

NOTICE OF ORDINARY MEETING

25 NOVEMBER 2025



The Mayor and Councillors attendance is respectfully requested:

Mayor: L Anderson (Chair).

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

SCHEDULE OF MEETINGS

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

Please Note:

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

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

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

Food and beverages are not permitted in the Council Chamber.

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BUSINESS

- 1) Opening meeting.
- 2) Acknowledgement of Country

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

**if submitted*

Statement of Ethical Obligations

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

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

PRINCIPLES FOR LOCAL GOVERNMENT

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

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

Guiding principles for Council

1) Exercise of functions generally

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

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

2) Decision-making

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

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

3) Community participation

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

Principles of sound financial management

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

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

Integrated planning and reporting principles that apply to Council

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

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

PORT STEPHENS COMMUNITY STRATEGIC PLAN

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

The Community Strategic Plan is organised into 4 focus areas:

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

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

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

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

BUSINESS EXCELLENCE

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

These outcomes align with the following Business Excellence principles:

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

MEETING PROCEDURES SUMMARY

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

Quorum – A quorum at Port Stephens Council is 6.

Declarations of Interest

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

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

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

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

Motions and Amendments

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

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

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

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

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

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

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

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

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

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

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

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

A Point of Order can be raised where:

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

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

Declarations of Conflict of Interest – Definitions

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

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

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

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



Form of Special Disclosure of Pecuniary Interest

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

Important information

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

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

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

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

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

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

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

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

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

to be held on the _____ day of _____ 20__

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

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

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

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

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

Mayor/Councillor's signature _____

Date _____

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



Declaration of Interest form

Agenda item No. _____

Report title _____

Mayor/Councillor _____ declared a

Tick the relevant response:

☐	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 _____

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

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

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

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

Mayor/Councillor left the Council meeting at _____ pm.

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

COUNCIL REPORTS

ITEM NO. 1**FILE NO: 25/296780
EDRMS NO: 16-2025-81-1****DEVELOPMENT APPLICATION (DA) 16-2025-81-1 FOR EARTHWORKS
COMPRISING A FLOOD MOUND FOR STOCK REFUGE, CONSTRUCTION OF 3
SHIPPING CONTAINERS AT 269 NEWLINE RD, RAYMOND TERRACE**

REPORT OF: RYAN FALKENMIRE - DEVELOPMENT SERVICES 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 amended conditions contained in **(ATTACHMENT 1)**.

BACKGROUND

Council at its Ordinary meeting of 23 September 2025, resolved to defer 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 **(ATTACHMENT 2)**.

The purpose of this report is to present a revised mound location to Council from that previously recommended in the Council Report and Planner's Assessment Report for Development Application (DA) No.16-2025-81-1 that was previously reported to the 23 September 2025 Ordinary Council meeting **(ATTACHMENT 2)**.

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

Following the deferral, Council staff and the applicant have engaged further on the mound location with a view to reach agreement. The mound has been located in a central location (red hatched area) that has been endorsed by the applicant as shown in Figure 1 below.



Figure 1 – Recommended mound location (red) against former location (blue)

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 plans submitted with the original 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. The location of the mound adjacent to the levee with a raised driveway access was not supported on ecology and flood planning grounds as outlined in the Planner's Assessment Report (**ATTACHMENT 4**).

Council Planning and Engineering Officers are supportive of the development proposal generally, other than the mound location adjacent the Williams River as proposed by the applicant. Accordingly, the DA was reported to Council to the 23 September 2025 Ordinary Council Meeting recommending support for the mound in an alternate location closer to Newline Road (blue hatched area shown in Figure 1 above). During the Council meeting, it was resolved that the DA be deferred and reported back to Council at the earliest opportunity.

Following deferral of the DA, Council Planning and Engineering Officers have considered an alternative location for the mound to better cater for the operational needs of the landowner whilst also still being positioned in a location that provides for the safe occupation and efficient evacuation of people in the event of a flood.

The proposed new mound location is located centrally within the site that is void of native vegetation and existing farm infrastructure. The new recommended mound location is shown in red in the Site Plan at **(ATTACHMENT 3)**. On an in-principle basis, the applicant has endorsed the new mound location as shown in **(ATTACHMENT 3)**.

The proposed location of the mound meets the requirements of Clause 5.21 of the Port Stephens Local Environmental Plan 2013 (PSLEP) in that:

- The level of fill proposed and assessed in the Flood Impact Assessment remains unchanged and therefore would result in negligible flood level changes offsite and the increase in velocity would be minor and therefore not impacting flood behaviour
- The recommended mound location is still within close proximity to Newline Road enabling safe occupation and efficient evacuation of people in the event of a flood
- The extent of the driveway and associated fill is reduced from the original location adjacent the Williams River.

Furthermore, the new recommended mound location is void of vegetation, thereby there is no requirement for the removal of any vegetation. The new mound location is also situated outside of the Biodiversity Values Mapped portions of the site.

The revised mound location is also situated away from the Williams River levee, satisfying the minimum design and setback requirements from the toe of the existing levee required by Department of Climate Change, Energy the Environment and Water (DCCEEW). This addresses the provisions from the previous supplementary report submitted for the 23 September 2025 Ordinary Council Meeting.

This Report provides amended conditions **(ATTACHMENT 1)** to reflect the new mound location and provides additional conditions related to driveway design, flood emergency response and restrictions on the occupation of the mound during flood events.

Condition amendments are as follows:

- Condition 2 has been amended to clearly state that no approval for vegetation removal is granted
- Condition 3 has been amended to remove references to trees approved for removal or pruning noting the revised location is void of trees
- Condition 6 has been amended to include the requirement for the Flood Risk and Management Plan to be approved by Council and to include the requirement for the preparation of a Flood Emergency Response Plan
- Condition 8 has been included to outline requirements for the detailed design of the driveway
- Addition of Condition 38 to ensure that prior to use or occupation of the mound, the driveway design is to be constructed to the satisfaction of Council
- Addition of Condition 39 to ensure that during occupation and ongoing use of the site, the Flood Emergency Response Plan is adhered to.

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The new mound location will be formalised subject to the recommended conditions contained in **(ATTACHMENT 1)**. The former conditions reported to Council as part of the 23 September 2025 Ordinary Council Meeting will be superseded by the amended conditions provided with this Report at **(ATTACHMENT 1)**.

This Report only addresses the revised mound location from that previously reported to Council for determination. All other aspects from the Planners Assessment Report remain relevant under s4.15 of the Environmental Planning & Assessment Act 1979 contained at **(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 Councils resources to defend such an appeal in the Land and Environment Court.	Yes
There is a risk that if the DA is refused, the applicant may appeal the determination.	High	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 improves the viability of the land for primary production purposes during flood events 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 locality, corresponding to the agricultural zoning and landscape.

Impacts on the Natural Environment

The recommended location of the mound ensures that the natural environment will not be impacted. The amended location is void of native vegetation and ameliorates the requirement for a Biodiversity Development Assessment Report (BDAR) and entry into the Biodiversity Offsets Scheme.

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 engagementPublic 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 Supplementary Report (ATTACHMENT 2).
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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 recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) Amended Conditions. [↓](#)
- 2) Minutes and Supplementary report from 23 September 2025. [↓](#)
- 3) Revised Mound Location. [↓](#)
- 4) Planner's Assessment Report. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

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

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1 AMENDED CONDITIONS.

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	14/10/2025
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** – No vegetation is approved for removal under this consent.

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ITEM 1 - ATTACHMENT 1 AMENDED CONDITIONS.

Condition reason - To ensure that it is clear that no vegetation has been approved for removal under this consent.

- (3) **Building Code of Australia** – All building work must be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.

Condition reason - To ensure that all building works are completed in accordance with the Building Code of Australia.

- (4) **Sign on building** – Except in the case of work only carried out to the interior of a building or Crown building work, a sign must be erected in a prominent position on the site showing the name, address and 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

- (5) **Flood Risk Management Plan** – A Flood Risk Management Plan prepared by a suitably qualified Flood Engineer must be provided to the Certifying Authority and Council demonstrating compliance with the following:
- a) The design must show that the mound 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 plant fittings, equipment and any other buoyant fixtures will be of materials and functional capacity to withstand the forces of floodwater in events up to and including the 1% AEP event including hydrostatic pressure, hydrodynamic pressure and buoyancy forces.
 - d) The Flood Risk Management Plan must also include a Flood Emergency Response Plan. The Flood Emergency Response Plan must detail evacuation routes, warning mechanisms and flood response actions.

Condition reason - To ensure that the required Flood Risk Management Plan adequately addresses risk to life and property.

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ITEM 1 - ATTACHMENT 1 AMENDED CONDITIONS.

- (6) **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

- (7) **Design Amendments** – Prior to the commencement of works for the mound and driveway, 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:
 - o Have a maximum area of 27,163.5m² with a total top area of no more than 10,000m².
 - o Have a finished height of no more than 5.0m AHD.
 - o 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.
 - A detailed driveway design must be prepared which is to include cross drainage and culverts to ensure that local overland flow drainage patterns are maintained and offsite impacts are avoided during the 5% AEP flood event.

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.

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ITEM 1 - ATTACHMENT 1 AMENDED CONDITIONS.

- (8) **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.

- (9) **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.

- (10) **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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ITEM 1 - ATTACHMENT 1 AMENDED CONDITIONS.

(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.

- (11) **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.

- (12) **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.

- (13) **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 AMENDED CONDITIONS.

- (14) **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.

- (15) **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.

- (16) **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.

- (17) **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

- (18) **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.

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

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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.

- (20) **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.

- (21) **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.

- (22) **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.

- (23) **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.

ITEM 1 - ATTACHMENT 1 AMENDED CONDITIONS.

- (24) **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.

- (25) **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.

- (26) **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.

- (27) **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.

- (28) **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 New South Wales under the National Parks and Wildlife Act

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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.

- (29) **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.

- (30) **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

- (31) **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.

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

The certification/verification must be provided to the satisfaction of the Principal Certifying Authority.

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ITEM 1 - ATTACHMENT 1 AMENDED CONDITIONS.

Condition reason - To ensure stormwater and drainage works have been undertaken in accordance with the approved plans.

- (33) **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.

- (34) **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

- (35) **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.

- (36) **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.

- (37) **Driveway works completion** - Prior to use or occupation of the mound, the driveway approved under this consent must be constructed to the satisfaction of Council.

Condition reason - To ensure the raised driveway does not impact on flows during flood events.

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ITEM 1 - ATTACHMENT 1 AMENDED CONDITIONS.

- (38) **Flood Management** – During flood events, the approved Flood Emergency Response Plan required by Condition 5 must be adhered to. During flood events, the site must be evacuated and no ongoing occupation is to occur.

Condition reason - To ensure compliance with the approved FERP and ongoing safety of persons occupying the site.

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.
6. **Separate Approvals** – Separate approvals under the Water Management Act 2000 must be obtained as required.

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.

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ITEM 1 - ATTACHMENT 1 AMENDED CONDITIONS.

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

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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.

**ITEM 1 - ATTACHMENT 2 MINUTES AND SUPPLEMENTARY REPORT FROM
23 SEPTEMBER 2025.****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.

ITEM 1 - ATTACHMENT 2 MINUTES AND SUPPLEMENTARY REPORT FROM 23 SEPTEMBER 2025.**MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025****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.

ITEM 1 - ATTACHMENT 2 MINUTES AND SUPPLEMENTARY REPORT FROM 23 SEPTEMBER 2025.**MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025**

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

ITEM 1 - ATTACHMENT 2 MINUTES AND SUPPLEMENTARY REPORT FROM 23 SEPTEMBER 2025.**MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025**

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.

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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

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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

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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

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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.

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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.

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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.

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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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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.

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- (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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- (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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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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- (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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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.

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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.

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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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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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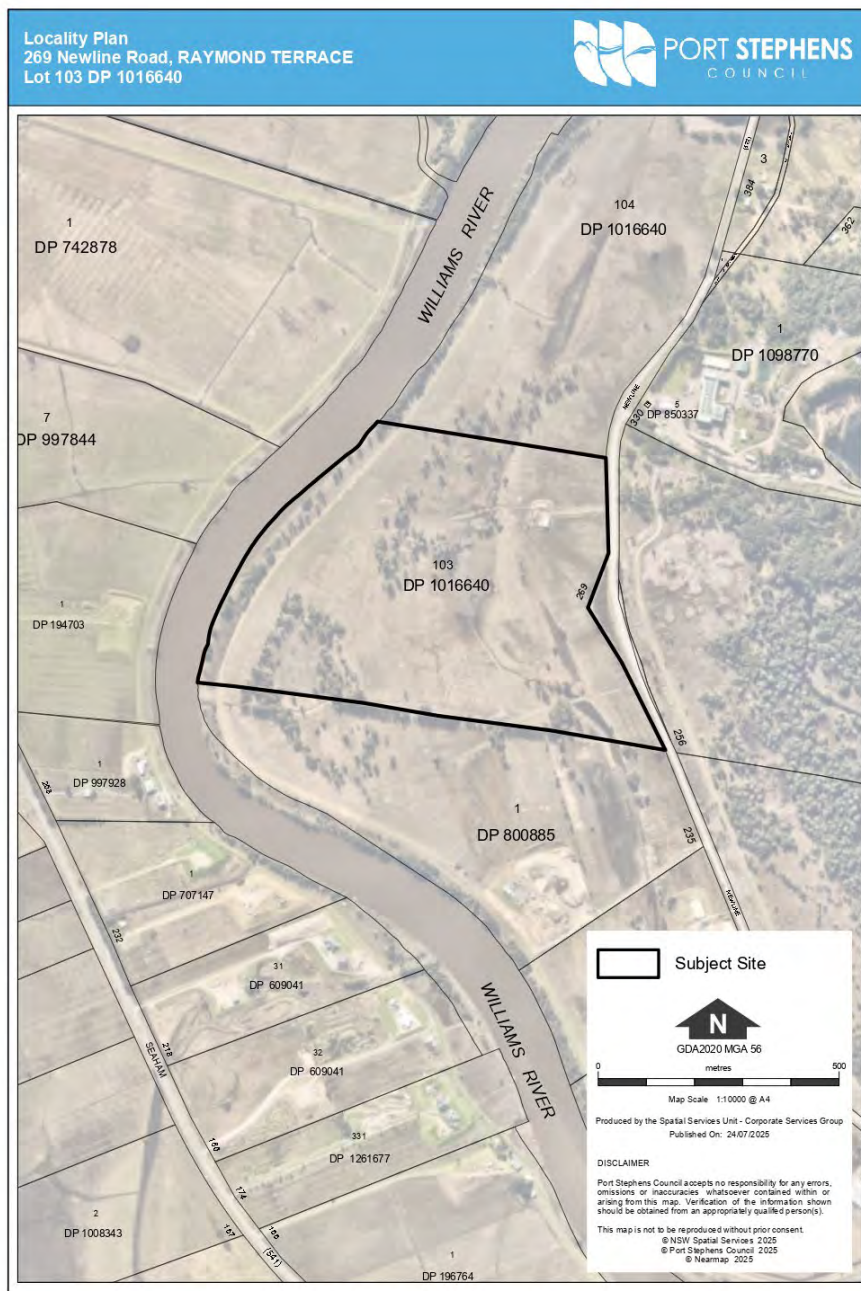
ITEM 1 - ATTACHMENT 2 CALL TO COUNCIL FORM.

 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	

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ITEM 1 - ATTACHMENT 3 LOCALITY PLAN.



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 PORT STEPHENS COUNCIL		DEVELOPMENT 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;	

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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**.

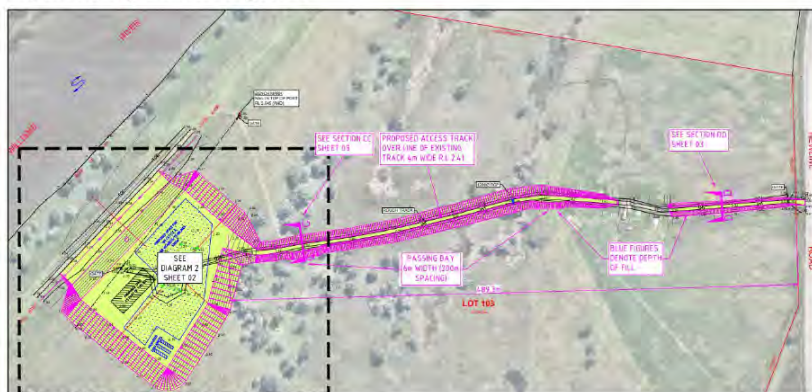


Figure 1. Proposed site plan

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.

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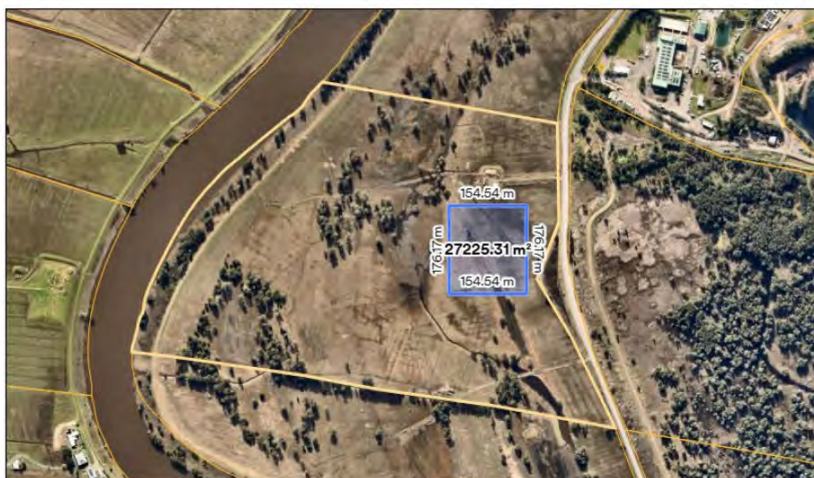


Figure 2. Proposed alternative mound location

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

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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

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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.

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, no 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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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.

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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;

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- 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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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 B1 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.

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- 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 B1 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 ≥4,000m²)	
	Shed in R5 Large Lot Residential zoning adheres to Figure CO:	N/A
	C8.3 – Sheds (R5 Large Lot Residential – Lot size <4,000m²)	
	Shed in R5 Large Lot Residential zoning adheres to Figure CO:	N/A
	C8.5 – Sheds (Rural)	
C8 Shipping Containers	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.
	C8.25 – 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 Shipping Containers	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	
C8 Shipping Containers	Shipping containers are placed at ground level and are not stacked on top of each other.	Complies

ITEM 1 - ATTACHMENT 2 MINUTES AND SUPPLEMENTARY REPORT FROM
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CB – 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)(iia) – Any planning agreement or draft planning agreement entered into under section 7.4	
There are no planning agreements or draft planning agreements which have been entered into under section 7.4 of the EP&A Act which are relevant to the development.	
Section 4.15(1)(a)(iv) – The regulations (to the extent that they prescribe matters for the purposes of this paragraph)	
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.	

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23 SEPTEMBER 2025.****MINUTES ORDINARY COUNCIL - 23 SEPTEMBER 2025****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.

**ORDINARY COUNCIL - 23 SEPTEMBER 2025 - SUPPLEMENTARY
INFORMATION****SUPPLEMENTARY INFORMATION**

ITEM NO. 1

FILE NO: 25/247460
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.

BACKGROUND

The purpose of this Supplementary Report is to address the referral received from the Department of Climate Change, Energy the Environment and Water (DCCEEW) for Development Application (DA) No.16-2025-81-1 seeking approval 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).

The referral from DCCEEW was received via the NSW Planning Portal after the Planner's Assessment Report had been finalised and the Business Paper published.

SUMMARY

Given the mound as proposed by the applicant is in close proximity to infrastructure associated with the Hunter Valley Flood Mitigation Scheme, specifically the Williams River flood levee, the DA was referred to the DCCEEW under s256 of the Water Management Act (WM Act).

Under s256 of the WM Act, consent is required from DCCEEW to construct any building, fence or structure in, on, or adjacent to, a levee bank. Referral under s256 of the WM Act is not an integrated or concurrence referral required under the Environmental Planning and Assessment Act 1979 (EP&A Act). Whilst approval under s256 of the WM Act is separate to development approval under the EP&A Act,

**ITEM 1 - ATTACHMENT 2 MINUTES AND SUPPLEMENTARY REPORT FROM
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INFORMATION**

Council generally refers developments that involve works in close proximity to Hunter Valley Flood Mitigation Scheme Infrastructure to DCCEEW for review and comment. This process can generally assist in streamlining the approval process for applicants as DCCEEW comments can be considered and addressed during assessment of a DA, with any plan amendments undertaken prior to determination rather than through subsequent development consent modifications.

Through the assessment of this DA, DCCEEW requested additional information and design amendments to the proposed flood mound. The applicant subsequently amended plans to address DCCEEW's request. DCCEEW subsequently issued a referral response and associated approvals under s256 of the WM Act. DCCEEW considered that the plans are in accordance with the Department's minimum setback requirements from the toe of the existing levee. Whilst the amended plans addressed the DCCEEW comments, the plans still failed to address the safety and flood impact assessment concerns from Council.

It is important to note that DCCEEW's assessment of the proposal considers impacts to infrastructure associated with the Hunter Valley Flood Mitigation Scheme, which is not correlated to the requirements of the Port Stephens Local Environmental Plan 2013 or the Port Stephens Development Control Plan, including flood related impacts and risk to life.

Notwithstanding the above, the alternate location of the mound as recommended for approval by Council staff does not require approval from DCCEEW under s256 of the WM Act due to its substantial setback from the Williams River levee.

The recommendation to approve the proposed flood mound in the alternate location as outlined in the Planner's Assessment Report remains unchanged despite the DCCEW referral now being received.

ATTACHMENTS

Nil.





DEVELOPMENT 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**.

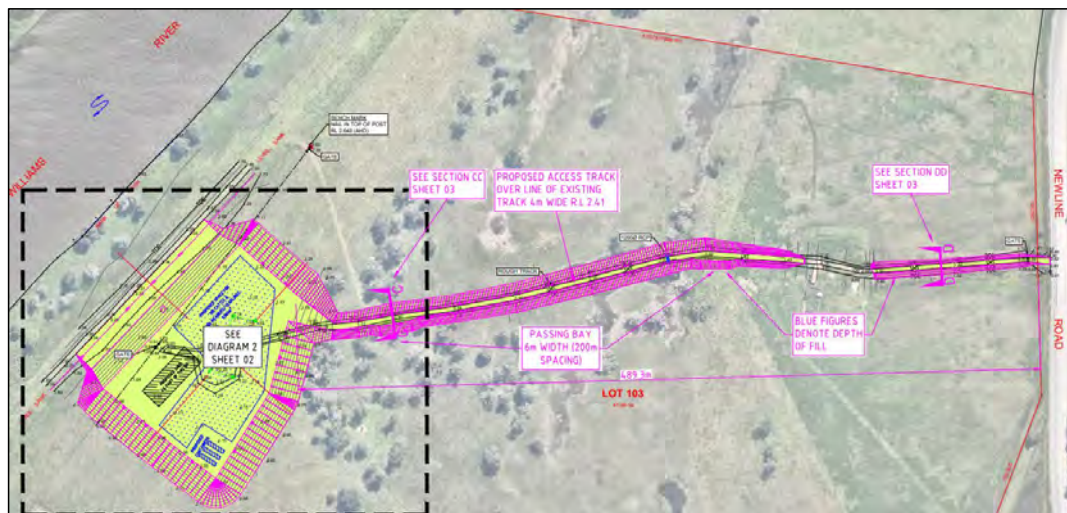


Figure 1. Proposed site plan

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.

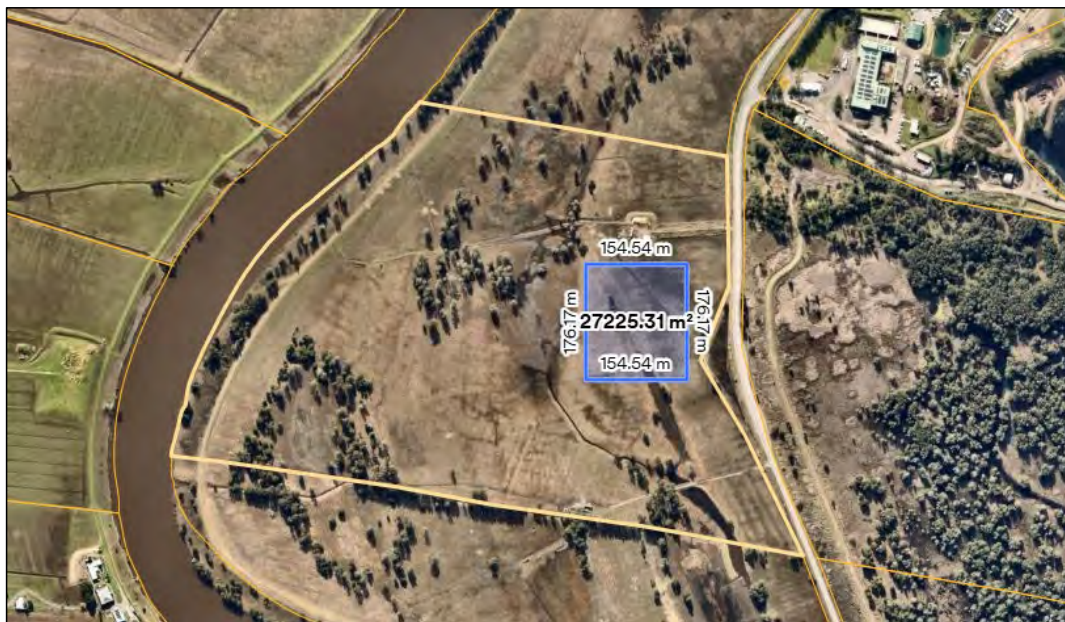


Figure 2. Proposed alternative mound location

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.

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 DCCEE's review. Furthermore, the alternative location of the mound no longer requires approval from DCCEE due to its substantial setback from infrastructure associated with the Hunter Valley Flood Mitigation Scheme.

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, no 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,

- 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 or the quantity/quality of surface and ground

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.

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.

Clause 7.6 – Essential services

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.

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.

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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;

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- 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.

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 B1 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.

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- 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

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)(iia) – Any planning agreement or draft planning agreement entered into under section 7.4

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

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

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.

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.

ITEM NO. 2

**FILE NO: 25/264534
EDRMS NO: 58-2024-7-1**

PLANNING PROPOSAL (POST EXHIBITION) - 254 TAREAN ROAD KARUAH

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Notes the amendments to the planning proposal (**ATTACHMENT 1**) for 254 Tarean Road, Karuah (Lot 1 DP 507141).
- 2) Authorises the exercise of delegations to make the amendment to the Port Stephens Local Environmental Plan 2013 under Section 3.36 of the Environmental Planning and Assessment Act 1979 (NSW).

BACKGROUND

The purpose of this report is to advise Council of the outcome of the exhibition of the planning proposal to amend the Port Stephens Local Environmental Plan 2013 (LEP) (**ATTACHMENT 1**) for 254 Tarean Road, Karuah.

The planning proposal was updated following a Gateway determination (**ATTACHMENT 2**) from the Department of Planning, Housing and Infrastructure (DPHI) and referred to the relevant public authorities for consultation. No objections were raised by these agencies. The planning proposal was publicly exhibited from 15 August 2025 to 11 September 2025, and no submissions were received.

The planning proposal seeks to reinstate the previous use of the site as a service station by amending Schedule 1 'Additional Permitted Uses'. The site is currently zoned RU2 Rural Landscape. An existing service station and restaurant occupy the site, however, they are no longer operational and are not permitted with consent within the zone.

The service station was previously operating under existing use rights, however, the rights lapsed after the service station ceased operation for an extended period. This additional permitted use would apply to the subject site only.

The site has a history of commercial land uses and is identified in the Karuah Place Plan as employment land, which supports its potential for employment-generating uses in the short term due to existing infrastructure and previous commercial activity. The site forms part of a broader precinct identified for long-term housing development.

ORDINARY COUNCIL - 25 NOVEMBER 2025

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

Date lodged	19 December 2024
Proponent	Coastal Earthmoving Hire Pty Ltd C/- Perception Planning
Subject property	Lot 1 DP 507141, 254 Tarean Road, Karuah, NSW, 2324
Site area	1.7 hectares
Current zoning	RU2 Rural Landscape
Current use	Unoccupied service buildings are currently on site. Previously used as a restaurant and service station
Proposed changes	Inclusion of the subject land within Schedule 1 of LEP as an additional permitted use to permit a service station.

On 15 May 2025, the planning proposal was submitted to DPHI to seek a Gateway determination in accordance with the Port Stephens Council Rezoning Request Policy.

On 13 June 2025, DPHI issued a Gateway determination (**ATTACHMENT 2**) requiring the planning proposal to be updated to:

- Include in Part 4 Mapping details of the proposed mapping changes, and include existing and proposed Additional Permitted Uses mapping.
- Undertake further consultation with Transport for NSW, Department of Climate Change, Energy, the Environment and Water, NSW Rural Fire Service, Hunter Water Corporation and the Karuah Local Aboriginal Land Council.

In accordance with the Gateway determination, the planning proposal was referred to the relevant public authorities. The planning proposal was publicly exhibited from 15 August 2025 to 11 September 2025, and no submissions were received. The Gateway determination authorises Council to make the amendments to the LEP under Section 3.36(2) of the Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act).

Suitability of the site

The site is considered suitable for a service station for the following reasons:

- The site has previously been used as a service station, is considered to have limited agricultural value, and retains existing service station infrastructure on site.
- The site is identified for employment land in the endorsed Karuah Place Plan. The site has a history of commercial land use and is considered to be a suitable location despite being located outside of the Karuah Town Centre.

Servicing

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

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the need for employment land in Karuah is not met.	Low	Accept the recommendations	Yes

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

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

requirements. Council is authorised to act as the local plan making authority to make the plan as noted within the Gateway determination. Should Council accept the recommendations, arrangements will be made for the drafting of the amendment to the LEP to give effect to the planning proposal.

Port Stephens Local Environmental Plan 2013 (LEP)

The planning proposal would amend Schedule 1 of PSLEP 2013 to include 'service station' as a permissible form of development on the subject land. This additional permitted use would apply to the subject site only and does not apply to other similar locations or RU2 Rural Landscape zoned land throughout Port Stephens.

Hunter Regional Plan 2041 (HRP)

The proposal demonstrates consistency with the objectives for future employment lands in the Hunter Region. The site is a former employment land, located on the outskirts of the Karuah Township. The proposal will leverage existing infrastructure and provide convenient access to employment and essential services while not impacting existing surrounding land uses.

Local Strategic Planning Statement (LSPS)

The planning proposal gives effect to and is consistent with the Port Stephens Local Strategic Planning Statement (LSPS). Planning Priority 1 seeks to support the growth of strategic centres and major employment areas by Council monitoring employment land supply and assessing rezoning requests for consistency with the economic directions set in local strategies.

Karuah Place Plan

The Karuah Place Plan identifies the site as employment land. The planning proposal is consistent with the Place Plan.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

- Creating a new employment site to support the employment growth in Karuah through the provision of employment lands. The proposal encourages business diversification.
- Employment opportunities within the Port Stephens LGA and the Hunter Region through the construction and future maintenance of the development.
- Stimulation of local economic activity through increased local spending.

COMMUNICATION AND ENGAGEMENT

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

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

The following communication and engagement applies to this report.

External communications and engagement

INFORM	Adjacent and adjoining landowners were notified in writing of the lodgement of the planning proposal. They were notified again when the planning proposal was placed on public exhibition.
CONSULT	The planning proposal was placed on public exhibition from 15 August to 11 September 2025, and 0 submissions were received. Consultation was undertaken with the following State agencies as part of the conditions set out by the Gateway determination: • Hunter Water Corporation • Karuah Local Aboriginal Land Council • Transport for NSW • Department of Climate Change, Energy, the Environment and Water • NSW Rural Fire Service No objections were raised by the consulted agencies. Feedback received consisted of minor advisory notes, which have been acknowledged and can be addressed at the development application stage.

Internal communications and engagement

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

- Assets Section.
- Development Services Section.

OPTIONS

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

ATTACHMENTS

- 1) Planning Proposal. [↓](#)
- 2) Gateway Determination. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

- 1) ASIC Search.

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

TABLED DOCUMENTS

Nil.



Tarean Road - Karuah Planning Proposal

**Proposed amendment to Port Stephens Local
Environmental Plan 2013**
Additional Permitted Use at 254 Tarean Road, Karuah,
NSW 2324 (Lot 1 DP507141)



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ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL.

VERSION CONTROL

Version	Date	Details
1	December 2024	Planning proposal as submitted to Council
2	March 2025	Updated to Council template
3	June 2025	Updated Part 4 Mapping after Gateway Determination
4	September 2025	Updated post exhibition

ATTACHMENTS

APPENDIX 1 - Visual Impact Assessment
APPENDIX 2 - Detail Survey
APPENDIX 3 - Strategic Bushfire Study
APPENDIX 4 - Preliminary Site Investigation
APPENDIX 5 - Detailed Site Investigation
APPENDIX 6 - Traffic Impact Assessment
APPENDIX 7 - Traffic Impact Addendum
APPENDIX 8 - AHIMS Search Result
APPENDIX 9 - Pre-Lodgement Advice

FILE NUMBERS

Council: 58-2024-7-1
Department: PP-2024-2707

SUMMARY

Subject land: Lot 1 DP507141
 254 Tarean Road, Karuah, NSW, 2324
Proponent: Coastal Earthmoving Hire Pty Ltd
 Perception Planning Pty Ltd
Proposed changes: The planning proposal is seeking to amend Schedule 1 of the *Port Stephens Local Environmental Plan 2013* to insert an additional permitted use for a service station.
Area of land: 1.662 hectares

BACKGROUND

The planning proposal seeks to amend the *Port Stephens Local Environmental Plan 2013* (LEP) to enable a service station at 254 Tarean Road, Karuah, NSW, 2324.

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL.

The site is currently zoned RU2 – Rural Landscape. An existing restaurant and service station occupy the site, however, are no longer operational or suitable for continued use. Neither of these historic uses are currently listed as permissible with consent within the zone. To enable a Development Application (DA) to be lodged with Council for consideration, the land use term of a “service station” needs to be listed as permissible with development consent under the LEP (Schedule 1 – Additional permitted uses).

The justification for the planning proposal is informed by the Karuah Place Plan adopted by Council on the 22 March 2022 which identifies the sites as short-term employment land.

The following investigations are provided with this Planning Proposal:

- Strategic Bushfire Strategy
- Detail Survey
- Preliminary and Detailed Contamination Assessment
- Visual Impact Assessment
- AHIMS Search Result
- Traffic Impact Addendum
- Traffic Assessment Report

SITE

The site is a single parcel of land with an area measuring 1.662 hectares (**Figure 1**). The site is bordered by Tarean Road to the north and rural lands to the south, east and west. A small amount of properties adjacent to the site along Tarean Road are zoned R2 – Low Density Residential with the majority of the neighbouring sites RU2 – Rural Landscape (**Figure 2**).

The site is currently zoned RU2 and is subject to a minimum lot size of 20ha. The site does not meet the minimum lot size for the zone.

The site is located 1.2km or a 2-minute drive from the Karuah town centre and 21km or a 16-minute drive to Medowie. The site is identified in the Karuah Place Plan for future short-term employment land and supports key strategic land-use planning documents such as the Hunter Regional Plan and the Port Stephens Local Strategic Planning Statement.

The site has a history of commercial land-uses, such as a service station, retail premises and residential use on the large rural lot. Although the service station is no longer operational, all infrastructure has been retained including fuel pumps. Tarean Road interconnects with the Pacific Highway which is a dual laneway carriageway connecting the site to strategic centres of Medowie, Raymond Terrace, Nelson Bay and the regional city of Newcastle.

Figure 1 - Locality Plan

The map shows an aerial view of a rural area. A red boundary outlines Lot 1, which contains an existing service station and commercial premises. The lot is labeled "Lot: 1 DP: 507141 Site Area: 16673 sq m". The surrounding roads are labeled: "THE RIVER ROAD", "TAREAN RD", and "OUTLOOK RD". Dimensions for the lot boundaries are provided: 100.7 m on the left, 161.2 m on the top and bottom, and 101.6 m on the right.

Legend:

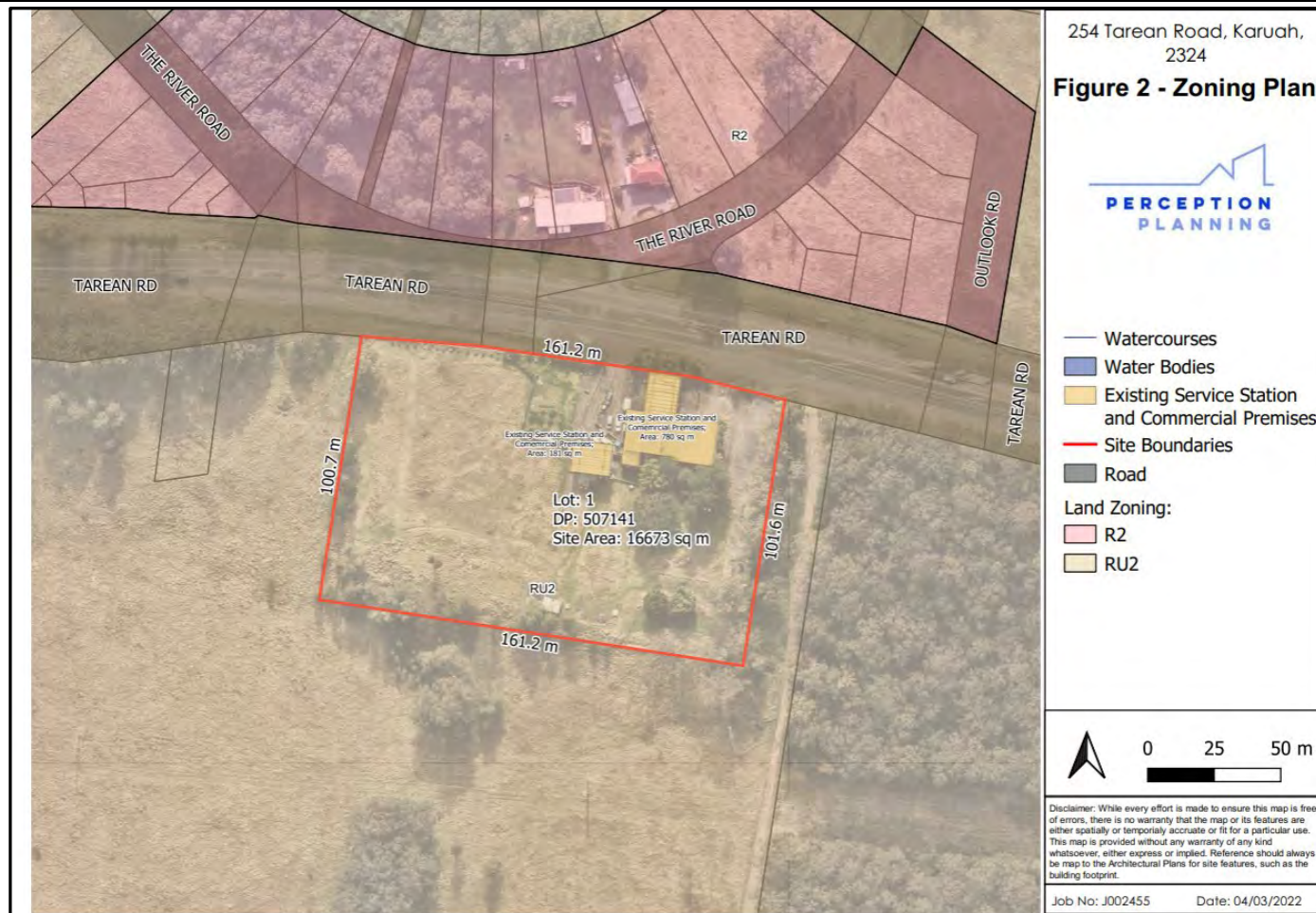
- Watercourses
- Water Bodies
- Existing Service Station and Commercial Premises
- Site Boundaries
- Road

Scale: 0 25 50 m

Disclaimer: While every effort is made to ensure this map is free of errors, there is no warranty that the map or its features are either spatially or temporally accurate or fit for a particular use. This map is provided without any warranty of any kind whatsoever, either express or implied. Reference should always be made to the Architectural Plans for site features, such as the building footprint.

Job No: J002455 **Date:** 04/03/2022

Figure 2 – Zoning Plan



PART 1 – Objectives or intended outcomes

The objective of this planning proposal is to enable a service station at the subject site. The intended outcome aims to meet immediate and future demand for service stations and daily needs in the surrounding area as well as facilitate the new housing in the area.

PART 2 – Explanation of provisions

The intended outcome of the planning proposal will be achieved by the following amendments to the *Port Stephens Local Environmental Plan 2013* (the LEP) by inserting the following clause under Schedule 1 – Additional Permitted Uses:

Use of certain land at 254 Tarean Road, Karuah

- 1) This clause applies to land at 254 Tarean Road, Karuah being Lot 1, DP507141.
- 2) Development for any of the following purposes is permitted with development consent –
 - a) service station.

These amendments will require revisions to the current Additional Permitted Uses Map under the *Port Stephens Local Environmental Plan 2013* (the LEP).

The proposed provisions will add an additional use to the subject site to allow for a service station, this additional use will still be subject to a development application and development consent.

PART 3 – Justification of strategic merit and site-specific merit**Strategic merit****Section A – Need for the planning proposal****Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?**

Yes, the planning proposal is the result of the Karuah Place Plan which identified the site as short-term employment land.

The planning proposal will enable the Karuah Place Plan by securing identified short term employment land for the community. The site has a history of commercial land-uses, including a service station and retail premises and is considered to be located within a suitable proximity to the Karuah town centre and Pacific Highway. The planning proposal seeks to incorporate the additional

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL.

permitted use clause under Schedule 1 of the LEP to re-establish the historic use of the site.

The site is located on the southern side of Tarean Road. The location would be the first fuel and rest opportunity for west bound traffic from Karuah before entering onto the Pacific Highway. The location facilitates easy traffic movement from the site to areas throughout the municipality and the broader surrounds.

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

Yes. In order to achieve the intended outcome, the following was considered:

- Amend the zone to E1 Local Centre. Zoning the site E1 Local Centre would enable a wider range of development opportunities on the site that would have the potential to impact on established businesses in the Town Centre.

This option was not considered suitable as it would have a greater impact than an additional permitted use and may undermine the town centre.

Section B – Relationship to strategic planning framework

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

Yes. The planning proposal will give effect to the Hunter Regional Plan 2041 (HRP) which sets the strategic land use framework for continued economic growth and diversification in one of Australia's most diverse and livable regions (p.8). The following objectives are of relevance to the planning proposal:

Objective 1: Diversify the Hunter's mining, energy and industrial capacity

This objective primarily focuses on the current and future employment lands of the Hunter Region. The proposed development site is a former employment land, located on the outskirts of the Karuah township. The proposal will leverage existing infrastructure and provide for convenient access to employment and essential services while not detracting from existing land uses and commercial areas.

The planning proposal is able to meet the requirements set out in Strategy 1.4

Planning proposals for new employment lands will demonstrate they:

- *Are located in areas which will not result in land use conflict.*

The site contains a former service station that currently has limited development around it. A small amount of residential land is located to the north, previous Council assessments of land use conflict would continue to apply, and the extent

of land use conflict, subject to the service station being reinstated, would be minor. There is approximately 270m between the subject site and the nearest major residential subdivision. This is considered to be an appropriate buffer area for the future land use.

Being located on the outskirts of an existing settlement is wholly appropriate for the kind of supporting development that service stations comprise. In terms of the existing rural land uses in the surrounding area, there are limited rural activities occurring. Nearby rural land uses include a sawmill to the north-west, and cleared, vacant land to the south. Rural land to the north is similarly cleared and exists as a large land holding. The future use of the site as a service station is unlikely to create conflicts with existing rural land uses in the immediate surrounding area. As such, it is considered the amendment will not result in land use conflict.

- *Can be adequately serviced and any biodiversity impacts are manageable.*

The site has access to reticulated water and sewer services, and access to mains power. As such, it is adequately serviced in its existing state. To accommodate the future development, it is not likely that clearing will be required.

Notwithstanding, the immediate surrounding land is not identified on the Biodiversity Values (BV) map and is identified as 'mainly cleared land' on Council's Koala Plan of Management (KPoM) habitat map.

- *Respond to the employment land needs identified for that local government area.*

The site has been identified as 'short term employment land' in the Karuah Place Plan, which is further discussed below. As such, the planning proposal will enable development that will directly address the need for short term employment land on the site.

Objective 9: Sustain and balance productive rural landscapes

This objective primarily focuses on the appropriate development of rural landscapes within the Hunter Region.

Strategy 9.1 states:

Local strategic planning should consider:

- *Protecting important agricultural lands, rural industries, processing facilities and supply chains from land uses which may result in land use conflict or fragmentation.*

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL.

- *Opportunities to promote the diversification and innovation of agricultural activities and ways to facilitate the upscaling of productivity without acquiring more land.*
- *Supporting activities to value-add and provide additional income streams for farmers.*
- *Ensuring the impacts of development on aquatic habitats in aquaculture estuaries are minimised to support aquaculture.*

The proposed LEP amendment will not adversely affect important agricultural lands. As previously discussed, the site has been used as a service station in the past, and as such has not been used for agricultural purposes. The proposed LEP amendment is not likely to create land use conflicts specifically due to the advantageous location of the site adjoining Tarean Road and scale of the subject being well below the minimum lot size for the RU2 zone.

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

Port Stephens Local Strategic Planning Statement

The Local Strategic Planning Statement (LSPS) identifies the 20-year vision for land use in Port Stephens. It sets out the social, economic and environmental planning priorities for the future and identifies when they will be delivered. The LSPS is the tool that gives local-level effect to State Government regional plans by informing local statutory plan making and development controls. It also provides the link between the Port Stephens Community Strategic Plan (CSP) and land use planning. The LSPS has been prepared in accordance with Section 3.9 of the EP&A Act.

Planning Priority 1 seeks to support the growth of strategic centres and major employment areas. The most relevant objective for the proposed LEP amendment is:

Access rezoning requests for consistency with the economic directions set in local strategies. (p.18)

The subject site is specifically identified in the Karuah Place Plan, as a future area to be utilised for employment lands. The planning proposal is consistent with the LSPS as it provides economic opportunity in an appropriate location that will create jobs. The proposed LEP amendment will not hinder the economic growth of the existing Karuah local centre.

Karuah Place Plan

The Karuah Place Plan (KPP) is an addendum to the Karuah Growth Strategy of 2011 and provides an overall structure plan for land use planning in the Karuah area. Shown in **Figure 3**, the site has been identified for 'short term employment land'. The future development of the site would result in short term employment land, and as such would be consistent with the Karuah Place Plan.

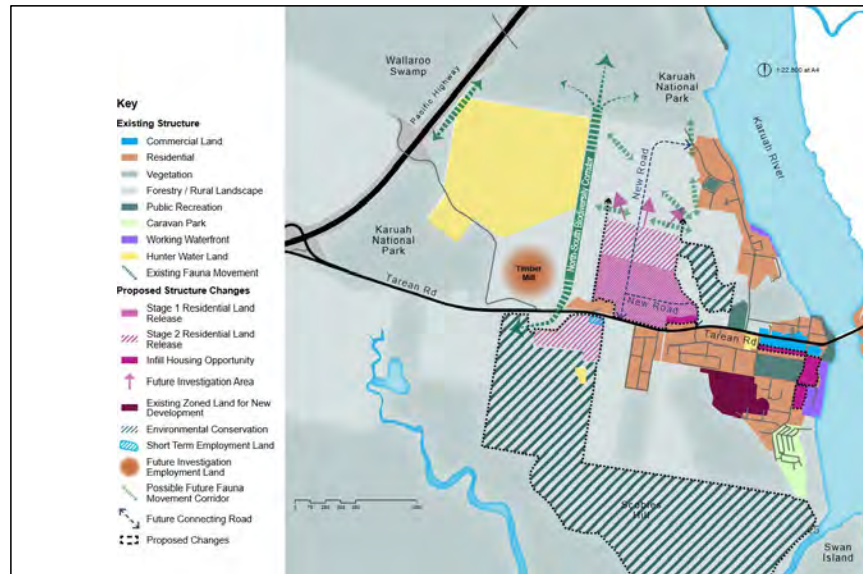


Figure 1: Karuah Place Plan Structure Plan (source: Port Stephens Council)

Port Stephens Community Strategic Plan 2018-2028

Yes, the planning proposal will give effect to the Port Stephens Community Strategic Plan, which sets out to identify community aspirations and priorities over the ten-year period and identify four key focus areas to guide the delivery of these priorities (p.11).

Of the four key focus areas, two are relevant to this planning proposal:

Focus Area Two – Our Place

Focus Area Three – Our Environment

Objective P1 seeks to deliver a strong economy, vibrant local businesses, active investment and create a community that has an adaptable, sustainable and diverse economy (p.17). This planning proposal supports the objective of P1 by creating a new employment area to support the employment growth in Karuah through provision of employment lands. The proposal encourages the business diversification and helps to move away from the reliance of seasonal tourism.

Objective E1 through to E3 seek to protect and enhance the local natural environment and reduce the community's environmental footprint whilst improving the community's resilience to detrimental impacts from the environment (p.18).

This planning proposal supports the objective of Focus Area Three by re-establishing the historic use of the site for commercial purposes on a lot predominantly cleared of vegetation to reduce impacts on local biodiversity. On this basis, the proposal is consistent with the CSP.

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

Greater Newcastle Metropolitan Plan 2036

This Planning Proposal will give effect to the Greater Newcastle Metropolitan Plan 2036 (GNMP) whose stated role is to help achieve sustainable urban growth in the communities that make up Greater Newcastle (p.5).

Strategy 7 of the GNMP identifies that development of the Greater Newcastle Employment Lands will ensure economic opportunities and attract more investment to the area. More specifically, Action 7.1 states:

'Greater Newcastle councils will align local plans to:

- Build capacity for new economy jobs in areas well serviced by public transport and close to established centres by:
- Enabling a greater range of employment generating uses in appropriate industrial and business areas
- Responding to the challenge of balancing the vibrancy of a night-time economy with residential amenity
- Encouraging more home-based business, home-based industries and small business (under two employees plus residents) in residential areas.
- Ensure an adequate supply of employment land, including industrial zoned land, to cater for demand of urban services in accessible locations.' (p.26)

The planning proposal will ensure the adequate supply of employment land in Port Stephens which will promote the growth of commercial businesses within the Karuah locality. It is considered that the planning proposal is consistent with the objectives and intention of the GNMP.

Q6. Is the planning proposal consistent with applicable SEPPs?

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

Table 1 – Relevant State Environmental Planning Policies

SEPP	Consistency and Implications
SEPP (Resilience and Hazards) 2021	
Chapter 4 Remediation of Land	The Preliminary Contamination Investigation (APPENDIX 4) conducted in accordance with the contaminated land planning guidelines identified that the site is potentially contaminated by its previous and current land use. A Detailed Contamination Investigation (APPENDIX 5) found that the site had groundwater contamination, and that it was recommended that a Remediation Action Plan was implemented at the DA stage. The planning proposal is consistent with this SEPP.
SEPP (Transport and Infrastructure) 2021	
Chapter 2 Infrastructure	A Traffic Impact Assessment (APPENDIX 6) and Addendum (APPENDIX 7) have been prepared for the proposed LEP amendment. The reports found that there is sufficient infrastructure capacity in the existing surrounding networks to support the proposal, including the existing road networks. All relevant services and infrastructure are available within the area and are capable of being connected. The planning proposal is consistent with this SEPP.
SEPP (Biodiversity and Conservation) 2021	
Chapter 3 - Koala habitat protection 2020	The site is currently zoned RU2 Rural Landscape and is primarily mapped as mainly cleared koala habitat, with a small portion of marginal habitat. The planning proposal will not result in removal of any current or potential koala habitat. The planning proposal is consistent with this SEPP.
SEPP (Primary Production) 2021	
Chapter 2 Primary Production and Rural Development	An Agricultural Lands Assessment was not deemed necessary in this instance as while the proposal relates to rural land, it does not limit the agricultural viability of the land as it only adds potential uses to the site. The site is not considered to be State Significant Agricultural Land, nor is it Biophysical Strategic Agricultural Land (BSAL). To this extent, further assessment of this SEPP is not required.

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL.

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

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

Table 2 – Relevant Ministerial Directions

Ministerial Direction	Consistency and Implications
1. PLANNING SYSTEMS	
1.1 Implementation of Regional Plans The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions, and actions contained in Regional Plans.	The Hunter Regional Plan 2041 (HRP) is relevant to this planning proposal. As demonstrated in response to Q3, the planning proposal is consistent with the HRP. The planning proposal is consistent with this direction.
1.4 Site Specific Provisions The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	The planning proposal adheres to (1)(c), that will enable a particular land use (service stations), without imposing additional development standards or requirements on top of any existing requirements or standards within the LEP. The planning proposal is consistent with this direction.
3. BIODIVERSITY AND CONSERVATION	
3.1 Conservation Zones The objective of this direction is the protection and conservation of environmentally sensitive areas, by ensuring that planning proposals do not reduce the environmental protection standards applying to such land unless it is suitably justified by a relevant strategy or study or is of minor significance.	It is not considered that the proposal would result in potential negative impacts on environmentally sensitive areas. The proposal does not relate to land within an existing or proposed environmental protection zone. The planning proposal is consistent with this direction.
3.2 Heritage Conservation The objective of this direction is to conserve items, areas, objects	The site does not contain any heritage items/places listed in the <i>Port Stephens Local Environmental Plan 2013</i> . A search of

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL.

and places of environmental heritage significance and indigenous heritage significance.	the Aboriginal Heritage information Management System (AHIMS) (APPENDIX 8) found one (1) Aboriginal site within a 200m radius of the lot. The Aboriginal site is located on the opposing side of Tarean Road, on a site not owned by the proponent or affected by this proposal or potential development. The planning proposal is consistent with this direction.
4. RESILIENCE AND HAZARDS	
4.3 Planning for Bushfire Protection The objectives of this direction are to protect life, property, and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound management of bush fire prone areas.	The site is partially mapped as Bushfire Prone Land (Category 1 & 3). A Strategic Bushfire Study has been prepared to support the planning proposal (APPENDIX 3) which addresses Ministerial Direction 4.3 and aligns with the Planning for Bushfire Protection 2019 guidelines (PBP). The Study concludes that the planning proposal is suitable for the site, and bushfire risks can be effectively mitigated by implementing PBP requirements, including temporary and permanent Asset Protection Zones. NSW Rural Fire Service were consulted during the scoping phase and raised no objections to the scoping proposal. Further consultation will be undertaken should Gateway determination be received. The planning proposal is consistent with this direction.
4.4 Remediation of Contaminated Land The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation	A Preliminary Contamination Investigation (APPENDIX 4) has been undertaken in accordance with the contaminated land planning guidelines. The investigation identified that the site is potentially contaminated by its previous and current land use.

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL.

are considered by planning proposal authorities.	A Detailed Contamination Investigation (APPENDIX 5) was undertaken and found that the site had groundwater contamination. It is recommended that a Remediation Action Plan be implemented at the DA stage to resolve the remediation of the groundwater including the following: • Delineation of the groundwater contamination plume. • Removal of underground petroleum storage systems infrastructure. • Remediation of impacted soils and groundwater from the UPSS voids. The planning proposal is consistent with this direction.
4.5 Acid Sulfate Soils The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.	The site contains Acid Sulfate Soils (ASS) Class 5. The planning proposal, seeks to enable a services station, which may include works two metres below the natural ground surface. The specific management of ASS can be addressed at the DA stage. The planning proposal is consistent with this direction.
5. TRANSPORT AND INFRASTRUCTURE	
5.1 Integrating Land Use and Transport The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve improved access to housing, jobs and services by active and public transport, and increasing the choice of available	A Traffic Impact Assessment and Traffic Impact Addendum (APPENDIX 6 & 7) have been prepared to assess the likely impacts of a future service station on the site. As previously noted, the site has existing segregated turning areas on Tarean Road, due to its previous use as a service station. Consideration has been given to Improving Transport Choice – Guidelines for planning and development (DUAP 2001). The planning proposal is considered to be generally consistent with the aims, objectives and principles of <i>Improving</i>

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL.

transport, and providing for the efficient movement of freight.	<i>Transport Choice – Guidelines for planning and development</i> including: • Concentrate in centres – The proposal seeks to add additional use to rural land located 1km from the town centre. • Link public transport with land use strategies – The proposal sits within an existing public transport network and provides an essential service to support the network. The proposal responds to the direction of The Right Place for Business and Services – Planning Policy by providing a needed land use that serves both economic and community functions in a location with established accessibility and demand. The site is well located with existing road infrastructure and presents minimal impact on the capacity or safety of the road network. The traffic reports provided concluded that the proposal is considered appropriate from a traffic engineering and safety perspective, subject to the adoption of the recommendations. The planning proposal is consistent with Ministerial Direction 5.1 Integrating Land Use and Transport
7. INDUSTRY AND EMPLOYMENT	
7.1 Business and Industrial Zones The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified centres.	The site is identified in the KPP as being a suitable location for short term employment land. The proposal seeks to protect the existing employment land within the Karuah township by limiting the amendment to an additional permitted use. The proposed land use would not undermine the viability of the existing employment areas in the Karuah locality. The planning proposal is consistent with this direction.

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL.

9. PRIMARY PRODUCTION	
9.1 Rural Zones The objectives of the direction are to protect the agricultural production value of rural lands. Applies to land that seeks to rezone rural zoned land to a residential, business, industrial, village or tourist zone or increase the permissible density of rural zoned land.	The planning proposal does not seek to rezone the subject site, but instead add an additional permitted use. The site has a history of commercial land-uses including a service station and retail premises and is not utilised as agricultural land. To this extent, the planning proposal is not anticipated to affect the existing rural zone. The planning proposal is consistent with this direction.
9.2 Rural Lands The objective of this direction is to protect the agricultural production value of rural land, facilitate the orderly and economic use of rural land for rural purposes.	This direction applies because the proposal seeks to incorporate an additional permitted use into a rural zone. The planning proposal is consistent with the Hunter Regional Plan. As the site is already fragmented and has a history of being a service station it is not expected to result in further fragmentation of agriculture and primary production lands or result in land use conflict. This planning proposal is consistent with this direction.

Site-specific merit**Section C – Environmental, social and economic impact****Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The majority of the subject site is cleared and highly disturbed. Future development of the site will be limited to land that has been cleared or is already developed. All bushfire mitigation measures; including asset protection zones have considered the existing and potential biodiversity values to avoid impact where possible.

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

Yes. There are no known environmental features of significance within the development footprint or the balance of the site. The development footprint is wholly located within that part of the site that is predominantly cleared. A further review of other environmental impacts are outlined below.

Bushfire

As previously discussed, the site is partially mapped as bushfire prone land, with Vegetation Category 3 mapping. A Strategic Bushfire Study has been undertaken for the planning proposal. This is provided at **APPENDIX 3**. **Figure 4** provides a visual overview of the bushfire risk of the site and surrounding area.



Figure 2: Bushfire prone land map (source: Bushfire Planning Australia, 2022)

The Strategic Bushfire Study found that the site was exposed to a high bushfire hazard mainly located to the south/south-east of the subject site. The predominant vegetation surrounding the site is consistent with forest vegetation formation as described within *Planning for Bush Fire Protection 2019* (PBP 2019).

The Study found that the proposed land use was not considered completely incompatible with the surrounding environment, subject to sound bushfire management. Appropriate measures include:

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL.

- Any future DA for hazardous industry shall be supported by a Fire Safety Study (FSS) prepared in accordance with the NSW Department of Planning, Housing and Infrastructure (DPHI) *Hazardous Industry Planning and Assessment Papers*. The FSS must demonstrate all components and infrastructure associated with a service station will be designed and constructed with the relevant specifications and standards and are able to withstand high levels of sustained radiant heat exposure.
- Future asset protection zones (APZs) should be based on a minimum FDI of 100. APZs will be fully contained within future lot boundaries and will not rely on adjoining land, or the existing overhead electricity transmission line easements.
- The capacity of the site must be sufficient to deal with occupants of the site in an emergency situation; this should include a minimum of two points of access which provide two different routes of travel away from the site.
- A traffic report should be prepared which assesses the capacity of the site in the event of an emergency, assuming that road closures of public roads surrounding the site might occur.
- An emergency evacuation and management plan should be prepared which demonstrates the required actions to be undertaken in the event of a bushfire.
- Details of the proposed development should be provided to the Local Emergency Management Committee to enable awareness in emergency response.

Contamination

Given the previous site uses, a Detailed Site Investigation (DSI) (**APPENDIX 5**) and a Preliminary Site Investigation have been undertaken for the site (**APPENDIX 4**). **Figure 5** provides a visual overview of the DSI borehole locations.

