

NOTICE OF ORDINARY MEETING

26 AUGUST 2025



The Mayor and Councillors attendance is respectfully requested:

Mayor: L Anderson (Chair).

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

SCHEDULE OF MEETINGS

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

Please Note:

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

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

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

Food and beverages are not permitted in the Council Chamber.

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TERRACE

BUSINESS

- 1) Opening meeting.
- 2) Acknowledgement of Country
We acknowledge the Worimi people as the original Custodians and inhabitants of Port Stephens. We acknowledge and pay respects to Worimi elders past and present. May we walk the road to tomorrow with mutual respect and admiration as we care for the beautiful land and waterways together.
- 3) Prayer
 - i. We recognise the rich cultural and religious diversity in Port Stephens and pay respect to the beliefs of all members of our community, regardless of creed or faith.
 - ii. Almighty God, we ask for your blessing as we meet together on behalf of our community. So that today and into the future, you would direct and favour our deliberations to advance the welfare, safety and prosperity of our region. Amen.
- 4) Apologies and applications for a leave of absence from Mayor and Councillors.
- 5) Disclosures of interests.
- 6) Confirmation of minutes.
- 7) Mayoral minute(s).*
- 8) Motions to close meeting to the public.*
- 9) Reports to Council.
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- 11) Questions with Notice.*
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- 13) Notices of motions.*
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- 15) Confidential matters.*
- 16) Conclusion of the meeting.

**if submitted*

Statement of Ethical Obligations

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

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

PRINCIPLES FOR LOCAL GOVERNMENT

Port Stephens Council is a local authority constituted under the Local Government Act 1993. The Act includes the Principles for Local Government for all NSW Councils.

The object of the principles for councils is to provide guidance to enable councils to carry out their functions in a way that facilitates local communities that are strong, healthy and prosperous.

Guiding principles for Council

1) Exercise of functions generally

The following general principles apply to the exercise of functions by Council. Council should:

- a. provide strong and effective representation, leadership, planning and decision-making.
- b. carry out functions in a way that provides the best possible value for residents and ratepayers.
- c. plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- d. apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- e. work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- f. manage lands and other assets so that current and future local community needs can be met in an affordable way.
- g. work with others to secure appropriate services for local community needs.
- h. act fairly, ethically and without bias in the interests of the local community.
- i. be responsible employers and provide a consultative and supportive working environment for staff.

2) Decision-making

The following principles apply to decision-making by Council (subject to any other applicable law). Council should:

- a. recognise diverse local community needs and interests.
- b. consider social justice principles.
- c. consider the long term and cumulative effects of actions on future generations.
- d. consider the principles of ecologically sustainable development.
- e. Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

3) Community participation

Council should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

Principles of sound financial management

The following principles of sound financial management apply to Council. Council should:

- a. spend responsible and sustainable, aligning general revenue and expenses.
- b. invest in responsible and sustainable infrastructure for the benefit of the local community.
- c. have effective financial and asset management, including sound policies and processes for the following:
- d. performance management and reporting,
- e. asset maintenance and enhancement,
- f. funding decisions,
- g. risk management practices.
- h. have regard to achieving intergenerational equity, including ensuring the following:
 - (i) policy decisions are made after considering their financial effects on future generations,
 - (ii) the current generation funds the cost of its services.

Integrated planning and reporting principles that apply to Council

The following principles for strategic planning apply to the development of the integrated planning and reporting framework by Council. Council should:

- a. identify and prioritise key local community needs and aspirations and consider regional priorities.
- b. identify strategic goals to meet those needs and aspirations.
- c. develop activities, and prioritise actions, to work towards the strategic goals.
- d. ensure that the strategic goals and activities to work towards them may be achieved within council resources.
- e. regularly review and evaluate progress towards achieving strategic goals.
- f. maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.
- g. collaborate with others to maximise achievement of strategic goals.
- h. manage risks to the local community or area or to the council effectively and proactively.
- i. make appropriate evidence-based adaptations to meet changing needs and circumstances.

PORT STEPHENS COMMUNITY STRATEGIC PLAN

The Local Government Act requires Council to adopt a Community Strategic Plan (10+ years). The Plan includes a Delivery Program (4 years), Annual Operational Plan and a Resource Strategy, it also includes the Council's budget.

The Community Strategic Plan is organised into 4 focus areas:

OUR COMMUNITY – An accessible and welcoming community respecting diversity, heritage and culture.

OUR PLACE – A liveable and connected place supporting community wellbeing and local economic growth.

OUR ENVIRONMENT – Port Stephens' environment is clean and green, protected and enhanced.

OUR COUNCIL – Port Stephens Council leads, manages and delivers valued community services in a responsible way.

BUSINESS EXCELLENCE

Port Stephens Council is a quality and a customer service focused organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on 9 principles.

These outcomes align with the following Business Excellence principles:

- 1) Clear direction and mutually agreed plans enable organisational alignment and focus on achievement of goals.
- 2) Understanding what customers and other stakeholders value, now and in the future, enables organisational direction, strategy and action.
- 3) All people work in a system. Outcomes are improved when people work on the system and its associated processes.
- 4) Engaging people's enthusiasm, resourcefulness and participation improves organisational performance.
- 5) Innovation and learning influence the agility and responsiveness of the organisation.
- 6) Effective use of facts, data and knowledge leads to improved decisions.
- 7) Variation impacts predictability, profitability and performance.
- 8) Sustainable performance is determined by an organisation's ability to deliver value for all stakeholders in an ethically, socially and environmentally responsible manner.
- 9) Leaders determine the culture and value system of the organisation through their decisions and behaviour.

MEETING PROCEDURES SUMMARY

Starting time – All meetings must commence within 30 minutes of the advertised time.

Quorum – A quorum at Port Stephens Council is 6.

Declarations of Interest

Pecuniary – Councillors who have a pecuniary interest must declare the interest, not participate in the debate and leave the meeting.

Non-Pecuniary – Councillors are required to indicate if they have a non-pecuniary interest, should a Councillor declare a significant non-pecuniary they must not participate in the debate and leave the meeting. If a Councillor declares a less than significant non-pecuniary they must state why no further action should be taken. Councillors may remain in the meeting for a less than significant non-pecuniary.

Confirm the Minutes – Councillors are able to raise any matter concerning the Minutes prior to confirmation of the Minutes.

Public Access – Each speaker has 5 minutes to address Council with no more than 2 for and 2 against the subject.

Motions and Amendments

Moving Recommendations – If a Committee recommendation is being moved, ie been to a Committee first, then the motion must be moved and seconded at Council prior to debate proceeding. A Councillor may move an alternate motion to the recommendation.

Amendments – A Councillor may move an amendment to any motion however only one amendment or motion can be before Council at any one time, if carried it becomes the motion.

Seconding Amendments – When moving an amendment, it must be seconded or it lapses.

Incorporating Amendments – If a motion has been moved and the mover and seconder agree with something which is being moved as an amendment by others, they may elect to incorporate it into their motion or amendment as the case may be.

Voting Order – When voting on a matter the order is as follows:

- 1) Amendment (If any)
- 2) Foreshadowed Amendments – (If any, and in the order they were moved)
- 3) Motion

NB – Where an amendment is carried, there must be another vote on the amendment becoming the motion.

Voting – an item is passed where a majority vote for the subject. If the voting is tied the Chairperson has a second (casting) vote which is used to break the deadlock.

Closed Session – There must be a motion to close a meeting. Prior to voting on the motion the chairperson will invite the gallery to make representations if they believe the meeting shouldn't be closed. Then Councillors vote on the matter. If adopted the gallery should then be cleared and the matter considered in closed session. Any decision taken in session closed is a resolution. There must be a motion to reopen the Council meeting to the public. If decision occurred in 'closed session', the meeting is advised of the resolution in 'open session'.

Procedural Motion – Is a motion necessary for the conduct of the meeting, it is voted on without debate, eg defer an item to the end of the meeting (however, to defer an item to another meeting is not a procedural motion), extend the time for a Councillor to speak etc.

Urgency Motion – Is a motion that can be moved at a meeting to have a matter considered at a meeting. An urgency motion (procedural motion) can be moved and seconded to have a matter considered, and if passed and the Mayor rules the matter is of great urgency (ie cannot wait until the next Council meeting), then the substantive motion can be moved, seconded and debated as a motion. If the procedural motion is lost or the Mayor does not rule the matter is of great urgency the motion fails to proceed any further and Council resumes to normal business listed on the agenda.

Points of Order – when any of the following are occurring or have occurred a Councillor can rise on a 'Point of Order', the breach is explained to the Chairperson who rules on the matter.

A Point of Order can be raised where:

- 1) There has been any non-compliance with procedure, eg motion not seconded etc.
- 2) A Councillor commits an act of disorder:
 - a. Contravenes the Act, any Regulation in force under the Act, the Code of Conduct or this Code.
 - b. Assaults or threatens to assault another Councillor or person present at the meeting.
 - c. Moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or Committee, or address or attempts to address the Council or Committee on such a motion, amendment or matter.
 - d. Insults or makes personal reflections on or imputes improper motives to any other Councillor, any staff member or alleges a breach of Council's Code of Conduct.

- e. Says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Committee into disrepute.

Declarations of Conflict of Interest – Definitions

Pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated as provided in Clause 7 of the Code of Conduct.

Non Pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Code of Conduct. These commonly arise out of family or personal relationships or involvement in sporting, social or other cultural groups and associations and may include an interest of financial nature.

The matter of a report to council from the conduct review committee/reviewer relates to the public duty of a Councillor or the general manager. Therefore, there is no requirement for Councillors or the General Manager to disclose a conflict of interest in such a matter.

The political views of a Councillor do not constitute a private interest.



Form of Special Disclosure of Pecuniary Interest

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

ORDINARY COUNCIL - 26 AUGUST 2025

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

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

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

to be held on the _____ day of _____ 20__

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

¹ Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

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

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

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

Mayor/Councillor's signature _____

Date _____

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



Declaration of Interest form

Agenda item No. _____

Report title _____

Mayor/Councillor _____ declared a

Tick the relevant response:

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

in this item. The nature of the interest is _____

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

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

Mayor/Councillor left the Council meeting in Committee of the Whole at _____pm.

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

Mayor/Councillor left the Council meeting at _____ pm.

Mayor/Councillor returned to the Council meeting at _____ pm.

MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: 25/199824
EDRMS NO: PSC2024-01548

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 Part 79 Brandy Hill Drive, Brandy Hill for the Brandy Hill Shared Pathway**.
 - 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
 - 3) That the report remain confidential and the minute be released in accordance with Council's resolution.
-

ITEM NO. 2

FILE NO: 25/214286
EDRMS NO: A2004-0869

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 **Renewal of Lease - 49 William 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.
-

COUNCIL REPORTS

ITEM NO. 1

FILE NO: 25/176116
EDRMS NO: 16-2018-386-5**DEVELOPMENT APPLICATION (DA) 16-2018-386-5 FOR A S4.55(2) MODIFICATION TO APPROVED MIXED USE DEVELOPMENT (RESIDENTIAL FLAT BUILDING AND COMMERCIAL PREMISES) AT 1 YACAABA STREET, NELSON BAY**REPORT OF: RYAN FALKENMIRE - DEVELOPMENT AND COMPLIANCE
SECTION MANAGER

DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuses Development Application (DA) No. 16-2018-386-5 for a S4.55(2) modification to an approve mixed use development (residential flat building and commercial premises) – add an additional level and 2 residential units at 1 Yacaaba Street, Nelson Bay (Lot: 200 DP: 1284277) as per the Reasons for Refusal contained in **(ATTACHMENT 1)**.

BACKGROUND

The purpose of this report is to present a modification to a development application (DA) to Council for determination. A summary of the proposed modified DA and property details are provided below:

Subject Land	1 Yacaaba Street, Nelson Bay (Lot: 200 DP: 1284277)
Total Area	2,019m ²
Zoning	E1 Local Centre
Submissions	<p>Total 88 submissions</p> <ul style="list-style-type: none"> • Oppose: 76 submissions • Support: 12 submissions <p>17 submissions of support were received as a standardised form letter and have been counted as 1 unique submission.</p>
Key Issues	<ul style="list-style-type: none"> • Variations to development controls including building height and floor space ratio (FSR) • Impacts on visual amenity • Public interest • Substantially the same development test <p>The key planning issues are detailed further within the Planner's Assessment Report (ATTACHMENT 2).</p>
Applicant	Docaaba Pty Ltd
Land Owner	Docaaba Pty Ltd

The DA has been reported to Council in accordance with Council's 'Council Related Planning Matters Policy' as the DA seeks to vary a development standard by greater than 10%.

Council commissioned an independent assessment of the modification application given the extent of the height variation and strong community interest in the site. The findings from the independent assessment have informed the recommendation and key planning issues outlined in this report.

A locality plan is provided at **(ATTACHMENT 3)**.

Development Proposal

The proposal is for a Section 4.55(2) modification application to an approved mixed-use development comprising 56 x residential units and 3 x ground floor retail spaces. Specifically, the modification seeks consent for an additional level containing 2 x residential units that would increase the total number of units to 58. The proposed additional units would consist of 3 x bedroom apartments with an open plan living area, kitchen, bathroom, ensuite, balcony areas, combined laundry and associated extension of services including lift and fire stairs.

The modification would increase the original approved building height from 30.6 metres to 34.52 metres, while the Floor Space Ratio (FSR) would increase from the original approval of 2.84:1 to 3.19:1. No changes to any other elements of the approved development or design are sought under the proposed modification application.

Site Description

The subject site is known as 1 Yacaaba Street, Nelson Bay and legally described as Lot 200 DP 1284277. The site currently contains the partially constructed mixed-use development, which is the subject of this application. The site is a corner allotment and has a frontage to Yacaaba Street to the west and Donald Street to the north.

The site is located within the Nelson Bay Town Centre area surrounded by a mixture of commercial and residential land uses, including shop top housing to the north and south, and retail premises to the west, all within the E1 Local Centre Zone. The adjoining site to the east is currently vacant, however, has approval for a residential flat building comprising 17 units. Developments further to the east predominately comprise a mixture of low and medium density residential housing being within the R3 Medium Density Residential Zone.

Site and Approval History

- DA 16-2018-386-1: The original approval was granted by the elected Council on 9 July 2019 for the demolition of an existing car park and construction of a 9-storey building containing 56 units, 3 ground floor commercial premises and 109 car

parking spaces split across 2 basement levels. The development was approved with a maximum building height of 30.6m and Floor Space Ratio (FSR) of 2.84:1.

- DA 16-2018-386-2: S4.55(1A) modification application for changes to the approved building design, including increase of floor to ceiling heights for servicing, reconfiguration of 6 units from 2 bedrooms to 3 bedrooms and increase in parking spaces from 109 to 116. The application increased the building height to 31.02m and the FSR to 2.91:1. The modification application was approved on 24 May 2022.
- DA 16-2018-386-3: S4.55(1A) modification application for several changes to the building design, associated with the public domain works required in accordance with the conditions and to address flooding impacts. No change to the approved height occurred through this modification, however, the FSR increased marginally to 2.99:1. This modification was approved on 20 March 2023.
- DA 16-2018-386-4: S4.55(1A) modification application to marginally increase the building height for the provision of a lift generator room required in accordance with the Building Code of Australia. This application also included the replacement of the approved awning with a pergola on the Level 8 apartment balconies. This modification resulted in the building height being increased to 32.07 metres and was approved on 4 November 2024.

Key Issues

The key issues identified through the assessment of the modified development relate to the proposed variations to development controls under the Port Stephens Local Environmental Plan (PSLEP), impacts to visual amenity and whether the modification is substantially the same development as that originally approved.

A detailed assessment of the proposed modified development and these matters is contained within the Planner's Assessment Report (**ATTACHMENT 2**).

Variations to Development Controls

The proposed modified development would involve variations to 2 development standards, being building height and FSR. Notwithstanding, the development standard variations and non-compliance remains subject to a merit assessment, as follows:

- The modified proposal would result in further exceedance of the maximum allowable building height for the site prescribed under Clause 4.3 of the PSLEP. A maximum building height of 28 metres applies to the subject site, with the original development application approved at a building height of 30.6 metres. The proposed modification increases the building height to 34.52 metres, which is an increase of 3.92 metres (12.8%) above the originally approved development and 6.52 metres (23.3%) above the applicable building height development standard.

- The extent of the height variation is not supported as it would be inconsistent with the objectives of Clause 4.3 as detailed within the Planner's Assessment Report **(ATTACHMENT 3)**. The additional height would increase the visual dominance of the building when viewed from the Nelson Bay Town Centre, the waterway and foreshore, along with residential properties in the R3 zone immediately adjoining the subject site. The additional height to cater for the proposed 2 additional units would also increase the extent of overshadowing generated to the east, south and west of the site.
- The modified development would result in the development exceeding the maximum allowable FSR prescribed under Clause 4.4 of the PSLEP. The modification would have an FSR of 3.19:1, exceeding the permitted FSR of 3:1 and representing a variation of 6.33% to the PSLEP development standard.
- The increase and variation to the FSR is not supported as it would not be compatible with the envisioned outcomes under the Clause as detailed within the Planner's Assessment Report **(ATTACHMENT 2)**. The additional level resulting in the exceedance of the 3:1 FSR control would increase the visual bulk and scale of the building and contribute to further overshadowing of adjoining properties. For these reasons, the extent of this variation is not supported.

Impacts on Visual Amenity

The subject site is located on the eastern side of the Nelson Bay Town Centre, with frontage to Yacaaba Street and Donald Street. The site is zoned E1 Local Centre and immediately adjoins an R3 Medium Density Residential zone to the east. A maximum building height limit of 17.5m under the PSLEP applies to the land immediately to the east and west, while a 28m PSLEP building height limit applies to the land to the north and south. Despite the 17.5m PSLEP building height limit for the R3 zoned land to the east of the site, this area is also mapped as a low and mid-rise housing inner area under the State Environmental Planning Policy (Housing) 2021. This provision of the Housing SEPP enables residential flat building development up to 6 storeys and a maximum building height of 22m.

In considering the context of the development and the subject site, it is noted that the additional level would increase the visual dominance of the building when viewed from multiple locations within Nelson Bay. As such, the proposed building height is deemed to be inconsistent with the context and character of the area due to the associated impact on visual amenity.

Prior to lodgement of the modification application, the Port Stephens Urban Design Panel (UDP) reviewed concepts for the proposed additional level on the approved building. The UDP were generally unsupportive of the proposed additional level, particularly regarding the bulk and scale outcomes. The UDP noted that the modified design would increase the visual presence of the building in the Nelson Bay Township and may impact views. Further details of the comments provided by the UDP are provided in the Planner's Assessment Report **(ATTACHMENT 2)**.

Substantially the Same Development

Under Section 4.55(2)(a) of the Environmental Planning and Assessment Act 1979, a consent authority may only modify a development if it is satisfied that the development as modified is substantially the same development as that originally approved.

The modified development would result in notable non-compliances with the applicable development standards arising from the additional level. The additional level would also substantially contribute to the bulk and scale of the building and impact upon the visual amenity of the Nelson Bay locality. Furthermore, as detailed in the Planner's Assessment Report (**ATTACHMENT 2**), the extent of changes between the originally approved development and the modification are notable in respect to the height, gross floor area and subsequently FSR.

Given the extent of changes proposed and comparisons between the quantitative and qualitative elements of the development as approved and as modified, the independent assessment concluded that the development is not considered to satisfy the substantially the same development test under Section 4.55(2)(a) of the Environmental Planning and Assessment Act 1979.

Conclusion

As detailed in the Planner's Assessment Report (**ATTACHMENT 2**), the modification application proposes multiple non-compliances against the Port Stephens Local Environmental Plan 2013 development standards. The extent of variations demonstrably has the potential to impact the visual amenity of the Nelson Bay Township, result in additional overshadowing to adjoining properties and notably increase the bulk, scale and visual dominance from the approved development. Moreover, the development as modified is not considered to be substantially the same as originally approved.

On this basis, the proposed development is not recommended for approval as outlined in the Planner's Assessment Report (**ATTACHMENT 2**) and the Reasons for Refusal (**ATTACHMENT 1**).

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2029
Housing, tourism & economy	Develop and implement Council's key planning documents

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL, POLICY AND RISK IMPLICATIONS

The proposed development is inconsistent with the relevant planning instruments, including the PSLEP 2013 and Environmental Planning & Assessment Act 1979. A detailed assessment against these provisions is contained within the Planner's Assessment Report provided at **(ATTACHMENT 2)**. Based on the recommendation by the independent assessment and Council staff, the determination of the DA may be challenged by the applicant in the Land and Environment Court.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that if the DA is refused, the determination of the DA may be challenged by the applicant in the Land and Environment Court.	High	Determine the DA as per the recommendation and reasons for refusal, noting that it is within Council's resources to defend such an appeal in the Land and Environment Court.	Yes
There is a risk that if the DA is approved, the determination of the DA may be challenged by a third party in the Land and Environment Court.	Low	Determine the DA in line with the recommendation and Reasons for Refusal.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social and Economic Impacts

The Planner's Assessment Report **(ATTACHMENT 2)** prepared by the independent planner noted the proposed modification would have neutral social and economic

impacts. Notwithstanding if approved, the development would deliver social and economic benefits through the provision of 2 additional residential units in Nelson Bay Town Centre.

Impacts on Built Environment

The proposed modification is considered to have potential adverse impacts on the built environment due to the extent of the development standard non-compliances proposed. The proposed modification for an additional residential level would result in a visually dominating building that would likely impact on important vistas within and external to the Nelson Bay Town Centre. Furthermore, the modification would increase the extent of overshadowing already generated by the approved development.

Impacts on the Natural Environment

The proposed modification would have negligible additional impacts on the natural environment noting the existing approved environmental controls would remain in place and no vegetation removal is proposed.

COMMUNICATION AND ENGAGEMENT

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

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

The following communication and engagement apply to this report.

External communication and engagement

Public Submissions

CONSULT	<p>The application was exhibited from 22 May 2025 to 5 June 2025 in accordance with the provisions of the Port Stephens Council Community Engagement Strategy.</p> <p>A total of 88 submissions were received during the exhibition period, 12 in support, with 17 submissions in support deemed as 1 unique submission due to being a form letter, and 76 in opposition to the proposal.</p> <p>A summary and response to the submissions is provided in the Planner's Assessment Report (ATTACHMENT 2).</p>
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Internal communications and engagement

Consultation has been undertaken by the Development and Compliance Section with:

- Assets Section
- Community Services Section
- Strategy and Environment Section

OPTIONS

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

ATTACHMENTS

- 1) Reasons for Refusal. [↓](#)
- 2) Planner's Assessment Report. [↓](#)
- 3) Locality Plan. [↓](#)

COUNCILLORS' ROOM

All information relating to this development application (DA) is available on the Councillors' Dashboard.

TABLED DOCUMENTS

Nil.

Reasons for Refusal

1. The proposed development under s4.55(2) of the *Environmental Planning and Assessment Act 1979* to modify Development Application 16-2018-386-4 does not satisfy "the same or substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all)" test under s4.55(2)(a) through significant increases in building height (12.8%), building rooftop plant (15.7%), gross floor area (11.8%) and floor space ratio (11.9%) compared to the original development to which consent was granted. The proposed additional residential level, from 9 to 10 storeys, will increase the visual bulk and scale of the building to the detriment of the Nelson Bay Town Centre and adjoining residential areas to the east and south. In the circumstances, the development does not satisfy the provision under s4.55(2) of the *EP&A Act 1979*.
2. The proposed development does not satisfy the requirements under s146 and s147 of Chapter 4 of the State Environmental Planning Policy (Housing) 2021 as the Port Stephens Urban Design Panel does not support any additional development on the upper floor due to height and bulk concerns (s4.15(1)(a)(i) of the *EP&A Act 1979*).
3. The proposed development is not consistent with building height objective under clause 4.3(1) (a) of the Port Stephens LEP2013 as it exceeds the applicable standard applying to the site by 23.3% and the additional residential level would have adverse amenity (overshadowing) and streetscape (visual dominance) impacts for adjacent properties and the Nelson Bay Town Centre (s4.15(1)(a)(i) of the *EP&A Act 1979*).
4. The proposed development is not consistent with the floor space ratio objectives under clause 4.4(1)(a) and (c) of the Port Stephens LEP 2013 as it exceeds the applicable standard by 6.33% and will contribute to adverse amenity (overshadowing) on adjacent properties and streetscape (visual dominance, bulk and scale) impacts when viewed from within the Nelson Bay Town Centre, waterways, foreshore and from adjacent properties and from residential properties to the east (s4.15(1)(a)(i) of the *EP&A Act 1979*).
5. The proposed development fails to satisfy Chapter B8.B - On-site Parking and Control B8.4 of the Port Stephens Development Control Plan resulting in a shortfall of five (5) visitor parking spaces (s4.15(1)(a)(iii) of the *EP&A Act 1979*).
6. The proposed development fails to satisfy Chapter D5 Nelson Bay Centre and Controls D5.1 and D5.5 in terms of preserving important vistas and height, bulk and scale concerns, respectively (s4.15(1)(a)(iii) of the *EP&A Act 1979*).
7. The proposed development will have an adverse impact on the built environment through the proposed additional residential level increasing the building from 9 to

ITEM 1 - ATTACHMENT 1 REASONS FOR REFUSAL.

10 levels, the extent of building height non-compliance with the applicable standard and introducing a non-compliance with the floor space ratio standard of 3:1 applying to the site, thereby resulting in a visually dominating building that will impact on vistas within and external to the Nelson Bay Town Centre and increase the extent of overshadowing already generated by the approved development (s4.15(1)(b) of the *EP&A Act 1979*).



PORT STEPHENS
COUNCIL

S4.55(2) MODIFICATION APPLICATION ASSESSMENT REPORT

APPLICATION DETAILS

Modification Application Number	16-2018-386-5
Development Description	Mixed Use Development – Residential flat building (56 residential units comprising a mix of one, two and three bedrooms), commercial premises (three units), basement car parking (109 spaces) and associated works including demolition of existing carpark
Modification Description	S4.55(2) Modification to approved mixed use development (residential flat building and commercial premises) - add additional level and 2 x residential units
Applicant	Docaaba Pty Ltd
Date Of Lodgement	12/05/2025

PROPERTY DETAILS

Property Address	1 Yacaaba Street NELSON BAY
Lot and DP	LOT: 200 DP: 1284277
Zoning	E1 LOCAL CENTRE
Site constraints that affect the modification	N/A

ASSESSMENT SUMMARY

Designated Development	The application is not designated development
Integrated Development	The application does not require additional approvals listed under s4.46 of the EP&A Act
Concurrence	The application does not require the concurrence of another body

MODIFICATION PROPOSAL

The s4.55(2) modification application seeks to modify development consent DA No.16-2018-386-1. Council originally granted consent on 9 July 2018 for a mixed-use development, comprising a residential flat building with 56 units (a mix of 1, 2 and 3-bedroom apartments), 3 commercial premises and basement parking with 109 spaces. The approved works included the demolition of an existing at grade car park.

The proposed s4.55(2) modification application seeks to amend the building design through the provision of two (2) additional 3-bedroom apartments to the development, increasing from 56 to 58 apartments. This will result in an additional level to the approved building, from 9 to 10 storeys and an increase to the original approved building height of 30.6 metres (roof - RL42.20) to 34.52 metres (roof top of hob – RL46.12).

The conditions of consent proposed to be modified have been discussed in further detail below.

SITE DESCRIPTION**Site Description**

The subject site originally comprised four (4) allotments with frontage to Donald and Yacaaba Streets, Nelson Bay which have since been consolidated and is now known as 1 Yacaaba Street. The site is legally described as Lot 200 in DP1284277 with a land area of approximately 2018.9 square metres.

The site is zoned E1 Local Centre under the Port Stephens Local Environmental Plan 2013 (PSLEP) and is subject to a building height standard of 28 metres and a floor space ratio standard of 3:1. The site is located on the eastern periphery of the Nelson Bay Town Centre, approximately 300 metres from Nelson Bay Marina and the Foreshore Reserve. Currently, construction of the development is underway on the site.

Surrounding Locality

To the south, the site adjoins a 5-6 storey mixed-use building, with additional low-rise commercial and residential buildings nearby.

To the north and west are mostly 1 to 2-storey commercial buildings, including a 3-storey mixed use building with ground floor commercial and apartments above.

North-east of the site is an at-grade parking area and a 5-6 storey residential building.

To the east is the R3 zoned land largely occupied by single and multi-dwelling houses.

16-2018-386-5



Figure 1: Aerial GIS imagery of the subject site

SITE HISTORY

There have been a number of applications lodged over the site which are summarised in the following table.

Application #	Proposal Description	Determination	Date Determined
16-2018-386-1	Mixed-use development – residential flat building (56 residential units comprising a mix of one, two and three bedrooms), commercial premises (three units), basement car parking (109 spaces) and associated works including demolition of existing car park.	Approved	9 July 2019
16-2018-386-2	S4.55(2) Modification to mixed use development – building design changes	Approved	24 May 2022
16-2018-386-3	S4.55(1A) Modification to mixed use development – building design changes	Approved	20 March 2023
16-2018-386-4	S4.55(1A) Modification to mixed use development – increase in building height to accommodate a lift generator room	Approved	4 November 2024

ITEM 1 - ATTACHMENT 2 PLANNER'S ASSESSMENT REPORT.

16-2018-386-5

The subject site does not have records of contamination or historical applications that would impact the proposed development.

REFERRALS

The proposed development was referred to the following internal specialists and external agencies.

Internal

The proposed modification was referred to the following internal specialist staff. The comments of the listed staff listed have been used to carry out the assessment against the S4.15 Matters for Consideration below.

Building Surveyor	
Comment:	Building – proposal supported subject to inclusion of conditions.
Development Engineering	
Comment:	Engineering - application supported subject to conditions.
Development Contributions	
Comment:	Development Contributions – provides updated contributions condition.
Waste Management	
Comment:	Waste Management – application supported with no additional conditions.
Spatial Services	
Comment:	Spatial Services – No comments

All internal referral officers have supported the application.

External (non-integrated)

The proposed modification was referred to the following external agencies in accordance with clause 109 of the regulations:

Choose External Referral Agency	
Comment:	Port Stephens Urban Design Panel (UDP) – The proposed modification was referred to the UDP prior to lodgement. The UDP does not consider that any additional development on the upper floor can be supported due to concerns in respect to height and bulk.

The external referral has not supported the application.

Environmental Planning and Assessment Act 1979

Section 4.55(2) Other modifications

The relevant provision under s4.55(2) of the EP&A Act is :

“(2) Other modifications A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

ITEM 1 - ATTACHMENT 2 PLANNER'S ASSESSMENT REPORT.

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(a) it is satisfied that the development to which the consent as modified relates is the same or substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all),

In respect to s4.55(2)(a) the question of what constitutes “substantially the same development” is set out in *Moto Projects (No 2) Pty Limited v. North Sydney Council [1999] NSWLEC 280* where at paragraphs 55 and 56, Bignold, J. describes the process for consideration of a proposed modification of development in the following terms:-

“55. The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is “essentially or materially” the same as the approved development.

*56. The comparative task does not merely involve a comparison of the physical features or components of the development as approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, **qualitative**, as well as **quantitative**, of the developments being compared in their proper contexts (including the circumstances in which the development consent was granted.”*

In *quantitative* terms the original development consent granted to DA16-2018-386-1 was for a 9-storey mixed use development comprising 3 commercial premises on the ground floor and 56 apartments above (5 x 1-bedroom, 27 x 2-bedroom and 24 x 3-bedroom apartments) and basement parking for 109 vehicles.

The approved development achieved a building height of 30.6 metres (roof level RL42.20) with lift/stairwell overrun and plant on roof at RL43.16.

The approved development had a gross floor area of 5,761m² and a floor space ratio (FSR) of 2.85:1.

The modification application 16-2028-386-5 seeks consent for the following:

- An additional residential level resulting in a 10-storey building - an increase of 11.1%,
- An increase from 56 to 58 apartments and changes to apartment mix (5 x 1-bedroom, 21 x 2-bedroom and 30 x 3-bedroom apartments),
- An increase in building height to 34.52 metres (RL46.12 – roof top of hob) – an increase of 12.8%,
- An increase in gross floor area to 6443.25m² (+682.25m²) – an increase of 11.8%.

The key concerns are the relationship of the proposed building height and floor space ratio outcomes with the respective development standards applying to the site under the PSLEP. The proposed height of the building under the modification will be 6.52 metres above the 28-metre height standard under the PSLEP – a non-compliance of 23.3%; the floor space ratio of the building, as modified, will achieve an FSR of 3.19:1, 6.3% above the 3:1 development standard applying to the site.

As demonstrated above, the extent of change between the original approved development and the proposed modification is significant in respect to the height, gross floor area and FSR.

Furthermore, the extent of non-compliance with the applicable development standards arising from the additional level is notable and will contribute to the bulk and scale of the building within the Nelson Bay Town Centre.

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In the circumstances, it is considered that the proposed modification does not satisfy the “*substantially the same development as the development for which consent was originally granted*” in quantitative terms.

In *qualitative* terms, the proposed additional residential level, from 9 to 10 storeys, will increase the bulk and scale of the building to the detriment of the Nelson Bay Town Centre and adjoining residential areas. In this context the comments of the Port Stephens UDP in their report dated 12 December 2024 are relevant, namely:

“The DRP was unanimous in the opinion that the approved design represents a significant proposal-especially in its bulk and scale – which will have a large presence in the Nelson Bay township, and which will impact views. The Pre-DA proposal for an additional floor substantially exceeds the height control for the site, and further adds bulk to a building that does not fully comply with the Apartment Design Guide minimum boundary setbacks, and which has no deep soil landscape included. The Panel does not consider that any additional development on the upper floor can be supported”.

The increases to the building height and floor space ratio arising from the proposed additional residential level to the building will be significant and increase the visual bulk of the building when viewed from various locations within the Town Centre and from adjoining and more distant residential areas to the east and south as evident in the Visual Impact Assessment prepared by Design Cubicle and *Images 1-4* below.



Image 1: Perspective from Nelson Bay Waterfront

16-2018-386-5



Image 2: Perspective from Stockton Street



Image 3: Perspective from Mantra Apartments

16-2018-386-5



Image 4: Perspective from Mantra Apartments

In the circumstances, it is considered that the proposed modification does not satisfy the “*substantially the same development as the development for which consent was originally granted*” in qualitative terms.

In this context the development, as modified, is not *essentially or materially* the same development as the original approved development.

The proposed modification does not satisfy the requirement under s4.55(2) of the EP&A Act1979.

The development, as modified, is not substantially the same as the approved development for the reasons detailed above.

S4.55(2)(b) – Concurrence and Integrated Development

The application did not require concurrence or integrated referrals.

S4.55(2)(c) – Notification

The application has been notified in accordance with Councils Community Engagement Strategy. As a result of this process, 88 submissions were received, 12 in support (17 submissions in support deemed to be as one unique submission) and 76 in opposition to the proposal.

S4.55(2)(d) – Submissions

The matters raised in the submissions objecting to the development are discussed in the table below:

ITEM 1 - ATTACHMENT 2 PLANNER'S ASSESSMENT REPORT.

16-2018-386-5

Matter raised	Response
Matter 1	
Non-compliance with building height and floor space ratio controls under PSLEP is unreasonable and will detract with the unique appeal of Nelson Bay and the low scale nature of the Town Centre	The non-compliance with the height and FSR standards applying to the site adds to the visual bulk and scale of the building when viewed from within the Town Centre and from surrounding areas; the future character of the Town Centre is prescribed in the PSLEP Building Heights Map at 17.5 metres with a spine down Yacaaba Street at 28 metres.
Matter 2	
Views 1 – the additional residential level will impact adversely of views of Port Stephens currently enjoyed from upper levels of the Landmark Building off Dowling Street.	The addition of a 10th level to the building may increase the extent of view loss from some apartments in the Landmark building, however, given the totality of views available from this site, it is unlikely to be significant.
Matter 3	
Views 2 – Submissions were received raising concerns regarding increased height and bulk of the proposed modification on views from the waterway, foreshore reserve and from residential areas and within the town centre.	The additional level to the building will increase the height and bulk of the approved development when viewed from the waterway, foreshore reserve and surrounding areas as indicated in the Visual Impact Assessment.
Matter 4	
Precedent – submissions raised questions whether the granting of approval to the modification to increase building height through an additional level based on the applicant's representations of escalating costs of construction justify abandonment of building height and bulk standards prescribed by LEP and DCP.	Approval of the modification application by Council could create a precedent for future developments in the Port Stephens LGA.
Matter 5	
Overshadowing – additional level will increase the overshadowing of adjacent properties.	There will be a relatively minor increase in the extent of overshadowing arising from the modification compared to the overshadowing impacts generated by the approved development.

S4.55(3) – S4.15(1) Assessment**S4.15(1)(a)(i) – The provisions of any EPI**

The application is not consistent with the provision of the PSLEP 2013 and relevant SEPPs applicable to the proposal.

State Environmental Planning Policies

SEPP (Housing) 2021 – Chapter 4 Design of residential apartment development s146 and 147 are relevant. The proposed modification was referred to the Port Stephens UDP for pre-lodgement advice on 12 December 2024. The UDP report stated, amongst other things,

“The DRP was unanimous in the opinion that the approved design represents a significant proposal -especially in its bulk and scale – which will have a large presence in the Nelson Bay township, and which will impact views. The Pre-DA proposal for an additional floor substantially exceeds the height control for the site, and further adds bulk to a building that does not fully comply with the Apartment Design Guide minimum boundary setbacks, and

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which has no deep soil landscape included. The Panel does not consider that any additional development on the upper floor can be supported.

The following observations were made in respect to the detailed of the proposal, but addressing these issues would unfortunately not have the capacity to resolve the fundamental concerns of the Panel in respect of height and bulk."

SEPP (Sustainable Buildings) 2021 - Satisfied with an Amended BASIX Certificate lodged with the application.

Port Stephens Local Environmental Planning Policy 2013

Clause 2.3 Zone objectives and Land Use Table

The proposed modification to the approved mixed- use development is permissible with consent in the E1 Local Centre zone and is consistent with the zone objectives.

Clause 4.3 Height of Buildings

The site is subject to a 28-metre height standard. At the time the original development was lodged the site was subject to a 15-metre height limit. In 2018, Council adopted the Nelson Bay Town Centre & Foreshore Strategy which endorsed a 28-metre building height for the subject site through a subsequent planning proposal. The original development application was approved at a building height of 30.6 metres (RL42.20).

The proposed modification increases the building height to 34.52 metres (RL46.12) which is an increase of 3.92 metres (12.8%) above the approved development and 6.52 metres (23.3%) above the applicable building height standard. It is noted that a Clause 4.6 does not apply to applications under S.4.55 of the EP&A Act, however, any non-compliance with a development standard is still subject to a merit assessment.

The increase in building height of the 9-storey building is not supported by the Port Stephens (UDP) for reasons detailed elsewhere in this report.

In terms of amenity and streetscape considerations, the additional level will increase the visual dominance of the building when viewed from within the Nelson Bay Town Centre, the waterway and foreshore and residential properties in the R3 zone immediately adjoining the subject site to the east. The proposed increase in building height will increase the extent of overshadowing generated by the approved building to the east, south and west of the site.

Accordingly, it is considered that the proposed increase in the building height is not compatible with Height of Building objective Clause 4.3(1)(a) of the PSLEP, namely *"to ensure the height of buildings is appropriate for the context and character of the area"*.

In the circumstances, the proposal for an additional residential level, increasing the building from 9 to 10 storeys is not supported on a merit assessment consistent with the conclusion reached by the UDP.

Clause 4.4 Floor Space Ratio

The site is subject to a maximum floor space ratio of 3:1. The original development had a gross floor area of 5,761m² and an FSR of 2.85:1. Subsequent modifications have increased the gross floor area to 6,057.75m² and an FSR of 3:1. The proposed additional residential level increases the gross

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floor area of the building 6443.25m², an increase of 385.5m² and an FSR of 3.19:1, 6.33% above the applicable PSLEP development standard.

The increase in floor space ratio to the 9-storey building is not supported by the Port Stephens UDP for reasons of height and bulk, as detailed elsewhere in this report.

In terms of amenity and streetscape considerations, the additional height and bulk of the proposal will increase the visual dominance of the building when viewed from within the Nelson Bay Town Centre, the waterway and foreshore and residential properties in the R3 zone immediately adjoining the subject site to the east and south. The non-complying element of floor area over the 3:1 standard will contribute to further overshadowing of properties located to the east, south and west of the site.

Accordingly, it is considered that the proposal for an additional residential level resulting in an exceedance of the 3:1 Floor Space Ratio standard applying to the site is not compatible with the outcomes envisaged under Floor Space Ratio objectives Clause 4.4(1)(a) and (c), namely "(a) to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality" and "(c) to minimise the effects of bulk and scale of buildings".

In the circumstances, the proposal for an additional residential level, increasing the building from 9 to 10 storeys and contravening the 3:1 FSR standard is not supported on a merit assessment and consistent with the findings reached by the Port Stephens UDP.

Other Clauses 7.1 Acid Sulphate Soils, Essential Services and 7.22 Active Street Frontages of the PSLEP 2013 are not specifically relevant to the modification application.

Assessment	
There are no draft EPI's that are relevant to the proposed development	<input checked="" type="checkbox"/>
Comment: Nil relevant	
A draft EPI is relevant to the proposed development however the application is consistent with the aims and objectives of the document.	<input type="checkbox"/>
Comment: Nil relevant	

S4.15(1)(a)(iii) – Port Stephens Development Control Plan 2014

DCP Chapter		Compliant
B – General Controls		<input type="checkbox"/>
Comment:	The proposed modification does not comply with B8.B On-site parking provision and Control B8.4. The two (2) additional 3-bedroom apartments will generate a requirement for an additional 4 car spaces plus 0.66 visitor parking space, resulting in a total of 120.66 spaces rounded up to 121 spaces. The proposal modification provides 116 car spaces. The application seeks to utilise existing allocated visitor parking spaces on Basement 1 for the additional 4 residential spaces resulting in a shortfall of 5 visitor parking spaces.	
C Development Type		<input checked="" type="checkbox"/>
Comment:	There are no specific controls for mixed use/residential flat buildings in the DCP	
D Specific Areas		<input type="checkbox"/>

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16-2018-386-5

Comment:	The site is located in D5 Nelson Bay Centre - Town Living and Commercial Precinct. The approved development and proposed modification are not consistent with the outcomes envisaged under Control D5.1 in terms of preserving important vistas as evidenced by Visual Impact Assessment and Control D5.5 in terms of the height, bulk and scale concerns expressed by UDR Panel.
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S4.15(1)(a)(iiia) – Any planning agreement or draft planning agreement entered into under section 7.4

Assessment	
There are no planning agreements that have been entered into under section 7.4 relevant to the proposed development.	<input checked="" type="checkbox"/>
Comment:	

S4.15(1)(a)(iv) – The regulations

Assessment	
There are no matters within the regulations that are relevant to the determination of the application.	<input type="checkbox"/>
Comment:	<p><u>Environmental Planning & Assessment Regulation 2021</u></p> <p>S102 (2) and (3) of the Regulations are satisfied through provision of Design Verification Statement and BASIX Certificate. It is noted that the Port Stephens UDP was not supportive of the proposed additional residential level due to height and bulk concerns.</p> <p>S107 satisfied as modification application notified for 14 days.</p>

S4.15(1)(b) – The likely impacts of the development

Assessment	
Social and Economic Environment	
Comment:	The proposed modification would be neutral in social and economic terms.
Built Environment	
Comment:	The proposal for an additional residential level increasing the building from 9 to 10 levels, the extent of building height non-compliance with the applicable standard and introducing a non-compliance with the floor space ratio standard of 3:1 applying to the site, will result in a visually dominating building that will impact on important vistas within and external to the Nelson Bay Town Centre. Further, an increase in the extent of overshadowing already generated by the approved development will be exacerbated. The Port Stephens UDP does not support the proposed modification on height and bulk concerns.
Natural Environment	
Comment:	The proposed modification will not impact the natural environment.

S4.15(1)(c) – The suitability of the site

The subject site has approval for a 9-storey mixed-use development that already exceeds the building height standard applying to the site, although complies with the floor space ratio standard. The proposed modification seeks to increase the extent of building height non-compliance and introduces a non-compliance with the FSR standard resulting in an increase in height bulk and scale

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16-2018-386-5

of the development on the site. The Port Stephens UDP does not support the proposed modification on height and bulk concerns. In the circumstances it would be reasonable to conclude that the site is not suitable for the additional building height and floor space.

S4.15(1)(d) – Any submissions

Submissions have been addressed in accordance with S4.55(2)(b) above.

S4.15(1)(e) – The public interest

The proposed modification increases the extent of non-compliance with the applicable height and floor space ratio development standards of the approved development applying to the site under the Port Stephens LEP 2013. A number of submissions raised concerns that approval of the proposed modification could create a precedent for existing and future developments to modify consents to exceed the established development standards under the LEP.

DETERMINATION

The modification application is recommended to be refused.

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

ITEM NO. 2**FILE NO: 25/207354
EDRMS NO: 16-2025-200-1****DEVELOPMENT APPLICATION (DA) 16-2025-200-1 FOR FIRE SYSTEM
UPGRADES AT 55C SLADES ROAD, WILLIAMTOWN**

REPORT OF: RYAN FALKENMIRE - DEVELOPMENT AND COMPLIANCE
SECTION MANAGER
DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application (DA) 16-2025-200-1 for fire system upgrades at 55C Slades Road, Williamtown, subject to the conditions contained in **(ATTACHMENT 1)**.
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BACKGROUND

The purpose of this report is to present DA16-2025-200-1 for fire system upgrades and associated works at 55C Slades Road, Williamtown to Council for determination.

A summary of the application and property details are provided below:

Subject Land	55C Slades Road, Williamtown
Total Area	2.065ha
Zoning	SP2 Defence / Air Transport Facility
Submissions	0
Key Issues	The key issue identified throughout the assessment of the development relates to the temporary and permanent loss of parking spaces. A detailed assessment of the development is contained within the Planners Assessment Report (ATTACHMENT 2) .
Applicant	BAE Systems Australia
Land Owner	Newcastle Airport Pty Ltd

The DA has been reported to the elected Council in accordance with 5.1(e) of the 'Planning Matters to be Reported to Council Policy' as the development has a cost of works exceeding \$250,000 and Newcastle Airport P/L (NAPL), being a Council related entity, is the lessor of the land on which the development is to be carried out.

A locality plan is provided at **(ATTACHMENT 3)**.

Proposal

The proposed development seeks consent for the upgrading of the existing fire services at the BAE Systems Australia (BAESA) Williamtown facility. The proposed upgrade will increase the capacity, reliability and maintainability of the facility firefighting services, while also incorporating upgrades to critical fire systems and facilitating more efficient integration with firefighting appliances.

Details of the development include:

- Construction of a new fire water storage tank for firefighting services (estimated capacity of 670kL)
- Reconfiguration and upgrades of the existing fire system infrastructure including new pumps, valves, back flow protection devices, and pipework.

Site Description

The development is located at 55C Slades Road, Williamtown within an existing aircraft maintenance facility that forms part of the Newcastle Airport Precinct. The Newcastle Airport complex supports a range of tourist, commercial, aviation and Defence type uses. BAESA provide maintenance services for Defence aircraft based at RAAF Base Williamtown. The site is located on Commonwealth owned land, leased to Newcastle Airport P/L and sub-leased to BAESA, within the Port Stephens Local Government Area (LGA).

Key Issues

The key issues identified throughout the assessment of the development relate to the temporary and permanent loss of parking spaces. A detailed assessment of the application is contained within the Planners Assessment Report (**ATTACHMENT 2**).

Loss of parking spaces

The construction of the new fire tank and associated works would result in the permanent loss of approximately 22 carparks (118 to 96) within the site. As detailed within the Planners Assessment Report (**ATTACHMENT 2**), on-site parking requirements for existing development over the site equates to 96 spaces including 4 accessible spaces. On-site parking requirements post construction of the subject development proposal equates to 96 spaces including 4 accessible spaces.

Noting the above, following the installation of the new fire services and infrastructure, the site will continue to provide sufficient on-site parking provisions to achieve compliance with the Port Stephens Development Control Plan parking rates.

Conclusion

As detailed in the Planners Assessment Report (**ATTACHMENT 2**), the proposed development is considered to be consistent with the aims and objectives of the

relevant environmental planning instruments and Council policies applicable to the subject site.

It is considered that the proposal has been suitably designed to address the site constraints and applicable development controls.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025-2029
Housing, tourism & economy	Develop and implement Council's key planning documents

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	Yes		Should Council determine to approve the application, developer contributions would be applicable.
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The proposed development is consistent with the relevant planning instruments including the Environmental Planning and Assessment Act 1979 (EP&A Act), relevant State Environmental Planning Policies, the Port Stephens Local Environmental Plan 2013, and the Port Stephens Development Control Plan 2014.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that if the DA is approved, a third party may appeal the determination.	Low	Accept the recommendation.	Yes
There is a risk that if the DA is refused, the applicant may appeal the determination.	Medium	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social and Economic Impacts

The proposed development will have a positive social and economic impact through increasing the capacity, reliability and maintainability of the BAESA Precinct's firefighting services. The development will also enable ongoing servicing of Defence aircraft and also provide for employment opportunities in the short-term.

Built Environment

The proposed development is not considered to have a negative impact on the built environment. The proposed alterations and additions are consistent with the established and emerging character of the immediate BAESA Precinct, and broader Newcastle Airport and Astra Aerolab Precincts.

Natural Environment

The environmental value of the site has been identified as low, due to the previous clearing undertaken on the site and its historical use for industrial and airport related purposes. Conditions have been recommended to manage any environmental impacts associated with the construction of the development.

COMMUNICATION AND ENGAGEMENT

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

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

The following communication and engagement applies to this report.

External communications and engagement

CONSULT	<p>The application was exhibited from 22 May 2025 to 19 June 2025 in accordance with the provisions of the Port Stephens Council Community Engagement Strategy.</p> <p>No submissions were received in relation to the subject development proposal during this period.</p> <p>External consultation was undertaken with the Environment Protection Authority and Department of Defence. The Environment Protection Authority and Department of Defence were supportive of the proposed development for reasons outlined in the Planner's Assessment Report (ATTACHMENT 2).</p>
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Internal communications and engagement

Consultation has been undertaken by the Development and Compliance Section with:

- Assets Section
- Strategy and Environment Section

OPTIONS

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

ATTACHMENTS

- 1) Recommended Conditions of Consent. [↓](#)
- 2) Planners Assessment Report. [↓](#)
- 3) Locality Plan. [↓](#)

COUNCILLORS' ROOM

All information relating to this development application (DA) is available on the Councillors' Dashboard.

TABLED DOCUMENTS

Nil.

General Conditions

1	Approved plans and supporting documentation																														
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.																														
	<table><tr><th colspan="5">Approved plans</th></tr><tr><th>Plan number</th><th>Revision number</th><th>Plan title</th><th>Drawn by</th><th>Date of plan</th></tr><tr><td>DA001</td><td>A</td><td>Site Analysis Plan</td><td>Design Inc</td><td>28/02/2025</td></tr><tr><td>DA002</td><td>A</td><td>Proposed Site Plan</td><td>Design Inc</td><td>28/02/2025</td></tr><tr><td>DA003</td><td>A</td><td>Proposed Ground Floor Plan</td><td>Design Inc</td><td>28/02/2025</td></tr><tr><td>DA004</td><td>A</td><td>Proposed Boundary Elevations & Section</td><td>Design Inc</td><td>28/02/2025</td></tr></table>	Approved plans					Plan number	Revision number	Plan title	Drawn by	Date of plan	DA001	A	Site Analysis Plan	Design Inc	28/02/2025	DA002	A	Proposed Site Plan	Design Inc	28/02/2025	DA003	A	Proposed Ground Floor Plan	Design Inc	28/02/2025	DA004	A	Proposed Boundary Elevations & Section	Design Inc	28/02/2025
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In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.																															
Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development																															
2	External Agency Approvals																														
	The requirements from the following agencies must be complied with prior to, during, and at the completion of the development. The Requirements are: 1. EPA, Reference: DOC25/392427-4, dated 2 June 2025. 2. Ausgrid, Reference: 1900140121, dated 29 May 2025.																														
	Condition reason: To ensure agency advice is complied with.																														
3	Building Code of Australia																														
	All building work must be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.																														
	Condition reason: To ensure that all building works are completed in accordance with the Building Code of Australia.																														
4	Sign on Building																														
	Except in the case of work only carried out to the interior of a building or Crown building work, a sign must be erected in a prominent position on the site showing the name, address and																														

	<p>telephone number of the Principal Certifying Authority for the work, the name of any principal contractor and their after-hours contact number, and must contain a statement that unauthorised entry to the site is prohibited.</p> <p>The sign must be maintained while the work is being carried out and is to be removed when the work is completed.</p> <p>Condition reason: To require signage that details the relevant contacts of a development during construction.</p>
5	<p>Building Materials</p> <p>Building materials used for construction are to be non-reflective. If it is later found that glare endangers the safety of aircraft operations, the Department of Defence may require material and design modifications at full cost to the proponent.</p> <p>Condition reason: To ensure building materials do not affect the RAAF Base and airport operations.</p>
6	<p>Protection of existing vegetation and natural landscape features</p> <p>No vegetation or natural landscape features other than that authorized for removal, pruning by this Consent must be disturbed, damaged, or removed. No additional works or access/parking routes transecting the protected vegetation must be undertaken without Council Approval.</p> <p>Condition reason: To ensure that vegetation is protected during works.</p>

Building Work

Before issue of a construction certificate

7	<p>Erosion and sediment controls plan</p> <p>Before the issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the certifier:</p> <ol style="list-style-type: none"> 1. Council's relevant development control plan, 2. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and 3. The 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time). <p>Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.</p>
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8	<p>Waste Management Plan requirements</p> <p>Before the issue of a Construction Certificate, a waste management plan for the development must be prepared and provided to the certifier. The plan must be prepared:</p> <ul style="list-style-type: none"> a. in accordance with <ul style="list-style-type: none"> i. the Environment Protection Authority's Waste Classification Guidelines as in force; b. include the following information— <ul style="list-style-type: none"> i. the contact details of the person removing waste; ii. an estimate of the type and quantity of waste; iii. whether waste is expected to be reused, recycled or sent to landfill; iv. the address of the disposal location for waste. <p>A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.</p> <p>Condition reason: To ensure resource recovery is promoted and local amenity protected during construction.</p>								
9	<p>Section 7.12 development contributions</p> <p>A monetary contribution is to be paid to Council, pursuant to Section 7.12 of the Environmental Planning & Assessment Act 1979 and the Port Stephens Local Infrastructure Contribution Plan 2020. The total amount payable will be adjusted at the time payment is made, in accordance with the provisions of that Plan.</p> <p>Section 7.12 contributions will be calculated with reference to the capital investment value (CIV) of the development, determined in accordance with Clause 25J of the Environmental Planning and Assessment Regulation 2021, and the levies specified in the Port Stephens Local Infrastructure Contributions Plan 2020as outlined below:</p> <table border="1" data-bbox="384 1205 1075 1346"> <thead> <tr> <th>Capital Investment Value</th><th>Levy Rate (% of CIV)</th></tr> </thead> <tbody> <tr> <td>Up to and including \$100,000</td><td>Nil</td></tr> <tr> <td>More than \$100,000 and up to and including \$200,000</td><td>0.5%</td></tr> <tr> <td>More than \$200,000</td><td>1%</td></tr> </tbody> </table> <p>The payment of the Fixed Local Infrastructure Contribution levy, is to be accompanied by a Cost Summary Report Form setting out an estimate of the CIV in accordance with Schedule 1 of the Port Stephens Local Infrastructure Contributions Plan. A copy of the Plan and Cost Summary Report Forms are available Council's website at https://www.portstephens.nsw.gov.au/, alternatively contact Council on 02 9228 055.</p> <p>Where the estimated cost of carrying out on the whole of the development is more than \$1,000,000, the Cost Summary Report Form must be completed by a Quantity Surveyor who is a Registered Associate member or above, of the Australia Institute of Quantity Surveyors.</p>	Capital Investment Value	Levy Rate (% of CIV)	Up to and including \$100,000	Nil	More than \$100,000 and up to and including \$200,000	0.5%	More than \$200,000	1%
Capital Investment Value	Levy Rate (% of CIV)								
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	<p>This condition cannot be taken to be satisfied until a payment has been made in accordance with the CIV stated on a cost summary report submitted to Council in accordance with this condition.</p> <p>Payment of the above amount must apply to Development Applications as follows:</p> <p>a) Building work only – prior to issue of the Construction Certificate.</p> <p>Condition reason: To ensure that a monetary contribution as specified is paid to Council in accordance with Section 7.12 of the EP&A Act 1979, and the Port Stephens Council Local Infrastructure Contributions Plan 2020.</p>
10	<p>Long Service Levy</p> <p>Before the issue of a Construction Certificate, the long service levy must be paid to the Long Service Corporation under the <i>Building and Construction industry Long Service Payments Act 1986</i>, section 34, and evidence of the payment is to be provided to the principal certifier</p> <p>Condition reason: To ensure the Long Service Levy is paid.</p>
11	<p>Civil engineering plans</p> <p>Civil engineering plans prepared by a qualified Engineer, indicating (where relevant) drainage, access ways, earthworks, pavement design, street lighting, details of line-marking, traffic management, water quality and quantity facilities, must be prepared in accordance with the approved plans and Council's Infrastructure Specifications.</p> <p>Details demonstrating compliance must be provided to the Certifying Authority prior to issue of a Construction Certificate.</p> <p>Note. Under the Roads Act 1993, only the Roads Authority can approve commencement of works within an existing road reserve.</p> <p>Condition reason: To ensure detailed civil engineering plans are prepared for construction.</p>
12	<p>Construction Site Management Plan</p> <p>Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided to the principal certifier. The plan must include the following matters:</p> <ol style="list-style-type: none"> The location and materials for protective fencing and hoardings on the perimeter of the site; Provisions for public safety; Pedestrian and vehicular site access points and construction activity zones; Details of construction traffic management including: <ol style="list-style-type: none"> Proposed truck movements to and from the site; Estimated frequency of truck movements; and Measures to ensure pedestrian safety near the site; Details of earthworks to be carried out; The location of site storage areas and sheds;

ITEM 2 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

	<ul style="list-style-type: none"> g. The equipment used to carry out works; h. The location of a garbage container with a tight-fitting lid; i. Dust, noise and vibration control measures; j. The location of temporary toilets; k. Traffic management; l. Where there is potential for construction to interact with groundwater, a PFAS Management Plan must be prepared and include measures to: <ul style="list-style-type: none"> i. prevent, or limit as far as possible, offsite migration of contaminated groundwater; ii. prevent, or limit as far as possible, contact and exposure to contaminated groundwater; iii. manage potentially contaminated groundwater that may accumulate in any footings or excavations to ensure this does not run-off the site; and iv. ensure that any contaminated groundwater transported from the site is to a site that is lawfully able to receive it. <p>A copy of the construction site management plan must be kept on site at all times while work is being carried out.</p> <p>Condition reason: To require details of measures to be undertaken that will protect the public, and the surrounding environment, during site works and construction.</p>
13	<p>Water and Sewer Servicing Requirements</p> <p>Before the issue of any Construction Certificate, the following water and sewer servicing requirements must be satisfied:</p> <ul style="list-style-type: none"> 1. The proponent is required to submit an application for Development Assessment (Section 50) for the proposed development in accordance with Section 49 of the Hunter Water Act 1991 (the Act) via the Hunter Water Self Service Portal (https://selfservice.hunterwater.com.au/). 2. A Compliance Certificate will be issued under Section 50 of the Act for each stage of the proposed development once Hunter Water's specific requirements have been satisfied, and this Compliance Certificate must be submitted to the Principal Certifying Authority prior to a Construction Certificate being issued for the development. 3. The proponent is responsible for ensuring that any development staging is clearly defined in the development consent in order to allow the release of Section 50 Compliance Certificates for each development stage and, if required, the associated staged delivery of water and sewer infrastructure. <p>Condition reason: To ensure Hunter Water Corporation water and sewer servicing requirements are satisfied.</p>

Before building work commences

14	Public liability insurance
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	<p>The owner or contractor must take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc.) for the full duration of the proposed works.</p> <p>Evidence of this Policy must be provided to Council and the Certifying Authority.</p> <p>Condition reason: To ensure Public liability insurance is obtained prior to commencement of works.</p>
15	<p>Erosion and sediment controls in place</p> <p>Before any site work commences, the certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been re-stabilized in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
16	<p>All Weather Access</p> <p>A 3m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction for the delivery of materials and use by trades people.</p> <p>No materials, waste or the like are to be stored on the all-weather access at any time.</p> <p>Condition reason: To ensure that adequate vehicular access is provided to and from the site, prior to the commencement of works.</p>
17	<p>Construction Certificate Required</p> <p>In accordance with the provisions of Section 6.7 of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979), construction or subdivision works approved by this consent must not commence until the following has been satisfied:</p> <ul style="list-style-type: none"> a) A Construction Certificate has been issued by a Consent Authority; b) A Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 6.5 of the EP&A Act 1979; and c) The PCA is notified in writing of the name and contractor license number of the owner/building intending to carry out the approved work. <p>Condition reason: To ensure that a Construction Certificate has been issued for the building works prior to the commencement of work.</p>
18	<p>Notice Commencement of Work</p> <p>Notice must be given to Council and the Principal Certifier, if not the Council, of the person's intention to commence the erection of the building or undertake subdivision work at least two days prior to subdivision and/or building works commencing in accordance with Sections 6.6 (2) and 6.12 (2) (c) of the Environmental Planning and Assessment Act 1979 and Section 59 of</p>

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	<p>the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:</p> <ul style="list-style-type: none"> a) The name and address of the person; b) A description of the work to be carried out; c) The address of the land on which the work is to be carried out; d) The Registered numbers and date of issue of the development consent and construction certificate; e) A statement signed by or on behalf of the principal certifier that all conditions of the consent that must be satisfied before work commences have been satisfied; and f) The date on which the work is intended to commence. <p>The notice must be lodged on the NSW Planning Portal.</p> <p>Condition reason: To ensure that the Principal Certifier has given notice to the Consent Authority and Council at least two days prior to subdivision and/or building works commencing in accordance with S6.6(2)(a) of the Environmental Planning and Assessment Act 1979 and Section 59 of the Environmental Planning and Assessment (Development Certificate and Fire Safety) Regulation 2021.</p>
19	<p>Notice of Principal Certifying Authority Appointment</p> <p>The Principal Certifier for this development must give notice must be given to the consent authority and Council, where the Council is not the consent authority, at least two days prior to subdivision and/or building works commencing in accordance with Section 6.6 (2) (a) of the Environmental Planning and Assessment Act 1979 and Section 57 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:</p> <ul style="list-style-type: none"> a) A description of the work to be carried out; b) The address of the land on which the work is to be carried out; c) The Registered number and date of issue of the relevant development consent; d) The name and address of the Principal Certifier and the person who appointed the principal certifier; e) If the principal certifier is a registered certifier <ul style="list-style-type: none"> i) The certifier's registration number, and ii) A statement signed by the registered certifier to the effect that the certifier consents to be appointed as principal certifier, and iii) A telephone number on which the certifier may be contacted for business purposes. <p>The notice must be lodged on the NSW Planning Portal.</p> <p>Condition reason: To ensure that the Principal Certifier has given notice that they will be the Principal Certifier to the Consent Authority and Council at least two days prior to subdivision and/or building works commencing in accordance with S6.6(2)(a) of the Environmental Planning and Assessment Act 1979</p>
20	<p>Rubbish Generated from the Development</p>

	<p>A waste containment facility is to be established on site. The facility is to be regularly emptied and maintained for the duration of works.</p> <p>No rubbish must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development.</p> <p>Condition reason: To ensure that construction waste is appropriately stockpiled and removed from the site.</p>
21	<p>Signs on site</p> <p>A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:</p> <ul style="list-style-type: none"> a) showing the name, address and telephone number of the principal certifier for the work, and b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and c) stating that unauthorised entry to the work site is prohibited. <p>Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.</p> <p>Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.</p> <p>Condition reason: To require signage that details the relevant contacts of a development during construction.</p>
22	<p>Site is to be secured</p> <p>The site must be secured and fenced to the satisfaction of the Principal Certifying Authority. All hoarding, fencing, or awnings (associated with securing the site during construction) is to be removed upon the completion of works.</p> <p>Condition reason: To restrict access to the site by the public and ensure that the site is adequately secured prior to the commencement of works.</p>
23	<p>Demolition Work</p> <p>All demolition works are to be carried out in accordance with Australian Standard AS 2601 'The demolition of Structures'. All waste materials are to be either recycled or disposed of to a licensed waste facility.</p> <p>Any asbestos containing material encountered during demolition or works, is to be removed in accordance with the requirements of Safe Work NSW and disposed of to an appropriately licenced waste facility.</p>

Evidence is to be provided to the Certifying Authority demonstrating that asbestos waste has been disposed of in accordance with this condition.
Condition reason: To ensure a development is carried out in accordance with the Australian Standard AS 2601 'The demolition of Structures', and all waste materials are appropriately removed.

During building work

24	Discovery of relics and Aboriginal objects While site works is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered: <ul style="list-style-type: none"> a. The work in the area of the discovery must cease immediately; b. The following must be notified – <ul style="list-style-type: none"> i. For a relic – the Heritage Council; or ii. For an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, Section 85. Site works may recommence at a time conformed in writing by: <ul style="list-style-type: none"> a. For a relic – the Heritage Council; or b. For an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85
	Condition reason: To ensure the protection of objects of potential significance during works.
25	Responsibility for changes to public infrastructure While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.
	Condition reason: To ensure payment of approved changes to public infrastructure
26	Waste management While site work is being carried out: <ul style="list-style-type: none"> 1. all waste management must be undertaken in accordance with the waste management plan; and 2. upon disposal of waste, records of the disposal must be compiled and provided to the certifying authority, detailing the following: <ul style="list-style-type: none"> a. The contact details of the person(s) who removed the waste; b. The waste carrier vehicle registration; c. The date and time of waste collection;

	<p>d. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill;</p> <p>e. The address of the disposal location(s) where the waste was taken;</p> <p>f. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.</p> <p>If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and Council.</p> <p>Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste</p>
27	<p>Hours of work</p> <p>Site work must only be carried out between the following times –</p> <p>7:00am to 5:00pm on Monday to Sunday</p> <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p> <p>Condition reason: To protect the amenity of the surrounding area</p>
28	<p>Unexpected Finds Contingency (General)</p> <p>Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works must cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.</p> <p>In the event that contamination is identified as a result of this assessment and if remediation is required, all works must cease in the vicinity of the contamination and Council must be notified immediately.</p> <p>Where remediation work is required, the applicant will be required to obtain consent for the remediation works.</p> <p>Condition reason: To ensure that works relating to a development are to cease if any suspect materials are identified and remediated in accordance with Council requirements</p>
29	<p>Excavations and Backfilling</p> <p>All excavations and backfilling associated with this development consent must be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified Engineer.</p>

ITEM 2 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

	<p>If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation must:</p> <ul style="list-style-type: none"> a) preserve and protect the building from damage; and b) if necessary, underpin and support the building in an approved manner; and c) give at least seven days' notice to the adjoining owners before excavating, or of the intention to excavate. <p>The principal contractor, owner builder or any person who needs to excavate and undertake building work, must contact "Dial Before You Dig" prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.</p> <p>This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.</p> <p>Condition reason: To ensure that all excavations and backfilling associated with this development consent are executed safely.</p>
30	<p>Offensive noise, dust, odour, and vibration</p> <p>Work must not give rise to offensive noise, odour, or vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the nearest property boundary.</p> <p>Condition reason: To ensure that developments do not give rise to offensive noise, dust, odour, or vibration.</p>
31	<p>Compliance with the Building Code of Australia</p> <p>Building work must be carried out in accordance with the requirements of the Building Code of Australia.</p> <p>Condition reason: To ensure works are undertaken in accordance with the BCA.</p>
32	<p>Cut and fill (if applicable)</p> <p>While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:</p> <ul style="list-style-type: none"> (a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier. (b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA. <p>Condition reason: To ensure fill is managed in accordance with the application requirements.</p>

33	Placement of fill
	Filling must not be placed in such a manner that natural drainage from adjoining land will be obstructed or in such a manner that surface water will be diverted.
	Further, any alterations to the natural surface contours must not impede or divert natural surface water runoff so as to cause a nuisance to adjoining property owners.
	Condition reason: To ensure that fill required for a development is managed in accordance with Council requirements.

Before issue of an occupation certificate

34	Occupation Certificate Required
	An Occupation Certificate must be obtained prior to any use or occupation of the development.
	The Principal Certifying Authority must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent.
	Condition reason: To ensure that an Occupation Certificate relating to the development is obtained from the Principal Certifying Authority prior to occupation or use
35	Repair of infrastructure
	Before the issue of an Occupation Certificate:
	<ol style="list-style-type: none"> any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council; or if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent.
	Condition reason: To ensure that approved works within the road reserve have been completed to the satisfaction of the Council.
36	Removal of waste upon completion
	Before the issue of an occupation certificate, the principal certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the principal certifier.
	Before the issue of a partial occupation certificate, the applicant must ensure the temporary

	storage of any waste is carried out in accordance with the approved waste management plan to the principal certifier's satisfaction.
	Condition reason: To ensure that all waste is appropriately removed from the subject site prior to the issue of an Occupation Certificate.
37	Water authority certification
	Before the issue of an occupation certificate, a certificate of compliance must be obtained in relation to the proposed use from Hunter Water Corporation.
	Condition reason: To ensure compliance with the water supply authority's requirements.

Occupation and ongoing use

38	Offensive Noise
	The use and occupation of the premises including all plant and equipment must not give rise to any offensive noise within the meaning of the <i>Protection of the Environment Operation Act 1997</i> and must comply with the <i>NSW Noise Policy for Industry 2017</i> (as amended).
	Condition reason: To control noise in order to ensure it is not offensive.
39	Parking areas to be kept clear
	At all times, the loading, car parking spaces, driveways and footpaths must be kept clear of goods and must not be used for storage purposes.
	Condition reason: To ensure that all associated areas with vehicle storage/parking are kept clear and solely for their intended purpose.
40	Waste Storage
	As the subject site is located in an area mapped by the Department of Defence as "Birdstrike Group C", organic waste and/or the storage of bins associated with any future development must be covered and/or enclosed and limited on-site.
	Condition reason: To ensure that waste storage does not impact bird strike.
41	Hazardous material storage
	Dangerous and hazardous goods must be stored in accordance with SafeWork NSW requirements, dependent on the quantities stored. Any flammable or combustible liquids must be stored in accordance with AS 1940 'The Storage and Handling of Flammable and Combustible Liquids'.
	Hazardous and/or industrial waste arising from the use must be removed and/or transported in accordance with the requirements of the Environmental Protection Agency and the SafeWork NSW.

<p>Condition reason: To ensure hazardous materials are appropriately stored on site.</p>

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes: https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf](https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Council advisory notes

1. **'Dial Before you Dig Australia'** – Before any excavation work starts, contractors and others should phone the "Dial Before You Dig Australia" service to access plans/information for underground pipes and cables.
2. **Approved Plans to be on-site** – A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifying Authority.
3. **Council as PCA, PCA sign** – It is the responsibility of the applicant to erect a PCA sign. Where Council is the PCA, the sign is available free of charge, from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay. The applicant is to ensure the PCA sign remains in position for the duration of works.
4. **Flood information subject to change** – You are advised that flood information is subject to change if more accurate data becomes available to Council. It is the responsibility of the applicant to use the most up-to-date flood information. Prior to applying for a construction certificate, Council should be contacted to verify the currency of the flood information.



