

MINUTES – 23 SEPTEMBER 2025



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 23 September 2025, commencing at 5:31pm.

PRESENT:

Mayor Leah Anderson
Cr Rosalyn Armstrong arrived 5:32pm.
Cr Giacomo Arnott
Cr Chris Doohan
Cr Nathan Errington
Cr Peter Francis
Cr Paul Le Mottee
Cr Ben Niland
Cr Mark Watson
Cr Jason Wells
General Manager
Director Community Futures
Director Corporate Strategy and Support
Director Facilities and Infrastructure
Governance Section Manager

MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025

	There were no apologies or leave of absence requests received.
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	Cr Paul Le Mottee declared a pecuniary conflict of interest in Item 1. The nature of the interest is that the Le Mottee Group has provided survey and planning services to the owner. Cr Giacomo Arnott declared a less than significant non-pecuniary conflict of interest in Item 2. The nature of the interest is his parents own land in a map included in the report. Cr Arnott remained in the meeting as no changes are proposed which have an impact on the relevant areas of land.
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214	Councillor Rosalyn Armstrong Councillor Nathan Errington It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 26 August 2025 be confirmed.
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Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

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Declaration of Interest

ORDINARY COUNCIL - 23 SEPTEMBER 2025



Declaration of Interest form

Agenda item No. 1

Report title Mound at 269 Newline Road

Mayor/Councillor he Mottee declared a

Tick the relevant response:

☒	pecuniary conflict of interest
☐	significant non pecuniary conflict of interest
☐	less than significant non- pecuniary conflict of interest

in this item. The nature of the interest is he Mottee Group provided survey & planning services to the owner

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

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

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

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

Mayor/Councillor left the Council meeting at 6.16 pm.

Mayor/Councillor returned to the Council meeting at 6.56 pm.

ORDINARY COUNCIL - 23 SEPTEMBER 2025



Declaration of Interest form

Agenda item No. 2

Report title LHS

Mayor/Councillor Arno declared a

Tick the relevant response:

☐	pecuniary conflict of interest
☐	significant non pecuniary conflict of interest
☒	less than significant non- pecuniary conflict of interest

in this item. The nature of the interest is My parents own land in a map included in the report.

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.)

No changes proposed which have any impact on the relevant areas of land.

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.

MAYORAL MINUTES

MAYORAL MINUTE

ITEM NO. 1

**FILE NO: 25/243763
EDRMS NO: PSC2024-03152**

MAYOR'S DIARY

THAT COUNCIL:

- 1) Note the Mayoral appointments for the period from 27 August to 23 September 2025.
-

**ORDINARY COUNCIL MEETING - 23 SEPTEMBER 2025
MOTION**

215	Mayor Leah Anderson Councillor Chris Doohan It was resolved that Council note the Mayoral appointments for the period from 27 August to 23 September 2025.
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Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to advise Council of the Mayoral appointments for the period 27 August to 23 September 2025.

This Mayoral Minute aims to inform the Council and community of the key engagements of the Mayor for the preceding period. This is an initiative I wanted to introduce this term to provide a clear record of the engagements undertaken through the Mayoral office.

Wednesday 27 August 2025

- Newcastle Airport Partnership Company 3 & Newcastle Airport Partnership Company 4 Board meetings.
- Newcastle Airport Partnership and Greater Newcastle Aerotropolis Partnership Board meetings.

MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025

- Tomaree Headland Community Forum and Shac Masterplan.

Thursday 28 August 2025

- Business Meet and Greet:
 - McGrath Estate Agents
 - Century 21 Real Estate
 - Nelson Bay Real Estate
 - Raine & Horne, Nelson Bay
- Filmed Council meeting debrief.
- Tilligerry Community Association meeting.

Friday 29 August 2025

- Newcastle Airport Pty Ltd and Greater Newcastle Aerotropolis Pty Ltd Board meetings.

Saturday 30 August 2025

- Tomaree Neighbourhood Centre Fundraising Event.

Monday 1 September 2025

- Catchup with the General Manager.

Tuesday 2 September 2025

- Local Traffic Committee meeting.
- Facilities & Infrastructure catchup.
- Executive Team catchup.
- Communications catchup.
- Briefing from Kings Hill landowners.
- Councillor Workshop – ‘Working Together’.

Thursday 4 September 2025

- Australian Local Government Women’s Association NSW Conference in Griffith.

Friday 5 September 2025

- Australian Local Government Women’s Association NSW Conference in Griffith.

Saturday 6 September 2025

- Australian Local Government Women’s Association NSW Conference in Griffith.

Monday 8 September 2025

- Monthly Mayor Meet Up with community – Salt Ash.
- Newcastle Airport Perth flights media event.
- Newcastle Hunter Rugby League Grand Final media event.

Tuesday 9 September 2025

- Executive Team catchup.
- Communications catchup.

MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025

- Catchup with the General Manager.
- Public Access and Business Paper review.

Wednesday 10 September 2025

- Opening of NovaCare Social Hub, Taylors Beach.
- Aboriginal Strategic Committee meeting and Aboriginal Project Fund Round 1 Assessment meeting.
- Raymond Terrace Strategy Review update.

Thursday 11 September 2025

- Reviewed Community Support Fund applications.
- Australia Day Committee meeting.

Friday 12 September 2025

- Business Port Stephens meeting.

Monday 15 September 2025

- Communications catchup.
- Nelson Bay Junior Rugby Union School Award Presentation.
- Community Support Fund 2025-2026 Round 1 Panel meeting.

Tuesday 16 September 2025

- Infill sites, Raymond Terrace meeting.
- Executive Team catchup.
- BAE visit.
- Approach to Emissions Reduction briefing.
- Department of Education – Port Stephens Public Schools movie premiere night.

Wednesday 17 September 2025

- 2 Citizenship Ceremonies.
- Roads Acceleration Program filming at Raymond Terrace and Medowie.
- Facebook Live on Roads.

Friday 19 September 2025

- Official opening – Tomaree Community College Pre-School and Long Day Care Centre.
- Quarterly meeting with the Hon. Kate Washington, MP.
- 2025 Newcastle Hunter Rugby League Presentation Night.

Monday 22 September 2025

- Hunter Trade Mission Roundtable at Newcastle Airport.
- Hunter Trade Mission Industry Tour and presentation at Murrook Culture Centre.
- Dinner with delegates of the NSW Trade Mission to the Hunter Region.

Tuesday 23 September 2025

- Communications staff catchup.
- Catchup with the General Manager.
- Executive Team catchup.
- Community safety meeting with Inspector Wayne Humphrey, NSW Police.
- Councillor Briefing – pre-Council meeting.
- Ordinary Council meeting.

ATTACHMENTS

Nil.

MAYORAL MINUTE

ITEM NO. 2

**FILE NO: 25/242535
EDRMS NO: POSC2024-03152**

MOTIONS FOR 2025 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

THAT COUNCIL:

- 1) Endorse motions 1 to 8 in **(ATTACHMENT 1)** and their lodgment to the 2025 Local Government NSW Annual Conference (23-25 November 2025).
-

**ORDINARY COUNCIL MEETING - 23 SEPTEMBER 2025
MOTION**

216	Mayor Leah Anderson Councillor Chris Doohan It was resolved that Council endorse motions 1 to 8 in (ATTACHMENT 1) and their lodgment to the 2025 Local Government NSW Annual Conference (23-25 November 2025).
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Councillor Peter Francis left the meeting at 6:03pm.
Councillor Peter Francis returned to the meeting at 6:06pm.

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

Those against the Motion: Cr Mark Watson.

The motion was carried.

BACKGROUND

Each year, Local Government NSW (LGNSW) members submit a range of motions to the LGNSW Annual Conference. In November 2025, these motions relate to strategic local government issues which affect members state-wide and introduce new or emerging policy issues. They are debated and resolved by Conference delegates, with successful resolutions establishing LGNSW's policy positions and guiding LGNSW's advocacy priorities for the year ahead.

This Mayoral Minute is seeking endorsement of 8 motions outlined in **(ATTACHMENT 1)** for lodging to the 2025 Local Government NSW Annual Conference. These motions link directly to the LGNSW Conference priority areas of:

- Jobs and Skills
- Housing and Homelessness
- Roads and Infrastructure

The LGNSW Annual Conference is the main policy making event for the local government sector where issues are debated, and motions put forward for the consideration of delegates. Proposed motions should be strategic, affect members state-wide and introduce new or emerging policy issues and actions.

Motions

In preparation for the 2025 LGNSW Conference, the Hunter JO Chair and Deputy Chair have worked with Hunter JO staff to prepare motions on the basis that they are consistent with the LGNSW guidelines for valid motions, as well as being relevant to the Hunter JO's regional advocacy agenda.

Because the Hunter JO entity itself is not a financial member of the NSW Local Government Association (given that Member Councils already are), the actual process of lodging the motions to LGNSW needs to be undertaken by individual Member Councils. These will then be collated by the conference organisers and presented as a shared regional motion including the names of each of the Councils who have lodged the motion.

In addition to the regional motions from the HJO, it is available to Council to put forward motions to be considered at the upcoming LGNSW Annual Conference. Cr Armstrong has nominated a motion included in **(ATTACHMENT 1)** relating to the involvement of the elected body in Section 34 conciliation conferences as part of Land and Environment Court proceedings. The current provisions of the Land and Environment Court procedures, as well as Council's Code of Conduct, currently restrict the role of the elected body in participation in Section 34 conciliation conferences. Should Council wish to increase the opportunity for elected body participation in this process, legislative and policy changes would be necessary to enable this to occur.

The list of shared regional motions **(ATTACHMENT 1)** prepared to be put forward at the Local Government NSW Conference on behalf of the 10 Hunter Councils seeks to:

- Amplify the shared advocacy priorities of the Hunter's councils at both state-wide and national scales.
- Emphasise to the NSW and Federal Governments the strength of alignment across the 10 Hunter councils regarding the region's challenges, opportunities and agreed strategic directions.

The regional motions:

- Are consistent with the objectives and strategic directions included in the Hunter JO Strategic Plan 2035, which are themselves drawn from the Community Strategic Plans of the 10 Hunter JO Member Councils.
- Have been adapted from the shared regional advocacy priorities of the Hunter Mayors, to reflect the broader NSW and industry wide local government focus required for Local Government NSW motions.

ATTACHMENTS

- 1) Motions for the 2025 Local Government NSW Annual Conference.
- 2) Criteria for Motions.

ITEM 2 - ATTACHMENT 1 MOTIONS FOR THE 2025 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE.
MOTIONS TO 2025 LOCAL GOVERNMENT NSW CONFERENCE

FOCUS	PROPOSED MOTIONS
Economic Development	1. Local funding for Post Mining Land Use That Local Government NSW calls on the NSW and Federal Governments to provide funding support directly to Local Government to guide a coordinated approach to land use and economic opportunities for post mining-related land to support communities impacted by historical and future mine closures. 2. Skills transition That Local Government NSW calls on the NSW and Federal Governments to immediately recommence previously funded initiatives that deliver employment and skills programs locally to transitioning industries. 3. Place planning That Local Government NSW calls on the NSW and Federal Governments to release uncontested funding for local government to support the development of regionally significant place strategies, specifically for industrial (employment) land, identified in Regional Plans. 4. Local presence That Local Government NSW calls on the NSW and Federal Governments to embed Net Zero government support services and infrastructure delivery agencies, including (but not limited to) the Net Zero Economy Authority, EnergyCo, Department of Employment and Workplace Relations, Future Jobs and Investment Authority, Department of Transport & Department of Planning within regional communities directly affected by the transition to meet NSW Net Zero targets.
Housing and Homelessness	5. Enabling infrastructure That Local Government NSW calls on the NSW and Federal Governments to provide uncontested funding to Councils to deliver local infrastructure needed to unlock development ready land in regional NSW to meet NSW housing targets.
Roads and Infrastructure	6. Re-categorise roads That Local Government NSW calls on the NSW Government to urgently re-categorise roads that meet criteria, or will meet relevant criteria in the short term, and to prioritise re-categorisation of Local and Regional roads to State Roads where the road services significant assets to the state including housing, water and energy infrastructure assets and facilities. 7. Betterment funding That Local Government NSW calls on the NSW Government to provide an ongoing disaster resilience program to provide betterment funding for prioritised infrastructure such as road networks, drainage, bridge and coastal structures that are vulnerable to natural disasters.

**ITEM 2 - ATTACHMENT 1 MOTIONS FOR THE 2025 LOCAL GOVERNMENT
NSW ANNUAL CONFERENCE.**

Land and Environment Court – Conciliation Conferences	8. That Local Government NSW request a review of the Land and Environment Court policies and procedures related to section 34 conciliation conferences under the Land and Environment Court Act 1979 to enable greater involvement of elected councillors. Amendments to the relevant practice notes, policies and procedures, including the Local Government Model Code of Conduct are required to permit greater involvement by councillors during conciliation conferences.
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LGNSW CRITERIA FOR MOTIONSCriteria for Motions

Motions will only be included in the Conference Business Papers if they:

1. Are consistent with the objects of the LGNSW Rules (Rule 4).
2. Demonstrate that the issue concerns or is likely to concern a substantial number of local governments in NSW.
3. Seek to establish or change a policy position of LGNSW and/or improve governance of the association (noting that the LGNSW Board is responsible for any decisions around resourcing and campaigns or operational activities, and any necessary resource allocations will be subject to the LGNSW budgetary process).
4. Are strategic.
5. Are concise, clearly worded and unambiguous.
6. Are not focussed on just a small specific part of NSW.
7. Do not encourage violation of prevailing laws.
8. Do not seek to advantage one or several members at the expense of other members.

MAYORAL MINUTE

ITEM NO. 3

**FILE NO: 25/242337
EDRMS NO: PSC2024-01256**

DEPUTY MAYOR CHANGEOVER

THAT COUNCIL:

- 1) Acknowledge the contribution and commitment from Cr Jason Wells in his capacity as Deputy Mayor over the past 12 months.
- 2) Congratulate Cr Chris Doohan on his election as Deputy Mayor for the next 12 months.

**ORDINARY COUNCIL MEETING - 23 SEPTEMBER 2025
MOTION**

217	Mayor Leah Anderson Councillor Jason Wells It was resolved that Council: 1) Acknowledge the contribution and commitment from Cr Jason Wells in his capacity as Deputy Mayor over the past 12 months. 2) Congratulate Cr Chris Doohan on his election as Deputy Mayor for the next 12 months.
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Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to acknowledge the contribution and commitment from Cr Jason Wells in the role of Deputy Mayor over the past 12 months, and to congratulate Cr Chris Doohan on his election to the role of Deputy Mayor for the next 12 months.

At the commencement of this term of Council, elections were held to determine who will occupy the role of Deputy Mayor over this term of Council.

Cr Wells was the first Deputy Mayor elected this term, which will conclude today. I would like to extend my sincere appreciation and recognise Cr Wells' commitment to fulfilling the role of Deputy Mayor. Cr Wells has deputised for me over the past 12 months when I have been unable to attend events – for that I am most appreciative, and I have enjoyed our working relationship.

As from today, Cr Chris Doohan will occupy the role of Deputy Mayor for the next 12 months and I am sure Cr Doohan will also do an exceptional job in his capacity as Deputy Mayor. I personally look forward to working with Cr Doohan over the second year of this term of Council.

ATTACHMENTS

Nil.

COUNCIL REPORTS

MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025

Councillor Paul Le Mottee left the meeting at 6:16pm.

ITEM NO. 1

FILE NO: 25/185180
EDRMS NO: 16-2025-81-1

DEVELOPMENT APPLICATION (DA) 16-2025-81-1 FOR EARTHWORKS COMPRISING A FLOOD MOUND FOR STOCK REFUGE, CONSTRUCTION OF A SHED AND INSTALLATION OF 3 SHIPPING CONTAINERS AT 269 NEWLINE ROAD, RAYMOND TERRACE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application (DA) No.16-2025-81-1 for earthworks comprising a flood mound for stock refuge, construction of a shed and installation of 3 shipping containers at 269 Newline Road, Raymond Terrace (Lot: 103 DP: 1016640) subject to the recommended conditions contained in **(ATTACHMENT 1)**.

ORDINARY COUNCIL MEETING - 23 SEPTEMBER 2025 MOTION

	Councillor Ben Niland Councillor Chris Doohan That Council approve Development Application (DA) No.16-2025-81-1 for earthworks comprising a flood mound for stock refuge, construction of a shed and installation of 3 shipping containers at 269 Newline Road, Raymond Terrace (Lot: 103 DP: 1016640) in the applicant's proposed location adjacent the Williams River levee (Plan No. 9540 Mound-E, Revision E – Sheet 1-4, dated 20/05/2025) subject to the recommended conditions (as amended) contained in (ATTACHMENT 1).
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Cr Arnott foreshadowed a motion should the motion be lost.

**ORDINARY COUNCIL MEETING - 23 SEPTEMBER 2025
AMENDMENT**

	Councillor Rosalyn Armstrong Councillor Giacomo Arnott That Council approve Development Application (DA) No.16-2025-81-1 for earthworks comprising a flood mound for stock refuge, construction of a shed and installation of 3 shipping containers at 269 Newline Road, Raymond Terrace (Lot: 103 DP: 1016640) in the applicant's proposed location adjacent the Williams River levee (Plan No. 9540 Mound-E, Revision E – Sheet 1-4, dated 20/05/2025) subject to the recommended conditions (as amended) contained in (ATTACHMENT 1) and also include a condition to preserve native vegetation.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the amendment: Crs Rosalyn Armstrong, Giacomo Arnott and Peter Francis.

Those against the amendment: Mayor Leah Anderson, Crs Chris Doohan, Nathan Errington, Ben Niland, Mark Watson and Jason Wells.

The amendment was lost.

**ORDINARY COUNCIL MEETING - 23 SEPTEMBER 2025
AMENDMENT**

218	Councillor Giacomo Arnott Councillor Jason Wells It was resolved that Development Application (DA) No.16-2025-81-1 at 269 Newline Road, Raymond Terrace (Lot: 103 DP: 1016640) be deferred and reported back to Council at the earliest opportunity.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Rosalyn Armstrong, Giacomo Arnott, Nathan Errington, Peter Francis and Jason Wells.

Those against the Motion: Mayor Leah Anderson, Crs Chris Doohan, Ben Niland and Mark Watson.

The amendment was carried.

The amendment on being put became the motion which was put and carried.

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

Those for the Motion: Crs Rosalyn Armstrong, Giacomo Arnott, Nathan Errington, Peter Francis and Jason Wells.

Those against the Motion: Mayor Leah Anderson, Crs Chris Doohan, Ben Niland and Mark Watson.

The motion was carried.

BACKGROUND

The purpose of this report is to present a development application (DA) for earthworks comprising a flood mound for stock refuge, construction of a shed and installation of 3 shipping containers at 269 Newline Road, Raymond Terrace to Council for determination.

A summary of the DA and property details is provided below.

Subject Land	269 Newline Road, Raymond Terrace (Lot: 103 DP: 1016640)
Total Area	426,522m ²
Zoning	RU1 Primary Production
Submissions	0
Key Issues	Flooding and ecology
Applicant	Le Mottee Group
Land Owner	Mr James Harding

The DA has been reported in accordance with Council's 'Planning Matters to be Reported to Council Policy' as it has been called up by Councillor Errington and Councillor Francis (**ATTACHMENT 2**).

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

Proposal

The proposed development comprises earthworks for the purpose of constructing an earth mound for stock flood refuge, raised driveway access, a shed and 3 x shipping containers.

The mound has a top area of 10,000m², an overall area of 27,162.5m² and is proposed to have a finished level of 5.9m AHD, which is consistent with the flood

planning level (FPL) for the site. The development also proposes fill for a raised access driveway to the mound from Newline Road. Overall, the proposed flood mound and access driveway requires 76,653.7m³ of fill. The shed is proposed to be located on the flood mound, comprised of a floor area of 600m² and a height of 6.45m. The shed is ancillary to the agricultural use of the site.

The plans submitted with the DA proposed the flood mound in a location on the Williams River levee along the western boundary of the site as outlined in the Planner's Assessment Report **(ATTACHMENT 4)**. The location of the mound adjacent to the levee with a raised driveway access is not supported on ecology and flood grounds as outlined in the Planner's Assessment Report **(ATTACHMENT 4)**.

Notwithstanding, Council Planning and Engineering Officers are supportive of the development other than the mound location, accordingly the DA is being reported to Council recommending support for the mound in an alternate location closer to Newline Road. The amended location does not seek to change the size, height or use of the mound as proposed by the applicant, rather only its location. The amended location will be formalised subject to the recommended conditions contained in **(ATTACHMENT 1)**.

The alternate mound location will improve the safe occupation and efficient evacuation of people in the event of a flood, and address potential ecological impacts within the high value biodiversity parts of the site that are transected by the proposed raised driveway. The alternate location also addresses concerns raised by Department of Climate Change, Energy, the Environment and Water (DCCEEW) given the mounds close proximity to Hunter Valley Flood Mitigation Scheme Infrastructure, being the Williams River levee.

Site Description

The subject site is known as 269 Newline Road, Raymond Terrace and legally identified as Lot 103 DP 1016640. The site is located on the western side of Newline Road and borders the Williams River to the west. The site is largely vacant, with scattered vegetation, 2 shipping containers and structures associated with agricultural activity.

Key Issues

The key issues identified during the assessment relate to ecology and flooding.

A detailed assessment of the proposed development, including the assessment of issues associated with flooding, is contained within the Planner's Assessment Report **(ATTACHMENT 4)**.

Flooding

The subject site is within a flood planning area and mapped entirely as a high hazard floodway.

Clause 5.21 of the Port Stephens Local Environmental Plan (PSLEP) 2013 applies to all development within a flood planning area and therefore to the proposed development. Before granting development consent, the consent authority must be satisfied that the development meets a number of requirements listed within Clause 5.21(2) of the PLSEP relating to flooding. These requirements include ensuring that the development will not adversely affect the safe occupation and efficient evacuation of people and that the development incorporates appropriate measures to manage risk to life in the event of a flood. Further, Council must consider the controls contained in B5 of the Port Stephens Development Control Plan (DCP) that relate to development on flood prone areas.

The proposed location of the mound adjacent to the Williams River is considered more likely to adversely affect the safe occupation and efficient evacuation of people from the site due to the mound being located a substantial distance from Newline Road and within the area of the site that would experience higher flood depths and velocities. This would limit options for early egress/access prior to flood events and would increase the risk of isolation during flooding events. It is therefore considered that the proposed location does not incorporate the most appropriate measures to manage risk to life in the event of a flood. Noting this, the mound in its proposed location fails to satisfy the requirements of Clause 5.21 of the PSLEP and B5 of the DCP and is not supported.

Council staff have identified an alternate location for the mound in the east part of the site, closer to Newline Road that better responds to the flood constraints of the site. It is considered that the alternate location meets the requirements of Clause 5.21 of the LEP and the DCP in that:

- Less fill volume is required within the floodplain area for a reduced driveway length
- The removal of a long raised driveway 'levee' that cuts perpendicular to the main flow path direction of the river. The length and height of the raised driveway could impact flows during smaller more regular events that do not overtop the driveway. This would result in ponding and adverse drainage effects during minor events
- By reducing the scale and length of the driveway, there is reduced potential for the raised driveway to sustain damage (wash away) during a large storm that results in overtopping of water. During major events it is expected that flow velocities would be high and result in wash away effects, along with erosion type damage to the driveway
- Address the limited details provided for cross drainage associated with the longer driveway design to ensure that local overland flow drainage patterns are maintained and offsite impacts are reduced during more regular flooding events that do not overtop the proposed access
- Less distance to traverse across high velocity and deep floodwaters for evacuation of stock or persons as required.
- For the reasons above, the mound in the originally proposed location is not supported on flood planning grounds. To enable the development to still be

supported, conditions have been recommended requiring that amended plans be provided to Council for approval, prior to the commencement of works.

The proposal is considered to comply with the other relevant flood controls in both the PSLEP and the DCP, as detailed in the Planner's Assessment Report **(ATTACHMENT 4)**.

Ecology

The mound proposed in the western location adjacent to the levee requires extensive fill for the raised driveway across the site. Parts of this impact area are mapped as Biodiversity Values (BV) under the Biodiversity Conservation Act 2016 (BC Act 2016) and the raised driveway and fill works associated with the applicant's proposed location of the mound appears to require the removal of native vegetation. Any removal of native vegetation within BV mapped areas requires the preparation of a Biodiversity Development Assessment Report (BDAR) and triggers entry into the Biodiversity Offsets Scheme. The applicant has not provided sufficient detail to demonstrate the raised driveway to the western mound location would not trigger entry into the Biodiversity Offsets Scheme and that a BDAR would not be required under the BC Act 2016.

Council's Environmental Planner assessed the alternate location of the mound in the east of the site towards Newline Road. Council's Environmental Planner noted that the amended location is situated outside the high value and BV mapped areas of the site. Although, the removal of 3 trees is still required in the alternate eastern location. Council's Environmental Planner determined that the trees in the alternate location were not of high value or koala habitat species, and therefore considered that their removal was unlikely to result in any adverse ecological impacts. Council's Environmental Planner assessed the minor tree removal in the alternate location and noted this is more likely a suitable location for the mound and raised driveway in terms of potential ecological impacts.

Conclusion

The proposed development has been considered against the requirements of the Environmental Planning & Assessment Act (EP&A Act) and the Regulations as detailed in the Planners Assessment Report **(ATTACHMENT 4)**. Following a thorough assessment of the relevant planning controls, and the key issues identified in this report, it is considered that the DA can be supported subject to the mound being located in the alternate location and subject to the recommended conditions of consent **(ATTACHMENT 1)**. On this basis, the proposed development (as amended) is recommended for approval subject to the recommended conditions of consent **(ATTACHMENT 1)**.

Section 4.17 of the EP&A Act empowers a consent authority to modify details and aspects of a development through conditions. Council, being the consent authority, relying on the provisions of s.4.17 of the EP&A Act, may modify the mound location

MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025

through conditions to a more suitable location on the site in terms of flooding and ecology considerations.

The alternative option for Council is to refuse the development citing the flood and ecology grounds outlined in the Planner's Assessment Report (**ATTACHMENT 4**).

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)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

As amended, the 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.

Based on the recommendation by 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 approved as per Council staff's recommendation, the determination of the DA may be challenged by the applicant in the Land and Environment Court.	Medium	Determine the DA against the recommendation, noting it is within Council's resources to defend such an appeal in the Land and Environment Court.	Yes

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that if the DA is refused, the applicant may appeal the determination.	Medium	Accept the recommendation.	Yes
There is a risk that if the DA is approved with the mound shown in the applicant's proposed location, the determination of the DA may be challenged by a third party in the Land and Environment Court.	Low	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social and Economic Impacts

The proposal will provide flood free land for livestock refuge and a shed associated with the agricultural use of the site. The proposal increases the viability of the land for primary production purposes resulting in positive social and economic outcomes.

Impacts on the Built Environment

The development is consistent with the built form of the area. Earth mounds, sheds and shipping containers are a common type of development within the area, due to the agricultural zoning and landscape.

Impacts on the Natural Environment

The amended location of the mound ensures that the natural environment will not be significantly impacted noting the 3 trees requiring removal are not considered likely to result in adverse ecological impacts. The amended location also ameliorates the requirement for a BDAR and entry into the Biodiversity Offsets Scheme as outlined above.

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.

MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025

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 communications and engagement

Public Submissions

The application was notified from 24 March 2025 to 7 April 2025 in accordance with the provisions of the Port Stephens Council Community Engagement Strategy. No submissions were received during this period.

The application was referred to 1 external agency, being the Department of Climate Change, Energy, the Environment and Water (DCCEEW).

CONSULT	The application was exhibited from 24 March 2025 to 7 April 2025 in accordance with the provisions of the Port Stephens Council Community Engagement Strategy. No submissions were received. The application was referred to the DCCEEW. Comments provided by DCCEEW are outlined in the Planner's Assessment Report (ATTACHMENT 4).
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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) Call to Council form.
- 3) Locality Plan.
- 4) Planner's Assessment Report.

COUNCILLORS' ROOM

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

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

General Conditions

- (1) **Approved plans and supporting documentation** – Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Revision No.	Plan Title.	Drawn By.	Dated.
N/A	1	Site Plan / Mound Location	Port Stephens Council	22/07/2025
1 of 10 Job No. 09270705 31	N/A	Engineering Schedule	Emerald Design and Construction	30/04/2025
2-5 of 10 Job No. 09270705 31	N/A	Elevations	Emerald Design and Construction	30/04/2025
6 of 10 Job No. 09270705 31	N/A	Floor Plan	Emerald Design and Construction	30/04/2025
7 of 10 Job No. 09270705 31	N/A	Roof Framing Plan	Emerald Design and Construction	30/04/2025
10 of 10 Job No. 09270705 31	N/A	Frame Cross Section	Emerald Design and Construction	30/04/2025
N/A	N/A	Shipping Container Plan	N/A	Received by Council 20/05/2025

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Condition reason - To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

- (2) **Tree Removal** – Only trees/vegetation within the blue hatched area on the stamped Site Plan are approved for removal/pruning.

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ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

Condition reason - To ensure that the removal of existing vegetation is not to occur until the issue of the Construction Certificate.

- (3) **Protect existing vegetation and natural landscape features** – No vegetation or natural landscape features other than that authorised for removal, pruning by this Consent must be disturbed, damaged or removed.

Condition reason - To ensure that the removal of existing vegetation is not to occur until the issue of the Construction Certificate.

- (4) **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.

- (5) **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 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.

The sign must be maintained while the work is being carried out and is to be removed when the work is completed.

Condition reason - To require signage that details the relevant contacts of a development.

Building Work

Before issue of a construction certificate

- (6) **Flood Risk Management Plan** – A Flood Risk Management Plan prepared by a suitably qualified Flood Engineer must be provided to the Certifying Authority demonstrating compliance with the following:
- 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 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.
 - c) 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

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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.

- (7) **Erosion and sediment control plan** – Before the issue of a construction certificate or commencement of earthworks (whichever comes first), 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:
- a) the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and
 - b) 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). The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

Condition reason - To ensure no substance other than rainwater enters the stormwater system and waterways.

Before the commencement of works

- (8) **Design Amendments** – Prior to the commencement of works for the earthworks, amended plans must be provided to and approved by Council showing the mound, earthworks and associated access driveway in the location approved in the stamped Site Plans. The plans must be consistent with the following:
- The mound must:
 - Have a maximum area of 27,163.5m².
 - Have a finished height of no more than 5.0m AHD.
 - Require no more than 74,653.7m³ of fill inclusive of the access driveway.
 - The raised access driveway must have a finished height of no more than 2.32m AHD.
 - The plans must show the location of the approved shed and three shipping containers on the mound.

Condition reason - To require amendments to the plans endorsed by the consent authority following assessment of the development as amended through s.4.17 of the EP&A Act 1979.

- (9) **Construction Certificate Required** – 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:
- 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 licence number of the owner/builder intending to carry out the approved works.

Condition reason - To ensure that a Construction Certificate has been issued for the building works prior to the commencement of work.

- (10) **Notice of Principal Certifying Authority appointment** – 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:
- 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
 - i) the certifier's registration number, and
 - ii) a statement signed by the registered certifier to the effect that the certifier consents to being appointed as principal certifier, and
 - iii) a telephone number on which the certifier may be contacted for business purposes.

The notice must be lodged on the NSW planning portal.

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 2 days prior to subdivision and/or building works commencing in accordance with S6.6(2)(a) of the EP&A Act 1979.

- (11) **Notice commencement of work** – 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

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(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:

- 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 the work commences have been satisfied; and
- f) the date on which the work is intended to commence.

The notice must be lodged on the NSW planning portal.

Condition reason - To ensure that the Principal Certifier has given notice to the Consent Authority and Council at least 2 days prior to subdivision and/or building works commencing in accordance with S6.6(2)(a) of the EP&A Act 1979 & Section 57 of the EP&A Regulations 2021.

- (12) **Site is to be secured** – The site must be secured 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.

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.

- (13) **All weather access** – 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.

No materials, waste or the like are to be stored on the all-weather access at any time.

Condition reason - To ensure that adequate vehicular access is provided to and from the site, prior to the commencement of works.

- (14) **Weed management** – 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.

The site is to be inspected by a representative of Council's Invasive Species team one week prior to works commencing.

Conditions 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.

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ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

- (15) **Rubbish generated from the development** – 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.

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.

Condition reason - To ensure that construction waste is appropriately stockpiled and removed from site.

- (16) **Roads Act Approval** – For construction/reconstruction of Council infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application must be made for a Roads Act Approval Certificate under Section 138 of the Roads Act 1993.

Conditions reason - To ensure that works within the road reserve are approved by a Section 138 Approval of the Roads Act 1993.

- (17) **Erosion and sediment controls in place** – Before any site work commences, the principal 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 restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).

Condition reason - To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

- (18) **Scour Protection** - Scour protection is to be designed and implemented for the flood mound to ensure the structures can withstand flood velocity. Details demonstrating compliance must be provided to Council prior to the commencement of work.

Condition reason: To minimise scour and erosion effects.

During works

- (19) **Hours of work** – Site work must only be carried out between the following times –

7:00am to 5:00pm on Monday to Saturday

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.

Condition reason - To protect the amenity of the surrounding area.

- (20) **Toilet facilities** – Temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of

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ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

toilets provided must be one toilet per 20 persons or part thereof employed on the site at any one time.

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.

Condition reason - To ensure adequate amenity facilities are provided to the site during construction.

- (21) **Excavations and backfilling** – 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.

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.

Condition reason - To ensure that all excavations and backfilling are safely and appropriately protected.

- (22) **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.

- (23) **Completion of flood mound** – Following completion of the earthworks;

- a) The final pad shape, levels and location will be confirmed by the submission of a detailed survey plan prepared by a Registered Surveyor. The detailed works as executed survey plan must be provided in accordance with Council's Infrastructure Specification to Council within 14 days of completion.
- b) The mound is to be top dressed and seeded with fast growing grasses.

Condition reason - To ensure that development for a flood mound is managed in accordance with Council requirements.

- (24) **Location of stockpiles** – 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.

Condition reason - To ensure that stock piles required for a development are managed in accordance with Council requirements.

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ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

- (25) **Truck wash down** – An area must be made for all trucks to be effectively washed down after loading and unloading, prior to leaving the site. This must be within a suitably contained and designated area.

Condition reason - To ensure that where trucks are required to be washed down, it is done in a suitably contained and designated area.

- (26) **Offensive noise, dust, odour and vibration** – All work must not give rise to offensive noise, dust, 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.

- (27) **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.

This register must be made available to Council officers on request and be provided to the Council at the completion of the development.

Condition reason - To ensure that all deliveries of fill are appropriately recorded.

- (28) **Fill** – While 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:

- (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.

- (29) **Uncovering relics or Aboriginal objects** - While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered:

- a) the work in the area of the discovery must cease immediately;
- b) the following must be notified
 - 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

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ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

New South Wales under the National Parks and Wildlife Act 1974, section 85.

Site work may recommence at a time confirmed in writing by:

- 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.

- (30) **Stormwater Disposal** - Following the installation of any roof, collected stormwater runoff from the structure must be:
- a. Dispersed at ground level, so as not to be concentrated or create nuisance flows onto any buildings, or neighbouring properties. The discharge location must be at least 3m down slope of the building and 6m minimum clearance from receiving down slope property boundaries.

Condition reason - To ensure that stormwater disposal from a development is managed in accordance with Council requirements.

- (31) **Weed management** – 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.

An area for storage of contaminated spoil that is separate from clean material shall be provided during construction.

Conditions 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.

Before issue of an occupation certificate

- (32) **Occupation Certificate required** - An Occupation Certificate must be obtained prior to any use or occupation of the structures.

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 has been provided to the Principal Certifying Authority.

- (33) **Stormwater/drainage works** – All stormwater and drainage works required to be undertaken in accordance with this consent must be completed.

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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.

- (34) **Repair of infrastructure** – 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.

Note: If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.

Condition reason - To ensure that any damage resulting to public infrastructure is appropriately rectified at no cost to the Council.

- (35) **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.

Occupation and ongoing use

- (36) **Use of approved shed and shipping containers** - The shed and shipping containers must be used in conjunction with the agricultural activities on site or for a use otherwise permitted under the provisions of the State Environmental Planning Policy (Exempt and Complying Codes) 2008.

Condition reason - To ensure that the approved structures are used for exempt or agricultural purposes.

- (37) **Future Use** - A dwelling or dual occupancy must not be constructed on the mound.

Condition reason - To ensure that that a residential dwelling or dual occupancy is not constructed on the mound.

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. **Bird strike advice** – As the subject site is located in an area mapped by the Department of Defence as “Birdstrike Group A”, organic waste and/or the storage of bins associated with any future development must be covered and/or enclosed and limited on-site.
4. **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.
5. **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.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Port Stephens Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Hunter Central Coast Regional Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,

the reuse of stormwater,

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ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

the detention of stormwater,
the controlled release of stormwater, and
connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation

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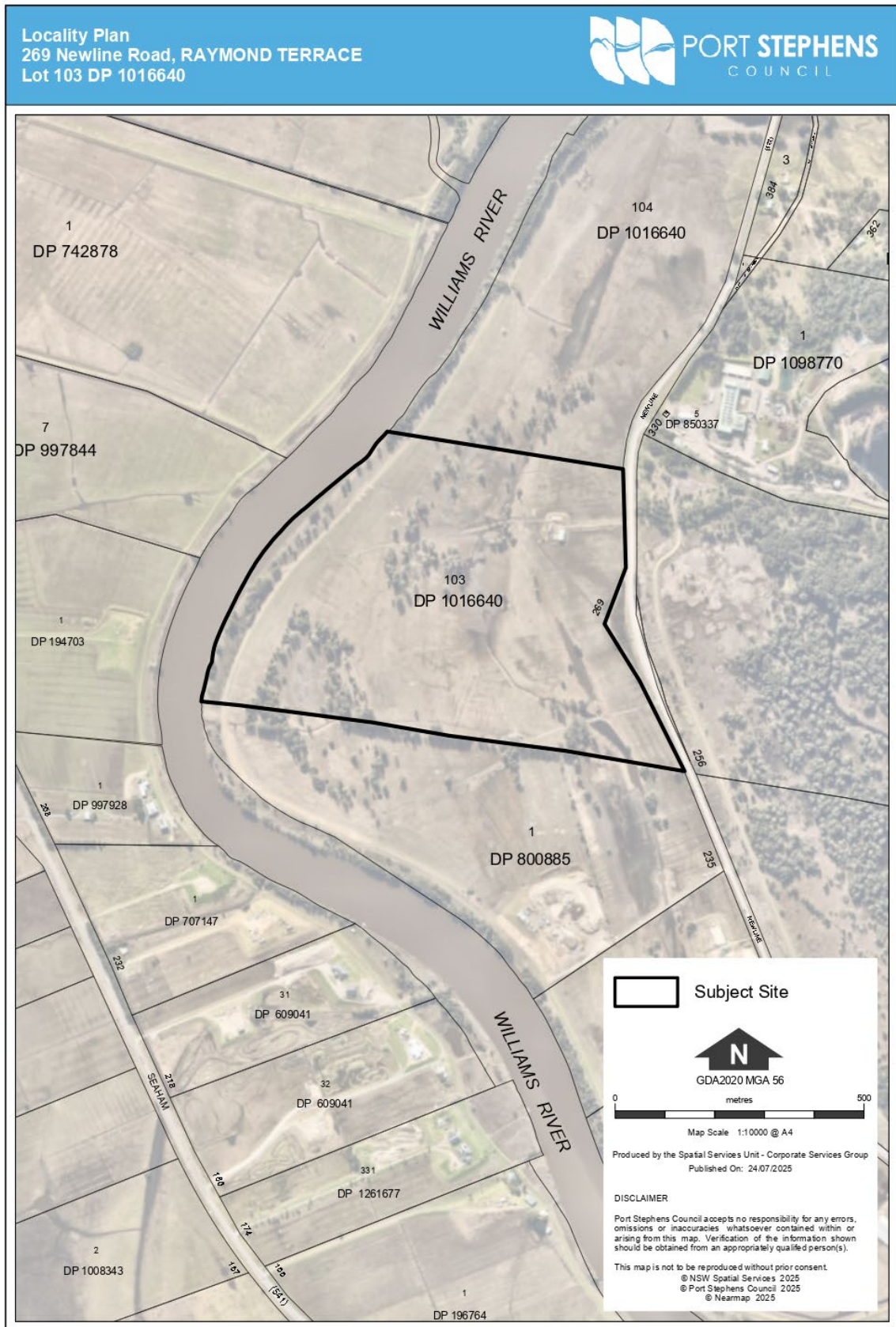


PORT STEPHENS
COUNCIL

CALL TO COUNCIL FORM DEVELOPMENT APPLICATION

Development application (DA) call to Council request:	
I/We (Mayor/Councillor/s) <u>Councillor Errington Councillor Francis</u> request that DA number <u>16-2025-81-1</u> for DA description <u>Earthworks (flood mound/stock refuge, shed and 3 shipping containers</u> located at <u>269 Newline Road, Raymond Terrace</u> be reported to Council for determination.	
Reason:	
Public Interest	
Declaration of Interest: Nil	
I/We have considered any pecuniary or non-pecuniary conflict of interest (including political donations) associated with this DA on my part or an associated person. I/We (Mayor/Councillor/s) <u>Errington and Francis</u> have a conflict of interest: ☒ No ☐ Yes If yes, please provide the nature of the interest and reasons why further action should be taken to bring this DA to Council:	
Signed: Please sign or type name & attached to an email. Cr Francis by email	Date: 9 July 2025
Signed: Please sign or type name & attached to Cr Errington by email	Date: 9 July 2025

ITEM 1 - ATTACHMENT 3 LOCALITY PLAN.



116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800255 Fax: (02) 49873812 Email: council@portstephens.nsw.gov.au

PORT STEPHENS
COUNCILDEVELOPMENT
ASSESSMENT REPORT

APPLICATION REFERENCES

Application Number	16-2025-81-1
Development Description	Earthworks comprising a flood mound for stock refuge, construction of a shed and installation of 3 shipping containers
Applicant	MR J M Harding
Land owner	MR J M Harding
Date of Lodgement	14/03/2025
Value of Works	\$50,000.00
Submissions	0

PROPERTY DETAILS

Property Address	269 Newline Road RAYMOND TERRACE
Lot and DP	LOT: 103 DP: 1016640
88B Restrictions on Title	N/A
Current Use	Agricultural
Zoning	RU1 PRIMARY PRODUCTION
Site Constraints	Weed infestations Bushfire prone land – Vegetation buffer, Vegetation Category 3 Coastal Management –Proximity Area for Coastal Wetlands, Coastal Use and Coastal Environment Area Acid Sulfate Soils – Class 1, 2, 3 and 5 Koala Habitat – Buffer over cleared land, Preferred, Link over Cleared land and Mainly cleared land. Endangered Ecological Communities – Swamp Sclerophyll Forest and Freshwater Wetland. HV flood mitigation scheme – Levee, Drainage Channel Height Trigger Map – Structures of 45m Bird Strike Group A Combined Corridor Gap – Local Link, Landscape Habitat Link Watercourse Biodiversity Values Map Flood Prone Land LEP Mapped Wetlands
State Environmental Planning Policies	State Environmental Planning Policy (Resilience and Hazards) 2021; State Environmental Planning Policy (Biodiversity and Conservation) 2021;

PROPOSAL

The proposed development comprises earthworks for the purpose of constructing an earth mound for stock flood refuge, raised access, a shed and 3 x shipping containers, refer to **Figure 1**.

The proposed mound is located in the west of the site and is proposed to be used for stock refuge during flood events and will also contain the proposed shed and shipping containers. The mound has a top area of 10,000m², an overall area of 27,162.5m² and is proposed to have a finished level of 5.9m AHD, which is consistent with the flood planning level (FPL) for the site.

The access driveway from Newline Road is proposed to be raised to 2.41m AHD. Overall, the proposed earth mound requires 76,653.7m³ of fill.

The shed is proposed to be located on the mound, has a floor area of 600m² and a height of 6.45m. The shed is ancillary to the agricultural use of the site.

Three shipping containers are also proposed to be installed on the mound. Each shipping container is proposed to be 6m x 2.5m and will have a height of 2.26m. These are also intended to be ancillary to the agricultural use of the site.

Due to insufficient information provided, it is unclear what vegetation will require removal under the proposed design shown in **Figure 1**.

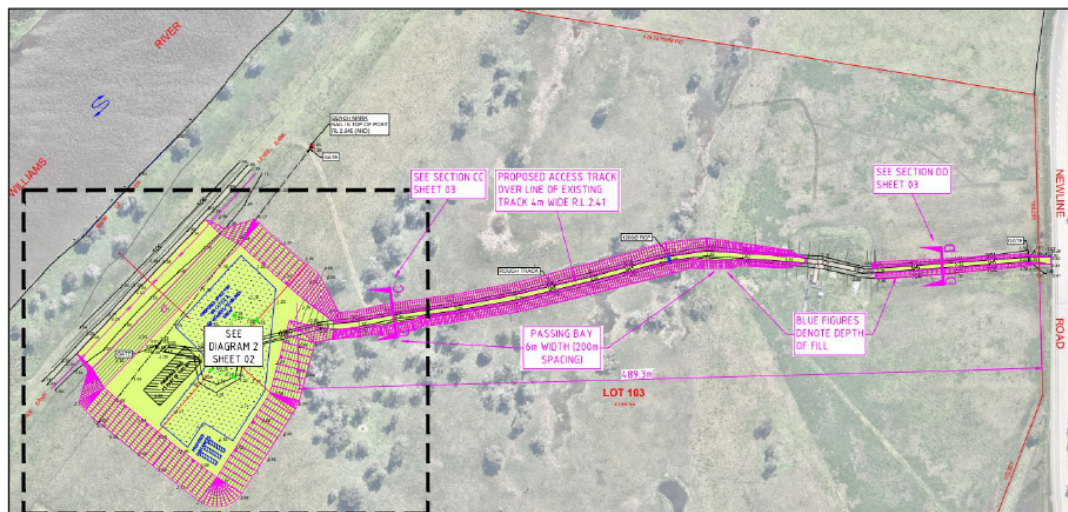


Figure 1. Proposed site plan

In order to support the proposed flood mound, an alternative location for the mound shown in **Figure 2** below has been identified. The alternative location does not seek to change the size, use or height of the mound, only its location for the reasons outlined in this report, primarily related to flooding. Less fill is required to be transported to the site noting the alternate location requires a notably reduced raised driveway being situated closer to Newline Road.

The amended mound location will result in the removal of three trees which has been assessed throughout the assessment report.

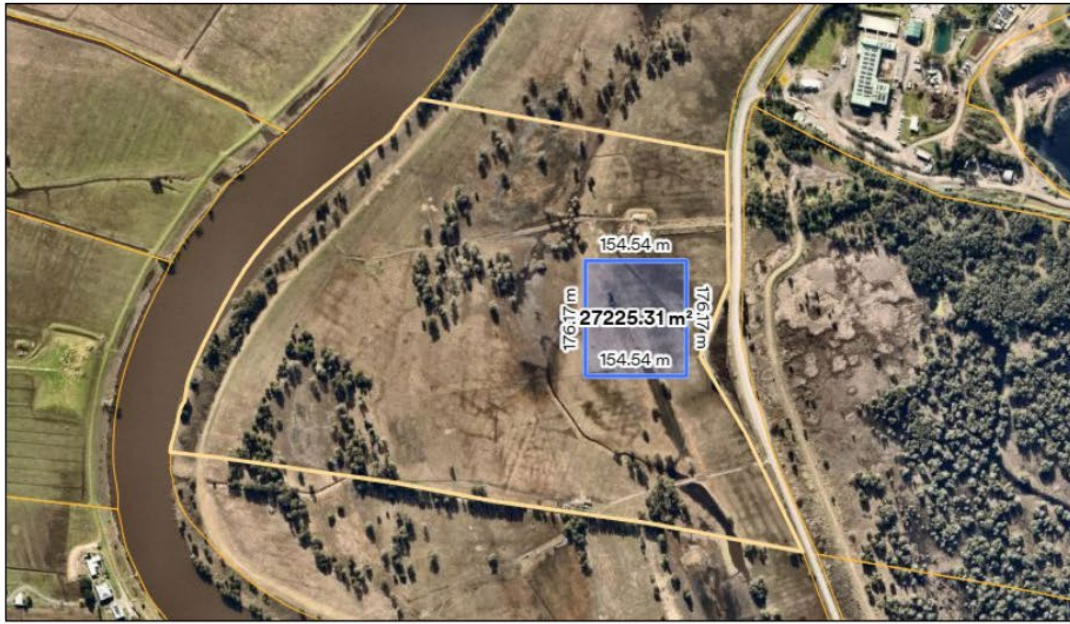


Figure 2. Proposed alternative mound location

SITE DESCRIPTION

The subject site is known as 269 Newline Road, Raymond Terrace and legally identified as Lot 103 DP 1016640. The site is located on the western side of Newline Road and borders the Williams River to the west. The site is largely vacant, with scattered vegetation, two shipping containers and structures associated with agricultural activity located on the site, refer to **Figure 3**.

The site is surrounded by land of a rural nature with the Williams River to the west, a waste recovery facility to the east and Raymond Terrace centre to the south east.



Figure 3. Aerial GIS imagery of the subject site

SITE HISTORY

There are no recent applications on file for the site. The subject site does not have records of contamination or historical applications that would impact the proposed development.

Council's Compliance Team investigated a site office in October 2024 that was installed on the site. The site office is located in the south of the site adjacent to the lot boundary. It was determined by Council's Compliance Officers that the development would likely be considered exempt development given its temporary nature. Council's Compliance Team advised the site owner that a Development Application would be required for permanency of the building. This has not been included in this application.

SITE INSPECTION

A site inspection was carried out on 26 June 2025.