The DSI and previous reporting considered that the site had been impacted by groundwater contamination comprising total recoverable hydrocarbons (TRH) and polycyclic aromatic hydrocarbons (PAH) at concentrations exceeding the adopted site trigger values for commercial and industrial land uses and the presence of non-aqueous phase liquid (NAPL) in the groundwater. Groundwater in the forecourt area of the site was impacted with TRH and PAH. As such, remediation of the site and groundwater is recommended. This includes:

- Delineation of the groundwater contamination plume.
- Removal of underground petroleum storage systems infrastructure.
- Remediation of impacted soils and groundwater from the underground petroleum storage systems (UPSS) voids.

The DSI recommends that a Remediation Action Plan (RAP) be prepared to guide the remediation works and be implemented by a suitably qualified person. It is proposed that the RAP be prepared at the DA stage relating to the redevelopment of the site for the purposes of a service station.



Figure 3: Borehole testing locations (source: JM Environments, 2024)

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

Yes. The additional permitted use for a service station will have positive social and economic effects. In particular, the development of this land for a service station will generate employment opportunities and release valuable retail floorspace in the Karuah commercial core, providing space to allow new retail and commercial businesses to be established in the township. The community benefit associated with future development will be found in the provision of an appropriately located commercial area that provides floorspace to local businesses to grow and service the future population needs of the Port Stephens Local Government Area.

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

Connection to reticulated water and sewer is available. Consultation with Hunter Water regarding expansion of connections may be required as a Gateway condition.

Traffic

A Traffic Impact Assessment and Traffic Impact Addendum (**APPENDIX 6-7**) to assess the likely impacts of a future service station on the site. As previously noted, the site has existing segregated turning areas on Tarean Road, due to its previous use as a service station.

The traffic reporting provided concluded that the proposal is considered appropriate from a traffic engineering and safety perspective, subject to the adoption of recommendations within each report. The proposed future service station is not expected to adversely affect the operation of Tarean Road or the surrounding network.

Section E – State and Commonwealth Interests**Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

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

- Department of Planning, Housing and Infrastructure (DPHI)
- Transport for NSW (TfNSW)
- NSW Department of Climate Change, Energy, the Environment and Water
- NSW Rural Fire Services (RFS)
- Hunter Water Corporation (HWC)
- Karuah Local Aboriginal Land Council

No agencies raised any objections to the planning proposal. Feedback received consisted of minor advisory notes, which have been acknowledged and would be further addressed at the development application stage.

PART 4 – Mapping

The proposed map amendments are to:

- Permit a service station on Lot 1, DP50714, 254 Tarean Road, Karuah, within the RU2 zone as shown below in Figure 4.

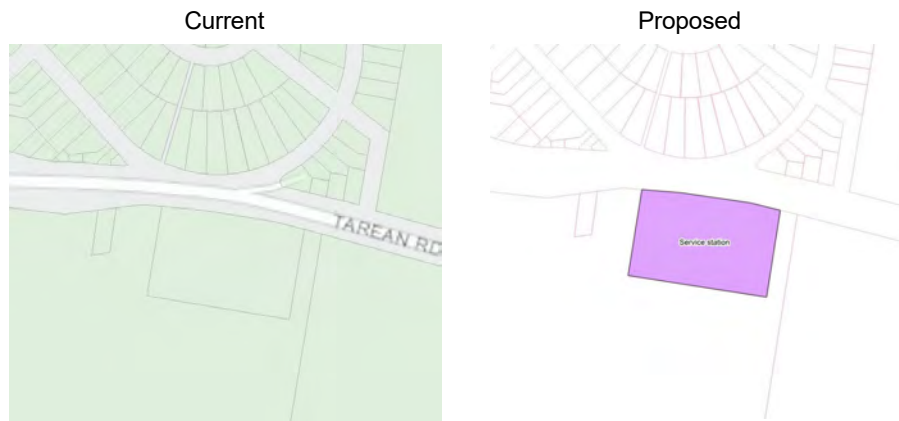


Figure 4 - Current and proposed Additional Permitted Use Map

PART 5 – Community consultation

In accordance with the Gateway determination, the planning proposal was publicly exhibited from 15 August 2025 to 11 September 2025. No community submissions were received.

The exhibition material was available on Council's website and on display at the following locations during normal business hours:

- Council's Administration Building, 116 Adelaide Street, Raymond Terrace
- Raymond Terrace Library, Port Stephens Street, Raymond Terrace
- Tomaree Library, 7 Community Close, Salamander Bay

PART 6 – Project timeline

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

Stage	Timeframe and/or date
Consideration by council	December 2024 - March 2025
Council decision	May 2025
Gateway referral to the Department	May 2025
Gateway determination	June 2025
Commencement and completion of public exhibition period	July 2025 – September 2025
Finalisation of planning proposal	September 2025 – November 2025
Gazettal of LEP amendment	December 2025



Department of Planning, Housing and Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP-2024-2707): to permit a service station as an additional permitted use with consent at Lot 1 DP 507141, 254 Tarean Road, Karuah

I, the Director, Hunter and Northern Region at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Port Stephens Local Environmental Plan 2013 to permit a service station as an additional permitted use with consent at Lot 1 DP 507141, 254 Tarean Road, Karuah should proceed subject to the following.

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

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

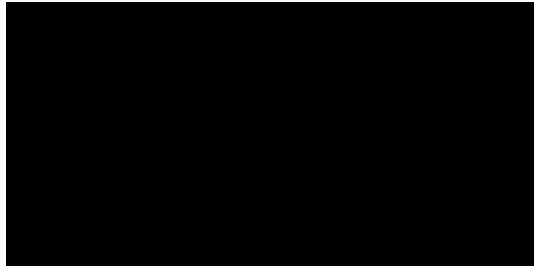
The LEP should be completed within nine (9) months of the Gateway determination.

Gateway Conditions

1. Prior to public exhibition the planning proposal is to be updated to include in Part 4 Mapping details of proposed mapping changes and include existing and proposed Additional Permitted Uses mapping.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - NSW Rural Fire Service
 - NSW Department of Climate Change, Energy, the Environment and Water

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

Dated 10 June 2025



**Delegate of the Minister for Planning and
Public Spaces**

PP-2024-2707 (IRF25/1204)

ITEM NO. 3

**FILE NO: 25/179759
EDRMS NO: PSC2023-03568**

**LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN - COMPREHENSIVE
AMENDMENT**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the submissions received during the exhibition period.
- 2) Endorse the Port Stephens Local Infrastructure Contributions Plan - Comprehensive Amendment as amended (**ATTACHMENT 1**).
- 3) Provide public notice that the Port Stephens Local Infrastructure Contributions Plan - Comprehensive Amendment has been approved, in accordance with the Environmental Planning and Assessment Regulation 2021.
- 4) Request the General Manager write to the Minister for Planning and Public Spaces, the Minister for Local Government, the Office of Local Government and the NSW Valuer General requesting a review of rating categories associated with manufactured home estates under the NSW Local Government Regulation 2021.

BACKGROUND

The purpose of this report is to advise Council of the outcomes of the consultation undertaken on the draft Port Stephens Local Infrastructure Contributions Plan (LIC Plan) Comprehensive Amendment (the Amendment) and to seek Council endorsement to make the Amendment (**ATTACHMENT 1**).

Council collects contributions from new developments to assist in funding local infrastructure such as roads, pathways, parks and sporting facilities which support growth and development. Local infrastructure contributions are levied in accordance with Part 7 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the endorsed LIC Plan. The funds collected must be allocated to the projects within the LIC Plan Works Schedule.

Each year, the LIC Plan undergoes an annual review, primarily focused on updating the Work Schedule to remove completed projects and identify new infrastructure. A comprehensive review is undertaken every 5 years to ensure that the Plan remains up-to-date, relevant to the current needs of the community, and aligns with infrastructure demand across the local government area.

At its meeting on 10 June 2025, Minute No. 120 (**ATTACHMENT 2**), Council resolved to place the Amendment on public exhibition. The Amendment was publicly exhibited from Friday 13 June 2025 to Friday 11 July 2025 in accordance with the Environmental Planning and Assessment Regulations 2021 (NSW) (EP&A Regulation).

The proposed amendments to the exhibited draft LIC Plan are provided in a detailed fact sheet (**ATTACHMENT 3**) and relate to:

- Aligning the projects within the Work Schedule with the Port Stephens Local Housing Strategy and Housing Supply Plan.
- Reducing the rate applicable to affordable rental housing, consistent with housing for seniors and people with a disability and secondary dwellings.
- Increasing rates applicable for caravan parks that provide short term accommodation and tourist and visitor accommodation such as hotels, resorts and serviced apartments.
- Increasing the haulage rate applicable to extractive industries.
- Indexing haulage rates with the Primary Producer Index - Roads and bridges (NSW) instead of the Consumer Price Index - All Groups (NSW).
- Clarification for works required as a condition of consent.
- Clarification for voluntary planning agreements, works in kind agreements and material public benefit agreements.

The Amendment includes the removal of infrastructure projects from the LIC plan that:

- Have been funded by the LIC Plan and completed.
- Have been funded by sources other than infrastructure contributions (i.e. grant funding).
- Are not linked to growth identified within the Port Stephens Housing Supply Plan.

The Amendment includes the revision of project estimates and apportionment values within the LIC Plan to:

- Reflect the increasing costs to deliver infrastructure.
- Reflect revised scopes within masterplans and project plans.
- Reflect the expected demand from growth and development.

The Amendment includes new infrastructure projects in the LIC Plan that have been identified as required to support the growth and development identified in the Port Stephens Local Housing Strategy and Housing Supply Plan.

ORDINARY COUNCIL - 25 NOVEMBER 2025

The Amendment results in changes to the amount of contributions charged for the following types of development:

Type of development	Current contribution rate	Proposed contribution rate
Affordable rental housing	\$20,000	\$10,000
Tourist and visitor accommodation	\$10,000	\$15,000
Caravan parks - short term accommodation	\$11,072-\$11,915	\$15,000
Extractive industries	\$0.086/tonne/km	\$0.097/tonne/km

One submission was received during the exhibition period which is outlined in the communication and engagement section below and summarised in **(ATTACHMENT 4)**.

The following minor changes are proposed to the LIC Plan following exhibition:

- Updated the base index for heavy haulage to be current and reflect the recent indexation of the Producer Price Index (PPI) Road and bridge construction.
- Inserted additional information on requirements for entering into a voluntary planning agreement with Council relating to security, enforcement and registration of planning agreements.
- Amended the works schedule to reflect community priorities in the recently adopted Tilligerry Place Plan.
- Mapping amendments to the LIC Plan.

A detailed explanation of post-exhibition amendments is provided at **(ATTACHMENT 5)**.

MATTER ARISING

At the 10 June 2025 Council meeting, a resolution was made relating to a potential contributions discount relating to manufactured home estates that provide affordable housing as well as options relating to a special rating category for manufactured home estates to ensure that Council receives fair rate income from these estates **(ATTACHMENT 2)**.

A two-way conversation was held with Councillors on 21 October 2025, with information provided in relation to applicable rating categories under the NSW Local Government Regulation 2021 and Office of Local Government Revenue Manual. Information was also provided in relation to applicable development contributions and the demand placed on State and local infrastructure by manufactured home estates.

As a result of these discussions, the recommendation includes an action for advocacy to the relevant State ministers, the Office of Local Government and the NSW Valuer General relating to rating schemes for manufactured home estates.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The Amendment aims to secure contributions from development towards local infrastructure. Should the Amendment be adopted, it would enable funding and construction of essential public infrastructure to satisfy the demands of the future population.

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the LIC Plan will not adequately identify infrastructure projects to support growth.	Low	Accept the recommendations.	Yes

There is a risk that the LIC Plan does not adequately budget for future infrastructure delivery.	Low	Accept the recommendations. The LIC Plan is informed by independent studies and Council's adopted Strategic Asset Management Plan (SAMP). The Amendment has revised the project estimate for many projects to account for inflation and cost escalation.	Yes
There is a risk that infrastructure contributions will impact the feasibility of new housing.	Low	Accept the recommendations.	Yes

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

Part 7 of the EP&A Act authorises Council to collect local infrastructure contributions from new development. Conditions are imposed on new development in accordance with an approved local infrastructure contributions plan.

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

Part 9 of the EP&A Regulation relates to development contributions. The Amendment will amend the current contributions plan, pursuant to Section 215 (1).

Section 212 sets out the particulars a local infrastructure contributions plan must contain. The Amendment is consistent with this section.

Section 213 sets out the exhibition requirements for amendments and draft contributions plans. The public exhibition of the Amendment has been carried out in accordance with the EP&A Regulation.

Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012 (the Direction)

The Direction sets maximum contribution rates for new development and development in urban release areas (URAs), unless a contributions plan is reviewed by the Independent Pricing and Regulations Tribunal. In Port Stephens, the maximum rate per residential lot is \$20,000, and in the Kings Hill URA the maximum rate per residential lot is \$30,000. The Amendment satisfies the Direction.

The Port Stephens Local Housing Strategy

The Port Stephens Local Housing Strategy (LHS) and Housing Supply Plan (HSP) provide the strategic direction for future housing in Port Stephens. The Amendment responds to Action 4.3 of the LHS to identify and deliver local infrastructure to support growing communities by aligning the LIC Plan with the HSP.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Amendment ensures an adequate standard of services and facilities can be provided across the Port Stephens Local Government Area (LGA) and that the existing community will not be funding the infrastructure needs that result from new development. This has been balanced against the need to ensure unreasonable costs are not imposed upon new residential development, thereby reducing financial viability.

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 Amendment was placed on formal public exhibition for 28 days, from Friday 13 June 2025 to Friday 11 July 2025 and 1 submission was received. The submission made a number of recommendations in relation to the Kings Hill chapter detailed in (ATTACHMENT 4) .
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Internal communications and engagement

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

- Financial Services Section.
- Assets Section.
- Development Services Section.

The infrastructure projects in the Amendment have been aligned with Council's SAMP, Capital Works Program, place plans, masterplans, plans of management and adopted land use strategies.

OPTIONS

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

ATTACHMENTS

- 1) Draft Port Stephens Local Infrastructure Contributions Plan. (Provided under separate cover) [⇒](#)
- 2) 10 June 2025, Minute No. 120. [↓](#)
- 3) Fact Sheet. [↓](#)
- 4) Response to submissions table. [↓](#)
- 5) Explanation of Post Exhibition amendments. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

- 1) Unredacted submissions.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 10 JUNE 2025

Councillor Giacomo Arnott returned to the meeting at 7:22pm.

Councillor Peter Francis returned to the meeting at 7:22pm.

ITEM NO. 5**FILE NO: 25/97296****EDRMS NO: PSC2023-03568****DRAFT LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2020 -
COMPREHENSIVE AMENDMENT**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION
MANAGER

DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the draft Port Stephens Local Infrastructure Contributions Plan - Comprehensive Amendment (**ATTACHMENT 1**) for exhibition.
 - 2) Exhibit the draft Port Stephens Local Infrastructure Contributions Plan - Comprehensive Amendment (the Amendment) for 28 days in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021.
-

**ORDINARY COUNCIL MEETING - 10 JUNE 2025
MOTION**

120	Councillor Jason Wells Councillor Chris Doohan It was resolved that Council: 1) Place the draft Port Stephens Local Infrastructure Contributions Plan - Comprehensive Amendment (ATTACHMENT 1) for exhibition. 2) Exhibit the draft Port Stephens Local Infrastructure Contributions Plan - Comprehensive Amendment (the Amendment) for 28 days in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021.
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Cr Giacomo Arnott foreshadowed a Matter Arising.

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, Mark Watson and Jason Wells.

MINUTES ORDINARY COUNCIL - 10 JUNE 2025

Those against the Motion: Nil.

The motion was carried.

Cr Jason Wells left the meeting at 7:24pm.

**ORDINARY COUNCIL MEETING - 10 JUNE 2025
MATTER ARISING**

121	Councillor Giacomo Arnott Councillor Chris Doohan It was resolved that Council: 1) Request the General Manager prepare a report for a future amendment to the Plan to allow for a 50% discount on infrastructure contributions for manufactured home developments where such a development provides for at least 5% of the dwellings as affordable homes, with a two-way to be presented prior to the Council report being prepared. 2) Request the General Manager to prepare a report outlining options to create a special rating category for manufactured home estates, to provide for rating which scales depending on the number of dwellings in the estate, to ensure Council is receiving a fair rate income from each estate to provide services for their residents and the wider Port Stephens community, with a two-way to be presented prior to the Council report being prepared.
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Cr Jason Wells returned to the meeting at 7:26pm.

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek endorsement to publicly exhibit the draft Port Stephens Local Infrastructure Contributions Plan (LIC Plan) - Comprehensive Amendment (the Amendment) (**ATTACHMENT 1**).

Council collects contributions from new developments to assist in funding local infrastructure such as roads, pathways, parks and sporting facilities to support growth

MINUTES ORDINARY COUNCIL - 10 JUNE 2025

and development. Local infrastructure contributions are levied in accordance with Part 7 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the endorsed LIC Plan. The funds collected must be allocated to the projects within the LIC Plan Works Schedule.

Each year, the LIC Plan undergoes an annual review, primarily focused on updating the Work Schedule to remove completed projects and identify new infrastructure. A comprehensive review is undertaken every 5 years to ensure that the Plan remains up-to-date, relevant to the current needs of the community, and aligns with infrastructure demand across the local government area.

At its meeting 28 March 2023, Minute No. 064 (**ATTACHMENT 2**), Council resolved to amend the Local Infrastructure Contributions Plan to implement options to increase levies for extractive industries. The Amendment gives effect to the resolution.

The amendments to the LIC Plan relate to:

- Aligning the projects within the Work Schedule with the Port Stephens Housing Supply Plan.
- Reducing the rate for affordable rental housing, consistent with housing for seniors and people with a disability and secondary dwellings.
- Reducing the discount for caravan parks with short term accommodation and tourist and visitor accommodation such as hotels, resorts and serviced apartments.
- Increasing the haulage rate for extractive industries.
- Indexing haulage with the Primary Producer Index - Roads and bridges (NSW) instead of the Consumer Price Index - All Groups (NSW).
- Clarification for works required as a condition of consent.
- Clarification for voluntary planning agreements, works in kind agreements and material public benefit agreements.

The Amendment includes the removal of infrastructure projects from the LIC plan that:

- Have been funded by the LIC Plan and completed;
- Have been funded by sources other than infrastructure contributions (i.e. grant funding); or
- Are not linked to growth identified within the Port Stephens Housing Supply Plan.

The Amendment includes the revision of project estimates and apportionments within the LIC Plan to:

- Reflect the increasing costs to deliver infrastructure;
- Reflect revised scopes within masterplans and project plans; and
- Reflect the expected demand from growth and development.

MINUTES ORDINARY COUNCIL - 10 JUNE 2025

The Amendment includes new infrastructure projects in the LIC Plan that have been identified as required to support the growth and development identified in the Port Stephens Local Housing Strategy and Housing Supply Plan.

The Amendment results in changes to the amount of contributions charged for the following types of development:

Type of development	Current contribution rate	Proposed contribution rate
Affordable rental housing	\$20,000	\$10,000
Tourist and visitor accommodation	\$10,000	\$15,000
Caravan parks - short term accommodation (e.g. Middle Rock)	\$11,072-\$11,915	\$15,000
Extractive industries	\$0.086/tonne/km	\$0.097/tonne/km

Proposed changes to the LIC Plan are outlined in the Amendment (**ATTACHMENT 1**) and a detailed fact sheet explaining the changes has been provided at (**ATTACHMENT 3**).

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The Amendment aims to secure contributions from development towards local infrastructure. Should the Amendment be exhibited and adopted, it would enable funding and construction of essential public infrastructure to satisfy the demands of the future population.

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

MINUTES ORDINARY COUNCIL - 10 JUNE 2025

LEGAL, POLICY AND RISK IMPLICATIONS

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

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the LIC Plan will not adequately identify infrastructure projects to support growth.	Low	Accept the recommendations.	Yes
There is a risk that the LIC Plan does not adequately budget for future infrastructure delivery.	Low	Accept the recommendations. The LIC Plan is informed by independent studies and Council's adopted Strategic Asset Management Plan (SAMP). The Amendment has revised the project estimate for many projects to account for inflation and cost escalation.	Yes
There is a risk that infrastructure contributions will impact the feasibility of new housing.	Low	Accept the recommendations.	Yes

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

Part 7 of the EP&A Act authorises Council to collect local infrastructure contributions from new development. Conditions imposed on new development would be in accordance with an approved local infrastructure contributions plan.

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

Part 9 of the EP&A Regulation relates to development contributions. The Amendment will amend the current contributions plan, pursuant to section 215 (1).

Section 212 sets out the particulars a local infrastructure contributions plan must contain. The Amendment is consistent with this clause.

MINUTES ORDINARY COUNCIL - 10 JUNE 2025

Section 213 sets out the exhibition requirements for amendments and draft contributions plans. The public exhibition of the Amendment will be carried out in accordance with the EP&A Regulation.

Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012 (the Direction).

The Direction sets maximum contribution rates for new development and development in urban release areas (URAs), unless a contributions plan is reviewed by the Independent Pricing and Regulations Tribunal. In Port Stephens, the maximum rate per residential lot is \$20,000, and in the Kings Hill URA the maximum rate per residential lot is \$30,000. The Amendment satisfies the Direction.

The Port Stephens Local Housing Strategy

The Port Stephens Local Housing Strategy (LHS) and Housing Supply Plan (HSP) provide the strategic direction for future housing in Port Stephens. The Amendment responds to Action 4.3 of the LHS to identify and deliver local infrastructure to support growing communities by aligning the LIC Plan with the HSP.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Amendment ensures an adequate standard of services and facilities can be provided across the Port Stephens Local Government Area (LGA) and that the existing community will not be funding the infrastructure needs that result from new development. This has been balanced against the need to ensure unreasonable costs are not imposed upon new residential development, thereby reducing financial viability.

COMMUNICATION AND ENGAGEMENT

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

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

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COLLABORATE	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
EMPOWER	To place final decision-making and/or developed budgets in the hands of the public.

The following communication and engagement applies to this report.

External communications and engagement

CONSULT	The Amendment will be placed on public exhibition for 28 days and will be notified through social media and Council's website. Submissions made during the exhibition period will be considered in a report to Council with details of any post-exhibition changes.
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Internal communications and engagement

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

- Financial Services Section
- Assets Section
- Development Assessment and Compliance Section.

The infrastructure projects in the Amendment have been aligned with Council's SAMP, Capital Works Program, place plans, masterplans, plans of management and adopted land use strategies.

OPTIONS

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

ATTACHMENTS

- 1) Draft Port Stephens Local Infrastructure Contributions Plan. (Provided under separate cover)
- 2) 28 March 2023, Minute No. 064.
- 3) Fact Sheet.

COUNCILLORS' ROOM/DASHBOARD

Nil.

MINUTES ORDINARY COUNCIL - 10 JUNE 2025

TABLED DOCUMENTS

Nil.



Council collects contributions from developers to provide local infrastructure and facilities under section 7.11 of the Environmental Planning and Assessment Act 1979. These funds help to deliver infrastructure, such as pathways and recreation facilities, for growing communities.

Council's Local Infrastructure Contributions Plan (LIC Plan) outlines the process for collecting and expending local infrastructure contributions.

Proposed Changes

Updated Work Schedule

The Works Schedule, which identifies future projects to be funded by contributions, has been updated to:

- Remove completed projects such as the amenities upgrades completed at Yulong Oval, Medowie
- Revise the estimated project cost for 29 projects to reflect indexation
- Include 10 new projects linked to growth in the [Port Stephens Housing Supply Plan](#)
- Remove 20 projects that were not linked to growth in the Port Stephens Housing Supply Plan

Affordable Rental Housing

The LIC Plan currently applies a contributions rate of \$20,000 per dwelling for affordable rental housing. Housing for seniors and people with a disability and granny flats have a reduced rate of \$10,000 per dwelling.

The draft LIC Plan proposes to extend the \$10,000 rate to affordable rental housing delivered by a community housing provider to incentivise housing affordability.

portstephens.nsw.gov.au/infrastructure-contributions





Proposed Changes cont.

Tourist and Visitor Accommodation and Caravan Parks

The LIC Plan currently applies a contributions discount of 40-50% to tourist & visitor accommodation and short term caravan parks due to reduced occupancy rates.

In recent years, the tourism industry has grown with increasing occupancy rates and infrastructure impacts across the year. Therefore, the draft LIC Plan proposes to reduce the contributions discount for tourist and visitor accommodation and caravan parks to 25%.

Quarry Haulage

Council collects haulage from quarries and extractive industries to repair roads damaged by trucks.

The draft LIC Plan proposes to increase the haulage rate from \$0.086/tonne/km to \$0.097/tonne/km. The increase incorporates indexation and an increased allowance for administrative costs.

Council indexes the rate each year using the Consumer Price Index. The draft LIC Plan proposes to use the Producer Price Index – Road and bridge construction NSW instead as this index more accurately reflects the increasing costs to maintain roads.

Planning Agreements

The Department of Planning, Housing and Infrastructure Practice Notes recommend councils to provide public planning agreement policies to provide transparency and assist in negotiation.

The draft LIC Plan includes more guidance for planning agreements including voluntary planning agreements, works in kind agreements and material public benefit agreements.



For further information on the LIC Plan:

 portstephens.nsw.gov.au/infrastructure-contributions

 02 4988 0255

 council@portstephens.nsw.gov.au



ITEM 3 - ATTACHMENT 4 RESPONSE TO SUBMISSIONS TABLE.

Local Infrastructure Contributions Plan - Comprehensive Amendment -
Response to submissions

Submission No.	Comment	Council response
1. McCloy Kings Hill Pty Ltd	1. Update the Kings Hill works schedule to include a new \$2.1M project to upgrade Newline Road to provide temporary flood free access to future Kings Hill residents. One development application (DA) has been approved in the Kings Hill Urban Release Area (URA), DA 16-2013-599-2, which includes a condition stating: <i>'Road upgrades (as required) on Newline Road and Six Mile Road to provide a flood free access route with 1% (current day) AEP Flood immunity from the Site to the Pacific Highway at locations D, K, Q and V in the BMT (2017) Kings Hill Flood Free Access Study'</i>. These road upgrades will not only enable the approved development, but will benefit existing residents, as well as other developers in the URA up to a total of 700 lots. It is suggested that \$2.1M be placed in the contributions plan, so that this temporary flood free access is paid for by those that will benefit from it. The \$2.1M has been informed by the provisional estimate for these road upgrades that is listed within the BMT WBM, 2017, 'Kings Hill Flood Free Access Study' (p.20).	The Kings Hill chapter was drafted to consider the infrastructure needs for the entire urban release area which includes a number of landowners and precincts. It reflects development outcomes identified in the site-specific Development Control Plan (DCP) for Kings Hill as well as State planning agreements. Amending the projects within the Kings Hill works schedule could have consequential impacts on development outcomes in the urban release area as envisaged in the DCP. This could risk the delivery of essential infrastructure and impact on the feasibility and operation of the urban release area. If the development outcomes identified in the DCP or State agreements should change, Council will re-examine the contributions chapter and make any necessary amendments.
	2. Update the works schedule to include a new \$29M project to upgrade Newline Road to provide permanent flood free access to future Kings Hill subdivisions. To date, the permanent flood free access route of the east/west collector road, which then connects to the Pacific	See response to Comment 1 above.

ITEM 3 - ATTACHMENT 4 RESPONSE TO SUBMISSIONS TABLE.

Submission No.	Comment	Council response
1. McCloy Kings Hill Pty Ltd	Highway via a grade separated interchange has not commenced. A key reason why it has not commenced is the cost, which is made up of the following: • East/west collector road - \$32M, and • Grade separated interchange - \$56M. This is a total cost of \$88M. In comparison, preliminary costings for the upgrade of Newline Road to provide permanent flood free access is \$29M. From this, it is clear that Newline Road presents a more cost-effective option. It is suggested that \$29M be placed in the contributions plan for the upgrade of Newline Road as it is by far the most cost-effective permanent flood free access.	
	3. Update the works schedule to remove KH1 - East/West collector road (land acquisition and capital costs). The inclusion of the above two items could be funded through the removal of the east/west collector road, which is costed at \$32,496,123. The east/west road will not be required if a permanent flood free access road is provided through the upgrade of Newline Road. This approach would bring the draft Plan in line with how the other collector roads (two north/south roads) have been treated within the Contributions Plan - they are funded entirely by those developers as direct works.	See response to Comment 1 above.
	4. Update the works schedule to include an additional roundabout on Newline Road. KH3 – Intersection of east/west collector road and Newline Road (land acquisition and capital costs) will be utilised by traffic generated by different developers within the Kings Hill URA, as	See response to Comment 1 above.

ITEM 3 - ATTACHMENT 4 RESPONSE TO SUBMISSIONS TABLE.

Submission No.	Comment	Council response
1. McCloy Kings Hill Pty Ltd	well as existing and projected background traffic on Newline Road. Through the assessment of the first Development Application for Monarch's Rise, being DA 16-2025-142-1, Council has identified that: <i>'...the provision of a roundabout at the proposed Newline Road and Road 1 intersection has been identified as the most appropriate solution in terms of safety. Noting this, it is requested that the plans be updated to provide a layout of the roundabout to accommodate safe connection for Precinct 2 and future Precincts in the Kings Hill URA...'</i> McCloy Kings Hill Pty Ltd maintains the view that a round-a-bout is not required in this location to meet standards for safety and additional vehicular movements. Rather, a CHR intersection meets the standards as supported by the Traffic Impact Assessment that accompanied DA 16-2025-142-1. If Council is requesting a safer intersection that is beyond the standards, then it is suggested that \$4,075,800 be placed in the draft Plan for the construction of this additional roundabout. The \$4,075,800 has been informed by the existing KH2 and KH3 that are listed within the contributions plan.	
	The Draft Plan appears to be missing a number of sheets, such as the Sheet that identifies the items within the Kings Hill Urban Release Area, being page 108 of the current Plan.	The exhibited draft Local Infrastructure Contributions (LIC) Plan was missing the map sheet for the Kings Hill Urban Release Area. This error has been corrected. This map is now located on pages 107 of the draft LIC Plan respectively. No changes were proposed to these maps.

ITEM 3 - ATTACHMENT 4 RESPONSE TO SUBMISSIONS TABLE.

Submission No.	Comment	Council response
	Regarding all estimates in this submission, it is recognised that they are based on dated information and should be updated before being incorporated into the Plan.	Noted.

ITEM 3 - ATTACHMENT 5 EXPLANATION OF POST EXHIBITION AMENDMENTS.

Explanation of post-exhibition amendments

Draft Local Infrastructure Contributions Plan

No.	Explanation of Amendments
1	Administrative Amendments A number of minor administrative amendments have been made to the exhibited draft Local Infrastructure Contributions Plan (LIC Plan) including: 1. Correcting references to key planning documents 2. Fixed minor grammatical errors, spelling mistakes and contextual errors
2	Haulage base index The exhibited draft LIC Plan proposed to index the haulage rate using the Primary Price Index - Road and bridge construction NSW (PPI) instead of the Consumer Price Index to reflect the increasing costs to maintain roads. During exhibition, the PPI base index was 147.7. On the 30 July 2025, this rate increased to 149.1. The LIC Plan has been updated to reflect the current base rate.
3	Voluntary planning agreements Following exhibition, the draft LIC Plan (page 15) has been amended to include additional guidance on the preparation of planning agreements. The amendment provides clarity and direction for how security, enforcement and registration should be considered within a planning agreement.
4	Work Schedule – Staging Threshold The exhibited draft LIC Plan included a number of projects with a staging threshold of 2024. These items have been updated to reflect more accurate delivery dates.
5	Work Schedule - Shared Paths The exhibited draft LIC Plan proposed to remove a shared path at Kawarren St, Lemon Tree Passage from the Work Schedule to align with the Port Stephens Housing Supply Plan and focus on infrastructure provision around identified housing supply precincts.

ITEM 3 - ATTACHMENT 5 EXPLANATION OF POST EXHIBITION AMENDMENTS.

No.	Explanation of Amendments
	Following exhibition, the shared path has been included in the Work Schedule to reflect the community priorities in the recently adopted Tilligerry Place Plan.
6	Mapping The draft LIC Plan has been amended to include mapping sheets for Newcastle Council Cross Boundary Projects, Medowie Traffic & Transport and the Kings Hill Urban Release Area. These maps are included in the current LIC Plan, their exclusion from the exhibited document were in error.

**PORT STEPHENS**
COUNCIL

Explanation of Amendments

Page 2 of 2

ITEM NO. 4**FILE NO: 25/253485
EDRMS NO: PSC2025-01326****SALAMANDER BAY TOWN CENTRE PLACE PLAN**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submissions made during the exhibition of the draft Salamander Bay Town Centre Place Plan and the response to the submissions **(ATTACHMENT 1)**.
- 2) Adopt the Salamander Bay Town Centre Place Plan, as amended **(ATTACHMENT 2)**.

BACKGROUND

The purpose of this report is to advise Council on the outcome of the exhibition of the draft Salamander Bay Town Centre Place Plan (Place Plan) and note the response to submissions **(ATTACHMENT 1)**. The report recommends that Council adopt the Place Plan, as amended **(ATTACHMENT 2)**.

At its meeting on 22 July 2025, Minute No. 175 **(ATTACHMENT 3)**, Council resolved to exhibit the Place Plan for a period of 28 days. The draft Place Plan was exhibited from Wednesday 22 July 2025 to Tuesday 19 August 2025. During this period, 19 written submissions and 65 survey responses were received.

Further details about the community consultation are outlined in the consultation section below and in the Salamander Bay Town Centre Place Plan Engagement Report **(ATTACHMENT 4)**.

In response to submissions, changes have been made to the Place Plan. The amendments are outlined below and detailed in both the submissions table **(ATTACHMENT 1)** and the explanation of post exhibition amendments **(ATTACHMENT 5)**.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

Actions identified in the Place Plan will be funded via a combination of sources, including existing budgets, income from the sale of Council owned land, grant funds, sponsorships and partnerships in line with existing work programs.

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 IMPLICATIONSHunter Regional Plan 2041 (HRP)

The Place Plan is consistent with the HRP, including directions to plan for compact settlements, housing diversity and creating liveable communities.

Port Stephens Local Strategic Planning Statement (LSPS)

The Place Plan is consistent with the LSPS, in particular the following Planning Priorities:

- Make business growth easier (Planning Priority 2)
- Increase diversity of housing choice (Planning Priority 5)
- Create people friendly spaces in our local centres where people can come together (Planning Priority 10)

Port Stephens Local Housing Strategy (LHS) and Housing Supply Plan (HSP)

The Place Plan is consistent with the LHS, in particularly the following priorities:

- Ensure adequate supply of new housing (Priority 1.1)
- Increase the proportion of infill housing (Priority 1.3)
- Provide more affordable housing near jobs (Priority 2.2)
- Encourage a range of housing types and sizes (Priority 3.2)
- Housing enhances local character (Priority 4.1)

The HSP notes that the inclusion of more low-rise and mid-rise housing in Salamander Bay would support the growth of the existing shopping centre precinct.

Port Stephens Local Environmental Plan 2013 (LEP)

The Salamander Bay Town Centre (Town Centre), including the undeveloped Council-owned land, is zoned E2 Commercial Centre and the maximum height of buildings is 15 metres (4 – 5 storeys). The proposed future uses of the Council-owned land at 155 Salamander Way and 10 Central Avenue that are detailed in the Place Plan are permissible under the existing zoning.

If the Place Plan is endorsed, it may result in future amendments to the LEP in order to increase building heights. These changes would be undertaken through a separate planning process and are not approved by the adoption of the Place Plan.

Port Stephens Development Control Plan (DCP)

The current site-specific DCP for the Town Centre includes a number of objectives which have been incorporated into the Place Plan as ‘character principles’. The existing site-specific DCP lacks detailed and tailored controls to effectively guide development and ensure it reflects the community’s vision for the area.

The Place Plan contains an action for Council to undertake a review of the site-specific DCP. This review would determine whether additional site-specific controls are required to ensure that future development delivers high-quality outcomes and contributes positively to the evolving identity of the Town Centre.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the Place Plan does not meet community expectations.	Medium	Adopt the Place Plan as recommended.	Yes.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social

The Place Plan contains actions to inspire the community and businesses to create a better place through events, the provision of an outdoor gathering space, improving the accessibility of the Town Centre and public domain projects.

There is limited housing supply and diversity on the Tomaree Peninsula, which impacts housing affordability. Housing diversity allows for members of our community to ‘age in place’, downsizing from large freestanding housing to smaller, lower maintenance homes or apartments in the neighbourhood and community that they love. The Town Centre is considered an ideal location for medium-density housing as residents can easily access services and public transport, and an increased

residential population in the town centre can create vibrancy and improve public safety.

Economic

The Port Stephens Centres and Employment Land Study 2024 (CELS) found that without expanding the capacity of existing commercial zoned land, there may not be enough commercial land available across Port Stephens to meet demand by 2041. By increasing capacity within the Town Centre, including vacant and undeveloped sites, it is likely one third of the demand for commercial land in the Tomaree Peninsula can be accommodated.

Environmental

Land within the Town Centre that has been assessed as having high environmental value will be reserved for conservation. The Place Plan includes environmentally focused actions seeking to protect and improve the Town Centre area and its surrounds.

Environmental impacts of any future development will be assessed as part of planning applications under planning and environmental legislation.

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 Place Plan was exhibited for 28 days and was notified through social media, direct email to stakeholders, and the Port Stephens Council website. Two drop-in sessions were held during the exhibition period, where Council staff were available to discuss the draft Place Plan with the community. 59 people attended the drop-in.
INVOLVE	The Place Plan was developed following an intensive engagement period. The engagement activities included: • Liveability Surveys completed in 2020 and 2024 • An online mapping tool and noticeboard for the community to provide written comments (151 comments were made on the map and 66 comments on the noticeboard) • Community drop-in held at the Salamander Square Shopping Centre from 5 May to 7 May 2025 and at the Community Connect Day held at the shopping centre on 16 May 2025 (390 visitors to drop in session and 30 visitors to community connect day) • A community workshop held on 8 May 2025 (16 participants) • Stakeholder meetings with businesses and property owners (6 meetings held) The Salamander Bay Town Centre Place Plan Engagement Report is at (ATTACHMENT 4).

During the exhibition period, an online survey was made available for community members, with 65 survey responses received. The survey responses gave an indication of community support for each action in the Place Plan. Survey responses are available in the Engagement Report **(ATTACHMENT 4)**. A further 19 written submissions were received.

Where appropriate, the Place Plan has been amended to respond to the key issues raised in the survey and submissions. A summary of the key issues is provided below:

Environmental impacts of proposed development

There were community concerns around potential impacts on the Mambo-Wanda Wetland, particularly as a result of vegetation clearing, building on part of the wetland and additional stormwater run-off. It is noted that the Town Centre Place Plan does not include land that is part of the Mambo-Wanda Wetlands.

The Place Plan provides a high-level concept plan for the future of the Town Centre, and notes that future development is subject to further investigation and assessment. Detailed studies will need to be undertaken as part of any future development application to understand the environmental impacts of a future proposal. Biodiversity and drainage impacts are legally required as part of a future development application process.

Impact of proposed development on child care centre

Concerns were raised in relation to the future development of the area and its potential impact the neighbouring child care centre. Concerns such as the privacy of children playing adjacent to multi-level residential development, the safety risk from the proximity of new access roads, the provision of staff parking and the removal of bushland that is accessed by children for education and play.

Future development applications for the land are required to undertake a site analysis and respond to the surrounding land use accordingly. There are many contemporary examples of childcare centres located alongside residential development where privacy impacts have been managed through design. Traffic assessment is also undertaken at this stage to ensure that the design of roads, footpaths and carparking facilities are integrated into the surrounding landscape.

It is to be noted that staff car parking associated with the child care centre is currently occurring informally on Council managed land, and that this land is not a formed or approved car parking area. The use of Council managed land for education and play by the centre is also occurring informally, without a user agreement being in place. Creating continued community access to the nearby bushland will be considered under Action 9 of the Place Plan 'Connect with nature'.

Traffic, access and car parking

Through the exhibition process, a theme around traffic management and access was evident. Community feedback identified that access to, and moving around within the Town Centre can be difficult and unsafe for cars, pedestrians and cyclists.

The Place Plan includes an action to undertake a traffic study aimed at 'improving community connectivity and access'. As the area includes a mixture of infrastructure in private ownership as well as land owned by Council, the outcomes of the traffic study will need to implemented in a collaborative manner.

The intersection at Salamander Way would be improved as part of future development of Council's land within the Town Centre area. A traffic study undertaken as part of future development applications will identify the most suitable intersection treatment for the intersection, and will consider the operation of the wider road and pedestrian network.

Internal communications and engagement

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

- Financial Services Section.
- Assets Section.
- Capital Works Section.
- Community Services Section.
- Public Domain and Services Section.
- Communications and Customer Experience Section.
- Development Services Section.

OPTIONS

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

ATTACHMENTS

- 1) Salamander Bay Town Centre Place Plan. [↓](#)
- 2) Salamander Bay Town Centre Place Plan Submissions Table. [↓](#)
- 3) Minute No. 175. [↓](#)
- 4) Salamander Bay Town Centre Place Plan Engagement Report. (Provided under separate cover) [⇒](#)
- 5) Explanation of post-exhibition amendments. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

Salamander Bay Town Centre Place Plan



November 2025 – This Place Plan provides a framework to grow and improve the Salamander Bay Town Centre.

ITEM 4 - ATTACHMENT 1 SALAMANDER BAY TOWN CENTRE PLACE PLAN.

Guudji Yiigu

(Goo-jee ik-koo)

We welcome you to
Port Stephens – part of
the Worimi Aboriginal
Nation who speak the
Gathang language.

Artwork by Regan Lilley.



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What is a Place Plan?

Place plans are a new way of planning for the growth of the unique towns and villages across Port Stephens. Place plans provide a local filter on the Port Stephens Community Strategic Plan and other strategic documents to create actions which improve the liveability and wellbeing of our communities.

Actions

The actions in our local place plans create alignment in the way we plan for future land use, invest in infrastructure, attract investment and bring life to our streets. Place plans recognise the importance of our public spaces in creating great places to live, work and visit.

Community

Most importantly, place plans start with our community. They respond to the community's values and aspirations; they enable partnerships between residents, business and council and guide a collaborative approach to the delivery of great place outcomes.

Our place planning approach



Local values

Through the Port Stephens Liveability Index, we know the values and priorities of our individual communities. This information provides the foundations of our place plans and helps guide planning and decision making across our community.



Start with yes

A culture that supports innovation and ideas is critical to the success of our place plans. By starting with yes, we can encourage new thinking, new ideas and attract more people to share in creating great places.



Test and trial

Great places don't appear by accident – they take time, effort and a shared understanding that not every project will work every time. By testing and trialling low cost, short term ideas, we learn by doing and create the stepping stones to bigger and better things.



Civic pride

The Port Stephens community is abundant with energy and expertise and people who want to be involved in planning and creating for their place. Place plans provide opportunities for collaboration, foster pride and create meaningful community connection.



Measure and benchmark

When we trial a new idea, launch a new program or invest in our public spaces, we need to understand what works and what doesn't. Measuring the success of our projects and comparing them to the best possible examples we can find will help build amazing places where people will want to live, work and play.

ITEM 4 - ATTACHMENT 1 SALAMANDER BAY TOWN CENTRE PLACE PLAN.

About Salamander Bay Town Centre

Located in the heart of the Tomaree Peninsula, the Salamander Bay Town Centre is a key commercial and community hub, offering a wide range of services and shopping experiences. It includes several large-scale retailers alongside a variety of smaller businesses across the retail, hospitality, health, entertainment, and professional services sectors.

The Centre also provides important community and educational facilities, including the Tomaree Connected Learning Centre, a community childcare centre, the Tomaree Library and Community Centre, and is in close proximity to both public and private schools – making it a focal point for both commerce and learning.

As the only dedicated shopping precinct on the Tomaree Peninsula, the Salamander Bay Town Centre services a broad catchment area beyond its immediate surroundings. Its strong retail offering enables the nearby town of Nelson Bay to focus on boutique shopping and tourism experiences.

The **Town Centre** is primarily made up of low-rise buildings and is surrounded by a mix of land uses, including residential areas, visitor accommodation, recreational facilities, schools, churches, commercial developments, and conservation land.

To the west of the Centre lies the **Mambo-Wanda Wetlands**, covering approximately 175 hectares. This environmentally significant area supports a diverse range of native flora and fauna and holds cultural significance for the Worimi people, the Traditional Custodians of the Port Stephens region.

The **Tomaree Peninsula** is a popular tourist destination, attracting thousands of visitors each year. Tourists come to enjoy the area's beaches, coastal parks, and natural attractions within the Port Stephens–Great Lakes Marine Park and Tomaree National Park, including the recently completed Tomaree Coastal Walk. The region also features a variety of experiences, from wildlife encounters and sand dune tours to dining, heritage sites, arts and crafts, and whale and dolphin watching.

As a result, the local population increases significantly during peak holiday periods. During these times, the Salamander Bay Town Centre becomes a busy hub, placing pressure on traffic flow and parking availability.

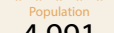
Currently, the Centre's layout—with a focus on vehicle access and separation of land uses—can make it challenging to create a vibrant, walkable and inviting environment. However, with improvements to the public domain, including the addition of community gathering spaces, activation initiatives, public art and cohesive landscaping, the Centre has strong potential to develop a unique identity.

As the Tomaree Peninsula continues to grow, the focus will be on enhancing pedestrian access and traffic circulation, strengthening community connections, protecting and showcasing natural assets, and creating new opportunities for housing, health services, and commercial development—supporting a dynamic and sustainable future for the Salamander Bay Town Centre.

Character principles

-  To create a sense of identity for a unified community and commercial precinct
-  To ensure future development is sympathetically integrated with the existing surrounds and appropriately activates the precinct
-  To ensure an integrated pedestrian and vehicular network promotes improved connectivity between developments within the precinct, and reaffirms the precinct as a hub
-  To ensure appropriate intersections are considered to accommodate for the expansion of the precinct
-  To ensure future development respects neighbours and users of the precinct
-  To ensure future development protects the ecological systems within and adjacent to the precinct
-  To ensure future development is designed with the safety of neighbours and users in mind
-  To ensure future development supports and is consistent with community activities
-  To ensure different design styles are developed with people in mind and are brought together holistically
-  To ensure future development offers economic advantages to the community in the immediate and long term

The residents of Salamander Bay are unique. Knowing who they are helps us understand their values and priorities.

 **1,421** Families
 **4,991** Population

 **42.7%** Labour Force

57 Median age


 **Top responses from industry of employment**

4.3% Aged care residential services (NSW 2.2%)
 3.4% Cafés / restaurants (NSW 2%)
 2.9% Accommodation (NSW 0.8%)
 2.8% Supermarket / grocery stores (NSW 2.5%)
 2.7% Takeaway food (NSW 1.8%)



We've been listening

The community explored the future of the Salamander Bay Town Centre through an extensive community engagement process. Here's a snapshot of the *Salamander Bay Town Centre Place Plan Engagement Report*.



What makes Salamander Bay a great place to live?

In September 2020, 243 people and in 2024, 170 people from Salamander Bay and Taylors Beach completed the Liveability survey, telling us what they value about their community and their priorities for their place. We used this data to shape the Salamander Bay Town Centre Place Plan – to set the vision, and define the actions that deliver the best outcomes for the community.

Key themes

The Liveability survey results indicate that the 6 most important themes of liveability for the people of Salamander Bay are:

- Economy
- Housing
- Environment
- Character
- Access
- Community wellbeing

Most valued

These are the things that are most important to you in your ideal neighbourhood.

- Elements of natural environment (natural features, views, vegetation, topography, water, wildlife)
- Local businesses that provide for daily needs (grocery shops, pharmacy, banks)
- Locally owned and operated businesses
- Access to neighbourhood amenities (cafés, shops, health and wellness services etc)
- Sense of neighbourhood safety (from crime, traffic, pollution)
- Sense of belonging in the community
- Sense of personal safety (for all ages, genders, day or night)

Top strengths

These are the things you care about most and you believe are performing well. We'll continue to celebrate and protect these.

- Protection of the natural environment
- Landscaping and natural elements (street trees, planting, water features etc.)

Top priorities

These are the things most important to you, but you believe they're under performing. We'll work together to improve these.

- General condition of public open space (streets, trees, footpaths, parks etc.)
- Evidence of recent public investment (roads, parks, schools etc.)
- Walking / jogging / bike paths that connect housing to communal amenity (shops, parks etc.)
- Quality of public space (footpaths, verges, parks etc.)
- Access and safety of walking, cycling / public transport (signage, paths, lighting)



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Emerging themes for Salamander Bay Town Centre

Economy: Creating more opportunities for local business

The community told us that they value local businesses that meet their daily needs. The Town Centre is anchored by the Salamander Bay Square Shopping Centre, which is surrounded by a variety of small businesses that provide essential goods and services to residents of the Tomaree Peninsula and nearby areas.

There is a desire from the community for more shopping options within the Town Centre, and for businesses, particularly food and coffee vendors, to be open for longer hours. They also want a lively and inviting atmosphere, with outdoor dining, community activities and vibrant public spaces. Improving the overall design, adding better landscaping and making the area more accessible is likely to enhance the character and vitality of the Centre.

A recent study found that to meet growing demand, the amount of commercial floor space in the Tomaree Peninsula needs to increase. This includes developing existing undeveloped Council-owned land surrounding the Town Centre.

Guiding the future use of undeveloped commercially zoned land within the Town Centre precinct is a key part of this Place Plan, to support local businesses and create a thriving, accessible shopping and community hub.

Housing: Increasing housing diversity in the Tomaree

Council is committed to facilitating a diverse range of housing to meet our growing community over the next 20 years.

Undeveloped land, known as greenfield land, that is suitable for development, is becoming scarce in Port Stephens, and a greater focus on more diverse housing options in our town centres is required.

Higher density housing close to town centres means there is a larger concentration of people in the Centre. When more people live within walking distance, it leads to more activity and foot traffic throughout the day and evening. This constant presence of people creates a lively and safe atmosphere and supports businesses and public transport services that rely on regular customers.

People have different housing needs based on income, household size, age, and lifestyle. A mix of housing types helps everyone find a home that suits their needs. Housing diversity makes it easier for people to downsize and age in place, and provides more supply and choice for first home buyers and people looking for a low maintenance property.

Environment: Investing in the environment

The Port Stephens community highly values the natural environment. In Salamander Bay, a balance is needed between protecting areas of high environmental value, such as the Mambo-Wanda Wetlands, and the need to accommodate the growing population, and commercial enterprises that contribute to the local economy and local jobs. Increasing density in town centres is a key way to minimise urban sprawl and reduce car trips.

Protecting our environment requires ongoing investment and management in order to control weeds, feral animals and other environmental threats, and to restore and improve biodiversity values.

To enhance the sustainability of the Town Centre and reduce carbon emissions, we will explore innovative solutions – such as

installing solar panels on more buildings or structures within the Town Centre, increasing shaded car parks or providing electric vehicle chargers.

The community have told us they would like more opportunities to access surrounding bushland areas for recreational activities and educational purposes, and have a desire to see more street trees and native landscaping in the Town Centre.

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**Public Domain and character: A thriving and vibrant Town Centre**

The Town Centre functions as a shopping precinct that provides essential goods and services to the community. Although functional, there are opportunities to create more vibrancy and character by introducing cohesive landscaping and public art that celebrates the adjoining Mambo-Wanda Wetland. Additionally, creating inviting spaces for community gatherings and entertainment would foster a lively and engaging atmosphere.

People living in higher density homes in the Town Centre can also help create more vibrancy, as residents are more likely to use and activate public open space, walk around the Centre and provide passive surveillance.

The Town Centre is an employment hub. Workers in the Centre have told us that they don't have access to a suitable outdoor space to enjoy their lunchbreak, or a nice space for passive recreation. Creating spaces for

people to recreate and gather will improve liveability in the Centre, and create a place that is more than just a functional shopping centre. These spaces could also be used for community events and activities. In response to the Place Plan, a future review of the site-specific chapter of the Development Control Plan (DCP) for the Town Centre will be undertaken. This review will assess whether planning controls are needed to ensure future development enhances the character of the Centre, creating a more attractive and vibrant place for residents, workers and visitors.

Community wellbeing: A healthy, accessible and well-connected Town Centre

Wellbeing is achieved when individuals and communities feel healthy, happy, safe, and connected. It is essential that the Town Centre is a place where everyone – regardless of age, gender, cultural background, or ability – feels welcome and included.

Supporting wellbeing in the Town Centre involves ensuring accessible and reliable transport options, hosting inclusive events and activities that encourage social interaction, and providing access to affordable and appropriate housing, education, and employment opportunities.

Equally important is ensuring the community knows how to access local services, participate in group activities, and respond to emergencies such as bushfires, floods, or storms. Easy access to the natural

environment also contributes significantly to physical and mental wellbeing, offering spaces for recreation, relaxation, and connection with nature.

By focusing on inclusivity and connection, the Town Centre can play a central role in supporting the wellbeing of the broader community.

Traffic and Movement: Moving around the Town Centre

A Town Centre that is welcoming and accessible for everyone, whether using public transport, walking or cycling, or traveling by mobility scooter or private car, is important in ensuring that everyone can participate in community life and access essential services.

Currently, the design of the Town Centre prioritises cars over pedestrians, making movement around the area difficult and unsafe for pedestrians, parents with small children, cyclists, or mobility scooters.

Community feedback has highlighted the need to enhance access to the Town Centre and improve movement between businesses within the area. Key improvements include better intersection control at access points, upgraded pedestrian facilities both within and around the Town Centre, and more effective traffic management strategies.

As part of any future Council-led development, improving the current intersection on Salamander Way will be investigated.

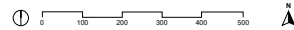
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Planning for the future of Salamander Bay Town Centre

Key

- 1 Commercial
- 2 Health/Commercial
- 3 Mixed use/housing
- 4 Environment
- 5 Community facilities
- 6 Existing commercial
- New intersection control
- Landscape buffer
- Town Centre boundary



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Commercial

The Salamander Bay Town Centre precinct is zoned E2 Commercial Centre, serving as the hub for business, retail, community and cultural activity. Within the Town Centre precinct, Council owns 4.7ha of land that is zoned for E2, which remains undeveloped. This land does not include the Tomaree Library and Community Centre, the child care centre, or land with a high environmental value. However, it offers opportunities for future development that can enhance the vibrancy and functionality of the Town Centre.

Strategic planning of this land can support a mix of uses that contribute to a more dynamic and connected Centre, while meeting the evolving needs of the community.

Increase capacity of existing zoned land

The Port Stephens Centres and Employment Land Study 2024 (CELS) found that without expanding the capacity of existing commercial zoned land, there may not be enough commercial land to meet demand by 2041. By increasing capacity within the Town Centre – including on vacant and undeveloped sites – approximately one third of the future demand for commercial space in the Tomaree can be accommodated.

Achieving higher density on developed land would require redevelopment, which involves significant private investment from property owners. Council's role in this process is limited but may include facilitating change through planning controls. The density of existing development within the Town Centre could increase by adding extra floors (currently, the maximum building height is 15m, or approximately 4-5 storeys) or increasing site coverage.

A review of planning controls for the Town Centre will help determine if changes are needed in order to guide redevelopment that meets future needs while maintaining the area's character and community value.

New commercial development

The Council-owned land at 155 Salamander Way and 10 Central Avenue is the only remaining undeveloped zoned commercial land left in the Salamander Bay Town Centre. Environmental studies undertaken for the precinct indicate that most of this land is suitable for development.

As shown on the Planning Map (page 15), future uses of the land are proposed to include commercial development fronting Salamander Way (Area 1), and mixed-use development – located behind the Library and Community Centre (Area 3). At 10 Central Ave, future uses include a mix of commercial development and health premises (Area 2).

To realise this vision for the land, future development applications are required to subdivide the 155 Salamander Way and 10 Central Avenue sites.

All development applications over the land will be required to include detailed environmental and engineering studies, and will undergo a thorough and robust assessment process.

Community Centre facilities

Library

Port Stephens Libraries are welcoming, vibrant spaces that help our community connect and interact. They offer a wide variety of programs designed to inform, educate, and entertain, encouraging participation, creativity, and lifelong learning.

Tomaree Library opened in March 2000, and was constructed as a purpose-built building that is well located close to local schools, public transport, and the shopping centre. The total floor space of the centre is 1,822 square metres. The library occupies 749 square metres with an additional 33 square metres of library space used by Port Stephens Historical Society and the Tomaree Museum Association.

An upgrade to the Tomaree Library and Community Centre is not being considered at this time or as part of this Plan. However, Council is preparing a Library Strategy to investigate the future needs for libraries in Port Stephens.

The proposed subdivision retains land around the library, leaving sufficient room within Area 5, for an outdoor gathering space for the community to use for passive recreation. It is intended to enhance this space so it can be used for recreational activities and educational opportunities.

Community Centre

The Community Centre is home to a range of community services that support local residents.

The Tomaree Neighbourhood Centre provides essential services like emergency relief, food support, and community outreach programs.

Salamander Early Education is a community based not-for-profit child care centre that has been serving the Port Stephens community since 1992.

Jupiter provides free mental health services for young people in the Port Stephens community.

Port Stephens FM (100.9) operates as a community-run radio station, sharing local news, music, and events, and fostering a strong sense of local identity and connection.





Housing

Like many regional communities across Australia, Port Stephens is facing the challenge of housing supply, diversity, and affordability. The NSW Government forecasts that over the next 20 years, Port Stephens will need to accommodate an additional 20,000 residents. Specifically, the Tomaree Peninsula is projected to require around 2,680 new homes to support population growth.

With limited opportunity for new greenfield housing developments, housing prices continue to increase, pushing low to middle-income families out of the market.

To address this issue, Council adopted the Port Stephens Local Housing Strategy. This strategy identifies areas for potential rezoning, recommends housing types suitable for different locations, and outlines infrastructure required to facilitate new development.

In preparing the Port Stephens Local Housing Strategy, Council surveyed residents to better understand their satisfaction with available housing choices in Port Stephens. The results provided valuable insights into resident needs, including a desire for more diverse housing options such as smaller lot homes, higher-density housing types like duplexes,

apartments, and terrace houses, as well as senior-friendly housing. The survey highlights that the current supply of these housing types is limited, despite a strong demand.

Port Stephens has long been a desired destination for retirees and older people seeking a more relaxed lifestyle in beautiful surroundings. As the median age of residents continues to rise, the demand for homes suitable for older people is likely to continue. Facilitating downsizing options can help free up larger family homes for buyers and renters, ensuring that existing residents can remain in the area.

To help facilitate the delivery of new housing, Council is progressing the development of Council-owned land in Salamander Bay. These initiatives aim to create a pipeline of new housing types across Port Stephens, meeting population growth, improving affordability and meeting workforce demands.

These projects will provide a variety of housing densities and types, offering suitable options for different community members. The development of these sites can also generate income that can be reinvested into infrastructure improvements and environmental initiatives.

155 Salamander Way

Land surrounding the existing Town Centre offers a valuable opportunity to accommodate both additional commercial development and diverse housing options. Introducing new housing in this area would enable more people to live close to established services, including shops, healthcare, community facilities, and public transport.

The site is already zoned for mixed-use development, allowing for ground floor commercial uses with residential apartments above. Current planning controls support this form of development with building heights of up to 15 metres (approximately 4–5 storeys).

To increase housing supply and support urban consolidation, there is potential to pursue a planning proposal to allow greater building heights on parts of the site – enabling more homes within walking distance of the Town Centre.

Infrastructure

Community feedback highlighted the need to improve access to the Town Centre for both cars and pedestrians. The existing access to the Town Centre from Salamander Way has been highlighted as a particular concern as it only allows for left-turning vehicles. This has allegedly led to dangerous U-turns by drivers when approaching the Centre from the east.

To address this, Council intends to deliver a new intersection control at this access point. In consultation with Transport for NSW, further studies and design will need to be undertaken to determine the most appropriate treatment.



Did you know?

The process of changing planning controls, such as building heights, starts by identifying an investigation area in a Council strategy, like a place plan. This helps us inform the community about upcoming developments in their area over the next few years.

Next, we perform detailed studies to determine whether an area can accommodate additional development.

We then prepare a planning proposal that explains in detail the proposed changes to the planning controls contained in a Local Environmental Plan (LEP). The planning proposal is processed in accordance with a legislated process that is overseen by the NSW Government. This process includes mandatory community consultation.

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Environment

Protecting the natural environment is a top priority for the Port Stephens community. As the area grows, it is essential to balance the need for new housing and development with the preservation of environmentally significant land.

To support this, detailed environmental studies have been undertaken to guide the future use of Council-owned land, ensuring that areas with the highest environmental value are identified and protected.

Proceeds from the sale of Council-owned land will be reinvested into environmental projects – helping to preserve, enhance, and restore the local natural environment for current and future generations.

Town Centre

Approximately 1.41ha of land at 155 Salamander Way, that adjoins the proposed mix use/ housing development (Area 3) and Library and Community Centre (Area 5) to the north has been identified through preliminary environmental studies as having a high environmental value. This area (Area 4) will be preserved to support conservation.