DEVELOPMENT ASSESSMENT REPORT

APPLICATION REFERENCES

Application Number	16-2025-200-1
Development Description	Alterations and additions to an existing building or structure for the purpose of fire system upgrades and associated works
Applicant	BAE SYSTEMS AUSTRALIA
Land owner	Department of Defence
Date of Lodgement	14/05/2025
Value of Works	\$605,000.00
Submissions	0

PROPERTY DETAILS

Property Address	55C Slades Road WILLIAMTOWN
Lot and DP	LOT: 103 DP: 873512
88B Restrictions on Title	(A) Benefited by easement for sewer effluent (C) Land excludes minerals commonwealth gazettal (E) Water rights
Current Use	Existing aircraft maintenance facility
Zoning	SP2 Defence / Air Transport Facility
Site Constraints	Weed Infestation Bush Fire Prone Land – Vegetation Buffer Acid Sulfate Soils – Category 4 Preferred koala habitat and preferred koala habitat buffer Biodiversity Values Map Australian Noise Exposure Forecast (ANEF) – 35-40 and 40+ Height Trigger Map – refer all structures Bird Strike – Group C Extraneous Lighting (CASA) – Zone C, 150cd Hunter Water Special Area NSW Wildlife Atlas – Fauna PFAS Management Area – Primary management zone Flood Prone Land Drinking water catchment
State Environmental Planning Policies	State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021

PROPOSAL

The proposal seeks consent for the upgrading of the existing fire services at the BAE Systems Australia (BAESA) Williamstown facility. The proposed upgrade seeks to increase the capacity, reliability and maintainability of the facilities firefighting services, while also incorporating upgrades to critical fire systems and facilitating more efficient integration with firefighting appliances.

The proposed development would include the following:

- Construction of a new fire water storage tank for firefighting services (estimated capacity of 670kL).
- Reconfiguration and upgrades of the existing fire system infrastructure including new pumps, valves, back flow protection devices, and pipework.
- Structural alterations to the existing Fire System Pump room for access or to house the new equipment (if required).
- Upgrade of the existing Fire Indicator Panel (FIP), new Fire Detection Control and Indicating Equipment (FDCIE) and other warning lights and signage as required to achieve compliance with the current Australian Standards.
- Upgrade of the existing fire services ring main pipework.
- Line marking to provide a clear zone and facilitate unobstructed access for the connection of up to two firefighting appliances to the sites fire systems.
- Modifications to the existing carpark including, relocation of private light poles, construction of new traffic islands and additional line marking.
- Installation of new bicycle racks.

The proposal is depicted within **Figures 1 and 2** below.

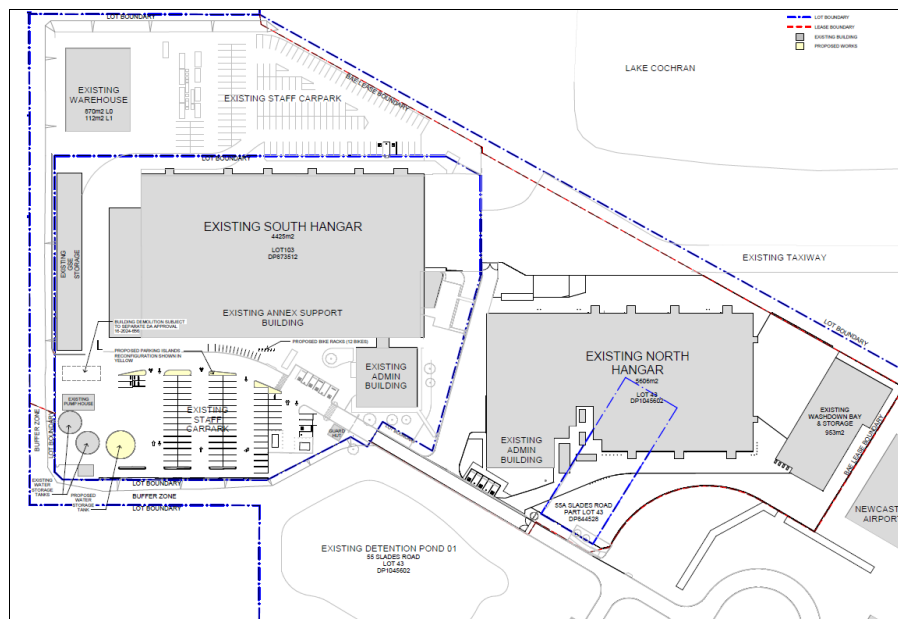


Figure 1: Proposed Site Plan

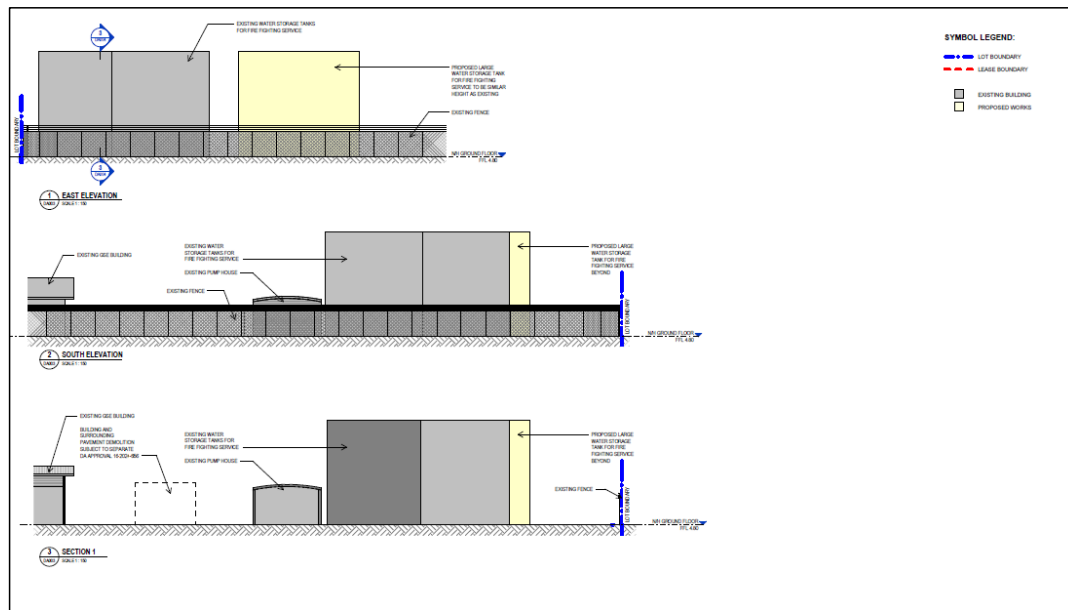


Figure 2: Proposed boundary elevations and section

SITE DESCRIPTION

The site is located at 55C Slades Road, Williamtown within an existing aircraft maintenance facility within the Newcastle Airport Precinct at Williamtown NSW. The Newcastle Airport complex supports a range of tourist, commercial, aviation and defence uses and BAESA provide maintenance services for Defence aircraft based at RAAF Base Williamtown. The Project Area is located on Commonwealth owned land, sub-leased to BAESA, within the Port Stephens Local Government Area (LGA). The site context is shown in **Figure 3**.

The existing aircraft maintenance facility consists of two large maintenance hangar structures complete with attached administration areas and support workshops, a warehouse, storage facilities, a guardhouse and fire service infrastructure. The site contains two large carparks in the east and west of the precinct, and airside aprons providing connection to the existing taxiway. Access to the airport is via Williamtown Drive, to Nelson Bay Road.



Figure 3: Aerial GIS imagery of the subject site outlined in red

SITE HISTORY

BAE Systems Australia (BAESA)

The BAESA Williamstown Facility was established in 2000, is located on Lot 103, DP873512 and Lot 43, DP1045602 adjacent to Newcastle Airport. The facility is utilised for the maintenance, repair, and upgrade of the Royal Australian Air Force (RAAF) AV fleets.

A schedule of works is currently underway to give effect to a facilities contract agreement between the Commonwealth of Australia (CoA) and BAESA to provide suitable maintenance, repair, overhaul and upgrade facilities at Williamstown. The schedule of works is summarised in **Table 1** below, and is included to provide context to the proposed development. The subject application will provide an upgrade of existing fire services, which will supplement Schedules 1-3.

Table 1: BAESA Williamstown Precinct Schedule of Works (SoEE)

Schedule	Description of Works	Approval
Schedule 1	South Hangar Adaptive Reuse: Four new General Maintenance (GM) Bays located in the existing hangar, hangar floor fit-out, supporting facilities and site services amplification.	DA 16-2022-763-1 approved on 1/05/2023.
Schedule 2	Northern Hangar extension and associated ancillary works involves the refitting and extension of an existing facility it will also include the expansion of the site's concrete apron and a dedicated wash bay and servicing equipment area.	SSD-54974974 approved on 20/09/2024.
Schedule 3	Aircraft Maintenance Facility to support the protective coating of the aircraft vehicles.	SSD-73429718 SEARs issued, EIS being prepared.

SITE INSPECTION

A site inspection was carried out on 25 July 2025.

The subject site can be seen in **Photographs 1** and **2** below:



Photo 1: Proposed location of water tank as viewed from footpath, west of the site



Photo 2: Existing water tanks as viewed from footpath, south of the site

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ITEM 2 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

REFERRALS

The proposed development was referred to the following internal specialists and external agencies. The comments provided by the special staff and external agencies have been used to carry out the assessment against the section 4.15 Matters for Consideration below:

Internal

Building Surveyor	
Outcome	Supported with conditions
Comment	Council's Building Surveyor is aware of the necessary upgrades to support the expansion of the facility and to address some technical shortfalls with existing systems on the site. No objections are raised with respect to the proposal.
Development Engineering	
Outcome	Supported with conditions
Comment	Council's Development Engineer supported the proposal noting all environmental impacts could be managed under a Construction Environmental Management Plan (CEMP) for the project.
Environmental Health	
Outcome	Supported unconditionally
Comment	Nil comments.
Development Contributions	
Outcome	Supported with conditions
Comment	Council's Development Contributions Officer found that pursuant to the Port Stephens Local Infrastructure Contributions Plan s7.12 contributions apply.

External (non-integrated)

Hunter Water Corporation	
Outcome	Supported with conditions
Comment	The site is located within a drinking water catchment and was therefore referred to HWC for comment. Based on Hunter Water's assessment of the information provided, the proposed development is considered to achieve a neutral or beneficial effect (NoRBE) on water quality. Standard conditions of consent were provided, with recommendations also provided for groundwater risk management to be incorporated within the CEMP.
Ausgrid	
Outcome	Supported with conditions
Comment	A referral was received from Ausgrid who provided advice in relation to the supply of electricity and works within proximity to Ausgrid assets.
Department of Defence	
Outcome	Supported unconditionally
Comment	
Environment Protection Authority	
Outcome	Supported with conditions
Comment	Standard conditions of consent are provided for development within the Williamstown PFAS Contamination Management Area. No major surface or ground works are proposed. Groundwater and soil management controls will be implemented within the Construction Environmental Management Plan.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**Section 1.7 – Application of Part 7 of Biodiversity Conservation Act 2016**

The development does not trigger entry into the Biodiversity Offset Scheme, as the proposal does not involve native vegetation clearing within a Biodiversity Values Mapped area, exceed the area clearing threshold or propose significant ecological impact.

Section 4.14 – Consultation and development consent (certain bushfire prone land)

The site is bushfire prone land and therefore Planning for Bushfire Protection (PBP) 2019 applies.

Section 4.14(1) provides that development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land (being land for the time being recorded as bush fire prone land on a relevant map certified under section 10.3(2)) unless the consent authority—

(a) is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or (b) has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.

The proposed development is mapped as bushfire prone land, vegetation buffer, and as such requires assessment under the NSW RFS Planning for Bushfire Protection (PBP) 2019.

The proposed development is for 'alterations and additions to an existing building or structure for the purpose of fire system upgrades and associated works', which is considered a type of 'other non-residential development' to which section 8.3 of PBP 2019 applies. The proposal comprises 10 buildings. The NCC does not provide for any bush fire specific performance requirements for these particular building classes. As such, AS 3959 and the NASH Standard are not considered as a set of Deemed to Satisfy provisions. Notwithstanding, PBP 2019 provides that compliance with AS 3959 and the NASH Standard must be considered when meeting the aims and objectives of PBP 2019.

The aim of PBP is to provide for the protection of human life and minimise impacts on property from the threat of bush fire, while having due regard to development potential, site characteristics and protection of the environment. The objectives are to:

- Afford buildings and their occupants protection from exposure to a bush fire.
- Provide for a defendable space to be located around buildings.
- Provide appropriate separation between a hazard and buildings, which, in combination with other measures, prevent the likely fire spread to buildings.
- Ensure that appropriate operational access and egress for emergency service personnel and occupants is available.
- Provide for ongoing management and maintenance of Bush fire Protection Measures (BPMs).
- Ensure that utility services are adequate to meet the needs of firefighters.

The proposal would not increase the external footprint of the existing facility. Presently, there is an area of existing cleared land around the Project Area and beyond, thus creating a defensible space and providing an appropriate separation between the hazard source and the buildings. Appropriate operational access and egress for emergency services personnel and occupants is provided via the existing access way to Williamstown Drive, with the proposed works not introducing any additional habitable spaces. Reticulated water supply for firefighting purposes is available around the site, and is to be expanded on as part of the Project through the construction of the new fire water tank.

Noting the above, it is considered that the proposal conforms to the specifications and requirements of PBP 2019.

Section 4.46 – What is “integrated development”?

The proposed development does not require an integrated referral under section 4.46 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) as it does not meet any of the applicable triggers.

Section 4.15 – Matters for consideration

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the EP&A Act. The matters of relevance to the development application include the following:

- The provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations
 - Any environmental planning instrument, and
 - Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
 - Any development control plan, and
 - Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
 - The regulations (to the extent that they prescribe matters for the purposes of this paragraph),
- That apply to the land to which the development application relates,
- The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- The suitability of the site for the development,
- Any submissions made in accordance with this Act or the regulations,
- The public interest.

Section 4.15(1)(a)(i) – Any environmental planning instrument

An assessment has been undertaken against each of the applicable environmental planning instruments (EPI's), as follows:

State Environmental Planning Policy (Biodiversity And Conservation) 2021**Chapter 2 – Vegetation in non-rural areas**

Chapter 2 Vegetation in Non-Rural Areas of the Biodiversity and Conservation SEPP aims to protect the biodiversity values and preserve the amenity and other vegetation in non-rural areas of the State.

The Chapter works in conjunction with the Biodiversity Conservation Act 2016 and the Local Land Services Amendment Act 2016 to create a framework for the regulation of clearing of native vegetation in NSW.

Part 2.3 of the Chapter contains provisions similar to those contained in the former (now repealed) clause 5.9 of Port Stephens Local Environmental Plan 2013 and provides that Council's Development Control Plan can make declarations with regard to certain matters. The chapter further provides that Council may issue a permit for tree removal.

As the site was cleared of vegetation under the parent subdivision approval, vegetation removal is not required under the development proposal.

Chapter 4 – Koala habitat protection 2021

This policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. Chapter 4 applies to all zones other than RU1 (Primary Production), RU2 (Rural Landscape) and RU3 (Forestry) in the Port Stephens Local Government Area.

Section 4.8 – Development assessment process

Section 4.8 requires that the application must be consistent with the approved koala plan of management that applies to the site. In Port Stephens, the relevant plan is the Comprehensive Koala Plan of Management (CKPoM). No koala habitat has been identified on site, or is expected to be adversely impacted as a result of this proposal. As such, the proposed development is considered to be consistent with the CKPoM.

State Environmental Planning Policy (Resilience And Hazards) 2021

Chapter 4 – Remediation of land

Section 4.6 – Contamination and remediation to be considered

Section 4.6 of Chapter 4 of the Resilience and Hazards SEPP requires the consent authority to consider whether land is contaminated, is in a suitable state despite contamination, or requires remediation to be made suitable for the proposed development.

It is noted that the NSW list of contaminated sites and list of notified sites published by the EPA does not identify the site as being contaminated from historical land uses. The site is however located within the Williamstown PFAS Management Zone. No major ground disturbance is proposed or works that would expose or disrupt the groundwater table. Accordingly, no potentially contaminated PFAS soils or groundwater will be affected by the proposed development. Standard PFAS management conditions have been recommended in accordance with EPA Guidelines. Groundwater and soil management controls will be implemented within the Construction Environmental Management Plan.

State Environmental Planning Policy (Transport And Infrastructure) 2021

Chapter 2 – Infrastructure

Section 2.48(2) – Determination of development applications – other development

Section 2.48(2) requires consultation with the local power authority (Ausgrid), where a development involves works in proximity to electrical utility infrastructure. The application was referred to Ausgrid, requesting comments about potential safety risks. In response, Ausgrid provided advice in relation to the supply of electricity and works within proximity to underground mains. Ausgrid advice will form part of the recommended conditions.

Port Stephens Local Environmental Plan 2013 (PSLEP2013)

Clause 2.3 – Zone objectives and land use table

Clause 2.3 identifies that each land use zone in the land use table specifies the following:

- The objectives for development, and
- Development that may be carried out without development consent, and
- Development that may be carried out only with development consent, and
- Development that is prohibited.

This Clause outlines that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The proposed development can be defined as General Industry – Aircraft Maintenance, which is a permissible land use within the SP2 Defence/Air Transport Facility zone, as the intended purpose of the development is to support the Federal Government in the maintenance of RAAF aircraft. The development addresses the objectives of the zone as it seeks to provide infrastructure to support BAESA operations.

Clause 2.7 – Demolition requiring development consent

Clause 2.7 identifies that the demolition of a building or work may be carried out only with development consent, unless identified as exempt development under an applicable environmental planning instrument.

The proposed development requires the demolition of existing fire services pipe work within the pump house building. Accordingly, conditions of consent have been included in order to mitigate potential impacts to adjoining properties and the locality during demolition works.

Clause 4.3 – Height of buildings

The objectives of this clause are to ensure the height of buildings is appropriate for the context and character of the area and to ensure building heights reflect the hierarchy of centres and land use structure. Clause 4.3(2) provides that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

There is no building height limit applying to the site under the PSLEP. The proposed water storage tank has been designed to a height of 10 metres, consistent with the existing height of water tanks over the site. The proposed height of the development continues to demonstrate consistency with the surrounding built form context and character of the area, and reflects the hierarchy of centres and land use structure, satisfying the objectives of this clause.

Clause 5.10 – Heritage conservation

The objectives of this clause are to conserve the environmental heritage of Port Stephens, to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, to conserve archaeological sites, and to conserve Aboriginal objects and Aboriginal places of heritage significance.

In accordance with Clause 5.10(4) the consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

The proposed development is not located within or in proximity to any local or state listed heritage items or conservation areas. An Aboriginal Heritage Management Systems (AHIMS) and Aboriginal Heritage Due Diligence Assessment was provided with the application, which showed that there are no recorded Aboriginal heritage sites or items within the subject site, or in close proximity to the

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ITEM 2 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

subject site. No Aboriginal archaeological sites, objects, Potential Archaeological Deposits (PAD) or Sensitive Places are identified within the development area.

As such, no adverse impact to Aboriginal heritage is expected, and a condition of consent relating to unexpected finds will be included to ensure that appropriate steps are taken should any be identified during works.

Clause 5.21 – Flood planning

The objectives of this clause are to minimise flood risk to life and property and avoid significant adverse impacts on flood behaviour and the environment, while allowing development on land that is compatible with the flood hazard.

The activity area of the proposed works is classified as Minimal Risk Flood Prone Land. Minimal Risk Flood Prone Land is land on the floodplain that is above the Flood Planning Level. Due to the minor nature of the works, the proposed development is not expected to increase the flood risk profile of the area.

On this basis, risk to property and life from flooding is adequately managed and the proposal is consistent with the requirements of Section 5.21.

Clause 7.1 – Acid sulfate soils

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The subject land is mapped as containing potential Class 4 acid sulfate soils. The proposed development will involve works to a depth of 1.2m below existing ground level and therefore it is not expected that acid sulfate soils would be encountered during works. As such, no further consideration of Clause 7.1 is required.

Clause 7.2 – Earthworks

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The proposed development will involve minor earthworks for construction of tank footings and trenching works. The proposed earthworks are considered to be ancillary to the proposed development and consent for the proposed development will be taken to have provided consent for ancillary earthworks.

The proposed earthworks, subject to the recommended conditions, will include appropriate sediment and erosion controls to prevent adverse impacts to the environment, adjoining properties and relics. Furthermore, no adverse impacts are expected to the water quality of the local drinking water catchment, as confirmed in the referral comments from Hunter Water.

Subject to the recommended conditions, it is considered that the proposal satisfies the requirements of this clause.

Clause 7.4 – Airspace operations

The objectives of this clause is to provide for the effective and ongoing operation of the RAAF Base Williamtown Airport by ensuring that such operation is not compromised by proposed development

that penetrates the Limitation or Operations Surface for that airport and to protect the community from undue risk from that operation.

As per Clause 7.4(2) the RAAF Base Williamtown Obstacle Limitation map identifies a referral requirement to Department of Defence for structures higher than 7.5m. Noting the proposed height of the water tank (10m) will penetrate the RAAF Base Williamtown Obstacle Limitation map, the application was referred to the Department of Defence who raised no objection.

Clause 7.6 – Essential services

This clause provides that consent must not be granted unless the consent authority is satisfied that services that are essential for the development are available or that adequate arrangements have been made to make them available.

The site is already connected to all relevant services, with the fire system infrastructure to be upgraded under this proposal. Accordingly, it is considered that the proposed development satisfies this clause as adequate arrangements have been made to service the site.

Clause 7.8 – Drinking water catchments

The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.

The proposed development is located within a drinking water catchment and accordingly, the requirements of this clause apply. The subject development has been designed to avoid negative impacts on the quality or quantity of water entering the drinking water storage (Tomago Sandbeds Special Area), with groundwater management controls to be implemented within the Construction Environmental Management Plan (CEMP).

The application was referred to Hunter Water Corporation (HWC) in accordance with Section 51 of the Hunter Water Act 1991. In response, HWC provided conditions of consent and recommendations to manage water quality.

Section 4.15(a)(ii) – Any draft environmental planning instrument that is or has been placed on public exhibition

There are several proposed instruments which have been the subject of public consultation under the EP&A Act, and are relevant to the proposal, including the following:

- *Draft Remediation of Land State Environmental Planning Policy*

The proposed Remediation of Land SEPP is intended to repeal and replace Chapter 4 of SEPP Resilience and Hazards 2021. The draft SEPP, which was exhibited from 25 January to 13 April 2018, is currently under consideration.

The proposed SEPP seeks to provide a State-wide planning framework to guide the remediation of land, including outlining provisions that require consent authorities to consider the potential for land to be contaminated when determining development applications; clearly lists remediation works that require development consent; and introducing certification and operational requirements for remediation works that may be carried out without development consent.

Consideration has been given to the suitability of the site with respect to potential land contamination under SEPP Resilience and Hazards 2021 – Chapter 4 elsewhere within this report. The subject site has been identified as suitable for the proposed development and further investigation with respect to contamination is not warranted in this instance.

There are no other draft environmental planning instruments that apply to the proposal.

These proposed instruments are considered below: Section 4.15(a)(iii) – Any development control plan

Port Stephens Development Control Plan 2014 (PSDCP 2014)

The Port Stephens Development Control Plan 2014 (DCP) is applicable to the proposed development and has been assessed below.

Section B – General Provisions

B1 – Tree Management

No trees are proposed for clearing. All proposed works are to take place on already transformed surfaces or are internal alterations and additions.

B2 – Flora and Fauna

The site is heavily disturbed, with all proposed works to be undertaken on already transformed and cleared surfaces. As such, it is not considered likely the development will result in significant ecological impacts, with specialist reports on biodiversity impacts not warranted.

Despite the development occurring within 500m of preferred koala habitat, no koala feed trees or corridors will be impacted as part of the proposal. Accordingly, the proposed development complies with the performance criteria listed in Appendix 4 of the Port Stephens CKPOM.

On this basis, the proposal is consistent with the requirements of this Chapter.

B3 – Environmental Management

This Chapter applies to development that has the potential to produce air pollution, has the potential to produce adverse offensive noise, or involves earthworks.

Noise

The site is already utilised for industrial (defence) purposes, and it is not expected that the proposed works will increase noise generation after the completion of works. There will be a temporary increase in noise from construction vehicles which will not make a significant impact on ambient noise due to the proximity to the RAAF Williamstown / Newcastle Airport runway areas.

Air Quality

The proposed development is not a development type anticipated to produce adverse impacts to air quality or require specific odour control measures. Accordingly, an air quality report was not deemed necessary for the proposed development. Any potential impacts as a result of the construction phase will be temporary and will be managed by appropriate measures within the CEMP.

Earthworks

As discussed at Clause 7.2 of the PSLEP above, the proposed development includes minor earthworks for construction of tank footings and trenching works. The impacts of the proposed earthworks can be mitigated through conditions of consent. The proposal is therefore consistent with requirements outlined in Councils DCP relating to earthworks.

B4 – Drainage and Water Quality

The proposal does not seek to increase impervious surfaces or drain to the public drainage system. Existing stormwater arrangements to be maintained over the Airport and BAESA Precinct.

ITEM 2 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

B5 – Flooding

The site is identified as being within the flood planning area (Minimal Risk Flood Prone Land). Due to the nature of the works, the proposed development is not expected to increase the flood risk profile of the area. On this basis, risk to property and life from flooding is adequately managed and the proposal is consistent with the requirements of Chapter B5.

B6 – Williamstown RAAF Base – Aircraft Noise and Safety

The site exists under its current use as general industry (defence). This is within the acceptable criteria of the 2025 Australian Noise Exposure Forecast (ANEF). Noise attenuation measures are not applicable to the proposal noting the non-habitable structures proposed.

B7 – Heritage

The site is not listed as locally significant under Schedule 5 of the PSLEP or State Heritage Register. An AHIMS search did identify any Aboriginal sites on the subject site. The site has been subject to previous disturbance from its historical land uses. Further details on heritage matters have been assessed in the preceding sections of this report against Clause 5.10 of the LEP.

B8 – Road Network and Parking

The BAE Facility currently includes existing firefighting infrastructure in the south, 106 car parking spaces, and shared pedestrian access which are utilised by BAESA employees and contractors. There is one pedestrian crossing connecting the visitor parking area to the administration building and two pedestrian crossings for staff and contractors using the eastern carpark, which includes the development area. Access to the development area will be via the airport main entrance on Williamstown Drive. Alternate emergency access will be via the south west of the facility.

Traffic impacts

There is not expected to be any significant increase in traffic during or post construction. During construction, traffic and parking will be managed through a Traffic Management Plan (TMP), which will form a requirement of the CEMP.

On-site parking provisions

The construction of the new fire tank and associated works would result in the permanent loss of approximately 22 carparks (118 to 96) over the site.

B8 of the DCP requires the following for onsite carparking for industrial uses:

- Heavy industrial storage, establishments, heavy industry and general industry:
 - 1 car space per 100m² floor area; or
 - 4 spaces per work bay
- Office Premises
 - 1 car space per 40m² floor area

Table 2 below details existing on-site parking requirements, based on floor area calculations of the South Hangar Building (approved under DA 16-2022-763-1).

Table 2 – South Hangar Parking Calculations

Area	Area (m ²)	Land Use Type	Total GFA (m ²)	Min DCP Car Parking Rate	Minimum Car Parking Requirement
South Hangar Area	4308	Heavy industrial storage, establishments,	8,149	· 1 car space per 100m ² floor area; or	81.5

ITEM 2 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

Annex Support Building	3094	heavy industry and general industry		· 4 spaces per work bay	
GSE Storage	677				
HAZDG Storage	70				
Admin Building	580	Office Premises	580	1 car space per 40m ² floor area	14.5
TOTAL REQUIRED (Car Spaces)					96.0
Accessible Carparks				1 per 30 car spaces	3.2
TOTAL REQUIRED (Accessible Spaces)					4.0

Table 3: South Hanger on-site parking requirements following construction of new fire water tank and services (DA 16-2025-200-1)

South Hanger available car spaces (Eastern Carpark only)	
Existing car spaces (see attached drawing - P22-186-SH-AR-DRG-1000)	118
Loss of spaces (due to new fire tank equipment)	-22
Total Remaining Car Spaces	96
Existing Accessible car spaces	4
Loss of accessible spaces (due to new fire tank)	0
Total Remaining Car Spaces	4

Noting the above, following the installation of the proposed new fire water tank and services, the South Hanger will still have 96 car spaces, suitably catering for parking demand within the same lot and achieving compliance with the DCP B8 onsite parking requirements as shown in **Table 2**.

On-site parking access

On-site parking access via Slades Road would not be impacted by the proposed works. Temporary construction measures may restrict access to parts of the car park at times, however, this would be managed via the Construction Management Plan.

Section C – Development Types

The proposed development includes infrastructure ancillary to aircraft maintenance and operations. There are no applicable chapters under Section C for the proposed development.

Section 4.15(1)(a)(iia) – Any planning agreement or draft planning agreement entered into under section 7.4

There are no planning agreements or draft planning agreements which have been entered into under section 7.4 of the EP&A Act which are relevant to the development.

Section 4.15(1)(a)(iv) – The regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The following sections within the EP&A Regulation 2021 apply to the development, and have been considered through the assessment of this application:

Section 61 – Additional matters that consent authority must consider

In regard to section 61(1) of the EP&A Regulations 2021, Council has considered the Australian Standard AS 2601—2001: The Demolition of Structures in the assessment of this application with appropriate conditions being imposed on the consent.

Section 66A – Council-related development applications – the Act, s4.16(11)

In regard to Section 66A of the EP&A Regulations 2021, Council has considered the Conflict of Interest Policy in the assessment of this application in relation to exhibition requirements and consent authority delegations.

Section 4.15 (1)(b) The likely impacts of that development**Social and Economic Impacts**

The proposed development will have a positive social and economic impact through increasing the capacity, reliability and maintainability of the BAESA Precinct's firefighting services.

The proposal will generate direct employment opportunities during construction and ongoing operation with flow on employment multipliers benefiting the local community.

Impacts on the Built Environment

The proposed development is not considered to have a negative impact on the built environment. The proposed alterations and additions are consistent with the established and emerging character of the immediate BAESA Precinct and broader Newcastle Airport and Astra Aerolab Precincts.

Impacts on the Natural Environment

The environmental value of the site has been identified as low, due to the previous clearing undertaken on the site and its historical use for industrial purposes. Conditions have been recommended to manage any environmental impacts associated with the construction of the development.

Section 4.15(1)(c) The suitability of the site for the development

The subject site is considered suitable to accommodate the development, given it is a developed parcel of land that currently supports an operational aircraft maintenance hangar with an administration building, hardstand areas, sufficient staff parking and auxiliary buildings. The site is free of any significant constraints and is well separated from any residential areas and sensitive receivers.

Section 4.15(1)(d) Any submissions**Public Submissions**

The application was exhibited from 22 May 2025 to 19 June 2025 in accordance with the provisions of the Port Stephens Council Community Engagement Strategy. No submissions were received in relation to the subject development proposal during this period.

Section 4.15(1)(e) The public interest

The public interest is best served by the orderly and economic use of land for purposes permissible under the relevant planning instruments and predominantly in accordance with the prevailing planning controls. The proposal is a permissible form of development and is consistent with the objectives of the SP2 Defence/Air Transport Facility and is therefore considered to be in the public interest.

Section 7.12 – Fixed Development Consent Levies

Fixed development contributions apply to the proposal in accordance with the Port Stephens Local Infrastructure Contributions Plan and conditions of consent have been included requiring the payment of contributions.

Housing and Productivity Contribution Order 2023

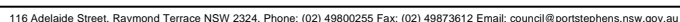
N/A.

CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, and the key issues identified in this report, it is considered that the application can be determined by way of approval.

RECOMMENDATION

The development application is recommended to be approved by the elected Council pursuant to s4.15 of the *Environmental Planning and Assessment Act 1979*, subject to conditions of consent provided.



ITEM NO. 3**FILE NO: 25/167304
EDRMS NO: 16-2024-31-2****MODIFICATION APPLICATION 16-2024-31-2 - S4.55(1A) MODIFICATION TO
APPROVED SENIORS HOUSING DEVELOPMENT AT 119 GAN GAN ROAD,
ANNA BAY**

REPORT OF: RYAN FALKENMIRE - DEVELOPMENT AND COMPLIANCE
SECTION MANAGER
DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2024-31-2 for a S4.55 (1A) Modification to Approved Seniors Housing Development at 119 Gan Gan Road, 121 Gan Gan Road, 113 Old Main Road, 115 Old Main Road, 117 Old Main Road, 119 Old Main Road, Anna Bay, (Lots 478 to 482 DP 17775 and Lot 569 DP 17775) subject to the conditions contained in **(ATTACHMENT 1)**.

BACKGROUND

The purpose of this report is to present a modification Development Application to Council for determination. A summary of the application and property details are provided below:

Subject Land	119 to 121 Gan Gan Road, Anna Bay, 113 to 119 Old Main Road, Anna Bay
Total Area	4,251.79m ²
Zoning	E1 Local Centre
Submissions	2
Key Issues	The key issue identified throughout assessment of the application relates to building height. A detailed assessment of the application is contained within the Planner's Assessment Report (ATTACHMENT 2) .
Applicant	Kado Group Pty Ltd
Land Owner	Havenwood Pty Ltd

The modification application has been reported to the elected Council in accordance with Council's 'Planning Matters to be Reported to Council Policy' as the application seeks to vary a development standard by greater than 10%. A locality plan is provided at **(ATTACHMENT 3)**.

Proposal

The modification proposes design amendments to the approved seniors housing development. In summary, the modified proposal seeks the following:

- 1) Amend the internal unit layouts for seniors living focusing on enhanced usability, particularly in the bathrooms (resulting in minor changes to the number of windows on the western elevation).
- 2) Accommodate a fire pump room in the ground floor / basement and improvements to the accessible parking spaces (resulting in the removal of 2 car parking spaces).
- 3) Include a lobby to the garbage chute.
- 4) Include additional privacy screening and clotheslines to all balconies (resulting in minor footprint changes to the balconies).
- 5) Accommodate the installation of roof top plant as part of the reticulated service requirements.
- 6) Include a small parapet as part of the stormwater design on the rooftop and screen roof mounted equipment.

The modified design results in a 200mm increase in maximum building height from 13.2m to 13.4m from the original proposal. Expressed as a percentage, the maximum building height would be in the order of an 11.6% variation to the Port Stephens LEP (PSLEP) 12m height of building control. The overall height will be increased by 1.5% to that already approved.

Site Description

The subject site comprises of 6 lots, being Lots 478 to 482 DP 17775 and Lot 569 DP 17775, known as 113 to 119 Old Main Road, Anna Bay and 119 to 121 Gan Gan Road, Anna Bay. The site is an irregular shape, and has a total area of 4,251.79m². The site has dual street frontage, facing Old Main Road to the north and Gan Gan Road to the south.

Key Issue

The key issue identified throughout the assessment of the DA relates to the proposed building height. A detailed assessment of the application is contained within the Planner's Assessment Report (**ATTACHMENT 2**).

Building Height

The applicable building height for the site is 12m under the PSLEP. In approving DA 16-2024-31-1, Council resolved to support an application made to vary the maximum building height of 12m pursuant to Clause 4.6 of the PSLEP.

The application to modify the approved design under DA16-2024-31-1 seeks to increase the maximum building height of the building by 200mm to 13.4m (RL19.650m AHD), which relates to the top of the proposed parapet. Expressed as a

percentage, the extent of the exceedance is in the order of 11.6% from the PSLEP height control.

The proposed increase in height, above that originally approved by Council under DA16-2024-31-1, is minor in nature and will not be materially perceived from the public domain or adjoining properties. The exceedance is isolated to a small central portion of the building. As a result, the visual and overshadowing impact will be negligible as demonstrated by perspective drawings and shadow diagrams submitted with the application. Notwithstanding the numerical non-compliance, the proposed development achieves the objectives of the height of buildings development standard and the objectives of the E1 Local Centre zone. The proposal remains compatible with the existing and desired built context, does not result in significant external amenity impact on adjoining properties and therefore demonstrates that there is no public benefit to be achieved in maintaining the development standard in the context of the proposed design amendments.

Accordingly, the minor height increase is negligible considering the existing height of the approved building, and is recommended to be supported.

Conclusion

As detailed in the Planner's Assessment Report (**ATTACHMENT 2**), the development is considered to be consistent with the aims and objectives of the relevant environmental planning instruments and Council policies applicable to the subject site. It is considered that the development has been suitably designed to address the site constraints and despite the proposed variation to the PSLEP relating to the height of buildings development standard, the objectives of this clause are still satisfied.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2029
Housing, tourism & economy	Develop and implement Council's key planning documents

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL, POLICY AND RISK IMPLICATIONS

The proposed development is consistent with the relevant planning instruments including the Environmental Planning and Assessment Act 1979 (EP&A Act), relevant State Environmental Planning Policies, the Port Stephens Local Environmental Plan 2013, and the Port Stephens Development Control Plan 2014.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that if the application is refused the determination of the DA may be challenged by the applicant in the Land and Environment Court. If the applicant was successful in the appeal, Council may be required to pay the applicants legal costs.	High	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Social and Economic Impacts

The modification would not have any adverse social or economic impacts that have not been addressed as part of the original approval.

Impacts on the Built Environment

There are not considered to be additional anticipated adverse impacts on the built environment as a result of the modification that have not been considered by the original approval. The building design changes are minor and will have no adverse impacts to the built environment as outlined in the Planner's Assessment Report **(ATTACHMENT 2)**.

Impacts on the Natural Environment

The modification is not considered to adversely impact the natural environment of the area in addition to what was considered under the original approval.

COMMUNICATION AND ENGAGEMENT

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

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

The following communication and engagement applies to this report.

External communications and engagement

CONSULT	<p>The application was exhibited from 29 May 2025 to 12 June 2025 in accordance with the provisions of the Port Stephens Council Community Engagement Strategy.</p> <p>2 submissions were received in relation to the modified development proposal. It should be noted 63 submissions were received for the original development, demonstrating the proposed modifications are minor and have not attracted significant community interest.</p> <p>A detailed response to these submissions is outlined in the Planner's Assessment Report (ATTACHMENT 2).</p>
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Internal communications and engagement

Consultation has been undertaken by the Development and Compliance Section with:

- Assets Section.
- Strategy and Environment Section.

OPTIONS

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

ATTACHMENTS

- 1) Conditions of Consent. [↓](#)
- 2) Planners Assessment Report. [↓](#)
- 3) Locality Plan. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

All information relating to this development application (DA) is available on the Councillors' Dashboard.

TABLED DOCUMENTS

Nil.

General Conditions

1A	Approved plans and supporting documentation				
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.				
	Approved plans				
	Plan number	Revision number	Plan title	Drawn by	Date of plan
	07-12 & 15-16	D	Architectural Plan Set	EJE	28.04.2025
	Sheet 1 of 2	D	Detail and Contour Survey	ADW Johnson	04.05.2010
	07	D	Ground Floor Plan	O'Connell Architecture and Design	19.07.2024
	Sheet 1-6 of 6	C	Landscape Plan set	Octopus Garden Design	April 2024
	DA-C03.01	B	Bulk Earthworks Cut and Fill Plan	Northrop	26.04.2024
	DA-C03.31	A	Bulk Earthworks Sections	Northrop	18.01.2024
2	DA-C04.01-02	D	Siteworks and Stormwater Management Plan – Ground	Northrop	18.07.2024
	DA-C04.31	C	Catchment Plan	Northrop	18.07.2024
	DA-C09.01	C	Civil Details	Northrop	18.07.2024
	In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.				
	Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development				
2	Approved Report Recommendations				
	Construction of the development must comply with the recommendations of the 'Arboricultural Impact Assessment', prepared by Accurate Tree Assessment, dated 01/2024 detailed as follows:				
	Tree 9 (Angophora costata) and Tree 15 (Araucaria heterophylla)				

ITEM 3 - ATTACHMENT 1 CONDITIONS OF CONSENT.

	<p>the works and maintained for the duration of the project. Following the demolition phase, the fenced area can be reduced to a 3.5 meters radius to allow excavation for the proposal to be undertaken.</p> <p>Trees 24-38, 40-42</p> <ul style="list-style-type: none"> Excavation for infiltration trenches and rainwater detention tanks is to be supervised by the project arborist who can assess any roots that are exposed and if necessary, prune roots that may conflict with the proposal. Roots are to be cleanly severed using sharp hand tools and not pulled or torn by excavation equipment. Retained trees are to be protected by the installation of temporary fencing in accordance with the tree protection plan at Appendix 11.3 and the provisions of AS4970-2009 Protection of Trees on development Sites. This is to be maintained for the duration of the project. Limited access will be permitted to allow the planting of replacement trees and landscaping of the area. Access by machinery will not be permitted unless the ground is first protected by the installation of trackmats to mitigate the effects of soil compaction. <p>Tree Protection</p> <ul style="list-style-type: none"> All recommendations within Section 8.1 Tree Protection (pages 17 and 18). <p>Condition reason: To ensure that development is carried out in accordance with specific recommendations of a report are required to be complied with, but not the full report.</p>
3	<p>Approved Report Recommendations</p> <p>Construction of the development must comply with the recommendations of '119-121 Gan Gan Road, Anna Bay – Koala Movement Infrastructure Advice', prepared by Water Technology, dated 17 April 2024, detailed as follows:</p> <ul style="list-style-type: none"> Where existing canopy trees occur, consideration for fence location should be made to benefit ease of movement for koalas across the site. Where connecting branches of trees do not exist to allow koala movement, timber posts leaning on the fence and adjacent canopy trees may be installed. Where leaning timber posts are not suitable, construction of koala bridges must be installed. Several koala bridges should be installed along the fence line where other options are not suitable. <p>The design and placement of koala movement structures should be environmentally sensitive (i.e. always consider retaining existing canopy trees and vegetation, and removal of canopy trees of koala movement infrastructure should be avoided).</p> <p>Following design and construction of koala movement structures, efforts should be made to monitor the success (or failure) of the infrastructure to inform maintenance or design changes in the future.</p> <p>Condition reason: To ensure that development is carried out in accordance with specific recommendations of a report are required to be complied with, but not the full report.</p>
4	<p>Koala climbable treatment</p>

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	<p>Koala climbable treatment must be fitted to the section of concrete retaining wall in the location where the koala crossing structure is located.</p> <p>Condition reason: To ensure that the development is carried out in accordance with the CKPoM or as directed by Council's Natural Systems team.</p>
5	<p>Protection of existing vegetation and natural landscape features</p> <p>No vegetation or natural landscape features other than that authorized for removal, pruning by this Consent must be disturbed, damaged, or removed. No additional works or access/parking routes transecting the protected vegetation must be undertaken without Council Approval.</p> <p>Condition reason: To ensure that vegetation is protected during works</p>
6	<p>Building Code of Australia</p> <p>All building work must be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.</p> <p>Condition reason: To ensure that all building works are completed in accordance with the Building Code of Australia.</p>
7	<p>Sign on Building</p> <p>Except in the case of work only carried out to the interior of a building or Crown building work, a sign must be erected in a prominent position on the site showing the name, address and telephone number of the Principal Certifying Authority for the work, the name of any principal contractor and their after-hours contact number, and must contain a statement that unauthorised entry to the site is prohibited.</p> <p>The sign must be maintained while the work is being carried out and is to be removed when the work is completed.</p> <p>Condition reason: To require signage that details the relevant contacts of a development during construction</p>
8	<p>Separate Approval for signs</p> <p>A separate development application for any proposed signs additional to those signs approved as part of this development consent, must be provided to, and approved by, the Consent Authority or under the provisions of the <i>State Environmental Planning Policy (Exempt and Complying Codes) 2008</i> if applicable prior to the erection or display of any such signs.</p> <p>Condition reason: To ensure that the development is restricted to the approved signage within the development consent or that signage is permitted in accordance with <i>State Environmental Planning Policy (Exempt and Complying Codes) 2008</i>.</p>
9	<p>Tree removal and protection of existing vegetation</p>

ITEM 3 - ATTACHMENT 1 CONDITIONS OF CONSENT.

	<p>Removal of existing vegetation approved for removal by this consent is not to occur until the issue of the Construction Certificate.</p> <p>Trees 9, 15, 16, 24-31, 33, 34, 35a-38, 40,42, 45-48 identified in the 'Arboricultural Impact Assessment', prepared by Accurate Tree Assessment, dated 01/2024 must be retained.</p> <p>Condition reason: To ensure that vegetation is protected during works.</p>
10	<p>Tree Removal/Pruning</p> <p>The trees 1-8, 10-12, 17-23, 32, 35, 39, 43, and 44 identified in the 'Arboricultural Impact Assessment', prepared by Accurate Tree Assessment, dated 01/2024 are approved for removal.</p> <p>Condition reason: To ensure that the development retains/prunes and replaces specific tree plantings.</p>
11	<p>Habitat Tree Removal</p> <p>Removal of approved trees must be supervised by a suitably qualified and experiences fauna ecologist. The ecologist shall be responsible for any fauna handling and relocations where required.</p> <p>Documentary evidence of the clearance supervision works shall be provided to Council's Natural Systems Team prior to issuing of the Occupation Certificate.</p> <p>Stag-watching and spotlighting surveys of Tree 10 are to be conducted by a suitably qualified fauna ecologist for a minimum of 1 night <u>immediately</u> prior to its removal.</p> <p>Tree 10 is to be removed via sectional felling techniques, using a crane to lower each section of the tree gently to the ground. This is to be conducted under the guidance of the ecologist.</p> <p>Condition reason: To ensure that a development is providing supervision of habitat tree removal.</p>
12	<p>Temporary Site Structures</p> <p>The installation of temporary site structures must comply with the following requirements:</p> <ul style="list-style-type: none"> a) Temporary site structures are to be installed in accordance with the Work Health Safety Act 2011, Work Health and Safety Regulation 2017, relevant Australian Standard, requirements of SafeWork NSW, and any other applicable legislation; b) No third party advertising is permitted to be displayed on temporary site structures at any time; c) Temporary site structures must be maintained in a clean, tidy, and safe conditions at all times; d) Removal of all graffiti from temporary site structures must occur within 2 business days of its application; e) The person having the benefit of this consent must submit a 'Works on Public Infrastructure (Roads, Drainage, Driveways)' application to Council and obtain

ITEM 3 - ATTACHMENT 1 CONDITIONS OF CONSENT.

	<p>approval prior to the installation of any temporary site structures over Council footways or road reserves</p> <p>Temporary site structures must be removed as soon as practicable after they are no longer required for public safety and/or work purposes.</p> <p>Condition reason: To enable a temporary site structure in accordance with the <i>Work Health and Safety Act 2011</i>; <i>Work Health and Safety Regulation 2017</i>; and any other applicable legislation.</p>
13	<p>Design Quality of Development</p> <p>The approved design (including an element or detail of that design) or materials finish or colours of the building must not be changed to as to affect the internal layout or external appearance of the building without the approval of Council.</p> <p>Condition reason: To ensure that the development is carried out in accordance with a specific design outcome.</p>
14	<p>Koala Friendly Fencing</p> <p>Fencing must not compromise the potential for safe movement of koalas across the site. Where fencing along the northern or southern elevation of the site is required, fencing must be:</p> <ul style="list-style-type: none"> a) Open post and rail or post and wire (no barbed wire on the bottom strand); or b) A suitable alternative as approved by Council's Natural Systems Team <p>Condition reason: To ensure that the development is carried out in accordance with the CKPoM or as directed by Council's Natural Systems Team.</p>
15	<p>Surrender of Development Consent</p> <p>The applicant must surrender the consent relating to DA No. 16-2013-574-2 for a Tourist Recreation Facility by submitting an application for 'Surrender of a consent' to Port Stephens Council in accordance with Section 68 of the Environmental Planning & Assessment Regulation 2021 prior to the commencement of works.</p> <p>Condition reason: To require a previous Development Consent that is contrary or in contradiction to the current application to be surrendered in accordance with S68 of the EP&A Regulation 2021</p>

Building Work**Before issue of a construction certificate**

16	Construction Certificate
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ITEM 3 - ATTACHMENT 1 CONDITIONS OF CONSENT.

	<p>The following information must be provided to the Certifying Authority with the Construction Certificate application:</p> <p>a) The commercial premises is to be designed to allow for all valuable items to be stored above the FPL, which is 4.1m AHD</p> <p>Condition reason: To ensure that specific information is provided to the Certifying Authority prior to the issue of the Construction Certificate.</p>
17	<p>Erosion and sediment controls plan</p> <p>Before the issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the certifier:</p> <ol style="list-style-type: none"> 1. Council's relevant development control plan, 2. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and 3. The 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time). <p>Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.</p>
18	<p>Waste Management Plan requirements</p> <p>Before the issue of a Construction Certificate, a waste management plan for the development must be prepared and provided to the certifier. The plan must be prepared:</p> <ol style="list-style-type: none"> a. in accordance with <ol style="list-style-type: none"> i. the Environment Protection Authority's Waste Classification Guidelines as in force from time to time; and ii. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out; and b. include the following information— <ol style="list-style-type: none"> i. the contact details of the person removing waste; ii. an estimate of the type and quantity of waste; iii. whether waste is expected to be reused, recycled or sent to landfill; iv. the address of the disposal location for waste. <p>A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.</p> <p>Condition reason: To ensure resource recovery is promoted and local amenity protected during construction.</p>
19	<p>Section 7.11 development contributions</p>

ITEM 3 - ATTACHMENT 1 CONDITIONS OF CONSENT.

A monetary contribution is to be paid to Council for the provision of 27 additional dwellings, pursuant to Section 7.11 of the *Environmental Planning & Assessment Act 1979* and the Port Stephens Local Infrastructure Contributions Plan 2020 towards the provision of the following public facilities:

Facility	Per Lot/Dwelling	Total \$
Civic Administration – Plan Management	\$327	\$8,829
Civic Administration – Works Depot	\$633	\$17,091
Town Centre Upgrades	\$1,706	\$46,062
Public Open Space, parks and reserves	\$1,043	\$28,161
Sports and Leisure facilities	\$981	\$26,487
Cultural and Community Facilities	\$667	\$18,009
Road Works	\$1,785	\$48,195
Shared Paths	\$1,644	\$44,388
Bus Facilities	\$5	\$135
Fire and Emergency Services	\$121	\$3,267
Flood & Drainage	\$938	\$25,326
Kings Hill Urban Release Area	\$151	\$4,077
Total		\$270,027

Payment of the above must apply to the Development Application as follows:

- a) Building work – prior to the issue of the Construction Certificate

The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the Port Stephens Local Infrastructure Contributions Plan 2020. A copy of the Plan is available for inspection on Council's website at <https://www.portstephens.nsw.gov.au/>, alternatively contact Council on 02 9228 055.

Condition reason: To ensure that a monetary contribution as specified is paid to Council in accordance with Section 7.11 of the EP&A Act 1979, and the Port Stephens Council Local Infrastructure Contributions Plan 2020.

20 **Long Service Levy**

Before the issue of a Construction Certificate, the long service levy of \$70,751.00, as calculated at the date of this consent, must be paid to the Long Service Corporation under the *Building and Construction industry Long Service Payments Act 1986*, section 34, and evidence of the payment is to be provided to the principal certifier

Condition reason: To ensure the Long Service Levy is paid.

21 **Civil engineering plans**

Civil engineering plans prepared by a qualified Engineer, indicating drainage, roads, accessways, earthworks, pavement design, street lighting, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and

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	<p>disposal, must be prepared in accordance with the approved plans and Council's Infrastructure Specifications and the following:</p> <ul style="list-style-type: none"> a) 2.5m shared path across the full frontage of the development site within the Gan Gan Road reserve with connection to the existing pedestrian network; b) Kerb and guttering along both frontages where not already existing; c) Structural certification for stormwater components; d) Operational and maintenance plan for stormwater system to be provided, including the replacement of sand layer beneath the infiltration system at a minimum every 5 years; <p>Details demonstrating compliance must be provided to the Certifying Authority.</p> <p>Note: Under the <i>Roads Act 1993</i>, only the Roads Authority can approve commencement of works within an existing road reserve.</p> <p>Condition reason: To ensure that civil engineering plans have been prepared by a qualified engineers prior to the issue of the Construction Certificate.</p>
22	<p>Roads Act Approval</p> <p>For construction/reconstruction of Council infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application must be made for a Roadworks Permit under Section 138B of the <i>Roads Act 1993</i>.</p> <p>Condition reason: To ensure that works within the road reserve are approved by a Section 138B Approval of the <i>Roads Act 1993</i>.</p>
23	<p>Stormwater/Drainage Plans</p> <p>Detailed stormwater drainage plans must be prepared by a qualified Engineer in accordance with the approved plans, Council's Infrastructure Specifications and the current Australian Rainfall and Runoff guidelines using the Hydrologic Soil Mapping data for Port Stephens (available from Council).</p> <p>Details demonstrating compliance must be provided to the Certifying Authority.</p> <p>Note: Under the <i>Roads Act 1993</i>, only the Roads Authority can approve commencement of works within an existing road reserve.</p> <p>Condition reason: To ensure that the development is carried out in accordance with the Port Stephens Development Control Plan 2014.</p>
24	<p>Construction Site Management Plan</p> <p>Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided to the principal certifier. The plan must include the following matters:</p> <ul style="list-style-type: none"> a. The location and materials for protective fencing and hoardings on the perimeter of the site; b. Provisions for public safety;

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	<ul style="list-style-type: none">c. Pedestrian and vehicular site access points and construction activity zones;d. Details of construction traffic management including:<ul style="list-style-type: none">i. Proposed truck movements to and from the site;ii. Estimated frequency of truck movements; andiii. Measures to ensure pedestrian safety near the site;e. Details of bulk earthworks to be carried out;f. The location of site storage areas and sheds;g. The equipment used to carry out works;h. The location of a garbage container with a tight-fitting lid;i. Dust, noise and vibration control measures;j. The location of temporary toilets;k. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:<ul style="list-style-type: none">i. AS 4970 – Protection of trees on development sites;ii. An applicable Development Control Plan;iii. An arborist’s report approved as part of this consent <p>A copy of the construction site management plan must be kept on site at all times while work is being carried out.</p> <p>Condition reason: To require details of measures to be undertaken that will protect the public, and the surrounding environment, during site works and construction.</p>								
25	<p>Dilapidation Report</p> <p>Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works, and public land to the satisfaction of the principal certifier.</p> <p>Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the principal certifiers, that all reasonable steps were taken to obtain access to the adjoining properties.</p> <p>Condition reason: To establish and document the structural condition of adjoining properties and existing structures on the subject site for comparison as site work progresses and is completed.</p>								
26	<p>Nest Boxes</p> <p>Prior to the removal of vegetation, the following nest boxes must be installed on retained trees within the subject site. The nest boxes shall be constructed to a standard consistent with Councils ‘Technical Specification – Nest Boxes’ and positioned at a suitable height off the ground as per the individual species habitat preferences. The nest boxes are to be installed by a suitably qualified and experienced consultant and maintained for a period of 5 years.</p> <table><tr><td>Nest box type / size</td><td>Species suitability</td><td>Number required</td><td>Installation height above ground (minimum)</td></tr><tr><td></td><td></td><td></td><td></td></tr></table>	Nest box type / size	Species suitability	Number required	Installation height above ground (minimum)				
Nest box type / size	Species suitability	Number required	Installation height above ground (minimum)						

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	<table><tr><td>45 H x 30 W x 25 D (approx. 10cm opening)</td><td>Brushtail Possum</td><td>2</td><td>4m</td></tr><tr><td>55 H x 20 W x 20 D (approx. 7cm opening)</td><td>Medium Parrots</td><td>2</td><td>4m</td></tr></table>	45 H x 30 W x 25 D (approx. 10cm opening)	Brushtail Possum	2	4m	55 H x 20 W x 20 D (approx. 7cm opening)	Medium Parrots	2	4m
45 H x 30 W x 25 D (approx. 10cm opening)	Brushtail Possum	2	4m						
55 H x 20 W x 20 D (approx. 7cm opening)	Medium Parrots	2	4m						
	<p>Prior to the issue of a Construction Certificate, documentary evidence of nest box installation must be provided to and approved by Council's Natural Systems Section.</p> <p>Condition reason: To ensure that nest boxes are suitably positioned as per the individual species habitat preferences and are installed by a suitably qualified and experienced consultant and maintained for a period of 5 years.</p>								
27	<p>Retaining Walls</p> <p>All retaining walls within 1m of a boundary and exceeding 600mm in height must be designed and certified by a suitably qualified Structural Engineer.</p> <p>Details demonstrating compliance must be provided to the Certifying Authority.</p> <p>Condition reason: To ensure that retaining walls in proximity to the boundary and over a height are designed and certified by a suitably qualified engineer.</p>								
28	<p>Driveway Gradients and Design</p> <p>For all driveways that relate to development for the purposes of a dwelling house, the driveway gradient and design must comply with AS2890.1 'Off Street Car Parking' and;</p> <ul style="list-style-type: none">a) The driveway must be at least 1m from any street tree, stormwater pit or service infrastructure; andb) A Works on Public Infrastructure (Driveway) approval must be obtained prior to the commencement of any works. <p>Details demonstrating compliance must be provided to the Certifying Authority.</p> <p>Condition reason: To ensure that all driveways that relate to a development for the purposes of a dwelling house comply with AS2890.1 'Off Street Car Parking' and the relevant Council Specification.</p>								
29	<p>Free Flow of Water</p> <p>The location and design of the proposed doors must allow free access and escape of floodwaters without causing damage to the building. Details demonstrating compliance must be provided to Certifying Authority.</p> <p>Condition reason: Where development is occurring on flood prone lands.</p>								
30	<p>Adaptable units</p> <p>Prior to the issue of a Construction Certificate, a report prepared by a suitably qualified consultant must be obtained that demonstrates, to the certifier's satisfaction that any</p>								

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	<p>adaptable dwellings specific in the approved plans or documents comply with the provisions of AS 4299 Adaptable Housing Standards.</p> <p>Condition reason: To ensure adaptable units are designed in accordance with the Australian Standard.</p>
31	<p>Car parking details</p> <p>Prior to the issue of a Construction Certificate written evidence prepared by a suitably qualified engineer must be obtained that demonstrates, to the certifier's satisfaction, the plans for parking facilities comply with the relevant parts of AS 2890.1 Parking Facilities – Off-Street Carparking and Section B8 of Council's relevant development control plan (in force as at the date of determination of this consent).</p> <p>Condition reason: To ensure parking facilities are designed in accordance with the Australian Standard and Council's DCP.</p>
32	<p>Equal access to the premises</p> <p>Before the issue of a Construction Certificate, plans which demonstrate that adequate access to the premises will be provided for persons with disabilities in accordance with the Commonwealth Disability (Access to Premises – Buildings) Standards 2010. These plans must be submitted to the certifier.</p> <p>Condition reason: To ensure safe and easy access to the premises for people with a disability.</p>
33	<p>External lighting</p> <p>Before the issue of a construction certificate, plans detailing external lighting must be prepared by a suitably qualified person.</p> <p>The lighting plan must be consistent with the approved plans and documents, and the following requirements:</p> <ul style="list-style-type: none"> i) Comply with AS 1158: Lighting for Roads and Public Spaces; ii) Comply with AS 4282: Control of Obtrusive Effects of Outdoor Lighting iii) Lighting must be places at all entrance to, and exits from the premises iv) Lighting must provide coverage of the premises and surrounding areas for visibility and to reduce hidden areas; v) Lighting must not interfere with traffic safety; vi) Lighting mist not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties; and vii) External lighting must not flash or intermittently illuminate unless required for safe ingress egress of vehicles crossing a pedestrian footpath or approved vehicle entrance; viii) Relevant Council Development Control Plan <p>The lighting plan must be submitted to the certifier.</p> <p>Note: All above documents refer to the version in effect at the time the consent is granted</p>

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	Condition reason: To ensure external lighting is provided for safety reasons and to protect the amenity of the local area
34	Flood Risk Management Plan A Flood Risk Management Plan prepared by a qualified Flood Engineer must be provided to the Certifying Authority demonstrating compliance with the following: <ul style="list-style-type: none"> a) The design must show that the proposed development is capable of withstanding the effects of flood waters, including immersion, structural stability, buoyancy and impact, and loading from debris up to and including the 1% Annual Exceedance Probability (AEP) event; b) Certification that the proposed development/building flood refuge is capable of withstanding the force of any flood waters experienced up to the Probable Maximum Flood Event (PMF). c) Certification demonstrating that any damage to the proposed development sustained in a flood will not generate debris capable of causing damage to downstream buildings or property; d) Certification demonstrating that the rainwater tank, finishes, plant fittings and equipment and any other buoyant fixtures will be of materials and functional capacity to withstand the forces of floodwater in events up to and including the 1% AEP event including hydrostatic pressure, hydrodynamic pressure and buoyancy forces. Condition reason: To ensure that the required Flood Risk Management Plan adequately addresses risk to life and property.
35	Footings and Excavations near Council Properties All works proposed within the zone of influence of Council's asset/s are to be designed and certified by a qualified Geotechnical or Structural Engineer. Plans and specifications demonstrating compliance with this requirement must be submitted to the Certifying Authority. Condition reason: To ensure works proposed within the zone of influence of a Council asset are designed and certified by a qualified Geotechnical or Structural Engineer.
36	Garbage Room Rooms used for the storage of garbage, and rooms used for the washing and storage of garbage receptacles, must be constructed in accordance with the approved plans and the following: <ul style="list-style-type: none"> a) The room must be constructed of solid material, cement rendered and trowelled to a smooth even surface; b) The floor must be impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room; and c) Garbage rooms must be vented to the external air by natural or mechanical ventilation. Details demonstrating compliance must be provided to the Certifying Authority.

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	<p>Condition reason: To allow for assessment and ensure compliance with the relevant plans and requirements.</p>				
37	<p>Housing and Productivity Contribution</p> <p>A housing and productivity contribution is to be made, subject to:</p> <ul style="list-style-type: none"> a) Any exclusion of the application of Subdivision 4 of Division 7.1 of the Act to the development by a planning agreement; and b) Any exemption or reduction provided by the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 (the Order). <p>In this respect –</p> <p>The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with this condition, is required to be made:</p> <table border="1"> <thead> <tr> <th>Housing and Productivity Contribution</th><th>Amount</th></tr> </thead> <tbody> <tr> <td>Housing and Productivity Contribution – Lower Hunter Region</td><td>\$163,692.51</td></tr> </tbody> </table> <ul style="list-style-type: none"> a) The time by which the housing and productivity must be made is before the issue of a Construction Certificate b) The payment of the contributions must be made using the NSW Planning Portal. c) If an agreement is entered into as referred to in Clause 19 of the Order, the housing and productivity contribution may be made wholly or partly as a non-monetary contribution. <p>The amount payable at the time of payment is the amount shown in the table above as the total housing and productivity contribution, adjusted by multiplying it by the following fraction:</p> <p><u>Highest PPI number</u> Consent PPI number</p> <p>Where –</p> <p>Consent PPI number is the PPI number last used to adjust the base component amount, SBC amount or TPC amount when consent was granted; and</p> <p>Highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made; and</p> <p>June quarter 2023 is the quarter commencing on and including 1 April 2023 and ending on and including 30 June 2023; and</p> <p>PPI is the Producer Price Index (Road and Bridge Construction (NSW)) published by the Australian Bureau of Statistics.</p>	Housing and Productivity Contribution	Amount	Housing and Productivity Contribution – Lower Hunter Region	\$163,692.51
Housing and Productivity Contribution	Amount				
Housing and Productivity Contribution – Lower Hunter Region	\$163,692.51				

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	<p>If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.</p> <p>Condition reason: To achieve compliance with the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023, as made by the NSW Minister for Planning and Public Spaces.</p>
38	<p>Preparation of Mechanical Ventilation Plans</p> <p>Before the issue of a construction certificate, detailed plans of the mechanical exhaust ventilation system must be prepared by a suitably qualified person.</p> <p>The detailed plans must be in accordance with the following and submitted to the certifier:</p> <ul style="list-style-type: none"> a) Australian Standard 1668: The use of ventilation and air-conditioning in buildings; and b) Ensure all generated heated air, smoke, fumes, steam or grease vapours do not: <ul style="list-style-type: none"> i) Cause a nuisance to persons within or nearby to the premises, or ii) Cause air pollution as defined under the NSW Protection of the Environment Operations Act 1997; <p>Condition reason: To ensure that detailed professional plans of the approved mechanical ventilation system are submitted before the issue of a construction certificate</p>
39	<p>Potential Acid Sulfate Soils</p> <p>A geotechnical assessment of the site is to be undertaken to determine whether the development works will disturb Potential Acid Sulfate Soils (ASS). Should ASS be encountered within the zone of works, an ASS Management Plan is to be prepared by a suitably qualified Geotechnical Engineer and submitted to the Certifying Authority.</p> <p>The recommendations and/or mitigation measures contained within the ASS Management Plan must be complied with during works.</p> <p>Condition reason: To ensure any Acid Sulfate Soils encountered during works are appropriately managed</p>
40	<p>Privacy – Screening</p> <p>The construction plans must show that operable privacy screen(s) are provided to all balconies above the ground floor along the eastern and western elevations as follows:</p> <ul style="list-style-type: none"> a) The screens must not have openings more than 30mm wide; and b) The total area of all openings must be less than 30% of the surface area of the screen when viewed in elevation. c) Must have a minimum width of 3m and minimum height of 1.8m <p>Details demonstrating compliance must be provided to the Certifying Authority.</p> <p>Condition reason: To mitigate privacy issues to adjoining properties.</p>

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41	<p>Provision of detailed plans for construction certificate application</p> <p>Before the issue of a Construction Certificate, detailed plans must be prepared by a suitably qualified person and provided to the Certifier that are consistent with the plans and documentation approved under this consent.</p> <p>Detailed plans must also show the following:</p> <ul style="list-style-type: none"> a) Car parking facilities b) Acoustic measures c) Disability access d) Pedestrian access e) Signage location and structures f) Mechanical ventilation <p>Condition reason: To ensure that detailed construction certificate plans are consistent with the approved plans and supporting documentation</p>
42	<p>Flood Design Measures</p> <p>Evidence of certification demonstrating that the following flood related design precautions have been adhered to in the design must be submitted to the Principal Certifying Authority:</p> <ul style="list-style-type: none"> a) In sewered areas some plumbing fixtures may be located below the Flood Planning Level (FPL). Where this occurs sanitary drainage is to be fitted with a reflux valve to protect against internal sewage surcharge; b) All materials stored at the site and capable of causing harm to the environment must be stored at a level not less than the FPL or suitable bunding must be placed around such materials to a minimum of the FPL; c) All building materials, equipment, ducting, etc., below the FPL must be flood compatible and ducting must be provided with openings for drainage and cleaning; d) All main power supply, heating and air conditioning service installations, including meters must be located above the FPL. All electrical equipment installed below the FPL must be capable of disconnection by a single plug from the power supply; e) All electrical wiring below the FPL must be suitable for continuous submergence in water. All conduits below the FPL must be self-draining. Earth core leakage systems or safety switches are to be installed. f) Wherever possible, the premises must be designed to ensure that plant, equipment, storage tanks, or other fixtures or fittings liable to damage by floods are located above the FPL or be moveable to levels above the FPL. Should this not have the ability to occur, they shall be suitable for submergence in water and securely anchored to overcome buoyancy and movement. All storage tanks must be vented to an elevation above the FPL. <p>Condition reason: To mitigate the impacts of development within flood prone land and ensure the minimisation of risk to life and property.</p>

Before building work commences

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43	<p>Erosion and sediment controls in place</p> <p>Before any site work commences, the certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been re-stabilized in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
44	<p>Tree protection measures</p> <p>Protection of trees to be retained must be in accordance with AS490 'Protection of Trees on Development Sites' and the following:</p> <ul style="list-style-type: none"> a) Works to replace the existing retaining wall along Gan Gan Road are to be carried out under the subdivision of an appropriately qualified (AQF 5) arborist. b) No existing nature strip(s), street tree(s), tree guard(s), protective bollard(s), garden bed surrounds or root barrier installation(s) must be disturbed, relocated, removed, or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent. <p>Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in the construction site management plan are in place.</p> <p>Condition reason: To protect and retain trees.</p>
45	<p>All Weather Access</p> <p>A 3m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction for the delivery of materials and use by trades people.</p> <p>No materials, waste or the like are to be stored on the all-weather access at any time.</p> <p>Condition reason: To ensure that adequate vehicular access is provided to and from the site, prior to the commencement of works.</p>
46	<p>Construction Certificate Required</p> <p>In accordance with the provisions of Section 6.7 of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979), construction or subdivision works approved by this consent must not commence until the following has been satisfied:</p> <ul style="list-style-type: none"> a) A Construction Certificate has been issued by a Consent Authority; b) A Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 6.5 of the EP&A Act 1979; and c) The PCA is notified in writing of the name and contractor license number of the owner/building intending to carry out the approved work.

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	Condition reason: To ensure that a Construction Certificate has been issued for the building works prior to the commencement of work.
47	<p>Notice Commencement of Work</p> <p>Notice must be given to Council and the Principal Certifier, if not the Council, of the person's intention to commence the erection of the building or undertake subdivision work at least two days prior to subdivision and/or building works commencing in accordance with Sections 6.6 (2) and 6.12 (2) (c) of the Environmental Planning and Assessment Act 1979 and Section 59 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:</p> <ul style="list-style-type: none"> a) The name and address of the person; b) A description of the work to be carried out; c) The address of the land on which the work is to be carried out; d) The Registered numbers and date of issue of the development consent and construction certificate; e) A statement signed by or on behalf of the principal certifier that all conditions of the consent that must be satisfied before work commences have been satisfied; and f) The date on which the work is intended to commence. <p>The notice must be lodged on the NSW Planning Portal.</p> <p>Condition reason: To ensure that the Principal Certifier has given notice to the Consent Authority and Council at least two days prior to subdivision and/or building works commencing in accordance with S6.6(2)(a) of the Environmental Planning and Assessment Act 1979 and Section 59 of the Environmental Planning and Assessment (Development Certificate and Fire Safety) Regulation 2021.</p>
48	<p>Notice of Principal Certifying Authority Appointment</p> <p>The Principal Certifier for this development must give notice must be given to the consent authority and Council, where the Council is not the consent authority, at least two days prior to subdivision and/or building works commencing in accordance with Section 6.6 (2) (a) of the Environmental Planning and Assessment Act 1979 and Section 57 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:</p> <ul style="list-style-type: none"> a) A description of the work to be carried out; b) The address of the land on which the work is to be carried out; c) The Registered number and date of issue of the relevant development consent; d) The name and address of the Principal Certifier and the person who appointed the principal certifier; e) If the principal certifier is a registered certifier <ul style="list-style-type: none"> i) The certifier's registration number, and ii) A statement signed by the registered certifier to the effect that the certifier consents to be appointed as principal certifier, and iii) A telephone number on which the certifier may be contacted for business purposes.

