MINUTES – 11 JUNE 2024

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 11 June 2024, commencing at 5:30pm.

PRESENT:

Mayor Ryan Palmer
Cr Leah Anderson
Cr Giacomo Arnott
Cr Matthew Bailey
Cr Chris Doohan
Cr Glen Dunkley
Cr Peter Francis
Cr Peter Kafer
Cr Steve Tucker
Cr Jason Wells
General Manager
Director Community Futures
Director Corporate Strategy and Support
Director Facilities and Infrastructure
Governance Section Manager

	There were no apologies or requests for leave of absence received.

	Cr Giacomo Arnott declared a significant non-pecuniary conflict of interest in Item 6. The nature of the interest is Cr Arnott is a Board member of Port Stephens Family and Neighbourhood Services. Cr Arnott did not participate on judging their application during the fund panel deliberations. Cr Peter Kafer declared a pecuniary conflict of interest in confidential Items 1 and 2. The nature of the interest is Cr Kafer is directly related to senior partners of Sparke Helmore Solicitors – the partner is Cr Kafer's brother in-law.

116	**Councillor Leah Anderson** **Councillor Chris Doohan** It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 28 May 2024 be confirmed.

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

Those against the Motion: Nil.

The motion was carried.

ORDINARY COUNCIL MEETING - 11 JUNE 2024
PROCEDURAL MOTION

117	**Mayor Ryan Palmer** **Councillor Peter Kafer** It was resolved that the confidential Mayoral Minute be moved to the last confidential item on the agenda.

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

Those against the Motion: Nil.

The motion was carried.

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DECLARATION OF INTEREST

ORDINARY COUNCIL - 11 JUNE 2024

PORT STEPHENS COUNCIL

Declaration of Interest form

24/79827.
24/124540

Agenda item No. 1+2 Confidential Item.

Report title Acquisition of easement for Right of Public Access – Fern Bay, ~~Proposed Sale of 7A Watt St Raymond Terrace~~.

~~Mayor~~/Councillor Peter Kafer declared a

Tick the relevant response:

✓	**pecuniary** conflict of interest
	significant non pecuniary conflict of interest
	less than significant non- pecuniary conflict of interest

in this item. The nature of the interest is I am directly related to Senior Partner of Spurk Helmore Solicitors – he is my Brother in Law.

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 6.10 pm.

~~Mayor~~/Councillor returned to the Council meeting at _____ pm. Did not return.

ORDINARY COUNCIL - 11 JUNE 2024

PORT STEPHENS COUNCIL

Declaration of Interest form

Agenda item No. 6

Report title Community Support Fund

~~Mayor~~/Councillor Arnott declared a

Tick the relevant response:

	pecuniary conflict of interest
✓	**significant** non pecuniary conflict of interest
	less than significant non- pecuniary conflict of interest

in this item. The nature of the interest is Board member of Port Stephens Family and Neighbourhood Services. I did not participate on judging their application during fund panel deliberations.

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 5.50 pm.

~~Mayor~~/Councillor returned to the Council meeting at 5.52 pm.

MOTIONS TO CLOSE

MAYORAL MINUTE
MOTION TO CLOSE

ITEM NO. 1 **FILE NO: 22-37**

MOTION TO CLOSE MEETING TO THE PUBLIC

RECOMMENDATION:

1) That pursuant to section 10A(2)(a) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Mayoral Minute Confidential Item 1 on the Ordinary Meeting agenda namely **General Manager's Contract of Employment**.
2) That the reasons for closing the meeting to the public to consider this item be that the report and discussion will include matters and information relating to personnel matters concerning particular individuals (other than councillors).
3) That the report of the closed part of the meeting remain confidential.

ORDINARY COUNCIL MEETING - 11 JUNE 2024
MOTION

118	**Councillor Peter Kafer** **Councillor Jason Wells** It was resolved that Council: 1) That pursuant to section 10A(2)(a) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Mayoral Minute Confidential Item 1 on the Ordinary Meeting agenda namely **General Manager's Contract of Employment**. 2) That the reasons for closing the meeting to the public to consider this item be that the report and discussion will include matters and information relating to personnel matters concerning particular individuals (other than councillors). 3) That the report of the closed part of the meeting remain confidential.

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

Those against the Motion: Nil.

The motion was carried.

ITEM NO. 1 **FILE NO: 24/123021**
EDRMS NO: PSC2020-01119

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 **Acquisition of Easement for Right of Public Access - Fern Bay**.
2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:

- information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

3) That the report remain confidential and the minute be released in accordance with Council's resolution.

ORDINARY COUNCIL MEETING - 11 JUNE 2024
MOTION

119	**Councillor Peter Kafer** **Councillor Jason Wells** It was resolved that Council: 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 **Acquisition of Easement for Right of Public Access - Fern Bay**. 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing: • information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

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

Those against the Motion: Nil.

The motion was carried.

ITEM NO. 2 **FILE NO: 24/131463**
EDRMS NO: PSC2022-02800

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 2 on the Ordinary agenda namely **Proposed sale of 7A Watt 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.

ORDINARY COUNCIL MEETING - 11 JUNE 2024
MOTION

120	**Councillor Peter Kafer** **Councillor Jason Wells** It was resolved that Council: 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 2 on the Ordinary agenda namely **Proposed sale of 7A Watt 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.

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

Those against the Motion: Nil.

The motion was carried.

COUNCIL REPORTS

ITEM NO. 1 **FILE NO: 24/102104**
EDRMS NO: 58-2023-1-1

PLANNING PROPOSAL - 39, 39A AND 41 BROCKLESBY ROAD, MEDOWIE

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

RECOMMENDATION IS THAT COUNCIL:

1) Notes the amendments to the planning proposal **(ATTACHMENT 1)** and related amendment to the Port Stephens Development Control Plan 2014 **(ATTACHMENT 2)** for 39, 39A and 41 Brocklesby Road Medowie (Lots 1 & 2 DP 1291794 and Lot 2 DP 508780).
2) Authorises the exercise of delegations to make the amendment to the Port Stephens Local Environmental Plan 2013 under section 3.36 of the Environmental Planning and Assessment Act 1979 (NSW).

ORDINARY COUNCIL MEETING - 11 JUNE 2024
MOTION

121	**Councillor Chris Doohan** **Councillor Jason Wells** It was resolved that Council: 1) Notes the amendments to the planning proposal **(ATTACHMENT 1)** and related amendment to the Port Stephens Development Control Plan 2014 **(ATTACHMENT 2)** for 39, 39A and 41 Brocklesby Road Medowie (Lots 1 & 2 DP 1291794 and Lot 2 DP 508780). 2) Authorises the exercise of delegations to make the amendment to the Port Stephens Local Environmental Plan 2013 under section 3.36 of the Environmental Planning and Assessment Act 1979 (NSW).

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

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to advise Council of the outcome of the exhibition of the planning proposal to amend the Port Stephens Local Environmental Plan 2013 (LEP) **(ATTACHMENT 1)** and related amendment to the Port Stephens Development Control Plan 2014 (DCP) and note the submissions received **(ATTACHMENT 3)**.

The planning proposal **(ATTACHMENT 1)** seeks to amend the Port Stephens Local Environment Plan 2013 (LEP) and rezone the subject land to R2 Low Density Residential (including an amendment to the Lot Size Map to 350m^2 and Height of Buildings Map to 9m).

The rezoning will enable approximately 60 new homes.

The planning proposal is consistent with the Greenfield Housing Criteria and outcomes listed within the Port Stephens Local Housing Strategy (LHS) and will provide an extension to existing adjacent residential development (The Gardens). This will assist in meeting the housing needs of the community.

The report seeks authorisation to exercise delegations to make the amendment to the LEP and to approve the amendment to the DCP.

A summary of the planning proposal and property details are provided below:

Date lodged	1 June 2023
Proponent	McCloy Project Management Pty Ltd
Subject property	Lots 1 & 2, DP 1291794 and Lot 2 DP 508780 Brocklesby Road Medowie NSW 2318 being 39, 39A and 41 Brocklesby Road Medowie
Site area	5.1 hectares
Current zoning	RU2 Rural Landscape
Current use	Rural residential use with 3 single dwellings and predominantly cleared land
Proposed changes	Rezone the land for residential subdivision and development
Lot yield	Approximately 60 residential lots

At its meeting on 10 October 2023, Minute No. 232 **(ATTACHMENT 4)**, Council resolved to adopt the planning proposal and forward it to the NSW Department of Planning, Housing and Infrastructure (DPHI) seeking a Gateway determination and delegated authority to make the plan.

On 6 December 2023, DPHI issued a Gateway determination **(ATTACHMENT 5)**, requiring the planning proposal be updated to:

- Include an assessment against the performance criteria in the Hunter Regional Plan 2041 (HRP) about creating a 15-minute neighbourhood to support mixed, inclusive and vibrant communities.
- Undertake further consultation with the Department of Climate Change, Energy, the Environment and Water (formerly Biodiversity Conservation Division), Transport for NSW and NSW Rural Fire Service prior to public exhibition.

The Gateway determination authorises Council to make the amendments to the LEP under section 3.36(2) of the Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act), giving effect to the planning proposal following public exhibition.

In accordance with the Gateway determination, the planning proposal was updated and referred to the relevant public authorities, with 3 submissions being received **(ATTACHMENT 3)**. The planning proposal was publicly exhibited from 11 March to 10 April 2024 from which no submissions were received.

Following exhibition, minor amendments were made to the DCP to simplify planning controls and provide greater clarity to the development application stage.

Suitability of the site

The subject site is considered suitable for residential development for the following reasons:

- The site is well positioned within an existing residential area in close proximity to the town centre, community facilities and schools.
- The site is considered unsuitable for agricultural purposes due to its size and proximity to residential development.
- The site is located adjacent to The Gardens estate and will provide connection to the residential area between Medowie Road and Brocklesby Road.
- The site is within Medowie which is identified as a priority area for future housing in the HRP 2041.
- The site is identified for future residential growth within the Medowie Place Plan and Medowie Planning Strategy (Precinct F).

Servicing

The site can be connected to existing services within the area, including reticulated electricity, water, sewer and telecommunications. There is sufficient capacity in these networks to support the proposal.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the housing needs of Port Stephens are not met if appropriate development areas are not supported.	High	Accept the recommendation.	Yes

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

The planning proposal is being processed in accordance with Part 3 of the EP&A Act which provides the framework for amending a local environmental plan. DPHI issued a Gateway determination under section 3.34 of the EP&A Act specifying that the planning proposal should proceed to exhibition, subject to conditions and consultation requirements.

Council is authorised to act as the local plan making authority to make the plan by the Gateway determination. Should Council accept the recommendations, arrangements

will be made for the drafting of the amendment to the LEP to give effect to the planning proposal.

Port Stephens Local Environmental Plan 2013

The subject site is currently zoned RU2 Rural Landscape with no building height and a minimum lot size of 2 hectares. The planning proposal would amend the Height of Buildings Map, the Lot Size Map and Urban Release Areas Map of the LEP.

The proposal will rezone the site to R2 Low Density Residential with a minimum lot size of 350m^2 and nominate a building height control of 9 metres.

Amending the LEP will permit (with development consent) subdivision of the land and housing consistent with the objectives of the proposed R2 Low Density Residential zone and the adjoining subdivision pattern.

Port Stephens Development Control Plan 2014 (DCP)

A draft DCP has been prepared to support the planning proposal includes changes to:

- Adopt a masterplan for the future development of the site,
- Require a green street through the site to provide connectivity for faunal movement,
- Specify requirements for stormwater drainage reserves and water quality, and
- Provide controls relating to transport movement.

The DCP was exhibited concurrently with the planning proposal and reflects the comments received from agencies during consultation.

NSW Hunter Regional Plan 2041 (HRP)

The HRP outlines criteria for creating 15-minute neighbourhoods and inter-connected communities that are not car dependent. The planning proposal is consistent with the visions and goals of the HRP as it would make efficient use of the land to provide housing choice with easy access to the town centre. The subject site is located next to a public school, within walking distance of the town centre and provides for a range of transportation options.

The planning proposal is considered to be consistent with the HRP.

Local Strategic Planning Statement 2020 (LSPS)

The LSPS identifies the 20-year vision for land use in Port Stephens and sets out social, economic and environmental planning priorities for the future. The planning proposal is considered to be consistent with, and would give effect to, the following planning priorities from the LSPS:

Priority 1: Support the growth of strategic centres

The proposal supports this priority by allowing for further residential development in order to assist in the growth of Medowie which is near a major employment area that includes the Newcastle Airport, Astra Aerolab and the RAAF Base.

Priority 4: Ensure suitable land supply (for housing)

The proposal would contribute towards the provision of suitable land for additional housing in the LGA and would increase housing choice to suit the needs and lifestyle of current and future residents.

Port Stephens Local Housing Strategy 2020 (LHS)

The planning proposal is consistent with the LHS, including the draft LHS and draft Housing Supply Plan (HSP) which were recently on exhibition. It responds directly to a number of priorities as it ensures adequate supply of new housing, responds to housing stress, and encourages a range of housing types and sizes. The site is consistent with the Greenfield Housing Criteria. It will facilitate 60 dwellings as per the draft HSP.

SUSTAINABILITY IMPLICATIONS
Includes Social, Economic and Environmental Implications

Social and Economic

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

- Development of the land for housing will assist in meeting regional dwelling demand.
- Development of the site will provide additional housing choice in the Port Stephens LGA.
- Employment opportunities will be provided through the construction phase.
- Increased local economic activity in the Medowie town centre will result from an increased population.

Environmental

The subject land is predominantly cleared and contains 0.43 hectares of native vegetation, none of which is core koala habitat. A concept subdivision plan submitted with the planning proposal has demonstrated that retention of the vegetation cannot be achieved, however, the removal of these trees can be offset at the DA stage. Additionally, the DCP for the site provides allocation of an indicative green street for the enhancement of native vegetation to encourage faunal movement.

CONSULTATION

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

Internal

Internal consultation was undertaken with the Development Planning, Natural Systems and Assets teams. The planning proposal reflects the advice received during this internal consultation.

External

The Gateway determination required Council to undertake consultation with relevant agencies, prior to undertaking public exhibition. Council referred the planning proposal and associated studies to the following agencies on 19 December 2023:

- NSW Department of Climate Change, Energy, the Environment and Water
- Transport for NSW
- NSW Rural Fire Service

No objections were received from public authorities and no further amendments were made to the planning proposal. A summary of agency feedback is at **(ATTACHMENT 3)**.

Community

Following the above consultation and in accordance with the Gateway determination, the planning proposal was exhibited for 30 days from 11 March 2024 to 10 April 2024. No public submissions were received.

OPTIONS

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

ATTACHMENTS

1) Planning proposal - 39, 39A and 41 Brocklesby Road, Medowie.
2) Draft DCP Chapter D16.
3) Agency Submissions Summary Table.
4) Minute No. 232, 10 October 2023.
5) Gateway Determination.

COUNCILLORS' ROOM/DASHBOARD

1) Unredacted Submissions.

TABLED DOCUMENTS

1) Nil.

ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL - 39, 39A AND 41 BROCKLESBY ROAD, MEDOWIE.

Medowie Precinct F Planning Proposal

Proposed amendment to Port Stephens Local Environmental Plan 2013

Rezoning of Lots 1 & 2 DP 1291794 and Lot 2 DP 508780, Brocklesby Road, Medowie

PORT STEPHENS COUNCIL

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VERSION CONTROL

Version	Date	Details
1	June 2023	Planning proposal as submitted to Council
2	August 2023	Updated to Council template
3	December 2023	Updated to respond to Gateway determination

ATTACHMENTS

ATTACHMENT 1 – Existing and Proposed Land Zoning Maps
ATTACHMENT 2 – Existing and Proposed Lot Size Maps
ATTACHMENT 3 – Existing and Proposed Height of Buildings Map
ATTACHMENT 4 – Existing and Proposed Urban Release Area Map
ATTACHMENT 5 – Draft Development Control Plan – Chapter D16 Medowie Planning Strategy (Precinct E and F)
ATTACHMENT 6 – Aboriginal Cultural Heritage Assessment
ATTACHMENT 7 – Biodiversity Development Assessment Report
ATTACHMENT 8 – Stormwater Management Report
ATTACHMENT 9 – Strategic Bushfire Study
ATTACHMENT 10 – Preliminary Servicing Advice (Hunter Water)
ATTACHMENT 11 – Traffic Impact Assessment
ATTACHMENT 12 – Preliminary Contamination Assessment
ATTACHMENT 13 – Detailed Contamination Assessment

Note: Any third party reports referenced in this report can be inspected upon request.

FILE NUMBER

Council: 58-2023-1-1

Department: PP-2023-1060

SUMMARY

Subject land: Lots 1 & 2 DP 1291794 and Lot 2 DP 508780 Brocklesby Road Medowie NSW 2318

Proponent: McCloy Project Management Pty Ltd

Proposed changes: Rezone the subject land to R2 Low Density Residential (including an amendment to the Lot Size Map to 350m2 and Height of Buildings map to 9m)

Area of land: ~ 5.1 hectares

Lot yield: ~ 60 lots

BACKGROUND

The planning proposal seeks to amend the *Port Stephens Local Environmental Plan 2013* (LEP) to enable residential development at 39, 39A and 41 Brocklesby Road, Medowie.

The subject site is currently zoned RU2 Rural Landscape and the planning proposal seeks to rezone the land to R2 Low Density Residential (including amendments to the Lot Size Map and Height of Buildings Map), and identification as an Urban Release Area.

The justification for the planning proposal is in accordance with the Medowie Planning Strategy adopted by Council on the 13 December 2016.

As identified in this planning proposal, the following additional investigations will be provided following a Gateway determination:

The following additional investigations are provided with this Planning Proposal:

- Strategic Bushfire Strategy
- Biodiversity Development Assessment Report (BDAR)
- Preliminary and Detailed Contamination Assessment
- Aboriginal Cultural Heritage Assessment (ACHA)
- Stormwater Management Report
- Preliminary Servicing Advice
- Traffic Assessment Report

SITE

The subject site is approximately 5.1 hectares and comprises of Lots 1 & 2, DP 1291794 and Lot 2 DP 508780. **Figure 1** (p. 6) identifies the subject land.

The site is rectangular in shape, with a combined frontage of approximately 140m, and site depth of approximately 362m. Each lot currently contains a single residential dwelling and associated outbuildings, with each comprising vast areas of undeveloped landscaped space. None of the vegetation on site is identified as High Biodiversity Value on the Biodiversity Values Map.

The site is currently zoned RU2 Rural Landscape and has a minimum lot size of 2ha. Historical aerial photography identified that the lots predominantly consisted of agricultural row plantings from 1954 to 1984, which were eventually replaced with radiata pine in the early 1990s.

The site is bordered to the north by Wirreanda Public School, zoned SP2 Infrastructure (School), with R2 Low Density Residential zoned areas to the rear (adjacent to the western boundary) and across Brocklesby Road, to the east. RU2 zoned land continues approximately 1km to the south, bounded by Brocklesby Road.

To facilitate this planning proposal, an amendment to the LEP to rezone the land needs to be undertaken. It is estimated that approximately 60 lots can be created from the proposed rezoning, which is in line with the yield, identified in the Medowie Planning Strategy.

Rezoning the site to R2 Low Density Residential will also include amendments to the current the Lot Size Map from 2ha to 350m^2, and the associated Height of Buildings Map to be 9m, consistent with surrounding R2 zoned sites.

Figure 1 – Subject site

6

Figure 2 – Locality plan

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PART 1 – Objectives or intended outcomes

The intended outcome of the planning proposal is to facilitate Precinct F of the Medowie Planning Strategy by enabling residential development at 39, 39A and 41 Brocklesby Road, Medowie.

PART 2 – Explanation of provisions

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

- Amend Land Zoning Map for Lot 1 DP 1291794, Lot 2 DP 1291794 and Lot 2 DP 508780 from RU2 Rural Landscape to R2 Low Density Residential (**ATTACHMENT 1**)
- Amend Lot Size Map for Lot 1 DP 1291794, Lot 2 DP 1291794 and Lot 2 DP 508780 from 2 ha to 350m^2 (**ATTACHMENT 2**)
- Amend Height of Buildings Map for Lot 1 DP 1291794, Lot 2 DP 1291794 and Lot 2 DP 508780 to apply a building height of 9m (**ATTACHMENT 3**)
- Amend Urban Release Area Map to identify Lot 1 DP 1291794, Lot 2 DP 1291794 and Lot 2 DP 508780 as an urban release area (**ATTACHMENT 4**)

Figures 3 - 6 identify the proposed changes to the *Port Stephens Local Environmental Plan 2013*.

These amendments will be supported by a site-specific Development Control Plan (DCP) to facilitate coordinated development at the development application stage. A draft site-specific DCP (**ATTACHMENT 5**) has been prepared and will be publicly exhibited alongside the planning proposal.

Figure 3 – Existing and proposed land zoning map

Figure 4 – Existing and proposed lot size map

Figure 5 – Existing and proposed height of buildings map

Figure 6 – Existing and proposed urban release area map

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PART 3 – Justification of strategic merit and site specific merit

Strategic merit

Section A – Need for the planning proposal

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

The planning proposal is the result of the Medowie Planning Strategy, adopted by Council on 13 December 2016, which provides local direction for land use planning and sustainable growth over the next 20 years in Medowie.

The Medowie Planning Strategy identifies the subject site as Precinct F. Precinct F is identified as a potential future residential release area with an estimated yield of 60 dwellings.

Medowie is also identified as a growth area in the Port Stephens Planning Strategy and as a priority location for future housing in the Hunter Regional Plan 2041.

The planning proposal will enable directions from the Medowie Planning Strategy, the Port Stephens Local Strategic Planning Statement and the Hunter Regional Plan to deliver housing.

The proposal's consistency with local and regional plans is provided in more detail in Section B below.

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

In order to achieve the intended outcome, the following options were considered:

- **Rezone the subject site to R2 Low Density Residential with a minimum lot size of 500m^2**

This option was considered to be less desirable as it would not contribute to achieving the housing density targets set out in the Hunter regional Plan 2013.

- **Rezone the subject site to R3 Medium Density Residential**

This option was considered to be inappropriate given the neighbouring development pattern and the distance between the site and the town centre.

- **Rezone the subject site to R2 Low Density Residential with a minimum lot size of 350m^2**

This option is considered the best means of achieving the objectives of the planning proposal as it proposes a residential zone consistent with the Medowie Planning Strategy and has a reduced minimum lot size to better achieve the housing density targets set out in the Hunter Regional Plan 2041.

Section B – Relationship to strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the Hunter Regional Plan and/or Greater Newcastle Metropolitan Plan (or any exhibited draft plans that have been prepared to replace these)?

Hunter Regional Plan 2041

The Hunter Regional Plan 2041 (HRP) applies to the Port Stephens LGA and is an applicable consideration for this planning proposal. The HRP identifies Medowie as a priority location for future housing to service the Williamtown Special Activation Precinct (SAP).

The HRP has projected a need for an additional 11,100 dwellings in Port Stephens to 2041. This planning proposal seeks to provide additional residential land in a strategic location to support the provision of new housing that meets the objectives set out in the HRP.

As identified in **Figure 2** (page 7), the subject site is strategically located in an existing residential area in close proximity to services and facilities to support walking, cycling and public transport in 15 minute neighbourhoods. The planning proposal will support the desired priorities and objectives to provide greater housing choice and encourage residential development within proximity to Medowie Town Centre, and the employment hubs of Newcastle Airport, Williamtown RAAF Base, Tomago and Heatherbrae.

The planning proposal's consistency with the objectives and strategies in the HRP is addressed in detail below.

Hunter Regional Plan 2041	
Objective 3 - Create 15-minute neighbourhoods to support mixed, multi-modal, inclusive and vibrant communities	
Performance Outcomes	**Consistency**
1. Urban settlement patterns maximise the use of existing infrastructure and reduce travel demand, especially by car.	As shown in **Figure 2** (page 7), the subject site is surrounded by existing residential neighbourhoods and can improve connectivity between the adjoining subdivision, the Gardens Estate, to Brocklesby Road and vice versa. The site can rely on existing road and path infrastructure to access the

Hunter Regional Plan 2041	
	Medowie town centre as well as nearby school, sporting facilities and library.
2. Neighbourhoods maximise mobility independence and active and public transport opportunities.	A draft DCP has been prepared to guide footpaths and public transport infrastructure to support the development. It is proposed for the site to connect to existing footpaths on Brocklesby Road to the north as well as Macadamia Circuit and Gardenia Drive currently under construction in the adjoining housing development, the Gardens Estate, to the west. These footpaths will connect the site to local services and facilities in the town centre. The draft DCP also proposes to provide an additional bus stop on Brocklesby Road in consultation with service providers.
3. Neighbourhoods provide local access to education, jobs, services, open space and community activities.	The subject site is adjacent to a public primary school with capacity for more students. There are also two private primary and secondary schools, an additional public primary school and options being explored for a public high school within Medowie. The subject site is located within an 800m radius of the Medowie town centre which includes a supermarket, library, park and day-to-day convenience stores. Open space is provided at Boyd Oval north of the site and the Ferodale Sports Complex is located 1.5km from the site. The site is close to jobs and specialised needs at a 15-minute drive to the strategic centre of Raymond Terrace, 7 minutes to Williamtown RAAF Base and 12 minutes to Newcastle Airport.
4. Neighbourhoods encourage healthy lifestyles with opportunities to experience and engage in cultural, entertainment, sport and recreation and educational activities.	As identified above the site has good access to existing educational and sporting activities. The nearby Medowie town centre also provides a community centre, library, a medical centre, a gymnasium, local shops and services, and restaurants and cafes. Additionally

Hunter Regional Plan 2041	
	the site is located 11 minutes from the Murrook Cultural Centre in Williamtown.
5. Neighbourhoods establish or reinforce local identity.	The subject site sits within an established residential neighbourhood. Local identity will be reinforced by the improvement of connectivity within the area. A draft DCP has been prepared which extends the adjoining estate to create a consistent identity.
6. Public spaces are designed to invite community interactions and economic, social and cultural activity. They enable a sense of social inclusion, wellbeing, comfort and belonging.	Public space is not being proposed due to the limited size of the subject site. As identified above the subject site has good access to existing sporting facilities and public spaces.
7. Places are designed to be greener to support the regeneration of and connection to the natural environment.	Koala habitat and vegetated lands are located to the north and south of the subject site. The draft DCP proposes a green street through the site to support fauna connectivity through the site. The green street is proposed to have a wider verge and require additional planting with koala feed trees to support koala movement through the site and improve connection to the natural environment.
Objectives	**Consistency**
Objective 4 - An inter-connected and globally focused Hunter without car dependent communities	The proposed DCP chapter identifies future footpaths and a potential bus shelter to encourage active and public transport.
Objective 5 - Plan for 'nimble neighbourhoods', diverse housing and sequenced development	The proposed minimum lot size of 350sqm will help provide more diverse housing options. Following the rezoning, the subdivision of the land can be sequenced to follow the development of the adjacent site "The Gardens" which is nearing completion.
Objective 6 - Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments	The attached Aboriginal Cultural Heritage Assessment (**ATTACHMENT 6**), Biodiversity Development Assessment Report (BDAR) (**ATTACHMENT 7**) and Stormwater Management Report

Hunter Regional Plan 2041	
	(**ATTACHMENT 8**) demonstrate there will be no significant impacts on heritage, landscapes, environmentally sensitive areas, waterways or drinking water catchments.
Objective 9 - Sustain and balance productive rural landscapes	The rezoning of the subject site from RU2 Rural Landscape will not alter the productive rural landscapes in the area due to the existing fragmented nature of the land.
Strategies	**Consistency**
Strategy 3.1 Planning proposals that propose a residential, local centre or commercial centre zone will not prohibit the following land uses within urban core, general urban, inner suburban and general suburban contexts: • business premises • restaurants and cafes • take-away food and drink premises • neighbourhood shops and supermarkets • educational establishments • early education and care facilities • health services facilities • markets • community facilities • recreation areas	The planning proposal is seeking to rezone the whole site to R2 Low Density Residential due to the limited size of the site. The site is too small to warrant a mixed use or commercial zone and the Port Stephens R2 zone does not permit all of the listed land uses. An additional local provision is not being sought to permit all the listed land uses however centre-based child care facility, community facilities, health consulting rooms, neighbourhood shops, places of public worship, recreation areas and respite day care centres are permitted with consent in the R2 zone. The site is located within an 800m radius of the Medowie commercial precinct that contains various local employment, retail and local services, open spaces and directly adjoins a school site, which will maximise the use of the existing infrastructure and reduce travel demand by car while also maximising mobility independence and active transport opportunities. Due to the location of the subject site, the proposal is able to demonstrate consistency with the performance criteria outlined in Objective 3.

Hunter Regional Plan 2041	
6.3 - Planning proposals will ensure the biodiversity network is protected within an appropriate conservation zone unless an alternate zone is justified following application of the avoid, minimise, offset hierarchy.	The site contains approximately 0.43 hectares of supplementary koala habitat and 3 preferred koala feed trees. The removal of this vegetation will be offset during the development application stage.
6.4 - Planning proposals should promote enterprises, housing and other uses that complement the biodiversity, scenic and water quality outcomes of biodiversity corridors. Particularly, where they can help safeguard and care for natural areas on privately owned land.	The proposed DCP identifies the location of catchment wide drainage reserves to ensure water quality is not impacted as a result of development.
6.11 - Planning proposals will demonstrate that development within a drinking water catchment or sensitive receiving water catchment will achieve a neutral or beneficial effect (NorBE) on water quality.	While the subject site is not located within a drinking water catchment, the western portion drains towards a drinking water catchment. A Stormwater Management Report (**ATTACHMENT 8**) has been prepared for the proposal, which demonstrates NorBE can be achieved.
Greater Newcastle District Priorities	**Consistency**
1 - Prioritise housing within 30 minutes of Williamtown SAP	The subject site is within 10 minutes of the Williamtown SAP.
9 - Protect drinking water catchments	Refer to **Strategy 6.11** response above.

Greater Newcastle Metropolitan Plan 2036

The *Greater Newcastle Metropolitan Plan 2036* (GNMP) applies to part of the Port Stephens LGA, including Medowie. The GNMP identifies Medowie for new housing.

The planning proposal is consistent with the GNMP as it will deliver houses close to jobs and contribute to meeting housing targets. The consistency of the planning proposal with the GNMP is addressed in detail below.

Greater Newcastle Metropolitan Plan 2036	
Strategies	**Consistency**
9 - Plan for jobs closer to homes in the metro frame	The subject site is located close to the town centre of Medowie, the strategic centre of Raymond Terrace, as well as significant employment clusters at the Williamtown SAP, Tomago and Heatherbrae.
12 - Enhance the Blue and Green Grid and the urban tree canopy	The proposed DCP includes controls to require vegetation management plans be implemented.
14 - Improve resilience to natural hazards	The subject site is not located within flood prone land. The subject site is classified as being within bushfire hazard category 1 and 3 as well as buffer. A Strategic Bushfire Study (**ATTACHMENT 9**) has been prepared to support the proposal and a site specific DCP has been prepared with a layout consistent with Planning for Bushfire Protection 2019.
16 - Prioritise the delivery of infill housing opportunities within existing urban areas	While the planning proposal is seeking a greenfield residential outcome, it is located within an existing urban area with surrounding lands zoned R2 Low density Residential. Additionally, a minimum lot size of 350sqm is being proposed to encourage higher density development.
17 - Unlock housing supply through infrastructure coordination and delivery	The subject site benefits from significant existing infrastructure, however a draft DCP chapter has been prepared identifying infrastructure to be provided by the developer at the subdivision stage including footpaths, road upgrades and bus stop facilities. Preliminary Servicing Advice from Hunter Water demonstrates that reticulated water and sewer is feasible.

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

Port Stephens Local Strategic Planning Statement (LSPS) 2020

The Port Stephens LSPS identifies the 20-year vision for land use in Port Stephens. It sets out social, economic and environmental planning priorities for the future and identifies when they will be delivered.

The Planning Proposal is consistent with the Port Stephens LSPS, which identifies Medowie as an 'Emerging Strategic Centre', with potential for residential growth to play an important role both within Port Stephens and Greater Newcastle.

The planning proposal's consistency with the planning priorities of the LSPS as addressed in detail below.

Local Strategic Planning Statement 2020	
Planning Priorities	**Consistency**
1 - Support the growth of strategic centres and major employment areas	The planning proposal seeks to provide additional housing in close proximity to existing and emerging employment clusters at Raymond Terrace and Williamtown.
4 - Ensure suitable land supply	The planning proposal seeks to provide additional land supply suitable for residential development in Medowie, which has been identified for future residential.
5 - Increase diversity of housing choice	A minimum lot size of 350sqm is being proposed to encourage the development of smaller lot housing and increase the diversity of housing choice.
6 - Plan infrastructure to support communities	The subject site benefits from significant existing infrastructure, however a draft DCP chapter has been prepared identifying infrastructure to be provided by the developer at the subdivision stage including footpaths, road upgrades and bus stop facilities. Preliminary Servicing Advice from Hunter Water (**ATTACHMENT 10**) demonstrates that reticulated water and sewer is feasible.
7 - Conserve biodiversity values and corridors	The site contains approximately 0.43 hectares of supplementary koala habitat and 3 preferred koala feed trees. The removal of this vegetation will be offset during the development application stage.

Local Strategic Planning Statement 2020	
10 - Create people friendly spaces in our local centres where people can come together	A draft site specific DCP has been prepared to support the planning proposal. The DCP ensures the proposed development will provide footpaths to link to existing footpaths to recreational facilities and the town centre.
11 - Integrate land use and transport planning	The planning proposal is supported by a Traffic Impact Assessment (**ATTACHMENT 11**) and a draft site specific DCP chapter which identifies future footpaths and a potential bus shelter to encourage active and public transport.

Port Stephens Local Housing Strategy (Live Port Stephens) 2020

The planning proposal will give effect to Live Port Stephens which provides criteria for the consideration of new greenfield housing.

Port Stephens Local Housing Strategy 2020 – Greenfield Criteria	
Locational Criteria	**Consistency**
Land identified in a local area strategy	The land is identified in the Medowie Planning Strategy for residential use.
Aircraft Noise	The land is not impacted by the Australiana Noise Exposure Forecast.
Bushfire	The land is bushfire prone. A Strategic Bushfire Study (**ATTACHMENT 9**) consistent with the Planning for Bush Fire Protection 2019 has been prepared to support the planning proposal.
Flooding	The subject land is not flood prone.
Land slope	The land is relatively flat with a maximum slope of 1.43 degrees.
Biodiversity	The site contains approximately 0.43 hectares of supplementary koala habitat and 3 preferred koala feed trees. A Biodiversity Development Assessment Report (**ATTACHMENT 7**) has been prepared to support the proposal.
Mineral resources	The land is greater than 500m from any known mineral resource.
Non-Aboriginal Cultural Heritage	The land does not contain any items of environmental heritage.

Port Stephens Local Housing Strategy 2020 – Greenfield Criteria	
Locational Criteria	**Consistency**
Aboriginal Cultural Heritage	An Aboriginal Cultural Heritage Assessment (ACHA) (**ATTACHMENT 6**) has been prepared to support the proposal. No Aboriginal sites, potential archaeological deposits or areas of sensitivity were identified during the ACHA survey. There are no proposed impacts to Aboriginal sites of archaeological or cultural significance.
Drinking Water Catchment	The site is not located within a drinking water catchment, but the western portion of the site drains towards one. A Stormwater Management Report **(ATTACHMENT 8**) has been prepared to support the planning proposal. The report demonstrates that the proposal can achieve NorBE on water quality. Additionally, the site will be connected to reticulated sewer.
Infrastructure and Services	The land benefits from access to existing infrastructure and will be connected to reticulated water, sewer and electricity. Road upgrades and the provision of pathways and bus stops are identified in a draft site-specific DCP chapter (**ATTACHMENT 5**).
PFAS (per- and poly-fluoroalkyl substances)	The site is not impacted by PFAS.

In addition to the Greenfield Criteria, the proposal is also consistent with the outcomes of Live Port Stephens as addressed in detail below.

Port Stephens Local Housing Strategy 2020	
Outcome	**Consistency**
1 - Ensure suitable land supply **1.1 -** Ensure adequate supply of new housing.	The planning proposal seeks to provide additional land supply suitable for residential development in Medowie, which has been identified for future residential.
2 - Improve housing affordability **2.1 -** Respond to housing stress **2.2 -** Provide more affordable housing near jobs	The planning proposal seeks to provide additional housing to ease housing stress and improve affordability. The subject site is also located in close proximity to jobs at Raymond Terrace, Williamtown and Tomago.
3 - Increase diversity of housing choice	The planning proposal seeks to provide housing adjacent to existing residential

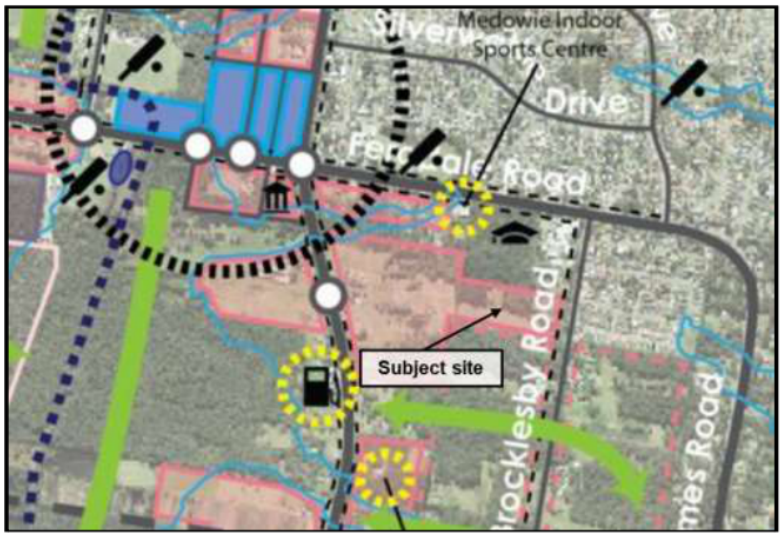
Port Stephens Local Housing Strategy 2020	
Outcome	**Consistency**
3.1 - Facilitate new housing within existing urban areas **3.2 -** Encourage a range of housing types and sizes	housing and will utilise existing infrastructure. A minimum lot size of 350sqm is proposed to encourage smaller homes, and increased housing diversity and density.
4 - Facilitate liveable communities **4.1 -** Housing enhances local character **4.2 -** Communities are connected	The subject site is owned by the adjacent residential estate "The Gardens" which will extend this estate forming a connection between the existing estate and Brocklesby Road. The development of the subject site will improve connectivity for the neighbouring residential properties by providing a direct pathway from "the Gardens" to Wirreanda Public School.

Medowie Planning Strategy 2016

The Medowie Planning Strategy provides local direction for land use planning and sustainable growth over the next 20 years. The Medowie Planning Strategy identifies the subject site as a future residential release area "precinct F" with an estimated yield of 60 dwellings.

The planning proposal is seeking a low-density residential zone in accordance with the Strategy and is consistent with its key principles including infrastructure, water quality, flooding and biodiversity corridors.

Figure 7 – Identification of the subject site in the Medowie Planning Strategy



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

Consideration was given to other State and regional strategies, including *A 20 Year Economic Vision for Regional NSW* (updated February 2021) and the *Future Transport Strategy 2056* (updated November 2020). Although these documents do not strictly relate to the planning proposal, the planning proposal is not inconsistent with these high-level State strategies.

Q6. Is the planning proposal consistent with applicable SEPPs?

An assessment of the relevant applicable State Environmental Planning Policies (SEPPs) against the planning proposal is provided in the table below.

SEPP	Consistency and Implications
SEPP (Housing) 2021	
Chapter 3 Diverse Housing	The planning proposal is consistent with the principles of the SEPP (Housing) 2021. The proposal seeks to rezone land for residential purposes in a location that can capitalise on existing infrastructure and services, can provide reasonable amenity, will not require clearing or the fragmentation of environmental lands and can encourage smaller homes by proposing a small minimum lot size of 350sqm.
SEPP (Primary Production) 2021	
Chapter 2 Primary production and rural development	The SEPP (Primary Production) 2021 applies to land across NSW and aims to facilitate the orderly economic use and development of lands for primary production. The relevant Ministerial Direction is discussed below, which provides greater relevance to the rezoning of rural lands through a planning proposal.
SEPP (Resilience and Hazards) 2021	
Chapter 2 Coastal Management	The site is not located within the Coastal Zone Footprint Map.
Chapter 4 Remediation of Land	The site has historically been utilised for rural residential and agricultural purposes with a history of past cropping and orchards. A Preliminary Contamination Assessment (**ATTACHMENT 12**) identified potential contamination due to the previous agricultural uses, on-site sewer, stockpiling and the age of the buildings on site. A Detailed Contamination Assessment (DCA) (**ATTACHMENT 13**) was prepared to support the

	planning proposal. The results found isolated elevated levels of zinc near a galvanised shed, a fragment of asbestos containing material, and a history of on-site sewer. The DCA considers the site can be made suitable for residential development following the recommended management options relating to the decommissioning of the septic tanks and preparation of an asbestos removal plan.
SEPP (Transport and Infrastructure) 2021	
Chapter 2 Infrastructure	A Traffic Impact Assessment (**ATTACHMENT 11**) and draft site specific DCP has been prepared to support the planning proposal. The site benefits from an existing transport network with capacity to support the proposal. Road upgrades where the subject site adjoins Brocklesby Road, pathways and a new bus stop have been identified in the draft DCP and will be required at the development stage. Reticulated electricity, sewer and water are available in close proximity to the site. The subject site is also located within an existing residential precinct in close proximity to public services and facilities.
SEPP (Biodiversity and Conservation) 2021	
Chapter 3 Koala habitat protection 2020	This SEPP is applicable as the site is currently zoned RU2 Rural Landscape. The subject site contains 0.43 hectares of supplementary koala habitat. The site does not contain core koala habitat.
Chapter 4 Koala habitat protection 2021	This SEPP is applicable as the planning proposal seeks to rezone land containing supplementary koala habitat to R2 Low Density Residential. A BDAR **(ATTACHMENT 6)** has been prepared to support the planning proposal which includes assessment of the proposal against the CKPoM. The assessment found: • the rezoning will not result in the development on land defined as Preferred Koala Habitat. • the proposal will impact 0.43 ha of Supplementary Koala Habitat. Habitat compensatory measures are proposed for this removal. • the proposal may remove three koala feed trees. The removal of the supplementary koala habitat and 3 koala feed trees will be offset during the development application stage.

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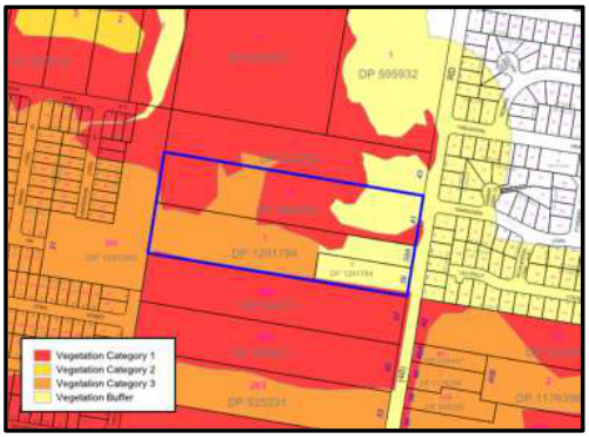
Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

An assessment of relevant Ministerial Directions against the planning proposal is provided in the table below.

