

NOTICE OF ORDINARY MEETING

9 DECEMBER 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: 25/298231
EDRMS NO: 16-2025-177-1****DEVELOPMENT APPLICATION (DA) 16-2025-177-1 - CONSTRUCTION OF NEW SHARED PATH AND ROAD UPGRADE WORKS AT 1A MUSTONS ROAD, KARUAH**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application DA 16-2025-177-1 for construction of a new shared path and road upgrade works, at 1A Mustons Road, Karuah (Lot 153 DP 753196) subject to the conditions contained in **(ATTACHMENT 1)**.

BACKGROUND

The purpose of this report is to present a development application to Council for determination.

Subject Land	1A Mustons Road, Karuah (Lot 153 DP 753196)
Total Area	1.6ha
Zoning	R2 Low Density Residential and C2 Environmental Conservation
Submissions	1
Key Issues	The key issues identified throughout the assessment of the DA relate to impacts to areas of high biodiversity and aquatic habitat. A detailed assessment of the application is contained within the Planner's Assessment Report (ATTACHMENT 2) .
Applicant	Natalie Green (RPS Consulting)
Land Owner	Port Stephens Council

This DA has been reported to Council in accordance with 5.1(e) of Council's 'Planning Matters to be Reported to Council Policy' as the development application has a cost of works exceeding \$250,000 and Council is the owner of the land on which the development is to be carried out.

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

Being a Council-related development, the Environmental Planning and Assessment Regulations 2021 stipulates requirements for Councils to manage conflicts of interest through the assessment phase. This includes the establishment of management

controls to address potential conflicts of interest and specifies the minimum public exhibition period as being 28 days. To address conflicts of interest for the subject DA, an independent contract planner was commissioned to assess the proposed development. The Planner's Assessment Report (**ATTACHMENT 2**) and recommended conditions (**ATTACHMENT 1**) were prepared by the independent planner.

A Conflict of Interest Management Statement was also prepared and exhibited with the DA, satisfying the requirements of the 'Planning Matters to be Reported to Council Policy' and Environmental Planning and Assessment Regulations 2021.

This report provides a summary of the findings from the Planner's Assessment Report (**ATTACHMENT 2**).

Proposal

The proposed development seeks consent for road upgrades and a shared footpath on Mustons Road, Karuah. The works will occur within the public road reserve between Tarean Road and Boronia Road.

Details of the proposal include:

- 2 temporary site compounds, laydown, and stockpile areas to be utilised for the purpose of holding and storing materials required for the development.
- removal of 1,400m³ of materials that mainly include existing bitumen, gravel and concrete, and tree and vegetation removal resulting in the removal of approximately 0.17 hectares of native vegetation.
- construction of 110m of new road pavement to replace the current infrastructure. Construction will involve retaining structures, minor road widening, reconstruction of the road, construction of 2 new concrete crossovers to private properties, drainage works, and utility relocations.
- construction of 620m of footpath along the western side of Mustons Road, commencing at the intersection of Tarean Road and Mustons Road in the south and continuing to the intersection of Mustons Road and Boronia Road.

Site Description

The subject site (the 'site') is located at 1A Mustons Road, Karuah, on Lot 153 DP 753196 and the Mustons Road reserve. The site is located approximately 500m west of the centre of Karuah and 27km north of Raymond Terrace. The subject site is surrounded by national parks, nature reserves and conservation areas in all directions. Land north of the site contains the Wallaroo National Park and private land tenures, while land to the south consists of mangroves and salt marshes associated with Mustons Gully.

Key Issues

The key issues identified throughout the assessment of the development primarily relate to impacts to areas of high biodiversity and aquatic habitat. A detailed assessment of these matters is contained within the Planner's Assessment Report **(ATTACHMENT 2)**.

Impacts to Biodiversity

The Biodiversity Development Assessment Report (BDAR) provided with the application has been assessed by Council's Natural Systems Officer and found to be consistent with the requirements of the Biodiversity Conservation Act 2016, subject to the recommendations of the BDAR and conditions of consent being administered through the construction and completion phase.

A total of 0.17ha of native vegetation is proposed to be removed. No hollow bearing trees were identified in the impact area during environmental inspections. There will be some loss of Koala feed trees (4 trees), however connectivity through the site and with adjacent habitat will be maintained and offset tree planting will be undertaken. The vegetation removal was supported by Council's Natural System Officer as the proposal will not have a significant impact on local biodiversity in the area.

The proposed development has been designed to avoid, mitigate and manage biodiversity impacts within the impact area. Additionally, the recommended conditions of consent provide for the management of retained biodiversity areas and measures for the minimisation of residual biodiversity impacts during works.

Impact to Aquatic Vegetation

The proposed development required an integrated referral under the Fisheries Management Act 1994 as the development includes works that may require the removal of mangroves and excavation of land permanently or temporarily submerged by water (dredging) and the potential blocking of a fish passage. Accordingly, the application was referred to the Department of Primary Industries and Regional Development (Fisheries and Forestry) and subsequently supported with conditions under Division 4.8 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979).

The proposed development is not considered to impact the biophysical or ecological integrity of the adjacent wetland as part of the proposed road works, nor is it considered to impact the quality of the surface and ground water flows to and from the surrounding wetlands, subject to design and construction management measures being adhered to.

Conclusion

Mustons Road is a narrow, sealed road which has no formalised pedestrian path or links to Tarean Road but represents a key pedestrian desire line for the community.

The development responds to historical road incidents and community feedback and concerns around safety on Mustons Road. The road upgrades will enable safer pedestrian and vehicle interaction and facilitate improved traffic flow.

As detailed in the Planner's Assessment Report (**ATTACHMENT 2**), the development is considered to be consistent with the aims and objectives of the relevant environmental planning instruments and Council policies applicable to the subject site.

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

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL, POLICY AND RISK IMPLICATIONS

The development application is consistent with Council's Policy.

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social and Economic Impacts

The proposal will generate direct employment opportunities during the construction of the new road and shared footpath with employment multipliers benefiting the local community. The long term improvement in traffic flows and pedestrian safety will have a significant social benefit.

Built Environment

The proposed development is not considered to have a negative impact on the physical built environment. The proposal is generally consistent with the objectives and development controls contained within relevant environmental planning instruments and development control plan that applies to the site. For these reasons, it is considered that the development will not adversely impact on the built environment of the area.

Natural Environment

The proposed development has been designed to avoid, mitigate and manage biodiversity impacts where practicable. Additionally, the recommended conditions of consent provide for the management of retained biodiversity areas and measures for the minimisation of residual biodiversity impacts.

COMMUNICATION AND ENGAGEMENT

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

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

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The following communication and engagement apply to this report.

External communications and engagement

CONSULT	The application was exhibited for 28 days from 15 May 2025 to 12 June 2025 in accordance with the provisions of the Port Stephens Council Community Engagement Strategy and Environmental Planning and Assessment Regulations 2021. 1 submission was received in relation to the subject development proposal by the Department of Planning, Housing and Infrastructure – Crown Lands (Crown Lands). Crown Lands reviewed the application and stated that no objection to the proposal have been identified. External consultation was undertaken with Department of Primary Industries and Regional Development (Fisheries). DPIRD (Fisheries) were supportive of the proposed development for reasons outlined in the Planner's Assessment Report (ATTACHMENT 2).
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Internal communications and engagement

Consultation has been undertaken by the Development Services Section with:

- Strategy and Environment Section
- Assets Section

OPTIONS

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

ATTACHMENTS

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

COUNCILLORS' ROOM

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

TABLED DOCUMENTS

Nil.

Recommended Conditions of Consent**General Conditions**

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

Sheet No.	Revision No.	Plan Title.	Drawn By.	Dated.
021	E	General Arrangement	BRS	13/09/2024
031	E	Typical Sections	BRS	13/09/2024
032	E	Speed Hump Detail	BRS	13/09/2024
101 & 102	E	Layout Plan Sheet 1 and 2	BRS	13/09/2024
111 & 112	E	Linemarking and Signage Layout Plan	BRS	13/09/2024
121 & 122	E	Setout Plan Sheet 1 and 2	BRS	13/09/2024
201 & 202	E	Mustons Road Longitudinal Sections Sheet 1 and 2	BRS	13/09/2024
211 & 212	E	Pathway FP01 Longitudinal Sections Sheet 1 and 2	BRS	13/09/2024
221 & 222	E	Pathway FP02 Longitudinal Sections Sheet 1 and 2	BRS	13/09/2024
301, 302, 303, 304 & 305	E	Mustons Road Cross Sections Sheet 1-5	BRS	13/09/2024
311, 312, 313, 314	E	Pathway FP01 Cross Sections Sheet 1-4	BRS	13/09/2024
321, 322, 323, 324	E	Pathway FP02 Cross Sections Sheet 1-4	BRS	13/09/2024
501, 502, 503	E	Culvert Plan and Section DR01-CH 20.53, DR02 – CH206.3, DR03 - CH 390	BRS	13/09/2024

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511	E	Pit Details	BRS	13/09/2024
601 & 602	E	Utility Impact Plan Sheet 1 and 2	BRS	13/09/2024
801	E	Erosion and Sediment Control Plan	BRS	13/09/2024
811	E	Erosion and Sediment Control Details	BRS	13/09/2024
Figure 7-2	-	Stockpile and Laydown Area Options	RPS	3/03/2025
S01.01	5	General Arrangement Plan	Northrop	24/05/2024
S02.01 & S02.02	3	Retaining Wall Elevation Sheet 1 and 2	Northrop	18/04/2024
S03.01, S03.02, S03.03, S03.04, S03.05, S03.06, S03.07	4	Sections Sheet 1-7	Northrop	18/04/2024
S04.01 & S04.02	3	Foundation and Retaining Wall Details Sheet 1 and 2	Northrop	18/04/2024
S04.03	2	Foundation and Retaining Wall Details Sheet 3	Northrop	18/04/2024
S04.04	1	Foundation and Retaining Wall Details Sheet 4	Northrop	24/05/2024
S05.01 & S05.02	3	Walkway Framing Details Sheet 1 and 2	Northrop	18/04/2024

Document Title.	Version No.	Prepared By.	Dated.
Biodiversity Development Assessment Report	4	Thrive Ecology	29/09/2025
Water Management Strategy	3	Umwelt	30/09/2025

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Geotechnical Investigation	0	Hunter Civilab	18/05/2023
Aboriginal Heritage Due Diligence Report	1	RPS	16/11/2022
Waste Management Plan	0	RPS	3/03/2025

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.

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

- (2) **General Terms of Approval** – The requirements from the following agencies must be complied with prior to, during, and at the completion of the development.

The Requirements are:

1. Department of Primary Industries and Regional Development (Fisheries), reference: IDA25/59, dated 22 October 2025.

A copy of the General Terms of Approval is attached to this determination notice.

Condition reason - To ensure that the development is carried out in accordance with the General Terms of Approval issues by Integrated Development / Concurrence Agencies.

- (3) **External agency approvals** – The requirements from the following agencies must be complied with prior to, during, and at the completion of the development.

The Requirements are:

1. Department of Primary Industries and Regional Development (Marine Parks), reference: MEAA25/108, dated 23 October 2025.

A copy of the Requirements is attached to this determination notice.

Condition reason - To ensure that development is carried out in accordance with conditions as required by external agencies.

- (4) **Approved Report Recommendations – Biodiversity Development Assessment Report** - Construction of the development must comply with the recommendations of the 'Biodiversity Development Assessment Report', Version 4, prepared by Thrive Ecology, dated 29 September 2025.

Condition reason - To ensure that development is carried out in accordance with specific recommendations of a report are required to be complied with, but not the full report.

- (5) **Approved Report Recommendations – Water Management Strategy** - Construction of the development must comply with the recommendations of Section 4 'Surface Water and Soil Management' of the Water Management Strategy (prepared by Umwelt, Revision 3, dated 30.09.2025).

Condition reason - To ensure that development is carried out in accordance with specific recommendations of a report are required to be complied with, but not the full report.

- (6) **Approved Report Recommendations – Aboriginal Heritage Due Diligence Report** - Construction of the development must comply with the recommendations of the 'Aboriginal Heritage Due Diligence' report, Revision 1.0, prepared by RPS, dated 16 November 2022, detailed as follows:

- Aboriginal cultural heritage induction - prior to works commencing, it is recommended that an induction is presented to ensure that all construction personnel and subcontractors involved in the proposed work are aware of their obligations under the National Parks and Wildlife Act (NSW) 1974 ('the NPW Act').
- Unexpected finds procedure, Aboriginal object/s - if suspected Aboriginal objects are identified during works, the following procedures must be followed:
 - Immediately cease all activity at the location and notify the site manager.
 - Do not move or handle the object. Secure the area where the find is located.
 - Contact a suitably qualified archaeologist experienced in the assessment and management of Aboriginal Cultural Heritage to assess the find.
 - If the consultant confirms the find is an Aboriginal object, notify the Heritage NSW, pursuant to s89A of the NPW Act and Karuah Aboriginal Land Council.
 - If the consultant determines the find is not an Aboriginal object, the consultant will provide written advice to the client that works may recommence and proceed with caution.

If any human remains are discovered, you must cease work immediately and:

- Not further disturb or move the remains
- Notify NSW Police
- Notify Heritage NSW Environment Line on 131 555 as soon as practicable and provide available details of the remains and their location
- Not recommence any work at the location unless authorised in writing by Heritage NSW.
- If human remains unexpectedly encountered are believed to be Aboriginal, the Karuah Aboriginal Land Council must be notified immediately.

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Condition reason - To ensure that development is carried out in accordance with specific recommendations of a report are required to be complied with, but not the full report.

- (7) **Tree Removal** – All vegetation within the 'Subject Site' as shown on 'Figure 5-10 Areas requiring vegetation offsets' of the 'Biodiversity Development Assessment Report', prepared by Thrive Ecology, dated 29 September 2025, is approved for removal.

Within 14 days of clearing works commencing, Council must be notified in writing.

Condition reason - To identify vegetation approved for removal.

- (8) **Protect existing vegetation and natural landscape features** – The removal of existing vegetation approved for removal is not to occur until the issue of the Roads Act Approval.

No vegetation or natural landscape features other than that authorised for removal, pruning by this Consent must be disturbed, damaged or removed. No additional works or access/parking routes transecting the protected vegetation must be undertaken without Council Approval.

Condition reason – To ensure that vegetation is protected during works.

- (9) **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.

2.0 - Prior to Commencement of Works

- (10) **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 Roadworks Permit under Section 138B of the *Roads Act 1993*, before building work commences.

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

- (11) **Construction Environmental Management Plan** – Prior to the commencement of work, a Construction Environmental Management Plan (CEMP) is to be prepared for all works on the site, including the approved

stockpile and laydown areas, such to be kept on site and made available to authorised Council officers upon request. The CEMP is to describe safeguards and management measures to address environmental risks associated with the activity. The plan must include but need not be limited to the following matters and sub-plans:

- a) Community Communication Plan;
- b) Construction Noise and Vibration Management Plan;
- c) Construction Soils and Water Management Plan;
- d) Construction Surface Water Management Plan;
- e) Erosion and Sediment Control Plan;
- f) Traffic Management Plan;
- g) Waste Management Plan;

All provisions of this CEMP to be implemented during the development activity on site.

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

- (12) **Long Service Levy** – Before the commencement of works, the long service levy must be paid to the Long Service Corporation under the *Building and Construction industry Long Service Payments Act 1986*, section 34, and evidence of the payment is to be provided to the principal certifier.

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

- (13) **Stormwater Design** – The detailed design for all stormwater outlets and structures must take into consideration safe, efficient and effective maintenance methods, techniques and vehicular and personnel access.

Condition reason - To ensure stormwater systems are appropriately designed and maintained in perpetuity.

- (14) **Retaining Walls** – Before the commencement of works, all retaining walls must be designed and certified by a suitably qualified Structural Engineer or a system with a design certificate complying with the relevant Australian Standards.

Details demonstrating compliance must be provided to the Certifying Authority.

Condition reason - To ensure that retaining walls are designed and certified by a suitably qualified engineer.

- (15) **Biodiversity Offset Scheme – Ecosystem and Species Credit Retirement** – The class and number of credits in the following table must be retired to offset the residual biodiversity impacts of the development prior to works commencing.

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ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of credits, as calculated by the Biodiversity Offsets Payment Calculator.

Ecosystem Credits:

Impact plant community type	No. of ecosystem credits	IBRA sub-region	Plant community type(s) that can be used to offset impacts of development
3437-Hunter Coast Lowland Spotted Gum Dry Forest	4	Karuah Manning, Hunter, Macleay Hastings, Mummel Escarpment and Upper Hunter. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site	Hunter-Macleay Dry Sclerophyll Forests This includes PCT's: 1608, 3431, 3433, 3436, 3437, 3439, 3442, 3444, 3446

Species Credits:

Impacted species credit species	Number of species credits	IBRA sub-region
Petaurus norfolcensis / Squirrel Glider	5	Anywhere in NSW
Phascolarctos cinereus / Koala	5	Anywhere in NSW
Pterostylis chaetophora / Pterostylis chaetophora	2	Anywhere in NSW
Vespadelus troungtoni / Eastern Cave Bat	7	Anywhere in NSW

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund detailed in the above table must be provided to the consent authority prior to vegetation clearing.

Condition reason - To ensure the required ecosystem credits are retired prior to the commencement of works.

- (16) **Tree protection measures** – Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection, including 'No-Go Zones', detailed in the construction site management plan are in place.

Condition reason - To tree protection measures are in place prior to commencement of works.

- (17) **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

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erection of the building or undertake subdivision work at least two days prior to subdivision and/or building works commencing in accordance with Sections 6.6 (2) and 6.12 (2) (c) of the Environmental Planning and Assessment Act 1979 and Section 59 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:

- 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;
- 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.

- (18) **Public liability insurance** – The owner or contractor must take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc.) for the full duration of the proposed works.

Evidence of this Policy must be provided to Council and the Certifying Authority.

Condition reason - To verify that the owner or contractor has a Public Liability Insurance Policy where there are works over public property.

3.0 - 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) **Unexpected finds contingency (general)** – Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works must cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works must cease in the vicinity of the contamination and Council must be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

Condition reason – To ensure that works relating to a development are to cease if any suspect materials are remediated in accordance with Council requirements.

- (22) **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.

- (23) **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.

- (24) **Construction noise** – While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

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Condition reason – To ensure that developments do give rise to offensive noise impacts during works.

- (25) **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.

- (26) **Cut and fill (if applicable)** – While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- (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.

- (27) **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.

- (28) **Location of stockpiles** – Stockpiles of soil must be managed in accordance with the Port Stephens Council Stockpile Management Procedures and ensure there is no disturbance or impact to watercourses, the local environment or residents. 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.

- (29) **Tree protection during work** – While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with:

- a) The construction environmental management plan approved under this consent,
- b) the relevant requirements of AS 4970-2009 'Protection of trees on development sites',
- c) Section B1 of Council's relevant development control plan (in force as at the date of determination of this consent), and
- d) Any BDAR approved under this consent.

This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

Condition reason: To protect trees during the carrying out of site work.

- (30) **Machinery wash down area** – 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 soil that is separate from clean material shall be provided during construction.

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

- (31) **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 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.

- (32) **Disposal of stormwater** – Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant Environmental Protection Agency and Australian and New Zealand Environment and Conservation Council standards for water quality discharge.

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

- (33) **Acid Sulfate Soils** - Work must be carried out in accordance with the approved Acid Sulfate Soils Management Plan (ASSMP) prepared by Hunter Civilab, Revision 0, dated 18 May 2023.

Condition reason - To ensure the approved ASSMP is implemented during works.

4.0 – Practical Completion of Works

- (34) **Works-as-executed** – Works-as-executed (WAE) plans are to be provided to Council following Practical Completion of the upgrades to Mustons Road.

Condition reason: To ensure that approved works within the road reserve have been completed to the satisfaction of Council.

- (35) **Repair of infrastructure** – On practical completion of works, any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council.

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

- (36) **Removal of waste upon completion** – On practical completion of works, 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.

Condition reason – To ensure that all waste is appropriately removed from the subject site following completion of works.

- (37) **Stormwater/drainage works** – On practical completion of works, all stormwater and drainage works required to be undertaken in accordance with this consent must be completed.

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

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

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- (38) **Temporary Stockpile and Laydown Areas** – On practical completion of works, the use of the temporary stockpile and laydown areas approved under this development consent must be removed and/or managed in accordance with the Port Stephens Council Stockpile Management Procedures.

Condition reason – To ensure the temporary use of the temporary stockpile and laydown areas ceases following practical completion of works.

- (39) **Completion of Roads Act Approvals Works** – On practical completion of works, all approved road, regulatory signage, footpath and/or drainage works, including vehicle crossings, must be completed in the road reserve in accordance with the Roads Act Approval to the satisfaction of the Council as the Roads Authority.

Condition reason – To ensure completion of Roads Act Approval Works to Council satisfaction.

5.0 – Ongoing

- (40) **Maintenance of Replacement Plantings** – Replacement trees are to be maintained (e.g. through the use of mulch and watering) until maturity, or for a period of 5 years from planting.

If any of the vegetation dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.

Condition reason: To ensure maintenance of replacement plantings.



DEVELOPMENT ASSESSMENT REPORT

APPLICATION REFERENCES

Application Number	16-2025-177-1
Development Description	Construction of new shared path and road upgrade works
Applicant	N GREEN
Land Owner	PORT STEPHENS COUNCIL
Date of Lodgement	30/04/2025
Value of Works	\$2,838,000.00
Submissions	Nil

PROPERTY DETAILS

Property Address	1A Mustons Road KARUAH, East Ward PORT STEPHENS
Lot and DP	LOT: 153 DP: 753196, LOT: 9999 DP: 9999999
88B Restrictions on Title	N/A
Current Use	Road
Zoning	R2 Low Density Residential C2 Environmental Conservation
Site Constraints	• Coastal wetlands and coastal use area • Category 1 and Category 3 bushfire risk • Acid sulfate soils Class 2 and Class 5 • Flood prone land • Contains Aboriginal items or heritage significance • Contains threatened flora and fauna
State Environmental Planning Policies	State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021

PROPOSAL

The proposed development seeks consent for road upgrades and a shared footpath to Mustons Road, Karuah. The works will occur within the road reserve between Tarean Road and Boronia Road.

Temporary site compound

Two (2) temporary site compounds, laydown, and stockpile areas will be utilised for the purpose of holding and storing materials required for the development. The land identified for the temporary land uses includes:

- Lionel Morton Oval and
- Oval located on the southern side of Engel Avenue between the Karuah Community Hall and Karuah Rural Fire Brigade building.

Site preparation works

The initial stage of the proposal will involve the removal of 1,400m³ of materials that mainly include the existing bitumen, gravel and concrete. The applicant is proposing to dispose of the spoil at an appropriately licensed waste facility or reused within the road reserve. The proposed development will require some tree and vegetation removal, resulting in the removal of approximately 0.17 hectares of native vegetation and the clearing of 16 native trees.

Road construction

The proposed road works will include the installation of approximately 110m of new road pavement to replace the current infrastructure. Construction will involve retaining structures, minor road widening, reconstruction of the road, construction of two (2) new concrete crossovers to private properties, drainage works, and utility relocations. The works will require the importation of materials that would primarily be concrete, gravel for base course construction, and reinforced steel.

Footpath construction

The proposed footpath will be located along the western side of Mustons Road. The proposed pathway will extend for approximately 620m, commencing at the intersection of Tarean Road and Mustons Road in the south and continue to the intersection of Mustons Road and Boronia Road. It will consist of a new 2.5m wide shared concrete pathway for pedestrians and cyclists.

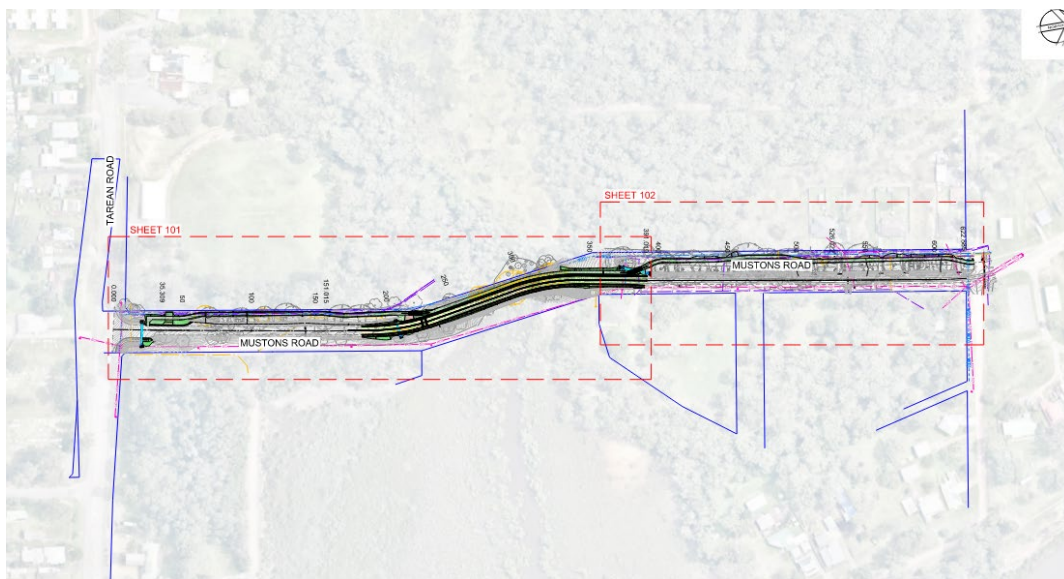


Figure 1: Proposed site plan

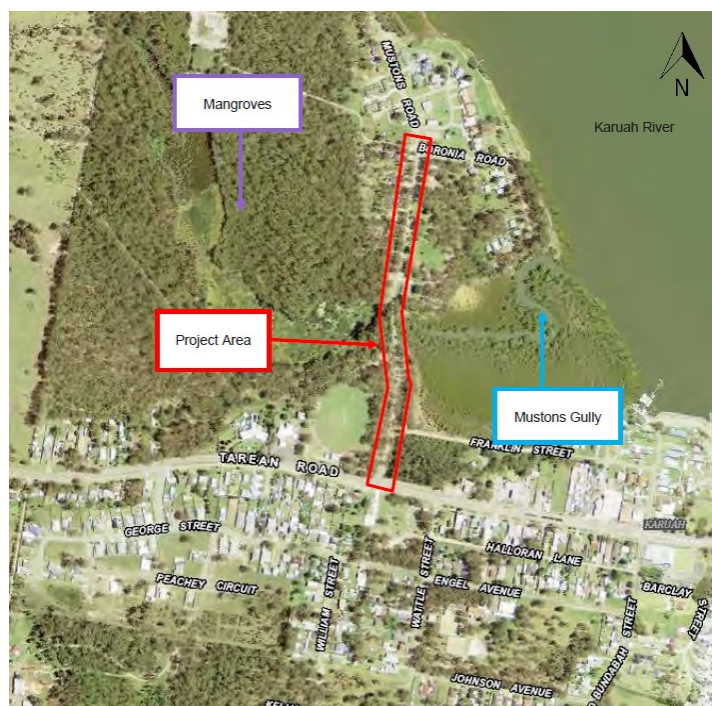


Figure 2: Aerial imagery of the subject site outlined in red



Figure 3: Aerial imagery of the proposed site compounds outlined in red

SITE DESCRIPTION

The subject site (the 'site') is located at 1A Mustons Road, Karuah, on Lot 153 DP 753196 and the Mustons Road reserve. The site is located approximately 500m west of the centre of Karuah and 27km north of Raymond Terrace.

The subject site is surrounded by national parks, nature reserves and conservation areas in all directions. Land north of the site contains the Wallaroo National Park and private land tenures, while land to the south consists of mangroves and salt marshes associated with Mustons Gully.

The site is surrounded by a variety of vegetation types consisting of uncleared open forests west of the Karuah River, uncleared mangroves and saltmarsh within the proposed development footprint, and an extensively cleared open forest with woodlands south of the site.

The temporary site compounds at Lionel Morton Oval are located adjacent to the subject site and are surrounded by vegetated areas in the north and east, while the Karuah Gardens Motel is located to the west. The Engel Avenue Oval is located within the existing Karuah urban area and contains some vegetation within the recreational area.

SITE HISTORY

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

Application #	Proposal Description	Determination	Date Determined
DA2020-11-1	Telecommunications Facility – Installation of 200m of underground	Approved	14/05/2020

ITEM 1 - ATTACHMENT 2 PLANNER'S ASSESSMENT REPORT.

	telecommunications cable and associated conduit		
DA16-2008-83-1	Bridge construction	Approved	18/07/2008

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

SITE INSPECTION

A site inspection was carried out on 14 July 2025. The subject site can be seen in **Photographs 1 to 15** below:



Figure 1 – View of access to the sports oval



Figure 2 – View of sporting field and amenities at the sports oval



Figure 3 – View of southern section of Mustons Road



Figure 4 – View of southern section of Mustons Road



Figure 5 – View of central section of Mustons Road



Figure 6 – View of northern section of Mustons Road



Figure 7 – View of northern section of Mustons Road



Figure 8 – View of southern section of Mustons Road with Franklin Street to the right



Figure 9 – View of Franklin Street from Mustons Road



Figure 10 – View from Mustons Road of vegetation to the east

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Figure 11 – View of property at 10 Mustons Road



Figure 12 – View from Mustons Road of vegetation to the west (at culverts)



Figure 13 – View from Mustons Road of vegetation to the west (at culverts)

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Figure 14 – View from Mustons Road of vegetation to the east (at culverts)



Figure 15 – View of central section of Mustons Road (narrow section)

REFERRALS	
Internal	
Development Engineering	
Outcome	Supported with conditions
Comment	The application was reviewed by Council's Development Engineering team and no issues from an engineering, traffic or flooding perspective were identified.
Natural Systems	
Outcome	Supported with conditions
Comment	The application was reviewed by Council's Development Natural Systems team. No issues from an ecological perspective were identified subject to adherence with the recommended conditions.
Development Contributions	
Outcome	Supported with conditions

Comment	The referral to Council's Contributions team found that Developer Contributions were not applicable to the proposal.
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All internal referral officers have supported the application with conditions.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 1.7 – Application of Part 7 of Biodiversity Conservation Act 2016

The proposed development triggers entry into the Biodiversity Offset Scheme (BoS) as the development involves the clearing of native vegetation within a Biodiversity Values Mapped area. Therefore, the development triggers assessment under the BC Act 2016.

The proposal is expected to have the following direct impacts when construction occurs:

- Removal of 0.17 ha of native vegetation, including:
 - 0.08 ha of PCT 3437 - Hunter Coast Lowland Spotted Gum Dry Forest.
 - 0.01 ha of PCT 4091 - Grey Mangrove-River Mangrove Forest
 - 0.08 ha of PCT 3432 - Hunter Coast Foothills Apple-Ironbark Grassy Forest
- Within the above mentioned PCTs, the removal of 16 Eucalypt trees is required, including the following trees:
 - 9 *Corymbia maculata* (Spotted Gum)
 - 1 *Eucalyptus crebra* (Narrow-leaved Ironbark)
 - 4 *Eucalyptus tereticornis* (Forest Red Gum)
 - 2 *Eucalyptus acmenoides* (White Mahogany)
 - Additionally, a small stand of *Casuarina glauca* (Swamp She-oak) within PCT 4091.
- Habitat for the following threatened species:
 - Taree Rusty Hood (*Pterostylis chaetophora*) 0.06 ha
 - Squirrel Glider (*Petaurus norfolcensis*) 0.17 ha
 - Koala (*Phascolarctos cinereus*) 0.17ha

The direct impacts on native vegetation has the potential effect of reducing foraging habitat for mobile fauna including arboreal mammals, birds and bat species. Noting however, no hollow bearing trees will be removed through the road works.

