

NOTICE OF ORDINARY MEETING

11 MARCH 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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1. PROPOSED SALE OF 7A WATT STREET, RAYMOND TERRACE

BUSINESS

- 1) Opening meeting.
- 2) Acknowledgement of Country
We acknowledge the Worimi people as the original Custodians and inhabitants of Port Stephens. We acknowledge and pay respects to Worimi elders past and present. May we walk the road to tomorrow with mutual respect and admiration as we care for the beautiful land and waterways together.
- 3) Prayer
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.

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

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

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

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

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

Mayor/Councillor's signature _____

Date _____

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



Declaration of Interest form

Agenda item No. _____

Report title _____

Mayor/Councillor _____ declared a

Tick the relevant response:

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

in this item. The nature of the interest is _____

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

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

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

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

Mayor/Councillor left the Council meeting at _____ pm.

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

MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: 25/36954
EDRMS NO: PSC2022-02800

MOTION TO CLOSE

REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER
DIRECTORATE: GENERAL MANAGER'S OFFICE

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (c) of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely **Proposed Sale of 7A Watt Street, Raymond Terrace**.
 - 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
 - 3) That the report remain confidential and the minute be released in accordance with Council's resolution.
-

COUNCIL REPORTS

ITEM NO. 1

FILE NO: 25/18435
EDRMS NO: 16-2024-387-1

**DEVELOPMENT APPLICATION (DA) 16-2024-387-1 FOR EARTHWORKS -
FLOOD MOUND AND DRIVEWAY AT 1367 CLARENCE TOWN ROAD, SEAHAM**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2024-387-1 for Earthworks – Flood Mound and Driveway, at 1367 Clarence Town Road, Seaham (Lot:9 DP:758899) subject to the conditions contained in **(ATTACHMENT 1)**.

BACKGROUND

The purpose of this report is to present development application (DA) 16-2024-387-1 for Earthworks – Flood Mound and Driveway, to Council for determination

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

Subject Land	1367 Clarence Town Road, Seaham
Total Area	2040m ²
Zoning	R2 Low Density Residential
Submissions	0
Key Issues	The key issues identified throughout the assessment of the DA relate to: the impact of earthworks on overland flow paths, stormwater management, flood access and emergency management. A detailed assessment of the application is contained within the Planners Assessment Report (ATTACHMENT 2) .

The DA has been reported in accordance with Councils 'Planning Matters to be Reported to Council Policy' as it has been called up by Councillor Arnott and Councillor Francis **(ATTACHMENT 3)**. A locality plan is provided at **(ATTACHMENT 4)**.

Site History

The site has been subject to a compliance investigation by Council in September 2023, following complaints on the import of fill and earthworks undertaken without

development consent on the subject site. Councils Compliance Officer issued a written stop work direction and requested the land owner obtain development consent prior to any further fill or earthworks. Council has allayed formal compliance action to enable the earthworks to be regularised and measures constructed to improve the site condition, through a development consent, which is the subject of this development application.

Whilst the compliance and enforcement actions of Council is not before the elected Council for consideration, approval of DA 16-2024-387-1 as per the recommendation, will address the concerns from the neighbours with respect to stormwater and drainage matters.

Proposal

The proposal seeks development consent for earthworks to facilitate future residential development. Details of the proposal include:

- Regularisation of existing earthworks undertaken over a 760m² footprint
- Additional bulk earthworks (approximately 141m³ of cut and 217m³ of fill), to establish a flood mound with sufficient area to accommodate a building envelope and effluent disposal system. The flood mound will be connected to Clarence Town Road by a driveway designed and constructed to the relevant flood planning level for the site
- Construction of retaining walls and stormwater infrastructure to streamline flows from the overland flowpath and ameliorate potential flows onto adjoining lots.

Site Description

The subject site is located at 1367 Clarence Town Road, Seaham and is formally described as Lot 9 in DP758899. The site has a frontage of 20.115m to Clarence Town Road and a depth of 100.585m, amounting to an overall area of 2040m².

The site exhibits a generally flat topography, before steeply rising to the north-west (rear corner). A watercourse referred to as Jackass Creek traverses through the south-east front corner of the site. Vegetation on site includes managed grass with a mature native tree located at the front. No permanent or significant structures are present on site.

Key Issues

The key issues identified throughout the assessment of the development relate to the impact of earthworks on overland flow paths, stormwater management, flood access and emergency management. A detailed assessment of the application is contained within the Planner's Assessment Report (**ATTACHMENT 2**).

Impact of Earthworks on Overland Flow Paths and Stormwater Management

Design measures incorporated into the civil engineering plans for the earthworks include retaining walls, swales and stormwater pipes, to ensure the proposal will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other surrounding development or properties.

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 behavior as a result of climate change. Noting these design measures, Council's Flooding and Drainage Section supported the proposal.

Flood Access and Emergency Management

Fill will be imported onsite to connect the flood mound to Clarence Town Road via this driveway. The application has been supported by detailed civil engineering plans for these earthworks including bulk earthworks, retaining walls, and stormwater management plans, demonstrating the earthworks will not adversely affect drainage patterns, soil stability or flood behaviour within the locality of the development.

Conclusion

As detailed in the Planner's Assessment Report (**ATTACHMENT 2**), the proposal 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 development controls relating to flood risk, stormwater and earthworks management.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social and Economic Impacts

The development will have beneficial social impacts as it will allow for a building pad and driveway with appropriate flood immunity to facilitate future residential development. The construction of the proposed development will provide employment opportunities in the locality and support the local building and development industries.

Built Environment

The development will not impact the built form given it seeks to extend existing raised ground and will be located to the rear of the site, and will therefore be largely imperceptible to the public domain.

Natural Environment

The development has been designed to avoid significant adverse impacts on waterfront land. The proposal 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.

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 engagementPublic Submissions

The application was advertised and notified for 28 days, in accordance with the provisions of the Port Stephens Council Community Engagement Strategy. No submissions were received during this timeframe.

External consultation was undertaken with the Department of Planning, Housing and Industry – Water as nominated integrated development under the Water Management Act 2000. DPHI – Water were supportive of the development and provided General Terms of Approval for reasons outlined in the Planners Assessment Report (**ATTACHMENT 2**).

CONSULT	The application was advertised and notified for a period of 28 days from 20 September 2024 to 17 October 2024, through 'DA Tracker', letters to adjoining properties, and paid advertisement notice in the local papers (Port Stephens Examiner and News of the Area)
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Internal communications and engagement

Internal consultation was undertaken with Council's Assets Section. Council's Assets Section was supportive of the development for reasons outlined in the Planner's Assessment Report (**ATTACHMENT 2**).

OPTIONS

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

ATTACHMENTS

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

COUNCILLORS' ROOM/DASHBOARD

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

TABLED DOCUMENTS

Nil.

CONDIITONS WITHOUT PREJUDICE

1

Approved plans and supporting documentation

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

Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
243592, CIV-010	D	Civil Works and Cut Fill Bulk Earthworks Plan	DRB	19.12.2024
243592, CIV-020	D	Cut Fill Bulk Earthworks Plan	DRB	19.12.2024
243592, CIV-030	D	Erosion and Sediment Control Plan	DRB	19.12.2024
243592, CIV-031	D	Erosion and Sediment Control Details	DRB	19.12.2024
243592, CIV-032	D	Erosion and Sediment Control Notes	DRB	19.12.2024

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

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

2

General Terms of Approval

The General Terms of Approval from state authorities must be complied with prior to, during, and at the completion of the development.

The General Terms of Approval are:

1. Department of Planning and Environment – Water, IDAS-2024-10659 dated 23 October 2024.

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	Protect Existing Vegetation and Landscape Features
	No vegetation or natural landscape features other than that authorised for removal 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: So that vegetation not approved for removal is not disturbed, damaged or removed.

Building Work

Before building work commences

4	Construction Site Management Plan
	Before building work commences, a construction site management plan must be prepared. The plan must include the following matters: <ul style="list-style-type: none"> a. The location and materials for protective fencing and hoardings on the perimeter of the site; b. Waste management; c. Provisions for public safety; d. Pedestrian and vehicular site access points and construction activity zones; e. Details of construction traffic management including: <ul style="list-style-type: none"> i. Proposed truck movements to and from the site; ii. Estimated frequency of truck movements; and iii. Measures to ensure pedestrian safety near the site; f. Details of bulk earthworks to be carried out; g. The location of site storage areas and sheds; h. The equipment used to carry out works; i. The location of a garbage container with a tight-fitting lid; j. Dust, noise and vibration control measures; k. The location of temporary toilets; <p>A copy of the construction site management plan must be kept on site at all times while work is being carried out.</p>
	Condition reason: To require details of measures to be undertaken that will protect the public, and the surrounding environment, during site works and construction.
5	All Weather Access
	A 3m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction for the delivery of materials and use by trades people.
	No materials, waste or the like are to be stored on the all-weather access at any time.
	Condition reason: To ensure that adequate vehicular access is provided to and from the site, prior to the commencement of works.

6	Driveway design plans
	Detailed engineering plans for the driveway are to be prepared and submitted to Council. The detailed plans are to be in accordance with Council's Infrastructure Specification and include the following information: <ul style="list-style-type: none"> a) Access from building envelope to the public road is to have a minimum finished floor level of: <ul style="list-style-type: none"> • the flood immunity of the connecting public road; or • the 1% AEP flood level for the site. b) Impacts on local drainage and localised flooding is to be considered and incorporated into the design.
	Condition reason: To ensure the development is designed with appropriate flood free access.
7	Structural engineer's certificate
	A certificate must be prepared by a qualified Structural Engineer certifying that the mound is capable of withstanding the effects of flood waters, including immersion, structural stability, buoyancy, impact and loading from debris up to and including the future 1% Annual Exceedance Probability (AEP) event.
	Condition reason: To ensure that the mound can withstand the effects of floodwaters.
8	Retaining Walls
	All retaining walls must be designed and certified by a suitably qualified Structural Engineer in accordance with Council's Infrastructure Specifications.
	Condition reason: To ensure that soil, erosion, sediment and water is controlled appropriately.
9	Erosion and sediment control
	An erosion and sediment control plan is prepared in prior to the commencement of works in accordance with the following documents: <ul style="list-style-type: none"> • the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the BlueBook), 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). <p>The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.</p> <p>Before the commencement of any site or building work, the erosion and sediment controls in the erosion and sediment control plan, are in place until the site is rectified</p>

	(at least 70% ground cover achieved over any bare ground on site).
	Condition reason: To ensure that soil, erosion, sediment and water is controlled appropriately.
10	Damage to Council Property
	Prior to the commencement of works, the applicant is required to notify Council in writing of any existing damage to public infrastructure within the vicinity of the development, the absence of such notification signifies that no damage exists.
	Condition reason: To ensure that existing damage to public infrastructure is identified.

During building work

11	Implementation of Site Management Plans
	While site work is being carried out:
	<ul style="list-style-type: none"> a) the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times, and b) a copy of these plans must be kept on site at all times and made available to council officers upon request.
	Condition reason: To ensure site management measures are implemented during the carrying out of site work
12	Tree Protection
	While site or building work is being carried out, the applicant must protect all retained trees and must maintain adequate soil grades and ensure all machinery, builders refuse, spoil and materials remain outside of any tree protection zones (drip lines) of all retained trees.
	Condition reason: To ensure trees are protected during works.
13	Excavations and Backfilling
	All excavations and backfilling associated with this development consent must be executed safely, and be properly guarded and protected to prevent from being dangerous to life or property, and in accordance with the design of a suitably qualified Structural Engineer.
	If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation must:
	<ul style="list-style-type: none"> • preserve and protect the building from damage; and • if necessary, underpin and support the building in an approved manner; and

	<ul style="list-style-type: none"> give at least seven days notice to the adjoining owner before excavating, of the intention to excavate. <p>The principal contractor, owner builder or any person who needs to excavate and undertake building work, must contact "Dial Before You Dig" prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.</p> <p>This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.</p> <p>Condition reason: To ensure that all excavations and backfilling are safely and appropriately protected.</p>
14	<p>Placement of fill</p> <p>Filling must not be placed in such a manner that natural drainage from adjoining land will be obstructed or in such a manner that surface water will be diverted.</p> <p>Further, any alterations to the natural surface contours must not impede or divert natural surface water runoff so as to cause a nuisance to adjoining property owners.</p> <p>Condition reason: To ensure that fill required for a development is managed in accordance with Council requirements.</p>
15	<p>Location of stockpiles</p> <p>Stockpiles of soil must not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials must be suitably covered to prevent dust and odour nuisance.</p> <p>Condition reason: To ensure that stock piles required for a development are managed in accordance with Council requirements.</p>
16	<p>Fill Material</p> <p>The only fill material that may be received at the development site is:</p> <ol style="list-style-type: none"> Virgin excavated natural material (VENM) within the meaning of the <i>Protection of the Environment Operations Act (POEO) Act 1997</i>; or Excavated natural material (ENM) within the meaning of the <i>POEO Act 1997</i>; or Any other waste-derived material the subject of a resource recovery exemption under s.91 of the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> that is permitted to be used as fill material.

	<p>Any waste-derived fill material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions.</p> <p>Any fill, soil, mulch and plant brought onto the site must be certified as free of weeds and weed seeds.</p> <p>Condition reason: To ensure that all imported and/or exported fill is Virgin Excavated Natural Material.</p>
17	<p>Hours of work</p> <p>Site work must only be carried out between the following times –</p> <p>7:00am to 5:00pm on Monday to Saturday</p> <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p> <p>Condition reason: To protect the amenity of the surrounding area</p>
18	<p>Soil, erosion, sediment and water management</p> <p>All requirements of the Erosion and Sediment Control Plan or Soil and Water Management Plan must be maintained at all times during the works and any measures required by the plan must not be removed until the site has been stabilised.</p> <p>Condition reason: To ensure that soil, erosion, sediment and water is controlled appropriately.</p>
19	<p>Offensive Noise, Dust, Odour and Vibration</p> <p>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.</p> <p>Condition reason: To ensure that developments do not give rise to offensive noise, dust, odour, or vibration.</p>
20	<p>Delivery register</p> <p>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.</p> <p>This register must be made available to Council officers on request and be provided to the Council at the completion of the development.</p> <p>Condition reason: To ensure that all deliveries of fill are appropriately recorded.</p>

Occupation and ongoing use

21	Fill Plan
	Following completion of the mound, a Fill Plan must be provided to Council. The plan must include the following: <ul style="list-style-type: none"> a) The final pad shape, levels and location will be confirmed by the submission of a detailed survey plan prepared by a Registered Surveyor. The detailed works as executed survey plan must be provided in accordance with Council's Infrastructure Specification to Council within 14 days of completion. b) The mound is to be top dressed and seeded with fast growing grasses. <p>The fill plans must comply with the requirements outlined in Council's Infrastructure Specification.</p>
	Condition reason: To ensure the mound is constructed as per the approved plans and Council specifications.
22	Use of mound
	All materials stored at the site and capable of causing harm to the environment must be stored at a level not less than the flood planning level (<i>FPL</i>) or suitable bunding must be placed around such materials to a minimum of the <i>FPL</i> .
	Condition reason: To ensure the mound is utilised in accordance with Council requirements.
23	Repair of Infrastructure
	Following completion of the mound, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council. Note: If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.
	Condition reason: To ensure that any damage resulting to public infrastructure is appropriately rectified at no cost to the Council.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations

are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

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

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

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

Dictionary

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

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

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

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

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

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

Council means PORT STEPHENS COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

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

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

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

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

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

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

Stormwater drainage system means all works and facilities relating to:

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

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

Sydney district or regional planning panel means Hunter and Central Coast Regional Planning Panel.



DEVELOPMENT ASSESSMENT REPORT

APPLICATION REFERENCES

Application Number	16-2024-387-1
Development Description	Earthworks - flood mound and driveway
Applicant	DE WITT CONSULTING
Land owner	MR K A & MRS D A HOLBROOK
Date of Lodgement	03/09/2024
Value of Works	\$22,627.00
Submissions	0

PROPERTY DETAILS

Property Address	1367 Clarence Town Road SEAHAM
Lot and DP	LOT: 9 SEC: 37 DP: 758899
88B Restrictions on Title	-
Current Use	Vacant lot
Zoning	R2 LOW DENSITY RESIDENTIAL
Site Constraints	Bushfire Prone Land – Category 3; Acid Sulfate Soils – Category 5; CKPoM Koala Habitat Map – Mainly Cleared Land; Koala Combined Corridor Map – Local Link; PS Rural Lands Strategy - Slope 20%; Flood Planning Area; Drinking Water Catchment; Williams River Catchment; Mapped Watercourse.
State Environmental Planning Policies	State Environmental Planning Policy (Biodiversity and Conservation) 2021; State Environmental Planning Policy (Resilience and Hazards) 2021

PROPOSAL

The proposal seeks development consent for earthworks to facilitate future residential development. Details of the proposal include:

- Regularisation of existing earthworks undertaken over a 760m² footprint;
- Additional bulk earthworks (approximately 141m³ of cut and 217m³ of fill), to establish a flood mound with sufficient area to accommodate a building envelope and effluent disposal system. The flood mound will be connected to Clarence Town Road by a driveway designed and constructed to an RL height of 6.0m AHD (satisfying the current day 1% Annual Exceedance Probability flood level for the site).
- Construction of retaining walls and stormwater infrastructure to streamline flows from the overland flowpath and minimise potential flow redirection onto adjoining lots.

The proposal will redirect the sites overland flowpath to a registered watercourse, and has been referred to the Department of Planning, Housing and Industry – Water as nominated integrated development.

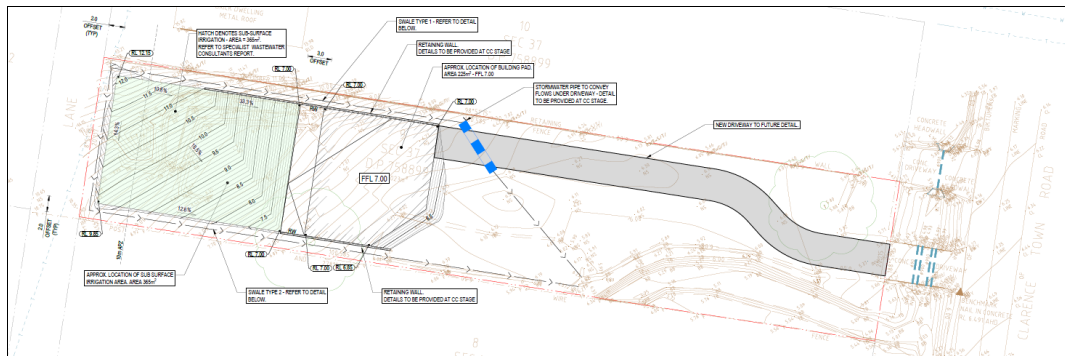


Figure 1: Development Plan

SITE DESCRIPTION

The subject site (hereinafter referred to as 'the site') is located at 1367 Clarence Town Road, Seaham and is formally described as Lot 9 in DP758899. The site has a frontage of 20.115m to Clarence Town Road and a depth of 100.585m, amounting to an overall area of 2040m². The site exhibits a generally flat topography for a depth of 63m, before steeply rising to the north-west rear corner. A watercourse referred to as Jackass Creek traverses through the south-east front corner of the site. Vegetation on site features managed grass area with a mature native tree located at the front. No permanent or significant structures are present on site.



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

SITE HISTORY

There has been one application lodged over the site which is detailed in the following table below.

Application #	Proposal Description	Determination	Date Determined
16-2023-688-1	Erection of a shed as residential accommodation.	Returned	2/04/2024

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

The site has been subject to compliance investigation by Council in January 2024, in relation to complaints on the import of fill and earthworks undertaken without development consent. Council's Compliance Officer issued a written stop work direction and requested the land owner obtain development consent prior to any further fill or earthworks. Council has allayed formal compliance action to enable the fill works to be regularised and improve the site condition as part of a development consent, which is the subject of this development application.

SITE INSPECTION DETAILS

A site inspection was carried out on 1 November 2024.

