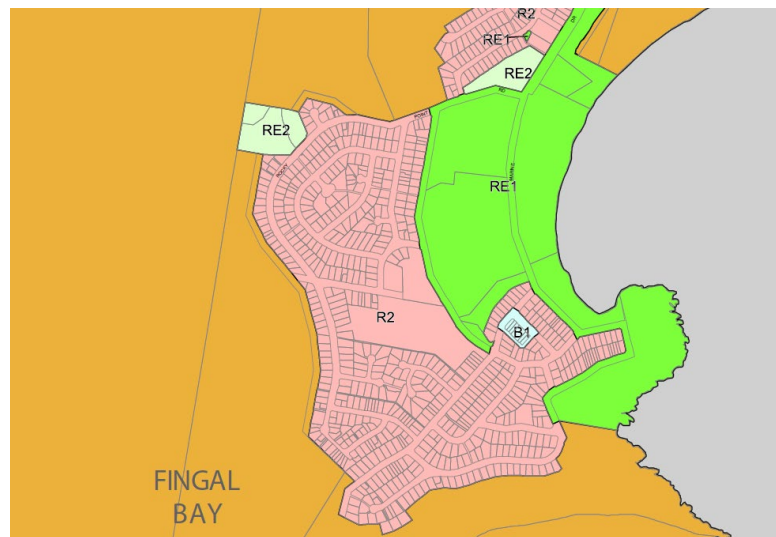
#### Permitted with consent:

Airstrips; Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Centre-based child care facilities; Community facilities; Depots; Educational establishments; Eco-tourist facilities; Emergency services facilities; Flood mitigation works; Function centres; Helipads; Heliports; Home-based child care; Information and education facilities; Jetties; Kiosks; Markets; Mooring pens; Mooring; Neighbourhood shops; Plant nurseries; Port facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Research stations; Respite day care centres; Restaurants or cafes; Tourist and visitor accommodation; Water recreation structures; Water supply systems; Wharf or boating facilities

#### Prohibited:

Water treatment facilities; any other development not specified in item 2 or 3 (Permitted without consent and Permitted with consent).

Figure 21: Port Stephens Council LEP (2013)



ITEM 2 - ATTACHMENT 2  
HOLIDAY PARK.

## PLAN OF MANAGEMENT FOR FINGAL BAY



## OTHER PLANNING REGULATIONS, CONTROLS AND STRATEGIES.

Port Stephens Council has a range of other planning controls and guidelines in place. These take the form of a Development Control Plan (DCP) which provide additional detail through the guidelines on how permissible uses may be developed on sites. Depending upon proposed activities, works or development proposals that may emerge over time, it may be that these planning controls require consideration.

### Port Stephens Coastal Management Program 2024

A Coastal Management Program has been adopted by Port Stephens Council with approval from the Minister for Environment in November, 2024.

The Port Stephens CMP provides for the coordinated management of land within the coastal zone from the risks of coastal hazards including coastal erosion, tidal inundation and coastal inundation. The Port Stephens CMP does not include any actions specific to the Fingal Bay Holiday Park, however there are range of LGA wide actions and actions related to the protection of adjoining or associated land and assets including at Fingal Bay Foreshore Reserve and Fingal Beach that have been considered in the development of this Plan of Management. Further information regarding the CMP, including a copy of the final document and associated studies undertaken during its development, can be found on Council's website.

<https://www.portstephens.nsw.gov.au/environment/environmental-plans-and-strategies/coastal-management-program>

### Other Statutory and Policy Documents

There are several other documents relevant to the ongoing management of the reserve that have been considered in the preparation of this Plan including;

- ❖ Native Vegetation Act 2003;
- ❖ Threatened Species Conservation Act 1995;
- ❖ Disability (Access to Premises - Buildings) Standards 2010, Disability Discrimination Act 1992
- ❖ Coastal Crown Land Guidelines 2023 [Coastal Crown Land Guidelines \(PDF, 288 KB\)](#)

ITEM 2 - ATTACHMENT 2      PLAN OF MANAGEMENT FOR FINGAL BAY  
HOLIDAY PARK.

## BASIS OF MANAGEMENT

## ITEM 2 - ATTACHMENT 2 PLAN OF MANAGEMENT FOR FINGAL BAY HOLIDAY PARK.



### Categorisation of Land

All community land is required to be categorised as one or more of the following categories. Where the land is owned by the Crown, the category assigned should align with the purpose for which the land is dedicated or reserved.

The LG Act defines five categories of community land:

- **Park** – for areas primarily used for passive recreation.
- **Sportsground** – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
- **General community use** – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
- **Cultural significance** – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
- **Natural area** – for all areas that play an important role in the area's ecology. This category is further subdivided into bushland, escarpment, foreshore, watercourse and wetland categories.

The land the subject of this Plan of Management is categorised as General Community Use.

### Guidelines and core objectives

General Community Use land is defined in clause 106 of the LG (General) Regulation as land that may be made available for use for any purpose for which community land may be used, and does not satisfy the definition of natural area, sportsground, park or area of cultural significance.

The core objectives for community land categorised as general community use are to:

- promote, encourage and provide for the use of the land, and
- provide facilities on the land to meet the current and future needs of the local community and of the wider public:
  - in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
  - in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

The current and proposed future uses of the lands detailed in pages 21-35 are consistent with the core objectives.

ITEM 2 - ATTACHMENT 2      PLAN OF MANAGEMENT FOR FINGAL BAY  
HOLIDAY PARK.

EXPRESS AUTHORISATIONS

## ITEM 2 - ATTACHMENT 2 PLAN OF MANAGEMENT FOR FINGAL BAY HOLIDAY PARK.



### Express authorisation of leases and licences and other estates

Section 46 of the LG Act permits the granting of leases, licences and other estates over land classified as Community land. Any lease or licence must be for a use consistent with the reserve purpose(s), the assigned categorisation and zoning of the land and be authorised in the plan of management.

There are no current leases or licences issued over any part of the Reserve.

### Leases and licences authorised by the plan of management

This plan of management expressly authorises the issue of leases, licences and other estates over the land covered by the plan of management, provided that:

- the purpose is consistent with the reserve purpose,
- the purpose is consistent with the core objectives for the category of the land,
- the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the *Native Title Act 1993* (Cth),
- where the land is subject to a claim under the *Aboriginal Land Rights Act 1983* the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted,
- the lease, licence or other estate is granted and notified in accordance with the provisions of the *Local Government Act 1993* or the Local Government (General) Regulation 2021, and
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Leasing and licensing fees will be charged in accordance with Council's adopted Fees and Charges.

### Short-term licences and event bookings

Short-term licences may be issued for non-exclusive use of part of the premises for a maximum period of 12 months. Events are non-exclusive activities that take place a maximum of four times per year.

Fees for short-term casual bookings will be charged in accordance with the Council's adopted Fees and Charges at the time.

### Native title and Aboriginal land rights considerations in relation to leases, licences and other estates

When planning to grant a lease or licence on Crown reserves, the council must comply with the requirements of the Commonwealth *Native Title Act 1993* (NT Act) and have regard for any existing claims made on the land under the NSW *Aboriginal Land Rights Act 1983*.

It is the role of the council's engaged or employed native title manager to provide written advice in certain circumstances to advise if the proposed activities and dealings are valid under the NT Act (see page 41 for more information).

### Express authorisation of leases, licences and other estates – General Community Use

This plan of management expressly authorises the issue of leases, licences and other estates for the purposes set out in Table 3, or any other purpose Council deems appropriate having regard to this plan of management, legislation and Council Policy or Management Directive:

## ITEM 2 - ATTACHMENT 2 PLAN OF MANAGEMENT FOR FINGAL BAY HOLIDAY PARK.



Type of tenure arrangement	Maximum term	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> <li>21 years</li> </ul>	<ul style="list-style-type: none"> <li>kiosk, café and refreshment purposes</li> <li>commercial retail uses associated with the facility (e.g. sale or hire of sports goods)</li> <li>caravan parks and camping grounds</li> </ul>
Licence	<ul style="list-style-type: none"> <li>5 years</li> </ul>	<ul style="list-style-type: none"> <li>Educational or cultural purposes, including concerts, dramatic productions and galleries</li> <li>recreational purposes, including fitness classes, dance classes</li> <li>café/kiosk areas</li> <li>sale of goods or services that are ancillary to community land use and reserve purpose</li> </ul>
Short-term licences and events	<ul style="list-style-type: none"> <li>short term licences - 12 months</li> <li>events – 1 day</li> </ul>	<ul style="list-style-type: none"> <li>public speeches, meetings, seminars and presentations, including educational programs</li> <li>functions (including conferences and seminars, commemorative functions, book launches, film releases, balls, and similar activities)</li> <li>displays, exhibitions, fairs, fashion parades and shows</li> <li>events (including weddings, corporate functions, and community gatherings)</li> <li>concerts and other performances, including both live performances and film (cinema and TV)</li> <li>broadcasts associated with any event, concert, or public speech</li> <li>engaging in an appropriate trade or business delivering a public address, community events; auctions, markets and similar activities</li> </ul>
Other estates	n/a	Public utilities and works as per s46 of the LG Act.

Table 3: Express authorisations



**ITEM 2 - ATTACHMENT 2      PLAN OF MANAGEMENT FOR FINGAL BAY  
HOLIDAY PARK.**



Prepared by APP Corporation in consultation with Port Stephens Council, community and stakeholders.

ITEM NO. 3

FILE NO: 24/342297  
EDRMS NO: PSC2013-00406

## POLICY REVIEW: SPONSORSHIP POLICY

REPORT OF: JANELLE GARDNER - COMMUNICATIONS AND CUSTOMER  
EXPERIENCE SECTION MANAGER  
DIRECTORATE: COMMUNITY FUTURES

---

### RECOMMENDATION IS THAT COUNCIL:

- 1) Place the revised Sponsorship Policy shown at **(ATTACHMENT 1)** on public exhibition for a period of 28 days.
- 2) Should no submissions be received, the policy be adopted, without a further report to Council.
- 3) Revoke the Beachside Holiday Parks Major Event Sponsorship and Promotions Policy **(ATTACHMENT 2)** shown at (Minute No. 286) should no submissions be received.

---

### BACKGROUND

The purpose of this report is to provide the revised Sponsorship Policy (the 'policy') at **(ATTACHMENT 1)** to Council for consideration prior to public exhibition.

The revised policy has been designed to provide an integrated approach to sponsorship across Council. The policy will allow Council to both distribute and receive sponsorship contributions, both financial and in kind, to support the delivery of services and infrastructure that provide a benefit to the Port Stephens Community.

This may include events and activities that increase visitation and visitor spend, or the provision of financial or in kind support to enhance the provision of community services and facilities.

The policy provides a transparent framework for Council to assess sponsorship requests (financial and non-financial) and for Council to promote sponsorship opportunities. It also defines other funding initiatives that do not fall under the definition of corporate sponsorship, such as grants and donations.

The policy has been developed to align to the key principles of the Independent Commission Against Corruption's (ICAC) guide to developing policies and procedures for Sponsorship in the Public Sector.

The policy will replace the existing Sponsorship Policy and Beachside Holiday Parks Major Event Sponsorship and Promotions Policy **(ATTACHMENT 2)**.

Other than administrative updates, the key change to the existing Sponsorship Policy is the standardisation of the process for naming rights sponsorship in accordance with existing sponsorships processes. All necessary criteria and requirements from the Beachside Holiday Parks Major Event Sponsorship and Promotions Policy have been incorporated into the revised policy.

Please note that yellow highlighting in the attached policy indicates an amendment has been made and strikethrough text is to be deleted. Blue text is an addition following Councillor feedback.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Strong economy, vibrant local businesses, active investment	Implement the Economic Development Strategy

## **FINANCIAL/RESOURCE IMPLICATIONS**

The draft policy has no known financial or resource implications and all activity will continue to be carried out within existing budgets.

<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**

The policy provides an equitable framework through which Council can both sponsor community and commercial initiatives and also seek sponsorship for its own activities and facilities. This is a key mechanism for Council to drive economic, reputational and community benefit.

<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council may enter into sponsorship arrangements without a formal framework in	Low	Adopt the recommendations.	Yes

place, leading to financial and reputation loss.			
--	--	--	--

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The policy provides the framework to ensure equitable and timely decisions are made by Council with regard to sponsorship arrangements while at the same time ensuring community expectations are met.

The policy supports the key priorities of Council outlined in the Port Stephens Economic Development Strategy and Our Incredible Place Strategy, ensuring development of vibrant and liveable places supporting the visitor economy and broader economic growth.

**COMMUNICATION AND ENGAGEMENT**

Council's Communication and Engagement Strategy uses the IAP2 Framework to identify the level of engagement undertaken. An explanation for each level is shown below.

INFORM	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
CONSULT	To obtain public feedback on analysis, alternatives and/or decisions.
INVOLVE	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
COLLABORATE	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
EMPOWER	To place final decision-making and/or developed budgets in the hands of the public.
	No external communications and engagement are required for this report.

The following communication and engagement applies to this report.

**External communications and engagement**

CONSULT	The policy will be placed on public exhibition for 28 days and will be notified through print advertising and Council's website.
---------	--

Internal communications and engagement

Consultation has been undertaken by the Communications and Customer Experience Section with:

- Holiday Parks Section
- Assets Section
- Governance Section

**OPTIONS**

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

**ATTACHMENTS**

- 1) Revised Sponsorship Policy. [↓](#)
- 2) Beachside Holiday Parks Major Event Sponsorship and Promotions Policy. [↓](#)

**COUNCILLORS' ROOM/DASHBOARD**

Nil.

**TABLED DOCUMENTS**

Nil.

## Policy



**FILE NO:** PSC2013-00406

**TITLE:** SPONSORSHIP POLICY

**OWNER:** ~~STRATEGY AND ENVIRONMENT~~ **COMMUNICATIONS** SECTION  
MANAGER

### 1. PURPOSE:

- 1.1 This policy provides clarity around the means in which Council distributes and receives sponsorship.
- 1.2 This policy will create transparency and accountability in the execution of Council sponsorship and will provide the framework to guide decisions regarding sponsorship.
- 1.3 This policy provides opportunity for Council to utilise alternatives to traditional funding sources to deliver benefits for the Port Stephens community and benefits to reputable organisations as the sponsor.

### 2. CONTEXT/BACKGROUND:

- 2.1 Sponsorship is a commercial arrangement by which a sponsor provides a financial or in-kind return for the right to be associated with a project or activity. Sponsorship can be provided by:
  - a) the corporate sector or private individuals in support of a public sector activity; or
  - b) the public sector in support of related and worthwhile private or public sector activities.
- 2.2 Sponsorship is not philanthropic. A sponsor expects to receive a reciprocal benefit ~~beyond a modest acknowledgement~~ **proportional to the contribution.**
- 2.3 Sponsorship enables Council to deliver and support a more diverse range of projects and activities which align to the community's vision of a great lifestyle in a treasured environment.
- 2.4 Sponsorship is an effective way for the private sector to support the Port Stephens community and enhance Council's service provision.
- 2.5 Sponsorship includes both the receipt and distribution of funds or in kind services and can be applied to events, infrastructure, activities and assets.

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)





## Policy

- 2.6 It is important that sponsorships meet community expectation while also supporting and promoting Council's key objectives. This policy ensures consistency in approach and effective outcomes for Council and the community.
- 2.7 Sponsorship should be advantageous to both Council and the Sponsor, however Council must ensure sponsorship agreements do not compromise or bring into question the integrity of Council operations.

### 3. SCOPE:

- 3.1 This policy provides a framework through which Council enters into sponsorship arrangements. Particularly, it applies when Council:
- provides sponsorship to third parties (Council as sponsor); or
  - seeks or receives sponsorship from third parties for Council initiatives.
- 3.2 This policy does not apply to other forms of financial assistance, including grants, donations, and loans, in all their various forms. Such arrangements are governed by the Local Government Act 1993, Section 356 and Council's Grants and Donations Policy.
- 3.3 Sponsorship does not include:
- the selling of advertising space
  - joint ventures
  - consultants
  - grants
  - unconditional gifts, donations, bequests and endowments.

### 4. DEFINITIONS:

- 4.1 An outline of the key definitions of terms included in the policy.

#### Sponsorship

Financial or non-financial (in-kind) support to or from Council in return for mutually agreed economic, cultural, community or reputational benefit. These benefits may include promotion, marketing, accommodation and/or tickets.

~~Sponsorship is a commercial arrangement in which a sponsor provides a certain financial, or in-kind contributions in return for the right to be associated with a project or activity.~~

Expenditure does represent an equal benefit to Council.

Sponsorships are commercial agreements and

#### Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)





## Policy



are not covered by s356 of the Local Government Act.

Sponsor	A person or organisation that provides a financial or in-kind contribution for the right to be associated with a project or activity.
Financial assistance (grants and donations)	Other financial mechanisms provided by Council to organisations or individuals to support activities in line with Council's Community Strategic Plan.  Such mechanism is provided in accordance with Council's Grants and Donations Policy and Section 356 of the Local Government Act 1993.
Agreement	A signed agreement between Council and the Sponsor that details the commitments, benefit and costs associated with the sponsorship.
Contribution	Includes both monetary and in-kind contributions made in accordance with a sponsorship agreement.

### 5. STATEMENT:

- 5.1 Council is committed to entering into sponsorship agreements that offer agreed benefits to all parties. Council will only enter into a sponsorship agreement if it is satisfied that the agreement is in the best interests of the public. In determining if a sponsorship is in the public's interest, Council will consider:
  - a) the benefit to the public
  - b) any perceived conflict of interest
  - c) any impact to Council's ability to perform its regulatory role fully and impartially.
- 5.2 Sponsorship applicants' values and/or objectives must align with that of Council's.
- 5.3 The product of sponsors will not be explicitly endorsed by Council.
- 5.4 Sponsorship applications will be assessed against a predetermined criteria as outlined in the relevant Guidelines.
- 5.5 The funding thresholds and corresponding benefit sponsors will receive, are set out in the relevant Guidelines.

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)





## Policy

- 5.6 Benefits to be received by sponsors will not include financial incentives or expedited services.
- 5.7 Council will not enter into a sponsorship agreement through a sponsorship broker or commercial agent until Council is satisfied that the sponsor is eligible in accordance with the criteria set out in the relevant Guidelines. Any commission arrangements are to be between the sponsor and the broker.
- 5.8 Council will consider actual or potential conflicts of interest with sponsors and manage accordingly. Where Council accepts a conflict, Council will record its decision making process and its strategy for managing the conflict.
- 5.9 No Mayor/Councillor or Port Stephens Council employee, or member of their families ~~No employee~~ will personally benefit from a sponsorship. All sponsorship contributions will be payable to Council.
- 5.10 A written, legally binding sponsorship agreement will be prepared for each sponsorship arrangement.
- 5.11 Information pertaining to a sponsorship agreement may be:
  - a) maintained and filed for auditing
  - b) reported in Council's annual report
  - c) made available to the public on Council's website.
- 5.12 Financial contributions made under a sponsorship agreement are payable in full prior to works commencing unless otherwise agreed by Council.
- 5.13 Council may accept financial contributions as a co-contribution to grant funded projects. Funds will be held by Council by way of bond.
- 6. RESPONSIBILITIES:**
  - 6.1 The ~~Strategy and Environment~~ **Communications** Section Manager has overall responsibility for implementation of this policy.
  - 6.2 All sponsorship agreements where the value of funding or in kind support to Council is more than \$50,000 ~~or any sponsorship proposals involving naming rights~~ must be authorised by the elected Council.
  - 6.3 All other sponsorship agreements where Council is receiving sponsorship must be authorised by the General Manager **or Senior Officer commensurate with the significance of the agreement and in accordance with relevant delegations.**
  - 6.4 All sponsorship agreements where Council is providing sponsorship must be authorised by the General Manager or Senior Officer commensurate with the significance of the agreement and in accordance with relevant delegations.

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)





## Policy

### 7. RELATED DOCUMENTS:

- 7.1 Port Stephens Council Code of Conduct.
- ~~7.2 Community and Recreation Infrastructure Sponsorship Guidelines.~~
- ~~7.2 Corporate Events Sponsorship Guidelines.~~
- 7.3 Community Funding Guide – For Grants, Funding and Scholarships.
- 7.4 Grants & Donations Policy.
- 7.5 Local Government Act 1993.
- 7.6 Sponsorship in the public sector – A guide to developing policies and procedures for both receiving and granting sponsorship; Independent Commission Against Corruption (ICAC), May 2006.
- 7.7 State Environmental Planning Policy (Infrastructure) 2007.

### CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website: [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au).

<b>EDRMS container No.</b>	PSC2013-00406	<b>EDRMS record No.</b>	21/179767
<b>Audience</b>	Event organisers, business, community organisations and the Port Stephens community.		
<b>Process owner</b>	Strategy and Environment Communications Section Manager		
<b>Author</b>	Strategy and Environment Communications Section Manager		
<b>Review timeframe</b>	3 4 years	<b>Next review date</b>	10 August 2024 24 June 2029
<b>Adoption date</b>	10 August 2021		

### VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	10 August 2021	Strategy & Environment Section Manager.	New Policy.	212
2		Communications Section Manager.	Policy Owner updated.  2.2 Added 'proportional to the contribution' and removed 'beyond a modest acknowledgement'	

#### Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



## Policy



			<p>3.2 Grammar correction</p> <p>4.1 Added 'Financial or non-financial (in-kind) support to or from Council in return for mutually agreed economic, cultural, community or reputational benefit. These benefits may include promotion, marketing, accommodation and/or tickets'</p> <p>Removed 'Sponsorship is a commercial arrangement in which a sponsors provides a certain financial, or in-kind contributions in return for the right to be associated with a project or activity.'</p> <p>Added 'Expenditure does represent an equal benefit to Council. Sponsorships are commercial agreements and are not covered by s356 of the Local Government Act.'</p> <p>5.4 Grammar correction</p> <p>5.9 Added 'No Mayor/Councillor or Port Stephens Council employee, or member of their families' Removed 'No employee'</p> <p>6.1 Removed 'Strategy and Environment' Added 'Communications'</p> <p>6.2 Removed 'or any sponsorship proposals involving naming rights'</p> <p>6.3 Added 'or Senior Officer commensurate with the significance of the agreement and in accordance with relevant delegations'</p> <p>7.2 Removed 'Community and</p>	
--	--	--	---	--

### Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



## Policy



			<p>Recreation Infrastructure Sponsorship Guidelines'</p> <p>7.2 Removed 'Corporate Events'</p> <p>7.3 Added 'Community Funding Guide – For Grants, Funding and Scholarships.'</p> <p>Controlled Document Information:          Audience - Added 'business'          Process Owner - Removed          "Strategy and Environment"          Added 'Communications'          Author - Removed "Strategy and Environment"          Added 'Communications'          Review Timeframe – removed '3'          Added '4'          Next review date –          '10 August 2024'          Added '24 June 2029'</p>	
--	--	--	---	--

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
 Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



**ITEM 3 - ATTACHMENT 2 BEACHSIDE HOLIDAY PARKS MAJOR EVENT SPONSORSHIP AND PROMOTIONS POLICY.****Policy**

**FILE NO:** PSC2009-02488

**TITLE:** BEACHSIDE HOLIDAY PARKS MAJOR EVENT SPONSORSHIP AND PROMOTIONS POLICY

**POLICY OWNER:** HOLIDAY PARKS SECTION MANAGER

**1. PURPOSE:**

- 1.1 This policy provides clarity around how the Port Stephens Beachside Holiday Parks support major Council event sponsorships through the provision of a maximum of 250 room nights per annum.
- 1.2 This policy also provides clarity around the means in which Port Stephens Beachside Holiday Parks allocate a one off request for in-kind support, usually in the form of providing an accommodation donation at any of the 5 holiday parks under its control.

**2. CONTEXT/BACKGROUND:**

- 2.1 Port Stephens is a popular tourism and hospitality area that attracts significant numbers of visitors annually to experience the many natural attractions that this region has to offer.
- 2.2 Operating 5 holiday parks that offer a variety of accommodation experiences including beachside holidays, unique retreats and nature escapes, Port Stephens Beachside Holiday Parks are well renowned and highly desired established parks.
- 2.3 The holiday parks include Fingal Bay Holiday Park, Halifax Holiday Park, Shoal Bay Holiday Park, Port Stephens Koala Sanctuary and Thou Walla Sunset Retreat.
- 2.4 Current major sponsorship investment for events in Port Stephens is provided by Council's Vibrant Spaces unit. Funds are used as seed funding to grow new events, expand existing events and also provide assistance to cover the relevant fees and charges associated with holding events on Council owned or managed land. Other assistance is provided in the form of in-kind marketing and communications support.
- 2.5 There has been an increasing demand for additional support for major events in the form of discounted or complimentary accommodation for officials, VIPs and competitors.
- 2.6 To facilitate this strategy, Port Stephens Beachside Holiday Parks has developed a formal major sponsorship assessment and approval process which clearly articulates the benefits provided in a fair and transparent manner.

**Policy**

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



Page: 1 of 7

## ITEM 3 - ATTACHMENT 2 BEACHSIDE HOLIDAY PARKS MAJOR EVENT SPONSORSHIP AND PROMOTIONS POLICY.

### Policy



2.7 Additionally, Port Stephens Beachside Holiday Parks receive numerous unsolicited requests for minor in-kind accommodation donations from organisations and individuals to use as raffle prizes, giveaways and industry familiarisations.

2.8 Some organisations, such as media outlets, travel industry and trade organisations make unsolicited approaches to offer contra advertising opportunities using an accommodation donation provided in-kind.

### 3. SCOPE:

3.1 Major event sponsorship approaches are received either via Council's Vibrant Spaces unit or directly to Port Stephens Beachside Holiday Parks.

3.2 Usually, major event sponsorship approaches are made for in-kind accommodation support are:

- a) included within a major event proposal based on the duration of the event.
- b) for persons associated with the major event including, but not limited to, VIPs, participants, coaches, team management and officials, event organisers and other support staff.
- c) outline relevant sponsorship cooperative media and promotional opportunities between both organisations.

3.3 Usually minor unsolicited approaches made for in-kind accommodation donations are:

- a) between 1-7 nights.
- b) used to raise much needed funds for charity groups as prizes in raffles, trivia nights and other fundraising events.
- c) industry familiarisation (usually 1-2 nights) requests can be last minute due to schedule changes and itinerary alterations.
- d) media contra advertising opportunity requests are usually received in advance and provide targeted organisational promotional exposures.

### 4. DEFINITIONS:

4.1 An outline of the key definitions of terms included in the policy.

Sponsorship	A commercial relationship between Port Stephens Beachside Holiday Parks and a third party (organisation, group or individual), governed by written agreement. Sponsorship involves provision of one off non-financial (in-kind) accommodation support in return for mutually agreed economic or reputational benefits.
-------------	--

### Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)





**ITEM 3 - ATTACHMENT 2 BEACHSIDE HOLIDAY PARKS MAJOR EVENT SPONSORSHIP AND PROMOTIONS POLICY.**

## Policy



### 5. POLICY STATEMENT:

- 5.1 Port Stephens Beachside Holiday Parks is committed to playing a role within the promotion of the region by supporting those organisations, industry and media who provide suitable brand exposures.
- 5.2 Criteria for providing major event sponsorship support in the form of discounted or complimentary accommodation
- 5.2.1 All requests for major event sponsorship support is considered via:
- a) the sponsorship assessment matrix and weighted against essential criteria.
  - b) assessments to include use of REMPLAN Tourism Economic Impact Summary report.
  - c) application referrals in conjunction with the Vibrant Spaces unit.
- 5.3 One off major event sponsorship support partners
- 5.3.1 Port Stephens Beachside Holiday Parks will only enter into major event sponsorship with reputable organisations and groups. Any organisation or group that has the potential to involve Port Stephens Beachside Holiday Parks in controversial issues or exposure to adverse criticism will not be considered.
- 5.3.2 No Mayor/Councillor or Port Stephens Council employee, or members of their families are to receive personal benefit from one off in-kind accommodation support.
- 5.4 Approval of major event sponsorship support
- 5.4.1 Major event sponsorship support requests are approved by Port Stephens Holiday Parks Section Manager on receipt of outcomes of assessment and recommendations from the Marketing and Promotions Manager.
- 5.5 Criteria for providing one off requests for minor in-kind accommodation support.
- 5.5.1 All requests for one off minor in-kind accommodation support is considered on a case-by-case basis. To be eligible to apply the following criteria's must be met:
- a) requests must be in writing stating the nature of support required.
  - b) requests must outline details of fundraising activities, what is the industry familiarisation's purpose or the contra value to Port Stephens Beachside Holiday Parks.
  - c) requests must outline any reputational return to Port Stephens Beachside Holiday Parks to raise parks profile.

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



Page: 3 of 7

**ITEM 3 - ATTACHMENT 2 BEACHSIDE HOLIDAY PARKS MAJOR EVENT  
SPONSORSHIP AND PROMOTIONS POLICY.**

Policy



5.6 One off minor in-kind accommodation support partners

5.6.1 Port Stephens Beachside Holiday Parks will only enter into one off minor in-kind support with reputable organisation and groups. Any organisation or group that has the potential to involve Port Stephens Beachside Holiday Parks in controversial issues, or expose to adverse criticism will not be considered.

5.6.2 No Mayor/Councillor or Port Stephens Council employee, or members of their families, are to receive personal benefit from one off minor in-kind accommodation support.

5.7 Approval of one off minor in-kind accommodation support

5.7.1 One off minor in-kind accommodation support requests are approved by the Holiday Parks Section Manager on receipt of a recommendation from the Business Development and Marketing Manager proposing the in-kind support.

5.8 A written, legally binding sponsorship agreement will be prepared for each sponsorship arrangement.

5.9 Information pertaining to a sponsorship agreement may be:

- a) maintained and filed for auditing.
- b) reported in Council's annual report.
- c) made available to the public on Council's website.

**6. POLICY RESPONSIBILITIES:**

6.1 The Holiday Parks Section Manager has overall responsibility for the implementation of this policy.

6.2 Applications for sponsorship may be received and coordinated at coordinator level, if relevant to their role at Council. In all cases, consultation with the relevant Section Manager and Group Manager must occur prior to agreement being entered into.

6.3 The relevant Section Manager is responsible for reporting sponsorship requests over \$40,001 to Council for endorsement.

**7. RELATED DOCUMENTS:**

- 7.1 Port Stephens Council Code of Conduct.
- 7.2 Port Stephens Council Sponsorship Policy.
- 7.3 Local Government Act 1993.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



Page: 4 of 7

## ITEM 3 - ATTACHMENT 2 BEACHSIDE HOLIDAY PARKS MAJOR EVENT SPONSORSHIP AND PROMOTIONS POLICY.

### Policy



- 7.4 Sponsorship in the public sector – A guide to developing policies and procedures for both receiving and granting sponsorship; Independent Commission Against Corruption (ICAC), May 2006.
- 7.5 Community and Recreation Infrastructure Sponsorship Guidelines.
- 7.6 Corporate Events Sponsorship Guidelines.
- 7.7 Grants & Donations Policy.
- 7.8 State Environmental Planning Policy (Infrastructure) 2007.

#### CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website <a href="http://www.portstephens.nsw.gov.au">www.portstephens.nsw.gov.au</a>			
<b>EDRMS container No</b>	PSC2009-02488	<b>EDRMS record No</b>	21/327282
<b>Audience</b>	Event organisers, community organisations and the Port Stephens community.		
<b>Process owner</b>	Holiday Parks Section Manager		
<b>Author</b>	Holiday Parks Section Manager		
<b>Review timeframe</b>	3 years	<b>Next review date</b>	October 2024
<b>Adoption date</b>	14 May 2019		

#### VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	14 May 2019	Marketing and Promotions Manager	New policy.	091

### Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



# ITEM 3 - ATTACHMENT 2 BEACHSIDE HOLIDAY PARKS MAJOR EVENT SPONSORSHIP AND PROMOTIONS POLICY.

## Policy



2	26 November 2019	Marketing and Promotions Manager	<p>Updated title to include 'major event'.</p> <p>1.1 – new paragraph.</p> <p>1.2 Inserted 'also' and removed 'Beachside'.</p> <p>2.2 – Updated 'five' to '5'.</p> <p>Added paragraphs 2.4 – 2.6 and updated consecutive paragraph numbering.</p> <p>2.3 – Remove reference to 'Treescape', replace with 'Port Stephens Koala Sanctuary'.</p> <p>2.7 – Removed reference to 'Beachside' – inserted 'additionally' and 'minor'.</p> <p>2.8 – Removed 'additionally' and added 'travel industry and trade organisations' and 'unsolicited'.</p> <p>Added paragraphs 3.1 and 3.2 and updated consecutive paragraph numbering.</p> <p>3.3 – inserted 'minor'.</p> <p>4.1 – removed 'Beachside'</p> <p>5.1 – removed 'Beachside'</p> <p>Added paragraphs 5.2 – 5.4 and updated consecutive paragraph numbering.</p> <p>5.5 – added 'minor'.</p> <p>5.5.1 – added 'minor'.</p> <p>5.5.1b) – removed 'Beachside' added 'Port Stephens'.</p> <p>5.5.1c) – removed 'Beachside' added 'Port Stephens'.</p> <p>5.6 – Added 'minor'.</p> <p>5.6.1 - removed 'Beachside', added 'minor'.</p> <p>5.6.2 – added 'minor'.</p> <p>5.7 – added 'minor'.</p>	233
---	------------------	----------------------------------	---	-----

## Policy

**WARNING:** This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



# ITEM 3 - ATTACHMENT 2 BEACHSIDE HOLIDAY PARKS MAJOR EVENT SPONSORSHIP AND PROMOTIONS POLICY.

## Policy



			5.7.1 – added 'minor'. 6.3 – removed '\$20,001' and replaced with '\$40,001' in line with Corporate Sponsorship policy.	
3	26 October 2021	Marketing and Promotions Manager	<p>Added 'beachside' to all references to the 'Port Stephens Beachside Holiday Parks' to reflect current naming convention.</p> <p>2.1 – minor grammatical update.</p> <p>3.2 b) – Deleted 'players' and added 'participants'.</p> <p>2.4, 3.1 and 5.2.1 c) – Deleted Economic Development and Tourism Unit and replaced with Vibrant Spaces Unit to reflect current naming convention.</p> <p>5.8 – added new paragraph.</p> <p>5.9 a), b) and c) – added new paragraph.</p> <p>7.5 – added Community and Recreation Infrastructure Sponsorship Guidelines.</p> <p>7.6 - added - Corporate Events Sponsorship Guidelines.</p> <p>7.7 - added Grants &amp; Donations Policy.</p> <p>7.8 - added State Environmental Planning Policy (Infrastructure) 2007.</p> <p>Controlled document information: Updated review timeframe to 3 years in accordance with Council's process.</p>	286

## Policy

**WARNING:** This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



Page: 7 of 7

**ITEM NO. 4**

**FILE NO: 25/28279  
EDRMS NO: PSC2014-03911**

**POLICY REVIEW: MULTICULTURAL POLICY**

REPORT OF: JANELLE GARDNER - COMMUNICATIONS AND CUSTOMER  
EXPERIENCE SECTION MANAGER  
DIRECTORATE: COMMUNITY FUTURES

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Revoke the Multicultural Policy dated 12 February 2021, Minute No. 029 **(ATTACHMENT 1)**.
- 2) Note that Council's clear commitment to multiculturalism is recognised in the Port Stephens Council Wellbeing Strategy 2023-2028.

---

**BACKGROUND**

The purpose of this report is to revoke the Multicultural Policy (the Policy) dated 23 February 2021 **(ATTACHMENT 1)**.

Under section 8A of the Local Government Act 1993 (NSW), Council has an obligation to 'recognise diverse local community needs and interests' in decision making.

A review in 2021 identified that the Policy duplicates existing legislation, including the principles in the Multicultural NSW Act 2000 (NSW). It was agreed that a broader wellbeing strategy supported by an action plan, would be developed instead of a standalone policy.

The Port Stephens Wellbeing Strategy draws on objectives and actions from the previous Ageing Strategy, Crime Prevention Plan, Disability Inclusion Action Plan and Multicultural Policy to deliver an integrated approach to community wellbeing.

The Port Stephens Wellbeing Strategy recognises Council's obligations under the Multicultural NSW Act in the following key objectives;

- Deliver a range of inclusive celebrations and events that showcase the diversity in our community
- Deliver programs which encourage respect of our community's cultural backgrounds and traditions.
- Co-design innovative programs and initiatives that support inclusion, community pride and a sense of place.

Please note that yellow highlighting in the attached policy indicates an amendment has been made and strikethrough text is to be deleted. Blue text is an addition following Councillor feedback.

## COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Community Wellbeing	Develop and implement the Community Wellbeing strategy to provide services and support for a diverse community

## FINANCIAL/RESOURCE IMPLICATIONS

There is no direct financial implication for Council in relation to the revocation of the Policy.

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

## LEGAL, POLICY AND RISK IMPLICATIONS

There are no foreseen legal or policy implications as a result of the proposed recommendation.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that relevant Council decisions will not be informed by the multicultural principles under the Multicultural NSW Act 2000 (NSW)	Low	The legislation requires Council decision making to incorporate the principles and there are strategic plans and procedures in place to satisfy the legislative requirements.	Yes



**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are no expected social, economic or environmental implications as a result of revoking the Policy.

**COMMUNICATION AND ENGAGEMENT**

Council's Communication and Engagement Strategy uses the IAP2 Framework to identify the level of engagement undertaken. An explanation for each level is shown below.

INFORM	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
CONSULT	To obtain public feedback on analysis, alternatives and/or decisions.
INVOLVE	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
COLLABORATE	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
EMPOWER	To place final decision-making and/or developed budgets in the hands of the public.
	No external communications and engagement are required for this report.

The following communication and engagement applies to this report.

External communications and engagement

Council strategic plans relating to measures of liveability and community wellbeing such as social inclusion, celebrating diversity and community cohesion are subject to community consultation and include the Liveability Index census tool, with the previous survey being undertaken in November 2024.

INVOLVE	<p>Targeted consultation with key stakeholders has been undertaken by the Communications section to develop the Wellbeing Strategy. Further consultation was undertaken as part of the public exhibition process.</p> <p>Community engagement for the Community Wellbeing Strategy was undertaken across three phases:</p> <ul style="list-style-type: none"><li>• Phase 1 in 2021 to develop key themes and priorities.</li><li>• Phase 2 in 2023 to check in with the community and stakeholders to see if things had changed since 2021 feedback.</li></ul>
---------	--

	<ul style="list-style-type: none"><li>• Phase 3 in 2024 for public exhibition of the Draft Community Wellbeing Strategy.</li><li>• The engagement report is published on Council's website and the Strategy was on public exhibition for a period of 28 days</li></ul>
--	--

#### Internal communications and engagement

Consultation with key stakeholders has been undertaken by the Communications and Customer Experience Section with:

- Strategy and Environment Section
- Assets Section
- Capital Works Section

#### **OPTIONS**

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

#### **ATTACHMENTS**

- 1) Multicultural Policy. [↓](#)

#### **COUNCILLORS' ROOM/DASHBOARD**

Nil.

#### **TABLED DOCUMENTS**

Nil.

## Policy



**FILE NO:** PSC2014-03911

**TITLE:** MULTICULTURAL POLICY

**POLICY OWNER:** STRATEGY AND ENVIRONMENT SECTION MANAGER

### 1. PURPOSE:

- 1.1 The purpose of this Policy is to guide Council in recognising and responding to cultural diversity in the exercise of functions such as service provision, planning, advocacy and community development.

### 2. CONTEXT/BACKGROUND:

- 2.1 This Policy provides a platform for collaboration and partnerships between Council, business, service providers, other tiers of government and the community where cultural diversity is observed, respected and appreciated.
- 2.2 Councils have statutory obligations to observe the multicultural principles outlined in the *Multicultural NSW Act 2000* (NSW) and to recognise diverse local community needs and interests in decision making under the *Local Government Act 1993* (NSW).
- 2.3 The multicultural principles are as follows:
- 2.3.1 All individuals in New South Wales, irrespective of their linguistic, religious, and ancestral backgrounds, should demonstrate a unified commitment to Australia, its interests and future.
- 2.3.2 All individuals in New South Wales should recognise the importance of shared values governed by the rule of law within a democratic framework.
- 2.3.3 The people of New South Wales are of different linguistic, religious and ancestral backgrounds who, either individually or in community with other members of their respective groups, are free to profess, practise and maintain their own linguistic, religious and ancestral heritage.
- 2.3.4 All individuals and institutions should respect and make provision for the culture, language and religion of others within an Australian legal and institutional framework where English is the common language.
- 2.3.5 All individuals in New South Wales should have the greatest possible opportunity to:

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



## Policy



- 2.3.5.1 Contribute to, and participate in, all aspects of public life in which they may legally participate, and
- 2.3.5.2 make use of, and participate in, relevant activities and programs provided or administered by the Government of New South Wales.
- 2.3.6 All institutions of New South Wales should recognise the linguistic and cultural assets in the population of New South Wales as a valuable resource and promote this resource to maximise the development of the State.

**3. SCOPE:**

- 3.1 This Policy is designed to support Council in fulfilling obligations to observe and recognise cultural diversity under the *Multicultural NSW Act 2000* and the *Local Government Act 1993*.

**4. DEFINITIONS:**

Cultural diversity	Means the different linguistic, religious and ancestral backgrounds of the people of New South Wales.
Principles of Multiculturalism	The multicultural principles outlined in section 3 of the <i>Multicultural NSW Act 2000</i> and as listed in this Policy.

These definitions are sourced from the *Multicultural NSW Act 2000*.

**5. POLICY STATEMENT:**

- 5.1 The Port Stephens Multicultural Policy aims to achieve the following objectives in order to observe the Principles of Multiculturalism:
  - 5.1.2 Objective 1: Leadership  
Council promotes the principles of multiculturalism both within the organisation and to the wider community.
  - 5.1.3 Objective 2: Community Harmony  
Council works with communities and stakeholders to promote activities and initiatives that foster inclusion.
  - 5.1.4 Objective 3: Access and Equity  
Council endeavours to provide information, programs, services and facilities that are accessible for the community and makes provision for cultural diversity.

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



## Policy



### 5.1.5 Objective 4: Economic and Cultural Opportunities

Council, in collaboration with community and stakeholders, promotes the benefits of cultural diversity as a social, cultural and economic asset for the local government area.

### 5.1.6 Objective 5: Planning and Engagement

Council's approach to integrated planning and community engagement embraces cultural diversity and aims to increase inclusivity.

## 6. POLICY RESPONSIBILITIES:

6.1 The key position/s are responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on this Policy:

6.1.1 General Manager - to lead staff (either directly or through delegated authority) in their understanding of this Policy and the application of the multicultural principles.

6.1.2 Group and Section Managers - to plan, action, communicate, and exercise functions in accordance with this Policy as it impacts their areas of responsibility.

6.1.3 All Council officials - to observe this Policy.

## 7. RELATED DOCUMENTS:

7.1 *Local Government Act 1993*

7.2 *Multicultural NSW Act 2000*

## CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website <a href="http://www.portstephens.nsw.gov.au">www.portstephens.nsw.gov.au</a>			
<b>EDRMS container No</b>	PSC2014-03911	<b>EDRMS record No</b>	21/49248
<b>Audience</b>	Council Staff and Community		
<b>Process owner</b>	Strategy and Environment Section Manager		
<b>Author</b>	Strategic Planning Coordinator		
<b>Review timeframe</b>	Three years	<b>Next review date</b>	February 2024
<b>Adoption date</b>	12 February 2019		

## Policy

**WARNING:** This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



## Policy



## VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	12 February 2019	Strategic Planning Coordinator	Reviewed the Policy, included numbering to each paragraph. Substantial re-write of the Policy which necessitates the existing Cultural Diversity Policy dated 9 December 2014 (Minute No. 337) to be revoked.  No significant departure from the intent of the existing Policy.  Draft prepared for public exhibition.	023
2.0	23 February 2021	Strategic Planning Coordinator	It was resolved that the Multicultural Policy remain in place until a new policy is developed.	029

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



ITEM NO. 5

FILE NO: 25/75179  
EDRMS NO: PSC2009-02488

**POLICY REVIEW: ACQUISITION AND DIVESTMENT OF LAND POLICY**

REPORT OF: ZOE PATTISON - DIRECTOR CORPORATE STRATEGY AND  
SUPPORT  
DIRECTORATE: CORPORATE STRATEGY AND SUPPORT

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Place the revised Acquisition and Divestment of Land Policy shown at **(ATTACHMENT 1)** on public exhibition for a period of 28 days.
- 2) Should no submissions be received the policy be adopted without a further report to Council.
- 3) Revoke the Acquisition and Divestment of Land Policy dated 10 April 2018, Minute No. 79 should no submissions be received.

---

**BACKGROUND**

The purpose of this report is to provide the revised Acquisition and Divestment of Land Policy (the 'policy') at **(ATTACHMENT 1)** to Council for consideration prior to public exhibition.

The revised Acquisition and Divestment of Land Policy provides criteria to be considered before acquisition or divestment activities commence, and defines the process to be followed for acquisitions and divestments of land by Council.

The policy was originally adopted in May 2012.

The policy has now been updated following the development and subsequent endorsement from Council of the new Financial Reserves Policy on 12 November 2024 **(ATTACHMENT 2)**.

The Financial Reserves Policy provides the framework for the establishment and management of Council's financial reserves and sets the parameters on the use of funds to ensure financial sustainability in the short, medium and long term.

Please note that due to a substantial re-write of the existing policy dated 10 April 2018 **(ATTACHMENT 3)** the revised policy does not contain any yellow highlighting or strikethrough text.



## COMMUNITY STRATEGIC PLAN

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

## FINANCIAL/RESOURCE IMPLICATIONS

Acquisition and divestment activities generate non-rate revenue for Council that is used to support operational needs. The revised policy seeks to ensure non-rate revenue is maximised and current market value is achieved from all acquisition and divestment activities.

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

## LEGAL, POLICY AND RISK IMPLICATIONS

The acquisition and divestment of land by councils is governed by the Real Property, Conveyancing and Local Government Acts. The revised policy seeks to ensure legislative compliance and that all transactions are underpinned by considerations of probity and transparency.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that legislative provisions or guidelines are not followed.	Low	Adopt the recommendations.	Yes
There is a risk that returns are not maximised or current market value is not achieved.	Low	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are no sustainability implications.

**COMMUNICATION AND ENGAGEMENT**

Council's Communication and Engagement Strategy uses the IAP2 Framework to identify the level of engagement undertaken. An explanation for each level is shown below.

INFORM	To the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
CONSULT	To obtain public feedback on analysis, alternatives and/or decisions.
INVOLVE	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
COLLABORATE	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
EMPOWER	To place final decision-making and/or developed budgets in the hands of the public.
	No external communications and engagement are required for this report.

The following communication and engagement applies to this report.

External communications and engagement

CONSULT	In accordance with local government legislation the revised policy will go on public exhibition for 28 days.
---------	--

Internal communications and engagement

Consultation with key stakeholders has been undertaken by the Office of the Director of Corporate Strategy and Support with:

- Financial Services Section.
- Assets Section.
- The Executive Team has been consulted to seek management endorsement.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Revised Acquisition and Divestment of Land Policy. [↓](#)
- 2) Financial Reserves Policy. [↓](#)
- 3) Acquisitions and Divestment of Land Policy - 10 April 2018. [↓](#)

**COUNCILLORS' ROOM/DASHBOARD**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 5 - ATTACHMENT 1      REVISED ACQUISITION AND DIVESTMENT OF LAND POLICY.**

## Policy



**FILE NO:** PSC2009-02488

**TITLE:** ACQUISITION AND DIVESTMENT OF LAND POLICY

**OWNER:** DIRECTOR CORPORATE STRATEGY AND SUPPORT

### 1. PURPOSE:

- 1.1 The purpose of this policy is to ensure that acquisition and divestment of land transactions are undertaken in a transparent manner underpinned by consideration of probity, due diligence, analysis of risk and other key objectives.
- 1.2 The acquisition and divestment of land is undertaken by Council to provide non-rate revenue to support Council's services.
- 1.3 Council will exercise its functions under this policy having consideration for the financial position of Council and the need for differing revenue requirements of Council at the relevant time. In this regard consideration will be given to the short and long term financial position of Council as detailed in its Long Term Financial Plan.

### 2. CONTEXT/BACKGROUND:

- 2.1 Acquisition and divestment of land is crucial to the strategic provision of open space, attaining operational and community benefits, achieving planning outcomes, generating non-rate revenue to support Council's operational needs and achieving the intent and objectives of Council's adopted strategic plans.
- 2.2 Council may acquire lands for community, strategic or investment purposes either by agreement with the landowner or where agreement cannot be reached, by compulsory acquisition under the Land Acquisition (Just Terms Compensation) Act 1991.
- 2.3 The Property Investment Strategy outlines a strategic agenda for the efficient and effective management of Council's landholdings and establishes a framework for assessing acquisition, development and divestment opportunities.
- 2.4 All acquisitions and divestments are subject to a formal resolution of Council authorising the transaction.

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



## Policy



### 2.5 Proceeds

2.5.1 Proceeds from Council's commercial property portfolio, net profits from land developments, bio banking credits, royalties, investments and sale of operational land are initially allocated to the Commercial Properties Restricted Reserve to fund agreed property developments, reinvestments required to maintain income from commercial activities, and asset management costs for the property portfolio.

2.5.2 Any surplus funds will be reallocated to the Resilience Fund for future use, which will be managed in accordance with the Financial Reserves Policy.

### 3. **SCOPE:**

3.1 This policy applies to all acquisitions of land whether by agreement with the owner or by compulsory acquisition, but only to the divestment of land classified as Operational under the Local Government Act 1993.

3.2 This policy acknowledges the principles set out in Chapter 3 of the Local Government Act 1993 and Circular 19-16 from the Office of Local Government dated 6 August 2019 relating to compulsory acquisitions.

### 4. **DEFINITIONS:**

4.1 An outline of the key definitions of terms included in the policy.

Community Land	All lands classified as Community under the provisions of the Local Government Act 1993, and shown on the Land Register as being Community Land.
Direct negotiations	Exclusive dealings between Council and a landowner without undergoing a publicly competitive process.
Land Register	The register of lands under Council's care and control that is published on Council's website from time to time in accordance with section 53 of the Local Government Act 1993.
Low value land	Land that is valued at less than \$100,000 or 200% of the total cost of conducting a public offering.
Off market	Where a property is not listed for sale on the open market or subject to any other public marketing campaign.

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



## Policy



### Operational Land

All lands classified as Operational under the provisions of the Local Government Act 1993, and shown on the Land Register as being Operational Land.

### Surplus land

Land that has been identified by Council as no longer required for the use it has been held for.

## 5. STATEMENT:

### 5.1 Acquisitions

5.1.1 Council will always seek to acquire land by agreement, either through negotiation with a listing agent where the property is listed on the open market or by direct negotiation with the landowner if the property is off market.

5.1.2 Council will engage an independent registered valuer to determine the current market value of the land for all acquisitions (excluding compulsory acquisitions). The purchase price is to be benchmarked to the independent valuation unless the size of the land or the agreed value is negligible.

### 5.1.3 Premium

- a) In some cases there will be a justified basis for Council acquiring land at a price above the valuation in order to secure the land to achieve defined goals and objectives, or to acquire the land with a view to adding value to a larger scheme or development, or reducing risk.
- b) It is acknowledged that to achieve strategic goals there are sometimes overwhelming reasons to consider an acquisition outside of valuation range. Council can make a commercial decision to pay in excess of the valuation range due to the importance of the acquisition for the public purpose and any such decision must be made by the elected Council.

5.1.4 Prior to finalisation of an acquisition, Council shall determine the classification of the land as either Operational or Community Land.

### 5.2 Compulsory Acquisition

5.2.1 Where Council has negotiated with a landowner for a minimum period of six (6) months and agreement has not been reached, Council may resolve to acquire the land compulsorily under the Land Acquisition (Just Terms Compensation) Act 1991 (LAJTC Act).

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



## ITEM 5 - ATTACHMENT 1 REVISED ACQUISITION AND DIVESTMENT OF LAND POLICY.

### Policy



- 5.2.2 Where compulsory acquisition is pursued, compensation will be assessed by the Valuer General in accordance with Part 3 of the LAJTC Act, unless the parties otherwise agree in writing to the amount of compensation to be paid.
- 5.2.3 Council will not be required to consider an offer of compensation if it is not based on valuation evidence but may, in its absolute discretion, agree to an offer if it is considered in the wider Council or public interest.
- 5.3 Divestment
  - 5.3.1 Council may divest of land where it is supported by the Property Investment Strategy, or has been declared surplus to needs, or has been identified as a high risk or underperforming asset.
  - 5.3.2 Any divestment will be subject to the criteria contained within the Property Investment Strategy and a formal resolution of Council.
  - 5.3.3 Council may refuse any application or request to purchase Council owned land where it has not been publicly advertised, conclusively determined that it is surplus to needs, or for any other reason Council deems appropriate in its sole discretion.
  - 5.3.4 Any divestment must be benchmarked to an independent valuation unless the cost of obtaining a valuation will exceed the potential sale price. Where obtaining a valuation is cost prohibitive, the divestment may be benchmarked to a market appraisal by a licensed real estate agent.
  - 5.3.5 Two valuations may be required where the value of the land exceeds \$5,000,000 and/or the property has not been publicly marketed for sale.
- 5.4 Easements
  - 5.4.1 Council may agree, in its absolute discretion, to the creation of an easement over its Operational land holdings, or Community land if authorised by a Plan of Management.
  - 5.4.2 Any creation will be subject to compensation payable at market value and a formal resolution of Council required to authorise the transaction.
  - 5.4.3 Council may refuse any application or request for an easement over Council owned land where it has not been publicly advertised, conclusively determined that the land is surplus to needs, or for any other reason Council deems appropriate in its sole discretion.

### Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)





**ITEM 5 - ATTACHMENT 1      REVISED ACQUISITION AND DIVESTMENT OF LAND POLICY.**

## Policy



### 5.5 Closed Roads

- 5.5.1 Where a person has made application to close and purchase a Council public road, on completion of the road closure process the land may be sold to the applicant by direct negotiation.
- 5.5.2 The closed road will be sold at market value as determined by an independent registered valuer appointed by Council, and subject to a formal resolution of Council. All costs incurred by Council in transacting the closure and sale will be borne by the applicant.
- 5.5.3 Receipt or acceptance of an application to close and purchase a road does not guarantee the application will be immediately processed, or that the road will ultimately be closed or sold.
- 5.5.4 Council will prioritise processing of applications subject to the availability of resources and volume of projects at hand, and completion of the transaction will be subject to formal assessment by Council staff, concurrence of adjoining owners and all notifiable authorities, agreement on price and a formal resolution of Council.
- 5.5.5 Council may, in its absolute discretion, refuse to process an application if it has not been conclusively determined that the road is surplus to future needs, or if construction cannot be evidenced.

### 5.6 Authority

- 5.6.1 Section 377(1)(h) of the Local Government Act 1993 provides that the decision authorising land transactions cannot be delegated. A specific resolution of Council is required.
- 5.6.2 The General Manager and/or their delegate may enter into non-binding indicative offers in the form of:
  - a) Letter; or
  - b) Heads of Agreement; or
  - c) Memorandum of Understanding.
- 5.6.3 Provided that the document clearly states that the offer is not legally binding and is subject to:
  - a) Adoption of a final Council resolution authorising the transaction; and
  - b) Legally binding agreements on terms acceptable to both parties being entered into.

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



# ITEM 5 - ATTACHMENT 1 REVISED ACQUISITION AND DIVESTMENT OF LAND POLICY.

## Policy



### 6. RESPONSIBILITIES:

- 6.1 The Property Investment and Development Coordinator is responsible for implementing, monitoring, evaluating, reviewing and providing advice on this policy.
- 6.2 Primarily, responsibility for complying with this policy rests with:
- Director Corporate Strategy and Support.
  - Director Facilities and Infrastructure.
  - Financial Services Section Manager.
  - Assets Section Manager.
  - Property Investment and Development team.
  - Statutory Property team.

### 7. RELATED DOCUMENTS:

- Property Investment Strategy.
- Financial Reserves Policy.
- Office of Local Government Circular 19-16 dated 6 August 2019.
- Local Government Act 1993.
- Roads Act 1900.
- Land Acquisition (Just Terms Compensation) Act 1991.
- Regulations under each of the above Acts.

### CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website: <a href="http://www.portstephens.nsw.gov.au">www.portstephens.nsw.gov.au</a> .			
<b>EDRMS container No.</b>	PSC2009-02488	<b>EDRMS record No.</b>	TBA
<b>Audience</b>	Staff		
<b>Process owner</b>	Director Corporate Strategy and Support		
<b>Author</b>	Property Investment and Development Coordinator		
<b>Review timeframe</b>	4 years	<b>Next review date</b>	TBA
<b>Adoption date</b>	29 May 2012		

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



ITEM 5 - ATTACHMENT 1  
LAND POLICY.

## REVISED ACQUISITION AND DIVESTMENT OF

## Policy



## VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	29 May 2012	Property Services Section Manager	Original Policy	110
2	14 April 2015	Land Acquisition and Development Manager	Changes to position titles and dates	079
3	23 February 2016	Land Acquisition and Development Manager	Policy has been formatted into new template. No changes required to policy – only review date.	034
4	10 April 2018	Land Acquisition and Development Manager	2.2 - Background updated to reflect current legislation by removing reference to the Council Charter. 6.9.6 - Policy amended to set out process for nonbinding offers to sell being documented prior to a formal resolution being secured. 6.10 - Policy amended to specify marketing of divestment lands in certain circumstances.	079
5	TBA	Property Investment and Development Coordinator	Substantial re-write of the policy which necessitates replacing the existing policy dated 10 April 2018.  Policy reflects current practices and aligns with the implementation of the Property Investment Strategy.  Controlled document information: amended review timeframe to 4 years as per Council's policy review process.	TBA

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



## Policy



**FILE NO:** PSC2009-02488

**TITLE:** FINANCIAL RESERVES POLICY

**OWNER:** FINANCIAL SERVICES SECTION MANAGER

### 1. PURPOSE:

- 1.1 The purpose of the Financial Reserves Policy (the policy) is to provide a framework for the responsible establishment and sustainable management of Port Stephens Council's (Council's) financial reserves.

### 2. CONTEXT/BACKGROUND:

- 2.1 With Council having significant cash, cash equivalents, and investments, financial reserves are an important part of Council's Financial Sustainability Strategy. Reserves enable Council to provide quality services, asset management, longer term expenditure for the community, and meet its legislative requirements.
- 2.2 Reserves in a financial sense are an allocation of money set aside for specific purposes in future periods. Reserves do not have bank accounts of their own but are a theoretical split up of the accumulated cash surplus that a council has on hand and can be separately identified in the balance sheet as an asset.
- 2.3 Reserves should have a clear and specific purpose and relate back to the adopted Integrated Planning and Reporting (IP&R) strategies and plans of Council.

### 3. SCOPE:

- 3.1 The policy applies to all financial reserves held by Council including external and internal restrictions as well as unrestricted cash.
- 3.2 All restrictions and cash balances are reported annually to the public in Council's Annual Report – Financial Statements, the monthly Cash and Investment Report and the Quarterly Budget Review Statement.

### 4. DEFINITIONS:

- 4.1 An outline of the key definitions of terms included in the policy.

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)





## Policy

External Restrictions	Funds that are restricted as a result of a legislative requirement governing the use of the funds. These funds must be fully expended for the specific purpose defined and cannot be used by Council for general operations.
Internal Restrictions	Funds that are restricted as a result of a Council resolution governing the use of the funds for a specific purpose.
Unrestricted Cash	All cash and cash equivalents other than restricted funds that is available to meet daily business liquidity requirements and assist with unforeseen budget shocks.
Emergency	An event, actual or imminent, which endangers or threatens to endanger life, property or the environment, and which requires a significant and coordinated response.
Cash Back	Refers to the sufficient amount of cash and cash equivalents that Council has on hand at a given point in time to adequately cover the calculated balance of the reserves.

### 5. STATEMENT:

- 5.1 Consistent identification, administration and use of cash reserves will enable Council to:
  - a) Set funds aside to meet legislative requirements.
  - b) Allocate funds against future projects and operational activities.
  - c) Ensuring financial sustainability in the short, medium and long term.
- 5.1.1 Council will fully cash back all the external restrictions regardless of the circumstances. Internal restrictions can be adjusted in cases of insufficient cash, such as delays in receipts and payments.
- 5.2 Establishment
  - 5.2.1 The establishment and closure of any reserve may only be undertaken by resolution of Council, or through adoption of budgets via Quarterly Budget Reviews, Long Term Financial Plan, Annual Financial Statement or required by legislation or contract.
  - 5.2.2 The establishment of a reserve must be documented in **(APPENDIX 1)** and must include the following at a minimum:

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)





## Policy

- a) Name of the reserve.
  - b) Purpose of the reserve, including the reasons for a restriction.
  - c) Source of funds and calculation basis.
  - d) Use of funds - what the reserve can be used for.
  - e) Optimum balance or minimum amount to be held.
  - f) Internal accountability.
  - g) Term of reserve.
- 5.2.3 In order to not dilute general revenue, any new internally restricted reserves are only to be established in conjunction with a new income stream and where the purpose of the reserve is not considered as part of the general operations and/or required for a specific use.
- 5.3 Transfer funds between reserves
- 5.3.1 The transfer of funds between reserves that differ from the original source of funds and must satisfy the agreed purpose for which the reserve was created.
- 5.3.2 Notification for such transfers may be given through:
- a) Budget process, by virtue of the adoption of the Long Term Financial Plan or the Quarterly Budget Review Statement or the Monthly Cash and Investment Statement.
  - b) Adoption of the Annual Financial Statements.
- 5.4 Use of funds and administration
- 5.4.1 Use of funds must be in accordance with **(APPENDIX 1)** and the establishment resolution for the reserve.
- 5.4.2 Unspent funds of a particular reserve will be returned to that reserve each financial year.
- 5.4.3 Any funds spent over may be drawn upon in the following financial year.
- 5.4.4 Internal and external reserves will have an annual administration charge applied, where appropriate, based on the function of the reserve.
- 5.5 Closure
- 5.5.1 The Council resolution to close a reserve must include the following at a minimum:
- a) Name of the reserve.
  - b) Purpose of the reserve.

### Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)





## Policy

- c) Reason for closure.
- d) Treatment of any balance of funds, including transfer to another reserve.
- 5.6 Interest and Indexation
  - 5.6.1 Certain external restrictions require interest to be applied by legislation. The calculation of interest will be performed monthly and based on the 90 day Bank Bill Swap rate – BBSW (unless another rate or methodology is required by legislation).
  - 5.6.2 For internal reserves there will be no interest income applied. However where the source of funds is an allocation from general revenue that allocation will be indexed by the rate cap each year.
- 5.7 Borrowings
  - 5.7.1 Consent from the Minister of Local Government is required in order to borrow funds from externally restricted reserves.
  - 5.7.2 Council will be informed of any borrowings from internally restricted reserves through the Quarterly Budget Review Statements.
- 5.8 Order of funds – unforeseen economic event or natural disaster emergency
  - 5.8.1 Should Council encounter an unforeseen economic event or natural disaster the General Manager may approve access to reserves funds for an appropriate response.
- 5.9 Order of funds – multi funding projects
  - 5.9.1 Council makes every attempt to utilise external funding sources in the first instance to fund projects. The following order stipulates the preference in the order that funds should be accessed:
    - a) External restrictions.
    - b) Internal restrictions.
- 5.10 Liquidity Risk Management
  - 5.10.1 Council's operating bank account is to be kept at a level no greater than is required to meet immediate working capital requirements.
  - 5.10.2 Any surplus funds are to be applied to reduce debt or invested to generate more income in accordance with Council's Cash Investment Policy.

### Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)





## Policy

### 5.11 Borrowing Risk Management

#### 5.11.1 To manage the risk associated with borrowings:

- a) Council approval is required for all new loans. A cash reserve or repayment of the loan must be included at the time of the approval.
- b) The term of borrowings should match the need for funds.
- c) Loans are to be tendered to at least 3 Authorised Deposit Taking institutions.

### 6. RESPONSIBILITIES:

#### 6.1 The Financial Services Section Manager shall:

- a) Provide guidance to Council, the Executive Team and Council staff as to the implementation of this policy.
- b) Be responsible for monitoring, evaluating and reviewing compliance with this policy.
- c) Submit Monthly Cash and Investment Statements, Quarterly Budget Review Statements, Long Term Financial Plans, and Annual Financial Statements to Council on the position of Council's financial reserves.

#### 6.2 All managers are responsible for the budget provided to them by each reserve and complying with the policy.

### 7. RELATED DOCUMENTS:

- 7.1 Acquisition and Divestment of Land Policy.
- 7.2 Property Investment and Development Policy.
- 7.3 Cash Investment Policy.
- 7.4 Community Groups Loan Policy.
- 7.5 Financial Business Rules Management Directive.
- 7.6 Annual Financial Statements.
- 7.7 Quarterly Budget Review Statement.
- 7.8 Resourcing Strategy - Long Term Financial Plan.
- 7.9 Australian Accounting Standards.
- 7.10 Roads Act 1993.
- 7.11 Crown Lands Management Act 2016.
- 7.12 Environmental Planning and Assessment Act 1979.
- 7.13 Local Government Act (General) Regulation 2021.
- 7.14 Local Government Act 1993.
- 7.15 Local Government Code of Accounting Practice and Financial Reporting.

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)





## Policy



### CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website: <a href="http://www.portstephens.nsw.gov.au">www.portstephens.nsw.gov.au</a> .			
<b>EDRMS container No.</b>	PSC2009-02488	<b>EDRMS record No.</b>	24/312453
<b>Audience</b>	Elected Council and all Council staff		
<b>Process owner</b>	Financial Services Section Manager		
<b>Author</b>	Financial Services Section Manager		
<b>Review timeframe</b>	4 years	<b>Next review date</b>	12 November 2028
<b>Adoption date</b>	12 November 2024		

### VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	12 November 2024	Financial Services Section Manager	New policy.	218

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



**ITEM 5 - ATTACHMENT 2 FINANCIAL RESERVES POLICY.****APPENDIX 1: LIST OF COUNCIL'S CASH RESTRICTIONS/ RESERVES**

Given that the listing of reserves forms part of an Appendix to this policy, amendments to individual reserves may be made by Council resolution, as outlined in the policy, without the need to amend the policy itself.

Council will assess at least annually the adequacy of each internal cash restriction during the preparation of the Long Term Financial Plan and annual budget to ensure long term financial sustainability.

**1. DEPOSITS, BONDS AND RETENTIONS**

Restriction Type	External.
Source of Funds	Any person or company that has paid a deposit, retention monies or bond to Council.
Purpose	Council requires bonds or security deposits to be paid with development applications and contract works. Bonds are released when the relevant conditions of development consent have been met. Where these conditions are not met, Council retains the funds with the intent of undertaking the works in lieu of the developer.
Maximum balance or minimum amount	Minimum amount - 100% of total Security bonds, refundable deposits and retentions liabilities.
Term of the reserve	This reserve will operate in perpetuity.

**2. SPECIFIC PURPOSE UNEXPENDED GRANTS**

Restriction Type	External.
Source of Funds	External funding bodies.
Purpose	An external restriction is placed on grant funding that has been received for a specific purpose that has not been spent by the end of the financial year.
Maximum balance or minimum amount	Minimum amount - 100% of grant funds unspent that have a specific purpose and can only be spent on certain activities.
Term of the reserve	This reserve will operate in perpetuity.

**3. DEVELOPER CONTRIBUTIONS**

Reserve Type	External.
Source of Funds	Developer contributions as levied in accordance with Council's adopted Local Infrastructure Contributions Plan.
Purpose	By virtue of the Environmental Planning & Assessment Act 1979 (the Act), legislation enables consent authorities (councils) to levy developer contributions, as a condition of development consent, towards the cost of providing local public infrastructure and facilities required as a consequence of expanding local population. The Act requires Council to set these funds aside to be used specially for the provision of these facilities.
Maximum balance or minimum amount	Minimum amount - 3 months operational expenditure of civic administration, bank loan repayments and pre-committed capital expenditure. The remaining funds may be spent in accordance with the reserves purpose and the Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity.

**4. DOMESTIC WASTE MANAGEMENT**

Restriction Type	External.
Source of Funds	Domestic Waste Services and Management Levy.
Purpose	By virtue of Section 496 of the Local Government Act 1993 (as amended), Council must levy a separate charge for domestic waste management services, which include garbage and recycling services. Under the legislation Council cannot finance these services from ordinary rates so the charge must be sufficient to recover reasonable costs of providing these services. Council is obliged to set these funds aside and use them for their specific purpose.
Maximum balance or minimum amount	Minimum amount – 3 months of domestic waste operational expenses, bank loan repayments and pre committed capital expenditure. The remaining funds may be spent in accordance with the reserves purpose and the Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity.

**ITEM 5 - ATTACHMENT 2 FINANCIAL RESERVES POLICY.****5. CROWN RESERVE**

Restriction Type	External.
Source of Funds	Fees and charges from operations on Crown Lands.
Purpose	By virtue of the Crown Lands Management Act the net surplus derived from holiday parks and parking meters on Crown Land are retained for utilisation and reinvestment back into holiday parks or other assets on Crown Land.
Maximum balance or minimum amount	Minimum amount – 3 months of holiday park and parking meter operational expenses, bank loan repayments and pre committed capital expenditure. The remaining funds may be spent in accordance with the reserves purpose and the Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity.

**6. EMPLOYEE LEAVE ENTITLEMENTS (ELE)**

Restriction Type	Internal.
Source of Funds	Employee on costs rate.
Purpose	Council shall restrict a portion of its accrued employee leave entitlements to pay for leave payments in excess of employee costs provided for in the annual budgets. Leave entitlements include annual leave, long service leave, accrued sick leave entitlements in accordance with the sick leave policy.
Maximum balance or minimum amount	Target balance is based on a calculation of outstanding ELE and the age profile of Council's employees.
Term of the reserve	This reserve will operate in perpetuity.

**7. ADMINISTRATION BUILDING**

Restriction Type	Internal.
Source of Funds	Annual allocation from general revenue.
Purpose	To provide funds for maintenance and future upgrades and improvement works to the Administration Building.
Maximum balance or minimum amount	Minimum amount – 3 months of administration building operational expenses, bank loan repayments and pre committed capital expenditure. The remaining funds may be spent in accordance with the reserves purpose and the Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity.

**ITEM 5 - ATTACHMENT 2 FINANCIAL RESERVES POLICY.****8. ASSET REHABILITATION & ROAD RESEALING**

Restriction Type	Internal.
Source of Funds	Annual allocation from general revenue.  Net profit received from the sale of closed roads will be allocated to the Asset Rehabilitation reserve as per Section 43 of the Roads Act 1993.
Purpose	To ensure adequate funds are available to renew and rehabilitate existing civil and recreational assets to their previous level of service across the Council area.
Maximum balance or minimum amount	No minimum amount - funds may be spent in accordance with the reserves purpose and Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity.

**9. COMMERCIAL PROPERTIES**

Restriction Type	Internal.
Source of Funds	Surplus from Council's commercial property portfolio, net profits from land developments, bio banking credits, royalties, investments and sale of operational land.
Purpose	To set aside net proceeds received from commercial property activity and royalties for future reinvestment into income generating or cost reduction activities for Council.
Maximum balance or minimum amount	Minimum amount - 3 months of operational expenses for the Strategic Property business unit, bank loan repayments and pre-committed capital expenditure. The remaining funds may be transferred to the Resilience Fund for strategic projects spent in accordance with the reserves purpose under the Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity.

**ITEM 5 - ATTACHMENT 2 FINANCIAL RESERVES POLICY.****10. COMMUNITY BUILDINGS**

Restriction Type	Internal.
Source of Funds	Fees and Charges generated from the hiring of Council's community buildings that are not managed by a 355c Committee.
Purpose	To use the funds generated by hiring community buildings for the purpose of paying for operational, maintenance and capital costs of the asset class.  Any funds received by the reserve directly from the dissolution of a 355c hall committee will be committed within the reserve for the future maintenance of that hall.
Maximum balance or minimum amount	Minimum amount - 3 months of operational expenses for community buildings not managed by a 355c Committee, bank loan repayments and pre committed capital expenditure. The remaining funds may be spent in accordance with the reserves purpose and the Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity.

**11. SURF CLUBS – CROWN LANDS**

Restriction Type	External.
Source of Funds	Income generated from the leasing and hiring of Council's surf clubs on Crown Land.
Purpose	By virtue of the Crown Lands Management Act the net surplus generated by surf clubs for the purpose of paying for operational, maintenance and capital costs of the asset class.
Maximum balance or minimum amount	Minimum amount - 3 months of operational expenses for surf clubs, bank loan repayments and pre committed capital expenditure. The remaining funds may be spent in accordance with the reserves purpose and the Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity.

**ITEM 5 - ATTACHMENT 2 FINANCIAL RESERVES POLICY.****12. COMMUNITY LOANS**

Restriction Type	Internal.
Source of funds	Once off allocation from general revenue.
Purpose	To provide a low cost loan to community and recreational groups to assist with major asset upgrades on Council owned property subject to application.
Maximum balance or minimum amount	Maximum pools of funds available will be \$200,000 subject to any current loans provided for. Loan repayments from community groups will go back into the reserve annually until the target balance has been reached. Interest on the loan will be allocated to general revenue.
Term of the reserve	This reserve will operate in perpetuity.

**13. DRAINAGE**

Restriction Type	Internal.
Source of funds	3.065061% of ordinary Rates.
Purpose	Council charges a drainage levy to every household and business to improve drainage through the local government area (LGA). The levy allows Council to undertake significant improvements to the drainage system to provide a cleaner and safer environment for the benefit of owners, residents and visitors.
Maximum balance or minimum amount	No minimum - funds are to be fully expended in accordance with the reserves purpose and the Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity.

**14. ELECTION RESERVE**

Restriction Type	Internal.
Source of Funds	Annual allocation from general revenue.
Purpose	To set aside funds for the local government elections which are normally conducted every 4 years.
Maximum balance or minimum amount	Minimum amount – estimated cost of the local government elections divided by the number of years in the Council term multiplied by the years passed.
Term of the reserve	This reserve will operate in perpetuity.

**ITEM 5 - ATTACHMENT 2 FINANCIAL RESERVES POLICY.****15. ENHANCED SERVICES FOCUS AREAS**

Restriction Type	Internal.
Source of Funds	Special Rate Variation.
Purpose	To set aside a portion of funds generated from the Special Rate Variation applicable from 1 July 2023 for the purpose of enhancing services in the 4 focus areas set out in Council's Special Rate Variation Application. This does not include funds used for financial sustainability and to fund current services at existing levels.
Maximum balance or minimum amount	No minimum - funds are to be fully expended in accordance with the reserves purpose and the Delivery Program and Operational Plan.
Term of the reserve	This reserve will cease at the conclusion of the enhanced services works program.

**16. FLEET**

Restriction Type	Internal.
Source of Funds	Annual allocation from general revenue, plant hire, fuel rebates and fleet trade ins.
Purpose	To ensure sufficient funds are available to finance the ongoing replacement of Council's plant and fleet.
Maximum balance or minimum amount	Minimum amount – 3 months of fleet administration, operational expenses, bank loan repayments and pre-committed capital expenditure. The remaining funds may be spent in accordance with the reserves purpose and the Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity.



## ITEM 5 - ATTACHMENT 2 FINANCIAL RESERVES POLICY.

**17. RESILIENCE FUND**

Restriction Type	Internal.
Source of Funds	Commercial property revenue surplus to needs and the Newcastle Airport Partnership dividends.
Purpose	To set aside funds from excess non-rate revenue for significant projects, investments or initiatives to achieve the key strategies of Council.
Maximum balance or minimum amount	<p>The fund can take any of the following forms of investment:</p> <ul style="list-style-type: none"> <li>• Land or improvements to land.</li> <li>• Operations owned by Council with a commercial return.</li> <li>• Investments made in accordance with the prevailing Ministerial Investment Order and the Local Government Act, 1993 (the Act).</li> </ul> <p>The fund will hold a minimum amount at all times based on the liquidity of the investment form. Financial returns from these investments or any amount above the minimum holding will form the amount available for distribution. The distribution of funds will only be available when the reserve holds \$5,000,000 or more in cash and investments. Only infrastructure projects listed on Council's Strategic Asset Management Plan (SAMP) will be considered for distribution.</p>
Term of the reserve	This reserve will operate in perpetuity.

**18. GRANTS RECEIVABLE**

Restriction Type	Internal
Source of Funds	Once off allocation.
Purpose	To provide a pool of funds that can be used on grant funded projects where Council is waiting on the funding body to pay outstanding claims without impacting on the progress of the project.
Maximum balance or minimum amount	Maximum pools of funds available will be \$3,000,000. The reserve will be reimbursed once the grant claim has been paid.
Term of the reserve	This reserve will operate in perpetuity.

**ITEM 5 - ATTACHMENT 2 FINANCIAL RESERVES POLICY.****19. IT RESERVE – BUSINESS TECHNOLOGY**

Restriction Type	Internal.
Source of Funds	Annual allocation from general revenue.
Purpose	To ensure sufficient funds are available to finance the ongoing replacement and enhancement of Council's digital equipment and software.
Maximum balance or minimum amount	No minimum - funds are to be fully expended in accordance with the reserves purpose under the Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity.

**20. NATURAL DISASTER AND EMERGENCY**

Restriction Type	Internal.
Source of Funds	Annual top up allocation when required.
Purpose	The reserve is for emergency response expenditure in relation to a declared natural disaster or significant natural event. The reserve will be reimbursed by any claims received from State and Federal Government for emergency response. Emergency works are defined as any urgent activities necessary to temporarily restore an essential public asset, enabling it to operate at an acceptable and safe level of efficiency to support the immediate recovery of a community.
Maximum balance or minimum amount	Minimum - \$3,000,000 Maximum - \$7,000,000.  Emergency works funding is limited to works undertaken during the period of up to 3 months. For immediate reconstruction works or essential public asset reconstruction works the reserve will fund any non-claimable expenditure as well as timing differences between the work being performed and reimbursement from the State and Federal Government.
Term of the reserve	This reserve will operate in perpetuity.

## ITEM 5 - ATTACHMENT 2 FINANCIAL RESERVES POLICY.

**21. OTHER WASTE SERVICES**

Restriction Type	Internal.
Source of Funds	Fees and charges from Salamander Waste Transfer Station.
Purpose	To set aside the net proceeds from the Salamander Waste Transfer Station to fund future works at the transfer station.
Maximum balance or minimum amount	Minimum amount – 3 months of other waste operational expenses. The remaining funds may be spent in accordance with the reserves purpose under the Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity.

**22. PARKING METERS**

Restriction Type	Internal.
Source of Funds	Fees and charges from parking meters (not on Crown Land).
Purpose	This restricted asset is to set aside funds that are collected from parking meters on Council land to fund future works within adopted infrastructure plans/ programs where the funds were collected for that individual parking precincts. Funds could be internally borrowed between parking precincts in order to bring forward any essential works which are accounted through individual parking precincts cost centres to track the total income and expenditure. Internally borrowed between precincts must be paid back within a reasonable timeframe.
Maximum balance or minimum amount	Minimum amount – 3 months of parking meter operational expenses. The remaining funds must be spent in accordance with the reserves purpose under the Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity.

**ITEM 5 - ATTACHMENT 2 FINANCIAL RESERVES POLICY.****23. REPEALED FUNDS**

Restriction Type	Internal.
Source of Funds	Unspent contributions levied on developments from previous Local Infrastructure Contributions Plans.
Purpose	Upon commencement of a new Local Infrastructure Contributions Plan any remaining unspent funds under the previous plans are rolled over in the repealed funds reserve and are expended in accordance with projects previously identified to support public infrastructure and facility requirements.
Maximum balance or minimum amount	No minimum amount - funds may be spent in accordance with the reserves purpose and Delivery Program and Operational Plan.
Term of the reserve	This reserve will cease once all funds are used.

**24. SUSTAINABLE ENERGY AND WATER**

Restriction Type	Internal.
Source of Funds	Once off allocation from general revenue.
Purpose	To set aside funds for the purpose of operating a Revolving Energy Fund (REF) is an internal fund that provides financing to implement energy efficiency, renewable energy, and other sustainability projects that generate cost savings.
Maximum balance or minimum amount	Maximum pools of funds available will be \$200,000 subject to any current projects provided for. Cost savings from the project will be used to repay the funds back into the reserve until the maximum balance has been reached. Once the project has repaid its capital outlay future savings will be absorbed by general revenue.
Term of the reserve	This reserve will operate in perpetuity.

**25. TRANSPORT AND ENVIRONMENT**

Restriction Type	Internal.
Source of Funds	Annual allocation from general revenue.
Purpose	To set aside revenue received from the roads and environmental special rate for those specific purposes. Funding will be split 50/50 towards road projects that reduce environmental impacts from road related infrastructure. The remaining balance will contribute towards natural services day to day operations.
Maximum balance or minimum amount	No minimum amount - funds may be spent in accordance with the reserves purpose and Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity.

**ITEM 5 - ATTACHMENT 2 FINANCIAL RESERVES POLICY.****26. UNEXPENDED LOAN FUNDS**

Restriction Type	Internal.
Source of Funds	Bank loans.
Purpose	This reserve contains unspent loan funding tied to a specific purpose.
Maximum balance or minimum amount	No minimum - funds received are to be fully expended in accordance with the purpose of the bank loan taken out under the Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity whilst there is unspent loans funds.

**27. MAYORAL & WARD FUNDS**

Restriction Type	Internal.
Source of Funds	Annual allocation from general revenue.
Purpose	To provide an annual allocation of funds to assist the Mayor and Councillors to provide financial assistance in each ward under section 356 of the NSW Local Government Act.
Maximum balance or minimum amount	No minimum - funds are to be fully expended in accordance with the reserves purpose and in accordance with section 356 of the NSW Local Government Act.
Term of the reserve	This reserve will operate in perpetuity.

**28. FEDERAL ASSISTANCE GRANT IN ADVANCE**

Restriction Type	Internal.
Source of Funds	Advance Federal Assistance Grant.
Purpose	To record the financial impact of receiving the Financial Assistance Grant (FAG) in advance for the following year. The FAG is paid to local councils to help them deliver services to their communities. The funds are paid annually by the Australian Government. Councils are free to use these funds at their discretion.
Maximum balance or minimum amount	No minimum – the reserve at the end of the financial year must reflect FAG received in advance (if applicable) for the following financial year.
Term of the reserve	This reserve will operate in perpetuity whilst there is advance FAG payments.

**ITEM 5 - ATTACHMENT 2 FINANCIAL RESERVES POLICY.****29. NEWCASTLE AIRPORT PARTNERSHIP**

Restriction Type	Internal.
Source of Funds	Newcastle Airport Partnership.
Purpose	To record and disclose the impact on Council's cash balances upon preparing consolidated financial statements with the Newcastle Airport Partnership.
Maximum balance or minimum amount	No minimum – the reserve at the end of the financial year is a financial statement disclosure only and must reflect the balance of Newcastle Airport's cash balances that have been consolidated with Council's. The funds cannot be used by Council.
Term of the reserve	This reserve will operate in perpetuity.

**30. SECTION 355C COMMITTEES**

Restriction Type	Internal.
Source of Funds	User fees and charges.
Purpose	To record and disclose the impact on Council's cash balances upon preparing consolidated financial statements which includes the operations of Council's 355c Committees.
Maximum balance or minimum amount	No minimum – the reserve at the end of the financial year is a financial statement disclosure only and must reflect the balance of all 355c Committee cash balances under Council's control.
Term of the reserve	This reserve will operate in perpetuity.

**ITEM 5 - ATTACHMENT 3 ACQUISITIONS AND DIVESTMENT OF LAND  
POLICY - 10 APRIL 2018.**

## Policy



**FILE NO:** A2004-0853  
**TITLE:** ACQUISITION AND DIVESTMENT OF LAND POLICY  
**POLICY OWNER:** PROPERTY SERVICES SECTION MANAGER

**1. PURPOSE:**

- 1.1 To define the criteria which must be considered prior to the acquisition of land or the divestment of Council owned land and to define the process and procedures, including public consultation and notification, required to be undertaken prior to the divestment of any Council owned land.

**2. CONTEXT/BACKGROUND:**

- 2.1 The acquisition and divestment of land by Council requires a formal process that is underpinned by probity, due diligence, analysis of risk and other key objectives. The number of land acquisitions and/or divestments undertaken by Council in any given year, although relatively low, is crucial to the strategic provision of open space, operational and community benefits, achieving planning outcomes and commercial gains from land development.
- 2.2 This policy applies to the acquisition of all land as defined in this policy. It acknowledges the principles set out in Chapter 3 of the *Local Government Act 1993* providing guidance to enable Councils to carry out their functions in a way that facilitates local communities that are strong, healthy and prosperous. It also acknowledges Circular 15-09 from the Office of Local Government dated 25 February 2015 relating to compulsory acquisitions.
- 2.3 This policy applies only to the divestment of Operational Land as defined under the *Local Government Act 1993* but applies to the acquisition of all land either for Community or Operational purposes.

**3. SCOPE:**

- 3.1 To define the criteria which must be considered prior to the acquisition of land or the divestment of Council owned land and to define the process and procedures, including public consultation and notification, required to be undertaken prior to the divestment of any Council owned land. The objectives of this policy aim to provide Council with a framework which adopts the following principles:
- Probity
  - Statutory compliance
  - Commercial optimisation, flexibility and confidentiality

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



Page: 1 of 16

## Policy



- Transparency of process; and
- Achievement of specific strategic outcomes of Council and the community.

All decisions and actions in relation to the acquisition or divestment of land will have due regard to the following fundamental principles:

- Best value for money - achieving 'best value' may include financial, social and environmental benefits;
- Transparency - processes must be open to scrutiny, provide full information and record the reasons behind decisions;
- Accountability - demonstrate the best use of public resources and the highest level of performance through appropriate record keeping and audit trails;
- Impartiality - address perceived or actual conflicts of interests.

#### 4. DEFINITIONS:

4.1 An outline of the key definitions of terms included in the policy.

Act means the *Local Government Act 1993*.

Contract means any form of contract which legally binds the Council [or potentially binds Council] to acquire or dispose of land or any interest therein and includes formal contracts for sale and purchase and other forms of contractual arrangements including heads of agreement, in principle agreement, options to purchase etc.

Land is as defined in section 21 of the *Interpretation Act 1987*.  
As a more specific reference for the purpose of this policy, 'land' is defined as:

Land as a physical entity including:

- any building or structure on or improvement to land; or
- any stratum of land whether below or above ground; or
- a strata lot pursuant to relevant strata subdivision legislation.

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)





## Policy



**Programmed acquisition** means when Council requires the affected land and initiates the acquisition process.

**Regulation** means the *Local Government (General) Regulation 2005* and any replacement Regulation.

### **5. POLICY STATEMENT:**

5.1 The purpose of this policy is to describe the manner in which Port Stephens Council will undertake the acquisition and divestment of land assets and to provide Council with:

- a documented reference to guide its decision making process;
- a reference that will survive successive Councils;
- an endorsed framework to enable and pursue land acquisition and divestment opportunities of merit and proactively present such opportunities to Council;
- to establish delegations necessary to allow implementation functions to be addressed to meet market drivers;
- to set out the principles, framework, responsibilities and processes for Council and officers to account for and manage the acquisition and divestment of Council land assets;
- to identify, manage and mitigate the risks associated with the acquisition and divestment of land; and
- to ensure impartiality, transparency, accountability and the delivery of best value in the divestment of land ('fundamental principles').

### **6. POLICY RESPONSIBILITIES:**

#### **6.1 Land Acquisition Procedure**

##### **6.1.1 Fundamental Principles**

6.1.2 Council will acquire land for the purpose of carrying out its functions under the Act. Any land to be acquired by Council is subject to a formal resolution of Council.

#### **6.2 Independent Valuation Benchmark and Purchaser's Premium**

6.2.1 Any land acquisition is to be benchmarked to an independent valuation of land unless the size of the land or the agreed value is negligible.

6.2.2 In some cases there will be a justified basis for Council acquiring land at a price above the valuation benchmark (ie Purchaser's Premium) in order to guarantee the

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



## Policy



successful securing of the land to achieve defined goals and objectives of Council or to acquire the land with a view to adding value (or reducing risk) to a larger scheme or development (future or current).

- 6.2.3 Any Purchaser's Premium should be determined and quantified within the initial decision of Council and referenced to the achievement of specific goals and objectives of Council. In essence, Council can make a commercial decision to pay in excess of the valuation due to the importance of the acquisition for the public purpose.

### 6.3 Acquisition Process

- 6.3.1 Section 377(1)(h) of the *Local Government Act 1993* requires a specific resolution of Council to acquire land. This decision cannot be delegated. While the General Manager and/or their delegate may make preliminary enquiries and negotiations regarding a possible purchase and purchase price, any offer to acquire land must state that the proposed acquisition is conditional upon a resolution of Council authorising the acquisition. The General Manager and/or their delegate shall:

- Be responsible for the conduct of all negotiations;
- Have regard to an independent valuation obtained from a registered valuer;
- Seek such other professional advice as is considered necessary in the circumstances;
- Have regard to the Independent Commission Against Corruption publication Direct Negotiations so far as is appropriate in the circumstances; and
- Report the outcome of all negotiations to the Council for determination.

- 6.4 Prior to finalisation of an acquisition, Council shall determine the classification of the land as either Operational or Community.

- 6.5 Council's process of land acquisition must include the following steps:

- Identification of the land acquisition opportunity by Council and/or the responsible officer;
- In principle decision by the General Manager to commence the pre-acquisition process;
- Preparation of a comprehensive assessment of the land acquisition including:
  - required due diligence;
  - independent rental or purchase valuation;
  - assessment against the principles and objectives of Council's Integrated Planning framework;

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



## Policy



- identification of funding source and assessment against Council's Long Term Financial Plan; and
- a statement of goals and objectives for the proposed land to be acquired including a statement of any 'Purchaser's Premium' deemed appropriate by Council;
- Formal consideration by Council of dealing with the matter and, if required, in accordance with Section 10A of the Act be dealt with in a closed meeting;
- Formal report to Council including the land acquisition assessment and documented reasons for Council's acquisition of the land and, if supported, delegation to the General Manager to negotiate an outcome subject to the financial and risk parameters as determined by Council;
- Negotiation and, if successful, implementation of all matters necessary for the preparation, signing and sealing of contract documentation required;
- Once completed the General Manager to advise Council of the outcome (successful or otherwise).

The process is designed to ensure fairness and equity.

#### 6.6 Methods of Acquisition

- 6.6.1 Wherever possible Council's preferred method of acquisition is to acquire land through mutual agreement with the owner of the land. The key principles in the acquisition of land are:
- Opportunistically by responding when the desired land is offered to the market; and
  - Pro-actively by initiating negotiations for the desired land.
- 6.6.2 Council's preferred position is not to acquire land through compulsory acquisition, however, Council has an obligation to provide services to the community and, if required, Council may consider utilising its powers under the *Local Government Act 1993* in respect of 'compulsory acquisition'.
- 6.6.3 Circular 15-09 from the Office of Local Government dated 25 February 2015 outlines changes to the process for acquiring privately owned land by compulsory process, to improve fairness and transparency. The new requirements apply to all acquiring authorities in NSW, including local Councils. Compliance with the requirements is mandatory. NSW Office of Finance and Services (OFS) has issued Circular No 2015-01 (of 1 January 2015) setting out the new requirements. Before making an application for approval to compulsorily acquire private land, Councils must provide the land owner with information about the compulsory acquisition process. OFS has prepared a "Land

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



## Policy



Acquisition Information Guide", which Councils can use for that purpose. In addition, Councils must make additional efforts to negotiate with the land owner, including making every reasonable effort to have at least one face to face meeting with the land owner and/or their representative. Councils seeking to acquire privately owned land by compulsorily process, either under the *Local Government Act 1993* or the *Roads Act 1993*, must comply with the new requirements. Councils will need to provide evidence of having complied with these requirements with their Compulsory Acquisition application form.

- 6.6.4 Compliance with the new requirements is mandatory. They should be applied to all proposals to acquire private land currently under consideration by Councils and to all future proposals for the acquisition of private land where it is deemed appropriate for additional negotiation to occur.
- 6.6.5 If the land is to be acquired for future development or strategic investment purposes, the acquisition of the land will be through negotiation between Council and the vendor on the basis of a valuation to determine a fair market value plus or minus 10% for the purposes of negotiation. The key principles of the acquisition are to be:

- Location
- Topography
- Area
- Zoning

- 6.6.6 A business case and feasibility study will be prepared to determine the viability and development potential for the land to be included in the report to Council.

#### 6.7 Compensation

- 6.7.1 Compensation will apply to land owners affected by acquisition under the following provisions:
- Owner initiated acquisitions
  - Programmed acquisitions
- 6.7.2 In determining the amount of compensation to which a person is entitled, Part 3 Division 4 of the *Land Acquisition (Just Terms Compensation) Act, 1991* requires that regard must be given to the following matters only:
- a) The market value of the land on the date of its acquisition;
  - b) Any special value of the land to the person on the date of its acquisition;
  - c) Any loss attributable to severance;
  - d) Any loss attributable to disturbance;

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



## Policy



- e) Solatium (ie compensation for non-financial disadvantage arising the need to relocate as a result of the acquisition); and
- f) Any increase or decrease in the value of any other land of the person at the date of acquisition which adjoins or is severed from the acquired land by reason of the carrying out of, or the proposal to carry out, the public purpose for which the land was acquired.

6.7.3 Land owners claiming hardship in accordance with section 24 of *the Land Acquisition (Just Terms Compensation) Act, 1991* provisions should note that Council is not required to acquire land unless it is of the opinion that the owner will suffer hardship (within the meaning of section 24 of this Act. An owner of land suffers hardship if:

- a) The owner is unable to sell the land, or is unable to sell the land at its market value, because of the designation of the land for acquisition for a public purpose; and
- b) It has become necessary for the owner to sell all or any part of the land without delay:
  - i. For pressing personal, domestic or social reasons, or
  - ii. In order to avoid the loss of (or a substantial reduction in) the owner's income.

6.7.4 However, if the owner of the land is a corporation, the corporation does not suffer hardship unless it has become necessary for the corporation to sell all or any part of the land without delay for pressing personal, domestic or social reasons of an individual who holds at least 20 per cent of the shares in the corporation, or in order to avoid the loss of (or a substantial reduction in) the income of such an individual.

