



MAYORAL MINUTES 22 FEBRUARY 2022

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MAYORAL MINUTES

MAYORAL MINUTE

ITEM NO. 1

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

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

THAT COUNCIL:

- 1) Commits to the funding of the following community projects:
 - a) Urgent update to the Port Stephens Koala Plan of Management - \$200,000.
 - b) Urgent funding for foreshore improvements and drainage pipes for a number of sites across the Tilligerry Peninsula including the Tanilba Foreshore and Lemon Tree Passage Foreshore - \$150,000.
 - c) Urgent funding for the construction of a pathway along Kirrang Drive, Medowie - \$400,000.
 - d) Urgent funding for the conversion of the croquet court in Boomerang Park - \$25,000.
 - e) Urgent funding for a 7 Day Makeover in Raymond Terrace - \$180,000.
 - f) Urgent funding for a 7 Day Makeover in Karuah - \$180,000.
 - g) Urgent funding for the resealing, sealing and/or rehabilitation of priority roads including some car parks, re-sheeting of gravel roads and new pathways across Port Stephens to ensure the safety of our residents including school children – minimum \$1,000,000 or balance of sale.
 - h) Urgent funding for the replacement of the toilet block at Fly Point - \$140,000.
 - i) Urgent funding for the replacement of the toilet block at Shoal Bay boat ramp - \$130,000.
 - j) Urgent funding for pathway connections for school children and the community in Hinton - \$200,000.
 - k) Urgent funding for the continuation of the pathway through the Mallabula Sports Complex - \$50,000.
 - 2) Fund the urgent community works from the sale of residentially zoned land at 109 Foreshore Drive, Salamander Bay.
 - 3) Authorise the sale of Council owned land described as Lot 95, DP26610, 109 Foreshore Drive, Salamander Bay in accordance with the Acquisition and Divestment of Land Policy.
 - 4) Authorise the seller's agent to sign the contract at auction, subject to the sale conditions established in accordance with the Acquisition and Divestment of Land Policy.
 - 5) Authorise the General Manager to negotiate variations to contract conditions as required, excluding sale price outside of that set in accordance with the Acquisition and Divestment of Land Policy.
 - 6) Authorise the Mayor and General Manager to affix the Council Seal and sign all documents necessary to complete the sale.
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- 7) Acknowledges that the sale of residential land at 109 Foreshore Drive, Salamander Bay does not hinder access to the foreshore at Salamander Bay, as there is access through the adjacent community land that will remain as community land and that there are 7 access points along this 950m section of properties, including the parkland next to the subject residentially zoned land.
- 8) Acknowledges that the above urgent community works program does not have an identified funding source for the next 10 years as a minimum.
- 9) Acknowledges that the above projects have been identified from extensive community engagement conducted over the previous term of Council and the start of this term from thousands of community responses.

BACKGROUND

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

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

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

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

The recent success of 7 Day Makeovers in Anna Bay and Medowie has highlighted the benefits to town centres and communities from these initiatives. Missing link pathways, such as along Kirrang Drive, have also been identified by Council to improve the safety of users.

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

Part of the Council's total infrastructure backlog is the resurfacing of gravel roads and car parks. The speed limits in car parks are low and, hence, are considered a low risk priority environment. This low risk can result in limited funding opportunities and are not undertaken as often as desired. Similar, funds for the resurfacing of gravel roads

is difficult to attract and gain. Allocation of monies would not only improve the asset, but lift the amenity and safety for users of these assets.

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

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

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

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

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

A recent valuation undertaken in February 2022 placed an estimated value on the land of circa \$2.65 million under its current zoning. This is a significant increase from the previous independent value of land of circa \$1.5 million in January 2020. Should Council resolve to sell the property it would be via a public marketing campaign and affected through public auction or private treaty.

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

Council undertakes regular assessments of land holdings, including 109 Foreshore Drive, to determine environmental values of parcels of land in accordance with relevant standards and recognised professional practice. The outcomes of this assessment identified that 1 Koala feed tree exists on 109 Foreshore Drive, with the community land adjacent to 109 Foreshore Drive and along the foreshore containing

some 15 Koala feed trees in proximity to the subject land. As this exists on Community classified land it cannot be sold and remains under Council management.

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

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

ATTACHMENTS

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

109 Foreshore Drive, Salamander Bay



N W E S MGA 56	LEGEND 109 Foreshore Drive Community Land 116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au	DISCLAIMER Port Stephens Council accepts no responsibility for any errors, omissions or inaccuracies whatsoever contained within or arising from this map. Verification of the information shown should be obtained from an appropriately qualified person(s). This map is not to be reproduced without prior consent. © NSW Spatial Services 2022 © Nearmap 2022 © Port Stephens Council 2022 © Aerometrex Pty Ltd 2022 SCALE 1:7800 @ A4 PRINTED ON: 22.02.22	SHEET LOCALITY
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109 FORESHORE DRIVE, SALAMANDER BAY



 109 Foreshore Drive, Salamander Bay

 Community Land

MAYORAL MINUTE

ITEM NO. 2

**FILE NO: 22/55199
EDRMS NO: PSC2015-0102**

PORT STEPHENS DISASTER RECOVERY 2021

THAT COUNCIL:

- 1) Acknowledges that it has been almost 12 months since the March 2021 storm event that caused significant damage across Port Stephens.
- 2) Acknowledges there is in excess of \$5.5 million in emergency repairs required to be completed by NSW Government agencies and Port Stephens Council as a result of the March 2021 storm event.
- 3) Expresses its frustration and concerns on behalf of the community that, to date, the works to be completed have not been scheduled or funded due to inaction by NSW Government agencies.
- 4) Writes to the NSW Premier - The Hon. Dominic Perrottet, the NSW Treasurer - The Hon. Matt Kean and the Commissioner of Resilience NSW - Shane Fitzsimmons, requesting urgent action on funding the disaster recovery works across Port Stephens.
- 5) Acknowledges the inaction of the NSW Government agencies is having a profound negative effect on the Port Stephens Community and Port Stephens Council.

BACKGROUND

The purpose of this report is to acknowledge the emergency repairs required as a result of the 2021 March storm event.

Similar to other areas in eastern NSW, Port Stephens Council sustained a natural disaster in March 2021. Some areas of the Port Stephens Local Government Area were hit with rain in excess of what is commonly known as a 1 in 500 year event. The storm event was greater than usual engineering design criteria and definitely qualifies as a Natural Disaster. The event resulted in flooding and fast-moving water that caused damage to not only private property, but damage to Council infrastructure as land subsidence impacted assets, undermined culverts, collapsed roads, increased pot holes, damaged pumps stations and failed retaining walls, to name a few.

Following the initial clean-up, planning commenced to scope works and seek approvals from relevant Natural Disaster Funding agencies to undertake these works. While Council understands that Natural Disaster Funds are a contribution, the scale of works required and the associated funds is in excess of Council's ability to carry this cost. Nearing 1 year since the event, Council staff are still working through the

scoping of works to meet the requirements of the funding agencies and to seek approvals to undertake these works.

While the initial clean-up claim has been made and approved, there are a number of expenses such as temporary pump placements that were placed to protect private properties that have been rejected for funding.

The March 2021 event has resulted in 16 main projects with a total in excess of \$5.5 million worth of works that are in varying stages that Council is still seeking funds for.

ATTACHMENTS

Nil.