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	<p>The notice must be lodged on the NSW Planning Portal.</p> <p>Condition reason: To ensure that the Principal Certifier has given notice that they will be the Principal Certifier to the Consent Authority and Council at least two days prior to subdivision and/or building works commencing in accordance with S6.6(2)(a) of the Environmental Planning and Assessment Act 1979</p>
49	<p>Home Building Act requirements</p> <p>Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifier for the development to which the work related (not being the council) has given the council written notice of the following information –</p> <ul style="list-style-type: none"> a) In the case of work for which a principal contractor is required to be appointed – <ul style="list-style-type: none"> i) The name and license number of the principal contractor, and ii) The name of the insurer by which the work is insured under Part 6 of that Act, b) In the case of work to be done by an owner-builder – <ul style="list-style-type: none"> i) The name of the owner-builder, and ii) If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit. <p>If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the certifier) has given the Council written notice of the updated information.</p> <p>Condition reason: To ensure compliance with the Home Building Act 1989 and to verify that the certifying principal authority for the development has given appropriate written notice to council.</p>
50	<p>Compliance with Home Building Act (if applicable)</p> <p>In the case of residential building work for which the Home building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, and that such a contract of insurance is in force before any building work authorised to be carried out by this consent commences.</p> <p>Condition reason: To ensure that a contract of insurance is in force in accordance with Part 6 of that Act before any building work authorised to be carried out by the consent commences.</p>
51	<p>Notice regarding dilapidation report</p> <p>Before the commencement of any site or building work, the principal certifier must ensure the adjoining building owner(s) is provided with a copy of the dilapidation report for their property(ies) no less than seven (7) days before the commencement of any site or building works and provide a copy of the report to the Council at the same time.</p> <p>Condition reason: To ensure the structural safety of adjoining buildings as a result of the proposed development.</p>
52	<p>Rubbish Generated from the Development</p>

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	<p>Where not already available, a waste containment facility is to be established on site. The facility is to be regularly emptied and maintained for the duration of works.</p> <p>No rubbish must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development.</p> <p>Condition reason: To ensure that construction waste is appropriately stockpiled and removed from the site.</p>
53	<p>Site is to be secured</p> <p>The site must be secured and fenced to the satisfaction of the Principal Certifying Authority. All hoarding, fencing, or awnings associated with securing the site during construction are to be removed upon the completion of works.</p> <p>An awning is to be erected that would sufficiently prevent any substance from the construction work falling onto public property. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons on public property.</p> <p>Condition reason: To restrict access to the site by the public and ensure that the site is adequately secured prior to the commencement of works.</p>
54	<p>Hoarding Application</p> <p>A hoarding application for the erection of a Class A (fence type) or Class B (overhead type) hoarding along the street frontage complying with SafeWork NSW requirements must be submitted to and approved by Council.</p> <p>A copy of the hording application approval must be provided to the Certifying Authority.</p> <p>Condition reason: To ensure that a site is adequately screened where hoarding is required along a street frontage either on public or private land.</p>
55	<p>Hazardous material survey before demolition</p> <p>Before demolition work commences, a hazardous materials survey of the site must be prepared by a suitably qualified person and a report of the survey results must be provided to Council at least one week before demolition commences.</p> <p>Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and led based paint.</p> <p>The report must include at least the following information:</p> <ol style="list-style-type: none"> The location of all hazardous material throughout the site A description of the hazardous material The form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust An estimation of the quantity of each hazardous material by volume, number, surface area or weight

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	<p>e) A brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials</p> <p>f) Identification of the disposal sites to which the hazardous materials will be taken.</p> <p>Condition reason: To require a plan for safely managing hazardous materials</p>
56	<p>Nest Box Certification</p> <p>Prior to the removal of vegetation, documentary evidence of nest box installation, as required under condition 26 of this consent, must be provided to and approved by Council's Natural Systems Section.</p> <p>Condition reason: To ensure that documentary evidence of nest box installation is provided to Council's Natural Systems Team</p>
57	<p>Public Liability Insurance</p> <p>The owner or contractor must take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc.) for the full duration of the proposed works.</p> <p>Evidence of this Policy must be provided to Council and the Certifying Authority.</p> <p>Condition reason: To verify that the owner or contractor has a Public Liability Insurance Policy where there are works over public property.</p>

During building work

58	<p>Discovery of relics and Aboriginal objects</p> <p>While site works is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:</p> <ol style="list-style-type: none"> The work in the area of the discovery must cease immediately; The following must be notified – <ol style="list-style-type: none"> For a relic – the Heritage Council; or For an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, Section 85. <p>Site works may recommence at a time conformed in writing by:</p> <ol style="list-style-type: none"> For a relic – the Heritage Council; or For an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85 <p>Condition reason: To ensure the protection of objects of potential significance during works.</p>
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59	Responsibility for changes to public infrastructure
	While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.
	Condition reason: To ensure payment of approved changes to public infrastructure
60	Tree protection during work
	While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with: <ul style="list-style-type: none"> a) The construction site management plan approved under this consent, b) the relevant requirements of AS 4970 Protection of trees on development sites; c) Section B1 of Council's relevant development control plan (in force as at the date of determination of this consent); and d) Any arborist's report approved under this consent. <p>This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones</p>
	Condition reason: To protect trees during the carrying out of site work
61	Waste management
	While site work is being carried out: <ul style="list-style-type: none"> 1. all waste management must be undertaken in accordance with the waste management plan; and 2. upon disposal of waste, records of the disposal must be compiled and provided to the certifying authority, detailing the following: <ul style="list-style-type: none"> a. The contact details of the person(s) who removed the waste; b. The waste carrier vehicle registration; c. The date and time of waste collection; d. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill; e. The address of the disposal location(s) where the waste was taken; f. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. <p>If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and Council.</p>
	Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste
62	Hours of work

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	<p>Site work must only be carried out between the following times –</p> <p>7:00am to 5:00pm on Monday to Saturday</p> <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p> <p>Condition reason: To protect the amenity of the surrounding area</p>
63	<p>Unexpected Finds Contingency (General)</p> <p>Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works must cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.</p> <p>In the event that contamination is identified as a result of this assessment and if remediation is required, all works must cease in the vicinity of the contamination and Council must be notified immediately.</p> <p>Where remediation work is required, the applicant will be required to obtain consent for the remediation works.</p> <p>Condition reason: To ensure that works relating to a development are to cease if any suspect materials are identified and remediated in accordance with Council requirements</p>
64	<p>Excavations and Backfilling</p> <p>All excavations and backfilling associated with this development consent must be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified Structural Engineer.</p> <p>If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation must:</p> <ul style="list-style-type: none"> a) preserve and protect the building from damage; and b) if necessary, underpin and support the building in an approved manner; and c) give at least seven days' notice to the adjoining owners before excavating, or of the intention to excavate. <p>The principal contractor, owner builder or any person who needs to excavate and undertake building work, must contact "Dial Before You Dig" prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.</p> <p>This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.</p>

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	Condition reason: To ensure that any Acid Sulfate Soils encountered during works are suitably managed
65	Compliance with the Building Code of Australia Building work must be carried out in accordance with the requirements of the Building Code of Australia. Condition reason: To ensure that the development is undertaken in accordance with the Building Code of Australia.
66	Offensive noise, dust, odour, and vibration No work must not give rise to offensive noise, odour, or vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the nearest property boundary. Condition reason: To ensure that developments do not give rise to offensive noise, dust, odour, or vibration.
67	Building Height A survey report prepared by a Registered Surveyor confirming that the building height complies with the approved plans or as specified by the development consent, must be provided to the Principal Certifying Authority prior to the development proceeding beyond frame stage. Condition reason: To ensure that the maximum building height of the structures are compliant with the consent and in accordance with the approved plans.
68	Cut and Fill While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements: <ul style="list-style-type: none"> a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier. b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA. Condition reason: To ensure that all imported and/or exported fill is Virgin Excavated Natural Material.
69	Delivery Register The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered.

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	<p>This register must be made available to Council officers on request and be provided to the Council at the completion of the development.</p> <p>Condition reason: To ensure that all deliveries of fill are appropriately recorded.</p>
70	<p>Implementation of BASIX commitments</p> <p>While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.</p> <p>Condition reason: To ensure that while building work is being carried out, the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent.</p>
71	<p>Implementation of site management plans</p> <p>While site work is being carried out:</p> <ul style="list-style-type: none"> a) The measures required by the construction management plan and the erosion and sediment controls plan (plans) must be implemented at all times, and b) A copy of these plans must be kept on site at all times and made available to Council officers upon request. <p>Condition reason: To ensure site management measures are implemented during the carrying out of site work</p>
72	<p>Location of Stockpiles</p> <p>Stockpiles of soil must not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials must be suitably covered to prevent dust and odour nuisance.</p> <p>Condition reason: To ensure that stock piles required for a development are managed in accordance with Council requirements.</p>
73	<p>Placement of fill</p> <p>Filling must not be placed in such a manner that natural drainage from adjoining land will be obstructed or in such a manner that surface water will be diverted.</p> <p>Further, any alterations to the natural surface contours must not impede or divert natural surface water runoff so as to cause a nuisance to adjoining property owners.</p> <p>Condition reason: To ensure that fill required for a development is managed in accordance with Council requirements.</p>
74	<p>Procedure of critical stage inspections</p>

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	<p>While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.</p> <p>Condition reason: To require approval to proceed with building work following each critical stage inspection</p>
75	<p>Tree Removal/Pruning</p> <p>All approved tree removal/pruning is subject to all pruning works being undertaken by a qualified arborist with minimum Australian Qualification Framework Level 3 qualifications or higher. All works are to be undertaken in accordance with the relevant provisions of AS 4373 'Pruning of Amenity trees'.</p> <p>Condition reason:</p>
76	<p>Surface Water Collection from Swimming Pools and Spas</p> <p>Swimming pool surrounds and/or paving must be constructed so as to ensure water from the pool overflow or surge does not discharge onto neighbouring properties.</p> <p>Details demonstrating compliance must be provided to the Certifying Authority.</p> <p>Condition reason: To ensure that the development for a swimming pool and/or spa satisfies Council requirements.</p>
77	<p>Swimming Pool Fence Design</p> <p>The swimming pool or spa must be fenced so that the pool is effectively isolated from the dwelling and adjoining lands. The swimming pool fence & gate must:</p> <ul style="list-style-type: none"> a) Strictly adhere to the design and location approved with the development consent, and any conditions of the development consent. b) Strictly comply with AS1926 'Swimming Pool Safety' – Part 1: Safety barriers for swimming pools. c) Have a minimum effective height of 1.2m d) Be self-closing and self-latching. All gates must open outwards from the swimming pool enclosure. e) The filtration equipment including any cover, housing or pipe work, must not be located within a distance of 900mm from the outside face of the swimming pool safety fencing enclosure, nor within 300mm from the inside of the swimming pool safety fencing enclosure (where footholds are possible) f) Boundary fencing forming part of the swimming pool safety fencing must maintain a minimum effective height of 1.8m and a 0.9m non-climbable zone (measured from the top of the inside of the barrier). <p>The swimming pool safety fencing must be installed prior to the swimming pool being filled with water. The Principal Certifying Authority, or an accredited certifier must inspect the swimming pool safety fencing.</p>

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	<p>Condition reason: To ensure that the development for a swimming pool and/or spa satisfies the Australian Standard and Council requirements.</p>
78	<p>Swimming Pools and Spas</p> <p>The swimming pool/spa must comply with:</p> <ul style="list-style-type: none"> a) the Swimming Pools Act 1992; b) the Swimming Pools Regulation 2018; c) AS1926.1 'Swimming Pool Safety' Part 1: Safety barriers for swimming pools; d) AS3500.2 'Plumbing and Drainage' – Sanitary plumbing and drainage; e) AS1926.3 'Water Recirculation Systems'; and f) The BCA <p>Condition reason: To ensure that a development including a swimming pool or spa is compliant with the relevant legislation.</p>
79	<p>Waste Water from Swimming Pools and Spas</p> <p>All swimming pool waste water must be disposed of as follows:</p> <ul style="list-style-type: none"> a) Where a Hunter Water sewer is available – waste water must be drained or pumped to the sewer. b) Where a Hunter Water sewer is not available (such as rural areas) – waste water must be disposed of as follows: <p>Chlorinated pool waste water:</p> <ul style="list-style-type: none"> i) Discharging to a rubble pit measured 600mm wide x 600mm deep x 3m long, located not less than 3m from any structure or property boundary; or ii) Discharging to a tail out drain to disperse the water over a large grassed area or paddock, provided that the land fall does not direct water to buildings on the subject or adjoining properties, or create a nuisance to an adjoining property owner. <p>Saltwater pool waste water:</p> <ul style="list-style-type: none"> iii) Discharging as per point ii) above. <p>All pool types:</p> <ul style="list-style-type: none"> iv) Must not be discharged to a septic tank or an on-site sewage management installation or disposal area; v) Must not be discharged into a reserve, watercourse, easement or stormwater drainage system. <p>Condition reason: To ensure that the development for a swimming pool and/or spa satisfies Council requirements.</p>
80	<p>Surveys by a registered surveyor</p> <p>While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:</p>

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	<p>a) All footings / foundations in relation to the site boundaries and any registered and proposed easements</p> <p>b) At any other stages of construction – any marks that are required by the principal certifier</p> <p>Condition reason: To ensure buildings are sited and positioned in the approved location</p>
81	<p>Roof Mounted Equipment</p> <p>All roof mounted equipment such as air conditioning units, service pipes and vents etc., are requires to be installed must be concealed within the external walls of the development or adequately screened so as not to be visible from a public place.</p> <p>Condition reason: To ensure that the development is carried out in accordance with the DCP.</p>
82	<p>Mechanical Exhaust System</p> <p>Mechanical exhaust system(s) must comply with AS 1668 'The use and Ventilation and Air Conditioning in Buildings' Parts 1 and 2 (including exhaust air quantities and discharge location points).</p> <p>Details demonstrating compliance must be provided to the Certifying Authority.</p> <p>Condition reason: To ensure that details demonstrating compliance with the relevant requirements are provided to the Certifying Authority.</p>
83	<p>Rubbish generated from the development</p> <p>Where not already available, a waste containment facility is to be established on site. The facility is to be regularly emptied and maintained for the duration of works.</p> <p>No rubbish must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development.</p> <p>Condition reason: To ensure that construction waste is appropriately stockpiled and removed from site.</p>
84	<p>Site is to be secured</p> <p>The site must be secured and fenced to the satisfaction of the Principal Certifying Authority. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.</p> <p>An awning is to be erected that would sufficiently prevent any substance from the construction work falling onto public property. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons on public property.</p>

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	<p>Condition reason: To restrict access to the site by the public and ensure that the site is adequately secured prior to the commencement of works.</p>
85	<p>Weed Management</p> <p>Weed removal and suppression must be undertaken using approved bush regeneration techniques under the supervision of a suitably qualified and approved bush regenerator and in accordance with the requirements for the NSW Biosecurity Act 2015, associated Regulations and NSW Weed Control Handbook.</p> <p>Condition reason: To ensure that weeds are appropriately contained and removed from the site where a Flora and Fauna/ Vegetation/ Biodiversity Management Plan has not been provided.</p>
86	<p>Weed Management</p> <p>All machinery that has operated in affected areas shall be cleaned thoroughly prior to leaving the site. A wash down area shall be established, and monitored for priority weeds as defined by the NSW Biosecurity Act 2015. Cleaning must include the removal of all mud and plant matter, followed by washing with high pressure water.</p> <p>An area for storage for contaminated soil that is separate from clean material shall be provided during construction.</p> <p>Condition reason: To ensure that all machinery that has operated in affected areas shall be cleaned prior to leaving the site and wash down areas are maintained in accordance with the NSW Biosecurity Act 2015.</p>
87	<p>Toilet Facilities</p> <p>Temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must be one toilet per 20 persons or part thereof employed on the site at any one time.</p> <p>The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.</p> <p>Condition reason: To ensure adequate amenity facilities are provided to the site during construction.</p>
88	<p>Demolition work</p> <p>All demolition works are to be carried out in accordance with Australian Standard AS 2601 'The demolition of Structures'. All waste materials are to be either recycled or disposed of to a licensed waste facility.</p> <p>Any asbestos containing material encountered during demolition or works, it to be removed in accordance with the requirements of Safe Work NSW and disposed of to an appropriately licenced waste facility.</p>

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	<p>Evidence is to be provided to the Certifying Authority (or Council where there is no certifier) demonstrating that asbestos waste has been disposed of in accordance with this condition.</p> <p>Condition reason: To ensure a development is carried out in accordance with the Australian Standard AS 2601 'The demolition of Structures', and all waste materials are appropriately removed.</p>
89	<p>Shoring and adequacy of adjoining property</p> <p>If the development involves an excavation that extends below the level of the base of the footings of a building, structure, or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense -</p> <ul style="list-style-type: none"> a) Protect and support the building, structure or work from possible damage from the excavation, and b) Where necessary, underpin the building, structure or work to prevent any such damage. <p>This condition does not apply if the person having the benefit of this development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying.</p> <p>Condition reason: To ensure development that involves excavation that extends below the base of the footings of a building on adjoining land will not result in adverse impacts to adjoining lots.</p>

Before issue of an occupation certificate

90	<p>Occupation Certificate</p> <p>The following information must be provided to the Certifying Authority with the Occupation Certificate application:</p> <ul style="list-style-type: none"> a) Bushfire Emergency Management and Evacuation Plan in accordance with the provided Bushfire Threat Assessment b) Flood Evacuation Plan <p>Condition reason: To ensure that specific information is provided to the Certifying Authority prior to the issue of the Occupation Certificate.</p>
91	<p>Occupation Certificate Required</p> <p>An Occupation Certificate must be obtained prior to any use or occupation of the development.</p> <p>The Principal Certifying Authority must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent.</p>

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	Condition reason: To ensure that an Occupation Certificate relating to the development is obtained from the Principal Certifying Authority prior to occupation or use
92	Completion of landscape and tree works Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree-works, including pruning in accordance with AS 4373-2007 Pruning of amenity trees and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent. Condition reason: To ensure that landscape and tree works have been completed in accordance with the approved plans prior to the issue of an Occupation Certificate.
93	Completion of Roads Act Approval works All approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with the Roads Act Approval to the satisfaction of the Council as the Roads Authority. Condition reason: To ensure that approved works within the road reserve have been completed to the satisfaction of the Council.
94	Removal of waste upon completion Before the issue of an occupation certificate, the principal certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the principal certifier. Before the issue of a partial occupation certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved waste management plan to the principal certifier's satisfaction. Condition reason: To ensure that all waste is appropriately removed from the subject site prior to the issue of an Occupation Certificate.
95	Stormwater/drainage works All stormwater and drainage works required to be undertaken in accordance with this consent must be completed. The certification/verification must be provided to the satisfaction of the Principal Certifying Authority. Condition reason: To ensure stormwater and drainage works have been undertaken in accordance with the approved plans.
96	Water authority certification

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	<p>A Section 50 Application under the Hunter Water Act 1991 must be lodged with the Hunter Water Corporation (HWC) and details of the Notice of Compliance from HWC must be provided to the Certifying Authority.</p> <p>Condition reason: To ensure compliance with the water supply authority's requirements</p>
97A	<p>Car parking requirements</p> <p>A minimum of 50 car parking spaces including disabled car parking spaces as required under the State Environmental Planning Policy (Housing) 2021 are to be provided in accordance with AS2890 and the approved plans. Parking must be permanently marked on the pavement surface.</p> <p>The parking spaces allocated as visitor parking must be signposted as "visitor parking".</p> <p>Condition reason: To ensure that a specified number of car parking spaces is provided in accordance with the approved plans and they are compliant with Council requirements.</p>
98	<p>Smoke Alarms</p> <p>In accordance with Part 13 of the Environmental Planning and Assessment (Development Certification and Fire Safety Regulation) 2021. Details demonstrating compliance must be provided to the Certifying Authority.</p> <p>Condition reason: To ensure compliance and with the Environmental Planning and Assessment (Development Certification and Fire Safety Regulation) 2021.</p>
99	<p>Repair of Infrastructure</p> <p>Before the issue of an occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.</p> <p>Note: If the Council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.</p> <p>Condition reason: To ensure that any damage resulting to public infrastructure is appropriately rectified at no cost to the Council.</p>
100	<p>Survey Certificate</p> <p>A Registered Surveyor must prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate must be provided to the satisfaction of the Principal Certifying Authority.</p>

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	<p>Condition reason: To ensure that the building is located in accordance with the approved plans and evidence from a Registered Surveyor is provided to the Principal Certifying Authority.</p>
101	<p>Completion of public utility services</p> <p>Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.</p> <p>Condition reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation</p>
102	<p>Compliance Certificate</p> <p>Once the installation of the mechanical ventilation system is completed, a Certificate of Compliance prepared by qualified Mechanical Engineer with details of tests carried out must be provided to the Principal Certifying Authority. Verification must be provided that the air handling system as installed has been tested and complies with the approved plans and specifications, including ventilation requirements and fire precautions.</p> <p>Condition reason: For all developments where mechanical exhaust systems are required or are to be provided and Certificate of Compliance is to be provided.</p>
103	<p>Compliance of works as executed for mixed use</p> <p>Before the issue of an occupation certificate, certification from a suitably qualified person must be provided to the principal certifier that the following works as executed are consistent with the plans and specifications approved under this consent:</p> <ul style="list-style-type: none"> a) Car parking facilities b) Acoustic report c) Disability access plan d) Pedestrian access e) Signage location and structures f) Mechanical ventilation <p>Condition reason: To ensure work has been completed in accordance with the development consent</p>
104	<p>Design verification for Seniors Housing</p> <p>A design verification and access audit from a qualified Access Consultant must be submitted to the Principal Certifying Authority certifying that the development has been constructed in accordance with the provisions of Schedule 4 of State Environmental Planning Policy (Housing) 2021.</p>

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	<p>Condition reason: To ensure that development for a Seniors living is constructed in accordance with the provisions State Environmental Planning Policy (Housing) 2021 – Schedule 4.</p>
105	<p>Directional Traffic Flow Signs</p> <p>The Old Main Road driveway for egress purposes only.</p> <p>All driveways must be suitably signposted and directional arrows painted on the internal driveways. All signs must be maintained in good repair at all times.</p> <p>Condition reason: To ensure the orderly flow of traffic and appropriate signage for a development.</p>
106	<p>Flood Risk Management Plan</p> <p>A Certificate of Compliance prepared by a suitably qualified Flood engineer must be provided to the Principal Certifying Authority stating that all aspects of the Flood Risk Management Plan have been completed and/or implemented in accordance with the approved Plan.</p> <p>Condition reason: To ensure that flood impacted development adequately mitigates risks to life and property.</p>
107	<p>Geotechnical Compliance Certificate</p> <p>A Certificate of Compliance prepared by a qualified Geotechnical Engineer must be provided to the Principal Certifying Authority stating that the works detailed in the Geotechnical Report have been undertaken under the Engineer's supervision and to the Engineer's satisfaction, and that the assumptions relating to site conditions made in preparation of the report were validated during construction.</p> <p>This certificate must accompany the Works as Executed plans</p> <p>Condition reason: To ensure that works have been undertaken in accordance with an appropriately prepared and approved Geotechnical Report.</p>
108	<p>Loading/unloading Facilities</p> <p>Loading / unloading facilities must be constructed in accordance with the approved plans. The extent of the loading bay must be permanently marked on the pavement surface.</p> <p>Condition reason: To ensure that all loading and unloading facilities are constructed in accordance with the approved plans and are compliant with Council requirements.</p>
109	<p>Lot Consolidation</p> <p>Lots 478 – 482 & 569 of DP 17775 are to be consolidated.</p> <p>A copy of the Registered Plan of consolidation must be provided to the Principal Certifying Authority.</p>

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	Condition reason: To ensure that the identified lots are consolidated in accordance with the approved plans.
110	<p>Mechanical Exhaust System</p> <p>A Certificate of Compliance prepared by a qualified Engineer confirming that the mechanical exhaust systems have been designed, constructed and installed in accordance with the relevant requirements of Clause F4.12 of the Building Code of Australia and AS1668 'The use and Ventilation and Air Conditioning in must be provided to the Certifying Authority.</p> <p>Certification must be provided that the air handling system as installed has been tested and complies with the approved plans and specifications, including ventilation requirements and fire precautions.</p> <p>Condition reason: To ensure that mechanical exhaust systems are constructed and installed in accordance with the Building Code of Australia and Australian Standard 1668 'The use and Ventilation and Air Conditioning'.</p>
111	<p>Pedestrian safety signage</p> <p>Before the issue of an occupation certificate, ensure an appropriate sign(s) is provided and maintained within the site to advise all vehicles to be aware of pedestrians within the shared driveway.</p> <p>Condition reason: To make drivers aware of pedestrians and to ensure the safety of pedestrians using the shared driveway</p>
112	<p>Post-construction dilapidation report</p> <p>Prior to the issue of the Occupation Certification a post-construction report must be prepared by a suitably qualified engineer, to the satisfaction of the Principal Certifier, detailing whether:</p> <ul style="list-style-type: none"> a) After comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and b) Where there has been structural damage to any adjoining building, that it is a result of the work approved under this development consent, and c) A copy of the post-construction dilapidation report must be provided to Council (where Council is not the principal certifier or a principal certifier is not required) and to the relevant adjoining property owner(s). <p>Condition reason: To identify any damage to adjoining properties resulting from site work on the development site</p>
113	<p>Protection and Certification of Electrical Services</p> <p>All power points, fittings, electrical connections and the incoming meter box are to be located above the Flood Planning Level (FPL) which is RL 4.1m AHD.</p> <p>Switches, light fittings and power points may be located below the FPL provided they are</p>

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	capable of being isolated by a single Residual Current Device (RCD) protected switch that is located above the FPL. Certification of these works are to be provided to the Principal Certifying Authority.
	Condition reason: To ensure that flood affected development adequately mitigates risks to life and property.
114	Restriction on title – Seniors Housing
	A restriction as to user must be Registered against the title of the property in accordance with section 88E of the Conveyancing Act 1919 limiting the use of any accommodation on the property to seniors housing as defined under State Environmental Planning Policy (Housing) 2021.
	Condition reason: To ensure that development for a Seniors living is appropriately burdened by a restriction on the land title in accordance with Section 88E of the Conveyancing Act 1919.
115	Design Verification – Housing SEPP
	A design verification statement from a Registered and qualified architect must be submitted to the Principal Certifying Authority demonstrating the development has been constructed in accordance with the approved plans and the requirements of State Environmental Planning Policy (Housing) 2021 (unless superseded by this DA Consent).
	Condition reason: To ensure that development for a Residential Flat Building is constructed in accordance with the approved plans and requirements of State Environmental Planning Policy (Housing) 2021.
116	Smoke Alarms
	In accordance with Part 13 of the Environmental Planning and Assessment (Development Certification and Fire Safety Regulation) 2021. Details demonstrating compliance must be provided to the Certifying Authority.
	Condition reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety Regulation) 2021.
117	Survey Certificate
	A Registered Surveyor must prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate must be provided to the satisfaction of the Principal Certifying Authority.
	Condition reason: To ensure that the building is located in accordance with the approved plans and evidence from a Registered Surveyor is provided to the Principal Certifying Authority.
118	Swimming Pool Register

ITEM 3 - ATTACHMENT 1 CONDITIONS OF CONSENT.

	<p>In accordance with Part 3A of the Swimming Pools Act 1992, all swimming pools (including spas) are required to be Registered on the NSW Swimming Pools Register.</p> <p>Prior to the issue of any Occupation Certificate, you are required to provide evidence in the form of the Certificate of Registration to the Principal Certifying Authority.</p> <p>Condition reason: To ensure that the development for a swimming pool and/or spa satisfies Council requirements prior to the issue of the Occupation Certificate.</p>
119	<p>Warning Notice</p> <p>A warning notice complying with the provisions of the Swimming Pools Regulation 2018, must be displayed and maintained in a prominent position in the immediate vicinity of the swimming pool, in accordance with Section 17 of the Swimming Pools Act 1992.</p> <p>The Principal Certifying Authority must ensure that this warning notice is provided and displayed prior to the issue of the Occupation Certificate.</p> <p>Council also recommends that all owners and/or users of swimming pools obtain a copy of the 'Cardiopulmonary Resuscitation Guideline' known as "Guideline 7: Cardiopulmonary Resuscitation" published by the Australian Resuscitation Council.</p> <p>Condition reason: To ensure that the development for a swimming pool and/or spa satisfies the Swimming Pools Act 1992, and Council requirements.</p>
120	<p>Waste Disposal</p> <p>The building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on public land (e.g. footpaths, roadways, plazas, reserves) at any time.</p> <p>Condition reason: To ensure that all waste is appropriately removed from the site.</p>
121	<p>Footpath Crossing Construction</p> <p>A footpath crossing and driveway must be constructed in accordance with this consent and the approved Construction Certificate prior to the use or occupation of the development.</p> <p>Note: A Works on Public Infrastructure (Driveway) approval must be obtained prior to the commencement of such works. This can be located on the Port Stephens Council website.</p> <p>Condition reason: To ensure that the developer constructs a footpath crossing with the relevant S149 Approval.</p>

Occupation and ongoing use

122	Driveways to be maintained
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ITEM 3 - ATTACHMENT 1 CONDITIONS OF CONSENT.

	<p>All access crossings and driveways must be maintained in good order for the life of the development</p> <p>Condition reason: To ensure that access and driveways are maintained for the life of the development.</p>																
123	<p>Hours of Operation - Commercial Premises</p> <p>The commercial premises is only to be open for business and used for the purposes approved within the following hours:</p> <table border="1"> <thead> <tr> <th>Day</th><th>Hours of Operation</th></tr> </thead> <tbody> <tr> <td>Monday</td><td>6am – 10pm</td></tr> <tr> <td>Tuesday</td><td>6am – 10pm</td></tr> <tr> <td>Wednesday</td><td>6am – 10pm</td></tr> <tr> <td>Thursday</td><td>6am – 10pm</td></tr> <tr> <td>Friday</td><td>6am – 10pm</td></tr> <tr> <td>Saturday</td><td>6am – 10pm</td></tr> <tr> <td>Sunday and Public Holidays</td><td>6am – 10pm</td></tr> </tbody> </table> <p>Other internal operations such as cleaning, preparation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs</p> <p>Condition reason: To ensure business and industrial operational hours are appropriate to reduce potential amenity impacts.</p>	Day	Hours of Operation	Monday	6am – 10pm	Tuesday	6am – 10pm	Wednesday	6am – 10pm	Thursday	6am – 10pm	Friday	6am – 10pm	Saturday	6am – 10pm	Sunday and Public Holidays	6am – 10pm
Day	Hours of Operation																
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Wednesday	6am – 10pm																
Thursday	6am – 10pm																
Friday	6am – 10pm																
Saturday	6am – 10pm																
Sunday and Public Holidays	6am – 10pm																
124	<p>Maintenance of Landscaping</p> <p>Landscaping must be maintained in accordance with the approved landscape plan and conditions of this development consent. All landscape areas must be kept free of parked vehicles, stored goods, garbage or waste material at all times.</p> <p>If any of the vegetation dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.</p> <p>Condition reason: To ensure that landscaping is maintained in accordance with the approved landscape plan and the relevant development consent.</p>																
125	<p>Manoeuvring of Vehicles</p> <p>All vehicles must enter and exit the site in a forward direction</p> <p>Condition reason: To ensure that vehicles enter and leave the site in a forward direction.</p>																
126	<p>Offensive Noise</p> <p>The use and occupation of the commercial premises including all plant and equipment must not give rise to any offensive noise within the meaning of the <i>Protection of the Environment Operation Act 1997</i> and must comply with the <i>NSW Noise Policy for Industry 2017</i> (as amended).</p>																

ITEM 3 - ATTACHMENT 1 CONDITIONS OF CONSENT.

	Condition reason: To control noise in order to ensure it is not offensive.
127	Parking areas to be kept clear
	At all times, the loading, car parking spaces, driveways and footpaths must be kept clear of goods and must not be used for storage purposes.
	Condition reason: To ensure that all associated areas with vehicle storage/parking are kept clear and solely for their intended purpose.
128	Parking – Signage (loading docks)
	Proposed parking areas, service bays, truck docks, driveways and turning areas must be maintained clear of obstructions and be used exclusively for purposes of car parking, loading/unloading, and vehicle access respectively for the life of the development. Under no circumstances are such areas to be used for the storage of goods or waste materials.
	Condition reason: To ensure that all associated areas with vehicle storage/parking are kept clear and solely for their intended purpose.
129	Storage of goods
	The storage of goods and materials must be confined within the building. At no time must goods, materials or advertising signs be displayed or placed within the designated car parking spaces, landscaped areas or road reserve.
	Condition reason: To ensure that the storage of goods and materials is confined within the building so as to not be a hazard or nuisance
130	Waste management and collection
	At all times, the strata management body must make arrangements for the placement of the garbage bins at the kerbside for weekly collection and must ensure the return of the bins to the garbage room as soon as practicable after collection.
	Condition reason: To ensure waste generated from the site is appropriately managed for pickup
131	Maintenance of wastewater and stormwater treatment device/s
	During occupation and ongoing use of the development, the applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained to remain effective and in accordance with any positive covenant (if applicable).
	Condition reason: to ensure wastewater and stormwater systems are maintained
132	Privacy Screen
	Any privacy screen/s must be permanently maintained in accordance with the approved plans for the life of the development.

ITEM 3 - ATTACHMENT 1 CONDITIONS OF CONSENT.

	Condition reason: To mitigate and privacy impacts and ensure compliance with the approved plans.
133	Compliance with State Environmental Planning Policy (Housing) 2021 At all times, occupation of the residential units is restricted to: <ul style="list-style-type: none"> a) Seniors, being people aged 60 years; or b) People who have a disability being people of any age who, as a result of an intellectual, physical, psychiatric or sensory impairment, either permanently or for an extended period, have substantially limited opportunities to enjoy a full or active life; or c) People who live within the same household with seniors or people who have a disability; or d) Staff employed to assist in the administration of and provision of services to seniors housing. Condition reason: To ensure that development for a Seniors living is restricted in accordance with the State Environmental Planning Policy (Housing) 2021.
134	External lightning during ongoing use During ongoing use of the premises, all lighting must be operated and maintained in accordance with the approved plans and the requirements of this consent. Condition reason: To ensure the safe operation of the premises and protect the amenity of the local area
135	Landscaping Maintenance Establishment Period Commencing from the date of practical completion, a 12-month maintenance establishment period applies. This includes the establishment, care and repair of all landscaping elements including all street tree installations, plantings, lawn and hardscape elements including paths, walls, bins, seats, BBQs, shelters, playground equipment and soft fall treatments. The date of Practical Completion is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting Condition reason: To ensure that the approved landscape works are completed within a 12 month period.
136	Location of mechanical ventilation During occupation and ongoing use of the building, the applicant must ensure all subsequently installed noise generating mechanical ventilation system(s) or other plant and equipment that generates noise are in an appropriate location on the site (including a soundproofed area where necessary) to ensure the noise generated does not exceed 5dBa at the boundary adjacent to any habitable room of an adjoining residential premises. Condition reason: For all applications requiring air conditioning units.

ITEM 3 - ATTACHMENT 1 CONDITIONS OF CONSENT.

137	Noise Nuisance Prevention
	The motor, filter, pump, and all sound producing equipment associated with or forming part of the swimming pool filtration system must be located so as not to cause a nuisance to adjoining property owners.
	The location of equipment that causes offensive noise may require the equipment to be located within a suitable acoustic enclosure, or the relocation of such equipment.
	Condition reason: To ensure that all sound producing equipment associated with or forming part of a swimming pool filtration system are located appropriately
138	Prohibitions within Swimming Pool Enclosure
	The area contained within the swimming pool safety fencing enclosure must not be used for other non-related activities or equipment, such as the installation of children's play equipment or clothes drying lines.
	Condition reason: To ensure that the area contained within a swimming pool safety fence enclosure must not be used for other non-related activities or equipment.
139	Removal of Graffiti
	The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.
	Condition reason: To ensure graffiti is removed from the building and fencing within 48 hours
140	Waste Management and Collection
	At all times, the site manager must make arrangements for the placement of the garbage bins at the kerbside for weekly collection and must ensure the return of the bins to the garbage room as soon as practicable after collection.
	Condition reason: To ensure that waste is managed and collected by the site manager

ITEM 3 - ATTACHMENT 1 CONDITIONS OF CONSENT.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes: https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf](https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Council advisory notes

1. **'Dial Before you Dig Australia'** – Before any excavation work starts, contractors and others should phone the “Dial Before You Dig Australia” service to access plans/information for underground pipes and cables.
2. **Responsibility for damage for tree removal/pruning** – The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant’s agents to prevent any damage to adjoining properties. The applicant or applicant’s agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.
3. **Approved Plans to be on-site** – A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifying Authority.
4. **Council as PCA, PCA sign** – It is the responsibility of the applicant to erect a PCA sign. Where Council is the PCA, the sign is available free of charge, from Council’s Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay. The applicant is to ensure the PCA sign remains in position for the duration of works.
5. **Weed Management** – This property has had priority weeds as defined by the NSW Biosecurity Act 2015 identified growing on site. As the applicant dealing with this property you are advised that under the Biosecurity Act 2015 you have a legal obligation to prevent, eliminate, and minimise the impact caused by weeds. As the applicant you also have an obligation to ensure you advise other persons dealing with this site of the Biosecurity risk.

ITEM 3 - ATTACHMENT 1 CONDITIONS OF CONSENT.

For more information on the identification, control, and management of weeds on site please contact Port Stephens Council's Invasive Species Team on (02) 4988 0392.

6. **Ausgrid** – The proposed development should be designed and constructed in accordance with Ausgrid's requirements. These requirements can be found in the letter from Ausgrid uploaded to the NSW Planning Portal, reference number 1900127116, dated 06.03.2024
7. **Rural Fire Service** – The proposed development should be designed and constructed in accordance with the RFS requirements. These requirements can be found in the letter from RFS uploaded to the NSW Planning Portal, reference number DA20240222000741-Original-1, dated 06.03.2024
8. **Flood Evacuation Plan** – A flood evacuation plan indicating that permanent, fail-safe, maintenance free measures are incorporated in the development to ensure that timely, orderly, and safe evacuation of people and potential pollutant material from the buildings on-site should a flood occur. Details demonstrating compliance must be provided to the Certifying Authority with the Construction Certificate application.
9. **Street Numbering** – Prior to occupying the development or Subdivision Certificate Release, (whichever occurs first) the consolidated lot is to be identified as 117 Gan Gan Road, Anna Bay.

Council's Spatial Services Team should be contacted via email at: addressing@portstephens.nsw.gov.au to obtain correct property addressing details. Please state your Development Approval number and property address in order to obtain the correct house numbering.

Note: any referencing on Development Application plans to house or lot numbering operates to provide identification for assessment purposes only.



PORT STEPHENS
COUNCIL

S4.55(1A) MODIFICATION APPLICATION ASSESSMENT REPORT

APPLICATION REFERENCES & PROPERTY DETAILS

Modification Application Number	16-2024-31-2
Development Description	Seniors housing - construction of a 5 storey residential flat building comprising 32 seniors independent living units, communal spaces, commercial tenancy, carparking, landscaping, infrastructure and demolition works
Modification Description	S4.55 (1A) Modification to approved seniors housing development
Applicant	Kado Group Pty Ltd
Date Of Lodgement	15/05/2025
Property Address	119 Gan Gan Road ANNA BAY, 121 Gan Gan Road ANNA BAY, 113 Old Main Road ANNA BAY, 115 Old Main Road ANNA BAY, 117 Old Main Road ANNA BAY, 119 Old Main Road ANNA BAY
Lot and DP	LOT: 481 DP: 17775, LOT: 482 DP: 17775, LOT: 478 DP: 17775, LOT: 479 DP: 17775, LOT: 480 DP: 17775, LOT: 569 DP: 17775
Zoning	E1 LOCAL CENTRE

MODIFICATION PROPOSAL

The modification proposes minor design amendments to an approved senior's housing development, to ensure the appropriate integration of building services within the development. In summary, the modified proposal seeks the following:

1. Amend the internal unit layouts for seniors living focusing on enhanced usability, particularly in the bathrooms (resulting in minor changes to the building fenestration, notably a reduction in the number of windows on the western elevation),
2. Accommodate a fire pump room in the ground floor/basement and improvements to the accessible parking spaces (resulting in the removal of two car parking spaces),
3. Include a lobby to the garbage chute,
4. Include additional privacy screening and clotheslines to all balconies (resulting in minor footprint changes to the balconies),
5. Accommodate the installation of roof top plant as part of the reticulated service requirements,
6. Include a small parapet as part of the stormwater design on the rooftop and screen roof mounted equipment.

The modified proposal results in a 200mm increase in maximum building height from 13.2m to 13.4m. Expressed as a percentage, the maximum building height would be in the order of 11.6% variation to the 12m height of building control.

Figures 1-2 below depict comparisons within the approved and proposed floor plates for ground and roof levels, and **Figures 3-4** depict where the modified design will exceed the approved height plane from north and south elevations.

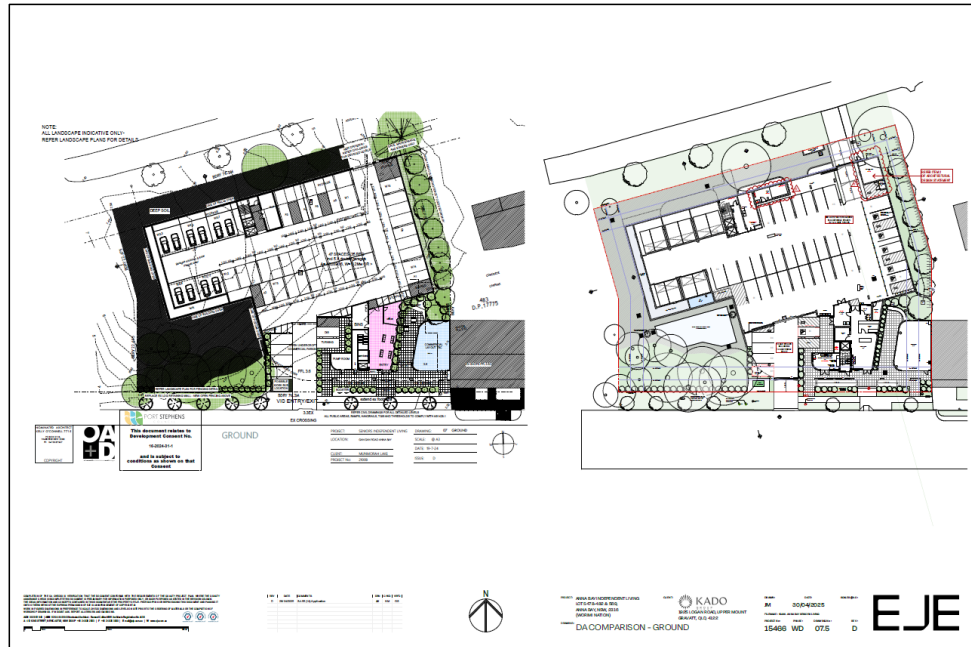


Figure 1: Approved and proposed ground level floor level

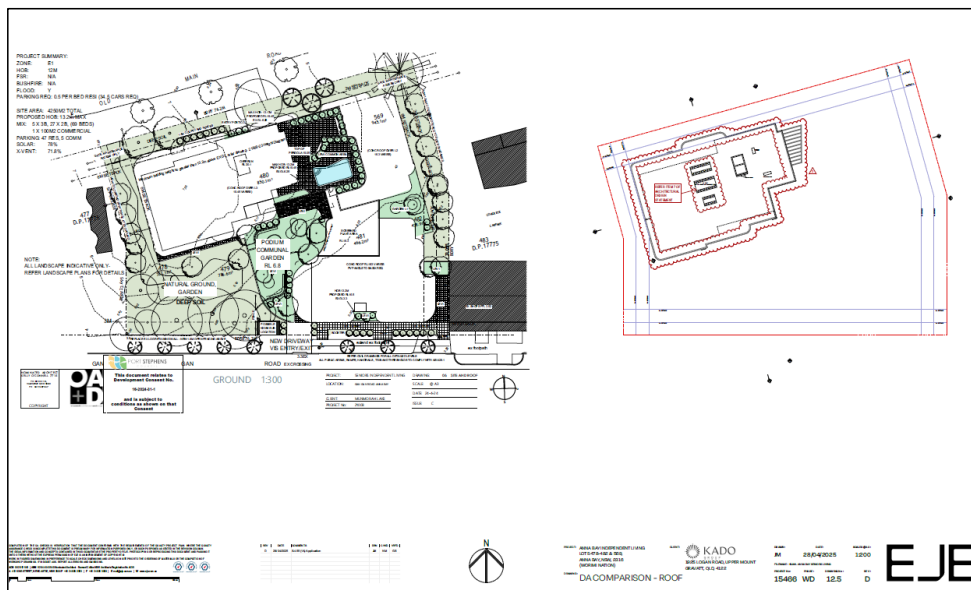


Figure 2: Approved and proposed roof level (extract)

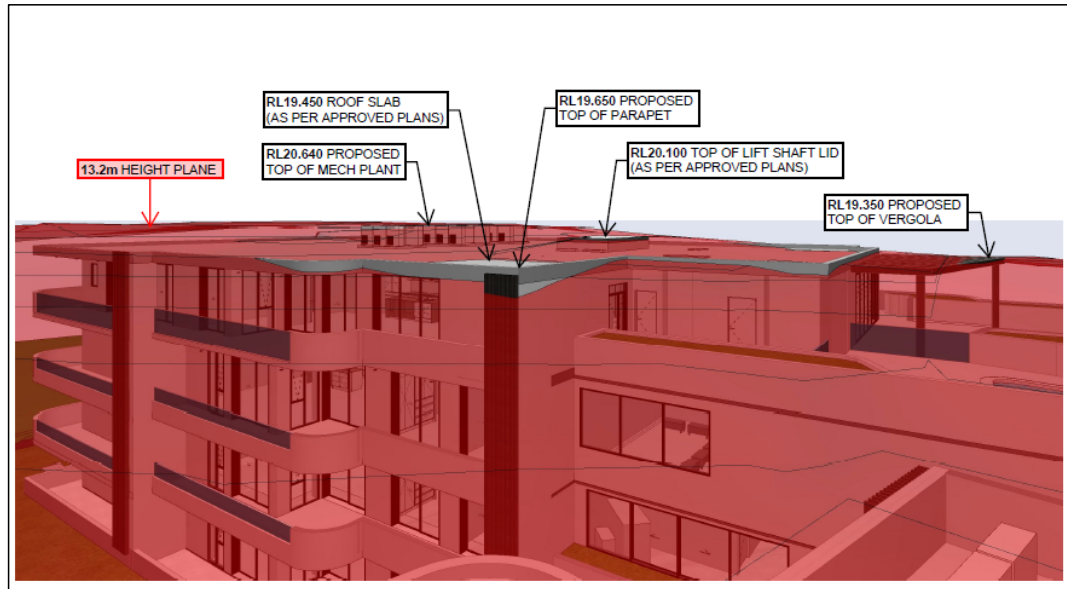


Figure 3: Proposed height of building against approved height plane - north elevation

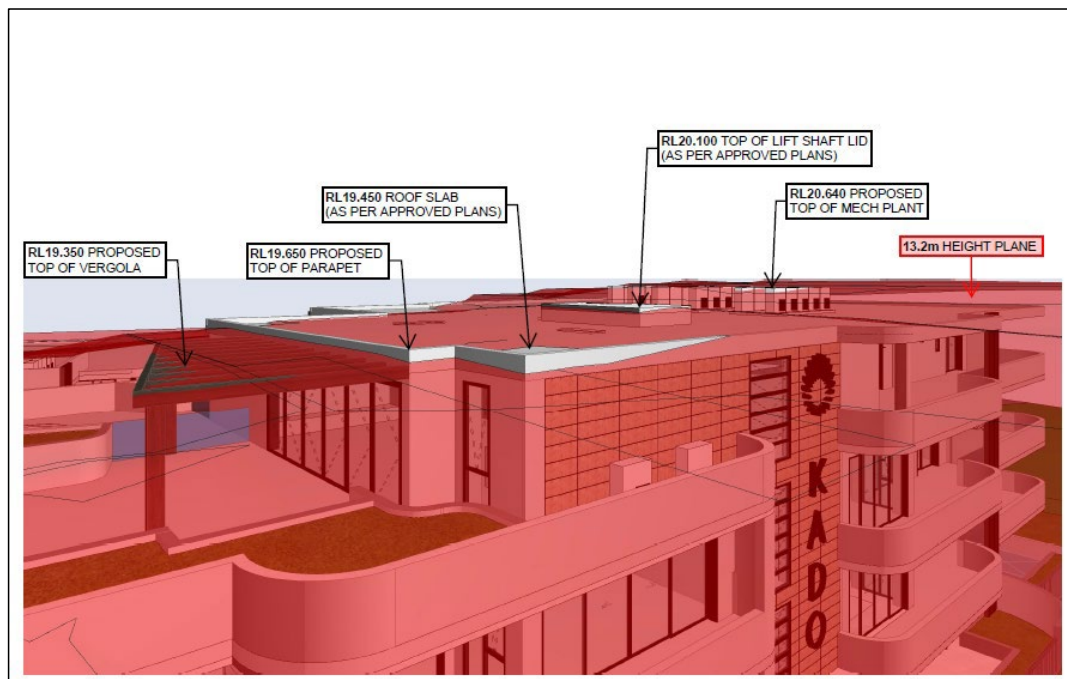


Figure 4: Proposed height of building against approved height plane - south elevation

SITE DESCRIPTION

The subject site is comprised of six (6) lots, being Lots 478 – 482 DP 17775 and Lot 569 DP 17775, known as 113 – 119 Old Main Road, Anna Bay and 119-121 Gan Gan Road, Anna Bay (see **Figure 5**). The site is an irregular shape, and has a total area of 4,251.79m². The site has dual street frontage, facing Old Main Road to the north and Gan Gan Road to the south.



Figure 5: Aerial GIS imagery of the subject site outlined in black

SITE HISTORY

There have been a number of applications lodged over the site which are summarised in the following table.

Application #	Address	Proposal Description	Determination	Date Determined
16-2024-31-1	113 - 119 Old Main Road & 119-121 Gan Gan Road, Anna Bay	Seniors Housing	Approved with Conditions	12/09/2024
16-2013-574-2	113 - 119 Old Main Road & 119-121 Gan Gan Road, Anna Bay	Section 96(1A) Modification to Approved Tourist Recreation Facility	Approved with Conditions	14/01/2015
16-2013-574-1	113 - 119 Old Main Road & 119-121 Gan Gan Road, Anna Bay	Tourist Recreation Facility and Carpark	Approved with Conditions	14/03/2014
16-2001-709-1	117 Old Main Road, Anna Bay	Dual Occupancy	Approved with Conditions	12/07/2001
16-2001-895-1	119 Old Main Road, Anna Bay	Additions to dwelling	Approved with Conditions	25/07/2001

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The subject site does not have records of contamination or historical applications that would impact the proposed development.

REFERRALS

The proposed development was referred to the following internal specialist and external agencies.

Internal

The proposed modification was referred to the following internal specialist staff. The comments of the listed staff listed have been used to carry out the assessment against the S4.15 Matters for Consideration below.

Building Surveyor	
Outcome	Supported with conditions
Comment	A review of the modified proposal indicates there could be design changes to the proposal during detailed design phase for the electrical substation location with regard to the Flood Planning Level. Whilst Council planning staff acknowledge that some plant and equipment is provided within parts of the building they may require amendment through the detailed design phase, such plant and equipment will be undertaken having regard to existing conditions of consent which provide the circumstances under which electrical and service facilities can be provided at or below the Flood Planning Level. It is likely the changes will be minor and may not require a future S4.55 modification.
Development Engineering	
Outcome	Supported unconditionally
Comment	Application supported unconditionally, subject to retention of existing engineering conditions imposed under DA 16-2024-31-1.

PLANNING ASSESSMENT

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 4.55(1A) – Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if it complies with the subsections of this clause. An assessment against the subsections of this clause been completed below.

Section 4.55(1A)(a) – Minimal environmental impact

The consent authority must be satisfied that the proposed modification is of minimal environmental impact. The modification is considered to be of minimal environmental impact for the following reasons:

ITEM 3 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

- The proposed modification will not result in an intensification of the approved land use and in this regard, the demand on services and infrastructure and amenity impacts (e.g. noise, traffic) would remain substantially the same.
- The proposed design changes would not result in any new adverse impacts on the environment or adjoining sites. The modifications to the internal layouts of the units are to improve their functionality and liveability, and will also result in a reduction in the number of windows on the western elevation. This will not result any new adverse impacts on the adjoining property. Furthermore, the installation of privacy screening will further minimise the impacts on the adjoining property.
- The proposed height changes are minor in nature, although will result in a further minor exceedance of LEP height planning controls. Notwithstanding, it is considered that this will not result in any significant impacts. The impact is negligible given the extent of the variation being only 200mm.

On this basis, the application is considered to have minimal environmental impact.

Section 4.55(1A)(b) – Substantially the same development

The consent authority must be satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all). The development as modified is substantially the same as the originally approved development for the following reasons:

- The nature of the approved development would not change, being the construction and operation of a residential flat building for seniors housing purposes with ground floor commercial tenancies. There is no change to the fundamental land use and essential purpose of the approved development. No new land uses are proposed, and the proposed use continues to remain permissible with consent in the E1 Local Centre zone.
- The overall development's relationship to the public domain and its neighbours would not substantially change. The general appearance of the development would be preserved (including in terms of materiality and architecture), and the site layout remains substantially unchanged. The modifications to the balcony spaces and internal courtyard will not result in any exceedance of planning controls.

On this basis, the application is considered substantially the same.

Section 4.55(1A)(c) – Notification

The consent authority must notify the application in accordance with the regulations, if the regulations so require, or in accordance with a development control plan, if the development control plan requires the notification or advertising of applications for modification of a development consent.

The Port Stephens Community Participation Plan (CPP) does not prescribe that modification applications must be notified or advertised. Notwithstanding, given the extent of changes and public interest in the original development, the application has been notified in accordance with Councils Community Participation Plan.

Section 4.55(1A)(d) – Submissions

ITEM 3 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

The consent authority must consider any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Two (2) submissions were received during the notification period. Over 60 submissions were received as part of the original development application. The matters raised in the submissions for the proposed modification objecting to the development are discussed in the table below:

Objection	Comments
Inadequate infrastructure (roads, drainage, recreational spaces and community facilities) to accommodate the proposed development.	The capacity of infrastructure over the site and broader locality to accommodate the proposed development was assessed and endorsed under the original application. The subject modification does not seek to intensify impacts on local infrastructure and remains suitable for the locality.
Adverse traffic issues associated with development (congestion, on-street parking, pedestrian safety, cycling facilities, construction vehicles and public transport availability).	Traffic impacts were comprehensively assessed and accepted under the original development application. The findings of the Traffic Impact Assessment were supported by Council, with recommendations for traffic management endorsed as conditions of consent. The reduction of two (2) on-site parking spaces under this modification application will have negligible impacts on the local road network and parking, noting the provision of 50 parking spaces exceeds the minimum parking provisions of 38 spaces specified within the Housing SEPP and DCP.
Development does not align with the established character of Anna Bay.	The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, have been assessed and supported against Section 4.15(b) of the EP&A Act as part of this assessment report. These impacts are considered minor and consistent with the environmental impacts as originally assessed under DA 16-2024-31-1.

Section 4.55(3) – S4.15(1) Assessment

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Section 4.15(1)(a)(i) – The provisions of any EPI

The modification is consistent with the relevant provisions of the PSLEP 2013 and all applicable SEPPs as follows.

State Environmental Planning Policies (Housing) 2021

The Housing SEPP aims to provide incentives and guidelines for the development of appropriate, affordable and diverse housing types throughout the state. The development and proposed modifications to the development are considered to be minor in nature and remain compliant with the relevant provisions of the Housing SEPP. The provisions of the SEPP relevant to the proposed modification are discussed in further detail below.

Chapter 3 (Diverse Housing), Part 5 - Housing for seniors and people with a disability

The proposal, as modified, continues to remain compliant with the general development standards provided in Section 84 and those specific to independent living units contained in Clause 85 and Schedule 4.

Additionally, the proposal continues to comply with all non-discretionary development standards.

Chapter 4 (Design of Residential Apartment Development)

Clause 146 of the SEPP relates to modification applications involving residential apartment developments. Clause 146(2) provides the circumstances under which the consent authority must refer the modification application to the relevant design review panel. Pursuant to Section 102 of the EP&A Regulations, such a referral is only required for an application made pursuant to Section 4.55(2) or Section 4.56(1) of the EP&A Act. As the application is made pursuant to Section 4.55(1A), there is no requirement to refer the application to the design review panel.

Notwithstanding, a design statement made with reference to Section 4.55(1A) has been made by the registered architect.

Port Stephens Local Environmental Plan (PSLEP) 2013**Clause 2.3 – Zone Objectives and Land Use Table**

The proposal, as modified, involves no change in approved land use and remains a land use which is permissible with consent in the E1 Local Centre zone under the PSLEP. The proposal remains consistent with relevant objectives of the E1 zone, providing a mixed use residential and commercial development that supports employment and economic growth, and makes a positive contribution to the vitality of Anna Bay and its local community.

Clause 4.3 – Height of Buildings

The applicable building height for the site is 12m. In approving DA 16-2024-31-1, Council resolved to support an application made to vary the maximum building height of 12m pursuant to the objectives and provisions of Clause 4.6 of the PSLEP.

The application to modify DA 16-2024-31-1 seeks to increase the maximum building height of the building by 200mm to 13.40m (RL19.650m AHD), which relates to the top of the proposed parapet. Expressed as a percentage, the extent of the exceedance is in the order of 11.6%, an increase from 9.2% from the original approved design.

It is noted that S4.55 is a 'free-standing provision', meaning that a modification application may be approved notwithstanding the development would be in breach of an applicable development standard were it the subject of an original development application. As this is a modification application, the variation can be considered without the need for a Clause 4.6 variation to development standards.

ITEM 3 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

The proposed increase in height, above that originally approved by Council, is minor in nature and will not be materially perceived from the public domain or adjoining properties. The exceedance is isolated to a small central portion of the building. As a result, the visual and overshadowing impact will be negligible as demonstrated by perspective drawings and shadow diagrams submitted with the application. Notwithstanding the numerical non-compliance, the proposed development achieves the objectives of the height of buildings development standard and the objectives of the E1 Local Centre zone. The proposal remains compatible with the existing and desired built context, does not result in significant external amenity impact on adjoining properties and therefore demonstrates that there is no public benefit to be achieved in maintaining the development standard.

Accordingly, the minor height increase is negligible considering the existing height of the approved building, and is recommended to be supported.

Section 4.15(1)(a)(ii) – Any Draft EPI

DRAFT EPI'S		Assessment
There are no draft EPI's that are relevant to the proposed development.		No

Section 4.15(1)(a)(iii) – Port Stephens Development Control Plan 2014

PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014		
Chapter		Assessment
B	General Controls	
	B5	Complies
	B8	Complies
Comment	<p>Control B5 - The modification proposal seeks to relocate electrical and service utility rooms (electrical distribution room, fire pump room & communications room) to areas approximately 350mm below the sites flood planning level (FPL) of 4.1m AHD. Council resolved to support a variation to finished floor level requirements for these non-habitable rooms under the original application, with a condition included for all incoming main power service to be located above the sites FPL. The services also remain above the 1% event flood level. The proposal does not wish to amend any of the conditions relating to the design and certification of plant and equipment and the proposed variation can still be supported as being consistent with the variation and conditions associated with the original approval.</p> <p>B8 Road Network and Parking - The proposed location of the fire pump house will result in the removal of two (2) car parking spaces. This will result in a change of the total number of car parking spaces from 52 to 50. The parking provision is still well in excess of the minimum parking provisions specified in the DCP (and Housing SEPP).</p>	
C	Development Types	
	C5	Complies
D	Specific Areas	

PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014		
		N/A
Comment		

Section 4.15(1)(a)(iiia) – Any planning agreement or draft planning agreement entered into under section 93F

PLANNING AGREEMENTS		Assessment
There are no planning agreements that have been entered into under section 7.4 relevant to the proposed development.		N/A

Section 4.15(1)(a)(iv) – The regulations

EP&A REGULATIONS		Assessment
The relevant sections within the EP&A Regulation 2021 have been addressed through conditions of consent.		Complies

Section 4.15(1)(b) – The likely impacts of the development

THE LIKELY IMPACTS OF THE DEVELOPMENT			Assessment
Social and Economic Impact			
Comment	The modification would not have any adverse social or economic impacts that have not been addressed as part of the original approval.		Satisfied
Built Environment Impact			
Comment	There are no additional anticipated adverse impacts on the built environment as a result of the modification that have not been considered by the original approval.		Satisfied
Natural Environment Impact			
Comment	The modification would not adversely impact the natural environment of the area in addition to what was considered under the original approval.		Satisfied

Section 4.15(1)(c) – The suitability of the site

Site suitability was assessed under the original application, which concluded the development was a suitable form of development for the site. The amended design is not expected to increase the likely impacts of the development, as originally assessed by Council. On this basis, it is considered that the site is still suitable for the proposed development as amended.

Section 4.15(1)(d) – Any submissions

Submissions have been addressed in accordance with S4.55(1A)(d) above.

Section 4.15(1)(e) – The public interest

No public interest issues arise as a consequence of the proposed modifications. It is considered the development will not have additional cumulative impacts on the natural environment or local built

ITEM 3 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

form, outside of that originally considered by Council. The proposed development is considered to remain in the public interest.

MODIFIED CONDITIONS

Existing Condition

(1) Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
02-05, 06, 08-16, 28-29	C	Architectural Plan set	O'Connell Architecture and Design	24.04.2024
Sheet 1 of 2	D	Detail and Contour Survey	ADW Johnson	04.05.2010
07	D	Ground Floor Plan	O'Connell Architecture and Design	19.07.2024
Sheet 1-6 of 6	C	Landscape Plan set	Octopus Garden Design	April 2024
DA-C03.01	B	Bulk Earthworks Cut and Fill Plan	Northrop	26.04.2024
DA-C03.31	A	Bulk Earthworks Sections	Northrop	18.01.2024
DA-C04.01-02	D	Siteworks and Stormwater Management Plan – Ground	Northrop	18.07.2024
DA-C04.31	C	Catchment Plan	Northrop	18.07.2024
DA-C09.01	C	Civil Details	Northrop	18.07.2024

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Modified Condition

(1A) Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
07-12 & 15-16	D	Architectural Plan set	EJE	28.04.2025

ITEM 3 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

Sheet 1 of 2	D	Detail and Contour Survey	ADW Johnson	04.05.2010
07	D	Ground Floor Plan	O'Connell Architecture and Design	19.07.2024
Sheet 1-6 of 6	C	Landscape Plan set	Octopus Garden Design	April 2024
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DA-C04.31	C	Catchment Plan	Northrop	18.07.2024
DA-C09.01	C	Civil Details	Northrop	18.07.2024

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Existing Condition

(97) Car parking requirements

A minimum of 52 car parking spaces including disabled car parking spaces as required under the State Environmental Planning Policy (Housing) 2021 are to be provided in accordance with AS2890 and the approved plans. Parking must be permanently marked on the pavement surface.

The parking spaces allocated as visitor parking must be signposted as “visitor parking”.

Modified Condition

(97A) Car parking requirements

A minimum of **50** car parking spaces including disabled car parking spaces as required under the State Environmental Planning Policy (Housing) 2021 are to be provided in accordance with AS2890 and the approved plans. Parking must be permanently marked on the pavement surface.

The parking spaces allocated as visitor parking must be signposted as “visitor parking”.

CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

RECOMMENDATION

The application is recommended to be approved under delegated authority pursuant to s4.55(1A) of the *Environmental Planning and Assessment Act 1979*, subject to conditions of consent provided as contained in the notice of determination.



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

ITEM NO. 4

FILE NO: 25/164445
EDRMS NO: 58-2024-4-1

**PLANNING PROPOSAL - 587 NEWLINE ROAD, RAYMOND TERRACE
(MONARCH'S RISE)**

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**) for 587 Newline Road, Raymond Terrace (Lot 2 DP37430 and Lot 32 DP 554875) and the submissions received during exhibition (**ATTACHMENT 2**).
- 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).

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**) for 587 Newline Road, Raymond Terrace (known as Monarch's Rise within Kings Hill urban release area) and note the submissions received during exhibition (**ATTACHMENT 2**).

The planning proposal seeks to amend the Port Stephens Local Environment Plan 2013 (LEP) to align the zoning, building heights and minimum lot size with the subdivision lot layout of Development Application 16-2013-599-1, determined on 8 July 2024 (DA 16-2013-599-1).

The planning proposal will ensure that lots subdivided under DA 16-2013-599-1 will not have split zonings with split minimum lot sizes.

The planning proposal also seeks to reduce the minimum lot size in the MU1 Mixed Use zone from 400m² to 300m² to allow for more diverse housing around the neighbourhood centre.

The planning proposal will extend the MU1 Mixed Use zone over the land currently zoned C2 Environmental Conservation to align with DA 16-2013-599-1 and the agreed terms of a conservation voluntary planning agreement associated with the development consent.

ORDINARY COUNCIL - 26 AUGUST 2025

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

Date lodged	4 December 2024
Proponent	McCloy Project Management Pty Ltd
Subject property	Lot 2 DP 37430 and Lot 32 DP 554875 587 Newline Road, Raymond Terrace
Site area	Approximately 7 hectares
Current zoning	R1 General Residential, C2 Environmental Conservation
Current use	Unused rural land
Proposed changes	Align the MU1 Mixed Use zone with the lot layout envisioned under DA 16-2013-599-1. Extend the MU1 Mixed Use zone over land (approximately 2,300m ²) currently zoned C2 Environmental Conservation, adjoining Newline Road. Reduce the minimum lot size of the MU1 Mixed Use zone from 400m ² to 300m ² to achieve housing diversity in and around the neighbourhood centre.
Lot yield	Approximately 85 residential lots

On 13 February 2025, the planning proposal was submitted to the Department of Planning, Housing and Infrastructure (DPHI) to seek a Gateway determination in accordance with the Port Stephens Council Rezoning Request Policy.

On 13 March 2025, DPHI issued a Gateway determination (**ATTACHMENT 3**) requiring the planning proposal be updated to:

- Include an amendment to the LEP height of building map that aligns the existing MU1 Mixed Use Zone height limit of 15m and the R1 General Residential Zone height limit of 9m, illustrating the change between the existing and proposed height of building maps.
- Include additional detail and clarification in the objectives of the proposal and explanations of provisions in relation to all the zoning and minimum lot size changes that will occur associated with the realignment of the MU1 Mixed Use zone.
- Update administrative errors.
- Undertake further consultation with Transport for NSW, Department of Climate Change, Energy, the Environment and Water, NSW Rural Fire Service, Hunter Water Corporation and the NSW State Emergency Service.

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). This gives effect to the planning proposal following the public exhibition period. In accordance with the Gateway determination, the planning

proposal was updated and referred to the relevant public authorities, with 5 submissions being received (**ATTACHMENT 2**). The planning proposal was publicly exhibited from 30 May to 30 June 2025 and 1 submission was received. (**ATTACHMENT 2**).

Suitability of the site

The site is considered suitable for residential development given:

- Residential housing is permissible on the site currently as it is zoned MU1 Mixed Use and R1 General Residential and residential housing on the site has been granted development consent (DA 16-2013-599-1).
- The C2 Environmental Conservation zoned land being rezoned has been identified as not having high biodiversity value as part of the assessment associated with DA 16-2013-599-1.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025-2029
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 (\$7.11)	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 future lots on the approved subdivisions will have split zonings and split minimum lot sizes if recommendations are not supported.	High	Accept the recommendations.	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 as noted within 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 (LEP)

The subject site is currently zoned MU1 Mixed Use, R1 General Residential and C2 Environmental Conservation. The planning proposal seeks to amend the LEP to realign the zoning, building heights and minimum lot size with the subdivision lot layout in Development Application 16-2013-599-1, determined on 8 July 2024.

The planning proposal will ensure lots subdivided under DA 16-2013-599-1 will not have split zonings with split minimum lot sizes and will reflect the agreed terms of a conservation voluntary planning agreement associated with the development consent.

Port Stephens Development Control Plan 2014 (DCP)

The Monarch's Rise Estate is located within the urban release area of Kings Hill. King's Hill is contained in Chapter D14 of the DCP.

The planning proposal is generally consistent with the DCP.

Hunter Regional Plan 2041 (HRP)

The HRP includes an objective of creating 15-minute neighbourhoods where residents can work, socialise and access their daily needs without relying on a

personal vehicle. The planning proposal is consistent with this objective as it creates greater housing diversity and increases density around the neighbourhood centre, which will provide a number of services once it is fully developed. This facilitates a 15-minute neighbourhood by locating residents in close proximity to their day-to-day needs.

The planning proposal is consistent with the HRP.

Local Strategic Planning Statement 2020 (LSPS)

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

Priority 1: Support the growth of strategic centres.

Raymond Terrace is identified by the LSPS as a regionally significant centre. The planning proposal is consistent with this priority as it supports growth within the broader Raymond Terrace area.

Priority 4: Ensure suitable land supply (for housing)

The planning proposal is consistent with this priority as it will create more varied housing supply options in the future residential area of Kings Hill. This will be achieved by a reduction in minimum lot sizes in the MU1 Mixed Use zone of the Monarch's Rise estate.

Priority 5: Increase diversity of housing choice

The planning proposal is consistent with this priority as it supports higher density housing, smaller lots and varied housing options.

Port Stephens Local Housing Strategy (LHS)

The Port Stephens LHS outlines the vision for future housing growth in the Local Government Area (LGA). The strategy responds to a number of challenges to create outcomes that will ensure an adequate supply of housing and provide a framework for land use planning with an emphasis on greater housing types and sizes near town centres.

The planning proposal is consistent with the LHS as the site is identified for housing in the Housing Supply Plan. The planning proposal aligns with the outcomes of the LHS to ensure suitable land supply, improve housing affordability, increase housing choice and diversity and to facilitate liveable communities. The planning proposal achieves these outcomes by reducing minimum lot size in the MU1 Mixed Use Zone to achieve greater diversity in housing sizes and types near the neighbourhood centre.

The site has been identified for housing in the Port Stephens Housing Supply Plan and is consistent with the LHS.

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.
- Providing greater housing diversity through the introduction of smaller lot sizes to the residential market.
- Contributing to more affordable housing outcomes, with increased housing supply and diversity providing downward pressure on housing prices.

Environmental

The planning proposal seeks to extend the MU1 Mixed Use zone over land currently zoned C2 Environmental Conservation (approximately 2300m²) to reflect the subdivision approved under DA 16-2013-599-1. The development consent has an associated set of agreed terms that relate to a voluntary planning agreement (VPA). This VPA seeks to reserve a large parcel of land for conservation purposes, with approximately 17.5ha of land zoned R1 General Residential and 48.5ha of C2 Environmental Conservation zoned being retained and managed by Council once the requirements of the approved Vegetation Management Plan (VMP) have been met.

The C2 Environmental Conservation land being rezoned has not been identified as having high biodiversity value under the assessment of DA 16-2013-599-1.

COMMUNICATION AND ENGAGEMENT

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

INFORM	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
CONSULT	To obtain public feedback on analysis, alternatives and/or decisions.
INVOLVE	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.

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COLLABORATE	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
EMPOWER	To place final decision-making and/or developed budgets in the hands of the public.
	No external communications and engagement are required for this report.

The following communication and engagement applies to this report.

External communications and engagement

INFORM	Adjacent and adjoining landowners were notified in writing of the lodgement of the planning proposal. They were notified again when the planning proposal was placed on public exhibition.
CONSULT	<p>The planning proposal was placed on public exhibition from 30 May 2025 to 30 June 2025 and 1 submission was received. The submission raised concerns associated with the loss of C2 Environmental Conservation zoned land. These concerns have been addressed in (ATTACHMENT 2).</p> <p>Consultation was undertaken with the following State agencies as part of the conditions set out by the Gateway determination:</p> <ul style="list-style-type: none">• Hunter Water Corporation• NSW State Emergency Service• Transport for New South Wales• Department of Climate Change, Energy, the Environment and Water (Biodiversity and Flooding)• NSW Rural Fire Service <p>The agency advice and public submission is addressed in the response to submissions table (ATTACHMENT 2).</p>

Internal communications and engagement

The Strategy and Environment Section has undertaken consultation with:

- Assets Section.
- Development and Compliance Section.

OPTIONS

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

ATTACHMENTS

- 1) Planning Proposal. [↓](#)
- 2) Response to Submissions. [↓](#)
- 3) Gateway Determination. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

- 1) Unredacted submissions.

TABLED DOCUMENTS

Nil.



**Proposed amendment to Port Stephens Local
Environmental Plan 2013**
Rezoning of Lot 2 DP 37430 and Lot 32 DP 554875,
Newline Road, Raymond Terrace



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VERSION CONTROL

Version	Date	Details
2	8 April 2025	Planning proposal as submitted for consultation to agencies.
3	21 May 2025	Planning proposal amended to respond to agency consultation.
4	9 July 2025	Planning proposal amended to respond to community consultation.

ATTACHMENTS

APPENDIX 1 – Proposed Zoning, Minimum Lot Size and Height of Building Maps

APPENDIX 2 – Ecological Values Letter

APPENDIX 3 – Flood Risk Management Advice

APPENDIX 4 – Heritage Due Diligence Report

APPENDIX 5 – Mixed Use Indicative Subdivision Plan

APPENDIX 6 – Strategic Bushfire Study

FILE NUMBERS

Council: 58-2024-4-1

Department: PP-2024-2629

SUMMARY

Subject land: Lot 2 DP 37430 and Lot 32 DP 554875

587 Newline Road, Raymond Terrace

Proponent: MCCLOY GROUP

Proposed changes: Align the MU1 Mixed Use zone with the lot layout envisioned under the Concept Masterplan and DA Approval (DA16-2013-599-1).