## 6.8 Land Divestment Procedures

### 6.8.1 Fundamental Principles

6.8.2 All decisions and actions in relation to the divestment of land will have due regard to the following fundamental principles:

- Best Value for Money - Achieving 'best value' may include financial, social and environmental benefits;
- Transparency - processes must be open to scrutiny, provide full information, and record the reasons behind decisions;
- Accountability - demonstrate the best use of public resources and the highest level of performance through appropriate record keeping and audit trails;

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



## Policy



- Impartiality - address perceived or actual conflicts of interests, ensuring fairness and equity.

### 6.9 Land Deemed to be Surplus

6.9.1 'Land' includes all real property whether vacant or improved. Land may not be sold by Council unless it is classified as 'Operational Land' under section 25 of the *Local Government Act, 1993*.

6.9.2 In order to establish whether or not land is deemed to be surplus, a process of consultation is required to be completed across relevant divisions of Council prior to reclassification in accordance with the *Local Government Act, 1993*.

### 6.10 Delegated Authority

6.10.1 Section 377 (1) (h) of the *Local Government Act 1993* requires a specific resolution of Council to dispose of land. The decision cannot be delegated.

6.10.2 The report to Council is to include reference to the manner of divestment (often contained within a confidential report) in regards to the terms of the sale and the agreed price, or range for negotiations. The sale cannot proceed outside of such parameters (without a further resolution).

6.10.3 The resolution should also provide for the General Manager to have delegated authority to negotiate any outstanding, usually minor, conditions and to be authorised to execute any documents in relation to the matter deemed appropriate by Council's legal advisors.

6.10.4 A copy of the report and resolution is to be provided to Council's legal advisors upon instruction, as authority to act and to ensure compliance with the resolution.

6.10.5 While the General Manager and/or their delegate may enter into preliminary discussions or negotiations regarding a possible sale of Council land, all pre-sale discussions/negotiations with potential purchasers must always be qualified by the statement "subject to a resolution of Council authorising the sale" if there is no current resolution of Council to dispose of the land.

6.10.6 The General Manager and/or their delegate may enter into non-binding indicative offers in the form of a:

- a) Letter; or
- b) Heads of Agreement; or
- c) Memorandum of Understanding

provided that the document clearly states the offer is:

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



## Policy



- i. Not legally binding; and
- ii. Subject to:
  - a) Adoption of a final Council resolution authorizing the sale; and
  - b) Legally binding Contracts for Sale and Purchase of Land on terms acceptable to both parties being entered into.

### 6.11 Marketing Process

6.11.1 Except in exceptional circumstances such as the sale to an adjoining owner of "landlocked" land that does not have legal access to a public road, any divestment of Council land must be preceded by a commercial marketing campaign which may include one or more of the following:

- a) Appointment of a licensed real estate agent.
- b) Online advertising.
- c) Advertising in print media; and
- d) Sign boards on the land.

### 6.12 Valuation Process

- 6.12.1 At least one formal market valuation undertaken by a valuer registered to value such land is required to be commissioned prior to all land divestments.
- 6.12.2 Two valuations may be required when the value of the land is likely to exceed \$2,000,000 and/or the process of divestment is not competitive (as defined below).
- 6.12.3 An internal review of the valuation(s) is to be carried out and reported, with specific attention to the valuation rationale, method of valuation, calculations and sales evidence used. After such review, the valuation is to be considered in the setting of an asking price for sale, reserve price for auction or benchmark for negotiations, tender or expression of interest.
- 6.12.4 When two valuations have been provided, averaging is the preferred method for considering the price, when any difference in the valuation is 10% or less. Differences in valuations of more than 10% require an assessment of the reasons why they are different and more detailed justification of the price.
- 6.12.5 An updated valuation or valuation advice is required after 12 months of the date of the original valuation if the land is not sold, or at any time, there is considered to be a material movement in the value.

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



## Policy



6.12.6 The valuation instructions must clearly state the following:

- The purpose of the valuation being 'divestment'.
- The basis of valuation being 'market value highest and best use', unless an alternative basis is considered more appropriate in the circumstances.
- That the valuation is to be marked confidential; and
- That the valuation includes market commentary, including supply and demand details of sales evidence and adjustments, valuation rationale and methodology, a valuation range (for negotiations) and comments on marketability, most appropriate method of divestment and opportunities to add value.

6.12.7 In addition, the valuer must make a statement that there is no actual or perceived conflict of interest in undertaking the valuation.

### 6.13 Methods of Divestment

6.13.1 An open competitive process of divestment is required using one of the following methods:

- Expression of interest - used for unusual properties capable of a variety of development, difficult to determine a market value.
- Tender - least common and used predominantly in high value, limited market situations;
- Auction - the most open and public method, favoured by government but reliant on high levels of competition. Often achieves a quick sale. Can fail in poor market.
- Private Treaty - most common, where an asking price is set and negotiated with individuals, usually through a real estate agent (who can be an independent third party to the negotiation process) and can arise after an unsuccessful auction.

6.13.2 Council may approve a non-competitive process of divestment such as direct negotiations, subject to clearly documented reasons and the employment of risk mitigation measures.

6.13.3 Risk mitigation measures for direct negotiations may include:

- Obtaining two valuations where the land may be valued at more than \$2,000,000; and consequently establishing a range for negotiation, having regard to the two valuations;
- Managing conflicts of interest with declarations of no personal or financial associations;

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)





**ITEM 5 - ATTACHMENT 3 ACQUISITIONS AND DIVESTMENT OF LAND  
POLICY - 10 APRIL 2018.**

## Policy



- Establishing a Negotiation Protocol, describing the manner in which meetings, negotiations, decisions and progress reporting is to be managed and documented; and
- Limitation on marketing budget and exclusive agency periods.

6.13.4 In rare circumstances, land may be disposed of to achieve strategic outcomes. In such situations, 'best value' may comprise financial, environmental or social elements, with the price falling below the 'market value' range.

6.13.5 The report seeking resolution of Council should clearly state the reasons for such sale and quantify the amount below market value attributable to each element. The obligation to obtain a market valuation exists in accordance with the above, in order to provide a measure of the non-financial elements of the sale.

### 6.14 Sale to Adjoining Owners

6.14.1 In circumstances where land is not able to be sold in isolation on the open market (such as small parcels, undersized lots, former road widening, closed laneways, boundary adjustments etc) and the only potential purchasers are adjoining owners, the land must be offered in equal proportions to each adjoining owner on identical sale terms and conditions.

6.14.2 Where an adjoining owner does not wish to purchase their proportion of the land, the rejected land will be equally offered to the remaining adjoining owner.

6.14.3 The recommended method of determining the sale price is the 'Before and After' valuation method for the purchaser's land. For small portions of land, the 'piecemeal' (\$ rate per square metre) method may be more appropriate.

6.14.4 An essential condition of sale is that the purchaser is required to consolidate the subject land with their existing holding at no cost to Council.

6.14.5 The costs associated with the sale process will be borne by the prospective purchaser.

### 6.15 Sale of Roads – Roads Act, 1993

6.15.1 No road can be sold until it is formally closed in accordance with the provisions of the *Roads Act, 1993*.

6.15.2 For purchaser initiated closures and sales, the costs associated with the road closure will be borne up front by the prospective purchaser.

6.15.3 When Council initiates the road closure (in order to realise the value of surplus land), the costs will be borne by Council as development costs.

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



## Policy



6.15.4 The agreed purchase price and estimated costs will be reported to Council seeking resolution agreeing to make application to close the road and dispose of the land upon closure in accordance with the terms of sale.

6.15.5 In accordance with section 43 of the *Roads Act, 1993*, funds from the sale of roads are required to be set aside for acquiring Land for public roads or for carrying out work on public roads.

### 6.16 Confidentiality

6.16.1 In the majority of divestments of land, the information contained in reports to Council to sell land may confer an advantage upon a person with whom Council is, or proposes, to be conducting business. On balance, it would be contrary to the public interest for Council to deal with such matter in an open session because release of the information could prejudice Council's ability to obtain the maximum return on the land.

6.16.2 It is acknowledged therefore that reports to Council on the divestment of land will be generally deemed confidential under section 10A (2) (c) of the *Local Government Act, 1993*. This confidentiality may be lifted by Council resolution upon settlement, if considered to be in the public interest.

6.16.3 The need for confidentiality also arises for acquisitions of land by Council, as business papers for resolutions will contain an indicative budget amount for the acquisition thus providing an advantage to the potential vendor. Hence, Section 10A (2) (c) should also apply to all acquisitions by Council.

### 6.17 Distribution of Funds

6.17.1 Net profit received from sales of surplus Community Land that has been rezoned and reclassified will be entirely allocated to the Asset Rehabilitation reserve.

6.17.2 Net profit received from the sale of land from road closures, boundary adjustments, small parcels and surplus operational land will be assigned to general revenue.

6.17.3 Where land development activities on land in the operational development land bank produce a net profit, 70% will be allocated to the Property Investment restricted fund and 30% will be allocated to Ward funds. The 30% Ward funds will be spent in accordance with the integrated strategic plans.

6.17.4 Should an allocation of funds be sought contrary to the ratio stated within this policy, a Council resolution will be required to amend the ratio.

## Policy

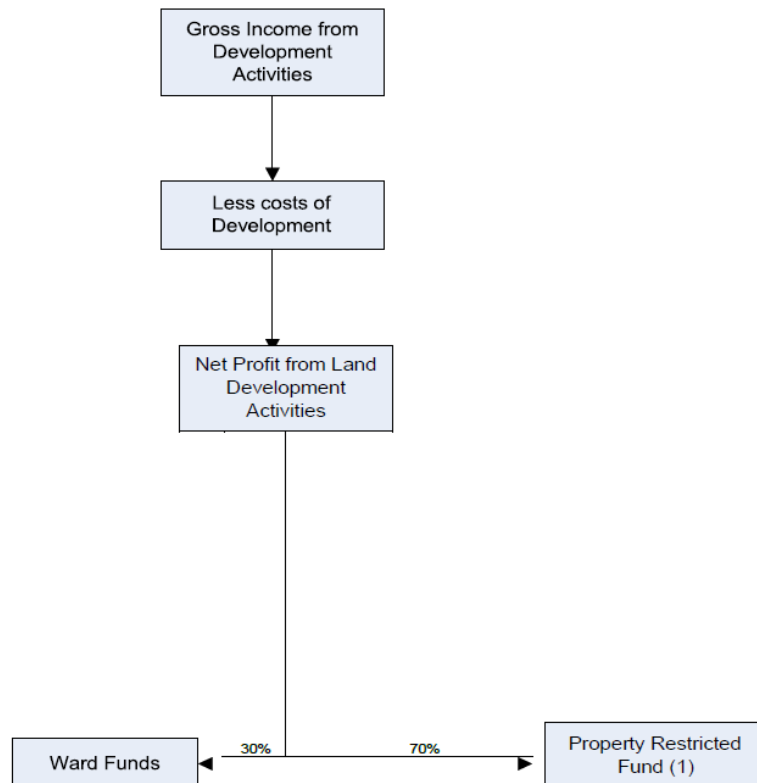
WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



Policy



**Land Development Activities**



Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



**ITEM 5 - ATTACHMENT 3 ACQUISITIONS AND DIVESTMENT OF LAND  
POLICY - 10 APRIL 2018.**

## Policy



### 6.18 Environmental Implications

6.18.1 Environmental considerations for land that is to be reclassified or rezoned will be addressed at the time of the preparation of the Planning Proposal. The development of land will require a Development Application at which time it will be necessary to prepare a Statement of Environmental Effects, which will assess any environmental impacts.

### 6.19 Relevant Legislative Provisions

6.19.1 *The Local Government Act, 1993* vests authority in Council to sell or exchange Real Property. In respect of this policy, 'exchange' includes land acquisition and other related activities including land swaps etc.

6.19.2 In accordance with section 377 of the Act, any decision to dispose of land must be made by resolution of Council as the power to sell, exchange or surrender land cannot be delegated.

6.19.3 Section 45 of the Act prevents Council from selling, exchanging or otherwise disposing of community land other than to become or be added to a Crown Reserve or National Park.

6.19.4 Section 55 of the Act requires tenders to be called in certain circumstances. However, it is not necessary to call tenders for the sale of land.

6.19.5 In accordance with Council's Purchasing policy and Disposal policy, land acquisition and divestment activities are excluded from the provisions of the Purchasing policy.

6.19.6 Council's real estate activities will be managed within the legislative parameters of the:

- *Local Government Act, 1993;*
- *Valuation of Land Act, 1916;*
- *Conveyancing Act, 1919;*
- *Environmental Planning and Assessment Act, 1979;*
- *Residential Tenancies Act, 1987;*
- *Land Acquisition (Just Terms Compensation) Act, 1991;*
- *Roads Act, 1993;*
- *Retail Leases Act, 1994;*
- *Crown Lands Act, 1989;*
- *Environment Protection and Biodiversity Conservation Act, 2000;*
- *National Parks and Wildlife Conservation Act, 1975;*
- *Real Property Act, 1919;*

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



Page: 14 of 16

# ITEM 5 - ATTACHMENT 3 ACQUISITIONS AND DIVESTMENT OF LAND POLICY - 10 APRIL 2018.

## Policy



- Regulations under each of the above Acts;
- Relevant Codes, Plans and Policies referred to in Section 13 of this policy; and
- Any other legislation applicable to the policy.

### 6.20 Contract for the Sale of Land

6.20.1 Contracts for the sale of land will usually contain standard conditions of sale. Any unusual or special conditions of sale require the approval of Council or the General Manager under delegation.

6.20.2 Council's legal representative is responsible to ensure contracts for the sale of land satisfy statutory disclosure and warranty obligations (*Conveyancing (Sale of Land) Regulation 2017*).

### 6.21 Departure from this Procedure

6.21.1 Any provision of this procedure may be varied to meet the needs of a particular matter, by resolution of the Council. The reasons for change will be clearly articulated within the report submitted for consideration by Council in adopting such resolution and will only apply to such matter.

## 7. RELATED DOCUMENTS:

- 7.1 Property Investment Policy
- 7.2 Cash Investment Policy
- 7.3 Long Term Financial Plan
- 7.4 Financial Business Rules Management Directive
- 7.5 Local Government Act, 1993
- 7.6 Land Acquisition (Just Terms Compensation) Act, 1991
- 7.7 Land Acquisition Information Guide

### CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)

<b>EDRMS container No</b>	A2004-0853	<b>EDRMS record No</b>	18/139237
<b>Audience</b>	Council Staff		
<b>Process owner</b>	Property Services Section Manager		

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



## Policy



<b>Author</b>	Land Acquisition and Development Manager		
<b>Review timeframe</b>	Two years	<b>Next review date</b>	10 April 2020
<b>Adoption date</b>	29 May 2012		

## VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	29 May 2012	Property Services Section Manager	Original policy.	110
2	14 April 2015	Land Acquisition and Development Manager	Changes to position titles and dates.	079
3	23 February 2016	Land Acquisition and Development Manager	Policy has been formatted into new template. No changes required to policy – only review date.	034
4	10 April 2018	Land Acquisition and Development Manager	<p>2.2 - Background updated to reflect current legislation by removing reference to the Council Charter.</p> <p>6.9.6 - Policy amended to set out process for non-binding offers to sell being documented prior to a formal resolution being secured.</p> <p>6.10 - Policy amended to specify marketing of divestment lands in certain circumstances.</p>	079

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



ITEM NO. 6

FILE NO: 25/76202  
EDRMS NO: PSC2009-02488

**POLICY REVIEW: PROPERTY INVESTMENT AND DEVELOPMENT POLICY**

REPORT OF: ZOE PATTISON - DIRECTOR CORPORATE STRATEGY AND  
SUPPORT  
DIRECTORATE: CORPORATE STRATEGY AND SUPPORT

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Place the revised Property Investment and Development Policy shown at **(ATTACHMENT 1)** on public exhibition for a period of 28 days.
- 2) Should no submissions be received the policy be adopted without a further report to Council.
- 3) Revoke the Property Investment and Development Policy dated 13 February 2018, Minute No. 013 should no submissions be received.

---

**BACKGROUND**

The purpose of this report is to provide the revised Property Investment and Development Policy (the 'policy') at **(ATTACHMENT 1)** to Council for consideration prior to public exhibition.

The revised Property Investment and Development Policy provides clear and transparent guidelines for the leasing, development and Biobanking of Council's operational land holdings.

The policy was originally adopted in February 2018.

The policy has now been updated following the development and subsequent endorsement from Council of the new Financial Reserves Policy on 12 November 2024 **(ATTACHMENT 2)**.

The Financial Reserves Policy provides the framework for the establishment and management of Council's financial reserves and sets the parameters on the use of funds to ensure financial sustainability in the short, medium and long term.

Please note that due to a substantial re-write of the existing policy dated 13 February 2018 **(ATTACHMENT 3)** the revised policy does not contain any yellow highlighting or strikethrough text.

**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**

The policy ensures probity and transparency in all land dealings, that maximum returns are achieved from the property investment and development portfolio and land bank, and that there is continued contribution to Council's ongoing financial sustainability.

<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**

The revised policy will assist in managing risks associated with property transactions by providing a robust and transparent process for the ongoing management and operation of the property investment and development portfolio.

<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that inconsistencies in processes or management of the portfolio will lead to diminished returns.	Low	Adopt the recommendations.	Yes
There is a risk that legislative or other processes or guidelines may be overlooked in the management of the portfolio.	Low	Adopt the recommendations.	Yes



**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are no social, economic or environmental implications.

**COMMUNICATION AND ENGAGEMENT**

Council's Communication and Engagement Strategy uses the IAP2 Framework to identify the level of engagement undertaken. An explanation for each level is shown below.

INFORM	To the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
CONSULT	To obtain public feedback on analysis, alternatives and/or decisions.
INVOLVE	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
COLLABORATE	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
EMPOWER	To place final decision-making and/or developed budgets in the hands of the public.
	No external communications and engagement are required for this report.

The following communication and engagement applies to this report.

External communications and engagement

CONSULT	In accordance with local government legislation the revised policy will be placed on public exhibition for 28 days.
---------	---

Internal communications and engagement

Consultation with key stakeholders has been undertaken by the Office of the Director Corporate Strategy and Support with:

- Financial Services Section.
- Assets Section.
- The Executive Team has been consulted to seek management endorsement.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Revised Property Investment and Development Policy. [↓](#)
- 2) Financial Reserves Policy. [↓](#)
- 3) Property Investment and Development Policy - 13 February 2018. [↓](#)

**COUNCILLORS' ROOM/DASHBOARD**

Nil.

**TABLED DOCUMENTS**

Nil.

# ITEM 6 - ATTACHMENT 1 REVISED PROPERTY INVESTMENT AND DEVELOPMENT POLICY.

## Policy



**FILE NO:** PSC2009-02488

**TITLE:** PROPERTY INVESTMENT AND DEVELOPMENT POLICY

**OWNER:** DIRECTOR CORPORATE STRATEGY AND SUPPORT

### 1. PURPOSE:

- 1.1 Port Stephens Council (Council) is the owner of a substantial and diverse property portfolio within and outside of the Port Stephens Local Government Area (LGA). Council's property portfolio creates non-rate revenue from the leasing of commercial investment properties and the development and BioBanking of other lands in its ownership.
- 1.2 Council will exercise its functions under this policy having consideration for the financial position of Council and the need for differing revenue requirements of Council at the relevant time. In this regard consideration will be given to the short and long term financial position of Council as detailed in its Long Term Financial Plan.

### 2. CONTEXT/BACKGROUND:

- 2.1 This policy supports the ongoing effective and efficient management of Council's landholdings to ensure all property related activities fulfil legislative requirements and community obligations. It is supported by clear and transparent guidelines.
- 2.2 Council is well placed to have ongoing involvement in property and entrepreneurial activities to generate non-rate revenue to supplement its traditional income base. This has been emphasised in recent years with the continuation of rate pegging, decreased levels of government funding, limitations on borrowing and increased community expectations on Council's services.

### 3. SCOPE:

- 3.1 This policy applies to all Operational Lands held by Council, as well as any Community Lands under a Biodiversity Stewardship Agreement with the Biodiversity Conversation Trust (BCT), or identified as being appropriate for that purpose.

### 4. DEFINITIONS:

- 4.1 An outline of the key definitions of terms included in the policy.

#### Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



ITEM 6 - ATTACHMENT 1  
DEVELOPMENT POLICY.

## REVISED PROPERTY INVESTMENT AND

## Policy



Biodiversity Conservation Trust	A statutory not-for-profit body established under Part 10 of the Biodiversity Conservation Act 2016 to administer conservation agreements with private landholders in New South Wales.
Biodiversity Stewardship Agreement	An in-perpetuity agreement under Part 5 of the Biodiversity Conservation Act 2016 between a landowner and the Biodiversity Conservation Trust.
Community Land	All lands classified as Community under the provisions of the Local Government Act 1993, and shown on the Land Register as being Community Land.
Land Register	The register of lands under Council's care and control that is published on Council's website from time to time in accordance with Section 53 of the Local Government Act 1993.
Operational Land	All lands classified as Operational under the provisions of the Local Government Act 1993, and shown on the Land Register as being Operational Land.

**5. STATEMENT:****5.1 Development**

5.1.1 Development of Council's Operational landholdings provides non-rate income.

5.1.2 Council's Operational landholdings may be identified as appropriate for development for residential, commercial or industrial purposes. This includes a subdivision of land for sale on the open market or construction of a dwelling or other commercial or industrial facility may be deemed appropriate due to market demand or financial feasibility.

5.1.3 The Property Investment Strategy (PIS) establishes a framework for the assessment of landholdings to determine which sites should be developed and for what purpose, how development of those sites should be prioritised, and how Council should be identifying and assessing sites to be acquired for future development purposes.

5.1.4 All development proposals are assessed in accordance with the PIS.

5.1.5 A formal resolution of Council is required prior to lodgement of a Planning Proposal.

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



## Policy



### 5.2 Commercial Leasing

- 5.2.1 Commercial leasing of the commercial investment properties provides non-rate operational income.
- 5.2.2 Sites acquired for commercial investment purposes are leased on the open market at current market value. Leases may be issued for commercial, retail or other purposes and will be issued at Council's sole discretion. Tenants who do not meet the good and complying criteria as set out in the Guideline for Commercial Leasing and Licensing may not be offered an initial lease, or if a current tenant will not be offered any subsequent leases.
- 5.2.3 Lease terms will be determined at Council's sole discretion, having regard to legislative requirements, the use of the premises and capital investment required by the tenant.
- 5.2.4 A valuation of the commercial property portfolio will occur annually to provide data on the ongoing commercial feasibility of the property. Any potential divestment is subject to a formal resolution of Council.

### 5.3 BioBanking

- 5.3.1 Council acknowledges and supports the intent of the Biodiversity Conservation Act 2016 and may seek to establish a biodiversity stewardship site through the Biodiversity Conservation Trust (BCT) on lands with high environmental value. The stewardship arrangement will ensure the land's environmental value is conserved in perpetuity while generating biodiversity credits that can be sold to other developers or landholders to offset activities they are conducting on their lands, or to support Council's development activities.
- 5.3.2 The sale of credits will provide an additional ad hoc revenue stream to Council from an otherwise undevelopable site. Credit sales will be at Council's sole discretion with price per credit determined by reference to previous sales of the same or similar credit types, and are subject to a formal resolution of Council.

### 5.4 Proceeds

- 5.4.1 Proceeds from Council's commercial property portfolio, net profits from land developments, bio banking credits, royalties, investments and sale of operational land are initially allocated to the Commercial Properties Restricted Reserve to fund agreed property developments, reinvestments required to maintain income from commercial activities, and asset management costs for the property portfolio.

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



**ITEM 6 - ATTACHMENT 1      REVISED PROPERTY INVESTMENT AND  
DEVELOPMENT POLICY.**

## Policy



- 5.4.2 Any surplus funds will be reallocated to the Resilience Fund for future use, which will be managed in accordance with the Financial Reserves Policy.

### **6. RESPONSIBILITIES:**

- 6.1 The Property Investment and Development Coordinator is responsible for implementing, monitoring, evaluating, reviewing and providing advice on this policy.
- 6.2 Primarily, responsibility for complying with this policy rests with:
- a) Director Corporate Strategy and Support.
  - b) Director Facilities and Infrastructure.
  - c) Financial Services Section Manager.
  - d) Assets Section Manager.
  - e) Property Investment and Development team.
  - f) Statutory Property team.

### **7. RELATED DOCUMENTS:**

- 7.1 Property Investment Strategy.
- 7.2 Financial Reserves Policy.
- 7.3 Guideline for Commercial Leasing and Licensing.
- 7.4 Guideline for Sale of Land.
- 7.5 Local Government Act 1993.
- 7.6 Retail Leases Act 1994.
- 7.7 Biodiversity Conservation Act 2016.
- 7.8 Real Property Act 1900.
- 7.9 Environmental Planning and Assessment Act 1979.
- 7.10 Regulations under each of the above Acts.

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



ITEM 6 - ATTACHMENT 1  
DEVELOPMENT POLICY.

## REVISED PROPERTY INVESTMENT AND

## Policy



## CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website: <a href="http://www.portstephens.nsw.gov.au">www.portstephens.nsw.gov.au</a> .			
<b>EDRMS container No.</b>	PSC2009-02488	<b>EDRMS record No.</b>	TBA
<b>Audience</b>	Staff		
<b>Process owner</b>	Director Corporate Strategy and Support		
<b>Author</b>	Property Investment and Development Coordinator		
<b>Review timeframe</b>	4 years	<b>Next review date</b>	TBA
<b>Adoption date</b>	13 February 2018		

## VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	13 February 2018	Property Services Section Manager	New policy created to supersede the Property Investment Policy. The new policy includes content from the previous Property Investment Policy and reflects current practices. Guidelines have been developed. Adopted by Council.	013
2	TBA	Property Investment and Development Coordinator	Substantial re-write of the policy which necessitates replacing the existing policy dated 13 February 2018.  Policy reflects current practices and aligns with the implementation of the Property Investment Strategy.  Controlled document information: amended review timeframe to 4 years as per Council's policy review process.	TBA

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



## Policy



**FILE NO:** PSC2009-02488

**TITLE:** FINANCIAL RESERVES POLICY

**OWNER:** FINANCIAL SERVICES SECTION MANAGER

### 1. PURPOSE:

- 1.1 The purpose of the Financial Reserves Policy (the policy) is to provide a framework for the responsible establishment and sustainable management of Port Stephens Council's (Council's) financial reserves.

### 2. CONTEXT/BACKGROUND:

- 2.1 With Council having significant cash, cash equivalents, and investments, financial reserves are an important part of Council's Financial Sustainability Strategy. Reserves enable Council to provide quality services, asset management, longer term expenditure for the community, and meet its legislative requirements.
- 2.2 Reserves in a financial sense are an allocation of money set aside for specific purposes in future periods. Reserves do not have bank accounts of their own but are a theoretical split up of the accumulated cash surplus that a council has on hand and can be separately identified in the balance sheet as an asset.
- 2.3 Reserves should have a clear and specific purpose and relate back to the adopted Integrated Planning and Reporting (IP&R) strategies and plans of Council.

### 3. SCOPE:

- 3.1 The policy applies to all financial reserves held by Council including external and internal restrictions as well as unrestricted cash.
- 3.2 All restrictions and cash balances are reported annually to the public in Council's Annual Report – Financial Statements, the monthly Cash and Investment Report and the Quarterly Budget Review Statement.

### 4. DEFINITIONS:

- 4.1 An outline of the key definitions of terms included in the policy.

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)







## Policy

External Restrictions	Funds that are restricted as a result of a legislative requirement governing the use of the funds. These funds must be fully expended for the specific purpose defined and cannot be used by Council for general operations.
Internal Restrictions	Funds that are restricted as a result of a Council resolution governing the use of the funds for a specific purpose.
Unrestricted Cash	All cash and cash equivalents other than restricted funds that is available to meet daily business liquidity requirements and assist with unforeseen budget shocks.
Emergency	An event, actual or imminent, which endangers or threatens to endanger life, property or the environment, and which requires a significant and coordinated response.
Cash Back	Refers to the sufficient amount of cash and cash equivalents that Council has on hand at a given point in time to adequately cover the calculated balance of the reserves.

### 5. STATEMENT:

- 5.1 Consistent identification, administration and use of cash reserves will enable Council to:
  - a) Set funds aside to meet legislative requirements.
  - b) Allocate funds against future projects and operational activities.
  - c) Ensuring financial sustainability in the short, medium and long term.
- 5.1.1 Council will fully cash back all the external restrictions regardless of the circumstances. Internal restrictions can be adjusted in cases of insufficient cash, such as delays in receipts and payments.
- 5.2 Establishment
  - 5.2.1 The establishment and closure of any reserve may only be undertaken by resolution of Council, or through adoption of budgets via Quarterly Budget Reviews, Long Term Financial Plan, Annual Financial Statement or required by legislation or contract.
  - 5.2.2 The establishment of a reserve must be documented in **(APPENDIX 1)** and must include the following at a minimum:

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)





## Policy

- a) Name of the reserve.
  - b) Purpose of the reserve, including the reasons for a restriction.
  - c) Source of funds and calculation basis.
  - d) Use of funds - what the reserve can be used for.
  - e) Optimum balance or minimum amount to be held.
  - f) Internal accountability.
  - g) Term of reserve.
- 5.2.3 In order to not dilute general revenue, any new internally restricted reserves are only to be established in conjunction with a new income stream and where the purpose of the reserve is not considered as part of the general operations and/or required for a specific use.
- 5.3 Transfer funds between reserves
- 5.3.1 The transfer of funds between reserves that differ from the original source of funds and must satisfy the agreed purpose for which the reserve was created.
- 5.3.2 Notification for such transfers may be given through:
- a) Budget process, by virtue of the adoption of the Long Term Financial Plan or the Quarterly Budget Review Statement or the Monthly Cash and Investment Statement.
  - b) Adoption of the Annual Financial Statements.
- 5.4 Use of funds and administration
- 5.4.1 Use of funds must be in accordance with **(APPENDIX 1)** and the establishment resolution for the reserve.
- 5.4.2 Unspent funds of a particular reserve will be returned to that reserve each financial year.
- 5.4.3 Any funds spent over may be drawn upon in the following financial year.
- 5.4.4 Internal and external reserves will have an annual administration charge applied, where appropriate, based on the function of the reserve.
- 5.5 Closure
- 5.5.1 The Council resolution to close a reserve must include the following at a minimum:
- a) Name of the reserve.
  - b) Purpose of the reserve.

### Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)





## Policy

- c) Reason for closure.
- d) Treatment of any balance of funds, including transfer to another reserve.
- 5.6 Interest and Indexation
  - 5.6.1 Certain external restrictions require interest to be applied by legislation. The calculation of interest will be performed monthly and based on the 90 day Bank Bill Swap rate – BBSW (unless another rate or methodology is required by legislation).
  - 5.6.2 For internal reserves there will be no interest income applied. However where the source of funds is an allocation from general revenue that allocation will be indexed by the rate cap each year.
- 5.7 Borrowings
  - 5.7.1 Consent from the Minister of Local Government is required in order to borrow funds from externally restricted reserves.
  - 5.7.2 Council will be informed of any borrowings from internally restricted reserves through the Quarterly Budget Review Statements.
- 5.8 Order of funds – unforeseen economic event or natural disaster emergency
  - 5.8.1 Should Council encounter an unforeseen economic event or natural disaster the General Manager may approve access to reserves funds for an appropriate response.
- 5.9 Order of funds – multi funding projects
  - 5.9.1 Council makes every attempt to utilise external funding sources in the first instance to fund projects. The following order stipulates the preference in the order that funds should be accessed:
    - a) External restrictions.
    - b) Internal restrictions.
- 5.10 Liquidity Risk Management
  - 5.10.1 Council's operating bank account is to be kept at a level no greater than is required to meet immediate working capital requirements.
  - 5.10.2 Any surplus funds are to be applied to reduce debt or invested to generate more income in accordance with Council's Cash Investment Policy.

### Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



## Policy



### 5.11 Borrowing Risk Management

5.11.1 To manage the risk associated with borrowings:

- a) Council approval is required for all new loans. A cash reserve or repayment of the loan must be included at the time of the approval.
- b) The term of borrowings should match the need for funds.
- c) Loans are to be tendered to at least 3 Authorised Deposit Taking institutions.

### 6. RESPONSIBILITIES:

6.1 The Financial Services Section Manager shall:

- a) Provide guidance to Council, the Executive Team and Council staff as to the implementation of this policy.
- b) Be responsible for monitoring, evaluating and reviewing compliance with this policy.
- c) Submit Monthly Cash and Investment Statements, Quarterly Budget Review Statements, Long Term Financial Plans, and Annual Financial Statements to Council on the position of Council's financial reserves.

6.2 All managers are responsible for the budget provided to them by each reserve and complying with the policy.

### 7. RELATED DOCUMENTS:

- 7.1 Acquisition and Divestment of Land Policy.
- 7.2 Property Investment and Development Policy.
- 7.3 Cash Investment Policy.
- 7.4 Community Groups Loan Policy.
- 7.5 Financial Business Rules Management Directive.
- 7.6 Annual Financial Statements.
- 7.7 Quarterly Budget Review Statement.
- 7.8 Resourcing Strategy - Long Term Financial Plan.
- 7.9 Australian Accounting Standards.
- 7.10 Roads Act 1993.
- 7.11 Crown Lands Management Act 2016.
- 7.12 Environmental Planning and Assessment Act 1979.
- 7.13 Local Government Act (General) Regulation 2021.
- 7.14 Local Government Act 1993.
- 7.15 Local Government Code of Accounting Practice and Financial Reporting.

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



## Policy



### CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website: <a href="http://www.portstephens.nsw.gov.au">www.portstephens.nsw.gov.au</a> .			
<b>EDRMS container No.</b>	PSC2009-02488	<b>EDRMS record No.</b>	24/312453
<b>Audience</b>	Elected Council and all Council staff		
<b>Process owner</b>	Financial Services Section Manager		
<b>Author</b>	Financial Services Section Manager		
<b>Review timeframe</b>	4 years	<b>Next review date</b>	12 November 2028
<b>Adoption date</b>	12 November 2024		

### VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	12 November 2024	Financial Services Section Manager	New policy.	218

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



## ITEM 6 - ATTACHMENT 2 FINANCIAL RESERVES POLICY.

**APPENDIX 1: LIST OF COUNCIL'S CASH RESTRICTIONS/ RESERVES**

Given that the listing of reserves forms part of an Appendix to this policy, amendments to individual reserves may be made by Council resolution, as outlined in the policy, without the need to amend the policy itself.

Council will assess at least annually the adequacy of each internal cash restriction during the preparation of the Long Term Financial Plan and annual budget to ensure long term financial sustainability.

**1. DEPOSITS, BONDS AND RETENTIONS**

Restriction Type	External.
Source of Funds	Any person or company that has paid a deposit, retention monies or bond to Council.
Purpose	Council requires bonds or security deposits to be paid with development applications and contract works. Bonds are released when the relevant conditions of development consent have been met. Where these conditions are not met, Council retains the funds with the intent of undertaking the works in lieu of the developer.
Maximum balance or minimum amount	Minimum amount - 100% of total Security bonds, refundable deposits and retentions liabilities.
Term of the reserve	This reserve will operate in perpetuity.

**2. SPECIFIC PURPOSE UNEXPENDED GRANTS**

Restriction Type	External.
Source of Funds	External funding bodies.
Purpose	An external restriction is placed on grant funding that has been received for a specific purpose that has not been spent by the end of the financial year.
Maximum balance or minimum amount	Minimum amount - 100% of grant funds unspent that have a specific purpose and can only be spent on certain activities.
Term of the reserve	This reserve will operate in perpetuity.

**3. DEVELOPER CONTRIBUTIONS**

Reserve Type	External.
Source of Funds	Developer contributions as levied in accordance with Council's adopted Local Infrastructure Contributions Plan.
Purpose	By virtue of the Environmental Planning & Assessment Act 1979 (the Act), legislation enables consent authorities (councils) to levy developer contributions, as a condition of development consent, towards the cost of providing local public infrastructure and facilities required as a consequence of expanding local population. The Act requires Council to set these funds aside to be used specially for the provision of these facilities.
Maximum balance or minimum amount	Minimum amount - 3 months operational expenditure of civic administration, bank loan repayments and pre-committed capital expenditure. The remaining funds may be spent in accordance with the reserves purpose and the Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity.

**4. DOMESTIC WASTE MANAGEMENT**

Restriction Type	External.
Source of Funds	Domestic Waste Services and Management Levy.
Purpose	By virtue of Section 496 of the Local Government Act 1993 (as amended), Council must levy a separate charge for domestic waste management services, which include garbage and recycling services. Under the legislation Council cannot finance these services from ordinary rates so the charge must be sufficient to recover reasonable costs of providing these services. Council is obliged to set these funds aside and use them for their specific purpose.
Maximum balance or minimum amount	Minimum amount – 3 months of domestic waste operational expenses, bank loan repayments and pre committed capital expenditure. The remaining funds may be spent in accordance with the reserves purpose and the Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity.

**ITEM 6 - ATTACHMENT 2 FINANCIAL RESERVES POLICY.****5. CROWN RESERVE**

Restriction Type	External.
Source of Funds	Fees and charges from operations on Crown Lands.
Purpose	By virtue of the Crown Lands Management Act the net surplus derived from holiday parks and parking meters on Crown Land are retained for utilisation and reinvestment back into holiday parks or other assets on Crown Land.
Maximum balance or minimum amount	Minimum amount – 3 months of holiday park and parking meter operational expenses, bank loan repayments and pre committed capital expenditure. The remaining funds may be spent in accordance with the reserves purpose and the Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity.

**6. EMPLOYEE LEAVE ENTITLEMENTS (ELE)**

Restriction Type	Internal.
Source of Funds	Employee on costs rate.
Purpose	Council shall restrict a portion of its accrued employee leave entitlements to pay for leave payments in excess of employee costs provided for in the annual budgets. Leave entitlements include annual leave, long service leave, accrued sick leave entitlements in accordance with the sick leave policy.
Maximum balance or minimum amount	Target balance is based on a calculation of outstanding ELE and the age profile of Council's employees.
Term of the reserve	This reserve will operate in perpetuity.

**7. ADMINISTRATION BUILDING**

Restriction Type	Internal.
Source of Funds	Annual allocation from general revenue.
Purpose	To provide funds for maintenance and future upgrades and improvement works to the Administration Building.
Maximum balance or minimum amount	Minimum amount – 3 months of administration building operational expenses, bank loan repayments and pre committed capital expenditure. The remaining funds may be spent in accordance with the reserves purpose and the Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity.



## ITEM 6 - ATTACHMENT 2 FINANCIAL RESERVES POLICY.

## 8. ASSET REHABILITATION &amp; ROAD RESEALING

Restriction Type	Internal.
Source of Funds	Annual allocation from general revenue.  Net profit received from the sale of closed roads will be allocated to the Asset Rehabilitation reserve as per Section 43 of the Roads Act 1993.
Purpose	To ensure adequate funds are available to renew and rehabilitate existing civil and recreational assets to their previous level of service across the Council area.
Maximum balance or minimum amount	No minimum amount - funds may be spent in accordance with the reserves purpose and Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity.

## 9. COMMERCIAL PROPERTIES

Restriction Type	Internal.
Source of Funds	Surplus from Council's commercial property portfolio, net profits from land developments, bio banking credits, royalties, investments and sale of operational land.
Purpose	To set aside net proceeds received from commercial property activity and royalties for future reinvestment into income generating or cost reduction activities for Council.
Maximum balance or minimum amount	Minimum amount - 3 months of operational expenses for the Strategic Property business unit, bank loan repayments and pre-committed capital expenditure. The remaining funds may be transferred to the Resilience Fund for strategic projects spent in accordance with the reserves purpose under the Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity.

**10. COMMUNITY BUILDINGS**

Restriction Type	Internal.
Source of Funds	Fees and Charges generated from the hiring of Council's community buildings that are not managed by a 355c Committee.
Purpose	To use the funds generated by hiring community buildings for the purpose of paying for operational, maintenance and capital costs of the asset class.  Any funds received by the reserve directly from the dissolution of a 355c hall committee will be committed within the reserve for the future maintenance of that hall.
Maximum balance or minimum amount	Minimum amount - 3 months of operational expenses for community buildings not managed by a 355c Committee, bank loan repayments and pre committed capital expenditure. The remaining funds may be spent in accordance with the reserves purpose and the Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity.

**11. SURF CLUBS – CROWN LANDS**

Restriction Type	External.
Source of Funds	Income generated from the leasing and hiring of Council's surf clubs on Crown Land.
Purpose	By virtue of the Crown Lands Management Act the net surplus generated by surf clubs for the purpose of paying for operational, maintenance and capital costs of the asset class.
Maximum balance or minimum amount	Minimum amount - 3 months of operational expenses for surf clubs, bank loan repayments and pre committed capital expenditure. The remaining funds may be spent in accordance with the reserves purpose and the Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity.

**ITEM 6 - ATTACHMENT 2 FINANCIAL RESERVES POLICY.****12. COMMUNITY LOANS**

Restriction Type	Internal.
Source of funds	Once off allocation from general revenue.
Purpose	To provide a low cost loan to community and recreational groups to assist with major asset upgrades on Council owned property subject to application.
Maximum balance or minimum amount	Maximum pools of funds available will be \$200,000 subject to any current loans provided for. Loan repayments from community groups will go back into the reserve annually until the target balance has been reached. Interest on the loan will be allocated to general revenue.
Term of the reserve	This reserve will operate in perpetuity.

**13. DRAINAGE**

Restriction Type	Internal.
Source of funds	3.065061% of ordinary Rates.
Purpose	Council charges a drainage levy to every household and business to improve drainage through the local government area (LGA). The levy allows Council to undertake significant improvements to the drainage system to provide a cleaner and safer environment for the benefit of owners, residents and visitors.
Maximum balance or minimum amount	No minimum - funds are to be fully expended in accordance with the reserves purpose and the Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity.

**14. ELECTION RESERVE**

Restriction Type	Internal.
Source of Funds	Annual allocation from general revenue.
Purpose	To set aside funds for the local government elections which are normally conducted every 4 years.
Maximum balance or minimum amount	Minimum amount – estimated cost of the local government elections divided by the number of years in the Council term multiplied by the years passed.
Term of the reserve	This reserve will operate in perpetuity.

**ITEM 6 - ATTACHMENT 2 FINANCIAL RESERVES POLICY.****15. ENHANCED SERVICES FOCUS AREAS**

Restriction Type	Internal.
Source of Funds	Special Rate Variation.
Purpose	To set aside a portion of funds generated from the Special Rate Variation applicable from 1 July 2023 for the purpose of enhancing services in the 4 focus areas set out in Council's Special Rate Variation Application. This does not include funds used for financial sustainability and to fund current services at existing levels.
Maximum balance or minimum amount	No minimum - funds are to be fully expended in accordance with the reserves purpose and the Delivery Program and Operational Plan.
Term of the reserve	This reserve will cease at the conclusion of the enhanced services works program.

**16. FLEET**

Restriction Type	Internal.
Source of Funds	Annual allocation from general revenue, plant hire, fuel rebates and fleet trade ins.
Purpose	To ensure sufficient funds are available to finance the ongoing replacement of Council's plant and fleet.
Maximum balance or minimum amount	Minimum amount – 3 months of fleet administration, operational expenses, bank loan repayments and pre-committed capital expenditure. The remaining funds may be spent in accordance with the reserves purpose and the Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity.

## ITEM 6 - ATTACHMENT 2 FINANCIAL RESERVES POLICY.

**17. RESILIENCE FUND**

Restriction Type	Internal.
Source of Funds	Commercial property revenue surplus to needs and the Newcastle Airport Partnership dividends.
Purpose	To set aside funds from excess non-rate revenue for significant projects, investments or initiatives to achieve the key strategies of Council.
Maximum balance or minimum amount	<p>The fund can take any of the following forms of investment:</p> <ul style="list-style-type: none"> <li>• Land or improvements to land.</li> <li>• Operations owned by Council with a commercial return.</li> <li>• Investments made in accordance with the prevailing Ministerial Investment Order and the Local Government Act, 1993 (the Act).</li> </ul> <p>The fund will hold a minimum amount at all times based on the liquidity of the investment form. Financial returns from these investments or any amount above the minimum holding will form the amount available for distribution. The distribution of funds will only be available when the reserve holds \$5,000,000 or more in cash and investments. Only infrastructure projects listed on Council's Strategic Asset Management Plan (SAMP) will be considered for distribution.</p>
Term of the reserve	This reserve will operate in perpetuity.

**18. GRANTS RECEIVABLE**

Restriction Type	Internal
Source of Funds	Once off allocation.
Purpose	To provide a pool of funds that can be used on grant funded projects where Council is waiting on the funding body to pay outstanding claims without impacting on the progress of the project.
Maximum balance or minimum amount	Maximum pools of funds available will be \$3,000,000. The reserve will be reimbursed once the grant claim has been paid.
Term of the reserve	This reserve will operate in perpetuity.

**ITEM 6 - ATTACHMENT 2 FINANCIAL RESERVES POLICY.****19. IT RESERVE – BUSINESS TECHNOLOGY**

Restriction Type	Internal.
Source of Funds	Annual allocation from general revenue.
Purpose	To ensure sufficient funds are available to finance the ongoing replacement and enhancement of Council's digital equipment and software.
Maximum balance or minimum amount	No minimum - funds are to be fully expended in accordance with the reserves purpose under the Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity.

**20. NATURAL DISASTER AND EMERGENCY**

Restriction Type	Internal.
Source of Funds	Annual top up allocation when required.
Purpose	The reserve is for emergency response expenditure in relation to a declared natural disaster or significant natural event. The reserve will be reimbursed by any claims received from State and Federal Government for emergency response. Emergency works are defined as any urgent activities necessary to temporarily restore an essential public asset, enabling it to operate at an acceptable and safe level of efficiency to support the immediate recovery of a community.
Maximum balance or minimum amount	Minimum - \$3,000,000 Maximum - \$7,000,000.  Emergency works funding is limited to works undertaken during the period of up to 3 months. For immediate reconstruction works or essential public asset reconstruction works the reserve will fund any non-claimable expenditure as well as timing differences between the work being performed and reimbursement from the State and Federal Government.
Term of the reserve	This reserve will operate in perpetuity.

**ITEM 6 - ATTACHMENT 2 FINANCIAL RESERVES POLICY.****21. OTHER WASTE SERVICES**

Restriction Type	Internal.
Source of Funds	Fees and charges from Salamander Waste Transfer Station.
Purpose	To set aside the net proceeds from the Salamander Waste Transfer Station to fund future works at the transfer station.
Maximum balance or minimum amount	Minimum amount – 3 months of other waste operational expenses. The remaining funds may be spent in accordance with the reserves purpose under the Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity.

**22. PARKING METERS**

Restriction Type	Internal.
Source of Funds	Fees and charges from parking meters (not on Crown Land).
Purpose	This restricted asset is to set aside funds that are collected from parking meters on Council land to fund future works within adopted infrastructure plans/ programs where the funds were collected for that individual parking precincts. Funds could be internally borrowed between parking precincts in order to bring forward any essential works which are accounted through individual parking precincts cost centres to track the total income and expenditure. Internally borrowed between precincts must be paid back within a reasonable timeframe.
Maximum balance or minimum amount	Minimum amount – 3 months of parking meter operational expenses. The remaining funds must be spent in accordance with the reserves purpose under the Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity.

## ITEM 6 - ATTACHMENT 2 FINANCIAL RESERVES POLICY.

**23. REPEALED FUNDS**

Restriction Type	Internal.
Source of Funds	Unspent contributions levied on developments from previous Local Infrastructure Contributions Plans.
Purpose	Upon commencement of a new Local Infrastructure Contributions Plan any remaining unspent funds under the previous plans are rolled over in the repealed funds reserve and are expended in accordance with projects previously identified to support public infrastructure and facility requirements.
Maximum balance or minimum amount	No minimum amount - funds may be spent in accordance with the reserves purpose and Delivery Program and Operational Plan.
Term of the reserve	This reserve will cease once all funds are used.

**24. SUSTAINABLE ENERGY AND WATER**

Restriction Type	Internal.
Source of Funds	Once off allocation from general revenue.
Purpose	To set aside funds for the purpose of operating a Revolving Energy Fund (REF) is an internal fund that provides financing to implement energy efficiency, renewable energy, and other sustainability projects that generate cost savings.
Maximum balance or minimum amount	Maximum pools of funds available will be \$200,000 subject to any current projects provided for. Cost savings from the project will be used to repay the funds back into the reserve until the maximum balance has been reached. Once the project has repaid its capital outlay future savings will be absorbed by general revenue.
Term of the reserve	This reserve will operate in perpetuity.

**25. TRANSPORT AND ENVIRONMENT**

Restriction Type	Internal.
Source of Funds	Annual allocation from general revenue.
Purpose	To set aside revenue received from the roads and environmental special rate for those specific purposes. Funding will be split 50/50 towards road projects that reduce environmental impacts from road related infrastructure. The remaining balance will contribute towards natural services day to day operations.
Maximum balance or minimum amount	No minimum amount - funds may be spent in accordance with the reserves purpose and Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity.



**ITEM 6 - ATTACHMENT 2 FINANCIAL RESERVES POLICY.****26. UNEXPENDED LOAN FUNDS**

Restriction Type	Internal.
Source of Funds	Bank loans.
Purpose	This reserve contains unspent loan funding tied to a specific purpose.
Maximum balance or minimum amount	No minimum - funds received are to be fully expended in accordance with the purpose of the bank loan taken out under the Delivery Program and Operational Plan.
Term of the reserve	This reserve will operate in perpetuity whilst there is unspent loans funds.

**27. MAYORAL & WARD FUNDS**

Restriction Type	Internal.
Source of Funds	Annual allocation from general revenue.
Purpose	To provide an annual allocation of funds to assist the Mayor and Councillors to provide financial assistance in each ward under section 356 of the NSW Local Government Act.
Maximum balance or minimum amount	No minimum - funds are to be fully expended in accordance with the reserves purpose and in accordance with section 356 of the NSW Local Government Act.
Term of the reserve	This reserve will operate in perpetuity.

**28. FEDERAL ASSISTANCE GRANT IN ADVANCE**

Restriction Type	Internal.
Source of Funds	Advance Federal Assistance Grant.
Purpose	To record the financial impact of receiving the Financial Assistance Grant (FAG) in advance for the following year. The FAG is paid to local councils to help them deliver services to their communities. The funds are paid annually by the Australian Government. Councils are free to use these funds at their discretion.
Maximum balance or minimum amount	No minimum – the reserve at the end of the financial year must reflect FAG received in advance (if applicable) for the following financial year.
Term of the reserve	This reserve will operate in perpetuity whilst there is advance FAG payments.

**ITEM 6 - ATTACHMENT 2 FINANCIAL RESERVES POLICY.****29. NEWCASTLE AIRPORT PARTNERSHIP**

Restriction Type	Internal.
Source of Funds	Newcastle Airport Partnership.
Purpose	To record and disclose the impact on Council's cash balances upon preparing consolidated financial statements with the Newcastle Airport Partnership.
Maximum balance or minimum amount	No minimum – the reserve at the end of the financial year is a financial statement disclosure only and must reflect the balance of Newcastle Airport's cash balances that have been consolidated with Council's. The funds cannot be used by Council.
Term of the reserve	This reserve will operate in perpetuity.

**30. SECTION 355C COMMITTEES**

Restriction Type	Internal.
Source of Funds	User fees and charges.
Purpose	To record and disclose the impact on Council's cash balances upon preparing consolidated financial statements which includes the operations of Council's 355c Committees.
Maximum balance or minimum amount	No minimum – the reserve at the end of the financial year is a financial statement disclosure only and must reflect the balance of all 355c Committee cash balances under Council's control.
Term of the reserve	This reserve will operate in perpetuity.

**ITEM 6 - ATTACHMENT 3      PROPERTY INVESTMENT AND DEVELOPMENT  
POLICY - 13 FEBRUARY 2018.****Policy****FILE NO:                      A2004-0853****TITLE:                              PROPERTY INVESTMENT & DEVELOPMENT POLICY****POLICY OWNER:              PROPERTY SERVICES SECTION MANAGER****PURPOSE:**

The objectives of this policy are to:

- 1) Invest in and maintain a strong property portfolio as a strategy for providing capital growth and a recurrent income source;
- 2) Acquire and maintain an optimum balance of short, medium and long term property investments ensuring achievable growth and the financial capacity to further invest and develop;
- 3) Facilitate the effective management of Council's property assets so as to complement the existing financial investment policy in providing an alternate income source;
- 4) Establish the principles of equity and transparency in Council's commercial property related activities;
- 5) Ensure that all Council's commercial property related activities occur within legislative frameworks.

**CONTEXT/BACKGROUND:**

This policy provides guidelines for consideration in the acquisition, development and disposal of investment properties. Investment properties can be cited as those properties that provide a financial return and/or provide for future income/profit generation.

The principles of this policy provide a basis to ensure optimum financial return is achieved via appropriate identification, selection and management of Council's investment portfolio, including acquisition, development and disposal of investment properties. The principles also support the basis for recommendation upon which Council may determine to pursue acquisition, development or disposal of its investment properties.

This policy pertains only to land classified by Section 31 of the Local Government Act 1993 as 'operational'. Non-operational properties are addressed separately in Council's Acquisition & Divestment of Land Policy.

The following table provides an indicative process for the acquisition or disposal of a property under the policy:

**Policy**  
WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)

The logo for Port Stephens Council, featuring a stylized graphic of three overlapping semi-circles in yellow, blue, and green, followed by the text "PORT STEPHENS COUNCIL" in a sans-serif font.

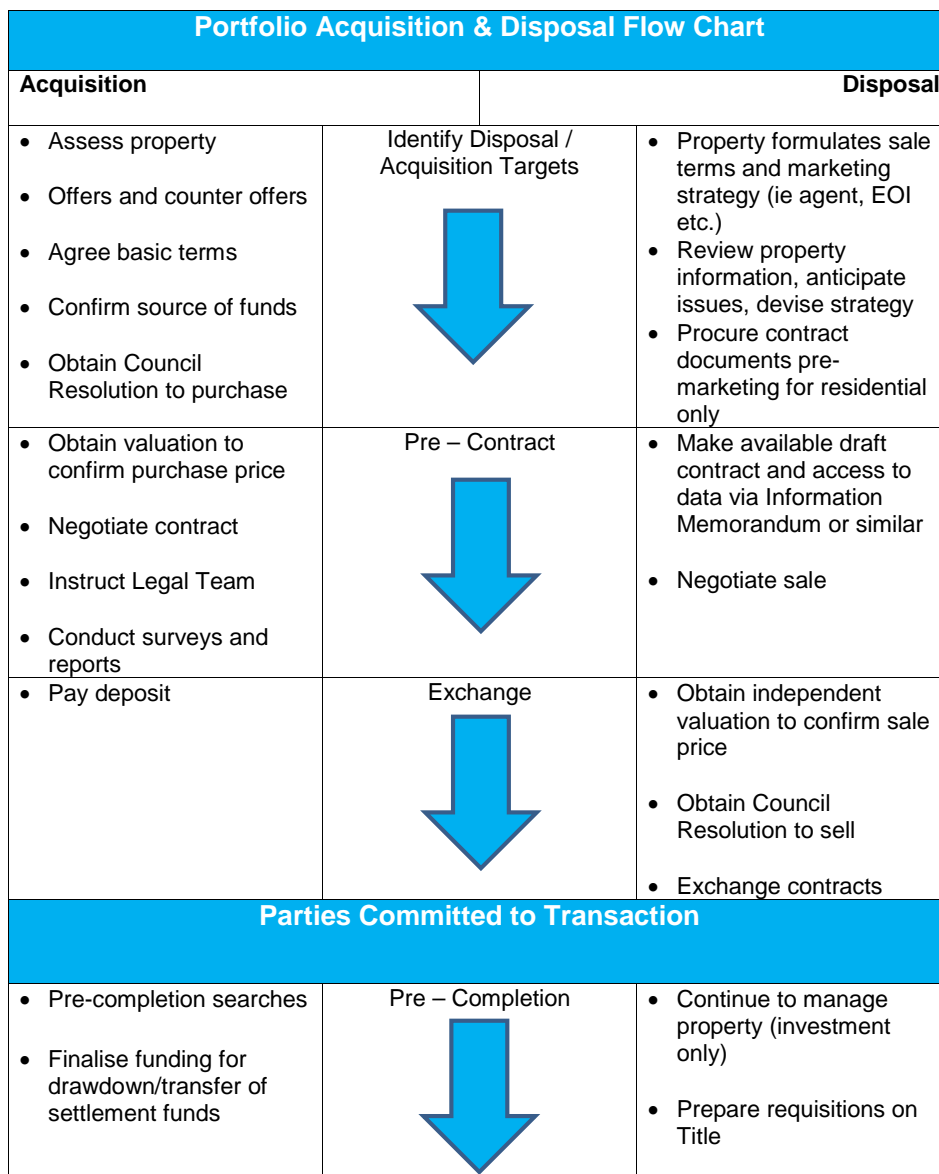
Issue Date: 27/03/2018

Review Date: 13/02/2020

Page: 1 of 9

# ITEM 6 - ATTACHMENT 3 PROPERTY INVESTMENT AND DEVELOPMENT POLICY - 13 FEBRUARY 2018.

Policy



Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



Issue Date: 27/03/2018



Review Date: 13/02/2020

Page: 2 of 9

## ITEM 6 - ATTACHMENT 3 PROPERTY INVESTMENT AND DEVELOPMENT POLICY - 13 FEBRUARY 2018.

### Policy



<ul style="list-style-type: none"> <li>• Pay settlement funds</li> <li>• Assume liability for Property</li> </ul>	<p>Completion</p> 	<ul style="list-style-type: none"> <li>• Discharge borrowing liability (if applicable)</li> <li>• Produce original Title</li> </ul>
<ul style="list-style-type: none"> <li>• LPI Title registration</li> <li>• Disseminate property information</li> <li>• Portfolio management</li> </ul>	<p>Post – Completion</p> 	<ul style="list-style-type: none"> <li>• Bank sale proceeds</li> </ul>

Council's investment property portfolio has, over the years, helped to achieve Council's sound financial position, a position that can be enhanced by realising further property investment and development opportunities.

The bulk of revenue derived to finance Council activities comes from:

- Annual property rates;
- User fees and charges;
- Other fees and charges (DA fees, inspection and licence fees etc.);
- Borrowings;
- Government grant monies;
- Interest on financial investments.

Ancillary, but of no less importance to the foregoing, are the income streams derived from:

- Property development and sale;
- Property development and lease;
- Rents derived from commercial properties.

Council must provide effective and efficient management of property related activities to fulfil legislative and community obligations.

Council is well placed to have greater involvement in property and entrepreneurial activities to supplement its traditional income base. This has been emphasised in recent years with the continuation of rate pegging, decreased levels of government funding,

### Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



Issue Date: 27/03/2018

Review Date: 13/02/2020

Page: 3 of 9

**ITEM 6 - ATTACHMENT 3      PROPERTY INVESTMENT AND DEVELOPMENT  
POLICY - 13 FEBRUARY 2018.**

## Policy



limitations on borrowing and increased community expectations on Council's roles and responsibilities.

### **SCOPE:**

This policy applies to:

- Councillors;
- Council employees;
- Council owned businesses.

### **DEFINITIONS:**

An outline of the key definitions of terms included in the policy.

Investment property	This is defined as real estate held, developed or purchased by Council that is discretionary in nature and held by Council to generate current or future income streams, either through rental (offices, shops etc.) or development and sale (building lots or improved properties).
---------------------	--

### **POLICY STATEMENT:**

#### **1) Principles**

- To ensure optimum financial return is realised through appropriate identification, selection and management of Council's investment portfolio including development, acquisition and disposal of assets.
- To utilise effective property management techniques and investment practices in the management of Council's assets to ensure maximum long term advantage.
- To satisfy the property investment needs of Council that assist in meeting the requirements and corporate objectives outlined within the existing financial investment policy.

#### **2) Policy Statement**

The overall mix and nature of investment properties will provide a balanced source of income that complement existing finances.

All future investment and development activities will provide a return on investment greater than achievable cash rates at any given time. If a decision is made to accept a return less than achievable cash rates, then the reasons for that decision must be outlined in the resolution relating to that investment and development activity.

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



Issue Date: 27/03/2018

Review Date: 13/02/2020

Page: 4 of 9

# ITEM 6 - ATTACHMENT 3 PROPERTY INVESTMENT AND DEVELOPMENT POLICY - 13 FEBRUARY 2018.

## Policy



In respect to investment return decisions, Council will apply the following matrix in determining the appropriateness of investment and development activities:-

### Risk Determination Matrix

Level of Risk	Benchmark Above 90 Day Bank Bill Swap Rate (BBSW)
Low	< 2%
Medium	2% to 5%
High	5% to 10%
Speculative	> 10%

In determining the level of risk Council is to consider the following as a minimum:

- Council experience in the proposed type of development.
- Nature of tenancies.
- Funding sources.
- Term asset is to be held.

Council will systematically assess and review the performance of its investment portfolio and use the information derived to determine when and how to preserve or increase each property's value and usefulness, or otherwise dispose of individual properties.

Decisions in this regard will be based on analysis of cost information for individual properties and will reflect the viability of Council's commitment of financial resources to specific projects. Priority will be given to projects with a positive effect on investment returns without imposing on short term cash availability.

All property investment activities will be undertaken in accordance with Council's operational plan and will reflect Council's ongoing commitment to financial sustainability.

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



Issue Date: 27/03/2018

Review Date: 13/02/2020

Page: 5 of 9

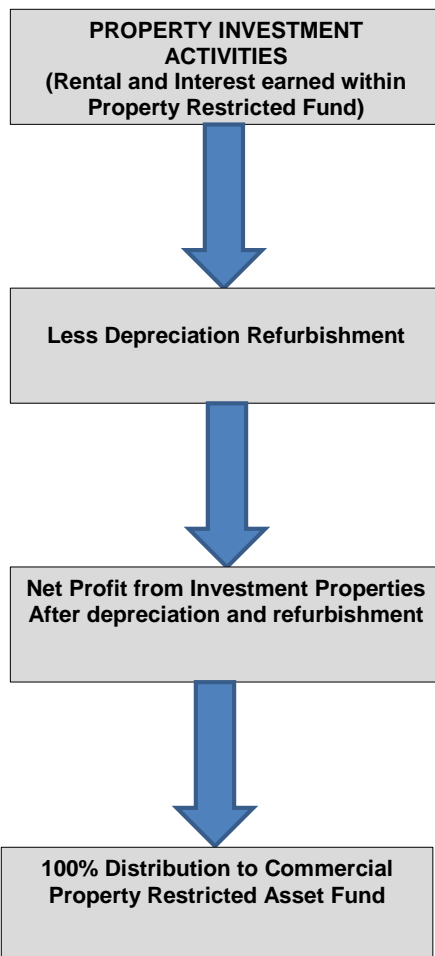
# ITEM 6 - ATTACHMENT 3      PROPERTY INVESTMENT AND DEVELOPMENT POLICY - 13 FEBRUARY 2018.