Ministerial Direction	Consistency and Implications
1. Planning Systems	
1.1 Implementation of Regional Plans	The Hunter Regional Plan 2041 and the Greater Newcastle Metropolitan Plan 2036 are both applicable to this planning proposal. As demonstrated in response to Q3 (pages 11-14), the planning proposal is consistent with both strategies as it seeks to provide additional residential development in an area identified in a local strategy, located in proximity to existing urban areas and the Williamtown SAP and benefitting from existing infrastructure. The planning proposal is consistent with this direction.
3. Biodiversity and Conservation	
3.1 Conservation Zones	The subject site does not contain environmentally sensitive land and is not mapped as containing biodiversity values. The planning proposal is consistent with this direction.
3.2 Heritage Conservation	An Aboriginal Cultural Heritage Assessment (ACHA) (**ATTACHMENT 6**) was prepared to support the planning proposal. The ACHA concluded there were no Aboriginal sites, potential archaeological deposits or areas of sensitivity identified within the subject site. It is considered there are no impacts to Aboriginal cultural values as a result of the proposed works. The planning proposal is consistent with this direction.
4. Resilience and Hazards	
4.1 Flooding	The subject site is not flood affected or isolated during a flood event. **Figure 8 – Flood mapping**

4.3 Planning for Bushfire Protection	The subject site is classified as being within bushfire hazard categories 1, 3 and buffer. A Strategic Bushfire Study (SBS) (**ATTACHMENT 9**) was prepared to support the planning proposal which demonstrates the proposal's compliance with *Planning for Bushfire Protection 2019*. The SBS found that the proposed rezoning and road layout was appropriate. The proposed road network is identified in the draft DCP (**ATTACHMENT 5**) prepared for the site layout includes perimeter roads along the northern and western edges of the site to prevent any lots being located within flame zones. Additionally the site will have an eastern road frontage to Brocklesby Road as well as connection to the west through the Gardens Estate onto Medowie Road. Consultation was undertaken with the Rural Fire Services (RFS) during the scoping stage. RFS reviewed the proposed layout and SBS and raised no objections. **Figure 9 – Bushfire hazard mapping**  The planning proposal is consistent with this direction.

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4.4 Remediation of Contaminated Land	The site has historically been utilised for rural residential and agricultural purposes with a history of past cropping and orchards. A Preliminary Contamination Assessment (**ATTACHMENT 12**) identified potential contamination due to the previous agricultural uses, on-site sewer, stockpiling and age of the buildings on site. A Detailed Contamination Assessment (DCA) (**ATTACHMENT 13**) was prepared to support the planning proposal. The results found isolated elevated levels of zinc near a galvanised shed, a fragment of asbestos containing material, and a history of on-site sewer. The DCA considers the site can be made suitable for residential development following the recommended management options relating to the decommissioning of the septic tanks and preparation of an asbestos removal plan. The planning proposal is consistent with this direction.
4.5 Acid Sulfate Soils	The site is mapped as Class 5 Acid Sulfate Soils under the Port Stephens LEP and has a low probability of containing acid sulfate soils. Additionally, the DCA found the site is located within an area of no known occurrence of acid sulfate soils. The planning proposal is consistent with this direction.
5. Transport and Infrastructure	
5.1 Integrating Land Use and Transport	The proposal seeks to create a residential zone on the subject site. A Traffic Impact Assessment has been prepared to support the planning proposal (**ATTACHMENT 11**). Consideration has been given to Improving Transport Choice – Guidelines for planning and development (DUAP 2001). The Right Place for Business and Services – Planning Policy (DUAP 2001) was reviewed; however, it is was not applicable given it relates to commercial / business development as opposed to residential. The planning proposal is considered to be generally consistent with the aims, objectives and principles of *Improving Transport Choice – Guidelines for planning and development* including: • Concentrate in centres – The proposal seeks to rezone land from rural to residential within an existing urban area surrounded by residential development in close proximity to the town centre. • Link public transport with land use strategies – The proposal sits within an existing public transport

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	network and proposes to provide an additional bus stop in consultation with service providers. • Connect streets – The proposal will have a direct eastern access onto Brocklesby Road, a local collector street as well as connection through to the adjacent residential precinct to the west via Macadamia Circuit which feeds onto Medowie Road, a regional road. • Improve pedestrian access - Pathways are proposed to be provided within the subject site that connect to neighbouring areas improving pedestrian access in the area by providing a shorter route to the local shops and primary school for neighbouring precincts. • Improve cycle access – Proposed pathways and internal roads can be utilised by cyclists. The planning proposal is consistent with this direction.
6. Housing	
6.1 Residential Zones	The proposal seeks to facilitate housing in a strategic location within an existing urban area with access to infrastructure and services. A minimum lot size of 350sqm is proposed to encourage a greater housing diversity and choice. The subject site is relatively unconstrained land and was identified in the Medowie Planning Strategy for future residential purposes. The planning proposal is consistent with this direction.
9. Primary Production	
9.1 Rural Zones	The planning proposal seeks to rezone land from RU2 Rural Landscape to R2 Low Density Residential. The planning proposal is justified as it has been identified for residential purposes in the Medowie Planning Strategy. The planning proposal is justifiably inconsistent with this direction.
9.2 Rural Lands	The planning proposal seek to rezone land from RU2 Rural Landscape to R2 Low Density Residential and reduce the minimum lot size from 2 hectares to 350m^2. The planning proposal is justified as it has been identified for residential purposes in the Medowie Planning Strategy. Additionally, the Department of Primary Industries Agriculture raised no objections to the proposal during consultation and advised it would not have a significant impact on agriculture resources to the existing fragmentation of the land. The planning proposal is justifiably inconsistent with this direction.

Site-specific merit

Section C – Environmental, social and economic impact

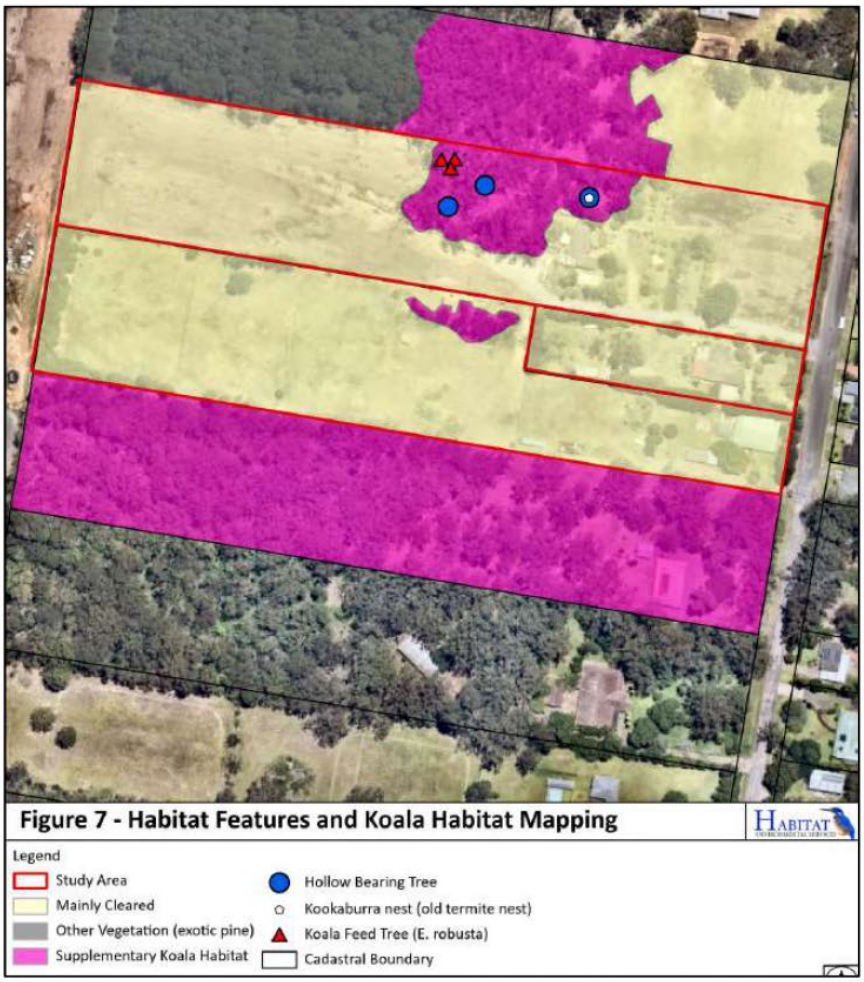
Potential environmental, social and economic impacts are identified below.

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

The subject site contains approximately 0.43 hectares of native vegetation. This vegetation is not identified as high biodiversity values on the Biodiversity Values Map but is identified as marginal koala habitat under the Port Stephens Comprehensive Koala Plan of Management (CKPoM). Additionally, parts of the site form buffer to-preferred koala habitat to the south of the subject site.

The attached Biodiversity Development Assessment Report (BDAR) (**ATTACHMENT 7**) has assessed the site in accordance with the CKPoM and identified one species of preferred koala food tree, *Eucalyptus robusta* (Swamp Mahogany), with 3 individuals within the site. The native vegetation within and to the immediate north and south of the site is commensurate with tall open Blackbutt and Sydney Red Gum Forest which best aligns with supplementary koala habitat, rather than preferred, under the definitions within the CKPoM.

Figure 11 – Identification of supplementary koala habitat across the site (BDAR, attachment 7, page 35)



The proposal would result in the clearing of approximately 0.43 hectares of supplementary koala habitat which will be offset during the development application stage.

The BDAR did not identify any threatened fauna on the site, including koalas. One threatened flora species (Rough Macadamia) was identified although it is noted that this species has been planted and cultivated. Three hollow bearing trees were identified. Relevant measures to manage flora and fauna moving forward were identified in the ecological assessment. No significant impacts under the Environment Protection and Biodiversity Conservation (EPBC) Act were identified. There are no species at risk of Serious and Irreversible Impacts as a result of the proposal.

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

Hydrology

The site is not identified as Flood Planning Area (FPA), nor does it contain any mapped watercourses or waterbodies. The site is not within a drinking water catchment but the western portion of the site drains towards one. The Stormwater Management Report (**ATTACHMENT 8**) demonstrates that NorBE can be achieved across the site with the provision of two stormwater basins at the development stage.

Access and Transport

The site has direct frontage to Brocklesby Road to the east and will have direct access to Macadamia Circuit to the west when the approved subdivision is completed. The proposed site layout is identified in the draft site specific DCP chapter (**ATTACHMENT 5**). **Figure 12** identifies this proposed network.

Figure 12 – Proposed Locality control maps, draft DCP – Chapter D16 Medowie Planning Strategy (Precinct E and F)

Brocklesby Road is 20m wide, sealed with some portions having kerb and gutter. The site frontage onto Brocklesby Road will be upgraded in accordance with Port Stephens's Infrastructure Specifications at the subdivision stage. Macadamia Circuit will be 16m wide and will be sealed with a kerb and gutter. Both of these roads are not classified.

An existing pedestrian pathway runs from the eastern boundary of site to the Medowie Town Centre along Brocklesby Road, and then Ferodale Road. Another pedestrian pathway will run from the western boundary of the site along Gardenia Drive to Medowie Road and continue up towards Ferodale Road and the Town Centre. Pedestrian footpaths will be provided along all local streets within the site footprint.

The attached Traffic Impact Assessment (TIA) (**ATTACHMENT 11**) has been prepared to support the planning proposal. The TIA found:

- The existing road network around the site is operating below its technical and environmental capacity thresholds and has capacity to accommodate additional traffic from the planning proposal.
- There is sufficient spare capacity within the immediate road network to cater for the proposed residential subdivision without the need to upgrade the adjoining local and state road network.
- The proposed location of the subdivision access intersection at Brocklesby Road provides suitable safe intersection sight distance, is located according to Austroads and therefore a suitably safe access intersection (BAR/BAL) can be constructed.
- The internal road layout and subdivision design is satisfactory and compliant with Port Stephens Council requirements and current best practice.

Geology/Contamination

A review of historical aerial photography identified that the lots predominately consisted of agricultural row plantings from 1954 until 1984. The imagery from 1993 then shows the replacement of these agricultural plants with radiata pine, which extends to the adjoining northern school site.

A Detailed Contamination Assessment (**ATTACHMENT 13**) has been prepared to support the planning proposal which demonstrates the site can be made suitable for residential use with the following recommendations:

- If the septic/infiltration area is proposed to be decommissioned on Lot 301, the septic tank and effluent disposal area will require decommissioning in accordance with relevant guidelines and the area assessed, prior to the proposed development.
- Management of SP1 (20m3), located in the south eastern portion of Lot 301 (39 Brocklesby Road), including:
  - Preparation of an Asbestos management plan (AMP), and placement of SP1 below surface soils, Qualtest recommends placement at depths greater than 0.5m below final site surface levels; or
  - Preparation of an Asbestos Removal Plan (ARP) and disposal of SP1 offsite in accordance with the NSW EPA (2014) Waste Classification Guidelines.
- Removal of waste materials for aesthetic purposes and disposal offsite in accordance with the NSW EPA (2014) Waste Classification Guidelines; and/or
- Hazardous materials in buildings (if any) are removed in accordance with relevant laws and guidelines, and clearances provided by appropriately qualified and licensed person/consultant; and,
- An unexpected find procedure is developed and included in the Construction Environmental Management Plan for the subdivision works.

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

Archaeology and Heritage

The site does not contain an item of environmental heritage as listed under the Port Stephens Local Environmental Plan 2013 (Schedule 5 – Environmental Heritage).

The Aboriginal Cultural Heritage Assessment (ACHA) (**ATTACHMENT 6**) concluded there were no Aboriginal sites, potential archaeological deposits or areas of sensitivity identified within the subject site. It is considered there are no impacts to Aboriginal cultural values as a result of the proposed works with the following recommendations:

- All on-site personnel are to be made aware of their obligations under the National Parks and Wildlife Act 1974 (NSW).
- In the unlikely event that Aboriginal, or suspected Aboriginal archaeological material is uncovered during the development, then works in that area are to stop and the area is to be cordoned off. The Project Manager is to contact the Heritage Consultant to make an assessment as to whether the material is classed as Aboriginal object/s under the National Parks and Wildlife Act 1974 (NSW) and advise on the required management and mitigation measures. Works are not to recommence in the cordoned off area until heritage clearance is given and/or the required management and mitigation measures have been implemented.
- In the very unlikely event that human remains, or suspected human remains are uncovered during the development, then works in that area are to stop and the area is to be cordoned off. The Project Manager is to contact the NSW Police to establish whether the area is a crime scene. If it is not a crime scene, and the remains are determined to be Aboriginal ancestral remains, then Heritage NSW is to be notified via the Environment Line on 131 555 and management measures are to be devised in consultation with the local Aboriginal community. Works are not to recommence in the area until the management measures have been implemented.

Social and Economic Effects

The proposal will further result in the following positive social and economic effects:

- The provision of increased housing in accordance with local planning strategies and within an existing low density residential neighbourhood;
- 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 neighbourhood centre of Medowie and enhance the viability of new services, facilities, and public transport in the area;
- Provision of additional dwellings with easy access to major employment precincts such as Newcastle Airport and Tomago.
- Additional housing choices which caters for future population growth;

- Provision of housing diversity which can provide housing affordability;
- Contribution toward investment in social infrastructure in the surrounding locality via additional funding through the Section 7.11 Contribution Plan; and
- Improved pedestrian, cycle and road connectivity between Brocklesby Road and Medowie Road.

Section D – Infrastructure (Local, State and Commonwealth)

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

The subject site benefits from significant existing infrastructure, however a draft DCP chapter (**ATTACHMENT 5**) has been prepared identifying infrastructure to be provided by the developer at the subdivision stage. The draft DCP identifies the locations of future footpaths, internal roads, Brocklesby Road road and guttering upgrades and a proposed bus stop on Brocklesby Road.

The site can be connected to all essential services including electricity, telecommunications, water and sewer. Preliminary Servicing Advice from Hunter Water (**ATTACHMENT 10**) demonstrates that reticulated water and sewer is feasible.

No additional community or social infrastructure is required as a result of the rezoning.

Section E – State and Commonwealth Interests

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

The following agencies were consulted with during the scoping phase of this planning proposal:

- Department of Planning and Environment
- Biodiversity and Conservation Division (BCD)
- Transport for NSW
- Rural Fire Services (RFS)
- Department of Primary Industries - Agriculture (DPI - Ag)
- Hunter Water Corporation
- School Infrastructure

No agencies raised any objections to the planning proposal. Hunter Water, DPI - Ag, and the RFS supported the planning proposal.

BCD requested a BDAR be prepared to support the proposal and an assessment of consistency with the CKPoM. The planning proposal has provided a BDAR which has assessed the proposal against Appendix 6 of the CKPoM.

Transport for NSW advised the planning proposal should address how required infrastructure will be provided and funded. A draft DCP chapter has been prepared identifying infrastructure to be provided by the developer at the subdivision stage including footpaths, road upgrades and bus stop facilities.

School Infrastructure advised the planning should consider active and public transport opportunities including footpaths and bus stops. The draft DCP addresses these concerns.

PART 4 – Mapping

The proposed map layer amendments are included as attachments to the planning proposal as follows:

Attachment 1 – Existing and Proposed Land Zoning Maps

Attachment 2 – Existing and Proposed Lot Size Maps

Attachment 3 – Existing and Proposed Height of Buildings Map

Attachment 4 – Existing and Proposed Urban Release Area Map

PART 5 – Community consultation

Community consultation will be undertaken in accordance with the Gateway determination.

Notice of the public exhibition period will be placed in the local newspaper, The Examiner. The exhibition material will be on display at the following locations during normal business hours:

- Council's Administration Building, 116 Adelaide Street, Raymond Terrace
- Raymond Terrace Library, Port Stephens Street, Raymond Terrace
- Medowie Community Centre, corner of Medowie and Ferodale Streets, Medowie

The planning proposal will also be available on Council's website.

PART 6 – Project timeline

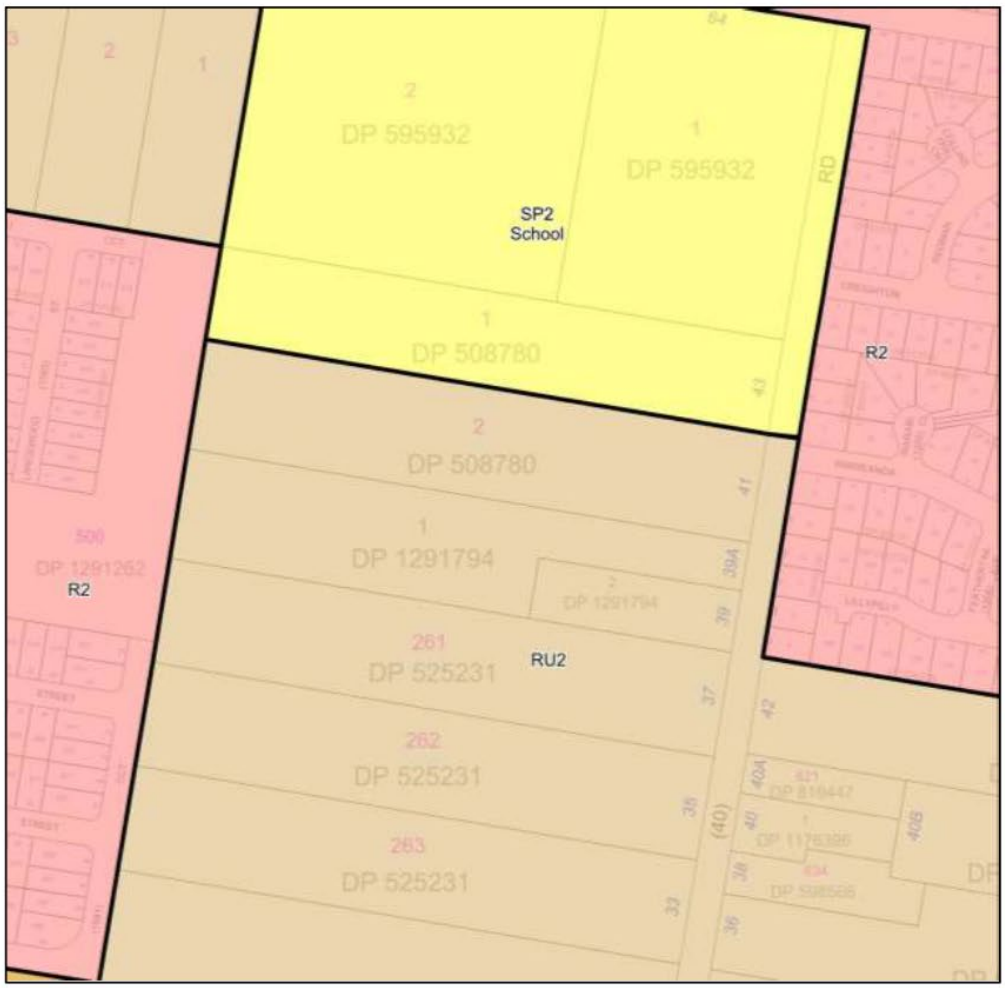
The additional technical information, studies and investigations identified in the planning proposal will be completed within the timeframes listed below, should the planning proposal receive a Gateway determination:

The planning proposal is expected to be reported to Council following the completion of the public exhibition period. The following timetable is proposed:

	Oct 2023	Nov 2023	Dec 2023	Jan 2024	Feb 2024	Mar 2024	Apr 2024	May 2024
Gateway Determination								
Additional Studies								
Agency Consultation								
Public Exhibition								
Consider submissions								
Council Report								
Parliamentary Counsel								

Attachment 1 – Existing and Proposed Land Zoning Maps

Existing



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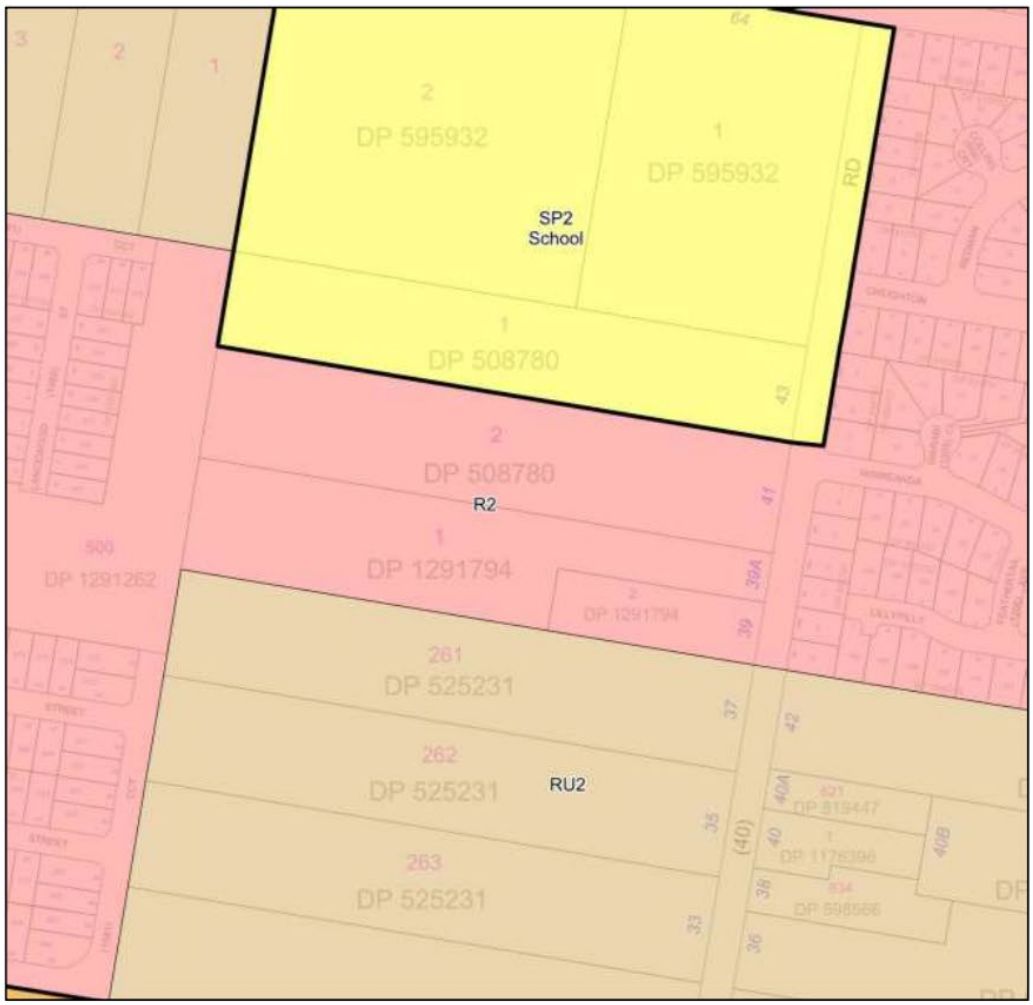
ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL - 39, 39A AND 41 BROCKLESBY ROAD, MEDOWIE.

Proposed



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Attachment 2 – Existing and Proposed Lot Size Maps

Existing

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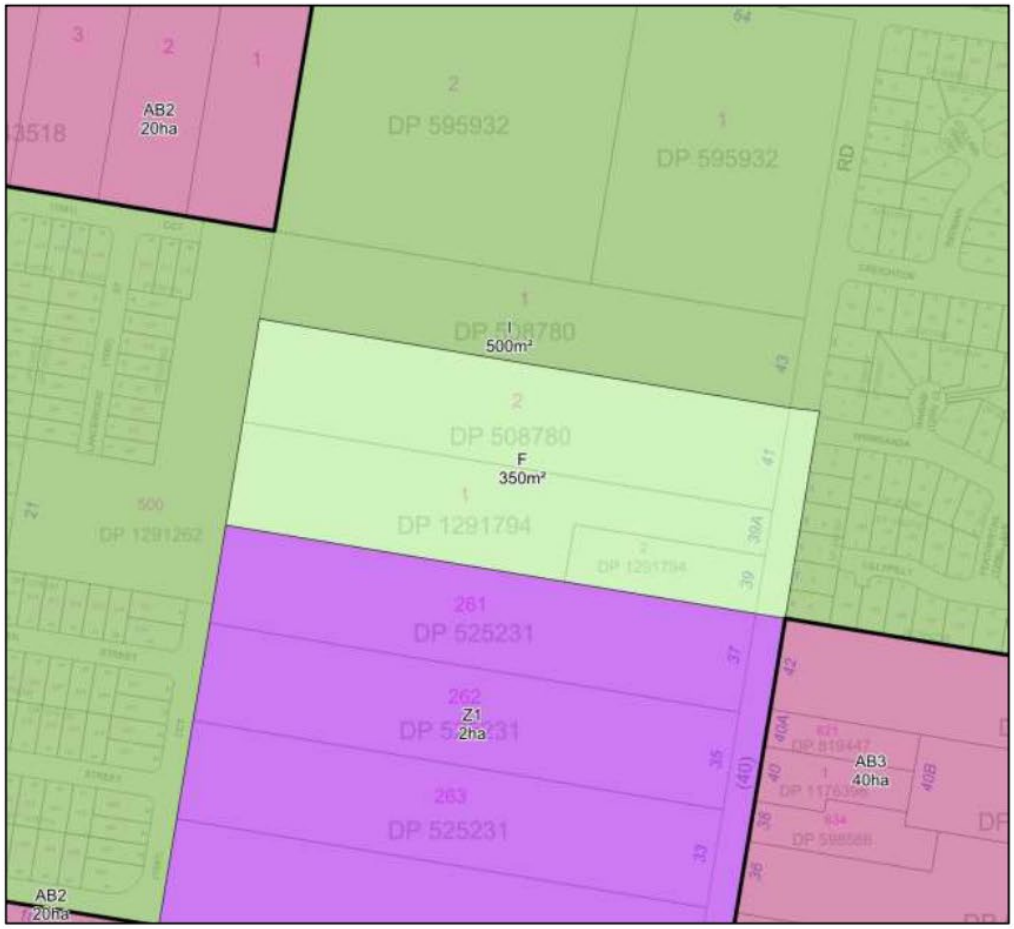
ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL - 39, 39A AND 41 BROCKLESBY ROAD, MEDOWIE.

Proposed



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Attachment 3 – Existing and Proposed Height of Buildings Map

Existing

39

ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL - 39, 39A AND 41 BROCKLESBY ROAD, MEDOWIE.

Proposed

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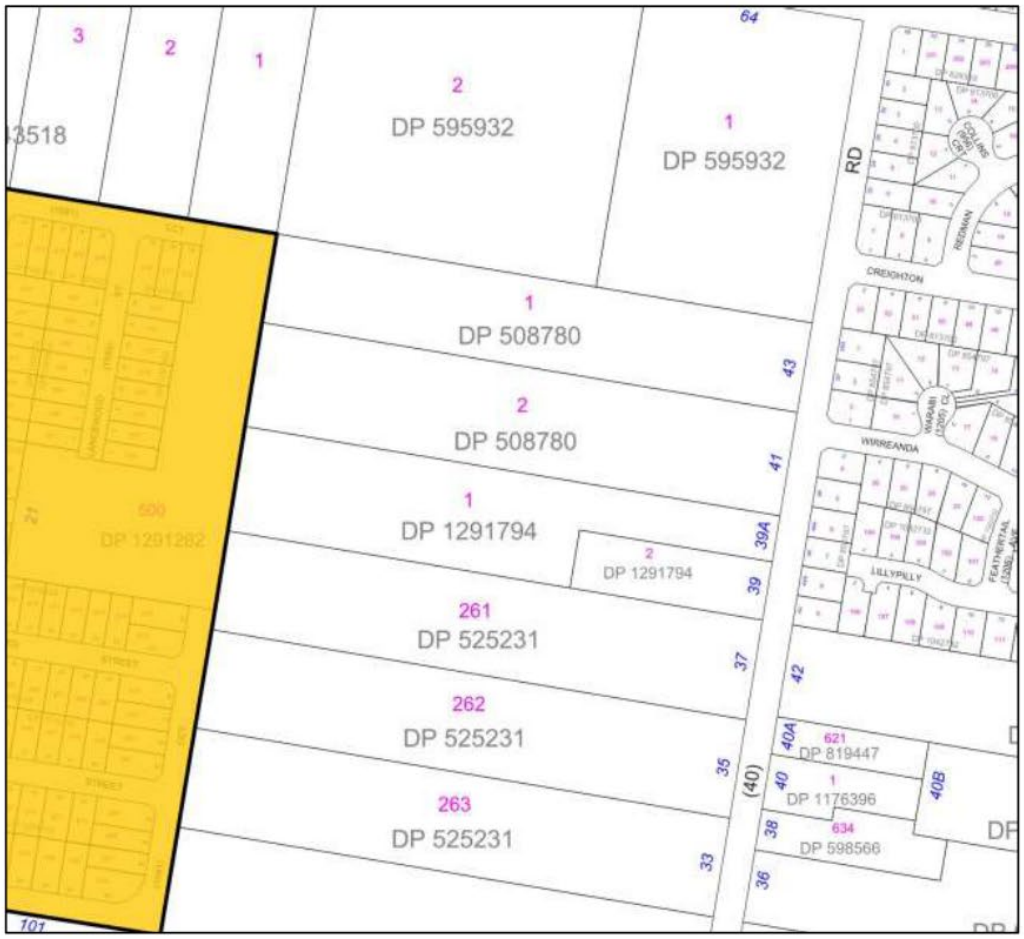
Attachment 4 – Existing and Proposed Urban Release Area Map

Existing



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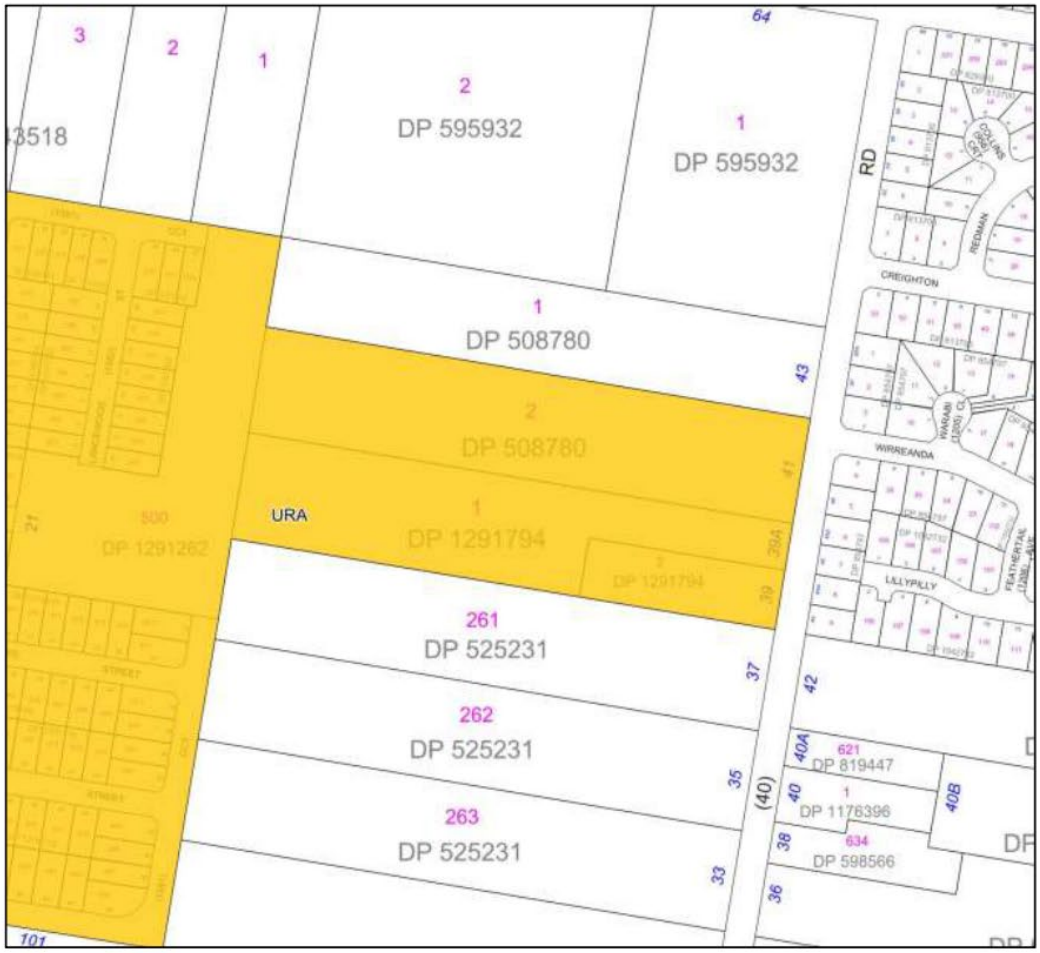
ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL - 39, 39A AND 41 BROCKLESBY ROAD, MEDOWIE.

Proposed



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D16

D16 Medowie Planning Strategy (Precinct E and F)

Application

This Part applies to the land identified in Figure DAH Medowie Planning Strategy (Precinct E and F) land application map

D16.A Layout and staging

Objectives

- To ensure the timely and efficient release of urban land.
- To make provision for necessary infrastructure and sequencing.
- To ensure consideration is given to the overall planning and coordination of development within the precinct and sub-precincts.

Development controls	
Layout	
D16.1	Overall **development** layout needs to be consistent with the Figure DAI.
Staging	
D16.2	A **development application** for large-scale **residential accommodation** or **major subdivision** must include a staging plan demonstrating that **development** will occur in a coordinated sequence.
D16.3	Initial **residential accommodation** or **major subdivision** is to take place in proximity to the main intersection with Medowie Road and be staged sequentially from that location.
~~Sub-precincts~~	
~~D16.4~~	~~A **development application** for large-scale **residential accommodation** or **major subdivision** is able to occur separately within 'sub-precincts': one on the western side of Medowie Road and another on the eastern side of Medowie Road.~~
~~Lifestyle developments~~	
~~D16.5~~	~~A **development application** for 'lifestyle' residential accommodation must include a master plan demonstrating consideration and achievement of the objectives of C5 Multi Dwelling Housing or Seniors Living and identifying key common **development** design controls for dwellings (for example **dwelling** setbacks).~~

D16.B ~~Natural resources~~ Biodiversity

Objectives

- To provide an overall landscaping strategy for the protection and enhancement of riparian areas and areas of urban habitat linkage~~and remnant vegetation~~, including visually prominent locations, and landscaping requirements for both the public and private domain.
- To provide an attractive and low maintenance landscape along Medowie Road.
- To protect and enhance koala habitat.

Development controls	
General	
D16.~~6~~4	Environmental areas, corridors and additional planting with koala feed trees will be retained and enhanced in general accordance with Figure DAI.
Precinct F	
D16.5	Within Precinct F, road and drainage networks must use native landscaping to enhance the urban landscape, and where appropriate koala feed trees shall be planted.
D16.6	The indicative green street within the Eastern Precinct will provide for fauna connectivity. Development fronting the indicative green street must: • Provide minimum road verge of 6.5m, on one side; • Restrict fencing within the front setback; and • Enhance fauna connectivity through landscaping
D16.7	Within the Eastern Precinct, drainage infrastructure must be designed to facilitate ecologically beneficial landscaping and enhance fauna connectivity.
Vegetation management and **biodiversity offsets**	
D16.~~7~~8	**Development** must take into consideration the implications of the **vegetation management plan** that applies to land within the precinct.
D16.~~8~~9	~~Clearing of land on the eastern side of the precinct shall not occur untilthe requirements of the associated **vegetation management plan** are implemented (a **vegetation management plan** has been prepared that provides for vegetation offsets and improvements to vegetation corridors within the site – refer to **vegetation management plan**, Kleinfelder, 10 March 2017).~~
~~Landscaping along Medowie Road~~	
D16.~~9~~ 10	A **landscaping plan** for major residential **development** or **major subdivision** must provide for an attractive and low maintenance landscape along the frontage with Medowie Road and Brocklesby Road.
D16.11	Landscaping provided with any new **development** should use locally endemic koala preferred species

D16.C Transport movement hierarchy

Objectives

- To provide an overall transport movement hierarchy for major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists.
- To maintain good traffic flow and safety along Medowie Road and Brocklesby Road.
- ~~To achieve connection between adjoining land and potential future residential precincts identified by the Medowie Planning Strategy.~~
- To ensure pedestrian and cycle connections are provided to the town centre, the Ferodale Park Sports Complex and the Medowie Community Centre for precinct residents and the broader community.

Development controls	
~~General~~ Street layout	
D16.~~10~~ 12	The transport movement hierarchy for private vehicles, pedestrians and cyclists needs to be generally consistent with ~~the layout shown in precinct plan at~~ Figure DAI. Note: C1.12 requires streets to comply with the Infrastructure Specification[12].
D16.13	Long straight roads include local area traffic management devices to slow traffic in accordance with the Infrastructure Specification[12].
Road connections to other precincts	
D16.~~11~~ 14	The subdivision road layout must allow ~~provide~~ for ~~potential~~ future connections to ~~other potential future~~ residential planning precincts identified by the Medowie Planning Strategy, including Brocklesby Road. The connectivity is to result in effective movement of pedestrians/vehicles in a grid like structure.
Road connections to Medowie Road	
~~D16.12~~	~~A roundabout intersection must be provided to Medowie Road to serve as the main access point for development.~~
~~D16.13~~	~~The main roundabout intersection must be designed to accommodate upgrades for increased future traffic flows along Medowie Road identified by the Medowie Planning Strategy.~~
~~D16.14~~	~~The main roundabout intersection may be provided by a staged approach to facilitate development of a single sub-precinct. Consideration for the future roundabout intersection must be included in the design and construction of any interim intersection.~~
~~D16.15~~	~~Additional intersections (intersections in addition to the main roundabout intersection with Medowie Road) must be limited in number and provided as left-in/left-out only.~~
~~D16.16~~ 15	No direct **driveway** access to and from Medowie Road is permitted.

Development controls	
Road connections to Brocklesby Road	
D16.16	Frontage of Brocklesby Road must meet the requirements of a bus collector street, which may require road upgrades and/or widening, in accordance with the Infrastructure Specification[12].
D16.17	No direct driveway access is permitted to and from Brocklesby Road unless development proposing access can demonstrate it is made in a safe and practical manner.
Shared path connections	
D16.~~17~~ 18	Walking and cycling infrastructure which connects the precinct to adjacent areas must be made accessible to precinct residents and the broader community.
~~D16.18~~	~~A shared path must be provided along the eastern side of Medowie Road, in conjunction with the development of the land on the eastern side of Medowie Road. The shared-use path must be provided along the eastern frontage with Medowie Road and connect north to Ferodale Road (to the extent that a shared path is able to be accommodated).~~
D16.19	A **shared path** must be provided along the western side of Medowie Road, in conjunction with the development of land on the western side of Medowie Road. The shared path must be provided along the western frontage with Medowie Road and connect north to Ferodale Road and connect south to the small local neighbourhood centre (to the extent that a **shared path** is able to be accommodated).
D16.20	A **shared path** must be provided directly linking the precinct to the Ferodale Sports Complex, in conjunction with the development of land on the western side of Medowie Road - subject to engineering, risk, and cost/benefit assessment. Alternative solutions and routes can be considered.
D16.21	Consideration must be given to a potential mid-block **shared path** linking the western sub-precinct to the Medowie Community Centre - subject to engineering, risk, and cost/benefit assessment. Alternative solutions and routes can be considered.
Public transport	
D16.22	Access to public transport routes or to future public transport stops should be no more than 400m walk by the most direct route.

D16.D Managing risk from agricultural land uses

Objective~~s~~

- To ensure the land is suitable for residential occupation in relation to previous agricultural land uses.
- ~~To ensure the potential for negative effects from the operation of poultry sheds on residential amenity are adequately managed.~~

Development controls	
Managing the potential requirement for land remediation	
D16.~~22~~ 23	A **development application** for large-scale **residential accommodation** or **major subdivision** must be accompanied by the contamination and remediation reports identified by NSW **SEPP** (Resilience and Hazards) 2021 with particular regard to the previous agricultural activities on the subject land.
~~Managing potential risk from odour and noise from poultry farming~~	
~~D16.23~~	~~New residential allotments and dwellings must not be constructed until the poultry sheds at 733 Medowie Road (Lot 199 DP 17437) are decommissioned.~~

~~D16.E Road noise~~

~~**Objective**~~

~~To ensure that **development** is not adversely affected by noise and vibration from traffic on Medowie Road~~

~~Development controls~~	
~~Considering road noise from Medowie Road~~	
~~D16.24~~	~~A **development application** for large-scale **residential accommodation** or **major subdivision** must demonstrate by provision of an acoustic report that future residential development will meet appropriate noise and vibration standards for **development** along Medowie Road.~~

D16.F Stormwater drainage and water quality

Objectives

- ~~To provide for common and adequate stormwater management within the precinct.~~
- To ensure environmentally sustainable and affordable water management solutions are implemented on a catchment-wide basis and not compromised by development on a single site.
- To improve or maintain water quality within the Grahamstown Dam Drinking Water Catchment.
- To ensure that stormwater from development is adequately managed to provide for common stormwater management infrastructure.

Development controls	
~~Stormwater basins~~ Drainage reserves	
D16.~~25~~ 24	~~Stormwater basins~~ Drainage reserves are located in general accordance with Figure DAI.
D16.25	All new **development** must demonstrate that there would be no adverse impact on the operation of the drainage reserve or adjoining land on which stormwater is discharged.

Development controls	
On-site detention / on-site infiltration	
D16.26	**On-site detention / on-site infiltration** is required for all new development where impervious areas are proposed.
D16.27	The **on-site detention / on-site infiltration** is to be: • Sized so that the post-development flow rate and volume equals the predevelopment flow rate and volume for all storm events up to and including the 1% Annual Exceedance Probability (AEP) storm event; and • Provided by underground chambers, surface storage or a combination of the two. Note: Part B4 provides further consideration towards on-site detention / on-site infiltration. Note: Pre-development is prior to any development occurring on the land.
Water quality	
D16.28	When a **development application** is received for subdivision greater than three lots and would result in an impervious area, it must demonstrate that the quality of water that is released into public drainage meets the required water quality targets.
~~Stormwater culverts under Medowie Road~~	
~~D16.26~~	~~**Development** must address the potential effect on the two main culverts under Medowie Road (the desirable design standard for these culverts is 1% AEP +0.3m obvert freeboard for 2100 climate change conditions).~~

D16.G Williamtown RAAF Base - aircraft safety

Objective

- To ensure that development adequately considers aircraft safety.

Development controls	
Williamtown **RAAF** Base - aircraft safety	
D16.~~27~~ 29	Any requirements for dwellings are placed on the title of the land (for example for extraneous lighting and building height).

