

NOTICE OF ORDINARY MEETING

25 AUGUST 2026



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.

Flags, signs, placards or protest symbols are not permitted in the Council Chamber.

Food and beverages are not permitted in the Council Chamber.

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BUSINESS

- 1) Opening meeting.
- 2) Acknowledgement of Country
We acknowledge the Worimi people as the original Custodians and inhabitants of Port Stephens. We acknowledge and pay respects to Worimi elders past and present. May we walk the road to tomorrow with mutual respect and admiration as we care for the beautiful land and waterways together.
- 3) Prayer
 - i. We recognise the rich cultural and religious diversity in Port Stephens and pay respect to the beliefs of all members of our community, regardless of creed or faith.
 - ii. Almighty God, we ask for your blessing as we meet together on behalf of our community. So that today and into the future, you would direct and favour our deliberations to advance the welfare, safety and prosperity of our region. Amen.
- 4) Apologies and applications for a leave of absence from Mayor and Councillors.
- 5) Attendance by audio visual link.
- 6) Disclosures of interests.
- 7) Confirmation of minutes - Ordinary Meeting of 28 July 2026.
- 8) Mayoral minute(s).*
- 9) Urgency motions (if any)
- 10) Motions to close meeting to the public.*
- 11) Committee of the Whole.
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- 19) 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 protected, enhanced, sustainable and resilient.

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) Motion

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

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

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

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

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

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

A Point of Order can be raised where:

- 1) There has been any non-compliance with procedure, eg motion not seconded etc.
- 2) A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a committee of the Council:
 - (a) contravenes the Act, the Regulation or this code, or
 - (b) assaults or threatens to assault another Councillor or person present at the meeting, or
 - (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 the committee, or addresses or attempts to address the Council or the committee on such a motion, amendment or matter, or
 - (d) uses offensive or disorderly words, or

- (e) makes gestures or otherwise behaves in a way that is sexist, racist, homophobic or otherwise discriminatory, or, if the behaviour occurred in the Legislative Assembly, would be considered disorderly, or
- (f) imputes improper motives to or unfavourably personally reflects upon any other Council official, or a person present at the meeting, except by a motion, or
- (g) says or does anything that would promote disorder at the meeting or is otherwise inconsistent with maintaining order at the meeting.

Declarations of Conflict of Interest – Definitions

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

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

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

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



Form of Special Disclosure of Pecuniary Interest

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

Important information

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

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

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

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

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

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

ORDINARY COUNCIL - 25 AUGUST 2026

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

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

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

to be held on the _____ day of _____ 20__

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

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

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

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

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

Mayor/Councillor's signature _____

Date _____

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



Declaration of Interest form

Agenda item No. _____

Report title _____

Mayor/Councillor _____ declared a

Tick the relevant response:

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

in this item. The nature of the interest is _____

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

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

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

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

Mayor/Councillor left the Council meeting at _____ pm.

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

MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: 26/197161
EDRMS NO: PSC2025-02241

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (d)i 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 closure and sale of road reserve adjoining 485 Masonite Road, Heatherbrae.**
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it

That on balance it is considered discussion of the matter in open Council would be contrary to public interest, as the receipt and discussion of any information needs to be carried out confidentially to protect the commercial interests of the person who supplied the information.

- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.
-

ITEM NO. 2

FILE NO: 26/237094
EDRMS NO: PSC2024-04164

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (c) of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary agenda namely **East Seaham Road Widening and Realignment Works**.
- 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

That on balance it is considered discussion of the matter in open Council would be contrary to public interest, as the receipt and discussion of any information needs to be carried out confidentially to protect the commercial interests of Council.

- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.
-

COUNCIL REPORTS

ITEM NO. 1**FILE NO: 26/137950
EDRMS NO: 16-2025-714-1****DEVELOPMENT APPLICATION (DA) 16-2025-714-1 FOR DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 8 UNIT MULTI DWELLING HOUSING DEVELOPMENT AT 23 SOLDIERS POINT ROAD, SOLDIERS POINT**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves Development Application 16-2025-714-1 for the demolition of existing structures, vegetation removal and construction of 8 multi-dwelling housing units at 23 Soldiers Point Road, Soldiers Point (Lot 177 DP 27084), subject to recommended conditions contained in **(ATTACHMENT 2)**.
- 2) Supports the Clause 4.6 variation request to vary the Port Stephens LEP 2013 building height standard, for the reasons outlined in Clause 4.6 of the Planner's Assessment Report **(ATTACHMENT 3)**.

BACKGROUND

The purpose of this report is to present Development Application (DA) 16-2025-714-1 for the demolition of existing structures, vegetation removal and construction of 8 multi-dwelling housing units to Council for determination.

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

Subject Land	23 Soldiers Point Road, Soldiers Point (Lot 177 DP 27084)
Total Area	1662m ²
Zoning	R2 Low Density Residential
Submissions	First notification – 16 Second notification – 6
Key Issues	The key issues identified through assessment of the DA relate to permissibility, vegetation removal, impacts to neighbouring/shared trees and the variation to the maximum building height.
Applicant	Cerretti Holdings Pty Ltd
Land Owner	Lochinvar Gardens Retirement Village Pty Ltd

The DA has been reported to Council in accordance with the 'Planning Matters to be Reported to Council Policy' as it has been called up by Councillor Armstrong and Councillor Arnott (**ATTACHMENT 4**).

A locality plan is provided at (**ATTACHMENT 1**).

Proposal

The proposed development comprises the following:

- The demolition of the existing dwelling and ancillary structures
- Site preparation works, including vegetation removal (3 x trees)
- The construction of a multi dwelling housing development comprising 8 units and at-grade car parking.

Site Description

The subject site is known as 23 Soldiers Point Road, Soldiers Point and is legally described as Lot 177 DP 27084. The site currently contains a single storey dwelling house, boat shed and shed with frontage to Soldiers Point Road to the west and the foreshore to the site's east. The site's frontage to Soldiers Point Road contains a bus stop, driveway and power pole.

The site is surrounded by residential development, including a mix of multi-dwelling housing developments, residential flat buildings and dwelling houses. Directly adjacent the site across Soldiers Point Road are shop top housing developments, on land zoned E1 Local Centre that forms the Soldiers Point Village. The defining character of the immediate surrounding built form catchment is a mix of low and medium density, comprising 5 storey buildings to the west in the Soldiers Point Village, 3 storey residential flat buildings and 2 storey dual occupancy and multi-dwelling developments along Soldiers Point Road.

Site and Application History

There are 3 historic applications for the site. One is a combined BA/DA (7-1989-60472-1) for a garage, which was approved in April 1989. The second is a DA lodged for a senior's housing development; however, this application was rejected by Council upon lodgement due to insufficient information being provided. The third is a DA for seniors housing (16-2024-345-1), which was refused by the elected Council on Council staff's recommendation at the 10 June 2025 ordinary Council meeting. The refusal grounds primarily related to bulk, scale and insufficient information.

Strategic Context

One objective of the Port Stephens Local Housing Strategy (LHS) is to encourage infill housing within the Port Stephens Local Government Area. Soldiers Point, inclusive of the subject site, is identified within the LHS as an area where there are opportunities for infill housing under present capacity. The proposed development is

consistent with the LHS by providing for infill housing and further contributing a diverse mix of housing options within an established urban area.

Key Issues

Permissibility

The site is zoned R2 Low Density Residential. The proposed development is for multi-dwelling housing, which is defined in the PSLEP as:

- **Multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Multi-dwelling housing is permissible with consent in the R2 zone.

Concern has been raised in public submissions with regard to the characterisation of the proposed development and whether it is better characterised as a residential flat building, which is defined as follows:

- **Residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

Residential flat buildings are not permissible with consent in the R2 zone.

In characterising the proposed development, consideration has been given to the findings of the Land and Environment Court (LEC) Case, Mount Annan 88 Pty Ltd V Camden Council [2016] NSW LEC 1072. The findings of this case determined that for a development to be characterised as 'multi-dwelling housing', each dwelling must have access at ground level, which was the identified difference between the multi dwelling housing and residential flat building definitions. The subject development considered in this case gained access via stairs to upper dwellings and was ultimately considered to be multi dwelling housing on this basis. Importantly, it was determined that the stairs must form part of the dwelling.

The proposed development is considered to be multi dwelling housing as follows:

- 3 or more dwellings are proposed on one lot of land
- Each dwelling has access at ground level via individual staircases, which form part of the relevant dwelling.

Table 1 within the Planner's Assessment Report (**ATTACHMENT 3**) demonstrates how the proposed development meets the definition of multi dwelling housing by identifying how each dwelling gains access from ground level.

The characterisation and design principles in the decision of Mount Annan 88 Pty Ltd v Camden Council has also been followed in a number of other cases including Katerinis v Canterbury-Bankstown Council, Level 1 Construction Pty Ltd v

Canterbury-Bankstown Council and Eastern High Pty Ltd v Ku-ring-gai Municipal Council.

Vegetation Removal

The development application seeks consent for the removal of minor shrubs and the following vegetation within the site's boundaries:

- 1 x *Syzigium australe* (Dwarf Lilly Pilly)
- 1 x *Eucalyptus pilularis* (Blackbutt); and
- 1 x *Araucaria heterophylla* (Norfolk Is. Pine).

The Blackbutt and Norfolk Island Pine were identified as being of high retention value and the Dwarf Lilly Pilly is identified as being of moderate retention value in the Arborist Report prepared for the DA.

The proponent demonstrated that the retention of the Blackbutt (Tree 4) would effectively sterilise the site due to the location of the tree and the associated nominal root zone (NRZ). The NRZ of the Blackbutt (Tree 4) extended across most of the site, with only 3m along the site's northern boundary to provide a driveway for access to a development that would be unable to comply with Council standards. On balance, the removal of the Blackbutt (Tree 4) will not have significant adverse impacts to local biodiversity being a single tree in an established urban area of Soldiers Point. In addition, it was found in the Flora and Fauna Assessment Report prepared for the DA, that the vegetation within close proximity to the site also does not constitute koala habitat, also noting the fragmented nature of the tree being in isolation of other habitat areas or identified fauna corridors.

The removal of the Blackbutt (Tree 4) is supported as retention would unreasonably limit the orderly and economic use and development of the subject site. The site is zoned for residential purposes, not conservation, and the site is located in the Port Stephens Local Housing Strategy as being identified for future infill housing opportunities. Moreover, the recent reforms to the objects of the Environmental Planning & Assessment Act now give more legislative weight to supporting housing delivery, encouraging more balanced decision making when considered against environmental factors.

To ensure that there is still a net positive local biodiversity outcome, the proponents have proposed compensatory planting as outlined in the Planner's Assessment Report (**ATTACHMENT 3**). The replanting requirements form part of the landscape plan, which is referenced in the recommended conditions of consent (**ATTACHMENT 2**).

Impacts to Shared Trees

There are 2 trees located on the site's southern boundary, which are shared trees with neighbouring properties (25 and 27 Soldiers Point Road). These trees are identified as Tree 6 and Tree 9 in the Arborist Report. Both trees are proposed to be

retained as part of the development. Concern has been raised in submissions with regard to the Tree Protection Plan and the impacts of the development on these trees.

Accordingly, Council commissioned independent advice from a consulting Arborist who was satisfied that the design of the development, through conditions, would allow for the retention of both Tree 6 and Tree 9, particularly noting the site's soil conditions. An amended Tree Protection Plan to be used during construction was provided by the independent Arborist and has been referenced in the recommended conditions of consent. Other conditions have been recommended related to the preparation of a Tree Management Plan to protect the retained trees during works.

A more detailed assessment of tree removal and biodiversity matters is contained in the Planner's Assessment Report (**ATTACHMENT 3**).

Height Variation

The proposed development exceeds the maximum allowable building height for the site prescribed under Clause 4.3 of the Port Stephens Local Environmental Plan (PSLEP) 2013. The development has a maximum building height of 9.176m, which exceeds the 9m height limit and represents a minor 1.95% variation to the development standard.

A request to vary the building height development standard has been submitted by the applicant in accordance with Clause 4.6 of the PSLEP. That request has been reviewed, and the following is noted:

- The development has been designed to ensure that the building height is appropriate for the context and character of the area, in that the built form is 2 stories which is consistent with surrounding built form character.
- The height variation is restricted to a small portion of the roof, with majority of the development being compliant with the 9m building height control.
- Given the extent of the variation proposed, a compliant building height would not result in a materially different scale of development and therefore impacts would remain the same or similar.
- The proposed height exceedance does not result in additional adverse amenity impacts relating to visual impact, overlooking and overshadowing.

Based on the above, the objectives of Clause 4.3 are achieved despite the non-compliance. There are sufficient environmental planning grounds to justify contravening the height of buildings standard and compliance with the standard is unnecessary in the circumstances of this application.

Conclusion

The proposed development is considered to be consistent with the aims and objectives of the relevant environmental planning instruments and Council policies applicable to the subject site. There will be no significant adverse impact on the

natural or built environment. A more detailed assessment of other planning matters is contained in the Planner's Assessment Report (**ATTACHMENT 3**).

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The application could be potentially challenged in the Land and Environment Court. Defending Council's determination could have financial implications.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	Yes		\$7.11 contributions are applicable for the development of an additional 7 dwellings.
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The proposed development is generally consistent with the relevant planning instruments, including the Environmental Planning and Assessment Act 1979 (EP&A Act), the PSLEP 2013 with the exception of building height, PSDCP 2025 with some minor variations, and applicable State Environmental Planning Policies. A detailed assessment against these environmental planning instruments is contained within the Planner's Assessment Report (**ATTACHMENT 3**).

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social and Economic Impacts

There are a number of potential social impacts that may arise from the proposed development during construction including, short-term construction related impacts on the immediate locality, such as noise, safety, dust and vibration, and location of the temporary facilities. These impacts can be appropriately managed through the implementation of a Construction Management Plan which has been recommended as a condition of consent.

The proposal will deliver a multi dwelling housing development that will contribute to both housing diversity and supply in the local area. The development is consistent with Council's Local Housing Strategy by providing housing in a location identified for future infill development.

The provision of additional housing in close proximity to existing retail and commercial centres nearby the site will contribute to enhancing the economic viability of these centres.

Noting the above, it is considered that the proposal will have a positive social and economic impact.

Impacts of Built Environment

The proposed development is consistent with the surrounding built form character in terms of height, scale and design. Soldiers Point is an area undergoing transition through infill housing development in place of older detached housing stock. The proposed development is compatible with the emerging residential character and responds appropriately to the site's topography, orientation, and access. The built form is consistent with the objectives of the relevant planning controls in terms of height, setbacks, solar access, privacy and private open space provision.

Whilst some non-compliances are proposed to setback and height controls, the proposal is not considered to result in significant adverse impacts to the built environment in that it does not result in significant adverse amenity impacts to neighbouring properties and the public domain.

Impacts on Natural Environment

Whilst the proposal requires the removal of native vegetation on the site, as assessed, the impacts resulting from this vegetation removal are not expected to result in significant adverse impacts to the natural environment or local biodiversity. Potential impacts are further minimised through retained trees located on the shared boundaries as well as provision of replacement plantings throughout the site.

In addition, the development includes stormwater quality improvement devices which will ensure stormwater runoff will be treated to meet Council's stormwater stripping targets before being infiltrated.

COMMUNICATION AND ENGAGEMENT

Council's Communication and Engagement Strategy identifies the level of engagement undertaken. An explanation for each level is shown below.

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

The following communication and engagement applies to this report.

External communications and engagement

CONSULT	The application was exhibited twice during the assessment. The first notification was from 14 January 2026 to 28 January 2026. During this period, a total of 16 submissions were received. The second notification was from 15 May 2026 to 29 May 2026. A total of 6 submissions were received during the second notification period. The matters raised during the exhibition periods have been detailed and addressed in the Planner's Assessment Report (ATTACHMENT 3). The proposed development is in proximity to Ausgrid's assets and therefore, the application was referred to Ausgrid. Advice was provided with regard to the supply of electricity and works within proximity to existing network assets.
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Internal communications and engagement

Consultation has been undertaken by the Development Services Section with:

- Community Services Section.
- Strategy and Environment Section.

OPTIONS

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

ATTACHMENTS

- 1) Locality Plan.
- 2) Recommended Conditions of Consent.
- 3) Planner's Assessment Report.
- 4) Councillor call up form.

COUNCILLORS' ROOM/DASHBOARD

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

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1 LOCALITY PLAN



Recommended Conditions of Consent

General Conditions

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

The Requirements are:

1. Ausgrid, Reference: 1900158906, dated 16 January 2026.

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

Condition reason - To ensure that development is carried out in accordance with conditions are required by other external agencies (i.e. DOD, CASA etc).

- (2) **Approved plans and supporting documentation** – Development must be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this consent development consent:

Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
Project No. 2025-083 DD101	J	Site Plan	Space Design Architecture	02/06/2026
Project No. 2025-083 DD102	E	Demolition Site Plan	Space Design Architecture	20/03/2026
Project No. 2025-083 DD200	J	Lower Ground Floor Plan	Space Design Architecture	02/06/2026
Project No. 2025-083 DD201	L	Ground Floor Plan	Space Design Architecture	02/06/2026
Project No. 2025-083 DD202	I	First Floor Plan	Space Design Architecture	23/03/2026
Project No. 2025-083 DD203	H	Roof Plan	Space Design Architecture	20/03/2026
Project No. 2025-083 DD300 – DD301	I	Elevations – Sheet 1 – Sheet 2	Space Design Architecture	02/06/2026
Project No. 2025-083 DD400	I	Sections – Sheet 1	Space Design Architecture	02/06/2026
Project No. 2025-083	C	Glazed Window and Door Schedule	Space Design Architecture	20/03/2026

DD600 – DD604		– Sheet 1 – Sheet 5		
Project No. 2025-083 DD700	F	Material Finishes Board	Space Design Architecture	20/03/2026
Reference: GSP250532 N/A	F	Landscape Documentation	Green Space Planning Co.	03/06/2026
Reference: GSP250532 L01	F	Landscape Report	Green Space Planning Co.	03/06/2026
Reference: GSP250532 L02	F	Site Analysis Plan	Green Space Planning Co.	03/06/2026
Reference: GSP250532 L03	F	Lower Ground Floor Landscape Plan	Green Space Planning Co.	03/06/2026
Reference: GSP250532 L04	F	Ground Floor Landscape Plan	Green Space Planning Co.	03/06/2026
Reference: GSP250532 L05	F	First Floor Landscape Plan	Green Space Planning Co.	03/06/2026
Reference: GSP250532 L06	F	Plant Schedule	Green Space Planning Co.	03/06/2026
Reference: GSP250532 L07	F	Landscape Calculations	Green Space Planning Co.	03/06/2026
Reference: 222455 CIV-011	G	Civil Works Plan	DRB Consulting Engineers	24/03/2026
Reference: 222455 CIV-021 – CIV-022	G	Civil Details & Calculations – Sheet 1 – Sheet 2	DRB Consulting Engineers	24/03/2026
Reference: 222455 CIV-031 – CIV-032	G	Infiltration Tank / Water Quality Chamber Schematic – Sheet 1 – Sheet 2	DRB Consulting Engineers	24/03/2026
Reference: 222455 CIV-041	G	Driveway long section	DRB Consulting Engineers	24/03/2026
Reference: 222455 CIV-071	G	Cut and Fill Plan	DRB Consulting Engineers	24/03/2026
1 of 1	Final	Arborist Impact Plan	HA-BRA-CUL-CHA	03/05/2026

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Document Title	Version Number	Prepared By	Date of Document
Stormwater Drainage Design Operation and Maintenance Plan Project No. 222455	N/A	DRB Consulting Engineers	24/03/2026
Limited Geotechnical Engineers Investigation Project no. 222455	A	DRB Consulting Engineers	24/01/2025
Data Sheet WÖHR COMBILIFT 552/552_MR	N/A	WOHR	09/2025
Independent Arborist Review Report – Section 8 ‘Evaluation of Proposed Tree Protection Measures’ and Section 9.2 ‘Conclusions – Tree 9’.	FINAL	HA-BRA-CUL-CHA	05/2026
Arboricultural Impact Assessment – Figure 11.2. Survey Plan + Tree Retention and Removal	Amendment	Accurate Tree Assessment	03/2026

In the event of any inconsistency between the approved plans and the conditions, the conditions will prevail.

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

- (3) **Approved Report Recommendations** - Construction of the development must comply with the recommendations of the following sections of the *Independent Arborist Review Report*, prepared by HA-BRA-CUL-CHA, dated 05/2026:

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- Section 8. *Evaluation of Proposed Tree Protection Measures* with the exception of 'post-construction monitoring' and 'crown reduction – tree 6'. Ongoing management measures associated with the Laetiporus (white rot) infection of Tree 6 should be undertaken as per Advice Note 6.
- Section 9.2. *Conclusions – Tree 6 as follows:*
 - The HA-BRA-CUL-CHA plan confirms 30% total NRZ encroachment for Tree 6. Permeable paving must be implemented across all ground-level carpark and pathway surfaces within the NRZ as proposed, with no compacted subgrade.
 - Hydrovac root investigation at all footing locations within the NRZ, with root positions and diameters recorded in a written report.
 - Permeable paving specification for all ground-level carpark and pathway surfaces within the NRZ, confirming no compacted subgrade and provision of a geotextile and gravel aerated sub-base. Extension of permeable paving across the entire NRZ is not required given the site's deep Podzol soils.
- Note.** Ongoing management measures associated with the Laetiporus (white rot) infection of Tree 6 should be undertaken as per Advice Note 6.
- Section 9.3. *Conclusions – Tree 9*

Any required exploratory excavation or root mapping must be undertaken by an AQF level 5 Arborist prior to the issue of a construction certificate. A report from the Arborist must be provided to Council for approval showing the outcomes of the exploratory excavation or root mapping and any recommendations prior to any works being undertaken.

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

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

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

- (5) **Tree removal/pruning** – Trees 3, 4 and 7, as identified on Figure 11.2. *Survey Plan + Tree Retention/Removal* in the *Arboricultural Impact Assessment*, prepared by Accurate Tree Assessment, dated 03/2026 are approved for removal. Removal of nominated vegetation is not to occur until the issue of a Construction Certificate.

Targeted end-weight reduction pruning may be performed on Tree 9. The pruning must be performed by an AQF level 5 Arborist and consistent with AS4373-2007.

No vegetation or natural landscape features other than that authorised for removal, pruning by this Consent may be disturbed, damaged or removed.

Condition reason - To ensure that the development retains/prunes and replaces specific tree plantings.

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- (6) **Habitat Tree Removal** – The removal of Tree 7, as identified on Figure 11.2. *Survey Plan + Tree Retention/Removal* in the Arboricultural Impact Assessment, prepared by Accurate Tree Assessment, dated 03/2026 must be supervised by a suitably qualified and experienced fauna ecologist.

Clearing of habitat trees shall involve soft-felling techniques, which are to be implemented under the guidance of the ecologist. The ecologist shall be responsible for any fauna handling and relocations where required

Documentary evidence of the clearance supervision works shall be provided to the Certifying Authority.

Condition reason - To ensure habitat removal is undertaken in accordance with the approved documentation.

- (7) **Outdoor lighting** – All lighting must comply with AS 11158 'Lighting for Roads and Public Spaces' and AS 4282 'Control of Obtrusive Effects of Outdoor Lighting'.

Condition reason - To ensure outdoor lighting complies with the relevant Australian Standards.

Demolition Work Prior to demolition work commencing

- (8) **Asbestos removal signage (if applicable)** - Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.

Condition reason - To alert the public to any danger arising from the removal of asbestos.

- (9) **Demolition management plan** - Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person.

The demolition management plan must be prepared in accordance with Australian Standard 2601 – The Demolition of Structures and the Code of Practice – Demolition Work.

Condition reason - To provide details of measures for the safe and appropriate disposal of demolition waste and the protection of the public and surrounding environment during the carrying out of demolition works on the site

- (10) **Disconnection of services before demolition work (if applicable)** - Before demolition work commences, all services, such as water, telecommunications,

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gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.

Condition reason - To protect life, infrastructure and services.

- (11) **Notice of commencement for demolition** - At least one week before demolition work commences, written notice must be provided to Council and the occupiers of neighbouring premises of the work commencing. The notice must include:
- a) name
 - b) address,
 - c) contact telephone number,
 - d) licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor,
 - e) and the contact telephone number of council and
 - f) the contact telephone number of SafeWork NSW (4921 2900).

Condition reason - To advise neighbours about the commencement of demolition work and provide contact details for enquiries.

- (12) **Hazardous Material Survey before demolition**— Before demolition work commences, a hazardous materials survey of the site must be prepared by a suitably qualified person and a report of the survey results must be provided to council at least one week before demolition commences.

Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint.

The report must include at least the following information:

- a) the location of all hazardous material throughout the site
- b) a description of the hazardous material
- c) the form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust
- d) an estimation of the quantity of each hazardous material by volume, number, surface area or weight
- e) a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials
- f) identification of the disposal sites to which the hazardous materials will be taken

Condition reason - To require a plan for safely managing hazardous materials.

**Building Work
Prior to issue of a construction certificate**

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- (13) **Clear public access ways** - Before issue of a construction certificate, construction plans must demonstrate that access doors to enclosures for building services and facilities, such as hydrant and sprinkler booster assemblies or the like, except fire stair doors, will not open over the footway or roadway.

Condition reason - To ensure doors used to house building services and facilities do not obstruct pedestrians and vehicles

- (14) **Stormwater/drainage plans** – Prior to the issue of a Construction Certificate, detailed stormwater drainage plans must be prepared by a qualified Engineer in accordance with the approved plans, Council's Infrastructure Specifications and the current Australian Rainfall and Runoff guidelines using the Hydrologic Soil Mapping data for Port Stephens (available from Council). The plans must be consistent with / accompanied by the following information:

- The predicted highest groundwater level is to be determined and the plans must demonstrate that the infiltration system is located at least 1m above the predicted highest groundwater level
- Structural and geotechnical certification is to be provided for the underground infiltration system to achieve the design parameters in perpetuity (subject to the scheduled maintenance and replacement as nominated).

Details demonstrating compliance must be provided to the Certifying Authority.

Note. Under the Roads Act 1993, only the Roads Authority can approve commencement of works within an existing road reserve.

Condition reason - To ensure that the development is carried out in accordance with the DCP.

- (15) **Dilapidation Report** – Prior to the commencement of works, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of adjoining buildings, structures or works, and public land, to the satisfaction of the certifier. If the engineer is denied access to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the certifier's satisfaction that all reasonable steps were taken to obtain access to the adjoining properties.

Condition reason – To ensure a dilapidation report is prepared.

- (16) **Retaining walls** – Prior to the issue of a Construction Certificate, all retaining walls must be designed and certified by a suitably qualified Structural Engineer or a system with a design certificate complying with the relevant Australian Standards.

Retaining walls must be of masonry construction.

Retaining walls, footings and associated drainage works shall be located wholly within the subject property boundaries and shall be connected to the existing

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stormwater system or other approved stormwater system on the subject property.

Details demonstrating compliance must be provided to the Certifying Authority.

Condition reason - To ensure that retaining walls in proximity to the boundary and over a height are designed and certified by a suitably qualified engineer.

- (17) **Erosion and sediment control plan**– Before the issue of a construction certificate an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the certifying authority:
- a) the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and
 - b) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time). The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

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

- (18) **Roads Act Approval** – Prior to the issue of a Construction Certificate, an application must be made for a Roadworks Permit under s138 of the Roads Act 1993 for works involving the construction/reconstruction of Council infrastructure, including vehicular crossings, footpaths, kerb and gutter and stormwater drainage.

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

- (19) **Construction site management plan** - Before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier.

The plan must include the following matters:

- a) The location and materials for protective fencing and hoardings on the perimeter of the site;
- b) Provisions for public safety;
- c) Pedestrian and vehicular site access points and construction activity zones;
- d) Details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site
- e) Protective measures for on-site tree preservation (including in accordance with AS4970 Protection of trees on development sites)

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and trees in adjoining public domain (if applicable).

- 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;
- l) Waste management procedures in accordance with the EPA's Waste Classification Guidelines and the following requirements:
 - i) the contact details of the person(s) removing the waste
 - ii) an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill
 - iii) the address of the disposal location(s) where the waste is to be taken

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

Condition reason - To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

- (20) **Section 7.11 Development contributions** – A monetary contribution is to be paid to Council for the provision of 7, pursuant to Section 7.11 of the Environmental Planning & Assessment Act 1979 and the Port Stephens Council Local Infrastructure Contributions Plan 2020 towards the provision of the following public facilities:

Facility	Per Lot/Dwelling	Total \$
Civic Administration – Plan Management	\$755	\$5,285
Civic Administration – Works Depot	\$1,170	\$8,190
Town Centre Upgrades	\$3,412	\$23,884
Public Open Space, Parks and Reserves	\$2,264	\$15,848
Sports & Leisure Facilities	\$2,082	\$14,574
Cultural & Community Facilities	\$445	\$3,115
Road Works	\$3,570	\$24,990
Shared Paths	\$3,286	\$23,002
Bus Facilities	\$9	\$63
Fire & Emergency Services	\$528	\$3,696
Flood & Drainage	\$2,177	\$15,239

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ITEM 1 - ATTACHMENT 2 RECOMMENDED CONDITIONS OF CONSENT

Kings Hill Urban Release Area	\$302	\$2,114
TOTAL	\$20,000	\$140,000

Payment of the above amount must apply to Development Applications as follows:

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

Note: The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount must be indexed at the time of actual payment in accordance with the applicable Index.

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

- (21) **Long service levy** – Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier.

Condition reason: To ensure long service levy is paid prior to the issue of a Construction Certificate

- (22) **Housing and Productivity Contribution** – Before the issue of a construction certificate the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and Productivity Contribution	Amount
Housing and Productivity Contribution – Lower Hunter Region	\$51,898.47

The HPC must be paid using the NSW planning portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order). The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the Environmental Planning and Assessment Act 1979 agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution.

The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.

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Condition reason - To require contributions towards the provision of regional infrastructure.

- (23) **Design Amendments** – Before the issue of a construction certificate, the certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents:
- a) The front boundary fencing for Units 5 and 6 is to be a maximum of 1.5m in height.
 - b) A privacy screen is to be provided to the southern elevation of Unit 4's balcony, the same as privacy screen SCE1.
 - c) Window WG03 is to be provided with privacy screening to its full extent.
 - d) Window W106 is to be provided with privacy screening to its full extent.
 - e) The awning over the pedestrian access is to be redesigned to be setback a minimum of 900mm from the side boundary.
 - f) One of the visitor car parks (car parks numbered 1, 2 and 3) must be made an accessible car park.

Condition reason - To require minor amendments to the plans endorsed by the consent authority following assessment of the development.

- (24) **Flood Risk and Coastal Erosion Management Plan** – Prior to the issue of a Construction Certificate, a Flood and Coastal Erosion Risk Management Plan prepared by a suitably qualified Engineer must be provided to the Certifying Authority demonstrating compliance with the following:
- a) A certificate must be prepared by a qualified Engineer certifying that the development 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.
 - b) Certification that the proposed development/ building flood refuge is capable of withstanding the force of any flood waters experienced up to the Probable Maximum Flood Event (PMF).
 - c) Certification demonstrating that any damage to the proposed development sustained in a flood will not generate debris capable of causing damage to downstream buildings or property
 - d) Certification demonstrating that the rainwater tank, finishes, plant fittings and equipment and any other buoyant fixtures will be of materials and functional capacity to withstand the forces of floodwater in events up to and including the 1% AEP event including hydrostatic pressure, hydrodynamic pressure and buoyancy forces.

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

- (25) **Garbage Storage** – The area used for the storage of garbage must be constructed in accordance with the approved plans and the following:

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- a) The plans must demonstrate that the room can store the following bins:
 - 4 x 240L general waste bins as proposed
 - 5 x 360L recycling bins as proposed; and
 - 3 x 240L green waste bins.
- b) An appropriate access is to be provided.
- c) The floor of the waste area must be impervious material.; and
- d) The waste area must be vented to the external air by natural or mechanical ventilation.

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of a Construction Certificate.

Condition reason - To allow for assessment and ensure compliance with the relevant plans and requirements.

- (26) **Driveway gradients and design** - The driveway gradient and design of all driveways must comply with AS 2890.1 'Off street Car Parking' and:

- a) The driveway must be at least 1m from any street tree, stormwater pit or service infrastructure; and
- b) S138 driveway approval must be obtained prior to the commencement of any works.

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of a construction certificate.

Condition reason - To ensure that all driveways that relate to a development for the purposes of a dwelling house comply with AS2890.1 'Off Street Car Parking' and the relevant Council specification.

- (27) **Car parking details** – Before the issue of the relevant construction certificate, written evidence prepared by a suitably qualified engineer must be obtained that demonstrates, to the certifier's satisfaction, the plans for parking facilities comply with:

- o The relevant parts of AS 2890.1 Parking Facilities – Off-Street Carparking;
- o One accessible visitor space is provided.
- o The approved car stackers/lift can fit with the garages for Units 1 – 4.

Condition reason - To ensure parking facilities are designed in accordance with the Australian Standard, Council's DCP and the approved plans.

Prior to building work commencing

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

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

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

- (29) **Notice of Principal Certifying Authority appointment** – The Principal Certifier for this development must give notice must be given to the consent authority and Council, where the Council is not the consent authority, at least two days prior to subdivision and/or building works commencing in accordance with Section 6.6 (2) (a) of the Environmental Planning and Assessment Act 1979 and Section 57 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:
- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the Registered number and date of issue of the relevant development consent;
 - d) the name and address of the Principal Certifier and the person who appointed the principal certifier;
 - e) if the principal certifier is a registered certifier
 - i) the certifier's registration number, and
 - ii) a statement signed by the registered certifier to the effect that the certifier consents to being appointed as principal certifier, and
 - iii) a telephone number on which the certifier may be contacted for business purposes.

The notice must be lodged on the NSW planning portal.

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

- (30) **Notice commencement of work** – Notice must be given to Council and the Principal Certifier, if not the Council, of the person's intention to commence the erection of the building or undertake subdivision work at least two days prior to subdivision and/or building works commencing in accordance with Sections 6.6 (2) and 6.12 (2) (c) of the Environmental Planning and Assessment Act 1979 and Section 59 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:
- a) the name and address of the person;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the Registered numbers and date of issue of the development consent and construction certificate;
 - e) a statement signed by or on behalf of the principal certifier that all conditions of the consent that must be satisfied before the work commences have been satisfied; and

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- f) the date on which the work is intended to commence.

The notice must be lodged on the NSW planning portal.

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

- (31) **Signs on site** – A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:
- a) showing the name, address and telephone number of the principal certifier for the work, and
 - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Condition reason – To ensure a sign with the PCA contact details is erected on site during works.

- (32) **Construction Certificate Required** – In accordance with the provisions of Section 6.7 of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979), construction or subdivision works approved by this consent must not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Consent Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 6.5 of the EP&A Act 1979; and
 - c) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

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

- (33) **Site is to be secured** – The site must be secured and fenced to the satisfaction of the Principal Certifying Authority. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.

Condition reason - To restrict access to the site by the public and ensure that the site is adequately secured prior to the commencement of works.

- (34) **Erosion and sediment controls in place** – Before the commencement of any

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site or building work, the principal certifier must be satisfied that erosion and sediment controls are implemented.

Soil erosion and sediment control measures must be maintained during works and must only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

Condition reason – To ensure that soil, erosion and sediments controls are implemented prior to works commencing.

- (35) **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.

- (36) **Rubbish generated from the development** – Where not already available, a waste containment facility is to be established on site. The facility is to be regularly emptied and maintained for the duration of works.

No rubbish must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development.

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

- (37) **Protection of trees /existing street trees** – Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in the construction site management plan are in place.

Protection of trees to be retained must be in accordance with AS 4970-2025 'Protection of Trees on Development Sites' and the report recommendations approved in Condition 3 of this consent.

Condition reason – To ensure retained trees are protected in accordance with AS4970.

- (38) **Shoring and adequacy of adjoining property** – If the approved development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, or may impact permanent structures along the boundary or within adjoining land, the person having the benefit of this consent must, at own expense:

- a) protect and support the adjoining structures from possible damage from the excavation works; and
- b) where necessary, undertake underpinning or shoring works to prevent any such damage.

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This condition does not apply if the person having the benefit of the consent owns the adjoining land or the owner of the adjoining land has given consent in writing that condition not applying, and a copy of that written consent is provided to the PCA prior to the excavation commencing.

Condition reason - To ensure development that involves excavation that extends below the base of the footings of a building on adjoining land will not result in adverse impacts to adjoining lots.

- (39) **Flood Design Measures** - Evidence of certification demonstrating that the following flood related design precautions have been adhered to in the design must be submitted to the Principal Certifying Authority:
- a) In sewerred areas some plumbing fixtures may located below the Flood Planning Level (FPL). Where this occurs sanitary drainage is to be fitted with a reflux valve to protect against internal sewage surcharge;
 - b) All materials stored at the site and capable of causing harm to the environment must be stored at a level not less than the FPL or suitable bunding must be placed around such materials to a minimum of the FPL;
 - c) All building materials, equipment, ducting, etc., below the FPL must be flood compatible and ducting must be provided with openings for drainage and cleaning;
 - d) All main power supply, heating and air conditioning service installations, including meters must be located above the FPL. All electrical equipment installed below the FPL must be capable of disconnection by a single plug from the power supply;
 - e) All electrical wiring below the FPL must be suitable for continuous submergence in water. All conduits below the FPL must be self-draining. Earth core leakage systems or safety switches are to be installed; f) Wherever possible, the premises must be designed to ensure that plant, equipment, storage tanks or other fixtures or fittings liable to damage by floods are located above the FPL or be moveable to levels above the FPL. Should this not have the ability to occur, they shall be suitable for submergence in water and securely anchored to overcome buoyancy and movement. All storage tanks must be vented to an elevation above the FPL.

Condition reason - To mitigate the impacts of development within flood prone land and ensure the minimisation of risk to life and property.

- (40) **Weed management** – Weed removal and suppression must be undertaken using approved bush regeneration techniques under the supervision of a suitably qualified and approved bush regenerator and in accordance with the requirements for the NSW Biosecurity Act 2015, associated Regulations and NSW Weed Control Handbook.

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

Conditions reason - To ensure weed removal and suppression is undertaken in accordance with the requirements for the *NSW Biosecurity Act 2015*, associated Regulations and NSW Weed Control Handbook.

During building work

- (41) **Implementation of BASIX commitments (if applicable)** - While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.

Condition reason - To ensure that while building work is being carried out, the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent.

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

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

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.

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

- (43) **Toilet facilities** – Temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must be one toilet per 20 persons or part thereof employed on the site at any one time.

The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.

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

- (44) **Excavations and backfilling** – All excavations and backfilling associated with this development consent must be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified 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:

- a) preserve and protect the building from damage; and
- b) if necessary, underpin and support the building in an approved manner; and
- c) give at least seven days notice to the adjoining owner before excavating, of the intention to excavate.

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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.

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.

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

- (45) **Building height** – A survey report prepared by a Registered Surveyor confirming that the building height complies with the approved plans or as specified by the development consent, must be provided to the Principal Certifying Authority prior to the development proceeding beyond frame stage.

Condition reason - To ensure that the maximum building height of the structures on site are compliant with the consent and in accordance with the approved plans.

- (46) **Construction Site Management Plan implementation** - While vegetation removal, demolition and/or building work is being carried out, the applicant must ensure the measures required by the approved construction site management plan and the erosion and sediment control plan are implemented at all times. The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.

Condition reason – To ensure compliance with management plans during works.

- (47) **Stormwater disposal** – Following the installation of any roof, collected stormwater runoff from the structure must be:

a) Connected to an approved stormwater quality improvement device.

Condition reason – To ensure stormwater is collected and discharged appropriately.

- (48) **Placement of fill** - Filling must not be placed in such a manner that natural drainage from adjoining land will be obstructed or in such a manner that surface water will be diverted.

Further, any alterations to the natural surface contours must not impede or divert natural surface water runoff so as to cause a nuisance to adjoining property owners.

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.

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Condition reason - To ensure fill does not generate nuisance stormwater flows.

- (49) **Responsibility for changes to public infrastructure** - While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.

Condition reason - To ensure payment of approved changes to public infrastructure.

- (50) **Tree removal and protection during work** – All approved tree removal must be undertaken by a qualified arborist with minimum Australian Qualification Framework Level 5 qualifications. All works are to be undertaken in accordance with the relevant provisions of AS 4373 'Pruning of Amenity trees'.

Trees on site which are not approved for removal under this consent must be protected in accordance with the relevant requirements of AS4970

Protection of trees on development sites and the approved:

- o Arborist Impact Plan prepared by HA-BRA-CUL-CHA, Revision: Final, Dated 03/05/2026.
- o Recommendations of the Arborist Review Report prepared by HA-BRA-CUL-CHA, Revision: Final, dated 05/2026 referenced in Condition 3 of this consent; and
- o Arboricultural Impact Assessment – Figure 11.2. Survey Plan + Tree Retention and Removal prepared by Accurate Tree Assessment, Revision: Amendment, dated 03/2026.

Tree protection measures must be maintained for the duration of construction.

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

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

- a) the work in the area of the discovery must cease immediately;
- b) the following must be notified
 - i) for a relic – the Heritage Council; or
 - ii) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

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

- a) for a relic – the Heritage Council; or
- b) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South

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

Condition reason - To ensure the protection of objects of potential significance during works.

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

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

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

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

- (53) **Offensive noise, dust, odour and vibration** – All work must not give rise to offensive noise, dust, odour or vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the nearest property boundary.

Condition reason - To ensure that developments do not give rise to offensive noise, dust, odour, or vibration.

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

- (a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.
- (b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the NSW EPA.

Condition reason - To ensure that all imported and/or exported fill is Virgin Excavated Natural Material.

- (55) **Acid sulfate soils management plan** – Works must be undertaken in accordance with the Acid Sulfate Soils Management Plan in Section 11 of the Limited Geotechnical Engineers Investigation prepared by DRB Consulting Engineers, Revision A, Dated 24 January 2025.

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Condition reason - To ensure ASS are appropriately managed through construction where required.

Prior to of an occupation certificate

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

The Principal Certifying Authority must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent.

Condition reason - To ensure that an Occupation Certificate relating to the development has been provided to the Principal Certifying Authority.

- (57) **Survey Certificate** – Prior to the issue of an Occupation Certificate, a Registered Surveyor must prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate must be provided to the satisfaction of the Principal Certifying Authority.

Condition reason - To ensure that the building is located in accordance with the approved plans and evidence from a Registered Surveyor is provided to the Principal Certifying Authority.

- (58) **Services** – Prior to the issue of an Occupation Certificate, evidence is to be provided to certifying authority demonstrating that the following reticulated services are available to each dwelling:

- a) Electricity;
- b) Water;
- c) Sewer; and
- d) Gas (where available).

Should any of the above reticulated services not be available to the development site, a detailed statement is to be provided explaining why connection of the relevant service is not possible or practical.

Condition reason - To verify that reticulated services are provided to the dwelling/s.

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

The certification/verification must be provided to the satisfaction of the Principal Certifying Authority prior to the issue of an Occupation Certificate.

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

- (60) **Repair of infrastructure** – Before the issue of an occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the

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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.

- (61) **Completion of Roads Act Approval works** – Prior to the issue of an Occupation Certificate, all approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with the Roads Act Approval to the satisfaction of the Council as the Roads Authority.

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

- (62) **Completion of landscape and tree works** – Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree-works, including pruning in accordance with AS 4373-2007 *Pruning of amenity trees* and the removal of all biosecurity risks (weeds), have been completed in accordance with the approved plans and any relevant conditions of this consent.

Condition reason - To ensure that landscape and tree works have been completed in accordance with the approved plans prior to the issue of an Occupation Certificate.

- (63) **Removal of waste upon completion** - Before the issue of an occupation certificate, the principal certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the principal certifier.

Before the issue of a partial occupation certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved waste management plan to the principal certifier's satisfaction.

Condition reason - To ensure that all waste is appropriately removed from the subject site prior to the issue of an Occupation Certificate.

- (64) **Flood Risk Management Plan** – A Certificate of Compliance prepared by a suitably qualified Flood engineer must be provided to the Principal Certifying Authority stating that all aspects of the Flood Risk Management Plan (Condition 25 of this consent) have been completed and/or implemented in accordance with the approved Plan.

Condition reason - To ensure that flood impacted development adequately mitigates risks to life and property.

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- (65) **Car parking requirements** – A minimum of 19 car parking spaces including four car parking stackers (Units 1 – 4) are to be provided in accordance with AS2890 and the approved plans. Parking must be permanently marked on the pavement surface.

The parking spaces marked 1 to 3 are required for visitors, must be signposted as “visitor parking”.

Details demonstrating compliance must be provided to the certifying authority prior to the issue of an Occupation Certificate.

Condition reason - To ensure that a specified number of car parking spaces is provided in accordance with the approved plans and they are compliant with Council requirements.

Occupation and ongoing use

- (66) **Maneuvering of vehicles** – All vehicles must enter and exit the site in a forward direction.

Condition reason - To ensure that vehicles enter and leave the site in a forward direction.

- (67) **Privacy screen** – Any privacy screen/s must be permanently maintained in accordance with the approved plans for the life of the development.

Condition reason - To mitigate and privacy impacts and ensure compliance with the approved plans.

- (68) **Location of mechanical ventilation (if applicable)** – During occupation and ongoing use of the building, the applicant must ensure all subsequently installed noise generating mechanical ventilation system(s) or other plant and equipment that generates noise are in an appropriate location on the site (including a soundproofed area where necessary) to ensure the noise generated does not exceed 5dBa at the boundary adjacent to any habitable room of an adjoining residential premises.

Condition reason - For all applications requiring air conditioning units.

- (69) **Maintenance of landscaping** – Landscaping must be maintained in accordance with the approved landscape plan and conditions of this development consent. All landscape areas must be kept free of parked vehicles, stored goods, garbage or waste material at all times.

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

Condition reason - To ensure that landscaping is maintained in accordance with the approved landscape plan and the relevant development consent.

- (70) **Driveways to be maintained** – All access crossings and driveways must be maintained in good order for the life of the development.

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Condition reason - To ensure that access and driveways are maintained for the life of the development.

- (71) **Maintenance of wastewater and stormwater treatment device (if applicable)** - During occupation and ongoing use of the building, the applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant or an approved operation management plan (if applicable).

Condition reason – To ensure all wastewater and stormwater systems are managed and maintained for the life of the development.

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

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

Condition reason - To ensure that replacement trees and revegetation areas are maintained until maturity, or for a period of 5 years from planting.

- (73) **Sub Floor** – The sub floor of the development is not to be used for habitable purposes and must not be used for the storage of hazardous goods and materials.

Condition reason - To ensure that the sub floor is not used for habitable purposes for the storage of hazardous goods and materials.

- (74) **Car stackers/lift** – Car stackers and lifts located in the garages of Units 1 – 4 must be maintained in a operable state for the life of the development.

Condition reason - To ensure that car stackers/lift are maintained.

Council advisory notes

- 1) **'Dial Before you Dig Australia'** – Before any excavation work starts, contractors and others should phone the "Dial Before You Dig Australia" service to access plans/information for underground pipes and cables.
- 2) **Responsibility for damage for tree removal/pruning** – The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or applicant's agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.

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- 3) **Approved Plans to be on-site** – A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifying Authority.
- 4) **Council as PCA, PCA sign** – It is the responsibility of the applicant to erect a PCA sign. Where Council is the PCA, the sign is available free of charge, from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay. The applicant is to ensure the PCA sign remains in position for the duration of works.
- 5) **Addressing** – Prior to occupying the development or release of the Subdivision Certificate, whichever occurs first, Council's Spatial Services Team should be contacted via email at: addressing@portstephens.nsw.gov.au to obtain correct property addressing details. Please state your Development Approval number and property address in order to obtain the correct house numbering.
- 6) **Tree 6 Ongoing Management/Monitoring** – Tree 6 has been identified as having a Laetiporus (white rot) infection. The *Independent Arborist Review Report*, prepared by HA-BRA-CUL-CHA, dated 05/2026 makes a number of recommendations in regard to the ongoing management / monitoring of this tree in association with the infection. Council recommends that Tree 6 be managed and monitored in accordance with these recommendations or in accordance with advice from an appropriately qualified arborist.

General advisory notes

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

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

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

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

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Dictionary

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

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

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

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

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

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

Council means Port Stephens Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

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

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

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

Local planning panel means Hunter Central Coast Regional Planning Panel.

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

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

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including

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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.

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

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the

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DEVELOPMENT ASSESSMENT REPORT

APPLICATION REFERENCES

Application Number	16-2025-714-1
Development Description	Demolition of existing structures, vegetation removal and construction of 8 x multi dwelling housing units
Applicant	CERRETTI HOLDINGS PTY LTD
Land owner	Lochinvar Gardens Retirement Village Pty Ltd
Date of Lodgement	07/01/2026
Value of Works	\$4,790,000.00
Submissions	First notification – 16 Second notification – 6

PROPERTY DETAILS

Property Address	23 Soldiers Point Road SOLDIERS POINT
Lot and DP	LOT: 177 DP: 27084
88B Restrictions on Title	N/A
Current Use	Dwelling house and ancillary structures
Zoning	R2 LOW DENSITY RESIDENTIAL
Site Constraints	Acid Sulfate Soils – Class 4 Koala Habitat – Buffer over Cleared Land, Mainly Cleared Biodiversity Values Map Coastal Management – Coastal Vulnerability Area, Coastal Environment Area and Coastal Use Area Combined Corridor Map Flood Prone Land
State Environmental Planning Policies	State Environmental Planning Policy (Sustainable Buildings) 2022; State Environmental Planning Policy (Biodiversity and Conservation) 2021; State Environmental Planning Policy (Resilience and Hazards) 2021; State Environmental Planning Policy (Housing) 2021.

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PROPOSAL

The application seeks consent for the demolition of the existing dwelling, site preparation works including vegetation removal, and the construction of a multi dwelling housing development comprising 8 units and at-grade car parking, refer to **Figure 1**.

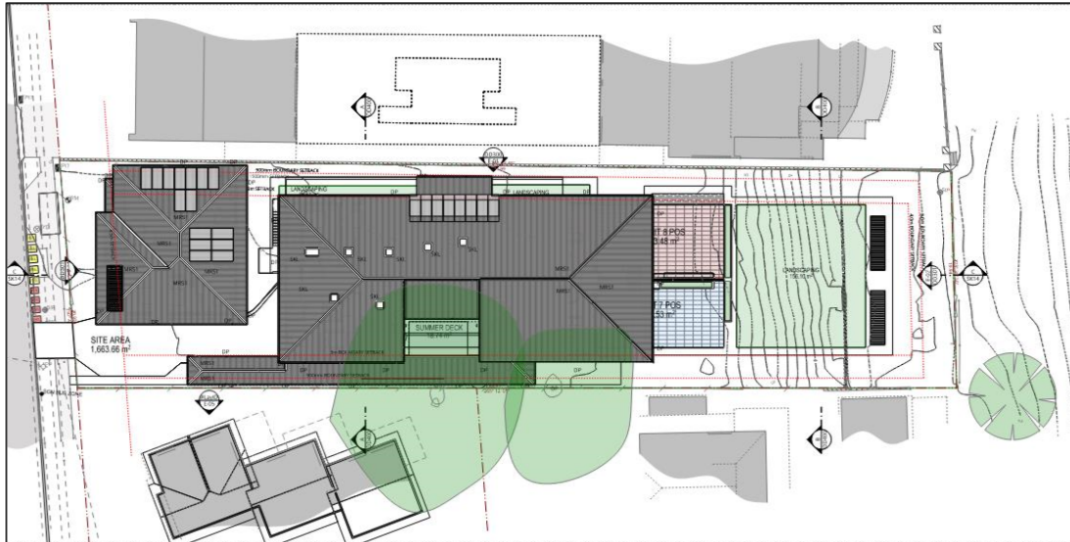


Figure 1: Proposed site plan

Dwelling Layout

The development is proposed to be constructed over two buildings.

One building is a two-storey building fronting Soldiers Point Road and is proposed to contain two units both with three bedrooms (Units 5 and 6). The ground floor of each of these units is proposed to contain the living area and laundry. Private open space is provided in both the front setback and at the rear of each dwelling. The second floor of both units are proposed to contain three bedrooms one with an ensuite and one separate bathroom.

Two pedestrian access points to these units are proposed, one via a footpath off Soldiers Point Road and the other located at rear of the units from the car parking area.

The second building is proposed to contain six units, given the slope of the site, there will be a sub-floor, lower ground floor, ground floor and first floor. This is discussed further below.

Sub Floor

The sub-floor is located beneath the Units 1 and 2 and is proposed to be a void and not utilised for habitable space.

Lower Ground Floor

The lower ground floor will contain two units, being Units 1 and 2. Both units are single level, contain three bedrooms all with ensuites, a standalone bathroom, a European style laundry, an open plan living and dining area and private open space which is oriented east. Unit 1 has two pedestrian

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access points. One access is from the ground floor level which is accessed via the car park and the southern pedestrian pathway. A second pedestrian access door is provided to Unit 1 along the southern elevation from ground level. Unit 2 similarly has two pedestrian access points. Unit 2 is proposed to be accessed from the ground floor level which is accessed via the car park as well as from the ground level at the rear of the dwelling via individual stairs.

Ground Floor

The ground floor contains two units, being Units 3 and 4. Both units are single level, contain three bedrooms all with ensuites, a standalone bathroom, a European style laundry, a kitchen, an open plan living and dining area and private open space which is oriented east. Both units are provided direct access from the car park on the ground floor level via a private door to individual staircases. Lift access is also provided for both of the units.

First Floor

The first floor contains two units being Units 7 and 8. Unit 7 contains three bedrooms all with ensuites, a standalone bathroom, a laundry, a kitchen, open plan living and dining area and private open space which is oriented east and a deck along the south elevation.

Unit 8 contains four bedrooms all with ensuites, a standalone bathroom, a laundry, a kitchen, open plan living and dining area and private open space which is orientated east.

Both units are directly accessed from the ground floor level via a private door and stairs. Lift access is also provided to both units.

Car Parking and Access

Ground floor car parking is proposed that will contain 8 x garages for each unit and 3 x visitor car parking spaces. Units 5 – 8 are provided with a double car garage. Whilst Units 1 – 4 are provided with single car garages which include a car stacker to provide space for two cars. Overall, a total of 15 car parking spaces is proposed.

The garages for Units 7 and 8 contain mezzanine levels for storage as well as internal stairs providing access to each unit.

The ground floor also contains a room for services as well as bin storage.

Vehicular access is proposed to be provided via one crossover off Soldiers Point Road located in the south-eastern portion of the site.

Vegetation Removal

The development proposes to remove the following vegetation within the site's boundaries:

- 1 x Syzigium australe (Dwarf Lilly Pilly)
- 1 x Eucalyptus pilularis (Blackbutt); and
- 1 x Araucaria heterophylla (Norfolk Is. Pine).

There are 2 trees located on the site's southern boundaries, identified as T6 and T9 which are proposed to be retained, refer to **Figure 2** below. It is noted that a portion of the ground floor car park and entry pathway is proposed to be permeable paving to limit impacts to neighbouring trees.

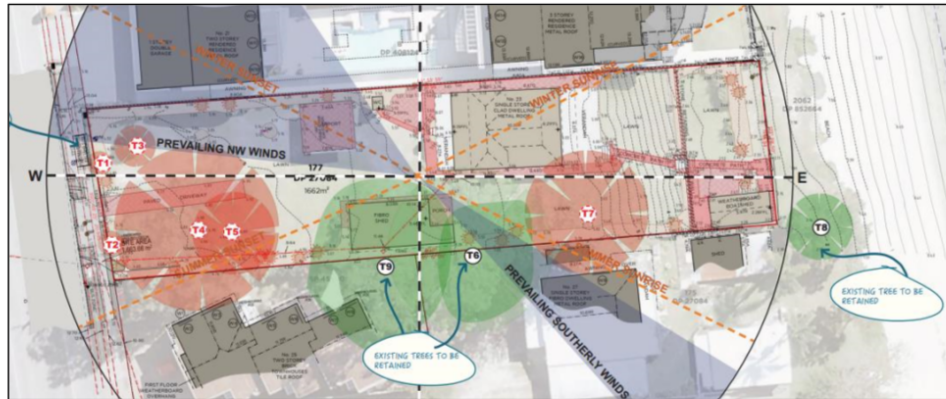


Figure 2. Tree removal and retention plan

Landscaping

Landscaping is proposed throughout the site, within the front setback, along the side boundaries, within the rear setback and on structure.

Landscaping comprises a mixture of large trees, shrubs, and ground covers of which there are a mixture of native and non-native species. The landscaping scheme includes the planting of 2 x *Eucalyptus pilularis* (Blackbutt) in 100L pots as replacement plantings for the removal of the existing blackbutt on the site.

Stormwater

A stormwater management plan has been prepared for the proposal by DRB Consulting Engineers. All stormwater from the roof and patio areas is proposed to be directed to the four rainwater tanks located with the site's northern setback before being discharged to an underground infiltration tank located under the car park.

Waste Management

For waste, the development is proposed to be serviced by a waste storage room located on the ground floor in the car park area. The waste storage room is proposed to store the following bins:

- 4 x 240L general waste bins
- 5 x 360L recycling bins
- 2 x 240L green waste bins

Bins are proposed to be brought to kerbside by residents for Council collection.

SITE DESCRIPTION

The subject site is known as 23 Soldiers Point Road, Soldiers Point and is legally described as Lot 177 DP 27084. The site currently contains a single storey dwelling house, boat shed and shed with frontage to Soldiers Point Road to the west and the foreshore to the site's east, refer to **Figure 3**. The sites frontage to Soldiers Point Road contains a bus stop, driveway and power pole.

The site is surrounded largely by residential development including a mix of multi-dwelling housing developments, residential flat buildings and dwelling houses. Directly adjacent to the site across Soldiers Point Road are shop top housing developments as these lots are zoned E1 Local Centre. **Figures 4–6** show surrounding development within the area.



Figure 3. Aerial imagery of the subject site outlined in blue



Figure 4. Existing shop top housing directly adjacent to the site across Soldiers Point Road

SITE HISTORY

Previous Applications

There are three applications on file for the site. One is a combined BA/DA (7-1989-60472-1) for a garage which was approved in April 1989. The second is a DA lodged for the senior's housing development, however, this application was rejected by Council upon lodgement due to insufficient information being provided. The third is DA for seniors housing (16-2024-345-1) which was refused by the elected Council on Council staff's recommendation at the 10 June 2025 ordinary Council meeting.

There are no other applications or compliance matters noted on file for the site.

Current Application

The development application was lodged on 7 January 2026. A chronology of the development application since lodgement is outlined in **Table 1**. As demonstrated in Table 1 below, a number of requests for information were issued during assessment of the application. Design changes and additional information was provided to Council in response to these requests including, an increased front setback, additional landscaping, provision of additional privacy measures, additional shadow diagrams and additional information with regard to vegetation removal. The additional information provided during assessment appropriately addressed Council's requests.

Table 1: Chronology of the DA	
Date	Event
14 January 2026 – 28 January 2026	Notification of the application
7 January 2026	DA referred to internal teams and external agencies
26 February 2026	Request for Information from Council to applicant.
25 March 2026	Response to RFI received.
7 May 2026	Request for Information from Council to applicant.
11 May 2026	Response to RFI received.
15 May 2026 – 29 May 2026	Re-notification of application.
25 August 2026	Reported to the Ordinary Council meeting.

STRATEGIC CONTEXT

Hunter Regional Plan 2041

The Hunter Regional Plan 2041 sets the State Government's planning direction and seeks to ensure that there is a sufficient supply of diverse housing in the future. This plan applies to the Greater Newcastle Area, which includes Soldiers Point, and advocates for infill housing and new housing development to be located within established urban areas. The proposed development is consistent with the strategic aims of the HRP 2041 by providing for increased density through infill housing and provides a more efficient use of space and existing infrastructure such as pathways and roads.

Port Stephens Local Housing Strategy

The Port Stephens Local Housing Strategy (LHS) seeks to encourage infill housing within the Port Stephens Local Government Area. Soldiers Point is identified within LHS as an area where there are opportunities for infill housing, refer to **Figure 5** below. Specifically, in reference to the below map, the LHS states that "The Infill Housing Opportunities Map shows the areas identified in the Study, and the urban areas that presently have the capacity to accommodate infill housing within the existing planning framework". The proposed development is consistent with the LHS by providing for infill housing and further contributing a diverse mix of housing options.



Figure 5. Exert of the 'Infill housing opportunities map' from the Port Stephens Local Housing Strategy

SITE INSPECTION

A site inspection was carried out on 1 May 2026, and can be seen in **Photographs 1 to 5** below:



Photograph 1. Site from Soldiers Point



Photograph 2. Existing dwelling and ancillary structures looking east



Photograph 3. The existing dwelling look east



Photograph 4. The site looking west towards Soldiers Point Road. The existing Blackbutt proposed for removal is located in the left of the photograph.



