

ATTACHMENTS UNDER SEPARATE  
COVER

ORDINARY COUNCIL MEETING  
13 SEPTEMBER 2022



**PORT STEPHENS**  
C O U N C I L



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# DRAFT Code of Meeting Practice Post public exhibition



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**ITEM 3 - ATTACHMENT 2      REVISED CODE OF MEETING PRACTICE.****1 INTRODUCTION**

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is ~~made~~ **prescribed** under section 360 of the Local Government Act 1993 (the Act) and the Local Government (General) Regulation ~~2005~~ **2021** (the Regulation).

This code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

**2 MEETING PRINCIPLES**

2.1 Council and committee meetings should be:

Transparent: Decisions are made in a way that is open and accountable.

Informed: Decisions are made based on relevant, quality information.

Inclusive: Decisions respect the diverse needs and interests of the local community.

Principled: Decisions are informed by the principles prescribed under Chapter 3 of the Act.

Trusted: The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.

Respectful: Councillors, staff and meeting attendees treat each other with respect.

Effective: Meetings are well organised, effectively run and skilfully chaired.

Orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

**ITEM 3 - ATTACHMENT 2      REVISED CODE OF MEETING PRACTICE.****3    BEFORE THE MEETING**Timing of ordinary council meetings

- 3.1      The Council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.
- 3.2      Despite clauses 3.1, 3.4, 3.7 and 3.17, an ordinary meeting may be cancelled if there are no operational reports to be considered by Council. The General Manager must inform the Mayor should this situation arise. The Mayor may, after consultation with each Councillor, as far as practicable, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the Council's website and in such other manner that the Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

**Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.**

Extraordinary meetings

- 3.3      If the Mayor receives a request in writing, signed by at least 2 Councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable, but in any event, no more than 14 days after receipt of the request. The Mayor can be 1 of the 2 Councillors requesting the meeting.

**Note: Clause 3.3 reflects section 366 of the Act.**

Notice to the public of council meetings

- 3.4      The Council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the Council.

**Note: Clause 3.4 reflects section 9(1) of the Act.**

- 3.5      For the purposes of clause 3.4, notice of a meeting of the Council and of a committee of Council is to be published before the meeting takes place. The notice must be published on the Council's website, and in such other manner that the Council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible. **The business paper will be published on the Council website by 10am the first Monday after the previous meeting of Council.**
- 3.6      For the purposes of clause 3.4, notice of more than 1 meeting may be given in the same notice.

**ITEM 3 - ATTACHMENT 2      REVISED CODE OF MEETING PRACTICE.**Notice to councillors of ordinary council meetings

- 3.7 The General Manager must send to each Councillor, at least ~~3 days before each~~ **by close of business on the first Friday after the previous** meeting of the Council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

**Note: Clause 3.7 reflects section 367(1) of the Act.**

- 3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to Councillors in electronic form, but only if all Councillors have facilities to access the notice, agenda and business papers in that form.

**Note: Clause 3.8 reflects section 367(3) of the Act.**

Notice to councillors of extraordinary meetings

- 3.9 Notice of less than 3 days may be given to Councillors of an extraordinary meeting of the Council in cases of emergency.

**Note: Clause 3.9 reflects section 367(2) of the Act.**

Giving notice of business to be considered at council meetings

- 3.10 A Councillor may give notice of any business they wish to be considered by the Council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted ~~10 business days before the meeting is to be held.~~ **3 days prior to the distribution of the business paper.**
- 3.11 A Councillor may, in writing to the General Manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.12 If the General Manager considers that a notice of motion submitted by a Councillor for consideration at an ordinary meeting of the Council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the General Manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the Council.
- 3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the General Manager must either:
- (a) Prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the Council, or

**ITEM 3 - ATTACHMENT 2      REVISED CODE OF MEETING PRACTICE.**

- (b) By written notice sent to all Councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the Council to such a date specified in the notice, pending the preparation of such a report.

Questions with notice

- 3.14 A Councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the General Manager about the performance or operations of the Council.
- 3.15 A Councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the General Manager or a member of staff of the Council, or a question that implies wrongdoing by the General Manager or a member of staff of the Council.
- 3.16 The General Manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the Council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.17 The General Manager must cause the agenda for a meeting of the Council or a committee of the Council to be prepared as soon as practicable before the meeting.
- 3.18 The General Manager must ensure that the agenda for an ordinary meeting of the Council states:
- (a) All matters to be dealt with arising out of the proceedings of previous meetings of the Council, and
  - (b) If the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
  - (c) All matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
  - (d) Any business of which due notice has been given under clause 3.10.
- 3.19 Nothing in clause 3.18 limits the powers of the Mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.20 The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of the Council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the General manager, is likely to take place when the meeting is closed to the public, the General Manager must ensure that the agenda of the meeting:



- (a) Identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
- (b) States the grounds under section 10A(2) of the Act relevant to the item of business.

**Note: Clause 3.21 reflects section 9(2A)(a) of the Act.**

- 3.22 The General Manager must ensure that the details of any item of business which, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to Councillors for the meeting concerned. Such details must not be included in the business papers made available to the public; and must not be disclosed by a Councillor or by any other person to another person who is not authorised to have that information.

#### **Statement of ethical obligations**

- 3.23 Business papers for all ordinary and extraordinary meetings of the Council and committees of the Council must contain a statement reminding the Mayor and Councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

#### **Availability of the agenda and business papers to the public**

- 3.23<sup>4</sup> Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the Council and committees of Council, are to be published on the Council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the Council, at the relevant meeting and at such other venues determined by the Council.

**Note: Clause 3.23<sup>4</sup> reflects section 9(2) and (4) of the Act.**

- 3.24<sup>5</sup> Clause 3.23<sup>4</sup> does not apply to the business papers for items of business that the General Manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

**Note: Clause 3.24<sup>5</sup> reflects section 9(2A)(b) of the Act.**

- 3.25<sup>6</sup> For the purposes of clause 3.23<sup>4</sup>, copies of agendas and business papers must be published on the Council's website and made available to the public at a time that is as close as possible to the time they are available to Councillors.

**Note: Clause 3.25<sup>6</sup> reflects section 9(3) of the Act.**

- 3.26<sup>7</sup> A copy of an agenda, or of an associated business paper made available under clause 3.23<sup>4</sup>, may in addition be given or made available in electronic form.

**Note: Clause 3.26<sup>7</sup> reflects section 9(5) of the Act.**

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- 3.27~~8~~<sup>9</sup> The General Manager must ensure that the agenda for an extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.
- 3.28<sup>9</sup> Despite clause 3.27~~8~~<sup>9</sup>, business may be considered at an extraordinary meeting of the Council, even though due notice of the business has not been given, if:
- (a) A motion is passed to have the business considered at the meeting, and
  - (b) The business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.
- 3.29~~30~~<sup>30</sup> A motion moved under clause 3.28<sup>9</sup> (a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.30<sup>1</sup> Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.28<sup>9</sup> (a) can speak to the motion before it is put.
- 3.34<sup>2</sup> A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.28<sup>9</sup> (b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 3.32<sup>3</sup> Prior to each ordinary meeting of the Council, the General Manager may arrange a pre-meeting briefing session to brief Councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the Council and meetings of committees of the Council.
- 3.33<sup>4</sup> Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.35    Pre-meeting briefing sessions may be held by audio-visual link.**
- 3.34<sup>6</sup> The General Manager or a member of staff nominated by the General Manager is to preside at pre-meeting briefing sessions.
- 3.35<sup>7</sup> Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal Council or committee meeting at which the item of business is to be considered.
- 3.36<sup>8</sup> Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a Council or committee meeting. The Council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the Councillor who made the declaration.

**ITEM 3 - ATTACHMENT 2      REVISED CODE OF MEETING PRACTICE.****4   PUBLIC FORUMS (Public Access)**

4.1      The Council may hold a public forum prior to each ordinary meeting of the Council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting and/or other matters at the discretion of the Mayor. Public forums may also be held prior to extraordinary Council meetings and meetings of committees of the Council.

4.2      Public forums may be held by audio-visual link.

4.2 (a) Presentations to public forums must be done in person and are not permitted to be written or video presentations unless the presenter is present to respond to questions per clause 4.15.

4.23     Public forums are to be chaired by the Mayor or their nominee.

4.34     To speak at a public forum, a person must first make an application to the Council in the approved form. Applications to speak at the public forum must be received by 12 noon on the Monday before the date on which the public forum is to be held, and must identify the item of business on the agenda of the Council meeting the person wishes to speak on, if applicable, and whether they wish to speak 'for' or 'against' the item.

4.45     A person may apply to speak on no more than 2 items of business on the agenda of the Council meeting.

4.56     Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.

4.67     The Mayor or their delegate may refuse an application to speak at a public forum. The Mayor or their delegate must give reasons in writing for a decision to refuse an application.

4.78     No more than 2 speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Council meeting, with the total number of speakers at any one meeting being 12.

4.89     If more than the permitted number of speakers' apply to speak 'for' or 'against' any matter, those permitted to speak will be determined by the order the applications were received by Council.