Extend the MU1 Mixed Use zone over land (approximately 2,300m²) currently zoned C2 Environmental Conservation adjoining Newline Road which is not flood prone.

Reduce the minimum lot size of the MU1 Mixed Use zone from 400m² to 300m² to achieve housing diversity in and around the neighbourhood centre and park

Amend the height of building map that aligns the existing MU1 Zone height limit of 15m, and the R1 General Residential Zone height limit of 9m, with proposing zoning layout.

Area of land: ~ 7ha

Lot yield: ~ 85 lots

BACKGROUND

The site is known as the Monarch's Rise estate and is located at 587 Newline Road, Raymond Terrace, legally described as Part Lot 2 of Deposited Plan (DP) 37430 and Part Lot 32 DP554875.

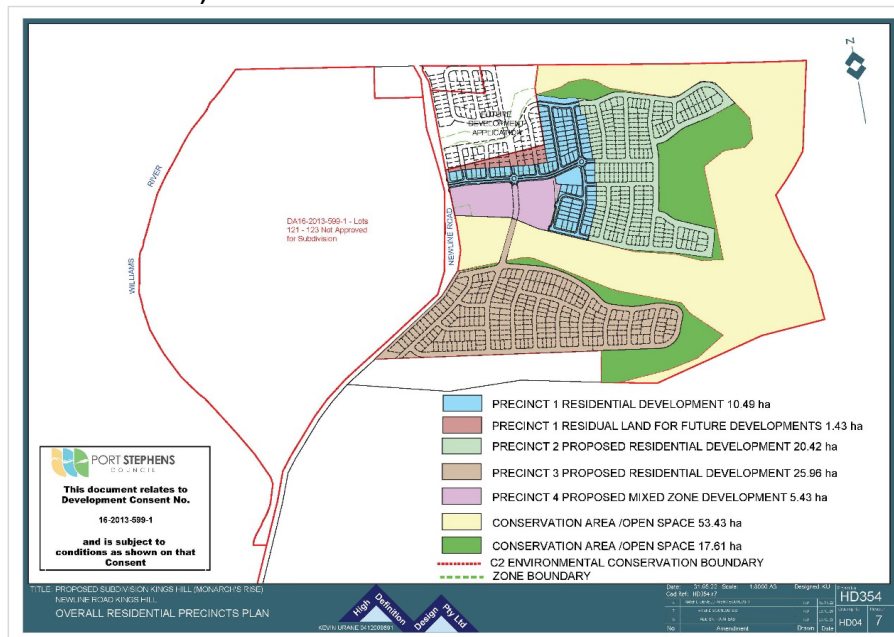
The first stage of the Monarch's Rise residential development was approved by Port Stephens Council on 8 July 2024 under DA16-2013-599-1 (**Figure 1**). The approved development provided consent for:

Staged Development - Two (2) into 97 Lot Torrens title subdivision including vegetation works, clearing, park, earthworks, roads, landscaping, associated subdivision works and infrastructure.

As shown in **Figure 1**, Monarch's Rise is split into four (4) precincts over which development will be staged. The proposed planning proposal applies to the area of the site known as Precinct 1 and Precinct 4.

Through the assessment of the development application (DA), a substantial portion of developable area was agreed to be retained for conservation purposes and left undeveloped. This land, zoned R2 Low Density Residential, totals 17.61ha in area and is shown shaded dark green in **Figure 1**. This outcome resulted from consultation with Council and sought to avoid a significant impact on biodiversity from the proposed subdivision.

Figure 1– Overall Residential Precinct Plan (from Approved Subdivision Plan DA16-2013-599-1)



ITEM 4 - ATTACHMENT 1 PLANNING PROPOSAL.

The subdivision plan, approved under DA13-2013-599-1 resulted in a number of lots containing a split zoning, being both within Zone R2 Low Density Residential and Zone MU1 Mixed Use. A key objective of this Planning Proposal is to re-align Zone MU1 with the approved lot layout.

The Monarch's Rise Planning Proposal (the Planning Proposal) aims to:

- Align the MU1 Mixed Use zone with the lot layout envisioned under the Concept Masterplan and DA Approval (DA16-2013-599-1); as seen in **Figure 2**;
- Extend the MU1 Mixed Use zone over land (about 2,300m²) currently zoned C2 Environmental Conservation, as seen in **Figure 2**; and
- Reduce the minimum lot size for residential subdivision in Zone MU1 Mixed Use from 400m² to 300m², to achieve greater housing diversity in and around the neighbourhood centre and park as seen in **Figure 3**; and
- Amend the height of building map that aligns the existing MU1 Zone height limit of 15m, and the R1 General Residential Zone height limit of 9m, with proposed zoning layout, as seen in **Figure 4**.

An indicative subdivision plan for the area of land to which this proposed Planning Proposal relates is shown in **Figure 5**.

Figure 2– Current and Proposed Land Zoning Map

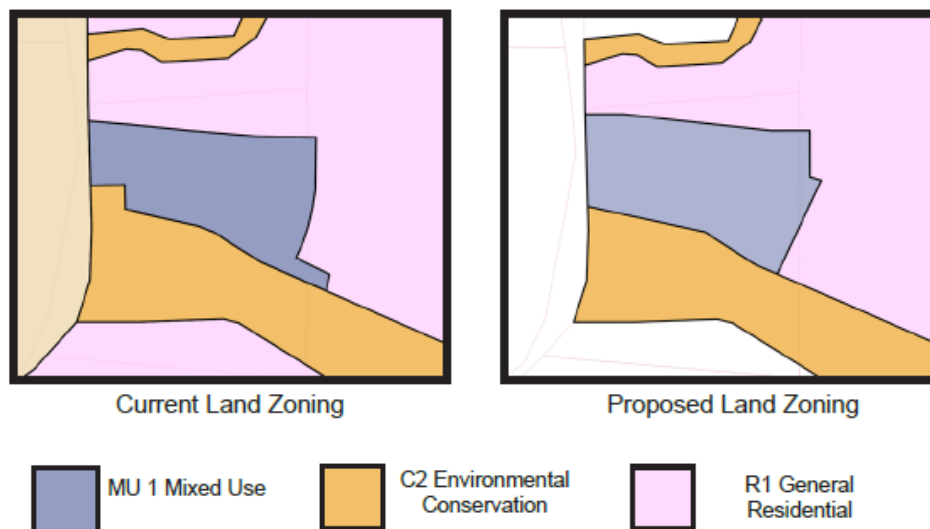


Figure 3– Current and Proposed Minimum Lot Size Map

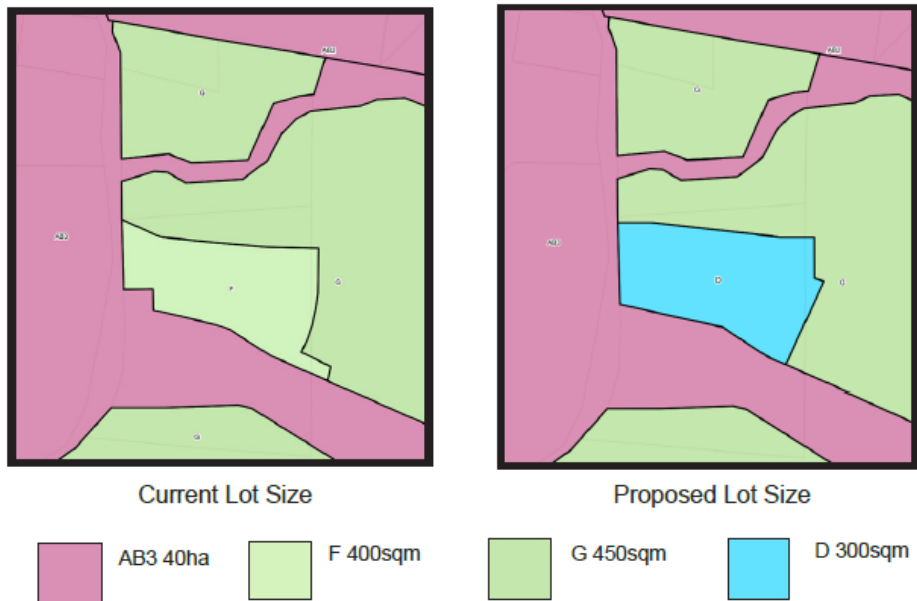


Figure 4– Current and Proposed Height of Building Map



Figure 5– Mixed Use Indicative Subdivision Plan (from Highview Partners)**SITE****Regional Context**

The subject site is situated in the suburb of Raymond Terrace, within the Port Stephens Council Local Government Area (LGA), and is located approximately 24km north of Newcastle, and 5km north of the centre of Raymond Terrace.

Figure 6 shows the site in its broader regional context.

The site is identified within the Hunter Regional Plan 2041 (HRP) in the vicinity of a housing investigation area. As shown in **Figure 7**, the HRP identifies the locality as 'new residential land'.

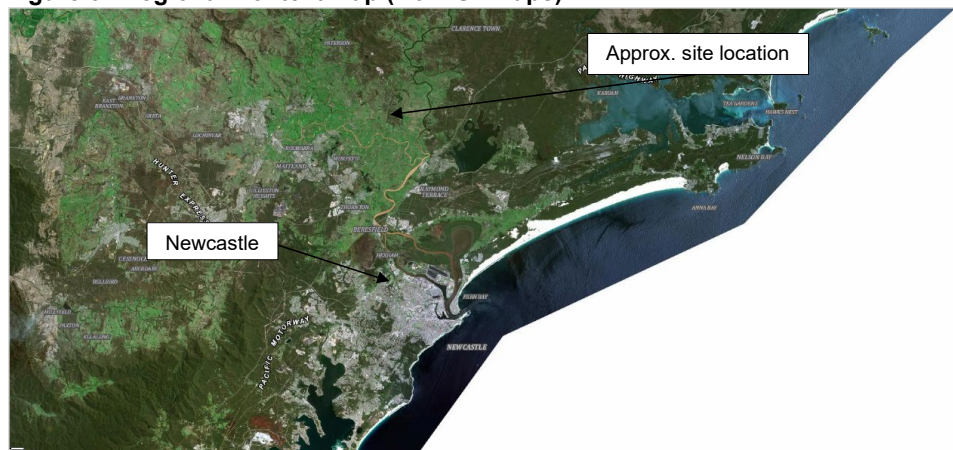
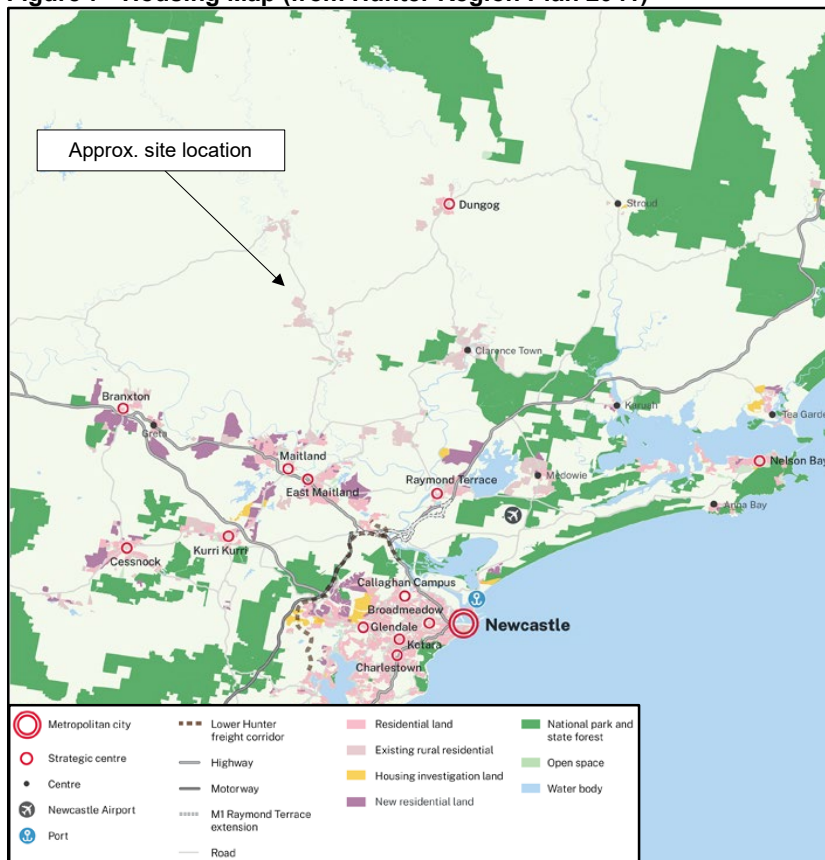
Figure 6– Regional Context Map (from SixMaps)

Figure 7– Housing Map (from Hunter Region Plan 2041)

Local Context

The site is situated within Monarch's Rise, part of a planned community within the suburb of Kings Hill in Port Stephens.

The surrounding area is predominantly rural-residential and agricultural land, however, the site itself lies within the designated Kings Hill Urban Release Area. This area is envisioned to be progressively redeveloped to accommodate a diverse range of low-density dwelling types, catering to anticipated growth and varied household demographics.

Kings Hill is a strategic location, positioned between the Pacific Highway and Newline Road, providing excellent access to Newcastle and Sydney to the south, as well as northern NSW and southern QLD to the north. The site itself is situated on the banks of the Williams River and is bisected by Newline Road.

The proposed development of Kings Hill will result in the creation of a residential community, complemented by small-scale retail and service centres to cater to the

daily needs of residents. Upon completion, Kings Hill is expected to comprise approximately 3,500 dwellings.

Site Description

The subject site, located at 587 Newline Road, Raymond Terrace, comprises two (2) lots:

- Part Lot 2 of DP 37430; and
- Part Lot 32 of DP554875.

The site itself is irregularly shaped, spanning approximately 219.49ha, with dual frontages along Newline Road totalling around 1,750m. The site is fragmented into two parcels of land on either side of Newline Road and remains undeveloped.

In terms of surrounding land uses, the site is adjacent to:

- RU2 Rural Landscape and RU1 Primary Production zones to the north;
- The Williams River (zoned W1 Natural Waterways) to the west; and
- C2 Environmental Conservation zones to the south and east.

The figures below depict the location of the Planning Proposal and the properties subject to the Planning Proposal.

Figure 8– Monarch’s Rise – Kings Hill (land subject of this Planning Proposal is shown in orange)

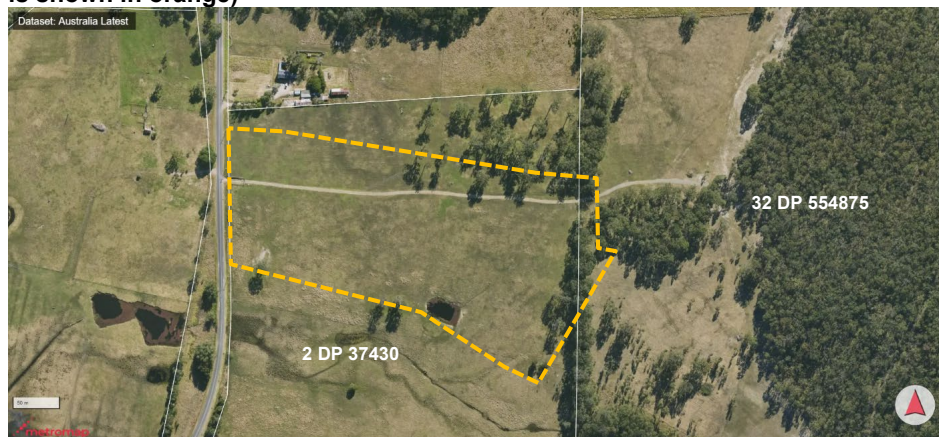


Figure 9– Monarch’s Rise – Kings Hill (lots subject of this Planning Proposal are shown in black with subject land outlined in orange)



PART 1 – Objectives or intended outcomes

The purpose of the Planning Proposal is to amend the *Port Stephens Local Environmental Plan 2013* (LEP 2013) to facilitate the continued supply of orderly housing development in the Kings Hill Urban Release Area. Specifically, the Planning Proposal seeks to amend LEP 2013 by:

- Aligning the MU1 Mixed Use Zone map boundary to be consistent with the lot layout approved under the Concept Masterplan DA Approval (DA16-2013-599-1);
- Extending the MU1 Mixed Use zone map boundary over land currently zoned C2 Environmental Conservation to align with the lot layout approved under the Concept Masterplan DA Approval (DA16-2013-599-1);
- Amending the Lot Size Map to be consistent with the amended zone boundaries
- Reducing the minimum lot size within the MU1 Mixed Use zone for the site from 400m² to 300m²; and
- Applying a consistent height of building limit of 15m within the MU1 Mixed Use zone and 9m within the R1 General Residential zone for the site.

The outcomes of these changes to the LEP 2013 will:

- Ensure that residential allotments within Monarch's Rise are provided with a singular land use zone and height of building, resolving the current situation in which some residential lots approved under DA16-2013-599-1 are subject to two zonings and two maximum heights.
- Allow development to extend onto an area of land that was previously protected from development due to assumed flooding concerns which have since been resolved.

It should be noted that although this would slightly reduce the area of land zoned for conservation purposes by 2,300m², this is in effect already approved for vegetation removal by DA16-2013-599-1 within which a substantial area (17.61ha) of land zoned R2 Low Density Residential was set aside for conservation purposes.

- Responding to market demand by providing for smaller lot housing outcomes in the MU1 Mixed Use zone of the future subdivision, which will contribute towards achieving housing diversity and ensure greater densities of housing are provided in well-located areas.

An indicative plan showing the development outcomes which are intended for the site is illustrated in **Figure 5** (page 7).

PART 2 – Explanation of provisions

The objectives of the Planning Proposal will be achieved by the following amendments to the LEP 2013:

- Amend the Land Zoning Map by:
 - Extending the MU1 Mixed Use Zone boundary by approximately 50 meters north on part of Lot 2 DP 37430.
 - Reducing the MU1 Mixed Use Zone boundary by varying distances at the eastern zone boundary on part of Lot 2 DP 37430 and part of Lot 32 DP554875; and
 - Reducing the amount of land zoned C2 Environmental Conservation on part of Lot 2 DP 37430 at its western boundary by approximately 2,300m².
- Amend the Lot Size Map to reduce the minimum lot size within the MU1 Mixed Use zone from 400m² to 300m² as it applies to part of Lot 2 DP 37430 and part of Lot 32 DP554875.
- Amend the Height of Building Map to apply a maximum height limit of 15m within the corresponding MU1 Mixed Use zone and a maximum height limit of 9m within the corresponding R1 General Residential zone as it applies to part of Lot 2 DP 37430 and part of Lot 32 DP554875.

Figure 10, 11 and 12 identify the proposed changes to the LEP 2013.

Figure 10– Proposed Land Zoning Map

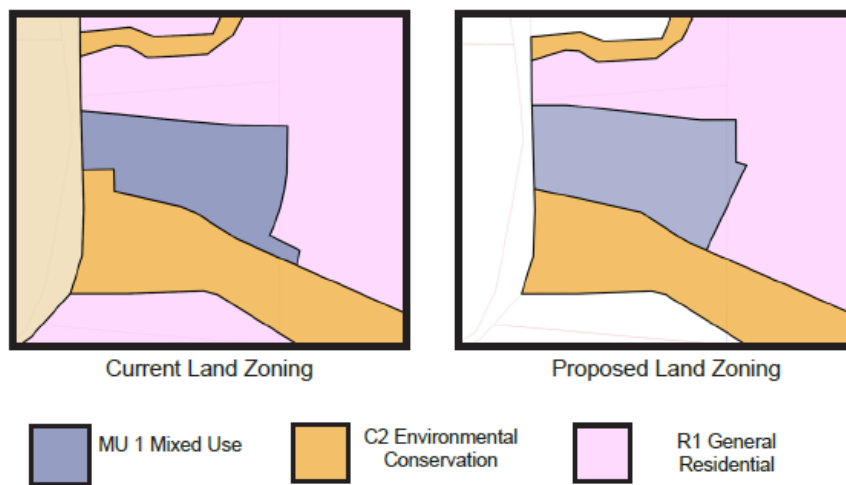


Figure 11– Proposed Minimum Lot Size Map

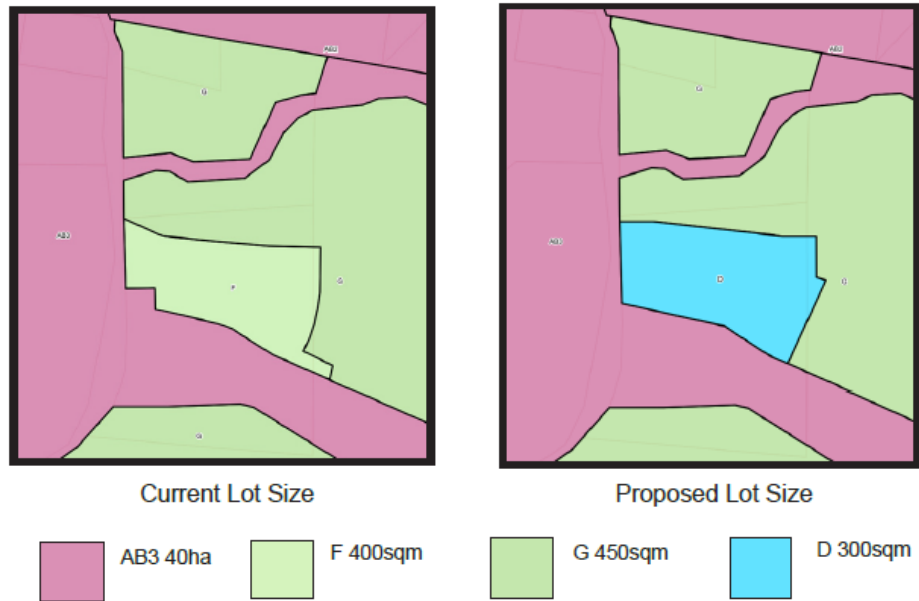


Figure 12 – Proposed Height of Building Map



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?**

Yes. The original Planning Proposal for the Kings Hill Urban Release Area (URA) was the result of the identification in the following strategic plans:

- Lower Hunter Regional Plan 2006, and
- Port Stephens Planning Strategy 2011

The Lower Hunter Regional Plan 2006 was endorsed by the then Minister for Planning, the Honourable, Frank Sartor, MP. This led to the land being rezoned for a mixture of development and conservation purposes through the Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010, which was then replaced by the comprehensive Port Stephens Local Environmental Plan 2013.

The strategic merit of the site for a mixture of development and conservation purposes has been consistently reinforced by subsequent strategic plans, including the Department of Planning funded and Council developed Raymond Terrace and Heatherbrae Strategy 2015 (the Strategy).

The Planning Proposal aligns with Delivery Actions 25 and 15 of the Strategy by creating small lots which increases housing diversity and density.

Additionally, the Planning Proposal provides diverse housing choices for the people in Raymond Terrace and the surrounding areas within proximity of employment opportunities. This is consistent with the strategies and objectives of the HRP 2041, Greater Newcastle Metropolitan Plan 2036, the Port Stephens Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS). Consistency with these documents is outlined further within this report.

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

Yes. Consideration has been given to utilising existing mechanisms within the LEP 2013 to achieve the desired outcomes of the Planning Proposal. Specifically:

- Clause 5.3 (development near zone boundaries) may permit development which is permissible in the MU1 zone to be undertaken on lots that do not align with the Concept Masterplan and DA Approval (DA16-2013-599-1).
- Additionally, Clause 4.6 (Exceptions to development standards) could facilitate variations to the minimum lot size, reducing it from 400m² to 300sqmm² in future subdivision applications.

Relying on these clauses would result in a complex and inconsistent planning framework and provide no certainty to the outcomes for the landowner, compromising long-term planning outcomes. As such, they are not considered viable long-term alternatives to a Planning Proposal.

The desired outcomes to extend the MU1 Mixed Use zone over land adjoining Newline Road cannot be accomplished through existing statutory mechanisms, making a Planning Proposal the only viable option to achieve the intended objectives at the site.

Section B – Relationship to strategic planning framework

The Department of Planning, Housing and Infrastructure's (DPHI) Planning Circular (PS 16-004) notes that a key factor in determining whether a proposal should proceed to Gateway determination should be its strategic and site-specific merit.

The Planning Proposal is considered to meet these tests as outlined in the following sections.

Does the proposal have strategic merit?

The strengthened strategic merit test criteria requires that a Planning Proposal demonstrate strategic merit against at least one of the following three criteria:

1. Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or corridor/precinct plans applying to the site. This includes any draft regional, district or corridor/precinct plans released for public comment or a place strategy for a strategic precinct including any draft place strategy; or
2. Demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan; or
3. Respond to a change in circumstances that has not been recognised by the existing planning framework.

As described in the subsequent sections, the Planning Proposal demonstrates strategic merit against the first two criteria, in that:

1. The Planning Proposal will give effect to the Hunter Regional Plan 2041 and the Greater Newcastle Metropolitan Plan 2036 as outlined in Q3 below; and
2. The Planning Proposal is consistent with the intent of the Port Stephens LSPS (2020), supporting Raymond Terrace's growth, addressing population and employment needs, and enhancing housing diversity in the LGA as well as being consistent with the Port Stephens LHS and Housing Supply Plan by contributing to a diverse range of housing and increasing housing affordability through the provision of smaller lots.

Detailed discussion regarding these items is provided in the following sections.

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)?

Yes. The Planning Proposal will give effect to the strategies and actions of the applicable objectives and priorities detailed in the HRP 2041 and the Greater Newcastle Metropolitan Plan 2036 (GNMP), as outlined below.

Hunter Regional Plan 2041

The HRP applies to LGAs within the Hunter Region including the Port Stephens LGA. The Planning Proposal is consistent with the broad intent of the HRP as follows.

Objective 3 of the HRP sets a goal of creating 15-minute neighbourhoods, where residents can live, work, and access daily needs without relying on personal vehicles. By aligning the MU1 zone with the approved subdivision plan and reducing the minimum lot size, the proposal streamlines the planning pathway for greater housing supply in this location. This increase in density around the neighbourhood centre, which will provide a range of services in the future once fully developed, will facilitate 15-minute neighbourhoods by locating more residents in close proximity to their day-to-day needs and promoting a vibrant, walkable community.

Greater Newcastle Metropolitan Plan 2036

The GNMP applies to parts of the Port Stephens LGA, including Raymond Terrace, identifying it as a hub for local housing and job opportunities. Strategy 9 of the GNMP positions Raymond Terrace as an emerging city centre, providing convenient job access and diverse economic activity.

This Planning Proposal is consistent with the GNMP, delivering housing close to job opportunities and contributing to housing targets, supporting the vision for Raymond Terrace as a thriving community.

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?

Yes. The Planning Proposal is consistent with the LSPS and LHS as outlined below.

Port Stephens Local Strategic Planning Statement (2020)

The Port Stephens LSPS outlines a 20-year vision for Port Stephens, prioritising social, economic, and environmental goals. The LSPS identifies Raymond Terrace as a regionally significant strategic centre and emphasises supporting its growth through Planning Priority 1. The Planning Proposal is consistent in this regard as it will support growth within the broader Raymond Terrace area.

Planning Priority 4 aims to ensure suitable land supply by utilising existing and future residential areas, such as Fern Bay, Kings Hill, and Medowie, to provide housing options within 30 minutes of major employment centres in Williamstown, Maitland, Broadmeadow,

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and Newcastle City Centre. The Planning Proposal is consistent with this Planning Priority as it will contribute towards more varied housing options in the future residential area of Kings Hill, via a reduction in minimum lot sizes in the Mixed Use zone of the Monarch's Hill estate.

Planning Priority 5 promotes housing diversity, which this Planning Proposal achieves by offering a new estate with higher densities, small lots, and varied housing types, sizes, tenures, and price points.

Port Stephens Local Housing Strategy

The Port Stephens LHS, adopted on 25 June 2024, outlines a clear vision for future housing growth in the LGA. The LHS responds to pressing housing supply challenges by incorporating recent policy developments, including the Australian Government's Housing Australia Future Fund and National Housing Accord, as well as initiatives from the NSW Housing Strategy 2041 and the HRP.

The strategy's key objectives are to promote housing diversity, affordability, and supply. The strategy provides a framework for land-use planning, emphasising the development of townhouses and apartments near town centres. This approach aims to create vibrant, connected communities with access to public transport, health services, education, and employment opportunities.

The urban release areas targeted for growth are Kings Hill, Raymond Terrace, Medowie, and Karuah. These areas will benefit from increased growth, driving future investment and upgrades in Port Stephens, including improved public transport and connections to strategic centres in Greater Newcastle.

Within the Port Stephens Local Housing Strategy, it states that the 'Housing vision' is:

"that in 2041, Port Stephens will offer homes in diverse neighbourhoods and centres that enable people to live close to work, raise their families in healthy neighbourhoods, surrounded by picturesque landscapes, or enjoy retirement in active communities. People will be able to age in place, allowing them the flexibility of the housing types that suit their stage of life, and ability to retain connection to their community throughout their lifetime. New and existing residents will be spoilt for choice when it comes to choosing their dream home. Local centres will be the hub of community life and provide spaces for people to gather, play, celebrate and explore. Our natural and cultural heritage will help shape our places and can be seen in the local character of our neighbourhoods and centres...."

A mixture of housing types and densities will be on offer within established and new areas to cater for the changing needs of all...

Raymond Terrace will be an attractive, affordable and vibrant centre with homes for people seeking shorter work commutes to Heatherbrae, Williamstown, and Tomago, as well as easy access to other centres in Greater Newcastle."

The Planning Proposal is aligned with this housing vision.

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The Port Stephens Local Housing Strategy contains 23 actions. Action 16, encourages the provision of small lot housing to achieve more efficient and sustainable development outcomes in urban release areas. The Planning Proposal aligns with this action by reducing the minimum lot size across the Planning Proposal area, facilitating small lot housing.

The following table illustrates the Planning Proposal's consistency with the relevant outcomes and priorities of the LHS.

Priority		Planning Proposal Consistency
Outcome 1 Ensure suitable land supply		
1.1 Ensure adequate supply of new housing	Existing and future residential areas, such as Karuah, Fern Bay, Kings Hill, and Medowie can provide affordable options for people looking for a relaxed lifestyle less than 30 minutes from major employment areas in Williamtown, Tomago, Maitland, Broadmeadow, and the Newcastle City centre.	The Planning Proposal increases housing supply and density in the Kings Hill area. The Planning Proposal will provide affordable lifestyle options for residents with easy access to major employment hubs in Williamtown, Tomago, Maitland, Broadmeadow, and Newcastle City centre, all within a 30-minute commute.
	The Housing Supply Plan has been developed to map areas that have potential for infill or greenfield development and demonstrate the pipeline of development that is needed to meet our communities' future housing needs.	The Housing Supply Plan is addressed in the following section of this report.
Outcomes 2 Improve housing affordability		
2.1 Respond to housing stress	Opportunities to improve housing affordability in Port Stephens may be directed towards these housing preferences by aiming to increase the supply of smaller lots as well as lower-cost dwellings, including duplexes or townhouses.	The Planning Proposal enhances housing affordability by enabling smaller lot sizes, which in turn will make homeownership more accessible to a wider range of people.
2.2 Provide more affordable housing near jobs	Port Stephens work in employment centres in parts of Greater Newcastle such as Maitland and Newcastle. To provide housing options near jobs, housing supply should be focused within centres that have convenient links to major employment areas, such as Raymond Terrace, Medowie, Fullerton Cove and Fern Bay	The Planning Proposal will increase housing supply and diversity in Raymond Terrace and enhances proximity to employment opportunities.

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Priority		Planning Proposal Consistency
	<p>The top employment sectors in Port Stephens are public administration (including Defence), manufacturing, and construction. These types of jobs are closely linked to the major employment hubs of Raymond Terrace, Tomago, Williamstown and Heatherbrae.</p> <p>Providing diverse housing types closer to jobs can boost productivity by reducing the cost of infrastructure, assisting local businesses in securing a workforce, and providing a resident population to the Port Stephens economy.</p>	
Outcome 3 Increase diversity of housing choice		
3.2 Encourage a range of housing types and sizes	To align with the HRP 2041, Council will seek opportunities to increase densities in new housing areas. This will require areas being designed to accommodate small lot housing or multi dwelling housing. Small lot housing typically refers to homes specifically designed for smaller lot sizes, generally between 200 to 450m ² .	<p>The Planning Proposal promotes increased density in the Kings Hill housing area through a reduction in minimum lot size.</p> <p>Specifically, the Planning Proposal proposes to decrease the minimum lot size of the MU1 Mixed Use zone from 400sqm to 300sqm.</p>
3.3 Enable better planning for diverse lifestyles	Small lot housing offering those who want to downsize more convenient living or more affordable housing.	

Housing Supply Plan

The Housing Supply Plan (HSP) is a crucial component of Council's response to the current housing crisis. It builds upon the strategic framework established by the LSPS and the LHS, outlining how Council will facilitate housing provision to meet the needs of Port Stephens' growing community.

Housing Density

To maximise available housing areas and offer a broader range of dwelling types, there is a recognized need to increase densities. This aligns with the objectives of the HRP which advocates for varied densities based on locational criteria.

The HSP uses these nominated densities as a guide to forecast precinct potential. The Kings Hill Urban Growth Area has been identified with a desired density category for as “General Suburban” targeting 15 dwellings per hectare (dw/ha).

The proposed reduction in the minimum lot size from 400 to 300sqm is forecast to enable an additional 50 dwellings within the Zone MU1 – Mixed Use, which means the overall Gross Developable Area (GDA) will increase from 4 to 5 dwellings per hectare (d/ha) and the Net Developable Area (NDA) will increase from 7 to 8 d/ha. This is consistent with the density of other URAs in the Lower Hunter. The shortfall against the 15 dwellings per hectare target is largely reflective of the following two key factors:

1. Market – The SGS Economics & Planning, October 2019, Housing Preferences in Port Stephens Report identified that over 70% of people preferred to live in a separate house, being a detached home with a backyard (p.6), and
2. Biodiversity – Recent determinations handed down by the NSW Land and Environment Court – Planners North v Ballina Shire Council -- have meant that land avoided and placed in an environmental zone at the rezoning stage cannot be considered as avoidance at the Development Application stage.

In turn, 17.61ha, zoned R2 Residential, has been put aside for conservation purposes and will remain undeveloped. This land has the potential for 200 lots, which would have raised the GDA to 6d/ha and the NDA to 10d/ha.

The Urban Development Institute of Australia (UDIA) and other industry groups that are active in the Hunter Region have continually reinforced to Government the unrealistic nature of density targets exceeding 15d/ha in Hunter URAs within the lifetime of the HRP and Greater Newcastle Metropolitan Plan. This URA, which is the only major URA for Port Stephens reinforces this point. This planning proposal is an attempt to achieve greater density and diversity to move closer to the desired targets.

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

Housing 2041

The New South Wales Government launched Housing 2041 in March 2021, a comprehensive 20-year vision for the State's housing future. This strategic plan prioritises delivering better housing outcomes by 2041, focusing on housing in suitable locations, diverse housing options, and homes that meet the needs of individuals and communities.

The Housing 2041 vision is built around four interconnected pillars: supply, diversity, affordability, and resilience. These pillars prioritise delivering housing in the right location at the right time, providing diverse housing options, ensuring housing is affordable and secure, and creating enduring and resilient housing adaptable to natural and social change.

This Planning Proposal aligns with Housing 2041 by supporting three of its four pillars. It does this by increasing housing supply in an area already designated for housing,

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offering increased diversity through small lot creation, and supporting housing affordability through smaller lots and increased supply.

Q6. Is the Planning Proposal consistent with applicable SEPPs?

An assessment of the relevant applicable SEPPs against the Planning Proposal is provided in the table below.

Table 1 – Relevant State Environmental Planning Policies

SEPP	Consistency and Implications
SEPP (Housing) 2021	
The objective of SEPP (Housing) 2021 is to enable the development of diverse housing types, to encourage housing that will meet the needs of more vulnerable members of the community, to promote the planning and delivery of housing in locations to make use of existing and planned infrastructure, to minimise adverse climate and environmental impacts of new housing development, to support short-term rental accommodation as a home-sharing activity while managing the social and environmental impacts from this use, and to mitigate the loss of existing affordable rental housing.	The Planning Proposal would not contradict or compromise any of the relevant provisions of the Housing SEPP.
SEPP (Resilience and Hazards) 2021	
Chapter 4 Remediation of Land This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination.	Land contamination has been dealt with in previous Planning Proposals for the site and it has been determined that development is suitable for the site. Furthermore, the provisions of Chapter 4 will be further considered at the development application (DA) stage. The Planning Proposal is therefore considered to be consistent with this SEPP.
SEPP (Transport and Infrastructure) 2021	
Chapter 2 Infrastructure Provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.	The proposed additional residential land and reduction in minimum lot size will not increase the number of traffic movements in the area beyond what was assessed and considered appropriate when the Monarch Rise land was released. The GHD, April 2019, Port Stephens Council Kings Hills Residential Lands

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	<p>Rezoning Updated Traffic and Transport Study was based on a proposed development of 3,810 dwellings (p.39).</p> <p>In relation to land owned and to be developed by McCloy Kings Hill Pty Ltd, the land zoned R1 – General Residential had the potential to provide for 900 residential lots.</p> <p>However, the need to avoid land identified as preferred koala habitat on land zoned R1 – General Residential within the Notice of Determination (DA 16-2013-599-1) has resulted in a reduction of 200 residential lots. Because of this, the theoretical increase of 50 lots due to a reduced minimum lot size of 300sqm is already accounted for in planning for the URA.</p> <p>The Planning Proposal is therefore considered to be consistent with this SEPP.</p>
SEPP (Biodiversity and Conservation) 2021	
<p>Chapter 2 Vegetation in non-rural areas Aims to protect the biodiversity values of trees and other vegetation in non-rural areas of NSW and preserve the amenity of such areas through the preservation of trees and other vegetation.</p>	<p>The Planning Proposal does not contain any provisions which undermine or conflict with the provisions of Chapter 2 of this SEPP. Any future development application on the site would be supported by the relevant technical reports should removal of any non-exempt trees be proposed.</p>
<p>Chapter 4 Koala habitat protection 2021 (Applies to all land in Port Stephens except that zoned RU1, RU2, or RU3) Aims to help reverse the decline of koala populations by ensuring koala habitat is carefully considered during the development assessment process, and to provide a process for councils to strategically manage koala habitat through the development of koala plans of management.</p>	<p>As outlined within the Ecological Values Letter (APPENDIX 2), the Planning Proposal is not expected to impact on any koala habitat and is therefore consistent with the aims chapter 4 of this SEPP.</p>

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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.

Table 2 – Relevant Ministerial Directions

Ministerial Direction	Consistency and Implications
1. PLANNING SYSTEMS	
1.1 Implementation of Regional Plans The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	The Hunter Regional Plan 2041 and the Greater Newcastle Metropolitan Plan 2036 are both relevant to this Planning Proposal. As demonstrated in response to Q3, the Planning Proposal is consistent with both documents and therefore considered to be consistent with this direction.
1.4 Site Specific Provisions The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.	The Planning Proposal does not contain any unnecessarily restrictive site-specific planning controls.
3. BIODIVERSITY AND CONSERVATION	
3.1 Conservation Zones The objective of this direction is the protection and conservation of environmentally sensitive areas, by ensuring that Planning Proposals do not reduce the environmental protection standards applying to such land unless it is suitably justified by a relevant strategy or study or is of minor significance.	Direction 3.1 requires a Planning Proposal to include provisions relating to the protection and conservation of environmentally sensitive areas. EMM has prepared an Ecological Values letter provided as (APPENDIX 2). This letter provides details of biodiversity values present within the 2,300sqm of the site to be rezoned from C2 Environmental Conservation to MU1 Mixed Use zoning. The biodiversity impact assessment prepared for the DA Approval (DA16-2013-599-1) assessed this 2,300sqm as being part of the development footprint. Therefore, if rezoned, it is anticipated that no further biodiversity assessment or approvals under NSW legislation would be required. The Planning Proposal is therefore considered consistent with this direction.
3.2 Heritage Conservation The objective of this direction is to conserve items, areas, objects and	Heritage Now Pty Ltd conducted a Due Diligence Assessment (DD) to support the Planning Proposal (APPENDIX 4).

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places of environmental heritage significance and Indigenous heritage significance.	<p>The DD concludes that no Aboriginal sites, objects, or potential archaeological deposits were identified within the site. Consequently, no Aboriginal cultural heritage impacts are anticipated from the proposed rezoning.</p> <p>To ensure the protection of Aboriginal cultural heritage, the recommendations have been provided under Q9 below.</p> <p>The Planning Proposal is consistent with this direction.</p>
4. RESILIENCE AND HAZARDS	
<p>4.1 Flooding</p> <p>The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p>	<p>Torrent Consulting was engaged to provide flood risk management advice (APPENDIX 3) in support of the proposed Planning Proposal, addressing Ministerial Direction 4.1.</p> <p>Torrent Consulting concluded that the Planning Proposal meets the requirements of Ministerial Direction 4.1 Flooding and effectively manages flood risk. The proposal is consistent with NSW flood policy and guidelines, and its implementation will not significantly increase flood impacts or require additional government spending on emergency management services.</p> <p>The Planning Proposal is therefore considered consistent with this direction.</p>
<p>4.3 Planning for Bushfire Protection</p> <p>The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound management of bush fire prone areas.</p>	<p>Ministerial Direction 4.3 mandates that Planning Proposals in proximity to land mapped as bushfire prone land consider the Planning for Bushfire Protection (PBP) 2019 guidelines.</p> <p>To support the Planning Proposal, Bushfire Planning Australia (BPA) was commissioned to conduct a Strategic Bushfire Study (SBS) (APPENDIX 6). The SBS addresses Ministerial Direction 4.3 and aligns with the RFS Planning for Bushfire Protection Guidelines 2019.</p> <p>The SBS concludes that the Planning Proposal is suitable for the site, and bushfire risks can be effectively mitigated</p>

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	<p>by implementing PBP 2019 requirements, including temporary and permanent Asset Protection Zones.</p> <p>Furthermore, the SBS demonstrates that the proposed amendments are minor and will not compromise compliance with PBP 2019 for new developments.</p> <p>The Planning Proposal is therefore considered consistent with this direction.</p>
<p>4.4 Remediation of Contaminated Land</p> <p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p>	<p>Land contamination has been dealt with in previous Planning Proposals for the site and it has been determined that development is suitable for the site. Furthermore, the provisions of Chapter 4 will be further considered at the development application (DA) stage.</p> <p>The Planning Proposal is therefore considered to be consistent with this direction.</p>
6. HOUSING	
<p>6.1 Residential Zones</p> <p>Encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.</p>	<p>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 300sqm is proposed to encourage a greater housing diversity and choice.</p> <p>The Planning Proposal is therefore considered consistent with this direction.</p>

Site-specific merit**Does the proposal have site-specific merit?**

In addition to meeting at least one of the strategic merit criteria, a Planning Proposal is required to demonstrate site-specific merit against the criteria set out in the table below.

As demonstrated, the Planning Proposal demonstrates site-specific merit in relation to all criteria as set out below, with these matters described in further detail below.

Criteria	Response
<i>Does the proposal give regard and assess impacts to:</i>	
<i>the natural environment on the site to which the proposal relates and other</i>	The site has previously been deemed as suitable for a land use outcome generally in line with the intended objective of this Planning Proposal, being residential

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Criteria	Response
<i>affected land (including known significant environmental areas, resources or hazards)</i>	<p>subdivision. The Planning Proposal is accompanied by relevant technical studies to assess its specific potential impacts, which includes:</p> <ul style="list-style-type: none"> • Ecological Values Letter (APPENDIX 2); • Flood Risk Management Advice (APPENDIX 3); • Heritage Due Diligence Report (APPENDIX 4); and • Strategic Bushfire Study (APPENDIX 6). <p>Additionally, the Planning Proposal has considered the social and economic, traffic, bushfire, Aboriginal heritage, flood and biodiversity effects within this report.</p> <p>Based on the information in these technical studies, the Planning Proposal is considered unlikely to discernibly impact on the natural environment because of the nature of the LEP amendment sought.</p>
<i>existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates</i>	<p>The Planning Proposal would have a negligible impact on existing, approved, and likely future uses of land in the vicinity of land to which it relates. The current land use framework already permits residential subdivision across the land, and the Planning Proposal simply intends to make minor adjustments to the permitted layout and density of such subdivision. These would be generally indiscernible from surrounding land.</p>
<i>services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision</i>	<p>Clause 7.6 of the LEP 2013 ensures that future development will have adequate services. This clause requires that development consent can only be granted if the consent authority (Council or private certifier) is satisfied that:</p> <ul style="list-style-type: none"> • Water supply is available or arranged. • Electricity supply is secured. • Sewage disposal and management are adequately addressed. • Stormwater drainage or on-site conservation measures are in place. • Suitable vehicular access is provided. <p>This provision guarantees that essential services will be available or arranged before development commences, ensuring a well-planned and serviced site.</p>

Section C – Environmental, social and economic impact

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

No. The Planning Proposal is unlikely to impact critical habitat, threatened species, populations, or ecological communities, or their habitats.

EMM has prepared an Ecological Values letter, which is provided as **APPENDIX 2**, in support of the Planning Proposal. The letter provides details of biodiversity values present within the 2,300sqm of the site proposed to be rezoned from Zone C2 Environmental Conservation to Zone MU1 Mixed Use. It is noted that a broader scale assessment of the lands has also occurred, which is also briefly discussed within the letter.

The area proposed for rezoning from C2 Environmental Conservation to MU1 Mixed Use (**Figure 13**) was previously mapped as "Derived Grassland" by Firebird in 2019. However, site observations suggest a more accurate classification as "Non-Native Grassland".

The area of Zone C2 proposed for rezoning does not appear on the Biodiversity Values Map (**Figure 14**). It contains a single Forest Red Gum (*Eucalyptus tereticornis*) at its southern boundary (**Figure 15**).

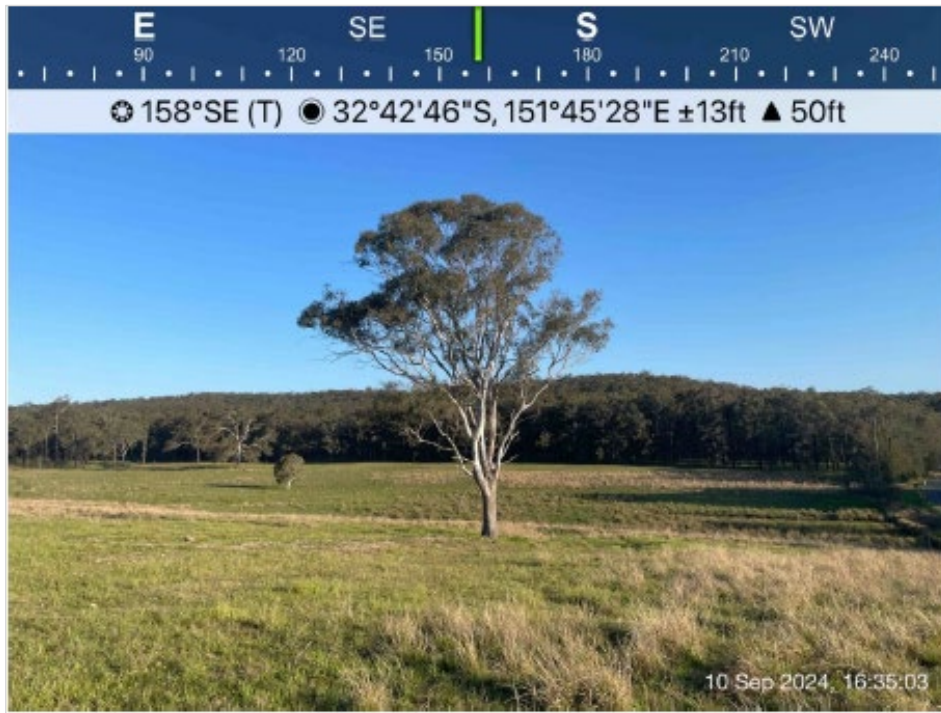
As part of the approved Monarch's Rise residential development, a significant area of 17.61ha, zoned R2 Residential, was set aside for conservation purposes and will remain undeveloped. The minor expansion of Zone MU1 Mixed Use by approximately 2,300sqm into Zone C2 Environmental Conservation is more than compensated by the substantial increase in conservation lands being protected under the parent subdivision.

As such, it is concluded that the Planning Proposal will not significantly impact local biodiversity.

[illegible]

Approx location of land proposed to be rezoned

Figure 15– Photos of the area proposed to be rezoned from C2 to MU1, and the tree present at the southern boundary, a Forest Red Gum (*Eucalyptus tereticornis*)



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

Flooding

Torrent Consulting was engaged to provide flood risk management advice for the Planning Proposal (**APPENDIX 3**).

The advice notes that a Flood Risk Assessment (FRA) was prepared for the current DA approval which included detailed modelling and mapping of local catchment flooding conditions and mainstream Williams River flood inundation extents. The proposed Planning Proposal area is outside of the 1% Annual Exceedance Probability (AEP) Year 2100 planning horizon flood condition (**Figure 16**).

The Planning Proposal is consistent with the Ministerial Direction 4.1, ensuring consistency with NSW Flood Prone Land Policy and Flood Risk Management Manual: the management of flood liable land (2023) (as per the Planning Circular, Update on addressing flood risk in planning decisions, 2024). The Planning Proposal does not rezone land within the flood planning area and does not permit development in floodway areas or high hazard areas.

The Williams River Probable Maximum Flood (PMF) extent covers part of the lower portion of the Planning Proposal area. However, significant flood warning time is afforded to the site, and pedestrian and vehicular access to flood-free areas is readily available. The Planning Proposal effectively manages flood risk in accordance with relevant provisions.

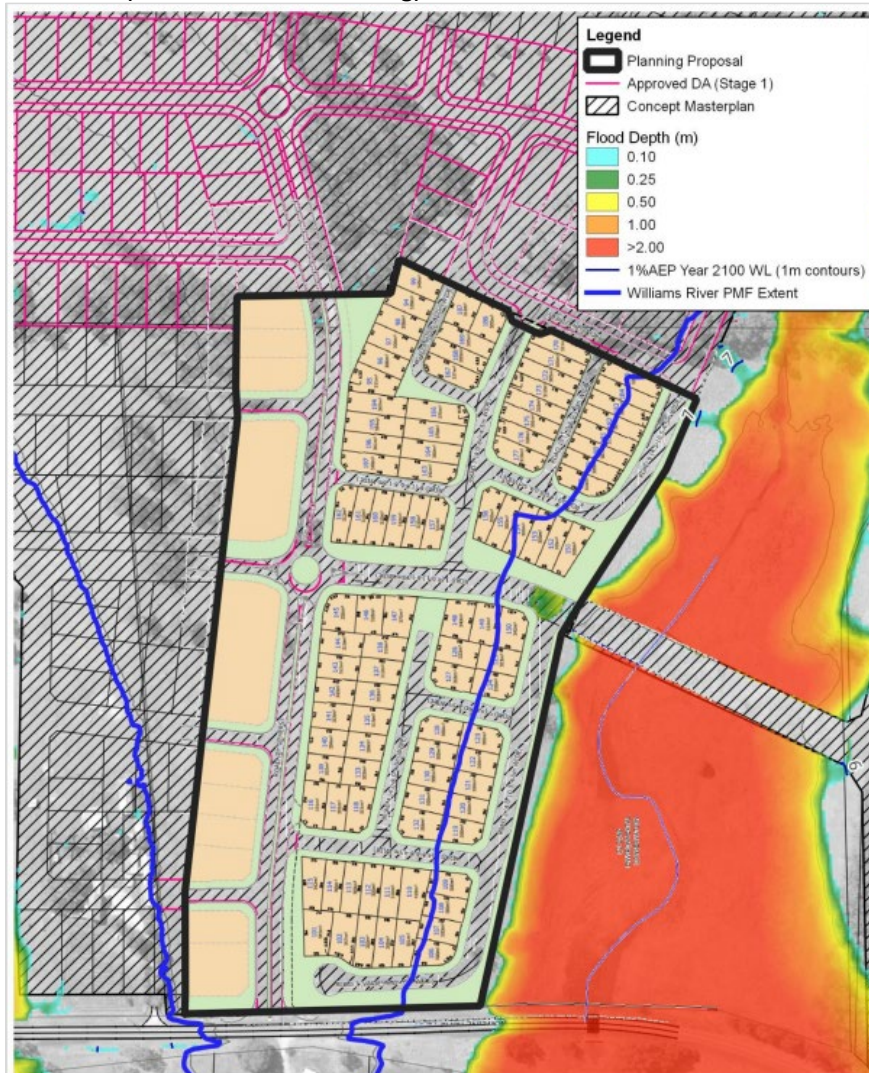
Torrent Consulting have concluded that the Planning Proposal meets the requirements of Ministerial Direction 4.1 Flooding and effectively manages flood risk. The proposal is consistent with NSW flood policy and guidelines, and its implementation will not significantly increase flood impacts or require additional government spending on emergency management services.

Aboriginal Heritage

Heritage Now Pty Ltd conducted a Due Diligence Assessment to support the Planning Proposal (**APPENDIX 4**). The assessment included a review of background information and a site inspection by heritage consultants and representatives from local Aboriginal groups. The Planning Proposal area, located on a low plain near water sources, was previously assessed as having low archaeological significance. No Aboriginal sites, objects, or potential archaeological deposits were identified, and no cultural heritage impacts are anticipated from the proposed development.

Historical land use analysis indicates past vegetation clearance and agricultural activities which have likely disturbed the soil profile. The visual inspection conducted on 15 October 2024 confirmed that the area has been subject to ground disturbance from activities such as the construction of a vehicle track, dam, and fencing, as well as livestock trampling. The inspection revealed minimal topsoil remaining and no evidence of Aboriginal artefacts. The area is also waterlogged and low-lying, making it an unlikely location for long-term Aboriginal occupation.

Figure 16– Indicative Mixed-Use Subdivision and Design 1% AEP Year 2100 Flood Condition (from Torrent Consulting)



The Due Diligence Assessment concluded that the Planning Proposal would not impact upon Aboriginal cultural heritage, and provides a series of recommendations to ensure compliance with the *National Parks and Wildlife Act 1974* which would be replicated into any future development consent.

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Bushfire

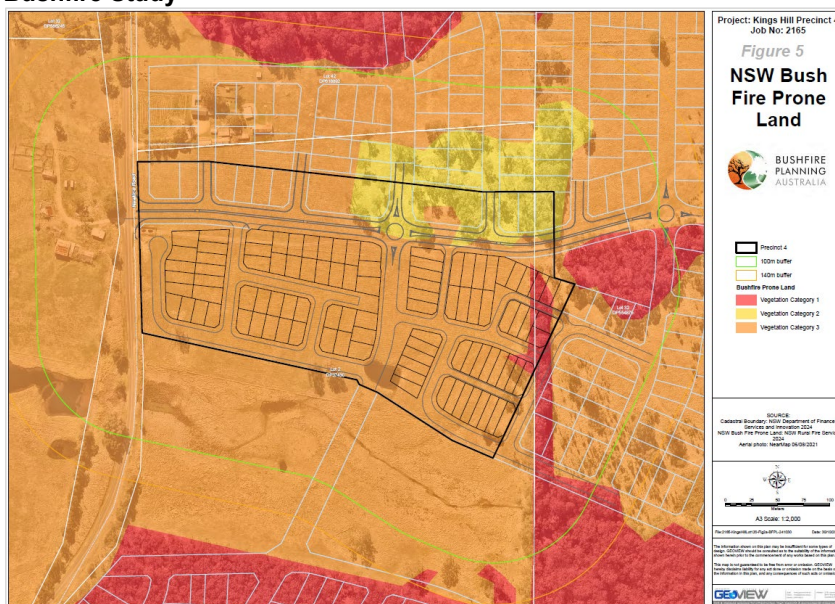
Bushfire Planning Australia prepared a Strategic Bushfire Study (SBS) to support the Planning Proposal and provide mitigation measures for Precinct 4 and part of Precinct 1 of Monarch's Rise.

The SBS includes a preliminary concept plan showing road layout and access overlayed on bushfire mapping. Shown in **Figure 17**, this indicates the entire subject site is mapped as Vegetation Category 2 bushfire prone land with the exception of a narrow corridor of Vegetation Category 1 bushfire prone land located to the east.

The SBS identifies the site as being subject to a high bushfire hazard, primarily from forest vegetation to the north and east, and grasslands to the north and south. The SBS recommends managing the entire site as an Inner Protection Area (IPA) and implementing a combination of temporary and permanent Asset Protection Zones (APZs) to mitigate the bushfire risk. A number of other recommendations are made which would be implemented through future subdivision applications, relating to access and egress, water supply, and landscaping and vegetation management.

The SBS concludes that the Planning Proposal is appropriate for the site, provided the recommended bushfire protection measures are implemented. These measures will help mitigate the bushfire risk and offer an acceptable level of protection to life and property. The SBS highlights the importance of ongoing management and maintenance of bushfire protection measures to ensure the safety of future residents and assets.

Figure 17– Bush Fire Prone Land (from Bushfire Planning Australia, Strategic Bushfire Study)



Traffic

The proposed additional residential land and reduction in minimum lot size will not increase the number of traffic movements in the area beyond what was assessed and considered appropriate when the Monarch Rise land was released.

The GHD, April 2019, Port Stephens Council Kings Hills Residential Lands Rezoning Updated Traffic and Transport Study was based on a proposed development of 3,810 dwellings (p.39).

In relation to land owned and to be developed by McCloy Kings Hill Pty Ltd, the land zoned R1 – General Residential had the potential to provide for 900 residential lots.

However, the need to avoid land identified as preferred koala habitat on land zoned R1 – General Residential within the Notice of Determination (DA 16-2013-599-1) has resulted in a reduction of 200 residential lots. Because of this, the theoretical increase of 50 lots due to a reduced minimum lot size of 300sqm is already accounted for in planning for the URA.

The Planning Proposal is therefore considered to have no traffic impacts.

Q10. Has the Planning Proposal adequately addressed any social and economic effects?

The proposal is expected to yield numerous positive social and economic outcomes by:

- Providing additional housing in convenient and well-located areas with easy access to nearby employment opportunities and goods and services;
- Providing greater housing diversity through the introduction of smaller lot sizes to the residential market, appealing to a wider range of family types and homeowners; and
- Contributing towards more affordable housing outcomes, with greater housing supply providing downward pressure on housing prices.

Section D – Infrastructure (Local, State and Commonwealth)**Q11. Is there adequate public infrastructure for the Planning Proposal?**

Yes. The Planning Proposal would be supported by adequate public infrastructure. The site will be connected to the relevant services at the construction stage, which will be considered through future DAs in accordance with Clause 7.6 of the LEP 201

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?

Consultation has been undertaken with the following State and Commonwealth agencies:

- Transport for NSW (TfNSW);
- Department of Climate Change, Energy, the Environment and Water (DCCEEW);
- NSW Rural Fire Service (NSW RFS); and
- Department of Planning, Housing and Infrastructure (DPHI).

None of the agencies consulted objected to the planning proposal. Comments raised by agencies will be, and are currently, being addressed at the development application stage.

PART 4 – Mapping

The Planning Proposal seeks to amend the following maps under the *Port Stephens Local Environmental Plan 2013* as shown in **Figure 18 – Figure 20** and **Appendix 1**:

- Amend the Land Zoning Map Sheet to reflect the shift in the MU1, C2 and R1 zone boundaries; and
- Amend the Minimum Lot Size Map Sheet to reflect the reduction in the minimum lot size control; and
- Amend the Height of Building Map Sheet to align and reflect the shift in the MU1, C2 and R1 zone boundaries.

Indicative mapping is shown in the below figures. Detailed mapping will be prepared before the Planning Proposal is finalised.

Figure 18 – Current and Proposed Land Zoning Map

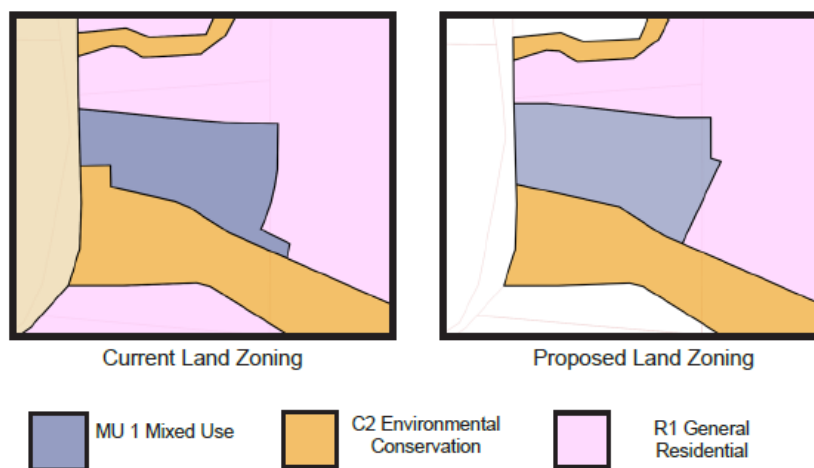


Figure 19– Current and Proposed Minimum Lot Size Map

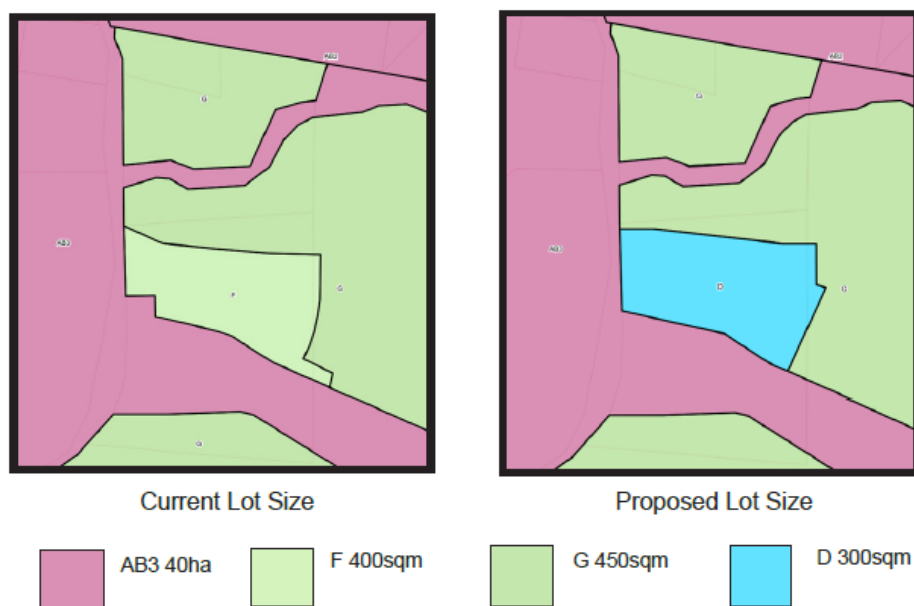


Figure 20– Current and Proposed Height of Building Map



PART 5 – Community consultation

The planning proposal was publicly exhibited from 30 May 2025 to 30 June 2025. Community consultation will be undertaken in accordance with the Gateway determination.

The exhibition material was available on Council's website and was 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
- Tomaree Library, 7 Community Close, Salamander Bay

One community submission was received with concerns regarding the loss of C2 Environmental Conservation land.

PART 6 – Project timeline

It is anticipated that the LEP amendment will be completed within 11 months.

An indicative project timeframe is provided below based on the Department of Planning and Environment's benchmark timelines for a 'Standard' LEP amendment Planning Proposal.

Stage	Timeframe and/or date
Consideration by council	December - February 2025
Council decision	February 2025
Gateway referral to the Department	February 2025
Gateway determination	March 2025
Commencement and completion of public exhibition period	April 2025 – June 2025
Finalisation of Planning Proposal	August 2025 – November 2025
Gazettal of LEP amendment	December 2025

Monarch's Rise Planning Proposal - Response to submissions table

Submission No.	Comment	Council Response
1.0 Hunter Water Corporation	The submission advised to rely on previous advice issued in relation to the approved subdivision DA 16-2013-599.	Noted.
	The previous advice notes that the proposal falls outside of the drinking water catchment area.	Noted.
	The previous advice notes that a developer-funded water servicing strategy is required to confirm available network capacity and optimal servicing arrangements for the bulk water connection.	Noted. The DA requires the relevant approvals to be provided prior to the release of the subdivision works certificate.
2. NSW State Emergency Service (SES)	The submission notes that the planning proposal should be considered against the Ministerial Direction 4.1 Flooding and the Flood Risk Management Manual 2023.	The planning proposal provides flood risk management advice demonstrating consistency with Ministerial Direction 4.1 Flooding and the Flood Risk Management Manual 2023.
	The submission states it does not support intensifying development on land below the flood planning level where there are existing evacuation constraints.	Noted. The planning proposal will not facilitate an intensification of development below the flood planning level.
	The submission supports the consideration of flood-free access. The submission recommends the consideration of raising road access for all lots and an evacuation capability assessment. The submission does not support shelter-in-place as a strategy for flood management.	Noted. Flood free access, evacuation and flood management strategies have been addressed in DA 16-2013-599.

Submission No.	Comment	Council Response
3. Transport for New South Wales (TfNSW)	The submission referred to previous advice issued in relation to DA 16-2013-599.	Noted. The issues raised in relation to the approved subdivision have already been addressed. The planning proposal will not impact on the approved development.
	The submission is supportive of the planning proposal progressing, noting that clause 6.5 Infrastructure - Pacific Highway access of the Port Stephens Local Environmental Plan 2013 will be applicable to future subdivision of land.	Noted.
4. Department of Climate Change, Energy, the Environment and Water	The submission has no concerns in relation to biodiversity impacts of the proposed rezoning.	Noted.
	The submission notes that shelter in place is not an appropriate flood management strategy, and the site should be evacuated before the evacuation route is flooded.	Noted. Flood evacuation has been addressed in the approved DA 16-2013-599. The planning proposal will not impact on the approved development.
	The submission notes a Flood Emergency Response Plan (FERP) should be prepared after the planning proposal has been approved.	Noted.
5. Rural Fire Service	The submission has no objection to the planning proposal.	Noted.
	The submission states that the approved subdivision shall ensure the required bushfire mitigation measures are implemented. Any future subdivisions shall comply with bushfire protection guidelines.	Noted. Bushfire mitigation measures have been addressed in the approved DA 16-2013-599.

Submission No.	Comment	Council Response
6. Resident	The submission objects to the planning proposal. It raises concerns regarding the extension of the MU1 Mixed Use zone over land currently zoned C2 Environmental Conservation and whether this amendment will set a precedent for further removal of conservation land.	<p>Around 2,300m² of land currently zoned C2 Environmental Conservation is proposed to be rezoned to MU1 Mixed Use Zone to provide consistency with the approved subdivision lot layout from DA 16-2013-599. This land has not been identified as having biodiversity values and will ensure consistency with the terms of the voluntary planning agreement.</p> <p>A condition of development consent requires the developer to dedicate approximately 48.5 hectares of C2 Environmental Conservation zoned land as well as 17.5 hectares of R1 General Residential zoned land to Council via the voluntary planning agreement.</p>
	The submission queries the timing of the amendment relative to the submission of the development application for the subdivision of the land.	<p>The development application for the subdivision of the land (DA 16-2013-599) was determined on 8 July 2024.</p> <p>The planning proposal was lodged with Council on 25 November 2024.</p>



Department of Planning, Housing and Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP-2024-2629): *rezone land and amend associated development standards at part of Lot 2 DP 37430 and part of Lot 32 DP 554875, 587 Newline Road, Raymond Terrace.*

I, the Director, Hunter and Northern Region, at the Department of Planning, Housing and Infrastructure, 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 land and amend associated development standards at part of Lot 2 DP 37430 and part of Lot 32 DP 554875, 587 Newline Road, Raymond Terrace should proceed subject to the following Gateway conditions.

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.

The LEP should be completed within nine (9) months of this Determination.

Gateway Conditions

1. Prior to community and agency consultation, the planning proposal is to be updated to:
 - (a) include an amendment to the LEP height of building map that aligns the existing MU1 Zone height limit of 15m, and the R1 General Residential Zone height limit of 9m, with proposing zoning layout and is illustrated with existing and proposed height of building maps;
 - (b) include additional detail and clarification in the proposal's objectives and explanation of provisions in relation to all the zoning and minimum lot size changes that will occur associated with the realignment of the MU1 Mixed Use zone;
 - (c) amend the proposed lot size map to accurately reflect the land area to which the changed controls will apply; and
 - (d) correct the title of Figure 9 as it only shows existing and proposed land zoning.

ITEM 4 - ATTACHMENT 3 GATEWAY DETERMINATION.

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 Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (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 Guideline* (Department of Planning and Environment, August 2023).
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:
 - Transport for NSW;
 - Department of Climate Change, Energy, the Environment and Water (Biodiversity and Flooding)
 - NSW Rural Fire Service
 - Hunter Water
 - NSW State Emergency Service.

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).

Dated 12 March 2025



Craig Diss
Director, Hunter and Northern Region
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces

PP-2024-2629 (IRF25/538)

ITEM NO. 5

**FILE NO: 25/187393
EDRMS NO: PSC2014-01768**

REVISED COMMUNICATION AND ENGAGEMENT STRATEGY

REPORT OF: AMBER HERRMANN - ACTING COMMUNICATION &
CUSTOMER EXPERIENCE SECTION MANAGER
DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receives and notes the submissions received during the public exhibition of the revised Communication and Engagement Strategy 2024-2028 (**ATTACHMENT 1**).
- 2) Adopt the revised Communication and Engagement Strategy 2024-2028 as amended (**ATTACHMENT 2**).

BACKGROUND

The purpose of this report is to advise Council of the outcome of the exhibition of the revised Communication and Engagement Strategy 2024-2028 (the strategy), as well as noting the response to submissions (**ATTACHMENT 1**). This report also recommends that the Council adopt the revised strategy (**ATTACHMENT 2**).

At its meeting on 25 February 2024, Minute No. 010 (**ATTACHMENT 3**), Council resolved to place the revised strategy on public exhibition for 28 days. During this period, we received 5 submissions. In response to these submissions, changes have been made to the strategy. Key amendments are outlined further in this report.

A full Communication and Engagement Report, which details the activities undertaken to help develop the strategy, is provided in (**ATTACHMENT 4**).

Under the Integrated Planning & Reporting (IP&R) requirements, Council is required to commence a review of the current Community Engagement Strategy within 3 months of the Local Government election. This review process ensures that the strategy aligns with the 4 year term of Council.

Included in the Strategy is the Community Participation Plan (CPP). The CPP is a requirement under the Environmental Planning and Assessment Act 1979 (EP&A ACT). The CPP outlines the minimum requirements for public exhibition period for plan making and development applications and acts as a guide to how residents can participate in local planning decisions. A summary of the changes made following the exhibition process are as follows:

General content and formatting amendments:

The Community Engagement Advisory Group (CEAG) provided general feedback in April 2025 regarding minor improvements to the content and formatting of the strategy.

The following has been changed as a result of this feedback:

- The strategy has been updated to now include statistics from the public exhibition phase (see page 10)
- Community statistics page updated to ensure information is updated (see page 7)
- Clear reference to the Communication and Engagement Principles in Key objectives tables (see pages 19, 21, 23)
- Update the reporting requirements to include a timing element where applicable (see page 25).

Community Participation Plan amendments:

Three of the submissions and subsequent discussions with the CEAG members called for improvements to the Community Participation Plan. The following has been changed as a result of this feedback:

- Significant expansion of the Community Participation Plan to clearly articulate the opportunities for community input in both the planning proposals or rezoning's and the development application processes through the inclusion of additional information (see pages 27-34)
- Reference to Exhibition Types in wording rather than letters only (see pages 36-37).

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025-2029
Connecting with community	Implement the Communication and Engagement Strategy

FINANCIAL/RESOURCE IMPLICATIONS

There are no direct financial/resource implications, as the strategy will continue to be implemented as part of ongoing operations.