Photograph 5. The existing dwelling from the waterfront. The Norfolk Pine on the left is proposed for removal.

REFERRALS

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

Internal

Development Engineering	
Outcome	Supported with conditions
Comment	The application was referred to Council's Development Engineer to assess the proposed access and stormwater design. A request for information was issued which sought further information in regard to the proposed stormwater design as well as additional information to demonstrate that the car parking and the driveway designs were compliant with relevant criteria. The response provided addressed these items with Development Engineering ultimately being supportive of the proposal subject to the conditions. The conditions recommended by Council's Development Engineer have been recommended accordingly.
Natural Systems	
Outcome	Supported with conditions
Comment	The application was referred to Council's Natural Systems team for assessment of the proposed tree removal. A request for further information was initially issued which requested that Trees 4 and Tree 6 be retained. Tree 6 (a Eucalyptus pilularis (Blackbutt)) is located across both the subject site and the southern property (27 Soldiers Point Road). In response, the applicant provided an amended design and an updated Arborist Report to demonstrate that Tree 6 did not require removal and that the design would not impact the tree. Council engaged an independent Arborist

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	who reviewed the Architectural Plans and Arborist Report and found that both shared trees (T6 and T9) can be retained alongside the proposed development, given site characteristics and soil conditions. This is discussed further as part of the assessment of the proposal against Chapter B2 of the DCP. Tree 4 is located in the western front setback of the site and is a <i>Eucalyptus pilularis</i> (Blackbutt). It was identified in the Arborist Report prepared by Accurate Tree Assessment as having high retention value. Noting this, Council's Natural Systems Officer requested that it be retained. In response, the applicant provided justification to support its removal. Ultimately, Council's Natural Systems Officer supported the proposed vegetation removal subject to replacement planting of 2 x <i>Eucalyptus pilularis</i> (Blackbutt) trees with 100L pot sizes. The landscape plans have been updated to include the required replacement plantings. This is discussed further as part of the assessment of the proposal against Chapter B2 of the DCP.
Development Contributions	
Outcome	Supported with conditions
Comment	The application was referred to Council's Development Contributions officer who determined that s7.11 contributions are applicable to the proposed development. A condition has been recommended accordingly.
Waste Management	
Outcome	Not supported – Conditions recommended to address concerns
Comment	The application was referred to Council's Waste Management Team for assessment. A request for information was issued requesting that details be provided to demonstrate that the number of waste bins provided in the waste storage room are suitable to cater for the development and that the street frontage is capable of supporting the number of bins proposed for kerbside collection. In response, the applicant provided an updated Waste Management Plan and a corresponding amended design. The plans demonstrated that the waste room could store: • 4 x 240L general waste bins • 5 x 360L recycling bins • 2 x 240L green waste bins Based on the NSW EPA's <i>Better practice guide for resource recovery in residential developments</i>, Council's Waste Team determined that the development would be required to be serviced by the following number of bins: • 4 x 240L general waste bins as proposed • 5 x 360L recycling bins as proposed; and • 3 x 240L green waste bins. Whilst the proposal provides the correct number of general and recycling bins, there is one less green waste bin proposed on the plans. A condition has been recommended which requires the provision of the above bins in the waste storage room as well as an access door. Council's Waste Team raised concern that the frontage may not be able to cater for the number of bins required for kerbside collection. However, the amended plans which are to scale demonstrate that the waste bins can be reasonably located on the street frontage for kerbside collection.
Spatial Services	

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Outcome	Referral comments not received
	The application was referred to Council's Spatial Services Team to provide addressing. A condition has been recommended requiring the applicant to contact Spatial Services prior to the issue of an Occupation Certificate for addressing.

All internal referral officers have supported the application with conditions.

External (non-integrated)	
Ausgrid	
Outcome	Supported with conditions
Comment	The application was referred to Ausgrid for assessment. Advice was provided with regard to the supply of electricity and works within proximity to existing network assets. The Ausgrid referral is referenced in a recommended condition.

All external referral officers have supported the application with conditions.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 1.3 – Objects of the Act

The *Environmental Planning and Assessment Amendment (Planning System Reforms) Bill 2025* included amendments to the key objectives of the *Environmental Planning and Assessment Act 1979*. The objects of the EP&A Act have been modernised to reflect the evolving priorities of planning in NSW. Key changes include broadening the housing object to focus on delivery across all housing types, not just affordable housing, and introducing new objectives around climate adaptation, natural disaster resilience, proportional risk-based assessment and land use productivity. Of particular relevance for the proposed development, are objectives of the Act that now speak directly to housing supply. Consent authorities must now give legislative weight to housing supply when making decisions on development applications.

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

The site contains one tree (Tree 4) which is mapped on the Biodiversity Values Map. Tree 4 is proposed to be removed as a part of the proposal. Notwithstanding, the proposal is exempt from triggering entry into the Biodiversity Offset Scheme, due to the exemption in Section 7.3(4) of the BC Regulation which states that:

- *Despite anything to the contrary in this Part, proposed development (other than subdivision) does not exceed the biodiversity offsets scheme threshold merely because it is to be carried out on a lot included in the Map if the lot was the result of a subdivision carried out before the commencement of the Act and the lot is within land zoned R1 to R4, RU5, B1 to B8 or IN1 to IN3 under an environmental planning instrument.*

The site is zoned R2 low density residential and established prior to the BC Act coming into effect, therefore this exemption applies.

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

The proposed development does not trigger assessment Section 4.14 of the EP&A Act 1979 due to the subject site not being identified as bushfire prone land.

Section 4.46 – What is “integrated development”?

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

Section 4.15 – Matters for consideration

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

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

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

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

State Environmental Planning Policy (Sustainable Buildings) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 encourages the design and construction of more sustainable buildings to meet NSW climate change targets and adapt to more extreme weather, including hotter and drier summers.

Chapter 2 – Standards for residential development - BASIX**Section 2.1(1) – Development standards**

Section 2.1(1) requires that BASIX affected residential development be accompanied by a BASIX certificate.

A valid BASIX certificate (certificate no. 1826284M) prepared by a suitably qualified consultant has been submitted with the development application which demonstrates that the water, thermal performance and energy requirements for the proposal have been achieved. The proposal is considered to satisfy the relevant provisions of SEPP BASIX.

Section 2.1(5) – Development consent requirements

Section 2.1(5) requires that development consent must not be granted to BASIX affected residential development unless the embodied emissions attributable to the development have been quantified.

The BASIX Certificate includes an Embodied Emissions Materials Assessment which complies with Section 2.1(5).

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 (DCP) can make declarations with regards to certain matters. The chapter further provides that Council may issue a permit for tree removal.

The development application seeks consent for the removal of three trees on the property as follows:

- 1 x *Syzigium australe* (Dwarf Lilly Pilly)
- 1 x *Eucalyptus pilularis* (Blackbutt); and
- 1 x *Araucaria heterophylla* (Norfolk Island Pine).

Consent is required for removal as per the DCP. This is discussed further against Chapter B2 of the DCP.

Chapter 4 – Koala habitat protection 2021

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

Section 4.8 – Development assessment process

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

Port Stephens Certified Koala Plan of Management

The east of the site is mapped as mainly cleared land, the middle of the site is mapped as buffer over cleared land and the western portion of the site is mapped as being preferred koala habitat, as is Soldiers Point Road in both the northern and southern directions.

The development does not contain any koala feed trees as per the CKPoM criteria and the Port Stephens Development Control Plan. One of the trees proposed to be removed (Tree 4) is a Blackbutt and is identified in the CKPoM as a species that can be important to koalas as they can provide shelter and structural habitat in isolation of other available trees. Notwithstanding, Blackbutts are not a nominated koala feed tree.

A Flora and Fauna Assessment was prepared for the proposal by Wedgetail Project Consultants. As a part of the Flora and Fauna Assessment, an assessment against the CKPoM was provided. The Flora and Fauna Assessment found that the areas mapped as containing preferred koala habitat on the site and the surrounding area under the CKPoM were not ground surveyed as constituting koala habitat nor does the vegetation types on the subject site or the neighbouring properties support

preferred koala feed trees. Noting this, the proposal is considered to be consistent with the CkPoM in that:

- The development would not impact to the viability of the local koala population in the long term.
- The development would not compromise areas of high-quality koala habitat.
- No koala feed trees are proposed for removal.
- The Blackbutt proposed for removal will be replaced through compensatory planting at a 1:2 ratio.
- The design has been amended to retain Tree 6 and Tree 9, also being large Blackbutts that will provide the same function of shelter to that being removed (Tree 4). The retained Blackbutts will provide shelter and structural habitat for stray koala movements if required and will assist in limiting potential impacts from the proposed development. The replacement tree plantings along with the retained Blackbutts will ensure the environmental functions of the site are retained.

Noting the above, it is considered that the proposal is consistent with the CKPoM and therefore the requirements of this policy.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 – Coastal management

The subject land is located with the Coastal Vulnerability Area, Coastal Environment Area and Coastal Use Area as such the following general matters are required to be considered when determining an application.

Section 2.9 – Development on land within the coastal vulnerability area

As per Section 2.9 of Chapter 2 of the SEPP, development consent not be granted to development on land that is within the area identified as a coastal vulnerability area unless the consent authority is satisfied the building can be engineered to withstand current and projected coastal hazards for the design life of the building or works, and:

- is not likely to alter coastal processes to the detriment of the natural environment or other land, and
- is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and
- incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and
- measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.

The rear of the site is mapped as being within a coastal vulnerability area. The ground floor of the rear building is set above the flood planning level (FPL) of 4m. This accounts for projected sea level rise and other climate change factors that may exacerbate flood levels by the year 2100.

The development has been designed to not alter coastal processes and will not impact public access to any coastal areas, including beaches, foreshores, or headlands. The elevated floor level for habitable areas provides security against current and future coastal hazards, mitigating risks to life and public safety. Additionally, recommended conditions will ensure that appropriate coastal hazard management measures are in place. Given these factors, the proposal is consistent with the requirements of Clause 2.9.

Section 2.10 – Development within the coastal environment area

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

The proposal is generally consistent with s2.10 in that:

- The development will not cause an adverse impact on the integrity and resilience of the biophysical, hydrological and ecological environment associated with the coastal environment area, noting appropriate stormwater management measures are proposed and as well as landscaping throughout the site which consists of species that are not only endemic to Port Stephens but can thrive in the site's climate on the coast.
- The development will not impact the coastal environmental values and natural coastal processes.
- The development includes stormwater quality improvement devices which will ensure stormwater runoff will be treated to meet Council's stormwater stripping targets before being infiltrated.
- Whilst the proposal does result in the removal of existing vegetation site with the exception of two shared trees, the proposal includes the provision of landscaping throughout the site including two replacement blackbutts trees. With the inclusion of landscaping and replacement plantings it is considered that the proposal will not result in adverse impacts on marine vegetation or the surrounding native vegetation.
- The proposal will not hinder or impact existing public open space or access to the coastline.
- The site is not a mapped heritage item, nor is it within the vicinity of any heritage listed items. An AHIMs search was provided for the site which found no recorded Aboriginal sites or places within a 200m buffer of the site.
- The proposal will not impact on the use of the surf zone.

Section 2.11 – Development within the coastal use area

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

The proposed development is an appropriate type and design for the coastal location. The proposal is not considered likely to have adverse impacts on the existing access to the waterfront, result in adverse loss of views from public spaces or adversely impact the visual amenity of the coast, Aboriginal cultural or environmental heritage values noting that the development is largely compliant with the relevant development controls and is consistent with the surrounding character of the area. The proposal is therefore consistent with this section. The proposed development is symptomatic of other similar developments along the eastern side of Soldiers Point Road that have aspect to the Port Stephens foreshore.

Section 2.12 – Development within the coastal zone generally

Section 2.12 of Chapter 2 of the SEPP requires consideration to whether the development would increase the risk of coastal hazards. The proposed development is suitably designed and located to not increase risk to coastal hazards as addressed above. A suitable setback is provided from the foreshore line and the development is designed to meet future climate changes flood levels.

Therefore, the application would generally comply with the aims of the SEPP and the other matters for consideration stipulated under Section 2.9, 2.10, 2.11 and 2.12, and can therefore be supported.

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

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

- 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 subject site is located within the Coastal Management Plan mapping and therefore this section applies. As noted above, the development has been appropriately designed having regard to potential coastal hazards and is therefore consistent with this CMP. Actions under the CMP will continue to be undertaken to mitigate and protect land from future coastal hazards.

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.

State Environmental Planning Policy (Transport And Infrastructure) 2021

Chapter 2 – Infrastructure

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

Section 2.48(2) requires consultation with the local power authority – Ausgrid, where a development involves works in proximity to electrical utility infrastructure. The application was referred to Ausgrid, requesting comments about potential safety risks. In response, Ausgrid provided advice with regard to the supply of electricity and works within proximity to existing network assets. Should the application be supported, the Ausgrid referral will be referenced in a recommended condition of consent.

State Environmental Planning Policy (Housing) 2021

Chapter 6 – Low and mid rise housing

Part 3 – Attached dwellings, multi dwelling housing and multi dwelling housing (terraces)

The subject site is not located within a low and mid rise housing area and therefore this chapter of the Housing SEPP does not apply.

Port Stephens Local Environmental Plan 2013 (PSLEP2013)

Clause 2.3 – Zone objectives and land use table

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

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

This Clause outlines that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The site is zoned R2 Low Density Residential. The proposed development is for multi dwelling housing which is defined in the PSLEP as:

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Multi dwelling housing is permissible with consent in the R2 zone.

Concern has been raised in public submissions with regard to the characterisation of the proposed development and whether it is better characterised as a residential flat building, which is defined as follows:

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

Residential flat buildings are not permissible with consent in the R2 zone.

In characterising the proposed development, consideration has been given to the findings of the Land and Environment Court (LEC) Case, *Mount Annan 88 Pty Ltd V Camden Council [2016] NSW LEC 1072*. The findings of this case determined that for a development to be characterised as 'multi dwelling housing' each dwelling must have access at ground level which was the identified difference between the multi dwelling housing and residential flat building definitions. The development considered in this case gained access via stairs to upper dwellings and was ultimately considered to be multi dwelling housing on this basis. Importantly, it was determined that the stairs must form part of the dwelling.

The characterisation and design principles in the decision of *Mount Annan 88 Pty Ltd v Camden Council* has also been followed in a number of other cases including *Katerinis v Canterbury-Bankstown Council*, *Level 1 Construction Pty Ltd v Canterbury-Bankstown Council* and *Eastern High Pty Ltd v Ku-ring-gai Municipal Council*.

The proposed development is considered to meet the definition of multi dwelling housing as follows:

- 3 or more dwellings are proposed on one lot of land
- Each dwelling has access at ground level via individual staircases which form part of the relevant dwelling.

Table 2 demonstrates how the proposed development meets the definition of multi dwelling housing by identifying how each dwelling gains access from ground level. Noting the fall and topography of the site, the stepped design allows for each dwelling to gain ground floor access.

Based on the design, the development is characterised as a multi dwelling housing development and is permissible with consent in the R2 zone.

Table 2. Unit Access at Ground Level

Unit	Access
1	Access is provided via a door located on the southern elevation located at ground level. Secondary access to a ground level lobby area is also provided via stairs and a lift from car park.
2	Access is provided via stairs from the rear of the property which are located at ground level. Secondary access to a ground level lobby area is also provided via stairs and a lift from car park.
3	Access is provided to the unit from the carpark via individual stairs which form part of the dwelling and are located at ground level. Secondary access is provided via a lift accessed from the car park.
4	Access is provided to the unit from the carpark via individual stairs which form part of the dwelling and are located at ground level. Secondary access is provided via a lift accessed from the car park.
5	Access is provided from the Soldiers Point Road frontage on ground level.
6	Access is provided from the Soldiers Point Road frontage on ground level.
7	Access is provided to the unit from the carpark via a staircase which form part of the dwelling and are located at ground level.
8	Access is provided to the unit from the carpark via a staircase which form part of the dwelling and are located at ground level.

The objective of the R2 Low Density Residential zone area:

- 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 proposed development provides for the housing needs of the community and is therefore consistent with the objectives of the zone.

Clause 4.1B – Minimum lot sizes for dual occupancies, multi-dwelling housing and residential flat buildings

The objective of this clause is to achieve planned residential density in certain zones. Clause 4.1B specifies the minimum lot size required to facilitate development for the purposes of dual occupancies, multi dwelling housing and residential flat buildings in order to achieve planned residential density in certain zones. For multi dwelling housing in the R2 Low Density Zone, the minimum site area required is 750sqm.

The subject site has a total area of approximately 1662m² which provides sufficient area to facilitate the proposed development, in accordance with the numerical requirements of this clause.

Clause 4.3 – Height of buildings

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

The maximum permissible building height on the site under the PSLEP is 9m. The development has a maximum building height of 9.176m, exceeding the 9m maximum height requirement, representing a minor 1.95% variation. A s4.6 variation request has been submitted to Council.

Clause 4.4 – Floor space ratio

The objectives of this clause are to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality, to provide a suitable balance between landscaping and built form, and to minimise the effects of bulk and scale of buildings.

Clause 4.4(2) provides that the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio map.

The site does not have a maximum FSR indicated on the FSR map.

Clause 4.6 – Exceptions to development standards

The objectives of this clause are to provide an appropriate degree of flexibility in applying certain development standards to particular development, and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The proposal exceeds the maximum allowable building height for the site prescribed under Clause 4.3 of the LEP. The DA has a maximum building height of 9.176m, which exceeds the 9m height limit and represents an 1.95% variation to the development standard.

A request to vary the building height development standard has been submitted by the applicant in accordance with Clause 4.6 of the PSLEP. The cl. 4.6 request has been reviewed, and the key grounds noted below:

- The development has been designed to ensure that the building height is appropriate for the context and character of the area in that the built form is two stories which is largely consistent with surrounding development.
- The height variation is restricted to a small portion of the roof. A large portion of the development is compliant with the 9m building height control.
- Given the extent of the variation proposed, a compliant building height would not result in a materially different scale of development and therefore impacts would remain the same or similar under a compliant height.
- The proposed height exceedance does not result in additional adverse amenity impacts relating to visual impact, overlooking or overshadowing.

Based on the above, the objectives of Clause 4.3 are achieved despite the non-compliance. There are sufficient environmental planning grounds to justify contravening the height of buildings standard and compliance with the standard is unnecessary in the circumstances of this application.

On this basis, the building height variation is supported. A detailed assessment against Section 4.6 is contained within Attachment 1 – Clause 4.6 Assessment Report.

Clause 5.10 – Heritage conservation

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

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

There are no European heritage values present on the site. An AHIMs search found that the site does not contain any Aboriginal site nor has it been declared an Aboriginal Place. An Aboriginal Place has been identified to the north of the site, although not within the immediate catchment of the subject site. The proposal is not considered likely to impact upon the heritage significance of this Aboriginal Place.

As such, no adverse impact to Aboriginal heritage is expected, and a condition of consent relating to unexpected finds has been recommended, should the application be supported, to ensure that appropriate steps are taken should any artefacts be identified during works.

Clause 5.21 – Flood planning

The objectives of this clause are to minimise the flood risk to life and property associated with the use of land, to allow development on land that is compatible with the flood function and behaviour on the land, accounting for projected changes as a result of climate change, to avoid adverse or cumulative impacts on flood behaviour and the environment, and to enable the safe occupation and efficient evacuation of people in the event of a flood.

The eastern (rear) portion of the site is mapped as being within a flood planning area, specifically in the low and high hazard flood fringe flood hazard categories. The flood mechanism is from Soldiers Point Beach during storm surges.

The development seeks consent for development within the flood planning area and this clause applies. In the determination of this development application, the following matters have been considered and addressed below.

Compatibility and flood affection

The (rear) eastern portion of the site is mapped as being in a Flood Planning Area with the nominated flood risk level being partially low and high hazard flood fringe. In accordance with Figure 5 of the DCP, the development is characterised as 'residential accommodation' which is considered to be suitable subject to development controls for this site's flood risk category, including building to the relevant flood planning level (1% event with freeboard).

Occupation and evacuation

The proposed development is for multi dwelling housing with a total of 8 dwellings proposed on the site. All habitable areas have a finished level that meets the flood planning level therefore providing safe occupation for future residents. The sub-floor is vacant and is proposed below the flood planning level. A condition has been recommended which requires that the sub-floor not be used for habitable purposes or for the storage of hazardous materials or valuable goods.

With regard to evacuation, the western portion of the site and Soldiers Point Road are not flood affected, providing flood free egress during a flood event.

Risk to life and property

As noted above, all proposed habitable rooms finished floor levels are above the flood planning level which is consistent with the DCP requirements.

The sub-floor is below the flood planning level, however, a condition has been recommended which requires that the sub-floor not be used for habitable purposes or for the storage of hazardous goods and materials.

The environment and off-site flooding impacts

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

Clause 7.1 – Acid sulfate soils

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

The subject land is mapped as containing potential Class 4 acid sulfate soils. A Geotechnical Report was prepared for the proposal by DRB Consulting Engineers. On-site testing was undertaken to determine whether acid sulfate soils were present on the site. Acid sulfate soils were identified at depths of >4.2m. Given the proposal does not seek to undertake earthworks at this depth, the Geotechnical Report determined that a site-specific Acid Sulfate Soil Management Plan is not deemed to be necessary as existing acidic soils are unlikely to be encountered during site works.

Notwithstanding, an Acid Sulfate Soils Management Plan (ASSMP) was prepared in the event additional earthworks were required or acid sulfate soils are encountered. A condition has been recommended requiring that construction comply with the ASSMP if acid sulfate soils are 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.

The proposal includes earthworks in the form of both cut and fill across the site. The requirements of this clause have been satisfied as follows:

- The proposal is not likely to result in any detrimental effect on drainage patterns and soil stability in the locality of the development.
- The earthworks will facilitate future use of the site.
- A condition has been recommended that requires that all imported and exported fill is to be VENM, ENM or a material identified as being subject to a resource recovery exemption by the NSW EPA.
- Conditions have been recommended that require the applicant to protect and support the adjoining buildings from possible damage from the excavation and where necessary, underpin the adjoining buildings to prevent any such damage. The requirement for a dilapidation report of neighbouring properties has also been included as a recommended condition.
- Given the disturbed nature of the site, the likelihood of disturbing relics is considered low. Notwithstanding, conditions regarding unexpected finds have been recommended.
- The proposal is not considered likely to impact on any waterway, drinking water catchment or environmentally sensitive area. Notwithstanding, conditions requiring that erosion and sediment control measures be put in place during construction have been recommended.

Clause 7.6 – Essential services

Cause 7.6 provides that development consent must not be granted to development unless the consent authority is satisfied that services that are essential for the development are available or that adequate arrangements have been made to make them available when required. The essential services include the following:

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

The subject site is serviced by reticulated water, electricity and sewer. In addition, the application has demonstrated that stormwater drainage resulting from roof and hard stand areas can be catered for in accordance with Councils requirements. The subject land also maintains direct access to Soldiers Point Road, meeting the requirements of this clause.

Clause 7.9 – Wetlands

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

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

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

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

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

A small portion at the rear of the site is mapped as a wetland area under the LEP. The proposal does not seek to remove any significant vegetation within the mapped wetland area and has incorporated appropriate stormwater design measures which limit any impacts to the areas of mapped wetland. There are also no obvious hydrological or biodiversity features on the site that indicate the site forms part of a wetland, therefore the mapping, which is historical, is likely attributed to being considered a transition area.

Section 4.15(a)(ii) – Any draft environmental planning instrument that is or has been placed on public exhibition**Draft Climate Change and Natural Hazards State Environmental Planning Policy**

There is one draft policy that has been recently exhibited being the Climate Change and Natural Hazards State Environmental Planning Policy. The draft policy will:

- Introduce new guidelines for managing natural hazards and update existing natural hazards controls to streamline decision-making.
- Focus on climate risks, rebuilding after natural disasters, coastal hazards, flooding, bushfires and urban heat.
- Establish a consistent approach for assessing climate risk and natural hazards throughout development assessment.
- Provide an all-hazards approach to planning to ensure communities and developments are resilient to both current and future risks.
- Help consent authorities, such as local councils, assess climate and natural hazard risks for different development types and guide decisions based on acceptable risk levels.

The Climate Change and Natural Hazards SEPP is intended to replace the Resilience and Hazards SEPP 2021. Given the proposals consistency with this policy, it is considered that the proposal is consistent with the draft Climate Change and Natural Hazards SEPP.

Section 4.15(a)(iii) – Any development control plan

Port Stephens Development Control Plan 2025 (PSDCP 2025)

The Port Stephens Development Control Plan 2025 (DCP) is applicable to the proposed development and has been assessed below.

Section B – General Provisions

B1 – Tree Permits

This chapter applies to the removal or pruning of trees or other vegetation within non-rural areas.

The objectives of this chapter are:

- To list the trees or other vegetation that requires a Tree Permit for removal or pruning.
- To prescribe when a Tree Permit is not required.

The development application seeks consent for the removal of three trees on the property. The trees are all native species being:

- 1 x Syzigium australe
- 1 x Eucalyptus pilularis (blackbutt)
- 1 x Araucaria heterophylla (Norfolk Island pine)

This is discussed further against Chapter B2 of the DCP.

B2 – Natural Environment

This chapter applies to development that has the potential to impact the natural environment, being within any LEP or State mapped wetlands or riparian areas, and has the potential to impact these areas, is located on land containing biosecurity risks, is located on land mapped as Koala containing habitat identified by Council's Comprehensive Koala Plan of Management (CKPoM), includes tree removal or pruning as part of the development, or includes only tree removal or pruning and requires development consent under the planning legislation.

The objectives of this chapter are:

- To avoid and minimise impacts on the natural environment.
- To protect and enhance native flora and fauna, vegetation communities, and riparian corridors, and high value ecological features on the site.

- Compensatory replacements are provided for specific habitat features which cannot be avoided and are proposed to be removed, including Koala habitat.
- To reduce the negative impact of weeds on the economy, community and environment by eliminating or restricting their geographical spread.

This chapter includes references to assessment of the proposed development against the requirements of the Port Stephens Comprehensive Koala Plan of Management (CKPoM). A complete assessment of the CKPoM has been undertaken against the Biodiversity and Conservation SEPP

Section B2. An Ecological Impact

The objectives on this section are to:

- To avoid and minimise impacts on native flora and fauna
- To protect and enhance native flora and fauna, vegetation communities, and significant habitat on the site.

The site contains a mixture of planted gardens and native trees. There are two trees with a shared boundary, both of which are native and located on the subject sites southern boundary which are discussed in detail below. Council commissioned an independent Arborist to review the submitted Arboricultural Impact Assessment (AIA) and make recommendations to inform conditions and management plans.

Shared/Joint Boundary Trees

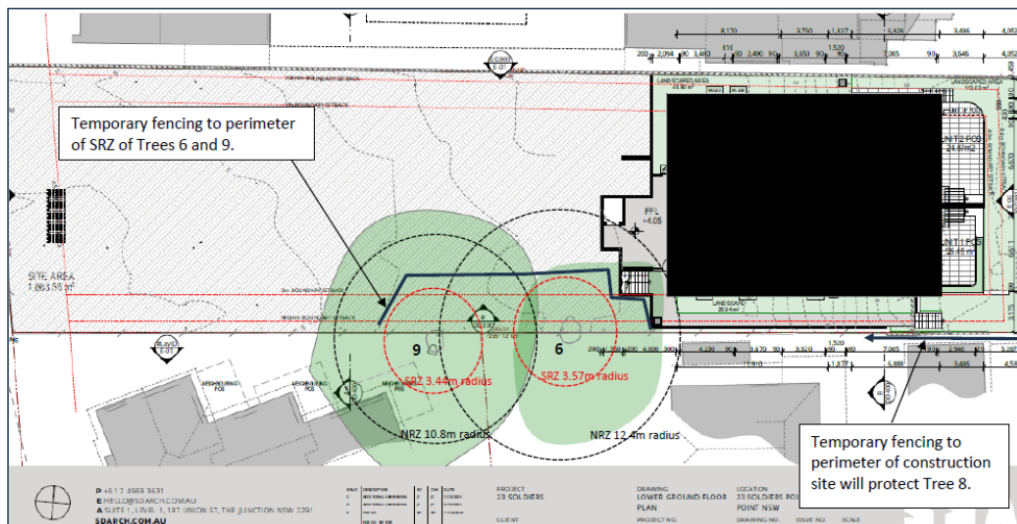


Figure 6. Site plan and retained Trees 9 and 6

Tree 9 - Eucalyptus pilularis

Tree 9 is a Eucalyptus pilularis (Blackbutt) and is identified in the submitted Arboricultural Impact Assessment prepared by Accurate Tree Assessment Ian Hills dated March 2026 for the proposal as having high retention value. This tree is located mostly in the adjoining south-western property (25 Soldiers Point Road) and is not proposed to be removed. The Arborist Report accompanying the DA has demonstrated that the development would not compromise the tree. The soil and site conditions are conducive for the retention of this tree through design and mitigation measures. The

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independent Arborist Report commissioned by Council supported Tree 9 could be retained, subject to the following:

- Preserving natural ground level within a certain radius of the tree;
- Permeable paving around notional root zone areas;
- Limit tree root zone encroachment through excavation restrictions;
- Fencing and non-destructive excavation in nominal root zones;
- Pre-construction root investigation;
- Limit branch removal to comply with AS4373.

Conditions have been recommended accordingly.

Tree 6 - Eucalyptus pilularis

When first lodged, the application sought consent to remove what is identified in the Arborist Report as Tree 6, which is a large Eucalyptus pilularis (Blackbutt) that was identified as having high retention value. Tree 6 is located on both the subject site and the property to the south east of the site (27 Soldiers Point Road) and therefore consent from the neighbouring landowner would be required for it to be removed.

Council issued a request for information which sought to have Tree 6 retained. The plans were amended to include permeable paving on the ground floor and use of supporting columns for the first floor to allow for the retention of Tree 6 (Blackbutt). Council staff obtained independent advice from a suitably qualified Arborist who was satisfied that the amended design would allow for the retention of both Tree 6 and Tree 9 particularly given site characteristics and soil conditions.

An amended Tree Protection Plan to be used during construction was provided by the independent Arborist and has been referenced in recommended conditions of consent. Notwithstanding, during inspection of the site, it was identified by the independent Arborist that Tree 6 was infected by a fungus known as *Laetiporus portentosus* which appears to have occupied the tree for over 10 years. This fungus breaks down the trees' internal structure and can impact its stability. Therefore, further testing was conducted by the independent Arborist to determine the trees stability. It was determined that the tree was currently stable and that the proposed development would not impact the stability. It is noted however that the stability of the tree may be further affected over time, and the tree may eventually need to be removed, but not as a result of the proposed development. This matter can therefore be managed between site owners outside of the assessment of this Development Application. Tree matters in NSW are governed civilly between landowners under the Trees (Disputes Between Neighbours) Act 2006. An advice note has been included which recommends that ongoing management and monitoring of Tree 6 associated with the fungus be undertaken in accordance with the recommendations identified in the independent Arborist report or in associated with the recommendations of another suitably qualified arborist.

The Tree 6 can be retained, subject to the following:

- Permeable paving across ground level and surfaces within the notional root zone area as per the Tree Protection Plan;
- Hydrovac root investigation at all footing locations within the NRZ prior to commencement of works;
- Fencing and non-destructive excavation in nominal root zones.

Conditions have been recommended accordingly.

Proposed Vegetation Removal

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The development application seeks consent for the removal of the following vegetation within the site's boundaries:

- 1 x *Syzigium australe* (Dwarf Lilly Pilly) – Tree 3
- 1 x *Eucalyptus pilularis* (blackbutt) – Tree 4
- 1 x *Araucaria heterophylla* (Norfolk Island pine) – Tree 7

All trees proposed for removal are within the site's boundaries and are not located on shared boundaries. The Blackbutt and Norfolk Island Pine are identified as being of high retention value and the Dwarf Lilly Pilly is identified as being of moderate retention value in the Arborist Report prepared for the proposal.

Council issued a request for information which sought to have Tree 4 retained. Tree 4 is located in the western front setback of the site and is a *Eucalyptus pilularis* (blackbutt) and therefore a native species. Tree 4 is mapped as being preferred koala habitat and as being of Biodiversity Value (BV) due to being preferred koala habitat.

The applicant provided justification to Council to demonstrate that orderly use and development of the site could not occur while still retaining Tree 4, which is an objective of the Environmental Planning and Assessment Act 1979. Reference was made to the Land and Environment Court case *Scuccimarra v Canterbury-Bankstown Council [2023] NSWLEC 1025* which found that removal of the large oak tree on the site subject to the LEC matter would promote orderly and economic use and development of the site as the location of the tree would result in the rear of the site being largely unusable. Regarding the proposed development, it was noted that Tree 4 has a nominal root zone (NRZ) radius of 11.2m as indicated in **Figure 7** below. The residual area outside the NRZ leaves 3m along the sites north to provide a driveway for access to a development which would be unable to comply with Council requirements of access.

Noting the above, it is accepted that retention of Tree 4 would unreasonably limit the orderly and economic use and development of the subject site and as such would also fail to meet the objective of the act that seeks to *promote the supply, delivery and maintenance of housing*. The site is zoned for residential purposes, not conservation, and the site is located in the adopted Port Stephens Local Housing Strategy as being identified for future infill housing opportunities.

Notwithstanding, another objective of the Act is to *protect the environment, including the conservation of threatened species of native animals and plants and ecological communities and their habitats*. Therefore, the proposed removal of vegetation on the site must also be considered having regard to this objective among other relevant legislation including this Chapter of the DCP.

As discussed in the assessment against the Biodiversity and Conservation SEPP, whilst Tree 4 is mapped as preferred koala habitat and is BV mapped, the tree itself is not identified as a koala feed tree species in either the CKPoM or Council's DCP and therefore does not constitute preferred koala habitat under the CKPoM criteria. In addition, it was found in the Flora and Fauna Assessment Report prepared for the proposal by Wedgetail Project Consulting, that the vegetation within proximity to the site also does not constitute koala habitat, noting the fragmented nature of the tree being in isolation of other habitat areas or identified fauna corridors. Noting this, the proposal was considered to be consistent with the CKPoM as concluded previously in this report. On balance, the removal of Tree 4 will not have significant adverse impacts to local biodiversity and will not unreasonably sterilise the site from infill residential development. The retained Blackbutts (Tree 6 and 9) will provide supplementary shelter and refuge for koalas if required, and the compensatory planting will ensure the environmental functions of the site for koala movements are preserved.

In addition to the above, during field surveys undertaken as a part of the Flora and Fauna Assessment, no threatened flora or fauna species were identified on the site. It was noted that Tree

6 which is now proposed to be retained, does contain a hollow which could be used as habitat and that the Norfolk Island Pine currently contains a nest occupied by Australian Magpie. Otherwise, no suitable breeding habitat for avian or arboreal fauna was identified on the site. Two threatened fauna species were assessed as having potential foraging habitat within the site being the Grey-headed Flying-fox and the White-throated Needletail. Notwithstanding, it was concluded that the proposal is unlikely to significantly impact on local populations of these species due to the negligible impact on already disturbed area of habitat. Council's Environmental Planner has supported the proposed tree removal as part of the development.

To minimise the impacts of the proposed vegetation removal, the landscape design has included compensatory planting including the following trees species:

- 3 x *Banksia integrifolia* (Coastal Banksia)
- 2 x *Eucalyptus pilularis* (Blackbutt)
- 2 x *Hibiscus tiliaceus* (rubra Cottonwood)
- 2 x *Howea forsteriana* (Kentia Palm)

A condition has been recommended requiring that all vegetation in the landscape plan is to be maintained and that if any of the vegetation dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.



Figure 7. Tree 4's nominal root zone (NRZ) in red

Section B2.B – B2.C Koala Habitat and Compensatory Requirements

The objective of this section is to:

- To encourage the proper identification, management and conservation of Koala habitat in accordance with Council's Comprehensive Koala Plan of Management (CKPoM).

The east of the site is mapped as mainly cleared land, the middle of the site is mapped as buffer over cleared land and the western portion of the site is mapped as being preferred koala habitat, as is Soldiers Point Road in both the north and southern directions.

The development does not contain any koala feed trees as per the CKPoM criteria and the Port Stephens Development Control Plan. Notwithstanding, one of the trees proposed to be removed (Tree 4) is a Blackbutt and is identified in the CKPoM as being important to koalas, but not a feed

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tree. As assessed under the Biodiversity and Conservation SEPP, the proposal is considered to be consistent with the CkPoM in that:

- The development would not impact to the viability of the koala population in the long term.
- The tree is isolated and located in a fragmented residentially zoned area that is highly developed, limiting koala movements.
- The development would not compromise areas of high-quality koala habitat.
- The proposal seeks to replace the Blackbutt at a 1:2 ratio which is considered to be an tree important to koala and therefore its replacement will assist in limiting potential impacts from the proposed development.

Section B2.D – Biosecurity Risks (weeds)

The objective of this section is to:

- To reduce the negative impact of biosecurity risks (weeds) on the economy, community and environment by eliminating or restricting their geographical spread

The site is not mapped as containing biosecurity risks (weeds). Notwithstanding, the Flora and Fauna Assessment found that the site contained a Weed of National Significance which is also a Priority Weed for the Hunter Region being the *Asparagus africanus* (Asparagus Fern). Therefore, conditions regarding weed removal and suppression have been recommended.

B3 – Stormwater Management

This section applies to development that Increases impervious surfaces and/or impacts on water quality, or drains to the public drainage system.

The objectives of this chapter are:

- To minimise impacts on water balance, surface water and groundwater flow and volume regimes and flooding.
- To ensure development considers and manages stormwater quantity impacts within a site and on the surrounding area.
- To ensure development takes into account local constraints and manages stormwater to minimise risk and nuisance caused by localised drainage issues.
- To ensure development provides a legal and physical point of stormwater discharge.
- To encourage the provision of stormwater detention on a lot and regional scale.
- To ensure stormwater quantity is managed during construction to avoid environmental impacts.
- To ensure development does not detrimentally impact on water quality.
- To safeguard water quality within drinking water catchments.
- To safeguard the natural environment.
- To ensure water quality is protected and maintained during construction and operation of the development.

A stormwater management plan has been prepared for the proposal by DRB Consulting Engineers. All stormwater from the roof and patio areas is proposed to be directed to the four rainwater tanks located within the sites northern setback before being discharged to an underground water quality chamber and infiltration tank located under the car park. The proposed stormwater design is consistent with the DCP requirements and was supported by Council's Development Engineer subject to conditions.

B4 – Flooding

This section applies to all development on flood prone land.

The objectives of the chapter are:

- Development is compatible with the flood hazard category of the land.
- Development mitigates risks to life and property.
- Development avoids adverse cumulative impacts that increase risks for surrounding properties.
- New development provides appropriate and safe evacuation methods and mitigates risks to life and property.
- New development mitigates risks to life and property.
- Development does not contribute to adverse changes to flood behavior as a result of climate change.

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.

Flood compatibility

The proposed development is located on land mapped as being Flood Planning Area with the nominated flood risk level being low and high hazard flood fringe. In accordance with Figure 5 of the DCP, the development would comprise 'residential accommodation' which is considered to be suitable subject to development controls for the flood risk category.

As per Figure 8 in the DCP, residential accommodation uses are required to have habitable rooms with a finished floor level (FFL) equal to flood planning level (FPL) which is 4m AHD for the subject site. The proposed development includes an FFL of 4.05 metres AHD and therefore satisfies this requirement. A condition has been recommended which requires that the sub-floor is not to be used for habitable purposes or for the storage of hazardous goods and materials.

Occupation and evacuation

The development is provided flood free access via Soldiers Point Road which is not flood affected.

Off-site impacts

The proposed development was reviewed by Council's Development Engineer who found that the proposal would facilitate ongoing flood adaption, not diminish the capacity of the floodway to convey and contain floodwaters, or cause any adverse offsite flooding impacts by way of increased velocity and flood inundation.

Furthermore, the proposed development would not adversely affect the environment or cause avoidable erosion, siltation, and destruction of riparian vegetation or reduction in the stability of riverbanks or watercourses and would not result in any adverse changes to flood behavior as a result of climate change.

B5 – 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.

The objectives of this chapter are:

- To ensure that the impacts of traffic generating development are considered.
- To ensure development provides adequate on-site parking, loading and servicing spaces.
- To ensure that vehicle access is in a safe location and has minimal impacts on existing transit movements.
- To ensure driveways have adequate sight distances for traffic and pedestrians on footpaths.

ITEM 1 - ATTACHMENT 3 PLANNER'S ASSESSMENT REPORT

- To ensure accessible parking is adequate and conveniently located.
- To ensure visitor parking is conveniently located and easily identifiable.
- To ensure loading facilities do not adversely impact the road network and, where possible, are visually concealed.
- To ensure that urban release areas and major commercial and public use developments incorporate appropriate circulation for public transport.
- To recognise the increasing use and demand for electric vehicles and ensure new development is designed to be adaptable and accommodate trends in electric vehicle ownership.
- To ensure development includes adequate infrastructure to provide for the charging of electric vehicles.

Traffic impacts

The proposal will result in an additional 7 dwellings on the site. The proposal is not considered likely to have material adverse impacts on the surrounding road network. The function and level of service for the adjoining road network and intersections will not reduce in a significant manner from the proposed dwelling increase.

On-site parking and accessParking

In accordance with Figure 10 of the DCP, multi dwelling housing requires the following car parking to be provided:

Use	Rate
Multi dwelling housing	- 1 space for one and two-bedroom dwellings - 2 spaces for three or more-bedroom dwellings - 1 visitor space for every five dwellings - 1 accessible space per 20 visitor spaces

All dwellings have at least three bedrooms and therefore to service the dwellings, a total of 16 car parking spaces are required. A total of 16 car parking spaces are proposed for the dwellings, four of which are car stacker parking spaces.

A total of 1.6(2) visitor spaces are required which includes one accessible space. A total of 3 visitor spaces are proposed which exceeds Council's requirements. Notwithstanding, no accessible space is proposed. A condition has been recommended which requires that one of the visitor car parking spaces be made to be an accessible space which results in a total of two visitor spaces being provided, one being accessible which is compliant with the DCP.

Access

Control B5.4 requires that all internal driveways and parking areas of public car parks are concrete pavement or gravel sealed with bitumen or asphalt and clearly marked and signposted. Whilst the proposed car park is not a public car park, it is noted that a small portion of the car parking area is proposed to be permeable paving. This is to ensure that neighbouring trees are not impacted as outlined in this report. The remainder of the carpark and access driveway is proposed to be hardstand.

Council's Development Engineer reviewed the driveway width and grades and were satisfied that the design meets both Council's requirements and AS2890. Notwithstanding, a condition has been recommended requiring that construction plans are consistent with Australian Standard AS2890. This will ensure compliance with Controls B5.3, B5.5 and B5.8.

Swept paths have been provided which demonstrate that vehicles can enter and exit the site in a forward direction.

ITEM 1 - ATTACHMENT 3 PLANNER'S ASSESSMENT REPORT

The driveway is appropriately setback from the side boundary and has been provided with appropriate site distances.

Car parking is provided behind the front setback which is consistent with control B5.9.

Car stacker maintenance will be managed via future owners corporations.

On-site accessible parking

A condition has been recommended requiring that one accessible space is required. The proposal is therefore consistent with the DCP in this regard.

Electric vehicle infrastructure

This control does not apply to multi dwelling housing.

Section C – Development Types

The proposed development is for multi dwelling housing and therefore Section C4 is applicable.

C4 – Residential development	
C4.A – General	
C4.AA – Building heights	
Objectives	
- To ensure the height of buildings is appropriate for the context and character of the area - To ensure building height reflects the hierarchy of centres and land use structure	
Control	C4.1 – Building height
	A maximum height limit of 9m is permitted where no height limit is specified under the Port Stephens Local Environmental Plan.
Assessment	The site has a maximum building height identified under the PSLEP and therefore this control does not apply.
C4.2AB – Building setbacks	
Objectives	
- To ensure development contributes to the streetscape and does not detract from the amenity of the area. - To reduce the visual bulk of buildings from the street and provide for articulation in front facades. - To ensure development is appropriately setback from the public domain	
C4.2 – C4.9	
Control	Development is to be setback in accordance with the following:
Aspect Required	
Front setback	4.5m or ABL
Architectural feature	1.5m encroachment
Side (Ground) >4.5m	0.9m
Side (First storey) <4.5m	1.5m
Side (Second storey +)	3m
Secondary setback	3m

C4 – Residential development

C4.A – General

	Secondary side architectural features	1m
	Rear (Ground) >4.5m	2m
	Rear (First storey) <4.5m	4m
	Rear (Second storey +)	6m
	Public land (Ground) >4.5m	3m
	Public land (First storey) >4.5m	5.5m
	Public land (Second storey +)	8m
	Secondary dwelling (Rear)	0.9m
	Access handle, easement, or corridor	0.9m
	Garages	5.5m or 1m behind BL

Assessment

The proposed development provides the following setbacks:

Front setbacks
A minimum front setback of 4.7m is provided which is compliant.

Side setbacks
The following minimum setbacks are provided to the south boundary:

Level	Proposed	Compliant
Lower Ground	3m	Y
Ground (car park)	1.8m	Y
Ground (Unit 3)	3m	Y
First Floor and areas above 4.5m	3m	Y

The following minimum setbacks are provided to the north boundary:

Level	Proposed	Compliant
Lower Ground	900mm	Y
Ground (Unit 4)	1.6m	Y
Ground (carpark and unit 1)	930mm	Y
First floor	1.2m (stairs) 1.9m (habitable room)	Partly Y

Rear setbacks
The following minimum rear setbacks are provided:

Level	Proposed	Compliant
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C4 – Residential development			
C4.A – General			
	Lower Ground	4.1m	Y
	Ground	4.04m	N
	First	7.9m (planter) 21m (private open space)	Y Y
As shown above, the proposed development is compliant with most of the DCP setback controls with the exception of the northern side setback and the rear setback of the ground floor. These are discussed further below. <u>First Floor - Northern Side Setback</u> As shown in the table above, the proposed staircase accessing Unit 8 encroaches into northern side setback. The DCP requires that two-storey development above 5.5m be setback 1.5m from side boundaries. The staircase is setback 1.2m from the northern side setback and therefore proposes a minor 0.3m variation. The variation is considered acceptable as it is limited a portion of the staircase which has an approximate area of only 2.19m² with the remainder of the building setback being compliant with the DCP. This encroachment is not considered likely to result in adverse amenity impacts to the northern neighbouring property with the window provided to the staircase being orientated east and includes a privacy screen. Being on the northern elevation, there will also be no overshadowing impacts associated with the variation. <u>Ground Floor - Eastern Rear Setback</u> As shown in the table above, the ground floor rear setback is non-compliant with the DCP. Given the site is located adjacent to public land being the Soldiers Point Foreshore, the DCP requires that development above 4.5m be setback 5.5m from the public land. Due to the lot boundaries shape, the ground floor has a varied rear setback, with the minimum proposed being 4.04m and the maximum being 4.38m and therefore the development proposes as a maximum 1.46m variation. Figure 8 below shoes the proposed exceedance in red. The applicant has proposed that the setback is compliant with the DCP control as the wall of the Units 3 and 4 have compliant setbacks with only the private open space and landscaping encroaching into the rear setback. Notwithstanding, when assessing setbacks Council staff include the structure of a balcony, including its walls and balustrades given they can have implications for amenity as well as the bulk and scale of a development. Therefore, the rear setback is being assessed as a non-compliance to the DCP.			

C4 – Residential development

C4.A – General

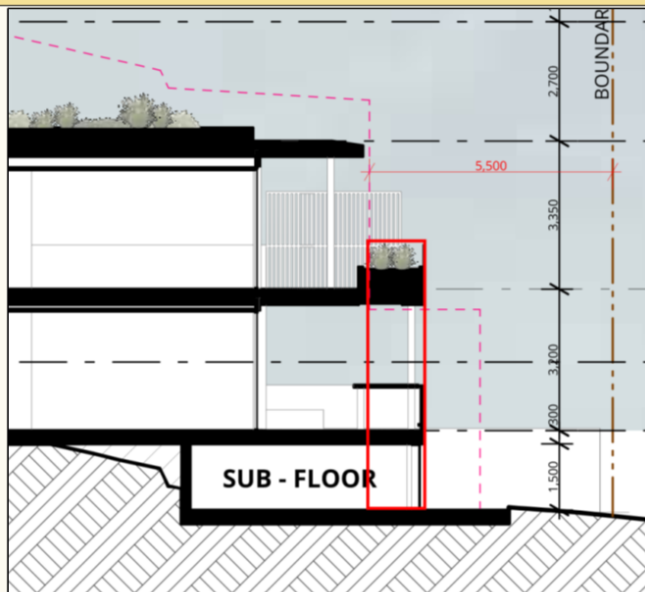


Figure 8. Proposed rear setback encroachment shown in red.

The proposed variation is not considered likely to impact the use and character of the public domain along the immediate site catchment along the Soldiers Point foreshore in comparison to that of a compliant rear setback. There are clear examples of existing buildings along the public land frontage with setbacks that mirror or encroach further beyond that of the proposed development, including many that are closer than the setbacks required by the DCP. **Figure 9** below provides an aerial image of the site and surrounds with the blue line in the figure located 4.05m (minimum setback proposed) from the boundary. The site itself is indicated by the blue arrow. The proposed building is consistent with the building lines of the existing development to the north and south of the site, namely in the form of boatsheds, dual occupancies and dwellings. Furthermore, deep soil landscaping including two compensatory Blackbutt trees are proposed within the rear setback that will assist in softening the developments presentation to the public domain.

C4 – Residential development	
C4.A – General	
	 Figure 9. Existing building line along the foreshore with the subject site identified by the blue arrow and the blue line identified a 4.05m setback Section 4.15(3A) of the EP&A Act also stipulates that a consent authority is to be flexible in applying DCP provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development. In this regard, the objective is to preserve the visual amenity of the nearby foreshore area. As outlined, the variation is minor and localised to only a small segment of the balcony. There is also a clear pattern of existing development extending further forward of the proposed building line, demonstrating the development will not detract from the usability or visual amenity from a cumulative or individual perspective. Despite the non-compliance it is considered that the rear setback meets the objectives of this section of the DCP in that it will not detract from the amenity of the area particularly due to the presence of landscaping in the rear setback, and on balconies, and the setbacks not being inconsistent with the established setbacks to the public domain in the vicinity of the site, some of which are built to the boundary. A compliant setback would not achieve the DCP objective to any greater extent beyond the proposed design.
C4.3AC – Streetscape and privacy	
Objective	
- To ensure development contributes to the streetscape and does not detract from the amenity of the area. - To ensure development provides passive surveillance and adequate visual privacy	
Control	C4.10 –

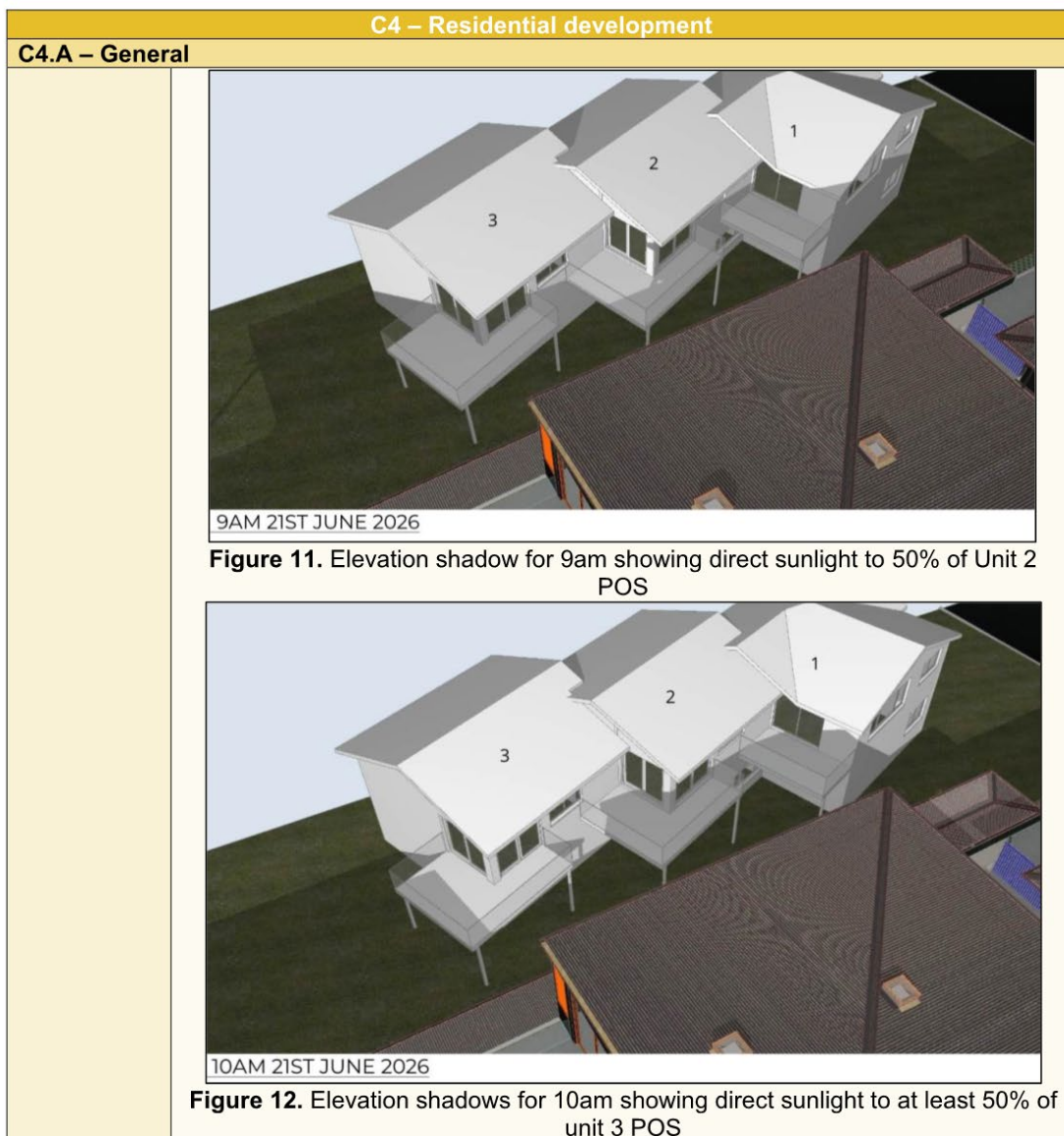
C4 – Residential development	
C4.A – General	
	Development is to address the street by having at least one habitable room front the street and/or adjoining public spaces.
Assessment	Units 1 and 2 provide habitable rooms that front the street. The remaining units provide habitable rooms that front the public reserve at the rear.
Control	C4.11 – Development on corner lots is to address both street frontages by having habitable rooms face both streets.
Assessment	N/A
Control	C4.12 – Dwellings should provide direct and legible pedestrian access from the street to the front entry.
Assessment	Units 5 and 6 have direct access from Soldiers Point Road. The access provided to these units is direct and legible. The remaining units have direct and legible pedestrian access from the street to the entry forecourt and paths which are considered suitable.
Control	C4.13 – Balconies and windows are designed/located to minimise overlooking adjoining properties.
Assessment	Whilst the proposal meets the required side setbacks to neighbouring properties for windows and balconies, the development has also incorporated design measures to further limit the potential of overlooking to adjoining properties which includes the provision of privacy screening, highlight windows and obscure glass to windows orientated north and south toward neighbouring properties. Some additional privacy measures have been conditioned as detailed under control C4.7 below.
Control	C4.14 – Privacy screens are required for balconies and patios, which result in unreasonable privacy impacts to properties.
Assessment	The northern elevation of Unit 3's balcony is provided with a privacy screen. A condition has been recommended requiring that the southern elevation of Unit 4's balcony is also provided with the same privacy screen (SCE1). Conditions have also been included requiring the following: - Window WG03 is to be provided with privacy screening to its full extent. - Window W106 is to be provided with privacy screening to its full extent.
Control	C4.15 – Privacy screens, high-light windows or opaque glass is to be used for windows of habitable rooms (other than bedrooms) which overlook adjoining properties.
Assessment	Privacy measures have been included in the design and conditioned as per the above.
C4.4AD – Site coverage and landscaping	

C4 – Residential development	
C4.A – General	
Objectives - To provide landscape planting that improves visual amenity, privacy, outlook, views and recreational opportunities for residents and occupants within a development. - To provide landscaping that complements the nature and scale of the development and contributes to the desired streetscape character. - To mitigate the impacts of climate change and urban heat effect using landscaped areas and deep soil planting.	
Control	C4.16 – Landscaping is to be provided as the following: 25% of the site area should be 'soft' landscaping, excluding all hardstand areas. 5% of the site area should be suitable for deep soil planting.
Assessment	The proposal is compliant with this control in that: - The site is provided with a total of 473.32m² of 'soft' landscaping which equals to 28.6% of the site area. - The site is provided with 204.95m² of deep soil landscaping which equals to 12.09% of the site area.
C4.5AE – Private open space	
Objective - To ensure that dwellings are provided with functional, well located areas of private open space. - To ensure that private open space is integrated with, and is directly accessible from, the living areas of a dwelling.	
Control	C4.17 – Minimum of 24m² of ground floor private open space for each dwelling: - Has minimum dimensions of 4m x 4m, - Has direct access from internal living areas, - Is not located within a front setback.
Assessment	Units 1, 2, 5 and 6 have private open space on the ground floor. For both Units 5 and 6, there are two areas of private open space provided to these dwellings being within both the rear and front setbacks. Whilst the private open space is non-compliant in that it is provided in the front setback; this design feature is considered acceptable as there is space provided at the rear of the dwellings as well. All the private open space areas meet the dimension requirements and can be accessed directly from internal living areas.
Control	C4.18 – Where development cannot provide private open space on the ground floor, provisions shall be made for a balcony of not less than 16m² with a minimum width of 2.5m for the use as private open space.
Assessment	All remaining units have private open space at upper levels in excess of 16m² in area and are accessed from living areas.
Control	C4.19 – Private open space must have a minimum of three hours direct sunlight between the hours of 9 am-3 pm at midwinter (21 June).
Assessment	All units receive 3 hours of direct sunlight at midwinter.

C4 – Residential development	
C4.A – General	
Control	C4.20 –
	Direct sunlight must reach 50% of the principal area of private open space of any adjacent dwelling for at least three hours between 9 am and 3 pm at midwinter (21 June).
Assessment	The adjoining properties most impacted by the proposed development from shadowing is no. 25 and 27 Soldiers Point Road, which are both located to the sites south. Given the subject site currently contains a single storey dwelling that is located in the north eastern portion of the site, there is currently limited shadowing to these neighbouring properties. Given these properties are located to the south of the development, they will experience shadowing that is not currently experienced. In addition, it is important to note that the orientation of the subject site and adjoining lots is a result of the original subdivision, which was designed to prioritise frontage and outlook to the waterfront. As a consequence, some degree of shadowing to southern neighbours is an intrinsic constraint, which cannot be reasonably avoided whilst still allowing for development under current planning controls on the subject site.
	The multi dwelling housing development located to the sites south-east at 25 Soldiers Point Road contains three units. All three unit's principal area of private open space is located on first floor balconies which are located in the side setback and orientated north towards the subject site. All 3 units private open space areas currently receive largely uninterrupted direct sunlight in mid-winter which cannot realistically be retained due to both the existing lot and balconies orientation. In assessing the proposed solar access to the private open space areas of these units, shadow diagrams and elevation shadows were provided which are shown in Figures 11 – 17. Despite the loss of solar access, the elevation solar plans still demonstrate that the private open space of all 3 units within the residential development at 25 Soldiers Point Road, receive direct sunlight to 50% of the principal area of private open space for 3 hours between 9 am and 3 pm in mid-winter, which is compliant with the DCP. The results for each unit at 25 Soldiers Point Road are shown in Figure 10 below.

UNIT NO	MIN 50% COVERAGE (POS) 9AM 21/6/26	MIN 50% COVERAGE (POS) 10AM 21/6/26	MIN % COVERAGE (POS) 11AM 21/6/26	MIN 50% COVERAGE (POS) 12PM 21/6/26	MIN 50% COVERAGE (POS) 1PM 21/6/26	MIN 50% COVERAGE (POS) 2PM 21/6/26	MIN 50% COVERAGE (POS) 3PM 21/6/26	OVERALL COMPLIANCE WITH DCP
1	NO	NO	NO	YES	YES	YES	YES	YES
2	YES	NO	NO	NO	NO	YES	YES	YES
3	NO	YES	YES	YES	NO	NO	NO	YES

Figure 10. Tabulation of solar access to units at 25 Soldiers Point Road



C4 – Residential development

C4.A – General



11AM 21ST JUNE 2026

Figure 13. Elevation shadows for 11am showing direct sunlight to at least 50% of Unit 3 POS and almost 50% of Unit 1 POS



12PM 21ST JUNE 2026

Figure 14. Elevation shadows for 12pm showing direct sunlight to at least 50% of Unit 1 and 3 POS.