There will be some loss of Koala feed trees however, connectivity through the site and with adjacent habitat is maintained and offset tree planting will be undertaken.

The Biodiversity Development Assessment Report (BDAR) has been assessed by Council's Natural Systems Officers and found to be consistent with the requirements of the BC Act, subject to the recommendations of the BDAR and recommended conditions of consent. There will be no long-term decline or significant impact on local biodiversity emanating from the proposed clearing.

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

The proposed development is mapped as bushfire prone land.

Although the development is within bushfire prone land, the proposal does not involve the construction of any buildings and the provisions of Planning for Bushfire Protection 2019 (PBP 2019) therefore does not apply.

Section 4.46 – What is “integrated development”?

Section 4.46 EP&A Act provides that development is integrated development if in order to be carried out, the development requires development consent and one or more other approvals. The proposed development is integrated as it requires approval under the following Acts:

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Department of Primary Industries and Regional Development	
	The proposed development required an integrated referral under the <i>Fisheries Management Act 1994</i> as the development includes works that require the removal of mangroves and excavation of land permanently or temporarily submerged by water (dredging) and the potential blocking of a fish passage. Accordingly, the application was referred to the Department of Primary Industries and Regional Development (Fisheries and Forestry), and was subsequently supported with conditions under Division 4.8 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979).
Comment:	General Terms of Approval (GTA), issued by Department of Primary Industries and Regional Development (Fisheries and Forestry), dated 22 October 2025, include conditions related to the following: - Requirement for a permit under Part 7 of the <i>Fisheries Management Act 1994</i> prior to any works on site; - Works not resulting in a net reduction in tidal flow; and - Decking material for the suspended walkway above mangrove habitat. The GTAs will be attached to the determination.

Section 4.15 – Matters for consideration

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

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

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

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

State Environmental Planning Policy (Biodiversity And Conservation) 2021

Chapter 2 – Vegetation in non-rural areas

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

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

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

The development application seeks consent for the removal of 16 trees located along the road frontage. The removal was supported by Council's Natural System Officers as the proposal will not have a significant impact on biodiversity in the area. Minimisation and offset measures are included in the BDAR and recommended conditions to ameliorate the impacts associated with the tree removal.

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 R2 Low Density Residential, C1 Environmental Conservation, and RE1 Public Recreation. Therefore, the provisions of this chapter are not applicable.

Chapter 4 – Koala habitat protection 2021

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

There are 4 preferred Koala feed trees (Forest Redgum (*Eucalyptus tereticornis*)) that will be removed as part of the road works. These trees range in size from 300mm Diameter Breast Height (DBH) to 500mm DBH, with compensatory planting for the removal of these trees proposed. The proposed removal of Koala feed trees is minor and not likely to contribute to the decline of the local Koala population. The proposal is considered to be consistent with the requirements of Council's Comprehensive Koala Plan of Management and is therefore compliant with the SEPP through avoidance, minimisation and replanting measures.

State Environmental Planning Policy (Resilience And Hazards) 2021**Chapter 2 – Coastal management**

The subject land is mapped as Coastal Environment, and Coastal Use, as well as Coastal Wetlands and Coastal Wetlands Proximity Area.

The application was reviewed by Council's Natural system team and the following general matters were considered during the assessment.

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.

The proposed development is not considered to impact the biophysical or ecological integrity of the adjacent wetland nor is it considered to impact the quantity/quality of the surface and ground water flows to and from the surrounding wetlands.

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 will not result in any adverse impacts to the integrity of the biophysical and ecological environment, the values and natural coastal processes, marine vegetation, native vegetation and fauna and existing open space. In addition, access to the foreshore remains unimpeded.

An Aboriginal Heritage Due Diligence Assessment was provided with the application, which showed that there are no recorded Aboriginal heritage sites or items within the subject site, or in close proximity to the subject site. The site is located within an Aboriginal sensitive landscape feature (200m from waters) however, the site exhibits evidence of prior ground disturbance. As such, no adverse impact to Aboriginal heritage is expected, and a condition of consent relating to unexpected finds will be included to ensure that appropriate steps are taken should any be identified during works.

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 an appropriate type and design for the coastal location. The proposed use of the site will ensure that the visual amenity and scenic qualities of the coast are protected. No adverse impacts to heritage values are expected, as noted above.

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.

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 the management of the Port Stephens coastal zone to:

- 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 works are not located within the draft coastal vulnerability mapping and therefore, is not impacted by this draft planning instrument.

The development is consistent with the aims of the SEPP and the other matters for consideration stipulated under Clauses 2.7, 2.8, 2.10, 2.11 and 2.12, and can therefore be supported.

Chapter 4 – Remediation of land**Section 4.6 – Contamination and remediation to be considered**

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

It is noted that the NSW list of contaminated sites and list of notified sites published by the EPA does not identify the site as being contaminated, nor has previous record of contamination in Council's system. The land is not within an investigation area and there are no records of potentially contaminating activities occurring on the site, per Table 1 of the Guidelines. Noting this, the proposed development satisfies the requirements of Chapter 4 of this SEPP. Conditions have been included to address unexpected finds during works.

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 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 proposed development is defined as a 'road', which is permissible with consent in the C2 Environmental Conservation and R2 Low Density Residential zones. The proposed works are also listed as exempt development within the RE1 Public Recreation zone. The PSLEP 2013 provides the following definitions:

road means a public road or a private road within the meaning of the Roads Act 1993, and includes a classified road.

The development addresses the objectives of the respective zones by ensuring the ongoing amenity and health of the surrounding conservation land, and providing critical infrastructure to serve the needs of the local community.

Clause 5.10 – Heritage conservation

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

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

The proposed development is not located within or in proximity to any local or state listed heritage items or conservation areas. An Aboriginal Heritage Due Diligence Assessment was provided with the application, which showed that there are no recorded Aboriginal heritage sites or items within the subject site, or in close proximity to the subject site. The site is located within an Aboriginal sensitive landscape feature (200m from waters) however, the site exhibits evidence of prior ground disturbance.

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

Clause 5.21 – Flood planning

The objectives of this clause are to minimise 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. In the determination of this development application, the following matters have been considered and addressed:

Compatibility and flood affection

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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 Flow Path. In accordance with Figure BI of the DCP, the development would comprise a road and associated works, which is suitable for the flood risk category.

Council's Development Engineering Officers reviewed the flood impacts and concluded that, based on these characteristics, the proposal can appropriately mitigate the flood risk through appropriate drainage design.

The environment and off-site flooding impacts

The proposed development was reviewed by Council's Development Engineering Officers who found that the proposal would not cause any adverse offsite flooding impacts by way of increased velocity and flood inundation. Furthermore, the proposed development would not adversely affect the environment or cause avoidable erosion, siltation, and destruction of riparian vegetation or reduction in the stability of riverbanks or watercourses and would not result in any adverse changes to flood behaviour as a result of climate change.

Clause 7.1 – Acid sulfate soils

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

The subject land is mapped as containing potential Class 2 acid sulfate soils. The proposed development is anticipated to entail excavations below natural ground level and therefore a condition has been included requiring that the recommendations and mitigation measures contained within the ASS Management Plan are to be complied with during works.

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.

The development comprises earthworks on the site to achieve a level road platform through the use of balanced cut and fill. Earthworks are not major in nature for a road proposal, and are not anticipated to result in any negative impacts on the subject or adjoining land, or any public place. As outlined in the assessment against clause 5.10 above, the likelihood of disturbing relics is low.

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Conditions of consent have been imposed relating to sediment and erosion control, stockpiling of materials, dewatering, quality of imported/exported fill materials and disposal of excavated materials in accordance with the EPA's Waste Classification Guidelines.

Due to the proximity of the proposed excavations to buildings on the adjoining allotment, a condition of consent has also been included requiring the persons undertaking the excavations:

- Preserve and protect the building from damage;
- If necessary, underpin and support the building in an approved manner; and
- Give at least seven days notice to the adjoining owner before excavating, of the intention to excavate.

Subject to the above conditions of consent, the development accords with the requirements of this clause.

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 proposal does not require servicing and is therefore considered to be compliant with the provisions of the clause.

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 proposal is located on land identified as wetland under PSLEP mapping. The development has been assessed by Council's Natural Systems Officers who has determined that the development will not have a negative impact on the flora and fauna of the wetland, including either native and migratory species, or the characteristics of the ground or surface water.

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. On 28 October 2025, Council adopted a revised DCP following a review of the former 2014 Development Control Plan (DCP). The adoption of the revised 2025 DCP post-dates the lodgement of this application, and therefore the former 2014 DCP provisions have been applied. Despite the revised 2025 DCP being adopted, there have been no major reforms to the development controls that are applicable to the proposed development type.

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.

The proposed tree removal has been assessed by Council's Natural Systems Officers and supported as replacement planting will occur in the affected areas. No major adverse biodiversity impacts will result from the proposed tree removal.

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).

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- 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 and Port Stephens Comprehensive Koala Plan of Management (CKPoM).

There will be a loss of 4 x Koala feeds trees from the proposed works, however connectivity through the site and with adjacent habitat will be maintained and offset tree planting undertaken. Further, all hollow bearing trees have been avoided within the impact area.

The BDAR findings and recommendations have been assessed by Council's Natural Systems Officers and found to be consistent with the requirements of the BC Act, subject to the recommended conditions of consent. On this basis, the proposed development is consistent with the objectives of B2 of the DCP.

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 separation distances incorporated into the development to nearby sensitive receivers will limit any adverse impacts on the adjoining development. The impacts of the development during construction could be limited through conditions of consent which limit construction work hours and mitigate noise derived from ventilation and air conditioning systems.

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). The proposed road works would not cause any ongoing air quality impacts during the operational phase of the development.

Earthworks

As discussed at Clause 7.2 above, the proposed development involves the removal of the existing road formation and site preparation works. The impacts of the proposed earthworks can be mitigated through conditions of consent. The proposal is therefore consistent with requirements outlined in Councils DCP relating to earthworks.

B4 – Drainage and Water Quality

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;
- 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.

A Stormwater Management Plan was submitted with the application and includes adequate quality and quantity controls in accordance with the requirements of this section. The stormwater drainage design has been assessed as being consistent with Council's Infrastructure Specification and a condition of consent has been included in the consent requiring the provision of detailed engineering plans.

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.

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Following from the discussion against Clause 5.21 of the PSLEP above, the proposed development is acceptable in regard to flooding. The principles of the NSW Government 'Flood Risk Management Manual' (as amended), 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 design.

Flood compatibility

The proposed development is located on land mapped as being Flood Planning Area with the nominated flood risk level being High Hazard Flow Path. In accordance with Figure BI of the DCP, the development would comprise a road, which is considered to be suitable for the flood risk category. The road design has incorporated flood design measures.

B7 – Heritage

This Chapter applies to development that is situated on land that contains a heritage item or within a heritage conservation area.

The objectives of this Chapter are:

- To ensure satisfactory consideration of the objectives for LEP clause 5.10;
- To ensure that maintenance or repairs do not distract from the heritage significance of an existing item;
- To ensure evidence is provided for the demolition of a building of heritage significance; and
- To ensure due diligence is followed before carrying out development that may harm Aboriginal objects.

The site is not located on land that contains any local or state listed heritage items and therefore the provisions of this section do not apply. In addition, the proposed development is not located within or in proximity to any local or state listed heritage items or conservation areas. A search of the Aboriginal Heritage Management Systems register did not reveal any previously recorded Aboriginal sites in proximity to the proposed development. Conditions related to unexpected finds have been included in the determination.

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;

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- 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

Council's Traffic Engineer reviewed the traffic impacts associated with the development on Mustons Road and Tarean Road, including both short-term and long-term effects.

The proposed road upgrades will enable safer pedestrian and vehicle interaction, and facilitate better traffic flow. It was identified that Mustons Road is the only access to the development to the north of the subject site. To ensure access for local residents is maintained during construction, it is proposed to implement specific traffic management measures through a Traffic Management Plan. These measures include the introduction of one-way contra-flow arrangements.

Nonetheless, some unavoidable delays will be experienced by local residents during the construction phase. The increase of construction traffic will not significantly impact the capacity of the local road network and will only be for short-periods.

On-site parking provisions

Parking can be provided within Lionel Morten Oval and the Engel Avenue Oval during the demolition and construction phases of the proposal. No ongoing parking is required given the nature of the development.

On-site parking access

The areas available for parking within Lionel Morten Oval can be accessed by construction vehicles.

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

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

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

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

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

In regard to section 66A of the EP&A Regulations 2021, Council has considered the adopted conflict of interest policy in the assessment of this application.

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

The proposal will generate direct employment opportunities during the construction of the new road and shared footpath on employment multipliers benefitting the local community. The long term improvement in traffic flows and pedestrian safety will have a significant social benefit to the community.

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Accordingly, it is considered that the proposal will not result in any adverse impacts in the locality as outlined above.

Impacts on the Built Environment

The proposed development is not considered to have a negative impact on the physical built environment. The proposal is generally consistent with the objectives and development controls contained within relevant environmental planning instruments and development control plan that applies to the site. For these reasons, it is considered that the development will not adversely impact on the built environment of the area.

Impacts on the Natural Environment

The proposed development has been designed to avoid, mitigate and manage biodiversity impacts within the impact area. Additionally, the recommended conditions of consent provide for the management of retained biodiversity areas and measures for the minimisation of residual biodiversity impacts.

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

Mustons Road is a narrow, sealed road which has no formalised pedestrian path or links to Tarean Road but represents a key pedestrian desire line for the community. The development responds to historical road incidents and community feedback and concerns around safety on Mustons Road. The road upgrades will enable safer pedestrian and vehicle interaction, and facilitate improved traffic flow.

The site is free of any significant constraints and is well separated from any residential areas and sensitive receivers. Based on this assessment, the site is suitable to accommodate the proposed development.

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

The application was exhibited for a 28-day period in accordance with the provisions of the Port Stephens Council Community Engagement Strategy. One (1) submission was received in relation to the subject development proposal.

The Department of Planning, Housing and Infrastructure – Crown Lands (Crown Lands) reviewed the application and raised no objections. It was further requested that the consent be made available to Crown Lands.

Section 4.15(1)(e) The public interest

The proposed development does not result in any adverse impacts on the built or natural environment, and results in positive social and economic outcomes for the local community. The proposal is consistent with the relevant environmental planning instruments applying to the land.

The proposed development is in the public interest and will provide safer pedestrian and vehicle interaction via an off-road, shared path extending from Tarean Road through to Boronia Road, as well as returning the road across Mustons Gully to two lanes.

Beneficial social and economic impacts will be derived from the proposed use of the site.

On this basis, the proposal is considered to be in the public interest.

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

Not applicable.

Section 7.12 – Fixed Development Consent Levies

Not applicable.

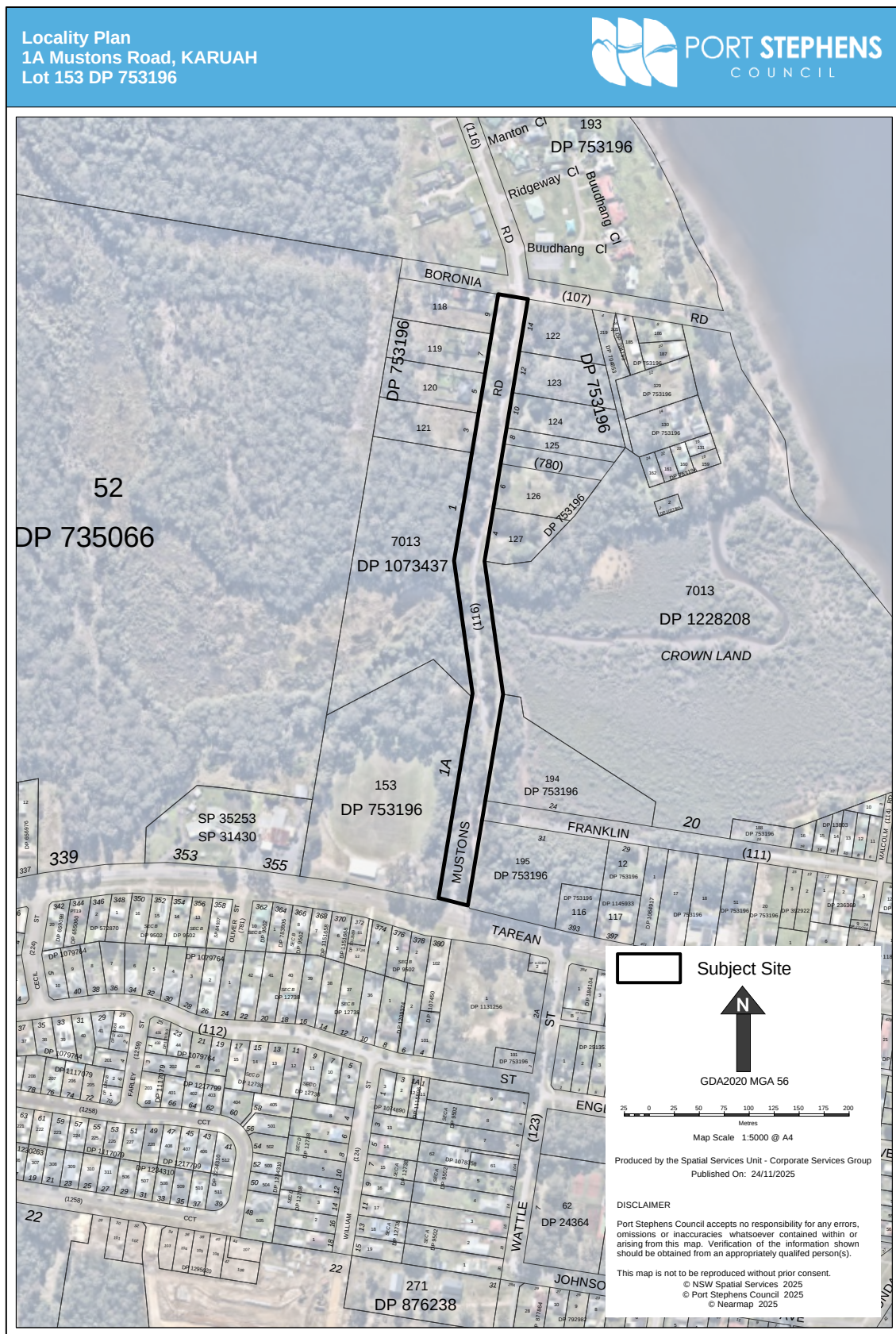
CONCLUSION

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

RECOMMENDATION

The application is recommended to be approved under delegated authority pursuant to s4.15 of the *Environmental Planning and Assessment Act 1979*, subject to conditions of consent provided as contained in the notice of determination.

MR R Lourens
Independent Contract Planner



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

ITEM NO. 2**FILE NO: 25/296614
EDRMS NO: 58-2025-6-1****PLANNING PROPOSAL - 339 TAREAN ROAD, KARUAH**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse the Planning Proposal (**ATTACHMENT 1**) seeking to amend the Port Stephens Local Environmental Plan 2013 for 339 Tarean Road, Karuah (Lot 52 DP 735066).

BACKGROUND

The purpose of this report is to seek a resolution of Council on the Planning Proposal (**ATTACHMENT 1**) for the site known as 339 Tarean Road, Karuah.

A summary of the Planning Proposal and property are provided below.

Date lodged	25 July 2025
Proponent	Planning Ingenuity Pty Ltd on behalf of AO Farm Holding Pty Ltd
Subject property	Lot 52 DP 735066 (339 Tarean Road, Karuah)
Total area	30.2 hectares
Current zoning	RU2 Rural Landscape
Current use	Rural and environmental land uses.
Proposed changes	• 15 hectares of land zoned R2 Low Density Residential. • 9.8 hectares of environmental land zoned C2 Environmental Conservation • 5.4 hectares of land zoned RU2 Rural Landscape
Dwelling yield	Approximately 140 dwellings on residential lots.
Reasons for Recommending Refusal	Inconsistency with the Hunter Regional Plan 2041.

	Inconsistency with the Port Stephens Local Strategic Planning Statement. Inconsistency with the Port Stephens Local Housing Strategy and Housing Supply Plan. Inconsistency with the Karuah Place Plan. Inconsistency with Directions issued by the Minister for Planning, Housing and Infrastructure under section 9.1(2) of the Environmental Planning and Assessment Act 1979 including: • 1.1 Implementation of Regional Plans • 4.2 Coastal Management • 6.1 Residential Zones Given the environmental values identified on the site, and the inconsistency with the urban footprint identified in Council strategies, the site is not considered suitable for the proposed urban development outcome.
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The site is not identified for housing within the Hunter Regional Plan 2041 (HRP) or the Port Stephens Local Housing Strategy (LHS). Part of the site is identified for housing in the Karuah Place Plan (KPP), however, the Planning Proposal is not consistent with the Place Plan.

The site is not identified in the LHS. The Department of Planning, Housing and Infrastructure (DPHI) requires Planning Proposals to be consistent with the LHS unless a minor inconsistency can be justified. Any proposals that are unable to justify a minor inconsistency should be supported by a revised strategy or Local Housing Strategy addendum approved by the DPHI prior to seeking a Gateway determination.

The proponent was advised of the requirement to undertake the addendum process, although elected to proceed with the lodgement of a Planning Proposal regardless, which is the subject of this Council report. The Planning Proposal and supporting technical studies do not provide sufficient justification for Council to support the Planning Proposal proceeding.

The detailed technical assessment of the Planning Proposal is provided as the Strategic Planning Assessment Report (SPAR) at **(ATTACHMENT 2)**.

Suitability of the site

The subject land has a total of 30 hectares and adjoins the Karuah township to the west. The site is heavily vegetated, with the development under the Planning Proposal and future development application resulting in the following ecological impacts:

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- Removal of 1.65ha of the Endangered Ecological Community - Lower Hunter Spotted Gum Ironbark Forest in the Sydney Basin and NSW North Coast Bioregions.
- Removal of 5.86ha of the Endangered Ecological Community - Subtropical eucalypt floodplain forest and woodland of the New South Wales North Coast and South East Queensland bioregions.
- Removal of approximately 32 *Callistemon linearifolius*, a vulnerable flora species.
- Removal of 12.79 ha of habitat for Koala.

These impacts would result in the degradation of environmental value and viability of the biodiversity network in Karuah. The site contains Coastal Wetland areas mapped under the State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021. The Planning Proposal seeks to rezone the wetland and riparian vegetation to C2 Environmental Conservation.

Land that is mapped as proximity area for Coastal Wetlands and Littoral Rainforests is proposed to be zoned R2 Low Density Residential. While the SEPP permits development within the proximity area, insufficient information has been provided to satisfy Council that the Planning Proposal would not have a significant impact on the the biophysical, hydrological or ecological integrity of the Coastal Wetland.

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

Financial and resourcing implications for Council as a consequence of the recommendations of this report are listed 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	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the planning proposal would create unacceptable environmental impacts if supported.	High	Accept the recommendation.	Yes
There is a risk that the proponent seeks a rezoning review from DPHI.	Medium	Accept the recommendation.	Yes

Environmental Planning and Assessment Act 1979

The Planning Proposal is being processed in accordance with Part 3 of the Environmental Planning and Assessment Act 1979 (EP&A Act). Should Council resolve to support the Planning Proposal, it would be forwarded to the DPHI for a Gateway assessment and determination.

The Planning Proposal has not demonstrated consistency with a number of Directions issued by the Minister for Planning, Housing and Infrastructure under Section 9.1(2) of the EP&A Act including:

- 1.1 Implementation of Regional Plans
- 4.1 Flooding
- 4.2 Coastal Management
- 6.1 Residential Zones

A detailed assessment of the Planning Proposal against these Directions has been provided within the Strategic Planning Assessment Report (SPAR) at **(ATTACHMENT 2)**.

Port Stephens Local Environmental Plan 2013

The Planning Proposal would result in an additional 15 hectares of land zoned R2 Low Density Residential and an additional 9 hectares of land zoned C2 Environmental Conservation.

Hunter Regional Plan 2041 (HRP)

The HRP has projected a need for an additional 11,100 dwellings required in Port Stephens by 2041. The Planning Proposal seeks to provide a potential footprint for

approximately 140 new dwellings which would contribute to meeting this projected dwelling demand.

Notably, the Planning Proposal is considered to be inconsistent with Objective 6: 'Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments' of the HRP.

Port Stephens Local Strategic Planning Statement 2020 (LSPS)

The Planning Proposal gives limited effect to the planning priorities and actions in the LSPS. The proposal would increase the supply of housing, if rezoned and developed, aligning with LSPS Planning Priority 4 'Ensure suitable land supply'. However, it is inconsistent with related LSPS Action 4.1 'Prepare and implement a local housing strategy to ensure suitable land supply and other planning priorities for housing identified in the LSPS' as the site has not been identified for housing in the LHS.

The Planning Proposal is also inconsistent with LSPS Planning Priority 7 'Conserve biodiversity values and corridors', notwithstanding the proposal aiming to protect the Coastal Wetland by rezoning to C2 Environmental Conservation. Coastal Wetlands are already afforded statutory protection under other legislation. The intended development outcome would result in significant impacts to land with high environmental value. Further detail on biodiversity impacts is provided in the Strategic Planning Assessment Report (SPAR) at **(ATTACHMENT 2)**.

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

The Planning Proposal is inconsistent with the endorsed LHS and HSP, which does not identify the site for housing. Although the site could contribute towards housing supply by the provision of more than 140 dwellings, there are significant site constraints and inconsistencies with the strategic planning framework that do not support the proposal proceeding.

To provide for housing supply in Port Stephens, the LHS includes a mechanism for Council to consider alternative sites and respond to the housing targets of the HRP by 2041. This flexibility includes the LHS addendum process, which enables the consideration of additional sites and annual reporting against housing projections to monitor supply. The proponent was advised of this process and irrespective elected to proceed with the lodgement of a Planning Proposal.

Karuah Place Plan (KPP)

The Planning Proposal is inconsistent with the KPP. While part of the site is identified in the KPP for Stage 1 Residential Land Release, the Planning Proposal is almost 3 times larger than the area identified in the KPP.

When the KPP was being prepared, Council sought the advice of a third-party planning consultant to independently review the strategic work underpinning Council's preparation of the Plan. Subsequently, part of the site was identified in the

KPP as it was advised that identifying land in multiple ownerships reduces the vulnerability of land supply and creates supply diversity.

Notwithstanding, the KPP notes that ecological investigations at the rezoning stage would determine the appropriate development footprint, and applications must demonstrate how they minimise the impact on the natural environment. The Planning Proposal does not adequately demonstrate an acceptable environmental impact.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Planning Proposal may have positive social and economic implications from an increase in housing supply and employment related to the intended development outcome. The Planning Proposal is, however, considered to have negative environmental impacts upon an area of high environmental value. The social and economic benefits are considered to be outweighed by the adverse environmental implications from the proposal.

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.
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ORDINARY COUNCIL - 9 DECEMBER 2025

	Lodgement of the Planning Proposal was notified in The Port Stephens Examiner.
CONSULT	Preliminary consultation with the following State agencies was undertaken during the preparation of the scoping proposal: • Department of Planning, Housing and Infrastructure • Transport for NSW • Department of Planning, Housing and Infrastructure – Heritage • Department of Climate Change, Energy, the Environment and Water • State Emergency Service • Department of Education – School Infrastructure

Internal communications and engagement

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

- Governance Section.
- Assets Section.
- Development Services Section.

OPTIONS

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

ATTACHMENTS

- 1) Planning Proposal - 339 Tarean Road, Karuah. (Provided under separate cover)
- 2) Strategic Planning Assessment Report (SPAR). [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT (SPAR).



STRATEGIC PLANNING ASSESSMENT REPORT (SPAR)

Application No. 58-2025-6-1

Applicant Name Planning Ingenuity on behalf of AO Farm Holding Pty Ltd

Applicant Address Suite 210, 531–533 Kingsway
Miranda NSW 2228

Site Location Details 339 Tarean Road, Karuah
LOT 5 DP 735066

Proposal Summary

- Approximately 140 - 150 dwellings
- Roads and access
- Vegetation removal, including 12.79ha of Koala habitat
- Management of environmental land by rezoning wetland to C2 Environmental Conservation

Zoning Existing Zoning:

- RU2 Rural Landscape 30ha

Proposed Zoning:

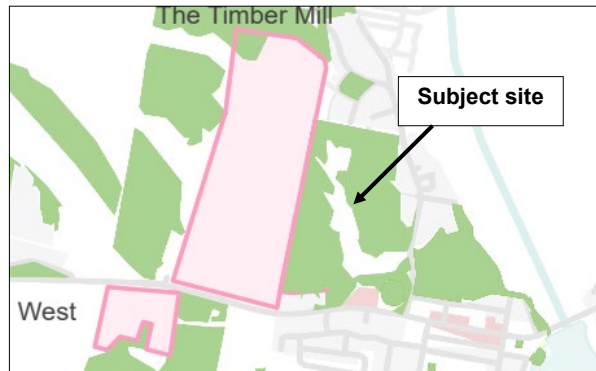
- RU2 Rural Landscape 5.4ha
- C2 Environmental Conservation 9.8ha
- R2 Low Density Residential 15ha

Site Location

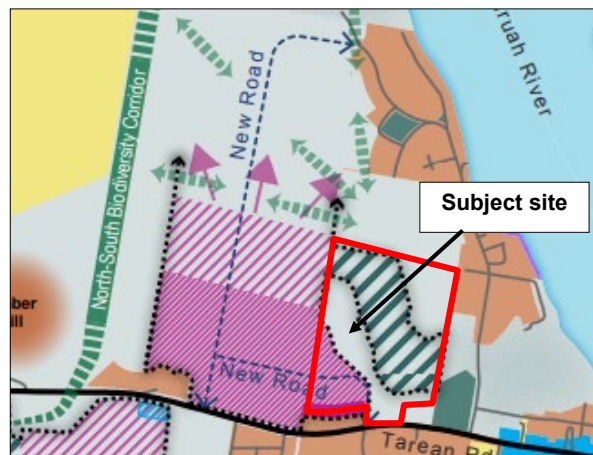


ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT (SPAR).

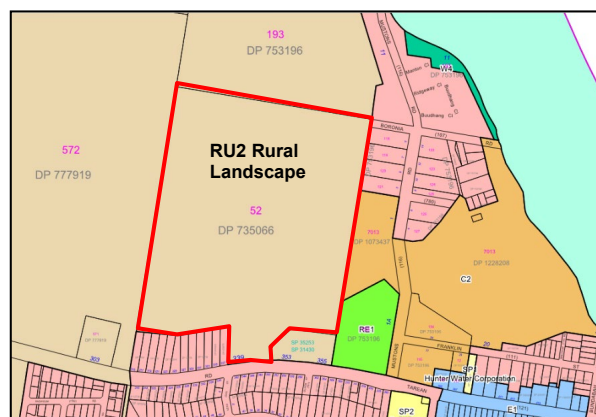
Housing
Supply Plan



Karuh Place
Plan

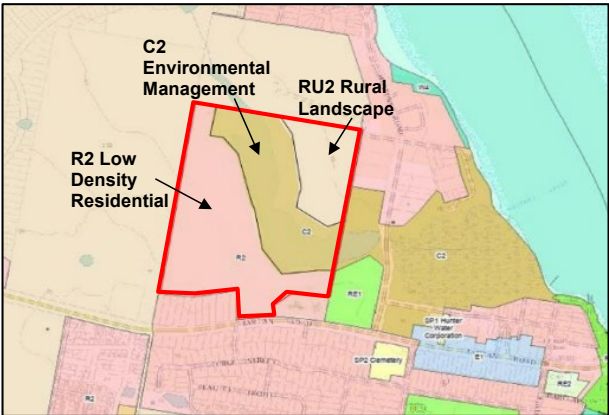


Existing
Zoning



ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT (SPAR).