The subject site can be seen in **Photographs 1 to 3** below:



Photograph 1. Existing shed and mound located in the north eastern corner of the site



Photograph 2. Existing access to the site from Newline Road



Photograph 3. Proposed alternative location of the mound

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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

Development Engineering	
Outcome	Supported with conditions (modified location)
Comment	The development was referred to Council's Development Engineering Officers to assess flood impacts from the proposed mound given the site is located within a high hazard floodway and close proximity to the Williams River. In terms of flood level impacts, the provided Flood Impact and Risk Study concluded that negligible flood level changes were expected offsite from the increase in fill and land raising. There were however increases in velocity identified, although these were considered to be minor in nature. Given the proposed finished level of the mound, any structures proposed and/or materials stored would be above the relevant Flood Planning Level (FPL) and therefore consistent with B5 – Flooding under the Port Stephens DCP. Notwithstanding the above, given the mounds location as not being located within the area of lowest risk on the site and positioned in close proximity to the Williams River levy, the development as proposed was not supported by Council's Development Engineering Officers. As a result, the development was referred to Council's Flood Advisory Review Panel (FARP). FARP supported the size and shape of the fill mound however, recommended that it be relocated closer to Newline Road due to this area being considered the area of lower risk on the site (when considering risk to life and evacuation requirements). A Request for Information (RFI) was issued by Council accordingly to provide amended plans that relocated the mound closer to Newline Road as shown in Figure 2. Amended plans were provided which slightly amended the mound design to ensure it no longer attached to the Williams River levee. The mound however, still remained in the west of the site, a substantial distance from Newline Road requiring additional fill for the raised driveway. The application was re-referred to the FARP. It was determined that the mound could not supported unless it was closer to Newline Road, as per the original advice provided. A second RFI was therefore issued by Council which requested the plans be amended as per the previous design amendment request, and advised that if the plans were not amended, Council would proceed to finalise the assessment and determine the application with a mark-up of the mound in the alternative location requested (as shown in Figure 2). It was advised that conditions would be included on the consent requiring that amended plans be provided to Council for approval, prior to the commencement of works for the mound. Amended plans were not provided to Council and the application has since been called to Council for determination. Therefore, Council Officers have proceeded on the basis that the development will be supported by staff, based on the alternative mound location as per the FARP's advice and recommended conditions.
Natural Systems	
Outcome	Supported with conditions
Comment	The development was referred to Council's Environmental Planner for review. It was noted that the original design of the proposal appeared to require the removal of

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	native vegetation from within a Biodiversity Values (BV) mapped area, which would require the preparation of a Biodiversity Development Assessment Report (BDAR). A RFI was issued accordingly. The amended plans provided by the applicant are not clear as to whether vegetation will be impacted or require removal by the proposal. Notwithstanding, Council's Environmental Planner assessed the alternative location of the mound in the east of the site. Council's Environmental Planner noted that the amended location is outside BV mapped areas on the site. However, still required the removal of three trees. Council's Environmental Planner determined that these trees were not representative of koala habitat and therefore considered that their removal was unlikely to result in any significant ecological impacts. Conditions have been recommended noting that all retained vegetation (excluding the three nominated trees approved for removal) must be protected.
Development Compliance	
Outcome	Supported unconditionally
Comment	The development was referred to Council's Compliance Officer for review noting the historical investigation into the site office. Council's Compliance Officer provided detail with regard to a previous compliance investigation for an existing temporary structure being used as a site office located in the south of the site. This is discussed further under the history section of this report. Council's Compliance Officer noted that the proposed shed could result in removal of this temporary structure which was supported. Notwithstanding, no concern was raised with regard to the proposed development and there is currently no active compliance action on the site.

External (non-integrated)

Department of Climate Change, Energy, the Environment and Water	
Outcome	Final referral response not received
Comment	Given the proposed mound's close proximity to infrastructure associated with the Hunter Valley Flood Mitigation Scheme, specifically the Williams River flood levee, the development application was referred to the Department of Climate Change, Energy, the Environment and Water (DCCEEW). The development was referred to DCCEEW under s256 of the Water Management Act (WM Act). This is not an integrated or concurrence referral required under the EP&A Act 1979, although Council refers mounds located in close proximity to the Hunter Valley Flood Mitigation scheme infrastructure. Consent from DCCEEW is required under the WM Act to construct a mound on or adjacent to, a levee bank, which in this instance is the Williams River levee. DCCEEW requested additional information as follows: 1. The mound be setback a minimum of 10m from the Williams River levee. 2. To reduce the height of the access road to be lower than the levee crest height (2.32m AHD) due to the potential for the access track to create flooding upstream at the proposed height. The applicant amended plans to address Item 1 above, although failed to address Item 2. A response from DCCEEW regarding the amended plans submitted was never received.

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	Notwithstanding, the proposed alternative location of the mound as shown in Figure 2 in the eastern part of the site will address both Items of DCCEEW's review. Furthermore, the alternative location of the mound no longer requires approval from DCCEEW due to its substantial setback from infrastructure associated with the Hunter Valley Flood Mitigation Scheme.
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ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**Section 1.7 – Application of Part 7 of Biodiversity Conservation Act 2016**

The development as proposed for approval in **Figure 2** does not trigger entry into the Biodiversity Offset Scheme, as the proposal does not involve native vegetation clearing within a Biodiversity Values (BV) Mapped area, nor does the clearing exceed the area clearing threshold or propose significant ecological impact.

Notwithstanding, the originally proposed mound and raised driveway on the submitted plans may impact native vegetation within a BV mapped area, subsequently triggering entry into the Biodiversity Offsets Scheme. No Biodiversity Development Assessment Report (BDAR) or details on clearing has been provided by the applicant for the mound proposed adjacent the levee.

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

The site is bushfire prone, specifically vegetation buffer and vegetation category 3. The proposal seeks consent for land fill, a shed and shipping containers and therefore will not impact upon bushfire safety of the site. The development is not considered a sensitive use in terms of residential occupation or a Special Fire Protection Purpose (SFPP) development type that requires referral to the RFS or the submission of a Bushfire Threat Assessment Report.

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,

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- 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 3 – Koala Habitat Protection 2020

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 3 applies to land zoned RU1 (Primary Production), RU2 (Rural Landscape) and RU3 (Forestry) with an area of more than 1 hectare or has, together with adjoining land in the same ownership, an area of more than 1 hectare. The site is zoned RU1 Primary Production and has an area of more than 1 hectare, therefore the provisions of this chapter apply.

Section 3.6 to 3.8 – Three step process

Sections 3.6 - 3.8 provide a 3 step assessment process which must be followed by the consent authority for development on land to which this chapter applies. The 3 step assessment is provided in the following table.

Clause	Matter for consideration
3.6 & 3.7	Step 1 and Step 2
	The site is not considered potential koala habitat or core koala habitat.
Comment	The site is mapped as containing preferred Koala habitat in parts. The proposal will result in the removal of three trees on the site.
3.6 & 3.7	Step 3
	The site contains core koala habitat, however, the proposed development is consistent with Council's Comprehensive Koala Plan of Management.
Comment	As noted above, the site is mapped as containing preferred Koala habitat and the proposal results in the removal of three trees. These trees are isolated on the site and are not mapped or identified as being preferred koala habitat species. In addition, Council's Environmental Planner identified that these trees are not representative of koala habitat and therefore considered that their removal was unlikely to result in any significant ecological impacts. It is therefore considered that the proposal is consistent with the objectives and requirements of this Chapter.

State Environmental Planning Policy (Resilience And Hazards) 2021

Chapter 2 – Coastal management

The site is mapped as being within a Proximity Area for Coastal Wetlands, Coastal Use and Coastal Environment Area; as such the following general matters are required to be considered when determining an application.

Section 2.8 – Development within the proximity area for coastal wetlands

As per Section 2.8 of Chapter 2 of the SEPP, development consent must not be granted to development on land identified as 'proximity area for coastal wetlands' unless the consent authority (Council) is satisfied that the proposed development will not significantly impact the biophysical or ecological integrity of the adjacent coastal wetland of the quantity/quality of surface and ground

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water flows to and from the adjacent wetland. A small portion of the site is mapped as being within proximity to coastal wetlands. The amended mound location as proposed in **Figure 2** sits outside of the wetland mapped areas.

Section 2.10 – Development within the coastal environment area

As per Section 2.10 of Chapter 2 of the SEPP, development consent must not be granted for development within the coastal environment area unless the consent authority has considered whether the development will cause impact to the integrity of the biophysical and ecological environment, the values and natural coastal processes, marine vegetation, native vegetation and fauna and existing public open space and access to and along the foreshore.

The proposed development is within an area identified as a coastal environment area. The proposal is not considered likely to result in adverse impacts to the area. The removal of three trees will have minimal impact on the biophysical and ecological environment, and the amended mound location is situated away from the coastal wetland areas. There will be no adverse impacts to natural coastal processes or marine vegetation, subject to satisfying the recommended conditions that minimise scour and erosion from the proposed mound.

Section 2.11 – Development within the coastal use area

As per Section 2.11 of Chapter 2 of the SEPP, development consent must not be granted for a development unless the consent authority has considered existing and safe access to and along the foreshore, overshadowing and loss of views, visual amenity and scenic qualities and heritage values. The consent authority must also be satisfied that the development is designed and sited to avoid adverse impacts and to ensure the development has taken into account the surrounding built environment in its design.

The proposed development is located on land identified as being within a coastal use area. The proposal will not impact public access to the water front, result in unreasonable loss of views or impact the visual amenity and scenic qualities of the water front in the context of the site, being land located in a rural area used primarily for agricultural purposes. There are no designated views or vistas across the site from Newline Road that would be disrupted from the mound identified in the DCP. Further, other comparable mounds along the Williams River catchment have either been approved or constructed.

Section 2.12 – Development within the coastal zone generally

Section 2.12 of Chapter 2 of the SEPP requires consideration to whether the development would increase the risk of coastal hazards. The proposed development is suitably designed and located to not increase risk to coastal hazards.

Therefore the application would generally comply with the aims of the SEPP and the other matters for consideration stipulated under Section 2.8, 2.10, 2.11 and 2.12, and can therefore be supported.

Section 2.13 – Development within the coastal zone generally – coastal management programs to be considered

As per section 2.13 of Chapter 2 of the SEPP, development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land. The Port Stephens Coastal Management Plan (CMP) outlines 67 management actions aimed at mitigating the impacts of coastal inundation, tidal inundation, coastal erosion and dune transgression over the next 10 years. The CMP is a plan of action for Council, public authorities and land managers responsible for management of the Port Stephens coastal zone to:

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- Address coastal hazard risks;
- Preserve habitats and cultural uses and values;
- Encourage sustainable agricultural, economic and built development in the coastal zone;
- Maintain or improve recreational amenity and resilience; and
- Adapt to emerging issues such as population growth and climate change.

The development is not located within the draft coastal vulnerability mapped areas and therefore is not impacted by this planning instrument.

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.

The NSW list of contaminated sites and list of notified sites published by the EPA does not identify the site as being contaminated, nor has previous record of contamination in Council's system. The land is not within an investigation area, nor are there records of potentially contaminating activities occurring on the site use, per Table 1 of the Contaminated Land Planning Guidelines. Whilst historical agricultural activities have occurred on the site, the mound is proposed fill works and no excavation. There will be limited exposure or disturbance to any potentially contaminated soils from past agricultural activities noting fill and compaction is proposed for the mound and associated driveway.

A condition has been recommended requiring that the fill material 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.

Port Stephens Local Environmental Plan 2013 (PSLEP2013)**Clause 1.9A – Suspension of covenants, agreements and instruments**

Clause 1.9A identifies that development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

The development does not contravene any of the noted covenants, agreements or instruments and is considered to satisfy this clause.

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 site is zoned RU1 Primary Production.

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The proposal is for earthworks to provide a flood mound for stock refuge during a flood event as well as the construction of a shed and installation of 3 x shipping containers which are all ancillary to the extensive agricultural use of the land and therefore permitted with consent.

The proposal is considered to meet the objectives of the zone as the mound, shed and shipping containers are to be used for agricultural purposes which reflects the rural character and strategic land use purpose of the locality.

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.

The site does not have a maximum building height. The shed has a height of 6.45m which is consistent with the objectives of this clause and surrounding development, which is rural in nature.

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.

An AHIMS search 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 subject site. The site is located within an Aboriginal sensitive landscape feature (200m from waters/cliff face/20m from a cave/located on a ridgetop/headland/sand dune) however, the likelihood of disturbing relics is considered low given no earthworks beyond the natural ground level are proposed

As such, no adverse impact to Aboriginal heritage is expected, and a condition of consent relating to unexpected finds has been recommended 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 the flood risk to life and property associated with the use of land, to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change, to avoid adverse or cumulative impacts on flood behaviour and the environment, and to enable the safe occupation and efficient evacuation of people in the event of a flood.

The development seeks consent for development within the flood planning area and this clause applies.

As per Clause 5.21(2), before granting development consent for development to which this clause applies, the consent authority must be satisfied that the development:

- (a) is compatible with the flood function and behaviour on the land, and

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- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

The subject site is within a flood planning area and mapped entirely as a high hazard floodway. A Flood Impact Assessment (FIA) was prepared for the proposal by Torrent Consulting Pty Ltd which assisted in addressing Clause 5.21(2)(a) and (b). The FIA was also reviewed as a part of the assessment by Council's Flood and Development Engineering Officers. It was found that there would be negligible flood level changes offsite as a result of the proposal despite the increase in fill within the floodplain. There were increases in velocity identified, although these were considered to be minor in nature and not adversely affecting flood behaviour. Noting this the proposal is considered to comply with 5.21(2)(a) and (b).

In regard to 5.21(c) and (d), the applicants proposed location of the mound (**Figure 1**) will compromise and adversely affect the safe occupation and efficient evacuation of people and due to its location. The mound in the location adjacent the levee fails to incorporate appropriate measures to manage risk to life in the event of a flood. This is as consequence of the location being a substantial distance from Newline Road and within the area of the site that would experience the highest flood depths and velocities due to its location directly adjacent to the river. This would reduce opportunities for early egress/access and would increase risk of isolation during flooding events for either people or stock. Noting this, the location of the mound as proposed by the applicant is not considered to meet the requirements of cl.5.21(2)(c) and (d) and therefore is not supported.

An alternative location for the mound in the east of the site (**Figure 2**), closer to Newline Road has been identified that would satisfy cl.5.21(2)(c) and (d) above. It is considered that the alternative location meets the requirements of Clause 5.21(c) and (d) in that:

- It is located in the lowest flood hazard area of the site, as it will experience lower flood depths and velocities compared to those experienced in the applicants proposed location due to it being a substantial distance from the river.
- It is located closer to Newline Road, enabling the safe occupation and efficient evacuation of people in the event of a flood.
- The amended location to the east is substantially setback from infrastructure associated with the Hunter Valley Flood Mitigation Scheme.

Conditions have been recommended requiring that amended plans are provided to Council for approval, prior to the commencement of works.

In regard to 5.21(e), the alternative location of the proposed will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

Noting the above, based on the alternative mound location, the proposal is consistent with this clause.

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.

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The site is identified as containing potential Class 1, 2, 3 and 5 Acid Sulfate Soils. The proposal is for fill and does not propose any works below the natural ground level. As such, it is considered that ASS will not be encountered.

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.

In accordance with Clause 7.2(3) before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:

- The likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development.
- The effect of the development on the likely future use or redevelopment of the land.
- The quality of the fill or the soil to be excavated, or both.
- The effect of the development on the existing and likely amenity of adjoining properties.
- The source of any fill material and the destination of any excavated material.
- The likelihood of disturbing relics.
- The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area.
- Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Development consent is required for the proposed earthworks and therefore this Clause applies. The proposal is consistent with this clause in that:

- The proposal involves the construction of an earth mound for cattle refuge and a raised access driveway. The mound has a top area of 10,000m² and an overall area of 27,162.5m², requiring 76,653.7m³ of fill.
- The proposal, if undertaken in the location identified by Council, is not considered to result in detrimental impacts to flood or drainage patterns.
- The proposal will have beneficial impacts on the future use or redevelopment of the land in that it will provide a location for stock refuge during flood events and provide a location above the flood planning level to store goods associated with the agricultural use of the land.
- A condition has been recommended requiring that fill material 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. This will ensure that the quality of the fill is a suitable standard.
- The mound is not considered to result in adverse impacts to the amenity of adjoining properties. Noting that the FIA found that the proposal would not result in significant offsite impacts or significant loss of flood storage.
- The likelihood of disturbing relics is considered low given no earthworks beyond the natural ground level are proposed. Notwithstanding, an unexpected finds condition has been recommended.
- The amended location is not considered likely to impact upon the river processes due to the increased separation and setback.
- Appropriate conditions have been recommended to reduce the potential impacts from the development.

Noting the above, the proposal is considered to be consistent with this Clause subject to conditions.

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Cause 7.6 provides that development consent must not be granted to development 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 when required. The essential services include the following:

- The supply of water.
- The supply of electricity.
- The disposal and management of sewage.
- Stormwater drainage or on-site conservation.
- Suitable vehicular access.

The site has access to services that are essential for the agricultural use.

Clause 7.9 – Wetlands

The objective of this clause is to ensure that wetlands are preserved and protected from the impacts of development.

Before determining a development application for development on land to which this clause applies, the consent authority must consider:

- Whether or not the development is likely to have any significant adverse impact on the following:
 - The condition and significance of the existing native fauna and flora on the land,
 - The provision and quality of habitats on the land for indigenous and migratory species,
 - The surface and groundwater characteristics of the land, including water quality, natural water flows and salinity, and
 - Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

In addition, development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that -

- The development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- If that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- If that impact cannot be minimised—the development will be managed to mitigate that impact.

The site is mapped as containing LEP wetlands. The amended location of the mound results in a small portion of the mound being within the LEP mapped wetland area. This encroachment is less than what was proposed by the original mound design. Based on the site visit undertaken by Council, there does not appear to be any wetland features or vegetation in this location. The proposed encroachment is not considered likely to have a significant adverse impact on the:

- Condition and significance of the existing native fauna and flora on the land,
- The provision and quality of habitats on the land for indigenous and migratory species,
- The surface and groundwater characteristics of the land, including water quality, natural water flows and salinity, as identified in the Flood Impact and Risk Assessment.

On these grounds, the mound in the amended location satisfies the objectives and requirements of cl. 7.9 of the PSLEP.

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

There are no draft EPI's relevant to the proposed development.

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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**

This Chapter applies to the removal or pruning of trees or other vegetation within non-rural areas and gives effect to SEPP (Biodiversity and Conservation) 2021 by listing those trees or other vegetation that require approval.

The objectives of this chapter are:

- To give effect to State Environmental Planning Policy (SEPP) (Biodiversity and Conservation) 2021 by listing those trees or other vegetation that require approval;
- To ensure adequate consideration is provided to the relevant matters for the removal or pruning of trees or other vegetation; and
- To ensure adequate information is provided to determine the application for the removal of trees or vegetation.

As this is a rural area this Chapter does not apply.

B2 – Flora and Fauna

This Chapter applies to development that has the potential to impact upon native flora and/or fauna, is any LEP or State mapped wetlands or watercourses, and has the potential to impact these areas, is located on land containing biosecurity risks, is located on land mapped as Koala habitat identified by Council's Comprehensive Koala Plan of Management (CKPoM).

The objectives of this chapter are:

- To avoid and minimise impacts on native flora and fauna.
- To protect and enhance native flora and fauna, vegetation communities, and significant habitat on the site.
- To encourage the proper identification, management and conservation of Koala habitat in accordance with Council's Comprehensive Koala Plan of Management (CKPoM).
- To facilitate the compensatory replacement of important biodiversity features which cannot be avoided and are proposed to be removed under a tree permit or development consent.
- To reduce the negative impact of biosecurity risks (weeds) on the economy, community and environment by eliminating or restricting their geographical spread

This chapter requires assessment of the proposed development in accordance with the requirements of the NSW Biodiversity Conservation Act 2016 (BC Act 2016) and Port Stephens Comprehensive Koala Plan of Management (CKPoM). See these sections for further details.

The site is mapped as containing preferred Koala habitat under the CKPoM. The amended mound location results in the removal of 3 x trees. These trees are isolated on the site and are not mapped as preferred koala habitat like the other vegetation on the site. In addition, Council's Environmental Planner identified that these trees are not representative of koala habitat and therefore considered that their removal was unlikely to result in any significant ecological impacts.

ITEM 1 - ATTACHMENT 4 PLANNER'S ASSESSMENT REPORT.

As outlined in this report, the proposed mound location requires extensive fill for the raised driveway. Parts of this impact area are BV mapped and may require the preparation of a BDAR noting entry into the Biodiversity Offsets Scheme is triggered for native vegetation removal on BV mapped areas. The applicant has not provided detail to demonstrate the raised driveway in the western mound location would not trigger entry into the Biodiversity Offsets Scheme and that a BDAR is not required in accordance with the BC Act 2016.

Noting this it is considered that the proposed mound and structures, in the amended eastern location is consistent with 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.

The objectives of this chapter are:

- To ensure air quality is not negatively impacted on by dust and odour in recognition of the associated human health impacts;
- To identify potentially offensive noise to ensure it is managed within the relevant legislative requirements; and
- To facilitate earthworks so as to minimise potential environmental impacts, such as erosion or the release of sulfuric acids as identified by the Local Environmental Plan.

Noise

The impacts of the development during construction could be limited through conditions of consent which limit construction work hours and the use of machinery on the site. Subject to the aforementioned conditions, the development is satisfactory in regards to noise management.

Air Quality

Dust generated during construction is expected to be minimal, subject to conditions of consent requiring erosion and sediment control be carried out in accordance with the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) and 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).

Earthworks

As discussed at Clause 7.2 above, the proposed development involves earthworks for a flood mound for stock refuge. A bulk earthworks plan was provided as required by the DCP.

As discussed against Clause 7.2 of the PSLEP, the proposal is considered suitable and a condition has been recommended requiring that fill is to consist of VENM.

B4 – Drainage and Water Quality

This Chapter applies to development that increases impervious surfaces, drains to the public drainage system, or involves a controlled activity within 40m of waterfront land.

The objectives of this chapter are:

- To ensure a stormwater drainage plan is submitted when development either increases impervious surfaces or drains to the public drainage system;

ITEM 1 - ATTACHMENT 4 PLANNER'S ASSESSMENT REPORT.

- To ensure the stormwater drainage plan details a legal and physical point of discharge to minimise impacts on water balance, surface water and groundwater flow and volume regimes and flooding;
- To implement sustainable mitigation systems that can be maintained using resources available to the maintainer;
- To regulate the impacts on the capacity of the public drainage system, to ensure development does not detrimentally impact on water quality through the use of water quality modelling, such as small scale stormwater water quality model (SSSQM) or model for urban stormwater improvement conceptualisation (MUSIC), and subsequent water sensitive urban design (WSUD) measures;
- To safeguard the environment by improving the quality of stormwater run-off, to ensure water quality is protected and maintained during the construction phase through the conditioning of appropriate measures; and
- To provide further guidance to clauses in the local environmental plan relating to water quality for development in drinking water catchments, and to protect and retain riparian corridors as localities of environmental importance.

The proposal does not significantly increase impervious surfaces over the site, and will utilise existing drainage methods. No stormwater drainage plan, onsite-detention or water quality modelling is considered required for the nature of the development works. A condition has been recommended requiring stormwater from new shed structures to be dispersed at ground level.

B5 – Flooding

This Chapter applies to all development on flood prone land.

The objectives of the chapter are:

- To ensure development satisfies the provisions of the LEP;
- To provide detailed controls for the assessment of development proposed on flood prone land in accordance with the Environmental Planning and Assessment Act 1979;
- To ensure flood risk is considered as early as possible in the planning and development process, based on the best available flood information, to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone land;
- To treat floodplains as an asset, specialising in uses that are productive and minimise risk to life during major weather events;
- To ensure that the use and development of flood prone land includes risk consequences that are manageable, to implement the principles of the NSW Government 'Flood Risk Management Manual' (as updated from time to time), Construction of Buildings in Flood Hazard Areas (Australian Building Codes Board) and Council's Floodplain Risk Management Policy and flood hazard maps as identified within Figure BF;
- To ensure that appropriate controls are applied to development on land where more than a minimal risk is present;
- To ensure development on land identified as floodway is restricted to low risk development; and
- To ensure the capacity of the floodway to convey and contain floodwaters is not diminished.

Following from the discussion against cl. 5.21 of the PSLEP above, the proposed development is acceptable in this regard subject to being approved in the alternate location as shown in **Figure 2**.

The principles of the NSW Government 'Flood Risk Management Manual' (as updated from time to time), Construction of Buildings in Flood Hazard Areas (Australian Building Codes Board) and Council's Floodplain Risk Management Policy and flood hazard maps as identified within Figure BF have been considered in the assessment below.

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ITEM 1 - ATTACHMENT 4 PLANNER'S ASSESSMENT REPORT.**Flood Compatibility**

The proposed development is located on land mapped as being Flood Planning Area with the nominated flood risk level being High Hazard Floodway. In accordance with Figure BI of the DCP, the development would comprise of fill and buildings associated with the agricultural use of the site (farm buildings) which are considered to be suitable subject to development controls for the high hazard floodway flood risk category.

The finished level of the proposed mound is 5.9m AHD which is equivalent to the Flood Planning Level (FPL). The shed and shipping containers are proposed to be built/installed on top of the mound. Therefore, the finished floor level of the shed and shipping containers will be compliant with Council's DCP which requires farm buildings to have a finished level equivalent to the onsite waste water level for the site, which in this case is 3.8m AHD.

Control B5.2 stipulates that where multiple flood hazard categories are specified for a site on a flood certificate, the proposed development must be located on the land with the lowest flood risk. Whilst the entirety of the site is designated as a high hazard floodway, the amended mound location seeks to satisfy the underlying intent of this control by placing the development further away from the flood risk, being the Williams River.

Controls B5.4 – B5.8 of the DCP relate to flood compatible design, such as structural certification of development in floodway's, as well as controls regarding fencing, electrical features and potential hazardous material storage. A condition has been recommended that requires that certification is provided prior to the issue of a construction to demonstrate that the structures proposed are capable of withstanding the force of any flood waters experienced up to the Probable Maximum Flood Event (PMF), as required by the DCP.

The remaining controls (B5.5 – B5.8) will inherently be achieved due to the finished level of the mound being at the FPL.

Flood Impact and Risk Assessment

Control B5.9 of the DCP requires that a Flood Impact Assessment (FIA) be prepared where fill is proposed on land identified as a floodway. The subject site is mapped entirely as a High Hazard Floodway and a FIA was accordingly prepared for the proposal by Torrent Consulting Pty Ltd and has been assessed by Development Engineering Officers.

The FIA concluded that there would be negligible flood level changes offsite as a result of the proposal if approved in the location nominated at **Figure 2**. From the extent of fill proposed, the FIA noted there would be increases in velocity, although these were considered to be minor in nature and would not adversely change flood behaviour.

As outlined in this Planners Report, the original location of the mound adjacent the Williams River levee is not supported, being the highest flood risk part of the site and creating additional flood impacts that can reasonably be ameliorated through an alternate location. The relocation of the mound further to the east will reduce flood impacts noting the following grounds:

- Less fill volume required within the floodplain area for a reduced driveway length;
- The removal of a raised driveway 'levee' that cuts perpendicular to the main flowpath direction of the river. The length and height of the raised driveway could impact on flows during smaller more regular events that do not overtop the driveway. This would result in ponding and adverse drainage effects during minor events.

ITEM 1 - ATTACHMENT 4 PLANNER'S ASSESSMENT REPORT.

- By reducing the scale and length of the driveway, there is reduced potential for the raised driveway to sustain damage (wash away) during a large storm that results in overtopping of water. During major events it is expected that flow velocities would be high and result in wash away effects, along with erosion type damage to the driveway.
- No details of cross drainage provided for the longer driveway design to ensure that local overland flow drainage patterns are maintained and offsite impacts are avoided during more regular flooding events that do not overtop the proposed access.
- Less distance across high velocity and deep floodwaters for evacuation of stock or persons as required.

For the reasons above, the mound in the originally proposed location is not supported on flood planning grounds.

Councils Flood Engineer noted the proposed development is not consistent with Councils draft 'Lower Hunter River Floodplain Cumulative Development Impact Study'. This Study does not permit filling within any areas considered floodway. Furthermore, even if the proposed mound was located in a flood storage area, the 70,000m³ of fill proposed exceeds the threshold criteria in the Cumulative Impact Study. Notwithstanding, the 'Lower Hunter River Floodplain Cumulative Development Impact Study' has not been adopted or incorporated as part of the DCP. Therefore, the Cumulative Impact Study has no statutory weight under the EP&A Act 1979 and not a relevant Study for consideration. The FIA submitted with the development application included an alternative cumulative impact assessment to satisfy the objectives of the DCP and address potential loss of flood storage in the broader catchment. The cumulative assessment provided as part of the FIA is sufficient to satisfy the objectives of the DCP and the volume of fill proposed is supported.

The proposed mound size is consistent with Control B5.9 of the DCP, being of a size and scale that reflects the *NSW Department of Primary Industries –Agriculture. 2009, 'Primefacts: Livestock flood refuge mounds'* guidance and Figure BK of the DCP, which stipulates numerical standards for livestock flood refuge mounds. The mound size and dimensions are appropriate for the site context and volume of stock the site could viably support.

Development on Land Identified as Floodway

As noted above, the subject site is mapped entirely as a High Hazard Floodway. Control B5.17 identifies that development other than farm buildings and/or fill is not supported on land identified as either low hazard floodway or high hazard floodway.

The proposal involves fill and buildings associated with the agricultural use of the site (farm buildings) and is therefore consistent with this control. A condition has been recommended which requires that the shed and shipping containers must be used in association with the agricultural use on site or for a use otherwise exempt under the provisions of the State Environmental Planning Policy (Exempt and Complying Codes) 2008. A condition has also been recommended noting that a dwelling or dual occupancy must not be constructed on the mound.

Residential Dwellings

Whilst no residential dwelling is proposed under the subject application, the mound has been designed to the relevant FPL and the landowner may seek to construct a dwelling on the mound as part of a future development application.

Chapter B5 of the DCP 2014 provides more detailed provisions to inform the assessment against Clause 5.21 LEP 2013 provisions. The DCP Chapter was amended in 2024 to remove the performance based solutions for certain development in flood prone areas. The amended Chapter now states that dwelling houses on land categorised as High Hazard Floodway are not permitted.

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Figure BI of the DCP was specifically amended to stipulate dwellings in a High Hazard Floodway as being unsuitable.

The site becomes isolated in minor and major events as Newline Road fails to provide flood immune egress. As such, no residential dwelling would likely be supported on the site with regard to B5. On this basis, the mound and site is only suitable for agricultural type uses and not residential purposes. To this effect, a condition restricting the use of the mound to agricultural uses is recommended should the development be supported.

B6 – Williamtown RAAF Base – Aircraft Noise and Safety

This Chapter applies to development that is situated within the 2025 Australian Noise Exposure Forecast (ANEF), bird strike zone, extraneous lighting area or the Royal Australian Air Force (RAAF) Base Williamtown Obstacle Limitation map.

The objectives of this Chapter are:

- To ensure development satisfies the requirements of the Local Environmental Plan;
- To ensure appropriate consideration is given to land burdened by aircraft noise;
- To ensure acceptable levels of indoor noise in accordance with the relevant Australian Standards; and
- To ensure that the operational needs of the Williamtown RAAF Base are considered.

The proposal is located within Bird Strike Group A. An advice note to manage on going waste storage has been recommended.

B8 – Road Network and Parking

This Chapter applies to development with the potential to impact on the existing road network or create demand for on-site parking.

The objectives of this Chapter are:

- To ensure that the impacts of traffic generating development are considered and that the existing level of service of the road network is maintained;
- To ensure development provides adequate on-site parking, loading and servicing spaces;
- To ensure that vehicle access is in a safe location and has minimal impacts on existing transit movements;
- To ensure driveways have adequate sight distances for traffic and pedestrians on footpaths;
- To ensure that vehicle access is located in a safe location, where it least impacts on existing transit movements;
- To ensure driveway exits maximise intersection sight distances for traffic and pedestrians on footpaths;
- To ensure visitor parking is conveniently located and easily identifiable;
- To ensure loading facilities do not adversely impact on the road network and are visually concealed;
- To encourage more active lifestyles and ecologically sustainable development by providing convenient and accessible public transport options;
- To recognise the increasing use and demand for electric vehicles and ensure new development is designed to reflect this; and
- To ensure development includes adequate infrastructure to provide for the charging of electric vehicles.

Traffic Impacts

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The proposal is not expected to generate any significant increases in traffic as the use of the land will not change. There will be a minor increase in traffic during construction of the mound and shed due to deliveries of fill. However, the nature of the movements is not short-term and can viably be accommodated on the existing road network.

On-site parking provisions

The proposal does not generate the requirement for car parking.

On-site parking access

As above, the proposal does not generate the requirement for car parking.

Section C – Development Types

The proposed development includes earthworks, the construction of a shed and installation of three shipping containers and therefore parts of C8 are applicable.

C8 – ANCILLARY STRUCTURES		
Clause	Requirement	Assessment
C8 Sheds	C8.1 – Sheds (residential)	
	The proposed shed is in a prescribed residential zone and adheres to:	N/A
	C8.3 – Sheds (R5 Large Lot Residential – Lot Size $\geq 4,000\text{m}^2$)	
	Shed in R5 Large Lot Residential zoning adheres to Figure CO:	N/A
	C8.3 – Sheds (R5 Large Lot Residential – Lot size $< 4,000\text{m}^2$)	
	Shed in R5 Large Lot Residential zoning adheres to Figure CO:	N/A
	C8.5 – Sheds (Rural)	
	The proposed shed is in a prescribed rural zone and adheres to:	
	Minimum 10m side boundary and rear setback;	Complies
	Minimum 5m setback from another building;	Complies
	Colour scheme consistent with the existing character of the area.	Complies
Comment	Shed design is compliant with the above controls.	
C8 Shipping Containers	C8.25 – Location of shipping containers	
	Shipping containers are sited behind existing buildings, not located in front of the established or proposed building line, and is screened from view by adjoining properties.	Yes
	C8.26 – Number of shipping containers	
	The site does not exceed more than 2 shipping containers on a residential lot.	N/A
	C8.27 – Storage	
	Shipping containers are placed at ground level and are not stacked on top of each other.	Complies

ITEM 1 - ATTACHMENT 4 PLANNER'S ASSESSMENT REPORT.

C8 – ANCILLARY STRUCTURES	
Comment	Shipping containers are compliant with the above controls.

Section D – Specific Areas

The development is not located within an area nominated within a DCP specific area.

Section 4.15(1)(a)(iiia) – 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)

None of the regulations to the extent that they prescribe matters for the purposes of this paragraph apply to the development.

Section 4.15 (1)(b) The likely impacts of that development

Social and Economic Impacts

The proposal will provide flood free land for livestock refuge and a shed associated with the agricultural use of the site. The proposal increases the viability of the land for primary production purposes resulting in positive social and economic outcomes.

Impacts on the Built Environment

The development is consistent with the built form of the area. Earth mounds, sheds and shipping containers are a common type of development within the area, due to the agricultural zoning and landscape.

Impacts on the Natural Environment

The amended location of the mound ensures that the natural environment will not be significantly impacted with the three trees requiring removal not considered likely to result in adverse ecological impacts.

The original design of the proposal appears to require the removal of native vegetation within a Biodiversity Values (BV) mapped area, which would require the preparation of a Biodiversity Development Assessment Report (BDAR) and trigger entry into the Biodiversity Offset Scheme. The amended plans provided by the applicant remain unclear as to whether native vegetation will be impacted or require removal by the proposal and there is insufficient tree removal and design details to demonstrate there would be no adverse impacts to the natural environment from the location proposed on the submitted plans. Conversely, Council's Environmental Planner assessed the minor tree removal in the alternate location at **Figure 2** and noted this was a more suitable location in terms of ecological impacts.

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

The subject site is currently utilised for agricultural purposes. The proposal seeks to provide flood free land for stock refuge during flood events and therefore the site is considered suitable. The development is suitable for the site subject to relocating the mound to the area nominated in Figure 2 to address ecology and flooding impacts. Should the mound remain in the area adjacent the levee as proposed, the development would conversely not be suitable for the site relating to flood and ecology impacts.

ITEM 1 - ATTACHMENT 4 PLANNER'S ASSESSMENT REPORT.**Section 4.15(1)(d) Any submissions****Public Submissions**

The application was exhibited from 24 March 2025 to 7 April 2025 in accordance with the provisions of the Port Stephens Council Community Engagement Strategy. No submissions were received during this period.

Section 4.15(1)(e) The public interest

The proposal is considered to be in the public interest as it provides flood free land for stock refuge and a shed associated with the agricultural use of the site. In addition, the proposal does not result in any significant offsite impacts if relocated away from the levee towards Newline Road.

Section 7.11 – Contribution towards provision or improvement of amenities or services

Not applicable.

Section 7.12 – Fixed Development Consent Levies

Fixed development contributions do not apply to the proposal in accordance with the Port Stephens Local Infrastructure Contributions Plan as the cost of works is under \$100,000.

Housing and Productivity Contribution Order 2023

The development is exempt from the Housing and Productivity contributions.

CONCLUSION

The 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 supported subject to the mound being located in the alternative location shown in **Figure 2** of this report and the recommended conditions.

Section 4.17 of the EP&A Act empowers a consent authority to modify details and aspects of a development through conditions. Council, being the consent authority, is relying the provisions of s.4.17 of the EP&A Act to modify the mound location through conditions to a more suitable location on the site in terms of flooding and ecology. The alternative option is to refuse the development relying on the flood and ecology grounds outlined in this Planners Report.

RECOMMENDATION

The application is recommended to be approved by the elected Council pursuant to s4.15 and s.4.17 of the *Environmental Planning and Assessment Act 1979*, subject to the recommended conditions of consent provided as contained in the notice of determination.

MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025

Councillor Ben Niland left the meeting at 6:55pm.
Councillor Mark Watson left the meeting at 6:56pm.
Councillor Paul Le Mottee returned to the meeting at 6:56pm.
Councillor Ben Niland returned to the meeting at 6:56pm.

The General Manager informed the meeting of a declaration of interest received from Cr Arnott relating to Item 2.

ITEM NO. 2

FILE NO: 25/164049
EDRMS NO: PSC2023-03961

LOCAL HOUSING STRATEGY ANNUAL REPORT

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the Port Stephens Local Housing Strategy Annual Report **(ATTACHMENT 1)**.
 - 2) Note the updates to the Port Stephens Local Housing Strategy and Housing Supply Plan **(ATTACHMENT 2)** that respond to the endorsement issued by the NSW Department of Planning, Housing and Infrastructure **(ATTACHMENT 4)**.
 - 3) Place the Addendum Request received for 22 Homestead Street, Salamander Bay on public exhibition for 28 days **(ATTACHMENT 3)**.
-

ORDINARY COUNCIL MEETING - 23 SEPTEMBER 2025 MOTION

219	Councillor Rosalyn Armstrong Councillor Ben Niland It was resolved that Council: 1) Note the Port Stephens Local Housing Strategy Annual Report (ATTACHMENT 1). 2) Note the updates to the Port Stephens Local Housing Strategy and Housing Supply Plan (ATTACHMENT 2) that respond to the endorsement issued by the NSW Department of Planning, Housing and Infrastructure (ATTACHMENT 4). 3) Place the Addendum Request received for 22 Homestead Street, Salamander Bay on public exhibition for 28 days (ATTACHMENT 3).
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MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025

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

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to provide Council with an update on the implementation of Local Housing Strategy (LHS) actions and dwelling production in Port Stephens since its adoption on 25 June 2024 (**ATTACHMENT 1**). Annual reporting is an endorsed action within the LHS.

This report outlines updates to the LHS and Housing Supply Plan (HSP) (**ATTACHMENT 2**) that are necessary to respond to the conditional endorsement issued by the NSW Department of Planning, Housing and Infrastructure (DPHI) on 17 December 2024 (**ATTACHMENT 4**). The updates include:

- Changes recommended by State agencies to Appendix 1 Greenfield Housing Criteria and Appendix 2 Rural Residential Housing Criteria and other minor matters to assist with the ongoing implementation of the LHS.
- Mapping of the entire Kings Hill Urban Release Area (KHURA) and acknowledging its total potential anticipated yield of up to 3,500 dwellings, subject to the resolution of environmental and infrastructure planning issues.
- Removing references to the now defunct DPHI Place Delivery Group initiative.

The identification of infill development at Lemon Tree Passage has also been included in the update to the HSP to provide consistency with the recently adopted Tilligerry Place Plan.

Further to the above, an Addendum Request to identify 22 Homestead Street, Salamander Bay for future housing in the HSP has been received by Council's Corporate Strategy and Support Directorate (**ATTACHMENT 3**). In accordance with the Port Stephens Communication and Engagement Strategy, the Addendum Request is to be exhibited for 28 days after lodgement. A summary of the Addendum Request is provided below:

Date lodged	15 July 2025
Proponent	Port Stephens Council
Land owner	Port Stephens Council
Subject property	22 Homestead Street, Salamander Bay (Lot 598 DP 27382)
Site area	3.8 hectares

MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025

Current zoning	RE1 Public Recreation
Current use	The site is currently vacant land. There is an existing license agreement with Port Stephens Koala and Wildlife Preservation Society (commenced 23 July 2023) for the preservation and conservation of Koalas, with Koala tree planting on the southern portion. The northern cleared area subject to the addendum request does not form part of the licence area.
Proposed changes	Identify the site in the HSP for future residential development. The purpose is to facilitate future housing within the northern cleared portion of the site. The intent of a future planning proposal would be for the remaining portion of the land to be rezoned for conservation purposes. The intent would also be for the adjoining Council-owned land at 30 Homestead Street and 1 Diemars Road to be rezoned for conservation purposes.
Lot yield	Approximately 20 dwellings

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025-2029
Housing, tourism & economy	Implement the Local Housing Strategy, focusing on housing diversity, affordability and supply for our 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		

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the housing needs of Port Stephens will not be met if suitable land supply is not identified.	Medium	Accept the recommendations.	Yes

LHS Annual Report

The LHS Annual Report (**ATTACHMENT 1**) provides a summary of the implementation of LHS actions and dwelling production since its adoption in June 2024. Annual reporting is an endorsed action within the LHS.

The LHS Annual Report details Council's delivery of dwelling approvals to meet the State annual housing target of 2,100 dwellings by 2029, and the projected target of 11,100 dwellings by 2041. However, dwelling completions (measured through occupation certificates) remain below this target. This indicates that dwellings are being approved but not built. This has been a trend nationally in recent times and can be attributed to factors beyond Council's direct control, such as changes to lending conditions, the impact of high interest rates, the increase in the price of materials and construction costs as well as increased labour costs due to industry shortages.

The LHS Annual Report indicates there is a risk of a shortfall in the forecast dwellings to year 2029 unless further action is taken to facilitate increased housing supply. Potential actions to respond to this would be through the investigation and rezoning of additional residential land or further actions taken to facilitate infill housing in existing centres.

To support the delivery of housing supply, the LHS includes 22 actions for implementation. 11 of these actions are now underway or completed. The 11 remaining actions are ongoing in nature. Of the actions underway, significant projects that have the potential to facilitate increased dwelling production include the Raymond Terrace Strategy Review and the progression of significant rezoning proposals in Fullerton Cove and Medowie.

Port Stephens Local Housing Strategy (LHS)

The recommended updates to the LHS and HSP (**ATTACHMENT 2**) are in response to the conditional endorsement advice issued by DPHI (**ATTACHMENT 4**). A number of the updates are administrative in nature. These include changes recommended by State agencies to the Appendix 1 Greenfield Housing Criteria and the Appendix 2 Rural Residential Housing Criteria as well as other minor matters to assist with the ongoing implementation of the LHS. The update also removes references to the now defunct DPHI Place Delivery Group initiative.

Larger changes include the mapping of the entire KHURA in the HSP. DPHI has requested this change to acknowledge the zoned areas total potential yield of 3,500 dwellings. This total potential yield is subject to the resolution of environmental and infrastructure planning issues related to the KHURA.

The identification of infill development at Lemon Tree Passage has also been included in the update to the HSP to provide consistency with the recently adopted Tilligerry Place Plan.

Addendum Request for 22 Homestead Street, Salamander Bay

An Addendum Request has been received for 22 Homestead Street, Salamander Bay. This site is Council owned land with the Corporate Strategy and Support Directorate submitting the addendum request for consideration. The request will be placed on public exhibition and returned to Council, including consideration of any submissions received and an assessment against the LHS, State plans and policies.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The LHS Annual Report demonstrates Council's continued efforts to address housing pressures through the timely assessment and determination of planning applications. This assessment data is currently tracking to provide sufficient approvals to meet dwelling demand and the State target of 2,100 dwellings by 2029, and the projects target of 11,100 dwellings by 2041.

However, given that demand has been brought forward since 2020, and the downward trend in dwelling delivery, there is a potential risk of a shortfall unless suitable actions are taken to increase supply. The continued efforts towards the endorsed actions of the LHS will address this risk relative to Council's ability to influence housing delivery.

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.

MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025

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 approach applies to this report.

External communications and engagement

INFORM	The LHS Annual Report informs the community of the ongoing implementation of LHS and the delivery of housing supply in Port Stephens.
CONSULT	The Addendum Request for 22 Homestead Street, Salamander Bay, will be placed on public exhibition for 28 days in accordance with the Communication and Engagement Strategy. This will provide the opportunity for the community to make submissions for consideration by Council.

Internal communications and engagement

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

- Development and Compliance Section.
- Corporate Strategy and Support Directorate.

OPTIONS

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

ATTACHMENTS

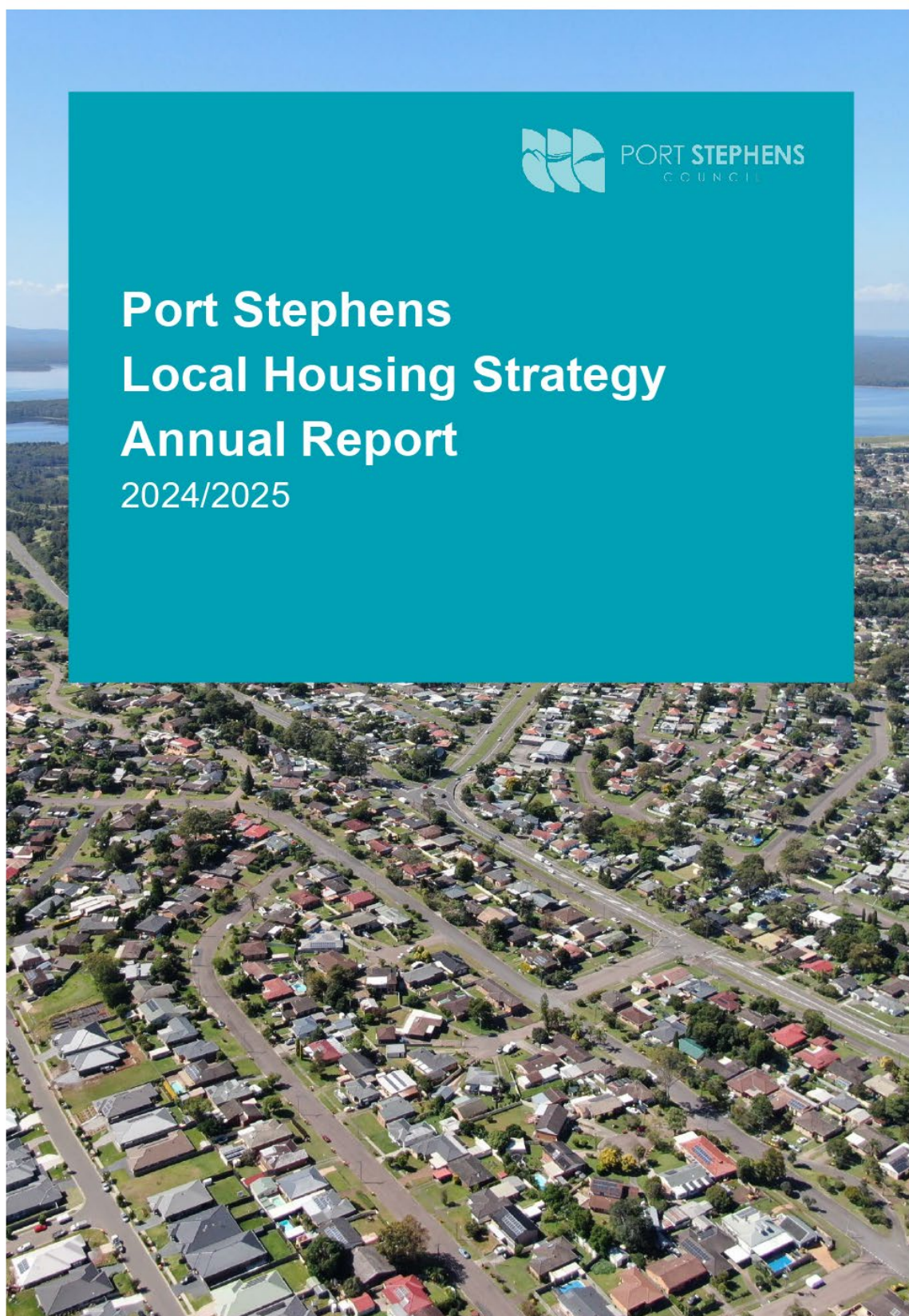
- 1) Local Housing Strategy Annual Report.
- 2) Local Housing Strategy and Housing Supply Plan Updates.
- 3) Addendum Request 22 Homestead Street, Salamander Bay.
- 4) Local Housing Strategy Correspondence - Department of Planning, Housing and Infrastructure.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.