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

A Community Engagement Strategy is required under the Integrated Planning & Reporting (IP&R) requirements. Council is required to commence a review of its current Community Engagement Strategy within 3 months of the local government elections. Adopting the recommendations will help ensure compliance with the Local Government Act 1993, relating to community engagement strategies, and the Environment and Planning Assessment Act 1979, Division 2.6, relating to the Community Participation Plan.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council does not meet legislative requirements under the IP&R requirements relating to community engagement strategies.	Low	Adopt the recommendations.	Yes
There is a risk that Council may be in breach of the Environment and Planning Assessment Act 1979 if it does not have an endorsed Community Participation Plan.	Low	Adopt the recommendations.	Yes

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council may be exposed to reputation damage if it does not have a clear and comprehensive approach to communications and community engagement that aligns with Local Government Act 1993 requirements.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendations demonstrates a greater understanding that engagement and communications are directly linked to the liveability and wellbeing of our community. By enabling our community to participate in the decision making process, and be informed about the services, projects and initiatives that Council delivers, Council can improve the way people feel about living and working in Port Stephens. Adopting the recommendations ensures that Council will continue to follow best practice when engaging and communicating with the community about the services and activities of Council. There are no significant economic or environmental implications associated with the adoption of these recommendations.

COMMUNICATION AND ENGAGEMENT

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

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

ORDINARY COUNCIL - 26 AUGUST 2025

	No external communications and engagement are required for this report.
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The following communication and engagement applies to this report.

External communications and engagement

The following table represents only the current phase of communication and engagement for the strategy. To view the full communication and engagement activities for all phases of development of the strategy, refer to the Communication and Engagement Report June 2025 (**ATTACHMENT 4**).

INFORM	The promotion of the public exhibition period for the revised strategy was hosted on Council's website and promoted to media outlets, posted on social media and featured in bulk e-newsletters. Direct emails were also sent to key local community groups.
CONSULT	The revised strategy was placed on formal public exhibition for 28 days and five (5) submissions were received. The content of the submissions was referred to the Communications and Engagement Advisory Group (CEAG) with a specific focus on the Community Participation Plan. In response to these submissions and CEAG discussions changes have been made to the strategy.
INVOLVE	The changes to the draft strategy were refined through the advice of the CEAG (as above).

During the exhibition period a total of 5 submissions were received. A summary of the submissions is included in (**ATTACHMENT 1**). The submissions are summarised in the following table with the primary theme shown:

Submission	Theme
1	Improve wording, choice of language, formatting and keep to plain English including website improvement suggestions.
2, 3, 4	Suggested considerable change to the Community Participation Plan to improve community consultation opportunities in the process of planning proposals or rezoning specifically.
5	Improve equity and access – draft document was not available for the 'listen option'.

The submissions were reviewed with the CEAG on 16 April 2025 with feedback incorporated into the revised strategy as outlined in **ATTACHMENT 2**.

Internal communications and engagement

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

- Development Assessment and Compliance Section
- Strategy and Environment Section
- Governance Section
- Directorate Corporate Strategy and Support

OPTIONS

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

ATTACHMENTS

- 1) Communication and Engagement Strategy 2025 submission table. [↓](#)
- 2) Communication and Engagement Strategy 2025 to 2030. [↓](#)
- 3) Ordinary Council Minutes, 25 February 2025. [↓](#)
- 4) Communication and Engagement Report. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

- 1) Unredacted full submissions.

TABLED DOCUMENTS

Nil.

ITEM 5 - ATTACHMENT 1 COMMUNICATION AND ENGAGEMENT STRATEGY 2025 SUBMISSION TABLE.

No	Themes	Summarised comment	Council's response
1	Suggested changes to the draft strategy	<p>Primary concern is that the overall strategy is too vague and too general.</p> <p>Additional, relatively minor, formatting and language suggestions.</p> <p>Suggested better links between have your say website and items on public exhibition</p>	<p>Feedback has been considered and improvements incorporated where possible.</p> <p>Council to investigate options to better link items on public exhibition to have your say website.</p> <p>Direct letter to be sent to submitter in response to suggestions.</p>
2	<p>Suggested changes to the draft strategy to improve processes especially relating to the CPP.</p> <p>AB Rise development and 19 Gan Gan Road @ Anna Bay referenced as examples of where the CPP has failed.</p>	<p>Calls for the CPP to be like Byron Council CPP from 2019.</p> <p>Primary concern is with the PSC CPP and the process associated with Planning Proposals or rezonings.</p> <p>"The rezoning process ie the standard LEP making process does not provide opportunity</p> <p>for community input until Stage 5 ie after decision making by council. This goes against the objects of the EP&A act. The current non transparent process used by PSC delivers outcomes that council perceive to be in the community's interests but without community consultation, decision making is often</p>	<p>Council to make clearer in the strategy, including the appended CPP, the difference in processes between DA's and Planning Proposals or rezonings.</p> <p>Direct letter to be sent to submitter in response to suggestions.</p>

**ITEM 5 - ATTACHMENT 1 COMMUNICATION AND ENGAGEMENT
STRATEGY 2025 SUBMISSION TABLE.**

No	Themes	Summarised comment	Council's response
		incongruent to community aspirations. This erodes trust."	
3	<p>Suggested changes to the Strategy and especially CPP</p> <p>Uses 19 Gan Gan Road, Anna Bay as an example of where the CPP fails</p>	<p>Primary concern with the CPP:</p> <p>"The CPP does go into detail around Development Applications and Modification Applications, but does not adequately provide for community consultation concerning Planning Proposals."</p> <p>Also did not like the Planning proposals factsheet provided with adjoining neighbor notification primarily as there is no element of consultation in Stage 5 until the public hearing [similar to above response].</p>	<p>Council to make clearer in the strategy, including the appended CPP, the difference in processes between DA's and Planning Proposals or rezonings.</p> <p>Direct letter to be sent to submitter in response to suggestions.</p>
4	Suggested changes to the draft strategy includes full rewrite and re-exhibit	Suggests community engagement strategy is rewritten in a different format including using the CPP from Byron Shire from 2019 as the primary guide.	<p>Council to make clearer in the strategy, including the appended CPP, the difference in processes between DA's and Planning Proposals or rezonings.</p> <p>Direct letter to be sent to submitter in response to suggestions.</p>

**ITEM 5 - ATTACHMENT 1 COMMUNICATION AND ENGAGEMENT
STRATEGY 2025 SUBMISSION TABLE.**

No	Themes	Summarised comment	Council's response
5	Equity and access	"The listen option does not work for the Communication and Engagement strategy. It does work in other sections on Council pages."	<p>Council to investigate options for a listening option for the attached PDFs, as the 'Readspeaker' program only currently works for website text.</p> <p>Phone call to submitter in response to suggestion.</p>

Draft Port Stephens Communication and Engagement Strategy 2025 to 2030



Our vision is to actively communicate and engage in a way that tells our stories, listens to our community, informs our future and improves the wellbeing of those that live, work and visit in Port Stephens.



**ITEM 5 - ATTACHMENT 2
STRATEGY 2025 TO 2030.****COMMUNICATION AND ENGAGEMENT****GUUDJI YIIGU**

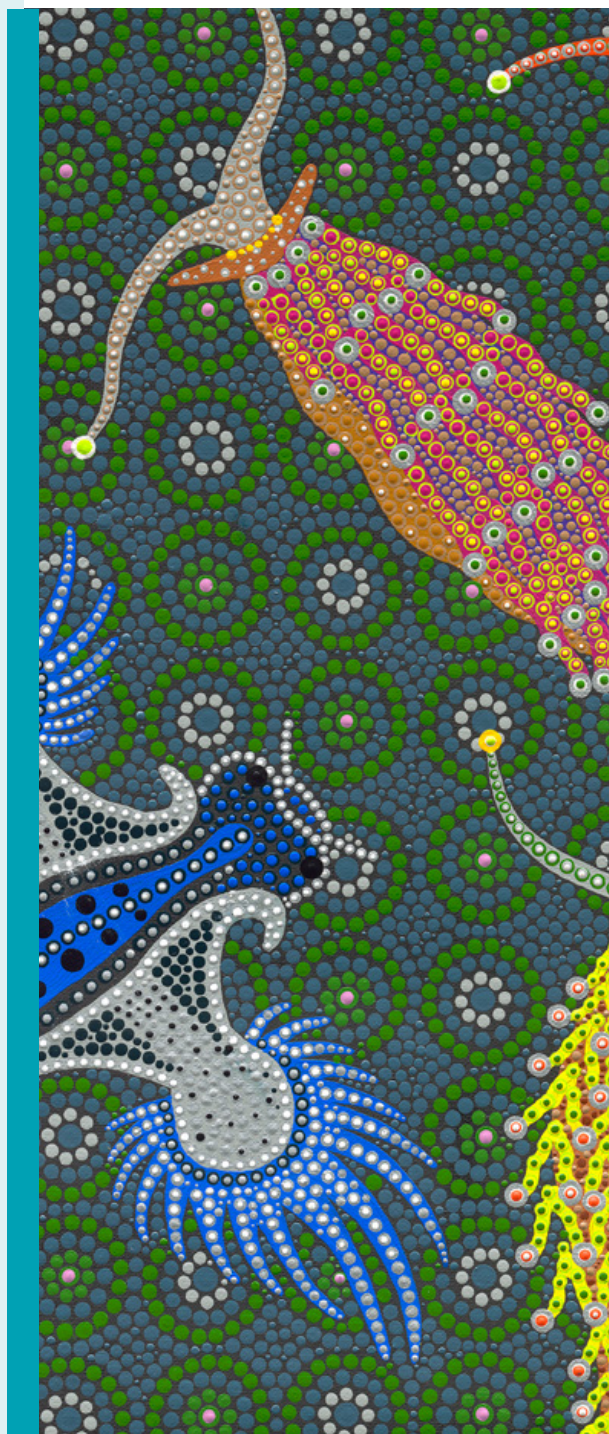
(GOO-JEE IK-KOO)

We welcome you to Port Stephens – part of the Worimi Aboriginal Nation. Port Stephens Council acknowledges the Worimi people as traditional owners and custodians of the lands and waterways on which we all live, learn, work and play.

We value and respect the Worimi people and the legacy 60,000 years of Aboriginal Nation traditions and culture brings with it. As part of Council's culture of acceptance, diversification and harmony we walk alongside the Worimi people on a journey of listening and learning.

Together we will strive to make this a better place for all peoples. As guardians of these lands, we ask that you tread lightly to help preserve the biodiversity and respect those who came before as well as those who will follow.

Artwork by Regan Lilley.



A message from the Mayor

Communication is key.

Clear and honest communication is the cornerstone of our commitment to our community. We strive to be an open and transparent organisation where communications and engagement is at the centre of what we do.

Our Communication and Engagement Strategy 2025 to 2030 is our commitment to keeping you informed and involved. Since its original adoption in 2022, this strategy has provided the framework for active engagement and conversations to encourage all voices of our diverse community to have their say.

The recent review of this strategy, following the 2024 election has allowed us to reflect on how far we've come in a short time, and identify areas for further improvement to build a community that is more engaged and informed.

Our Communication and Engagement Advisory Group (CEAG), established in 2023, has been instrumental in providing valuable insights and guidance. The value of the CEAG can't be overstated. By involving the community in the early stages of our planning, we'll deliver better outcomes across our community.

The 2025 to 2030 strategy continues to build on this success and create more opportunities for our community to be involved in decisions that impact their everyday. My fellow Councillors and I encourage you to connect with your Council, explore what's happening in your community and share your input into decisions to shape the future of this incredible place we call home.



Leah Anderson

Mayor of Port Stephens

Strategy context



ITEM 5 - ATTACHMENT 2 COMMUNICATION AND ENGAGEMENT STRATEGY 2025 TO 2030.

Over the past few years, a fundamental shift has occurred in the approach to public sector communication and engagement. Our residents have increased expectation around access to information and a greater desire to engage in planning for their place.

We know that effective communication and engagement are directly linked to the liveability and wellbeing of our community. By listening to our community and providing genuine opportunities for engagement, we'll create a greater sense of community ownership and ultimately, improve the delivery of Council services that are aligned to community needs.

To achieve this, we'll deliver a genuinely integrated and inclusive approach to our engagement and communication. By bringing together our communication and engagement approach, we've already created a shift in thinking. Through this strategy, we'll continue to evolve this approach and build a culture that celebrates our stories and informs the future of Port Stephens.

Communications is how we connect with our stakeholders. It is sharing the right message at the right time to inform our community.

NSW Government, All-Of-Government Communications Framework

Community engagement is a planned process with the specific purpose of working across organisations, stakeholders and communities to shape the decisions or actions of the members of the community, stakeholders or organisation in relation to a problem, opportunity or outcome.

NSW Government, All-Of-Government Communications Framework

The Port Stephens Communication and Engagement Strategy 2025 to 2030 has been developed to provide a framework for the delivery of open and effective communication that actively shapes and influences the future of Port Stephens.

The strategy responds to the legislative requirements of:

- NSW Government Integrated Planning and Reporting Framework including the Community Strategic Plan
- Local Government Act (1993) and
- Environmental Planning and Assessment Act (1979)

The strategy also responds to the key priorities of the elected Councillors.

Community Participation Plan

Attached to this strategy is our Community Participation Plan (CPP) which is an easy to use guide for the community to provide input into planning decisions when Council is the consent authority. It ensures we meet our statutory requirements for notification and exhibition.

Who we
are

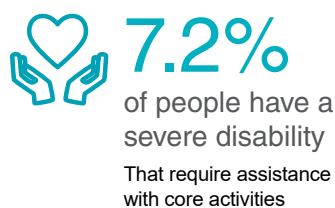
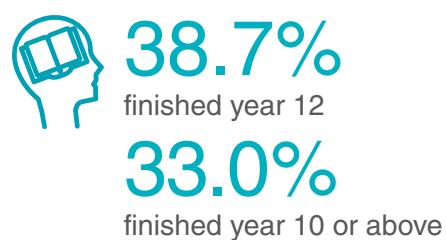
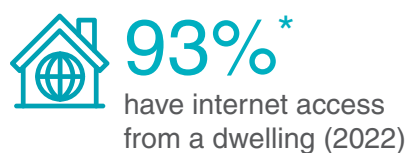
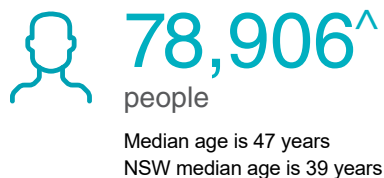


ITEM 5 - ATTACHMENT 2
STRATEGY 2025 TO 2030.

COMMUNICATION AND ENGAGEMENT

Our community

More than 78,000 people call Port Stephens home and this is expected to grow by over 20,000 by 2040.



Source: ABS 2021

[^] Estimated Residential Population 2023

^{*} Australia Communications and Media Authority 2022

What we've heard

“

Longer periods to digest
and respond to documents
including Council agendas.

Community member

“

Opportunities to Have Your
Say are numerous but there is
little opportunity to find out the
result of the engagement or
what other people think.

Community member

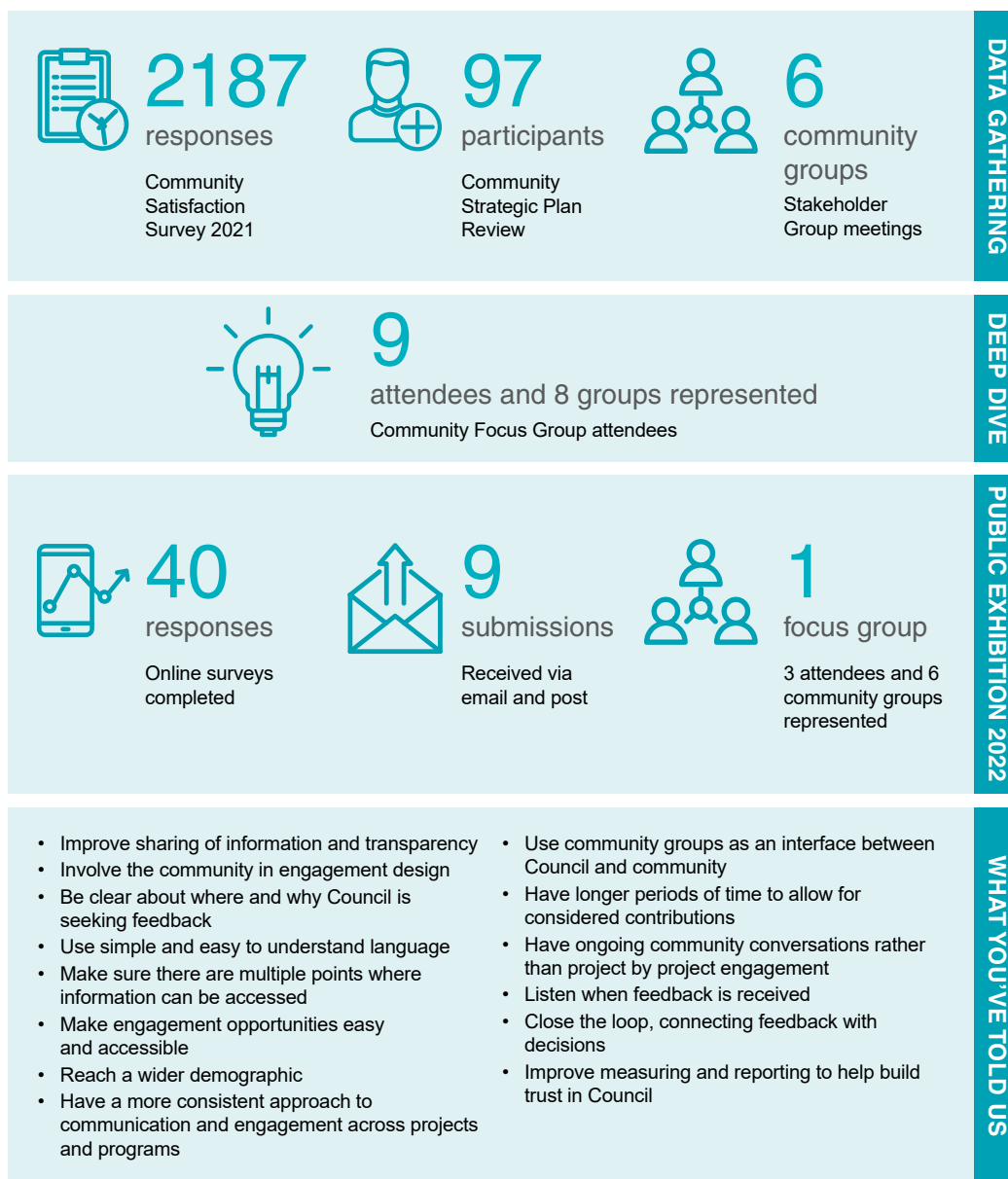


ITEM 5 - ATTACHMENT 2 STRATEGY 2025 TO 2030.

COMMUNICATION AND ENGAGEMENT

Our engagement

Between 2021 and October 2022, we've undertaken a phased approach to listening to the community about how we deliver communication and engagement.



ITEM 5 - ATTACHMENT 2 STRATEGY 2025 TO 2030.

COMMUNICATION AND ENGAGEMENT

Reviewing the 2022 to 2024 strategy

Under the Integrated Planning and Report Guidelines we're required to review our Communication and Engagement Strategy, following the Local Government election to make sure it aligns with the 4 year term of Council.

A key action of the 2022 to 2024 strategy was to establish the Communication and Engagement Advisory Group (CEAG). Formed in August 2023 the CEAG has been instrumental in providing feedback on the way we communicate and engage with our community in 2023 and 2024. This feedback has been invaluable in informing the current review.

Key feedback from the group during this time has been:



Advocate for social justice principles by reaching a diverse demographic.



Promote more targeted communication with affected residents.

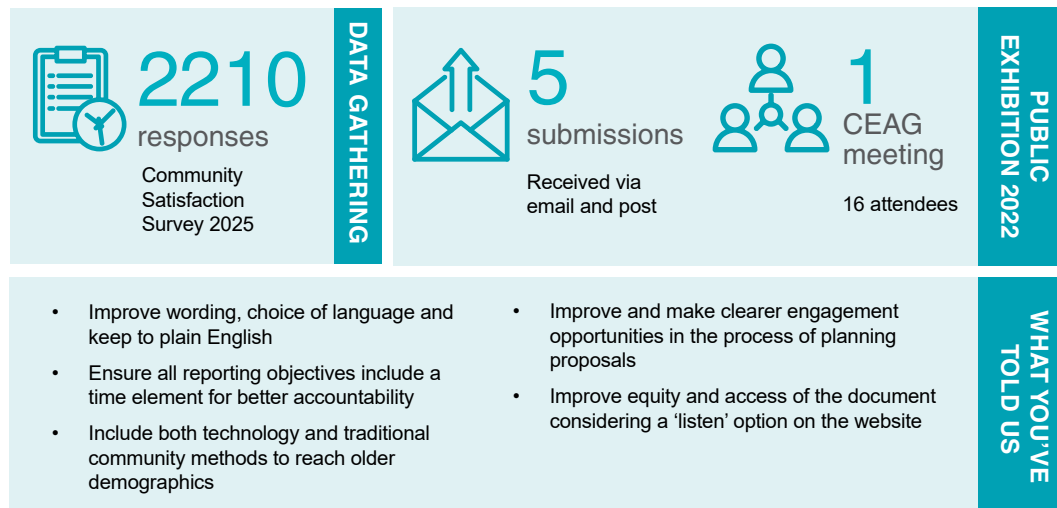


Use community social media more effectively.



Use plain English in all our communications.

To build on the feedback from the CEAG the revised draft Communication and Engagement Strategy was placed on public exhibition.





Our strategy



**ITEM 5 - ATTACHMENT 2
STRATEGY 2025 TO 2030.****COMMUNICATION AND ENGAGEMENT**

As the closest level of government connected to the community, we have a key role in communicating and engaging with our local residents.

With over 55 individual business units across the organisation and almost 600 staff, we deliver a large number of services to our community. We're also the link between our community and other levels of government, advocating our community's priorities.

Over the past few years, we've worked hard to engage with and inform our community. However, we know from feedback that we can do better. We've listened and are committed to working closely with our community to act on this feedback, responding to their needs and priorities.

Our purpose and vision



Our purpose

To create a framework for the delivery of transparent and timely communications and meaningful community engagement that builds trust and community participation in decision making for our place.



Our vision

We actively communicate and engage in a way that shares our stories, listens to our community, informs our future, and improves the wellbeing of those that live, work and visit in Port Stephens.

ITEM 5 - ATTACHMENT 2 STRATEGY 2025 TO 2030.

COMMUNICATION AND ENGAGEMENT

Social Justice Principles

The NSW Government identified 4 principles that establish supportive environments for everyone. These principles are the driving force to address barriers to communication and engagement experienced in our community.

The social justice principles are the heart of our Strategy's principles and key objectives.



Equity

Communication and engagement should include stakeholders including hard to reach groups who may have barriers to participation.



Access

All people should have fair access to communication and engagement opportunities.



Participation

All people should have the opportunity to participate in decisions that affect their lives.



Rights

Communication and engagement opportunities ensure positive participation of linguistic, cultural and religious diverse communities.

Communication and Engagement Principles

1

We deliver **relevant, timely and easy to understand** information

2

We're **honest and transparent**

3

We're **inclusive** and encourage a **diversity of voices** to be heard

4

We **listen, value and respect community** input and feedback

5

We embrace **innovation** and encourage **new ideas**






ITEM 5 - ATTACHMENT 2 STRATEGY 2025 TO 2030.

COMMUNICATION AND ENGAGEMENT

International Association of Public Participation

The Engagement Institute, formerly known as the International Association for Public Participation (IAP2) developed an international framework for community engagement that is considered a best practice approach worldwide.

Levels of communication and engagement

	 Inform (least impact on decision)	 Consult	 Involve	 Collaborate	 Empower (most impact on decision)
Our goal (Council's)	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making and/or developed budgets in the hands of the public.
Our role (Council's)	We'll keep you informed.	We'll keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.	We'll work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We'll look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into decisions to the maximum extent possible.	We'll implement what you decide.
Your role (Community's)	Keep in touch. Follow Council on social media. Subscribe to regular newsletters and updates.	Contribute ideas and feedback. Respond to surveys. Make public submissions.	Actively participate in the workshops and engagement sessions. Share ideas concerns and aspirations.	Work together to develop solutions. Join committees.	Make decisions and work with Council to implement them.

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Our stakeholders

We all have a role to play in shaping our places and there's roles for both Council and the community in initiating, leading, participating in, and delivering engagement activities. It's vital that we identify and understand our stakeholders that are impacted by, or have an interest in a decision.








ITEM 5 - ATTACHMENT 2
STRATEGY 2025 TO 2030.

COMMUNICATION AND ENGAGEMENT

Methods of communication and engagement

We use a range of methods to communicate and engage with our community. We typically use a combination of methods to share information to ensure the greatest reach. Below are some of our common methods used across the IAP2 spectrum.

	 Inform	 Consult	 Involve	 Collaborate	 Empower
Communications					
Advertisements / public notices	✓				
Council events	✓				
E-newsletters	✓				
Emails and letters	✓				
Flyers, brochures, factsheets, posters, signs	✓				
Local Newspaper article	✓				
Media releases	✓				
On hold messages	✓				
Rates notice and inserts	✓				
Radio announcements	✓				
Social media	✓	✓			
Webinars	✓				
Community Engagement					
Advisory committees			✓	✓	✓
Council meetings	✓	✓	✓	✓	✓
Council website	✓	✓			
Focus group and workshops		✓	✓	✓	
Information and interactions with Council staff	✓	✓			
Drop-in / pop-up sessions		✓	✓		
Meetings with Council staff	✓	✓			
Public exhibition / submission		✓	✓		
Surveys / questionnaires / polls		✓			

Strategic priority 1

Community engagement



We will plan and deliver meaningful community engagement that enables community participation and builds trust in Council decision making.

ITEM 5 - ATTACHMENT 2
STRATEGY 2025 TO 2030.

COMMUNICATION AND ENGAGEMENT



Key objectives	Communication and Engagement Principles*				
	1	2	3	4	5
Continue to embed the principles of the International Association Public Participation (IAP2) into the organisational culture	✓	✓	✓	✓	✓
Collaborate with the Communications and Engagement Advisory Group to provide timely input on how to engage with our community on major projects		✓	✓	✓	✓
Increase opportunities for the community to engage informally with Councillors and Executive		✓	✓	✓	
Design engagement opportunities that enable time for considered thought and contribution	✓		✓	✓	
Ensure engagement opportunities consider place, diversity and accessibility	✓		✓	✓	
Expand on the use of technology to increase participation and increase the diversity of voice and opinion in engagement activities			✓		✓
Build on the use of social media as a tool for engagement and feedback			✓		✓
Report internally and externally on engagement outcomes, connecting community engagement and decision making at the end of each engagement program	✓	✓		✓	
Improve stakeholder information management to ensure equitable representation across the community		✓	✓		
Deliver Council's Community Participation Plan (Environmental Planning and Assessment Act 1979)	✓	✓		✓	

*Communication and Engagement Principles definitions on page 14.

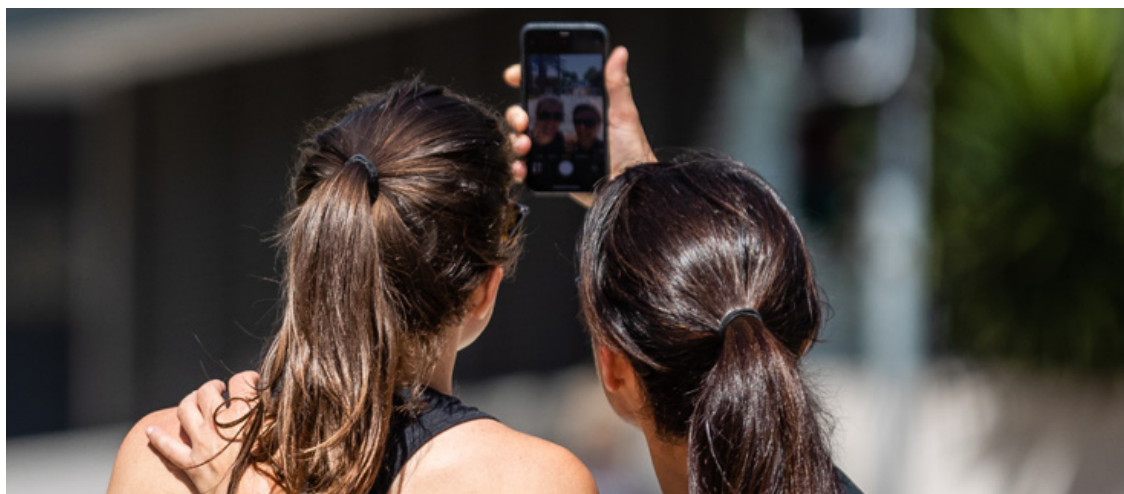
Strategic
priority 2
Community
communication



We will deliver
timely, creative
and transparent
internal and external
communication that
connect our stories,
our people and
our place.

ITEM 5 - ATTACHMENT 2
STRATEGY 2025 TO 2030.

COMMUNICATION AND ENGAGEMENT



Key objectives	Communication and Engagement Principles*				
	1	2	3	4	5
Design communication that's easy to understand and accessible to all	✓	✓	✓		
Continue to use our public website (portstephens.nsw.gov.au) as the core communication channel and invest in its growth and improvement	✓	✓	✓		✓
Use social media to target and engage audience profiles to encourage conversations and increase awareness of Council services	✓	✓	✓	✓	✓
Increase staff awareness and capacity, to enable effective communication, engagement and promotion of Council business	✓	✓	✓	✓	
Build Council's identity and brand through consistent visual communication	✓				
Use digital marketing to enhance awareness of Council projects and services	✓	✓	✓		✓
Create targeted, engaging and audience focused communications using data			✓	✓	✓
Regularly benchmark and review internal and external communications	✓				✓
Support elected members by keeping them informed so they can share information and increase awareness of Council activities and services through community networks	✓	✓			
Measure, evaluate and report on all communication activities at campaign completion	✓	✓			✓

*Communication and Engagement Principles definitions on page 14.

Strategic priority 3

Media and public relations



We will build trust and reputation through proactive, consistent and trustworthy information that responds to issues and community priorities.

ITEM 5 - ATTACHMENT 2
STRATEGY 2025 TO 2030.

COMMUNICATION AND ENGAGEMENT



Key objectives	Communication and Engagement Principles*				
	1	2	3	4	5
Build and maintain strong relationships with media to facilitate informed reporting	✓	✓			
Promote Port Stephens with positive and proactive media	✓	✓			
Work across the organisation to identify newsworthy stories	✓		✓		✓
Respond promptly to media enquiries to meet news deadlines	✓	✓			
Develop annual Community Advocacy Priorities and implement campaigns to drive awareness of local issues and key priorities	✓		✓	✓	
Build relationships with stakeholders by celebrating key achievements together			✓	✓	
Foster opportunities for elected representatives or Executive to speak at corporate, community and networking events		✓	✓		
Coordinate Council's emergency management communications	✓	✓			
Continue to improve media record and information management	✓	✓			
Monitor, evaluate and report on all media and public relations activity	✓	✓			✓

*Communication and Engagement Principles definitions on page 14.

Measures of success

Measures of success

Continuous improvement is an integral part of improving our communication and engagement process. We'll monitor and report on our communication and engagement activities for effectiveness against the principles and key objectives of this Strategy.

Our communication and engagement efforts are reported and evaluated through the following processes:

- Upon completion of the communication campaigns or engagement programs
- As part of Council's quarterly, 6 monthly and annual reporting

Some key considerations in our reporting include:

- How effectively were barriers to engagement addressed?
- Did we reach people impacted by the project or people that are representative of our demographic?
- Were the intended outcomes of the engagement process achieved?
- How well did we provide feedback to participants on the results of their contribution?

Our annual targets

- 

Community Satisfaction Survey
49%+ of our community feel they can provide input into decision making
53%+ of our community are satisfied with their contact with Council
- 

Port Stephens Liveability Score of 66+
- 

1 million+ website visits
- 

Increase Have Your Say members by 2.5%
- 

Participation demographics accurately represent our community
- 

Increase social media followers by 2.5%
- 

Maintain above an average of 4.2% interaction rate on Facebook
- 

Increase the engagement rate on Instagram by 14%
- 

Increase e-newsletter subscribers by 2.5%
- 

30% of projects have an engagement level of 'involve' or above

Attachment 1

Community Participation Plan

It's a statutory requirement for councils in NSW to prepare a Community Participation Plan (CPP) that is an easy to use guide for the community to provide input into planning decisions when Council is the consent authority.

How is community participation carried out

The CPP specifies requirements for notification and public exhibition. This can include:

- Giving written notice to neighbours, individual landowners or occupiers
- Advertising on Councils website
- Making documents publicly available online

Other methods are used to on a case by case basis, in line with statutory requirements.

If the exhibition period is due to close on a weekend or public holiday, it might be extended to finish on the first available work day. In accordance with the planning legislation, the period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.

Plans or applications can't be made or determined until after the minimum period of public exhibition.

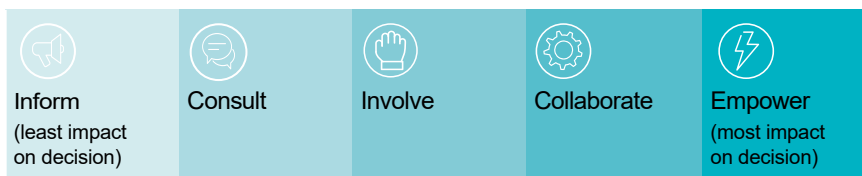


Community participation

Community participation is important under the Community Participation Plan.

Opportunities for community input into the Planning Proposal Process and Development Application process align with the level of communications and engagement outlined on page 12 of the Communication and Engagement Strategy.

Levels of communication and engagement



In this section, each step of the Planning Proposal and Development Application processes is explained, along with how and at what level the community can get involved.

ITEM 5 - ATTACHMENT 2 STRATEGY 2025 TO 2030.

COMMUNICATION AND ENGAGEMENT

State and local government strategies

The Planning Proposal and Development Application process is preceded by the development of key state and local government strategies. These strategies guide planning proposal decisions. These can include the Hunter Regional Plan 2041, the Port Stephens Local Housing Strategy, Local Supply Plan, Local Environment Plan and the Development Control Plan



Addendum request

If a site is not identified for housing in an adopted Council strategy endorsed by the NSW Department of Planning, Housing and Infrastructure (DPHI), DPHI may require a proponent to request Council and DPHI to consider an 'addendum' to the strategy. Addendum requests will be placed on public exhibition for 28 days following lodgment and prior to any assessment by Council.




An addendum or amendment to a state or local government planning strategy can be made, and community members are invited to provide feedback on a proposed change during a public exhibition.



Planning Proposal Process

1. Scoping Proposal

During this step, careful research is done to plan the proposal. This may include basic background studies, looking at the site and its surroundings, identifying the objectives of the proposal, and exploring ideas and how feasible they are. Early feedback can be provided to the proponent about additional community participation needed, which would be led by the proponent.

COMMUNITY PARTICIPATION	Public access and Council decision
	Involve 

2. Planning Proposal

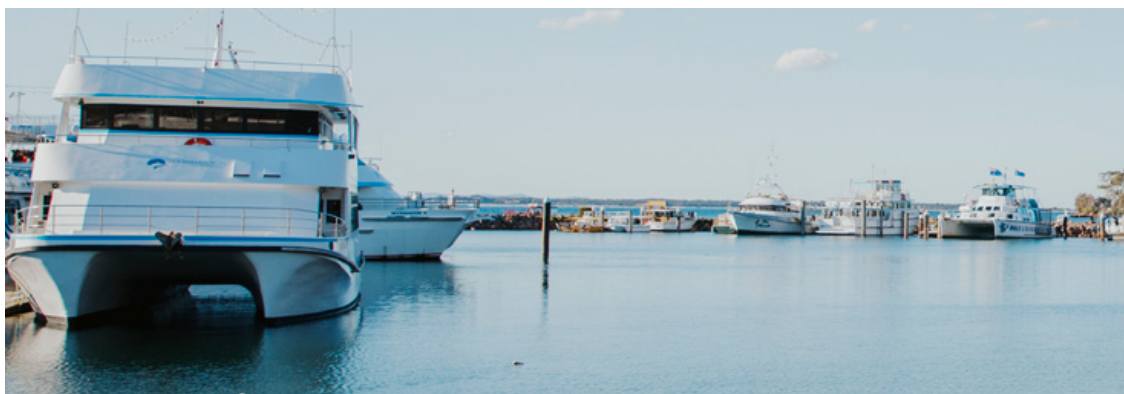
Preparation and lodgment of the planning proposal by the proponent and initial assessment by Council.

COMMUNITY PARTICIPATION	Notification to the adjoining landowners via letter
	Inform 
	Public access and Council decision
	Inform  Consult 

3. Planning Proposal

The proposal is reviewed for strategic and site-specific merits by the NSW State Government who determine whether the planning proposal should proceed to the next stage

Gateway determination will set the statutory public exhibition period, which is usually 28 days.



4. Post Gateway

The proponent undertakes additional studies, and engagement with key authorities and government agencies is required.

COMMUNITY
PARTICIPATION

Additional input from key authorities and government agencies

Inform



5. Public exhibition

At this stage, input from the community and government agencies is welcomed to review the planning proposal before a final decision is made.

COMMUNITY
PARTICIPATION

Notification of planning proposal to adjoining land owners

Inform



Optional public hearing

Consult



Written submissions by community or government agencies

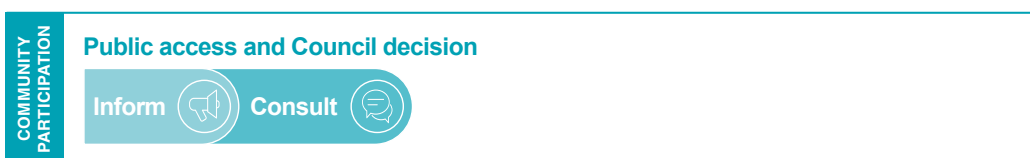
Consult





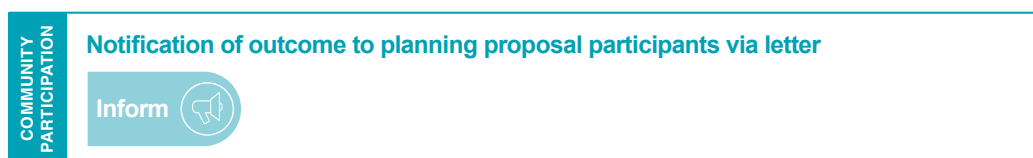
6. Assessment

Review and evaluate submissions and address any concerns. Council determined whether the Local Environment Plan (LEP) should be changed in accordance with the Planning Proposal.



7. Finalisation

If the Planning Proposal is supported, amendments are made to the Local Environment Plan (LEP).





Development Applications

1. Lodgment of Development Application

The application is lodged on the NSW Planning Portal, checked for completeness and allocated to a Council officer to assess.

COMMUNITY PARTICIPATION

Notification to the affected community including:

- Print advertisement in local newspaper
- Item in the Development Application E-Newsletter (subscription only)
- DA Tracker on Council's website

Inform



2. Assessment of Development Application

In this step, the level of assessment reflects the level of impact the development may have. A Council officer assesses the application and can include site visits and discussions with key authorities.

Some development applications require notification to adjoining residents or public exhibition and these are outlined in Table 2 and 3.

Some Development Applications do not require notification or public exhibition, these are outlined in Tables 2 and 3.

COMMUNITY PARTICIPATION

Notification of development application to adjoining landowners

Inform



Written submissions by community or government agencies

Consult



3. Determination of Development Application

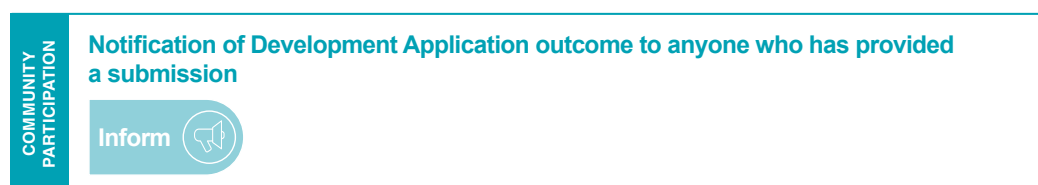
A delegated Council officer, Council, or the Planning Panel can make the decision to approve a Development Application.

Where Council makes the determination of a DA, these applications go through the Council meeting approved process.



After decision

Once a decision is made the development can proceed or not



We distribute a weekly Development Application E-Newsletter that provides information on all Development Applications lodged with Council the week prior. Visit pscouncil.info/DAe-newsletter to sign up.



Have your say

Making a submission

- A submission to Council is a formal way to show whether you are in support or opposition to a proposal or development. It allows our community to provide feedback and influence the decision-making process. Submissions are made during a public exhibition period. A submission must be:
- Received on or before the last day of the nominated timeframe for the public exhibition
- Made in writing (through the mail, email or hand delivered to Council)
- Contain the name and address or email) of the person making the submission
- Include the application number for reference (for development applications) or the name of the exhibited planning matter
- Include a statement of objections or support and reasons

Speaking in public access

Public Access provides a way for community members to speak directly to the Mayor and Councillors about local or Council issues. The Mayor and Councillors may ask the speaker questions to gain further clarification on their views to inform their decision making. A public access request must be submitted by 12 midday on Monday prior to the Tuesday Council meeting.

The Public Access Application Form can be found on our website at pscouncil.info/council-meetings

ITEM 5 - ATTACHMENT 2 COMMUNICATION AND ENGAGEMENT STRATEGY 2025 TO 2030.

Community participation requirements

Under the EP&A Act, the following minimum community participation requirements apply to local planning functions:

Table 1

Mandatory timeframes	Minimum community participation requirement
Division 1 — Schedule 1 to the EP&A Act	
Draft community participation plans	28 days
Draft local strategic planning statements	28 days
Planning proposals for local environmental plans subject to a gateway determination	28 days or as specified by the Gateway Determination
Draft development control plans	28 days
Draft contributions plans	28 days
Division 2 — Schedule 1 to the EP&A Act	
Development Application for designated development	28 days
Environmental Impact Statement obtained under Division 5.1 (An Environmental Impact Statement prepared for certain development such as state significant development.)	28 days
Re-exhibition of any amended application or matter referred to above	The period (if any) determined by the person or body responsible for publicly exhibiting the application or matter.

Exhibition timeframes are measured in calendar days and include weekends.

Development applications

Table 2 outlines Council's minimum notification requirements for development applications. If there's an inconsistency between the notification requirements of this CPP and legislative requirements, the legislative requirements will prevail. If a use is not defined within Table 3, it is up to the discretion of council if the application will be notified.

Table 2 – Community Participation Categories (Refer to Table 3 for details)

Exhibition types	
Type	Requirements
A	Not Notified Development Council may at its discretion decide to notify any of this type of development that may significantly impact on the amenity of adjoining land owners.
B	Notified Development A 14 day notification period will apply. Written notification will be sent to all owners of land directly adjoining or opposite the development site. Additional owners and occupiers may be notified at the discretion of Council staff. Council may at its discretion decide not to notify development where impacts on adjoining land owners are considered minor in nature.
C	Advertised Development Written notification in accordance with 'type C' requirements and an advertisement published on Councils website. Development Application (DA) information published on DA Tracker. Additional advertisements may be placed in newspapers and/or through such other mechanisms as may be appropriate to ensure that the public is reasonably aware of the proposal. Council may also at its discretion decide not to advertise insignificant development.

ITEM 5 - ATTACHMENT 2 COMMUNICATION AND ENGAGEMENT STRATEGY 2025 TO 2030.

Modification applications

The need or otherwise to notify an application to modify a development consent will be undertaken in accordance with the requirements of the Act and Regulations or at the discretion of Council in consideration of the nature of the modifications proposed. Minor or low impact changes will not be notified

Table 3 – exhibition periods

Development category	Exhibition types		
	A – Not Notified Development	B – Notified Development	C – Advertised Development
Residential Accommodation			
Dwelling – single storey	✓		
Secondary dwelling	✓		
Rural workers dwelling	✓		
Residential ancillary (for example sheds, pools)	✓		
Residential flat building			✓
Residential accommodation – all other types		✓	
Rural			
Agriculture		✓	
Farm buildings	✓		
Forestry			✓
Animal boarding or training establishment		✓	
Extractive industries/open cut mines			✓
Commercial Development			
Commercial premises (office, retail and business)		✓	
Home business/occupation	✓		
Entertainment facilities			✓
Function centres			✓
Sex services premises/home occupation (sex services)			✓
Restricted premises			✓
Community and entertainment facilities			
Places of public worship			✓
Recreation facility (major)			✓
Education establishment			✓
Health services facility		✓	
Other uses relating to community infrastructure		✓	
Industrial development			
General industry		✓	
Industrial retail outlets		✓	
Industrial training facilities		✓	

ITEM 5 - ATTACHMENT 2 COMMUNICATION AND ENGAGEMENT STRATEGY 2025 TO 2030.

Development category	Exhibition types		
	A – Not Notified Development	B – Notified Development	C – Advertised Development
Industrial development			
Light industry	✓		
Storage premises		✓	
Heavy industrial storage establishment			✓
Warehouse and distribution centres		✓	
Freight transport facilities		✓	
Heavy industry			✓
Rural industry		✓	
Subdivision			
Strata subdivision	✓		
10 or more Torrens or community title lots		✓	
Tourist and visitor accommodation			
Caravan parks and camping grounds*			✓
Tourist and visitor accommodation - all types		✓	
Eco-tourist facility		✓	
Miscellaneous			
Boatshed		✓	
Electricity generating works		✓	
Environmental facilities/environmental protection works		✓	
Moorings/mooring pens		✓	
Signage	✓	✓	
Air transport facility			✓
Airstrip			✓
Helipad			✓
Cemetery/crematorium/mortuaries			✓
Correction centre			✓
Marina			✓
Passenger transport facilities			✓
Port facilities			✓
Sewerage system		✓	
Waste or resource management facility			✓
Water supply system		✓	

* The operator is required in writing to notify all potentially affected residents of their intention to lodge a development application or a planning proposal. This notice must be given at least 30 days before the operator lodges the development application or proposal. This change has come from an amendment to the Residential (Land Lease) Communities Amendment Act.



PORT STEPHENS
COUNCIL

council@portstephens.nsw.gov.au | 02 4988 0255 | portstephens.nsw.gov.au    

MINUTES ORDINARY COUNCIL - 25 FEBRUARY 2025**ITEM NO. 1****FILE NO: 24/342275
EDRMS NO: PSC2014-01768****REVISED COMMUNICATION AND ENGAGEMENT STRATEGY**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Communication and Engagement Strategy 2024-2028 **(ATTACHMENT 1)**.
- 2) Place the revised Communication and Engagement Strategy, as amended on public exhibition for a period of 28 days and should no submissions be received, the strategy be adopted, without a further report to Council.
- 3) Revoke the Communication and Engagement Strategy 2022-2027 **(ATTACHMENT 2)** should no submissions be received.

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

010	Councillor Jason Wells Councillor Mark Watson It was resolved that Council: <ol style="list-style-type: none">1) Endorse the revised Communication and Engagement Strategy 2024-2028 (ATTACHMENT 1).2) Place the revised Communication and Engagement Strategy, as amended on public exhibition for a period of 28 days and should no submissions be received, the strategy be adopted, without a further report to Council.3) Revoke the Communication and Engagement Strategy 2022-2027 (ATTACHMENT 2) should no submissions be received.
------------	--

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

Those against the Motion: Nil.

The motion was carried.

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

The purpose of this report is to seek Council endorsement to place the revised Communication and Engagement Strategy 2024-2028 (the strategy) on public exhibition for a period of 28 days (**ATTACHMENT 1**).

Under the Integrated Planning & Reporting (IP&R) requirements, Council is required to commence a review of the current Community Engagement Strategy within 3 months of the Local Government election. This ensures the strategy aligns with the 4 year term of Council and the IP&R cycle.

The current Communication and Engagement Strategy 2022-2027 (**ATTACHMENT 2**) was adopted on 13 December 2022. The development of this strategy included detailed engagement with over 2,300 community members over a three phase period between 2021 and 2022:

- Phase 1: Communication and engagement data gathering
- Phase 2: Communication and engagement deep-dive including community focus group
- Phase 3: Public Exhibition with the broader community and refinement of the strategy following feedback received.

For full details of the previous engagement conducted refer to the Community Engagement Report 2022 (**ATTACHMENT 3**).

A review of the strategy was completed via Councils Communication and Engagement Advisory Group (CEAG). The CEAG includes 9 community members along with the Mayor and 5 Councillors.

Recommendations from the CEAG include:

- Increased focus on reaching and engaging with a diverse range of demographics to target communication more effectively
- The use of digital marketing to enhance awareness of Council projects and services
- Update targets to better reflect current social media trends.

This feedback has been included in the draft document (**ATTACHMENT 1**).

Included in the Strategy is the Community Participation Plan (CPP). The CPP is a requirement under the Environmental Planning and Assessment Act 1979 (EP&A Act). The CPP outlines the minimum requirements for public exhibition periods for plan making and development applications and acts as a guide to how residents can participate in local planning decisions. There were minimal changes recommended for the CPP.

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

Strategic Direction	Delivery Program 2022-2026
Communication and engagement	Deliver the 4-year program for the Communication and Engagement Strategy

FINANCIAL/RESOURCE IMPLICATIONS

There are no direct financial/resource implications, as the strategy will continue to be implemented as part of ongoing operations.

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

LEGAL, POLICY AND RISK IMPLICATIONS

A Community Engagement Strategy is required under the Integration Planning & Reporting (IP&R) requirements. Council is required to commence a review its current Community Engagement Strategy within 3 months of the local government elections.

Adopting the recommendations will help ensure compliance with the Local Government Act 1993 relating to community engagement strategies and the Environment and Planning Assessment Act 1979 - Division 2.6 relating to the Community Participation Plan.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council does not meet legislative requirements under the IP&R requirements relating to community engagement strategies.	Low	Adopt the recommendations.	Yes

MINUTES ORDINARY COUNCIL - 25 FEBRUARY 2025

There is a risk that Council may be in breach of the Environment and Planning Assessment Act 1979 if it does not have an endorsed Community Participation Plan.	Low	Adopt the recommendations.	Yes
There is a risk that Council may be exposed to reputation damage if Council does not have a clear and comprehensive approach to communications and community engagement that aligns with Local Government Act 1993 requirements.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendations demonstrates Council's greater understanding that engagement and communications are directly linked to the liveability and wellbeing of our community. By enabling our community to participate in the decision making process, and be informed about the services, projects and initiatives Council delivers, Council can improve the way people feel about living and working in Port Stephens. Adopting the recommendations ensures that Council will continue to follow best practice when engaging and communicating with the community about the services and activities of Council.

There are no significant economic or environmental implications resulting from the adoption of the recommendations.

COMMUNICATION AND ENGAGEMENT

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

INFORM	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
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MINUTES ORDINARY COUNCIL - 25 FEBRUARY 2025

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

The following communication and engagement applies to this report.

External communications and engagement

INVOLVE	<ul style="list-style-type: none">• Since the CEAG commenced in August 2023, ongoing feedback around communications and engagement programs has been provided by panel members. These recommendations have been incorporated into the revised strategy.• In December 2024, the CEAG met to review the current strategy. The recommendations from this meeting have been included in the revised strategy.
---------	--

Internal communications and engagement

Internal feedback has been gathered from across the organisation over the past year. This included improving key objectives to focus on reaching and engaging with a diverse range of demographics to target communication more effectively, using digital marketing to enhance awareness of Council projects and services and updating targets to better reflect current social media trends.

Internal feedback was also sought from the Development and Compliance Section to inform the proposed changes to the Community Participation Plan (CPP).

OPTIONS

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

ATTACHMENTS

- 1) Draft Port Stephens Communication and Engagement Strategy 2024 to 2028.
(Provided under separate cover)
- 2) Port Stephens Communication and Engagement Strategy 2022 to 2027.
(Provided under separate cover)
- 3) Port Stephens Communications and Engagement Strategy Engagement Report.

MINUTES ORDINARY COUNCIL - 25 FEBRUARY 2025

(Provided under separate cover)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

Port Stephens Communications and Engagement Strategy

Communication and Engagement Report

June 2025



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Introduction

Over the past few years, a fundamental shift has occurred in the approach to public sector communications and engagement. Social media has increased the expectations around communications as a conversation, and the impacts of COVID-19 have heightened the community's awareness of what's important to them and created a greater desire to engage in the planning for their place.

To align with the shifts in the sector and Council's focus on liveability and wellbeing, Council needs to deliver a genuinely integrated and inclusive approach to engagement and communications. A combined Communication and Engagement Strategy will strive to meet legislative, business and community requirements.

The strategy document also includes Council's Community Participation Plan as an attachment to ensure compliance with the Environment and Planning Assessment Act 1979 – Division 2.6.

This Communication and Engagement Strategy will create a blueprint for successful and meaningful communications and engagement, reflecting our commitment to genuinely involve and engage with the community we serve.

The following report covers the development of the Communication and Engagement Strategy. The current Strategy was significantly rewritten in 2022 and it was deemed important to keep this communication and engagement history together with the current revision in 2024 and 2025. The current revision of the strategy and associated public exhibition period is post the local government elections in 2024 and in line with the IP&R cycle.

Communication and Engagement Methodology

The Communications and Engagement Strategy engagement program consisted of four (4) phases:

- Phase 1: Communications and engagement data gathering (2021)
- Phase 2: Communication and engagement deep dive (2022)
- Phase 3: Public exhibition (17 June to 15 July 2022)
- Phase 4: Public exhibition (10 March to 6 April 2025)

The engagement and communication program was designed based on the demographic analysis or audience profile for the Port Stephens community.

Phase 1 – Communications and engagement data gathering (2021)

Phase 1 engagement for the Communications and Engagement Strategy was undertaken as part of the Council Integrated Engagement Program. The Integrated Engagement Program aimed to seek community feedback on a number of key strategic documents through the same engagement opportunities, streamlining the way we engage and move away from single use engagement, building broader meaningful participation. This included drawing from community feedback from the 2021 Community Satisfaction Survey, a series of 'Place and Vision' community workshops and the Community Strategic Plan check in through an online survey.

Given the lockdown in late 2021 and the ongoing COVID-19 restrictions, the 'Place and Vision' workshops were held online to maximise community participation and safety.

Table 1: Phase 1 Communication and engagement methods

ACTIVITY	DESCRIPTION	PARTICIPATION
Community Satisfaction Survey 2021	Communication and engagement based questions included as part of the Community Satisfaction Survey seeking feedback on the methods and satisfaction with participation in communication and engagement previously.	2187 overall responses
Direct stakeholder meeting Oct 2021	Direct correspondence received from key stakeholder groups as well as a stakeholder meeting held in response to the correspondence between the Group Manager Development Services, the engagement team representative and the stakeholder groups.	2 x correspondence 1 x stakeholder meetings in response
Place and Vision Workshops Nov-Dec 2021	4 x online workshops via zoom for the following communities: West ward Raymond Terrace and surrounds 2 x East ward Nelson Bay, Salamander Bay and surrounds Central ward Tilligerry, Salt Ash and surrounds	3 attendees; 11 EOIs 23 attendees; 57 EOIs 13 attendees; 29 EOIs
Community Strategic Plan online check in survey Mar 2022	Online survey to understand the community's level of support for each of the community focus area and strategies including 'Our Council' focus area that includes communications and engagement.	59

Phase 2 – Communications and engagement deep dive (April 2022)

In Phase 2 we took on a deep dive into the data received in Phase 1 by setting up a community focus group convened via invitation. This focus group met over two sessions in a hybrid model both face to face and online to hear about the background for the Strategy, the feedback Council has received to date and work on the strategic direction for communication and engagement.

Table 2: Phase 2 Engagement methods

DATE	METHOD	PARTICIPATION
Community Focus Group	<p>A community focus group was established with individual and key community organisations representatives from across the LGA. Groups invited to represent included:</p> <ul style="list-style-type: none"> • Shoal Bay Community Association • Tomaree Residents and Ratepayers Association • Econetwork • Soldiers Point Community Group • Mambo Wanda Wetlands Landcare Group • Anna Bay Community Hall • Voices of Wallalong and Woodville • Lemon Tree Parks and Gardens • Medowie Progress Association <p>Individuals who had expressed interest in previous engagement opportunities were also invited to represent areas not covered by a community group including:</p> <ul style="list-style-type: none"> • Raymond Terrace • Medowie • Tilligerry • Seaham • Karuah 	9 attendees (13 invites issued)

Phase 3 – Public exhibition (17 June to 15 July 2022)

The draft Communications and Engagement Strategy was placed on public exhibition for 28 days from 17 June 2022 to 15 July 2022 following Council resolution to exhibit on 14 June 2022.

Table 3: Phase 3 Communication methods(2022)

ACTIVITY	DESCRIPTION	REACH
Webpage	Public Exhibition page	119 page visits
Print or online media	<p>Media release</p> <p>16 June 2022, New blueprint for Council's communications and engagement https://www.portstephens.nsw.gov.au/council/news/2022/new-blueprint-for-councils-communications-and-engagement</p> <p>Media related via Media Monitors</p> <p>23 June 2022, Have your say on council strategy, Port Stephens Examiner, print edition https://digital-print-edition.austcommunitymedia.com.au/PSE/2022/06/23/3dissue/index.html</p> <p>27 June 2022, 'Port Stephens Council strategies go on public exhibition', Port Stephens Examiner, online edition https://www.portstephensexaminer.com.au/story/7784689/port-stephens-council-strategies-go-on-public-exhibition/</p> <p>20 June 2022, 'New blueprint for Council's communications and engagement', National Tribune https://www.nationaltribune.com.au/new-blueprint-for-council-s-communications-and-engagement/</p>	25,000 distribution
Social media	Paid and unpaid social media post on 17 June 2022	16,541 reached; 93 likes, comments shares, 897 post clicks
Direct email	Group email sent to community focus group participants	9 emails

ACTIVITY	DESCRIPTION	REACH
Bulk e-newsletters	22 June 2022, Your Port e-edition	2421

Table 4: Phase 3 Engagement methods (2022)

DATE	METHOD	PARTICIPATION
Online Survey Open 17 June – 15 July 2022	Survey via Survey Monkey – ‘Draft Communications and Engagement Strategy Check in’ – designed to check if our proposed direction is heading in the expected direction	40 surveys completed
Individual discussion	Individual follow up phone calls with previous focus group participants – detailed one on one discussions	3
Submissions	Submissions received	9 submissions

Phase 4 – Public exhibition (10 March to 6 April 2025)

The revised Communications and Engagement Strategy was placed on public exhibition for 28 days from 10 March 2025 to 6 April 2025 following Council resolution to exhibit on 25 February 2025.

Table 5: Phase 4 Communication methods (2025)

ACTIVITY	DESCRIPTION	REACH
Webpage	Public Exhibition page	45 page visits
Local media update	Media update, 17 March 2025	19 contacts
	Media update, 31 March 2025	19 contacts
Social media	Social media posts:	
	1 April (Mayor's video)	1691 reach 28 interactions
	5 April 2025 (last chance post)	831 reach 3 interactions
Direct email	Bulk email sent to community groups listing 10 March 2025	276 emails
Bulk e-newsletters	22 June 2022, Your Port e-edition	2421

Table 6: Phase 3 Engagement methods (2025)

DATE	METHOD	PARTICIPATION
Submissions	Submissions received	5 submissions
CEAG meeting	Meeting item: Submissions content discussion with focus on Community Participation Plan – meeting 16 April 2025	16 attendees

Key findings

The total participation across all 4 phases in the development of the Communications and Engagement Strategy, is over 2400 feedback interactions. This figure includes:

- Community Satisfaction Survey responses (2187 responses)
- Meetings with key groups/stakeholders (9 attendees)
- Place and Vision workshops (96 EOIs)
- Community Strategic Plan 'check in' survey (59 responses)
- Draft Communication and Engagement Public Exhibition 'check in' survey (40 responses)
- Draft Communication and Engagement Strategy Public Exhibition (2022) submissions (9 submissions)
- Revised Draft Communication and Engagement Strategy Public Exhibition (2025) (5 submissions)

Phase 1 – Communications and engagement data gathering (2021)

Community Satisfaction Survey

The annual Community Satisfaction Survey from 2021 has regularly included 4 questions which particularly relate to communications and engagement. These questions are:

- a) In the past 12 months have you contacted Council staff for any reason (in person, writing or email, by telephone, text message or social media)? If yes, how satisfied are you with our response including time, manner and answering your enquiry? Please keep in mind we do not mean the actual outcome but rather the customer service that was received.
- b) 'How do you prefer to receive information about Council and what is happening in Port Stephens? (Select all that apply)
- c) 'In the past 12 months, do you feel you have had an opportunity to provide input in Council projects and decision making?'; and
- d) 'What methods did you use to provide input in Council decision making? (Select all that apply)

Questions a) and c) are of particular interest in terms of determining performance trends and also future target/goal setting, while questions b) and d) provide useful data for future communications and engagement activities. Figures 1 and 2 show current performance trends over the past 4 years for questions a) and c). The results of the annual Community Satisfaction Survey for 2022 were not available at the time of writing this report.

Both figures show a decreasing trend over the last three years with a minor decrease in satisfaction with contact with Council and a significant decrease for satisfaction with input into decision making.

Figure 1 – Satisfaction with contact with Council

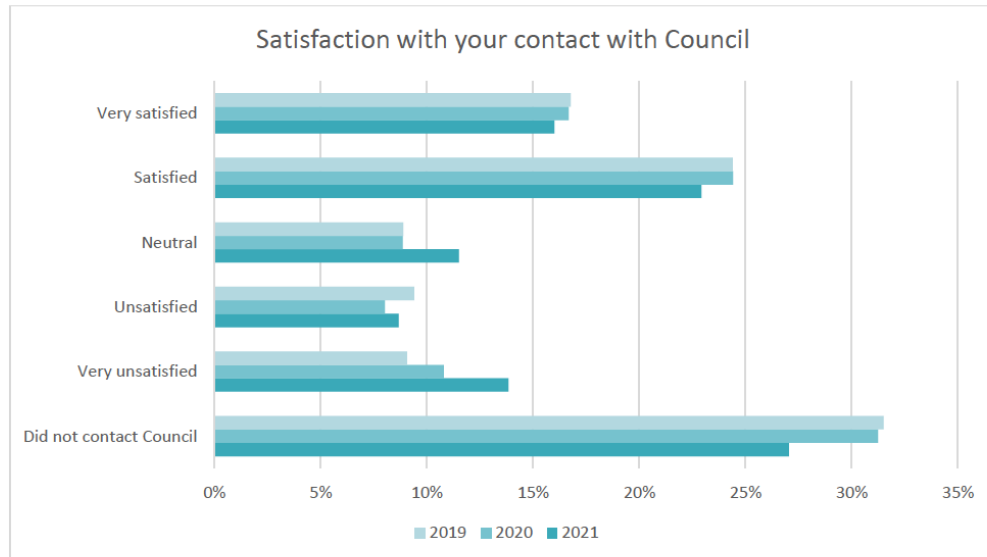
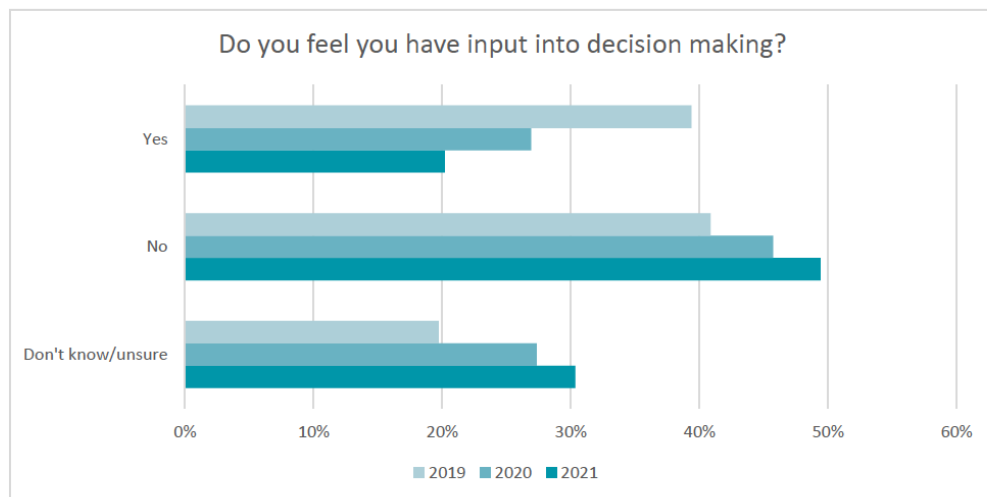


Figure 2 – Input into decision making



Direct stakeholder meetings and correspondence

In October 2021 a direct stakeholder meeting was held with representatives from a range of community groups after correspondence from Econetwork dated 25 August 2021 and phone calls were provided to Council outlining concerns with Councils communications and engagement. The meeting discussed concerns and improvements the attendees would like to see in the future. Correspondence from Econetwork dated 4 November 2021 includes the listing of attendees and community group representation and summarised the meeting. The issues raised at the meeting helped to highlight the need for a review of the communications and engagement strategy and to improve associated processes.

Tomaree Ratepayers and Residents Association (TRRA) also raised a number of issues with council processes in their letter dated 14 July 2022 primarily regarding planning matters but also mentioned the communications and community engagement strategy.

See Appendix A for copies of letters from Eco Network and TRRA.

‘Place and Vision’ Workshops

Four (4) ‘Place and Vision’ online workshops were held across the LGA as part of the review of the Community Strategic Plan. As part of these workshops a number of ‘hot topics’ were investigated including ‘Improving community engagement’. These sessions examined what was the current situation, what success looks like for community engagement and actions participants would like Council or the community to undertake to help us reach a state of success.

Some of the similar comments around the current situation across all workshops were:

- Lack of notice for community engagement opportunities,
- Council wasn’t actually listening to the feedback they gave
- Information was lacking in how their feedback was used in decision making
- Engagement approach was inconsistent
- Lack of clarity around areas of influence
- Council relied too much on digital and online forms of engagement.

Some of the similar comments around ‘What success would look like’ were:

- Broader engagement methods using both online and traditional methods,
- Clear guidance on what can be influenced
- Councillors to be more involved in observing engagement to hear first hand feedback.

- More time allocated for considered feedback
- Community involvement at a strategic stage to understand and assist in the problem solving phase
- More diverse representation of participants

A number of ideas to move Council towards a state of success were suggested including collating feedback opportunities where possible, using community groups to assist in promoting Council information and using SMS to inform of engagement opportunities. All comments from the Place and Vision workshops and are included in Appendix B.

Community Strategic Plan Check in survey

As part of the Community Strategic Plan review a short check in survey was undertaken from 28 February to 14 March 2022. The survey was designed as a milestone point to check in with the community about whether Council were on the right track with the proposed changes to the Community Strategic Plan. The proposed changes relating specifically to communications and community engagement is under the Our Council part of the Community Strategic Plan and this change was articulated in Figure 3 below. Of the 59 responses received 84.8% were supportive or very supportive of the proposed changes.

Figure 3 – Our Council check in question



Comments from this survey specifically relating to communications and community engagement included:

- Little opportunity to find out the result of engagement or what other people thinking and closing the loop needs to be given higher priority
- Ensure the community has access to all the information to make an informed decision
- Use diverse approaches to ensure all voices are heard
- Ensure council decision on issues of community concern support the community's wishes
- Make engagement and outcomes more transparent

Phase 2 – Communications and engagement deep dive Community Focus Group

The Community Focus Group was set up to delve deeper into previously received feedback. Thirteen (13) representatives were invited to participate with 9 representatives attending. The group met over two sessions in a hybrid model both face to face and online to hear about the background for the Strategy, the feedback Council has received to date and to help work on the strategic direction for communication and engagement. This group discussed what Council's approach to a) planning communications and engagement when seeking community input and b) when providing information to the community.

a) Planning communications and engagement

When planning and seeking community feedback, participants identified that Council needs to be:

- clear about where and why they are seeking input
- undertake engagement earlier to ensure improved participation
- create ongoing community conversations rather than project by project engagement
- provide easy and accessible engagement for all people to participate in
- broaden the demographic of who participates
- actually listen when feedback is received

b) Providing information to the community

When providing information to the community, participants suggested Council consider:

- clear messaging
- multiple access points for information
- simple and easy to understand language free from technical jargon
- more lead in time to organised events, programs and engagement opportunities

The group devised a number of actions across themed areas of digital, web and external communications; community engagement; visual communications and media and public relations. These actions have been listed in Appendix C with the aim to improve the way Council engages and communicates with the community.

Phase 3 – Public exhibition (from 17 June to 15 July 2022)

There were three main engagement activities associated with Phase 3 – public exhibition. This included an online survey, call for submissions through the public exhibition process as well as follow up contact with the focus group participants from Phase 2.

Online Survey

The online survey was designed to gather information about people's thoughts about the draft strategy to check if Council had reflected the feedback received to date.

There were 40 survey responses received. Some key results include:

- 79.4% of respondents supportive of the Strategy's principles and vision
- 81.6% of respondents supportive of the key objectives for Strategic Priority 1 – Community Engagement
- 80.6% of respondents were supportive of the key objectives for Strategic Priority 2 – Community Communication
- 22.1% of respondents were supportive of the key objectives for Strategic Priority 3 - Media and Public Relations
- High level of interest expressed by survey respondents in being part of the Community Reference Panel with 42.4% indicating they wanted to be involved and 42.4% interested but would like more information.
- The most popular age bracket for respondees was between 60-69.

Some of the most frequent themes from the comments and suggestions in the survey and the number of times mentioned are summarised in Table 5. For full results see Appendix D.

Table 7: Online survey comment themes

Theme	Number of comments
Improve wording, choice of language, formatting and keep to plain English	29
Improve measuring and reporting to help build trust in Council	39
Improve the method of communication and engagement	33
Ensure inclusion and consider demographics of area	12
Miscellaneous comments (includes non response answers like N/A)	11

Formal submissions 2022

Formal submission for the Strategy were received via email and letter. Nine (9) submissions were received.

From these submissions there was general support for the draft document and Council's approach to date.

The details of the formal submissions have been summarised and included in Table 6. The feedback received expressed similar themes to the online survey responses. Submissions and Council's responses are included in a submission table in Appendix E.

Table 8: Submission comment themes

Theme	Number of comments
Improve wording, choice of language, formatting and keep to plain English	10
Improve measuring and reporting to help build trust in Council	28
Improve the method of communication and engagement	24
Ensure inclusion and consider demographics of area	7

Recommendations from 2022 were:

Based on the community feedback received throughout phases 1-3 it is recommended the following changes be made to the draft Communication and Engagement Strategy (2022-2027).

- Reduce and simplify wording and improve formatting
- Remove numbering of key objectives to reduce confusion around priority
- Update statistics page reflective of new Australian Bureau of Statistics (ABS) data
- Better explain purpose of the document and include a definition for engagement and communications
- Demonstrate a clearer link between the Strategy principles and key objectives.
- Inclusion of information relating to stakeholder groups and barriers to engagement
- Make clearer the key objective about the Community Reference Group and rename to align more with Councils other advisory groups
- Incorporate a key objective to develop a communication engagement process including evaluation process
- Incorporate a summary of the methods used to engage and communicate
- Expand measures of success to enable reporting against Councils Community Strategic Plan and the Strategy's principles and framework
- Minor changes to the Community Participation Plan

Phase 4 – Public exhibition (from 10 March to 6 April 2025)

Formal submission for the draft strategy were received via email. Five (5) submissions were received.

The details of the formal submissions are included as a submission table in Appendix F.

Table 9: Submission comment themes

Theme	Number of comments
Improve wording, choice of language, formatting and keep to plain English	1
Suggest considerable changes to the Community Participation Plan to improve community consultation opportunities in the process of planning proposals or rezonings specifically	3
Improve equity and access – draft document was not available for the 'listen option'	1

The content of the above submissions were discussed with the Communication and Engagement Advisory Group (CEAG) on 16 April 2025. The action from this meeting was to incorporate submission feedback and CEAG suggestions where possible into changes of the draft strategy with particular focus on improving the draft Community Participation Plan to clearly articulate the community consultation opportunities during the planning proposal or rezoning process specifically.