Proposed Zoning



Concept Masterplan



Information	Assessment
Internal referrals	Key Issues Advice
Natural Systems	The proposal is inconsistent with Objective 6 of the Hunter Regional Plan (HRP) and does not align with Port Stephens Housing Plan or the Karuah Place Plan. Rezoning areas with high environmental value as outlined in the HRP is not supported in this locality. Local Planning Direction 1.1 requires planning proposals to be consistent with the relevant Regional Plan. The HRP identifies the biodiversity standards for planning proposals in Objective 6: Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments.

The following performance outcomes is identified under Objective 6:

Development outcomes maintain or improve the environmental values or viability of the biodiversity network.

The proposal is not consistent with this Objective 6 as it will result in the following ecological impacts:

- Removal of 1.65ha of the Endangered Ecological Community - Lower Hunter Spotted Gum Ironbark Forest in the Sydney Basin and NSW North Coast Bioregions
- Removal of 5.68ha of the Endangered Ecological Community – Subtropical eucalypt floodplain forest and woodland in the NSW North Coast and South East Queensland Bioregions
- Removal of approximately 32 *Calistermon Linearifolius*, a vulnerable flora species
- Removal of 12.79ha of Koala habitat

These impacts will result in the degradation of environmental value and viability of the biodiversity network in Karuah.

The rezoning of the part of the site comprising of the wetland to C2 Environmental Conservation is not considered to have a significant positive impact due to limited rural land use pressure and legislative protection. The abovementioned impacts are all impacts that align with the definition of High Environmental Value. The HRP requires planning proposals to:

Demonstrate how impact to areas of high environmental value will be avoided.

At a locality level, Karuah presents opportunities identified in the Housing Supply Plan that would not require the removal of areas of high environmental value.

The removal of 12.79ha of Koala Habitat, including the removal of 76 preferred Koala feed trees (with only 8 retained) does not comply with Planning Priority 6 of the HRP as it does not support the NSW Koala Strategy. This Planning Priority specifically identifies that the Port Stephens Koala population is under increasing pressure from competing land uses for urban development such as new housing and requires the following:

Local strategic planning like housing and local place strategies needs to avoid or mitigate impacts on Koala habitat so it is not fragmented or lost.

Development Engineering

Flooding

Information provided with the Planning Proposal does not adequately demonstrate that it is consistent with Direction 4.1. The Planning Proposal states that the Flood Impact and Risk Assessment justifies the inconsistency with the Direction.

The Flood Impact and Risk Assessment provided is considered to be inadequate to determine consistency with the Direction. The flood modelling does not consider climate change impacts and it is not clear what infrastructure has been considered in the hydrological and hydraulic models.

It is unclear if flood modelling has considered all flooding scenarios. Flooding could occur from Karuah River backing up, local flooding or a combination of both. Further clarification is needed regarding unusual flood modelling results.

It is unclear if accumulative impacts of flooding have been considered. Additional modelling demonstrating the accumulative impacts of future development in the surrounding the catchment is needed to understand the impact the proposed development and adjacent developments will have on the wetland, and determine if onsite detention is needed to reduce the impact.

Stormwater

Water flowing into a wetland in a concentrated manner can cause physical impacts like scouring that harm wetland vegetation and fauna. To avoid concentrated discharge, design strategies such as using embankments to create sheet flow are recommended, ensuring the wetland's natural function of filtering pollutants and providing habitat is preserved.

Increased impervious area would increase the volume of stormwater discharging to the wetland. Discharging high amount of stormwater in one location in a concentrated manner would impact the wetland hydrology. The proposal must demonstrate the impact on the wetland will be minimised.

Water quality

Music modelling has been carried out and results meet Council's treatment targets. However, as this development is discharging to the wetland, modelling has to be carried

ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT (SPAR).

out to satisfy NorBe.

Traffic

There appears to be adequate sight distance available on Tarean Rd to accommodate potential access road connections to the site.

A Traffic Impact Assessment will be required to accompany future applications.

State agency referrals – preliminary scoping proposal referrals	Sent	Received
Department of Planning and Environment (now Department of Planning, Housing and Infrastructure)	22/12/2022	14/02/2023
Schools Infrastructure NSW	22/12/2022	08/03/2023
Hunter Water	22/12/2022	16/02/2023
State Emergency Services	22/12/2022	21/02/2023
Transport for NSW	22/12/2022	09/02/2023
Department of Planning and Environment – Biodiversity and Conservation Division (now Rural Fire Service)	22/12/2022	02/02/2023
	22/12/2022	No response

Section B – Relationship to strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Assessment of consistency with the relevant objectives from the Hunter Regional Plan 2041

The site is not identified in the Hunter Regional Plan for future housing.
Objective 3: Create 15-minute neighbourhoods to support mixed, multimodal, inclusive and vibrant communities

The Planning Proposal is generally able to support Objective 3. The site is within walking distance to the Karuah town centre, schools and recreational facilities.

Objective 5: Plan for 'nimble neighbourhoods', diverse housing and sequenced development
The proposed R2 zoning supports a mix of

ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT (SPAR).

	housing types, such as single dwellings, dual occupancies and multi-dwelling housing. The site is well-located and would be a logical and lineal expansion of the existing urban footprint in Karuah. <u>OBJECTIVE 6: Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments</u> The proposal is inconsistent with Objective 6. The proposal is inconsistent with Performance outcome 3 '<i>Development outcomes maintain or improve the environmental value or viability of the biodiversity network</i>'. <u>Planning Priority 6: Support the NSW Koala Strategy</u> The proposal does not support the NSW Koala Strategy as it proposes the removal of 12.79ha of Koala habitat, including the removal of 76 koala feed trees, which would contribute to the loss of significant habitat.
Q4. Is the planning proposal consistent with a Council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?	
<i>Port Stephens Local Strategic Planning Statement</i>	The proposal is inconsistent with, or only gives limited effect to the Port Stephens Local Strategic Planning Statement (LSPS). LSPS Planning Priority 4 is to 'Ensure suitable land supply'. The proposal seeks to provide approximately 140 dwellings. Should the proposal be implemented, it would make a positive contribution to housing supply. Notwithstanding the above, the related action in the LSPS is Action 4.1 'Prepare and implement a local housing strategy to ensure suitable land supply and other planning priorities for housing identified in the LSPS'. The LHS and HSP were adopted by Council on 25 June 2024 and do not identify the site for housing. The proposal is inconsistent with Planning Priority 7 'Conserve biodiversity values and corridors' of the LSPS. Notwithstanding the measures to manage environmental impacts set out in the proposal, including rezoning the wetland from RU2 to C2, it will result in the clearing of 2 Endangered Ecological Communities, 1 Vulnerable species and 12.79ha

ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT (SPAR).

	of Koala habitat.
<i>Port Stephens Local Housing Strategy (LHS) and Housing Supply Plan (HSP)</i>	The site is not identified in the LHS and HSP. The site was not identified in the HSP for housing due to site constraints in comparison to other land in Karuah.
<i>Karuah Place Plan</i>	The site is inconsistent with the Karuah Place Plan. While approximately 4 ha of the site is identified for future housing in the Karuah Place Plan, the proposal extends beyond the land identified, and seeks to rezone 15ha of land. The proposal is almost three times larger than the land identified in the KPP. Further, the KPP notes that ecological investigations at the rezoning stage would determine the appropriate development footprint, and applications must demonstrate how they minimise the impact on the natural environment. The Planning Proposal does not adequately demonstrate an acceptable environmental impact.

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) ASSESSMENT

Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

SEPP	Assessment
Inconsistencies with relevant SEPPS listed below	
SEPP (Primary Production) 2021	
Chapter 2 – Primary production and rural development	The proposal does not sufficiently address the provisions of the SEPP. Within Karuah, there are priority oyster aquaculture areas. It is unclear if the proposal will have an adverse impact on oyster aquaculture or a priority oyster aquaculture area. Potential indirect impacts to priority oyster aquaculture areas could be caused by activities such as urban stormwater runoff. Referral to Department of Primary Industries (Fisheries) would be needed to determine.

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SEPP (Resilience and Hazards) 2021

Chapter 2- Coastal management

The information submitted with the Planning Proposal does not adequately demonstrate consistency with Ministerial Direction 4.2, particularly as the proposal seeks to enable increased development on land within a coastal wetland area identified by Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

Council is not satisfied that the Planning Proposal would not have significant impact on the biophysical, hydrological or ecological integrity of the coastal wetland.

The proposed strategy for water quality is not considered adequate, with amended modelling required to demonstrate that neutral or beneficial effect (NorBE) can be achieved. This has not been provided for assessment. There is concern that the proposed discharge method will adversely impact the wetland through scour/erosion and damage to flora and fauna.

SEPP (Biodiversity and Conservation) 2021

Chapter 4 - Koala habitat protection 2021

The Planning Proposal is inconsistent with the Port Stephens Comprehensive Koala Plan of Management. The proposal seeks to remove 12.79ha of Koala habitat including the removal of 76 preferred Koala feed trees (8 to be retained). This would contribute to significant loss of viable habitat for the species.

MINISTERIAL DIRECTION ASSESSMENT

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

Ministerial Direction	Assessment
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	The Planning Proposal is inconsistent with Planning Priority 6 of the Hunter Regional Plan 2041 as the proposal will not result in <i>“development outcomes maintain or improve the environmental value or viability of the biodiversity network”</i>. The proposal is inconsistent with Planning Priority 6 of the HRP in that it does not support the NSW Koala Strategy. The removal of 12.79 ha of Koala Habitat, including the removal of 76 preferred koala feed trees (with 8 trees to be retained) would contribute to the loss of a significant amount of viable habitat for the species. This Planning Priority specifically identifies that the Port Stephens Koala population is under increasing pressure from competing land uses such as urban development and land clearing.
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones	The proposal seeks to rezone approximately 9.8 hectares of land to C2 Environmental Management, relating to the coastal wetland. This is consistent with the SEPP requirement to include provisions that

facilitate the protection of environmentally sensitive areas.

Notwithstanding, part of the area proposed for residential zoning is within an environmentally sensitive area. Insufficient information has been provided to justify this inconsistency.

The proposal is inconsistent with this Direction.

Focus area 4: Resilience and Hazards

4.1 Flooding	Information provided with the Planning Proposal does not adequately demonstrate that the proposal is consistent with Direction 4.1. The Planning Proposal states that the Flood Impact and Risk Assessment has been prepared to justify the inconsistency with the direction. The Flood Impact and Risk Assessment provided is considered to be inadequate to determine consistency with the Direction, including flood modelling that considers climate change impacts and consideration, and clarifying the infrastructure that has been considered in the hydrological and hydraulic models.
4.2 Coastal Management	The information submitted with the Planning Proposal does not adequately demonstrate consistency with Ministerial Direction 4.2, particularly as the proposal seeks to enable increased development on land within a coastal wetland area identified by Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021. Council is not satisfied that the Planning Proposal would not have a significant impact on the biophysical, hydrological or ecological integrity of the coastal wetland. The proposed strategy for water quality is not considered adequate, with amended modelling required to demonstrate that neutral or beneficial effect (NorBE) can be achieved. This has not been provided for assessment. There is concern that the proposed discharge method will adversely impact the wetland through scour/erosion and damage to flora and fauna.
4.3 Planning for Bushfire Protection	This Direction applies because the site is mapped as bushfire prone land. The Bushfire Report concludes the proposal can satisfy the aims, objectives and requirements of Planning for Bushfire Protection 2019 to provide for the protection of life and the minimisation of impact on property, while having due regard to the development potential, site characteristics and protection of the environment. Consultation with the RFS would be required to determine consistency with this Direction.
4.4 Remediation of Contaminated Land	The proposal is consistent with this Direction, subject to following the recommendations of the Preliminary Site Investigation (Martens, 2024).

Focus area 5: Transport and Infrastructure

ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT (SPAR).

5.1 Integrating Land Use and Transport The planning proposal demonstrates consistency with this Direction.

Focus area 6: Housing

6.1 Residential Zones The planning proposal is inconsistent with this objective (c) of Direction 6.1 in that it does not *minimise impact of residential development on the environment and resource lands*.

In order for the site to be suitable for housing approximately 15ha of vegetation will need to be cleared, including Koala habitat, Endangered Ecological Communities and vulnerable species.

Focus area 9: Primary Production

9.2 Rural Lands This Direction applies because the proposal is seeking to rezone parts of the site from RU2 Rural Landscape to R2 Low Density Residential.

The site is not used for agricultural purposes and it is not significant agricultural land. However, the proposal is inconsistent with the Direction as it:

- Is not consistent with the LHS or HRP; and
- Does not protect environmental values of the site.

The inconsistency is not supported by an endorsed strategy.

A referral to DPI (Agriculture) would be needed to determine if this inconsistency is of minor significance.

9.3 Oyster Aquaculture The Karuah River contains priority oyster aquaculture areas. The proposal may impact on oyster aquaculture as a result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.

Insufficient information has been submitted to determine if the proposal will affect water quality, but this could be satisfied upon an appropriate stormwater management plan being submitted.

Information	Assessment
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?	Threatened species, ecological communities and their habitat would be adversely affected if the proposal would to proceed. The proposal would result in the removal of a total of approximately 15ha of native vegetation including: • Lower Hunter Spotted Gum Ironbark Forest • Subtropical Eucalypt floodplain forest and woodland • Callistemon Linearifolius • Koala habitat

ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT (SPAR).

Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	Additional information / clarification is required to determine whether the proposal will impact the coastal wetland. The proposal does not demonstrate that appropriate water quality will be achieved, and that discharge would not impact on the wetland, or priority oyster aquaculture areas.
Q10. Has the proposal adequately addressed any social and environmental effects?	The Planning Proposal may have positive social and economic implications from an increase in housing supply and employment related to the intended development outcome. The Planning Proposal is considered to have negative environmental implications impacts upon an area of high ecological value.

RECOMMENDATION

Based on the information lodged with the rezoning request, the planning proposal is considered to have insufficient merit to proceed to Gateway.

DETERMINATION

The planning proposal has been prepared in accordance with section 3.33 of the Environmental Planning and Assessment Act 1979 and is considered to be consistent with relevant local and regional plans, State Environmental Planning Policies and Ministerial Directions. Where there is an inconsistency, this inconsistency is justified.

Sarah Connell
Senior Strategic Planner
30/10/2025

ITEM NO. 3

FILE NO: 25/302988
EDRMS NO: 38-2024-47-1

**LOCAL HOUSING STRATEGY AMENDMENT - 22 HOMESTEAD STREET,
SALAMANDER BAY**

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 request to amend the Port Stephens Local Housing Strategy to identify 22 Homestead Street, Salamander Bay in the Housing Supply Plan and note the responses to the key issues raised in the submissions (**ATTACHMENT 1**).
- 2) Note the Addendum Assessment Report at (**ATTACHMENT 2**) and endorse an addendum request seeking to amend the Port Stephens Local Housing Strategy.
- 3) Forward the addendum request to the NSW Department of Planning, Housing and Infrastructure for consideration and endorsement.

BACKGROUND

The purpose of this report is to advise Council of the outcome of the exhibition of the request to amend the Port Stephens Local Housing Strategy (LHS) to identify 22 Homestead Street, Salamander Bay in the Housing Supply Plan (HSP) (addendum request) and note the responses to the key issues raised in the submissions (**ATTACHMENT 1**).

The report recommends Council endorse the addendum request and forward an amended Port Stephens Local Housing Strategy to the NSW Department of Planning, Housing and Infrastructure (DPHI) for consideration and endorsement.

The addendum request was submitted by Council's Property and Development Investment Team (the Proponent) and seeks to identify the site as suitable for future housing, subject to further investigation and assessment as part of a future rezoning process.

The site has the potential to provide over 20 new homes in Port Stephens and a future rezoning would result in areas with high environmental values zoned for conservation (approximately 93% of the proposed area), including the part of the site where there is an existing licence agreement between Council and Port Stephens Koala and Wildlife Preservation Society for the preservation and conservation of Koalas, including Koala tree planting on the southern portion of the site. The

addendum request is consistent with the Greenfield Housing Criteria and the intended outcomes listed within the LHS. A detailed assessment report is at **(ATTACHMENT 2)**.

The LHS was endorsed by the NSW Department of Planning, Housing and Infrastructure (DPHI) subject to conditions that require sites that are not identified for rezoning in the Housing Supply Plan to be identified in an addendum to the LHS that has been endorsed by Council and endorsed by DPHI.

If Council endorse the addendum request, it will be forwarded to DPHI for endorsement. If DPHI endorse the addendum request, the Housing Supply Plan will be amended to include the site and the process to amend the Port Stephens Local Environmental Plan (LEP) through a rezoning can commence. This includes preparation of studies and agency consultation as part of an initial scoping proposal and lodgement of a planning proposal for assessment and consideration by Council and DPHI.

A summary of the addendum request and property details are provided below:

Date lodged	15 July 2025
Proponent	Port Stephens Council Property Investment & Development Team
Land Owner	Port Stephens Council
Subject property	22 Homestead Street, Salamander Bay (Lot 598 DP 27382)
Site area	The site has a total area of approximately 3.8 ha hectares
Current zoning	RE1 Public Recreation
Current land classification	• 22 Homestead Street is classified as operational land
Current use	• Vacant cleared land • Environmental land, including an area under a licence agreement with Port Stephens Koala and Wildlife Preservation Society for the preservation and conservation of Koalas with Koala tree planting on the southern portion 22 Homestead St, Salamander Bay
Proposed changes	The site is proposed to be zoned: • 1.3ha of R2 Low density Residential
Lot yield	Over 20 dwellings, subject to future assessment processes

Key Issues Raised in Submissions

Three submissions were received from individuals during public exhibition and 1 submission from an organisation. The key issue raised in these submissions were the potential impacts on the parts of the site with environmental values, including a part of the site over which there is an existing licence agreement between Council and Port Stephens Koala and Wildlife Preservation Society for the preservation and conservation of Koalas, including Koala tree planting on the southern portion of the property.

The addendum request may facilitate future development on the portion of the site that has been previously disturbed and is already cleared. This area is approximately 7% of the total site area. Approximately 93% of the site will be proposed to be rezoned for conservation, including the area the subject of the licence agreement and Koala tree planting. Any potential environmental impacts will be identified and assessed as part of the preparation of a planning proposal.

A list of the issues and responses is provided at **(ATTACHMENT 1)**.

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

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

Legal, policy and risk implications for Council as a consequence of the recommendations of this report are outlined below.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the housing needs in Port Stephens will not be met if suitable land supply is not identified.	Medium	Accept the recommendations.	Yes
There is a risk that future investigations identify that the site has issues that cannot be resolved, and housing cannot be delivered.	Low	Accept the recommendations.	Yes

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

Consideration and assessment of an addendum request is a non-statutory process. Should Council and DPHI endorse the addendum request, a scoping or planning proposal is able to be prepared. This would include the preparation of studies and agency consultation as part of an initial scoping proposal and lodgement of a planning proposal for assessment in accordance with Part 3 of the EP&A Act.

Hunter Regional Plan 2041 (HRP)

The HRP has projected a need for an additional 11,100 dwellings to be delivered across Port Stephens by 2041. This addendum request has the potential to deliver additional residential land and support the provision of new housing that meets the objectives set out within the HRP.

The addendum request supports the priorities and objectives of the HRP as it facilitates the release of undeveloped land that is well-located within an established urban area that is close to existing services.

Local Strategic Planning Statement 2020 (LSPS)

The addendum request would give effect to the following planning priorities from the LSPS:

- Priority 4: Ensure suitable land supply (for housing)
- Priority 5: Increase diversity of housing choice

Port Stephens Local Housing Strategy 2024

The outcomes of the addendum request are consistent with the LHS as it seeks to provide additional residential land to ensure suitable land supply and increase housing diversity.

The Addendum Assessment Report (**ATTACHMENT 2**) includes an assessment against the relevant criteria set out in Appendix 1 of the LHS – Greenfield Housing Criteria.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

- The provision of additional housing in Port Stephens.
- Employment opportunities within the Port Stephens LGA and the Hunter Region through construction and future maintenance of the development.
- Stimulation of local economic activity through increased local spending.

The addendum request may facilitate future development on the portion of the site that has been previously disturbed and is cleared. This area is approximately 7% of the total site area. Any potential environmental impacts will be identified and assessed as part of the preparation of a planning proposal.

The area of the site containing areas with high environmental value will be rezoned to conservation. This area includes part of 22 Homestead Street over which there is an existing license agreement between Council and Port Stephens Koala and Wildlife Preservation Society for the preservation and conservation of Koalas, including Koala tree planting on the southern portion of the property.

The cleared portion of the site, which is proposed for residential development, is excluded from the Licence area. Approximately 93% of the site will be proposed to be rezoned for conservation.

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 - 9 DECEMBER 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

CONSULT	The addendum request was formally exhibited from Thursday 9 October 2025 to Thursday 6 November 2025. This included a notification on Council's website and a notice in local newspapers. A total of 6 letters were sent to adjoining or adjacent landowners to notify them of the exhibition. During the exhibition period, 4 written submissions were received, 3 from individuals and 1 from an organisation. Of the 4 submissions, all were not supportive. Preliminary consultation with DPHI was undertaken during the assessment of the addendum request. Should Council and DPHI endorse the addendum request, relevant State agencies would be consulted before lodgement of any planning proposal. This would include key agencies such as: • NSW Department of Climate Change, Energy, the Environment and Water • Hunter NSW State Emergency Services • Department of Primary Industries – Agriculture • NSW Rural Fire Service
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Internal communications and engagement

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

- Development Services Section.

OPTIONS

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

ATTACHMENTS

- 1) Submission Key Issues Table. [↓](#)
- 2) Addendum Assessment Report. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

- 1) Unredacted submissions.
- 2) Addendum Request Report prepared by the Proponent.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 1 SUBMISSION KEY ISSUES TABLE.

Submission Key Issues Table

	KEY ISSUE	RESPONSE
1.	Environmental impacts, including impacts on Koala	The addendum request may facilitate future development on the portion of the site that has been previously disturbed and is already cleared. This area is approximately 7% of the total site area. Approximately 93% of the site will be proposed to be rezoned for conservation, including the area that is the subject of an existing licence agreement between Council and Port Stephens Koala and Wildlife Preservation Society for the preservation and conservation of Koalas and Koala tree planting. Any potential environmental impacts will be identified and assessed as part of the preparation of a planning proposal. The Koala corridor will be preserved by the proposed future rezoning, which will reserve approximately 16.5 hectares of land in a future conservation zone. A Biodiversity Development Assessment Report would be required with any future rezoning to demonstrate consistency with the biodiversity legislation.
2.	Infrastructure and servicing	In accordance with the Local Housing Strategy, addendum requests will be supported where a proposal can demonstrate that sufficient infrastructure is available or can reasonably be provided. The site is located in an area that is already developed with sufficient infrastructure provision.
3.	Strategic inconsistency	The site is not identified in the Local Housing Strategy and Housing Supply Plan and the current zoning of the site would not support future housing. The addendum request process does not apply to sites that are already consistent with Council's strategic planning framework. The addendum request process is a preliminary assessment of site constraints to inform consideration of whether the strategic planning framework should be amended to include the site as having the potential to support future housing. If a site is included in the Housing Supply Plan, a comprehensive rezoning assessment can be undertaken to determine if and how any future housing could occur. The Local Housing Strategy, endorsed by the State government, includes criteria for the assessment of addendum requests. These criteria relate to site-based constraints and does not exclude sites on the basis of

ITEM 3 - ATTACHMENT 1 SUBMISSION KEY ISSUES TABLE.

		strategic merit. It also does not exclude sites based on size, singular land ownership, or characterisation as a 'spot rezoning'.
4.	Bushfire and flood risk	Rezoning requests on land identified as bush fire prone (on Council's Bush Fire Prone Land Map) must demonstrate consistency with the strategic principles contained within Planning for Bush Fire Protection 2019. The Addendum Request was referred to the NSW Rural Fire Service who did not object to the proposal. Rezoning requests on land that has the potential to be isolated in flood events must demonstrate compliance with the Flood Risk Management Manual and the associated toolkits. The extent of any flooding on this site would not result in the site being isolated in flood events. The majority of the site that is constrained by flooding is to be zoned for conservation, and the portion of the site proposed to be developed is relatively flood free, or subject to only minor flooding constraints.
5.	Reclassification of land	The land to be rezoned for residential purposes is already operational land and there is no proposal to reclassify any community land.



ADDENDUM ASSESSMENT REPORT (AAR)

Application No.	38-2024-47-1
Applicant Name	Port Stephens Council, Property Investment & Development Team
Applicant Address	116 Adelaide Street, Raymond Terrace NSW 2324
Property Owner	Port Stephens Council
Site Location Details	22 & 30 Homestead Street and part of 1 Diemars Road, Salamander Bay (Lot 598 DP 27382, Lot 599 DP 658257 and Lot 51 DP 803471)
Proposal Summary	Seeking an addendum to the Port Stephens Local Housing Strategy to identify the site within the Housing Supply Plan to facilitate a future planning proposal. A future planning proposal would seek to amend the Port Stephens Local Environmental Plan 2013 to rezone the sites from RE1 Public Recreation to 1.3 ha R2 Low Density Residential, 2.5ha C3 Environmental Management, and 14 ha C2 Environmental Conservation.

Subject Site



3

Greenfield Housing Criteria in the Port Stephens Local Housing Strategy

Information	Assessment
Locational Criteria The land must meet the following locational criteria to be considered suitable for future rural residential housing:	
Land identified in a local area strategy	Salamander Bay is identified in the Housing Supply Plan (HSP) for greenfield and infill housing opportunities.
Land that is currently zoned for non-residential purposes and is proposed to be zoned for urban housing (e.g. R1 General Residential, R2 Low Density Residential and R3 Medium Density Residential).	The proposal is consistent with the criteria. The proposal includes 1.3ha of the site to be identified for rezoning to R2 Low Density Residential.
The criteria does not apply to rezoning requests for rural residential housing (refer to the Rural Residential Housing Criteria in Appendix 2).	The proposal is consistent with the criteria.
Exclusionary Criteria In accordance with Council resolution Minute No. 212 (9 August 2022), the following areas are excluded from any further consideration:	
Any land within Wallalong that has previously been considered for urban development as part of the Wallalong Urban Release Area.	The subject site is not part of the Wallalong Urban Release Area.
Constraints Criteria Land that is subject to any of the following criteria will require extensive justification to be lodged with any future rezoning request:	
Noise exposure areas within an ANEF 25 or greater.	The subject site is not mapped within an ANEF noise map.
Proposals for land identified as bush fire prone (on Council's Bush Fire Prone Land Map) must demonstrate consistency with the strategic principles contained within Planning for Bush Fire Protection 2019.	The subject site is mapped as bushfire prone. The portion of the site proposed for residential zoning is identified as a vegetation buffer. The NSW RFS reviewed the proposal and no objections were raised. The area identified for residential use has clear and direct access to Homestead Street. A future planning proposal must demonstrate compliance with the Planning for Bushfire

ITEM 3 - ATTACHMENT 2 ADDENDUM ASSESSMENT REPORT.

Constraints Criteria

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

Protection 2019 guidelines.

Proposals for land that has the potential to be isolated in flood events, must demonstrate compliance with the NSW Flood Risk Management Manual and the associated toolkits. Proposals that rely on shelter-in-place to manage risk to life should be assessed against the guidance provided in the Flood Risk Management Manual. Consultation with the NSW State Emergency Service is required.

The subject site is identified as Flood Prone Land and is within the Flood Planning Area. Parts of the northern portion of 22 Homestead Street proposed for R2 zoning are flood-free and fall outside the area mapped as Coastal Risk.

Consultation with the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) noted the site is within the Coastal Environment Area and Coastal Use Area, and the Coastal Wetland and Littoral Rainforest proximity area under the State Environmental Planning Policy (SEPP) Resilience and Hazards 2021. A planning proposal will be required to demonstrate consistency with the Coastal Management Act 2016 and the Resilience and Hazard SEPP.

No objections were raised from DCCEEW. Comments were provided that must be addressed in a future planning proposal.

A Flood Impact Assessment Report will be required for the lodgement of a planning proposal.

Proposals for land that has a slope greater than 18 degrees must be lodged with a bulk earthworks plan demonstrating that the final landform will not exceed 18 degrees

The proposal is consistent with the criteria. The land is sloped greater than 18 degrees.

The land is not identified as containing high environmental values (as described in the Hunter Regional Plan). Proposals for land identified as containing high environmental values must be lodged with a biodiversity assessment identifying those values and areas to be conserved.

The subject sites include areas identified for environmental management and conservation, which contain biodiversity values. The land proposed for residential zoning is located outside of the areas identified as containing biodiversity values. The residential rezoning is not likely to disrupt or sever any existing biodiversity corridors.

The conservation zoning will secure critical koala corridors, reinforcing long-term habitat connectivity and protection for native species.

A Biodiversity Development Assessment Report (BDAR) will be required for the lodgement of a planning proposal.

ITEM 3 - ATTACHMENT 2 ADDENDUM ASSESSMENT REPORT.

Constraints Criteria

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

The proposal avoids land containing native vegetation. Proposals for land containing more than 0.5 ha of native vegetation must be lodged with a preliminary biodiversity assessment and commit to a full biodiversity assessment prior to public exhibition.

The future residential development avoids land containing native vegetation. The area identified for residential zoning is located outside of land mapped as containing biodiversity values and has been primarily cleared.

A Biodiversity Development Assessment Report (BDAR) must be prepared and submitted with a future planning proposal, ensuring appropriate consideration of ecological values and impacts on native vegetation.

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

The proposal is consistent with the criteria.

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

No items of environmental heritage are located on site.

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

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

A search of the Aboriginal Heritage Information Management System (AHIMS) has identified an Aboriginal item within the sites. The proponent must undertake a detailed assessment of Aboriginal cultural heritage, including further site investigations, to confirm the nature and extent of the item. This assessment is required to be completed and submitted with any future planning proposal to ensure appropriate consideration of cultural heritage values.

Proposals on land within a drinking water catchment must demonstrate a neutral or beneficial effect (NorBE) on water quality in accordance with Hunter Water Corporation requirements (refer to Hunter Water Corporation's Guideline for Development in Drinking Water Catchments).

The subject site is not located within a drinking water catchment.

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

- currently available
- scheduled to be available (must be

The site is located within an established residential area, with access to existing infrastructure and services, including road access.

Constraints Criteria

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

confirmed in writing from service providers)

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

The proposed small-scale residential development is not expected to generate significant traffic or transport impacts. Further details will be required at the planning proposal stage to confirm access and connectivity.

ITEM NO. 4

FILE NO: 25/231119
EDRMS NO: PSC2025-02656

DRAFT MEDOWIE TOWN CENTRE MASTERPLAN

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the Medowie Town Centre Masterplan Engagement Report **(ATTACHMENT 1)**.
- 2) Place the draft Medowie Town Centre Masterplan **(ATTACHMENT 2)** on public exhibition from 12 December 2025 until 1 March 2026, with an active communications and engagement program to be delivered during February 2026.

BACKGROUND

The purpose of this report is to seek Council's support to place the draft Medowie Town Centre Masterplan **(ATTACHMENT 2)** on public exhibition.

The purpose of the Medowie Town Centre Masterplan is to establish a strategic vision for the Council owned site at 38 Ferodale Road, Medowie that will shape a cohesive, vibrant and accessible town centre that meets the needs of the growing Medowie community.