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



Photograph 1: Site as viewed from rear boundary



Photograph 2: Jackass Creek as viewed from centre of site



Photograph 3: Existing excavation works undertaken over site and proximity to adjoining dwelling to the north

REFERRALS

The development application was referred to the following internal staff and external agencies. The comments provided by Council staff and external agencies have been used to carry out the assessment against the S4.15 Matters for Consideration below:

Internal	
Development Engineering	
Outcome	Supported with conditions
Comment	<p>Additional information was requested to assess:</p> <ul style="list-style-type: none"> • The impact of the earthworks to overland flowpaths; • Stormwater runoff management both into the site and offsite (adjoining properties to the north and south); and • Access and emergency management. <p>Amended civil plans were prepared in response to these information requests, specifically addressing development standards prescribed under Chapters B4 and B5 of the DCP. The application was supported subject to conditions of consent.</p>

PLANNING ASSESSMENT

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

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

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

The site is mapped as bushfire prone land, Category 3. The proposal seeks consent for earthworks only and therefore will not impact upon bushfire safety of the site. Future residential development over the site will be assessed against the specifications and requirements of Planning for Bushfire Protection 2019.

Section 4.46 - 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:

Department of Planning and Environment – Water	
Comment:	<p>The development application required an integrated referral under the <i>Water Management Act 2000</i>, as the proposal involves a controlled activity on waterfront land (Jackass Creek). Accordingly, the application was referred to Department of Planning and Environment – Water, and was subsequently supported with conditions under Division 4.8 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979).</p> <p>General Terms of Approval (GTA), issued by Department of Planning, Housing and Industry – Water, dated 23 Month 2024 and includes conditions related to requirements prior to commencement of works.</p>

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(a)(i) – Any environmental planning instrument

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

State Environmental Planning Policy (Biodiversity And Conservation) 2021

Chapter 2 – Vegetation in non-rural areas

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

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

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

The development application does not seek consent for tree removal and is consistent with this chapter.

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.

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Section 4.8 – Development assessment process

Section 4.8 requires that the application must be consistent with the approved koala plan of management that applies to the site. In Port Stephens, the relevant plan is the Comprehensive Koala Plan of Management (CKPoM).

The development application does not seek consent for tree removal and is considered to be consistent with the aims and objectives of the CKPoM.

State Environmental Planning Policy (Resilience And Hazards) 2021**Chapter 4 – Remediation of land****Section 4.6 – Contamination and remediation to be considered**

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

It is noted that the NSW list of contaminated sites and list of notified sites published by the EPA does not identify the site as being contaminated, 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.

Port Stephens Local Environmental Plan 2013 (PSLEP2013)**Clause 2.3 – Zone objectives and land use table**

The subject site is zoned R2 Low Density Residential. The proposal seeks consent for earthworks to facilitate future residential development, and is most appropriately characterised as flood mitigation works, permitted with consent in the R2 Low Density zone.

The objectives of this zone are as follows:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To protect and enhance the existing residential amenity and character of the area.
- To ensure that development is carried out in a way that is compatible with the flood risk of the area.

The development satisfies the zone objectives by creating a building pad and driveway with appropriate flood immunity to facilitate future residential development.

Clause 5.10 – Heritage conservation

The objectives of this clause are as follows—

- (a) *to conserve the environmental heritage of Port Stephens,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *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 subject site has not been identified as containing a heritage listed item nor is it within a heritage conservation area.

A search of the Aboriginal Heritage Management Systems did not reveal any previously recorded Aboriginal sites in proximity to the proposed development.

Clause 5.21 – Flood planning

Clause 5.21(2) provides that the consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development complies with the following matters—

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

Clause 5.21(3) provides that in deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) the intended design and scale of buildings resulting from the development,*
- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

The proposal is located on land mapped as Flood Planning Area, which has the hazard categories of Minimal Risk Flood Prone Land, Low Hazard Flood Fringe Area and High Hazard Overland Flow Path area. These flood hazard categories align with site topography, with low lying area throughout the front half of the site largely affected by the high hazard overland flow path buffer adjoining the Jackass Creek watercourse.

The fill is proposed to be located on the areas identified as minimal risk flood prone land and low hazard flood fringe area. As the fill pad will create an area capable of supporting future residential development, the relevant flood planning level as per flood certificate 83-2024-1481-1 is 6.8m AHD. The proposed finished floor level (FFL) of the mound is 7m AHD which exceeds the FPL.

Design measures incorporated into the civil engineering plans for the earthworks including; retaining walls, swales and stormwater pipes, ensures the proposal will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or adjoining properties. Noting these design measures, Council's Development Engineer supported the proposal conditionally.

The proposal is considered to be consistent with Clause 5.21.

Clause 7.1 – Acid sulfate soils

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

The subject land is mapped as containing potential Class 5 acid sulfate soils. The proposed development is not anticipated to entail excavations below 2.5 metres and therefore it is not expected that acid sulfate soils would be encountered 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 proposes approximately 141m³ of cut and 217m³ of fill, to establish a flood mound with sufficient area to accommodate a building envelope and effluent disposal system. Additional fill is required to connect the mound to Clarence Town Road via a driveway designed and constructed to an RL height of 6.0m AHD. The application has been supported by detailed civil engineering plans for these earthworks including; bulk earthworks, retaining walls, and stormwater management, ensuring the earthworks will not adversely affect drainage patterns, soil stability or flood behaviour within the locality of the development.

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 satisfies 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 onsite sewage.
- Stormwater drainage or on-site conservation.
- Suitable vehicular access.

Essential services are available to the site, yet not required for the proposed earthworks.

Clause 7.8 – Drinking water catchments

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

Clause 7.8 provides that 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 impact on water quality and flows, 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 proposed development is located within a drinking water catchment and accordingly the requirements of this clause apply. The subject development has been designed so as not to result in negative impacts on the quality or quantity of water entering the drinking water storage through the use of an on-site stormwater management system.

Clause 7.10 – Williams River catchment

The objective of this clause is to protect and improve the environmental quality of the Williams River catchment. Clause 7.10(3) provides that development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development:

- Promotes the sustainable use of land, water, vegetation and other natural resources within the Williams River catchment, and
- Promotes the protection and improvement of the environmental quality of the Williams River catchment,
- Will have any significant adverse impacts on water quality within the Williams River catchment, and
- Is consistent with the Williams River Catchment Regional Planning Strategy of the Department of Planning and Infrastructure for the Williams River catchment.

The proposed development is located on land within the Williams River Catchment. The proposal includes an on-site stormwater quality management system and the use of erosion and sedimentation controls to protect the environmental quality of the Williams River. In addition, the proposed development occupies a minor part of the subject land and will allow for the greater use of the land for rural – residential activities. The proposed development meets the requirements of the clause.

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

The draft Port Stephens Coastal Management Program (CMP) outlines management actions aimed at mitigating the impacts of coastal inundation, tidal inundation, coastal erosion and dune transgression over the next 10 years. The CMP is a plan of action for Council, public authorities and land managers responsible for management of the Port Stephens coastal zone to:

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

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

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.

Chapter B – General Provisions**B1 – Tree Management**

The development application does not seek consent for tree removal and is consistent with this chapter.

B2 – Natural ResourcesB2.A Ecological impact

N/A. The development application does not seek consent for tree removal and is consistent with this subchapter.

B2.B Koala Habitat

Council CKPoM mapping has identified the site as 'mainly cleared'. The development application does not seek consent for tree removal and is consistent with this subchapter.

B2.C Compensatory Requirements

N/A.

B2.D Biosecurity risks (weeds)

N/A. No priority weed species are mapped over the site.

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:

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ITEM 1 - ATTACHMENT 2 PLANNER'S ASSESSMENT REPORT.

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

Noise

The impacts of the development during construction could be limited through conditions of consent which limit construction work hours and mitigate noise derived from earthworks. Subject to conditions, the application is satisfactory in regards to noise management.

Air Quality

Dust generated during construction is expected to be minimal, subject to conditions of consent requiring erosion and sediment control be carried out in accordance with the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) and the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust). The future residential land use would not cause any ongoing air quality impacts during the operational phase of the development.

Earthworks

As discussed at Clause 7.2 above, the development proposes approximately 141m³ of cut and 217m³ of fill, to establish a flood mound with sufficient area to accommodate a building envelope and effluent disposal system. Additional fill is required to connect the mound to Clarence Town Road via a driveway designed and constructed to an RL height of 6.0m AHD. 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.

Page 12 of 16

16-2024-387-1

The proposal involves a controlled activity within 40m of waterfront land (Jackass Creek), and as such, this Chapter applies. Design measures incorporated into the civil engineering plans for the proposal including; retaining walls, swales and stormwater pipes, ensures the proposal will not adversely affect overland flowpaths. 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.

B5 – Flooding

This Chapter applies to all development on flood prone land.

The objectives of the chapter are:

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

Following from the discussion against clause 5.21 of the PSLEP above, the proposed development is acceptable in this regard. The principles of the NSW Government 'Flood Risk Management Manual' (as updated from time to time), Construction of Buildings in Flood Hazard Areas (Australian Building Codes Board) and Council's Floodplain Risk Management Policy and flood hazard maps as identified within Figure BF have been considered in the assessment below.

The fill pad has been positioned in the western portion of the property, outside of the flood path as seen in Figure 3 below. Given the rural nature of the site location, the fill pad is considered low risk through the inclusion of retaining walls and swales in order to streamline flows from the overland flowpath and minimise potential flow redirection.

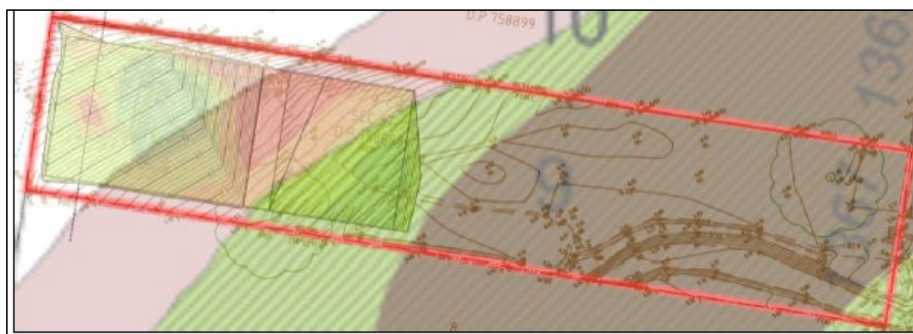


Figure 3: Fill pad overlayed on flood path

Flood compatibility

The proposed development is located on land mapped as being Flood Planning Area with the nominated flood risk level being minimal risk flood prone land and low hazard flood fringe area. In accordance with Figure BI of the DCP, the development would comprise fill which is considered to be suitable development for these flood risk categories.

Flood impact and risk

Per Figure BJ in the DCP, fill (capable of supporting future residential development) requires a finished floor level equal to the flood planning level. The relevant flood planning level (as per flood certificate 83-2024-1481-1) is 6.8m AHD. The proposed finished floor level (FFL) of the mound is 7m AHD, thus satisfying this development control. The proposal will additionally incorporate flood free access via a driveway constructed to the 1% AEP level at 6.0m AHD, thus ensuring appropriate access for the proposed development.

Off-site impacts

The catchment area from the adjacent property to the north (1369 Clarence Town Road) naturally flows south east into the development site. Design measures incorporated into the civil engineering plans for the earthworks and fill pad include, pipes, retaining walls and swales (see Figure 4) around the pad and driveway to ensure the proposal will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties.

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.

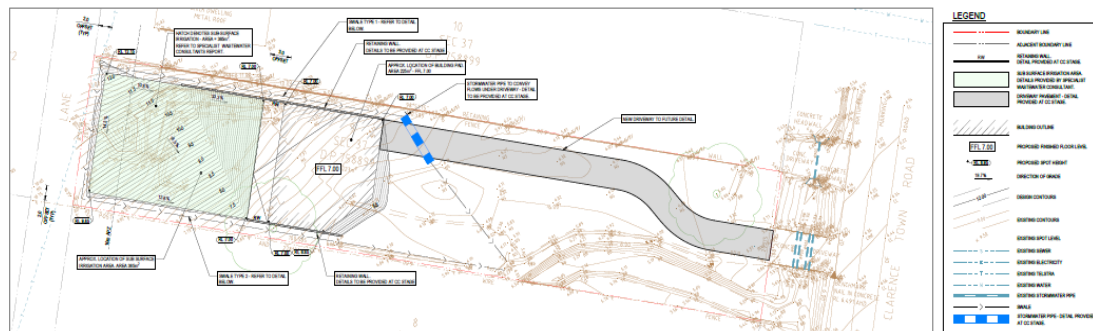


Figure 4: Civil plans (swales and retaining walls directing flows to Jackass Creek and Clarence Town Road)

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.

An AHIMS search was provided with the application confirming no previously recorded Aboriginal sites or places are recorded on or within 200m of the site. The site is within 200m of an Aboriginal sensitive landscape feature – waterfront land. The site exhibits evidence of prior ground disturbing activities therefore it is unlikely unknown aboriginal artefacts would be discovered during works. A condition of consent is recommended relating to unexpected finds procedures in the event Aboriginal artefacts are uncovered during works.

B8 – Road Network and Parking

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

Traffic impacts

The proposal is not expected to generate any significant increases in traffic as the use and residential density of the land will not change. There will be a minor increase in traffic during construction of the mound due to deliveries of fill but this will be limited given fill from the adjacent site is being used. Notwithstanding, the vehicle movements on-site will be managed through conditions of consent.

On-site parking provisions

N/A

On-site parking access

N/A.

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

N/A

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

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

Section 4.15 (1)(b) The likely impacts of that development, including environmental impacts on both natural and built environments, and social and economic impacts in the locality

Social and Economic Impacts

The proposal will have beneficial social impacts as it will allow for a building pad and driveway with appropriate flood immunity to facilitate future residential development. The construction of the proposed development will provide employment opportunities in the locality and support the local building and development industries.

Impacts on the Built Environment

The proposal will not impact the built form given it seeks to extend existing raised ground and will be located to the rear of the site, and will therefore be largely imperceptible to the public domain.

Impacts on the Natural Environment

The proposal has been designed to avoid significant adverse impacts on waterfront land. The proposal 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.

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

The subject site is suitable for the development as it will allow for a building pad and driveway with appropriate flood immunity to facilitate future residential development, whilst protecting the existing residential amenity and character of the area.

Section 4.15(1)(d) Any submissions made in accordance with this act or the regulations**Public Submissions**

The application was notified for 28 days from 20 September 2024 to 17 October 2024, in accordance with the provisions of the Port Stephens Council Community Engagement Strategy. No submissions were received during this timeframe.

Section 4.15(1)(e) The public interest

The proposal has incorporated various measures to mitigate impact to the environment associated with future residential development over the site. The proposal is seen to be in the public interest and is supported by Council.

Section 7.11 – Contribution towards provision or improvement of amenities or services (developer contributions)

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 and the key issues identified in this report, it is considered that the application can be supported.

RECOMMENDATION

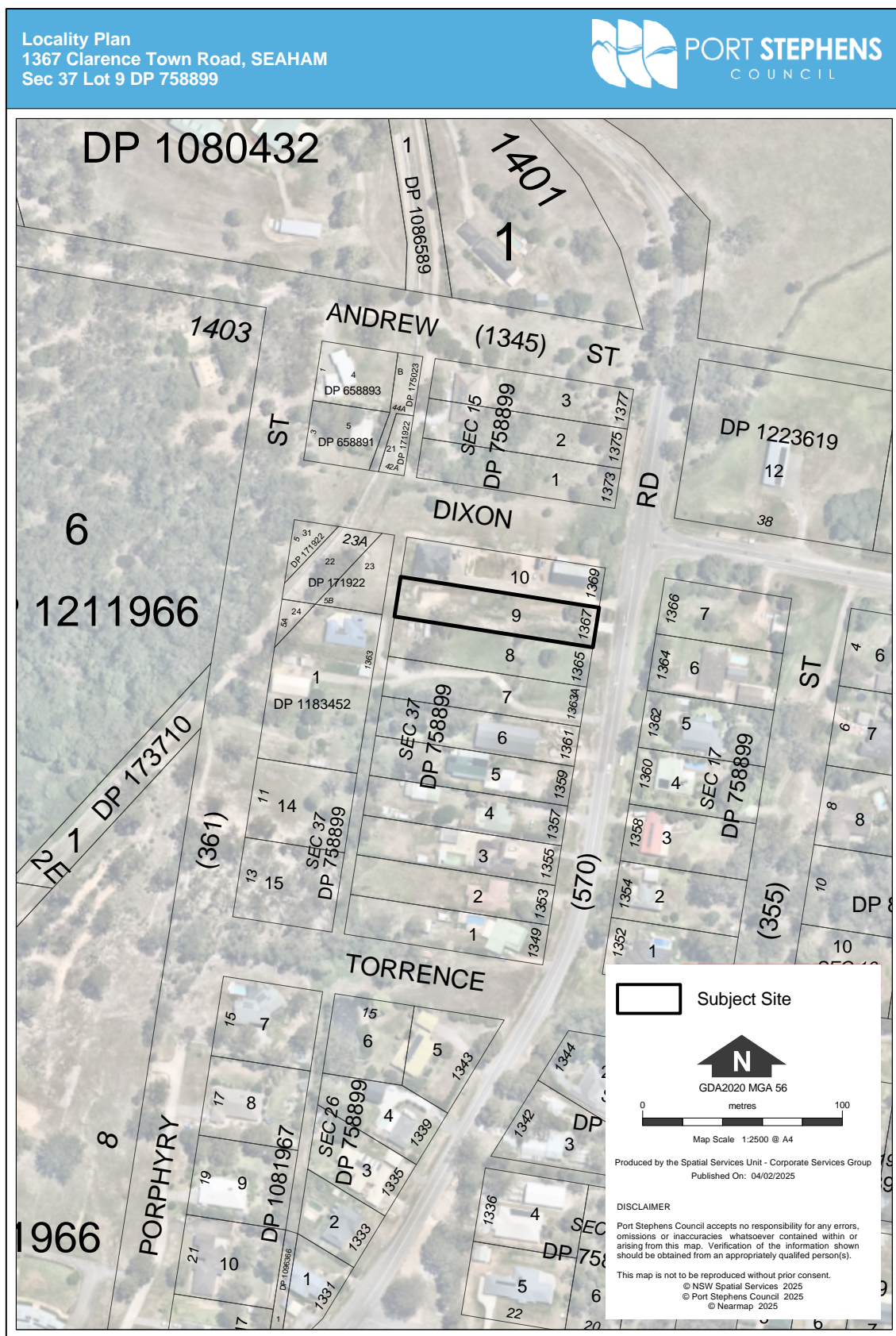
The application is recommended to be approved under delegated authority pursuant to s4.15 of the *Environmental Planning and Assessment Act 1979*, subject to conditions of consent provided as contained in the notice of determination.



PORT STEPHENS
COUNCIL

CALL TO COUNCIL FORM DEVELOPMENT APPLICATION

Development application (DA) call to Council request:	
<p>I/We (Mayor/Councillor/s) <u>Arnott and Francis</u> request that DA number <u>16-2024-387-1</u> for DA description <u>Flood mound</u> located at <u>1367 Clarence Town Road, Seaham</u> be reported to Council for determination.</p>	
Reason:	
Public Interest	
Declaration of Interest:	
<p>I/We have considered any pecuniary or non-pecuniary conflict of interest (including political donations) associated with this DA on my part or an associated person.</p> <p>I/We (Mayor/Councillor/s) _____ have a conflict of interest:</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes</p> <p>If yes, please provide the nature of the interest and reasons why further action should be taken to bring this DA to Council:</p>	
Signed: <small>Please sign or type name & attached to an email.</small> Cr Arnott	Date: 27/10/2024
Signed: <small>Please sign or type name & attached to</small> Cr Francis	Date: 27/10/2024



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

ITEM NO. 2

FILE NO: 25/20853
EDRMS NO: PSC2025-00531

DISABILITY INCLUSION AND ACCESS ADVISORY GROUP TERMS OF REFERENCE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the Draft Disability Inclusion and Access Advisory Group Terms of Reference **(ATTACHMENT 1)**.
- 2) Endorse the establishment of a Disability Inclusion and Access Advisory Group.
- 3) Nominate 2 Councillors including a co-chair.

BACKGROUND

The purpose of this report is to seek endorsement of the Draft Disability Inclusion and Access Advisory Group (DIAAG) Terms of Reference **(ATTACHMENT 1)**.

Council resolved on 26 November 2024 Ordinary Council Meeting **(ATTACHMENT 2)** prepare a report on the establishment of a Disability Inclusion Advisory Panel to provide community representation, advice and advocacy to advance the inclusion of people with disability.