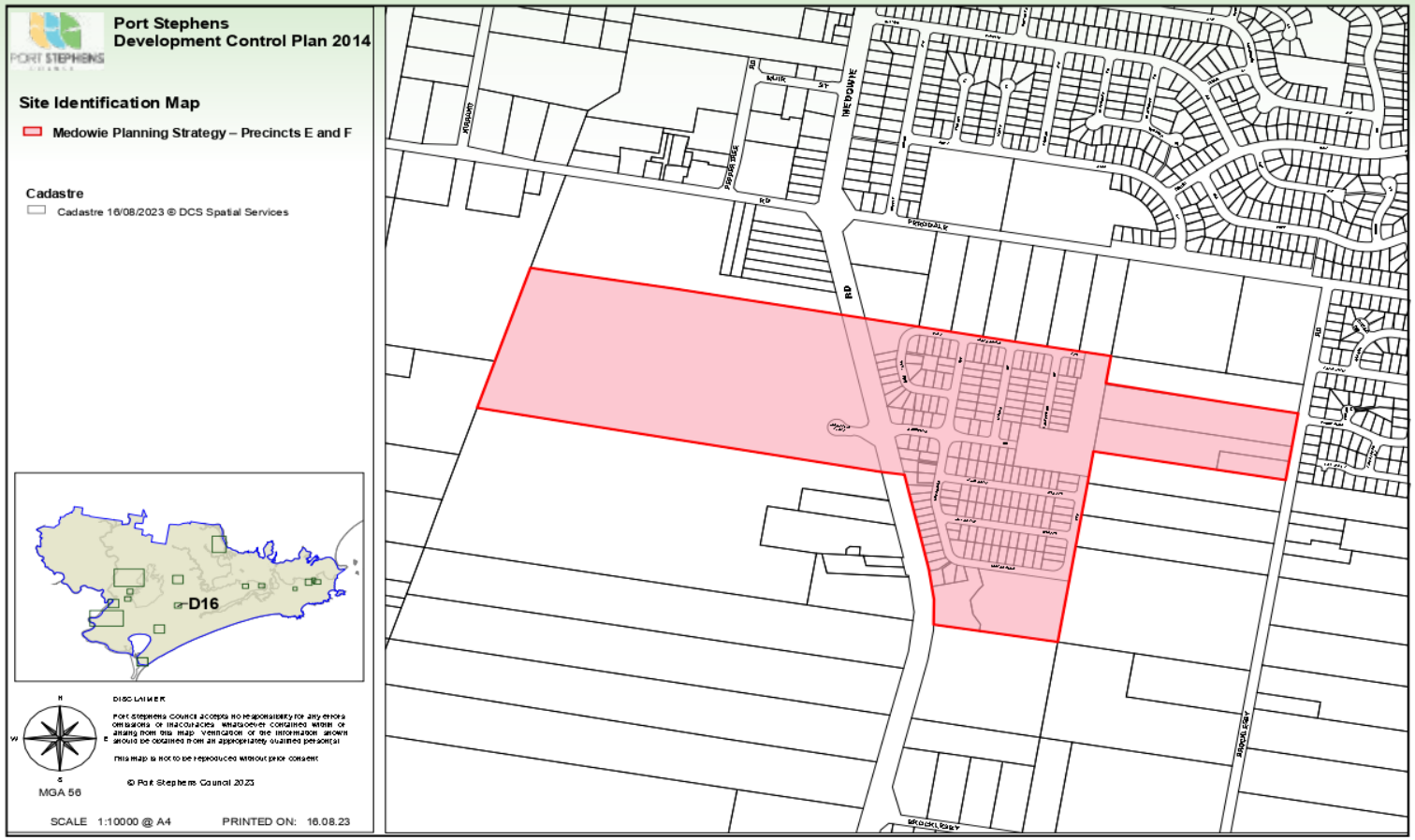
ITEM 1 - ATTACHMENT 2 DRAFT DCP CHAPTER D16.

~~Figure DAH: Medowie Planning Strategy (Precinct E) land application map~~

ITEM 1 - ATTACHMENT 2 DRAFT DCP CHAPTER D16.

D16

Figure DAH: Medowie Planning Strategy (Precinct E and F) land application map



ITEM 1 - ATTACHMENT 2 DRAFT DCP CHAPTER D16.

~~Figure DAI: Medowie Planning Strategy (Precinct E) locality controls map~~

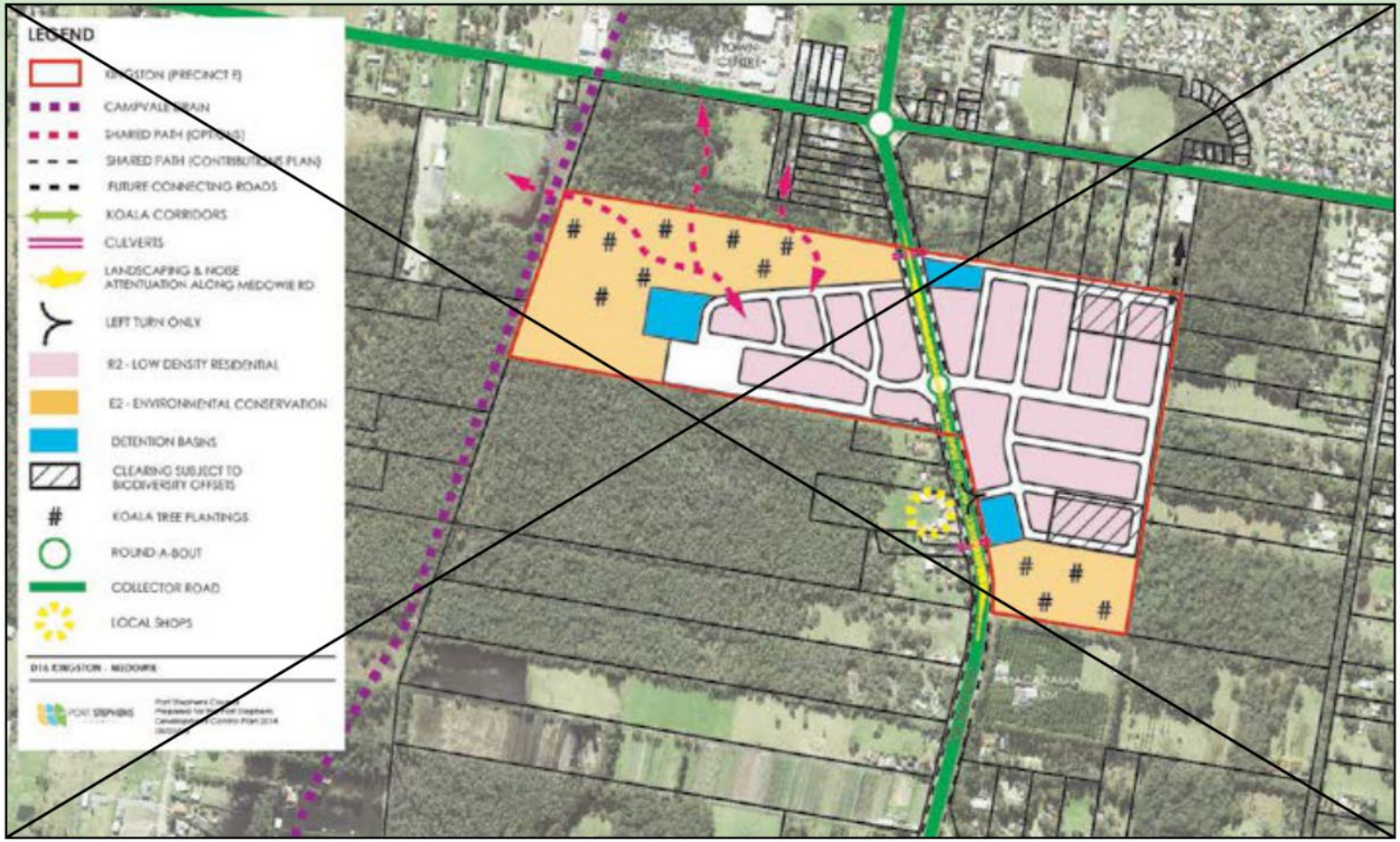
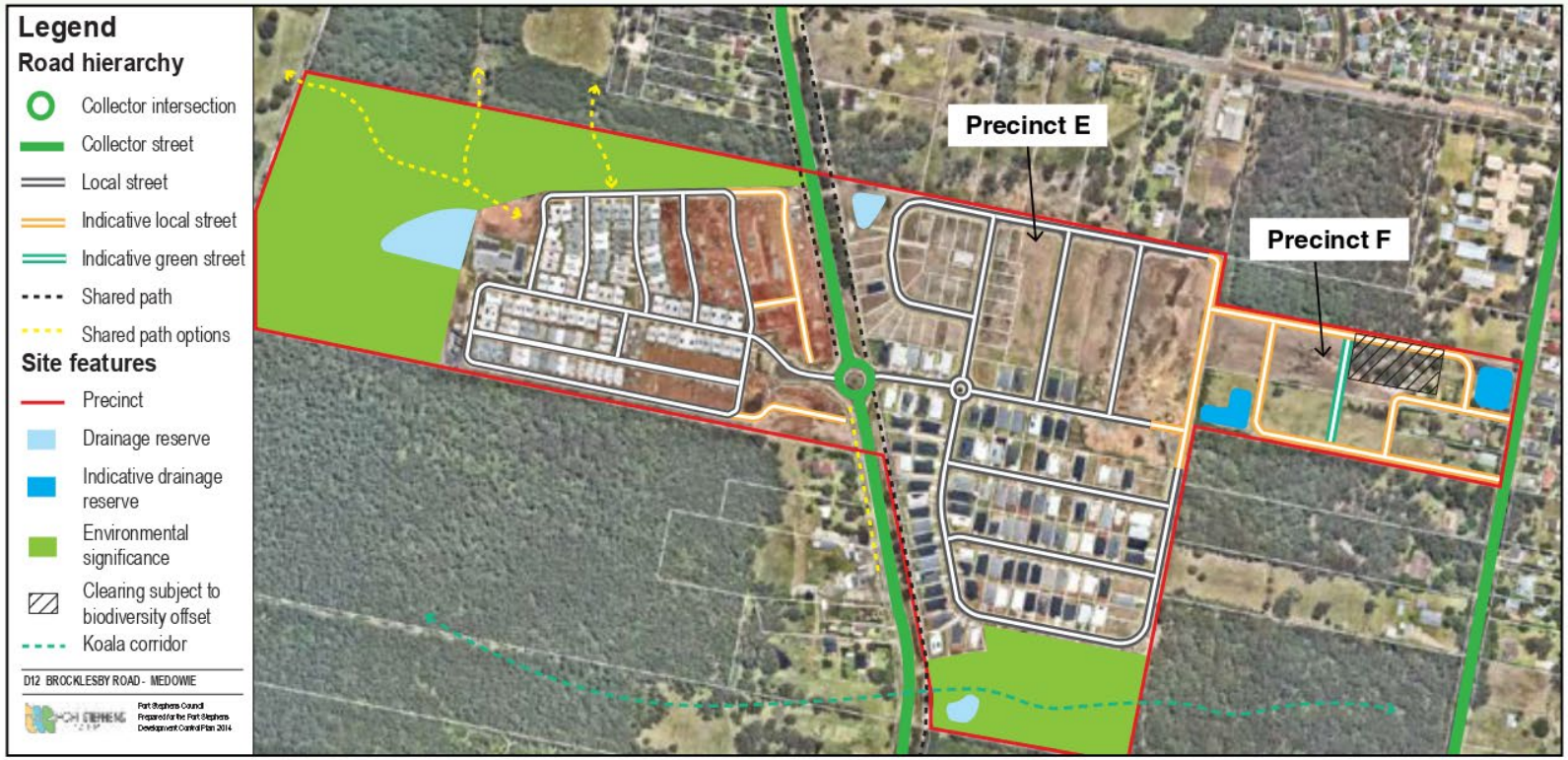


Figure DAI: Medowie Planning Strategy (Precinct E and F) locality controls map



Submission Table: Planning Proposal 39, 39A and 41 Brocklesby Road Medowie

No.	Author of submission	Comment	Council response
1	NSW Rural Fire Service (RFS)	The submission has no objection to the Planning Proposal to rezone the land for residential land uses.	Noted.
		The submission notes future subdivision development applications shall comply with the requirements of Planning for Bushfire Protection guidelines.	Noted. A draft Development Control Plan (DCP) has been prepared to guide future subdivision in accordance with the requirements of the Planning for Bushfire Protection guidelines.
2	Transport for NSW (TfNSW)	The submission notes Council should consider the cumulative impact of recent zoning changes in Medowie to assess the impact to major State road intersections.	Medowie is identified as a priority location for future housing in the HRP 2041 and as a major growth area in the Port Stephens Local Housing Strategy. Council has assessed the surrounding road system in the locality to have capacity to accommodate traffic generated by the proposed development. Council has advised TfNSW on the revised Local Housing Strategy and Housing Supply Plan that sets out the long term housing vision for Port Stephens and identifies proposed growth in centres, such as Medowie. Council will continue to liaise with TfNSW to consider the capacity of State road intersections likely to be impacted by growth plans under the revised Local Housing Strategy. This includes advocating for better delivery of infrastructure and

No.	Author of submission	Comment	Council response
			consideration of cumulative impacts on State roads.
		The submission notes Council should consider the cycling and bus connections from Williamtown and Medowie.	A draft DCP has been prepared to guide footpaths and public transport infrastructure to support development of the site. It is proposed for the site to connect to existing footpaths on Brocklesby Road and to The Gardens estate to the west. These footpaths will connect the site to the town centre. An additional bus stop is also proposed on Brocklesby Road.
		The submission notes Council should ensure that any required infrastructure is provided for with an appropriate funding mechanism(s), and is fully scoped and estimated using appropriate contingencies and delivery triggers.	The DCP identifies infrastructure is to be provided by the developer at the subdivision stage including footpaths, road upgrades and bus stop facilities. Road infrastructure upgrades required to support the development will be borne by the developer at the subdivision stage. Additionally, provision is made in the Port Stephens Local Infrastructure Contributions Plan (LIC Plan) to accommodate growth in Medowie and its associated local transport infrastructure improvements.
3	Department of Climate Change, Energy, the Environment and Water - Biodiversity Conservation Division (BCD)	The submission recommends avoiding impacts to 0.42 hectares of vegetation and creating a corridor through the site to maintain connectivity between vegetation to the north and south of the site.	The removal of any vegetation will be assessed and, if required, offset during the development application stage. A DCP chapter has been prepared with an indicative green street to provide for fauna connectivity between vegetation to the north and south of the site.

No.	Author of submission	Comment	Council response
			Pre-lodgement discussions have also identified further opportunity to maintain connectivity near the western stormwater basin.
4	BCD via Department of Planning, Housing and Infrastructure	BCD provided further advice to the Department of Planning, Housing and Infrastructure. The advice retracts the need for a corridor and notes that vegetation avoidance can be addressed at the development application stage.	Noted.

MINUTES ORDINARY COUNCIL - 10 OCTOBER 2023

ITEM NO. 1 **FILE NO: 23/203854**
EDRMS NO: 58-2023-1-1

PLANNING PROPOSAL FOR 39, 39A AND 41 BROCKLESBY ROAD, MEDOWIE (PRECINCT F)

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

RECOMMENDATION IS THAT COUNCIL:

1) Adopt the planning proposal **(ATTACHMENT 1)** to amend the Port Stephens Local Environmental Plan 2013 for land at 39A, 39 and 41 Brocklesby Road, Medowie (Lots 1 and 2 DP 1291794 and Lot 2 DP 508780) to:
   - Rezone the subject land from RU2 Rural Landscape to R2 Low Density Residential
   - Reduce the minimum lot size from 2 hectares to 350m^2
   - Introduce a new height of buildings limit of 9 metres
   - Identify the subject land as an urban release area.
2) Forward the planning proposal to the NSW Department of Planning and Environment for a Gateway determination and request authority to make the plan.
3) Exhibit the draft Port Stephens Development Control Plan 2014 **(ATTACHMENT 2)** for a period of 28 days in accordance with the Environmental Planning and Assessment Act 1979 (NSW) and Environmental Planning and Assessment Regulation 2000 (NSW).

ORDINARY COUNCIL MEETING - 10 OCTOBER 2023
MOTION

232	**Councillor Jason Wells** **Councillor Steve Tucker** It was resolved that Council: 1) adopt the planning proposal **(ATTACHMENT 1)** to amend the Port Stephens Local Environmental Plan 2013 for land at 39A, 39 and 41 Brocklesby Road, Medowie (Lots 1 and 2 DP 1291794 and Lot 2 DP 508780) to: • Rezone the subject land from RU2 Rural Landscape to R2 Low Density Residential • Reduce the minimum lot size from 2 hectares to 350m^2

	• Introduce a new height of buildings limit of 9 metres • Identify the subject land as an urban release area. 2) Forward the planning proposal to the NSW Department of Planning and Environment for a Gateway determination and request authority to make the plan. 3) Exhibit the draft Port Stephens Development Control Plan 2014 **(ATTACHMENT 2)** for a period of 28 days in accordance with the Environmental Planning and Assessment Act 1979 (NSW) and Environmental Planning and Assessment Regulation 2000 (NSW).

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

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council's endorsement to submit the planning proposal **(ATTACHMENT 1)** to amend the Port Stephens Local Environmental Plan 2013 (LEP) to NSW Department of Planning and Environment (DPE) for a Gateway determination.

The planning proposal seeks to rezone the subject land from RU2 Rural Landscape to R2 Low Density Residential as well as reduce the minimum lot size to 350m^2 and apply a height of buildings limit of 9 metres. The subject site is nominated as "Precinct F" within the Medowie Planning Strategy 2016 and identified for future residential purposes.

A draft Development Control Plan 2014 – Chapter D16 Medowie Planning Strategy (draft DCP) **(ATTACHMENT 2)** has been prepared to support the planning proposal. The draft DCP identifies local infrastructure including indicative roads, footpaths, stormwater management basins and a potential new bus stop to guide future development of the subject land.

The subject land is located close to Wirreanda Public School, adjacent to the existing residential known as "The Gardens" and approximately 1km from the Medowie Town Centre. A Strategic Planning Assessment Report (SPAR) for this planning proposal is within **(ATTACHMENT 3)**.

Should Council resolve to endorse the planning proposal, it will be forwarded to the DPE requesting a Gateway determination. Council will be requesting to be made the

plan making authority for the proposal. Following the issuing of the Gateway determination, the planning proposal would be publicly exhibited in accordance with any gateway conditions from DPE, prior to being reported to Council for determination.

A summary of the planning proposal and property details are provided below.

Date lodged	1 June 2023
Proponent	McCloy Project Management Pty Ltd
Subject property	Lots 1 & 2 DP 1291794 and Lot 2 DP 508780 being 39A, 39 and 41 Brocklesby Road Medowie NSW 2318
Total area	5.1 hectares
Current zoning	RU2 Rural Landscape
Current use	Rural residential use with 3 single dwellings and predominantly cleared land
Proposed changes	Rezone the land for residential subdivision and development
Lot yield	Approximately 62 residential lots

Suitability of the site

The site is considered suitable for residential development for the following reasons:

- The site is relatively unconstrained due to its predominantly cleared nature and topography
- The site is considered unsuitable for agricultural purposes due to its size and proximity to residential development
- The site is identified for future residential purposes in the Medowie Planning Strategy 2016 and Medowie Place Plan
- The site is located within Medowie, which is identified as a priority area for future housing in the Hunter Regional Plan 2041
- The site is located adjacent to the Gardens estate and will provide connection of the residential area between Medowie Road and Brocklesby Road
- The site is well situated within an existing residential area in close proximity to the town centre, community facilities and schools.

Servicing

The site can be connected to existing services within the area including reticulated electricity, water, sewer and telecommunications. There is sufficient capacity in these networks to support the proposal.

MINUTES ORDINARY COUNCIL - 10 OCTOBER 2023

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

Source of Funds	Yes/No	Funding ($)	Comment
Existing budget	Yes		Stage 1 planning proposal fees of $13,860 were paid 1 June 2023. Subsequent fees will be payable to progress the planning proposal.
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

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

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources ?
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 recommendation.	Yes
There is a risk that without the draft DCP the future subdivision of the subject land could lead to poorly designed planning outcomes.	Low	Accept the recommendation.	Yes

Environmental Planning and Assessment Act, 1979

The planning proposal is being processed in accordance with Part 3 of the EP&A Act. Should Council resolve to endorse the planning proposal, it will be forwarded to DPE for a Gateway determination, including a request for Council to be made the Plan Making Authority.

Port Stephens Local Environmental Plan 2013 (LEP)

The planning proposal would amend the LEP to rezone the subject land from RU2 Rural Landscape to R2 Low Density Residential, reduce the minimum lot size from 2 hectares to 350m^2, apply a building height limit of 9 metres and identify the land as an urban release area.

Hunter Regional Plan 2041 (HRP)

The HRP has projected a need for an additional 11,000 dwellings in Port Stephens to 2041. This planning proposal seeks to provide additional residential land in a strategic location to support the provision of new housing that meets the objectives set out in the HRP.

The planning proposal is consistent with the objectives of the HRP as the site is strategically located in an existing residential area in close proximity to services and facilities to support walking, cycling and public transport in 15 minute neighbourhoods. The planning proposal will support the desired priorities and objectives to provide greater housing choice and encourage residential development within proximity to Medowie Town Centre, and the employment hubs of Newcastle Airport, Williamtown RAAF Base, Tomago and Heatherbrae.

The proposed minimum lot size of 350m^2 further supports the HRP priorities with regard to housing density and diversity by facilitating the development of small lot housing in this area.

Local Strategic Planning Statement 2020 (LSPS)

The Planning Proposal is consistent with the LSPS, which identifies Medowie as an 'Emerging Strategic Centre', with the potential for residential growth to play an important role both within Port Stephens and Greater Newcastle.

The planning proposal would give effect to, the following planning priorities from the LSPS:

- Priority 1: Support the growth of strategic centres and major employment areas
- Priority 4: Ensure suitable land supply (for housing)
- Priority 5: Increase diversity of housing choice
- Priority 6: Plan infrastructure to support communities.

Port Stephens Local Housing Strategy 2020 (LHS)

The planning proposal is consistent with the LHS as it seeks to provide additional residential land to ensure suitable land supply, increase housing diversity, improve housing affordability and facilitate liveable communities.

The planning proposal is also consistent with the locational and constraints criteria set out in the LHS for greenfield housing.

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 increased housing in accordance with local planning strategies and within an existing low density residential neighbourhood.
- 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 neighbourhood centre of Medowie and enhance the viability of new services, facilities, and public transport in the area.
- Provision of additional dwellings with easy access to major employment precincts such as the Williamtown RAAF Base, Nelson Bay, Newcastle Airport and Tomago.
- Additional housing choices that caters for future population growth.
- Contribution toward investment in social infrastructure in the surrounding locality via additional funding through the Section 7.11 Local Infrastructure Contributions Plan.
- Improved pedestrian, cycle and road connectivity between Brocklesby Road and Medowie Road.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategic Planning unit. Consultation was undertaken with Development Engineering and Natural Systems on the planning proposal and draft DCP. Preliminary consultation with State agencies was also undertaken during the assessment of the scoping proposal.

Internal

Consultation was undertaken with Development Engineering, Natural Systems and Development Planning during the review of the planning proposal. Amendments were made to the proposal to respond to matters that were raised through this consultation. In addition to this a draft DCP has been prepared to address particular issues with regard to drainage, roads and pathway improvements, public transport and biodiversity.

External

Consultation with the following state agencies was undertaken as part of the scoping proposal assessment:

- Department of Planning and Environment - Planning
- Department of Planning and Environment - Biodiversity and Conservation Division
- Department of Education - School Infrastructure NSW
- Department of Primary Industries – Agriculture
- Transport for NSW
- Hunter Water Corporation
- Rural Fire Services

The above agencies were generally supportive with no objections to the proposal received. Recommendations were made for the preparation of a Biodiversity Development Assessment Report, Traffic Impact Assessment, and Strategic Bushfire Assessment to support a planning proposal. Each of these studies have been prepared as attachments to the planning proposal.

Further consultation or referral of the planning proposal to authorities and government agencies is anticipated after Gateway determination, as set out under Section 9.1 of the EP&A Act, a Gateway condition may be imposed where an authority or agency has an interest in the proposal.

The draft planning proposal and draft DCP would be publicly exhibited together, in accordance with the Gateway determination.

OPTIONS

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

ATTACHMENTS

1) Planning Proposal 39-41 Brocklesby Road, Medowie.
2) Draft Development Control Plan 2014 - D16 Medowie Planning Strategy (Precinct E and F).
3) Strategic Planning Assessment Report - 39-41 Brocklesby Road, Medowie.

COUNCILLORS ROOM

Note: Any third party reports referenced in this report can be inspected upon request.

TABLED DOCUMENTS

Nil.

NSW GOVERNMENT

Department of Planning and Environment

Gateway Determination

Planning proposal (Department Ref: PP-2023-2336)*:* rezone 39, 39A and 41 Brocklesby Road, Medowie to R2 Low Density Residential.

I, the Director at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Port Stephens Local Environmental Plan 2013* to rezone 39, 39A and 41 Brocklesby Road, Medowie to R2 Low Density Residential should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to public exhibition to include an assessment against the performance criteria of Objective 3 Create 15-minute neighbourhoods to support mixed, multi-modal, inclusive and vibrant communities to justify consistency with the *Hunter Regional Plan 2041*.

2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:

   (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2023) and must be made publicly available for a minimum of 20 working days;

   (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2023); and

   (c) exhibition must commence within three months following the date of the Gateway determination.

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:

   - Biodiversity Conservation Division
   - Transport for NSW
   - NSW Rural Fire Services

   Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

   (a) the planning proposal authority has satisfied all the conditions of the gateway determination;

   (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and

   (c) there are no outstanding written objections from public authorities.

6. The LEP should be completed on or before 19 September 2024.

Dated 6 day of December 2023.

[redacted]

Dan Simpkins
Director, Central Coast and Hunter
Planning, Land Use Strategy and Housing
Department of Planning and Environment

Delegate of the Minister for Planning and Public Spaces

PP-2023-2336 (IRF23/1634)

ITEM NO. 2 **FILE NO: 24/78209**
EDRMS NO: PSC2021-04028

VOLUNTARY PLANNING AGREEMENT - HANSON CONSTRUCTION MATERIAL PTY LTD – BRANDY HILL PATHWAY

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

RECOMMENDATION IS THAT COUNCIL:

1) Receives and notes the submissions **(ATTACHMENT 1)** received during the public exhibition of the draft Voluntary Planning Agreement related to Voluntary Planning Agreement - Hanson Construction Material Pty Ltd – Brandy Hill pathway.
2) Authorises the execution of the Voluntary Planning Agreement (as exhibited) **(ATTACHMENT 2)**.

ORDINARY COUNCIL MEETING - 11 JUNE 2024
MOTION

122	**Councillor Giacomo Arnott** **Councillor Peter Francis** It was resolved that Council: 1) Receives and notes the submissions **(ATTACHMENT 1)** received during the public exhibition of the draft Voluntary Planning Agreement related to Voluntary Planning Agreement - Hanson Construction Material Pty Ltd – Brandy Hill pathway. 2) Authorises the execution of the Voluntary Planning Agreement (as exhibited) **(ATTACHMENT 2)**.

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

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to advise Council the outcome of the exhibition of a draft Voluntary Planning Agreement (VPA) **(ATTACHMENT 2)** between Council and Hanson Construction Materials Pty Ltd (the Developer).

The VPA relates to State Significant Development (SSD) Consent 5899, granted on 16 July 2020 by the Independent Planning Commission (IPC) for the expansion of the Brandy Hill Quarry.

The IPC determined that the increase in heavy vehicle traffic associated with the Quarry expansion poses a safety risk on Brandy Hill Drive. In order to mitigate this impact, the Commission has imposed a condition that requires 6 bus bays and a shared pathway to be constructed on Brandy Hill Drive prior to any increase in production from the Quarry.

Under the draft VPA, the Developer will:

- Provide Council with a $2.5 million payment toward costs of the pathway
- Provide Council with $1.5 million to be credited against future haulage levies payable to Council over the next 10 years. This amount will account for Council's contribution towards the pathway as well as the works.

On 26 March 2024, Council resolved to exhibit the draft VPA and explanatory note **(ATTACHMENT 3)** in accordance with planning legislation, (Minute No. 45) **(ATTACHMENT 4)**.

During exhibition, 2 submissions were received in relation to the construction plans and are summarised in **(ATTACHMENT 1)**. The exhibited plans in Appendix 1 of the VPA **(ATTACHMENT 2)** are indicative and not detailed construction plans.

Council is continuing to update these plans to respond to environmental constraints and individual landowner concerns. No changes have been proposed as a result of the exhibition of the draft VPA.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The contributions to be made by the Developer, as detailed within Schedule 1 of the draft planning agreement, allow for the funding and delivery of the works without requiring additional funds from other Council sources.

The agreement includes provisions that ensure the Developer is responsible for the legal costs and disbursements associated with preparing the agreement.

Source of Funds	Yes/No	Funding ($)	Comment
Existing budget	No		
Reserve Funds	No		
Developer Contributions (S7.11)	Yes	$1,500,000	A payment considered to be an advanced payment of haulage levies.
External Grants	No		
Other	Yes	$2,500,000	Monetary contribution proposed under the draft VPA.

LEGAL, POLICY AND RISK IMPLICATIONS

The agreement includes provisions to manage any risks associated with entering into the agreement.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that if the construction of the pathway is delayed significantly, the cost of the pathway will increase and the monetary contributions will be insufficient to fund the construction of the pathway and bus bays.	Low	Adopt the recommendation. The agreement includes provisions so that should the cost of the pathway exceed $3.5 million, the parties will negotiate further to deliver the required works.	Yes

There is a risk that the construction phase of the pathway and bus bays will take longer than expected.	Low	Adopt the recommendation. There are provisions included in the agreement that protect Council should there be a delay in the construction phase of the project.	Yes

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

The VPA has been prepared in accordance with section 7.4 of the EP&A Act. The VPA was publicly exhibited in accordance with section 7.5 of that act.

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

Public notice was undertaken in accordance with clause 204 of the EP&A Regulations. An explanatory note was been prepared in accordance with clause 205 of the EP&A Regulation and was exhibited with the VPA.

SUSTAINABILITY IMPLICATIONS
Includes Social, Economic and Environmental Implications

The execution of the VPA will ensure necessary public infrastructure is delivered to support the development and will improve outcomes in relation to pedestrian safety in the area.

CONSULTATION

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

Internal

- Financial Services Section
- Assets Section
- Capital Works Section
- Governance Section
- Strategic Property unit

External

On 26 March 2024, Council resolved to exhibit the draft agreement and explanatory note for 28 days in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000, (Minute No. 45) **(ATTACHMENT 5)**.

The documents were exhibited from 28 March 2024 to 29 April 2024 and 2 submissions were received. Responses to the issues raised in the submissions are provided in **(ATTACHMENT 1)**. It is not proposed to amend the VPA in response to submissions.

Council's Capital Works Section and Community Engagement Unit have been consulting with adjoining landowners in relation to the project.

OPTIONS

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

ATTACHMENTS

1) Submission Summary Table.
2) Voluntary Planning Agreement.
3) Accompanying Explanatory Note.
4) 26 March 2024 - Council Minute No.45.

COUNCILLORS' ROOM/DASHBOARD

1) Submissions.

TABLED DOCUMENTS

Nil.

Submission Table: Voluntary Planning Agreement - Hanson Construction Material Pty Ltd - Brandy Hill Pathway

No.	Author of submission	Comment	Council response
1	Resident	The submission relates to the proposed pathway in Schedule 4 of the Voluntary Planning Agreement (VPA).	Noted.
		The submission is concerned the pathway will impede the natural flow of water and notes the construction plans do not include design detail regarding drainage near their property. The submission also notes Council was unable to confirm how drainage would be addressed during earlier consultation with Council staff.	The construction plans in Schedule 4 of the VPA are indicative. Design plans were still in development during earlier consultation. Current design plans propose to extend the existing culvert and piping in the road reserve near this property. The works should improve drainage.
		The submission notes the pathway cannot be approved due to the lack of detail regarding water management and drainage in the construction plans.	The pathway design, including drainage, will be reviewed and approved by Council Assets staff prior to commencement.
		The submission is opposed to the acquisition of people's land for construction on the pathway.	Council is currently working with landowners regarding potential acquisitions.
		The submission questions what material will be used to construct the paths.	The pathway will be constructed with bitumen. Final design plans will be available on Council's website.
		The submission questions why the path is proposed to be on the western side of the road and notes that side has side streets, bus stops and power poles.	On 13 December 2022, a petition with 502 signatures was reported to Council requesting the pathway be constructed on one side of the road. The western side was chosen on meeting sight distance requirements and minimising power pole relocations, property acquisitions, steep table drains/batter slopes, rock excavation, and narrow road reserves.
		The submission notes that installing the pathway on the	Drainage has been considered; the proposed pathway will not exacerbate

No.	Author of submission	Comment	Council response
		higher side of the road will lead to drainage problems.	existing problems or impede natural flows.
		The submission notes that the exhibited construction plans do not show enough detail of the proposed path.	The exhibited plans are only indicative and are not detailed construction plans. Council Assets staff are continuing to revise the plans in consultation with affected landowners.
		The submission notes that having the entire pathway on one side of the road will require people to cross the road. The submission requests the speed limit be reviewed to improve the safety of crossing the road.	Early community consultation indicated an overwhelming preference for the pathway to be entirely constructed on one side of the road. Council is not responsible for speed limit determination. Transport for NSW is the determining authority.
		The submission notes the pathway cannot be approved without completed plans.	The purpose of the VPA is to secure funding for the construction of the pathway. The pathway design will be finalised in consultation with affected landowners and approved by Council Assets prior to commencement. Updates regarding the progression of the project are available on Council's website.
2	Residents	The submission relates to the proposed pathway in Schedule 4 of the VPA.	Noted.
		The submission notes that a bus bay should not be removed to accommodate the proposed pathway.	The widened area currently used by buses is not scheduled for removal. The pathway will be located between the bus area and the fence with clear markings to delineate each.
		The submission opposes Council acquiring any part of their land.	Council is currently working with landowners regarding potential acquisitions.
		The submission notes that the exhibited plans do not provide details for the drainage near their properties. The submission is concerned the proposed pathway may impede the natural flow.	The construction plans in Schedule 4 of the VPA are indicative and do not include drainage details. Council is currently finalising the design plans for the construction of the pathway.

ITEM 2 - ATTACHMENT 1 SUBMISSION SUMMARY TABLE.

No.	Author of submission	Comment	Council response
		The submission states approval should not be granted for the construction of the pathway due to a lack of specificity in the exhibited plans.	Drainage has been considered; the proposed pathway will not exacerbate existing problems or impede natural flows. The purpose of the VPA is to secure funding for the construction of the pathway. The pathway design, including drainage, will be reviewed and approved by Council Assets staff prior to commencement.
		The submission notes that the pathway would affect the functionality of their driveways leaving a section of gravel driveway between the road and footpath. The submission proposes extending the bitumen from the road to the pathway at these locations to improve access and safety for transporting horse floats.	The funding proposed to be collected through the VPA cannot be used to surface driveways outside of the pathway footprint. Council can construct a bituminous surface between the footpath and road if funded by landowners. Council Assets staff will discuss this option with landowners.
		The submission proposes reducing the speed limit in Brandy Hill Drive to respond to the anticipated increase in pedestrian traffic.	Council is not responsible for speed limit determination. Transport for NSW is the determining authority.

Draft No 6
29 February 2024

Port Stephens Council

Hanson Construction Materials Pty Ltd

Planning Agreement

Section 7.4 of the Environmental Planning and Assessment Act, 1979 (NSW)

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Date

Parties

Port Stephens Council ABN 16 744 377 876 of 116 Adelaide Street, Raymond Terrace NSW 2324 (**Council**)

Hanson Construction Materials Pty Ltd ACN 009 679 734 of Level 10 35 Clarence Street, Sydney NSW 2000 (**Developer**)

Background

A The Developer owns the Land.

B On 3 March 2020, the Developer made an offer to enter into a Voluntary Planning Agreement under section 7.4 of the Act on terms acceptable to the Council.

C On 16 July 2020, the NSW Independent Planning Commission Development granted Development Consent subject to conditions.

D Condition A20 of the Development Consent provided that:

> *A20 Within six months of the date of commencement or other timeframe agreed by the Planning Secretary, the Applicant must enter into a Voluntary Planning Agreement with Council in accordance with:*
>
> *(a) Division 7.1 of Part 7 of the EP&A Act; and*
>
> *(b) the terms of the offer in Appendix 7.*

E Appendix 7 of the Development Consent provided the following:

APPENDIX 7: GENERAL TERMS OF PLANNING AGREEMENT

Applicant's Contribution	Intended Use	Payment Details
$120,000	*Funding toward the construction of six bus bays on Brandy Hill Drive and Seaham Road. This item will be a forward payment of haulage levels required under Council's contributions plan. Bus bays to be designed and constructed by Council.*	*Within 12 months of the date of the commencement of the development, or as otherwise agreed under the executed document.*
$1,500,000	*Funding toward the construction of a shared pathway on Brandy Hill Drive. Shared pathway to be designed and constructed by Council.*	*First payment of $375,000 to be made immediately following the execution of the planning agreement. The remaining amount to be paid in 3 equal instalments within 12 months of the execution of the planning agreement*

F The Developer has agreed to provide Council with further additional contributions to cover the increase in construction costs associated with the Bus Bays and Pathway since the grant of the Development Consent.

G This Agreement satisfies condition A20 and Appendix 7 of the Development Consent.

Operative provisions

1 Planning agreement under the Act

The Parties agree that this Agreement is a planning agreement governed by subdivision 2 of Division 7.1 of Part 7 of the Act.

2 Application of this Agreement

This Agreement applies to the Land and the Development.

3 Operation of this Agreement

This Agreement operates only if it is entered into as required by Section 203 of the Regulation.

4 Interpretation

4.1 Definitions

In this Agreement these terms have the following meanings:

Act	The *Environmental Planning and Assessment Act 1979* (NSW).
Applicant	has the same meaning as in the Development Consent, being the Developer, or any person carrying out any development under the Development Consent.
Agreement	means this agreement
Bus Bays	Six (6) bus bays to be constructed on Brandy Hill Drive and Seaham Road.
Business Day	A day which is not a Saturday, Sunday or bank or public holiday in Sydney.
Claim	includes a claim, demand, remedy, suit, injury, damage, loss, Cost, liability, action, proceeding or right of action.

Cost	means a cost, charge, expense, outgoing, payment, fee and other expenditure of any nature.
Date of commencement	has the same meaning as in the Development Consent, being the date notified to the Department by the Applicant under condition A15 for the commencement of Stage 1 of the Development.
Developer	means Hanson Construction Materials Pty Ltd.
Development	has the same meaning as in the Development Consent, being the development described in the document/s listed in condition A2(c), as modified by the conditions of the Development Consent, being the expansion and intensification of operations of the Brandy Hill Quarry on the Land.
Development Application	means the State Significant Development application made by the Applicant with reference SSD-5899 Brandy Hill Quarry Expansion.
Development Consent	The grant of development consent for the Development Application by the NSW Independent Planning Commission dated 16 July 2020.
Development Contributions	means the Local Roads Advance Payment and the Pathway and Bus Bays Contribution.
Explanatory Note	The Explanatory Note means the document prepared in accordance with clause 205 of the Regulation.
GST	Has the same meaning as in the GST Law.
GST Law	Has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST.
Land	means the land identified in Appendix 1 (Schedule of Land) of the Development Consent, being: Lot 3 of DP 1006516; Lot 1 of DP 823760; Lot 19, 20 and 21 of DP 752487; Lot 1 of DP of 737844; Lot 2 of DP 823760; Lot 36, 56 and 236 of DP 752487; Lot 1 of DP 47313; Lot 101 of DP 712886; Lot 12 of DP 264033; Lot 100 of DP 712886;

	Lot 1 and 2 of DP 264033; Lot 58 and 59 of DP 752487; Lot 1 and 2 of DP 1006516; Lot 2 of DP 737844 [REFERRED TO IN ERROR AS LOT2 DP737847 IN THE CONSENT]; Lot 57 of DP 752487 (known as 1111 Clarence Town Road, Seaham); and Lot 25 of DP 1101305 (known as 888 Clarence Town Road, Seaham 2324).
Local Roads Advance Payment	A monetary contribution of $1,500,000 (not subject to indexation) to be paid as an advance payment of the monetary contributions required to be paid under section 7.11 of the Act and condition A19(a) of the Development Consent.
Party	A party to this Agreement, including their successors and assigns.
Pathway	A shared pathway to be constructed on Brandy Hill Drive and in accordance with the indicative Site Plan attached at Schedule 3 to this Agreement.
Pathway and Bus Bays Contribution	A monetary contribution of $2,500,000 (not subject to indexation) towards the construction of the Pathway and the Bus Bays which includes: • $120,000 towards the construction of the Bus Bays as required by Appendix 7 of the Development Consent; • $1,500,000 towards the construction of the Pathway as required by Appendix 7 of the Development Consent; and • an additional amount of $880,000 to cover the increased cost of construction of the Pathway and Bus Bays since the original offer to enter into this Agreement was made by the Developer.
Public Purpose	Any purpose that benefits the public or a section of the public, specified in section 7.4(2) of the Act.
Regulation	The *Environmental Planning and Assessment Regulation 2021* (NSW).

4.2 Construction

Unless expressed to the contrary, in this Agreement:

(a) headings do not affect the interpretation of this Agreement;

(b) words in the singular include the plural and vice versa;

(c) any gender includes the other genders;

(d) if a word or phrase is defined its other grammatical forms have corresponding meanings;

(e) 'includes' means includes without limitation;

(f) if the day on or by which any act, must be done under this Agreement is not a Business Day, the act must be done on or by the next Business Day;

(g) '$' or 'dollars' is a reference to Australian currency all amounts payable under this Agreement are payable in Australian dollars;

(h) a reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision;

(i) a reference in this Agreement to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced;

(j) a reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement;

(k) an expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency; and

(l) any schedules and attachments form part of this Agreement, and the Parties are to comply with any terms contained in schedules to this Agreement as if those terms were included in the operative part of this Agreement.

5 Development Contributions to be made under this Agreement

5.1 Developer to provide Development Contributions

(a) The Developer must notify the Council, in writing, of the Date of Commencement within three (3) Business Days of the Date of Commencement.

(b) The Developer must pay the Council the Development Contributions in accordance with the provisions of Schedule 1.

(c) The parties acknowledge and agree that the payment of Development Contributions in accordance with this Agreement satisfies the requirements of condition A20 of the Development Consent.

(d) If, acting reasonably, the Council incurs costs exceeding $3,500,000 for the construction of the Pathway, then the parties agree that the parties will negotiate a variation to this Agreement in good faith which provides for the Developer to make further contributions, on condition that the further contributions will be taken to be further advance payments of haulage

levies under section 7.11 of the Act and condition A19(a) of the Development Consent. Should agreement not be achieved between the parties, either party may commence the dispute resolution process within clause 9 of this Agreement.

5.2 Application of the Development Contributions

(a) Council acknowledges that it has designed the Pathway.

(b) Subject to the Development Contributions being paid in accordance with this Agreement,

(i) Within three months of the execution of the Agreement, Council must commence construction on the portions of the Pathway that are not marked in red on the Pathway Plan in Schedule 4.

(ii) Council must complete the construction of the portions of the Pathway that are not marked in red on the Pathway Plan in Schedule 4 and the Bus Bays as soon as practicable and by no later than 15 months after the execution of the Agreement, unless an extension of time is otherwise agreed in writing between the Parties acting reasonably.

(iii) Without limiting Council's obligations under clause 5.2(b)(ii) of this Agreement, the Council must fully complete the construction of the whole of the Pathway as soon as practicable and by no later than 12 months after all land required for the Pathway has been acquired by Council, unless an extension of time is otherwise agreed in writing between the Parties acting reasonably.

(c) It is further agreed between the Parties that the Council will not be liable for any of the Developer's loss arising from any delay in the delivery of the construction of the pathway or bus bays.

5.3 Delivery of Development Contributions

(a) A Development Contribution is made for the purpose of this Agreement when cleared funds are deposited by means of electronic funds transfer into a bank account nominated by the Council.

(b) The Developer is to give the Council not less than 5 Business Days written notice of its intention to pay a Development Contribution.