The Masterplan aims to consolidate the development of the civic and commercial Medowie Town Centre precinct. It proposes to extend the commercial town centre, provide for a central recreation and meeting place for the community, deliver housing close to services, improve walkability and enhance Medowie's local character.

The draft Medowie Town Centre Masterplan has been developed as an action from the Medowie Place Plan, with a targeted early engagement phase incorporated to consult with the community members who were a part of the project **(ATTACHMENT 1)**. Early engagement has included a series of workshops, drop-in sessions and meetings with community members, businesses and key stakeholders to explore priorities and concepts to inform the draft masterplan.

The exhibition of the draft Medowie Town Centre Masterplan would provide an opportunity for the community to further comment on the vision for developing the Medowie town centre site. The exhibition would be supported by an active communications and engagement program. This active program would be delayed to allow for the Christmas and New Year period and would commence after Australia

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Day in 2026. The exhibition period would commence from 12 December 2025 through to 1 March 2026.

The adoption of the Medowie Town Centre Masterplan would also assist with grant applications to secure funding for the delivery of community and civil infrastructure.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The public exhibition of the draft Medowie Town Centre Masterplan 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		

LEGAL, POLICY AND RISK IMPLICATIONS

Medowie Place Plan

The draft Medowie Town Centre Masterplan is a key outcome from the Medowie Place Plan that advances the development of the previous concept plan. It gives effect to a number of identified actions aimed at improving the town's liveability and community wellbeing. If adopted, the Masterplan would operate alongside the Place Plan as a guiding vision and policy framework to guide future development of the Council owned site.

Local Infrastructure Contributions Plan (LIC Plan)

If adopted, the Masterplan would guide future updates in the LIC Plan by identifying the infrastructure and upgrade works required to support the site's planned growth and development. The LIC Plan's work schedule would outline the projects to be funded wholly or partly through development contributions.

Port Stephens Local Environmental Plan 2013 (LEP)

If adopted, the Masterplan would require amendments to the LEP to align zoning, land use controls and development standards with the intended land use vision. Future Planning Proposals would also be assessed against the guiding principles of the Masterplan, Medowie Place Plan, Medowie Planning Strategy and any other relevant Council and State plans and policies.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the draft Medowie Town Centre Masterplan does not meet community expectations.	Low	Accept the recommendation to place the draft Medowie Town Centre Masterplan on public exhibition to seek community feedback. Community engagement during the exhibition period would assist Council to understand community expectations and identify possible changes to be made to the draft.	Yes
There is a risk that the scope of the Masterplan is beyond Council's ability to fund implementation, leading to the community's expectations not being met.	Medium	Adopt the recommendation and place the draft Masterplan on public exhibition. The final Masterplan will support applications for external funding to assist Council in the delivery of the works identified within the Masterplan. A staged implementation strategy enables Council to deliver works in accordance with available resources.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social

The draft Medowie Town Centre Masterplan would strengthen community connections by creating a vibrant central hub that integrates retail, housing and public

spaces designed to encourage social interaction and inclusivity. The Masterplan aims to improve access to amenities, promote walkability and wellbeing, and foster a strong local identity. By thoughtfully guiding growth and incorporating actions from the Medowie Place Plan, the draft Masterplan seeks to enhance community pride, improve connectivity and activate public space while preserving Medowie's valued semi-rural character.

Economic

To support population growth and create opportunities for business investment and economic growth, the draft Masterplan proposes a balanced mix of commercial, recreational and residential development on the site. A vibrant and well-connected local centre is expected to stimulate the local economy by attracting new businesses, generating local employment and encouraging ongoing investment. Upgraded infrastructure and inviting public spaces will increase foot traffic and strengthen local retail activity, while improved accessibility and amenities will enhance Medowie's appeal as an attractive destination for both residents and visitors.

Environmental

Medowie residents place a high value on the natural environment as a defining feature of the town's unique character and sense of place. The draft Masterplan aims to protect, enhance and celebrate this natural setting by incorporating green spaces, strengthening biodiversity corridors and applying water sensitive design principles to improve water quality. It also promotes sustainable urban design and active transport options, ensuring that future growth supports a greener, healthier and more resilient town centre.

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.
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The following communication and engagement applies to this report.

External communications and engagement

The Medowie Town Centre Masterplan would work through the following three phase engagement approach:

- Phase 1 – Early engagement: targeted to help inform the draft Masterplan
- Phase 2 – Public Exhibition of the draft Masterplan
- Phase 3 – Revised Masterplan reported to Council with changes and adopted

The Strategic Projects and Community Engagement teams have undertaken Phase 1 early engagement with the Medowie community to inform the development of the draft Masterplan.

The Medowie Town Centre Masterplan Engagement Report (**ATTACHMENT 1**) provides detailed information about the outcomes of this early engagement process.

The draft Masterplan aims to reflect the community's values and aspirations based on the feedback collated from this early consultation. Earlier engagement from the Medowie Place Plan and Liveability surveys in 2020 and 2024 were also considered.

INVOLVE	The following communication methods were undertaken in Phase 1 to inform the community about the project: • social media via the Port Stephens Council Facebook • promotional posters and flyers with QR codes to the Have Your Say webpage • direct emails to known stakeholders • media release distributed to Council's media list • print advertising in the News of the Area and Port Stephens Examiner news items on the Port Stephens Council website. The following engagement methods were undertaken in Phase 1 to consult with the community about the project: • Online engagement tools via the Have Your Say mapping tool and Join the Conversation tool • Community drop-in session where council staff were available to discuss the project • Doorstep discussions with local business and letterbox drop with residents
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	Youth Summit where Council staff hosted 40 participants from 5 local schools The draft Masterplan was developed through a series of face to face and online workshops with key stakeholders and advisory groups, including: • Disability, Inclusion and Access Advisory Group • Community workshops: ○ Workshop 1 – Face to face workshop at the Medowie Community Centre ○ Workshop 2 – Online workshop • Stakeholder meetings – Medowie RSL sub-branch, Tallowood Residents Committee, Geoff Dingle’s family, business owners and Medowie Map supervisor. • Liveability Survey completed in 2020 and 2024 The communications and engagement approach was also developed through the input of the Communication and Engagement Advisory Group (CEAG).
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Phase 2 of the external communications and engagement approach would place the draft Masterplan on public exhibition from 12 December 2025 to 1 March 2026. The community would be notified through social media, direct emails, print advertising and Council website. Council would undertake an actively communications and engagement program throughout February 2026.

Internal communications and engagement

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

- Governance Section.
- Financial Services Section.
- Assets Section.
- Capital Works Section.
- Community 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) Medowie Town Centre Masterplan Engagement Report. (Provided under separate cover)
- 2) Draft Medowie Town Centre Masterplan. (Provided under separate cover)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 5

**FILE NO: 25/302525
EDRMS NO: PSC2025-04637**

ENVIRONMENTAL PROJECT FUND

REPORT OF: PETER MATWIJOW - PUBLIC DOMAIN AND SERVICES
SECTION MANAGER
DIRECTORATE: FACILITIES AND INFRASTRUCTURE

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorses the allocation of \$20,000 from the Environmental Projects Fund as follows:
 - a) \$5,000 to Hunter Region Botanic Gardens Ltd for biodiversity, sustainability and environmental education.
 - b) \$2,500 to Medowie Christian School for extending the agricultural composting plot.
 - c) \$3,300 to Econetwork – Port Stephens Inc. for Mambo Walks & Talks.
 - d) \$4,000 to Birubi Point Community Preschool Association Inc. for Birubi Harvest Hub. Pending WOCL approval.
 - e) \$2,500 to Wirreanda Public School for a sustainable sensory garden.
 - f) \$1,996 to Tilligerry Habitat Association Inc. for educational signage for the environment centre.
 - g) \$704 to Conroy/Corlette Foreshore Group Volunteers for Corlette foreshore revegetation project.

BACKGROUND

The purpose of this report is to seek endorsement for the allocation of funding from the Environmental Projects Fund 2025 to 2026.

The Environmental Projects Fund provides opportunity for community and schools to deliver environmentally focused projects that benefit the local environment. The focus of these projects or activities should be to improve biodiversity and sustainability, protect local ecosystems and encourage student participation and education in the community.

Applications for the 2025 to 2026 round of funding opened on 1 September 2025 and closed on 30 September 2025. A total amount of funding available was \$20,000 with applications invited for funding of up to \$5,000 per project.

The recommendations are made in accordance with Council's adopted Grants and Donations Policy. The recommendations for funding align with Council's relevant funding guidelines.

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The assessment panel is comprised of representatives from Strategy and Environment, Assets and Public Domain and Services Sections. A total of 9 high quality applications were received, with 7 applications recommended for full or partial funding, totalling \$20,000. Unsuccessful applicants will be contacted with advice provided and support offered to assist in future funding applications.

A summary of the recommended applications is provided below:

PROJECT NAME	ORGANISATION	DESCRIPTION OF PROJECT	AMOUNT REQUESTED
Sustainable Environment for People and Pollinators in the Botanic Gardens	Hunter Region Botanic Gardens Ltd	Improve biodiversity and sustainability in the Hunter Region Botanic Gardens, by identifying and removing environmental weeds while educating volunteers and the community on the importance of protecting our environment.	\$5,000
Re-establish/Extend Ag Plot Composting	Medowie Christian School	Will purchase worms to re-establish a worm farm and a new composter to expand current composting capabilities in order to encourage and promote sustainable rubbish disposal and reduce the carbon footprint of students within the school.	\$2,500
Mambo Walks & Talks	EcoNetwork - Port Stephens Inc.	Mambo Walks & Talks is an opportunity for members of the public to explore Mambo Wetlands and surrounds in small groups with a knowledgeable guide.	\$3,300
Birubi Harvest Hub	Birubi Point Community Preschool Association Inc.	Birubi Harvest Hub is an immersive and educational garden that fosters lifelong knowledge of sustainability and self-sufficiency through hands-on gardening.	\$4,000

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		Indigenous plants will be nurtured alongside seasonal produce, with cultural knowledge shared by the Worimi People, whose deep connection to land and sea inspires the space.	
Wirreanda Sustainable Sensory Garden	Department of Education – Wirreanda Public School	Application for an Environmental Project Fund to involve students in supporting the improvement of biodiversity and sustainability, reducing the carbon footprint in Medowie.	\$2,500
Educational Signage for Environment Centre	Tilligerry Habitat Association Inc	Provide a sequence of display screens that displays interesting and meaningful environment related images and videos of the Tilligerry Habitat and the Tilligerry Peninsula through the last 30 years.	\$1,996
Corlette foreshore revegetation project	Conroy/ Corlette Foreshore Group	The goal of this project is to improve the stability of, and restore, native flora and fauna diversity within the foreshore of this vulnerable area. This will be achieved through the removal of invasive weeds, and reintroduction of native plant species characteristic of this locality.	\$704

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

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.

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.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk of adverse public perception regarding projects that are not funded.	Low	Adopt the recommendation. Assess applications in line with guidelines. Provide feedback and grant writing support to unsuccessful applicants.	Yes
There is a risk that grant recipients may fail to comply with the required terms of funding, reporting and acquittal processes.	Low	Adopt the recommendation. Manage the grant administration process as per the program guidelines.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Environmental Projects Fund supports ongoing investment in local environmental groups, Council volunteer groups and schools within the Port Stephens LGA.

Council's Environmental Projects Fund allows for the production and delivery of environmental projects and activities that are accessible and beneficial for the Port Stephens community, leading to positive social, economic and environmental outcomes

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	Council promoted the funding opportunity widely through social media, Council's website and notices appeared in Council pages of the Port Stephens Examiner. Schools, environmental groups and Council volunteer groups were all directly contacted about the upcoming grant round, followed by promotion on Council's social media to raise awareness.
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Internal communications and engagement

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

- Assets Section.
- Communications and Customer Experience 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. 6

**FILE NO: 25/324235
EDRMS NO: PSC2019-04770**

TOMAREE SPORTS COMPLEX MASTERPLAN

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Notes the Tomaree Sports Complex User Survey Report (**ATTACHMENT 1**).
- 2) Places the draft Tomaree Sports Complex Masterplan on public exhibition (**ATTACHMENT 2**).

BACKGROUND

The purpose of this report is to seek Council's support to place the draft Tomaree Sports Complex Masterplan (masterplan) (**ATTACHMENT 2**) on public exhibition.

The current Tomaree Sports Complex Masterplan was adopted by Council in 2018. Since that time Council has received representations from the sporting community seeking to include an indoor sports complex on the site. In June 2025 Tomaree Sports Committee agreed to provide Council with \$25,000 in funding to update the existing masterplan.

At its meeting on 10 June 2025, Minute No. 132 (**ATTACHMENT 3**), Council resolved that staff undertake a review of the existing masterplan's suitability, including the consideration to include an indoor centre co-located with the existing aquatic centre.

Targeted early consultation has been undertaken to inform the preparation of a draft masterplan suitable for public exhibition, Tomaree Sports Complex User Survey Report (**ATTACHMENT 1**). This consultation has included key user groups such as the existing sporting users, local schools and other entities that regularly use the facility and the representative State Sporting Organisations for each of the sporting codes represented at the complex.

Early consultation has demonstrated that the existing masterplan largely meets community needs and expectations, with the main area for desired additional development being focused around increased sporting and facilities capacity and, more generally, physical delivery of the proposals contained within the masterplan.

The exhibition of the draft Tomaree Sports Complex Masterplan would provide an opportunity for both the sporting and non-sporting community to further comment on the vision for developing the site. It is proposed that the public exhibition would occur in January and February 2026.

The adoption of the Tomaree Sports Complex Masterplan would also assist with grant applications to secure funding for the delivery of the infrastructure required to deliver the plan.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The public exhibition of the Tomaree Sports Complex Masterplan and ongoing consultation would be undertaken using existing budgets and the \$25,000 contribution from the Tomaree Sports Committee.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	Yes		\$25,000 contribution provided by Tomaree Sports Council.

LEGAL, POLICY AND RISK IMPLICATIONS

Local Infrastructure Contributions Plan (LIC Plan)

The LIC Plan would be updated according to the identified upgrades and infrastructure works required on the site. This would support or supplement future grant proposals and aid in securing the required funding to deliver built outcomes.

Port Stephens Local Environmental Plan 2013 (LEP)

No amendments are required to the LEP if the masterplan is adopted.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the draft Tomaree Sports Complex Masterplan does not meet community expectations.	Low	Accept the recommendation to endorse public exhibition. This will provide an additional opportunity for the community to provide comment, which will inform any changes required to the draft masterplan.	Yes
There is a risk that the scope of the masterplan is beyond Council's ability to fund implementation, leading to the community's expectations not being met.	Medium	Adopt the recommendation and place the draft masterplan on public exhibition. The final masterplan will support applications for external funding to assist Council in the delivery of the works identified within the masterplan. A staged implementation strategy allows Council to deliver works within available resources as funding becomes available. Since 2018, the existing masterplan has supported over \$6m of external grant funding to be secured	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social

The draft Tomaree Sports Complex Masterplan strengthens community connections and access to sporting provisions. This is achieved by:

- a comprehensive consultation being the basis of proposed design solutions
- provision of an entirely new sporting opportunity for the Tomaree Peninsula through access to indoor sports
- confirming that the proposals of the masterplan still meet evolving community needs and projected demographics into the future.

Economic

The proposal to include an indoor sporting facility at the Tomaree Sports complex will provide entirely new business opportunities to the community of the Port Stephens LGA.

The proposals throughout the masterplan support bids from the Tomaree sporting community to host regional and national events, bringing the economic benefits of these events to the broader community.

Environmental

The Tomaree Sports Complex sits within a bushland context which is highly valued by the community and provides meaningful biodiversity value. The proposed masterplan has managed to retain the development footprints proposed in the existing (2018) masterplan, whilst providing additional recreational opportunities. This retention of existing bushland whilst increasing recreational yield provides a balance between the sites' use and environmental value.

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

- Phase 1 – Early engagement: targeted to help inform the draft masterplan, Tomaree Sports Complex User Survey Report (**ATTACHMENT 1**). (Complete).

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- Phase 2 – Public exhibition of the draft masterplan.
- Phase 3 – Revised masterplan reported to Council with changes and adopted.

INFORM	Phase 3 – Advise stakeholders of adoption.
CONSULT	Phase 2 – The draft masterplan will be placed on public exhibition for at least 28 days. The community would be notified through social media, direct emails, print advertising and Council website.
INVOLVE	Phase 1 – Targeted early consultation has been undertaken to inform the preparation of a draft masterplan suitable for public exhibition. This consultation has included key user groups including existing sporting users, local schools and other entities that regularly use the facility and the representative State Sporting Organisations for each of the sporting codes at the complex.

Internal communications and engagement

During preliminary design targeted consultation has been undertaken with the staff who will be responsible for ongoing operation of the facility.

Should the masterplan be endorsed for public exhibition, a wider consultation process will be undertaken with other sections within Council to ensure any further relevant information is captured and incorporated into the final masterplan.

Consultation has been undertaken by the Assets Section with:

- Public Domain and Services Section.
- Community Services Section.

OPTIONS

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

ATTACHMENTS

- 1) Tomaree Sports Complex - User Survey Report 2025. [↓](#)
- 2) Tomaree Sports Complex Masterplan. [↓](#)
- 3) Notice of Motion - 10 June 2025, Min. 132. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.



Tomaree Sports Complex

User Survey Report 2025

Introduction

The Tomaree Sports Complex Masterplan was first adopted in 2018 and has already delivered major upgrades, including Don Waring Field, car parking, the Bruce Scott Pavilion, and drainage works. With more projects underway, it's time to refresh the plan to reflect what's been achieved and what's next.

This revision will guide future improvements so the complex continues to meet the needs of our community and sporting groups. Port Stephens Council is supporting the process with consultation and design input, while an external consultant—funded by the Tomaree Sports Council—will develop the updated Masterplan.

This report presents the findings from engagement with key user groups and strategic stakeholders, whose input will help shape the priorities and actions in the revised Masterplan.

Summary

Several key themes emerged from the open-ended survey responses, including a strong call for improved facilities to support the community's growing and diverse participation needs. Feedback reflected the importance of providing quality infrastructure, accessible amenities, and opportunities that cater to different sporting and recreational interests within the community.

Key Themes:

1. Participation Growth

Many clubs reported increasing membership and participation across both male and female participants. Some attributed to improved communication, inclusive programs, and the popularity of their sport.

2. Facilities

Responders highlighted the need for upgraded playing surfaces, purpose-built facilities, and better amenities to support participation.

3. Multi-sports

Feedback indicated some concerns about multiple sports played on the same location.

4. Environmental

Weather and conditions and outdoor exposure were reported as limiting factors for participation.

5. Parking

Adequate parking, accessible access to grounds were identified as essential improvements.

6. Seating

Requests were made for additional shaded and seating for spectators.

7. Events

Some clubs expressed interest in hosting high-level events including zone championships, tournaments, and sporting camps.

Note: Open-ended responses are presented verbatim and have not been edited for spelling or grammar.

Core User Questionnaire

Answered 10

Completed Responses

Nelson Bay Hockey Club	Mark Williams
Nelson Bay Touch Association	Lisa Rowe
Port Stephens Athletic Club	Michelle Chan
Belgravia Leisure (Operator Tomaree Aquatic Centre)	Breanna Gill
Port Stephens Pickleball Club Inc	John McDonald Anne Louise Gardiner
Nelson Bay Football Club	Todd Giles
Nelson Bay Croquet	Gary Allan
Nelson Bay Cricket Club	Bryce Causley
Nelson Bay Pistol Club	Rob McMahon
Tomaree Squash Club	Mark Goode

What have your membership numbers been for the last 3 years?

Answered 9



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Answer Choices	Total Number	Responses
2023 Junior Male	841	8
2023 Junior Female	649	8
2023 Senior Male	590	8
2023 Senior Female	261	8
2024 Junior Male	924	8
2024 Junior Female	680	8
2024 Senior Male	673	8
2024 Senior Female	337	8
2025 Junior Male	680	7
2025 Junior Female	366	7
2025 Senior Male	510	7
2025 Senior Female	309	7
2023 Self determined Junior	0	2
2023 Self determined Senior	0	2
2024 Self determined Junior	0	2
2024 Self determined Senior	0	2
2025 Self determined Junior	800	3
2025 Self determined Senior	150	3

Could you briefly describe the reasons for any membership changes?

#	Responses	Themes
Nelson Bay Hockey Club	Poor weather over the years means we cannot play as much Ground conditions are not ideal for this type of hockey Other sports People leaving the area or coming to the area Better facilities elsewhere that players want to utilise Incentives to play at other clubs, either monetary or facility wise Reduction in space available for hockey and constant changes to playing locations due to weather"	Environmental, Facilities

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Nelson Bay Touch Association	Skipped question	
Port Stephens Athletic Club	Generally club numbers have continued to grow, particularly females. We were one of the largest clubs to grow post Covid increasing 65% in 2020-2021 season. We introduced senior club competition last season 2024-2025 and our numbers are set to grow.	Participation growth
Belgravia Leisure (Operator Tomaree Aquatic Centre)	As the Operator we will speak to patronage at the Aquatic Venue. Attendance spikes between December - March through the summer months with the remaining months being a challenge to be sustainable operationally. We have been working with PSC and our Contract Partner around closure periods that are more in line with sustainable operations due to being an outdoor venue. If this was an indoor venue, we would see better attendance year round.	Participation growth, Environmental
Port Stephens Pickleball Club Inc	We have seen a significant increase this year in our PSPC membership, as Pickleball gains momentum throughout Australia. With an ever growing number of visitors to our region seeking out our club to continue their experience. With on-going exposure in our community we envisage further on-going growth in ensuing years. We provide fun and friendship in both a social and competitive sporting environment. Increasing numbers in all age groups as we expand our times and venues to suit workers, students, parents of young children	Participation growth
Nelson Bay Football Club	We have seen a steady growth across both male and female participation. An improvement in communication and inclusions in memberships, as well as improvements in facilities..	Participation growth
Nelson Bay Croquet	Come and Try days and similar promotion	
Nelson Bay Cricket Club	Kids are lacking the motivation to enjoy sports on a weekend.	
Nelson Bay Pistol Club	Although we have had small numbers leave due to Death, moving or health reasons, there is a growth in the sport nationwide.	Participation growth
Tomaree Squash Club	New Committee elected Nov 2024, better communications.	

ITEM 6 - ATTACHMENT 1 TOMAREE SPORTS COMPLEX - USER SURVEY REPORT 2025.

Are there any trends or developments in your sport that you think may change patterns of participation in the future?

#	Responses	Themes
Nelson Bay Hockey Club	If we were able to have a new turf facility like the one at Maitland or Cessnock, this would increase our numbers. Players would be willing to stay and use the turf rather than the grass. We have a lot of players that have left to play in either Newcastle or Maitland due to feeling that the grounds are either unsafe for their style of play, or they want to play a higher level of hockey than can be played on a grass field. Better facilities that put hockey as a stand alone sport would be highly beneficial to our club. There have been a lot of developments in turf styles and types which make them more hard wearing and versatile	Facilities
Nelson Bay Touch Association	we have seen an increase in numbers of younger players so this may help to grow our club into the future	Participation growth
Port Stephens Athletic Club	We have been nominated to host Zone championships this year. We also have potential for expansion with continued local business sponsorships that have been consistent in the last 2 years injecting over \$50,000 annually that has put our club into good financial position. We cater for kids that just want to have fun, but also competitive athletes. We have had 3 representatives on average at Nationals each year for the last 4 years. One of our past athletes is also international representing Australia. Olympics will in Brisbane in 2032 will also be a boost to our numbers at the club which historically has happened with Olympic sports. Other considerations outside of our control is the facilities which we are currently using. Due to space required, athletics has historically shared with AFL.	Events, Funding, Multi-sports
Belgravia Leisure (Operator Tomaree Aquatic Centre)	Lap Swimming and Aqua fitness classes are trending downward due to be an aged activity - Learn to Swim in outdoor venues has been a declining activity as parents seek comfort for themselves and their children in Indoor Venues - Customers are wanting offerings that include Spa's, Sauna's Wellness Pools and Fitness Facilities in Aquatic Venues as an all in one membership.	Environmental, Facilities
Port Stephens	Continued growth is expected to trend as the acceptance of the sport is recognised by the wider	Participation growth

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Pickleball Club Inc	community. The sport has quickly gained wider community acceptance, especially among younger players in Port Stephens. Pickleball is the fastest growing sport here in Australia with the latest AusPlay survey (released in April 2025) boasting over 155,000 actively participating players. Increasing interest in the game, a large range of opportunities for competition	
Nelson Bay Football Club	Increase in female participation as a result of the fantastic work of the Matildas at a national level	Participation growth
Nelson Bay Croquet	Older people are being encouraged to undertake outdoor activity	Participation growth
Nelson Bay Cricket Club	Introducing different formats to entice the kids to have fun.	Participation growth
Nelson Bay Pistol Club	While most of the Olympic style pistol shooting sports are practiced at Nelson Bay Pistol Club, there is a real growth in other disciplines. IPSC, Cowboy Action and Steel Challenge to name a few. Some of which are practiced at the club and with high pressures from governing bodies to hold level 2 competitions.	Events
Tomaree Squash Club	Yes, increased funding to Squash NSW for club level participation programs from NSW Office of Sport during 25/26 financial year. Perth to host World Masters Squash Championships in 2026, inclusion of Squash as a sport in the 2028 Olympic Games, Brisbane to host 2032 Olympic Games.	Funding

Any other comments or suggestions?

#	Responses	Themes
Nelson Bay Hockey Club	A new turf facility would greatly improve our numbers and would also allow us to host additional competitions during the year. We could also have it utilised as a training facility when state competitions come to the Newcastle region. A turf can also be utilised by other sports for training when fields are too wet	Facilities
Nelson Bay Touch Association	Accessible toilets, parking and access to grounds is a definite must have.	Facilities
Port Stephens	Skipped question	

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Athletic Club		
Belgravia Leisure (Operator Tomaree Aquatic Centre)	From an Aquatic Standpoint, adequate car parking and easy entry to the facility are a must and to be kept in good condition. - In general, combining facilities or co locating sporting offerings and clubs in the one precinct bring a better community flavour and feel to the area. - The proposed Indoor Sports Centre that some sports are asking for, we support in general provided aquatics is able to provide the relevant offerings to the community without disadvantaging Aquatics. The Capital required for such a build and scope of project far exceeds the expertise of the local clubs and requires enormous investment from Council and state and federal funding to bring to fruition, time, energy and resources.	Parking, Multi-sports, Funding
Port Stephens Pickleball Club Inc	Additional or designated storage areas for our equipment. Potential to expand our playing area with more marked courts. Install full fencing around the Netball & Pickleball courts to protect against vandalism and surface damage. Safeguarding the investment of the new asset is very important. Upgrade of the Drainage area - from the playing fields At the completion of the Don Waring upgrade consideration of 4-6 designated pickleball courts in conjunction with the 8-12 Pickleball courts on existing netball courts will provide Port Stephens an attractive opportunity to host major National Pickleball Tournaments attracting more visitors to our region and tourism investment. An indoor facility is a must with 12-16 courts as a minimum. This will allow not only growth in local membership but will also enable us to host sanctioned Pickleball Tournaments without having to factor in inclement weather. The Port Stephens region is seen as an ideal venue geographically located within easy reach of metropolitan and regional centres.	Facilities, Environmental

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	We believe this will bring many visitors to our region, contributing significantly to our local economy. Thank you for your consideration and time. PSPC Committee	
Nelson Bay Football Club	Having facilities that club's can show ownership, take pride in is paramount, the new facilities are great council multi-purpose facilities but they are not 'club houses' that clubs are able to take pride in, or display their history.	Facilities
Nelson Bay Croquet		
Nelson Bay Cricket Club	More Under Cover seating, There is limited seating at Tomaree Sporting Complex, under cover seating that is only enticed for field 3, where field 2 is out in the open, creating a risk to parents and kids with the possibility of being sunburn and years down the track, gaining sun cancer.	Seating, Environmental
Nelson Bay Pistol Club	We would like to express our strong support and excitement for the proposed sporting upgrades as part of the new development. Enhancing local sporting infrastructure is a vital step forward for our community, promoting health, connection, and active lifestyles. These improvements also contribute significantly to the local economy, attracting visitors, events, and boosting participation in grassroots sports. The only concern we would like to raise relates to parking capacity. During large events—such as touch football competitions—we often see overflow parking spilling onto surrounding council fields and even into our club's gated area. This has created challenges in the past and may be further impacted by increased activity following the upgrade. We encourage council to consider increasing or re-evaluating the proposed parking allocation to support the expected demand and ensure the long-term success and accessibility of the facility. Thank you for your ongoing commitment to improving community sport.	Facilities, Parking
Tomaree Squash Club		

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Strategic User Questionnaire

Organisation

Answered 6

Northern NSW Football	Futsal
NSW Rugby League	Rugby League
Basketball NSW - State body of basketball	Basketball
Northern NSW Football	Football (Soccer)
NSW Athletics	Athletics
Northern NSW Football	Football (Soccer)

Have there been any Strategic changes for your organisation since 2018 that may be relevant to the site? E.g. new or updated Regional Development Plans, Women and Girls in Sports Strategies, Facility Guidelines etc

#	Responses	Themes
Northern NSW Football	Yes, futsal is now an integral part of the strategy and is growing in the area - facilities are one of the biggest obstacles for the sports' growth.	Facilities
NSW Rugby League	Growth in the female participation. Northern Hawks have their first women's tackle team in 2025.	Participation growth
Basketball NSW - State body of basketball	Our Strategy from 2022 incorporates - Women and Girls programs, Indigenous programs, iCALD program as well physical and intellectual impairment programs - the link takes your to the 2022 strategic plan progress report. https://www.bnsw.com.au/about/strategic-plan/ . We are launching a new strategic plan in 2026 as well as a new 10 year Infrastructure strategy and facilities plan. Both the overall strategic plan and infrastructure strategy will have a regional focus including places to play, participation and development plans and capacity building. I have also included our Diversity and inclusion plan - https://www.bnsw.com.au/community/inclusion/ as well as our Technical Officials and Coaching development plans - https://www.bnsw.com.au/officials/ . https://www.bnsw.com.au/coaches/	Participation growth
Northern NSW Football	Updated Infrastructure Strategy, Updated Women & Girls Strategy and Updated Strategic Plan.	Participation growth

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NSW Athletics	in 2024/25 Little Athletics and Athletics NSW joined forces for the first time in over 100 yrs to form NSW Athletics, this has seen a large Boost in our numbers across all age groups from 3 through to masters, but one of our hurdle's is a lot of our facilities are not available to cater for the extra growth.	Participation growth
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Are there any specific or notable opportunities your organisation sees for Tomaree Sports Complex? E.g. additional uses, alignment with strategic or funding opportunities etc

#	Responses	Themes
Northern NSW Football	We would have a venue capable of hosting State championships that isn't too far (Port Macquarie) and isn't too small (most in Newcastle region) and it could also become a host for a club competing in the national F-League.	Events
NSW Rugby League	Ideally more access to the site for competition and training.	Events
Basketball NSW - State body of basketball	By providing courts in the port Stephens area it will meet the needs of the local communities how would currently be travelling to Newcastle to play basketball and provide local opportunities to engage in the sport. BNSW can also provide programs locally as well potentially run tournaments and competitions. For this to be viable with our other indoor sports requirements - 4 courts would meet the need as per data analysis conducted. Election cycle years and year preceeding election would provide the best opportunities to seek funding with business cases and DA completed. A phased approach to a project of this magnitude including aquatic would also assist.	Facilities, Funding
Northern NSW Football	This proposed facility would allow our Futsal offering grow.	Participation growth, Facilities
NSW Athletics	The Port Stephens area has seen an increase in population since Covid and with this we have seen a large increase to our numbers (Almost Doubling) this is not only Jnr athletes But also the Parents are now participating as well.	Participation growth

Are there any trends or developments in your sport/ organisation that you think may change patterns of participation or use in the future? E.g. increase or decline in participation, new sporting formats, changes in use patterns etc

#	Responses	Themes
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Northern NSW Football	Futsal is growing rapidly in terms of affiliated players and will only grow more with more suitable venues.	Participation growth, Facilities
NSW Rugby League	Increase in female participation. In NSW, participation grew by 5% from 2024 to 2025. Females make up 27% of our participation base. Newcastle/Hunter Region - Female growth of 25% from 2024 to 2025 - Overall growth of 10%	Participation growth
Basketball NSW - State body of basketball	State Participation Data Insights In NSW, 2024 Ausplay data estimate total basketball participation at approximately 389,000. For 'organised activities' basketball is the fifth largest 'sport related' activity and the second largest team-based sport with overall 'organised' participation (child and adult) estimated at approximately 223,000. Of these it is estimated that around 40% (90,000) of participation is via a sports club or association. This approximately aligns with the actual BNSW 2024 membership count of 91,468. BNSW Role and Structure Being the official governing body of basketball in NSW, BNSW's focus is on promoting the game, developing talent, growing and advancing the sport at all levels, and building a strong basketball culture across the state via its affiliated associations. BNSW has developed seven strategic pillars guide efforts to strengthen the game at every level, ensuring that basketball is accessible, inclusive, and positioned for long-term success: 1. People – Invest in volunteers, staff, and leaders who power our sport. 2. Participation – Grow the base and ensure everyone can access the game, no matter their age, background, or location. 3. Pathways – Strengthen competition and development pipelines for players, coaches, technical officials, and administrators. 4. Places to Play – Prioritise new court construction, facilities upgrades and affordable access to fit-for-purpose facilities across the state. 5. Partnerships – Build strategic relationships that drive and expand resources to grow the game, foster innovation, and community connection. 6. Promotion of the Game – Elevate basketball's presence and profile through storytelling, branding, and engagement.	Participation growth, Facilities

ITEM 6 - ATTACHMENT 1 TOMAREE SPORTS COMPLEX - USER SURVEY REPORT 2025.