While expanding the Town Centre may involve some vegetation removal, the initial environmental studies indicate that the land designated for development is not of high environmental value.

Further environmental studies, including a Biodiversity Development Assessment Report (BDAR), will be undertaken at the development application stage to guide further development activities and determine how development can proceed within legislative frameworks, to ensure the ongoing protection and proper management of the site.

Mambo-Wanda Wetlands

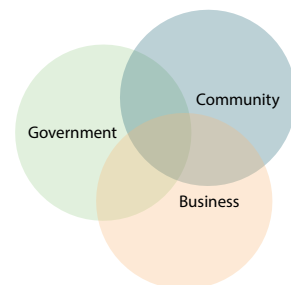
The Mambo-Wanda Wetlands adjoins the Town Centre and is greatly valued by the community as a place of environmental and cultural significance. The land is zoned C2 Environmental Conservation and is owned by Port Stephens Council. As the landholder, Council is responsible for ensuring that this significant area is well looked after and continues to undertake pest and weed management, fire trail management and bush regeneration works. Council relies on volunteers from the community to help look after this important natural asset.

To help maintain this area, Council will be investing money from the sale of the Council-owned land in the Town Centre into the conservation and management of the Mambo-Wanda Wetlands.

Part of the proposed development site is within the Coastal Wetlands Proximity Area. As such, development applications will need to satisfy State Environmental Planning Policy (Resilience & Hazards) 2021.



A shared responsibility for our place



Individual responsibilities with opportunities for partnerships



Residents

Residents make an important contribution to their place through individual or collective efforts. The impact on the look and feel of a place is through the diversity of people; their rich heritage, lived experience and their sense of ownership of public and private space. Place making activities are developed in partnership with the residents and consider the cultural values with the Traditional Owners of the Land, the Worimi people.



Local workers

Local workers contribute to a place in many ways, and have a connection to a place even if they don't live there. Their presence activates a place and makes it vibrant and they support local business. Some workers even volunteer their time to activities that improve the place.



Visitors

Visitors and tourists, including day trippers, overnight visitors, or those just passing through, play an important role in a place. They provide a customer base that may result in new local businesses, like cafés and restaurants, or key attractions that also benefit residents by offering a larger variety of things to see and do.



Business

Businesses have many opportunities to contribute to placemaking. These could include funding and supporting community projects, collaborating with other businesses, sharing resources or training local workers. Businesses make a vital contribution to the character of the place. Maintaining an attractive shopfront that presents positively to the streetscape contributes to an appealing and welcoming Town Centre.



Port Stephens Council

Council has 4 different roles in implementing place plans – as a coordinator by providing guidance and assistance for a project; as a supporter by providing permission, inspiration or project funding; as a partner that works with community groups and business to undertake projects; or as the primary organisation that funds and delivers the project.



Investors and developers

A town or city needs people and organisations that believe in its potential, and who are able to invest in its future. Investors, including families, businesses, and developers play an active role in ensuring that development aligns with the strategic direction of a place. They're in a position to deliver and maintain housing, infrastructure, and business opportunities that improve and grow places.



Community groups and volunteers

Community groups and volunteers with a can-do and proactive attitude are vital for placemaking projects. They include sporting clubs, schools, charities, churches, clubs, social groups and environmental custodians. Community groups and volunteers contribute significantly to their community.



State Government

State Government has 3 roles in placemaking – as an authority, setting strategic direction and a funding body. Importantly, they have a significant role in the management of roads and other infrastructure, parks and heritage, which are all essential contributors to the identity of a place.



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Look and feel for Salamander Bay

Creating an attractive streetscape brings people into town and compels people to stay and linger. The use of a consistent colour palette and materials can help to create a beautiful town with its own, unique 'look and feel'.

Small projects such as shop front renovations, fence replacements and street furniture may all present opportunities to create a more cohesive Town Centre and a sense of belonging to the community.

The colour palette represents the many attributes of the Salamander Bay area and celebrates the outstanding natural beauty of the broader Port Stephens East Ward region.

Green for the vibrant foreshore parklands and mangroves that line our waterways.

C: 41% M: 0% Y: 58% K: 0%
R: 91 G: 208 B: 230
HEX: 5BD0E6

Deep green for the native bushland supporting our wildlife.

C: 91% M: 44% Y: 66% K: 35%
R: 0 G: 86 B: 78
Hex: 00554D

Blue for the ocean against the horizon line.

C: 89% M: 52% Y: 44% K: 11%
R: 33 G: 102 B: 119
HEX: 206677

Sandstone for the sandy shores of the East Ward and coastal parts of Port Stephens.

Orange for the stunning skies at dawn and dusk.

C: 0% M: 32% Y: 68% K: 9%
R: 233 G: 158 B: 75
HEX: E99E4B

Brown for the pale tones of the bark and sedges in the dappled shade of the Mambo Wetlands.

C: 29% M: 41% Y: 56% K: 3%
R: 181 G: 146 B: 117
Hex: B59275

Sandy white for the glittering sand and boats dotted throughout our waterways.

C: 3% M: 4% Y: 9% K: 0%
R: 244 G: 240 B: 228
Hex: F4F0E4



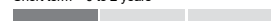
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Actions

Timeframe

This Place Plan has a planning horizon of 5 years. Timeframes denote when delivery of an action is expected to start.

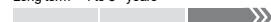
Short term – 0 to 2 years



Medium term – 2 to 4 years



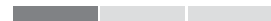
Long term – 4 to 5+ years



Cost

Cost indicates whether an action is a relatively cheap or a costly undertaking.

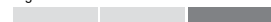
Low



Medium



High



Lead

Each action will be led by Council or a specific group associated with the action.

Council role

Salamander Bay's Liveability Index results have inspired a series of action items. Port Stephens Council has 4 possible roles in delivering these actions:

- **Coordinate** – As a coordinator, we'll provide guidance on how to start your project, help by identifying approvals required, advise you about funding opportunities, get you in touch with other organisations, or advocate for your project.
- **Support** – As a supporter, we may provide support, permission, inspiration or funding.
- **Deliver** – In delivering, we'll fund and deliver the project.
- **Partner** – As a partner, we'll work with the community, business, developers, and state agencies to undertake projects or programs.

Emerging themes

The Liveability survey results indicate that the 6 most important themes of liveability for the people of Salamander Bay are:

- **Economy**
- **Housing**
- **Environment**
- **Character**
- **Access**
- **Community wellbeing**

Please note: Cost estimates and delivery timeframes are indicative only and subject to further investigation.

The order for commencement of actions is flexible and will be based on timing and availability of funding and resources, and community initiative.

1. Establish a Salamander Bay Town Centre Precinct Group

Businesses and property owners play a vital role in shaping a vibrant and welcoming Salamander Bay Town Centre. To harness this local energy and drive positive change, it is proposed to form a dedicated Salamander Bay Precinct Group under the umbrella of the Port Stephens Business Chamber.

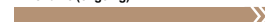
This Precinct Group would bring together property owners, business operators and community members who are passionate about revitalising the Salamander Bay Town Centre. Acting as a united voice and catalyst for action, the Group would lead to initiatives that improve the appearance of the Town

Centre, develop collaborative approaches to revitalisation, create a distinct local identity, and foster a stronger sense of place for the community.

Several priority projects outlined in this Plan provide immediate opportunity for the Precinct Group to get started, delivering visible, community-driven improvements from the outset.

Council will provide support to bring together the key stakeholders and guide actions to commence this initiative.

Timeframe (ongoing)



Cost



Lead: Port Stephens Business Chamber **Council role:** Support



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2. Attracting local businesses to Salamander Bay Shopping Centre

Locally owned businesses play a vital role in creating a distinctive, engaging, and community-connected retail experience. In partnership with the Port Stephens Business Chamber, there is an opportunity to develop a targeted program aimed at attracting locally owned and operated businesses to the Salamander Bay Shopping Centre.

By focusing on local entrepreneurs and independent operators, this initiative would bring together property owners, centre management, business leaders, and community advocates to help shape a more vibrant and locally relevant tenant mix.

This may include identifying suitable tenancies for activation, developing flexible leasing models and pop-up opportunities, partnering with the Port Stephens Business Chamber to promote opportunities and attract local businesses and supporting fit-out and design initiatives to ensure a high-quality presentation aligned with Centre standards

This approach would not only enhance the shopping experience but also build stronger ties between the Centre and the local community.

Timeframe



Cost



Lead: Port Stephens Business Chamber Council role: Support

3. Unlocking new commercial, community and housing opportunities

The development of vacant Council-owned land surrounding the Salamander Bay Town Centre presents a major opportunity to deliver vibrant public spaces and a wider range of housing options across the Tomaree Peninsula.

The next step is to prepare and lodge a development application for the subdivision of the land, supported by a visionary concept plan that outlines future land uses. Council will undertake detailed environmental studies and design work to ensure the proposal reflects both environmental values and community needs before formally submitting the application for assessment.

Following subdivision and sale, future development applications will be required for the construction of new buildings – potentially including commercial, residential, and mixed-use spaces.

The community will have opportunities to provide feedback during the formal public notification periods, helping shape the future character and function of Salamander Bay.

Timeframe



Cost



Lead: Council Council role: Deliver



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4. Integrating health services into future development

The community have told us that health services in the Tomaree are under increasing pressure and have long expressed the need for expanded health care access. Council recognises that services are stretched thin and providers that once offered bulk billed services are no longer able to do so. This has far reaching consequences, and urgent action is required.

With an ageing population, along with rising housing affordability challenges and the cost of living pressures, many in our community are facing increasing disadvantage.

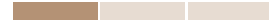
Council will continue to advocate to State and Federal Governments for more health services in Port Stephens, particularly those that bulk-bill.

Once Council-owned land is subdivided, we will proactively seek to include additional health facilities in the Town Centre. Expressions of Interest will be sought for a developer to construct and manage a health facility in the northern section of the development footprint, Area 2 on the Planning Map on Page 15. While the market will determine what this facility will include, Council will look to support those submissions that deliver quality community health outcomes.

Timeframe



Cost



Lead: Council Council role: Deliver

5. Review and strengthen planning controls for the Town Centre

The current site-specific Development Control Plan (DCP) for the Town Centre includes a number of broad objectives, which have been incorporated into this Place Plan as 'character principles' to help shape future development. However, the existing DCP lacks the detailed and tailored controls needed to effectively guide development and ensure it reflects the community's vision for the area.

In the absence of specific provisions, assessment relies on criteria from other DCP chapters, which may not fully address the unique character and planning needs of the Town Centre.

Following approval of the land subdivision, Council will undertake a comprehensive review of the DCP. This review will determine whether additional site-specific controls are required to ensure that future development delivers high-quality outcomes and contributes positively to the evolving identity of the Town Centre.

This review, however, may find that the new controls in the recently adopted Port Stephens DCP 2025 are adequate for new development to achieve desired outcomes for the Town Centre.

Timeframe



Cost



Lead: Council Council role: Deliver



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6. Increase housing diversity in the Tomaree

The Port Stephens Local Housing Strategy aims to increase housing supply and diversity in the Tomaree Peninsula. Council will continue to encourage housing investment in Port Stephens by working to streamline assessment process and reduce planning approval times, making it easier and more cost effective for developers to invest in a variety of housing types.

Council will actively work with developers to ensure diverse housing options are available including houses on smaller lots, higher density housing developments and seniors housing to meet our growing community's needs.

There is a relatively high rate of unoccupied dwellings in the Tomaree Peninsula compared to rates in NSW and Australia. This may

reflect the popularity of short-term rental accommodation (STRA) in Port Stephens, which supports our tourist and visitor economy. However, the data also shows that many of these are holiday or secondary homes that don't contribute to the long-term rental market or support the local economy.

Council will continue to monitor short and long-term rental availability across the Tomaree Peninsula, to inform future actions.

In collaboration with the NSW Government, which oversees the state-wide regulatory framework for STRA, Council will advocate for reforms and explore initiatives aimed at reducing the negative impacts of short-term rentals on neighbourhood amenity and Councils resources.

Timeframe



Cost



Lead: Council Council role: Deliver

7. Investigate increased building heights in the Town Centre

Increasing building heights within town centres limits urban sprawl, boosts housing capacity, reduces car reliability and helps improve safety and vibrancy.

While current planning controls permit buildings up to 15 meters (approximately 4-5 storeys), the Council may consider a planning proposal to increase building heights and facilitate additional housing.

For shop-top housing that is within 400m of a town centre or train station in nominated areas, State Planning Policy (Housing) 2021 (SEPP) allows buildings to be up to 24 metres, or 6-8 storeys. While Salamander Bay is not a nominated area, given the close proximity

of retail, health and community services, and public transport, matching the height limits set by the SEPP might be a suitable maximum building height in the Town Centre.

A planning proposal would be required in order to increase building heights, including community engagement, to ensure community feedback is incorporated and developments align with community values.

Timeframe



Cost



Lead: Business Council role: Partner



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8. Environmental education and sustainability

Education is one of the most powerful tools for protecting the natural environment. There is strong community interest in learning more about the local ecology – particularly the Mambo-Wanda Wetlands.

Expanding environmental education programs, including sustainability workshops tailored to both residents and businesses, offers a valuable opportunity to raise awareness and support practical action to reduce the Town Centre's carbon footprint.

We will work closely with local community groups, environmental experts, Tomaree Education Centre, St Phillips Christian College and Salamander Child Care Centre to explore and deliver engaging, place-based learning opportunities that inspire long-term stewardship of the local environment.

Timeframe**Cost**

Lead: Council **Council role:** Partner

9. Connect with nature

The Town Centre currently lacks a welcoming outdoor space where people can gather, socialise, play, or simply relax in nature. Accessible green space is particularly important for those living in medium-density housing with limited private open areas and for workers seeking a place to enjoy a break during the day.

To address this need, Council will create a public green space on land to the west of the Library and Community Centre, in Area 5. Enhancements such as picnic tables, signage and outdoor learning areas may be incorporated to support both recreation and education, particularly around the adjoining Mambo-Wanda Wetland.

Options to provide access and connection to adjoining bushland will be explored. In order to balance the passive recreation needs of the community with environmental protection, bushland access will be controlled so that it is restricted to suitable locations only.

Council will also explore partnerships with local community groups, such as Landcare, to help maintain walking trails and enhance native vegetation and habitats – encouraging biodiversity and providing safe havens for local fauna.

Timeframe**Cost**

Lead: Council **Council role:** Deliver





10. A sustainable Town Centre

The Port Stephens Emissions Reduction Action Plan outlines the short, medium and long-term actions to reduce or remove Greenhouse Gas Emissions.

A number of initiatives have already been implemented on Council-owned buildings in the Town Centre, including the installation of photovoltaic systems and energy-saving LED lighting at the Library. The Salamander Early Education Centre has also installed a number of solar panels, at their own cost, to improve the energy efficiency of the building.

A number of property owners in the Town Centre have already invested in solar panels on their buildings. However, to further improve the efficiency of the Centre, there is an opportunity for more buildings to utilise solar power.

Additional shaded parking areas could also be installed to reduce the amount of heat absorbed by vehicles and to help mitigate the urban heat island effect.

With the increasing use of electric vehicles, businesses are encouraged to investigate opportunities to install public fast chargers in the Town Centre. The community have expressed a need for additional options for fast charging in the Tomaree Peninsula.

Timeframe



Cost



Lead: Business Council role: Partner

11. Alternative options for staff parking

Customers highly value easy access to shopping centres. Ensuring parking is safe, convenient and located close to entrance points is important for delivering a positive customer experience.

To optimise parking availability for customers, staff parking should be designated on the periphery of a parking lot. While further away, the turnover of staff parking is significantly less as they spend far more time in the Centre. This approach not only reserves parking for shoppers but also contributes to a more organised and efficient parking system.

To encourage staff to park in designated parking, communications around the importance of designated parking and incentives for compliance could be introduced.

In addition, Salamander Bay businesses could engage with nearby schools to open car parks for staff parking during school holidays, freeing up parking closer to the Centre for customers.

Timeframe



Cost



Lead: Business Council role: Support

12. Improving community connectivity and access

We want to make it easier and safer to get around Salamander Bay Town Centre – whether you're walking, driving, or parking. To do this, Council will carry out a detailed Traffic, Access and Parking Study. This study will help us understand what improvements are needed and guide future decisions. It will:

- Identify the best spots for new pedestrian crossings and pathway upgrades to keep everyone safe.
- Look at ways to better connect Town Centre Circuit for cars, bikes, and pedestrians, while respecting the environment at 155 Salamander Way.
- Explore options to improve traffic flow, including possible one-way street changes.

- Review parking availability, including parking that services the Library and Community Centre, and the child care centre, and check if it meets Australian standards.
- Examine intersections, especially near Salamander Way, to improve vehicle access in partnership with Transport for NSW.
- Find new opportunities to improve pedestrian access, including potential new pathways along Salamander Way.

As many parking areas within the Town Centre are privately owned, successful implementation of the recommendations in the study will require collaboration with local property owners and / or the proposed precinct group.

Timeframe



Cost



Lead: Council Council role: Deliver

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SALAMANDER BAY TOWN CENTRE PLACE PLAN.

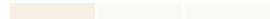
13. Create a sense of identity

Establishing a distinct identity and brand for the Town Centre will help differentiate it from nearby shopping areas and make it easier for residents and visitors to find and recognise the Centre.

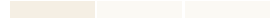
This could be achieved through the installation of welcoming gateway signage at key entry points, along with improved wayfinding from major roads like Nelson Bay Road and Port Stephens Drive.

Businesses and the proposed precinct group can play an important role in bringing this identity to life by sponsoring gateway signage and advocating for enhanced directional signage, reinforcing a strong, consistent image of the Town Centre.

Timeframe



Cost



Lead: Business Council role: Support

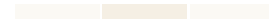
14. Make our Town Centre more beautiful together

Most of the public spaces in the Town Centre are owned by local businesses and property owners. To make the area more attractive and welcoming, Council, businesses, and property owners need to work together.

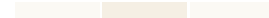
A connected, clear, and visually appealing environment will give our Town Centre a unique feeling and encourage visitors to stay longer, helping local shops and services.

In collaboration, Council, Port Stephens Business Chamber and the Precinct Group will guide this process, by developing a Streetscape Guide for the Town Centre. This guide will give clear direction on the design, layout, materials, and landscaping of public spaces – to make public spaces look great and feel consistent across the area.

Timeframe



Cost



Lead: Business Council role: Support

15. Improve connection to community services

Social connection and knowing where to find help are vital for community wellbeing.

The Tomaree Library and Community Centre offers a range of services, including free internet and Wi-Fi access, regular programs and author visits. A variety of permanent and casual tenants, groups, services and activities operate from the Centre on a regular basis. These include recreation and social activities, healthy lifestyle, spiritual, educational, cultural and hobby groups.

If you're looking for a space for your group to operate from, there are a number of meeting spaces at the Tomaree Library and Community Centre available for hire. For more information, visit:

pscouncil.info/tomaree-library

Council's Community Support Fund aims to build sustainable local communities, and enhance the wellbeing and development of the Port Stephens community. This grant welcomes applications from community groups and not-for-profit organisations seeking support for projects, activities and events that address community needs. For more information, visit:

pscouncil.info/grants-scholarships

The Tomaree Neighbourhood Centre plays a vital role in supporting vulnerable and marginalised members of the Port Stephens community. Currently operating from the Tomaree Library and Community Centre building, the Centre can be difficult to locate.

To improve its visibility and accessibility, a new sign will be installed in a prominent location, making it easier for community members to find and access the essential services it provides.

Timeframe



Cost



Lead: Council Council role: Support



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16. Preparing for our Library's future

Libraries are important community hubs that offer access to resources, programs, and welcoming spaces for everyone. To make sure our libraries keep serving us well into the future, Council will develop a Library Strategy looking ahead to 2041.

This plan will look at what the community needs, how we can deliver services more effectively, and what new or improved facilities might be needed – including the possibility of expanding the Tomaree Library and Community Centre in the next 10+ years to keep up with growth.

Community members have also shown interest in having a café at Tomaree Library. The courtyard outside could be a great spot for this, and Council will explore working with private partners to make it happen.

Timeframe**Cost**

Lead: Council **Council role:** Deliver

17. An accessible Town Centre

Ensuring accessible infrastructure is essential to creating a Town Centre where everyone can participate fully – regardless of age, ability, or mobility needs. Features such as ramps, safe and even footpaths, tactile paving, clear signage, accessible transport infrastructure, and inclusive digital platforms all contribute to a more welcoming and usable environment.

Community feedback has highlighted several barriers to accessibility in the Salamander Bay Town Centre, including uneven footpaths and a lack of appropriate parking for community buses – making it difficult for people with mobility issues and care providers to visit the area.

Council, Port Stephens Business Chamber and the Precinct Group will conduct a Disability Access Audit to identify specific areas for improvement. The findings will be shared with local property owners and businesses, and Council will work collaboratively with them to support necessary upgrades.

By making these targeted improvements, we can create a Town Centre that not only supports people with disabilities, but also benefits older residents, families with prams, and anyone experiencing temporary mobility challenges.

Timeframe**Cost**

Lead: Business **Council role:** Support

18. Community connect

We heard that at times, the Tomaree community can find it hard to access information and feel that they miss opportunities to participate and contribute. A community noticeboard is one way for the community to know what is going on in their place.

There's lots of ways to create a community noticeboard – it could be a digital noticeboard hosted via social media or a physical noticeboard on the wall in the shopping centre. This could be developed and managed through a local community group or business.

Council also provides information on events, projects and engagement opportunities through social media, a digital newsletter, Your Port and printed newsletters.

Council will work on ways to increase the distribution of the Your Port newsletter and other information to ensure it reaches as many Tomaree residents as possible.

Destination Port Stephens provide information on their website about 'what's on' and visitor services that are available.

For further information head to portstephens.org.au/events

Timeframe**Cost**

Lead: Community **Council role:** Deliver





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Submissions Table

Written submissions		
Item	Matter Raised	Council Response
1. Impact of proposed development on Mambo-Wanda Wetlands		
1.1	The proposed development may cause irreversible and detrimental damage to the Mambo-Wanda Wetlands, which is one of the most valuable public assets in the area due to the ecological, intrinsic and cultural value of the place.	The Salamander Bay Town Centre Place Plan (Place Plan) recognises the importance and value of the Mambo-Wanda Wetlands. In recognition of this value, Council will be investing some of the proceeds from the sale of Council owned land in the Town Centre into the conservation and ongoing management of the Wetlands. Much of the land proposed for development is located within the Coastal Wetlands Proximity Area under the State Environmental Planning Policy (SEPP) (Resilience & Hazards) 2021, and future development applications need to demonstrate that development will not significantly impact on: (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland, or (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland. The Place Plan has been amended to include a note that proposed development will need to satisfy the SEPP (Resilience & Hazards) 2021.
1.2	The Wetlands may be impacted by vegetation clearing, stormwater run-off, and fringe effects, such as vandalism of the local bushland, rubbish dumping, pests and illegal fires.	Action 9 'Connect with nature' has been updated to note that in order to limit fringe effects, access to bushland will be controlled to restrict access to suitable locations only.
1.3	Further encroachment into the Wetlands may result in more localised flooding, as construction	The Place Plan provides a high level concept plan for the future of the Town Centre, and notes that

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	will cause the Wetlands to become fully saturated and they will no longer be able to provide a natural relief area.	future development is subject to further investigation. Detailed studies will need to be undertaken at the development application stage in order to understand the environmental impacts, including drainage impacts, and the design of future development will need to respond appropriately to these studies. Consistency with relevant legislation will be assessed at the development application stage.
2. Vegetation clearing		
2.1	Proposed development may require the clearing of Swamp Sclerophyll Forest, which is listed as an Endangered Ecological Community under the Biodiversity Conservation Act 2016, resulting in the loss of habitat for endangered species.	Preliminary environmental studies indicate that the proposed future development excludes areas identified as Swamp Sclerophyll Forest. Detailed environmental studies, including a Biodiversity Development Assessment Report, will be undertaken as part of future development applications. These studies will be made publicly available when applications are notified.
2.2	Vegetation clearing is not supported. Biodiversity offsetting is not an adequate mechanism to compensate for the loss of bushland in the Mambo-Wanda Wetlands.	Biodiversity offsetting is facilitated by the Biodiversity Conservation Act 2016. The Biodiversity Offsets Scheme, which is overseen by the NSW government, uses a transparent, consistent and scientific approach to assess biodiversity values and offset impacts from developments and other projects with a significant impact on biodiversity. Whether or not offsetting is necessary or appropriate for future development will be an outcome of any future Biodiversity Development Assessment Report.
3. Impact of proposed development on childcare		
3.1	There are concerns about the privacy of children playing adjacent	There are many examples of childcare centres located alongside residential development where

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	to multi-level residential development;	privacy impacts have been managed adequately. In many instances privacy screening can have a dual purpose in offering sun or weather protection for outdoor spaces. As the owner of the building, Council will work with the centre management on this matter during the design process;
3.2	The proposed development requires the removal of bushland behind the centre that is accessed by children for education and play.	The use of Council managed land for education and play by the centre is also occurring informally, without a user agreement being in place. Creating continued community access to the nearby bushland will be considered under Action 9 of the Place Plan 'Connect with nature'.
3.3	Children's safety may be jeopardised by the proximity of new access roads next to the centre;	The location of new roads that will service future development will be determined at the development application stage and informed by a traffic study undertaken to support development application.
3.4	The area that is currently used for staff parking will be removed.	Child care centre staff are currently parking on Council managed land that is not a formed or approved car park. Action 12 'Improving community connectivity' has been updated to acknowledge that car parking around the Library and child care centre will be investigated.
4. Traffic, access and car parking		
4.1	Access to, and moving around within the Town Centre for cars, pedestrians and cyclists can be difficult and unsafe.	The traffic study proposed in Action 12 'Improving community connectivity and access' aims to investigate options to improve access to the site and traffic flow within the Town Centre for pedestrians, cyclists and motorists. This action will also investigate options to improve car parking in the Town Centre.
4.2	Additional pedestrian crossings in key locations, such as between the bus stop and Aldi, as well as to the	Action 17 'An accessible Town Centre' recognises the importance of ensuring that there is accessible

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	Library, are needed. Pathways need to be safe for people with mobility issues. There are a number of missing pathway links to the Town Centre, making access for pedestrians, mobility scooter users and cyclists difficult and unsafe.	infrastructure in place to enable everyone participate, regardless of age, ability or mobility needs. To ensure that the Town Centre is accessible, a Disability Access Audit, identifying areas for improvement, will be undertaken. Council will work with property owners to support any necessary upgrades that are not located on Council owned land.
4.3	Car parking within the Town Centre is at capacity, and car spaces are not big enough to cater for the increasing popularity of larger vehicles. All weather car parking options are needed. There is a need for a review of car parking at the Library and Community Centre, and car parking should be allocated at specific times to relevant groups.	Most of the parking areas within the Town Centre are not owned by Council, however Action 12 has been amended to clarify that a review of car parking at the Library and Community Centre which is on Council owned land will be included in a parking study.
4.4	The ring road, proposed in previous plans, should be included in the Place Plan. Road access connecting to Sandy Point Road, through Purser Street would improve traffic flow in the Centre.	A ring road is not being included in the Place Plan as it would need to traverse Area 4, which is being preserved for conservation. Construction on land with high value environmental attributes is considered inappropriate. A road connection to Purser Street is not proposed in the Place Plan. However, future development will include pedestrian access to Purser Street.
4.5	The intersection at Salamander Way is dangerous. Future improvement of this intersection needs to consider traffic generated during school drop-off and pick-up times.	A traffic study undertaken as part of the future development application will identify the most suitable intersection treatment at the Salamander Way intersection and will consider the wider road network.

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5. Housing		
5.1	There was a varied response in submissions to the proposed future mixed use / residential development identified in the draft Place Plan, with 52.5% of survey respondents opposing the action. Those opposed are concerned about vegetation clearing, the impact on the Mambo-Wanda Wetlands, privacy of children attending the child care centre and additional traffic and question the demand for medium density housing.	The Place Plan provides a high level concept plan for the future of the Town Centre, and notes that future development is subject to further investigation, including flooding, drainage and stormwater, bushfire and environmental studies, and development approval. Any future development application will be assessed against the Biodiversity Conservation Act 2016 and the Environmental Planning and Assessment Act 1979.
5.2	Supporters of the proposal recognise that the Town Centre is an ideal location for medium density housing given its proximity to services. It is also noted that housing would increase the customer base and activate the Town Centre.	One way to cater for housing demand, without the need to further encroach on land that has high environmental value, may be achieved by encouraging higher density development within existing urban areas. The Local Housing Strategy, and current planning controls, encourage higher densities in existing urban areas, through developments such as secondary dwellings, dual occupancies and residential flat buildings. The Town Centre is identified in the Port Stephens Housing Supply Plan as being suitable for medium density development. The Housing Preferences in Port Stephens Report (2019) surveyed residents to better understand their satisfaction with available housing choices in Port Stephens. The report provides valuable insights into resident needs, including a desire for more diverse housing options such as smaller lot homes, higher density housing types like duplexes, apartments, and terrace houses, as well as senior-friendly housing. The survey highlights that

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		the current supply of these housing types is limited, despite a strong demand.
5.3	It is suggested that part of the proposed development is designated as affordable housing and the use of the property for Short Term Rental Accommodation is prohibited.	The NSW State Government is reviewing the regulatory framework for short-term rental accommodation and investigating options to encourage the supply of long-term rental accommodation (STRA). While legislation allows owners corporations the ability to pass by-laws prohibiting STRA within their strata scheme that are not the principal place of residence, Council cannot enforce a requirement for such a covenant. Council will seek expressions of interest for developers to undertake future development. Affordable housing will be encouraged.
6. Demand for commercial development		
6.1	There are currently a number of vacant shops in the shopping centre, and in the Nelson Bay Town Centre, which suggests there may not be significant demand for additional commercial development.	The Centres and Employment Land Study (CELS) provides data relating to the demand for commercial land in Port Stephens. The CELS considers the impact of online shopping on retail centres. The CELS notes that there is not enough commercially zoned land in the Tomaree Peninsula to cater for forecasted demand over the next 20 years, even with the commercial development proposed in the Place Plan.
6.2	Submissions suggest that adding an additional storey to the shopping centre would satisfy any demand for additional commercial floorspace and the future development in the Place Plan would not be needed.	The Place Plan notes that increasing the density of existing development is one way to cater for the projected demand for commercial land in the Tomaree. However, as Council is not the landholder of the shopping centre, Council has limited capacity to encourage the existing landholders to undertake new development.

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6.3	The popularity of online shopping, and the recently approved shopping centre at Fullerton Cove should be factored into the demand forecasting.	The CELS notes that the introduction of a new centre at Fullerton Cove will ease existing demand pressures in the region and provide local services to the Fern Bay / Fullerton Cove locality. It may also service people travelling to and from Newcastle to the Tomaree. Continued development of Salamander Bay and Taylors Beach is also considered necessary to increase local employment opportunities for the heavily populated eastern half of the Local Government Area. In addition, elevating the commercial opportunities in Salamander Bay will allow the unique function of Nelson Bay, as the centre of the visitor economy and boutique shopping, to be retained. The Place Plan has been updated to include a hyper-link to the Port Stephens Centres and Employments Land Study to make the projected demand data readily accessible.
6.4	There is a need for more retail stores that cater for young families and young people in the Town Centre.	Council does not influence the type of commercial premises that are located on privately owned land. However, the E2 Commercial Centre zone permits a variety of commercial development.
7. Health precinct		
7.1	The proposed health precinct is generally supported. It is recommended that it includes a Medicare funded Urgent Care Clinic as access to bulk-billed care has declined.	Following future subdivision of the land, Council will seek expressions of interest for a developer to provide health premises on Area 2 in the Town Centre. Detail of this premises not yet known. Council will continue to advocate to State and Federal Governments for more bulk-billed health services.

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8. Disposal of Council land		
8.1	Some submissions were opposed to the sale of Council land to fund road maintenance and repair, and stated that other funding streams should be investigated.	Safe and reliable roads have been identified as a top priority for the community, and Council is taking significant action to improve the local road network, including by investigating many funding avenues to support road projects.
8.2	Other submissions were opposed to Council relying on the sale of the land to fund proposed environmental protection measures for the Mambo-Wanda Wetlands.	It is anticipated that the additional investment from the sale of this Council-owned land will enable ecological studies and a plan of management for the Mambo Wanda Wetlands, which could be used to support a Ramsar Wetlands nomination and protect this important community asset.
9. Green gathering space		
9.1	Submissions support the inclusion of a green gathering space in the Town Centre, however the area identified as environmental land is not considered a suitable location, due to its environmental value and topography. It is suggested that a green gathering space is better located to the west of the Library and Community Centre.	Action 9 'Connect with nature' has been updated to clarify that it is intended to provide the green gathering space to the west of the Library and Community Centre.
10. Public domain and landscaping		
10.1	Submissions note that the Town Centre does not have an attractive public domain due to the lack of a natural component, colour or interest. Landscaping attempts have generally been unsuccessful due to an absence of maintenance. The proposed landscape plan is supported.	Action 14 'Make our Town Centre more beautiful together' seeks to bring together key stakeholders to help create a more attractive and welcoming Town Centre, which could include landscaping projects. Action 9 'Connect with nature' includes a proposal to create a green gathering space near the Library and Community Centre (Area 5) for people to meet, play and relax.

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		Action 14 encourages businesses and property owners to work with Council to improve landscaping in the Town Centre. As a way to fund these projects, it suggests that businesses sponsor community groups to help deliver and maintain landscape projects.
10.2	The landscape buffer shown in Area 2 may be insufficient as it is on top of a sand dune and construction could jeopardise and destabilise the houses on the ridge behind the cycleway.	Until detail of the proposed development is known, the size of the landscape buffer is unknown. It will be designed to create a visual buffer to residential development to the north.
10.3	To ensure the success of the proposed Salamander Bay Town Centre Precinct Group, it should include community members.	The Place Plan has been amended to include community groups in the proposed Town Centre Precinct Group.
11. Town Centre classification and boundaries of Place Plan		
11.1	Submissions were opposed to the shopping centre being classified as a Town Centre as it does not contain a number of attributes that make a town centre.	The Port Stephens Centres and Employment Land Study (CELS) recommends that the Salamander Bay centre be recognised as a Town Centre in the centre's hierarchy. The function of a town centre is to <i>'service a catchment beyond their immediate locale, providing basic goods, shopping and commercial business for their region'</i>.
11.2	These submissions claim that the precinct is being called a town centre in order for development to be considered under new State government guidelines, which provide for greater housing density and building height around town centres.	The planning controls in the State Government Low and Mid-Rise Housing Policy apply to residential areas within 800 metres walking distance of nominated town centres. In Port Stephens, Raymond Terrace and Nelson Bay are the only areas that benefit from these planning controls. These locations were chosen by the NSW Department of Planning, Housing and Infrastructure based on a number of selection criteria.

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		Using the term 'Town Centre' to describe Salamander Bay does not mean that the State Policy will automatically apply. Any amendment to building height controls would be subject to a planning proposal and mandatory community consultation.
11.3	The boundary of the Place Plan is too restrictive and should be expanded to include uses such as schools, churches, accommodation and other commercial development, as these activities influence pedestrian and vehicular access and contribute to the market for retail services and entertainment within the Town Centre.	The scope of the Place Plan was established to include only the Town Centre as identified in the Place Plan as this is where Council has the most influence. Traffic studies will include consideration of the wider road network.

Survey responses		
Theme	Matter Raised	Council Response
Economy	Approximately one third of respondents were opposed to the Economy actions. The following comments were provided: a. The Town Centre should become a hub where community services are located together, including allied health. b. proposed development may have a negative on the child care centre, citing that increased traffic will be a risk to children attending the centre. There will also be privacy and noise impacts on the children. Staff of the child care centre will lose their parking area.	a. Action 4 'Integrating health services into future development' recognises that health services in the Tomaree are under pressure, and discusses Council's role in the provision of health services. The action states that Council will continue to advocate to State and Federal Governments for more bulk-billed health services. It also explains that Council will seek Expressions of Interest for a developer to construct and manage a health facility, as shown in Area 2 on the Planning Map. This is an ideal location, given proximity to other services. b. There are many examples of childcare centres being located alongside residential

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	c. Parking is already at capacity in the Town Centre, and a multi-story parking lot should be provided. d. The locality should not be called a "Town Centre" due to a lack of essential attributes. e. The proposed development may further congest infrastructure, particularly roads, and have environmental impacts.	development. There are ways that privacy can be retained, such as with landscaping or shade sails. As the owner of the building, Council will work with the centre management on this matter. The location of new roads that service proposed development is to be determined at the development application stage. Amenity and connectivity will be considered. Child care staff are currently parking on managed Council land that is not a formed or approved car park. c. Action 12 'Improving community connectivity and access' seeks to address concerns raised by the community regarding car parking. This action is for Council to undertake a traffic and car parking study that will investigate a number of concerns about parking and moving around the Town Centre. Council does not own the shopping centre carpark and has limited capacity to encourage the existing landholders to undertake new development, such as a multi-level car park. d. The Centres and Employment Land Study (CELS), recommends that the Salamander Bay centre be recognised as a Town Centre in the centre hierarchy. e. Environmental and traffic studies will be undertaken for
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		future development applications.
Housing	Over half of the respondents oppose the Housing actions. The following comments were provided: a. The proposed development may have an unacceptable environmental impact of the development, particularly as a result of vegetation removal and stormwater run-off. b. There is a lack of clarity around the exact plans for the housing developments being proposed. c. Privacy of children may be impacted by multi-level housing overlooking the day care centre. d. Services and infrastructure are already inadequate for the existing population. e. The proposed development should include affordable housing for seniors and low income families. f. Approximately one quarter of respondents support increasing housing density in the town centre location, noting that it is an ideal location due to its proximity to services and limited impacts on views or surrounding uses.	a. The environmental impacts of the proposed development will need to be addressed in environmental studies undertaken for future development applications. The Place Plan has been amended to include a note that the impact of development on the wetland will need to be considered. b. Until development applications are lodged, exact plans for the proposed residential development is not known. When lodged, the community will have opportunity to view more detailed plans and provide comment. The Place Plan provides a high-level concept of uses in each Area shown on the Planning Map. c. There are many examples of childcare centres being located alongside residential development. There are ways that privacy can be retained, such as with landscaping or shade sails. As the owner of the building, Council will work with the centre management on this matter. d. Council works closely with State agencies to plan for infrastructure to cater for the population growth. Further, developer contributions help fund local infrastructure provision. e. Detail about future development on Area 3 is unknown, however affordable housing will be encouraged.

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		f. Area 3 is considered to be an ideal location for the provision of medium density housing as it is close to existing retail, health and transport services.
Environment	The Environment actions were generally supported. The following comments were provided: a. The wetlands and natural ecosystems provide unique and exciting learning opportunities of children attending the child care centre, and this may be lost under the proposed plans. b. The wetlands are home to endangered and vulnerable species, such as Wallum froglets, which may be put under further strain if the development proceeds. c. Environmental studies should be made available in order to determine how the proposed development site is considered to “not be environmentally valuable”. d. Further detail is needed around how Council will protect ecological systems and why this area is able to be developed. e. A green gathering space in the Town Centre is needed for people to socialise, recreate and relax. This is particularly needed for workers in the	a. Opportunities to appropriately access the wetlands will be provided, and outdoor education facilities could be included in the proposed green space, as detailed in Action 9 ‘Connect with nature’. b. Further environmental studies will be undertaken at the development application stage. Preliminary environmental studies found that the area proposed for development does not contain Endangered Ecological Communities. c. The Biodiversity Development Assessment Report will be available when development applications are lodged and notified. d. Detail about how the site can be developed in accordance with legislative requirements will be determined at the development application stage. e. Action 9 ‘Connect with nature’ proposes a green gathering space in Area 5, near the Library and Community Centre. f. The impact that development has on the adjoining wetland must be considered as part of future development applications. g. These are considerations for future development applications. Many of these

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	Centre as an outdoor place to eat lunch. f. The sensitivity of the surrounding environment and the receiving environment for run-off and waste from the town centre needs to be considered. g. Water sensitive urban design, water quality and quantity controls, setbacks, passive design, renewable energy, recycled materials etc must be part of the 'sustainable' town centre.	aspects are considerations under the Port Stephens Development Control Plan 2025.
Access	The Access actions were generally supported. The following comments were provided: a. The safety of pedestrians moving around the centre needs to be addressed, particularly those with mobility issues. b. Proposed development will remove parking for staff at the child care centre. c. Traffic flow needs to be improved, particularly during peak periods. Safety and accessibility of the Town Centre is dangerous, and the layout of the Centre makes it difficult to move around. d. parking is at capacity and parking spaces to be larger. More disabled spaces, parking for parents, undercover	a. Action 12 'Improving community connectivity' and access acknowledges that improvement to pedestrian safety is needed. This will be investigated as part of a traffic, access and parking study to be undertaken. b. Child care staff are currently parking on managed council land that is not a formed or approved car park. c. Improving traffic flow will be investigated as part of a traffic, access and parking study to be undertaken, as detailed in Action 12. As part of future development of the Town Centre, Council intends to deliver a new intersection control at the Salamander Way intersection, following feedback from the community that this intersection is dangerous

ITEM 4 - ATTACHMENT 2 SALAMANDER BAY TOWN CENTRE PLACE PLAN SUBMISSIONS TABLE.

	spaces and designated staff parking are needed.	d. Action 12 will review parking availability and size of car spaces. Action 11 'Alternative options for staff parking' encourages businesses and landholders to investigate incentives for staff to park in less premium areas, and to investigate alternative options for staff parking, particularly during peak season. Action 17 'An accessible Town Centre' recognises the importance of an accessible town centre. To ensure that the Town Centre is accessible, a Disability Access Audit will be undertaken.
Character	The Character actions were generally supported. It is advised that regular maintenance of landscaping and the public domain is needed in order to create an inviting Town Centre for residents and visitors.	Action 1 'Establish a Salamander Bay Town Centre Precinct group' suggests that businesses and landholders work together to improve the appearance of the Town Centre. Action 14 'Make our Town Centre more beautiful together' suggests that businesses could sponsor community groups to undertake beautification projects, such as landscaping.
Community wellbeing	The Community wellbeing actions were generally supported. The following comments were received: a. The proposed development may destroy natural spaces, as such, it will not create a community that feels happy, safe and connected.	a. Forecasting data indicates that more housing and commercial land is required in the Tomaree in order to meet future demand. The Place Plan seeks a balance between protection of the environment and the need for housing and maintaining a healthy local economy. High value environmental land will be protected, while some funds from the sale of Council-owned land will be invested into the

ITEM 4 - ATTACHMENT 2 SALAMANDER BAY TOWN CENTRE PLACE PLAN SUBMISSIONS TABLE.

	b. Further consultation and collaboration with community groups would provide initiatives and ideas to improve community wellbeing. c. The Town Centre needs to be accessible at all times.	Mambo-Wanda Wetlands. A green gathering space is proposed, which will provide a much-needed area for residents and workers to relax and play outdoors. b. As detailed in the Communications and Engagement Report, the Place Plan was developed following extensive community consultation. Community groups are encouraged to get involved in a number of actions, and will be consulted with in upcoming projects. c. A key feature of the Place Plan is improving the accessibility of the Town Centre.
Proposed development shown on Planning Map	Respondents reiterated their concerns with the proposed development, including: a. Impacts on safety, privacy and parking at the child care centre. b. Environmental impacts, including vegetation removal, habitat destruction and irreversible damage to the Mambo-Wanda Wetlands. c. Increased traffic, pedestrian safety and the need for improved traffic management.	Noted. These issues are addressed above.
Further comments	Respondents provided ideas about the types of commercial premises they would like to see in the Town Centre, including more dining options and fresh produce markets.	Council does not influence the type of commercial premises that are located on privately owned land. However, the E2 Commercial Centre zone permits a variety of commercial development.

ITEM 4 - ATTACHMENT 2
SUBMISSIONS TABLE.

SALAMANDER BAY TOWN CENTRE PLACE PLAN

	It is also suggested that there should be more community events in Salamander Bay.	Council encourages community groups and businesses to talk to Council about their ideas for community events in Salamander Bay. Community grants may be available to help a group deliver an event. Council runs regular events throughout the Local Government Area as part of the It's on! Events and activation program, which is aimed at bringing life and vibrancy to our public spaces. The Library and Community Centre hosts regular community events, including school holiday programs.
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MINUTES ORDINARY COUNCIL - 22 JULY 2025**ITEM NO. 2****FILE NO: 25/143891
EDRMS NO: PSC2025-01326****DRAFT SALAMANDER BAY TOWN CENTRE PLACE PLAN**

REPORT OF: BROCK LAMONT - ACTING DIRECTOR, COMMUNITY
FUTURES
DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the draft Salamander Bay Town Centre Place Plan (**ATTACHMENT 1**) on public exhibition for a period of 28 days.
 - 2) A further report to be provided to Council upon completion of the public exhibition period seeking endorsement of the Salamander Bay Town Centre Place Plan.
-

**ORDINARY COUNCIL MEETING - 22 JULY 2025
MOTION**

175	Councillor Nathan Errington Councillor Mark Watson It was resolved that Council: 1) Place the draft Salamander Bay Town Centre Place Plan (ATTACHMENT 1) on public exhibition for a period of 28 days. 2) A further report to be provided to Council upon completion of the public exhibition period seeking endorsement of the Salamander Bay Town Centre Place Plan.
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Councillor Chris Doohan left the meeting at 6:42pm.

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, Nathan Errington, Peter Francis, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

MINUTES ORDINARY COUNCIL - 22 JULY 2025**BACKGROUND**

The purpose of this report is to seek Council's support to exhibit the draft Salamander Bay Town Centre Place Plan (the draft Place Plan) (**ATTACHMENT 1**).

Place plans put people and places first. Place plans start with our community values and priorities using our Liveability Survey data as a baseline. They identify the unique local character of a place and the ways our community can shape, enhance or protect the places in which they live, work and play.

Place plans include an analysis of potential opportunities for a place in line with the community's vision. Actions in place plans guide the way we plan for future land use, invest in new infrastructure, attract investment and create vibrancy.

As part of the preparation of the draft Place Plan, Council sought input from the community by inviting comments on an online map, holding community drop-in sessions, hosting a community workshop and meeting with key stakeholders and businesses located within the Salamander Bay Town Centre. More detail about this engagement program is provided in the Salamander Bay Town Centre Place Plan Engagement Report (**ATTACHMENT 2**).

As an outcome of this engagement, the draft Place Plan has been developed to include key actions to:

- Develop vacant Council-owned land surrounding the Salamander Bay Town Centre.
- Invest in the local environment.
- Make it easier to move around and access the Town Centre.
- Improve the look and feel of the Town Centre.

Develop vacant Council-owned land surrounding the Salamander Bay Town Centre

A key feature of the draft Place Plan is communicating the future of the vacant Council-owned land surrounding the Salamander Bay Town Centre.

The Salamander Bay Town Centre precinct is currently zoned E2 Commercial Centre, serving as the hub for business, retail, community and cultural activity. Within the Town Centre precinct, Council owns 4.7ha of land that is zoned E2 (155 Salamander Way and 10 Central Avenue, Salamander Bay). This land is considered suitable for development but remains vacant. This excludes the area currently improved by the Tomaree Library and Community Centre, the child care centre and areas with a high environmental value.

The Council-owned land is the only remaining undeveloped commercial zoned land left in the Salamander Bay Town Centre. Environmental studies undertaken for the property indicate that most of this land is suitable for development.

MINUTES ORDINARY COUNCIL - 22 JULY 2025

The proposed future land uses envisaged for parts of the 155 Salamander Way site includes commercial and mixed-use development. At 10 Central Avenue, the proposed future land uses would include a mix of commercial development and health premises. To realise this vision for the land, a concept plan would be developed to confirm the structure and layout required to best achieve this goal.

During the consultation on the Place Plan, the community were generally supportive of developing the Council-owned land, particularly for medium-density residential development. However, concerns were raised about the environmental impacts of removing vegetation, and draining into the adjacent Mambo-Wanda Wetlands.

Investing in the local environment

The Liveability Survey completed in 2024 found that the protection of the natural environment is considered the highest priority for the Port Stephens community. It is important as we plan for the future of Port Stephens that opportunities are identified to facilitate growth and housing, while also protecting and enhancing natural areas with high environmental value.

Approximately 1.41ha of land at 155 Salamander Way adjoins the Mambo-Wanda Wetlands and has been identified through a Biodiversity Development Assessment Report (BDAR) as high value environmental land. It is proposed that this area is preserved to support important environmental functions and conservation efforts in the surrounding area. In response to community feedback, it is proposed to provide a green gathering space on the periphery of this bushland. This space could be improved by nature trails to be accessed and enjoyed by the community subject to future funding opportunities.

Council would be seeking to invest funds generated from the development and sale of Council-owned land in the Town Centre toward the conservation and management of the Mambo-Wanda Wetlands site.

Make it easier to move around and access the Town Centre

During Council's community engagement activities, community feedback highlighted a desire to improve access in and around the Town Centre, for both cars and pedestrians. The existing access to the Town Centre from Salamander Way has been identified as a particular concern.

In response to this, the potential for a new intersection at this location is proposed to improve vehicle movements to and from the centre. This intersection design work would be part of a future development application and delivered as part of the development of the Council-owned land in the Salamander Bay Town Centre.

Further to the infrastructure improvements listed above, Council heard during community engagement activities about the car parking issues in the centre, particularly relating to the number of spaces, safe access through the car parking areas and the dimensions of parking spaces.

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In response to this, a Traffic, Transport and Parking Study is proposed to be undertaken to identify opportunities for improvements in the Town Centre. The draft Place Plan also includes actions for landowners and individual businesses in the Town Centre to work collectively to improve car parking and access for customers on privately owned land.

Improve the look and feel of the Town Centre

During community engagement activities, Council heard from the community that the Town Centre area could benefit from investment in the look and feel of the place. As much of the Town Centre area and public domain works (such as garden beds, footpaths, seating and shelter) is privately owned, improving the look and feel of the area would require both Council, landowners and local businesses to work together.

The desire for a public domain that is modern, that creates an improved sense of place and that encourages people to stay and play for longer is a shared action. The draft Place Plan proposes an action for Council to prepare a streetscape guide for the Town Centre, which would provide a clear, consistent direction for Council, landowners and local businesses regarding the look and feel of the Town Centre. The development of such a document would provide a contemporary guide to support projects in the Town Centre into the future.

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

The public exhibition of the draft Place Plan and associated community engagement activities would be undertaken using existing budgets.

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

MINUTES ORDINARY COUNCIL - 22 JULY 2025**LEGAL, POLICY AND RISK IMPLICATIONS**Port Stephens Local Strategic Planning Statement (LSPS)

The draft Place Plan is consistent with the LSPS, in particularly the following Planning Priorities:

- Make business growth easier (Planning Priority 2)
- Increase diversity of housing choice (Planning Priority 5)
- Create people friendly spaces in our local centres where people can come together (Planning Priority 10)

Port Stephens Local Housing Strategy (LHS) and Housing Supply Plan (HSP)

The draft Place Plan is consistent with the LHS, in particularly the following priorities:

- Ensure adequate supply of new housing (Priority 1.1)
- Increase the proportion of infill housing (Priority 1.3)
- Provide more affordable housing near jobs (Priority 2.2)
- Encourage a range of housing types and sizes (Priority 3.2)
- Housing enhances local character (Priority 4.1)

The HSP notes that the inclusion of more low-rise and mid-rise housing would support the growth of the existing shopping centre precinct.

Port Stephens Local Environmental Plan 2013 (LEP)

The Town Centre, including the undeveloped Council-owned land, is zoned E2 Commercial Centre and the height of buildings is 15 metres (4 – 5 storeys). The proposed future uses of the Council-owned land at 155 Salamander Way and 10 Central Avenue are permissible under the existing zoning.

Port Stephens Development Control Plan 2014 (DCP)

The current site-specific DCP for the Town Centre includes a number of objectives which have been incorporated into the Place Plan as 'character principles'. The existing site-specific DCP lacks detailed and tailored controls to effectively guide development and ensure it reflects the community's vision for the area.

The draft Place Plan contains an action for Council to undertake a review of the site-specific DCP. This review would determine whether additional site-specific controls are required to ensure that future development delivers high-quality outcomes and contributes positively to the evolving identity of the Town Centre.

Draft Port Stephens Development Control Plan 2025 (draft DCP)

The draft DCP does not propose changes to the site-specific chapter for the Town Centre.

MINUTES ORDINARY COUNCIL - 22 JULY 2025

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the draft Place Plan does not meet community expectations.	Medium	Accept the recommendations. Extensive community engagement during the exhibition period would assist Council to understand community expectations and identify possible changes to be made to the draft Place Plan prior to it being adopted.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social

The draft Place Plan contains actions to inspire the community and businesses to create a better place through education workshops, the provision of an outdoor gathering space, improving the accessibility of the centre and beautification projects. There is limited housing supply and diversity on the Tomaree Peninsula, which impacts housing affordability. Housing diversity allows for members of our community to 'age in place', downsizing from large freestanding housing to smaller, lower maintenance homes or apartments in the neighbourhood and community that they love. The Town Centre is considered an ideal location for medium-density housing as residents can easily access services and public transport, with communities living in a town centre creating vibrancy and improving public safety.

Economic

The Port Stephens Centres and Employment Land Study 2024 (CELS) found that without expanding the capacity of existing commercial zoned land, there may not be enough commercial land available across Port Stephens to meet demand by 2041. By increasing capacity within the Town Centre, including vacant and undeveloped sites, future demand for commercial space can be accommodated without impacting on natural areas or rezoning additional land.

Environmental

While the future development of Council-owned land would have an impact, land that has been identified as having high environmental value would be protected and enhanced as part of the wider approach to achieving the vision for the Salamander Bay Town Centre. Environmental impacts of future development activity would be

MINUTES ORDINARY COUNCIL - 22 JULY 2025

assessed under subsequent development application processes and relevant planning legislation.

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	If supported, the draft Place Plan would be placed on public exhibition for 28 days and would be notified through social media, direct email to stakeholders, print advertising and Council's website. A drop-in session would be held during the exhibition period where Council staff would be available to talk to the community about the draft Place Plan.
INVOLVE	The draft Place Plan was developed following an intensive engagement period. The engagement activities included: • Liveability Surveys completed in 2020 and 2024 • An online mapping tool and noticeboard for the community to provide written comments (151 comments on map and 66 comments on noticeboard) • Community drop-in held at the Salamander Square Shopping Centre from 5 May to 7 May 2025 and at the Community Connect Day held at the shopping centre on 16 May 2025

MINUTES ORDINARY COUNCIL - 22 JULY 2025

	(390 visitors to drop in session and 30 visitors to community connect day) • A community workshop held on 8 May 2025 (16 participants) • Stakeholder meetings with businesses and property owners 6 meetings held) The Salamander Bay Town Square Place Plan Engagement Report is found in (ATTACHMENT 2).
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Internal communications and engagement

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

- Office of the Director of Corporate Strategy and Support
- Assets Section
- Capital Works Section
- Community Services Section
- Public Domain and Services Section
- Development and Compliance Section
- Communications and Customer Experience Section

OPTIONS

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

ATTACHMENTS

- 1) Draft Salamander Bay Town Centre Place Plan.
- 2) Salamander Bay Town Centre Engagement Report.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 4 - ATTACHMENT 5 EXPLANATION OF POST-EXHIBITION AMENDMENTS.

Explanation of Post-Exhibition Amendments

Salamander Bay Town Centre Place Plan

No.	Explanation of Amendments
1	Administrative Amendments A number of minor administrative amendments have been made to the Place Plan including: 1. Updates to community consultation statistics to reflect activities during the public exhibition period. 2. Fixing minor grammatical errors and spelling mistakes. 3. Including references to the Map Areas in commentary. 4. Updated description of the Place Plan on front cover, and removed the word 'Draft' from title.
2	Emerging themes – Environment: Investing in the environment The Emerging theme – 'Environment: Investing in the environment' has been updated to reference the Mambo-Wanda Wetland as an area of high environmental value that needs ongoing protection. <i>Reason:</i> A number of submissions highlighted the significance of the Mambo-Wanda Wetland and the value that the community places on this important natural attribute.
3	Commercial: Increase capacity of existing zoned land 1. Included a hyper-link to the Port Stephens Centres and Employment Land Study published on Council's website. <i>Reason:</i> Many submissions queried the demand for additional commercial land in the Tomaree, and requested to see the data that justifies the proposed development. The Port Stephens Centres and Employment Land Study supports the proposed end uses identified for the site. 2. The description of the proposed commercial development was updated to confirm that it will contribute to approximately one third of the required commercial land necessary to cater for projected demand in the Tomaree to 2041.

ITEM 4 - ATTACHMENT 5 EXPLANATION OF POST-EXHIBITION AMENDMENTS.

	<i>Reason:</i> The exhibited Place Plan incorrectly stated that the proposed development would cater for all demand for commercial development in the Tomaree, without the need to rezone additional land. The amended Place Plan is consistent with the recommendations of the Port Stephens Centres and Employment Land Study. 3. The suggestion to include underground car parking as a way to increase the density of the existing development was removed. <i>Reason:</i> Investigations determined that this is not an economically feasible option.
	Commercial: New commercial development The Place Plan was updated to include references to the 'Areas shown on the Planning Map' in the commentary about future uses. <i>Reason:</i> Referring to the specific areas makes it easier to understand how the Map relates to the commentary in the Place Plan.
4	Community facilities: Tomaree Library The Place Plan was updated to confirm that a proposed 'green gathering space' would be provided in Area 5, to the west of the Library and Community Centre, not in Area 4, which will be conserved as environmental land. <i>Reason:</i> A number of submissions advised that Area 4 is not suitable as a green gathering space due to the environmental value and topography of the land.
5	Community facilities: Community Centre The Place Plan has been updated to better reflect the role of Jupiter as a mental health service for youth in the community. <i>Reason:</i> To provide clarification on the role of Jupiter.

ITEM 4 - ATTACHMENT 5 EXPLANATION OF POST-EXHIBITION AMENDMENTS.

6	Environment: Town Centre 1. Amended the description of the proposed conservation land (Area 4). <i>Reason:</i> To provide a more accurate description of the environmental value of the land, and to better clarify the location of the site. 2. Reference to the Biodiversity Development Assessment Report (BDAR) was removed. The Place Plan now references initial / preliminary environmental reports undertaken. <i>Reason:</i> The BDAR will not be finalised until the development application for subdivision and concept development will be submitted. A Place Plan should not reference studies that are incomplete. 3. The Place Plan has been updated so that it no longer references biodiversity offsetting as a mechanism to allow development to proceed within legislative frameworks. The amended Place Plan does not give any examples of how it can proceed within legislative frameworks. <i>Reason:</i> While offsetting may be possible to support future development of the site, whether or not it is the preferred mechanism will be unknown until the BDAR is finalised and a development application is lodged. There may be other means to meet legislative requirements identified during the assessment process.
7	Environment: Mambo-Wanda Wetlands The Place Plan was amended to include a note stating that all development will need to satisfy the State Environmental Planning Policy (Resilience & Hazards) 2021 (SEPP). <i>Reason:</i> A number of submissions raised concerns about the impacts that the proposal may have on the Mambo-Wanda Wetlands. Submissions identified that future development would need to satisfy the SEPP.

ITEM 4 - ATTACHMENT 5 EXPLANATION OF POST-EXHIBITION AMENDMENTS.

8	Action 1 Establish a Salamander Bay Town Centre Precinct group Action 1 was updated to include community members as part of the proposed Town Centre Group, together with property owners and business operators. <i>Reason:</i> This was suggested in a submission on the draft Place Plan and the inclusion of community members will add to the success of the group.
9	Action 9 Connect with nature 1. Action 9 was amended to make it clear that the 'green gathering space' will be provided in Area 5, to the west of the Library and Community Centre, not in Area 4, which will be conserved as environmental land. <i>Reason:</i> A number of submissions advised that Area 4 is not suitable as a green gathering space due to the environmental value and topography of the land. 2. Action 9 was updated to note that access to bushland would be restricted to appropriate areas only. <i>Reason:</i> A number of submissions raised concern about the impact of edge effects when development is located adjoining environmental land, noting that it can lead to increased rubbish dumping and other forms of vandalism.
10	Action 5 Review and strengthen planning controls for the Town Centre Action 5 was amended to include a note that the review may find that additional site-specific controls for the Town Centre are not needed in order for development to make a positive contribution. <i>Reason:</i> To set clear expectations regarding the potential outcome of the action.

ITEM 4 - ATTACHMENT 5 EXPLANATION OF POST-EXHIBITION AMENDMENTS.