4.910    If more than the permitted number of speakers apply to speak 'for' or 'against' any matter, the Mayor or their delegate may, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the Council to hear a fuller range of views on the relevant item of business.

4.101    ~~Council may require a~~ Approved speakers at the public forum ~~are~~ to register with the Council any written, visual or audio material to be presented in support of their address to the Council at the public forum, and to identify any equipment needs by 2pm the day of the public forum. The Mayor or their delegate may refuse to allow such material to be presented.

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- 4.142 The Mayor or their delegate is to determine the order of speakers at the public forum.
- 4.123 Each speaker will be allowed 5 minutes to address the Council. This time is to be strictly enforced by the chairperson.
- 4.134 Speakers at public forums must not digress from the item on the agenda, if applicable, of the Council meeting they have applied to address the Council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.145 A Councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.156 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, will be regulated by the chairperson.
- 4.167 Speakers at public forums cannot ask questions of the Council, Councillors or Council staff.
- 4.178 The General Manager or their nominee may, with the concurrence of the chairperson, address the Council in response to an address to the Council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.189 Where an address made at a public forum raises matters that require further consideration by Council staff, the General Manager may recommend that the Council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.1920 When addressing the Council, speakers at public forums must comply with this Code and all other relevant Council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the Council's Code of Conduct or making other potentially defamatory statements.
- 4.201 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19 20, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.242 Clause 4.201 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this Code.
- 4.223 Where a speaker engages in conduct of the type referred to in clause 4.1920, the Mayor or their delegate may refuse further applications from that person to speak at public forums for such a period as the Mayor or their delegate considers appropriate.

**ITEM 3 - ATTACHMENT 2      REVISED CODE OF MEETING PRACTICE.**

4.23<sup>4</sup> Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a Council or committee meeting. The Council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the Councillor who made the declaration.

4.25 Public forums are to be streamed live and made available following the Council meeting in the same terms as for regular meetings at 5.26 - 5.31.

4.26 Speakers will be asked whether they consent to their contribution being streamed live and made available per 4.25. The arrangements at 4.25 will be activated only for those who consent. To preserve the flow of the recording, all speakers who do not consent will be heard prior to those who do consent.

**Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council.**

## **5 COMING TOGETHER**

### Attendance by councillors at meetings

5.1 All Councillors must make reasonable efforts to attend meetings of the Council and of committees of the Council of which they are members.

**Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.**

5.2 A councillor cannot participate in a meeting of the Council or of a committee of the Council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this Code.

5.3 Where a Councillor is unable to attend 1 or more ordinary meetings of the Council, the Councillor should request that the Council grant them a leave of absence from those meetings. This clause does not prevent a Councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this Code and the Act.

5.4 A Councillor's request for leave of absence from Council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.

5.5 The Council must act reasonably when considering whether to grant a Councillor's request for a leave of absence.

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- 5.6 A Councillor's civic office will become vacant if the councillor is absent from 3 consecutive ordinary meetings of the Council without prior leave of the Council, or leave granted by the Council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the Council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

**Note: Clause 5.6 reflects section 234(1)(d) of the Act.**

- 5.7 A Councillor who intends to attend a meeting of the Council despite having been granted a leave of absence should, if practicable, give the General Manager at least 2 days' notice of their intention to attend.

The quorum for a meeting

- 5.8 The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office at that time and are not suspended from office. The quorum for Port Stephens Council is 6.

**Note: Clause 5.8 reflects section 368(1) of the Act.**

- 5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the Council.

**Note: Clause 5.9 reflects section 368(2) of the Act.**

- 5.10 A meeting of the Council must be adjourned if a quorum is not present:
- (a) At the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
  - (b) Within half an hour after the time designated for the holding of the meeting, or
  - (c) At any time during the meeting.
- 5.11 In either case, the meeting must be adjourned to a time, date, and place fixed:
- (a) By the chairperson, or
  - (b) In the chairperson's absence, by the majority of the Councillors present, or
  - (c) Failing that, by the General Manager.
- 5.12 The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.
- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety and or welfare of Councillors, Council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire) or a public health emergency, the Mayor may, in consultation with the General Manager and, as far as is practicable, with



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each Councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the Council's website and in such other manner that the Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

- 5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the Council or at an extraordinary meeting called under clause 3.3.

**Meetings held by audio-visual link**

- 5.15 A meeting of the Council or a committee of the Council may be held by audio-visual link where the Mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The Mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of Councillors and staff at risk. The Mayor must make a determination under this clause in consultation with the General Manager and, as far as is practicable, with each Councillor.

- 5.16 Where the Mayor determines under clause 5.15 that a meeting is to be held by audio-visual link, the General Manager must:

- (a) give written notice to all Councillors that the meeting is to be held by audio-visual link, and
- (b) take all reasonable steps to ensure that all Councillors can participate in the meeting by audio-visual link, and
- (c) cause a notice to be published on the Council's website and in such other manner the General Manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.

- 5.17 This code applies to a meeting held by audio-visual link under clause 5.15 in the same way it would if the meeting was held in person.

**Note: Where a council holds a meeting by audio-visual link under clause 5.15, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.**

**Attendance by Councillors at meetings by audio-visual link**

- 5.18 Councillors may attend and participate in meetings of the Council and committees of the Council by audio-visual link for no more than 2 consecutive meetings. Attempt to attend for more than 2 consecutive meetings will result in a refusal to admit the Councillor to the audio-visual link.

- 5.19 The Council must comply with the Health Privacy Principles prescribed under the Health Records and Information Privacy Act 2002 when collecting, holding, using and disclosing health information in connection with a request by a Councillor to attend a meeting by audio-visual link.

5.20 This code applies to a Councillor attending a meeting by audio-visual link in the same way it would if the Councillor was attending the meeting in person. When a Councillor attends a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.

5.21 A Councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The Councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.

5.22 A Councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the Council or the committee into disrepute.

#### Entitlement of the public to attend council meetings

5.45<sup>23</sup> Everyone is entitled to attend a meeting of the Council and committees of the Council. The Council must ensure that all meetings of the Council and committees of the Council are open to the public.

**Note: Clause 5.45<sup>23</sup> reflects section 10(1) of the Act.**

5.46<sup>24</sup> Clause 5.45<sup>23</sup> does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

5.47<sup>25</sup> A person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or a committee of the Council if expelled from the meeting:

- (a) By a resolution of the meeting, or
- (b) By the person presiding at the meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.

**Note: Clause 5.47<sup>25</sup> reflects section 10(2) of the Act.**

**Note: Clause 15.15<sup>4</sup> authorises chairpersons to expel persons other than councillors from a council or committee meeting.**

#### Webcasting of meetings

5.18<sup>26</sup> ~~All meetings of the Council and committees of the Council are to be webcast on the Council's website.~~ Each of the meeting of the Council or committee of the Council is to be recorded by means of audio or audio-visual device.

5.27 At the start of each meeting of the Council or a committee of the Council, the chairperson must inform the persons attending the meeting that:

- (a) the meeting is being recorded and made publicly available on the council's website, and
- (b) persons attending the meeting should refrain from making any defamatory statements.

5.28 The recording of a meeting is to be made publicly available on the Council's website:

- (a) at the same time as the meeting is taking place, or
- (b) as soon as practicable after the meeting, and
- (c) a meeting may only not be webcast live in the case of technical issues or technical limitations.
- (d) in case of issues per 5.28 (c), the meeting will be paused for 5 minutes to enable troubleshooting to occur. If the issue is not fixed after 5 minutes, the meeting may continue so long as it is still being recorded for the recording to be made available after the meeting.

5.29 The recording of a meeting is to be made publicly available on the Council's website for at least 12 months after the meeting or to the limit of Council's Information Technology storage capacity, whichever is greater.

5.30 Clauses 5.28 and 5.29 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

**Note: Clauses 5.26 – 5.30 reflect section 236 of the Regulation.**

5.31 Recordings of meetings may be disposed of in accordance with the State Records Act 1998.

~~5.19 Council will audio-visual record (livestream) all Council meetings held in the Council Chamber at 116 Adelaide Street, Raymond Terrace.~~

~~5.20 Any meetings held outside the Council Chambers at 116 Adelaide Street, Raymond Terrace, will be either audio-visual recording or an audio recording, and made available on Council's website following the meeting.~~

~~5.21 Clause 5.18 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.~~

~~5.22 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.~~

~~5.23 A recording of each meeting of the Council and committee of the Council is to be retained on the Council's website for a minimum of 12 months or to the limit of Council's Information Technology storage capacity, whichever is greater. Recordings of meetings may be disposed of in accordance with the State Records Act 1998.~~

Attendance of the general manager and other staff at meetings

5.24<sup>32</sup> The General Manager is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a committee of the Council of which all of the members are Councillors.

**Note: Clause 5.24<sup>32</sup> reflects section 376(1) of the Act.**

5.25<sup>33</sup> The General Manager is entitled to attend a meeting of any other committee of the Council and may, if a member of the committee, exercise a vote.