	7. Progression – Embrace innovation, technology, and modern practices to future-proof the sport and continuously improve how basketball is delivered and experienced. BNSW's 'Association Boundaries' have been approximately aligned with local government boundaries to enable clear communication with local authorities. In regional areas, this tends to be a one-to-one basis whilst in larger urban areas one association may range across multiple LGAs. Associations are also grouped in 'metro' (greater Sydney) or 'country' (outside Sydney) for the purposes of program delivery and representative and talent development programs. BNSW Membership Insights Basketball NSW has seen a rapid growth period over recent years and is well on the way to reaching 100,000 members to firmly place it as one of the largest state sporting organisations in NSW. Some member data observations are: • Over the past 5 years, BNSW membership has grown from around 61,400 in 2020 to almost 91,500 in 2024, a five-year growth of 49% Most of this growth has been in metro areas (around 19,300 compared to 10,700 in 'country' areas) with the member split now 59% 'metro' and 41% 'country' • The member gender split is approximately 27% female 73% male • The age split is approximately 61% 'children' (up to 14 years old) and 39% 'adults' (15yrs+) • The average state membership rate (i.e. proportion of the population) is approximately 1% The Riverina region has the highest membership rate in country NSW of 2.5% with several individual LGA's with a membership rate over 5% A number of LGAs within Sydney have a membership rate of over 2% (e.g. Hills, Hornsby, Northern Beaches and Willoughby) Based on membership analysis, market analysis, and benchmarking, there is potential for BNSW membership to almost double by 2036 (if court provision was unlimited). For example, a state average membership rate of 2% would see over 190,000 members by 2036. This compares to a Victorian state rate of over 3% and benchmark LGAs within NSW such as Hills Shire and Willoughby. It also approximately aligns with	
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ITEM 6 - ATTACHMENT 1 TOMAREE SPORTS COMPLEX - USER SURVEY REPORT 2025.

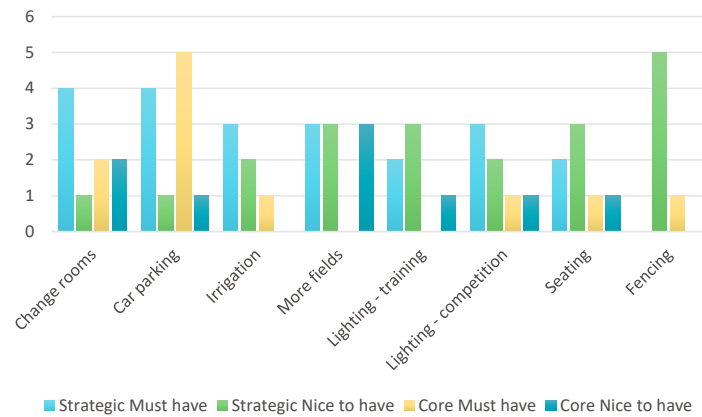
	detailed market and demand analysis by ActiveXchange which indicates potential membership at around 185,000 by 2036.	
Northern NSW Football	Participation continues to increase particularly in juniors and girls. Futsal is a rapidly growing part of our sport that this facility could be of great benefit across the Port Stephens LGA & Peninsula.	Participation growth
NSW Athletics	As mentioned above, With the coming together of the Two NSW Athletics organizations, this will see a larger growth in our sport on top of Australia Hosting the 2032 Olympics, history shows our sports takes a large leap in numbers. Our Sport is going from Strength to strength, with the success of a lot of our athletes on the world stage. For the first time World championships will be televised on Two channels in September. With this exposure I can only see growth in numbers.	Participation growth

Are there any constraints to your organisation's use of the Tomaree Sports Complex? E.g. facilities, arrangement, management or use

#	Responses	Themes
NSW Rugby League	More access required. Clashing with other users of the site.	Multi-sports
Basketball NSW - State body of basketball	Affordable access by Basketball NSW and it affiliated Association in the area is requirement. Should the facilities be built and the management organisation runs their own competition and development is would not [provide any value to basketball in NSW or Port Stephens. We see opportunities for camps and development pathway programs be run in the area due to its location.	Facilities
NSW Athletics	There has already been an email sent to the Council and Sports council outlining a lot of the constraints from the Local center. Please refer to this email. If you need a copy let me know. But just to highlight a few items. Upgraded facilities, Overuse of grounds, Lack of Maintenance on the facility and grounds compared to other sports grounds in the complex. lack of facilities for athletes with disabilities.	Facilities, Multi-sports, Accessible

Combined Strategic and Core User

What improvements would your club like to see at Tomaree Sports Complex?
(please select only 1 category in each column, eg, either a 'Must have' or 'Nice to have')



Improvement	Strategic Must have	Strategic Nice to have	Core Must have	Core Nice to have
Change rooms	4	1	2	2
Car parking	4	1	5	1
Irrigation	3	2	1	0
More fields	3	3	0	3
Lighting - training	2	3	0	1
Lighting - competition	3	2	1	1
Seating	2	3	1	1
Fencing	0	5	1	0

Note: Not all survey respondents completed this question. Results are based on completed responses only.

01 Revised Master Plan



- ① Round-about and Entrance No. 2 including minor entry sign, planting and improved wayfinding and directional signage
- ② Synthetic Hockey field and tennis courts
- ③ Hockey clubhouse including store, amenities, canteen and office
- ④ Aquatic and Multi-sport Indoor Centre. A new formal multi-purpose indoor court with bleacher seating for competition, plus 3 additional multi-purpose indoor courts with associated amenities
- ⑤ Relocated Aquatic Centre entry plaza to create a single, consolidated entrance with improved seating, circulation, and shared amenities.
- ⑥ New clubhouse for netball & baseball with toilets, changerooms, canteen, storage and office
- ⑦ 2 additional netball courts with new lighting, seating and improved access. 4 southern courts to be repurposed as multi-courts (basketball, pickleball and netball)
- ⑧ Central pedestrianised 'Sports Walk' allowing safe pedestrian only access to all of the sports fields, facilities and events
- ⑨ Resized Don Waring Field to accommodate cricket and 2 full sized soccer fields or 4 touch fields
- ⑩ New pathways and seating around existing sports pavilion

- ⑪ Drainage pit within planted raingarden. Existing natural drainage line to become subsoil drainage adjacent to the sports fields
- ⑫ New clubhouse to facilitate soccer, touch football and oztag including: canteen, store, change rooms, toilets, clubrooms and spectator seating
- ⑬ Additional parking and road network designed to improve circulation, connectivity and remove conflict with pedestrians
- ⑭ Turfed area for markets
- ⑮ Main Entrance No. 1 including: main entry sign, planting and improved wayfinding and directional signage
- ⑯ Refurbished Dick Burwell Pavilion to accommodate Little Athletics and Cricket including: club rooms, canteen, change rooms, storage and amenities
- ⑰ Resized and levelled Dick Burwell Oval to accommodate AFL and Little Athletics
- ⑱ Reuse water tanks for irrigation
- ⑲ New croquet pavilion including: clubhouse, amenities and storage
- ⑳ Stormwater retention basins
- ㉑ Spectator shelter and seating
- ㉒ No.1 sportsfield; reshaped to accommodate more sports including: AFL, Rugby, Soccer, Cricket, and Hockey

- ㉓ New sports pavilion including: amenities, change rooms, canteen and storage
- ㉔ New playing fields; current depot site to be redeveloped into potential rugby, cricket, soccer, touch and athletics
- ㉕ Existing pistol club to be retained, formalised entry and increased parking
- ㉖ Entrance No. 3 including: planting, minor entry sign and improved wayfinding and directional signage
- ㉗ Controlled accessway; shared pedestrian path and road during large events
- ㉘ Terraced grass spectator seating running along existing topography
- ㉙ Retention and enhancement of existing coastal heath bushland
- ㉚ Car parking
- ㉛ Cricket nets
- ㉜ Fitness stations
- ㉝ Drop off and loading parking

Moir Studio

02 Revised Master Plan - Aquatic Centre and Indoor Sports Complex



- ① Enlarged Aquatic Centre building to accommodate future expansion, including provision for an indoor program pool.
- ② New formal multi-purpose indoor court with bleacher seating suitable for competitions, plus three additional multi-purpose indoor courts with associated amenities.
- ③ Relocated Aquatic Centre entry plaza to create a single, consolidated entrance with improved seating, circulation, and shared amenities.
- ④ New clubhouse for netball including toilets, changerooms, canteen, storage and office space.
- ⑤ Two additional netball courts with new lighting, seating, and improved access.
- ⑥ Four southern courts repurposed as multi-courts (basketball, pickleball, and netball).
- ⑦ Central pedestrianised 'Sports Walk' providing safe, pedestrian-only access to all sports fields, facilities, and event spaces.
- ⑧ Additional parking to support increased visitor numbers generated by new facilities.
- ⑨ Fencing realignment to remove hidden corners in accordance with aquatic safety management requirements.

Moir Studio

MINUTES ORDINARY COUNCIL - 10 JUNE 2025**NOTICE OF MOTION****ITEM NO. 2****FILE NO: 25/120057
EDRMS NO: PSC2024-03148****TOMAREE SPORTS COMPLEX MASTERPLAN****COUNCILLOR: MARK WATSON****THAT COUNCIL:**

- 1) Request the General Manager to work with Tomaree Sports Council to seek funding to expedite the updating and review of the Tomaree Sports Complex Masterplan.
- 2) That the master planning consultation includes the consideration of a new indoor multisport facility, as recommended and endorsed unanimously by the Tomaree Sports Council. The Tomaree Sports Council has recommended the facility be co-located with the Tomaree Aquatic Centre. The Tomaree Sports Complex Masterplan should include the co-location as an option during the masterplan analysis.

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

132	Councillor Mark Watson Councillor Nathan Errington It was resolved that Council: 1) Request the General Manager to work with Tomaree Sports Council to seek funding to expedite the updating and review of the Tomaree Sports Complex Masterplan. 2) That the master planning consultation includes the consideration of a new indoor multisport facility, as recommended and endorsed unanimously by the Tomaree Sports Council. The Tomaree Sports Council has recommended the facility be co-located with the Tomaree Aquatic Centre. The Tomaree Sports Complex Masterplan should include the co-location as an option during the masterplan analysis.
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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.

MINUTES ORDINARY COUNCIL - 10 JUNE 2025**BACKGROUND REPORT OF: JOHN MARETICH – ASSETS SECTION MANAGER****BACKGROUND**

The Tomaree Sports Complex in Nelson Bay is a regional level sporting facility that caters for a range of sports including soccer, touch football, cricket, netball and AFL. The Tomaree Sports Complex Masterplan (masterplan) was adopted for this facility in 2018 setting out the desired vision and future upgrades required to meet the sporting needs of the community.

Since the masterplan's adoption, a number of projects have been completed and the apparent needs of the sporting community are changing. Consistent with participation trends across the country, people are seeking recreational opportunities that are available at convenient times, protected from the weather and co-located with complementary uses such as other recreational facilities. Another evident trend is a preference for alternative models of traditional sports such as a move towards pickle ball as opposed to tennis.

Planning for an indoor sports facility at Tomaree Sports Complex may be an effective response to addressing the changing recreational needs of the community.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Staff resources required to update the masterplan may be accommodated within existing operational budgets.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		The updated masterplan would require the input of a consultant and incur a service fee.

ATTACHMENTS

Nil.

ITEM NO. 7

FILE NO: 25/274752
EDRMS NO: PSC2013-00406

PLACEMAKING POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Placemaking Policy shown at **(ATTACHMENT 1)**.
 - 2) Revoke the Outdoor Trading Policy **(ATTACHMENT 2)**.
-

BACKGROUND

The purpose of this report is to provide the Placemaking Policy (the 'policy') **(ATTACHMENT 1)** to Council for adoption and revoke the existing Outdoor Trading Policy **(ATTACHMENT 2)**.

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

The policy was reported to Council on 23 September 2025, as the Town Centre Placemaking Policy and placed on public exhibition for 28 days, from Thursday 2 October 2025 to Wednesday 29 October 2025.

During the public exhibition, no submissions were received. Councillor feedback on the Town Centre Placemaking Policy was to delete the words 'town centre' from the name, to make it clearer that the policy applies to businesses in all areas.

The policy still references 'town centres', and this is defined broadly to include most business locations from large regional centres to smaller villages, and single shop front locations. The definition includes zones E1 (local centre), E2 (commercial centre), MU1 (mixed use), RU5 (village), and IN4 (working waterfront). The policy also still permits applications from businesses operating outside these zones.

This policy and supporting guidelines will be promoted across the business community to encourage applications from a diverse range of locations throughout Port Stephens, including areas beyond the major centres.

Other amendments to the policy include administrative corrections. 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
Housing, tourism & economy	Implement the Economic Development Strategy, including ongoing support for sustainable tourism

FINANCIAL/RESOURCE IMPLICATIONS

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that businesses fail to undertake adequate self-assessment and/or fail to maintain compliance.	Moderate	Council will implement a business engagement and inspection program.	Yes
There is a risk that businesses will be unaware of the changes.	Low	A communications plan has been developed to inform businesses of the changes.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

COMMUNICATION AND ENGAGEMENT

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

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

The following communication and engagement applies to this report.

External communications and engagement

CONSULT	The policy was placed on formal public exhibition for 28 days, with no submissions received.
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Internal communications and engagement

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

- Governance Section
- People, Process and Technology Section
- Strategy and Environment Section
- Development Services Section
- Public Domain and Services Section
- Assets Section

OPTIONS

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

ATTACHMENTS

- 1) Placemaking Policy. [↓](#)
- 2) Outdoor Trading Policy. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2013-00406

TITLE: **TOWN CENTRE PLACEMAKING POLICY**

OWNER: COMMUNICATIONS SECTION MANAGER

1. PURPOSE:

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

2. CONTEXT/BACKGROUND:

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

3. SCOPE:

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

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Policy



4. DEFINITIONS:

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

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

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

5. STATEMENT:

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

6. RESPONSIBILITIES:

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

7. RELATED DOCUMENTS:

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

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CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2013-00406	EDRMS record No.	
Audience	Event organisers, business, community organisations and the Port Stephens community.		
Process owner	Communications Section Manager		
Author	Communications Section Manager		
Review timeframe	4 years	Next review date	
Adoption date			

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	29 October 2025	Communications Section Manager.	Policy title updated.	

Policy

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Policy



FILE NO: PSC2005-2640

TITLE: OUTDOOR TRADING POLICY

OWNER: ASSETS SECTION MANAGER

1. PURPOSE:

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

2. CONTEXT/BACKGROUND:

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

3. SCOPE:

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

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Policy



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

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

4. DEFINITIONS:

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

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

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Policy



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

5. STATEMENT:

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

6. RESPONSIBILITIES:

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

7. RELATED DOCUMENTS:

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

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7.17 Port Stephens Council Footway Dining Application Form.

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

VERSION HISTORY:

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

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Policy



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

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ITEM NO. 8

**FILE NO: 25/300833
EDRMS NO: PSC2019-03541**

POLICY REVIEW - REZONING REQUEST POLICY (RENAMED PLANNING PROPOSAL POLICY)

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Notes there were no submissions received during exhibition.
- 2) Revoke the Rezoning Request Policy dated 24 May 2022 (Minute No.132).
- 3) Adopt the Planning Proposal Policy shown at **(ATTACHMENT 1)**.

BACKGROUND

The purpose of this report is to seek Council's endorsement of the revised Rezoning Request Policy (Renamed Planning Proposal Policy (the 'policy')) **(ATTACHMENT 1)**.

Since Council considered the exhibition of the policy, no further detail has been made available about any changes to notification and exhibition for planning proposals under new planning legislation. If new information is released, a review of the policy may be undertaken at that time.

The policy has been reviewed as part of Council's policy review cycle. The policy has been revised and changes made to reflect updated State guidelines for planning proposals and updates to other relevant Council policies.

Rezoning requests are requests to amend the Port Stephens Local Environmental Plan 2013. They are accompanied by a Planning Proposal that has been prepared in accordance with the planning legislation and guidelines issued by the NSW Department of Planning, Housing and Infrastructure (DPHI).

Other amendments to the policy include administrative corrections. 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
Housing, tourism & economy	Develop and implement Council's key planning documents

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications as the process changes can be funded within the current budget.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal, policy, or risk implications.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that planning proposals are lodged that are inconsistent with State guidelines and contain inadequate information for assessment.	Medium	Adopt the recommendations of this report.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The policy enables efficient assessment and processing of planning proposals in accordance with the planning legislation and relevant State guidelines. No changes are currently proposed that impact notification and public exhibition requirements under the new planning legislation and overall social impacts are considered to be positive.

COMMUNICATION AND ENGAGEMENT

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

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

The following communication and engagement applies to this report.

External communications and engagement

CONSULT	The policy was placed on public exhibition for 28 days and notified on Council's website. No submissions were received.
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Internal communications and engagement

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

- Communications and Customer Experience Section.

OPTIONS

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

ATTACHMENTS

- 1) Planning Proposal Policy. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: 21/345716

TITLE: ~~REZONING REQUEST~~ **PLANNING PROPOSAL** POLICY

OWNER: STRATEGY AND ENVIRONMENT SECTION MANAGER

1. PURPOSE:

- 1.1 The purpose of this Policy is to provide a framework for the process and assessment of requests to amend the Port Stephens Local Environmental Plan 2013 (LEP-2013).

2. CONTEXT/BACKGROUND:

- 2.1 Part 3 of the Environmental Planning and Assessment Act 1979 (the Act) enables Council to prepare and make amendments to the LEP-2013. Generally, amendments consist of changes to zoning, but may also include changes to development standards, or other matters in the LEP-2013 that regulate the use of land. When a proponent requests Council to amend the LEP, they submit a request for Council to prepare a 'planning proposal'.
- 2.2 When Council is initially requested to amend the LEP 2013 (a Rezoning Request), the Act enables Council to require the provision of studies or other information in order to assess a request to prepare a planning proposal Rezoning request. This Policy sets out the non-statutory process and minimum requirements for planning proposals and is consistent with the Local Environmental Plan Making Guide (NSW Department of Planning, Housing and Infrastructure (DPHI), August 2023). Rezoning Requests.
- 2.3 Before the LEP 2013 can be amended, a Planning Proposal is required to be prepared, setting out the justification for the proposed change and an explanation of the intended effect (Planning Proposal). The NSW Department of Planning, and Environment (DPE) requires Planning Proposals to be prepared in accordance with their published Local Environmental Plan Making Guideline. This Policy is consistent with (DPE) requirements.
- 2.3 The use of delegated authority provides an opportunity for effective and timely decision making in relation to Rezoning Requests planning proposals and enables Council to meet the timeframes set out in the Local Environmental Plan Making Guide, however, it is appropriate that Council is informed of the exercise of delegated authority. In all circumstances, Council will be informed of the exercise of delegated authority and may request staff delegation be withdrawn and a planning proposal Rezoning Request be reported to Council.

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Policy

2.4 In all circumstances, a final amendment to the LEP 2013 will be reported to Council for adoption prior to being made.

3. SCOPE:

3.1 This Policy applies to all ~~Rezoning Requests~~ requests to prepare a **planning proposal and planning proposals**.

3.2 This Policy applies to the administration and exercise of Council's functions under Division 3.4 of Part 3 of the Act.

3.3 Note there are non-statutory processes that can occur prior to preparation of a planning proposal to which this policy does not apply:

- If a site is not identified in an adopted Council strategy endorsed by the DPHI, DPHI may require a proponent to request Council and DPHI consider an 'addendum' to the strategy prior to a planning proposal.
- The Local Environmental Plan Making Guide sets out the process for a preliminary assessment, or 'scoping proposal' to be prepared by a proponent prior to the planning proposal process.

4. DEFINITIONS:

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

Gateway Determination	A DPHI assessment of strategic and site specific merit and whether the planning proposal should proceed to public exhibition. Following the assessment, a Gateway Determination may be issued to enable the planning proposal to proceed to the next stage of the process.
Lodgement	Lodgement of a request to prepare a planning proposal Rezoning Request occurs on the date the relevant fee is paid, or if no fee is charged, on the date the Rezoning Request is submitted in accordance with the Port Stephens Rezoning Request Planning Proposal Guide.
Planning Proposal	A report prepared in accordance with the (DPE) DPHI's Local Environmental Plan Making Guideline and the Port Stephens Planning Proposal Guide setting out the justification for the proposed change to the LEP 2013 and an explanation of the intended effect (Section 3.33 of the Act).
Rezoning Request	A formal request for Council to amend the LEP 2013, received from a third party (e.g. landowner or

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Policy



	consultant) and prepared in accordance with the Port Stephens Rezoning Request Guide.
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5. STATEMENT:

- 5.1 This Policy aims to ensure Rezoning Requests planning proposals are processed in a consistent, timely and efficient manner.
- 5.2 A Rezoning Request request to prepare a planning proposal must be lodged in accordance with the Port Stephens Rezoning Request Planning Proposal Guide. Requests that are not lodged in accordance with the Guide will not be accepted for lodgement.
- 5.3 Council is notified of all lodged Rezoning Requests requests to prepare a planning proposal via PS Newsletter to the Mayor/Councillors.
- 5.4 Proponents will be notified following a preliminary assessment of the Planning Proposal against the criteria and requirements set out in the (DPE) Local Environmental Plan Making Guideline and a Strategic Planning Assessment Report will be prepared.
- 5.5 Council will be notified of all Rezoning Requests prior to being forwarded to DPHI under delegated authority via PS Newsletter to the Mayor/Councillors.
- 5.5 Rezoning Requests Planning proposals that are consistent with adopted Council policies and strategies (including place plans) will be forwarded to DPHI for a Gateway Determination under delegated authority. One week prior to the request being forwarded, Council will be notified via the PS Newsletter of the intention to exercise the delegation. the proposal will be sent to Councillors for review and a final opportunity to call up if required. The Mayor/Councillors can call up the planning proposal at any time in accordance with the Council Related Planning Matters Policy. All other Rezoning Requests planning proposals, in accordance with clause 5.2 of this Policy, will be reported to Council, in accordance with this policy. The Group Manager Development Services Director Community Futures and/or Strategy and Environment Section Manager, through the General Manager, at their discretion, may also report any planning proposals Rezoning Requests to Council.
- 5.7 The Mayor/Councillors, will receive weekly updates in regards to the status of all planning proposals in the PS Newsletter.
- 5.8 All final amendments to the LEP 2013 will be reported to Council for adoption prior to being made.

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5.9 The community can access all **planning proposals** ~~Rezoning Requests~~ via a link ~~on Council's website to~~ **on** the NSW Planning Portal:
<https://www.planningportal.nsw.gov.au/ppr>

5.10 **Community participation and engagement during the planning proposal process, including during the non-statutory processes that can occur prior to a planning proposal, is carried out in accordance with Council's Community and Engagement Strategy.**

5.11 ~~Rezoning Requests~~ **Planning proposals** for minor matters will be consolidated and progressed as a single ~~P~~planning ~~P~~proposal forwarded to the ~~(DPE)~~ **DPHI** under delegated authority periodically. Minor matters likely to be considered appropriate for inclusion are set out in the Port Stephens ~~Rezoning Request~~ **Planning Proposal** Guide and include administrative amendments such as zone boundary adjustments and mapping updates to correct errors.

6. RESPONSIBILITIES:

6.1 The Strategy and Environment Section **Manager** is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the **policy**.

7. RELATED DOCUMENTS:

- 7.1 Environmental Planning and Assessment Act 1979.
- 7.2 Port Stephens Local Environmental Plan 2013.
- 7.3 NSW Department of Planning, **Housing and Infrastructure** ~~and Environment's~~ Local Environmental Plan Making Guideline **(August 2023)**.
- 7.4 **Port Stephens Council Related Planning Matters Policy**
- 7.5 Port Stephens ~~Rezoning Request~~ **Planning Proposal** Guide.
- 7.6 **Port Stephens Communication and Engagement Strategy.**

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EDRMS container No.	PSC2019-03541	EDRMS record No.	TBA
Audience	Council, Development Services Group Community Futures Directorate and public		
Process owner	Strategy and Environment Section Manager		
Author	Strategic Planning Coordinator		
Review timeframe	4 years	Next review date	TBA
Adoption date	25 February 2020		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	25 February 2020	Strategic Planning Coordinator.	New Policy. First draft.	034
2	24 May 2022	Strategic Planning Coordinator	Reformatted the policy into the new policy template. Updated link to NSW Department of Planning and Environment website. Minor corrections in spelling and grammar. Updated 5.5 by including a reference to place plans. Updated reference to the new NSW Department of Planning and Environment's Local Environmental Plan Making Guideline. Update the name of the Department of Planning and Environment (DPHI) from the previous name Department	132

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Policy



Version	Date	Author	Details	Minute No.
			of Planning, Infrastructure & Environment (DPIE). Clarified clause 5.5 regarding rezoning requests being reported to Council. Included the requirement in clause 5.5 for consistent rezoning requests to be sent to Councillors one week prior to being sent to DPHI for a Gateway Determination.	
3	TBA	Strategic Planning Coordinator	Rename the policy and made consequential changes throughout to have consistent language with the Port Stephens Community and Engagement Strategy, including deleting and replacing all references to 'Rezoning Request'. Include additional text and amendments to better reflect the statutory planning proposal process. Include additional text to acknowledge the non-statutory processes that can occur prior to the preparation of a planning proposal. Include reference to the process of updating Councillors in regards to the status of all planning proposals in the PS Newsletter. Include a reference to the community engagement processes that relate to the planning proposal process in the Port Stephens Community and Engagement Strategy and list that Strategy as a 'related document'. Include a reference to the related matters in the 'Council Related	TBA

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Policy



Version	Date	Author	Details	Minute No.
			Planning Matters Policy' and list that policy as a 'related document'. Update the name of the Department of Planning, Infrastructure and Housing (DPHI) from the previous name Department of Planning and Environment (DPE) and updated the name of the NSW Department of Planning, Housing and Infrastructure's Local Environmental Plan Making Guide. Update the name of the Group Manager Development Services to Director Community Futures. Include definition of 'Gateway Determination'. Minor corrections in punctuation. Numbering was updated throughout the document.	

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ITEM NO. 9

**FILE NO: 25/301595
EDRMS NO: A2004-0284**

PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO MAYOR AND COUNCILLORS POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the revised Payment of Expenses and Provision of Facilities to Mayor/Councillors 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 Payment of Expenses and Provision of Facilities to Mayor/Councillors Policy dated 11 February 2025, Minute No. 008 should no submissions be received.

BACKGROUND

The purpose of this report is to provide the revised Payment of Expenses and Provision of Facilities to Councillors Policy (the 'policy') at **(ATTACHMENT 1)** to Council for consideration prior to public exhibition.

Provision has been made in clause 3.25 to support relevant professional development opportunities for the Mayor and Councillors. This includes relevant strategic workshops, professional memberships and training programs, as well as opportunities identified through regular performance appraisals.

Clauses 3.37 to 3.43 have been included in past versions of this policy, however, were omitted in error at the last review and have now been included.

The costs of these activities are covered within the existing budget, and the policy has been updated to align the budget with the activity, as required by the legislation.

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

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025-2029
Resources and finance	Deliver Governance Services and internal audit program

FINANCIAL/RESOURCE IMPLICATIONS

The changes to the policy are covered within 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		

LEGAL, POLICY AND RISK IMPLICATIONS

Under Section 252 and 253 of the Local Government Act 1993, Council must adopt a policy concerning the payment of expenses incurred by Councillors in relation to discharging the functions of civic office.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council breaches Section 252 & 253 of the Local Government Act 1993, should this policy not be adopted.	Low	Adopt the recommendation.	Yes.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The policy allows the Mayor and Councillors to effectively carry out their responsibilities as members of the Council and as community representatives without suffering financial hardship.

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 - 9 DECEMBER 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 inviting submissions.
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Internal communications and engagement

Consultation has been undertaken by the Governance Section with:

- Office of the General Manager.

OPTIONS

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

ATTACHMENTS

- 1) Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy.
[↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 9 - ATTACHMENT 1 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO MAYOR AND COUNCILLORS POLICY.

Policy



FILE NO: A2004-0284

TITLE: PAYMENT OF EXPENSES AND PROVISION OF FACILITIES
TO MAYOR/COUNCILLORS POLICY

OWNER: GOVERNANCE SECTION MANAGER

1. PURPOSE:

- 1.1 The purpose of the Payment of Expenses and Provision of Facilities to Mayor/Councillors Policy ('Policy') is to clearly state the facilities and support that are available to elected members to assist them in fulfilling their civic duties.
- 1.2 This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to elected members to help them undertake their civic duties.
- 1.3 It ensures accountability and transparency, and seeks to align elected members expenses and facilities with community expectations. Elected members must not obtain private or political benefit from any expense or facility provided under this policy.
- 1.4 The policy has been prepared in accordance with the Local Government Act 1993 (the Act) and Local Government (General) Regulation 2021 (the Regulation), and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.
- 1.5 The policy sets out the maximum amounts Council will pay for specific expenses and facilities.

2. CONTEXT/BACKGROUND:

- 2.1 The provision of expenses and facilities enables the Mayor and Councillors to fulfil their civic duties as the elected representatives of Port Stephens Council.
- 2.2 The community is entitled to know the extent of expenses paid to elected members, as well as the facilities provided.
- 2.3 Council staff are empowered to question or refuse a request for payment from the Mayor or a Councillor when it does not accord with this policy.