C4 – Residential development

C4.A – General



1PM 21ST JUNE 2026

Figure 15. Elevation shadows from 1pm showing direct sunlight to at least 50% of Unit 1 POS



2PM 21ST JUNE 2026

Figure 16. Elevation shadows from 2pm showing direct sunlight to at least 50% of Unit 1 and 2 POS

C4 – Residential development

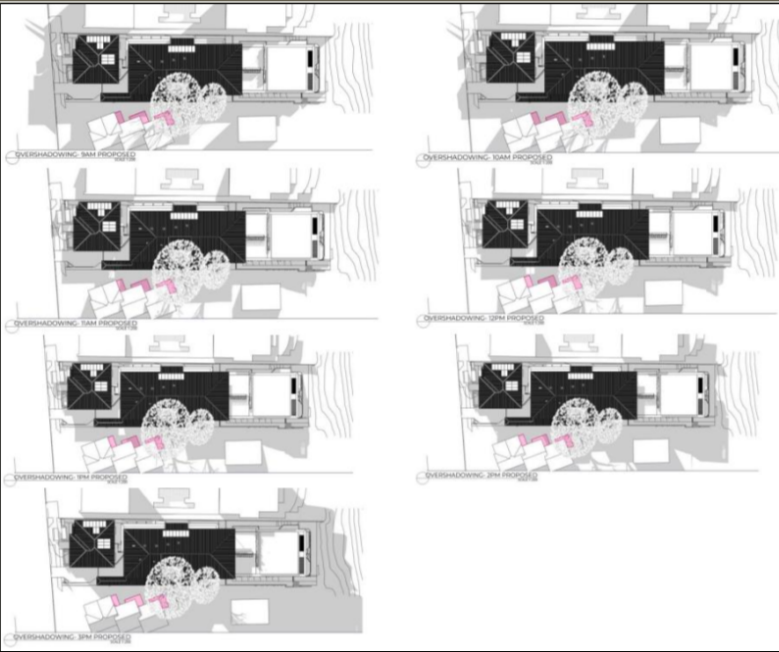
C4.A – General



3PM 21ST JUNE 2026

Figure 17. Elevation shadows from 3pm showing direct sunlight to at least 50% of Unit 1 and 2 POS

The dwelling located to the south-east of the site has its principal area of private open space situated to the rear of the dwelling, with an eastern aspect towards the waterfront. Similar to the property at No. 25 Soldiers Point, the existing private open space currently receives largely uninterrupted solar access during mid-winter. The shadow diagrams (refer to **Figure 18** below) demonstrate that, although the proposed development will result in some additional overshadowing, at least 50% of the principal private open space will continue to receive a minimum of three hours of direct solar access at mid-winter as required by the DCP.

C4 – Residential development	
C4.A – General	
	
Figure 18. Proposed shadow diagrams	
C4.6AF – Natural ventilation	
Objective	
- To ensure all habitable rooms are naturally ventilated - To ensure a comfortable indoor environment is created for residents	
Control	C4.21 – Doors and windows maximise natural ventilation opportunities by using the following design solutions: - Windows are adjustable with large openable areas; - Window types such as awnings and louvres, are varied to provide both safety and flexibility; and - Windows such as vertical louvres and casement windows and externally opening doors can be reconfigured to capture cross-ventilation to assist cooling.
Assessment	Natural ventilation has been maximised with dwellings provided with operable windows and doors on each elevation.
C4.7AG – Garages and driveways	
Objective	
To ensure car parking caters for anticipated vehicle movements to and from the development and does not adversely impact on building articulation	
Control	C4.22 – A driveway should have a minimum width of 3m.
Assessment	The driveway has a minimum width of 3.2m.

C4 – Residential development	
C4.A – General	
Control	C4.23 – Maximum garage door width of 6m for residential lots or 50% of the building frontage, whichever is less.
Assessment	N/A car parking and garages are provided within the ground floor car park.
C4.8AH – Site facilities	
Objective To ensure development provides appropriate facilities and services in the most appropriate site location	
Control	C4.26 – An adequately screened waste storage and recycling area is to be provided behind the building line.
Assessment	The waste storage area is located in the ground floor car park behind the building line and is adequately screened.
Control	C4.27 – A suitable open-air area for clothes drying is to be provided for each dwelling behind the building line with a northerly aspect.
Assessment	Each dwelling has a suitable open-air area for clothes drying provided.
C4.9AI – Ancillary Structures	
Objectives - To ensure ancillary developments do not adversely impact the amenity of the surrounding area - To ensure ancillary developments are consistent with the surrounding area in terms of height, bulk and scale	
Control	C4.29 – Front fences (including forward of the building line) Front fences, including any fencing forward of the building line, should: - Have a maximum height of 1.2m; - Not be of solid construction; - Be compatible with street facilities, such as mailboxes, and allow easy access to public utilities; and - Maximum height of 1.5m along main roads and secondary street frontages.
Assessment	The proposed front fences exceed 1.2m in height. However, it is considered that due to the presence of the bus stop and proximity of dwellings to Soldiers Point Road, a taller fence at 1.5m is acceptable. The front fencing shown on the plans still exceeds this with a maximum fence height of 2.2m proposed. A condition has been recommended that requires the front fences to be a maximum if 1.5m in height.
Control	C4.30 – Side and rear fences Side and rear fences should: - Have a maximum height of 1.8m from existing ground level; and - Be constructed from fencing materials that reflect the context and character of the area; and - If located within the root zone of an existing tree, be constructed of lightweight suspended panels supported by posts with pier footings, and

C4 – Residential development	
C4.A – General	
	Not encroach on the front setback area of any dwelling (side fences).
Assessment	Side and rear fencing has not been proposed on the plans. Any fencing installed will need to be consistent with the exempt criteria under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP) or otherwise require development consent.
Control	C4.33 – Retaining walls Retaining walls must: - Be located wholly within the property boundary, including the retaining walls, footings and associated drainage works. - Be designed in a manner that maintains amenity and privacy for residents of the subject dwelling and adjoining dwellings. - Have a maximum height of 1m, (if necessary to exceed 1m, tiered retaining walls have a maximum height of 1m per tier and a minimum 900mm separation between tiers). - Be of masonry construction if located within 900mm of the property boundary and greater than 600mm in height. - Where retaining walls for fill purposes are located within 1m of a side or rear boundary, they must be limited to a maximum height of 600mm.
	Given the slope of the site and the cut and fill that is proposed, a number of retaining walls are proposed throughout the site. They range in height from 1m to 1.6m which is non-compliant with this control. Notwithstanding, the height exceedances are principally attributed to the fall of the site and will not impact neighbouring amenity as it is as a result of excessive cut/fill. The walls have been largely incorporated into the design to ameliorate contributing to the developments bulk and scale. All retaining walls are located wholly within the site's boundaries. A condition has been recommended requiring that they are of masonry construction.
C4.C – Multi dwelling housing	
C4.13CA – Building setbacks	
Objectives	
- To ensure development contributes to the streetscape and does not detract from the amenity of the area. - To reduce the visual bulk of buildings from the street and provide for articulation in front facades. - To alleviate impacts on amenity including privacy, solar access, acoustic control and natural ventilation.	
Control	C4.42 – Front setback The front setback should not be used for at grade parking.
Assessment	Complies.
Control	C4.43 – Podium structures Podium structures and basement car parks are not to be within setback areas.
Assessment	N/A no podium structures or basement car parking is proposed.
Control	C4.44 – Side boundaries

C4 – Residential development	
C4.A – General	
	Multi dwelling housing, or an attached dwelling, may be built to a side boundary if all of the following is achieved: • The maximum wall height is 6m; • There will be no impact on privacy, private open space or solar access for adjoining properties unless the adjoining properties have approval, or /are proposed for, multi dwelling housing or an attached dwelling; • Wall openings comply with the fire resistance levels of the BCA; and • The wall height and length match a similarly constructed wall on the adjoining site.
Assessment	N/A
C4.45 – Driveway setback	
Control	Minimum 0.9m side boundary setback to provide for landscaping, which can be used in calculations.
Assessment	The driveway is setback 1m from the side boundary. However, has not been solely used for landscaping, rather it has largely been used to provide separate pedestrian access to the car park area which is required by control C4.47. Some landscaping however has been provided at the entrance to the car park within the setback meeting the intent of the control.
C4.14CB – Streetscape and building design	
Objective	
• To ensure development contributes to the streetscape and does not detract from the amenity of the area • To ensure development activates the streetscape to provide passive surveillance and privacy	
C4.46 –	
Control	The front door entrance of each dwelling must be sheltered and located forward of the designated car parking space.
Assessment	The entrance of all dwellings is sheltered. Given the design of the proposed development as multi-dwelling housing on a sloped site, it is not proposed to have each entrance forward of the car parking space.
C4.47 –	
Control	Development on a corner lot has one or more dwellings facing each street frontage.
Assessment	N/A
C4.48 –	
Control	Unbroken roof ridgelines should not exceed 10m in length and blank walls without a window should not exceed 5m in length.
Assessment	Complies.
C4.49 –	
Control	The facade of each dwelling within a building should be identifiable as such to indicate that the building consists of separate dwellings. Subtle changes provide individuality between the proposed dwellings while seeking to maintain the pattern continuity of the overall building.

C4 – Residential development	
C4.A – General	
Assessment	The separate buildings are identifiable by separation and design features. Each dwelling is provided individual pedestrian access and integrated stairs along with high end materials and finishes.
C4.15CC – Garages and driveways	
Objectives	
To ensure car parking caters for anticipated vehicle movements to and from the development and does not adversely impact on building articulation.	
C4.50 – Shared driveway width and access	
Control	Where a common driveway is to be provided it is to have a minimum width of 3.6m.
Assessment	The driveway has a width of 3.2m at the frontage which extends to 5.5m before reducing to 4.4m. Whilst there is a minor non-compliance, the driveway design was supported by Council's Development Engineer as still allowing suitable movements.
C4.51 – Driveway width and access	
Control	Where a common driveway is not provided and individual driveways connect to the street, the garage is to be setback 5.5m to allow for a parked car to be situated in front of the driveway door.
Assessment	N/A
C4.52 – Visual impact	
Control	Visual impact of long driveways should be minimised through changing alignments and screen planting.
Assessment	N/A – concealed driveway design.
C4.53 – Traffic calming measures	
Control	Traffic calming devices, such as changes in paving material or textures, should be used where appropriate.
Assessment	Traffic calming is not considered appropriate for the proposed development based on the design.
C4.54 – Pedestrian safety	
Control	Pedestrian and vehicle access should be separated and distinguishable. Design solutions may include: - Changes in surface materials; - Level changes; - The use of landscaping for separation.
Assessment	Separate pedestrian and vehicle access points are provided.
C4.16CD – Site Facilities	
Objective	
To ensure facilities and services are appropriately located.	
C4.55 – Equipment	

C4 – Residential development	
C4.A – General	
	Equipment, such as water tanks, pool pumps and air conditions, are to be located and shielded to minimise the impact of noise on adjoining dwellings.
Assessment	Rain water tanks are located in the northern side setback which are standard sized water tanks. They are not located adjacent to any habitable rooms, rather the private open space for the dwelling to the north. A designated services room is provided in the ground floor carpark which will provide appropriate shielding.
Control	C4.56 – Waste storage Waste storage and recycling areas are to be provided behind the building line or setback of a dwelling and adequately screened.
Assessment	The waste storage area is located behind the building line.
Control	C4.57 – Mail boxes Mail boxes are adjacent to the major entrance.
Assessment	Mail boxes are provided at the entrance.
Control	C4.58 – Street numbers Street/unit numbers are identifiable from the street.
Assessment	The street numbers can be made identifiable from the street.
Control	C4.59 – Clothes drying A suitable open-air area for clothes drying is to be provided for each dwelling behind the building line or setback with a northerly aspect.
Assessment	Suitable open-air clothes drying is provided to each dwelling, all are located behind the building line.

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

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

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

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

Section 61 – Additional matters that consent authority must consider

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

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

Social and Economic Impacts

There are a number of potential social impacts that may arise from the proposed development during construction including, short-term construction related impacts on the immediate locality, such as

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noise, safety, dust and vibration, and location of the temporary facilities. These impacts can be appropriately managed through the implementation of a Construction Management Plan which has been recommended as a condition of consent.

The proposal will result in a multi dwelling housing development that will contribute to both housing diversity and supply in the local area. The development is consistent with the Council's Local Housing Strategy providing infill housing.

The provision of additional housing in close proximity to existing retail and commercial centres nearby the site will contribute to enhancing the economic viability of these centres.

Noting the above, it is considered that the proposal will have a positive social and economic impact.

Impacts on the Built Environment

The proposed development is consistent with the surrounding built form character in terms of height, scale and design. Soldiers Point is an area undergoing transition through infill housing development in place of older detached housing stock. The proposed development is compatible with the emerging residential character and responds appropriately to the site's topography, orientation, and access. The built form is consistent with the objectives of the relevant planning controls in terms of height, setbacks, solar access, privacy and private open space provision.

Whilst some non-compliances are proposed to setback and height controls, the proposal is not considered to result in significant adverse impacts to the built environment in that it does not result in significant adverse amenity impacts to neighbouring properties and the public domain.

Impacts on the Natural Environment

Whilst the proposal requires the removal of native vegetation on the site, as assessed, the impacts resulting from this vegetation removal are not expected to result in significant adverse impacts to the natural environment or local biodiversity. Potential impacts are further minimised through retained of trees located on the shared boundaries as well as provision of replacement plantings throughout the site.

In addition, the development includes stormwater quality improvement devices which will ensure stormwater runoff will be treated to meet Council's stormwater stripping targets before being infiltrated.

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

- The proposal is consistent with the Port Stephens Local Housing Strategy which seeks to encourage infill housing with Soldiers Point being identified as an area where there are opportunities for infill housing.
- The site is conveniently located within proximity to commercial precincts, public transport and infrastructure increasing the amenity of residents whilst also enhancing the viability of commercial centres.
- The site is zoned for residential purposes and is of a size and configuration that can accommodate the development in accordance with the relevant planning controls.
- The proposal has been designed to respond to the site's constraints, including topography.
- No significant constraints have been identified that would preclude the site's development for the proposed use.

Section 4.15(1)(d) Any submissions

Public Submissions

The application was exhibited twice during assessment of the application. The first notification went from 14 January 2026 to 28 January 2026. During this time a total of 16 submissions were received.

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The second notification was from 15 May 2025 – 29 May 2025. A total of 6 submissions were received. The matters raised during the exhibition period have been detailed in the table below.

Matter raised	Response
Vegetation loss / Environmental Impacts	
Most submissions received raised concerns with regard to vegetation removal associated with the proposed development. This concern was raised in submissions received during both notification periods. The concerns included: • The removal of the trees would impact the environment and natural outlook experienced. • The trees proposed for removal contribute to crucial canopy coverage and form part of a biodiversity corridor. • The trees proposed for removal are mapped preferred koala habitat under the CKPoM. • Use of public land for tree replacement not supported. • The development ignores environmental constraints which is evident with the proposed clearing. • Inconsistencies with tree reference numbers in the survey plan, landscape plan and arborist report.	A detailed assessment has been undertaken regarding vegetation removal proposed under Chapter B2 of the DCP. Notwithstanding, applicant provided justification which was supported by a Flora and Fauna Assessment Report in relation to the removal of vegetation on the site which was ultimately supported by Council staff subject to replacement plantings. To minimise the impacts of the proposed vegetation removal, the landscape design has included compensatory planting including the following trees species: • 3 x Banksia integrifolia (Coastal Banksia) • 2 x Eucalyptus pilularis (Blackbutt) • 2 x Hibiscus tiliaceus (rubra Cottonwood) • 2 x Howea forsteriana (Kentia Palm) Discrepancies with regard to tree references have since been amended.
Retained Vegetation and Arborist Report	
Most submissions received during both notification periods raised concern that the proposed retained vegetation will not be appropriately protected during construction. One submission noted that due to presence of the fungal infection in tree 6, the proposal should not be supported as it will compound impacts.	The retained trees are located on the sites southern boundary and are identified as Tree 6 and Tree 9 in the Arborist Report. Council obtained independent advice from an Arborist who was satisfied that the design would allow for the retention of both Tree 6 and Tree 9 particularly given site characteristics and soil conditions. An amended Tree Protection Plan to be used during construction was provided by the independent Arborist and has been referenced in recommended conditions of consent. The independent Arborist also noted that having regard to a fungal infection, Tree 6 is currently stable and that the proposed development would not impact the stability. It is understood that the stability of the tree may be further affected over time, and the tree may eventually need to be removed, but not as a result of the

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	proposed development. This matter can therefore be managed between site owners outside of the assessment of this Development Application through civil proceedings.
Site Landscaping	
Landscaping including replacement planting is insufficient/inadequate.	The landscaping proposed meets the numerical requirements of the PSDCP 2025 and provides compensatory planting including the following trees species: • 3 x Banksia integrifolia (Coastal Banksia) • 2 x Eucalyptus pilularis (Blackbutt) • 2 x Hibiscus tiliaceus (rubra Cottonwood) • 2 x Howea forsteriana (Kentia Palm)
Visual Impact	
A number of submissions raised concern with regard to impacts to the visual impacts of the proposed development cause by the development itself and the removal of trees.	The proposed development will be visually prominent compared to that of the existing development on the site. This is largely due to the site currently containing a modest single storey dwelling, being somewhat out of character compared to other development in the nearby vicinity along Soldiers Point Road. Whilst some non-compliances are proposed to setback and height controls, the proposal is not considered to result in significant adverse visual impacts. Importantly, the proposed development is compatible with the emerging residential character and responds appropriately to the site's topography, orientation, and access. The built form is consistent with the objectives of the relevant planning controls in terms of height, setbacks, solar access, privacy and private open space provision.
Overshadowing	
A number of submissions received during both notification periods raised concern with regard to overshadowing as a result of the proposed development. There was concern raised that the development would result in: • No direct sunlight being received. • Loss of amenity. • Impacts to energy efficiency. • Sterilises development. Particular concern was raised with regard to:	Since lodgement, Council requested further shadow diagrams specifically to assess impacts to no. 25 Soldiers Point Road, which were provided for assessment. The adjoining properties most impacted by the proposed development from shadowing is no. 25 and 27 Soldiers Point Road, which are both located to the sites south. Given the subject site currently contains a single storey dwelling that is located in the

- Inadequacy of shadow diagrams including omission of existing shadows. - Portions of neighbouring properties not being shown or difficult to interpret.	north eastern portion of the site, there is currently limited shadowing to these neighbouring properties. Due to the historic subdivision pattern, characterised by a north-south side boundary relationship, this existing lot layout unavoidably results in some shadowing to southern neighbours for 2 storey developments. Given the orientation and the demonstrated compliance with solar access controls, the impact is considered reasonable and acceptable against the DCP. Shadow diagrams have been provided demonstrating that direct sunlight reaches 50% of the principal area of private open space for the southern neighbouring dwellings for at least three hours midwinter, which is compliant with Council's DCP and therefore supported.
Consultation	
Not consulted by applicant.	Consultation prior to the lodgement of a DA is not a mandatory requirement.
Noise	
Concern that access driveway and car parking area will result in unreasonable noise impacts given proximity to boundary.	The area is zoned for residential purposes, thus new driveways being constructed to support new dwellings are reasonably expected. Given the proposed development's use for housing, it is considered that noise impacts from use of the driveway will not result in significant adverse noise impacts and be consistent with ambient noise emulating from Soldiers Point Road. There are also walls and physical barriers along most of the southern boundary for the driveway extent, providing acoustic screening.
Overdevelopment	
A number of submissions noted that the proposed development is an overdevelopment of the site and bulk and scale is inconsistent with the surrounding area and appears to be as a result of a desire to maximise yield. This concern was reiterated in submissions received during the second notification period. Concern was raised that Council is using precedent to support the proposed development when it should be assessment on merit having regard to the character of the area.	The proposed development has been assessed on merit against relevant planning controls. The proposal largely complies with the relevant DCP controls which seek to manage bulk, scale and improve amenity including privacy, solar access, acoustic control and natural ventilation. There are some minor variations to setback controls for some proposed dwellings which have been supported on merit, as discussed in the assessment against Chapter C4.

	Notably, the subject site is surrounded by high density buildings, with mixed use developments up to 5 storeys directly adjacent the site across Soldiers Point Road. There are also two storey dual occupancies, multi-dwelling housing and 3 storey residential flat buildings in the immediate visual catchment of the subject site. Conversely, the existing old dwelling with a large front setback is more out of character than that proposed under the development. There is clear evidence of infill housing being developed in the area and the site is well positioned within the Soldiers Point Village, being adjacent to the E1 Local Centre lands to the west.
Loss of historic housing	
Submissions noted that the site currently contains an 'original' house which are now limited along the peninsula.	The existing dwelling is not a locally or state heritage listed item.
Permissibility	
A number of submissions raised concern with regard to permissibility of the development as 'multi dwelling housing'. Submissions noted that the development should be characterised as a residential flat building. This was raised as a concern during submissions in both the first and second notification periods.	An assessment of the proposed developments permissibility is undertaken under s2.3 of the PSLEP. Ultimately, it is considered that the proposed development meets the definition of multi dwelling housing which is permissible with consent in R2 zone.
Traffic Impacts	
The proposal will result in traffic impacts.	The proposed development will result in increased traffic within the local road network. Notwithstanding, the local road network has the capacity to cater for the traffic resulting from an additional 7 dwellings. No concern of traffic generation was raised by Councils Development Engineer.
Height Variation	
Not supportive of the proposed height variation. Insufficient planning grounds have been provided to justify the variation.	A detailed assessment has been undertaken with regard to the proposed height variation. This assessment found that there are sufficient environmental planning grounds to justify contravening the height of buildings standard and compliance with the standard is unnecessary in the circumstances of this application.
Zone Objectives	
The proposal is not consistent with the zoning objectives in that it does not provide housing needs for the community in a low	The objective of the R2 Low Density Residential zone area is:

density environment, it puts strain on infrastructure, and the use is considered to be residential flat building which is prohibited in the zone.	• 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 proposed development provides for the housing needs of the community and is therefore consistent with the objectives of the zone. Moreover, the site is well located to commercial zoned lands, that provide access to local services. The site is well placed to cater for additional infill housing being positioned to local centres including the Salamander Bay Shopping Centre. There is no evidence to suggest local infrastructure would not be able to accommodate the 7 additional dwellings.
Inconsistency with strategic plans Concern that the proposed development is inconsistent with strategic planning documents was raised in submissions received during both notification periods. It was noted that: • Soldiers Point has not been identified for increased density in the Local Housing Strategy which directs density towards town centres and transport hubs not established low density residential zones. • The housing provided does not meet the housing needs identified in strategic documents, particularly given it is not affordable but rather considered to be 'luxury'. • The proposal is not in a Low and Mid Rise housing area and therefore these reforms are not applicable to the site which reinforces that mid-rise housing should be in higher density areas such as Nelson Bay.	The Port Stephens Local Housing Strategy seeks to encourage infill housing with Soldiers Point being identified as an area where there are opportunities for infill housing, refer to Figure 19 below. Specifically, in reference to the below map, the Local Housing Strategy states that "The Infill Housing Opportunities Map shows the areas identified in the Study, and the urban areas that presently have the capacity to accommodate infill housing within the existing planning framework". 

	Figure 19. Exert of the 'Infill housing opportunities map' from the Port Stephens Local Housing Strategy As noted above, the Local Housing Strategy has identified the need for infill housing in the Soldiers Point area which the proposed development is. The Strategy identifies that existing urban areas and neighbourhoods in Port Stephens can provide a diverse and affordable mix of housing options. The proposed development contributes to the diverse housing in the LGA. The proposal is not seeking to rely on the Low and Mid Rise housing reforms.
Setback assessment and non-compliances	
Concern was raised with regard to the rear setback non-compliance as well as justification provided by the applicant in addressing this non-compliance. Concern was also raised with regard to how setbacks are being assessed and whether the height controls associated with setbacks are being considered.	The applicant has proposed that the setback is compliant with the DCP control as the wall of the Units 3 and 4 have compliant setbacks with only the private open space and landscaping encroaching into the rear setback. Notwithstanding, when assessing setbacks, Council staff include the structure of a balcony, including its walls and balustrades given they can have implications for amenity as well as the bulk and scale of a development. Therefore, the rear setback has been assessed as a non-compliance to the DCP which was raised as a concern in the submission. The proposed variation is not considered likely to impact the use and character of the public domain in comparison to that of a compliant rear setback noting that many existing developments along this frontage have differing setbacks including many that are closer than the setbacks required by the DCP. Furthermore, deep soil landscaping including two compensatory blackbutt trees are proposed within the rear setback which will assist in softening the developments presentation to the public domain. Despite the non-compliance it is considered that the rear setback meets the objectives of this section of the DCP in that it will not detract from the amenity of the area particularly due to the presence of

	landscaping in the rear setback and on balconies. In addition, the setbacks are not inconsistent with the established setbacks to the public domain in the vicinity of the site, some of which are built to the boundary. With regard to remaining setback assessment, they have been assessed having regard to the height of the building from existing ground level.
Car stackers	
Concern has been raised with regard to the proposed use of car stackers particularly having regard to: • The ongoing maintenance and reliability of these stackers. Noting that should they fail, there will be off-site parking impacts. • It is a symptom of overdevelopment and therefore should not be supported. • It will have impact on noise and vibration.	Council does not have any controls which prohibit the use of car stackers. A condition has been recommended stating that car stackers and lifts located in the garages of Units 1 – 4 must be maintained in an operable state for the life of the development.

Section 4.15(1)(e) The public interest

The development provides additional residential housing in a convenient and well-served location. The proposed development contributes to both housing supply and diversity within the area, which is consistent with the Port Stephens Local Housing Strategy.

The proposed development is largely compliant with relevant controls and does not result in significant adverse amenity impacts to neighbouring properties or future residents.

Submissions received during notification raised concern primarily focused on land use permissibility and tree removal. It is considered that these matters have been appropriately addressed as discussed throughout the assessment. Moreover, the extent of submissions were focused on the small and localised impacts from the development that have been addressed through conditions and design. Importantly, under recent reforms to the EP&A Act, consent authorities are now mandated to consider housing supply on balance with public objections, and with determinative weight allowed for supporting new housing on balance with other environmental impacts. In terms of the assessment, there are only minor height and setback variations that are supportable on merit. Concerns regarding tree retention will be addressed through conditions.

Noting the above, it is considered that the proposal is in the public interest.

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

The development triggers section 7.11 development contributions for the creation of 7 additional lot/s / dwellings. A condition has been recommended accordingly.

Section 7.12 – Fixed Development Consent Levies

Not applicable.

Housing and Productivity Contribution Order 2023

The development triggers Housing and Productivity contributions for the creation of 7 additional dwellings. A condition has been recommended accordingly.

CONCLUSION

This development application has been considered in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulations 2021* as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

RECOMMENDATION

The application is recommended to be approved under delegated authority pursuant to section 4.15 of the *Environmental Planning and Assessment Act 1979*, subject to the recommended conditions of consent.

ATTACHMENT 1 – Clause 4.6 Assessment Report**CLAUSE OBJECTIVES AND EXCLUSIONS****Clause 4.6 – Exceptions to Development Standards****Clause 4.6(1) – Clause Objectives**

Clause 4.6 provides a mechanism to vary development standards prescribed within Port Stephens Local Environmental Plan (PSLEP) 2013.

The objectives of the clause are as follows:

- a) *To provide an appropriate degree of flexibility applying certain development standards to particular development.*
- (a)
- b) *To achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Clause 4.6(2) – Exclusions to the operation of clause 4.6

Development consent may be granted even though the development would contravene a development standard imposed by the PSLEP, unless the development standard is expressly excluded under Clause 4.6(8). Clause 4.3 is not excluded from the operation of Clause 4.6, and therefore the proposed variation has been considered below.

PROPOSED VARIATION REQUEST

The development application includes a written request to vary a development standard(s) in the PSLEP 2013. The written request is made in accordance with Section 35B of the Environmental Planning and Assessment regulation 2021.

The relevant development standard(s) and the extent of the proposed variation(s) is:

Development Standard	Proposed Variation	Extent of Variation (%)
Clause 4.3 of the PSLEP – 9m	0.176m	1.95%

As the proposed variation is less than 10%, in accordance with the Department of Planning and Environment's 'Guide to Varying Development Standards', November 2023, the development application can be determined under delegation. However, the application has been called to Council in accordance with Council's Council-Related Planning Matters Policy.

ASSESSMENT**Clause 4.6(3) – Request to vary development standards****Clause 4.6(3)(a) – Compliance is unreasonable or unnecessary**

Clause 4.6(3)(a) provides that development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances.

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The Clause 4.6 request makes reference to the LEC cases Initial Action Pty Ltd vs Woollahra Municipal Council [2018] NSWLEC 11 & Samadi v Council of the City of Sydney [2014] NSWLEC 1199 which provided clarification with regard to the correct approach to the consideration of clause 4.6 requests. Notwithstanding, the *Wehbe v Pittwater Council* (2007) LEC 827 (*Wehbe*) LEC case remains the key case for consideration in the assessment of variations to development standards. The *Wehbe* case was referenced in the applicants Clause 4.6 request.

(b) In *Wehbe v Pittwater Council* (2007) LEC 827 (*Wehbe*), Chief Justice Preston identified five ways in which a request to vary a development standard may be determined to be well founded. These reasons include:

1. *The objectives of the development standard are achieved notwithstanding non-compliance with the standard,*
2. *The underlying objective or purpose of the development standard is not relevant to the development,*
3. *The objective or purpose of the development standard would be defeated or thwarted if compliance was required,*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard, and*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable or unnecessary as applied to the land.*

The Clause 4.6 request specifically makes reference to reasons 1 and 3 identified in the *Wehbe v Pittwater Council*. The Clause 4.3 requests notes that reasons, 2, 4 and 5 are not relevant.

The applicant's Clause 4.6 Variation request asserts that compliance with Clause 4.3 is unreasonable or unnecessary having regard to the first test set down in *Wehbe*, being *that the objectives of the standard are achieved notwithstanding non-compliance with the standard*.

The objectives of Clause 4.3 of the PSLEP are:

(1) The objectives of this clause are as follows—

- (a) to ensure the height of buildings is appropriate for the context and character of the area,
- (b) to ensure building heights reflect the hierarchy of centres and land use structure.

A summary of the applicant's demonstration of compliance with these objectives is provided below.

- The exceedance only impacts the middle part of the site, specifically Units 7 and 8 with no variations occurring at the street or water frontages. Therefore, the height variation will be imperceptible within the streetscape and from the waterfront, appearing as a compliant built form.
- The scale of the development is two storeys which is consistent with the with the established and emerging form in the area.
- Despite the proposed height variation, the proposed development is lower in scale than the residential flat buildings on the western side of Soldiers Point Rd, which are up to five storeys in height.
- A pitched roof has been incorporated into the design to fully conceal the lift overrun, along with other rooftop plant and equipment. Whilst this roof design has increased the building

height in a numerical manner, it reduces the perceived bulk and scale of the development by screening these services from view. Furthermore, the pitched roof is consistent with the character and amenity of the surrounding area.

Council Assessment

The first of objective of Clause 4.3 is to ensure the height of buildings is appropriate for the context and character of the area. The site is mostly surrounded by residential development including a mix of multi-dwelling housing developments, residential flat buildings and dwelling houses.

It is considered that the development has been designed to ensure that the building height is appropriate for the context and character of the area in that the built form is two stories, which is largely consistent with surrounding development with the height variation being restricted to only a small portion of the roof, which is shown in **Figure 1** below. The height variation is symptomatic of the design responding to the needs of the ground floor car park, being the minimum ceiling height required for cars, as well as the flood prone nature of the site which requires the lower ground floor to be built to the flood planning level, which has subsequently resulted in the remaining floors being lifted.

The second objective of Clause 4.3 is to ensure building heights reflect the hierarchy of centres and land use structure. The land use structure is established by virtue of the sites land use zoning and corresponding building height control which seeks to provide residential development of a certain density. It is considered that despite the proposal breaching the height limit, the development reinforces the intended residential nature of area.

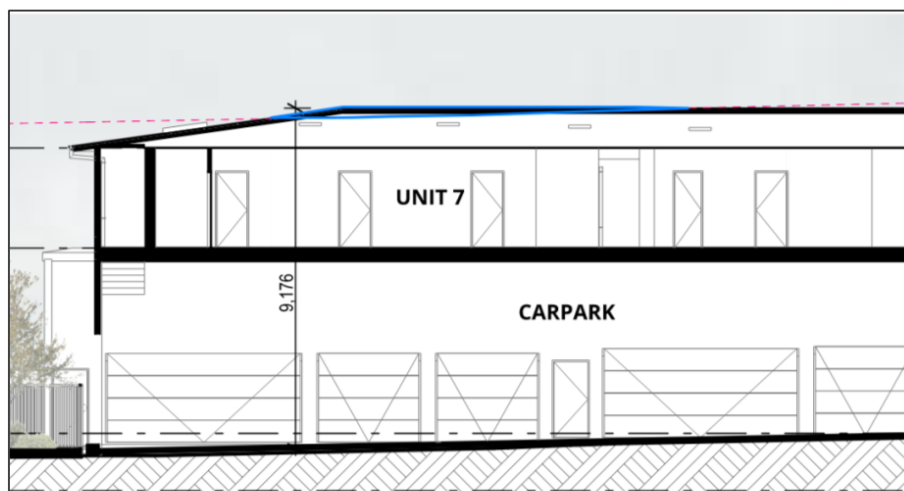


Figure 1. Proposed height variation shown in blue

In addition to the first test, the applicant's Clause 4.6 Variation request asserts that compliance with Clause 4.3 is unreasonable or unnecessary with reference to the third test set down in *Wehbe*, being the objective or purpose of the development standard would be defeated or thwarted if compliance was required.

A summary of the applicant's demonstration that the objective would be defeated or thwarted if compliance was required is provided below.

- Restricting development forms via development standards may be overly restrictive and could result in outcomes that are both unsuitable to the locality and of lesser or poor quality.
- The development has not disregarded the development standard, however, looks for a level of flexibility tailored to the specifics of the site.
- A building design that strictly complies with the height standard (for example with a flat roof) would potentially result in a building design that is of lesser quality-built form and residential amenity. It may also require additional excavation which may have additional environmental impacts and provide elevations that are less in keeping with the character of the area.

Council Assessment

It is not agreed that third test applies to the proposal as it is considered that the objective or purpose of the development standard would not be defeated or thwarted if compliance was required.

Clause 4.6(3)(b) – Sufficient environmental planning grounds

Clause 4.6(3)(b) provides that development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that there are sufficient environmental planning grounds to justify the contravention of the development standard.

The applicant's Clause 4.6 request notes that there are sufficient environmental planning grounds to contravene the development standard as:

- The development meets the zone objectives and the height control objectives notwithstanding the non-compliance with the height development standard.
- The development is compatible with surrounding development.
- The development will provide a high level of internal and external environmental amenity for residents. The development does not result in unfavourable or negative visual impact resulting from density, height or scale, and the works are expected to significantly improve the visual perception of the site.
- The development has been designed to minimise the extent of excavation required and thus avoids unnecessary environmental impacts.
- The floor levels are required to achieve compliance with Council's flood planning level for the site.
- The development demonstrates an otherwise compliant design. The development achieves the required setbacks, solar access, natural ventilation, open space and landscaping requirements set out by the DCP.

The applicant contends that the potential environmental planning benefits justify the contravention of the development standard.

Council Assessment

It is considered that the applicant's assessment of the height breach demonstrates that there are sufficient environmental planning grounds to contribute to the justification of a contravention of the development standard. Notwithstanding, the following is also noted:

- The height exceedance is localised to a small section of the roof. The majority of the development is compliant with the 9m building height control.
- Given the extent of the variation proposed, a compliant building height would not result in a different scale development and therefore impacts would remain the same or similar.
- The proposed height exceedance does not result in additional adverse amenity impacts relating to visual impact, overlooking and overshadowing.

CONCLUSION

The proposed development is considered to be consistent with the objectives of Clause 4.6 given it will achieve better outcomes for and from the development in these particular circumstances as the objectives of the height of buildings development standard are achieved, notwithstanding non-compliance there are sufficient environmental planning grounds to justify the contravention.



PORT STEPHENS
COUNCIL

CALL TO COUNCIL FORM DEVELOPMENT APPLICATION

Development application (DA) call to Council request:

I/We (Mayor/Councillor/s) Armstrong and Arnott request
that DA number 16-2026--714-1 for DA
description Demolition..... Construction of 8 multi-dwelling housing units located at
23 Soldiers Point Road, Soldiers Point
be reported to Council for determination.

Reason:

1. The design does not follow planning regulations i.e. multi dwelling housing units definition calls for the provision ground floor access to all units and the current design does not. 2. 3 of the trees recommended for removal by the Arborist's report are part of the Council identified Cleared Land Corridor. 3. Exceeds the LEP height i.e. numbering of trees as referred to in the Arborists report. 4. Inconsistency in plans. 5. Public interest.

Declaration of Interest:

I/We have considered any pecuniary or non-pecuniary conflict of interest (including political donations) associated with this DA on my part or an associated person.

I/We (Mayor/Councillor/s) _____ have a
conflict of interest:

☒ No

☐ Yes

If **yes**, please provide the nature of the interest and reasons why further action should be taken to bring this DA to Council:

Signed:

Please sign or
type name &
attached to
an email.

Cr R Armstrong - by email

Date:

30/01/2026

Signed:

Please sign or
type name &
attached to

Cr G Arnott - by email

Date:

30/01/2026

ITEM NO. 2**FILE NO: 26/185446
EDRMS NO: 16-2025-384-1****DEVELOPMENT APPLICATION (DA) 16-2025-384-1 - CONSTRUCTION OF AN ANIMAL BOARDING FACILITY, MANAGER'S RESIDENCE AND 2 STOREY DWELLING AT 6C ELIZABETH AVENUE, RAYMOND TERRACE**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves Development Application DA 16-2025-384-1 for Construction of an Animal Boarding Facility, Manager's Residence and 2 Storey Dwelling at 6C Elizabeth Avenue, Raymond Terrace, subject to the conditions contained in **(ATTACHMENT 2)**.
-

BACKGROUND

The purpose of this report is to present Development Application (DA) 16-2025-384-1 for Construction of an Animal Boarding Facility, Manager's Residence and 2 Storey Dwelling to Council for determination.

Subject Land	6C Elizabeth Avenue, Raymond Terrace (Lot 42, DP 853008)
Total Area	8.443ha
Zoning	RU2 RURAL LANDSCAPE
Submissions	1
Key Issues	The key issues identified throughout the assessment of the DA relate to flooding, noise, bushfire and access. A detailed assessment of the application is contained within the Planner's Assessment Report (ATTACHMENT 3) .
Applicant	Cindy Padmos
Land Owner	Cindy Padmos and Mitchell Padmos

The DA has been reported in accordance with Council's 'Planning Matters to be Reported to Council Policy' as it has been called up by Councillor Arnott and Councillor Francis **(ATTACHMENT 4)**.

A locality plan is provided at **(ATTACHMENT 1)**.

Proposal

The proposal seeks consent for the construction of an animal boarding facility and manager's residence (Stage 1) and a dwelling house (Stage 2). The proposal seeks to import 7,500m³ of fill to establish flood free land for Stages 1 and 2. Operationally, the animal boarding facility will accommodate a maximum of 55 greyhounds and operate 24 hours a day with an onsite manager ensuring the safety and welfare of the animals.

Site Description

The subject site (the site) is zoned RU2 – Rural Landscape with a total area of 8.443 hectares. The site is mapped as bush fire prone, flood prone and containing areas of biodiversity value. Access to the site is provided from Elizabeth Avenue via a 6m wide right of carriageway (ROC) that extends approximately 230m to the property boundary and traverses over the Grahamstown Drain via a single lane bridge with a load capacity of 15 tonnes.

The site is bound to the north by environmental management zoned land that includes a 2nd order stream (Grahamstown Drain) and associated riparian zone, rural land to the west and a classified road (Pacific Highway) along the eastern/southeastern boundary. The topography of the site can be described as generally flat and low lying, with a maximum elevation of 4m and a minimum elevation of 2m to the north.

Key Issues

The key issues identified throughout the assessment of the development primarily relate to management of flooding, bushfire and access. A detailed assessment of these matters is contained within the Planner's Assessment Report (**ATTACHMENT 3**).

Flood Management

Flooding at the subject site occurs via 2 major flood mechanisms, being riverine flooding and local overland flow. Flooding originates along the northern boundary of the site with Grahamstown Drain, with additional flows entering the southern corner of the site as the magnitude of the rainfall increases. Initial concerns were raised in relation to site evacuation procedures, access cut-off times and suitability of development on flood affected land. A Flood Emergency Response Plan (FERP) was prepared by a suitably qualified engineer in response to flooding concerns, which established, in the event that a Generalised Flood Warning or Severe Weather Warning is received and evacuation is not possible, all occupants onsite can proceed to the Managers Residence (flood free land). A Probable Maximum Flood (greatest flood extent) flood refuge area has been incorporated into the development to ensure occupants can safely shelter in place.

Bushfire Management

The site is mapped as bushfire prone land, vegetation category 1 and 3, and as such requires assessment under the NSW RFS Planning for Bushfire Protection (PBP) 2019. A Bushfire Assessment Report (BAR) was prepared by Newcastle Bushfire Consulting, which assessed the proposal against PBP 2019. A number of performance based solutions to achieve the required performance criteria against PBP have been incorporated into the design. Specifically, the proposed performance based solution includes BAL-FZ (Flame-Zone) construction for the proposed manager's residence and dwelling, and the provision of safe access and egress for firefighting vehicles. The BTA was referred to NSW RFS for concurrence and endorsement under s4.14 of the EP&A Act 1979, with recommendations of the BTA supported.

Site access

Access to the site is provided via a 6m wide sealed right of carriageway that extends approximately 230m from Elizabeth Avenue to the property boundary. There are 2 passing bays (20 metres long by 2 metres wide) provided within the site, to satisfy access requirements for firefighting vehicles prescribed in Planning for Bushfire Protection 2019 (PBP 2019). Notwithstanding PBP 2019 requirements, Council's DCP also requires passing bays to be provided at 30m intervals for access roads exceeding 30m in length. The current concrete driveway access from Elizabeth Avenue to the site is 227m in length, therefore technically requiring the creation of at least 5 passing bays over Council own land, which is classified as community land. Physical works for passing bays are not able to be undertaken by the proponent on Council community land under the Local Government Act. With consideration to the moderate vehicle trips generated by the development, adequate sight lines, wide verge and informal passing areas available, supporting a variation to this DCP control is recommended. The Operational Plan of Management also outlines that drop-off and collection is via pre-booking, thus managing traffic flows to and from the site during peak periods along with providing a transport service to minimise vehicle movements.

Noise

A Noise Impact Assessment (NIA) was prepared in accordance with NSW Environment Protection Authority (EPA) guidelines. This included a review of noise sensitive receptors within the locality, establishment of background and ambient noise levels within the locality and an assessment of potential noise impact associated with operation of the animal boarding facility. The nearest sensitive receptors surrounding the project site were residential receptors identified to the north, east and west of the site. The NIA modelling involved measuring existing background noise levels to establish baseline conditions, with a noise logger placed at the closest residential receiver to record ambient noise levels.

The predicted cumulative 'worst case' noise impacts associated with operation of the site during all time periods was modelled, with outcomes of the assessment indicating compliance with project noise trigger levels may be achieved in all assessed situations. While compliance is expected, noise management strategies in the Operational Management Plan have also been included and incorporated into the conditions of consent.

Conclusion

The development is considered to be consistent with the aims and objectives of the relevant environmental planning instruments and Council policies applicable to the subject site as detailed in the Planner's Assessment Report (**ATTACHMENT 3**). The development supports rural enterprise and small business development within an appropriate rural setting. The development provides for the safe and functional use of the land whilst managing potential amenity impacts and environmental constraints.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (S7.12)	Yes		Should Council determine to approve the development, S.7.12 development contributions would be applicable and would be levied in accordance with conditions of consent.
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The development application is consistent with Council's Policy.

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social

The proposal would support the provision of temporary boarding facilities for greyhounds, designed and operated in accordance with relevant industry legislation, including NSW Animal Welfare Code of Practice No. 5 – Dogs and Cats in Animal Boarding Establishments; NSW Greyhound Welfare Code of Practice, and Prevention of Cruelty to Animals Act 1979 (NSW). Community concern regarding adverse amenity impacts associated with the development has been appropriately addressed within the technical documentation provided with the application, with grievance mechanisms to manage complaints outlined within the endorsed Operational Plan of Management.

Economic

The proposed development would provide additional employment opportunities in the Port Stephens Local Government Area. The development once fully constructed would support the equivalent of six (6) employees. In addition to direct employees and their contribution to the local economy, the facility will provide local animal boarding services and support local enterprise related to its construction and operating requirements.

Built Environment

The design of the proposed development has had regard to the site context and setting and is generally suited to the rural context and setting of the locality. Stage 1 of the proposal has been located to the rear of the site and will therefore be largely imperceptible to the public domain and neighbouring properties. Additionally, Stage 2

represents an appropriate residential building that is compatible with the surrounding landscape and has been designed to provide flood immunity to future residents.

Natural Environment

The proposed development has been designed to avoid impacts to native vegetation and areas of biodiversity value across the site. Vegetation within the proposed footprint was identified as exotic pasture, thereby, no native vegetation is proposed to be impacted by the proposal. Furthermore, no habitat features in the form of hollows, stags, nests, termite termitaria or aquatic habitat were identified within the development footprint.

COMMUNICATION AND ENGAGEMENT

Council's Communication and Engagement Strategy identifies the level of engagement undertaken. An explanation for each level is shown below.

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

The following communication and engagement applies to this report.

External communications and engagement

Public Submissions

The application was notified for 14 days, in accordance with the provisions of the Port Stephens Council Community Engagement Strategy. 1 objection was received during this timeframe.

CONSULT	The application was notified for a period of 14 days from 27 August 2025 to 10 September 2025, through 'DA Tracker' and letters to adjoining properties. The matters raised during the notification periods have been detailed and addressed in the Planner's Assessment Report (ATTACHMENT 3).
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Internal communications and engagement

Consultation has been undertaken by the Development Services Section with:

- Assets Section.
- Strategy and Environment Section.

OPTIONS

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

ATTACHMENTS

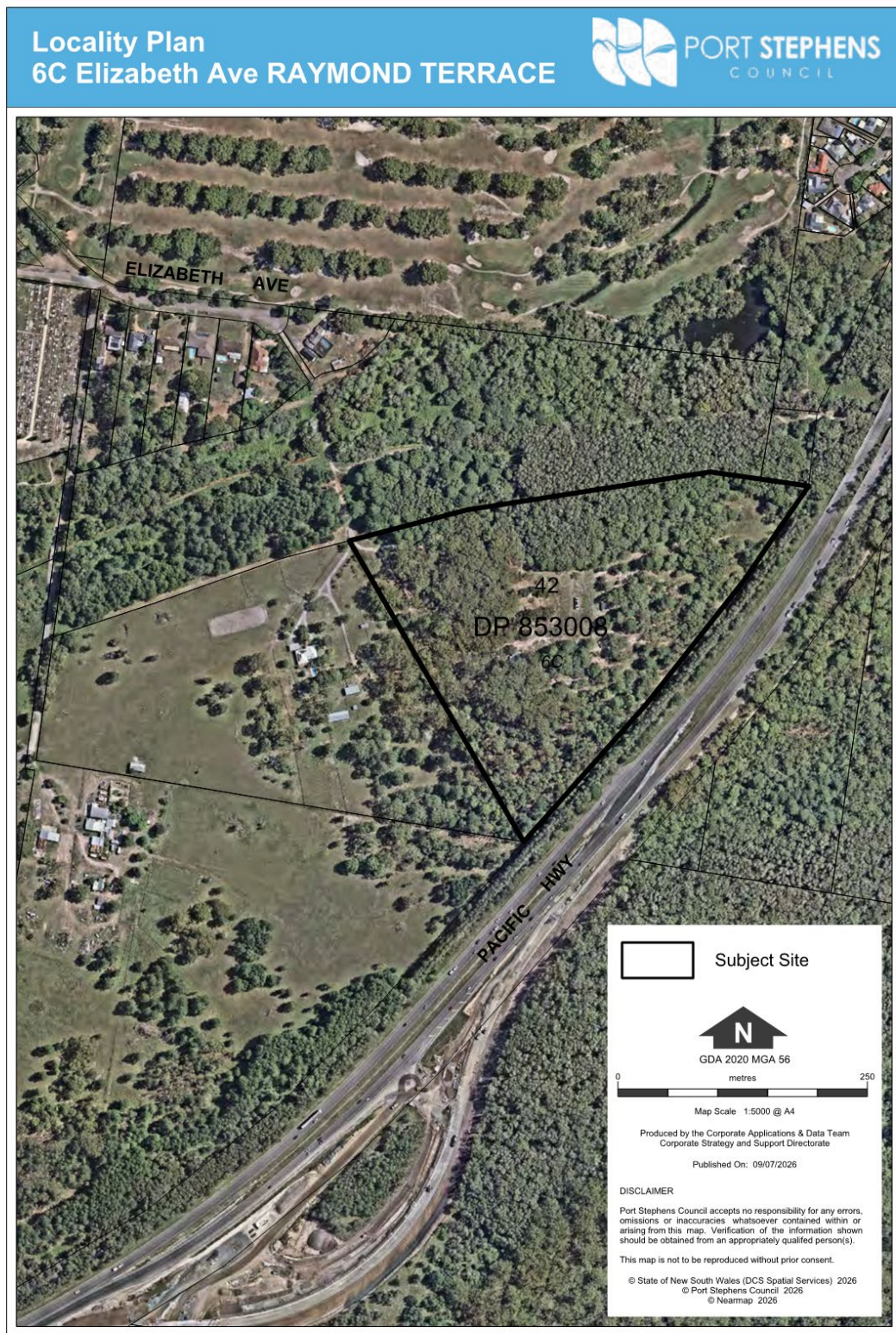
- 1) Locality Plan.
- 2) Recommended Conditions of Consent.
- 3) Planner's Assessment Report.
- 4) Councillor call up form.

COUNCILLORS' ROOM/DASHBOARD

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

TABLED DOCUMENTS

Nil.



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

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under Section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

General Conditions

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

Approved Plans				
Plan No.	Revision	Plan Title.	Drawn By.	Dated.
241513 – 2/16	B	Location Plan	Portside	3/02/2026
241513 – 3/16	B	Site Plan – Stage 1	Portside	3/02/2026
241513 – 4/16	B	Site Plan – Stage 2	Portside	3/02/2026
241513 – 5/16	B	Tree Removal Overlay	Portside	3/02/2026
241513 – 7/16	B	Ground Floor Plan – Kennels	Portside	3/02/2026
241513 – 8/16	B	First Floor Plan – Managers Residence	Portside	3/02/2026
241513 – 9/16	B	N & S Elevations & Section B-B - Kennels	Portside	3/02/2026
241513 – 10/16	B	E & W Elevations – Kennels	Portside	3/02/2026
241513 – 11/16	B	Ground Floor Plan - Dwelling	Portside	3/02/2026
241513 – 12/16	B	First Floor Plan - Dwelling	Portside	3/02/2026
241513 – 13/16	B	North Elevation – Dwelling	Portside	3/02/2026
241513 – 14/16	B	South Elevation – Dwelling	Portside	3/02/2026
241513 – 15/16	B	E & W Elevations – Dwelling	Portside	3/02/2026
241513 – 16/16	B	Section A-A + BASIX	Portside	3/02/2026
225279 – 3	A	Detail Plan and Typical Section for Access Way	Tattersall Lander	13/11/2025
225279 – 4	A	Proposed Plan of Bulk Earthworks Showing Cut & Fill	Tattersall Lander	13/11/2025

225279 – 5	A	Plan of Proposed Turning Paths	Tattersall Lander	13/11/2025
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Approved Documents

Document Title	Revision No.	Prepared By	Dated.
Noise Assessment – 6C Elizabeth Avenue Raymond Terrace, NSW	0	RAPT Consulting	10 July 2024
Bushfire Assessment: Lot 42 DP 853008, 6C Elizabeth Avenue, Raymond Terrace	2	Newcastle Bushfire Consulting	13 May 2026
Flood Emergency Management Plan	B	Groundswell Engineers	14 October 2025
Operational Management Plan	2	Cindy Padmos	October 2025
Onsite Wastewater Report	-	GSL Environmental	27 October 2025

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

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

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

- (2) **Separate approval for signs** – A separate development application for any proposed signage, must be provide to, and approved by, the Consent Authority or under the provision of the State Environmental Planning Policy (Exempt and Complying Codes) 2008 if applicable prior to the erection or display of any such signs.

Condition reason - To ensure that the development is restricted to the approved signage within the development consent or that signage is permitted in accordance with State Environmental Planning Policy (Exempt and Complying Codes) 2008.

- (3) **Signage** – No consent is given or implied for any form of illumination or floodlighting to any sign.

Condition reason - To ensure that no illuminated signage or flood lights are installed in accordance with the development consent.

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- (4) **Approved Report Recommendations – Noise Assessment** - Construction of the development must comply with the Management Measures listed on Pages 26-28 of the *Noise Assessment*, prepared by RAPT Consulting, dated 10/07/2024.

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

- (5) **Flood Emergency Management Plan** – All recommendations specified within the approved Flood Emergency Management Plan, prepared by Groundswell Engineers, dated 14 October 2025, shall be complied with at all times.

Condition reason - To ensure compliance with approved report.

- (6) **Tree removal/pruning** – The trees identified as *Pinus elliotti* on the *Tree Removal Overlay*, prepared by Portside Building Design, dated 3/02/2026 are approved for removal.

Condition reason - To ensure that the development retains/prunes and replaces specific tree plantings.

- (7) **Protect existing vegetation and natural landscape features** - No other vegetation or natural landscape features other than those 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.

This condition overrides the provisions of the NSW Rural Fire Service 10/50 entitlement and the exempt provisions for tree removal specified in Section B1 of the Port Stephens Development Control Plan 2025.

Condition reason - To protect vegetation not approved for removal.

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

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

- (9) **Implementation of BASIX commitments** - While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.

Condition reason - To ensure that while building work is being carried out, the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent.

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- (10) **Outdoor lighting** – All lighting must comply with AS 11158 'Lighting for Roads and Public Spaces' and AS 4282 'Control of Obtrusive Effects of Outdoor Lighting'.

Condition reason - To ensure outdoor lighting complies with the relevant Australian Standards.

- (11) **Use limitation – Bird strike issue** - As the subject site is located in an area mapped by the Department of Defence as "Birdstrike Group B", organic waste and/or the storage of bins associated with any future development must be covered and/or enclosed and limited on-site.

Condition reason - To ensure that the development is carried out in accordance with the DCP and LEP.

- (12) **Driveway gradients and design** - For all driveways that relate to development for the purposes of a dwelling house, the driveway gradient and design must comply with AS 2890.1 'Off street Car Parking' and:

- a) a Works on Public Infrastructure (Driveway) approval must be obtained prior to the commencement of any works.

Details demonstrating compliance must be provided to the Certifying Authority.

Condition reason - To ensure that all driveways that relate to a development for the purposes of a dwelling house comply with AS2890.1 'Off Street Car Parking' and the relevant Council specification.

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

The Requirements are:

1. Rural Fire Service, Reference No. DA20250820003360-S38-1, Dated 2/06/2026.

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

Condition reason - To ensure that development is carried out in accordance with conditions are required by external agencies (i.e. RFS, CASA etc).

- (14) **Staging of development** – The development is to be completed in numerical stages in accordance with the approved Staging Plan titled 'Location Plan', project no. 241513, Revision B, dated 3/02/2026, prepared by Portside Building Design.

Condition reason - To ensure that the development is completed in accordance with the approved staging and stamped plans.

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

- (15) **Detailed design plans** – Prior to the issue of a construction certificate, the following matters shall be satisfied to the satisfaction of the certifying authority:

For Stage 1

- (i) Submit design plans demonstrating how the caretakers flat will achieve compliance regarding the following:
 - a. Fire separation of the caretakers flat from the rest of the building, including protection of any service penetrations through this fire resistant building elements
 - b. Provision of a hard-wired smoke alarm complying with NCC
 - c. Provision of a self-closing solid core door no less than 35mm thick to serve the entrance door of the unit
 - d. Provision of documentation demonstrating compliance with Section J of the NCC and BASIX

For Stage 2

- (i) Submit design plans demonstrating compliance with Part D4 of the NCC specifically considering the following:
 - a. Upgrade of the stairway from the ground level to the first-floor proposed office level
 - b. Access from the principal pedestrian entrance of the property and any accessible carspace to the new building work
- (ii) Submit design plans demonstrating how the stairway and proposed office area will achieve compliance regarding the following:
 - a. Provision of portable fire extinguishers

Condition reason - To ensure that construction certificate plans satisfy relevant building codes and Australian Standards.

- (16) **Civil engineering plans** – Before the issue of the Construction Certificate, civil engineering plans prepared by a qualified Engineer, indicating drainage, access ways, earthworks, pavement design, and water quality and quantity facilities including stormwater system management, must be prepared in accordance with the approved plans and Council's Infrastructure Specifications.

Details demonstrating compliance must be provided to the Certifying Authority.

Note. Under the Roads Act 1993, only the Roads Authority can approve commencement of works within an existing road reserve.

Condition reason - To ensure that Civil Engineering plans have been prepared by a qualified engineer prior to the issue of the Construction Certificate.

- (17) **Structural certification** – Before the issue of a Construction Certificate, design certification by a practising structural engineer must be provided to the Certifying Authority demonstrating compliance with the following:

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- (a) All approved buildings are capable of withstanding the effects of flood waters, including immersion, structural stability, buoyancy and impact and loading from debris up to and including the 1% Annual Exceedance Probability (AEP) event.
- (b) Certification demonstrating that any damage to the proposed development sustained in a flood will not generate debris capable of causing damage to downstream buildings or property
- (c) Certification demonstrating that the rainwater tank, finishes, plant fittings and equipment and any other buoyant fixtures will be of materials and functional capacity to withstand the forces of floodwater in events up to and including the 1% AEP event including hydrostatic pressure, hydrodynamic pressure and buoyancy forces.

Condition reason: To ensure structural certification of the approved buildings prior to the issue of the Construction Certificate.

- (18) **Odour management plan** – Before the issue of the Construction Certificate, an Odour Management Plan prepared by the applicant/owner. The plan is to be kept onsite accessible among staff/volunteers and to Council on request. The plan should specify suitable measures or housekeeping practices that will be utilised to manage odour.

The Odour Management Plan must be provided to Councils Environmental Health Team for review and endorsement, prior to issue of a Construction Certificate.

Condition reason - To ensure potential odour impacts are mitigated and managed.

- (19) **Fauna exclusion fencing** – Before the issue of a Construction Certificate, plans must be prepared demonstrating the external fenceline of the proposed boarding kennels will be constructed of koala exclusion fencing in accordance with Section 3.5 of the Draft *Design Guidelines for Koala-exclusion Fencing*.

Prior to the issue of a Construction Certificate the proposed fencing design must be provided to, and approved by, Council's Natural Systems Team.

Condition reason - To ensure that fauna exclusion fencing is provided, prior to the issue of the Construction Certificate.

- (20) **Staging of construction works** – The development is to be completed in numerical stages in accordance with the approved Staging Plan titled 'Location Plan', project no. 241513, Revision B, dated 3/02/2026, prepared by Portside Building Design. A copy of the approved staging plan is to be provided to the certifier before the issue of any Construction Certificate.

One Construction Certificate may be issued for all stages, or a single Construction Certificate may be issued per stage.

Condition reason - To ensure that construction works are completed in accordance with the approved staging plans.

- (21) **Erosion and sediment control plan**– Before the issue of a Construction

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Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the Certifying Authority.

- a) the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and
- b) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time). The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

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

- (22) **Car parking detail** – Before the issue of a Construction Certificate involving visitor car parking, written evidence prepared by a suitably qualified engineer must be obtained that demonstrates, to the certifier's satisfaction, the plans for visitor parking facilities comply with the relevant parts of AS 2890.1 Parking Facilities – Off-Street Carparking.

Condition reason - To ensure parking facilities are designed in accordance with the Australian Standard and council's DCP.

- (23) **Landscape Plan** – Before the issue of a Construction Certificate for Stage 2, a Landscape Plan must be submitted to Council for approval. The Landscape Plan must include:

- a) mature tree plantings along the western property boundary for visual screening purposes; and
- b) grass seeding and dressing of the mound.

Tree and species selection must be in accordance with Council's Landscape Technical Specification.