11	Action 12 Improving community connectivity and access Action 12 was amended to include a review of parking that services the Library and Community Centre and the child care centre as part of the future Traffic, Access and Parking Study. <i>Reason:</i> A number of submissions raised concern about that the area used by child care centre staff for parking is proposed for development. Submissions also highlighted that parking at the Library and Community Centre is at capacity when there are a number of different groups utilising the facility.
12	Planning for the future of Salamander Bay Town Centre map The map has been amended to: 1. Include a north point 2. Include a clear boundary line around the Town Centre precinct 3. Include land to the east of Area 2, which was inadvertently excluded in the draft. Exhibited draft map Planning for the future of Salamander Bay Town Centre 



Explanation of Amendments

PORT STEPHENS COUNCIL

ITEM NO. 5

**FILE NO: 25/266176
EDRMS NO: 79-2022-3-1**

EMISSION REDUCTION ACTION PLAN - ANNUAL PROGRESS REPORT

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Amend Port Stephens Council's climate action target from 'Carbon Neutral by 2025' to Net Zero by 2050, with an interim target of 50% emissions reduction by 2030, in alignment with the State and Federal Government targets.
- 2) Commits to the continued rollout of Council's Emissions Reduction Action Plan **(ATTACHMENT 1)**.
- 3) Requests the General Manager provide 6 monthly reporting to Council on the progress of Council's Emissions Reduction Action Plan.

BACKGROUND

This report provides an update on the progress of the Emissions Reduction Action Plan (ERAP) and reviews Council's climate action target of Carbon Neutrality by 2025. The report recommends a revised target of Net Zero by 2050, with an interim target of 50% emissions reduction by 2030. Transitioning Council's commitment to net zero reflects industry best practice and aligns with the Australian Government's commitments under the Paris Agreement.

In October 2021, Port Stephens Council demonstrated leadership in sustainability through its endorsement of a 'Carbon Neutral by 2025' target **(ATTACHMENT 2)**. The goal focused on reducing and offsetting Council's operational emissions. To realise this goal, an Emissions Reduction Action Plan (ERAP) was developed **(ATTACHMENT 1)** and the ERAP continues to be implemented across the organisation as resourcing (budget) permits.

TRANSITION TO NET ZERO

Since 2021, global climate thinking has evolved, with a focus on sustained emissions reductions. As such, many governments and Councils are adopting net zero by 2050 targets, with strong interim targets for 2030 to ensure timely progress.

Net zero aims to reduce all operational emissions to zero, whilst carbon neutrality focuses on offsetting remaining emissions on an annual basis. The cost of offsetting residual emissions is significant (estimated at \$500,000 to be paid annually for

Council). This methodology is now generally considered to have been superseded by net zero, which encourages genuine operational emissions reductions over time.

The recommended target of Net Zero by 2050 with an interim target of 50% by 2030 aligns with the United Nations Intergovernmental Panel on Climate Change (IPCC) and National and State Goals. The IPCC has stated that to limit warming, global emissions must fall by around 50% by 2030 and reach Net Zero by 2050. Australia and NSW have committed to this goal. Aligning local goals ensures consistency and may unlock grant funding opportunities.

ERAP PROGRESS REPORT

Council continues to progress the actions and initiatives detailed within the ERAP with a detailed update on Council's progress on actions taken to reduce Council's carbon emissions is provided in **(ATTACHMENT 3)**. The actions within the ERAP range from one-off capital investment in nature (such as the upgrade of heat pumps at Council's pools), to ongoing operational systems changes such as adjustments to Council's procurement processes and emissions data collection systems.

Port Stephens Council's carbon footprint has been reduced by 40% between the 2021-2022 and 2022-2023 financial years. The ERAP recommends recalculating Council's carbon footprint at the completion of the short term actions (end of 2026). This will assist in evaluating the ERAP's effectiveness to date and identifying new areas of opportunity to further reduce emissions.

DATA REPORTING

Council is working to improve processes around emissions data capture and reporting. Council's carbon footprint includes data from a wide range of emission sources including petrol, diesel, gas, waste, electricity and others. Data availability and quality present significant issues. In particular, indirect (Scope 3) emissions, those resulting from contracted services, procurement, and other external sources, are difficult to quantify due to limited reporting from suppliers and the absence of standardised methodologies across the sector.

Additionally, the ongoing evolution of emissions reporting frameworks creates challenges for maintaining consistency over time. Changes in definitions, calculation methods, and reporting requirements can impact the comparability of emissions data year-on-year and complicate long-term performance tracking.

To address these challenges, Council is currently exploring opportunities relating to data collection, data analysis and the implementation of emissions tracking software solutions.

SIX MONTHLY REPORTING

The elected Council has previously endorsed a quarterly progress reporting frequency to Council via the business paper **(ATTACHMENT 4)**. Councillors have

noted that the information provided through these quarterly reports is not providing sufficient detail or overview of Council's progress.

To address this, an adjustment to the endorsed quarterly progress reporting schedule is proposed. Six monthly reporting would provide a greater opportunity to show more meaningful progress, considering that the ERAP actions are carried out over a longer-term timeframe. Additionally, this approach would align with the six monthly and annual Integrated Planning & Reporting cycles.

This would be supported by regular updates on projects and initiatives made on Council's website and accessible to the wider community. Councillors will also be notified of significant projects or initiatives implemented across the organisation via the PS Newsletter.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025-2029
Environmental sustainability	Develop and implement a program for Council to lead the way to a sustainable and climate positive future.

FINANCIAL/RESOURCE IMPLICATIONS

Based on Council's current carbon footprint, an estimated cost of \$500,000 would be required annually to achieve carbon neutrality. There is no funding source currently identified for this expected cost.

Through a transition to net zero, offsetting of emissions would not be required by Council until 2050. This would allow sufficient time for Council to implement the actions and initiatives identified within the ERAP. Over this period, Council's carbon footprint will be reduced and any residual annual costs would be minimised if not removed.

The implementation of ERAP actions is currently funded through the use of Council's Sustainability Reserve, available grants and adjustments made to annual budgets including waste, fleet and capital works.

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

ORDINARY COUNCIL - 25 NOVEMBER 2025

Source of Funds	Yes/No	Funding (\$)	Comment
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There is currently no legal requirement for Council to achieve carbon neutrality or net zero status. The Federal Government has committed Australia to a goal of net zero by 2050 through the Paris Agreement. The NSW State Government has also committed to the goal of net zero by 2050.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council will not be able to financially support both the purchase of carbon offsets and the rollout of sustainability projects under a carbon neutrality commitment.	Medium	Accept the recommendations.	Yes
There is a reputational risk that Council will not achieve its commitment to carbon neutrality of Council's operational emissions by 2025 should a funding source not be identified or a net zero target is not set.	Medium	Accept the recommendations.	Yes
There is a reputational risk to Council if it was to transition from carbon neutrality to net zero.	Low	Council has undertaken consultation with and received support from Council's Environmental Advisory Group.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council's commitment to achieving carbon neutrality for Council operations by 2025 is an ambitious target that requires ongoing funding to pay for carbon offsets with no clear benefit to the organisation. Transitioning to net zero targets provides a sustainable and incremental approach to reduce Council's operational emissions over-time.

Regardless of whether Council sets a target, the ongoing implementation of the ERAP is considered good contemporary business practice.

COMMUNICATION AND ENGAGEMENT

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

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

The following communication and engagement applies to this report.

External communications and engagement

Council has continued to provide project updates to the community through its social media and website content, and quarterly Council Information Papers. Council has also actively engaged with the Environmental Advisory Group.

INFORM	Sustainability projects and initiatives are promoted through social media, Council's website and quarterly Council Information Papers.
INVOLVE	Council's Environmental Advisory Group has provided advice and support with regards to the proposed transition to a net zero target.

Internal communications and engagement

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

- Financial Services Section.
- Holiday Parks Section.
- Organisation Support Section.
- Assets Section.

ORDINARY COUNCIL - 25 NOVEMBER 2025

- Capital Works Section.
- Community Services Section.
- Public Domain and Services Section.
- Communications and Customer Experience Section.

OPTIONS

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

ATTACHMENTS

- 1) Final Emissions Reduction Action Plan. (Provided under separate cover) [⇒](#)
- 2) Minute No. 275, 12 October 2021. [↓](#)
- 3) 2025 ERAP Progress Report. [↓](#)
- 4) Minute No. 092, 11 April 2023. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 12 OCTOBER 2021**NOTICE OF MOTION****ITEM NO. 2****FILE NO: 21/268337****EDRMS NO: PSC2017-00019****CARBON NEUTRALITY****COUNCILLOR: RYAN PALMER****THAT COUNCIL:**

- 1) Commit to the goal of achieving carbon neutrality for Council operations by 2025.
- 2) Determine a suitable funding source to support Council in achieving this goal
- 3) Provide a report to Council on a roadmap to achieving carbon neutrality.

**ORDINARY COUNCIL MEETING - 12 OCTOBER 2021
MOTION**

275	Mayor Ryan Palmer Councillor Giacomo Arnott It was resolved that Council: 1) Commit to the goal of achieving carbon neutrality for Council operations by 2025. 2) Determine a suitable funding source to support Council in achieving this goal 3) Provide a report to Council on a roadmap to achieving carbon neutrality.
------------	--

The motion was carried.

**BACKGROUND REPORT OF: JANELLE GARDNER – STRATEGY &
ENVIRONMENT SECTION MANAGER****BACKGROUND**

Climate change is a significant global challenge that directly impacts the Port Stephens community. Impacts such as increased sea level rise, intensity and frequency of storms, bushfire and rainfall patterns are challenging the way we manage our environment.

MINUTES ORDINARY COUNCIL - 12 OCTOBER 2021

Over the past few years, Council has implemented a number of initiatives to reduce our carbon footprint. These include:

- Installation of solar photovoltaic systems at Council's Administration Building, Salamander Waste Transfer Station, libraries, community centres and Rural Fire Service buildings.
- Installation of solar pool pre-heating at Lakeside Leisure Centre, Tomaree Aquatic Centre and Tilligerry Aquatic Centre.
- Use of recycled glass 'greencrete' in the upgrade of Tanilba Bay roundabout.
- Installation of Building Management System and Programmable Logic Controller at our Administration Building, Lakeside Leisure Centre and many sports and community buildings to deliver energy efficiencies and lower operating costs.
- Installation of water-saving irrigation and stormwater harvesting at Medowie Park and Kindlebark Oval.
- Installation of variable-speed drives at Lakeside Leisure Centre plus Kangaroo Street and Stockton Street flood pumps to save energy consumption.
- Installation of energy-saving LED field lighting at Ferodale Netball Courts, Tomaree Netball Courts and Tomaree Sports Complex, Administration Building, Tomaree Library and Community Centre, Council works depots, Birubi Surf Club and a number of community centres and halls.

The New South Wales State Government has adopted emission reduction and renewable energy policies that aim to achieve zero carbon emissions by 2050. Port Stephens Council will support these actions by committing to ensuring Council operations are carbon neutral by 2025.

To achieve this, Council will ensure any emissions released into the atmosphere from the organisation's activity will be balanced by the equivalent amount of emissions being removed. Council will work closely with the community, business and all levels of government to influence behaviour change, reduce energy demand and protect and enhance the natural environment. Council will:

- Undertake a review of current emissions to determine the baseline
- Commit to monitoring emissions on an annual basis
- Work with our community to develop a Sustainability Strategy
- Implement actions via the Integrated Planning and Reporting framework that deliver carbon neutrality
- Advocate to the NSW Environment Minister, the Hon Matt Kean and Premier, the Hon Dominic Perrottet, to request assistance in achieving carbon neutrality.

FINANCIAL/RESOURCE IMPLICATIONS

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

MINUTES ORDINARY COUNCIL - 12 OCTOBER 2021

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

ATTACHMENTS

Nil.

There being no further business the meeting closed at 8.05pm.



Port Stephens Council Emission Reduction Action Plan (ERAP)

2025 Progress Report



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Background

In October 2021, Port Stephens Council committed to achieving Carbon Neutrality by 2025. In response, Council commenced a number of measures, including calculating its baseline carbon footprint for the 2021 financial year to establish a starting point for emissions reduction efforts.

A strategic roadmap was developed in 2022, identifying the need for widespread changes and outlining the offsetting liabilities required to reach the targeted neutrality.

In 2023, the Council engaged a Carbon Neutral specialist to assist in developing an Emission Reduction Action Plan (ERAP). This plan involved recalculating Council's carbon footprint, incorporating latest data and best practices, and defining targeted actions to reduce emissions progressively over time. The ERAP also recommended a shift towards a Net Zero target, aligning with international standards and state and federal commitments.

Figure 1 illustrates the changes in Council's carbon footprint between 2021 and 2022, with a revised calculation scheduled for 2026 to monitor ongoing progress.

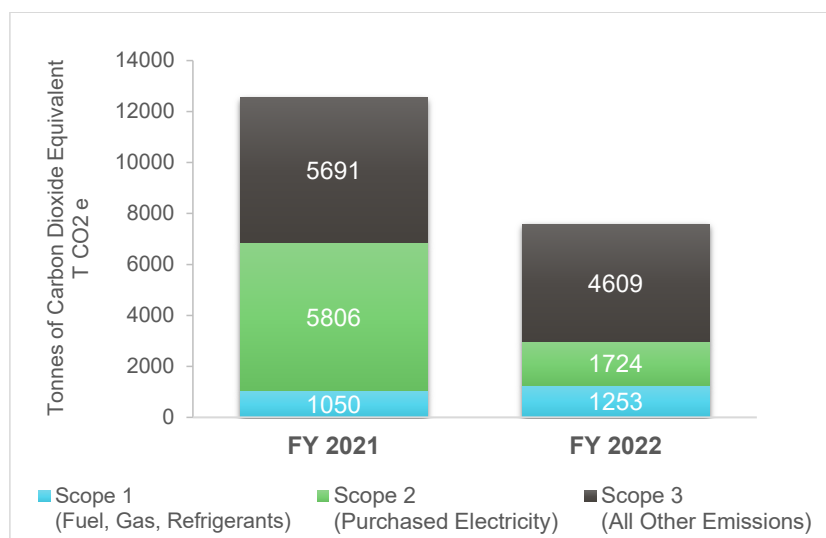


Figure 1: Carbon footprint for the 2021 and 2022 Financial Years showing 40% reduction in Council's operational emissions during that period.

Council's resolution to achieve Carbon Neutrality and the implementation of the associated ERAP have played a key role in embedding a culture of emissions reduction within the organisation. These initiatives have fostered greater awareness across all levels of Council, ensuring that sustainability considerations are factored into decision-making processes and operational practices.

Key Achievements to Date



Solar Panels installed across Community Halls, Libraries, Sport Clubs, Administration Buildings, Depots and Holiday Parks



Council powered by 100% Renewable Electricity via a Power Purchase Agreement (PPA)



Electric Vehicle Charging Stations Installed at Council's Administration Building to support the growing Electric Vehicle Fleet



Energy Efficient Heat Pumps and Solar Pool Heating installed at all Council-owned Aquatic Centres



LED Lighting upgrades across Sporting Fields, Streetlights and Buildings



Implementation of New Waste Streams including Textile, Polystyrene, Timber and Green waste



Holiday Parks donated more than 250 items to Local Community Groups including Lounges, Fridges and Dining Settings



Emission Reduction Action Plan developed & over 60% of Short Term Actions now underway



Upgrades to Battery Electric Landscaping and Power Tools for Holidays Parks and Council Maintenance

Status of Emission Reduction Initiatives

Since committing to Carbon Neutrality in October 2021, Council has been working to reduce its emissions through a range of different projects and initiatives which have been rolled out across the organisation. While these projects include the short-term actions outlined in the ERAP, there were also a number of other initiatives rolled out before the ERAP was developed, which have contributed to the emission reductions achieved to date.

Emission Reduction Actions Undertaken in 2022

A number of key actions were completed in 2022 to reduce operational emissions including:

- The expansion of the photovoltaic (PV) solar array on the Council Administration Building. Electricity consumption and electricity bill savings followed.
- Council entered into a Power Purchase Agreement (PPA) for 100% renewable energy. The PPA reduced the emissions from Council's purchased electricity by 60% in the 2022 financial year, and 100% in proceeding years.
- Council calculated its basic carbon footprint for the 2021 financial year, which established Council's baseline emissions.



Figure 2: Council Administration Building PV solar array expansion completed in 2022.

Table 1 below summarises the emission reduction actions completed or initiated during 2022:

Table 1: Emission reduction initiatives initiated or completed in 2022

Name of Project or Initiative	Related ERAP Objective	Status	Outcome
Introduce Circular Economy Procurement to Council	Objective 1. Consider Emissions During Procurement and Project Planning	Ongoing	Waste Project Officer began working with the Hunter Joint Organisations (HJO) in 2022 to increase circular procurement at Council.

Name of Project or Initiative	Related ERAP Objective	Status	Outcome
Upgrade to Heat Pump at Lakeside Leisure Centre - 50m Outdoor Pool	Objective 5. Optimise Council Electricity Consumption	Complete	Lakeside Leisure Centre – 50m outdoor pool heat pumps replaced.
Implement New Waste streams - Timber Trial	Objective 12. Reduce Emissions from Waste	Complete	Timber recycling trial ran from 2022-2024 with 377t timber waste diverted from landfill; currently at tender for contract to allow for ongoing diversion;
Implement New Waste streams - Polystyrene		Complete	2022-2025 polystyrene 5.68t or 9 pallets of A grade quality diverted from landfill.
Implement New Waste streams - Street Sweepings		Complete	Between 2022-2025, 982t street sweeping waste diverted from landfill.
Salamander Way – Circular Asphalt Trail	Objective 1. Consider Emissions During Procurement and Project Planning	Complete	Salamander Way project - trialling circular economy asphalt that incorporates recycled materials

Actions Undertaken in 2023

In March 2023, Council endorsed funding for the preparation of an Emissions Reduction Action Plan to progress the Carbon Neutral commitment. This project included a thorough analysis into the emissions Council was responsible for and recalculated the carbon footprint for the 2022 financial year. The project included undertaking audits of 10 Council owned community buildings and developed strategies to reduce emissions at those sites.



Figure 3: Sports field lighting LED upgrade at Yulong Oval, Medowie completed in 2023.

Table 2 below summarises the actions undertaken or initiated during 2023:

Table 2: Emission reduction initiatives initiated or completed in 2023.

Name of Project or Initiative	Related ERAP Objective	Status	Outcome
Investigate a solution to capture sustainability impacts (ERAP)	Objective 4 - Monitor Changes to Council Emissions Over Time	Ongoing	Council commenced investigations to improve data capture and reporting processes
Building Energy Efficiency Audits	Objective 5. Optimise Council Electricity Consumption	Complete	Comprehensive audits undertaken of Council's highest emissions buildings, including aquatic centres, administration buildings, holiday parks, libraries and depots with actions provided in ERAP.
Upgrade heat pumps at Tilligerry Aquatic Centre	Objective 5. Optimise Council Electricity Consumption	Complete	25m pool heat pumps replaced - 3 x electric heat pumps, heat boost pump & pool solar
Upgrade heat pumps at Tomaree Aquatic Centre	Objective 5. Optimise Council Electricity Consumption	Complete	Tomaree Aquatic Centre – 50m pool heat pumps replaced
Install variable-speed drives (VSD) for Council flood pumps.	Objective 5. Optimise Council Electricity Consumption	Complete	Installing variable-speed drives (VSD) at Lakeside Leisure Centre, Kangaroo Street and Stockton Street flood pumps to reduce energy consumption
Yulong Oval Sports Field lighting upgrade	Objective 5. Optimise Council Electricity Consumption	Complete	Outdoor LED lighting upgrades installed to fields 1/2/3
Brandon Park Sports Field lighting upgrade	Objective 5. Optimise Council Electricity Consumption	Complete	Outdoor LED lighting upgrades to baseball diamond / netball courts / multisport court
Soldiers Point Tennis Courts lighting upgrade	Objective 5. Optimise Council Electricity Consumption	Complete	Outdoor LED lighting upgrades to courts 1/2/3
Tilligerry Tennis Club sports field lighting upgrade	Objective 5. Optimise Council Electricity Consumption	Complete	Outdoor LED lighting upgrades to courts 1/2/3
LED Lighting at Council Administration Building	Objective 5. Optimise Council Electricity Consumption	Complete	Upgrades completed within the Council Chambers, all staff areas and external lighting converted to LEDs

Shoal Bay Waterfront Upgrade	Objective 12: Reduce Emissions from Waste	Complete	Greencrete Concrete and recycled material park furniture used.
George Reserve Project	Objective 12: Reduce Emissions from Waste	Complete	Utilised recycled plastic lumber instead of virgin timber
Ferodale Road 700m asphalt project	Objective 12: Reduce Emissions from Waste	Complete	46,125 waste glass bottle equivalents, 74t of recycled asphalt and crumb rubber from 664 end-of-life tyres used
Glenelg Street 85m asphalt project	Objective 12: Reduce Emissions from Waste	Complete	34,625 waste glass bottle equivalents, 55t of recycled asphalt and crumb rubber from 499 end-of-life tyres used
Optimise Litter Bin Placement	Objective 12: Reduce Emissions from Waste	Complete	Initial litter bin mapping complete
Garden Organics (green bins)	Objective 12: Reduce Emissions from Waste	Complete	Garden organics service implemented in LGA to redirect green waste from landfill and processed into an environmentally sustainable compost product.



Figure 4: Garden Organics services were implemented in 2023.

Actions Undertaken in 2024

In 2024, Council commenced the roll out of the short term actions identified in the ERAP. This included:

- The purchase of Council's first electric vehicle – a van associated with Council's libraries.
- The continued roll out of the \$900,000 investment in solar panels across pools, depots and community buildings, and the replacement of the heat pump for Council's largest indoor pool at Lakeside Aquatic Centre.
- The implementation of Council's waste strategy including key objectives to engage in regional cooperation, expand available waste streams and investigate smart waste technology.

- The rollout of LED lighting upgrades at sporting fields, and investigating the availability of grant funding to continue supporting the rollout of these projects.



Figure 5: A Library Van became the first addition to Council's EV Fleet during 2024.

The table 3 below summarises the actions undertaken or initiated during 2024:

Table 3: Emission reduction actions initiated or completed in 2024.

Name of Project or Initiative	ERAP Action or Objective	Status	Outcome
Council Net Zero Accelerator Training	1.5 - Investigate Educational Programs to increase awareness of Sustainability across Council	Complete	Council Environment Officers completed the Council Net Zero Accelerator course provided by the Hunter Joint Organisation
Birubi SLSC Air-conditioning replacement	1.9 - Upgrade to energy-efficient Split Systems at End of Life.	Complete	Birubi SLSC Air-conditioning replaced with energy efficient system
Grant Funding for ERAP Projects	2.1 - Explore Grant Options	Ongoing	Council utilised grant funding to support the rollout of ERAP actions, including the NSW State Government EV Fleets funding to purchase a new electric fleet vehicles.
Review of Council Reserves	2.2 - Review Sustainability Reserve	Complete	Reserve requirements reviewed
Monitor Grid Decarbonisation	3.1 - Monitor Grid Decarbonisation	Ongoing	Council staff attended Ausgrid Climate Resilience working group meetings during which the evolving status of the electricity grid was discussed.

ITEM 5 - ATTACHMENT 3 2025 ERAP PROGRESS REPORT.

LED Lighting upgrades at the Holiday Parks	Objective 5. Optimise Council Electricity Consumption	Ongoing	Accommodation & Facility lighting transitioning to LED lighting across all Holiday Parks
Installation of occupancy sensors at the Raymond Terrace Works Depot	5.4 - Optimise Lighting at Council Buildings and Facilities	Complete	Lighting occupancy sensors installed at the Raymond Terrace Works Depot to improve safety and sustainability outcomes.
Bowthorne sports field lighting upgrade	5.6 - Optimise Lighting at Council Buildings and Facilities - Continue to upgrade sports fields to LED	Complete	Outdoor LED lighting upgrades to fields 1/2
Nelson Bay Netball courts lighting upgrade	5.6 - Optimise Lighting at Council Buildings and Facilities - Continue to upgrade sports fields to LED	Complete	Outdoor LED lighting upgrades to 6 netball courts
Tomaree Sports Complex sports field lighting upgrade	5.6 - Optimise Lighting at Council Buildings and Facilities - Continue to upgrade sports fields to LED	Complete	Outdoor LED lighting upgrade to fields 2/3/4/5
Bill Strong Oval sports field lighting upgrade	5.6 - Optimise Lighting at Council Buildings and Facilities - Continue to upgrade sports fields to LED	Complete	Outdoor LED lighting upgrade rugby field
Upgrade of Indoor Pool Heat Pump at Lakeside Leisure Centre	5.12 - Upgrade to Heat Pump at Lakeside Leisure Centre - Indoor Pool	Complete	Indoor pool heat pump replaced
Solar PV Installation at Lakeside Aquatic Centre	8.4 - Rollout Solar across Council	Complete	80kW of solar installed at Lakeside Aquatic Centre. The roof of this building is now fully covered in solar PV and solar pool heating.
Transition Council Fleet to Electric	9.2 - Create a plan to transition fleet to low or no emission vehicles	Complete	Council purchased its first two electric vehicles, a van to service the libraries, and an EV ute to use as a staff pool vehicle. With small plant upgrades from petrol to electric being implemented across the fleet. More than

			\$200,000 was spent on the transition to electric during 2024, with funding provided from the fleet budget and grants.
Holiday Park Air-conditioner Upgrades	11.1 - Consider global warming potential when upgrading HVAC Systems.	Complete	All air-conditioners using R22 Refrigerant, were removed and replaced at all Holiday Parks
Sheet textile recycling	12.2 - Implement New Waste Streams where possible	Complete	"Give a Sheet" textile recycling drop off day diverted 1.3t from landfill
Litter Bin sensor trial	12.3 Implement Waste Management Strategy	Ongoing	2024-2025 Bin sensor trial started; exploring options for compactor bins



Figure 6: Solar PV and solar pool heating installed at Lakeside Aquatic Centre in 2024.

Actions Undertaken or Scheduled for 2025

In 2025, Council has continued to implement the Short Term Actions of the ERAP including expanding its electric vehicle fleet and charging infrastructure.

Table 4 below summarises the actions undertaken, initiated or scheduled in 2025:

Table 4: Emission reduction actions initiated, completed or scheduled for 2025.

Name of Project or Initiative	ERAP Action or Objective	Status	Outcome
Review of Power Purchase Agreement (PPA)	3.2 - Review PPA Agreement and Plan for end of contract in 2026	Scheduled	This review is set by Southern Sydney Regional Organisation of Council's (SSROC) responsible for the creation of Council's

ITEM 5 - ATTACHMENT 3 2025 ERAP PROGRESS REPORT.

			current PPA. This review is expected to occur in the second half of 2025.
Solar PV Monitoring at Council Administration Building	5.2 - Monitor efficiency and suitability of Council's Solar PV system	Ongoing	Current PV system is performing to required standards. No change to system required at this time. Monitoring is ongoing for life of system.
Mallabula sports field lighting upgrades	5.6 - Optimise Lighting at Council Buildings and Facilities - Continue to upgrade sports fields to LED	Complete	LED upgrades to fields 1, 2 and the training area.
Increased Council EV Charging capacity.	6.1 - Increase charging infrastructure at Council	Ongoing	EV charging at Council Administration building has been increased to maximum capacity. Potential to increase charging at depots as required.
Monitor Council EV Charging capacity.	6.2 - Monitor suitability of charging infrastructure	Ongoing	Council currently has suitable EV charging stations for the current Electric Vehicle Fleet.
Reduce gas consumption at the Holiday Parks	7.1 - Transition from gas heating and cooking to electric alternatives at the Holiday Parks -	Ongoing	This action gradually occurs during upgrades of accommodation and facilities. Council is investigating potential shift to fully electric cabins.
Transition Council Fleet to Electric	9.2 - Create a plan to transition fleet to low or no emission vehicles	Ongoing	Council has increased its EV fleet from 0 to 3 vehicles, with a fourth vehicle currently on order. Grant funding has been used to support this transition. New electric portable tools purchased for waste depots. Over \$375,000 has been spent transitioning to electric assets during 2025.
Optimise Council Existing Fleet	9.4 - Optimise Fuel Efficiency in Fleet Vehicles	Ongoing	Council monitors fuel usage through its fleet management software.
Upgrade the HVAC at the Tomaree Library and Community Centre	11.1 - Consider global warming potential when upgrading HVAC Systems.	Scheduled	Council has commenced procurement for replacement of the HVAC.
Staff Waste Education	12.1 - Educate Staff on Waste Reduction	Ongoing	Implement staff education & training as part of Council's Waste Minimisation Plan and as specified in the Waste Management Strategy 2021-2031.

Textile Recycling Drop Off Days	12.2 - Implement New Waste Streams where possible	Ongoing	Drop off days for textile doubled, with two events scheduled in 2025
Waste Management Strategy 2021-2031	12.3 - Implement Waste Management Strategy	Ongoing	Council continues to implement its Waste Management Strategy 2021-2031.
Optimise litter Bin Placement	12.4 - Optimise litter Bin Placement	Ongoing	Litter bin sensor trial commenced



Figure 7: Council added an Electric Ute to its EV Fleet in 2025.

ERAP Status

Council continues to progress the ERAP as shown in Table 5 below. There are currently over 60% of short term actions underway. Of these, 3 actions have been completed and over 40% require incremental and ongoing action. The ERAP anticipates that some of these actions will continue in the medium and long term. Table 5 shows progress as reported in past Information Papers to allow comparisons over time. Council recognises the limitations of this style of reporting and is working to improve data collection and reporting metrics to more clearly illustrate progress.

Table 5: Status to date of short term actions in the Emission Reduction Action Plan.

Focus Area	Objectives	No. of Short Term Actions	% Short Term Actions Underway		
			Nov 2024	Feb 2025	May 2025
All Emissions	Identify funding for carbon reduction projects.	2 Actions	100%	100%	100%
	Monitor changes to Council emissions over time.	8 Actions	25%	25%	50%
Scope 1 Emissions Direct Greenhouse Gas emissions from fuel combustion, gas consumption and fugitive emissions from refrigerant gases in air-conditioning equipment.	Reduce emissions from refrigerants.	1 Action	100%	100%	100%
	Reduce Council gas consumption.	1 Action	100%	100%	100%
	Reduce emissions from Council's fleet.	5 Actions	40%	60%	60%
	Optimise charging infrastructure at Council.	2 Actions	100%	100%	100%
Scope 2 Emissions Indirect Greenhouse Gas emissions associated with purchase of electricity generated at fossil fuel power plants.	Maintain zero emissions from electricity.	2 Actions	50%	50%	100%
	Reduce Council reliance on grid electricity.	4 Actions	25%	25%	50%
	Optimise Council electricity consumption.	12 Actions	33%	50%	50%
Scope 3 Emissions Indirect Greenhouse Gas emissions resulting from upstream and downstream processes within Council's supply chain.	Reduce emissions from employee commuting.	3 Actions	0%	0%	66%
	Reduce emissions from waste.	4 Actions	100%	100%	100%
	Consider emissions during procurement and project planning.	9 Actions	22%	40%	45%
Total		53 Actions	41%	51%	62%



PORT STEPHENS
COUNCIL

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MINUTES ORDINARY COUNCIL - 11 APRIL 2023**ITEM NO. 2****FILE NO: 22/109005
EDRMS NO: 79-2022-3-1****CARBON NEUTRALITY PROJECT UPDATE**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the status update for the Carbon Neutrality project.
- 2) Endorse the allocation of funding for the preparation of the Port Stephens Carbon Neutral Action Plan.

**ORDINARY COUNCIL MEETING - 11 APRIL 2023
MOTION**

092	Councillor Leah Anderson Councillor Glen Dunkley It was resolved that Council: 1) Note the status update for the Carbon Neutrality project. 2) Endorse the allocation of funding for the preparation of the Port Stephens Carbon Neutral Action Plan. 3) Quarterly updates be provided in the Council Information Papers on the Carbon Neutrality Action Plan and how Council is tracking to meet the target in 2025.
------------	--

Councillor Peter Kafer returned to the meeting at 7:52pm.
Councillor Matthew Bailey returned to the meeting at 7:52pm.

Cr Anderson requested the following amendment, which was consented to be included in the motion.

"That quarterly updates be provided in the Council Information Papers on the Carbon Neutrality Action Plan and how Council is tracking to meet the target in 2025."

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

Those against the Motion: Nil.

MINUTES ORDINARY COUNCIL - 11 APRIL 2023

The motion was carried.

BACKGROUND

The purpose of this report is to provide a progress update and identify next steps in the development of a Carbon Neutral Action Plan for Port Stephens Council.

At its meeting of 12 October 2021, Minute No. 275 (**ATTACHMENT 1**), Council resolved to:

- 1) Commit to the goal of achieving carbon neutrality for Council operations by 2025.
- 2) Determine a suitable funding source to support Council in achieving this goal.
- 3) Provide a report to Council on a roadmap to achieving carbon neutrality.

Council has implemented a number of initiatives to reduce operational greenhouse gas (GHG) emissions. A summary of activities and initiatives is as follows:

- Participating in a Power Purchasing Agreement to secure 100% renewable energy from the electricity grid
- Installing a solar photovoltaic system on Council's Administration Building, reducing annual energy consumption by 25%
- Installing solar photovoltaic systems on many of Council's libraries, community centres and Rural Fire Service buildings
- Installing solar pool pre-heating at Lakeside Leisure Centre, Tomaree Aquatic Centre and Tilligerry Aquatic Centre
- Installing solar photovoltaic system and water tank at Salamander Waste Transfer Station
- Use of recycled glass 'greencrete' in capital works projects
- Installing Building Management Systems and Programmable Logic Controllers at our Administration Building, Lakeside Leisure Centre and many sports and community buildings to deliver energy efficiencies and lower operating costs
- Installing variable-speed drives (VSD) at Lakeside Leisure Centre, Kangaroo Street and Stockton Street flood pumps to reduce energy consumption
- Installing energy-saving LED field lighting at sports facilities
- Installing energy-saving LED lighting at Council's Administration Building, Tomaree Library and Community Centre, Council works depots, surf clubs, community centres and halls
- Reduction in overall waste to landfill through reuse of recycled materials and materials diversion. During the data collection period, Council saved 8,865 kg of CO₂-e of GHG emissions by utilising recycled materials over virgin materials
- Cross organisational consultation, data collection and gap analysis in partnership with NSW Sustainability Advantage to establish carbon baseline figures and establish key focus areas.

Whilst the initiatives that Council has put in place have greatly reduced the organisations GHG emissions, a number of areas remain as the focus for further

MINUTES ORDINARY COUNCIL - 11 APRIL 2023

emissions reductions in order to achieve Carbon Neutral status by the target date of 2025.

The focus areas for continued and future GHG emission reductions include electricity consumption (51%), Councils operational waste to landfill (27%), commuting (13.2%), and fleet vehicles and machinery emissions (8.8%).

In order to progress the project further, Council requires specialist knowledge and expertise that is not resourced within the organisation. Sustainability specialist providers in this industry have been contacted to provide estimated costs for the services required by Council to continue to progress the project.

Should the recommendation be accepted, a sustainability specialist would be engaged through Council's procurement process to undertake the summarised scope of work below:

Deliverables	
Comprehensive Carbon Audits (10 to 15 sites)	Audit of Council's highest emissions producers such as: • Aquatic centres • Waste facilities • Administration buildings • Holiday parks • Libraries • Depots
Comprehensive Cost Benefit Analysis	Consideration and recommendation of emissions reduction options including: • Operational process efficiencies, data collection, monitoring and reporting improvements. • Projected emissions reductions and scenario modelling. • Estimated costs to implement actions. • Estimated costs to maintain operations. • Payback period from operational savings.
Carbon Neutral Action Plan	Preparation of document and agreed action plan for Council endorsement.

Council sought an estimated quote for the provision of the above services, with the assistance from carbon neutral experts. The provision of the above services is estimated at \$47,000 (inc. GST). Cost is subject to Council's procurement process to ensure best value of services, and therefore the final cost may change. To continue to progress this project, the allocation of funding for this purpose is requested.

MINUTES ORDINARY COUNCIL - 11 APRIL 2023**COMMUNITY STRATEGIC PLAN**

Strategic Direction	Delivery Program 2022-2026
Environmental Sustainability	Develop and deliver a program for Council leading the way to a climate positive future and mitigating environmental risks.

FINANCIAL/RESOURCE IMPLICATIONS

There is an immediate financial implication for the Carbon Neutrality project to resource the requisite skills and expertise.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	Yes	Est. \$47,000	Sustainability Reserve. Adoption of the recommendation will resource the next phase of the Carbon Neutrality project.
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There is not a legal requirement for Council to achieve carbon neutrality. Local Government plays an important role in reducing Australia's GHG emissions in their role as community leaders and creating environmentally sustainable regions. This assists in working towards the NSW State Government's target of achieving net zero emissions by 2050.

MINUTES ORDINARY COUNCIL - 11 APRIL 2023

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a reputational risk that Council would not achieve its commitment to Carbon Neutrality of Council's operational emissions by 2025 should resources not be allocated.	Medium	Accept the recommendation.	Yes
There is a financial risk that Council would need to fund the emissions gap to achieve its commitment to Carbon Neutrality of Council's operational emissions by 2025 should resources not be allocated.	Medium	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council's commitment to achieving carbon neutrality for Council operations by 2025 is an ambitious target that requires sufficient resourcing to be reached. Responding to climate change protects the natural and built environment for the benefit of the community and generations to come. Resourcing this project would reduce potential damage to Council assets, reduce disruption to the delivery of Council's services, reduce future costs associated with GHG emissions and set the example for the Port Stephens community.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section for technical refinement and awareness of the intent of the plan.

Internal

- Community Services Section
- Assets Section
- Finance Section
- Organisational Support Section

MINUTES ORDINARY COUNCIL - 11 APRIL 2023

External

- NSW Government – Sustainability Advantage

OPTIONS

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

ATTACHMENTS

- 1) Minute No. 275, 12 October 2021.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 6

**FILE NO: 25/278920
EDRMS NO: PSC2016-02097**

TOMAREE HEADLAND SHUTTLE BUS TRIAL

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse Option 2 Tomaree Headland Shuttle Bus Trial as described at **(ATTACHMENT 1)**.
- 2) Utilise Shoal Bay smart parking revenue to fund the Option 2 trial.
- 3) Provide a further report to Council outlining the results of the Tomaree Headland Shuttle Bus Trial.

BACKGROUND

The purpose of this report is to present Council with options for a shuttle bus service on the Tomaree Headland and funding models for consideration **(ATTACHMENT 1)**.

At its meeting on 10 June 2025, Minute No.130 **(ATTACHMENT 2)**, Council resolved that the General Manager report to Council an evaluation of a shuttle bus service, including potential costs, operational options and funding models.

The Tomaree Headland and the wider Shoal Bay area is one of the most popular visitor destinations in Port Stephens. Over the busy holiday season, visitation to this location reaches a peak, causing traffic congestion and delayed travel times.

CommBank Council IQ data shows that in the previous summer peak season (20 December 2024 to Monday 6 January 2025), over 29,000 people visited Shoal Bay, bringing an estimated \$3.7 million in spend to the local economy over that time period.

Current transport options across the Tomaree Headland include:

- Public Bus Service - running on a large loop around the Tomaree Peninsula.
- Private venue shuttle bus – at specific times from some hospitality venues.
- Ride share service - Uber and taxis

Birubi Shuttle Bus Trials 2025

In 2025 Council completed two shuttle bus trials operating two mini buses on a continuous loop servicing the Birubi Headland and wider Anna Bay area:

- Easter School Holidays, (12 April to 27 April 2025) picking up at designated parking spaces along Gan Gan Road and Birubi Point Hall.
- October Long Weekend, (4 October to 6 October 2025) picking up between the Port Stephens Koala Sanctuary and the Irukandji Shark and Ray Centre, at accommodation providers along the route.

The trials aimed to reduce traffic congestion and enhance the visitor experience throughout the peak periods. The total cost to run the trials was \$23,200.

Key observations from the trials included:

- High bus vacancy across both trials, a total of 207 recorded rides across 17 days in the Easter holidays and 95 recorded rides across 3 days on the October Long Weekend. Low patronage resulted in a high cost per passenger.
- No observed impact on overall traffic conditions can be assumed due to low patronage.
- Negative feedback from some local residents about the safety and parking issues around bus stops (specifically around Fisherman's Bay Road) during the Easter trial.

Tomaree Shuttle Bus Options

A number of potential operational models have been identified in **(ATTACHMENT 1)** for consideration. These options have been informed learnings from the 2025 Birubi shuttle bus trials, consultation with key stakeholders and a review of existing shuttle bus services in other locations.

The options presented in **(ATTACHMENT 1)** would facilitate a maximum of 504 rides per day across each loop.

Funding Options

There is no existing budget allocation to fund a shuttle bus trial program. Shoal Bay Smart Parking revenue has been identified as a possible funding source for the trial.

All revenue generated from Smart Parking is reinvested into local projects. Smart Parking funding revenue is currently allocated to a range of infrastructure projects in Shoal Bay identified in the Shoal Bay Place Plan. The Infrastructure Plan was developed in consultation with the community through the development of the Place Plan and includes road and carpark upgrades, town centre improvements, place activation and shared pathways.

Expenditure on additional projects, like the Tomaree Headland shuttle bus, from smart parking revenue would have an impact on the timeframe for delivery on projects listed in the infrastructure delivery plan.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

There is no existing budget allocation to fund a shuttle bus trial program. Shoal Bay Smart parking revenue has been identified as a possible funding source for the trial. All revenue generated from Smart Parking is reinvested into local projects.

The Birubi shuttle bus trials in October 2025 was calculated to cost approximately \$75 per ride.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	Yes		Smart parking revenue could be accessed to fund the trial. Funding amount required depends on the option selected in (ATTACHMENT 1) . • Option 1 - \$88,000 • Option 2 - \$28,000 • Option 3 - \$132,000 • Option 4 - \$42,000

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the community do not broadly support a Council run shuttle bus.	Medium	Propose the shuttle bus to be run as an initial trial to test the model and undertake evaluation, including community perception.	Yes

ORDINARY COUNCIL - 25 NOVEMBER 2025

There is a risk that allocation of funding to a shuttle bus will have implications on existing projects.	Medium	Propose to run as a trial in the short term. Communications Plan to ensure widespread awareness of changes.	Yes
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposed shuttle bus trial options aim to alleviate traffic congestion and create an improved visitor and resident experience over the peak holiday period. The trial has the potential to streamline travel, reduce parking issues, reduce the number of cars on the road and provide a cost-effective solution for visitors to travel around the 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.
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 has consulted with members of the Tomaree Headland Heritage Group and Destination Port Stephens who provided visitation data and recommendations for the shuttle trial.
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ORDINARY COUNCIL - 25 NOVEMBER 2025

Internal communications and engagement

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

- Financial Services Section.
- Assets Section.

OPTIONS

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

ATTACHMENTS

- 1) Tomaree Headland Shuttle Bus Trial Options. [↓](#)
- 2) 10 June 2025 - Ordinary Council Minutes - No. 130. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 6 - ATTACHMENT 1
OPTIONS.

TOMAREE HEADLAND SHUTTLE BUS TRIAL



Tomaree shuttle bus trial

Options

 Option	 Date	 Estimated cost	 Stops
Option 1 – Local loop • Approximately 45 minute round trip with no traffic • 2 buses running every 20 minutes (approximately) • Continuous loop, 9am to 4pm	• Summer school holiday period • 22 December to 2 February	• Approximately \$88,000 • 2 x 24 seaters	• Visitors Centre • Halifax Holiday Park • Shoal Bay • Fingal Bay • Tomaree Headland • Nelson Bay Depot • Map on page 2
Option 2 – Local loop As above	• Peak summer holiday period • 24 December to 4 January	• Approximately \$28,000 • 2 x 24 seaters	As above
Option 3 – Larger loop • Approximately 60 minute round trip with no traffic • 3 buses running every 20 minutes (approximately) • Continuous loop, 9am to 4pm	• Summer school holiday period • 22 December to 2 February	• Approximately \$132,945 • 3 x 24 seaters	• One Mile Beach • Koala Sanctuary • Nelson Bay Depot • Visitors Centre • Halifax Holiday Park • Shoal Bay • Fingal Bay • Tomaree Headland • Map on page 2
Option 4 – Larger loop As above	• Peak summer holiday period • 24 December to 4 January	• Approximately \$42,000 • 3 x 24 seaters	As above

ITEM 6 - ATTACHMENT 1 TOMAREE HEADLAND SHUTTLE BUS TRIAL
OPTIONS.

Local loop – proposed map

Option 1 and 2



Larger loop – proposed map

Option 3 and 4



MINUTES ORDINARY COUNCIL - 10 JUNE 2025**NOTICE OF MOTION****ITEM NO. 1****FILE NO: 25/112443
EDRMS NO: PSC2024-03148****TRIAL OF TOMAREE SHUTTLE BUS****COUNCILLOR: MARK WATSON****THAT COUNCIL:**

- 1) Acknowledge the challenge presented by the high number of visitors during the recent Easter/ANZAC peak season, with an average of 1,500 people passing by the Tomaree Headland Help Desk daily, and the resulting difficulty in providing adequate parking.
- 2) Request the General Manager to report to Council with a comprehensive evaluation of a shuttle bus service, including potential costs associated with implementation, and present various options for operational models and funding sources.
- 3) Shuttle bus service is for the next peak season to transport visitors to Tomaree Headland and the surrounding areas in a more efficient and sustainable manner.

**ORDINARY COUNCIL MEETING - 10 JUNE 2025
MOTION**

130	Councillor Mark Watson Councillor Chris Doohan It was resolved that Council: 1) Acknowledge the challenge presented by the high number of visitors during the recent Easter/ANZAC peak season, with an average of 1,500 people passing by the Tomaree Headland Help Desk daily, and the resulting difficulty in providing adequate parking. 2) Request the General Manager to report to Council with a comprehensive evaluation of a shuttle bus service, including potential costs associated with implementation, and present various options for operational models and funding sources. 3) Shuttle bus service trial to aim for the next peak season to transport visitors to Tomaree Headland and the surrounding areas in a more efficient and sustainable manner.
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Cr Rosalyn Armstrong foreshadowed a Matter Arising.

Point 3 was amended to include "trial to aim".

MINUTES ORDINARY COUNCIL - 10 JUNE 2025

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

Those against the Motion: Nil.

The motion was carried.

**ORDINARY COUNCIL MEETING - 10 JUNE 2025
MATTER ARISING**

131	Councillor Rosalyn Armstrong Councillor Jason Wells It was resolved that Council: 1. Acknowledge the challenge presented by the high number of visitors to the Tomaree Peninsula during the holiday season resulting in congestion around popular beaches, tourist activities and cruise boat wharf. Most recent examples include an average of 1,500 people passing by the Tomaree Headland help Desk daily during the Easter/Anzac peak season. 2. Acknowledge the recent strategies trialed by Port Stephens Council to manage the parking and transport issues experienced by visitors during these times such as shuttle bus and proactive early parking direction on Nelson Bay roads to manage choke points at Birubi Point. 3. Acknowledge that the recent opening of the Tomaree Coastal Walk poses a transport logistic problem for people wishing to walk the full length of this when they start at Tomaree Headland and finish at Birubi or the reverse. 4. Acknowledge that motor vehicle emissions are one of the most significant contributors to environmental degradation, particularly in eco-sensitive areas which are often fragile ecosystems, home to diverse flora and fauna. 5. In the interests of responsible promotion of Tourism on the Tomaree Peninsula, request the General Manager report to Council the following: a) Complete a comprehensive evaluation of the recent parking management strategies used at Birubi Point i.e. Shuttle bus and highway directions. b) In the light of this evaluation, consider and propose a strategy for the Council to address the above issues and-propose sustainable short term and long term solutions, such as electric shuttle buses and building multi storey car parks, on land that is already compromised in respect of its natural amenity, to this issue.
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MINUTES ORDINARY COUNCIL - 10 JUNE 2025

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND REPORT OF: JOHN MARETICH – ASSETS SECTION MANAGER**BACKGROUND**

The eastern end of Shoal Bay foreshore is a known point of traffic congestion with limited space for vehicles to move in and out of this area. Also, parking demand regularly exceeds available parking spaces during peak periods such as Christmas and Easter holidays. Opportunities for Council to provide additional parking or a larger area for vehicles to turn around are limited due to land availability.

During the recent Easter/ANZAC peak season, it was observed by community groups that on average 1,500 people passed by the Tomaree Headland Help Desk each day to explore Tomaree Headland and its surrounding areas.

The recently built National Parks coastal walkway has increased the popularity of the area. As a result, this has decreased parking availability and increased traffic congestion.

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.

ITEM NO. 7**FILE NO: 25/215476
EDRMS NO: PSC2014-01592****ABORIGINAL PROJECTS FUND ROUND 1**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorses the allocation of Aboriginal Projects Funding to the amount of:
 - a) \$2,750 to Karuah Preschool for the Walking Together on Country: Gathang Language, Storytelling and Dance at Karuah Preschool program.
 - b) \$5,470 to Tomaree Neighbourhood Centre for the Cultural Program - Shoal Bay Public School.
 - c) \$6,000 to Port Stephens Family & Neighbourhood Services for the Wubalgan Group.
 - d) \$6,000 to Wahroonga Aboriginal Corporation for the Deadly Young Yinnas program.

BACKGROUND

The purpose of this report is to seek Council's endorsement for the allocation of funding from the Aboriginal Projects Fund for 4 projects as recommended by the Aboriginal Strategic Committee. There were 8 applications in total.

The purpose of the Aboriginal Projects Fund is to support projects that empower and raise the profile of the Aboriginal community in Port Stephens through the delivery of programs, events and activities.

Applications for Round 1 opened on 1 August 2025 and closed on 1 September 2025. There is a total of \$40,000 allocated for the Aboriginal Projects Fund across the financial year with approximately \$20,000 for each of the 2 funding rounds.

The proposed projects meet the objectives of the fund as outlined below:

PROJECT NAME	ORGANISATION	PROJECT DESCRIPTION	AMOUNT REQUESTED
Walking Together on Country: Gathang Language, Storytelling	Karuah Preschool	This project will deliver an Aboriginal cultural and environmental program with local Elders. Sessions will feature dance,	Amount requested: \$2,750

ORDINARY COUNCIL - 25 NOVEMBER 2025

PROJECT NAME	ORGANISATION	PROJECT DESCRIPTION	AMOUNT REQUESTED
and Dance at Karuah Preschool		storytelling, arts, and local knowledge. This program will strengthen culture, family connections, and community partnerships.	Amount recommended: \$2,750
Cultural Program- Shoal Bay Public School	Tomaree Neighbourhood Centre	In partnership with Koori Colours Art Gallery, the project will deliver a five-day cultural program for Shoal Bay Primary students. The program aims to strengthen cultural identity, foster pride and creativity and build meaningful connections with teachers, peers, and cultural mentors.	Amount requested: \$5,470 Amount recommended: \$5,470
Wubalga Group	Port Stephens Family & Neighbourhood Services	The program will educate and empower Aboriginal women who have experienced or who are experiencing domestic, family & sexual violence by providing a space to learn, heal, share and inspire creativity, at Karuah.	Amount requested: \$6,000 Amount recommended: \$6,000
Deadly Young Yinnas	Wahroonga Aboriginal Corporation	This project will provide support to Year 6 students from feeder schools to Hunter River High School and Irrawang High School, to encourage self-esteem and relationships based on Aboriginal Grandmothers Law. Using a reconciliatory approach, young people will benefit from	Amount requested: \$6,000 Amount recommended: \$6,000

ORDINARY COUNCIL - 25 NOVEMBER 2025

PROJECT NAME	ORGANISATION	PROJECT DESCRIPTION	AMOUNT REQUESTED
		increased citizenship skills and pride.	
TOTAL AMOUNT RECOMMENDED: \$20,220			

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025-2029
Traditions & culture	Deliver the Yabang Gumba-Gu Agreement to recognise and support local Aboriginal and Torres Strait Islander people

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

There are no foreseen legal, policy or risk implications.

The recommendations have been made in accordance with the Local Government Act 1993 (NSW) (s356) and Council's Grants and Donations Policy. The recommendations for funding also align with Council's relevant Funding Guidelines.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk of adverse public perception regarding projects that are not funded.	Low	Accept the recommendations.	Yes

There is a risk that grant recipients may fail to comply with the required terms of funding, reporting and acquittal processes.	Low	Applicants who have not acquitted previous projects will not be compliant to apply for further funding.	Yes
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Aboriginal Projects Fund directly supports organisations and groups involved in programs to empower the Aboriginal community and positively raise their profile. The proposed projects aim to achieve this through the facilitation of:

- Partnership and collaboration with community groups to empower vulnerable and at-risk Aboriginal people who have experienced hardship.
- Employment of an Aboriginal Elder and Worimi artist to raise the awareness and education of cultural learnings with children and young people.

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 apply to this report.

ORDINARY COUNCIL - 25 NOVEMBER 2025

External communications and engagement

The applications were assessed by Council's 355c Aboriginal Strategic Committee that includes members of both the Karuah and Worimi Local Aboriginal Land Council, Councillors and Council staff.

INFORM	Promotion of the Community Funding Program included a range of communication channels: • Facebook post on 5 August 2025: 2,680 people. • Instagram post on 5 August 2025: reached 228 people. • Instagram post on 28 August 2025: reached 535 people. • Featured in the 31 August 2025 Community Notices in both The Port Stephens Examiner and the News of The Area. • Media release published on 5 August 2025. • Feature in the July 2025 edition of YourPort e-newsletter: distributed to 4,564 subscribers, opened by 3,010 people. • Feature in the August 2025 edition of YourPort e-newsletter: distributed to 4,564 subscribers, opened by 3,010 people. • LinkedIn post on 5 August 2025: reached 258 people. • Facebook paid post/Instagram paid post campaign 28 August to 1 September 2025: reached 10,907 people. • 2 direct emails sent to the Mylink database which includes over 250 community and youth services.
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Internal communications and engagement

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

- Financial Services Section.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 8

FILE NO: 25/217209
EDRMS NO: PSC2023-04091-0002

COMMUNITY SUPPORT FUND - ROUND 1

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorses the allocation of Community Support Funding to the amount of:
 - a) \$5,500 to Hume Community Housing Association for their end of year celebration.
 - b) \$5,256 to Firstchance Inc. for the Karuah Aboriginal playgroup.
 - c) \$2,244 to Playgroup NSW - Medowie Tigers Playgroup for the More Connected Medowie program.
 - d) \$6,000 to Gateway Family Presbyterian Church for air conditioning units.
 - e) \$6,000 to Marine Rescue Lemon Tree Passage for Old Henderson Park Amenities Refurbishment.
 - f) \$4,000 to Rotary Club of Nelson Bay for the Tomaree Community Hospital Nelson Bay Reflective Garden Stage 2.
 - g) \$6,000 to Country Women's Association Nelson Bay Branch for their front entry upgrade.

BACKGROUND

The purpose of this report is to seek endorsement for the allocation of funding from Round 1 of the Community Support Fund. Round 1 of the program opened on Friday 1 August 2025 and closed on Monday 1 September 2025.

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

The total amount of funding available is \$70,000 with \$35,000 available for Round 1. The assessment process was carried out in accordance with the funding guidelines. The assessment panel included Cr Armstrong, Cr Errington, Cr Niland, the Mayor and one council officer.

A total of 17 applications were received for this round of funding. Following the assessment panel review, 7 applications are recommended for funding.

ORDINARY COUNCIL - 25 NOVEMBER 2025

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

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025-2029
Community Wellbeing	Implement the Community Wellbeing Strategy (CWS) to provide services and support for a diverse 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 funds to successful applicants may not be expended or projects uncompleted and/or not acquitted	Low	Adopt the recommendations as this was considered as part of the assessment process. Manage the grant administration process as per the program guidelines.	Yes
There is a risk that unsuccessful applicants are displeased with Council decision making.	Low	Adopt the recommendations. Assess applications in line with the funding guidelines. Provide feedback and grant writing support to unsuccessful applicants.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendations will result in improved social outcomes for the Port Stephens community through opportunities to generate social connections and

improvements for community wellbeing. The program is focused on providing direct funding to build the capacity of the community.

COMMUNICATION AND ENGAGEMENT

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

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

The following communication and engagement apply to this report.

External communications and engagement

The Community Support Fund is a part of the Community Funding Program, which is advertised all year round on Council's website, as per the Community Funding Guidelines. Specific advertising for the Community Support Fund occurs when the rounds are open for applications.

INFORM	Promotion of the Community Funding Program included a range of communication channels to reach the community: • 4 x Facebook (over 13,000 people reached) and Instagram (over 800 people reached). • Published in Community Notices in both The Port Stephens Examiner and the News of The Area. • Media release 5 August 2025. • Feature in the July and August 2025 edition of YourPort e-newsletter: distributed to 4,564 subscribers. • LinkedIn post on 5 August 2025 (258 people reached).
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- | | |
|--|---|
| | <ul style="list-style-type: none">• Mylink database email to over 250 community and youth services. |
|--|---|

Internal communications and engagement

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

- Assets Section.

OPTIONS

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

ATTACHMENTS

- 1) Recommended Projects Summary. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 8 - ATTACHMENT 1 RECOMMENDED PROJECTS SUMMARY.

Organisation	Project	Project Summaries	Assessment
Hume Community Housing Association	End of year celebration	Hume Community Housing invites the whole community of Port Stephens to celebrate together at the end of the year in a festive and inclusive way. This project proposes activities for all ages including water inflatables, food, gifts, and information stands from local service providers. There will be no costs for attendees, eliminating any financial barriers for people to attend.	Amount requested \$5,500 Amount recommended: \$5,500
Firstchance Inc.	Karuah Aboriginal Playgroup	Firstchance Incorporated's Karuah Aboriginal Playgroup supports families in the Port Stephens area to assist with child development, capacity building, cultural activities and experiences. This encourages children and their families to connect to Country through gardening, daily experiences and building relationships with local Aboriginal Elders. The funding will provide Indigenous resources to incorporate into the playgroup's play and learning. For the playgroup, these resources will create a culturally safe and welcoming environment, increase family engagement and attendance, and align with best practice frameworks such as the Early Years Learning Framework and Closing the Gap priorities.	Amount requested: \$6,000 Amount recommended: \$5,256

ITEM 8 - ATTACHMENT 1 RECOMMENDED PROJECTS SUMMARY.

Organisation	Project	Project Summaries	Assessment
Playgroup NSW-Medowie Tigers Playgroup	More Connected Medowie Program	The project aims to continue to support young families of Medowie through the Medowie Tigers Playgroup. The goal of the project is to increase from 25 to 50 members, provide free access for vulnerable families, purchase safe equipment and promote the program.	Amount requested: \$2,244 Amount recommended: \$2,244
Gateway Family Presbyterian Church	Air conditioning units for community hall	The community and church groups regularly use the church's community hall located on Gan Gan Road, Anna Bay. This is one of the few large affordable and accessible community halls in the area. The hall is used by many varied groups, including Council's Mobile Pre-school, for craft, youth activities, playgroups, social activities, and functions such as weddings, funerals, and performances. The users have identified the extreme heat and cold of the hall as the number one priority to improve participation and safety of the users. Having a controlled temperate environment also strengthens the church's facilities as a proposed emergency gathering point for the community in need in times of natural disasters.	Amount requested: \$6,000 Amount recommended: \$6,000

ITEM 8 - ATTACHMENT 1 RECOMMENDED PROJECTS SUMMARY.

Organisation	Project	Project Summaries	Assessment
Marine Rescue Lemon Tree Passage	Old Henderson Park Amenities Refurbishment	This project proposes to refurbish the rear of the Old Henderson Park Amenities Block to make it a Ready Room for rapid rescues with functional equipment storage. Rescue equipment is too bulky to store on the rescue vessels and is only taken onboard when required. Storing uniforms, lifejackets and having changerooms adjacent to where the rescue vessels are kept improves response time. Funding for refurbishing the waterside of Henderson Park Amenities block has been provided by a Federal Government Stronger Communities Program Grant.	Amount requested: \$6,000 Amount recommended: \$6,000
Rotary Club of Nelson Bay	Tomaree Community Hospital Rotary Nelson Bay Reflective Garden Stage 2	Stage 1 of the hospital garden project was completed 2 years ago and is reported to be frequently used. Stage 2 seeks to add to the facility and project by building a matching nurse's garden area where staff can enjoy break times in a pleasant sheltered non-clinical environment.	Amount requested: \$6,000 Amount recommended: \$4,000

ITEM 8 - ATTACHMENT 1 RECOMMENDED PROJECTS SUMMARY.

Organisation	Project	Project Summaries	Assessment
Country Womens Association	Front entry upgrade	This project plans to improve the safety of the outdoor recreational area, which is regularly used for weekly meetings, functions and events. The upgrade will include enhanced lighting and resurfacing of uneven ground. These changes will ensure a safer and more accessible environment for all visitors and will support the ongoing use of the space for all generations to enjoy and connect.	Amount requested: \$6,000 Amount recommended: \$6,000
TOTAL AMOUNT FUNDING RECOMMENDED: \$35,000			

ITEM NO. 9**FILE NO: 25/208042
EDRMS NO: PSC2017-00180****2024 TO 2025 ANNUAL REPORT**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the Annual Report for the Financial Year 2024 to 2025 **(ATTACHMENTS 1 and 2)**.
- 2) Receives and adopts the Annual Financial Statements, accompanying notes and special schedules, in respect of the year ended 30 June 2025, together with the Auditor's Report **(ATTACHMENT 2)**.