Recommendations from 2025 were:

Based on the submissions received through phase 4 it is recommended that the following changes be made to the draft Communication and Engagement Strategy (2024-2028).

- Minor wording and formatting changes including specifically expansion of abbreviations where possible
- Update the Community Participation Plan to better articulate the opportunities for community input
- Process improvement to include specific link on the have your say website page to items on public exhibition and investigation into improving the listen option for pdf items.

Appendix A: Key correspondence



econetwork
port stephens

PO Box 97,
Nelson Bay NSW 2315

25 August 2021

To: Mayor and General Manager

At a Workshop of more than 30 EcoNetwork affiliate groups and other members on 19 June 2021, one of the common problems raised was lack of transparency and inadequate public consultation by Port Stephens Council, particularly in relation to planning matters and public works.

Proper community consultation is hard. We know it is frustrating for Council when community groups raise concerns late in the planning process, often when it is too late to make changes, but this often reflects a failure of earlier communication. We accept that groups will often not get the result they want – Council rightly has to take into account a range of inputs.

But there is widespread feeling, based on experience, that Council is not genuine in its declared commitment to community engagement. Community organisations regularly experience unhelpful secrecy, frustration in obtaining information, and flawed Council consultation processes. Too often, Council expends significant resources on just telling the community what it has already decided to do rather than genuinely explaining options, gathering input and listening to community viewpoints.

Amongst the improvements we would all like to see are:

- Direct email notification to established community groups of matters affecting their locality
- Restoration of advertising of significant DAs and other matters in local papers
- Longer periods to digest and respond to documents – including Council agendas
- Documents left on the DA Tracker indefinitely – as many Councils do
- Less unnecessary redaction of plans and business contact details
- Better facilities for inspection of documents in the Council Chambers and at Libraries
- Better discretionary consultation on Council public works

Other planning related changes required are:

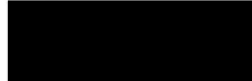
- Proper sequence of local master planning before approval of individual DAs and Council works that pre-empt such plans
- Tougher criteria for accepting significant applications of the LEP variation clause 4.6 in respect of building heights and other standards
- Insistence on ecological surveys and other reports being up to date
- Greater weight given to maintaining the character and ambience of localities
- More pro-active monitoring of compliance and strong enforcement of conditions

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On behalf of our members and affiliated groups, we request a meeting with you and senior Council officers as soon as practicable to discuss these issues.

We look forward to hearing from you.



President, Econetwork Port Stephens

Please reply to:
president@econetworkps.org
phone 0434 411 354

EcoNetwork Affiliates: (Those present at June 2021 meeting in bold)

Businesses: Destination Port Stephens • Imagine Cruises • Irukandji Shark & Ray Encounters • Salamander Recycling • **Community groups:** Boomerang Park Preservation Group • Climate Action Port Stephens • Friends of Tomaree National Park • Hunter Valley Botanic Gardens • Mambo Wanda Wetlands Reserves & Landcare Committee • Mambo-Wanda Wetlands Conservation Group • Myall Koala & Environmental Support Group Inc. • National Parks Association (Hunter) • North Arm Cove Residents Assoc. Inc. • Ocean and Coasts Community Initiative (O.C.C.I.) • Pindimar Bundabah Community Association • Plastic Free Port Stephens • Port Stephens Marine Parks Association • Port Stephens Native Flora Gardens • Shoal Bay Community Association Inc. • Soldiers Point Community Group • Soldiers Point-Salamander Bay Tidy Towns Inc • South Tomaree Community Association Inc • Tilligerry Habitat Association Inc. • Tomaree Birdwatchers • Tomaree Community Garden • Tomaree Museum Association • Tomaree Ratepayers & Residents Association Inc • Voice of Wallalong, Woodville & surrounds, (VOWW)

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econetwork
port stephens

PO Box 97,
Nelson Bay NSW 2315

04 November 2021

Council Community Engagement

This letter follows a useful initial meeting, by Zoom, on 26 October, and includes our summary of that meeting together with a promised agenda for a second meeting

Summary of first meeting, 26 October 2021, by Zoom

Council: Steve Peart (SP), Group Manager, Development Services; Elizabeth Ackerman, Team Leader, Communications & Customer Experience

Iain Watt, EcoNetwork & Marine Parks Association (MPA), Andrew Steel, EcoNetwork and Soldiers Point Community Group (SPCG), Margarete Ritchie, Voices of Wallalong and Woodford (VOWW), Ben van de Wijngaart, Tomaree Ratepayers and Residents Association (TRRA), Geoff Washington, TRRA and Tomaree Headland Heritage Group (THHG), Kathy Brown (EcoNetwork and Mambo groups), Nigel Waters (TRRA & EcoNetwork)

Our position

We welcomed Council's interim reply 2 September and the online meeting which made some good progress including on some specific issues (see below). Council agreed to a further meeting to continue working through the remaining issues.

We reminded Council of the combined membership of our groups (see above) and our reach' via email lists, websites and social media – e.g. Tomaree Voice FB reach typically in hundreds and max of 8,000+ for a recent post on a Nelson Bay DA, and a recent EcoNetwork post reaching 3,900.

We explained our starting point: '.... widespread feeling, based on experience, that Council is not genuine in its declared commitment to community engagement. Community organisations regularly experience unhelpful secrecy, frustration in obtaining information, and flawed Council consultation processes. Too often, Council expends significant resources on just telling the community what it has already decided to do rather than genuinely explaining options, gathering input and listening to community viewpoints.'

Also significant professional and other expertise in the community which we feel Council is not respecting or taking advantage of.

We noted the recent findings of Council's annual Community satisfaction survey: Overall satisfaction down significantly (12%) in latest survey inc. only 69% satisfied with contact with

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Council (only 53% if exclude 'neutral'). Perception of opportunity for input to Council also well down – almost halved since 2019 to 20%

We noted some good examples of consultation observed – inc. Waste Management and Coastal Management (good), NB Smart Parking and Place Planning (mixed - some good aspects but still problems overall)

We recognise that some matters will need decisions by the new Council, but consider it important to get all issues on the table, and make as much progress as possible on those matters within the discretion of Council staff.

Council's position

SP acknowledged some past and present difficulties and explained Council is committed to improvements. Organisational structure has been modified, Council is working to meet various community engagement standards, and has some practical changes in hand e.g. website re-design.

In important context discussion on overall population/housing targets (carrying capacity), SP explained that Council seeks a balance between different visions, and strategic objectives are ultimately set by elected Council. Current Council has favoured growth and development.

SP made the point that Council will not always be able to satisfy community – we all accepted that – overall issue is whether we feel we are listened to and heard, and that Council responds fairly.

Specific issues and suggested improvements – agenda for further meetings

- Direct email notification to established community groups of matters affecting their locality **(26/10 reference to Camden Council practice)**
- Restoration of advertising of significant DAs and other matters in local papers **(Some discussion 26/10)**
- Longer periods to digest and respond to documents – including Council agendas (goes to issue of meeting cycle – for next Council to review)
- Documents left on the DA Tracker indefinitely – as many Councils do (Council seeking advice). (In light of discussion of resource constraints, could consider criteria for leaving documents online e.g. 'significant' DAs)
- Less unnecessary redaction of plans and business contact details (Council seeking advice)
- Better facilities for inspection of documents in the Council Chambers (inc. free-standing terminals for self-help) and at Libraries (and staff training to assist but only when requested)
- More user-friendly website **(Discussion on 26/10 - problems acknowledged and re-design in hand – will engage in user testing. – check out Eurobodalla Shire site)**
- Better discretionary consultation on Council public works (e.g. amenities, tree removal)
- Format of consultation meetings – town-hall style vs 'drop-in' with one on one

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- Note taking at consultation meetings – need records + better feedback on reasons for decisions following consultation.
- User friendly versions of documents – more and more Council reports/strategies etc are very 'glossy' - image heavy, large files, expensive to print etc.
- Recording of all Council votes (matter for review by new Council)
- Webcast to include 'Public Access' **(Some discussion on 26/10)**
- Maintain ability for questions in Public Access **(Some discussion 26/10 - Council reviewing)**

Other planning related changes required are:

- Proper sequence of local master planning before approval of individual DAs and Council works that pre-empt such plans
- Better timing of infrastructure (e.g. road & path improvements etc. ahead of development)
- Tougher criteria for accepting significant applications of the LEP variation clause 4.6 in respect of building heights and other standards (+ clear public notice where a DA includes a variation request) **(Some discussion on 26/10)**
- Easier 'call-up' path + more referrals at discretion of Council staff, for clearly significant or controversial DAs
- Insistence on ecological surveys and other reports being up to date (e.g. traffic reports)
- Greater weight given to maintaining the character and ambience of localities (action not words)
- Requiring applicants with significant DAs to do better visual impact reports, inc. photomontages from a wider range of perspectives/views
- Council use of 3D modelling for both strategic planning and development assessment (what became of the Nelson Bay Centre imaging on trial in 2018?)
- More pro-active monitoring of compliance and strong enforcement of conditions **(Some discussion on 26/10 – SP admitted this is challenging for Council)**
- Failure to address specific compliance issues raised with Council (or delays) **(Some discussion on 26/10)**
- More community education on how the planning process works – flowcharts, and possible workshop

We note that TRRA and EcoNetwork sent a joint letter to Council dated 22 September about tree management issues, requesting separate consultation. This included three case studies of tree removal on public land. Another major case study has recently been drawn to Council's attention. TRRA and EcoNetwork look forward to a reply to that letter.



President EcoNetwork Port Stephens

Ph 0434 411 354

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14 July 2022

The General Manager
Port Stephens Council

council@portstephens.nsw.gov.au

PSC Planning Matters to be reported to Council Policy

File number PSC2013-00406

Proposed changes

We welcome the minor changes proposed to the 2020 version of the Policy, as set out in the staff report (p118 of the 14 June Council agenda papers) and shown highlighted in yellow in the Attachment (pp 121-128). The changes now also include amendments to the 'call-up' provisions resulting from a separate Council resolution on 28 June. We do however have several proposed additional changes, and editing and formatting suggestions to clarify the Policy – as set out below.

Wider context – transparency and accountability of planning matters

This Policy addresses a very specific and narrow aspect of transparency – reporting to Councillors.

We note that this ***Planning matters to be reported to Council Policy***, as well as the recently revised ***Rezoning Request Policy***, relates directly to the ***Community Participation Plan (CPP)*** required under the EPA Act and currently on public exhibition as an Attachment to the ***Draft Port Stephens Communication and Engagement Strategy***. The CPP deals with how DAs and Planning Proposals are made public, but this cannot and should not be separated from the communication of DAs and Planning Proposals to Councillors which is addressed in this Policy.

It is clearly in the public interest for transparency and accountability (to which Council is committed) for the relevant provisions in all three documents to be consistent and as closely aligned as possible.

For example, we can see no good reason why the reports to Councillors on DAs and Planning Proposals included in the PS Newsletter (clauses 5.1(b) and 5.2(a)) cannot be made public. While DAs and Planning Proposals can be found by the public and Councillors on Councils' DA Tracker and the State Government Planning Portal, it is



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not easy to locate items in Port Stephens of interest. If the reports are a useful shortcut for Councillors, why the community should also get the benefit – there would be no additional cost or effort. **We submit that reports to Councillors on DAs and Planning Proposals included in the PS Newsletter also be made public.**

This wider issue has also been raised in the context of advertising of DAs and other matters in local newspapers – most recently in a Notice of Motion at the 22 February 2022 Council meeting. We note that the Information Paper on Council Resolutions for the 14 June Council meeting flags a report to Council on this matter in August.

There are also two outstanding Council Resolutions from the 13 July 2021 meeting relating to Publication of DA information and submissions. The same Information Paper for the 14 June 2022 meeting notes that a discussion with Councillors on these matters is scheduled for 19 July 2022.

Because these closely related matters are outstanding, **we submit that Council should revisit the all the relevant policies and documents as a 'package' later in 2022.** It may be that a simplified overall policy relating to transparency and accountability of planning matters could be developed to replace and consolidate the various overlapping provisions, which are confusing to all interested parties.

We will be suggesting in our submission on the **Draft Port Stephens Communication and Engagement Strategy** that the CPP references the other two Council Policies, including this one. **We submit that, similarly, this Policy should reference the CPP.**

'Call-up' of planning matters

We note that the provisions in this Policy relating to 'call-up' of a matter to Council (= withdrawal of delegated authority) overlaps with provisions in the **Port Stephens Council Code of Meeting Practice**. Amendments made to the Code of Meeting Practice at the 28 June Council meeting changed the number of Councillors required for a 'call-up' from 3 to 2. The amended draft Code is on exhibition until 15 August. We note that this change has been carried over into this Policy since the version with the 3 councillors was approved for exhibition on 14 June (Clauses 3.3, 3.4, 5.1(c) and 5.2(b)). The change to the Code from 3 to 2 Councillors was supported by several Community Groups including TRRA, and Councillors unanimously approved the change on 28 June – consistent with this **we support the change to this Policy as well.**

We submit that there needs to be a related change. If one Councillor withdraws their support (as envisaged by Cluse 3.4 and as has happened) there appears to be no mechanism for interested parties (or even the other Councillor?) to be informed so that a replacement 'sponsor' can be found. **We submit that this Policy include a requirement for at least all Councillors sponsoring a 'call-up' to be informed of any withdrawal of support.**



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We also submit that a field should be included in Council's DA Tracker to inform the public of the status of a DA with respect to delegated authority, with similar transparency for the status of Planning Proposals. Where Council staff have used their discretion to bring a matter to Council, or where Councillors have 'called up' a matter, this needs to be obvious to the public. This would avoid unnecessary lobbying by interested parties to have a matter 'called up' when it will already be coming to Council for Determination.

Variations – exceptions to development standards

The intention of Clause 5.1(h) is to require DAs which seek to vary a development standard by greater than 10% to be reported to Council for determination. We submit that this should be the criterion in the clause rather than it including the preamble that the DA includes a 'Request to vary...'. While DAs that seek to vary should (and usually do) include a specific request, the 'trigger' for reporting should apply whether or not the applicant has expressly requested a variation. Whether a variation is or is not greater than 10% is sometimes contentious, and the applicant may assert that it is less and therefore not submit a Request under Clause 4.6 of the LEP. Council staff must be required to independently assess whether a DA includes a variation to one or more development standards and if so whether it crosses the 10% threshold. **We submit that the criterion for reporting under clause 5.1(h) be changed to 'DAs which seek to vary a development standard by more than 10%'**

We note that this issue is not clearly dealt with in Council's *Exceptions to Development Standards Policy* – Clause 5.4.4 of that Policy appears to leave the judgement in the hands of the applicant. This should be corrected.

The *Planning matters to be reported to Council Policy* should also make it clear whether 'Development Standard' for the purposes of Clause 5.1(h) includes both *Local Environmental Plan (LEP)* standards such as height limits and floor space ratios and *Development Control Plan (DCP)* standards such as setbacks or site coverage. According to the definition of 'Development Standard' in the *Environmental Planning and Assessment Act 1979 (EPA Act)*, this will hinge on whether Council's DCP is an 'environmental planning instrument'. This needs to be made clear, and even if it is not officially an EPI, **we submit that Council should ensure that both Policies do apply to DCP standards.**

If the *Exceptions ... Policy* can ensure that it applies to DCP standards such as setbacks, then we submit that this *Planning matters... Policy* should address the increasingly common situation where a DA 'pushes the boundaries' (sometimes literally) with requests for multiple variations – e.g. of height and setbacks. While no one variation may exceed 10%, the overall effect may be to significantly increase the scale, bulk and impact of a building. **We submit that there should be an additional criterion for reporting a DA to Council, along the lines of: 'where either the planners or objectors raise legitimate concerns about the cumulative impact of multiple variations, even where they are individually less than 10%'**



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Reporting of DAs and modifications on public land

We submit that 5.1(d) should apply to crown land managed by Council as well as to Council owned land, and that the \$250,000 dollar threshold is too high – works costing much less than this on public land could be of great public interest. We submit that a threshold of \$100,000 would be more appropriate.

In 5.1(e) we cannot see any justification for the exclusion of ‘...amenity buildings and structures such as; toilet facilities, playgrounds, small refreshment kiosks and the like.’ These amenities are almost always of great public interest – as evidenced by recent controversies over the design of replacement amenities buildings in several locations in the Tomaree peninsula. We submit that the exception be removed so that all such DAs and s.4.55 modifications on ‘Community land’ are reported to Council for determination.

The net effect of the changes we propose to 5.1(d) and (e) is that a single clause would suffice. **We submit that clauses 5.1(d) and (e) be replaced by a single clause, requiring reporting to Council for all DAs and s.4.55 modifications with a cost of works of more than \$100,000 on Council owned or managed land, whether classified as Community or Operational.**

Reporting of modification applications

Clauses 5.1 (f) and (g) appear to overlap and their relationship should be clarified. We are aware that sub-clause (g) has been changed pursuant to a Notice of Motion at the 22 February 2022 Council meeting but we submit that sub-clause (g) may not be necessary. Surely any ‘condition moved on the floor of Council and approved by the Council’ would have been in the context of an ‘original DA ... determined by Council’. If so, then sub-clause (g) would seem to be redundant – sub-clause (f) would ensure that any such application would be ‘reported to the Council for determination’ (the intended outcome of both sub-clauses)?

We submit that the easiest way to clarify this is to modify 5.1(f) to read ‘Section 4.55 (1A) & (2) ...’ and to delete (g).

We have no objection to this submission being published, in full and unredacted.

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Appendix B: Place and Vision workshop

Place and Vision workshop topic: Improving Community Engagement

Verbatim comments recorded

What's the situation?

- Unsure of whether things are being taken notice such as development issues and building height
- Staff are open to having discussions – individual led
- Why have decisions been made is not clear
- Don't always know about opportunities
- Don't share the wins together
- Find out through Councils website – have to go looking for opportunities
- Wide spread feeling that we aren't listening with some exceptions
- Tell what we are going to do dressed up as consultation
- Website is difficult to navigate
- Noted responses aren't good enough and direction to policy
- Where can influence and not influence isn't clear
- Communicate what we are doing and why and what we have done when a project is finished – closing the loop
- Context isn't necessarily there as to why an amount of work or a decision is required
- Ongoing conversation rather than a dip in and out
- No response to correspondence
- Left hand and right hand don't know what is happening
- Sports Council
- Not consistent in approach
- Not talking to the right people
- Lack of transparency
- More opportunity in the last few years to engage and more opportunities to provide feedback
- Digital opportunities mainly and could be more non digital opportunities – return to face to face
- Used to have community forums and need to get back to this
- Contact with council via switch board and this is useful
- Councillors not running up for meetings with Committees of Council – also fewer Councillors per ward
- More people need to contact Council and may not know about this
- Online opportunities, PS Today
- More personal and face to face methods need to be included
- Consideration of methods for older persons
- Digital DAs are inaccessible
- Feel as though decision is already decide/ predetermined before community engagement – feel like it's a tick box at times
- Sporadic – might hear about something already gone – a regular thing and method, broadened methods

- Timing for engagement isn't always appropriate -
- Numbers don't seem to be high
- Hear about engagement opportunities afterwards
- Don't close the loop with participants and how things are decided
- Run evening public meetings in halls

What does success look like?

- Rationale as to why things are happening or a decision was made – education of the context
- Not only online methods or social media – look at non digital methods also
- More community invited to the table at the strategic stage to understand the why and at the problem solving stage
- Understanding what is negotiable and not negotiable
- Diversity at the table
- Not necessarily the outcome that we always want but we need to feel that we have been listened to
- Responses provided to correspondence for ideas etc.
- Consider a sports council model for other areas
- A consistent approach for all engagement across Council
- Talking to the right people - shopkeepers example
- Broader methods used for engagement that are both not online and online for all engagements
- More opportunities for engagement e.g. twice a year to comment on Council businesses
- Be clear about what can influence and why
- Councillors to be more involved in observing engagement
- Variety of times for engagement
- Variety of method used for engagement
- Close the loop with participants/engagement
- Not a reliance on technology – post office windows, examiner notices, newsagent, Kooindah Centre, Letter box drop or similar for larger projects, regular town meeting every 3 months to discuss key projects and issues.
- Have time to think about information and form opinions rather than on the spot feedback

Some community ideas

- Ideas box section on the website – could be a forum for discussion also
- Continuation of these types of forum
- Consultations on site where the project is located
- Linking in with existing committees for promotion of opportunities
- Key community champions
- Electronic newsletter and combining feedback opportunities through this
- Engagement reports and numbers for and against provided openly to the community – transparency
- Easy where to find DAs
- Need to refer back to DAs and things fall off the DA Tracker – works often happen later/late years
- Improved access for DA exhibition – especially important ones
- Able to review DAs without a council member standing over shoulder

- Community to promote Council information and projects for the area on local FB pages if Council is able to build a relationship with the key stakeholders
- Reinstate the DA Notices in the Examiner (supporting local business)
 - Divided on the funds
- Adding more comment options for surveys to enable more voice to be provided
- Regular Town Meeting every 3 months
- Coordinate Council and State Government surveys where possible
- Create more ongoing consultations/communication/ updates rather than dip in and out consultation
- More letter box drops for larger projects
- SMS service provider to notify of engagement opportunity
- Visuals for projects needs to be more descriptive
- Information about engagement opportunities in local coffee shops
- VMO boards at aquatic centres for information on screens – key messages/electronic noticeboard
- Participants details collected to inform engagement outcomes via SMS

Appendix C: Focus group comments

Communications & Engagement Strategy - Community Focus Group workshop

Verbatim comments recorded

Digital Communications (social media)

- Mixed blessing - very easy to get it wrong
- Lots of people backing out of social media – negative perception
- Red flags on social media in areas – maybe yoga classes instead
- Reactionary response to the red flags – need wellbeing response (all over the LGA)

Website Communications

- Engagement hub n website for DA's Public exhibitions, open engagements
- Easier to find things on the website
- Planning hub on website for all planning information and Das
- Centralised, accessible Information
- DA subscription service for direct email of new DAs
- Links to legislation (for example) that may impact the outcome
- Ideas box on the website for community ideas and suggestions
- Search function not working well enough
- Info/tutorial on key words to use to activate search
- Website has interactive map with information and plans for individual parks and public spaces

External communications (newsletter, emails, poster, letter, signage, etc)

- Create more ongoing communication to tell the story and connect the dots
- SMS service provider to notify about engagement or council information
- Quarterly newsletter to letterboxes - more specific information
- Council facilitated community noticeboards, particularly villages
- Use action groups as an interface between Council and the community
- Use advertisement in local paper mire - All info
- Have your say email incorporated into newspaper adverts
- Be clear and specific in details of projects, especially the location eg "drainage at Marine Drive" not "improving drainage on Tilligerry foreshore"

Community Engagement

- Mix of online and non digital methods
- Able to view DAs at Council without staff member looking over shoulder
- Go to the local community groups and connections for engagement
- More community invited at the table at strategic stage

- More Councillor involvement in observing engagement
- Social pinpoint – like or dislike – don't like it (turns people off)
- Diversity of demographics at the table
- Regular town meetings every 3 months – face to face
- Newcastle Radio station advertising (e.g. Triple M, 2NURFM), ABC Newcastle
- Key community champions
- Coordinate Council and State Government surveys
- Going to sports club/fitness classes – go to where the people are not just the usual suspects
- Engagement hub on new website – DA's, Public Exec; open engagements; fun engagements such as photo or art competitions
- Variety of times for engagement
- Option for calling for telephone survey
- Make it clear if a project is a realistic one. State if it's already funded or an unfunded but planned project
- Close the loop and report back to community
- Getting information out earlier
- Distributing engagement questions/agenda in advance so community members can prepare
- More publication of issues in front of Council
- Timetable of surveys listed on website
- Presenting the community with feedback gained from consultation
- More visibility of Councillors – appointment time?? Confidential and polite.
- What's on for community engagement
- Koala sightings and DA Planning notifications – email not from Council
- Outlining what communities were engaged in closing the loop
- Community days, less structured
- Locality staff champion ie., engineer
- Overkill with key stakeholders not wider community – not a true representation
- Find other ways to connect with people
- Avoid any surprises in Council meeting agendas that are different to community expectations after engagement and feedback

Appendix D: Social media data

Posted on 17 June 2022

Have your say on our draft Communications and Engagement Strategy!

Port Stephens Council's newly developed draft Communication and Engagement Strategy is on public exhibition for community feedback following this week's Council meeting.

The Strategy reflects Council's commitment to inform and improve community awareness of programs, activities and services. More importantly, it shows Council's commitment to listen to the community and use their ideas to help shape the future direction of Port Stephens.

Highlights of the Communication & Engagement Strategy 2022-2027 include:

- Ensuring diverse engagement opportunities enabling time for considered thought and contribution.
- Community input into design of engagement planning.
- Continued investment in the growth and improvement of Council's website.
- Building on the use of social media.
- Maximising use of livestreaming and video.

Council want to check in with the community to make sure feedback has been understood and the proposed direction aligns with community expectations.

The documents are currently on exhibition through to 5pm on 15 July 2022. We encourage you to share your thoughts on the draft Communication & Engagement Strategy and complete the online survey: pscouncil.info/public-exhibitions



Performance for your post

16541 People reached

93 Likes, comments and shares

897 Post clicks

0

Photo views

391

Link clicks

506

Other Clicks

Distribution summary

-3.4x lower than your other posts within 21+ days of being published.

↓ 3.4x less

↑ 3.5x more

↑ 1.0x more

Post impressions

Post clicks

Reactions

[View More Details](#)

NEGATIVE FEEDBACK

0 Hide all posts

0 Hide post

0 Report as spam

0 Unlike Page

93 Likes, comments and shares

BRANDED CONTENT DISTRIBUTION

[View Breakdown](#)

16541

Total reach

2193

Organic reach

15238

Paid reach

92433

Total impressions

2365

Organic impressions

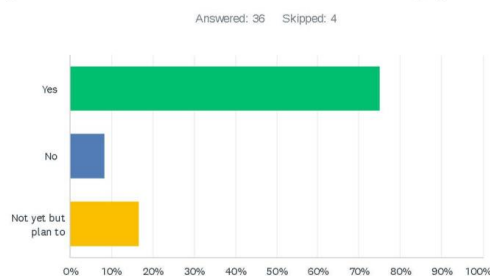
90068

Paid impressions

Appendix E: Survey results

Draft Communications and Engagement Strategy Check in survey

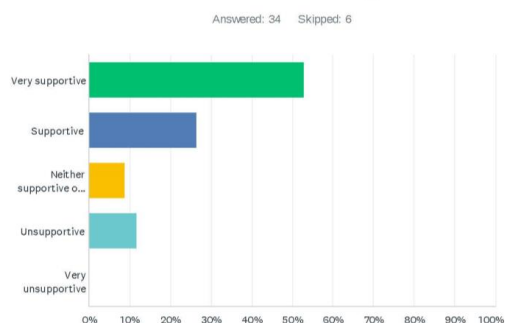
Q1 Have you read the draft Communications and Engagement strategy?



ANSWER CHOICES	RESPONSES
Yes	75.00% 27
No	8.33% 3
Not yet but plan to	16.67% 6
Total Respondents: 36	

Q2 What is your level of support for the overarching Communications and Engagement Principles listed in the draft strategy:

1. We deliver relevant, timely and easy to understand information
2. We're honest and transparent
3. We're inclusive and encourage a diversity of voices to be heard
4. We listen, value and respect community input and feedback
5. We embrace innovation and encourage new ideas



ANSWER CHOICES	RESPONSES
Very supportive	52.94% 18
Supportive	26.47% 9
Neither supportive or unsupportive/neutral	8.82% 3
Unsupportive	11.76% 4
Very unsupportive	0.00% 0
TOTAL	34

Q3 Do you think there is anything is missing from the overarching principles?

Answered: 21 Skipped: 19

Comment	Comment code
PSC speak the words but do not activate what they say	2
Big on aspiration but very light on measureables. A strategy is only as sound as the way and degree to which its outcomes are measured. It reads more like a Mayor/ Councillor re-election document. Nothing to really disagree with, but as always, who will hold Council to account??	2
A guarantee that concerns will be heard and action taken for issues that have been consistently neglected by council leading to increasing reduced access, participation and opportunities for many in the community. E.g. public transport continues to be abysmal despite years of discussion and empty promises.	2
Your use of language in this survey is poor. By 'level of support' do you mean 'do I believe that you deliver on these principals?'. I support the spirit of the principals however I do not believe that you deliver.	1, 2
Transparency on the council's capacity and capability to deliver on these principles. Sharing clear simply written information of: Why are these principles valued, the purpose What facts do we know of achievement / progress of living these principles Who is going to uphold these principles How will this happen (the process) & when? It appears there is a lot missing from this report lots of language without a cut through of "clear is kind" it appears as well written marketing, rather than a Clear is Kind "down to earth" approach which resonates with the Truth. It's too fluffy and too wordy. Needs a simple frame work with real stores to bring this to life. Excessive amount of action items. Did council achieve all the previous periods objectives? If yes A let's celebrate that, if not yet, let's find out why and reduce the items to the vital few & communicate those with bold simplicity.	1, 2
Its a little hard to disagree with the survey questions.	1
Accessibility for those with disability	4
I don't think you aim to communicate with the communities enough. The place planning workshops may do this but we are not part of the process and I am wondering if this process will even reach us. The greatest role of council is to get the community on the same page with clear shared expectations of their future.	3
No. Feels like the principles cover everything that's needed. Would like to see them have their own page at the beginning of the document. Then the detail in the rest of the Strategy organised to show a clear link to each principle.	5
Only the drive to ensure the 5 statements are honoured.	2

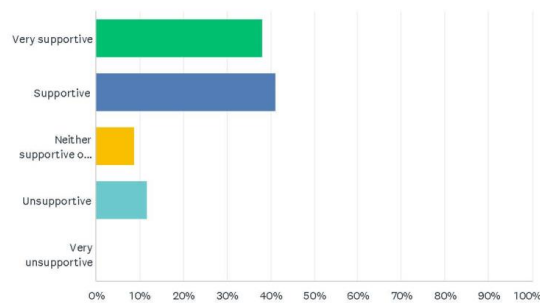
Comment	Comment code
Not just respecting but evaluating community input for relevance and guidance in developing strategies	3
There is nothing to say you actually have to work with that feedback... Just that you have to listen to it and then do what you want.	2
They are just words really that lots but not real ability to be held accountable too or guide decision making	2
1. We deliver relevant, timely ... information which is publicly available and easily accessible to all 4. We listen, value, respect and act upon ... 5. We embrace innovation, encourage new ideas and implement them to better serve our community	4
We will highlight incidences where community feedback has been incorporated in a way that can be easily seen. Vision statements and websites extolling the virtues of the plan are not enough. Words are cheap.	2
Acknowledging it's an older population and many aren't online. Would be good for community displays in council buildings eg. Libraries, community centres and other facilities.	3

Key themes from Question 3*				
Code 1 + 5	Code 2	Code 3	Code 4	Code 6
Improve wording, choice of language, formatting and keep to plain English	Improve measuring and reporting to help build trust in Council	Improve the method of communication and engagement	Ensure inclusion and consider demographics of area	Miscellaneous comments (includes non response answers like N/A)
10	4	6	3	1

* comments can include more than 1 theme

Q4 Our vision for communications and community engagement is "We actively communicate and engage in a way that tells our stories, listens to our community, informs our future, and improves the wellbeing of those that live, work and holiday in Port Stephens". How supportive are you of this statement?

Answered: 34 Skipped: 6



ANSWER CHOICES	RESPONSES	
Very supportive	38.24%	13
Supportive	41.18%	14
Neither supportive or unsupportive/neutral	8.82%	3
Unsupportive	11.76%	4
Very unsupportive	0.00%	0
TOTAL		34

Q5 Do you think anything is missing from the visioning statement?

Answered: 23 Skipped: 17

Comment	Comment code
Again the words are good but will the actions follow through	2
How are you proposing to implement these Motherhood statements?	2
I hope to see more evidence of this: "Close the loop, connecting feedback with decisions".	2
No	6
As above. A guarantee issues affecting all levels of community will be actioned, not just those favouring local business and economy and those who are privileged.	2
On point! Four key themes here, they could be the framework for all comms.	1
no	6
Perhaps "and improves quality of life and wellbeing...." Maybe "shares our stories" rather than "tells our stories".	1

ITEM 5 - ATTACHMENT 4 COMMUNICATION AND ENGAGEMENT REPORT.

Comment	Comment code
I am always hoping to see residents needs prioritised and separated from the needs of tourists.	4
the last phrase is not needed in a communications & engagement statement. This maybe is included in the Vision statement for the Council in general. Communications & engagement are about just that not about wellbeing. don't overwork the vision statement - keep it simple and then it will COMMUNICATE it's intent and not get lost	1
It says nothing about working with the communities. I find I occasionally strike clarity by catching the right staff person at the right time and sometimes this leads somewhere but the rest of time I am clutching at straws. It is very hard to get info,	3
"Holiday" could be better expressed as "visit" to cover more reasons for people to be in Port Stephens	1
No	6
listening and communicating	6
Actual implementation by Council officers.	2
The fundamentals of the vision is to have a comms strategy that aligns with the most effective ways community will contribute to inclusive engagement	4
We don't need to be a UN 'smart city' gulag slave community. Carbon is not a pollutant, lithium and cobalt are, so are dead wind mills and solar panels.	6
Nothing about growth. Nothing about maintenance. Nothing about listening to all of the region (not just Nelson Bay)	4
Young people under the age of 40	4
Far too long winded for a vision statement and too complex	1
Frequently engage through multiple easily accessible channels	3
One can write as many statements as one wishes, it's in the implementation and evidence that we gain confidence.	2
I think it's a very encompassing statement	1

Key themes from Question 5*				
Code 1 + 5	Code 2	Code 3	Code 4	Code 6
Improve wording, choice of language, formatting and keep to plain English	Improve measuring and reporting to help build trust in Council	Improve the method of communication and engagement	Ensure inclusion and consider demographics of area	Miscellaneous comments (includes non response answers like N/A)
6	6	2	4	5

* comments can include more than 1 theme

Strategic Priority 1 – Community Engagement

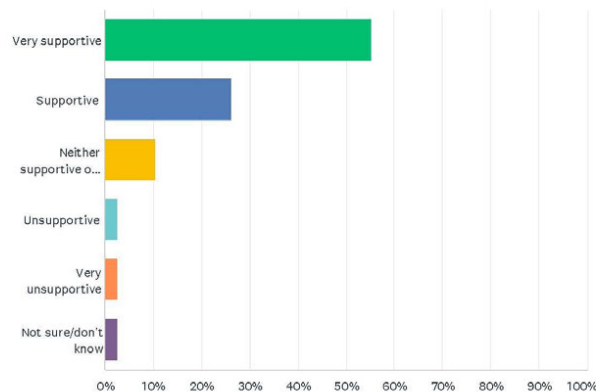
Council is aiming to plan and deliver meaningful engagement that enables community participation and builds trust in Council decision making.

There are 10 key objectives to assist in achieving this:

1. Embed the principles of the International Association Public Participation into the organisational culture
2. Implement a community reference group to provide input into the design of engagement strategies for major projects
3. Increase opportunities for the community to engage informally with Councillors and Executive
4. Design engagement opportunities that enable time for considered thought and contribution
5. Ensure engagement opportunities consider place, diversity and accessibility
6. Use technology to increase participation and increase the diversity of voice and opinion in engagement activities
7. Build on the use of social media as a tool for engagement and feedback
8. Report internally and externally on engagement outcomes, connecting community consultation and decision making
9. Improve stakeholder information management to ensure equitable representation across the community
10. Deliver Councils Community Participation Plan (Environmental Planning and Assessment Act 1979)

Q6 How supportive are you of these ten objectives?

Answered: 38 Skipped: 2



ANSWER CHOICES	RESPONSES	
Very supportive	55.26%	21
Supportive	26.32%	10
Neither supportive or unsupportive/neutral	10.53%	4
Unsupportive	2.63%	1
Very unsupportive	2.63%	1
Not sure/don't know	2.63%	1
TOTAL		38

Q7 Do you have any other suggestions?

Answered: 22 Skipped: 18

Comment	Comment code
Most people find the Council language hard to grasp it is designed to confuse residents. Reports need to be simple and easy to follow	1
How will their implementation be measured??	2
This survey should reference page numbers in your document for ease of reference during survey completion. (What's IAPP? should you speak of the cultural change priorities instead?) I want more evidence of this from p7 in Council decision-making: "We'll implement what you decide. "	1, 2
Yes, make more use of The Examiner ...	3
I am 100% for it if it's actually implemented and not more tokenism.	2
Again, the alignment of these elements to the initiatives is overly complex. We could be reading these from a document written last week or 10 years ago. There is a lack of accountability, stating exactly why, what, who, who which leads to dis-trust that the whole document and strategy is simply fluffy words. There is also no priority for what is most important. Which seems glaringly obvious that what is vital is "increase in communication & community engagement" what is being done differently because 2.5% increase is not enough when engagement at 50%.	2, 3
No.	6
Simplify documents, use easy to understand language. Make website easier to navigate. All public exhibitions need to be on the front page in a box with a link to the documents.	1, 3
Include a summary statement in PLAIN English of what what each dot point actually means eg Dot point 3 - consider ways to get councillors out an into the community to speak with people	1, 5
Depends what you mean by a community reference group.. getting 10 kids together to decide the skate park design does not cut much ice if there isn't a bit of a story about it. It seems the place planning process has some action attached. Why wouldn't council do the consultation with all communities? We have 6? communities on the starting block and Fingal doing another version of the process and everyone else wondering.	3
Include a statement regarding youth and children as the objectives for engagement need to be different compared to adults.	4
No	6
A complaints procedure for use where the Principals are not met	2
An objective would be to have a process to monitor the community diversity. Then an ongoing process to map this for preferred engagement processes, content and feedback.	3, 4

Comment	Comment code
Direct public enquiries to the best method of public information; not all generations will respond to being told 'look on the website'. Target audiences with different methods for sharing information.	3
Reduce cost to rate payers in any way possible.	6
Nothing about utilising feedback to improve delivery of services to the community. You can listen all you want but don't actually have to do anything with the community input	2
Young people under the age of 45	4
Instead of making grand strategy documents, take engagement back to basics. Keep it simple and meaningful and most of all transparent and genuine. Community engagement is purely a tick box exercise for council.	1, 2

Key themes from Question 7*				
Code 1 + 5	Code 2	Code 3	Code 4	Code 6
Improve wording, choice of language, formatting and keep to plain English	Improve measuring and reporting to help build trust in Council	Improve the method of communication and engagement	Ensure inclusion and consider demographics of area	Miscellaneous comments (includes non response answers like N/A)
5	7	6	3	3

* comments can include more than 1 theme

Strategic Priority 2 – Community Communications

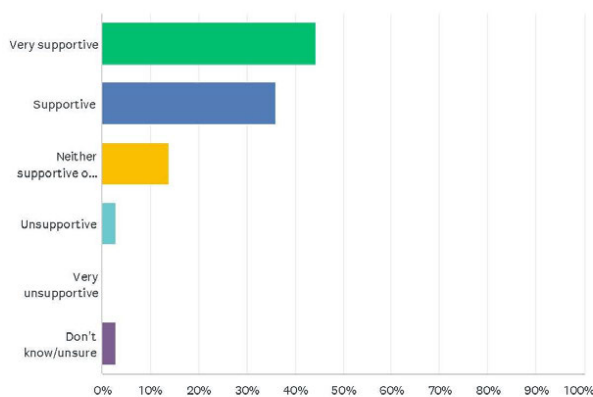
Council is aiming to deliver timely, creative and transparent internal and external communications that connect our stories, our people and our place.

There are 10 key objectives to assist in achieving this.

1. Design communications that are easy to understand and accessible to all
2. Recognise portstephens.nsw.gov.au as the core communications channel and continue to invest in its growth and improvement
3. Develop a strong social media profile across a range of channels using audience profiles which encourage conversations and increase awareness of council services
4. Increase staff awareness and capacity to enable effective communication, engagement and promotion of council business
5. Build Councils identity and brand through consistent visual communications
6. Maximise the use of live streaming and video across all communication channels
7. Use data to develop communications that are audience focused
8. Regularly benchmark and review internal and external communications platforms
9. Support elected members by keeping them informed so they can share information and increase awareness of council activities and services through community networks
10. Measure, evaluate and report on all communications activities on a monthly basis

Q8 How supportive are you of these draft 10 objectives?

Answered: 36 Skipped: 4



ANSWER CHOICES	RESPONSES	
Very supportive	44.44%	16
Supportive	36.11%	13
Neither supportive or unsupportive/neutral	13.89%	5
Unsupportive	2.78%	1
Very unsupportive	0.00%	0
Don't know/unsure	2.78%	1
TOTAL		36

Q9 Do you have any other suggestions?

Answered: 20 Skipped: 20

Comment	Comment code
Why is the aim to build trust in Council decision making? Isn't the point of engagement to bring beneficial outcomes to the community? By making decisions based on this community input? Council is meant to represent and serve the community's interests and yet there is only one objective (#8) which connects community consultation to decisions. This is why people don't trust this council. The engagement is a box tick exercise and then the Council makes decisions but not based on the engagement. The objectives need to be clearer that the Council will transparently report upon the engagement and make decisions accordingly (whether or not they personally agree with the results of the consultation)	2
Utilise council buildings to communicate information such as community centres and other facilities.	3
When designing communications that are easy to understand and accessible to all it is important that this doesn't just turn into bite sized pieces of superficial information. Detailed and comprehensive information also needs to be available to those who want it.	1,3
All submissions need to be provided to councillors and made available to residents on a link for each strategy feedback where residents can read other submissions. This was done for the SRV and should be applied to PSC. Residents can be given a choice when giving feedback if they wish to remain anonymous.	3
as with the other - plain English summary	1
If you are seeking feedback on the policy the website needs to be more usable. I should be able to search communication and engagement and it should pop up. I had to go back to the Examiner article and use the exact words from that to find this survey.	1,3
Add communication objectives that also encourage a range of non digital types of communication eg use of local newspapers, letter box drops, pop up stalls to distribute written information at shops, community centres, markets etc	3
no	6
See previous [A complaints procedure..].	3
Think the monthly monitoring should be quarterly to enable an effective feedback period. Also a form of evaluating and reporting on what has been done with the feedback, such as was the feedback included in policy and decision making	2,3
Realtime engagement with council for urgent needs Lighting on sport grounds Garbage not collected Potholes	3
Young people under the age of 45	4

Comment	Comment code
Website needs significant work. It's quite clunky and by design difficult to find information. For example as a new resident trying to find out when bin day is on a mobile phone was horrendous. If you are going to put a pdf up, it needs to be suitable for zooming and viewing on a phone screen.	3
I didn't know the website was the core communication channel! I think community members get their communication more from the Examiner and social media.	3
As previously stated [many statements as one wishes ...]	2
Be present in the community through active participation of community events	3

Key themes from Question 9*				
Code 1 + 5	Code 2	Code 3	Code 4	Code 6
Improve wording, choice of language, formatting and keep to plain English	Improve measuring and reporting to help build trust in Council	Improve the method of communication and engagement	Ensure inclusion and consider demographics of area	Miscellaneous comments (includes non response answers like N/A)
3	3	11	1	1

* comments can include more than 1 theme

Strategic Priority 3 – Media and Public Relations

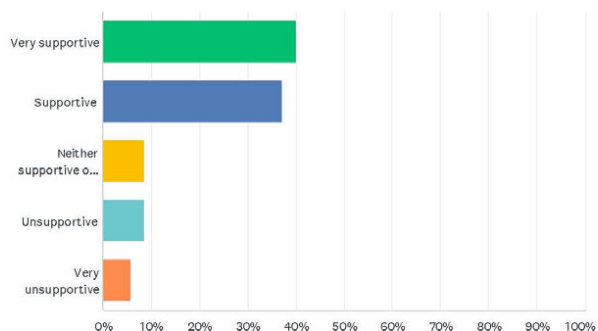
Council is wanting to build trust and reputation through proactive, consistent and trustworthy information that responds to issues and community priorities.

There are 10 key objectives to assist in achieving this.

1. Build and maintain strong relationships with media to facilitate informed reporting
2. Promote Port Stephens with positive and proactive media
3. Work across the organisation to identify newsworthy stories
4. Respond promptly to media enquiries to meet news deadlines
5. Develop annual Community Advocacy Priorities and implement campaigns to drive awareness of key priorities
6. Build relationships with key decision makers in state and federal government to increase understanding of local issues
7. Seek opportunities for elected members or executive to speak at corporate, community and networking events
8. Coordinate Councils emergency management communications
9. Improve media information management
10. Monitor, evaluate and report on all media and public relations activity on a monthly basis

Q10 How supportive are you of these 10 objectives?

Answered: 35 Skipped: 5



ANSWER CHOICES	RESPONSES	
Very supportive	40.00%	14
Supportive	37.14%	13
Neither supportive or unsupportive/neutral	8.57%	3
Unsupportive	8.57%	3
Very unsupportive	5.71%	2
TOTAL		35

Q11 Do you have any other suggestions?

Answered: 19 Skipped: 21

Comment	Comment code
Councilors need to report on their community engagements and representations as in East ward we pay 3 but only 1 is engaging with the community	3
How???	2
Once again the list is seriously out of order eg media relations higher priority than relations with key decision makers? Not so in my opinion.	5
Same comment as previous responses. Don't just listen; act. Fix the issues that contribute to holding us back and that add to community concerns. E.g. high rate of unemployment, low level of access to training due to transport issues. It also contributes to mental health and youth crime.	2
Re Point 6. Transparency and accountability of elected members and executive staff is imperative. As we have seen in the past and continue to suffer the consequences, there is a risk that unscrupulous elected members and council executives with access to privileged information, may seek to build relationships and facilitate opportunities for their personal benefit rather than for their community.	2
What is the return on this investment? How are these objectives improving the lives of the people of Port Stephens ? What's the reach? What's the impact?	2
These seem to be focused around building trust with media, key decision makers and organisations what about including something around building trust with the community?	2
Monthly updates from council departments on progress of capital works, this once again needs to be easy to find on the front of the council website with links to easy to understand outcomes.	3
see other suggestions [plain English]	1
Get back to print advertising of DAs additional to the current misleading digital policy.	3
Go back to advertising DAS in paper	3
Reinstate information page in local newspapers with DAs and relevant information for the current week. Take out notices that were repeated every week eg notices to treat infestations of weeds.	3
NO	6
All that is needed is honesty. The rest is waffle.	1
What is trustworthy information I'd use clear, concise and consistentl	1
Young people under the age of 40	4
Council should not be seeking opportunities for elected members to increase their own	3

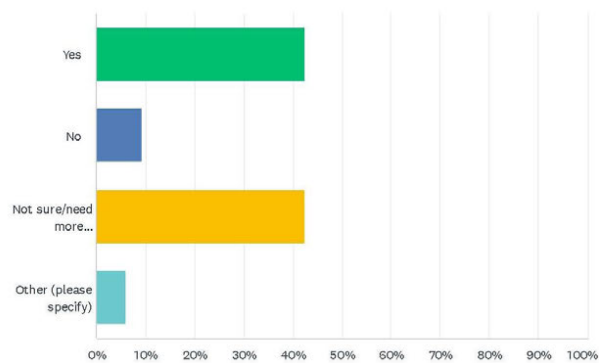
Comment	Comment code
No, but it is annoying that so much work has gone into paperwork which is not currently obvious in the real issues. I do hope a focus is placed on what is real, not just box ticking.	3

Key themes from Question 11*				
Code 1 + 5	Code 2	Code 3	Code 4	Code 6
Improve wording, choice of language, formatting and keep to plain English	Improve measuring and reporting to help build trust in Council	Improve the method of communication and engagement	Ensure inclusion and consider demographics of area	Miscellaneous comments (includes non response answers like N/A)
3	5	7	1	2

* comments can include more than 1 theme

Q12 If this strategy is endorsed and a community reference panel is implemented - would you be interested in being part of this panel?

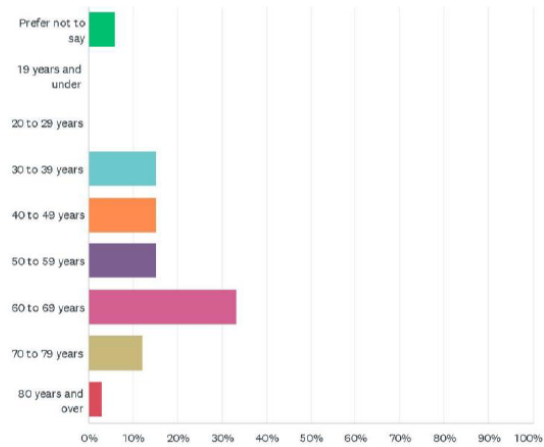
Answered: 33 Skipped: 7



ANSWER CHOICES	RESPONSES	
Yes	42.42%	14
No	9.09%	3
Not sure/need more information	42.42%	14
Other (please specify)	6.06%	2
TOTAL		33

Q13 Please indicate your age.

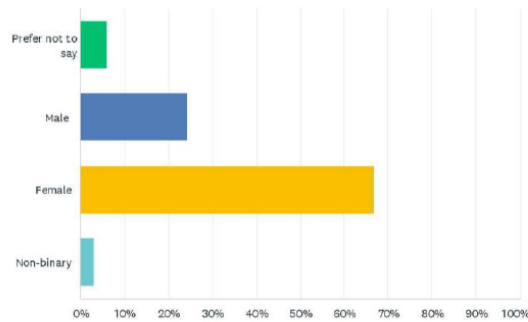
Answered: 33 Skipped: 7



ANSWER CHOICES	RESPONSES	
Prefer not to say	6.06%	2
19 years and under	0.00%	0
20 to 29 years	0.00%	0
30 to 39 years	15.15%	5
40 to 49 years	15.15%	5
50 to 59 years	15.15%	5
60 to 69 years	33.33%	11
70 to 79 years	12.12%	4
80 years and over	3.03%	1
TOTAL		33

Q14 Please indicate your gender.

Answered: 33 Skipped: 7



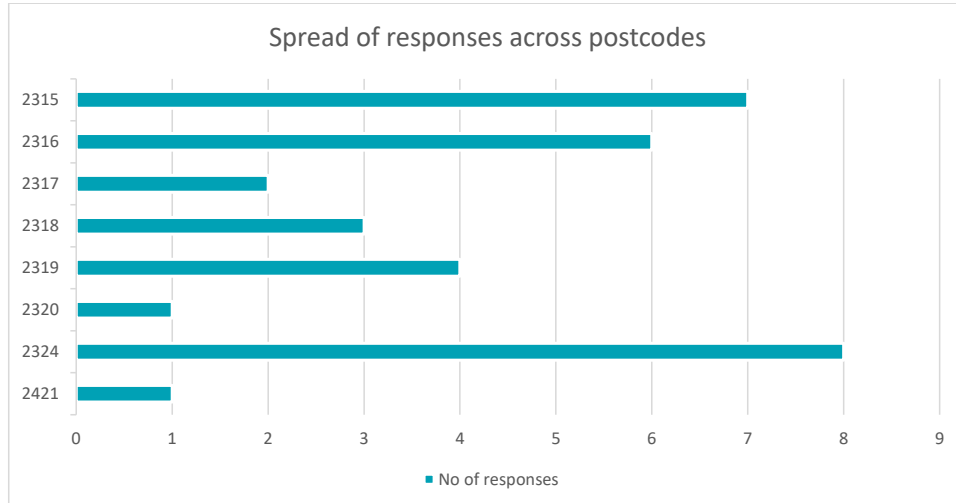
ANSWER CHOICES	RESPONSES	
Prefer not to say	6.06%	2
Male	24.24%	8
Female	66.67%	22
Non-binary	3.03%	1
TOTAL		33

Q15 Please indicate your suburb

Answered: 33 Skipped: 7

	Verbatim survey response	Postcode only [column added for data consistency]
1	2320	2320
2	SALAMANDER BAY	2317
3	Salamander Bay	2317
4	Medowie	2318
5	Anna Bay	2316
6	Brandy Hill	2324
7	Heatherbrae	2324
8	2315	2315
9	2319	2319
10	Corlette	2315
11	2319	2319
12	Nelson Bay	2315
13	2316	2316
14	CORLETTE	2315
15	Tanilba Bay	2319
16	Lemon Tree Passage	2319
17	Port Stephens	?
18	2315	2315
19	Taylors Beach	2316
20	2316	2316
21	anna bay	2316
22	2324	2324
23	Paterson	2421
24	Seaham	2324
25	Raymond Terrace	2324
26	Terrace	2324
27	Raymond Terrace	2324
28	RT	2324
29	Nelson Bay	2315
30	ANNA BAY	2316
31	Salt ash	2318
32	Fingal bay	2315
33	Medowie	2318

Using the above information the following chart has been developed to help show the spread of responses across postcode areas.



For additional reference:

2315 (Nelson Bay, Corlette, Shoal Bay, Fingal Bay)

2316 (Anna Bay, Boat Harbour, Bobs Farm, Fishermans Bay, One Mile, Taylors Beach)

2317 (Salamander Bay, Soldiers Point)

2318 (Campvale, Ferodale, Fullerton Cove, Medowie, Oyster Cove, Salt Ash, Williamtown)

2319 (Lemon Tree Passage, Mallabula, Tanilba Bay, Tilligerry Creek)

2320 (Wallalong)

2324 (Raymond Terrace, Seaham, Brandy Hill etc)

2421 (Paterson)

Q16 Do you have any other suggestions?

Answered: 19 Skipped: 21

Comment	Comment code
Lots of motherhood statements of what you'd like to achieve, but I didn't see and measurable performance goals. Figure of current status are not compared with any benchmarks.	2
Too many pictures and Council language and references should be made easy so every ratepayer understands what Council is doing	1, 5
The best way to engender trust is to build transparency.	2,2,1
The information in pp. 24-27 is terribly confusing. My community work is related to keeping track of DAs that might affect the environment, which is extremely difficult through the PSC website due to different classifications of developments. More DAs need to be advertised in the local paper. People want to know what's going on in their local area. Rumours abound when they are not guided to the information easily and reliably by Council publication. What is considered by council to have no significance may not be an acceptable judgement to the neighbours/community. Table 3 refers to Table 1 which isn't there - or is it Appendix A? Community groups need more time to respond to large DAs where professionals working for the developer have had months/years to prepare hundreds/thousands of pages of reports. Re-exhibitions of amended applications should have more certainty of display period.	1,3,5
I am hopeful that Council will stand behind this initiative and really aim to strengthen partnership with all community factions.	2
Significantly reducing the word count of the document. Develop a framework to assist with holistic alignment of all the objectives, a model to visually tell the story and include facts and lived stories to showcase the desired outcomes. Create the vision. There is so much wonderful content and effort that has likely gone into this piece of work and the work to follow. Yet I feel it's fallen short of great. It's good. Yet could be better. Please note, I am new to NSW from Vic. So I have found myself interested in learning about the community in which I now live. There are many people who are thriving and many who are just surviving, the polarities seem greater to me than my lives experience in Melbourne (Casey council location) I believe the council can play a significant role in community development growth and prosperity. I look forward to learning more about what council is investing in. Thanks Sally.	1
This strategy appears to be a vague mission statement, no explanation of how you're going to do things differently.	1,2

Comment	Comment code
the one thing I cannot see throughout the draft is a SIMPLE statement of WHY you are creating this strategy. Most people have a need to know for what purpose are you doing this and how will it benefit me? you've done a lot of WHAT it is not a lot of HOW (in simple plain English) but no explicit WHY. Maybe you should create a plain English version? If you want buy in the why is crucial and having people feel it is being done with them not to them	1
I support public participation on the webcast if contributor agrees.	3
Work with the community as widely as possible, Develop some consensus in each community.	3
Making the document easier to read by using shorter, simpler sentences, reducing the number of blocks of written information. Take out the page with statistics as they are skewed in their choice of focus (eg no stat on number of families with children), difficult to interpret and quickly become outdated. I feel Measures of Success are not directly related to the Principles and objectives. The measures rely on digital communication too much.	1,2,5
Need to action community suggestions asap	2
Council doesn't meet its current policies. Why would I expect compliance with these objectives.	2
Not without reading the document thoroughly	1
More live videos on social media sharing Council updates on projects, spending, developments being considered etc.	3
Younger people under the age of 40	4
Keep your engagement and communication transparent, easy and genuine. Governments at all levels but particularly port stephens council have some way to go to rebuild trust with their community.	1,2
N/A	6
Please ensure council consults with community, shares openly the results of consultation and acts upon/implements initiatives based on consultation (rather than their own opinions or financial interests). The council is meant to represent and serve all the people not just those they consider to be 'on their side' of politics. We need to all work together towards solutions that benefit the community (not the Councillors or mayor personally).	2

Appendix E: Submissions (2022)

No	Author	Summarised key point	Council response	Comment code
1	Resident	The submission states that priority needs to be given to the cumbersome website. All strategies on public exhibition need to be on the front page of the website and have a link to all the strategy and feedback forms.	Priority is given to the website in draft strategy (see key objective 2.2). Suggestion around public exhibition on front page of website is an operational action rather than a strategy key objective and will be considered in operational work plans.	3
		The submission asks that the strategies need to be simplified into easy to understand language and less pages.	Content will be reviewed and simplified where possible. Less pages is not possible with other additions suggested across the feedback.	1
		The submission states that the all reporting and requests of residents need to be prioritised and separated from visitors.	Visitors will remain a stakeholder for Council and their feedback will be considered for appropriate projects or issues.	4
		The submission states that when a submission is requested, PSC residents are given choice to remain anonymous, these must be published on their website to allow councillors and others to read and gain insight into how all responding residents feel.	There is a high risk of privacy breaches if full submissions are published which is why submissions are redacted. Also, submissions can be made word of mouth, via video recording etc which are not easily publicised without compromising privacy.	3
		The submission states that for important issues such as contentious DA's and changes to plans affecting PC residents that letterbox mail outs are done to ensure everyone is reached along with emails for those who have	Letterbox mail outs would be a major expense and is unfeasible in many instances. However, targeting those signed up for email communications is a possible and will be considered as part of the Strategy's implementation.	2, 3

No	Author	Summarised key point	Council reponse	Comment code
		registered for email communication		
		The submission notes that it has been unacceptable to think that putting public exhibitions in libraries are meeting the needs of the community. It states that mail outs, publishing them in local papers and on the front page of the PSC website as well as having them available on town notice boards, in bowling, RSL and golf clubs and shopping centres.	Provision of hard copies in multiple locations can be a large expense unless justified. The establishment of the Communication and Engagement Advisory Panel will collaborate with Council to determine the most appropriate ways of communicating information and seeking feedback on key projects and initiatives. The suggestion of public exhibitions on the website front page is an operational action rather than a strategy key objective and will be considered in operational work plans.	2, 3
		The submission notes the increase practise of confidential meetings has been questionable.	There has been only 5 confidential reports tabled at Council this term. This comment is considered unsubstantiated.	6
		The submission states that a Capital works progress can be published in monthly or bi-monthly reports on the progress of capital works expenditure to inform residents of outcomes of completed works and timeline of prioritised works.	This information is already available on Council's website here https://www.portstephens.nsw.gov.au/services/projects	3
2	Resident	The submission states that the document had too many pages, was too wordy, provides too much detail and takes too long to read. It was also noted that it is "too good to be true" and is not genuine or believable.	Content will be reviewed and simplified where possible. Less pages is not possible with other additions suggested across the feedback.	1, 2

No	Author	Summarised key point	Council reponse	Comment code
		The submission states that a monthly website summary in plain english of road maintenance including road closures and completion dates.	This is already available on our website and is updated weekly https://www.portstephens.nsw.gov.au/services/roads.-parking-and-pathways/road-closures-and-disruptions	3
		The submission states that all DA's and their status be listed on the website.	Council currently provide a list of weekly DA determinations here https://www.portstephens.nsw.gov.au/council/public-exhibitions/development-applications-on-exhibitions and for DA's in process these are in DA Tracker http://datracker.portstephens.nsw.gov.au/Home/Disclaimer	3
		The submission states that a quarterly summarised report of the councils financial status and projections be available on the website.	This is already available as the quarterly budget review goes to Council as per legislation so it is displayed in the Council business papers. It also show the end of year projection. The 10 year project is in the Long Term Financial Plan which is published on the website here https://www.portstephens.nsw.gov.au/council/plans-and-reporting/integrated-plans	3
		The submission asks that a monthly website progress report be available on current and upcoming capital works.	This is already available on our website and is updated weekly https://www.portstephens.nsw.gov.au/services/projects	3
		The submission states that a website listing of current public tenders be available	This is already on our website https://www.portstephens.nsw.gov.au/business/tenders-and-expression-of-interests	3
		The submission states that a website listing of	This is already on our website	3

No	Author	Summarised key point	Council reponse	Comment code
		current positions vacant be available	https://portstephens.csod.com/ux/ats/careersite/1/home?c=portstephens	
3	Resident	The submission states that Port Stephens needs a special centre where the arts and cultural expression could be provided and accomodated. The Tomaree Headland is recommended as the location.	This particular submission is focused on art and culture rather than the topic of this strategy.	6
4	Resident	The submission states that a princplel should be included on "involving those affected by a decision in the decision making process". The submission notes that this may or may not result in a modification to Appendix A table.	4.1 This consideration is part of the IAP2 framework, the foundation of this Strategy and is part of our 5 principles particularly Principle 2, 3, 4 and 5.	3, 4
		The submission states that links to resources on how, when and who to engage should be included in the strategy	4.2 When Council engages correlate with the IAP2 Framework used as the foundation to this Strategy. Stakeholder groups of who Council will engage and methodws of how they will be engaged will now also been included.	3
		The submission asks that rewording should be considered in Communications and Engagement principals number 3 on page 5 to reflect a more active approach than "encourage".	4.3 Council will consider a stronger wording approach than 'encourage'.	1, 4
		The submission notes that following the draft strategy the expectations are on council to maximise community	4.4 Existing IPA2 Framework, the foundation to the strategy, provides this.	3, 4

No	Author	Summarised key point	Council reponse	Comment code
		value, be more inclusive, focus more on accessibility and that the strategy spells out aligned community and council expectations		
		The submission asks that comprehensive community engagement plans and their outcomes be developed and documented	4.5 This is an operational task and not included in detail as the Strategy is a higher level document that needs to be as streamlined as possible. This will be an operational action of existing key objectives.	3, 4
		The submission states that monitoring, reporting and evaluation on the overall program should be incorporated into the strategy.	4.6 Monitoring, reporting and evaluation are key. Key objectives relate specifically to this to ensure these remain a priority in the engagement and communication process. Measures of success will be expanded to include improved connection to the Strategy principles.	2
		The submission asks that through the use of partnerships (such as LGA, Hunter Joint organisation of Councils) analyse public participation data and promulgate better practice case studies , guidance and training for all council staff.	4.7 Strategy includes a key objective relating specifically to building staff capacity. This will be an operational action as part of this objective.	3
5	Voices of Wallalong and Woodville (VOWW)	The submission states that on Principal 1 on page 5 needs more work is required for the document to be truly "easy to understand". Suggest developing specific guidelines for making documents community-friendly.	5.1 Content will be reviewed and simplified where possible.	1

No	Author	Summarised key point	Council reponse	Comment code
		<p>The submission states that in regards to Principal 4 on page 5 that more specific guidelines must be developed. Examples provided on these include -</p> <ol style="list-style-type: none"> 1. A time guideline for councillors and staff to respond to the community/residents e.g All correspondence will be acknowledged within X business days, and a full response should be provided within X weeks. 2. A set of guidelines for councillors/staff for times they are interacting with community members that will ensure that they come with a listening and collaborative approach. 3. A training program for councillors/staff to help them put the above points into practice. 	<p>5.2 These comments relate more specifically to our Customer First Charter than this Strategy.</p> <ol style="list-style-type: none"> 1. This is already in place see Customer First charter on website under policies here: https://www.portstephens.nsw.gov.au/council/policies-and-guidelines/policies 2. This is already in place through our code of conduct and business excellence framework https://www.portstephens.nsw.gov.au/council/policies-and-guidelines/policies 3. Key objective already relating specifically to building staff capacity and this will include capacity building for Councillors. 	3, 6
		<p>The submission asks that in the 'Inform - Community's role' communications methods listed are social media, newsletters and updates, these are not the preferred method of communication for many in the community and website and newspaper must be included.</p>	<p>5.3 This is incorrect reading of the table – we are talking about the community's role not Council's.</p> <p>Additional information considered to improve the explanation.</p>	3, 6
		<p>The submission asks that the Public Access section of the council meeting be webcast.</p>	<p>5.4 This is now allowed if public access speakers provide consent. See Code of Meeting Practice https://www.portstephens.nsw.gov.au/council/policies-and-guidelines/policies#C</p>	3

No	Author	Summarised key point	Council reponse	Comment code
		The submission notes that there are several open ended statements that need to be more fully resolved including - "We will implement what you decide", "To place final decision-making and/or developed budgets in the hands of the public" and "Make decisions and work with Council to implement them".	5.5 This wording is directly from the sectors best practice organisation IAP2. It is related to the 'Empower' part of the spectrum. See https://iap2.org.au/resources/spectrum/ .	1
		The submission expressed concerns about the survey results not being communicated to residents.	5.6 Survey results should be, and generally are, included in engagement reports as part of Council reports. Key objectives are existing to make this a priority and close the loop on community feedback.	2
		The submission asks for more concrete steps to be undertaken to improve the deficiencies listed in the Key Stakeholder commentary from the 6 community groups.	5.7 Commentary from the community groups have informed the development of the Strategy.	2
		The submission states that in regards to key objective 3 on page 15, councillors would benefit from being briefed by community groups to help them fully understand what the community considers relevant.	5.8 This is an operational action that will be considered in the implementation of Strategy.	3
		The submission asked that in regards to key objective 7 "building on the use of social media" on page 15 that alternative and other effective methods of communication such as	5.9 Social media is only one method outlined in the Strategy. A list of communication and engagement methods will be included to outline the diverse methods used.	3

No	Author	Summarised key point	Council reponse	Comment code
		messages via community groups or print media.		
		The submission suggests that in regards to key objective 9 "Support elected members by keeping them informed..." that regular informal meetings with councillors are scheduled so they get a better understanding of the needs and wishes of their communities	5.10 This objective refers to Councillors sharing information rather than receiving information. Existing key objective "Increase opportunities for the community to engage informally with Councillor and Executive" addresses this.	3
6		The submission asks that more process and oversight be put into the notification of residents of DAs. There needs to be more definition of the "affected residents" and were Council staff are able to "use their discretion" should be kept to a minimum.	6.1 The CPP is a highly structured document and is used heavily by our development planners as a guiding document. Affected residents are generally adjoining neighbours and 'use their discretion' is generally kept to a minimum.	3
7	Tomaree Ratepayers and Residents Association (TRRA)	The submission states that the introductory pages ('Message from the Mayor', 'About the strategy' and 'Strategy content') are somewhat repetitive and could be more concise. A suggestion was made to remove the IAPP methodology and that adding a footnote that the table on Pg 6 is based on IAP2 would be sufficient.	7.1 Content will be reviewed and simplified where possible. Less pages overall is not possible with other additions suggested across the feedback. The reference to IAP2 methodology should remain as it is a foundation resource on which the strategy is built in line with best practice.	1
		The submission mentions that all 3 Strategic Priorities would benefit from clear references to other directly related Council documents including the <i>Code of</i>	7.2 Related documents are not reference in strategy documents. Related documents can be considered on the webpage where the Strategy will be	1

No	Author	Summarised key point	Council reponse	Comment code
		<i>Meeting Practice, Receipt of Petitions Policy</i> and the wider Council policy on handling of submissions.	located with direct links included.	
		The submission states all Strategic Priorities would benefit from more detail on how the objectives will be met.	7.3 Measures of success will be expanded to include improve connections to the Strategy principles.	2
		The submission asks that it be explained if the proposed community reference group in Key Objective 2 will be a standing group and if so how constituted. And if their function is to be restricted to major projects, there needs to be clear criteria for how and by whom major projects are defined.	7.4 Better explanation of the Community Reference Group to be provided. Details of the community reference group will be considered as the action is implemented operationally once the Strategy is endorsed.	1
		The submission asks that an acknowledgement of the needs of a large number of Port Stephens residents be included for both objective 6 and 7 as they are not comfortable using technology, websites or social media. It asks for the use of more traditional channels, such as newspapers and hard copy publications	7.5 The point of highlighting social media as a communication channel in objectives 6 and 7 is that these channels have advantages over traditional channels and provide data about reach and readership that traditional channels simply do not. A list of communication and engagement methods will be included to outline the diverse methods to be used.	3, 4
		The submission asks that objective 8 expressly confirms that 'external' reporting means 'public'	7.6 External reporting does mean reporting to the public.	1
		The submission states that in Strategy Priority 2 - Communications, that objective 2 & 3 need to be qualified so not to	7.7 A list of communication and engagement methods will be included to outline the diverse methods to be used.	3

No	Author	Summarised key point	Council reponse	Comment code
		exclude the residents not comfortable with the Council website and social media		
		The submissions asks that objective 9 be strengthened by setting performance standard for Councillors' community engagement activity	7.8 This is covered under the Councillors code of conduct.	1
		The submission asks that objective 10 confirms 'public' reporting	7.9 This is monthly internal reporting which is reported to the public through the Annual Report.	2
		The submission asks that objective 5 should demonstrate the synergy between the 3 strategic priorities by committing to public consultation on the <i>Community Advocacy Priorities</i> document.	7.10 Future development of the Community Advocacy Priorities would be discussed with the proposed Communication and Engagement Advisory Group to identify methods of communications and community engagement.	3
		The submission states that objective 7 should encourage outreach activity by staff at all levels, not just executive.	7.11 This objective relates to public relations speaking events not general community engagement.	2
		The submission asks that objective 10 confirms 'public' reporting	7.12 This is monthly internal reporting which is reported to the public through the Annual Report.	2
		The submission states that there should be reference to Council's separate <i>Media Liaison Policy</i> .	7.13 Related documents are not reference in strategy documents. Related documents can be considered on the webpage where the Strategy will be located with	1
		The submission states that it should be clearer that the figures provided are targets not results	7.14 Amendment made	1

No	Author	Summarised key point	Council reponse	Comment code
		The submission states that the plan should commit to always extending exhibition periods when they would otherwise end on a weekend or public holiday and asks that the wording be changed to 'will' not 'may'	7.15 Existing wording to remain to assist administration.	1
		The submission states that an option for neutral comments or observations should added to bullet point 5	7.16 Existing wording to remain to assist administration.	1
		The submission asks that the note under table 2 about including weekends should make it clear if they also include public holidays	7.17 Existing wording to remain to assist administration	1
		The submission states that Council policies 'Rezoning Requests' and 'Planning Matters to be Reported to Council' should be referenced in Table 2 as they directly relate to table entry 'Planning proposals for local environmental plans subjects to a gateway determination'	7.18 Existing wording to remain to assist in administration	1
		The submission notes an error in table 3 and asked that with the wording be changed from "Not included in table 1" to "Not included in Appendix A" or Appendix A on page 26 should be renamed Table 1. It was also noted that the correct wording appears next to the title - <i>Table 3 Community Participation Categories</i>	7.19 Minor wording amendments to be made.	1

No	Author	Summarised key point	Council reponse	Comment code
<i>(Refer to Appendix a for details)</i>				
8	Tilligerry Community Association	The submission states that this document is a low point with 'pretty' picture added to add heart and failing.	8.1 Content will be reviewed and simplified where possible.	1
		The submission notes that Council staff having the discretion of what DA get advertised is stunning. It asks that DA's go back into The Examiner or wider and that there is much more accessible exposure for DAs	8.2 How DA's are advertised is an operational action rather than a strategy key objective and will be considered in operational work plans.	3
		The submission notes that there was no mention of Place Plans in the strategy and that these plans are the best communication and engagement that has been done	8.3 This is a strategy about communications and engagement as a whole and not about specific projects.	6
		The submission expressed their hopes that the strategy would focus on the wider area and their disappointment that it didn't. They had hoped that the plan would be strategic on things like town and transport links, the main road and development areas etc.	8.4 This is a strategy about communications and engagement not specific town infrastructure.	6
		The submission states that the community groups within the Tilligerry area were not contacted or consulted when it came to the engagement process for Liveability Index and that they can only assume that the same people are	8.5 The Liveability Index was widely advertised and reached a broad demographic which is considered statistically valid.	6

No	Author	Summarised key point	Council reponse	Comment code
		contributing to this each time and that other key groups are not		
		The submission notes that staff that attended the town square consultation in Lemon Tree Passage had not been briefed on how to answer questions relating to the path and the boat ramp. And that they did not get a response via phone as advised. This project was then approved without consultation. They believe that this again was a superficial tick and flick.	8.6 This particular project is still in the detailed design phase and feedback from the session is being incorporated into the design.	6
9	Staff	The submission suggests the addition of a comment inviting the community to give the assessing officer a call regarding planning proposals and development applications to chat about their concerns/ideas. It notes that when a DA is on exhibition the contact details of the Assessing Officer are always provided and the team want to community to know they are approachable and would like to have a conversation before they prepare a submission.	8.7 Council staff in all departments are approachable and willing to engage on a variety of issues.	3
		The submission noted that the note at the bottom of this appendix relating to caravan parks/ camping grounds had	8.8 Amendment made	1

No	Author	Summarised key point	Council reponse	Comment code
		been removed. They wanted to flag this as a potential omission.		