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ITEM 9 - ATTACHMENT 1 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO MAYOR AND COUNCILLORS POLICY.

Policy



- 2.4 Expenses and facilities provided by this policy are in addition to fees paid to elected members. The minimum and maximum fees a council may pay elected members are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

3. SCOPE:

Part A – Expenses

3.1 General Expenses

- 3.1.1 All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.
- 3.1.2 Expenses not explicitly addressed in this policy will not be paid or reimbursed.
- 3.2 Specific expenses.

General travel arrangements and expenses

- 3.2.1 All travel by elected members should be undertaken using the most direct route and the most practicable and economical mode of transport. Should an elected member elect to travel an alternate route that is not the most economical, they will only be reimbursed the cost associated with taking the most direct and economical route.
- 3.2.2 Each elected member may be reimbursed or costs met by Council up to a total of \$7,000 per year, for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW.
- 3.3 This includes reimbursement:
- a) for public transport fares.
 - b) For the use of a private vehicle or hire car.
 - c) For parking costs for Council and other meetings.
 - d) For tools.
 - e) By Cabcharge card or equivalent.
 - f) For documented ride-share programs, such as Uber, where tax invoices can be issued.
- 3.4 Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.

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Policy



- 3.5 Elected members seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. The claim form must include such details.

Interstate, overseas and long distance intrastate travel expenses

- 3.6 In accordance with the Policy Statement, Council will scrutinise the value and need for elected members to undertake overseas travel. Council should avoid interstate, overseas and long distance intrastate trips unless direct and tangible benefits can be established for the Council and the local community. This includes travel to sister and friendship cities.
- 3.7 Total interstate travel (excluding the ACT), overseas and long distance intrastate travel expenses for each elected member will be capped at a maximum of \$2,000 per year. This amount will be set aside in Council's annual budget.
- 3.8 Elected members seeking approval for any interstate and long distance intrastate travel must submit a case to, and obtain the approval of, a full Council meeting prior to travel.
- 3.9 Elected members seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full Council meeting prior to travel.
- 3.10 The case should include:
- a) objectives to be achieved in travel, including an explanation of how the travel aligns with current Council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the elected members civic duties;
 - b) who is to take part in the travel;
 - c) duration and itinerary of travel;
 - d) detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.

Note: for the most part, a report will be submitted to a full Council meeting by the General Manager's Officer, detailing the proposed travel.

- 3.11 For interstate and long distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.
- 3.12 For interstate journeys by air of more than three hours, the class of air travel may be premium economy.
- 3.13 For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
- 3.14 Bookings for approved air travel are to be made through the General Manager's Office.

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ITEM 9 - ATTACHMENT 1 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO MAYOR AND COUNCILLORS POLICY.

Policy



- 3.15 For air travel that is reimbursed or costs met by Council as Council business, elected members will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

Travel expenses not paid by Council

- 3.16 Council will not pay any traffic or parking fines or administrative charges for road toll accounts.

Accommodation and meals

- 3.17 In circumstances where it would introduce undue risk for elected members to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the General Manager. This includes where a meeting finishes later than 10pm or starts earlier than 7am and the elected member lives more than 50 kilometres from the meeting location.
- 3.18 Council will meet the costs for accommodation and meals while elected members are undertaking prior approved travel or professional development outside the Hunter area.
- 3.19 The maximum daily limits for accommodation expenses within Australia is \$400 per elected member per day inclusive. This will ensure accommodation costs in a capital city are covered.
- 3.20 The daily limits for meal expenses within Australia, (breakfast, lunch and dinner) will be reimbursed in accordance with the reasonable meal allowance expense amounts as determined by the Australian Taxation Office from time to time.
- 3.21 The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager, being mindful of Clause 3.19 and 3.20 above.
- 3.22 Elected members will not be reimbursed or costs met by Council for alcoholic beverages.

Refreshments for council related meetings

- 3.23 Appropriate refreshments will be available for Council meetings, Council committee meetings, Councillor briefings, approved meetings and engagements, and official Council functions as approved by the General Manager.

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Policy



- 3.24 As an indicative guide for the standard of refreshments to be provided at Council related meetings, the General Manager must be mindful of the reasonable meal allowance expense amounts as determined by the Australian Taxation Office from time to time.

Professional development (including conferences and seminars)

- ~~3.25 Council will set aside \$15,000 per elected member, per term in its budget to facilitate professional development of elected members through programs, training, education courses and membership of professional bodies.~~

3.25 Council will set aside:

- a) \$15,000 per elected member, per term in its budget to facilitate professional development of elected members through programs, training, education courses and membership of professional bodies.
- b) \$30,000 annually to conduct facilitated strategic workshops.
- c) Appropriate funds, upon request from the Mayor and with the approval of the General Manager, to support professional development needs identified through regular performance appraisals.

- 3.26 In the first year of a new Council term, Council will provide a comprehensive induction program for all elected members which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
- 3.27 Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the elected member's civic duties, the elected member actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.
- 3.28 Any elected member seeking to undertake professional development such as the Australian Institute of Company Directors or other significant programs must complete the course within the first 18 months of the term.
- 3.29 Approval for professional development activities is subject to a prior written request to the General Manager outlining the:
- a) details of the proposed professional development.
 - b) relevance to Council priorities and business.
 - c) relevance to the exercise of the Councillor's civic duties.
- 3.30 In assessing an elected members request for a professional development activity, the General Manager must consider the factors set out in Clause

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- 3.29, as well as the cost of the professional development in relation to the Councillor's remaining budget.
- 3.31 Council is committed to ensuring its elected members are up to date with contemporary issues facing Council and the community, and local government in NSW.
- 3.32 Council will set aside a total amount of \$30,000 annually in its budget to facilitate elected members attendance at conferences and seminars. This allocation is for all elected members. The General Manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.
- 3.33 Approval to attend a conference or seminar is subject to approval of a full Council meeting. In assessing an elected member's request, the General Manager must consider the following factor prior to submitting the report to Council:
- a) relevance of the topics and presenters to current Council priorities and business and the exercise of the elected member's civic duties;
 - b) cost of the conference or seminar in relation to the total remaining budget.
- 3.34 Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved Council. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for travel, accommodation and meals not included in the conference fees will be subject to Clauses 3.2.1 and 3.18-3.22.

Awards and Ceremonies

- 3.35 Council will meet the costs of tickets for ceremony and award events where it is Council related.
- 3.36 Council will set aside \$1000 per year for the Mayor and \$500 per year for each Councillor.

Spouse and Partner Expenses

- 3.37 Accompanying person means a person who has a close relationship with an elected member and/or provides carer support to the elected member.
- 3.38 In limited circumstances, Council will meet certain costs incurred by a Councillor on behalf of their spouse, partner or accompanying person which is properly and directly related to accompanying the Councillor when the Councillor is performing his or her official functions, including but not limited to

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costs associated with attendance at official Council functions that are of a formal or ceremonial nature, such as award ceremonies and attendance at the Annual Strategic Councillor Workshop. Each Councillor is entitled to a maximum of \$500 annually (not including the Local Government NSW Annual Conference).

- 3.39 Costs and expenses incurred by elected members on behalf of their spouse, partner or accompanying person will be reimbursed if the cost or expense relates specifically to the ticket, meal and/or direct cost of attending the function noted in 3.38 above.
- 3.40 In limited circumstances, Council will meet certain costs incurred by the Mayor on behalf of their spouse, partner or accompanying person which is properly and directly related to accompanying the Mayor within the State of New South Wales or as resolved by Council when performing his or her official functions, including but not limited to costs associated with attendance at official Council functions that are of a formal or ceremonial nature, such as award ceremonies and attendance at the Annual Strategic Councillor Workshop. Each Mayor is entitled to a maximum of \$1,000 annually (not including the Local Government NSW Annual Conference).
- 3.41 Council will meet limited expenses of spouse, partner or accompanying person associated with attendance at the Local Government NSW annual conference. These expenses are limited to the costs of registration and the official conference dinner. Expenses such as travel expenses, any additional accommodation expenses and the cost of any accompanying persons program will not be met by Council.
- 3.42 Costs incurred by elected members on behalf of a spouse, partner or accompanying person associated with attendance at a conference (other than the Local Government NSW annual conference), seminars or training as part of the elected members professional development program will not be met by Council.
- 3.43 In no circumstances will the peripheral expenses of a spouse, partner or accompanying person, such as grooming, special clothing and transport be considered reimbursable expenses.

Information and communications technology (ICT) expenses

- 3.44 Council will reimburse elected members for expenses associated with appropriate ICT devices up to a limit of \$5,000 per term. This may include a combination of devices such as; mobile phone, a tablet and a desktop computer or laptop. Council will only reimburse elected members for a maximum of three devices.

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- 3.45 Elected members may seek reimbursement for applications on their mobile electronic communication device that are directly related to their duties as an elected member, within the maximum limit.
- 3.46 Council will reimburse elected members for their communication device costs (including mobile phone, landline rental, landline telephone and facsimile) incurred in attending to Council business, up to 75% of the total invoice, to a maximum cost of \$200 per month. Unless an elected member can provide evidence that 100% of the total invoice, should be paid.
- 3.47 Reimbursements will be made only for communications devices and services used for elected members to undertake their civic duties, such as:
- a) receiving and reading Council business papers.
 - b) relevant phone calls and correspondence.
 - c) diary and appointment management.
- 3.48 All communication device costs incurred above this maximum will be met by the elected member.
- 3.49 If an elected member does not have a telephone line or internet connection at their home, Council will meet reasonable connection costs.

Special requirement and carer expenses

- 3.50 Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities are accessible, including provision for sight or hearing impaired elected members and those with other disabilities.
- 3.51 Transportation provisions outlined in this policy will also assist elected members who may be unable to drive a vehicle.
- 3.52 In addition to the provisions above, the General Manager may authorise the provision of reasonable additional facilities and expenses in order to allow an elected member with a disability to perform their civic duties.
- 3.53 Elected members who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of \$6,000 per annum for attendance at official business, plus reasonable travel from the principal place of residence.
- 3.54 Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.

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- 3.55 In the event of caring for an adult person, elected members will need to provide suitable evidence to the General Manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

Home office expenses

- 3.56 Each elected member may be reimbursed up to \$500 per year for costs associated with the maintenance of a home office, such as minor items of consumable stationery and printer ink cartridges.

Insurances and Mutual Scheme Protections

- 6.2 Elected members will receive the benefit of protection through the Statewide Mutual NSW Councils Scheme. Where the word 'insurer' is shown, it is for ease of reference however it should be construed as Statewide Mutual, a self-insurance scheme for which Council is a Member under a Deed. This includes for:
- a) Personal Accident – Personal Accident insurance covers personal injury, which is caused by accidental external and visible means that solely and independently of any other cause results in an elected member's death or disablement. The cover applies anywhere in the world during and while travelling to and from Council business. The cover does not include medical expenses.
 - b) Professional Indemnity – Professional Indemnity protection covers Council where Council becomes legally liable to pay compensation for financial loss as a result of any negligent act, error or omission in the conduct of Council's business activities arising from a breach of professional duty. Cover is subject to any exclusions, limitations or conditions set out in the Statewide Mutual Liability Scheme wording.
 - c) Public Liability – Public Liability protection covers Council's legal liability to pay compensation to third parties arising out of a negligent act, error or omission resulting in personal injury, loss or death or loss of use of property in connection with the business activities of Council. Cover is subject to any exclusions, limitations or conditions set out in the Statewide Mutual Liability Scheme Policy wording.
 - d) Councillors' & Officers' Liability – Councillors' & Officers' Liability protects elected members and officers from the costs incurred in defending themselves against legal actions that arise from honest mistakes in the management of Council. It covers elected members for personal liabilities as a result of wrongful acts subject to any exclusions, limitations or conditions

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set out in the Schedule. Written approval must be obtained from Statewide Mutual prior to incurring any legal defence costs.

Legal assistance

- 6.3 Elected members may be entitled to indemnity for an enquiry, investigation or hearing commenced by an official body.

Council will not meet the legal costs:

- a) of legal proceedings initiated by an elected member under any circumstances;
- b) of an elected member seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation;
- c) for legal proceedings that do not involve an elected member performing their role as an elected member:

- 3.59 Reimbursement of expenses for reasonable legal costs must have Council approval by way of a resolution at a Council meeting prior to costs being incurred.

- 3.60 Legal proceedings being taken against an elected member, arising out of or in connection with the elected member's performance of his or her civic duties or exercise of his or her functions as an elected member (with the exception of defamation proceedings); Council shall reimburse such an elected member, after the conclusion of the inquiry, investigation, hearing or proceeding for all legal expenses properly and reasonably incurred on a solicitor/client basis, PROVIDED THAT:

- a) The amount of such reimbursement will be reduced by the amount of any monies that may be or are recouped by the elected member on any basis.
- b) The elected member's performance or exercise of the civic duty or function was in the opinion of Council bona fide and/or proper (Section 731 of the Act).
- c) The amount of such reimbursement will be limited to an hourly rate being charged by Council's Hunter based solicitors ie any portion of the expenses representing an hourly charge rate higher than the hourly rate charge rate of Council's Hunter based solicitors will not be reimbursed.

- 3.61 Council may indemnify or reimburse the reasonable legal expenses of an elected member for proceedings before the NSW Civil and Administrative Tribunal or an investigative body PROVIDED the subject of the proceedings arises from the performance in good faith of a function under the Act and the Tribunal or investigative body makes a finding substantially favourable to the elected member.

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- a) Legal expenses incurred in relation to proceedings arising out of the performance by an elected member of his or her functions under the Act should be distinguished from expenses incurred in relation to proceedings arising merely from something, which an elected member has done during his or her term of office. An example of the latter is expenses arising from an investigation as to whether a councillor acted corruptly by using knowledge of a proposed rezoning for private gain.
- b) In addition, legal costs will only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the elected member. This may include circumstances in which a matter does not proceed to a finding. In relation to an elected member's conduct, a finding by an investigative or review body that an inadvertent minor technical breach has occurred may not necessarily be considered a substantially unfavourable outcome.
- 3.62 In the case of a code of conduct complaint made against an elected member, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the elected member.
- 3.63 Council will not meet any elected members' costs of any enquiry, investigation or hearing initiated at the request of, or to any legal proceedings taken by, Council itself.
- 3.64 In the case of defamation proceedings arising from the making of a public statement, where an elected member is a defendant or anticipated defendant in such proceedings:
 - a) Indemnity or reimbursement in respect of costs of defending an action in defamation is only available in circumstances where the elected member was acting properly when making the statement complained of. The threshold criteria for the application of the indemnity or reimbursement will apply (see 3.65).

Note: Council cannot meet the costs of any action in defamation taken by an elected member as plaintiff in any circumstances (DLG Circular 00/22).

Threshold Criteria – Defamation Proceedings

- 3.65 Where proceedings have been foreshadowed or commenced against the Mayor or a Councillor arising from a public statement or statements made or acts done by any of them and, in the opinion of Council's appointed solicitor the following 'Three Criteria' are satisfied through the required procedure set out below namely:

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- i. The statement was made or the act was done in relation to discharging the functions of civic office;
- ii. The elected member concerned was acting in good faith (Section 731 of the Act); and
- iii. The statement or the act in question was reasonable in the circumstances and not made or done maliciously or frivolously and, in the case of a statement, was not made with knowledge of its falsity or with recklessness as to whether it was true or false, then Council will reimburse an elected member for all legal expenses, fees, liabilities or costs incurred (including without limitation any order for the payment of damages, interest and/or costs or any other order for the payment of money made against the Councillor) properly and reasonably incurred on a solicitor/client basis, PROVIDED THAT the amount of such reimbursement will be:
 - a) reduced by the amount of any monies that may be or are recouped by the elected member on any basis; and
 - b) limited to an hourly rate being charged by Council's Hunter based solicitors ie any portion of the expenses representing an hourly charge rate higher than the hourly rate charge rate of Council's Hunter based solicitors will not be reimbursed.

Engagement of Legal Representatives – Requisite Procedure

- 3.66 The Councillor must as soon as practicable after they become aware that a claim may be forthcoming or aware that they may have made a statement or action which may give rise to a claim, notify either the General Manager, Public Officer or Mayor that there is a possibility of a claim against the Councillor. In the case of the Mayor, the Mayor is to notify the General Manager or Public Officer.
- 3.67 This notification must:
 - a) be in written form;
 - b) include all details including any correspondence from the alleged injured party concerning the possible claim; and
 - c) include the elected member's comments on whether the elected member considers that the Three Criteria are satisfied.
- 3.68 The elected member must not respond to any allegations made or accept any liability in respect to any allegations made unless authorised to do so by Council or its solicitor or the insurer or its solicitor.
- 3.69 The elected member must at all times without undue delay keep Council fully informed of any oral or written communications made to the elected member

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by the alleged injured party or the injured party's agents or legal representative in respect of the claim.

- 3.70 The General Manager must immediately upon becoming aware that a claim may be forthcoming or aware that a statement has been made which may give rise to a claim, notify and forward to Council's insurer any information relating to the matter with a view to obtaining the Insurer's acceptance and carriage of the claim should the three criteria be satisfied.
- 3.71 If proceedings are threatened (and not yet commenced), the General Manager must without undue delay inform Council's appointed solicitor and/or Council's insurer of the notification. The Council's solicitor at Council's cost must form a view as to whether the Three Criteria are satisfied, and must notify the General Manager who will in turn notify the elected member concerned in written form of that view.
- 3.72 If the Council's solicitor considers that the Three Criteria are satisfied, the General Manager will either instruct Council's solicitors or if Council's Insurers have accepted the matter as a possible claim then it will represent the elected member concerned.
- 3.73 If Council's solicitor forms the view that the Three Criteria are not satisfied, the elected member may request a review of that advice from an independent legal practitioner as agreed in advance between the elected member concerned and the General Manager and failing agreement as nominated by the President for the time being of the Law Society of NSW or the President of the NSW Bar Association.
- 3.74 If the proceedings are commenced and the Three Criteria are satisfied then the following procedure must be followed:
- a) In the case that the claim is accepted by Council's insurer it will have carriage of the matter subject to consultation with the General Manager and the elected member will be required to abide by any reasonable instruction of the insurer or its nominated lawyer.
- b) If the insurer does not accept the claim as it is of the opinion that the matter is outside the policy then the General Manager in consultation with Council's solicitor will nominate a legal practitioner that they consider should represent the elected member. If the elected member considers that such representation is appropriate then the procedures in the paragraph below must be followed. If Council's solicitors are not of the same opinion as the insurers the General Manager in consultation with Council's solicitors will take whatever action is necessary (without unduly holding up the defamation proceedings) to have the question determined.

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- c) If the elected member considers that the legal practitioner nominated is not appropriate then the elected member concerned and the General Manager must attempt to reach agreement on an alternative legal practitioner, and failing agreement the legal practitioner must be as nominated by the President for the time being of the Law Society of NSW or the President of the NSW Bar Association.
- 3.75 If Council's insurers have not accepted the claim the General Manager must contact the proposed legal practitioner and must require that an agreement be entered into between the legal practitioner and the Council which will include such terms and conditions as the General Manager sees fit including:
 - a) Terms and conditions as to costs and disbursements including procedures for costs estimates to be given at appropriate times; and
 - b) Accounts being considered and approved by the General Manager prior to payment; and
 - c) All instructions provided to the legal representatives by the elected member concerned to be subject to the concurrence of the General Manager.
- 3.76 Notwithstanding the provisions of paragraph above, once proceedings have actually been commenced then the procedures set out above must be followed. (Note: The General Manager should regularly review Council's insurance policies with respect to the application of them to the Council's possible liability pursuant to this policy.)

Exclusion from policy

- 3.77 This policy will not apply to any defamation or other action brought by any elected member or Council employee against any elected member, arising from the making of a statement by any of the latter of and concerning any of the former, unless in addition to the Three Criteria set out above:
 - a) The statement complained of is made to a person or body in circumstances where it is likely to be subject to qualified privilege or absolute privilege (including without limitation statements made in good faith to the Police or Director of Public Prosecutions, the Office of Local Government, statements made ancillary to, and in giving evidence to, a Court or Tribunal or other body conducting any inquiry, investigation or hearing, statements made to the Office of the Ombudsman and statements made to any Parliamentary Committee) (but in such circumstances the policy will only apply to the extent of the publication of the statement in these circumstances, and not to any other publication of the statement); or
 - b) The statement:

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- is made at a meeting of Council, a briefing of elected members or a meeting of a Committee of Council in respect of an item on the agenda for that meeting or briefing; and
- is in accordance with the Local Government (General) Regulations 2021 and Council's Code of Meeting Practice current at the time the statement was alleged to have been made; and
- does not breach any other law.

Part B – Facilities

General facilities for all elected members

Facilities

- 3.78 Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:
- a) a Councillor common room appropriately furnished to include telephone, photocopier, printer, desks, computer terminals, pigeon holes and appropriate refreshments (excluding alcohol).
 - b) access to shared car parking spaces while attending Council offices on official business.
 - c) personal protective equipment for use during site visits.
 - d) a name badge which may be worn at official functions, indicating that the wearer holds the office of a Councillor and/or Mayor or Deputy Mayor.
- 3.79 Councillors may book meeting rooms for official business in a specified Council building at no cost. Rooms may be booked through a specified officer in the Mayor's office or other specified staff member.
- 3.80 The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.

Stationery

- 3.81 Council will provide the following stationery to elected members each year:
- a) letterhead, to be used only for correspondence associated with civic duties.
 - b) business cards.
 - c) up to the cost of 50 ordinary postage stamps.
 - d) up to 30 Christmas or festive cards per year for Councillors and 100 for the Mayor.

Note: All postage is to be lodged at the Council Administration Building.

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- 3.82 As per Section 3.81, postage costs will only be used to support an elected members civic duties. Any postage costs not used will not be carried over to the next year's allocation.

Administrative support

- 3.83 Council will provide administrative support to elected members to assist them with their civic duties only. Administrative support may be provided by staff in the Mayor's Office or by a member of Council's administrative staff as arranged by the General Manager or their delegate.
- 3.84 As per clause 3.83, Council staff are expected to assist elected members with civic duties only, and not assist with matters of personal or political interest, including campaigning.

Corporate Uniform

- 3.85 Elected members may choose from a selection of Corporate Uniforms provided by Council's approved supplier. Council will contribute a subsidy to 35% of the initial cost to a maximum of \$250 per annum. A sundry debtor account will then be forwarded to the elected members for payment of the balance. Alternatively, a deduction can be made from the elected members monthly allowance.

Superannuation

- 3.86 Elected members may elect to contribute all or part of their elected member's Allowance into an approved Superannuation Scheme.
- 3.87 Council will make superannuation contribution equivalent in amount to superannuation guarantee payments.

Health & Wellbeing Initiative

- 3.88 Elected members will be able to access a Health Initiative program, which includes gym membership at local facilities.
- 3.89 Elected members will investigate any taxation implications for individual elected members as a result of the membership.
- 3.90 Elected members are able to access the Council's Assistance Program (EAP). The Program is an initiative of Port Stephens Council provides you with confidential counselling and support in your civic role.
- 3.91 Further details can be obtained through Council's Senior Executive Assistant.

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Additional facilities for the Mayor

- 3.92 Council will provide to the Mayor a maintained vehicle to a similar standard of other Council vehicles, with a fuel card. The vehicle will be supplied for use on business, professional development and attendance at the Mayor's office.
- 3.93 The Mayor must keep a log book setting out the date, distance and purpose of all private travel. The log book must be submitted to Council on a monthly basis.
- 3.94 The Mayoral monthly claim for expenses will be reduced to cover the cost of any private travel recorded in the log book, calculated on a per kilometre basis by the rate set by the Local Government (State) Award.
- 3.95 A parking space at Council's offices will be reserved for the Mayor's Council-issued vehicle for use on official business, professional development and attendance at the Mayor's Office.
- 3.96 Council will provide the Mayor with a furnished office incorporating a computer configured to Council's standard operating environment, telephone and meeting space.
- 3.97 A corporate credit card only to be used for official Council business in accordance with this policy.
- 3.98 In performing his or her civic duties, the Mayor will be assisted by a small number of staff providing administrative and secretarial support, as determined by the General Manager.
- 3.99 The number of exclusive staff provided to support the Mayor and Councillors will not exceed one full time equivalent.
- 3.100 As per Section 3.98, staff in the Mayor's office are expected to work on official business only, and not for matters of personal or political interest, including campaigning.

Part C – Processes

Approval, payment and reimbursement arrangements.

- 3.101 Expenses should only be incurred by elected members in accordance with the provisions of this policy.
- 3.102 Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.

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- 3.103 Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:
- a) local travel relating to the conduct of official business.
 - b) carer costs.
 - c) ICT expenditure.
- 3.104 Final approval for payments made under this policy will be granted by the General Manager or their delegate.

Direct payment

- 3.105 Council may approve and directly pay expenses. Requests for direct payment must be submitted to the General Manager for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.
- 3.106 Alternatively, if Council makes the arrangements then the costs will be paid by Council for official Council business.

Reimbursement

- 3.107 All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the General Manager.

Advance payment

- 3.108 Council may pay a cash advance for elected members attending approved conferences, seminars or professional development.
- 3.109 The maximum value of a cash advance is \$100 per day of the conference, seminar or professional development to a maximum of \$400.
- 3.110 Requests for advance payment must be submitted to the General Manager for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.
- 3.111 Elected members must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to Council:
- a) a full reconciliation of all expenses including appropriate receipts and/or tax invoices;
 - b) reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

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Notification

- 3.112 If a claim is approved, Council will make payment directly or reimburse the elected member through accounts payable.
- 3.113 If a claim is refused, Council will inform the elected member in writing that the claim has been refused and the reason for the refusal.

Reimbursement to council

- 3.114 If Council has incurred an expense on behalf of an elected member that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:
- a) Council will invoice the elected member for the expense;
 - b) the elected member will reimburse Council for that expense within 14 days of the invoice date.
- 3.115 If the elected member cannot reimburse Council within 14 days of the invoice date, they are to submit a written explanation to the General Manager. The General Manager may elect to deduct the amount from the elected member's allowance.

Timeframe for reimbursement

- 3.116 Unless otherwise specified in this policy, elected members' must provide all claims for reimbursement within 3 months of each calendar month where the expense was incurred. Claims made after this time cannot be approved, unless approved by the General Manager due to extenuating circumstances.

Disputes

- 3.117 If an elected member disputes a determination under this policy, the elected member should discuss the matter with the General Manager.
- 3.118 If the elected member and the General Manager cannot resolve the dispute, the elected member may submit a notice of motion to a Council meeting seeking to have the dispute resolved.

Return or retention of facilities

- 3.119 All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office or at the cessation of their civic duties.

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- 3.120 Should an elected member desire to keep any equipment allocated by Council, then this policy enables the elected member to make application to the General Manager to purchase any such equipment. The General Manager will determine an agreed fair market price or written down value for the item of equipment.
- 3.121 The prices for all equipment purchased by elected members under Clause 3.119 will be recorded in Council's annual report.

Publication

- 3.122 This policy will be published on Council's website.

Reporting

- 3.123 Council will report on the provision of expenses and facilities to elected members as required in the Act and Regulations.
- 3.124 Detailed reports on the provision of expenses and facilities to elected members will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure incurred by elected members. The report will also show the total cost incurred to Council by elected members (including the monthly allowance) for each costing category listed.

Auditing

- 3.125 The operation of this policy, including claims made under the policy, will be included in Council's audit program and an audit undertaken at least every two years.

Breaches

- 3.126 Suspected breaches of this policy are to be reported to the General Manager.
- 3.127 Alleged breaches of this policy will be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

4. DEFINITIONS:

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

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Accompanying person	A spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a Councillor.
Appropriate refreshments	Food and beverages, excluding alcohol, provided by Council to support Councillors undertaking official business.
Act	Local Government Act 1993 (NSW).
Clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy.
Code of Conduct	The Code of Conduct adopted by Council or the Model Code if none is adopted.
Council term	As defined by the Local Government Act 1993 (NSW) or the NSW Government from time to time.
Councillor	A person elected or appointed to civic office as a member of the governing body of council who is not suspended.
Elected member	A person who is a local government Councillor or Mayor.
General Manager	The general manager of Council and includes their delegate or authorised representative.
Incidental personal use	Use that is infrequent and brief and use that does not breach this policy or the Code of Conduct.
Long distance intrastate	Travel by private vehicle to other parts of NSW of more than three hours duration from the Port Stephens Council Administration building.
Mayor	The Mayor of Port Stephens Council.
Maximum limit	The maximum limit for an expense or facility provided in the text and summarised in Schedule 1.
NSW	New South Wales.
Official business	Functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for Council or result in a direct benefit for Council and/or for the local government area, and includes: • meetings of Council and committees of the whole. • meetings of committees facilitated by Council. • civic receptions hosted or sponsored by Council. Meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council.

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Professional development	A seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor.
Regulation	The Local Government (General) Regulation 2005 ²¹ (NSW).
Year	The financial year that is the 12 month period commencing on 1 July each year.

5. STATEMENT:

5.1 The objectives of this policy are to:

- a) enable the reasonable and appropriate reimbursement of expenses incurred by elected members while undertaking their civic duties;
- b) enable facilities of a reasonable and appropriate standard to be provided to elected members to support them in undertaking their civic duties;
- c) ensure accountability and transparency in reimbursement of expenses and provision of facilities to elected members;
- d) ensure facilities and expenses provided to Councillors meet community expectations;
- e) support a diversity of representation;
- f) fulfil the Council's statutory responsibilities.

5.2 Council commits to the following principles:

- a) **Proper conduct:** Elected members and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions.
- b) **Reasonable expenses:** Providing for elected members to be reimbursed or costs met by Council for expenses reasonably incurred as part of their role as elected members.
- c) **Participation and access:** Enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as an elected member.
- d) **Equity:** There must be equitable access to expenses and facilities for all elected members.
- e) **Appropriate use of resources:** Providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations.
- f) **Accountability and transparency:** Clearly stating and reporting on the expenses and facilities provided to elected members.

5.3 Private or political benefit:

- a) Elected members must not obtain private or political benefit from any expense or facility provided under this policy.

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- b) Private use of Council equipment and facilities by elected members may occur from time to time. For example, telephoning home to advise that a Council meeting will run later than expected.
- c) Such incidental private use does not require a compensatory payment back to Council.
- d) Elected members should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, elected members must reimburse the Council.
- e) Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:
 - production of election material;
 - use of Council resources and equipment for campaigning;
 - use of official Council letterhead, publications, websites or services for political benefit;
 - fundraising activities of political parties or individuals, including political fundraising events.

6. RESPONSIBILITIES:

- 6.1 The General Manager is responsible for implementing and ensuring compliance.
- 6.2 The Governance Section Manager is responsible for implementing, ensuring compliance, monitoring, evaluating, reviewing and providing advice on the policy.
- 6.3 Mayor and Councillors are responsible for complying with the policy.

7. RELATED DOCUMENTS:

- 7.1 Local Government Act 1993, Sections 252 and 253.
- 7.2 Local Government (General) Regulation 2021, Sections 217 and 403.
- 7.3 Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009.
- 7.4 Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
- 7.5 Local Government Circular 05-08 legal assistance for Councillors and Council Employees.
- 7.6 Local Government Circular 17-17 Councillor Expenses and Facilities Policy – Better Practice Template.
- 7.7 Related Council policies:
 - Port Stephens Council Code of Conduct.