(c) The Developer is not required to pay the Development Contribution under this Agreement until the Council, having received the Developer's notice under clause 5.3(b), has given to the Developer a written notice in respect of the Development Contribution.

(d) The Developer is not in breach of this Agreement if it fails to pay the Development Contribution at the time required by this Agreement by reason only of the Council's failure to give to the Developer a written notice in respect of the Development Contribution.

6 Application of sections 7.11, 7.12 and 7.24 of the Act to the Development

(a) For the purposes of section 7.4(3)(d) of the Act, the Parties expressly agree that the application of:

(i) section 7.11 of the Act to the Development is not excluded to the extent provided by this clause 6 of this Agreement;

(ii) sections 7.12 and 7.24 of the Act to the Development are excluded.

(b) The parties acknowledge and agree that the Local Roads Advance Payment and any payment made by the Developer under clause 5.1(d) will be taken to be a forward payment of the monetary contributions required to be paid by the Developer under section 7.11 of the Act and condition A19 of the Development Consent, such that the amount of the Local Roads Advance Payment paid to Council under this Agreement will be treated as a credit which will be offset against amounts owing by the Developer under section 7.11 of the Act and condition A19(a) of the Development Consent until the earlier of:

(i) the date by which the respective credit is exhausted; and

(ii) the date that is 10 years after the date that the Local Roads Advance Payment is paid in full.

(c) For the avoidance of doubt, the payment of the Pathway and Bus Bays Contribution cannot be claimed as an offset against the contributions payable to Council under Condition A19 of the Development Consent.

7 Registration

(a) Within 30 Business Days of the operation of this Agreement under clause 3, the Developer will, at its cost, register this Agreement in accordance with section 7.6 of the Act in the relevant folios of the Register of the Land.

(b) The Council must do all things reasonably required for the Developer to release and discharge this Agreement from the title to the Land upon the Council providing its written satisfaction that the Developer has paid the Development Contributions in accordance with this Agreement and the Developer is not in breach of this Agreement.

(c) The Developer will pay the Council's reasonable costs and expenses incurred under this clause 7.

8 Risk, Indemnity and Release

8.1 Risk

The Developer performs this Agreement at its own risk and its own cost.

8.2 Release

The Developer releases the Council from any Claim it may have against the Council arising in connection with the performance of the Developer's obligations under this Agreement except if, and to the extent that, the Claim arises because of the Council's negligence or default.

8.3 Indemnity

The Developer indemnifies the Council from and against all Claims that may be sustained, suffered, recovered or made against the Council arising in connection with the performance of the Developer's obligations under this Agreement except if, and to the extent that, the Claim arises because of the Council's negligence or default.

9 Dispute Resolution

9.1 Reference to dispute

If a dispute arises between the Parties in relation to this Agreement, then either Party must resolve that dispute in accordance with this clause.

9.2 Notice of dispute

The Party wishing to commence the dispute resolution processes must notify the other in writing of:

(a) the intent to invoke this clause;

(b) the nature or subject matter of the dispute, including a summary of any efforts made to resolve the dispute other than by way of this clause; and

(c) the outcomes which the notifying Party wishes to achieve (if practicable).

9.3 Representatives of Parties to meet

On receipt of notice under **clause 9.2**, the Parties must endeavour in good faith to resolve the dispute expeditiously using informal dispute resolution techniques such as mediation, expert determination or other techniques agreed between them to be appropriate for resolution of the relevant dispute.

9.4 Neither Party may constrain

If:

(a) at least one meeting has been held in accordance with **clause 9.3**; and

(b) the Parties have been unable to reach an outcome; and

(c) either of the Parties, acting in good faith, forms the view that the dispute is reasonably unlikely to be resolved in accordance with a process agreed under **clause 9.3**,

then, that party may, by 10 Business Days written notice to the other Party, terminate the dispute resolution process in respect of that dispute. The termination of the process set out in this clause does not of itself amount to a breach of this Agreement.

10 Enforcement

Without limiting any other remedies available to the Parties, this Agreement may be enforced by any party in any court of competent jurisdiction. Nothing in this Agreement prevents a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Agreement or any matter to which this Agreement relates.

11 Notices

11.1 Delivery

Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and:

(a) delivered or posted to that Party at its address set out below;

(b) emailed to that Party at its email address set out below.

Port Stephens Council

Attention: Legal Services Manager

Address: PO Box 42, Raymond Terrace NSW 2324

Email: council@portstephens.nsw.gov.au

Hanson Construction Materials Pty Ltd

Attention: Ian Petrovski, Commercial Manager

Address: Level 10 35 Clarence Street Sydney NSW 2000

Email: ian.petrovski@hanson.com.au

11.2 Change of details

If a Party gives the other Party 3 Business Days' notice of a change of its address or email address, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, or posted to the latest address, or email address.

11.3 Giving of notice

Any notice, consent, information, application or request is to be treated as given or made at the following time:

(a) If it is delivered, when it is left at the relevant address.

(b) If it is sent by post, two business days after it is posted.

(c) If it is emailed, at the time the email was sent, provided it was received by the recipient.

11.4 Delivery outside of business hours

If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a Business Day, or if on a Business Day, after 5.00 pm on that day in the place of the Party to whom it is

sent, it is to be treated as having been given or made at the beginning of the next Business Day.

12 GST

12.1 Construction

In this **clause 12**:

(a) unless there is a contrary indication, words and expressions which are not defined in this Agreement but which have a defined meaning in the GST Law have the same meaning as in the GST Law;

(b) **GST Law** has the same meaning given to that expression in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) or, if that Act does not exist for any reason, means any Act imposing or relating to the imposition or administration of a goods and services tax in Australia and any regulation made under that Act; and

(c) references to GST payable and input tax credit entitlements include:

(i) notional GST payable by, and notional input tax credit entitlements of the Commonwealth, a State or a Territory (including a government, government body, authority, agency or instrumentality of the Commonwealth, a State or a Territory); and

(ii) GST payable by, and the input tax credit entitlements of, the representative member of a GST group of which the entity is a member.

12.2 Consideration GST exclusive

Unless otherwise expressly stated, all consideration, whether monetary or non-monetary, payable or to be provided under or in connection with this Agreement is exclusive of GST (**GST-exclusive consideration**).

12.3 Payment of GST

If GST is payable on any supply made by:

(a) a Party; or

(b) an entity that is taken under the GST Law to make the supply by reason of the capacity in which a Party acts,

(**Supplier**) under or in connection with this Agreement, the recipient of the supply, or the Party providing the consideration for the supply, must pay to the Supplier an amount equal to the GST payable on the supply.

12.4 Timing of GST payment

The amount referred to in **clause 12.3** must be paid in addition to and at the same time and in the same manner (without any set-off or deduction) that the GST-exclusive consideration for the supply is payable or to be provided.

12.5 Tax invoice

The Supplier must deliver a tax invoice or an adjustment note to the recipient of a taxable supply before the Supplier is entitled to payment of an amount under **clause 12.3**.

12.6 Adjustment event

If an adjustment event arises in respect of a supply made by a Supplier under or in connection with this Agreement, any amount that is payable under **clause 12.3** will be calculated or recalculated to reflect the adjustment event and a payment will be made by the recipient to the Supplier or by the Supplier to the recipient as the case requires.

12.7 Reimbursements

(a) Where a Party is required under or in connection with this Agreement to pay for, reimburse or contribute to any expense, loss, liability or outgoing suffered or incurred by another Party or indemnify another Party in relation to such an expense, loss, liability or outgoing (**Reimbursable Expense**), the amount required to be paid, reimbursed or contributed by the first Party will be reduced by the amount of any input tax credits to which the other Party is entitled in respect of the Reimbursable Expense.

(b) This **clause 12.7** does not limit the application of **clause 12.3**, if appropriate, to the Reimbursable Expense as reduced in accordance with **clause 12.7(a)**.

13 General

13.1 Approvals and consents

Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

13.2 Assignment and dealings

The Developer may not transfer, assign or dispose of its obligations under this Agreement to a transferee (**Transferee**) unless:

(a) the Developer procures execution by the Transferee and delivery to the Council of a deed signed by the Transferee in a form and of such substance as is acceptable to the Council, acting reasonably, containing provisions under which the Transferee agrees to comply with all the obligations of the Developer under the Agreement; and

(b) any default by the Developer under any provisions of this Agreement has been remedied by the Developer or waived by the Council on such conditions as the Council may determine, acting reasonably.

13.3 Costs

The Developer must pay its own and the Council's reasonable legal costs and disbursements associated with preparing, negotiating, the giving of public notice including public exhibition phase, executing and stamping this Agreement and any document related to this Agreement.

13.4 Entire agreement

(a) This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

(b) Pursuant to section 205(5) of the Regulation, the Parties agree that the Explanatory Note is not to be used to assist in construing this Agreement.

13.5 Further acts

Each party must promptly do whatever any other party reasonably requires of it to give effect to this Agreement and to perform its obligations under it.

13.6 Governing law and jurisdiction

This Agreement and the transactions contemplated by this Agreement are governed by and are to be construed in accordance with the laws applicable in New South Wales. The Parties irrevocably and unconditionally submit to the non-exclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

13.7 Joint and individual liability and benefits

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by two or more persons binds them jointly and each of them individually, and any benefit in favour of two or more persons is for the benefit of them jointly and each of them individually.

13.8 No fetter

Nothing in this Agreement will be construed as requiring the Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing will be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

13.9 Representations and warranties

The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under this Agreement and that entry into this Agreement will not result in the breach of any law.

13.10 Severability

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause

is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

13.11 Waiver

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

13.12 Relationship of parties

This Agreement is not intended to create a partnership, joint venture or agency relationship between the parties.

13.13 Counterparts

This Agreement may consist of a number of counterparts and, if so, the counterparts taken together constitute one document.

13.14 Rights cumulative

Except as expressly stated otherwise in this Agreement, the rights of a Party under this Agreement are cumulative and are in addition to any other rights of that Party.

Schedule 1

Development Contributions

(a) The Developer must pay the Development Contributions in the manner set out in the table below.

Column 1 **Development Contribution**	**Column 2** **Monetary amount ($)**	**Column 3** **Timing**	**Column 4** **Public Purpose**
Local Roads Advance Payment	$1,500,000 (not subject to indexation)	In three (3) instalments: (1) $120,000 immediately following execution of the Agreement (2) $690,000 within 20 Business Days of Council providing the Developer with written notice that it has completed construction of 25% of the length of the Pathway. (2) $690,000 within 20 Business Days of Council providing the Developer with written notice that it has completed construction of 75% of the length of the Pathway.	The design and construction of the bus-bays and the maintenance of local roads used for haulage of quarry products in accordance with the provisions relating to section 7.11 Haulage levies in the Port Stephens Local Infrastructure Contributions Plan.
Pathway Contribution	$2,500,000 (not subject to indexation)	In instalments as follows: (1) $1,250,000 immediately following execution of the Agreement. (2) $416,667 within 120 days following the execution of the agreement. (3) $416,667 within 210 days following the execution of the agreement. (4) $416,667 within 300 days following the execution of the agreement	The design and construction of the Pathway.

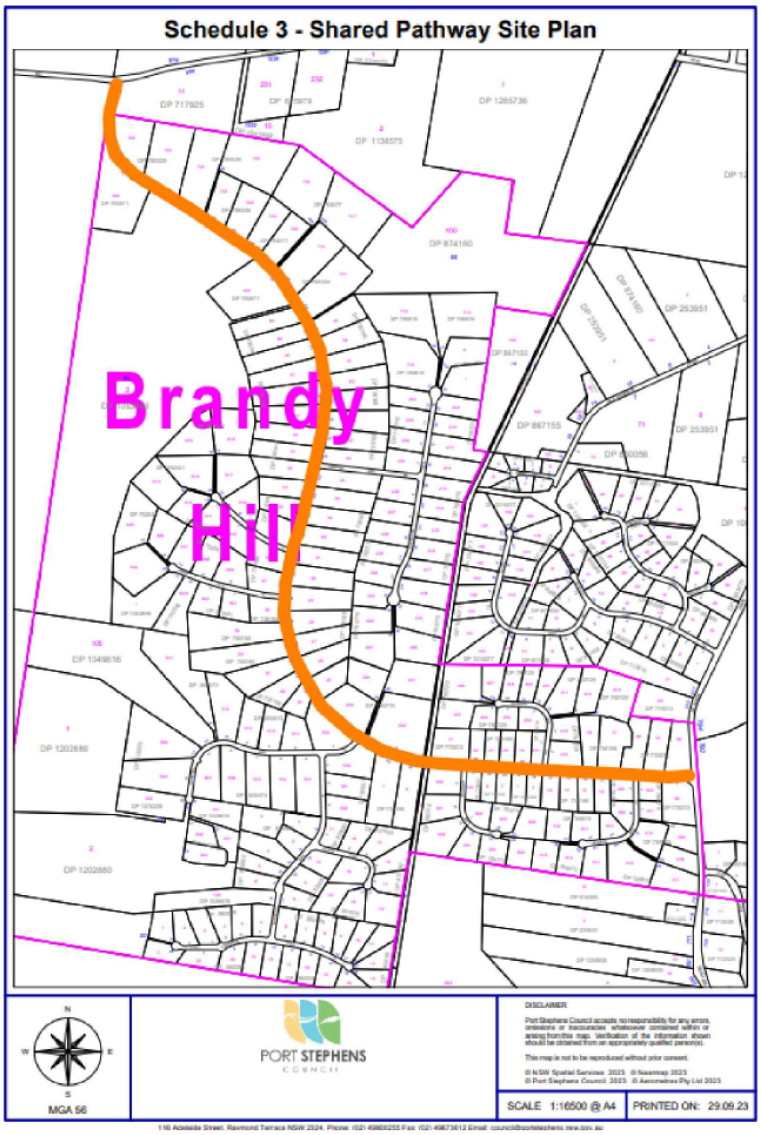
Schedule 2

Section 7.4 Requirements

Provision of the Act	This Agreement
Under section 7.4(1), the Developer has:	
(a) sought a change to an environmental planning instrument.	No
(b) made, or proposes to make, a development application.	Yes
(c) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies.	No
Description of the land to which this Agreement applies- (Section 7.1(3)(a))	clause 4.1 (Definition of "Land")
Description of the development to which this Agreement applies- (Section 7.4(3)(b)(ii))	clause 4.1 (Definition of "Development")
The scope, timing and manner of delivery of Development Contributions required by this Agreement - (Section 7.4(3)(c))	clause 5 and Schedule 1
Applicability of Section 7.11 of the Act - (Section 7.4(3)(d))	clause 6
Applicability of Section 7.12 of the Act - (Section 7.4(3)(d))	clause 6
Applicability of Section 7.24 of the Act - (Section 7.4(3)(d))	clause 6
Applicability of Section 7.4(3)(e) of the Act	clause 6
Mechanism for Dispute resolution - (Section 7.4(3)(f))	clause 9
Enforcement of this Agreement - (Section 7.4(3)(g))	clause 8
Registration of this Agreement (Section 7.6)	clause 7
No obligation to grant consent or exercise functions - (Section 7.4(9))	clause 13.8

Schedule 3

Shared Pathway Site Plan



Schedule 4

Initial Construction Portions of the Shared Pathway

ITEM 2 - ATTACHMENT 2 VOLUNTARY PLANNING AGREEMENT.

PORT STEPHENS COUNCIL

The Essential First Step. DIAL BEFORE YOU DIG www.1100.com.au

SEAHAM RD TO CLARENCE TOWN RD - BRANDY HILL DR SHARED PATH - W11550

LOCALITY MAP

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)

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DRAWING INDEX

SHEET No.	DRAWING TITLE
01	COVER PAGE
02	SPECIFICATIONS AND LEGEND
100	GENERAL ARRANGEMENT PLAN
101	STAGE 1 PLAN
102	STAGE 2 PLAN
103	STAGE 3 PLAN
104	STAGE 4 PLAN

AZIMUTH : MGA
DATUM : AHD

SURVEY : WD
DESIGNED : AS
CHECKED : SS

Scales @ A1
PLANS 1:10000 0 100 200 300 400 500m

DIMENSIONS AND SETTING OUT, REDUCED LEVELS AND CHAINAGES ARE IN METRES, ALL OTHER DIMENSIONS ARE IN MILLIMETRES. SETOUT DIMENSIONS ON THE DRAWINGS SHALL BE VERIFIED ON SITE. DIMENSIONS SHALL NOT BE OBTAINED BY SCALING THE DRAWINGS.

Date	Amendment	Rev	Officer
07.02. 2024	DRAFT	G	AS

PORT STEPHENS COUNCIL

Project: SEAHAM RD TO CLARENCE TOWN RD - BRANDY HILL DR SHARED PATH - W11550
Drawing Title: COVER PAGE

EDRMS No:

Revision: G
Sheet No: 01
Date: 07.02.24
Sheet Size: A1

C:\Asiet\Brandy Hill - 2122 - PTH - Brandy Hill Dr - Seaham Rd to Clarence Town Rd\09 Design\02 Civil\Combined overall plan\W11550_Combined overall plan.dwg PLOT DATE: 07.02.2024

ITEM 2 - ATTACHMENT 2 VOLUNTARY PLANNING AGREEMENT.

GENERAL ENGINEERING NOTES

1. DOCUMENTS: THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL OTHER WORKING DRAWINGS AND SPECIFICATIONS AND WITH OTHER SUCH WRITTEN INSTRUCTIONS AS MAY BE ISSUED DURING THE COURSE OF CONSTRUCTION. ALL DISCREPANCIES SHALL BE REFERRED TO THE PROJECT MANAGER FOR RESOLUTION BEFORE PROCEEDING WITH THE WORK, EXCEPT WHERE OTHERWISE NOTED, AND WHERE RELEVANT, WORKS TO BE CONSTRUCTED IN ACCORDANCE WITH PORT STEPHENS COUNCIL'S STANDARD DRAWINGS
2. DIMENSIONS AND SETTING OUT: ALL DIMENSIONS AND LEVELS ARE SHOWING IN METRES UNLESS NOTED OTHERWISE. SET OUT DIMENSIONS ON THE DRAWING SHALL BE VERIFIED ON SITE.
3. DIMENSIONS SHALL NOT BE OBTAINED BY SCALING THE DRAWINGS
4. WORKMANSHIP AND MATERIALS: THESE SHALL CONFORM WITH THE REQUIREMENTS OF THE RELEVANT AUSTRALIAN STANDARDS, CODES AND THE SPECIFICATIONS, BYLAWS AND ORDINANCES OF PORT STEPHENS COUNCIL. ALL WORKS TO BE EXECUTED IN A TRADESMAN LIKE MANNER
5. SERVICES: CONTACT "DIAL BEFORE YOU DIG" ON TEL: 1100 FOR PLAN INFORMATION ON UNDERGROUND PIPES & CABLES, AT LEAST TWO DAYS PRIOR TO THE COMMENCEMENT OF WORK. USING THE PLANS & ONSITE MARKINGS AS AN INDICATION OF LOCATION, HAND DIG TO EXPOSE ALL SERVICES WITHIN THE SAFE APPROACH DISTANCES.
6. SERVICE LOCATIONS ARE INDICATIVE ONLY. SERVICES MUST BE POTHOLED TO ESTABLISH THE EXACT LOCATION OF ALL UNDERGROUND ASSETS USING A HAND SHOVEL, BEFORE USING HEAVY MACHINERY. A CURRENT DIAL BEFORE YOU DIG ENQUIRY MUST BE OBTAINED PRIOR TO CONSTRUCTION COMMENCING.
7. SERVICE ADJUSTMENTS: ALL SERVICES AFFECTED BY NEW WORK TO BE ADJUSTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE RELEVANT SERVICE AUTHORITY
8. ALL WORKS TO BE CONSTRUCTED IN ACCORDANCE WITH COUNCIL'S SPECIFICATIONS AND THESE DRAWINGS
9. THE LOCATION AND LEVEL OF ALL EXISTING SERVICES, UTILITIES, PIPES, PITS, CONNECTION POINTS ETC. INSTALLED AS PART OF PREVIOUS STAGES SHALL BE CONFIRMED PRIOR TO THE COMMENCEMENT OF WORK

SURVEY

1. ALL LEVELS ARE A.H.D. ALL CO-ORDINATES ARE M.G.A 2020
2. ALL CHAINAGES AND LEVELS ARE IN METRES UNLESS OTHERWISE NOTED.

LEGEND

- DENOTES PROPOSED GRASS BATTER, SPRAY SEED WITH HYDROMULCH OR EQUIVALENT
- DENOTES PROPOSED MULCHED BATTER
- DENOTES PROPOSED GRAVEL FILL FOR ROAD PAVEMENT.
- DENOTES PROPOSED GRAVEL DRIVEWAY.
- DENOTES PROPOSED PAVEMENT TO BE REMOVED.
- DENOTES PROPOSED STABILISED ROAD PAVEMENT.
- DENOTES PROPOSED PAVEMENT MILLING AND RESHEET.
- DENOTES PROPOSED MASS CONCRETE PAVEMENT.
- DENOTES PROPOSED REINFORCED CONCRETE PAVEMENT.
- DENOTES PROPOSED EXPOSED AGGREGATE CONCRETE PAVEMENT.
- DENOTES PROPOSED AREA OF PAVERS.
- DENOTES PROPOSED AREA OF TWO COAT SEAL.
- DENOTES PROPOSED AREA OF ASPHALTIC CONCRETE SEAL.
- DENOTES PROPOSED ASPHALTIC CONCRETE RAISED THRESHOLD.
- DENOTES PROPOSED CONCRETE SO DRAIN
- DENOTES PROPOSED AREA OF TREES/SHRUBS TO BE REMOVED. REFER TO SPECIFICATIONS FOR STANDARD PROCEDURES AND REQUIREMENTS
- DENOTES PROPOSED TREE REMOVED
- DENOTES PROPOSED HABITAT TREE REMOVED
- DENOTES PROPOSED HABITAT TREE RETAINED
- DENOTES PROPOSED DRAINAGE PIPE
- DENOTES PROPOSED STORMWATER DRAINAGE PIT. REFER TO STORMWATER PIT SCHEDULE FOR PIT SIZE, GRATE CLASS AND REQUIRED INSERTS.
- DENOTES PROPOSED HEADWALL.
- DENOTES PROPOSED KERB INLET PIT.
- DENOTES PROPOSED SAG PIT.
- DENOTES PROPOSED EDGE OF BITUMEN
- DENOTES PROPOSED EXTENT OF BATTER
- DENOTES PROPOSED CENTRELINE
- K&G — DENOTES PROPOSED KERB AND GUTTER.
- KO — DENOTES PROPOSED KERB ONLY.
- FK — DENOTES PROPOSED FLUSH KERB.
- DENOTES PROPOSED KERB RAMP.
- DENOTES PROPOSED WIRE ROPE SAFETY BARRIER INSTALLED IN ACCORDANCE WITH MANUFACTURER'S WRITTEN SPECIFICATIONS
- DENOTES PROPOSED GUARD RAIL INSTALLED IN ACCORDANCE WITH MANUFACTURER'S WRITTEN SPECIFICATIONS
- DENOTES PROPOSED ET-SS END TERMINAL INSTALLED IN ACCORDANCE WITH MANUFACTURER'S WRITTEN SPECIFICATIONS
- DENOTES PROPOSED SIGN
- DENOTES PROPOSED EXTENT OF FILL
- DENOTES PROPOSED EXTENT OF CUT
- 0.85 — DENOTES PROPOSED DEPTH OF FILL IN METRES
- -0.51 — DENOTES PROPOSED DEPTH OF CUT IN METRES
- 10m — DENOTES SURVEY MARK
- DENOTES DEFINED BOUNDARY LINE
- DENOTES NON-DEFINED BOUNDARY LINE FROM CADASTRE.
- DENOTES EXISTING TREE
- DENOTES EXISTING TOP OF BANK
- DENOTES EXISTING BOTTOM OF BANK
- DENOTES EXISTING FENCE
- DENOTES EXISTING EDGE OF BITUMEN
- DENOTES EXISTING CENTRELINE
- BC 450 — DENOTES EXISTING BOX CULVERT
- 375Ø — DENOTES EXISTING PIPE
- T — DENOTES EXISTING TELECOMMUNICATION CABLE
- OF — DENOTES EXISTING OPTICAL FIBRE CABLE
- 80H — DENOTES EXISTING OVERHEAD ELECTRICITY
- E — DENOTES EXISTING UNDERGROUND ELECTRICITY
- W — DENOTES EXISTING WATER MAIN
- G — DENOTES EXISTING GAS MAIN
- HPO — DENOTES EXISTING HIGH PRESSURE GAS MAIN
- S — DENOTES EXISTING SEWER MAIN
- SRM — DENOTES EXISTING SEWER RISING MAIN
- DENOTES SCOUR PROTECTION INSTALLED IN ACCORDANCE WITH STANDARD DETAIL SD5-4 OF THE 'BLUE BOOK'
- DENOTES SEDIMENT FENCE INSTALLED IN ACCORDANCE WITH STANDARD DETAIL SD6-8 OF THE 'BLUE BOOK'
- DENOTES HAY BALES INSTALLED IN ACCORDANCE WITH STANDARD DETAIL SD6-7 OF THE 'BLUE BOOK'
- DENOTES TEMPORARY BUND INSTALLED IN ACCORDANCE WITH STANDARD DETAIL SD5-5 (LOW FLOWS) OR SD 5-6 (HIGH FLOWS) OF THE 'BLUE BOOK'
- DENOTES KERB SEDIMENT TRAP INSTALLED AT INVERT OF KERB AT MAX 20 CTS. ENSURE THAT SEDIMENT TRAP IS LOCATED MINIMUM 2m UPSTREAM OF PIT INLET.
- DENOTES KERB INLET SEDIMENT TRAP INSTALLED IN ACCORDANCE WITH STANDARD DETAIL SD5-4 OF THE 'BLUE BOOK'

AZIMUTH : MGA DATUM : AHD	Scales @ A1	Date	Amendment	Rev	Officer	PORT STEPHENS COUNCIL	Project: SEAHAM RD TO CLARENCE TOWN RD - BRANDY HILL DR SHARED PATH - W11550
SURVEY : WD DESIGNED : AS CHECKED : SS	DIMENSIONS AND SETTING OUT: REDUCED LEVELS AND CHAINAGES ARE IN METRES, ALL OTHER DIMENSIONS ARE IN MILLIMETRES. SETOUT DIMENSIONS ON THE DRAWINGS SHALL BE VERIFIED ON SITE. DIMENSIONS SHALL NOT BE OBTAINED BY SCALING THE DRAWINGS.	07.02. 2024	DRAFT	G	AS		Drawing Title: SPECIFICATIONS AND LEGEND

EDRMS No:

Revision: G
Sheet No: 02
Date: 07.02.24
Sheet Size: A1

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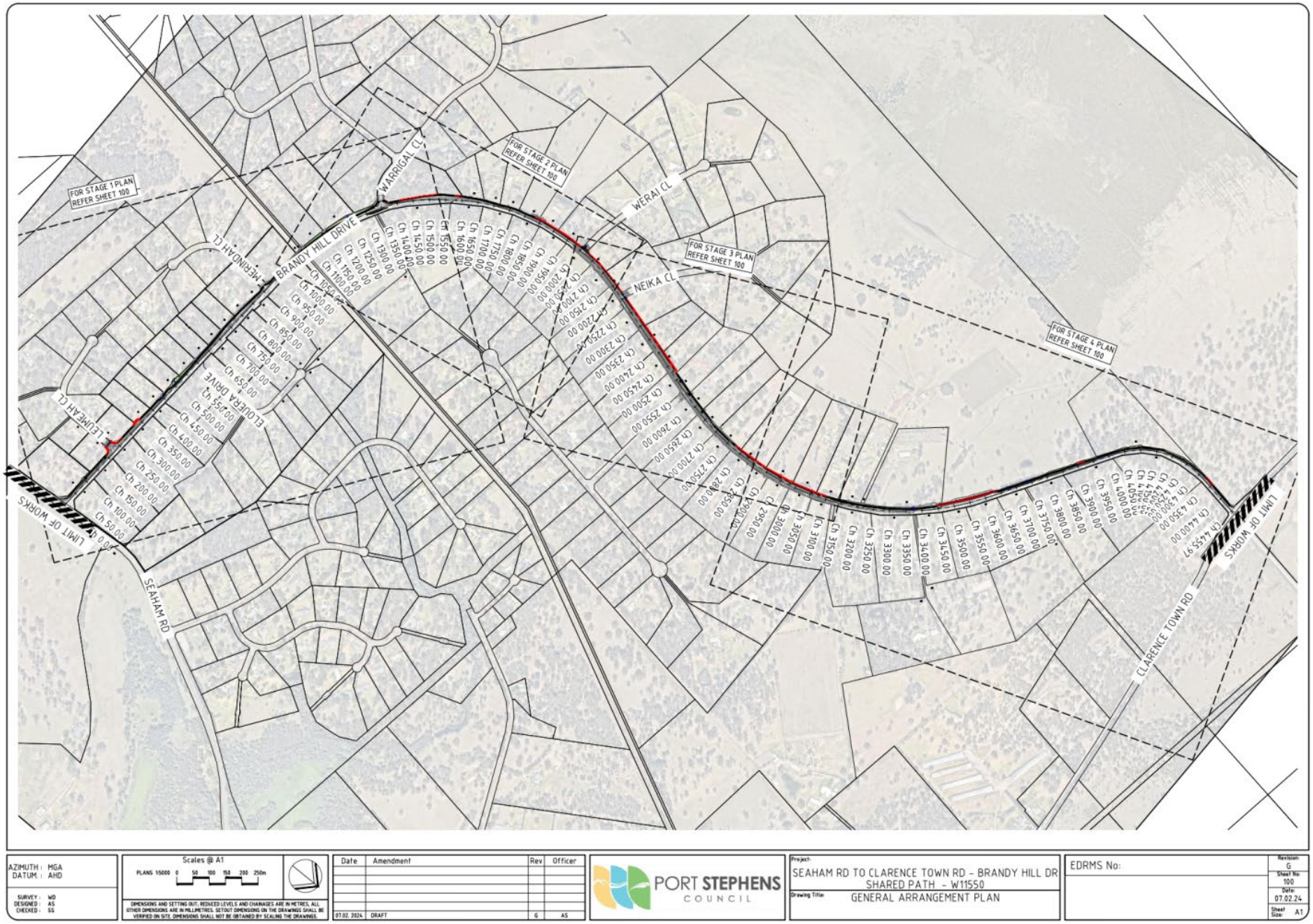
ITEM 2 - ATTACHMENT 2 VOLUNTARY PLANNING AGREEMENT.



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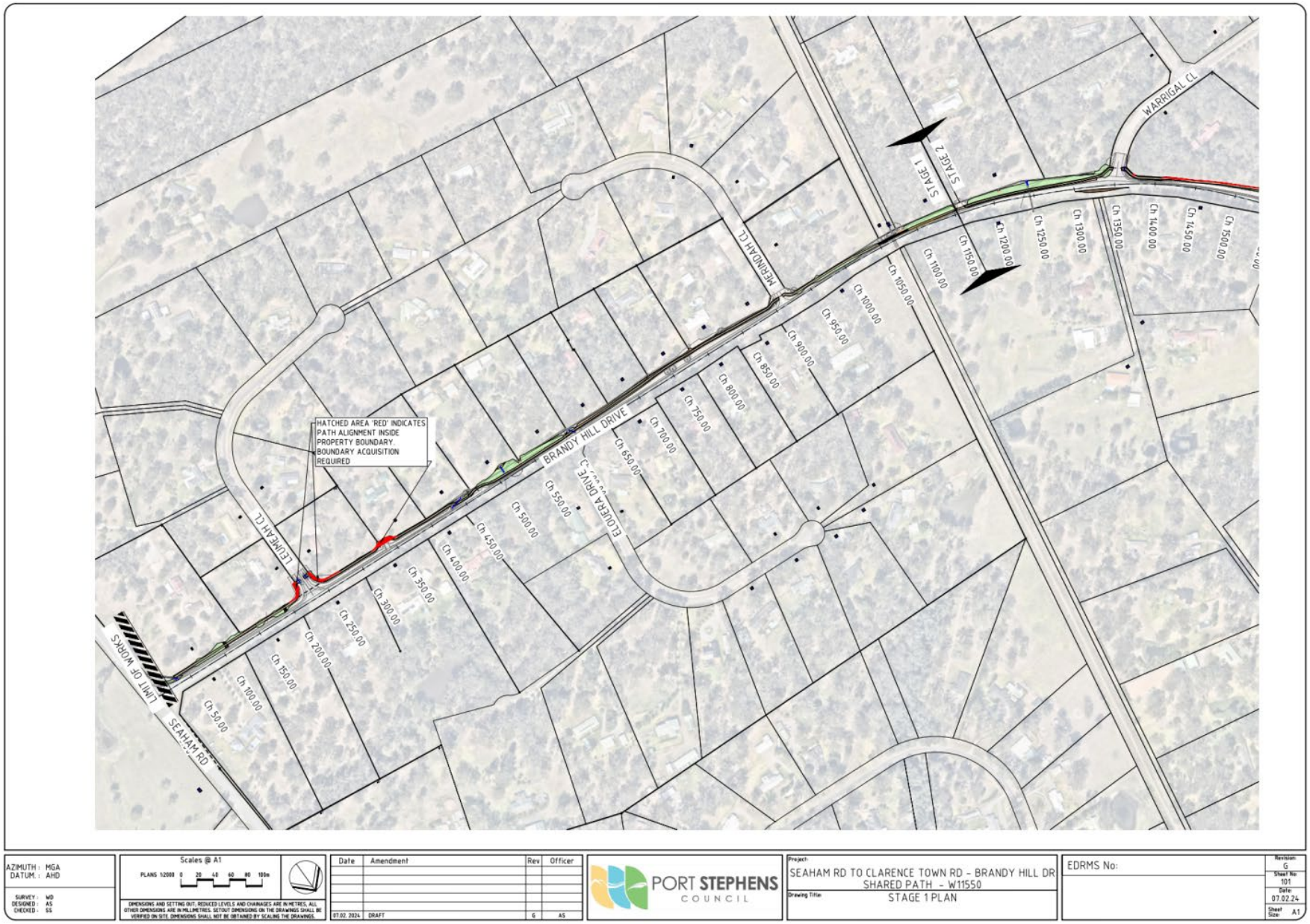

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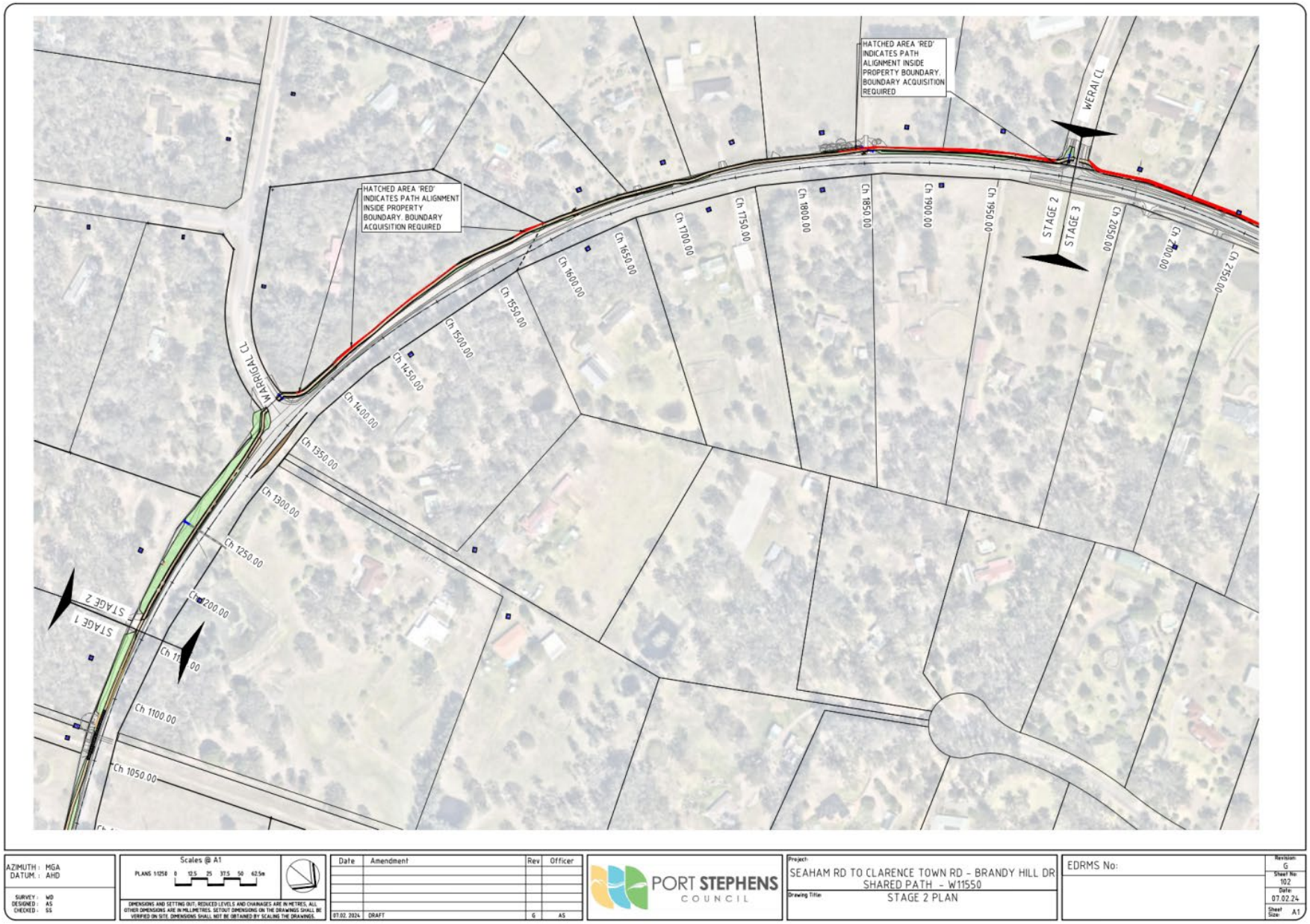

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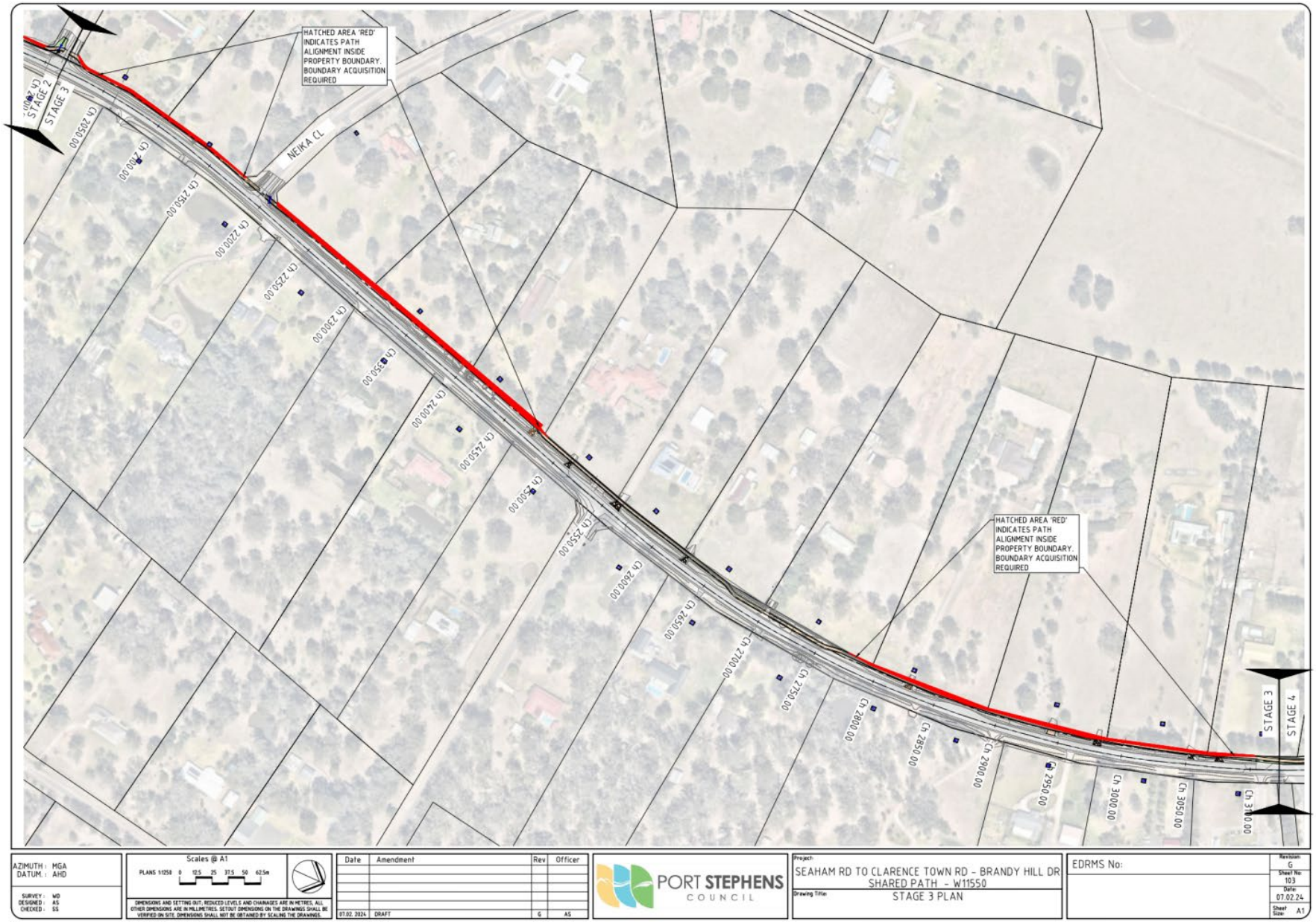

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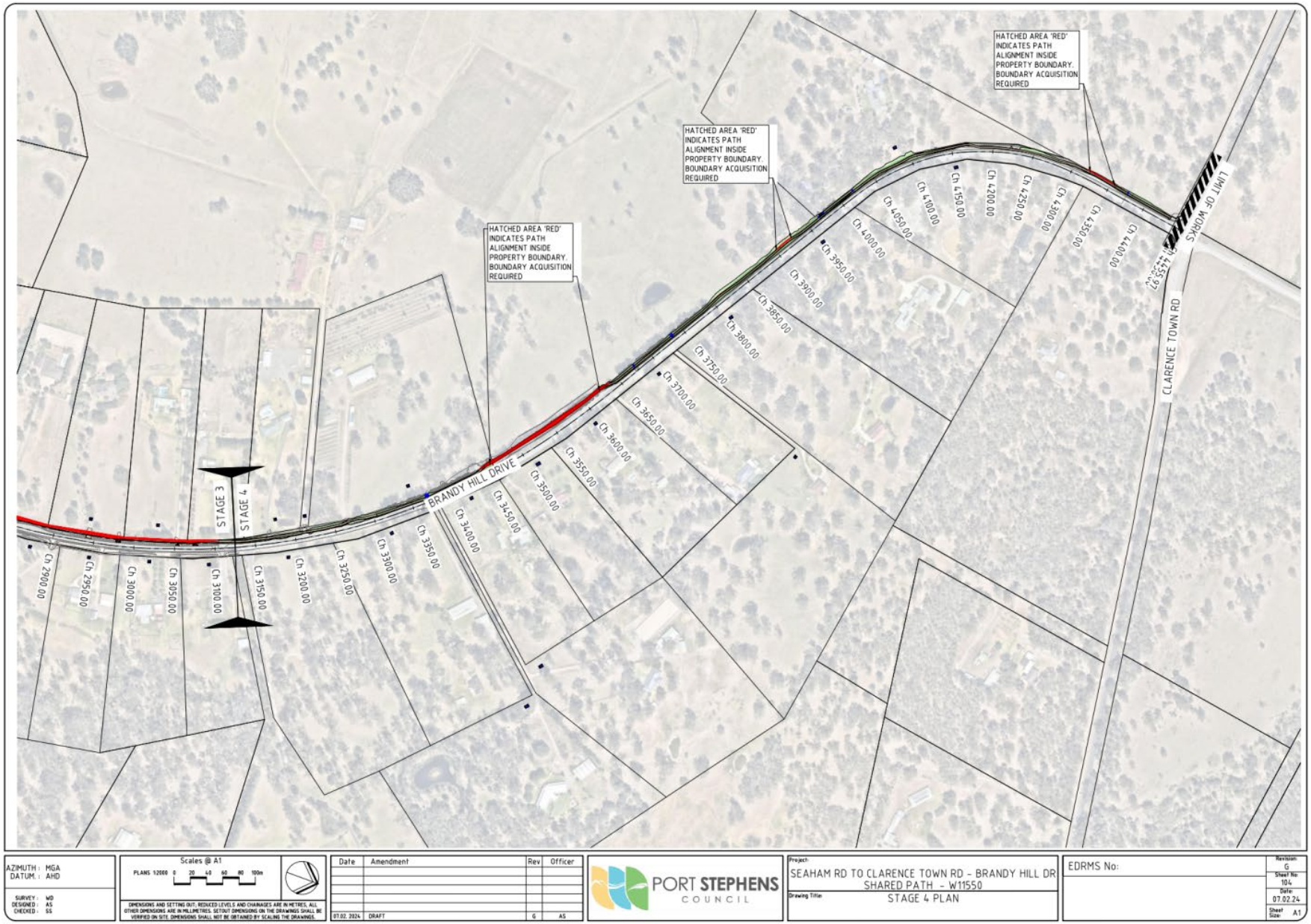


Execution

Executed as a deed.