Condition reason - To ensure the development is appropriately screened from the adjoining residential property.

- (24) **On-site Sewage Management Approval** – An approval under Section 68 of the Local Government Act 1993 is to be obtained from Council for the installation of an on-site sewage management system (OSMS) prior to the issue of a Construction Certificate.

Condition reason - To ensure approval for an on-site wastewater management system is obtained.

- (25) **Construction site management plan** - Before the issue of a construction certificate, a construction site management plan must be prepared, and provided to the principal certifier and Council for approval.

The plan must include the following matters:

- a) The location and materials for protective fencing and hoardings on the

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- perimeter of the site;
- b) Measures for public safety;
- c) Pedestrian and vehicular site access points and construction activity zones;
- d) Details of construction traffic management including:
 - i) Proposed truck movements to and from the site;
 - ii) Estimated frequency of truck movements; and
 - iii) Vehicle classification for trucks accessing site.
- e) Details of bulk earthworks to be carried out;
- f) The location of site storage areas and sheds;
- g) The equipment used to carry out works;
- h) The location of a garbage container with a tight-fitting lid;
- i) Dust, noise and vibration control measures;
- j) The location of temporary toilets;

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

Condition reason - To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

- (26) **Section 7.12 Development Contributions** – A monetary contribution is to be paid to Council, pursuant to Section 7.12 of the Environmental Planning & Assessment Act 1979 and the Port Stephens Local Infrastructure Contributions Plan 2020, related to the cost of the development as determined in accordance with clause 208 of the Environmental Planning and Assessment Regulation 2021 and outlined in the table below.

Capital Investment Value	Levy Rate (\$ of CIV)
Up to and including \$100,000	Nil
More than \$100,000 and up to and including \$200,000	0.5%
More than \$200,000	1%

The payment of the fixed development consent levy is to be accompanied by a Cost Summary Report Form setting out an estimate of the cost of development in accordance with Appendix C of the Port Stephens Council Local Infrastructure Contributions Plan.

Where the estimated cost of carrying out the whole of the development is more than \$1,000,000, the Cost Summary Report Form must be completed by a Quantity Surveyor who is a Registered Associate member or above, of the Australian Institute of Quantity Surveyors.

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This condition cannot be taken to be satisfied until a payment has been made in accordance with the cost of development stated on a cost summary report submitted to Council in accordance with this condition.

Payment of the above amount must apply to Development Applications as follows:

- a) Building work only - prior to issue of the Construction Certificate for Stage 1.

Condition reason - To ensure long service levy is paid prior to the issued of a Construction Certificate.

- (27) **Housing and Productivity Contribution** – Before the issue of a construction certificate the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and Productivity Contribution	Amount
Housing and Productivity Contribution – Lower Hunter Region	\$12,066.64

The HPC must be paid using the NSW planning portal. Payment of the contribution shall be staged in accordance with this development consent.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order). The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the Environmental Planning and Assessment Act 1979 agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution.

Condition reason - To require contributions towards the provision of regional infrastructure.

- (28) **Payment of building and construction industry long service levy** - Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy of \$4,146.00 as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the certifier.

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

Before building work commences

- (29) **Home Building Act requirements** - Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the

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principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information —

- a) In the case of work for which a principal contractor is required to be appointed—
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- b) In the case of work to be done by an owner-builder—
 - (iii) the name of the owner-builder, and
 - (iv) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

Condition reason - To ensure compliance with the Home Building Act 1989 and to verify that the certifying principal authority for the development has given appropriate written notice to council.

- (30) **Compliance with Home Building Act (if applicable)** - In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

Condition reason - To ensure that a contract of insurance is in force in accordance with Part 6 of that Act, before any building work authorised to be carried out by the consent commences.

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

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

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

- (32) **Notice of Principal Certifying Authority appointment** – The Principal Certifier for this development must give notice must be given to the consent authority and Council, where the Council is not the consent authority, at least two days prior to subdivision and/or building works commencing in accordance with Section 6.6 (2) (a) of the Environmental Planning and Assessment Act 1979 and Section 57 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:

- a) a description of the work to be carried out;

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- b) the address of the land on which the work is to be carried out;
- c) the Registered number and date of issue of the relevant development consent;
- d) the name and address of the Principal Certifier and the person who appointed the principal certifier;
- e) if the principal certifier is a registered certifier
 - i) the certifier's registration number, and
 - ii) a statement signed by the registered certifier to the effect that the certifier consents to being appointed as principal certifier, and
 - iii) a telephone number on which the certifier may be contacted for business purposes.

The notice must be lodged on the NSW planning portal.

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

- (33) **Notice commencement of work** – Notice must be given to Council and the Principal Certifier, if not the Council, of the person's intention to commence the erection of the building or undertake subdivision work at least two days prior to subdivision and/or building works commencing in accordance with Sections 6.6 (2) and 6.12 (2) (c) of the Environmental Planning and Assessment Act 1979 and Section 59 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:
- a) the name and address of the person;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the Registered numbers and date of issue of the development consent and construction certificate;
 - e) a statement signed by or on behalf of the principal certifier that all conditions of the consent that must be satisfied before the work commences have been satisfied; and
 - f) the date on which the work is intended to commence.

The notice must be lodged on the NSW planning portal.

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

- (34) **Signs on site** – A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:
- a) showing the name, address and telephone number of the principal certifier for the work, and

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- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

- (35) **Construction Certificate Required** – In accordance with the provisions of Section 6.7 of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979), construction or subdivision works approved by this consent must not commence until the following has been satisfied:

- a) a Construction Certificate has been issued by a Consent Authority;
- b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 6.5 of the EP&A Act 1979; and
- c) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

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

- (36) **Site is to be secured** – The site must be secured and fenced to the satisfaction of the Principal Certifying Authority. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.

Condition reason - To restrict access to the site by the public and ensure that the site is adequately secured prior to the commencement of works.

- (37) **Flood mound design** – Before the commencement of work, detailed engineering plans for the flood mound 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:

- a) A mound top height no greater than 5.6 meters AHD (stage 1) and 4.3 meters AHD (stage 2).

Impacts on local drainage and localised flooding is to be considered and incorporated into the design.

Condition reason - To ensure flood mounds are designed in accordance with the council's infrastructure specification and DCP.

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

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Condition reason - To ensure flood mounds are appropriately designed for scour protection.

(39) **Flood Design Measures** - Evidence of certification demonstrating that the following flood related design precautions have been adhered to in the design must be submitted to the Principal Certifying Authority:

- a) All new materials stored at the site and capable of causing harm to the environment must be stored at a level not less than the FPL or suitable bunding must be placed around such materials to a minimum of the FPL;
- b) All new building materials, equipment, ducting, etc., below the FPL must be flood compatible and ducting must be provided with openings for drainage and cleaning;
- c) All new main power supply, heating and air conditioning service installations, including meters must be located above the FPL. All electrical equipment installed below the FPL must be capable of disconnection by a single plug from the power supply;
- d) All new electrical wiring below the FPL must be suitable for continuous submergence in water. All conduits below the FPL must be self-draining. Earth core leakage systems or safety switches are to be installed;
- e) Wherever possible, the premises must be designed to ensure that any new plant, equipment, storage tanks or other fixtures or fittings or goods liable to damage by floods are located above the FPL or be moveable to levels above the FPL. Should this not have the ability to occur, they shall be suitable for submergence in water and securely anchored to overcome buoyancy and movement. All storage tanks must be vented to an elevation above the FPL.

Condition reason - To mitigate the impacts of development within flood prone land and ensure the minimisation of risk to life and property.

(40) **Erosion and sediment controls in place** – Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).

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

(41) **Protection of trees** – Protection of trees in the impact area to be retained must be in accordance with AS 4970-2025 'Protection of Trees on Development Sites'.

Condition reason - To ensure trees are protected in accordance with relevant standard.

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- (42) **Tree protection measures** – Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in this consent are in place.

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

- (43) **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.

- (44) **Rubbish generated from the development** – Where not already available, a waste containment facility is to be established on site. The facility is to be regularly emptied and maintained for the duration of works.

No rubbish must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development.

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

- (45) **Damage report – Public Infrastructure** – The applicant is required to notify Council in writing of any existing damage to public infrastructure (including landscaping) within the vicinity of the development, the absence of such notification signifies that no damage exists.

Condition reason - Small-scale development - Where the development is in close proximity to Council infrastructure.

During building work

- (46) **Implementation of construction site management plan** - While site work is being carried out:

- 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.

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

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

Site work is not to be carried out outside of these times except where there is

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an emergency, or for urgent work directed by a police officer or a public authority.

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

- (48) **Vehicle limitation** – The maximum gross vehicle weight permitted to access the site is restricted to 15 tonnes.

Condition reason - To ensure public infrastructure load ratings are not exceeded.

- (49) **Toilet facilities** – Temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must be one toilet per 20 persons or part thereof employed on the site at any one time.

The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.

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

- (50) **Placement of fill** - Filling must not be placed in such a manner that natural drainage from adjoining land will be obstructed or in such a manner that surface water will be diverted.

Further, any alterations to the natural surface contours must not impede or divert natural surface water runoff so as to cause a nuisance to adjoining property owners.

Condition reason - To ensure that fill required for the development is managed in accordance with Council requirements.

- (51) **Location of stockpiles** - Stockpiles of soil must not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials must be suitably covered to prevent dust and odour nuisance.

Further, any alterations to the natural surface contours must not impede or divert natural surface water runoff so as to cause a nuisance to adjoining property owners.

Condition reason - To ensure that fill required for the development is managed in accordance with Council requirements.

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

- (a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the

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classification and the volume of material removed must be reported to the principal certifier.

- (b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the NSW EPA.

Condition reason - To ensure that all imported and/or exported fill is Virgin Excavated Natural Material.

- (53) **Delivery register** – The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Council officers on request and be provided to the Council at the completion of the development.

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

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

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

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

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

- (55) **Stormwater disposal** – Following the installation of any roof, collected stormwater runoff from the structure must be:

- a) Diverted through a first flush system, before dispersal at ground level so as not to be concentrated or create nuisance flows onto any buildings, or neighbouring properties. The discharge location must be at least 3m down slope of the building and 6m minimum clearance from receiving down slope property boundaries.

Condition reason – To ensure stormwater is collected and discharged appropriately.

- (56) **Waste management** – While site work is being carried out:

- a) upon disposal of waste, records of the disposal must be compiled and provided to the Certifying Authority detailing the following:
- i) The contact details of the person(s) who removed the waste
 - ii) The waste carrier vehicle registration

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- iii) The date and time of waste collection
- iv) A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill
- v) The address of the disposal location(s) where the waste was taken
- vi) The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council.

Condition reason - To require records to be provided, during site work, documenting the lawful disposal of waste.

- (57) **Offensive noise, dust, odour and vibration** – All work must not give rise to offensive noise, dust, odour or vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the nearest property boundary.

Condition reason - To ensure that developments do not give rise to offensive noise, dust, odour, or vibration.

- (58) **Tree protection** – While site or building work is being carried out, the applicant must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, the relevant requirements of AS 4970-2025 *Protection of trees on development sites* and any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

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

- (59) **Tree removal/pruning** – All approved tree removal/pruning is subject to all pruning works being undertaken by a qualified arborist with minimum Australian Qualification Framework Level 3 qualifications or higher. All works are to be undertaken in accordance with the relevant provisions of AS 4373 'Pruning of Amenity trees'.

Condition reason - To ensure that vegetation removal/pruning is undertaken by a qualified arborist and in accordance with the Australian Standard.

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

- a) the work in the area of the discovery must cease immediately;
- b) the following must be notified
 - i) for a relic – the Heritage Council; or
 - ii) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South

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

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

- a) for a relic – the Heritage Council; or
- b) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

Condition reason - To ensure the protection of objects of potential significance during works.

- (61) **Bushfire safety - Dwellings** – The site is located within a bushfire prone area and must comply with all recommended conditions provided by the New South Wales Rural Fire Service (NSW RFS) Reference No. DA20250820003360-S38, Dated 2/06/2026, for each stage.

Condition reason - To ensure the requirements of the Planning for Bushfire Protection 2019 are satisfied.

Before issue of an Occupation Certificate

- (62) **Conversion of Manager's Residence to Office** - Before the issue of an Occupation Certificate for Stage 2, the principal certifier must ensure the existing manager's residence is converted to a non-habitable space for use as an office. Details demonstrating compliance are to be issued to the Certifying Authority prior to the issue of an Occupation Certificate for Stage 2.

Condition reason - To ensure conversion works to the Manager's Residence are undertaken in accordance with bushfire requirements.

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

The Principal Certifying Authority must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent.

Condition reason - To ensure that an Occupation Certificate relating to the development has been provided to the Principal Certifying Authority.

- (64) **Survey Certificate** – Before the issue of an Occupation Certificate, a Registered Surveyor must prepare a Survey Certificate to certify that the location of the building(s) in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate must be provided to the satisfaction of the Principal Certifying Authority.

Condition reason - To ensure that the building is located in accordance with the approved plans and evidence from a Registered Surveyor is provided to the Principal Certifying Authority.

- (65) **Services** – Before the issue of an Occupation Certificate, evidence is to be provided to principal certifier demonstrating that the following reticulated services are available to each lot:

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- a) Electricity;
- b) Water;
- c) Gas (where available).

Should any of the above reticulated services not be available to the development site, a detailed statement is to be provided explaining why connection of the relevant service is not possible or practical.

Condition reason - To verify that reticulated services are provided to the lot/s.

- (66) **Fittings** – All power points, fittings, electrical connections and the incoming meter box are to be located above the Flood Planning Level (FPL) which is RL 5.7m. Switches, light fittings and power points may be located below the FPL provided they are capable of being isolated by a single Residual Current Device (RCD) protected switch that is located above the FPL.

Condition reason - To ensure fittings are appropriately located.

- (67) **Flood signage** – A flood marker sign of durable material having minimum dimensions of 600mm x 600mm, is to be installed within a prominent location within the animal boarding kennels, indicating the expected future 1% Annual Exceedance Probability (5.7m AHD), Probable Maximum Flood level (8.3m AHD) and the date of installation.

The level indicated on the sign shall be certified by a Registered Surveyor. Evidence of such certification shall be submitted to the Certifying Authority.

Condition reason - To ensure that industrial flood affected development adequately mitigates risks to life and property.

- (68) **On-site sewerage management inspection** – An onsite sewage management system/waste treatment device is to be installed and obtain approval to operate from Council in accordance with Local Government Act 1993 (Section 68A) prior to the issue of any Occupation Certificate.

Condition reason - To ensure that an on-site sewage management system/waste treatment device is installed and approved by Council in accordance with the Local Government Act 1993 (Section 68A) prior to the issue of an Occupation Certificate.

- (69) **Stormwater/drainage works** – Before the issue of an Occupation Certificate, all stormwater and drainage works required to be undertaken in accordance with this consent must be completed.

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

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

- (70) **Repair of infrastructure** – Before the issue of an Occupation Certificate, the applicant must ensure any public infrastructure damaged as a result of the

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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.

- (71) **Completion of Roads Act Approval works** – Before the issue of an Occupation Certificate, all approved road, driveway, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with the Roads Act Approval to the satisfaction of the Council as the Roads Authority.

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

- (72) **Fill plan** – Following completion of the mound, a Fill Plan must be provided to Council. The plan must include the following:

- 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. The fill plans must comply with the requirements outlined in Council's Infrastructure Specification.

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

- (73) **Completion of landscape and tree works** – Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree-works, including the planting of any required street trees, have been completed in accordance with the approved plans and any relevant conditions of this consent.

Condition reason - To ensure that landscape and tree works have been completed in accordance with the approved plans prior to the issue of an Occupation Certificate.

- (74) **Removal of waste upon completion** - Before the issue of an Occupation Certificate, the principal certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of. Written evidence of the removal must be supplied to the satisfaction of the principal certifier.

Condition reason - To ensure that all waste is appropriately removed from the subject site prior to the issue of an Occupation Certificate.

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Occupation and ongoing use

- (75) **Plan of management** – The ongoing operation of the development is to be carried out generally in accordance with the approved Operational Management Plan: Version 2, prepared by Cindy Padmos and dated October 2025. Council may seek amendments to the OMP if ongoing substantiated complaints from neighbours are received.

Condition reason - To ensure that the development is operated in a safe and orderly manner, consistent with the approved Plan of Management.

- (76) **Flood Emergency Management Plan** – The Flood Emergency Management Plan, as noted in condition 5 of this consent, shall be kept within the premises and implemented as required.

Condition reason - To ensure the safety of occupants and to ensure the development is carried out in accordance with flood prone land requirements

- (77) **Hours of operation** – Customer access to the site is approved within the following hours:

Day	Hours of Operation
Monday - Friday	8am - 10.30am / 2.30-4.00pm
Saturday - Sunday	8am - 10.30am
Public Holidays	Closed

Other daily operations for the animal boarding facility and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.

Condition reason – To ensure the development operates within the approved operating hours.

- (78) **Number of animals** – A maximum of 55 animals are permitted on site at any one time.

Condition reason – To enforce approved limitations.

- (79) **Number of staff** – A maximum of three (3) staff are permitted on site at any one time.

Condition reason - To enforce staff limitations.

- (80) **Amenity** – The business must be conducted, and customers controlled at all times so that no interference occurs to the neighbours or amenity of the area.

Condition reason – To ensure that no interference occurs to the amenity of the area.

- (81) **Containment of dogs** – All dogs are to be fully contained within the kennel building during the night.

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Condition reason – To ensure the amenity of the locality is maintained.

- (82) **Offensive noise** – The use and occupation of the premises including all plant and equipment must not give rise to any offensive noise within the meaning of the Protection of the Environment Operations Act 1997 and must comply with the NSW Noise Policy for Industry 2017 (as amended).

Condition reason – To control noise in order to ensure it is not offensive.

- (83) **Manoeuvring of vehicles** – All vehicles must enter and exit the site in a forward direction.

Condition reason - To ensure that vehicles enter and leave the site in a forward direction.

- (84) **Management of asset protection zones** – During ongoing use of the site, the APZ must be managed in accordance with this determination, Planning for Bushfire Protection 2019 and the NSW Rural Fire Service's Standards for Asset Protection Zones.

Condition reason - To ensure that the development is operated in a safe and orderly manner, consistent with the approved Plan of Management.

- (85) **Maintenance of acoustic fencing** – All acoustic fencing/barriers are to be maintained throughout the life of the development.

Condition reason - To ensure the amenity of the locality is maintained.

- (86) **Driveways to be maintained** – All access crossings and driveways must be maintained in good order for the life of the development.

Condition reason - To ensure that access and driveways are maintained for the life of the development.

- (87) **Maintenance of wastewater and stormwater treatment device** - During occupation and ongoing use of the building, the applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained to remain effective and in accordance with the Operation and Maintenance Procedure Plan and any positive covenant, required under this consent.

Condition reason – To ensure wastewater and stormwater systems are maintained.

- (88) **Loading to occur on site** – All loading and unloading operations are to be carried out wholly within the building/site and in accordance with the approved plans.

The loading dock (if provided) must be used for loading and unloading operations in connection with the approved use.

Condition reason - To ensure that all associated areas with vehicle storage/parking are kept clear and solely for their intended purpose.

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- (89) **Parking areas to be kept clear** – At all times, the loading, car parking spaces, driveways and footpaths must be kept clear of goods and must not be used for storage purposes.

Condition reason - To ensure that all associated areas with vehicle storage/parking are kept clear and solely for their intended purpose.

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Council advisory notes

'Dial Before you Dig Australia' – Before any excavation work starts, contractors and others should phone the "Dial Before You Dig Australia" service to access plans/information for underground pipes and cables.

Responsibility for damage for tree removal/pruning – The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or applicant's agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.

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

Approved Plans to be on-site – A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifying Authority.

Council as PCA, PCA sign – It is the responsibility of the applicant to erect a PCA sign. Where Council is the PCA, the sign is available free of charge, from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay. The applicant is to ensure the PCA sign remains in position for the duration of works.

Addressing – Prior to occupying the development or release of the Subdivision Certificate, whichever occurs first, Council's Spatial Services Team should be contacted via email at: addressing@portstephens.nsw.gov.au to obtain correct property addressing details. Please state your Development Approval number and property address in order to obtain the correct house numbering.

General advisory notes

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

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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*.

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

Local planning panel means Hunter Central Coast Regional Planning Panel.

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

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

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

Stormwater drainage system means all works and facilities relating to:

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

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

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

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the

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PORT STEPHENS
COUNCIL

DEVELOPMENT ASSESSMENT REPORT

APPLICATION REFERENCES

Application Number	16-2025-384-1
Development Description	Construction of an animal boarding facility, managers residence, two storey dwelling and associated site works
Applicant	MRS C A Padmos
Land owner	MRS C A & MR M R Padmos
Date of Lodgement	19/08/2025
Value of Works	\$1,658,615.00
Submissions	1

PROPERTY DETAILS

Property Address	6C Elizabeth Avenue RAYMOND TERRACE
Lot and DP	LOT: 42 DP: 853008
88B Restrictions on Title	(X) Benefitted by right of carriageway (6m wide)
Current Use	Vacant land with minor structures
Zoning	RU2 RURAL LANDSCAPE
Site Constraints	Bush Fire Prone Land – Vegetation Category 3 and Vegetation Category 1 Acid Sulfate Soils – Class 2 (along northern boundary), and Class 4 (remainder of site) Koala Habitat Planning Map – Mainly Cleared Land, Preferred Koala Habitat, and Supplementary Koala Habitat, and Preferred Habitat Link and Buffer Endangered Ecological Communities – Swamp Sclerophyll Forest RAAF Height Trigger Map – 45m RAAF Bird Strike – Group B Combined Corridor Map – Landscape Habitat Link & Western Habitat NSW Wild Life Atlas (Fauna) – Koala Biodiversity Values Map – Threatened Species or Communities with Potential for Serious and Irreversible Impacts (SAII) & Core Koala Habitat Flood Prone Land LEP mapped wetlands

	Aboriginal Heritage
State Environmental Planning Policies	State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021

PROPOSAL

The proposal seeks consent for construction of an animal boarding facility, managers residence and a dwelling house. The proposal will be delivered over two (2) stages as detailed below:

Stage 1

- Importation of fill to establish a flood mound with a 512m² rectangular pad, with a finished level of 5.6m AHD. The mound will be connected to the right of carriageway from Elizabeth Avenue, via a 4m wide raised driveway with a finished level of 4.6m AHD.
- Construction of a two (2) storey animal boarding facility, containing 55 dog boarding kennels, yards and associated facilities on ground level and a one (1) bedroom managers residence located above the kennels.
- Installation of civil infrastructure and services including construction of a 125m² raised parking area for 6 vehicles and emergency services, formation of a 2m x 20m raised passing bay, installation of a 120kL underground rainwater tank, installation of a septic system and erection of a 1.8m high fence around the perimeter of the animal boarding facility.

Stage 2

- Importation of fill to establish a flood mound with a surface area of 84m², with a finished level of 4.3m AHD. The mound will be connected to the Elizabeth Avenue right of carriageway, via a separate 4m wide raised driveway.
- Construction of a 2-storey dwelling, containing three (3) bedrooms. The ground floor of this building consists of non-habitable rooms including a garage, carport, workshop, storage space, mudroom/laundry and entry foyer providing access to the first floor. The first floor consists of habitable rooms including a master bedroom and ensuite, two bedrooms, bathroom and an open plan kitchen, dining and living area.
- Installation of services including a raised driveway, installation of a septic system and water tanks.
- Conversion of the Managers Residence to an ancillary office premises associated with the operations of the animal boarding facility once the new dwelling is constructed.

Operationally, the facility will operate 24hrs a day with an onsite manager ensuring the safety, management and welfare of the animals. The facility will have two full time staff members and include a full time Operations Manager and a full time Kennel Manager. Casual staff members may be present at the facility as required, varying between the hours of 7.00am-5.00pm Monday to Saturday. All public access to the facility will be via appointment only, with collection and drop-off between 8am -10:30am / 2:30pm - 4:00pm Monday to Friday, Saturday and Sunday 8am – 10:30am, Sunday.

The proposal includes the erection of a 0.8m² single-sided aluminium sign, for business identification purposes. The sign will be mounted on the fence at the property entrance and will display details including the business name, operational hours and contact details.

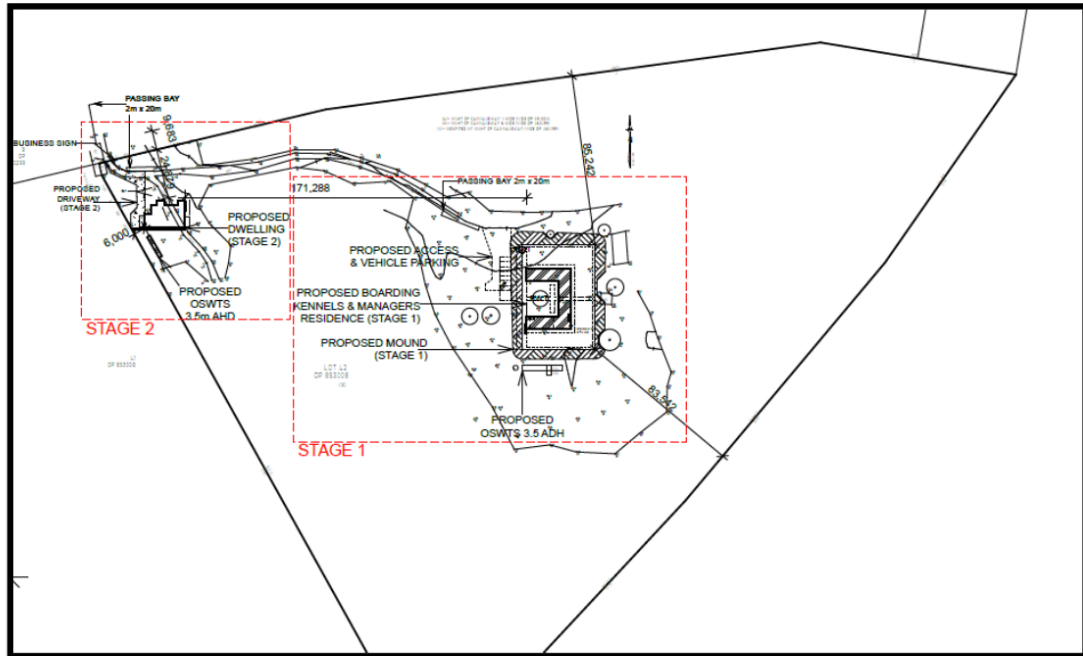


Figure 1: Proposed site plan on completion of stages 1 and 2

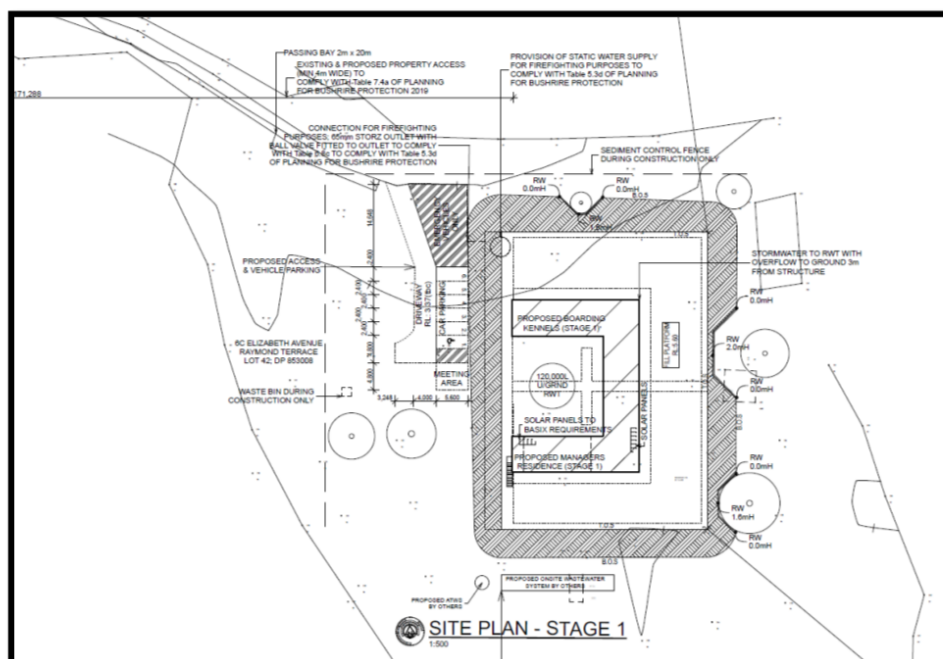


Figure 2: Site Plan - Stage 1

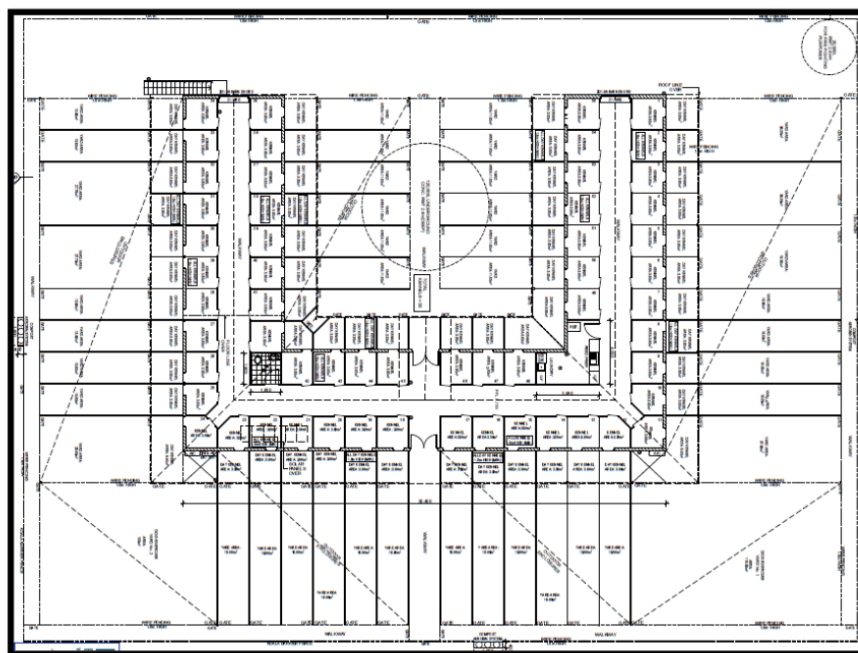


Figure 3: Ground Floor Plan – Stage 1

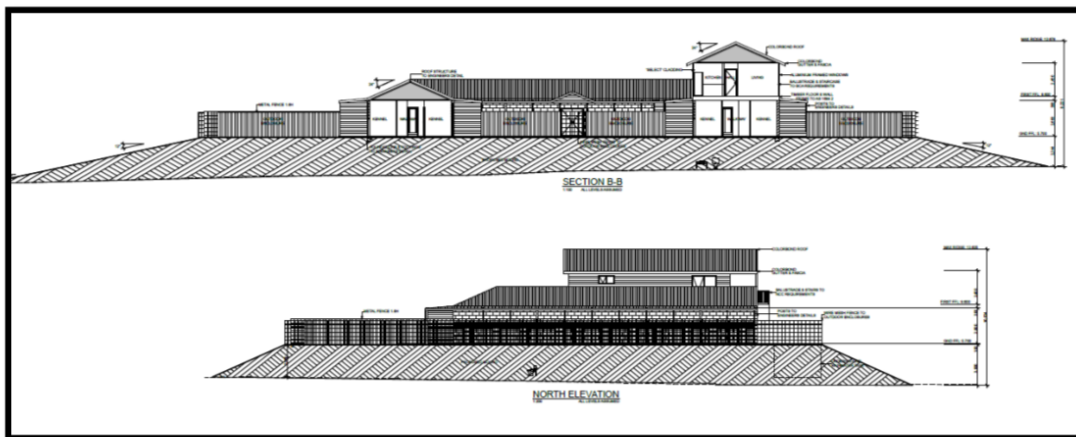


Figure 4: Section Plan and North Elevation – Stage 1

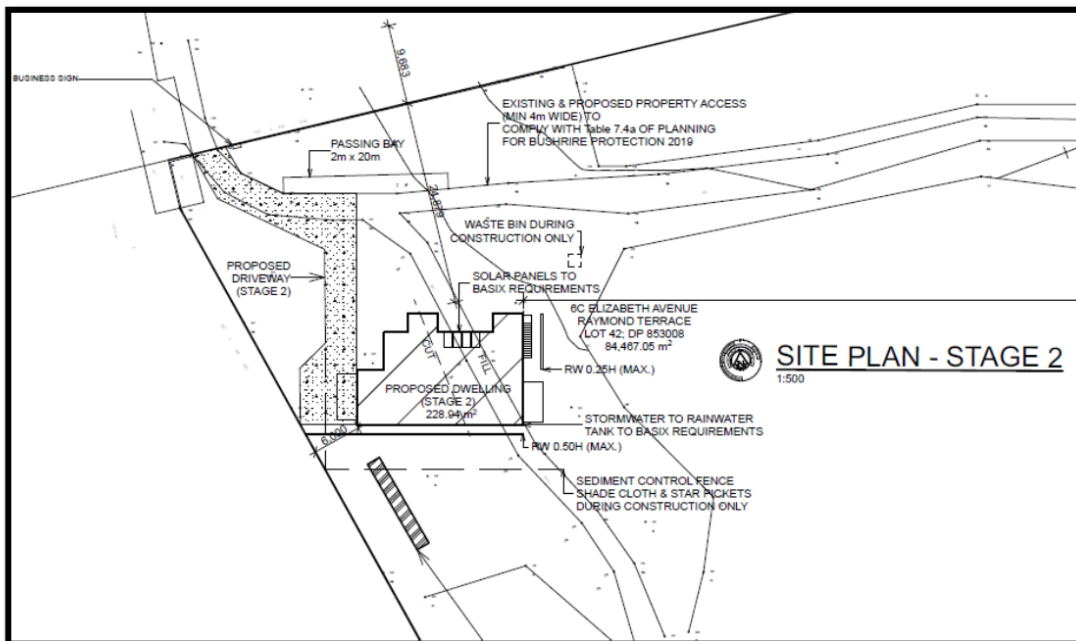


Figure 5: Site Plan - Stage 2

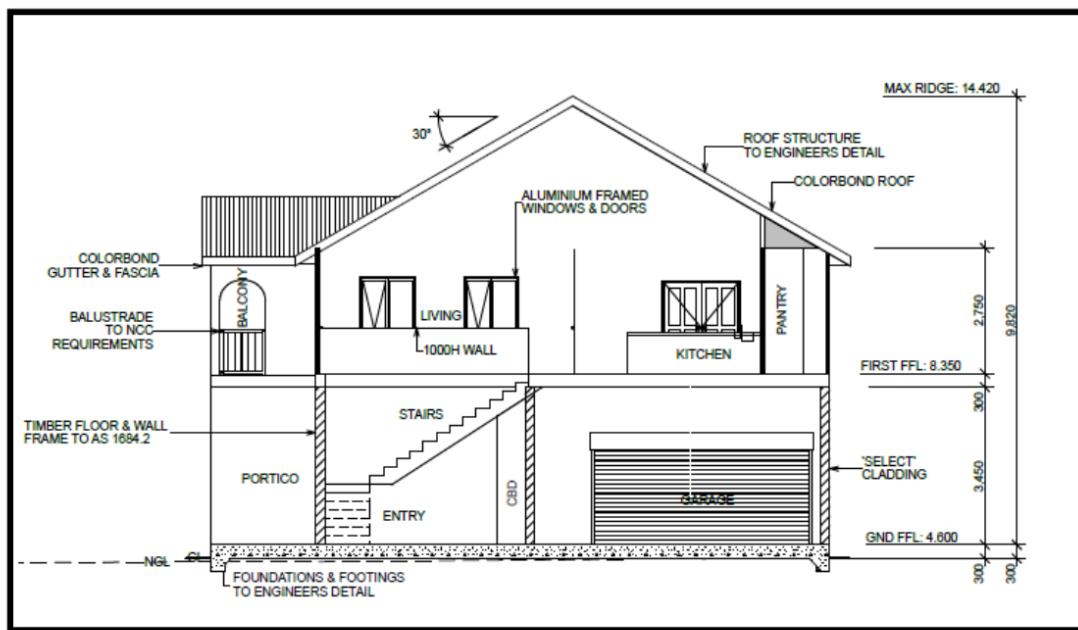


Figure 6: Section Plan of Stage 2 Dwelling

SITE DESCRIPTION

The subject site is located at 6C Elizabeth Avenue, Raymond Terrace, which is legally identified as LOT 42 in DP 853008. The site is irregular in shape with a total area of 8.443 hectares. The site is located to the south of Elizabeth Avenue and receives access via a 6m wide right of carriageway that extends approximately 230m to the property boundary.

The site is bound to the north by environmental management zoned land that includes a 2nd order stream (Grahamstown Drain) and associated riparian zone, rural zoned land to the west and a classified road (Pacific Highway) along the eastern/southeastern boundary. The topography of the site can be described as generally flat and low lying with a maximum elevation of 4m and a minimum elevation of 2m to the north.

A large portion of the site is encumbered by Biodiversity Values Mapping (BVM) as containing Swift Parrot habitat as well as being mapped on the Port Stephens Council (PSC) Consolidated CKPoM Koala Habitat Map as containing Preferred Koala Habitat. Additionally, the site is subject to flood inundation of varying severity aligning with the location of Grahamstown Drain. A cleared area where development is proposed is identified as predominately exotic pasture. Within this cleared area, comparative aerial imagery indicates structures have been placed onsite including a portable structure with awning, shipping container and ancillary outbuildings (see **Figures 8 and 9**).



Figure 7: Aerial GIS imagery of the subject site outlined in blue



Figure 8: Aerial imagery of cleared area within the subject site dated 30/12/2025 (Nearmap)



Figure 9: Aerial imagery of cleared area within the subject site dated 19/04/2026 (Nearmap)

SITE HISTORY

There has been one (1) application lodged over the site which is summarised in the following table.

Application #	Proposal Description	Determination	Date Determined
16-1998-1350-1	Church and community care	Application withdrawn	20/04/1999

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

SITE INSPECTION

A site inspection was carried out on 18/05/2026, and can be seen in **Photographs 1 to 6** below:



Photograph 1: Right of carriageway as viewed from Elizabeth Avenue cul-de-sac



Photograph 2: Right of carriageway as viewed from 60m along road



Photograph 3: Bridge crossing over Grahamstown Drain



Photograph 4: Site frontage including location of stage 2 dwelling and flood mound



Photograph 5: Existing access road (source Bushfire Report dated 13/05/2026)



Photograph 6: View of forest located north of the site with mown grass visible in the foreground (source Bushfire Report dated 13/05/2026)

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Photograph 7: View of location of stage 1 managers residence and boarding kennel location looking east (source Bushfire Report dated 13/05/2026)

REFERRALS

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

Internal	
Development Engineering	
Outcome	Supported with conditions
Comment	Additional information was requested, specifically requesting the applicant demonstrate how the proposed development satisfies stormwater, flooding and access development controls prescribed within council's DCP. A civil engineering package and flood emergency response plan was provided in response to this request, with a merit based assessment provided for passing bays. The application was supported with conditions recommended.
Building Surveyor	
Outcome	Supported with conditions
Comment	An assessment of the proposal was undertaken to ascertain whether there are any particular aspects of the building design that would necessitate significant future modifications to the proposal during detailed assessment at Construction Certificate (CC) stage. This assessment found that Stage 1 of the proposal is capable of achieving compliance with the Building Code of Australia (BCA) through Deemed to Satisfy (DtS) & Performance Solutions pathways, and is unlikely to necessitate

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	significant modifications to the proposal at a later date. For Stage 2, additional information was requested, specifically requesting the applicant address how accessibility will be achieved once the existing Class 4 caretaker's residence (upper level) is converted into a Class 5 office, including how compliance with the National Construction Code (NCC) (Section D – Access), the Disability Access to Premises Standards (DAPS) and relevant Australian Standards (AS) will be met. In response to this request, the applicant provided a Performance Based Design Brief (PBDB), which limited its use to Development Application (DA) stage only, and proposed performance solutions to address specific DtS provisions which do not apply to this particular project. Noting the limitations of the PBDB, Council's Building Surveyor provided specific conditions to be addressed in detailed design plans, ensuring relevant components of the NCC will be addressed at CC stage.
Natural Systems	
Outcome	Supported with conditions
Comment	Additional information was requested, specifically requiring updated site plans incorporating koala exclusion fencing around the proposed outdoor enclosures and dog exercise yards and swept paths with vegetation overlays to confirm that no additional impacts to vegetation along the existing accessway will be required to accommodate vehicles and machinery during construction. Updated plans were received, with conditions recommended for fauna exclusion fencing, tree protection measures and authorised tree removal.
Environmental Health	
Outcome	Supported with conditions
Comment	The application was supported subject to conditions of consent relating to odour and noise management and onsite wastewater system requirements.
Development Contributions	
Outcome	Supported with conditions
Comment	A credit applies for the first dwelling on this property. As the Manager's residence is proposed for temporary habitable use (under Stage 1) with habitable use of the building ceasing (under Stage 2) and occurring only within the two-storey dwelling, 7.11 contributions do not apply to either building. 7.12 contributions are applicable for construction of the animal boarding facility, with contributions to be paid prior to issue of a construction certificate for Stage 1.

External (non-integrated)

Department of Defence	
Outcome	Supported with conditions
Comment	The referral recommended a condition of consent be imposed regarding the management of organic waste to limit the risk of bird strikes. A condition of consent has been imposed in the determination.

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 (BOS), 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. An 'Ecological Due Diligence' prepared by MJD Environmental and dated 9/07/2024, demonstrated the development does not

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trigger entry into the BOS. The Due Diligence Report and findings were supported by Council's Environmental Planner.

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

The site is bushfire prone land and therefore Planning for Bushfire Protection (PBP) 2019 applies. A Bushfire Threat Assessment (BTA) was prepared by Newcastle Bushfire Consulting which assessed the proposal against PBP 2019 and recommended the proposed development complies with PBP 2019.

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

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

The proposed development is mapped as bushfire prone land, vegetation category 1 and 3, and as such requires assessment under the NSW RFS Planning for Bushfire Protection (PBP) 2019. A Bushfire Assessment Report (BAR) was prepared by Newcastle Bushfire Consulting which assessed the proposal against PBP 2019. The report was prepared by a person recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment and therefore subclause (1)(b) applies.

The proposed development is for a manager's residence, dwelling and animal boarding kennels, and is considered a 'mixed-use development type' to which Section 7 'Residential Infill Development' and Section 8 'Other Development' of PBP 2019 applies. As the development comprises a Class 4 building under Stage 1 and a Class 1a building under Stage 2, the development must be considered against the acceptable solutions and performance criteria specified in section 7.4 of PBP 2019.

The BAR establishes that the managers residence, dwelling and boarding kennels does not comply with the acceptable solutions of PBP 2019, and offers a Performance Based Solution to achieve the performance criteria of Planning for Bushfire Protection. The proposed Performance Based Solution offers compliance with National Construction Code 2022 performance measure of reducing the chance of ignition to the building from the fire front and the objectives of Planning for Bush Fire Protection (2019).

Specifically, the performance based solution proposes BAL-FZ (Flame-Zone) for the proposed managers residence and dwelling, and the provision of safe access and egress for firefighting vehicles, noting there is no alternate egress for a building located more than 200 metres from the public road and the right of carriage way traverses a bridge with a 15-tonne load limit. Pursuant to Section A2.4(c) of Appendix 2 in Planning for Bush Fire Protection (2019), this assessment method used by the performance solution to demonstrate compliance with the nominated performance criteria, is a comparative analysis with the acceptable solutions of Planning for Bush Fire Protection (2019) relating to property access and construction.

The BAR and associated performance assessment was referred to NSW RFS for concurrence under s4.14 of the EP&A Act 1979. RFS supported the recommendations of the BAR subject to conditions of consent satisfying s4.14 of the EP&A Act 1979.

Section 4.46 – What is “integrated development”?

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

Section 4.15 – Matters for consideration

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

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

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

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

State Environmental Planning Policy (Sustainable Buildings) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 encourages the design and construction of more sustainable buildings to meet NSW climate change targets and adapt to more extreme weather, including hotter and drier summers.

Chapter 2 – Standards for residential development - BASIX**Section 2.1(1) – Development standards**

Section 2.1(1) requires that BASIX affected residential development be accompanied by a BASIX certificate.

A valid BASIX certificate has been submitted with the development application which demonstrates that the water, thermal performance and energy requirements for the proposal have been achieved. The proposal is considered to satisfy the relevant provisions of SEPP BASIX.

Section 2.1(5) – Development consent requirements

Section 2.1(5) requires that development consent must not be granted to BASIX affected residential development unless the embodied emissions attributable to the development have been quantified.

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The BASIX Certificate includes an Embodied Emissions Materials Assessment which complies with Section 2.1(5).

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 3 – Koala habitat protection 2020

This policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

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

Section 3.6 to 3.8 – Three step process

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

Clause	Matter for consideration
3.6 & 3.7	Step 1 and Step 2
	The site is not considered potential koala habitat or core koala habitat.
Comment	The site is mapped as containing areas of Preferred and Supplementary Koala Habitat and Preferred Koala Habitat Buffer Over Cleared Land on Port Stephens Council Consolidated CKPoM Koala Habitat Map.
3.6 & 3.7	Step 3
	The site contains core koala habitat, however, the proposed development is consistent with Council's Comprehensive Koala Plan of Management.
Comment	The development footprint is located within an area containing Preferred Koala Habitat Buffer and Preferred Koala Habitat Link Over Cleared Land as per the PSC Consolidated CKPoM Koala Habitat Map however, no feed tree species listed within Appendix 8 of the PSC CKPoM will be impacted by the proposal. Further, no native trees of any species are proposed to be removed. The proposal is therefore consistent with Council's 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.

State Environmental Planning Policy (Industry And Employment) 2021

Chapter 3 – Advertising and signage

Chapter 3 of State Environmental Planning Policy (Industry and Employment) 2021 sets out planning controls for advertising and signage in NSW. The SEPP requires signage to be compatible with the future character of an area, provide effective communication in suitable locations and be of high quality design and finish.

The proposed development includes the erection of a 0.8m² single-sided aluminium sign, for business identification purposes. The sign will be mounted on the fence at the property entrance and will display details including the business name, operational hours and contact details (see **Figure 10**). Additional wayfinding signage is proposed at the entrance of the Right of Access, however no details of this signage were provided and consent for this signage is neither granted nor implied.

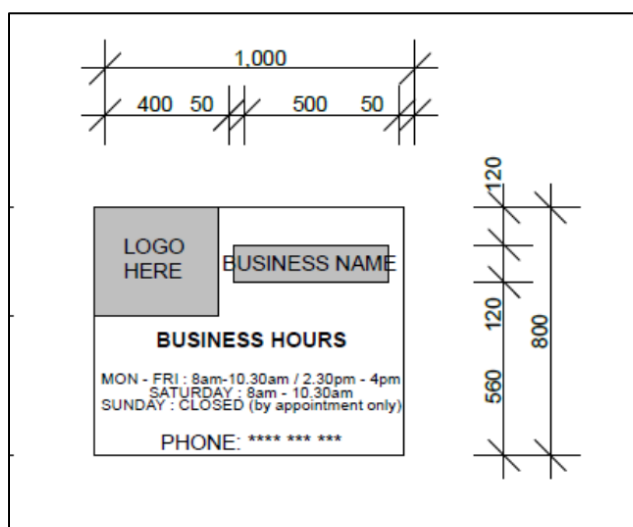


Figure 10: Proposed business identification signage

Section 3.6 – Granting of consent to signage

Section 3.6 provides that a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied the proposal is consistent with the aims and objectives of section 3.1 and satisfies the assessment criteria in Schedule 5. An assessment of the proposed signage against the relevant matters for consideration is outlined in the table below.

Schedule	Requirement	Assessment
5.1	Character of the area	
	The proposal is compatible with the existing or desired future character of the area or locality in which it is proposed to be located. AND The proposal is consistent with a particular theme for outdoor advertising in the area or locality.	
Comment	The proposed signage is consistent with the existing rural character of the area and will provide appropriate business identification for the site.	
5.2	Special areas	

	The proposal does not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas.
Comment	The proposed sign is simple in design and will not detract from the visual quality of the rural landscape.
5.3	Views and vistas The proposal does not obscure or compromise important views. AND The proposal respects the viewing rights of other advertisers. AND The proposal does not dominate the skyline and reduce the quality of vistas.
Comment	The proposed sign will not obscure or compromise important views. Additionally, the proposed pylon sign will not dominate the skyline or reduce the quality of vistas.
5.4	Streetscape, setting or landscape The scale, proportion and form of the proposal is appropriate for the streetscape, setting or landscape. AND The proposal contributes to the visual interest of the streetscape, setting or landscape. AND The proposal reduces clutter by rationalising and simplifying existing advertising. AND The proposal screen unsightliness. AND The proposal does not protrude above buildings, structures or tree canopies in the area or locality. AND The proposal does not require ongoing vegetation management.
Comment	The proposed sign is very simple in design and will be installed on site along its frontage to the 6m wide Right of Carriageway. It is considered entirely appropriate for the setting and landscape.
5.5	Site and building The proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located. AND The proposal respect important features of the site or building, or both. AND The proposal shows innovation and imagination in its relationship to the site or building, or both.
Comment	The proposed pylon sign is compatible with the scale, proportion and other characteristics of the site
5.6	Associated devices and logos with advertisements and advertising structures

	Any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed.
Comment	N/A.
5.7	Illumination Illumination would not result in unacceptable glare. AND Illumination would not affect safety for pedestrians, vehicles or aircraft. AND Illumination would not detract from the amenity of any residence or other form of accommodation. AND The intensity of the illumination can be adjusted, if necessary. AND The illumination is subject to a curfew.
Comment	N/A – not illuminated.
5.8	Safety The proposal would not reduce the safety for any public road. AND The proposal would not reduce the safety for pedestrians or bicyclists. AND The proposal would not reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas.
Comment	The proposed sign is not located or designed in a manner which would, reduce the safety of public roads, pedestrians, bicyclists or obscure sightlines.

As outlined in the above table, the proposal is consistent with the aims and objectives of section 3.1 and the assessment criteria, in Schedule 5.

The proposed signage is for business identification purposes, therefore the provisions relating to advertisements within Part 3.3 of the SEPP do not apply. On this basis, the proposal is consistent with the requirements of SEPP (Industry and Employment) 2021.

Port Stephens Local Environmental Plan 2013 (PSLEP2013)

Clause 2.3 – Zone objectives and land use table

The proposal seeks consent for an animal boarding establishment and ancillary managers residence under Stage 1; and a dwelling house under Stage 2. The PSLEP 2013 provides the following definitions of relevance:

animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

The proposal seeks consent for the construction and use of a building for dog boarding purposes and is appropriately characterised by this definition. Animal boarding or training establishments are identified as permissible with consent in the RU2 land use table. Additionally, the proposal seeks consent for a managers residence ancillary to the proposed animal boarding establishment. The manager's residence is intended to allow the manager of the animal boarding establishment to

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reside on the site and oversee ongoing operations, noting the site noting the sites unique operational requirements. The manager's residence is to be used solely by the manager and employees of the animal boarding establishment, with an 'ongoing use' condition of consent recommended prohibiting use of the managers residence should operations of the animal boarding establishment cease. As such, the managers residence is considered to serve the dominant use of the site, being the animal boarding establishment, and is therefore characterised as ancillary development.

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile; and

dwelling house means a building containing only one dwelling

Under Stage 2 of the proposal, development consent is sought for construction of a two-storey dwelling house, which is appropriately characterised by the above definition. A dwelling house is identified as permissible with consent in the RU2 land use table.

The proposal is consistent with the zoning objectives in that it will maintain the rural character and amenity of the environment through selective design and location, whilst facilitating a suitable use of the land.

4.2B – Erection of dual occupancies and dwelling houses in certain prescribed rural and conservation zones

Clause 4.2B outlines that the erection of dual occupancies and dwellings within prescribed rural and conservation zones may be undertaken, however, must minimise unplanned rural residential development, and enable the replacement of lawfully erected dual occupancies and dwellings houses within the prescribed zones. The clause prescribes the following zones:

- (a) Zone RU1 Primary Production,
- (b) Zone RU2 Rural Landscape,
- (c) Zone C2 Environmental Conservation,
- (d) Zone C3 Environmental Management.

The application seeks development consent for construction of a dwelling on land zoned RU2 Rural Landscape, thus requiring assessment per Clause 4.2B. The site does not meet the 20ha minimum lot size, thus it must be demonstrated that the land meets the provisions of 4.2B(3)(b). The registered Deposited Plan (DP) for the lot was created on 25/09/1995, prior to the commencement of the PSLEP 2013. On creation of the lot, it is acknowledged the erection of a dwelling was permitted and the lot exceeded the 4000m² minimum area requirement.

To this extent, it has been established that the lot benefits from a dwelling entitlement per Clause 4.2B.

Clause 4.3 – Height of buildings

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

The Port Stephens Local Environmental Plan does not prescribe a maximum height on the Height of Buildings Map for land zoned RU2. Notwithstanding an assessment of the proposed height against the Objectives of Cl4.3 has been undertaken.

The animal boarding establishment / managers residence proposed under Stage 1 will have a maximum building height of 9.324m, and the proposed dwelling under Stage 2 will have a maximum building height of 11.12m. Whilst buildings proposed under Stage 1 and 2 are limited to two (2) storeys, each building requires fill to provide a flood free area suitable for development ranging from (1.3m – 3m AHD), thus exacerbating this overall height. Furthermore, these buildings are designed

to provide flood free area suitable for habitable purposes and flood refuge. Notwithstanding these design requirements, the proposed buildings are considered appropriately screened by the established canopy and consistent with the surrounding rural context and character of the area.

Clause 5.10 – Heritage conservation

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

An Aboriginal Heritage Information Management System (AHIMS) search identified Aboriginal sites recorded in proximity to the development area. Additionally, the site is within 200m of a sensitive landscape feature, being Windeyers Creek. An Aboriginal Heritage Due Diligence Assessment (AHDDA) was provided with the application, which included reference to various archaeological surveys undertaken for large road infrastructure projects within the vicinity of the site, including the Raymond Terrace By-pass, Masonite Road and Raymond Terrace Traffic Relief Route. The Aboriginal Heritage Due Diligence Assessment confirmed the nearest recorded AHIMS site, is an Aboriginal burial site located at Raymond Terrace Pioneer Hill Cemetery approximately 200m from the site.

With consideration to the findings of the AHDDA it is unlikely 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.

Clause 5.21 – Flood planning

The objectives of this clause are to minimise the flood risk to life and property associated with the use of land, to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change, to avoid adverse or cumulative impacts on flood behaviour and the environment, and to enable the safe occupation and efficient evacuation of people in the event of a flood.

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:

- Is compatible with the flood function and behaviour on the land.
- Will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties.
- 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.
- Incorporates appropriate measures to manage risk to life in the event of a flood.
- 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:

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

The DCP controls within Section B4 of the DCP, Construction of Buildings in Flood Hazard Areas (Australian Building Codes Board), and the Flood Risk Planning Manual 2023 are used to inform the assessment criteria for demonstrating compliance with 5.21 of the LEP.

Compatibility and flood affection

Flooding at the subject site occurs via two major flood mechanisms, being riverine flooding and local overland flow. Flooding originates along the northern boundary of the site with Grahamstown Drain, with additional flows entering the southern corner of the site as the magnitude of the rainfall increases. The nominated flood hazard hydraulic category identified in the sites Flood Certificate (83-2023-1371-1), aligns with these flood patterns with High Hazard Floodway Area mapped over the northern boundary and High Hazard Flood Storage Area mapped over the remainder of the site (see **Figure 11**).

In accordance with Figure BI of the DCP, the development would comprise 'residential accommodation' and 'all other development', which are both suitable development types subject to development controls. The relevant finished floor levels to the development are:

- **Probable Maximum Flood Level (PMF)** = RL 8.3 metres AHD.
- **Flood Planning Level (FPL)** = RL 5.7 metres AHD.
- **Current 1% AEP Level** = RL 4.6 metres AHD.
- **Adaptable Minimum Floor Level (AMFL)** = RL 5.5 metres AHD.
- **On-Site Waste Water Level (OSWWL)** = RL 3.5 metres AHD.

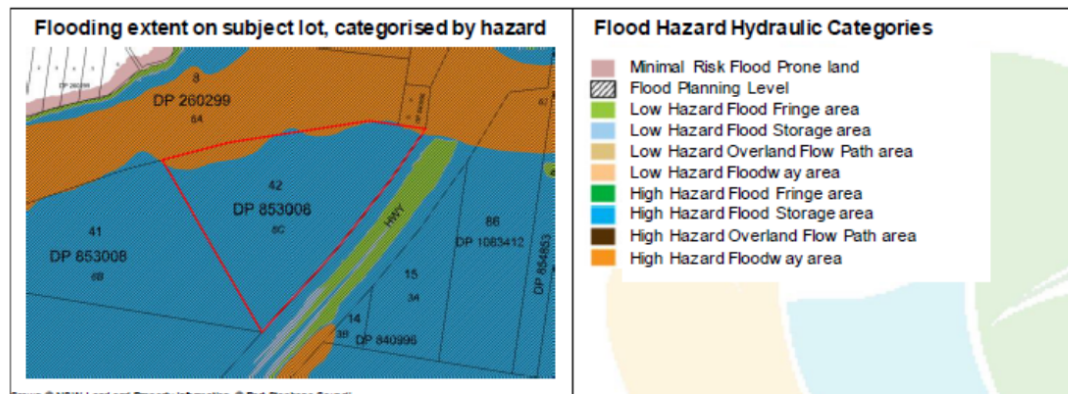


Figure 11: Flooding extent on subject lot, categorised by hazard

Occupation and evacuation

The primary flood emergency response action from the site is evacuation as outlined in the Flood Emergency Sub Plan submitted with the application, provided there is enough time to enable evacuation. Evacuation should only commence if time permits, and rainfall has not yet begun. The existing bridge crossing over Grahamstown Drain provides primary access and evacuation for the site via Elizabeth Avenue. LiDAR mapping referenced in the Flood Emergency Management Plan (FEMP) prepared by Groundswell Engineers and dated October 2025, establishes the bridge is set at approximately 1.8m AHD, which indicates access to the site becomes compromised and emergency onsite flood refuge is likely required for all events greater than, and including, the 20% AEP flood event.

In the event where a Generalised Flood Warning or Severe Weather Warning is received with nominated rainfall depths equivalent to (or greater than) a 1% AEP flood event (as presented in **Figure 12**), all occupants onsite are to proceed to the first floor of Stage 1 (PMF refuge). If evacuation is required, the Chief Flood Warden for the site will coordinate evacuation in accordance

with the Flood Response Actions outlined in Section 1.3 of the endorsed FEMP. Early evacuation reduces the strain on emergency services during a flood event, however, should be undertaken in advance of rainfall occurring following a warning being issued by BOM. Due to the number of animals requiring evacuation, it is important for the Chief Flood Warden to respond quickly to any emergency warning provided. Only when a warning is received that has predicted rainfall intensities that exceeds the values listed in **Figure 12**, should the evacuation process for the greyhounds be undertaken.

Subject to implementation of the FEMP, the proposed development demonstrates appropriate evacuation capacity for the site.

Rainfall Depth (mm)	Timescale
68.8	30-mins
89.3	1-hour
114	2-hours
131	3-hours

Figure 12: Rainfall triggers for evacuation of animals on premises

Risk to life and property

The proposed development consists of two new habitable buildings, separated into Stage 1 and Stage 2. Based on the information presented in the Flood Certificate 83-2023-1371-1, the minimum floor level for habitable rooms should be set at 5.7m AHD to provide flood immunity for events up to the 2100 1% AEP flood event, plus freeboard. In this context, habitable rooms in both Stage 1 and Stage 2 are all positioned above the FPL. Furthermore, on-site PMF refuge is provided for buildings within Stage 1 and 2, providing on-site refuge capacity for residents and employees where evacuation is not possible.

Notwithstanding the above, the ground level for Stage 2 includes non-habitable rooms including (a carport, garage workshop and bathroom/laundry) designed 900mm below the relevant Adaptable Minimum Floor Level (AMFL) of 5.5m AHD for non-habitable rooms, with inundation occurring on the ground floor in events greater than the 5% AEP flood event. To address risk to property for rooms located below the required AMFL, the following measures were identified within the supporting FEMP:

- A requirement prohibiting the storage of valuable items or hazardous materials below the listed FPL; and
- Design and construction requirements ensuring capacity of dwelling to provide flood immunity and withstand flood events.

Based on the above measures, the proposal appropriately mitigates risk to life and property.

The environment and off-site flooding impacts

The proposed development accounts for approximately 3% of the total site area. There is a total loss of 7500m³ of flood storage at the 1% AEP event out of >140,000m³ of flood storage on the lot. When compared to the total floodplain, the development removes only a fraction of the floodplain capacity and therefore it is expected that insignificant impacts will result. Council's Flooding and Drainage Officer supported the flood management approach and off-site flood impacts.