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**Note: Clause 5.25<sup>33</sup> reflects section 376(2) of the Act.**

5.26<sup>34</sup> The General Manager may be excluded from a meeting of the Council or a committee while the Council or committee deals with a matter relating to the standard of performance of the General Manager or the terms of employment of the General Manager.

**Note: Clause 5.26<sup>34</sup> reflects section 376(3) of the Act.**

5.27<sup>35</sup> The attendance of other Council staff at a meeting, (other than as members of the public) shall be with the approval of the General Manager.

## **6 THE CHAIRPERSON**

### The chairperson at meetings

6.1 The Mayor, or at the request of or in the absence of the Mayor, the Deputy Mayor (if any) presides at meetings of the Council.

**Note: Clause 6.1 reflects section 369(1) of the Act.**

6.2 If the Mayor and the Deputy Mayor (if any) are absent, a councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.

**Note: Clause 6.2 reflects section 369(2) of the Act.**

### Election of the chairperson in the absence of the Mayor and Deputy Mayor

6.3 If no chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

6.4 The election of a chairperson must be conducted:

- (a) By the General Manager or, in their absence, an employee of the Council designated by the General Manager to conduct the election, or
- (b) By the person who called the meeting or a person acting on their behalf if neither the General Manager nor a designated employee is present at the meeting, or if there is no General Manager or designated employee.

6.5 If, at an election of a chairperson, 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

6.6 For the purposes of clause 6.5, the person conducting the election must:

- (a) Arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
- (b) Then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

6.7 The candidate whose name is on the drawn slip is the candidate who is to be

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the chairperson.

- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the Council:
- (a) Any Councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
  - (b) Every Councillor present must be silent to enable the chairperson to be heard without interruption.

**7 MODES OF ADDRESS**

- 7.1 If the chairperson is the Mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the Mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A Councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A Council officer is to be addressed by their official designation or as Mr/Ms [surname].

**8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS**

- 8.1 At a meeting of the Council, the general order of business is as fixed by resolution of the Council.
- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the Council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

**Note: If adopted, Part 13 allows Council to deal with items of business by exception.**

- 8.3 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

**9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS**

Business that can be dealt with at a Council meeting

- 9.1 The Council must not consider business at a meeting of the Council:
- (a) Unless a Councillor has given notice of the business, as required by clause 3.10, and
  - (b) Unless notice of the business has been sent to the Councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.

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- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) Is already before, or directly relates to, a matter that is already before the Council, or
  - (b) Is the election of a chairperson to preside at the meeting, or
  - (c) Subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
  - (d) Is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the Council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the Council even though due notice of the business has not been given to the Councillors if:
- (a) A motion is passed to have the business considered at the meeting, and
  - (b) The business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

**Mayoral minutes**

- 9.6 Subject to clause 9.9, if the Mayor is the chairperson at a meeting of the Council, the Mayor may, by minute signed by the Mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the Council, or of which the Council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the Council's agenda for the meeting. The chairperson (but only if the chairperson is the Mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the Mayor is, so far as it is adopted by the Council, a resolution of the Council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the Council before the next scheduled ordinary meeting of the Council.
- 9.9 (a) A mayoral minute must include a statement within the motion, the report, or in the Mayor's speech, outlining why the motion is not considered to be "routine and not urgent" per clause 9.9.**
- 9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those



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already provided for in the Council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the Council must defer consideration of the matter, pending a report from the General Manager on the availability of funds for implementing the recommendation if adopted.

Staff reports

- 9.11 A recommendation made in a staff report is, so far as it is adopted by the Council, a resolution of the Council.

Reports of committees of council

- 9.12 The recommendations of a committee of the Council are, so far as they are adopted by the Council, resolutions of the Council.
- 9.13 If in a report of a committee of the Council distinct recommendations are made, the Council may make separate decisions on each recommendation.

Questions

- 9.14 A question must not be asked at a meeting of the Council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 9.15 A Councillor may, through the chairperson, put a question to another Councillor about a matter on the agenda.
- 9.16 A Councillor may, through the General Manager, put a question to a Council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the General Manager at the direction of the General Manager.
- 9.17 A Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents **information**. Where a Councillor or Council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or Council employee.

**10 RULES OF DEBATE**Motions to be seconded

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

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- 10.2 A Councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a Councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to Councillors, the Councillor may request the withdrawal of the motion when it is before the Council.
- 10.4 In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of the Council:
- (a) Any other Councillor may, with the leave of the chairperson, move the motion at the meeting, or
  - (b) The chairperson may defer consideration of the motion until the next meeting of the Council.

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment, or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

- 10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the Council must defer consideration of the matter, pending a report from the General Manager on the availability of funds for implementing the motion if adopted.

Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the Council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the

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matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.

- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than 1 motion and 1 proposed amendment can be before Council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

**10.16(a) An amendment put forward that becomes the motion at clause 10.16, is to be noted in the minutes as being accepted by the mover and seconder of the original motion.**

Foreshadowed motions

- 10.17 A Councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the Council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a Councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the Council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

- 10.20 A Councillor who, during a debate at a meeting of the Council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in

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relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.

- 10.21 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than 5 minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the Council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a Councillor may move that a motion or an amendment be now put:
- (a) If the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it, or
  - (b) If at least 2 Councillors have spoken in favour of the motion or amendment and at least 2 Councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All Councillors must be heard without interruption and all other Councillors must, unless otherwise permitted under this code, remain silent while another Councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.
- 10.31 If any debate on an item, the Chairperson must ask the mover if they wish to utilise their right of reply prior to the item being put.

**11 VOTING**Voting entitlements of councillors

- 11.1 Each Councillor is entitled to 1 vote.

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**Note: Clause 11.1 reflects section 370(1) of the Act.**

- 11.2     The person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.

**Note: Clause 11.2 reflects section 370(2) of the Act.**

- 11.3     Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at council meetings

- 11.4     A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

- 11.5     Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.

- 11.6     All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

Voting on planning decisions

- 11.7     The General Manager must keep a register containing, for each planning decision made at a meeting of the Council or a Council committee (including, but not limited to a committee of the Council), the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.

- 11.8     Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.

- 11.9     Clauses 11.7-11.8 apply also to meetings that are closed to the public.

**Note: Clauses 11.10-11.13 reflect section 375A of the Act.**

**Note: The requirements of clause 11.10 may be satisfied by maintaining a register of the minutes of each planning decision.**

## **12 COMMITTEE OF THE WHOLE**

- 12.1     The Council may resolve itself into a committee to consider any matter before the Council.

**Note: Clause 12.1 reflects section 373 of the Act.**

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- 12.2 All the provisions of this Code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of the Council when in committee of the whole, except the provisions limiting the number and duration of speeches.

**Note: Clauses 10.20–10.30 limit the number and duration of speeches.**

- 12.3 The General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager, is responsible for reporting to the Council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 12.4 The Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

**13 DEALING WITH ITEMS BY EXCEPTION**

- 13.1 The Council or a committee of Council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the Council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The Council or committee must not resolve to adopt any item of business under clause 13.1 that a Councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the Council or committee must resolve to alter the order of business in accordance with clause 8.2.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the Council's Code of Conduct.



**ITEM 3 - ATTACHMENT 2      REVISED CODE OF MEETING PRACTICE.****14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC**Grounds on which meetings can be closed to the public

- 14.1 The Council or a committee of the Council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- (a) Personnel matters concerning particular individuals (other than Councillors),
  - (b) The personal hardship of any resident or ratepayer,
  - (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
  - (d) Commercial information of a confidential nature that would, if disclosed:
    - (i) Prejudice the commercial position of the person who supplied it, or
    - (ii) Confer a commercial advantage on a competitor of the Council, or
    - (iii) Reveal a trade secret,
  - (e) Information that would, if disclosed, prejudice the maintenance of law,
  - (f) Matters affecting the security of the Council, Councillors, Council staff or Council property,
  - (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
  - (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land,
  - (i) alleged contraventions of the Council's Code of Conduct.

**Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.**

- 14.2 The Council or a committee of the Council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

**Note: Clause 14.2 reflects section 10A(3) of the Act.**

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (a) Except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
  - (b) If the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

**Note: Clause 14.3 reflects section 10B(1) of the Act.**

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
- (a) Are substantial issues relating to a matter in which the Council or committee is involved, and

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- (b) Are clearly identified in the advice, and
- (c) Are fully discussed in that advice.

**Note: Clause 14.4 reflects section 10B(2) of the Act.**

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

**Note: Clause 14.5 reflects section 10B(3) of the Act.**

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) A person may misinterpret or misunderstand the discussion, or
  - (b) The discussion of the matter may:
    - (i) Cause embarrassment to the Council or committee concerned, or to Councillors or to employees of the Council, or
    - (ii) Cause a loss of confidence in the Council or committee.