Council

Executed by **Port Stephens Council**)
by its authorised delegate in the)
presence of:)

.....	.....
Signature of Witness	Signature of Officer
.....	.....
Name of Witness (print)	Name of Officer (print)
	.....
	Position of Officer (print)

Developer

Executed by **Hanson Construction**)
Materials Pty Ltd ACN 009 679 734 in)
accordance with section 127(1)
Corporations Act 2001 (Cth):

.....	.....
Company Secretary/Director	Director
.....	.....
Name of Company Secretary/Director (print)	Name of Director (print)

Explanatory Note

Draft Planning Agreement
Brandy Hill Quarry

Environmental Planning & Assessment Act 1979, section 7.4
Environmental Planning & Assessment Regulation 2021, clause 205

1. Introduction

The purpose of this Explanatory Note is to provide a plain English summary to support the exhibition of a proposed draft planning agreement (the **Planning Agreement**) prepared under section 7.4 of the *Environmental Planning and Assessment Act 1979* (the **Act**).

2. Parties

The parties to the Planning Agreement are Port Stephens Council (**Council**) and Hanson Construction Materials Pty Ltd (**Developer**). This explanatory note has been prepared jointly by the parties.

3. Description of the Subject Land

The Agreement applies to the following land (**Land**) as identified in Appendix 1 of the development consent for the Project granted on 16 July 2020, reference SSD-5899 (**Development Consent**).

Lot	DP
3	1006516
1	823760
19	752487
220	752487
21	752487
1	737844
2	823760
56	752487

36	752487
236	752487
1	47313
101	712886
12	264033
25	1101305
100	712886
1	264033
2	264033
59	752487
58	752487
2	1006516
1	1006516
2	737844 [REFERRED TO IN ERROR AS LOT2 DP737847 IN THE CONSENT]
57	752487

4. Description of the Development

The Agreement relates to the Brandy Hill Quarry Expansion Project as described in the Development Consent.

5. Summary of Objectives, Nature and Effect of the Planning Agreement Objectives

The Planning Agreement provides that the Developer will contribute the following monetary development contributions:

Column 1 Development Contribution	Column 2 Monetary amount ($)	Column 3 Timing	Column 4 Public Purpose
Local Roads Advance Payment	$1,500,000 (not subject to indexation)	In three (3) instalments: (1) $120,000 immediately following execution of the Agreement (2) $690,000 within 20 Business Days of Council providing the Developer with written notice that it has completed construction of 25% of the length of the Pathway. (2) $690,000 within 20 Business Days of Council providing the Developer with written notice that it has completed construction of 75% of the length of the Pathway.	The design and construction of the bus-bays and the maintenance of local roads used for haulage of quarry products in accordance with the provisions relating to section 7.11 Haulage levies in the Port Stephens Local Infrastructure Contributions Plan.
Pathway Contribution	$2,500,000 (not subject to indexation)	In instalments as follows: (1) $1,250,000 immediately following execution of the Agreement. (2) $416,667 within 120 days following the execution of the agreement. (3) $416,667 within 210 days following the execution of the agreement. (4) $416,667 within 300 days following the execution of the agreement	The design and construction of the Pathway.

By requiring the Monetary Contributions, the Planning Agreement will help ensure that the costs incurred by Council in responding to road safety concerns created as a result of the Development are contributed to by the Developer.

The obligations of the Developer are secured by registration of the Planning Agreement.

The Agreement also:

a) excludes the operation of section 7.12, former section 7.24 and Subdivision 4 of Division 7.1 of the Act, subject to Ministers approval;

b) does not exclude the operation of section 7.11 of the Act but will allow the Developer to be given credits for the amounts paid to be offset against the obligation to pay contributions under the Development Consent;

c) provides mechanisms for dispute resolution and enforcement in relation to the Agreement; and

d) sets out how the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) applies to the Development Contributions.

Assessment of the merits of the Planning Agreement

How the Planning Agreement promotes the public interest and the objects of the Act

In accordance with Section 7.4 of the Act, the Planning Agreement has the following public purpose:

- the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land.

The Planning Agreement also promotes the public interest by promoting the objects of the Act, in particular:

> 1.3 (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
>
> 1.3 (c) to promote the orderly and economic use and development of land,
>
> 1.3 (g) to promote good design and amenity of the built environment.

How the Planning Agreement promotes the objects of the Local Government Act 1993

The Monetary Contributions required by the Planning Agreement are consistent with and promote the objects in section 7 of the *Local Government Act 1993*. In particular:

> 7 (e) to provide for a system of local government that is accountable to the community and that is sustainable, flexible and effective.

How the Planning Agreement promotes the elements of the Councils' charter (now the principles for local government)

The Planning Agreement promotes the principles for local government under Chapter 3 of the *Local Government Act 1993*. In particular:

> 8A (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
>
> 8A (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
>
> 8A (g) Councils should work with others to secure appropriate services for local community needs.
>
> 8B (b) Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.
>
> 8C (a) Councils should identify and prioritise key local community needs and aspirations and consider regional priorities.
>
> 8C (h) Councils should manage risks to the local community or area or to the council effectively and proactively.

How the Planning Agreement serves planning purposes

The Planning Agreement facilitates the safety of roads for the local community and is a reasonable means for achieving that planning purpose, as it provides for the payment of Monetary Contributions to the Council for ensuring the safety of Brandy Hill Drive.

The timing of the payment of Monetary Contributions allows the Council to construct the bus bays and shared pathway in association with an increase in production from the Quarry.

Whether the Planning Agreement conforms with the Councils' capital works program

The Council's capital works program as set out in the Port Stephens Local Contributions Plan 2020 lists Brandy Hill Pathway as an item to be delivered in 2027. The Planning Agreement will enable to the expedited funding and delivery of this infrastructure.

Further information

The Planning Agreement is available on the Council's website.

MINUTES ORDINARY COUNCIL - 26 MARCH 2024

ITEM NO. 3 **FILE NO: 23/250599**
EDRMS NO: PSC2021-04028

DRAFT VOLUNTARY PLANNING AGREEMENT - HANSON CONSTRUCTION MATERIALS PTY LTD

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

RECOMMENDATION IS THAT COUNCIL:

1) Endorse the draft Voluntary Planning Agreement **(ATTACHMENT 1)** between Council and Hanson Constructions Materials Pty Ltd, together with the accompanying explanatory note **(ATTACHMENT 2)** for public exhibition for a period of 28 days in accordance with the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulations 2021, and should no submissions be received, approve the Voluntary Planning Agreement and explanatory notes as exhibited for execution.

ORDINARY COUNCIL MEETING - 26 MARCH 2024
MOTION

045	**Councillor Giacomo Arnott** **Councillor Peter Kafer** It was resolved that Council endorse the draft Voluntary Planning Agreement **(ATTACHMENT 1)** between Council and Hanson Constructions Materials Pty Ltd, together with the accompanying explanatory note **(ATTACHMENT 2)** for public exhibition for a period of 28 days in accordance with the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulations 2021, and should no submissions be received, approve the Voluntary Planning Agreement and explanatory notes as exhibited for execution.

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

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek endorsement to publicly exhibit a draft Voluntary Planning Agreement (VPA) **(ATTACHMENT 1)** between Council and Hanson Constructions Materials Pty Ltd (the Developer), together with the accompanying explanatory note **(ATTACHMENT 2)**.

The draft VPA relates to State Significant Development (SSD) Consent 5899, granted on 16 July 2020 by the Independent Planning Commission (IPC) for the expansion of the Brandy Hill Quarry.

The IPC determined that the increase in heavy vehicle traffic associated with the Quarry expansion poses a safety risk on Brandy Hill Drive. In order to mitigate this impact, the Commission has imposed a condition that requires 6 bus bays and a shared pathway to be constructed on Brandy Hill Drive prior to any increase in production from the Quarry.

Under the draft VPA, the Developer will:

- Provide Council with a $2.5 million payment toward costs of the pathway
- Provide Council with $1.5 million to be credited against future haulage levies payable to Council over the next 10 years. This amount will account for Council's contribution towards the pathway as well as the works.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The contributions to be made by the Developer, as detailed within Schedule 1 of the draft planning agreement, allow for the funding and delivery of the works without requiring additional funds from other Council sources.

The agreement includes provisions that ensure the Developer is responsible for the legal costs and disbursements associated with preparing the agreement.

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

Source of Funds	Yes/No	Funding ($)	Comment
Developer Contributions (S7.11 Haulage)	Yes	$1,500,000	A payment considered to be an advanced payment of haulage levies.
External Grants	No		
Other	Yes	$2,500,000	Monetary contribution proposed under the draft VPA.

LEGAL, POLICY AND RISK IMPLICATIONS

The agreement includes provisions to manage any risks associated with entering into the agreement.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that timing of acquisition will delay the delivery of the pathway.	Low	Adopt the recommendation. The draft planning agreement contains provisions that ensure construction can commence immediately on the portions of the path that do not require acquisition.	Yes
There is a risk that if the construction of the pathway is delayed significantly, the cost of the pathway will increase and the monetary contributions will be insufficient to fund the construction of the pathway and bus bays.	Low	Adopt the recommendation. The agreement includes provisions so that should the cost of the pathway exceed $3.5 million, the parties will negotiate further contributions by the Developer.	Yes
There is a risk that the construction phase of the pathway and bus bays will take longer than expected.	Low	Adopt the recommendation. There are provisions included in the agreement that protect Council should there be a delay in the construction phase of the project.	Yes

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

The VPA has been prepared in accordance with section 7.4 of the EP&A Act. The VPA will be publicly exhibited in accordance with section 7.5 of that Act.

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

Public notice will be undertaken in accordance with Clause 204 of the EP&A Regulations. An explanatory note has been prepared in accordance with clause 205 of the EP&A Regulations and will be exhibited with the VPA.

SUSTAINABILITY IMPLICATIONS
Includes Social, Economic and Environmental Implications

The draft VPA will ensure necessary public infrastructure is delivered to support the development and will improve outcomes in relation to pedestrian safety in the area.

CONSULTATION

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

Internal

- Financial Services Section
- Assets Section
- Capital Works Section
- Governance Section
- Strategic Property unit.

External

The VPA and explanatory note will be notified and exhibited in accordance with the EP&A Act and EP&A Regulations for 28 days. In accordance with the planning legislation, the documents will be made available online and if submissions are received they will be considered in a report back to Council, together with details of any post-exhibition changes.

Following public exhibition, any submissions will be considered in a report back to Council, with details of any post-exhibition changes. Council officers presented to the Brandy Hill Quarry Community Consultative Committee and sent letters to relevant land owners.

OPTIONS

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

ATTACHMENTS

1) Draft Voluntary Planning Agreement.
2) Accompanying Explanatory Note.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 3 **FILE NO: 24/4293**
EDRMS NO: PSC2017-00180

FINAL INTEGRATED PLANNING AND REPORT DOCUMENTS AND FEES AND CHARGES

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

RECOMMENDATION IS THAT COUNCIL:

1) Notes that no community submissions were received in relation to the draft 2024 to 2034 Integrated Planning and Reporting documents and draft Fees and Charges 2024 to 2025.
2) Notes the recommendations relating to the changes to the Integrated Planning and Reporting documents, being the Delivery Program 2022 to 2026 incorporating the Operational Plan 2024 to 2025, Resourcing Strategy 2024 to 2034 (incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2024 to 2034 and Strategic Asset Management Plan 2024 to 2034) and the Fees and Charges 2024 to 2025 **(ATTACHMENT 1)**.
3) Adopts the Integrated Planning and Report documents, being the Delivery Program 2022 to 2026 incorporating the Operational Plan 2024 to 2025, Resourcing Strategy 2024 to 2034 (incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2024 to 2034 and Strategic Asset Management Plan 2024 to 2034) and the Fees and Charges 2024 to 2025 presented to Council on 9 April 2024 **(ATTACHMENT 2)**, with amendments as provided in **(ATTACHMENT 1)**.
4) Makes the rates and charges for 2024 to 2025 in accordance with **(ATTACHMENT 3)**.

ORDINARY COUNCIL MEETING - 11 JUNE 2024
MOTION

123	**Councillor Leah Anderson** **Councillor Matthew Bailey** It was resolved that Council: 1) Notes that no community submissions were received in relation to the draft 2024 to 2034 Integrated Planning and Reporting documents and draft Fees and Charges 2024 to 2025. 2) Notes the recommendations relating to the changes to the Integrated Planning and Reporting documents, being the Delivery Program 2022 to 2026 incorporating the Operational Plan 2024 to 2025,

	Resourcing Strategy 2024 to 2034 (incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2024 to 2034 and Strategic Asset Management Plan 2024 to 2034) and the Fees and Charges 2024 to 2025 **(ATTACHMENT 1)** of the Council Report and **(ATTACHMENT 1)** of the Supplementary Information Report. 3) Adopts the Integrated Planning and Report documents, being the Delivery Program 2022 to 2026 incorporating the Operational Plan 2024 to 2025, Resourcing Strategy 2024 to 2034 (incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2024 to 2034 and Strategic Asset Management Plan 2024 to 2034) and the Fees and Charges 2024 to 2025 presented to Council on 9 April 2024 **(ATTACHMENT 2)** of the Council Report, with amendments as provided in **(ATTACHMENT 1)** of the Council Report and **(ATTACHMENT 1)** of the Supplementary Information Report. 4) Makes the rates and charges for 2024 to 2025 in accordance with **(ATTACHMENT 3)** of the Council Report.

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to provide Council with an update on the outcomes from the public exhibition process and changes to the Integrated Planning and Reporting documents and the Fees and Charges 2024 to 2025, along with making the rates and charges for 2024 to 2025.

The Integrated Planning and Reporting documents consist of the Delivery Program 2022 to 2026 incorporating the Operational Plan 2024 to 2025, Resourcing Strategy 2024 to 2034 (incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2024 to 2034 and Strategic Asset Management Plan 2024 to 2034). The Statement of Revenue Policy and Statement of Waste Management are also included within the Operational Plan. The Fees and Charges 2024 to 2025 are also a key resource.
The 2024 to 2025 financial year is the third year of the 4 year Delivery Program, with this iteration of documents forming part of the normal annual review and planning process.

In accordance with the Local Government Act and other applicable legislation, Council is required to:

- Review its 4 year Delivery Program each year when preparing the Operational Plan.
- Have its Operational Plan adopted before the beginning of each year and detail the activities to be engaged in by the council during the year as part of the Delivery Program covering that year.
- Prepare a Resourcing Strategy which includes the Long Term Financial Plan, Workforce Management Strategy and Strategic Asset Management Plan, for the provision of resources required to perform its functions.
- Set its Fees and Charges prior to 1 July 2024, and make the rates prior to 1 August 2024.
- Publicly exhibit all of the IP&R documents and Fees and Charges for a period of at least 28 days, considering submissions prior to adoption of the final documents.
- This is the last year of the Delivery Program for this Council term. A complete review will be undertaken with the new elected Council.

Following Council's resolution on 9 April 2024 **(ATTACHMENT 2)** the draft Integrated Planning and Reporting documents and the Fees and Charges were publicly exhibited for 28 days, with no submissions received from the community. A number of administrative corrections have been identified regarding the documents and proposed as detailed in **(ATTACHMENT 1)**.

Further details of the exhibition process is outlined under the consultation section of this report.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Governance	Deliver the Integrated Planning and Excellence program.

FINANCIAL/RESOURCE IMPLICATIONS

This is the second year of Council's IPART approved Special Rate Variation of 9.5% per annum for 3 years. The outstanding rates and charges interest rate is proposed to be the maximum amount of 10.5% as set by the Minister for Local Government.

The proposed rates and charges **(ATTACHMENT 3)** reflect those included in the Statement of Revenue Policy contained in the Operational Plan 2024 to 2025. Legislation requires the rates to be calculated using 1 July 2022 base date land values. Rates and charges income must be collected in a timely manner to ensure cash flow to fund Council operations.

The cost of printing the revised documents can be substantial. For this reason, a limited amount of copies will be produced (following Council adoption of the proposed amendments) for inspection at Council Libraries and Administration Building. The documents will also be available on Council's website.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Council is required to undertake integrated planning and reporting activities in accordance with the Local Government Act, Local Government (General) Regulation 2021 (Local Government Regulation) and the NSW Government's Integrated Planning and Reporting Guidelines (IPR Guidelines) and Handbook (IPR Handbook) September 2021.

Sections 403 to 406, 532 to 545, 608 and 610 of the Local Government Act relate to strategic planning, the specific requirements of the IP&R documents and Fees and Charges and making of the Rates and Charges.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council's IP&R documents and Fees and Charges may not comply with legislation leading to a loss of Council's reputation.	Low	Staff cross reference legislative requirements of the documents with the Office of Local Government requirements as best as possible.	Yes
There is a risk that Council does not have an understanding of community priorities.	Low	The IP&R documents have been reviewed and revised based on integrated engagement.	Yes
There is a risk that Council does not have the resources to meet its Delivery Program and annual Operational Plan.	Medium	Staff continue to realistically plan and investigate resourcing opportunities as outlined in the Delivery Program and Resourcing Strategy. Financial sustainability continues to remain a key focus for Council.	Yes

There is a risk that the Operational Plan and Resourcing Strategy (containing the Long Term Financial Plan) which include the budget for 2024 to 2025 is not adopted in the timeframe required to implement the budget and raise Rates and Charges from 1 July 2024.	High	Adopt the recommendations.	Yes
There is a risk that failure to make and serve the Rate Notices by 1 August 2024 will defer the due date for the first instalment payment to 30 November 2024 adversely affecting cash flow.	High	Council will make Rates and serve Notice before 1 August 2024.	Yes

SUSTAINABILITY IMPLICATIONS
Includes Social, Economic and Environmental Implications

As required by the Local Government Act 1993, the Integrated Planning and Reporting documents and the Fees and Charges 2024 to 2025 were developed and reviewed in accordance with the principles of equity, social justice and sustainability.

The plan has been developed in alignment with these principles addressing social, economic, environmental and governance factors (quadruple bottom line) through 4 interconnected focus areas: Our Community, Our Place, Our Environment and Our Council. The 4 focus areas provide a structure for planning in each of the documents, enabling Council to address key actions while aiming to holistically meet the community's vision of 'a great lifestyle in a treasured environment'. Rates and charges income is necessary for Council to deliver the services outlined in the Delivery Program and the Operational Plan.

CONSULTATION

The draft documents were originally developed using feedback from an integrated engagement program with Councillors and the community over multiple phases when reviewing the Community Strategic Plan 2022 to 2032. The draft documents were subsequently updated in consultation with staff across Council reflecting the most up to date information and data including recent community engagement on various strategic documents such as the Wellbeing Strategy, Local Housing Strategy, Coastal Management Program and Place Plans.

Consultation with internal and external stakeholders has been undertaken in accordance with Council's Communication and Engagement Strategy to develop the final documents.

Internal

Proposed changes to the final documents have been discussed with the Executive Team, relevant Section Managers and staff.

External

Public Exhibition occurred from 10 April 2024 until 5pm on 8 May 2024. Exhibition of the documents and opportunities to make a submission were promoted on Council's website, social media and print advertising in the Port Stephens Examiner and News of the Area. Hard copies of the documents were also made available at the Administration Building and Council's Libraries, with submissions able to be made via mail or email.

No submissions were received from the community during the public exhibition period.

OPTIONS

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

ATTACHMENTS

1) Changes to the 2024 to 2034 Integrated Planning and Reporting documents and 2024 to 2025 Fees and Charges.
2) Council Minutes - 9 April 2024.
3) Making of Rates and Charges 2024-2025.

COUNCILLORS' ROOM/DASHBOARD

1) Draft 2024 to 2034 Integrated Planning and Reporting documents and draft Fees and Charges 2024 to 2025 – presented to Council on 9 April 2024.

TABLED DOCUMENTS

Nil.

CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS INCLUDING FEES AND CHARGES 2024 TO 2025

Ordinary IP&R Related Changes			
No. of change	**Document Title and Page Number** (Public Exhibition Copy)	**Summarised key issues incorporated in the documents**	**Recommended changes to the documents**
ALL DOCUMENTS			
1.		Administrative correction - formatting	Delete 'DRAFT' from document covers and footers of all documents.
DELIVERY PROGRAM 2022 TO 2026 AND OPERATIONAL PLAN 2024 TO 2025			
2.	3, 5, 38, 40	Administrative correction - formatting	Delete 'draft' throughout body of document.
3.	3	Administrative correction – updating currency of document	Delete struck out text below. "We continue to work closely with our Mayor and Councillors and I look forward to continuing to deliver outcomes valued by our community in the best possible way. ~~Our draft IP&R documents are now available for viewing, with Council inviting community feedback on these draft documents during the public exhibition~~

			~~process. To have your say and find out more details about how to make a submission visit portstephens.nsw.gov.au.~~"
4.	12	Administrative correction – updating currency of document	Add "approximately" in front of "$2.50".
5.	16	Administrative correction – updating currency of document	Delete struck out text below and add text in yellow. "Our Service Review Program, which commenced in 2011, has a rolling schedule where all ~~60~~ 59 service delivery business units (Units) receive a full-service review over a 4 year period with a condensed mid-point (progress review) completed 2 years following a service review." "Our program over the next 2 years will involve reviewing a number of Units that are involved in the End to End process of Infrastructure Delivery ~~and Land Use Delivery~~ and other Units outlined on page 72 of the Operational Plan 2024 to 2025."
6.	18	Administrative correction – updating currency of organisation chart in document	Delete struck out text below and add text in yellow. • "Financeial Revenue • Financeial Expenditure • Financial Reporting" • ~~"Holiday Park~~ Operations • Koala Sanctuary • Holiday Parks Business Development and Marketing • Commercial Business" • "~~Information and Communications Technology Management~~ ICT Maintenance & Support" • "~~Building~~ Trades

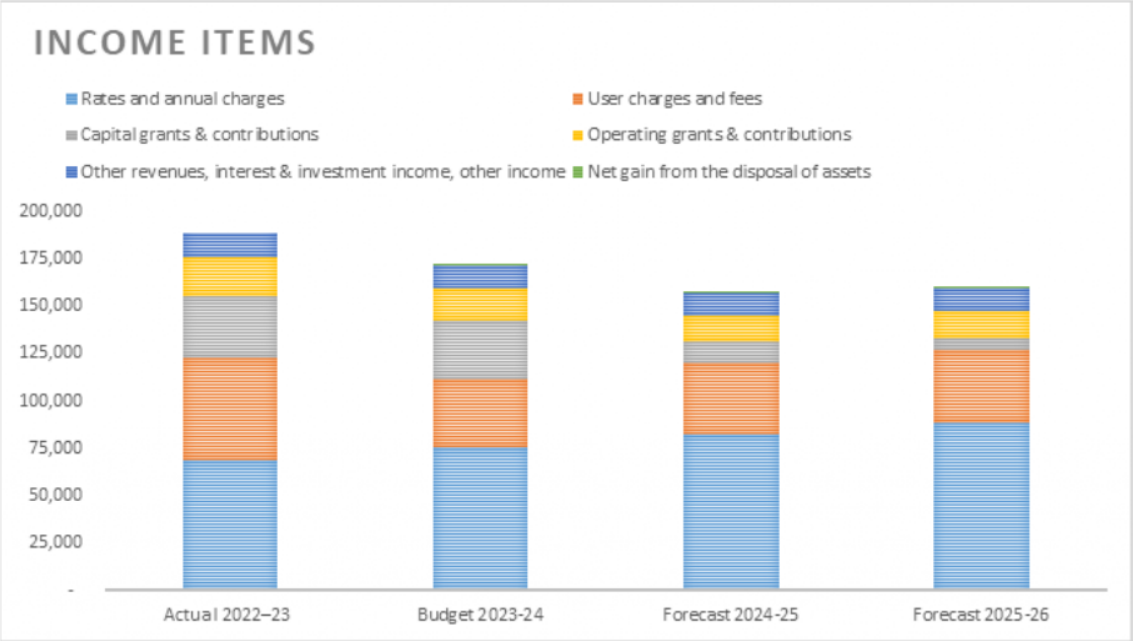
			• ~~Mechanical Maintenance~~"
7.	27	Administrative correction – updating currency of document	Delete struck out text below and add text in yellow. "~~We recently completed~~ Stage 3 of the CMP was completed with the assistance of coastal experts, to develop a comprehensive list of management options."
8.	28	Administrative correction – updating currency of document	Delete struck out text below and add text in yellow. "Our ~~draft~~ Wellbeing Strategy (~~endorsed~~ adopted by Council in ~~December 2023 for public exhibition~~ May 2024) is designed to align the goals of social planning with the principles of liveability, providing a roadmap for implementing measures that will improve the overall wellbeing of the community. By bringing together directions from a number of existing strategies and policies, the Strategy recognises the complexity and interconnectedness of elements that collectively contribute to the wellbeing of the community…… ~~Following endorsement of the new Strategy,~~ Following adoption of the Strategy, Council ~~will begin~~ has now begun implementation~~ng~~ ~~of~~ the key actions to support community wellbeing including:"
9.	34	Administrative correction – updating currency of document	Delete struck out text below and add text in yellow. "• ~~Draft~~ Shoal Bay Place Plan - ~~close of Public Exhibition February 2024.~~ adopted April 2024 and in the implementation phase. • Tilligerry Place Plan - ~~in development~~ drafted for public exhibition. ~~Both Shoal Bay and~~ Tilligerry Place Plans ~~are~~ is expected to be considered by Council in the next Council term."
10.	35	Administrative correction – updating currency of document	Delete struck out text below and add text in yellow. "In consultation with the community, we have extended Smart Parking to Little Beach, ~~and~~ Shoal Bay, Fingal Bay and Birubi Headland. ~~and will be investigating further extensions to Fingal Bay and Anna Bay over the next year~~."

ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

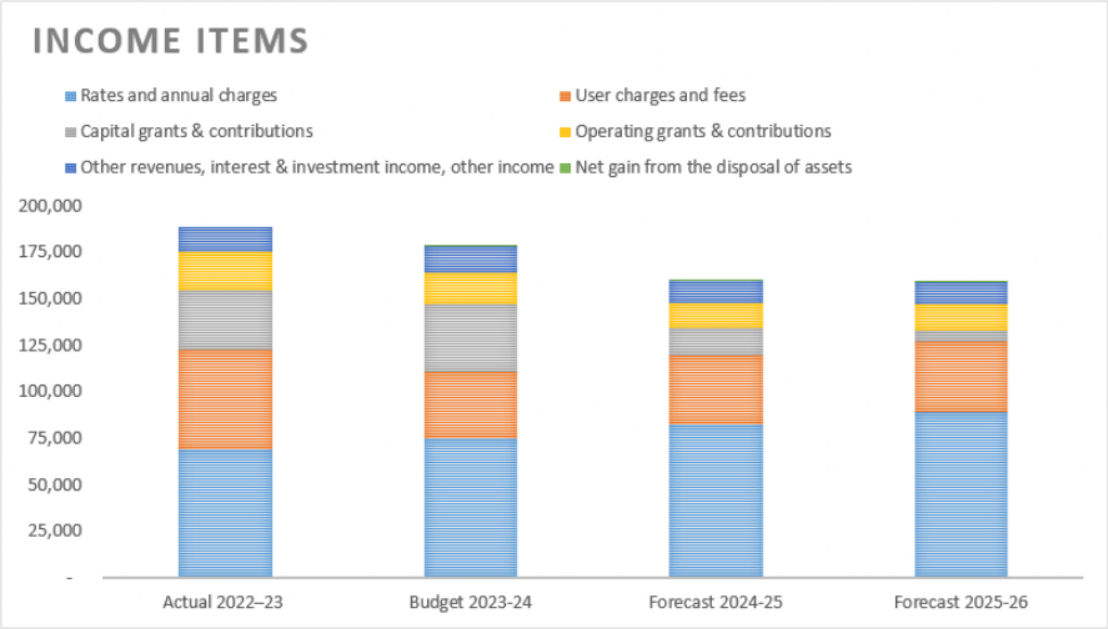
11.	36	Administrative correction – updating currency of document	Delete struck out text below and add text in yellow. "The following road projects previously listed as a key priority ~~will be~~ have been completed in 2023-2024: • Avenue of the Allies - numerous stages. • Sturgeon Street Raymond Terrace - pavement reconstruction from Glenelg Street to Jacaranda Avenue. • Fly Point - shared pathway upgrade. • Nelson Bay High Pedestrian Activity Area extension."
12.	38	Administrative correction – updating currency of document	Delete struck out text below and add text in yellow. "In June 202~~3~~4, Council resolved to continue the rate reduction for properties in the Williamtown Management Area for the 202~~3~~4 to 2024~~5~~ financial year. A special subcategory of rates applies for residents in the primary zone, secondary zone and broader zone. ~~In this draft document, Appendix Two proposes that Council will continue with this subcategorisation~~."
13.	54	Administrative correction – updating currency of document	Delete struck out text below. "~~Building~~ Trades~~, Mechanical Maintenance and Cleaning~~"
14.	70	Administrative correction – updating currency of document	Delete struck out text below. "Enterprise Risk ~~Management~~"
15.	72	Administrative correction – updating	Delete struck out text below and add text in yellow. "Facilitate the Service Reviews Program:

		currency of document	- End to End ~~infrastructure~~ Infrastructure Delivery - Organisation Support - Capital Works - Communications and Customer Experience - Strategy & Environment - Corporate Strategy &Support (Office of the Director) ~~- End to End – Land Use Delivery~~ - Development & Compliance - Holiday Parks"
16.	72	Administrative correction – updating currency of document	Delete struck out text below and add text in yellow in the 'Units' column. "~~Corporate Systems & Data Project Management~~ ICT Maintenance & Support"
17.	73, 74	Administrative correction – updating currency of document	Delete Section "~~Finance"~~ and replace with "Financial Services". Delete struck out text below and add text in yellow. "~~Finance~~ Financial Revenue, ~~Finance~~ Financial Expenditure, ~~Finance~~ Financial Reporting"

ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

18.	75	Administrative correction – updating currency of document	Delete struck out text below and add text in yellow. "Holiday Parks Business Development and Marketing, Koala Sanctuary, ~~Business Development and Marketing~~, Commercial Business, Operations "
19.	92	Administrative correction – updating financial information as reflected in changes to page 41 of the 2024-2034 Long Term Financial Plan	Delete below. "Budget Summary – 4 year Budget Forecast  "

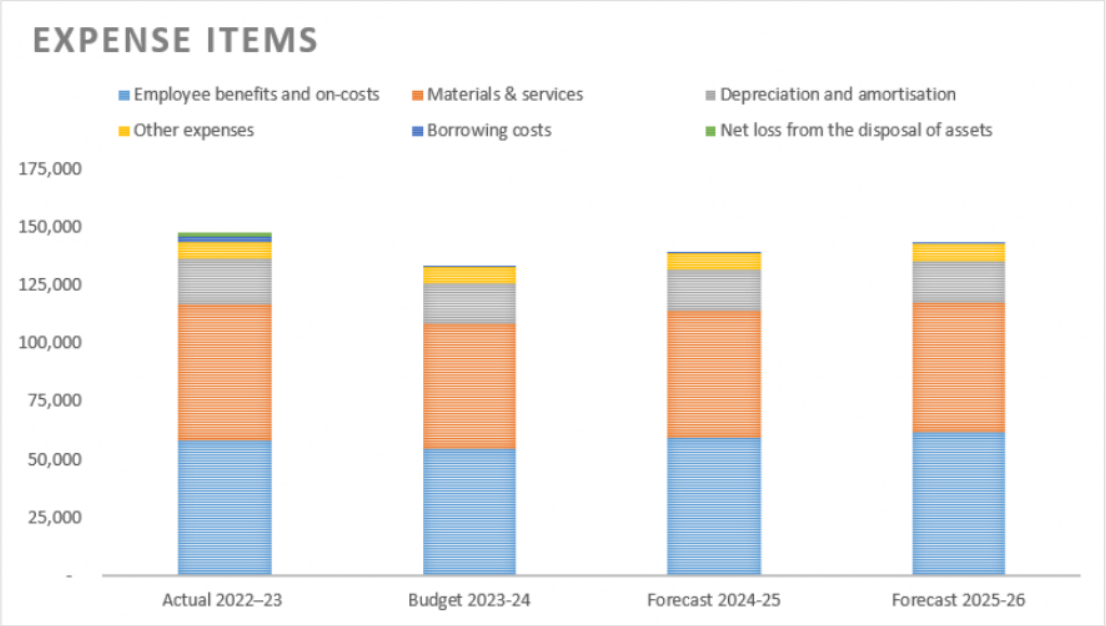
ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

			Replace with below. "Budget Summary – 4 year Budget Forecast ('000s)  "

ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

20.	93	Administrative correction – updating financial information as reflected in changes to page 41 of the 2024-2034 Long Term Financial Plan	Delete below

ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

			Replace with below. "Budget Summary – 4 year Budget Forecast ('000s)  "

ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

<table>
<tr><td>21.</td><td>95</td><td>Administrative correction – updating currency of document</td><td>Delete struck out text and insert yellow text as below.
<table>
<tr><th></th><th>2022-2023 Previous Year</th><th>2023-24 Previous Year</th><th>2024-25 ~~Proposed Year~~ Current Year</th><th>2025-26 Forecasted</th></tr>
<tr><td>Waste Management Charge</td><td>$110.00</td><td>$115.00</td><td>$121.00</td><td>$127.00</td></tr>
<tr><td>Waste Service Charge</td><td>$500.00</td><td>$520.00</td><td>$549.00</td><td>$573.00</td></tr>
</table></td></tr>
<tr><td colspan="4">RESOURCING STRATEGY 2024 TO 2034</td></tr>
<tr><td>22.</td><td>Relevant pages</td><td>Administrative correction – updating currency</td><td>Delete ‘draft’ from document.</td></tr>
<tr><td>23.</td><td>4</td><td>Administrative correction – updating currency of document</td><td>Delete struck out text and insert yellow text as below.

“~~In formulating the~~ We formulated the 2022 to 2026 Delivery Program and 2024 to 2025 Operational Plan, ~~Council has assessed~~ based on what is realistic and affordable. The past few years of natural disasters and COVID-19 significantly impacted our resources, with extra works needed to rehabilitate our assets and running our budgets tights with revenue down and costs up.

~~We’ve been reassessing~~ We’ve planned for what we can reasonably deliver given the events of the past determining our current position. Our long term planning goes beyond the Council term. The decisions we make ~~at this critical time will~~ have long-lasting implications and will safeguard our future.

As part of our annual review of the suite of Integrated Planning and Reporting (IP&R) documents, we~~’ve~~ reviewed our Resourcing Strategy 2024 to 2034 (which includes the Long Term Financial Plan 2024 to 2034, Workforce Management Strategy 2022 to 2026 and Strategic Asset Management Plan 2024 to 2034). These documents are based on our current levels of services.”</td></tr>
</table>

ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

Workforce Management Strategy 2022 to 2026			
24.	14	Administrative correction – updating currency of organisation chart in document	Delete struck out text below and add text in yellow. • "Financeial Revenue • Financeial Expenditure • Financial Reporting" • ~~"Holiday Park~~ Operations • Koala Sanctuary • Holiday Parks Business Development and Marketing • Commercial Business" • "~~Information and Communications Technology Management~~ ICT Maintenance & Support" • "~~Building~~ Trades • ~~Mechanical Maintenance~~"
Strategic Asset Management Plan 2024 to 2034			
25.	86	Administrative correction - formatting	Insert a space between the words Reconstruction and Mustons below: **'Pavement Reconstruction**Mustons Road, Karuah. Road widening and shared path construction - Franklin Street to Boronia Road'
26.	86	Administrative correction- updating description	Delete the following words shown as struck out text. **'Traffic Committee road safety project**. ~~Pedestrian Crossing cronstruction, Salamander. Soldiers Point Road south of Diemars Road.'~~

ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

<table>
<tr><td>27.</td><td>96</td><td>Administrative correction – project to be deleted as it has been completed.</td><td>Delete the project shown below.
<table>
<tr><th>Year</th><th>Asset Category</th><th>Project Description</th><th>Estimate</th></tr>
<tr><td>2029/2030</td><td>Drainage Assets</td><td>Tanilba Road, Mallabula: Construct kerb and guttering and install pipe drainage system along Tanilba Road. Outlet via Alfred Lane</td><td>$300,000</td></tr>
</table></td></tr>
<tr><td>28.</td><td>122</td><td>Administrative error – remove project duplicates in Capital Works Plus Plan list. The same projects have been listed in error twice on the same page.</td><td>Delete the text as struck out below.</td></tr>
</table>

ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

Asset Category	Project Description	Estimate
~~Public Amenities~~	~~Eastern Foreshore - new public domain furniture including picnic tables, litter bins and water station~~	~~$621,000~~
Public Amenities	Eastern Foreshore - BBQ Amenities and shelter	$612,000
~~Public Amenities~~	~~Nelson Bay Wayfinding Signage Strategy~~	~~$500,000~~
~~Public Amenities~~	~~Remove Stockton Street Stage~~	~~$160,000~~
~~Public Amenities~~	~~Overflow parking - Tom Dwyer Memorial Oval~~	~~$150,000~~
~~Public Amenities~~	~~Improve signage and lighting to assist visitor wayfinding~~	$120,000
~~Public Amenities~~	~~Eastern Foreshore - Implement wayfinding and interpretative signage;~~	~~$24,000~~
Public Amenities	Utilities in Nelson Bay for events. Electricity, marquee anchor points, etc	$200,000
Public Amenities	Public Amenities Assets - Birubi Lane Reserve - Installation	$230,000
Public Amenities	Public Amenities Assets - Hinton Foreshore Reserves	$250,000
Public Amenities	Public Amenities Assets - Medowie Town Centre	$200,000
Public Amenities	Public Amenities Assets - Lakeside Reserves No. 2	$260,000
Public Amenities	Eastern Foreshore - new public domain furniture including picnic tables, litter bins and water station	$621,000
Public Amenities	Nelson Bay Wayfinding Signage Strategy	$500,000
Public Amenities	Remove Stockton Street Stage	$160,000
Public Amenities	Overflow parking - Tom Dwyer Memorial Oval	$150,000
Public Amenities	Improve signage and lighting to assist visitor wayfinding	$120,000
Public Amenities	Easter Foreshore - Implement wayfinding and interpretative signage	$24,000

ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

Long Term Financial Plan 2024 to 2034

No. of change: 29

Document Title and Page Number: 41

Summarised key issues incorporated in the documents: Administrative correction - updating financial information as a result of the State Government Special Roads Grant of $10 million over multiple years

Recommended changes to the documents:
Delete table below.

Income	$'000	↑ 1 %	↓ 1%	Level of control	Impact rating
Rates and annual charges	82,377	824	(824)	Low	High
Fees and charges	37,344	373	(373)	Medium	Medium
Interest and investments revenue	2,649	26	(26)	Low	Low
Operating grants and contributions	13,427	134	(134)	Low	High
Expenses					
Employee benefits & on-costs	59,372	(594)	594	Medium	High
Materials & services	54,428	(544)	544	Medium	High
Depreciation and amortisation	17,592	(176)	176	Medium	High
Other expenses	7,459	(75)	75	Medium	Medium
Underlying surplus – major items	(3,054)	(31)	31		

ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

Replace with table below.

Major income items	$'000	1%	-1%	Level of control	Impact rating
Rates and annual charges	82,377	824	(824)	Low	High
Fees and charges	37,344	373	(373)	Medium	Medium
Interest and investment revenue	2,649	26	(26)	Low	Low
Operating grants and contributions	13,407	134	(134)	Low	High
Major expense items					
Employee benefits and on-costs	59,332	(593)	593	Medium	High
Materials & services	54,627	(546)	546	Medium	High
Depreciation and Amortisation	17,592	(176)	176	Medium	High
Other expenses	7,459	(75)	75	Medium	Medium
Underlying surplus - major items	**(3,233)**	**(32)**	**32**		

No. of change: 30

Document Title and Page Number: 45

Summarised key issues incorporated in the documents: Administrative correction - updating financial information as a result of the State Government Special Roads Grant of $10 million over multiple years

Recommended changes to the documents:

Delete table below.

ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

Functions	Expenses from continuing operations		Income from continuing operations		Net (Cost) / Surplus of Service
	Non-capital	Capital	Specific Purpose Grants & Contribution	Specific Purpose Revenue	
Drainage & Flooding	3,939,834	1,350,000	-	-	(5,289,834)
Holiday Parks & Commercial Property	15,962,433	4,000,000	-	23,432,650	3,470,218
Waste Management	27,135,902	-	-	27,143,204	7,302
Library & Children Services	5,844,905	470,000	655,211	3,365,091	(2,294,603)
Roads & Engineering	18,533,428	11,998,931	8,843,843	7,494,700	(14,193,816)
Recreational Assets & Services	14,784,854	2,178,194	-	3,070,476	(13,892,572)
Administration & Corporate Support	12,276,328	3,449,263	170,055	4,996,954	(10,558,581)
Governance & Advocacy	3,639,811	-	-	225,290	(3,414,521)
Development Compliance & Strategic Planning	8,833,753	-	-	3,207,390	(5,626,363)
Comunications, Events & Customer Service	4,587,611	-	100,961	321,749	(4,164,901)
Emergency Services	3,147,014	-	1,313,680	-	(1,833,334)
Volunteer & Environmental services	2,362,406	-	137,744	-	(2,224,662)
Private Works & Borrowing Costs	891,315	-	-	458,570	(432,744)
Totals - Functions net (cost) / surplus	**121,939,593**	**23,446,388**	**11,221,494**	**73,716,075**	**(60,448,412)**
Rates					57,806,701
General Purpose Grants & Contributions					13,984,280
Operating result including capital					**11,342,569**
Add back: Capital expense					23,446,388
Add back: Local election costs (net)					500,000
Less: Capital works income & fair value adjustments					(16,851,993)
Less: Depreciation & Amortisation					(17,591,958)
Underlying Operating Result					**845,007**

ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

Replace with table below.