Council is committed to disability inclusion and building a community where everyone can access opportunities and fully participate in their community. The Wellbeing Strategy and Disability Inclusion Action Plan (DIAP) represents our commitment to making Port Stephens a place where wellbeing is prioritised and people can lead happy, healthy and connected lives no matter their age, background or ability.

The establishment of a DIAAG will create an opportunity for collaboration with people with disabilities and their advocates to help Council deliver on its DIAP commitments.

Council has commenced working with key community partners to develop the Draft DIAAG Terms of Reference **(ATTACHMENT 1)**.

It is proposed the DIAAG will:

- Provide advice and guidance on key Council projects to ensure that the needs of people with disability are considered or addressed.
- Provide insights on current issues, emerging trends, community concerns and opportunities important to people living with a disability.

ORDINARY COUNCIL - 11 MARCH 2025

- Support the implementation of the Disability Inclusion Action Plan and Wellbeing Strategy.
- Create an opportunity for people with a disability to learn new skills and gain professional development to enable future work opportunities.

Following endorsement to establish the DIAAG and nomination of Councillors, Council will commence an expression of interest process to select members. Once completed, members and key staff will undergo training and onboarding prior to the first DIAAG meeting.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Community Wellbeing	Implement and develop the Disability Inclusion Action Plan to encourage Port Stephens to be inclusive and access friendly

FINANCIAL/RESOURCE IMPLICATIONS

The DIAAG is intended to meet 3 times a year, following the expression of interest process, for up to 2 hours. Two Council Officers will undertake the administration of the DIAAG and will attend the meetings along with nominated Councillors.

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 the NSW Disability Inclusion Act 2014, the Council is required to develop a Disability Inclusion Action Plan in consultation with people with a disability and specify actions to deliver in partnership with the community.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the Disability Inclusion and Access Advisory Group is not representative of the community and there is minimal interest in participating.	Med	Council will conduct a rigorous expression of interest process and develop a communication plan to ensure awareness across the community.	Yes
There is a risk that the advisory group model is not inclusive and accessible to all.	Med	Council will develop process and training to ensure an inclusive approach to member recruitment and meeting delivery.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The establishment of a DIAAG has the potential to promote positive implications on social, economic and environmental factors including accessible tourism and business, employment opportunities, housing, public infrastructure, community services and continued protection and connection with the environment.

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

Council acknowledges that those living with disability are the experts in this space. Council have adopted a co-design approach in developing the Terms of Reference and plan to continue this approach through the expression of interest, member onboarding and meeting process.

COLLABORATE	The Draft Terms of Reference was developed through a co-design process with Community Disability Alliance Hunter and the University of Newcastle. Council facilitated a number of workshops and received direct input from these stakeholders into the draft.
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Internal communications and engagement

The internal consultation process involved engaging with the following key internal teams:

- Assets Section
- Organisation Support Section

OPTIONS

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

ATTACHMENTS

- 1) Draft Disability Inclusion and Access Advisory Group (DIAAG) Terms of Reference. [↓](#)
- 2) Minutes of Council Meeting - Tuesday 26 November 2024. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil

TABLED DOCUMENTS

Nil

ITEM 2 - ATTACHMENT 1 DRAFT DISABILITY INCLUSION AND ACCESS
ADVISORY GROUP (DIAAG) TERMS OF REFERENCE.

TERMS OF REFERENCE



**DRAFT TERMS OF REFERENCE – PORT STEPHENS
DISABILITY INCLUSION AND ACCESS ADVISORY GROUP**

1. PURPOSE:

The purpose of the Disability Inclusion and Access Advisory Group (DIAAG) is to provide expert advice and community perspectives to identify and address barriers to access and participation, ensuring that Council policies, programs, and infrastructure align with the principles of inclusion and universal design.

2. BACKGROUND:

2.1 Council resolved on 11 March 2025 to establish a Disability Inclusion and Access Advisory Group.

2.2 Council is committed to disability inclusion and to building a community where everyone is able to easily access opportunities and fully participate in their community.

2.3 The DIAAG was established to create an opportunity for collaboration with people with disabilities and their advocates to help Council deliver on its Disability Inclusion Action Plan (DIAP) commitments.

Council recognises that decision making is improved, services are better delivered, and strategies are likely to result in better outcomes for the community when community members are involved in decisions which affect them.

3. SCOPE:

The role of the Disability Inclusion and Access Advisory Group is:

3.1 **Advisory Role:** Offer strategic, impartial advice to Council to improve the lives of people with disabilities and ensure that all residents can participate actively in community life. This includes identifying and addressing barriers related to disability, public spaces access, engagement and health.

3.2 **Policy and Planning Input:** Provide guidance on the application of planning instruments, policies, and legislation affecting accessibility and inclusion. This involves promoting adherence to principles outlined in acts such as the Disability Discrimination Act 1992 and the NSW Disability Inclusion Act 2014. The group will provide insights and recommendations to inform the implementation and development of future DIAPs.

**ITEM 2 - ATTACHMENT 1 DRAFT DISABILITY INCLUSION AND ACCESS
ADVISORY GROUP (DIAAG) TERMS OF REFERENCE.**

TERMS OF REFERENCE



- 3.3 **Community Engagement:** Serve as conduits between the community and Council, to facilitate communication and raise awareness about inclusion and accessibility issues.
- 3.4 **Promotion of Social Inclusion:** Advocate for changes in community attitudes and behaviours to foster a more inclusive environment. Recommend improvements to the built environment and systems to enhance social and economic participation for people of all abilities and backgrounds.
- 3.5 The panel is required to comply with the following policies and legislation:
- a) Local Government Act 1993
 - b) Work Health and Safety Act 2011
 - c) Privacy and Personal Information Protection Act 1998
 - d) State Records Act 1998
 - e) PSC Code of Conduct
 - f) PSC Access to Information Policy
 - g) PSC WHS Statement of Commitment

4. DEFINITIONS:

- 4.1 An outline of the key definitions included in the Terms of Reference.

Council	Port Stephens Council and the officers of Council.
DIAAG	Disability Inclusion and Access Advisory Group
The Advisory Group	Disability Inclusion and Access Advisory Group

5. AUTHORITY:

- 5.1 The Advisory Group is not a decision-making body. Council retains the final decision-making authority on final actions to be carried out.

- 5.2 The DIAAG does not:

- make decisions on behalf of Council;
- expend moneys on behalf of Council;
- commit Council to any arrangement;
- consider any matter outside its specific reference;
- Direct Council officers in the performance of their duties.

6. TERM:

- 6.1. The DIAAG membership will align to the term of Council.
- 6.2. Council to review the TOR within three months following each Council election

**ITEM 2 - ATTACHMENT 1 DRAFT DISABILITY INCLUSION AND ACCESS
ADVISORY GROUP (DIAAG) TERMS OF REFERENCE.**

TERMS OF REFERENCE



7. MEMBERSHIP:

- 7.1. The Group will be co-chaired by an appointed Councillor and member.
Nomination for a Chair will be called at the first meeting following the Council election.
- 7.2. The Advisory Group will comprise of 12 members.
 - Port Stephens Council: four representatives (4) - Two (2) Councillors, General Manager or their delegate and Vibrant Places Coordinator or their delegate.
 - Nominated community representatives: eight (8) people with a disability and disability sector representatives (maximum 2)
- 7.3. Nominated representatives will be selected through an expression of interest (EOI). An assessment panel will comprise one (1) nominated Councillor, one (1) Council Officer and one (1) Industry Representative.
- 7.4. The Advisory Group may invite others to attend meetings as required.
- 7.5. All members are eligible for reappointment and there is no limit to the number of terms a person may serve on the Advisory Group.
- 7.6. Membership of the Advisory Group will be reviewed and may be terminated if a member fails to abide by the Terms of Reference and meeting code of conduct. Membership review will be conducted by the Advisory Group Chair and General Manager of Port Stephens Council

8. ADMINISTRATION ARRANGEMENTS:

8.1. Meeting practices and cycles

- a) Unless otherwise specified in this Terms of Reference and in accordance with any Local Government Act requirements, the Stakeholder Advocacy Group will determine its meeting practice, processes and protocols.
- b) The Advisory Group will meet three times per year or at an interval deemed appropriate by the Advisory Group.

8.2. Secretariat

Council will provide a secretariat for the Committee and that position will be filled by a staff member of the Communications and Customer Experience Section. The secretariat role is not a member of the Committee and has no voting rights.

8.3. Agenda and minutes

**ITEM 2 - ATTACHMENT 1 DRAFT DISABILITY INCLUSION AND ACCESS
ADVISORY GROUP (DIAAG) TERMS OF REFERENCE.**

TERMS OF REFERENCE



The Secretariat will provide the meeting agenda to all members of the Advisory Group no later than seven (7) business days prior to the scheduled meeting date.

The Secretariat will provide the meeting minutes to all members of the Advisory Group no later than ten (10) working days following the scheduled meeting date.

8.4. Guests

Members may, with approval from the Chair, invite a guest to attend a meeting. Requests for guest attendance must be made to the Chair at least 1 week before the scheduled meeting.

8.5. Record keeping

All record keeping will be made and maintained by the Secretariat.

9. CONFIDENTIALITY:

- 9.1. Members may become acquainted with or have access to confidential and/or sensitive information – both from Council and other members. Members should not disclose such information to any other party unless specifically authorised to do so and should not make improper use of any information.

10. INTELLECTUAL PROPERTY:

10.1. The Advisory Group acknowledges and agrees:

- a) It is important for Council to develop, maintain, protect and manage the organisation's intellectual property including copyrights, trademarks, registered designs, patents and databases.
- b) They have a duty to observe and help protect Council's intellectual property by not copying or supplying such property without the express permission of Council or the copyright owner.
- c) Council retains ownership of all intellectual property created by members in the course of their DIAAG work.
- d) Council will acknowledge the DIAAG if publishing or reproducing copies of DIAAG research, including images and historical data.

10.2. The Advisory Group refers to the Secretariat any questions relating to intellectual property rights or the use of another organisation's document.

**ITEM 2 - ATTACHMENT 1 DRAFT DISABILITY INCLUSION AND ACCESS
ADVISORY GROUP (DIAAG) TERMS OF REFERENCE.**

TERMS OF REFERENCE



11. MEDIA:

- 11.1. Any media liaison associated with the activities of Advisory Group shall be undertaken in accordance with Port Stephens Council protocols.

12. REVIEW:

- 12.1. The Terms of Reference will be reviewed at the first meeting in each calendar year, or on an as needs basis.

13. MEETING CODE OF COOPERATION:

- We start on time and finish on time.
- We focus on the strategic intent of the item.
- We ensure that people attending meetings are provided with guidance and support.
- We consider the risks and opportunities of each item.
- We are prepared to have open and honest conversations about an issue even if it is uncomfortable.
- We all participate fully and are prepared to challenge each other.
- We use improvement tools that enhance meeting efficiency and effectiveness.
- We actively listen to what others have to say, seeking first to understand then to be understood.
- We consider the deployment of actions and programs through appropriate frameworks and communicate the consensus view through appropriate channels.
- We follow up on the actions we are assigned responsibility for and complete them on time.
- We give and receive open and honest feedback in a constructive manner.
- We use data to make decisions (whenever possible).
- We determine issues arising by consensus or refer to the Chair for consideration.
- We strive to continually improve our meeting process and build time into each agenda for reflection and learning.
- We will promote best practice, keeping open minds, combining our experiences and shared learnings to inform our deliberations.

ITEM 2 - ATTACHMENT 1 DRAFT DISABILITY INCLUSION AND ACCESS ADVISORY GROUP (DIAAG) TERMS OF REFERENCE.

TERMS OF REFERENCE



14. RELATED DOCUMENTS:

- Port Stephens Council's Code of Conduct

CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au			
EDRMS container No		EDRMS record No	
Audience	Staff, Councillors and the Community		
Process owner	Vibrant Places Coordinator		
Author	Vibrant Places Coordinator		
Review timeframe	4 years	Next review date	
Adoption date			

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2024

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 24/286280

EDRMS NO: PSC2024-03148

DISABILITY INCLUSION ADVISORY PANEL

COUNCILLOR: JASON WELLS

THAT COUNCIL:

- 1) Requests the General Manager to prepare a report on the establishment of a Disability Inclusion Advisory Panel to provide community representation, advice and advocacy to advance the inclusion of people with disability.

ORDINARY COUNCIL MEETING - 26 NOVEMBER 2024
MOTION

239	<p>Councillor Jason Wells Councillor Rosalyn Armstrong</p> <p>It was resolved that Council requests the General Manager to prepare a report on the establishment of a Disability Inclusion Advisory Panel to provide community representation, advice and advocacy to advance the inclusion of people with disability.</p>
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Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Nathan Errington, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

ITEM 2 - ATTACHMENT 2 MINUTES OF COUNCIL MEETING - TUESDAY 26 NOVEMBER 2024.**MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2024****BACKGROUND REPORT OF: JANELLE GARDNER – COMMUNICATIONS SECTION MANAGER****BACKGROUND**

Council is committed to disability inclusion and building a community where everyone can easily access opportunities and fully participate in their community.

The Wellbeing Strategy and Disability Inclusion Action Plan represents our commitment to making Port Stephens a place where wellbeing is prioritised and people can lead happy, healthy and connected lives no matter their age, background or ability.

The establishment of an Advisory Panel would offer Council a regular forum for discussion, consultation, collaboration and advice provided from people with lived experience and those working in the sector in Port Stephens.

Should this motion be supported, a report would be prepared detailing:

- A draft Terms of Reference for the panel covering matters such as purpose, scope, membership, term and governance requirements.
- The resourcing requirements to administer the panel.
- Any ongoing recurrent budget implications to deliver the panel.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

ITEM NO. 3

FILE NO: 24/325504
EDRMS NO: PSC2017-00180

**SIX MONTH PROGRESS REPORT: JULY TO DECEMBER 2024 AGAINST THE
PORT STEPHENS COUNCIL DELIVERY PROGRAM 2022-2026**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Six Month Progress Report for July to December 2024
(ATTACHMENT 1) on the progress of Port Stephens Council's Delivery
Program 2022-2026.

BACKGROUND

The purpose of this report is to provide Council and the community with an update on the progress of Council's Delivery Program 2022-2026.

This is the fifth progress report of the Delivery Program 2022-2026, first adopted by Council in June 2022.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The Six Month Progress Report **(ATTACHMENT 1)** is generated from a combination of information and data from across Council's operations. All financial figures included in this report are preliminary, unaudited and subject to review as part of the audited 2024-2025 financial statements for Council. Council Officers have made their best effort to provide the latest data available from Council's operations at the time of writing this report.

There are no financial or resource implications in providing this report.

ORDINARY COUNCIL - 11 MARCH 2025

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

LEGAL, POLICY AND RISK IMPLICATIONS

Essential Element 4.9 of the Integrated Planning and Reporting Guidelines for Local Government in NSW, September 2021 stipulates that: 'The General Manager must ensure that progress reports are provided to the Council, with respect to the principal activities detailed in the Delivery Program, at least every 6 months.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council will not adopt the Six Month Progress Report July to December 2024, placing Council in breach of legislation leading to reputational loss.	Low	Adopt the recommendation.	Yes
There is a risk that as Council's audited financial statements have not been completed for the 2024-2025 financial year, the figures included in the report are not correct and may be incorrectly referenced by Council and other parties.	Low	Adopt the recommendation. Provision included in the Six Month Progress Report that all financial figures are preliminary, unaudited and subject to review as part of the 2024-2025 Audited Financial Statements.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Community Strategic Plan, Delivery Program and Operational Plans are founded on a basis of social, economic, environmental and governance factors through 4 focus areas, Our Community, Our Place, Our Environment and Our Council.

The report reflects these factors and provides a progress report according to each focus area along with a scorecard of Council's key result measures.

To date Council is achieving, within the resources available, what it has set out to do with service delivery on track to deliver 100% of Operational Plan actions against a target of 95%; community satisfaction of 3.08 against a target of 2.94 out of 5; employee wellbeing 83% against a target of 80%; risk management 86% against a target of 85%; financial sustainability currently at \$1,093,000 underlying surplus, against a target of achieving an underlying financial result better than budget.

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 apply to this report.

External communications and engagement

INFORM	Following Council consideration, the report will be made available on Council's website and distributed across a number of communication channels.
--------	--

Internal communications and engagement

The Six Month Progress Report July to December 2024 has been compiled from information and data provided across Council's operations and reviewed by the Executive Team of Council.

OPTIONS

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

ATTACHMENTS

- 1) Six Month Progress Report - July to December 2024. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.



PORT STEPHENS
COUNCIL

Six Month Progress Report

July to December 2024



ITEM 3 - ATTACHMENT 1
DECEMBER 2024.

SIX MONTH PROGRESS REPORT - JULY TO



GUUDJI YIIGU

(GOO-JEE IK-KOO)

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

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

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

Artwork by Regan Lilley.

Contents

General Manager’s message 4

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Our Community..... 11

Our Place..... 12

Our Environment..... 14

Our Council..... 15



The six-month progress report from July to December 2024 has been prepared in accordance with the requirements of the Integrated Planning and Reporting Guidelines (September 2021) Essential Element 4.9. ‘The General Manager must ensure that progress reports are provided to the Council, with respect to the principal activities detailed in the Delivery Program, at least every six months.’

All financial figures included in this report are preliminary, unaudited and subject to review as part of the audited 2024-2025 financial statements for Council.



General Manager's message

As 2024 draws to a close, I'm proud to reflect on the progress we've achieved over the past six months towards our Delivery Program 2022-2026.

Welcoming new leadership

In September, we welcomed our new Mayor, Leah Anderson, along with our team of Councillors, which includes 5 newly elected members. Over the past few months, we've worked closely with the Councillors to understand their priorities and those of their communities. We've also guided them through an induction process to familiarise them with the core strategies and plans that drives Council's work.

Delivering on our key priorities

We've undertaken our second Liveability Index Survey, with over 2300 participants sharing with us what they value about their community and their priorities for their place. These insights will shape our future planning and strengthen our conversations with the community moving forward.

Housing continues to be a major focus as we work to bring more diverse and affordable homes to Port Stephens. We're proud to be recognised as the Council with the fastest development application assessment timeframes in the Hunter region. We've also launched a new development application education series to make it easier for developers and residents to submit and move through the development application process.

In addition we hosted our annual Developer Forum, where we discussed the forecasted housing shortfall and explored innovative ways to achieve a diverse housing mix to meet current and future needs.

ITEM 3 - ATTACHMENT 1 SIX MONTH PROGRESS REPORT - JULY TO DECEMBER 2024.

Local roads remain a top priority, with enhanced services funded by the Special Rate Variation and a number of significant State and Federal Grants allowing us to improve road safety and connections across the community. We know there is more to be done and we continue to work with our new Council on how we can improve and do more on our roads.

Connecting with our community

Over the past 6 months we've placed a strong emphasis on community education and connection. Our Waste education initiatives including Good for the Hood, Give a Sheet, and the Garage Trail Sale have supported efforts to reduce landfill waste. We've also run road safety programs in local schools to promote safer practices.

We hosted a well-attended Business Leader's Lunch focusing on accessibility and inclusion in the workplace. This event aligned with our Disability Inclusion Action Plan, adopted earlier in 2024, and highlights the importance of employing people with disabilities and creating inclusive spaces.

Supporting young people in Port Stephens has been another area of focus. Through partnerships with key stakeholders, we held a Community Connect Day to link young residents with essential services and facilitated a Youth Mapping Workshop for service providers in Raymond Terrace.

Recognition of great work

We're thrilled to celebrate the success of our Koala Sanctuary team again this year, who earned Silver in the prestigious 'Tourism Attraction' category at the NSW Tourism Awards. Their hard work and passion continue to put Port Stephens on the map as a destination for wildlife conservation and tourism.

I want to acknowledge and thank our dedicated team for their ongoing efforts in delivering projects and services that make a meaningful difference in our community. The highlights shared in this report are just a glimpse of the work delivered from July to December 2024. I encourage you to visit our website to learn more about our achievements and ongoing initiatives.