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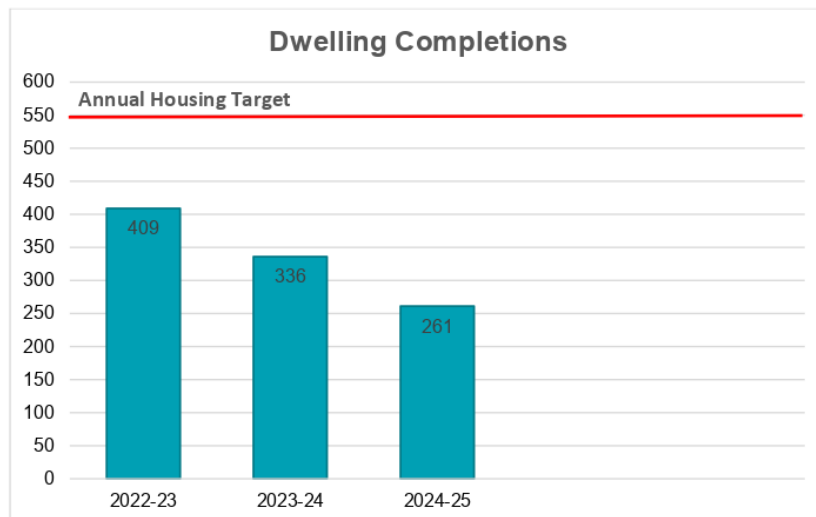


Housing Snapshot



Housing Supply

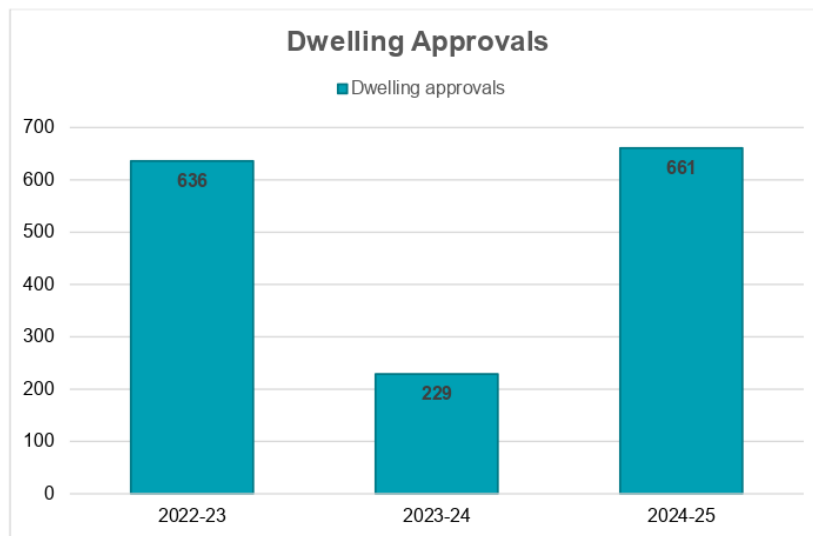
Dwelling completions (occupancy)



Housing completions remain below the annual housing target for Port Stephens and below the historic numbers of dwellings approved in the previous years. There has been an overall trend downwards since the COVID construction boom.

This means houses are being approved but less houses are being built. This trend is consistent with nationwide figures and could be because of changed lending conditions over this time period, increasing construction costs and also delays caused by weather events and supply chain disruptions.

Dwelling approvals

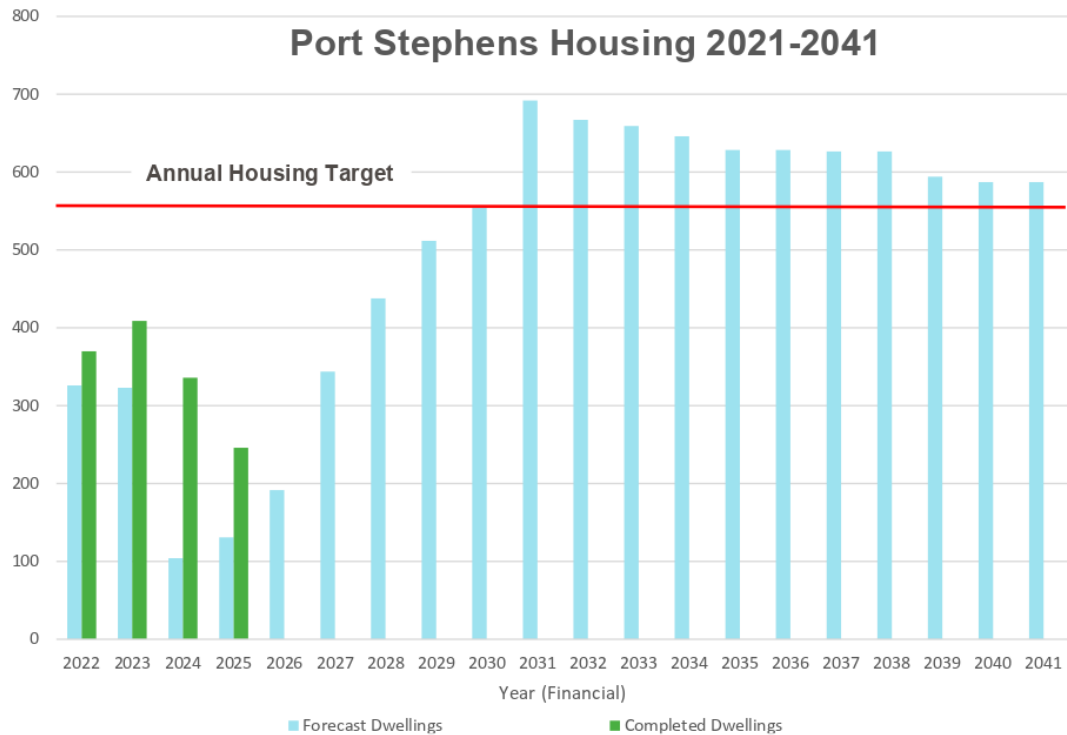


Approvals have rebounded since the dip in FY2023/2024, likely reflecting macro economic changes such as interest rates easing, wages growth and low unemployment.

Housing approvals in Port Stephens are some of the fastest in the state and Council has the fastest assessment process for single dwellings in the Hunter region (49 days on average).

Higher density housing approvals (such as multi dwelling housing) have been increasing in Port Stephens and the fastest growing category of approvals has been dual occupancies (two homes on one lot) which have more than doubled this year.

Forecasts and land supply



Land supply is a combination of infill housing (replacing older housing stock with higher density housing) and greenfield sites (new sites identified for housing).

Although housing completions remain below the annual housing target for Port Stephens, they have exceeded the forecasted figure. Converting land supply into completed dwellings ahead of forecasted rates may negatively impact the future pipeline of land supply if rezonings and infill housing rates do not similarly increase.

In this report, dwelling forecasts remain the same and have not been updated since the Local Housing Strategy was prepared because there has only been one residential rezoning progressed this financial year.

Infill housing supply can be difficult to measure and predict. The LHS has a number of actions to stimulate this type of land supply. Greenfield housing supply can be more easily measured and tracked through the statutory rezoning process. Both greenfield and infill housing can have significant barriers to delivery, such as infrastructure costs (lead in or upgrades) and fragmented land ownership.

6 Port Stephens Council

Council has commenced significant projects to stimulate infill housing and greenfield land supply, including the Raymond Terrace Strategy Review, and working with proponents of significant planning proposals in Fullerton Cove and Medowie to finalise planning and assessments to support new development in those areas.



Delivering the Local Housing Strategy

The LHS was endorsed by the State government on 17 December 2024.

Endorsement enables Council to accept rezonings for assessment in line with the Housing Supply Plan in the LHS.

Council has delivered 11 out of 22 actions.

Highlights include:

- New social and affordable housing DA approved in Raymond Terrace (13 townhouses)
- State Environmental Planning Policy (Housing) 2021 amendment to enable affordable housing in Nelson Bay and Raymond Terrace
- Tilligerry Place Plan adopted
- Salamander Bay Place Plan prepared

The remaining 11 actions in the Strategy are ongoing. The key remaining actions include:

- Action 1.1 Support rezoning requests that are consistent with adopted planning strategies and the Housing Supply Plan, including at Fullerton Cove and Medowie
- Action 1.4 Identify opportunities for Council to lead actions to unlock potential land supply, for example through the Raymond Terrace Strategy Review and the identification of infill and greenfield development opportunities
- Action 2.3 Develop an affordable housing action plan including:
 - Working with Homes NSW and affordable housing providers to deliver the NSW government affordable and social housing targets.
 - Ongoing advocacy and coordination to address homelessness in Port Stephens through the Homelessness Stakeholder Advisory Group
 - Highlighting opportunities to attract private investment in affordable housing



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Port Stephens Local Housing Strategy 2024 to 2041



This strategy was developed in 2024 in consultation with the community and sets the strategic direction for future housing growth across Port Stephens to year 2041.



ITEM 2 - ATTACHMENT 2 LOCAL HOUSING STRATEGY AND HOUSING SUPPLY PLAN UPDATES.

sustainable. Local businesses are more likely to thrive when resident populations increase, particularly in areas that have seasonal tourist and visitor economies.

Infill housing can be a sustainable solution to reducing urban sprawl and retaining the green spaces that surround our towns and villages. Some types of infill housing can provide more affordable first homes for young families, or provide older people with opportunities to age in place, close to shops, services, friends and family.

Previous work undertaken by Council through the Infill Housing Study (Tract 2020) identified opportunities for new housing in liveable communities within walking distance to existing centres. Based on the study, Raymond Terrace, Nelson Bay, and Shoal Bay offer the greatest opportunities for new infill housing. Anna Bay and the Tilligerry Peninsula (Tanilba Bay, Mallabula and Lemon Tree Passage) are also identified as suitable locations.

The Infill Housing Opportunities Map shows the areas identified in the Study, and the urban

areas that presently have the capacity to accommodate infill housing can accommodate infill housing within the existing planning framework. These areas while not part of the Housing Supply Plan will continue to be monitored as part of the land supply and dwelling project report (Action 1.3).

The nominated precincts in the Housing Supply Plan will be the focus for future planning and investment in infrastructure across the LGA. This includes a number of precincts that have been identified for infill housing.

With the inclusion of these sites, the Housing Supply Plan seeks to deliver approximately 50% of all new housing as infill around existing centres.

With limited greenfield development opportunities, Council will continue to aspire to meet the target of only 20% greenfield development, as set out in the Hunter Regional Plan over the life of the plan.

Actions	Links to priority
1.1 Support rezoning requests that are consistent with adopted planning strategies, the Housing Supply Plan and/or meet the criteria listed in Appendix 1 and 2.	1.1
1.2 The Local Housing Strategy will be reviewed every 5 years. Addendums to the Local Housing Strategy will be used as a mechanism to consider change, as required, during the life of the plan.	1.1
1.3 Report on land supply and dwelling production by: - Preparing an annual report to be provided to Council - Provide data to be published on the Greater Newcastle Hunter UDP Dashboard. - Review and/or update the Housing Supply Plan if housing supply targets aren't being achieved.	1.1 1.2
1.4 Identify opportunities for Council to lead actions to unlock potential land supply through: - Applying for grants for items such as infrastructure or environmental assessments - Reviewing existing strategies to consider additional density with greenfield release areas and the potential for small lot housing - Housing Productivity Contribution applications - Place Strategy process - Place plans and planning strategies	1.1 1.3

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Strategy Actions	Short	Medium	Long	Ongoing
	1 Year	2 to 5 years	5+ years	Ongoing

Outcome 1: Ensure suitable land supply				Timeframe
1.1 Support rezoning requests that are consistent with adopted planning strategies, the Housing Supply Plan and/or meet the criteria listed in Appendix 1 and 2.				Ongoing
1.2 The Local Housing Strategy will be reviewed every 5 years. Addendums to the Local Housing Strategy will be used as a mechanism to consider change as required during the life of the plan.				Ongoing
1.3 Report on land supply and dwelling production by: - Preparing an annual report to be provided to Council - Provide data to be published on the Greater Newcastle Hunter UDP Dashboard - Review and/or update the Housing Supply Plan if housing supply targets aren't being achieved.				Ongoing
1.4 Identify opportunities for Council to lead actions to unlock potential land supply through: - Applying for grants for items such as infrastructure or environmental assessments - Encourage additional density and opportunities for small lot housing within greenfield release areas identified in existing land use strategies and place plans. - Housing Productivity Contribution applications Place Strategy process - Place plans and planning strategies				Ongoing

Outcome 2: Improve housing affordability				Timeframe
2.1 Engage with the NSW Department of Communities and Justice, Local Aboriginal Land Councils, Landcom and the NSW Department of Planning, Housing and Infrastructure, and consider opportunities for Council to partner with community housing providers to facilitate the supply of affordable and low cost housing				Ongoing
2.2 Work with Homes NSW to deliver adopted housing targets for social and affordable housing in Port Stephens				Ongoing
2.3 Develop an affordable housing action plan of housing, including: - Testing the viability of an Affordable Housing Contribution Scheme - Opportunities to improve the feasibility of affordable housing (Planning Controls and/or DA Fees) - Mechanisms to track and monitor affordable housing - The potential to utilise inclusionary zoning to encourage social/affordable housing - Working with Homes NSW and affordable housing providers to deliver the NSW government affordable and social housing targets.				Short
2.4 Obtain data from NSW Fair Trading on short-term rental accommodation to inform rental supply monitoring in Port Stephens. Provide an annual overview of data on Council's website.				Ongoing
2.5 Advocate for better transport links from strategic centres to jobs and the region by: Consult with Transport for NSW and requesting increased bus services				Ongoing
2.6 Council undertake a review of all Council owned land and buildings to identify opportunities for new housing including: - Affordable Housing - Crisis Accommodation - Community trust options for leasing Council owned land to community housing providers				Short
2.7 Implement process improvements to better streamline assessments and reduce the cost of housing, including: - Advocate for reforms to the NSW Planning Portal - Investigate opportunities for technological advances to improve assessment and application timeframes				Medium

Local Housing Strategy Addendum Process



ITEM 2 - ATTACHMENT 2 LOCAL HOUSING STRATEGY AND HOUSING SUPPLY PLAN UPDATES.

Strategy Addendum process

The Local Housing Strategy, through the Housing Supply Plan, seeks to forecast, plan and deliver the homes to meet the community's needs. The current forecast leaves a shortfall between the forecasted dwellings and the nominated target of 11,100 dwellings within the Hunter Regional Plan.

The Local Housing Strategy recognises the need to monitor, update and amend both the Strategy and Housing Supply Plan to ensure that it accurately reflects the external factors that will change over time and responds to opportunities that may emerge.

Action 1.2 requires that Council review the Local Housing Strategy every five years. This provides a regular opportunity for Council and the community to consider the collective vision for the future of land use planning and housing development in Port Stephens.

In the period between reviews, there is an Addendum process to consider concepts/proposals that have not been envisaged when the Local Housing Strategy was conceived.

Addendums can be assessed and adopted as part of the Local Housing Strategy and Housing Supply Plan.

Council will consider an Addendum where a proposal meets the following criteria

- ~~The proposal could provide for a minimum of 20 new dwellings;~~
- The proposal can demonstrate that sufficient infrastructure is available or can reasonably be provided; and
- The proposal can meet the requirements of Appendix 1 – Greenfield Housing Criteria or Appendix 2 – Rural Residential **Housing** Criteria

An Addendum will not be required where the proposal can be justified as a minor inconsistency to this strategy.

Appendix



ITEM 2 - ATTACHMENT 2 LOCAL HOUSING STRATEGY AND HOUSING SUPPLY PLAN UPDATES.

Appendix 1

– Greenfield Housing Criteria

The following criteria outlines key considerations for urban housing areas (greenfield housing).

The criteria can be used to demonstrate that land is suitable for housing. **Proposals for Rezoning requests on constrained land** will need to be lodged with additional supporting documentation to demonstrate the land is suitable for residential development.

The criteria are non-exhaustive and planning proposals will be subject to requirements of the NSW Department of Planning, Housing and Infrastructure (DPHI) 'Guide to preparing planning proposals' **Local Environmental Plan Making Guideline (DPHI, August 2023)** including consideration of any relevant state and regional plans, state environmental planning policies and ministerial directions.

LOCATIONAL CRITERIA

- Land identified in a local area strategy
- Land that is currently zoned for non-residential purposes and is proposed to be zoned for urban housing (e.g. R1 General Residential, R2 Low Density Residential and R3 Medium Density Residential).
- The criteria does not apply to rezoning requests for rural residential housing (refer to the Rural Residential **Housing** Criteria in Appendix 2).
- Note, land means the extent of land proposed to be used for residential purposes.

EXCLUSIONARY CRITERIA

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

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

MANAGEMENT CONSTRAINTS CRITERIA

Aircraft noise

The land is below the 25 Australian Noise Exposure Forecast (ANEF) contour. Proposals on land affected by ANEF contour 25 or above are "unacceptable" for residential purposes under Australian Standard AS 2021:2015.

Bushfire

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

Flooding

Proposals for Rezoning requests on land that has the potential to be isolated in flood events, must demonstrate compliance with the **NSW Flood Risk Management Manual** and the associated toolkits. Consideration must also be given to the draft **Shelter-in-place Guideline** issued by DPHI in January 2023. **Proposals that rely on shelter-in-place to manage risk to life should be assessed against the guidance provided in the Flood Risk Management Manual. Consultation with the NSW State Emergency Service is required.**

Land slope

The land has a slope of less than 18 degrees. **Proposals Rezoning requests for land** that has a slope greater than 18 degrees must be lodged with a bulk earthworks plan demonstrating that the final landform will not exceed 18 degrees, and a geotechnical report demonstrating that the final landform will achieve an appropriate level of stability.

Biodiversity

- The land is not identified as containing high-biodiversity value, as per the **NSW DPHI Biodiversity Values Map published on the NSW DPHI website high environmental values (as described in the Hunter Regional Plan)**. **Proposals Rezoning requests for land identified as containing high-biodiversity value high environmental values** must be lodged with a Biodiversity-

ITEM 2 - ATTACHMENT 2 LOCAL HOUSING STRATEGY AND HOUSING SUPPLY PLAN UPDATES.

Development Assessment Report (BDAR): biodiversity assessment identifying those values and areas to be conserved.

- The proposal avoids land containing native vegetation. Proposals Rezoning requests for land containing more than 0.5 ha of native vegetation must be lodged with a preliminary biodiversity assessment and commit to a full biodiversity assessment prior to public exhibition. Preliminary Flora and Fauna Assessment and commit to preparing a BDAR prior to public exhibition.

Mineral resources

The land is greater than 500 metres from any known mineral resource (rezoning requests for land within 500 metres of a known mineral resource must be lodged with evidence of consultation with the NSW Department of Planning and Environment, Resources and any relevant operator).

Non-aboriginal cultural heritage

Proposals Rezoning requests that are likely to impact on an item of environmental heritage (identified in the Port Stephens Local Environmental Plan 2013) must submit a Statement of Heritage Impact that considers the impact on heritage values, including the setting of the items and any archaeological remains.

Aboriginal cultural heritage

Proposals Rezoning requests should include an initial assessment of the likelihood of Aboriginal cultural heritage values including:

- a search of the Aboriginal Heritage Information Management System (AHIMS)
- determination of whether the sites include landscape features that indicate the likely presence of aboriginal objects
- site inspections
- consultation with the Aboriginal community

Drinking water catchment

Proposals Rezoning requests on land within a drinking water catchment must be able to be connected to reticulated sewer or able to demonstrate a neutral or beneficial effect (NorBE) on water quality in accordance with Hunter Water Corporation requirements (refer to Hunter Water Corporation Guidelines for Development in Drinking Water Catchments).

Infrastructure and services

The land is able to be serviced by essential infrastructure. Proposals Rezoning requests must be lodged with evidence demonstrating that infrastructure is:

- currently available
- scheduled to be available (must be confirmed in writing from service providers)

Proposals Rezoning requests must be lodged with evidence demonstrating that the connection of essential services to the land is economically feasible. On land remote from existing essential infrastructure, an infrastructure delivery strategy is to be submitted.

Traffic and Transport

Proposals must consider traffic and transport impacts. Where there is the potential to result in a sizeable increase in travel demand, traffic movement, and to ensure good movement, connection and links to the surrounding area, proposals are to be supported by a traffic and transport strategy.

NEXT STEPS

Proponents are required to submit a pre-lodgement meeting request form 'Rezoning Request Meeting Form' and include details of the proposals, benefits of the proposal, and alternative options, in accordance with relevant Council policies and guidelines Council's Rezoning Request Policy and Rezoning Request Guide.

ITEM 2 - ATTACHMENT 2 LOCAL HOUSING STRATEGY AND HOUSING SUPPLY PLAN UPDATES.

Appendix 2

– Rural Residential Housing Criteria

The following criteria outlines the key requirements and constraints that require consideration in the preparation of proposals rezoning requests for rural residential housing development.

The criteria is non-exhaustive and rezoning requests for rural residential development must have consideration for the Port Stephens Rural Residential Strategy (2015) including the matters for investigation that have been identified.

The criteria are non-exhaustive and Planning proposals will be subject to requirements of the Local Environmental Plan Making Guideline (DPHI, August 2023) NSW Department of Planning and Environment's 'Guide to preparing planning proposals' including consideration of any relevant state and regional plans, state environmental planning policies and ministerial directions.

There are 3 types of criteria:

- Locational criteria—where land is appropriately located to be considered for a rural residential rezoning request. Rezoning requests for land that is inconsistent with this criteria will require extensive justification to be lodged with any proposal.
- Exclusionary criteria—where land is considered not suitable for development. Rezoning requests for land that is inconsistent with this criteria will require extensive justification to be lodged with any proposal.
- Management criteria—where land is constrained and additional supporting documentation is required to be lodged with a rezoning request to determine whether development is appropriate.

Note, land means the extent of land proposed to be used for rural residential purposes.

LOCATIONAL CRITERIA

The land must meet the following locational criteria to be considered for a rural residential proposal rezoning request:

- Zoned RU1 Primary Production, RU2 Rural Landscape, C3 Environmental Management, C4 Environmental Living;
- Located a minimum of 800 metres from existing RU5 Rural Village, R1 General Residential or R2 Low Density Residential zoned land; and
- Any part of the landholding is located within 800 metres of existing R5 Large Lot Residential or RU5 Village zoned land. Proposals not within 800 metres of an R5 zone must consider all land within the relevant investigation area identified in the Port Stephens Rural Residential Strategy (2015) and
- The proposed development is necessary to ensure the adequate supply of housing in the local area and will be compatible with the preferred uses of land in the vicinity.
- be located west of the Pacific Motorway.

To address the locational criteria, the proposal rezoning request must include consideration of:

- the existing uses and approved uses of land in the vicinity of the development and any measures proposed to avoid or minimise any incompatibility;
- whether or not the development is likely to have a significant impact on uses that are likely to be the preferred uses of land in the vicinity of the development, having regard for any strategic plans and policies that may apply;
- any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses;
- any measures proposed to avoid or minimise any incompatibility; and
- the housing needs in the locality and the current and planned future supply of housing in area.
- The location of primary production and conservation lands.

ITEM 2 - ATTACHMENT 2 LOCAL HOUSING STRATEGY AND HOUSING SUPPLY PLAN UPDATES.

EXCLUSIONARY CRITERIA

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

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

CONSTRAINTS CRITERIA

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

- Areas identified by, or in proximity to an area identified by, a local, regional or State strategic plan for potential urban housing, including land that demonstrates consistency with the criteria in Appendix 1.
- Land within a 2km distance from existing or planned major employment areas.
- Slopes greater than 18 degrees slope instability and clearing of vegetation is restricted under State legislation.
- Class 1 and 2 acid sulphate soils, because of the high risk of exposing acid soils during dwelling and infrastructure construction.
- Land within the Flood Planning Area as defined in the Port Stephens Development Control Plan 2014.
- Land with high environmental value (as described in the Hunter Regional Plan) High biodiversity value land including coastal wetlands or any coastal lakes identified under the State Environmental Planning Policy (Coastal Management) 2018.
- Noise exposure areas within an ANEF 25 or greater.
- Land identified as **Biophysical Strategic Agricultural Land (BSAL)** Important Agricultural Land as defined by the Biophysical Strategic Agricultural Land (BSAL) mapping. This mapping was prepared by the State Government for the purposes of Strategic Regional Land Use Planning.

- Land located within 500 metres of known extractive industries, quarrying or mining.
- Land identified by the State Government as having known mineral resource potential.

MANAGEMENT CRITERIA

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

Flooding

Proposals for Rezoning requests land that has the potential to be isolated in flood events, must demonstrate **compliance with the NSW Flood Risk Management Manual and the associated toolkit. Proposals that rely on shelter-in-place to manage risk to life should be assessed against the guidance provided in the Flood Risk Management Manual. Consultation with the NSW State Emergency Service is required.** access to evacuation facilities via a public road that is given 24 hours warning of flood isolation.

Bushfire

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

Environmentally sensitive land

- **Proposals** Rezoning requests on land identified in coastal management areas, defined in the State Environmental Planning Policy (Resilience and Hazards) 2021 (Coastal Management) 2018, must be justified by a study or strategy prepared to demonstrate consistency with the SEPP.
- **Proposals for** Rezoning requests on land that includes koala habitat areas and/or corridors, significant native vegetation, endangered ecological communities, threatened species or habitats must submit a **biodiversity assessment identifying values and areas to be conserved** Preliminary Ecological Assessment unless the proposed disturbance area requires the lodgement of a Biodiversity Development Assessment Report.

ITEM 2 - ATTACHMENT 2 LOCAL HOUSING STRATEGY AND HOUSING SUPPLY PLAN UPDATES.

- **Proposals** Rezoning requests subject to the above must demonstrate how the proposal will contribute to the conservation of important biodiversity values or the establishment of important biodiversity corridor linkages.

Non-aboriginal cultural heritage

Proposals Rezoning requests that are likely to impact on an item of environmental heritage (identified in the Port Stephens Local Environmental Plan 2013) must submit a Statement of Heritage Impact that considers the impact on heritage values, including the setting of the items and any archaeological remains.

Aboriginal cultural heritage

Proposals Rezoning requests should include an initial assessment of the likelihood of Aboriginal cultural heritage values including:

- a search of the Aboriginal Heritage Information Management System (AHIMS)
- determination of whether the sites include landscape features that indicate the likely presence of aboriginal objects
- site inspections
- consultation with the Aboriginal community

Drinking water catchment

Proposals for Rezoning requests on land within a drinking water catchment must be able to be connected to reticulated sewer or able to demonstrate a neutral or beneficial effect (NorBE) on water quality in accordance with Hunter Water Corporation requirements (refer to Hunter Water Corporation Guidelines for Development in Drinking Water Catchments).

Rural land resources

Proposals for Rezoning requests on land within a 1km buffer from existing agricultural industries (e.g. poultry farms, aquaculture, dairy, horticulture) measured from property boundary to property boundary are required to provide expert reports to establish appropriate setbacks. These reports may relate to, but not

be limited to, noise, odour, visual amenity and biosecurity risks. A Land Use Conflict Risk Assessment (LUCRA) is needed to inform impacts on rural land resources and what further investigations may be required to evaluate impacts.

Scenic amenity

- Rezoning requests on land within a high or very high landscape area, as defined in the Port Stephens Rural Lands Study (2014), must submit a visual impact assessment.
- **Proposals** Rezoning requests are to identify an appropriate buffer zone between housing and existing road corridors to prevent clearing and protect scenic qualities.

Infrastructure and services

Proposals Rezoning requests must demonstrate that the land:

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

NEXT STEPS

Proponents are required to submit a pre-lodgement meeting request form 'Rezoning Request Meeting Form' and include details of the proposals, benefits of the proposal and alternative options, in accordance with relevant Council policies and guidelines Council's Rezoning Request Policy and Rezoning Request Guide.

Housing Supply Plan

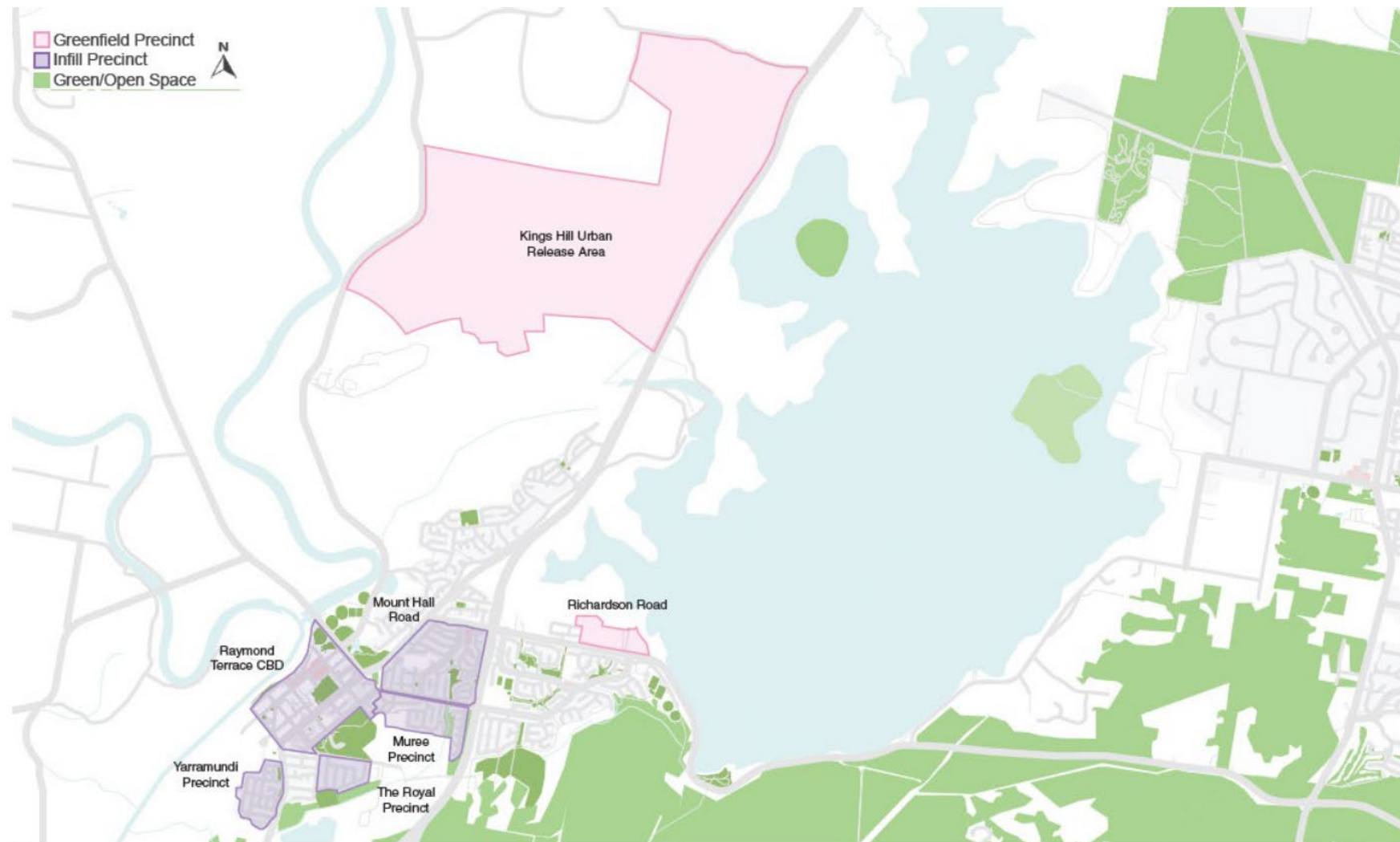
2024 to 2041



The aim of this Plan is to take the strategic framework within the Local Strategic Planning Statement as well as the Local Housing Strategy and demonstrate how we would facilitate housing our growing communities.



ITEM 2 - ATTACHMENT 2 LOCAL HOUSING STRATEGY AND HOUSING SUPPLY PLAN UPDATES.





Kings Hill

RAYMOND TERRACE



Development Application

Kings Hill has been nominated as an urban growth area for several years. It is presently forecast that 700 dwellings will be delivered in the short term, with a total potential anticipated yield of up to 3,500 dwellings for the entire Kings Hill Urban Release Area subject to the resolution of environmental and infrastructure planning issues. only part of the previously planned release area would be realised.

In the future, the residential character would be defined by detached and low-rise housing. This is consistent with the desire to include more compact urban housing in all future greenfield release areas.

Desired Density Category – General Suburban (15dw/ha*).



Detached housing
+2,625 +525



1-2 Storeys
+ 875 +175



+3,500 +700



3-6 Storeys
+0



7+ Storeys
+0



+8,400
+1,425

Fullerton Cove

FERN BAY - FULLERTON COVE

Strategic Planning

The Fullerton Cove precinct has the potential to provide a significant amount of new housing, subject to detailed planning investigations, been nominated to be delivered under the Department of Planning, Housing and Infrastructure's Place Delivery Group initiative.

Given the size of the precinct there is the capacity to develop the precinct in a form that is consistent with the notion of a 15 minute neighbourhood. As such the precinct would provide a range of detached and low-rise housing supported by a neighbourhood centre.

Desired Density Category – General Suburban (50dw/ha).





Lemon Tree Passage

TILLIGERRY PENINSULA

Precinct Identification

During the development of the Tilligerry Place Plan, land in proximity to the Lemon Tree Passage town centre that is not located within the flood planning area or subject to coastal hazards was identified for its potential infill housing opportunities.

The precinct would be subject to further discussions with landowners and the community regarding the potential of this area. Should the precinct progress, it would be envisaged that development could be in the form of a mixture of dwelling types, subject to further planning investigations. Council will engage with the community before any potential changes are made to building heights.

Because of the preliminary nature of this infill precinct, the housing diversity types and densities have not been identified.



LHS Addendum Request

22 & 30 Homestead Street & 1 Diemars Road, Salamander Bay

Prepared by Port Stephens Council, Property Investment & Development Team

**ITEM 2 - ATTACHMENT 3 ADDENDUM REQUEST 22 HOMESTEAD STREET,
SALAMANDER BAY.****Introduction**

This addendum request to the Port Stephens Local Housing Strategy (LHS) has been prepared and detailed below.

The addendum relates to land known as 22 & 30 Homestead Street and part of 1 Diemars Road, Salamander Bay (Lot 598 DP 27382 and Lot 599 DP 27382 and Lot 51 DP 803471) (the sites). These sites are owned by Port Stephens Council, 22 Homestead Street is classified as operational land while 30 Homestead St and 1 Diemars Road are classified community land.

The addendum request to include the site and footprint that could be considered for a future Planning Proposal. With the intent of investigating the rezoning the sites as they have been identified as suitable for residential and conservation purposes. This addendum request is being completed as the sites are not identified within the LHS.

Site Description

The sites include 3 individual lots, known as 22 & 30 Homestead Street and part of 1 Diemars Road, Salamander Bay. The total area these sites make up is 17.8ha that is currently zoned RE1 Public Recreation. 22 Homestead Street (proposed to be rezoned to R2 Low Density Residential) has direct street access.



Figure 1: Site Plan

22 Homestead St has previously been disturbed including a residential dwelling, the site is mostly cleared along the northern portion of the site. This is the portion of the site to be considered to be rezoned to residential land use. The remaining portion of

**ITEM 2 - ATTACHMENT 3 ADDENDUM REQUEST 22 HOMESTEAD STREET,
SALAMANDER BAY.**

the site, 30 Homestead St and part 1 Diemars Road are to be rezoned for environmental use.

The inclusion of the site in the LHS will facilitate the Planning Proposal to be submitted and the opportunity to release suitable land for residential development to the Local Government Area (LGA). The release of the land for residential purposes will contribute diverse housing options to the LGA. The proposal has been considered against Councils objectives and targets for the delivery of suitable land for residential diversity. As such, the addendum request is being prepared to facilitate the future Planning Proposal for rezoning.

**ITEM 2 - ATTACHMENT 3 ADDENDUM REQUEST 22 HOMESTEAD STREET,
SALAMANDER BAY.****Project****Background**

Part of 22 Homestead St was identified due to its undeveloped and mainly cleared area. The intent of the rezoning is to develop suitable area for development (7%) and conserve the remaining portions of the land (93%).

Considering the site characteristic, the cleared area of 22 Homestead St is considered suitable land for housing while the remaining area of the site is proposed to be to be zoned for environmental.

The rezoning request would seek:

- 1.3 ha R2 Low Density Residential
- 2.5ha C3 Environmental Management
- 14 ha C2 Environmental Conservation.

There is an existing license agreement with Port Stephens Koala and Wildlife Preservation Society since 23 July 2023. The purpose being for the preservation and conservation of Koalas with Koala tree planting on the southern portion 22 Homestead St. The cleared portion of the site is excluded from the Licence area.

The intent of the future Planning Proposal is to release suitable land for residential development to the market; while conserving the majority of the site, being 93% of the site.

ITEM 2 - ATTACHMENT 3 ADDENDUM REQUEST 22 HOMESTEAD STREET, SALAMANDER BAY.**Planning Consideration****Hunter Regional Plan 2041**

The site is identified in the Greater Newcastle District in the Hunter Regional Plan (HRP) 2041. The future Planning Proposal will support the HRP as it facilitates the release of undeveloped, limited constrained land within established urban areas for additional housing. The identification of the surplus, vacant and previously disturbed area of the site for R2 zoning will release suitable land for residential housing. Supporting growth of the area and the delivery of developable land to the LGA.

The inclusion of the site in the LHS and future Planning Proposal will enable the release of infill parcels that will have access to existing neighbourhoods and services. The infill development will offer housing diversity within the existing residential area.

Port Stephens Local Strategic Planning Statement

The Port Stephens Local Strategic Planning Statement (LSPS) gives local level effect to State Government Regional Plans. By informing the local statutory plan making and development controls.

The inclusion of the site in the LHS and future Planning Proposal will facilitate the delivery of Priority 4 ensure suitable land supply and Priority 5 increase diversity of housing choice. The inclusion of the site in the LHS and future Planning Proposal will look to facilitate the release of suitable land, being already disturbed land for residential purposes. Assisting Council in going towards achieving planning priority 4 of the LSPS.

The inclusion of the site in the LHS and future Planning Proposal aligns with the delivery of Priority 5 increase diversity of housing choices, as it seeks to release property of varying lot sizes on the site providing a range of type and sizes of homes within the location. The varying types and sizes of homes will also likely be made available at different price points.

Port Stephens Local Housing Strategy

The Port Stephens Local Housing Strategy gives Councils vision for the future or land use and development in Port Stephens. Providing a framework for where housing is to be delivered to meet the need of the current and future needs.

As stated in the LHS there is an Addendum process to consider conceptions/proposal that have not been identified during the LHS creation. This addendum is being prepared per the LHS process as the sites are not identified within the strategy. The request is to seek support to revise the LHS to include 22 Homestead Street, Salamander Bay as appropriate for residential purposes.

Addendum considerations for proposal must meet the following criteria:

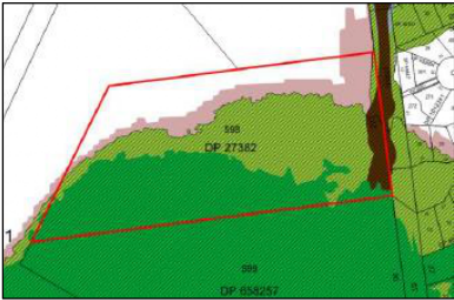
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Criteria	Consistent
The Proposal will provide in excess of 20 new dwellings	The inclusion of the site in the LHS will allow for the footprint that could be considered for residential development to be investigated in detail. The concept plan for the development will release up to 1.3ha of residential land, which can cater for over 20 dwellings.
The proposal can demonstrate that sufficient infrastructure is available or can reasonable be provided	Reasonable infrastructure can be provided to the future R2 zoned land. The site is located within an established residential area with established infrastructure. Further detail on this will be provided with the future Planning Proposal application. There is access to essential services and the site has direct street access.
The proposal can meet the requirements of Appendix 1 – Greenfield Housing Criteria	The below table details the consideration of the proposal against Appendix 1 of the LHS

Appendix 1 – Greenfield Housing Criteria – LHS

Criteria	Comment
Locational criteria	
Land identified in a local area strategy	The site is not identified in a local area strategy, Salamander Bay is identified as an area for infill housing opportunities. The LHS also notes, Salamander Bay as an area with the need for additional housing options in response to the major employment sectors in the Tomaree Peninsula. The proposal will go to provide infill housing in the LGA and meeting targets set by the HRP.
Land that is currently zoned for non-residential purposes and is proposed to be zoned for urban housing (e.g. R1 general residential, R2 Low density Residential and R3 Medium Density Residential)	The proposal meets this criteria. 1.3ha of the site has been identified for rezoning to R2 Low Density Residential. 16.5ha of the site has been identified for rezoning to Environmental Management/Conservation Land.
The criteria does not apply to rezoning requests for rural residential housing	NA

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SALAMANDER BAY.

(refer to the Rural Residential Criteria in Appendix 2).	
Management Criteria	
Aircraft noise - The land is below the 25 Australian Noise Exposure Forecast (ANEF) contour. Proposals on land affected by ANEF contour 25 or above are “unacceptable” for residential purposes under Australian Standard AS 2021:2015.	The land is not within land affected by ANEF.
Bushfire - Rezoning requests on land identified as bush fire prone (on Council’s Bush Fire Prone Land Map) must demonstrate consistency with the strategic principles contained within Planning for Bush Fire Protection 2019.	The land is mapped as bushfire prone, the land identified for residential development is identified as vegetation buffer. There is suitable area for a permitter road to provide a buffer between the fire risk to the west and south. The area identified for residential use has clear and direct access to the street. The future planning proposal site will not adversely impact on the existing or proposed residents. A detailed assessment of the proposal against the Planning for Bush Fire Protection 2019 will be submitted with the future Planning Proposal.
Flooding - Rezoning requests on land that has the potential to be isolated in flood events, must demonstrate compliance with the Flood Risk Management Manual and the associated toolkits. Consideration must also be given to the draft Shelter-in-place Guideline issued by DPHI in January 2023	The land is mapped as flood prone, the extent of the flooding would not result in the site being isolated in flood events. The majority of the site constrained by flooding is to be conserved, the portion of the site to be developed is relatively flood free or subject to minor flood constraints. Detailed flood assessment will be submitted with the future Planning Proposal. 

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Land slope - The land has a slope of less than 18 degrees. Rezoning requests for land that has a slope greater than 18 degrees must be lodged with a bulk earthworks plan demonstrating that the final landform will not exceed 18 degrees, and a geotechnical report demonstrating that the final landform will achieve an appropriate level of stability	NA
Biodiversity The land is not identified as containing high biodiversity value, as per the NSW DPHI Biodiversity Values Map published on the NSW DPHI website. Rezoning requests for land identified as containing high biodiversity value must be lodged with a Biodiversity Development Assessment Report (BDAR).	The area identified for residential zoning is outside of the land identified as containing Biodiversity Values. Part of the land to be rezoned to environmental management/conservation is identified as biodiversity values A BDAR will be submitted with the future Planning Proposal. 
The proposal avoids land containing native vegetation. Rezoning requests for land containing 0.5 ha of native vegetation must be lodged with a Preliminary Flora and Fauna Assessment and commit to preparing a BDAR prior to public exhibition.	As per above, the area identified for residential zoning is outside of the land identified as containing Biodiversity values. The land was identified due to it being mainly cleared and not identified with significant vegetation. A BDAR is required and will be submitted with the future Planning Proposal.
Mineral resources - The land is greater than 500 metres from any known mineral resource (rezoning requests for land within 500 metres of a known mineral resource must be lodged with evidence of consultation with the NSW Department of Planning and Environment, and any relevant operator).	NA
Non-aboriginal cultural heritage - Rezoning requests that are likely to impact on an item of environmental heritage (identified in the Port Stephens Local Environmental Plan 2013) must	NA

ITEM 2 - ATTACHMENT 3 ADDENDUM REQUEST 22 HOMESTEAD STREET, SALAMANDER BAY.

submit a Statement of Heritage Impact that considers the impact on heritage values, including the setting of the items and any archaeological remains.	
Aboriginal cultural heritage Rezoning requests should include an initial assessment of the likelihood of Aboriginal cultural heritage values including: • a search of the Aboriginal Heritage Information Management System (AHIMS) • determination of whether the sites include landscape features that indicate the likely presence of aboriginal objects • site inspections • consultation with the Aboriginal community	A search of the Aboriginal Heritage Information Management System (AHIMS) has been completed, Aboriginal item is identified within the sites. Detailed assessment of Aboriginal Heritage and further site investigations will be undertaken to confirm the nature and extent of item on the site. The detailed assessment and investigations will be completed and provided with a future planning proposal.
Drinking water catchment - Rezoning requests on land within a drinking water catchment must be able to be connected to reticulated sewer or able to demonstrate a neutral or beneficial effect (NorBE) on water quality in accordance with Hunter Water Corporation requirements.	NA – not located within a drinking water catchment
Infrastructure and services - The land is able to be serviced by essential infrastructure. Rezoning requests must be lodged with evidence demonstrating that infrastructure is: • currently available • scheduled to be available (must be confirmed in writing from service providers) Rezoning requests must be lodged with evidence demonstrating that the connection of essential services to the land is economically feasible. On land remote from existing essential infrastructure, an infrastructure delivery strategy is to be submitted.	The site is located within an established residential area, with access to services available to the site. Connection and essential services will be possible via the existing infrastructure within the area. Evidence demonstrating the infrastructure availability and economic feasibility of connection will be provided with the future Planning Proposal.
Ministerial direction	
Direction	Consistent
1.1 Implementation of Regional Plan	The Hunter Regional Plan is applicable to the site and proposal. The proposal will

ITEM 2 - ATTACHMENT 3 ADDENDUM REQUEST 22 HOMESTEAD STREET, SALAMANDER BAY.

	facilitate the rezoning of land and enable infill residential development to occur in proximity to existing urban areas, infrastructure and services. The proposal also seeks to conserve areas of environmental value.
1.2 Development of Aboriginal Land Council land	Does not apply.
1.3 Approval and Referral Requirements	A future Planning Proposal would be seek approval and referrals per the standard process.
1.4 Site Specific Provisions	The future Planning Proposal does not propose any unnecessary restrictive site specific planning controls
Focus area 1 : Planning Systems – Place-based	
1.5 Parramatta Road Corridor Urban Transformation Strategy	Does not apply.
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Does not apply.
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Does not apply.
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Does not apply.
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Does not apply.
1.10 Implementation of the Western Sydney Aerotropolis Plan	Does not apply.
1.11 Implementation of Bayside West Precincts 2036 Plan	Does not apply.
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Does not apply.
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Does not apply.
1.14 Implementation of Greater Macarthur 2040	Does not apply.
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Does not apply.

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1.16 North West Rail Link Corridor Strategy	Does not apply.
1.17 Implementation of the Bays West Place Strategy	Does not apply.
1.18 Implementation of the Macquarie Park Innovation Precinct	Does not apply.
1.19 Implementation of the Westmead Place Strategy	Does not apply.
1.20 Implementation of the Camellia-Rosehill Place Strategy	Does not apply.
1.21 Implementation of South West Growth Area Structure Plan	Does not apply.
1.22 Implementation of the Cherrybrook Station Place Strategy	Does not apply.
Focus area 2: Design and Place	
<i>[This Focus Area was blank when the Directions were made]</i>	
Focus Area 3: Biodiversity and Conservation	
3.1 Conservation Zones	The future Planning Proposal seeks to protect and conserve the areas of environmental sensitivity through rezoning these areas from RE1 to C2. The future Planning Proposal will be supported by a BDAR and will be discussed in detail in through that process.
3.2 Heritage Conservation	As stated above, aboriginal item are located within the site. Further detailed assessment reports will consider the nature and extent of the item. Including heritage conservation of items, areas, objects and places. The provisions of the conservation, where required will be completed in support of the future Planning Proposal.
3.3 Sydney Drinking Water Catchments	Does not apply.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Does not apply.
3.5 Recreation Vehicle Areas	Does not apply.
3.6 Strategic Conservation Planning	Does not apply.

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3.7 Public Bushland	Does not apply.
3.8 Willandra Lakes Region	Does not apply.
3.9 Sydney Harbour Foreshores and Waterways Area	Does not apply.
3.10 Water Catchment Protection	Does not apply.
Focus area 4: Resilience and Hazards	
4.1 Flooding	As noted above, the land is mapped as flood prone, the extent of the flooding would not result in the site being isolated in flood events. The future development, consider the specific requirements for flooding, however will not adversely impact on adjoining sites. The majority of the site constrained by flooding is to be conserved, the portion of the site to be developed is relatively flood free or subject to minor flood constraints. The flood constraints applicable to the site will be reviewed and considered in detail through future Planning Proposal.
4.2 Coastal Management	The area identified for R2 zoning it mapped within Coastal area. The area identified for conservation is mapped as Wetland and Littoral Rainforest. The residential portion is outside of any proximity mapping relating to these. The future Planning Proposal will detail how compliance with the SEPP Environmental Planning Policy (Resilience and Hazards) will be achieved. The rezoning to residential land will not significantly reduce the land available in Coastal Area.
4.3 Planning for Bushfire Protection	As mentioned above the land identified for residential development is identified as vegetation buffer. There is suitable area for a permitter road to provide a buffer between the fire risk to the west and south. The area identified for residential use has clear and direct access to the street, decreasing the risk and limiting

**ITEM 2 - ATTACHMENT 3 ADDENDUM REQUEST 22 HOMESTEAD STREET,
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	evacuation issues for both the existing and proposed residents. A detailed assessment of the proposal against the Planning for Bush Fire Protection 2019 will be submitted with the future Planning Proposal.
4.4 Remediation of Contaminated land	Does not apply.
4.5 Acid Sulfate Soils	The main class identified on the portion of the site for residential development is class 4. There is no risk with relation to the acid sulphate soil class as it can be mitigated through the design and development phase.
4.6 Mine Subsidence and Unstable Land	Does not apply.
Focus area 5: Transport and Infrastructure	
5.1 Integrating land use and transport	Site is located within an existing established residential area. Site has access to transport routes in the current location. By rezoning suitable land within an existing residential area, allow for the established transport routes to be utilised. There are existing footpaths, bus stops and services within close proximity to the site. The increase however is not considered to be of a major impact that would result in a significant increase of use in the local area. To be discussed in future Planning Proposal stage.
5.2 Reserving Land for Public Purposes	Does not apply.
5.3 Development Near Regulated Airports and Defence Airfields	Does not apply.
5.4 Shooting Ranges	Does not apply.
5.5 High pressure dangerous goods pipelines	Does not apply.
Focus area 6: Housing	
6.1 Residential Zone	The intent of rezoning the cleared portion of the site is to facilitate a diversity of housing type in the area. The inclusion of this site in the LHS will facilitate additional land in the LGA for

ITEM 2 - ATTACHMENT 3 ADDENDUM REQUEST 22 HOMESTEAD STREET, SALAMANDER BAY.

	housing needs. To be discussed in Planning Proposal stage.
6.2 Caravan Parks and Manufactured Home Estates	Does not apply.
Focus area 7: Industry and Employment	
7.1 Employment Zones	Does not apply.
7.2 Reduction in non-hosted short-term rental accommodation period	Does not apply.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Does not apply.
Focus area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	Does not apply.
Focus area 9: Primary Production	
9.1 Rural Zones	Does not apply.
9.2 Rural Lands	Does not apply.
9.3 Oyster Aquaculture	Does not apply.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Does not apply.