Functions	Expenses from continuing operations		Income from continuing operations		Net (Cost) / Surplus of Service
	Non-capital	Capital	Specific Purpose Grants & Contribution	Specific Purpose Revenue	
Drainage & Flooding	3,939,834	1,350,000	-	-	(5,289,834)
Holiday Parks & Commercial Property	15,962,433	4,000,000	-	23,432,650	3,470,218
Waste Management	27,135,902	-	-	27,143,204	7,302
Library & Children Services	5,844,905	470,000	655,211	3,365,091	(2,294,603)
Roads & Engineering	18,633,428	11,998,931	11,823,843	7,494,700	(11,313,816)
Recreational Assets & Services	14,784,854	2,178,194	-	3,070,476	(13,892,572)
Administration & Corporate Support	12,276,328	3,449,263	170,055	4,996,954	(10,558,581)
Governance & Advocacy	3,639,811	-	-	225,290	(3,414,521)
Development Compliance & Strategic Planning	8,833,753	-	-	3,307,390	(5,526,363)
Comunications, Events & Customer Service	4,587,611	-	100,961	321,749	(4,164,901)
Emergency Services	3,147,014	-	1,313,680	-	(1,833,334)
Volunteer & Environmental services	2,362,406	-	137,744	-	(2,224,662)
Private Works & Borrowing Costs	891,315	-	-	458,570	(432,744)
Totals - Functions net (cost) / surplus	**122,039,593**	**23,446,388**	**14,201,494**	**73,816,075**	**(57,468,412)**
Rates					57,806,701
General Purpose Grants & Contributions					13,984,280
Operating result including capital					**14,322,569**
Add back: Capital expense					23,446,388
Add back: Local election costs (net)					500,000
Less: Capital works income & fair value adjustments					(19,831,993)
Less: Depreciation & Amortisation					(17,591,958)
Underlying Operating Result					**845,007**

ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

No. of change: 31

Document Title and Page Number: 46

Summarised key issues incorporated in the documents: Administrative correction - updating financial information as a result of the State Government Special Roads Grant of $10 million over multiple years

Recommended changes to the documents:
Delete table below.

INCOME STATEMENT

For the period ended 30 June	2025 $'000	2026 $'000	2027 $'000	2028 $'000	2029 $'000	2030 $'000	2031 $'000	2032 $'000	2033 $'000	2034 $'000
Revenue										
Rates & Annual Charges	82,377	88,850	91,742	94,261	96,843	99,490	102,203	104,983	107,833	110,755
User Fees and Charges	37,344	38,292	39,441	40,427	41,438	42,474	43,536	44,624	45,740	46,883
Interest & Investment Revenue	2,649	2,533	2,325	2,454	2,653	2,858	3,085	3,368	3,650	3,912
Interest & Investment Revenue - Dividends	-	-	1,910	2,904	4,061	4,299	4,429	4,559	4,689	4,689
Other Revenues	5,096	5,249	5,380	5,514	5,652	5,794	5,938	6,087	6,239	6,395
Operating Grants and Contributions	13,407	13,809	14,154	14,508	14,871	15,242	15,624	16,014	16,415	16,825
Capital Grants and Contributions	11,799	6,066	6,217	6,373	6,532	6,695	6,863	7,034	7,210	7,390
Gain on Sale of Assets	250	250	250	250	250	250	250	250	250	250
Other Income - Rental Income	2,904	2,998	3,088	3,181	3,276	3,374	3,476	3,580	3,687	3,798
Other Income - Fair Value increment	903	1,312	1,351	1,391	1,433	1,476	1,521	1,566	1,613	1,661
Total Revenue	**156,729**	**159,358**	**165,859**	**171,263**	**177,009**	**181,952**	**186,923**	**192,066**	**197,326**	**202,559**
Operating Expenses										
Employee Benefits & On-Costs	59,332	61,535	63,578	65,700	67,909	70,199	72,583	75,061	77,632	80,309
Borrowing Costs	621	856	774	699	620	546	459	437	364	274
Materials & Services	54,527	55,525	58,240	59,987	62,637	63,641	65,550	67,516	70,492	71,628
Depreciation & Amortisation	17,592	18,033	18,695	19,217	19,791	20,345	21,154	21,617	21,974	22,500
Other Expenses	7,459	7,735	7,962	8,201	8,447	8,700	8,961	9,230	9,507	9,792
Total Operating Expenses	**139,532**	**143,683**	**149,250**	**153,805**	**159,404**	**163,431**	**168,707**	**173,860**	**179,970**	**184,503**
Surplus / (Deficit) after operations	**17,197**	**15,676**	**16,609**	**17,458**	**17,605**	**18,521**	**18,216**	**18,206**	**17,356**	**18,056**
Net Operating Result before Capital Grants	**5,398**	**9,610**	**10,392**	**11,086**	**11,073**	**11,826**	**11,354**	**11,171**	**10,146**	**10,665**
Adjustments for Underlying Result										
Less: Non Cash items & Capital works income	(3,653)	(4,137)	(6,163)	(7,277)	(8,558)	(8,923)	(9,185)	(9,450)	(9,719)	(9,862)
Less: Local Election allocation	500	(250)	(213)	(213)	638	(213)	(238)	(238)	713	(238)
Less: Enhanced Service Areas	(1,400)	(4,700)	(2,620)	(2,000)	(1,450)	(700)	-	-	-	-
Underlying Result	**845**	**523**	**1,396**	**1,596**	**1,703**	**1,990**	**1,931**	**1,484**	**1,140**	**565**

ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

Replace with table below.

INCOME STATEMENT

For the period ended 30 June	2025 $'000	2026 $'000	2027 $'000	2028 $'000	2029 $'000	2030 $'000	2031 $'000	2032 $'000	2033 $'000	2034 $'000
Revenue										
Rates & Annual Charges	82,377	88,850	91,742	94,261	96,843	99,490	102,203	104,983	107,833	110,755
User Fees and Charges	37,344	38,292	39,441	40,427	41,438	42,474	43,536	44,624	45,740	46,883
Interest & Investment Revenue	2,649	2,533	2,326	2,454	2,653	2,859	3,086	3,369	3,651	3,913
Interest & Investment Revenue - Dividends	-	-	1,910	2,904	4,061	4,299	4,429	4,559	4,689	4,689
Other Revenues	5,196	5,352	5,486	5,623	5,763	5,907	6,055	6,206	6,362	6,521
Operating Grants and Contributions	13,407	13,809	14,154	14,508	14,871	15,242	15,624	16,014	16,415	16,825
Capital Grants and Contributions	14,779	6,066	6,217	6,373	6,532	6,695	6,863	7,034	7,210	7,390
Gain on Sale of Assets	250	250	250	250	250	250	250	250	250	250
Other Income - Rental Income	2,904	2,998	3,088	3,181	3,276	3,374	3,476	3,580	3,687	3,798
Other Income - Fair Value increment	903	1,312	1,351	1,391	1,433	1,476	1,521	1,566	1,613	1,661
Total Revenue	**159,809**	**159,462**	**165,965**	**171,372**	**177,121**	**182,067**	**187,041**	**192,186**	**197,450**	**202,685**
Operating Expenses										
Employee Benefits & On-Costs	59,332	61,535	63,578	65,700	67,909	70,199	72,583	75,061	77,632	80,309
Borrowing Costs	621	856	774	699	620	546	459	437	364	274
Materials & Services	54,627	55,629	58,347	60,096	62,748	63,755	65,668	67,637	70,615	71,755
Depreciation & Amortisation	17,592	18,033	18,695	19,217	19,791	20,345	21,154	21,617	21,974	22,500
Other Expenses	7,459	7,735	7,962	8,201	8,447	8,700	8,961	9,230	9,507	9,792
Total Operating Expenses	**139,632**	**143,787**	**149,356**	**153,913**	**159,515**	**163,545**	**168,825**	**173,981**	**180,093**	**184,630**
Surplus / (Deficit) after operations	**20,177**	**15,675**	**16,609**	**17,459**	**17,606**	**18,521**	**18,216**	**18,206**	**17,357**	**18,055**
Net Operating Result before Capital Grants	**5,398**	**9,609**	**10,392**	**11,086**	**11,074**	**11,826**	**11,353**	**11,171**	**10,146**	**10,665**
Adjustments for Underlying Result										
Less: Non Cash items & Capital works incom	(3,653)	(4,137)	(6,163)	(7,277)	(8,558)	(8,923)	(9,185)	(9,450)	(9,719)	(9,862)
Less: Local Election allocation	500	(250)	(213)	(213)	638	(213)	(238)	(238)	713	(238)
Less: Enhanced Service Areas	(1,400)	(4,700)	(2,620)	(2,000)	(1,450)	(700)	-	-	-	-
Underlying Result	**845**	**523**	**1,396**	**1,596**	**1,703**	**1,990**	**1,931**	**1,484**	**1,140**	**565**

ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

No. of change: 32

Document Title and Page Number: 47

Summarised key issues incorporated in the documents: Administrative correction - updating financial information as a result of the State Government Special Roads Grant of $10 million over multiple years

Recommended changes to the documents:
Delete table below.

STATEMENT OF FINANCIAL POSITION

As at 30 June:	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000
ASSETS										
Current Assets										
Cash and Cash Equivalents	-514	3,781	8,062	14,703	21,540	29,113	38,550	47,954	56,686	63,583
Investments	67,803	67,803	67,803	67,803	67,803	67,803	67,803	67,803	67,803	67,803
Receivables	11,478	12,300	12,760	13,166	13,581	14,007	14,443	14,890	15,349	15,819
Inventories & Other	1,451	1,451	1,451	1,451	1,451	1,451	1,451	1,451	1,451	1,451
Total Current Assets	**80,218**	**85,335**	**90,077**	**97,123**	**104,374**	**112,374**	**122,247**	**132,098**	**141,288**	**148,655**
Non Current Assets										
Infrastructure, Property, Plant & Equipment	1,265,636	1,278,292	1,286,737	1,293,846	1,301,367	1,308,783	1,313,975	1,320,053	1,325,622	1,332,217
Right of Use Asset	3,018	2,271	2,426	1,661	897	3,839	3,075	2,482	2,255	1,490
Inventories & Other	11,043	12,076	13,139	14,234	15,363	16,525	17,722	18,954	20,224	21,532
Investment Properties	43,720	45,032	46,383	47,774	49,207	50,683	52,204	53,770	55,383	57,045
Intangibles	2,734	2,927	3,001	3,075	3,150	3,224	3,300	3,376	3,554	3,718
Total Non Current Assets	**1,326,151**	**1,340,597**	**1,351,686**	**1,360,591**	**1,369,984**	**1,383,054**	**1,390,276**	**1,398,636**	**1,407,038**	**1,416,003**
Total Assets	**1,406,369**	**1,425,932**	**1,441,763**	**1,457,713**	**1,474,358**	**1,495,428**	**1,512,522**	**1,530,734**	**1,548,327**	**1,564,658**
LIABILITIES										
Current Liabilities										
Trade & Other Payables	16,815	16,994	17,483	17,798	18,275	18,455	18,799	19,153	19,689	19,893
Lease liabilities	702	755	757	712	790	847	698	790	847	698
Contract liabilities	0	0	0	0	0	0	0	0	0	0
Borrowings	1,634	1,691	1,828	1,646	1,606	1,356	1,395	1,436	1,479	3,376
Provisions	17,358	17,973	17,763	18,043	18,531	19,054	19,185	20,289	21,105	20,854
Total Current Liabilities	**36,508**	**37,414**	**37,832**	**38,200**	**39,203**	**39,712**	**40,076**	**41,668**	**43,119**	**44,821**
Non Current Liabilities										
Lease liabilities	2,316	1,516	1,669	949	107	2,992	2,377	1,692	1,408	792
Borrowings	11,928	15,237	13,409	11,762	10,156	8,801	7,405	5,970	4,491	1,115
Provisions	1,379	1,852	2,331	2,822	3,307	3,817	4,340	4,875	5,423	5,989
Total Non Current Liabilities	**15,623**	**18,605**	**17,409**	**15,533**	**13,570**	**15,609**	**14,123**	**12,537**	**11,322**	**7,897**
Total Liabilities	**52,132**	**56,019**	**55,241**	**53,733**	**52,773**	**55,321**	**54,199**	**54,205**	**54,442**	**52,718**
Net Assets	**1,354,237**	**1,369,913**	**1,386,522**	**1,403,980**	**1,421,585**	**1,440,107**	**1,458,323**	**1,476,529**	**1,493,885**	**1,511,940**
EQUITY										
Accumulated Surplus	766,036	781,712	798,321	815,779	833,384	851,906	870,122	888,328	905,684	923,740
Asset Revaluation Reserves	588,201	588,201	588,201	588,201	588,201	588,201	588,201	588,201	588,201	588,200
Total Equity	**1,354,237**	**1,369,913**	**1,386,522**	**1,403,980**	**1,421,585**	**1,440,107**	**1,458,323**	**1,476,529**	**1,493,885**	**1,511,940**

ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

Replace with table below.

STATEMENT OF FINANCIAL POSITION

As at 30 June:	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000
ASSETS										
Current Assets										
Cash and Cash Equivalents	-496	3,799	8,081	14,722	21,559	29,134	38,570	47,975	56,707	63,604
Investments	67,803	67,803	67,803	67,803	67,803	67,803	67,803	67,803	67,803	67,803
Receivables	11,478	12,300	12,760	13,166	13,581	14,007	14,443	14,890	15,349	15,819
Inventories & Other	1,451	1,451	1,451	1,451	1,451	1,451	1,451	1,451	1,451	1,451
Total Current Assets	**80,236**	**85,353**	**90,095**	**97,142**	**104,394**	**112,395**	**122,267**	**132,119**	**141,310**	**148,677**
Non Current Assets										
Infrastructure, Property, Plant & Equipment	1,268,616	1,281,272	1,289,717	1,296,826	1,304,347	1,311,763	1,316,955	1,323,033	1,328,602	1,335,197
Right of Use Asset	3,018	2,271	2,426	1,661	897	3,839	3,075	2,482	2,255	1,490
Inventories & Other	11,043	12,076	13,139	14,234	15,363	16,525	17,722	18,954	20,224	21,532
Investment Properties	43,720	45,032	46,383	47,774	49,207	50,683	52,204	53,770	55,383	57,045
Intangibles	2,734	2,927	3,001	3,075	3,150	3,224	3,300	3,376	3,554	3,718
Total Non Current Assets	**1,329,131**	**1,343,577**	**1,354,666**	**1,363,571**	**1,372,964**	**1,386,034**	**1,393,256**	**1,401,616**	**1,410,018**	**1,418,983**
Total Assets	**1,409,367**	**1,428,930**	**1,444,762**	**1,460,712**	**1,477,358**	**1,498,429**	**1,515,523**	**1,533,735**	**1,551,329**	**1,567,660**
LIABILITIES										
Current Liabilities										
Trade & Other Payables	16,833	17,013	17,502	17,817	18,295	18,476	18,820	19,175	19,711	19,916
Lease liabilities	702	755	757	712	790	847	698	790	847	698
Contract liabilities	0	0	0	0	0	0	0	0	0	0
Borrowings	1,634	1,691	1,828	1,646	1,606	1,356	1,395	1,436	1,479	3,376
Provisions	17,358	17,973	17,763	18,043	18,531	19,054	19,185	20,289	21,105	20,854
Total Current Liabilities	**36,526**	**37,433**	**37,851**	**38,220**	**39,223**	**39,733**	**40,098**	**41,690**	**43,141**	**44,844**
Non Current Liabilities										
Lease liabilities	2,316	1,516	1,669	949	107	2,992	2,377	1,692	1,408	792
Borrowings	11,928	15,237	13,409	11,762	10,156	8,801	7,405	5,970	4,491	1,115
Provisions	1,379	1,852	2,331	2,822	3,307	3,817	4,340	4,875	5,423	5,989
Total Non Current Liabilities	**15,623**	**18,605**	**17,409**	**15,533**	**13,570**	**15,609**	**14,123**	**12,537**	**11,322**	**7,897**
Total Liabilities	**52,150**	**56,038**	**55,260**	**53,753**	**52,793**	**55,342**	**54,220**	**54,227**	**54,464**	**52,741**
Net Assets	**1,357,217**	**1,372,892**	**1,389,501**	**1,406,960**	**1,424,566**	**1,443,087**	**1,461,303**	**1,479,508**	**1,496,865**	**1,514,919**
EQUITY										
Accumulated Surplus	769,016	784,691	801,300	818,759	836,364	854,886	873,102	891,307	908,664	926,719
Asset Revaluation Reserves	588,201	588,201	588,201	588,201	588,201	588,201	588,201	588,201	588,201	588,200
Total Equity	**1,357,217**	**1,372,892**	**1,389,501**	**1,406,960**	**1,424,566**	**1,443,087**	**1,461,303**	**1,479,508**	**1,496,865**	**1,514,919**

ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

No. of change: 33

Document Title and Page Number: 48

Summarised key issues incorporated in the documents: Administrative correction - updating financial information as a result of the State Government Special Roads Grant of $10 million over multiple years

Recommended changes to the documents:
Delete table below.

CASHFLOW STATEMENT

For the period ended 30 June	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000
Cash Flows from Operating Activities										
Receipts:										
Rates & Annual Charges	84,236	88,029	91,282	93,856	96,426	99,064	101,766	104,536	107,375	110,284
User Charges & Fees	37,344	38,292	39,441	40,427	41,436	42,474	43,536	44,624	45,740	46,883
Interest & Investment Revenue Received	2,649	2,533	2,325	2,454	2,653	2,858	3,085	3,368	3,650	3,912
Grants & Contributions	25,206	19,875	20,372	20,881	21,403	21,938	22,486	23,048	23,625	24,215
Other Income - Rental Income	2,904	2,998	3,088	3,181	3,276	3,374	3,476	3,580	3,687	3,798
Other revenue	5,096	5,249	5,380	5,514	5,652	5,794	5,938	6,087	6,239	6,395
Payments:										
Employee Benefits & On-Costs	(60,457)	(62,823)	(63,847)	(66,471)	(68,882)	(71,232)	(73,236)	(76,701)	(78,996)	(80,624)
Materials & Contracts	(54,999)	(55,704)	(56,729)	(60,302)	(63,114)	(63,821)	(65,894)	(67,870)	(71,020)	(71,634)
Borrowing Costs	(621)	(856)	(774)	(699)	(620)	(546)	(459)	(437)	(364)	(274)
Other Expenses	(5,131)	(5,943)	(5,301)	(3,872)	(2,250)	(2,720)	(3,303)	(1,447)	(1,765)	(4,828)
Net Cash provided (or used in) Operating Activities	**36,226**	**31,849**	**33,237**	**34,969**	**35,984**	**37,183**	**37,396**	**38,789**	**38,163**	**37,929**
Cash Flows from Investing Activities										
Receipts:										
Sale of Infrastructure, Property, Plant & Equipment	250	250	250	250	250	250	250	250	250	250
Payments:										
Purchase & Development of Real Estate Assets	(1,000)	(1,033)	(1,063)	(1,095)	(1,128)	(1,162)	(1,197)	(1,233)	(1,270)	(1,308)
Purchase of Infrastructure, Property, Plant & Equipment	(21,873)	(29,022)	(25,270)	(24,459)	(25,460)	(25,835)	(24,332)	(25,816)	(25,678)	(27,125)
Purchase of Intangible Assets	(400)	(413)	(425)	(438)	(451)	(465)	(479)	(493)	(508)	(523)
Net Cash provided (or used in) Investing Activities	**(23,023)**	**(30,218)**	**(26,509)**	**(25,742)**	**(26,789)**	**(27,212)**	**(25,758)**	**(27,292)**	**(27,205)**	**(28,706)**
Cash Flows from Financing Activities										
New Borrowings		5,000								
Repayment of leases principal	(627)	(702)	(756)	(757)	(712)	(790)	(847)	(698)	(700)	(847)
Repayment of Borrowings & Advances	(1,202)	(1,634)	(1,691)	(1,828)	(1,646)	(1,606)	(1,356)	(1,395)	(1,436)	(1,479)
Net Cash Flow provided (used in) Financing Activities	**(1,829)**	**2,664**	**(2,446)**	**(2,586)**	**(2,359)**	**(2,397)**	**(2,202)**	**(2,093)**	**(2,226)**	**(2,326)**
Net Increase/(Decrease) in Cash & Cash Equivalents	**11,374**	**4,295**	**4,281**	**6,641**	**6,836**	**7,574**	**9,436**	**9,404**	**8,732**	**6,897**
plus: Cash - beginning of year	(11,888)	(514)	3,781	8,062	14,703	21,540	29,113	38,550	47,954	56,686
Cash - end of the year	**(514)**	**3,781**	**8,062**	**14,703**	**21,540**	**29,113**	**38,550**	**47,954**	**56,686**	**63,583**
plus: Investments - end of the year	67,803	67,803	67,803	67,803	67,803	67,803	67,803	67,803	67,803	67,803
Total Cash & Investments - end of the year	**67,289**	**71,584**	**75,865**	**82,506**	**89,343**	**96,916**	**106,353**	**115,757**	**124,489**	**131,386**

ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

Replace with table below.

CASHFLOW STATEMENT

For the period ended 30 June	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000
Cash Flows from Operating Activities										
Receipts:										
Rates & Annual Charges	84,236	88,029	91,282	93,856	96,428	99,064	101,766	104,536	107,375	110,284
User Charges & Fees	37,344	38,292	39,441	40,427	41,438	42,474	43,536	44,624	45,740	46,883
Interest & Investment Revenue Received	2,649	2,533	2,326	2,454	2,653	2,859	3,086	3,369	3,651	3,913
Grants & Contributions	28,186	19,875	20,372	20,881	21,403	21,938	22,486	23,048	23,625	24,215
Other Income - Rental Income	2,904	2,998	3,088	3,181	3,276	3,374	3,476	3,580	3,687	3,798
Other revenue	5,196	5,352	5,486	5,623	5,763	5,907	6,055	6,206	6,362	6,521
Payments:										
Employee Benefits & On-Costs	(60,457)	(62,623)	(63,847)	(66,471)	(68,882)	(71,232)	(73,236)	(76,701)	(78,996)	(80,624)
Materials & Contracts	(55,117)	(55,809)	(58,836)	(60,411)	(63,225)	(63,936)	(66,012)	(67,991)	(71,151)	(71,961)
Borrowing Costs	(621)	(856)	(774)	(699)	(620)	(546)	(459)	(437)	(364)	(274)
Other Expenses	(5,095)	(5,941)	(5,300)	(3,871)	(2,249)	(2,718)	(3,301)	(1,446)	(1,764)	(4,826)
Net Cash provided (or used in) Operating Activities	**39,224**	**31,849**	**33,237**	**34,969**	**35,985**	**37,184**	**37,396**	**38,789**	**38,164**	**37,929**
Cash Flows from Investing Activities										
Receipts:										
Sale of Infrastructure, Property, Plant & Equipment	250	250	250	250	250	250	250	250	250	250
Payments:										
Purchase & Development of Real Estate Assets	(1,000)	(1,033)	(1,063)	(1,095)	(1,128)	(1,162)	(1,197)	(1,233)	(1,270)	(1,308)
Purchase of Infrastructure, Property, Plant & Equipment	(24,853)	(29,022)	(25,270)	(24,459)	(25,460)	(25,835)	(24,332)	(25,816)	(25,678)	(27,125)
Purchase of Intangible Assets	(400)	(413)	(425)	(438)	(451)	(465)	(479)	(493)	(508)	(523)
Net Cash provided (or used in) Investing Activities	**(26,003)**	**(30,218)**	**(26,509)**	**(25,742)**	**(26,789)**	**(27,212)**	**(25,758)**	**(27,292)**	**(27,205)**	**(28,706)**
Cash Flows from Financing Activities										
New Borrowings		5,000								
Repayment of leases principal	(627)	(702)	(755)	(757)	(712)	(790)	(847)	(698)	(790)	(847)
Repayment of Borrowings & Advances	(1,202)	(1,634)	(1,691)	(1,828)	(1,646)	(1,606)	(1,356)	(1,395)	(1,436)	(1,479)
Net Cash Flow provided (used in) Financing Activities	**(1,829)**	**2,664**	**(2,446)**	**(2,586)**	**(2,359)**	**(2,397)**	**(2,202)**	**(2,093)**	**(2,226)**	**(2,326)**
Net Increase/(Decrease) in Cash & Cash Equivalents	**11,392**	**4,295**	**4,282**	**6,641**	**6,837**	**7,575**	**9,436**	**9,405**	**8,732**	**6,897**
plus: Cash - beginning of year	(11,888)	(496)	3,799	8,081	14,722	21,559	29,134	38,570	47,975	56,707
Cash - end of the year	**(496)**	**3,799**	**8,081**	**14,722**	**21,559**	**29,134**	**38,570**	**47,975**	**56,707**	**63,604**
plus: Investments - end of the year	67,803	67,803	67,803	67,803	67,803	67,803	67,803	67,803	67,803	67,803
Total Cash & Investments - end of the year	**67,307**	**71,602**	**75,884**	**82,525**	**89,362**	**96,937**	**106,373**	**115,778**	**124,510**	**131,407**

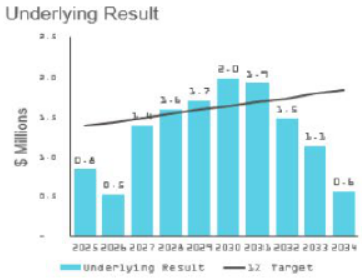
ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

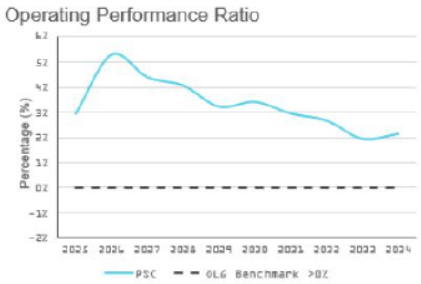
No. of change: 34

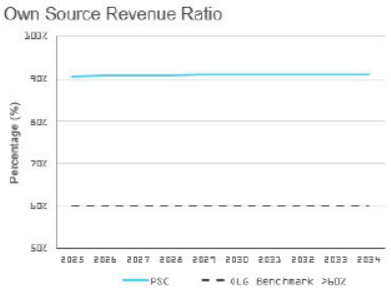
Document Title and Page Number: 49

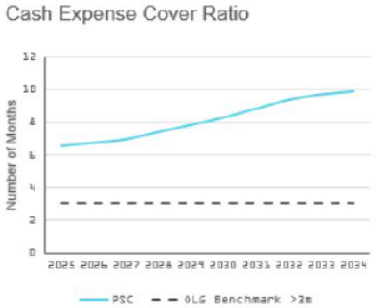
Summarised key issues incorporated in the documents: Administrative correction - updating financial information as a result of the State Government Special Roads Grant of $10 million over multiple years

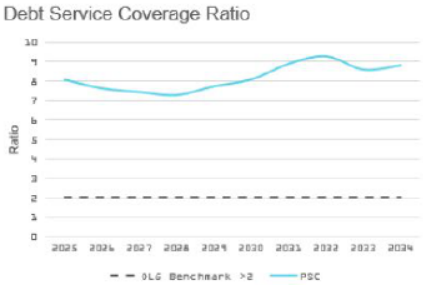
Recommended changes to the documents:
Delete graphs below.

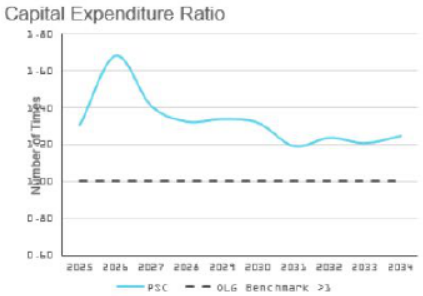






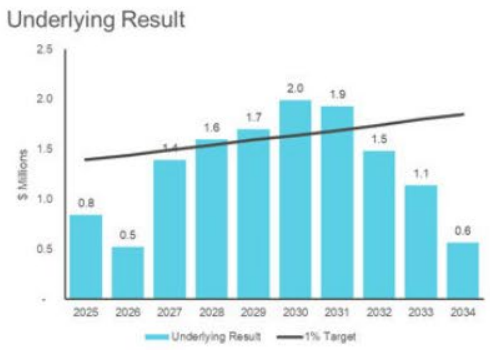


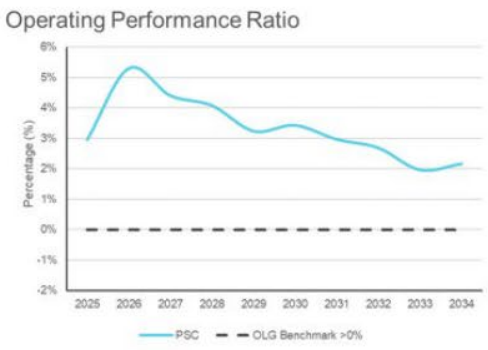


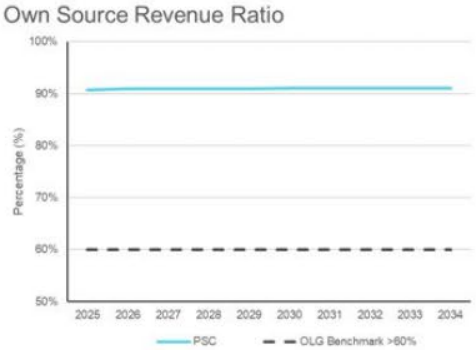


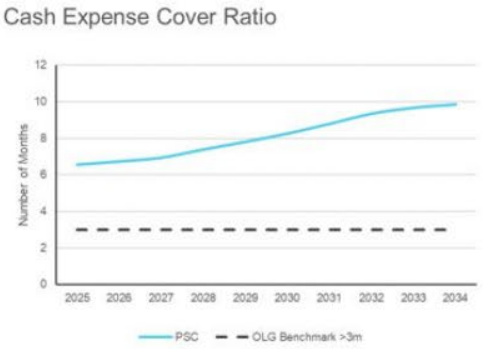
ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

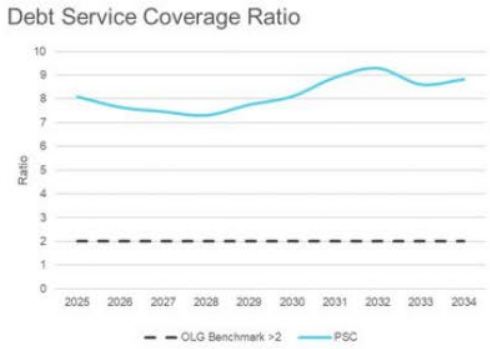
Replace with graphs below.

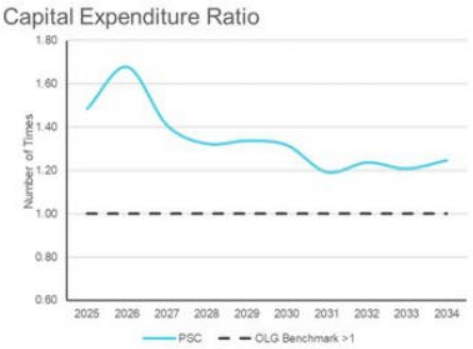












ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

No. of change: 35

Document Title and Page Number: 51

Summarised key issues incorporated in the documents: Administrative correction - updating financial information as a result of the State Government Special Roads Grant of $10 million over multiple years

Recommended changes to the documents:
Delete table below.

	OLG Benchmark	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
Underlying Result $'000	NA	845	523	1,396	1,596	1,703	1,990	1,931	1,484	1,140	565
Operating Performance Ratio	> 0%	3%	5%	4%	5%	5%	5%	5%	5%	4%	4%
Own Source Revenue Ratio	> 60%	80%	90%	90%	90%	90%	90%	90%	90%	90%	90%
Cash Expense Cover Ratio	> 3 m	7.2	6.8	6.5	7.0	7.4	7.8	8.4	8.9	9.4	9.7
Debt Service Cover Ratio	> 2	5.4	4.2	3.8	3.6	3.7	3.8	3.9	4.0	3.9	4.0
Capital Expenditure Ratio	> 1	4.5	2.9	1.8	0.9	0.9	0.9	0.8	0.8	0.8	0.8

Replace with table below.

Ratio	OLG Benchmark	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
Underlying Result $'000	NA	845	523	1,396	1,596	1,703	1,990	1,931	1,484	1,140	565
Operating Performance Ratio	>0%	3%	5%	4%	5%	5%	5%	5%	5%	4%	4%
Own Source Revenue Ratio	>60%	78%	90%	90%	90%	90%	90%	90%	90%	90%	90%
Cash Expense Cover Ratio	>3m	7.2	6.8	6.5	7.0	7.4	7.8	8.4	8.9	9.3	9.7
Debt Service Cover Ratio	>2	5.4	4.2	3.8	3.6	3.7	3.8	3.9	4.0	3.9	4.0
Capital Expenditure Ratio	>1	4.6	2.9	1.8	0.9	0.9	0.9	0.8	0.8	0.8	0.8

ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

No. of change: 36

Document Title and Page Number: 52

Summarised key issues incorporated in the documents: Administrative correction - updating financial information as a result of the State Government Special Roads Grant of $10 million over multiple years

Recommended changes to the documents:
Delete table below.

INCOME STATEMENT

For the period ended 30 June	2025 $'000	2026 $'000	2027 $'000	2028 $'000	2029 $'000	2030 $'000	2031 $'000	2032 $'000	2033 $'000	2034 $'000
Revenue										
Rates & Annual Charges	82,377	88,850	91,742	94,261	96,843	99,490	102,203	104,983	107,833	110,755
User Fees and Charges	62,594	70,042	76,391	82,177	84,232	86,337	88,496	90,708	92,976	95,300
Interest & Investment Revenue	2,649	2,533	2,325	2,454	2,653	2,858	3,085	3,368	3,650	3,912
Other Revenues	5,096	5,249	5,380	5,514	5,652	5,794	5,938	6,087	6,239	6,395
Operating Grants and Contributions	13,407	13,809	14,154	14,508	14,871	15,242	15,624	16,014	16,415	16,825
Capital Grants and Contributions	26,299	6,066	6,217	6,373	6,532	6,695	6,863	7,034	7,210	7,390
Gain on Sale of Assets	250	250	250	250	250	250	250	250	250	250
Other Income - Rental Income	2,904	2,998	3,088	3,181	3,276	3,374	3,476	3,580	3,687	3,798
Other Income - Fair Value increment	903	1,312	1,351	1,391	1,433	1,476	1,521	1,566	1,613	1,661
Total Revenue	**196,479**	**191,108**	**200,899**	**210,109**	**215,742**	**221,517**	**227,455**	**233,591**	**239,874**	**246,287**
Operating Expenses										
Employee Benefits & On-Costs	59,332	61,535	63,578	65,700	67,909	70,199	72,583	75,061	77,632	80,309
Borrowing Costs	3,421	6,556	8,274	9,999	9,920	9,846	9,759	9,737	9,664	9,574
Materials & Services	70,677	72,775	76,340	78,937	82,156	83,745	86,257	88,845	92,460	94,255
Depreciation & Amortisation	21,792	24,533	26,495	27,267	27,974	28,663	29,609	30,211	30,711	31,380
Other Expenses	8,209	9,635	10,612	9,301	9,580	9,867	10,163	10,468	10,782	11,106
Total Operating Expenses	**163,432**	**175,033**	**185,300**	**191,205**	**197,539**	**202,320**	**208,371**	**214,321**	**221,250**	**226,624**
Surplus / (Deficit) after operations	**33,047**	**16,076**	**15,599**	**18,905**	**18,204**	**19,197**	**19,083**	**19,270**	**18,624**	**19,663**
Net Operating Result before Capital Grants	**6,748**	**10,010**	**9,382**	**12,532**	**11,671**	**12,502**	**12,221**	**12,235**	**11,414**	**12,272**
Adjustments for Underlying Result										
Less: Non Cash items & Capital works income	(3,653)	(4,137)	(4,253)	(4,373)	(4,497)	(4,624)	(4,756)	(4,891)	(5,030)	(5,173)
Less: Local Election allocation	500	(250)	(213)	(213)	638	(213)	(238)	(238)	713	(238)
Less: Enhanced Service Areas	(1,400)	(4,700)	(2,620)	(2,000)	(1,450)	(700)	-	-	-	-
Less: Newcastle Airport	(1,350)	(400)	(900)	(4,350)	(4,659)	(4,975)	(5,296)	(5,623)	(5,956)	(6,296)
Underlying Result	**845**	**523**	**1,396**	**1,596**	**1,703**	**1,990**	**1,931**	**1,484**	**1,140**	**565**

ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

Replace with table below.

INCOME STATEMENT

For the period ended 30 June	2025 $'000	2026 $'000	2027 $'000	2028 $'000	2029 $'000	2030 $'000	2031 $'000	2032 $'000	2033 $'000	2034 $'000
Revenue										
Rates & Annual Charges	82,377	88,850	91,742	94,261	96,843	99,490	102,203	104,983	107,833	110,755
User Fees and Charges	62,594	70,042	76,391	82,177	84,232	86,337	88,496	90,708	92,976	95,300
Interest & Investment Revenue	2,649	2,533	2,325	2,454	2,653	2,858	3,085	3,368	3,650	3,912
Other Revenues	5,196	5,352	5,486	5,623	5,763	5,907	6,055	6,206	6,362	6,521
Operating Grants and Contributions	13,407	13,809	14,154	14,508	14,871	15,242	15,624	16,014	16,415	16,825
Capital Grants and Contributions	29,279	6,066	6,217	6,373	6,532	6,695	6,863	7,034	7,210	7,390
Gain on Sale of Assets	250	250	250	250	250	250	250	250	250	250
Other Income - Rental Income	2,904	2,998	3,088	3,181	3,276	3,374	3,476	3,580	3,687	3,798
Other Income - Fair Value increment	903	1,312	1,351	1,391	1,433	1,476	1,521	1,566	1,613	1,661
Total Revenue	**199,559**	**191,211**	**201,005**	**210,218**	**215,853**	**221,631**	**227,571**	**233,711**	**239,996**	**246,413**
Operating Expenses										
Employee Benefits & On-Costs	59,332	61,535	63,578	65,700	67,909	70,199	72,583	75,061	77,632	80,309
Borrowing Costs	3,421	6,556	8,274	9,999	9,920	9,846	9,759	9,737	9,664	9,574
Materials & Services	70,777	72,878	76,447	79,047	82,268	83,861	86,377	88,968	92,587	94,386
Depreciation & Amortisation	21,792	24,533	26,495	27,267	27,974	28,663	29,609	30,211	30,711	31,380
Other Expenses	8,209	9,635	10,612	9,301	9,580	9,867	10,163	10,468	10,782	11,106
Total Operating Expenses	**163,532**	**175,136**	**185,406**	**191,314**	**197,651**	**202,436**	**208,491**	**214,445**	**221,377**	**226,755**
Surplus / (Deficit) after operations	**36,027**	**16,075**	**15,598**	**18,903**	**18,202**	**19,195**	**19,080**	**19,266**	**18,619**	**19,657**
Net Operating Result before Capital Grants	**6,748**	**10,010**	**9,381**	**12,531**	**11,670**	**12,499**	**12,217**	**12,231**	**11,409**	**12,267**
Adjustments for Underlying Result										
Less: Non Cash items & Capital works incom	- 3,652.97	(4,137)	(4,253)	(4,373)	(4,497)	(4,624)	(4,756)	(4,891)	(5,030)	(5,173)
Less: Local Election allocation	500	(250)	(213)	(213)	638	(213)	(238)	(238)	713	(238)
Less: Enhanced Service Areas	(1,400)	(4,700)	(2,620)	(2,000)	(1,450)	(700)	-	-	-	-
Less: Newcastle Airport	(1,350)	(400)	(900)	(4,350)	(4,659)	(4,975)	(5,296)	(5,623)	(5,956)	(6,296)
Underlying Result	**845**	**523**	**1,395**	**1,595**	**1,701**	**1,988**	**1,928**	**1,480**	**1,135**	**560**

ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

No. of change: 37

Document Title and Page Number: 53

Summarised key issues incorporated in the documents: Administrative correction - updating financial information as a result of the State Government Special Roads Grant of $10 million over multiple years

Recommended changes to the documents:
Delete table below.

STATEMENT OF FINANCIAL POSITION

As at 30 June:	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000
ASSETS										
Current Assets										
Cash and Cash Equivalents	18,178	20,816	22,583	32,200	41,168	51,114	63,166	75,433	87,279	97,530
Investments	68,800	68,800	68,800	68,800	68,800	68,800	68,800	68,800	68,800	68,800
Receivables	14,130	15,634	16,640	17,549	18,074	18,612	19,164	19,729	20,308	20,902
Inventories & Other	5,342	5,342	5,342	5,342	5,342	5,342	5,342	5,342	5,342	5,342
Total Current Assets	**106,450**	**110,592**	**113,365**	**123,892**	**133,385**	**143,868**	**156,472**	**169,304**	**181,729**	**192,674**
Non Current Assets										
Infrastructure, Property, Plant & Equipment	1,411,589	1,464,745	1,494,730	1,501,385	1,507,369	1,513,085	1,516,526	1,520,801	1,524,522	1,529,268
Right of Use Asset	3,018	2,271	2,426	1,661	897	3,839	3,075	2,482	2,255	1,490
Inventories & Other	11,076	12,109	13,172	14,267	15,396	16,558	17,755	18,987	20,257	21,565
Investment Properties	43,720	45,032	46,383	47,774	49,207	50,683	52,204	53,770	55,383	57,045
Intangibles	4,322	4,515	4,589	4,663	4,738	4,812	4,888	4,964	5,142	5,306
Total Non Current Assets	**1,473,725**	**1,528,671**	**1,561,300**	**1,569,751**	**1,577,606**	**1,588,977**	**1,594,447**	**1,601,005**	**1,607,559**	**1,614,675**
Total Assets	**1,580,174**	**1,639,263**	**1,674,665**	**1,693,643**	**1,710,991**	**1,732,845**	**1,750,918**	**1,770,309**	**1,789,288**	**1,807,349**
LIABILITIES										
Current Liabilities										
Trade & Other Payables	19,722	20,099	20,741	21,209	21,788	22,074	22,526	22,992	23,643	23,966
Lease liabilities	702	755	757	712	790	847	698	790	847	698
Contract liabilities	0	0	0	0	0	0	0	0	0	0
Borrowings	1,634	1,591	1,828	1,646	1,606	1,356	1,395	1,436	1,479	3,376
Provisions	17,355	17,971	17,760	18,040	18,528	19,051	19,181	20,286	21,101	20,850
Total Current Liabilities	**39,413**	**40,516**	**41,087**	**41,608**	**42,713**	**43,327**	**43,800**	**45,504**	**47,070**	**48,890**
Non Current Liabilities										
Lease liabilities	2,316	1,516	1,669	949	107	2,992	2,377	1,692	1,408	792
Borrowings	121,353	163,587	182,184	181,962	180,356	179,001	177,605	176,170	174,691	171,315
Provisions	1,449	1,925	2,407	2,901	3,390	3,902	4,429	4,968	5,520	6,089
Total Non Current Liabilities	**125,118**	**167,028**	**186,260**	**185,812**	**183,852**	**185,895**	**184,412**	**182,829**	**181,618**	**178,197**
Total Liabilities	**164,531**	**207,544**	**227,347**	**227,420**	**226,565**	**229,222**	**228,212**	**228,333**	**228,688**	**227,087**
Net Assets	**1,415,643**	**1,431,719**	**1,447,318**	**1,466,222**	**1,484,426**	**1,503,623**	**1,522,707**	**1,541,976**	**1,560,600**	**1,580,262**
EQUITY										
Accumulated Surplus	826,453	842,529	858,128	877,032	895,236	914,433	933,516	952,786	971,410	991,073
Asset Revaluation Reserves	589,190	589,190	589,190	589,190	589,190	589,190	589,190	589,190	589,190	589,189
Total Equity	**1,415,643**	**1,431,719**	**1,447,318**	**1,466,222**	**1,484,426**	**1,503,623**	**1,522,707**	**1,541,976**	**1,560,600**	**1,580,262**

ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

Replace with table below.