Tim Crosdale
General Manager of Port Stephens Council



Scorecard

Our six key result measures underpin everything we do at Port Stephens Council:

	Service Delivery Our target: >95% Integrated Plans delivered on time Achievement: 100% (As at 31 December 2024)	
	Community Satisfaction Our target: A score of 2.94 out of 5* (45% satisfied) Achievement: A score of 3.08 out of 5* (51% satisfied) *overall satisfaction with Council's services (Source: 2024 Community Satisfaction Survey)	
	Employee Wellbeing Our target: >80% Employee Engagement Achievement: 83% (Source: 2024 Employee Engagement Survey)	
	Risk Management Target: >85% Risk Management Maturity score Achievement: 86% (As at July 2024)	
	Financial Sustainability Our target: Underlying financial result better than budget Achievement: Anticipated \$1.093M (Source: December 2024 Quarterly Budget Review)	
	Asset Management Our target: 100% asset maintenance ratio Achievement: 105% (Source: 2023-2024 Annual Report)	
<div> <div> ON TRACK: Operational Plan Actions are on track to achieve the target  </div> <div> MONITOR: Operational Plan Actions are within 5% of the target  </div> <div> OFF TRACK: Operational Plan Actions are > 5% off the target  </div> </div>		



Our Environment

- Consultation for the revised Koala habitat mapping project is underway with key stakeholders, including the Council's Comprehensive Koala Plan of Management (CKPoM) Committee and creation of a Koala Habitat Project Advisory Group.
- We have commenced the implementation phase of the Emissions Reduction Action Plan (ERAP).
- We have seen a high uptake in waste education programs through Council visiting local schools.
- The Final Port Stephens Coastal Management Program received certification from the NSW Minister for Environment.

Our Council

- Election of a new mayor and Council.
- Council has continued to advocate for the community around the priorities identified in the Community Advocacy priorities document, tailored to the Federal election.
- The Newcastle Airport Pty Ltd Board has approved a terminal expansion program to undertake significant upgrades of the terminal and other infrastructure including international route expansion along with the current upgrades to the runway.
- The Port Stephens Koala Sanctuary was recognised with a Silver award in the Tourism Attraction category of the NSW Tourism Awards.

portstephens.nsw.gov.au/six-month-report

PORT STEPHENS COUNCIL

Delivery Program update

In this report, we use the icons below to indicate the status of our Operational Plan actions, which form part of the Delivery Program 2022 to 2026.

ON TRACK: Operational Plan Actions are on track to achieve the target



MONITOR: Operational Plan Actions are within 5% of the target



OFF TRACK: Operational Plan Actions are > 5% off the target







Our Community

An accessible and welcoming community respecting diversity, heritage and culture.





C1 Community wellbeing

Improved wellbeing for our diverse community supported by services and facilities

Delivery Program Activity	Operational Plan Action	Status
C1.1.1 Develop and implement the Community Wellbeing Strategy (CWS) to provide services and support for a diverse community	C1.1.1.1 Implement the Community Wellbeing Strategy	
C1.1.2 Implement and develop the Disability Inclusion Action Plan (DIAP) to encourage Port Stephens to be inclusive and access friendly	Refer C1.1.1.1	
C1.2.1 Provide a program of education and care services for families and carers of children	C1.2.1.1 Deliver early education and care for children	
C1.3.1 Provide a program of recreational, leisure and community services	C1.3.1.1 Initiate and manage contracts with recreational, leisure and community services	

C2 Recognised traditions and lifestyles

Our community supports the richness of its heritage and culture



Delivery Program Activity	Operational Plan Action	Status
C2.1.1 Implement the Yabang Gumba-Gu Agreement to recognise and support local Aboriginal and Torres Strait Islander people	C2.1.1.1 Implement the Yabang Gumba-Gu Agreement	
C2.2.1 Implement Our Incredible Place Strategy	C2.2.1.1 Implement actions of Our Incredible Place Strategy	
C2.3.1 Support the preservation of Port Stephens heritage	C2.3.1.1 Provide support for the preservation of Port Stephens heritage	
C2.4.1 Provide a program for public libraries as contemporary, accessible, vibrant and welcoming community spaces	C2.4.1.1 Deliver public library services, programs and resources	

Our Place

A liveable and connected place supporting community wellbeing and local economic growth





P1 Strong economy, vibrant local businesses, active investment

Our community has an adaptable, sustainable and diverse economy

Delivery Program Activity	Operational Plan Action	Status
P1.1.1 Implement the Economic Development Strategy	P1.1.1.1 Deliver Economic Development Strategy actions	
P1.1.2 Support Destination Port Stephens to attract sustainable visitation to Port Stephens	P1.1.2.1 Provide strategic and financial support to Destination Port Stephens	









P2 Infrastructure and facilities

Our community's infrastructure and facilities are safe, convenient, reliable and environmentally sustainable

Delivery Program Activity	Operational Plan Action	Status
P2.1.1 Provide, manage and maintain community assets in accordance with the SAMP 2024-2034	P2.1.1.1 Provide, manage and maintain community assets in accordance with the SAMP 2024-2034	
P2.1.2 Provide asset and engineering services to meet customer demand	P2.1.2.1 Provide asset and engineering services	
P2.1.3 Deliver the 4 year Public Infrastructure Program	P2.1.3.1 Implement Council's adopted annual capital works program	
P2.1.4 Deliver the program for maintenance of Council's assets	P2.1.4.1 Maintain Council's civil and community infrastructure	

P3 Thriving and safe place to live

Our community supports a healthy, happy and safe place



Delivery Program Activity	Operational Plan Action	Status
P3.1.1 Program to develop and implement Council's key planning documents	P3.1.1.1 Develop, implement and monitor land use plans and strategies	
P3.2.1 Deliver an annual program for Council to provide development services to enhance public safety, health and liveability	P3.2.1.1 Provide development services	
	P3.2.1.2 Provide compliance services	
	P3.2.1.3 Provide ranger services	
	P3.2.1.4 Provide environmental health services	
P3.3.1 Develop a strategic program for Place Plans	P3.3.1.1 Coordinate delivery of endorsed Place Plan actions	
P3.3.2 Provide the Community Financial Assistance Program	P3.3.2.1 Provide financial assistance for the community	
P3.4.1 Provide an emergency management framework that supports emergency services, other agencies and our community	P3.4.1.1 Deliver emergency management services, programs and resources	

Our Environment

Port Stephens environment is clean, green, protected and enhanced



E1 Ecosystem function

Our community has healthy and dynamic environmental systems that support biodiversity and conservation

Delivery Program Activity	Operational Plan Action	Status
E1.1.1 Develop and deliver a program for Council to implement environmental strategies and policies	E1.1.1.1 Develop and monitor environmental policies and strategies	
	E1.1.1.2 Provide environmental impact assessment services and a range of nature conservation, biosecurity and rehabilitation programs	


E2 Environmental sustainability

Our community uses resources sustainably, efficiently and equitably

Delivery Program Activity	Operational Plan Action	Status
E2.1.1 Develop and deliver a program for Council leading the way to a sustainable and climate positive future	E2.1.1.1 Adopt and implement a Carbon Neutral Action Plan (also known as the Emissions Reduction Action Plan)	
E2.2.1 Provide a Waste program to support the reduction of the community's environmental footprint	E2.2.1.1 Implement the Waste Management Strategy 2021- 2031	

E3 Environmental resilience

Our community is resilient to environmental risks, natural hazards and climate change












Delivery Program Activity	Operational Plan Action	Status
E3.1.1 Develop and deliver a program for Council to mitigate environmental risks associated with climate change and natural hazards	E3.1.1.1 Staged implementation of the Port Stephens Coastal Management Program (CMP) incorporating climate change risks	

Our Council

Port Stephens Council leads, manages and delivers valued community services in a responsible way



L1 Governance

Our Council's leadership is based on trust and values of Respect, Integrity, Teamwork, Excellence and Safety (RITES)

Delivery Program Activity	Operational Plan Action	Status
L1.1.1 Deliver the 4-year Workforce Management Strategy	L1.1.1.1 Implement the Workforce Management Strategy	
L1.2.1 Provide and implement strategic direction and governance of Council	L1.2.1.1 Coordinate and deliver Councillor and executive support services	
	L1.2.1.2 Conduct citizenship ceremonies	
	L1.2.1.3 Advocate for community priorities and work with other levels of government and stakeholders	
	L1.2.1.4 Develop shareholder value through an effective partnership with Newcastle Airport	
	L1.2.1.5 Work with Hunter Councils to enhance the Hunter Region	
L1.3.1 Deliver governance services and internal audit program	L1.3.1.1 Deliver governance and legal services and enterprise risk management	
	L1.3.1.2 Implement and coordinate the Audit Risk and Improvement Committee (ARIC) requirements and internal audit process	
L1.3.2 Deliver the Integrated Planning and Excellence program	L1.3.2.1 Undertake a community satisfaction survey	
	L1.3.2.2 Implement the legislative requirements of the Integrated Planning and Reporting Framework	
L1.3.3 Deliver the 4-year program for Service Reviews	L1.3.3.1 Implement the annual service review program	






ITEM 3 - ATTACHMENT 1

SIX MONTH PROGRESS REPORT - JULY TO DECEMBER 2024.

L1.3.4 Deliver the 4-year program for Corporate Systems and Data Management Strategy	L1.3.4.1 Implement annual actions of the Corporate Systems and Data Management Strategy	
L1.3.5 Deliver the Business Excellence Program	L1.3.5.1 Deliver the Business Excellence Program	



L2 Financial Management

Our Council is financially sustainable to meet community needs

Delivery Program Activity	Operational Plan Action	Status
L2.1.1 Manage implementation of the Long Term Financial Plan 2024 to 2034	L2.1.1.1 Manage implementation of Council's Long Term Financial Plan 2024 to 2034 and Annual Budget for 2024 to 2025 including Financial Sustainability Strategy and Roadmap	
	L2.1.1.2 Provide statutory reporting to the community and other government organisations	
	L2.1.1.3 Administer rates and charges in accordance with legislative requirements while also incorporating rates assistance provision for the community	
L2.1.2 Manage the property portfolio in accordance with the Property Investment Strategy	L2.1.2.1 Manage the property portfolio in accordance with the Strategic Property work plan	
L2.1.3 Implement the 2022 to 2025 Delivery Plans for Beachside Holiday Parks and Koala Sanctuary	L2.1.3.1 Implement the annual actions of the Beachside Holiday Parks and Koala Sanctuary Operational Plan	

L3 Communication and engagement

Our Council is committed to enabling an engaged and informed community

Delivery Program Activity	Operational Plan Action	Status
L3.1.1 Deliver the 4-year Customer Experience Roadmap and action plan	L3.1.1.1 Develop, implement and monitor Council's Customer Experience Roadmap and Action Plan	
L3.2.1 Deliver the 4-year program for the Communication and Engagement Strategy	L3.2.1.1 Manage Council's communications and community engagement activities	



PORT STEPHENS
COUNCIL

council@portstephens.nsw.gov.au | 02 4988 0255 | **PORTSTEPHENS.NSW.GOV.AU**    

ITEM NO. 4

**FILE NO: 25/39821
EDRMS NO: PSC2010-03864**

**REMOVAL OF ROAD WIDENING ORDER FOR 122 GOVERNMENT ROAD,
SHOAL BAY**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse varying the road widening order to remove 122 Government Road, Shoal Bay.

BACKGROUND

The purpose of this report is to gain Council endorsement to remove the existing road widening order placed upon 122 Government Road, Shoal Bay.

A road widening order may be made by a roads authority. It is made by publication of a notice in the Government Gazette and applied as a form of title encumbrance on the property that identifies future road acquisition and prohibits any construction, reconstruction or repair of private structures within the identified area.

A road widening order was made upon a number of properties by Council, including the subject property, in 2003 by agreement with the property owners at the time for the proposed Fingal Bay Link Road project. The proposed Fingal Bay Link Road connected Nelson Bay Road near Gan Gan Road intersection with Government Road Shoal Bay, through the Tomaree National Park. The order published in the Government Gazette and title encumbrances registered under deposited plan DP1046750 (**ATTACHMENT 1**). The road widening order applies to an area of 104.1m² for the subject property.

The subject road widening order was made following over a decade of planning and design works preparing for funding from NSW Government and/or Federal Government to deliver the project. Council advocated for funding for the project. In 2019, this project was handed to Transport for NSW with a commitment of funding.

Transport for NSW subsequently completed preliminary investigations for the Fingal Bay Link Road. The investigations identified a range of environmental constraints and concerns associated with building a new road through Tomaree National Park. These include serious and long-lasting impacts on the 9 threatened species, such as koalas, that are within the National Park, loss of preferred koala habitat and impact on Aboriginal culture and heritage values. There were also concerns that the project would create a danger to public safety around bushfires and, particularly, the risks

associated with vehicle access through heavily wooded bushland and National Parks during natural disasters.

Funding for the Fingal Bay Link Road has been withdrawn by the NSW Government and no further planning or investigations are currently proposed for the project by Transport for NSW.

On this basis, Council no longer requires the existing road widening order placed upon 122 Government Road, Shoal Bay.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Infrastructure and facilities	Provide asset and engineering services to meet customer demand

FINANCIAL/RESOURCE IMPLICATIONS

Administrative processes are able to be met from 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

A roads authority may revoke or vary a road widening order by publication of a notice in the Government Gazette.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that a future government may fund this project leading to the existing road alignment requiring adjustment.	Medium	Adopt the recommendation. Any future proposals would require an adjustment of the road reserve to shift away from this property and	Yes

		provide an alternative intersection treatment.	Yes
There is a risk that the affected property owners may be displeased that the title encumbrance was ultimately unnecessary leading to reputational damage.	Low	Adopt the recommendation The road widening order was made in good faith based upon the best information at the time.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The amendment to the road widening order allows the removal of a title encumbrance upon the subject property that prohibited restricted building and development.

COMMUNICATION AND ENGAGEMENT

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

INFORM	To 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

INFORM	The request to vary the road widening order originated from the current property owner of 122 Government Road, Shoal Bay. Council provided advice regarding statutory and Council processes.
--------	--

Internal communications and engagement

Consultation with key stakeholders has been undertaken by the Assets Section.
These stakeholders include:

- Strategy and Environment Section.

OPTIONS

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

ATTACHMENTS

- 1) Deposited Plan DP1046750. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

PLAN FORM 2
SIGNATURE AND SEALS ONLY

DP1046750
Registered 11/4/2005

Title System: TORRENS
Purpose: ROADS ACT 1993
Ref. Map: 27972-5*

Last Plan: DP244+551 DP 9666
PLAN OF LAND TO BE ACQUIRED UNDER THE ROADS ACT 1993.

Lengths are in metres. Reduction Ratio 1:10,000

LOA: PORT STEPHENS
Locality: NELSON BAY
Parish: TOMAREE
County: GLOUCESTER

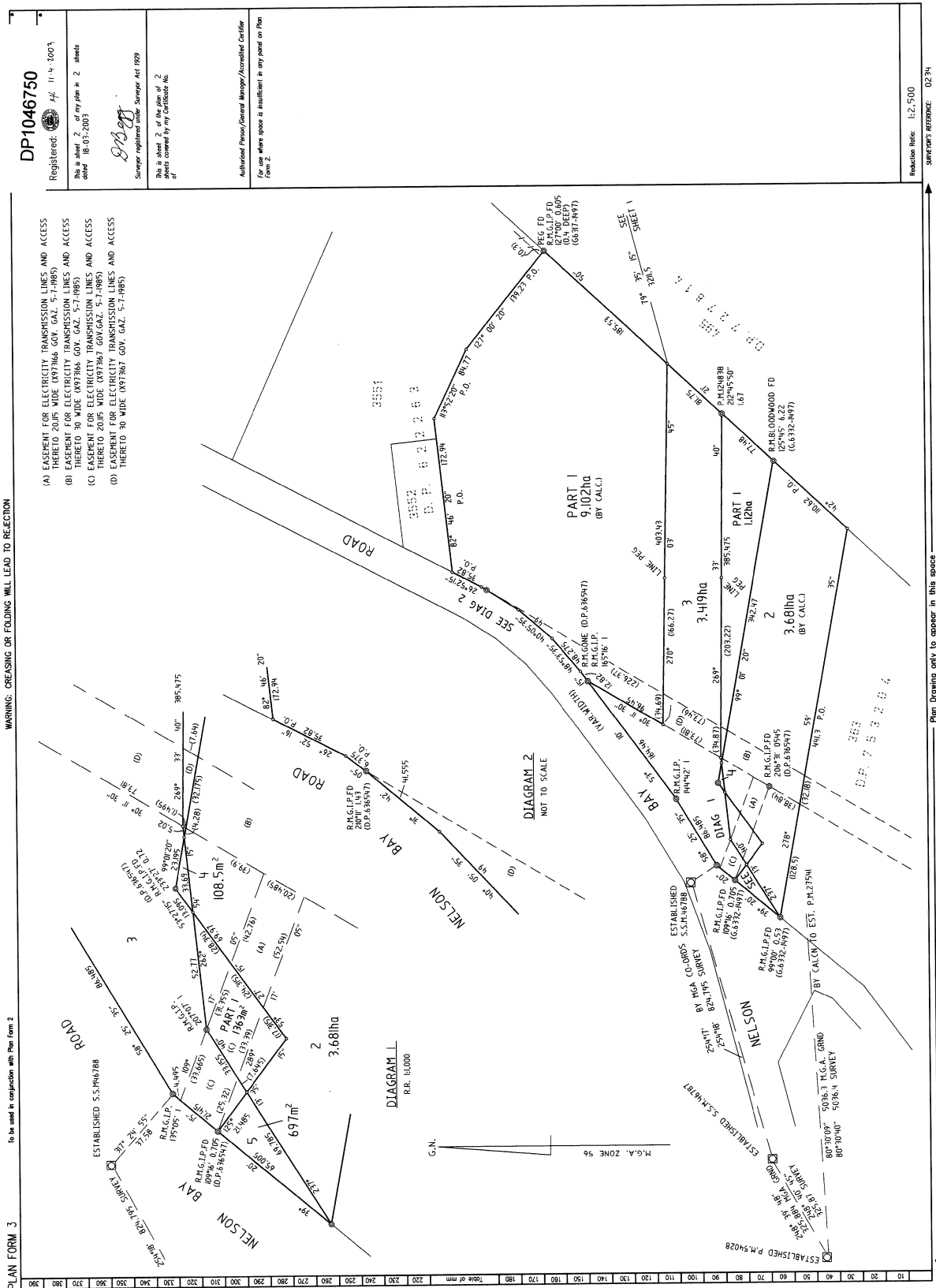
This is sheet 1 of my plan in 2 sheets.
(Delete if inapplicable)

Surveyors (Practice) Registration 2001
4. DONALD GEORGE BEGG
a surveyor registered under the Surveyors Act 1992, hereby certify that the survey represented in this plan is accurate and was completed in accordance with the Surveyors Act 1992 and the Surveyors Regulation 2001 and was completed on 18-03-2003.
The survey relates to: 1, 1015, 3, 4, 5, 7, 8, 8.
(Here specify the land actually surveyed, or specify any land shown in the plan that is not the subject of the survey)
Surveyed by: [Signature]
Zone Selection/Number: [Signature]

Plans used in preparation of survey / completion:
D.P. 1046750
D.P. 244551
D.P. 244557
D.P. 244559
D.P. 244561
D.P. 244563
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ITEM NO. 5

**FILE NO: 25/13281
EDRMS NO: PSC2005-2646**

POLICY REVIEW - BUS SHELTER POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Bus Shelter Policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Bus Shelter Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.
- 3) Revoke the Bus Shelter Policy dated 27 September 2022, Minute No. 262 should no submissions be received.

BACKGROUND

The purpose of this report is seek Council's endorsement of the revised Bus Shelter Policy (policy) as shown in **(ATTACHMENT 1)** on public exhibition.

The intent of the policy is to allow community groups and private businesses to provide bus shelters for the Port Stephens Council community and use revenue gained from advertising to maintain the structure. Council resolution, Min No. 257, 10 December 2024 **(ATTACHMENT 2)** resulted in a broadening of the policy to allow private businesses to enter into this agreement with Council.

The provision of shelters at bus stops plays an important part in increasing public transport patronage in Port Stephens while improving the comfort passengers. This policy seeks to ensure consistency and equity in the provision of bus shelters across the Local Government Area.

This policy requires that community groups or private businesses to enter into a formal agreement with Council. The agreement shall document who is responsible for the installation and ongoing maintenance of the shelter, who will benefit from the advertising rights and who will own the shelter at the end of the agreement. Each agreement will vary, depending on the needs and abilities of the organisation involved.

This review updates the existing policy into the current policy format to ensure conformity across Council's range of policy documents.