Appendix F: Submissions (2025)

No	Themes	Summarised comment	Council's response
1	Suggested changes to the draft strategy	<p>Primary concern is that the overall strategy is too vague and too general.</p> <p>Additional, relatively minor, formatting and language suggestions.</p> <p>Suggested better links between have your say website and items on public exhibition</p>	<p>Feedback has been considered and improvements incorporated where possible.</p> <p>Council to investigate options to better link items on public exhibition to have your say website.</p> <p>Direct letter to be sent to submitter in response to suggestions.</p>
2	<p>Suggested changes to the draft strategy to improve processes especially relating to the CPP.</p> <p>AB Rise development and 19 Gan Gan Road @ Anna Bay referenced as examples of where the CPP has failed.</p>	<p>Calls for the CPP to be like Byron Council CPP from 2019.</p> <p>Primary concern is with the PSC CPP and the process associated with Planning Proposals or rezonings.</p> <p>"The rezoning process ie the standard LEP making process does not provide opportunity for community input until Stage 5 ie after decision making by council. This goes against the objects of the EP&A act. The current non transparent process used by PSC delivers outcomes that council perceive to be in the community's interests but without community consultation, decision making is often incongruent to community aspirations. This erodes trust."</p>	<p>Council to make clearer in the strategy, including the appended CPP, the difference in processes between DA's and Planning Proposals or rezonings.</p> <p>Direct letter to be sent to submitter in response to suggestions.</p>
3	<p>Suggested changes to the Strategy and especially CPP</p> <p>Uses 19 Gan Gan Road,</p>	<p>Primary concern with the CPP:</p> <p>"The CPP does go into detail around Development Applications and Modification Applications, but does not adequately provide for community consultation concerning Planning Proposals."</p>	<p>Council to make clearer in the strategy, including the appended CPP, the difference in processes between DA's and Planning</p>

No	Themes	Summarised comment	Council's response
	Anna Bay as an example of where the CPP fails	Also did not like the Planning proposals factsheet provided with adjoining neighbor notification primarily as there is no element of consultation in Stage 5 until the public hearing [similar to above response].	Proposals or rezonings. Direct letter to be sent to submitter in response to suggestions.
4	Suggested changes to the draft strategy includes full rewrite and re-exhibit	Suggests community engagement strategy is rewritten in a different format including using the CPP from Byron Shire from 2019 as the primary guide.	Council to make clearer in the strategy, including the appended CPP, the difference in processes between DA's and Planning Proposals or rezonings. Direct letter to be sent to submitter in response to suggestions.
5	Equity and access	"The listen option does not work for the Communication and Engagement strategy. It does work in other sections on Council pages."	Council to investigate options for listen option for attached pdf's as the 'Readspeaker' program only currently works for website text. Phone call to submitter in response to suggestion.



PORT STEPHENS
COUNCIL

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ITEM NO. 6**FILE NO: 25/184692
EDRMS NO: PSC2014-01768****COMMUNICATIONS AND ENGAGEMENT ADVISORY GROUP - TERMS OF
REFERENCE REVIEW**

REPORT OF: AMBER HERRMANN - ACTING COMMUNICATION &
CUSTOMER EXPERIENCE SECTION MANAGER
DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorses the revised Communication and Engagement Advisory Group Terms of Reference **(ATTACHMENT 1)**.

BACKGROUND

The purpose of this report is to seek endorsement for the revised Communication and Engagement Advisory Group (the Group) Terms of Reference (ToR) **(ATTACHMENT 1)**.

At its meeting on 22 October 2024, Item No. 6 **(ATTACHMENT 2)**, Council resolved to nominate membership to Council Committees following the NSW Local Government general election in September 2024. As an outcome of this meeting, there was an increase in the number of Councillor Representatives who nominated to participate. To enable this, a review of the ToR is required.

Section 7.2 of the ToR currently allows for five (5) representatives – three (3) Councillors (one from each ward), two (2) Council Officers. The Mayor is an optional attendee.

It is recommended that a change is made to Section 7.2 of the ToR **(ATTACHMENT 1)** to allow a minimum five (5) representatives – minimum three (3) Councillors (one from each ward), minimum two (2) Council Officers. The Mayor will remain as an optional attendee.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025-2029
Connecting with community	Implement the Communication and Engagement Strategy

FINANCIAL/RESOURCE IMPLICATIONS

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that if this change is not endorsed, the Group will be operating outside of its current ToR.	Low	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Having an effective group that provides timely advice and recommendations is important to the Port Stephens community. The Group is a key strategic partner in helping deliver meaningful community engagement through timely input on how to best engage with our community on major projects.

The Group offers Council a regular forum for discussion, consultation, collaboration, and advice provided from interested members of the Port Stephens Community.

COMMUNICATION AND ENGAGEMENT

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

ORDINARY COUNCIL - 26 AUGUST 2025

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

The following communication and engagement applies to this report.

External communications and engagement

CONSULT	The proposed change to the existing ToR was taken to the Group meeting on 2 July 2025. All agreed with the proposed change.
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Internal communications and engagement

The Communication and Customer Experience Section has undertaken consultation with:

- Governance Section

OPTIONS

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

ATTACHMENTS

- 1) Draft Terms of Reference - Communication and Engagement Advisory Group Terms of Reference 2025. [↓](#)
- 2) 22 October 2024 - Ordinary Council Minutes. [↓](#)

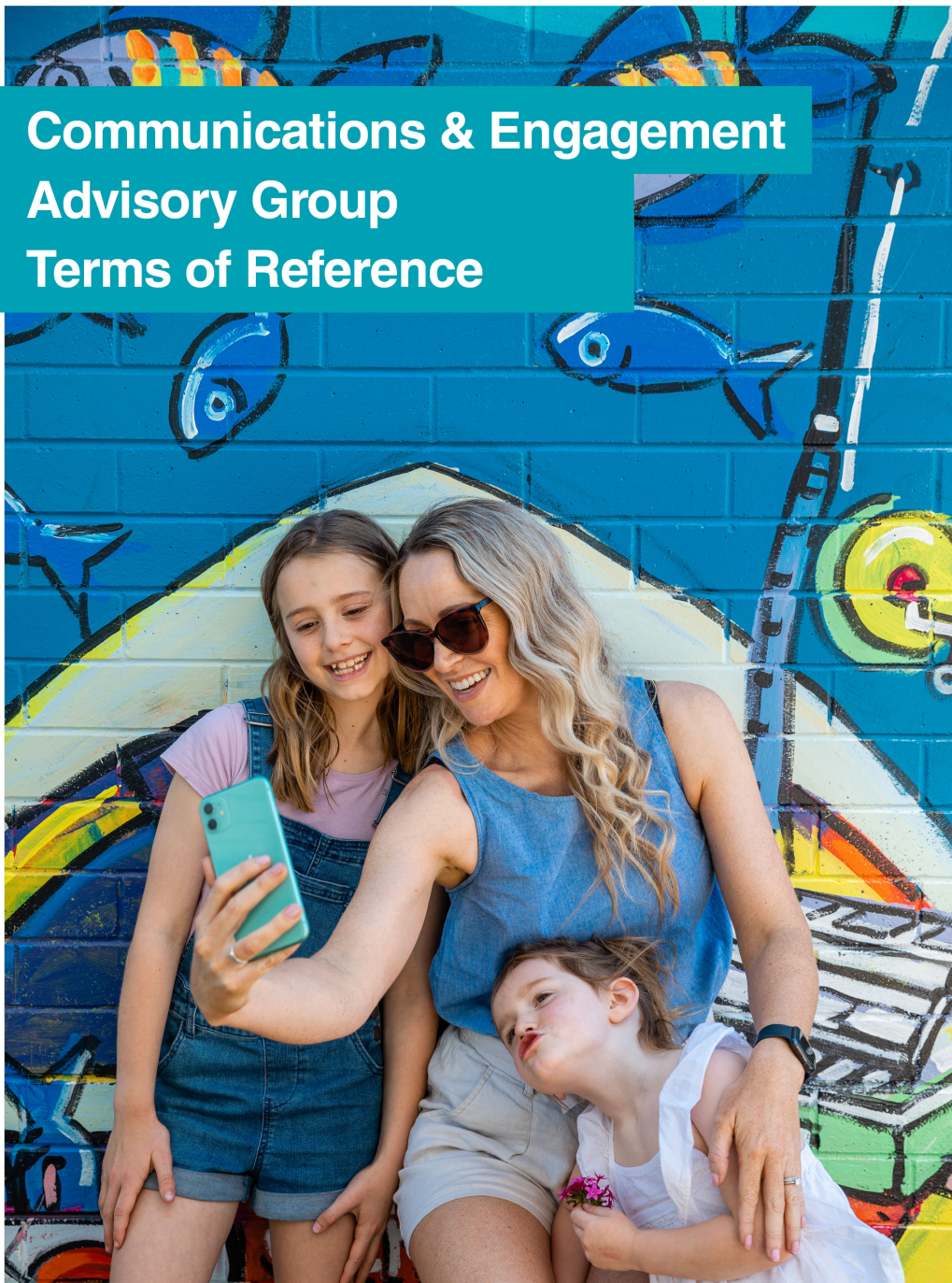
COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

Communications & Engagement Advisory Group Terms of Reference



**ITEM 6 - ATTACHMENT 1 DRAFT TERMS OF REFERENCE -
COMMUNICATION AND ENGAGEMENT ADVISORY GROUP TERMS OF
REFERENC**

Terms of Reference



**COMMUNICATIONS AND ENGAGEMENT ADVISORY
GROUP**

1. PURPOSE:

- 1.1. The Port Stephens Council Communications and Engagement Advisory Group (CEAG) will support the delivery of transparent communications and meaningful community engagement.
- 1.2. The CEAG will provide information, advice and guidance on the development and delivery of Council communications and engagement programs to ensure a diversity of voices participates in decision making for their place.

2. BACKGROUND:

- 2.1. Following extensive community engagement, Council's Communications and Engagement Strategy (2022 – 2027) was adopted on 13 December 2022.
- 2.2. Establishing the CEAG was identified within the strategy as an important action for Council and the community.

3. SCOPE:

- 3.1. Provide advice, local knowledge and guidance on the design and delivery of communications and engagement projects
- 3.2. Projects will include those which are identified as having a significant social impact on the community. Examples of projects may include: cycling and pedestrian connectivity, town centre improvements, upgrades of parks and playgrounds, improvements to sporting facilities and the development of strategies and plans.
- 3.3. The panel is required to comply with the following policies and legislation:
 - a) Local Government Act 1993
 - b) Work Health and Safety Act 2011
 - c) Privacy and Personal Information Protection Act 1998
 - d) State Records Act 1998
 - e) PSC Code of Conduct
 - f) PSC Code of Meeting Practice
 - g) PSC Access to Information Policy
 - h) PSC WHS Statement of Commitment

TERMS OF REFERENCE

**ITEM 6 - ATTACHMENT 1 DRAFT TERMS OF REFERENCE -
COMMUNICATION AND ENGAGEMENT ADVISORY GROUP TERMS OF
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4. DEFINITIONS:

CEAG	Communications and Engagement Advisory Group.
Council	Port Stephens Council and the officers of Council.
The Group	Communications and Engagement Advisory Group.
The Strategy	Port Stephens Communications and Engagement Strategy.
TOR	Terms of Reference.
Social Impact	The effect the project may have on residents, business and visitors who utilise the place.

5. AUTHORITY:

- 5.1. The CEAG will provide advice and guidance on communications and engagement projects.
- 5.2. Projects will be determined based on the level of social impact on the community or as otherwise determined by the General Manager or their delegate.
- 5.3. The CEAG does not:
- a) make decisions on behalf of Council;
 - b) provide formal policy advice or recommendations to Council;
 - c) expend moneys on behalf of Council;
 - d) commit Council to any arrangement;
 - e) consider any matter outside its specific reference;
 - f) Direct Council officers in the performance of their duties.

6. TERM:

- 6.1. The CEAG membership will align to the the term of Council.
- 6.2. Council to re adopt the TOR within three months following each Council election.

7. MEMBERSHIP:

- 7.1. The Group will be chaired by the appointed Councillors, rotating every 12 months for the term of Council.
- 7.2. Port Stephens Council: minimum five (5) representatives – minimum three (3) Councillors, minimum two (2) Council Officers.
- 7.3. Community representatives: minimum eight (8) and a maximum of twelve (12).
- 7.4. Membership to the CEAG is aligned to the term of Council.
- 7.5. All members are eligible for reappointment and there is no limit to the number of terms a person may serve on the CEAG.

TERMS OF REFERENCE

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7.6. A CEAG member may resign at any time by advising of their resignation in writing to the Chairperson.

7.7. Council may appoint a community representative to fill the casual vacancy for the remainder of the term.

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

8. COMMUNITY REPRESENTATIVE SELECTION PROCESS:

8.1. Eight to twelve (8 -12) Community representatives will be selected for the CEAG through an expression of interest (EOI). EOIs will be accepted in multiple formats including but not limited to:

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

8.2. An assessment panel of three (3) nominated Councillors and two (2) Council Officers will assess all applications and endorse panel membership of the new CEAG. Future assessment panels will revert to the following:

- a) at least one delegated Councillor;
- b) two community members of the CEAG;
- c) one Council Officer.

8.3. Community representatives on the CEAG must reside, work or study in the Port Stephens LGA and demonstrate they meet three or more of the below criteria:

- a) have strong community networks and connections;
- b) have current involvement in the community;
- c) have a willingness to make an active contribution to discussions;
- d) have a capacity to commit to the CEAG.

8.4. If more than twelve (12) applicants are deemed suitable for appointment as community representatives, offers of membership will be made to the twelve (12) applicants most closely aligned with the selection criteria. The remainder will be placed on an eligibility list for up to 2 years.

8.5. Two Council officers will support the groups operation.

9. ROLES AND RESPONSIBILITIES

9.1. The General Manager may refer any matter to CEAG within the scope of it's role and responsibilities.

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9.2. The responsibilities of CEAG may be revised or expanded by the Council from time to time.

9.3. The Chairperson ensures that the CEAG functions effectively, that there is full participation at meetings, all relevant matters are discussed and that effective decisions are made.

9.4. In addition, the group provides:

- a) an understanding of the purpose of community engagement;
- b) the importance of effective local government communications;
- c) connections with their local community;
- d) support to establish and strengthen relationships – within the group, but also with the broader community;
- e) help to build trust;
- f) local knowledge and advice on key issues within the community;
- g) provide a forum for discussion and demonstrated how diverse stakeholders can work together to improve the wellbeing and liveability of the community.

10. ADMINISTRATION ARRANGEMENTS:

10.1. Meeting practices and cycles

10.1.1. Unless otherwise specified in this Terms of Reference and in accordance with any Local Government Act requirements, the CEAG will determine its meeting practice, processes and protocols.

10.1.2. The CEAG will meet as required however, a maximum of six and a minimum of two meetings will be held per year.

10.1.3. Meetings will be targeted between Tuesday - Thursday, 6pm until 8pm, unless amended by mutual agreement.

10.1.4. These meetings will take place using a hybrid model in order to meet the needs of the group. They will be scheduled in advance.

10.1.5. Members are expected to attend all meetings, if unable to attend, members must notify the Chair or relevant Council officer

10.1.6. A quorum for the CEAG shall be half the elected members plus one. If, for any reason, a quorum is not reached the meeting will be rescheduled.

10.2 Secretariat

10.2.1 Council will provide a secretariat for the Committee and that position will be filled by a staff member of the Communications Section. The secretariat role is not a member of the Committee and has no voting rights.

10.3 Agenda and minutes

10.3.1 Any CEAG member may submit agenda items.

TERMS OF REFERENCE

**ITEM 6 - ATTACHMENT 1 DRAFT TERMS OF REFERENCE -
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10.3.2 The Secretariat will ensure the agenda for each meeting and supporting papers are circulated to members in sufficient time (at least three working days) before the meeting.

10.3.3 Circulation of the agenda will be by electronic means as determined by CEAG.

10.3.4 A formal record of CEAG meetings, including action responsibilities shall be prepared by the Secretariat and circulated to all members within one week of the meeting.

10.4 Recordkeeping

10.4.1 The Secretariat will be responsible for minute taking and appropriate record keeping in line with Council policy and the requirements of the State Records Act 1998.

11 CONFIDENTIALITY

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

12 INTELLECTUAL PROPERTY:

12.1 The CEAG acknowledges and agrees:

- a) It is important for Council to develop, maintain, protect and manage the organisation's intellectual property including copyright, trademarks, registered designs, patents and databases.
- b) The CEAG has a duty to observe and help protect Council's intellectual property by not copying or supplying such property without the express permission of Council or the copyright owner.
- c) Council retains ownership of all intellectual property created by Members in the course of their CEAG work.

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

13 MEDIA:

13.1 Any media liaison associated with the activities of CEAG shall be undertaken in accordance with Port Stephens Council policy and with the approval of CEAG.

14 REVIEW:

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

TERMS OF REFERENCE

**ITEM 6 - ATTACHMENT 1 DRAFT TERMS OF REFERENCE -
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REFERENC****Terms of Reference****15 OTHER MATTERS**

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

16 MEETING CODE OF COOPERATION

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

17 Related documents:

- Code of conduct
- Local government act 1993
- Crown Land Management Act 2016

TERMS OF REFERENCE

ITEM 6 - ATTACHMENT 1 DRAFT TERMS OF REFERENCE - COMMUNICATION AND ENGAGEMENT ADVISORY GROUP TERMS OF REFERENCE

Terms of Reference



CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No	PSC2014-01768	EDRMS record No	23/67328
Audience	Community and Engagement Advisory Group		
Process owner	Communications and Engagement Coordinator		
Author	Communications and Engagement Coordinator		
Review timeframe	Annually	Next review date	TBA
Adoption date	31 July 2022		

VERSION HISTORY:

Version	Date	Author	Details
1	13/03/2023	Communications and Engagement Coordinator	Placed on new template.

TERMS OF REFERENCE

ITEM 6 - ATTACHMENT 2 22 OCTOBER 2024 - ORDINARY COUNCIL MINUTES.**MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024****ITEM NO. 6****FILE NO: 24/80225
EDRMS NO: A2004-0370****MEMBERSHIP OF COMMITTEES AND GROUPS****REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER
DIRECTORATE: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT COUNCIL:**

- 1) Nominates membership to Council Committees, 355(c) Committees and regional committees and groups memberships up to the next NSW Local Government general election in September 2028 (**ATTACHMENT 1**).
- 2) Disband the following Committees/Groups:
 - a) Port Stephens Economic Development Advisory Panel;
 - b) Seaham Park and Wetlands Committee; and
- 3) Determine a fee payable (if any) to Port Stephens Council representatives on the Hunter and Central Coast Regional Planning Panel.

**ORDINARY COUNCIL MEETING - 22 OCTOBER 2024
MOTION**

202	Councillor Giacomo Arnott Councillor Rosalyn Armstrong It was resolved that Council: <ol style="list-style-type: none">1) Nominates membership to Council Committees, 355(c) Committees and regional committees and groups memberships up to the next NSW Local Government general election in September 2028 (TABLE 1).2) Disband the following Committees/Groups:<ol style="list-style-type: none">a) Port Stephens Economic Development Advisory Panel;b) Seaham Park and Wetlands Committee; and3) Nominate an alternate delegate for all single Councillor positions (for external bodies where accepted by the body), sister cities committee will become opt in, and the General Manager is to provide a report every six months to a Council meeting outlining the number of meetings that were held for each of the committees, as well as whether the nominated representative(s) were in attendance at each of those meetings.
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Councillor Jason Wells left the meeting at 7:29pm.
Councillor Jason Wells returned to the meeting at 7:33pm.

ITEM 6 - ATTACHMENT 2 22 OCTOBER 2024 - ORDINARY COUNCIL MINUTES.

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

Cr Ben Niland left the meeting at 7:42pm.
Cr Ben Niland returned to the meeting 7:45pm

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

Those against the Motion: Nil.

The motion was carried.

TABLE 1**355C COMMITTEES AND REGIONAL COMMITTEES AND GROUPS
SEPTEMBER 2024 TO SEPTEMBER 2028**

Ref	Committee Name	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Delegates
1	Aboriginal Strategic Committee	To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people. To promote mutual awareness and respect for the cultures of both Aboriginal and non-Aboriginal communities.	Quarterly	Community Futures	As resolved by Council	Mayor Anderson Cr Francis
2	Audit, Risk and Improvement Committee (ARIC) Formerly the Audit Committee	The ARIC is an advisory committee of Council comprising of 1 non-voting Councillor representative and three independent external representatives. The objective of the Audit Committee is to enhance the corporate governance of Council through the provision of independent oversight, review and advice. The Committee will assist Council by providing independent assurance and assistance on the	At least four times a year or when necessary	General Manager's Office	1 non-voting Councillor	Cr Wells Office of Local Government guidelines preclude the Mayor from being a member of the Committee.

ITEM 6 - ATTACHMENT 2 22 OCTOBER 2024 - ORDINARY COUNCIL MINUTES.

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

		organisation's governance, risk, control and compliance frameworks.				
3	Hinton School of Arts Committee	To assist Council in the management of Hinton School of Arts.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	As resolved by Council	Cr Arnott Cr Francis Cr Le Mottee
4	Karuah Community Hall Committee	To assist Council in the management of Karuah Community Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	As resolved by Council	Cr Doohan Cr Niland Cr Wells
5	Lemon Tree Passage Old School Centre Committee	To assist Council in the management of Lemon Tree Passage Old School Centre and surrounds.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	As resolved by Council	Cr Doohan Cr Niland Cr Wells
6	Medowie Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	Meets every 3 months- February, May, August, November. 1st Monday of the month	Facilities & Infrastructure	As resolved by Council	Cr Doohan Cr Niland Cr Wells

ITEM 6 - ATTACHMENT 2 22 OCTOBER 2024 - ORDINARY COUNCIL MINUTES.

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

7	Nelson Bay Community Hall Committee	To assist Council in the management of Nelson Bay Community Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	As resolved by Council	Cr Armstrong Cr Errington Cr Watson
8	Port Stephens Australia Day Committee	To co-ordinate the annual celebration of Australia Day in Port Stephens in line with recommendations from Australia Day Council.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Community Futures	1 Councillor from each ward	Mayor Anderson Cr Arnott Cr Francis Cr Errington
9	Port Stephens Sister Cities Committee	To promote and have ongoing relationships between international communities providing opportunities for cultural exchange.	Committees are required to hold at least 3 meetings per year at a time to be decided by the committee	General Manager's Office	Mayor and all councillors	Mayor Anderson Cr Armstrong Cr Francis Cr Wells
10	Raymond Terrace Senior Citizens Hall Management Committee	To assist Council in the management of the Raymond Terrace Senior Citizens Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	As resolved by Council	Cr Arnott Cr Francis Cr Le Mottee
11	Salt Ash Community Hall	To assist Council in the management of Salt Ash Community Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	As resolved by Council	Cr Doohan Cr Niland Cr Wells

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MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

12	Salt Ash Sports Ground Committee	To assist Council in the management, maintenance and improvements to Salt Ash Sports Ground.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	As resolved by Council	Cr Doohan Cr Niland Cr Wells
13	Strategic Arts Committee	To provide input into Port Stephens Council strategic policy, plans and programs relating to culture and the arts. To assist Council identify the existing and future requirements for arts and cultural facilities across Port Stephens.	Quarterly	Community Futures	As resolved by Council	Mayor Anderson Cr Armstrong Cr Francis Cr Wells
14	Tanilba Foreshore Hall Committee	To assist Council in the management of Tanilba Bay Foreshore Hall.	Committees are required to hold at least three meetings per year at a time determined by the committee	Facilities & Infrastructure	As resolved by Council	Cr Doohan Cr Niland Cr Wells
15	Tilligerry Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	Every 4 months– February, June, October 3rd Monday	Facilities & Infrastructure	As resolved by Council	Cr Doohan Cr Niland Cr Wells
16	Tomaree Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering	Committee meets on the 4th Wednesday of February, May, August, November	Facilities & Services	As resolved by Council	Cr Armstrong Cr Errington Cr Watson

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MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

		sports are accurately identified and brought to the attention of Council.				
17	West Ward Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council.	Every 4 months– February, June, October 2nd Monday	Facilities & Infrastructure	As resolved by Council	Cr Arnott Cr Errington Cr Francis Cr Le Mottee

REGIONAL COMMITTEES AND OTHER GROUPS

R	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Delegates
18	AGL Newcastle Gas Storage Facility Community Dialogue Group	The purpose of a Community Consultative Committee is to provide a forum for discussion between a proponent and representatives of the community, stakeholder groups and the local council on issues directly relating to a specific State significant project.	Quarterly – March, June, September, December	General Manager's Office	Mayor	Mayor Anderson
19	Birubi Point Cultural Heritage Advisory Panel	To advise Port Stephens Council on the management plan required to protect the Worimi cultural and spiritual heritage and enhance the environment of the Birubi Point Crown Reserve and Birubi Point Aboriginal Place.	Meets 3 times per year	Community Futures	1 Councillor	Cr Wells <u>Alternate</u> Cr Doohan

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MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

20	Brandy Hill Quarry Community Consultative Committee	The purpose of a Community Consultative Committee is to provide a forum for discussion between a proponent and representatives of the community, stakeholder groups and the local council on issues directly relating to a specific State significant project.	Quarterly - February, May, August and November	General Manager's Office	1 Councillor	Cr Francis <u>Alternate</u> Cr Arnott <u>Alternate, as required</u> Assets Section Manager/ Strategy & Environment Section Manager
21	Cabbage Tree Road Community Consultative Committee	The purpose of the committee is to provide an advisory forum of community representatives to meet requirements of the development consent.	Quarterly	Corporate Strategy & Support	1 Councillor	Cr Arnott <u>Alternate</u> Cr Francis
22	Comprehensive Koala Plan of Management Implementation Committee	Responsible for overseeing the implementation of the Port Stephens Council Comprehensive Koala Plan of Management.	Meets quarterly	Community Futures	1 Councillor	Mayor Anderson <u>Alternate</u> Cr Armstrong
23	Communication and Engagement Advisory Panel	The purpose is the delivery of transparent communications and meaningful community engagement. To provide information, advice and guidance on development and delivery of Council communications and engagement programs to ensure a diversity of voices participates in decision making for their place.	2 to 6 meetings per year	Community Futures	1 Councillor from each Ward.	Mayor Anderson Cr Armstrong Cr Francis Cr Niland Cr Watson Cr Wells
24	Community Support Fund Formerly Community Funding Program	To make recommendations to Council on applications received through the Grants process.	Annual	Community Futures	Mayor 1 Councillor from each Ward	Mayor Anderson Cr Armstrong Cr Errington Cr Francis Cr Niland <u>Alternate</u> Cr Arnott Cr Doohan Cr Watson Cr Wells

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MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

25	Environment Advisory Panel	To provide community representation for consultation, advice and advocacy on environmental matters in Port Stephens.	4 time per year	Community Futures	2 Councillors	Mayor Anderson (chair) Cr Armstrong <u>Alternate</u> Cr Doohan
26	General Manager Performance Review Panel	To conduct evaluation of the performance of the General Manager.	At least annual	Mayor's Office	Mayor Deputy Mayor 1 Councillor nominated by the Council 1 Councillor nominated by the General Manager	Mayor Anderson Cr Arnott Plus a Councillor nominated at the time by the General Manager
27	Heritage Advisory Panel	To provide community representation for consultation, advice and advocacy of heritage matters in Port Stephens.	4 time per year	Community Futures	2 Councillors	Cr Wells (chair) <u>Alternate</u> Cr Armstrong
28	Hunter Joint Organisation	The Hunter Joint Organisation is a collaborative body that brings together the 10 councils in the region to provide a united and local voice for our communities. As the hub for local intergovernmental collaboration, the organisation's statutory mandate includes identifying key regional strategic priorities, advocating for these priorities, and building collaborations around these priorities with other levels of government, industry and community.	Bi-monthly	General Manager's Office	Mayor	Mayor Anderson

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29	International Women's Day Scholarship Panel	This panel assesses the applications for the International Women's Day scholarship.	Annual	General Manager's Office	Mayor 1 Councillor from each Ward	Mayor Anderson Cr Armstrong Cr Doohan Cr Francis Cr Wells
30	Customer and Community Advisory Group (CCAG)	This committee is an advisory committee to Hunter Water Corporation.	Meets quarterly	General Manager's Office	1 Councillor	Cr Francis <u>Alternate</u> Cr Le Mottee
31	Hunter and Central Coast Regional Planning Panel	To consider development applications referred to the Panel under the legislation for development applications for the Port Stephens Local Government area. The Panel comprises of 3 State members and 2 Councillors. The term is for 3 years for each Panel member.	As required	Community Futures	2 elected members	Mayor Anderson Cr Arnott <u>Alternates</u> Cr Errington Cr Francis Cr Niland Strategy & Environment Section Manager
32	Local Government Community Safety & Crime Prevention Network NSW	To provide a forum for local community members, service providers, businesses and the police to discuss issues and appropriate strategies relating to crime and community safety. Note: This is a Committee of the Port Stephens Local Area Command. Membership is by invitation from the Local Area Commander. Council's delegate is the Mayor.	Meets quarterly	Facilities & Infrastructure	Mayor	Mayor Anderson

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33	Local Traffic Committee	This is an RTA-based committee which allows Council to have delegated authority to install or remove regulatory sign posting on public roads.	Meets 1 st Tuesday of the month	Facilities & Infrastructure	1 Councillor	Mayor Anderson Cr Niland <u>Alternate</u> Cr Errington
34	Lower Hunter Bushfire Management Committee	The committee is a legislative requirement and is to discuss direction across local government areas and across agencies in regard to bushfire management.	Meets quarterly	Facilities & Infrastructure	2 Councillors	Cr Arnott Cr Watson <u>Alternate</u> Mayor Anderson
35	Lower Hunter Community Advisory Group	The Group is managed by Hunter Local Land Services (HLLS). The purpose is to provide an opportunity the HLLS to engage with stakeholders on a range matters, including strategic direction and programs.	Meets annual	General Manager's Office	1 Councillor	Cr Francis <u>Alternate</u> Cr Le Mottee
36	Marine Parks Advisory Panel Ministerial Appointment	Community Consultative Committee regarding the proposed Marine Park in Port Stephens.	Meets a minimum of twice a year	Community Futures	1 Councillor	Mayor Anderson <u>Alternate</u> Cr Armstrong Cr Watson
37	NSW Public Libraries Association (Central East Zone)	The purpose of the Association is to champion the public library cause, strengthen the public library network, advocate effectively, foster cooperation and collaboration, build trust and support, initiate partnerships and share relevant information	Meets 3 times per year	Facilities & Infrastructure	As resolved by Council	Cr Wells <u>Alternate</u> Cr Armstrong
38	Port Stephens Floodplain Advisory Panel	To provide advice on flood/floodplain management studies/plans	As required	Facilities & Infrastructure	1 Councillor	Cr Francis <u>Alternate</u> Cr Arnott Cr Errington

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MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

39	Port Stephens Local Health Committee	To provide leadership in the community to: <ul style="list-style-type: none"> • Ensure health services meet local community health needs • Promote health services and initiatives • Enhance the health of the community. 	Meets 3 to 4 times per year	Community Futures	1 Councillor 1 alternate	Cr Armstrong <u>Alternate</u> Mayor Anderson
40	Port Stephens/Myal I Lakes Estuary and Coastal Zone Management Committee	This Committee includes representatives from Great Lakes Council and is responsible for long term planning for the estuary and the coastline.	As required	Community Futures	1 Councillor	Cr Armstrong <u>Alternate</u> Mayor Anderson
41	RFS District Liaison Committee	To review the progress of the service level agreement between Port Stephens Council and NSW Rural Fire Service in the local government area.	As set by RFS	Facilities & Infrastructure	1 Councillor	Cr Arnott <u>Alternate</u> Cr Watson
42	Salt Ash Sand Project Community Consultative Committee	The purpose of a Community Consultative Committee is to provide a forum for discussion between a proponent and representatives of the community, stakeholder groups and the local council on issues directly relating to a specific State significant project.	As required	General Manager's Office	1 Councillor	Cr Doohan <u>Alternate</u> Cr Wells
43	Stone Ridge Community Consultative Committee	The purpose of the committee is to provide an advisory forum of community representatives to meet requirements of the development consent.	Quarterly	General Manager's Office	1 Councillor	Cr Francis <u>Alternate</u> Cr Arnott Cr Le Mottee
44	Tomaree Lodge Community Engagement Committee	The purpose of the Community Engagement Committee is to: <ul style="list-style-type: none"> • Act as a community "sounding board" in 	Up to 6 times per year	General Manager's Office	Mayor only	Mayor Anderson

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MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

		<p>Stage 1 planning for the site.</p> <ul style="list-style-type: none"> • Provide feedback, advice and guidance to DCJ on proposed amenity improvements. • Assist DCJ and other NSW Government agencies in developing strategies or approaches to promote the appropriate short-term use of the site while protecting the site's heritage, environmental and culturally significant artefacts, and history. • Act as a key stakeholder in Stage 2 planning to ensure a diversity of voices participate in decision making for this important site. 				
44	Williamtown Consultative Committee Forum	To provide a forum for the residents of Williamtown area to discuss relevant issues with Federal, State and Local Government elected members and Agencies.	Annually	General Manager's Office	Mayor	Mayor Anderson (General Manager)
45	Worimi Conservation Lands Board of Management Ministerial Appointment	To oversee the management of the lands owned by the Aboriginal owners and leased back to the NSW Government.	Meets 4 times a year	General Manager's Office	1 Councillor 1 alternate	Cr Francis <u>Alternate</u> Mayor Anderson

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MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

BACKGROUND

The purpose of this report is to review the various committees and groups Council has either established, or is involved with through the community.

In accordance with legislation, Council is required to nominate delegates and adopt the list of 355(c) Committees.

As part of Council's commitment to community partnerships, it provides opportunities for the community to be involved with the management of the facilities they use. Council has established numerous community committees, which are involved in the care and management of Council's parks, reserves, services and facilities.

These committees are allowable under Section 355 and Section 377 of the Local Government Act, which allows Council to delegate certain functions.

For a 355(c) committee, the written record of delegations is contained in the **Terms of Reference (ToR)** as prepared and adopted by Council. Functions that cannot be delegated (under Section 377) are listed in the ToR. Any change to delegations to a 355(c) Committee must be affected by resolution of Council.

The key concept is that a 355(c) Committee is a Council committee. Committees include Councillor representation and a Council staff member responsible for liaison. A 355(c) Committee operates as an entity of Port Stephens Council and not as a separate entity in a commercial sense. This means that these committees use Council's Australian Business Number (ABN) when trading goods and services and are required to report on a monthly basis as is required of Council.

Council has around 20 355(c) Committees with over 600 members.

A number of 355(c) Committees undertake work in areas such as dune stabilisation, weed eradication, litter removal, Tidy Towns program participation and providing environmental information and support to Council. These groups work under direction from Council staff to ensure these activities are performed in accordance with recognised practices.

The activities and projects undertaken by committees are often those not financially possible for Council without this volunteer assistance. Examples include:

FACILITY MANAGEMENT	MAINTENANCE & IMPROVEMENTS TO RESERVES	OTHER
Community Halls	Parks & Reserves	Advisory Committees
Sporting Ovals	Foreshore Reserves	Sports Council
Cemeteries		

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Council can delegate certain functions to a committee: these are listed in the committee's schedule, which forms part of their ToR. A 355(c) Committee ToR consists of a standard ToR, which is applicable to all committees and a schedule customised for each individual committee. This provides the framework of how a 355(c) Committee operates and is supported by procedures, systems and reporting requirements.

Council has the same responsibilities for 355(c) Committee members as they do for staff including Workplace Health & Safety (WH&S), Code of Conduct and responsibility for activities.

Regional Committees and Groups

In addition to the 355(c) Committees, the Mayor, Councillors and Council staff participate in, and are members of a number of regional committees and groups established to promote an integrated approach to delivering and managing services and addressing issues across the Local Government Area.

Committees to be dissolved

The Seaham Park and Wetlands Committee was established as a 355c Committee which is intended to have delegated functions of Council. In December 2023, the Committee advised that the remaining committee members were resigning and there were no new members to maintain the committee, as a result the committee no longer exists and the operation will be returned to Council.

The Port Stephens Economic Development Advisory Panel was established to oversee the implementation of the Economic Development Strategy and to provide information to Council on issues affecting business. Over the past term, the committee had not been re-established with more detailed engagement with local business occurring through partnerships with Business Port Stephens, Destination Port Stephens and other relevant industry associations and community groups. In addition, the introduction of the Port Stephens Business Health Check has provided a more diverse, inclusive and detailed insight into issues impacting local business. This information is used to guide Councils approach to Economic Development across Port Stephens. Dissolving this Advisory Panel will have no negative impact on Councils approach to engaging with local business.

Note: The previous list of Committees and Groups is shown at **(ATTACHMENT 1)**.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Governance	Deliver governance services and internal audit program

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Financial and resource implications are provided for 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

Council has a legal obligation under the Local Government Act 1993 to ensure it reviews and appoints 355 (c) Committees and delegates in accordance with the legislation.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council could be in breach of the Local Government Act 1993, if it fails to appoint the committees/groups/ organisations as listed in (ATTACHMENT 1) .	Low	Council appoint elected representatives as outlined in the report and adopt the committees/groups/ organisations as listed in (ATTACHMENT 1) .	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Consultation with key internal stakeholders has been undertaken by the Governance Section.

- 1) Council employees.
- 2) General Manager.

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

OPTIONS

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

ATTACHMENTS

- 1) 355(c) Committees and Regional Committees and Groups.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

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ITEM 6 - ATTACHMENT 1 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.

**355C COMMITTEES AND REGIONAL COMMITTEES AND GROUPS
SEPTEMBER 2024 TO SEPTEMBER 2028**

Ref	Committee Name	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Former Delegates
1	Aboriginal Strategic Committee	To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people. To promote mutual awareness and respect for the cultures of both Aboriginal and non-Aboriginal communities.	Quarterly	Community Futures	As resolved by Council	Mayor Palmer Cr Anderson Cr Francis Cr Kafer
2	Audit, Risk and Improvement Committee (ARIC) Formerly the Audit Committee	The ARIC is an advisory committee of Council comprising of 1 non-voting Councillor representative and three independent external representatives. The objective of the Audit Committee is to enhance the corporate governance of Council through the provision of independent oversight, review and advice. The Committee will assist Council by providing independent assurance and assistance on the organisation's governance, risk, control and compliance frameworks.	At least four times a year or when necessary	General Manager's Office	1 non-voting Councillor	Cr Anderson Office of Local Government guidelines preclude the Mayor from being a member of the Committee.
3	Hinton School of Arts Committee	To assist Council in the management of Hinton School of Arts.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	As resolved by Council	Cr Arnott Cr Francis Cr Kafer
4	Karuah Community Hall Committee	To assist Council in the management of Karuah Community Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	As resolved by Council	Cr Doohan Cr Tucker Cr Wells

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ITEM 6 - ATTACHMENT 1 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.

Ref	Committee Name	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Former Delegates
5	Lemon Tree Passage Old School Centre Committee	To assist Council in the management of Lemon Tree Passage Old School Centre and surrounds.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	As resolved by Council	Cr Doohan Cr Tucker Cr Wells
6	Medowie Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	Meets every 3 months- February, May, August, November. 1st Monday of the month	Facilities & Infrastructure	As resolved by Council	Cr Doohan Cr Wells
7	Nelson Bay Community Hall Committee	To assist Council in the management of Nelson Bay Community Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	As resolved by Council	Cr Anderson Cr Bailey
8	Port Stephens Australia Day Committee	To co-ordinate the annual celebration of Australia Day in Port Stephens in line with recommendations from Australia Day Council.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Community Futures	1 Councillor from each ward	Mayor Palmer Cr Anderson Cr Arnott Cr Doohan Cr Dunkley Cr Francis
9	Port Stephens Sister Cities Committee	To promote and have ongoing relationships between international communities providing opportunities for cultural exchange.	Committees are required to hold at least 3 meetings per year at a time to be decided by the committee	General Manager's Office	Mayor and all councillors	Mayor and all Councillors

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ITEM 6 - ATTACHMENT 1 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.

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11	Salt Ash Community Hall	To assist Council in the management of Salt Ash Community Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	As resolved by Council	C Doohan Cr Tucker Cr Wells
12	Salt Ash Sports Ground Committee	To assist Council in the management, maintenance and improvements to Salt Ash Sports Ground.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	As resolved by Council	Cr Doohan Cr Tucker Cr Wells
13	Strategic Arts Committee	To provide input into Port Stephens Council strategic policy, plans and programs relating to culture and the arts. To assist Council identify the existing and future requirements for arts and cultural facilities across Port Stephens.	Quarterly	Community Futures	As resolved by Council	Mayor Palmer Cr Francis Cr Kafer Cr Tucker
14	Tanilba Foreshore Hall Committee	To assist Council in the management of Tanilba Bay Foreshore Hall.	Committees are required to hold at least three meetings per year at a time determined by the committee	Facilities & Infrastructure	As resolved by Council	Cr Tucker Cr Wells
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ITEM 6 - ATTACHMENT 2 22 OCTOBER 2024 - ORDINARY COUNCIL MINUTES.**MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024****ITEM 6 - ATTACHMENT 1 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.**

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17	West Ward Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council.	Every 4 months— February, June, October 2nd Monday	Facilities & Infrastructure	As resolved by Council	Mayor Palmer Cr Arnott Cr Francis Cr Kafer

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ITEM 6 - ATTACHMENT 1 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.

REGIONAL COMMITTEES AND OTHER GROUPS

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19	Birubi Point Cultural Heritage Advisory Panel	To advise Port Stephens Council on the management plan required to protect the Worimi cultural and spiritual heritage and enhance the environment of the Birubi Point Crown Reserve and Birubi Point Aboriginal Place.	Meets 3 times per year	Community Futures	1 Councillor	Cr Wells
20	Brandy Hill Quarry Community Consultative Committee	The purpose of a Community Consultative Committee is to provide a forum for discussion between a proponent and representatives of the community, stakeholder groups and the local council on issues directly relating to a specific State significant project.	Quarterly - February, May, August and November	General Manager's Office	1 Councillor	Cr Arnott <u>Alternate</u> Cr Kafer <u>Alternate, as required</u> Assets Section Manager/ Strategy & Environment Section Manager
21	Cabbage Tree Road Community Consultative Committee	The purpose of the committee is to provide an advisory forum of community representatives to meet requirements of the development consent.	Quarterly	Corporate Strategy & Support	1 Councillor	Cr Kafer <u>Alternate</u> Cr Arnott
22	Comprehensive Koala Plan of Management Implementation Committee	Responsible for overseeing the implementation of the Port Stephens Council Comprehensive Koala Plan of Management.	Meets quarterly	Community Futures	1 Councillor	Cr Anderson <u>Alternate</u> Cr Kafer

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ITEM 6 - ATTACHMENT 1 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.

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24	Community Support Fund Formerly Community Funding Program	To make recommendations to Council on applications received through the Grants process.	Annual	Community Futures	Mayor 1 Councillor from each Ward	Mayor Palmer Cr Arnott Cr Doohan Cr Dunkley <u>Alternate</u> Cr Anderson - East Ward Cr Wells - Central Ward
25	Environment Advisory Panel	To provide community representation for consultation, advice and advocacy on environmental matters in Port Stephens.	4 time per year	Community Futures	2 Councillors	Cr Anderson (chair) <u>Alternate</u> Cr Francis
26	General Manager Performance Review Panel	To conduct evaluation of the performance of the General Manager.	At least annual	Mayor's Office	Mayor Deputy Mayor 1 Councillor nominated by Council 1 Councillor nominated by the General Manager	Mayor Palmer Cr Anderson Cr Arnott (nominated by the Council) Plus a Councillor nominated at the time by the General Manager
27	Heritage Advisory Panel	To provide community representation for consultation, advice and advocacy of heritage matters in Port Stephens.	4 time per year	Community Futures	2 Councillors	Cr Wells (chair) <u>Alternate</u> Cr Kafer

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ITEM 6 - ATTACHMENT 1 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.

Ref	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Former Delegates
28	Hunter Joint Organisation	The Hunter Joint Organisation is a collaborative body that brings together the 10 councils in the region to provide a united and local voice for our communities. As the hub for local intergovernmental collaboration, the organisation's statutory mandate includes identifying key regional strategic priorities, advocating for these priorities, and building collaborations around these priorities with other levels of government, industry and community.	Bi-monthly	General Manager's Office	Mayor	Mayor Palmer
29	International Women's Day Scholarship Panel	This panel assesses the applications for the International Women's Day scholarship.	Annual	General Manager's Office	Mayor 1 Councillor from each Ward	Mayor Palmer Cr Anderson Cr Francis Cr Tucker
30	Customer and Community Advisory Group (CCAG)	This committee is an advisory committee to Hunter Water Corporation.	Meets quarterly	General Manager's Office	1 Councillor	Cr Francis <u>Alternate</u> Cr Kafer
31	Hunter and Central Coast Regional Planning Panel	To consider development applications referred to the Panel under the legislation for development applications for the Port Stephens Local Government area. The Panel comprises of 3 State members and 2 Councillors. The term is for 3 years for each Panel member.	As required	Community Futures	2 elected members	Mayor Palmer Cr Arnott <u>Alternates</u> Cr Anderson Cr Tucker Strategy & Environment Section Manager

ITEM 6 - ATTACHMENT 2 22 OCTOBER 2024 - ORDINARY COUNCIL MINUTES.

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

ITEM 6 - ATTACHMENT 1 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.

Ref	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Former Delegates
32	Local Government Community Safety & Crime Prevention Network NSW Note: This is a Committee of the Port Stephens Local Area Command. Membership is by invitation from the Local Area Commander. Council's delegate is the Mayor.	To provide a forum for local community members, service providers, businesses and the police to discuss issues and appropriate strategies relating to crime and community safety. **Attendees will be by invitation only, one representative will be invited by the Police from each peak body / organisation e.g. Hunter Water / Housing NSW). Council will hold two positions, one will be Community Engagement Officer, and the other will be the Mayor or his representative if unable to attend.	Meets quarterly	Facilities & Infrastructure	Mayor	Mayor Palmer
33	Local Traffic Committee	This is an RTA-based committee which allows Council to have delegated authority to install or remove regulatory sign posting on public roads.	Meets 1 st Tuesday of the month	Facilities & Infrastructure	1 Councillor	Mayor Palmer Cr Anderson <u>Alternate</u> Cr Kafer
34	Lower Hunter Bushfire Management Committee	The committee is a legislative requirement and is to discuss direction across local government areas and across agencies in regard to bushfire management.	Meets quarterly	Facilities & Infrastructure	2 Councillors	Cr Arnott Cr Kafer
35	Lower Hunter Community Advisory Group	The Group is managed by Hunter Local Land Services (HLLS). The purpose is to provide an opportunity the HLLS to engage with stakeholders on a range matters, including strategic direction and programs.	Meets annual	General Manager's Office	1 Councillor	Cr Francis
36	Marine Parks Advisory Panel Ministerial Appointment	Community Consultative Committee regarding the proposed Marine Park in Port Stephens.	Meets a minimum of twice a year	Community Futures	1 Councillor	Cr Anderson

ITEM 6 - ATTACHMENT 2 22 OCTOBER 2024 - ORDINARY COUNCIL MINUTES.

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

ITEM 6 - ATTACHMENT 1 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.

Ref	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Former Delegates
37	NSW Public Libraries Association (Central East Zone)	The purpose of the Association is to champion the public library cause, strengthen the public library network, advocate effectively, foster cooperation and collaboration, build trust and support, initiate partnerships and share relevant information	Meets 3 times per year	Facilities & Infrastructure	As resolved by Council	Cr Wells
38	Port Stephens Floodplain Advisory Panel	To provide advice on flood/floodplain management studies/plans	As required	Facilities & Infrastructure	1 Councillor	Cr Francis <u>Alternate</u> Cr Arnott
39	Port Stephens Local Health Committee	To provide leadership in the community to: <ul style="list-style-type: none"> • Ensure health services meet local community health needs • Promote health services and initiatives • Enhance the health of the community. 	Meets 3 to 4 times per year	Community Futures	1 Councillor 1 alternate	Cr Anderson <u>Alternate</u> Cr Tucker
40	Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee	This Committee includes representatives from Great Lakes Council and is responsible for long term planning for the estuary and the coastline.	As required	Community Futures	1 Councillor	Cr Bailey <u>Alternate</u> Cr Anderson
41	RFS District Liaison Committee	To review the progress of the service level agreement between Port Stephens Council and NSW Rural Fire Service in the local government area.	As set by RFS	Facilities & Infrastructure	1 Councillor	Cr Arnott <u>Alternate</u> Mayor Palmer
42	Salt Ash Sand Project Community Consultative Committee	The purpose of a Community Consultative Committee is to provide a forum for discussion between a proponent and representatives of the community, stakeholder groups and the local council on issues directly relating to a specific State significant project.	As required	General Manager's Office	1 Councillor	Cr Doohan <u>Alternate</u> Cr Wells

ITEM 6 - ATTACHMENT 2 22 OCTOBER 2024 - ORDINARY COUNCIL MINUTES.

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

ITEM 6 - ATTACHMENT 1 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.

Ref	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Former Delegates
43	Stone Ridge Community Consultative Committee	The purpose of the committee is to provide an advisory forum of community representatives to meet requirements of the development consent.	Quarterly	General Manager's Office	1 Councillor	Cr Francis <u>Alternate</u> Cr Arnott
44	Tomaree Lodge Community Engagement Committee Note: The Mayor has been asked to Chair this Committee.	The purpose of the Community Engagement Committee is to: <ul style="list-style-type: none"> Act as a community "sounding board" in Stage 1 planning for the site. Provide feedback, advice and guidance to DCJ on proposed amenity improvements. Assist DCJ and other NSW Government agencies in developing strategies or approaches to promote the appropriate short-term use of the site while protecting the site's heritage, environmental and culturally significant artefacts, and history. Act as a key stakeholder in Stage 2 planning to ensure a diversity of voices participate in decision making for this important site. 	Up to 6 times per year	General Manager's Office	Mayor only	New
45	Williamstown Consultative Committee Forum	To provide a forum for the residents of Williamstown area to discuss relevant issues with Federal, State and Local Government elected members and Agencies.	Annually	General Manager's Office	Mayor	Mayor Palmer (General Manager)
46	Worimi Conservation Lands Board of Management Ministerial Appointment	To oversee the management of the lands owned by the Aboriginal owners and leased back to the NSW Government.	Meets 4 times a year	General Manager's Office	1 Councillor alternate	Cr Bailey <u>Alternate</u> Cr Francis

ITEM NO. 7

FILE NO: 25/68357
EDRMS NO: PSC2017-00180

**SIX MONTH PROGRESS REPORT: JANUARY TO JUNE 2025 AGAINST THE
PORT STEPHENS COUNCIL DELIVERY PROGRAM 2022-2026**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Six Month Progress Report for January to June 2025
(**ATTACHMENT 1**) on the progress of Port Stephens Council's Delivery
Program 2022-2026.
-

BACKGROUND

The purpose of this report is to provide Council and the community with an update on the progress of Council's Delivery Program 2022-2026.

This is the sixth and final progress report of the Delivery Program, first adopted by Council in June 2022, and superseded by the Delivery Program 2025-2029.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025-2029
Resources and finance	Deliver the Integrated Planning and Reporting program.

FINANCIAL/RESOURCE IMPLICATIONS

The Six Month Progress Report (**ATTACHMENT 1**) is generated from a combination of information and data from across Council's operations. All financial figures included in this report are preliminary, unaudited and subject to review as part of the audited 2024-2025 financial statements for Council. Council Officers have made their best effort to provide the latest data available from Council's operations at the time of writing this report.

There are no financial or resource implications in providing this report.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Essential Element 4.9 of the Integrated Planning and Reporting Guidelines for Local Government in NSW, September 2021 stipulates that: 'The General Manager must ensure that progress reports are provided to the Council, with respect to the principal activities detailed in the Delivery Program, at least every 6 months.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council will not adopt the Six Month Progress Report January to June 2025, placing Council in breach of legislation leading to reputational loss.	Low	Adopt the recommendation.	Yes
There is a risk that as Council's audited financial statements have not been completed for the 2024-2025 financial year, the figures included in the report are not correct and may be incorrectly referenced by Council and other parties.	Low	Adopt the recommendation. Provision included in the Six Month Progress Report that all financial figures are preliminary, unaudited and subject to review as part of the 2024-2025 Audited Financial Statements.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Community Strategic Plan, Delivery Program and Operational Plans are founded on a basis of social, economic, environmental and governance factors through 4 focus areas, Our Community, Our Place, Our Environment and Our Council.

ORDINARY COUNCIL - 26 AUGUST 2025

The report reflects these factors, providing a snapshot across each of the focus areas, a scorecard of Council's key result measures and a progress update on the Delivery Program and Operational Plan.

Due to the timing of this report, some of the annual results (financial sustainability and asset management) for our key result measures have not been finalised and will be reported in the 2024 to 2025 Annual Report.

Successive natural disaster events and on-going wet weather has required significant resources to be diverted to response and recovery efforts.

However, to date Council has achieved, within the resources available, what it has set out to do with: service delivery on track to achieve the target of 95%; community satisfaction target of 2.94 out of 5 achieved; employee wellbeing target of 80% achieved; risk management target of 85% achieved; financial sustainability target of an underlying financial result better than budget anticipated.

COMMUNICATION AND ENGAGEMENT

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

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

ORDINARY COUNCIL - 26 AUGUST 2025

The following communication and engagement apply to this report.

External communications and engagement

INFORM	Following Council consideration, the report will be made available on Council's website and distributed across a number of communication channels.
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Internal communications and engagement

The Six Month Progress Report January to June 2025 has been compiled from information and data provided across Council's operations and reviewed by the Executive Team of Council.

OPTIONS

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

ATTACHMENTS

- 1) Six Month Progress Report - January to June 2025. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.



GUUDJI YIIGU

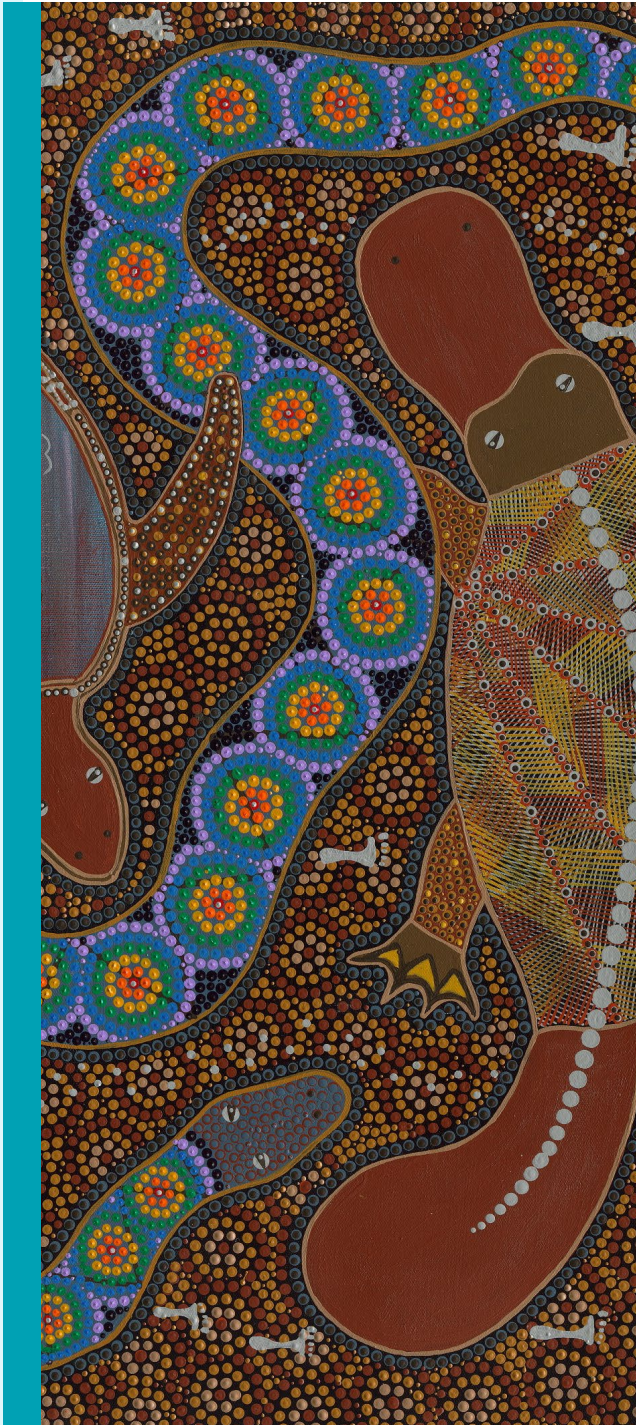
(GOO-JEE IK-KOO)

We welcome you to Port Stephens – part of the Worimi Aboriginal Nation. Port Stephens Council acknowledges the Worimi people as traditional owners and custodians of the lands and waterways on which we all live, learn, work and play.

We value and respect the Worimi people and the legacy 60,000 years of Aboriginal Nation traditions and culture brings with it. As part of Council's culture of acceptance, diversification and harmony we walk alongside the Worimi people on a journey of listening and learning.

Together we will strive to make this a better place for all people. As guardians of these lands, we ask that you tread lightly to help preserve the biodiversity and respect those who came before as well as those who will follow.

Artwork by Regan Lilley.



ITEM 7 - ATTACHMENT 1

SIX MONTH PROGRESS REPORT - JANUARY TO JUNE 2025.

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Scorecard

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The six-month progress report from January to June 2025 has been prepared in accordance with the requirements of the Integrated Planning and Reporting Guidelines (September 2021), Essential Element 4.9. ‘The General Manager must ensure that progress reports are provided to the Council, with respect to the principal activities detailed in the Delivery Program, at least every six months.’

All financial figures included in this report are preliminary, unaudited and subject to review as part of the audited 2024-2025 financial statements for Council.



General Manager's message

Over the past six months, ongoing wet weather has posed significant challenges. Two declared natural disasters have damaged roads, isolated properties, and disrupted daily life for many residents, with floodwaters causing major disruptions.

Our local road network has suffered, with heavy rainfall impacting surface conditions and drainage systems. In response, over the next three years, we are committing more than \$20 million to the repair and rehabilitation of our road network as part of our Roads Acceleration Program, utilising existing funds, a Special Rate Variation and state and federal grants. It is important to note that in June, Council resolved to increase our allocation of funds by a further \$9m over 3 years by reallocations from natural disaster reserves and surplus land sales. We're also continuing to actively advocate for additional support from the State and Federal Governments.

Despite these challenges, growth and development remain priorities. A recent three-month campaign has successfully positioned Raymond Terrace as an investment hub, attracting over 9,290 visitors to our website.

We've also been developing a Place Plan for Salamander Bay Town Centre to guide land use, improve transport, and attract investment. With around 11,000 new homes expected in Port Stephens over the next 20 years, and with Council owning the last remaining vacant commercial site on the Tomaree Peninsula, this is a rare opportunity to provide a range of commercial services and housing options to our community. It also provides for on-going financial sustainability by generating a further non rate revenue source for the medium to long term.

Throughout these efforts, maintaining community connections has remained vital. Highlights we've delivered include Illuminate Raymond Terrace, Shoal Bay Food and Wine Festival and numerous programs at our libraries. Our Satisfaction Survey received our largest response yet, and initiatives like Community Catch Ups and Mayor Meet Ups continue to foster direct engagement with residents.

I want to thank our dedicated team for their hard work from January to June 2025. This report highlights some key achievements. I encourage you to visit our website to learn more about our initiatives and accomplishments.











Tim Crosdale
General Manager of Port Stephens Council

ITEM 7 - ATTACHMENT 1

SIX MONTH PROGRESS REPORT - JANUARY TO JUNE 2025.

Scorecard

Our six key result measures underpin everything we do at Port Stephens Council:

	<div>Service Delivery</div> <div>Our target: >95% Integrated Plans delivered on time</div> <div>Achievement: 98%</div> <div>(As at 30 June 2025)</div>	
	<div>Community Satisfaction</div> <div>Our target: A score of 2.94 out of 5*</div> <div>Achievement: A score of 3.01 out of 5*</div> <div>*overall satisfaction with Council's services</div> <div>(Source: 2025 Community Satisfaction Survey)</div>	
	<div>Employee Wellbeing</div> <div>Our target: >80% Employee Engagement</div> <div>Achievement: 83%</div> <div>(Source: 2024 Employee Engagement Survey)</div>	
	<div>Risk Management</div> <div>Target: >85% Risk Management Maturity score</div> <div>Achievement: 86%</div> <div>(As at July 2024)</div>	
	<div>Financial Sustainability</div> <div>Our target: Underlying financial result better than budget</div> <div>Achievement: Anticipated \$1.546M</div> <div>(Source: March 2025 Quarterly Budget Review)</div>	
	<div>Asset Management</div> <div>Our target: 100% asset maintenance ratio</div> <div>Achievement: Result to be provided in 2024-2025 Annual Report</div>	TBC
<div><div>ON TRACK: On track to achieve the target</div><div>MONITOR: Within 5% of the target</div><div>OFF TRACK: > 5% off the target</div></div> <div></div>		

Six Monthly Report

Snapshot – January to June 2025

Our Community

- Delivered a full events program including Illuminate Raymond Terrace*, Shoal Bay Food and Wine Festival*, Australia Day*, Sail Port Stephens Street Party, Battle of the Arts Youth Week event* and Creative Networking Workshops.
- Celebrated the achievements of 7 community members at the Port Stephens Annual Awards and supported the endeavours of 4 local women through our International Women's Day scholarships.
- Supported 9 community groups to deliver events, create murals, implement support programs, and purchase equipment and resources through our Aboriginal Projects Fund and Community Support Fund.
- Recruitment is in progress for the Disability Inclusion and Access Advisory Group (DIAAG) to help deliver the Community Wellbeing Strategy and Disability Inclusion Action Plan (DIAP).

* Supported by Federal and State Government funding.



Events
23 held



Beach and aquatic centres
710,000+ visits



Thrive Kids
52,990 + childcare places filled



Libraries
287 programs



Our Place

- Council committed an extra \$9 million over three years from natural disaster reserves and surplus land sales as part of our Roads Acceleration Program
- Delivered a 3 month investment campaign for Raymond Terrace for investors across Sydney, Central Coast, Newcastle and the Hunter, attracting more than 9,290 visits to Council's dedicated webpage.
- Engaged with our community regarding the Salamander Town Centre Place Plan and Tilligerry Place Plan.
- Completed the construction of a shared pathway along Marine Drive, Fingal Bay, to complete the route, and continued construction of the 4.4 km shared pathway along Brandy Hill Drive, Brandy Hill.



DA approvals
Fastest DA approval timeframe for Lower Hunter Councils



Capital Investment
\$200+ million from DA's approved



Transport infrastructure
\$17.8 million in repairs



Capital works
9 completed
12 in progress



Delivery Program update

In this report, we use the icons below to indicate the status of our Operational Plan actions, which form part of the Delivery Program 2022 to 2026.

ON TRACK: Operational Plan Actions are on track to achieve the target



MONITOR: Operational Plan Actions are within 5% of the target



OFF TRACK: Operational Plan Actions are > 5% off the target







Our Community

An accessible and welcoming community respecting diversity, heritage and culture.





C1 Community wellbeing

Improved wellbeing for our diverse community supported by services and facilities

Delivery Program Activity	Operational Plan Action	Status
C1.1.1 Develop and implement the Community Wellbeing Strategy (CWS) to provide services and support for a diverse community	C1.1.1.1 Implement the Community Wellbeing Strategy	
C1.1.2 Implement and develop the Disability Inclusion Action Plan (DIAP) to encourage Port Stephens to be inclusive and access friendly	Refer C1.1.1.1	
C1.2.1 Provide a program of education and care services for families and carers of children	C1.2.1.1 Deliver early education and care for children	
C1.3.1 Provide a program of recreational, leisure and community services	C1.3.1.1 Initiate and manage contracts with recreational, leisure and community services	

C2 Recognised traditions and lifestyles

Our community supports the richness of its heritage and culture



Delivery Program Activity	Operational Plan Action	Status
C2.1.1 Implement the Yabang Gumba-Gu Agreement to recognise and support local Aboriginal and Torres Strait Islander people	C2.1.1.1 Implement the Yabang Gumba-Gu Agreement	
C2.2.1 Implement Our Incredible Place Strategy	C2.2.1.1 Implement actions of Our Incredible Place Strategy	
C2.3.1 Support the preservation of Port Stephens heritage	C2.3.1.1 Provide support for the preservation of Port Stephens heritage	
C2.4.1 Provide a program for public libraries as contemporary, accessible, vibrant and welcoming community spaces	C2.4.1.1 Deliver public library services, programs and resources	

Our Place

A liveable and connected place supporting community wellbeing and local economic growth





P1 Strong economy, vibrant local businesses, active investment

Our community has an adaptable, sustainable and diverse economy

Delivery Program Activity	Operational Plan Action	Status
P1.1.1 Implement the Economic Development Strategy	P1.1.1.1 Deliver Economic Development Strategy actions	
P1.1.2 Support Destination Port Stephens to attract sustainable visitation to Port Stephens	P1.1.2.1 Provide strategic and financial support to Destination Port Stephens	

P2 Infrastructure and facilities









Our community's infrastructure and facilities are safe, convenient, reliable and environmentally sustainable

Delivery Program Activity	Operational Plan Action	Status
P2.1.1 Provide, manage and maintain community assets in accordance with the SAMP 2024-2034	P2.1.1.1 Provide, manage and maintain community assets in accordance with the SAMP 2024-2034	
P2.1.2 Provide asset and engineering services to meet customer demand	P2.1.2.1 Provide asset and engineering services	
P2.1.3 Deliver the 4 year Public Infrastructure Program	P2.1.3.1 Implement Council's adopted annual capital works program	
P2.1.4 Deliver the program for maintenance of Council's assets *	P2.1.4.1 Maintain Council's civil and community infrastructure	

* Due to successive natural disaster events, and on-going wet weather, significant resources have been diverted to response and recovery efforts. Council's maintenance program is impacted with scheduled actions only being delivered when the high priority repairs are completed.

P3 Thriving and safe place to live

Our community supports a healthy, happy and safe place



Delivery Program Activity	Operational Plan Action	Status
P3.1.1 Program to develop and implement Council's key planning documents	P3.1.1.1 Develop, implement and monitor land use plans and strategies	
P3.2.1 Deliver an annual program for Council to provide development services to enhance public safety, health and liveability	P3.2.1.1 Provide development services	
	P3.2.1.2 Provide compliance services	
	P3.2.1.3 Provide ranger services	
	P3.2.1.4 Provide environmental health services	
P3.3.1 Develop a strategic program for Place Plans	P3.3.1.1 Coordinate delivery of endorsed Place Plan actions	
P3.3.2 Provide the Community Financial Assistance Program	P3.3.2.1 Provide financial assistance for the community	
P3.4.1 Provide an emergency management framework that supports emergency services, other agencies and our community	P3.4.1.1 Deliver emergency management services, programs and resources	

Our Environment

Port Stephens environment is clean, green, protected and enhanced



E1 Ecosystem function

Our community has healthy and dynamic environmental systems that support biodiversity and conservation

Delivery Program Activity	Operational Plan Action	Status
E1.1.1 Develop and deliver a program for Council to implement environmental strategies and policies	E1.1.1.1 Develop and monitor environmental policies and strategies	
	E1.1.1.2 Provide environmental impact assessment services and a range of nature conservation, biosecurity and rehabilitation programs	


E2 Environmental sustainability

Our community uses resources sustainably, efficiently and equitably

Delivery Program Activity	Operational Plan Action	Status
E2.1.1 Develop and deliver a program for Council leading the way to a sustainable and climate positive future	E2.1.1.1 Adopt and implement a Carbon Neutral Action Plan (also known as the Emissions Reduction Action Plan)	
E2.2.1 Provide a Waste program to support the reduction of the community's environmental footprint	E2.2.1.1 Implement the Waste Management Strategy 2021- 2031	

E3 Environmental resilience

Our community is resilient to environmental risks, natural hazards and climate change

Delivery Program Activity	Operational Plan Action	Status
E3.1.1 Develop and deliver a program for Council to mitigate environmental risks associated with climate change and natural hazards	E3.1.1.1 Staged implementation of the Port Stephens Coastal Management Program (CMP) incorporating climate change risks	

Our Council

Port Stephens Council leads, manages and delivers valued community services in a responsible way


L1 Governance

Our Council's leadership is based on trust and values of Respect, Integrity, Teamwork, Excellence and Safety (RITES)

Delivery Program Activity	Operational Plan Action	Status
L1.1.1 Deliver the 4-year Workforce Management Strategy	L1.1.1.1 Implement the Workforce Management Strategy	
L1.2.1 Provide and implement strategic direction and governance of Council	L1.2.1.1 Coordinate and deliver Councillor and executive support services	
	L1.2.1.2 Conduct citizenship ceremonies	
	L1.2.1.3 Advocate for community priorities and work with other levels of government and stakeholders	
	L1.2.1.4 Develop shareholder value through an effective partnership with Newcastle Airport	
	L1.2.1.5 Work with Hunter Councils to enhance the Hunter Region	
L1.3.1 Deliver governance services and internal audit program	L1.3.1.1 Deliver governance and legal services and enterprise risk management	
	L1.3.1.2 Implement and coordinate the Audit Risk and Improvement Committee (ARIC) requirements and internal audit process	
L1.3.2 Deliver the Integrated Planning and Excellence program	L1.3.2.1 Undertake a community satisfaction survey	
	L1.3.2.2 Implement the legislative requirements of the Integrated Planning and Reporting Framework	
L1.3.3 Deliver the 4-year program for Service Reviews	L1.3.3.1 Implement the annual service review program	
L1.3.4 Deliver the 4-year program for Corporate Systems and Data	L1.3.4.1 Implement annual actions of the Corporate Systems and Data Management Strategy	






ITEM 7 - ATTACHMENT 1

SIX MONTH PROGRESS REPORT - JANUARY TO JUNE 2025.