SEPP Assessment

SEPP	Consistent
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Consistent, a BDAR is being prepared for the subject sites and is to be submitted with the Planning Proposal.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Not applicable
State Environmental Planning Policy (Housing) 2021	The proposal seeks to rezone part of land for residential purposes to establish a diverse residential density to the area. The site is within an existing residential area with existing infrastructure and services. The environmental lands are to be conserved and consolidated with adjoining sites.
State Environmental Planning Policy (Industry and Employment) 2021	Not applicable

**ITEM 2 - ATTACHMENT 3 ADDENDUM REQUEST 22 HOMESTEAD STREET,
SALAMANDER BAY.**

State Environmental Planning Policy (Planning Systems) 2021	The proposal does not conflict the provisions of the Planning Systems SEPP.
State Environmental Planning Policy (Precincts – Central River City) 2021	Not applicable
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021	Not applicable
State Environmental Planning Policy (Precincts - Regional) 2021	Not applicable
State Environmental Planning Policy (Precincts – Western Parkland City) 2021	Not applicable
State Environmental Planning Policy (Primary Production) 2021	Not applicable
State Environmental Planning Policy (Resilience and Hazards) 2021	The area identified for R2 zoning it mapped within Coastal area. The area identified for conservation is mapped as Wetland and Littoral Rainforest. The residential portion is outside of any proximity mapping relating to these. Compliance with the SEPP will be provided with the Planning Proposal application.
State Environmental Planning Policy (Sustainable Buildings) 2022	Not applicable
State Environmental Planning Policy (Transport and Infrastructure) 2022	Development would not constitute traffic generating development

ITEM 2 - ATTACHMENT 3 ADDENDUM REQUEST 22 HOMESTEAD STREET, SALAMANDER BAY.
Site Specific Consideration
4.1 LEP Making Guideline

Site Specific Merit criteria is outlined in the below table. This is to be included and detailed in the future Planning Proposal application. The below demonstrate the current consideration against each criteria when considering the Proposal and the site for the resultant development.

Section A – need for the planning proposal

Question	Comment
1 Is the planning proposal a result of and endorsed LSPS, strategic study or report	Should the LHS amendment be supported, the future Planning Proposal will be consistent with the residential criteria within the LHS.
2 Is the planning proposal the best means of achieving the objectives or intend outcomes, or is there a better way?	The future Planning Proposal, although not considered a major increase, will provide additional residential land within established residential area. Facilitating suitable land for residential development.

Section B – relationships to the strategic planning framework

3 Will the planning proposal give effect to the objective and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?	The future Planning Proposal would give effect to the objectives and actions of the Hunter Regional Plan through the delivery of additional suitable land for residential development.
4 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?	The Port Stephens LSPS has been endorsed, the future Planning Proposal is being prepared as it is consistent as it will go to achieve, Priority 4: ensure suitable land supply, Priority 5: increase diversity of housing choice.
5 Is the planning proposal consistent with any other applicable State and regional studies or strategies	The future Planning Proposal when submitted will detail an assessment against all required State and Regional studies/strategies.
6 Is the planning proposal consistent with applicable SEPPs?	Detailed assessment of the applicable SEPPs has been completed above in the report. Further detailed assessment of each applicable is to be provided with the future Planning Proposal application.
7 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?	Detailed assessment of the Ministerial directions has been completed above in the report. Further detailed assessment of each applicable is to be provided with the future Planning Proposal application.

ITEM 2 - ATTACHMENT 3 ADDENDUM REQUEST 22 HOMESTEAD STREET, SALAMANDER BAY.

Section C – environmental, social and economic impact

8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?	The habitat and area of environmental importance on the site is to be conserved and retained. The proposal for residential zone is on the portion of the site previously disturbed. A BDAR to be submitted with the future Planning Proposal which will detail the impact and avoidance of the proposal.
9 Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?	All necessary environmental effects will be considered in the BDAR being provided with the future detailed planning proposal assessment.
10 Has the planning proposal adequately addressed any social and economic effects?	The future Planning Proposal will facilitate additional land to be released for residential development. During the construction phase of this portion of the site there will be employment jobs created. The retention of the land to be conserved will go on to improve the quality of the green space in the area.

Section D – Infrastructure (Local, State and Commonwealth)

11 Is there adequate public infrastructure for the planning proposal?	The proposal is located within an existing residential area with access to infrastructure and service connection. The area being rezoned for residential purposes will not adversely impact on the infrastructure in the area. Detailed assessment of the increase in demand on infrastructure and services will be demonstrated in the future Planning Proposal application.
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Section E – State and Commonwealth Interests

12 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?	This referral process will be completed as part of the future scoping phase for the proposal.
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**ITEM 2 - ATTACHMENT 3 ADDENDUM REQUEST 22 HOMESTEAD STREET,
SALAMANDER BAY.****Conclusion**

The LHS Addendum request has been prepared for the subject site and is being made in response to the elected Councils requirement that all planning proposal relating to residential land use are to be identified in the LHS. If not an addendum is to be submitted for review and approval to the Department of Planning and Housing and Infrastructure.

This report demonstrates that the site is suitable to be considered for further detailed assessment through a Planning Proposal for the intent of residential land as considered against the criteria within the LHS.

The request to include the subject site in the LHS will provide an opportunity for the rezoning application to be lodged and the future release of diverse housing within the area. The planning proposal will facilitate the delivery of housing stock within the LGA while considering the site specific importance of the environment, on the portion of the site to be retained. This will go to assist with meeting Councils targets for housing in the LGA and assist with meeting current demands for the housing crisis being experienced.

We request the addendum to the LHS be considered in favour of the proposal to enable the Planning Proposal to proceed further.

**ITEM 2 - ATTACHMENT 4 LOCAL HOUSING STRATEGY
CORRESPONDENCE - DEPARTMENT OF PLANNING, HOUSING AND
INFRASTRUCTURE.**



Department of Planning, Housing and Infrastructure

IRF24/1992

Mr Tim Crosdale

General Manager

Port Stephens Council

PO Box 42

Raymond Terrace NSW 2330

Via email: council@portstephens.nsw.gov.au

Attention: Mr Brock Lamont

Subject: Port Stephens Local Housing Strategy 2024-2041

Dear Mr Crosdale,

I refer to Council's correspondence requesting the Department's approval of the Port Stephens Local Housing Strategy 2041 and associated Housing Supply Plan.

I would like to acknowledge and commend Council on its significant efforts and commitment to strategic planning for the Port Stephens LGA in preparing the strategy.

I am pleased to approve the Local Housing Strategy (LHS) and Housing Supply Plan, with the exception of:

- the use of Appendix 1 or 2 criteria of the LHS to support a rezoning as proposed by Action 1.1 of the strategy. Rezoning requests should demonstrate alignment with the criteria and be supported by either a revised strategy or addendum approved by the Department, unless the proposal can be justified as a minor inconsistency to the overall strategy. The dwelling threshold requirement for the criteria should also be removed; and
- the identification of only 700 potential dwellings for the Kings Hill Urban Release Area (KHURA) in the Housing Supply Plan.

Until further detailed assessment is completed to determine the potential dwelling yield of the KHURA, and noting its current residential zoning, Council and State agencies should in their housing delivery continue to consider and plan for the entire existing URA and the potential anticipated yield of up to 3,500 dwellings, rather than limiting the release area based on temporary infrastructure issues. The next revision of the strategy should be updated accordingly.

Any consideration of additional greenfield land outside the strategic growth areas identified in the LHS should occur through regular reviews of the strategy or the strategy addendum process. A revised strategy or addendums should be submitted to the Department for review and approval

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**ITEM 2 - ATTACHMENT 4 LOCAL HOUSING STRATEGY
CORRESPONDENCE - DEPARTMENT OF PLANNING, HOUSING AND
INFRASTRUCTURE.****Department of Planning, Housing and Infrastructure**

before planning proposals are lodged for rezoning for land not identified in the current strategy. It is considered this approach will best support the effective and efficient delivery of land supply and supporting infrastructure.

The Department consulted with relevant government agencies as part of its review of the LHS (**Attachment A**). Agencies were generally supportive of the directions and actions proposed, and suggestions were provided about how the criteria could be improved. Council should consider these matters when undertaking the next review of the strategy or in the preparation of any future addendums and planning proposals. In particular, Council is requested to consider:

- recommendations from Homes NSW, including implementing findings from the Raymond Terrace Sub-Precinct Study;
- strategically identifying areas suitable for rural residential development (not already strategically identified) and direct to west of the Pacific Highway;
- recommendations from Hunter Water Corporation on Integrated Water Management;
- whether changes may be required to the LHS in response to any new or updated flood studies that may be finalised;
- require master plans to be prepared for greenfield sites as part of the addendum process so that there is a clear understanding of how and when infrastructure would be provided, and land fragmentation and constraints managed; and
- changes recommended by agencies for Appendix 1 and 2 of the LHS and other miscellaneous matters as outlined in **Attachment B**.

To improve the strategy for users, Council is also encouraged to consider revising the strategy to incorporate these changes in the near future rather than awaiting the next five-year review.

The strategy acknowledges a range of barriers that can affect delivery of the forecasted housing supply including fragmented land ownership, environmental constraints and challenges in funding and providing necessary infrastructure. Due to these constraints, the strategy includes an action to monitor and report where the forecast demand is not being met and sites are not being developed.

To support this approach, it is recommended that further infrastructure and constraints analysis of the housing precincts (except for Tier 1a sites) be undertaken to inform a staging and sequencing plan. The plan would allow Council to better understand the supply pipeline and the potential need and timing for additional supply, as well as prioritise and co-ordinate Council's planning and delivery across its many housing precincts.

**ITEM 2 - ATTACHMENT 4 LOCAL HOUSING STRATEGY
CORRESPONDENCE - DEPARTMENT OF PLANNING, HOUSING AND
INFRASTRUCTURE.**



Department of Planning, Housing and Infrastructure

In implementing the strategy, I encourage Council to also take appropriate measures to ensure that any future proposals are supported by relevant technical studies and demonstrate consistency with the Hunter Regional Plan 2041, relevant local planning directions, and applicable State Environmental Planning Policies.

Council should also continue to undertake five yearly reviews of the strategy to ensure implementation is monitored and to identify additional housing opportunities to maintain an appropriate ongoing long term housing supply pipeline. These reviews should also consider and address the Department's guidelines for the preparation of local housing strategies.

As you are aware, the Department is undertaking a number of planning reforms to assist councils to deliver the housing needed to support their local communities. Further details regarding the reforms are available at www.planning.nsw.gov.au/policy-and-legislation/planning-reforms

Should you have any enquiries about this matter, I have arranged for [REDACTED], to assist you.

Yours sincerely

[REDACTED]

Craig Diss
Director, Hunter and Northern Region
Local Planning & Council Support

Encl: Attachment A – agency submissions
 Attachment B – recommended miscellaneous amendments

MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025

Councillor Mark Watson returned to the meeting at 6:58pm.

ITEM NO. 3

FILE NO: 25/26621
EDRMS NO: PSC2013-00406

TOWN CENTRE PLACEMAKING POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the Town Centre Placemaking Policy shown at **(ATTACHMENT 1)** on public exhibition for a period of 28 days.
 - 2) Should no submissions be received, the policy be adopted, without a further report to Council.
 - 3) Revoke the Outdoor Trading Policy **(ATTACHMENT 2)** dated October 2024, Minute No. 269, should no submissions be received.
-

ORDINARY COUNCIL MEETING - 23 SEPTEMBER 2025 MOTION

220	Councillor Ben Niland Councillor Jason Wells It was resolved that Council: 1) Place the Town Centre Placemaking Policy shown at (ATTACHMENT 1) on public exhibition for a period of 28 days. 2) The policy be reported back to Council following public exhibition.
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Councillor Jason Wells left the meeting at 6:58pm.
Councillor Jason Wells returned to the meeting at 7:00pm.

Cr Arnott requested an amendment to remove point 3 to revoke the policy and amend point 2 to report the policy back to Council following public exhibition. The mover and seconder accepted the request to amend the motion.

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to provide the Town Centre Placemaking Policy (the ‘policy’) (**ATTACHMENT 1**) to Council for consideration prior to public exhibition and revoke the existing Outdoor Trading Policy (**ATTACHMENT 2**).

The Town Centre Placemaking Policy is designed to support local business by cutting red tape and encouraging creativity, making it easier to activate our streets and create thriving, people-friendly places.

Across Port Stephens, our main streets are the heart of our towns and villages. They’re places to shop, do business, meet up and celebrate local culture. Unique, locally owned businesses play a vital role in shaping the character of our town centres. They offer personal service, create local jobs, and bring colour, creativity and authenticity to our communities. They help make our town centres more vibrant, welcoming and resilient.

This was reflected in the 2024 Port Stephens Liveability Index, where “local businesses that provide for daily needs” was identified as one of the top five values held by the community.

In recent years, economic changes and the growth of large shopping centres have placed growing pressure on small, locally owned businesses. In response, many businesses and community groups are looking for ways to activate footpaths through outdoor dining, product displays and signage. When done well, these activities bring our streets to life, boost foot traffic, encourage spending, and support the ongoing revitalisation of our town centres.

The policy brings together activities previously guided by the former Outdoor Trading Policy and introduces a simplified, integrated approach to activating footpaths in our town centres. It also expands the range of supported activities, now grouped into 3 categories:

- Business Placemaking Activities - such as outdoor dining, displaying goods, A-frame signs, plants, artwork, and other temporary structures in front of a business.
- Community Stalls - allowing charitable and not-for-profit organisations to set up on public footpaths.
- Street performers - including buskers, who were not previously covered under Council policy.

Other changes include the replacement of 3 separate application forms with a single, streamlined form, and the development of the Town Centre Placemaking Guidelines, a practical toolkit outlining responsibilities, legislative requirements, risk management, and ideas to inspire footpath activation. Together with clear approval

MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025

criteria, this approach applies common sense to ensuring accessibility, safety and maintenance.

This policy reflects the evolving needs of local businesses. It prioritises stronger relationships between Council and the business community, encourages creativity, cuts red tape, and makes it easier for businesses and community groups to bring life, colour and energy to our town centres.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025-2029
Housing, tourism & economy	Implement the Economic Development Strategy, including ongoing support for sustainable tourism

FINANCIAL/RESOURCE IMPLICATIONS

There is no direct financial implication for Council in relation to the policy.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Council has authority to grant approval and regulate the use of the footway in accordance with the Roads Act 1993 and the Local Government Act 1993.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that businesses fail to undertake an adequate self-assessment and/or fail to maintain compliance.	Moderate	Council will implement a business engagement and town centre inspection program.	Yes

MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025

There is a risk that business will be unaware of the changes.	Low	Develop communications plan to inform business.	Yes
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Town centre placemaking in the various forms permissible under the policy can bring vibrancy to local commercial centres, boost local economies and small businesses, and provide additional jobs.

COMMUNICATION AND ENGAGEMENT

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

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

The following communication and engagement applies to this report.

External communications and engagement

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

Internal communications and engagement

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

- Governance Section.
- Organisation Support Section.

- Strategy and Environment Section.
- Development and Compliance Section.
- Public Domain and Services Section.
- Assets Section.

OPTIONS

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

ATTACHMENTS

- 1) Town Centre Placemaking Policy.
- 2) Outdoor Trading Policy.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

Policy

**FILE NO:****TITLE: TOWN CENTRE PLACEMAKING POLICY****OWNER: COMMUNICATIONS SECTION MANAGER****1. PURPOSE:**

- 1.1 To support businesses to make town centres across Port Stephens Council attractive and vibrant.
- 1.2 To provide an opportunity for local charitable and nonprofit community organisations to set up community stalls along the public footway in town centres.

2. CONTEXT/BACKGROUND:

- 2.1 Footways are public spaces that adjoin our roads. Often businesses, community groups or street performers seek to use the footway for activities such as outdoor dining, displaying goods, signage, temporary structures or entertainment. These uses are specifically encouraged in town centres to enhance their appeal and vibrancy to foster economic growth and engagement. Ensuring that town centres remain inviting and lively also involves maintaining community access and safety while using the footway.

3. SCOPE:

- 3.1 There are a range of footway activities that apply to this policy that have been grouped as follows:
 - business placemaking activities
 - community stalls and
 - street performers (buskers)
- 3.2 This policy applies to all public footways areas in Town Centres as defined in this policy.
- 3.3 This policy should be read in conjunction with the Town Centre Placemaking Guidelines. Approval criteria will consider the broader implications of any application and the interests of the streetscape and area as a whole, along with legal and regulatory conditions required.
- 3.4 This policy does not apply to mobile food vending vehicles, permanent structures or any other activities undertaken on the public road or other public spaces such as parks and reserves.

Policy

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Policy



4. DEFINITIONS:

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

Business placemaking activities	Activities that are directly associated with a business that operates in the town centre. Typically, this includes items placed on the footway in front of the business but can be extended along the footway if the neighbours agree. Items include tables and chairs for outdoor dining, displays, banners, A-frame signs/sandwich boards, seats, potted plants and art. These items will be removed from the street when the business is closed unless otherwise approved.
Community Stalls	These are temporary uses that are typically undertaken by Charitable Organisations or recognized Not for Profit Organisations to either increase awareness or raise funds by selling goods.
Charitable Organisation or recognized Not for Profit Organisation	As defined by the Charities Act 2013 i.e. an organisation which is not for profit, has charitable purposes for public benefit and is not an individual, a political party or government entity. A not-for-profit is generally an organisation that does not operate for the profit, personal gain or other benefit of particular people (for example, its members, the people who run the organisation, or their friends or relatives).
Footway	For the purpose of this policy a footway is defined as the area between the curb (or edge of road) and the property boundary. This may or may not include a constructed footpath.
Outdoor Dining Area	This may include a part of the footway used on a temporary basis for food or beverage consumption in association with an adjacent approved business. This is carried out in accordance with an approval granted under section 125 of the Roads Act 1993.
Permanent Structure	Any article not intended to be easily moved or one which would be difficult to move without significant work and mechanical or other assistance.

Policy

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ITEM 3 - ATTACHMENT 1 TOWN CENTRE PLACEMAKING POLICY.



Policy

Street Performers & Buskers	Those who provide entertainment for people using the footway.
Temporary Structure	Any article which can be moved easily and is packed away at the end of each day's trade or removed easily if needed e.g clothing rack, flags or A-Frame sign.
Town Centre	Are defined as zones E1 (local centre), E2 (commercial centre), MU1 (mixed use), RU5 (village) and IN4 (working waterfront) and only in locations adjacent to existing business premises. Requests from businesses operating outside these zones will be considered by exception.

5. STATEMENT:

- 5.1 Port Stephens Council seeks to improve town centre vibrancy and the local economy by encouraging approved business placemaking activities and street performance on public footways. This also includes offering local charitable and non-profit community organisations an opportunity to utilise temporary community stalls on public footways in town centres.

6. RESPONSIBILITIES:

- 6.1 Council must ensure that activities on its land and property are undertaken in compliance with legal and regulatory obligations. Council has authority to grant approval and regulate the use of the footway in accordance with the Roads Act 1993 and the Local Government Act 1993.
- 6.2 The Vibrant Places team is responsible for the development, implementation, monitoring and reviewing of this policy in consultation with the Civil Assets team.

7. RELATED DOCUMENTS:

- 7.1 Port Stephens Council Town Centre Placemaking Application Form & Guidelines
- 7.2 Local Government Act 1993 (NSW).
- 7.3 Roads Act 1993 (NSW).
- 7.4 Commonwealth Disability Discrimination Act 1992 (Cth).
- 7.5 Companion Animals Amendment (Outdoor Dining Areas) Act 2010 (NSW).
- 7.6 Disability Inclusion Act 2014 (NSW).
- 7.7 Companion Animals Act 1998 (NSW).
- 7.8 Civil Liability Act 2002
- 7.9 Work Health and Safety Act and Regulations 2011 (NSW).

Policy

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EDRMS container No.		EDRMS record No.	
Audience			
Process owner			
Author			
Review timeframe		Next review date	
Adoption date			

Policy

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Policy



FILE NO: PSC2005-2640

TITLE: OUTDOOR TRADING POLICY

OWNER: ASSETS SECTION MANAGER

1. PURPOSE:

- 1.1 Facilitate the creation of a vibrant cosmopolitan trade atmosphere in appropriate areas of Port Stephens.
- 1.2 Provide an opportunity for local charitable and community organisations to operate casual street stalls within the public footway.
- 1.3 Provide commercial retailers with an opportunity to use the adjoining public footway to enhance, activate and promote their business within the pedestrian area.
- 1.4 Ensure that equitable and safe access is maintained on footways at all times for pedestrians including the vision impaired, users of wheelchairs and other mobility aids.
- 1.5 Regulate the use of the public footway area to avoid nuisance, inconvenience or reduction of safety to the public.

2. CONTEXT/BACKGROUND:

- 2.1 Council has authority to regulate the use of footways within Council road reserves. This policy has been created to provide a safe, consistent and equitable approval process for the appropriate use of public footways.
- 2.2 The policy must be read in conjunction with:
 - Temporary Structures Application Form – Terms and Conditions.
 - Casual Street Stall Application Form – Terms and Conditions.
 - Footway Dining Application Form - Terms and Conditions.

3. SCOPE:

- 3.1 The policy applies to all applications for outdoor trading on footways within the Port Stephens local government area. Outdoor trading includes businesses operating an outdoor dining area on the footway or where goods and services are offered for sale. These activities require an approval in accordance with Section 125 of the Roads Act 1993.
- 3.1 This policy applies to activities such as outdoor dining, casual street stalls, A-frame signs (sandwich boards), flag structures, clothing racks, planter boxes and other temporary structures.
- 3.2 This policy does not apply to mobile food vending vehicles, permanent structures (including any which are not removed at the end of the days trading), or any other activities undertaken in the road reserve or other public spaces

Policy

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Policy



such as parks and reserves. These activities are covered by applying to Council under the Commercial Operators Policy.

- 3.3 The use of part of the footway will only be considered for the use of charity organisations or in association with an established commercial business where the owner/proprietor/manager of that business wishes to apply for use of the adjoining footway.
- 3.4 Council does not charge any fees for applications or annual approvals for activities covered by this policy. An application is still required to ensure appropriate insurances are held and space is managed safely and effectively.

4. DEFINITIONS:

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

Footway	That part of a road as is set aside or formed as a path or way for pedestrian traffic (whether or not it may also be used by bicycle traffic).
Outdoor Dining Area	A restaurant that is the subject of an approval under Section 125 of the Roads Act 1993.
Road Reserve	The entire right-of-way devoted to public travel including footways, shoulders, verges and carriageways – the whole width between adjacent property boundaries.
Casual Street Stalls	Used by charity organisations and locals in the community for the selling of goods and services in a public place to promote and raise funds for the charity.
Commercial activity	To conduct any aspect of a business or service in order to provide goods or services to any person for profit or cost recovery on Council owned and managed land.
Charity Organisation	As defined by the Charities Act 2013 ie. an organisation which is not for profit, has charitable purposes for public benefit and not be an individual, a political party or government entity.
A-frame sign	An upright, rigid self-supporting frame with two flat panels connected at the top in the form of a triangle or an inverted V.
Flag Structure	A pole, staff or similar article with a piece of cloth or bunting displaying a design, symbolic colours or patterns.
Clothing rack	A framework for holding and displaying clothing or other items.
Planter boxes	A container used for displaying live plants or flowers.

Policy

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Policy



Permanent Structure	Any article not intended to be moved or one which would be difficult to move without mechanical or other assistance.
Temporary Structure	Any article which can be moved easily and is packed away at the end of each days trade.
Outdoor Trading Area	A part of the footway used on a temporary basis for commercial activities which may include the display of articles, signs, goods, food or beverages for consumption or display in association with an adjacent approved business.

5. STATEMENT:

- 5.1 Port Stephens Council seeks to create a vibrant cosmopolitan outdoor trading area by providing charity organisations and commercial retailers with an opportunity to integrate commercial activities into public footways, increasing tourism potential and improving business viability.

6. RESPONSIBILITIES:

- 6.1 Council has authority to grant approval and regulate the use of the footway in accordance with the Roads Act 1993 and the Local Government Act 1993. The Civil Assets team is responsible for the development, implementation, monitoring and reviewing of this policy.

7. RELATED DOCUMENTS:

- 7.1 Local Government Act 1993 (NSW).
- 7.2 Roads Act 1993 (NSW).
- 7.3 Commonwealth Disability Discrimination Act 1992 (Cth).
- 7.4 Companion Animals Amendment (Outdoor Dining Areas) Act 2010 (NSW).
- 7.5 Disability Inclusion Act 2014 (NSW).
- 7.6 Smoke Free Environment Act 2000 (NSW).
- 7.7 Companion Animals Act 1998 (NSW).
- 7.8 Liquor Act 2007 (NSW).
- 7.9 Food Act 2003 (NSW).
- 7.10 Work Health and Safety Act and Regulations 2011 (NSW).
- 7.11 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (NSW).
- 7.12 Environmental Planning and Assessment Act 1979 (NSW).
- 7.13 Port Stephens Council Development Control Plan 2014.
- 7.14 Port Stephens Council Information & Direction Signs in Road Reserves Policy 2021.
- 7.15 Port Stephens Council Temporary Structures Application Form.
- 7.16 Port Stephens Council Casual Street Stalls Application Form.

Policy

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Policy



7.17 Port Stephens Council Footway Dining Application Form.

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2005-2640	EDRMS record No.	21/322599
Audience	Community, Assets Section, Civil Assets, Staff and General Manager		
Process owner	Assets Section Manager		
Author	Civil Assets Planning Manager		
Review timeframe	3 years	Next review date	October 2024
Adoption date	25/11/2014		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	25/11/2014	Civil Assets Manager	Adopted by Council	321
2	28/08/2018	Civil Assets Planning Manager	Reviewed and updated in new Policy template. Removal of Civil in the Policy Owner 1.1 Reworded to improve purpose. 1.3 Reworded and additional points added as 1.4 and 1.5. 4.1 Additional information in Definition. 6.1 Changed in policy due to NOM (Min No. 024) 14 February 2017. Adopted By Council.	269

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Policy



Version	Date	Author	Details	Minute No.
3	26 October 2021	Civil Assets Engineer	Reviewed and updated in the new Policy template. 1.1-1.5 Reordered and reworded to better reflect purpose. 2.1 Reworded. 2.2 Updated document names. 2.3 Removed. 3.1 Reworded and additional point added 3.2, 3.3, 3.4 and 3.5. 4.1 Reworded and additional definitions added. 5.1 Reworded and 5.2 and 5.3 removed – points already covered within Policy. 6.1 Reworded and 6.2, 6.3 and 6.4 removed – points already covered within Policy. 7.5, 7.7, 7.9, 7.12, 7.14 Added related documents. 7.15 – 7.17 Updated document names.	286

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ITEM NO. 4

**FILE NO: 25/32756
EDRMS NO: 89-2024-204-1**

AUSTRALIA DAY FUNDING ALLOCATION

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the continuation of Australia Day funding arrangements for the Nelson Bay, Raymond Terrace, Lemon Tree Passage and Karuah 2026 events.
-

**ORDINARY COUNCIL MEETING - 23 SEPTEMBER 2025
MOTION**

221	Councillor Paul Le Mottee Councillor Nathan Errington It was resolved that Council approve the continuation of Australia Day funding arrangements for the Nelson Bay, Raymond Terrace, Lemon Tree Passage and Karuah 2026 events.
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Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council approval for the continuation of community funding arrangements for the 2026 Australia Day events.

Australia Day activities are guided by the Australia Day 355c Committee, including representatives from Community Groups, Lions Club of Tilligerry, Rotary Club of Raymond Terrace, Karuah RSL and the Australia Day Nelson Bay Sub-committee

Australia Day events are planned for the following locations and it is recommended funding continue for the following:

- Nelson Bay: Organised by the Australia Day Nelson Bay Sub-committee with Council's financial support of \$16,089
- Raymond Terrace: Organised by the Rotary Club of Raymond Terrace under agreement with Port Stephens Council with Council's financial support of \$16,089
- Lemon Tree Passage: Organised by the Lions Club of Tilligerry Peninsula Inc. with Council's financial support of \$3,756
- Karuah: Organised by the Karuah RSL with Council's financial support of \$1,224

Total funding requested for the 2026 Australia Day events is \$37,158.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025-2029
Community Wellbeing	Deliver and manage community recreational, leisure and community facilities.

FINANCIAL/RESOURCE IMPLICATIONS

There are no significant resource implications relating to this report.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$37,158	Funding allocated to community groups to undertake Australia Day events.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no known legal, policy or risk implications resulting from the recommendations in this report.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council's reputation may be damaged to poorly organised events.	Low	The efficient operation of Council's 355c Australia Day Committee and Partnerships with Community Groups has improved the coordination and management of Australia Day events in the Local Government area. Staff and volunteers have clear agreements, plans and budgets.	Yes
There is a risk that attendance at Australia Day events may decrease.	Low	Close involvement of the community in the organisation and management of these activities to ensure community interest is represented in the program of activities.	

SUSTAINABILITY IMPLICATIONS

Adopting the recommendations in this report will demonstrate Council's ongoing commitment to the efficient and coordinated management and support of community organised Australia Day activities in the Local Government area.

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.

MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025

INVOLVE	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
COLLABORATE	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
EMPOWER	To place final decision-making and/or developed budgets in the hands of the public.
	No external communications and engagement are required for this report.

The following communication and engagement applies to this report.

External communications and engagement

Council's 355c Australia Day Committee regularly meet to plan and coordinate Australia Day events. The next meeting is scheduled for September 2025.

Staff are in regular contact with all groups to assist with the organisation of the events.

COLLABORATE	The Australia Day 355c committee has representatives of community groups organising events. These groups are the Australia Day Nelson Bay Sub-committee, Rotary Club of Raymond Terrace, Lions Club of Tilligerry Peninsula and Karuah RSL. Council works with each organising community group to plan and execute Australia Day activities in Nelson Bay, Raymond Terrace, Karuah and Lemon Tree Passage. Close involvement of the community in the organisation and management of these activities is to ensure community interest is represented in the program of activities.
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Internal communications and engagement

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

- Governance Section.
- Financial Services Section.
- Integrated Planning and Excellence Section.

OPTIONS

- 1) Accept the recommendation.

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

ATTACHMENTS

Nil.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 5**FILE NO: 25/216023
EDRMS NO: PSC2017-00180****2024-2025 DRAFT FINANCIAL STATEMENTS**

REPORT OF: GLEN PETERKIN - FINANCIAL SERVICES SECTION MANAGER
DIRECTORATE: CORPORATE STRATEGY AND SUPPORT

RECOMMENDATION IS THAT COUNCIL:

- 1) Receives the draft Financial Statements for the year ended 30 June 2025 and formally refers them to the Audit Office of New South Wales, in accordance with Section 413(1) of the Local Government Act 1993 **(ATTACHMENT 1)**.
 - 2) Authorises the signing of the declaration by the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer for the General Purpose Financial Statements for the year ended 30 June 2025 **(ATTACHMENT 2)**.
 - 3) Upon receiving the Auditor's Report, place the 2024-2025 draft Financial Statements on public exhibition in accordance with Section 418(4) of the Local Government Act 1993 (Act), noting the intention to return the audited statements to Council for formal adoption at the meeting on 25 November 2025.
-

**ORDINARY COUNCIL MEETING - 23 SEPTEMBER 2025
MOTION**

222	Councillor Peter Francis Councillor Chris Doohan It was resolved that Council: 1) Receives the draft Financial Statements for the year ended 30 June 2025 and formally refers them to the Audit Office of New South Wales, in accordance with Section 413(1) of the Local Government Act 1993 (ATTACHMENT 1), noting the Supplementary Information. 2) Authorises the signing of the declaration by the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer for the General Purpose Financial Statements for the year ended 30 June 2025 (ATTACHMENT 2). 3) Upon receiving the Auditor's Report, place the 2024-2025 draft Financial Statements on public exhibition in accordance with Section 418(4) of the Local Government Act 1993 (Act), noting the intention to return the audited statements to Council for formal adoption at the meeting on 25 November 2025.
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Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doochan, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to provide Council with the draft Financial Statements for the year ended 30 June 2025.

Under section 413 of the Local Government Act 1993 Council must prepare financial statements for each year and must refer them for audit as soon as practicable after the end of that year.

These draft Financial Statements include:

- General Purpose Financial Statements.
- Special Schedules.

The reports have been prepared by Council Officers in accordance with the Local Government Act 1993 and associated regulations, the Australian Accounting Standards and the Local Government Code of Accounting Practice.

Council is required to refer the draft financial statements to audit and sign a declaration made pursuant to Section 413 (2c) of the Local Government Act 1993 (NSW).

Due to the timing of the distribution of the Council agenda for 23 September 2025, the draft Financial Statements for the year ended 30 June 2025 (**ATTACHMENT 1**) were not available for publication at that time.

The draft Financial Statements for the year ended 30 June 2025 (**ATTACHMENT 1**) will be available for Council's consideration in a Supplementary Report.

A copy of the declaration is shown at (**ATTACHMENT 2**) and must be completed by the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer.

It is anticipated that upon receiving the signed declaration from Council the NSW Audit Office will issue an unqualified opinion in the Auditor's Report on the draft Financial Statements for the year ended 30 June 2025.

MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025

The audit process is required to be finalised by 31 October 2025 with the lodgment of the audited statements with the Office of Local Government.

Upon completion of the audit and receipt of the Auditors Report, Council is required to fix a date for a meeting at which the report will be presented, and give public notice of that date. Section 419(2) of the Local Government Act 1993 requires this date to be at least 7 days after the date on which notice is given, and not more than 5 weeks after the auditor's report is issued to Council.

The nominated meeting date for presentation to Council is 25 November 2025 with public notice of the meeting date and copies of the Financial Statements to be published on Council's website from 18 November 2025.

Following presentation of the 2024-2025 audited Financial Statements to Council on 25 November 2025, submissions from the public will be accepted for 7 days after the meeting date, from 26 November 2025 to 2 December 2025 inclusive, in accordance with relevant legislation.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025-2029
Resources and finance	Implement the Long Term Financial Plan 2025 to 2035.

FINANCIAL/RESOURCE IMPLICATIONS

The 2024-2025 General Purpose Financial Reports will be prepared in compliance with the Local Government Act, the Local Government Code of Accounting Practice and Financial Reporting, and the Australian Accounting Standards.

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

Signing of the statement giving Council's opinion on the impending financial reports will comply with Section 413 of the Local Government Act 1993.

MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that failure to sign the statement for the General Purpose Financial Reports will result in non-compliance with legislation leading to potential reputational and financial loss.	Low	Adopt the recommendations and sign the statement on the General Purpose Financial Reports.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no significant sustainability implications.

COMMUNICATION AND ENGAGEMENT

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

INFORM	To 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

The draft Financial Statements will be presented to the Mayor and Councillors during an information session on 16 September 2025 and to the Audit Risk and Improvement Committee on 9 October 2025.

MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025

Public notice of meeting to present the 2024-2025 audited Financial Statements will be advertised on Council's website from 18 November 2025 with submissions from the public being accepted from 26 November 2025 to 2 December 2025 inclusive, in accordance with relevant legislation.

CONSULT	In accordance with relevant legislation the Financial Statements will be on public exhibition from 26 November 2025 to 2 December 2025.
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Internal communications and engagement

Consultation has been undertaken by the Financial Services Section with:

- Mayor and Councillors.
- Audit, Risk and Improvement Committee.
- Executive Team.

OPTIONS

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

ATTACHMENTS

- 1) 2024-2025 Draft Financial Statements (to be provided as a Supplementary Report).
- 2) Statement by Councillors and Management - 30 June 2025.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

**ITEM 5 - ATTACHMENT 2 STATEMENT BY COUNCILLORS AND
MANAGEMENT - 30 JUNE 2025.**

Port Stephens Council

General Purpose Financial Statements

for the year ended 30 June 2025

Statement by Councillors and Management

Statement by Councillors and Management made pursuant to Section 413 (2c) of the *Local Government Act 1993* (NSW)

The attached general purpose financial statements have been prepared in accordance with:

- the *Local Government Act 1993* and the regulations made thereunder,
- the Australian Accounting Standards issued by the Australian Accounting Standards Board
- the Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these statements:

- present fairly the Council's operating result and financial position for the year
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 23 September 2025.

Leah Anderson

Mayor

23 September 2025

Jason Wells

Councillor

23 September 2025

Tim Crosdale

General Manager

23 September 2025

Glen Peterkin

Responsible Accounting Officer

23 September 2025

ITEM NO. 6

**FILE NO: 24/314164
EDRMS NO: PSC2017-00180**

355C COMMITTEES ANNUAL FINANCIAL SUMMARY 2024

REPORT OF: GLEN PETERKIN - FINANCIAL SERVICES SECTION MANAGER
DIRECTORATE: CORPORATE STRATEGY AND SUPPORT

RECOMMENDATION IS THAT COUNCIL:

- 1) Receives the 355c Committees Annual Financial Statements for the period 1 January 2024 to 31 December 2024.
 - 2) Notes that eligible 355c Committees will receive the 2025 annual operating subsidy.
-

**ORDINARY COUNCIL MEETING - 23 SEPTEMBER 2025
MOTION**

223	Councillor Giacomo Arnott Councillor Peter Francis It was resolved that Council: 1) Receives the 355c Committees Annual Financial Statements for the period 1 January 2024 to 31 December 2024. 2) Notes that eligible 355c Committees will receive the 2025 annual operating subsidy, with the exception of the Salt Ash Sports Ground who will only receive their payment upon the Committee meeting with Council, and following that meeting, the General Manager being satisfied with governance arrangements.
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Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to provide Council with the 355c Committees Annual Financial Statements for the period 1 January 2024 to 31 December 2024, and to note the disbursement of the 2025 annual operating subsidies to eligible committees and sports councils.

For the period 1 January 2024 to 31 December 2024, a summary of the total opening balance (including investment accounts) and closing balance of all 355c Committees is shown at **(ATTACHMENT 1)**. This summary also shows the 2025 annual operating subsidy to be paid to eligible 355c Committees.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025-2029
Resources and finance	Implement the Long Term Financial Plan 2025 to 2035.

FINANCIAL/RESOURCE IMPLICATIONS

The total amount of funds held by the committees as at 31 December 2024 was \$600,855.

- 8 committees held over \$20,000 (total value of \$541,656).
- 3 committees held between \$10,000 and \$20,000 (total value of \$44,917).
- 2 committees held less than \$10,000 (total value \$14,282).

The use of committee funds should be in line with Council's strategic directions and be committed to the objectives of each committee's appendix to the 355c Committee Terms of Reference. A focus on maintenance, renewal and rehabilitation of facilities and reserves will ensure the long term sustainability of these community assets.

Council's Assets Section works with committees and sports councils to allocate committee funds to projects that assist in maintaining or upgrading Council's assets.

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

MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025

Source of Funds	Yes/No	Funding (\$)	Comment
Other	Yes		Total funds held in bank accounts by 355c Committees / sports councils as at 31 December 2024.

LEGAL, POLICY AND RISK IMPLICATIONS

Section 355c of the Local Government Act 1993 allows Council to delegate certain functions. A section 355c Committee is an entity of Port Stephens Council and, as such, is subject to the same legislation, accountability and probity requirements as Council.

All funds and assets held by the committees belong to Council and each committee is responsible for the care and control of these funds. Funds administered by 355c Committees must meet Council's standards of compliance, management and transparency. Committees are required to comply with standard record keeping practices, including submission of financial reporting requirements by due dates.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that funds held in 355c Committee bank accounts may be subject to fraudulent acts resulting in legal, financial and reputational damage.	Medium	This risk will be reduced by ensuring Council is noted on individual committee bank account names and there are 2 Council staff as signatories / authorised officers to committee accounts. The 355c Committee Terms of Reference and Appendix clearly outlines committee responsibilities with regard to recording and reporting on committee funds. Additional information has been provided to committees and is available on Council's website and includes meeting guidelines and templates, financial record keeping guide and purchasing guide.	Yes

MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025

		Financial training is also offered to relevant committee executive members.	
There is a risk that funds held in 355c Committee bank accounts are not used to contribute to the cost of asset renewal resulting in a greater drain on ratepayer revenue.	Low	This risk will be reduced as staff work with committees to combine asset and community input to develop asset management plans with agreed funding contributions from the facility income.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Volunteers provide strong social and community benefits including an avenue for communication, planning, strategic planning, community consultation as well as community capacity building and strong social networks for the community.

A high rate of participation in community activities is an indicator of a well-functioning community.

Council utilises 355c Committees to provide a link between Council and the community, and to assist in the management of facilities and delivery of community services and events. This is part of Council's commitment to community partnerships and provides opportunities for the community to be involved with the management of the facilities they use.

The provision of financial support to Council's 355c Committees is provided within current resources. The annual operating subsidy to be paid to 355c Committees for 2025-2026 is \$54,000. In addition there is an internal budget allocation of \$33,000 for volunteer parks and reserve groups.

Volunteers operate under direction from Council staff to ensure their activities are performed in accordance with recognised environmental practices. Projects and activities relating to the environment are encouraged and supported and often provide long term benefits to the environment.

CONSULTATION

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 - 23 SEPTEMBER 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.
	No external communications and engagement are required for this report.

The following communication and engagement apply to this report.

External communications and engagement

INFORM	355c Committees and sports councils.
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Internal communications and engagement

Consultation has been undertaken by the Financial Services Section with:

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

OPTIONS

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

ATTACHMENTS

- 1) 355c Committees Annual Financial Statement Summary - 1 January 2024 to 31 December 2024.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 6 - ATTACHMENT 1 355C COMMITTEES ANNUAL FINANCIAL STATEMENT SUMMARY - 1 JANUARY 2024 TO 31 DECEMBER 2024.
355C Committees Annual Financial Statement Summary – 1 January to 31 December 2024

355C Committee		Opening Balance (incl investments) 1 st January 2024	Closing Balance (incl investments) 31 December 2024	Annual Operating Subsidy Payable 2025
1	Hinton School of Arts	\$5,542.56	\$4,979.41	\$1,000.00
2	Karuah Community Hall	\$12,161.42	\$15,010.63	\$1,000.00
3	Lemon Tree Passage Old School Centre	\$20,998.75	\$22,388.47	\$1,000.00
4	Medowie Sports Council	\$139,687.16	\$156,057.60	\$9,000.00
5	Nelson Bay Community Hall	\$18077.58	\$21,800.33	\$1,000.00
6	Port Stephens Sister Cities	\$11,876.80	\$9,302.55	\$1,000.00
7	Raymond Terrace Senior Citizens Hall	\$31,693.79	\$16,076.85	\$1,000.00
8	Salt Ash Sports Ground	\$16,925.95	\$23,192.05	\$1,000.00
9	Salt Ash Community Hall	\$43,427.23	\$13,829.10	\$1,000.00
10	Tanilba Bay Foreshore Hall	\$10,904.36	\$21,245.89	\$1,000.00
11	Tilligerry Sports Council	\$62,527.76	\$69,229.66	\$9,000.00
12	Tomaree Sports Council	\$219,315.77	\$107,776.44	\$9,000.00
13	West Ward Sports Council	\$126,710.54	\$119,965.77	\$18,000.00
Totals		\$719,849.67	\$600,854.75	\$54,000.00

ITEM NO. 7

**FILE NO: 25/199844
EDRMS NO: PSC2015-01492**

**AUDIT, RISK AND IMPROVEMENT COMMITTEE TERMS OF REFERENCE AND
INTERNAL AUDIT CHARTER**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves the Audit Risk and Improvement Committee's Terms of Reference
(**ATTACHMENT 1**) and the Internal Audit Charter (**ATTACHMENT 2**).
-

**ORDINARY COUNCIL MEETING - 23 SEPTEMBER 2025
MOTION**

224	Councillor Jason Wells Councillor Mark Watson It was resolved that Council approves the Audit Risk and Improvement Committee's Terms of Reference (ATTACHMENT 1) and the Internal Audit Charter (ATTACHMENT 2).
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Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to provide the Audit, Risk and Improvement Committee's (ARIC) revised Terms of Reference (**ATTACHMENT 1**) and the Internal Audit Charter (**ATTACHMENT 2**) for Council's consideration and endorsement.

The Office of Local Government's Guidelines for Risk Management and Internal Audit for Local Government in NSW (the Guidelines) commenced 1 July 2024. As part of implementing the Guidelines, the ARIC developed its Terms of Reference and an Internal Audit Charter.

MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025

The Terms of Reference and the Internal Audit Charter must be consistent with the model Terms of reference and Internal Audit Charter.

The Chairperson of the ARIC is responsible for the development of the Terms of Reference and the Internal Audit Charter, in consultation with the General Manager and the Head of Internal Audit.

The Terms of Reference and Internal Audit Charter have been revised and endorsed by the ARIC at its meeting on 24 July 2025.

Please note that yellow highlighting in the attached documents indicates an amendment has been made and strikethrough text is to be deleted.

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

Section 216K of the Local Government Regulation requires the ARIC to develop a Terms of Reference based on the model Terms of Reference. The Terms of Reference will be reviewed annually by the ARIC and by the Council once each term.

Section 216O of the Local Government Regulation requires the development of an Internal Audit Charter based on the model Internal Audit Charter. The Internal Audit Charter will be reviewed annually by the ARIC and reported to Council if amended.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council may be in breach of the Local Government Act and the Guidelines should this report not be adopted.	Low	Adopt the recommendation.	Yes.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

It is considered that the Audit, Risk and Improvement Committee adds significant rigour to Council's governance framework, risk control, compliance and financial reporting and enhances Council's reputation, operations and financial sustainability. This documentation will form part of the governance framework for the ARIC and the internal audit function.

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.
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Internal communications and engagement

Consultation has been undertaken by the Governance Section with:

- General Manager's Office.
- Audit, Risk and Improvement Committee.

OPTIONS

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

ATTACHMENTS

- 1) Revised ARIC Terms of Reference.
- 2) Revised Internal Audit Charter.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

Terms of Reference



AUDIT, RISK AND IMPROVEMENT COMMITTEE

1. INTRODUCTION

- 1.1 Port Stephens Council (Council) has established an audit, risk and improvement committee (the **ARIC Committee**) in compliance with section 428A of the Local Government Act 1993, the Local Government (General) Regulation 2021 and the Office of Local Government's Guidelines for risk management and internal audit for local government in NSW (2023). **This Terms of Reference is consistent with the model terms set out by the Office of Local Government and** These terms of reference sets out the committee's objectives, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements.

2. OBJECTIVE

- 2.1 The objective of the **ARIC** committee is to provide independent assurance by monitoring, reviewing, and providing advice about the Council's governance processes, compliance, risk management and control frameworks, external accountability obligations and overall performance.

3. INDEPENDENCE

- 3.1 The **ARIC Committee** is an independent body to ensure it has no real or perceived bias or conflicts of interest that may interfere with its ability to act independently and to provide robust, objective and unbiased advice and assurance.
- 3.2 The **ARIC Committee** is to have an advisory and assurance role only and is to exercise no administrative functions, delegated financial responsibilities or any management functions of the Council. The **ARIC Committee** will provide independent advice to Council that is informed by the internal audit and risk management activities and information and advice provided by staff, relevant external bodies and subject matter experts.
- 3.3 The **ARIC Committee** must always ensure it maintains a direct reporting line to and from the Council's internal audit function and act as a mechanism for internal audit to report to the Council and the General Manager on matters affecting the performance of the internal audit function.
- 3.4 The Head of Internal Audit is referred to as the Chief Audit Executive within the International Professional Practice Framework, including standards, and the Internal Audit Coordinator within the OLG Regulations and Guidelines. At Council, the Head of Internal Audit is the Governance Section Manager.

Terms of Reference



4. AUTHORITY

4.1 Council authorises the **ARIC Committee**, for the purposes of exercising its role and responsibilities, to:

- a) access any information it needs from Council
- b) reasonable use of any Council resources it needs
- c) have direct and unrestricted access to the General Manager and **Executive Team** ~~senior management of Council~~
- d) seek the General Manager's permission to meet with any other Council staff member or contractor
- e) discuss any matters with the external auditor or other external parties
- f) request the attendance of any employee at committee meetings, and
- g) obtain external legal or other professional advice in line with Councils' procurement policies subject to prior approval from the General Manager.

4.2 Information and documents pertaining to the Committee are confidential and are not to be made publicly available. The **ARIC Committee** may only release information to external parties that are assisting the committee to fulfil its responsibilities with the approval of the General Manager, except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

5. COMPOSITION AND TENURE

5.1 The **ARIC Committee** consists of an independent chair and two independent members who have voting rights and one non-voting councillor, as required under the Local Government (General) Regulation 2021.