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

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Infrastructure and facilities	Provide, manage and maintain community assets in accordance with the SAMP 2024-2034

FINANCIAL/RESOURCE IMPLICATIONS

This policy review will not require any additional budget or resources for the provision of bus shelters. Requests for bus shelters under this policy are infrequent with costs able to be covered by the existing administration budget.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal or policy impediments to accepting the recommendations.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council will fail to meet legislative requirements for policy review resulting in community dissatisfaction.	Low	Adopt the recommendation.	Yes
There is a risk that bus shelters will not meet the requirements of the community in terms of type, safety, accessibility and placement resulting in reduced public transport patronage.	Low	Adopt the recommendation. Ensure that all new bus shelters meet Council's infrastructure specifications.	Yes

There is a risk that the community group or private business fail to maintain the bus shelters resulting in unsafe shelters for bus users.	Low	Adopt the recommendation. The agreement between Council and community group specifies who is responsible for maintenance and documents the expectation. Council also monitors the condition of all bus shelters.	Yes
There is a risk that the advertising on the bus shelter is considered inappropriate to the community leading to reputation damage to Council.	Low	Adopt the recommendation. The agreement between Council and community group/private business specifies the type of advertising to ensure that is not offensive or against the vision or values of the organisation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The continuing provision of bus shelters funded by community groups or private business increases the number of transport assets for our community and visitors. This in turn improves passenger comfort and safety.

Non Council owned assets have been historically well maintained as the community group/private business have pride and ownership in the asset.

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.

ORDINARY COUNCIL - 11 MARCH 2025

EMPOWER	To place final decision-making and/or developed budgets in the hands of the public.
---------	---

The following communication and engagement applies to this report.

External communications and engagement

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

Internal communications and engagement

Consultation with key stakeholders has been undertaken by the Assets Section. These stakeholders include:

- Financial Services Section.

OPTIONS

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

ATTACHMENTS

- 1) Bus Shelter Policy. [↓](#)
- 2) Council Resolution, Min No. 257, 10 December 2024. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2005-2646

TITLE: BUS SHELTER POLICY

OWNER: ASSETS SECTION MANAGER

1. PURPOSE:

- 1.1 The Bus Shelter Policy purpose is to provide the guidelines for Council to enter into an agreement with community groups and private businesses to enable the provision of bus shelters for the community, and public transport patrons.
- 1.2 This policy and related documents will also allow the display of advertising on bus shelters in accordance with Council's document: Bus Shelter Advertising Application Form – Terms & Conditions which seeks to provide a source of funding which can be invested back into maintaining and providing Bus Shelter Infrastructure across the Local Government Area.
- 1.3 The community group or private businesses will be responsible for the installation, maintenance, cleaning, replacement or removal and care of the shelter.
- 1.4 The community group or private businesses will be able to advertise on bus shelters they install to generate an income source to provide the ongoing cleaning and maintenance service.

2. CONTEXT/BACKGROUND:

- 2.1 The provision of shelters at bus stops plays an important part in increasing public transport patronage in Port Stephens providing shelter and comfort of to bus passengers. This policy seeks to ensure consistency and equity in the provision of bus shelters across the Local Government Area.
- 2.2 Installation of the privately funded shelters has generally been initiated by community groups and has resulted in more shelters being installed in the local area.

3. SCOPE:

- 3.1 Council is responsible for controlling and monitoring activities being undertaken in its road reserves.
- 3.2 Community groups and private businesses can assist Council in the provision of bus shelter infrastructure within the road reserve in accordance with Council requirements.
- 3.3 Council will have clear and consistent guidelines regarding the provision of transport related infrastructure by other bodies or organisations.

Policy

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Policy

4. DEFINITIONS:

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

Bus Shelter A roofed structure for people to wait in at a bus stop.

5. STATEMENT:

- 5.1 Council's intent is to allow community groups and private businesses to provide bus shelters for the Port Stephens community and to use the revenue gained from advertising on the shelters to pay for the capital and ongoing maintenance costs.
- 5.2 Priority for the provision of transport infrastructure shall be determined based on an assessment of the existing standard of transport infrastructure in the vicinity.
- 5.3 Once priorities are confirmed, expressions of interest for the supply and erection of appropriately designed bus shelter structures will be sought through Council's normal procurement process.
- 5.4 Community groups or private businesses will retain ownership and associated advertising rights of any bus shelters constructed by them and will be required to enter into a formal agreement with Council.
- 5.5 From time to time Council will purchase bus shelters. Council will retain the ownership and associated advertising rights of any bus shelters constructed by them.
- 5.6 Council reserves the right to favour offers from external providers that will promote community involvement and enhance community ownership of public infrastructure.
- 5.7 Bus shelters shall conform to Council Design requirements and shall be compliant with the Commonwealth Disability Discrimination Act 1992.

6. RESPONSIBILITIES:

- 6.1 The ~~key position~~ Civil Assets Manager is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on this policy. ~~is the Civil Assets Manager.~~

7. RELATED DOCUMENTS:

- 7.1 Roads Act 1993 (NSW).
- 7.2 Local Government Act 1993 (NSW).
- 7.3 Port Stephens Council Code of Conduct.
- 7.4 Port Stephens Council Information and Direction Signs in Road Reserves Policy.
- 7.5 ~~Sustainable Procurement.~~
- 7.5 Port Stephens Council Public Art Policy and Guidelines.
- 7.6 ~~Commonwealth~~ Disability Discrimination Act 1992 (Cth).

Policy

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Policy



- 7.7 Disability Standards for Accessible Public Transport 2002 (Cth).
 7.8 Port Stephens Council Bus Shelter Advertising Application Form – Terms & Conditions.

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2005-2646	EDRMS record No.	TBC
Audience	Community, Assets Section, Civil Assets, Staff and General Manager		
Process owner	Assets Section Manager		
Author	Civil Assets Manager		
Review timeframe	3 4 years	Next review date	TBC
Adoption date	25 Nov 2014		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	25 Nov 2014	Civil Assets Planning Manager	Adopted	319
2	28 Aug 2018	Civil Assets Planning Manager	Created in New Policy Template & Global Review with following changes 1.2 & 1.2 – Reworded to improve purpose. 2.1 – Removal of sentence. 7.1, 7.2 & 7.6 - Additional Related Documents. 7.3 – Removal of Related Document. Adopted By Council.	270

Policy

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Policy



3	28 Aug 2020	Civil Infrastructure Engineer and Civil Assets Manager	<p>Updated to 2019 Policy Template including global review of policy and following changes:</p> <p>1.1 & 1.2 – Reworded to improve sentence structure.</p> <p>1.3 & 1.4 – Addition of two new purposes.</p> <p>2.1 – Removal of words 'and' and 'existing'.</p> <p>2.2 – Reworded to improve sentence structure.</p> <p>3.2 – Deleted previous Clause 3.2 – no longer relevant.</p> <p>3.3 - Replaced with digits 3.2 to align with correct formatting and deleted wording 'as mutually agreeable' and replaced with 'in accordance with Council requirements'.</p> <p>3.4 – Replaced with digits 3.3 to align with correct formatting.</p> <p>4.1 – Formatting update to new template. Removed word 'under', replaced with 'in'.</p> <p>5.1 – Removal of word 'for' replaced with 'to allow' and removal of word 'cost' in sentence.</p> <p>5.2 - Deleted as no longer relevant</p> <p>5.3 – Replaced with digits 5.2 to align with correct formatting. Point 'a.' removed and point 'b.' now forming part of the sentence following 5.2.</p> <p>5.4 – Replaced with digits 5.3 to align with correct formatting.</p> <p>5.5 – Replaced with digits 5.4 to align with correct formatting.</p> <p>5.6 – Replaced with digits 5.5 to align with correct formatting and new sentence added.</p> <p>5.7 – Addition of the year the Act was executed '1992'.</p>	162
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Policy

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Policy



Version	Date	Author	Details	Minute No.
			6.1 – Removal of sentence and replaced with updated version and position title. 7.7 & 7.8 – Additional Related Documents.	
4	27 Sept 2022	Civil Assets Manager	Created in New Policy Template & Global Review with following changes 1.1, 1.2, 1.3, 1.4 – Reworded to improve purpose. 1.2 – Reworded to match current reference document. 7.4 – Updated name of document. 7.6 – Updated name of document.	262
5	TBC	Asset Section Manager	1.1, 1.3, 1.4, 3.2, 5.1, 5.4 – added "private businesses". 6.1 – Reworded to improve content. 7 – Related documents updated to reflect owners. Amended review timeframe to 4 years in accordance with Council's policy and management directive review process.	TBC

Policy

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ITEM 5 - ATTACHMENT 2 COUNCIL RESOLUTION, MIN NO. 257, 10 DECEMBER 2024.

MINUTES ORDINARY COUNCIL - 10 DECEMBER 2024

Councillor Jason Wells left the meeting at 6:21pm.

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 24/317741

EDRMS NO: PSC2024-03148

BUS SHELTERS IN PORT STEPHENS

COUNCILLOR: BEN NILAND

THAT COUNCIL:

- 1) Requests the General Manager report back to Council with an updated Bus Shelter Policy that encourages private companies to fund standard design bus shelters throughout the LGA in exchange for advertising space. Once the Policy is adopted, seek an expression of interest to the open market to gauge interest.

ORDINARY COUNCIL MEETING - 10 DECEMBER 2024
MOTION

257	<p>Councillor Ben Niland</p> <p>Councillor Chris Doohan</p> <p>It was resolved that Council requests the General Manager report back to Council with an updated Bus Shelter Policy that encourages private companies to fund standard design bus shelters throughout the LGA in exchange for advertising space. Once the Policy is adopted, seek an expression of interest to the open market to gauge interest.</p>
-----	--

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

Those against the Motion: Nil.

The motion was carried.

ITEM 5 - ATTACHMENT 2 COUNCIL RESOLUTION, MIN NO. 257, 10 DECEMBER 2024.**MINUTES ORDINARY COUNCIL - 10 DECEMBER 2024****BACKGROUND REPORT OF: JOHN MARETICH – ASSETS SECTION MANAGER****BACKGROUND**

The purpose of this report is to provide background information for this Notice of Motion.

Bus shelters play an important part in increasing public transport patronage in Port Stephens providing shelter and comfort for bus passengers.

Council currently has an existing adopted Bus Shelter Policy that allows for community groups to install, maintain and clean, amongst other responsibilities. In return, they are able to allow advertising to recoup monies to pay for capital cost of the shelter and ongoing responsibilities. The existing Policy, as currently adopted, is aimed at community groups and does not allow for private entities to be part of this scheme.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

ITEM NO. 6**FILE NO: 25/19590
EDRMS NO: PSC2013-02870****POLICY REVIEW - CLOSED CIRCUIT TELEVISION (CCTV) IN PUBLIC PLACES****REPORT OF: JOHN MARETICH - ASSETS SECTION MANAGER
DIRECTORATE: FACILITIES AND INFRASTRUCTURE**

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Closed Circuit Television (CCTV) in Public Places Policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Closed Circuit Television (CCTV) in Public Places Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.
- 3) Revoke the Closed Circuit Television (CCTV) in Public Places Policy dated 26 October 2021, Minute No. 287 should no submissions be received.

BACKGROUND

The purpose of this report is to seek Council's endorsement of the revised Closed Circuit Television (CCTV) in Public Places Policy (policy) shown as **(ATTACHMENT 1)**.

Council own and operate a number of closed circuit television (CCTV) networks across our Local Government Area. CCTV systems are subject to legislative requirements, guidelines and standards for their installation, operation and management. The intent of this policy is to provide a framework to assist Council in establishing and operating CCTV in public places.

This policy is supported the Workplace Surveillance Policy which provides the framework for establishing and operating CCTV in workplace settings.

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

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Infrastructure and facilities	Provide, manage and maintain community assets in accordance with the SAMP 2024-2034

FINANCIAL/RESOURCE IMPLICATIONS

The operation and maintenance of Council CCTV network is budgeted within Council's plant and fleet operational costs. Any system expansions are considered on merit and prioritised against other asset needs.

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's CCTV network is subject to legislative requirements, guidelines and standards for installation, operation and management primarily associated with the Privacy and Personal Information Protection Act 1998.

The NSW Government provides guidance through their Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Places. The revised policy has regard for this guidance.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the CCTV network is not functional leading to required footage being unavailable	Medium	Adopt the recommendations.	Yes
There is a risk that CCTV footage is inappropriately released leading to a data breach	Medium	Adopt the recommendations.	Yes
There is a risk that CCTV management and operations do not meet the legislative requirements leading to unlawful facilities.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The policy proposes a management framework and responsibilities for CCTV operation that achieves community safety aims whilst preserving privacy and civil rights for individuals and the community in line with statutory requirements.

COMMUNICATION AND ENGAGEMENT

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

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

The following communication and engagement applies to this report.

External communications and engagement

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

Internal communications and engagement

Consultation with key stakeholders has been undertaken by the Assets Section. These stakeholders include:

- Governance Section.
- Organisation Support Section.
- Facilities and Infrastructure Directorate.

OPTIONS

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

ATTACHMENTS

- 1) Closed Circuit Television (CCTV) in Public Places Policy. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 6 - ATTACHMENT 1 CLOSED CIRCUIT TELEVISION (CCTV) IN PUBLIC PLACES POLICY.

Policy



FILE NO: PSC2013-02870

TITLE: CLOSED CIRCUIT TELEVISION (CCTV) IN PUBLIC PLACES

OWNER: ASSETS SECTION MANAGER

1. PURPOSE:

- 1.1 This policy has been developed to provide a framework to assist Council in establishing and operating Closed Circuit Television (CCTV) ~~in response to local community safety concerns in accordance with the aspirations of the Community Strategic Plan.~~

2. CONTEXT/BACKGROUND:

- 2.1 CCTV systems are subject to ~~complex~~ legislative requirements, guidelines and standards for their installation, operation and management. In 2000, the NSW Government established guidelines around the installation and use of CCTV in public places. Revised in 2014, these guidelines (NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Places) provide the policy framework and following set of underlying principles to assist agencies considering the use and management of CCTV.
- 2.2 CCTV can be effective in reducing crime if it is part of a broader crime prevention and community safety strategy. CCTV is not recommended as an isolated response to addressing crime in public place.
- 2.3 CCTV can bring benefits to the community through reduction in crime, which can lead to enhanced perceptions of safety in a particular area. CCTV programs that have the greatest impact on crime in a local area are those implemented as one of a suite of crime prevention measures as opposed to a stand-alone crime prevention intervention.

3. SCOPE:

- 3.1 This policy applies to the implementation, operation and management of CCTV installed on Council assets observing public places.
- 3.2 The implementation, operation and management of CCTV observing non-public places is addressed separately under the Workplace Surveillance Policy of the relevant workplace.

Policy

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Policy

4. DEFINITIONS:

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

CCTV

~~An initialisation meaning~~ Means "closed circuit television". It is a system that transmits ~~images~~ **data** within a closed system to a specific location. The CCTV system is made up of cameras, monitors, recorders, interconnecting hardware, software and supporting ~~ing~~ infrastructure.

Law Enforcement Agency

Means any of the following:

- The NSW Police Force or the ~~P~~police. Force of another State or a Territory.
- The New South Wales Crime Commission.
- The Australian Federal Police.
- The Australian Crime Commission.
- The Director of Public Prosecutions of New South Wales, of another State or a Territory, or of the Commonwealth.
- The Department of Justice.
- The Office of the Sheriff of New South Wales.

5. STATEMENT:

- 5.1 Council's objectives for using CCTV are to reduce crime levels by deterring potential offenders, to reduce fear of crime, to increase perceptions of safety and to assist in the prosecution of offenders by providing ~~P~~police with recorded material.
- 5.2 The implementation of CCTV must be part of an integrated, multi-agency approach to crime control and community safety.
- 5.3 Council will maintain and operate the CCTV schemes with due regard for the privacy and civil rights of individuals and the community.
- 5.4 Council will consult with communities when considering establishing or significantly expanding a public area CCTV schemes.
- 5.5 Council will develop and review procedures to cooperate and share information with the NSW Police Force.
- 5.6 Council will ensure that any record made as a result of surveillance will not be used or disclosed unless the disclosure is to a member or officer of a law enforcement agency (e.g. ~~P~~police) for use in connection with the detection, investigation or prosecution of an offence or to avert an imminent threat of serious violence or of substantial damage to property.
- 5.7 Council will manage all complaints relating to CCTV systems in accordance with our Complaint Handling Policy.
- 5.8 **Non-Council owned and operated CCTV infrastructure is prohibited on any Council facilities or assets, unless specifically documented within a licensing agreement.**

Policy

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ITEM 6 - ATTACHMENT 1

CLOSED CIRCUIT TELEVISION (CCTV) IN PUBLIC PLACES POLICY.

Policy



6. RESPONSIBILITIES:

6.1 The following key positions within Council are responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.

Civil Assets Manager & Fleet Management Supervisor	<ul style="list-style-type: none"> • CCTV asset class owners, responsible to manage the lifecycle of the asset class. • Ensure staff, contractors and consultants involved with CCTV are adequately trained and inducted into the policies and other applicable policies and procedures. • Arrange compliance audits of public CCTV.
Civil Assets Manager, Senior Civil Infrastructure Engineer & Civil Infrastructure Engineer Officer	<ul style="list-style-type: none"> • Oversee day to day management, maintenance and operation of the CCTV system. • Develop, implement and on-going review of standards and standard operating procedures to ensure compliance. • Responsible for CCTV footage viewing and download requests • Financial budgeting for Public CCTV.
Governance Section Manager, Governance Coordinator & Governance Officer	<ul style="list-style-type: none"> • Provide advice on any on-going reviews of standards and standard operating procedures to ensure compliance. • Responsible for CCTV GIPA requests. • View footage for the GIPA requests.
Strategy & Environment Section Manager Emergency Management Coordinator	<ul style="list-style-type: none"> • Liaise with the NSW Police and the Business Community to determine CCTV needs. • Develop and manage the MOU with the NSW Police.
ICT Maintenance & Support Coordinator Manager	<ul style="list-style-type: none"> • Assist with CCTV footage viewing and download GIPA requests.

Policy

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ITEM 6 - ATTACHMENT 1 CLOSED CIRCUIT TELEVISION (CCTV) IN PUBLIC PLACES POLICY.



Policy

7. RELATED DOCUMENTS:

- 7.1 Port Stephens Council and Local Area Command CCTV Memorandum of Understanding (2021).
- 7.2 Port Stephens Council and Port Stephens Hunter Police District Memorandum of Understanding (2020).
- 7.3 NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) (2005).
- 7.4 Australian Standard AS 4806.1 – 2006, Closed circuit television (CCTV), Part 1: Management and operation.
- 7.5 Port Stephens Council Workplace Surveillance Policy.
- 7.6 Government Information (Public Access) Act 2009 (NSW).
- 7.7 Local Government Act 1993 (NSW).
- 7.8 Privacy and Personal Information Protection Act 1998 (NSW).
- 7.9 Privacy and Personal Information Protection Regulation 2014 (NSW).
- 7.10 Security Industry Act 1997 (NSW).
- 7.11 Crimes Act 1900 (NSW).
- 7.12 Workplace Surveillance Act 2005 (NSW).
- 7.13 State Records Act 1998 (NSW).

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2013-02870	EDRMS record No.	TBA
Audience	Staff		
Process owner	Assets Section Manager		
Author	Civil Assets Manager		
Review timeframe	3-years 4 years	Next review date	TBA
Adoption date	26 October 2021		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	26 October 2021	Civil Asset Manager	First Version.	287
2	TBC	Civil Asset Manager	Policy reviewed and updated to current template. 1.1 - Removed wording to	TBC

Policy

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Policy



			better reflect definition. 2.1 – Removed – complex. 4.1 – Reworded CCTV meaning. 5.8 – Additional clause. 6.1 – Updated titles in Responsibilities. 7. Related documents updated to reflect owners. Amended review timeframe to 4 years in accordance with Council's policy and management directive review process.	
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Policy

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ITEM NO. 7

FILE NO: 25/25069
EDRMS NO: PSC2009-06551

**POLICY REVIEW - CONTRIBUTION TO WORKS FOR KERB AND GUTTERING
CONSTRUCTION POLICY**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Contribution to Works for Kerb and Guttering Construction Policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Contribution to Works for Kerb and Guttering Construction Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.
- 3) Revoke the Contribution to Works for Kerb and Guttering Construction Policy dated 8 February 2022, Minute No. 018 should no submissions be received.

BACKGROUND

The purpose of this report is to seek Council's endorsement of the revised Contributions to Works for Kerb and Gutter Construction Policy (policy) shown as **(ATTACHMENT 1)**.