Clause 7.1 – Acid sulfate soils

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

The subject land is mapped as containing potential Class 2 acid sulfate soils (along northern boundary), and Class 4 (remainder of site). Noting no excavation works are proposed that may disturb acid sulfate soils, the proposal satisfies the objectives of this clause.

Clause 7.2 – Earthworks

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

The proposal seeks to import 7500m³ of fill to establish flood free land for Stages 1 and 2. The application has been supported by a bulk earthworks plan and flood modelling data, demonstrating 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, quality of imported/exported fill materials and disposal of excavated materials in accordance with the EPA's Waste Classification Guidelines.

Clause 7.6 – Essential services

The subject site has adequate arrangements for servicing, including access and water. A condition has been imposed requiring the approval and installation of an on-site wastewater management system prior to the issue of an occupation certificate.

Clause 7.9 – Wetlands

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

Grahamstown Drain parallels the northern boundary of the site and is identified as local wetland vegetation under the PSLEP 2013. Grahamstown Drain also corresponds to land mapped as having Biodiversity Values relevant to Part 7 of the BC Act, with mapped PCTs '3997 – Hunter Coast Sandplain Sedge Paperbark Wetland' and 'PCT 4004 – Northern Melaleuca quinquenervia Swamp Forest', generally corresponding with these wetlands. With proper adherence to conditions of consent regulating construction works and on-going operations of the site, the proposed development will not significantly impact on the biophysical, hydrological or ecological integrity of these wetlands.

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

The proposed Climate Change and Natural Hazards SEPP is intended to replace SEPP Resilience and Hazards 2021. The draft SEPP, which was exhibited from 17 February to 16 March 2026, is currently under consideration.

The proposed SEPP seeks to introduce a clear, consistent framework for tackling current and future risks, including climate change and natural hazards (coastal hazards, flooding, bushfires, and urban heat), and rebuilding after natural disasters.

Consideration has been given to the suitability of the site with respect to coastal hazards, flooding and bushfires under SEPP Resilience and Hazards 2021 – Chapter 2 elsewhere within this report. The subject site has been identified as suitable for the proposed development.

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

Section 4.15(a)(iii) – Any development control plan

Port Stephens Development Control Plan 2014 (PSDCP 2014)

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

Section B – General Provisions**B2 – Natural Environment**

A large portion of the site is encumbered by Biodiversity Values Mapping (BVM) as containing Swift Parrot habitat and Preferred Koala Habitat. A survey of the site was undertaken on the 24th May 2024 by a qualified Ecologist from MJD Environmental as part of the Ecological Assessment. Vegetation within the proposed footprint was identified as being exotic pasture, thereby, no native vegetation is proposed to be impacted by the proposal. No habitat features in the form of hollows, stags, nests, termite termitaria or aquatic habitat were identified within the development footprint. The only vegetation removal required is for 3 x pines in the APZ area for the proposed dwelling.

B3 – Environmental Management

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

Noise

Control B3.B identifies that a Noise Impact Assessment (NIA) is required for development that has the potential to produce offensive noise. A NIA prepared by RAPT Consulting, dated 10 July 2024, was prepared in accordance with NSW Environment Protection Authority (EPA) guidelines. This included a review of noise sensitive receptors within the locality, establishment of background and ambient noise levels within the locality and an assessment of potential noise impact associated with operation of the animal boarding facility.

The nearest sensitive receptors surrounding the project site were residential receptors identified to the north, east and west of the site (see **Figure 13**). The assessment involved measuring existing background noise levels to establish baseline conditions, with a noise logger placed at the closest residential receiver to record ambient noise levels for seven days. Noise modelling was used to predict noise levels from on-site activities using the ISO9613 calculation method, with modelling assumptions outlined.

The predicted cumulative 'worst case' noise impacts associated with operation of the site during all time periods was modelled, with outcomes of the assessment indicating compliance with project noise trigger levels may be achieved in all assessed situations. While compliance is expected, noise management strategies have also been recommended and have been included as conditions of consent.

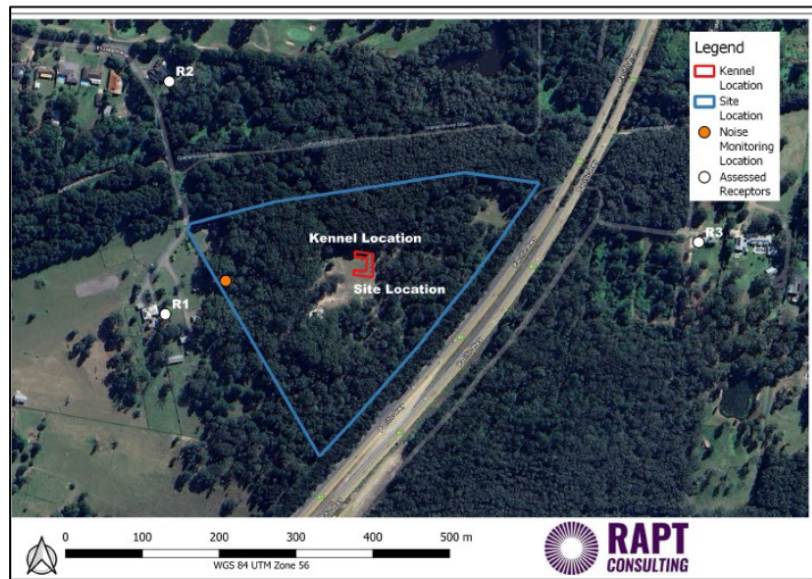


Figure 13: Noise monitoring locations

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 proposed development seeks to import 7500m³ of fill to establish flood free land for Stages 1 and 2. The application has been supported by a bulk earthworks plan and flood modelling data, demonstrating 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, quality of imported/exported fill materials and disposal of excavated materials in accordance with the EPA's Waste Classification Guidelines.

B4 – Stormwater Management

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

All roof areas proposed under Stages 1 and 2 will be directed to a series of rainwater tanks, sized with appropriate on-site detention capacity for post-development flow rate to equal the predevelopment flow rate and volume for all storm events up to and including the 1% annual exceedance probability (AEP) storm event. Noting a legal point of stormwater discharge is not available for the site, discharge of stormwater at ground level (minimum 3m away from buildings) has been incorporated. All discharge points associated with the drainage structures will feature appropriate scour protection measures to dissipate slow velocities and reduce any sediments loads.

B5 – Flooding

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.

Flood compatibility

In accordance with Figure BI of the DCP, the development would comprise 'residential accommodation' and 'all other development', which are both suitable development types subject to development controls.

Occupation and evacuation

The existing bridge crossing over Grahamstown Drain provides primary access and evacuation for the site via Elizabeth Avenue. LiDAR mapping referenced in the Flood Emergency Management Plan (FEMP) prepared by Groundswell Engineers and dated October 2025, establishes the bridge is set at approximately 1.8m AHD, which indicates access to the site becomes compromised and emergency onsite flood refuge is likely required for all events greater than, and including, the 20% AEP flood event.

In the event where a Generalised Flood Warning or Severe Weather Warning is received with nominated rainfall depths equivalent to (or greater than) a 1% AEP flood event (as presented in **Figure 10**), all occupants onsite are to proceed to the first floor of Stage 1 (PMF refuge). If evacuation is required, the Chief Flood Warden for the site will coordinate evacuation in accordance with the Flood Response Actions outlined in Section 1.3 of the endorsed FEMP. Early evacuation reduces the strain on emergency services during a flood event, however, should be undertaken in advance of rainfall occurring following a warning being issued by BOM. Due to the number of animals requiring evacuation, it is important for the Chief Flood Warden to respond quickly to any emergency warning provided. Only when a warning is received that has predicted rainfall intensities that exceeds the values listed in **Figure 12**, should the evacuation process for the greyhounds be undertaken.

Subject to implementation of the FEMP, the proposed development demonstrates appropriate evacuation capacity for the site.

Risk to life and safety

The proposed development consists of two new habitable buildings, separated into Stage 1 and Stage 2. Based on the information presented in the Flood Certificate, the minimum floor level for habitable rooms should be set at 5.7m AHD to provide flood immunity for events up to the 2100 1% AEP flood event, plus freeboard. In this context, habitable rooms in both Stage 1 and Stage 2 are all positioned above the FPL. Furthermore, on-site PMF (8.3m AHD) refuge is provided for buildings within Stage 1 and 2, providing on-site refuge capacity for residents and employees where evacuation is not possible.

Notwithstanding the above, the ground level for Stage 2 includes non-habitable rooms including (a carport, garage workshop and bathroom/laundry) designed 900mm below the relevant Adaptable Minimum Floor Level (AMFL) of 5.5m AHD for non-habitable rooms, with inundation occurring on the ground floor in events greater than the 5% AEP flood event. To address risk to property for rooms located below the required AMFL, the following measures were identified within the supporting FEMP:

- A requirement prohibiting the storage of valuable items or hazardous materials below the listed FPL; and
- Design and construction requirements ensuring capacity of dwelling to provide flood immunity and withstand flood events.

Based on the above measures, the proposal appropriately mitigates risk to life and property.

Off-site impacts

The proposed development was reviewed by Council's Development Engineer who found that the proposal would facilitate ongoing flood adaption, not diminish the capacity of the floodway to convey and contain floodwaters, or cause any adverse offsite flooding impacts by way of increased velocity and flood inundation.

Furthermore, the proposed development would not adversely affect the environment or cause avoidable erosion, siltation, and destruction of riparian vegetation or reduction in the stability of riverbanks or watercourses and would not result in any adverse changes to flood behavior as a result of climate change.

B6 – Williamstown RAAF Base – Aircraft Noise and Safety

The subject site is located within the Bird Strike Group B. Per Section B6.6, any development within this area is to limit, cover, and/or enclose any organic waste and/or the storage of bins on site. A condition of consent requiring compliance with this requirement has been included.

B7 – Heritage

An Aboriginal Heritage Information Management System (AHIMS) search identified Aboriginal sites recorded in proximity to the development area. Additionally, the site is within 200m of a sensitive landscape feature, being Windeyers Creek. An Aboriginal Heritage Due Diligence Assessment (DDA) was provided with the application, which included reference to various archaeological surveys undertaken for large road infrastructure projects within the vicinity of the site, including the Raymond Terrace By-pass, Masonite Road and Raymond Terrace Traffic Relief Route. The Due Diligence Assessment confirmed the nearest recorded AHIMS site, is an Aboriginal burial site located at Raymond Terrace Pioneer Hill Cemetery approximately 200m from the site.

With consideration to the findings of the DDA 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

A Traffic Impact Assessment (TIA) was not considered necessary for the proposed development, noting the acceptable daily vehicle trips expected for the animal boarding facility. As identified within the Operational Management Plan, the drop off and pick up hours for customers are restricted to Monday to Friday (8am - 10.30am / 2.30-4.00pm), Saturday/Sunday (8am - 10.30am) and Closed Public Holidays; with vehicle trips to premises (vtp) dependent on the number of dogs being boarded at the facility and the duration of their stay. To manage vehicle movements, visits will be scheduled in half-hour appointment blocks made by appointment only. Accordingly, a maximum of five (5) vtp are expected in the morning and three (3) vtp in the afternoon. The surrounding road network operates with sufficient capacity and is not known to experience congestion or operational issues that may be adversely impacted by these additional vehicle trips.

On-site parking provisions

A standardised parking rate for animal boarding establishments is not prescribed within Figure BU of the DCP or NSW State Government's '*RMS Guide to Traffic Generating Development – 2002*'. Notwithstanding, on-site parking provisions were informed by estimated staff and customer numbers, with a total of six (6) parking spaces provided, including one (1) accessible parking space. Furthermore, a designated loading zone has been provided for emergency and service vehicles, ensuring on-site parking spaces are reserved for employees and customers.

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Noting the maximum number of employees on-site will be limited to three (3), with visitor numbers staggered through the sites booking system, the provision of 6 parking spaces is deemed appropriate.

On-site parking access

Access to the site is provided via a 6m wide sealed right of carriageway, that extends approximately 230m from Elizabeth Avenue to the property boundary. Two (2) passing bays (20 metres long by 2 metres wide) are provided within the site, to satisfy access requirements for fire fighting vehicles prescribed in Table 7.4a of Planning for Bushfire Protection 2019 (PBP 2019). Notwithstanding PBP 2019 requirements, the DCP requires passing bays to be provided at 30m intervals for access roads exceeding 30m in length. The current concrete driveway access from Elizabeth Avenue to the site is 227m in length, therefore technically requiring creation of at least 5 passing bays over Council community land. With consideration to the minimal vehicle trips generated by the development, adequate sight lines and wide informal passing areas along the Elizabeth Avenue reserve (see site **Photographs 2 and 3**) the variation to DCP control is supported on merit.

Section C – Development Types

The proposed development includes a kennel structure in Stage 1 and a dwelling in Stage 2. While animal boarding establishments are not captured by any development types listed under Chapter C, it will visually appear as a shed in a rural zone. As such, a merits assessment under Section C8 has been undertaken for Stage 1 being the most applicable controls. An assessment against Section C4 applies for the Stage 2.

C4 – DWELLING HOUSE, SECONDARY DWELLING, OR DUAL OCCUPANCY				
Clause	Requirement			N/A
C4.A	C4.1 – Building Height			
	The building is compliant with the relevant requirements detailed below.			☒
Comment:	There is no maximum building height specified under the PSLEP 2013 and therefore a merit-based assessment has been undertaken. The proposed dwelling under Stage 2, has a maximum height of 11.12m. Whilst this dwelling is limited to two (2) storeys, fill ranging from (1.3m – 3m AHD) is required to provide a flood free area suitable for development thus exacerbating this overall height. Furthermore, this dwelling has been designed to provide flood free area suitable for habitable purposes and flood refuge. Notwithstanding these design requirements, the dwelling is considered appropriately screened by the established canopy and consistent with the surrounding rural context and character of the area.			
C4.B	C4.2 – Setback Requirements (Rural, Environmental or R5 Zoning)			
	Development is to be setback from the subject property boundary, in accordance with the following tables:			
	Setback	Requirement	Proposed	
	Front	10m	24.87m	☒
	Side (Ground)	5m	6m (west)	☒
	Side (Upper)	5m	6m (west)	☒
	Rear (Ground)	5m	>100m	☒
	Rear (Upper)	5m	>100m	☒
	C4.3 – Front Setback Encroachment			
	Development is to have a maximum of 1.5m encroachment of the front building line for architectural features:			
	Factor	Requirement	Proposed	

C4 – DWELLING HOUSE, SECONDARY DWELLING, OR DUAL OCCUPANCY					
	Architectural Front Setback Encroachment	Max 1.5m in front of building line	No	☐	☒
	C4.4 – Secondary Dwelling Setback				
	Development is to be Located behind the building line:			☐	☒
	Factor	Requirement	Proposed		
	Minimum Site Setback	Behind the building line or setback	N/A	☐	☒
	C4.5 – Secondary Setback Encroachment				
	Maximum of 1m of for architectural features in the secondary setback.			☐	☒
	C4.6 – Garage Setback				
	Minimum of 1m behind the front building line or setback.			☒	☐
	C4.7 – C4.9 – Public Reserve and waterfront setback				
The development adjoining a public reserve or waterfront and is compliant with C4.7, C4.8, or C4.9.			☐	☒	
C4.10 – Battle-Axe Lot Handle					
Minimum of 1m setback from a battle-axe lot handle, access corridor, or easement is provided.			☐	☒	
C4.11 – Adjoining agricultural buffers					
A buffer of 150m or greater should be provided between a rural dwelling or ancillary structure and land capable of being used for agricultural purpose.			☐	☒	
Comment:	C4.2 – With consideration to the proximity of the proposed dwelling under Stage 2, to the neighbouring property to the west, a condition has been recommended requiring vegetation screening along this boundary. The condition will assist in mitigating potential privacy and amenity impacts between the properties.				
C4.C	C4.12 – Passive Surveillance				
	The development addresses the street by having at least one habitable room front the street and/or adjoining public spaces.			☒	☐
	C4.13 – Passive Surveillance on Corner Lots				
	The development addresses both street frontages by having habitable rooms face both streets.			☐	☒
	C4.14 – Streetscape Character				
	The development is sympathetic to the existing landscape character and built-form with regard to design, bulk, scale, form, materials, and roof configuration.			☒	☐
C4.15 – Privacy and Two-storey Development					
Two-storey development is to include a balcony or deck facing the street on the upper floor at least 1.5m deep across 25% of the dwelling frontage.			☐	☒	
C4.16 – C4.17 – Privacy Screening					

C4 – DWELLING HOUSE, SECONDARY DWELLING, OR DUAL OCCUPANCY			
	All balconies are located to minimise overlooking adjoining properties, and privacy screens are provided where required.	☐	☒
	C4.18 – Window Screening		
	Where windows overlook adjoining properties, privacy screens, high-light windows, fixed louvers, or opaque glass is provided.	☐	☒
Comment:			
	C4.19 – Private Open Space Dimensions		
	The development provides a minimum of 50m ² of ground floor private open space (a minimum of 35m ² that is usable) and has the following attributes:	☒	☐
	- A minimum dimension of 4m x 4m;	☒	☐
	- Has direct access from internal living areas;	☒	☐
	- Is not located within a front setback; and	☒	☐
	- Has a northerly aspect.	☒	☐
	C4.20 – Private Open Space Dimensions		
C4.D	Where the development cannot provide private open space on the ground floor, provision have been made for a balcony of not less than 20m ² with a minimum width of 3m is to be used as private open space.	☐	☒
	C4.21 – Solar Access		
	The development is provided a minimum of 2 hours sunlight to the principal private open space area between the hours of 9 am – 3 pm midwinter.	☒	☐
	C4.22 – Solar Access		
	A minimum of 30% of private open space of adjoining dwellings must remain unaffected by any shadow for a minimum of 3 hours between 9 am – 3 pm midwinter.	☒	☐
Comment:			
	C4.23 – Driveway Width		
	The driveway has a minimum width of 3m.	☒	☐
	C4.24 – Garage Dimensions		
C4.E	The development is in a residential zone and the garage door has a maximum width of 6m or 50% of the building frontage.	☐	☒
	C4.25 – Garage Dimensions		
	Where the lot exceeds 1500m ² , the garage has a maximum width of 9m.	☒	☐
Comment:	Minimum driveway width: 4m Maximum garage width: 4.8m		
C4.F	C4.26 – Dwelling House		

C4 – DWELLING HOUSE, SECONDARY DWELLING, OR DUAL OCCUPANCY			
	The development is located on land that slopes at more than 18 degrees to the horizontal or that is within 50m of land that contains:	☐	☒
	- A Coastal Wetland;	☐	☒
	- Koala Habitat; or	☐	☒
	- A species or community listed within the Biodiversity Conservation Act 2016. AND	☐	☒
	Has provided a landscape plan demonstrating appropriate landscaping that will enhance the constraints of the site and is consistent with applicable APZ requirements.	☐	☒
C4.30 – Species Selection			
	Landscape species have been selected in accordance with the landscape technical specification.	☒	☐
Comment:	The proposal includes a landscape plan which is consistent with the DCP.		
C4.G	C4.31 – Waste Storage		
	An adequately screened waste storage and recycling area is provided behind the building line.	☒	☐
	C4.32 – Clothes Drying		
	A suitable open-air area for clothes drying is provided for each dwelling behind the building line with a northerly aspect.	☒	☐
Comment:	C4.32 - Suitable space has been provided for clothes drying and other relevant amenities.		

C8 – ANCILLARY STRUCTURES			
Clause	Requirement	Compliant	N/A
	C8.5 – Sheds (Rural)		
	The proposed shed is in a prescribed rural zone and adheres to:	☒	☐
	• Minimum 10m side boundary and rear setback;	☒	☐
	• Minimum 5m setback from another building;	☒	☐
	• Colour scheme consistent with the existing character of the area.	☒	☐
Comment:	The proposed structure features the following setbacks: <u>Northern (Front):</u> 85.24m <u>Eastern (Side):</u> >50m <u>Southern (Rear):</u> 83.54m <u>Western (Side):</u> 50m The development demonstrates compliance with all prescribed setbacks.		
C8 Fencing	C8.15 – Front Fence Height		
	Fencing has a maximum height of 1.2m and is not solid infill construction.	☐	☒

C8 – ANCILLARY STRUCTURES			
	C8.16 – Front Fence Height (Roads and Secondary Frontages)		
	Fencing along main roads and secondary street frontages has a maximum height of 1.5m.	☐	☒
	C8.17 – Front Fence Compatibility		
	Fencing is compatible with street facilities, such as mailboxes and allow easy access to public utilities.	☐	☒
	C8.18 – Side and Rear Fence Height		
	Fencing has a maximum height of 1.8m.	☒	☐
	C8.19 – Side Fencing Location		
Comment:	Side fencing does not encroach on the front setback area of any dwelling.	☒	☐
	C8.20 – Fence Material		
	The fence material reflects the context and character of the area.	☒	☐
	C8.21 – Fences near trees		
	Fences within the root zone of an existing tree are to be constructed of lightweight suspended panels supported by posts with pier footings.	☐	☒
The proposed enclosure fencing has a maximum height of 1.8m and is located behind the front setback. A condition has been recommended from Council's Environmental Planner requiring the wire mesh fencing to be designed in accordance with Section 3.5 of the Draft <i>Design Guidelines for Koala-exclusion Fencing</i> . Subject to detailed design, the proposed fencing is considered appropriate for the rural character of the locality and the environmental significance of the site.			
	C8.22 – Retaining walls		
	Proposed retaining walls have a maximum height of 1m.	☒	☐
	C8.23– Retaining wall material		
	Retaining walls are of masonry construction when located within 0.9m of the property boundary and greater than 0.6m in height.	☒	☐
	C8.24 – Retaining wall location		
	Retaining walls are wholly contained with the site.	☒	☐

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

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

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

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

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

Social impacts of the proposed development are anticipated to be modest and predominately positive. The proposal would support the provision of temporary boarding facilities for greyhounds, designed and operated in accordance with relevant industry legislation including *NSW Animal Welfare Code of Practice No. 5 – Dogs and Cats in Animal Boarding Establishments*; *NSW Greyhound Welfare Code of Practice*; and *Prevention of Cruelty to Animals Act 1979 (NSW)*.

Community concern regarding adverse amenity impacts associated with the development has been appropriately addressed within technical documentation provided with the application, with grievance mechanisms to manage complaints outlined within the endorsed Operational Plan of Management.

After having regard to social impact considerations, the proposed development can be supported in this regard.

Economic Impacts

The proposed development would provide additional employment opportunities in the Port Stephens Local Government Area. The documentation accompanying the development application indicates that once fully constructed the proposed development would support the equivalent of six (6) employees. In addition to direct employees and their contribution to the local economy, the facility will support provide local animal boarding services and other local and regional enterprise related to its construction and operating requirements.

Impacts on the Built Environment

The design of the proposed development has had regard to the site context and setting and is generally suited to the rural context and setting of the locality. Stage 1 of the proposal has been located to the rear of the site and will therefore be largely imperceptible to the public domain and neighbouring properties. Additionally, Stage 2 represents an appropriate residential building that is compatible with the surrounding landscape and has been designed to provide flood immunity to future residents. Setbacks and screening of existing vegetation will mitigate any visual impacts from the proposed new dwelling.

Impacts on the Natural Environment

The proposed development has been designed to avoid impacts to native vegetation and areas of biodiversity value across the site. Vegetation within the proposed footprint was identified as predominately exotic pasture, thereby, no native vegetation is proposed to be impacted by the proposal. Furthermore, no habitat features in the form of hollows, stags, nests, termite termitaria or aquatic habitat were identified within the development footprint. The proposal will ensure the ongoing management of weeds and exotic vegetation identified over the site, ensuring the integrity of native vegetation will be improved over time and provide additional habitat for vulnerable and threatened species.

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

Council is satisfied that the site characteristics are conducive to the proposed development with consideration to the following:

- The site is zoned RU2 Rural landscape, the proposed development is characterised as an 'animal or boarding or training establishment' and 'dwelling', types of development permissible with consent within that land use zone under council's Local Environmental Plan.
- The site is situated in a rural environment. The rural context of the locality has been respected by the design and location of the proposed development within the site.

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- Utility services have been incorporated into the site design and layout to support the operation of the proposed development without impacting on local environmental qualities.
- Consideration has been given to site attributes related to bush fire and flooding risks. A Bush Fire Threat Assessment, Flood Emergency Management Plan and supplementary information have been prepared by appropriately qualified experts in relation to the management of these issues. Site risks related to bush fire threat has been considered by Council Officers and NSW RFS who provided their concurrence to the proposal and recommended conditions of consent and flood risk considered by Council Officers who were satisfied that the proposal could be supported from a flood impact perspective.

Based on the above, the site is suitable to accommodate the proposal.

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

The application was exhibited from 27 August 2025 to 10 September 2025 in accordance with the provisions of the Port Stephens Council Community Engagement Strategy. One (1) submission was received during this time, with matters raised within the submission detailed in the table below.

Item	Matter raised	Response
TRAFFIC		
1	Truck movements associated with importation of fill, traffic generation resulting from development.	
1.1	Importation of fill onto the site is limited to the Elizabeth Avenue right of carriageway, which comprises a single lane driveway and a bridge with a load capacity of 15 tonnes. Excessive truck movements will be required due to these access conditions, with pedestrians and cyclists frequenting this right of carriageway.	The proposal seeks to import 7500m ³ of fill to establish flood free land for Stages 1 and 2. With consideration to the load capacity of the bridge, limitations on vehicle types permitted to access the site has been recommended as a condition of consent to be adhered to both during works and post-construction. Noting the additional vehicle movements required due to load limitations, a 'repair of infrastructure' condition has been recommended, ensuring any damage resulting to public infrastructure is appropriately rectified at no cost to the Council. Furthermore, as detailed within Chapter B8 above, Elizabeth Avenue right of carriageway provides adequate sight lines and informal passing areas mitigating the potential for impacts to pedestrian and cyclist road users.
1.2	Traffic generation associated with operations of the animal boarding facility.	As detailed within Chapter B8 assessment above, vehicle trips to premises (vtp) are dependent on the number of dogs being boarded at the facility and the duration of their stay. To manage vehicle movements, visits will be scheduled in half-hour appointment blocks made by appointment only. Accordingly, a maximum of five (5) vtp are expected in the morning and three (3) vtp in the afternoon. The surrounding road network

ITEM 2 - ATTACHMENT 3 PLANNER'S ASSESSMENT REPORT

Item	Matter raised	Response
		operates with sufficient capacity and is not known to experience congestion or operational issues that may be adversely impacted by these additional vehicle trips.
2	ACOUSTIC Noise impact management	
2.1	Opportunities for noise impacts to be addressed should noise impacts arise during operations.	As detailed within Chapter B3, the predicted cumulative 'worst case' noise impacts associated with operation of the site during all time periods was modelled, with outcomes of the assessment indicating compliance with project noise trigger levels may be achieved in all assessed situations. Notwithstanding, should noise impacts exceed Project Amenity Noise Levels, complaints can be directed to the site manager in accordance with the Operational Management Plan. Furthermore, operational noise levels for the animal boarding facility will be regulated by conditions of consent. Where conditions are not adhered to, Council can be contacted to investigate and intervene if required.

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

Council is satisfied the proposed development is compatible with the public interest with consideration to the following:

- The proposal complies with the RU2 Rural Landscape objectives, meet relevant standards and controls contained in both the PSLEP and PSDCP and is consistent with the EP&A Act. Where variations to the PSDCP are identified, suitable justification has been provided to permit the variation;
- The proposal supports rural enterprise and small business development within an appropriate rural setting;
- The rural character is maintained in low-density built form, and landscaped separation from neighbouring properties; and
- The proposal provides for the safe and functional use of the land whilst managing potential amenity impacts and environmental constraints.

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

A credit applies for the first dwelling on this property. As the Manager's residence is proposed to be temporary and replaced with a dwelling in Stage 2, 7.11 contributions are not applicable for either.

Section 7.12 – Fixed Development Consent Levies

Fixed development contributions apply to Stage 1 of the proposal in accordance with the Port Stephens Local Infrastructure Contributions Plan and conditions of consent have been included requiring the payment of contributions.

Housing and Productivity Contribution Order 2023

The development triggers Housing and Productivity contributions for the creation of 372m² of gross floor area for commercial development.

CONCLUSION

This development application has been considered in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulations 2021* as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

RECOMMENDATION

The application is recommended to be approved under delegated authority pursuant to section 4.15 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:

I/We (Mayor/Councillor/s) Arnott and Francis request
that DA number 16-2025-384-1 for DA
description Animal boarding facility, manager's residence and 2 storey dwelling located at
6C Elizabeth Avenue, Raymond Terrace
be reported to Council for determination.

Reason:

Public interest.

Declaration of Interest:

I/We have considered any pecuniary or non-pecuniary conflict of interest (including political donations) associated with this DA on my part or an associated person.

I/We (Mayor/Councillor/s) _____ have a
conflict of interest:

☒ No

☐ Yes

If **yes**, please provide the nature of the interest and reasons why further action should be taken to bring this DA to Council:

Signed:

Please sign or
type name &
attached to
an email.

Cr Arnott - by email

Date:

28/08/2025

Signed:

Please sign or
type name &
attached to

Cr Francis - by email

Date:

28/08/2025

ITEM NO. 3

**FILE NO: 26/181790
EDRMS NO: 58-2025-2-1**

PLANNING PROPOSAL - REZONING AND RECLASSIFICATION OF 8 COUNCIL SITES

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Notes the amendments to the planning proposal (**ATTACHMENT 1**) to reclassify the subject sites from community to operational land under the Local Government Act 1993 (NSW) and to rezone the following sites from RE1 Public Recreation to R2 Low Density Residential under the Port Stephens Local Environmental Plan 2013:
 - 1B Jessica Close, Raymond Terrace (Lot 4 DP 807214)
 - 4 Payton Street, Raymond Terrace (Lot 68 DP 248229)
 - 20 Benjamin Lee Drive, Raymond Terrace (Lot 1063 DP 826758)
 - 27 Campbell Ave, Anna Bay (Lot 4 DP 787398)
- 2) Receives and note the submissions made during the public exhibition of the planning proposal (**ATTACHMENT 2**).
- 3) Receives and note the public hearing report (**ATTACHMENT 3**).
- 4) Endorses the submission of the planning proposal (**ATTACHMENT 1**) to the Department of Planning, Housing and Infrastructure requesting they exercise their plan making authority to amend the Port Stephens Local Environmental Plan 2013 under section 3.36 of the Environmental Planning and Assessment Act 1979 (NSW).

BACKGROUND

The purpose of this report is to advise Council of the outcome of the exhibition of the planning proposal - Reclassification and Rezoning of 8 Surplus Council Sites (**ATTACHMENT 1**), and note the submissions received (**ATTACHMENT 2**) and public hearing report (**ATTACHMENT 3**).

The planning proposal seeks to amend the Port Stephens Local Environmental Plan 2013 (LEP) to reclassify 8 Council-owned sites across the Port Stephens local government area to facilitate residential development. A locality plan for each site is provided in (**ATTACHMENT 4**).

ORDINARY COUNCIL - 25 AUGUST 2026

The planning proposal seeks to reclassify 8 sites from Community to Operational land and rezone 4 of the sites from RE1 Public Recreation to R2 Low Density Residential. The R2 zone will be maintained at 4 sites.

Council's Financial Services Section identified the sites as surplus Council-owned land following a strategic review process. The sites have been selected due to low environmental values and small site areas.

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

Date lodged	26 February 2025
Proponent	Urbanism Planning & Development on behalf of Port Stephens Council (Financial Services Section)
Residential land to be reclassified	• 101 Kindlebark Drive, Medowie (Lot 721 DP 1033896) 1,418m² • 154 Rocky Point Road, Fingal Bay (Lot 17 DP 805074) 315m² • 124 Benjamin Lee Drive, Raymond Terrace (Lot 3082 DP 786401) 1,728m² • A-1 Mount Hall Road, Raymond Terrace (Lot 18 DP 238628) 698m²
Recreational land to be reclassified and rezoned to R2 Low Density Residential	• 1B Jessica Close, Raymond Terrace (Lot 4 DP 807214) 306m² • 4 Payton Street, Raymond Terrace (Lot 68 DP 248229) 1,706m² • Part of 20 Benjamin Lee Drive, Raymond Terrace (Lot 1063 DP 826758) 1,176m² • 27 Campbell Ave, Anna Bay (Lot 4 DP 787398) 1,010m²
Current use	Vacant community land
Proposed changes	Reclassify all sites from community to operational land Rezone 4 sites from RE1 Public recreation to R2 Low Density Residential with a building height limit of 9m and minimum lot size of 500m ² .
Purpose	To enable disposal of surplus land to create non-rate revenue and facilitate residential development.

On 11 October 2022, Minute No. 278 (**ATTACHMENT 5**) Council resolved to commence the land reclassification and rezoning process for the subject lots.

On 15 September 2025, a planning proposal was submitted to the Department of Planning, Housing and Infrastructure (the Department) to seek a Gateway determination in accordance with the Port Stephens Council Planning Proposal Policy.

On 9 February 2026, the Department issued a Gateway determination **(ATTACHMENT 6)**.

The planning proposal was updated in accordance with the Gateway determination and referred to the NSW Rural Fire Service (RFS) and NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW). The planning proposal was publicly exhibited from 13 April 2026 to 11 May 2026, and 4 submissions were received **(ATTACHMENT 2)**.

In accordance with the Local Government Act 1993 (NSW), a public hearing was held on 15 June 2026. Three community members attended the hearing **(ATTACHMENT 3)**.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025 to 2029
Resources and finance	Implement the Property Investment Strategy

FINANCIAL/RESOURCE IMPLICATIONS

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that if Council does not reclassify the subject sites, they will remain underutilised assets and a maintenance burden.	Medium	Adopt the recommendations.	Yes

Local Government Act 1993 (NSW)

All public land must be classified as either operational or community land under the Local Government Act. The proposed reclassification and rezoning are provided for by the Local Government Act 1993.

A public hearing was held on 15 June 2026 in accordance with section 29(1) of the Local Government Act 1993.

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

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

As the planning proposal includes a reclassification of council land, Council are not the plan-making authority. Should Council accept the recommendations, a request will be made to the DPHI to amend the LEP.

LEP Practice Note PN16-001 – Classification and reclassification of public land through a local environmental plan

The purpose of the LEP Practice Note is to provide guidance on how to classify and reclassify public land through a local environmental plan. The proposal is consistent with the Practice Note and the checklist that details the information that Council must provide in a proposal that seeks to reclassify Council-owned land.

Port Stephens Local Environmental Plan 2013

The reclassification of land will be achieved by amending Schedule 4, Part 2 'Land classified, or reclassified as operational land – interests changed' of the LEP to include the subject sites.

For the sites requiring rezoning, the following map amendments will be made:

- Amend land zoning map from RE1 Public Recreation to R2 Low Density Residential.
- Amend maximum building height map to apply a maximum building height to 9m.
- Amend minimum lot size to apply a minimum lot size of 500m².

Hunter Regional Plan 2041 (HRP)

The planning proposal is consistent with the HRP, as it will facilitate the release of surplus sites within existing urban areas for additional housing opportunities.

Local Strategic Planning Statement (LSPS)

The Port Stephens LSPS identifies the 20-year vision for land use in Port Stephens. It sets out social, economic and environmental planning priorities for the future and identifies when they will be delivered.

The LSPS identifies twelve planning priorities. The planning proposal is consistent with planning priorities 1, 4 and 5 as listed below:

- Planning Priority 1 - Support the growth of strategic centres and major employment areas.
- Planning Priority 4 – Ensure suitable land supply.
- Planning Priority 5 – Increase diversity of housing choice.

The planning proposal will achieve these priorities by enabling the sale of surplus community land, providing an opportunity for additional infill housing.

Port Stephens Local Housing Strategy and Housing Supply Plan

The LHS was developed in consultation with the community and sets the strategic direction for future housing growth across Port Stephens. Due to the small size of the sites, they are not directly identified in the LHS Housing Supply Plan (HSP).

The planning proposal is consistent with relevant key outcomes and priorities from the LHS, including:

- Outcome 1: Ensure Suitable Land Supply
- Outcome 2: Improve Housing Affordability
- Outcome 3: Increase Diversity of Housing Choice
- Outcome 4: Facilitate Liveable Communities

The planning proposal seeks to provide infill land supply for housing in Raymond Terrace, Medowie, Anna Bay and Fingal Bay. The planning proposal, albeit minor in scale, will assist in housing supply by providing additional infill housing in existing urban areas.

Recreation Strategy 2018

A review of community land was completed through the preparation of the Recreation Strategy (adopted by Council 13 November 2018), which considered the open space needs and requirements, and opportunities to improve the quality of recreation facilities and the supply and demand for them. The Recreation Strategy details what the Council considered to be valuable open space and surplus lands.

The Recreation Strategy found that there is a sufficient allocation of recreational land in Raymond Terrace, Medowie and the Tomaree Peninsula.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social

The planning proposal has the potential to deliver positive social and economic impacts by making the sites available for housing opportunities.

The proposed reclassification and rezoning of sites in this planning proposal is a result of a strategic review of open space assets, which found these parcels to be surplus to local open space needs.

Economic

The disposal of surplus community land enables additional infill housing, increasing housing supply and delivering positive economic benefits.

Council can gain an economic benefit from the disposal of the reclassified and rezoned land by generating non-rate income from the sale of the property. Council will reduce ongoing maintenance costs.

Environmental

The sites were selected due to the low environmental values and small site areas, thereby not requiring a Biodiversity Development Assessment Report (BDAR).

An Ecological Assessment Report found that:

- Vegetation was found to be in varying quality within all subject lands.
- On some sites, high incursion of weed species was present.
- No threatened flora species were recorded within the survey area during fieldwork.
- The planning proposal would not have any Serious and Irreversible Impact (SAIL) upon the fourteen potential SAIL entities known to occur within the subject areas.
- No areas of Koala habitat are likely to become significantly fragmented or isolated from other areas of habitat because of the planning proposal.

Any ecological impacts from development of the sites would be further assessed as part of any future development application.

Flooding

Three sites are identified as flood-prone to varying extents (4 Payton Street, A-1 Mount Hall Road, and 154 Rocky Point Road). The planning proposal demonstrates that future development can respond to flooding constraints for each site as part of a future development application. This includes the ability to respond to future development assessment objectives and controls set by Chapter B4 Flooding of the Port Stephens Development Control Plan 2025 (DCP).

COMMUNICATION AND ENGAGEMENT

Council's Communication and Engagement Strategy identifies the level of engagement undertaken. An explanation for each level is shown below.

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

The following communication and engagement applies to this report.

External communications and engagement

INFORM	Adjacent and adjoining landowners received written notification when the planning proposal was lodged, and again at public exhibition. Council advertised the public exhibition of the planning proposal through a newspaper notice and on Council's website.
CONSULT	The planning proposal was placed on public exhibition from 13 April 2026 to 11 May 2026, and 4 submissions were received (ATTACHMENT 2).

	Consultation was undertaken with the NSW Rural Fire Service and the Department of Climate Change, Energy, the Environment and Water in accordance with the Gateway determination. No objections were raised. A summary of agency comments is provided in (ATTACHMENT 2). A public hearing was held on 15 June 2026 to allow members of the public to voice concerns in a public setting. Three community members attended the hearing. As required by the <i>Local Government Act 1993 (s47G) (NSW)</i> the public hearing was facilitated by an independent consultant, who prepared a report following the public hearing (ATTACHMENT 3). The report provides details of matters raised.
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Internal communications and engagement

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

- Assets Section.
- Development Services Section.

OPTIONS

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

ATTACHMENTS

- 1) Planning Proposal. (Provided under separate cover)
- 2) Submissions Table.
- 3) Public Hearing Report. (Provided under separate cover)
- 4) Locality Plans.
- 5) Council Minute No. 278 - 11 October 2022.
- 6) Gateway Determination.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

Submissions table – rezoning and reclassification of 8 council sites

No.	Author of submission	Comment	Council response
Community submissions			
1	Resident	The submission is opposed to the reclassification of all land currently classified as community land as, once sold, it is lost to the community forever.	Noted. All the sites in the planning proposal have been identified as being surplus Council-owned land following a strategic review, including the preparation of the Port Stephens Recreation Strategy adopted by Council 13 November 2018.
		The submission notes that if the land is sold, the proceeds should go towards community projects that deliver benefits to the residents of Medowie and immediate surrounding localities.	Any future sale of land will be undertaken in accordance with the Local Government Act 1993 and Council's 'Acquisition and Divestment of Land' Policy. Funds generated by the sale of land will be used to provide non-rate revenue to support Council's services. Council has committed to using proceeds from the sale of surplus land to fund road upgrades and maintenance through the Roads Acceleration Program . Road maintenance is a high priority for the community. By disposing of surplus land, Council will also save on maintenance costs.
		The submission relates to 101 Kindlebark Drive, Medowie. The submission objects to the proposal to reclassify the site.	Noted.
		The submission states that the site currently facilitates a linkage to the south, between Kindlebark Drive and Casuarina Avenue and Coolabah Drive.	The existing footpath linking Kindlebark Drive to the south will remain in place should this site be sold.

No.	Author of submission	Comment	Council response
1		The site offers a visual link to open space in the reserve from the three roads, which is appealing to drivers, cyclists, and walkers and provides a sense of freedom.	Future development of the site would likely remove this visual link from Kindlebark Drive to the reserve behind. The footpath link will remain. Kindlebark Oval, a regularly used recreational area, is located 680m east of the site.
		The submission notes the need to release land to enable housing, however it raises doubts as to whether the sale of this site would make a discernible difference.	The proposal is consistent with the Hunter Regional Plan and Local Housing Strategy, as it is facilitating the release of minor surplus sites within existing urban areas for additional housing opportunities. While the development of one site will not contribute significantly to housing targets, infill development on individual sites is an important contributor to housing stock over time.
2	Resident	The submission relates to 27 Campbell Avenue, Anna Bay. The submission supports the proposal to rezone and reclassify the site. The submission maker is interested in purchasing the site.	Council's Strategic Property Team has committed to notifying the submission maker when plans for the site, should it be rezoned and reclassified, have been determined. Sale of the land will be undertaken in accordance with the Local Government Act 1993, which requires Council to sell the land via the open market.
3	Business	The submission is a promotion of a document review tool. The submission is a review of the planning proposal using the online tool.	The Department of Planning, Housing and Infrastructure has reviewed the submission and advised that it constitutes the promotion of an online tool rather than specific comments regarding the intention of the planning proposal.

No.	Author of submission	Comment	Council response
Community groups			
4	South Tomaree Community Association	The submission relates to 27 Campbell Avenue, Anna Bay.	Noted.
		The submission does not support the proposal to rezone and reclassify the site.	
		The submission states that the community's preferred position for this site is that it be retained in public ownership and planned for higher-value community services to support the growing community. The submission advises that services that support young families and new parents, the ageing population and supervised youth activities are needed in Anna Bay.	All the sites in the planning proposal have been identified as being surplus Council-owned land following a strategic review, including the preparation of the Port Stephens Recreation Strategy adopted by Council 13 November 2018. The Recreation Strategy found that there is sufficient allocation of recreational land in the area and Tomaree Peninsula. Youth activities are provided in Anna Bay by not-for-profit providers, such as church groups and Scouts. Additional community services are available in other areas of the Tomaree Peninsula that service Anna Bay residents. The site is 1,010m² and located within a residential area. It is not of a sufficient size to cater for a community centre and required car parking. Given its size and potential conflict with surrounding residential uses, the site is not considered an ideal location for a community centre. The need for additional community services in Anna Bay can be explored further in the upcoming Anna Bay Place Plan.

No.	Author of submission	Comment	Council response
4	South Tomaree Community Association	The submission states that the rezoning and sale of the land is premature as it will remove a strategically located public asset without understanding the community's current and future infrastructure needs. The submission states that it is premature to rezone the land without understanding the infrastructure needs of Anna Bay. It submits that the proposal should be deferred until a Community Infrastructure Needs Assessment is completed as part of an updated Anna Bay Town Plan and Strategy.	Council is yet to determine plans for the future of the site, and this will be completed following the outcome of the planning proposal. The proposed R2 Low Density Residential zone permits community facilities. The proposal will not prevent a community facility on this site should Council seek to pursue this use. The site has been identified as surplus in a community infrastructure review, the Port Stephens Recreation Strategy. Council has committed to preparing the Anna Bay Place Plan following the completion of the Anna Bay Flood Study. Community infrastructure can be further considered through the place plan. Further, as noted above, the site is not considered an ideal location for community infrastructure.
		The submission notes that there is limited public benefit of residential rezoning, as, given its size, development of the site would make a negligible contribution to housing targets.	The proposal is consistent with the Hunter Regional Plan and the Local Housing Strategy, as it facilitates the release of minor surplus sites within existing urban areas to create additional housing opportunities. While the development of one site will not contribute significantly to housing targets, infill development on individual sites is an important contributor to housing stock over time.

No.	Author of submission	Comment	Council response
4	South Tomaree Community Association		Facilitating infill development benefits the community by providing additional housing in areas already served by local infrastructure.
		The submission requests that if the proposed sale of the land does proceed, Council formally commits that all proceeds from the sale is reinvested back into Anna Bay to deliver local infrastructure and services.	Funds generated by the sale of land will provide non-rate revenue to support Council's services. Council has committed to using proceeds from the sale of surplus land to fund road upgrades and maintenance through the Roads Acceleration Program. Road maintenance is a high priority for the community.
		The submission notes that deferring the rezoning would demonstrate sound governance, risk management and respect for community input.	Noted. The proposed R2 Low Density Residential zone permits community facilities. The proposal will not prevent a community facility on this site should Council seek to pursue this use.
		The submission suggests that Council should resolve to: - Defer the rezoning or sale of the land until an infrastructure needs assessment for Anna Bay has been completed. - Update the Anna Bay Town Plan and Strategy, having regard for future community need for services and infrastructure. - Note the community preference that the land remain in public ownership. - Commit to reinvesting all proceeds back into Anna Bay.	Noted. The proposed R2 Low Density Residential zone permits community facilities. The proposal will not prevent a community facility on this site should Council seek to pursue this use. The site has been identified as surplus in a community infrastructure review, the Port Stephens Recreation Strategy. Council has committed to preparing the Anna Bay Place Plan following the completion of the Anna Bay Flood Study.

No.	Author of submission	Comment	Council response
4	South Tomaree Community Association	Direct staff to provide a further report to Council outlining the scope, timing and engagement approach for the infrastructure needs assessment and place plan update.	Community infrastructure can be further considered through the place plan. Further, as noted above, the site is not considered an ideal location for community infrastructure. Funds generated by the sale of land will provide non-rate revenue to support Council's services. Council has committed to using proceeds from the sale of surplus land to fund road upgrades and maintenance through the Roads Acceleration Program. Road maintenance is a high priority for the community.
Agency submissions			
5	Department of Climate Change, Energy, the Environment and Water (DCCEEWS)	With regards to biodiversity, DCCEEWS note the planning proposal can proceed, subject to the adoption of the recommendations within the Ecological Assessment Report, such as the retention of koala feed trees and hollow-bearing trees. With regards to flooding, DCCEEWS note the planning proposal can proceed, subject to the comments in the strategic planning assessment report such as future development avoiding any flow paths through the property, and considering flood-related constraints and risks across the full range of relevant design events.	Noted. The Ecological Assessment Report demonstrates that the sites can be developed in a manner that will limit ecological impacts. Further details will be considered at the development assessment stage. The planning proposal demonstrates that future development can respond to flooding constraints for each site with a future development application. Any future development will need to respond to development assessment objectives and controls set by Chapter B4 Flooding of the Port Stephens Development Control Plan 2025.

No.	Author of submission	Comment	Council response
6	Rural Fire Service (RFS)	The submission advises that the only site that has a bushfire threat is 154 Rocky Point Road, Fingal Bay. The submission notes that future development applications must demonstrate compliance with Planning for Bushfire Protection guidelines.	Any future development of the site will be required to address the bushfire protection guidelines at the development application stage.



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MINUTES ORDINARY COUNCIL - 11 OCTOBER 2022**ITEM NO. 3****FILE NO: 22/208586****EDRMS NO: PSC2021-00699-002****RECLASSIFICATION AND REZONING OF SURPLUS COUNCIL OWNED LAND**REPORT OF: ZOE PATTISON - ACTING GROUP MANAGER CORPORATE
SERVICES

GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Commence the land reclassification and rezoning process for the land parcels identified and detailed in this report.

ORDINARY COUNCIL MEETING - 11 OCTOBER 2022**MOTION****278****Councillor Giacomo Arnott
Councillor Peter Kafer**

It was resolved that Council commence the land reclassification and rezoning process for the land parcels identified and detailed in the Supplementary Report.

Councillor Jason Wells left the meeting at 6:46pm.

Councillor Jason Wells returned to the meeting at 6:48pm.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to authorise the commencement of the reclassification and rezoning process for the following Council owned lands:

- Lot 721 DP 1033896, 101 Kindiebark Drive, Medowie
- Lot 35 and 38 DP 259487, 87A Adelaide Street, Raymond Terrace and 87B Adelaide Street, Raymond Terrace (rezoning only)
- Lot 1063 DP 826758, 20 Benjamin Lee Drive, Raymond Terrace

MINUTES ORDINARY COUNCIL - 11 OCTOBER 2022

- Lot 3082 DP 786401, 124 Benjamin Lee Drive, Raymond Terrace
- Lot 68 DP 248229, 4 Payton Street, Raymond Terrace
- Lot 4 DP 787398, 27 Campbell Avenue, Anna Bay
- Lot 18 DP 238628, A-1 Mount Hall Road, Raymond Terrace
- Lot 4 DP 807214, 1B Jessica Close, Raymond Terrace
- Lot 7 DP 716614, 13 Lyndel Close, Soldiers Point
- Lot 17 DP805074, 154 Rocky Point Road, Fingal Bay

Following the engagement with Councillors regarding Council's financial sustainability, one of the actions undertaken was a review of surplus lands.

Surplus lands and underutilised assets can be a maintenance liability for Council. Development and/or sale of surplus sites can reduce the maintenance liability to Council as well as add to housing stock or employment generating lands in the local government area while providing additional non-rate revenue to enhance Council's long term financial sustainability.

The sites listed above are identified in **(ATTACHMENT 1)** and have been declared surplus to needs. All sites with the exception of 87A Adelaide Street, Raymond Terrace are classified Community land under the provisions of the Local Government Act 1993 and will require a Local Environmental Plan (LEP) Amendment to reclassify them from Community to Operational land.

The LEP Amendment will also seek to rezone the following properties from RE1 Public Recreation to a residential zone, consistent with adjoining properties, so that they can be developed for residential purposes:

- 87A Adelaide Street, Raymond Terrace
- 20 Benjamin Lee Drive, Raymond Terrace
- 4 Payton Street, Raymond Terrace
- 27 Campbell Avenue, Anna Bay
- 13 Lyndel Close, Soldiers Point

Reclassification and rezoning of public land occurs by amending the LEP under the Environmental Planning and Assessment Act. The process is a statutory process that can take between 12-18 months. The outcome is not guaranteed and is subject to consultation with the community and government authorities.

The reclassification and/or rezoning of Council owned land is initiated by the asset owner as the applicant, and the process is managed by Strategic Planning as the planning proposal (or local consent) authority. The Department of Planning and Environment is the determining authority for LEP Amendments in NSW.

Should the reclassification and rezoning be approved as proposed it will provide increased flexibility in the future use of the lands and will permit development and sale consistent with Council's Property Investment Strategy.

MINUTES ORDINARY COUNCIL - 11 OCTOBER 2022**COMMUNITY STRATEGIC PLAN**

Strategic Direction	Delivery Program 2022-2026
Financial Management	Manage the property portfolio in accordance with the Property Investment Strategy.

FINANCIAL/RESOURCE IMPLICATIONS

Council will engage a planning consultant to prepare all documentation required to support the reclassification and rezoning planning proposal.

Subject to approval, and following gazettal of the LEP Amendment, the lands will be incorporated into the development pipeline consistent with the Property Investment Strategy. This will enhance Council's long and short term projects and improve Council's financial sustainability.

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

LEGAL, POLICY AND RISK IMPLICATIONS

The proposed reclassification and rezoning is provided for by the Local Government Act 1993 and governed by the Environmental Planning and Assessment Act 1979.

Council's Strategic Planning team will manage the LEP Amendment on behalf of Strategic Property as the applicant, consistent with Council's policy and process for managing LEP Amendments.

Council's policy requires a resolution of Council authorising the reclassification process for all Council owned lands.

MINUTES ORDINARY COUNCIL - 11 OCTOBER 2022

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Council does not reclassify the subject lands which continue to be underutilised and required to be up kept.	Medium	Adopt the recommendation.	Yes
Council will not be able to establish a sustainable development pipeline.	High	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There have been no significant environmental implications identified with the proposal. A detailed investigation of each site is to be completed prior to lodging the reclassification and rezoning proposal.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategic Property team.

Internal

- Senior Flooding and Drainage Engineer
- Principal Drainage and Flooding Engineer
- Engineering Services Manager
- Property Planner
- Principal Property Planner
- Strategic Property Coordinator
- Communications Business Partner
- Councillors

External

Community consultation, including a public hearing, will be undertaken on all sites as required by the Local Government Act as part of the reclassification and rezoning process.

OPTIONS

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

MINUTES ORDINARY COUNCIL - 11 OCTOBER 2022

ATTACHMENTS

1) Locality Plans.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 11 OCTOBER 2022

ITEM 3 - ATTACHMENT 1 LOCALITY PLANS.



MINUTES ORDINARY COUNCIL - 11 OCTOBER 2022

ITEM 3 - ATTACHMENT 1 LOCALITY PLANS.



MINUTES ORDINARY COUNCIL - 11 OCTOBER 2022

ITEM 3 - ATTACHMENT 1 LOCALITY PLANS.



MINUTES ORDINARY COUNCIL - 11 OCTOBER 2022

ITEM 3 - ATTACHMENT 1 LOCALITY PLANS.



MINUTES ORDINARY COUNCIL - 11 OCTOBER 2022

ITEM 3 - ATTACHMENT 1 LOCALITY PLANS.



MINUTES ORDINARY COUNCIL - 11 OCTOBER 2022

ITEM 3 - ATTACHMENT 1 LOCALITY PLANS.



MINUTES ORDINARY COUNCIL - 11 OCTOBER 2022

ITEM 3 - ATTACHMENT 1 LOCALITY PLANS.



MINUTES ORDINARY COUNCIL - 11 OCTOBER 2022

ITEM 3 - ATTACHMENT 1 LOCALITY PLANS.



MINUTES ORDINARY COUNCIL - 11 OCTOBER 2022

ITEM 3 - ATTACHMENT 1 LOCALITY PLANS.



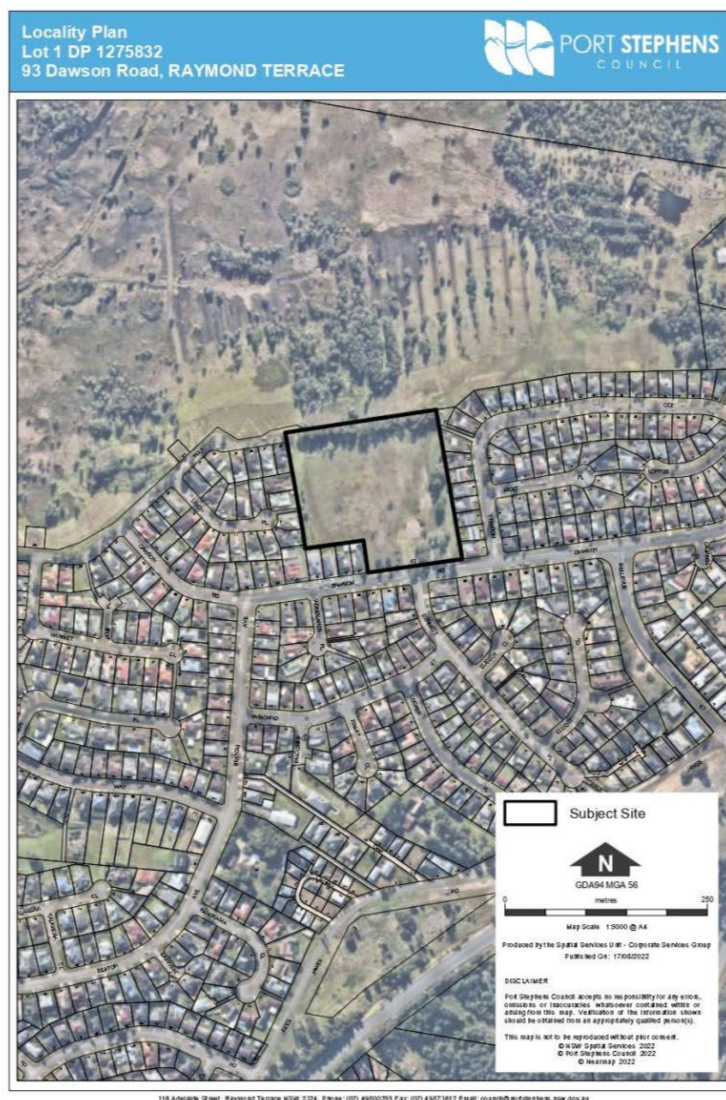
MINUTES ORDINARY COUNCIL - 11 OCTOBER 2022

ITEM 3 - ATTACHMENT 1 LOCALITY PLANS.



MINUTES ORDINARY COUNCIL - 11 OCTOBER 2022

ITEM 3 - ATTACHMENT 1 LOCALITY PLANS.





Department of Planning, Housing and Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP-2025-2134): reclassification of 8 sites and the rezoning and amendment of development standards of 4 sites to facilitate residential development.

I, the Director, Hunter and Northern Region at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Port Stephens Local Environmental Plan 2013 for the reclassification of 8 sites and the rezoning and amendment of development standards of 4 sites should proceed subject to the following:

The proposal is to be completed on or within 9 months of the Gateway determination date.

Gateway Conditions

1. Prior to agency and community consultation, the planning proposal is to be updated to detail whether the subject allotments will be listed in Part 1 or Part 2 of Schedule 4 'Classification and reclassification of public land' of the Port Stephens LEP 2013.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and LEP Practice Note PN 16-001 'Classification and reclassification of public land through a local environmental plan'.
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act (or any other part of the Act) and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - NSW Department of Climate Change, Energy, the Environment and Water
 - NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.
4. A public hearing will be required to be held in accordance with section 29(1) of the *Local Government Act 1993*. This must occur after the exhibition has ended and at least 21 days public notice is to be given before the hearing.

5. Council must ensure that all relevant obligations in relation to the reclassification of public land through the LEP are undertaken in accordance with the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and LEP Practice Note PN 16-001 'Classification and reclassification of public land through a local environmental plan'.

Dated 9 February 2026

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

Delegate of the Minister for Planning and
Public Spaces

PP-2025-2134 (IRF 26/97)

ITEM NO. 4

**FILE NO: 26/55798
EDRMS NO: PSC2025-04966**

DRAFT RAYMOND TERRACE PLACE PLAN

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Places the draft Raymond Terrace Place Plan (**ATTACHMENT 1**) on public exhibition for a period of 28 days.
- 2) Notes the Raymond Terrace Place Plan Engagement Report (**ATTACHMENT 2**).
- 3) Reports the final Raymond Terrace Place Plan to Council for endorsement following the public exhibition period.

BACKGROUND

The purpose of this report is to seek Council's support to place the draft Raymond Terrace Place Plan (**ATTACHMENT 1**) on public exhibition.

The draft Raymond Terrace Place Plan has been prepared to provide a clear vision and strategic framework for the future growth and development of Raymond Terrace over the next 10 years. The draft Place Plan identifies priorities, projects and actions that will help guide investment, planning and decision-making by Council, government agencies, businesses, community organisations and residents.

The draft Place Plan seeks to:

- Strengthen the town centre and riverfront.
- Support local businesses and employment growth.
- Improve housing choice and affordability.
- Enhance public spaces, parks and community facilities.
- Improve transport, movement and connectivity.
- Protect and enhance the natural environment.
- Celebrate local character, heritage and culture.
- Build community pride, wellbeing and resilience.

An early engagement program was undertaken between 1 March and 12 April 2026 to understand community aspirations, opportunities and challenges for Raymond Terrace. The engagement process provided valuable insights into how people

experience Raymond Terrace today and how they would like the town to evolve in the future.

A detailed summary of the engagement activities and findings is provided in the Raymond Terrace Place Plan Engagement Report (**ATTACHMENT 2**).

The draft Place Plan has been developed in response to community feedback and recognises that Raymond Terrace is entering an important period of growth and change. Population growth, regional investment, nearby employment opportunities and major infrastructure projects are creating new opportunities for the town. At the same time, the community has expressed a desire for a safer, greener and more vibrant town centre that is better connected to the riverfront and provides more opportunities for residents, businesses and visitors.