STATEMENT OF FINANCIAL POSITION

As at 30 June:	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000
ASSETS										
Current Assets										
Cash and Cash Equivalents	18,196	20,835	22,601	32,218	41,185	51,128	63,177	75,441	87,283	97,630
Investments	68,800	68,800	68,800	68,800	68,800	68,800	68,800	68,800	68,800	68,800
Receivables	14,130	15,634	16,640	17,549	18,074	18,612	19,164	19,729	20,308	20,902
Inventories & Other	5,342	5,342	5,342	5,342	5,342	5,342	5,342	5,342	5,342	5,342
Total Current Assets	**106,468**	**110,610**	**113,383**	**123,909**	**133,401**	**143,883**	**156,483**	**169,313**	**181,734**	**192,674**
Non Current Assets										
Infrastructure, Property, Plant & Equipment	1,414,569	1,467,725	1,497,710	1,504,365	1,510,349	1,516,065	1,519,506	1,523,781	1,527,502	1,532,248
Right of Use Asset	3,018	2,271	2,426	1,661	897	3,839	3,075	2,482	2,255	1,490
Inventories & Other	11,076	12,109	13,172	14,267	15,396	16,558	17,755	18,987	20,257	21,565
Investment Properties	43,720	45,032	46,383	47,774	49,207	50,683	52,204	53,770	55,383	57,045
Intangibles	4,322	4,515	4,589	4,663	4,738	4,812	4,888	4,964	5,142	5,306
Total Non Current Assets	**1,476,705**	**1,531,651**	**1,564,280**	**1,572,731**	**1,580,586**	**1,591,957**	**1,597,427**	**1,603,985**	**1,610,539**	**1,617,655**
Total Assets	**1,583,172**	**1,642,261**	**1,677,663**	**1,696,640**	**1,713,987**	**1,735,840**	**1,753,910**	**1,773,298**	**1,792,273**	**1,810,329**
LIABILITIES										
Current Liabilities										
Trade & Other Payables	19,740	20,118	20,760	21,228	21,808	22,095	22,548	23,014	23,666	23,990
Lease liabilities	702	755	757	712	790	847	698	790	847	698
Contract liabilities	0	0	0	0	0	0	0	0	0	0
Borrowings	1,634	1,691	1,828	1,646	1,606	1,356	1,395	1,436	1,479	3,376
Provisions	17,355	17,971	17,760	18,040	18,528	19,051	19,181	20,286	21,101	20,850
Total Current Liabilities	**39,431**	**40,535**	**41,106**	**41,628**	**42,733**	**43,348**	**43,822**	**45,526**	**47,093**	**48,914**
Non Current Liabilities										
Lease liabilities	2,316	1,516	1,669	949	107	2,992	2,377	1,692	1,408	792
Borrowings	121,353	163,587	182,184	181,962	180,356	179,001	177,605	176,170	174,691	171,315
Provisions	1,449	1,925	2,407	2,901	3,390	3,902	4,429	4,968	5,520	6,089
Total Non Current Liabilities	**125,118**	**167,028**	**186,260**	**185,812**	**183,852**	**185,895**	**184,412**	**182,829**	**181,618**	**178,197**
Total Liabilities	**164,549**	**207,563**	**227,366**	**227,440**	**226,586**	**229,243**	**228,233**	**228,355**	**228,711**	**227,111**
Net Assets	**1,418,623**	**1,434,698**	**1,450,297**	**1,469,200**	**1,487,402**	**1,506,596**	**1,525,677**	**1,544,942**	**1,563,562**	**1,583,218**
EQUITY										
Accumulated Surplus	829,433	845,508	861,107	880,010	898,212	917,406	936,487	955,752	974,372	994,029
Asset Revaluation Reserves	589,190	589,190	589,190	589,190	589,190	589,190	589,190	589,190	589,190	589,189
Total Equity	**1,418,623**	**1,434,698**	**1,450,297**	**1,469,200**	**1,487,402**	**1,506,596**	**1,525,677**	**1,544,942**	**1,563,562**	**1,583,218**

ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

No. of change: 38

Document Title and Page Number: 54

Summarised key issues incorporated in the documents: Administrative correction - updating financial information as a result of the State Government Special Roads Grant of $10 million over multiple years

Recommended changes to the documents:
Delete table below.

CASHFLOW STATEMENT

For the period ended 30 June	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000
Cash Flows from Operating Activities										
Receipts:										
Rates & Annual Charges	91,595	97,346	99,736	93,352	96,310	99,052	101,651	104,410	107,254	110,160
User Charges & Fees	62,594	70,042	75,391	82,177	84,232	86,337	88,496	90,708	92,976	95,300
Interest & Investment Revenue Received	2,649	2,533	2,325	2,454	2,653	2,858	3,085	3,368	3,650	3,912
Grants & Contributions	39,706	19,875	20,372	20,881	21,403	21,938	22,486	23,048	23,625	24,215
Other Income - Rental Income	2,994	2,998	3,088	3,181	3,276	3,374	3,476	3,580	3,687	3,798
Other revenue	5,096	5,249	5,380	5,514	5,652	5,794	5,938	6,087	6,239	6,395
Payments:										
Employee Benefits & On-Costs	(60,460)	(62,626)	(63,850)	(66,474)	(68,885)	(71,235)	(73,239)	(76,704)	(78,999)	(80,627)
Materials & Contracts	(74,056)	(73,152)	(76,982)	(79,405)	(82,735)	(84,031)	(86,709)	(89,311)	(93,111)	(94,580)
Borrowing Costs	(3,421)	(6,556)	(8,274)	(9,999)	(9,920)	(9,846)	(9,759)	(9,737)	(9,664)	(9,574)
Other Expenses	(4,262)	(13,942)	(17,349)	(15,614)	(15,416)	(16,293)	(17,165)	(15,698)	(16,228)	(19,466)
Net Cash provided (or used in) Operating Activities	**52,334**	**31,767**	**31,836**	**36,067**	**36,578**	**37,855**	**38,260**	**39,650**	**39,429**	**39,534**
Cash Flows from Investing Activities										
Receipts:										
Sale of Infrastructure, Property, Plant & Equipment	250	250	250	250	250	250	250	250	250	250
Payments:										
Purchase & Development of Real Estate Assets	(1,000)	(1,033)	(1,063)	(1,095)	(1,128)	(1,162)	(1,197)	(1,233)	(1,270)	(1,308)
Purchase of Infrastructure, Property, Plant & Equipment	(93,923)	(69,522)	(46,810)	(24,005)	(23,922)	(24,135)	(22,580)	(24,014)	(23,829)	(25,275)
Purchase of Intangible Assets	(400)	(413)	(425)	(438)	(451)	(465)	(479)	(493)	(508)	(523)
Net Cash provided (or used in) Investing Activities	**(95,073)**	**(70,718)**	**(48,049)**	**(25,289)**	**(25,252)**	**(25,513)**	**(24,006)**	**(25,490)**	**(25,357)**	**(26,857)**
Cash Flows from Financing Activities										
New Borrowings	55,425	43,925	20,425	1,425						
Repayment of leases principal	(627)	(702)	(755)	(757)	(712)	(790)	(847)	(698)	(790)	(847)
Repayment of Borrowings & Advances	(1,202)	(1,634)	(1,591)	(1,828)	(1,546)	(1,505)	(1,355)	(1,395)	(1,436)	(1,479)
Net Cash Flow provided (used in) Financing Activities	**53,596**	**41,589**	**17,979**	**(1,161)**	**(2,359)**	**(2,397)**	**(2,202)**	**(2,093)**	**(2,226)**	**(2,326)**
Net Increase/(Decrease) in Cash & Cash Equivalents	**10,857**	**2,639**	**1,766**	**9,618**	**8,968**	**9,946**	**12,052**	**12,267**	**11,846**	**10,351**
plus: Cash - beginning of year	7,321	18,178	20,816	22,583	32,200	41,168	51,114	63,166	75,433	87,279
Cash - end of the year	**18,178**	**20,816**	**22,583**	**32,200**	**41,168**	**51,114**	**63,166**	**75,433**	**87,279**	**97,630**
plus: Investments - end of the year	68,800	68,800	68,800	68,800	68,800	68,800	68,800	68,800	68,800	68,800
Total Cash & Investments - end of the year	**86,978**	**89,616**	**91,383**	**101,000**	**109,968**	**119,914**	**131,966**	**144,233**	**156,079**	**166,430**
Less restricted Cash (NAL)	(19,689)	(18,033)	(15,517)	(18,494)	(20,626)	(22,998)	(25,613)	(28,476)	(31,590)	(35,044)
Cash, Cash Equivalents & Investments - end of the year	**67,289**	**71,584**	**75,865**	**82,506**	**89,343**	**96,916**	**106,353**	**115,757**	**124,489**	**131,386**

ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

Replace with table below.

CASHFLOW STATEMENT

For the period ended 30 June	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000	$'000
Cash Flows from Operating Activities										
Receipts:										
Rates & Annual Charges	81,585	87,346	90,736	93,352	96,318	98,952	101,651	104,418	107,254	110,160
User Charges & Fees	62,594	70,042	76,391	82,177	84,232	86,337	88,496	90,708	92,976	95,300
Interest & Investment Revenue Received	2,649	2,533	2,325	2,454	2,653	2,858	3,085	3,368	3,650	3,912
Grants & Contributions	42,686	19,875	20,372	20,881	21,403	21,938	22,486	23,048	23,625	24,215
Other Income - Rental Income	2,904	2,998	3,088	3,181	3,276	3,374	3,476	3,580	3,687	3,798
Other revenue	5,196	5,352	5,486	5,623	5,763	5,907	6,055	6,206	6,362	6,521
Payments:										
Employee Benefits & On-Costs	(60,460)	(62,626)	(63,850)	(66,474)	(68,885)	(71,235)	(73,239)	(76,704)	(78,999)	(80,627)
Materials & Contracts	(74,174)	(73,256)	(77,089)	(79,515)	(82,848)	(84,148)	(86,830)	(89,435)	(93,239)	(94,711)
Borrowing Costs	(3,421)	(5,556)	(8,274)	(9,999)	(9,920)	(9,846)	(9,759)	(9,737)	(9,664)	(9,574)
Other Expenses	(4,226)	(13,940)	(17,348)	(15,613)	(15,415)	(16,285)	(17,164)	(15,607)	(16,227)	(19,465)
Net Cash provided (or used in) Operating Activities	**55,332**	**31,767**	**31,836**	**36,066**	**36,577**	**37,853**	**38,257**	**39,847**	**39,425**	**39,529**
Cash Flows from Investing Activities										
Receipts:										
Sale of Infrastructure, Property, Plant & Equipment	250	250	250	250	250	250	250	250	250	250
Payments:										
Purchase & Development of Real Estate Assets	(1,000)	(1,033)	(1,063)	(1,095)	(1,128)	(1,162)	(1,197)	(1,233)	(1,270)	(1,308)
Purchase of Infrastructure, Property, Plant & Equipment	(96,903)	(69,522)	(46,810)	(24,005)	(23,922)	(24,136)	(22,580)	(24,014)	(23,829)	(25,276)
Purchase of Intangible Assets	(400)	(413)	(425)	(438)	(451)	(465)	(479)	(493)	(508)	(523)
Net Cash provided (or used in) Investing Activities	**(98,053)**	**(70,718)**	**(48,049)**	**(25,289)**	**(25,252)**	**(25,513)**	**(24,006)**	**(25,490)**	**(25,357)**	**(26,857)**
Cash Flows from Financing Activities										
New Borrowings	55,425	43,925	20,425	1,425						
Repayment of leases principal	(627)	(702)	(755)	(757)	(712)	(790)	(847)	(698)	(790)	(847)
Repayment of Borrowings & Advances	(1,202)	(1,634)	(1,691)	(1,828)	(1,646)	(1,606)	(1,356)	(1,395)	(1,436)	(1,479)
Net Cash Flow provided (used in) Financing Activities	**53,596**	**41,589**	**17,979**	**(1,161)**	**(2,359)**	**(2,397)**	**(2,202)**	**(2,093)**	**(2,226)**	**(2,326)**
Net Increase/(Decrease) in Cash & Cash Equivalents	**10,875**	**2,639**	**1,766**	**9,617**	**8,967**	**9,944**	**12,049**	**12,264**	**11,842**	**10,346**
plus: Cash - beginning of year	7,321	18,196	20,835	22,601	32,218	41,185	51,128	63,177	75,441	87,283
Cash - end of the year	**18,196**	**20,835**	**22,601**	**32,218**	**41,185**	**51,128**	**63,177**	**75,441**	**87,283**	**97,630**
plus: Investments - end of the year	68,800	68,800	68,800	68,800	68,800	68,800	68,800	68,800	68,800	68,800
Total Cash & Investments - end of the year	**86,996**	**89,635**	**91,401**	**101,018**	**109,985**	**119,928**	**131,977**	**144,241**	**156,083**	**166,430**
Less restricted Cash (NAL)	(19,689)	(18,033)	(15,517)	(18,494)	(20,626)	(22,998)	(25,613)	(28,476)	(31,590)	(35,044)
Cash, Cash Equivalents & Investments - end of the year	**67,307**	**71,602**	**75,883**	**82,524**	**89,359**	**96,931**	**106,364**	**115,765**	**124,493**	**131,386**

ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

FEES AND CHARGES 2024 TO 2025

No. of change: 39

Document Title and Page Number: 28

Summarised key issues incorporated in the documents: Administrative correction – revised fee from Office of Local Government Circular 24-05 dated 19 April 2024

Recommended changes to the documents:
Delete the text as shown in struck out below.

Name	Description	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (excl. GST)	Year 24/25 GST	Year 24/25 Fee (incl. GST)	Unit	Legislation	Pricing Policy
Property Administration [continued]								
Rates Certificate	Provides details of any outstanding rates on a property. Issued within 5 business days of receipt of request	~~$95~~ base fee plus 100% loading for urgent issue within 24 hours/1 business day				Per item	Local Government Act 1993 | Section ~~608~~	Statutory pricing

Replace the text with '$100' and '603' as shown in yellow below.

Property Administration								
Rates Certificate	Provides details of any outstanding rates on a property. Issued within 5 business days of receipt of request	$100 base fee plus 100% loading for urgent issue within 24 hours/1 business day				Per item	Local Government Act 1993 | Section 603	Statutory pricing

ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

No. of change: 40

Document Title and Page Number: 36

Summarised key issues incorporated in the documents: Administrative correction – subject to the new statutory fee being passed by the NSW Parliament, the new Interment Services Levy is effective from 1 July 2024.

Recommended changes to the documents:

Add the following text as shown in yellow below.

Name	Description	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (excl. GST)	GST	Fee (incl. GST)	Unit	Legislation	GL	RC	Pricing Policy
Port Stephens Council										
Community Services and Events										
Cemetery Operations										
Interment Services Levy	Subject to the new statutory fee being passed by the NSW Parliament, the new Interment Services Levy is effective from 1 July 2024.									
Fee charged to Operator on an annual basis based on the number of services performed each year.										
Operators with a Cemetery Operator (Caretaker) Licence (known as Category 4) are exempt as these operators are inactive and not conducting regular interments.										
Levy not applicable to interment of destitute people or children under the age of 12.										
DRAFT - Interment Services Levy - Ash Interments		$0.00	$63.00	$0.00	$63.00	Per Service				Statutory pricing
DRAFT - Interment Services Levy - Burial		$0.00	$156.00	$0.00	$156.00	Per Service				Statutory pricing

ITEM 3 - ATTACHMENT 1 CHANGES TO THE 2024 TO 2034 INTEGRATED PLANNING AND REPORTING DOCUMENTS AND 2024 TO 2025 FEES AND CHARGES.

No. of change: 41

Document Title and Page Number: 47

Summarised key issues incorporated in the documents: Administrative error – error in original wording. Regulars to be included with charities and community groups as is the case for other Halls. .

Recommended changes to the documents:
Delete text as struck out below and insert text shown in yellow.

Name	Description	Year 23/24 Fee (incl. GST)	Year 24/25 Fee (excl. GST)	GST	Fee (incl. GST)	Unit	Legislation	Pricing Policy
Corlette Community Hall								
Hourly Rate	For-profit hirers~~, regulars~~ & private bookings	$15.00	$24.55	$2.45	$27.00	Per hour		Market pricing
Hourly Rate	Registered charities, & community groups & regular hirers	$7.50	$14.55	$1.45	$16.00	Per hour		Market pricing

MINUTES ORDINARY COUNCIL - 9 APRIL 2024

ITEM NO. 2 **FILE NO: 23/370245**
EDRMS NO: PSC2017-00180

DRAFT INTEGRATED PLANNING AND REPORTING DOCUMENTS AND FEES AND CHARGES

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

RECOMMENDATION IS THAT COUNCIL:

1) Endorses the draft Integrated Planning and Reporting documents, being the Delivery Program 2022 to 2026 incorporating the Operational Plan 2024 to 2025 **(ATTACHMENT 1)**, Resourcing Strategy 2024 to 2034 incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2024 to 2034 and Strategic Asset Management Plan 2024 to 2034 **(ATTACHMENT 2)** and the Fees and Charges 2024 to 2025 **(ATTACHMENT 3)**.
2) Places the draft documents **(ATTACHMENTS 1 - 3)** on public exhibition for a period of 28 days, invites submissions and reports back to Council.

ORDINARY COUNCIL MEETING - 9 APRIL 2024
MOTION

060	**Councillor Leah Anderson** **Councillor Matthew Bailey** It was resolved that Council: 1) Endorses the draft Integrated Planning and Reporting documents, being the Delivery Program 2022 to 2026 incorporating the Operational Plan 2024 to 2025 **(ATTACHMENT 1)**, Resourcing Strategy 2024 to 2034 incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2024 to 2034 and Strategic Asset Management Plan 2024 to 2034 **(ATTACHMENT 2)** and the Fees and Charges 2024 to 2025 **(ATTACHMENT 3)**. 2) Places the draft documents **(ATTACHMENTS 1 - 3)** on public exhibition for a period of 28 days, invites submissions and reports back to Council.

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council endorsement of the following draft Integrated Planning and Reporting (IP&R) documents:

- Delivery Program 2022 to 2026 incorporating the Operational Plan 2024 to 2025 **(ATTACHMENT 1)**.
- Resourcing Strategy 2024 to 2034 incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2024 to 2034 and Strategic Asset Management Plan 2024 to 2034 **(ATTACHMENT 2)**.
- Fees and Charges 2024 to 2025 **(ATTACHMENT 3)**.

In accordance with the Local Government Act and other applicable legislation, Council is required to:

- Review its 4 year Delivery Program each year when preparing the Operational Plan.
- Have its Operational Plan adopted before the beginning of each year and detail the activities to be engaged in by the council during the year as part of the Delivery Program covering that year.
- Prepare a Resourcing Strategy which includes the Long Term Financial Plan, Workforce Management Strategy and Strategic Asset Management Plan, for the provision of resources required to perform its functions.
- Set its Fees and Charges prior to 1 July 2024, and make the rates prior to 1 August 2024.
- Publicly exhibit all of the IP&R documents and Fees and Charges for a period of at least 28 days, considering submissions prior to adoption of the final documents.
- This is the last year of the Delivery Program for this Council term. A complete review will be undertaken with the new elected Council.

This iteration of draft documents forms part of Council's normal annual review of its IP&R documents which includes the most up to date information and data.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Governance	Deliver the Integrated Planning and Excellence program.

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL, POLICY AND RISK IMPLICATIONS

Council is required to undertake integrated planning and reporting activities in accordance with the Local Government Act, Local Government (General) Regulation 2021 (Local Government Regulation) and the NSW Government's Integrated Planning and Reporting Guidelines (IPR Guidelines) and Handbook (IPR Handbook) September 2021. Sections 403 to 406 and 608 to 610 of the Local Government Act outline the specific requirements for developing the IP&R documents and Fees and Charges.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council does not have the resources to meet its Delivery Program and annual Operational Plan.	Medium	Staff continue to realistically plan and investigate resourcing opportunities as outlined in the Delivery Program and Resourcing Strategy.	Yes
There is a risk that if the draft documents are not exhibited as required: • The fees therein cannot be charged. • Funds cannot be expended; and • Plans will not be implemented prior to 1 July as legislatively required.	Low	Public exhibition of draft documents during April and May 2024 to allow sufficient time for public submissions and Council consideration and adoption of the final documents prior to 30 June 2024.	Yes

SUSTAINABILITY IMPLICATIONS
Includes Social, Economic and Environmental Implications

The Community Strategic Plan, Delivery Program and Operational Plan are founded on a quadruple bottom line basis of social, economic, environmental and governance factors through 4 interconnected focus areas: Our Community, Our Place, Our Environment and Our Council. The 4 focus areas provide a structure for planning in each of the documents, enabling Council to address key actions while aiming to holistically meet the community's vision of 'A great lifestyle in a treasured environment'.

CONSULTATION

The draft documents have been developed in consultation with staff across Council.

The draft Delivery Program and Operational Plan, draft Resourcing Strategy and draft Fees and Charges will go on public exhibition for 28 days.

Community input will be considered at a Council meeting in June 2024 following the public exhibition process and prior to adoption of the documents. The documents will be available for download from Council's website, with hard copies available for viewing at Council's administration building and libraries.

OPTIONS

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

ATTACHMENTS

1) Delivery Program 2022 to 2026 incorporating the Operational Plan 2024 to 2025. (Provided under separate cover)
2) Resourcing Strategy 2024 to 2034 incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2024 to 2034 and Strategic Asset Management Plan 2024 to 2034. (Provided under separate cover)
3) Fees and Charges 2024 to 2025. (Provided under separate cover)

COUNCILLORS' ROOM

Nil.

TABLED DOCUMENTS

Nil.

SCHEDULE OF RATES AND CHARGES 2024-2025

1) For the second year of Council's three year 9.5% Special Rate Variation approval by IPART, make ordinary rates in accordance with the following schedule for 2024-2025 financial year using 1 July 2022 base date land values.

Ordinary Rates				
Category	**Sub-category**	**Ad Valorem Rate c in $**	**Base Amount $**	**% of yield form base amount**
Residential	Residential	0.1865	$482.00	35%
Residential	Williamtown Primary Zone	0.1244	$322.00	36%
Residential	Williamtown Secondary Zone	0.1398	$362.00	39%
Residential	Williamtown Broader Zone	0.1679	$434.00	38%
Farmland	Farmland	0.1865	$482.00	19%
Farmland	Williamtown Primary Zone	0.1244	$322.00	27%
Farmland	Williamtown Secondary Zone	0.1398	$362.00	26%
Farmland	Williamtown Broader Zone	0.1679	$434.00	26%
Business	n/a	0.5113	$2,061.00	35%
Mining	n/a	0.5113	0.00	n/a

2) Levy on behalf of Hunter Local Land Services a catchment contribution at the rate determined by the Service for 2024-2025 on all rateable land with a land value of $300 or more in the defined catchment area. The defined catchment area is shown on the Hunter Local Land Services Contribution Area map.

3) Fix the interest rate to apply to overdue rates and charges in 2024-2025 at the maximum rate as determined by the Minister for Local Government.

4) Make the following annual Domestic Waste Management Charges and Waste Management Charges for 2024-2025. All rateable assessments that are undeveloped (ie. have no buildings erected upon them) will be levied either a Domestic Waste Management Charge or a Waste Management Charge. All developed rateable assessments (ie. have a building/s erected upon them) will be levied either a Domestic Waste Management Service Charge or a Waste Management Service Charge in addition to the Domestic Waste Management Charge/Waste Management Charge.

Charge type	Charge code	Charge name	Land category charge applies to	Amount of charge
Domestic Waste Management *(s496 Local Government Act, 1993)*	6-63	Domestic Waste Management Charge	All rateable land categorised as Residential except land that is levied a s496 Domestic Waste Management Service Charge (7-73).	$121.00 per assessment
Waste Management Charge (s501 Local Government Act, 1993)	6-64	Waste Management Charge	All rateable land categorised as Mining or Business. All rateable land categorised as Farmland except land that is levied a s501 Additional Farm Waste Management Charge (6-65). All rateable land categorised as Residential except land that is levied a s496 Domestic Waste Management Charge (6-63). All non-rateable land that uses the Domestic Waste Management Service.	$121.00 per assessment
Waste Management Charge *(s501 Local Government Act, 1993)*	6-65	Additional Farm Waste Management Charge	All rateable land categorised as Farmland where more than one assessment is held in the same ownership and those assessments are operated as a single farming entity, then the Waste Management Charge (6-64) is to be levied on the first assessment and this Additional Farm Waste Management Charge (6-65) is to be levied on the second and subsequent assessments.	$1.00 per assessment
Waste Management Charge (s501 Local Government Act, 1993)	7-74 or 19-74	Waste Management Service Charge	All developed rateable land categorised as Mining or Business, whether occupied or unoccupied.	$549.00 for 240 litre waste bin, 240 litre or 360 litre recycling bin and 240 litre green organics bin service

Charge type	Charge code	Charge name	Land category charge applies to	Amount of charge
Domestic Waste Management (s496 Local Government Act, 1993)	7-73 or 10-73	Domestic Waste Management Service Charge	All developed rateable land categorised as Residential or Farmland, whether occupied or unoccupied. All non-rateable land that uses the Domestic Waste Management Service.	$549.00 for 240 litre waste bin, 240 litre or 360 litre recycling bin and 240 litre green organics bin service
Waste Management Charge (s501 Local Government Act, 1993)	3-74	Waste Service Charge – Additional Waste Bin	All rateable land categorised as Farmland, Residential, Mining or Business where the ratepayer requests provision of the additional service. All non-rateable land where provision of the additional service is requested.	$282.50 per additional waste (red lid) bin
Waste Management Charge (s501 Local Government Act, 1993)	4-74 or 18-74	Waste Service Charge – Additional Recycling Bin	All rateable land categorised as Farmland, Residential, Mining or Business where the ratepayer requests provision of the additional service. All non-rateable land where provision of the additional service is requested.	$188.00 per additional recycling (yellow lid) bin
Waste Management Charge (s501 Local Government Act, 1993)	20-74	Waste Service Charge – Additional Garden Organics Bin	All rateable land categorised as Farmland, Residential, Mining or Business where the ratepayer requests provision of the additional service. All non-rateable land where provision of the additional service is requested.	$188.00 per additional garden organics (green lid) bin

ITEM NO. 4 **FILE NO: 24/87976**
EDRMS NO: PSC2005-1592

POLICY REVIEW: PUBLIC ACCESS TO STATE RECORDS AFTER 20 YEARS POLICY

REPORT OF: MELISSA DODDS - ORGANISATION SUPPORT SECTION MANAGER
DIRECTORATE: CORPORATE STRATEGY AND SUPPORT

RECOMMENDATION IS THAT COUNCIL:

1) Endorses the revised Public Access to State Records after 20 Years Policy shown at **(ATTACHMENT 1)**.
2) Places the revised Public Access to State Records after 20 Years Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted without a further report to Council.
3) Revokes the Public Access to Records after 30 Years Policy, dated 23 August 2022, Minute No. 224 should no submissions be received.

ORDINARY COUNCIL MEETING - 11 JUNE 2024
MOTION

124	**Councillor Glen Dunkley** **Councillor Matthew Bailey** It was resolved that Council: 1) Endorses the revised Public Access to State Records after 20 Years Policy shown at **(ATTACHMENT 1)**. 2) Places the revised Public Access to State Records after 20 Years Policy, as amended on public exhibition for a period of 28 days and a further report be provided to Council following public exhibition. 3) Revokes the Public Access to Records after 30 Years Policy, dated 23 August 2022, Minute No. 224 should no submissions be received.

Cr Giacomo Arnott moved an amendment to point 2 in the motion, which requires a report back to Council following public exhibition. The amendment was accepted by the mover and seconder.

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council's endorsement of the revised Public Access to State Records after 20 Years Policy (the policy) as shown at **(ATTACHMENT 1)**.

The purpose of this policy is to allow for the public to have greater access to records older than 20 years. The State Records Act 1998 (the Act) was revised in January 2024 and amendments have been made to the policy to ensure consistency with Part 6 of the Act.

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

Strategic Direction	Delivery Program 2022-2026
Governance	Deliver the 4-year program for Corporate Systems and Data Management Strategy.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial implications. All costs associated with the development and implementation of the policy are within the existing budget.

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

LEGAL, POLICY AND RISK IMPLICATIONS

The revised policy meets Council's requirements and is in accordance with the State Records Act 1998 and the Government Information (Public Access) Act 2009.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council's will not meet legislative requirements under the State Records Act 1998.	Low	Adopt the recommendations.	Yes
There is a risk that Council's administrative processes will become outdated.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no known social, economic or environmental implications.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Organisation Support Section.

Internal

- Governance Section.
- Organisation Support Section.
- The Executive Team has been consulted to seek management endorsement.

External

In accordance with local government legislation, the revised Public Access to State Records after 20 Years Policy will go on public exhibition for 28 days.

OPTIONS

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

ATTACHMENTS

1) Revised Public Access to State Records after 20 Years Policy.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 4 - ATTACHMENT 1 REVISED PUBLIC ACCESS TO STATE RECORDS AFTER 20 YEARS POLICY.

Policy

PORT STEPHENS COUNCIL

FILE NO: **PSC2005-1592**

TITLE: **PUBLIC ACCESS TO STATE RECORDS AFTER 20 ~~30~~ YEARS**

OWNER: **ORGANISATION SUPPORT SECTION MANAGER**

1. PURPOSE:

1.1 This policy allows for the public to have greater access to State records older than 20 ~~30~~ years. This means the public may ~~are~~ not be required to request these records through a Government Information (Public Access) request.

2. CONTEXT/BACKGROUND:

2.1 The State Records Act 1998 (the 'Act') promotes the principles of accountability and access by requiring public ~~sector~~ office(s), including local government councils, to create full and accurate records of their business and administrative transactions, and ensuring that records of significant value are preserved. Councils will ensure that all records of continuing value are considered for public access in due course and in accordance with the Attorney General's 'Guidelines on Making Access Directions under Part 6 of the State Records Act 1998'.

3. SCOPE:

3.1 This policy relates to all person(s) who request either personal information or a record from Port Stephens Council that is deemed older than 20 ~~30~~ years. A record is taken to be 20 ~~30~~ years old, when 20 ~~30~~ years have elapsed since it came into existence or since the original record of which it is a copy came into existence.

3.2 Council must ensure that State records for which it is responsible, that are in the open access period, are the subject of an access direction(s). This can be either an open to public access (OPA) direction or a closed to public access (CPA) direction.

3.3 The fact that a record is not open to public access under the ~~this~~ Act does not affect any entitlement to obtain access to information contained in the record under the Government Information (Public Access) Act 2009.

4. DEFINITIONS:

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

Policy

PORT STEPHENS COUNCIL

Access Direction	A closed to public access (CPA) direction or an open to public access (OPA) direction.
Disclose	Make information available and release or provide access to information.
Exercise	A function includes perform a duty.
Person	Includes an agency, the government or another jurisdiction (including a jurisdiction outside Australia) and an agency of the government of another jurisdiction.
Public Office	An office established or continued for a public purpose by or under the provisions of a legislative instrument.
Personal Information	Information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.
Record	Information created, received and maintained as evidence and as an asset by an organisation or person, in pursuit of legal obligations or in the transaction of business.
OPA	Open to public access.
CPA	Closed to public access.

5. STATEMENT:

5.1 The policy is intended to outline the access provisions of the State Records Act 1998 and to explain the rights and obligations of Council and the public, under Part 6 of the Act.

5.2 Council's access directions are given to the Museum of History NSW (MH NSW) in writing in a form approved by MH NSW. Access directions are publicly accessible through a register published on the MH NSW website.

5.3 Assessment as to whether records should be open or closed to public access will be made on the basis of the known or likely contents of a series, group or class of records, not on an individual record basis.

5.4 A State record is deemed to be the subject of an OPA direction on the commencement of the records open access period, unless the record is already the subject of a CPA direction. Criteria for an OPA direction include public interest, whether similar records are already available, OPA precedents, appropriate elapse of time and whether the records are already public knowledge or are available elsewhere. An OPA direction will remain in force until it is revoked.

Policy

PORT STEPHENS COUNCIL

5.5 Criteria for a CPA direction includes whether information has been provided under an expectation of confidentiality, information protected under other legislation, culturally sensitive Indigenous information or would disclose secret or sacred Indigenous tradition, unreasonable disclosure of sensitive personal information, records that may jeopardise the future provision of information, safety and security. A CPA direction will remain in force for ~~the period~~ (up to 5 years~~)~~, unless revoked or renewed sooner ~~specified in the direction and~~. CPA directions will be reviewed every 5 years.

5.6 Application for access to records must be in writing to the Governance Section referencing~~, specifying that access be requested under s.54 of~~ Part 6 of the State Records Act 1998 and detailing the records to which access is required.

5.7 ~~No fee will be payable for Public Access requests.~~ Council may impose a fee when being requested access to State records under Part 6 of the State Records Act 1988. Please refer to Council's Fees and Charges.

5.8 Council will notify applicants of its access decision on their requested record/s in writing.

~~5.8 Documentation of Access Directions will contain sufficient detail to help meet Council's statutory obligations under the State Records Act 1998.~~

5.9 A CPA direction does not affect an individual's entitlement to access a record under the Government Information (Public Access) Act 2009.

6. RESPONSIBILITIES:

6.1 The Organisation Support Section Manager is responsible for ~~the implementation and review of this policy~~ implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.

7. RELATED DOCUMENTS:

7.1 State Records Act 1998 (Part 6).
7.2 Attorney General's Guidelines 'Making Access Directions under the State Records Act 1998'.
7.3 Government Information (Public Access) Act 2009.

Policy

PORT STEPHENS COUNCIL

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2005-1592	**EDRMS record No.**	TBC
Audience	Port Stephens community and Council employees		
Process owner	Organisation Support Section Manager		
Author	Organisation Support Section Manager		
Review timeframe	3 years	**Next review date**	~~23 August 2025~~ TBC
Adoption date	16 May 2000		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	16/5/2000	Information Services Coordinator		267
2.0	24/6/2003	Information Services Coordinator		245
3.0	24/7/2007	Information Services Coordinator		198
4.0	27/9/2011	Information Services Coordinator		344
5.0	14/10/2014	Information Services Coordinator		266

Policy

PORT STEPHENS COUNCIL

Version	Date	Author	Details	Minute No.
6.0	21/09/2016	Information Services Coordinator	Definition of scope, namely what constitutes which documents are available under the State Records Act 1998 and the Government Information (Public Access) Act 2009 inserted. Scope to include legislative direction for access to records under 30 years old (Government Information (Public Access) Act 2009 inserted. The relevant legislation being State Records Act 1998 No 17 current version for 15 January 2016 inserted. Formatted in accordance with PSC Policy template released May 2016. Note: no change in legislation since policy last reviewed in 2014.	
7.0	25/10/2016	Information Services Coordinator	Adopted by Council.	314
8.0	27/11/2018	Business Systems Support Section Manager	No changes to Policy. Template updated to include numbering. Updated EDRMS reference number.	160

Policy

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Version	Date	Author	Details	Minute No.
9.0	27/10/2020	Organisation Support Section Manager	The Public access to records after 30 years was reviewed and updated in the new template. Updated Policy Owner to Organisation Support Section Manager. 4.1 – Updated Records definition to be in line with the Business Operating System. 6.1 – Updated Information Services Coordinator to Senior Records Team Leader. Updated EDRMS reference number.	223
10.0	23/08/2022	Organisation Support Section Manager	6.1 – Deleted 'Senior Records Team Leader' and added 'Organisation Support Section Manager' to reflect current organisation structure.	224

Policy

PORT STEPHENS COUNCIL

11.0	TBC	Organisation Support Section Manager	Reviewed and updated into new template, grammatical amendment and the version control. Title – Inserted 'State', and deleted '30' and replaced with '20'. 1.1 Deleted '30' and replaced with '20'. Deleted 'are not' and replaced with 'may not be'. 2.1 Inserted '(the 'Act'). Deleted 'sector'. 3.1 Deleted '30' and replaced with '20'. 3.2 Inserted Council's responsibility to establish access directions. 3.3 Deleted 'this' replaced with 'the'. 4.1 Added definition for 'Access Direction'. 5.2 Inserted new clause relating to Council's access directions and approval directions. 5.4 Updated definition of how and when an OPA direction is established. 5.5 Updated assessment criteria and renewal timeframes to reflect current Attorney General Guidelines. 5.6 Added 'to the Governance Section' and 'Part 6 of'. Deleted 'specifying that access be requested under s.54 of'. 5.7 Deleted 'No fee will be payable for Public Access requests'. 5.7 Inserted 'Council may	TBC

Policy

PORT STEPHENS COUNCIL

Version	Date	Author	Details	Minute No.
			impose a fee when being requested access to State records under Part 6 of the State Records Act 1988. Please refer to Council's Fees and Charges'. 5.8 Deleted 'Documentation of Access Directions will contain sufficient detail to help meet Council's statutory obligations under the State Records Act 1998'. 6.1 – Updated wording in responsibilities for consistency with the policy template. 7.2 Added 'Attorney General's Guidelines 'Making Access Directions under the State Records Act 1998' to related documents.	

ITEM NO. 5 **FILE NO: 24/110441**
EDRMS NO: PSC2017-00019

RAYMOND TERRACE - COMMUNITY WORKS PROJECTS

REPORT OF: JOHN MARETICH - ASSETS SECTION MANAGER
DIRECTORATE: FACILITIES AND INFRASTRUCTURE

RECOMMENDATION IS THAT COUNCIL:

1) Allocate $90,000 funding for works identified in the Community Projects **(ATTACHMENT 1)**.
2) Continue to work with the Community to progress works.

ORDINARY COUNCIL MEETING - 11 JUNE 2024
MOTION

125	**Councillor Giacomo Arnott** **Councillor Peter Francis** It was resolved that Council: 1) Allocate $90,000 funding for works identified in the Community Projects **(ATTACHMENT 1)**. 2) Continue to work with the Community to progress works.

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council's adoption of the proposed community works projects **(ATTACHMENT 1)** following the recent Raymond Terrace CBD town improvement program.

Council resolved on 27 February 2024 **(ATTACHMENT 2)** that the Mayor and Councillors work with the community to develop projects that would form part of a Raymond Terrace CBD town improvement program. The aim of the CBD town

improvement program is to build community connections, grow community pride and increase vibrancy in the Raymond Terrace town centre with the focus areas being:

- Sturgeon Street
- King Street
- Riverside Park
- Port Stephens Street North
- Port Stephens Street South
- William Street.

Consultation was undertaken at the end of April/beginning of May 2024, where community members provided ideas and projects. The projects preliminary estimates have been costed to ensure that the proposals could be undertaken within a set funding budget. The projects have been prioritised during May 2024.

The projects identified and chosen by the community are in keeping with the Raymond Terrace identity.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Infrastructure and facilities	Provide, manage and maintain community assets in accordance with the SAMP 2023-2033

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding ($)	Comment
Existing budget	Yes	$90,000	
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The community proposed ideas and projects are within the usual delegated works that Council undertakes. Works undertaken by the community will be assisted or supervised by Council staff to ensure that the community members are working safely.

As the chosen projects are within scope of typical works covered within the already approved Integrated Planning and Reporting documents, there is no need to advertise these projects as additional projects.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that projects still in development will exceed the allocated budget.	Low	Council will continue to work with the community to derive an appropriate scope within funding limits.	Yes
There is a risk that proposed works will result in community members working in areas of high risk such as near road travel lanes.	Medium	Works to be undertaken will be assisted by Council staff who will induct and ensure safety of works are maintained throughout the project.	Yes

SUSTAINABILITY IMPLICATIONS
Includes Social, Economic and Environmental Implications

The proposed projects will, once completed, bring the community together increasing social interactions and connections and will improve the visual amenity of the town. This, in turn, leads to increasing numbers using the town space, improved safety and increased business transaction for the neighbouring businesses.

CONSULTATION

Consultation with key stakeholders was undertaken by the West Ward Councillors with the community through discussions, social media, face to face sessions and digital social media input.

OPTIONS

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

ATTACHMENTS

1) Community Projects - To be provided prior to the Council meeting.
2) Raymond Terrace 7 Day Makeover - Minute No. 20 - 27 February 2024.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 5 - ATTACHMENT 2 RAYMOND TERRACE 7 DAY MAKEOVER - MINUTE NO. 20 - 27 FEBRUARY 2024.

MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024

ITEM NO. 10 **FILE NO: 23/308060**
EDRMS NO: PSC2017-00019

RAYMOND TERRACE 7 DAY MAKEOVER

REPORT OF: JOHN MARETICH - ASSETS SECTION MANAGER
DIRECTORATE: FACILITIES AND INFRASTRUCTURE

RECOMMENDATION IS THAT COUNCIL:

1) Requests the General Manager to work with the Mayor and Councillors to develop a scope of works with the community.
2) Requests the General Manager to prepare a report on funding sources to match the scope of works.

ORDINARY COUNCIL MEETING - 27 FEBRUARY 2024
MOTION

020	**Councillor Giacomo Arnott** **Councillor Peter Kafer** It was resolved that Council: 1) Requests the General Manager to work with the Mayor and Councillors to develop a scope of works with the community. 2) Requests the General Manager to prepare a report on funding sources to match the scope of works.

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to provide information to address the 7 Day Makeover Notice of Motion adopted on the 12 December 2023 (**ATTACHMENT 1**).

A Raymond Terrace town community lead beautification program has been summarised into the following options:

- Contracting Creative Communities International 7 Day Makeover program.
- Council lead makeover style program.
- Create a Civic Pride group.

With each of these options, the volume of community input would result in a lower cost to update the towns than if undertaken through traditional means. Historically, works led or created by the community have received greater ownership and maintenance by those who worked on the project.

Creative Communities International (CCI)
The 7 Day Makeover program was created by Creative Communities International (CCI) and has been previously run at Anna Bay and Medowie in 2019 and 2021 respectively. The program is run and managed by CCI with assistance from Council, though the focus is on what the community can do to create a vibrant and usable space. **(ATTACHMENT 2)**.

CCI have provided a price and scope of works for the Raymond Terrace town. The cost is under $100,000.

Council Lead Makeover Style Program
To financially compare a staff lead program with CCI is very much dependent on the actual scope of works even before actual works commence. The scope of works are yet to be determined and will required consultation sessions with Council staff, the Councillors and the community.

Assuming similar project involvement based on previous 7 Day Makeover projects, the estimated price is similar to that provided by CCI. This price includes the engagement of an external consultant and specific contractors that Council does not have, and would be needed to match similar scope of works provided by the CCI program.

The estimated cost does not include insurance, external engagement and communication costs, coverage of the staffing time to create the lead up systems and organisation of the program and actual building materials and goods. The estimated price is very much dependent on the scope of works that is yet to be developed.

Create a Civic Pride Group
Create a Civic Pride group identical to the Nelson Bay Civic Pride. Like in Nelson Bay, this group would be an ongoing and not limited to a short program like the 7 Day Makeover program.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

While the development of scoping the project is within current funds, there are currently no funds allocated to the physical works of this project.

Source of Funds	Yes/No	Funding ($)	Comment
Existing budget	Yes		In kind costs as per recommendation.
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Engaging a contractor directly without going to the market requires a suitable reason. In this case the reason is that Creative Communities International (CCI) are the only company that own and manage the 7 Day Makeover and has a proven history of this program as previously undertaken at Anna Bay and Medowie.

Undertaking the makeover program in house or as a Civic Pride program has minimal legal, policy or risk implications. This statement is based on an assumed scope of works being similar to activities that Council and our volunteers usually undertake. Despite this point, our insurer will be notified to ensure we have appropriate cover for this activity.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the proposed works if managed in house will not be covered by usual Council insurance.	Low	Council's insurer will be contacted before and during the works to ensure usual insurance will cover the program.	Yes
There is a risk that Council does not have the expertise, systems and practices that CCI have in running this program.	Medium	Council will need to engage an external consultant and contractors that Council does not have in-house. This has been factored in estimate.	No

There is a risk that any program will result in assets that could deteriorate causing future costs to Council.	Low	As per previous 7 Day Makeover programs, Council staff will be involved to ensure the final assets will be fit for purpose.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Any of these optional programs promotes the delivery of revitalising a town feel, provides alternatives for Councils and the community to work together and builds community wellbeing as well as ownership of the town in a new creative way. These options not only bring communities together by increasing social interactions and connections, but improves the visual amenity of a town. This in turn leads to increasing numbers using the town space, improved safety and increased business transactions for the neighbouring businesses.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Assets and Communications Sections.

Internal

- A Two Way briefing conversation was held with the Mayor and Councillors on 15 August 2023 to determine the type of program that would suit Raymond Terrace.
- At the time of writing this report, a second Two Way briefing conversation is planned to be held with the Mayor and Councillors the 13 February 2024.

External

- Council staff have enquired about the program with Creative Communities International to seek updated information about the 7 Day Makeover program.

OPTIONS

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

ATTACHMENTS

1) Notice of Motion - Raymond Terrace 7 Day Makeover - 12 December 2023.
2) Sponsor's Guide.

MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024

COUNCILLORS' ROOM

Nil.

TABLED DOCUMENTS

Nil.

Councillor Giacomo Arnott left the meeting at 5:50pm.