The intent of this policy is to allow Council to charge residents a contribution to works for the construction of new kerb and guttering built adjacent to their property. This charge is triggered when Council is undertaking an upgrade of the road pavement as part of Council's Capital Works Program.

Council installs kerb and guttering to primarily aid in the management of stormwater. Kerb and guttering improves the ability to control and collect surface water runoff from the road pavement. This in turn reduces the scouring effects of water which damages road pavements and road shoulders which leads to potholes and silt build up in drains and waterways.

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

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Infrastructure and facilities	Provide, manage and maintain community assets in accordance with the SAMP 2024-2034

FINANCIAL/RESOURCE IMPLICATIONS

The total cost of construction for kerb and guttering varies from year to year depending on the type and volume of projects scheduled in the Capital Works Program. The kerb and gutter annual contribution income typically ranges from \$30,000 - \$60,000. A number of projects were exempt from contributions due to removal and reconstruction of existing kerb and guttering or adjacent to land in which the policy does not allow for the collecting of funds.

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 elects whether to collect contributions to works. Section 217 of the Roads Act 1993 states "Roads authority may recover cost of paving, kerbing and guttering footways".

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that collecting Contribution to Works for Kerb and Guttering will impose additional costs to landowners leading to community dissatisfaction and financial hardship.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

To date a large majority of land owners have been willing to pay a contribution and see this as an improvement to the aesthetic and functionality to the property frontage. Anecdotally, this will increase a property's resale value.

The current and revised policy has a repayment system implemented to allow landowners to repay over a period of time should they not be able to afford the lump sum payment. The time limit is based on the amount owing and is broken into pensioner and non-pensioner schedules. Aged pensioners who satisfy the eligibility criteria can also make application to defer any contributions to works under Council's Debt Recovery and Hardship Policy. This repayment system has been working well since it was introduced into a previous review of this policy.

Kerb and gutter reduces scouring and water ponding on the road shoulder and verge area reducing the pavement failure. Kerb and gutter also improves stormwater runoff water quality by reducing gravel washing into the stormwater drainage systems and subsequent water catchments.

Providing a kerbed edge to the road helps to delineate the edge of the road formation. This aids in the location of services, position for vehicles to uniformly park alongside and clearly define the 'nature strip' of the road.

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.

ORDINARY COUNCIL - 11 MARCH 2025

External communications and engagement

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

Internal communications and engagement

Consultation with key stakeholders has been undertaken by the Assets Section. These stakeholders include:

- Financial Services Section.

OPTIONS

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

ATTACHMENTS

- 1) Contribution to Works for Kerb and Gutter Construction Policy. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 7 - ATTACHMENT 1 CONTRIBUTION TO WORKS FOR KERB AND GUTTER CONSTRUCTION POLICY.

Policy



FILE NO: PSC2009-06551

TITLE: CONTRIBUTION TO WORKS FOR KERB AND GUTTERING CONSTRUCTION

OWNER: ASSETS SECTION MANAGER

1. PURPOSE:

- 1.1 The purpose of this policy is to allow Council to charge residents a contribution to works for the construction of new kerb and guttering built adjacent to their property.
- 1.2 This policy provides a framework to apply a contribution based on land zoning.

2. CONTEXT/BACKGROUND:

- 2.1 Kerb and guttering provides a clear boundary between the road pavement and the footpath reserve. It functions to collect and control stormwater runoff from both private properties and the roadway. Landowners, especially in urban areas, consider kerb and guttering an integral and necessary part of any road network.
- 2.2 Kerb and guttering improves the environment by reducing sediment transfer to improve water quality. Kerb and guttering reduces road shoulder scouring as well as the ability for water to pond on the road shoulder and roadside verge area which allows water to penetrate the pavement causing road failure.
- 2.3 The Roads Act 1993 allows Council to recoup the cost of installing kerb and guttering from the adjacent property owner. A repayment system outlined in the policy statement enables property owners to repay contributions to works over a period of time if they cannot afford the lump sum payment. This is time limited based on the amount owing and is broken into pensioner and non-pensioner schedules. Aged pensioners who satisfy the eligibility criteria can also make application to defer any contributions to works under Council's Debt Recovery and Hardship Policy.

3. SCOPE:

- 3.1 That the contribution structure be fair and equitable and accepted by the general community.
- 3.2 When constructing new kerb and guttering for the community within a public road, Council will require a contribution from those adjoining property owners. ~~that benefit directly from these facilities.~~
- 3.3 That Council makes every endeavour to notify the property owners affected prior to commencing the work and provides details of work to be carried out and an approximate amount of any contribution to be paid. In exceptional circumstances

Policy

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ITEM 7 - ATTACHMENT 1 CONTRIBUTION TO WORKS FOR KERB AND GUTTER CONSTRUCTION POLICY.

Policy



- when Council is unable to notify property owners prior to works and of costs, the owners are still liable to pay the contribution.
- 3.4 That this policy details all of the different situations and that contributions are consistently applied, to prevent any exceptions occurring.
 - 3.5 Fees are to be reviewed annually through the Council's fees and charges. ~~process reviewed by Council.~~
 - 3.6 The amount charged is not to be more than half of the actual cost of construction as denoted in the Roads Act 1993.
 - 3.7 The owner of the property becomes liable to pay the amount on receiving the notice. If the property is sold after notification has been given, the liability to pay the contribution will be the responsibility of the new owner.
 - 3.8 Council will advise potential new property owners by indicating what liabilities exist when issuing a certificate under section 603 of the Local Government Act 1993.
 - 3.9 Contributions are not applicable when the ~~Group Manager~~ Director of Facilities & Services Infrastructure determines that no direct benefit can be derived from the construction.
 - 3.10 Contributions may be repaid over a period of time provided payments are made fortnightly in accordance with the following schedule:

a) Non Pensioners

Contribution amount (\$)	=<\$500	>\$500 to \$1,000	>\$1,000
Time to Pay	Up to 12 months	Up to 2 years	Up to 4 years
Minimum fortnightly repayments	\$20	\$20	\$20

b) Pensioners

Contribution amount (\$)	=<\$500	>\$500 to \$1,000	>\$1,000
Time to Pay	Up to 2 years	Up to 4 years	Up to 5 years
Minimum fortnightly repayments	\$10	\$10	\$10

- c) Regardless of the original source of funding for the construction of kerb and guttering (original source must be less than 100% of the total cost of construction), Council will require owners' contribution in all cases where such construction fronts privately owned land as zoned below.
- d) Aged Pensioners who satisfy the eligibility criteria may make application to defer any contribution towards kerb & gutter construction under Council's Debt Recovery & Hardship Policy.

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ITEM 7 - ATTACHMENT 1 CONTRIBUTION TO WORKS FOR KERB AND GUTTER CONSTRUCTION POLICY.

Policy



3.11 Assessing the Application Based on Land Zoning

- a) The applicability of any contribution is based on the land zoning of the property. List of land zones where a contribution is applicable for Kerb and Guttering:

- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- ~~B1 Neighbourhood Centre~~
- ~~B2 Local Centre~~
- ~~B3 Commercial Core~~
- ~~B4 Mixed Use~~
- ~~B5 Business Development~~
- B7 Business Park
- ~~IN4~~ E4 General Industrial.
- E1 Local Centre
- E2 Commercial Centre
- E3 Productivity Support
- W4 Working Foreshore
- RU5 Village
- C2 Environmental Conservation
- SP1 Special Activities
- SP2 Infrastructure Recreation Zones
- RE2 Private Recreation
- CA Complex Area
- MU1 Mixed use

3.12 Boundary Location & Calculations of Construction Costs

- a) There are three different rate structures to be applied once the zone applicability has been established:
- Front boundaries: 50.0% of the average construction cost.
 - Corner Lots - Side & Front boundaries: 33.3% of the average construction cost.
 - Rear boundaries: 25.0% of the average construction cost.
- b) The length used in the calculations is the length of the property boundary, but not more than the actual length of the kerb and guttering being constructed.
- c) In the case of properties with strata title the cost shall be shared between all lot owners in the same proportions as unit entitlement for the scheme under s.267 Strata Schemes Management Act 2015.

Policy

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ITEM 7 - ATTACHMENT 1 CONTRIBUTION TO WORKS FOR KERB AND GUTTER CONSTRUCTION POLICY.

Policy



- d) In the case of properties with community title and private internal roads the cost shall be recovered from the community association.
- e) In the case of properties with community title and public internal roads the cost shall be recovered from the adjoining owner of land whether that be a community, precinct or neighbourhood association or individual precinct or neighbourhood lot owner.

4. DEFINITIONS:

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

Kerb and Guttering	A concrete barrier used to define the edge of a road and drainage purposes. This includes kerb only, upright kerb and gutter, rolled kerb and gutter and dished or v-drain gutter.
Land Zone	As prescribed in Councils Local Environmental Plan (LEP) 2013. This Plan aims to make local environmental planning provisions for land in Port Stephens in accordance with the relevant standard environmental planning instrument under section 33A of the Environmental Planning and Assessment Act 1979.
Contribution	A payment or levy to give in order to help achieve or provide something.

5. STATEMENT:

- 5.1 To improve stormwater runoff water quality and control.
- 5.2 Improve the character of the area in which kerb and guttering is being installed.
- 5.3 Create an additional source of income for projects allowing more kerb and guttering to be constructed.
- 5.4 To be fair and equitable for the ratepayers of Port Stephens Council.

6. RESPONSIBILITIES:

- 6.1 Assets Section Manager is responsible for the implementation and administration of the policy and procedures (notification of work notices to property owners, calculation of fees etc).
- 6.2 Financial Services Section Manager is responsible for the invoicing and collection of contributions for the works.

7. RELATED DOCUMENTS:

- 7.1 Roads Act 1993 – Section 217 (NSW).
- 7.2 Port Stephens Council Local Environmental Plan.
- 7.3 Port Stephens Council Schedule of Fees & Charges. for current year.

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ITEM 7 - ATTACHMENT 1 CONTRIBUTION TO WORKS FOR KERB AND GUTTER CONSTRUCTION POLICY.

Policy



7.4 Local Government Act 1993 (NSW).

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EDRMS container No.	PSC2009-06551	EDRMS record No.	TBC
Audience	Port Stephens Residents, Assets and Financial Services Sections		
Process owner	Assets Section Manager		
Author	Assets Section Manager		
Review timeframe	3 4 years	Next review date	TBC
Adoption date	23/6/2015		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	09/02/2010	Assets Section Manager		018
2	23/06/2015	Assets Section Manager	Adopted by Council.	175
3	13/8/2019	Assets Section Manager	Review and updated to new Corporate Template. 2.3 Make one change – replace “to” with “the”. No submissions from Public Exhibition. Adopted by Council.	183
4	08/02/2022	Assets Section Manager	Reviewed and updated to new Corporate Template. Updated 3.12c “In the case of properties with strata title the cost shall be shared between all lot owners in the same proportions as unit entitlement for the scheme under s.267 Strata Schemes Management Act 2015”. Added 3.12d “In the case of properties with community title	018

Policy

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ITEM 7 - ATTACHMENT 1 CONTRIBUTION TO WORKS FOR KERB AND GUTTER CONSTRUCTION POLICY.

Policy



Version	Date	Author	Details	Minute No.
			and private internal roads the cost shall be recovered from the community association." Added 3.12e "In the case of properties with community title and public internal roads the cost shall be recovered from the adjoining owner of land whether that be a community, precinct or neighbourhood association or individual precinct or neighbourhood lot owner."	
5	TBC	Assets Section Manager	Changed gutter to guttering in the title and throughout policy. 3.2 – remove – that benefit directly from these facilities. 3.5 – remove – process reviewed by Council. 3.6 – add – as denoted in the Roads Act. 3.8 - Added Local Government Act 1993. 3.9 – updated to reflect current directorate details. 3.11 – List of Land zoning updated to current. 4.1 – add – wording to Kerb and Guttering definition. 7 – updated to reflect owners of document. 7.4 – Added Local Government Act 1993. Amended review timeframe to 4 years in accordance with Council's policy and management directive review process.	TBC

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ITEM NO. 8

FILE NO: 25/27090
EDRMS NO: PSC2013-05621

POLICY REVIEW - RECEIPT OF PETITIONS POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Receipt of Petitions policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Receipt of Petitions policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.
- 3) Revoke the Receipt of Petitions policy dated 12 July 2022, Minute No. 175 should no submissions be received.

BACKGROUND

The purpose of this report is seek Council's endorsement of the revised Receipt of Petitions Policy (the policy) shown at **(ATTACHMENT 1)**.

The purpose of this policy is to provide the community with an opportunity to express their opinions to Council on matters of significant community interest and/or impact.

The policy has been reviewed as part of Council's ongoing policy review program, with minor changes to the policy.

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

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Governance	Deliver governance services and internal audit program

FINANCIAL/RESOURCE IMPLICATIONS

All costs associated with the development and implementation of the policy are within the existing budget.

ORDINARY COUNCIL - 11 MARCH 2025

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

LEGAL, POLICY AND RISK IMPLICATIONS

There is no legal requirement for Council to retain this policy, however, the policy provides the community with a policy statement regarding petitions and how they are considered by Council.

The policy will require public exhibition for a period of 28 days, in accordance with the Local Government Act 1993.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council would be in breach of the Local Government Act 1993, should the policy not be placed on public exhibition.	Low	Adopt the recommendation of this report	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

COMMUNICATION AND ENGAGEMENT

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

INFORM	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
CONSULT	To obtain public feedback on analysis, alternatives and/or decisions.

ORDINARY COUNCIL - 11 MARCH 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.

The following communication and engagement applies to this report.

External communications and engagement

CONSULT	The policy will be placed on public exhibition for 28 days on Council's website.
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Internal communications and engagement

Consultation with key stakeholders has been undertaken by the Governance Section. These stakeholders include the General Manager and Executive Team.

OPTIONS

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

ATTACHMENTS

- 1) Receipt of Petitions Policy. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2013-05621

TITLE: RECEIPT OF PETITIONS

OWNER: GOVERNANCE SECTION MANAGER

1. PURPOSE:

- 1.1 The purpose of this policy is to provide the community with an opportunity to express their opinions to Council on matters of significant community interest and/or impact.

2. CONTEXT/BACKGROUND:

- 2.1 Council, in the past has received petitions from the community as a way of expressing their concern on many ~~and~~ varied interests of which Council is the responsible authority. The community often lodge petitions as a way of informing Council of the community's general concern, ~~as a whole~~, with respect to issues before Council.

3. SCOPE:

- 3.1 A petition is a written document including the name, address and signature of at least 20 or more persons seeking some form of action ~~of the~~ **from** Council, and includes the details of a representative as a contact for Council **(ATTACHMENT 1)**. It may be in the form of a request, complaint or expression of interest in a matter of significance to Council signed by ~~ratepayers/residents~~ **affected persons of the Port Stephens community. The petition should be respectful, decorous and temperate in its language.** The General Manager shall be the final arbiter as to whether the document constitutes a petition.
- 3.2 Upon receipt of a petition the relevant ~~Group~~ **Directorate** will register the petition and refer the original copy to the General Manager's Office.
- 3.3 The Executive Administration Coordinator will forward an acknowledgement to the representative who lodged the petition and provide an Information Paper to a Council meeting.
- 3.4 Where the number of signatories on a petition is over 500, Council will supply an agenda item at a Council meeting with a staff recommendation to note the petition, with alternative recommendations provided in the agenda item background. **This will** ~~to~~ provide Councillors with options to try and help resolve ~~whatever~~ the issue the petition relates to.

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Policy

- 3.5 The relevant ~~Group~~ Directorate will keep the representative informed of the progress.
- 3.6 Objections to ~~B~~building/ ~~or D~~development applications will not normally be considered as petitions under this policy. ~~However,~~ Instead, they will be considered as part of the building/development application assessment.
- 3.7 Petitions lodged with less than 20 signatures will be managed internally by Council staff. The General Manager will be informed of the petition and may provide a copy of the petition informally to the Mayor and Councillors for information purposes.
- 3.8 Signatories on a petition should be aware that their details provided could be a public record should the petition form part of a public Council document.
- 3.9 A petition must not be altered in any way from the petition as signed by the petitioners.

4. DEFINITIONS:

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

Petition	A petition in respect to this policy is a written document that contains at least twenty (20) signatures.
Affected persons	May include individuals, residents, ratepayers, companies, businesses, not for profit organisations, religious entities or volunteers concerning the Port Stephens community.

5. STATEMENT:

- 5.1 The objectives of this policy is to ensure that petitions are dealt with in an appropriate manner and that all the elected Council are advised of all petitions upon receipt.
- 5.2 Any decision regarding the petition subject matter will be a decision of the elected Council.

6. RESPONSIBILITIES:

- 6.1 The Executive Administration Coordinator will be responsible for acknowledging the petition and providing a report for Council. The relevant ~~Group~~ Directorate will be responsible for the ongoing consultation on the subject matter.

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Policy



- 6.2 The Governance Section Manager will be responsible for compliance, monitoring, evaluating, reviewing and providing advice on the policy.

7. RELATED DOCUMENTS:

- 7.1 Local Government Act 1993
7.2 Code of Conduct.

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EDRMS container No	PSC2013-05621	EDRMS record No	TBA
Audience	Port Stephens community		
Process owner	Governance Section Manager		
Author	Governance Section Manager		
Review timeframe	4 years	Next review date	TBA
Adoption date	25 July 1995		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	25/07/1995	Assistant General Manager	Adopted by Council.	324
2.0	17/11/1998	Assistant General Manager	Adopted by Council.	562
3.0	19/10/2004	Governance Coordinator	Adopted by Council.	375
4.0	12/11/2013	Executive Officer	Adopted by Council.	326
5.0	09/02/2016	Governance Manager	Transferred into the new policy template and corporate branding. Inclusion of the petition cover sheet and minor wording amendments.	021
5.1	13/02/2018	Governance Manager	Policy reviewed and no amendments required.	016

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Policy



Version	Date	Author	Details	Minute No.
5.2	12/05/2020	Governance Section Manager	Reviewed the policy, included numbering to each paragraph and updated the version control. Updated title of policy owner. 3.3, 5.1 and 6.1 – updated. 6.2 – inserted the word 'Section' in the title.	079
5.3	12/07/2022	Governance Section Manager	The policy has been updated in the new policy template and updated the version control.	175
5.4	XX	Governance Section Manager	The policy has been updated in the new policy template and updated the version control. 3.1, 3.4, 3.6 – minor grammatical changes 3.1 – removed "residents and ratepayers" and added "affected persons of the Port Stephens community. The petition should be respectful, decorous and temperate in its language." 3.2, 3.5, 6.1 – removed reference to group and replaced with directorate 4.1 – added definition of affected persons Added section 3.7, Petitions lodged with less than 20 signatures Added section 3.8 concerning public records Added 3.9 - A petition must not be altered in any way from the petition as signed by the petitioners.	XX

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ITEM NO. 9

**FILE NO: 25/32075
EDRMS NO: PSC2010-00010**

POLICY REVIEW - STATEMENT OF BUSINESS ETHICS

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Statement of Business Ethics policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Statement of Business Ethics policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.
- 3) Revoke the Statement of Business Ethics policy dated 12 July 2022, Minute No. 174 should no submissions be received.

BACKGROUND

The purpose of this report is to seek Council's endorsement of the revised Statement of Business Ethics Policy (the 'policy') shown at **(ATTACHMENT 1)**.

The objective of the policy is to provide guidance to all sections of the community, including commercial businesses, when conducting business with or on behalf of Council.

The policy has been reviewed as part of Council's ongoing policy review program with minor administrative changes.

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

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Governance	Deliver governance services and internal audit program

FINANCIAL/RESOURCE IMPLICATIONS

All costs associated with the development and implementation of the policy are within the existing budget.

ORDINARY COUNCIL - 11 MARCH 2025

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

LEGAL, POLICY AND RISK IMPLICATIONS

The policy will require public exhibition for a period of 28 days, in accordance with the Local Government Act 1993.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the private sector may not be clear with respect to expected behaviours when dealing with the public sector. This Statement will support Council existing policies and provide clear expectations of private contractors and consultants.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Statement of Business Ethics provides guidance for the private sector when doing business with Port Stephens Council. It outlines the Council's ethical standard and expectations that goods and service providers and contractors will comply with in their dealings with Council.

By complying with these standards, it improves the reputation of Council and the companies it does business with. It also removes the need for investigation into matters of inappropriate behaviour.