## Policy

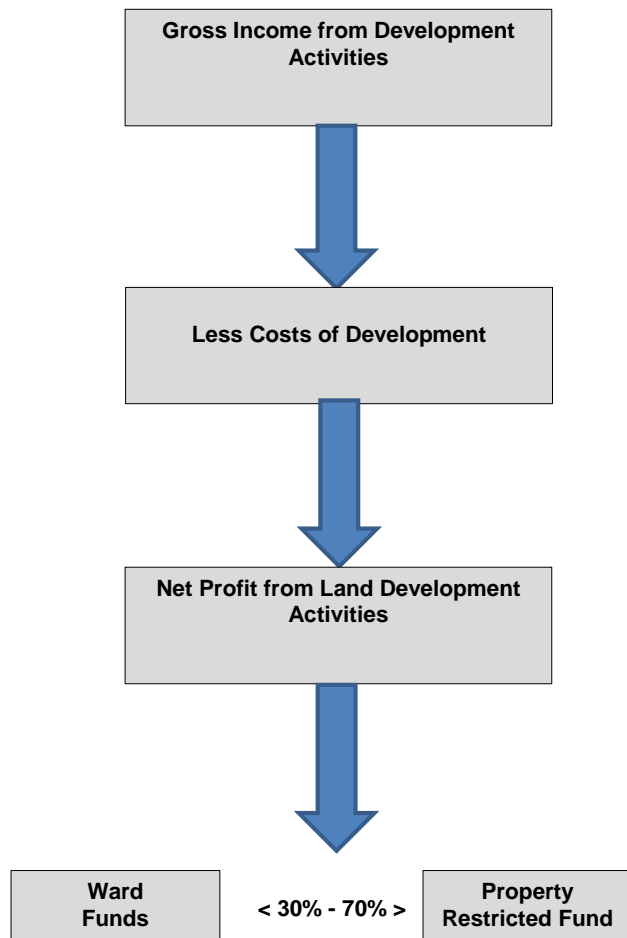


The distribution of funds received from Council's investment portfolio is to be carried out in accordance with the following:

### INVESTMENT PROPERTY



### DEVELOPMENT PROPERTY



## Policy

**WARNING:** This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



Issue Date: 27/03/2018

Review Date: 13/02/2020

Page: 6 of 9



**ITEM 6 - ATTACHMENT 3      PROPERTY INVESTMENT AND DEVELOPMENT  
POLICY - 13 FEBRUARY 2018.**

## Policy



### **1) Sustainability Implications**

#### **Social**

- Increased employment opportunities via the development and sale of commercial and industrial land.
- Improved social amenity.
- Community facilities.
- Enhancement of open space including environmental protection areas.

#### **Economic**

- The efficient management of the acquisition, development and disposal of investment and properties will provide an ongoing income stream which reduces the call on rate revenue and provides funds for further investment.
- Public land must be managed so as to maximise its usefulness (eg development potential) whilst at the same time minimising costs (eg maintenance).
- Council's property activities can be seen as an agent to promote economic growth.

#### **Environmental**

- The impact on the environment will be assessed as part of any property development decision.

### **2) Political Implications**

- Council has two separate and distinct roles in its property activities, one as developer; the other as consent authority. Particular care must be exercised to ensure the two roles are clearly separated.
- The desire of Council to generate alternative forms of income stemming from increasing demands on the budget by the community and increasing financial constraints imposed by government must be balanced with Council's other obligations.
- In asset managing both public land and funds in its property role, Council is likely to be subject to increased public scrutiny.
- Change in political focus and direction can influence past and present decision making.

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



Issue Date: 27/03/2018

Review Date: 13/02/2020

Page: 7 of 9

# ITEM 6 - ATTACHMENT 3 PROPERTY INVESTMENT AND DEVELOPMENT POLICY - 13 FEBRUARY 2018.

## Policy



### POLICY RESPONSIBILITIES:

- 1) Property Services Section Manager.
- 2) Land Acquisition & Development Manager.
- 3) Investment & Asset Manager.

### RELATED DOCUMENTS:

Council's property related activities will be managed within the legislative parameters provided by (ie including, but not necessarily limited to):

- 1) Local Government Act.
- 2) Minister for Local Government's Investment Order.
- 3) Valuation of Land Act.
- 4) Residential Tenancies Act.
- 5) Retail Leases Act.
- 6) Real Property Act.
- 7) Environmental Planning and Assessment Act.
- 8) Crown Lands Act.

### Related Council Policies

- 1) Property Reserves Policy.
- 2) Investment Policy.
- 3) Property Investment & Development Guidelines.

### CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website <a href="http://www.portstephens.nsw.gov.au">www.portstephens.nsw.gov.au</a>			
<b>RM8 container No</b>	A2004-0853	<b>RM8 record No</b>	17/123768
<b>Audience</b>	Staff		
<b>Process owner</b>	Property Services Section Manager		
<b>Author</b>	Property Services Section Manager		

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



Issue Date: 27/03/2018

Review Date: 13/02/2020

Page: 8 of 9

# ITEM 6 - ATTACHMENT 3 PROPERTY INVESTMENT AND DEVELOPMENT POLICY - 13 FEBRUARY 2018.

## Policy



<b>Review timeframe</b>	Two years	<b>Next review date</b>	13/02/2020
<b>Adoption date</b>	13/02/2018		

### VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	13/02/2018	Property Services Section Manager	<p>New policy created to supersede the Property Investment Policy.</p> <p>The new policy includes content from the previous Property Investment Policy and reflects current practices.</p> <p>Guidelines have been developed.</p> <p>Adopted by Council.</p>	013

## Policy

**WARNING:** This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



Issue Date: 27/03/2018

Review Date: 13/02/2020

Page: 9 of 9

**ITEM NO. 7**

**FILE NO: 25/91525  
EDRMS NO: PSC2005-3664**

**POLICY REVIEW - PROVISION AND MANAGEMENT OF CEMETERIES**

REPORT OF: JOHN MARETICH - ASSETS SECTION MANAGER  
DIRECTORATE: FACILITIES AND INFRASTRUCTURE

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Place the revised Provision and Management of Cemeteries policy shown at **(ATTACHMENT 1)** on public exhibition for a period of 28 days.
- 2) Should no submissions be received the policy be adopted without a further report to Council.
- 3) Revoke the Provision and Management of Cemeteries policy dated 24 May 2022, Minute No. 134 should no submissions be received.

---

**BACKGROUND**

The purpose of this report is to provide the revised Provision and Management of Cemeteries Policy ('policy') at **(ATTACHMENT 1)** to Council for consideration prior to public exhibition.

Council is required to ensure the sufficient provision of cemetery facilities meet the needs of the community.

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

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Infrastructure and facilities	Provide, manage and maintain community assets in accordance with the SAMP 2024-2034

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no financial or resource implications from adopting the recommendations. Revenue from cemetery fees and charges are used to offset the cost of maintaining all cemeteries.

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

## LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal or policy impediments to adopting the recommendations.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that Council is operating a cemetery service without a policy.	Low	Adopt the recommendations.	Yes

## SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no sustainability implications created by the revised Policy.

## COMMUNICATION AND ENGAGEMENT

Council's Communication and Engagement Strategy uses the IAP2 Framework to identify the level of engagement undertaken. An explanation for each level is shown below.

INFORM	To the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
CONSULT	To obtain public feedback on analysis, alternatives and/or decisions.
INVOLVE	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
COLLABORATE	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
EMPOWER	To place final decision-making and/or developed budgets in the hands of the public.

## ORDINARY COUNCIL - 24 JUNE 2025

	No external communications and engagement are required for this report.
--	---

The following communication and engagement applies to this report.

### External communications and engagement

CONSULT	The policy will be placed on public exhibition for 28 days and will be notified through Council's website.
---------	--

### Internal communications and engagement

Consultation with key stakeholders has been undertaken by the Assets Section with:

- Executive Team.
- Governance Section.
- Financial Services Section.
- Community Services Section.
- Public Domain and Services Section.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Provision and Management of Cemeteries Policy. [↓](#)

### **COUNCILLORS' ROOM/DASHBOARD**

Nil.

### **TABLED DOCUMENTS**

Nil.

# ITEM 7 - ATTACHMENT 1 PROVISION AND MANAGEMENT OF CEMETERIES POLICY.

## Policy



**FILE NO:** PSC2005-3664

**TITLE:** PROVISION AND MANAGEMENT OF CEMETERIES

**OWNER:** ~~COMMUNITY SERVICES~~ **ASSETS** SECTION MANAGER

### 1. PURPOSE:

- 1.1 To ensure the management and maintenance of cemeteries are undertaken in a lawful and respectful manner.
- 1.2 To ensure the sufficient provision of cemetery facilities to meet the needs of the community.

### 2. CONTEXT/BACKGROUND:

- 2.1 Council manages cemeteries at Anna Bay, Karuah, Nelson Bay, Seaham and Raymond Terrace. These cemeteries offer interments in plots, columbarium walls and memorial gardens. Council also maintains the grounds of historic cemeteries at Hinton, Raymond Terrace and Birubi Point.
- 2.2 Cemetery management requires a focus on compassion with the customer, accuracy in the management of records and safety in the issuing of permits to undertake work. This policy sets the parameters by which cemeteries will be managed in Port Stephens Council and ensures that the corporate knowledge that underpins the management of cemeteries is held in one place.

### 3. SCOPE:

- 3.1 This policy applies to all cemeteries that are on land that is owned or managed by Port Stephens Council.
- 3.2 This policy does not relate to:
  - a) parks and roadside memorials
  - b) cemeteries, columbarium walls or memorial gardens on land that is not owned or managed by Port Stephens Council.

### 4. DEFINITIONS:

- 4.1 An outline of the key definitions of terms included in the policy.

Cemetery	A place for burials, not being a church yard.
Cinerary urn	A container holding cremated human remains

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



## Policy



Columbarium Wall	A structure with tiers of niches for reception of cinerary urns.
Memorial Garden	A place for reception of cinerary urns.
Exhumation	To dig out, unearth.
Interment	Burial in the earth or placement of cinerary urns in a columbarium wall or memorial garden.
Interred	The placement of human remains in the earth, columbarium wall or memorial garden.
Interment Site	A place of burial in the earth or placement of ashes in a columbarium wall or memorial garden.
Interment Right	An exclusive right granted for use of an interment site. There is no entitlement to any real estate. The holder of an interment right has the sole authority to determine who can be buried or placed in the interment site and to permit headstones, inscriptions and memorials on the site.

### 5. STATEMENT:

#### 5.1 Provision of cemeteries

- 5.1.1 Council will plan for the provision of cemeteries including burial plots, columbarium walls and memorial gardens through the Strategic Asset Management Plan process.

#### 5.2 Management of cemeteries

- 5.2.1 Council does not permit any person to undertake an activity within a cemetery unless:
- a) the activity is an approved activity such as:
    - i. the quiet and respectful commemoration of the dead or undertaking of historical research
    - ii. the use of roadways and pathways to gain access to interment sites or amenities.
  - b) the person holds an interment right, exhumation permit, ~~works permit or monument permit~~ or other approval as required and issued by Council to undertake that activity.
- 5.2.2 Council shall maintain cemeteries to agreed service levels detailed in the maintenance service contract specification.

### Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)





## Policy



5.2.3 Council will comply with the Cemeteries & Crematoria NSW Cemetery Operator Licence conditions.

5.2.4 Council shall create and maintain general terms and conditions relating to interment rights and monumental permits.

### 5.3 Keeping of records

5.3.1 Council shall maintain a register of:

- a) all interments, exhumations and interment rights in respect of each cemetery.
- b) complaints received relating to interments in accordance with the Cemetery Operator licence conditions.

### 5.4 Interment sites and Interment rights

5.4.1 Human remains of a deceased person may only be interred at interment sites with the written permission of Council who shall issue an interment right.

5.4.2 Interment rights may not be sold or transferred except with the express written consent of Council.

5.4.3 The owner of an interment right may relinquish an interment right to Council provided an interment has not taken place and upon providing 28 days notice in writing. If the request is received within 10 days of the interment right contract being signed, a full refund will be offered, minus the current interment right cancellation/transfer fee representing our reasonable administration fee. Thereafter, no refund will be offered.

5.4.4 A person may not hold more than two interment rights.

### 5.5 Monuments

5.5.1 Council approval is required for the installation of a monument.

5.5.2 A monument must be in keeping with the scale and character of the interment area.

5.5.3 A monument permit shall only be granted in respect of an interment site with the consent of the holder of the interment right.

5.5.4 The holder of a monument permit is responsible for the maintenance and repair of the monument.

5.5.5 If Council is required to undertake any work relating to monuments, to ensure public or employee safety, Council may recover the costs associated with such works from the holder.

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



## Policy



### 5.6 Exhumation

5.6.1 An exhumation may only take place when an order by a Coroner or a Court permitting such exhumation is issued; or

- a) a person has obtained prior to commencing exhumation:
  - i. Approval for exhumation by NSW Health in accordance with the provisions of the Public Health Act.
  - ii. Approval from Council **under delegated authority**.

### 5.7 Mementos and Tributes

5.7.1 Floral tributes can only be placed:

- a) on columbarium walls on niches where a Council approved plaque has a built in vase.
- b) in memorial gardens in an approved plastic flower container (available at Council) adjacent to the plaque.
- c) in monumental/lawn beam plots in containers that form part of the monument.

5.7.2 Tributes must not encroach neighbouring memorials or burial locations.

5.7.3 Wrapping and rubber bands must be removed from floral tributes before placement.

5.7.4 The following are prohibited in Council cemeteries:

- a) items made from or containing glass or other breakable materials such as porcelain.
- b) planting of trees, shrubs or other plants.
- c) gluing or permanently attaching items to gardens, walls or memorials.
- d) Except on days of a total fire ban, the lighting of candles and incense sticks for cultural or religious reasons is acceptable only where the candle or incense is fully contained in an approved enclosed container and extinguished prior to leaving. Alternatively, appropriately placed LED candles may be used.

### 5.8 Memorials

5.8.1 New or restored memorials must comply with the applicable provisions of Australian Standards 4204:2019 Headstones and cemetery monuments and 4425:2020 Above-ground burial structures.

### 5.9 Customer Service

5.9.1 Council will ensure all future interment right purchases are in the form of a consumer contract in accordance with the Cemetery Operator licence conditions.

5.9.2 Council is required to comply with the Cemetery and Crematorium Operator Code of Practice 2018 approved by Cemeteries and Crematoria NSW.

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



## Policy



5.9.3 Council will, in addition to our general Customer Experience Charter, comply with the Cemetery Operator licence conditions Customer Service Principles being:

- a) respect the personal choices of our customers
- b) provide customers and prospective customers with full and accurate information about the products and services that we are able or unable to provide
- c) carry out our business with competency and integrity, and
- d) maintain high standards of conduct, to enhance the reputation of the industry.

### 5.10 Dispute Resolution

5.10.1 When resolving any disputes with an interment customer, Council will, in addition to following our Complaint Handling Policy:

- a) deal with disputes and complaints in a respectful and compassionate way; and
- b) advise customers, if they are not satisfied with our handling of the complaint they can contact the Cemeteries Agency, [ccnsw.info@cemeteries.nsw.gov.au](mailto:ccnsw.info@cemeteries.nsw.gov.au) or 02 9842 8470.
- c) record all complaints in a register and maintain relevant records for 7 years.

## 6. RESPONSIBILITIES:

- 6.1 Overall implementation of this policy lies with the ~~Community Services~~ **Assets** Section Manager. Key policy areas are delegated to the following sections and teams:
- a) Provision of cemeteries – ~~Civil Assets~~ Section.
  - b) ~~Management~~ **Contract and lease** of cemeteries – Community Services Section / ~~Emergency Management~~ team.
  - c) Keeping of Records – Facilities and ~~Services Group Manager's~~ **Infrastructure Director's** Office / ~~Business Systems~~ **Support** and Administration team.
  - d) Interment sites and Interment rights – Facilities and ~~Services Group Manager's~~ **Infrastructure Director's** Office / ~~Business Systems~~ **Support** and Administration team.
  - e) Monuments – Facilities and ~~Services Group Manager's~~ **Infrastructure Director's** Office / ~~Business Systems~~ **Support** and Administration team.
  - f) Exhumation – Facilities and ~~Services Group Manager's~~ **Infrastructure Director's** Office / ~~Business Systems~~ **Support** and Administration team.

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



## ITEM 7 - ATTACHMENT 1 PROVISION AND MANAGEMENT OF CEMETERIES POLICY.

## Policy



## 7. RELATED DOCUMENTS:

- 7.1 **Port Stephens Council** Setting of Fees and Charges Management Directive (PSC).
- 7.2 **Port Stephens Council** Code of Conduct (PSC).
- 7.3 ~~Procedure Requirements for works within Council cemeteries by external agents (PSC).~~ **Port Stephens Council Customer Experience Charter.**
- 7.4 **Port Stephens Council** Application Form – Permit to carry out monumental work in Port Stephens Cemeteries (PSC).
- 7.5 **Port Stephens Council** Application Form – Cemetery Burial Application (PSC).
- 7.6 **Port Stephens Council** Application Form – Columbarium Wall/Memorial Garden Application (PSC).
- 7.7 ~~Application Form – Annual Permit to undertake work in Port Stephens Council Cemeteries (PSC).~~ **Cemetery and Crematorium Operator Code of Practice 2018 (NSW).**
- 7.8 **Port Stephens Council** Application Form – Confirmation of Cemetery Information (PSC).
- 7.9 **Port Stephens Council** Application Form – Request to Transfer Right of Interment (PSC).
- 7.10 **Port Stephens Council** Form – Template for Memorial Niche Plaques (PSC).
- 7.11 **Port Stephens Council** Form – Template for Terrazzo Oval Plaques (PSC).
- 7.12 **Port Stephens Council** Form – Template for Raymond Terrace Granite Columbarium Wall (PSC).
- 7.13 **Port Stephens Council** Cemeteries information brochure (PSC).
- 7.14 **Port Stephens Council** Columbarium Walls and Memorial Gardens brochure (PSC).
- 7.15 Cemeteries and Crematoria Act 2013 (NSW).
- 7.16 Local Government Act 1993 (NSW).
- 7.17 Crown Land Management Act 2016 (NSW).
- 7.18 Public Health Act 2010 (NSW).
- 7.19 Coroners Act 2009 (NSW).
- 7.20 Anti-Discrimination Act 1977 (NSW).
- 7.21 Births Deaths and Marriages Registration Act 1995 (NSW).
- 7.22 Fair Trading Act 1987 (NSW).
- 7.23 Government Information (Public Access) Act 2009 (NSW).
- 7.24 Heritage Act 1977 (NSW).
- 7.25 Human Tissue Act 1983 (NSW).
- 7.26 State Records Act 1998 (NSW).
- 7.27 Work Health and Safety Act 2011 (NSW).
- 7.28 **Cemeteries & Crematoria NSW Cemetery Operator Licence (NSW).**
- 7.29 **Port Stephens Council Perpetual Interment Right Consumer Contract.**

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



ITEM 7 - ATTACHMENT 1  
POLICY.

## PROVISION AND MANAGEMENT OF CEMETERIES

## Policy



## CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website: <a href="http://www.portstephens.nsw.gov.au">www.portstephens.nsw.gov.au</a> .			
<b>EDRMS container No.</b>	PSC2005-3664	<b>EDRMS record No.</b>	TBA
<b>Audience</b>	Funeral Directors, Grave Diggers, Monumental Masons, West Ward Cemetery Group, Volunteer Groups, Historical Societies, general community.		
<b>Process owner</b>	<del>Emergency Management Coordinator</del> Assets Section Manager		
<b>Author</b>	Community Services Section Manager		
<b>Review timeframe</b>	3 4 years	<b>Next review date</b>	TBA
<b>Adoption date</b>	14/07/2015		

## VERSION HISTORY:

Version	Date	Author	Details	Minute No.
0.1	27/05/2015	Community Services Section Manager	Draft version for review by Executive Leadership Team	n/a
0.2	07/07/2015	Community Services Section Manager	Draft version for Public Exhibition.	n/a
1.	14/07/2015	Community Services Section Manager	The Public Exhibition period ended 20 August 2015 and no submissions were received. This policy is now adopted and replaces the Port Stephens Cemeteries Policy (dated 290102 – Min No. 016)	194
2.	19/09/2019	Community Services	Reviewed and updated in new Policy Template.	187

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



ITEM 7 - ATTACHMENT 1  
POLICY.

## PROVISION AND MANAGEMENT OF CEMETERIES

## Policy



Version	Date	Author	Details	Minute No.
		Section Manager	<p>4.1 Definitions updated to include 'Memorial Garden' and under Interment Site the words 'of ashes' and 'wall' were added.</p> <p>5.2.6 the addition of "or Volunteer Group".</p> <p>7.16 the addition of "Local Government Act 1993 (NSW)".</p> <p>Controlled Document Information the addition of the word "cemetery" and "Volunteer Group".</p> <p>The public exhibition period ended 18 September 2019 and no submissions were received.</p> <p>This policy is now adopted and replaces the Provision and Management of Cemeteries Policy dated 14/07/2015 – Min No. 194.</p>	
3.	24/05/2022	Community Services Section Manager	<p>Updated policy into the latest format.</p> <p>2.2 – Removed "Council".</p> <p>5.3 – Removed 'Council may delegate some aspects of the maintenance of cemeteries to a 355c Committee or Volunteer Group of Council' to reflect that all maintenance is either carried out by contractors or internal Council staff.</p> <p>5.6.1 (a) – Updated 'NSW Department of Health' to 'NSW Health' to reflect correct title.</p> <p>6.1 (b) – Updated 'Contracts and Services team' to 'Emergency Management team' to reflect current responsibilities.</p>	134

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



## Policy



Version	Date	Author	Details	Minute No.
			<p>7.17 Added "Management" to the Crown Lands Act 2016 (NSW).</p> <p>Audience: Removed '355c Cemetery Committees' to reflect that there are no 355c Cemetery Committees.</p> <p>Process owner: updated 'Contracts and Services Coordinator' to 'Emergency Management Coordinator' to reflect current responsibilities.</p> <p>Controlled document information: amended review timeframe to 3 years in accordance with Council's policy review process.</p>	
4.	TBA	Assets & Community Services Section Managers	<p>Reviewed and updated policy. Process Owner amended as policy has changes Sections.</p> <p>3.2(a) Added</p> <p>4.1 Definitions for Cinerary urn and Interred Added</p> <p>5.2.1(b) Removed "works permit or", Added "or other approval as required and"</p> <p>5.2.3 Added</p> <p>5.3.1(b) Added</p> <p>5.4.3 Added "provided an interment has not taken place and upon providing 28 days notice in writing. If the request is received within 10 days of the interment right contract being signed, a full refund will be offered, minus the current interment right cancellation/transfer fee representing our reasonable administration fee. Thereafter, no refund will be offered."</p>	TBA

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



ITEM 7 - ATTACHMENT 1  
POLICY.

## PROVISION AND MANAGEMENT OF CEMETERIES

## Policy



Version	Date	Author	Details	Minute No.
			<p>5.6.1(a)(ii) Added "under delegated authority".</p> <p>5.7 - 5.10 Added clauses.</p> <p>6.1 Updated titles in Responsibilities.</p> <p>7. Added and updated Related documents.</p> <p>Amended review timeframe to 4 years in accordance with Council's policy and management directive review process.</p>	

## Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.  
Before using this document, check it is the latest version, refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)



10



**ITEM NO. 8**

**FILE NO: 25/140512  
EDRMS NO: PSC2024-03158**

**REQUEST FOR FINANCIAL ASSISTANCE**

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

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral and Wards Funds to the following:-
    - a) Endorse the provision of funds to Irene Drieman – Mayoral funds - \$500 donation towards postage costs for charity cards and place the proposal on public exhibition for a period of 28 days, in accordance with the Local Government Act 1993 to seek public comment.
    - b) Anna Bay Public School P&C – Mayoral funds - \$2,977 donation towards decodable readers for students.
    - c) Raymond Terrace District Cricket Club – Rapid Response – Cr Peter Francis – West Ward Funds – \$500 donation towards subsidising registration for junior players.
    - d) Port Stephens Family and Neighbourhood Services – Rapid Response – Cr Peter Francis – West Ward Funds - \$500 donation towards NAIDOC Week event.
    - e) Raymond Terrace RSL Sub Branch – West Ward Funds - \$4,000 donation towards Raymond Terrace ANZAC Day 2025 event.
    - f) Tilligerry Community Association – Rapid Response – Cr Ben Niland – Central Ward Funds - \$500 donation towards 'Lemon Jam' Event.
    - g) Tomaree Headland Heritage Group – Rapid Response – Cr Nathan Errington – East Ward Funds - \$500 donation towards social media awareness campaign.
    - h) Hope Cottage c/ All Saints Anglican Church Nelson Bay – Cr Mark Watson – Rapid Response – East Ward Funds - \$500 donation towards cooking and grocery items for the community.
    - i) Nelson Bay Junior Rugby League Club – Cr Mark Watson – Rapid Response – East Ward Funds - \$500 donation towards shade structures.
    - j) Karuah Oyster and Timber Festival – Cr Jason Wells – Rapid Response – Central Ward Funds - \$500 donation towards the upcoming Karuah Oyster and Timber Festival.
  - 2) Should no submissions be received as a result of the public exhibition stated in 1 a) above, the funds be approved.
-

**BACKGROUND**

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

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

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

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

The requests for financial assistance are shown below:

**MAYORAL FUNDS**

Irene Drieman	A community member who creates cards to brighten the day of individuals.	\$500	Donation towards postage costs for charity cards.
Anna Bay Public School P&C	Parents and Citizens' Association which is made up of parents and carers, teachers and community members.	\$2,977	Donation towards decodable readers for students.

**WARD FUNDS**

Raymond Terrace District Cricket Club	Raymond Terrace District Cricket Club hosts numerous teams across both junior and senior cricket.	\$500	Donation towards subsidising registration for junior players.
Port Stephens Family and Neighbourhood Services	Port Stephens Family and Neighbourhood Services is an incorporated not for profit organisation providing community services in the Port Stephens LGA.	\$500	Donation towards upcoming NAIDOC Week event.
Raymond Terrace RSL Sub-Branch	The Raymond Terrace RSL Sub-Branch serves the needs of veterans in the townships of Raymond Terrace and Seaham, and in the surrounding areas.	\$4,000	Donation towards Raymond Terrace ANZAC Day Service 2025.
Tilligerry Community Association	The Tilligerry Community Association is a not for profit organisation working for the local community within the Tilligerry Peninsula.	\$500	Donation towards 'Lemon Jam' event.
Tomaree Headland Heritage Committee	A community group representing organisations from business, tourism, community, historical and environmental groups, who advocate for the	\$500	Donation towards social media awareness campaign.

**ORDINARY COUNCIL - 24 JUNE 2025**

	future of the Tomaree Headland.		
Hope Cottage	Hope Cottage is a community outreach for the Port Stephens community.	\$500	Donation towards cooking and grocery items for the community.
Nelson Bay Junior Rugby League Club	Nelson Bay JRLFC is situated on the Tomaree Peninsula providing competition for junior players.	\$500	Donation towards shade structures.
Karuah Oyster & Timber Festival Committee	The Committee responsible for arranging the Karuah Oyster & Timber Festival.	\$500	Donation towards upcoming Karuah Oyster & Timber Festival.

**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

## ORDINARY COUNCIL - 24 JUNE 2025

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

### COMMUNICATION AND ENGAGEMENT

Council's Communication and Engagement Strategy uses the IAP2 Framework to identify the level of engagement undertaken. An explanation for each level is shown below.

INFORM	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
CONSULT	To obtain public feedback on analysis, alternatives and/or decisions.
INVOLVE	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
COLLABORATE	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
EMPOWER	To place final decision-making and/or developed budgets in the hands of the public.
	No external communications and engagement are required for this report.

## ORDINARY COUNCIL - 24 JUNE 2025

The following communication and engagement applies to this report.

### External communications and engagement

INFORM	Community members are advised of the outcome of their application.
--------	--

### Internal communications and engagement

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

Consultation has been undertaken to ensure budget requirements are met and approved.

### **OPTIONS**

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

### **ATTACHMENTS**

Nil.

### **COUNCILLORS' ROOM/DASHBOARD**

Nil.

### **TABLED DOCUMENTS**

Nil.

**ITEM NO. 9**

**FILE NO: 25/140954  
EDRMS NO: PSC2024-03232**

**INFORMATION PAPERS**

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

---

**RECOMMENDATION IS THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 24 June 2025.

---

<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	Cash and Investment Portfolio - May 2025	239
2	Audit, Risk and Improvement Committee Minutes - 27 February 2025	249
3	Designated Persons' Return	274
4	Delegations Report	275
5	Council Resolutions	277

---

# INFORMATION PAPERS



**ITEM NO. 1**

**FILE NO: 24/314356**  
**EDRMS NO: PSC2017-00180**

## **CASH AND INVESTMENT PORTFOLIO - MAY 2025**

REPORT OF: GLEN PETERKIN - FINANCIAL SERVICES SECTION MANAGER  
DIRECTORATE: CORPORATE STRATEGY AND SUPPORT

### **BACKGROUND**

The purpose of this report is to present Council's schedule of cash and investments held at 31 May 2025.

Council's total portfolio of investments was \$75.1 million with an additional \$2.4 million held in Council's operational account as at 31 May 2025.

The investment portfolio meets the benchmarks for product type, rating exposure and maturity limits but is outside the benchmark in relation to institution exposure. As at 31 May 2025 Council held 1% more cash with State Bank of India (BBB rated) than the benchmark allows. Cashflow requirements have reduced the overall portfolio size however at the time of investing with State Bank of India all benchmark requirements were met. No further investments with State Bank of India will be placed until the single institution limit has improved.

The investment portfolio is currently yielding 5.41% per annum on a rolling 1 year performance, which was 0.99% above the benchmark with investment income on target to meet or exceed budget.

Council has sufficient cash to cover all reserves.