5.2 The Council is to appoint the chair and members of the **ARIC Committee**. Current Committee members are:

Deborah Goodyer	Independent chair (voting)
Frank Cordingley	Independent member (voting)
Paul Dunn	Independent member (voting)
Cr Leah Anderson	Councillor member (non-voting)
Cr Jason Wells	

Terms of Reference



- 5.3 All **ARIC** ~~Committee~~ members must meet the independence and eligibility criteria prescribed under the Local Government (General) Regulation 2021.
- 5.4 Members will be appointed for up to a four-year term. Members can be reappointed for one further term, but the total period of continuous membership cannot exceed eight years. This includes any term as chair of the **ARIC** ~~Committee~~. Members who have served an eight-year term (either as a member or as chair) must have a two-year break from serving on the **ARIC** ~~Committee~~ before being appointed again. To preserve the **ARICs** ~~Committee's~~ knowledge of the Council, ideally, no more than one member should retire from the **ARIC** ~~Committee~~ because of rotation in any one year.
- 5.5 The terms and conditions of each member's appointment to the **ARIC** ~~Committee~~ are to be set out in a letter of appointment. New members will be thoroughly inducted to their role and receive relevant information and briefings on their appointment to assist them to meet their responsibilities.
- 5.6 Prior to approving the reappointment or extension of the chair's or an independent member's term, the Council is to undertake an assessment of the chair's or committee member's performance. Reappointment of the chair or a committee member is also to be subject to that person still meeting the independence and eligibility requirements prescribed under the Local Government (General) Regulation 2021.
- 5.7 Members of the **ARIC** ~~Committee~~ collectively must possess and maintain a broad range of skills, knowledge, and experience relevant to the operations, governance and financial management of council, the environment in which council operates, and the contribution that the **ARIC** ~~Committee~~ makes to Council. At least one member of the **ARIC** ~~Committee~~ must have accounting or related financial management experience with an understanding of accounting and auditing standards in a local government environment. All members should have sufficient understanding of Council's financial reporting responsibilities to be able to contribute to the **ARICs** ~~Committee's~~ consideration of the annual financial statements.
- 6. ROLE**
- 6.1 As required under section 428A of the Local Government Act 1993 (the Act), the role of the committee is to review and provide independent advice to council regarding the following aspects of operations:
- a) internal audit
 - b) compliance
 - c) risk management

Terms of Reference



- d) fraud control
 - e) financial management
 - f) governance
 - g) implementation of the strategic plan, delivery program and strategies
 - h) service reviews
 - i) collection of performance measurement data, and
 - j) other relevant matters which may arise.
- 6.2 The **ARIC Committee** must also provide information to Council for the purpose of improving the performance of its functions under the Local Government Act 1993.
- 6.3 The **ARICs Committee's** specific audit, risk and improvement responsibilities under section 428A of the Act are outlined in Schedule 1 to these terms of reference.
- 6.4 The **ARIC Committee** will act as a forum for oversight of the internal audit function including its planning, monitoring and reporting to ensure it operates effectively.
- 6.5 The **ARIC Committee** has no power to direct external audit or the way it is planned and undertaken but will act as a forum for the consideration of external audit findings.
- 6.6 The **ARIC Committee** is directly responsible and accountable to the Council for the exercise of its responsibilities. In carrying out its responsibilities, the **ARIC Committee** must at all times recognise that primary responsibility for management of the Council rests with Council and the General Manager.
- 6.7 The responsibilities of the **ARIC Committee** may be revised or expanded in consultation with, or as requested by, the Council from time to time.

7. RESPONSIBILITIES OF MEMBERS

Independent members

- 7.1 The chair and members of the committee are expected to:
- a) understand and observe the requirements of the Office of Local Government's Guidelines for risk management and internal audit for local government in NSW.
 - b) make themselves available as required to attend and participate in meetings
 - c) contribute the time needed to review and understand information provided to it
 - d) apply good analytical skills, objectivity and judgement
 - e) act in the best interests of Council

Terms of Reference



- f) have the personal courage to raise and deal with tough issues, express opinions frankly, ask questions that go to the fundamental core of the issue and pursue independent lines of inquiry
- g) maintain effective working relationships with the Council
- h) have strong leadership qualities (chair)
- i) lead effective committee meetings (chair), and
- j) oversee the Council's internal audit function (chair).

Councillor member

- 7.2 To preserve the independence of the **ARIC Committee**, the councillor member of the **ARIC Committee** is a non-voting member. Their role is to:
- a) relay to the **ARIC Committee** any concerns the Council may have regarding the Council and issues being considered by the **ARIC Committee**.
 - b) provide insights into local issues and the strategic priorities of Council that would add value to the **ARIC Committee**'s consideration of agenda items.
 - c) advise the Council (as necessary) of the work of the **ARIC Committee** and any issues arising from it, and
 - d) assist the Council to review the performance of the **ARIC Committee**.
- 7.3 Issues or information the councillor member raises with or provides to the Committee must relate to the matters listed in Schedule 1 and issues being considered by the **ARIC Committee**.
- 7.4 The councillor member of the **ARIC Committee** must conduct themselves in a non-partisan and professional manner. The councillor member of the **ARIC Committee** must not engage in any conduct that seeks to politicise the activities of the **ARIC Committee** or the internal audit function or that could be seen to do so.
- 7.5 If the councillor member of the **ARIC Committee** engages in such conduct or in any other conduct that may bring the Committee and its work into disrepute, the chair of the **ARIC Committee** may recommend to the Council, that the Council member be removed from membership of the **ARIC Committee**. Where the Council does not agree to the **ARIC Committee** chair's recommendation, the Council must give reasons for its decision in writing to the chair.

Conduct

- 7.6 Independent **ARIC Committee** members are required to comply with the Council's code of conduct.

Terms of Reference



- 7.7 Complaints alleging breaches of the Council's code of conduct by an independent committee member are to be dealt with in accordance with the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW. The General Manager must consult with the Council before taking any disciplinary action against an independent committee member in response to a breach of the Council's code of conduct.

Conflicts of interest

- 7.8 Once a year, **ARIC** Committee members must provide written declarations to the Council stating that they do not have any conflicts of interest that would preclude them from being members of the **ARIC** Committee. Independent **ARIC** Committee members are 'designated persons' for the purposes of the Council's code of conduct and must also complete and submit returns of their interests.
- 7.9 **ARIC** Committee members and observers must declare any pecuniary or non-pecuniary conflicts of interest they may have in a matter being considered at the meeting at the start of each meeting or as soon as they become aware of the conflict of interest. Where a **ARIC** Committee member or observer declares a pecuniary or a significant non-pecuniary conflict of interest, they must remove themselves from committee deliberations on the issue. Details of conflicts of interest declared at meetings must be appropriately minuted.

Standards

- 7.10 **ARIC** Committee members are to conduct their work in accordance with the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors and [current Australian risk management standard], where applicable.

8. WORK PLANS

- 8.1 The work of the **ARIC** Committee is to be thoroughly planned and executed. The **ARIC** Committee must develop a strategic work plan every four years to ensure that the matters listed in Schedule 1 are reviewed by the Committee and considered by the internal audit function when developing their risk-based program of internal audits. The strategic work plan must be reviewed at least annually to ensure it remains appropriate. **The revision will include review and update of the annual plan for timing of reports specific to current circumstances.**
- 8.2 The **ARIC** Committee may, in consultation with the Council governing body, vary the strategic work plan at any time to address new or emerging risks. The Council may also, by resolution, request the committee to approve a variation to the

Terms of Reference



strategic work plan. Any decision to vary the strategic work plan must be made by the **ARIC** Committee.

- 8.3 The **ARIC** Committee must also develop an annual work plan to guide its work over the forward year.
- 8.4 The **ARIC** Committee may, in consultation with the Council, vary the annual work plan to address new or emerging risks. The Council may also, by resolution, request the **ARIC** Committee to approve a variation to the annual work plan. Any decision to vary the annual work plan must be made by the **ARIC** Committee.
- 8.5 When considering whether to vary the strategic or annual work plans, the **ARIC** Committee must consider the impact of the variation on the internal audit function's existing workload and the completion of pre-existing priorities and activities identified under the work plan.

9. REPORTING TO COUNCIL

- 9.1 The **ARIC** Committee must report to the Council to ensure that it is kept informed of matters considered by the **ARIC** Committee and any emerging issues that may influence the strategic direction of the Council or the achievement of the Council's goals and objectives.

Quarterly (routine) reporting via Minutes of meetings

- 9.2 The **ARIC** Committee will provide an update to the Council and the General Manager of its activities and advice after every committee meeting.

Annual report on Council performance relating to Schedule 1 matters

- 9.3 At the first **ARIC** Committee meeting after 30 June each year, Internal Audit will provide a performance report including:
 - a) completion of the approved Internal Audit Plan of work for the previous financial year showing the current status of each audit.
 - b) results of the Quality assurance and improvement program
 - c) conformance with the OLG Regulations and Guidelines to inform the Council attestation statement; and

Terms of Reference



- d) the performance of Internal Audit for the financial year as measured against agreed key performance indicators for inhouse and external internal audit providers.

- 9.4 The **ARIC Committee** will provide an annual assessment to the Council and the General Manager on the Committee's work and its opinion on how the Council is performing. This will include review and feedback on the General Manager's Attestation Statement on compliance with core requirements of the OLG Guidelines. Where the Committee disagrees with the statement, they should provide an alternate attestation statement.

Comprehensive assessment each Council term

- 9.5 The **ARIC Committee** will provide a comprehensive assessment every council term of the matters listed in Schedule 1 to the Council and the General Manager.
- 9.6 The **ARIC Committee** may at any time report to the Council or the General Manager on any other matter it deems of sufficient importance to warrant their attention. The Mayor and the chair of the **ARIC Committee** may also meet at any time to discuss issues relating to the work of the **ARIC Committee**.
- 9.7 Should the Council require additional information, a request for the information may be made to the chair by resolution. The chair is only required to provide the information requested by the Council where the chair is satisfied that it is reasonably necessary for the Council to receive the information for the purposes of performing its functions under the Local Government Act. Individual councillors are not entitled to request or receive information from the **ARIC Committee**.

10. ADMINISTRATIVE ARRANGEMENTS

Meetings

- 10.1 The **ARIC Committee** will meet at least 4 times per year, including a meeting to review the financial statements.
- 10.2 The chair may hold additional meetings when significant unexpected issues arise, or if the chair is asked to hold an additional meeting by a **ARIC Committee** member, the general manager or the Council.
- 10.3 **ARIC Committee** meetings can be held in person, by telephone or videoconference. Proxies are not permitted to attend meetings if a **ARIC Committee** member cannot attend.

Terms of Reference



-
- 10.4 A quorum will consist of a majority of independent voting members.
- 10.5 Where the vote is tied, the chair has the casting vote.
- 10.6 The chair of the **ARIC** ~~Committee~~ will decide the agenda for each **ARIC** ~~Committee~~ meeting.
- 10.7 Each **ARIC** ~~Committee~~ meeting is to be minuted to preserve a record of the issues considered, key discussions, and the actions and decisions taken by the **ARIC** ~~Committee~~. Where confidentiality of the matters discussed is considered relevant, the minutes may be provided to the Council in a confidential report.
- 10.8 The General Manager, **Mayor** and the Head of Internal audit should attend **ARIC** ~~Committee~~ meetings as non-voting observers.
- 10.9 The external auditor (or their representative) is to be invited to each **ARIC** ~~Committee~~ meeting as an independent observer.
- 10.10 The chair can request the following Council officers and representatives to attend meetings for specific agenda items:
- a) Council's chief finance officer or equivalent,
 - b) head of risk management function or equivalent,
 - c) senior managers or equivalent, i.e. Legal Services, Governance
 - d) any employee/contractor of the council and
 - e) any subject matter expert
- 10.11 Where requested to attend a meeting, persons must attend the meeting where possible and provide any information requested.
- 10.12 Councillors including the Mayor may attend **ARIC** ~~Committee~~ meetings on request submitted to the Chair via the General Manager. If permitted to attend they will do so as an observer. ~~Observers have no voting rights and can be excluded from a meeting by the chair at any time.~~
- 10.13 Observers have no voting rights and can be excluded from a meeting by the chairperson at any time.**
- 10.134 The **ARIC** ~~Committee~~ can hold closed meetings whenever it needs to discuss confidential or sensitive issues with only voting members of the **ARIC** ~~Committee~~ present.

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- 10.14⁵ The **ARIC Committee** must meet separately with the Head of internal audit and the external auditor at least once each year.

Dispute resolution

- 10.15⁶ Members of the **ARIC Committee** and Council's management should maintain an effective working relationship and seek to resolve any differences they may have in an amicable and professional way by discussion and negotiation.
- 10.16⁷ In the event of a disagreement between the **ARIC Committee** and the General Manager or other senior managers, the dispute is to be resolved by the Council.
- 10.17⁸ Unresolved disputes regarding compliance with statutory or other requirements are to be referred to the Departmental Chief Executive of the Office of Local Government in writing.

Secretariat

- 10.18⁹ The General Manager will nominate a staff member to provide secretariat support to the committee. The secretariat will ensure the agenda for each meeting and supporting papers are circulated after approval from the chair at least 5 working days before the meeting and ensure that minutes of meetings are prepared and maintained. Minutes must be approved by the chair and circulated within three weeks of the meeting to each member.

Resignation and dismissal of members

- 10.19²⁰ Where the chair or a **ARIC Committee** member is unable to complete their term or does not intend to seek reappointment after the expiry of their term, they should give **3 months'** notice to the chair and the Council prior to their resignation to allow the Council to ensure a smooth transition to a new chair or **ARIC Committee** member.
- 10.20¹ The Council can, by resolution, terminate the appointment of the chair or an independent **ARIC Committee** member before the expiry of their term where that person has:
- a) breached the council's code of conduct
 - b) performed unsatisfactorily or not to expectations
 - c) declared, or is found to be in, a position of a conflict of interest which is unresolvable

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- d) been declared bankrupt or found to be insolvent
- e) experienced an adverse change in business status
- f) been charged with a serious criminal offence
- g) been proven to be in serious breach of their obligations under any legislation, or
- h) experienced an adverse change in capacity or capability.

10.24² The position of a councillor member on the **ARIC** Committee can be terminated/replaced at any time by the Council by resolution.

Review arrangements

10.22³ The Chair of the **ARIC** Committee will initiate an annual review of the performance of the **ARIC** Committee. The review will be conducted on a self-assessment basis (unless otherwise determined by the **ARIC** Committee), with appropriate input from the General Manager and any other relevant stakeholders, as determined by the **ARIC** Committee.

10.23⁴ At least once every Council term, the Council must review or arrange for an external review of the effectiveness of the **ARIC** Committee. (This may be included in the independent external quality assessment of the internal audit function).

10.24⁵ These terms of reference must be reviewed annually by the **ARIC** Committee once each Council term by the Council. Any substantive changes are to be approved by the Council.

11. FURTHER INFORMATION

11.1 For further information on Council's **ARIC** Audit, Risk and Improvement Committee, contact Tony Wickham, Council's Governance Section Manager on tony.wickham@portstephens.nsw.gov.au or by phone 02 4988 0187.

11.2 Reviewed by chair of the Audit, Risk and Improvement Committee
[signed] 22 February 2024 **TBC**

11.3 Reviewed by Council in accordance with a resolution of the Council
[signed] 26 March 2024 **TBC**

Minute No. 048

11.4 Next review date: March 2028 - 4 years from the date of the resolution above.

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Schedule 1 – Audit, risk and improvement committee responsibilities (coverage of functions)

[Note: Further detailed in core requirement 1 and Appendix 2 of the Guidelines for Risk Management and Internal Audit for Local Government in NSW.]

1. Audit

1.1 Internal audit

- a) Provide overall strategic oversight of internal audit activities, including:
 - i. b) Act as a forum for communication between the Council, General Manager, senior management, the internal audit function and external audit.
 - ii. c) Review and advise the Council on:
 - iii. ~~Review and provide advice on~~ i coordination of the work programs of internal audit and other assurance and review functions (risk management, governance, compliance, service reviews)
 - iv. ~~Review and advise the Council on:~~
 - v. ii. whether Council is providing the resources necessary to successfully deliver the internal audit function
 - vi. iii. whether Council is complying with internal audit requirements, including conformance with the International Professional Practices Framework
 - vii. iv. whether Council's internal audit charter is appropriate and the internal audit policies and procedures and audit/risk methodologies used by the Council are suitable
 - viii. v. details and status of the strategic four-year work plan and annual work plan of internal audits to be undertaken by the Council's internal audit function
 - ix. vi. whether Council's internal audit activities are effective, including the performance of the internal audit coordinator and the internal audit function
 - x. vii. of the findings and recommendations of internal audits conducted, and corrective actions required
 - xi. viii. implementation of these corrective actions
 - xii. ix. on the appointment, **termination and performance evaluation** of the Head of internal audit (internal audit coordinator) and external providers, and
 - xiii. x. if the internal audit function is structured appropriately and has sufficient skills and expertise to meet its responsibilities

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1.2 External audit

- a) Act as a forum for communication between the Council , General Manager, senior management, the internal audit function and external audit
- b) Review and provide advice on coordination of the work programs of internal audit and external audit
- c) Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided
- d) Review all external plans and reports in respect of planned or completed audits and monitor council's implementation of audit recommendations
- e) Provide advice to the Council and/or General Manager on action taken on significant issues raised in relevant external audit reports and better practice guides.

2. Risk

2.1 Risk management

2.1.1 Review and advise the Council:

- a) if the Council has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard
- b) whether the Council is providing the resources necessary to successfully implement its risk management framework
- c) whether the Council's risk management framework is adequate and effective for identifying and managing the risks the Council faces, including those associated with individual projects, programs, WHS and other activities
- d) if risk management is integrated across all levels of the Council and across all processes, operations, services, decision-making, functions and reporting
- e) of the adequacy of risk reports and documentation, for example, the Council's risk register and risk profile
- f) whether a sound approach has been followed in developing risk management plans for major projects or undertakings
- g) whether appropriate policies and procedures are in place for the management and exercise of delegations
- h) if the Council has taken steps to embed a culture which is committed to ethical and lawful behaviour
- i) if there is a positive risk culture within the Council and strong leadership that supports effective risk management
- j) of the adequacy of staff training and induction in risk management
- k) how the Council's risk management approach impacts on the Council's insurance arrangements

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- l) of the effectiveness of the Council's management of its assets, and
- m) of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.

2.2 Internal controls

2.2.1 Review and advise the Council

- a) whether the Council's approach to maintaining an effective internal control framework, including over external parties such as contractors and advisors, is sound and effective
- b) whether the Council has in place relevant policies and procedures and that these are periodically reviewed and updated
- c) whether appropriate policies and procedures are in place for the management and exercise of delegations
- d) whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with
- e) if the Council's monitoring and review of controls is sufficient, and
- f) if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately.

2.3 Compliance

2.3.1 Review and advise the Council of the adequacy and effectiveness of the Council's compliance framework, including:

- a) if the Council has appropriately considered legal and compliance risks as part of the Council's risk management framework
- b) how the Council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, and
- c) whether appropriate processes are in place to assess compliance.

2.4 Fraud and corruption

2.4.1 Review and advise the Council of the adequacy and effectiveness of the Council's fraud and corruption prevention framework and activities, including whether the Council has appropriate processes and systems in place to capture and effectively investigate fraud-related information.

2.5 Governance

2.5.1 Review and advise the Council regarding its governance framework, including the:

- a) decision-making processes
- b) implementation of governance policies and procedures

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- c) reporting lines and accountability
- d) assignment of key roles and responsibilities
- e) committee structure
- f) management oversight responsibilities
- g) human resources and performance management activities
- h) reporting and communication activities
- i) information and communications technology (ICT) governance, and
- j) management and governance of the use of data, information, and knowledge

2.6 Financial management

2.6.1 Review and advise the Council:

- a) if the Council is complying with accounting standards and external accountability requirements
- b) of the appropriateness of the Council's accounting policies and disclosures
- c) of the implications for the Council of the findings of external audits and performance audits and the Council's responses and implementation of recommendations
- d) whether the Council's financial statement preparation procedures and timelines are sound
- e) the accuracy of the Council's annual financial statements prior to external audit, including:
 - i. management compliance/representations
 - ii. significant accounting and reporting issues
 - iii. the methods used by the Council to account for significant or unusual transactions and areas of significant estimates or judgements.
- iv. appropriate management signoff on the statements
- f) if effective processes are in place to ensure financial information included in the Council's annual report is consistent with signed financial statements
- g) if the Council's financial management processes are adequate
- h) the adequacy of cash management policies and procedures
- i) if there are adequate controls over financial processes, for example:
 - i. appropriate authorisation and approval of payments and transactions
 - ii. adequate segregation of duties
 - iii. timely reconciliation of accounts and balances
- iv. review of unusual and high value purchases
- j) if policies and procedures for management review and consideration of the financial position and performance of the Council are adequate
- k) if the Council's grants and tied funding policies and procedures are sound.

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3. Improvement

3.1 Strategic planning

3.1.1 Review and advise the Council:

- a) of the adequacy and effectiveness of the Council's integrated, planning and reporting (IP&R) processes
- b) if appropriate reporting and monitoring mechanisms are in place to measure progress against objectives, and
- c) whether the Council is successfully implementing and achieving its IP&R objectives and strategies.

3.2 Service reviews and business improvement

- a) Act as a forum for communication and monitoring of any audits conducted by external bodies and the implementation of corrective actions (for example, NSW government agencies, Commonwealth government agencies, insurance bodies)
- b) Review and advise the Council:
 - i. If the Council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance
 - ii. if appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance, and
 - iii. how the Council can improve its service delivery and the Council's performance of its business and functions generally

3.3 Performance data and measurement

3.3.1 Review and advise the Council:

- a) if the Council has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives
- b) if the performance indicators the Council uses are effective, and
- c) of the adequacy of performance data collection and reporting.

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**CONTROLLED DOCUMENT INFORMATION:**

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EDRMS container No.	PSC2015-01492	EDRMS record No.	24/131534 TBC
Audience	Audit, Risk and Improvement Committee, Internal Auditors, Council employees		
Process owner	Governance Section Manager		
Author	Governance Section Manager		
Review timeframe	3 years	Next review date	26 March 2027 by Council
Adoption date	26 March 2024		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	26 March 2024	ARIC Chairperson	New charter developed in accordance with the OLG Risk Management and Internal Audit for Local Government in NSW Guidelines.	048

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Version	Date	Author	Details	Minute No.
1.1	July 2025	ARIC Chairperson	The following clauses have been updated: 1.1 inserted reference to OLG Guidelines. 1.1.2.1,3.1,3.2,3.3,4.1,4.2,5.1,5.2,5.3,5.4, 5.5,5.7,6.2,6.3,6.4,6.5,6.6,6.7,7.2,7.4,7.5, 7.6,7.8,,7.9,7.10,8.1,8.2,8.3,8.4,8.5,9.1,9.2, 9.3,9.4,9.5,9.6,9.7,10.1,10.2,10.3,10.6, 10.7,10.8,10.9,10.12,13.13,10.14,10.15, 10.16,10.17,10.18,10.19,10.20,10.21, 10.22,10.23,10.24,10.25,11.1 inserted ARIC and replace Committee. 4.1 inserted Executive Team and 'senior management'. 5.2 updated councillor representative. 8.1 updated clause to include revision of annual plans. 9.4 updated clause to include Attestation Statement. 10.8 inserted Mayor. 10.12 removed reference to Mayor and last sentence became clause 10.13. 10.13 to 10.24 renumbered. Schedule 1 amended.	

Internal Audit Charter



1. INTRODUCTION:

- 1.1 Port Stephens Council (Council) has established the internal audit function as a key component of Council's governance and assurance framework, in compliance with the "Guidelines for risk management and internal audit for local government in NSW."
- 1.2 This charter provides the **mandate and** framework for the conduct of the internal audit function (internal audit) at Council and has been approved by the governing body (the Council) considering the advice of the Audit, Risk and Improvement Committee (ARIC).

2. PURPOSE OF INTERNAL AUDIT:

- 2.1 ~~Internal audit is an independent, objective assurance and consulting activity designed to add value and improve Council's operations. It helps Council accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.~~
- 2.2 ~~The mission of Internal audit is to enhance and protect organisational value by providing advice to the Council, General Manager and ARIC about Council's governance processes, risk management and control frameworks and its external accountability obligations. It also assists Council to improve its business performance.~~
- 2.1 The objective of Council's internal audit function is to strengthen the Council's ability to create, protect, and sustain value by providing the Council, General Manager and ARIC with independent, risk-based, and objective assurance, advice, insight, and foresight. Internal auditing enhances Council's:
 - Successful achievement of its objectives.
 - Governance, risk management, and control processes.
 - Management of external accountability obligations
 - Decision-making and oversight.
 - Reputation and credibility with its stakeholders.
 - Ability to serve the public interest.
- 2.3² Internal Audit services may include:
 - Assurance Services – objective examination of evidence for the purpose of providing an independent assessment of risk management, control and governance processes.
 - Advisory Services – advisory and related client activities, the nature and scope of which are agreed upon with the client and which are intended to add value and improve business operations.

3. ROLE:

- 3.1 The role of internal audit is to support Council's ARIC to review and provide independent advice to the Council in accordance with section 428A of the Local Government Act 1993.

Internal Audit Charter



This includes conducting internal audits of Council and monitoring the implementation of corrective actions.

- 3.2 Internal audit also plays an active role in:
- developing and maintaining a culture of accountability and integrity
 - facilitating the integration of risk management into day-to-day business activities and processes, and
 - promoting a culture of high ethical standards.
- 3.3 Internal Audit has no direct authority or responsibility for the activities it reviews. Internal audit has no responsibility for developing or implementing procedures or systems and does not prepare records or engage in Council functions or activities (except in carrying out its own functions).

4. DEFINITIONS:

- 4.1 An outline of the key definitions included in the Charter.

ARIC	Audit, Risk and Improvement Committee.
Council	Port Stephens Council.
Head of Internal Audit	Council officer responsible for internal audit.

5. INTERNAL AUDIT ARRANGEMENTS:

5.1 Head of Internal Audit

- 5.1.1 Day to day management of internal audit is the responsibility of the Governance Section Manager (Head of Internal Audit). The Head of Internal Audit must be independent, impartial, unbiased and objective when performing their work and free from any conflicts of interest. Responsibilities of the Head of Internal Audit include:

- contract management of external provider (refer below)
- managing the internal audit budget
- ensuring the external provider completes internal audits in line with the audit, risk and improvement committee's ARICs annual work plan and four-year strategic work plan
- forwarding audit reports by the external provider to the ARIC.
- acting as a liaison between the external provider and the ARIC.
- monitoring Council's implementation of corrective actions that arise from the findings of audits and reporting progress to the ARIC, and
- assisting the audit, risk and improvement committee ARIC to ensure Council's internal audit activities comply with the Guidelines for risk management and internal audit for local government in NSW.

Internal Audit Charter



5.1.2 Within Council's structure, the Head of Internal audit performs a range of other, non-audit duties. Independence safeguards in relation to these duties are outlined in the Independence section below.

5.2 Service Provider

5.2.1 Council has contracted an external third-party provider to undertake its internal audit activities. To ensure the independence of the external provider, the Head of Internal Audit will ensure that the external provider:

- does not conduct any audits on specific Council operations or areas that they have worked on within the last two years.
- is not the same provider conducting Council's external audit.
- is not the auditor of any contractors of Council that may be subject to the internal audit, and
- can meet Council's obligations under the Guidelines for risk management and internal audit for local government in NSW.

5.2.2 The Head of Internal Audit must consult with the ARIC and General Manager regarding the appropriateness of the skills, knowledge and experience of any external provider before they are engaged by Council.

6 INDEPENDENCE:

6.1 Council's internal audit function is to be independent of Council so it can provide an unbiased assessment of Council's operations and risk and control activities.

~~6.1 The Head of Internal Audit reports functionally to the Council's ARIC on the results of completed audits, and for strategic direction and accountability purposes, and reports administratively to the General Manager to facilitate day-to-day operations. Internal audit activities are not subject to direction by the Council and Council's management has no role in the exercise of Council's internal audit activities.~~

6.2 The Head of Internal Audit reports functionally to the Council's ARIC on the results of completed audits, and for strategic direction and accountability purposes, and reports administratively to the General Manager to facilitate day-to-day operations. Internal audit activities are not subject to direction by the Council and Council's management has no role in the exercise of Council's internal audit activities.

6.23 To preserve independence internal auditors will provide a conflict of interests declaration annually, and when performing internal audit engagements.

6.24 Internal Audit staff and service providers shall report any situations where they feel their objectivity may be impaired.

Internal Audit Charter



- 6.25 All such instances of impairment, or perceived or actual conflicts of interest are to be immediately reported by the Head of Internal Audit to the General Manager or the chair of the ARIC.
- 6.26 The Head of Internal Audit is responsible for a range of non-audit functions and in this regard the following safeguards apply:
- a) When performing those duties, they are not acting in their internal audit role and the reporting lines specified in this Charter do not apply.
 - b) If an internal audit is required of one of the non-audit functions for which the Head of Internal Audit is responsible, the external service provider will report directly to the General Manager and the ARIC on the results of the audit.
- 6.37 The ARIC is responsible for communicating any internal audit issues or information to the Council. Should the Council require additional information, a request for the information may be made to the ARIC Chair by resolution. The ARIC Chair is only required to provide the information requested by the Council where the Chair is satisfied that it is reasonably necessary for the Council to receive the information for the purposes of performing its functions under the Local Government Act. Individual Councillors are not entitled to request or receive information from the Head of Internal Audit or the ARIC.
- 6.48 The General Manager must consult with the Chair of the ARIC before appointing or making decisions affecting the employment of the Head of Internal Audit. If the Head of Internal Audit is dismissed, the General Manager must report the reasons for their dismissal to the Council.
- 6.59 Where the Chair of the ARIC has any concerns about the treatment of the Head of Internal Audit, or any action taken that may compromise their ability to undertake their functions independently, they can report their concerns to the governing body. The ARIC, through the Chair, will contribute to the annual performance assessment of the Head of Internal Audit.
- 6.610 Where the Chair of the ARIC has any concerns about the treatment of the Head of Internal Audit, or any action taken that may compromise their ability to undertake their functions independently, they can report their concerns to the Council.
- 6.711 Head of Internal Audit is to confirm at least annually to the ARIC the independence of internal audit activities from Council.

7 CONDUCT OF STANDARDS:

- 7.1 Internal Audit (including service providers) must comply with Council's Code of Conduct. Complaints about breaches of Council's code of conduct by internal audit personnel are to be dealt with in accordance with the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW. The General Manager must consult with the ARIC

Internal Audit Charter



before any disciplinary action is taken against the Head of Internal Audit in response to a breach of Council's Code of Conduct. Declaration and management of conflicts of interest will occur in line with the requirements of the Code of Conduct.

- 7.2 Internal Audit will govern itself by adherence to mandatory guidance contained in the 'International Professional Practices Framework' (IPPF) including the Global Internal Audit Standards (GIAS) issued by the Institute of Internal Auditors (IIA) :

- 'Core Principles for the Professional Practice of Internal Auditing'.
- 'Definition of Internal Auditing'.
- 'Code of Ethics'.
- 'International Standards for the Professional Practice of Internal Auditing'.

- 7.3 This mandatory guidance constitutes the fundamental requirements for the professional practice of internal auditing and the principles against which to evaluate the effectiveness of Internal Audit performance.

- 7.4 Internal Audit, including service providers, will perform their work in accordance with the IPPF (GIAS). While the IPPF applies to all internal audit work, technology audits may also apply the ISACA standards contained in the 'Information Technology Assurance Framework' (ITAF). Where relevant the current Australian risk management standard will be applied.

8 AUTHORITY AND CONFIDENTIALITY:

- 8.1 Council authorises the internal audit to have full, free and unrestricted access to all functions, premises, assets, personnel, records and other documentation and information that the Head of Internal Audit considers necessary for internal audit to undertake its responsibilities.

- 8.2 All records, documentation and information accessed while undertaking internal audit activities are to be used solely for the conduct of those activities. The Head of Internal Audit and individual internal audit staff are responsible and accountable for maintaining the confidentiality of the information they receive when undertaking their work.

- 8.3 Service providers will be required to enter into confidentiality agreements as part of contract requirements.

- 8.34 All internal audit documentation, including service provider working papers, will remain the property of Council.

- 8.45 Information and documents pertaining to internal audit are not to be made publicly available. Internal audit may only release Council information to external parties that are assisting internal audit to undertake its responsibilities with the approval of the General Manager, except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

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9 PERFORMING INTERNAL AUDIT ACTIVITIES:

- 9.1 The work of Internal Audit is to be thoroughly planned and executed.
- 9.2 Internal audit must develop a strategic internal audit plan every four years and consider the matters listed in Schedule One when developing their risk-based program of internal audits. The strategic work plan must be reviewed at least annually to ensure it remains appropriate. Internal audit must also develop an annual work plan to guide the work of internal audit over the forward year. Both the strategic and annual plans should be reviewed and approved by Council's ARIC.
- 9.3 The Head of Internal Audit will:
- Provide the findings and recommendations of internal audits to the ARIC at the end of each audit. Each report is to include a response from the relevant senior manager.
 - Establish an ongoing monitoring system to follow up Council's progress in implementing corrective actions.
 - Develop and maintain policies and procedures to guide the operation of internal audit.
 - Ensure that the ARIC is advised at each meeting of the internal audit activities completed during that quarter, progress in implementing the annual work plan and progress made implementing corrective actions.
- 9.4 The Head of Internal Audit is responsible for developing and maintaining a Quality Assurance and Improvement Program that includes:
- a) Ongoing Internal Assessments including:
 - Supervision and review of internal audits.
 - Collecting feedback from management after each internal audit.
 - Performance assessments of service provider performance.
 - Results of Internal Audit key performance indicators.
 - b) Periodic Internal Assessments to be conducted annually:
 - Review of the Internal Audit Charter for conformance with the Standards.
 - Self-assessment of conformance with the Standards.
 - c) External Assessments conducted at least once every four years by a qualified, independent assessor or assessment team from outside Council.
- 9.5 Internal Audit performance will be evaluated and the results reported to the ARIC. This will include:
- a) Results of the Quality Assurance and Improvement Program;
 - b) Feedback from management of areas where internal audits have been performed; and
 - c) Performance of service providers.

Internal Audit Charter



9.6 Feedback on Internal Audit performance will be sought annually from members of the ARIC.

10. ADMINISTRATIVE ARRANGEMENTS:

10.1 ARIC meetings

10.1.1 The Head of Internal Audit:

- Will attend ARIC meetings as an independent non-voting observer. The Head of Internal Audit can be excluded from meetings by the ARIC at any time.
- Must meet separately with the ARIC at least once per year.
- Can meet with the Chair of the ARIC at any time, as necessary, between committee meetings.

10.2 Relationship with external audit

10.2.1 Internal and external audit activities will be coordinated to help ensure the adequacy of overall audit coverage and to minimise duplication of effort.

10.2.2 Periodic meetings and contact between internal and external audit shall be held to discuss matters of mutual interest and facilitate coordination.

10.2.3 External audit will have full and free access to all internal audit plans, working papers and reports.

10.3 Dispute resolution

10.3.1 Internal audit should maintain an effective working relationship with Council and the ARIC and seek to resolve any differences they may have in an amicable and professional way by discussion and negotiation.

10.3.2 In the event of a disagreement between internal audit and management, the dispute is to be resolved by the General Manager and/or the ARIC. Disputes between internal audit and the ARIC are to be resolved by the Council.

10.3.3 Unresolved disputes regarding compliance with statutory or other requirements are to be referred to the Departmental Chief Executive in writing.

10.4 Review arrangements

10.4.1 Council's ARIC will review the performance of the internal audit function each year and report its findings to the Council. In alignment with the OLG guidelines and IPPF/GIAS, a strategic review of the performance of internal audit must be conducted each council term that considers the views of an external party with a strong knowledge of internal audit by a qualified, independent external party, and be reported to the chair of the ARIC and the Council.

Internal Audit Charter



10.4.2 This charter is to be reviewed annually by the ARIC and once each council term by the governing body. Any substantive changes are to be approved by the governing body.

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Internal Audit Charter



SCHEDULE 1 – INTERNAL AUDIT RESPONSIBILITIES (Function coverage)

1 Internal audit

- Conduct internal audits as directed by Council's ARIC.
- Implement Council's annual and four-year strategic internal audit work plans.
- Monitor the implementation by Council of corrective actions.
- Assist Council to develop and maintain a culture of accountability and integrity.
- Facilitate the integration of risk management into day-to-day business activities and processes.
- Promote a culture of high ethical standards.

2. External audit

- Review all external plans and reports in respect of planned or completed audits and monitor Council's implementation of audit recommendations.
- Provide advice on action taken on significant issues raised in relevant external audit reports and better practice guides.

3. Risk management

Review and advise:

- if Council's has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard
- whether Council's risk management framework is adequate and effective for identifying and managing the risks Council faces, including those associated with individual projects, programs, WHS and other activities
- if risk management is integrated across all levels of Council and across all processes, operations, services, decision-making, functions and reporting
- of the adequacy of risk reports and documentation, for example, Council's risk register and risk profile
- whether a sound approach has been followed in developing risk management plans for major projects or undertakings
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- if Council has taken steps to embed a culture which is committed to ethical and lawful behaviour
- if there is a positive risk culture within Council and strong leadership that supports effective risk management
- of the adequacy of staff training and induction in risk management
- how Council's risk management approach impacts on Council's insurance arrangements.
- of the effectiveness of Council's management of its assets, and

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- of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.

4. Internal controls

Review and advise:

- whether Council's approach to maintaining an effective internal audit framework, including over external parties such as contractors and advisors, is sound and effective
- whether Council has in place relevant policies and procedures and that these are periodically reviewed and updated
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with
- if Council's monitoring and review of controls is sufficient, and
- if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately.

5. Compliance

Review and advise of the adequacy and effectiveness of Council's compliance framework, including:

- if Council has appropriately considered legal and compliance risks as part of Council's risk management framework
- how Council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, and
- whether appropriate processes are in place to assess compliance.

6. Fraud and corruption

Review and advise of the adequacy and effectiveness of Council's fraud and corruption prevention framework and activities, including whether Council has appropriate processes and systems in place to capture and effectively investigate fraud-related information.

7. Financial management

Review and advise:

- if Council's financial management processes are adequate
- the adequacy of cash management policies and procedures
- if there are adequate controls over financial processes, for example:
 - appropriate authorisation and approval of payments and transactions
 - adequate segregation of duties

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- timely reconciliation of accounts and balances
- review of unusual and high value purchases
- if policies and procedures for management review and consideration of the financial position and performance of Council are adequate
- if Council's grants and tied funding policies and procedures are sound.

8. Governance

Review and advise of the adequacy of Council governance framework, including Council's:

- Decision-making processes
- Implementation of governance policies and procedures
- Reporting lines and accountability
- Assignment of key roles and responsibilities
- Committee structure
- Management oversight responsibilities
- Human resources and performance management activities
- Reporting and communication activities
- Information and communications technology (ICT) governance, and
- Management and governance of the use of data, information and knowledge.

9. Strategic planning

Review and advise:

- of the adequacy and effectiveness of Council's integrated, planning and reporting (IP&R) processes
- If appropriate reporting and monitoring mechanisms are in place to measure progress against objectives, and
- Whether Council is successfully implementing and achieving its IP&R objectives and strategies.

10. Service reviews and business improvement

Review and advise:

- If Council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance
- If appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance, and
- How Council can improve its service delivery and Council's performance of its business and functions generally

Internal Audit Charter



11. Performance data and measurement

Review and advise:

- If Council has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives
- If the performance indicators Council uses are effective, and
Of the adequacy of performance data collection and reporting.

DRAFT

Internal Audit Charter



CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au			
EDRMS container No	PSC2015-01492	EDRMS record No	TBC
Audience	ARIC, internal audit function and internal auditors		
Process owner	Governance Section Manager		
Author	ARIC Chairperson		
Review timeframe	Annually by the ARIC Every Council term	Next review date	February 2025 February 2026
Adoption date	By the ARIC 22 February 2024 and Council 26 March 2024.		

VERSION HISTORY:

Version	Date	Author	Details
1.0	26 March 2024	ARIC Chairperson	New internal audit charter developed in accordance with the Risk Management and Internal Audit for Local Government in NSW Guidelines.

Internal Audit Charter



1.1	July 2025	ARIC Chairperson	The following clauses have been updated: 1.2 inserted 'mandated and'. 2.1 new clause inserted. 2.2 removed clause and renumbered 2.3. 6.1 new clause inserted. 6.2 new clause inserted and renumbered previous 6.2 to 6.7. 7.2 inserted reference to Global Internal Audit Standards (GIAS) and removed 4 dot points. 7.4 inserted (GIAS). 8.3 inserted new 8.3 and renumbered previous 8.3 to 8.4. 9.4 to 9.6 inserted new clauses. 10.4.1 updated clause. Updated version control.
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ITEM NO. 8

**FILE NO: 25/199556
EDRMS NO: PSC2015-01492**

**AUDIT, RISK AND IMPROVEMENT COMMITTEE - ANNUAL INTERNAL AUDIT
AND STRATEGIC PLAN 2025-2028**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorses the revised Annual Internal Audit and Strategic Plan 2025-2028 workplans of the Audit, Risk and Improvement Committee.
-

**ORDINARY COUNCIL MEETING - 23 SEPTEMBER 2025
MOTION**

225	Councillor Nathan Errington Councillor Jason Wells It was resolved that Council endorses the revised Annual Internal Audit and Strategic Plan 2025-2028 workplans of the Audit, Risk and Improvement Committee.
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Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to provide the revised Annual Internal Audit and Strategic Plan 2025-2028 workplans of the Audit, Risk and Improvement Committee (ARIC).

The ARIC is established under the Risk Management and Internal Audit for Local Government in NSW Guidelines (the Guidelines) released by the Office of Local Government and is required to comply with Section 428A of the Local Government Act 1993. The Guidelines came in effect from 1 July 2024.

MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025

The ARIC endorsed the revised Annual Internal Audit and Strategic Plan 2025-2028 workplans at its meeting on 24 July 2025. The workplans are shown at **(ATTACHMENT 1)**.

Please note that yellow highlighting in the attached documents indicates an amendment has been made and strikethrough text is to be deleted.

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

The ARIC is required to develop a strategic work plan every 4 years to ensure all matters listed in section 428A of the Local Government Act 1993 are reviewed by the committee and considered by the internal audit function.

The workplans are required to be adopted by the Council, however, Council must be careful not to direct the ARIC's work over the Council term. Council may request, by resolution, a variation to the strategic workplan, however, any variation will rest with the ARIC.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that non-compliance with the Risk Management and Internal Audit for Local	Low	Adopt the recommendation.	Yes

MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025

Government in NSW Guidelines should Council not endorse the report.			
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no direct implications arising from this report.

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.
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Internal communications and engagement

Consultation has been undertaken by the Governance Section with:

- General Manager's Office.
- Audit, Risk and Improvement Committee.

OPTIONS

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

ATTACHMENTS

- 1) Revised Annual Internal Audit and Strategic Plan 2025-2028 workplans.

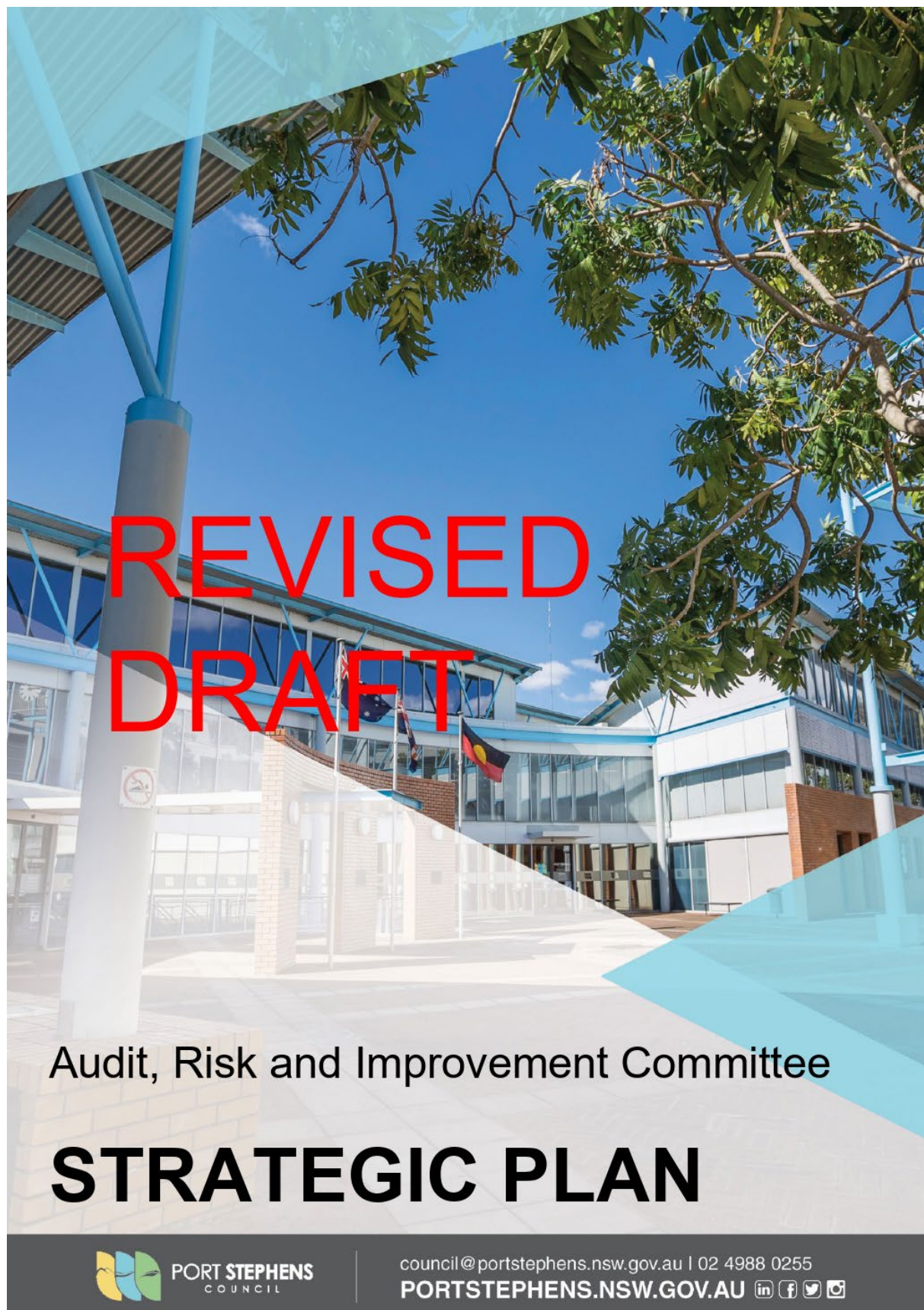
COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND
STRATEGIC PLAN 2025-2028 WORKPLANS.



**REVISED
DRAFT**

Audit, Risk and Improvement Committee

STRATEGIC PLAN

 **PORT STEPHENS
COUNCIL**

council@portstephens.nsw.gov.au | 02 4988 0255
PORTSTEPHENS.NSW.GOV.AU    

ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.**1. Introduction**

The Local Government Act 1993 (the Act), the Local Government (General) Regulation 2005²¹(the Regulation) and the Guidelines on Risk Management and Internal Audit require each council in NSW to have:

- an audit, risk and improvement committee that continuously reviews and provides independent advice to the council on how it is functioning and managing risk;
- a robust risk management framework that accurately identifies and mitigates the risks facing the council and its operations; and
- an effective internal audit function that provides independent advice as to whether the council is functioning effectively and the council's internal controls to manage risk are working.

The 3 mandatory governance mechanisms are vital to ensure that councils are doing the right things the best way they can for their communities and are on track to delivering their community's goals and objectives.

The Office of Local Government (OLG) has established the Risk Management and Internal Audit for local councils in NSW guidelines (the Guidelines), to assist councils to comply with statutory requirements under the Act and the Regulation. (Issued December 2023).

The Audit, Risk, and Improvement Committee (the **ARIC Committee**) is an advisory body only. It exercises no administrative functions, has no delegated financial responsibilities, and does not perform any management functions of council.

The **ARIC Committee** provides independent advice to the Council that is informed by Council's internal audit and risk management activities and information and advice provided by council staff, relevant external bodies, and other subject matter experts.

The strategic plan outlines the actions and activities that will be the focus of the **ARIC Committee** over its term - from 2024 - 2028.

ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.

2. Committee Membership

Membership of the ARIC is currently comprised of the following members:

- Deborah Goodyer - Independent Chair
- Frank Cordingley – Independent member
- Paul Dunn – Independent member
- Cr Jason Wells – councillor member (non-voting member)

AUDIT	RISK	IMPROVEMENT
- Internal audit charter - Internal audit strategic (Annual) plan - External audit of financial statements	- Risk management framework - Risk register – strategic, operational, project. - Fraud & corruption control framework - Governance framework - Internal control framework - Legislative compliance framework - Policy and procedure framework	- IP&R - Performance management framework - Service Review program

Internal Audit Arrangements

The IPPF refers to the Head of Internal Audit as the Chief Audit Executive, and the OLG Guidelines refer to this role as the Internal Audit Coordinator. At Port Stephens Council, the Head of Internal Audit is the Governance Section Manager and internal audits are undertaken by an external provider.

ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.