COMMUNICATION AND ENGAGEMENT

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

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

The following communication and engagement applies to this report.

External communications and engagement

CONSULT	The policy will be placed on public exhibition for 28 days on Council's website..
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Internal communications and engagement

Consultation with key stakeholders was undertaken by the Governance Section the Executive Team.

OPTIONS

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

ATTACHMENTS

- 1) Statement of Business Ethics Policy. [↓](#)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2010-00010

TITLE: STATEMENT OF BUSINESS ETHICS

OWNER: GOVERNANCE SECTION MANAGER

1. PURPOSE:

- 1.1 The objective of the Statement of Business Ethics Policy is to provide guidance to all sections of the community, including commercial businesses, when conducting business with or on behalf of Council.

2. CONTEXT/BACKGROUND:

- 2.1 Port Stephens Council is required to comply with the Model Code of Conduct developed by the NSW Office of Local Government. Council needs to meet its obligations under the Model Code of Conduct, by developing this Statement of Business Ethics.

3. SCOPE:

- 3.1 Port Stephens Council (Council) is committed to high ethical standards and this Statement of Business Ethics sets out the standards that the Council requires of its contractors and business associates. It is essential that all Council officials (councillors and employees), contractors and (as well as their employees) and other business associates work together to maintain Council's reputation.
- 3.2 These standards are based upon the standards within Council's Code of Conduct, which apply to all Council officials.
- 3.3 In dealing with Council there is a strong expectation that contractors and/or business associates are responsible for maintaining our high ethical standards in all contract work. Port Stephens Council expects all parties to perform their duties with integrity, honesty and fairness.
- 3.4 Reference should be made to Council's Code of Conduct for definitions for matters such as relating to "gifts and benefits of token value".

What you can expect from Council

- 3.5 Council will ensure that all its policies, procedures and processes relating to tendering, contracting and the purchasing of goods or services are consistent with best practice and the highest standards of ethical conduct.

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3.6 The elected Council and employees of Council are bound by the Port Stephens Council Code of Conduct. When doing business with the private sector, the Mayor, Councillors and staff are accountable for their actions and are expected to:

- a) Use public resources effectively and efficiently
- b) Deal fairly, honestly and ethically with all individuals and organisations
- c) Avoid any conflict of interest (real or perceived)
- d) All potential suppliers will be treated with impartiality and fairness and given equal access to information and opportunities to provide their services to Council
- e) All procurement activities and decisions will be fully and clearly documented to provide an effective audit trail and to allow for effective performance review of contracts
- f) Council will not release confidential and proprietary information without firstly consulting with the owner of the information.

What Council requires of private sector providers

3.7 Council requires all private sector providers of goods and services to observe the following principles when doing business with Council:

- a) Comply with Council's procurement policies and procedures
- b) Provide accurate and reliable advice and information when required
- c) Declare actual or perceived conflicts of interest as soon as you become aware of the conflict
- d) Act ethically, fairly and honestly in all dealing with Council
- e) Take all reasonable measures to prevent the disclosure of confidential Council information
- f) Refrain from engaging in any form of collusive practice including offering the Mayor, a Councillor or Council staff inducements or incentives designed to improperly influence the conduct of their duties
- g) Refrain from discussing Council business or information with the media
- h) Assist Council to prevent unethical practices in our business relationship
- i) Observe all applicable legislative provisions pertaining to the contracted functions.

Why is compliance important?

3.8 By complying with Council's Statement of Business Ethics, contractors and/or business associates will be able to advance their business objectives and interests in a fair and ethical manner. As all Council suppliers of goods and services are required to comply with this statement, compliance will not disadvantage any contractors and/or business associates in any way.

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3.9 Contractors and/or business associates should also be aware of the consequences of not complying with the Council's ethical requirements when doing business with Council. Demonstrated corrupt or unethical conduct will lead to:

- a) termination of contracts
- b) loss of future work
- c) loss of reputation
- d) investigation for corruption
- e) matters being referred for criminal investigation.

3.10 The information below is additional information that should be considered as part of this Statement.

Conflicts of Interest

3.11 If a conflict of interest in the work with Council exists or arises, the contractors and/or business associates must disclose it to Council. A conflict of interest arises if the contractors and/or business associates (or anybody close to the contractors and/or business associates including family or friends) own interests (that may be business, contractual, economical, professional or social interests), or those of other people close to the contractors and/or business associates, conflict with your obligations to the Council.

3.12 A conflict would exist where contractors and/or business associates (or relative, company/organisation, employer or other person known to the contractors and/or business associates) have an personal interest, or your relative, company/organisation, employer or other person known to the contractors and/or business associates has an interest, that could lead the contractors and/or business associates to be influenced in the way you carry out your duties for the Council.

Gifts and Benefits

3.13 Gifts or benefits must not be offered to any Council official which are or could be construed to be designed to gain any advantage for the contractors and/or business associates or their organisation, or which the public could reasonably see as likely to cause that Council official to depart from their his or her proper course of duty.

3.14 A Contractors and/or business associates should not accept any gift in relation to their work at Council which could influence, or be seen to influence, their impartiality in relation to the work or services provided to Council.

3.15 In no circumstances should cash be offered to a Council official.

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Policy



- 3.16 If a gift or benefit is offered to a Council official to influence the way they do their work, they must report it immediately under the Council's policies and procedures.

Confidential and Personal Information

- 3.17 Contractors and/or business associates must take care to maintain the security of any confidential or personal information they become aware of **or manage** in their work with the Council.
- 3.18 Contractors and/or business associates must abide by the privacy legislation governing the collection, **retention** ~~holding~~, use, correction, disclosure or transfer of personal information obtained through their dealings with the Council.
- 3.19 Personal information is any information that can identify an individual.
- 3.20 No one should access, use or remove from Council premises any Council information or personal information, unless they need it for their work with the Council and have authorisation to use or disclose the information.
- 3.21 Any breach of the security, or misuse, of the Council's confidential or personal information must be reported to the Council's Privacy Contact Officer by telephone on (02) 4988 0255.
- 3.22 Council officials also are required to only release information in accordance with the Government Information (Public Access) Act 2009. For further information please contact Council's Right to Information Officer by telephone on (02) 4988 0255.

Council resources

- 3.23 Council resources may only be used to do work for the Council with Council's approval.
- 3.24 Council resources include material, equipment, vehicles, documents, records, data and information.

Public comment

- 3.25 Contractors and/or business associates must not make any public comment or statement that would lead anyone to believe that they are representing Council, or expressing its views or policies.

Policy

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Policy



- 3.26 This includes comments or statements made at public and community meetings, via the media, or when it is reasonably foreseeable that the comments, or statements, will become known to the public at large.

Alcohol and drugs

- 3.27 No one should come, **or return**, to work for the Council, ~~or return to work~~, under the influence of alcohol or other drugs that could impair their ability to carry out their job, ~~or~~ cause danger to their safety or **endanger** the safety of others.

Offers of **a** secondary employment to Council staff

- 3.28 If a contractor offers a Port Stephens Council staff member secondary employment whilst they are still employed with the Council, the Council staff member must seek approval from Council's General Manager prior to commencing any secondary employment.
- 3.29 Approval may not be granted if there is a potential for conflict with their official duties at Council.

Reporting corrupt, maladministration and wastage

- 3.30 When contracted to Port Stephens Council a contractor is considered to be a public official for the purposes of the Independent Commission Against Corruption (ICAC) Act and subject to the ICAC's jurisdiction.
- 3.31 When undertaking work for Council, contractors have a responsibility to report any suspected instances of corruption, maladministration or serious and substantial waste to Council's Public Interest Disclosures Coordinator or the General Manager by telephone on (02) 4988 0255.
- 3.32 Alternatively, any report of suspected corruption can be made to the ICAC, or maladministration to the NSW Ombudsman.
- 3.33 For the purposes of the Public Interest Disclosures Act ~~1994~~ **2022**, contractors are considered to be a council official when conducting works on behalf of Council. Therefore, a contractor may make a disclosure under the Public Interest Disclosures Act ~~1994~~ **2022**.

Breaches of the Code

- 3.34 Failure to comply with this Statement of Business Ethics may cause contract penalty clauses to be invoked, ~~and/or~~ civil or criminal proceedings to be brought or **any** other action considered to be appropriate by Port Stephens Council.

4. DEFINITIONS:

Policy

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Policy



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

Council	Port Stephens Council.
Council official	Mayor, Councillor, employee of Port Stephens Council, a volunteer or contractor.
Contractor	An individual, business or company engaged by Port Stephens Council to provide goods and services.
ICAC	Independent Commission Against Corruption NSW.
Statement of Business Ethics	The Statement of Business Ethics of Port Stephens Council.

5. STATEMENT:

5.1 This policy will:

- a) Encourage openness, transparency and accountability in all dealings relating to procurement, contracting, supply of goods and services and general business relationships.
- b) Build and maintain ethical relationships with the community and in particular the private sector.
- c) Ensure all parties/organisations understand Council's public duty obligations.
- d) Maintain corruption resistant, ethical work practices.
- e) Manage any potential conflicts of interest, risk and perceptions that can occur in business transactions between public and private sectors.

5.2 Port Stephens Council is committed to the standards in this Statement of Business Ethics. They reflect the high standards expected by our community and as such you **those engaged and associated with** Council are expected to maintain these standards and principles when undertaking work for, or on behalf of our Council.

5.3 Any questions about any matter relating to this Statement of Business Ethics should be directed to Council's Public Officer by telephone on (02) 4988 0255.

6. RESPONSIBILITIES:

6.1 All Council employees are responsible for complying with this policy.

6.2 The Governance Section Manager is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.

7. RELATED DOCUMENTS:

7.1 Local Government Act 1993 (NSW)

Policy

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Policy



- 7.2 Independent Commission Against Corruption Act 1989 (NSW)
- 7.3 NSW Ombudsman Act 1974 (NSW)
- 7.4 Public Interest Disclosures Act 1994 **2022** (NSW)
- 7.5 Port Stephens Council Code of Conduct
- 7.6 Privacy and Personal Information Protection Act 1998 **(NSW)**
- 7.7 Government Information (Public Access) Act 2009 **(NSW)**
- ~~7.8 Public Interest Disclosures Act 2022.~~

Policy

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Policy



CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2010-00010	EDRMS record No.	TBA
Audience	Council officials, contractors		
Process owner	Governance Section Manager		
Author	Governance Section Manager		
Review timeframe	3 4 years	Next review date	11 February 2029
Adoption date	14 December 2010		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	14/12/2010	Executive Officer	Development of first policy	408
1.1	11/02/2014	Executive Officer	Review of policy.	019
1.2	13/02/2018	Governance Manager	Transfer of policy into new corporate policy template and minor administrative review to include the Public Interest Disclosure Act 1994.	015
1.3	10/03/2020	Governance Section Manager	Reviewed the policy, included numbering to each paragraph and updated the version control. Updated title of policy owner. 2.1 – insert 'Office' and delete 'Division'. 3.28, 3.29 & 3.31 – updated to improve intent of subject matter. 6.2 – inserted the word 'Section' in the title.	051

Policy

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Policy



Version	Date	Author	Details	Minute No.
1.4	12/07/2022	Governance Section Manager	<p>The policy has been updated in the new policy template and updated the version control.</p> <p>Minor grammatical errors amended.</p> <p>The following clauses were amended:</p> <p>3.4 – removed “token gifts” and replace with “gifts and benefits of a token value”.</p> <p>3.31 – remove “to Council” and “Officer” and insert “Public Interest” and “Coordinator”.</p> <p>7.6– insert “Privacy and Personal Information Protection Act 1998”.</p> <p>7.7 – insert “Government Information (Public Access) Act 2009”.</p> <p>7.8 - insert “Public Interest Disclosures Act 2022”</p>	174

Policy

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Policy



Version	Date	Author	Details	Minute No.
1.5	XX	Governance Section Manager	<p>The policy has been updated in the new policy template and updated the version control.</p> <p>Minor grammatical errors amended.</p> <p>The following clauses were amended:</p> <p>3.33 – remove “1994” and added “2022”.</p> <p>3.7 – added subsection (i) Observe all applicable legislative provisions pertaining to the contracted functions.</p> <p>3.11, 3.12, 5.2 – amended definitions of associated parties of engaged contractors.</p> <p>4.1 – removed definition of Statement of Business Ethics as the policy constitutes the definition (reinforced by subsection 3.1).</p> <p>7.4 – remove “1994” and added “2022”.</p> <p>7.6 – added “(NSW)”.</p> <p>7.7 – added “(NSW)”.</p> <p>7.8 – remove clause.</p>	XX

Policy

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ITEM NO. 10**FILE NO: 24/318631
EDRMS NO: PSC2024-03482****NSW AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION (ALGWA)
CONFERENCE 2025****REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER
DIRECTORATE: GENERAL MANAGER'S OFFICE**

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves the attendance of Mayor Leah Anderson at the Australian Local Government Women's Association conference in Griffith from 1 May 2025 – 3 May 2025.
- 2) Nominates Councillors to attend the conference.

BACKGROUND

The purpose of this report is to seek approval for Mayor Leah Anderson to attend the Australian Local Government Women's Association (ALGWA) conference in Griffith from 1-3 May 2025.

The theme of the conference is 'Taste the Inspiration' which reflects the potential for motivation and empowerment, encouraging councillors to embrace fresh ideas and innovative approaches to leadership. In today's evolving landscape, inspiration is vital for personal and professional growth. This conference will provide new and returning councillors with the opportunity to reset, gain fresh perspectives and develop practical skills.

There is no conference program available but the conference includes a range of speakers and will include essential panel discussions.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Governance	Provide and implement strategic direction and governance of Council

FINANCIAL/RESOURCE IMPLICATIONS

Costs associated with registration, travel and accommodation will be covered from within the existing budget, subject to any individual elected member not exceeding the conference budget limits within the policy.

The registration cost for the conference is \$1,100.

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 Payment of Expenses and Provision of Facilities to Councillors/Mayor Policy requires approval of a full Council meeting.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Port Stephens Council will not be represented on matters at the conference.	Low	That the recommendation be adopted.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Ensuring the Port Stephens local government area is well represented in all matters at the conference will benefit the Port Stephens community.

COMMUNICATION AND ENGAGEMENT

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

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

ORDINARY COUNCIL - 11 MARCH 2025

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

The following communication and engagement applies to this report.

External communications and engagement

Not required.

Internal communications and engagement

Communication was undertaken with Councillors.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 11

**FILE NO: 25/36829
EDRMS NO: PSC2024-03158**

REQUEST FOR FINANCIAL ASSISTANCE

REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER
DIRECTORATE: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral Funds to the following:-
 - a) Nelson Bay Tennis Club - \$1,000 donation towards annual Seniors' Tennis Tournament.
 - b) Wests Nelson Bay Diggers Bowls Club - \$1,000 donation towards travel costs for bowls tournaments.
 - c) Boat Harbour Recreation Club - \$1,000 donation towards cost of licence fee.
 - d) Tomaree Breast Cancer Support Group - \$444 donation towards room rental costs.
-

BACKGROUND

The purpose of this report is to determine and, where required, authorise payment of financial assistance to recipients judged by the Mayor and or Councillors as deserving of public funding. The Grants and Donations Policy gives the Mayor and Councillors a wide discretion either to grant or to refuse any requests.

Council's Grants and Donations Policy provides the community, the Mayor and Councillors with a number of options when seeking financial assistance from Council. Those options being:

1. Mayoral Funds
2. Rapid Response
3. Community Financial Assistance Grants – (bi-annually)
4. Community Capacity Building

Council is unable to grant approval of financial assistance to individuals unless it is performed in accordance with the Local Government Act 1993. This would mean that the financial assistance would need to be included in the Operational Plan or Council would need to advertise for 28 days of its intent to grant approval. Council can make donations to community groups.

The requests for financial assistance are shown below:

MAYORAL FUNDS – Leah Anderson

Nelson Bay Tennis Club	Nelson Bay Tennis Club offers tennis coaching and tournaments for player across all age groups.	\$1,000	Donation towards annual Seniors' Tennis Tournament.
West's Nelson Bay Diggers Bowls Club	An intra club of the Nelson Bay West's Diggers Group with 100 members, the majority of who are veterans.	\$1,000	Donation towards travel costs for bowls tournaments.
Boat Harbour Recreation Club	Boat Harbour Community Tennis Courts have 2 tennis courts that are available for hire for private and social use, tennis camps and school holiday coaching clinics.	\$1,000	Donation towards cost of licence fee.
Tomaree Breast Cancer Support Group	The Tomaree Breast Cancer Support Group offers transportation for patients undergoing treatment as well as offering social events.	\$444	Donation towards room rental costs.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL 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.

The following communication and engagement applies to this report.

External communications and engagement

INFORM	Community members are advised of the outcome of their application.
--------	--

Internal communications and engagement

- Consultation with key stakeholders has been undertaken by the General Manager's Office.
- Consultation has been undertaken with key stakeholders 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. 12

FILE NO: 25/36949
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 11 March 2025.

No:	Report Title	Page:
1	Designated Persons' Return	152
2	Delegations Report	153
3	Council Resolutions	155

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 25/7214
EDRMS NO: PSC2024-01273**

DESIGNATED PERSONS' RETURN

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

BACKGROUND

The purpose of this report is to table Councillor and Designated Persons' Return/s (return) submitted.

In accordance with Part 4 – Pecuniary Interest of the Code of Conduct, all designated persons are required to submit a return. Returns are to be tabled at the first Council meeting after the lodgement date.

The following is a list of position/s who have submitted return/s:

- Mayor Leah Anderson
- Cr Paul Le Mottee
- Cr Ben Niland
- Community Services Section Manager PSC401
- Development Planner PSC080
- Senior Ranger PSC762
- Parking Officer PSC1235
- Parking Officer PSC1273

ATTACHMENTS

Nil.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

- 1) Designated Persons' Return.

ITEM NO. 2

**FILE NO: 25/36933
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 2 - ATTACHMENT 1 DELEGATIONS REPORT.

MAYOR AND GENERAL MANAGER DELEGATION REPORT

Date exercised	Delegations exercised	Purpose	Role exercising delegation	Reported to Council
19 February 2025	Clause 178 of the Local Government (General) Regulation 2021	T097-2024 - Supply of Pre-Fabricated Amenities Buildings	General Manager	11 March 2025
19 February 2025	Code of Meeting Practice	Approval of Public Access application for DA modification 7-1985-2683-7 - Seaham Quarry	Mayor	11 March 2025
20 February 2025	Code of Meeting Practice	Approval of Public Access application for Notice of Motion 1 - Tree Vandalism Policy	Mayor	11 March 2025
21 February 2025	Clause 178 of the Local Government (General) Regulation 2021	T099-2024 - Fairlands Road, Medowie - widening and rehabilitation	General Manager	11 March 2025
24 February 2025	Code of Meeting Practice	Approval of Public Access applications for DA modification 7-1985-2683-7 - Seaham Quarry and Notice of Motion 1 - Tree Vandalism	Mayor	11 March 2025
25 February 2025	Roads and Maritime Services delegations	Authorises the installation, display, removal or alteration of the traffic control devices for the listed items identified in the minutes of the Port Stephens Local Traffic Committee report dated 4 February 2025	General Manager	11 March 2025

ITEM NO. 3

**FILE NO: 25/36828
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:	27/02/2024
	Committee:		Date To:	25/02/2025
	Officer:		Printed: Thursday, 27 February 2025	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/02/2024	Lamont, Brock	Draft Port Stephens Development Control Plan - Road Network and Parking (Electric Vehicles)	4/04/2025	28/02/2024	
3 014		Pearl, Steven				24/50158
27 Feb 2025 Council resolved to endorse the Port Stephens Development Control Plan 2014 Chapter B8 Road Network and Parking (electric vehicles) and provide public notice. Outstanding actions have been integrated into forward work plans. A briefing will be presented to Councillors.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2024	Falkenmire, Ryan	Anna Bay Resort, Gan Gan Road, Anna Bay	15/07/2025	11/12/2024	
3 148		Pearl, Steven				24/333356
26 Feb 2025 In accordance with Council's Resolution of 10 December 2024, Compliance action will be investigated and a two way presentation will be provided to update Councillors. The two way has been scheduled for 15 July 2025.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/02/2025	Lamont, Brock	Tree Vandalism Policy	30/10/2025	26/02/2025	
1 021		Pearl, Steven				25/43931
27 Feb 2025 Consultation has commenced with the Environmental Advisory Group. Anticipate a report back to Council in October 2025.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/02/2025	Gardner, Janelle	Urgent Health Clinics	11/03/2025	26/02/2025	
2 022		Pearl, Steven				25/43931
27 Feb 2025 Council resolved to support efforts to secure a Medicare Urgent Care Clinic located in Port Stephens. The General Manager will write to Meryl Swanson MP and Mark Butler MP noting Council's position and the community's interest in improved health facilities via an Urgent Health Clinic in Port Stephens.						