BACKGROUND

The purpose of this report is to present to Council and the community the Annual Report 2024 to 2025. The Annual Report is in 2 volumes:

- Volume 1 is the report of activities and operations of Council for the financial year to 30 June 2025, reporting on statutory requirements and Council's achievements in implementing its Delivery Program **(ATTACHMENT 1)**.
- Volume 2 is the audited financial statements of Council to 30 June 2025 **(ATTACHMENT 2)**.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025-2029
Resources and finance	Deliver the Integrated Planning and Reporting program.

FINANCIAL/RESOURCE IMPLICATIONS

The Annual Report contains Council's financial position and audited accounts for 2024 to 2025. As at 30 June 2025, Council achieved its organisational target of an underlying financial result better than budget.

ORDINARY COUNCIL - 25 NOVEMBER 2025

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 Annual Report has been prepared in accordance with Section 428 of the Local Government Act 1993.

The Financial Statements were originally presented to Council at the 23 September 2025 ordinary meeting and now includes the signed unqualified audit opinion from the Audit Office of NSW.

Section 428(5) of the Local Government Act 1993 states:

"A copy of Council's Annual Report must be posted on Council's website and provided to the Minister and such other persons and bodies as the regulations may require. A copy of Council's Annual Report may be provided to the Minister by notifying the Minister of the appropriate URL link to access the report on Council's website."

Subject to endorsement of the Annual Report by Council, officers will place the Annual Report 2024 to 2025 on Council's website, in Council Libraries and advise the Office of Local Government.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that failure to provide the Annual Report within the legislated timeframe could lead to reputational loss and a breach of the Local Government Act 1993.	Low	Adopt the recommendation prior to 30 November 2025.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council is committed to transparent reporting and accountability to our community.

The Annual Report 2024 to 2025 provides information on Council's performance across a range of social, economic and environmental indicators. The Annual Report also outlines Council's achievements and challenges for 2024 to 2025.

Our focus has been on strengthening our communities, securing our financial stability, and enhancing our core services to serve the needs of our residents better. We remain committed to improving our roads, providing diverse and affordable housing options and engaging with our community.

COMMUNICATION AND ENGAGEMENT

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

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

The following communication and engagement applies to this report.

External communications and engagement

INFORM	If endorsed by Council, the Annual Report 2024 to 2025 will be placed on Council's website, with the appropriate web link advised to the Office of Local Government and hard copies distributed to Council's Libraries and the State Library of New South Wales.
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Internal communications and engagement

Consultation has been undertaken by the Integrated Planning and Reporting team with:

- Executive Team.
- Facilities and Infrastructure Directorate.
- Community Futures Directorate.
- Corporate Strategy and Support Directorate.
- Office of the General Manager.

OPTIONS

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

ATTACHMENTS

- 1) Annual Report 2024 to 2025 - Volume 1. (Provided under separate cover) [⇒](#)
- 2) Annual Report 2024 to 2025 - Volume 2. (Provided under separate cover) [⇒](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 10

FILE NO: 25/68380
EDRMS NO: PSC2017-00180

2025 COMMUNITY SATISFACTION SURVEY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive the Port Stephens Council 2025 Community Satisfaction Survey Report (**ATTACHMENT 1**).

BACKGROUND

The purpose of this report is to provide Council with the results of the 2025 Community Satisfaction Survey (the survey) as outlined in (**ATTACHMENT 1**). This report is provided in accordance with Council's resolution of 28 November 2023 (**ATTACHMENT 2**).

At Port Stephens Council, we are committed to delivering outcomes that improve the wellbeing and liveability of our community. The survey is an important part of delivering these outcomes and helps us to understand what's working and what's not. Community satisfaction is also one of Council's 6 key result measures, providing community insights on:

- Council's overall performance.
- Council's core services.
- Council's user services.
- Councillors.

The 2025 survey was conducted from 14 April 2025 to 25 May 2025, with 2,219 responses received. With over 78,000 people calling Port Stephens home, this response sample is statistically representative of the local government area's population. This is a significant increase to the response to the 2024 survey.

Generally, there has been a downward shift in the results from 2024 to 2025 as shown in the respondents' rating of the overall performance of Council's services, with multiple significant weather events experienced during or around the survey period impacting overall scores.

Further information on the survey results is provided in (**ATTACHMENT 1**) along with what Council is doing to improve.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025-2029
Resources and finance	Deliver the Integrated Planning and Reporting 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

Community satisfaction surveys are not a legislative requirement, however the Integrated Planning and Reporting (IP&R) Guidelines refer to such surveys as a method that councils can use in testing the effectiveness of various IP&R elements such as the Community Strategic Plan.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the sample size does not adequately represent the local government areas population and or demographic.	Low	Council undertook a range of communication and engagement initiatives to obtain feedback on Council's operations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Port Stephens Council conducts its operations across the spectrum of social, economic, environmental and governance indicators and measures.

The 2025 survey was designed to ensure that Council is aware of the level of community satisfaction with both its core and user services.

As part of Council's commitment to continuous improvement, each section of Council will review the feedback provided by the community and will build on this as we continue to review and deliver Council's Integrated Plans.

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 survey was notified through social media, direct email to subscribers, print advertising, Council's website, customer service Mitel (telephone on hold) messaging, pop ups at events and various static displays throughout the survey period.
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Internal communications and engagement

The survey was promoted via various internal methods including the General Manager's address and weekly emails, staff newsletters and intranet announcements.

The survey results were reviewed by the Executive Team and Councillors.

OPTIONS

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

ATTACHMENTS

- 1) 2025 Community Satisfaction Survey Report. [↓](#)

ORDINARY COUNCIL - 25 NOVEMBER 2025
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2) Council Minutes - 28 November 2023. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.



PORT STEPHENS
COUNCIL

Community Satisfaction Survey

2025 report

Each year, we ask the Port Stephens community how satisfied they are with the services and facilities we deliver. This information helps us understand what's working, and what isn't, to facilitate improvements for the wellbeing and liveability of our community.



ITEM 10 - ATTACHMENT 1 2025 COMMUNITY SATISFACTION SURVEY REPORT.

Results snapshot 2025

Over April and May 2025, we invited residents to complete the Community Satisfaction Survey and have their say. We used popups at events, social media, newspaper advertisements, flyers, our electronic newsletter, rates notices and our website to reach as many people as possible.

We asked our residents to rate their satisfaction with our overall services, core services, user services and Councillors using a score out of 5.

During this period, 2,219 community members completed the survey, rating their overall satisfaction with Council's services as a weighted average score of 3.01 out of 5.

Of our 20 core services* surveyed, Council's waste and recycling service continues to be the highest rated service, with a weighted average score of 3.94 out of 5. This translates to 80% of respondents satisfied, 10% neutral and 10% dissatisfied.

Our Libraries are a key resource for many parts of our community, being our highest rated user service in this survey, with a weighted average score of 4.39 out of 5.

We knew that roads would still be our biggest area of work, especially after Port Stephens was hit by 2 natural disasters within the first 4 months of 2025. Our roads weighted average score was 1.93 out of 5.



* Page 4 contains the list of core services surveyed

ITEM 10 - ATTACHMENT 1 2025 COMMUNITY SATISFACTION SURVEY REPORT.



The community rated Council's:
core services, user services and Councillors.



3.12
(out of 5)

**Council's
core services**

Aggregate weighted average score
20 questions



3.97
(out of 5)

**Council's
user services**

Aggregate weighted average score
2 questions



3.13
(out of 5)

Councillors

Weighted average score
1 question

A detailed summary of the satisfaction ratings for each of these services is provided on the next page.

Our highest rated core services and facilities



Waste services

80% satisfied
with domestic waste
and recycling collection
services.

65% satisfied
with access to waste
transfer station and
waste depots.



**Council website and
managed events**

51% satisfied
with Council's managed
events and services.

52% satisfied
with our website.



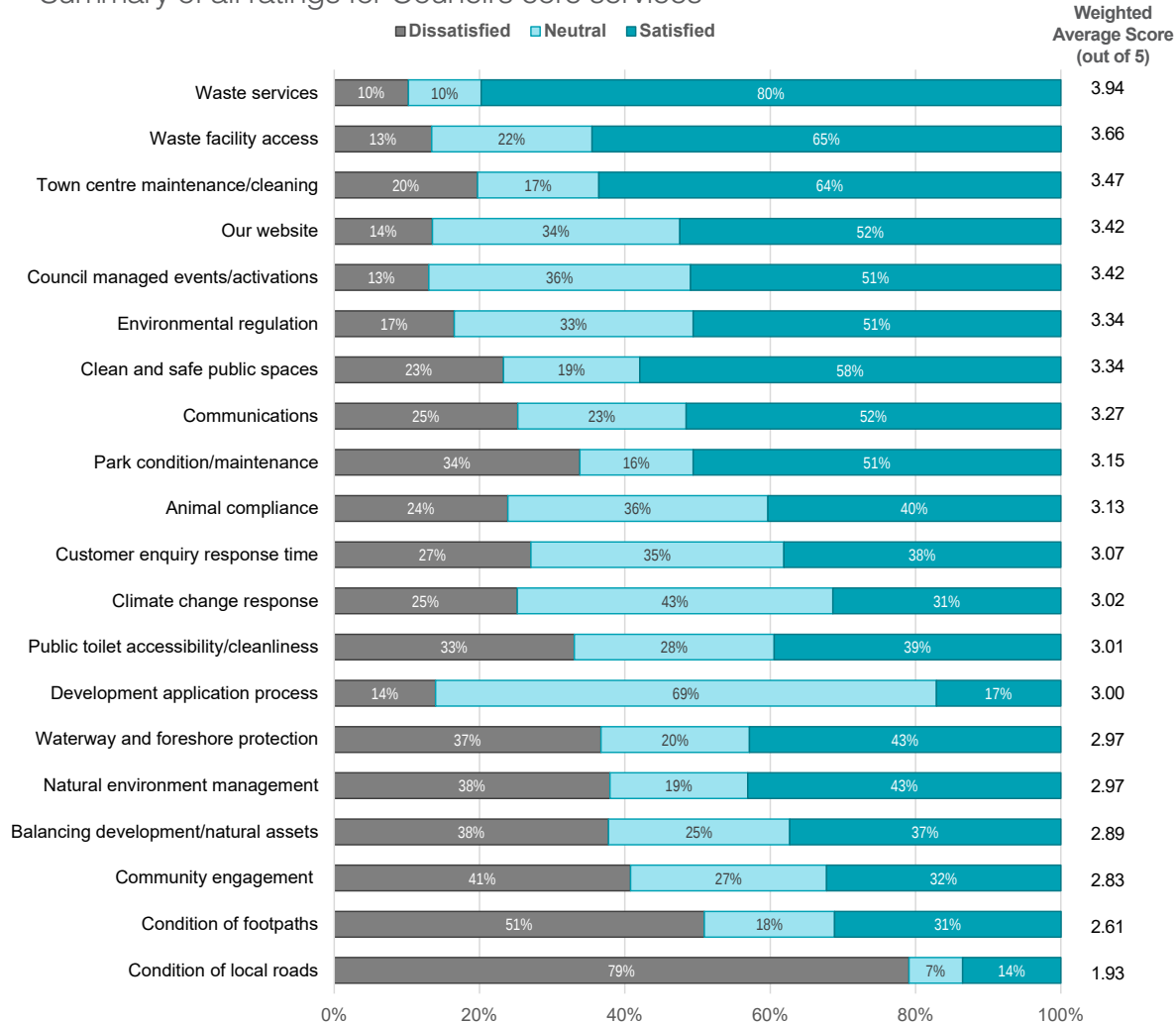
**Clean and safe
public spaces**

64% satisfied
with maintenance and
cleaning of town centres.

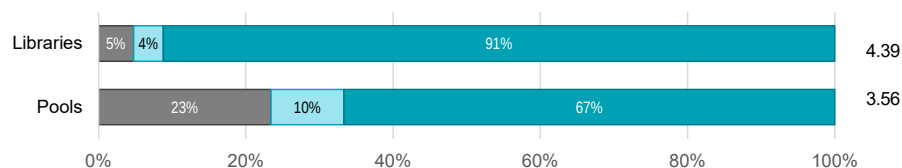
58% satisfied
with clean and safe
public spaces.

ITEM 10 - ATTACHMENT 1 2025 COMMUNITY SATISFACTION SURVEY REPORT.

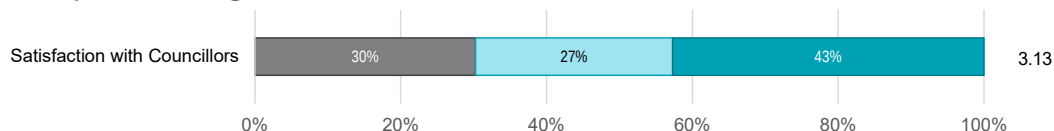
Summary of all ratings for Council's core services



Summary of all ratings for Council's user services



Summary of all ratings for Councillors



ITEM 10 - ATTACHMENT 1 2025 COMMUNITY SATISFACTION SURVEY REPORT.

What we're doing to improve

Over the next year, we'll continue to work closely with our community, focusing on issues we know are a priority.

Roads and infrastructure



Over the next three years, we are committing more than \$20 million to the repair and rehabilitation of our road network as part of our Roads Acceleration Program (RAP). This will include existing funds, the Special Rate Variation, state and federal grants, reallocations from natural disaster reserves and surplus road reserve sales. The sale of surplus road reserves will help us reach this record investment faster. The RAP goes beyond patching potholes, it is significantly targeting our road network prioritising long-term road improvements. Read more about the RAP and which roads will be targeted by visiting, pscouncil.info/RAP



Continuing to review our pathways plan which will assist in prioritising our pathways and enable Council to direct funding where it is needed most. The plan will be considered by Council during 2025.

Balancing growth while protecting our natural environment



Implementing key actions from our Local Housing Strategy, Coastal Management Program, Waste Management Strategy, conducting Koala habitat mapping and securing grant funds for other conservation initiatives.

Involving the community in Council decision making



Continuing Community Catch Ups to connect the community with their local Councillors, General Manager and Council staff to talk about what matters most to them.



Monthly Mayor Meet Ups providing an opportunity for the community to discuss issues and share their ideas for Port Stephens directly with the Mayor at the Mobile Library. Learn more at, pscouncil.info/community-catchups



Revising our Communication and Engagement Strategy to reflect community input on how they want to be involved in Council decision making. The revision includes updating our Community Participation Plan to clearly show opportunities for community input in both the rezoning and development application processes. Read more at, pscouncil.info/CEstrategy



Continuing to improve our website so our community can access everything in one location. From reporting an issue, requesting advice, submitting an application through the Report, Request and Apply function or obtaining regular updates about our project and works. To see these webpages, visit pscouncil.info/report-request-apply and pscouncil.info/projectsandworks



Ongoing community representation for engagement, advice and advocacy across our 5 advisory groups: Heritage, Homelessness, Environment, Communications and Engagement and Disability Inclusion and Access. Learn more at, pscouncil.info/committees

ITEM 10 - ATTACHMENT 1 2025 COMMUNITY SATISFACTION SURVEY
REPORT.



PORT STEPHENS
COUNCIL

council@portstephens.nsw.gov.au | 02 4988 0255 | portstephens.nsw.gov.au    

MINUTES ORDINARY COUNCIL - 28 NOVEMBER 2023**ITEM NO. 9****FILE NO: 23/282296
EDRMS NO: PSC2023-02266****2022 TO 2023 ANNUAL REPORT**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorses the Annual Report for the Financial Year 2022 to 2023
(ATTACHMENTS 1 & 2).

**ORDINARY COUNCIL MEETING - 28 NOVEMBER 2023
MOTION**

285	Councillor Giacomo Arnott Councillor Leah Anderson It was resolved that Council: 1) Endorses the Annual Report for the Financial Year 2022 to 2023 (ATTACHMENTS 1 & 2). 2) Publishes the Community Satisfaction Survey separately to the Annual Report as its own document in the minutes of this meeting, with the Survey still being reported on in this annual report and all annual reports going forward, and for it to be reported separately in future, and for the 2024 Community Satisfaction Survey to commence in March or April 2024 to re-align the Survey with its regular timing.
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Councillor Giacomo Arnott left the meeting at 7:01pm.
Councillor Giacomo Arnott returned to the meeting at 7:04pm.

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

Those against the Motion: Nil.

The motion was carried.

ITEM NO. 11

**FILE NO: 25/291054
EDRMS NO: PSC2017-00180**

QUARTERLY BUDGET REVIEW TO 30 SEPTEMBER 2025

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the amended budget (**ATTACHMENT 1**) presented as the Quarterly Budget Review to 30 September 2025.

BACKGROUND

The purpose of this report is to provide an update to Council on the 30 June 2026 budget. The Quarterly Budget Review to 30 September 2025 (**ATTACHMENT 1**) sets out the details of any variations between Council's current budget and the proposed budget.

The Office of Local Government (OLG) recently released a reporting template for all councils to use for Quarterly Budget Reviews (**ATTACHMENT 2**). There are formula and reporting issues with the electronic template that all councils are aware of and are awaiting rectification from OLG. Until these issues have been resolved the original format of the Quarterly Budget Review has been retained. The new template has been populated with the same information and will be submitted to OLG.

Operating Budget

The Quarterly Budget Review to 30 September 2025 has shown an increase in revenue by \$6.524 million, which is largely due to the recognition of capital and operating grant income that was unspent from last financial year.

Operating expenditure increased by \$1.878 million which is largely due the expenditure associated with the unspent grant income being recognised. Other changes include the cost of implementing the new Enterprise Agreement, compared to last year.

Further information of the changes to the budget are outlined in the Operating Statement Variations as shown in (**ATTACHMENT 1**).

Capital Budget

The capital budget increased by \$6.524 million largely due to unspent grants. The main projects include the recognition of the unspent grants for the Don Waring Oval carpark upgrade and the Halifax to Harwood footpath.

Further information of the changes to the budget are outlined in the Capital Statement Variations as shown in **(ATTACHMENT 1)**.

Performance Indicators

All performance indicators have met the benchmark. Council continues to monitor the situation.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

Council's anticipated underlying result decreased to \$1,134,000. The movement from the original underlying result will be shown each quarter.

	Surplus (\$ 000)	Deficit (\$ 000)
Budget 2025 - 2026	1,294	
September 2025 review	1,134	
December 2025 review		
March 2026 review		

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

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that income and expenditure deviate from the budget which could impact on Council's ability to deliver its Operational Plan in a financially sustainable manner.	High	Periodic review and forecasting of the actual performance against the budget is undertaken regularly to ensure that approved expenditure levels and projected revenue streams remain sustainable.	

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council's budget is fundamental for operational sustainability and the provision of facilities and services to the community.

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.
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

	No external communications and engagement are required for this report.
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Internal communications and engagement

Consultation with the following stakeholders has been undertaken by the Financial Services Section to discuss the overall financial result for the quarter.

- Executive Team.

OPTIONS

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

ATTACHMENTS

- 1) Quarterly Budget Review to 30 September 2025. [↓](#)
- 2) Quarterly Budget Review Reporting Template. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.



**Report by Responsible Accounting Officer for the Quarter ending
30 September 2025**

The following statement is made in accordance with clause 203(2) of the Local Government (General) Regulations 2021.

It is my opinion that the Quarterly Budget Review Statement for Port Stephens Council for the quarter ended 30 September 2025 indicates that Council's projected financial position at 30 June 2026 will be satisfactory at year-end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed:



Date:

20/10/2025

Glen Peterkin
Financial Services Section Manager
Port Stephens Council

ITEM 11 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW TO 30 SEPTEMBER 2025.
Operating Statement

Result for the financial quarter ending 30 September 2025

	Original Budget 2025-2026 \$'000	Revotes and Rollovers \$'000	September Review \$'000	December Review \$'000	March Review \$'000	Revised Budget \$'000	Actuals YTD \$'000
Income from Continuing Operations							
Rates and annual charges	89,770	-	-	-	-	89,770	22,031
User charges and fees	61,117	-	(177)	-	-	60,939	13,593
Interest & Investment Revenue	3,398	-	-	-	-	3,398	1,168
Other Income	4,793	-	13	-	-	4,807	1,554
Grants & contributions for operating purposes	14,852	-	1,705	-	-	16,557	5,973
Capital Grants and Contributions	12,998	8,955	4,785	-	-	26,738	11,008
Other revenues	5,663	-	198	-	-	5,862	1,166
Fair value gains	2,183	-	-	-	-	2,183	-
Net gains from the disposal of assets	250	-	-	-	-	250	200
Total income from continuing operations	195,024	8,955	6,524	-	-	210,504	56,693
Expenses from continuing operations							
Employee benefits and on-costs	69,530	-	440	-	-	69,970	15,714
Borrowing Costs	5,996	-	-	-	-	5,996	1,514
Materials & services	62,658	-	1,410	-	-	64,068	16,438
Other Expenses	10,864	22	28	-	-	10,914	2,652
Depreciation and amortisation	24,615	-	-	-	-	24,615	5,695
Total expense from continuing operations	173,663	22	1,878	-	-	175,562	42,013
Operating Surplus/(Deficit) after capital grants	21,362	8,933	4,646	-	-	34,942	14,680
Operating Surplus/(Deficit) before capital grants	8,364	(22)	(139)	-	-	8,204	3,672
Less: Non-Cash Items and operating funding capital	(5,008)	-	-	-	-	(5,008)	(807)
Less: Local Election Allocation	(250)	-	-	-	-	(250)	(63)
Less: Enhanced Services	(3,851)	-	-	-	-	(3,851)	(963)
Add: Natural Disaster Costs	-	-	-	-	-	-	(154)
Add: Digital Transformation	690	-	-	-	-	690	282
Less: Consolidated Entities (**)	1,350	-	-	-	-	1,350	338
Underlying Operating Surplus/(Deficit)*	1,294	(22)	(139)	-	-	1,134	2,305

*Underlying result refers to performance measures that do not include abnormal, non-recurring events or transactions that are restricted for a capital purpose, providing a better representation of underlying financial performance without the impact of any unusual or extraordinary items.

** All income & expenditure (inc loans and borrowings costs) includes Councils consolidated portion of the Newcastle Airport. The consolidation is required by Australian Accounting Standards to represents Councils financial interests as a result of its 50% shareholding. As a corporate shareholder Council is entitled to financial returns however is not liable for the debts owed by Newcastle Airport

ITEM 11 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW TO 30 SEPTEMBER 2025.

Operating Statement Variations

Result for the financial quarter ending 30 September 2025

Income from Continuing Operations		Recommended Change \$'000	Explanation
Rates and annual charges	-		
User charges and fees	(177)		Reforecast development application and construction certificate fee income due to market conditions
Interest & Investment Revenue	-		
Other Income	13		Reforecast investment property income due to lease CPI adjustments offset by vacancies
Grants & contributions for operating purposes	1,705		Unspent operating grants from the previous financial year have been rolled over
Capital Grants and Contributions	4,785		Grant funding for Don Waring oval car park, shared path at Halifax, replacement of the amenities building at One Mile Beach and other minor projects
Other revenues	198		Revenue from commissions and compliance activities has been increased
Fair value gains	-		
Net gains/(loss) from the disposal of assets	-		
Total recommended income change	6,524		
Expenses from continuing operations			
Employee benefits and on-costs	440		Revised enterprise agreement and reclassification of expenditure budgets from materials and services to employee benefits
Borrowing Costs	-		
Materials & services	1,410		Expenditure side of unspent operating grants and reclassification from materials and services to employee benefits
Other Expenses	28		Community grant programs
Depreciation and amortisation	-		
Total recommended expense change	1,878		

ITEM 11 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW TO 30 SEPTEMBER 2025.

Capital Statement

Result for the financial quarter ending 30 September 2025

	Original Budget	Revotes and Rollovers	September Review	December Review	March Review	Revised Budget	Actuals YTD
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Capital Funding (2)							
Grants and Contributions - Operating	1,558	-	-	-	-	1,558	2,150
Grants and Contributions - Capital	9,248	8,955	4,785	-	-	22,988	7,501
External Reserves	2,050	10,761	578	-	-	13,389	656
Internal Reserves	18,213	11,464	952	-	-	30,629	278
General fund contribution to capital	-	235	209	-	-	444	-
Funding available for capital expenditure	31,069	31,415	6,524	-	-	69,008	10,585
Capital Expenditure (2)							
New Assets							
Aquatic Structures	-	-	-	-	-	-	-
Buildings	-	-	-	-	-	-	-
Commercial Assets	500	463	693	-	-	1,656	44
Corporate Assets	-	-	-	-	-	-	-
Drainage	-	-	-	-	-	-	-
Open Space	-	-	-	-	-	-	-
Transport Infrastructure	52	881	4,197	-	-	5,130	640
Waste Assets	-	-	-	-	-	-	-
Asset Renewals (Replacement) and Upgrades (1)							
Aquatic Structures	190	915	-	-	-	1,105	68
Buildings	888	2,853	375	-	-	4,116	433
Commercial Assets	2,000	587	189	-	-	2,776	49
Corporate Assets	2,830	1,924	-	-	-	4,754	2,140
Drainage	1,520	2,340	400	-	-	4,260	465
Open Space	262	6,658	27	-	-	6,947	516
Transport Infrastructure	16,760	14,508	93	-	-	31,361	5,439
Waste Assets	-	285	551	-	-	836	-
Total Capital Expenditure	25,003	31,415	6,525	-	-	62,942	9,794
Transfer to/(from) reserves (3)	6,066	-	-	-	-	6,065	791
External reserve	6,066						
Internal reserve							

(1) Renewals are defined as the replacement of existing assets (as opposed to the acquisition of new assets)

(2) Excludes Newcastle Airport and related entities

(3) Transfer to reserves are funds set aside for future use

ITEM 11 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW TO 30 SEPTEMBER 2025.

Capital Statement Variations

Result for the financial quarter ending 30 September 2025

Capital Expenditure	Recommended Change	
New Assets	\$'000	Explanation
Aquatic Structures	-	
Buildings	-	
Commercial Assets	693	Land development
Corporate Assets	-	
Drainage	-	
Open Space	-	
Transport Infrastructure	4,197	Don Waring Oval carpark and Halifax to Harwood shared path
Waste Assets	-	

Asset Renewals (Replacement) and Upgrades

Aquatic Structures	-	
Buildings	375	Replacement of amenities building at One Mile Beach
Commercial Assets	189	Upgrades to commercial investment properties and Holiday Park assets
Corporate Assets	-	
Drainage	400	Stormwater drainage - Soldiers Point
Open Space	27	Ray Wood Reserve dinghy rack
Transport Infrastructure	93	Raymond Terrace fire station demolition
Waste Assets	551	Replacement of fleet

Borrowings Statement

Result for the financial quarter ending 30 September 2025

	Original Budget \$'000	September Review \$'000	December Review \$'000	March Review \$'000	Closing Balance \$'000	Actuals YTD \$'000
Borrowings	12,323	(1,294)	-	-	11,029	11,836

ITEM 11 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW TO 30 SEPTEMBER 2025.

Cash Reserve Balances

This statement sets out the budgeted reserve balances and funding source changes.

Reserve	Opening Balance \$'000	Transfers In \$'000	Original Budget \$'000	Revotes and Rollovers \$'000	September Review \$'000	December Review \$'000	March Review \$'000	Closing Balance \$'000	Actuals YTD \$'000
External Restriction (1)									
Domestic Waste	7,725	4,282	(300)	(335)	(551)	-	-	10,821	10,615
Crown Reserves	3,538	2,752	(1,500)	(1,689)	(27)	-	-	3,074	3,174
Developer Contributions	25,550	6,630	(250)	(7,282)	(54)	-	-	24,594	28,827
Crown - Surf Life Saving Clubs	5	-	-	-	-	-	-	5	43
Unexpended Grants Reserve	7,796	17,146	(9,748)	(12,937)	(2,258)	-	-	-	4,941
Unclaimed money	538	-	-	-	-	-	-	538	538
Total External Restriction	45,153	30,810	(11,798)	(22,243)	(2,889)	-	-	39,032	48,138
Internal Restriction (2)									
Bonds and Retentions	1,631	-	-	-	-	-	-	1,631	1,451
Administration Building Reserve	92	394	(250)	(237)	-	-	-	(0)	83
Asset Rehabilitation Reserve	4,274	5,811	(5,469)	(4,588)	(29)	-	-	(0)	3,971
Commercial Properties Reserve	5,134	1,591	(1,000)	(1,220)	(774)	-	-	3,730	4,787
Community Loans	200	-	-	-	-	-	-	200	200
Community Halls	127	4	-	-	-	-	-	131	136
Drainage Reserve	1,653	1,854	(1,520)	(1,843)	-	-	-	144	1,603
Election Reserve	-	150	-	-	-	-	-	150	38
Employee Leave Entitlements (ELE)	1,000	-	-	-	-	-	-	1,000	1,000
Enhanced Services Reserve	766	5,516	(4,750)	(766)	-	-	-	766	1,140
Federal Assistance Grant Reserve	4,322	(4,322)	-	-	-	-	-	-	3,242
Fleet Reserve	346	2,864	(2,398)	(1,746)	1,725	-	-	791	2
IT Reserve	1,782	1,765	(182)	(1,843)	-	-	-	1,521	1,574
Medowie Place Plan and Sporting Facilities Reserve	-	-	-	-	-	-	-	-	-
Other Waste Services Reserve	-	388	-	-	-	-	-	388	76
Parking Meters Reserve	1,188	1,139	(600)	(203)	-	-	-	1,524	1,301
Repealed Funds Reserve	1,396	-	(1,387)	(8)	-	-	-	(0)	1,396
Roads Acceleration Program (RAP) Reserve	-	1,000	-	-	-	-	-	1,000	1,000
Roads / Environmental Reserve	620	1,039	(657)	(425)	(208)	-	-	370	800
Sustainable Energy & Water Reserve	52	27	-	-	-	-	-	80	59
Unexpended Loan Funds Reserve	-	-	-	-	-	-	-	-	-
Ward Funds Reserve	28	(28)	-	-	-	-	-	-	32
Emergency & Natural Disaster	4,509	1,491	-	-	-	-	-	6,000	3,714
Grant Co-Contribution Reserve	528	2,472	-	-	-	-	-	3,000	124
Resilience Fund	3,500	-	-	-	-	-	-	3,500	3,500
Section 355 c	664	-	-	-	-	-	-	664	-
Total Internal Restriction	33,812	23,156	(18,213)	(12,879)	713	-	-	26,589	31,229
Total External and Internal Restrictions	78,965	53,966	(30,011)	(35,122)	(2,176)	-	-	65,621	79,367
Variance Cash Reserves to Bank Account									3,142
Timing Difference (relates to outstanding debtors)									265
Adjusted Unrestricted Cash/(Shortfall)									3,407

(1) External Restrictions - must be used for a specific purpose and are not to be used for general operations. The funds are bound by legislation or third party agreement that restricts their use.

(2) Internal Allocations - Council have allocated by resolution or policy to identified programs of work and any forward plans identified by Council. These allocations are at the discretion of council.

(3) Excludes Newcastle Airport

ITEM 11 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW TO 30 SEPTEMBER 2025.

Summary of Contributions & Levies

PURPOSE	OPENING BALANCE	CONTRIBUTIONS RECEIVED		MATERIAL PUBLIC BENEFIT	INTEREST EARNED	ESTIMATED EXPENDITURE	INTERNAL BORROWING	HELD AS RESTRICTED ASSET	CUMULATIVE INTERNAL BORROWINGS
		EXTERNAL	INTERNAL						
Civic Administration	-174,511	81,640	0	0	0	0	0	-92,871	0
Civic Administration - Works Depot & Admin Building	252,612	73,619	0	0	9,058	0	0	335,288	0
Town Centre Upgrades	1,221,624	130,050	0	0	43,802	-225	0	1,395,252	0
Public Open Space, Parks & Reserves	2,048,936	195,002	0	0	73,467	-56,361	0	2,261,044	0
Sports & Leisure Facilities	9,157,155	507,599	0	0	328,338	-275,697	0	9,717,396	0
Community & Cultural Facilities	2,375,667	26,166	0	0	85,182	-13,025	0	2,473,990	0
Road Works	2,753,111	145,603	0	0	98,715	-9,085	0	2,988,344	0
Medowies, Traffic & Transport	2,161,017	70,542	0	0	77,485	0	0	2,309,044	0
Shared Paths	714,285	105,628	0	0	25,611	0	0	845,524	0
Bus Facilities	47,656	12,044	0	0	1,709	0	0	61,409	0
Fire & Emergency	193,240	2,506	0	0	6,929	0	0	202,675	0
Flood & Drainage Works	1,066,202	61,932	0	0	38,230	0	0	1,166,364	0
Kings Hill Urban Release Area	191,244	15,173	0	0	6,857	0	0	213,274	0
Total Section 7.11 Contributions	22,008,238	1,427,504	0	0	795,383	-354,393	0	23,876,732	0
Haulage	1,435,714	326,412	4,652		0	0	0	1,766,779	0
Section 7.12 Contributions	2,105,737	1,224,165	0		76,102	-222,523	0	3,183,482	0
TOTAL CONTRIBUTIONS	25,549,690	2,978,081	4,652	0	871,485	-576,916	0	28,826,992	0
Section 7.4 Planning Agreements	0			0	0		0	0	0
TOTAL INCLUDING PLANNING AGREEMENTS	25,549,690	2,978,081	4,652	0	871,485	-576,916	0	28,826,992	0

*Interest is earned according to the opening balance for the year

ITEM 11 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW TO 30 SEPTEMBER 2025.

Performance Indicators ⁽¹⁾

Result for the financial quarter ending 30 September 2025

1. Operating performance ratio

	\$'000	Indicator	Benchmark	
Total continuing operating revenue excluding capital grants and contributions less operating expenses	3,550			
Total continuing operating revenue excluding capital grants and contributions	38,985	9.11%	>0.00%	✓

This ratio measures Council's achievement of containing operating expenditure within operating revenue.

2. Debt service cover ratio

Operating result before capital excluding interest and depreciation/impairment/amortisation	10,881			
Principal repayments (Statement of Cash Flows) plus borrowing costs (Income Statement)	616	17.67	>2.00x	✓

This ratio measures the availability of operating cash to service debt including interest, principal and lease payments.

3. Unrestricted Working Capital ratio

Total Current Assets less external restrictions	84,453			
Total Current Liabilities less external restrictions	38,427	2.20	>1.5x	✓

This ratio measures Council's ability to meet its short term obligations as they fall due.

4. Cash expense ratio

Current year's cash and cash equivalents plus all term deposits	82,509			
Operating expenses less depreciation + YTD days	10,277	8.03	>3.00 mths	✓

This liquidity ratio indicates the number of months Council can continue paying for its immediate expenses without additional cash inflow.

5. Rates and annual charges outstanding percentage

Rates and annual charges outstanding YTD	3,674			
Rates and annual charges collectable	91,221	4.0%	<10.00%	✓

To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.

6. Restricted Cash

External Restrictions	48,138			
Internal Restrictions	31,229			
Unrestricted / (Shortfall)	3,142			✓
	82,509			

⁽¹⁾ Excludes Newcastle Airport and related entities

ITEM 11 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW TO 30 SEPTEMBER 2025.

Contracts and Other Expenses

Result for the financial quarter ending 30 September 2025

Councillors are currently made aware of tenders of \$250,000 or more in accordance with legislation. However, Councillors should be made aware of other material contracts entered into by Council and details of other expenses that are of particular interest.

Part A: Contracts

Contracts (other than employment contracts and contracts entered into from Council's preferred suppliers list) that:

- Were entered into during the quarter ending 30 September 2025 and;
- Have a value equal to or more than \$50,000.

Contractor	Contract Details and Purpose	Contract Value (inc GST)	Start Date	End Date	Budget (Y/N)
AMR Technology Pty Ltd	Digital Strategy Implementation (NSW Panel Contract)	577,500.00	15/09/2025	14/09/2027	Y
ASV Sales & Service Pty Ltd	Supply and delivery of Heavy Fleet (LGP Tender Panel)	355,982.00	22/07/2025	30/06/2026	Y
Bulletproof People Pty Ltd	Training and Development (RFQ)	91,080.00	8/09/2025	7/09/2027	Y
Colas New South Wales Pty Ltd	Asphalt rejuvenation (LGP Tender Panel)	187,869.30	19/09/2025	30/06/2026	Y
Gilbert & Roach	Supply and delivery of Heavy Fleet (LGP Tender Panel)	234,867.90	4/08/2025	31/07/2026	Y
Heritage Now Pty Ltd	Birubi Point Aboriginal Place Plan of Management (RFQ)	76,879.00	14/08/2025	30/06/2026	Y
HP PPS Australia Pty Ltd	ICT Device Procurement (RFQ)	226,200.47	18/09/2025	18/09/2026	Y
Hunter Isuzu	Supply and delivery of Small Fleet (RFQ)	107,347.15	13/08/2025	30/06/2026	Y
KJ Fitz Trading Pty Limited	Project Management (RFQ)	71,995.00	4/08/2025	19/12/2025	Y
Pacific Facilities Management Systems	Boat ramp and wharf cleaning (RFQ)	72,795.00	1/09/2025	30/06/2027	Y
Sitech Solutions Pty Limited	Supply and delivery of Small Fleet (RFQ)	129,842.00	5/08/2025	31/12/2025	Y
Stuart & Dunn Office Supplies	Office Furniture and Supplies (RFQ)	128,279.80	27/08/2025	30/06/2026	Y
Talyama Projects	Project Management (RFQ)	120,120.00	18/08/2025	13/02/2026	Y
VVG Services NSW Pty Ltd	Supply and delivery of Small Fleet (RFQ)	140,523.97	26/08/2025	30/06/2026	Y

ITEM 11 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW TO 30 SEPTEMBER 2025.

Part B: Consultancy and Legal Expenses

Report shows expenditure as at 30 September 2025 for:

- Consultancies
- Legal fees

For the purposes of this report, a consultancy is defined as a person or organisation engaged under contract on a temporary basis to provide recommendation or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Expense	September Review	Budget (Y/N)
	YTD \$ \$'000	
Consultants		
Holiday Parks	1	Y
Property Development	-	
Engineering	4	Y
Development Planning	-	
IT	-	
Environment	-	
Other	72	Y
Construction	194	Y
Total Consultancies	271	
Legal Fees		
Advice	11	Y
Litigation	59	Y
Total Legal Fees	70	
	YTD \$	
Expense - Litigation	\$'000	
Local Government Law	21	
Environmental Law	2	
Planning & Development Law	36	
Total Litigation Expense	59	

ITEM 11 - ATTACHMENT 2 QUARTERLY BUDGET REVIEW REPORTING TEMPLATE.

QBRs FINANCIAL OVERVIEW										
Port Stephens Council										
Budget review for the quarter ended 30/09/25										
DESCRIPTION	Previous Year	Current Year Original	Approved Changes	Approved Changes	Approved Changes	Revised	Recommended changes	Projected Year End (PYE)	VARIANCE	ACTUAL YTD
	Actual	Budget	Review	Review	Review	Budget	for council resolution	Result	ORIGINAL budget v PYE	
	2024/25	2025/26	Q 1	Q 2	Q 3			2025/26	2025/26	2025/26
	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's
Net Operating Result before grants and contributions provided for capital purposes	General Fund	-1,616	9,714	0	0	0	-161	9,554	-161	4,009
	Water Fund									
	Sewer Fund									
	Consolidated	-1,060	8,364	0	0	0	-161	8,204	-161	3,672
Operating Result from continuing operations (with capital grants and contributions) excluding depreciation, amortisation and impairment of non financial assets	Consolidated									
		58,430	45,977	0	0	0	13,580	59,557	13,580	20,375
Borrowings	Total borrowings	12,272	12,323	0	0	0	-1,294	11,029	0	11,836
	External restrictions	45,153	64,166	0	0	0	-25,133	39,033	-25,133	48,138
Liquidity	Internal Allocations	33,812	38,754	0	0	0	-12,166	26,589	-12,166	31,229
	Unallocated	569	0	0	0	0	0	0	0	3,142
	Total Cash, Cash Equivalents and Investments	79,534	102,920	0	0	0	-37,299	65,621	-37,299	82,509
Capital	Capital Funding	41,631	31,069	0	0	0	37,939	69,008	37,939	10,585
	Capital Expenditure	41,631	31,069	0	0	0	37,940	69,008	37,940	9,794
	Net Capital	0	-0	0	0	0	-0	0	-0	791

Developer Contribution	Total Developer Contributions	Opening Balance	Total Cash Contributions Received	Total Interest Earned	Total Expended	Total Internal Borrowings (to)/from	Held as Restricted Asset	Cumulative balance of internal borrowings (to)/from
		As at 1 July 2025	As at this Q	As at this Q	As at this Q	As at this Q	As at this Q	As at this Q
		\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's
		25,550	2,983	871	577	0	28,827	0

ITEM 11 - ATTACHMENT 2 QUARTERLY BUDGET REVIEW REPORTING TEMPLATE.

Income and Expenses Budget Review Statement										
Port Stephens Council										
Budget review for the quarter ended 30/09/2025										
Consolidated Fund										
Description	Previous Year Actual 2024/25 \$000's	Current Year Original Budget 2025/26 \$000's	Approved Changes Review Q 1 \$000's	Approved Changes Review Q 2 \$000's	Approved Changes Review Q 3 \$000's	Revised Budget \$000's	Recommended changes for council resolution \$000's	Projected Year End (PYE) Result 2025/26 \$000's	VARIANCE ORIGINAL budget v PYE 2025/26 \$000's	ACTUAL YTD 2025/26 \$000's
INCOME										
Rates and Annual Charges	81,803	89,770					0	89,770	0	22,031
User Charges and Fees	58,983	61,117					-177	60,939	-177	13,593
Other Revenue	6,088	5,663					198	5,862	198	1,166
Grants and Contributions - Operating	13,059	14,852					1,705	16,557	1,705	5,973
Grants and Contributions - Capital	37,414	12,998					13,740	26,738	13,740	11,008
Interest and Investment Income	4,496	3,398					0	3,398	0	1,168
Other Income	2,989	6,977					13	6,990	13	1,554
Net gain from disposal of assets	391	250					0	250	0	200
Total Income from continuing operations	205,223	195,024	0	0	0	0	15,480	210,504	15,480	56,693
EXPENSES										
Employee benefits and on-costs	66,113	69,530					440	69,970	440	15,714
Materials & Services	68,530	62,658					1,410	64,068	1,410	16,438
Borrowing Costs	2,616	5,996					0	5,996	0	1,514
Other Expenses	9,534	10,864					50	10,914	50	2,652
Net Loss from Disposal of Assets	0	0						0	0	
Total Expenses from continuing operations excluding depreciation, amortisation and impairment of non financial assets	146,793	149,048	0	0	0	0	1,900	150,947	1,900	36,319
Operating Result from continuing operations excluding depreciation, amortisation and impairment of non financial assets	58,430	45,977	0	0	0	0	13,580	59,557	13,580	20,375
Depreciation, amortisation and impairment of non financial assets	22,076	24,615					0	24,615	0	5,695
Operating result from continuing Operations	36,354	21,362	0	0	0	0	13,580	34,942	13,580	14,680
Net Operating Result before grants and contributions provided for capital purposes	-1,060	8,364	0	0	0	0	-161	8,204	-161	3,672
Notes										
Original Budget +/- approved budget changes in previous quarters = REVISED Budget										
Revised Budget +/- recommended changes this quarter = PROJECTED year results										
Please refer to the detailed council QBR report.										

ITEM 11 - ATTACHMENT 2 QUARTERLY BUDGET REVIEW REPORTING TEMPLATE.

Income and Expenses Budget Review Statement										
Port Stephens Council										
Budget review for the quarter ended 30/09/2025										
General Fund										
Description	Previous Year Actual 2024/25 \$000's	Current Year Original Budget 2025/26 \$000's	Approved Changes Review Q 1 \$000's	Approved Changes Review Q 2 \$000's	Approved Changes Review Q 3 \$000's	Revised Budget \$000's	Recommended changes for council resolution \$000's	Projected Year End (PYE) Result 2025/26 \$000's	VARIANCE ORIGINAL budget v PYE 2025/26 \$000's	ACTUAL YTD 2025/26 \$000's
INCOME										
Rates and Annual Charges	81,803	89,770					0	89,770	0	22,031
User Charges and Fees	36,134	38,483					-177	38,305	-177	7,934
Other Revenue	5,988	5,479					198	5,678	198	1,120
Grants and Contributions for Operating purposes	13,059	14,852					1,705	16,557	1,705	5,973
Grants and Contributions - Capital	27,775	9,248					13,740	22,988	13,740	10,071
Interest and Investment Income	4,211	2,761					0	2,761	0	1,009
Other Income	2,989	3,632					13	3,645	13	718
Net gain from disposal of assets	790	250					0	250	0	200
Total Income from continuing operations	172,749	164,474	0	0	0	0	15,480	179,954	15,480	49,056
EXPENSES										
Employee benefits and on-costs	60,077	63,366					440	63,806	440	14,173
Materials & Services	58,049	55,431					1,410	56,841	1,410	14,631
Borrowing Costs	603	646					0	646	0	177
Other Expenses	9,534	7,655					50	7,705	50	1,850
Net Loss from Disposal of Assets								0	0	
Total Expenses from continuing operations excluding depreciation, amortisation and impairment of non financial assets	128,263	127,098	0	0	0	0	1,900	128,997	1,900	30,831
Operating Result from continuing operations excluding depreciation, amortisation and impairment of non financial assets	44,486	37,377	0	0	0	0	13,580	50,957	13,580	18,225
Depreciation, amortisation and impairment of non financial assets	18,327	18,415	0					18,415	0	4,145
Operating result from continuing Operations	26,159	18,962	0	0	0	0	13,580	32,542	13,580	14,080
Net Operating Result before grants and contributions provided for capital purposes	-1,616	9,714	0	0	0	0	-161	9,554	-161	4,009
Notes										
Original Budget +/- approved budget changes in previous quarters = REVISED Budget. Revised Budget +/- recommended changes this quarter = PROJECTED year results.										

ITEM 11 - ATTACHMENT 2 QUARTERLY BUDGET REVIEW REPORTING TEMPLATE.

Capital Budget Review Statement Port Stephens Council Budget review for the quarter ended 30/09/2025										
Description	Previous Year	Current Year Original	Approved Changes	Approved Changes	Approved Changes	Revised	Recommended changes	Projected Year End (PYE)	VARIANCE	ACTUAL YTD
	Actual	Budget	Review	Review	Review	Budget	for council resolution	Result	ORIGINAL budget v PYE	
	2024/25 \$000's	2025/26 \$000's	Q 1 \$000's	Q 2 \$000's	Q 3 \$000's	\$000's	\$000's	2025/26 \$000's	2025/26 \$000's	2025/26 \$000's
CAPITAL FUNDING										
Rates & other untied funding	1,574	1,558					0	1,558	0	2,150
Capital Grants & Contributions	27,775	9,248					13,740	22,988	13,740	7,501
Reserves - External Restrictions	5,360	2,050					11,339	13,389	11,339	656
Reserves - Internally Allocated	6,416	18,213					12,416	30,629	12,416	278
New Loans								0	0	
Proceeds from sale of assets								0	0	
General fund contribution to capital	506	0					444	444	444	0
Total Capital Funding	41,631	31,069	0	0	0	0	37,939	69,008	37,939	10,585
CAPITAL EXPENDITURE										
WIP								0	0	
New Assets	22,621	552					6,234	6,786	6,234	684
Asset Renewal	19,010	24,450					31,706	56,156	31,706	9,110
Transfer to reserves		6,066						6,066	0	
Total Capital Expenditure	41,631	31,069	0	0	0	0	37,940	69,008	37,940	9,794
Net Capital Funding - Surplus /(Deficit)	0	-0	0	0	0	0	-0	0	-0	791
Notes Original Budget +/- approved budget changes in previous quarters = REVISED Budget Revised Budget +/- recommended changes this quarter = PROJECTED year results Please refer to the detailed council QBR report.										

ITEM 11 - ATTACHMENT 2 QUARTERLY BUDGET REVIEW REPORTING TEMPLATE.

Cash and Investments Budget Review Statement										
Port Stephens Council										
Budget review for the quarter ended 30/09/2025										
Description	Previous Year Actual 2024/25 \$000's	Current Year Original Budget 2025/26 \$000's	Approved Changes Review Q 1 \$000's	Approved Changes Review Q 2 \$000's	Approved Changes Review Q 3 \$000's	Revised Budget \$000's	Recommended changes for council resolution Q1 \$000's	Projected Year End (PYE) Result 2025/26 \$000's	VARIANCE ORIGINAL budget v PYE 2025/26 \$000's	ACTUAL YTD 2025/26 \$000's
Total Cash, Cash Equivalents & Investments	79,534	102,920					-37,299	65,621	-37,299	82,509
EXTERNALLY RESTRICTED										
Developer contributions - General	25,550	31,930					-7,336	24,594	-7,336	28,827
Unspent grants	7,796	15,195					-15,195	0	-15,195	4,941
Domestic waste management	7,725	11,707					-886	10,821	-886	10,615
Stormwater management								0	0	
Crown Reserve	3,544	4,796					-1,716	3,080	-1,716	3,217
Unclaimed money	538	538					0	538	0	538
Total Externally Restricted	45,153	64,166	0	0	0	0	-25,133	39,033	-25,133	48,138
Cash, cash equivalents & investments not subject to external restrictions	34,381	38,754	0	0	0	0	-12,166	26,589	-12,166	34,371
INTERNAL ALLOCATIONS										
Bonds and Retentions	1,631	1,631					0	1,631	0	1,451
Administration Building Reserve	92	236					-237	-0	-237	83
Asset Rehabilitation Reserve	4,274	4,616					-4,617	-0	-4,617	3,971
Commercial Properties Reserve	5,134	5,725					-1,995	3,730	-1,995	4,787
Community Loans	200	200					0	200	0	200
Community Halls	127	131						131		136
Drainage Reserve	1,653	1,987					-1,843	144	-1,843	1,603
Election Reserve	0	150					0	150	0	38
Employee Leave Entitlements (ELE)	1,000	1,000					0	1,000	0	1,000
Enhanced Services Reserve	766	1,532					-766	766	-766	1,140
Federal Assistance Grant Reserve	4,322	0					0	0	0	3,242
Fleet Reserve	346	812					-21	791	-21	2
IT Reserve	1,782	3,364					-1,843	1,521	-1,843	1,574
Meadow Place Plan and Sporting Facilities Reserve	0	0					0	0	0	0
Other Waste Services Reserve	0	388					0	388	0	76
Parking Meters Reserve	1,188	1,726					-203	1,524	-203	1,301
Repealed Funds Reserve	1,396	8					-8	-0	-8	1,396
Roads Acceleration Program (RAP) Reserve	0	1,000					0	1,000	0	1,000
Roads / Environmental Reserve	620	1,003					-633	370	-633	800
Sustainable Energy & Water Reserve	52	80					0	80	0	59
Unexpended Loan Funds Reserve	0	0					0	0	0	0
Ward Funds Reserve	28	0					0	0	0	32
Emergency & Natural Disaster	4,509	6,000					0	6,000	0	3,714
Grant Co-Contribution Reserve	528	3,000					0	3,000	0	124
Resilience Fund	3,500	3,500					0	3,500	0	3,500
Section 355c	664	664					0	664	0	0
Total Internally Allocated	33,812	38,754	0	0	0	0	-12,166	26,589	-12,166	31,229
Unallocated	569	0	0	0	0	0	0	0	0	3,142

External Restrictions - must be used for a specific purpose and are not to be used for general operations. The funds are bound by legislation or third party agreement that restricts their use.

Internal Allocations - Council have allocated by resolution or policy to identified programs of work and any forward plans identified by Council. These allocations are at the discretion of council.

ITEM 11 - ATTACHMENT 2 QUARTERLY BUDGET REVIEW REPORTING TEMPLATE.

Developer Contributions Summary																						
Port Stephens Council																						
Budget review for the quarter ended 30/09/2025																						
Purpose	Opening Balance As at 1 July 2025 \$000's	Developer Contributions Received										Interest Earned	Interest Earned	Interest Earned	Amounts Expended	Amounts Expended	Amounts Expended	Internal Borrowings (to)/from	Internal Borrowings (to)/from	Internal Borrowings (to)/from	Held as Restricted Asset	Cumulative balance of internal borrowings (to)/from
		Cash	Cash	Cash	Non-Cash Land	Non-Cash Land	Non-Cash Land	Non-Cash Other	Non-Cash Other	Non-Cash Other	Interest Earned	Interest Earned	Interest Earned	Amounts Expended	Amounts Expended	Amounts Expended	Internal Borrowings (to)/from	Internal Borrowings (to)/from	Internal Borrowings (to)/from	Held as Restricted Asset	Cumulative balance of internal borrowings (to)/from	
		Q1 \$000's	Q2 \$000's	Q3 \$000's	Q1 \$000's	Q2 \$000's	Q3 \$000's	Q1 \$000's	Q2 \$000's	Q3 \$000's	Q1 \$000's	Q2 \$000's	Q3 \$000's	Q1 \$000's	Q2 \$000's	Q3 \$000's	Q1 \$000's	Q2 \$000's	Q3 \$000's	As at this Q \$000's	As at this Q \$000's	
Drainage	1,066	62									38			0						1,166		
Roads	2,753	146									99			9						2,988		
Traffic facilities	2,161	71									77			0						2,309		
Parking																				0		
Open space	11,206	703									402			332						11,978		
Community facilities	4,359	274									156			13						4,776		
Other	463	173									23			0						658		
Total S7.11 Under plans	22,008	1,428	0	0	0	0	0	0	0	0	795	0	0	354	0	0	0	0	0	23,877	0	
S7.11 Not under plans	0	0																		0		
S7.12 Levies	2,106	1,224									76			223						3,183		
S7.4 Planning agreements	0	0																		0		
S64 Contributions	0	0																		0		
Other	1,436	331																		1,767		
Total Developer Contributions	25,550	2,983	0	0	0	0	0	0	0	0	871	0	0	577	0	0	0	0	0	28,827	0	

Notes

All developer contributions received are to be disclosed, and distinguished as cash or non cash. Recognition occurs when council gains control over the asset (cash or non cash). Councils have obligations to provide facilities from contribution revenue levied on developers under the provisions of s7.4,s7.11 and s7.12 of the *Environmental Planning and Assessment Act 1979*. Developer contributions may only be expended for the purpose for which the contributions were required, however council may apply contributions according to the priorities established in work schedules for the contribution plan.

'Amounts Expended' only includes monetary expenditure. The result should be a positive and not negative result.

ITEM NO. 12

**FILE NO: 25/262710
EDRMS NO: PSC2014-04199 and
PSC2014-04200**

**APPOINTMENT OF DIRECTOR TO THE BOARDS OF NEWCASTLE AIRPORT
PARTNERSHIP COMPANY 3 PTY LIMITED AND NEWCASTLE AIRPORT
PARTNERSHIP COMPANY 4 PTY LIMITED**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Note that Councillor Chris Doohan has, as Deputy Mayor, declined to be appointed as a Director for Newcastle Airport Partnership Company 3 Pty Limited.
- 2) Note that Councillor Chris Doohan has, as Deputy Mayor, declined to be appointed as a Director for Newcastle Airport Partnership Company 4 Pty Limited.
- 3) Nominates a Councillor to be appointed as a Director for Newcastle Airport Partnership Company 3 Pty Limited to fulfil the functions outlined in the report.
- 4) Nominates a Councillor to be appointed as a Director for Newcastle Airport Partnership Company 4 Pty Limited to fulfil the functions outlined in the report.
- 5) From 28 September 2026, the Director for Newcastle Airport Partnership Company 3 Pty Limited and Newcastle Airport Partnership Company Pty Limited reverts back to the incumbent Deputy Mayor, in accordance with existing practice.

BACKGROUND

The purpose of this report is to:

- 1) Note that Councillor Chris Doohan has declined to be appointed as a Director of Newcastle Airport Partnership Company 3 Pty Limited (NAPC3) and Newcastle Airport Partnership Company 4 Pty Limited (NAPC4) in his capacity as Deputy Mayor.
- 2) Authorise the nominated Councillor be appointed as:
 - a) Director of NAPC3 Pty Limited
 - b) Director of NAPC4 Pty Limited
 - c) Proxy for NAPC3 in relation to shareholding of NAPC3 (as a trustee of Newcastle Airport Partnership Trust 3 in Greater Newcastle Aerotropolis Pty Limited (GNAPL))
 - d) Proxy for NAPC4 in relation to shareholding of NAPC4 (as a trustee of Newcastle Airport Partnership Trust 4) in GNAPL

ORDINARY COUNCIL - 25 NOVEMBER 2025

- e) Proxy for Port Stephens Council (PSC) in relation to shareholding of PSC in Newcastle Airport Pty Limited (NAPL).

Port Stephens Council is the sole shareholder of Newcastle Airport Partnership Company 3 Pty Limited and Newcastle Airport Partnership Company 4 Pty Limited.

The Directors of each company are currently: Mayor Leah Anderson, Deputy Mayor, Mr Tim Crosdale (General Manager of Port Stephens Council) and Mr Glen Peterkin (Financial Services Section Manager of Port Stephens Council).

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025-2029
Resources and finance	Deliver Governance Services and internal audit program

FINANCIAL/RESOURCE IMPLICATIONS

Financial and resource implications are provided for within the existing budget. There is no compensation for appointment to these Boards.

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 Council could be in breach of the Local Government Act 1993 if it fails to appoint delegates to the Boards.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

COMMUNICATION AND ENGAGEMENT

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

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

The following communication and engagement applies to this report.

External communications and engagement

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

Internal communications and engagement

Consultation with key stakeholders has been undertaken by the General Manager's Office.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 13**FILE NO: 25/274154**
EDRMS NO: PSC2009-02488**POLICY REVIEW: WORKPLACE SURVEILLANCE POLICY**

REPORT OF: MELISSA DODDS - PEOPLE, PROCESS AND TECHNOLOGY
SECTION MANAGER
DIRECTORATE: CORPORATE STRATEGY AND SUPPORT

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the revised Workplace Surveillance 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 Workplace Surveillance Policy dated 27 September 2022, Minute No. 261 should no submissions be received.

BACKGROUND

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

It is the intention of the policy to, where reasonably practicable, provide a safe and healthy workplace for its workers and others. The Workplace Surveillance Act 2005 (NSW) requires that workers and the community are made aware of surveillance undertaken by Port Stephens Council (Council). The policy will assist Council in complying with its legal obligations by informing workers and others of the surveillance devices used in our workplace in order to enhance safety outcomes for Council.

The subject policy was adopted in August 2013 and has been reviewed in accordance with the corporate policy review process.

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 the 4-year Workforce Management Strategy.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or 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

It is a requirement of the Workplace Surveillance Act 2005 (NSW) (the Act) that a policy is in place informing staff and the community of Council's usage of surveillance technology.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that without the appropriate policy and guidelines in place, Council would not be meeting its obligations under the Act.	Low	Adopt the recommendations.	

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.
--------	---

ORDINARY COUNCIL - 25 NOVEMBER 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 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 People, Process and Technology Section with:

- The Executive Team to seek management endorsement.
- The Consultative Committee in order to seek feedback from the workforce.

OPTIONS

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

ATTACHMENTS

- 1) Revised Workplace Surveillance Policy. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2009-02488

TITLE: WORKPLACE SURVEILLANCE POLICY

OWNER: ~~ORGANISATION SUPPORT~~ **PEOPLE, PROCESS AND TECHNOLOGY** SECTION MANAGER

1. PURPOSE:

- 1.1 The Workplace Surveillance Act 2005 (NSW) requires that workers and the community are made aware of surveillance undertaken by Port Stephens Council (Council).
- 1.2 The purpose of this policy is to comply with Council's legal obligations by informing workers and others of the surveillance devices used in our workplace and to enhance safety outcomes for Council.

2. CONTEXT/BACKGROUND:

- 2.1 The rights of Council, its employees and others, as prescribed in workplace surveillance and privacy legislation, calls for management processes to ensure continued legislative compliance. This Workplace Surveillance Policy establishes the protocol to meet Council's legislative obligations.
- 2.2 Technology advances have made optical devices commonplace through camera and tracking capabilities being part of most mobile devices. Council, in the course of its business, uses these devices. Individual workers have similar capabilities within a Council supplied mobile device or their personal mobile device.

3. SCOPE:

- 3.1 Council recognises its obligations to ensure, where reasonably practicable, a safe and healthy workplace for its workers and others.
- 3.2 The use of certain devices has the potential through the:
 - a) Provision of tracking devices, to identify the geographical location of a worker, if they are in need of emergency assistance.
 - b) Provision of CCTV, and surveillance cameras to deter a possible assailant and reduce the safety risks associated with workers and others, to deter assault, vandalism and criminal activity, and/or to capture evidence for environmental investigations.
 - c) Monitoring of inputs and outputs of data to manage the risks associated with non-compliance to Council's Code of Conduct and Work Health and Safety (WHS) requirements.