**Note: Clause 14.6 reflects section 10B(4) of the Act.**

- 14.7 In deciding whether part of a meeting is to be closed to the public, the Council or committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

**Note: Clause 14.7 reflects section 10B(5) of the Act.**

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the Council, or of a committee of the Council, may be closed to the public while the Council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.22 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) It becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
  - (b) The Council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
    - (i) Should not be deferred (because of the urgency of the matter), and
    - (ii) Should take place in a part of the meeting that is closed to the public.

**Note: Clause 14.8 reflects section 10C of the Act.**

Representations by members of the public

- 14.9 The Council, or a committee of the Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

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**Note: Clause 14.9 reflects section 10A(4) of the Act.**

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the Council in the approved form. Applications must be received by 2pm the day before the meeting at which the matter is to be considered.
- 14.12 The General Manager (or their delegate) may refuse an application made under clause 14.11. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than 2 speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the Council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the General Manager or their delegate is to determine who will make representations to the Council.
- 14.15 The General Manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the Council or a committee of the Council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than 2 speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed 5 minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the Council or a committee of the Council is closed to the public in accordance with section 10A of the Act and this Code, any person who is not a Councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.

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- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

**Obligations of councillors attending meetings by audio-visual link**

- 14.20 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

**Information to be disclosed in resolutions closing meetings to the public**

- 14.20<sup>1</sup> The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) The relevant provision of section 10A(2) of the Act,
  - (b) The matter that is to be discussed during the closed part of the meeting,
  - (c) The reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**Note: Clause 14.20<sup>1</sup> reflects section 10D of the Act.**

**Resolutions passed at closed meetings to be made public**

- 14.24<sup>2</sup> If the Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.22<sup>3</sup> Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 14.24<sup>2</sup> during a part of the meeting that is webcast.

**15 KEEPING ORDER AT MEETINGS****Points of order**

- 15.1 A Councillor may draw the attention of the chairperson to an alleged breach of this Code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.

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- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the Councillor raising the point of order to state the provision of this Code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- 15.4 The chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.8 A Councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this Code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 15.11 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 or any Regulation in force under the Act~~ 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

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- (d)    Insults, ~~or makes personal reflections~~ **unfavourable personal remarks about,** ~~or~~ or imputes improper motives to any other Council official, or alleges a breach of the Council's Code of Conduct, or
- (e)    Says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or the committee into disrepute.

**Note: Clause 15.11 reflects section 182 of the Regulation.**

15.12    The chairperson may require a Councillor:

- (a)    To apologise without reservation for an act of disorder referred to in clauses 15.11(a), ~~or~~ (b), or **(e), or**
- (b)    To withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
- (c)    To retract and apologise without reservation for **any statement that constitutes** an act of disorder referred to in clauses 15.11(d) and (e).

**Note: Clause 15.12 reflects section 233 of the Regulation.**

How disorder at a meeting may be dealt with

- 15.13    If disorder occurs at a meeting of the Council, the chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The Council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

Expulsion from meetings

- 15.14    All chairpersons of meetings of the Council and committees of the Council are authorised under this Code to expel any person other than a Councillor, from a Council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the Council or the committee of the Council.
- 15.15    Clause 15.14, does not limit the ability of the Council or a committee of the Council to resolve to expel a person, including a Councillor, from a Council or committee meeting, under section 10(2)(a) of the Act.
- 15.16    A Councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for having failed to comply with a requirement under clause 15.12. The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

**Note: Clause 15.16 reflects section 233(2) of the Regulation.**

- 15.17    A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for engaging in or having engaged in disorderly conduct at the meeting.

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- 15.18 Where a Councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.19 If a Councillor or a member of the public fails to leave the place where a meeting of the Council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the Councillor or member of the public from that place and, if necessary, restrain the Councillor or member of the public from re-entering that place for the remainder of the meeting.

**How disorder by councillors attending meetings by audio-visual link may be dealt with**

- 15.20 Where a Councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the Councillor's audio link to the meeting for the purposes of enforcing compliance with this code.
- 15.21 If a Councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the Councillor's audio-visual link to the meeting.

**Use of mobile phones and the unauthorised recording of meetings**

- 15.20<sup>2</sup> Councillors, Council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the Council and committees of the Council.
- 15.24<sup>3</sup> A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the Council or a committee of the Council without the prior authorisation of the Council or the committee.
- 15.22<sup>4</sup> Without limiting clause 15.17, a contravention of clause 15.23 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.17. Any person who contravenes or attempts to contravene clause 15.24<sup>3</sup>, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.23<sup>5</sup> If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

**16 CONFLICTS OF INTEREST**

- 16.1 All Councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the Council and committees of the Council in accordance with the Council's Code of Conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the

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declaration must be recorded in the minutes of the meeting at which the declaration was made.

**16.2** Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the Council's Code of Conduct. Where a Councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the Councillor's audio-visual link to the meeting must be suspended or terminated and the Councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the Council or committee, or at any time during which the Council or committee is voting on the matter.

**16.3** The full form that was filled out by the Councillor to declare their conflict of interest will be displayed in the meeting minutes, with any confidential or personal information redacted.

**17 DECISIONS OF THE COUNCIL**Council decisions

**17.1** A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.

**Note: Clause 17.1 reflects section 371 of the Act.**

**17.2** Decisions made by the Council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

**17.3** A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

**Note: Clause 17.3 reflects section 372(1) of the Act.**

**17.4** If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

**Note: Clause 17.4 reflects section 372(2) of the Act.**

**17.5** If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

**Note: Clause 17.5 reflects section 372(3) of the Act.**

**17.6** A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by 3 Councillors if less than 3 months has elapsed since the resolution was passed, or the motion was lost.

**Note: Clause 17.6 reflects section 372(4) of the Act.**



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- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within 3 months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

**Note: Clause 17.7 reflects section 372(5) of the Act.**

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

**Note: Clause 17.8 reflects section 372(7) of the Act.**

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.
- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the General Manager no later than 5pm of the day after the meeting at which the resolution was adopted.
- 17.11 A motion to alter or rescind a resolution of the Council may be moved on the report of a committee of the Council and any such report must be recorded in the minutes of the meeting of the Council.

**Note: Clause 17.11 reflects section 372(6) of the Act.**

Recommitting resolutions to correct an error

- 17.12 Despite the provisions of this Part, a Councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
- (a) To correct any error, ambiguity or imprecision in the Council's resolution, or
  - (b) To confirm the voting on the resolution.
- 17.13 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.12(a), the Councillor is to propose alternative wording for the resolution.
- 17.14 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.12(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.15 A motion moved under clause 17.12 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12 can speak to the motion before it is put.
- 17.16 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12.
- 17.17 A motion moved under clause 17.12 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

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- 18.1 Meetings of the Council and committees of the Council are to conclude no later than 9pm.
- 18.2 If the business of the meeting is unfinished at 9pm, the Council or the committee may, by resolution, extend the time of the meeting.
- 18.3 If the business of the meeting is unfinished at 9pm, and the Council does not resolve to extend the meeting, the chairperson must either:
- (a) Defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the Council, or
  - (b) Adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the Council or a committee of the Council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the General Manager must:
- (a) Individually notify each councillor of the time, date and place at which the meeting will reconvene, and
  - (b) Publish the time, date and place at which the meeting will reconvene on the Council's website and in such other manner that the General Manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

**19 AFTER THE MEETING**Minutes of meetings

- 19.1 The Council is to keep full and accurate minutes of the proceedings of meetings of the Council.

**Note: Clause 19.1 reflects section 375(1) of the Act.**

- 19.2 At a minimum, the General Manager must ensure that the following matters are recorded in the Council's minutes:

- (a) the names of Councillors attending a Council meeting and whether they attended the meeting in person or by audio-visual link.
  - ~~(a)~~(b) Details of each motion moved at a council meeting and of any amendments moved to it,
  - ~~(b)~~(c) The names of the mover and seconder of the motion or amendment,
  - ~~(c)~~(d) Whether the motion or amendment was passed or lost, and
  - ~~(d)~~(e) Such other matters specifically required under this code.
- 19.3 The minutes of a Council meeting must be confirmed at a subsequent meeting of the Council.

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**Note: Clause 19.3 reflects section 375(2) of the Act.**

- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

**Note: Clause 19.5 reflects section 375(2) of the Act.**

- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 19.7 The confirmed minutes of a Council meeting must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 19.8 The Council and committees of the Council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

**Note: Clause 19.8 reflects section 11(1) of the Act.**

- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

**Note: Clause 19.9 reflects section 11(2) of the Act.**

- 19.10 Clause 19.8 does not apply if the Council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

**Note: Clause 19.10 reflects section 11(3) of the Act.**

- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

- 19.12 The General Manager is to implement, without undue delay, lawful decisions of the Council.

**Note: Clause 19.12 reflects section 335(b) of the Act.**

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- 20.1      This Part only applies to committees of the Council whose members are all Councillors.

Council committees whose members are all councillors

- 20.2      The Council may, by resolution, establish such committees as it considers necessary.
- 20.3      A committee of the Council is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
- 20.4      The quorum for a meeting of a committee of the Council is to be:
- (a)      Such number of members as the Council decides, or
  - (b)      If the Council has not decided a number – a majority of the members of the committee.