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SCHEDULE 1

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

• Clause	• Expense or facility	• Maximum amount	• Frequency
• 3.2.2	• General travel expenses	• \$7,000 per Councillor. • \$7,000 for the Mayor.	• Per year
• 3.7	• Interstate, overseas and long distance intrastate travel expenses	• \$2,000 total for all Councillors.	• Per year
• 3.20	• Meals	• As per the Port Stephens Enterprise Agreement, as adjusted.	• Per meal
• 3.19	• Accommodation	• \$400 per Councillor/Mayor.	• Per night
• 3.25	• Professional development	• \$15,000 per Councillor/Mayor. • \$30,000 total for all Councillors and Mayor. • On request from Mayor (with General Manager approval) funds to support opportunities identified through performance reviews	• Per term • Annual • On Request
• 3.32	• Conferences and seminars	• \$30,000 total for all Councillors and Mayor.	• Per year
• 3.36	• Awards and ceremonies	• \$1,000 per year for Mayor • \$500 per year for a Councillor	• Per year
• 3.38	• Spouse/partner expenses	• \$500 per Councillor.	• Per year
• 3.40	• Spouse/partner expenses	• \$1,000 for the Mayor.	• Per year

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• Clause	• Expense or facility	• Maximum amount	• Frequency
• 3.44	• ICT expenses	• 75% up to \$5,000 per Councillor.	• Per term
• 3.46	• Communication devices (mobile phone, landline phone rental & calls, facsimile)	• 75% up to \$200.	• Per month
• 3.53	• Carer expenses	• \$6,000 per Councillor.	• Per year
• 3.56	• Home office expenses	• \$500 per Councillor.	• Per year
• 3.83	• Access to facilities in a Councillor common room	• Provided to all Councillors.	• Not relevant
• 3.86	• Postage stamps	• 50.	• Per year
• 3.86	• Christmas or festive cards	• 30 per Councillor. • 100 for the Mayor.	• Per year
• 3.95	• Council vehicle and fuel card	• Provided to the Mayor.	• Not relevant
• 3.99	• Reserved parking space at Council offices	• Provided to the Mayor.	• Not relevant
• 3.100	• Furnished office	• Provided to the Mayor.	• Not relevant
• 3.102	• Number of exclusive staff supporting Mayor and Councillors	• Provided to the Mayor and Councillors.	• Not relevant
• 3.113	• Advance payment for conferences, seminars	• \$100 per Councillor/Mayor up to \$400.	• Per event

Additional costs incurred by an elected member in excess of these limits are considered a personal expense that is the responsibility of the elected member.

Elected members must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved, unless approved by the General Manager due to extenuating circumstances.

Detailed reports on the provision of expenses and facilities to elected members will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by an individual elected member and as a total for all elected members.

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CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	A2004-0284	EDRMS record No.	25/37143 TBC
Audience	Mayor and Councillors		
Process owner	Governance Section Manager		
Author	Governance Section Manager		
Review timeframe	4 years	Next review date	25 November 2029 30 September 2028
Adoption date	28/06/1994		

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VERSION HISTORY:

Version	Date	Author	Details	Minute No.
20	14 May 2019	Governance Manager	Reviewed the policy, included numbering to each paragraph and updated the version control. Updated title of policy owner to Governance Section Manager. 3.21 – updated reference to 3.19. Conferences and seminars included in Professional development heading. 3.25 – increase dollar value and timing for professional development. 3.28 – updated reference to 3.27. Delete Conferences and Seminars heading. 3.33 – updated reference to 3.18-3.22. 3.41 – increased ICT expenses. 3.44 – Update reference to 3.43 and maximum cost to \$100. 3.69 – updated reference to 3.70. 3.87 – updated reference to 3.86. 3.103 – updated reference to 3.101. 3.124 – updated reference to 3.123. 7 – included reference to OLG Circular 17-17. Schedule 1 – updated reference numbers. <u>Following submission</u> Where the term 'Councillors' refers to the Mayor and Councillors changed to 'Elected Members'. Included definition for Elected Members. Updated definition of Long Distance Intrastate travel. Updated definition of Councillor. Updated clause 3.2.1, 3.2.2, 3.7, 3.20, 3.21, 3.24, 3.33, 3.35, 3.36, 3.37, 3.39, 3.71, 3.94, 3.127.	093

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Version	Date	Author	Details	Minute No.
20.1	11 January 2022	Governance Section Manager	Reviewed the policy, included updating policy template, re-numbering to each paragraph and updated the version control. 1.4 – replace 2005 with 2021. 3.28 – new clause graph requiring completion of training within the first 18 months of the term. 3.35-3.36 – new clause for awards and ceremonies. 3.39 – update reference to clause 3.35 to 3.38. 3.44-3.45 – remove clauses with overall provision available at new clause 3.46. 3.53 – increase carer expense to \$6,000. 3.56 – increase to \$500. 3.57 – include clause number. 3.58-3.59, 3.63 – update clauses to reflect current policy. 3.60 – remove clause. 3.64 – removed and added to 3.63. 3.76 – include ‘/or’ 3.92 – new provision for superannuation contribution. 3.104 – update reference to clause 3.101 to 3.102. Schedule 1 updated to reflect new clauses for 3.32, 3.37, 3.39, 3.43, 3.45, 3.99, 3.100, 3.102, 3.113, 3.52 increase to \$6,000 and increase 3.56 to \$500. 7 – updated Regulation from 2005 to 2021. 7.1 – included ‘Port Stephens Council’.	005
20.2	11 February 2025	Governance Section Manager	Policy transferred into correct template, reviewed the policy, included re-numbering to each paragraph and updated the version control. Policy review timeframe	008

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Version	Date	Author	Details	Minute No.
			updated to 4 years as per Council's current process. 2.3 – Insert 'from the Mayor'. 3.40 – Delete 'Each' and insert 'The'. 3.44 – insert '75% of the total invoice, to'. 3.57, 3.59, 3.61 – Update reference to the Statewide Mutual and insert "Schedule". 3.58 to 3.61 – removed paragraph numbering. 3.58 – updated numbering from 3.58 to 3.127. 3.63 – Remove "expenses" and inserted "costs". 3.64b) – inserted "will". 3.65 – inclusion of clause 3.65. 3.69 – removed paragraph numbering and updated "Note". 3.77b) – updated 2021 from 2005. 3.87 – updated reference to section 3.81. 3.89 – delete 'Section 7' and insert 'clause 3.83'. 3.93 – delete reference to timeframes. 3.90 – insert new paragraph for the Council Assistance Program. 3.104 – updated reference to Section 3.98. 3.120 – Updated reference to expense timeframe. 3.125 – Updated reference to Section 3.119. 4 – delete 'means' from each definition. 6.2 – insert 'Section'. Sch.1 – insert '75% up to' at 3.44.	
20.3	TBC	Governance Section Manager	Policy reviewed and the following clauses included and/or updated. Clause 3.25 removed.	

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Version	Date	Author	Details	Minute No.
			Clause 3.25 a) and b) added. Clauses 3.37 to 3.43 these clauses were omitted from the previous version in error. No changes were made to the clauses from past policy versions. Updated definition for the Local Government Regulation. Updated Schedule 1 in relation to clause 3.25. Minor formatting corrections throughout policy.	

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ITEM NO. 10

**FILE NO: 25/241030
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) Wallalong Preschool – Mayoral funds - \$100 donation towards raffle prizes for fundraising event.
 - b) Hope Unlimited Church Port Stephens – Mayoral funds - \$3,000 donation towards 2025 Fly Point Christmas Carols event.
 - c) 1st Anna Bay Scouts – Mayoral funds - \$2,500 donation towards scout trip to Tasmania.
 - d) Port Stephens Community Woodworkers Inc – Mayoral funds - \$2,000 donation towards cost of kitchen upgrades.
 - e) Endorse the provision of funds to Sharnie Bower – Ward funds – Cr Nathan Errington - \$500 donation towards costs of her daughter attending AUSA Hoops basketball competition in 2026 and place the proposal on public exhibition for a period of 28 days, in accordance with the Local Government Act 1993 to seek public comment.
- 2) Should no submissions be received as a result of the public exhibition stated in 1e) above, the funds be approved.

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

ORDINARY COUNCIL - 9 DECEMBER 2025

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

Wallalong Preschool	Wallalong Preschool facilitate continued growth for children across all developmental areas.	\$100	Donation towards raffle prizes for fundraising event.
Hope Unlimited Church Port Stephens	Hope Unlimited Church is a church for all walks of life that supports the local community.	\$3,000	Donation towards 2025 Fly Point Christmas Carols event.
1 st Anna Bay Scouts	1 st Anna Bay Scouts offer fun activities, outdoor adventure and youth leadership in the Anna Bay area.	\$2,500	Donation towards scout trip to Tasmania.
Port Stephens Community Woodworkers Inc.	A non-profit organisation that provides relief from social isolation by promoting the skills and craft of woodturning, wood carving and woodworking, particularly to older members of the community.	\$2,000	Donation towards cost of kitchen upgrades.

WARD FUNDS

Sharnie Bower	Individual.	\$500	Donation towards daughter's attendance at AUSA Hoops
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			basketball tournament in 2026.
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COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025-2029
Resources and finance	Develop and implement strategic direction and governance of Council

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL AND POLICY IMPLICATIONS

To qualify for assistance under Section 356(1) of the Local Government Act 1993, the purpose must assist the Council in the exercise of its functions. Functions under the Act include the provision of community, culture, health, sport and recreation services and facilities.

The Policy interpretation required is whether the Council believes that:

- 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.
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.
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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. 11

FILE NO: 25/241042
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 9 December 2025.

No:	Report Title	Page:
1	Petition - Marsh Road, Bobs Farm	194
2	Code of Conduct Annual Reporting	198
3	Designated Persons' Return	200
4	Delegations Report	201
5	Council Resolutions	203

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 25/304272
EDRMS NO: PSC2015-03017**

PETITION - MARSH ROAD, BOBS FARM

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

BACKGROUND

The purpose of this report is to advise Council of the receipt of a petition containing 190 signatures in relation to Marsh Road, Bobs Farm.

A copy of the petition request is shown at **(ATTACHMENT 1)**.

Marsh Road is a 7.96 km sub-arterial rural road. Road maintenance (reactive and proactive), rehabilitation and upgrade activities are prioritised based upon whole of road network risk and available funds.

To provide best practice management of the road pavement over its life cycle, there are optimal times to undertake road maintenance (reactive and proactive) and rehabilitation works. Unfortunately, the funds required to undertake these activities are more than Council's allowable budget and external grants available.

Further, the recent multiple declared severe weather events have worsened the road condition and increased the extent of road rehabilitation backlog. Fortunately, for road damages adversely impacted by the declared severe weather, external Natural Disaster funding is available to assist Council to return the road to the pre-existing condition.

A 400-metre reach of Marsh Road has been included within the Capital Works program for road pavement rehabilitation within the 2026-27 financial year funded from the 2023 Special Rate Variation. This work is in addition to the 10-year program to incrementally upgrade the 23 previously privately-owned flood gates on Marsh Road. The flood gate replacement program commenced in 2020 following a Council resolution on the 11 August 2020.

ATTACHMENTS

- 1) Petition - Marsh Road, Bobs Farm. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

- 1) Petition.

TABLED DOCUMENTS

Nil.

To: Port Stephens Council General Manager Tim Crosdale, Central Ward Councillors, Chris Doohan, Ben Niland & Jason Wells.

We, the concerned residents of Port Stephens, urge the Council to acknowledge the pressing need for road maintenance and repair on Marsh Road.

Although our road may not be a priority based on the number of residences, we strongly believe its significance in ensuring safety for:

1. Children attending Bob's Farm School
2. Visiting tourists
3. The residents of Marsh Road &
4. Patrons of local businesses, including:

Cook-a-barra Restaurant & Function Centre

Butterfly house and underwater Cafe.

The Shark, Ray & All Creatures Rescue

Kookaburra Farm Stay

Bobs Farm Public School

Go Karts Go Nelson Bay

Australia Post, Uber, Etsy, Temu, Coles and Woolworths Drivers.

Newcastle and Hunter Pet Crematorium - Bobs Farm

Port Stephens Coaches.

Recently, the speed limit on Marsh Road was reduced from 80 km/h to 60 km/h due to its poor condition. We appreciate this interim measure, but it highlights the need for comprehensive repairs.

Concerns:

- Regular pothole filling has ceased
- Increased traffic during Nelson Bay Road upgrades has caused significant wear and tear.
- Marsh Road becomes the emergency route in case of accidents on Nelson Bay Road.

ITEM 1 - ATTACHMENT 1 PETITION - MARSH ROAD, BOBS FARM.

- School buses face significant risks due to the road's narrowness and poor condition.
- Vehicles are forced to cross centre markings, creating a hazardous "dodgem car" effect.

We seek clarification on Council's liability regarding vehicle damage caused by poor road conditions and request:

1. Acknowledge damage to local businesses and property values.
2. Recognize Marsh Road's significance as an emergency route.
3. Develop a comprehensive repair and maintenance plan.
4. Allocate funds for road safety and accessibility.
5. Establish a fair process for reimbursing affected residents.

ITEM NO. 2**FILE NO: 25/252391
EDRMS NO: A2004-0984****CODE OF CONDUCT ANNUAL REPORTING****REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER
DIRECTORATE: GENERAL MANAGER'S OFFICE****BACKGROUND**

The purpose of this report is to provide the code of conduct complaint statistics for the reporting period 1 September 2024 to 31 August 2025, in accordance with Part 11 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (Procedures).

The statistics relate to complaints concerning the Mayor, Councillors and the General Manager.

The statistics required by Part 11 are shown below:

Code of Conduct statistics	
a) The total number of Code of Conduct complaints made about Councillors and the General Manager under the Code of Conduct in the year to September (the reporting period).	7
b) The number of Code of Conduct complaints referred to a conduct reviewer during the reporting period.	0
c) The number of Code of Conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints.	0
d) The number of Code of Conduct complaints investigated by a conduct reviewer during the reporting period.	0
e) Without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period.	N/A
f) The number of matters reviewed by the Office during the reporting period and without identifying particular matters, the outcome of the reviews. • All matters were referred back to Council for review.	3
g) The total cost of dealing with Code of Conduct complaints made about Councillors and the General Manager during the reporting period, including staff costs.	\$4,006

ATTACHMENTS

Nil.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 3

**FILE NO: 25/288287
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:

- Environmental Health Officer PSC462.

ATTACHMENTS

Nil.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

- 1) Designated Persons' Return.

ITEM NO. 4

FILE NO: 25/241036
EDRMS NO: PSC2009-00965

DELEGATIONS REPORT

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

BACKGROUND

The purpose of this report is to advise Council of each occasion the Mayor and/or General Manager have exercised their delegations, other than under section 226 and 335 of the Local Government Act 1993, which are conferred on each role.

The report at **(ATTACHMENT 1)** provides details of the delegation exercised, such as the delegated authority, the date and the reason for exercising the delegation.

ATTACHMENTS

1) Delegations report. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 4 - ATTACHMENT 1 DELEGATIONS REPORT.**MAYOR AND GENERAL MANAGER DELEGATION REPORT**

Date exercised	Delegations exercised	Purpose	Role exercising delegation	Reported to Council
24-Nov-25	Code of Meeting Practice	Approval of Public Access application - Item 4 - Salamander Bay Town Centre Place Plan	Mayor	9 December 2025
24-Nov-25	Code of Meeting Practice	Approval of Public Access application - Notice of Motion 1 - Review of Building Heights in Nelson Bay	Mayor	9 December 2025
24-Nov-25	Code of Meeting Practice	Approval of Public Access application - Environmental advocacy	Mayor	9 December 2025

ITEM NO. 5

**FILE NO: 25/241044
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:	25/11/2025
	Officer:		Printed:	Thursday, 27 November 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	10/03/2026		
1		Peart, Steven				25/191415
26 Nov 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 response received.						

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)	10/03/2026	24/09/2025	
10		Peart, Steven				25/263649
26 Nov 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.						

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	10/03/2026	29/10/2025	
2		Peart, Steven				25/300809
26 Nov 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	10/03/2026	29/10/2025	
4		Peart, Steven				25/300809
26 Nov 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:	25/11/2025
	Officer:		Printed:	Thursday, 27 November 2025

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	10/03/2026	29/10/2025	
10		Pearl, Steven				25/300809
26 Nov 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	Lamont, Brock	Policy Review - Compliance Policy	10/03/2026	29/10/2025	
11		Pearl, Steven				25/300809
26 Nov 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	10/02/2026	29/10/2025	
2		Pearl, Steven				25/300809
26 Nov 2025 A two-way briefing for Councillors will be held on 17 February 2026.						

ITEM 5 - ATTACHMENT 2 CORPORATE STRATEGY AND SUPPORT RESOLUTIONS.



Division:	Corporate Strategy and Support	Date From:	11/04/2023
Committee:		Date To:	25/11/2025
Officer:			
Action Sheets Report		Printed:	Wednesday, 26 November 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Pattison, Zoe	22 Homestead Street, Salamander Bay	31/12/2026	12/04/2023	
5088		Pattison, Zoe				23/92450
26 Nov 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	31/12/2026		
1193		Pattison, Zoe				23/214729
26 Nov 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	30/06/2026	25/06/2025	
1		Pattison, Zoe				25/159107
26 Nov 2025						
It was resolved that Council progresses with Option 2 outlined in the confidential business paper.						

**ITEM 5 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE
RESOLUTIONS.**



Action Sheets Report	Division:	Facilities and Infrastructure	Date From:	27/08/2013
	Committee:		Date To:	25/11/2025
	Officer:		Printed:	Thursday, 27 November 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/08/2013	Maretich, John	Campvale Drain	31/12/2026		
243		Kable, Gregory				
26 Nov 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 28/11/2023	Maretich, John	Sale of closed roads in Raymond Terrace	31/03/2026	29/11/2023	
1		Kable, Gregory				23/324875
26 Nov 2025						
Expression of Interest (EOI) road is still under negotiation. 1 road proceeding with closure and 1 road sold.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2024	Maretich, John	Bus Stop Infrastructure Plan	31/03/2026	29/05/2024	
1		Kable, Gregory				24/131056
26 Nov 2025						
Council Engineers will continue development of the Bus Shelter Infrastructure Plan. Future Country Passenger Transport Infrastructure Grants Scheme (CPTIGS) funding is expected to aid in the plan's completion within the next financial year. Deferred as per PS Item dated 29 August 2025.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/07/2024	Maretich, John	Raymond Terrace Boat Ramp	30/04/2026	24/07/2024	
6		Kable, Gregory				24/189773
26 Nov 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.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2024	Maretich, John	Bus Shelters in Port Stephens	31/03/2026	11/12/2024	
1		Kable, Gregory				24/333356
26 Nov 2025						
Council staff reviewing further actions for EOI.						

ITEM 5 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE RESOLUTIONS.



Action Sheets Report	Division:	Facilities and Infrastructure	Date From:	27/08/2013
	Committee:		Date To:	25/11/2025
	Officer:		Printed:	Thursday, 27 November 2025

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						
26 Nov 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
	Ordinary Council 10/06/2025	Maretich, John	MATTER ARISING - Min No. 131 - NOM 1 - Trial of Tomaree Shuttle Bus	30/04/2026		
131		Kable, Gregory				
26 Nov 2025						
Staff are continuing to prepare report with ongoing consultations.						

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
26 Nov 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	31/03/2026	25/06/2025	
2		Kable, Gregory				25/159107
26 Nov 2025						
Council staff will report back to Council on all sporting fields within the LGA that require drainage upgrades and investigate a funding strategy to commence drainage upgrades on identified sporting fields.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/07/2025	Maretich, John	Review and Strategic Planning for Dog Recreation Areas in Port Stephens	31/08/2026		
2		Kable, Gregory				25/191415
26 Nov 2025						
Staff will review the existing dog parks and off-leash areas in accordance with the resolutions. This review will be finalised in 2026 and a report will be prepared for Council. The next revision of the Strategic Assets Management Plan (SAMP) will be modified to incorporate dog parks.						

ITEM 5 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE RESOLUTIONS.



Action Sheets Report	Division:	Facilities and Infrastructure	Date From:	27/08/2013
	Committee:		Date To:	25/11/2025
	Officer:		Printed:	Thursday, 27 November 2025

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
26 Nov 2025						
Staff to prepare a letter for the Hon. Kate Washington MP, Member for Port Stephens to be reviewed by the Mayor and Councillors.						

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	28/02/2026	27/08/2025	
1		Kable, Gregory				25/231579
26 Nov 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
26 Nov 2025						
Staff to review, prepare and report as per Council resolution.						

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, Medowie	31/12/2025	29/10/2025	
1		Kable, Gregory				25/300809
26 Nov 2025						
As per Council resolution, Council is continuing to work through the sale process with the prospective buyer.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/11/2025	Donaldson, Cameron	Policy Review - Community Leasing, Licencing and Tenancy Policy	31/03/2026	26/11/2025	
14		Kable, Gregory				25/329318
26 Nov 2025						
As resolved the Community Leasing, Licencing and Tenancy Policy has been placed on public exhibition.						

ITEM 5 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE RESOLUTIONS.



Action Sheets Report	Division:	Facilities and Infrastructure	Date From:	27/08/2013
	Committee:		Date To:	25/11/2025
	Officer:		Printed:	Thursday, 27 November 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/11/2025	Maretich, John	Policy Review - Parks and Roadside Memorials Policy	31/03/2026	26/11/2025	
15		Kable, Gregory				25/329318
26 Nov 2025						
As resolved the Parks and Roadside Memorial Policy has been placed on Public Exhibition.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/11/2025	Maretich, John	Policy Review - Public Property Encroachment Policy	31/03/2026	26/11/2025	
16		Kable, Gregory				25/329318
26 Nov 2025						
As resolved the Public Property Encroachment Policy has been placed on Public Exhibition.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/11/2025	Kable, Gregory	Bureau of Meteorology	31/12/2025	26/11/2025	
2		Kable, Gregory				25/329318
26 Nov 2025						
Staff will prepare a letter as resolved and send to the Federal Member for Paterson, Meryl Swanson and the Minister for the Environment and Water, the Hon Murray Watt.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 25/11/2025	Maretich, John	URGENCY MOTION - Basketball Complex - 1)			
			Notes recent media attention afforded to the Newcastle Basketball complex.	31/12/2025		
267		Kable, Gregory				
27 Nov 2025						
Staff will prepare letters as resolved and seek support from Newcastle Basketball for a proposal to relocate their bid to a facility to Port Stephens.						



Action Sheets Report	Division:	General Manager's Office	Date From:	23/09/2025
	Committee:		Date To:	26/11/2025
	Officer:		Printed:	Wednesday, 26 November 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	30/01/2026	24/09/2025	
9		Crosdale, Timothy				25/263649
26 Nov 2025						
Resolution of Council progressing.						

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
26 Nov 2025						
On public exhibition for 28 days.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/10/2025	Hilkemeijer, Chris	General Manager's delegations	27/02/2026	29/10/2025	
1		Crosdale, Timothy				25/300809
26 Nov 2025						
Resolution of Council progressing.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/11/2025	Wickham, Tony	Policy Review - Managing Unreasonable Complainant Conduct Policy	24/12/2025	26/11/2025	
17		Crosdale, Timothy				25/329318
26 Nov 2025						
On public exhibition for 28 days.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/11/2025	Wickham, Tony	Policy Review - Gifts and Benefits Policy	24/12/2025	26/11/2025	
18		Crosdale, Timothy				25/329318
26 Nov 2025						
On public exhibition for 28 days.						

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 25/323233

EDRMS NO: PSC2024-03148

ROADS FUTURES STRATEGY

COUNCILLOR: BEN NILAND

THAT COUNCIL:

- 1) Requests the General Manager prepare a Road Futures Strategy that is be presented to Councillors for discussion prior to being adopted. The strategy is to review accountability, efficiency, performance outcomes and guide Council's future road maintenance and funding based on analysed data across the following categories:
 - a) Review of quality control priorities.
 - b) Review of technical and project management systems.
 - c) Review of design life considerations based on road hierarchy.
 - d) Review of network standards based on road hierarchy.
 - e) Review of completed capital roadworks over \$500k over the last 10 years in respect of ongoing maintenance.
 - f) Maintenance methodologies for road network.
 - g) Funding sources for road rehabilitation and reseal.
-

BACKGROUND REPORT OF: JOHN MARETICH – ASSETS SECTION MANAGER

BACKGROUND

The management of Council assets, including road assets, are outlined within Council's Asset Management Policy (policy) and Strategic Asset Management Plan (SAMP). These are consistent with the State Government's Integrated Planning and Reporting Framework.

Council manages a road network of greater than 800 kms that requires ongoing maintenance, renewal and capital investment. In recent years, increasing service expectations, changing transport needs and the impacts of natural disasters have placed additional pressure on our roads.

Council currently applies a range of maintenance methodologies and funding approaches for rehabilitation and reseal programs, however, these methods have not

been comprehensively reviewed in a strategic, network-wide context for several years.

Previous internal reviews have identified opportunities to improve the quality of data analytics in relation to road pavement deterioration assessments that inform maintenance and capital works programming.

The development of a Road Futures Strategy will complement the existing SAMP and policy, and allow Council to consolidate available data, assess current practices, and identify improvements to guide future road maintenance, standards and funding decisions.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 2

FILE NO: 25/327563

EDRMS NO: PSC2024-03148

HIGH SPEED RAIL STOP IN PORT STEPHENS

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes that the Federal Government is evaluating the business case for the proposed High Speed Rail Project.
- 2) Agrees that the High Speed Rail Project is a nation-defining proposal that will bring prosperity and immense connectivity to all communities surrounding stops on the project.
- 3) Agrees that the new International Airport at Williamstown is an ideal choice to locate a stop on the project, providing connectivity with an international airport, access to Port Stephens and beyond and, importantly, a location that is primed for significant industrial and commercial activity, along with state-recognised Regional Centres at Raymond Terrace and Nelson Bay.
- 4) Requests the General Manager write to the Member for Paterson, Meryl Swanson MP, along with the Federal Minister for Infrastructure, seeking their support to test the business case against a stop at Newcastle Airport, and to formally declare their support for a stop on the line to be located at Newcastle Airport.

BACKGROUND REPORT OF: BROCK LAMONT – STRATEGY & ENVIRONMENT SECTION MANAGER

BACKGROUND

The Australian Government is undertaking planning for a future high speed rail network that would connect Brisbane, Sydney, Canberra, Melbourne and regional communities across the east coast of Australia.

The first stage would connect Newcastle to Sydney via a new dedicated high speed railway line, with a business case currently being assessed by the Australian Government through Infrastructure Australia.

The Newcastle to Sydney High Speed Rail proposal intends to establish an efficient and reliable transport solution between Newcastle and Sydney. The proposal seeks to provide an alternative to existing transport options to support the additional 9.2 million people expected to reside in the corridor by 2061.

The latest project update from Infrastructure Australia notes support for the Newcastle to Sydney section of the National High Speed Rail project progressing to the Development Phase.

The update also recommends that in parallel further work and consultation be progressed on the entire East-Coast National High Speed Rail project, building on the analysis that has been developed alongside the business case.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 3

FILE NO: 25/327580

EDRMS NO: PSC2024-03148

DELEGATIONS

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes that Cr Arnott had a discussion with Minister for Local Government, The Hon. Ron Hoenig MP, at the LGNSW 2025 Conference, in which the Minister affirmed clearly that a Council has an absolute right to amend or revoke any delegation which it makes in the list of Delegations, without any caveats on the ability to do so.
- 2) Writes to the Minister, seeking the Minister's personal written confirmation of this position, to ensure that Council is making decisions around delegations with the correct information on hand.

BACKGROUND REPORT OF: TONY WICKHAM – GOVERNANCE SECTION MANAGER

BACKGROUND

Council at its meeting on 28 October 2025 (**ATTACHMENT 1**), resolved to:

- 1) Notes Councillor interest in understanding the extent of modifications or revocations which can be made to delegations to the General Manager.
- 2) Agrees to seek external legal advice on the following matters, with the advice to be provided to the Elected Councillors in a two way briefing:
 - a) Does the Local Government Act at Chapter 12 provide the Elected Council with an absolute right to modify or revoke any delegation it provides to the General Manager?
 - b) Which powers or functions are prohibited from being delegated away from the Elected Council?
 - c) Please explain the effect of s381(3) of the Local Government Act, and how this applies to powers or functions of the Council from other Acts of Parliament.
 - d) If another Act confers a power or function onto the Council, and that power or function is then delegated to the General Manager voluntarily, with s381(3) in mind, does the Council have the absolute right to modify or amend that delegation?

- e) If any other Act confers a power or function on the Council which has been delegated to the General Manager, does s381(3) make it unlawful for that Act to delegate such power or function directly to the General Manager without the ability of the Elected Council to modify or revoke it? In a situation where this does occur, does the Council have the right to modify or revoke the delegation and rely on s381(3) of the Act to justify it?
- f) Please review the Council's Delegations Register (Schedule of Delegable Functions) and provide advice on whether any of the LEC Act delegations are unable to be modified or revoked by the Elected Council.
- g) Please provide advice on whether the General Manager is lawfully able to refuse to allow a motion to appear in a meeting agenda where that motion seeks to modify a delegation of the General Manager which is listed in the Delegations Register, in light of s381(3) of the Local Government Act.

At the time of providing the background information, Council is in the process of obtaining the legal advice as requested by the resolution above.

When considering the delegations of the General Manager, Council should be aware that clause 3.20 of the Code of Meeting Practice (the Code) imposes an authority on the General Manager to determine the lawfulness of any item to be listed on a Council meeting business paper. This authority is a statutory requirement of the General Manager of a council – this is not a delegable function.

The relevant parts of Clause 3.20 of the Code reads:

The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful.

As such, the General Manager must consider and determine whether any item is unlawful and take appropriate action under the Code should that be the case.

In addition to the requirements of the Code of Meeting Practice, section 335 of the Local Government Act 1993 and clause 7.4 Code of Conduct requires the General Manager to implement lawful decisions of the council.

Clause 7.4 of the Code of Conduct reads:

Under section 335 of the Local Government Act, the role of the General Manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.

Based on the legislative provision above, the General Manager is obligated to ensure Council is only provided with lawful agenda items and information and is only permitted by these provisions to implement lawful decisions of the Council.

Previous advice to Council on matters relating to delegations has sought to make it clear that it is not solely the delegations (whether they have limitations placed on them or not) provided to the General Manager but also whether the exercise of those delegations potentially gives rise to legislative risks of which the General Manager is not able to implement.

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

- 1) Council Meeting Minutes extract - 28 October 2025. [↓](#)

MINUTES ORDINARY COUNCIL - 28 OCTOBER 2025**NOTICE OF MOTION****ITEM NO. 1****FILE NO: 25/253213
EDRMS NO: PSC2009-0965****GENERAL MANAGER'S DELEGATIONS****COUNCILLOR: GIACOMO ARNOTT****THAT COUNCIL:**

- 1) Notes Councillor interest in understanding the extent of modifications or revocations which can be made to delegations to the General Manager.
- 2) Agrees to seek external legal advice on the following matters, with the advice to be provided to the elected Councillors in a two way briefing:
 - a) Does the Local Government Act at Chapter 12 provide the Elected Council with an absolute right to modify or revoke any delegation it provides to the General Manager?
 - b) Which powers or functions are prohibited from being delegated away from the Elected Council?
 - c) Please explain the effect of s381(3) of the Local Government Act, and how this applies to powers or functions of the Council from other Acts of Parliament.
 - d) If another Act confers a power or function onto the Council, and that power or function is then delegated to the General Manager voluntarily, with s381(3) in mind, does the Council have the absolute right to modify or amend that delegation?
 - e) If any other Act confers a power or function on the Council which has been delegated to the General Manager, does s381(3) make it unlawful for that Act to delegate such power or function directly to the General Manager without the ability of the Elected Council to modify or revoke it? In a situation where this does occur, does the Council have the right to modify or revoke the delegation and rely on s381(3) of the Act to justify it?
 - f) Please review the Council's Delegations Register (Schedule of Delegable Functions) and provide advice on whether any of the LEC Act delegations are unable to be modified or revoked by the Elected Council.
 - g) Please provide advice on whether the General Manager is lawfully able to refuse to allow a motion to appear in a meeting agenda where that motion seeks to modify a delegation of the General Manager which is listed in the Delegations Register, in light of s381(3) of the Local Government Act.