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Policy



- 3.3 Existing workers of Council shall be notified of the installation and intent of tracking devices, CCTV camera and data surveillance through the dissemination of this policy.
- 3.4 Workers yet to commence with Council shall be given notification of this policy as part of their offer of employment. By accepting employment with Council, the worker will be consenting to the conducting of surveillance in accordance with this policy, immediately upon the commencement of employment with Council.
- 3.5 Information stemming from the use of surveillance, as outlined in this policy, will not be used for the purposes below:
 - a) As the sole and primary means of disciplinary action.
 - b) To target or victimise employees.
 - c) As a form of real time employee performance monitoring.
- 3.5.1 This means that surveillance information can be used for disciplinary purposes only to substantiate allegations stemming from other sources. This prevents victimisation in the workplace and prevents the potential abuse of power on part of those who have access to the surveillance information.
- 3.5.2 It has the secondary benefit of not viewing employees under surveillance in terms of Lowest Common Denominator thinking, in that Council expects the worst from their employees. Trust in the workplace is a vital component to increase productivity beyond that of doing merely the bare minimum.
- 3.6 From time to time staff delegated under the Surveillance Devices Act 2007 (NSW), as part of their role to assist with maintaining security and safety at Council owned facilities, may view CCTV vision to assist with these requirements of their role.
- 3.7 Tracking Devices
 - 3.7.1 Council, at time, requires workers to work alone and in isolation to the general workplace. To reduce the risks associated with this, Council has introduced tracking devices to identify the location of the worker, should any emergency response be required. Where tracking devices are utilised, surveillance will be continuous and ongoing.
 - 3.7.2 Increasingly, Council's vehicle fleet has equipment that provides back to base, real time capability with regard to location, engine revolutions per minute (RPM), gear ratio and other performance data through In Vehicle Management Systems (IVMS). This data is invaluable in informing our process improvement activities and for identifying obstacles to our teams that currently prevents them from doing an even better job than they do now. Where a vehicle is supplied with an IVMS or GPS device, the vehicle will display notification that a device is installed in the vehicle.

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Policy

- 3.7.3 IVMS data including vehicle trip and driver information may be periodically accessed and utilised by the Fleet Management team for the purposes of Strategic Fleet Management Planning and decision making. This data may be used for, buy/hire decisions, electric vehicle suitability assessments and plant utilisation data.
- 3.7.4 Where there is provision of the device in the vehicle, a risk assessment process shall be completed to ascertain the need for such device. This will occur prior to any operation or function of such device. If the risk assessment deems it necessary to install a device, the vehicle will display notification that a device is installed in the vehicle.
- 3.7.5 The provision of IVMS in Council vehicles may include camera devices for external driving footage (Dash Cameras). Only dash camera devices that are integrated into the IVMS system, including its centralised data storage, are to be installed in vehicles.
- 3.7.6 For an 'on person' device, workers will be informed that they are required to carry such a device whilst at work based on a risk assessment identifying the need for such a device. This will occur prior to any operation or function of any such device.
- 3.7.7 A representative from the Work Health and Safety Team shall be involved throughout all risk assessments undertaken under this policy.
- 3.7.8 All Council issued mobile devices that have GPS functionality, can be tracked by Council's Information Communication and Technology unit.
- 3.8 Closed Circuit Television
 - 3.8.1 Council use CCTV surveillance cameras and overt/covert surveillance devices in and around various Council worksites and facilities. This camera surveillance monitors or records visual images of activities on premises or, in any other place. CCTV camera surveillance will be continuous and ongoing.
 - 3.8.2 Signs are located within each site/location to identify the areas affected by the camera surveillance, and are clearly visible at each entrance to that site or location. In the event where Council is conducting an operation in relation to environmental offences and/or investigations, Council will not display signage.
 - 3.8.3 Where Council intends to install new CCTV devices, workers will be notified prior to any operation or function of the new installations which occur after the date of acceptance of this policy by Council.
 - 3.8.4 Council may use licence plate recognition devices and software to manage site access points and maintain accurate logs of vehicles visiting Council sites.

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Policy



3.9 Use of Surveillance Records – Tracking Devices and CCTV

- 3.9.1 Council may use and disclose confidentially the surveillance records where that use or disclosure is for a purpose related to the matter raised below regarding workers and management of Council.
- 3.9.2 Council may also use and disclose the surveillance records where that use or disclosure is related to Council's business activities including:
- To a law enforcement agency in connection with an environmental offence or alleged environmental offence, a criminal offence or alleged criminal offence.
 - In connection with bona-fide legal proceedings.
 - As reasonably believed to be necessary to avert an imminent threat of serious violence or substantial damage to property.
- 3.9.3 Examples of instances in which use or disclose surveillance records might occur include but, are not limited to:
- Allegations of breaches of Council's Code of Conduct.
 - Allegations of poor performance or unacceptable behaviour.
 - Allegations of illegal dumping or other environmental offences.
 - If there is an assault, or suspected assault of a person.
 - If theft of Council's property (or that of a related entity of Council) is suspected.
 - Criminal damage to Council's equipment or facilities (or that of a related corporation of Council) has occurred.
 - A serious WHS incident as defined by the Work Health and Safety Act 2011 (NSW).
 - By request of a worker and union representative regarding any bona-fide investigation.
- 3.9.4 All surveillance records are available under the Government Information (Public Access) Act 2009 (GIPA); however, persons wishing to access these records should be aware that there are provisions under GIPA that may override the release of the information.
- 3.9.5 Generally, CCTV surveillance records will not be used or disclosed unless that disclosure is:
- For a legitimate purpose related to employment of workers or legitimate business activities or functions of the employer.
 - To a member or officer of a law enforcement agency for use in connection with the detection, investigation or prosecution of a criminal offence.
 - For a purpose that is directly or indirectly related to the taking of criminal proceedings.
 - Reasonably believed to be necessary to avert an imminent threat of serious violence to persons or of substantial damage to property.

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3.10. Data Surveillance and Retrieval

- 3.10.1 The computer usage of workers is not routinely read or monitored, however, they are records of Council and shall be managed accordingly. At times, Council may retrieve or review electronic files, records and correspondence of workers. This applies to all Council's information and communication systems including telephones, mobile phones and mobile computing technology. Council also provides a number of software systems, which have the ability to track changes made to data.
- 3.10.2 Designated workers of Council are also required to utilise a variety of security systems such as silkeys and alarm systems, which provide access to Council sites based on unique logins allocated to workers. Surveillance of workers' use of all of these systems and equipment is undertaken by Council on a continual basis.

3.11 Camera Devices

- 3.11.1 Council frequently uses camera devices to take pictures, or videos, eg for the safety of its employees, promotions, press releases, training applications or incident/environmental investigations. At times, this may require including workers, and/or others in the picture or video. To comply with the relevant legislations, the following shall apply:
- A Council worker authorised to operate a Council camera device shall obtain express, or implied, consent from workers and or others, prior to taking the photograph or video.
 - Workers wishing to take pictures or videos from their personal camera device shall respect a person's privacy and obtain express or implied consent from that person or persons prior to taking the picture or video. Council shall devise such policy and procedures to facilitate this approval. In the event where relevant legislation proves that Council is not required to obtain consent from the person or persons prior to taking the picture or video, Council will follow the requirements as outlined in the applicable legislative provisions.
 - Pictures or videos of Council processes, procedures or practices shall not be taken without first obtaining permission from the worker's manager.
 - Managers shall ensure that pictures or videos for a use, other than for internal purposes, shall be approved by the Communications & Customer Experience Section Manager prior to use.

3.12 Recordings of Conversations

- 3.12.1 On occasion, Council may wish to record conversations. Council will not record a private conversation without the consent, of the principal parties to the private conversation or the persons who took part in the activity, as per the requirements of the Surveillance Devices Act 2007 (NSW).

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- 3.12.2 If expressly agreed, when a recording of a conversation is made in relation to a Council worker who is participating in an investigation, the worker will be offered to receive a copy of the recording together with a transcript of the recording if they elect to. This recording cannot occur without the express permission of the worker involved. Council, at no stage, will apply any duress for any interview to be recorded.
- 3.13 Confidentiality and Records
- 3.13.1 Council workers shall at all times exercise duty of confidentiality. Data shall only be released in compliance with the Workplace Surveillance Act 2005 (NSW) and on a need to know basis as prescribed by this policy or by a worker's request.
- 3.13.2 Non-compliance with duty of confidentiality requirements shall render a Council worker liable to disciplinary procedures which may include termination of employment.
- 3.13.3 All documents created in relation to this policy will be kept in accordance with the State Records Act 1998 (NSW) and Port Stephens Council's Records Management, Management Directive.
- 3.13.4 Members of the public can make applications to access Council's data in accordance with the Government Information Public Access (GIPA) Act 2009 and the Privacy and Personal Information Protection Act (PPIPA) 1998.
- 3.13.5 For the purposes of determining compliance to this policy, random audits will be undertaken of data generation and collection activities by Council's internal auditor. Audit results shall be reported to the relevant ~~Group Manager~~ **Director** for determination and the Consultative Committee for review.
- 3.14 Training
- 3.14.1 New workers shall be made aware of this policy during the induction process.
- 3.14.2 Record of worker's awareness of their internet obligations under this ~~management directive~~ **policy** shall be achieved by an on-screen declaration prior to internet access.
- 3.14.3 Record of under awareness and understanding of this ~~management directive~~ **policy** will be contained by the completion of toolboxing of the policy in accordance with the Toolbox Procedure and by publication on Council's Intranet and Internet Site.
- 3.14.4 Ongoing training and awareness of this policy shall be provided by Council management throughout the employment relationship.

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Policy

3.15 Requesting access to information

- 3.15.1 All requests for information under this policy from members of the public will be assessed under the Government Information (Public Access) Act 2009.
- 3.15.2 All requests for data retrieval or review from workers (other than approved Information and Communication Technology workers) can only be approved by any 2 of the following workers, with the exception of the General Manager who may request data retrieval or review without the approval of another manager:
- The General Manager.
 - A ~~Group Manager~~ **Director**.
 - A Section Manager.
 - The Legal Services Manager.
 - The ~~Human Resources~~ **People and Culture** Manager.
- 3.15.3 Any request must specify the reason for data retrieval or review, the specific period to be accessed and the approved worker(s) undertaking the investigation.
- 3.15.4 All requests and approvals must be given in writing. This shall not apply to requests where any individual piece of data directly related to a task being undertaken by a worker is required. In such case a request to gain the individual piece of data shall require approval from the worker's manager.

4. DEFINITIONS:

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

Worker	In this policy, a worker has the same meaning as worker under section 7 of the Work Health and Safety Act 2011, being: - An employee. - A contractor or subcontractor. - An employee of a contractor or subcontractor. - An employee of a labour hire company who has been assigned to work in the person's business or undertaking. - An outworker. - An apprentice or trainee. - A student gaining work experience. - A volunteer. - A person of prescribed class.
Council	Port Stephens Council.
WHS	Work Health and Safety.

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Policy



HSR

Health and Safety Representative.

Workplace

Means premises, or any other place, where employees work, or any part of such premises or place.

GPS

Global Positioning System.

IVMS

In Vehicle Management System.

5. STATEMENT:

- 5.1 Council recognises it has a number of electronic systems in place which are utilised for surveillance. The surveillance devices used by Council are primarily in place to assist Council to capture relevant data needed for the operation of Council's business, improve service delivery, enhance safety outcomes and ensure compliance with relevant legislative requirements.

6. RESPONSIBILITIES:

- 6.1 The ~~Human Resources~~ **People and Culture** Manager is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.

7. RELATED DOCUMENTS:

- 7.1 Port Stephens Council Enterprise Agreement.
- 7.2 Code of Conduct.
- 7.3 Records Management - Management Directive.
- 7.4 Information & Communication Technologies (ICT) Systems & Information Access & Cyber Security Management Directive.
- 7.5 Information & Communication Technologies (ICT) Assets Management - Management Directive.
- 7.6 Information & Communication Technologies (ICT) Physical & Environmental Protection Management - Management Directive.
- 7.7 Telecommunications Management Directive.
- 7.8 Toolbox Procedure.
- 7.9 State Records Act 1998 (NSW).
- 7.10 Local Government Act 1993 (NSW).
- 7.11 Workplace Surveillance Act 2005 (NSW).
- 7.12 Workplace Surveillance Regulation 2022 (NSW).
- 7.13 Surveillance Devices Act 2007 (NSW).
- 7.14 Privacy and Personal Information Protection Act 1998 (NSW).
- 7.15 Government Information (Public Access) Act 2009 (NSW).
- 7.16 Industrial Relations Act 1996 (NSW).

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EDRMS container No.	PSC2009-02488	EDRMS record No.	TBA
Audience	Staff		
Process owner	Organisation Support People, Process and Technology Section Manager		
Author	Human Resources People and Culture Manager		
Review timeframe	3 4 years	Next review date	TBA
Adoption date	13 August 2013		

VERSION HISTORY:

Version	Date	Author	Details	Min No
1	13/08/2013	Human Resources Manager	Adopted.	228
2	12/07/2016	Human Resources Manager	The Workplace Surveillance Policy was reviewed and updated in the new policy template. Reference was changed to the Port Stephens Council Enterprise Agreement 2015. Policy reviewed and updated to ensure less duplication. Reference to Mobile Phones has been updated to Mobile Devices. Surveillance used for environmental investigations and offences has been included in this policy. Scope updated to clarify under what circumstances GPS surveillance will be used by Council.	115

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Policy



Version	Date	Author	Details	Min No
3	11/08/20	Human Resources Manager	Updated into new template. 3.7.5 – removed Health and Safety Representative (HSR) and replaced with 'representative from the Work Health and Safety Team'. 3.12.2 – changed wording to state that the Council worker will be offered a copy of the recording and transcript. 3.15.2 d) – Remove position as no longer exists. 7.12 - Changed Act Year to 2017.	144

Policy

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Policy



Version	Date	Author	Details	Min No
4	27/09/2022	Human Resources Manager	3.6 – Deleted “who are required” and replaced with “delegated under the Surveillance Devices Act 2007”. 3.7.1 – Deleted “may” and replaced with “has”. 3.8.4 Deleted “From time to time staff who are required as part of their role to assist with maintaining security and safety at Council owned facilities may view CCTV vision to assist with these requirements to their role. 3.8.4 - Replaced with “Council may use license plate recognition devices and software to manage site access points and maintain accurate logs of vehicles visiting Council sites.” 3.11.1 – Minor grammatical correction. 3.11.1 b) – Added “, Council will follow the requirements as outlined in the applicable legislative provisions” 3.11.1 d) – Added “& Customer Experience” to reflect current naming convention. 7.4 – Added “& Cyber Security” 7.12 – Updated date for the Workplace Surveillance Regulation 2022 (NSW). Controlled document information: - Updated process owner to Organisation Support Section Manager. - Amended review timeframe to 3 years in accordance with Council’s policy and management directive review timeframe.	261

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Policy



Version	Date	Author	Details	Min No
5	TBA	People and Culture Manager	3.6 – Added 'NSW' after Surveillance Devices Act 2007. 3.7.3 – New sub-clause inserted. 3.7.5 – New sub-clause inserted. 3.12.1 - Added 'NSW' after Surveillance Devices Act 2007. 3.13.5 – Updated position titles. 3.14.2 and 3.14.3 – deleted reference to 'management directive' and added 'policy'. 3.15.2 (b and e) – Updated position titles. 4.1 – Deleted 'HSR' definition as this is not referred to in the document. 6.1 – Deleted 'Human Resources' and added 'People and Culture'. Replaced 'Organisation Support' with 'People, Process and Technology' throughout to reflect current naming convention. Controlled document information: - Updated author to People and Culture Manager. - Amended review timeframe to 4 years in accordance with Council's policy review timeframe.	TBA

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ITEM NO. 14**FILE NO: 25/269375
EDRMS NO: PSC2019-00384****POLICY REVIEW - COMMUNITY LEASING, LICENCING AND TENANCY POLICY**

REPORT OF: CAMERON DONALDSON - COMMUNITY SERVICES SECTION
MANAGER
DIRECTORATE: FACILITIES AND INFRASTRUCTURE

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the revised Community Leasing, Licencing and Tenancy 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 Leasing, Licencing and Tenancy Policy dated 13 September 2022, Minute No. 249 should no submissions be received.

BACKGROUND

The purpose of this report is to provide the revised Community Leasing, Licencing and Tenancy Policy (the 'policy') as shown in **(ATTACHMENT 1)** to Council for consideration prior to public exhibition.

Council is required to ensure community facilities are managed well and promote community participation.

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

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Community Wellbeing	Deliver and manage community recreational, leisure and community facilities.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications from adopting the recommendations. This policy establishes a consistent process for the allocation of facilities and determination of financial contributions.

ORDINARY COUNCIL - 25 NOVEMBER 2025

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal or policy impediments from adopting the recommendations.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council's reputation could be damaged if it is using a policy that is not up to date.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications.

There are no sustainability implications created by endorsing this policy.

COMMUNICATION AND ENGAGEMENT

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

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

ORDINARY COUNCIL - 25 NOVEMBER 2025

EMPOWER	To place final decision-making and/or developed budgets in the hands of the public.
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The following communication and engagement applies to this report.

External communications and engagement

CONSULT	The policy will be placed on public exhibition for 28 days and will be notified through Council's website.
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Internal communications and engagement

Consultation with key internal stakeholders has been undertaken by the Community Services Section to ensure all stakeholders were able to provide feedback to ensure the accuracy of the information documented within the policy.

- Executive Team.
- Assets Section.

OPTIONS

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

ATTACHMENTS

- 1) Community Leasing Licencing and Tenancy Policy. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

- 1) Community Leasing, Licencing and Tenancy Guidelines.

TABLED DOCUMENTS

Nil.

ITEM 14 - ATTACHMENT 1 COMMUNITY LEASING LICENCING AND TENANCY POLICY.

Policy



FILE NO: PSC2021-02605

TITLE: COMMUNITY LEASING, LICENCING AND TENANCY POLICY

OWNER: COMMUNITY SERVICES SECTION MANAGER

1. PURPOSE:

- 1.1 The purpose of this policy is to provide Council with a consistent, structured and transparent framework, for dealing with leases and licences for Council owned or managed land to community service providers and community groups.
- 1.2 The policy aims to achieve well-managed community facilities that promote community participation through establishing a formal process for the allocation of land and determination of financial contributions.
- 1.3 This policy is to be read in conjunction with the ~~associated Guideline document~~ Community Leasing, Licencing and Tenancy Guideline.

2. CONTEXT/BACKGROUND:

- 2.1 Port Stephens has a diverse range of community facilities including recreational spaces that are well suited to a wide range of uses. A consistent approach to issuing leases and licences will ensure fairness, equity and transparency in the allocation and ongoing management of Council's assets.

3. SCOPE:

- 3.1 The provisions of this policy apply to all community land owned or managed by Council, including those parcels of Crown land where Council has been appointed as land manager under Crown Land Legislation.
- 3.2 Community land is intended for general public use. It cannot be sold and cannot be leased for more than 30 years.
- 3.3 Crown land managed by Council is governed by Crown Land Legislation and cannot be leased or licenced if the proposed use is inconsistent with the reserve categories core objectives. Council as land manager can enter into a leasing or licencing arrangement for Crown Land under its care and control.
- 3.4 This policy does not apply to:
 - a) Land managed under the Roads Act 1993.
 - b) Land classified as Operational under the LG Act 1993.

Policy

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ITEM 14 - ATTACHMENT 1 COMMUNITY LEASING LICENCING AND TENANCY POLICY.

Policy



- c) Crown land where Council is not appointed as land manager.
- d) Temporary events.
- e) Commercial facilities that are subject to a lease.
- f) Commercial use of community halls.
- g) Commercial use of sports facilities.

4. DEFINITIONS:

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

Categorisation	The category described in sections 36E-36N (inclusive) of the LG Act that have been applied to the land in the Plans of Management (POM).
Community Group	A company or individual including registered charities that provide a service to the local or wider community who operate a business on a cost recovery basis and do not make a profit.
Community Lease	Where a landlord grants a tenant a legal right to exclusive possession of premises for a specified period of time in return for the payment of rent.
Community Licence	When a licensor grants a licensee a contractual right to occupy premises in return for the payment of a licence fee. In law, a licensee is not entitled to exclusive possession of the premises.
Crown Land	Land held in the name of the State of NSW and reserved under Crown Land legislation.
Crown Land Legislation	The Crown Land Management Act 2016.
LG Act 1993	The Local Government Act 1993.
Temporary Events	Any event that is held less than 4 times in any one calendar year.

- 4.2 Other definitions applicable to this policy are detailed within the associated Community Leasing, Licencing and Tenancy Guideline.

5. STATEMENT:

- 5.1 The leasing or licencing of community facilities is governed by the Community Strategic Plan (plan) and any lease or licence application must be consistent with the intent of that Plan, and any Plan of Management applying to the land.
- 5.2 Council is committed to providing facilities and partnering with community groups and community service providers to enable stand alone community

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ITEM 14 - ATTACHMENT 1 COMMUNITY LEASING LICENCING AND TENANCY POLICY.

Policy



management of these facilities where appropriate.

- 5.3 Council is committed to an open and transparent leasing and licencing framework to ensure fair and equitable dealings with all community service providers.
- 5.4 Council will encourage multiple uses of community facilities wherever appropriate to maximise the use of capital infrastructure. This can be achieved through licencing parts of facilities to multiple groups and may include use of shared amenities and/or car parking. In this circumstance, maintenance responsibilities will be apportioned on an area basis or pro rata contributions to the cost of maintenance by third parties may be required.
- 5.5 Community service providers seeking exclusivity of use must be able to demonstrate significant social and community benefit and ongoing financial viability of the facility and their service. They must also demonstrate a high level of usage and occupancy of the facilities, and must be committed to undertaking continued maintenance of the facility throughout the lease or licence term. Where exclusivity of use is supported, a lease may be offered.
- 5.6 All requests to lease or licence Council owned or managed land must be submitted in writing on the designated application form.
- 5.7 When assessing an application, Council will take into consideration the following factors:
 - a) The Community Strategic Plan and any Plan of Management applying to the land.
 - b) The proposed use of the land.
 - c) The current permitted or potential uses of the land.
 - d) The applicant's financial standing and ability to manage the facility.
- 5.8 Where the land applied for is Crown land, Council will also consider the following factors, in addition to those specified at 5.7 above:
 - a) The Native Title and Aboriginal Land Rights Acts.
 - b) Any requirements for community engagement under Crown Land legislation.
- 5.9 The maximum licence term that will be offered at any time is 5 years and the maximum lease term that can be offered is 30 years.
- 5.10 To ensure fairness and transparency vacant community facilities will be advertised through an Expression of Interest (EOI) process, specifying the purpose for which they are available and inviting submissions for use or occupation. Submissions may also be sought by Council directly from specific community groups where:

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ITEM 14 - ATTACHMENT 1 COMMUNITY LEASING LICENCING AND TENANCY POLICY.

Policy



- a) A prior public competitive process for the lease or licence of the land was unsuccessful, or there are overwhelming public interest considerations.
 - b) In emergency situations
 - c) Where an existing tenant seeks to improve Council's facility through capital investment and requires an extension of the existing lease term to amortize the investment
- 5.11 Council may also reserve the right to offer existing tenants a new lease or licence agreement where an option period has not been identified and where it can be demonstrated that the tenant has delivered positive economic and community benefits with its service delivery across the Local Government Area. ~~If supported, a business case will be required to go to Council for consideration and approval.~~
- 5.12 All leases and licences will attract an annual rental fee. Rental will be determined at either current fees as found in Councils Fees and Charges or through a market rent review where rebates may be applied in accordance with the Community Leasing, Licencing and Tenancy Policy rating criteria questionnaire.
- 6. RESPONSIBILITIES:**
- 6.1 Council's ~~Community Contracts Coordinator~~ **Property & Facilities Coordinator** and Community Services Section Manager are responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.
- 7. RELATED DOCUMENTS:**
- 7.1 **Port Stephens Council** Community Leasing, Licencing and Tenancy Guideline.
 - 7.2 **Port Stephens Council** Community Leasing, Licensing and Tenancy Policy rating criteria questionnaire.
 - 7.3 Financial Assistance under Section 356 of the Local Government Act 1993 (NSW).
 - 7.4 **Port Stephens Council** Community Group Loans Policy.
 - 7.5 **Port Stephens Council** Setting of Fees and Charges Management Directive.
 - 7.6 **Port Stephens Council** ~~Temporary~~ Events **Toolkit**. ~~Policy and Guidelines.~~
 - 7.7 **Port Stephens Council** Commercial Operators Policy.
 - 7.8 **State Environmental Planning Policy (NSW)**. ~~Mobile Food Guideline.~~
 - 7.9 **Port Stephens Council** ~~Plans~~ of Management for Community Land.
 - 7.10 Local Government Act 1993 (NSW).
 - 7.11 Crown Lands Management Act 2016 (NSW).

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ITEM 14 - ATTACHMENT 1 COMMUNITY LEASING LICENCING AND TENANCY POLICY.

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EDRMS container No.	PSC2021-02605	EDRMS record No.	TBC
Audience	Staff, management, Councilors and prospective community service providers.		
Process owner	Community Services Section Manager		
Author	Community Contracts Coordinator		
Review timeframe	3 4 years	Next review date	TBC
Adoption date	23 June 2015		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	23/06/2015	Investment and Asset Manager	Amalgamation of Community Leasing and Tenancy Policy.	173
2	13/02/2018	Property Services Section Manager	Policy has been reviewed following discussions with stakeholders and no changes have been made. Adopted by Council.	012
3	13/09/2022	Community Services Section Manager	Extensive wording changes to incorporate the inclusion of Community Licencing after amalgamation of all Community leases, licenses and tenancy into Community Services Section. Reviewed and updated into the correct Policy template. Amended review timeframe to 3 years in accordance with Council's policy review process.	249

Policy

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ITEM 14 - ATTACHMENT 1 COMMUNITY LEASING LICENCING AND TENANCY POLICY.

Policy



4	TBC	Community Services Section Manager	Policy reviewed with minor formatting. 1.3 Removed "associated guideline document". 5.11 Amended wording 6.1 Updated title from Community Contract Coordinator to Property & Facilities Coordinator 7 Updated relevant documents. Amended review timeframe to 4 years in accordance with Council's policy and management directive review process.	TBC
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ITEM NO. 15

**FILE NO: 25/252989
EDRMS NO: PSC2008-1759**

POLICY REVIEW - PARKS AND ROADSIDE MEMORIALS POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the revised Parks and Roadside Memorials 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 Parks and Roadside Memorials policy dated 14 June 2022, Minute No. 146 should no submissions be received.

BACKGROUND

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

The purpose of the policy is to provide a framework that documents Council's position on memorials such as crosses, plaques and the placement of tributary items such as flowers, cards and photographs erected on roadsides, as well as memorials such as seats, plantings and plaques within parks.

Council does receive requests from individuals or organisations for the installation of memorial plaques or for the donation of park furniture or the planting of trees in memory of a deceased person/s. The policy has been enacted a number of times in the assessment of new and existing memorials. The policy has also been used for relocation, removal and the downsizing of a number of memorials in or on road reserves in a number of locations. All with positive outcomes for Council and the families involved.

Following the policy and the associated assessment process allows Council Officers to ensure memorials are appropriately applied and monitored. This assessment also allows for a period of mourning and avoidance of anniversaries and birthdays when making contact with families in relation to downsizing, relocations or removals.

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
Infrastructure, facilities & connections	Deliver, manage and maintain community and property assets in accordance with the Strategic Asset Management Plan 2025-2035 (SAMP)

FINANCIAL/RESOURCE IMPLICATIONS

The full cost of a park memorial installation is borne by the applicant with the Public Domain and Services Section completing installation and maintenance for the life of the asset. Roadside memorials are to be installed by the applicant in line with the Guideline for Assessment of Roadside Memorials.

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 an obligation to ensure that items within our parks and road reserves are installed safely and the memorials do not place the public in danger. It should be noted that Council does not encourage the placement of memorials within the road reserve. The placement and visiting of a memorial near moving traffic can be considered dangerous at some locations along the road reserve.

Under section 138 of the Roads Act 1993, a person must not:

- Erect a structure or carry out work in, on or over a public road.
- Dig up or disturb the surface of a public road.
- Remove or interfere with a structure, work or tree on a public road, other than with the consent of the appropriate road authority.

While the memorial object and the act of placing a memorial within the road reserve can be considered a risk, this policy does recognise the social and community benefit of memorials if undertaken as per the attached guidelines.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that non-conforming memorials such as distracting non-frangible objects are placed in our road reserve leading to general driving public being placed in danger.	Medium	Adopt the policy so that memorials are consistent and placed in safe locations away from moving traffic.	Yes
There is a risk that Council's reputation may be impacted by removal of roadside memorials if not dealt with in a respectful manner leading to reputation risk to Council.	Low	Adopt the policy so that if any memorial is required to be moved, removed or resized a process is followed that allows for respect for the mourning family.	Yes
There is a risk that Council will not have a consistent approach to the implementation of park memorials leading to Council being provided with various assets/objects of differing size and type in our parklands.	Low	Adopt the policy and apply the reference guidelines to allow a consistent approach to managing memorials.	Yes
There is a risk that Council will have too many assets within parks and reserves leading to increased pressure on maintenance budgets.	Low	Adopt the policy and apply the reference guidelines to allow a consistent approach to managing memorials.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Research conducted into previous memorial policies outlines the effects of driver behaviour in the presence of roadside memorials. The literature review suggests policies allowing the use of memorials helps grieving loved ones, and at the same time, if employed correctly, may also help the driving public understand the objective risk of driving and promote safer driving. The research also revealed memorial use might endanger drivers in the case where distraction is evident and memorials have been allowed to remain present.

Research has revealed:

- Memorials are more likely to slow some drivers down.
- Memorials are more likely to make some drivers more cautious, possibly reducing crashes and crash related costs to the community.
- Incorrectly placed memorials may distract some drivers.
- Drivers prefer policies supporting memorial use.

Overall, drivers appeared to support roadside memorials and reported more positive influences than negative effects.

The continued assessment and regulation of parks and roadside memorials is used to place new or move existing memorials to a safe location. Safe locations increase the distance of persons who may view, visit or maintain a memorial away from moving traffic.

The policy will assist Council to manage the road corridor by providing a safe clear zone for errant vehicles. Additionally, the placement of memorials outside the clear zone assists roadside mowing contractors to carry out their works without obstruction.

Park memorials are a way of recognising the community's connection with their local parks and reserves. This connection can range from local to state or even sometimes national in their significance and park memorials can help educate the public about significant people and events within the community.

COMMUNICATION AND ENGAGEMENT

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

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

ORDINARY COUNCIL - 25 NOVEMBER 2025

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.
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Internal communications and engagement

Consultation has been undertaken by the Assets Section with:

- Governance Section.
- People, Process and Technology.
- Public Domain and Services Section.
- Communications and Customer Experience Section.

OPTIONS

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

ATTACHMENTS

- 1) Parks and Roadside Memorials Policy. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2008-1759

TITLE: PARKS AND ROADSIDE MEMORIALS POLICY

OWNER: ASSETS SECTION MANAGER

1. PURPOSE:

- 1.1 To establish a framework that provides Council's position on memorials such as crosses, plaques and the placement of tributary items such as flowers, cards and photographs erected on roadsides, as well as memorials such as seats, plantings and plaques within parks.

2. CONTEXT/BACKGROUND:

- 2.1 Requests for memorials are becoming more prevalent with the changing cultural practices relating to the memorialisation of the deceased.
- 2.2 Roadside memorials symbolically mark a location where a person has died as a result of a motor vehicle crash or other road related incident. Structures such as crosses, seats and garden beds or objects such as wreaths, cards, photographs and ornaments are often placed as close as possible to the location of the crash.
- 2.3 Park memorials are a way of recognising the community's connection with parks. Memorials may add to the cultural and heritage value to the landscape and can help educate the public about significant people and events connected with parks and reserves.

3. SCOPE:

- 3.1 The placement of roadside memorials is a matter for individual families. Council respects the wishes of families wanting to place memorials and will provide sympathetic advice for people making enquiries of this nature.
- 3.2 Road Reserve
- 3.2.1 Council does not encourage the placement of roadside memorials and tributary items, and will not install or maintain memorials on behalf of families or individuals. However, this policy does recognise the social and community benefit of memorials and will approve them if undertaken safely as per the Roadside Memorials Assessment Process, Assessment of Roadside Memorials Guideline and Assessment Template.

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Policy

3.2.2 Roadside memorials include:

- a) crosses
- b) wreaths
- c) cards
- d) photographs
- e) ornaments.

3.3 Parks

3.3.1 Council provides a framework which allows families or individuals to place memorials within Council owned or managed parks and reserves. The placement of memorials within Council's Parks and Reserves will be managed in accordance with Park Memorials Guideline and the Park Memorials Application Process.

3.3.2 Park Memorials include:

- a) seats
- b) seats with plaque
- c) trees
- d) trees with plaque.

4. DEFINITIONS:

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

Memorial	An object established in memory of a person or event.
Plaque	A flat tablet of metal, stone or other appropriate material, which includes text and/or images, which commemorate a person or an event and/or provide historical text or information relevant to its location. Such tablet to be affixed to an object, building or pavement.

5. STATEMENT:

- 5.1 Council recognises the social and community benefits of memorials in our parks and roads.
- 5.2 Council shall:
 - a) Recognise the deep emotions attached to memorials and to be sensitive in dealing with the issues regarding their location within or adjacent to Council's

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Policy



- b) parks and roads.
- b) Provide consistent information on the placement, modification, relocation or removal of memorials.
- c) Limit Council's exposure to the potential road safety and public liability risks.
- d) Follow the relevant guideline in the assessment of memorials.

6. RESPONSIBILITIES:

- 6.1 The key position/s responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy are the Civil Assets Manager and Community **Assets** and ~~Recreation~~ Coordinator.

7. RELATED DOCUMENTS:

- 7.1 **Port Stephens Council** Asset Management Policy.
- 7.2 **Port Stephens Council** ~~Guideline~~—Assessment of Roadside Memorials Guideline.
- 7.3 **Port Stephens Council** **Assessment of** Roadside Memorials **template**.
~~Assessment~~
- 7.4 **Port Stephens Council** Assessment of Park Memorial **Applications Guidelines**.
- 7.5 **Roads Act 1993 No 33, Section 138 Works and Structures (NSW)**.

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EDRMS container No.	PSC2008-1759	EDRMS record No.	TBC
Audience	Community, Public Domain and Services, Assets Section and Corporate Risk Management		
Process owner	Assets Section Manager		
Author	Assets Section Manager		
Review timeframe	3 4 years	Next review date	TBC
Adoption date	28/01/03		

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Policy



VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	28/01/03	Phil Buchan	Roadside Tributes and Memorials Policy	24
2	14/09/10	Assets Section Manager	Roadside Memorials Policy	280
3	08/09/15	Assets Section Manager	Updated Roadside Memorials Policy to incorporate Brand Identity Style Guide V1.0 and introduced parks memorials into the previous Roadside Memorials Policy	268
4	24/04/18	Assets Section Manager	Global Review and updated to policy to new Policy Template. 3.3.2 - Removal of Plaques 7 - Addition of 7.1 and Removal of Assessment and Maintenance of Roads Policy & Assessment and Maintenance of Footpath and Cycleways Policy. Following Public Exhibition 1 Submission was received and comments noted. No change to content of policy however formatted to reflect new template.	095
5	10/07/18	Assets Section Manager	Endorsed by Council at Ordinary Meeting 10/07/18	208
6	09/06/20	Assets Section Manager	Global Review and updated policy to new Policy Template. 2.2 – Further definition regarding the symbolically marked location provided. 5.4 – Updated grammatical error 6.1 – Updated to reflect current template wording 7.4 – ‘Guideline – Assessment of Park Memorials’ added into the Related Documents	096

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Policy



Version	Date	Author	Details	Minute No.
			Adopted as no submissions received during Public Exhibition period.	
7	14 June 2022	Assets Section Manager	Policy has been reviewed and updated into the current policy template. Update format of clause 5.2.	146
8	TBC	Assets Section Manager	Reviewed with minor changes, 6 – Title update. 7 – Related documents updated to reflect owners and added Roads Act 1993 No 33, Section 138 Works and Structures (NSW). Amended review timeframe to 4 years in accordance with Council's policy and management directive review process.	TBC

Policy

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ITEM NO. 16

**FILE NO: 25/271037
EDRMS NO: PSC2019-05538**

POLICY REVIEW - PUBLIC PROPERTY ENCROACHMENT POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the revised Public Property Encroachment 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 Public Property Encroachment Policy dated 14 June 2022, Minute No. 148 should no submissions be received.

BACKGROUND

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

The policy relates to encroachment of private assets on Council's land, such as road reserves and community or operational land. The policy amongst other things defines what is meant by encroachment and also notes the application process.

Private assets include assets such as water features, steps, retaining walls, garden beds, and landscaping to name a few. The policy does not relate to buildings or structures as these are covered through the Development Application process.

Council acknowledges that the private assets on Council land can beautify an area and can be mutually beneficial to the community and Council. However, in some cases this beautification and encroachment on Council land may have a negative impact to the community, public safety, environment and amenity of the land, hence a Council position and process should be adopted by Council.

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
Infrastructure, facilities & connections	Deliver, manage and maintain community and property assets in accordance with the Strategic Asset Management Plan 2025-2035 (SAMP)

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications with the adoption of this proposed 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

While there may be a risk with private assets being built and maintained on Council land, it could be considered to have no more risk than the community mowing the nature strip adjacent to their property. This assumes that the private assets have been through the encroachment application process and have been approved by Council staff.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that not adopting the policy will lead to an inconsistent management of private assets on public land.	Low	Adopt the policy.	Yes
There is a risk that assets will be built leading to unsafe community areas or access being prevented.	Low	Adopt the policy so the community and Council staff gain clarity on what is allowed and acceptable.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Allowing private assets on Council land through the policy provides beautification on public areas, gives residents ownership and a sense of pride of their surrounding community.

COMMUNICATION AND ENGAGEMENT

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

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

The following communication and engagement applies to this report.

External communications and engagement

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.
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Internal communications and engagement

Consultation has been undertaken by the Assets Section with:

- Public Domain and Services Section.
- Development Services Section.

OPTIONS

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

3) Reject the recommendations.

ATTACHMENTS

1) Public Property Encroachment Policy. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2019-05538

TITLE: PUBLIC PROPERTY ENCROACHMENT POLICY

OWNER: ASSETS SECTION MANAGER

1. PURPOSE:

- 1.1 The purpose of this policy is to provide Council's position on encroachment of private assets on Council's land such as road reserves and public community or operational land.
- 1.2 This policy is linked to Key Direction P2 Infrastructure, and Facilities facilities and connections – Our community's infrastructure and facilities are safe, convenient, reliable and environmentally sustainable.

2. CONTEXT/BACKGROUND:

- 2.1 Council owns and manages a large portfolio of land for the community and public to use. Council recognises that some adjoining private property owners undertake work to beautify and maintain Council's land to the mutual benefit of each party. In some cases these beautifications extend beyond maintenance and result in private assets being placed on Council land.
- 2.2 In some cases this results in a sense of ownership and pride that benefits Council and the public.
- 2.3 In other cases this beautification and encroachment on Council land may have a negative impact to the community, public safety, environment and amenity of the land.
- 2.4 The extent of the encroachment and the organisation's risk appetite will determine Council's ability to accept or deny each encroachment and any further action required.

3. SCOPE:

- 3.1 This policy relates to encroachment on Council's road reserves and public community or operational land.
- 3.2 This policy does not relate to:
 - a. Parks and roadside memorials.
 - b. The encroachment on Council's commercial property portfolio.

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Policy

- c. Items relating to covered under Council's Outdoor trading/activities Policy on Council land.
- d. Bus shelter advertising.
- e. The Foreshore Vessel Storage Policy.
- f. Private utilities that are covered under Section 611 of the Local Government Act 1993.
- g. Any other activity or use that is approved or exempt from requiring prior approval. These are covered under other adopted Council policies, fees and charges or legislation.

3.3 Where an existing or proposed encroachment results in:

- a. A compromise to the integrity of natural and/or cultural values.
- b. Prevention of public use or access.
- c. Impediment of fire management.
- d. The detracting from aesthetic appearances, biodiversity conservation values, and/or character of the area.
- e. The diversion and/or encumbrances of Council resources or assets.
- f. The jeopardy of public safety.
- g. The social inequity.
- h. Council's legal liability.
- i. Traffic and pedestrian safety.
- j. Negative impediment of drainage or of natural coastal processes.

Council may either not approve the proposed encroachment or order the person who undertook the existing encroachment to remove/make good the area to Council's satisfaction. These works and any associated approvals will be at the cost of the person who has undertaken or benefits from the encroachment.

3.4 If works are not undertaken by the order date Council may take action and invoice the owner of the encroachment to recoup costs.

3.5 Should approval be granted, these works and any associated approvals will be at the cost of the applicant is requesting the encroachment works.

4. DEFINITIONS:

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

Private assets	Include but not limited to - water features, steps, retaining walls, fencing or physical barrier, gazebos, garden beds, and landscaping, vegetable patches, seating and furniture, BBQs, fire pits, boat ramps,
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	storage equipment, structures (i.e. decking, patios, concrete/paving works).
Public community and operational land	Relates to lands defined as community or operational land held/managed by Council. Does not include Council owned commercial and investment lands.
Community Land	Land owned and managed by Council.
Council managed Community Land	Land managed by Council (ie Crown Trust).
Operational Land for Community Purposes	Operational land owned and managed by Council for community purposes.
Road Reserve	Land owned and managed by Council.
Council managed Road Reserves	Land managed by Council (i.e. RMS TfNSW roads).

5. STATEMENT:

- 5.1 Council acknowledges that suitable encroachments may have benefits to residents, the community, public and Council by providing a sense of place, ownership, pride and increased maintenance.
- 5.2 Proposed works are to be applied through Council's 'Works on Community Land Application' or Roads Act 1993 approval process.
- 5.3 Encroachment may take many forms and each one will be assessed on its merits, benefits to the public and the organisations risk appetite.
- 5.4 Council may revoke previous approvals as new information become available or if the change of use prevents the space from being used for which it was intended.
- 5.5 Any approval for private assets transfers to the new owners upon sale of the adjoining property.
- 5.6 The applicant of the encroachment asset/adjoining property owner is responsible to remove and restore the private asset should Council or any other public authority require access through the subject area.

6. RESPONSIBILITIES:

- 6.1 Community Assets and Recreation Coordinator for community land.
- 6.2 Civil Assets Planning Manager for road reserves.

7. RELATED DOCUMENTS:

- 7.1 Roads Act 1993 (NSW).

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7.2 Local Government Act 1993 (NSW).

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2019-05583	EDRMS record No.	TBC
Audience	Mayor and Councillors, Council Staff and Community.		
Process owner	Community Assets and Recreation Coordinator for community land. Civil Assets Planning Manager for road reserves. Property Services Section Manager for Operational land.		
Author	Asset Section Manager		
Review timeframe	3 4 years	Next review date	TBC
Adoption date	14 July 2020		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	14 July 2020	Assets Section Manager	New policy was adopted.	133
2	14 June 2022	Assets Section Manager	Reviewed and updated into the Policy template. 3.2e Updated name of policy. Removed "Dinghy" and replaced with "Foreshore Vessel Storage". 3.3d Added "biodiversity conservation values". 3.3i Added the word "safety". 3.3j Added "Negative impediment of drainage or of natural coastal processes."	148

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Version	Date	Author	Details	Minute No.
3	TBC	Assets Section Manager	Reviewed with changes. 1.2 – delete 'our Facilities'. Add 'facilities and connections'. 3.2 c – reworded to better reflect purpose. 3.3 – add 'or benefits from'. 4.1 Definition – delete 'RMS'. Add 'TfNSW'. 6.1 - Update to Title 7 - Related documents updated to reflect owners. Amended review timeframe to 4 years in accordance with Council's policy and management directive review process.	TBC

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ITEM NO. 17

**FILE NO: 25/289536
EDRMS NO: 25/291629**

**POLICY REVIEW - MANAGING UNREASONABLE COMPLAINANT CONDUCT
POLICY**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the revised Managing Unreasonable Complainant Conduct 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 Managing Unreasonable Complainant Conduct Policy dated 23 August 2022, Minute No. 225 should no submissions be received.

BACKGROUND

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

The policy is based on the Model Managing Unreasonable Complainant Conduct Policy (model policy) developed by the NSW Ombudsman.

It provides a framework for managing unreasonable conduct by complainants. The policy details roles and responsibilities of all parties to a complaint, expected behaviours and how the process will be managed by Council.

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	Develop and implement strategic direction and governance of Council

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL, POLICY AND RISK IMPLICATIONS

This policy will support Council's complaint management framework and assist to reduce unnecessary diversion of Council resources in complaint management. Council strives to provide the best outcome for all parties within the relevant legislative framework.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk of Harm to Worker – where Council workers are exposed to excessive, unreasonable behaviour (including aggression) from a customer / member of public, which can result in psychological injury and breach of WHS obligations.	Low	Adopt the recommendation.	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.

ORDINARY COUNCIL - 25 NOVEMBER 2025

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

The following communication and engagement applies to this report.

External communications and engagement

CONSULT	The policy will be placed on public exhibition for 28 days on Council's website.
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Internal communications and engagement

Consultation has been 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 Managing Unreasonable Complainants Conduct Policy. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

**ITEM 17 - ATTACHMENT 1 REVISED MANAGING UNREASONABLE
COMPLAINANTS CONDUCT POLICY.**

Policy



FILE NO: PSC2010-00008

TITLE: MANAGING UNREASONABLE COMPLAINANT CONDUCT
POLICY

OWNER: GOVERNANCE SECTION MANAGER

1. PURPOSE:

1.1 This policy is to assist all staff members to better manage unreasonable complainant conduct ('UCC').

1.2 The aim of this policy is to ensure that all staff:

- a) Feel confident and supported in taking action to manage UCC.
- b) Act fairly, consistently, honestly and appropriately when responding to UCC.
- c) Understand their roles and responsibilities in relation to the management of UCC and how this policy will be used.
- d) Understand the types of circumstances when it may be appropriate to manage UCC using one or more of the following mechanisms:
 - i. The strategies provided in the Managing Unreasonable Complainant Conduct Manual (3rd edition) ('practice manual') including the strategies to change or restrict a complainant's access to our services.
 - ii. Alternative dispute resolution strategies to deal with conflicts involving complainants and members of our organisation.
 - iii. Legal instruments such as trespass laws/legislation to prevent a complainant from coming onto our premises and orders to protect specific staff members from any actual or apprehended personal violence, intimidation or stalking.
- e) Have a clear understanding of the criteria that will be considered before we decide to change or restrict a complainant's access to our services.
- f) Are aware of the processes that will be followed to record and report UCC incidents as well as the procedures for consulting and notifying complainants about any proposed actions or decisions to change or restrict their access to our services.
- g) Understand the procedures for reviewing decisions made under this policy, including specific timeframes for review.

2. CONTEXT/BACKGROUND:

2.1 This policy is based on the NSW Ombudsman's Unreasonable Complainant Conduct Model Policy.

Policy

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ITEM 17 - ATTACHMENT 1 REVISED MANAGING UNREASONABLE COMPLAINANTS CONDUCT POLICY.

Policy



- 2.2 The policy provides an open and transparent process for the management of UCC at Council.
- 2.3 Council has developed this policy to support the Complaint Handling Policy.
- 3. SCOPE:**
- 3.1 Defining unreasonable conduct by a complainant**
- 3.1.1 Unreasonable conduct by a complainant**
- 3.1.2 Most complainants act reasonably and responsibly in their interactions with us, even when they are experiencing high levels of distress, frustration, and anger about their complaint. However, despite our best efforts to help them, in a very small number of cases complainants display inappropriate and unacceptable behaviour. They can be aggressive and verbally abusive towards our staff, threaten harm and violence or bombard our offices with unnecessary and excessive phone calls and emails. They may make inappropriate demands on our time and resources or refuse to accept our decisions and recommendations in relation to their complaints. When complainants behave in these ways (and where there are no cultural factors that could reasonably explain their behaviour) we consider their conduct to be 'unreasonable'.
- 3.1.3 ~~Unreasonable complainant conduct ('UCC')~~ **UCC** is any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for our organisation, our staff, other service users and complainants or the complainant themselves.
- 3.1.4 UCC can be divided into five categories of conduct:
- Unreasonable persistence
 - Unreasonable demands
 - Unreasonable lack of cooperation
 - Unreasonable arguments
 - Unreasonable behaviours
- 3.1.5 Unreasonable persistence**
- 3.1.6 Unreasonable persistence is continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources. Some examples of unreasonably persistent behaviour include:

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ITEM 17 - ATTACHMENT 1 REVISED MANAGING UNREASONABLE COMPLAINANTS CONDUCT POLICY.

Policy



- a) An unwillingness or inability to accept reasonable and logical explanations including final decisions that have been comprehensively considered and dealt with (even when it is evident the complainant does understand the information provided).
- b) Persistently demanding a review simply because it is available and without arguing or presenting a case for one.
- c) Pursuing and exhausting all available review options, even after we have explained that a review is not warranted and refusing to accept further action cannot or will not be taken further action on their complaints.
- d) Reframing a complaint in an effort to get it taken up again.
- e) Multiple and repeated phone calls, visits, letters, and emails (including cc'd correspondence) after repeatedly being asked not to.
- f) Contacting different people within or outside our organisation to get a different outcome or more sympathetic response to their complaint – this is known as internal and external 'forum shopping'.

3.1.7 Unreasonable demands

3.1.8 Unreasonable demands are any demands expressly made by a complainant that have a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources. Some examples of unreasonable demands include:

- a) Issuing instructions and making demands about how to handle their complaint, the priority it should be given, or the outcome to be achieved.
- b) Insisting on talking to a senior manager or the General Manager personally when the reasons that this it is not appropriate or warranted have been carefully explained to the complainant.
- c) Emotional blackmail and manipulation resulting in intimidation, harassment, shaming, seduction or portraying themselves as being victimised – when this is not the case.
- d) Insisting on outcomes that are not possible or appropriate in the circumstances, – for example asking for someone to be fired or prosecuted, or for an apology or compensation when no reasonable basis for this.
- e) Demanding services of a nature or scale that we cannot provide, even after we have explained this to them repeatedly.

3.1.9 Unreasonable lack of cooperation

3.1.10 Unreasonable lack of cooperation is when the complainant is unwilling or unable to cooperate with our organisation, staff, or complaints process - resulting in a disproportionate and unreasonable use of our services, time or resources. Some examples of unreasonable lack of cooperation include:

- a) Sending a constant stream of complex or disorganised information without clearly defining any issues at hand or explaining how the material provided relates to the complaint – where the complainant is clearly capable of doing this.

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ITEM 17 - ATTACHMENT 1 REVISED MANAGING UNREASONABLE COMPLAINANTS CONDUCT POLICY.

Policy

- b) Providing little or no detail with a complaint or providing information in 'drips and drabs'.
- c) Refusing to follow or accept our instructions, suggestions, or advice without a clear or justifiable reason for doing so.
- d) Arguing that a particular solution is the correct one in the face of valid contrary arguments and explanations.
- e) Unhelpful behaviour – such as withholding information, acting dishonestly, and misquoting others.

3.1.11 Unreasonable arguments

- 3.1.12 Unreasonable arguments include any arguments that are not based in reason or logic, that are incomprehensible, false or inflammatory, trivial or delirious and that disproportionately and unreasonably impact upon our organisation, staff, services, time, and/or resources. Arguments are unreasonable when they:
- a) fail to follow a logical sequence that the complainant is able to explain to staff
 - b) are not supported by any evidence and/or are based on conspiracy theories
 - c) lead a complainant to reject all other valid and contrary arguments
 - d) are trivial when compared to the amount of time, resources and attention that the complainant demands
 - e) are false, inflammatory or defamatory.

3.1.13 Unreasonable behaviour

- 3.1.14 Unreasonable behaviour is conduct that is unreasonable in all circumstances regardless of how stressed, angry or frustrated that a complainant is – because it unreasonably compromises the health, safety and security of our staff, other service users or the complainant themselves. Some examples of unreasonable behaviours include:
- a) Acts of aggression, verbal abuse, derogatory, racist, or grossly defamatory remarks
 - b) Harassment, intimidation or physical violence.
 - c) Rude, confronting and threatening correspondence.
 - d) Threats of harm to self or third parties, threats with a weapon or threats to damage property including bomb threats.
 - e) Stalking (in person or online).
 - f) Emotional manipulation.
- 3.1.15 All staff should note that Port Stephens Council has a zero tolerance policy towards any harm, abuse or threats directed towards them. Any conduct of this kind will be dealt with under this policy and in accordance with our duty of care and work, health and safety responsibilities.

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ITEM 17 - ATTACHMENT 1 REVISED MANAGING UNREASONABLE COMPLAINANTS CONDUCT POLICY.

Policy

3.2 Roles and responsibilities

3.2.1 All staff

3.2.2 All staff are responsible for familiarising themselves with this policy as well as the Individual Rights and Mutual Responsibilities of the Parties to a Complaint in Appendix A. Staff are also encouraged to explain the contents of this document to all complainants particularly those who engage in UCC or exhibit the early warning signs for UCC.

3.2.3 Staff are also encouraged and authorised to use the strategies and scripts provided at the NSW Ombudsman's website – see Part 2 of the Managing unreasonable conduct by a complainant Manual (3rd Edition):

- a) Strategies and script ideas for managing unreasonable persistence.
- b) Strategies and script ideas for managing unreasonable demands.
- c) Strategies and script ideas for managing unreasonable lack of cooperation.
- d) Strategies and script ideas for managing unreasonable arguments.
- e) Strategies and script ideas for managing unreasonable behaviours.

3.2.4 Any strategies that change or restrict a complainant's access to our services must be considered at the senior management level or higher as provided in this policy.

3.2.5 Staff are also responsible for recording and reporting all UCC incidents they experience or witness (as appropriate) to the Governance Section Manager within 24 hours of the incident occurring, using the UCC incident form. A file note of the incident should also be recorded in Council's records management system.

3.2.6 The Governance Section Manager

3.2.7 The Governance Section Manager, in consultation with relevant staff, has the responsibility and authority to change or restrict a complainant's access to our services in the circumstances identified in this policy. When doing so they will take into account the criteria in Section 3.5.4 below and will aim to impose any service changes or restrictions in the least restrictive ways possible. Their aim, when taking such actions will not be to punish the complainant, but rather to manage the impacts of their behaviour.

3.2.8 When applying this policy the Governance Section Manager will also aim to keep at least one open line of communication with a complainant. However, we do recognise that in extreme situations all forms of contact may need to be restricted for some time to ensure the health, safety and security of our staff or third parties.

3.2.9 The Governance Section Manager is also responsible for recording, monitoring and reviewing all cases where this policy is applied to ensure

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ITEM 17 - ATTACHMENT 1 REVISED MANAGING UNREASONABLE COMPLAINANTS CONDUCT POLICY.



Policy

consistency, transparency and accountability for the application of this policy. They will also manage and keep a file record of all cases where this policy is applied.

3.2.10 Senior Managers

- 3.2.11 All senior managers are responsible for supporting staff to apply the strategies in this policy, as well as those in the manual. Senior managers are also responsible for ensuring compliance with the procedures identified in this policy and that all staff members are trained to deal with UCC – including on induction.
- 3.2.12 After a stressful interaction with a complainant, senior managers should provide affected staff members with the opportunity to debrief their concerns either formally or informally. Senior managers will also ensure that staff are provided with proper support and assistance including medical or police assistance and support through programs such as Employee Assistance Program (EAP), if necessary.
- 3.2.13 Senior managers may also be responsible for arranging other forms of support for staff, such as appropriate communication or intercultural training.

3.3 Responding to and managing unreasonable complainant conduct (UCC)

3.3.1 Changing or restricting a complainant's access to our services

- 3.3.2 UCC incidents will generally be managed by limiting or adapting the ways that we interact with and/or deliver services to complainants by restricting:
 - a) **Who they have contact with** – limiting a complainant to a sole contact person/staff member in our organisation.
 - b) **What they can raise with us** – restricting the subject matter of communications that we will consider and respond to.
 - c) **When they can have contact** – limiting a complainant's contact with our organisation to a particular time, day, or length of time, or curbing the frequency of their contact with us.
 - d) **Where they can make contact** – limiting the locations where we will conduct face-to-face interviews to secured facilities or areas of the office.
 - e) **How they can make contact** – limiting or modifying the forms of contact that the complainant can have with our organisation. This can include modifying or limiting face-to-face interviews, telephone and written communications, prohibiting access to our premises, contact through a representative only, taking no further action or terminating our services altogether.
- 3.3.3 When using the restrictions provided in this section we recognise that discretion will need to be used to adapt them to suit a complainant's

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ITEM 17 - ATTACHMENT 1 REVISED MANAGING UNREASONABLE COMPLAINANTS CONDUCT POLICY.

Policy



personal circumstances, level of competency, literacy skills, etc. In this regard, we also recognise that more than one strategy may need to be used in individual cases to ensure their appropriateness and efficacy.

3.3.4 Who – limiting the complainant to a sole contact point

- 3.3.5 Where a complainant tries to forum shop internally within our organisation, changes their issues of complaint repeatedly, reframes their complaint, or raises an excessive number of complaints it may be appropriate to restrict their access to a single staff member (a sole contact point) who will exclusively manage their complaint(s) and interactions with our organisation. This may help ensure they are dealt with consistently and may minimise the incidences for misunderstandings, contradictions and manipulation.
- 3.3.6 To avoid staff 'burn out' the sole contact officer's supervisor will provide them with regular support and guidance – as needed. Also, the Governance Section Manager will review the arrangement every 6 months to ensure that the officer is managing/coping with the arrangement.
- 3.3.7 Complainants who are restricted to a sole contact person will however be given the contact details of one additional staff member who they can contact if their primary contact is unavailable – eg. they go on leave or are otherwise unavailable for an extended period of time.

3.3.8 What – restricting the subject matter of communications that we will consider

- 3.3.9 Where complainants repeatedly send written communications, letters, emails, or online forms that raise trivial or insignificant issues, contain inappropriate or abusive content or relate to a complaint/issue that has already been comprehensively considered and/or reviewed (at least once) by our office, we may restrict the issues/subject matter the complainant can raise with us. For example, we may:
- Refuse to respond to correspondence that raises an issue that has already been dealt with, that raises a trivial issue, or is not supported by evidence. The complainant will be advised that future correspondence of this kind will be read and filed without acknowledgement unless we decide that we need to pursue it further in which case, we may do so on our 'own motion'.
 - Restrict the complainant to one complaint/issue per month. Any attempts to circumvent this restriction, for example by raising multiple complaints/issues in the one complaint letter may result in modifications or further restrictions being placed on the complainant's access.
 - Return correspondence to the complainant and require them to remove any inappropriate content before we agree to consider its contents. A copy of the inappropriate correspondence will also be made and kept for our records to identify repeat/further UCC incidents.

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3.3.10 When and how – limiting when and how a complainant can contact our organisation

3.3.11 If a complainant's contact with our organisation places an unreasonable demand on our time or resources or affects the health, safety and security of our staff because it involves behaviour that is persistently rude, threatening, abusive or aggressive, we may limit when and/or how the complainant can interact with us. This may include:

- a) Limiting their telephone calls or face-to-face interviews to a particular time of the day or days of the week.
- b) Limiting the length or duration of telephone calls, written correspondence or face-to-face interviews. For example:
 - i. Telephone calls may be limited to [10] minutes at a time and will be politely terminated at the end of that time period.
 - ii. Lengthy written communications may be restricted to a maximum of [15] typed or written pages, single sided, font size 12 or it will be sent back to the complainant to be organised and summarised – This option is only appropriate in cases where the complainant is capable of summarising the information and refuses to do so.
 - iii. Limiting face-to-face interviews to a maximum of [45] minutes.
- c) Limiting the frequency of their telephone calls, written correspondence or face-to-face interviews. Depending on the natures of the service(s) provided we may limit:
 - i. Telephone calls to [1] every two weeks/ month.
 - ii. Written communications to [1] every two weeks/month.
 - iii. Face-to-face interviews to [1] every two weeks/month.

3.3.12 For irrelevant, overly lengthy, disorganised or frequent written correspondence we may also:

- a) Require the complainant to clearly identify how the information or supporting materials they have sent to us relate to the central issues that we have identified in their complaint.
- b) Restrict the frequency with which complainants can send emails or other written communications to our organisation.
- c) Restrict a complainant to sending emails to a particular email account (eg. the organisation's main email account) or block their email access altogether and require that any further correspondence be sent through Australia Post only.