Functions of committees

- 20.5      The Council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

Notice of committee meetings

- 20.6      The General Manager must send to each Councillor, regardless of whether they are a committee member, at least 3 days before each meeting of the committee, a notice specifying:
- (a)      The time, date and place of the meeting, and
  - (b)      The business proposed to be considered at the meeting.
- 20.7      Notice of less than 3 days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 20.8      A committee member (other than the Mayor) ceases to be a member of a committee if the committee member:
- (a)      Has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
  - (b)      Has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 20.9      Clause 20.8 does not apply if all of the members of the Council are members of the committee.

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- 20.10 A Councillor who is not a member of a committee of the Council is entitled to attend, and to speak at a meeting of the committee. However, the Councillor is not entitled:
- (a) To give notice of business for inclusion in the agenda for the meeting, or
  - (b) To move or second a motion at the meeting, or
  - (c) To vote at the meeting.

Chairperson and deputy chairperson of council committees

- 20.11 The chairperson of each committee of the Council must be:
- (a) The Mayor, or
  - (b) If the Mayor does not wish to be the chairperson of a committee, a member of the committee elected by the Council, or
  - (c) If the Council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The Council may elect a member of a committee of the Council as deputy chairperson of the committee. If the Council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 20.14 The chairperson is to preside at a meeting of a committee of the Council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the Council may regulate its own procedure. The provisions of this Code are to be taken to apply to all committees of the Council unless the Council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the Council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 Voting at a Council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

- 20.18 The provisions of the Act and Part 14 of this code apply to the closure of

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meetings of committees of the Council to the public in the same way they apply to the closure of meetings of the Council to the public.

- 20.19 If a committee of the Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the Council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.19 during a part of the meeting that is webcast.

Disorder in committee meetings

- 20.21 The provisions of the Act and this code relating to the maintenance of order in Council meetings apply to meetings of committees of the Council in the same way as they apply to meetings of the Council.

Minutes of council committee meetings

- 20.22 Each committee of the Council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:

- (a) the names of Councillors attending a Council meeting and whether they attended the meeting in person or by audio-visual link.
- ~~(a)~~(b) Details of each motion moved at a council meeting and of any amendments moved to it,
- ~~(b)~~(c) The names of the mover and seconder of the motion or amendment,
- ~~(c)~~(d) Whether the motion or amendment was passed or lost, and
- ~~(d)~~(e) Such other matters specifically required under this code.

- 20.23 All voting at meetings of committees of the Council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

- 20.23<sup>4</sup> The minutes of meetings of each committee of the Council must be confirmed at a subsequent meeting of the committee.
- 20.24<sup>5</sup> Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.25<sup>6</sup> When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.26<sup>7</sup> The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

20.27<sup>8</sup> The confirmed minutes of a meeting of a committee of the Council must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of meetings of committees of the Council on its website prior to their confirmation.

## **21 IRREGULARITIES**

21.1 Proceedings at a meeting of a Council or a Council committee are not invalidated because of:

- (a) A vacancy in a civic office, or
- (b) A failure to give notice of the meeting to any Councillor or committee member, or
- (c) Any defect in the election or appointment of a Councillor or committee member, or
- (d) A failure of a Councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Council or committee meeting in accordance with the Council's Code of Conduct, or
- (e) A failure to comply with this Code.

**Note: Clause 21.1 reflects section 374 of the Act.**

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## 22 DEFINITIONS

the Act	means the Local Government Act 1993.
act of disorder	means an act of disorder as defined in clause 15.11 of this code.
amendment	in relation to an original motion, means a motion moving an amendment to that motion.
audio recorder	any device capable of recording speech.
audio-visual link	means a facility that enables audio and visual communication between persons at different places.
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales.
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code.
this code	means the council's adopted code of meeting practice.
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1.
councillor	means a councillor elected to Port Stephens Council, including the mayor, unless the mayor is defined in another capacity within this code.
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in New South Wales.
day	means calendar day.
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion.
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment.
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion.
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means.
planning decision	means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979 including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act.



**ITEM 3 - ATTACHMENT 2      REVISED CODE OF MEETING PRACTICE.**

performance improvement order	means an order issued under section 438A of the Act.
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting.
the Regulation	means the Local Government (General) Regulation 2005 <b>2021</b> .
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time.
year	means the period beginning 1 July and ending the following 30 June.

## ITEM 3 - ATTACHMENT 2 REVISED CODE OF MEETING PRACTICE.

## CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website <a href="http://www.portstephens.nsw.gov.au">www.portstephens.nsw.gov.au</a>			
<b>TRIM container No</b>	A2004-0284	<b>EDRMS record No</b>	20/242259 TBC
<b>Audience</b>	Elected Council		
<b>Process owner</b>	Governance Section Manager		
<b>Author</b>	Governance Section Manager		
<b>Review timeframe</b>	Four years 3 years	<b>Next review date</b>	9 June 2023 TBC
<b>Adoption date</b>	28 May 2019		

## VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	28 May 2019	Governance Section Manager	Adoption of the model Code of Conduct.	113
1.1	9 June 2020	Governance Section Manager	Reviewed the Code, format numbering to align with corporate style guide and updated version control. 3.1, 3.1.1 to 3.1.4 – delete. 3.1 & 3.2 – insert new clauses. 3.2 to 3.36 – renumber to 3.3 to 3.37 and update reference clauses. 3.10 – replace 7 days with 10 days. 4.3 – amend 12.00 noon to read 12 noon. 8.1 – delete. 8.1 – insert new clause. Update definitions to include 'councillor'.	098

1.2		Governance Section Manager	<p>Reviewed the Code in accordance with amendments in the Model Code of Meeting Practice , format numbering to align with corporate style guide and updated version control.</p> <p>Amendments</p> <p>Introduction - replaced “made” with “prescribed” and updated the Local Government (General) Regulation to 2021.</p> <p>3.5 – update to include timeframe to publish business paper on website.</p> <p>3.7 – update to include distribution of business paper to Mayor and Councillors.</p> <p>3.10 – change to timeframe to lodge a notice of motion.</p> <p>3.23 - new clause “Statement of ethical obligations”.</p> <p>3.35 – new clause to enable pre-meeting briefings to be held by audio-visual link.</p> <p>4.2 – new clause to enable public forums to be held by audio-visual link.</p> <p>4.11 – Minor amendment to wording.</p> <p>4.21, 4.23 – updated reference to clause 4.19.</p>	
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			<p>5.2 – include reference to audio-visual link.</p> <p>5.13 – updated wording to “health” and “public health emergency”, and remove reference to flood or bushfire.</p> <p>5.15 to 5.17 – new clauses to enable meetings to be held by audio-visual link.</p> <p>5.18 to 5.22 – new clauses to enable meeting attendance by audio-visual link.</p> <p>5.26 – amendments to reflect method of recording webcast.</p> <p>5.27 to 5.31 – clauses wording in the model code of meeting practice.</p> <p>Former 5.19 to 5.23 – clauses removed.</p> <p>9.17 – remove “documents” and replace with “information”.</p> <p>11.10 – new clause to enable a division on each item.</p> <p>14.7 – include “departmental”.</p> <p>14.20 – new clause.</p> <p>15.11 – remove “personal reflections’ and replace with “unfavourable personal remarks about,” and include reference to section 182 of the Regulation.</p> <p>15.12 – update to include (e) and “any statement that</p>	
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## ITEM 3 - ATTACHMENT 2 REVISED CODE OF MEETING PRACTICE.

Version	Date	Author	Details	Minute No.
			<p>constitutes” and include reference to section 233 of the Regulation.</p> <p>15.16 – Include reference to section 233(2) of the Regulation.</p> <p>15.20 and 15.21 – new clause.</p> <p>15.24 – update to include reference to 15.17.</p> <p>16.2 – new clause.</p> <p>17.12 to 17.14 – new clauses.</p> <p>19.2(a) – new sub-clause.</p> <p>20.22(a) – new sub-clause.</p> <p>20.23 – new clause to enable a division on each item.</p> <p>Definitions updated to include audio-visual link and reference to 2021 Regulation.</p>	

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PORT STEPHENS  
COUNCIL

## Code of Meeting Practice

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## DEVELOPMENT ASSESSMENT REPORT

### APPLICATION REFERENCES

<b>Application Number</b>	16-2021-703-1
<b>Development Description</b>	Residential flat building comprising 81 units, neighbourhood shop (including ancillary café), basement parking and strata subdivision
<b>Applicant</b>	PERCEPTION PLANNING PTY LTD
<b>Land owner</b>	KINALA PTY LTD
<b>Date of Lodgement</b>	25/08/2021
<b>Value of Works</b>	\$29,706,291.00
<b>Submissions</b>	136