ITEM NO. 6 **FILE NO: 24/120423**
EDRMS NO: PSC2023-04091-0002

COMMUNITY SUPPORT FUND

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

RECOMMENDATION IS THAT COUNCIL:

Endorses the allocation of Community Support Funding to the amount of:

1) $2,657 to The Backpack Venture Limited for storage facility upgrade.
2) $982 to Caring for Our Port Stephens Youth Inc. to equip the service with engaging counselling resources for young people.
3) $2,881 to Port Stephens Sister Cities Committee for school based programs, art workshops and an art exhibition for the Sister Cities Wetland Project.
4) $6,000 to Wahroonga Aboriginal Corporation Raymond Terrace to supply their community pantry, to combat the food relief struggle in the community.
5) $6,000 to Port Stephens Family and Neighbourhood Services for supplies for an art therapy program.
6) $6,000 to Port Stephens Suicide Prevention Network for Mental Health First Aid training.
7) $5,480 to Raymond Terrace RSL Sub Branch for Seaham Knitting Circle Memorial Refurbishment.
8) $5,000 to New Life Community Relief Incorporated for a BBQ trailer to expand their services to be able to feed more of the homeless community.

ORDINARY COUNCIL MEETING - 11 JUNE 2024
MOTION

126	**Councillor Peter Francis** **Councillor Glen Dunkley** It was resolved that Council endorses the allocation of Community Support Funding to the amount of: 1) $2,657 to The Backpack Venture Limited for storage facility upgrade. 2) $982 to Caring for Our Port Stephens Youth Inc. to equip the service with engaging counselling resources for young people. 3) $2,881 to Port Stephens Sister Cities Committee for school based programs, art workshops and an art exhibition for the Sister Cities Wetland Project.

	4) $6,000 to Wahroonga Aboriginal Corporation Raymond Terrace to supply their community pantry, to combat the food relief struggle in the community. 5) $6,000 to Port Stephens Family and Neighbourhood Services for supplies for an art therapy program. 6) $6,000 to Port Stephens Suicide Prevention Network for Mental Health First Aid training. 7) $5,480 to Raymond Terrace RSL Sub Branch for Seaham Knitting Circle Memorial Refurbishment. 8) $5,000 to New Life Community Relief Incorporated for a BBQ trailer to expand their services to be able to feed more of the homeless community.

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek endorsement for the allocation of funding from round 2 Community Support Fund 2023/2024.

The Community Support Fund aims to build sustainable local communities and improve the liveability and wellbeing of the Port Stephens community. This grant welcomes applications from community groups and not-for-profit organisations seeking support for projects, activities and events that address community needs.

The total amount of annual funding available is $70,000 with $35,000 available for round 2. Round 2 of the program opened on Monday 19 February 2024 and closed Friday 5 April 2024.

A total of 25 applicants applied for the Community Support Fund. The assessment panel chose 8 applications to be recommended for funding.

The assessment process was carried out in accordance with the program guidelines. The assessment panel included 3 Councillors (1 from each ward), the Mayor and 2 Community Development Officers.

A total of $35,000 is recommended for funding. A summary of recommended applications is provided in **(ATTACHMENT 1)**.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that funds to successful applicants may not be expended or projects uncompleted and/or not acquitted.	Low	Adopt the recommendation. Manage the grant administration process as per the program guidelines.	Yes
There is a risk that unsuccessful applicants are displeased with Council decision-making.	Low	Adopt the recommendation. Assess applications in line with guidelines. Provide feedback and grant writing support to unsuccessful applicants.	Yes
There is a risk that the Council may set a precedent when allocating funds to the community and an expectation those funds will always be available.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendation will result in improved social outcomes for the Port Stephens's community through opportunities to generate social connections and improvements for community wellbeing.

CONSULTATION

The Mayor and Councillors (1 Councillor from each ward) participated as part of the assessment panel.

Internal

Internal consultation on the projects was undertaken with relevant units, including Vibrant Places and Communications.

External

The Community Funding Program was promoted through a range of media channels including print media, social media and digital newsletters. Information on the program was also shared with community groups and networks.

OPTIONS

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

ATTACHMENTS

1) Recommended Application Summary.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 6 - ATTACHMENT 1 RECOMMENDED APPLICATION SUMMARY.

Service	Title	Summary	Amount
The Backpack Venture Limited	Storage Facility Upgrade	The Backpack Venture Limited provides essential school supplies to local schools. They have had an increase in support from the community with donations for the school backpack drives. They therefore, need improved storage for the donated items.	**$2,657**
Caring for Our Port Stephens Youth (COPSY) Inc	Interactive Tools for Engaging Youth in Counselling	COPSY are the management body for Jupiter Youth Counselling Service. Their "Interactive Tools for Engaging Youth in Counselling" will equip their counselling rooms with engaging resources for young clients aged 12-25 years. The tools assist in regulating emotions, recognising personal strengths, assist with trauma, mindfulness, and creativity for a youth-friendly counselling environment.	**$982**
Port Stephens Sister Cities Committee	Sister Cities Wetland Project	2024 is the 30th anniversary of the signing of the Sister Cities Wetlands agreements between the councils of Kushiro (Japan) and Port Stephens. The Sister Cities Wetland Project celebrates this milestone and will include a school based program featuring environmental and art workshops and art exhibition for the community.	**$2,881**
Wahroonga Aboriginal Corporation Raymond Terrace	Wahroonga's Resilience Pantry	Wahroonga Aboriginal Corporation Raymond Terrace would like to purchase food for Wahroonga's Kitchen Connect Hub. The aim is to provide nutritious meals and non-perishable food for the community promoting health education for healthy eating habits and to combat the struggle for the cost of living in Raymond Terrace.	**$6,000**
Port Stephens Family and Neighbourhood Services	Supplies for Art Therapy Program	The Therapeutic Art program is for vulnerable women and young people who have experienced Domestic and Family Violence. This program empowers participants to reclaim their sense of identity, rebuild their self-esteem and envision a future beyond their trauma through artistic creativity and free expression.	**$6,000**

Port Stephens Suicide Prevention Network	Community Frontline Mental Health Training	The Mental Health First Aid training is designed to provide individuals with the skills and knowledge to identify, understand, and respond to signs of mental illness. This training will provide our frontline community members the tools to offer immediate, concrete support to lessen factors that contribute to poor mental health.	**$6,000**
Raymond Terrace RSL Sub_Branch	Seaham Knitting Circle Memorial Refurbishment	The Knitting Circle Memorial on Newline Rd, Seaham has not had any maintenance for a considerable period of time. The fence and flagpole are damaged from termites and the impacts of weather over the years. The Memorial is a significant community asset for ANZAC day and other public gatherings.	**$5,480**
New Life Community Relief Incorporated	NLCR BBQ Trailer	A contribution to the cost of a custom built BBQ trailer will enable the volunteers of New Life Community Relief Incorporated to increase their ability to provide free food to the community. They currently hold regular BBQ's for people who are living in crisis accommodation at Motto Farm and would like to extend this to other areas of the LGA.	**$5,000**

Councillor Giacomo Arnott returned to the meeting at 5:52pm.

ITEM NO. 7 **FILE NO: 24/133975**
EDRMS NO: PSC2022-02308

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 11 June 2024.

No:	Report Title	Page:
1	Carbon Neutrality 2025	208
2	Petition - Draft Coastal Management Plan	217
3	Delegations Report	219
4	Council Resolutions	221

ORDINARY COUNCIL MEETING - 11 JUNE 2024
MOTION

127	**Councillor Peter Kafer** **Councillor Jason Wells** It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 11 June 2024. **No: Report Title** 1 Carbon Neutrality 2025 2 Petition - Draft Coastal Management Plan 3 Delegations Report 4 Council Resolutions

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

Those against the Motion: Nil.

The motion was carried.

INFORMATION PAPERS

ITEM NO. 1 **FILE NO: 24/101395**
EDRMS NO: 79-2022-3-1

CARBON NEUTRALITY 2025

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

BACKGROUND

The purpose of this report is to provide a quarterly update on the development and implementation of a Port Stephens Carbon Neutral Action Plan. The plan seeks to identify and reduce emissions from Council operations in accordance with the Council resolution from 11 April 2023, Minute No. 092 **(ATTACHMENT 1)**.

Council has been working to reduce emissions and achieve Carbon Neutrality within the defined timeframes as well as prepare Council for a Net Zero future in alignment with State and Federal Government commitments.

Council engaged a consultant to assist in the creation of an Emission Reduction Action Plan which has now been completed. The actions identified within the plan are now being implemented across Council's operations.

REPORT STATUS

The table below provides an update on the preparation and implementation of the Emission Reduction Action Plan for Council's operations:

Deliverable	**Status**
Engage carbon specialist consultant.	Complete
Review and update Council's emission data	Complete
Audit Council's emission sources and establish potential emission reduction strategies	Complete
Modelling and evaluation of Council's emission reduction strategies and pathways.	Complete
Preparation and delivery of the Emission Reduction Action Plan.	Complete
Implement, Monitor and Report the Emission Reduction Action Plan – Council will implement the actions outlined in the Action Plan, undertake ongoing monitoring and deliver regular reporting of progress.	Ongoing

Emission Reduction Action Plan (ERAP)

The ERAP provides a strategy to reduce emissions from Council operations over time and details the pathway to achieving Carbon Neutrality in 2025.

The Plan addresses the options, costs and benefits associated with Carbon Neutrality and Net Zero, identifies key strategic objectives and provides a comprehensive exploration of opportunities and actions.

Key strategic objectives and reduction opportunities have been established based on a detailed analysis of Council's existing carbon footprint.

Table 1: Key objectives and key areas of opportunity to reduce emissions.

Key Objectives	Key Areas of Opportunity
• Reduce emissions from refrigerants. • Reduce council gas consumption. • Reduce emissions from Council's fleet. • Optimise charging infrastructure at Council. • Maintain zero emissions from electricity. • Reduce council reliance on grid electricity. • Optimise council electricity consumption. • Reduce emissions from employee commuting. • Reduce emissions from waste. • Consider emissions during procurement and project planning. • Identify funding for carbon reduction projects. • Monitor changes to Council emissions over time.	• Energy efficiency. • Gas to electric technologies. • Sustainable transport. • Renewable energy purchases. • Behind the meter solar. • Energy efficiency. • Waste management. • Low carbon procurement. • Offsetting/ insetting. • Funding opportunities. • Improve data management

To reduce Council's emissions and meet the above objectives, clear and prioritised actions have been developed and are now being implemented over short (2024-2026), medium (2027-2030) and long-term (2030+) timelines.

Table 2 - Emissions Reduction Action Plan

Time frame for implementation	Number of Actions	Example Actions
Short-Term (2024-2026)	53	• Create a plan to transition to low or no emissions vehicles. • Upgrade sports field lighting to LED. • Develop sustainable procurement guidelines.

Time frame for implementation	Number of Actions	Example Actions
Medium-Term (2026-2030)	27	• Begin to transition council off gas. • Continue to investigate battery storage options for Council solar PV systems. • Implement new waste streams.
Long-Term (2030+)	21	• Continue to transition to no emissions vehicles. • Continue to rollout solar and batteries across Council. • Continue to transition Council off gas.

Progress on actions in the ERAP will be provided in a Quarterly Information Paper and retitled to 'Emissions Reduction Action Plan' to align to the document. Council's website will also be updated to provide regular updates to the community on Council's progress on the actions from the ERAP.

Emissions Data Reporting as at Quarter 2 2024:

Due to the relatively short timescale between reporting intervals, there have been no updates from the data previously reported for Quarter 4 2023 to that being reported for Quarter 2 2024. Council is currently investigating methods for more streamlined methods for tracking and efficient reporting of emissions data to Council.

Port Stephens Council*'s* Carbon Footprint for FY2021/22 and FY2022/23*,* including annual emissions reductions is provided in the table below:

Financial Year	Annual Emissions (t-CO2e.p.a)	Annual Emission Reduction (%)
2021/22	12,547	Nil.
2022/23	7,586	39.6%

ATTACHMENTS

1) Minute No. 092, 11 April 2023.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 11 APRIL 2023

ITEM NO. 2 **FILE NO: 22/109005**
EDRMS NO: 79-2022-3-1

CARBON NEUTRALITY PROJECT UPDATE

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

RECOMMENDATION IS THAT COUNCIL:

1) Note the status update for the Carbon Neutrality project.
2) Endorse the allocation of funding for the preparation of the Port Stephens Carbon Neutral Action Plan.

ORDINARY COUNCIL MEETING - 11 APRIL 2023
MOTION

092	**Councillor Leah Anderson** **Councillor Glen Dunkley** It was resolved that Council: 1) Note the status update for the Carbon Neutrality project. 2) Endorse the allocation of funding for the preparation of the Port Stephens Carbon Neutral Action Plan. 3) Quarterly updates be provided in the Council Information Papers on the Carbon Neutrality Action Plan and how Council is tracking to meet the target in 2025.

Councillor Peter Kafer returned to the meeting at 7:52pm.
Councillor Matthew Bailey returned to the meeting at 7:52pm.

Cr Anderson requested the following amendment, which was consented to be included in the motion.

"That quarterly updates be provided in the Council Information Papers on the Carbon Neutrality Action Plan and how Council is tracking to meet the target in 2025."

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to provide a progress update and identify next steps in the development of a Carbon Neutral Action Plan for Port Stephens Council.

At its meeting of 12 October 2021, Minute No. 275 **(ATTACHMENT 1)**, Council resolved to:

1) Commit to the goal of achieving carbon neutrality for Council operations by 2025.
2) Determine a suitable funding source to support Council in achieving this goal.
3) Provide a report to Council on a roadmap to achieving carbon neutrality.

Council has implemented a number of initiatives to reduce operational greenhouse gas (GHG) emissions. A summary of activities and initiatives is as follows:

- Participating in a Power Purchasing Agreement to secure 100% renewable energy from the electricity grid
- Installing a solar photovoltaic system on Council's Administration Building, reducing annual energy consumption by 25%
- Installing solar photovoltaic systems on many of Council's libraries, community centres and Rural Fire Service buildings
- Installing solar pool pre-heating at Lakeside Leisure Centre, Tomaree Aquatic Centre and Tilligerry Aquatic Centre
- Installing solar photovoltaic system and water tank at Salamander Waste Transfer Station
- Use of recycled glass 'greencrete' in capital works projects
- Installing Building Management Systems and Programmable Logic Controllers at our Administration Building, Lakeside Leisure Centre and many sports and community buildings to deliver energy efficiencies and lower operating costs
- Installing variable-speed drives (VSD) at Lakeside Leisure Centre, Kangaroo Street and Stockton Street flood pumps to reduce energy consumption
- Installing energy-saving LED field lighting at sports facilities
- Installing energy-saving LED lighting at Council's Administration Building, Tomaree Library and Community Centre, Council works depots, surf clubs, community centres and halls
- Reduction in overall waste to landfill through reuse of recycled materials and materials diversion. During the data collection period, Council saved 8,865 kg of CO_2-e of GHG emissions by utilising recycled materials over virgin materials
- Cross organisational consultation, data collection and gap analysis in partnership with NSW Sustainability Advantage to establish carbon baseline figures and establish key focus areas.

Whilst the initiatives that Council has put in place have greatly reduced the organisations GHG emissions, a number of areas remain as the focus for further

emissions reductions in order to achieve Carbon Neutral status by the target date of 2025.

The focus areas for continued and future GHG emission reductions include electricity consumption (51%), Councils operational waste to landfill (27%), commuting (13.2%), and fleet vehicles and machinery emissions (8.8%).

In order to progress the project further, Council requires specialist knowledge and expertise that is not resourced within the organisation. Sustainability specialist providers in this industry have been contacted to provide estimated costs for the services required by Council to continue to progress the project.

Should the recommendation be accepted, a sustainability specialist would be engaged through Council's procurement process to undertake the summarised scope of work below:

Deliverables	
Comprehensive Carbon Audits (10 to 15 sites)	Audit of Council's highest emissions producers such as: • Aquatic centres • Waste facilities • Administration buildings • Holiday parks • Libraries • Depots
Comprehensive Cost Benefit Analysis	Consideration and recommendation of emissions reduction options including: • Operational process efficiencies, data collection, monitoring and reporting improvements. • Projected emissions reductions and scenario modelling. • Estimated costs to implement actions. • Estimated costs to maintain operations. • Payback period from operational savings.
Carbon Neutral Action Plan	Preparation of document and agreed action plan for Council endorsement.

Council sought an estimated quote for the provision of the above services, with the assistance from carbon neutral experts. The provision of the above services is estimated at $47,000 (inc. GST). Cost is subject to Council's procurement process to ensure best value of services, and therefore the final cost may change. To continue to progress this project, the allocation of funding for this purpose is requested.

MINUTES ORDINARY COUNCIL - 11 APRIL 2023

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

There is an immediate financial implication for the Carbon Neutrality project to resource the requisite skills and expertise.

Source of Funds	Yes/No	Funding ($)	Comment
Existing budget	Yes		
Reserve Funds	Yes	Est. $47,000	Sustainability Reserve. Adoption of the recommendation will resource the next phase of the Carbon Neutrality project.
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There is not a legal requirement for Council to achieve carbon neutrality. Local Government plays an important role in reducing Australia's GHG emissions in their role as community leaders and creating environmentally sustainable regions. This assists in working towards the NSW State Government's target of achieving net zero emissions by 2050.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a reputational risk that Council would not achieve its commitment to Carbon Neutrality of Council's operational emissions by 2025 should resources not be allocated.	Medium	Accept the recommendation.	Yes
There is a financial risk that Council would need to fund the emissions gap to achieve its commitment to Carbon Neutrality of Council's operational emissions by 2025 should resources not be allocated.	Medium	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS
Includes Social, Economic and Environmental Implications

Council's commitment to achieving carbon neutrality for Council operations by 2025 is an ambitious target that requires sufficient resourcing to be reached. Responding to climate change protects the natural and built environment for the benefit of the community and generations to come. Resourcing this project would reduce potential damage to Council assets, reduce disruption to the delivery of Council's services, reduce future costs associated with GHG emissions and set the example for the Port Stephens community.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section for technical refinement and awareness of the intent of the plan.

Internal

- Community Services Section
- Assets Section
- Finance Section
- Organisational Support Section

External

- NSW Government – Sustainability Advantage

OPTIONS

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

ATTACHMENTS

1) Minute No. 275, 12 October 2021.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 2 **FILE NO: 24/125737**
EDRMS NO: PSC2015-03017

PETITION - DRAFT COASTAL MANAGEMENT PLAN

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

BACKGROUND

The purpose of this report is to advise Council of the receipt of a petition from Tilligerry Habitat Association containing 202 signatures requesting that Port Stephens Council submits a plan and apply for State Government funding to extend the sea wall and a new foreshore path from Tanilba Bay to Mallabula, along Lot 290 of DP 41306, a reserve managed by the Council.

A copy of the petition request is shown as **(ATTACHMENT 1)**.

Port Stephens Council is currently finalising a Coastal Management Program (CMP) to provide strategic direction and actions for implementation in order to address current and future threats to the Port Stephens coastline including the Tilligerry Peninsula.

The CMP is anticipated to be reported to Council for endorsement on 25 June 2024.

At its meeting on 27 February 2024, Council endorsed the draft CMP for exhibition. The draft was publicly exhibited for 28 days from 28 February 2024 to 28 March 2024. During the exhibition period a number of submissions were received including 1 from Tilligerry Habitat Association requesting the above. All the submissions are currently being reviewed, having regard to the whole Port Stephens coastline in the finalisation of the CMP.

ATTACHMENTS

1) Petition request.

COUNCILLORS' ROOM/DASHBOARD

1) Petition.

TABLED DOCUMENTS

Nil.

ITEM 2 - ATTACHMENT 1 PETITION REQUEST.

Tilligerry Habitat Association - PETITION – Port Stephens residents only

Foreshore sea wall and path – Tanilba Bay to Mallabula - to prevent further erosion

(Port Stephens Coastal Management Program)

We, the undersigned residents of Port Stephens, request that Port Stephens Council submits a plan and apply for State Government funding to extend the sea wall and a new foreshore path from Tanilba Bay to Mallabula, along lot 290 of DP 41306, a reserve managed by the Council.

ITEM NO. 3 **FILE NO: 24/27776**
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 3 - ATTACHMENT 1 DELEGATIONS REPORT.

MAYOR AND GENERAL MANAGER DELEGATION REPORT

Date exercised	Delegations exercised	Purpose	Role exercising delegation	Reported to Council
23/05/2024	Clause 178 of the Local Government (General) Regulation 2021	Acceptance of tender T10-2024 - Urban Design Panel	General Manager	11/06/2024
27/05/2024	Code of Meeting Practice	Approval of Public Access Application for DA 16-2024-45-1 - 226 Sandy Point Road, Salamander Bay	Mayor	11/06/2024

ITEM NO. 4 **FILE NO: 24/121765**
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.

PORT STEPHENS COUNCIL

	Division: Community Futures	**Date From:**	10/10/2023
	Committee:	**Date To:**	28/05/2024
	Officer:		
Action Sheets Report		**Printed:**	**Wednesday, 29 May 2024**

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 10/10/2023	Lamont, Brock Peart, Steven	URGENCY MOTION: Wind Farm Industry	30/03/2025		

29 May 2024
The General Manager has written to the requested delegates as outlined within the motion. A Councillor briefing with DCCEEW was undertaken on 20 February 2024. Council's delegation met with the Minister on 19 March 2024. Council is working to complete all outstanding actions as endorsed.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 3	Ordinary Council 28/11/2023	Lamont, Brock Peart, Steven	Administrative Amendment to the Port Stephens Local Environmental Plan 2013	13/08/2024	29/11/2023	23/324875

27 May 2024
The Administrative Amendment was exhibited from 10 April 2024 to 10 May 2024. A report is scheduled to be presented to Council at its meeting of 9 July 2024.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 4	Ordinary Council 28/11/2023	Lamont, Brock Peart, Steven	RAMSAR Listing for Mambo Wanda Wetlands	30/12/2025	29/11/2023	23/324875

27 May 2024
A briefing will be undertaken next term following receipt of responses from State and Federal Ministers.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 2	Ordinary Council 12/12/2023	Peart, Steven Peart, Steven	Advertising Signs - Nelson Bay Road	12/07/2024	14/12/2023	23/359154

29 May 2024
Council report has been prepared and will be reported to 9 July 2024 Council meeting.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 2	Ordinary Council 27/02/2024	Lamont, Brock Peart, Steven	Draft Port Stephens Development Control Plan 2014 - Chapter D12 Richardson Road	1/12/2024	28/02/2024	24/50158

27 May 2024
Council resolved to defer Draft DCP - Chapter D12 Richardson Road for a Two Way conversation with the Mayor and Councillors to discuss the original motion and subsequent amendment. Council is reviewing work plans to integrate preparation and a Two Way will be held on 16 July 2024 to facilitate further discussions.

PORT STEPHENS COUNCIL

	Division: Community Futures	**Date From:**	10/10/2023
	Committee:	**Date To:**	28/05/2024
	Officer:		
Action Sheets Report		**Printed:**	**Wednesday, 29 May 2024**

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 3 014	Ordinary Council 27/02/2024	Lamont, Brock Peart, Steven	Draft Port Stephens Development Control Plan - Road Network and Parking (Electric Vehicles)	1/12/2024	28/02/2024	24/50158

27 May 2024
Council resolved to endorse the Port Stephens Development Control Plan 2014 Chapter B8 Road Network and Parking (electric vehicles) and provide public notice. Council is reviewing work plans to integrate outstanding actions and further report preparation.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 4 015	Ordinary Council 27/02/2024	Lamont, Brock Peart, Steven	Exhibition of draft Port Stephens Coastal Management Program	25/06/2024		24/50158

27 May 2024
Council endorsed the draft Coastal Management Program and associated appendices to be placed on public exhibition, commencing 28 February 2024 and concluding 28 March 2024. Council has commenced complementary community engagement. A further report is forecasted to be presented to Council for consideration at its meeting of 25 June 2024.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 1 037	Ordinary Council 12/03/2024	Grobbelaar, Evert Peart, Steven	Notification from Developers Prior to Clearing of Major Vegetation	12/07/2024	13/03/2024	24/63800

29 May 2024
A report has been prepared and will be presented to Council on 9 July 2024.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 1 043	Ordinary Council 26/03/2024	Lamont, Brock Peart, Steven	Revised Local Housing Strategy	25/06/2024	27/03/2024	24/75831

27 May 2024
Council resolved to place the revised Port Stephens Local Housing Strategy on public exhibition for a period of 28 days. Following exhibition a report has been prepared and will be reported to Council on 25 June 2024.

PORT STEPHENS COUNCIL

	Division: Community Futures	**Date From:**	10/10/2023
	Committee:	**Date To:**	28/05/2024
	Officer:		
Action Sheets Report		**Printed:**	**Wednesday, 29 May 2024**

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/03/2024	Lamont, Brock	Draft Port Stephens Development Control Plan - Chapter B1 Tree Management and B2 Flora and Fauna	12/07/2024	27/03/2024	
2 044		Peart, Steven				24/75831

27 May 2024
The draft Port Stephens Development Control Plan 2014 Chapter B1 Tree Management and B2 Flora and Fauna was exhibited from 2 April 2024 to 30 April 2024. A report is scheduled to be presented to Council at its meeting of 9 July 2024.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/03/2024	Lamont, Brock	Draft Voluntary Planning Agreement - Hanson Construction Materials Pty Ltd	12/06/2024	27/03/2024	
3 045		Peart, Steven				24/75831

27 May 2024
The draft Voluntary Planning Agreement between Council and Hanson Constructions Materials Pty Ltd, together with the accompanying explanatory note, was exhibited 28 March 2024 to 29 April 2024. A report has been prepared and will be reported to Council on 11 June 2024.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/05/2024	Grobbelaar, Evert	Planning Policies	23/07/2024		
2		Peart, Steven				24/115689

29 May 2024
As per Council Resolution of 14 May 2024, policies will be placed on public exhibition for a period of 28 days. Following exhibition, policies will be reported back to Council should submissions be received.

ITEM 4 - ATTACHMENT 2 CORPORATE STRATEGY AND SUPPORT RESOLUTIONS.

PORT STEPHENS COUNCIL

	Division: Corporate Strategy and Support	**Date From:**	27/08/2013
		Date To:	28/05/2024
	Committee:		
	Officer:		
Action Sheets Report		**Printed:**	**Wednesday, 29 May 2024**

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 27/08/2013	Pattison, Zoe	Campvale Drain	31/12/2024		
243		Pattison, Zoe				

29 May 2024
Awaiting final execution of easement documentation for 2 properties. All other properties (with exception of these 2) have been finalised.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Property Investment and Development Policy	31/12/2024	12/10/2022	
1		Pattison, Zoe				22/273002

29 May 2024
Public Exhibition deferred to allow for further clarification on the distribution of funds.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Acquisition and Divestment of Land	31/12/2024	12/10/2022	
2		Pattison, Zoe				22/273002

29 May 2024
Report deferred to allow for further clarification on the distribution of funds.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Pattison, Zoe	22 Homestead Street, Salamander Bay	31/12/2024	12/04/2023	
5 088		Pattison, Zoe				23/92450

29 May 2024
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	31/12/2024		
1 193		Pattison, Zoe				23/214729

29 May 2024
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.

ITEM 4 - ATTACHMENT 2 CORPORATE STRATEGY AND SUPPORT RESOLUTIONS.

PORT STEPHENS COUNCIL

	Division: Corporate Strategy and Support	**Date From:**	27/08/2013
		Date To:	28/05/2024
	Committee:		
	Officer:		
Action Sheets Report		**Printed:**	**Wednesday, 29 May 2024**

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/11/2023	Pattison, Zoe	Sale of closed roads in Raymond Terrace	31/12/2024	29/11/2023	
1		Pattison, Zoe				23/324875

29 May 2024
2 of the roads are currently being marketed. An Expression of Interest for the remaining road is underway.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/04/2024	Pattison, Zoe	Proposed Sale of Land - Heatherbrae	23/07/2024	24/04/2024	
1		Pattison, Zoe				24/100180

29 May 2024
Matter considered at the Council meeting on 23 April 2024. Deferred to 23 July 2024.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/05/2024	Pattison, Zoe	Medowie Social	31/12/2024		
1		Pattison, Zoe				24/115689

29 May 2024
A Development Application for a change of use to a Registered Club will be prepared. In addition, further community consultation is to be undertaken in June 2024 with the outcomes of the consultation to be provided to Councillors via a Two way conversation in July 2024.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2024	Peterkin, Glen	Proposed Sale or Lease of 528 Hunter Street, Newcastle	30/11/2024	29/05/2024	
1		Pattison, Zoe				24/131056

29 May 2024
Marketing underway for a sale or lease scenario. The outcome of the negotiations will be reported back to Council.

ITEM 4 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE RESOLUTIONS.

PORT STEPHENS COUNCIL

	Division: Facilities and Infrastructure	**Date From:**	11/04/2023
	Committee:	**Date To:**	28/05/2024
	Officer:		
Action Sheets Report		**Printed:**	**Wednesday, 29 May 2024**

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Maretich, John	Naming Recreation Precinct at Medowie after Geoff Dingle	30/06/2025	12/04/2023	
2 085		Kable, Gregory				23/92450

29 May 2024
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	Ordinary Council 27/02/2024	Maretich, John	Raymond Terrace 7 Day Makeover	23/07/2024		
10 020		Kable, Gregory				24/50158

29 May 2024
Face to face consultation has been completed with projects being scoped and priced with community voting commencing soon.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/04/2024	Maretich, John	Lakeside Sports Complex Masterplan	26/07/2024	24/04/2024	
3		Kable, Gregory				24/100180

29 May 2024
Public exhibition has been completed and a report is being prepared for Council.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/04/2024	Maretich, John	Mallabula Sports Complex Masterplan	26/07/2024	24/04/2024	
4		Kable, Gregory				24/100180

29 May 2024
Public exhibition has been completed and a report is being prepared for Council.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2024	Maretich, John	Bus Stop Infrastructure Plan	31/03/2025	29/05/2024	
1		Kable, Gregory				24/131056

29 May 2024
As per Council resolution a review of the Bus Stop Infrastructure will be undertaken.

ITEM 4 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE RESOLUTIONS.

PORT STEPHENS COUNCIL

	Division: Facilities and Infrastructure	**Date From:**	11/04/2023
	Committee:	**Date To:**	28/05/2024
	Officer:		
Action Sheets Report		**Printed:**	**Wednesday, 29 May 2024**

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2024	Maretich, John	Pathways Review	31/03/2025	29/05/2024	
2		Kable, Gregory				24/131056
29 May 2024 As per Council resolution, staff will undertake a review of Council's pathways plans.						

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PORT STEPHENS COUNCIL

	Division: General Manager's Office	**Date From:**	11/04/2023
	Committee:	**Date To:**	28/05/2024
	Officer:		
Action Sheets Report		**Printed:**	**Wednesday, 29 May 2024**

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Walker, Ashley	Financial Assistance	30/06/2024	12/04/2023	
3		Crosdale, Timothy				23/92450
083						
29 May 2024 Awaiting necessary paperwork to process payments.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/04/2024	Wickham, Tony	Privacy Management Plan	30/06/2024	10/04/2024	
7		Crosdale, Timothy				24/85501
29 May 2024 Report will be presented to Council on 25 June 2024.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/05/2024	Wickham, Tony	Policy Review: Councillor Induction and Professional Development	20/06/2024	15/05/2024	
3		Crosdale, Timothy				24/115689
29 May 2024 Policy will be on public exhibition until 14 June 2024.						

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NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1 **FILE NO: 24/132411**

EDRMS NO: PSC2021-04195

MEDOWIE SOCIAL

COUNCILLOR: CHRIS DOOHAN

THAT COUNCIL:

1) Requests the General Manager establish an internal cash restriction to segregate any excess commercial revenue generated from Medowie Social be retained for the specific purpose of funding projects within the Medowie Place Plan. Establishing a specific cash reserve will seek to retain any excess commercial revenue raised from the facility staying within the Medowie community.

ORDINARY COUNCIL MEETING - 11 JUNE 2024
MOTION

128	**Councillor Chris Doohan** **Councillor Jason Wells** It was resolved that Council requests the General Manager establish an internal cash restriction to segregate any excess commercial revenue generated from Medowie Social be retained for the specific purpose of funding projects within the Medowie Place Plan or Medowie Sporting Facilities (in consultation with the Medowie Sports Council). Establishing a specific cash reserve will seek to retain any excess commercial revenue raised from the facility staying within the Medowie community.

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND REPORT OF: GLEN PETERKIN – FINANCIAL SERVICES SECTION MANAGER

BACKGROUND

The purpose of this Notice of Motion is to request the General Manager establish an internal cash restriction from excess commercial revenue derived from Medowie Sports and Community Facility otherwise known as 'Medowie Social' at 36A Ferodale Road, Medowie.

The Medowie Social is a Council owned building which was constructed to provide a high quality facility that can be utilised by the growing population of Medowie as well as the wider Port Stephens community.

The facility opened in 2020 and was leased to a food and beverage operator following a public expression of interest process. In 2023, the tenant elected not to renew their lease, as a result Council staff investigated a number of leasing options with large and small scale hospitality providers. As a result another small hospitality operator was secured and commenced a short term lease.

As per the Notice of Motion, an internal cash restriction could be introduced in order to assist in funding projects identified in the Medowie Place Plan. However, the restrictions relating to the current use have impacted on the facility's ability to generate commercial revenue above what is required to operate and maintain the building. As a result, there has been no excess revenue generated from the facility to date.

At the Ordinary meeting of Council of 14 May 2024, Minute No. 095 **(ATTACHMENT 1)** it was resolved that Council:

1) Requests that the General Manager prepare a Development Application for a change of use to a Registered Club at 36A Ferodale Road, Medowie.
2) Requests that the General Manager engage in community consultation with the Medowie community, presenting them with a range of options for potential future use of Medowie Social, including the ability to make their own suggestions, in a survey format, to provide Council with verifiable feedback on what the Medowie community sees as the future of the Medowie Social site.
3) The outcomes of the community consultation are to be communicated to Councillors in a two way conversation as soon as the consultation is complete.

A community survey is currently being undertaken with the results of that survey to be communicated to Councillors in a two way presentation in July 2024.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

1) Ordinary Council Minutes - 14 May 2024 - Minute No. 095.

MINUTES ORDINARY COUNCIL - 14 MAY 2024

Councillor Glen Dunkley returned to the meeting at 5.58pm.

NOTICE OF MOTION

ITEM NO. 1 **FILE NO: 24/94571**

EDRMS NO: PSC2021-04195

MEDOWIE SOCIAL

COUNCILLORS: CHRIS DOOHAN, STEVE TUCKER & JASON WELLS

THAT COUNCIL:

1) Requests that the General Manager prepare and submit a Development Application for a change of use to a Registered Club at 36A Ferodale Road, Medowie.

ORDINARY COUNCIL MEETING - 14 MAY 2024
MOTION

095	**Councillor Jason Wells** **Councillor Chris Doohan** It was resolved that Council: 1) Requests that the General Manager prepare a Development Application for a change of use to a Registered Club at 36A Ferodale Road, Medowie. 2) Requests that the General Manager engage in community consultation with the Medowie community, presenting them with a range of options for potential future use of Medowie Social, including the ability to make their own suggestions, in a survey format, to provide Council with verifiable feedback on what the Medowie community sees as the future of the Medowie Social site. 3) The outcomes of the community consultation are to be communicated to Councillors in a two-way conversation as soon as the consultation is complete.

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND REPORT OF: ZOE PATTISON, DIRECTOR CORPORATE STRATEGY AND SUPPORT

BACKGROUND

The purpose of this report is to request the General Manager prepare and submit a Development Application for a change of use to a Registered Club at 36A Ferodale Road, Medowie.

Medowie Sports and Community Facility known as 'Medowie Social', is a Council owned facility which was built to provide a high quality facility that can be utilised by the growing population of Medowie as well as the wider Port Stephens community.

The facility is located at 36A Ferodale Road, Medowie (Lot: 1 DP1003417) with a total floor area of 859 square metres. A locality plan is provided at **(ATTACHMENT 1)**.

The facility opened in 2020 and was leased to a highly experienced food and beverage operator. In 2023, the previous tenant elected not to renew their lease.

In 2023, Council staff investigated a number of leasing options that included local Registered Club establishments. There was limited interest in the premises due to the restrictions relating to current approved use and limitations; including the restriction on electronic gambling.

Eventually, another hospitality operator was secured and commenced a 1 year lease. This lease expires on 30 October 2024. Noting the difficulties in securing a tenant, it is an opportune time to review the long term planning for Medowie Social.

The alternatives that could be considered for the future use to ensure its commercial viability are:

1) Lodge a Development Application for a change of use to a Registered Club which allows for flexibility in future decision making.
2) Leave the current status quo and remain as is.

A Constitution, Plan of Management, Bi-laws and Lease for a Registered Club can ensure:

- Council control over the use including provision of quarterly financial/membership details.
- A portion of profits are returned to the community.

A Registered Club would likely attract experienced licensees ensuring the facility is available for community use and benefit while operating consistently and over a longer term.

In addition to the Development Application, the property can be considered to be rezoned as part of the broader Medowie Town Centre improvements which are currently underway. This may include investigating alternate uses for the facility and/or broader site.

FINANCIAL/RESOURCE IMPLICATIONS

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

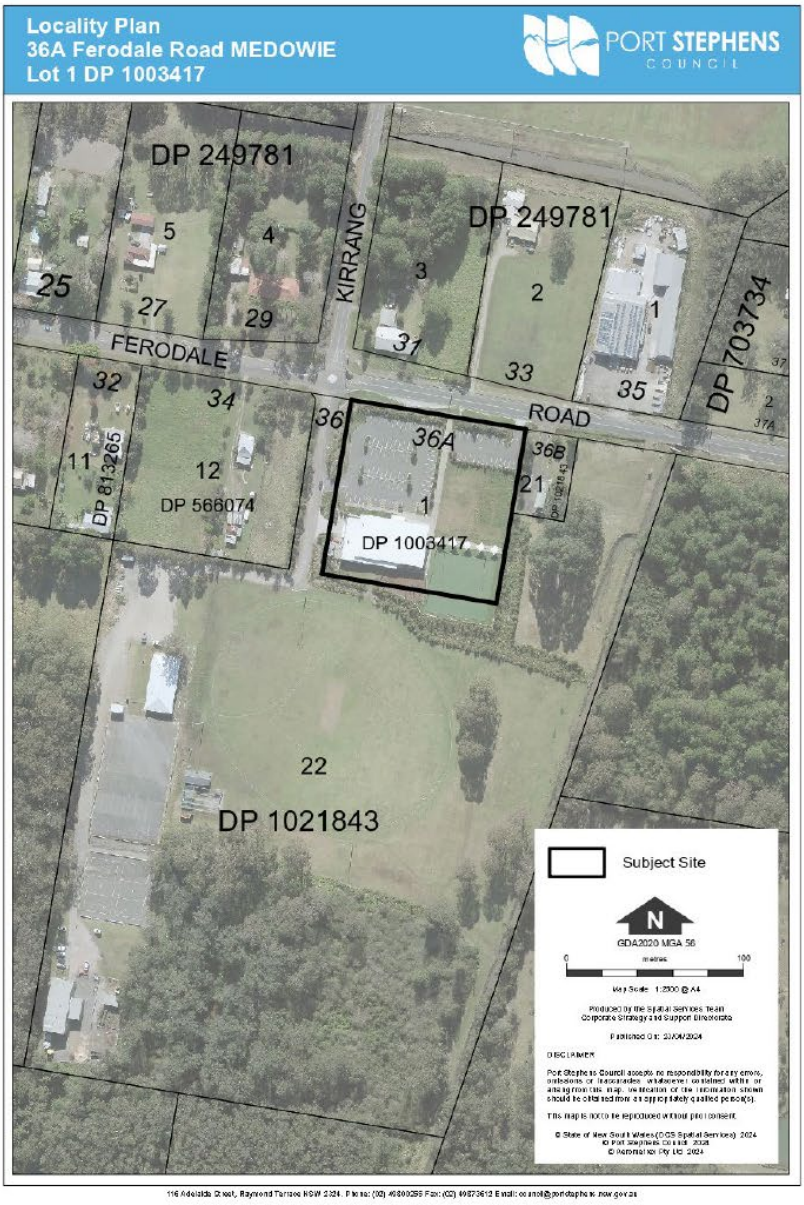
ATTACHMENTS

1) Locality Plan.

ITEM 1 - ATTACHMENT 1 ORDINARY COUNCIL MINUTES - 14 MAY 2024 - MINUTE NO. 095.

MINUTES ORDINARY COUNCIL - 14 MAY 2024

ITEM 1 - ATTACHMENT 1 LOCALITY PLAN.



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.

ORDINARY COUNCIL MEETING – 11 JUNE 2024
MOTION

129	**Councillor Giacomo Arnott** **Councillor Matthew Bailey** It was resolved that Council move into confidential session.

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

Those against the Motion: Nil.

The motion was carried.

ORDINARY COUNCIL MEETING - 11 JUNE 2024
PROCEDURAL MOTION

130	**Councillor Giacomo Arnott** **Councillor Jason Wells** It was resolved that the confidential Mayoral Minute be moved to the first item of business in the confidential session.

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

Those against the Motion: Nil.

The motion was carried.

The General Manager and Director Facilities and Infrastructure and Director Community Futures left the meeting for the confidential Mayoral Minute.

CONFIDENTIAL

MAYORAL MINUTE

ITEM NO. 1 **FILE NO: 24/133612**
EDRMS NO: PSC2017-00180

GENERAL MANAGER'S CONTRACT OF EMPLOYMENT

ORDINARY COUNCIL MEETING - 11 JUNE 2024
MOTION

131	**Mayor Ryan Palmer** **Councillor Leah Anderson** It was resolved that Council: 1) Endorses the General Manager's Total Remuneration Package as negotiated with the Mayor and Deputy Mayor as outlined in this report. 2) Delegates authority to the Mayor to finalise the General Manager's Contract of Employment consistent with the terms outlined in this report. 3) Endorses the Mayor to act as Council's delegate for the purpose of the General Manager's Contract of Employment. 4) Authorises the Mayor and a Councillor to sign and affix the Seal of Council to the Contract of the General Manager.

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

Those against the Motion: Nil.

The motion was carried.

Cr Peter Kafer left the meeting at 6:10pm and did not return to the meeting.

CONFIDENTIAL

ITEM NO. 1 **FILE NO: 24/79827**
EDRMS NO: PSC2020-01119

ACQUISITION OF EASEMENT FOR RIGHT OF PUBLIC ACCESS - FERN BAY

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

ORDINARY COUNCIL MEETING - 11 JUNE 2024
MOTION

132	**Councillor Chris Doohan** **Councillor Glen Dunkley** It was resolved that Council: 1) Authorises the acquisition of easement for Right of Public Access (3 metres wide) through Lot 2 DP 881206. 2) Authorises the payment of compensation and disbursements in accordance with the confidential terms and conditions of this report. 3) Authorises the General Manager to sign all documentation required to create the easement as Council's authorised representative.

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

Those against the Motion: Nil.

The motion was carried.

CONFIDENTIAL

ITEM NO. 2 **FILE NO: 24/124540**
EDRMS NO: PSC2022-02800

PROPOSED SALE OF 7A WATT STREET, RAYMOND TERRACE

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

ORDINARY COUNCIL MEETING - 11 JUNE 2024
MOTION

133	**Councillor Giacomo Arnott** **Mayor Ryan Palmer** It was resolved that Council: 1) Authorises the sale of Council owned land at 7A Watt Street, Raymond Terrace on the terms and conditions detailed in the body of this report. 2) The monies raised from this sale will be retained for use in Raymond Terrace additional to planned road asset servicing levels. 3) Authorises the General Manager to negotiate contract conditions, excluding price. 4) Authorises the Mayor and General Manager to sign all documents required to enact the sale, including Contract for Sale and Transfer as Council's authorised representative.

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

Those against the Motion: Nil.

The motion was carried.

ORDINARY COUNCIL MEETING – 11 JUNE 2024
MOTION

134	**Councillor Chris Doohan** **Councillor Steve Tucker** It was resolved that Council move out of confidential session.

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

Those against the Motion: Nil.

The motion was carried.

There being no further business the meeting closed at 6:14pm.