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3.3.14 Writing only restrictions

- 3.3.15 When a complainant is restricted to 'writing only' they may be restricted to written communications through:
- a) Australia Post only
 - b) Email only to a specific staff email or our general office email account
 - c) Fax only to a specific fax number
 - d) Some other relevant form of written contact, where applicable.
- 3.3.16 If a complainant's contact is restricted to 'writing only', the Governance Section Manager will clearly identify the specific means that the complainant can use to contact our office (eg. Australia Post only). If it is not appropriate for a complainant to enter our premises to hand deliver their written communication; this must be communicated to them as well.
- 3.3.17 Any communications received by our office in a manner that contravenes a 'writing only' restriction will either be returned to the complainant or read and filed without acknowledgement.

3.3.18 Where – limiting face-to-face interviews to secure areas

- 3.3.19 If a complainant is violent or overtly aggressive, unreasonably disruptive, threatening or demanding or makes frequent unannounced visits to our premises, we may consider restricting our face-to-face contact with them.
- 3.3.20 These restrictions may include:
- a) Restricting access to particular secured premises or areas of our premises – such as the reception area or secured room/facility.
 - b) Restricting their ability to attend our premises to specified times of the day and/or days of the week only – for example, when additional security is available or to times/days that are less busy.
 - c) Allowing them to attend our office on an 'appointment only' basis and only with specified staff. Note – during these meetings staff should always seek support and assistance of a colleague for added safety and security.
 - d) Banning the complainant from attending our premises altogether and allowing some other form of contact – eg. 'writing only' or 'telephone only' contact.

3.3.21 Contact through a representative only

- 3.3.22 In cases where we cannot completely restrict our contact with a complainant and their conduct is particularly difficult to manage, we may require them to contact us through a support person or representative only. The support person may be nominated by the complainant but must be approved by the Governance Section Manager.

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3.3.23 When assessing a representative/support person's suitability, the Governance Section Manager should consider factors like: the nominated representative/support person's competency and literacy skills, demeanour/behaviour and relationship with the complainant. If the Governance Section Manager determines that the representative/support person may exacerbate the situation with the complainant, the complainant will be asked to nominate another person or our organisation may assist them in this regard.

3.3.24 Completely terminating a complainant's access to our services

3.3.25 In rare cases, and as a last resort when all other strategies have been considered and/or attempted, the General Manager may decide that it is necessary for our organisation to completely restrict a complainant's contact/access to our services.

3.3.26 A decision to have no further contact with a complainant will only be made if it appears that the complainant is unlikely to modify their conduct and/or their conduct poses a significant risk for our staff or other parties because it involves one or more of the following types of conduct:

- a) Acts of aggression, verbal and/or physical abuse, threats of harm, harassment, intimidation, stalking, assault.
- b) Damage to property while on our premises.
- c) Threats with a weapon or common office items that can be used to harm another person or themselves.
- d) Physically preventing a staff member from moving around freely either within their office or during an off-site visit – eg. entrapping them in their home.
- e) Conduct that is otherwise unlawful.

3.3.27 In these cases the complainant will be sent a letter notifying them that their access has been restricted as outlined in Section 3.5.9 below.

3.3.28 A complainant's access to our services and our premises may also be restricted (directly or indirectly) using the legal mechanisms such as trespass laws and other legislation or legal orders to protect members of our staff from personal violence, intimidation or stalking by a complainant.

3.4 Alternative dispute resolution

3.4.1 Using alternative dispute resolution strategies to manage conflicts with complainants

3.4.2 If the General Manager determines that we cannot terminate our services to a complainant in a particular case or that we/our staff bear some responsibility for causing or exacerbating their conduct, they may consider using alternative dispute resolution strategies ('ADR') such as mediation and conciliation to

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resolve the conflict with the complainant and attempt to rebuild our relationship with them. If ADR is considered to be an appropriate option in a particular case, the ADR will be conducted by an independent third party to ensure transparency and impartiality.

- 3.4.3 However, we recognise that in UCC situations, ADR may not be an appropriate or effective strategy particularly if the complainant is uncooperative or resistant to compromise. Therefore, each case will be assessed on its own facts to determine the appropriateness of this approach.

- 3.4.4 Council has an existing Alternative Dispute Resolution policy **that supports** ~~in~~ these circumstances.

3.5 Procedure to be followed when changing or restricting a complainant's access to our services

3.5.1 Consulting with relevant staff

- 3.5.2 When the Governance Section Manager receives a UCC incident form from a staff member they will contact the staff member to discuss the incident. They will discuss:

- a) The circumstances that gave rise to the UCC/incident, including the complainant's situation, personal and cultural background, and perspective.
- b) The impact of the complainant's conduct on our organisation, relevant staff, our time, resources, etc.
- c) The complainant's responsiveness to the staff member's warnings/-or requests to stop the behaviour.
- d) What the staff member has done to manage the complainant's conduct, if applicable.
- e) The suggestions made by relevant staff on ways that the situation could be managed.

3.5.3 Criteria to be considered

- 3.5.4 Following a consultation with relevant staff the Governance Section Manager will search the case management system for information about the complainant's prior conduct and history with our organisation. They will also consider the following criteria:

- a) Whether the conduct in question involved overt anger, aggression, violence or assault (which is unacceptable in all circumstances).
- b) Whether the complainant's case has merit.
- c) The likelihood that the complainant will modify their unreasonable conduct if they are given a formal warning about their conduct.

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- d) Whether changing or restricting access to our services will be effective in managing the complainant's behaviour.
- e) Whether changing or restricting access to our services will affect the complainant's ability to meet their obligations, such as reporting obligations.
- f) Whether changing or restricting access to our services will have an undue impact on the complainant's welfare, livelihood or dependents etc.
- g) Whether the complainant's personal circumstances have contributed to the behaviour - For example, the complainant's cultural background may mean this communication patterns differ from those of our staff or organisation standards, or the complainant is a vulnerable person who is under significant stress as a result of one or more of the following:
 - h) Homelessness.
 - i) physical disability.
 - j) illiteracy or other language or communication barrier.
 - k) mental or other illness.
 - l) personal crises.
 - m) substance or alcohol abuse.
- n) Whether the complainant's response or conduct in the circumstances was moderately disproportionate, grossly disproportionate or not at all disproportionate.
- o) Whether there any statutory provisions that would limit the types of limitations that can be put on the complainant's contact with, or access to our services.

3.5.5 Once the Governance Section Manager has considered these criteria, they will decide on the appropriate course of action. They may suggest formal or informal options for dealing with the complainant's conduct which may include one or more of the strategies provided in the manual and this policy.

3.5.6 Providing a warning letter

3.5.7 Unless a complainant's conduct poses a substantial risk to the health and safety of staff or other third parties, the Governance Section Manager will provide them with a written warning about their conduct in the first instance. If the complainant is unable to read the letter, it will be followed/accompanied by a telephone call, using an interpreter if necessary.

3.5.8 The warning letter will:

- a) Specify the date, time and location of the UCC incident(s).
- b) Explain why the complainant's conduct/ UCC incident is problematic.
- c) List the types of access changes and/or restrictions that may be imposed if the behaviour continues. (Note: not every possible restriction should be listed only those that are most relevant).
- d) Provide clear and full reasons for the warning being given
- e) Include an attachment of the organisation's ground rules and/or briefly state the standard of behaviour that is expected of the complainant. See Appendix A.

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- f) Provide the name and contact details of the staff member who they can contact about the letter.
- g) Be signed by the Governance Section Manager.

3.5.9 Providing a notification letter

- 3.5.10 If a complainant's conduct continues after they have been given a written warning or in extreme cases of overt aggression, violence, assault or other unlawful/unacceptable conduct the Governance Section Manager has the discretion to send a notification letter immediately restricting the complainant's access to our services (without prior written warning). If the complainant is unable to read the letter (due to literacy issues, non-English speaking, etc.) the letter will be followed or accompanied by a telephone call, using an interpreter if necessary.

3.5.11 This notification letter will:

- a) Specify the date, time and location of the UCC incident(s).
- b) Explain why the complainant's conduct/UCC incident(s) is problematic.
- c) Identify the change and/or restriction that will be imposed and what it means for the complainant.
- d) Provide clear and full reasons for this restriction.
- e) Specify the duration of the change or restriction imposed, which will not exceed 12 months, without a review of the circumstances.
- f) Indicate a time period for review.
- g) Provide the name and contact details of the senior officer who they can contact about the letter and/or request a review of the decision.
- h) Be signed by the General Manager.

3.5.12 Notifying relevant staff about access changes/restrictions

- 3.5.13 The Governance Section Manager will notify relevant staff about any decisions to change or restrict a complainant's access to our services, in particular reception and security staff in cases where a complainant is prohibited from entering our premises.

- 3.5.14 The Governance Section Manager will also update the case management system with a record outlining the nature of the restrictions imposed and their duration.

3.5.15 Continued monitoring/oversight responsibilities

- 3.5.16 Once a complainant has been issued with a warning letter or notification letter the Governance Section Manager will review the complainant's record/restriction every 3 months, on request by a staff member, or following any further incidents of UCC that involve the particular complainant to ensure

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that they are complying with the restrictions/the arrangement is working.

- 3.5.17 If the Governance Section Manager determines that the restrictions have been ineffective in managing the complainant's conduct or are otherwise inappropriate they may decide to either modify the restrictions, impose further restrictions or terminate the complainant's access to our services altogether.

3.6 Appealing a decision to change or restrict access to our services

3.6.1 Right of appeal

- 3.6.2 People who have their access changed or restricted are entitled to one appeal of a decision to change or restrict their access to our services. This review will be undertaken by a senior staff member who was not involved in the original decision to change or restrict the complainant's access. This staff member will consider the complainant's arguments and personal circumstances, including cultural background, along with all relevant records regarding the complainant's past conduct. They will advise the complainant of the outcome of their appeal by letter, which must be signed off by the General Manager. The staff member will then refer any materials/records relating to the appeal to the Governance Section Manager to be kept in the appropriate file.

- 3.6.3 If a complainant continues to be dissatisfied after the appeal process, they may seek an external review from an oversight agency such as the Ombudsman. The Ombudsman may accept the review (in accordance with its administrative jurisdiction) to ensure that we have acted fairly, reasonably and consistently and have observed the principles of good administrative practice including, procedural fairness.

3.7 Non-compliance with a change or restriction on access to our services

3.7.1 Recording and reporting incidents of non-compliance

- 3.7.2 All staff members are responsible for recording and reporting incidents of non-compliance by complainants. This should be recorded in a file note and filed in Council's Records Management System, and a copy forwarded to the Governance Section Manager who will decide whether any action needs to be taken to modify or further restrict the complainant's access to our services.

3.8 Periodic reviews of all cases where this policy is applied

3.8.1 Period for review

- 3.8.2 All UCC cases where this policy is applied will be reviewed every 3 months or 6 months (depending on the nature of the service provided) and not more than 12 months after the service change or restriction was initially imposed or continued/upheld.

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3.8.3 Notifying the complainant of an upcoming review

- 3.8.4 The Governance Section Manager will ask complainants if they would like to participate in the review process unless they determine that this invitation will provoke a negative response from the complainant (ie. further UCC). The invitation will be given and the review will be conducted in accordance with the complainant's access restrictions.

3.8.5 Criteria to be considered during a review

- 3.8.6 When conducting a review the Governance Section Manager will consider:

- a) Whether the complainant has had any contact with the organisation during the restriction period.
- b) The complainant's conduct during the restriction period.
- c) Any information or arguments put forward by the complainant for review.
- d) Any other information that may be relevant in the circumstances.

- 3.8.7 The Governance Section Manager may also consult any staff members who have had contact with the complainant during the restriction period.

- 3.8.8 Sometimes a complainant may not have a reason to contact our organisation during their restriction period. As a result, a review decision that is based primarily on the fact that the complainant has not contacted our organisation during their restriction period (apparent compliance with our restriction) may not be an accurate representation of their level of compliance/reformed behaviour. This should be taken into consideration, in relevant situations.

3.8.10 Notifying a complainant of the outcome of a review

- 3.8.11 The Governance Section Manager will notify the complainant of the outcome of their review using the appropriate/relevant method of communication as well as a written letter explaining the outcome, as applicable. The review letter will:

- a) Briefly explain the review process.
- b) Identify the factors that have been taken into account during the review.
- c) Explain the decision/outcome of the review and the reasons for it.

- 3.8.12 If the outcome of the review is to maintain or modify the restriction the review letter will also:

- a) Indicate the nature of the new or continued restriction.
- b) State the duration of the new restriction period.
- c) Provide the name and contact details of the Governance Section Manager who the complainant can contact to discuss the letter.
- d) Be signed by the Governance Section Manager.

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3.8.13 Recording the outcome of a review and notifying relevant staff

3.8.14 The Governance Section Manager is responsible for keeping a record of the outcome of the review, updating case management system and notifying all relevant staff of the outcome of the review including if the restriction has been withdrawn.

3.8.15 See Sections 3.2.6-3.2.9 and 3.5.12-3.5.14.

3.9 Managing staff stress

3.9.1 Staff reactions to stressful situations

3.9.2 Dealing with demanding, abusive, aggressive or violent complainants can be extremely stressful and at times distressing or even frightening for all our staff. It is perfectly normal to get upset or experience stress when dealing with difficult situations.

3.9.3 As an organisation, we have a responsibility to support staff members who experience stress as a result of situations arising at work and we will do our best to provide staff with debriefing and counselling opportunities, when needed. However, to do this we also need help of all Port Stephens Council staff to identify stressful incidents and situations. All staff have a responsibility to notify relevant supervisors/senior managers of UCC incidents and any stressful incidents that they believe require management involvement.

3.9.4 Debriefing

3.9.5 Debriefing means talking things through following a difficult or stressful incident. It is an important way of 'off-loading' or dealing with stress. Many staff members naturally do this with colleagues after a difficult telephone call, but debriefing can also be done with a supervisor or senior manager or as a team following a significant incident. We encourage all staff to engage in an appropriate level of debriefing, when necessary.

3.9.6 Staff may also access an external professional service on a needs basis. All staff can access the Employee Assistance Program with AccessEAP – a free, confidential counselling service. To make an appointment call: 1800 81 87 28 or (02) 8247 9191

3.10 Training and awareness

3.10.1 Port Stephens Council is committed to ensuring that all staff are aware of and know how to use this policy. All staff who deal with complainants in the course of their work will also receive appropriate training and information on using this policy and on managing UCC on a regular basis in particular, on induction. This should include training to support culturally appropriate communication.

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4. DEFINITIONS:

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

Complaint	Expression of dissatisfaction made to or about us, our services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required. A complaint covered by this Policy can be distinguished from: • staff grievances [see our grievance procedure] • public interest disclosures made by our staff [see our internal reporting policy] • code of conduct complaints [see our code of conduct] • responses to requests for feedback about the standard of our service provision [see the definition of 'feedback' below] • reports of problems or wrongdoing merely intended to bring a problem to our notice with no expectation of a response [see definition of 'feedback'] • service requests [see definition of 'service request' below], and requests for information [see our access to information policy].
Complaint management system	All policies, procedures, practices, staff, hardware and software used by Council the management of complaints.
Complainant	Person/s who makes a complaint.
Dispute	An unresolved complaint escalated either within or outside of the organisation.
Feedback	Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about us, about our services or complaint handling where a response is not explicitly or implicitly expected or legally required.
Grievance	A clear, formal written statement by an individual staff member about another staff member or a work related problem.
Organisation	Port Stephens Council
Policy	An endorsed statement or instruction that sets out how we should fulfil our vision, mission and goals.
Manual	The NSW Ombudsman's Managing Unreasonable

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Complainant Conduct Manual (3rd edition)

Premises	Any property or land owned by Port Stephens Council.
Procedure	A statement or instruction that sets out how our policies will be implemented and by whom.
Senior Manager	Group Managers and Section Managers of Port Stephens Council.
Service request	Service request includes: • requests for approval • requests for action • routine inquiries about the organisation's business • requests for the provision of services and assistance • reports of failure to comply with laws regulated by the organisation • requests for explanation of policies, procedures and decisions.
Unreasonable complainant conduct (UCC)	Any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for our organisation, our staff, other service users and complainants or the complainant himself/herself. UCC can be divided into five categories of conduct: • Unreasonable arguments • Unreasonable behaviour • Unreasonable demands • Unreasonable lack of cooperation • Unreasonable persistence

5. STATEMENT:

- 5.1 Port Stephens Council is committed to being accessible and responsive to all complainants who approach our organisation regardless of ethnic identity, national origin, religion, linguistic background, sex, gender expression, sexual orientation, physical ability or other cultural or personal factors. At the same time, the success of our office depends on:
- our ability to do our work and perform our functions in the most effective and efficient ways possible
 - the health, safety and security of our staff, and
 - our ability to allocate our resources fairly across all the complaints we receive.
- 5.2 When complainants behave unreasonably, their conduct can significantly affect the successful conduct of our work. Port Stephens Council will act proactively and decisively action to manage any complainant conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with this policy.

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6. RESPONSIBILITIES:

- 6.1 All staff are responsible for implementing and complying with this policy, in their respective roles outlined in the policy.
- 6.2 The Governance Section Manager is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.

7. RELATED DOCUMENTS:

- 7.1 Local Government Act 1993
- 7.2 Public Interest Disclosure Act 1994
- 7.3 Ombudsman Act 1974
- 7.4 Independent Commission Against Corruption 1988
- 7.4 Government Information (Public Access) Act 2009
- 7.5 Code of Conduct
- 7.6 This policy is compliant with and supported by the following documents:
 - a) Work, Health and Safety Management Directive
 - b) Complaint Handling Policy
 - c) Alternative Dispute Resolution Policy
 - d) NSW Ombudsman - Managing Unreasonable Complainant Conduct Manual.

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Appendix A

1. Individual Rights and Mutual Responsibilities of the Parties to a Complaint

- 1.1 In order for Port Stephens Council to ensure that all complaints are dealt with fairly, efficiently and effectively and that work health and safety standards and duty of care obligations are adhered to, the following rights and responsibilities must be observed and respected by all of the parties to the complaint process.

2. Individual rightsⁱⁱ

2.1 Complainants have the right:

- a) to make a complaint and to express their opinions in ways that are reasonable, lawful and appropriate, regardless of cultural background, national origin, sex, sexual orientation, gender expression, disability or other cultural or personal characteristicsⁱⁱⁱ
- b) to a reasonable explanation of the organisation's complaints procedure, including details of the confidentiality, secrecy and/or privacy rights or obligations that may apply
- c) to a fair and impartial assessment and, where appropriate, investigation of their complaint based on the merits of the case^{iv}
- d) to a fair hearing^v
- e) to a timely response
- f) to be informed in at least general terms about the actions taken and outcome of their complaint^{vi}
- g) to be given reasons that explain decisions affecting them
- h) to at least 1 right of review of the decision on the complaint^{vii}
- i) to be treated with courtesy and respect
- j) to communicate valid concerns and views without fear of reprisal or other unreasonable response^{viii}

2.2 Staff have the right:

- a) to determine whether, and if so how, a complaint will be dealt with
- b) to finalise matters on the basis of outcomes they consider to be satisfactory in the circumstances^{ix}
- c) to expect honesty, cooperation and reasonable assistance from complainants
- d) to expect honesty, cooperation and reasonable assistance from organisations and people within jurisdiction who are the subject of a complaint
- e) to be treated with courtesy and respect

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- f) to a safe and healthy working environment^x
- g) to modify, curtail or decline service (if appropriate) in response to unacceptable behaviour by a complainant.^{xi}

2.3 Subjects of a complaint have the right:

- a) to a fair and impartial assessment and, where appropriate, investigation of the allegations made against them
- b) to be treated with courtesy and respect by staff of Port Stephens Council to be informed (at an appropriate time) about the substance of the allegations made against them that are being investigated^{xii}
- c) to be informed about the substance of any proposed adverse comment or decision
- d) to be given a reasonable opportunity to put their case during the course of any investigation and before any final decision is made^{xiii}
- e) to be told the outcome of any investigation into allegations about their conduct, including the reasons for any decision or recommendation that may be detrimental to them
- f) to be protected from harassment by disgruntled complainants acting unreasonably.

2.4 Mutual responsibilities

2.4.1 Complainants are responsible for:

- a) treating staff of Port Stephens Council with courtesy and respect
- b) clearly identifying to the best of their ability the issues of complaint, or asking for help from the staff of Port Stephens Council to assist them in doing so
- c) providing to the best of their ability Port Stephens Council with all the relevant information available to them at the time of making the complaint
- d) being honest in all communications with Port Stephens Council
- e) informing Port Stephens Council of any other action they have taken in relation to their complaint^{xiv}
- f) cooperating with the staff who are assigned to assess/ investigate/resolve/determine or otherwise deal with their complaint.

2.4.2 If complainants do not meet their responsibilities, Port Stephens Council may consider placing limitations or conditions on their ability to communicate with staff or access certain services.

2.4.3 Port Stephens Council has a zero tolerance policy in relation to any harm, abuse or threats directed towards its staff. Any conduct of this kind may result in a refusal to take any further action on a complaint or to have further dealings with the complainant.^{xv} Any such conduct of a criminal nature will be reported to police and in certain cases legal action may also be considered.

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ITEM 17 - ATTACHMENT 1 REVISED MANAGING UNREASONABLE COMPLAINANTS CONDUCT POLICY.

Policy



2.4.4 Staff are responsible for:

- a) providing reasonable assistance, including cultural background and linguistic assistance, to complainants who need help to make a complaint and, where appropriate, during the complaint process
- b) dealing with all complaints, complainants and people or organisations the subject of complaint professionally, fairly and impartially
- c) giving complainants or their advocates a reasonable opportunity to explain their complaint, subject to the circumstances of the case and the conduct of the complainant
- d) giving people or organisations the subject of complaint a reasonable opportunity to put their case during the course of any investigation and before any final decision is made^{xvi}
- e) informing people or organisations the subject of investigation, at an appropriate time, about the substance of the allegations made against them^{xvii} and the substance of any proposed adverse comment or decision that they may need to answer or address^{xviii}
- f) keeping complainants informed of the actions taken and the outcome of their complaints^{xix}
- g) giving complainants reasons that are clear and appropriate to their circumstances and adequately explaining the basis of any decisions that affect them
- h) treating complainants and any people the subject of complaint with courtesy and respect at all times and in all circumstances
- i) taking all reasonable and practical steps to ensure that complainants^{xx} are not subjected to any detrimental action in reprisal for making their complaint^{xxi}
- j) giving adequate warning of the consequences of unacceptable behaviour.

2.4.5 If Port Stephens Council or its staff fail to comply with these responsibilities, complainants may complain to the NSW Ombudsman.

2.4.6 Subjects of a complaint are responsible for:

- a) cooperating with the staff of Port Stephens Council who are assigned to handle the complaint, particularly where they are exercising a lawful power in relation to a person or body within their jurisdiction^{xxii}
- b) providing all relevant information in their possession to Port Stephens Council or its authorised staff when required to do so by a properly authorised direction or notice
- c) being honest in all communications with Port Stephens Council and its staff
- d) treating the staff of Port Stephens Council with courtesy and respect at all times and in all circumstances

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COMPLAINANTS CONDUCT POLICY.



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- e) refraining from taking any detrimental action against the complainant^{xxiii} in reprisal for them making the complaint.^{xxiv}
- 2.4.7 If subjects of a complaint fail to comply with these responsibilities, action may be taken under relevant laws and/or codes of conduct.

2.4.8 Port Stephens Council is responsible for:

- a) having an appropriate and effective complaint handling system in place for receiving, assessing, handling, recording and reviewing complaints
- b) making decisions about how all complaints will be dealt with
- c) ensuring that all complaints are dealt with professionally, fairly and impartially^{xxv}
- d) ensuring that staff treat all parties to a complaint with courtesy and respect
- e) ensuring that the assessment and any inquiry into the investigation of a complaint is based on sound reasoning and logically probative information and evidence
- f) finalising complaints on the basis of outcomes that the organisation, or its responsible staff, consider to be satisfactory in the circumstances^{xxvi}
- g) implementing reasonable and appropriate policies/procedures/practices to ensure that complainants^{xxvii} are not subjected to any detrimental action in reprisal for making a complaint^{xxviii}, including maintaining separate complaint files and other operational files relating to the issues raised by individuals who make complaints
- h) giving adequate consideration to any confidentiality, secrecy and/or privacy obligations or responsibilities that may arise in the handling of complaints and the conduct of investigations.

- 2.4.9 If Port Stephens Council fails to comply with these responsibilities, complainants may complain to the NSW Ombudsman:

In person or mail: Level 24, 580 George Street, Sydney NSW 2000
Telephone: 1800 451 524
Email: nswombo@ombo.nsw.gov.au
Website: www.ombo.nsw.gov.au

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- ii The word 'rights' is not used here in the sense of legally enforceable rights (although some are), but in the sense of guarantees of certain standards of service and behaviour that a complaint handling system should be designed to provide to each of the parties to a complaint.
- iii Differences of opinion are normal: people perceive things differently, feel things differently and want different things. People have a right to their own opinions, provided those opinions are expressed in acceptable terms and in appropriate forums.
- iv While degrees of independence will vary between complaint handlers, all should assess complaints fairly and as impartially as possible, based on a documented process and the merits of the case.
- v The 'right to be heard' refers to the opportunity to put a case to the complaint handler/decision- maker. This right can be modified, curtailed or lost due to unacceptable behaviour, and is subject to the complaint handler's right to determine how a complaint will be dealt with.
- vi Provided this will not prejudice on-going or reasonably anticipated investigations or disciplinary/criminal proceedings.
- vii Such a right of review can be provided internally to the organisation, for example by a person not connected to the original decision.
- viii Provided the concerns are communicated in the ways set out in relevant legislation, policies and/or procedures established for the making of such complaints/allegations/disclosures/etc.
- ix Some complaints cannot be resolved to the complainant's satisfaction, whether due to unreasonable expectations or the particular facts and circumstances of the complaint [see also Endnote xxvi].
- x See for example WH&S laws and the common law duty of care on employers.
- xi Unacceptable behaviour includes verbal and physical abuse, intimidation, threats, etc.
- xii Other than where there is an overriding public interest in curtailing the right, for example where to do so could reasonably create a serious risk to personal safety, to significant public funds, or to the integrity of an investigation into a serious issue. Any such notifications or opportunities should be given as required by law or may be timed so as not to prejudice that or any related investigation.
- xiii Depending on the circumstances of the case and the seriousness of the possible outcomes for the person concerned, a reasonable opportunity to put their case, or to show cause, might involve a face to face discussion, a written submission, a hearing before the investigator or decision maker, or any combination of the above.
- xiv For example whether they have made a similar complaint to another relevant person or body or have relevant legal proceedings at foot.
- xv Other than in circumstances where the organisation is obliged to have an ongoing relationship with the complainant.
- xvi See Endnote xii.

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COMPLAINANTS CONDUCT POLICY.**



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- xvii Other than where an allegation is so lacking in merit that it can be dismissed at the outset.
- xviii See Endnote xii.
- xix See Endnote 5 vi.
- xx 'Complainants' include whistleblowers/people who make internal disclosures.
- xxi 'Complaints' includes disclosures made by whistleblowers/people who make internal disclosures.
- xxii This does not include any obligation to incriminate themselves in relation to criminal or disciplinary proceedings, unless otherwise provided by statute.
- xxiii See Endnote xx.
- xxiv See Endnote xxi.
- xxv See Endnote iv.
- xxvi Once made, complaints are effectively 'owned' by the complaint handler who is entitled to decide (subject to any statutory provisions that may apply) whether, and if so how, each complaint will be dealt with, who will be the case officer/investigator/decision-maker/etc, the resources and priority given to actioning the matter, the powers that will be exercised, the methodology used, the outcome of the matter, etc. Outcomes arising out of a complaint may be considered by the complaint handler to be satisfactory whether or not the complainants, any subjects of complaint or the organisation concerned agrees with or is satisfied with that outcome.
- xxvii See Endnote xx.
- xxviii See Endnote xxi.

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EDRMS container No	PSC2010-00008	EDRMS record No	25/291629
Audience	Port Stephens community and Council employees		
Process owner	Governance Section Manager		
Author	Governance Section Manager		
Review timeframe	3 4 years	Next review date	25 November 2029
Adoption date	12 July 2016		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	12/07/2016	Governance Manager	Drafted new policy based on the model policy of the NSW Ombudsman.	208

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1.1	14 August 2018	Governance Manager	Reviewed the policy, included numbering to each paragraph and updated version control. 3.2.5 – delete reference to RM8. 3.2.7 – replace Part 5.2 with Section 3.5.4. 3.2.13 – replace Part 10 with Section 3.10. 3.3.27 – replace Part 5.4 with Section 3.5.9. 3.7.2 – delete reference to RM8 and replace with Records Management System. 3.8.15 – replace Parts 2.2. and 5.5 with Sections 3.2.6-3.2.9 & 3.5.12-3.5.14. 7.6 – delete reference to 2nd edition. 2.3. of Appendix A – insert Port Stephens Council.	249
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ITEM 17 - ATTACHMENT 1 REVISED MANAGING UNREASONABLE COMPLAINANTS CONDUCT POLICY.

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1.2	11 August 2020	Governance Section Manager	Reviewed the policy, included numbering to each paragraph and updated version control. Updated policy owner title. 3.2.6 to 3.2.9, 3.3.22, 3.3.23, 3.5.2, 3.5.4, 3.5.5, 3.5.7, 3.5.8, 3.5.13 to 3.6.2, 3.7.2, 3.8.4, 3.8.6, 3.8.7, 3.8.11, 3.8.12, 3.8.14, 3.10.8, 3.10.10, 3.10.14, 6.2– insert 'section' into manager's title. 3.10.2 – replace 'Organisation Development with Governance'. 4 – insert the word 'endorsed' under the policy definition.	145
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ITEM 17 - ATTACHMENT 1 REVISED MANAGING UNREASONABLE COMPLAINANTS CONDUCT POLICY.

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1.3	23 August 2022	Governance Section Manager	Reviewed the policy following the release of a new model policy from the NSW Ombudsman, grammatical corrections and updated version control. 1.2, 3.1, 3.1.2, 3.1.3, 3.1.6a), c), d), e), f), 3.1.8, 3.1.8a), b), c), d), 3.1.10, 3.1.10a), b), e), 3.1.12a), 3.1.14, 3.2.3, 3.2.4, 3.2.5, 3.2.12, 3.2.13, 3.3, 3.3.5, 3.3.6, 3.3.9, 3.3.9a), c), 3.3.10, 3.3.11, 3.3.16, 3.3.22, 3.3.23, 3.3.28, 3.4.4, 3.5.2a), c), d), 3.5.4g), m), o), 3.5.5, 3.5.7, 3.5.8a), 3.5.10, 3.6.2, 3.8.4, 3.8.6c), 3.8.9, 3.8.12c), 3.8.14, 3.9.2, 3.9.3, 3.9.5, 3.11.1, 5.1, 5.2, 6.1 – updated the language to align with the model policy. 1.2d) – updated reference to the manual. 2 – renumbered section 2. 3.10 to 3.10.16, 3.12, 13.12.1 – deleted. 4 – updated definitions. Appendix A – updated.	225
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ITEM 17 - ATTACHMENT 1 REVISED MANAGING UNREASONABLE COMPLAINANTS CONDUCT POLICY.

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1.4	25 November 2025	Governance Section Manager	Reviewed the policy, included numbering to each paragraph and updated version control. Placed in new policy template. 1.2 – slight rewording. 3.1.3 – slight rewording. 3.4.4 slight rewording. Amended policy review timeframe from 3 years to 4 years.	XX
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ITEM NO. 18

**FILE NO: 25/289567
EDRMS NO: 25/291628**

POLICY REVIEW - GIFTS AND BENEFITS POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the revised Gifts and Benefits 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 Gifts and Benefits Policy dated 23 August 2022, Minute No. 244 should no submissions be received.

BACKGROUND

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

This policy provides a framework for Council to navigate its regulatory obligations and manage its reputation as a public agency with respect to management of gifts and benefits. This policy is aligned with Council's Code of Conduct and establishes clear expectations on Council officials to avoid situations where the receipt of a gift or benefit would generate actual or perceived favourable treatment in the delivery of Council functions.

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	Develop and implement strategic direction and governance of Council

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that inappropriate management of gifts and benefits by Council officers could result in Non-Compliance with Obligations (carrying reputation, financial and operational impacts).	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.

ORDINARY COUNCIL - 25 NOVEMBER 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 applies to this report.

External communications and engagement

CONSULT	Example: The policy will be placed on public exhibition for 28 days.
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Internal communications and engagement

Consultation has been 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 Gifts and Benefits Policy. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: A2004-0984

TITLE: GIFTS AND BENEFITS POLICY

OWNER: GOVERNANCE SECTION MANAGER

1. PURPOSE:

- 1.1 The purpose of this policy is to ensure that all Port Stephens Council officials are aware of and adhere to the obligations of a Council official under the adopted Port Stephens Council Code of Conduct, in particular, to gifts and benefits.
- 1.2 The policy will clearly define the behaviour required as a Council official. It will also provide a transparent and accountable process with regard to gifts and benefits that promotes confidence in the good governance of Port Stephens Council.

2. CONTEXT/BACKGROUND:

- 2.1 Port Stephens Council and its Council officials are required to adhere to the requirements of the model Code of Conduct, as a minimum, published by the Office of Local Government. Council has adopted the model Code of Conduct with a number of enhancements, which are not inconsistent with the provisions of the model Code of Conduct.
- 2.2 This policy has been developed in order to recognise that the conduct of Council business may give rise to gifts or benefits of appreciation being offered to Council officials.

3. SCOPE:

- 3.1 This policy applies to all Council officials **and any Associated Person.**
- 3.2 Council officials must avoid situations that give rise to the appearance that a person or body, through the provision of gifts, benefits, bribes or hospitality of any kind **(including to an Associated Person)**, is attempting to gain favourable treatment from a Council official or the Council.
- ~~3.2 Council officials must ensure that all reasonable steps are taken to ensure that immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to gain favourable treatment.~~
- 3.3 If a Council official **(or Associated Person)** is offered a bribe, the incident must immediately be reported to the General Manager, the ICAC and where

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relevant, the police.

- 3.4 Council officials must not solicit personal gifts or benefits. Any person aware of a Council official soliciting gifts or benefits must immediately report the matter to either the General Manager, relevant **Director** ~~Group Manager~~, the Public Officer and/or the Mayor.
- 3.5 Any circumstance where a Council official believes a gift or benefit has been offered for the purpose of influencing the conduct of a Council official in their official capacity, the gift or benefit must be **refused** ~~declined~~ and a report must be made to either the General Manager, relevant **Director** ~~Group Manager~~, the Public Officer and/or the Mayor.
- 3.6 The Code of Conduct prohibits any gifts or benefits in the form of ~~money~~ **cash or cash-like gifts**.
- 3.7 Any offers of **cash or cash-like gifts** ~~gift in the form of money~~ are to be refused and reported to either the General Manager, relevant **Director** ~~Group Manager~~, the Public Officer and/or the Mayor, **regardless of the amount**. Should the gift be received in any other way other than in person (e.g. ~~ie~~ by mail), the gift is to be declared and surrendered to Council.
- 3.8 All gifts and benefits offered to a Council official are to be declined and declared to Council, unless otherwise permitted under the Code of Conduct or this policy (i.e. **items of token value, to an aggregate of \$100 over a 12 month period with a value of less than \$10**). Any gifts or benefits unable to be declined and/or exceeds \$100 in value, during the same 12 month period, must be **declared and** surrendered to Council.
- 3.9 **Council officials must not participate in competitions for prizes where eligibility is based on Council being in or entering into a customer-supplier relationship with the organiser.**
- 3.10 Should a Council official receive a gift, benefit or prize as a result of entering (or being included) in a competition during the course of their official duties, the gift, benefit or prize is to be surrendered to Council and will become the property of Port Stephens Council.
- 3.11 Any gift or benefit received when procuring products, services or other on behalf of Council are to be declared and surrendered, and will become the property of Port Stephens Council.

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3.12 All gift and/or benefits with a value of \$100 or more offered to a Council official are to be declared (unless permitted under the Code of Conduct) and surrendered to Council, and entered in the Gifts and Benefits Register.

4. DEFINITIONS:

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

Associated Person Immediate Family	Any person that a reasonable and informed person would perceive that a personal association could exist. Ordinarily this can include grandparents, parents, spouses, partners, children, siblings, friends, business partners, volunteer associates.
Benefit	May include, but is not limited to, hospitality, preferential treatment, access to confidential information, free access to services which are normally charged a fee, or access to a private spectator box at a sporting or entertainment event.
Bribes	Gift or benefits given to specifically for the purpose of winning favours or to influence the decision or behaviour of a Council official to benefit someone or something.
Cash-like gifts	"Cash-like gifts" include, but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.
Code	Code of Conduct.
Council	Port Stephens Council.
Council official	Mayor, Councillors, General Manager, Council employees, administrators, Council committee members, delegates of Council (volunteers) and contractors of Port Stephens Council.
Gift	May include, but is not limited to, items such as cash or cash-like gift, alcohol, clothes, products to tickets to a sporting or entertainment event.
ICAC	Independent Commission Against Corruption.
Money	Credit or cash-like gifts such as but not limited to; cash, cheques, bank deposits, gift vouchers, credit cards, debits cards with credit on them, prepayment such as phone or internet credit, lottery tickets, memberships

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~~or entitlements to discounts regardless of the amount of value.~~

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5. STATEMENT:

- 5.1 Council is committed to open and transparent government, in particular, ensuring that Council is free from any reputation damage concerning gifts, benefits or bribes.
- 5.2 All Council officials must adhere to the requirements of the Code of Conduct and this policy. Any departure from the Code or this policy will result in consideration of the matter under the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.

6. RESPONSIBILITIES:

- 6.1 All Council officials are required to comply with this policy. The Executive Team and Section Managers will be responsible for day to day management of compliance within their areas.
- 6.2 The Governance Section Manager will monitor, evaluate, review and provide advice on this policy.

7. RELATED DOCUMENTS:

- 7.1 Local Government Act 1993.
- 7.2 Local Government (General) Regulation 2021.
- 7.3 Port Stephens Council Code of Conduct, as amended.
- 7.4 Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, as amended.
- 7.5 Payment of Expenses and Provision of Facilities to Mayor and Councillors.
- 7.6 Internal Reporting Policy.

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EDRMS container No.	A2004-0984	EDRMS record No.	XX
Audience	Council officials		
Process owner	Governance Section Manager		
Author	Governance Section Manager		
Review timeframe	3 4 years	Next review date	25 November 2029
Adoption date	25 August 2015		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	25.8.2015	Governance Manager	New policy adopted by Council	256
1.1	24.10.2017	Governance Manager	Minor typographical correction. Updated the definition of a council official to include 'Port Stephens Council'	258

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Version	Date	Author	Details	Minute No.
1.2	26 March 2019	Governance Section Manager	Reviewed the policy, included numbering to each paragraph and updated the version control. Updated title of policy owner to Governance Section Manager. After 3.2, delete the reference to token or nominal gifts. 3.3 – new paragraph added. After 3.3, delete reference to sporting events. 3.4 – add clauses f, g, h and i. 3.5 to 3.10 – new paragraphs added. 3.11 and 3.12 – update title to Governance Section Manager. 4 – update 'cash-like gift' definition and delete 'token/nominal value gifts' definition. 6.2 - updated Governance Section Manager title. 7.2 and 7.3 –'as amended' added.	062

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Version	Date	Author	Details	Minute No.
1.3	22 September 2020	Governance Section Manager	Policy reviewed, including the version control: 3.3 to 3.13 – delete clauses 3.3 to 3.11 – insert new clauses Definitions – insert “money”, delete “cash like gifts” and “hospitality”. Re-number 7.1 to 7.6 7.2 – insert “Local Government (General) Regulation 2005”. 7.5 – insert “Payment of Expenses and Provision of Facilities to Mayor and Councillors”. 7.6 – insert “Internal Reporting Policy”.	192
1.4	23 August 2022	Governance Section Manager	Policy review includes updating version control: 2.2 – insert “as a minimum”. 7 – updated related documents. Amended minor grammatical errors throughout policy.	224
1.5	25 November 2025	Governance Section Manager	Policy review includes updating version control: 3.1 – updated wording to be more consistent with Code of Conduct and ICAC, including addition of ‘Associated Person’. 3.2 Separated 3.1 detail into new paragraph. Incorporated ‘Associated Person’ into the detail and deleted existing 3.2 which referred to family members. 3.5 to 3.9 - updated wording to be more consistent with Code of Conduct and ICAC. 3.12 – Updated amount to \$100 as per Code of Conduct.	TBA

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			4.1 – updated definitions of ‘cash-like gifts’, ‘associated persons’ and ‘money’. Amended review timeframe to 4 years in accordance with Council's policy review timeframe.	
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ITEM NO. 19

**FILE NO: 25/241028
EDRMS NO: PSC2024-03158**

REQUEST FOR FINANCIAL ASSISTANCE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral and Ward Funds to the following:-
 - a) Raymond Terrace Community Church – Mayoral Funds - \$2,000 donation towards Christmas food hampers.
 - b) St Philip's Christian College – Mayoral Funds - \$2,000 donation towards assisting student attendance at a mission trip to Vanuatu.
 - c) Wildlife in Need of Care (WINC) – Cr Mark Watson – Rapid response - \$500 donation towards resources for wildlife care.

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

Raymond Terrace Community Church	Raymond Terrace Community Church supports and connects the community via programs and practical care that fosters belonging and wellbeing.	\$2,000	Donation towards Christmas food hampers.
St Philip's Christian College	St Philip's aims to develop global citizens who are enriched in their journey with not only a superior academic education, but strong personal integrity.	\$2,000	Donation towards assisting student attendance at a mission trip to Vanuatu.

WARD FUNDS

Wildlife in Need of Care (WINC)	A volunteer organisation for the rescue and rehabilitation of injured, sick and orphaned wildlife.	\$500	Donation towards resources for wildlife care.
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COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025-2029
Resources and finance	Develop and implement strategic direction and governance of Council

FINANCIAL/RESOURCE IMPLICATIONS

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

ORDINARY COUNCIL - 25 NOVEMBER 2025

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

LEGAL AND POLICY IMPLICATIONS

To qualify for assistance under Section 356(1) of the Local Government Act 1993, the purpose must assist the Council in the exercise of its functions. Functions under the Act include the provision of community, culture, health, sport and recreation services and facilities.

The Policy interpretation required is whether the Council believes that:

- a) applicants are carrying out a function, which it, the Council, would otherwise undertake.
- b) the funding will directly benefit the community of Port Stephens.
- c) applicants do not act for private gain.

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.

ORDINARY COUNCIL - 25 NOVEMBER 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. 20

FILE NO: 25/241020
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 25 November 2025.

No:	Report Title	Page:
1	Cash and Investment Portfolio - October 2025	416
2	Audit, Risk and Improvement Committee Minutes - 24 July 2025	417
3	Attendance at Committees and Groups	442
4	Annual Designated Persons Returns - Pecuniary Interest 1 July 2024 to 30 June 2025	447
5	Designated Persons' Return	450
6	Delegations Report	451
7	Council Resolutions	453

INFORMATION PAPERS

ITEM NO. 1

FILE NO: 25/248409
EDRMS NO: PSC2017-00180

CASH AND INVESTMENT PORTFOLIO - OCTOBER 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 25 November 2025, the Cash and Investment Report as at 31 October 2025 was not available for publication at that time.

The Cash and Investment Report as at 31 October 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: 25/288403
EDRMS NO: PSC2015-01492

AUDIT, RISK AND IMPROVEMENT COMMITTEE MINUTES - 24 JULY 2025

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

BACKGROUND

The purpose of this report is to provide the minutes of the Audit, Risk and Improvement Committee (ARIC) meeting held on 24 July 2025 to Council.

In accordance with the Office of Local Government Risk Management and Internal Audit for Local Government in NSW Guidelines, the ARIC minutes are be provided to the governing body of Council.

ATTACHMENTS

- 1) ARIC Minutes - 24 July 2025. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

- 1) A full copy of the ARIC minutes.

TABLED DOCUMENTS

Nil.

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 24 JULY 2025

MINUTES – 24 July 2025



Minutes of the Audit, Risk and Improvement Committee of Port Stephens Council held in the Committee Rooms, Raymond Terrace on – 24 July 2025, commencing 4:00pm.

PRESENT:

Chair: Deborah Goodyer.

Members in attendance: Deborah Goodyer, Frank Cordingley, Paul Dunn.

Officers in attendance: Steve Peart, Acting General Manager, Greg Kable, Director Facilities & Infrastructure, Brock Lamont, Acting Director Community Futures, Zoe Pattison, Director Corporate Strategy & Support, Glen Peterkin, Finance Section Manager, Tony Wickham, Governance Section Manager, Belinda Catford, Acting Enterprise Risk Manager, Councillor Jason Wells.

Guests in attendance: David Hutchison, PKF, Rhodora De Ramos, Prosperity Advisors, Alex Hardy, Prosperity Advisors (present from 5:05pm to 5:18pm).

Apologies: Tim Crosdale, General Manager, Chris Hilkemeijer, Enterprise Risk Manager and Nicky Rajani, Audit Office of NSW.

	Chair Deborah Goodyer Member Frank Cordingley That the Minutes of the Ordinary Meeting of Port Stephens Council Audit Risk and Improvement Committee held on 22 May 2025 be confirmed.
--	--

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 24 JULY 2025

	No declaration of interest were received.
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MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 24 JULY 2025

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2. APOLOGIES.	
3. CONFLICT OF INTEREST DECLARATIONS.	
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ARIC WORKPLAN AND ACTIONS ARISING

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 24 JULY 2025

ITEM NO. 5.1

FILE NO: 25/169484
EDRMS NO: PSC2015-01492**ARIC WORKPLAN AND ACTIONS ARISING FROM THE PREVIOUS MEETING**REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER
DIRECTORATE: GENERAL MANAGER'S OFFICE**RECOMMENDATION IS THAT THE COMMITTEE:**

- 1) Note there are no outstanding Audit, Risk and Improvement Committee Workplan actions or actions arising from the previous meeting.
- 2) Receives and notes the revised Audit, Risk and Improvement Workplan.

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 24 JULY 2025
MOTION****Chair Deborah Goodyer**
Member Frank Cordingley

The Committee:

- 1) Note there are no outstanding Audit, Risk and Improvement Committee Workplan actions or actions arising from the previous meeting.
- 2) Receives and notes the revised Audit, Risk and Improvement Workplan, subject to the amendments:
 - i) inserting "non-voting member" after Cr Wells on page 3.
 - ii) Provide a copy of the workplan once endorsed by Council.
 - iii) At appendix A on page 18 remove the words "Internal Audit" from the last line of section A, and the wording be "Meets at least annually, with the internal audit representative "in-camera" without the presence of management".
- 3) Requested a report on the Risk Management Framework be presented to the next ARIC meeting.

INTERNAL AUDIT

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 24 JULY 2025

ITEM NO. 6.1

FILE NO: 25/169301
EDRMS NO: PSC2015-03053

INTERNAL AUDIT REPORTS

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

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Endorse the Payroll Compliance internal audit report at **(ATTACHMENT 1)**.
-

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 24 JULY 2025
MOTION**

	Chair Deborah Goodyer Member Paul Dunn The Committee: 1) Endorse the Payroll Compliance internal audit report at (ATTACHMENT 1). 2) Endorse the Transport for NSW DRIVES24 Compliance Audit at (ATTACHMENT 2).
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MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 24 JULY 2025

ITEM NO. 6.2

**FILE NO: 25/169476
EDRMS NO: PSC2015-01492**

QUALITY ASSESSMENT IMPROVEMENT UPDATE

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

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Receive and note the status report of the External Quality Assessment Improvement Roadmap at **(ATTACHMENT 1)**.
 - 2) Receive and endorse the following:
 - a) draft Quality Assurance and Improvement Procedure and Program **(ATTACHMENT 2)**
 - b) revised Internal Audit Charter **(ATTACHMENT 3)**
 - c) revised Audit, Risk and Improvement Committee Terms of Reference **(ATTACHMENT 4)**.
 - d) draft Internal Audit Manual **(ATTACHMENT 5)**
-

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 24 JULY 2025
MOTION**

	Chair Deborah Goodyer Member Paul Dunn The Committee: 1) Receive and note the status report of the External Quality Assessment Improvement Roadmap at (ATTACHMENT 1). 2) Receive and endorse the following: a) draft Quality Assurance and Improvement Procedure and Program (ATTACHMENT 2) b) revised Internal Audit Charter (ATTACHMENT 3) c) revised Audit, Risk and Improvement Committee Terms of Reference (ATTACHMENT 4). d) draft Internal Audit Manual (ATTACHMENT 5) 3) Request a copy of the draft annual attestation for inclusion in the Audit, Risk and Improvement Committee Annual Report.
--	--

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 24 JULY 2025

ITEM NO. 6.3

**FILE NO: 25/171346
EDRMS NO: PSC2015-03053**

INTERNAL AUDIT FINDINGS UPDATE

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

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Receive and note the Internal Audit Findings update.
-

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 24 JULY 2025
MOTION**

	Chair Deborah Goodyer Member Paul Dunn The Committee receive and note the Internal Audit Findings update.
--	---

EXTERNAL AUDIT/FINANCE UPDATE

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 24 JULY 2025

Note: Item 7.1 was dealt with after Item 9.1.

ITEM NO. 7.1

**FILE NO: 25/157328
EDRMS NO: PSC2015-01492**

EXTERNAL AUDIT UPDATE

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

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Receive and note the contents of the report.
 - 2) Endorse the 30 June 2025 interim management letter issued by the Audit Office of New South Wales (**ATTACHMENT 1**).
 - 3) Endorse disclosures contained in the draft pro forma set of financial statements for 30 June 2025 (**ATTACHMENT 2**).
-

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 24 JULY 2025
MOTION**

	Chair Deborah Goodyer Member Paul Dunn The Committee: 1) Receive and note the contents of the report. 2) Endorse the 30 June 2025 interim management letter issued by the Audit Office of New South Wales (ATTACHMENT 1). 3) Endorse disclosures contained in the draft pro forma set of financial statements for 30 June 2025 (ATTACHMENT 2). 4) Request that management circulate the draft Financial Statement to the ARIC members out of session.
--	---

RISK MANAGEMENT UPDATE REPORT

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 24 JULY 2025

ITEM NO. 8.1

**FILE NO: 25/173786
EDRMS NO: PSC2024-01598**

RISK MANAGEMENT UPDATE

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

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Receive and Note the Risk Management update.
-

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 24 JULY 2025
MOTION**

	Chair Deborah Goodyer Member Frank Cordingley The Committee receive and Note the Risk Management update.
--	--

GOVERNANCE AND COMPLIANCE UPDATE

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 24 JULY 2025

ITEM NO. 9.1

**FILE NO: 25/118220
EDRMS NO: PSC2024-01598**

GOVERNANCE REPORT

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

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Receive and note the report.
-

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 24 JULY 2025
MOTION**

	Chair Deborah Goodyer Member Paul Dunn The Committee receive and note the report.
--	---

ICT AND CYBER SECURITY UPDATE

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 24 JULY 2025

ITEM NO. 10.1

**FILE NO: 25/157355
EDRMS NO: PSC2015-01492**

ICT AND CYBER SECURITY UPDATE

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

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Receive and note the contents of this report.
-

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 24 JULY 2025
MOTION**

	Chair Deborah Goodyer Member Frank Cordingley The Committee: 1) Receive and note the contents of this report. 2) The ICT Governance Framework be provided to the Audit, Risk and Improvement Committee members.
--	---

INTEGRATED PLANNING AND REPORTING

AUDIT RISK AND IMPROVEMENT COMMITTEE – 24 JULY 2025

ITEM NO. 11.1

**FILE NO: 25/157364
EDRMS NO: PSC2015-01492**

INTEGRATED PLANNING AND REPORTING

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

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Receive and note the contents of this report.
-

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 24 JULY 2025
MOTION**

	Chair Deborah Goodyer Member Paul Dunn The Committee receive and note the contents of this report.
--	--

SERVICE REVIEW AND BUSINESS IMPROVEMENT UPDATE

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 24 JULY 2025

ITEM NO. 12.1

**FILE NO: 25/171089
EDRMS NO: PSC2015-01492**

SERVICE REVIEW PROGRAM AND CONTINUOUS IMPROVEMENT UPDATE

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

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Receive and note the contents of this report.
-

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 24 JULY 2025
MOTION**

	Chair Deborah Goodyer Member Paul Dunn The Committee receive and note the contents of this report.
--	--

GENERAL BUSINESS

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 24 JULY 2025

ITEM NO. 13.1

**FILE NO: 25/169974
EDRMS NO: PSC2015-01492**

ROAD ACCELERATION PROGRAM (RAP)

REPORT OF: GREGORY KABLE - DIRECTOR FACILITIES AND
 INFRASTRUCTURE
DIRECTORATE: FACILITIES AND INFRASTRUCTURE

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Receive and note the contents of this report.
-

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 24 JULY 2025
MOTION**

	Chair Deborah Goodyer Member Paul Dunn The Committee receive and note the contents of this report.
--	--

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 24 JULY 2025**ITEM NO. 13.2****FILE NO: 25/118201
EDRMS NO: PSC2015-01492****FUTURE MEETINGS**

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

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Note future meeting dates outlined in the report.
-

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 24 JULY 2025
MOTION**

	Chair Deborah Goodyer Member Paul Dunn The Committee note future meeting dates outlined in the report.
--	--

There being no further business the meeting closed at 5.33pm.

ITEM NO. 3

FILE NO: 25/129315
EDRMS NO: PSC2024-04455

ATTENDANCE AT COMMITTEES AND GROUPS

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

BACKGROUND

The purpose of this report is to advise Council of the number of meetings that were held for each of the committees, as well as whether the nominated representative(s) were in attendance at each of those meetings.

The Committees and Groups Attendance List for May 2025 to October 2025 is shown at **(ATTACHMENT 1)**.

ATTACHMENTS

- 1) Committees and Groups Attendance List for May 2025 to October 2025. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 1 COMMITTEES AND GROUPS ATTENDANCE LIST FOR MAY 2025 TO OCTOBER 2025.

Committees and Groups Attendance List - May to October 2025							
No.	Committee Name	Meeting Cycle	Directorate	Delegates	Meeting Date	Attendees	Minutes (insert EDRMS Link)
1	Aboriginal Strategic Committee	Quarterly	Community Futures	Mayor Anderson Cr Francis	April Meeting Cancelled. 10/9/2025	Mayor Anderson	25/266844
2	Audit Risk and Improvement Committee (ARIC)	At least four times a year or when necessary	General Manager's Office	Cr Wells	22/05/2025 24/07/2025 09/10/2025	Nil. Cr Wells Nil.	25/199823
3	Hinton School of Arts Committee	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	Cr Arnott Cr Francis Cr Le Mottee	13/08/2025	Nil	25/244671
4	Karuah Community Hall Committee	Committees are required to hold at least three meetings per year at a time to be decided by the committee.	Facilities & Infrastructure	Cr Doohan Cr Niland Cr Wells	Nil.	Nil.	
5	Lemon Tree Passage Old School Centre Committee	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	Cr Doohan Cr Niland Cr Wells	19/05/2025 18/08/2025	Nil. Nil.	25/181611 25/290651
6	Medowie Sports Council	Meets every 3 months - February, May, August, November 1st Monday of the month	Facilities & Infrastructure	Cr Doohan Cr Niland Cr Wells	25/06/2025	Nil.	25/194383
7	Nelson Bay Community Hall Committee	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	Cr Armstrong Cr Errington Cr Watson	Nil.	Nil.	
8	Port Stephens Australia Day Committee	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Community Futures	Mayor Anderson Cr Arnott Cr Errington Cr Francis Cr Niland	11/09/2025	Mayor Anderson Cr Errington Cr Niland Cr Arnott	25/262554
9	Port Stephens Sister Cities Committee	Committees are required to hold at least three meetings per year at a time to be decided by the committee	General Manager's Office	Mayor Anderson Cr Armstrong Cr Francis Cr Wells	21/05/2025 18/06/2025 23/7/2025 17/9/2025	Cr Armstrong Cr Armstrong Cr Armstrong Cr Armstrong Cr Wells	25/150340 25/183295 25/244840
10	Raymond Terrace Senior Citizens Hall Management Committee	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	Cr Arnott Cr Francis Cr Le Mottee	01/09/2025	Cr Francis (TBC)	Minutes requested.
11	Salt Ash Community Hall	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	Cr Doohan Cr Niland Cr Wells	20/06/2025 31/10/2025	Cr Wells	25/162663
12	Salt Ash Sports Ground Committee	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Facilities & Infrastructure	Cr Doohan Cr Niland Cr Wells	Nil.	Nil.	
13	Strategic Arts Committee	Quarterly	Community Futures	Mayor Anderson Cr Armstrong Cr Francis Cr Wells	04/06/2025 03/09/2025	Mayor Anderson Cr Armstrong (both meetings)	25/152173 25/260390
14	Tanilba Foreshore Hall Committee	Committees are required to hold at least three meetings per year at a time determined by the committee	Facilities & Infrastructure	Cr Doohan Cr Niland Cr Wells	28/06/2025	Cr Niland Cr Wells	25/168289
15	Tilligerry Sports Council	3rd Monday every 4 months - February, June and October	Facilities & Infrastructure	Cr Doohan Cr Niland Cr Wells	11/06/2025 22/10/2025	Cr Wells Nil.	25/150688
16	Tomaree Sports Council	4th Wednesday - February, May, August and November	Facilities & Infrastructure	Cr Armstrong Cr Errington Cr Watson	2/06/2025 13/10/2025	Cr Watson Cr Armstrong Cr Errington Cr Watson	25/183362 25/293895

ITEM 3 - ATTACHMENT 1 COMMITTEES AND GROUPS ATTENDANCE LIST FOR MAY 2025 TO OCTOBER 2025.

17	West Ward Sports Council	2nd Monday every 4 months - February, June, October	Facilities & Infrastructure	Cr Arnott Cr Errington Cr Francis Cr Le Mottee	16/06/2025 27/10/2025	Cr Arnott Cr Le Mottee Cr Errington Cr Le Mottee	25/155139 25/301599
18	AGL Newcastle Gas Storage Facility Community Dialogue Group	Quarterly – March, June, September, December	General Manager's Office	Mayor Anderson	3/06/2025	Cr Le Mottee	25/152980
19	Birubi Point Cultural Heritage Advisory Panel	3 times / year	Community Futures	Cr Wells Alternate - Cr Doohan	4/07/2025 - Cancelled	N/A due to cancelled meeting	N/A due to cancelled meeting
20	Brandy Hill Quarry Community Consultative Committee	Bi-annually	General Manager's Office	Cr Francis Alternate - Cr Arnott Alternate, as required - Assets Section Manager/Strategy & Environment Section Manager	12/06/2025	Nil.	25/208468
21	Cabbage Tree Road Community Consultative Committee	Quarterly	Corporate Strategy & Support	Cr Arnott Alternate - Cr Francis	24/06/2025 23/09/2025	Staff representative No attendance by staff representative. Apology submitted.	25/165731
22	Comprehensive Koala Plan of Management Implementation Committee	Quarterly	Community Futures	Mayor Anderson Alternate - Cr Armstrong	9/10/2025	Mayor Anderson Cr Armstrong	25/297990
23	Communication and Engagement Advisory Panel	2 to 6 meetings per year	Community Futures	Mayor Anderson Cr Armstrong Cr Francis Cr Niland Cr Watson Cr Wells	2/07/2025	Cr Armstrong Cr Francis Cr Watson Cr Wells	25/212493
24	Community Support Fund	Annual	Community Futures	Mayor Anderson Cr Armstrong Cr Errington Cr Francis Cr Niland Alternates - Cr Arnott Cr Doohan Cr Watson Cr Wells	15/09/2025	Cr Niland Cr Errington Cr Armstrong Mayor Anderson	N/A - Assessment panel not minuted.
25	Disability Inclusion and Access Advisory Group (DIAAG)	4 times per year	Community Futures	Cr Wells Cr Armstrong	4/09/2025	Cr Wells Cr Armstrong	25/262475
26	Environmental Advisory Group	4 times per year	Community Futures	Mayor Anderson Cr Armstrong Alternate - Cr Doohan	21/05/2025 13/08/2025	Mayor Anderson Mayor Anderson Cr Armstrong	25/132572 25/225298
27	General Manager's Performance Review	At least annual	Mayor's Office	Mayor Anderson Cr Arnott Plus a Councillor nominated at the time by the General Manager	28/08/2025	Mayor Anderson Cr Arnott Cr Wells Cr Niland	Not minuted
28	Heritage Advisory Group	4 times per year	Community Futures	Cr Wells Alternate - Cr Armstrong	17/07/2025	Cr Wells Cr Armstrong	25/193006

ITEM 3 - ATTACHMENT 1 COMMITTEES AND GROUPS ATTENDANCE LIST FOR MAY 2025 TO OCTOBER 2025.