Management Strategy		
L1.3.5 Deliver the Business Excellence Program	L.1.3.5.1 Deliver the Business Excellence Program	



L2 Financial management

Our Council is financially sustainable to meet community needs

Delivery Program Activity	Operational Plan Action	Status
L2.1.1 Manage implementation of the Long Term Financial Plan 2024 to 2034	L2.1.1.1 Manage implementation of Council's Long Term Financial Plan 2024 to 2034 and Annual Budget for 2024 to 2025 including Financial Sustainability Strategy and Roadmap	
	L2.1.1.2 Provide statutory reporting to the community and other government organisations	
	L2.1.1.3 Administer rates and charges in accordance with legislative requirements while also incorporating rates assistance provision for the community	
L2.1.2 Manage the property portfolio in accordance with the Property Investment Strategy	L2.1.2.1 Manage the property portfolio in accordance with the Strategic Property work plan	
L2.1.3 Implement the 2022 to 2025 Delivery Plans for Beachside Holiday Parks and Koala Sanctuary	L2.1.3.1 Implement the annual actions of the Beachside Holiday Parks and Koala Sanctuary Operational Plan	

L3 Communication and engagement

Our Council is committed to enabling an engaged and informed community

Delivery Program Activity	Operational Plan Action	Status
L3.1.1 Deliver the 4-year Customer Experience Roadmap and action plan	L3.1.1.1 Develop, implement and monitor Council's Customer Experience Roadmap and Action Plan	
L3.2.1 Deliver the 4-year program for the Communication and Engagement Strategy	L3.2.1.1 Manage Council's communications and community engagement activities	



PORT STEPHENS
COUNCIL

council@portstephens.nsw.gov.au | 02 4988 0255 | portstephens.nsw.gov.au    

ITEM NO. 8

**FILE NO: 25/201567
EDRMS NO: PSC2009-0965**

**DELEGATIONS: GENERAL MANAGER AND ACTING GENERAL MANAGER AND
LOCAL TRAFFIC COMMITTEE APPOINTMENTS**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receives and notes the Authorisation and Delegation Instrument for prescribed traffic control devices and regulation of traffic at **(ATTACHMENT 1)**.
- 2) Delegate the Functions in accordance with the Instrument of Delegation to the General Manager attached to this report as **(ATTACHMENT 2)**.
- 3) Appoint the 3 Directors (Community Futures, Facilities & Infrastructure and Corporate Strategy and Support) to act in the capacity of the General Manager on a rotational basis, in the absence of the General Manager, and that such appointment ceases upon the return to work of the General Manager or other resolution of Council.
- 4) The Mayor and General Manager be authorised to establish a rotational calendar for the role of acting General Manager.
- 5) Any person acting as General Manager pursuant to this resolution has all the functions, delegations and sub-delegations given to the General Manager by the Council.
- 6) Rename the Local Traffic Committee to Local Transport Forum.
- 7) Appoint Mayor Leah Anderson and Cr Ben Niland as delegates, and Cr Nathan Errington as an alternate delegate to the Local Transport Forum.

BACKGROUND

The purpose of this report is to provide the General Manager's and acting General Manager's delegations for Council's consideration and adoption, and rename the Local Traffic Committee.

Transport for NSW have recently released an updated Authorisation and Delegation Instrument for prescribed traffic control devices and regulation of traffic at **(ATTACHMENT 1)**.

Accordingly, the General Manager's delegations have been reviewed and are shown at **(ATTACHMENT 2)**.

The Authorisation and Delegation Instrument at **(ATTACHMENT 1)** also changes the name of the Local Traffic Committee to the Local Transport Forum.

ORDINARY COUNCIL - 26 AUGUST 2025

Council's delegates on the Local Traffic Committee are Mayor Anderson and Cr Niland, with Cr Errington as an alternate.

Council is required to officially rename the Local Traffic Committee to Local Transport Forum and appoint delegates.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025-2029
Resources and finance	Deliver Governance Services and internal audit program

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL, POLICY AND RISK IMPLICATIONS

Council is required to have appropriate delegations for the roles of General Manager and acting General Manager, in accordance with the Local Government Act 1993. Without such delegations Council is at risk of breaching the law and individuals operating outside their limits of responsibility.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that without the appropriate delegations, the General Manager would not be able to exercise the functions of General Manager.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

COMMUNICATION AND ENGAGEMENT

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

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

The following communication and engagement applies to this report.

External communications and engagement

	No external communications and engagement are required for this report.
--	---

Internal communications and engagement

Consultation has been undertaken by the Governance Section with:

- General Manager

OPTIONS

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

ATTACHMENTS

- 1) Transport for NSW - Authorisation and Delegation Instrument [↓](#)
- 2) Instrument of Delegation - General Manager. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 8 - ATTACHMENT 1 TRANSPORT FOR NSW - AUTHORISATION AND DELEGATION INSTRUMENT



AUTHORISATION AND DELEGATION

PREScribed TRAFFIC CONTROL DEVICES AND
REGULATION OF TRAFFIC

Roads Act 1993
Road Transport Act 2013

On behalf of Transport for NSW, I, Josh Murray, Secretary of the Department of Transport:

- a) **REVOKE** the instrument of 31 October 2011 titled "*Roads and Maritime Services – Delegation to Councils*"; and
- b) **REVOKE** the instrument of 12 December 2023 titled "*Instrument of Delegation and Authorisation – Traffic Management and Pedestrian Works – Temporary Delegation to Councils No.2*"; and
- c) **DELEGATE** under section 31(1) of the *Transport Administration Act 1988* and all other enabling powers, the functions set out in **Schedule 1** to the delegates set out in **Schedule 2**, subject to the conditions and limitations set out in **Schedule 4**; and
- d) **AUTHORISE** those delegates, under section 31(2) of the *Transport Administration Act 1988*, to sub-delegate the functions set out in **Schedule 1** to the persons set out in **Schedule 3**; and
- e) **AUTHORISE** the delegates set out in **Schedule 2**, under section 122(b) of the *Road Transport Act 2013*, to install or display (or interfere with, alter, or remove) any prescribed traffic control device required to give effect to the carrying out of traffic control work except where indicated as restricted in the Transport for NSW "*Traffic Signs Register*", subject to the conditions and limitations set out in **Schedule 4**; and
- f) **CONSENT**, under s.87(4) of the *Roads Act 1993*, to the construction, installation, maintenance, repair, removal, or replacement of a portable traffic control light used temporarily by a delegate in the context of carrying out road work or traffic control work, subject to the conditions and limitations set out in **Schedule 4**; and

ITEM 8 - ATTACHMENT 1 TRANSPORT FOR NSW - AUTHORISATION AND
DELEGATION INSTRUMENT

Authorisation and Delegation Instrument

- g) **DIRECT** that failure to comply with the conditions and limitations set out in **Schedule 4** renders the prescribed traffic control device authorisation and delegation inoperative with respect to the functions exercised.

Note: the authorisation at (e) above is referred to in this Instrument as "the prescribed traffic control device authorisation".

This Instrument commences on 1 August 2025 and continues in force until revoked.



Josh Murray
Secretary
Department of Transport

Date: 21/07/2025

ITEM 8 - ATTACHMENT 1 TRANSPORT FOR NSW - AUTHORISATION AND DELEGATION INSTRUMENT

Authorisation and Delegation Instrument

SCHEDULE 1 – FUNCTIONS

- (a) The functions and powers of Transport for NSW under section 115(2) of the *Roads Act 1993* to regulate traffic on a public road for purposes other than those set out in in that section.
- (b) The power to establish and operate a special event parking scheme for a road under Part 8, Division 3 of the *Road Transport (General) Regulation 2021*.

SCHEDULE 2 – DELEGATES

A council constituted under the *Local Government Act 1993*.

SCHEDULE 3 – SUB-DELEGATES

The general manager of a council, or an employee of the council.

SCHEDULE 4 – CONDITIONS AND LIMITATIONS

Note: Reference to a delegate in this Schedule includes reference to a sub-delegate.

1. Scope of Authorisation and Delegation

A delegate must not exercise a function listed in Schedule 1 of this Instrument and may not use the prescribed traffic control device authorisation:

- (a) outside its local government area as constituted under the *Local Government Act 1993*;
- (b) on a road or part of a road classified as a Freeway, Controlled Access Road, Tollway, or Transitway; or
- (c) on any road identified with the 'Administrative Category' of 'State' in the '*Schedule of Classified Roads and Unclassified Regional Roads*' (as published and amended from time to time by Transport for NSW), except with the written consent of Transport for NSW

Note: The prescribed traffic control device authorisation allows delegates to install, display, etc. those devices and extends to the engagement of third parties (such as developers, road construction contractors, etc.) to install and display any such devices as a consequence of a delegate's decision and approval under this Instrument.

2. Local Transport Forum

- (a) A delegate must convene a Local Transport Forum to which a representative from each of the following is invited to attend:

page 3 of 6

ITEM 8 - ATTACHMENT 1 TRANSPORT FOR NSW - AUTHORISATION AND DELEGATION INSTRUMENT

Authorisation and Delegation Instrument

- (i) the delegate
 - (ii) Transport for NSW
 - (iii) NSW Police Force
 - (iv) The local Member(s) of NSW Parliament
 - (v) The operator of any public passenger service likely to be affected by traffic control work proposed by the delegate
- (b) A delegate may invite any other person to attend the Local Transport Forum.
- (c) A delegate may seek technical advice from the Local Transport Forum regardless of whether this Instrument is being used.
- (d) The Local Transport Forum is to provide advice to the delegate on any matter put before it for advice.
- (e) A delegate must consider any advice provided by the Local Transport Forum.

3. Mandatory prior referral of some proposals

- (a) A delegate must refer to the Local Transport Forum any proposal to exercise a function listed in Schedule 1 of this Instrument or to use the prescribed traffic control device authorisation where that proposal would:

for a period exceeding **6 months**:

- (i) restrict or prohibit passage along a road of any persons, vehicles, or animals;
or
- (ii) compel or prevent a turn from one public road to another public road;

or

for a period exceeding **24 hours**:

- (iii) prevent, impede, or hinder the safe or efficient operation of a public passenger service; or
 - (iv) prevent access to a public transport station, stop, wharf, or service; or
 - (v) remove or render less effective any bus priority measure.
- (b) Following consideration of advice provided by the Local Transport Forum, the delegate may proceed with the proposal unless the Transport for NSW representative advises the meeting of the Local Transport Forum that Transport for NSW will be submitting a Statement of Concern within seven (7) days.

ITEM 8 - ATTACHMENT 1 TRANSPORT FOR NSW - AUTHORISATION AND DELEGATION INSTRUMENT

Authorisation and Delegation Instrument

- (c) If a Statement of Concern has been provided to the delegate in accordance with clause (b) above, the delegate may not exercise the relevant function until a further seven (7) days after it has circulated to the members of the Local Transport Forum, a written response addressing the Statement of Concern and setting out the delegate's reasons for proceeding to exercise the function.

4. Keeping of records

- (a) The proceedings of the Local Transport Forum must be recorded and made public as soon as practicable.
- (b) A post facto record of any use of the prescribed traffic control device authorisation (excluding any instance that has already been the subject of prior referral per condition 3) must be tabled at the Local Transport Forum as soon as practicable and no later than three (3) months after the fact.

5. Coordination

- (a) A delegate must consult any public passenger service operator – either directly or via the Local Transport Forum – before exercising any function listed in Schedule 1 of this Instrument or using the prescribed traffic control device authorisation where it is likely to affect the operation of a public passenger service provided by that operator.
- (b) Details of such consultation undertaken outside of the Local Transport Forum must be tabled at the Local Transport Forum as soon as practicable.
- (c) A delegate must give not less than seven (7) days' notice to NSW Police Force and Transport for NSW – either directly or via the Local Transport Forum – before regulating traffic under this Instrument for the purposes of a public event.

6. References

- (a) A delegate must use the NSW Design of Roads and Streets Manual (TS 00066, as amended from time to time) as a primary reference when exercising a function listed in Schedule 1 of this Instrument or using the prescribed traffic control device authorisation.
- (b) Use of a portable traffic control light or R4-212n roadwork speed limit sign under this Instrument must be in accordance with the Transport for NSW Traffic Control at Work Sites Manual (TS 05492, as amended from time to time).

7. Preservation of head of power

Notwithstanding this Instrument, Transport for NSW reserves all and any rights and powers, including to:

- (a) Direct a public authority under clause 8I of Schedule 1 of the *Transport Administration Act 1988*, or alter or remove, or direct the alteration or removal of any prescribed traffic control device, under Part 5.3, Division 2 of the *Road Transport Act 2013*; and

ITEM 8 - ATTACHMENT 1 TRANSPORT FOR NSW - AUTHORISATION AND DELEGATION INSTRUMENT

Authorisation and Delegation Instrument

- (b) Carry out road work in accordance with Part 6 of the *Roads Act 1993*; and
- (c) Carry out traffic control work on any public road, including exclusive power to carry out or consent to the construction, erection, installation, maintenance, repair, removal or replacement of a traffic control light under section 87 of the *Roads Act 1993*; and
- (d) Regulate traffic under Part 8 of the *Roads Act 1993*.
- (e) Revoke or withdraw this delegation, authorisation, or any component of it at any time with respect to any or all delegates.



Port Stephens Council

INSTRUMENT OF DELEGATION TO GENERAL MANAGER

On 26 August 2025 the Port Stephens Council ("**Council**") resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. The person who from time to time holds the position of General Manager of Council ("**General Manager**"), being at the date of this instrument Tim Crosdale, be delegated authority under section 377 of the LG Act, to exercise and/or perform on behalf of Council the Council's Functions under all Legislation in force and as amended from time to time:
 - a. **Subject to** any condition or limitation on a Function specified in Schedule 1; and
 - b. **Excluding** those Functions:
 - i. that are expressly prohibited from delegation as listed under Section 377 of the LG Act;
 - ii. which are expressly required by legislation to be exercised by a resolution of the Council.
3. The General Manager be sub-delegated authority to exercise and/or perform on behalf of Council the Functions delegated to the Council under, and in accordance with, the instrument of delegation to the Council set out in **Schedule 2, excluding** those Functions which pursuant to the terms of the delegation to the Council may not be sub-delegated.
4. The General Manager be conferred authority to carry out the Council Policy Functions listed in **Schedule 3** and undertake any administrative actions necessary to carry out those Policy Functions.
5. The General Manager be delegated any Function which is taken to be conferred or imposed on the Council pursuant to section 381(1) of the LG Act.
6. In the absence of the General Manager that a person appointed by resolution to act as General Manager assume all Functions, delegations, and sub-

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Raymond Terrace NSW 2324

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ITEM 8 - ATTACHMENT 2 INSTRUMENT OF DELEGATION - GENERAL MANAGER.

delegations of the General Manager for the period only of the absence of the General Manager unless otherwise resolved by the Council.

7. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a. the requirements of the relevant Legislation;
 - b. any conditions or limitations set out in **Schedule 1** and **Schedule 3**; and
 - c. any resolution or policy, procedure or budget adopted from time to time by the Council.
8. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.
9. In this delegation:
 - **“Functions”** means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
 - **“Legislation”** means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
 - **“LG Act”** means the *Local Government Act 1993* as amended.

Schedule 1: Limitations

Part A – Limitations applicable to specific statutory Function (if any)	
Legislation	Limitation (if any)
N/A	N/A
Part B – General Limitations	
N/A	

Schedule 2: Instruments of Delegation to Council

Delegator	Instrument Name	Date Of Instrument

ITEM 8 - ATTACHMENT 2
MANAGER.

INSTRUMENT OF DELEGATION - GENERAL

Transport for NSW	<p>PREScribed TRAFFIC CONTROL DEVICES AND REGULATION OF TRAFFIC</p> <p>DELEGATE the following functions to the General Manager as permitted under the Authorisation and Delegation from Transport for NSW dated 21 July 2025.</p> <p><u>Functions</u></p> <p>a) The functions and powers of Transport for NSW under section 115(2) of the <i>Roads Act 1993</i> to regulate traffic on a public road for purposes other than those set out in in that section.</p> <p>b) The power to establish and operate a special event parking scheme for a road under Part 8, Division 3 of the <i>Road Transport (General) Regulation 2021</i>.</p> <p>AUTHORISE the General Manager under section 122(b) of the <i>Road Transport Act 2013</i>, to install or display (or interfere with, alter, or remove) any prescribed traffic control device required to give effect to the carrying out of traffic control work except where indicated as restricted in the Transport for NSW "<i>Traffic Signs Register</i>", subject to the conditions and limitations set out in Schedule 4 (attached); and</p> <p>Note under s.87(4) of the <i>Roads Act 1993</i>, Transport for NSW consent to the construction, installation, maintenance, repair, removal, or replacement of a portable traffic control light used temporarily by a delegate in the context of carrying out road work or traffic control work, subject to the conditions and limitations set out in Schedule 4.</p>	1 August 2025
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ITEM 8 - ATTACHMENT 2**INSTRUMENT OF DELEGATION - GENERAL
MANAGER.*****Schedule 3: Council Policy Functions***

Code	Policy Function	Conditions / Limitations (if any)
CP017 - Annual leave	Authority to approve annual leave applications for staff within his/her section.	
CP018 - Sick/carer's leave	Authority to approve staff applications for sick or carer's leave within his/her section.	
CP019 - Other leave	Authority to approve staff applications for other leave including but not limited to: long service leave, parental leave, bereavement/compassionate leave or career break, in accordance with any corporate processes.	
CP020 - Overtime/leave in lieu	Authority to approve the allocation and payment of overtime, leave in lieu and payment of meal allowances and travelling time to staff within his/her section.	
CP021 - Authorise scheduled training	Authority to approve the attendance of staff within his/her section at scheduled training courses or seminars.	
CP022 - Authorised scheduled training	Authority to approve attendance of staff within his/her Directorate to attend unscheduled training courses or seminars.	
CP023 - Unscheduled training	Authority to approve attendance of staff within his/her Directorate to attend unscheduled training courses or seminars.	
CP024 - Examination leave	Authority to approve examination and study leave for staff within his/her area of responsibility, in	

ITEM 8 - ATTACHMENT 2**INSTRUMENT OF DELEGATION - GENERAL
MANAGER.**

	accordance with any corporate processes.	
CP025 - Approve timesheets	Authority to approve timesheets for staff within his/her area of responsibility.	
CP026 - Approve flexi time	Authority to approve flexi time leave for staff within his/her area of responsibility.	
CP028 - Rostered days off and rostering working times	Authority to approve variations to rostered day off patterns and rostered working times.	
CP034 - Appoint & replace Directors	Authority to appoint and replace Directors in accordance with the current structure and staff establishment numbers and after consultation with Council.	
CP074 - Authority to appoint and dismiss staff	Authority to appoint and dismiss staff within your area of responsibility.	
CP037 - Written and oral communications	Authority to carry out administrative actions, including written and oral communication, necessary to perform the duties and functions of the position.	
CP041 - Authority to sign contracts for sale	Authority to sign contracts of sale in accordance with the Resolution of Council to buy or sell land.	
CP043 - Authority to endorse cheques, bills, promissory notes and EFT	Authority to solely endorse cheques, bills, promissory notes and EFT payable to the Order of the Council in accordance with the duties and functions of the delegates position.	

**ITEM 8 - ATTACHMENT 2
MANAGER.****INSTRUMENT OF DELEGATION - GENERAL**

CP044 - Authority to enter into a contract	Authority to sign and enter into a contract on behalf of Council.	Authority to sign and enter into a contract on behalf of Council, with the exception of the head contracts relating to pools/leisure centres, waste and pound/ animal refuges, all of which must be reported to Council for decision.
CP065 - Authority to use purchasing card	Authority to use purchasing card to pay suppliers within your area of responsibility and within the approved budget. Note: General Manager and Directors only.	
CP069 - Authority to approve purchase orders	Authority to approve purchase orders within your area of responsibility and within the approved budget. Note: General Manager and Directors only.	
CP014 - Media Policy	Authority to issue media releases and to provide supporting factual information and comment in accordance with the Media Policy and associated Management Directive.	
CP030 - Social Media Spokesperson	Authority to act as a social media spokesperson for the purpose of representing Council's position on	

ITEM 8 - ATTACHMENT 2**INSTRUMENT OF DELEGATION - GENERAL
MANAGER.**

	matters of policy, and to provide information on Council's activities within their area or responsibility. This function includes the authority to publish content on behalf of Council on social media platforms.	
CP031 - Speak to the Media	Authority to act as a spokesperson for Council for the purposes of representing Council's position on matters of policy, and to provide factual background information on Council's administration and operations within their area of responsibility.	
CP032 - Transfer of vote within a program maximum \$10,000	Authority to transfer a vote within a budget program up to a maximum of \$10,000.	
CP033 - Write off bad debts up to \$10,000	Authority to write off bad debts to an amount of \$10,000 in any one instance.	
CP033A - Write off rate or charges up to \$10,000	Authority to write off rate or charges to an amount of \$10,000 in any one instance.	
CP090 - Authority to serve on Newcastle Airport	Authority to act as a Council nominated director on Newcastle Airport Pty Ltd, Greater Newcastle Aerotropolis Pty Ltd, Newcastle Airport Partnership Company 3 and Newcastle Airport Partnership Company 4.	

Pursuant to a Resolution of the Council at its meeting of 26 August 2025:

ITEM 8 - ATTACHMENT 2 INSTRUMENT OF DELEGATION - GENERAL
MANAGER.

Leah Anderson

Mayor

Date:

General Manager's acknowledgement of Delegations of Authority

I Tim Crosdale, currently employed by the Council in the position of General Manager, do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.

General Manager of Port Stephens Council

Date:

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ITEM NO. 9**FILE NO: 25/196717
EDRMS NO: PSC2024-03158****REQUEST FOR FINANCIAL ASSISTANCE****REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER
DIRECTORATE: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral Funds to the following:-
 - a) Birubi Point Surf Life Saving Club – Mayoral funds - \$1,500 donation towards youth camp for cadet members.

BACKGROUND

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

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

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

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

The requests for financial assistance are shown below:

MAYORAL FUNDS

Birubi Point Surf Life Saving Club	Birubi Point Surf Life Saving Club is dedicated to ensuring the safety	\$1500	Donation towards youth camp for cadet members.
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ORDINARY COUNCIL - 26 AUGUST 2025

	and wellbeing of beachgoers.		
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COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025-2029
Resources and finance	Develop and implement strategic direction and governance of Council

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL AND POLICY IMPLICATIONS

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

The Policy interpretation required is whether the Council believes that:

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

COMMUNICATION AND ENGAGEMENT

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

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

The following communication and engagement applies to this report.

External communications and engagement

INFORM	Community members are advised of the outcome of their application.
--------	--

Internal communications and engagement

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

Consultation has been undertaken to ensure budget requirements are met and approved.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 10

FILE NO: 25/206463
EDRMS NO: PSC2024-03232

INFORMATION PAPERS

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

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 26 August 2025.

No:	Report Title	Page:
1	Cash and Investment Portfolio - July 2025	397
2	Audit, Risk and Improvement Committee Minutes - 22 May 2025	406
3	Designated Persons' Return	430
4	Delegations Report	431
5	Council Resolutions	433

INFORMATION PAPERS

ITEM NO. 1

FILE NO: 24/314363
EDRMS NO: PSC2017-00180

CASH AND INVESTMENT PORTFOLIO - JULY 2025

REPORT OF: GLEN PETERKIN - FINANCIAL SERVICES SECTION MANAGER
DIRECTORATE: CORPORATE STRATEGY AND SUPPORT

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held at 31 July 2025.

Council's total portfolio of investments was \$73.1 million with an additional \$6.2 million held in Council's operational account as at 31 July 2025.

The investment portfolio meets the benchmarks for product type, rating exposure and maturity limits but is outside the benchmark in relation to institution exposure. As at 31 July 2025 Council held 1% more cash with State Bank of India (BBB rated) than the benchmark allows. Cashflow requirements have reduced the overall portfolio size however at the time of investing with State Bank of India all benchmark requirements were met. No further investments will be placed with State Bank of India until the single institution limit has improved.

The investment portfolio is currently yielding 5.32% p.a. on a rolling 1- year performance, which was 1.01% above the benchmark with investment income on target to meet or exceed budget.

The reserves report will be published next month once the 2025 financial year balances have been finalised.

ATTACHMENTS

- 1) Cash and Investment Report - July 2025. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.



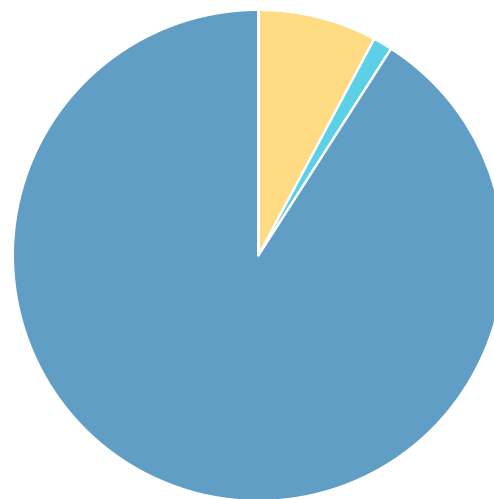
PORT STEPHENS
COUNCIL

Cash Investment Portfolio

Asset Allocation as at 31 July 2025



Cash Investment Portfolio Holdings



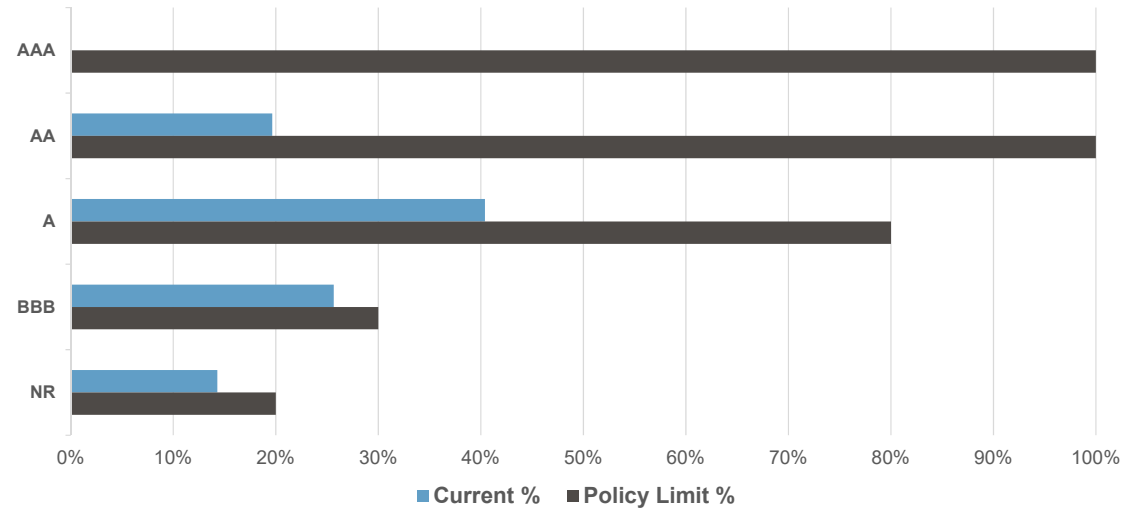
■ At Call ■ Cash ■ At Notice ■ TD ■ Managed Fund

Product Type	Market Value (\$)	Within Policy
At Call	-	
Cash	6,193,364	✓
At Notice	1,000,130	✓
TD	72,066,732	✓
Managed Fund	-	
	79,260,226	

✓ = Yes
x = No

Rating Exposure

Total Credit Exposure

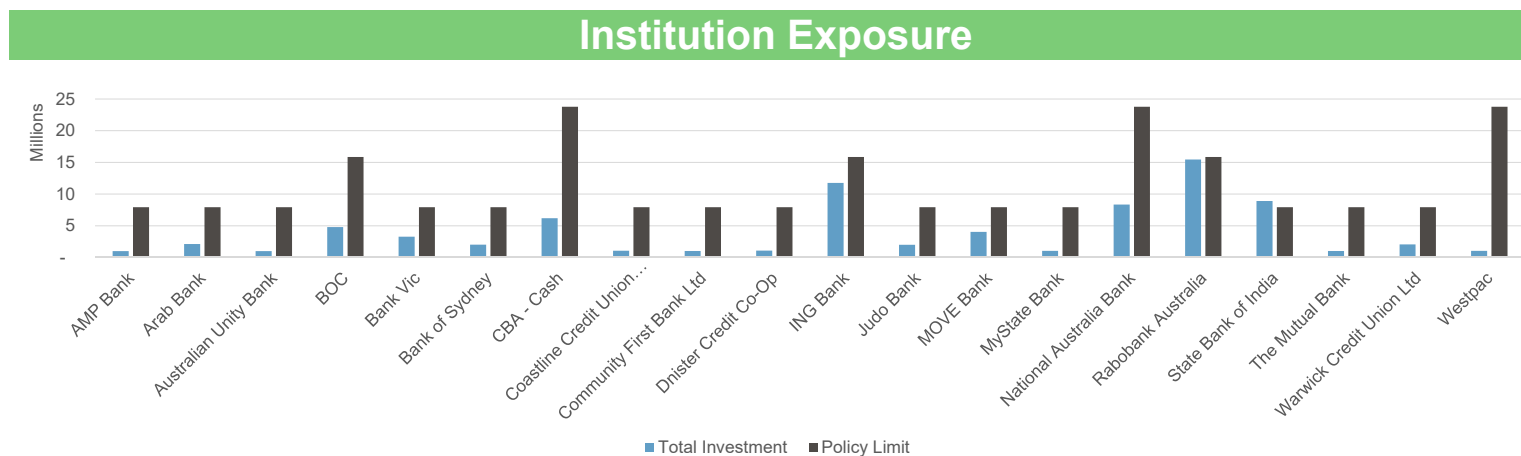


Credit Rating Group	Market Value (\$)	Current %	Policy Limit %	Within Policy
AAA	-	0%	100%	✓
AA	15,581,031	20%	100%	✓
A	32,017,142	40%	80%	✓
BBB	20,336,082	26%	30%	✓
NR	11,325,970	14%	20%	✓
	79,260,226	100%		

✓ = Yes

✗ = No

ITEM 1 - ATTACHMENT 1 CASH AND INVESTMENT REPORT - JULY 2025.

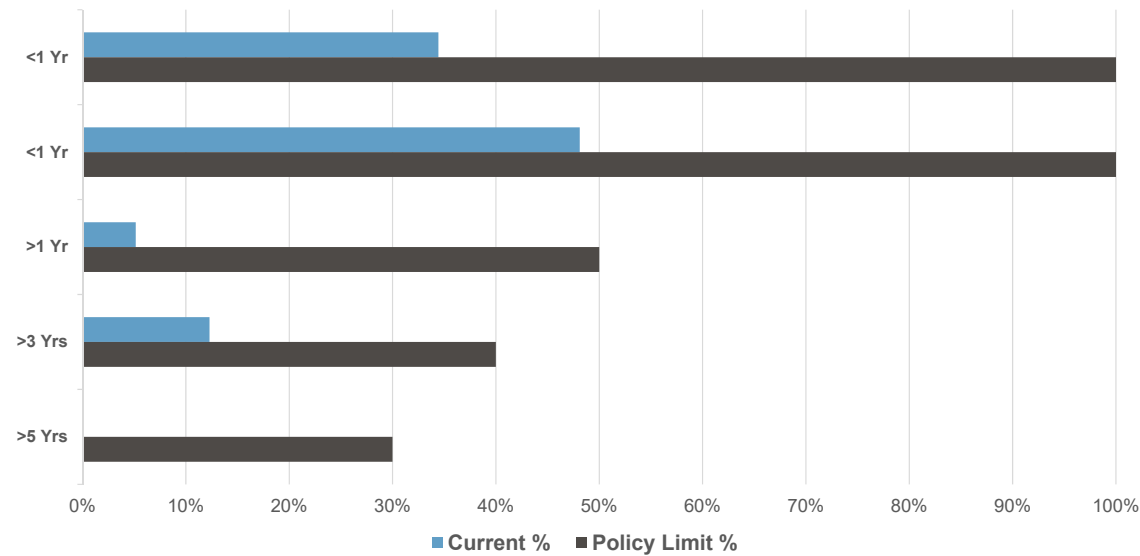


Institution	Rating	Total Investment	Exposure	Policy Limit	Remaining to Limit	Within Policy
AMP Bank	BBB	1,000,130	1%	10%	6,925,892	✓
Arab Bank	NR	2,120,731	3%	10%	5,805,292	✓
Australian Unity Bank	BBB	1,005,066	1%	10%	6,920,957	✓
BOC	A	4,799,388	6%	20%	11,052,657	✓
Bank Vic	BBB	3,270,518	4%	10%	4,655,504	✓
Bank of Sydney	NR	2,018,669	3%	10%	5,907,354	✓
CBA - Cash	AA	6,193,364	8%	30%	17,584,704	✓
Coastline Credit Union Limited	BBB	1,071,668	1%	10%	6,854,354	✓
Community First Bank Ltd	BBB	1,021,085	1%	10%	6,904,938	✓
Dnister Credit Co-Op	NR	1,092,449	1%	10%	6,833,573	✓
ING Bank	A	11,763,118	15%	20%	4,088,927	✓
Judo Bank	BBB	2,008,314	3%	10%	5,917,709	✓
MOVE Bank	NR	4,027,447	5%	10%	3,898,576	✓
MyState Bank	BBB	1,033,929	1%	10%	6,892,094	✓
National Australia Bank	AA	8,353,663	11%	30%	15,424,405	✓
Rabobank Australia	A	15,454,636	19%	20%	397,409	✓
State Bank of India	BBB	8,902,227	11%	10%	976,205	✗
The Mutual Bank	BBB	1,023,145	1%	10%	6,902,877	✓
Warwick Credit Union Ltd	NR	2,066,674	3%	10%	5,859,349	✓
Westpac	AA	1,034,004	1%	30%	22,744,064	✓
Total		79,260,226				

✓ = Yes

✗ = No

Term to Maturity Limits



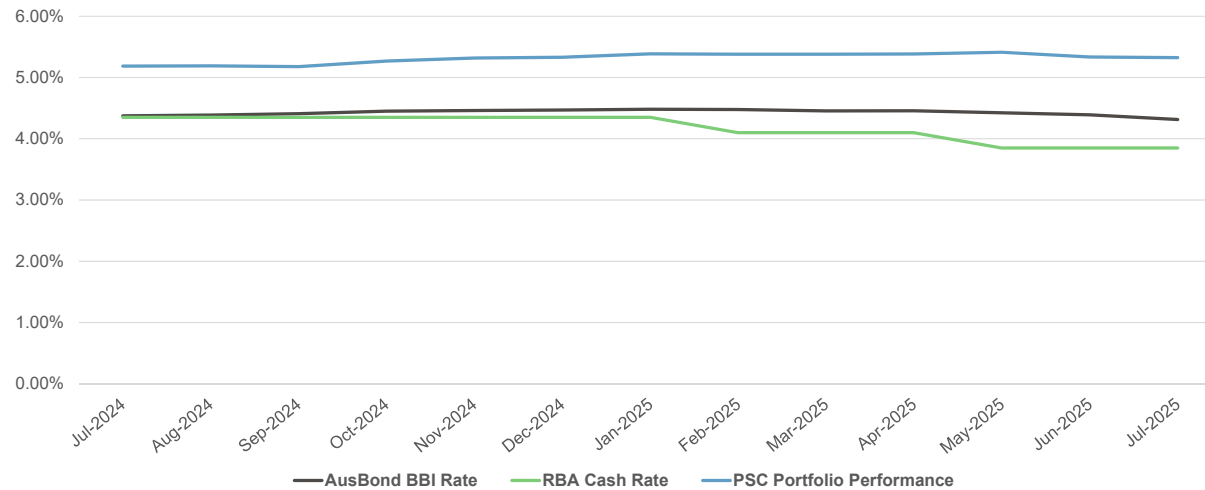
Detailed Maturity Profile	Market Value (\$)	Current %	Policy Limit %	Within Policy
Less than or equal 90 Days	27,295,042	34%	100%	✓
Between 90 Days and 365 Days	38,141,652	48%	100%	✓
Between 366 Days and 3 Years	4,085,911	5%	50%	✓
Between 3 Years and 5 Years	9,737,620	12%	40%	✓
Greater than 5 Years	-	0%	30%	✓
	79,260,226	100%		

✓ = Yes

x = No

Portfolio Performance

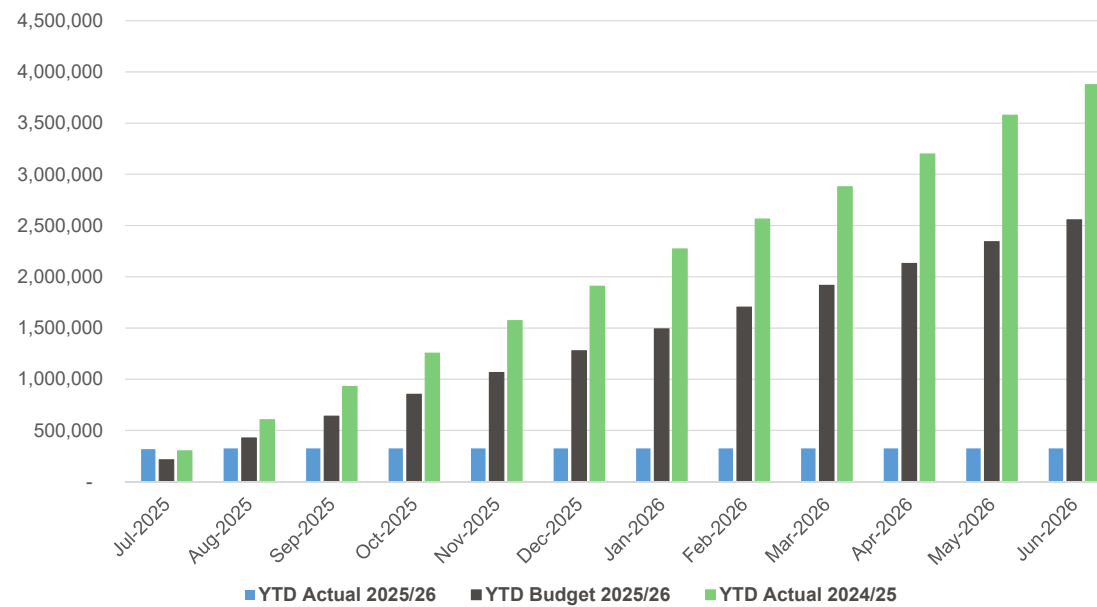
One Year Rolling Performance



Performance	1 month actual	3 months actual	6 months actual	FYTD actual	1 year % p.a. (Rolling)
Bloomberg AusBond BBI (Benchmark)	0.30%	0.97%	2.02%	0.30%	4.31%
PSC Investment Portfolio	0.45%	1.36%	2.62%	0.45%	5.32%
Outperformance/(underperformance)	0.15%	0.40%	0.61%	0.15%	1.01%

Income Earned vs Budget

Monthly Investment Income - Actual to Budget



Investment Register

Institution	Market Value	Days Held	Interest Rate	Date Invested	Maturity Date	Rating
CBA - Cash	6,193,364	1		31/07/2025	1/08/2025	AA
National Australia Bank	1,048,764	354	5.10%	16/08/2024	5/08/2025	AA
National Australia Bank	1,048,894	363	5.07%	13/08/2024	11/08/2025	AA
ING Bank	1,051,838	734	5.30%	8/08/2023	11/08/2025	A
BOC	1,098,052	717	5.12%	1/09/2023	18/08/2025	A
BOC	1,098,052	724	5.12%	1/09/2023	25/08/2025	A
National Australia Bank	2,091,230	367	4.97%	30/08/2024	1/09/2025	AA
State Bank of India	1,047,088	369	5.10%	28/08/2024	1/09/2025	BBB
Dnister Credit Co-Op	1,092,449	647	5.55%	1/12/2023	8/09/2025	NR
National Australia Bank	1,043,627	364	4.93%	11/09/2024	10/09/2025	AA
Rabobank Australia	3,136,027	377	5.00%	3/09/2024	15/09/2025	A
Arab Bank	1,092,949	661	5.58%	1/12/2023	22/09/2025	NR
National Australia Bank	1,043,627	377	4.93%	11/09/2024	23/09/2025	AA
National Australia Bank	1,043,627	384	4.93%	11/09/2024	30/09/2025	AA
Community First Bank Ltd	1,021,085	586	5.03%	29/02/2024	7/10/2025	BBB
Bank of Sydney	1,014,729	186	4.80%	10/04/2025	13/10/2025	NR
ING Bank	1,039,689	369	5.03%	16/10/2024	20/10/2025	A
Bank Vic	1,089,951	696	5.40%	1/12/2023	27/10/2025	BBB
Bank Vic	1,090,284	703	5.42%	1/12/2023	3/11/2025	BBB
Bank Vic	1,090,284	717	5.42%	1/12/2023	17/11/2025	BBB
National Australia Bank	1,033,893	362	5.07%	29/11/2024	26/11/2025	AA
Westpac	1,034,004	538	5.15%	11/06/2024	1/12/2025	AA
MOVE Bank	1,005,984	178	4.55%	13/06/2025	8/12/2025	NR
MyState Bank	1,033,929	370	5.16%	3/12/2024	8/12/2025	BBB
MOVE Bank	1,005,984	185	4.55%	13/06/2025	15/12/2025	NR
Coastline Credit Union Limited	1,071,668	655	5.05%	29/02/2024	15/12/2025	BBB
Warwick Credit Union Ltd	1,032,910	375	5.20%	12/12/2024	22/12/2025	NR
Warwick Credit Union Ltd	1,033,764	381	5.20%	6/12/2024	22/12/2025	NR
MOVE Bank	1,007,802	221	4.52%	29/05/2025	5/01/2026	NR
Arab Bank	1,027,782	733	5.02%	10/01/2024	12/01/2026	NR
MOVE Bank	1,007,678	234	4.52%	30/05/2025	19/01/2026	NR
AMP Bank	1,000,130	180	4.75%	30/07/2025	26/01/2026	BBB
State Bank of India	1,049,384	530	5.15%	15/08/2024	27/01/2026	BBB
Rabobank Australia	1,008,101	601	5.28%	5/06/2024	27/01/2026	A
BOC	1,024,467	369	4.88%	29/01/2025	2/02/2026	A
Rabobank Australia	1,006,887	607	5.13%	12/06/2024	9/02/2026	A
BOC	511,687	377	4.82%	4/02/2025	16/02/2026	A
ING Bank	1,004,430	602	5.39%	1/07/2024	23/02/2026	A
State Bank of India	1,046,164	545	5.00%	28/08/2024	24/02/2026	BBB
State Bank of India	516,699	444	5.30%	13/12/2024	2/03/2026	BBB
ING Bank	1,004,422	616	5.38%	1/07/2024	9/03/2026	A
Rabobank Australia	1,559,844	521	4.97%	11/10/2024	16/03/2026	A
State Bank of India	1,058,466	623	5.50%	8/07/2024	23/03/2026	BBB
Rabobank Australia	778,392	514	5.08%	1/11/2024	30/03/2026	A
State Bank of India	1,058,466	637	5.50%	8/07/2024	6/04/2026	BBB
Rabobank Australia	778,392	528	5.08%	1/11/2024	13/04/2026	A
State Bank of India	1,058,466	651	5.50%	8/07/2024	20/04/2026	BBB
BOC	1,067,132	735	5.35%	29/04/2024	4/05/2026	A
Rabobank Australia	1,000,705	661	5.15%	26/07/2024	18/05/2026	A
State Bank of India	1,034,414	536	5.30%	6/12/2024	26/05/2026	BBB
State Bank of India	1,033,082	535	5.25%	13/12/2024	1/06/2026	BBB
ING Bank	1,019,534	472	4.66%	28/02/2025	15/06/2026	A
ING Bank	1,019,534	486	4.66%	28/02/2025	29/06/2026	A
Bank of Sydney	1,003,940	374	4.23%	27/06/2025	6/07/2026	NR
ING Bank	1,017,886	488	4.63%	12/03/2025	13/07/2026	A
Australian Unity Bank	1,005,066	404	4.30%	18/06/2025	27/07/2026	BBB
Judo Bank	1,004,123	410	4.30%	26/06/2025	10/08/2026	BBB
Rabobank Australia	1,019,251	536	4.78%	6/03/2025	24/08/2026	A
ING Bank	1,039,392	733	4.55%	18/09/2024	21/09/2026	A
The Mutual Bank	1,023,145	733	4.80%	5/02/2025	8/02/2027	BBB
Rabobank Australia	1,038,916	1664	5.32%	6/11/2024	28/05/2029	A
Rabobank Australia	518,227	1663	5.28%	21/11/2024	11/06/2029	A
Rabobank Australia	1,037,470	1687	5.22%	11/11/2024	25/06/2029	A
Judo Bank	1,004,190	1474	4.37%	26/06/2025	9/07/2029	BBB
Rabobank Australia	511,012	1680	5.12%	24/02/2025	1/10/2029	A
Rabobank Australia	1,037,753	1825	5.30%	13/11/2024	12/11/2029	A
ING Bank	518,123	1831	5.25%	21/11/2024	26/11/2029	A
ING Bank	510,689	1806	4.97%	24/02/2025	4/02/2030	A
ING Bank	511,669	1825	4.84%	5/02/2025	4/02/2030	A
Rabobank Australia	1,023,658	1831	5.14%	13/02/2025	18/02/2030	A
ING Bank	1,022,329	1840	5.00%	18/02/2025	4/03/2030	A
ING Bank	1,003,584	1834	4.22%	30/06/2025	8/07/2030	A
Total	79,260,226					

ITEM NO. 2

**FILE NO: 25/199806
EDRMS NO: PSC2015-01492**

AUDIT, RISK AND IMPROVEMENT COMMITTEE MINUTES - 22 MAY 2025

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

BACKGROUND

The purpose of this report is to provide the minutes of the Audit, Risk and Improvement Committee (ARIC) meeting held on 22 May 2025 to Council.

In accordance with the Office of Local Government Risk Management and Internal Audit for Local Government in NSW Guidelines, the ARIC minutes are be provided to the governing body of Council.

ATTACHMENTS

- 1) Audit, Risk and Improvement Committee Minutes - 22 May 2025. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

- 1) A full copy of the ARIC minutes.

TABLED DOCUMENTS

Nil.

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 22 MAY 2025

MINUTES – 22 May 2025



Minutes of the Audit, Risk and Improvement Committee of Port Stephens Council held in the Committee Rooms, Raymond Terrace on – 22 May 2025, commencing at 4.01pm.

PRESENT:

Chair: Deborah Goodyer.

Members in attendance: Frank Cordingley, Deborah Goodyer.

Officers in attendance: Tim Crosdale, General Manager, Steve Peart - Director Community Futures, Greg Kable - Director Facilities & Infrastructure, Zoe Pattison - Director Corporate Strategy & Support, Glen Peterkin - Finance Section Manager, Tony Wickham - Governance Section Manager, Chris Hilkemeijer - Enterprise Risk Manager.

Guests in attendance: David Hutchison - PKF, Martin Matthews - PKF, Nicky Rajani - Audit Office of NSW, Alex Hardy - Prosperity Advisors, Rhodora DeRamos – Prosperity Advisors.

Apologies: Paul Dunn - Member and Councillor Jason Wells.

	Chair Deborah Goodyer Member Frank Cordingley That the Minutes of the Ordinary Meeting of Port Stephens Council Audit Risk and Improvement Committee held on 27 February 2025 be confirmed.
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	There were no Declarations of Interest received.
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AUDIT RISK AND IMPROVEMENT COMMITTEE - 27 FEBRUARY 2025**INDEX**

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2. APOLOGIES.	
3. CONFLICT OF INTEREST DECLARATIONS.	
4. MINUTES – 27 FEBRUARY 2025.	
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GENERAL MANAGER'S UPDATE

**ITEM 2 - ATTACHMENT 1 AUDIT, RISK AND IMPROVEMENT COMMITTEE
MINUTES - 22 MAY 2025.****MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 22 MAY 2025**

The General Manager provided an update on the following topics:

- 1) Flood event – an overview was provided on the Council response to the flood event in terms of roads and bridge closures and flooded areas across the local government area, including minor flooding in and around Raymond Terrace. The Committee were informed that a Natural Disaster declaration claim of \$1.2M is underway.
- 2) The Committee were informed of the Council priorities after working with the elected body – this includes the Road Acceleration Program (RAP) and funding options.
- 3) The Enterprise Agreement (EA) is currently being re-negotiated for the 2026 to 2028 period. The EA will commence 1 July 2025.
- 4) The Administration Building is currently under refurbishment.
- 5) The Committee were advised of the Digital Transformation Strategy, with further information available in the meeting agenda.
- 6) Updated the Committee on the Fly Point Reserve works, noting the works have re-commenced with controls in place.

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 22 MAY 2025
MOTION**

	Chair Deborah Goodyer Member Frank Cordingley That further information be provided on the integrated roads program (RAP) for future ARIC meeting.
--	---

ARIC WORKPLAN AND ACTIONS ARISING

**ITEM 2 - ATTACHMENT 1 AUDIT, RISK AND IMPROVEMENT COMMITTEE
MINUTES - 22 MAY 2025.**

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 22 MAY 2025

ITEM NO. 5.1

**FILE NO: 25/116353
EDRMS NO: PSC2015-01492**

ARIC WORKPLAN AND ACTIONS ARISING FROM THE PREVIOUS MEETING

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

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Note the Audit, Risk and Improvement Committee Workplan actions or actions arising from the previous meeting at **(ATTACHMENT 1)**.
-

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 22 MAY 2025
MOTION**

	<p>Chair Deborah Goodyer Member Frank Cordingley</p> <p>The Committee noted the Audit, Risk and Improvement Committee Workplan actions or actions arising from the previous meeting at (ATTACHMENT 1).</p>
--	--

INTERNAL AUDIT

**ITEM 2 - ATTACHMENT 1 AUDIT, RISK AND IMPROVEMENT COMMITTEE
MINUTES - 22 MAY 2025.**

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 22 MAY 2025

ITEM NO. 6.1

**FILE NO: 25/30227
EDRMS NO: PSC2015-03053**

INTERNAL AUDIT REPORTS

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

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Endorse the Infrastructure damage or failure internal audit report at
 (ATTACHMENT 1).
 - 2) Endorse the Service Reviews internal audit report at **(ATTACHMENT 2).**
-

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 22 MAY 2025
MOTION**

	<p>Chair Deborah Goodyer Member Frank Cordingley</p> <p>That the Committee:</p> <ol style="list-style-type: none">1) Endorse the Infrastructure damage or failure internal audit report at (ATTACHMENT 1).2) Endorse the Service Reviews internal audit report at (ATTACHMENT 2).
--	--

**ITEM 2 - ATTACHMENT 1 AUDIT, RISK AND IMPROVEMENT COMMITTEE
MINUTES - 22 MAY 2025.**

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 22 MAY 2025

ITEM NO. 6.2

**FILE NO: 25/114873
EDRMS NO: PSC2021-03053**

INTERNAL AUDIT FINDINGS UPDATE

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

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Receive and note the Internal Audit Findings Update.
-

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 22 MAY 2025
MOTION**

	Chair Deborah Goodyer Member Frank Cordingley That the Committee receive and note the Internal Audit Findings Update.
--	---

**ITEM 2 - ATTACHMENT 1 AUDIT, RISK AND IMPROVEMENT COMMITTEE
MINUTES - 22 MAY 2025.**

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 22 MAY 2025

ITEM NO. 6.3

FILE NO: 25/116351
EDRMS NO: PSC2015-01492

EXTERNAL QUALITY ASSESSMENT IMPROVEMENT ROADMAP UPDATE

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

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Receive and note the status report of the External Quality Assessment Improvement Roadmap at (**ATTACHMENT 1**).

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 22 MAY 2025
MOTION**

	<p>Chair Deborah Goodyer Member Frank Cordingley</p> <p>That the Committee receive and note the status report of the External Quality Assessment Improvement Roadmap at (ATTACHMENT 1).</p> <p>Note: Discussed that the Chair and Governance Section Manager would work with PKF out of session to progress relevant improvements.</p>
--	---

EXTERNAL AUDIT/FINANCE UPDATE

**ITEM 2 - ATTACHMENT 1 AUDIT, RISK AND IMPROVEMENT COMMITTEE
MINUTES - 22 MAY 2025.**

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 22 MAY 2025

ITEM NO. 7.1

**FILE NO: 25/106464
EDRMS NO: PSC2015-01492**

EXTERNAL AUDIT UPDATE

REPORT OF: GLEN PETERKIN - FINANCIAL SERVICES SECTION MANAGER
DIRECTORATE: CORPORATE STRATEGY AND SUPPORT

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Receive and note contents of the report.
-

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 22 MAY 2025
MOTION**

	Chair Deborah Goodyer Member Frank Cordingley That the Committee receive and note contents of the report.
--	---

**ITEM 2 - ATTACHMENT 1 AUDIT, RISK AND IMPROVEMENT COMMITTEE
MINUTES - 22 MAY 2025.**

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 22 MAY 2025

ITEM NO. 7.2

**FILE NO: 25/106465
EDRMS NO: PSC2015-01492**

FINANCIAL MANAGEMENT

REPORT OF: GLEN PETERKIN - FINANCIAL SERVICES SECTION MANAGER
DIRECTORATE: CORPORATE STRATEGY AND SUPPORT

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Receive and note the draft Long Term Financial Plan for the period 2025/2026 to 2035/2036 **(ATTACHMENT 1)**.
-

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 22 MAY 2025
MOTION**

	Chair Deborah Goodyer Member Frank Cordingley
--	--

	That the Committee receive and note the draft Long Term Financial Plan for the period 2025/2026 to 2035/2036 (ATTACHMENT 1) .
--	--

RISK MANAGEMENT UPDATE REPORT

**ITEM 2 - ATTACHMENT 1 AUDIT, RISK AND IMPROVEMENT COMMITTEE
MINUTES - 22 MAY 2025.**

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 22 MAY 2025

ITEM NO. 8.1

**FILE NO: 25/115563
EDRMS NO: PSC2024-01598**

RISK MANAGEMENT UPDATE

REPORT OF: CHRIS HILKEMEIJER - ENTERPRISE RISK MANAGER
DIRECTORATE: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Receive and note the Risk Management Update.
-

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 22 MAY 2025
MOTION**

	Chair Deborah Goodyer Member Frank Cordingley That the Committee receive and note the Risk Management Update.
--	---

GOVERNANCE AND COMPLIANCE UPDATE

**ITEM 2 - ATTACHMENT 1 AUDIT, RISK AND IMPROVEMENT COMMITTEE
MINUTES - 22 MAY 2025.**

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 22 MAY 2025

ITEM NO. 9.1

**FILE NO: 25/114008
EDRMS NO: PSC2024-01598**

GOVERNANCE REPORT

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

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Receive and note the report.
-

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 22 MAY 2025
MOTION**

	Chair Deborah Goodyer Member Frank Cordingley That the Committee receive and note the report.
--	---

ICT AND CYBER SECURITY UPDATE

**ITEM 2 - ATTACHMENT 1 AUDIT, RISK AND IMPROVEMENT COMMITTEE
MINUTES - 22 MAY 2025.**

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 22 MAY 2025

ITEM NO. 10.1

**FILE NO: 25/107924
EDRMS NO: PSC2015-01492**

ICT AND CYBER SECURITY UPDATE

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

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Receive and note the contents of this report.

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 22 MAY 2025
MOTION**

	<p>Chair Deborah Goodyer Member Frank Cordingley</p> <p>That the Committee:</p> <ol style="list-style-type: none">1) receive and note the contents of this report.2) further progress reports on the recommendations should include due dates.
--	---

Note: The reference to internal audit planning on page 80, refers to internal management planning not internal audit.

SERVICE REVIEW AND BUSINESS IMPROVEMENT UPDATE

**ITEM 2 - ATTACHMENT 1 AUDIT, RISK AND IMPROVEMENT COMMITTEE
MINUTES - 22 MAY 2025.**

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 22 MAY 2025

ITEM NO. 12.1

**FILE NO: 25/107573
EDRMS NO: PSC2015-01492**

INTEGRATED PLANNING AND REPORTING

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

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Receive and note the contents of this report.
-

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 22 MAY 2025
MOTION**

	Chair Deborah Goodyer Member Frank Cordingley That the Committee receive and note the contents of this report.
--	--

GENERAL BUSINESS

**ITEM 2 - ATTACHMENT 1 AUDIT, RISK AND IMPROVEMENT COMMITTEE
MINUTES - 22 MAY 2025.**

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 22 MAY 2025

ITEM NO. 13.1

**FILE NO: 25/120916
EDRMS NO: PSC2015-01492**

FUTURE MEETINGS

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

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Note future meeting dates outlined in the report.
-

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 22 MAY 2025
MOTION**

	Chair Deborah Goodyer Member Frank Cordingley That the Committee note future meeting dates outlined in the report.
--	--

ITEM NO. 3

**FILE NO: 25/143963
EDRMS NO: PSC2024-01273**

DESIGNATED PERSONS' RETURN

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

BACKGROUND

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

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

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

- Principal Strategic Planner PSC044.
- Parking Officer PSC1235.

ATTACHMENTS

Nil.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

- 1) Designated Persons' Return.

ITEM NO. 4

**FILE NO: 25/196715
EDRMS NO: PSC2009-00965**

DELEGATIONS REPORT

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

BACKGROUND

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

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

ATTACHMENTS

- 1) Delegations report. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 4 - ATTACHMENT 1 DELEGATIONS REPORT.

MAYOR AND GENERAL MANAGER DELEGATION REPORT

Date exercised	Delegations exercised	Purpose	Role exercising delegation	Reported to Council
4-Aug-25	Clause 178 of the Local Government (General) Regulation 2021)	RFQ002-FY2526 - Supply and delivery of one (1) Truck Cab chassis including the supply and attachment A H Peters Tipping Body as per quote AHPQ6073.	General Manager	26 August 2025
5-Aug-25	Code of Meeting Practice	Approval of Public Access application on road conditions.	Mayor	26 August 2025
11-Aug-25	Clause 178 of the Local Government (General) Regulation 2021)	RFQ157-2025 - Supply of Spray Sealing Services FY25-26	General Manager	26 August 2025
11-Aug-25	Clause 178 of the Local Government (General) Regulation 2021)	T115-2025 - Pre-Employment Medical Checks	General Manager	26 August 2025
11-Aug-25	Code of Meeting Practice	Approval of Public Access application regarding Item 1 - Tilligerry Place Plan	Mayor	26 August 2025
12-Aug-25	Clause 178 of the Local Government (General) Regulation 2021)	T138-2025 - Environmental Operations Services Panel	General Manager	26 August 2025

ITEM NO. 5

**FILE NO: 25/196716
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.

The General Manager's Office has no outstanding resolutions.

ATTACHMENTS

- 1) Community Futures resolutions. [↓](#)
- 2) Corporate Strategy and Support resolutions. [↓](#)
- 3) Facilities and Infrastructure resolutions. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 5 - ATTACHMENT 1 COMMUNITY FUTURES RESOLUTIONS.



Action Sheets Report	Division:	Community Futures	Date From:	25/02/2025
	Committee:		Date To:	12/08/2025
	Officer:		Printed:	Thursday, 14 August 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/02/2025	Lamont, Brock	Tree Vandalism Policy	28/10/2025	26/02/2025	
1		Pearl, Steven				25/43931
021						
13 Aug 2025						
Draft reviewed policy completed following EAG consultation. A report back to Council is anticipated 28 October 2025.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/06/2025	Lamont, Brock	Draft Development Control Plan 2025	28/10/2025		
4		Pearl, Steven				25/148178
119						
13 Aug 2025						
Submissions were received during the public exhibition. A report back to Council is scheduled for 28 October 2025.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/06/2025	Lamont, Brock	Draft Local Infrastructure Contributions Plan 2020 - Comprehensive Amendment	28/10/2025		
5		Pearl, Steven				25/148178
120						
13 Aug 2025						
A submission was received during public exhibition. A report back to Council is scheduled for 28 October 2025.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
User Defined		Lamont, Brock	MATTER ARISING - Min No. 121 - Item 5 - Draft Local Infrastructure Contributions Plan 2020 - Comprehensive amendment.	28/11/2025		
		Pearl, Steven				
13 Aug 2025						
Prepare a report proposing an amendment to the Plan to allow a 50% discount on infrastructure contributions for manufactured home developments that include at least 5% affordable housing. A two-way is to be held prior to finalising the Council report. Prepare a report exploring options for a new rating category for manufactured home estates, with rates scaled to the number of dwellings, to ensure fair revenue for service provision. A two-way is to be held on 18 November 2025 prior to finalising the Council report.						

ITEM 5 - ATTACHMENT 1 COMMUNITY FUTURES RESOLUTIONS.



Action Sheets Report	Division:	Community Futures	Date From:	25/02/2025
	Committee:		Date To:	12/08/2025
	Officer:		Printed:	Thursday, 14 August 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/07/2025	Lamont, Brock	Draft Salamander Bay Town Centre Place Plan	28/10/2025	23/07/2025	
2		Peart, Steven				25/191415
13 Aug 2025 The draft Salamander Bay Town Centre Place Plan is on public exhibition for 28 days. Exhibition closes 19 August 2025 and a report back to Council is tentatively scheduled for 28 October 2025.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/07/2025	Lamont, Brock	Request to Revoke Remaining Declared Offshore Wind Zone and Restore to Community and Environment	15/08/2025		
1		Peart, Steven				25/191415
13 Aug 2025 It was resolved that the item be deferred to allow Council staff to seek information from the Federal Energy Minister regarding the legal process and the Government's ability to revoke the balance of the offshore wind zone., Staff will present to Councillors at a Two Way in October 2025.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/07/2025	Gardner, Janelle	25th Anniversary of the Sydney Olympic Torch Relay in Port Stephens	27/08/2025	23/07/2025	
1		Peart, Steven				25/191415
13 Aug 2025 The flag was retrieved from Council's archives, due to the style of the flag, it is unable to be flown on our current flag poles. Council will organise a social media post and photo opportunity featuring the flag to recognise the 25th Anniversary of the Sydney Olympic Torch Relay in Port Stephens will take place 28 August 2025.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/08/2025	Herrmann, Amber	Request for Sporting Excellence Fund	23/09/2025	13/08/2025	
2		Peart, Steven				25/213775
13 Aug 2025 It was resolved that Council approves the provision of financial assistance under Section 358 of the Local Government Act 1993 from Mayoral and Ward Funds (Sporting Excellence Fund) to Ebony Newton for \$300 for being selected to compete on behalf of Australia at an international level - attendance at the 2025 Oceania Cup in Tonga in October 2025 (Athletics – 100m hurdles). This funding request will be placed on public exhibition for a period of 28 days. Should no submissions be received, the funds will be approved, without a further report to Council.						

ITEM 5 - ATTACHMENT 2 CORPORATE STRATEGY AND SUPPORT RESOLUTIONS.



Action Sheets Report	Division: Corporate Strategy and Support	Date From: 11/4/2023
	Committee:	Date To: 14/08/2025
	Officer:	Printed: Thursday, 14 August 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Pattison, Zoe	22 Homestead Street, Salamander Bay	30/12/2025	12/04/2023	
5 088		Pattison, Zoe				23/92450
13 Aug 2025 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	31/03/2026		
1 193		Pattison, Zoe				23/214729
13 Aug 2025 Options for the future of the Gateway site will be considered as part of the broader Raymond Terrace Town Centre Strategy.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/06/2025	Pattison, Zoe	112 Adelaide Street and 18A Sturgeon Street, Raymond Terrace	31/12/2025	25/06/2025	
1		Pattison, Zoe				25/159107
13 Aug 2025 It was resolved that Council progresses with Option 2 outlined in the confidential business paper.						

ITEM 5 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE
RESOLUTIONS.



Action Sheets Report	Division:	Facilities and Infrastructure	Date From:
	Committee:		Date To:
	Officer:		Printed: Thursday, 14 August 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	User Defined	Maretich, John Kable, Gregory	Campvale Drain	31/12/2025		
13 Aug 2025 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 11/04/2023	Maretich, John Kable, Gregory	Naming Recreation Precinct at Medowie after Geoff Dingle	31/12/2025	12/04/2023	23/92450
13 Aug 2025 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 28/11/2023	Maretich, John Kable, Gregory	Sale of closed roads in Raymond Terrace	31/12/2025	29/11/2023	23/324875
13 Aug 2025 1 road sold and in settlement stage. 1 road moved to closed road reserve. An Expression of Interest (EOI) for the remaining road is near completion.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2024	Maretich, John Kable, Gregory	Bus Stop Infrastructure Plan	31/10/2025	29/05/2024	24/131056
13 Aug 2025 Council Engineers will continue development of the Bus Shelter Infrastructure Plan. Future Country Passenger Transport Infrastructure Grants Scheme (CPTIGS) funding is expected to aid in the plan's completion within the next financial year.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/07/2024	Maretich, John Kable, Gregory	Raymond Terrace Boat Ramp	31/12/2025	24/07/2024	24/189773
13 Aug 2025 A two-way conversation and a report will be provided to Council once funding opportunities are available that will help determine the scope of works.						

ITEM 5 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE RESOLUTIONS.



Action Sheets Report	Division:	Facilities and Infrastructure	Date From:
	Committee:		Date To:
	Officer:		Printed: Thursday, 14 August 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2024	Maretich, John	Bus Shelters in Port Stephens	31/10/2025	11/12/2024	
1		Kable, Gregory				24/333356
13 Aug 2025						
Council staff reviewing further actions for EOI.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/06/2025	Kable, Gregory	Port Stephens Roads Acceleration Program Expanded Funding Strategy	31/12/2026	11/06/2025	
4		Kable, Gregory				25/148178
115						
13 Aug 2025						
As resolved, strategy for funding of the RAP program will be pursued over the next 18 months.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/06/2025	Maretich, John	Trial of Tomaree Shuttle Bus	30/04/2026		
1		Kable, Gregory				25/148178
130						
13 Aug 2025						
Staff will prepare a report and review shuttle bus service trial as per Council resolution.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/06/2025	Maretich, John	Tomaree Sports Complex Masterplan	31/10/2025	11/06/2025	
2		Kable, Gregory				25/148178
132						
13 Aug 2025						
Master planning consultation is currently underway.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
		Maretich, John	MATTER ARISING - Min No. 131 - NOM 1 - Trial of Tomaree Shuttle Bus	30/04/2026		
		Kable, Gregory				
13 Aug 2025						
Staff to prepare a report as per Council resolution.						

ITEM 5 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE
RESOLUTIONS.



Action Sheets Report	Division:	Facilities and Infrastructure	Date From:	
	Committee:		Date To:	
	Officer:		Printed: Thursday, 14 August 2025	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/06/2025	Maretich, John	Policy Review - Provision and Management of Cemeteries	31/10/2025	25/06/2025	
7		Kable, Gregory				25/159107
13 Aug 2025 A report will be prepared for the Council meeting to be held 23 September 2025.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/06/2025	Maretich, John	Medowie Drainage	31/03/2026	25/06/2025	
1		Kable, Gregory				25/159107
13 Aug 2025 Council Staff have commenced discussion with Hunter Water Corporation to address the items within this NOM.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/06/2025	Maretich, John	Drainage on Sports Fields	31/12/2025	25/06/2025	
2		Kable, Gregory				25/159107
13 Aug 2025 Council staff will report back to Council on all sporting fields within the LGA that require drainage upgrades and investigate a funding strategy to commence drainage upgrades on identified sporting fields.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/06/2025	Donaldson, Cameron	Proposed Sale or Lease of 36a Ferodale Road, Medowie	31/10/2025	25/06/2025	
2		Kable, Gregory				25/159107
13 Aug 2025 Following the two way conversation held on 15 July 2025, a report will be prepared with a decision to be made at a future Council meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/07/2025	Maretich, John	Review and Strategic Planning for Dog Recreation Areas in Port Stephens	31/08/2026		
2		Kable, Gregory				25/191415
13 Aug 2025 Staff will review the existing dog parks and off-leash areas in accordance with the resolutions. This review will be finalised in 2026 and a report will be prepared for Council. The next revision of the Strategic Assets Management Plan (SAMP) will be modified to incorporate dog parks.						

**ITEM 5 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE
RESOLUTIONS.**

Action Sheets Report	Division:	Facilities and Infrastructure	Date From:
	Committee:		Date To:
	Officer:		Printed: Thursday, 14 August 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/08/2025	Donaldson, Cameron	Policy Review - Volunteer Recognition Policy	31/10/2025	13/08/2025	
4		Kable, Gregory				25/213775
13 Aug 2025						
As resolved, the policy has been placed on public exhibition for 28 days.						

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

**FILE NO: 25/204390
EDRMS NO: PSC2024-03148**

DRAINAGE MAINTENANCE

COUNCILLOR: MARK WATSON

THAT COUNCIL:

- 1) Requests the General Manager to provide a summary of open drain maintenance explaining existing levels of service and what the optimum levels of service should be, noting the existing budget and what the optimum service level would cost.
- 2) Requests the General Manager write to the Hon. Kate Washington MP, Member for Port Stephens, to brief her on the complexities of state-imposed regulations that are currently delaying drainage maintenance activities. This briefing will highlight the challenges of navigating these regulations, which have contributed to delays in essential drainage works, thus leaving the community increasingly vulnerable to flooding risks. The letter will request her support in advocating for policy changes to enable more efficient and responsive local drainage management.

BACKGROUND REPORT OF: JOHN MARETICH – ASSETS SECTION MANAGER

BACKGROUND

There are currently 125km of open drains that are owned and maintained by Port Stephens Council. The remaining open drains are owned and operated privately, or by various NSW State Government agencies. The Anna Bay Drainage Union also has an area of operations around Anna Bay and surrounding areas.

Council's open drain asset holdings are divided into 4 classifications. Major (40.1km), Large (16.1km), Medium (42.6km) and Small (22.8km) with maintenance priority generally aligned with these classifications.

At present, the average spend on open drains maintenance over the past 3 financial years has been \$457,000 per annum. This maintenance is limited by allowable budget and works are prioritised following routine visual inspections.

The desired level of service statement within Council's Strategic Asset Management Plan 2025-2035 for Council's drainage network, is to operate without flow restrictions

and meets major/minor storm event design and operational criteria with regards to safety, capacity and maintenance.

The desired level of service to improve the open drain maintenance and operations would include:

- Changing the vegetation control maintenance with more mowing and less spraying.
- Greater frequency of physical clearing and excavating.
- Repair of erosion / scour and other defects.

The estimated spend to achieve the desired level of service for open drains is \$1.32 million per annum. There is currently no identified funding source for increasing this budget above current service levels.

Open drain benchmarking data from other Councils and State Government agencies will be presented to compare against our current and future maintenance service levels.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 2

**FILE NO: 25/214260
EDRMS NO: PSC2024-03148**

AFC WOMEN'S ASIAN CUP SOCCER 2026

COUNCILLOR: NATHAN ERRINGTON

THAT COUNCIL:

- 1) Advocate for Port Stephens to host a national team in the lead-up to the AFC Women's Asian Cup 2026, utilising our local training facilities.
- 2) Request that the General Manager write to:
 - The Hon. Chris Minns MP, Premier of New South Wales
 - The Hon. Steve Kamper MP, Minister for Sport
 - The Hon. Kate Washington MP, Member for Port Stephens
 - Ms Karen Jones, CEO of Destination NSW
 - Ms Heather Garriock, CEO of Football Australia

to express Council's interest in hosting a team and making our facilities available for pre-tournament training.

- 3) Seek funding opportunities to support this proposal and assist in hosting an AFC Women's Asian Cup team.

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

BACKGROUND

Port Stephens Council is recognised for its strong sporting and recreational facilities which are often used for professional level competition. The LGA hosts multiple national-level competitions throughout the year with sports including Ultimate Frisbee, Rugby League and Touch Football.

The facilities at Lakeside Sports Complex and Tomaree Sports Complex have successfully supported large events such as the NSW Koori Knockout Tournament (Rugby League), Nations of Origin (Rugby League), NSW Tooheys Cup Finals Series (Rugby League), and the Peter Wilson Memorial Cup (Touch Football). These sites are equipped with adequate change rooms, lighting, fully fenced quality playing surfaces and associated infrastructure to host a national teams training activities.

Limited availability exists within Council's sporting network to accommodate any disruptions to ongoing sports field bookings.

In addition to quality sports facilities, the Port Stephens region has hotel and accommodation facilities, outdoor training facilities, indoor gyms and swimming pools and a host of spectacular beaches. The local grass-roots sporting community would greatly benefit from seeing their role models using these local facilities and the support this could provide to local sporting groups would be of great benefit to the community.

Teams interested in coming to our region for pre-tournament training could apply for Major Event Sponsorship, this fund is designed to both attract and support events that create economic benefit and align with the vision and values of our Council. Sponsorship agreements that Council enters into can include financial or non-financial (in-kind) support in return for mutually agreed economic, cultural, community or reputational benefit. In this case these benefits may include promotion of facilities and the region, marketing, and or community engagement activities such as sporting clinics for the community.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

CONFIDENTIAL ITEMS

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

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