OPERATIONAL AREA	OBJECTIVES	ACTIONS/REPORTS
AUDIT	INTERNAL AUDIT Section 428A(2)(i) - Council has an effective internal audit function and receives maximum value from its internal audit activities.	
	Provide overall strategic oversight of internal audit activities including:	
	Act as a forum for communication between the Council , General Manager , senior management, the internal audit function and external audit.	• Regular attendance at ARIC meetings by each of the key participants. • ARIC meets (at least annually) with Internal audit and external audit. • ARIC agendas and minutes provided to council quarterly.
	Coordinate, the work programs of internal audit and other assurance and review functions. Review and advise the Council of the strategic four-year plan and annual work plan of internal audits to be undertaken by the Council's internal audit function.	• ARIC review and endorse strategic and annual internal audit plan. (annual) • ARIC review other work plans including service reviews, governance, risk and control assurance work to determine any overlap with proposed IA work. (annual per plan).
	Review and advise the Council if it is complying with internal audit requirements, including: • conformance with the International Professional Practices Framework (IPPF), • LG Regulations 2023, and Risk Management and Internal audit Guidelines (The Guidelines).	• Self-assessment against IPPF (IIA standards) (Annual) • Attestation per the OLG regulation and guidelines (Annual and each council term – 4 years) • Independent external quality assurance (EQA) (Each council term - 4 years).
	Review and advise the Council: • if the Council's Internal Audit Charter is appropriate • whether the internal audit policies and procedures and audit/risk methodologies used by the Council are suitable.	• Review and endorse any changes to the Internal audit charter (as required and as part of the annual review against the IPPF. • Review and advise on Internal audit procedures including the Quality Assurance and Improvement Program (QAIP).
	Review and advise the Council on whether the Council is providing the resources necessary to successfully deliver the internal audit function. Review and advise the Council if Council's internal audit activities are	• Internal Audit update report – Progress to plan. (quarterly) • Annual internal audit performance report (including assessments against IIA

Audit, Risk and Improvement Committee

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ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.

	effective, including the performance of the head of the internal audit function and internal audit function. Report the outcome of the review to council once each term. (s216R of LG Regulation 2023).	standards, results of QAIP and conformance against LG Regulations and Guidelines.
	Review and advise the Council if the internal audit function is structured appropriately and has sufficient skills and expertise to meet its responsibilities.	Communications between the General Manager, head of internal audit and Chair of the ARIC on annual performance appraisal of internal audit (in-house and external provider).
	Review and advise the Council on the appointment of the head of the internal audit function and external providers.	Consultation with ARIC independent chair in recruitment and/or EOI. (As required for end of term or vacancies).
	Review and advise the Council of the findings and recommendations of internal audits conducted, and corrective actions needed to address issues raised.	ARIC agendas and minutes provided to council quarterly.
	Review and advise the Council of the implementation by Council of corrective actions.	ARIC agendas and minutes provided to council quarterly.
AUDIT	EXTERNAL AUDIT Section 428A(2)(d) - Council receives maximum value from its external audit activities.	
	Act as a forum for communication between the Council, General Manager, senior management, the internal audit function, and external audit.	Regular attendance at ARIC meetings by each of the key participants.
	Coordinate as far as is practicable, the work programs of internal audit and external audit.	- Review and provide advice on the engagement plan for the external audit of council's financial statements. - Review and provide advice in relation to the Audit Office of NSW plan for performance audit coverage. - Review reports on progress on the financial statement audit and any relevant performance audit coverage.
	Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided.	
	Review all external plans and reports in respect of planned or completed audits and monitor Council's implementation of audit recommendations.	- Review reports on implementation of recommendations for improvement arising from: - External audit management letters
	Provide advice to Council and/or the General Manager on action taken on	

ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.

	significant issues raised in relevant external audit reports and better practice guides.	- Performance audit reports relevant to council - Significant changes or issues raised in better practice guides/standards. (quarterly – annually as required).
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OPERATIONAL AREA	OBJECTIVES	ACTIONS/REPORTS
RISK	RISK MANAGEMENT Section 428A(2)(b) - Council has an effective risk management framework and internal controls that successfully identify and manage the risks it faces.	
	Review and advise the Council: if the Council has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard.	• Report on review of the risk management framework against the Australian risk management framework and OLG guidelines. (Annual).
	Whether the Council is providing the resources necessary to successfully implement its risk management framework.	• Regular risk management update report. (Quarterly; as relevant).
	Whether the Council risk management framework is adequate and effective for identifying and managing the risks the Council faces, including those associated individual projects, programs, WHS and other activities.	• Regular risk register update on significant/emerging risks. • Project management update report. • WHS update report.
	If risk management is integrated across all levels of the Council and across all processes, operations, services, decision-making, functions and reporting.	• Risk management update report - periodic risk assessment process.
	Of the adequacy of risk reports and documentation, for example, the Council risk register and risk profile	
	Whether a sound approach has been followed in developing risk management plans for major projects or undertakings.	• Risk management update reports. • Project management update reports.
	Whether appropriate policies and procedures are in place for the management and exercise of delegations.	• Policy and procedure update report.
	If Council has taken steps to embed a culture which is committed to ethical and lawful behaviour.	• Reports on code of conduct, ethics and fraud & corruption control. • Staff survey results.

ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.

OPERATIONAL AREA	OBJECTIVES	ACTIONS/REPORTS
	If there is a positive risk culture within the Council and strong leadership that supports effective risk management.	Report on review of the risk management framework including any updates on: embedded culture, leadership, training and any concerns with operation of the framework.
	If the adequacy of staff training and induction in risk management.	As above.
	How the Council risk management approach impacts on the Council insurance arrangements.	Updates on insurable risk matters.
	Of the effectiveness of Council management of its assets.	Asset management updates as relevant in relation to identified risks, internal audit activities or financial statement preparation and audit.
	Of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.	Updates on BCP arrangements, DCPs and related matters.
RISK	Review and advise the Council: whether Council approach to maintaining an effective internal audit framework, including over external parties such as contractors and advisors, is sound and effective.	- Report on Internal Audit performance – Quality Assurance and Improvement Program. (Annual Self-Assessment) - Independent External Quality Assurance review of the Internal Audit function.
	Whether Council has in place relevant policies and procedures and that these are periodically reviewed and updated.	Update on policy and procedure management & related matters
	☐ whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with.	Risk management update report including; risk and control assessments.
	☐ if the Council monitoring and review of controls is sufficient.	As above.
	☐ if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately.	Report on implementation of audit recommendations.

ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.

OPERATIONAL AREA	OBJECTIVES	ACTIONS/REPORTS
RISK	COMPLIANCE FRAMEWORK Section 428A(2)(a) - Council has an effective compliance framework that ensures it is complying with its legal obligations and other governance and contractual requirements when undertaking its functions.	
	Review and advise the Council of the adequacy and effectiveness of the Council compliance framework, including: • if the Council has appropriately considered legal and compliance risks as part of the Council risk management framework • how the Council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, and • whether appropriate processes are in place to assess compliance.	• Report/update on legislative compliance framework including obligations register, risk assessment and significant breaches.
	FRAUD AND CORRUPTION CONTROL FRAMEWORK Section 428A(2)(c) - Council has an effective fraud and corruption control framework in place that minimises the incidence of fraud and corruption.	
	Review and advise the Council of the adequacy and effectiveness of the Council fraud and corruption prevention framework and activities, including whether the Council has appropriate processes and systems in place to capture and effectively investigate fraud-related information.	• Receive and review update report on: - fraud and corruption prevention framework, - and activities, including risk assessment, - PIDs/investigations and - Other fraud and corruption related matters.
	GOVERNANCE FRAMEWORK Section 428A(2)(e) - Council has an effective governance framework to ensure it is appropriately directing and controlling the management of the council.	
	Review and advise the Council regarding its governance framework, including the Council: • decision-making processes.	• Report/update on relevant governance matters including: - Structural arrangements - Delegations - Council resolutions.
	• implementation of governance policies and procedures.	• Various update reports outlined elsewhere in this plan. • Specific internal audit review reports.
	• reporting lines and accountability • assignment of key role and responsibilities • management oversight responsibilities.	
	• committee structure.	

Audit, Risk and Improvement Committee

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ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.

OPERATIONAL AREA	OBJECTIVES	ACTIONS/REPORTS
	human resources and performance management activities.	Various reports and activities including as part of internal audit plan – project objectives and scope.
	reporting and communication activities.	Various reports and activities including as part of internal audit plan – project objectives and scope.
	- information and communications technology (ICT) governance, and - management and governance of the use of data, information and knowledge	- Report/updates on ICT, cyber, data and information management. - GIPA/privacy management and breaches.
	FINANCIAL MANAGEMENT FRAMEWORK Section 428A(2)(d) - Council has an effective financial management framework, sustainable financial position and positive financial performance.	
	Compliance with accounting standards and external accountability requirements.	Finance and External audit Report/update including progress on preparation of financial statements and external audit thereof.
	Appropriateness of Council accounting policies and disclosures.	
RISK	Implications for Council of the findings of external audits and performance audits and Council responses and implementation of recommendations.	- Finance and External audit Report/update including: - engagement plan, - review of financial statements - interim and final management letter, - closing report, and - advice of performance audit program and reports on outcomes.
	Whether the Council financial statement preparation procedures and timelines are sound.	
	- Accuracy of the Council annual financial statements prior to external audit, including: - management compliance/representations - significant accounting and reporting issues - methods used by the Council to account for significant or unusual transactions and areas of significant estimates or judgements. - appropriate management signoff on the statements.	
	If effective processes are in place to ensure financial information included in the Council report is consistent with signed financial statements.	

ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.

OPERATIONAL AREA	OBJECTIVES	ACTIONS/REPORTS
RISK	If the Council financial management processes are adequate.	
	The adequacy of cash management policies and procedures.	- Finance and external audit report/update including: - review of notes to financial statements, - investment policy, and - Long term financial plan revisions.
	- If there are adequate controls over financial processes, for example: - appropriate authorisation and approval of payments and transactions - adequate segregation of duties - timely reconciliation of accounts and balances - review of unusual and high value purchases	- Report/update on risk management, - Reports by finance/external audit - external audit closing report and management letters. - Reports on any relevant exception testing or transaction analysis. - Internal audit reports for annual audits undertaken as part of SIAP.
	If policies and procedures for management review and consideration of the financial position and performance of the Council are adequate.	Report by finance - review LTFF and process for developing it.
	If Council grants and tied funding policies and procedures are sound.	Review of grant governance policies and processes – consider as part of review of SIAP and risk register updates (annual).

ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.

OPERATIONAL AREA	OBJECTIVES	ACTIONS/REPORTS
IMPROVEMENT	STRATEGIC PLANNING Section 428A (2)(f) - Council has an effective framework that ensures it achieves its strategic plans and objectives under the integrated planning and reporting (IP&R framework).	
	Review and advise the Council: - of the adequacy and effectiveness of the Council IP&R (Integrated Planning and Reporting) processes - if appropriate reporting and monitoring mechanisms are in place to measure progress against objectives,	- Report on IP&R plans (major revisions or significant matters identified through quarterly/annual reviews) - Long term financial planning - Workforce planning - Information on performance indicators setting and measuring performance.
	Whether the Council is successfully implementing and achieving its IP&R objectives and strategies.	
	SERVICE REVIEWS AND BUSINESS IMPROVEMENT Section 428A(2)(g), 428A(3) - Council has an effective framework to ensure it is delivering services and conducting its business and functions to an expected standard.	
	Act as a forum for communication and monitoring of any audits conducted by external bodies and the implementation of corrective actions (for example, NSW government agencies, Commonwealth government agencies, insurance bodies)	- Reports on new/relevant external audit or review for application to Council. (As they arise) - Updates on implementation of any relevant recommended improvements applied to Council (consider including in external/internal audit schedules- quarterly)
	Review and advise the Council: if Council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance	- Report/update on service review framework and planned program of work. (Annual) - Service review terms of reference (As relevant per program) - Reports on outcomes of service reviews. (As relevant per completion of programmed work)
	If appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance, and	- Per report on IP&R framework and periodic revisions. - Per Service Review reporting above.
	How the Council can improve its service delivery and the Council performance of its business and functions generally.	

ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.

OPERATIONAL AREA	OBJECTIVES	ACTIONS/REPORTS
IMPROVEMENT	PERFORMANCE DATA AND MANAGEMENT Section 428A(2)(h) - Council's performance management framework ensures council can measure its performance and achievement of its strategic goals. Review and advise the Council:	
	If Council has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives	• Per report on IP&R framework and periodic revisions. • Per Service Review reporting above. • Reports on Internal audits completed as part of the SIAP (Annual Plan) may include review and analysis of performance indicators, and associated data and reporting. (Quarterly on completion of IAs)
	If the performance indicators Council uses are effective, and	
	Adequacy of performance data collection and reporting	

ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.
Appendix A: Annual ARIC Work Plan – subject to variation as agreed between Council and the ARIC Chair

Elements of ARIC responsibilities/Terms of Reference to be considered.	Q1 July 24 25	Q2 October 24 25	Q3 February 25 26	Q4 May 25 26
General Responsibilities of the ARIC				
Members have maintained their independence and eligibility status.	- Member declarations of independence and eligibility - Member annual declarations of interest			
COIs declared.	COI declarations made as and when required.	COI declarations made as and when required.	COI declarations made as and when required.	COI declarations made as and when required.
Review and update ARIC terms of reference (TOR)	Report on revision of ARIC TOR			Report on revision of ARIC TOR
Hold at least 4 meetings p.a., at least quarterly – (require a quorum – 2 of 3 independents.	Attendance noted in minutes.	Attendance noted in minutes.	Attendance noted in minutes.	Attendance noted in minutes.

Audit, Risk and Improvement Committee

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ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.

Elements of ARIC responsibilities/Terms of Reference to be considered.	Q1 July 24 25	Q2 October 24 25	Q3 February 25 26	Q4 May 25 26
Annual assessment, and a strategic assessment each council term of ARIC review of the matters listed in section 428A of the Local Government Act 1993 during that term (Core requirement 1 of the Office of Local Government's Guidelines for Risk Management and Internal Audit for Local Government in NSW).	- Draft ARIC & IA annual performance report - Draft Attestation on OLG core requirements		Independent external quality assurance (EQA) (Each council term - 4 years) – completed July 2024, next due July 2028.	Draft attestation on OLG core requirements
a. Internal Audit Section 428A(2)(i) - Council has an effective internal audit function and receives maximum value from its internal audit activities. Provide overall strategic oversight of internal audit activities				
Coordinate, review and advise as far as is practicable, on the work programs of internal audit and other assurance and review functions.			- Review annual program of work for: - service review program - risk management and - planned governance work.	Review and endorse strategic and annual internal audit plan. (annual)
Review progress against the annual internal audit plan, ensuring that the plan is on track and/or that any emerging risks or concerns are considered for variation of the plan.	Internal audit progress report (to plan)	Internal audit progress report (to plan)	Internal audit progress report (to plan)	Internal audit progress report (to plan)

ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.

Elements of ARIC responsibilities/Terms of Reference to be considered.	Q1 July 24 25	Q2 October 24 25	Q3 February 25 26	Q4 May 25 26
	• Reports on completed IA reviews.	• Reports on completed IA reviews.	• Reports on completed IA reviews.	• Reports on completed IA reviews.
Review and advise the Council if it is complying with internal audit requirements, including conformance with the International Professional Practices Framework (IPPF), LG Regulations 2023, and Risk management and Internal audit guidelines. (Internal Audit Performance Reporting)	• Baseline self-assessment Attestation per the OLG regulation and guidelines (Annual and each council term — 4 years) — due July 2025 • Assessment of compliance with core requirement 3 and other requirement of OLG regulation and guidelines (Annual and each council	• Report on conformance with the new IIA standards.	• Independent external quality assurance (EQA) (Each council term - 4 years)	• Self-assessment against IPPF (IA standards) (Annual)

Audit, Risk and Improvement Committee

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ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.

Elements of ARIC responsibilities/Terms of Reference to be considered.	Q1 July 24 25	Q2 October 24 25	Q3 February 25 26	Q4 May 25- 26
	term – 4 years) • Self-assessment against IPPF/GIAS. (IIA standards) (Annual)			
Review and advise the Council: - if the Council's Internal Audit Charter is appropriate - whether the internal audit policies and procedures and audit/risk methodologies used by the Council are suitable.	Internal Audit report – revision of Internal Audit Charter including updates recommended as part of prior year assessment against IPPF.			
Review and advise the Council on whether the Council is providing the resources necessary to successfully deliver the internal audit function. Review and advise the Council if Council's internal audit activities are effective, including the performance of the head of the internal audit function and internal audit function.	Internal Audit update report – Progress to plan. (quarterly)	Internal Audit update report – Progress to	Internal Audit update report – Progress to	Internal Audit update report – Progress to plan. (quarterly)

ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.

Elements of ARIC responsibilities/Terms of Reference to be considered.	Q1 July 24 25	Q2 October 24 25	Q3 February 25 26	Q4 May 25 26
Report the outcome of the review to council once each term. (s216R of LG Regulation 2023)		plan. (quarterly)	plan. (quarterly)	• Annual internal audit performance report. Includes General Manager , Chair of the ARIC, and head of internal audit annual performance appraisal of internal audit (inhouse and external providers). (draft for ARIC review & feedback)
Review and advise the Council if the internal audit function is structured appropriately and has sufficient skills and expertise to meet its responsibilities.				
Review and advise the Council on the appointment of the head of the internal audit function and external providers.	• Consultation with ARIC independent chair in recruitment and/or EOI. (As required for end of term or vacancies).			
Review and advise the Council of the findings and recommendations of internal audits conducted, and corrective actions needed to address issues raised.	• ARIC agendas and minutes provided to council quarterly.			
Review and advise the Council of the implementation by Council of corrective actions.	• Report on implementation of audit recommendations (Internal and external audit)			

ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.

Elements of ARIC responsibilities/Terms of Reference to be considered.	Q1 July 24 25	Q2 October 24 25	Q3 February 25 26	Q4 May 25 26
	ARIC agendas and minutes provided to council quarterly.			
Provide advice, when requested, as arises, on the appointment of Internal Audit staff or contractors.	As arises – included in internal audit update report.	As arises – included in internal audit update report.	As arises – included in internal audit update report.	As arises – included in internal audit update report.
Internal Audit M meets at least annually, with the internal audit representative “in-camera” without the presence of management.				
b. External Audit Section 428A(2)(d) - Council receives maximum value from its external audit activities.				
Act as a forum for communication between the Council General Manager, senior management, the internal audit function, and external audit	Attendance by external audit representative and presentation of external audit matters.	Attendance by external audit representative and presentation of external audit matters.	Attendance by external audit representative and presentation of external audit matters.	Attendance by external audit representative and presentation of external audit matters.
Coordinate, the work programs of internal audit and external audit			Compare external audit engagement plan and IA plan.	
Provide input and feedback on the financial statement and performance audit coverage proposed by external			Finance and external audit	

ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.

Elements of ARIC responsibilities/Terms of Reference to be considered.	Q1 July 24 25	Q2 October 24 25	Q3 February 25 26	Q4 May 25- 26
audit and provide feedback on the audit services provided.			update – review of engagement plan.	
Review all external plans and reports in respect of planned or completed audits and monitor Council's implementation of audit recommendations. Provide advice to Council and/or General Manager on action taken on significant issues raised in relevant external audit reports and better practice guides	Review of draft/ audited financial statements, interim and final management letters, and closing report.	- Review reports on implementation of recommendations for improvement arising from: - External audit management letters - Performance audit reports relevant to council - Significant changes or issues raised in better practice guides/standards. (quarterly – annually as required)		
Meet at least annually with the external audit representative, "in-camera", without the presence of management.				
c. Risk Management Section 428A(2)(b) - Council has an effective risk management framework and internal controls that successfully identify and manage the risks it faces.				
Review and advise the Council on risk management matters as follows.	- Risk management update report or specific reports covering: - review of the risk management framework against the Australian risk management framework and OLG guidelines. (Annual) - periodic risk assessment process. - significant/emerging risks. - Project management update and associated risks. <i>Schedule report content quarterly or otherwise to meet each requirement</i>			

ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.

Elements of ARIC responsibilities/Terms of Reference to be considered.	Q1 July 24 25	Q2 October 24 25	Q3 February 25 26	Q4 May 25- 26
Whether a risk management framework is established and operating consistent with the Australian risk management standard.	• Report on review of the risk management framework including any updates on: embedded culture, leadership, training and any concerns with operation of the framework. (Once per Council term or in response to significant changes)	• Risk management update reports (including WHS as appropriate). • Major Project or undertakings report	• Risk management update reports (including WHS as appropriate). • Major Project or undertakings report	• Risk management update reports (including WHS as appropriate). • Major Project or undertakings report • Reports on code of conduct, ethics, and fraud & corruption control. • Staff survey results.
Whether the Council is providing the resources necessary to successfully implement its risk management framework.				
Whether the Council risk management framework is adequate and effective for identifying and managing the risks the Council faces, including those associated individual projects, programs, WHS and other activities.				
If risk management is integrated across all levels of the Council and across all processes, operations, services, decision-making, functions, and reporting.				
Adequacy of risk reports and documentation, for example, the Council risk register and risk profile				
Whether a sound approach has been followed in developing risk management plans for major projects or undertakings.				
Whether appropriate policies and procedures are in place for the management and exercise of delegations.				
If Council has taken steps to embed a culture which is committed to ethical and lawful behaviour				
If there is a positive risk culture within the Council and strong leadership that supports effective risk management.				
If the adequacy of staff training and induction in risk management.				

ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.

Elements of ARIC responsibilities/Terms of Reference to be considered.	Q1 July 24 25	Q2 October 24 25	Q3 February 25 26	Q4 May 25 26
	• Reports on code of conduct, ethics and fraud & corruption control. • Staff survey results.			
How the Council risk management approach impacts on the Council insurance arrangements.	• Updates on insurable risk matters.			
Effectiveness of Council management of its assets.	• Asset management updates as relevant in relation to identified risks, internal audit activities or financial statement preparation and audit.			
Effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.	• Updates on BCP arrangements,			

ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.

Elements of ARIC responsibilities/Terms of Reference to be considered.	Q1 July 24 25	Q2 October 24 25	Q3 February 25 26	Q4 May 25- 26
	DCPs and related matters.			
Review and advise the Council: whether Council approach to maintaining an effective internal control framework, including over external parties such as contractors and advisors, is sound and effective.	Covered in internal audit update reports, internal audit review reports, risk management, compliance, and finance/external audit reports.			
Whether Council has in place relevant policies and procedures and that these are periodically reviewed and updated.		- Policy and procedure update report – management and compliance - Internal audit review reports		- Policy and procedure update report – management and compliance - Internal audit review reports
Whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with.				
Council monitoring and review of controls is sufficient.	Risk management update reports.	Risk management update reports.	Risk management update reports.	Risk management update reports.
Internal and external audit recommendations to correct internal control weaknesses are implemented appropriately.	Report on implementation of audit recommendations	Report on implementation of audit recommendations	Report on implementation of audit recommendations	Report on implementation of audit recommendations

ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.

Elements of ARIC responsibilities/Terms of Reference to be considered.	Q1 July 24 25	Q2 October 24 25	Q3 February 25 26	Q4 May 25 26
	(Internal and external audit)	(Internal and external audit)	(Internal and external audit)	(Internal and external audit)
d. Compliance Section 428A(2)(a) - Council has an effective compliance framework that ensures it is complying with its legal obligations and other governance and contractual requirements when undertaking its functions. Review and advise on the adequacy and effectiveness of the Council's compliance framework, including:				
if the Council has appropriately considered legal and compliance risks as part of the Council's risk management framework (Content of compliance register, and risk management)	• Compliance update report. • Internal audit review reports. • Compliance update report. • Internal audit review reports. • Compliance update report. • Internal audit review reports. • Compliance update report. • Internal audit review reports.			
how the Council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, (Framework design & operation)				
whether appropriate processes are in place to assess compliance. (Framework policies, operation of register, any breaches and assurance over compliance)				
e. Fraud and corruption Section 428A(2)(c) - Council has an effective fraud and corruption control framework in place that minimises the incidence of fraud and corruption.				
Review and advise the Council of the adequacy and effectiveness of fraud and corruption prevention framework and activities, including whether the Council has appropriate processes and systems in place	• Receive and review update report on: - fraud and corruption prevention framework, - progress on corruption prevention plan/strategies			

ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.

Elements of ARIC responsibilities/Terms of Reference to be considered.	Q1 July 24 25	Q2 October 24 25	Q3 February 25 26	Q4 May 25-26
Review and monitor the Fraud and corruption prevention plan/strategy – progress and appropriateness of.	- fraud and corruption risk assessment, - PIDs/investigations and - Other fraud and corruption related matters.			
Fraud and corruption risk assessments				
Management of reports/investigations, risks, and emerging trends.				
f. Governance Section 428A(2)(e) - Council has an effective governance framework to ensure it is appropriately directing and controlling the management of the council. Review and advise the Council regarding its governance framework, including:				
Decision-making processes				• Governance Report/update: - Structural arrangements - Delegations - Council resolutions
Implementation of governance policies and procedures		• Report/update on policy management		
Reporting lines and accountability, assignment of key role and responsibilities and management oversight responsibilities	• Various – including internal audit reviews.			
Committee structure	• Various – including internal audit reviews.			

ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.

Elements of ARIC responsibilities/Terms of Reference to be considered.	Q1 July 24 25	Q2 October 24 25	Q3 February 25 26	Q4 May 25- 26
Human resources and performance management activities	- Performance appraisals, performance management - various internal audit reviews.	various internal audit reviews.	various internal audit reviews.	various internal audit reviews.
Reporting and communication activities	Various – including internal audit reviews.			
Information and communications technology (ICT) governance	Report on ICT, Cyber security and other ICT governance, control and review matters.	Report on ICT, Cyber security and other ICT governance, control and review matters.	Report on ICT, Cyber security and other ICT governance, control and review matters.	Report on ICT, Cyber security and other ICT governance, control and review matters.
Management and governance of the use of data, information and knowledge	Data and information management report, including; privacy, GIPA, breaches, etc. (at least annually and as arises)			
g. Financial Management				

ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.

Elements of ARIC responsibilities/Terms of Reference to be considered.	Q1 July 24 25	Q2 October 24 25	Q3 February 25 26	Q4 May 25 26
Section 428A(2)(d) - Council has an effective financial management framework, sustainable financial position and positive financial performance.				
Regular quarterly report/update on finance and external audit matters or specific reports to consider coverage of the following financial management matters including; - engagement plan, - review of financial statements - interim and final management letter, - closing report - advice of NSW AO performance audit program and reports on outcomes.				
Compliance with accounting standards and external accountability requirements.	Finance and External audit Report/update including progress on preparation of financial statements and external audit thereof.			
Appropriateness of Council accounting policies and disclosures				
Implications for Council of the findings of external audits and performance audits and Council responses and implementation of recommendations	• Finance and External audit Report/update			
Whether the Council financial statement preparation procedures and timelines are sound				
Accuracy of the Council annual financial statements prior to external audit, including: - management compliance/representations - significant accounting and reporting issues - methods used by the Council to account for significant or unusual transactions and areas of significant estimates or judgements.		Report of the annual statements post audit.		

ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.

Elements of ARIC responsibilities/Terms of Reference to be considered.	Q1 July 24 25	Q2 October 24 25	Q3 February 25 26	Q4 May 25- 26
- appropriate management signoff on the statements				
Effective processes are in place to ensure financial information included in the Council report is consistent with signed financial statements		• Finance/External audit report		
Financial management processes are adequate	• Finance/External audit report • IP&R report – budgets, LTFP as relevant	• Finance/External audit report – including review of financial statements.	• Finance/External audit report • IP&R report – budgets, LTFP as relevant	• Finance/External audit report • IP&R report – budgets, LTFP as relevant
Adequacy of cash management policies and procedures				
Controls over financial processes, for example: - appropriate authorisation and approval of payments and transactions - adequate segregation of duties - timely reconciliation of accounts and balances - review of unusual and high value purchases	• Finance/External audit report – including exception reporting etc by finance, external audit findings, management letter/s. • Various – including internal audit reviews.			
If policies and procedures for management review and consideration of the financial position and performance of the Council are adequate	• Report by finance - review LTFP and process for developing it.			

ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.

Elements of ARIC responsibilities/Terms of Reference to be considered.	Q1 July 24 25	Q2 October 24 25	Q3 February 25 26	Q4 May 25 26
If Council grants and tied funding policies and procedures are sound.				Review of grant governance policies and processes – consider as part of review of SIAP and risk register updates (annual)
h. Strategic Planning Section 428A (2)(f) - Council has an effective framework that ensures it achieves its strategic plans and objectives under the integrated planning and reporting (IP&R framework). Review and advise the Council: Regular report on IP&R or specific reports with coverage of: - plans (major revisions or significant matters identified through quarterly/annual reviews) - Long term financial planning - Workforce planning - Strategic Asset Management Plan (SAMP) - Information on performance indicators setting and measuring performance.				

ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.

Elements of ARIC responsibilities/Terms of Reference to be considered.	Q1 July 24 25	Q2 October 24 25	Q3 February 25 26	Q4 May 25- 26
Adequacy and effectiveness of the Council IP&R (Integrated Planning and Reporting) processes		Annual Report		
Appropriate reporting and monitoring mechanisms are in place to measure progress against objectives		Annual Report		
Whether Council is successfully implementing and achieving its IP&R objectives and strategies.		Annual Report		
i. Service Reviews and Business Improvement Section 428A(2)(g), 428A(3) - Council has an effective framework to ensure it is delivering services and conducting its business and functions to an expected standard.				
Act as a forum for communication and monitoring of any audits conducted by external bodies and the implementation of corrective actions (for example, NSW government agencies, Commonwealth government agencies, insurance bodies)	• Reports on external performance audits or reviews, ICAC reports or other for relevance to Council. (As they arise) • Updates on implementation of any relevant recommended improvements applied to Council (consider including in			

Audit, Risk and Improvement Committee

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ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.

Elements of ARIC responsibilities/Terms of Reference to be considered.	Q1 July 24 25	Q2 October 24 25	Q3 February 25 26	Q4 May 25-26
	external/internal audit schedules- quarterly)			
Review and advise if Council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance	• Report/update on service review framework and planned program of work. (Annual) • Service review terms of reference (As relevant per program) • Reports on outcomes of service reviews. (As relevant per completion of programmed work)			
if appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance how the Council can improve its service delivery and the Council performance of its business and functions generally.	• Per report on IP&R framework and periodic revisions. • Per Service Review reporting above.			
j. Performance Data and management Section 428A(2)(h) - Council's performance management framework ensures council can measure its performance and achievement of its strategic goals.				
Various quarterly update reports and specific reports providing coverage including: • Per report on IP&R framework and periodic revisions. • Per Service Review reporting above. • Reports on Internal audits completed as part of the SIAP (Annual Plan) may include review and analysis of performance indicators and associated data and reporting. (Quarterly on completion of IAs)				
If Council has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives				IP&R draft documents

Audit, Risk and Improvement Committee

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ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND STRATEGIC PLAN 2025-2028 WORKPLANS.

Elements of ARIC responsibilities/Terms of Reference to be considered.	Q1 July 24 25	Q2 October 24 25	Q3 February 25 26	Q4 May 25- 26
If the performance indicators Council uses are effective		Annual Report		IP&R draft documents
Adequacy of performance data collection and reporting		Annual Report		IP&R draft documents

**ITEM 8 - ATTACHMENT 1 REVISED ANNUAL INTERNAL AUDIT AND
STRATEGIC PLAN 2025-2028 WORKPLANS.**



PORT STEPHENS
COUNCIL

**Audit, Risk and Improvement Committee
Strategic Plan**

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PORTSTEPHENS.NSW.GOV.AU    

ITEM NO. 9

**FILE NO: 25/201573
EDRMS NO: PSC2024-03632**

**PROPOSAL TO ALTER THE PORT STEPHENS LOCAL GOVERNMENT
BOUNDARIES**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receives and notes the report.
-

**ORDINARY COUNCIL MEETING - 23 SEPTEMBER 2025
MOTION**

226	Councillor Giacomo Arnott Councillor Rosalyn Armstrong It was resolved that Council: 1) Receives and notes the report. 2) Requests the General Manager to prepare a proposal to alter the Port Stephens Local Government boundaries, to ensure that: a) The water-based boundaries with Maitland Council are all along the middle of the Hunter River. b) The water-based boundaries with Newcastle Council are all along the middle of the Hunter River, up to Fullerton Cove (Smiths Island), beyond which point the current mapping shall be retained. c) The water-based boundaries with Mid-Coast Council, from Yacaaba Head, along Jimmys Beach, and to Corrie Island, are moved 1KM from the coast. c) Requests the General Manager to report back to the Council with the proposed new mapping, prior to that mapping being shared with the other relevant Councils to seek agreement. d) Agrees that this proposal will only be progressed if qualified consulting services will not be required and the work involved is managed within the existing budget.
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Councillor Chris Doohan left the meeting at 7:18pm.
Councillor Chris Doohan returned to the meeting at 7:24pm.

Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Nathan Errington, Peter Francis, Ben Niland and Jason Wells.

Those against the Motion: Crs Chris Doohan, Paul Le Mottee and Mark Watson.

The motion was carried.

BACKGROUND

The purpose of this report is to inform Council of the outcome of the resolutions relating to the Notice of Motion of 9 July 2024 and the Council resolution of 25 March 2025, both at shown at **(ATTACHMENT 1)**.

Council, at its meeting on 9 July 2024 contained in **(ATTACHMENT 1)**, considered a Notice of Motion to alter the local government boundaries with neighbouring councils. At its meeting Council resolved:

- 1) Notes that Port Stephens Local Government Area (LGA) boundaries go all the way to the water's edge of Tea Gardens, Hawks Nest and, generally, to the north of Port Stephens water body.
- 2) Notes that Port Stephens LGA boundaries only go up to the mean high-water mark on the Raymond Terrace side of the Hunter River at Raymond Terrace.
- 3) Notes that these 2 examples of Port Stephens LGA boundaries, along with other extents of the LGA boundary in water bodies, have technical implications for coastal management, levee management, consultation with Government agencies, and other administrative issues.
- 4) Agrees that consideration be given for the LGA boundary in a water body to be in the middle of the water body between a neighbouring Council, to ensure each Council is responsible for its own shoreline.
- 5) Requests the General Manager commence consultation with neighbouring Local Government Areas on making a joint submission under s218E of the Local Government Act, with a view towards adjusting the boundaries of Port Stephens and all surrounding Councils, to ensure water borders are in the middle of the body of water that separates each Council area.
- 6) Requests the General Manager to, at the conclusion of that consultation, prepare a further report to Council further detailing the resources required, jointly if possible with other neighbouring Councils, to submit a case for change to the Minister for Local Government under s218E of the Local Government Act.

Council, at its meeting held on 25 March 2025 **(ATTACHMENT 1)**, considered a report with the response from MidCoast Council.

At the meeting of 25 March 2025, it was resolved:

- 1) Notes the response from MidCoast Council, and notes its disappointment with the lack of response from Maitland and Newcastle Councils.
- 2) Agrees to write to the Mayor of Maitland Council, the Lord Mayor of Newcastle Council, the General Manager of Maitland Council and the Chief Executive Officer of Newcastle Council, reiterating Port Stephens Council's request to consult on whether to submit a joint submission to adjust boundaries. The matter should return to Council once a response is received, or in 3 months, whichever occurs first.
- 3) Requests the General Manager present a two-way briefing outlining the expected cost of a submission, as well as the topics such a submission would need to cover, and whether that cost is legally able to be shared between Councils.

Responses have been received from the City of Newcastle (CN) and Maitland City Council (MCC). MidCoast Council previously provided a response. A copy of the MidCoast Council feedback is provided as an attachment to the report considered at the Council meeting on 25 March 2025 at **(ATTACHMENT 1)**.

Council wrote to CN and MCC following 25 March 2025, and the responses are provided below:

City of Newcastle

The City of Newcastle have no in-principle concerns to the proposal to alter the local government boundary between Port Stephens Council (PSC) and the CN, however, they have advised it is not a priority for CN. Further, CN noted they are not aware of any current or previous significant issues of concerns between the 2 council areas that would relate to the current boundary. A copy of the response is shown at **(ATTACHMENT 2)**.

CN has advised that should the proposal to alter the LGA boundary in the water body to be in the middle of the water body proceed, CN would require assurance:

- 1) Each council remains responsible for its own shoreline.
- 2) No change to current operational/management arrangements.
- 3) No impact on communities.
- 4) No cost to CN.
- 5) CN will not commit significant time/resources but would review a submission prepared by PSC.

The response from CN would appear to meet the requirement of the Notice of Motion that each council be responsible for its own shoreline.

Maitland City Council

MCC have provided in-principle support for the proposal to alter the local government boundary between MCC and PSC, and to progress the appropriate due diligence with PSC. A copy of the response is shown at **(ATTACHMENT 3)**.

MidCoast Council

MidCoast Council does not agree with the view held by PSC and, therefore, cannot support the proposed boundary changes. The response noted suitable governance arrangements are already in place to facilitate coastal planning and other management considerations that have cross-boundary implications. Further, it noted that the substantive coastal management issues relevant to the northern foreshore are above the mean high-water level and, therefore, the LGA boundary. MidCoast Council holds the view that there are no impediments created by the current LGA boundary to coastal planning that would warrant such a significant alteration. A copy of the response is shown at **(ATTACHMENT 4)**.

Should Council be minded to progress the review of the local government boundary, the in-principle support from City of Newcastle and Maitland City Council would support further discussions with both councils and a future workshop with the Mayor and Councillors on the discussions with the City of Newcastle and Maitland City Council.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025-2029
Resources and finance	Deliver Governance Services and internal audit program

FINANCIAL/RESOURCE IMPLICATIONS

Initial enquiries have been made with the Office of Local Government and it would appear a submission may not require suitable qualified consulting services to prepare a comprehensive submission to the Minister for Local Government, however, should such services be required there is no existing budget.

Any submission will be required to cover all legislation requirements outlined in this report.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Subject to the need of suitable qualified consulting services. There is no budget for such services.

MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025

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

LEGAL, POLICY AND RISK IMPLICATIONS

Section 218E of the Local Government Act 1993 (LG Act) (**ATTACHMENT 5**), gives Council the ability to initiate a proposal to alter its local government boundary (LGB) with adjoining local government areas.

The Office of Local Government has informed Council the proposal would need to meet the requirements of section 263(3) of the LG Act (**ATTACHMENT 6**), in addition to section 218E above.

It would be prudent to have the full support of neighbouring councils prior to lodging an application to alter the local government boundaries. The views of the respective councils are shown in (**ATTACHMENTS 2, 3 and 4**).

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the PSC ratepayers could be financially disadvantaged as a result of the proposed boundary changes.	Low	Adopt the recommendation.	Yes.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The social, economic and environmental implications would form part of the full cost-benefit analysis and other supporting documentation.

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.

MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 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	Council consulted with the City of Newcastle, Maitland City Council and MidCoast Council.
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Internal communications and engagement

Consultation has been undertaken by the Governance Section with:

- Assets Section.
- Strategy and Environment Section.

OPTIONS

- 1) Accept the recommendation.
- 2) That Council commence discussions with the City of Newcastle and Maitland City Council to progress the local government boundary review.
- 3) That Council not proceed with the review of the local government boundary.

ATTACHMENTS

- 1) Council Meeting Minutes excerpt 25 March 2025.
- 2) City of Newcastle correspondence.
- 3) Maitland City Council correspondence.
- 4) MidCoast Council correspondence.
- 5) Section 218E of the Local Government Act 1993.
- 6) Section 263 of the Local Government Act 1993.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 9 - ATTACHMENT 1 COUNCIL MEETING MINUTES EXCERPT 25 MARCH 2025.**MINUTES ORDINARY COUNCIL - 25 MARCH 2025****ITEM NO. 4****FILE NO: 25/17198
EDRMS NO: PSC2024-03632****INITIATION OF A PROPOSAL TO ALTER THE PORT STEPHENS LOCAL GOVERNMENT BOUNDARIES****REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER
DIRECTORATE: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT COUNCIL:**

- 1) Receives and notes the report.

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

063	Councillor Giacomo Arnott Councillor Rosalyn Armstrong It was resolved that Council: 1) Notes the response from MidCoast Council, and notes its disappointment with the lack of response from Maitland and Newcastle councils. 2) Agrees to write to the Mayor of Maitland Council, the Lord Mayor of Newcastle Council, the General Manager of Maitland Council and the Chief Executive Officer of Newcastle Council, reiterating Port Stephens Council's request to consult on whether to submit a joint submission to adjust boundaries. The matter should return to Council once a response is received, or in 3 months, whichever occurs first. 3) Requests the General Manager present a two-way briefing outlining the expected cost of a submission, as well as the topics such a submission would need to cover, and whether that cost is legally able to be shared between Councils.
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Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Nathan Errington, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

ITEM 9 - ATTACHMENT 1 COUNCIL MEETING MINUTES EXCERPT 25 MARCH 2025.**MINUTES ORDINARY COUNCIL - 25 MARCH 2025****BACKGROUND**

The purpose of this report is to inform Council of the response to consultation with adjoining councils concerning a proposal to alter the Port Stephens Local Government boundary.

Council, at its meeting on 9 July 2024, considered a Notice of Motion to alter the local government boundaries with neighbouring councils. A copy of the Notice of Motion is shown at **(ATTACHMENT 1)**.

At its meeting Council resolved:

- 1) Notes that Port Stephens Local Government Area (LGA) boundaries go all the way to the water's edge of Tea Gardens, Hawks Nest and, generally, to the north of Port Stephens water body.
- 2) Notes that Port Stephens LGA boundaries only go up to the mean high water mark on the Raymond Terrace side of the Hunter River at Raymond Terrace.
- 3) Notes that these 2 examples of Port Stephens LGA boundaries, along with other extents of the LGA boundary in water bodies, have technical implications for coastal management, levee management, consultation with Government agencies, and other administrative issues.
- 4) Agrees that consideration be given for the LGA boundary in a water body to be in the middle of the water body between a neighbouring Council, to ensure each Council is responsible for its own shoreline.
- 5) Requests the General Manager commence consultation with neighbouring Local Government Areas on making a joint submission under s218E of the Local Government Act, with a view towards adjusting the boundaries of Port Stephens and all surrounding Councils, to ensure water borders are in the middle of the body of water that separates each Council area.
- 6) Requests the General Manager to, at the conclusion of that consultation, prepare a further report to Council further detailing the resources required, jointly if possible with other neighbouring Councils, to submit a case for change to the Minister for Local Government under s218E of the Local Government Act.

Council wrote to City of Newcastle, Maitland City Council and MidCoast Council in early September 2024, given the timing of the local government elections. A response has been received from MidCoast Council and is at **(ATTACHMENT 2)**. Further correspondence was forwarded to the remaining councils with no response forthcoming to date.

MidCoast Council does not agree with the view held by Port Stephens Council and, therefore, cannot support the proposed boundary changes. The response noted suitable governance arrangements are already in place to facilitate coastal planning

**ITEM 9 - ATTACHMENT 1 COUNCIL MEETING MINUTES EXCERPT 25
MARCH 2025.****MINUTES ORDINARY COUNCIL - 25 MARCH 2025**

and other management considerations that have cross-boundary implications. Further, it noted that the substantive coastal management issues relevant to the northern foreshore are above the mean high-water level and, therefore, the local government area (LGA) boundary. MidCoast Council holds the view that there are no impediments created by the current LGA boundary to coastal planning that would warrant such a significant alteration.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Governance	Deliver governance services and internal audit program

FINANCIAL/RESOURCE IMPLICATIONS

There is no existing budget to engage suitable qualified consulting services to prepare a comprehensive submission to the Minister for Local Government.

Council would need to engage consulting services to prepare the submission, engage suitable qualified surveyors to establish the actual new boundaries, engage and examine the attitude of the ratepayers and residents, including providing the financial advantages and disadvantages to the community and Council and any impact on operational staffing for ongoing maintenance. A full cost-benefit analysis would be required.

Should a full surveyor be required it is estimated the costs may be in the vicinity of \$20,000 to \$50,000. Past merger proposals have been in excess of \$60,000 without any survey works. A full expression of interest would need to be called to determine an exact costing.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Section 218E of the Local Government Act 1993, gives Council the ability to initiate a proposal to alter its local government boundary (LGB) with adjoining local government areas.

ITEM 9 - ATTACHMENT 1 COUNCIL MEETING MINUTES EXCERPT 25 MARCH 2025.**MINUTES ORDINARY COUNCIL - 25 MARCH 2025****Section 218E – Who may initiate a proposal**

- (1) A proposal may be made by the Minister or it may be made to the Minister by a council affected by the proposal or by an appropriate minimum number of electors.
- (2) An appropriate minimum number of electors is--
 - (a) if a proposal applies to the whole of one or more areas, 250 of the enrolled electors for each area or 10 per cent of them, whichever is the greater, or
 - (b) if a proposal applies to part only of an area, 250 of the enrolled electors for that part or 10 per cent of them, whichever is the lesser.

A proposal to alter the LGB boundary would require the development of a comprehensive submission taking into account a number of factors such as, but not limited to:

- financial advantages/disadvantages
- the community of interest and geographic cohesion
- attitude of residents and ratepayers
- requirements of the area concerned in relation to elected representation for residents and ratepayers at the local level
- any impact on council operations and staff, and
- any impact on rural communities in the areas concerned.

The submission is made to the Minister for Local Government and it is then a matter for the Minister to forward to the NSW Local Government Boundaries Commission for review and report to the Minister.

Upon receipt of the Commission's report, the Minister can then make a decision on the LGB alteration.

The Minister may direct the Commission to hold a public hearing on any proposal. Based on MidCoast Council's correspondence, there would be little benefit to altering the boundary with MidCoast Council without support of the application to the Minister. Similarly, there appears to be little interest from the City of Newcastle and Maitland City Council.

It would be prudent to have the support of neighbouring councils prior to lodging an application to alter the local government boundaries.

ITEM 9 - ATTACHMENT 1 COUNCIL MEETING MINUTES EXCERPT 25 MARCH 2025.
MINUTES ORDINARY COUNCIL - 25 MARCH 2025

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Port Stephens Council ratepayers could be disadvantage financially as a result of the boundary changes.	Low	Adopt the recommendation.	Yes.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The social, economic and environmental implications would form part of the full cost-benefit analysis and other supporting documentation.

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	Council consulted with the City of Newcastle, Maitland City Council and MidCoast Council.
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**ITEM 9 - ATTACHMENT 1 COUNCIL MEETING MINUTES EXCERPT 25
MARCH 2025.**

MINUTES ORDINARY COUNCIL - 25 MARCH 2025

Internal communications and engagement

The Assets Section was consulted as part of the internal communications and engagement.

OPTIONS

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

ATTACHMENTS

- 1) Notice of Motion - 9 July 2024.
- 2) MidCoast Council response.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

**ITEM 9 - ATTACHMENT 1 COUNCIL MEETING MINUTES EXCERPT 25
MARCH 2025.**

MINUTES ORDINARY COUNCIL - 25 MARCH 2025

ITEM 4 - ATTACHMENT 1 NOTICE OF MOTION - 9 JULY 2024.

MINUTES ORDINARY COUNCIL - 9 JULY 2024

NOTICE OF MOTION

ITEM NO. 1

**FILE NO: 24/156940
EDRMS NO: PSC201-04195**

**INITIATION OF A PROPOSAL TO ALTER THE PORT STEPHENS LOCAL
GOVERNMENT BOUNDARIES**

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes that Port Stephens Local Government Area (LGA) boundaries go all the way to the water's edge of Tea Gardens, Hawks Nest and, generally, to the north of Port Stephens water body.
- 2) Notes that Port Stephens LGA boundaries only go up to the mean high water mark on the Raymond Terrace side of the Hunter River at Raymond Terrace.
- 3) Notes that these 2 examples of Port Stephens LGA boundaries, along with other extents of the LGA boundary in water bodies, have technical implications for coastal management, levee management, consultation with Government agencies, and other administrative issues.
- 4) Agrees that its preference is for the LGA boundary in a water body to be in the middle of the water body between a neighbouring Council, to ensure each Council is responsible for its own shoreline.
- 5) Requests the General Manager commence consultation with neighbouring Local Government Areas on making a joint submission under s218E of the Local Government Act, with a view towards adjusting the boundaries of Port Stephens and all surrounding Councils, to ensure water borders are in the middle of the body of water that separates each Council area.
- 6) Requests the General Manager to, at the conclusion of that consultation, prepare a further report to Council further detailing the resources required, jointly if possible with other neighbouring Councils, to submit a case for change to the Minister for Local Government under s218E of the Local Government Act.

ITEM 9 - ATTACHMENT 1 COUNCIL MEETING MINUTES EXCERPT 25 MARCH 2025.**MINUTES ORDINARY COUNCIL - 25 MARCH 2025****ITEM 4 - ATTACHMENT 1 NOTICE OF MOTION - 9 JULY 2024.****MINUTES ORDINARY COUNCIL - 9 JULY 2024****ORDINARY COUNCIL MEETING - 9 JULY 2024****MOTION**

163	Councillor Giacomo Arnott Councillor Peter Francis It was resolved that Council: 1) Notes that Port Stephens Local Government Area (LGA) boundaries go all the way to the water's edge of Tea Gardens, Hawks Nest and, generally, to the north of Port Stephens water body. 2) Notes that Port Stephens LGA boundaries only go up to the mean high water mark on the Raymond Terrace side of the Hunter River at Raymond Terrace. 3) Notes that these 2 examples of Port Stephens LGA boundaries, along with other extents of the LGA boundary in water bodies, have technical implications for coastal management, levee management, consultation with Government agencies, and other administrative issues. 4) Agrees that consideration be given for the LGA boundary in a water body to be in the middle of the water body between a neighbouring Council, to ensure each Council is responsible for its own shoreline. 5) Requests the General Manager commence consultation with neighbouring Local Government Areas on making a joint submission under s218E of the Local Government Act, with a view towards adjusting the boundaries of Port Stephens and all surrounding Councils, to ensure water borders are in the middle of the body of water that separates each Council area. 6) Requests the General Manager to, at the conclusion of that consultation, prepare a further report to Council further detailing the resources required, jointly if possible with other neighbouring Councils, to submit a case for change to the Minister for Local Government under s218E of the Local Government Act.
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Councillor Chris Doohan left the meeting at 6:06pm.

Councillor Chris Doohan returned to the meeting at 6:07pm.