MINUTES ORDINARY COUNCIL - 28 OCTOBER 2025**ORDINARY COUNCIL MEETING - 28 OCTOBER 2025
MOTION**

255	Councillor Giacomo Arnott Councillor Rosalyn Armstrong It was resolved that Council: 1) Notes Councillor interest in understanding the extent of modifications or revocations which can be made to delegations to the General Manager. 2) Agrees to seek external legal advice on the following matters, with the advice to be provided to the elected Councillors in a two way briefing: a) Does the Local Government Act at Chapter 12 provide the Elected Council with an absolute right to modify or revoke any delegation it provides to the General Manager? b) Which powers or functions are prohibited from being delegated away from the Elected Council? c) Please explain the effect of s381(3) of the Local Government Act, and how this applies to powers or functions of the Council from other Acts of Parliament. d) If another Act confers a power or function onto the Council, and that power or function is then delegated to the General Manager voluntarily, with s381(3) in mind, does the Council have the absolute right to modify or amend that delegation? e) If any other Act confers a power or function on the Council which has been delegated to the General Manager, does s381(3) make it unlawful for that Act to delegate such power or function directly to the General Manager without the ability of the Elected Council to modify or revoke it? In a situation where this does occur, does the Council have the right to modify or revoke the delegation and rely on s381(3) of the Act to justify it? f) Please review the Council's Delegations Register (Schedule of Delegable Functions) and provide advice on whether any of the LEC Act delegations are unable to be modified or revoked by the Elected Council. g) Please provide advice on whether the General Manager is lawfully able to refuse to allow a motion to appear in a meeting agenda where that motion seeks to modify a delegation of the General Manager which is listed in the Delegations Register, in light of s381(3) of the Local Government Act.
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ITEM 3 - ATTACHMENT 1 COUNCIL MEETING MINUTES EXTRACT - 28 OCTOBER 2025.**MINUTES ORDINARY COUNCIL - 28 OCTOBER 2025**

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

Those against the Motion: Crs Paul Le Mottee and Mark Watson.

The motion was carried.

BACKGROUND REPORT OF: TONY WICKHAM – GOVERNANCE SECTION MANAGER**BACKGROUND**

Council has sought an estimate of costs. The estimate of costs is \$3,400 to \$4,400.

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

- 1) Council meeting minutes extract - 26 August 2025.

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ITEM NO. 8

FILE NO: 25/201567
EDRMS NO: PSC2009-0965**DELEGATIONS: GENERAL MANAGER AND ACTING GENERAL MANAGER AND LOCAL TRAFFIC COMMITTEE APPOINTMENTS**REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER
DIRECTORATE: GENERAL MANAGER'S OFFICE**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receives and notes the Authorisation and Delegation Instrument for prescribed traffic control devices and regulation of traffic at **(ATTACHMENT 1)**.
- 2) Delegate the Functions in accordance with the Instrument of Delegation to the General Manager attached to this report as **(ATTACHMENT 2)**.
- 3) Appoint the 3 Directors (Community Futures, Facilities & Infrastructure and Corporate Strategy and Support) to act in the capacity of the General Manager on a rotational basis, in the absence of the General Manager, and that such appointment ceases upon the return to work of the General Manager or other resolution of Council.
- 4) The Mayor and General Manager be authorised to establish a rotational calendar for the role of acting General Manager.
- 5) Any person acting as General Manager pursuant to this resolution has all the functions, delegations and sub-delegations given to the General Manager by the Council.
- 6) Rename the Local Traffic Committee to Local Transport Forum.
- 7) Appoint Mayor Leah Anderson and Cr Ben Niland as delegates, and Cr Nathan Errington as an alternate delegate to the Local Transport Forum.

**ORDINARY COUNCIL MEETING - 26 AUGUST 2025
MOTION**

203	Councillor Ben Niland Councillor Chris Doohan It was resolved that Council: 1) Receives and notes the Authorisation and Delegation Instrument for prescribed traffic control devices and regulation of traffic at (ATTACHMENT 1). 2) Delegate the Functions in accordance with the Instrument of Delegation to the General Manager attached to this report as (ATTACHMENT 2).
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	3) Appoint the 3 Directors (Community Futures, Facilities & Infrastructure and Corporate Strategy and Support) to act in the capacity of the General Manager on a rotational basis, in the absence of the General Manager, and that such appointment ceases upon the return to work of the General Manager or other resolution of Council. 4) The Mayor and General Manager be authorised to establish a rotational calendar for the role of acting General Manager. 5) Any person acting as General Manager pursuant to this resolution has all the functions, delegations and sub-delegations given to the General Manager by the Council. 6) Rename the Local Traffic Committee to Local Transport Forum. 7) Appoint Mayor Leah Anderson and Cr Ben Niland as delegates, and Cr Nathan Errington as an alternate delegate to the Local Transport Forum.
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Cr Giacomo Arnott foreshadowed a matter arising.

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

Those against the Motion: Nil.

The motion was carried.

**ORDINARY COUNCIL MEETING - 26 AUGUST 2025
MATTER ARISING**

	Councillor Giacomo Arnott Councillor Rosalyn Armstrong That Council: 1) Notes Councillor interest in understanding the extent of modifications or revocations which can be made to delegations to the General Manager. 2) Agrees to seek external legal advice on the following matters, with the advice to be provided to the elected Councillors in a two-way briefing: a. Does the Local Government Act at Chapter 12 provide the Elected Council with an absolute right to modify or revoke any delegation it provides to the General Manager? b. Which powers or functions are prohibited from being delegated away from the Elected Council?
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ITEM 3 - ATTACHMENT 1 COUNCIL MEETING MINUTES EXTRACT - 28 OCTOBER 2025.**MINUTES ORDINARY COUNCIL - 28 OCTOBER 2025****ITEM 1 - ATTACHMENT 1 COUNCIL MEETING MINUTES EXTRACT - 26 AUGUST 2025.****MINUTES ORDINARY COUNCIL - 26 AUGUST 2025**

	c. Please explain the effect of s381(3) of the Local Government Act, and how this applies to powers or functions of the Council from other Acts of Parliament. d. If another Act confers a power or function onto the Council, and that power or function is then delegated to the General Manager voluntarily, with s381(3) in mind, does the Council have the absolute right to modify or amend that delegation? e. If any other Act confers a power or function on the Council which has been delegated to the General Manager, does s381(3) make it unlawful for that Act to delegate such power or function directly to the General Manager without the ability of the Elected Council to modify or revoke it? In a situation where this does occur, does the Council have the right to modify or revoke the delegation and rely on s381(3) of the Act to justify it? f. Please review the Council's Delegations Register (Schedule of Delegable Functions) and provide advice on whether any of the LEC Act delegations are unable to be modified or revoked by the Elected Council. g. Please provide advice on whether the General Manager is lawfully able to refuse to allow a motion to appear in a meeting agenda where that motion seeks to modify a delegation of the General Manager which is listed in the Delegations Register, in light of s381(3) of the Local Government Act.
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**ORDINARY COUNCIL MEETING - 26 AUGUST 2025
AMENDMENT**

204	Mayor Leah Anderson Councillor Chris Doohan It was resolved that the matter arising be deferred and returned to Council as a Notice of Motion with background of costs to seeking legal advice on the matter of delegations to the General Manager.
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Those for the Motion: Mayor Leah Anderson, Crs Chris Doohan, Nathan Errington, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Crs Rosalyn Armstrong, Giacomo Arnott and Peter Francis.

The amendment was put and became the motion.

Cr Giacomo Arnott foreshadowed his original motion should the motion fail.

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

Those against the Motion: Cr Giacomo Arnott.

The motion was carried.

**ORDINARY COUNCIL MEETING - 26 AUGUST 2025
PROCEDURAL MOTION**

205	Councillor Ben Niland Councillor Chris Doohan It was resolved that the Council meeting be extended for 30 minutes to 9:30pm.
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Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to provide the General Manager's and acting General Manager's delegations for Council's consideration and adoption, and rename the Local Traffic Committee.

Transport for NSW have recently released an updated Authorisation and Delegation Instrument for prescribed traffic control devices and regulation of traffic at **(ATTACHMENT 1)**.

Accordingly, the General Manager's delegations have been reviewed and are shown at **(ATTACHMENT 2)**.

The Authorisation and Delegation Instrument at **(ATTACHMENT 1)** also changes the name of the Local Traffic Committee to the Local Transport Forum.

Council's delegates on the Local Traffic Committee are Mayor Anderson and Cr Niland, with Cr Errington as an alternate.

Council is required to officially rename the Local Traffic Committee to Local Transport Forum and appoint delegates.

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Strategic Direction	Delivery Program 2025-2029
Resources and finance	Deliver Governance Services and internal audit program

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL, POLICY AND RISK IMPLICATIONS

Council is required to have appropriate delegations for the roles of General Manager and acting General Manager, in accordance with the Local Government Act 1993. Without such delegations Council is at risk of breaching the law and individuals operating outside their limits of responsibility.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that without the appropriate delegations, the General Manager would not be able to exercise the functions of General Manager.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

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

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

The following communication and engagement applies to this report.

External communications and engagement

	No external communications and engagement are required for this report.
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Internal communications and engagement

Consultation has been undertaken by the Governance Section with:

- General Manager

OPTIONS

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

ATTACHMENTS

- 1) Transport for NSW - Authorisation and Delegation Instrument
- 2) Instrument of Delegation - General Manager.

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COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

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ITEM 8 - ATTACHMENT 1 TRANSPORT FOR NSW - AUTHORISATION AND
DELEGATION INSTRUMENT



Transport
for NSW

AUTHORISATION AND DELEGATION

PREScribed TRAFFIC CONTROL DEVICES AND
REGULATION OF TRAFFIC

Roads Act 1993
Road Transport Act 2013

On behalf of Transport for NSW, I, Josh Murray, Secretary of the Department of Transport:

- a) **REVOKE** the instrument of 31 October 2011 titled "*Roads and Maritime Services – Delegation to Councils*"; and
- b) **REVOKE** the instrument of 12 December 2023 titled "*Instrument of Delegation and Authorisation – Traffic Management and Pedestrian Works – Temporary Delegation to Councils No.2*"; and
- c) **DELEGATE** under section 31(1) of the *Transport Administration Act 1988* and all other enabling powers, the functions set out in **Schedule 1** to the delegates set out in **Schedule 2**, subject to the conditions and limitations set out in **Schedule 4**; and
- d) **AUTHORISE** those delegates, under section 31(2) of the *Transport Administration Act 1988*, to sub-delegate the functions set out in **Schedule 1** to the persons set out in **Schedule 3**; and
- e) **AUTHORISE** the delegates set out in **Schedule 2**, under section 122(b) of the *Road Transport Act 2013*, to install or display (or interfere with, alter, or remove) any prescribed traffic control device required to give effect to the carrying out of traffic control work except where indicated as restricted in the Transport for NSW "*Traffic Signs Register*", subject to the conditions and limitations set out in **Schedule 4**; and
- f) **CONSENT**, under s.87(4) of the *Roads Act 1993*, to the construction, installation, maintenance, repair, removal, or replacement of a portable traffic control light used temporarily by a delegate in the context of carrying out road work or traffic control work, subject to the conditions and limitations set out in **Schedule 4**; and

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Authorisation and Delegation Instrument

- g) DIRECT that failure to comply with the conditions and limitations set out in Schedule 4 renders the prescribed traffic control device authorisation and delegation inoperative with respect to the functions exercised.

Note: the authorisation at (e) above is referred to in this instrument as "the prescribed traffic control device authorisation".

This Instrument commences on 1 August 2025 and continues in force until revoked.


Josh Murray
Secretary
Department of Transport

Date: 21/07/2025

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DELEGATION INSTRUMENT**

Authorisation and Delegation Instrument

SCHEDULE 1 – FUNCTIONS

- (a) The functions and powers of Transport for NSW under section 115(2) of the *Roads Act 1993* to regulate traffic on a public road for purposes other than those set out in that section.
- (b) The power to establish and operate a special event parking scheme for a road under Part 8, Division 3 of the *Road Transport (General) Regulation 2021*.

SCHEDULE 2 – DELEGATES

A council constituted under the *Local Government Act 1993*.

SCHEDULE 3 – SUB-DELEGATES

The general manager of a council, or an employee of the council.

SCHEDULE 4 – CONDITIONS AND LIMITATIONS

Note: Reference to a delegate in this Schedule includes reference to a sub-delegate.

1. Scope of Authorisation and Delegation

A delegate must not exercise a function listed in Schedule 1 of this Instrument and may not use the prescribed traffic control device authorisation:

- (a) outside its local government area as constituted under the *Local Government Act 1993*;
- (b) on a road or part of a road classified as a Freeway, Controlled Access Road, Tollway, or Transitway; or
- (c) on any road identified with the 'Administrative Category' of 'State' in the '*Schedule of Classified Roads and Unclassified Regional Roads*' (as published and amended from time to time by Transport for NSW), except with the written consent of Transport for NSW

Note: The prescribed traffic control device authorisation allows delegates to install, display, etc. those devices and extends to the engagement of third parties (such as developers, road construction contractors, etc.) to install and display any such devices as a consequence of a delegate's decision and approval under this Instrument.

2. Local Transport Forum

- (a) A delegate must convene a Local Transport Forum to which a representative from each of the following is invited to attend:

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Authorisation and Delegation Instrument

- (i) the delegate
 - (ii) Transport for NSW
 - (iii) NSW Police Force
 - (iv) The local Member(s) of NSW Parliament
 - (v) The operator of any public passenger service likely to be affected by traffic control work proposed by the delegate
- (b) A delegate may invite any other person to attend the Local Transport Forum.
- (c) A delegate may seek technical advice from the Local Transport Forum regardless of whether this Instrument is being used.
- (d) The Local Transport Forum is to provide advice to the delegate on any matter put before it for advice.
- (e) A delegate must consider any advice provided by the Local Transport Forum.
- 3. Mandatory prior referral of some proposals**
- (a) A delegate must refer to the Local Transport Forum any proposal to exercise a function listed in Schedule 1 of this Instrument or to use the prescribed traffic control device authorisation where that proposal would:
- for a period exceeding **6 months**:
- (i) restrict or prohibit passage along a road of any persons, vehicles, or animals; or
 - (ii) compel or prevent a turn from one public road to another public road;
- or
- for a period exceeding **24 hours**:
- (iii) prevent, impede, or hinder the safe or efficient operation of a public passenger service; or
 - (iv) prevent access to a public transport station, stop, wharf, or service; or
 - (v) remove or render less effective any bus priority measure.
- (b) Following consideration of advice provided by the Local Transport Forum, the delegate may proceed with the proposal unless the Transport for NSW representative advises the meeting of the Local Transport Forum that Transport for NSW will be submitting a Statement of Concern within seven (7) days.

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Authorisation and Delegation Instrument

- (c) If a Statement of Concern has been provided to the delegate in accordance with clause (b) above, the delegate may not exercise the relevant function until a further seven (7) days after it has circulated to the members of the Local Transport Forum, a written response addressing the Statement of Concern and setting out the delegate's reasons for proceeding to exercise the function.

4. Keeping of records

- (a) The proceedings of the Local Transport Forum must be recorded and made public as soon as practicable.
- (b) A post facto record of any use of the prescribed traffic control device authorisation (excluding any instance that has already been the subject of prior referral per condition 3) must be tabled at the Local Transport Forum as soon as practicable and no later than three (3) months after the fact.

5. Coordination

- (a) A delegate must consult any public passenger service operator – either directly or via the Local Transport Forum – before exercising any function listed in Schedule 1 of this Instrument or using the prescribed traffic control device authorisation where it is likely to affect the operation of a public passenger service provided by that operator.
- (b) Details of such consultation undertaken outside of the Local Transport Forum must be tabled at the Local Transport Forum as soon as practicable.
- (c) A delegate must give not less than seven (7) days' notice to NSW Police Force and Transport for NSW – either directly or via the Local Transport Forum – before regulating traffic under this Instrument for the purposes of a public event.

6. References

- (a) A delegate must use the NSW Design of Roads and Streets Manual (TS 00066, as amended from time to time) as a primary reference when exercising a function listed in Schedule 1 of this Instrument or using the prescribed traffic control device authorisation.
- (b) Use of a portable traffic control light or R4-212n roadwork speed limit sign under this Instrument must be in accordance with the Transport for NSW Traffic Control at Work Sites Manual (TS 05492, as amended from time to time).

7. Preservation of head of power

Notwithstanding this Instrument, Transport for NSW reserves all and any rights and powers, including to:

- (a) Direct a public authority under clause 8I of Schedule 1 of the *Transport Administration Act 1988*, or alter or remove, or direct the alteration or removal of any prescribed traffic control device, under Part 5.3, Division 2 of the *Road Transport Act 2013*; and

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- (b) Carry out road work in accordance with Part 6 of the *Roads Act 1993*; and
- (c) Carry out traffic control work on any public road, including exclusive power to carry out or consent to the construction, erection, installation, maintenance, repair, removal or replacement of a traffic control light under section 87 of the *Roads Act 1993*; and
- (d) Regulate traffic under Part 8 of the *Roads Act 1993*.
- (e) Revoke or withdraw this delegation, authorisation, or any component of it at any time with respect to any or all delegates.

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ITEM 8 - ATTACHMENT 2 INSTRUMENT OF DELEGATION - GENERAL
MANAGER.



Port Stephens Council

INSTRUMENT OF DELEGATION TO GENERAL MANAGER

On 26 August 2025 the Port Stephens Council ("Council") resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. The person who from time to time holds the position of General Manager of Council ("General Manager"), being at the date of this instrument Tim Crosdale, be delegated authority under section 377 of the LG Act, to exercise and/or perform on behalf of Council the Council's Functions under all Legislation in force and as amended from time to time:
 - a. **Subject to** any condition or limitation on a Function specified in Schedule 1; and
 - b. **Excluding** those Functions:
 - i. that are expressly prohibited from delegation as listed under Section 377 of the LG Act;
 - ii. which are expressly required by legislation to be exercised by a resolution of the Council.
3. The General Manager be sub-delegated authority to exercise and/or perform on behalf of Council the Functions delegated to the Council under, and in accordance with, the instrument of delegation to the Council set out in **Schedule 2, excluding** those Functions which pursuant to the terms of the delegation to the Council may not be sub-delegated.
4. The General Manager be conferred authority to carry out the Council Policy Functions listed in **Schedule 3** and undertake any administrative actions necessary to carry out those Policy Functions.
5. The General Manager be delegated any Function which is taken to be conferred or imposed on the Council pursuant to section 381(1) of the LG Act.
6. In the absence of the General Manager that a person appointed by resolution to act as General Manager assume all Functions, delegations, and sub-

PORT STEPHENS COUNCIL

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delegations of the General Manager for the period only of the absence of the General Manager unless otherwise resolved by the Council.

7. These delegations and authorities are subject to, and are to be exercised in accordance with:
- the requirements of the relevant Legislation;
 - any conditions or limitations set out in **Schedule 1** and **Schedule 3**; and
 - any resolution or policy, procedure or budget adopted from time to time by the Council.
8. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.
9. In this delegation:
- "**Functions**" means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
 - "**Legislation**" means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
 - "**LG Act**" means the *Local Government Act 1993* as amended.

Schedule 1: Limitations

Part A – Limitations applicable to specific statutory Function (if any)	
Legislation	Limitation (if any)
N/A	N/A
Part B – General Limitations	
N/A	

Schedule 2: Instruments of Delegation to Council

Delegator	Instrument Name	Date Of Instrument
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MANAGER.

Transport for NSW	PRESCRIBED TRAFFIC CONTROL DEVICES AND REGULATION OF TRAFFIC DELEGATE the following functions to the General Manager as permitted under the Authorisation and Delegation from Transport for NSW dated 21 July 2025. Functions a) The functions and powers of Transport for NSW under section 115(2) of the <i>Roads Act 1993</i> to regulate traffic on a public road for purposes other than those set out in that section. b) The power to establish and operate a special event parking scheme for a road under Part 8, Division 3 of the <i>Road Transport (General) Regulation 2021</i>. AUTHORISE the General Manager under section 122(b) of the <i>Road Transport Act 2013</i>, to install or display (or interfere with, alter, or remove) any prescribed traffic control device required to give effect to the carrying out of traffic control work except where indicated as restricted in the Transport for NSW <i>"Traffic Signs Register"</i>, subject to the conditions and limitations set out in Schedule 4 (attached); and Note under s.87(4) of the <i>Roads Act 1993</i>, Transport for NSW consent to the construction, installation, maintenance, repair, removal, or replacement of a portable traffic control light used temporarily by a delegate in the context of carrying out road work or traffic control work, subject to the conditions and limitations set out in Schedule 4.	1 August 2025
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ITEM 3 - ATTACHMENT 1 COUNCIL MEETING MINUTES EXTRACT - 28 OCTOBER 2025.**MINUTES ORDINARY COUNCIL - 28 OCTOBER 2025****ITEM 1 - ATTACHMENT 1 COUNCIL MEETING MINUTES EXTRACT - 26 AUGUST 2025.****MINUTES ORDINARY COUNCIL - 26 AUGUST 2025****ITEM 8 - ATTACHMENT 2 INSTRUMENT OF DELEGATION - GENERAL MANAGER.***Schedule 3: Council Policy Functions*

Code	Policy Function	Conditions / Limitations (if any)
CP017 - Annual leave	Authority to approve annual leave applications for staff within his/her section.	
CP018 - Sick/carer's leave	Authority to approve staff applications for sick or carer's leave within his/her section.	
CP019 - Other leave	Authority to approve staff applications for other leave including but not limited to: long service leave, parental leave, bereavement/compassionate leave or career break, in accordance with any corporate processes.	
CP020 - Overtime/leave in lieu	Authority to approve the allocation and payment of overtime, leave in lieu and payment of meal allowances and travelling time to staff within his/her section.	
CP021 - Authorise scheduled training	Authority to approve the attendance of staff within his/her section at scheduled training courses or seminars.	
CP022 - Authorised scheduled training	Authority to approve attendance of staff within his/her Directorate to attend unscheduled training courses or seminars.	
CP023 - Unscheduled training	Authority to approve attendance of staff within his/her Directorate to attend unscheduled training courses or seminars.	
CP024 - Examination leave	Authority to approve examination and study leave for staff within his/her area of responsibility, in	

ITEM 3 - ATTACHMENT 1 COUNCIL MEETING MINUTES EXTRACT - 28 OCTOBER 2025.**MINUTES ORDINARY COUNCIL - 28 OCTOBER 2025****ITEM 1 - ATTACHMENT 1 COUNCIL MEETING MINUTES EXTRACT - 26 AUGUST 2025.****MINUTES ORDINARY COUNCIL - 26 AUGUST 2025****ITEM 8 - ATTACHMENT 2 INSTRUMENT OF DELEGATION - GENERAL MANAGER.**

	accordance with any corporate processes.	
CP025 - Approve timesheets	Authority to approve timesheets for staff within his/her area of responsibility.	
CP026 - Approve flexi time	Authority to approve flexi time leave for staff within his/her area of responsibility.	
CP028 - Rostered days off and rostering working times	Authority to approve variations to rostered day off patterns and rostered working times.	
CP034 - Appoint & replace Directors	Authority to appoint and replace Directors in accordance with the current structure and staff establishment numbers and after consultation with Council.	
CP074 - Authority to appoint and dismiss staff	Authority to appoint and dismiss staff within your area of responsibility.	
CP037 - Written and oral communications	Authority to carry out administrative actions, including written and oral communication, necessary to perform the duties and functions of the position.	
CP041 - Authority to sign contracts for sale	Authority to sign contracts of sale in accordance with the Resolution of Council to buy or sell land.	
CP043 - Authority to endorse cheques, bills, promissory notes and EFT	Authority to solely endorse cheques, bills, promissory notes and EFT payable to the Order of the Council in accordance with the duties and functions of the delegates position.	

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CP044 - Authority to enter into a contract	Authority to sign and enter into a contract on behalf of Council.	Authority to sign and enter into a contract on behalf of Council, with the exception of the head contracts relating to pools/leisure centres, waste and pound/ animal refuges, all of which must be reported to Council for decision.
CP065 - Authority to use purchasing card	Authority to use purchasing card to pay suppliers within your area of responsibility and within the approved budget. Note: General Manager and Directors only.	
CP069 - Authority to approve purchase orders	Authority to approve purchase orders within your area of responsibility and within the approved budget. Note: General Manager and Directors only.	
CP014 - Media Policy	Authority to issue media releases and to provide supporting factual information and comment in accordance with the Media Policy and associated Management Directive.	
CP030 - Social Media Spokesperson	Authority to act as a social media spokesperson for the purpose of representing Council's position on	

ITEM 3 - ATTACHMENT 1 COUNCIL MEETING MINUTES EXTRACT - 28 OCTOBER 2025.**MINUTES ORDINARY COUNCIL - 28 OCTOBER 2025****ITEM 1 - ATTACHMENT 1 COUNCIL MEETING MINUTES EXTRACT - 26 AUGUST 2025.****MINUTES ORDINARY COUNCIL - 26 AUGUST 2025****ITEM 8 - ATTACHMENT 2 INSTRUMENT OF DELEGATION - GENERAL MANAGER.**

	matters of policy, and to provide information on Council's activities within their area or responsibility. This function includes the authority to publish content on behalf of Council on social media platforms.	
CP031 - Speak to the Media	Authority to act as a spokesperson for Council for the purposes of representing Council's position on matters of policy, and to provide factual background information on Council's administration and operations within their area of responsibility.	
CP032 - Transfer of vote within a program maximum \$10,000	Authority to transfer a vote within a budget program up to a maximum of \$10,000.	
CP033 - Write off bad debts up to \$10,000	Authority to write off bad debts to an amount of \$10,000 in any one instance.	
CP033A - Write off rate or charges up to \$10,000	Authority to write off rate or charges to an amount of \$10,000 in any one instance.	
CP090 - Authority to serve on Newcastle Airport	Authority to act as a Council nominated director on Newcastle Airport Pty Ltd, Greater Newcastle Aerotropolis Pty Ltd, Newcastle Airport Partnership Company 3 and Newcastle Airport Partnership Company 4.	

Pursuant to a Resolution of the Council at its meeting of 26 August 2025:

ITEM 3 - ATTACHMENT 1 COUNCIL MEETING MINUTES EXTRACT - 28 OCTOBER 2025.

MINUTES ORDINARY COUNCIL - 28 OCTOBER 2025

ITEM 1 - ATTACHMENT 1 COUNCIL MEETING MINUTES EXTRACT - 26 AUGUST 2025.

MINUTES ORDINARY COUNCIL - 26 AUGUST 2025

ITEM 8 - ATTACHMENT 2 INSTRUMENT OF DELEGATION - GENERAL MANAGER.

Leah Anderson

Mayor

Date:

General Manager's acknowledgement of Delegations of Authority

I Tim Crosdale, currently employed by the Council in the position of General Manager, do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.

General Manager of Port Stephens Council

Date:

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NOTICE OF MOTION

ITEM NO. 4

FILE NO: 25/328586

EDRMS NO: PSC2024-03148

RAYMOND TERRACE BUILDING HEIGHTS

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes that the State Government has recently implemented the Low and Mid Rise Housing Reforms which change planning controls under State Environmental Planning Policy (Housing) 2021.
- 2) Notes that within Port Stephens, these planning control changes apply to the nominated town centres of Raymond Terrace and Nelson Bay.
- 3) Notes that these planning control changes did not include employment zones, specifically E2 – Commercial Centre zoned land, which makes up the majority of the Raymond Terrace CBD.
- 4) Requests the General Manager prepare and submit a scoping proposal to the NSW Department of Planning, Housing and Infrastructure seeking to increase building heights in the Raymond Terrace CBD in order to give effect to Raymond Terrace's status as a strategic centre under the Hunter Regional Plan 2041 and to realise Council's growth ambitions for Raymond Terrace under the Port Stephens Local Housing Strategy.

BACKGROUND REPORT OF: BROCK LAMONT – STRATEGY AND ENVIRONMENT SECTION MANAGER

BACKGROUND

The State Government's Low and Mid Rise Housing Reforms came into effect in February 2025. These reforms introduced new planning controls to encourage more dual occupancies, terraces, townhouses, apartments and shop top housing to be built in low and mid rise housing areas located across the Lower Hunter Region.

The low and mid rise housing areas are defined as residential zones within 800 metres walking distance from nominated town centres and nominated train or light rail stations. Employment zones, such as E1 – Local Centre and E2 – Commercial Centre, were considered in the development of the reforms, however, these were not ultimately included. The policy is expected to deliver up to 112,000 homes across NSW over the next 5 years.

To give effect to these reforms, amendments were made to State Environmental Planning Policy (Housing) 2021. Two (2) town centres were nominated in Port Stephens under these reforms; Raymond Terrace and Nelson Bay.

In effect, the reform packages key change to planning controls in Port Stephens relates to building heights, with new development standards enabling development of up to 6 storeys in nominated areas. This has created instances when the adjoining residential zones now have a greater height limit than the CBD area of the nominated town centres.

Raymond Terrace is identified as a 'strategic centre' within the State's Hunter Regional Plan 2041 and is identified for significant growth within the Port Stephens Local Housing Strategy.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Scoping proposal preparation and lodgement only. Additional studies or reports as a result of State agency consultation may identify additional costs.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 5

FILE NO: 25/328655

EDRMS NO: PSC2024-03148

LAKESIDE SPORTING FACILITIES

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes recent reports in the Newcastle Herald regarding proposals for a 10,000 to 15,000 seat stadium, and writes to Newcastle Rugby League, NSW Rugby League, and the NRL, seeking their support to consider Raymond Terrace as a potential location for such a stadium within the Lakeside Sporting Complex, including financial support in partnership with the NSW and Federal Governments, and Council.
- 2) Requests the General Manager write to the State Member for Port Stephens, The Hon. Kate Washington MP and the NSW Treasurer, The Hon. Daniel Mookhey MLC, requesting that they commit \$2.4 million in State funding towards the masterplan for Lakeside Sporting Complex.
- 3) Requests the General Manager write to the Federal Member for Paterson, Meryl Swanson MP and the Federal Treasurer, The Hon. Dr Jim Chalmers MP, requesting that they commit \$2.4 million in federal funding towards the Masterplan for Lakeside Sporting Complex.

BACKGROUND REPORT OF: JOHN MARETICH – ASSETS SECTION MANAGER

BACKGROUND

Port Stephens Council is recognised for its strong sporting and recreational facilities which are often used for professional level competition. The LGA hosts multiple national-level competitions throughout the year with sports including Ultimate Frisbee, Rugby League and Touch Football.

The facilities at Lakeside Sports Complex have successfully supported large events such as the NSW Koori Knockout Tournament (Rugby League), Nations of Origin (Rugby League) and NSW Tooheys Cup Finals Series (Rugby League).

After extensive community engagement and in partnership with West Ward Sports Council, the Lakeside Sports Complex Masterplan (masterplan) was adopted by Council in July 2024.

With full implementation of the masterplan estimated at \$40 million, additional investment and support from sporting governing bodies and State and Federal Governments is critical to ensure communities have quality sporting facilities. These facilities are crucial for public health, social cohesion and economic development while supporting growth in local clubs.

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.