The draft Place Plan establishes a long-term vision for Raymond Terrace as a proud riverside town where people feel safe, connected and confident about the future. It seeks to strengthen the town's role as a regional centre while protecting the qualities that make Raymond Terrace unique, including its riverside setting, heritage character and strong community spirit.

The draft Place Plan includes:

- Community stories and local profiles that highlight the people, places and experiences that contribute to Raymond Terrace's identity and sense of community.
- A series of actions to guide future investment, advocacy, partnership and Council priorities.
- Proposed investigations into planning control changes, subject to statutory planning processes, including active street frontage controls, heritage conservation area amendments and increased building heights in appropriate locations.
- Maps illustrating key places, services, community assets, heritage and future planning opportunities.
- An overview of Council projects currently programmed or planned over the next five years, including drainage, transport and community infrastructure improvements.
- Identification of longer-term unfunded projects and advocacy priorities relating to public spaces, sporting facilities, environmental management and town centre revitalisation.

The draft Place Plan is intended to be a practical and community-led document that will help guide future decision-making while supporting Raymond Terrace to grow as a vibrant, connected and resilient regional centre.

Subject to Council support, the draft Raymond Terrace Place Plan will be placed on public exhibition for a minimum period of 28 days. The public exhibition period will be

supported by an active community engagement program commencing on Friday 28 August 2026 at the Hunter Valley Home Show.

Feedback received during the public exhibition period will assist to refine the final Raymond Terrace Place Plan and an updated Engagement Report to be presented back to Council.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

The draft Raymond Terrace Place Plan is a strategic, non-statutory document that provides a long-term vision and actions to guide future planning, investment and advocacy. Adoption of the Place Plan does not amend any statutory planning controls or create legal obligations. However, it may inform future reviews and updates to relevant planning documents, strategies and policies.

Raymond Terrace and Heatherbrae Strategy 2015 (Strategy)

If adopted, the Raymond Terrace Place Plan would replace the Raymond Terrace and Heatherbrae Strategy as the primary strategic planning document for Raymond Terrace. The 2015 Strategy may continue to be referenced where relevant; however, future planning and decision-making in Raymond Terrace would be guided by the Place Plan.

Port Stephens Local Environmental Plan 2013 (LEP)

The draft Raymond Terrace Place Plan does not amend the LEP however, if adopted it identifies actions requiring amendments to the LEP. These include introduction of Active Street Frontage controls, review of Heritage Conservation Area and investigations to increase building heights in appropriate locations. Any future amendments to the LEP would require separate planning proposals, technical studies, NSW Government assessment, public exhibition and formal approval processes under the Environmental Planning and Assessment Act 1979.

Port Stephens Development Control Plan 2025 (DCP)

The draft Raymond Terrace Place Plan was developed with consideration to the DCP and does not directly amend the DCP. If adopted, it may inform future reviews and updates relating to urban design, public domain outcomes, heritage, connectivity development types and town centre development.

Port Stephens Local Strategic Planning Statement 2020 (LSPS)

The draft Raymond Terrace Place Plan is consistent with and helps implement the Planning Priorities of the LSPS, particularly those relating to economic growth, diversity of housing choice, conserving biodiversity, improving resilience to climate change and enhancing local transport planning and inter-regional connections.

Port Stephens Local Housing Strategy (LHS) and Housing Supply Plan (HSP) 2024

The draft Raymond Terrace Place Plan is consistent with the strategic objectives of the LHS and HSP by identifying opportunities for additional housing supply, greater housing diversity, urban renewal and infill development within and around the Raymond Terrace town centre. Adoption of the Place Plan does not require amendments to these documents but will assist in implementing their strategic objectives.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the draft Raymond Terrace Place Plan does not meet community expectations or aspirations.	Low	Accept the recommendations.	Yes

There is a risk that low levels of participation during public exhibition period may limit the representativeness of community feedback.	Low	Accept the recommendations.	Yes
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social

The draft Raymond Terrace Place Plan is expected to deliver positive social outcomes by providing a clear framework for future investment in community infrastructure, public spaces, recreation facilities, pathways and town centre improvements. The draft Place Plan responds directly to community feedback and seeks to strengthen liveability, community wellbeing, safety and social connection.

Actions within the draft Place Plan support increased housing choice, improved accessibility, enhanced opportunities for young people, stronger community participation and improved access to open space and recreation. The draft Place Plan recognises the importance of preserving Raymond Terrace's heritage, character and connection to Worimi Country while supporting future growth.

Economic

The draft Place Plan seeks to strengthen Raymond Terrace's role as the primary regional service centre for Port Stephens by supporting investment, business growth, tourism and employment opportunities. Proposed actions aim to improve the attractiveness and functionality of the town centre, encourage private sector investment and support a more vibrant local economy.

The draft Place Plan identifies opportunities to improve visitor experiences, activate public spaces, support local businesses and investigate planning reforms that may facilitate appropriate housing and commercial development. While many actions can be progressed through existing Council programs, delivery of some initiatives will be subject to future funding opportunities, partnerships and budget considerations.

Environmental

The draft Place Plan supports the protection and enhancement of Raymond Terrace's natural environment through actions focused on urban greening, biodiversity, climate resilience and riverfront improvements. Proposed initiatives include increased tree planting, implementation of the Green Blue Network, habitat restoration, environmental education and protection of significant environmental assets.

COMMUNICATION AND ENGAGEMENT

Council's Communication and Engagement Strategy identifies the level of engagement undertaken. An explanation for each level is shown below.

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

The following communication and engagement applies to this report.

External communications and engagement

The draft Raymond Terrace Place Plan has been developed using a three phased communication and engagement approach:

- Phase 1 – Early Engagement to understand community values, issues, opportunities and aspirations and inform preparation of the draft Place Plan.
- Phase 2 – Public Exhibition of the draft Place Plan to seek further community feedback on the proposed vision, actions and future directions.
- Phase 3 – Finalisation and Adoption, including consideration of submissions, refinement of the draft Place Plan and reporting back to Council for adoption.

The Strategic Projects and Community Engagement teams have completed Phase 1 engagement to inform preparation of the draft Place Plan. Detailed findings are contained within the Raymond Terrace Place Plan Engagement Report **(ATTACHMENT 2)**.

The draft Place Plan has been developed in response to the feedback received through this process and seeks to reflect the community's values, priorities and aspirations for the future of Raymond Terrace. Previous community feedback gathered through the 2020 and 2024 Liveability Surveys was also considered during preparation of the draft Plan.

INVOLVE	The following communication and engagement were undertaken in Phase 1 of the community engagement. To raise awareness of the project and encourage engagement participation: • Social media promotion through Port Stephens Council channels. • Promotional posters and flyers directing the community to the Have Your Say webpage. • Direct emails to key stakeholders. • Media releases distributed through Council's media network. • Print advertising in local newspapers. To seek community input and ensure broad community participation: • Online engagement tools through the Have Your Say webpage. • Four community drop-in sessions at local shopping centres. • A community pop-up session at Terrace Parkrun. • Doorstep discussions with local businesses and a targeted letterbox drop. • Two interagency stakeholder meetings. • A workshop with local community groups and organisations. • A community workshop. • Workshops with students from Raymond Terrace Public School and Irrawang High School. • Discussions with participants involved in the Community Corner project. • A business breakfast with local business owners and employees. The draft Place Plan was also informed through consultation with Council's advisory groups, including: • Communications and Engagement Advisory Group • Environmental Advisory Group • Heritage Advisory Group • Homelessness Stakeholder Advisory Group. Feedback received through Phase 1 directly informed the preparation of the draft Place Plan, including the vision, strategic directions, actions and priority projects. Key themes identified by the community included improving public spaces, strengthening connections to the riverfront, supporting local businesses, increasing housing choice, improving transport and connectivity, protecting the environment and celebrating the town's heritage and character.
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Subject to Council supporting the recommendation, the draft Raymond Terrace Place Plan will be publicly exhibited in Phase 2 for a minimum period of 28 days commencing on 28 August 2026 to 24 September 2026.

The public exhibition engagement program will include a range of activities including a stall at the Hunter Valley Home Show, drop-in sessions, stakeholder meetings, advisory group discussions, online engagement opportunities and targeted engagement at the Raymond Terrace Illuminate Festival.

Internal communications and engagement

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

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

OPTIONS

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

ATTACHMENTS

- 1) Draft Raymond Terrace Place Plan. (Provided under separate cover)
- 2) Raymond Terrace Place Plan Engagement Report. (Provided under separate cover)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 5

**FILE NO: 26/227443
EDRMS NO: PSC2017-00180**

PEAK SEASON IN PORT STEPHENS

REPORT OF: EMILY LIVENS - COMMUNICATIONS AND CUSTOMER
EXPERIENCE SECTION MANAGER
DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Notes the community engagement and review process undertaken for peak season management.
 - 2) Requests the General Manager to:
 - a) Develop a Port Stephens Peak Season Management Plan.
 - b) Implement a Peak Season Communications Campaign.
-

BACKGROUND

The purpose of this report is to provide Council with the outcomes of the Peak Season Review requested through the resolution at the 24 March 2026 Council meeting (**ATTACHMENT 1**).

The Port Stephens Visitor Economy is one of Port Stephens' most significant economic and social contributors, creating jobs, driving business investment, and enhancing the vibrancy of our community. In 2025, Port Stephens welcomed 2.1 million visitors, generating \$840 million in visitor expenditure and supporting over 2,400 local jobs.

The Port Stephens Visitor Economy experiences seasonal fluctuations. While visitation occurs year-round, demand increases significantly during the summer months, driven by holiday periods, favourable weather and major events.

Peak Season is characterised by accommodation occupancy approaching or reaching 100% across the Local Government Area (LGA) and occurs for approximately 19 days per year, including Christmas to New Years Day and the Australia Day long weekend, Easter and the October long weekend. Very high visitor numbers can also be experienced during January and weekends from February through to April.

This significant seasonal population growth brings both opportunities and additional pressures across Port Stephens. Popular locations are often stretched beyond capacity, causing negative impacts on local roads, parking and public spaces. This

can impact the visitor experience and the wellbeing and liveability of the community who live in this area.

CURRENT PEAK SEASON APPROACH

Council plays an important role in supporting the local visitor economy while maintaining community amenity and public safety through the provision of infrastructure, public spaces, visitor services, events and community facilities.

These activities include:

- Increased level of service in the lead up to peak season.
- Undertaking beautification works within district and regional parks.
- Coordination of capital works to minimise impacts during peak periods.
- Increased servicing of public bins, amenities and public place cleaning.
- Delivery of the Birubi Point Peak Season Management Plan, including temporary infrastructure, signage, public amenities and staffing to assist with traffic and visitor management.
- Deployment of additional ranger resources
- Management and monitoring of key boat ramp facilities.
- 9pm fireworks event on New Year's Eve to support public safety and wellbeing outcomes.
- Coordinated communication campaigns in partnership with Destination Port Stephens to provide visitor information including key messages for peak season.
- Emergency management planning, including beach safety coordination and seasonal preparedness activities with relevant agencies.

PEAK SEASON REVIEW

In accordance with the Council resolution (**ATTACHMENT 1**), a targeted consultation program was undertaken to understand the effectiveness of Council's current peak season management approach. This included:

- An internal survey of Council staff to identify challenges and improvements
- An online business survey distributed through Business Port Stephens, Destination Port Stephens, and Port Stephens Council.
- Direct engagement with key stakeholders, including NSW Maritime, NSW National Parks, NSW Police, Surf Lifesaving NSW, and Destination Port Stephens.
- An independently facilitated community workshop involving eight representatives from community associations and key stakeholder groups from across Port Stephens.

KEY FINDINGS

As outlined in the Peak Season Review Engagement Report (**ATTACHMENT 2**), there was strong recognition around the value of the visitor economy across Port Stephens. Participants consistently described peak season as a positive period that

creates employment, supports local businesses and contributes to the vibrancy of Port Stephens. Participants also recognised Council's increase in services as improving peak season impacts especially in cleaning of public spaces, extra waste collection services and delivery of events.

The findings of the engagement have informed the recommendations and actions outlined in this report, in particular the development of a broader peak season plan that coordinates all activities.

Engagement Outcome	Proposed Improvement
Improve traffic congestion, parking and visitor movement	Develop a Port Stephens Peak Season Management Plan and undertake a communications campaign for transport and parking options in peak periods. Continue planning traffic management for population and visitor growth. Continue the Smart Parking Program encouraging parking turnover.
Improve visitor dispersal across Port Stephens	Work with Destination Port Stephens to encourage visitors to explore more of Port Stephens, including itineraries to other well-known destinations such as the Hinterland, Karuah, and the Tilligerry Peninsula.
Invest in infrastructure that supports visitor demand	Develop a Port Stephens Peak Season Management Plan focusing on heightened service delivery in high-use areas during peak period. Continue to progress the Road Futures Strategy and Pathways Plan to improve roads and pedestrian infrastructure across Port Stephens. Continue advocacy for additional funding to support pathway connections between coastal towns and villages. Continue the strong partnerships with key stakeholders that deliver public amenity and emergency services.

Engagement Outcome	Proposed Improvement
Strengthen communication and coordination	Develop and implement a peak season communications campaign including all stakeholders.
Adopt a coordinated, long-term approach	Develop and implement a Port Stephens Peak Season Management Plan. Consider peak season in strategy reviews across Council.

During the review, it was identified that the needs, interests and priorities of stakeholder groups involved in peak season management vary significantly. The formation of a single peak season forum involving all stakeholders is unlikely to provide value or achieve meaningful outcomes for each group. Also, there are a number of already established forums with staff and Councillor representation that discuss and manage peak season activities. These include:

Destination Port Stephens	Manages communications and engagement with tourism operators.
Business Port Stephens	Amplifies and supports Council's communications to the local business community.
Beach Safety Committee part of the Port Stephens Local Emergency Management Committee (LEMC)	Forum for coordination between Emergency Services and Government agencies.
Birubi Point Cultural Heritage Advisory Panel (BPCHAP)	The panel provides advice to the Port Stephens Council and includes representation from key local groups.
Local community associations	Councillor representatives in many of these forums.

With a broad range of existing groups already established with differing needs, interests, and priorities, it is recommended that no new forum is established and engagement continues to be tailored to the needs of individual stakeholder groups.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

Coordination of a broader Port Stephens Peak Season Management Plan and targeted communications fits within the existing operational budget.

Any significant increase in service level outside of what is recommended would require an additional funding source.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that visitors and the community are unsatisfied with the level of services allocated to the management of peak season.	Medium	Adopt the recommendations.	Yes
There is a risk that targeted communications are not delivered as early as stakeholders would like due to the complex and changing nature of the conditions in the LGA.	Medium	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The visitor economy is one of Port Stephens' most significant economic and social contributors creating jobs, driving business investment, and enhancing the vibrancy of our community. A broader and more coordinated approach to peak season

planning and communications will help to improve wellbeing and liveability for those who live, work and visit Port Stephens.

COMMUNICATION AND ENGAGEMENT

Council's Communication and Engagement Strategy identifies the level of engagement undertaken. An explanation for each level is shown below.

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

The following communication and engagement applies to this report.

External communications and engagement

INFORM	Inform and educate stakeholders about the range of activities currently undertaken during peak season.
CONSULT	Stakeholder phone calls, a business survey and community stakeholder workshop were undertaken as part of the review. A staff survey was conducted to understand the challenges and opportunities of peak season management and expand the Council working group.

Internal communications and engagement

Consultation has been undertaken by the Communications Section with all sections of Council via a survey.

OPTIONS

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

ATTACHMENTS

- 1) 24 March 2026 - Ordinary Council Minutes - Minute No. 041.
- 2) Peak Season Review Communications and Engagement Report. (Provided under separate cover)

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

**ITEM 5 - ATTACHMENT 1 24 MARCH 2026 – ORDINARY COUNCIL MINUTES –
MINUTE NO. 041****MINUTES ORDINARY COUNCIL - 24 MARCH 2026****NOTICE OF MOTION****ITEM NO. 2****FILE NO: 26/52882****EDRMS NO: PSC2024-03148****PEAK SEASON IN PORT STEPHENS****COUNCILLOR: NATHAN ERRINGTON****THAT COUNCIL:**

- 1) Requests the General Manager to undertake a comprehensive review of Council's approach of peak season management in Port Stephens, including targeted engagement with key local businesses, tourism operators and other relevant stakeholders.
- 2) Requests that the General Manager report to Council on the outcomes of the peak season review, including identified issues, opportunities and recommended actions.
- 3) Requests the General Manager to investigate with Destination Port Stephens to have a Forum for all tourism operators.

ORDINARY COUNCIL MEETING - 24 MARCH 2026**MOTION**

041	Councillor Nathan Errington Councillor Jason Wells It was resolved that Council: 1) Requests the General Manager to undertake a comprehensive review of Council's approach of peak season management in Port Stephens, including targeted engagement with key local businesses, tourism operators and other relevant stakeholders. 2) Requests that the General Manager report to Council on the outcomes of the peak season review, including identified issues, opportunities and recommended actions. 3) That the General Manager investigate, in consultation with Destination Port Stephens, the establishment of a forum for all key stakeholders, with attendance to be determined through an expression of interest process
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**ITEM 5 - ATTACHMENT 1 24 MARCH 2026 – ORDINARY COUNCIL MINUTES –
MINUTE NO. 041****MINUTES ORDINARY COUNCIL - 24 MARCH 2026**

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

Those against the Motion: Nil.

The motion was carried.

**BACKGROUND REPORT OF: EMILY LIVENS – ACTING COMMUNICATIONS
AND CUSTOMER EXPERIENCE SECTION MANAGER****BACKGROUND**

The visitor economy is one of Port Stephens' most significant economic and social contributors creating jobs, driving business investment, and enhancing the vibrancy of our community.

The tourism sector supports 2,296 jobs in Port Stephens, with an average spend per trip of \$450. In 2024, the region welcomed 1.72 million visitors, generating \$822 million in expenditure.

At the same time, peak holiday periods place strain on local roads, parking and public spaces, particularly in high profile locations like Birubi Headland, Nelson Bay and Shoal Bay.

Alongside Council's core visitor services at the Holiday Parks, and Visitor Information Centre, Council provides several additional services over peak season including:

- Additional public place cleaning and waste collection
- Holiday bin service during the summer season
- Traffic management and signage in key locations
- Additional ranger and compliance services
- Additional communications about service changes, holiday and beach safety.

ATTACHMENTS

Nil.

ITEM NO. 6

FILE NO: 26/239488
EDRMS NO: PSC2022-017950-0055

155 SALAMANDER WAY AND 10 CENTRAL AVENUE, SALAMANDER BAY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Notes that Council's key objectives for the site are to encourage delivery of medical facilities, commercial development and the provision of housing for key workers close to jobs, shops and public transport in the Salamander Bay Town Centre, with proceeds from future development to help fund local infrastructure improvements that directly affect the daily lives of local residents and visitors, such as road and intersection upgrades and new pathways. Funds will also be directed towards to enhancements to the Mambo Wetland, ecological studies and an update to the Mambo Wetland Plan of Management.
 - 2) Notes that in accordance with Council resolution of 23 June 2026 Mayoral Min. No. 091 (**ATTACHMENT 1**) Mayor Anderson, the East Ward Councillors and council staff met with the Mambo-Wanda Wetlands Conservation Group and other key stakeholders on 9 July 2026 to discuss a revised developable footprint within Zone 3 (refer to Figure 1) as outlined in the Salamander Bay Town Centre Place Plan, taking into consideration the mapped extent of the isolated wetland buffer zone at 155 Salamander Way, Salamander Bay.
 - 3) Notes that the new proposed developable footprint at 155 Salamander Way, Salamander Bay (refer to Figures 2 and 3) shows a reduction in developable land from 2.25ha to 1.36ha, equating to a 40% reduction, with an increase of 66% in the identified environmental land.
 - 4) Notes that to deliver the same number of diverse and more affordable housing options on the reduced developable footprint close to jobs, shops and public transport, whilst generating sufficient funds for key infrastructure and support for the management of the Mambo Wetlands, future development will require maximising building heights to the allowable 15 metres, maximising commercial floor space, and attracting different housing typologies, including shop-top housing and affordable housing initiatives.
 - 5) Notes at the Ordinary Council meeting 11 October 2022 Min No. 284 (**ATTACHMENT 2**), Council resolved to investigate opportunities to develop health precincts in strategic centres and that Council is currently undertaking an Expression of Interest process for 10 Central Avenue, Salamander Way for this purpose.
 - 6) Notes that any development opportunities that may be proposed within the isolated wetland buffer zone in Zone 2 at 10 Central Avenue, Salamander Bay (refer to Figure 1, 2 and 3) will be subject to further consideration.
-

- 7) Notes that Zone 5 (refer to Figure 1, 2 and 3) already includes existing Council infrastructure, including the Tomaree Library and Community Centre and as these facilities will require renewal or replacement in the future, Council will need to retain the ability to consider redevelopment of these existing community assets while ensuring that environmental impacts are appropriately assessed and managed.
- 8) Endorse the revised developable footprint (Refer to Zone 1 in Figure 3) at 155 Salamander Way, Salamander Bay.
- 9) Request the General Manager to proceed with preparing a Development Application for subdivision within Zone 1 (Refer to Figure 3) at 155 Salamander Way, Salamander Bay
- 10) Upon completion of the Development Application for subdivision within Zone 1 (Refer to Figure 3) request the General Manager to commence the process to seek Expressions of Interest for development opportunities.

BACKGROUND

The purpose of this report is to:

- Provide an update on the engagement with the Mambo-Wanda Wetlands Conservation Group and other key stakeholders in relation to a revised developable footprint within Zone 3 (refer to Figure 1) as outlined in the Salamander Bay Town Centre Place Plan, taking into consideration the mapped extent of the isolated wetland buffer zone at 155 Salamander Way, Salamander Bay.
- Seek endorsement for a revised footprint for a developable area in Zone 1 of Figure 3 taking into consideration the mapped extent of the isolated wetland buffer zone at 155 Salamander Way, Salamander Bay. (refer Figure 3).
- Provide an overview of how Council can still achieve the key objectives for this site, in particular delivery of diverse and more affordable housing options close to jobs, shops and public transport, whilst generating sufficient funds for key infrastructure and support for the management of the Mambo Wetlands, within a reduced footprint in Zone 1 (refer to Figure 3).

At the Ordinary Council Meeting held on 23 June 2026, Council unanimously endorsed the recommendations contained within a Mayoral Minute Min No. 091 **(ATTACHMENT 1)**.

Key Stakeholder Engagement

Mayor Anderson, the East Ward Councillors and Council staff met with the Mambo Wanda Wetland Conservation Group and other stakeholder groups on 9 July 2026 at Tomaree Library.

Facilitated and supported by Council staff, the workshop was attended by Mayor Anderson, Cr Rosalyn Armstrong, Cr Nathan Errington, Cr Mark Watson, Kathy Brown, Bob Creese, Kerrie Dash, Sue Johnson, Tom Headley, Irene Jones, Margaret Lamond, Walter Lamond, Carol Ridgeway Bisset, Murray Wood and Liz Wynn.

Discussions primarily centred around options to reduce the revised developable footprint within Zone 3 (refer to Figure 1) as outlined in the Salamander Bay Town Centre Place Plan, taking into consideration the mapped extent of the isolated wetland buffer zone at 155 Salamander Way, Salamander Bay.

There was general agreement that Figure 2 now represents the revised developable footprint within Zone 3.

Figure 1 – Zones as per Salamander Bay Town Centre Place Plan

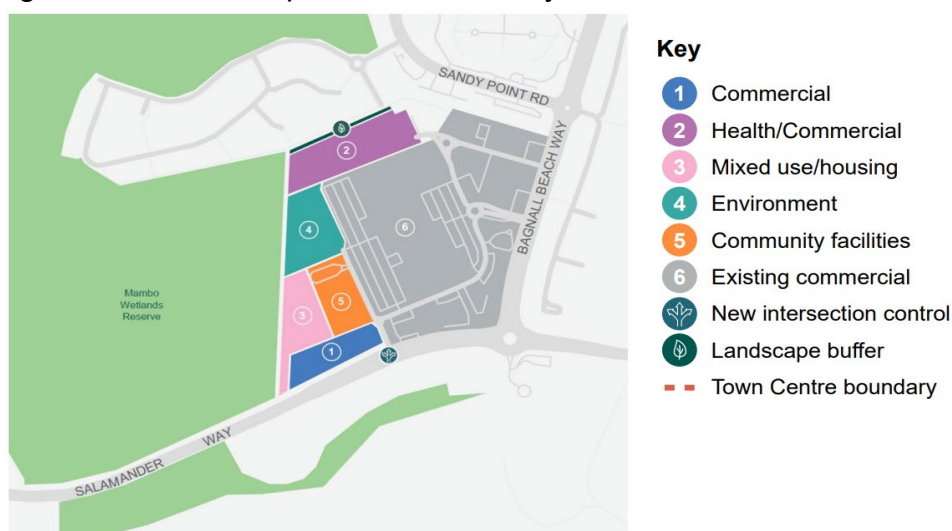


Figure 1

Figure 2 – revised developable footprint for Zone 3

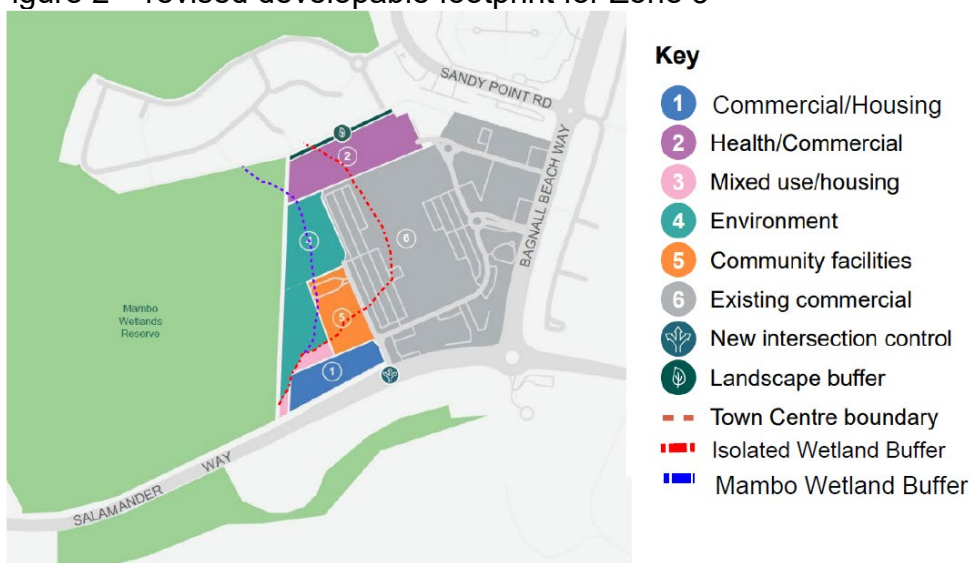


Figure 2

Figure 3 - Revised developable footprint to inform future development opportunities

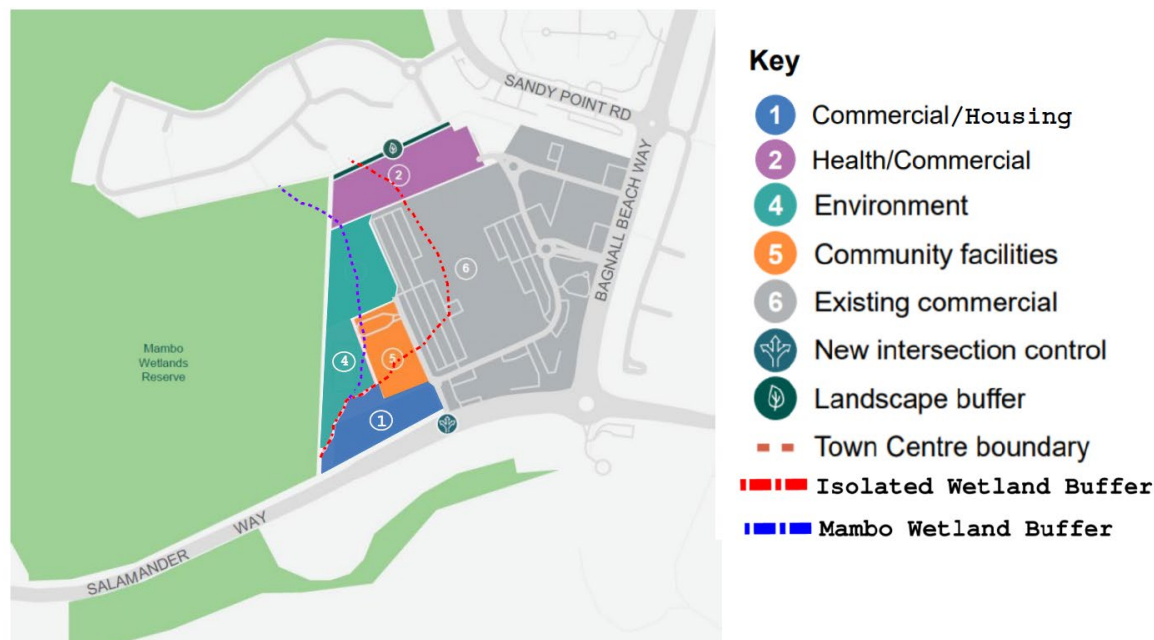


Figure 3

The impact of the isolated wetland buffer zone on Zone 2 and Zone 5 at 155 Salamander Way and 10 Central Avenue, Salamander Bay was also discussed, as well as a request to rezone the land within the last remaining isolated wetland buffer zone at 155 Salamander Way, Salamander Bay to Environmental Conservation.

Specifically, a request was made to provide certainty that development will not occur within the last remaining isolated wetland buffer zone in Zone 2 at 10 Central Avenue, Salamander Bay (refer to Figure 1, 2 and 3). This land is separate to the development footprint at 155 Salamander Way, Salamander Bay. Whilst appreciating the sentiment behind this request, no commitment to avoiding this area was made at the meeting. Some of the reasons for this being the council resolution in place to maximise opportunities for medical facilities including the current Expression of Interest processing underway for this purpose and, the topology and other characteristics of Zone 2 being considerably different to Zone 1.

With regards to Zone 5 (refer to Figure 1, 2 and 3), and noting the concerns raised, completely avoiding any future development within the isolated wetland buffer zone in Zone 5 at 155 Salamander Way, Salamander Bay is considered impractical given existing Council infrastructure, including the Tomaree Library and Community Centre, is located within Zone 5. As these facilities will require renewal or replacement in the future, Council will need to retain the ability to consider redevelopment of these existing community assets while ensuring that environmental impacts are appropriately assessed and managed.

The potential to rezone the land within the last remaining isolated wetland buffer zone at 155 Salamander Way, Salamander Bay (refer to Zone 4 in figure 2 and 3) to Environmental Conservation was discussed, however Council reiterated that it does not currently have a funding source to undertake this process but could consider it at a future stage. In the meantime, Council will consider subdividing the land to clearly demark and separate it from developable land.

Delivering our key objectives:

Zoned E2 Commercial Centre, the appropriate use of the land includes commercial, housing, and medical facilities subject to detailed and thorough assessment through the development application process. Whilst the revised footprint demonstrates our commitment to listening to the community and balancing responsible development, Council is still committed to delivering all of the key objectives for the site.

Key Objective 1: Housing

Council is committed to increasing the supply and diversity of more affordable housing options within the town centre. Providing additional housing in close proximity to employment, public transport, retail, education and health services will support the accommodation needs of essential workers, including those employed in the retail, medical, tourism and education sectors as well as those needing to downsize. Locating housing close to these employment centres also reduces travel demand and supports the long-term vitality of the town centre.

To deliver the same number of diverse and more affordable housing options on the reduced footprint whilst generating sufficient funds for key infrastructure and support for the management of the Mambo Wetlands, future development will require maximising building heights (to the extent of existing planning controls) and commercial floor space, and include different housing typologies, including shop-top housing and affordable housing initiatives.

Key Objective 2: Funding for Infrastructure

The development of Council-owned land at this site will provide a funding source for key infrastructure that directly affects the daily lives of local residents and visitors, such as road and intersection upgrades and new pathways.

Specifically, proceeds from the sale will contribute towards the installation of traffic signals at the intersection of Salamander Way and Community Close, improving safety, traffic flow and accessibility within the Salamander Bay Town Centre.

Key Objective 3: Supporting the Environment

The revised developable footprint ensures the protection of significant environmental land. Specifically, the revised developable footprint has increased the environmental

footprint by 66.4%. Whilst Council does not currently have the resources available for the rezoning of this land to conservation this may be considered at a future date. Council will consider subdividing the land to clearly demark and separate it from developable land.

A proportion of the financial return from the development will be directed towards enhancements to the Mambo Wetland, ecological studies and an update to the Mambo Wetland Plan of Management.

Any proposals to increase protections such as Aboriginal Heritage and Ramsar listing will be considered during the Plan of Management review.

Key Objective: 4

The community have told us that health services in Tomaree are under increasing pressure and have long expressed the need for expanded health care access.

At the Ordinary Council meeting 11 October 2022 Min No. 284 (**ATTACHMENT 2**), Council resolved to investigate opportunities to develop health precincts in strategic centres. Council is currently undertaking an Expression of Interest process for 10 Central Avenue, Salamander Way for this purpose

Future actions:

Zone 1

Subject to Council's endorsement, a Development Application will be prepared for Zone 1 (Refer Figure 3) to subdivide the land.

Once the subdivision has been approved an Expression of Interest (EOI) process will be undertaken for the development opportunity within Zone 1 (Refer to Figure 3). The EOI will adopt a market-led approach, enabling respondents to demonstrate the most appropriate and feasible development outcomes for the site that are aligned to the key objectives for the site. Proposals may include maximising building heights, housing typologies, commercial floor space, shop-top housing and affordable housing initiatives.

The EOI will be open to all suitably qualified proponents, including private developers, community housing providers and other not-for-profit organisations. This approach provides Council with the opportunity to explore a range of delivery models, including partnerships between the private sector and community housing providers, to increase the provision of affordable and diverse housing outcomes.

Following completion of the EOI process, the submissions will be evaluated and the results, including the financial implications and recommended delivery model, will be reported back to Council for consideration before any further decisions are made.

Zone 2

In line with the Council meeting 11 October 2022 Min No. 284 (**ATTACHMENT 2**), Council resolved to investigate opportunities to develop health precincts in strategic centres. An EOI process is currently underway for 10 Central Avenue, Salamander Way for this purpose.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025 to 2029
Resources and finance	Implement the Property Investment Strategy

FINANCIAL/RESOURCE IMPLICATIONS

The development of Council-owned land at 155 Salamander Way, Salamander Bay will provide a funding source for priority transport infrastructure and supporting enhancements to the Mambo Wetland, ecological studies and an update to the Mambo Wetland Plan of Management.

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

Strict rules govern any development involving Council, including public conflict-of-interest statements that explain how any conflicts will be handled. Large or complex proposals may be reviewed by an independent planner. All development must meet the same planning laws, no matter who owns the land. These laws will apply to plans for the Salamander Bay Town Centre.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that if the recommendation is not supported there will be reduced supply of	High	Adopt the recommendations.	Yes

residential and commercial land in Salamander Bay.			
There is a risk that if the recommendation is not supported the income source created from the development would not be achieved resulting in there being no funding source for key infrastructure.	Medium	Adopt the recommendations.	Yes
There is a risk that not proceeding with the sale of the subject site reduces the likelihood of finding a funding source for the ecological studies required for an updated Mambo Wetlands Plan of Management.	Medium	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council's key objectives for the site is to encourage delivery of both medical facilities and housing for key workers close to jobs, shops and public transport in the Salamander Bay Town Centre. Proceeds from future development will help fund local infrastructure improvements that directly affect the daily lives of local residents and visitors, such as road and intersection upgrades and new pathways. Funds will also support enhancements to the Mambo Wetlands, ecological studies, and an update to the Mambo Wetlands Plan of Management.

COMMUNICATION AND ENGAGEMENT

Council's Communication and Engagement Strategy identifies the level of engagement undertaken. An explanation for each level is shown below.

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

ORDINARY COUNCIL - 25 AUGUST 2026

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

The following communication and engagement applies to this report.

External communications and engagement

CONSULT	Council held a community meeting on Thursday 9 July 2026 with local environmental stakeholders, with attendance from Mambo Wanda Wetlands Conservation Group and other key stakeholders.
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Internal communications and engagement

Consultation has been undertaken by the Financial Services Section with:

- Governance Section.
- Assets Section.
- Capital Works Section.
- Public Domain and Services Section.
- Communications and Customer Experience Section.
- Strategy and Environment Section.

OPTIONS

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

ATTACHMENTS

- 1) 23 June 2026 - Ordinary Council Minutes - Minute No. 091.
- 2) 11 October 2022 - Ordinary Council Minutes - Min No. 284.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 23 JUNE 2026**MAYORAL MINUTE****ITEM NO. 4****FILE NO: 26/206341
EDRMS NO: PSC2024-03152****155 SALAMANDER WAY AND 10 CENTRAL AVENUE, SALAMANDER BAY****THAT COUNCIL:**

- 1) Notes that the Salamander Bay Town Centre Place Plan was endorsed by Council on 25 November 2025.
- 2) Notes that, subject to a thorough assessment through the development application process, Council has a responsibility to enable development where appropriate to support community growth in line with the current land use zoning and the adopted Salamander Bay Town Centre Place Plan. This includes provision of diverse and affordable housing options close to commercial centres, schools and transport.
- 3) Notes that, as outlined in the body of this report, Council engaged with 1,200 community members, including presentations and site visits with representatives from Mambo-Wanda Wetlands Conservation Group, Eco Network, the Tomaree Residents and Ratepayers Association and the Community Engagement and Advisory Committee, both before and during the preparation of the Place Plan.
- 4) Notes that the map contained in the Salamander Bay Town Centre Place Plan (refer to Figure 1) depicts indicative potential uses for the Council owned land only.
- 5) Notes that approx. 1.39ha of Council owned land has been identified for conservation in the Place Plan which is a 19% reduction in developable areas from previous Council led planning proposal in 2009.
- 6) Notes that the Mayor, Cr Armstrong, Cr Errington and Cr Watson and senior staff have attended the community events hosted by key stakeholder groups including the Mambo-Wanda Wetlands Conservation Group.
- 7) Notes that it is Council's intent to contribute some of the proceeds of future development to the enhancement of the Mambo Wetlands and an update to the Mambo Wetlands Plan of Management.
- 8) Notes that whilst the planning framework can allow for development on wetland buffer zones, supported by appropriate assessment, Council is aware of both the sensitivities of developing adjacent to the Mambo wetlands and the feedback from the Mambo-Wanda Wetlands Conservation Group.
- 9) Requests the General Manager to prepare a report to Council showing a revised footprint of the developable area within Zone 3 (refer to Figure 1) as outlined in the Salamander Bay Town Centre Place Plan, taking into consideration the mapped extent of the wetland buffer zone.
- 10) Requests the General Manager to arrange further engagement with the Mambo-Wanda Wetlands Conservation Group and other key stakeholders in

MINUTES ORDINARY COUNCIL - 23 JUNE 2026

relation to a revised developable footprint within Zone 3 (refer to Figure 1) as outlined in the Salamander Bay Town Centre Place Plan, taking into consideration the mapped extent of the wetland buffer zone.

- 11) Requests the General Manager to present a report outlining how Council can still achieve the delivery of a range of diverse and affordable housing options for our community on a revised developable footprint within Zone 3 (refer to Figure 1). This includes a review of development options for the revised footprint, in the context of the full extent of building heights permitted by relevant planning instruments, with the aim to accommodate the same amount of housing that would have been provided by the currently adopted Zone 3.

ORDINARY COUNCIL MEETING - 23 JUNE 2026
MOTION

091	Mayor Leah Anderson Councillor Rosalyn Armstrong It was resolved that Council: 1) Notes that the Salamander Bay Town Centre Place Plan was endorsed by Council on 25 November 2025. 2) Notes that, subject to a thorough assessment through the development application process, Council has a responsibility to enable development where appropriate to support community growth in line with the current land use zoning and the adopted Salamander Bay Town Centre Place Plan. This includes provision of diverse and affordable housing options close to commercial centres, schools and transport. 3) Notes that, as outlined in the body of this report, Council engaged with 1,200 community members, including presentations and site visits with representatives from Mambo-Wanda Wetlands Conservation Group, Eco Network, the Tomaree Residents and Ratepayers Association and the Community Engagement and Advisory Committee, both before and during the preparation of the Place Plan. 4) Notes that the map contained in the Salamander Bay Town Centre Place Plan (refer to Figure 1) depicts indicative potential uses for the Council owned land only. 5) Notes that approx. 1.39ha of Council owned land has been identified for conservation in the Place Plan which is a 19% reduction in developable areas from previous Council led planning proposal in 2009. 6) Notes that the Mayor, Cr Armstrong, Cr Errington and Cr Watson and senior staff have attended the community events hosted by key
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MINUTES ORDINARY COUNCIL - 23 JUNE 2026

	stakeholder groups including the Mambo-Wanda Wetlands Conservation Group. 7) Notes that it is Council's intent to contribute some of the proceeds of future development to the enhancement of the Mambo Wetlands and an update to the Mambo Wetlands Plan of Management. 8) Notes that whilst the planning framework can allow for development on wetland buffer zones, supported by appropriate assessment, Council is aware of both the sensitivities of developing adjacent to the Mambo wetlands and the feedback from the Mambo-Wanda Wetlands Conservation Group. 9) Requests the General Manager to prepare a report to Council showing a revised footprint of the developable area within Zone 3 (refer to Figure 1) as outlined in the Salamander Bay Town Centre Place Plan, taking into consideration the mapped extent of the wetland buffer zone. 10) Requests the General Manager to arrange further engagement with the Mambo-Wanda Wetlands Conservation Group and other key stakeholders in relation to a revised developable footprint within Zone 3 (refer to Figure 1) as outlined in the Salamander Bay Town Centre Place Plan, taking into consideration the mapped extent of the wetland buffer zone. 11) Requests the General Manager to present a report outlining how Council can still achieve the delivery of a range of diverse and affordable housing options for our community on a revised developable footprint within Zone 3 (refer to Figure 1). This includes a review of development options for the revised footprint, in the context of the full extent of building heights permitted by relevant planning instruments, with the aim to accommodate the same amount of housing that would have been provided by the currently adopted Zone 3.
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Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Nathan Errington, Peter Francis, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of the Mayoral Minute is to request the General Manager to:

- prepare a report for Council showing a revised footprint of the developable area within Zone 3 (refer to Figure 1) as outlined in the Salamander Bay Town Centre

MINUTES ORDINARY COUNCIL - 23 JUNE 2026

Place Plan, taking into consideration the mapped extent of the wetland buffer zone;

- arrange further engagement with the Mambo-Wanda Wetlands Conservation Group and other key stakeholders in relation to a revised developable footprint within Zone 3 (refer to Figure 1) as outlined in the Salamander Bay Town Centre Place Plan, taking into consideration the mapped extent of the wetland buffer zone;
- present a report outlining how Council can still achieve the delivery of a range of diverse and affordable housing options for our community on a revised developable footprint within Zone 3 (refer to Figure 1). This includes a review of development options for the revised footprint, in the context of the full extent of building heights permitted by relevant planning instruments, with the aim to accommodate the same amount of housing that would have been provided by the currently adopted Zone 3.

At the 25 November 2025 Ordinary Council meeting, Council unanimously endorsed the Salamander Bay Town Centre Place Plan. The Place Plan has been developed to include key actions to:

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

The Place Plan contains actions to inspire the community and businesses to create a better place through events, the provision of an outdoor gathering space, improving the accessibility of the Town Centre and public domain projects. It takes into consideration housing, economic and environmental considerations across the full Salamander Bay Town Centre footprint.

The Place Plan was developed following an intensive engagement period. This included community events as well as holding a number of specific workshops and site visits with key members of local community groups including Mambo-Wanda Wetlands Conservation Group, Eco Network and the Tomaree Residents and Ratepayers Association, both before and during the preparation of the Place Plan.

The table below outlines the key engagement steps:

Engagement type	Stakeholders/audience	When undertaken
Community Engagement and Advisory Panel Meeting (CEAG).	Advisory Group (CEAG).	16 April 2025
Salamander Bay Place Plan community engagement	Immediate residents and businesses.	5 May to 24 May 2025

MINUTES ORDINARY COUNCIL - 23 JUNE 2026

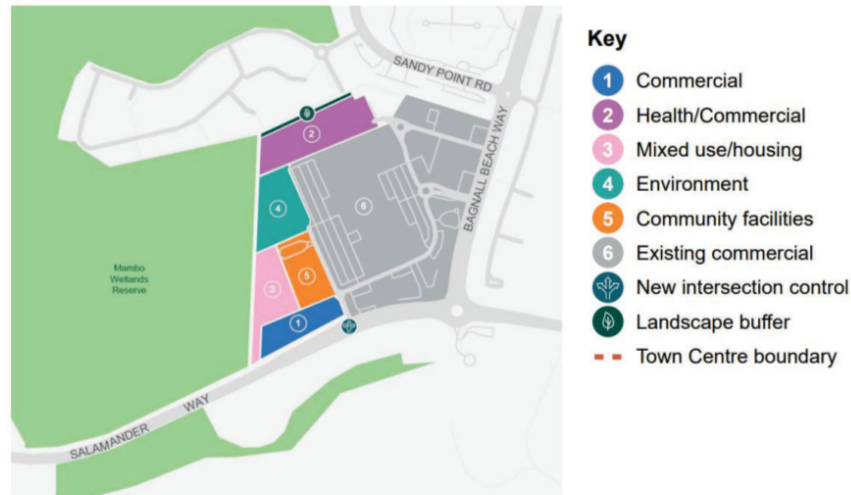
Letterbox drop and doorstep discussions with businesses and residents adjoining shopping centre	General local audience	5 May to 9 May 2025
Shop front at Salamander Bay Shopping centre and stall at Tomaree community connect day	General local audience	16 May 2025 (informal chat with Councillors, GM & Council Staff)
Community catch up		
Salamander Bay Place Plan Public Exhibition.	General community	23 July to 19 August 2025
Salamander Bay Place Plan Public Exhibition. Information sessions at Salamander Bay shopping Centre.	General local audience.	4 August to 7 August 2025
Specific key stakeholder workshops on proposed development opportunities on Council owned land	TRRA, Mambo Wetlands, Eco Network, Eco Network, Port Stephens Koalas, and Tomaree Community Association.	13 June 2025 (Tomaree Library) Attendee; Kathy Brown Richard Davis Irene Jones Kerrie Dash Ben Van Der Wijngaart Kelly Hammond Margaret Lamond Carmel Northwood 18 August 2025 (Nelson Bay Bowling Club – TRAA meeting)
155 walk-through.	Mambo-Wanda Wetlands Conservation Group and Eco Network.	12 November 2025

Council has a responsibility to explore the use of suitably zoned Council owned land to improve diverse and affordable housing options including key worker accommodation close to shops, schools and transport.

Not to be confused with a Masterplan, the Place Plan includes an indicative overview of opportunities for development on Council owned land at 155 Salamander Way and

MINUTES ORDINARY COUNCIL - 23 JUNE 2026

10 Central Avenue (refer to Figure 1). This land is the only remaining undeveloped zoned commercial land left in the Salamander Bay Town Centre.



Zoned E2 Commercial Centre, the appropriate use of the land includes commercial, housing, and medical facilities subject to detailed and thorough assessment through the development application process.

The footprint depicted in the map is purely for the purpose of highlighting possible zones for development. All future development applications over the land will require detailed environmental and engineering studies and will undergo a thorough and robust assessment process.

It is noted that Council intends to contribute a proportion of the future developments' proceeds to the enhancement of the Mambo Wetlands and an update to the Mambo-Wanda Conservation Wetlands Plan of Management.

Whilst Environmental studies undertaken for the precinct indicate that most of this land is suitable for development, it is noted that the Mambo-Wanda Wetlands Conservation Group and other key stakeholder groups have specifically asked Council to consider not building on the last remaining buffer zone in Zone 3 (Figure 1) of the mapped area outlined in the Salamander Bay Town Centre Place Plan.

Therefore, before lodging a Development Application Council is requesting the General Manager to:

- prepare a report for Council showing a revised footprint of the developable area within Zone 3 (refer to Figure 1) as outlined in the Salamander Bay Town

MINUTES ORDINARY COUNCIL - 23 JUNE 2026

Centre Place Plan, taking into consideration the mapped extent of the wetland buffer zone;

- arrange further engagement with the Mambo-Wanda Wetlands Conservation Group and other key stakeholders in relation to a revised developable footprint within Zone 3 (refer to Figure 1) as outlined in the Salamander Bay Town Centre Place Plan, taking into consideration the mapped extent of the wetland buffer zone;
- present a report outlining how Council can still achieve the delivery of a range of diverse and affordable housing options for our community on a revised developable footprint within Zone 3 (refer to Figure 1). This includes a review of development options for the revised footprint in the context of the full extent of building heights permitted by relevant planning instruments with the aim to accommodate the same amount of housing that would have been provided by the currently adopted Zone 3.

The Salamander Bay Town Centre Place Plan, and associated information and FAQ's are located on Council's website.

ATTACHMENTS

Nil.

**ITEM 6 - ATTACHMENT 2 11 OCTOBER 2022 – ORDINARY COUNCIL
MINUTES - MINUTE NO. 284****MINUTES ORDINARY COUNCIL - 11 OCTOBER 2022****NOTICE OF MOTION****ITEM NO. 2****FILE NO: 22/261010****EDRMS NO: PSC2021-04195****HEALTH FACILITIES****COUNCILLOR: LEAH ANDERSON****THAT COUNCIL:**

- 1) Notes there is a shortage of health facilities in the Port Stephens LGA.
- 2) Commences discussions with the State Government and private operators to:
 - a. Advocate for increased health services facilities.
 - b. Determine any necessary land use changes required to support development of health services facilities.
- 3) Requests the General Manager provide a report that:
 - a. Investigates other Councils who have established health precincts to identify opportunities that can be applied to the Port Stephens LGA, including opportunities to increase the number of these facilities.
 - b. Investigates opportunities to develop health precincts in strategic centres, any necessary changes to the Port Stephens Local Environmental Plan 2013 and opportunities to include supporting infrastructure in the Local Infrastructure Contributions Plan.
 - c. Investigates the opportunity to develop a Local Health Advisory Committee and advise what is required to form a committee and report how such a committee could assist with this issue.

**ORDINARY COUNCIL MEETING - 11 OCTOBER 2022
MOTION**

284	Councillor Leah Anderson Councillor Giacomo Arnott It was resolved that Council: 1) Notes there is a shortage of health facilities in the Port Stephens LGA. 2) Commences discussions with the State Government and private operators to: a. Advocate for increased health services facilities. b. Determine any necessary land use changes required to support development of health services facilities. 3) Requests the General Manager provide a report that:
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MINUTES ORDINARY COUNCIL - 11 OCTOBER 2022

- | | |
|--|---|
| | <ul style="list-style-type: none">a. Investigates other Councils who have established health precincts to identify opportunities that can be applied to the Port Stephens LGA, including opportunities to increase the number of these facilities.b. Investigates opportunities to develop health precincts in strategic centres, any necessary changes to the Port Stephens Local Environmental Plan 2013 and opportunities to include supporting infrastructure in the Local Infrastructure Contributions Plan.c. Investigates the opportunity to develop a Local Health Advisory Committee and advise what is required to form a committee and report how such a committee could assist with this issue. |
|--|---|

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**BACKGROUND REPORT OF: BROCK LAMONT – STRATEGY AND
ENVIRONMENT SECTION MANAGER****BACKGROUND**

Port Stephens local government area is presently served by 1 hospital and 23 general practices. The Primary Health Network population health snapshot (2021) notes that every full-time General Practitioner in the Port Stephens LGA there is an average of 827 patients.

Tomaree Hospital, located in Nelson Bay, currently provides a 14 bed acute medical ward and a 5 bed emergency ward. Community and allied health, pathology and dental is also provided on site.

Outside of the LGA, there are additional public hospitals at Waratah (Mater Hospital), Metford (Maitland Hospital) and New Lambton (John Hunter Hospital).

Port Stephens has a median age of 47 and over 25% of the Port Stephens population is currently older than 65. This will result in increased demand for health services across the LGA.

This is generally consistent with the trend across Australia. Health and aged care are projected to be the fastest growing areas of government spending over the next 40 years. Health is predicted to increase from 19% of total government spending in 2021 to 2022, to 26% in 2060 to 2061.

**ITEM 6 - ATTACHMENT 2 11 OCTOBER 2022 – ORDINARY COUNCIL
MINUTES - MINUTE NO. 284****MINUTES ORDINARY COUNCIL - 11 OCTOBER 2022****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.

There being no further business the meeting closed at 7:16pm.

ITEM NO. 7

**FILE NO: 26/147627
EDRMS NO: PSC2015-03017**

PETITION - COUNCIL LAND AROUND SALAMANDER BAY SHOPPING CENTRE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receives and notes the petition (**ATTACHMENT 1**).
 - 2) Notes the response to the Mayoral Minute (23 June 2026) and the subsequent report as outlined in Item 6 in the Ordinary Council Meeting on 25 August 2026.
-

BACKGROUND

The purpose of this report is to advise Council of the receipt of a petition containing 725 signatures received on the 12 May 2026. The petition expresses concern regarding Council's plans for the future development of Council-owned land surrounding the Salamander Bay Shopping Centre. The petition specifically asks Council to stop the sell off and development of land around the Salamander Bay Shopping Centre. The petition is at (**ATTACHMENT 1**).

Council endorsed the Salamander Place Plan following an extensive program of community consultation. The Place Plan establishes a long-term strategic framework for the future use of vacant Council-owned land within the Salamander Bay Centre and guides future investigations into opportunities to revitalise the precinct while responding to identified community needs. This includes improving housing diversity, employment opportunities, community infrastructure, public open space and commercial activity.

The Place Plan is a strategic planning document and does not approve or authorise any specific development. Any future development proposals will be subject to further investigation, Council consideration, statutory planning processes and community consultation, where required.

At its Ordinary Council meeting on 23 June 2026, Council adopted a Mayoral Minute (**ATTACHMENT 2**) requesting further community consultation be undertaken to explore a revised developable footprint within Zone 3 as outlined in the Salamander Bay Town Centre Place Plan, taking into consideration the mapped extent of the isolated wetland buffer zone at 155 Salamander Way, Salamander Bay.

Mayor Anderson, the East Ward Councillors and Council staff met with Mambo Wanda Wetland Conservation Group and other key stakeholder groups on 9 July 2026 at the Tomaree Library and Community Centre. Discussions primarily centred

around options to reduce the revised developable footprint within Zone 3 as outlined in the Salamander Bay Town Centre Place Plan, taking into consideration the mapped extent of the isolated wetland buffer zone at 155 Salamander Way, Salamander Bay.

The petition is presented to Council in accordance with Council's Petition Policy for information and consideration. The response to the issues raised in the petition are covered in Item 6 in the Ordinary Council Meeting held on 25 August 2026.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025 to 2029
Infrastructure, facilities & connections	Deliver, manage and maintain community and property assets in accordance with the Strategic Asset Management Plan 2026-2036 (SAMP)

FINANCIAL/RESOURCE IMPLICATIONS

The receipt of the petition will not have financial or resourcing implications for Council.

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 receipt of the petition will not have legal, policy and risk implications for Council.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that by not developing the Council owned land around Salamander Bay Shopping Centre there will be reduced supply of residential and	High	Adopt the recommendations.	Yes

commercial land in Salamander Bay.			
There is a risk the income source created from the proposed development would not be achieved resulting in there being no funding source for key infrastructure.	Medium	Adopt the recommendations.	Yes
There is a risk that the income source created from the proposed development reduces the likelihood of a funding source for updating Mambo Wetlands Plan of Management.	Medium	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council's Petitions Policy provides the community with an opportunity to express their opinions to Council on matters of significant community interest and/or impact.

COMMUNICATION AND ENGAGEMENT

Council's Communication and Engagement Strategy identifies the level of engagement undertaken. An explanation for each level is shown below.

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

The following communication and engagement applies to this report.

External communications and engagement

INFORM	The petition has been received and reported to Council in accordance with the Receipt of Petitions Policy. The community has been informed through the published Business Paper.
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Internal communications and engagement

Consultation has been undertaken by the Financial Services Section with:

- Strategy and Environment Section.

OPTIONS

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

ATTACHMENTS

- 1) Petition - Development of Land around Salamander Bay Shopping Centre.
- 2) 23 June 2026 - Ordinary Council Minutes - Minute No. 091.

COUNCILLORS' ROOM/DASHBOARD

- 1) Unredacted Petition.

TABLED DOCUMENTS

Nil.

ITEM 7- ATTACHMENT 1 PETITION – DEVELOPMENT OF LAND AROUND SALAMANDER BAY SHOPPING CENTRE

We, the undersigned, ask that Port Stephens Council: Stop the sell off and development of Council Land around the Salamander Bay Shopping Centre. The areas targeted for development are on **FLOOD PRONE** land, are gazetted as **BUSHFIRE** Protection Zone, are significant **KOALA HABITAT**, and critical **WETLAND BUFFER ZONE**, and are protected under Council Policy and State legislation.

**ITEM 7- ATTACHMENT 2 23 JUNE 2026 - ORDINARY COUNCIL MINUTES –
MINUTE NO. 091****MINUTES ORDINARY COUNCIL - 23 JUNE 2026****MAYORAL MINUTE****ITEM NO. 4****FILE NO: 26/206341
EDRMS NO: PSC2024-03152****155 SALAMANDER WAY AND 10 CENTRAL AVENUE, SALAMANDER BAY****THAT COUNCIL:**

- 1) Notes that the Salamander Bay Town Centre Place Plan was endorsed by Council on 25 November 2025.
- 2) Notes that, subject to a thorough assessment through the development application process, Council has a responsibility to enable development where appropriate to support community growth in line with the current land use zoning and the adopted Salamander Bay Town Centre Place Plan. This includes provision of diverse and affordable housing options close to commercial centres, schools and transport.
- 3) Notes that, as outlined in the body of this report, Council engaged with 1,200 community members, including presentations and site visits with representatives from Mambo-Wanda Wetlands Conservation Group, Eco Network, the Tomaree Residents and Ratepayers Association and the Community Engagement and Advisory Committee, both before and during the preparation of the Place Plan.
- 4) Notes that the map contained in the Salamander Bay Town Centre Place Plan (refer to Figure 1) depicts indicative potential uses for the Council owned land only.
- 5) Notes that approx. 1.39ha of Council owned land has been identified for conservation in the Place Plan which is a 19% reduction in developable areas from previous Council led planning proposal in 2009.
- 6) Notes that the Mayor, Cr Armstrong, Cr Errington and Cr Watson and senior staff have attended the community events hosted by key stakeholder groups including the Mambo-Wanda Wetlands Conservation Group.
- 7) Notes that it is Council's intent to contribute some of the proceeds of future development to the enhancement of the Mambo Wetlands and an update to the Mambo Wetlands Plan of Management.
- 8) Notes that whilst the planning framework can allow for development on wetland buffer zones, supported by appropriate assessment, Council is aware of both the sensitivities of developing adjacent to the Mambo wetlands and the feedback from the Mambo-Wanda Wetlands Conservation Group.
- 9) Requests the General Manager to prepare a report to Council showing a revised footprint of the developable area within Zone 3 (refer to Figure 1) as outlined in the Salamander Bay Town Centre Place Plan, taking into consideration the mapped extent of the wetland buffer zone.
- 10) Requests the General Manager to arrange further engagement with the Mambo-Wanda Wetlands Conservation Group and other key stakeholders in

**ITEM 7- ATTACHMENT 2 23 JUNE 2026 - ORDINARY COUNCIL MINUTES –
MINUTE NO. 091****MINUTES ORDINARY COUNCIL - 23 JUNE 2026**

relation to a revised developable footprint within Zone 3 (refer to Figure 1) as outlined in the Salamander Bay Town Centre Place Plan, taking into consideration the mapped extent of the wetland buffer zone.

- 11) Requests the General Manager to present a report outlining how Council can still achieve the delivery of a range of diverse and affordable housing options for our community on a revised developable footprint within Zone 3 (refer to Figure 1). This includes a review of development options for the revised footprint, in the context of the full extent of building heights permitted by relevant planning instruments, with the aim to accommodate the same amount of housing that would have been provided by the currently adopted Zone 3.