### PROPERTY DETAILS

<b>Property Address</b>	15 Church Street NELSON BAY, 11-13 Church Street NELSON BAY
<b>Lot and DP</b>	LOT: 156 DP: 1094233, LOT: 178 DP: 1235236
<b>88B Restrictions on Title</b>	Nil
<b>Current Use</b>	Partially constructed residential basement
<b>Zoning</b>	R3 MEDIUM DENSITY RESIDENTIAL
<b>Site Constraints</b>	Acid Sulfate Soils – Class 5 Koala Habitat Planning Map – Clear SEPP (Coastal Management) Combined Footprint Stormwater drainage requirements area – 100year ARI infiltration required
<b>State Environmental Planning Policies</b>	State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Planning Systems) 2021



## ITEM 5 - ATTACHMENT 3 PLANNERS ASSESSMENT REPORT.

State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development

**PLANNERS PRE-ASSESSMENT CHECKLIST**

<b>OWNERS CONSENT</b>	<b>YES / N/A</b>
Land owners consent	<b>Yes</b>
If the land owned by a corporation/company, relevant signatures have been provided (sole director, or director/director / director/company secretary).	<b>N/A</b>
For works occurring outside property, neighbouring consent provided.	<b>N/A</b>
For works occurring on common property within Strata, owner's consent from Strata body provided (common seal).	<b>N/A</b>
<b>DA FORM AND AUTHORITY</b>	
Applicant's description of proposal consistent with DA plans.	<b>Yes</b>
DA description correct in Authority (i.e. LEP definition).	<b>Yes</b>
DA lodged over all affected properties and Authority correct.	<b>Yes</b>
Satisfactory cost of works.	<b>Yes</b>
<b>NOTIFICATION</b>	
Application notified correctly (i.e. check properties notified).	<b>Yes</b>
<b>REFERRALS</b>	
Check referrals are correct and identify if additional required: i.e. Integrated Development (send within 14 days cl.66(2) EPA Regs 2000	<b>Yes</b>
Call applicant and send email acknowledgement.	<b>Yes</b>

## ITEM 5 - ATTACHMENT 3 PLANNERS ASSESSMENT REPORT.

**PROPOSAL**

The proposed development is for a Residential Flat Building (RFB), neighbourhood shop with ancillary café and strata subdivision. The development specifically includes:

- An eleven (11) storey building containing 81 residential dwellings;
- 159 car parking spaces;
- 8 motorcycle parking spaces;
- A neighbourhood shop on the ground floor with ancillary café;
- Gym for residents use;
- Strata subdivision of the units and common property.

The apartment configuration is as below:

**Table 1: Apartment configuration**

<b>Bedrooms</b>	<b>Quantity</b>
One bedroom units	5
Two bedrooms units	46
Three bedroom units	25
Four bedroom units	5
<b>Total</b>	<b>81</b>

The main entry to the building is from the forecourt created along Church Street, which leads to two lobby areas that provide lift and stair access to the levels within the building.

A neighbourhood shop is proposed on the Ground Floor Level accessed from the forecourt on Church Street. The neighbourhood shop is 99.7m<sup>2</sup> in size and includes an ancillary café. The applicant has indicated the café will only operate as part of the neighbourhood shop and not be an independent use. There is a communal gym located on the Ground Floor Level, which will only be for residents use, not for public use.

The Ground Floor Level is the main entry to the building from Church Street and includes a landscaped forecourt with trees and low shrubs as well as street trees along the verge. The First Floor Level of the development includes communal open space with landscaping treatments, a mini golf area and various pieces of outdoor gym equipment. Outdoor planting has been included at the upper levels in the form of planter boxes along the balconies mainly facing Church Street.

Figures 1 and 2 below show the architectural renders of the proposed development.



Figure 1: View of building along Church Street.



Figure 2: South-eastern view of the proposed building.

## ITEM 5 - ATTACHMENT 3 PLANNERS ASSESSMENT REPORT.

**SITE DESCRIPTION**

The subject site comprises two lots being Lot 178 DP 1235236 and Lot 156 DP 1094233, known as 11-15 Church Street, Nelson Bay (the 'site'). Generally rectangular in shape, the site has a downslope from the west to north-east and is 4628.79m<sup>2</sup> in size.

The site has undergone significant earthworks that were approved under previous DAs, including partially constructed basement foundations from a previously approved development, which has ceased construction. There is also a crane present on site.

To the south of the site is the Oaks Nelson Bay Lure Suites. To the north of the site are the Seaview at the Bay holiday units and Donald Street beyond the units, which contains a variety of retail and business uses. To the east of the site is the Cote D'Azur serviced apartments and a block of townhouses. To the west are residential dwellings primarily single and two storey in height.

The site is located approximately 400m from D'Albora Marina to the north, 500m to Nelson Bay Golf Course to the south-east and 1.3km from Gan Gan Lookout to the south-west.



Figure 3: Aerial view of the site (outlined in white).





Figure 4: Surrounding context (site outlined in red).

#### SITE HISTORY

The site has been subject to multiple development application (DAs), which are outlined below.

##### 11-13 Church Street, Nelson Bay

On 9 May 2017, a DA 16-2016-631-1 for a Residential Flat Building (incorporating 8 storey apartment complex with underground car parking) was approved on the site. The DA included 56 residential apartments and had a height of 32m above ground level.

Prior to this, DA 16-2008-236-1 was approved on site for a five storey residential apartment complex comprising 33 units over two buildings. A modification to the consent was approved to increase the number of units to 36 and the building height to 16.8m.

##### 15 Church Street, Nelson Bay

On 16 May 2002, DA 16-2000-1014-1 was approved on site for an Urban Housing Development containing 21 residential units. This application was subsequently modified to increase the floor to ceiling heights from 2.5m to 2.8m, and was approximately 15.5m in height.

**SITE INSPECTION**

A site inspection was carried out on 6 September 2021. The subject site can be seen in the images below.



**Image 1: View from west of Church Street looking east towards the site.**



**Image 2: Looking north-east towards the site.**



**Image 3: View into site where crane and partially constructed footings exist.**



**Image 4: Southern boundary of site shared with the Oaks Lure to the south.**





**Image 5: Existing works on site.**



**Image 6: View north-west from site towards neighbouring properties.**





**Image 7: View south-west to neighbouring properties.**



**Image 8: Seaview Apartments located on adjacent northern site.**

## ITEM 5 - ATTACHMENT 3 PLANNERS ASSESSMENT REPORT.

**PLANNING ASSESSMENT**

The application was assessed, and comments provided, by the following external agencies and internal specialist staff:

Internal

**Development Engineer** – Supported with conditions. The recommended conditions relate to water quality and on-site storage requirements.

**Environmental Health** – Supported with conditions. The recommended conditions relate to the neighbourhood shop and ancillary café, and require the construction and fit-out of the food premises to accord with the relevant Health and Food Acts and Regulations.

**Building Surveyor** – Supported with conditions. The recommended conditions relate to ensuring the construction of the building is in accordance with the BCA.

**Strategic Planning** – Supported unconditionally. The referral outlined that the proposed development is consistent with the objectives of the applicable planning strategies such as the Hunter Regional Plan 2036, Port Stephens Local Housing Strategy, Port Stephens Local Strategic Planning Statement and Nelson Bay Strategy.

**Developer Contributions** – Supported with conditions. Section 7.11 contributions apply to the portion of the development that is a residential flat building. Under DA 16-2000-1014-1, contributions were paid on 15 February 2006 for the creation of 19 additional dwellings over two lots (21 units in total). This proposal is over two lots, and therefore, a 22 lot credit has been applied and contributions apply for an additional 59 dwellings. The s7.11 contributions will be spent in accordance with the work schedule within the Tomaree catchment, as indicated in the Section 7.11 Contributions Plan.

**Waste Management** – Supported unconditionally. The development will remain to be rated for residential waste services as required, though the applicant will use a private waste contractor to service the development.

**Comment:** All internal referral officers have supported the application.

External

**Ausgrid** – Supported with conditions. The applicant will be required to submit a NECF-01 - 'Preliminary Enquiry' form for a response from Ausgrid which must be received before a Construction Certificate is issued.

**Environmental Planning and Assessment Act 1979****Section 4.46 - Integrated development**

Section 4.46 EP&A Act provides that development is integrated development if in order to be carried out, the development requires development consent and one or more other approvals. The proposed development is not integrated development for the purposes of this section of the Act.

**Section 4.15 - Matters for consideration**

The proposal has been assessed under the relevant matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

**ITEM 5 - ATTACHMENT 3 PLANNERS ASSESSMENT REPORT.*****Section 4.15(a)(i) - any environmental planning instrument***

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

**State Environmental Planning Policy (Biodiversity and Conservation) 2021*****Chapter 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.

The site is mapped as 'Clear' on the Koala habitat map. The site only contains weeds and no other vegetation, and none of the adjacent sites contain any koala feed species or preferred habitat. The development will not have an impact on koala habitat or the koala population.

**State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

A BASIX Certificate has been submitted for the proposed development, which demonstrates that the proposal can achieve required water and energy saving targets compared to the standard model house. A condition of consent has been included in the notice of determination requiring the development to be carried out in accordance with the BASIX Certificate.