Action Sheets Report	Division:	Community Futures	Date From:	27/02/2024
	Committee:		Date To:	25/02/2025
	Officer:		Printed:	Thursday, 27 February 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/02/2025	Gardner, Janelle	Revised Communication and Engagement Strategy	27/05/2025	26/02/2025	
1 025		Peart, Steven				25/43931
27 Feb 2025 Council resolved to endorse the revised Communication and Engagement Strategy 2024-2028 and place on public exhibition for 28 days. Should no submissions be received, the 2024-2028 Communication and Engagement Strategy will be adopted and the 2022-2027 Communication and Engagement Strategy will be revoked without further report to Council.						

ITEM 3 - ATTACHMENT 2 CORPORATE STRATEGY AND SUPPORT RESOLUTIONS.



Division:	Corporate Strategy and Support	Date From:	11/10/2022
Committee:		Date To:	25/02/2025
Officer:			
Action Sheets Report		Printed:	Wednesday, 26 February 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Property Investment and Development Policy	30/04/2025	12/10/2022	
1		Pattison, Zoe				22/273002
26 Feb 2025						
Further clarification on the distribution of funds has been completed. A report will be provided back to Council in April 2025.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Acquisition and Divestment of Land	30/04/2025	12/10/2022	
2		Pattison, Zoe				22/273002
26 Feb 2025						
Report deferred to allow for further clarification on the distribution of funds. A report will be provided back to Council in April 2025.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Pattison, Zoe	22 Homestead Street, Salamander Bay	30/06/2025	12/04/2023	
5		Pattison, Zoe				23/92450
088						
26 Feb 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	31/12/2025		
1		Pattison, Zoe				23/214729
193						
26 Feb 2025						
Following a two way conversation with Councillors in November 2023, the options presented will be included in the context of the broader Raymond Terrace town centre improvements.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/06/2024	Dodds, Melissa	Policy Review: Public Access to State Records after 20 Years Policy	30/04/2025	12/06/2024	
4		Pattison, Zoe				24/145208
26 Feb 2025						
The exhibition period has closed with no formal submissions being received during this time. The policy will go back to Council in April 2025.						

ITEM 3 - ATTACHMENT 2
RESOLUTIONS.

CORPORATE STRATEGY AND SUPPORT



Division:	Corporate Strategy and Support	Date From:	11/10/2022
Committee:		Date To:	25/02/2025
Officer:			
Action Sheets Report		Printed:	Wednesday, 26 February 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/11/2024	Peterkin, Glen	Policy Review: Community Group Loans Policy	30/03/2025	13/11/2024	
3 121		Pattison, Zoe				24/307858
26 Feb 2025 The revised Community Group Loans Policy was deferred at the meeting held on 12 November 2024 with a request that the General Manager send a survey out to all known community groups asking if they have ever accessed the program, considered accessing it, or would ever see themselves accessing it. The outcomes of the survey have been provided to Councillors at a two way conversation. The revised Community Group Loans Policy will be reported to Council in March 2025.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2024	Pattison, Zoe	Williamtown Sand Syndicate - Proposed Variation of Lease	30/04/2025	11/12/2024	
1		Pattison, Zoe				24/333356
26 Feb 2025 This matter is being addressed by staff.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/02/2025	Pattison, Zoe	Proposed Sale of St Philip's Christian College Car Park	30/04/2025	26/02/2025	
1 033		Pattison, Zoe				25/43931
26 Feb 2025 The matter was reported to Council at the meeting held on 25 February 2025. It was recommended that the item be deferred and reported back to Council once consultation has been undertaken with the RFS and the Bushfire Management Committee.						

ITEM 3 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE RESOLUTIONS.



Action Sheets Report	Division:	Facilities and Infrastructure	Date From:	27/08/2013
	Committee:		Date To:	25/02/2025
	Officer:		Printed: Wednesday, 26 February 2025	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
243	Ordinary Council 27/08/2013	Maretich, John Kable, Gregory	Campvale Drain	30/06/2025		
26 Feb 2025 Awaiting final execution of easement documentation for 2 properties. All other properties (with exception of these 2) have been finalised.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
2 085	Ordinary Council 11/04/2023	Maretich, John Kable, Gregory	Naming Recreation Precinct at Medowie after Geoff Dingle	30/06/2025	12/04/2023	23/92450
26 Feb 2025 Once the reserve has been subdivided as per the Medowie Place Plan, an application will be submitted to the Geographical Naming Board to name the recreation precinct after Geoff Dingle.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
1	Ordinary Council 28/11/2023	Maretich, John Kable, Gregory	Sale of closed roads in Raymond Terrace	30/06/2025	29/11/2023	23/324875
26 Feb 2025 2 of the roads are being marketed. An Expression of Interest (EOI) for the remaining road is underway.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
1	Ordinary Council 28/05/2024	Maretich, John Kable, Gregory	Bus Stop Infrastructure Plan	31/05/2025	29/05/2024	24/131056
26 Feb 2025 As per Council resolution a review of the Bus Stop Infrastructure will be undertaken.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
2	Ordinary Council 28/05/2024	Maretich, John Kable, Gregory	Pathways Review	30/04/2025	29/05/2024	24/131056
26 Feb 2025 As per Council resolution, staff will undertake a review of Council's pathways plans.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
2	Ordinary Council 9/07/2024	Maretich, John Kable, Gregory	Maintenance of Gravel Roads	31/03/2025	10/07/2024	24/176219
26 Feb 2025 As per Council resolution, staff will undertake a review of the maintenance of gravel roads.						

ITEM 3 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE
RESOLUTIONS.



Action Sheets Report	Division:	Facilities and Infrastructure	Date From:	27/08/2013
	Committee:		Date To:	25/02/2025
	Officer:		Printed: Wednesday, 26 February 2025	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/07/2024	Maretich, John	Raymond Terrace Boat Ramp	31/03/2025	24/07/2024	
6		Kable, Gregory				24/189773
26 Feb 2025						
Staff will investigate options to upgrade Raymond Terrace Boat Ramp and present in a two way conversation.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/11/2024	Donaldson, Cameron	Renewal of Lease - 49 William Street, Raymond Terrace	30/06/2025	13/11/2024	
1		Kable, Gregory				24/307858
128						
26 Feb 2025						
This matter is still being addressed by staff.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2025	Maretich, John	Policy Review - Asset Management Policy	30/04/2025	12/02/2025	
4		Kable, Gregory				25/31598
007						
26 Feb 2025						
Policy has been placed on Public Exhibition for 28 days.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2025	Donaldson, Cameron	Waste & Public Place Cleaning	30/04/2025	12/02/2025	
2		Kable, Gregory				25/31598
012						
26 Feb 2025						
As per Council resolution, a report will be prepared and placed on the Council meeting agenda for 25 March 2025.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2025	Maretich, John	Team Hosting - Training for Women's Rugby League World Cup 2026	30/06/2025	12/02/2025	
3		Kable, Gregory				25/31598
013						
26 Feb 2025						
As per Council resolution, staff will review and prepare letter.						

ITEM 3 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE
RESOLUTIONS.

Action Sheets Report	Division:	Facilities and Infrastructure	Date From:	27/08/2013
	Committee:		Date To:	25/02/2025
	Officer:		Printed:	Wednesday, 26 February 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/02/2025	Maretich, John	Fern Bay Shared Pathways	30/04/2025	26/02/2025	
3 027		Kable, Gregory				25/43931
26 Feb 2025						
Resident has accepted proposed treatment and staff are currently scheduling works.						



Action Sheets Report	Division:	General Manager's Office	Date From:	09/07/2024
	Committee:		Date To:	25/02/2025
	Officer:		Printed: Wednesday, 26 February 2025	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/07/2024	Wickham, Tony	Initiation of a Proposal to Alter the Port Stephens Local Government Boundaries	25/03/2025	10/07/2024	
1		Crosdale, Timothy				24/176219
26 Feb 2025						
A report will be provided to the 25 March 2025 Council meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/10/2024	Wickham, Tony	Council Meetings	22/10/2025	24/10/2024	
2		Crosdale, Timothy				24/288938
26 Feb 2025						
Current schedule to remain in place for 12 months, with a report to be returned to Council seeking the Council's views on meeting schedules going forward.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/11/2024	Wickham, Tony	Local Government Week Council Meetings	12/08/2025	27/11/2024	
5		Crosdale, Timothy				24/318827
26 Feb 2025						
Karuah Community Hall has been booked for the 12 August 2025 Council meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/02/2025	Wickham, Tony	National General Assembly - Australian Local Government Association - Conference Motions	31/03/2025	26/02/2025	
2 018		Crosdale, Timothy				25/43931
26 Feb 2025						
The motions will be prepared and submitted by 31 March 2025.						

NOTICES OF MOTION

NOTICE OF MOTION**ITEM NO. 1****FILE NO: 25/32560****EDRMS NO: PSC2024-03148****COUNCIL PRAYER****COUNCILLOR: PETER FRANCIS**

THAT COUNCIL:

- 1) No longer offers up prayers to any deity at the commencement of Council meetings nor on any other formal or informal public occasions.
- 2) In lieu of a prayer, Council observes a minute of silence for those present to offer up silent supplication to their chosen deity.

BACKGROUND REPORT OF: TONY WICKHAM – GOVERNANCE SECTION MANAGER**BACKGROUND**

At its meeting of 11 February 2025, Minute No. 015, Council resolved to defer this item for 1 month to allow for community consultation on the need for a prayer of any kind to commence a Council meeting, or any other Council event (**ATTACHMENT 1**).

On 22 October 2024, Minute No. 198 (**ATTACHMENT 1**), Council resolved to adopt the following prayer:

"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"

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 Minute No. 015 - 11 February 2025. [↓](#)

MINUTES ORDINARY COUNCIL - 11 FEBRUARY 2025**NOTICE OF MOTION****ITEM NO. 5****FILE NO: 25/11940****EDRMS NO: PSC2024-03148****COUNCIL PRAYER****COUNCILLOR:** PETER FRANCIS**THAT COUNCIL:**

- 1) No longer offers up prayers to any deity at the commencement of Council meetings nor on any other formal or informal public occasions.
- 2) In lieu of a prayer, Council observes a minute of silence for those present to offer up silent supplication to their chosen deity.

**ORDINARY COUNCIL MEETING - 11 FEBRUARY 2025
MOTION**

015	Councillor Peter Francis Councillor Rosalyn Armstrong It was resolved that Notice of Motion No. 5 standing in my name be deferred for 1 month to allow for community consultation on the need for a prayer of any kind to commence a Council meeting, or any other Council event.
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Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**BACKGROUND REPORT OF: TONY WICKHAM – GOVERNANCE SECTION
MANAGER****BACKGROUND**

On 22 October 2024, Minute No. 198 (**ATTACHMENT 1**), Council resolved to adopt the following prayer:

MINUTES ORDINARY COUNCIL - 11 FEBRUARY 2025

"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"

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 Minute No. 198 - 22 October 2024.

MINUTES ORDINARY COUNCIL - 11 FEBRUARY 2025**MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024**

ITEM NO. 2

FILE NO: 24/80235
EDRMS NO: A2004-0372**COUNCIL MEETINGS**REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER
DIRECTORATE: GENERAL MANAGER'S OFFICE**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt Option 2 as shown in **(ATTACHMENT 1)** for Ordinary Council meetings for the term of this Council.
- 2) Meet on the fourth Tuesday of each month commencing at 5:30pm, with meetings to be held at 116 Adelaide Street, Raymond Terrace.
- 3) Not hold Ordinary Council meetings in January each year and only hold an Ordinary Council meeting on the second Tuesday in December each year.
- 4) Adopt the Order of Business as detailed in this report.
- 5) Adopt the Prayer and Acknowledgement of Country as detailed in this report.

**ORDINARY COUNCIL MEETING - 22 OCTOBER 2024
MOTION**

	Mayor Leah Anderson Councillor Jason Wells That Council: <ol style="list-style-type: none">1) Adopt Option 2 as shown in (ATTACHMENT 1) for Ordinary Council meetings for the term of this Council.2) Meet on the fourth Tuesday of each month commencing at 5:30pm, with meetings to be held at 116 Adelaide Street, Raymond Terrace.3) Not hold Ordinary Council meetings in January each year and only hold an Ordinary Council meeting on the second Tuesday in December each year.4) Adopt the Order of Business as detailed in this report.5) Adopt the Prayer and Acknowledgement of Country as detailed in this report.
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Those for the Motion: Mayor Leah Anderson, Crs Nathan Errington and Jason Wells.

Those against the Motion: Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Peter Francis, Paul Le Mottee, Ben Niland and Mark Watson.

MINUTES ORDINARY COUNCIL - 11 FEBRUARY 2025**MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024**

The motion was lost.

Cr Watson introduced the following amendment, which was not accepted by the mover and seconder:

"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"

**ORDINARY COUNCIL MEETING - 22 OCTOBER 2024
AMENDMENT**

Councillor Mark Watson
Councillor Chris Doohan

That Council:

- 1) Adopt Option 2 as shown in (**ATTACHMENT 1**) for Ordinary Council meetings for the term of this Council.
- 2) Meet on the second and fourth Tuesday of each month commencing at 5:30pm, with meetings to be held at 116 Adelaide Street, Raymond Terrace.
- 3) Not hold Ordinary Council meetings in January each year and only hold an Ordinary Council meeting on the second Tuesday in December each year.
- 4) Adopt the Order of Business as detailed in this report.
- 5) Adopt the Acknowledgement of Country as detailed in this report and the prayer as follows:

"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"

Those for the Motion: Mayor Leah Anderson, Crs Chris Doohan, Nathan Errington, Paul Le Mottee, Ben Niland and Mark Watson.

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

The amendment was carried.

MINUTES ORDINARY COUNCIL - 11 FEBRUARY 2025**MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024**

Cr Arnott gave notice of the following foreshadowed amendment.

That Council remove the words "prayer and" from point 5, with a point 6 to be added which reads:

"The General Manager will invite a faith leader to the Council on the date of each Council meeting, to lead a private prayer at 5:20pm for any Councillor who wishes to do so, in a meeting room of Council."

**ORDINARY COUNCIL MEETING - 22 OCTOBER 2024
AMENDMENT**

	Councillor Giacomo Arnott Councillor Peter Francis That Council remove the words "prayer and" from point 5, with a point 6 to be added which reads: The General Manager will invite a faith leader to the Council on the date of each Council meeting, to lead a private prayer at 5:20pm for any Councillor who wishes to do so, in a meeting room of Council.
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Those for the Motion: Crs Rosalyn Armstrong, Giacomo Arnott and Peter Francis.

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

The amendment was lost.

Cr Arnott gave notice of the following foreshadowed motion.

That Council:

- 1) Adopt Option 1 as shown in attachment 1 for Ordinary Council meetings for a period of 12 months, with a report to be returned to Council seeking the Council's views on meeting schedules going forward.
- 2) Meet on the fourth Tuesday of each month commencing at 5:30pm, with meetings to be held at 116 Adelaide Street, Raymond Terrace.
- 3) Not hold Ordinary Council meetings in January each year and only hold an Ordinary Council meeting on the second Tuesday in December each year.
- 4) Adopt the Order of Business as detailed in this report.
- 5) Adopt the Prayer and Acknowledgement of Country as detailed in this report.

MINUTES ORDINARY COUNCIL - 11 FEBRUARY 2025**MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024****ORDINARY COUNCIL MEETING - 22 OCTOBER 2024
MOTION**

198	<p>Councillor Giacomo Arnott Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Adopt Option 1 as shown in attachment 1 for Ordinary Council meetings for a period of 12 months, with a report to be returned to Council seeking the Council's views on meeting schedules going forward.2) Meet on the fourth Tuesday of each month commencing at 5:30pm, with meetings to be held at 116 Adelaide Street, Raymond Terrace.3) Not hold Ordinary Council meetings in January each year and only hold an Ordinary Council meeting on the second Tuesday in December each year.4) Adopt the Order of Business as detailed in this report.5) Adopt the Acknowledgement of Country as detailed in this report and the prayer as follows: <p>"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"</p>
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Those for the Motion: Crs Giacomo Arnott, Chris Doohan, Nathan Errington, Paul Le Mottee, Ben Niland and Mark Watson.

Those against the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Peter Francis and Jason Wells.

The motion was carried.

BACKGROUND

The purpose of this report is to allow Council to set its future Council meeting cycle, adopt the Order of Business, the Prayer and Acknowledgement of Country.

The Code of Meeting Practice places a strong emphasis on Council meetings being conducted in an effective and efficient manner. To this end, the previous Council term met on the 2nd and 4th Tuesday of each month commencing at 5:30pm at 116 Adelaide Street, Raymond Terrace.

The current cycle of Council meetings, public access, inspections and two way conversation sessions is shown at **(ATTACHMENT 1)**.

MINUTES ORDINARY COUNCIL - 11 FEBRUARY 2025**MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024**

In reviewing the Council meeting cycle, 27 Councils were benchmarked with 23 conducting monthly Council meetings and 4 with a fortnightly meeting cycle (note: 1 of the 4 councils will recommend moving to monthly meetings in this term). Most of the benchmarked councils break for a recess in January.

ORDER OF BUSINESS

The proposed Order of Business is below:

- 1) Opening meeting
- 2) Acknowledgement of Country
- 3) Prayer
- 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*

As part of the Order of Business, Council includes the Acknowledgement of the Worimi People of Port Stephens and the prayer, as follows:

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."

PRAYER

"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."

MINUTES ORDINARY COUNCIL - 11 FEBRUARY 2025**MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024****COMMUNITY STRATEGIC PLAN**

Strategic Direction	Delivery Program 2022-2026
Governance	Deliver governance services and internal audit program

FINANCIAL/RESOURCE IMPLICATIONS

All financial implications are provided within the existing budget, based on the current meeting cycle.

There is no legal requirement to include the prayer or traditional welcome in Council meeting proceedings.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Options 1 and 2 are provided for in the existing budget. If Council elects to move towards a different meeting cycle additional cost implications would need to be provided.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Section 365 of the Local Government Act 1993 requires Council to meet at least 10 times per year in different months. Based on the recommended frequency, Council would meet on 11 occasions.

Clause 3.1 of the Code of Meeting Practice (the Code) requires Council, by resolution, to set the frequency, time, date, and place of its ordinary meetings.

Clause 8.1 of the Code requires Council to fix the general order of business for its meetings of the Council.

MINUTES ORDINARY COUNCIL - 11 FEBRUARY 2025**MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024**

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council would be in breach of the Local Government Act 1993 if it failed to meet at least 10 times a year.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

- General Manager.

OPTIONS

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

ATTACHMENTS

- 1) Council meeting cycle options.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 11 FEBRUARY 2025

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

ITEM 2 - ATTACHMENT 1

COUNCIL MEETING CYCLE OPTIONS.

WEEK	OPTION 1 Current meeting cycle	OPTION 2 Recommended
1	No meetings or inspections	No meetings or inspections
2	4.30 to 5.00pm 2-way conversation program 5.30pm Public Access, if required followed by Ordinary Council Meeting	4.00 to 6.30pm 2-way conversation program
3	4.30 to 6.30pm 2-way conversation program Presentations and Workshops as required.	4.00 to 6.30pm 2-way conversation program Presentations and Workshops as required.
4	4.30 to 5.00pm 2-way conversation program 5.30pm Public Access, if required followed by Ordinary Council Meeting	4.00 to 5.00pm 2-way conversation program 5.30pm Public Access, if required followed by Ordinary Council Meeting
5	No meetings or inspections	No meetings or inspections

There being no further business the meeting closed at 7:11pm.

CONFIDENTIAL ITEMS

In accordance with Section 10A, of the Local Government Act 1993, Council can close part of a meeting to the public to consider matters involving personnel, personal ratepayer hardship, commercial information, nature and location of a place or item of Aboriginal significance on community land, matters affecting the security of Council, Councillors, staff or Council property and matters that could be prejudice to the maintenance of law.

Further information on any item that is listed for consideration as a confidential item can be sought by contacting Council.