ITEM 9 - ATTACHMENT 1 COUNCIL MEETING MINUTES EXCERPT 25 MARCH 2025.**MINUTES ORDINARY COUNCIL - 25 MARCH 2025****ITEM 4 - ATTACHMENT 1 NOTICE OF MOTION - 9 JULY 2024.****MINUTES ORDINARY COUNCIL - 9 JULY 2024**

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND REPORT OF: TONY WICKHAM – GOVERNANCE SECTION MANAGER**BACKGROUND**

Council has the ability to initiate a proposal to alter its local government boundary (LGB) with adjoining local government areas.

A proposal to alter the LGB boundary would require the development of a comprehensive submission taking into account a number of factors such as, but not limited to:

- financial advantages/disadvantages
- the community of interest and geographic cohesion
- attitude of residents and ratepayers
- requirements of the area concerned in relation to elected representation for residents and ratepayers at the local level
- any impact on council operations and staff, and
- any impact on rural communities in the areas concerned.

Council would need to consult with its neighbouring councils.

The submission is made to the Minister for Local Government and it is then a matter for the Minister to forward to the NSW Local Government Boundaries Commission for review and report to the Minister.

Upon receipt of the Commission's report, the Minister can then make a decision on the LGB alteration.

The Minister may direct the Commission to hold a public hearing on any proposal.

FINANCIAL/RESOURCE IMPLICATIONS

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

PORT STEPHENS COUNCIL**233**

MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025**ITEM 9 - ATTACHMENT 1 COUNCIL MEETING MINUTES EXCERPT 25 MARCH 2025.****MINUTES ORDINARY COUNCIL - 25 MARCH 2025****ITEM 4 - ATTACHMENT 1 NOTICE OF MOTION - 9 JULY 2024.****MINUTES ORDINARY COUNCIL - 9 JULY 2024**

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

ATTACHMENTS

Nil.

ITEM 9 - ATTACHMENT 1 COUNCIL MEETING MINUTES EXCERPT 25
MARCH 2025.

MINUTES ORDINARY COUNCIL - 25 MARCH 2025

ITEM 4 - ATTACHMENT 2 MIDCOAST COUNCIL RESPONSE.



26 September 2024

Mr Tim Crosdale
General Manager
Port Stephens Council
PO Box 42,
Raymond Terrace, NSW, 2324
Email: Tim.Crosdale@portstephens.nsw.gov.au

Your Reference: PSC2024-03632

Dear Mr Crosdale,

Thank you for seeking MidCoast Council's views on Port Stephens Council's resolution to investigate the alteration of the local government boundary to position the boundary in the middle of the Port Stephens waterway.

I note the justification for the proposal is to ensure each Council is responsible for its own shoreline and that the Port Stephens Council is 'concerned about the implications that may arise for coastal management, levee management, consultation with government agencies and other operational works due to the location of the local government boundary'.

While the boundary change proposal and concerns of Port Stephens Council are noted, MidCoast does not agree and cannot support the proposed boundary change. The proposal has not been accompanied by a cost-benefit analysis of the implications on each community and the future management and governance implications have not been provided or considered. The proposal would result in a transfer of risk, uncertainty and additional management responsibility creating a resource burden on MidCoast for no material benefit to the MidCoast community.

It is noted that suitable governance arrangements are already in place to facilitate coastal planning and other management considerations that have cross-boundary implications. The substantive coastal management issues relevant to the northern foreshore are above the mean high-water level and therefore, the LGA boundary. From a MidCoast perspective, there are no impediments created by the current LGA boundary to coastal planning that would warrant such a significant alteration.

Should you wish to further discuss this matter, please feel free to contact me on [REDACTED] or [REDACTED]

Yours sincerely,


Adrian Panuccio
GENERAL MANAGER

ABN: 44 961 208 161 | council@midcoast.nsw.gov.au | midcoast.nsw.gov.au | 02 7955 7777 | PO Box 482 Taree NSW 2430

Executive Office
Phone: 02 4974 2000



2 June 2025

Tim Crosdale
Port Stephens Council
116 Adelaide Street
Raymond Terrace NSW 2324

By Email: Tim.Crosdale@portstephens.nsw.gov.au

Dear Tim

LOCAL GOVERNMENT BOUNDARY

I refer to your letter dated 30 September 2024 advising of a Port Stephens Council (PSC) Resolution to consult neighbouring Councils, including City of Newcastle (CN), on "*making a joint submission under s218E of the Local Government Act, with a view towards adjusting the boundaries of Port Stephens and all surrounding Councils, to ensure water borders are in the middle of the body of water that separates each Council area*".

Whilst CN has no in-principle concerns regarding PSC's proposal to "*alter the local government boundary to position the boundary in the middle of the waterway and each council being responsible for its own shoreline*", it is not a high priority for CN, and CN is not aware of any current or previous significant issues of concern in relation to the current boundary between the two Councils.

CN's concerns, should the proposal to alter the LGA boundary in the water body to be in the middle of the water body proceed, would be to ensure:

- each Council remains responsible for its own shoreline
- no change to current operational / management arrangements
- no impact on communities
- no cost to CN

Given the above, CN would not be willing to commit significant time and resources to a joint submission to the Minister for Local Government in relation to the proposal, but would be willing to review any such submission prepared by PSC.

Should you require any further information on this matter please contact David Clarke, Executive Director Corporate Services on [REDACTED]

Yours faithfully

A black rectangular box redacting the signature of Jeremy Bath.

Jeremy Bath
CHIEF EXECUTIVE OFFICER

Caution! This message was sent from outside your organization.

Dear Tim

Re: Local Government boundary

Firstly let me apologise for the failure to respond to your previous correspondence of 10 September 2024 in relation to proposed local government boundary changes.

Council staff have now considered your suggested changes and are happy to provide in principle support for the change and to progress the appropriate due diligence with Port Stephens Council representatives.

The relevant contact person for Maitland City Council is Michael Rathborne, whose contact details are provided below:

Michael Rathborne - Senior Property Advisor

[REDACTED]@maitland.nsw.gov.au

If your relevant Council officer could make contact with Michael in the first instance, and we can then determine next steps in the due diligence process.

Yours sincerely

Jeff Smith
General Manager
Office of the General Manager
[REDACTED]

maitland
CITY COUNCIL



We acknowledge the Wannarua People as the Traditional Owners and Custodians of the land within the Maitland Local Government Area.

The views expressed in this email are not necessarily those of the Maitland City Council unless otherwise stated. The organisation does not warrant that this message is free of viruses or any other defect or error. This message and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this message in error please contact the author.

ITEM 9 - ATTACHMENT 4 MIDCOAST COUNCIL CORRESPONDENCE.

MINUTES ORDINARY COUNCIL - 25 MARCH 2025

ITEM 4 - ATTACHMENT 2 MIDCOAST COUNCIL RESPONSE.



26 September 2024

Mr Tim Crosdale
General Manager
Port Stephens Council
PO Box 42,
Raymond Terrace, NSW, 2324
Email: Tim.Crosdale@portstephens.nsw.gov.au

Your Reference: PSC2024-03632

Dear Mr Crosdale,

Thank you for seeking MidCoast Council's views on Port Stephens Council's resolution to investigate the alteration of the local government boundary to position the boundary in the middle of the Port Stephens waterway.

I note the justification for the proposal is to ensure each Council is responsible for its own shoreline and that the Port Stephens Council is "concerned about the implications that may arise for coastal management, levee management, consultation with government agencies and other operational works due to the location of the local government boundary".

While the boundary change proposal and concerns of Port Stephens Council are noted, MidCoast does not agree and cannot support the proposed boundary change. The proposal has not been accompanied by a cost-benefit analysis of the implications on each community and the future management and governance implications have not been provided or considered. The proposal would result in a transfer of risk, uncertainty and additional management responsibility creating a resource burden on MidCoast for no material benefit to the MidCoast community.

It is noted that suitable governance arrangements are already in place to facilitate coastal planning and other management considerations that have cross-boundary implications. The substantive coastal management issues relevant to the northern foreshore are above the mean high-water level and therefore, the LGA boundary. From a MidCoast perspective, there are no impediments created by the current LGA boundary to coastal planning that would warrant such a significant alteration.

Should you wish to further discuss this matter, please feel free to contact me on [REDACTED] or [REDACTED]

Yours sincerely,

A large black rectangular box redacting the signature of Adrian Panuccio.

Adrian Panuccio
GENERAL MANAGER

ABN: 44 961 208 161 | council@midcoast.nsw.gov.au | midcoast.nsw.gov.au | 02 7955 7777 | PO Box 462 Taree NSW 2430

ITEM 9 - ATTACHMENT 5 SECTION 218E OF THE LOCAL GOVERNMENT ACT 1993.

8/11/25, 5:31 PM

Local Government Act 1993 No 30 - NSW Legislation



NSW legislation

Local Government Act 1993 No 30

Current version for 1 July 2025 to date (accessed 11 August 2025 at 16:55)

[Chapter 9](#) > [Part 1](#) > [Division 2B](#) > Section 218E

218E Who may initiate a proposal?

- (1) A proposal may be made by the Minister or it may be made to the Minister by a council affected by the proposal or by an appropriate minimum number of electors.
- (2) An appropriate minimum number of electors is—
 - (a) if a proposal applies to the whole of one or more areas, 250 of the enrolled electors for each area or 10 per cent of them, whichever is the greater, or
 - (b) if a proposal applies to part only of an area, 250 of the enrolled electors for that part or 10 per cent of them, whichever is the lesser.

8/11/25, 4:57 PM

Local Government Act 1993 No 30 - NSW Legislation



NSW legislation

Local Government Act 1993 No 30

Current version for 1 July 2025 to date (accessed 11 August 2025 at 16:55)

[Chapter 9](#) > [Part 3](#) > Section 263

263 Functions of the Boundaries Commission

- (1) The Boundaries Commission is required to examine and report on any matter with respect to the boundaries of areas and the areas of operation of county councils which may be referred to it by the Minister.
- (2) For the purpose of exercising its functions, the Boundaries Commission—
 - (a) may hold an inquiry if the Minister so approves, and
 - (b) must hold an inquiry if the Minister so directs,but may not hold an inquiry otherwise than as referred to in paragraph (a) or (b).
- (2A) Despite subsection (2), the Boundaries Commission must hold an inquiry for the purpose of exercising its functions in relation to a proposal for the amalgamation of two or more areas that has been referred to it in accordance with section 218F.
- (2B) Reasonable public notice must be given of the holding of an inquiry under this section.
- (3) When considering any matter referred to it that relates to the boundaries of areas or the areas of operations of county councils, the Boundaries Commission is required to have regard to the following factors—
 - (a) the financial advantages or disadvantages (including the economies or diseconomies of scale) of any relevant proposal to the residents and ratepayers of the areas concerned,
 - (b) the community of interest and geographic cohesion in the existing areas and in any proposed new area,
 - (c) the existing historical and traditional values in the existing areas and the impact of change on them,
 - (d) the attitude of the residents and ratepayers of the areas concerned,
 - (e) the requirements of the area concerned in relation to elected representation for residents and ratepayers at the local level, the desirable and appropriate relationship between elected representatives and ratepayers and residents and such other matters as it considers relevant in relation to the past and future patterns of elected representation for that area,
 - (e1) the impact of any relevant proposal on the ability of the councils of the areas concerned to provide adequate, equitable and appropriate services and facilities,
 - (e2) the impact of any relevant proposal on the employment of the staff by the councils of the areas concerned,
 - (e3) the impact of any relevant proposal on rural communities in the areas concerned,
 - (e4) in the case of a proposal for the amalgamation of two or more areas, the desirability (or otherwise) of dividing the resulting area or areas into wards,

<https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-030#sec.263>

1/2

ITEM 9 - ATTACHMENT 6 SECTION 263 OF THE LOCAL GOVERNMENT ACT 1993.

8/11/25, 4:57 PM

Local Government Act 1993 No 30 - NSW Legislation

- (e5) in the case of a proposal for the amalgamation of two or more areas, the need to ensure that the opinions of each of the diverse communities of the resulting area or areas are effectively represented,
- (f) such other factors as it considers relevant to the provision of efficient and effective local government in the existing and proposed new areas.
- (4) The Boundaries Commission is not entitled to examine or report on any matter relating to the area of operations of a county council constituted or proposed to be constituted for the supply of electricity.
- (5) The Boundaries Commission must allow members of the public to attend any inquiry held by the Commission under this section.
- (6) The Boundaries Commission may continue with an examination or inquiry even though a commissioner or acting commissioner replaces another commissioner during the course of the examination or inquiry.
- (7) The Supreme Court may not make an order in the nature of prohibition in respect of, or an order for removing to the Court or quashing, any decision or proceeding made or conducted by the Boundaries Commission in connection with the exercise of its functions.

<https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-030#sec.263>

2/2

ITEM NO. 10

**FILE NO: 24/343032
EDRMS NO: PSC2019-03541**

POLICY REVIEW: REZONING REQUEST POLICY (RENAMED PLANNING PROPOSAL POLICY)

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the revised Planning Proposal Policy shown at **(ATTACHMENT 1)** on public exhibition for a period of 28 days.
- 2) Should no submissions be received, resolve that the policy be adopted without a further report to Council.
- 3) Revoke the Rezoning Request Policy dated 25 February 2020, Minute No. 034 should no submissions be received.

**ORDINARY COUNCIL MEETING - 23 SEPTEMBER 2025
MOTION**

227	Councillor Rosalyn Armstrong Councillor Jason Wells It was resolved that Council: 1) Place the revised Planning Proposal Policy shown at (ATTACHMENT 1) on public exhibition for a period of 28 days. 2) The revised policy come back to Council following public exhibition to allow consideration of amendments that may be appropriate given the passage of the NSW Planning Reform Bill through the NSW Parliament.
------------	---

Cr Arnott requested the removal of point 3 to revoke the policy. The request was accepted by the mover and seconder.

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to place the revised draft Rezoning Request Policy (renamed the Planning Proposal Policy) (the policy) as shown in **(ATTACHMENT 1)** on public exhibition.

The policy has been reviewed as part of Council's policy review cycle. The policy has been revised and changes made to reflect updated State guidelines for planning proposals and updates to other relevant Council policies.

Other amendments include administrative corrections. Please note that yellow highlighting in the attached policy indicates an amendment has been made and strikethrough text is to be deleted.

Rezoning requests are requests to amend the Port Stephens Local Environmental Plan 2013. They are accompanied by a planning proposal that has been prepared in accordance with the planning legislation and guidelines issued by the NSW Department of Planning, Housing and Infrastructure (DPHI).

The amendments reflect recent updates to the State guidelines for planning proposals and other relevant Council policies, including:

- Changes to the Local Environmental Plan Making Guide (DPHI, August 2023) and the introduction of a 'scoping proposal' process and target timeframes for Council assessments.
- Endorsement of the Port Stephens Council Local Housing Strategy by DPHI and the introduction of an 'addendum request' process as part of that endorsement.
- Changes to the Council Related Planning Matters Policy to require Councillors to be notified of planning proposals, including an intention to exercise delegations.
- Changes proposed to the Port Stephens Council Community Engagement Strategy to provide updated information about community engagement and notification requirements in relation to addendum requests, scoping proposals and planning proposals.

The revised policy includes the following amendments to reflect the above:

- Rename the policy and make other changes to be consistent with current State guidelines and other Council policies.
- Additional text to acknowledge the new non-statutory processes that can occur prior to the preparation of a planning proposal (addendum requests and scoping proposals) and clarification that the policy does not apply to these non-statutory processes.
- Minor corrections to spelling and grammar including to update references to the NSW Department of Planning, Infrastructure and Housing and improve readability.

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

There are no financial or resource implications as the process changes can be funded within the current budget.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal, policy, or risk implications.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that planning proposals are lodged that are inconsistent with State guidelines and contain inadequate information for assessment.	Medium	Adopt the recommendations of this report.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The policy enables efficient assessment and processing of planning proposals in accordance with the planning legislation and relevant State guidelines. No changes are proposed that impact notification and public exhibition requirements under the planning legislation and overall social impacts are considered to be positive.

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

Internal communications and engagement

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

- Communications and Customer Experience Section.

OPTIONS

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

ATTACHMENTS

- 1) Revised Rezoning Request Policy (renamed the Planning Proposal Policy).

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

**ITEM 10 - ATTACHMENT 1 REVISED REZONING REQUEST POLICY
(RENAMED THE PLANNING PROPOSAL POLICY).**

Policy



FILE NO: 21/345716

TITLE: REZONING REQUEST PLANNING PROPOSAL POLICY

OWNER: STRATEGY AND ENVIRONMENT SECTION MANAGER

1. PURPOSE:

- 1.1 The purpose of this Policy is to provide a framework for the process and assessment of requests to amend the Port Stephens Local Environmental Plan 2013 (LEP-2013).

2. CONTEXT/BACKGROUND:

- 2.1 Part 3 of the Environmental Planning and Assessment Act 1979 (the Act) enables Council to prepare and make amendments to the LEP-2013. Generally, amendments consist of changes to zoning, but may also include changes to development standards, or other matters in the LEP-2013 that regulate the use of land. When a proponent requests Council to amend the LEP, they submit a request for Council to prepare a 'planning proposal'.
- 2.2 When Council is initially requested to amend the LEP-2013 (a Rezoning Request), the Act enables Council to require the provision of studies or other information in order to assess a request to prepare a planning proposal Rezoning request. This Policy sets out the non-statutory process and minimum requirements for planning proposals and is consistent with the Local Environmental Plan Making Guide (NSW Department of Planning, Housing and Infrastructure (DPHI), August 2023). Rezoning Requests.
- 2.3 Before the LEP-2013 can be amended, a Planning Proposal is required to be prepared, setting out the justification for the proposed change and an explanation of the intended effect (Planning Proposal). The NSW Department of Planning, and Environment (DPE) requires Planning Proposals to be prepared in accordance with their published Local Environmental Plan Making Guideline. This Policy is consistent with (DPE) requirements.
- 2.3 The use of delegated authority provides an opportunity for effective and timely decision making in relation to Rezoning Requests planning proposals and enables Council to meet the timeframes set out in the Local Environmental Plan Making Guide. However, it is appropriate that Council is informed of the exercise of delegated authority. In all circumstances, Council will be informed of the exercise of delegated authority and may request staff delegation be withdrawn and a planning proposal Rezoning Request be reported to Council.

Policy

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Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



ITEM 10 - ATTACHMENT 1 REVISED REZONING REQUEST POLICY (RENAMED THE PLANNING PROPOSAL POLICY).

Policy



2.4 In all circumstances, a final amendment to the LEP 2013 will be reported to Council for adoption prior to being made.

3. SCOPE:

3.1 This Policy applies to all Rezoning Requests-requests to prepare a planning proposal and planning proposals.

3.2 This Policy applies to the administration and exercise of Council's functions under Division 3.4 of Part 3 of the Act.

3.3 Note there are non-statutory processes that can occur prior to preparation of a planning proposal to which this policy does not apply:

- If a site is not identified in an adopted Council strategy endorsed by the DPHI, DPHI may require a proponent to request Council and DPHI consider an 'addendum' to the strategy prior to a planning proposal.
- The Local Environmental Plan Making Guide sets out the process for a preliminary assessment, or 'scoping proposal' to be prepared by a proponent prior to the planning proposal process.

4. DEFINITIONS:

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

Gateway Determination	A DPHI assessment of strategic and site specific merit and whether the planning proposal should proceed to public exhibition. Following the assessment, a Gateway Determination may be issued to enable the planning proposal to proceed to the next stage of the process.
Lodgement	Lodgement of a request to prepare a planning proposal Rezoning Request occurs on the date the relevant fee is paid, or if no fee is charged, on the date the Rezoning Request is submitted in accordance with the Port Stephens Rezoning Request Planning Proposal Guide.
Planning Proposal	A report prepared in accordance with the (DPE) DPHI's Local Environmental Plan Making Guideline and the Port Stephens Planning Proposal Guide setting out the justification for the proposed change to the LEP 2013 and an explanation of the intended effect (Section 3.33 of the Act).
Rezoning Request	A formal request for Council to amend the LEP 2013, received from a third party (e.g. landowner or

Policy

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ITEM 10 - ATTACHMENT 1 REVISED REZONING REQUEST POLICY
(RENAMED THE PLANNING PROPOSAL POLICY).

Policy



	consultant) and prepared in accordance with the Port Stephens Rezoning Request Guide.
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5. STATEMENT:

- 5.1 This Policy aims to ensure Rezoning Requests **planning proposals** are processed in a consistent, timely and efficient manner.
- 5.2 A Rezoning Request **request to prepare a planning proposal** must be lodged in accordance with the Port Stephens Rezoning Request **Planning Proposal** Guide. Requests that are not lodged in accordance with the Guide will not be accepted for lodgement.
- 5.3 Council is notified of all lodged Rezoning Requests **requests to prepare a planning proposal** via PS Newsletter to the Mayor/Councillors.
- 5.4 Proponents will be notified following a preliminary assessment of the Planning Proposal against the criteria and requirements set out in the (DPE) Local Environmental Plan Making Guideline and a Strategic Planning Assessment Report will be prepared.
- 5.5 Council will be notified of all Rezoning Requests prior to being forwarded to DPHI under delegated authority via PS Newsletter to the Mayor/Councillors.
- 5.5 Rezoning Requests **Planning proposals** that are consistent with adopted Council policies and strategies (including place plans) will be forwarded to **DPHI** for a Gateway Determination under delegated authority. One week prior to the request being forwarded, **Council will be notified via the PS Newsletter of the intention to exercise the delegation, the proposal will be sent to Councillors for review and a final opportunity to call up if required. The Mayor/Councillors can call up the planning proposal at any time in accordance with the Council Related Planning Matters Policy. All other Rezoning Requests planning proposals, in accordance with clause 5.2 of this Policy, will be reported to Council, in accordance with this policy. The Group Manager Development Services Director Community Futures and/or Strategy and Environment Section Manager, through the General Manager, at their discretion, may also report any planning proposals Rezoning Requests to Council.**
- 5.7 **The Mayor/Councillors, will receive weekly updates in regards to the status of all planning proposals in the PS Newsletter.**
- 5.8 All final amendments to the LEP 2013 will be reported to Council for adoption prior to being made.

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**ITEM 10 - ATTACHMENT 1 REVISED REZONING REQUEST POLICY
(RENAMED THE PLANNING PROPOSAL POLICY).**

Policy



5.9 The community can access all **planning proposals** Rezoning Requests via a link on Council's website to **on** the NSW Planning Portal:
<https://www.planningportal.nsw.gov.au/ppr>

5.10 **Community participation and engagement during the planning proposal process, including during the non-statutory processes that can occur prior to a planning proposal, is carried out in accordance with Council's Community and Engagement Strategy.**

5.11 **Rezoning Requests Planning proposals** for minor matters will be consolidated and progressed as a single **Planning P**proposal forwarded to the (DPE) **DPHI** under delegated authority periodically. Minor matters likely to be considered appropriate for inclusion are set out in the Port Stephens **Rezoning Request Planning Proposal** Guide and include administrative amendments such as zone boundary adjustments and mapping updates to correct errors.

6. RESPONSIBILITIES:

6.1 The Strategy and Environment Section **Manager** is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the **policy**.

7. RELATED DOCUMENTS:

- 7.1 Environmental Planning and Assessment Act 1979.
- 7.2 Port Stephens Local Environmental Plan 2013.
- 7.3 NSW Department of Planning, **Housing and Infrastructure** and Environment's Local Environmental Plan Making Guideline (August 2023).
- 7.4 **Port Stephens Council Related Planning Matters Policy**
- 7.5 **Port Stephens Rezoning Request Planning Proposal** Guide.
- 7.6 **Port Stephens Communication and Engagement Strategy.**

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ITEM 10 - ATTACHMENT 1 REVISED REZONING REQUEST POLICY (RENAMED THE PLANNING PROPOSAL POLICY).

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EDRMS container No.	PSC2019-03541	EDRMS record No.	TBA
Audience	Council, Development Services Group Community Futures Directorate and public		
Process owner	Strategy and Environment Section Manager		
Author	Strategic Planning Coordinator		
Review timeframe	4 years	Next review date	TBA
Adoption date	25 February 2020		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	25 February 2020	Strategic Planning Coordinator.	New Policy. First draft.	034
2	24 May 2022	Strategic Planning Coordinator	Reformatted the policy into the new policy template. Updated link to NSW Department of Planning and Environment website. Minor corrections in spelling and grammar. Updated 5.5 by including a reference to place plans. Updated reference to the new NSW Department of Planning and Environment's Local Environmental Plan Making Guideline. Update the name of the Department of Planning and Environment (DPHI) from the previous name Department	132

Policy

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**ITEM 10 - ATTACHMENT 1 REVISED REZONING REQUEST POLICY
(RENAMED THE PLANNING PROPOSAL POLICY).**

Policy



Version	Date	Author	Details	Minute No.
			of Planning, Infrastructure & Environment (DPIE). Clarified clause 5.5 regarding rezoning requests being reported to Council. Included the requirement in clause 5.5 for consistent rezoning requests to be sent to Councillors one week prior to being sent to DPHI for a Gateway Determination.	
3	TBA	Strategic Planning Coordinator	Rename the policy and made consequential changes throughout to have consistent language with the Port Stephens Community and Engagement Strategy, including deleting and replacing all references to 'Rezoning Request'. Include additional text and amendments to better reflect the statutory planning proposal process. Include additional text to acknowledge the non-statutory processes that can occur prior to the preparation of a planning proposal. Include reference to the process of updating Councillors in regards to the status of all planning proposals in the PS Newsletter. Include a reference to the community engagement processes that relate to the planning proposal process in the Port Stephens Community and Engagement Strategy and list that Strategy as a 'related document'. Include a reference to the related matters in the 'Council Related	TBA

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**ITEM 10 - ATTACHMENT 1 REVISED REZONING REQUEST POLICY
(RENAMED THE PLANNING PROPOSAL POLICY).**

Policy



Version	Date	Author	Details	Minute No.
			Planning Matters Policy' and list that policy as a 'related document'. Update the name of the Department of Planning, Infrastructure and Housing (DPHI) from the previous name Department of Planning and Environment (DPE) and updated the name of the NSW Department of Planning, Housing and Infrastructure's Local Environmental Plan Making Guide. Update the name of the Group Manager Development Services to Director Community Futures. Include definition of 'Gateway Determination'. Minor corrections in punctuation. Numbering was updated throughout the document.	

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ORDINARY COUNCIL MEETING - 23 SEPTEMBER 2025
MOTION

228	Councillor Chris Doohan Councillor Jason Wells It was resolved that Items 11 to 13 be adopted by multiple vote.
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Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

ITEM NO. 11

**FILE NO: 25/130358
EDRMS NO: PSC2014-01123**

POLICY REVIEW: COMMUNITY DEVELOPMENT POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the revised Community Development Policy shown at **(ATTACHMENT 1)** on public exhibition for a period of 28 days.
- 2) Should no submissions be received, the policy be adopted without a further report to Council.
- 3) Revoke the Community Development Policy dated 12 July 2022, should no submissions be received.

**ORDINARY COUNCIL MEETING - 23 SEPTEMBER 2025
MOTION**

228	Councillor Chris Doohan Councillor Jason Wells It was resolved that Council: 1) Place the revised Community Development Policy shown at (ATTACHMENT 1) on public exhibition for a period of 28 days. 2) Should no submissions be received, the policy be adopted without a further report to Council. 3) Revoke the Community Development Policy dated 12 July 2022, should no submissions be received.
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Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

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

The revised policy defines what community development is, Council's commitment to community development, and the key focus areas of our work.

The policy was originally adopted in February 2018, and has now been updated as part of the regular policy review process.

Other than administrative updates, the key change to the existing Community Development Policy is to broaden the focus of our community development work to cover all of our community guided by the adopted Community Wellbeing Strategy. This strategy establishes principles and the framework for Council and the community to work in partnership, ensuring all individuals, regardless of their age, background or ability, will benefit from Council's community development work.

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

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025-2029
Community Wellbeing	Implement the Community Wellbeing Strategy (CWS) to provide services and support for a diverse community

FINANCIAL/RESOURCE IMPLICATIONS

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	Yes		Recurrent existing grant funds received from the Department of Communities and Justice.
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

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

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council's reputation may be damaged as a result of decisions made in relation to community development activities without clear parameters	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Community Development Policy defines Council's role in the continued development and support of our community.

The policy supports the key priorities of Council outlined in the Port Stephens Community Wellbeing Strategy and Our Incredible Place Strategy, ensuring that wellbeing is prioritised and people can lead happy, healthy and connected lives.

COMMUNICATION AND ENGAGEMENT

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

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

The following communication and engagement applies to this report.

External communications and engagement

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

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

- Assets Section

OPTIONS

- 1) Accept the recommendations.

ATTACHMENTS

- 1) Community Development Policy.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2014-01123

TITLE: COMMUNITY DEVELOPMENT POLICY

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

1. PURPOSE:

- 1.1 Port Stephens Council is committed to supporting activities and programs that enable and strengthen our community to meet challenges and generate solutions to issues in our community. The Vibrant Places unit **Council** works in partnership with the community to enhance wellbeing, celebrate identity and support social change in our Local Government Area (LGA).

2. CONTEXT/BACKGROUND:

- 2.1 Local Government, as the level of government closest to the people is ideally positioned to support community development activities that engage the knowledge and skills of a community to address identified needs and enhance community wellbeing.
- 2.2 Support is based on the core principles of:
- a) Wellbeing of individuals and whole of community - providing the opportunity for individuals to feel connected in their community: a place where they want to live, work and play.
 - b) Equity and access - providing a sustainable mix of assets and resources (economic, human, built, natural and cultural), that are accessible to all demographics and socio-economic groups within a community.
 - c) Social justice - recognising the rights of individuals, organisations and businesses to voice their opinion on matters that impact on them.

3. SCOPE:

- 3.1 Council adopts a three-tiered approach to community development:
- 3.2 Level 1 – Council provides an advisory role. This involves providing information, advice and referral for community partners **and** to business units across the organisation to assist in the delivery of a wide range of organisational actions.
- 3.3 Level 2 – ~~Community Development~~ – Council provides an enabling role. This involves providing ongoing strategic partnerships with community members, organisations and business and is guided by plans, agreements and strategies

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Policy



to deliver on key operational objectives. This is the core business of the community development component of the Vibrant Places unit and the four key focus areas include:

- a) Support and improve how we work with Aboriginal people and communities in partnership with the 355(c) Aboriginal Strategic Committee.
 - b) Support and promote local arts and culture, including place activation and public art, through the implementation of the Our Incredible Place Events Arts and Cultural Strategy and in partnership with the 355(c) Strategic Arts Committee.
 - c) Improve the lives of children and young people through the implementation of the Youth Strategy and in partnership with the Youth Advisory Action Panel. **our community through the implementation of the Community Wellbeing Strategy.**
 - d) Support and facilitate Community Service providers to meet NSW Government's Department of Communities and Justice targeted early intervention objectives to build a strong community in partnership with community interagencies and networks.
- 3.4 Level 3 Community Development – Council provides a lead role. This involves facilitating a response to an identified need of Council's and occurs on a less frequent basis than either Level 1 or 2 approaches.

4. DEFINITIONS:

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

Community	Can be defined by place of residence, shared common interests or common identity, including cultural identity.
Community Development	The strategic building of community through partnership, and sharing of resources to achieve a common goal.
Wellbeing	Is realised when social, economic, environmental and cultural factors combine to enable individuals and communities to fulfil their potential.
Placemaking	Is working with the local community's assets, inspiration and potential, with the intention of creating public spaces that promote better social, economic and environmental outcomes.

5. STATEMENT:

- 5.1 This policy provides an overall approach to community development, which is to:

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Policy



- a) Strengthen community with particular emphasis on supporting vulnerable populations.
- b) Provide financial assistance and other resources to community to develop projects that are based around placemaking and celebration of local identity and community strengths.
- c) Encourage stronger communication links between service providers to optimise service delivery in the community, particularly amongst community services and cultural agencies.
- d) Develop partnerships with community-based groups, non-government organisations, academic institutions and other government agencies.

6. RESPONSIBILITIES:

- 6.1 The Vibrant Places unit are responsible for providing advice, support and promotion of the core principles of community development.
- 6.2 This policy is implemented by all areas of Council.

7. RELATED DOCUMENTS:

- a) Local Government Act 1993
- b) Port Stephens Community Strategic Plan
- c) Port Stephens Youth Strategy **Community Wellbeing Strategy**
- d) Our Incredible Place Events Arts and Cultural Strategy
- e) Disability Inclusion Action Plan.

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2014-01123	EDRMS record No.	22/220612
Audience	Councillors, staff and community		
Process owner	Strategy and Environment Communications Section Manager		
Author	Vibrant Places Coordinator Community, Economy and Place Team Leader		
Review timeframe	3 years	Next review date	12 July 2025 26 August 2028
Adoption date	13 February 2018		

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Policy



VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	13 February 2018	Community Development and Engagement Coordinator	New policy-first version	010
2	12 May 2020	Community Development and Engagement Coordinator	1.1 Added 'enhance wellbeing, celebrate identity and support social change' and deleted enhance and celebrate the identity, locality and different interests. 2.2b) deleted appeal and added 'are accessible' 3.1 deleted three and added '3' to align with Council's style guide. 3.2 added 'advice' 3.3d) added 'Department of Communities and Justice targeted early intervention' and deleted Family and Community Services (FACS). 7b) added 'Community' to Port Stephens Community Strategic Plan.	069
3	12 July 2022	Senior Community Development Officer	Reformatted policy into the new policy template 1.1, 3.3, 3.3c & 6.1) updated titles of business units to reflect restructure to Vibrant Places. 3.3 b & 7.d) updated name of the current My Incredible Place Events Arts and Cultural Strategy	174

Policy

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Policy



Version	Date	Author	Details	Minute No.
4		Community, Economy and Place Team Leader	Policy Owner updated 3.1 Grammar correction 3.2 Grammar correction 3.3 Removed 'Community Development' 3.3 c) Removed 'children and young people through the implementation of the Youth Strategy and in partnership with the Youth Advisory Action Panel.' Added 'our community through the implementation of the Community Wellbeing Strategy.' 3.3 d) Grammar correction 3.4 Removed 'Community Development' 7 c) Removed 'Youth Strategy' Added 'Community Wellbeing Strategy' Controlled Document Information: Process owner - removed 'Strategy and Environment' Added 'Communications' Author – removed 'Vibrant Places Coordinator' Added 'Community, Economy and Place Team Leader' Next review date – removed '12 July 2025' Added '26 August 2028'	

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ITEM NO. 12

FILE NO: 25/191268
EDRMS NO: PSC2007-3003

POLICY REVIEW: COUNCIL PROSECUTIONS POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the revised Council Prosecutions policy shown at **(ATTACHMENT 1)** on public exhibition for a period of 28 days.
- 2) Should no submissions be received the policy be adopted without a further report to Council.
- 3) Revoke the Council Prosecutions policy dated 28 June 2022 Minute No.163 should no submissions be received.

ORDINARY COUNCIL MEETING - 23 SEPTEMBER 2025
MOTION

228	Councillor Chris Doohan Councillor Jason Wells It was resolved that Council: 1) Place the revised Council Prosecutions policy shown at (ATTACHMENT 1) on public exhibition for a period of 28 days. 2) Should no submissions be received the policy be adopted without a further report to Council. 3) Revoke the Council Prosecutions policy dated 28 June 2022 Minute No.163 should no submissions be received.
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Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

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

The objective of this policy is to provide the basis for separation of powers in relation to Council enforcement of legislation as well as to ensure effective use of Council resources in relation to enforcement.

The policy has been reviewed and only a minor amendment has been made to update a reference to legislation.

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

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025-2029
Resources and finance	Deliver Governance Services and internal audit program

FINANCIAL/RESOURCE IMPLICATIONS

All costs associated with the development and implementation of the policy are within the existing budget.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There is no legal requirement for Council to retain this policy, however, the policy provides the community with a policy statement regarding regulatory enforcement.

The policy will require public exhibition for a period of 28 days, in accordance with the Local Government Act 1993.

MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council would be in breach of the Local Government Act 1993, should the policy not be placed on public exhibition.	Low	Adopt the recommendation in this report.	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.

The following communication and engagement applies to this report.

External communications and engagement

CONSULT	The policy will be placed on public exhibition for 28 days on Council's website.
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Internal communications and engagement

Consultation with key stakeholders was undertaken by the Governance Section with:

- 1) General Manager
- 2) Executive Team.

OPTIONS

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

ATTACHMENTS

- 1) Council Prosecutions Policy.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2007-3003

TITLE: COUNCIL PROSECUTIONS

OWNER: GOVERNANCE SECTION MANAGER

1. PURPOSE:

- 1.1 As part of its role in the community, Council needs to ensure that breaches of law, which it has authority to pursue are dealt with in a consistent and equitable manner. It is also imperative that, in observance of the principles of good government, Council has in place a framework for the proper exercise of powers of enforcement vested in it.
- 1.2 This policy is aimed at providing the basis for separation of powers in relation to Council enforcement of legislation. It is also aimed at ensuring effective use of Council resources in relation to legislative enforcement.

2. CONTEXT/BACKGROUND:

- 2.1 As part of its regulatory role, Council is responsible for enforcing provisions under a number of NSW Acts and Regulations.
- 2.2 This policy recognises the balance between Council's responsibility to enforce legislation and its ongoing objective of enhancing community relations and awareness. It also acknowledges the importance of the separate roles of Council employees, the elected body of Council and the Courts of Law in dealing with alleged offences.

3. SCOPE:

- 3.1 It is through the adoption and use of policies that Council can aim to deal with matters consistently, particularly where such matters have a direct effect on the rights, interests or legitimate expectations of individuals within the community.
- 3.2 This policy is designed to provide guidance as to when and under what circumstances Council will pursue legal action in relation to alleged offences for which it has authority to prosecute. This policy pertains only to summary and criminal offences for which Council is the prosecuting authority; it does not apply to civil law matters involving Council.
- 3.3 Council has a responsibility to try to ensure that breaches of the law are dealt with appropriately and to meet community expectation that pursuit of Council's enforcement functions will be undertaken in a consistent and equitable manner.

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Policy



A consistent approach also helps Council to deal with breaches of the law in a procedurally sound and cost effective way.

4. DEFINITIONS:

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

Elected body of Council	Mayor and Councillors of Port Stephens Council
Employees	Those employed by Port Stephens Council
NSW Acts and Regulations	Various Acts and Regulations passed by the New South Wales Parliament
Policy	A policy that is adopted by Port Stephens Council

5. STATEMENT:

5.1 Council's mission is to foster a network of people that focuses on achieving best value services and facilities for our Community.

5.2 This envisages that Council will work with the community to achieve its goals. Council sees its role as principally being that of communicating with the community and making each citizen aware of their individual responsibilities in supporting and maintaining a sustainable community.

5.3 In its regulatory role, however, Council has a responsibility to use its enforcement functions when necessary. Legal action is one option available to Council when people purportedly break the law.

5.4 Council, when it becomes aware of alleged breaches of the law, will aim to ensure alleged offenders are treated equitably by having in place internal procedures and guidelines to address a number of issues including:

5.4.1 The intent of the alleged offender and the circumstances surrounding the alleged offence.

5.4.2 Options available to Council to help educate the community and raise awareness about legal obligations and responsibilities with the aim of deterring future similar offences. These options may include alternative dispute resolution procedures as well as sanctions and court action.

5.4.3 Criteria to help ensure reasonableness and procedural fairness.

5.4.4 The quality of evidence available to support Court action.

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- 5.4.5 The legal, administrative and other costs associated with Court action.
- 5.4.6 The likelihood of success of any Court action.
- 5.4.7 The potential outcomes of any Court action, including the quantum of any fines that Council might be paid as a result of Court action.
- 5.4.8 The deterrent effect of Court action.
- 5.4.9 Alternatives to Court action, including the issuing of infringement notices.
- 5.4.10 Whether the alleged offence has wider policy implications for Council.
- 5.5 An administrative review panel will be available if required to assess whether or not Council should pursue legal proceedings in relation to alleged offences. Internal review by the administrative review panel will be undertaken at the direction of the General Manager or the General Manager's delegate. Internal procedures will be used to help determine the stages where internal review can take place.
- 5.6 Requests by staff, the elected body of Council or members of the public for internal review of a matter must be made by representations to the General Manager or the General Manager's delegate, who will then determine whether or not such review is to be undertaken. The administrative review panel will make its recommendations to the General Manager or the General Manager's delegate for determination as to whether or not to proceed.
- 5.7 The final decision to prosecute will be made by the General Manager or the General Manager's delegate. The General Manager may, if he or she deems it appropriate, refer particular cases to Council. Council will be kept informed of any prosecutions.
- 5.8 It should be noted that, where possible, Council will attempt to recover all legal costs incurred as a result of legal proceedings it pursues in relation to alleged offences.
- 6. RESPONSIBILITIES:**
 - 6.1 The Legal Services Manager is responsible for the implementation of this policy in conjunction with other Council officers as appropriate.
- 7. RELATED DOCUMENTS:**
 - 7.1 Council has authority to prosecute under a number of NSW Acts and Regulations, including but not restricted to:

Policy

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Policy



- 7.1.1 Local Government Act 1993 (NSW)
- 7.1.2 Environmental Planning and Assessment Act 1979 (NSW)
- 7.1.3 Protection of the Environment Operations Act 1997 (NSW)
- 7.1.4 Companion Animals Act 1998 (NSW)
- 7.1.5 Biosecurity Act 2015 (NSW)
- 7.1.6 Public Health Act 2010 (NSW)
- 7.1.7 Swimming Pools Act 1992 (NSW)
- 7.1.8 Food Act 2003 (NSW)
- 7.1.9 Impounding Act 1993 (NSW) **Public Spaces (Unattended Property) Act 2021 (NSW)**
- 7.1.10 Boarding Houses Act 2012 (NSW).

7.2 In addition to the above, the following also relate to this policy:

- 7.2.1 Government Information (Public Access) Act 2009 (NSW)
- 7.2.2 Port Stephens Code of Conduct.

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2007-3003	EDRMS record No.	TBA 22/222456
Audience	Port Stephens Community, elected body of Council & Council employees		
Process owner	Governance Section Manager		
Author	Legal Services Manager		
Review timeframe	3 4 years	Next review date	26/08/2029 28/06/2025
Adoption date	20 June 2000		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	20/06/2000	Legal Officer	Adopted by Council	319

Policy

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Policy



Version	Date	Author	Details	Minute No.
2.0	28/03/2017	Legal Services Manager	Minor administrative review and transfer to new corporate policy template.	070
3.0	10/12/2019	Legal Services Manager	Reviewed this policy, including numbering to each paragraph and updated version control. Policy Owner – now Governance Section Manager 1.1 – inserted the word “This” to read “This policy...” 2.2– inserted the word “This” to read “This policy...” - replaced “Councillors” with “the elected body of Council” 3.2 - – inserted the word “This” to read “This policy...” 4 – deleted the definition of “Councillors” and replaced with the definition of “Elected body of Council” 5.6 – replaced “Councillors” with “the elected body of Council” 6. Policy Responsibilities - Removed a number of personnel listed and replaced with “6.1 The Legal Services Manager is responsible for the implementation of this policy in conjunction with other Council officers as appropriate.” 7.1 – deleted references to legislation no longer applicable (Roads Act 1993, Rural Fires Act 1997 and Road Transport Act 2013) and included legislation now applicable (“7.1.5 Biosecurity Act 2015 (NSW)”, “7.1.10 Boarding Houses Act 2012 (NSW)”)	255

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Policy



Version	Date	Author	Details	Minute No.
4.0	28/06/2022	Legal Services Manager	Reviewed this policy and made minor amendment. Updated policy into new template. Changed the review timeframe to 3 years, in line with process for review of all Council policies.	163
5.0	26/08/2025	Legal Services Manager	Reviewed this policy and updated legislation at 7.1.9. Updated policy into new template. Changed the review timeframe to 4 years, in line with process for review of all Council policies.	TBA

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ITEM NO. 13

**FILE NO: 25/191300
EDRMS NO: PSC2008-9962**

POLICY REVIEW: ALTERNATIVE DISPUTE RESOLUTION POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the revised Alternate Dispute Resolution policy shown at **(ATTACHMENT 1)** on public exhibition for a period of 28 days.
- 2) Should no submissions be received the policy be adopted without a further report to Council.
- 3) Revoke the Alternative Dispute Resolution policy dated 28 June 2022, Minute No. 162 should no submissions be received.

**ORDINARY COUNCIL MEETING - 23 SEPTEMBER 2025
MOTION**

228	Councillor Chris Doohan Councillor Jason Wells It was resolved that Council: 1) Place the revised Alternate Dispute Resolution policy shown at (ATTACHMENT 1) on public exhibition for a period of 28 days. 2) Should no submissions be received the policy be adopted without a further report to Council. 3) Revoke the Alternative Dispute Resolution policy dated 28 June 2022, Minute No. 162 should no submissions be received.
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Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

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

The objective of this policy is to provide a process to help resolve disputes that relate to Council as a less formal and costly alternative to litigation.

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

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025-2029
Resources and finance	Deliver Governance Services and internal audit program

FINANCIAL/RESOURCE IMPLICATIONS

All costs associated with the development and implementation of the policy are within the existing budget.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There is no legal requirement for Council to retain this policy, however, the policy provides the community with a policy statement regarding options for alternative dispute resolution.

The policy will require public exhibition for a period of 28 days, in accordance with the Local Government Act 1993.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council would be in breach of the Local Government Act 1993, should the policy not be placed on public exhibition.	Low	Adopt the recommendation in this report.	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.

The following communication and engagement applies to this report.

External communications and engagement

CONSULT	The policy will be placed on public exhibition for 28 days on Council's website.
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Internal communications and engagement

Consultation with key stakeholders was undertaken by the Governance Section with:

- General Manager.
- Executive Team.

OPTIONS

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

ATTACHMENTS

- 1) Alternative Dispute Resolution Policy.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2008-9962

TITLE: ALTERNATIVE DISPUTE RESOLUTION

OWNER: GOVERNANCE SECTION MANAGER

1. PURPOSE:

- 1.1 The purpose of this policy is to provide a process to help resolve disputes that relate to Port Stephens Council. The framework sets out a clear, consistent and fair means to address disputes in an effective and cooperative manner. This Policy also provides an alternative dispute handling process that is less formal and less costly than litigation.
- 1.2 This policy relates to planning, development, environment, enforcement issues, land management, customer and business disputes.

2. CONTEXT/BACKGROUND:

- 2.1 Due to its business, community and regulatory roles, Council can find itself dealing with conflict in many areas including the building, development assessment and planning areas, and neighbourhood disputes over trees, noise odours and animals. Many of these disputes may be dealt with effectively by staff as they arise, however at times some disputes may escalate into significant issues which consume considerable time and resourcing to address.
- 2.2 Mediation, negotiation, facilitation and other forms of Alternative Dispute Resolution (ADR) can be used when appropriate to assist to resolve difficult disputes or as an alternative to the expensive and time-consuming option of litigation.
- 2.3 Not all difficult issues will warrant the use of alternative dispute resolution processes involving independent negotiators or mediators. Many disputes can be dealt with and resolved informally by staff without the need to resort to other means. This policy is only meant to cover the more difficult disputes that Council encounters where it is considered that an alternative dispute handling process is the best option.
- 2.4 The NSW Ombudsman encourages NSW councils to use ADR as an alternative to litigation and as a means to help resolve disputes between members of the community involving councils.

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Policy

- 2.5 In accordance with NSW Ombudsman's guidelines, this policy must not fetter or limit the range of discretion conferred by a statute of **on** Council staff involved in regulatory or enforcement matters. In exercising that discretion, officers must not act under the dictation or at the behest of any third person or body.
- 2.6 This policy is meant only to provide guidance in the exercise of those powers and at times, depending on the issues surrounding the particular dispute, mediation or negotiation may not be the best option.

3. SCOPE:

- 3.1 It is through the adoption and use of policies that Council can aim to deal with matters consistently, particularly where such matters have a direct effect on the rights, interests or legitimate expectations of individuals within the community.
- 3.2 Council has a responsibility to try to ensure that breaches of the law are dealt with appropriately and to meet community expectation that pursuit of Council's enforcement functions will be undertaken in a consistent and equitable manner. A consistent approach also helps Council to deal with breaches of the law in a procedurally sound and cost effective way.

4. DEFINITIONS:

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

Alternative Dispute Resolution (ADR)	The term "alternative dispute resolution" or "ADR" is often used to describe a wide variety of dispute resolution mechanisms that are short of, or alternative to, full-scale court processes. ADR systems may be generally categorised as negotiation, conciliation/mediation, or arbitration systems.
Arbitration	Arbitration is a process where the parties present arguments and evidence to an independent third party, the arbitrator, who makes a determination. It may be voluntary, ordered by a Court or Tribunal or required as part of a contract.
Facilitation	The term facilitation is broadly used to describe any activity which makes tasks for others easy. For example: Facilitation is used in business and organisational settings to ensure the designing and running of successful meetings or negotiations. A person who takes on such a role is called a facilitator.

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Mediation	A process in which parties to a dispute with the assistance of a neutral third party ("the Mediator") identify disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The mediator has no advisory or other determinative role in regard to the content of the dispute or the outcome of its resolution, but may advise on or determine the process of mediation whereby resolution is attempted.
Mediation Agreement	A mediation agreement is a written agreement setting out the terms of settlement reached between the parties to the mediation process. The agreement is confidential except where the terms of the agreement expressly permit part or all of its contents to be divulged to other parties. The agreement must be signed by all parties to the agreement.
Negotiation	At its most basic, negotiation is an informal bargaining process. It takes place directly between the people in dispute, but can be assisted by others e.g. lawyers and advocates. The people involved in the dispute communicate directly to try to reach an agreement. Communication may be written or spoken. The process of negotiation may take some time.

5. STATEMENT:

5.1 This policy endeavours to:

- 5.1.1 Establish a clear, consistent and fair process to help address disputes.
- 5.1.2 Provide an alternative dispute handling process that is less formal and more cooperative than litigation.
- 5.1.3 Save time and costs.
- 5.1.4 Reduce conflict in the dispute handling process.