### **ATTACHMENTS**

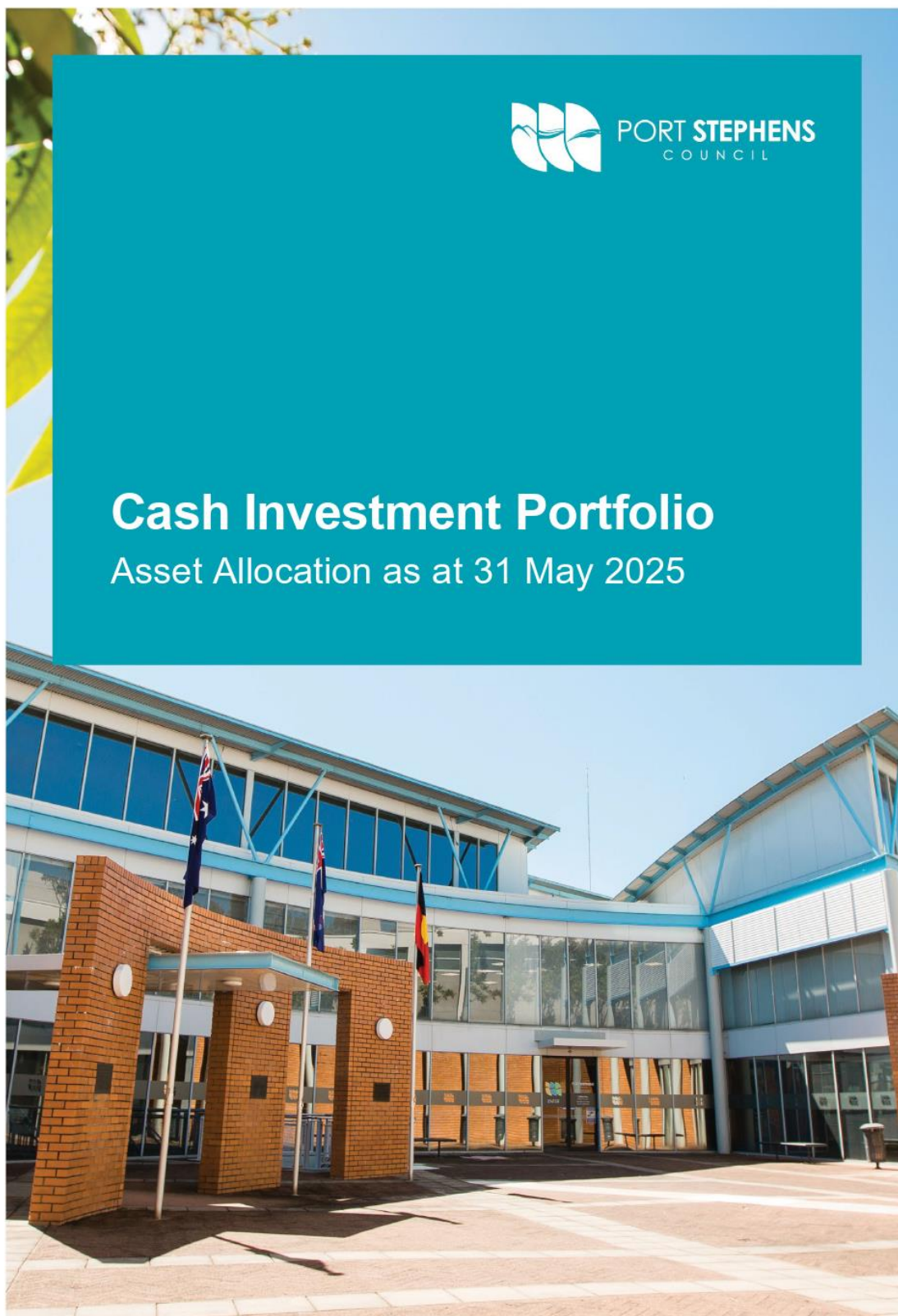
1) Cash Investment Portfolio - May 2025. [↓](#)

### **COUNCILLORS' ROOM/DASHBOARD**

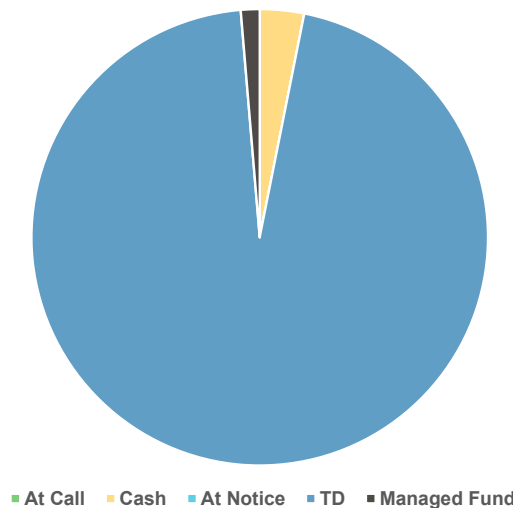
Nil.

### **TABLED DOCUMENTS**

Nil.



## Cash Investment Portfolio Holdings

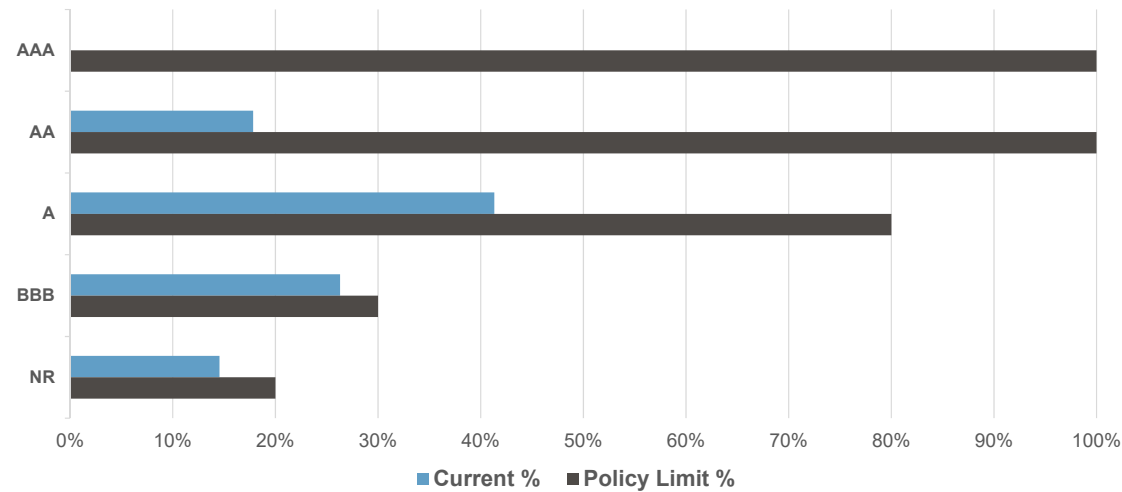


Product Type	Market Value (\$)	Within Policy
At Call	-	
Cash	2,429,299	✓
At Notice	-	
TD	74,066,943	✓
Managed Fund	1,028,518	✓
	<b>77,524,759</b>	

✓ = Yes  
x = No

## Rating Exposure

### Total Credit Exposure

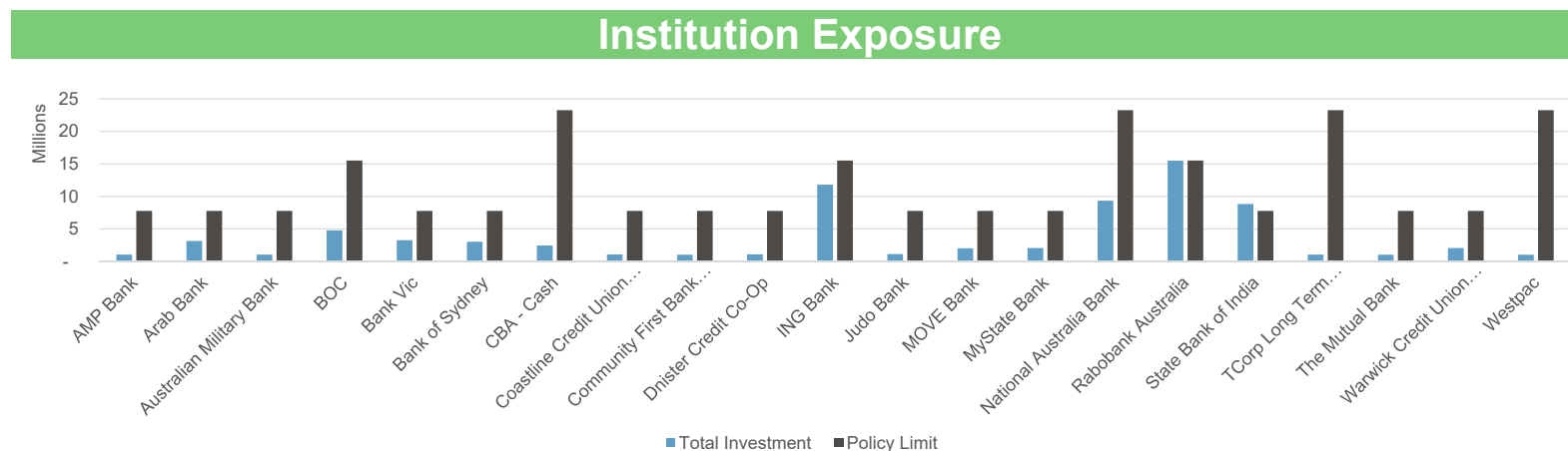


Credit Rating Group	Market Value (\$)	Current %	Policy Limit %	Within Policy
AAA	-	0%	100%	✓
AA	13,820,731	18%	100%	✓
A	32,035,689	41%	80%	✓
BBB	20,393,261	26%	30%	✓
NR	11,275,078	15%	20%	✓
	<b>77,524,759</b>	<b>100%</b>		

✓ = Yes

✗ = No

## ITEM 1 - ATTACHMENT 1 CASH INVESTMENT PORTFOLIO - MAY 2025.

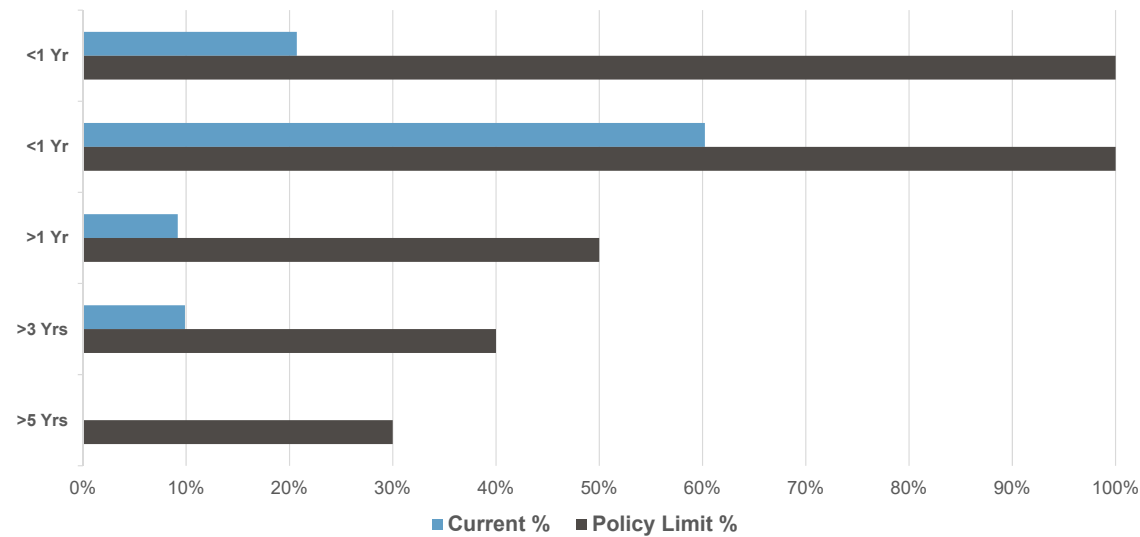


Institution	Rating	Total Investment	Exposure	Policy Limit	Remaining to Limit	Within Policy
AMP Bank	BBB	1,042,863	1%	10%	6,709,613	✓
Arab Bank	NR	3,130,692	4%	10%	4,621,784	✓
Australian Military Bank	BBB	1,042,593	1%	10%	6,709,883	✓
BOC	A	4,761,150	6%	20%	10,743,801	✓
Bank Vic	BBB	3,243,378	4%	10%	4,509,098	✓
Bank of Sydney	NR	3,011,548	4%	10%	4,740,928	✓
CBA - Cash	AA	2,429,299	3%	30%	20,828,129	✓
Coastline Credit Union Limited	BBB	1,063,229	1%	10%	6,689,247	✓
Community First Bank Ltd	BBB	1,012,678	1%	10%	6,739,798	✓
Dnister Credit Co-Op	NR	1,083,174	1%	10%	6,669,302	✓
ING Bank	A	11,792,311	15%	20%	3,712,641	✓
Judo Bank	BBB	1,108,690	1%	10%	6,643,786	✓
MOVE Bank	NR	2,000,372	3%	10%	5,752,104	✓
MyState Bank	BBB	2,037,601	3%	10%	5,714,875	✓
National Australia Bank	AA	9,337,517	12%	30%	13,919,910	✓
Rabobank Australia	A	15,482,228	20%	20%	22,724	✓
State Bank of India	BBB	8,827,105	11%	10%	1,074,630	*
TCorp Long Term Growth Fund	AA	1,028,518	1%	30%	22,228,910	✓
The Mutual Bank	BBB	1,015,123	1%	10%	6,737,353	✓
Warwick Credit Union Ltd	NR	2,049,293	3%	10%	5,703,183	✓
Westpac	AA	1,025,397	1%	30%	22,232,030	✓
<b>Total</b>		<b>77,524,759</b>				

✓ = Yes

\* = No

### Term to Maturity Limits



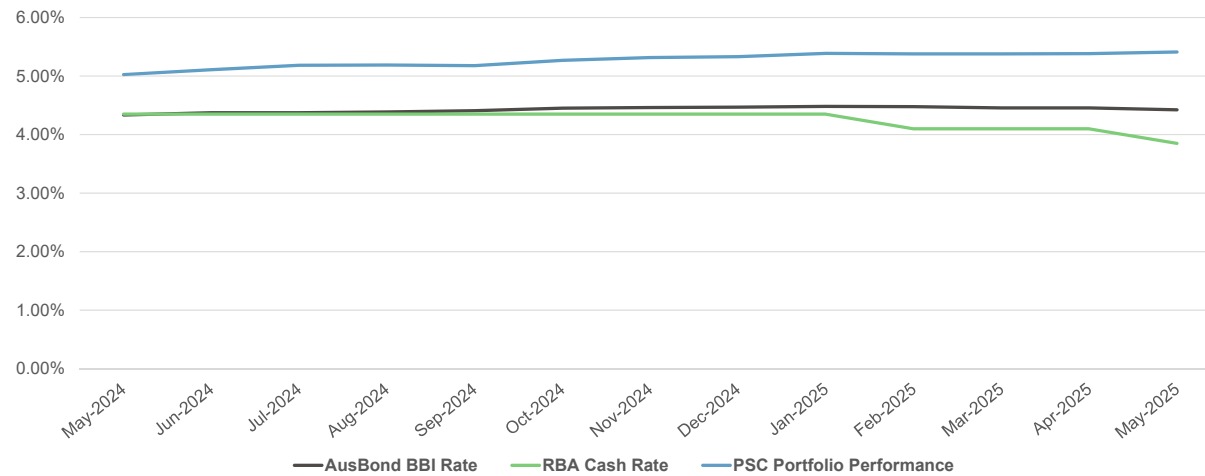
Detailed Maturity Profile	Market Value (\$)	Current %	Policy Limit %	Within Policy
Less than or equal 90 Days	16,057,510	21%	100%	✓
Between 90 Days and 365 Days	46,685,976	60%	100%	✓
Between 366 Days and 3 Years	7,116,121	9%	50%	✓
Between 3 Years and 5 Years	7,665,152	10%	40%	✓
Greater than 5 Years	-	0%	30%	✓
	<b>77,524,759</b>	<b>100%</b>		

✓ = Yes

x = No

## Portfolio Performance

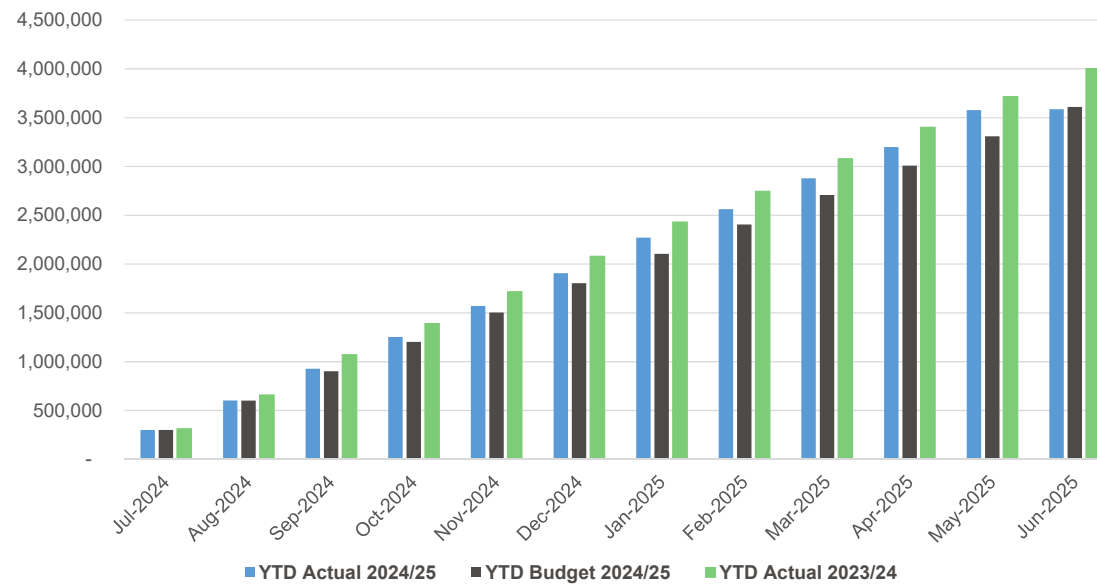
### One Year Rolling Performance



Performance	1 month actual	3 months actual	6 months actual	FYTD actual	1 year % p.a. (Rolling)
Bloomberg AusBond BBI (Benchmark)	0.34%	1.05%	2.16%	4.06%	4.42%
PSC Investment Portfolio	0.52%	1.40%	2.71%	4.94%	5.41%
Outperformance/(underperformance)	0.18%	0.35%	0.55%	0.88%	0.99%

## Income Earned vs Budget

Monthly Investment Income - Actual to Budget





## Investment Register

Institution	Market Value	Days Held	Interest Rate	Date Invested	Maturity Date	Rating
CBA - Cash	2,429,299	1		31/05/2025	1/06/2025	AA
Arab Bank	1,027,676	559	5.52%	29/11/2023	10/06/2025	NR
ING Bank	1,012,289	479	5.04%	1/03/2024	23/06/2025	A
National Australia Bank	1,050,654	368	5.47%	27/06/2024	30/06/2025	AA
Judo Bank	1,108,690	733	5.70%	5/07/2023	7/07/2025	BBB
MyState Bank	1,012,296	497	5.10%	4/03/2024	14/07/2025	BBB
AMP Bank	1,042,863	725	5.25%	3/08/2023	28/07/2025	BBB
Australian Military Bank	1,042,593	726	5.27%	9/08/2023	4/08/2025	BBB
National Australia Bank	1,040,241	354	5.10%	16/08/2024	5/08/2025	AA
National Australia Bank	1,040,421	363	5.07%	13/08/2024	11/08/2025	AA
ING Bank	1,042,981	734	5.30%	8/08/2023	11/08/2025	A
BOC	1,089,495	717	5.12%	1/09/2023	18/08/2025	A
BOC	1,089,495	724	5.12%	1/09/2023	25/08/2025	A
National Australia Bank	2,074,618	367	4.97%	30/08/2024	1/09/2025	AA
State Bank of India	1,038,564	369	5.10%	28/08/2024	1/09/2025	BBB
Dnister Credit Co-Op	1,083,174	647	5.55%	1/12/2023	8/09/2025	NR
National Australia Bank	1,035,388	364	4.93%	11/09/2024	10/09/2025	AA
Rabobank Australia	3,110,959	377	5.00%	3/09/2024	15/09/2025	A
Arab Bank	1,083,624	661	5.58%	1/12/2023	22/09/2025	NR
National Australia Bank	1,035,388	377	4.93%	11/09/2024	23/09/2025	AA
National Australia Bank	1,035,388	384	4.93%	11/09/2024	30/09/2025	AA
Community First Bank Ltd	1,012,678	586	5.03%	29/02/2024	7/10/2025	BBB
Bank of Sydney	1,006,707	186	4.80%	10/04/2025	13/10/2025	NR
ING Bank	1,031,282	369	5.03%	16/10/2024	20/10/2025	A
Bank Vic	1,080,926	696	5.40%	1/12/2023	27/10/2025	BBB
Bank Vic	1,081,226	703	5.42%	1/12/2023	3/11/2025	BBB
Bank of Sydney	2,004,841	182	4.65%	12/05/2025	10/11/2025	NR
Bank Vic	1,081,226	717	5.42%	1/12/2023	17/11/2025	BBB
National Australia Bank	1,025,419	362	5.07%	29/11/2024	26/11/2025	AA
Westpac	1,025,397	538	5.15%	11/06/2024	1/12/2025	AA
MyState Bank	1,025,305	370	5.16%	3/12/2024	8/12/2025	BBB
Coastline Credit Union Limited	1,063,229	655	5.05%	29/02/2024	15/12/2025	BBB
Warwick Credit Union Ltd	1,024,219	375	5.20%	12/12/2024	22/12/2025	NR
Warwick Credit Union Ltd	1,025,074	381	5.20%	6/12/2024	22/12/2025	NR
MOVE Bank	1,000,248	221	4.52%	29/05/2025	5/01/2026	NR
Arab Bank	1,019,392	733	5.02%	10/01/2024	12/01/2026	NR
MOVE Bank	1,000,124	234	4.52%	30/05/2025	19/01/2026	NR
State Bank of India	1,040,777	530	5.15%	15/08/2024	27/01/2026	BBB
Rabobank Australia	1,052,077	601	5.28%	5/06/2024	27/01/2026	A
BOC	1,016,311	369	4.88%	29/01/2025	2/02/2026	A
Rabobank Australia	1,049,613	607	5.13%	12/06/2024	9/02/2026	A
BOC	507,659	377	4.82%	4/02/2025	16/02/2026	A
ING Bank	1,049,231	602	5.38%	1/07/2024	23/02/2026	A
State Bank of India	1,037,808	545	5.00%	28/08/2024	24/02/2026	BBB
State Bank of India	512,270	444	5.30%	13/12/2024	2/03/2026	BBB
ING Bank	1,049,231	616	5.38%	1/07/2024	9/03/2026	A
Rabobank Australia	1,547,385	521	4.97%	11/10/2024	16/03/2026	A
State Bank of India	1,049,274	623	5.50%	8/07/2024	23/03/2026	BBB
Rabobank Australia	772,025	514	5.08%	1/11/2024	30/03/2026	A
State Bank of India	1,049,274	637	5.50%	8/07/2024	6/04/2026	BBB
Rabobank Australia	772,025	528	5.08%	1/11/2024	13/04/2026	A
State Bank of India	1,049,274	651	5.50%	8/07/2024	20/04/2026	BBB
BOC	1,058,190	735	5.35%	29/04/2024	4/05/2026	A
Rabobank Australia	1,043,599	661	5.15%	26/07/2024	18/05/2026	A
State Bank of India	1,025,556	536	5.30%	6/12/2024	26/05/2026	BBB
State Bank of India	1,024,308	535	5.25%	13/12/2024	1/06/2026	BBB
ING Bank	1,011,746	472	4.66%	28/02/2025	15/06/2026	A
ING Bank	1,011,746	486	4.66%	28/02/2025	29/06/2026	A
ING Bank	1,010,148	488	4.63%	12/03/2025	13/07/2026	A
Rabobank Australia	1,011,262	536	4.78%	6/03/2025	24/08/2026	A
ING Bank	1,031,788	733	4.55%	18/09/2024	21/09/2026	A
The Mutual Bank	1,015,123	733	4.80%	5/02/2025	8/02/2027	BBB
Rabobank Australia	1,030,025	1664	5.32%	6/11/2024	28/05/2029	A
Rabobank Australia	513,815	1663	5.28%	21/11/2024	11/06/2029	A
Rabobank Australia	1,028,746	1687	5.22%	11/11/2024	25/06/2029	A
Rabobank Australia	506,733	1680	5.12%	24/02/2025	1/10/2029	A
TCorp Long Term Growth Fund	1,028,518	1826		8/11/2024	8/11/2029	AA
Rabobank Australia	1,028,896	1825	5.30%	13/11/2024	12/11/2029	A
ING Bank	513,736	1831	5.25%	21/11/2024	26/11/2029	A
ING Bank	506,536	1806	4.97%	24/02/2025	4/02/2030	A
ING Bank	507,625	1825	4.84%	5/02/2025	4/02/2030	A
Rabobank Australia	1,015,068	1831	5.14%	13/02/2025	18/02/2030	A
ING Bank	1,013,973	1840	5.00%	18/02/2025	4/03/2030	A
Total	77,524,759					

## Restricted Cash

Reserve	As at May 2025 \$'000
<b>External</b>	
Grants and Contributions	6,776
Developer contributions (inc Haulage)	24,668
Domestic Waste Management	7,940
Crown Reserve	3,804
Crown - Surf Life Saving Clubs	18
<b>Internal</b>	
Deposits, retentions and bonds	1,564
Admin Building	388
Asset Rehab/Reseals	4,630
Commercial Property	3,950
Community Buildings	141
Community Loans	200
Council Parking	1,475
Drainage	2,178
Election Reserve	635
Emergency & Natural Disaster	4,944
Employee Leave Entitlements (ELE)	1,000
Enhanced Services Focus Area	866
Federal Assistance Grant in Advance	583
Fleet	501
Grants Receivable	1,481
IT	1,738
Mayoral and Ward Funds	37
Other Waste	457
Repealed	1,643
Resilience fund	3,000
Sustainable energy and water reserve	50
Transport and Environmental Levy	886
Unexpended loan funds	-
<b>Total</b>	<b>75,553</b>
<b>Cash and Investment Report</b>	<b>77,525</b>
<b>Variance Cash Reserves to Bank Account - Unadjusted Position</b>	<b>1,972</b>
Variance Due to:	
Outstanding Creditors	(1,386)
Outstanding Debtors	947
Outstanding GST refund	337
<b>Total Variance</b>	<b>(102)</b>
<b>Unrestricted Cash/(Shortfall) - Adjusted Position</b>	<b>1,870</b>

**ITEM NO. 2**

**FILE NO: 25/130505  
EDRMS NO: PSC2015-01492**

**AUDIT, RISK AND IMPROVEMENT COMMITTEE MINUTES - 27 FEBRUARY 2025**

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

**BACKGROUND**

The purpose of this report is to provide the minutes of the Audit, Risk and Improvement Committee (ARIC) meeting held on 27 February 2025 to Council.

In accordance with the Office of Local Government Risk Management and Internal Audit for Local Government in NSW Guidelines, the ARIC minutes are be provided to the governing body of Council.

**ATTACHMENTS**

1) Audit, Risk & Improvement Committee Minutes - 27 February 2025. [↓](#)

**COUNCILLORS' ROOM/DASHBOARD**

A full copy of the ARIC minutes.

**TABLED DOCUMENTS**

Nil.

**ITEM 2 - ATTACHMENT 1      AUDIT, RISK & IMPROVEMENT COMMITTEE  
MINUTES - 27 FEBRUARY 2025.**

**MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 27 FEBRUARY 2025**

**MINUTES – 27 February 2025**



Minutes of the Audit, Risk and Improvement Committee of Port Stephens Council held in the Committee Rooms, Raymond Terrace on – 27 February 2025, commencing at 4pm.

**PRESENT:**

Chair: Deborah Goodyer

Members in attendance: Frank Cordingley, Paul Dunn, Deborah Goodyer.

Officers in attendance: Tim Crosdale, General Manager, Phil Miles, Acting Director Facilities & Infrastructure, Ryan Falkenmire, Acting Director Community Futures, Glen Peterkin, Acting Director Corporate Strategy and Support, Chris Hilkemeijer, Enterprise Risk Manager, Croydon Dowley, Acting Finance Section Manager.

Guests in attendance: Councillor Jason Wells, David Hutchison, PKF, Martin Matthews, PKF, Nicky Rajani, Audit Office of NSW, Rhodora De Ramos, Prosperity Advisors.

Apologies: Steve Peart, Director Community Futures, Zoe Pattison, Director Corporate Strategy and Support, Greg Kable, Director Facilities and Infrastructure, Tony Wickham, Governance Section Manager, Alex Hardy, Prosperity Advisors.

	The Minutes of the Ordinary Meeting of Port Stephens Council Audit Risk and Improvement Committee held on 10 October 2024 were endorsed.
--	--

	No Declaration of Interest was received.
--	--

**ITEM 2 - ATTACHMENT 1      AUDIT, RISK & IMPROVEMENT COMMITTEE  
MINUTES - 27 FEBRUARY 2025.****AUDIT RISK AND IMPROVEMENT COMMITTEE - 27 FEBRUARY 2025****INDEX**

<b>SUBJECT</b>	<b>PAGE NO</b>
1. WELCOME.	
2. APOLOGIES.	
3. CONFLICT OF INTEREST DECLARATIONS.	
4. MINUTES – 10 OCTOBER 2024.	
4a. GENERAL MANAGER'S UPDATE.	
<b>ARIC WORKPLAN AND ACTIONS ARISING FROM PREVIOUS MEETINGS .....</b>	<b>5</b>
5.1 ARIC WORKPLAN AND ACTIONS ARISING FROM PREVIOUS MEETINGS.....	6
<b>INTERNAL AUDIT .....</b>	<b>7</b>
6.1. INTERNAL AUDIT ACTIONS UPDATE .....	8
6.2. EXTERNAL QUALITY ASSESSMENT IMPROVEMENT ROADMAP UPDATE .....	9
<b>EXTERNAL AUDIT/FINANCE UPDATE.....</b>	<b>10</b>
7.1. FINANCIAL MANAGEMENT.....	11
7.2. EXTERNAL AUDIT UPDATE .....	12
7.3. ICAC RECOMMENDATIONS ON CORRUPTION PREVENTION.....	13
<b>RISK MANAGEMENT UPDATE REPORT .....</b>	<b>14</b>
8.1. RISK MANAGEMENT UPDATE.....	15
<b>GOVERNANCE AND COMPLIANCE UPDATE .....</b>	<b>16</b>
9.1. GOVERNANCE REPORT .....	17
<b>ICT AND CYBER SECURITY UPDATE.....</b>	<b>18</b>
10.1. ICT AND CYBER SECURITY UPDATE .....	19
<b>SERVICE REVIEW AND BUSINESS IMPROVEMENT UPDATE.....</b>	<b>20</b>
12.1. INTEGRATED PLANNING AND REPORTING .....	21
<b>GENERAL BUSINESS .....</b>	<b>22</b>
13.1. FUTURE MEETING DATES .....	23

# **GENERAL MANAGER'S UPDATE**

**ITEM 2 - ATTACHMENT 1      AUDIT, RISK & IMPROVEMENT COMMITTEE  
MINUTES - 27 FEBRUARY 2025.****AUDIT RISK AND IMPROVEMENT COMMITTEE - 27 FEBRUARY 2025**

The General Manager provided an update on the following topics:

1. An update was provided on the financial, governance and reputational risk associated with Newcastle Airport as it relates to Port Stephens Council.
2. Advised of the NSW Environmental Protection Authority (EPA) penalty for an offense under the Protection of the Environment Operations Act 1997 relating to Fly Point project in June 2024.
3. That an Information Communication and Technology (ICT) Outage occurred from 16-18 January 2025 with:
  - a. Business Continuity Plan (BCP) enacted
  - b. Emergency Management Response – Council Emergency Operations Centre participation and contribution to Local Government Area response
  - c. Lessons-learnt being applied to review and update plans/responses, including ICT.

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 27 FEBRUARY 2025  
MOTION**

	That the Audit, Risk and Improvement Committee: <ol style="list-style-type: none"><li>1) Note the General Manager's Update.</li><li>2) Receive a copy of the EPA Penalty Notice.</li></ol>
--	--

# **ARIC WORKPLAN AND ACTIONS ARISING FROM THE PREVIOUS MEETING**



**ITEM 2 - ATTACHMENT 1      AUDIT, RISK & IMPROVEMENT COMMITTEE  
MINUTES - 27 FEBRUARY 2025.**

**MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 27 FEBRUARY 2025**

**ITEM NO. 5.1**

**FILE NO: 25/35285  
EDRMS NO: PSC2015-01492**

**ARIC WORKPLAN AND ACTIONS ARISING FROM THE PREVIOUS MEETING**

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

---

**RECOMMENDATION IS THAT COMMITTEE:**

- 1) Note there are no Audit, Risk and Improvement Committee Workplan actions or actions arising from the previous meeting.

---

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 27 FEBRUARY 2025  
MOTION**

	That the Audit, Risk and Improvement Committee note there are no Audit, Risk and Improvement Committee Workplan actions arising from the previous meeting.
--	--

The motion was carried.