29	Hunter Joint Organisation	Bi-monthly	General Manager's Office	Mayor	12/06/2025 14/08/25 16/10/25	Mayor Anderson Mayor Anderson Mayor Anderson	PSC2019-03484
30	Homelessness Stakeholder Advocacy Group	Twice per year	Community Futures	Mayor Anderson Cr Armstrong Cr Errington Cr Le Mottee	14/05/2025 01/10/25	Mayor Anderson Cr Le Mottee Mayor Anderson Cr Le Mottee	25/293221
31	International Women's Day Scholarship Panel	Annual	General Manager's Office	Mayor Cr Armstrong Cr Doohan Cr Francis Cr Wells	24/02/2025	Mayor Anderson Cr Armstrong Cr Wells	Not minuted.
32	Hunter Water Customer and Community Advisory Group (CCAG)	Meets quarterly	General Manager's Office	Cr Francis Alternate - Cr Le Mottee	17/06/2025 13/10/2025	Cr Francis Cr Francis	25/293290
33	Hunter and Central Coast Planning Panel (This panel is not managed by PSC)	As required	Community Futures	Mayor Anderson Cr Arnott Alternates - Cr Errington Cr Francis Cr Niland Development Planning Coordinator	19/05/2025 3/06/2025 17/06/2025 26/08/2025 30/09/2025	19/5/25 Mayor Anderson Cr Arnott (declared interest) Mayor Anderson (apology) Cr Arnott (declared perceived interest) Nil. Mayor Anderson Cr Arnott Mayor Anderson (Apologies)	25/136967 25/142628 25/158945 25/256223
34	Local Government Community Safety & Crime Prevention Network for NSW	Meets quarterly	Facilities & Infrastructure	Mayor	Nil.	Nil.	
35	Local Transport Forum	1st Tuesday of every month	Facilities & Infrastructure	Mayor Cr Niland Alternate - Cr Errington	6/05/2025 4/6/2025 1/7/2025 5/8/2025 2/9/2025	Cr Niland Cr Niland Cr Niland Mayor Anderson Cr Niland Mayor Anderson	25/139562 25/152992 25/178154 25/208265 25/243067
36	Lower Hunter Bushfire Management Committee	Meets quarterly	Facilities & Infrastructure	Cr Arnott Cr Watson Alternate - Mayor Anderson	4/06/2025 6/08/2025	Cr Arnott Nil.	25/165735 25/228425
37	Marine Parks Advisory Panel	Meets a minimum of twice a year	Community Futures	Mayor Anderson Alternates - Cr Armstrong Cr Watson	Natural Systems previously sat on this committee in association with the CMP, however this committee hasn't met since November 2023. The terms of appointment for this committee expired on 2 Feb 2024, and a call for nominations to appoint a new committee closed in early 2025. No correspondence with Council regarding this new committee appointment.		
38	NSW Public Libraries Association (Central East Zone)	Meets 3 times per year	Facilities & Infrastructure	Cr Wells Alternate - Cr Armstrong	4/09/2025	Cr Wells	25/292124

ITEM 3 - ATTACHMENT 1 COMMITTEES AND GROUPS ATTENDANCE LIST FOR MAY 2025 TO OCTOBER 2025.

39	Port Stephens Floodplain Advisory Panel	As required	Facilities & Infrastructure	Cr Francis Alternates - Cr Arnott Cr Errington	Nil.	Nil.	No meetings held.
40	Port Stephens Local Heath Committee	Meets 3 to 4 times per year	External Committee	Cr Armstrong Alternate - Mayor Anderson			Minutes requested.
41	Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee	As required	Community Futures	Cr Armstrong Alternate - Mayor Anderson	Nil.	Nil.	Nil.
42	RFS District Liaison Committee Meeting	As set by RFS	Facilities & Infrastructure	Cr Arnott Alternate - Cr Watson	1/09/2025	Cr Arnott	25/272114
43	Tomaree Lodge Community Engagement Committee	Up to 6 times per year	General Manager's Office	Mayor Anderson	15/05/2025 24/7/2025 28/8/2025 25/9/2025 30/10/2025 27/09/2025	Mayor Anderson Mayor Anderson Nil. Mayor Anderson Nil. Mayor Anderson	25/143216 25/213369
44	Williamstown Consultative Committee Forum	Annually	General Manager's Office	Mayor Anderson (General Manager)	Nil.	Nil.	Nil.
45	Worimi Conservation Lands Board of Management	Meets 4 times a year	General Manager's Office	Cr Francis Alternate - Mayor Anderson	Nil.	Appointment confirmed 29 September 2025.	Nil.

ITEM NO. 4

**FILE NO: 25/288656
EDRMS NO: PSC2024-01273**

**ANNUAL DESIGNATED PERSONS RETURNS - PECUNIARY INTEREST 1 JULY
2024 TO 30 JUNE 2025**

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

BACKGROUND

The purpose of this report is to advise Council of the Mayor, Councillors and persons designated who have submitted pecuniary interest returns for the period 1 July 2024 to 30 June 2025.

Elected Members

Mayor Leah Anderson
Cr Rosalyn Armstrong
Cr Giacomo Arnott
Cr Matthew Bailey (former)
Cr Chris Doohan
Cr Glen Dunkley (former)
Cr Nathan Errington
Cr Peter Francis
Cr Paul Le Mottee
Cr Ben Niland
Mayor Ryan Palmer (former)
Cr Steve Tucker (former)
Cr Mark Watson
Cr Jason Wells

Audit, Risk and Improvement Committee

Chairperson
Independent members (2)

General Manager's Office

General Manager
Governance Section Manager
Legal Services Manager
Lawyer

Corporate Strategy and Support

Director Corporate Strategy and Support
Financial Services Section Manager
Organisation Support Section Manager
Principal Investment and Development Coordinator

Community Futures

Building & Certification Coordinator
Business Development & Marketing Manager
Communications and Customer Experience Section Manager
Compliance Coordinator
Compliance Team Leader
Development and Compliance Section Manager
Development Planning Coordinator
Director Community Futures
Environmental Health Team Leader
Environmental Planning Team Leader
Environmental Strategy Team Leader
Natural Systems Coordinator
Principal Building Surveyor
Principal Development Planner
Principal Strategic Planner
Ranger Team Leader
Senior Building Surveyor
Senior Building Surveyor (Fire Safety)
Senior Environmental Health Officer
Senior Ranger
Senior Strategic Planner (2)
Senior Strategic Planner – Growth and Infrastructure
Strategic Planner (4)
Strategic Planning Coordinator
Strategy and Environment Section Manager
Vibrant Places Coordinator

Facilities and Infrastructure

Assets Section Manager
Capital Works Section Manager
Community Services Section Manager
Director Facilities and Infrastructure
Public Domain and Services Section Manager
Senior Development Engineer

ATTACHMENTS

Nil.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

- 1) Annual Designated Persons Returns – Pecuniary Interest 1 July 2024 to 30 June 2025.

ITEM NO. 5

**FILE NO: 25/235985
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:

- Strategic Project Coordinator PSC1246.

ATTACHMENTS

Nil.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

- 1) Designated Persons' Return.

ITEM NO. 6

FILE NO: 25/241035
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 6 - ATTACHMENT 1 DELEGATIONS REPORT.

MAYOR AND GENERAL MANAGER DELEGATION REPORT

Date exercised	Delegations exercised	Purpose	Role exercising delegation	Reported to Council
30-Sep-25	Code of Meeting Practice	Approval of Public Access application - DA 16-2025-138-1 – Change to hours of operation to service station at 12 Randall Drive, Salamander Bay	Mayor	25 November 2025
8-Oct-25	Code of Meeting Practice	Approval of Public Access application - Items 3 & 4 - Planning Proposal 587 Newline Road, Raymond Terrace (Monarch's Rise) & Voluntary Planning Agreement	Mayor	25 November 2025
13-Oct-25	Code of Meeting Practice	Approval of Public Access application - DA 16-2025-138-1 – Change to hours of operation to service station at 12 Randall Drive, Salamander Bay	Mayor	25 November 2025
13-Oct-25	Code of Meeting Practice	Approval of Public Access application - Drainage in Anna Bay/Salamander Bay	Mayor	25 November 2025
13-Oct-25	Code of Meeting Practice	Approval of 2 Public Access applications - Item 10 - Tree Vandalism Policy	Mayor	25 November 2025
22-Oct-25	Clause 178 of the Local Government (General) Regulation 2021)	RFQ022-2025-26 - TfNSW State Roads Heavy Patching Reseal Prep 25-26	Acting General Manager	25 November 2025
27-Oct-25	Code of Meeting Practice	Approval of Public Access application - Planning Proposal - 19 Gan Gan Road, Anna Bay	Mayor	25 November 2025

ITEM NO. 7

**FILE NO: 25/241032
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.



Action Sheets Report	Division:	Community Futures	Date From:	22/07/2025
	Committee:		Date To:	28/10/2025
	Officer:		Printed:	Thursday, 30 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	24/02/2026		
1		Peart, Steven				25/191415
29 Oct 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 are working to organise a Two Way with the Mayor and Councillors once a response is received.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/09/2025	Lamont, Brock	Local Housing Strategy Annual Report	24/02/2026	24/09/2025	
2		Peart, Steven				25/263649
29 Oct 2025 The Addendum Request received for 22 Homestead Street, Salamander Bay has been placed on public exhibition and will be reported to Council post exhibition period.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/09/2025	Herrmann, Amber	Town Centre Placemaking Policy	24/02/2026	24/09/2025	
3		Peart, Steven				25/263649
29 Oct 2025 Town Centre Placemaking Policy Report currently on exhibition. This report will be reported back to Council post exhibition.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/09/2025	Lamont, Brock	Policy Review: Rezoning Request Policy (renamed Planning Proposal Policy)	24/02/2026	24/09/2025	
10		Peart, Steven				25/263649
29 Oct 2025 It was resolved that Council place the revised Planning Proposal Policy on public exhibition for a period of 28 days. 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.						



Action Sheets Report	Division:	Community Futures	Date From:	22/07/2025
	Committee:		Date To:	28/10/2025
	Officer:		Printed:	Thursday, 30 October 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/09/2025	Herrmann, Amber	Policy Review: Community Development Policy	28/11/2025	24/09/2025	
11		Pear, Steven				25/263649
29 Oct 2025 The revised Community Development Policy has completed the 28 days on public exhibition. No submissions were been received. Due to Councillor Feedback, this policy will return to the 9 December council meeting for a recommended name change to Placemaking Policy. Due to there being no submissions received the Community Development Policy dated 12 July 2022, will be revoked.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/10/2025	Lamont, Brock	Planning Proposal - 19 Gan Gan Road, Anna Bay	24/02/2026	29/10/2025	
2		Pear, Steven				25/300809
30 Oct 2025 The planning proposal to amend the Port Stephens Local Environmental Plan 2013 for land at 19 Gan Gan Road, Anna Bay (Lot 292 DP 880755) has been placed on public exhibition for a period of 28 days. A community workshop is to be undertaken during the public exhibition period in relation to the proposal with representatives from local community interest groups in Anna Bay, including the South Tomaree Community Association. As part of the community workshop, the landowner is to be contacted and encouraged to participate in the workshop with interested community groups in Anna Bay. Prepare and deliver a limited review of the Anna Bay Strategy for 19 Gan Gan Road only, commencing after the updated flood studies are complete, to better understand the contemporary drivers and needs for land use and planning within the Anna Bay area. Following the consultation prepare a report for Council with the outcomes of the consultation process and a copy of the review of the Anna Bay Strategy, to enable an informed decision to be made on the planning proposal.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/10/2025	Lamont, Brock	Voluntary Planning Agreement - McCloy Kings Hill Pty Ltd - Monarch's Rise	24/02/2026	29/10/2025	
4		Pear, Steven				25/300809
30 Oct 2025 Place the draft Voluntary Planning Agreement between Council and McCloy Kings Hill Pty Ltd, together with the accompanying explanatory note has been placed on public notice for a period of 28 days in accordance with the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2021. Should no submissions be received, approve the Voluntary Planning Agreement and explanatory note as exhibited for execution.						



Action Sheets Report	Division:	Community Futures	Date From:	22/07/2025
	Committee:		Date To:	28/10/2025
	Officer:		Printed:	Thursday, 30 October 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/10/2025	Lamont, Brock	Voluntary Planning Agreement - AGL - Tomago Battery Energy Storage System	24/02/2026	29/10/2025	
5		Pearl, Steven				25/300809
30 Oct 2025 The draft Voluntary Planning Agreement between Council and AGL Macquarie Pty Limited, together with the accompanying explanatory note has been placed on public notice for a period of 28 days in accordance with the Environmental Planning and Assessment Regulation 2021. Should no amendments be required, approve the Voluntary Planning Agreement and explanatory note as notified for execution.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/10/2025	Lamont, Brock	Policy Review - Public Tree and Vegetation Vandalism Policy	24/02/2026	29/10/2025	
10		Pearl, Steven				25/300809
30 Oct 2025 The revised Public Tree and Vegetation Vandalism Policy has been placed on public exhibition for a period of 28 days. Should no submissions be received, resolve that the policy be adopted without a further report to Council. Revoke the Tree Vandalism Policy dated 14 March 2023, Minute No. 51 should no submissions be received.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/10/2025	Falkenmire, Ryan	Policy Review - Compliance Policy	24/02/2026	29/10/2025	
11		Pearl, Steven				25/300809
29 Oct 2025 As per Council's Resolution of 28 October 2025, the draft Compliance Policy will be placed on exhibition from 3 November 2025 to 1 December 2025. Should submissions be received, the policy will be returned to a future Council for endorsement.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/10/2025	Lamont, Brock	Kings Hill	16/12/2025	29/10/2025	
2		Pearl, Steven				25/300809
30 Oct 2025 A briefing for Councillors will be at the earliest available slot for a two-way briefing.						

ITEM 7 - ATTACHMENT 2 CORPORATE STRATEGY AND SUPPORT RESOLUTIONS.



Action Sheets Report	Division: Corporate Strategy and Support	Date From: 11/04/2023
	Committee:	Date To: 28/10/2025
	Officer:	Printed: Thursday, 30 October 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		
5 088		Pattison, Zoe				23/92450
29 Oct 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
29 Oct 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
29 Oct 2025 It was resolved that Council progresses with Option 2 outlined in the confidential business paper.						

ITEM 7 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE RESOLUTIONS.



Action Sheets Report	Division:	Facilities and Infrastructure	Date From:	27/08/2013
	Committee:		Date To:	28/10/2025
	Officer:		Printed:	Thursday, 30 October 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
		Maretich, John Kable, Gregory	Campvale Drain	31/12/2026		
29 Oct 2025 This long term action will form part of the discussion with Hunter Water Corporation.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Maretich, John Kable, Gregory	Naming Recreation Precinct at Medowie after Geoff Dingle	31/12/2026	12/04/2023	
2 085						23/92450
29 Oct 2025 Once the reserve has been subdivided as per the Medowie Place Plan, an application will be submitted to the Geographical Naming Board to name the recreation precinct after Geoff Dingle.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/11/2023	Maretich, John Kable, Gregory	Sale of closed roads in Raymond Terrace	31/12/2025	29/11/2023	
1						23/324875
29 Oct 2025 Expression of Interest (EOI) road is still under negotiation. 1 road to remain as road reserve and 1 road sold.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2024	Maretich, John Kable, Gregory	Bus Stop Infrastructure Plan	31/03/2026	29/05/2024	
1						24/131056
29 Oct 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 Kable, Gregory	Raymond Terrace Boat Ramp	30/04/2026	24/07/2024	
6						24/189773
29 Oct 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 7 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE RESOLUTIONS.



Action Sheets Report	Division:	Facilities and Infrastructure	Date From:	27/08/2013
	Committee:		Date To:	28/10/2025
	Officer:		Printed:	Thursday, 30 October 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2024	Maretich, John	Bus Shelters in Port Stephens	28/02/2026	11/12/2024	
1		Kable, Gregory				24/333356
29 Oct 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						
29 Oct 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
	User Defined	Maretich, John	MATTER ARISING - Min No. 131 - NOM 1 - Trial of Tomaree Shuttle Bus	30/04/2026		
		Kable, Gregory				
29 Oct 2025						
Staff are continuing to prepare report with ongoing consultation with some interested parties.						

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
29 Oct 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
29 Oct 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.						

ITEM 7 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE RESOLUTIONS.



Action Sheets Report	Division:	Facilities and Infrastructure	Date From:	27/08/2013
	Committee:		Date To:	28/10/2025
	Officer:		Printed:	Thursday, 30 October 2025

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
29 Oct 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.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/08/2025	Maretich, John	Drainage Maintenance	31/12/2025	27/08/2025	
1		Kable, Gregory				25/231579
29 Oct 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. A 2 Way conversation has been scheduled for 18 November 2025.						

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	31/12/2025	27/08/2025	
1		Kable, Gregory				25/231579
29 Oct 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 23/09/2025	Maretich, John	Anna Bay Traffic and Transport Management	31/03/2026	24/09/2025	
1		Kable, Gregory				25/263649
29 Oct 2025 Staff to prepare and report as per Council resolution.						

ITEM 7 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE RESOLUTIONS.



Action Sheets Report	Division:	Facilities and Infrastructure	Date From:	27/08/2013
	Committee:		Date To:	28/10/2025
	Officer:		Printed:	Thursday, 30 October 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/10/2025	Donaldson, Cameron	Proposed Sale or Lease of 36a Ferodale Road, Meadowie	31/12/2025	29/10/2025	
1		Kable, Gregory				25/300809
29 Oct 2025						
As per Council resolution Council is continuing to work through the sale process with the prospective buyer.						



Action Sheets Report	Division:	General Manager's Office	Date From:	23/09/2025
	Committee:		Date To:	28/10/2025
	Officer:		Printed:	Thursday, 30 October 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/09/2025	Wickham, Tony	Proposal to Alter the Port Stephens Local Government Boundaries	31/03/2026	24/09/2025	
9		Crosdale, Timothy				25/263649
29 Oct 2025 Resolution of Council progressing.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/09/2025	Wickham, Tony	Policy Review: Council Prosecutions Policy	31/10/2025	24/09/2025	
12		Crosdale, Timothy				25/263649
29 Oct 2025 On public exhibition for 28 days.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/09/2025	Wickham, Tony	Policy Review: Alternative Dispute Resolution Policy	31/10/2025	24/09/2025	
13		Crosdale, Timothy				25/263649
29 Oct 2025 On public exhibition for 28 days						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/10/2025	Hilkemeijer , Chris	Policy Review: Access to Information Policy	2/12/2025	29/10/2025	
13		Crosdale, Timothy				25/300809
29 Oct 2025 Public Exhibition closes 28 Nov 2025. If no submissions received, can finalise new and revoke old policy.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/10/2025	Hilkemeijer , Chris	New Code of Meeting Practice	16/12/2025	29/10/2025	
14		Crosdale, Timothy				25/300809
29 Oct 2025 Public Exhibition closes 12 Dec 2025 - to determine if submissions received that require Council review.						



Action Sheets Report	Division:	General Manager's Office	Date From:	23/09/2025
	Committee:		Date To:	28/10/2025
	Officer:		Printed:	Thursday, 30 October 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/10/2025	Hilkemeijer , Chris	General Manager's delegations	11/11/2025	29/10/2025	
1		Crosdale, Timothy				25/300809
29 Oct 2025 Resolution of Council progressing.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/10/2025	Hilkemeijer , Chris	Model Code of Meeting Practice and Model Code of Conduct	11/11/2025	29/10/2025	
3		Crosdale, Timothy				25/300809
29 Oct 2025 Resolution of Council progressing.						

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

**FILE NO: 25/301624
EDRMS NO: PSC2024-03148**

REVIEW OF BUILDING HEIGHTS IN NELSON BAY

COUNCILLOR: CHRIS DOOHAN & MARK WATSON

THAT COUNCIL:

- 1) Receive a report on opportunities to increase the maximum building heights within the Nelson Bay CBD by a minimum of 2 additional storeys under the Port Stephens Local Environmental Plan 2013 (LEP).
- 2) Request the report to consider:
 - a) Alignment with the Nelson Bay Town Centre and Foreshore Strategy (2017) and subsequent planning reviews;
 - b) The potential for more sustainable, economically viable and high-quality urban development outcomes;
 - c) The current lack of significant private investment and new development activity within the Nelson Bay CBD and the need to attract and retain investors;
 - d) The importance of supporting the local development industry to deliver viable projects that contribute to the town's revitalisation and employment growth;
 - e) A review of recent development applications and development approvals that have not been commenced to understand the potential impact of planning controls and market constraints on project feasibility;
 - f) The impact on housing supply, economic activity, view corridors, and public domain; and
 - g) The process and timeframe required for a Planning Proposal to amend the LEP, if supported.
- 3) Receive the report within 3 months for Council consideration.

BACKGROUND REPORT OF: BROCK LAMONT – STRATEGY AND ENVIRONMENT SECTION MANAGER

BACKGROUND

Council endorsed the implementation and delivery program for the Nelson Bay Town Centre and Foreshore Strategy (Delivery Program) on 25 September 2018 **(ATTACHMENT 1)**.

As part of the implementation of the Delivery Program, Council endorsed a Planning Proposal on 13 October 2020 to amend various built form provisions within the Port

ORDINARY COUNCIL - 25 NOVEMBER 2025

Stephens Local Environmental Plan 2013 (LEP) that apply to land within the Nelson Bay CBD (**ATTACHMENT 2**).

The intent of these changes was to create opportunities for increased density and achieve the desired built form set out by the Nelson Bay Town Centre and Foreshore Strategy.

These changes included the following:

- Introducing floor space ratios to control the bulk and scale of new development
- Amending the height of buildings map
- Requiring active street frontages for new development; and
- Introducing minimum street frontage widths for sites in the Town Centre.

These changes sought to create opportunities for the activation of under developed and under utilised sites within the Town Centre.

Whilst it is noted the intention is to deliver a report within 3 months it is noted that until detailed project planning and resourcing is completed should Council resolve to support this motion this timeframe cannot be confirmed. Should Council support this motion timeframes for the completion of this review will be confirmed with Council.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

- 1) 25 September 2018 - Ordinary Council Minutes. [↓](#)
- 2) 13 October 2020 - Ordinary Council Minutes. [↓](#)

ITEM 1 - ATTACHMENT 1 25 SEPTEMBER 2018 - ORDINARY COUNCIL MINUTES.**MINUTES ORDINARY COUNCIL - 25 SEPTEMBER 2018****ORDINARY COUNCIL MEETING - 25 SEPTEMBER 2018
MOTION**

094	Councillor Giacomo Arnott Councillor Chris Doohan It was resolved that Council move into Committee of the Whole.
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Mayor Ryan Palmer left the meeting at 6:32pm, in Committee of the Whole. The Deputy Mayor, Cr Sarah Smith Chaired the meeting during the absence of the Mayor.

ITEM NO. 4

**FILE NO: 18/109715
EDRMS NO: PSC2007-1204V3**

**NELSON BAY TOWN CENTRE & FORESHORE STRATEGY IMPLEMENTATION
AND DELIVERY PROGRAM**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the outcomes of the exhibition of the draft 'Progressing the Nelson Bay Town Centre and Foreshore Strategy: A revised implementation and delivery program (2017)' (Delivery Program) and draft Clause 4.6 Policy - Exceptions to Development Standards summarised in the Community and Stakeholder Consultation Report (**TABLED DOCUMENT 1**).
 - 2) Adopt the Delivery Program which recommends raising the height limit in Nelson Bay Town Centre to 10 storeys and other actions to increase investment feasibility, whilst maintaining a high quality public domain and improved design outcomes (**TABLED DOCUMENT 2**).
 - 3) Endorse the Clause 4.6 Policy - Exceptions to Development Standards (**ATTACHMENT 1**).
 - 4) Endorse the preparation and submission of a planning proposal for a Gateway certificate to the NSW Department of Planning seeking to amend the *Port Stephens Local Environmental Plan 2013* and implement the relevant actions in the adopted Delivery Program.
-

**ORDINARY COUNCIL MEETING - 25 SEPTEMBER 2018
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor John Nell Councillor Glen Dunkley
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ITEM 1 - ATTACHMENT 1 25 SEPTEMBER 2018 - ORDINARY COUNCIL MINUTES.**MINUTES ORDINARY COUNCIL - 25 SEPTEMBER 2018**

	That Council: 1) Note the outcomes of the exhibition of the draft 'Progressing the Nelson Bay Town Centre and Foreshore Strategy: A revised implementation and delivery program (2017)' (Delivery Program) and draft Clause 4.6 Policy - Exceptions to Development Standards summarised in the Community and Stakeholder Consultation Report (TABLED DOCUMENT 1). 2) Adopt a revised version of Tabled Document 3, to retain a height limit of 5 storeys in the core of the town centre, and reduce the height limit of the area proposed at 10 storeys along the edges of the town centre to 8 storeys (28 metres). Make all necessary changes to the Delivery Program to give effect to these height limits. 3)Endorse the Clause 4.6 Policy - Exceptions to Development Standards (ATTACHMENT 1). 4) Endorse the preparation and submission of a planning proposal for a Gateway certificate to the NSW Department of Planning seeking to amend the <i>Port Stephens Local Environmental Plan 2013</i> and implement the relevant actions in the adopted Delivery Program.
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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 Chris Doohan, Glen Dunkley, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Crs Jaimie Abbott, Giacomo Arnott and Ken Jordan.

The motion was carried.

**ORDINARY COUNCIL MEETING - 25 SEPTEMBER 2018
PROCEDURAL MOTION**

	Councillor Giacomo Arnott That Council allow Nigel Waters from the Tomaree Ratepayers and Residents Association to speak on this item prior to a decision for five minutes and allow questions from Councillors, in accordance with the normal public access process.
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The motion lapsed without a seconder.

ITEM 1 - ATTACHMENT 1 25 SEPTEMBER 2018 - ORDINARY COUNCIL MINUTES.**MINUTES ORDINARY COUNCIL - 25 SEPTEMBER 2018****ORDINARY COUNCIL MEETING - 25 SEPTEMBER 2018
PROCEDURAL MOTION**

	Councillor Giacomo Arnott Councillor John Nell That Council suspend the Council meeting to allow Nigel Waters from the Tomaree Ratepayers and Residents Association to speak for five minutes, in accordance with the normal public access process.
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**ORDINARY COUNCIL MEETING - 25 SEPTEMBER 2018
MOTION**

	Councillor Giacomo Arnott Councillor John Nell That a division be recorded.
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Those for the Motion: Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, John Nell and Steve Tucker.

Those against the Motion: Crs Ken Jordan, Paul Le Mottee and Sarah Smith.

The motion was put and carried in Committee of the Whole. The Council meeting was suspended and Mr Waters presented to Council.

**ORDINARY COUNCIL MEETING - 25 SEPTEMBER 2018
AMENDMENT**

	Councillor Giacomo Arnott Councillor Jaimie Abbott That the item be deferred until the next Council meeting to be held on 9 October 2018.
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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 Jaimie Abbott, Giacomo Arnott and John Nell.

Those against the Motion: Crs Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, Sarah Smith and Steve Tucker.

The motion on being put was lost.

ITEM 1 - ATTACHMENT 1 25 SEPTEMBER 2018 - ORDINARY COUNCIL MINUTES.**MINUTES ORDINARY COUNCIL - 25 SEPTEMBER 2018**

Mayor Ryan Palmer left the meeting at 8:42pm in Open Council. The Deputy Mayor, Cr Sarah Smith Chaired the meeting during the absence of the Mayor.

**ORDINARY COUNCIL MEETING - 25 SEPTEMBER 2018
MOTION**

095	Councillor John Nell Councillor Glen Dunkley It was resolved that Council: 1) Note the outcomes of the exhibition of the draft 'Progressing the Nelson Bay Town Centre and Foreshore Strategy: A revised implementation and delivery program (2017)' (Delivery Program) and draft Clause 4.6 Policy - Exceptions to Development Standards summarised in the Community and Stakeholder Consultation Report (TABLED DOCUMENT 1). 2) Adopt a revised version of Tabled Document 3, to retain a height limit of 5 storeys in the core of the town centre, and reduce the height limit of the area proposed at 10 storeys along the edges of the town centre to 8 storeys (28 metres). Make all necessary changes to the Delivery Program to give effect to these height limits. 3) Endorse the Clause 4.6 Policy - Exceptions to Development Standards (ATTACHMENT 1). 4) Endorse the preparation and submission of a planning proposal for a Gateway certificate to the NSW Department of Planning seeking to amend the <i>Port Stephens Local Environmental Plan 2013</i> and implement the relevant actions in the adopted Delivery Program.
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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 Glen Dunkley, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan and Ken Jordan.

Mayor Ryan Palmer returned to the meeting at 8:46pm in Open Council and resumed the Chair.

MINUTES ORDINARY COUNCIL - 25 SEPTEMBER 2018**BACKGROUND**

The purpose of this report is to advise Council of the outcomes of the consultation during the public exhibition of the draft 'Progressing the Nelson Bay Town Centre and Foreshore Strategy: A revised implementation and delivery program (2017)' and draft Clause 4.6 Policy - Exceptions to Development Standards (draft Clause 4.6 Policy). The report recommends Council adopt the final versions of the documents that have been amended in response to submissions, and endorse the preparation of the amendments to the *Port Stephens Local Environmental Plan 2013* (PSLEP) that are necessary to implement the adopted Delivery Program.

The Delivery Program is the end product of the 'Discussion Paper: Progress of the Nelson Bay Town Centre and Foreshore Strategy' prepared in 2016 to examine why limited private investment and economic development has occurred in the Nelson Bay since the preparation of the Nelson Bay Town Centre and Foreshore Strategy (2012). The Discussion Paper was publicly exhibited in the first half of 2017 and a summary of submissions was reported back to Council on 12 December 2017.

The Delivery Program includes actions to introduce new development standards and controls in the legal planning framework that will improve design outcomes, encourage an activated town centre, and stimulate investment. It also contains actions related to planning for a vibrant public domain, addressing traffic and parking management, and actions related to resourcing and implementation.

The Clause 4.6 Policy has been prepared in response to community feedback about managing building heights in Nelson Bay, however the Policy will apply across the entire local government area to guide the assessment of applications that seek to vary any relevant development standard. The Policy seeks to provide greater transparency, community participation and more robust assessments when a variation to a development standard is proposed.

It is noted that Clause 4.6 of the PSLEP is a standard provision of local environmental plans, and provides the necessary criteria for Council to assess variations to development standards.

A frequently asked questions document (FAQs) setting out further details on the principles and objectives of the Delivery Program and Clause 4.6 Policy is attached to this Report (**ATTACHMENT 2**). The FAQs provide information and responses to some of the key issues raised during exhibition period and the next steps for change in Nelson Bay. The FAQs will be made available on Council's website and provided to interested community members.

The draft 'Progressing the Nelson Bay Town Centre and Foreshore Strategy: A revised implementation and delivery program (2017)' and draft Clause 4.6 Policy - Exceptions to Development Standards were exhibited from 21 February 2018 to 4 April 2018.

ITEM 1 - ATTACHMENT 1 25 SEPTEMBER 2018 - ORDINARY COUNCIL MINUTES.**MINUTES ORDINARY COUNCIL - 25 SEPTEMBER 2018**

During the public exhibition period, 151 submitters made individual written submissions. Submissions were also received from peak organisations, such as Destination Port Stephens and the Tomaree Business Chamber, community groups such as EcoNetwork and the Tomaree Residents and Ratepayers Association, and a submission was received from the NSW Department of Planning and Environment. There were also 1674 pro forma submissions and one petition with 813 signatures. A detailed report, and response to the issues raised in the submissions is provided in **(TABLED DOCUMENT 1)**.

Overall the key issues raised in submissions related to the proposed increase in building height controls in the town centre. Over 90% of submissions expressed concern over a proposed height increase, however some submitters supported a modest increase in height from the existing five (5) storey height limit. Close to 90% of submissions supported all other recommendations or actions they referred to, including proposed public domain improvements and design excellence initiatives.

The NSW Department of Planning and Environment has expressed support for Council's strategic vision for the revitalisation of Nelson Bay in correspondence dated 11 April 2018:

'Nelson Bay is identified as a strategic centre in the Hunter Regional Plan 2036 because of its role as a tourist centre for the region and as a hub for the Tomaree Peninsula. It is recognised that, among other matters, the delivery plan responds to the Regional Plan's desire for Council to investigate opportunities for high density development that maintains and enhances the tourist, recreation and residential appeal of the centre.'

Further details on the consultation and the submissions received are summarised in the Community and Stakeholder Consultation Report **(TABLED DOCUMENT 1)**.

Whilst it is recommended that the height limits in the Town Centre be raised to 10 storeys to maximise improvements to investment feasibility, a version of the Delivery Program has been prepared to respond to the submissions that expressed concerns about the impact of the proposed changes to height limits **(TABLED DOCUMENT 3)**.

A five (5) storey height limit could be retained in the core of the Town Centre, and height limits of 10 storeys could be confined to along the edges of the Town Centre **(ATTACHMENT 3)**.

Analysis has indicated that 10 storeys, with the incorporation of floor space ratio controls, can be achieved across the Town Centre, particularly along the Town Centre 'edges'. It is acknowledged that the core of Nelson Bay Town Centre is highly fragmented and, without consolidation of multiple lots, analysis shows that there may be limitations to achieving 10 storeys given the proposed controls for floor space ratio.

ITEM 1 - ATTACHMENT 1 25 SEPTEMBER 2018 - ORDINARY COUNCIL MINUTES.**MINUTES ORDINARY COUNCIL - 25 SEPTEMBER 2018**

Raising height limits to 10 storeys across the town centre remains the preferred option to respond to the economic analysis and recommendations outlined in the Delivery Program, however given the existing development pattern, a 10 storey height limit in the core of the centre may not have the intended impact on development feasibility to the same extent as within the edges of the Town Centre.

A five (5) storey height limit in the Town Centre core may also retain the natural amphitheatre and 'coastal village feel', whilst facilitating greater view sharing.

It is noted that the height limits that currently apply to Nelson Bay Foreshore Reserve are not proposed to be amended, and were shown in the exhibited draft Delivery Program as they currently exist in the *Port Stephens Local Environmental Plan 2013*.

As it is not proposed to amend this development standard, these height limits are not shown in (**TABLED DOCUMENT 2**, **TABLED DOCUMENT 3** and **ATTACHMENT 3**).

The other key changes to the Delivery Program and Clause 4.6 Policy that have been proposed in response to the issues raised in the submissions include:

Issue	Exhibited	Changes after exhibition
Plan for a vibrant town centre.	Requirements for new buildings to provide an activated street frontage in some parts of the town centre.	The area in the town centre where new buildings will be required to provide an activated street frontage has been extended.
Address solutions for peak season parking and traffic.	New Citizen's Panel will be established to reach consensus and make recommendations to Council.	Expedited establishment of the Panel to the immediate term and commissioned consultants to establish the Panel following a random survey of residents and visitors. The Panel will consider a range of options to address traffic and parking and give an objective community perspective on what can be done to ease the pressure on parking during peak periods.
Prepare and implement public domain improvements to the town centre and foreshore as a priority.	Prepare Public Domain Plan in medium term (1-3 years from Strategy adoption). In the meantime, Yacaaba St works have been recently completed.	Expedited this action to the immediate term and commissioned consultants to prepare a Public Domain Plan, Street Tree Masterplan, and Wayfinding / Signage package for Nelson Bay Town Centre. This will be subject to public exhibition prior to final adoption.

ITEM 1 - ATTACHMENT 1 25 SEPTEMBER 2018 - ORDINARY COUNCIL MINUTES.

MINUTES ORDINARY COUNCIL - 25 SEPTEMBER 2018

Issue	Exhibited	Changes after exhibition
Plan for an improved pedestrian and visitor experience.	No express actions related to utilising technology to resolve traffic and parking issues or to facilitate better wayfinding.	New action directly related to incorporating 'Smart City' initiatives wherever possible to improve the visitor and pedestrian experience. This may include initiatives such as a Smart parking app and digital information. These initiatives can help resolve traffic and parking issues and facilitate a better visitor experience.
Plan for density with an accompanying focus on design excellence to improve amenity.	Design excellence initiatives included in the Implementation Plan including training for staff and the establishment of an independent urban design panel.	Additional initiatives have been added to the Implementation Plan including a new action to commission a digital 3D model of the existing town centre using digital aerial mapping. The tool will be able to be used by assessment staff to support decision making and to inform the assessment of impacts including overshadowing, bulk and scale, and pedestrian amenity.
Ensure new buildings are designed to maximise view sharing where possible and minimise overshadowing of the public domain.	Bulk and scale of new buildings is to be addressed through floor space ratio controls and side and rear setback requirements.	Development controls will be prepared to include objectives for upper storey setbacks to facilitate view sharing and visual privacy for residential flat buildings. Upper storey setbacks will also increase day light access to the street and improve the quality of the public domain.
The Clause 4.6 Policy - Exceptions to development standards, is too broad. Development standards should be enforced in Nelson Bay.	Proposals that exceed height (or other limits) by greater than 10% will be peer reviewed prior to determination.	Note that Clause 4.6 is a standard clause of the <i>Port Stephens Local Environmental Plan 2013</i> and applies across the local government area. All councils must include this clause in their local environmental plans and cannot amend the clause. The Clause 4.6 Policy has been further strengthened following exhibition and proposals that exceed height (or other limits) by greater than 10% will now be determined by the full Council. The elected Council will have the final say on these variations.

ITEM 1 - ATTACHMENT 1 25 SEPTEMBER 2018 - ORDINARY COUNCIL MINUTES.**MINUTES ORDINARY COUNCIL - 25 SEPTEMBER 2018**

This report recommends Council endorse the preparation of an amendment to the *Port Stephens Local Environmental Plan 2013*, which is necessary to implement the actions in the Delivery Program to change the development standards for building height, floor space ratio and to introduce new requirements for active street frontages and appropriate vertical to horizontal proportions for new buildings in the Town Centre.

The planning proposal to amend the *Port Stephens Local Environmental Plan 2013* will:

1. Increase height limits in Nelson Bay Town Centre in accordance with the adopted Delivery Program.
2. Set floor space ratios in Nelson Bay Town Centre in accordance with the adopted Delivery Program.
3. Set minimum vertical to horizontal proportions for new buildings to limit tall and skinny developments by encouraging existing lots that are less than 15m wide and 35m long to amalgamate in order to re-develop.
4. Include provisions for active street frontages in the areas identified in the adopted Delivery Program.

The proposed amendment to require 'active street frontages' in Nelson Bay Town Centre will require all premises on the ground floor of the building facing the street to be used for the purposes of business premises or retail premises. This could include amusement centres, community facilities, educational establishments, entertainment facilities, function centres, information and education facilities, medical centres, public administration buildings, recreation facilities (indoor), or registered clubs.

The land use planning objectives of the planning proposal will seek to create a lively Nelson Bay Town Centre with an amenable and pedestrian-focused public domain, activated by building uses that engage with the street.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Provide land use plans, tools and advice that sustainably support the community.

ITEM 1 - ATTACHMENT 1 25 SEPTEMBER 2018 - ORDINARY COUNCIL MINUTES.**MINUTES ORDINARY COUNCIL - 25 SEPTEMBER 2018****FINANCIAL/RESOURCE IMPLICATIONS**

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	To be determined	Funding will be required to implement a range of actions in the Delivery Program, including works associated with the Public Domain Plan and Apex Park Masterplan and projects related to traffic, transport and parking improvements. This will be implemented consistent with the relevant actions in the Delivery Program.
Reserve Funds	No		
Development Contributions (\$7.11)	Yes	To be determined	Future development will be subject to local infrastructure contributions calculated in accordance with the Port Stephens Development Contributions Plan with a specific action in the Delivery Program to give effect to this.
External Grants	Yes	\$70,000	Grant for the preparation of a Public Domain Plan received from the Tourism Demand Driver Infrastructure grant program. This has been matched through Council funding.
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONSHunter Regional Plan

The Delivery Program is consistent with the Hunter Regional Plan 2036 (HRP). The HRP lists Nelson Bay as a regionally significant centre with the following priorities:

- Maintain it as one of the primary tourist centres for the region and a hub for the Tomaree Peninsula.
- Maintain retail and professional services for the surrounding communities.
- Investigate opportunities for high-density development that maintains and enhances the tourist, recreational and residential appeal of the centre.

ITEM 1 - ATTACHMENT 1 25 SEPTEMBER 2018 - ORDINARY COUNCIL MINUTES.**MINUTES ORDINARY COUNCIL - 25 SEPTEMBER 2018**

- Balance the mix of permanent residential and tourist accommodation to enhance the vibrancy and appeal of the centre and surrounds.

The submission for the NSW Department of Planning and Environment also confirmed the consistency of the Delivery Program as exhibited with the Hunter Regional Plan.

Port Stephens Planning Strategy 2011-2036

The Delivery Program is consistent with the Port Stephens Planning Strategy (PSPS). The PSPS provides a comprehensive planning strategy for the LGA. The PSPS identifies a number of key challenges and opportunities for Nelson Bay which are addressed in the Delivery Program.

Port Stephens Local Environmental Plan 2013

Land use changes envisioned by the Delivery Program will be facilitated by amendments to the *Port Stephens Local Environmental Plan 2013* through the planning proposal process. The planning proposal will be prepared to address the comments received from the NSW Department of Planning and Environment will give effect to the strategic direction outlined in the adopted Delivery Program.

The proposed amendment will follow the relevant processes for all planning proposals, including provision for further public consultation.

The Clause 4.6 Policy is consistent with the model clauses of the Standard Instrument Local Environmental Plan and the guidance published by the NSW Department of Planning and Environment on the administration of the clause.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the strategy does not address all State government issues and a planning proposal will not be supported.	Low	Address the comments in the submission provided by the NSW Department of Planning and continue to consult with the Department prior to the submission of a planning proposal.	Yes

ITEM 1 - ATTACHMENT 1 25 SEPTEMBER 2018 - ORDINARY COUNCIL MINUTES.**MINUTES ORDINARY COUNCIL - 25 SEPTEMBER 2018**

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that future development is not supported by adequate infrastructure.	Medium	Ensure Council's Strategic Asset Management Plan and development contributions plans are updated to align with the Delivery Program, including the Nelson Bay Public Domain Plan (when adopted).	Yes
There is a risk that funding to implement the Delivery Program will not be available.	Medium	Apply for grant funding and commit to reviewing the Delivery Program to monitor whether proposed development standards remain appropriate for market conditions.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the Delivery Program and Clause 4.6 Policy has broad positive social, economic and environmental implications. It ensures that strategic land use planning in Nelson Bay Town Centre plans to accommodate growth and facilitates an activated centre that includes community infrastructure.

The Delivery Program and Clause 4.6 Policy contain measures that increase opportunities for community participation in planning processes and increase transparency and facilitate improved decision making.

The Delivery Program aims to achieve improved economic and environmental outcomes by encouraging private investment and facilitating better quality public spaces in Nelson Bay Town Centre.

CONSULTATION

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

The objective of the consultation was to obtain community and stakeholder feedback on the draft 'Progressing the Nelson Bay Town Centre and Foreshore Strategy: A revised implementation and delivery program (2017)' and the draft Clause 4.6 Policy - Exceptions to Development Standards.

ITEM 1 - ATTACHMENT 1 25 SEPTEMBER 2018 - ORDINARY COUNCIL MINUTES.**MINUTES ORDINARY COUNCIL - 25 SEPTEMBER 2018**Internal

Internal consultation was undertaken prior to exhibition and will be ongoing as part of the implementation of the Delivery Program and Policy. This will include the establishment of an Implementation Panel involving the various sections of Council on an 'as needed' basis. Other actions identified in the Delivery Program will also include ongoing internal consultation with the relevant Council sections during implementation.

External

Community and external stakeholder consultation has been ongoing since the preparation and exhibition of the initial Discussion Paper: Progress of the Nelson Bay Town Centre and Foreshore Strategy in the first half of 2017. This included community consultation initiatives such as surveys on Engagement HQ (an online consultation tool on Council's website), letter drops to local businesses, special interest groups and other stakeholders, key stakeholder meetings, including with Tomaree Ratepayers and Residents Association (TRRA), Tomaree Business Chamber, local real estate agents, Destination Port Stephens, meeting with TRRA planning assessment team, the Aboriginal Strategic Committee, the Nelson Bay Pop-

Up Shop (Smart Art Program), the NSW Department of Planning and Environment and NSW Crown Lands. A total of 82 individual and 67 survey submissions were made on the Discussion Paper that were considered in the preparation of the Delivery Program. This was previously reported to Council on 12 December 2017.

The draft 'Progressing the Nelson Bay Town Centre and Foreshore Strategy: A revised implementation and delivery program (2017)' and the draft Clause 4.6 Policy - Exceptions to Development Standards were exhibited from 21 February 2018 to 4 April 2018.

A number of supporting documents were also exhibited with these documents, including an updated traffic and transport study, a report on the feasibility testing of residential development sites in Nelson Bay Town Centre, and an independent third party peer review of the feasibility testing.

The information was made publicly available on Council's website and Engagement HQ, notification letters were sent to businesses, key stakeholders and special interest groups, and public notices were published in the local newspaper. Social media promotions (Port Stephens Council website, Twitter, Facebook, LinkedIn) were conducted, and articles and interviews with the Mayor were published in the local newspaper.

More than 50 people attended a launch of the 'Nelson Bay Next' brand and over 30 people attended two 'Drop-In Sessions' held in Apex Park, Nelson Bay. Both events took place within the public exhibition period and the community could speak directly to Council Officers at the Drop-In Sessions. Councillors and Council Officers also

ITEM 1 - ATTACHMENT 1 25 SEPTEMBER 2018 - ORDINARY COUNCIL MINUTES.**MINUTES ORDINARY COUNCIL - 25 SEPTEMBER 2018**

spoke and answered questions at a TRRA meeting at the Nelson Bay Bowling Club within this period.

A summary of the submissions received during the exhibition of the draft 'Progressing the Nelson Bay Town Centre and Foreshore Strategy: A revised implementation and delivery program (2017)' and the draft Clause 4.6 Policy - Exceptions to Development Standards and the responses to the issues raised in submissions is set out in the Community and Stakeholder Consultation Report (**TABLED DOCUMENT 1**).

The FAQ document (**ATTACHMENT 2**) will be made public on adoption of the Delivery Program to provide further details on some of the principles and objectives of the Delivery Program and the Clause 4.6 Policy (**ATTACHMENT 1**), subject to Council adoption.

Further community consultation will be undertaken in accordance with the *Environmental Planning and Assessment Act 1979* should Council endorse the preparation and submission of a planning proposal to the NSW Department of Planning seeking to amend the *Port Stephens Local Environmental Plan 2013* to implement aspects of the adopted Delivery Program.

OPTIONS

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

ATTACHMENTS

- 1) Clause 4.6 Policy - Exceptions to Development Standards.
- 2) Nelson Bay Frequently Asked Questions.
- 3) Height Map - 10 storeys + five (5) storeys.

COUNCILLORS ROOM

- 1) Draft 'Progressing the Nelson Bay Town Centre and Foreshore Strategy: A revised implementation and delivery program (2017)' (Delivery Program) and draft Clause 4.6 Policy - Exceptions to Development Standards – Submissions.

TABLED DOCUMENTS

- 1) Community and Stakeholder Consultation Report.
- 2) Nelson Bay Town Centre Delivery Program.
- 3) Nelson Bay Town Centre Delivery Program – 10 storeys + five (5) storeys.

ITEM 1 - ATTACHMENT 2 13 OCTOBER 2020 - ORDINARY COUNCIL MINUTES.**MINUTES ORDINARY COUNCIL - 13 OCTOBER 2020**

Mayor Ryan Palmer left the meeting at 5:57pm prior to item 1.
Deputy Mayor, Cr Le Mottee chaired the meeting in the absence of the Mayor.

ITEM NO. 1**FILE NO: 20/240818
EDRMS NO: 58-2018-24-1****NELSON BAY TOWN CENTRE AMENDMENT TO THE PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2013**

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submissions received during the exhibition period **(ATTACHMENT 5)**.
- 2) Authorise the exercise of delegations to make the amendment to the Port Stephens Local Environmental Plan 2013 under Section 3.36 of the Environmental Planning and Assessment Act 1979 (NSW) **(ATTACHMENT 2)**.

**ORDINARY COUNCIL MEETING - 13 OCTOBER 2020
MOTION**

204	Councillor Chris Doohan Councillor Glen Dunkley It was resolved that Council: 1) Receive and note the submissions received during the exhibition period (ATTACHMENT 5). 2) Authorise the exercise of delegations to make the amendment to the Port Stephens Local Environmental Plan 2013 under Section 3.36 of the Environmental Planning and Assessment Act 1979 (NSW) (ATTACHMENT 2).
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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 Chris Doohan, Glen Dunkley, Paul Le Mottee, Sarah Smith and Steve Tucker.

Those against the Motion: Crs Jaimie Abbott, Giacomo Arnott and John Nell.

The motion was carried.

MINUTES ORDINARY COUNCIL - 13 OCTOBER 2020**BACKGROUND**

The purpose of this report is to advise Council of the outcome of the exhibition of the amendments to the Port Stephens Local Environmental Plan 2013 which will implement significant actions from Progressing the Town Centre and Foreshore Strategy: A revised implementation and delivery program (Delivery Program), as summarised in **(ATTACHMENT 1)**.

Amendments to the Port Stephens Local Environmental Plan 2013 were exhibited concurrently with proposed amendments to the Port Stephens Development Control Plan (the DCP Amendment). As a result of the exhibition process, additional changes are proposed to the DCP Amendment, which will be reported to Council to align with the plan making timeframes for the amendment to the Port Stephens Local Environmental Plan 2013 (LEP 2013) (the LEP Amendment) **(ATTACHMENT 2)**, if endorsed.

The report seeks Council approval for authorisation to exercise delegations to make the LEP Amendment **(ATTACHMENT 2)**. The LEP Amendments are actions in the adopted Delivery Program to change the development standards for building height, and to introduce new requirements for floor space ratio, active street frontages, and appropriate vertical to horizontal proportions for new buildings in the town centre.

Extensive consultation with the community has informed a community vision for Nelson Bay Town Centre that will enhance the character of Nelson Bay and promote a vibrant town centre. The actions to achieve this vision are outlined in the Delivery Program which was adopted by Council on 25 September 2018 (minute no. 095) **(ATTACHMENT 3)**.

Since the Delivery Program was adopted, 23 out of the 33 actions of the Delivery Program have been implemented, including:

- \$1.85million extension of Yacaaba Street to improve connectivity between the town centre and foreshore.
- The Apex Park master plan has created a more attractive, community focused park.
- The Donald Street multi-storey car park has been demolished and replaced with a new ground level car park.
- The Nelson Bay Public Domain Plan has been endorsed and will create a people friendly town centre through a range of actions including car parking, transport and movement improvements, public domain improvements, and public space upgrades.
- The Independent Citizens Parking Panel has prepared a report which is being used to inform traffic and parking improvements including Smart Parking.
- Smart Parking roll out and implementation of the Nelson Bay Public Domain Plan and Citizens Parking Panel has been endorsed by Council in May 2020.
- Establishment of the Port Stephens Urban Design Panel in December 2019.
- Implementation of Council's Economic Development and Tourism Strategy.

ITEM 1 - ATTACHMENT 2 13 OCTOBER 2020 - ORDINARY COUNCIL MINUTES.**MINUTES ORDINARY COUNCIL - 13 OCTOBER 2020**

These actions, and the outcomes achieved by the DCP and LEP Amendments, will enhance the vitality, viability and sustainability of the Bay as a regional centre in the Hunter.

As envisaged by the Delivery Program, all of these actions are designed to be implemented concurrently with the proposed changes to planning controls to deliver on the future vision for Nelson Bay. As detailed in **(ATTACHMENT 5)**, the implementation of these key actions also address many of the issues raised in objection to the proposed planning controls. In addition, the proposed planning controls are consistent with the regional and local strategic planning framework, including Council's recently adopted Local Strategic Planning Statement and Local Housing Strategy.

At its meeting on 25 September 2018, Council resolved to adopt the planning proposal and forward it to the NSW Department of Planning and Environment (now the NSW Department of Planning, Industry and Environment) (the Department) for a Gateway determination (minute no. 095) **(ATTACHMENT 3)**.

On 17 March 2020, the Department issued a Gateway determination, subject to conditions requiring the planning proposal to be updated prior to exhibition **(ATTACHMENT 4)**. In accordance with the Gateway determination, the planning proposal was updated to:

- Include an urban design analysis;
- Describe how social infrastructure requirements had been considered;
- Describe how traffic and transport had been considered;
- Clarify the intention and wording of clauses proposed to be amended or added to the LEP 2013;
- Address consistency with section 9.1 Direction 2.2 – Coastal Management;
- Provide further details on amended planning controls on land classified as community land; and
- Include an outline of the Nelson Bay Strategy boundary on proposed LEP maps.

The Gateway determination authorises Council to make the necessary amendments to the LEP to give effect to the planning proposal following public exhibition.

The DCP and LEP Amendments were publicly exhibited from 3 July 2020 to 14 August 2020 and 136 submissions were received. In accordance with the Gateway determination, the LEP Amendment was reviewed by a number of public authorities. A summary of submissions is at **(ATTACHMENT 5)**.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Provide land use plans, tools and advice that sustainably support the community.

ITEM 1 - ATTACHMENT 2 13 OCTOBER 2020 - ORDINARY COUNCIL MINUTES.**MINUTES ORDINARY COUNCIL - 13 OCTOBER 2020****FINANCIAL/RESOURCE IMPLICATIONS**

There are no anticipated financial or resource implications for Council as a consequence of the recommendations of this report.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no significant anticipated legal, policy, or risk implications as a consequence of the recommendation of this report.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if the Amendments are not made the community vision for Nelson Bay Town Centre will not be achieved.	High	Authorise the exercise of delegations to make the LEP Amendment.	Yes
There is a risk the LEP Amendment will not commence at the same time as the DCP Amendment.	Low	Reporting the DCP Amendment to Council for adoption will be timed with the gazettal of the LEP Amendment (if made). Gazettal of an LEP amendment generally takes 2 to 3 months after adoption.	Yes

MINUTES ORDINARY COUNCIL - 13 OCTOBER 2020Environmental Planning and Assessment Act 1979

Part 3 of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides the framework for amending a local environmental plan. The Department issued a Gateway determination under Section 3.34 of the Act specifying that the planning proposal should proceed to exhibition, subject to conditions and consultation requirements. The planning proposal was updated and exhibited for a minimum of 28 days in accordance with the Gateway determination.

The Gateway determination (**ATTACHMENT 4**) issued by the Department authorises Council to act as the local plan making authority to make the plan. Should Council adopt the recommendations, arrangements will be made for the drafting of the amendment to the LEP 2013 to give effect to the planning proposal.

Hunter Regional Plan

The aims of the Hunter Regional Plan (HRP) are to encourage initiatives that revitalise centres, improve housing choice, and make better use of existing infrastructure. The HRP lists Nelson Bay as a regionally significant centre with the following priorities:

- Maintain it as one of the primary tourist centres for the region and a hub for the Tomaree Peninsula.
- Maintain retail and professional services for the surrounding communities.
- Investigate opportunities for high-density development that maintains and enhances the tourist, recreational and residential appeal of the centre.
- Balance the mix of permanent residential and tourist accommodation to enhance the vibrancy and appeal of the centre and surrounds.

The Amendments are consistent with these priorities in the HRP.

Port Stephens Local Strategic Planning Statement

The Port Stephens Local Strategic Planning Statement (LSPS) was adopted by Council on 14 July 2020. The LEP Amendment is consistent with Actions 1.3 and 5.1 in the LSPS.

Live Port Stephens

Live Port Stephens (LPS) was adopted by Council on 14 July 2020. The LEP Amendment is consistent with action 5, action 15, and priorities 1.3, 3.1, 4.1 and 4.2 of LPS.

MINUTES ORDINARY COUNCIL - 13 OCTOBER 2020Port Stephens Local Environmental Plan (LEP) 2013

The Amendment to the LEP will:

1. Change height limits in Nelson Bay Town Centre in accordance with the adopted Delivery Program.
2. Set floor space ratios in Nelson Bay Town Centre in accordance with the adopted Delivery Program.
3. Set minimum vertical to horizontal proportions for new buildings to limit tall and skinny developments by encouraging existing lots that are less than 15m wide and 35m long to amalgamate in order to re-develop in accordance with the adopted Delivery Program.
4. Include provisions for active street frontages in the areas identified in the adopted Delivery Program.

Progressing the Nelson Bay Town Centre and Foreshore Strategy: A revised implementation and delivery program

The Delivery Program was adopted by Council on 25 September 2018 (minute no. 95) (**ATTACHMENT 3**). The LEP Amendment is necessary to implement the actions in the Delivery Program to change the development standards for building height, floor space ratio and to introduce new requirements for active street frontages and appropriate vertical to horizontal proportions for new buildings in the town centre. This is detailed in actions 1, 2 and 7 of the Delivery Program.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The LEP Amendment will have overall positive environmental, social and economic implications. It will ensure that the land use planning framework for the Nelson Bay Town Centre accommodates growth and facilitates an activated centre.

The LEP Amendment aims to achieve improved economic and environmental outcomes by promoting built form solutions that are consistent with the NSW Government Architect's Better Placed Guide and by encouraging private investment in the Nelson Bay Town Centre.

CONSULTATION

The LEP Amendment gives effect to the outcomes and actions in the adopted Delivery Program. Community and stakeholder consultation on the vision for the Nelson Bay Town Centre has been ongoing since 2017. In that time, surveys, a discussion paper, letter drops, stakeholder meetings, and other initiatives have been used to inform the community vision in the Delivery Program that the LEP Amendment seeks to achieve.

MINUTES ORDINARY COUNCIL - 13 OCTOBER 2020Internal

Consultation with internal stakeholders has been undertaken to inform the preparation of the LEP Amendment, including Development Engineering Unit, Development Assessment and Compliance Section, and the Economic Development and Tourism Unit. No objections were identified with the LEP Amendment.

External

The Amendments were placed on public exhibition for 42 days from 3 July 2020 to 14 August 2020. The Gateway determination required the LEP Amendment to be exhibited for a minimum 28 days.

A notice was placed in the Port Stephens Examiner and copies of the exhibition material were made available on the Council website, at the Council administration building, and Council libraries.

The following public authorities were consulted during exhibition and in accordance with the Gateway determination:

- Ausgrid
- Hunter Water Corporation
- NSW Rural Fire Services
- Transport for NSW
- Crown Land in NSW
- NSW Government Architect.

Transport for NSW (TfNSW) requested additional information in relation to potential impacts to the State main road network, however confirmed that the agency did not object to the planning proposal. A summary of comments is provided at **(ATTACHMENT 5)**.

No comments were received from Ausgrid, Hunter Water Corporation, NSW Rural Fire Service, Crown Land in NSW, and NSW Government Architect.

In response to the exhibition of the Amendment, 136 public submissions were received. A summary and response to the submissions can be found in **(ATTACHMENT 5)**.

No changes were made to the LEP Amendment in response to the submissions. Further amendments are proposed to the DCP in response to submissions. The DCP Amendment will be reported to Council for adoption at a later date and will align with the plan making timeframes for the LEP Amendment, if endorsed.

ITEM 1 - ATTACHMENT 2 13 OCTOBER 2020 - ORDINARY COUNCIL MINUTES.

MINUTES ORDINARY COUNCIL - 13 OCTOBER 2020

OPTIONS

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

ATTACHMENTS

- 1) Revitalising Nelson Bay: A Community Guide to the Vision for Nelson Bay Town Centre. [↓](#)
- 2) Nelson Bay Planning Proposal. [↓](#)
- 3) Minute No. 095, 25 September 2018. [↓](#)
- 4) Gateway Determination. [↓](#)
- 5) Submission Summary and Response. [↓](#)

COUNCILLORS ROOM

- 1) Copy of submissions.

TABLED DOCUMENTS

Nil.

NOTICE OF MOTION**ITEM NO. 2****FILE NO: 25/301660
EDRMS NO: PSC2024-03148****BUREAU OF METEOROLOGY****COUNCILLOR: GIACOMO ARNOTT**

THAT COUNCIL:

- 1) Notes that the Bureau of Meteorology has implemented a change to its website which it is calling a "redesign", which has been subject to significant criticism from locals in Port Stephens and across Australia.
- 2) Notes the importance of locals being able to quickly find information about rain, flooding, fire danger, and other weather events, in a familiar and user-friendly web interface, to help plan and respond to disasters.
- 3) Requests the General Manager write to the Federal Member for Paterson, Meryl Swanson, and the Minister for the Environment and Water, the Hon Murray Watt, expressing Council's and the Port Stephens community's deep frustration with the change, and requesting the website be immediately reverted to its old format, noting the negative impact that the new design will have on emergency information and recovery activities.

BACKGROUND REPORT OF: GREG KABLE – DIRECTOR FACILITIES AND INFRASTRUCTURE**BACKGROUND**

The Bureau of Meteorology (BOM) has recently launched a redesigned website as part of its ROBUST Program, which focused on enhancing the long-term security, stability and resilience of the BOM's critical systems. This redevelopment was designed to support the Bureau's goal of meeting evolving user expectations and organisational requirements. The new website was launched in late October 2025 and has been subject to media coverage.

FINANCIAL/RESOURCE IMPLICATIONS

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

ORDINARY COUNCIL - 25 NOVEMBER 2025

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

ATTACHMENTS

Nil.