**ORDINARY COUNCIL MEETING - 23 JUNE 2026
MOTION**

091	Mayor Leah Anderson Councillor Rosalyn Armstrong It was resolved that Council: 1) Notes that the Salamander Bay Town Centre Place Plan was endorsed by Council on 25 November 2025. 2) Notes that, subject to a thorough assessment through the development application process, Council has a responsibility to enable development where appropriate to support community growth in line with the current land use zoning and the adopted Salamander Bay Town Centre Place Plan. This includes provision of diverse and affordable housing options close to commercial centres, schools and transport. 3) Notes that, as outlined in the body of this report, Council engaged with 1,200 community members, including presentations and site visits with representatives from Mambo-Wanda Wetlands Conservation Group, Eco Network, the Tomaree Residents and Ratepayers Association and the Community Engagement and Advisory Committee, both before and during the preparation of the Place Plan. 4) Notes that the map contained in the Salamander Bay Town Centre Place Plan (refer to Figure 1) depicts indicative potential uses for the Council owned land only. 5) Notes that approx. 1.39ha of Council owned land has been identified for conservation in the Place Plan which is a 19% reduction in developable areas from previous Council led planning proposal in 2009. 6) Notes that the Mayor, Cr Armstrong, Cr Errington and Cr Watson and senior staff have attended the community events hosted by key
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**ITEM 7- ATTACHMENT 2 23 JUNE 2026 - ORDINARY COUNCIL MINUTES –
MINUTE NO. 091****MINUTES ORDINARY COUNCIL - 23 JUNE 2026**

	stakeholder groups including the Mambo-Wanda Wetlands Conservation Group.
7)	Notes that it is Council's intent to contribute some of the proceeds of future development to the enhancement of the Mambo Wetlands and an update to the Mambo Wetlands Plan of Management.
8)	Notes that whilst the planning framework can allow for development on wetland buffer zones, supported by appropriate assessment, Council is aware of both the sensitivities of developing adjacent to the Mambo wetlands and the feedback from the Mambo-Wanda Wetlands Conservation Group.
9)	Requests the General Manager to prepare a report to Council showing a revised footprint of the developable area within Zone 3 (refer to Figure 1) as outlined in the Salamander Bay Town Centre Place Plan, taking into consideration the mapped extent of the wetland buffer zone.
10)	Requests the General Manager to arrange further engagement with the Mambo-Wanda Wetlands Conservation Group and other key stakeholders in relation to a revised developable footprint within Zone 3 (refer to Figure 1) as outlined in the Salamander Bay Town Centre Place Plan, taking into consideration the mapped extent of the wetland buffer zone.
11)	Requests the General Manager to present a report outlining how Council can still achieve the delivery of a range of diverse and affordable housing options for our community on a revised developable footprint within Zone 3 (refer to Figure 1). This includes a review of development options for the revised footprint, in the context of the full extent of building heights permitted by relevant planning instruments, with the aim to accommodate the same amount of housing that would have been provided by the currently adopted Zone 3.

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of the Mayoral Minute is to request the General Manager to:

- prepare a report for Council showing a revised footprint of the developable area within Zone 3 (refer to Figure 1) as outlined in the Salamander Bay Town Centre

ITEM 7- ATTACHMENT 2 23 JUNE 2026 - ORDINARY COUNCIL MINUTES – MINUTE NO. 091

MINUTES ORDINARY COUNCIL - 23 JUNE 2026

Place Plan, taking into consideration the mapped extent of the wetland buffer zone;

- arrange further engagement with the Mambo-Wanda Wetlands Conservation Group and other key stakeholders in relation to a revised developable footprint within Zone 3 (refer to Figure 1) as outlined in the Salamander Bay Town Centre Place Plan, taking into consideration the mapped extent of the wetland buffer zone;
- present a report outlining how Council can still achieve the delivery of a range of diverse and affordable housing options for our community on a revised developable footprint within Zone 3 (refer to Figure 1). This includes a review of development options for the revised footprint, in the context of the full extent of building heights permitted by relevant planning instruments, with the aim to accommodate the same amount of housing that would have been provided by the currently adopted Zone 3.

At the 25 November 2025 Ordinary Council meeting, Council unanimously endorsed the Salamander Bay Town Centre Place Plan. The Place Plan has been developed to include key actions to:

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

The Place Plan contains actions to inspire the community and businesses to create a better place through events, the provision of an outdoor gathering space, improving the accessibility of the Town Centre and public domain projects. It takes into consideration housing, economic and environmental considerations across the full Salamander Bay Town Centre footprint.

The Place Plan was developed following an intensive engagement period. This included community events as well as holding a number of specific workshops and site visits with key members of local community groups including Mambo-Wanda Wetlands Conservation Group, Eco Network and the Tomaree Residents and Ratepayers Association, both before and during the preparation of the Place Plan.

The table below outlines the key engagement steps:

Engagement type	Stakeholders/audience	When undertaken
Community Engagement and Advisory Panel Meeting (CEAG).	Advisory Group (CEAG).	16 April 2025
Salamander Bay Place Plan community engagement	Immediate residents and businesses.	5 May to 24 May 2025

**ITEM 7- ATTACHMENT 2 23 JUNE 2026 - ORDINARY COUNCIL MINUTES –
MINUTE NO. 091****MINUTES ORDINARY COUNCIL - 23 JUNE 2026**

- Letterbox drop and doorstep discussions with businesses and residents adjoining shopping centre - Shop front at Salamander Bay Shopping centre and stall at Tomaree community connect day - Community catch up	General local audience	5 May to 9 May 2025
	General local audience	16 May 2025 (informal chat with Councillors, GM & Council Staff)
Salamander Bay Place Plan Public Exhibition.	General community	23 July to 19 August 2025
Salamander Bay Place Plan Public Exhibition. Information sessions at Salamander Bay shopping Centre.	General local audience.	4 August to 7 August 2025
Specific key stakeholder workshops on proposed development opportunities on Council owned land	TRRA, Mambo Wetlands, Eco Network, Eco Network, Port Stephens Koalas, and Tomaree Community Association.	13 June 2025 (Tomaree Library) Attendee; Kathy Brown Richard Davis Irene Jones Kerrie Dash Ben Van Der Wijngaart Kelly Hammond Margaret Lamond Carmel Northwood 18 August 2025 (Nelson Bay Bowling Club – TRAA meeting)
155 walk-through.	Mambo-Wanda Wetlands Conservation Group and Eco Network.	12 November 2025

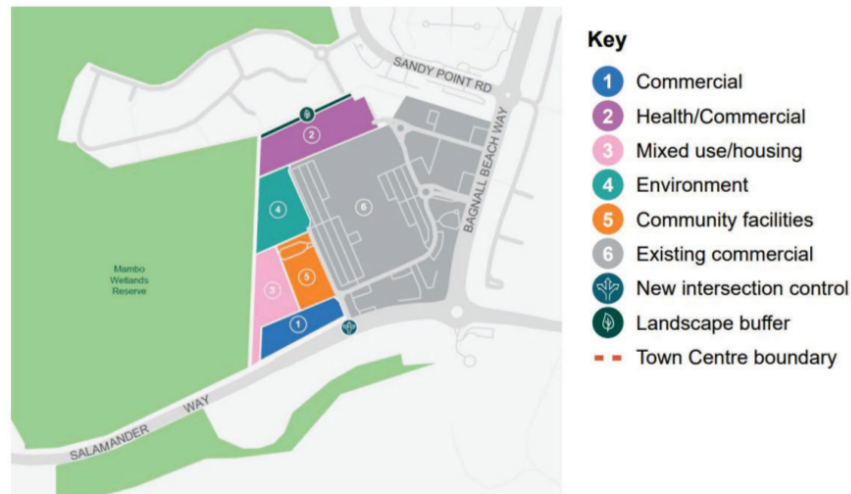
Council has a responsibility to explore the use of suitably zoned Council owned land to improve diverse and affordable housing options including key worker accommodation close to shops, schools and transport.

Not to be confused with a Masterplan, the Place Plan includes an indicative overview of opportunities for development on Council owned land at 155 Salamander Way and

ITEM 7- ATTACHMENT 2 23 JUNE 2026 - ORDINARY COUNCIL MINUTES –
MINUTE NO. 091

MINUTES ORDINARY COUNCIL - 23 JUNE 2026

10 Central Avenue (refer to Figure 1). This land is the only remaining undeveloped zoned commercial land left in the Salamander Bay Town Centre.



Zoned E2 Commercial Centre, the appropriate use of the land includes commercial, housing, and medical facilities subject to detailed and thorough assessment through the development application process.

The footprint depicted in the map is purely for the purpose of highlighting possible zones for development. All future development applications over the land will require detailed environmental and engineering studies and will undergo a thorough and robust assessment process.

It is noted that Council intends to contribute a proportion of the future developments' proceeds to the enhancement of the Mambo Wetlands and an update to the Mambo-Wanda Conservation Wetlands Plan of Management.

Whilst Environmental studies undertaken for the precinct indicate that most of this land is suitable for development, it is noted that the Mambo-Wanda Wetlands Conservation Group and other key stakeholder groups have specifically asked Council to consider not building on the last remaining buffer zone in Zone 3 (Figure 1) of the mapped area outlined in the Salamander Bay Town Centre Place Plan.

Therefore, before lodging a Development Application Council is requesting the General Manager to:

- prepare a report for Council showing a revised footprint of the developable area within Zone 3 (refer to Figure 1) as outlined in the Salamander Bay Town

**ITEM 7- ATTACHMENT 2 23 JUNE 2026 - ORDINARY COUNCIL MINUTES –
MINUTE NO. 091****MINUTES ORDINARY COUNCIL - 23 JUNE 2026**

- Centre Place Plan, taking into consideration the mapped extent of the wetland buffer zone;
- arrange further engagement with the Mambo-Wanda Wetlands Conservation Group and other key stakeholders in relation to a revised developable footprint within Zone 3 (refer to Figure 1) as outlined in the Salamander Bay Town Centre Place Plan, taking into consideration the mapped extent of the wetland buffer zone;
 - present a report outlining how Council can still achieve the delivery of a range of diverse and affordable housing options for our community on a revised developable footprint within Zone 3 (refer to Figure 1). This includes a review of development options for the revised footprint in the context of the full extent of building heights permitted by relevant planning instruments with the aim to accommodate the same amount of housing that would have been provided by the currently adopted Zone 3.

The Salamander Bay Town Centre Place Plan, and associated information and FAQ's are located on Council's website.

ATTACHMENTS

Nil.

ITEM NO. 8**FILE NO: 26/195225
EDRMS NO: PSC2024-03232****BUDGET ITEMS CARRIED FORWARD FROM 2025-26**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the revotes from the 2025-2026 budget as detailed in **(ATTACHMENT 1)** and vote the necessary funds to meet expenditure.
-

BACKGROUND

The purpose of this report is to advise of the budget items from 2025-2026 that were not completed in that financial year and are proposed to be carried forward to 2026-2027 **(ATTACHMENT 1)**.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The works included in this report were partially or wholly unexpended at the end of the 2025-2026 financial year, however, the funds are not automatically carried forward and require Council resolution. The majority of the works are funded from reserves and grants, and have limited impact on Council's Long Term Financial Plan.

Council has traditionally had a number of projects that have been required to be transferred into the following financial year. The program is generally in line with this trend **(ATTACHMENT 1)**.

The carried forward items have been factored into the new Capital Works Program and a cash flow forecast has been amended to account for the extended program.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	Yes		Budget from 2025-2026

ORDINARY COUNCIL - 25 AUGUST 2026

Source of Funds	Yes/No	Funding (\$)	Comment
Developer Contributions (\$7.11)	Yes		Budget from 2025-2026
External Grants	Yes		Budget from 2025-2026
Other	Yes		Budget from 2025-2026

LEGAL, POLICY AND RISK IMPLICATIONS

In accordance with the Local Government Act 1993 (NSW) and the Local Government (General) Regulations 2021, all budgets lapse at the end of the financial year and require a Council resolution to be reinstated. Failure to reinstate these budget votes would result in these projects being cancelled. It must be noted that the figures listed in **(ATTACHMENT 1)** are indicative only until the end of financial year reconciliation process is complete. The final figure will be available in the September Quarterly Budget Review.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that unspent grant funds may have to be returned.	Low	Adopt the recommendation.	Yes
There is a risk that should the rollovers not occur then the works cannot be completed.	High	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no sustainability implications.

COMMUNICATION AND ENGAGEMENT

Council's Communication and Engagement Strategy identifies the level of engagement undertaken. An explanation for each level is shown below.

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

ORDINARY COUNCIL - 25 AUGUST 2026

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

	No external communications and engagement are required for this report.
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Internal communications and engagement

Consultation with key stakeholders has been undertaken by the Financial Services Section.

- Office of the Director Corporate Strategy and Support.
- Assets Section.
- Community Services Section.
- Holiday Parks Section.
- People, Process and Technology Section.

External

Nil.

OPTIONS

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

ATTACHMENTS

- 1) Budget Items Carried Forward from 2025-26.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 8 - ATTACHMENT 1 BUDGET ITEMS CARRIED FORWARD FROM 2025-26

CLASSIFICATION	PROJECT*	FUNDING SOURCE		
		ROLLOVER	GRANT OR CONTRIBUTION	RESERVE
AQUATIC STRUCTURES	LONGWORTH PARK SEAWALL	511,900	511,900	
AQUATIC STRUCTURES	TERAMBY ROAD DIVE SITE	218,285	218,285	
AQUATIC STRUCTURES	LONGWORTH PARK WHARF - HANDRAIL REPLACEMENTs	30,000		30,000
BRIDGES	MCINERNEY BRIDGE SCOUR	87,217		87,217
BRIDGES	JIMMY SCOTT BRIDGE STRUCTURAL WORKS	144,343		144,343
BUILDINGS	COMMUNITY ASSETS SOLAR ROLLOUT	281,136		281,136
BUILDINGS	ADMIN BUILDING INTERNAL REFURB	451,947		451,947
BUILDINGS	TOMAREE LIBRARY AND COMMUNITY CENTRE AC'S	101,117		101,117
BUILDINGS	LAKESIDE LEISURE CENTRE - WINDBRAKE REPLACEMENT	9,963		9,963
BUILDINGS	LAKESIDE LEISURE CENTRE - INDOOR POOL AIR HANDLER REPLACEMENT	239,935		239,935
BUILDINGS	TANILBA PARK AMENITIES - REPLACEMENT	192,260		192,260
BUILDINGS	RAYMOND TERRACE DEPOT RETAINING WALL	65,000		65,000
BUILDINGS	MALLABULA COMMUNITY RESILIENCE HUB	6,891	6,891	
BUILDINGS	BIRUBI SURF LIFESAVING CLUB	34,187	34,187	
BUILDINGS	ONE MILE AMENITIES REPLACEMENT	232,867	232,867	
BUILDINGS	NELSON BAY DEPOT PAVEMENT	47,412		47,412
BUILDINGS	SEAHAM SCHOOL OF ARTS	1,206		1,206
BUILDINGS	HINTON SCHOOL OF ARTS	2,288		2,288
CARPARKS	BIRUBI POINT CAR PARKS	75,723		75,723
CARPARKS	BRANDON PARK CARPARK	80,989	80,989	
CARPARKS	SMART PARKING PROJECTS	528,096		528,096
CARPARKS	DON WARING OVAL CARPARK	838	838	
DRAINAGE	STOCKTON PONDS - STAUNCH PUMP	18,281	18,281	
DRAINAGE	BOYD BLVD MEDOWIE - NEW DRAINAGE INFRASTRUCTURE	304,711		304,711
DRAINAGE	MARSH RD FLOODGATES	40,000		40,000
DRAINAGE	NELSON BAY DRAINAGE IMPROVEMENTS	1,081,319		1,081,319
DRAINAGE	TELEMETRY (SCADA) UPGRADES	89,150	89,150	
DRAINAGE	BUDERI CLOSE SUBSIDENCE	25,000		25,000
HOLIDAY PARKS	HOLIDAY PARK IMPROVEMENTS	318,133		318,133
ICT	ICT CAPITAL PROJECTS	188,330		188,330
LIBRARY	LIBRARY RESOURCES	15,918		15,918
PROPERTY	COMMERCIAL PROPERTY DEVELOPMENT	1,256,260		1,256,260
OPEN SPACE	TOMAREE SPORTS COMPLEX DRAINAGE	17,943		17,943
OPEN SPACE	DON WARING OVAL EXPANSION	1,517,272		1,517,272
OPEN SPACE	FERN BAY TENNIS - LIGHTING REPLACEMENT	24,970		24,970
OPEN SPACE	FLY POINT - PARK FURNITURE REPLACEMENT	24,803		24,803
OPEN SPACE	ROY WOOD RESERVE DINGHY RACK	12,262		12,262
OPEN SPACE	NELSON BAY CROQUET CLUB LIGHTING	128,440	78,440	50,000
OPEN SPACE	YACHETT POINT RESERVE DINGHY RACK	1,604	1,604	

ITEM 8 - ATTACHMENT 1 BUDGET ITEMS CARRIED FORWARD FROM 2025-26

OPEN SPACE	KORORA OVAL BASEBALL	50,245		50,245
OPEN SPACE	BOAT HARBOUR PICKLEBALL	6,584		6,584
PATHWAYS	TERAMBY ROAD - LANDSLIP AND PATHWAY	119,628	119,628	
PATHWAYS	SHARED PATHWAY - HALIFAX TO HARWOOD	1,140,887	1,140,887	
PATHWAYS	CPTIGS 2024-2025 - CAPITAL WORKS CYCLEWAY, PATHS & BUS SHELTER CONSTRUCTION	87,000	87,000	
PLANT	ANIMAL CONTROL SERVICE BODY	59,265		59,265
ROADS	SWAN BAY ROAD- CAPITAL - SWAN BAY RD SEG 590-160	201,743		201,743
ROADS	LOCAL ROADS - CAPITAL LOCAL ROADS RESEAL PROGRAM	377,822		377,822
ROADS	FUTURE WORKS - ROADS - DESIGN AND INVESTIGATION	245,826		245,826
ROADS	ROAD UPGRADE – MUSTONS ROAD, KARUAH	2,347,643		2,347,643
ROADS	BUCKETTS WAY, TWELVE MILE CREEK - SAFER ROADS	171,448		171,448
ROADS	EAST SEAHAM RD, EAST SEAHAM - AGBS - CAPITAL	274,177		274,177
ROADS	RALSTONS ROAD CULVERT	75,745	75,745	
ROADS	FERODALE ROAD MEDOWIE (38) - NEW ROAD DESIGN AND CONSTRUCTION	337,142		337,142
ROADS	SHORT ST, FINGAL BAY	134,213		134,213
ROADS	TAREAN ROAD, KARUAH - SEG 60 - 70	125,007		125,007
ROADS	ITALIA ROAD, EAST SEAHAM - SEG 140	208,199		208,199
ROADS	HIGH PEDESTRIAN ACTIVITY AREA - FINGAL BAY	779,525	779,525	
ROADS	ITALIA ROAD AT BALICKERA	684,227	684,227	
ROADS	PORT STEPHENS DR TAYLORS BEACH SEG 40-50	1,220,478	870,478	350,000
ROADS	TUNA CRESCENT AND MARKET STREET FINGAL BAY PAVEMENT RECONSTRUCTION	109,106		109,106
ROADS	STILL ST SEAHAM (RSP - SCHOOL ZONE INFRASTRUCTURE)	502,224	302,224	200,000
ROADS	ADELAIDE STREET AT ELKIN AVE, HEATHERBRAE (RSP - SCHOOL ZONE INFRASTRUCTURE)	413,381	263,381	150,000
ROADS	TERMINUS PDE, SALAMANDER BAY (RSP - SCHOOL ZONE INFRASTRUCTURE)	68,926	68,926	
ROADS	MYAN CLOSE RETAINING WALL REHABILITATION PLANNING	155,429		155,429
ROADS	BUS SHELTER - WATT ST	25,000		25,000
ROADS	TAXI RANK BACKING SCREENS	10,000		10,000
ROADS	RAP - WEST WARD	744,247		744,247
ROADS	RAP - EAST WARD	492,349		492,349
ROADS	RAP - CENTRAL WARD	625,653		625,653
ROADS	NELSON BAY PUBLIC DOMAIN WORK - STOCKTON STREET / CHURCH STREET ROUNDABOUT TOWN ENTRY SIGNAGE	40,000		40,000
ROADS	MOUNT HALL ROAD (BLACKSPOT)	263,690	263,690	
ROADS	GAN GAN ROAD AND BLANCH ST BOAT HARBOUR (BLACKSPOT) - SEG 110,120,130	360,000	360,000	
WASTE	SALAMANDER WASTE TRANSFER STATION - UPGRADE OF FIRE HYDRANT SYSTEM	285,000		285,000
WARDFUNDS	WARD FUNDS	15,613		15,613
	TOTAL	21,165,414	6,289,141	14,876,272

*Figures listed above are indicative only due to end of financial year adjustments not being completed at the time this report was extracted.

ITEM NO. 9**FILE NO: 26/258016
EDRMS NO: PSC2024-03722****TELECOMMUNICATIONS CABINETS****REPORT OF: JOHN MARETICH - ASSETS SECTION MANAGER
DIRECTORATE: FACILITIES AND INFRASTRUCTURE****RECOMMENDATION IS THAT COUNCIL:**

- 1) Consider the possibility of levying a fee or a charge for the construction or placement of telecommunication cabinets within the road reserve across Port Stephens.

BACKGROUND

The purpose of this report is to respond to the resolution from the 28 July 2026 Ordinary Council meeting Minute No. 109 (**ATTACHMENT 1**). Further information on Council's ability to levy a charge is being explored, including supporting legal advice.

Legal advice is currently being sought and the report will be updated prior to the Council meeting via a Supplementary Information report.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2025 to 2029
Infrastructure, facilities & connections	Deliver the 4-year Public Infrastructure Program

FINANCIAL/RESOURCE IMPLICATIONS

There are no implications.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Will be completed on finalisation of review and legal advice.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no implications.

COMMUNICATION AND ENGAGEMENT

Council's Communication and Engagement Strategy identifies the level of engagement undertaken. An explanation for each level is shown below.

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

The following communication and engagement applies to this report.

External communications and engagement

	No external communications and engagement are required for this report.
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ORDINARY COUNCIL - 25 AUGUST 2026

Internal communications and engagement

Consultation has been undertaken with:

- General Manager's Office.

OPTIONS

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

ATTACHMENTS

- 1) 28 July 2026 - Ordinary Council Minute No. 109.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 28 JULY 2026**URGENCY MOTION 1**

Cr Giacomo Arnott moved to introduce a matter of urgent business under clause 9.3 of the Code of Meeting Practice.

**ORDINARY COUNCIL MEETING - 28 JULY 2026
MOTION**

108	Councillor Giacomo Arnott Councillor Jason Wells It was resolved that Council consider a matter of urgency relating to telecommunications cabinets across Port Stephens.
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Councillor Chris Doohan left the meeting at 7:05pm.

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

Those against the Motion: Nil.

The motion was carried.

Mayor Leah Anderson ruled the matter was of great urgency.

**ORDINARY COUNCIL MEETING - 28 JULY 2026
MOTION**

109	Councillor Giacomo Arnott Councillor Jason Wells It was resolved that Council: 1. Notes the appearance of alleged telecommunication cabinets within the road reserve across Port Stephens, which have caused significant community concern. 2. Notes that Local Government is responsible for the land management and use of our Council public road reserves. 3. Notes that road reserves serve multiple purposes of providing roads, drains, and utilities such as water, power, telecommunication services all which provide value and benefit to the community for public use. 4. Notes that the alleged telecommunication cabinets appear to be installed by a private company, XDCN, and that the installations have been undertaken under the auspices of Commonwealth legislation (Telecommunications Act 1997). 5. Notes that the private company has made no effort to proactively inform the community or Council of the purpose of the infrastructure,
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MINUTES ORDINARY COUNCIL - 28 JULY 2026

	the contents of the cabinets or their value add to the community, or engage in any meaningful consultation. 6. Requests the General Manager to write to the private company to seek information about the: i. purpose of the infrastructure, ii. cabinets contents, iii. details of risk assessments, iv. details of benefits to the community derived from their installation, v. details about any further proposed installations, vi. details of all assessments undertaken in determining the installation locations, vii. details regarding the tenure of the installed infrastructure. 7. Requests the General Manager to write to the Australian Communication and Media Authority (ACMA) and the Telecommunication Industry Ombudsman (TIO) to seek information should the private company not be forthcoming with satisfactory answers within 21 days of issuance of letter. 8. Requests the General Manager to write to the Member for Paterson Meryl Swanson MP, and the Minister for Communications The Hon Anika Wells MP, seeking their assistance in inspecting the contents of the cabinets to determine their contents, and reviewing their ACMA license in line with the outcome of the investigation. 9. Requests the General Manager to seek urgent legal advice as to whether Council can levy a fee or charge for the construction or placement of these cabinets, and requests the General Manager to place an item in the August 2026 business paper relating to an amendment to the fees and charges, with a supplementary paper provided outlining whether Council can proceed to place the fees and charges on public exhibition, and providing Council with the opportunity to determine the value of a fee or charge.
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Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Nathan Errington, Peter Francis, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

Councillor Chris Doohan returned to the meeting at 7:12pm.

ITEM NO. 10

**FILE NO: 26/189491
EDRMS NO: PSC2024-03158**

REQUEST FOR FINANCIAL ASSISTANCE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral and Ward funds to the following:
 - a) Pain to Purpose Run supporting Jenny's Place – Rapid response - Mayoral Funds - \$500 donation towards Pain to Purpose fundraising event.
 - b) Karuah Rugby League Football Club – Mayoral Funds - \$1,000 donation towards Women in League Day.
 - c) Tomaree Neighbourhood Centre – Mayoral Funds - \$3,439.50 donation towards security upgrades.
 - d) Tennis Seniors NSW – Mayoral Funds - \$1,500 donation towards Australian Championships and Carnival.
 - e) Bobs Farm Public School P&C – Rapid response – Cr Ben Niland - \$500 donation towards new shade sail for playground.
 - f) Raymond Terrace Historical Society – Rapid response – Cr Giacomo Arnott - \$500 donation towards gutter repairs on museum.
 - g) Salt Ash Public School P&C – Rapid response – Cr Jason Wells - \$442 donation towards mural project.
 - h) Medowie Tennis Club – Rapid response – Cr Chris Doohan - \$500 donation towards purchase of pickleball nets.

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

Pain to Purpose Run supporting Jenny's Place	A run commencing from Newcastle NSW to Beenleigh QLD raising awareness for domestic violence and supporting Jenny's Place.	\$500	Donation towards Pain to Purpose fundraising event (raising funds for Jenny's Place).
Karuah Rugby League Football Club	The Karuah Rugby League Football Club (Karuah Roos) is a community amateur sports club based in Karuah that competes in the Newcastle Hunter Rugby League competition.	\$1,000	Donation towards Women in League Day.
Tomaree Neighbourhood Centre	Tomaree Neighbourhood Centre helps local individuals and families on the Tomaree peninsula who face tough times, hardship, or need a safe space to connect.	\$3,439.50	Donation towards security upgrades.
Tennis Seniors NSW	Tennis Seniors NSW is the official administrator for adult and master's tennis. It promotes participation, social play and tournaments	\$1,500	Donation towards Australian Championships and Carnival (events in Nelson Bay & Raymond Terrace).

ORDINARY COUNCIL - 25 AUGUST 2026

	for players aged 30 and over.		
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WARD FUNDS

Bobs Farm Public School P&C	Bobs Farm Public School P&C is an active, consultative group of parents, carers and community members.	\$500	Donation towards new shade sail for playground.
Raymond Terrace Historical Society	The Raymond Terrace & District Historical Society is a dedicated volunteer group established in 1974 to discover, preserve and promote the heritage of the local area.	\$500	Donation towards gutter repairs for museum.
Salt Ash Public School P&C	The Salt Ash Public School P&C is a volunteer-led committee of parents, carers and community members.	\$442	Donation towards mural project.
Medowie Tennis Club	The Medowie Tennis Club is a community-focused racquet sports facility.	\$500	Donation towards purchase of pickleball nets.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

ORDINARY COUNCIL - 25 AUGUST 2026

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

- applicants are carrying out a function, which it, the Council, would otherwise undertake.
- the funding will directly benefit the community of Port Stephens.
- applicants do not act for private gain.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council may set a precedent when allocating funds to the community and an expectation those funds will always be available.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

COMMUNICATION AND ENGAGEMENT

Council's Communication and Engagement Strategy identifies the level of engagement undertaken. An explanation for each level is shown below.

INFORM	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
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ORDINARY COUNCIL - 25 AUGUST 2026

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

The following communication and engagement applies to this report.

External communications and engagement

INFORM	Community members are advised of the outcome of their application.
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Internal communications and engagement

Consultation has been undertaken by the General Manager's Office.

Consultation has been undertaken to ensure budget requirements are met and approved.

OPTIONS

- 1) Accept the recommendation.
- 2) Vary the dollar amount before granting each or any request.
- 3) Decline to fund all the requests.

ATTACHMENTS

Nil.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 11**FILE NO: 26/217186
EDRMS NO: PSC2024-03232****INFORMATION PAPERS****REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER
DIRECTORATE: GENERAL MANAGER'S OFFICE**

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 25 August 2026.

No:	Report Title	Page:
1	Cash and Investment Portfolio - July 2026	306
2	Six Monthly Grants Report to 30 June 2026	307
3	Emission Reduction Action Plan	300
4	Audit, Risk and Improvement Committee Minutes - 28 May 2026	311
5	Elected Members' Professional Development and Expenses Reports - 1 January 2026 to 30 June 2026	338
6	Delegations Report	342
7	Designated Persons' Return	341
8	Council Resolutions	344

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 26/148844
EDRMS NO: 79-2022-3-1-002**

EMISSION REDUCTION ACTION PLAN - PROGRESS UPDATE

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

BACKGROUND

The purpose of this report is to provide a 6-monthly update on the progress of the Port Stephens Council Emission Reduction Action Plan (ERAP) towards the 2030 target, in accordance with Council's resolution on 25 November 2025, Minute No. 273 (**ATTACHMENT 1**).

In alignment with other levels of government and as per the above resolution, Council is following the Emissions Reporting Framework under the NSW Climate Change (Net Zero Future) Act 2023. Under the framework, relevant emissions sources include:

- Scope 1 - emissions from fuels, lubricants, refrigerants and gases used in buildings, equipment, machinery or vehicles in the organisation's control.
- Scope 2 - emissions from purchased electricity consumed by buildings, equipment, machinery, or vehicles in the organisation's control.

In accordance with the Emissions Reporting Framework, Council does not report on Scope 3 emissions - those which occur indirectly, from an organisation's daily activities such as waste production or material usage.

Aggregate Progress towards the 2030 Target:

Council's emissions profile is currently well ahead of Council's 50% reduction by 2030 Target, with current emissions data indicating an over 80% reduction in Scope 1 and Scope 2 emissions since 2021. The current emissions progress data is detailed in (**ATTACHMENT 2**). The notable decrease in emissions observed during 2022 is primarily attributed to Council's Power Purchase Agreement PPA for 100% renewable electricity. This agreement commenced during early 2022, resulting in no emissions from electricity whilst the agreement remains in place.

Anticipated & Actual Emissions, and Costs:

To enhance delivery of the remaining ERAP actions, Council developed a 2026 ERAP Action Delivery Program (**ATTACHMENT 3**). This delivery program highlights Council's priority ERAP actions to investigate or deliver in 2026 and will be reviewed annually.

Actions in the 2026 ERAP Action Delivery Program have been split into 2 categories:

1. Investigate – further research or development required to identify feasible options for implementation. Cost and emission information not available.
2. Deliver – action ready to be implemented. Cost and emission information can be calculated.

The ERAP Action Delivery Program does not limit Council to completing the identified 2026 actions, rather if opportunities or scheduled work changes occur, actions may be reallocated, amended or new actions created.

Previous outstanding ERAP Actions, and any new opportunities will be assessed annually, in consideration of Council's priorities. A complete review and evaluation of Council's ERAP is scheduled for 2030.

Reporting:

This report includes anticipated emissions and costs for deliverable actions in the 2026 ERAP Action Delivery Program period. Future reports will include the actual emissions and costs, as they become available. Future ERAP progress reporting will occur at 6-monthly intervals, coinciding with the end of Financial Year and Council's Annual Integrated Planning and Reporting (IP&R).

ATTACHMENTS

- 1) Minute No. 273, 25 November 2025. (Provided under separate cover)
- 2) Emission Reduction Action Plan Progress Report.
- 3) Emission Reduction Action Plan Delivery Program.

COUNCILLORS' ROOM/DASHBOARD

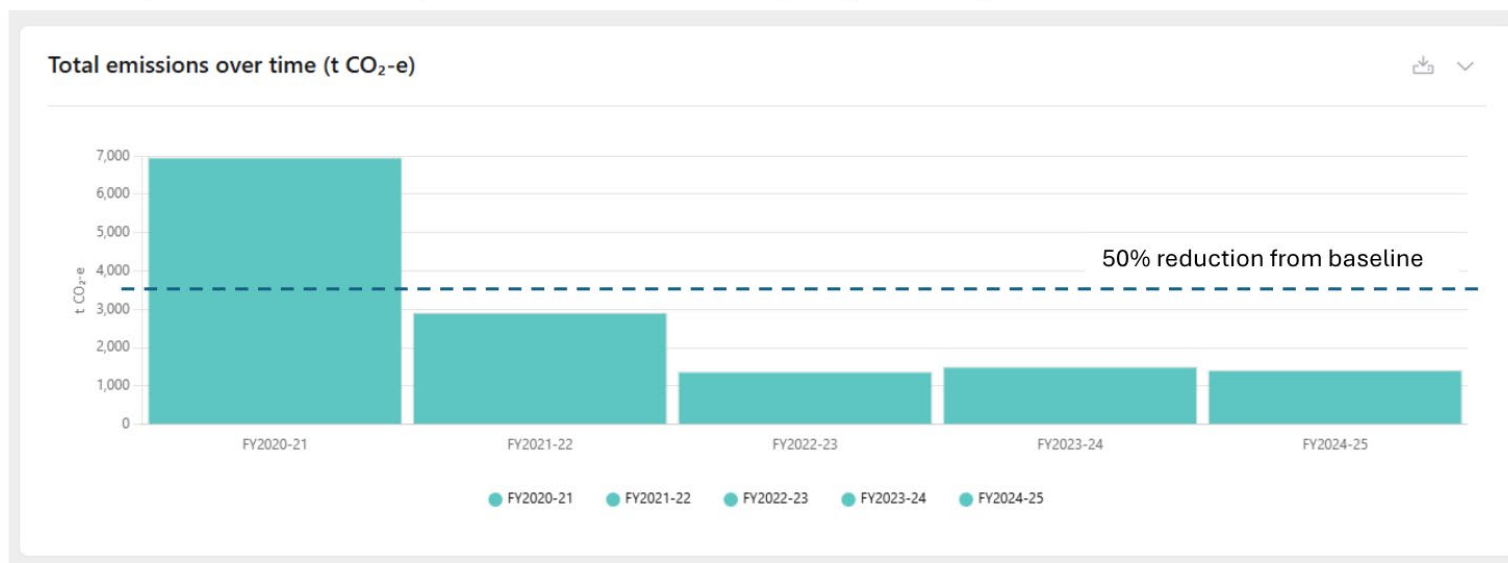
Nil.

TABLED DOCUMENTS

Nil.

Progress to Target – June 2026:

Port Stephens Council Operational Emissions (scope 1 & 2).



ITEM 1 - ATTACHMENT 3 EMISSION REDUCTION ACTION PLAN DELIVERY PROGRAM

ATTACHMENT 2: 2026 ERAP Action Delivery Program – Council's priority emissions reduction actions for investigation or delivery in 2026 – reported June 2026.

Actions extracted from Council's ERAP					Current Reporting Period: January – June 2026		Next Reporting Period: July-December 2026	
ERAP Objective	ERAP Action	Description	Category ¹	Lead Team/ Support	Estimated Cost	Estimated Impact on Emissions	Actual Cost	Actual Impact on Emissions
1. Consider emissions during procurement and project planning	1.1 Develop Sustainable Procurement Guidelines.	Develop guidelines to support employees to consider emissions and sustainability during procurement and project planning.	Investigate	Undertaken as a Continuous Improvement Idea reviewed under a whole Council approach	Existing Budgets and Resources	No direct quantifiable impact on emissions. Reductions result from sustainable purchasing	N/A	N/A
	1.2 Adopt sustainability criteria within Council's project management framework	Adopt sustainability criteria within Council's project management framework to ensure that emissions are considered during the project planning stage as risks, budget and resourcing are evaluated and integrated.						
	1.7 Update procurement Framework to include ESD and emissions considerations	Update Council's existing procurement framework to reflect greater consideration of emission reduction objectives						
	1.8 Update tender documentation to include ESD and emissions considerations	Revise tender documentation for holiday parks to incorporate environmentally sustainable design (ESD) principles, ensuring such factors are considered when evaluating options for cabins that are due for replacement. Explore energy-efficient solutions surpassing code requirements for insulation, glazing, appliances, and electrification. Explore the feasibility of incorporating optional solar heating, solar PV, and battery storage, especially in areas without shade.						
	1.9 Upgrade to energy-efficient split systems at end-of-life.	Identify energy-efficient systems through Council's procurement process for the replacement of AC units at end-of-life, aiming to improve the overall energy efficiency of the facility.	Deliver	Community Assets	200k	30%Reduction	To be provided in future reporting	To be provided in future reporting
2. Identify funding for carbon reduction projects	2.1 Explore grant options	Investigate the availability of grants to fund the implementation of actions outlined in the Emissions Reduction Action Plan and other sustainable projects across Council.	Investigate	Natural Systems	Existing Budgets and Resources	Ongoing commitment to identify funding sources to deliver ERAP actions	N/A	N/A
3. Maintain zero emissions from electricity	3.1 Monitor grid decarbonisation	Monitor trends in grid emissions intensity to optimise the leveraging of grid decarbonisation in line with the review of the PPA.	Investigate	Finance	Existing Budgets and Resources	N/A - ongoing	N/A	N/A
	3.2 Review PPA agreement and plan for end of contract in 2026	Subject to an initial assessment of the feasibility of alternative market offers for purchasing renewable energy, review continuation of 100% renewable PPA past the expiry date in December 2026.	Deliver	Finance	Existing Budgets and Resources	All electricity usage offset under the PPA during the reporting period	To be determined through market review process and future reporting	To be provided in future reporting

Actions extracted from Council's ERAP					Current Reporting Period: January – June 2026		Next Reporting Period: July-December 2026	
ERAP Objective	ERAP Action	Description	Category ¹	Lead Team/ Support	Estimated Cost	Estimated Impact on Emissions	Actual Cost	Actual Impact on Emissions
4. Monitor changes to Council emissions over time	4.2 Collect data from capital works projects	Capture data on material usage and liquid fuel consumption for capital works.	Investigate	Capital Works / Finance	Existing Budgets and Resources	Investigation to assess the cost, benefit and resourcing implications of data capture	To be determined through investigation	N/A
	4.4 Collect data on natural gas and LPG consumption	Capture natural gas and LPG consumption data.	Investigate	Community Assets	Existing Budgets and Resources	Investigation to assess the cost, benefit and resourcing implications of data capture	To be determined through investigation	N/A
	4.5 Collect data on fugitive emissions from refrigerants	Capture data on refrigerant top-up charges for HVAC units across Council assets.	Investigate	Community Assets	Existing Budgets and Resources	Investigation to assess the cost, benefit and resourcing implications of data capture	To be determined through investigation	N/A
	4.6 Explore emissions tracking software	Explore software options for capturing emissions data for long-term reporting and monitoring purposes.	Investigate	Natural Systems	Existing Budgets and Resources	Investigation to assess the cost, benefit and resourcing implications of emissions tracking software.	To be determined through investigation	N/A
	4.7 Maintain database of Council Scope 1, 2 and 3 emissions	Create a systematic procedure for collecting and managing the data required to calculate Council's carbon footprint, including setting up designated folders for staff to deposit data (e.g. refrigerant charges).	Investigate	Natural Systems	Existing Budgets and Resources	Investigation to assess the cost, benefit and resourcing implications of data capture Scope 3 emissions not included at this time.	To be determined through investigation	N/A
5. Optimise Council electricity consumption	5.2 Monitor efficiency and suitability of Council's solar PV systems	Continue to monitor current yield and export from the 211-kW solar array at the Raymond Terrace Administration Building and assess its impact on peak demand to identify opportunities for energy demand optimisation and associated cost reductions.	Investigate	Community Assets	Existing Budgets and Resources	Investigation to assess the cost, benefit and resourcing implications of solar generation and grid demand minimisation	To be determined through investigation	N/A – any emissions are offset under the PPA

Actions extracted from Council's ERAP					Current Reporting Period: January – June 2026		Next Reporting Period: July-December 2026	
ERAP Objective	ERAP Action	Description	Category ¹	Lead Team/ Support	Estimated Cost	Estimated Impact on Emissions	Actual Cost	Actual Impact on Emissions
	5.6 Optimise lighting at Council buildings and facilities	Continue to upgrade sports field lighting to LED.	Deliver	Community Assets	200k	20% Reduction	To be provided in future reporting	N/A – any emissions are offset under the PPA
	5.10 Support Community User Groups to reduce electricity consumption	Develop an education program for Community User Groups aimed at promoting sustainable use of electricity for fridges, hot water and lighting across Council assets.	Deliver	Community Assets	Existing Budgets and Resources	To be determined through investigation	To be provided in future reporting	N/A – any emissions are offset under the PPA
	5.11 Support Community User Groups to reduce electricity consumption	Investigate the potential to offer a small grant program designed to increase the uptake of energy-efficient equipment (e.g. refrigerator upgrades) for Community User Groups.	Investigate	Community Assets	Existing Budgets and Resources	Investigation to assess the cost, benefit and resourcing implications of program	To be determined through investigation	N/A – any emissions are offset under the PPA
8. Reduce Council reliance on grid electricity	8.1 Investigate BESS for sites with solar PV	Investigate the potential of a battery energy storage system (BESS) at the Raymond Terrace Administration Building to help reduce the site's peak demand and capacity based on current export levels and timing.	Investigate	Community Assets	Existing Budgets and Resources	Investigation to assess the cost, benefit and resourcing implications of project	To be determined through investigation	N/A – any emissions are offset under the PPA
	8.2 Investigate BESS for sites with solar PV	Investigate the feasibility of implementing a battery system at the Tomaree Library and Community Centre to enhance self-consumption of solar energy.	Investigate	Community Assets	Existing Budgets and Resources	Investigation to assess the cost, benefit and resourcing implications of project	To be determined through investigation	N/A – any emissions are offset under the PPA
9. Reduce emissions from Council's fleet	9.3 Create a plan to transition fleet to low or no emission vehicles.	Update Council's fleet & procurement policies to reflect a proactive strategy for supporting accelerated adoption of vehicles featuring advanced fuel-efficient & electric technologies (e.g. hybrid EVs, plug-in hybrid EVs).	Investigate	Fleet	Existing Budgets and Resources	Investigation to assess the cost, benefit and resourcing implications of data capture	To be determined through investigation	N/A
	9.5 Investigate transition fossil fuel-powered small plant to electric options	Explore the feasibility of transitioning to battery-powered small plant equipment.	Investigate	Fleet	Existing Budgets and Resources	Investigation to assess the cost, benefit and resourcing implications of data capture	To be determined through investigation	N/A
11. Reduce emissions from refrigerants	11.1 Consider global warming potential (GWP) when upgrading HVAC systems	Create an asset upgrade plan for the Tomaree Library and Community Centre for transitioning R22 units to ones utilising lower GWP gases (e.g. R32), and achieve notably higher energy efficiency, targeting an EER of around 4+.	Deliver	Community Assets	350k	30%Reduction	To be provided in future reporting	To be provided in future reporting

Footnotes: ¹Action Categories are split into two groups:
1. Investigate – further research or development required to identify feasible options for implementation. Cost and emission information not available.
2. Deliver – action ready to be implemented. Cost and emission information can be calculated.

ITEM NO. 2

**FILE NO: 26/204645
EDRMS NO: PSC2024-03232**

CASH AND INVESTMENT PORTFOLIO - JULY 2026

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

BACKGROUND

Due to the timing of the distribution of the Council agenda for 25 August 2026, the Cash and Investment Report as at 31 July 2026 was not available for publication at that time.

The Cash and Investment Report as at 31 July 2026 will be available for Council's consideration in a Supplementary Report.

ATTACHMENTS

To be provided with Supplementary Information.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 3

**FILE NO: 26/193234
EDRMS NO: PSC2024-03232**

SIX MONTHLY GRANTS REPORT TO 30 JUNE 2026

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

BACKGROUND

The purpose of this report is to provide the status of the Six Monthly Grants Report to 30 June 2026.

The success rate for last 6 months (1 January 2026 to 30 June 2026) was 48%, compared to a success rate of 76% for previous 6 months (1 July 2025 to 31 December 2025)

There are a further 19 grant applications for which Council is awaiting determination.

ATTACHMENTS

1) Six- Monthly Grants Statement - January to June 2026.



Six-Monthly Grants Statement
For the period 1 January 2026 – 30 June 2026

Successful Grant Applications					
Grant	Section / Department	Project Title	Project Summary	Value	Status
Coastal and Estuary Grants Planning Contestable Round	Assets – Community Assets	Port Stephens Coastal Erosion Hazard Investigation and Coastal Hazard Monitoring Strategy	This project proposes to undertake a Coastal Erosion Hazard Investigation (CEHI) of the inner and outer port of Port Stephens and prepare a Coastal Hazard Monitoring Strategy (CHMS) to better understand and plan for coastal hazards in Port Stephens.	\$243,334	Awarded – Scheduled to Begin
Coastal and Estuary Grants Program 2025-26	Strategy and Environment - Natural Systems	Invasive Species Management across Council Coastal Property	The overarching aim of the project is to undertake pest and weed control management activities across council owned coastal properties, which directly align with the Port Stephens CMP of the action E001.	\$17,493	In Progress
Coastal and Estuary Grants Program 2025-26	Strategy and Environment - Natural Systems	Mambo Wetland Restoration Project	The overarching aim of the project is to undertake pest and weed control management activities across the Mambo Wetlands, which directly align with the Port Stephens CMP of the action E004.	\$8,000	In Progress
Coastal and Estuary Grants Program 2025-26	Assets – Community Assets	Shoal Bay Sand Nourishment Works 2026	This project proposes carting of sand from the western section of the beach and nourishment of the eroding sections of Shoal Bay Beach with around 10,000 m3 of sand to provide improved beach access and amenity consistent with action RA011 of the CMP.	\$160,000	Awarded – Scheduled to Begin

Country Passenger Transport Infrastructure Grants Scheme (CPTIGS) 2025/26	Assets – Civil Assets	Various Projects	Construction of bus shelters and upgrades to existing bus stops to increase the level of service to the Port Stephens community. Funding requested for 12 new shelters and 6 upgrades	\$267,000	Awarded – Scheduled to Begin
Floodplain Management Program 2025-26	Assets - Engineering Services	Review Flood Risk Management Plans	Undertake a review of Councils Flood Risk Management Plans consistent with Section 4.6 of the Flood risk management manual.	\$80,000	In Progress
Holiday Break Program: Autumn / Winter 2026	Community Services Section - Library Services	Youth Library After Dark Event	Activities include a silent disco and games: mini golf, bowling, battleships, shooting gallery and billiards. Our target age group is 13-18 years.	\$5,153	Awarded – Scheduled to Begin
Crown Reserves Improvement Fund 2025/26	Strategy and Environment – Natural Systems	Aquatic Weeds River Treatments	Control of Alligator weed, Water Hyacinth and Salvinia which rapidly inundate waterways and if un-managed can become a major problem in a very short amount of time.	\$129,392	Awarded – Scheduled to Begin
Crown Reserves Improvement Fund 2025/26	Strategy and Environment – Natural Systems	Stuart Park Restoration Project	Stuart Park has considerable amount of Olive Trees. The goal of this project is to remove all African Olive trees in the park and to have those few being used as shade for sport spectators replaced with appropriate local native tree species.	\$4,725	Awarded – Scheduled to Begin
Major and Local Community Infrastructure Program	Assets – Community Assets	Medowie Town Centre Skate Park	The project involves the design and construction of a new skatepark in Medowie Town Centre, replacing the outdated facility at Grey Gum Street.	\$750,000	Awarded – Scheduled to Begin
Major and Local Community Infrastructure Program	Assets – Community Assets	Redevelopment of the Mallabula Sports Complex	Redevelopment of the Mallabula Sports Complex	\$1,200,000	Awarded – Scheduled to Begin
NAIDOC Local Grants 2026	Communications and Customer Experience - Vibrant Places	NAIDOC Week 2026	Traditional flag raising, followed by street march to Boomerang Park, Raymond Terrace for fun, sharing, enduring relationship building and cultural experiences.	\$5,000	Awarded – Scheduled to Begin
Natural Disaster - AGRN1212 - EPAR	Community Services Section - Emergency Management	Priority Roads Package	This package is limited to sealed pavement damages on Council's Local sealed roads affected by the AGRN 1212 NSW East Coast Severe Weather event that occurred from 18 May 2025, initially submitted under IRW and moved to EPA-RW.	\$2,482,994	In Progress

Natural Disaster - AGRN1212 - EPAR	Community Services Section - Emergency Management	Regional Roads Package	This package is limited to sealed pavement damages on Council's regional sealed roads affected by the AGRN 1212 NSW East Coast Severe Weather event that occurred from 18 May 2025.	\$22,311,690	In Progress
Permit/Plug/Play Program	Communications and Customer Experience - Vibrant Places	Port Stephens Playful Streets	Port Stephens Playful Streets will create event ready streets by providing enabling infrastructure, a shared equipment kit, and streamlined approvals.	\$345,000	Awarded – Scheduled to Begin
Youth Week 2026	Communications and Customer Experience - Vibrant Places	Dare. Dream. Do - Street Skills Festival	The festival will be made up of a variety of creative life skills workshops, including a Skate and Scooter workshop and competition, Street art and DJ, BBQ cooking, Barber shop, hair styling and personal grooming, car maintenance and cultural weaving.	\$4,751	Delivered
Total				\$28,014,532	

There were 18 unsuccessful grant applications during the period 1 January 2026 – 30 June 2026.

There have been 32 successful grant applications for the financial year 2025 – 2026 to date.

ITEM NO. 4

**FILE NO: 26/191647
EDRMS NO: PSC2015-01492**

AUDIT, RISK AND IMPROVEMENT COMMITTEE MINUTES - 28 MAY 2026

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

BACKGROUND

The purpose of this report is to provide the minutes of the Audit, Risk and Improvement Committee (ARIC) meeting held on 28 May 2026 to Council following endorsement by the ARIC.

In accordance with the Office of Local Government Risk Management and Internal Audit for Local Government in NSW Guidelines, the ARIC minutes are be provided to the governing body of Council.

ATTACHMENTS

- 1) Audit, Risk and Improvement Committee Minutes - 28 May 2026.

COUNCILLORS' ROOM/DASHBOARD

- 1) A full copy of the Audit, Risk and Improvement Committee Minutes.

TABLED DOCUMENTS

Nil.

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE – 28 MAY 2026

MINUTES – 28 May 2026



Minutes of the Audit, Risk and Improvement Committee of Port Stephens Council held in the Committee Rooms, Raymond Terrace on – 28 May 2026, commencing at 4pm.

PRESENT:

Chair: Deborah Goodyer.

Members in attendance: Paul Dunn, Deborah Goodyer.

Officers in attendance: Tim Crosdale, General Manager, Greg Kable, Director Facilities & Infrastructure, Steve Peart, Director Community Futures, Zoe Pattison, Director Corporate Strategy & Support, Croydon Dowley, Acting Finance Section Manager, Tony Wickham, Governance Section Manager, Chris Hilkemeijer, Enterprise Risk Manager, Cr Jason Wells.

Guests in attendance: Alex Hardy, Prosperity Advisors, Rhodora De Ramos, Prosperity Advisors, David Hutchison, PKF, Nicky Rajani, Audit Office of NSW.

Apologies: Glen Peterkin, Finance Section Manager.

Chair Deborah Goodyer
Member Paul Dunn

That the Minutes of the Ordinary Meeting of Port Stephens Council Audit Risk and Improvement Committee held on 12 March 2026 be confirmed.

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE – 28 MAY 2026

There were no Declaration of Interest received.

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE – 28 MAY 2026

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2. APOLOGIES.	
3. CONFLICT OF INTEREST DECLARATIONS.	
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GENERAL MANAGER'S UPDATE

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE – 28 MAY 2026

The General Manager provided an update on the following topics:

- 1) Integrated Planning and Reporting (IP&R) – the IP&R documents have been finalised and will be considered by Council at its meeting on 23 June 2026, with the Long Term Financial Plan updated. Council is on track with the small budget surplus, noting this is the first year after implementation of the SRV meaning a rate peg of 4.1% will apply. Management have taken into account the impact of the wages increase under the recent LG State Award negotiations and also making assumptions for cost escalations.
- 2) Long Term Financial Plan (LTFP) – Council has received the LTFP performance audit conducted by the NSW Audit Office. The report will be tabled in the NSW Parliament in June 2026 and remains confidential until this time.
- 3) Risk Management Review – Council is engaging an external party to undertake an independent review of Council's risk management framework and the implementation across the Council, looking at improvements and opportunities for consistency across Council from an independent assessment.
- 4) ARIC member appointment – Council has endorsed the appointment of the independent ARIC member with Steve Embry appointed to the vacant position on the ARIC. Mr Embry will be in attendance at the July 2026 ARIC meeting.
- 5) Fuel crisis – Council reviews the circumstances around the fuel crisis as a result of the Iran war on a weekly basis. The supply issues have not eventuated for Council with engagement with Council's waste services contractor in particular. Other critical Council functions that involve high fuel use is also reviewed. Adjustments to the budget with regards to the waste management contract will be funded by the existing waste management reserve.

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 28 MAY 2026
MOTION**

	Chair Deborah Goodyer Member Paul Dunn The Committee received and note the General Manager's update.
--	--

ARIC WORKPLAN AND ACTIONS ARISING

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE – 28 MAY 2026

The Committee dealt with Item 10.1 at this stage and engaged with the Chief Technical Officer on a number of ICT matters related to the program of works.

ITEM NO. 5.1**FILE NO: 26/81773
EDRMS NO: PSC2015-01492****ARIC WORKPLAN AND ACTIONS ARISING FROM THE PREVIOUS MEETING**

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

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Note the outstanding actions arising from the previous meeting (**ATTACHMENT 1**).
- 2) Note there are no outstanding Audit, Risk and Improvement Committee Workplan actions.

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 28 MAY 2026
MOTION**

**Chair Deborah Goodyer
Member Paul Dunn**

That the Committee:

- 1) Note the outstanding actions arising from the previous meeting (**ATTACHMENT 1**).
- 2) Note there are no outstanding Audit, Risk and Improvement Committee Workplan actions.

INTERNAL AUDIT

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 28 MAY 2026

ITEM NO. 6.1

**FILE NO: 26/126360
EDRMS NO: PSC2021-03053**

INTERNAL AUDIT FINDINGS UPDATE

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

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Receive and note the Internal Audit Findings update.
-

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 28 MAY 2026
MOTION**

	Chair Deborah Goodyer Member Paul Dunn That the Committee receive and note the Internal Audit Findings update.
--	--

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 28 MAY 2026

ITEM NO. 6.2

FILE NO: 26/126374
EDRMS NO: PSC2015-01492

INTERNAL AUDIT AND STRATEGIC PLAN 2026 TO 2029 WORKPLANS

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

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Receive and note the report.

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 28 MAY 2026
MOTION**

**Chair Deborah Goodyer
Member Paul Dunn**

That the Committee receive and note the report.

Note:

- 1) The annual internal audit plan and underlying risk assessments will be revised prior to the next ARIC meeting in July per the discussions at an in-camera session between the ARIC and internal audit at this meeting.
- 2) This included being provided with further detail of the high risks considered and their alignment with the audit topics selected for inclusion in the annual audit plan for 2026/27.

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 28 MAY 2026

ITEM NO. 6.3

**FILE NO: 26/126391
EDRMS NO: PSC2015-01492**

QUALITY ASSESSMENT IMPROVEMENT UPDATE

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

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Receive and note the status report of the External Quality Assessment Improvement Roadmap at (**ATTACHMENT 1**).
-

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 28 MAY 2026
MOTION**

**Chair Deborah Goodyer
Member Paul Dunn**

That the Committee receive and note the status report of the External Quality Assessment Improvement Roadmap at (**ATTACHMENT 1**).

Note:

The Chair noted that the QAIP and associated documents require update for the GIAS and that a self-assessment is required to be undertaken for 50% of the standards under the current plan. This should be undertaken as a part of the year end performance assessment and reporting process along with the annual survey, ARIC and IA performance report and OLG attestation by the GM.

Work on these matters and circulation of the survey will progress prior to the July 2026 meeting.

EXTERNAL AUDIT/FINANCE UPDATE

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE – 28 MAY 2026

ITEM NO. 7.1

**FILE NO: 26/124681
EDRMS NO: PSC2015-01492**

EXTERNAL AUDIT UPDATE

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

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Receive and note contents of the report.
 - 2) Endorse the draft Pro Forma Financial Statements for 30 June 2026 (**ATTACHMENT 1**)
-

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 28 MAY 2026
MOTION**

	Chair Deborah Goodyer Member Paul Dunn That the Committee: 1) Receive and note contents of the report. 2) Endorse the draft Pro Forma Financial Statements for 30 June 2026 (ATTACHMENT 1)
--	--

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE – 28 MAY 2026

ITEM NO. 7.2

**FILE NO: 26/126493
EDRMS NO: PSC2015-01492**

FINANCIAL MANAGEMENT

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

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Receive and note the draft Long Term Financial Plan for the period 2026/2027 to 2036/2037 (**ATTACHMENT 1**).

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 28 MAY 2026
MOTION**

**Chair Deborah Goodyer
Member Paul Dunn**

That the Committee receive and note the draft Long Term Financial Plan for the period 2026/2027 to 2036/2037 (**ATTACHMENT 1**).

RISK MANAGEMENT UPDATE REPORT

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 28 MAY 2026

ITEM NO. 8.1

**FILE NO: 26/128893
EDRMS NO: PSC2015-01492**

RISK MANAGEMENT UPDATE

REPORT OF: CHRIS HILKEMEIJER - ENTERPRISE RISK MANAGER
DIRECTORATE: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Receive and note the Risk Management Report.
-

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 28 MAY 2026
MOTION**

	Chair Deborah Goodyer Member Paul Dunn
--	---

	That the Committee receive and note the Risk Management Report.
--	---

GOVERNANCE AND COMPLIANCE UPDATE

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 28 MAY 2026

ITEM NO. 9.1

**FILE NO: 26/81803
EDRMS NO: PSC2015-01492**

GOVERNANCE REPORT

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

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Receive and note the report.

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 28 MAY 2026
MOTION**

	Chair Deborah Goodyer Member Paul Dunn That the Committee receive and note the report.
--	--

ICT AND CYBER SECURITY UPDATE

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 28 MAY 2026

ITEM NO. 10.1

**FILE NO: 26/126993
EDRMS NO: PSC2015-01492**

ICT AND CYBER SECURITY UPDATE

REPORT OF: MELISSA DODDS - PEOPLE, PROCESS AND TECHNOLOGY
SECTION MANAGER
DIRECTORATE: CORPORATE STRATEGY AND SUPPORT

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Receive and note the contents of this report.

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 28 MAY 2026
MOTION**

	Chair Deborah Goodyer Member Paul Dunn That the Committee receive and note the contents of this report.
--	---

INTEGRATED PLANNING AND REPORTING

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 28 MAY 2026

ITEM NO. 11.1

**FILE NO: 26/121471
EDRMS NO: PSC2015-01492**

INTEGRATED PLANNING AND REPORTING

REPORT OF: MELISSA DODDS - PEOPLE, PROCESS AND TECHNOLOGY
SECTION MANAGER
DIRECTORATE: CORPORATE STRATEGY AND SUPPORT

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Receive and note the contents of this report.

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 28 MAY 2026
MOTION**

	Chair Deborah Goodyer Member Paul Dunn That the Committee receive and note the contents of this report.
--	---

SERVICE REVIEW AND BUSINESS IMPROVEMENT UPDATE

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 28 MAY 2026

ITEM NO. 12.1

**FILE NO: 26/121435
EDRMS NO: PSC2015-01492**

SERVICE REVIEW PROGRAM AND CONTINUOUS IMPROVEMENT UPDATE

REPORT OF: MELISSA DODDS - PEOPLE, PROCESS AND TECHNOLOGY
SECTION MANAGER
DIRECTORATE: CORPORATE STRATEGY AND SUPPORT

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Receive and note the contents of this report.

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 28 MAY 2026
MOTION**

	Chair Deborah Goodyer Member Paul Dunn That the Committee receive and note the contents of this report.
--	---

GENERAL BUSINESS

MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 28 MAY 2026

ITEM NO. 13.1

**FILE NO: 26/81806
EDRMS NO: PSC2015-01492**

FUTURE MEETING DATES

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

RECOMMENDATION IS THAT THE COMMITTEE:

- 1) Note future meeting dates outlined in this report.

**AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING - 28 MAY 2026
MOTION**

	Chair Deborah Goodyer Member Paul Dunn That the Committee note future meeting dates outlined in this report.
--	--

There being no further business the meeting closed at 5.43pm.

ITEM NO. 5

**FILE NO: 26/184614
EDRMS NO: PSC2017-00739**

**ELECTED MEMBERS' PROFESSIONAL DEVELOPMENT AND EXPENSES
REPORTS - 1 JANUARY 2026 TO 30 JUNE 2026**

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

BACKGROUND

Professional Development

The purpose of this report is to provide an account of the expenses incurred by the Elected Members in accordance with clause 5.14 of the Councillor Induction and Professional Development Policy for the period January to June 2026.

Expenses

The purpose of this report is to provide an account of the expenses incurred by the Elected Members in accordance with the Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy for the period 1 January 2026 to 30 June 2026 (**ATTACHMENT 1**).

Expenses incurred on continuing professional development and conferences are shown at (**ATTACHMENT 2**).

The costs in the report are those incurred by the Elected Members that have been reconciled during this period and does not include expenses incurred that have not been submitted for reimbursement. The report also shows the total costs incurred to Council by Elected Members (including the monthly allowance) for each costing category listed.

ATTACHMENTS

- 1) Elected Members' Expenses - 1 January 2026 to 30 June 2026 Report.
- 2) Elected Members' Continuing Professional Development and Conference Expenses - 1 January 2026 to 30 June 2026.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 5 - ATTACHMENT 1 ELECTED MEMBERS' EXPENSES – 1 JANUARY 2026 TO 30 JUNE 2026

ELECTED MEMBERS' EXPENSES - 1 JANUARY 2026 TO 30 JUNE 2026

		Mayor Leah Anderson	Cr Rosalyn Armstrong	Cr Giacomo Arnott	Cr Chris Doohan	Cr Nathan Errington	Cr Peter Francis	Cr Paul Le Mottee	Cr Ben Niland	Cr Mark Watson	Cr Jason Wells	TOTALS
Total Number of Council Meetings Attended (6 held)		5	5	6	6	5	5	4	3	6	6	
Total Number of Months Reimbursed during the period		4	0	0	0	1	0	0	0	3	1	
Description of Expense	Limits as per policy											
Councillor Mobile Rental	75% up to \$200 per month											\$0.00
Councillor Mobile Calls		\$121.00		\$315.00				\$120.00	\$815.00	\$195.00		\$1,566.00
Councillor Landline Phone Rental												\$0.00
Councillor Landline Phone Calls												\$0.00
Councillor Fax Rental												\$0.00
Councillor Fax Calls												\$0.00
Councillor Internet	75% up to \$60 per month	\$394.00		\$543.00								\$937.00
Councillor Intrastate Travel Expenses	\$7,000 per year	\$1,438.00	\$563.00			\$834.00		\$571.00	\$32.00	\$391.00		\$3,829.00
Councillor Interstate Travel (out of NSW)	\$2,000 per year	\$907.00										\$907.00
Councillors International Travel		\$873.00										\$873.00
Councillor Interstate Accommodation (out of NSW)		\$1,682.00										\$1,682.00
Councillors Intrastate Accommodation		\$1,704.00	\$778.00			\$778.00						\$3,260.00
Councillors International Accommodation		\$886.00										
Councillor Conferences	\$30,000 per year/this allocation is for all elected members	\$2,010.00	\$3,498.00			\$2,015.00		\$200.00				\$7,723.00
Councillor Training												\$0.00
Councillor Partner Expenses	Mayor \$1,000 per year Cr's \$500 per year (excluding LGNSW Annual Con.)	\$24.00										\$24.00
Councillor ICT Devices (incl. Mobile phones)	\$5,000 per term							\$113.00			\$2,423.00	\$2,536.00
Councillor Stationery	\$500 per year											
Councillor Awards/Ceremonies/Dinners		\$591.00		\$243.00	\$165.00						\$165.00	\$1,164.00
Councillor Child Care Costs	\$6,000 per year											
Councillor Communications Bundle	75% up to \$100 per month landline 75% up to \$100 per month mobile											
Councillor Professional Development	\$15,000 per term	\$2,285.00	\$74.00	\$682.00	\$3,336.00	\$682.00	\$0.00	\$928.00	\$10,582.00	\$0.00	\$682.00	\$19,251.00
Councillor Uniforms												
TOTALS		\$12,915.00	\$4,913.00	\$1,783.00	\$3,501.00	\$4,309.00	\$0.00	\$1,932.00	\$11,429.00	\$586.00	\$3,270.00	\$44,638.00
Councillor Superannuation		\$5,800.00	\$1,671.00	\$1,671.00	\$1,671.00	\$1,671.00	\$1,671.00	\$1,671.00	\$1,555.00	\$1,671.00	\$1,671.00	\$20,723.00
Councillor Allowances	Mayor \$96,660 pa Councillors - \$27,860 pa	\$48,089.00	\$13,930.00	\$13,930.00	\$13,930.00	\$13,930.00	\$13,930.00	\$13,930.00	\$13,525.00	\$13,930.00	\$13,930.00	\$173,054.00
TOTALS		\$66,804.00	\$20,514.00	\$17,384.00	\$19,102.00	\$19,910.00	\$15,601.00	\$17,533.00	\$26,509.00	\$16,187.00	\$18,871.00	\$238,415.00

ITEM 5 - ATTACHMENT 2 ELECTED MEMBERS' PROFESSIONAL DEVELOPMENT AND CONFERENCE EXPENSES – 1 JANUARY 2026 TO 30 JUNE 2026

Elected Members' Professional Development and Conference Expenses Report 1 January 2026 to 30 June 2026



	Mayor Anderson	Cr Armstrong	Cr Arnott	Cr Doohan	Cr Errington	Cr Francis	Cr Le Mottee	Cr Niland	Cr Watson	Cr Wells
AICD ¹ Course				\$3,336			\$246	\$10,582		
AICD ¹ Membership	\$682		\$682		\$682		\$682			\$682
ALGA ² National General Assembly Conference	\$919	\$917			\$924		\$200			
ALGWA ³ 75 th Anniversary Conference		\$1,263								
ALGWA ³ Membership	\$74	\$74								
Australian Tourism Exchange	\$820									
Global Sustainable Tourism	\$709									
LGNSW ⁴ Destination & Visitor Economy Conference	\$1,091	\$1,318			\$1,091					
World Cities Summit 2026 ⁵	\$0									
Total	\$4,295	\$3,572	\$682	\$3,336	\$2,697	\$0	\$1,128	\$10,582	\$0	\$682

¹ - Australian Institute of Company Directors

² - Australian Local Government Association

³ - Australian Local Government Women's Association

⁴ - Local Government NSW

⁵ - The World Cities Summit 2026 was by invitation and registration costs were paid by the organiser.

ITEM NO. 6

**FILE NO: 26/176503
EDRMS NO: PSC2025-01083**

DESIGNATED PERSONS' RETURN

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

BACKGROUND

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

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

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

- Strategic Planner PSC638.
- Senior Development Engineer PSC1345.

ATTACHMENTS

Nil.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

- 1) Designated Persons' Return.

ITEM NO. 7

**FILE NO: 26/155370
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 7 - ATTACHMENT 1 DELEGATIONS REPORT**MAYOR AND GENERAL MANAGER DELEGATION REPORT**

Date exercised	Delegations exercised	Purpose	Role exercising delegation	Reported to Council
21 June 2026	Code of Meeting Practice	Approval of Public Access application - Development Application - 6C Elizabeth Avenue, Raymond Terrace	Mayor	25 August 2026
9 July 2026	Code of Meeting Practice	Approval of Public Access application - Tomaree Sports Council Projects	Mayor	25 August 2026
20 July 2026	Code of Meeting Practice	Approval of Public Access application - Item 3 - Revised Pathways Plan	Mayor	25 August 2026
21 July 2026	Clause 178 of the Local Government (General) Regulation 2021	RFQ083-2025-26 - Spray Sealing Panel 2026-2027	General Manager	25 August 2026
23 July 2026	Clause 178 of the Local Government (General) Regulation 2021	RFQ085-2025-26 - Port Stephens Fingal Bay High Pedestrian Activity Area Asphalt Works	General Manager	25 August 2026
23 July 2026	Code of Meeting Practice	Approval of Public Access application - Fingal Bay Smart Parking Funds	Mayor	25 August 2026
27 July 2026	Code of Meeting Practice	Refusal of Public Access application	Mayor	25 August 2026
27 July 2026	Code of Meeting Practice	Refusal of Public Access application	Mayor	25 August 2026

ITEM NO. 8

**FILE NO: 26/155387
EDRMS NO: PSC2017-00106**

COUNCIL RESOLUTIONS

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

BACKGROUND

The purpose of this report is to inform the Mayor and Councillors of the status of all matters to be dealt with arising out of the proceedings of previous meetings of the Council in accordance with the Code of Meeting Practice.

ATTACHMENTS

- 1) Community Futures resolutions.
- 2) Corporate Strategy and Support resolutions.
- 3) Facilities and Infrastructure resolutions.
- 4) General Manager's Office resolutions.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.



Action Sheets Report	Division:	Community Futures	Date From:	22/08/2023
	Committee:		Date To:	28/07/2026
	Officer:		Printed:	Thursday, 30 July 2026

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/08/2023	Lamont, Brock	Raymond Terrace Gateway Site Masterplan	31/12/2026		
1		Pearl, Steven				23/214729
193						
29 Jul 2026						
Recommendation endorsed. Council will prepare a Masterplan for part of the Gateway site in Raymond Terrace.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/10/2025	Lamont, Brock	Planning Proposal - 19 Gan Gan Road, Anna Bay	29/09/2026	29/10/2025	
2		Pearl, Steven				25/300809
29 Jul 2026						
Landowner has commenced rezoning review process.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/11/2025	Lamont, Brock	Emission Reduction Action Plan - Annual Progress Report	31/12/2030	26/11/2025	
5		Pearl, Steven				25/329318
29 Jul 2026						
Provide six monthly reporting on the implementation of the Emissions Reduction Action Plan. - to be completed in June and December each year to 2030., Action 2: Provide a Council Paper in 2030 that considers a target for achieving a balance between Council emissions produced and emissions removed from the atmosphere with consideration of Council's progress on the 2030 target. - to be completed by December 2030.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/12/2025	Lamont, Brock	Planning Proposal - 339 Tarean Road, Karuah	29/09/2026	10/12/2025	
2		Pearl, Steven				25/342831
29 Jul 2026						
Further information has been received from the applicant and is under assessment.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/06/2026	Lamont, Brock	Policy Review - Environment Policy	1/09/2026	24/06/2026	
6		Pearl, Steven				26/208172
29 Jul 2026						
The revised Environment Policy completed public exhibition., Council will now review submissions, refer to the Environmental Advisory Group, and then return to Council for consideration.						



Action Sheets Report	Division:	Community Futures	Date From:	22/08/2023
	Committee:		Date To:	28/07/2026
	Officer:		Printed:	Thursday, 30 July 2026

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/07/2026	Gardner, Janelle	ECO Destination Certification of the Port Stephens Local Government Area	27/11/2026	29/07/2026	
2		Peart, Steven				26/257914
30 Jul 2026						
A report will be presented to Council outlining the findings, including funding opportunities and delivery options.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/07/2026	Drinan, Kate	Local Government NSW – Unlocking Homes by Accelerating the Delivery of Local Infrastructure Policy Proposal	11/09/2026	29/07/2026	
3		Peart, Steven				26/257914
30 Jul 2026						
It was resolved that Council acknowledge the impacts of delayed infrastructure on housing delivery and write to LGNSW to support the campaign to accelerate the delivery of housing enabling infrastructure.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/07/2026	Lamont, Brock	Unregistered Motorbikes	11/09/2026	29/07/2026	
5		Peart, Steven				26/257914
30 Jul 2026						
Council is progressing with resolution.						

ITEM 8 - ATTACHMENT 2
RESOLUTIONS

CORPORATE STRATEGY AND SUPPORT



Action Sheets Report	Division:	Corporate Strategy and Support	Date From:	24/03/2026
	Committee:	Ordinary Council	Date To:	23/06/2026
	Officer:		Printed: Thursday, 30 July 2026	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/06/2025	Pattison, Zoe	112 Adelaide Street and 18A Sturgeon Street, Raymond Terrace	31/12/2026	25/06/2025	
1		Pattison, Zoe				25/159107
27 Jul 2026						
Expression of Interest process is underway.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/05/2026	Peterkin, Glen	22 and 30 Homestead Street and 1 Diemars Road, Salamander Bay	31/12/2026		
6		Pattison, Zoe				26/173631
27 Jul 2026						
Staff to commence planning proposal.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/07/2026	Peterkin, Glen	Policy Review - Debt Recovery and Hardship Policy	27/08/2026	29/07/2026	
4		Pattison, Zoe				26/257914
30 Jul 2026						
On public exhibition until 25 August 2026.						

ITEM 8 - ATTACHMENT 3
RESOLUTIONS

FACILITIES AND INFRASTRUCTURE



Action Sheets Report	Division:	Facilities and Infrastructure	Date From:	27/08/2013
	Committee:		Date To:	28/07/2026
	Officer:		Printed:	Thursday, 30 July 2026

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 27/08/2013 243	Maretich, John Kable, Gregory	Campvale Drain	31/12/2026		
29 Jul 2026 This long term action will form part of the discussion with Hunter Water Corporation.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 1	Ordinary Council 28/11/2023	Maretich, John Kable, Gregory	Sale of closed roads in Raymond Terrace	31/10/2026	29/11/2023	23/324875
29 Jul 2026 1 road has been sold and settled. 1 road exchanged, subject to contract. The remaining road is on hold.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 1	Ordinary Council 28/05/2024	Maretich, John Kable, Gregory	Bus Stop Infrastructure Plan	31/10/2026	29/05/2024	24/131056
29 Jul 2026 Council Engineers will continue development of the Bus Shelter Infrastructure Plan. Stakeholders to be engaged in the near future to progress this infrastructure plan.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 10/06/2025	Maretich, John Kable, Gregory	MATTER ARISING - Min No. 131 - NOM 1 - Trial of Tomaree Shuttle Bus	31/12/2026		
29 Jul 2026 Following the workshop conversation on 16/06/2026, an additional workshop will be held in the future.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 1	Ordinary Council 24/06/2025	Maretich, John Kable, Gregory	Medowie Drainage	30/09/2026	25/06/2025	25/159107
29 Jul 2026 Staff to prepare report for Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 2	Ordinary Council 22/07/2025	Maretich, John Kable, Gregory	Review and Strategic Planning for Dog Recreation Areas in Port Stephens	31/12/2026		25/191415
29 Jul 2026 Communication plan received. Stage 1 of the community engagement has been completed.						

**ITEM 8 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE
RESOLUTIONS**



Action Sheets Report	Division:	Facilities and Infrastructure	Date From:	27/08/2013
	Committee:		Date To:	28/07/2026
	Officer:		Printed: Thursday, 30 July 2026	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/04/2026	Maretich, John	Anna Bay and Tilligerry Creek Floodplain Risk Management Study and Plan	31/10/2026	29/04/2026	
1		Kable, Gregory				26/120627
29 Jul 2026 Staff to prepare report for Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/05/2026	Maretich, John	Public EV Charging	31/12/2026		
2		Kable, Gregory				26/173631
29 Jul 2026 Investigation and analysis for business case has commenced, to be presented in a workshop within 6 months.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/06/2026	Maretich, John	Policy Review - Flood Risk Management Policy	30/11/2026	24/06/2026	
7		Kable, Gregory				26/208172
29 Jul 2026 Workshop will be held in near future.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/06/2026	Maretich, John	Performance Centre	31/12/2026	24/06/2026	
1		Kable, Gregory				26/208172
29 Jul 2026 Assessment and investigation will commence, with a report back to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/07/2026	Maretich, John	Road Futures Strategy	31/10/2026	29/07/2026	
2		Kable, Gregory				26/257914
29 Jul 2026 The Road Futures Strategy will be placed on public exhibition for 28 days.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/07/2026	Maretich, John	Revised Pathways Plan	31/10/2026	29/07/2026	
3		Kable, Gregory				26/257914
29 Jul 2026 The Pathways Plan will be placed on public exhibition for 28 days.						

ITEM 8 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE RESOLUTIONS



Action Sheets Report	Division:	Facilities and Infrastructure	Date From:	27/08/2013
	Committee:		Date To:	28/07/2026
	Officer:		Printed:	Thursday, 30 July 2026

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 28/07/2026	Maretich, John	URGENCY MOTION 1: Telecommunications Cabinets		29/07/2026	
		Kable, Gregory				
29 Jul 2026 Letters will be written to the Member for Paterson Meryl Swanson MP, and the Minister for Communications The Hon Anika Wells MP, seeking their assistance in inspecting the contents of the cabinets to determine their contents, and reviewing their ACMA license in line with the outcome of the investigation.						



Action Sheets Report	Division:	General Manager's Office	Date From:	28/10/2025
	Committee:	Ordinary Council	Date To:	28/07/2026
	Officer:		Printed:	Thursday, 30 July 2026

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/10/2025	Wickham, Tony	General Manager's delegations	30/10/2026	29/10/2025	
29 Jul 2026 Matter ongoing.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/05/2026	Wickham, Tony	Proposal to Alter the Port Stephens Local Government boundary	30/11/2026		
8		Crosdale, Timothy				26/173631
29 Jul 2026 Engagement will now occur with relevant Councils.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/06/2026	Wickham, Tony	Code of Meeting Practice	15/08/2026	24/06/2026	
2		Crosdale, Timothy				26/208172
29 Jul 2026 On public exhibition – closing 14 August 2026.						

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 26/261734

EDRMS NO: PSC2024-03148

ACKNOWLEDGEMENT OF MR BRIAN JUDD

COUNCILLOR: NATHAN ERRINGTON

THAT COUNCIL:

- 1) Notes the significant contribution of Mr Brian Judd to the Hunter Region and Port Stephens community through his extensive involvement in sport, racing, charity, and community service, including:
 - a) His work with community charities and sporting organisations that have provided financial assistance and support to those in need.
 - b) His involvement with the charity associated with the Port Stephens Cup.
 - c) His service as Chief Executive Officer of the Newcastle Jockey Club for 8 years, before later returning to serve on the Board and as Chairman.
 - d) His role in establishing the group of 7 to form the Newcastle Knights.
 - e) His service as Chief Executive Officer of the Newcastle Knights.
 - 2) Requests that the General Manager write to Mr Brian Judd, on behalf of Port Stephens Council, thanking him for his outstanding service and dedication to the communities of Port Stephens, Newcastle, and the broader Hunter Region, and wishing him well in his retirement.
-

BACKGROUND REPORT OF: TIM CROSDALE – GENERAL MANAGER

BACKGROUND

Mr Judd has had a decades long association with Port Stephens and has been a resident for many years.

The Sporting Hope Association has functioned in Port Stephens since 2014, providing financial support to people in need. Since 2016, Mr Judd has been Secretary or Secretary/Treasurer of the charity.

Prior to COVID, the charity commenced the Port Stephens Cup at Newcastle Racecourse, primarily to raise funds for multiple causes. COVID affected the fund raising momentum, however, through his connection with the Newcastle Jockey Club, Mr Judd was able to keep the Port Stephens Cup going each year, albeit on a scaled down basis.

The 2026 Port Stephens Cup is scheduled for August 2026, primarily as a means of promoting the region. In addition, Mr Judd's leadership of the Newcastle Jockey Club has provided for extensive charity fund raising by this organisation across the region.

In addition to his role at the Newcastle Jockey Club, Mr Judd was also a founding member of the Newcastle Knights, a team synonymous with our region and with strong ties to the Port Stephens area.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 2

FILE NO: 26/261736

EDRMS NO: PSC2024-03148

NAME THE CRICKET/AFL OVAL AT MEDOWIE'S FERODALE SPORTS COMPLEX AS 'GARY STUART OVAL'

COUNCILLORS: CHRIS DOOHAN & BEN NILAND

THAT COUNCIL:

- 1) Support the naming of the Cricket/AFL Oval at Medowie's Ferodale Sports Complex as 'Gary Stuart Oval'.
-

BACKGROUND REPORT OF: JOHN MARETICH – ASSETS SECTION MANAGER

BACKGROUND

Gary Stuart first joined Medowie Cricket as a player in 1981, he never missed a season and played over 550 games for the club. In addition to his services as a player, Gary has served as a club executive since 1984, wicket curator since 1999, coached junior teams and was made a life member in 2001. Gary's passion for community sport does not stop at Cricket, he also played and coached for Medowie Football Club, played for Medowie and Districts Rugby Union Club and acted on Medowie AFL Committee. Gary has also shown his dedication and commitment to sport across the LGA by being an active member of the Medowie Sports Council for the past 30 years.

The NSW Geographical Names Act 1966 (Act) empowers the Geographic Naming Board (GNB) as the body responsible for overseeing the formal naming of places. The GNB Place Naming Policy (policy) sets out the rules and regulations that apply to such applications.

Relative to this Notice of Motion, the policy states that 'personal names, including those of persons still living, may be used for built features e.g. pavilions and grandstands etc., however, these features are not formally assigned by the GNB and are not covered by the Act. As such, the formal naming of a recreation asset such as a sports field would not be generally supported by the GNB.

As an alternative to the above process, Council may name assets or projects (such as sporting fields, community buildings, etc.) by dedication in an informal manner. Although the policy does not strictly apply in this instance, it does provide guidance as to what information should be considered when assessing commemorative

naming requests. The policy offers the following guidelines regarding association or contribution for naming:

- 2 or more terms of office on the governing local government council.
- 20 or more years association with a local community group or service club.
- 20 or more years of association or service with a local or state government or organisation.
- Action by an individual to protect, restore, enhance or maintain an area that produces substantial long term improvements for the community.
- The death of a person within a place is not solely to be considered sufficient justification for commemoration.
- Local residents of note.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 3

FILE NO: 26/261737

EDRMS NO: PSC2024-03148

MEDOWIE ROAD PEDESTRIAN ACCESS

COUNCILLORS: CHRIS DOOHAN, BEN NILAND & JASON WELLS

THAT COUNCIL:

- 1) Notes the importance of safe and accessible pedestrian infrastructure along Medowie Road between Boundary Road and South Street, particularly given its role in connecting residents to schools, sporting facilities, community services, local businesses and other key destinations within the Medowie Town Centre.
 - 2) Undertakes an assessment reviewing all existing pedestrian crossing infrastructure along Medowie Road between Boundary Road and South Street, including an assessment of the location, functionality, safety and accessibility of existing crossing points.
 - 3) Provides findings of the assessment to the Local Traffic Forum outlining a range of opportunities to improve pedestrian connectivity and access across Medowie Road between Boundary Road and South Street, including consideration of formal pedestrian crossings, refuge islands, signalised crossings, traffic calming measures and any other appropriate treatments.
 - 4) Prioritises the identified opportunities based on safety, community benefit, cost and deliverability, and incorporate the recommended works into the next review of the Capital Works Program or the Works Plus Plan at the earliest available opportunity.
-

**BACKGROUND REPORT OF: JOHN MARETICH – ASSETS SECTION
MANAGER**

BACKGROUND

The recent 2025 Medowie Traffic and Transport Study contains an Infrastructure Plan which provides 8 proposals to improve the movement of pedestrians in the Medowie Town Centre. These proposals are conceptual, require further design and are limited to the Medowie Town Centre and the intersections near Muir Street and Ferodale Road.

Further assessments would be required to expand the scope of works to include the length of Medowie Road between Boundary Road and South Street.

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		

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 4

FILE NO: 26/261740

EDRMS NO: PSC2024-03148

RURAL RESIDENTIAL DEVELOPMENT IN WALLALONG

COUNCILLOR: CHRIS DOOHAN

THAT COUNCIL:

- 1) Notes Council resolution Minute No. 212 (9 August 2022) relating to future development in Wallalong (**ATTACHMENT 1**).
 - 2) Notes Council resolution Minute No. 144 (25 June 2024) relating to the Local Housing Strategy (**ATTACHMENT 2**).
 - 3) Allows consideration of rural residential planning proposals within Wallalong, outside the land previously considered for urban development as part of the Wallalong Urban Release Area, in accordance with the processes in the adopted Local Housing Strategy.
-

BACKGROUND REPORT OF: BROCK LAMONT – STRATEGY AND ENVIRONMENT SECTION MANAGER

BACKGROUND

The purpose of this motion is to seek clarity in relation to housing in the Wallalong area.

Council resolved at the 9 August 2022 meeting (**ATTACHMENT 1**) the following:

- 1) Notes that the community is against increased housing density in Wallalong.
- 2) Agrees that the revision of the Port Stephens Local Housing Strategy (currently underway) should not include Wallalong as a potential housing location; and
- 3) Writes to the NSW Minister for Planning to inform the Department of Planning and Environment (now Department of Planning, Housing and Infrastructure) that Port Stephens Council no longer supports Wallalong as a suitable location for increased housing density and requests that all references are removed from the Hunter Regional Plan 2041 prior to adoption.

The abovementioned correspondence was sent to the Department and Wallalong was not included as a 'housing investigation area' within the adopted Hunter Regional Plan 2041.

ORDINARY COUNCIL - 25 AUGUST 2026

Council resolved at the 25 June 2024 meeting (**ATTACHMENT 2**) to endorse the Port Stephens Local Housing Strategy. As part of this endorsement, exclusionary criteria was included in both Appendix 1 and 2 to restrict planning proposals for any land within Wallalong that has previously been considered for urban development as part of the Wallalong Urban Release Area. This is a location specific notation in comparison to the 9 August 2022 resolution of Council (**ATTACHMENT 1**).

Should this Notice of Motion be supported, certainty of Council's intentions relating to suitable types of housing development in the Wallalong area will be provided. This would assist in the acceptance, assessment and determination of planning applications for Wallalong moving forward. Applications would still be required to demonstrate consistency with the endorsed Local Housing Strategy, specifically Appendix 2 – Rural Residential Housing Criteria.

FINANCIAL/RESOURCE IMPLICATIONS

There are no known financial or resource implications and any activities will continue to be carried out in line with 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		

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 5

FILE NO: 26/232421

EDRMS NO: PSC2024-03148

**INVESTIGATION OF MEASURES TO REDUCE ILLEGAL DUMPING OF
PROBLEM WASTE AND HAZARDOUS WASTE**

COUNCILLOR: MARK WATSON

THAT COUNCIL:

- 1) Acknowledges the ongoing issue of illegal dumping of problem wastes and hazardous wastes, such as asbestos, across the Port Stephens Local Government Area and the associated environmental, public health and financial impacts on the community.
 - 2) Requests the General Manager prepare a report investigating options to reduce illegal dumping through improved disposal opportunities, including but not limited to:
 - a) Increasing the frequency of Council's problem waste drop-off days;
 - b) Investigating alternative hazardous waste disposal initiatives, where appropriate and in accordance with legislative requirements;
 - c) Establishing additional or more accessible collection locations and /or events across the Local Government Area;
 - d) Exploring partnerships with existing waste facilities, neighbouring councils and relevant organisations to improve community access to lawful disposal options.
 - 3) Includes within the report:
 - a) The estimated costs of delivering expanded problem waste and hazardous waste collection programs;
 - b) Potential delivery models, including permanent, periodic or mobile collection services;
 - c) Opportunities to educate and inform the community about lawful disposal options for problem wastes and hazardous wastes to encourage compliance and deter illegal dumping;
 - d) An assessment of the likely effectiveness of these initiatives in reducing illegal dumping and improving environmental outcomes.
 - 4) Investigates funding opportunities to support such initiatives, including:
 - a) NSW Government grants and assistance programs;
 - b) Funding or support available through relevant State Government agencies for hazardous waste management and illegal dumping prevention;
 - c) Any other external funding sources that may offset Council's costs.
 - 5) Reports back to Council with recommendations, including implementation options, funding opportunities, and any budget.
-

BACKGROUND REPORT OF: JOHN MARETICH – ASSET SECTION MANAGER**BACKGROUND**

Illegal dumping of problem wastes and hazardous wastes, such as asbestos, across the Port Stephens Local Government Area (LGA) has environmental, public health and financial impacts on the community.

Illegal dumping is a growing problem with the following incidents being reported to Council in recent years:

Calendar year	CRMs received
2022	166
2023	281
2024	510
2025	430
2026 (YTD)	253

Note: Data includes all illegal dumping incidents – not just those for problem waste or hazardous waste.

Long term averages indicate that asbestos accounts for 2.5% of dumping incidents, and tyres represents 6.5%.

Illegal dumping generally takes place just outside town centres. Hotspot areas are usually secluded, less frequented areas where passive surveillance is unlikely to occur.

When illegal dumping is reported, Council Rangers assess and use available avenues and powers under the Protection of the Environment Operations Act 1997 to identify and track down the owner or transporter. However, identifying the responsible party can be difficult and building a solid case to issue Clean-Up Notices and Penalty Infringement Notices (fines) takes significant time to establish the evidentiary requirements to support the enforcement action. In the absence of any means to identify the responsible party, or where waste is in a highly visited area or is an immediate risk to the community or environment, Council has the Public Place Cleaning team remove the dumped waste.

Council, with the financial and operational support of the NSW EPA, offers residents the following options to dispose of problem and hazardous wastes.

ORDINARY COUNCIL - 25 AUGUST 2026

Site/Event	Waste Streams	Free/Fee
Salamander Bay Community Recycling Centre	Paint, car batteries, motor oil, gas bottles, electronic waste.	Free
	Tyres, mattresses.	Fee
Veolia Raymond Terrace	E-waste, motor oil, vehicle batteries.	Free
Chemical Clean Out Days (now 1 per annum)	Chemicals, poisons, solvents and cleaners, fuel, pesticides, etc.	Free

The NSW EPA is currently reviewing the Household Problem Waste program, with the number of Household Chemical Clean Out Days in our LGA for the current financial year being reduced from 2 days to 1 day.

Commercial operator Veolia offers the only licensed landfill disposal of hazardous asbestos waste in the LGA at Raymond Terrace, for a fee.

The NSW Government launched the NSW Asbestos Plan of Action in July that includes \$9 million to establish a 2-year trial of a household collection program starting next year, which will offer NSW households a free pick up and disposal service for asbestos waste. Further specific details regarding the operation of the services are yet to be released. It is envisaged that this service will lead to less illegal dumping and safer handling for families and workers.

Providing education for the community on the identification and safe removal of asbestos is the joint responsibility of Councils and State Government agencies. Council, however, is often the first point of contact for residents who believe they have identified asbestos in their homes or have a concern or complaint regarding a public health hazard.

Should this Notice of Motion be supported, Council will investigate measures and initiatives that supplement current State Government led programs to reduce illegal dumping, along with their likely effectiveness and estimated implementation costs.

FINANCIAL/RESOURCE IMPLICATIONS

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

ORDINARY COUNCIL - 25 AUGUST 2026

Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 6

FILE NO: 26/261728

EDRMS NO: PSC2024-03148

FINGAL BAY SMART PARKING INFRASTRUCTURE WORKS

MAYOR & COUNCILLORS: MAYOR LEAH ANDERSON, CRS ROSALYN ARMSTRONG, NATHAN ERRINGTON & MARK WATSON

THAT COUNCIL:

- 1) Acknowledges the great works undertaken by the Fingal Bay Community Association and the collaborative approach they have had with Council.
- 2) Notes that the income from Fingal Bay Smart Parking was previously compiled following community consultation and adopted by Council in March 2024.
- 3) Notes that works have been completed since March 2024 and that the community priorities have changed.
- 4) Acknowledges that the Community Association has a preliminary proposed list of projects to be wholly or part funded from Fingal Bay Smart Parking as follows:
 - Kiddies foreshore - replace all furniture and shelters (2026/2027) \$77,000.
 - Access path with handrail - leading from the foreshore near the existing beach shower including concrete ramp (south of the boat ramp) (2026/2027) \$25,000.
 - Extend irrigation along the Kiddies foreshore south and up the hill towards Barry Park (approximately 50 metre extension) (2026/2027) \$20,000.
 - Barry Park replace all furniture and shelters (2027/2028) \$40,000.
 - Table and shelter at the off leash dog park (2027/2028) \$15,000.
 - Replace all remaining furniture and shelters (2028/2029) \$60,000.
- 5) Asks the General Manager to allocate funds from the Fingal Bay Smart Parking Program to these proposed projects and defer the existing adopted program.

BACKGROUND REPORT OF: JOHN MARETICH – ASSET SECTION MANAGER

BACKGROUND

Smart Parking in Fingal Bay was adopted by Council at its meeting held on 12 March 2024, Minute No. 026 (**ATTACHMENT 1**). This resolution included a list of proposed projects as part of the Fingal Bay Smart Parking Infrastructure Program.

ORDINARY COUNCIL - 25 AUGUST 2026

The Fingal Bay Community Association has made representation to prioritise a new list of proposed projects as outlined in this Notice of Motion. The compilation of these proposed projects was undertaken in discussion with Council.

As the Fingal Bay Smart Parking Infrastructure Program was resolved by Council, any change in reallocating smart parking income to other projects would also require a resolution by Council.

The following projects in the original March 2024 Fingal Bay Smart Parking Infrastructure Program have been completed:

- Traffic and Parking upgrades including the installation of parking meters.
- Pathway to Barry Park.
- Playground shade sail at Fingal Bay Playground.

Place activation activities have also occurred, and funds are available to continue with future events. Staff are in discussion with Fingal Bay Community Association members about upcoming events.

The proposed projects listed in this Notice of Motion are considered minor asset improvements already covered within the Council adopted Strategic Asset Management Plan.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		The proposed projects would be funded from the future Fingal Bay Smart Parking income.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

ATTACHMENTS

- 1) Council Meeting Minutes - 12 March 2024 - Minute No. 029.

MINUTES ORDINARY COUNCIL - 12 MARCH 2024**ITEM NO. 5****FILE NO: 24/1720
EDRMS NO: PSC2019-05143****SMART PARKING - FINGAL BAY****REPORT OF: JOHN MARETICH - ASSETS SECTION MANAGER
DIRECTORATE: FACILITIES AND INFRASTRUCTURE****RECOMMENDATION IS THAT COUNCIL:**

- 1) Notes the Community and Engagement Report - Smart Parking in your place: Little Beach, Fingal Bay, Birubi Beach and One Mile Beach **(ATTACHMENT 1)**.
- 2) Endorses the installation of Smart Parking Infrastructure for Fingal Bay. **(ATTACHMENT 3)**.
- 3) Endorses the Fingal Bay Smart Parking Infrastructure Program **(ATTACHMENT 5)**.
- 4) Continues to provide free Smart Parking in Port Stephens for residents, ratepayers and employees of local business. Time based restrictions to apply.

**ORDINARY COUNCIL MEETING - 12 MARCH 2024
MOTION**

029	Councillor Peter Francis Councillor Glen Dunkley It was resolved that Council: 1) Notes the Community and Engagement Report - Smart Parking in your place: Little Beach, Fingal Bay, Birubi Beach and One Mile Beach (ATTACHMENT 1). 2) Endorses the installation of Smart Parking Infrastructure for Fingal Bay. (ATTACHMENT 3). 3) Endorses the Fingal Bay Smart Parking Infrastructure Program (ATTACHMENT 5). 4) Continues to provide free Smart Parking in Port Stephens for residents, ratepayers and employees of local business. Time based restrictions to apply.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

MINUTES ORDINARY COUNCIL - 12 MARCH 2024**BACKGROUND**

The purpose of this report is to present a package of information that responds to the Council resolution of 26 July 2022 (**ATTACHMENT 2**) endorsing the investigation of Fingal Bay Smart Parking implementation. The areas included in the study were the parking areas of Marine Drive, Pacific Drive, Darramba Drive, Rocky Point Road, Market Street and Boulder Bay Road as shown in the Fingal Bay Smart Parking Extends map (**ATTACHMENT 3**). Information relating to other proposed Smart Parking Precincts will be presented to Council in future reports.

The primary function of the Smart Parking Network is to improve the turn-over of parking spaces, to create more equitable access to parking in the Fingal Bay foreshore and town centre. Smart Parking also provides a revenue stream to support local infrastructure projects. The existing resident and business Park Free Permit Scheme currently used in Nelson Bay and Shoal Bay will be extended to include Smart Parking in Fingal Bay.

This report has been arranged into the following Smart Parking milestones to provide evidence that clear steps have been undertaken in the implementation of the Smart Parking program.

- Council Resolution to Investigate
- Technical Investigations
- Financial Assessment
- Infrastructure Program
- Community Engagement
- Local Traffic Committee
- Council Adoption
- Community Engagement (Closing the Loop)
- Execution

Council resolution to investigate

The Council resolution to investigate Smart Parking at Fingal Bay was made on 26 July 2022 (**ATTACHMENT 2**).

Technical Investigations

The technical investigations sought to identify what traffic, parking or road safety issues may be present and their potential solutions. For the subject locations, Council engineering staff undertook site inspections, measurements and assessments in addition to traffic management studies, being the Parking Study for Fingal Bay and One Mile Beach. The report identifies that during peak periods parking space utilisation is approaching capacity and further that, additional supply is needed in combination with the introduction of paid parking as a demand management tool.

MINUTES ORDINARY COUNCIL - 12 MARCH 2024Financial Modelling

Financial modelling was undertaken to assess whether the activation of Smart Parking was financially sustainable and to forecast projected funds available for contribution to the draft Infrastructure Programs.

The financial assessment for Fingal Bay has confirmed that the capital and operational costs of delivering Smart parking infrastructure was sustainable and forecast \$263,000 per annum contribution to the Fingal Bay Precinct Smart Parking Reserve based on current adopted Fees and Charges rates (**ATTACHMENT 4**).

Infrastructure Program

The Fingal Bay Smart Parking Infrastructure Program (**ATTACHMENT 5**) was recently updated and circulated as a discussion piece with the local community. The updated program was compiled from outcomes of the technical investigations, Council resolutions and community engagement. This recent update was the result of infrastructure priorities identified with the recent community engagement.

As part of the public engagement of the draft Fingal Bay Infrastructure program, an active community engagement approach was undertaken to help focus responses and submissions on both the actions within the draft infrastructure program. The findings of this engagement will be reported to Council.

Community Engagement

Community engagement on Smart Parking sought community input into the Infrastructure Program, smart parking settings and changes to parking regulation. The key messages heard and some additional information in response from the earlier community engagement approach has been released. Council staff have released indirect communications through social media and direct communication to survey respondents that nominated to be contacted.

The results of the engagement are detailed in the Community and Engagement Report - Smart Parking in your place: Little Beach, Fingal Bay, Birubi Beach and One Mile Beach (**ATTACHMENT 1**).

Key findings included:

- Request for longer time limits.
- Concern regarding impact of Smart Parking on neighbouring streets.
- That more information required for Smart Parking settings and other Council programs.

The parking regulations and proposed signage have been amended to address the key messages regarding impact on neighbouring streets and requesting longer time limits. Further information regarding Smart Parking settings and other Council programs has been included with the 'Closing the Loop' Community Engagement.

MINUTES ORDINARY COUNCIL - 12 MARCH 2024Local Traffic Committee

All regulatory controls on roads must be approved by the Local Traffic Committee. At the recent meeting in February, the Local Traffic Committee assessed the proposal. The Local Traffic Committee meeting minutes (**ATTACHMENT 6**) confirm approval.

Council Adoption

This report is the milestone in achieving endorsement for implementation of Smart Parking in Fingal Bay.

Community Engagement (close the loop)

The key messages heard and some additional information in response from the earlier community engagement approach has been released to survey respondents that provided contact information. Additionally, Council staff have released indirect communications through social media channels.

Summary of changes resulting from community consultation include:

- The parking regulations and proposed parking directional signage have been amended to address the key messages regarding impact on neighbouring streets and requesting longer time limits. Additionally the Smart Parking Extents have been reduced to some adjoining residential properties.
- Further information has been provided regarding Smart Parking settings and other Council programs.

Execution

Following Council resolution, the meters can be installed and operational within 6 weeks. Regulatory and environmental approvals have been obtained.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

Fingal Bay Smart Parking Program income and expenditure is included in the Long Term Financial Plan forecast for the current financial year.

MINUTES ORDINARY COUNCIL - 12 MARCH 2024

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	Yes	\$120,000	Funding from the Fingal Bay Smart Parking reserve
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

If Smart Parking does not commence in Fingal Bay during May this financial year, adjustments will need to be made to the existing budget.

LEGAL, POLICY AND RISK IMPLICATIONS

The proposed Fingal Bay Smart Parking system benefits from the existing Park Free Permits, fees and charges and management frameworks established with the existing Nelson Bay and Shoal Bay Smart Parking Schemes.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the estimates of uptake of paid parking are too high leading to revenue forecasts/capital work projections not being met.	Medium	- Regular monitoring and reporting of financial performance. - Update projections within quarterly budget review. - Follow competitive procurement processes.	Yes
There is a risk that visitor willingness to pay for parking may lead to lower visitation.	Medium	- Reinvest proceeds from paid parking into projects that increase satisfaction with area and encourage return visits. - Continue Place Activation Program of events, entertainment and beautification aimed at increasing visitation. - Promotion of access to 15 minutes free parking throughout the day, plus free parking before	Yes

MINUTES ORDINARY COUNCIL - 12 MARCH 2024

		8:30am and after 5:30pm every day.	
There is risk that long term financial plan income budgets may not be met if the installation of parking infrastructure is delayed.		Adopt the resolution.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Consideration has been given to the Social, Economic and Environmental Implications of the proposed Smart Parking Installation.

Continuation of the residents, rate payers and workers Park Free Permit scheme has been reconfirmed through Council's adopted Fees and Charges 2023-24 and achieved as a zero fee item (**ATTACHMENT 4**).

Financial modelling has been completed showing a sustainable return on investment that is forecast to provide an ongoing source of funds which will be contributed to infrastructure projects within the Fingal Bay Smart Parking precinct. These projects cater not only to our local residents but also aim to provide an enjoyable experience for our visitors, encouraging them to return.

The Smart Parking funded Place Activation Program for Fingal Bay is proposed to be established with an aim of providing events, entertainment and beautification, increasing visitation and experience within Fingal Bay.

The parking meters will increase parking turnover and increase adherence to timed parking restrictions and are solar panel driven to reduce the reliance on electricity.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Assets Section and the Communications Section and is summarised below with their mitigation measures discussed earlier in this report.

Internal

- Financial Services Section
- Assets Section
- Compliance Tea
- Information Communication and Technology Team
- Digital Transformation Team
- Communications and Engagement Teams
- Customer Experience Team
- Mayor and Councillors

MINUTES ORDINARY COUNCIL - 12 MARCH 2024External

The results of the community engagement program are detailed in the Community and Engagement Report - Smart Parking in your place: Little Beach, Fingal Bay, Birubi Beach and One Mile Beach (**ATTACHMENT 1**).

OPTIONS

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

ATTACHMENTS

- 1) Community and Engagement Report - Smart Parking in your place: Little Beach, Fingal Bay, Birubi Beach and One Mile Beach. (Provided under separate cover)
- 2) Council Resolution - Smart Parking - Min. No. 194, 26 July 2022.
- 3) Fingal Bay Smart Parking Extents.
- 4) Smart Parking 2023-24 Fees and Charges.
- 5) Fingal Bay Smart Parking Infrastructure Program.
- 6) Local Traffic Committee - 24 February 2024 Minutes - Fingal Bay.

COUNCILLORS' ROOM

- 1) Transport for NSW "Pay Parking Guidelines" (November 2019).
- 2) Transport for NSW "Permit Parking Guidelines" (November 2021)
- 3) Parking Study for Fingal Bay and One Mile Beach.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 12 MARCH 2024**ITEM 5 - ATTACHMENT 2 COUNCIL RESOLUTION - SMART PARKING - MIN.
NO. 194, 26 JULY 2022.****MINUTES ORDINARY COUNCIL - 26 JULY 2022****ITEM NO. 2****FILE NO: 22/114478
EDRMS NO: PSC2019-05143****SMART PARKING****REPORT OF: JOHN MARETICH - ASSET SECTION MANAGER
GROUP: FACILITIES & SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Note the continued rollout of SMART Parking at:
 - Shoal Bay
 - The expansion of the Nelson Bay area including:
 - Fly Point
 - Little Beach
 - Laman Street
- 2) Commence investigation and community consultation at Birubi Headland, Anna Bay, Fingal Bay and One Mile around the installation of SMART Parking.
- 3) Develop infrastructure program for investment of SMART Parking funds at Birubi Headland, Anna Bay, Fingal Bay and One Mile after community consultation and investigation.
- 4) Continue to provide free SMART Parking in Port Stephens for residents, rate payers and employees of local businesses. Time based restrictions to apply.
- 5) Manage funding by holding revenue generated from SMART Parking in an internally restricted reserve.
- 6) Invest the funds raised from SMART Parking back into SMART Parking precincts.

**ORDINARY COUNCIL MEETING - 26 JULY 2022
MOTION****Councillor Leah Anderson
Councillor Glen Dunkley**

That Council:

- 1) Note the continued rollout of SMART Parking at:
 - Shoal Bay
 - The expansion of the Nelson Bay area including:
 - Fly Point

MINUTES ORDINARY COUNCIL - 12 MARCH 2024**ITEM 5 - ATTACHMENT 2 COUNCIL RESOLUTION - SMART PARKING - MIN.
NO. 194, 26 JULY 2022.****MINUTES ORDINARY COUNCIL - 26 JULY 2022**

	○ Little Beach ○ Laman Street
2)	Commence investigation and community consultation at Birubi Headland, Anna Bay, Fingal Bay and One Mile around the installation of SMART Parking.
3)	Develop infrastructure program for investment of SMART Parking funds at Birubi Headland, Anna Bay, Fingal Bay and One Mile after community consultation and investigation.
4)	Continue to provide free SMART Parking in Port Stephens for residents, rate payers and employees of local businesses. Time based restrictions to apply.
5)	Manage funding by holding revenue generated from SMART Parking in an internally restricted reserve.
6)	Invest the funds raised from SMART Parking back into SMART Parking precincts.

**ORDINARY COUNCIL MEETING - 26 JULY 2022
MOTION**

193	Councillor Peter Kafer Councillor Matthew Bailey It was resolved that Cr Leah Anderson be granted a 2 minutes extension of time to address Council.
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Those for the Motion: Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Glen Dunkley, Peter Francis, Peter Kafer and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**ORDINARY COUNCIL MEETING - 26 JULY 2022
AMENDMENT**

194	Councillor Leah Anderson Councillor Peter Kafer It was resolved that Council: 1) Note the continued rollout of SMART Parking at: • Shoal Bay • The expansion of the Nelson Bay area including: ○ Fly Point
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MINUTES ORDINARY COUNCIL - 12 MARCH 2024**ITEM 5 - ATTACHMENT 2 COUNCIL RESOLUTION - SMART PARKING - MIN.
NO. 194, 26 JULY 2022.****MINUTES ORDINARY COUNCIL - 26 JULY 2022**

	○ Little Beach ○ Laman Street
2)	Commence investigation and community consultation at Birubi Headland, Anna Bay, Fingal Bay and One Mile around the installation of SMART Parking.
3)	Develop infrastructure program for investment of SMART Parking funds at Birubi Headland, Anna Bay, Fingal Bay and One Mile after community consultation and investigation.
4)	Continue to provide free SMART Parking in Port Stephens for residents, rate payers and employees of local businesses. Time based restrictions to apply.
5)	Manage funding by holding revenue generated from SMART Parking in an internally restricted reserve.
6)	Invest the funds raised from SMART Parking back into SMART Parking precincts.
7)	That Council complete consultation regarding Smart Parking at Fly Point, Little Beach, and Laman Street and bring this feedback back to Council before proceeding with Smart parking rollout in these locations.
8)	If Council proceeds to put parking meters at Fly Point, Little Beach, and Laman Street, to fund the Smart Parking, that residents and ratepayers will be exempt from paying for parking at these parking meters.
9)	That Council provide the names of the businesses in the Shoal Bay shopping precinct that they spoke to directly and what the feedback from those businesses was regarding smart parking before smart parking is introduced on the shopping strip.
10)	That the Shoal Bay Infrastructure Program be put forward for community consultation and for East Ward councillors review, prior to it being adopted.
11)	That further and more extensive community consultation be completed on the potential one way traffic arrangement in Shoal Bay and this be brought back to council for further consideration before it is implemented.
12)	That the Nelson Bay Infrastructure Program from 2022 onwards be put forward for community consultation and for East Ward councillors review, prior to it being adopted.
13)	That item 14 on the Nelson Bay Infrastructure Program in 2023 being the Design and Construction of at grade parking, be completely removed from the Nelson Bay infrastructure program.

Those for the Motion: Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Francis, Peter Kafer and Jason Wells.

Those against the Motion: Cr Glen Dunkley.

MINUTES ORDINARY COUNCIL - 12 MARCH 2024

ITEM 5 - ATTACHMENT 3 FINGAL BAY SMART PARKING EXTENTS.

Fingal Bay Smart Parking Extents



MINUTES ORDINARY COUNCIL - 12 MARCH 2024

ITEM 5 - ATTACHMENT 4 SMART PARKING 2023-24 FEES AND CHARGES.

8/11/23, 11:47 AM

Portstephens - Fees & Charges - Fees & Charges

Port Stephens Council



Online Search Facility

smart parking

4 Fees & Charges

Year 2022/2023		Year 2023/2024					
Name	Fee (incl. GST)	Fee (excl. GST)	GST	Fee (incl. GST)	Unit	Legislation	Pricing Policy
Port Stephens Council Administration Services Parking Smart Parking Meters							
Smart Parking Permit	\$0.00	\$0.00	\$0.00	\$0.00		Road Transport Act 2013	Market pricing
All ratepayers and residents of Port Stephens Local Government Area, and employees of business within the metered parking zone are eligible.							
Smart Parking Permit - Non-LGA Business Permit	\$139.00	\$150.00	\$0.00	\$150.00	Per vehicle		Market pricing
For businesses located outside Port Stephens Council Local Government Area who regularly work in and around metered parking scheme zones							
15 Minutes Park Free	\$0.00	\$0.00	\$0.00	\$0.00		Road Transport Act 2013	Market pricing
Parking sessions 15 minutes or less are free							
Smart Parking Meter Fee	\$4.50	\$4.09	\$0.41	\$4.50	Per Hour	Road Transport Act 2013	Market pricing
No fee for holders of Smart Parking Permit.							

<https://portal.lgsolutions.net.au/Fees/Public/Portstephens>

1/1

MINUTES ORDINARY COUNCIL - 12 MARCH 2024**ITEM 5 - ATTACHMENT 5 FINGAL BAY SMART PARKING
INFRASTRUCTURE PROGRAM.****Fingal Bay Precinct Smart Parking Infrastructure Program**

Item	Financial Year	Source of Work
Annual Place Activation Allocation - program of activities and events across the smart parking precincts to increase visitor numbers and experience	Ongoing	Place Activation
Traffic and Parking Upgrades - Installation of Parking Meters - Fingal Bay	23/24	Traffic/Parking
Pathway Shared Path - Missing Link from Fingal Vehicle Ramp to Barry Park	23/24	Community Consultation
Traffic and Parking Upgrades - Fingal Bay Tennis Court Car Park	28/29	Traffic/Parking
Community Infrastructure - Fingal Bay Playground Shade Sail	31/32	Community Consultation
Traffic and Parking Upgrades - Barry Park Car Park (incl. drainage infrastructure, kerb and gutter works and resurfacing)	33/34	Traffic/Parking
Pathway Access Points - On Marine Drive north of SLSC connecting to Fingal-Shoal Bay Shared Path	34/35	Community Consultation
Revision Date		Feb 2024

MINUTES ORDINARY COUNCIL - 12 MARCH 2024**ITEM 5 - ATTACHMENT 6 LOCAL TRAFFIC COMMITTEE - 24 FEBRUARY
2024 MINUTES - FINGAL BAY.**

Item: 08_02/24

Roads, Fingal Bay – Introduction of a Smart Parking scheme at Fingal Bay

Requested by: Port Stephens Council

File: 365893-2023

Background:

As part of the investigations and continued roll out of paid parking across Port Stephens Council, endorsement is sought for the introduction of Smart Parking at Fingal Bay

Smart Parking is designed to improve the turn-over of parking spaces to create more equitable access to parking in Fingal Bay. Smart Parking also provides a revenue stream to support local infrastructure projects. The existing resident and business Park Free Permit Scheme currently used in Nelson Bay will be extended to include paid parking in Fingal Bay. Similarly, parking guidance and payment apps will be extended to the Fingal Bay area.

Technical investigations were undertaken to identify what traffic, parking or road safety issues may be present and their potential solutions. For the subject locations, Council engineering staff undertook site inspections, measurements and assessments.

The investigations also included community engagement regarding the Smart Parking settings, changes to parking regulation and desired projects for revenue to be spent on. The results of the engagement from confirmed that the local community is generally supportive for the installation of Smart Parking in Fingal Bay, to assist with a range of parking and movement issues. Additionally, there was strong support for the Smart Parking scheme including the permits to allow free parking for residents and rate payers of the Port Stephens Local Government Area.

Comment:

Fingal Bay Smart Parking will operate in a similar manner as the existing Nelson Bay Smart Parking scheme, with the same permit scheme exemptions for residents, ratepayers and business owners.

The proposed parking restrictions, as indicated on the attached plans are:

Dark Blue – 9P Meter Registration, Permit Holders Excepted, 8:30am - 5:30pm,
Monday - Sunday, Public Holidays Included

Light Blue – 4P Meter Registration, Permit Holders Excepted, 8:30am - 5:30pm,
Monday - Sunday, Public Holidays Included

Yellow – 2P Meter Registration, Permit Holders Excepted, 8:30am - 5:30pm, Monday
- Sunday, Public Holidays Included

Green – Bus zone

Red – No Stopping

MINUTES ORDINARY COUNCIL - 12 MARCH 2024**ITEM 5 - ATTACHMENT 6 LOCAL TRAFFIC COMMITTEE - 24 FEBRUARY
2024 MINUTES - FINGAL BAY.****Legislation, Standards, Guidelines and Delegation:**

NSW Road Rules: 204 - Meaning of certain information on or with permissive parking signs, 205 - Parking for longer than indicated, 207 - Parking where fees are payable, 317 - Information on or with traffic control devices, 318 - Limited effect of certain traffic control devices

Transport for NSW "Pay Parking Guidelines" (November 2019).

Transport for NSW "Permit Parking Guidelines". (November 2021)

Traffic control devices installed under Part 5.3 Div. 2 Road Transport Act 2013

Committee's recommendation:

Approve the introduction of Smart Parking at Fingal Bay, as shown on the attached plans.

Engagement level**Level 1 – Inform**

Action: Provide stakeholders with information to assist understanding of the changes and the Local Traffic Committee recommendation once endorsed

Support for the recommendation:

1	Unanimous	✓
2	Majority	
3	Split Vote	
4	Minority Support	
5	Unanimous decline	

RESCISSION MOTIONS

NOTICE OF RESCISSION

ITEM NO. 1

FILE NO: 26/261569

EDRMS NO: PSC2024-03150

CODE OF MEETING PRACTICE

COUNCILLORS: GIACOMO ARNOTT, PETER FRANCIS & ROSALYN
ARMSTRONG

THAT COUNCIL:

- 1) Rescind its decision of 28 July 2026 on Urgency Motion 2 titled Code of Meeting Practice – Minute No. 111 (**ATTACHMENT 1**).

ATTACHMENTS

- 1) 28 July 2026 - Ordinary Council Minute No. 111.

MINUTES ORDINARY COUNCIL - 28 JULY 2026**URGENCY MOTION 2**

Cr Mark Watson moved to introduce a matter of urgent business under clause 9.3 of the Code of Meeting Practice.

**ORDINARY COUNCIL MEETING - 28 JULY 2026
MOTION**

110	Councillor Mark Watson Councillor Chris Doohan It was resolved that Council consider a matter of urgency relating to the Code of Meeting Practice.
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Those for the Motion: Mayor Leah Anderson, Crs Chris Doohan, Nathan Errington, Ben Niland and Mark Watson.

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

The motion was carried.

Mayor Leah Anderson ruled the matter was of great urgency.

**ORDINARY COUNCIL MEETING - 28 JULY 2026
MOTION**

111	Councillor Mark Watson Councillor Chris Doohan It was resolved that Council: 1. Notes the increased restrictions imposed by the State Government that prevent councillors from directly communicating with council staff regarding matters that are listed on Council meeting agendas or may be listed on future meeting agendas. 2. Recognises that these restrictions significantly limit councillors' ability to undertake appropriate due diligence, seek clarification, and fully understand the implications of reports and recommendations before making decisions on behalf of their communities. 3. Acknowledges that informed decision-making is a fundamental responsibility of elected representatives and that restricting access to factual information from council staff undermines transparency, accountability, and good governance. 4. Notes that the current arrangements place councillors across New South Wales at a disadvantage by requiring all communication to be
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MINUTES ORDINARY COUNCIL - 28 JULY 2026

	filtered through administrative processes, which can delay or limit access to relevant information. 5. Calls on the NSW Government to review the current provisions governing councillor and staff interactions to ensure councillors are able to seek factual information and clarification from appropriate council staff while maintaining clear governance boundaries and avoiding inappropriate direction of staff. 6. Whilst the review is being undertaken remove the current restrictions on staff and councillors interactions and briefings. 7. Requests that the General Manager write to: - o the Minister for Local Government; - o the Shadow Minister for Local Government; - o the President of Local Government NSW; and - o all NSW councils, seeking support for a review of the current restrictions and advocating for a framework that enables councillors to fulfil their due diligence obligations through appropriate access to council staff.
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Those for the Motion: Mayor Leah Anderson, Crs Chris Doohan, Nathan Errington, Ben Niland and Mark Watson.

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

The motion was carried.

**ORDINARY COUNCIL MEETING - 28 JULY 2026
AMENDMENT**

	Councillor Giacomo Arnott Councillor Rosalyn Armstrong That Council: 1. Notes that the State Government has made changes to how Councils are to manage Councillor contact with Council staff in private pre-meeting briefings on matters on a Council agenda. 2. Notes that there is value in discussing these proposed changes at Council. 3. Asks the General Manager to place the original Urgency Motion on the agenda of the August Council meeting to enable it to be considered and debate in the ordinary course of business.
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Cr Arnott gave notice of a foreshadowed amendment should the amendment fail.

MINUTES ORDINARY COUNCIL - 28 JULY 2026

Councillor Ben Niland left the meeting at 7:38pm.
Councillor Ben Niland returned to the meeting at 7:38pm.

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

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

The amendment was lost.

**ORDINARY COUNCIL MEETING - 28 JULY 2026
AMENDMENT**

	Councillor Giacomo Arnott Councillor Peter Francis That Council: 1. Notes the changes by the State Government that prevent councillors from directly communicating with council staff regarding matters that are listed on Council meeting agendas. 2. Ask the General Manager to seek clarification to help Council fully understand how the changes might impact Council's ability to properly consider the implications of reports and recommendations before making decisions on behalf of their communities. 3. Acknowledges that informed decision-making is a fundamental responsibility of elected representatives and that restricting access to factual information from council staff may undermines transparency, accountability, and good governance. 4. Notes that the current arrangements may place councillors across New South Wales at a disadvantage by requiring all communication to be filtered through administrative processes, which can delay or limit access to relevant information. 5. Calls on the NSW Government to review the current provisions governing councillor and staff interactions to ensure councillors are able to seek factual information and clarification from appropriate council staff while maintaining clear governance boundaries and avoiding inappropriate direction of staff. 6. Requests that the General Manager write to: - o the Minister for Local Government; - o the Shadow Minister for Local Government; - o the President of Local Government NSW seeking support for a review of the current restrictions and advocating for a framework that enables councillors to fulfil their due diligence obligations through appropriate access to council staff.
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MINUTES ORDINARY COUNCIL - 28 JULY 2026

Councillor Peter Francis left the meeting at 7:41pm.
Councillor Peter Francis returned to the meeting at 7:43pm.

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

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

The amendment was lost.

**ORDINARY COUNCIL MEETING - 28 JULY 2026
MOTION**

112	Councillor Giacomo Arnott Councillor Jason Wells
	It was resolved that Council move into Committee of the Whole.

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

Those against the Motion: Cr Mark Watson.

The motion was carried.

Councillor Mark Watson left the meeting at 7:57pm.

In Committee of the Whole:

- 1) Cr Arnott asked questions in relation to Item 1 about the planning process. The Director Community Futures provided a summary of the planning process.

Councillor Mark Watson returned to the meeting at 8:01pm.

- 2) Cr Wells asked questions in relation to Item 1 regarding building heights and bulk concerning the 15 metre height limits.
- 3) Cr Niland asked questions in relation to Item 1 regarding building being 4 storeys and clause 4.6 variation and lots sizes.

Councillor Rosalyn Armstrong left the meeting at 8:10pm.

- 4) Cr Doohan asked a question in relation to Item 1 raising concerns about flooding of Medowie Road.

Councillor Rosalyn Armstrong returned to the meeting at 8:14pm.

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.