**State Environmental Planning Policy (Planning Systems) 2021*****Chapter 2 – State and regional development***

In accordance with Schedule 6 of this SEPP, general development with a capital investment value (CIV) over \$30 million is classified as regionally significant development and must be determined by the Hunter and Central Coast Regional Planning Panel.

The cost summary provided by the applicant outlined the CIV was \$29,706,291.00. Considering this, the application is classified as local development to be determined by the elected Council.

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

The site is mapped within the Coastal Environment Area, as such the following general matters are required to be considered when determining an application.

As per Section 2.10 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 development is sufficiently setback from the coastal area, being the combination of Nelson Bay/Dutchman's Bay/Karuah River, by approximately 380 metres. Water runoff from the building will be managed on site, as will sediment runoff during the construction process.

Therefore, the application would generally comply with the aims of the SEPP and can therefore be supported.

***Chapter 4 Remediation of land***

The object of this Chapter is to provide for a State-wide planning approach to the remediation of contaminated land. Section 4.6 requires that a consent authority must consider whether land is contaminated prior to granting development consent.

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, there are no records of potentially contaminating activities occurring on the site, and the residential and neighbourhood shop proposed uses are not listed as possible contaminating uses, per Table 1 of the Guidelines. Noting this, and that the existing and future site are of residential use, the proposed development satisfies the requirements of this chapter.

**State Environmental Planning Policy (Transport and Infrastructure) 2021*****Chapter 2 Infrastructure***

The development was referred to Ausgrid as per Section 2.48 of this SEPP. Ausgrid has underground electricity assets in the vicinity of the development, and additionally there are overhead power lines along the western side of Church Street. Ausgrid provided no objection to the application and outlined the required applications the developer would need to apply for prior to commencing any electricity works.

The development is not traffic generating development as per Schedule 3 of SEPP (Transport and Infrastructure) 2021. The proposal includes residential accommodation, which contains more than 75 dwellings as per column 3 of Schedule 3, notwithstanding, Church Street is not a classified road and does not connect to a classified road within 90 metres. Therefore, no referral to TfNSW for concurrence is required.

**State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development**

State Environmental Planning Policy State Environmental Planning Policy No. 65 – Quality Design of Residential Apartment Development (SEPP 65) aims to improve the quality of residential apartment development and provides an assessment framework in the Apartment Design Guide (ADG) to facilitate the assessment of 'good design'. This policy applies, as the development is for a residential flat building that is more than three storeys in height and contains at least four dwellings. The application was referred to Council's Urban Design Panel (UDP) for assessment against the ADG and the principles of Schedule 1 of this policy.

The application was initially reviewed in a Pre-DA Meeting (18-2021-16-1) prior to DA lodgement on 13 May 2021. The plans were conceptual at this stage, however the Panel gave design recommendations such as; optimising deep soils planting and landscaping in the streetscape and around the building to balance the size of the development, setbacks from neighbouring properties, detail in regard to solar access to building and building impact on neighbours solar access, and increasing the communal spaces, particularly the one on the top level if it is proposed to be above the height limit.



Figure 5: Pre-DA Concept

The UDP reviewed the submitted DA design on 14 October 2021, and raised the following matters:

- Generally unsupportive of height exceedance if used primarily for private use and not communal space.
- Areas for landscaping, planting and deep soil needed complete revision to offset bulk and scale.
- Ground level/podium communal open space should have less hardstand and offer a variety of uses.
- Recommended Visual Impact Assessment (VIA) is updated due to some outdated references.
- Mid-rise section of the south-western wing should be reduced in bulk.

The UDP outlined support could not be given to the design without the design being further amended to incorporate the matters outlined above.



Figure 6: DA lodged concept

## ITEM 5 - ATTACHMENT 3 PLANNERS ASSESSMENT REPORT.

The applicant revised the design and the UDP subsequently reviewed the proposal as amended on 14 April 2022. The amended design incorporated the changes as suggested by the UDP, such as changing the top level (above the height limit) to be predominately communal space for all residents, rather than private space for few residents. The UDP was generally supportive of the revised design, though required the following changes to be made to receive final support:

- Additional landscaping to be provided as a buffer between residential units facing communal area.
- More 'soft' landscaping along the ground level units frontage required.
- Comments in regard to species proposed and ability to survive and be well maintained.

The applicant made the above changes and the Panel provided support for the application.



Figure 7: Proposed final concept

Considering the final iteration of plans, the following table outlines each objective and how the final design has addressed each principle.

Table 2: SEPP 65 Schedule 1 Design Quality Principles

Criteria	Comments
Principle 1: Context and neighbourhood character	<p>The site is located within the Nelson Bay Town Centre. The site is zoned R3 Medium Density Residential to encourage the construction of denser residential housing on the fringe of the Nelson Bay Village.</p> <p>The sites location is at an elevated position on the western edge of the town centre, with close access to the main retail and commercial core of the town.</p> <p>The area is undergoing significant change, with more RFBs being developed in the area amongst the existing lower density and tourist accommodation developments.</p>

## ITEM 5 - ATTACHMENT 3 PLANNERS ASSESSMENT REPORT.

Criteria	Comments
	<p>The proposal responds to these emerging changes by providing a high quality design which caters for the future desired character of Nelson Bay.</p>
Principle 2: Built form and scale	<p>The design of the building, whilst large in scale, provides a compatible connection to the adjacent neighbours and will improve the architectural quality that exists within the locality.</p> <p>The objectives of the height controls are to achieve buildings with appropriate heights for the character on context whilst reflecting the hierarchy of centres and the land use structure. The objectives of the FSR control is to achieve a building compatible with the bulk and scale of the desired future character of the locality, a balance between built form and landscaping and to minimise the effects of bulk and scale.</p> <p>The design does achieve a height suitable for the area and desired hierarchy of buildings in accordance with the Nelson Bay Town Centre Strategy. It also achieves the desired built form character, as it is a modern building that will improve the aesthetic quality of the existing area. The design also provides ample landscaping and communal space to residents whilst remaining below the FSR.</p> <p>The buildings interface with Church Street and the public domain, provides a positive addition to the streetscape through clear pedestrian and vehicle connection and provision of landscaping and areas for social interaction, which the street does not currently have.</p>
Principle 3: Density	<p>The design and size of each unit provides a high level of amenity for future residents. The units are all above the minimum size required per the ADG and include a desirable mix to meet the requirements of small to large households.</p> <p>The FSR is 2.56:1, below the maximum 3.1:1.</p> <p>The development is located within a well serviced area with public transport options available and is within walking distance to the retail and commercial core of Nelson Bay.</p>

## ITEM 5 - ATTACHMENT 3 PLANNERS ASSESSMENT REPORT.

Criteria	Comments
Principle 4: Sustainability	<p>The application has provided a BASIX certificate which outlines the buildings ability to meet the required standards per SEPP BASIX.</p> <p>The development has also incorporated:</p> <ul style="list-style-type: none"> <li>• An electric vehicle car charging space.</li> <li>• Units are dual aspect and have cross-ventilation where possible.</li> <li>• On-site water detention is included.</li> <li>• Solar panels are provided at roof level to power common areas.</li> </ul>
Principle 5: Landscape	<p>The proposal incorporates ample landscaping in the communal areas on the Ground Level and Level 8, as well as being interspersed on the outdoor areas on other levels.</p> <p>There is an architecturally landscaped forecourt that is a positive addition to the street frontage which provides a well designed space for pedestrians and residents and will encourage social interaction along the street.</p>
Principle 6: Amenity	<p>Internally, the proposal achieves good amenity through the design and location of units within the building that optimise ventilation, solar access and visual privacy.</p> <p>Communal open space is provided on multiple levels with landscaping adding to the quality of these spaces.</p> <p>Externally, the proposal is located in a well serviced area, with access to public transport and a short walking distance to the retail and commercial core of the town.</p>
Principle 7: Safety	<p>The proposal has addressed safety through the following measures:</p> <ul style="list-style-type: none"> <li>• The residential and vehicular entries are well located in high activity and visibility areas on Church Street.</li> <li>• The building entry has been designed to provide an appropriate, identifiable, secure, safe and accessible entry.</li> <li>• Separate entries are provided for pedestrians and vehicles.</li> <li>• There will be passive surveillance from apartments addressing Church Street.</li> <li>• Access lobbies are to be well lit and suitably scaled.</li> <li>• Secure car parking spaces for residential apartments are provided</li> </ul>