# **INTERNAL AUDIT**

**ITEM 2 - ATTACHMENT 1      AUDIT, RISK & IMPROVEMENT COMMITTEE  
MINUTES - 27 FEBRUARY 2025.**

**MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 27 FEBRUARY 2025**

**ITEM NO. 6.1**

**FILE NO: 25/20943  
EDRMS NO: PSC2021-03053**

**INTERNAL AUDIT ACTIONS UPDATE**

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

---

**RECOMMENDATION IS THAT COMMITTEE:**

- 1) Receive and note Internal Audit Actions Update.
- 

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 27 FEBRUARY 2025  
MOTION**

	<p>That the Audit, Risk and Improvement Committee receive and note Internal Audit Actions Update.</p> <p><b>Note:</b> The Committee discussed and noted the slipped audit findings (Volunteer Management and Contractor Management) and that the progress commentary doesn't clearly reflect completed actions versus those still outstanding.</p>
--	--

The motion was carried.

**ITEM 2 - ATTACHMENT 1      AUDIT, RISK & IMPROVEMENT COMMITTEE  
MINUTES - 27 FEBRUARY 2025.**

**MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 27 FEBRUARY 2025**

ITEM NO. 6.2

FILE NO: 25/28923  
EDRMS NO: PSC2015-01492

**EXTERNAL QUALITY ASSESSMENT IMPROVEMENT ROADMAP UPDATE**

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

---

**RECOMMENDATION IS THAT COMMITTEE:**

- 1) Receive and note the status report of the External Quality Assessment Improvement Roadmap at (**ATTACHMENT 1**).

---

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 27 FEBRUARY 2025  
MOTION**

	<p>That the Audit, Risk and Improvement Committee receive and note the status report of the External Quality Assessment Improvement Roadmap.</p> <p><b>Note:</b> The Chairperson discussed some quality templates can be applied from the new standard, and Council can work with the Internal Auditors to update their approach. Management agreed to update the roadmap with descriptions of the status ratings per the colour coding.</p>
--	--

The motion was carried.

# **EXTERNAL AUDIT/FINANCE UPDATE**

ITEM 2 - ATTACHMENT 1      AUDIT, RISK & IMPROVEMENT COMMITTEE  
MINUTES - 27 FEBRUARY 2025.

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 27 FEBRUARY 2025

ITEM NO. 7.1

FILE NO: 25/18860  
EDRMS NO: PSC2015-01492

FINANCIAL MANAGEMENT

REPORT OF:     GLEN PETERKIN - FINANCIAL SERVICES SECTION MANAGER  
DIRECTORATE: CORPORATE STRATEGY AND SUPPORT

---

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Receive and note the review findings of the Purchasing Card Transaction Report (ATTACHMENT 1).
- 

AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 27 FEBRUARY 2025  
MOTION

	<p>That the Audit, Risk and Improvement Committee receive and note the review findings of the Purchasing Card Transaction Report.</p> <p><b>Note:</b> The Committee explored other opportunities for provision of existing exception reporting to ARIC, such as contract variations and payroll. Acting Director Corporate Strategy and Support advised that the team can explore this but is focused in the near term on in the introduction of a new contract management software.</p>
--	--

The motion was carried.

**ITEM 2 - ATTACHMENT 1      AUDIT, RISK & IMPROVEMENT COMMITTEE  
MINUTES - 27 FEBRUARY 2025.**

**MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 27 FEBRUARY 2025**

ITEM NO. 7.2

FILE NO: 25/18862  
EDRMS NO: PSC2015-01492

**EXTERNAL AUDIT UPDATE**

REPORT OF:     GLEN PETERKIN - FINANCIAL SERVICES SECTION MANAGER  
DIRECTORATE:   CORPORATE STRATEGY AND SUPPORT

---

**RECOMMENDATION IS THAT THE COMMITTEE:**

- 1) Receive and note the final management letter for the financial year ended 30 June 2024 (**ATTACHMENT 1**).
- 2) Endorse the audit engagement plan for the financial year ended 30 June 2025 (**ATTACHMENT 2**).

---

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 27 FEBRUARY 2025  
MOTION**

	That the Audit, Risk and Improvement Committee:  1) Receive and note the final management letter for the financial year ended 30 June 2024 ( <b>ATTACHMENT 1</b> ). 2) Endorse the audit engagement plan for the financial year ended 30 June 2025 ( <b>ATTACHMENT 2</b> ).
--	--

The motion was carried.

**ITEM 2 - ATTACHMENT 1      AUDIT, RISK & IMPROVEMENT COMMITTEE  
MINUTES - 27 FEBRUARY 2025.**

**MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 27 FEBRUARY 2025**

ITEM NO. 7.3

FILE NO: 25/29864  
EDRMS NO: PSC2015-01492

**ICAC RECOMMENDATIONS ON CORRUPTION PREVENTION**

REPORT OF:     GLEN PETERKIN - FINANCIAL SERVICES SECTION MANAGER  
DIRECTORATE:   CORPORATE STRATEGY AND SUPPORT

---

**RECOMMENDATION IS THAT COMMITTEE:**

- 1) Review and note the report.
- 

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 27 FEBRUARY 2025  
MOTION**

	<p>That the Audit, Risk and Improvement Committee review and note the report.</p> <p><b>Note:</b> The Committee noted the transparency in identifying areas of non-compliance (page 66 of the report) to support improvement.</p>
--	---

The motion was carried.



# **RISK MANAGEMENT UPDATE REPORT**

**ITEM 2 - ATTACHMENT 1      AUDIT, RISK & IMPROVEMENT COMMITTEE  
MINUTES - 27 FEBRUARY 2025.**

**MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 27 FEBRUARY 2025**

**ITEM NO. 8.1**

**FILE NO: 25/28840  
EDRMS NO: PSC2024-01598**

**RISK MANAGEMENT UPDATE**

REPORT OF:    CHRIS HILKEMEIJER - ENTERPRISE RISK MANAGER  
DIRECTORATE: GENERAL MANAGER'S OFFICE

---

**RECOMMENDATION IS THAT THE COMMITTEE:**

- 1) Receive and note the Risk Management Report.
- 

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 27 FEBRUARY 2025  
MOTION**

	<p>That the Audit, Risk and Improvement Committee receive and note the Risk Management Report.</p> <p><b>Note:</b> The Committee discussed</p> <ul style="list-style-type: none"><li>• The larger number of High-rated incidents and explored their causes for any trends.</li><li>• The effectiveness of controls related to external risks such as "Government risk" and "Revenue Performance and Sustainability".</li></ul>
--	--

The motion was carried.

# **GOVERNANCE AND COMPLIANCE UPDATE**

**ITEM 2 - ATTACHMENT 1      AUDIT, RISK & IMPROVEMENT COMMITTEE  
MINUTES - 27 FEBRUARY 2025.**

**MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 27 FEBRUARY 2025**

ITEM NO. 9.1

FILE NO: 25/20946  
EDRMS NO: PSC2024-01598

**GOVERNANCE REPORT**

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

---

**RECOMMENDATION IS THAT THE COMMITTEE:**

- 1) Receive and note the report.
- 

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 27 FEBRUARY 2025  
MOTION**

	<p>That the Audit, Risk and Improvement Committee receive and note the report, including additional aspects of:</p> <ul style="list-style-type: none"><li>• Status update on Kingshill Development lodgment of a Notice of Intention to Appeal in the NSW Supreme Court.</li><li>• New legal matter – Park and Shop Pty Ltd – deemed refusal.</li></ul> <p><b>Note:</b> The Committee:</p> <ul style="list-style-type: none"><li>• Discussed the timing of the Property Acquisitions Policy (aligned with another policy under review)</li><li>• Queried whether the number of Code of Conduct breaches was high (question taken on notice, management to confirm).</li></ul>
--	---

The motion was carried.

# **ICT AND CYBER SECURITY UPDATE**

**ITEM 2 - ATTACHMENT 1      AUDIT, RISK & IMPROVEMENT COMMITTEE  
MINUTES - 27 FEBRUARY 2025.**

**MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 27 FEBRUARY 2025**

**ITEM NO. 10.1**

**FILE NO: 25/22306  
EDRMS NO: PSC2015-01492**

**ICT AND CYBER SECURITY UPDATE**

REPORT OF:     ZOE PATTISON - DIRECTOR CORPORATE STRATEGY AND  
                     SUPPORT  
DIRECTORATE: CORPORATE STRATEGY AND SUPPORT

---

**RECOMMENDATION IS THAT THE COMMITTEE:**

- 1) Receive and note the contents of this report.
- 

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 27 FEBRUARY 2025  
MOTION**

	<p>That the Audit, Risk and Improvement Committee receive and note the contents of this report.</p> <p><b>Note:</b> The Committee:</p> <ul style="list-style-type: none"><li>• Confirmed that management have no major concerns with systems nearing end-of-life.</li><li>• Requested progress updates on the ICT and Cyber Security Plan / Roadmap.</li><li>• Requested management align its actions to the Essential 8.</li></ul>
--	---

The motion was carried.

# **SERVICE REVIEW AND BUSINESS IMPROVEMENT UPDATE**

**ITEM 2 - ATTACHMENT 1      AUDIT, RISK & IMPROVEMENT COMMITTEE  
MINUTES - 27 FEBRUARY 2025.**

**AUDIT RISK AND IMPROVEMENT COMMITTEE - 27 FEBRUARY 2025**

**ITEM NO. 12.1**

**FILE NO: 25/22438  
EDRMS NO: PSC2015-01492**

**INTEGRATED PLANNING AND REPORTING**

REPORT OF:     ZOE PATTISON - DIRECTOR CORPORATE STRATEGY AND  
                               SUPPORT  
DIRECTORATE: CORPORATE STRATEGY AND SUPPORT

---

**RECOMMENDATION IS THAT THE COMMITTEE:**

- 1) Receive and note the contents of this report.
- 

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 27 FEBRUARY 2025  
MOTION**

	<p>That the Audit, Risk and Improvement Committee receive and note the contents of this report.</p> <p><b>Note:</b> The Committee:</p> <ul style="list-style-type: none"><li>• Explored relevant external factors being considered in service reviews (noting benchmarking is performed and, for relevant units with stronger external presence, more external data is considered).</li><li>• Requested Council explore the potential for a written methodology for root cause analysis (within the Service Review methodology) to be utilised by internal audit (for consistency).</li></ul>
--	---

The motion was carried.



# **GENERAL BUSINESS**

**ITEM 2 - ATTACHMENT 1      AUDIT, RISK & IMPROVEMENT COMMITTEE  
MINUTES - 27 FEBRUARY 2025.**

**MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 27 FEBRUARY 2025**

**ITEM NO. 13.1**

**FILE NO: 25/39830  
EDRMS NO: PSC2015-01492**

**FUTURE MEETINGS**

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

---

**RECOMMENDATION IS THAT COMMITTEE:**

- 1) Note future meeting dates outlined in the report.
- 

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 27 FEBRUARY 2025  
MOTION**

	<p>That the Audit, Risk and Improvement Committee note future meeting dates outlined in the report.</p> <p><b>Note:</b> The Committee:</p> <ul style="list-style-type: none"><li>• Requested management confirm the 2 October 2025 date in relation to financial statements timing</li><li>• Noted the positive reputation for Port Stephens Council in relation to its approach to Christmas parties (noting the recent media attention for a neighbour Council).</li></ul>
--	--

The motion was carried.

**ITEM 2 - ATTACHMENT 1      AUDIT, RISK & IMPROVEMENT COMMITTEE  
MINUTES - 27 FEBRUARY 2025.**

**MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 27 FEBRUARY 2025**

There being no further business the meeting closed at 5:40pm.

**ITEM NO. 3**

**FILE NO: 25/144923  
EDRMS NO: PSC2024-01273**

**DESIGNATED PERSONS' RETURN**

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

**BACKGROUND**

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

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

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

- Development Planning Coordinator PSC761.

**ATTACHMENTS**

Nil.

**COUNCILLORS' ROOM/DASHBOARD**

Nil.

**TABLED DOCUMENTS**

- 1) Designated Persons' Return.

**ITEM NO. 4**

**FILE NO: 25/140927  
EDRMS NO: PSC2009-00965**

## **DELEGATIONS REPORT**

REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER  
DIRECTORATE: 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/DASHBOARD**

Nil.

## **TABLED DOCUMENTS**

Nil.

**ITEM 4 - ATTACHMENT 1      DELEGATIONS REPORT.****MAYOR AND GENERAL MANAGER DELEGATION REPORT**

Date exercised	Delegations exercised	Purpose	Role exercising delegation	Reported to Council
9-May-25	Code of Meeting Practice	Approval of Public Access application on Integrated Planning and Reporting documents	Mayor	24 June 2025
2-Jun-25	Code of Meeting Practice	Approval of Public Access application on Shoal Bay and Tomaree Headland Parking	Mayor	24 June 2025
10-Jun-25	Code of Meeting Practice	Approval of Public Access application on DA 16-2024-345-1 for Seniors Housing at 23 Soldiers Point Road, Soldiers Point	Mayor	24 June 2025

**ITEM NO. 5**

**FILE NO: 25/140934  
EDRMS NO: PSC2017-00106**

## **COUNCIL RESOLUTIONS**

REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER  
DIRECTORATE: 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) Community Futures resolutions. [↓](#)
- 2) Corporate Strategy and Support resolutions. [↓](#)
- 3) Facilities and Infrastructure resolutions. [↓](#)
- 4) General Manager's Office resolutions. [↓](#)

## **COUNCILLORS' ROOM/DASHBOARD**

Nil.

## **TABLED DOCUMENTS**

Nil.



<b>Action Sheets Report</b>	<b>Division:</b>	Community Futures	<b>Date From:</b>	25/02/2025
	<b>Committee:</b>		<b>Date To:</b>	10/06/2025
	<b>Officer:</b>		<b>Printed:</b>	Thursday, 12 June 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/02/2025	Lamont, Brock	Tree Vandalism Policy	31/10/2025	26/02/2025	
1 021		Peart, Steven				25/43931
<b>11 Jun 2025</b> Consultation has commenced with the Environmental Advisory Group. A report back to Council is anticipated 28 October 2025.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/02/2025	Gardner, Janelle	Revised Communication and Engagement Strategy	26/08/2025	26/02/2025	
1 025		Peart, Steven				25/43931
<b>12 Jun 2025</b> This is scheduled to be reported to the 26 August 2025 Council meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/06/2025	Lamont, Brock	Planning Proposal - 893 Paterson Road, Woodville	24/06/2025		
3 118		Peart, Steven				25/148178
<b>11 Jun 2025</b> It was resolved that Council adopt the planning proposal to amend the Port Stephens Local Environmental Plan 2013 for land at 893 Paterson Road, Woodville. Amend Schedule 1 'Additional Permitted Uses' to permit, with development consent, the use of Lot 10 DP 1035397, as a function centre. Amend the Additional Permitted Uses Map to identify the subject site as a 'function centre'. Forward the planning proposal to the NSW Department of Planning, Housing and Infrastructure for a Gateway determination and request authority to make the plan. Dates to be supplied once actions completed.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/06/2025	Lamont, Brock	Draft Development Control Plan 2025	24/06/2025		
4 119		Peart, Steven				25/148178
<b>11 Jun 2025</b> It was resolved that Council place the draft Port Stephens Development Control Plan 2025 on public exhibition for a period of 28 days.						





<b>Action Sheets Report</b>	<b>Division:</b>	Community Futures	<b>Date From:</b>	25/02/2025
	<b>Committee:</b>		<b>Date To:</b>	10/06/2025
	<b>Officer:</b>		<b>Printed:</b>	Thursday, 12 June 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/06/2025	Lamont, Brock	Draft Local Infrastructure Contributions Plan 2020 - Comprehensive Amendment	24/06/2025		
5		Pearl, Steven				25/148178
120						
<b>11 Jun 2025</b>						
It was resolved that Council place the draft Port Stephens Local Infrastructure Contributions Plan - Comprehensive Amendment on public exhibition for a period of 28 days.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/06/2025	Falkenmire, Ryan	Kings Hill Precincts 6 and 7	31/07/2025	11/06/2025	
3		Pearl, Steven				25/148178
133						
<b>12 Jun 2025</b>						
A letter is being prepared for the NSW Minister for Planning with the following requests: a) Agreement for Precincts 6 and 7 to be assessed under the State Significant Development Pathway alongside the balance of the Kings Hill Urban Release Area, which has been submitted for SSD status., b) Agreement for the Precinct 6 and 7 DAs under assessment by Council to be handed over to the Hunter & Central Coast Regional Planning Panel.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	User Defined	Lamont, Brock	MATTER ARISING - Min No. 121 - Item 5 - Draft Local Infrastructure Contributions Plan 2020 - Comprehensive amendment.	25/06/2025		
		Pearl, Steven				
<b>11 Jun 2025</b>						
Prepare a report proposing an amendment to the Plan to allow a 50% discount on infrastructure contributions for manufactured home developments that include at least 5% affordable housing. Prepare a report exploring options for a new rating category for manufactured home estates, with rates scaled to the number of dwellings, to ensure fair revenue for service provision. A two-way is to be held prior to finalising the Council report.						

## ITEM 5 - ATTACHMENT 2 CORPORATE STRATEGY AND SUPPORT RESOLUTIONS.



<b>Division:</b>	Corporate Strategy and Support	<b>Date From:</b>	11/10/2022
<b>Committee:</b>		<b>Date To:</b>	10/06/2025
<b>Officer:</b>			
<b>Action Sheets Report</b>		<b>Printed:</b>	Thursday, 12 June 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Property Investment and Development Policy	30/07/2025	12/10/2022	
1		Pattison, Zoe				22/273002
<b>11 Jun 2025</b>						
Further clarification on the distribution of funds has been completed. A report will be provided back to Council in June 2025.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Acquisition and Divestment of Land	30/07/2025	12/10/2022	
2		Pattison, Zoe				22/273002
<b>11 Jun 2025</b>						
Report deferred to allow for further clarification on the distribution of funds. A report will be provided back to Council in June 2025.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Pattison, Zoe	22 Homestead Street, Salamander Bay	30/12/2025	12/04/2023	
5 088		Pattison, Zoe				23/92450
<b>11 Jun 2025</b>						
Council is investigating options for the rezoning of 22 Homestead Street, Salamander Bay, and the development of a Vegetation Management Plan, to provide the best opportunity to enable a successful long-term rehabilitation of the site.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/08/2023	Pattison, Zoe	Raymond Terrace Gateway Site Masterplan	31/12/2025		
1 193		Pattison, Zoe				23/214729
<b>11 Jun 2025</b>						
Following a two way conversation with Councillors in November 2023, the options presented will be included in the context of the broader Raymond Terrace town centre improvements.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/06/2024	Dodds, Melissa	Policy Review: Public Access to State Records after 20 Years Policy	30/07/2025	12/06/2024	
4		Pattison, Zoe				24/145208
<b>11 Jun 2025</b>						
The exhibition period has closed with no formal submissions being received during this time. The policy will go back to Council in July 2025.						

## ITEM 5 - ATTACHMENT 2 CORPORATE STRATEGY AND SUPPORT RESOLUTIONS.



<b>Action Sheets Report</b>	<b>Division:</b>	Corporate Strategy and Support	<b>Date From:</b>	11/10/2022
	<b>Committee:</b>		<b>Date To:</b>	10/06/2025
	<b>Officer:</b>		<b>Printed: Thursday, 12 June 2025</b>	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/06/2025	Peterkin, Glen	Policy Review: Community Group Loans Policy	8/07/2025	11/06/2025	
8		Pattison, Zoe				25/148178
<b>11 Jun 2025</b>						
The revised policy is on public exhibition from 11 June 2025 to 8 July 2025.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	10/06/2025	Cotterill, Nicole	MATTER ARISING - Min No. 123 - Final Integrated Planning and Reporting Documents and Fees and Charges	8/07/2025		
		Pattison, Zoe				
<b>11 Jun 2025</b>						
Council, at its meeting of 10 June 2025, adopted a matter arising. It was moved that Council places on public exhibition a proposal to amend the 'Entry – Spectator' fee for all Aquatic Centres to read \$2.00 in the Fees and Charges. The amendment to the 2025-2026 Fees and Charges is on public exhibition from 11 June 2025 to 8 July 2025.						

**ITEM 5 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE RESOLUTIONS.**



<b>Action Sheets Report</b>	<b>Division:</b>	Facilities and Infrastructure	<b>Date From:</b>	27/08/2013
	<b>Committee:</b>		<b>Date To:</b>	10/06/2025
	<b>Officer:</b>		<b>Printed:</b>	Thursday, 12 June 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 27/08/2013	Maretich, John Kable, Gregory	Campvale Drain	31/12/2025		
<b>11 Jun 2025</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 2 085	Ordinary Council 11/04/2023	Maretich, John Kable, Gregory	Naming Recreation Precinct at Medowie after Geoff Dingle	31/12/2025	12/04/2023	23/92450
<b>11 Jun 2025</b> Once the reserve has been subdivided as per the Medowie Place Plan, an application will be submitted to the Geographical Naming Board to name the recreation precinct after Geoff Dingle.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 1	Ordinary Council 28/11/2023	Maretich, John Kable, Gregory	Sale of closed roads in Raymond Terrace	31/12/2025	29/11/2023	23/324875
<b>11 Jun 2025</b> 1 road sold and in settlement stage. 1 road moved to closed road reserve. An Expression of Interest (EOI) for the remaining road is near completion.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 1	Ordinary Council 28/05/2024	Maretich, John Kable, Gregory	Bus Stop Infrastructure Plan	31/10/2025	29/05/2024	24/131056
<b>11 Jun 2025</b> Staff are continuing to review the bus stop infrastructure.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 2	Ordinary Council 9/07/2024	Maretich, John Kable, Gregory	Maintenance of Gravel Roads	31/10/2025	10/07/2024	24/176219
<b>11 Jun 2025</b> A two-way has been scheduled for 17 June 2025.						

**ITEM 5 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE RESOLUTIONS.**



<b>Action Sheets Report</b>	<b>Division:</b>	Facilities and Infrastructure	<b>Date From:</b>	27/08/2013
	<b>Committee:</b>		<b>Date To:</b>	10/06/2025
	<b>Officer:</b>		<b>Printed:</b>	Thursday, 12 June 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/07/2024	Maretich, John	Raymond Terrace Boat Ramp	31/12/2025	24/07/2024	
6		Kable, Gregory				24/189773
<b>11 Jun 2025</b>						
A two-way conversation and a report will be provided to Council once funding opportunities are available that will help determine the scope of works.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/11/2024	Donaldson, Cameron	Renewal of Lease - 49 William Street, Raymond Terrace	31/07/2025	13/11/2024	
1		Kable, Gregory				24/307858
128						
<b>11 Jun 2025</b>						
Council has received a revised lease from Best & Less which is being reviewed by Council's external legal team.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2024	Maretich, John	Bus Shelters in Port Stephens	31/10/2025	11/12/2024	
1		Kable, Gregory				24/333356
<b>11 Jun 2025</b>						
Bus Shelter Policy has been endorsed and staff will review further actions for EOI.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/06/2025	Kable, Gregory	Port Stephens Roads Acceleration Program Expanded Funding Strategy	31/12/2026	11/06/2025	
4		Kable, Gregory				25/148178
115						
<b>11 Jun 2025</b>						
As resolved, strategy for funding of the RAP program will be pursued over the next 18 months.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/06/2025	Donaldson, Cameron	Policy Review - Financial Assistance for the Disposal of Waste in Port Stephens Policy	31/08/2025		
9		Kable, Gregory				25/148178
<b>11 Jun 2025</b>						
As per resolution the policy has been placed on public exhibition for 28 days.						

ITEM 5 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE  
RESOLUTIONS.

<b>Action Sheets Report</b>	<b>Division:</b>	Facilities and Infrastructure	<b>Date From:</b>	27/08/2013
	<b>Committee:</b>		<b>Date To:</b>	10/06/2025
	<b>Officer:</b>		<b>Printed:</b>	Thursday, 12 June 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/06/2025	Maretich, John	Trial of Tomaree Shuttle Bus	31/10/2025		
1		Kable, Gregory				25/148178
130						
<b>11 Jun 2025</b>						
Staff will prepare a report and review a shuttle bus service trial as per Council resolution.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/06/2025	Maretich, John	Tomaree Sports Complex Masterplan	31/10/2025	11/06/2025	
2		Kable, Gregory				25/148178
132						
<b>11 Jun 2025</b>						
Staff shall review and consider means to expedite request.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 10/06/2025	Maretich, John	MATTER ARISING - Min No. 131 - NOM 1 - Trial of Tomaree Shuttle Bus	31/10/2025		
131		Kable, Gregory				
<b>11 Jun 2025</b>						
Staff to prepare a report as per Council resolution.						



**Action Sheets  
Report**

**Division:** General Manager's Office  
**Committee:**  
**Officer:**

**Date From:** 25/03/2025  
**Date To:** 10/06/2025

**Printed:** Thursday, 12 June 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/03/2025	Wickham, Tony	Initiation of a Proposal to Alter the Port Stephens Local Government Boundaries	30/06/2025	26/03/2025	
4		Crosdale, Timothy				25/73848
063						
<b>12 Jun 2025</b> Correspondence has been forwarded to the neighbouring Councils and a two-way conversation has been scheduled for 15 July 2025.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/06/2025	Wickham, Tony	Revised Code of Meeting Practice	25/07/2025		
10		Crosdale, Timothy				25/148178
126						
<b>12 Jun 2025</b> The revised Code of Meeting Practice will be placed on public exhibition for 28 days, allowing 42 days for submissions to be received.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/06/2025	Wickham, Tony	Code of Conduct	11/07/2025		
11		Crosdale, Timothy				25/148178
127						
<b>12 Jun 2025</b> The Code of Conduct will be placed on public exhibition for 28 days.						

# NOTICES OF MOTION



**NOTICE OF MOTION**

**ITEM NO. 1**

**FILE NO: 25/147189**

**EDRMS NO: PSC2024-03148**

**MEDOWIE DRAINAGE**

**COUNCILLORS:** BEN NILAND, CHRIS DOOHAN & JASON WELLS

---

**THAT COUNCIL:**

- 1) Notes the recent reformation of the Drainage Subcommittee of the Medowie Progress Association, following ongoing concerns over prolonged flood inundation at properties along Abundance Road and Lisadell Road in Medowie.
- 2) Acknowledges that recurrent flooding and poor drainage have had a significant impact on residents in Medowie, Salt Ash, in the Hinterland particularly during and following recent weather events.
- 3) Requests that the General Manager coordinate and host a roundtable meeting involving Hunter Water, Council staff, the Medowie Progress Association, local residents and relevant stakeholders to:
  - a) Identify short and long-term measures to reduce flood risk and duration of inundation;
  - b) Clarify the roles and responsibilities of various agencies;
  - c) Investigate opportunities for collaboration and joint funding; and
  - d) Develop a shared strategy to seek financial support from the NSW Government to implement lasting solutions, particularly given Medowie's role in accommodating increased housing growth.
- 4) Requests the General Manager undertake an audit (and report to Council) of all stormwater detention and retention basins in the Medowie and Salt Ash areas to:
  - a) Assess their current storage capacity against the design;
  - b) Identify any constraints preventing them from operating as designed;
  - c) Recommend specific actions required to restore their full functionality; and
  - d) Identify appropriate sources of funding to carry out this necessary maintenance and restoration work.

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

**BACKGROUND**

Council notes that Medowie, like much of the Port Stephens LGA, has experienced significant rainfall and prolonged flooding in recent times. The Medowie/Campvale catchment covers approximately 20 km<sup>2</sup> with much of the catchment consisting of clayey soils with relatively low infiltration rates - that is rain does not penetrate the clay quickly as if it were sand.

The majority of stormwater runoff from the catchment is generally conveyed via pipes and open drains/channels to Campvale Drain which flows to Hunter Water Corporation Campvale Pumping Station. The pump station located at the western end of Campvale Drain pumps water into Grahamstown Dam which is used for drinking water supply.

The extent and impact of flooding has been investigated through numerous studies, notably the Medowie Flood Risk Management Study and Plan (FRMS&P) and collaborative studies undertaken with Hunter Water Corporation.

The Medowie FRMS&P investigated and confirmed the extent of flooding in Medowie and Campvale and developed risk management options. The primary aim of the FRMS&P is to reduce the flood hazard and risk to people and property in the existing community and to ensure future development is controlled in a manner consistent with flood hazard now and in the future. The FRMS&P involved community engagement and consultation, and was adopted by Council on 22 March 2016. Since that time many of the risk management measures have been implemented.

The collaborative studies undertaken with Hunter Water identified that there is a risk of poor-quality water entering Grahamstown Dam. The studies modelled and investigated several engineering options involving modification to Campvale Drain. Unfortunately, the investigation, analysis and assessment of all of the engineering options was unable to identify a solution that would improve the inundation issues without also risking degraded water quality being pumped to Grahamstown Dam.

The options would also have adverse environmental impacts such as exposure of acid sulphate soils, risk of damage to aquatic ecosystems and possible impacts on ecological endangered communities. The construction of an engineering option was not supported. Each organisation committed to proactively inspect and maintain their section of Campvale Drain to maintain the existing capacity. Furthermore, Council's planning controls are designed to minimise the impact of flows from future development thereby mitigating the risk of flood depths in Campvale increasing.

Council and Hunter Water provided information on the outcomes of the studies via each organisations respective website, via direct communications with the landowners located within the Campvale Drain inundation area and via community information sessions held in September 2022.

Council's drainage assets are managed in accordance with the Strategic Asset Management Plan (SAMP). Council inspects and maintains its drainage assets in a proactive and scheduled manner to meet a manageable level of service. The majority of maintenance for drainage assets is for the purpose of ensuring that the asset is fit for purpose. However, current service levels are impacted by and dependent upon available funding. The desired level of service is that all of the drainage network system is operating without flow restrictions, it is fit for purpose and it has capacity.

Presently there are 27 stormwater basins in the Medowie area located on Council owned land. These stormwater basins were designed and constructed in accordance with the national guideline applicable at the time. It is highly likely that many of these basins are undersized when compared to the current national guideline that take into account potential impacts of climate change on rainfall depth.

#### **FINANCIAL/RESOURCE IMPLICATIONS**

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

#### **ATTACHMENTS**

Nil.

**NOTICE OF MOTION**

**ITEM NO. 2**

**FILE NO: 25/149871**

**EDRMS NO: PSC2024-03148**

**DRAINAGE ON SPORTS FIELDS**

**COUNCILLOR: NATHAN ERRINGTON**

---

**THAT COUNCIL:**

- 1) Requests the General Manager to prepare a comprehensive report on all sporting fields within the Port Stephens Local Government Area (LGA), identifying those that require drainage upgrades. This report is to be presented to the elected Council.
- 2) Seeks funding opportunities from State and Federal Governments, as well as relevant sporting bodies, to assist in the upgrade of drainage systems on sporting fields across the LGA.
- 3) Requests the General Manager to investigate and include in future Council budgets a proposed timeframe and funding strategy to commence drainage upgrades on the identified sporting fields.

---

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

**BACKGROUND**

Port Stephens Council has 48 active grass sports fields across the LGA network which serve the community in multiuse, facilitating both summer and winter sporting codes.

While a majority of our fields are sand based, there are still occasions when these fields experience drainage issues especially with the wet conditions experienced over the past 3 winter seasons. Of these 48 sports fields, only 8 currently have subsurface drainage, minimising closures and assisting the continuation of community sport.

Using desktop project estimates, the average cost for subsurface slit drainage is \$150,000 per field including topdressing and fertilising schedules upon completion. The estimate of completing all remaining fields is \$6 million. Council is actively working with clubs and Sports Councils to identify priorities in preparation for arising funding streams. Several priority sites have been identified from oval closure data, stakeholder feedback and staff inspections. Sites identified include Salamander

**ORDINARY COUNCIL - 24 JUNE 2025**

Sports Complex (4 remaining fields), Tilligerry Soccer Fields, Lionel Morten Oval, Yulong Oval (remaining field), Ferodale Oval, Vi Barnett Field and King Park Sports Complex (4 remaining fields).

**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.

# 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.