5.2 This policy will apply to development, environment and land management disputes and other disputes concerning animals, trees, noise, effluent, odours and other forms of pollution. It also applies to business disputes.

5.3 Principles – the following principles relate to the way ADR is applied by Council:

- 5.3.1 ADR is a voluntary process (except where ordered by a Court or Tribunal).

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Policy



- 5.3.2 To preserve the legitimacy of the process, all parties to ADR are given the opportunity to be represented and have control over the outcomes.
- 5.3.3 Where appropriate, ADR is to be initiated as soon as possible to avoid issues escalating.
- 5.3.4 Council will ensure confidentiality and respect privacy requirements when dealing with disputes.
- 5.3.5 Council will ensure procedural fairness in ADR matters.
- 5.3.6 Where mediation is used as one of the ADR options, the mediator is to be suitably qualified, independent and impartial to the dispute at hand.
- 5.3.7 Any mediation agreement will be document and signed by all parties.
- 5.3.8 Costs associated with ADR are generally shared between all parties to the dispute unless other arrangements are agreed to by Council.

5.4 Awareness and Co-operation

- 5.4.1 Council will encourage parties to a dispute to resolve issues as they arise or come to notice before they escalate into significant matters.
- 5.4.2 Council will take a proactive approach to minimise the occurrence of disputes.

5.5 Approach – Council will not enter into ADR where:

- 5.5.1 There are issues that relate to the content of Council Policies (as opposed to application of a policy).
- 5.5.2 A dispute may create a planning precedent.
- 5.5.3 The parties are not willing to co-operate.
- 5.5.4 Council does not believe that ADR is the best option, based on the particular circumstances and broader public interest considerations.

6. RESPONSIBILITIES:

- 6.1 The Legal Services Manager is responsible for the implementation of this policy in conjunction with other Council officers as appropriate.

7. RELATED DOCUMENTS:

- 7.1 Compliance Policy
- 7.2 Complaint Handling Policy
- 7.3 Managing Unreasonable Complainant Conduct Policy
- 7.4 Council Prosecutions Policy
- 7.5 Port Stephens Council Code of Conduct.

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EDRMS container No.	PSC2008-9962	EDRMS record No.	TBA 22/222423
Audience	Port Stephens community, elected body of Council & Council employees		
Process owner	Governance Section Manager		
Author	Legal Services Manager		
Review timeframe	3 4 years	Next review date	26/08/2029 28/06/2025
Adoption date	28 April 2009		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	28/04/2009	Manager Environmental Services	Adopted by Council	117
2.0	28/03/2017	Manager Legal Services	Revision of Policy and incorporation into new styling format	071

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Policy



Version	Date	Author	Details	Minute No.
3.0	10/12/2019	Legal Services Manager	Reviewed this policy, including numbering to each paragraph, administrative amendments and updated version control. Policy Owner – now Governance Section Manager 1.1 – inserted the word “This” to read “This policy...” 1.2 – inserted the word “This” to read “This policy...” 2.1 – deleted “energy” and “community money” and replaced with “resourcing” 2.2 – added acronym “ADR” 2.4 – deleted “Alternative Dispute Resolution” and replaced with “ADR” 2.5 – deleted “for Local Government” 4. Definitions: Replaced the definition for “Arbitration” Deleted definitions for “Development Application”, “Neutral Evaluation” and “Section 34 Conferences” 5.1 – deleted “The Alternative Dispute Resolution process” and replaced with “This policy” 5.2 – deleted “The Alternative Dispute Resolution” and replaced with “This” 5.3 – added the word “Principles” 6.1 – amended to read “Legal Services Manager is responsible...” 7.3 – added the word “Policy”	256

Policy

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Policy



Version	Date	Author	Details	Minute No.
4.0	28/06/2022	Legal Services Manager	Reviewed this policy including minor typographical and definition adjustments. 2.1 inserted the word "and" in the third line to read "...areas, and neighbourhood..." 2.2 inserted the word "to" in the second line to read "..assist to resolve..." 4.Definitions: Amended definition of "Arbitration" by deleting the words "the court" from the third line and replacing them with "a Court or Tribunal.." Amended definition of "Negotiation" by deleting the word "and" from the fifth line and replacing it with "The process of negotiation..." 5.1.2 amended "and" to read "Provide an alternative dispute..." 5.3.1 included "(except where ordered by a Court or Tribunal)." Updated policy into new template Changed the review timeframe to 3 years, in line with process for review of all Council policies.	162

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Policy



Version	Date	Author	Details	Minute No.
5.0	26/08/2025	Legal Services Manager	Reviewed this policy including minor typographical adjustment. 2.5 amended to read "...conferred by a statute on Council staff..." Updated policy into new template. Changed the review timeframe to 4 years, in line with process for review of all Council policies.	TBA

Policy

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ITEM NO. 14**FILE NO: 25/202882
EDRMS NO: PSC2009-9420****POLICY REVIEW: ACCESS TO INFORMATION POLICY**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the revised Access to Information policy shown at **(ATTACHMENT 1)** on public exhibition for a period of 28 days.
- 2) Should no submissions be received the policy be adopted without a further report to Council.
- 3) Revoke the Access to Information policy dated 13 September 2022, Minute No. 250 should no submissions be received.

**ORDINARY COUNCIL MEETING - 23 SEPTEMBER 2025
MOTION**

229	Councillor Giacomo Arnott Councillor Jason Wells It was resolved that Council defer item 14 for a Two Way Conversation and the item be reported back to Council on 28 October 2025.
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Cr Le Mottee requested the item be deferred for a two way conversation. The mover and seconder accepted the request.

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to provide the revised Access to Information policy (the 'policy') at **(ATTACHMENT 1)** to Council for consideration prior to public exhibition. The policy has been reviewed as part of Council's ongoing policy review program.

MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025

The policy provides a supporting framework for the release of information under the Government Information (Public Access) Act 2009 (the 'Act'). The policy and guidelines are designed to inform the community about the release and management of Council information. It also informs the community when certain restrictions of the release of information may occur.

It is the intention of the policy to release as much government information as possible to meet the objectives of the Act, however, Council needs to balance this with its other legislative responsibilities such as, but not limited to, the Copyright Act 1968 (Cth) and the Privacy and Personal Information Protection Act 1998 (NSW), and consider reasons in favour and against disclosure of government information.

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

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025-2029
Governance	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

As part of good governance, this policy will assist Council in its obligations under the Act.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that without the appropriate policy and guidelines in place, Council would not meet its obligations under the Act.	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

CONSULT	The policy will be placed on public exhibition for 28 days and will be notified through social media, direct email to stakeholders, print advertising and Council's website.
----------------	--

Internal communications and engagement

Consultation with key stakeholders was undertaken by the Governance Section with:

- General Manager.
- Executive Team.

OPTIONS

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

ATTACHMENTS

- 1) Revised Access to Information Policy.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2009-9420

TITLE: ACCESS TO INFORMATION POLICY

OWNER: GOVERNANCE SECTION MANAGER

1. PURPOSE:

1.1 The Access to Information Policy (the 'policy') ensures Port Stephens Council is committed to the following principles regarding public access to documents and information:

- a) Open and transparent government.
- b) Consideration of the overriding public interest in relation to access requests.
- c) Proactive disclosure and dissemination of information.
- d) Respect for the privacy of individuals.

2. CONTEXT/BACKGROUND:

2.1 The Government Information (Public Access) Act 2009 (NSW) ('GIPA Act') provides four pathways to access Council information – mandatory disclosure, proactive disclosure, informal release and formal access.

3. SCOPE:

3.1 Port Stephens Council publishes specific open access information on our website, free of charge unless to do so would impose unreasonable additional costs to Council. Council will facilitate public access through this and other appropriate mediums. Also, Council publishes the inspection documents listed under Schedule 5 of the GIPA Act held by it, unless there is an overriding public interest against doing so. Council will keep a record of all open access information that is not published due to an overriding public interest against disclosure.

3.2 Council also makes as much other information as possible publicly available in an appropriate manner, including on the internet. Such information is also available free of charge or at the lowest reasonable cost.

3.3 The 'Access to Information Guidelines' as shown at Appendix 1 of this Policy identifies the documents and types of information that are available for public access and any restrictions that may apply.

3.4 Some documents may require a formal access application in accordance with the GIPA Act. Council will assess all requests for access to information held by

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Council in a timely manner in accordance with the 'Access to Information Guidelines' and relevant legislation.

- 3.5 Depending upon the nature of the request and the form of access requested, charges may be applied in accordance with Council's Schedule of Fees and Charges and relevant legislation.
- 3.6 Council may determine that broad requests for access to a large number of unspecified documents which, if processed, would divert substantial Council resources from dealing with other requests, or would prevent Council from performing other Council functions. Requests such as these may be refused on the grounds that such a diversion of resources is contrary to the public interest. Council will endeavour to assist applicants in defining the request to a more manageable one.
- 3.7 Council will also endeavour to release information in response to an informal request and may impose, subject to any reasonable conditions Council may impose having regard to the circumstances of the request. Any conditions imposed will be, in accordance with the GIPA Act.
- 3.8 Where information is released to an applicant under a formal access application and Council considers that it will be of interest to other members of the public, Council will provide publish details of the information requested on in Council's a disclosure log on Council's website, for inspection by the public.
- 3.9 The General Manager has authority to approve Guidelines for Information Access, which is to be available to members of the public.

4. DEFINITIONS:

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

Application	A Formal Access Application made under the GIPA Act.
Disclosure log	A disclosure log published on Port Stephens Council's website. as required by the GIPA Act.
Formal access	An applicant is required to lodge a Formal Access Application under the GIPA Act, if the requested information cannot be provided by way of mandatory release, proactive release or informal release.
GIPA Act	The Government Information (Public Access) Act 2009 (NSW)
Informal release	Means A request to access information where a formal access application is not required under the GIPA Act.
Mandatory release	Means Information classified as open access information, in accordance with the GIPA Act.

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Policy



Open access information	Means Information that is publicly available unless there is no public interest against disclosure, in accordance with the GIPA Act.
Proactive release	Means Government information that Council decides to release outside other release provisions under the GIPA Act.
Public interest	Means Considerations under the GIPA Act either in favour of release or against release.
Request for information	An informal request for information under section 8 of the GIPA Act.

5. STATEMENT:

- 5.1 The objective of this Policy is to describe Council's principles regarding public access to information and to facilitate the processing of requests and applications for such access.
- 5.2 Where it does not create an unreasonable cost to Council, Council aims to publish as much information and allow for access to Council records via the website. This is done to promote accessibility and remove the need for applications to be lodged with Council for information publically available. The GIPA Act provides greater access to Council records through accessibility on Council's website where possible, and where this does not create an unreasonable additional cost to Council to publish these documents on the website.
- 5.3 This Policy is to be read in conjunction with the Access to Information Guidelines for Local Government.

6. RESPONSIBILITIES:

- 6.1 The Governance Section Manager is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on this policy.

7. RELATED DOCUMENTS:

- 7.1 Government Information (Public Access) Act 2009 (NSW)
- 7.2 Government Information (Public Access) Regulation 2009 (NSW)
- 7.3 Privacy and Personal Information Protection Act 1998 (NSW)
- 7.4 Health Records and Information Privacy Act 2002 (NSW)
- 7.5 State Records Act 1998 (NSW)
- 7.6 Local Government Act 1993 (NSW)
- 7.7 Environmental Planning and Assessment Act 1979 (NSW)
- 7.8 Companion Animals Act 1998 (NSW)
- 7.9 Access to Information Guidelines for Local Government
- 7.10 Code of Conduct

Policy

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CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2009-09420	EDRMS record No.	
Audience	Port Stephens community and Council employees		
Process owner	Governance Section Manager		
Author	Governance Section Manager		
Review timeframe	3 years 4 years	Next review date	31 August 2029
Adoption date	23 August 2016		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	16 September 1997	Governance Manager	Original policy adopted by Council.	1282
2	19 October 2004	Governance Manager	Adopted by Council.	375
3	28 March 2006	Governance Manager	Adopted by Council.	462
4	13 July 2010	Governance Manager	Adopted by Council.	208
5	11 February 2014	Governance Manager	Adopted by Council.	016
6	23/8/2016	Governance Manager	Policy formatted into new template. Changes made to legislation references and definitions added. Also included the guidelines.	241

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Version	Date	Author	Details	Minute No.
6.1	14/08/2018	Governance Manager	Reviewed the policy, included numbering to each paragraph and updated version control. 1.1 – inserted the word 'the policy'. 3.1 – delete 'because of' and insert 'due to'. 3.7 – delete the word 'other'. 4.0 – amended the definition of 'informal request', updated 'mandatory release', 'open access information', 'proactive release' and inserted 'for information' under the 'Request' definition. 7.2 – inserted new clause and re-numbered subsequent numbering 7.3 to 7.9. <u>Guidelines update</u> 1.2 – updated telephone number.	247

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Version	Date	Author	Details	Minute No.
7	10/11/2020	Governance Section Manager	Reviewed the policy, reformatted bullet points removed italics from all legislation to align with the current style guide. Updated Policy owner to reflect title changes as well as in 6.1. 1.1-replaced 'Policy' with 'policy' and deleted the bullet points with alphabetical listing. 2.1 and 2.2- deleted. 2.1 – new clause. <u>Guidelines update</u> Reviewed the guideline, reformatted bullet points removed italics from all legislation to align with the current style guide 2.1-inserted "viewing a". 5.1-delete 'know'. 6.2-inserted "refusing access to information" and insert 'may', delete 'will'. 6.4-inserted further information regarding public interests against disclosure 8.1-delete 'on' and insert 'of'	163

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8	13/09/2022	Governance Section Manager	Reviewed the policy, updated into new Policy template 3.1 – Deleted 'not to do so' and replaced with 'doing so'. 3.3 – Updated the word 'policy'. 3.4 – Deleted 'documents and' and 'and'. Added 'held by Council'. 4.1 – Updated the definition of Mandatory release to include the GIPA Regulation. 5.1 and 5.3 - Updated the word 'policy'. 6.2 – Updated the responsibilities section to include employees of Council. 7 – Updated the GIPA Regulation to include 2018 amendment. 7.10 – Inserted 'Port Stephens Council'. Guideline Update 1.2 – Inserted 'legislative compliance'. 1.3 – Inserted 'made' and 'will be either' and \$30.00 in full. 1.4 – Inserted "30" and removed "thirty (30)". 2.1 - Inserted \$150,000.00 in full. 2.3 – Updated reference to Mayor and Councillors. 4 – Inserted 'from 2010'. 6.8 – Amended 'eight' to '8' in line with the Corporate Style Guide. 7.2 – Inserted 'this request and removed 'application'. 7.5 - Amended 'five' to '5' in line with the Corporate Style Guide. 8.1 – Inserted 'Applications may also be extended to account for	250
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Version	Date	Author	Details	Minute No.
			any stop the clock periods where, for example, Council had requested an advanced deposit payment from the applicant'. 9.1.1 – Updated clause and included \$40.00 in full. 9.1.2 - Amended 'eight' to '8' in line with the Corporate Style Guide. 9.1.3 - Amended 'four' to '4' and 'eight ' to '8' in line with the Corporate Style Guide.	

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Policy



Version	Date	Author	Details	Minute No.
9	XX	Governance Section Manager	Reviewed the policy, updated into new Policy template 3.6 – Minor rewording 3.7 – Minor rewording 3.8 – Minor rewording 4.1 Table – Removal of Request for Information definition as this is covered in Informal GIPA request definition. 5.2 – Amended wording to reflect 'Where it does not create an unreasonable cost to Council, Council aims to publish as much information and allow for access to Council records via the website. This is done to promote accessibility and remove the need for applications to be lodged with Council for information publically available' Appendix 1 1.1 – Minor rewording 1.2 – Minor rewording 1.3 – Minor rewording 1.4 – Changed from 30 years to 20 years as per State Records Act 1998 2.1 – Minor rewording 5.3 – Minor rewording 6.2 – Minor rewording 8.1 – Minor rewording 9.5 – Added 'Council welcomes any person(s) who have questions or concerns regarding an application processed by Council to make enquiries with the determining officer.'	XX

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APPENDIX 1

Access to Information Guidelines for Local Government

1. Accessing Information

- 1.1 Port Stephens Council is subject to NSW legislation that requires it to be open and accountable in the exercise of its functions, and to handle personal and health information in a fair and reasonable manner. Council will seek to ensure that legitimate requests for access to information are handled promptly and that members of the public are able to access information, subject to the public interest. In doing so, Council recognises that it must take into account the privacy of others, **as well as** legal and commercially sensitive information.
- 1.2 These guidelines set out the documents and types of information that are available to members of the public as a matter of legislative compliance, ~~routine~~, and those that will not generally be available for inspection and copying. Where practicable, Council will deal with requests to inspect documents in accordance with the Government Information (Public Access) Act 2009 (NSW) ('GIPA Act') free of charge but a reasonable photocopying fee may be payable under the GIPA Act **and** for access to versions of documents that are neither current nor immediately preceding versions of the document. ~~and are not reasonably accessible~~. All charges are detailed in Council's Schedule of Fees and Charges – Council's Fees and Charges **and** are available from the Council website or by contacting Council on 4988 0255.
- 1.3 There is a right of access under the GIPA Act to certain documents held by Council unless there is an overriding public interest not to do so. Any applications made under the GIPA Act will be processed in accordance with the Act's requirements and a determination will be either made to release the documents or refuse access on the basis of the relevant considerations under ~~that~~ **the** Act. Charges for formal applications are in accordance with the GIPA Act Fees and Charges and include a \$30.00 application fee. In some circumstances processing charges may also be applied.
- 1.4 Council also may provide access to information under other legislation. Under the Privacy and Personal Information Protection Act 1998 (NSW) ('PPIPA') and the Health Records and Information Privacy Act 2002 (NSW) ('HRIPA'), an individual also has a right to access and amend records held by Council which contain their personal details, matters related to their business affairs and any records containing information about their health. Where information about an individual is held in documents, files or systems that include information about other persons, any request should be made under the GIPA Act. The Act provides for consultation with other affected parties prior to disclosure of information concerning their personal or business affairs. Under the State Records Act 1998 (NSW) Council is required to give an access direction

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(whether the records are open or closed) for all Council's records that are at least 20 30 years old. ~~in what is described as the "open access period".~~ Under the Environmental Planning and Assessment Act 1979 (NSW) and Environmental Planning and Assessment Regulations 2000 (NSW) there is a right to access Development Application registers and documents held by Council subject to restrictions set out in section 268(3).

2 Information Available

2.1 Council publishes open access, or mandatory release, information on its website unless there is an overriding public interest against disclosure or to do so would impose an unreasonable additional cost on Council. In respect of the latter the Council will make the information freely available in another format e.g. viewing a hard copy at the Council Administration Building. The open access information **Council holds includes** is:

- Council's policy documents;
- a publication guide with information about the council's structure and functions, and listing the type of information that is publicly available
- a disclosure log of formal access applications where in Council's opinion the information released may be of interest to other members of the public
- a register of contracts worth more than \$150,000.00 that councils have with private sector bodies
- a record of open access information that council does not make publicly available on the basis of an overriding public interest against disclosure.

2.2 ~~In addition~~ Schedule 5 of the GIPA Act requires that certain documents held by Council; are to be made publicly available for inspection, free of charge. The public is entitled to inspect these documents either on Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website) or at the offices of the Council during ordinary office hours or at any other place as determined by the Council. Any current and previous documents of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges.

2.3 These documents are:

- Information about Council
- The model code of conduct prescribed under section 440(1) of the Local Government Act 1993 (NSW) ('LGA')
- Council's adopted Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report

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- Integrated Plans – comprises of the Community Strategic Plan, Delivery Program, Operational Plan, Workforce Strategy, Long Term Financial Plan and the Asset Management Plan
- EEO Management Plan
- Policy concerning the payment of expenses and provision of facilities to the Mayor and Councillors
- Annual Reports of Bodies Exercising Functions Delegated by Council (e.g. Section 355/377 Committees)
- Any codes referred to in the Local Government Act
- Returns of the Interests of Councillors, Designated Persons and Delegates
- Agendas, business papers and minutes of council/committee meetings (except meetings that are closed to the public)
- Office of Local Government, NSW Department of Premier and Cabinet Representative Reports presented at a meeting of Council
- Land Register
- Register of Investments
- Register of Delegations
- Register of Graffiti removal works
- Register of current Declarations of Disclosures of Political donations
- Register of Voting on Planning Matters.

3 Information Available

- Local Policies adopted by Council concerning approvals and orders.
- Plans of Management for Community Land.
- Environmental Planning Instruments, Development Control Plans and Contribution Plans.

4 Information about Development Applications

- Home Warranty Insurance documents
- Construction Certificates
- Occupation Certificates
- Structural Certification Documents
- Town Planner Reports
- Submissions received on Development Applications – subject to the provision of the Privacy and Personal Information Protection Act 1998 (NSW)
- Heritage Consultant Reports
- Tree Inspections Consultant Reports
- Acoustic Consultant Reports
- Land Contamination Consultant Reports
- Records of decisions on Development Applications including decisions on appeals
- Records describing the general nature of documents that Council decides to exclude from public view after application of public interest test considerations.

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5 Approvals, Orders and Other Documents

- Applications for approvals under part 7 of the LGA
 - Applications for approvals under any other Act and any associated documents received
 - Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decisions made on appeals concerning approvals
 - Orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA
 - Orders given under the Authority of any other Act
 - Records of Building Certificates under the Environmental Planning and Assessment Act 1979 (NSW)
 - Plans of land proposed to be compulsorily acquired by Council
 - Compulsory Acquisition Notices
 - Leases and Licenses for use of Public Land classified as Community Land.
- 5.1 It should be noted that there is other legislation that can apply to the release of Council records such as, but not limited to, the Privacy and Personal Information Protection Act 1998 (NSW) and Copyright Act 1968 (Cth). Council's Right to Information officers will consider all relevant legislation applicable to any request for information.
- 5.2 Copies of documents provided are given for information purposes only and are provided by Council to meet its requirements under relevant legislation. Copyright laws still apply to each document. The consent of copyright owners is required for documents where copyright applies such as documents on development applications. This information would generally be available for inspection however may not be able to be copied.
- 5.3 ~~In addition, from time to time~~ Council will make as much other information as possible publicly available in an appropriate manner, including on the ~~their~~ website. The information will be available free of charge or at the lowest reasonable cost. Such other information includes frequently requested information or information of public interest that has been released as a result of other requests.
- 5.4 Council will endeavour to release other information in response to an informal request, subject to any reasonable conditions as Council thinks fit to impose. However, notwithstanding the lodgement of an informal request, Council may require a formal access application to be submitted where the information sought:

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- is of a sensitive nature that requires careful weighing of the considerations in favour of and against disclosure, or
- contains personal or confidential information about a third party that requires consultation, or
- would involve an unreasonable amount of time and resources to produce.

6 Exemptions to Access

- 6.1 Council may refuse a request for information if there is an overriding public interest against disclosure or if searching for the requested information would require unreasonable and substantial diversion of the Council's resources.
- 6.2 Council will always explain to the applicant its reasons for refusing access to information when applying an exemption. Council will not classify information as exempt unless there are clear reasons for doing so. Where documents contain exempt information, any remaining information contained within the requested document may be **made** available under the Act.
- 6.3 In determining whether there is an overriding public interest against the disclosure of the information, Council will fully consider the Public Interest Test.
- 6.4 The GIPA Act provides an exhaustive list of public interest considerations against disclosure that may be taken into account when determining if there is an overriding public interest against releasing the information. These are the only considerations against disclosure that Council will consider in applying the public interest test.
- 6.5 Considerations are grouped under the following headings:
- responsible and effective government
 - law enforcement and security
 - individual rights, judicial processes and natural justice
 - business interests of agencies and other persons
 - environment, culture, economy and general matters
 - secrecy provisions (in legislation other than those listed in Schedule 1)
 - exempt documents under interstate Freedom of Information legislation.
- 6.6 In applying the public interest test, Council will not take into account:
- that disclosure might cause embarrassment to, or loss of confidence in, the Council;
 - that any information disclosed might be misinterpreted or misunderstood by any person.

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- 6.7 Council will consider any submissions made by an applicant in relation to public interest considerations, as well as any factors personal to the applicant.
- 6.8 Under the GIPA Act there are 12 categories of information (8 of which appear to affect local government) for which there is a conclusive presumption of an overriding public interest against disclosure. These 8 are:
- Information subject to an overriding secrecy law (26 specifically named Acts);
 - Information subject to the direction or order of a court or other body with the power to receive evidence on oath;
 - Information subject to legal professional privilege;
 - Excluded information' (judicial and prosecutorial information, information about complaints handling and investigative functions, competitive and market sensitive information and information in relation to specific functions of the Public Trustee);
 - Documents affecting law enforcement and public safety;
 - Specific information relating to transport safety;
 - Specific reports concerning the care and protection of children;
 - Specific information relating to Aboriginal and environmental heritage.
- 6.9 Generally under the GIPA Act, Council must not publish and must refuse requests to disclose information in the above categories. Formal applications for 'excluded information' are invalid under the Act.
- 6.10 In dealing with informal requests Council will apply a similar decision making framework.

7 Accessing Information and Making an Application

- 7.1 The public may obtain access to information as follows:
- by searching the Council's website to see if it is already available
 - by contacting Council and requesting the information. Council will advise whether the information requested:
 - is open access, or mandatory release information that is readily available and where and how to get the information.
 - should be made available as part of a proactive release of information.
 - can be disclosed through an informal release, for example where no third party personal information is involved.
 - requires a formal access application, for example because consultation with a third party is required.
- 7.2 To make an informal request for access to information under the GIPA Act, Council may require the completion of an 'Informal Access Request Form'. No fee is required on this request.

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7.3 To make a formal application for access to information under the GIPA Act, the 'Formal Access Application Form' should be completed. The Formal Application fee is \$30.00 and processing charges may be applicable (there is no GST in relation to these charges). An acknowledgement of such application will be provided by Council within 5 working days.

7.4 If a fee for photocopies of documents provided under the GIPA Act is payable, it will be listed in Council's adopted Fees and Charges and is GST inclusive.

8 Time Limits

8.1 In respect of formal applications, Council will notify applicants of the decision of an application within 20 working days, unless the applicant agrees to extend the time. Council may also extend the time by up to 15 working days where consultation with a third party is required **and/or** if Council needs to retrieve records from archives. Applications may also be extended to account for any stop the clock periods where, for example, Council had requested an advanced deposit payment from the applicant.

8.2 If access is deferred by Council, then Council will notify the applicant and include the reason for deferral and the date on which the applicant will be given access. A decision to defer access is reviewable (see Rights of Review and Appeal). If Council does not decide the applicant's access application within the above timeframes, it is deemed 'refused'. Council will refund the application fee and the applicant may seek internal or external review (see Rights of Review and Appeal) of this refusal. This will not apply if an extension of time has been arranged or payment of an advance deposit is pending.

9 Rights of Review and Appeal

9.1 Where a member of the public is refused access under a formal application under the GIPA Act, staff will provide details of the reasons for refusal to the member of the public in writing. An applicant who has been refused access by Council to information requested under a formal application for access to information under the GIPA Act has three options of review available.

9.2 Applicants can apply to Council for an internal review. This is a review by someone in a more senior role than the original decision maker and there is a \$40.00 fee. Applicants have 20 working days from receiving notice of a decision to ask for an internal review.

9.3 If an applicant is not satisfied with the internal review, or does not want one, they can ask for a review by the Information Commissioner. Applicants have 8 weeks from being notified of a decision to ask for this review.

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- 9.4 If an applicant is not satisfied with the decision of the Information Commissioner or the internal reviewer or if they do not want to take these options they can apply to the NSW Civil and Administrative Tribunal (NCAT). If the applicant has already had a review by the Information Commissioner they have 4 weeks from notification of the decision to make this application. If they have not had a review by the Information Commissioner they have 8 weeks from notification of the decision to make this application.
- 9.5 It is noted that there are no rights of review in respect of informal requests, but the applicant may make a formal application at any time. Council welcomes any person(s) who have questions or concerns regarding an application processed by Council to make enquiries with the determining officer.

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ITEM NO. 15**FILE NO: 25/199867
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) Guparr Aboriginal Men's and Youth Shed – Mayoral Funds - \$3,000 donation towards licence fees and replacement of stolen tools.

**ORDINARY COUNCIL MEETING - 23 SEPTEMBER 2025
MOTION**

230	Mayor Leah Anderson Councillor Chris Doohan It was resolved that Council approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral Funds for Guparr Aboriginal Men's and Youth Shed – Mayoral Funds - \$3,000 donation towards licence fees and replacement of stolen tools.
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Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

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

Guparr Aboriginal Men's and Youth	Guparr Men's Shed is a space where Aboriginal elders hope to encourage participation, create opportunities, and change public perceptions while offering young people knowledge and guidance.	\$3,000	Donation towards licence fees and replacement of stolen tools.
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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 (S7.11)	No		
External Grants	No		

MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025

Source of Funds	Yes/No	Funding (\$)	Comment
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.

MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025

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. 16**FILE NO: 25/219676
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 23 September 2025.

No:	Report Title	Page:
1	Cash and Investment Portfolio - August 2025	323
2	Designated Persons' Return	324
3	Delegations Report	325
4	Council Resolutions	327

**ORDINARY COUNCIL MEETING - 23 SEPTEMBER 2025
MOTION**

231	Councillor Paul Le Mottee Councillor Chris Doohan It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 23 September 2025. <table><tr><th>No:</th><th>Report Title</th></tr><tr><td>1</td><td>Cash and Investment Portfolio - August 2025</td></tr><tr><td>2</td><td>Designated Persons' Return</td></tr><tr><td>3</td><td>Delegations Report</td></tr><tr><td>4</td><td>Council Resolutions</td></tr></table>	No:	Report Title	1	Cash and Investment Portfolio - August 2025	2	Designated Persons' Return	3	Delegations Report	4	Council Resolutions
No:	Report Title										
1	Cash and Investment Portfolio - August 2025										
2	Designated Persons' Return										
3	Delegations Report										
4	Council Resolutions										

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

MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025

Those against the Motion: Nil.

The motion was carried.

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 24/314365
EDRMS NO: PSC2017-00180**

CASH AND INVESTMENT PORTFOLIO - AUGUST 2025

REPORT OF: GLEN PETERKIN - FINANCIAL SERVICES SECTION MANAGER
DIRECTORATE: CORPORATE STRATEGY AND SUPPORT

BACKGROUND

Due to the timing of the distribution of the Council agenda for 23 September 2025, the Cash and Investment Report as at 31 August 2025 was not available for publication at that time.

The Cash and Investment Report as at 31 August 2025 will be available for Council's consideration in a Supplementary Report.

ATTACHMENTS

Nil.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 2

**FILE NO: 25/208601
EDRMS NO: PSC2025-01083**

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:

- Business Development and Marketing Manager PSC901.
- Environmental Planning Team Leader PSC818.

ATTACHMENTS

Nil.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

- 1) Designated Persons' Return.

ITEM NO. 3

**FILE NO: 25/233592
EDRMS NO: PSC2009-00965**

DELEGATIONS REPORT

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

BACKGROUND

The purpose of this report is to advise Council of each occasion the Mayor and/or General Manager have exercised their delegations, other than under section 226 and 335 of the Local Government Act 1993, which are conferred on each role.

The report at **(ATTACHMENT 1)** provides details of the delegation exercised, such as the delegated authority, the date and the reason for exercising the delegation.

ATTACHMENTS

1) Delegations Report.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 1 DELEGATIONS REPORT.**MAYOR AND GENERAL MANAGER DELEGATION REPORT**

Date exercised	Delegations exercised	Purpose	Role exercising delegation	Reported to Council
15-Aug-25	Clause 178 of the Local Government (General) Regulation 2021)	T091-2024 - Plant and Equipment Hire	General Manager	23 September 2025
20-Aug-25	Code of Meeting Practice	Approval of Public Access application regarding Item 1 - DA 16-2018-386-5 – 1 Yacaaba Street, Nelson Bay	Mayor	23 September 2025
21-Aug-25	Code of Meeting Practice	Approval of Public Access application regarding Notice of Motion 1 - Drainage Maintenance	Mayor	23 September 2025
25-Aug-25	Code of Meeting Practice	Approval of Public Access application regarding Item 1 - DA 16-2018-386-5 – 1 Yacaaba Street, Nelson Bay	Mayor	23 September 2025
25-Aug-25	Code of Meeting Practice	Approval of Public Access application regarding Item 1 - DA 16-2018-386-5 – 1 Yacaaba Street, Nelson Bay	Mayor	23 September 2025
25-Aug-25	Code of Meeting Practice	Approval of Public Access application regarding Item 4 - Planning Proposal - 587 Newline Road, Raymond Terrace (Monarch's Rise)	Mayor	23 September 2025
25-Aug-25	Code of Meeting Practice	Approval of Public Access application regarding Item 4 - Planning Proposal - 587 Newline Road, Raymond Terrace (Monarch's Rise)	Mayor	23 September 2025
26-Aug-25	Clause 178 of the Local Government (General) Regulation 2021)	T144-2025 - Shoal Bay Carpark Upgrade - Corner of Shoal Bay & Government Roads, Shoal Bay	General Manager	23 September 2025

ITEM NO. 4

**FILE NO: 25/219660
EDRMS NO: PSC2017-00106**

COUNCIL RESOLUTIONS

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

BACKGROUND

The purpose of this report is to inform the Mayor and Councillors of the status of all matters to be dealt with arising out of the proceedings of previous meetings of the Council in accordance with the Code of Meeting Practice.

ATTACHMENTS

- 1) Community Futures resolutions.
- 2) Corporate Strategy and Support resolutions.
- 3) Facilities and Infrastructure resolutions.
- 4) General Manager's Office resolutions.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.



Division: Community Futures	Date From: 25/02/2025
Committee:	Date To: 26/08/2025
Officer:	Printed: Wednesday, 27 August 2025
Action Sheets Report	

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						
27 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 25/02/2025	Gardner, Janelle	Revised Communication and Engagement Strategy	29/10/2025	26/02/2025	
1		Pearl, Steven				25/43931
025						
27 Aug 2025						
Council resolved to defer the revised Communication and Engagement Strategy 2024-2028 to 28 October 2025 Council meeting to seek further clarification and amendments to Appendix 1.						

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						
27 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						
27 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
	Ordinary Council 10/06/2025	Lamont, Brock	MATTER ARISING - Min No. 121 - Item 5 - Draft Local Infrastructure Contributions Plan 2020 - Comprehensive amendment.	28/11/2025		
		Pearl, Steven				
27 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. 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.						



Action Sheets Report	Division:	Community Futures	Date From:	25/02/2025
	Committee:		Date To:	26/08/2025
	Officer:		Printed:	Wednesday, 27 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
27 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	28/10/2025		
1		Peart, Steven				25/191415
27 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 12/08/2025	Herrmann, Amber	Request for Sporting Excellence Fund	23/09/2025	13/08/2025	
2		Peart, Steven				25/213775
27 Aug 2025						
This funding request will be placed on public exhibition for a period of 28 days.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/08/2025	Lamont, Brock	Planning Proposal - 587 Newline Road, Raymond Terrace (Monarch's Rise)	9/09/2025	27/08/2025	
4		Peart, Steven				25/231579
27 Aug 2025						
It was resolved that Council defer Item 4 - planning proposal for 587 Newline Road, Raymond Terrace (Lot 2 DP37430 and Lot 32 DP 554875) to allow for discussions with the proponent to change the lots size from 300m ² to 350m ² . A report back to Council is scheduled for 23 September 2025.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/08/2025	Herrmann, Amber	Revised Communication and Engagement Strategy	29/10/2025	27/08/2025	
5		Peart, Steven				25/231579
27 Aug 2025						
Council resolved to defer the revised Communication and Engagement Strategy 2024-2028 to 28 October 2025. Council meeting to seek further clarification and amendments to Appendix 1.						

ITEM 4 - ATTACHMENT 2 CORPORATE STRATEGY AND SUPPORT RESOLUTIONS.



Action Sheets Report	Division:	Corporate Strategy and Support	Date From:	11/04/2023
	Committee:		Date To:	26/08/2025
	Officer:		Printed: Wednesday, 27 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
27 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
27 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
27 Aug 2025 It was resolved that Council progresses with Option 2 outlined in the confidential business paper.						

ITEM 4 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE RESOLUTIONS.


Action Sheets Report	Division:	Facilities and Infrastructure	Date From:	27/08/2013
	Committee:		Date To:	26/08/2025
	Officer:		Printed:	Wednesday, 27 August 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/08/2013	Maretich, John	Campvale Drain	31/12/2025		
243		Kable, Gregory				
27 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	Naming Recreation Precinct at Medowie after Geoff Dingle	31/12/2025	12/04/2023	
2085		Kable, Gregory				23/92450
27 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	Sale of closed roads in Raymond Terrace	31/12/2025	29/11/2023	
1		Kable, Gregory				23/324875
27 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	Bus Stop Infrastructure Plan	31/03/2026	29/05/2024	
1		Kable, Gregory				24/131056
27 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. Deferred as per PS Item dated 29 August 2025.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/07/2024	Maretich, John	Raymond Terrace Boat Ramp	30/04/2026	24/07/2024	
6		Kable, Gregory				24/189773
27 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. Discussions have commenced with funding agencies to seek funding.						

ITEM 4 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE RESOLUTIONS.


Action Sheets Report	Division:	Facilities and Infrastructure	Date From:	27/08/2013
	Committee:		Date To:	26/08/2025
	Officer:		Printed:	Wednesday, 27 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
27 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						
27 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						
27 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						
27 Aug 2025						
Master planning consultation is currently underway.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 10/06/2025	Maretich, John	MATTER ARISING - Min No. 131 - NOM 1 - Trial of Tomaree Shuttle Bus	30/04/2026		
		Kable, Gregory				
27 Aug 2025						
Staff to prepare a report as per Council resolution.						

ITEM 4 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE RESOLUTIONS.



Division:	Facilities and Infrastructure	Date From:	27/08/2013
Committee:		Date To:	26/08/2025
Officer:		Printed:	Wednesday, 27 August 2025
Action Sheets Report			

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/06/2025	Maretich, John	Policy Review - Provision and Management of Cemeteries	28/11/2025	25/06/2025	
7		Kable, Gregory				25/159107
27 Aug 2025						
A report will be prepared for the Council meeting to be held 28 October 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
27 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
27 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
27 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
27 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 4 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE RESOLUTIONS.



Division:	Facilities and Infrastructure	Date From:	27/08/2013
Committee:		Date To:	26/08/2025
Officer:		Printed:	Wednesday, 27 August 2025
Action Sheets Report			

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
27 Aug 2025						
As resolved, the policy has been placed on public exhibition for 28 days.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/08/2025	Maretich, John	Drainage Maintenance	28/11/2025	27/08/2025	
1		Kable, Gregory				25/231579
27 Aug 2025						
As per Council resolution, staff will investigate funding opportunities for open drain maintenance. Staff will also prepare a letter for the Hon. Kate Washington MP, Member for Port Stephens, to be reviewed by the Mayor and Councillors and to be discussed at a future briefing on open drain maintenance.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/08/2025	Maretich, John	AFC Women's Asian Cup Soccer 2026	28/11/2025	27/08/2025	
2		Kable, Gregory				25/231579
27 Aug 2025						
Staff will prepare letters for delegates listed in the Council resolution to express Council's interest in hosting a national team for the lead up to the AFC Women's Asian Cup 2026.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/08/2025	Maretich, John	Acquisition of Part 79 Brandy Hill Drive, Brandy Hill for the Brandy Hill Shared Pathway	31/10/2025	27/08/2025	
1		Kable, Gregory				25/231579
27 Aug 2025						
Staff will prepare the documents, required to affect the payment of compensation, for the General Manager's signature as Council's authorised representative.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/08/2025	Donaldson, Cameron	Renewal of Lease - 49 William Street, Raymond Terrace	26/09/2025	27/08/2025	
2		Kable, Gregory				25/231579
27 Aug 2025						
Staff will prepare lease documentation for the Mayor and General Manager to sign as Council's authorised representatives.						



Action Sheets Report	Division:	General Manager's Office	Date From:	26/08/2025
	Committee:		Date To:	26/08/2025
	Officer:		Printed: Wednesday, 27 August 2025	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 26/08/2025	Wickham, Tony	Amendment: General Manager's Delegations - Defer and return to Council as a Notice of Motion with background of costs to seeking legal advice on the matter of delegations to the General Manager.	28/10/2025		
		Crosdale, Timothy				
27 Aug 2025						
Advice on the cost of seeking legal advice is being sought.						

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 25/230617

EDRMS NO: PSC2024-03148

ANNA BAY TRAFFIC AND TRANSPORT MANAGEMENT

COUNCILLORS: JASON WELLS, BEN NILAND & CHRIS DOOHAN

THAT COUNCIL:

- 1) Requests the General Manager prepare a communication and engagement plan with the Anna Bay community, including the South Tomaree Community Association, Birubi Point Cultural Heritage Advisory Panel and Destination Port Stephens, to identify and adopt effective traffic management strategies addressing tourist traffic and the use of Gan Gan Road by tourist buses as temporary parking.
 - 2) Requests the General Manager convene a stakeholder workshop within 3 months to consider transport, traffic, parking and roads issues in Anna Bay.
 - 3) Requests the General Manager investigate the utilisation of Smart Parking funds to support implementation of recommended strategies.
-

ORDINARY COUNCIL MEETING - 23 SEPTEMBER 2025
MOTION

232	Councillor Jason Wells Councillor Chris Doohan It was resolved that Council: 1) Requests the General Manager prepare a communication and engagement plan with the Anna Bay community, including the South Tomaree Community Association, Birubi Point Cultural Heritage Advisory Panel and Destination Port Stephens, to identify and adopt effective traffic management strategies addressing tourist traffic and the use of Gan Gan Road by tourist buses as temporary parking. 2) Requests the General Manager convene a stakeholder workshop within 3 months to consider transport, traffic, parking and roads issues in Anna Bay. 3) Requests the General Manager investigate the utilisation of Smart Parking funds to support implementation of recommended strategies.
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Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

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

The Birubi Point Parking Assessment Report (report) was completed in 2022 to assist in defining the issues associated with parking, traffic, transport and congestion at the Birubi Headland. The report highlighted the imbalance between parking demand and supply, particularly during peak seasons, and recommended a number of measures to assist in managing the shortfall. The measures recommended included the introduction of SMART Parking to assist with demand management, Local Area Parking Plan to review parking regulation, digital parking guidance signage to alert motorists of upcoming parking availability and alternative transport options to reduce car reliance. Multiple rounds of public engagement were undertaken prior to the recommended measures being supported for implementation including the recent roll out of SMART Parking.

Additionally, during the highs of peak season, the Birubi Point Aboriginal Place Peak Season Management Plan (plan) has been delivered since 2010 and that includes additional measures to assist in managing the increased visitation. In relation to traffic and parking, the plan includes the deployment of traffic controllers and the implementation of a traffic guidance scheme.

Discussions with stakeholders have been ongoing and will continue as we lead into the summer peak season.

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: 25/232049

EDRMS NO: PSC2024-03148

KINGS HILL

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes that the Hunter & Central Coast Regional Planning Panel rejected the Kings Hill Concept Development Application on 4 February 2022, the Land and Environment Court rejected the Kings Hill Concept Development Application on 23 August 2023, and the Land and Environment Court, on appeal, again rejected the Kings Hill Concept Development Application on 17 January 2025.
 - 2) Notes that Council has approved a McCloy Development Application (DA), is assessing KHD Precincts 6 and 7, and that the balance of the Urban Release Area has been put forward to be designated as a State Significant Development with the NSW Government.
 - 3) Agrees that there is significant uncertainty as to whether anything beyond the McCloy DA will ever be approved.
 - 4) Agrees that Council strategic planning and development planning staff are both being tied up with an endless workload dealing with Kings Hill related matters.
 - 5) Agrees that Council's strategic planning staff should instead be focusing their efforts on progressing workable strategic housing opportunities, such as those at Salamander Bay, Karuah, and Raymond Terrace, which have a likelihood of delivering housing in the near future and have not been subject to a litany of refusals.
 - 6) Agrees that Council's development planning staff should instead be focusing on approving Development Applications in the shortest timeframes possible, to deliver housing that is near and medium term as quickly as possible.
 - 7) Agrees that freeing up Council staff from dealing with Kings Hill related matters going forward is in the interests of increasing housing supply in Port Stephens and ensures Council's limited resources are not being forced into endlessly dealing with a failed proposal.
 - 8) Revokes its strategic support for any development beyond the McCloy land occurring in the Kings Hill Urban Release Area, based on the decades of uncertainty and the clarity provided by the Hunter & Central Coast Regional Planning Panel and the Land and Environment Court about the environmental, infrastructure, and wetland area impacts, none of which is likely to be able to be overcome.
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MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025

- 9) Requests the General Manager to write to the NSW Government seeking their preliminary views on whether a planning proposal initiated and submitted by Port Stephens Council to backzone Kings Hill (except for the McCloy land) would be supported in light of the Planning Panel and Land & Environment Court refusals.
- 10) Requests the General Manager to defer the reporting of KHD Precincts 6 and 7 to the elected Council at least until the receipt of advice requested at point 9.
- 11) Writes to the NSW Department of Planning, noting Council's position on Kings Hill, requesting that they consider it in their consideration of whether to agree for State Significant Development status to be provided to Kings Hill.
- 12) Writes to the NSW Minister for the Environment and the NSW Minister for Planning, seeking their support for purchasing the Kings Hill Urban Release Area, minus the McCloy section, for the purposes of biobanking or some other environmental purpose.

ORDINARY COUNCIL MEETING - 23 SEPTEMBER 2025 MOTION

	Councillor Giacomo Arnott Councillor Jason Wells That Council: 1) Notes that the Hunter & Central Coast Regional Planning Panel rejected the Kings Hill Concept Development Application on 4 February 2022, the Land and Environment Court rejected the Kings Hill Concept Development Application on 23 August 2023, and the Land and Environment Court, on appeal, again rejected the Kings Hill Concept Development Application on 17 January 2025. 2) Notes that Council has approved Development Application (DA) 16-2013-599-2 on part of the Kings Hill Urban Release Area (KHURA), is assessing KHD Precincts 6 and 7 (DA 16-2024-158-1 and DA 16-2024-174-1), and that significant holdings within the KHURA have been put forward as State Significant Development with the NSW Government (SSD-85368982). 3) Agrees that it is critical that the development community, Council staff, and the broader community, understand that Council's current housing targets will fall critically short without Kings Hill being approved. 4) Agrees that in light of the implications of point 3, it is essential to diversify Council's strategic planning approach to account for the potential outcome of the sections of the KHURA which have been submitted for State Significant Development being refused or not fully realised.
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	5) Requests the General Manager to continue to focus on pursuing the objectives of the Local Housing Strategy, specifically: a) Increasing building heights and density in Raymond Terrace. b) Identifying & pursuing pathways to resolving identified infrastructure deficiencies in Karuah which could unlock additional land suitable for housing. c) Continuing the process of rezoning and development on land in Salamander Bay, with a view to increasing the building heights as much as is practicable. d) Continuing to promote and facilitate rezoning requests in Medowie and Fullerton Cove, where suitable, to facilitate increased housing, at the highest density which is practicable. e) Any other opportunities, in consultation with the elected Council, which may be developer or Council led, to increase housing densities in existing, well serviced parts of Port Stephens. 6) Requests that the General Manager write to the NSW Minister for Planning and Public Spaces seeking advice on how the KHURA (with the exception of existing approvals) could best be managed should SSD-85368982 not be successful, with a specific consideration given to whether the NSW Government could purchase the land for the purposes of biobanking or some other environmental purpose. 7) Agrees that while Council currently supports the KHURA in general, a review of this position will be triggered should SSD-85368982 be refused or not fully realised, through a report to Council outlining options for dealing with the land. 8) Requests that the General Manager write to the NSW Minister for Planning and Public Spaces, with a copy of this motion and a request that the assessment occur quickly so that Council's strategic planning can be focused on housing projects that are deliverable in the shortest timeframe possible.
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Councillor Ben Niland left the meeting at 7:58pm.

Councillor Ben Niland returned to the meeting at 8:00pm.

**ORDINARY COUNCIL MEETING - 23 SEPTEMBER 2025
MOTION**

233	Councillor Giacomo Arnott Councillor Jason Wells It was resolved that no action be taken on the Notice of Motion and the matter be reported to the 28 October 2025 Council meeting as a Notice of Motion with the wording from the motion above.
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Cr Watson requested that no action be taken on the Notice of Motion and the matter be reported to the 28 October 2025 with the amended wording above. The mover and seconder accepted the requested.

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

Those against the Motion: Nil.

The motion was carried.

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

The Kings Hill Urban Release Area (KHURA) was rezoned from rural land use to residential, commercial and environmental land uses under a site specific Local Environmental Plan in 2010. The site-specific Local Environmental Plan and associated planning provisions were incorporated into the current Port Stephens Local Environmental Plan 2013 as a nominated Urban Release Area.

The KHURA is identified within the NSW Government's Hunter Regional Plan 2041 as 'new residential land' and as a 'priority location for future housing around Williamstown'.

Part of the KHURA has been identified within the Port Stephens Local Housing Strategy (LHS) as part of the Housing Supply Plan (HSP).

The LHS and HSP have been conditionally endorsed by the NSW Department of Planning, Housing and Infrastructure (DPHI). One of the outstanding conditions from DPHI relates to the mapping of the entire KHURA, acknowledging its total potential yield of up to 3,500 dwellings, subject to the resolution of environmental and infrastructure planning issues.

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Preliminary discussion regarding this motion with DPHI has indicated that Council would be required to undertake a rigorous planning assessment to inform the most appropriate zoning footprint of the KHURA if not for residential purposes.

This assessment may require significant resources including Council planning staff time, studies and technical costs.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

There being no further business the meeting closed at 8:18pm.