## ITEM 5 - ATTACHMENT 3 PLANNERS ASSESSMENT REPORT.

Criteria	Comments																											
	<ul style="list-style-type: none"><li>External areas will be well lit with clear lines of sight from active frontages</li></ul> <p>The principles of CPTED (Crime Prevention Through Environmental Design) have been addressed as follows:</p> <ul style="list-style-type: none"><li>Casual surveillance of the street through balconies and communal open space fronting the street.</li><li>Landscaping has been used to delineate private and public space.</li><li>Security entry to the resident car park and pedestrian entries.</li></ul>																											
Principle 8: Housing diversity and social interaction	<p>A range of apartment designs and sizes are provided catering to different household sizes. The development provides housing choice responsive to market demand, with a mix of apartment sizes proposed including the following:</p> <table><tr><td>5</td><td>1 Bed.</td><td>6.2%</td></tr><tr><td>40</td><td>2 Bed.</td><td>49.4%</td></tr><tr><td>6</td><td>2 Bed. + Study</td><td>7.4%</td></tr><tr><td>21</td><td>3 Bed.</td><td>25.9%</td></tr><tr><td>4</td><td>3 Bed. + Study</td><td>4.9%</td></tr><tr><td>1</td><td>3 Bed. + Study + 2 Living</td><td>1.2%</td></tr><tr><td>2</td><td>4 Bed. + Study</td><td>2.5%</td></tr><tr><td>2</td><td>4 Bed. + Study + 2 Living</td><td>2.5%</td></tr><tr><td>81</td><td></td><td>100.0%</td></tr></table> <p>A large communal room and associated outdoor space including swimming pool is proposed at the top most floor to take advantage of the expansive views over the bay, ocean and bush.</p> <p>A large communal terrace at Level 1 incorporating a walking track, exercise equipment, yoga/tai chi space and mini-golf course all within a landscaped setting.</p>	5	1 Bed.	6.2%	40	2 Bed.	49.4%	6	2 Bed. + Study	7.4%	21	3 Bed.	25.9%	4	3 Bed. + Study	4.9%	1	3 Bed. + Study + 2 Living	1.2%	2	4 Bed. + Study	2.5%	2	4 Bed. + Study + 2 Living	2.5%	81		100.0%
5	1 Bed.	6.2%																										
40	2 Bed.	49.4%																										
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21	3 Bed.	25.9%																										
4	3 Bed. + Study	4.9%																										
1	3 Bed. + Study + 2 Living	1.2%																										
2	4 Bed. + Study	2.5%																										
2	4 Bed. + Study + 2 Living	2.5%																										
81		100.0%																										
Principle 9: Aesthetics	<p>The proposed design provides a balanced composition of elements including a well-defined base level, middle or 'body' and top.</p> <ul style="list-style-type: none"><li>The base is envisaged as a solid form anchoring the building to the site.</li></ul>																											

## ITEM 5 - ATTACHMENT 3 PLANNERS ASSESSMENT REPORT.

Criteria	Comments
	<ul style="list-style-type: none"> <li>The middle or body of the building is conceived as a screened element which extends to the ground fronting Church Street to the west. The buildings two cores and lobbies to the west are expressed as vertical elements with hanging gardens between, defining the residential entry points.</li> <li>To the east the body of the building is a more horizontal expression although carefully articulated with landscape planter recesses to break down the length of the building.</li> <li>The top of the building provides the iconic statement, with a bird/flight inspired roof hovering over the development, a wet edge pool &amp; communal spaces, and the township below.</li> </ul> <p>The materials used on the elevations are modern, durable and provide visual interest. They add to the articulation of the building by breaking up large areas with material changes, alternative materials are used for balconies (some solid and some metal) and assist in defining the major components of the building (base, middle and top).</p>

**Apartment Design Guide (ADG) Assessment**

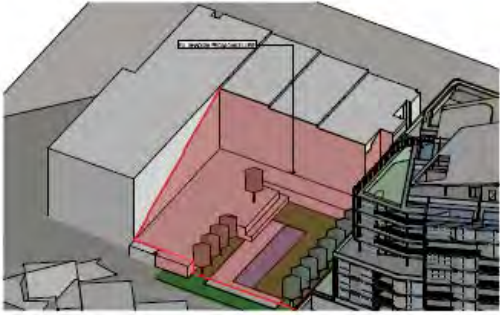
The ADG provides consistent planning and design standards for apartments across the State.

It provides design criteria and general guidance about how development proposals can achieve the nine design quality principles identified in SEPP 65. Table 3 below contains an assessment of the proposal against the relevant controls.

**Table 3: Apartment Design Guide Assessment**

Control / Requirement	Compliance/Comment
<b>3A-1 – Site analysis</b>  Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	A site analysis plan was provided outlining the existing site conditions and constraints.
<b>3B-1 Orientation</b>  Building types and layouts respond to the streetscape and site while optimising solar access within the development.	The development site runs lengthwise on a north-south axis. The building is orientated on an angle to maximise eastern and northern exposure and views towards Nelson Bay.
<b>3B-2 Orientation</b>	<u>Winter Solstice (21 June)</u>

## ITEM 5 - ATTACHMENT 3 PLANNERS ASSESSMENT REPORT.

Control / Requirement	Compliance/Comment
<p>Overshadowing of neighbouring properties is minimised during mid-winter.</p>	<p>The Winter Solstice is the 'worst case scenario' for solar access throughout a calendar year.</p> <p>The Oaks Lure apartments overshadow its own communal space gradually from its inner western elevation from 12pm until 3pm, see Diagram 1. After 3pm, the whole communal space is overshadowed. Prior to 3pm, some overshadowing occurs from the existing tall trees planted around the pool area.</p>  <p><b>Diagram 1:</b> Oaks Lure overshadowing 3pm mid-winter.</p> <p>The proposed new building will overshadow the Oaks Lure inner western elevation and approximately one third of the communal space at 9am. The overshadowing of the western elevation reduces as the day progresses. The overshadowing of the communal area is increased by the proposal (in addition to the Oaks own overshadowing) from 10am. This mainly impacts the pool area on the northern boundary and approximately half the outdoor area.</p> <p>18 Tomaree Street, which is to the south east of the site, is overshadowed partially from 1pm, which increases into the afternoon. To the north east, 61 Donald Street becomes partly overshadowed from 2pm onwards.</p> <p>The public domain along Church Street is overshadowed by the proposal from 9am to 11 am. Noting however, this area is already overshadowed by the existing Oaks Lure and Seaview Apartments.</p> <p><u>Summer Solstice (22 December)</u> The Summer Solstice is the 'best case scenario' for solar access throughout a calendar year.</p>

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	<p>The Oaks Lure apartments overshadow its own communal space gradually from its inner western elevation from 1pm until 5pm. After 5pm, the whole communal space is overshadowed.</p> <p>The proposed new building has minimal overshadowing of the Oaks Lure during the summer solstice due to the higher angle of the sun. The setback upper levels of the proposal allow for the sun to penetrate the ground plane for the Oaks Lure.</p> <p>18 Tomaree Street is negligibly overshadowed at 2pm, with two units being overshadowed at 3pm. The front of the Oaks Lure currently overshadows the front of 18 Tomaree Street from 3pm.</p> <p>61 Donald Street becomes overshadowed from 4pm onwards for a small southern portion of the building, which increases until sunset.</p> <p>The public domain along Church Street is overshadowed by the proposal at 9am to 10am and then ceases.</p> <p>The ADG design guidance outlines a proposed building should not decrease surrounding buildings solar access by more than 20%. As demonstrated, Oaks Lure is the main building affected.</p> <p>The additional overshadowing from the proposed building occurs in the morning between 9am to 12pm and affects a portion of the eastern facing units. Many of the eastern units are also dual aspect, having a frontage to the west/Church Street. Eleven of the 58 units will be impacted by additional overshadowing though not at the same time and this occurs on the eastern elevation. This would not result in a 20% increase from the proposed building.</p> <p>The proposal will increase the overshadowing of the Oaks Lure in winter, however the summer months are only impacted to a minor scale. Considering the Oaks Lure is tourist and residential accommodation, solar access is more vital in the summer months with higher tourist rates. It is unlikely the pool area would be utilised to the same extent in mid-winter due to the weather and existing overshadowing occurring.</p> <p>Considering the overshadowing documentation provided with the application, the increase of overshadowing on the surrounding properties and</p>

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	public domain from the proposal is not considered to adversely impact the amenity of adjacent buildings to an unacceptable level. The documentation has demonstrated that these buildings already overshadow the internal communal areas currently based on the existing built form.
<p><i>3C-1 Public Domain Interface</i></p> <p>Transition between private and public domain is achieved without compromising safety and security.</p>	<p>The vehicular and pedestrian entries to the building are clearly defined along the Church Street frontage. The landscaping structures and planting direct people throughout the spaces, and have been designed to avoid areas of concealment.</p> <p>Fencing is provided for the properties on the ground level facing Church Street and are also elevated to provide a good buffer and delineation between public and private space.</p>
<p><i>3C-2 Public Domain Interface</i></p> <p>Amenity of the public domain is retained and enhanced.</p>	<p>The proposed landscaping enhances the natural environment and streetscape. There are multiple trees proposed in the public verge as well as throughout the forecourt that will increase the amenity of the street.</p> <p>There are two main vehicle entries to the site along Church Street, which are clearly defined but conceal the park from visually impacting the streetscape.</p>
<p><i>3D-1 Communal and Public Open Space</i></p> <p>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.</p> <p>Numerical design criteria:</p> <ul style="list-style-type: none"> <li>Communal open space has a minimum area equal to 25% of the site area.</li> <li>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (midwinter).</li> </ul>	<p>The communal open space is provided on Ground Level, Level 1 and Level 8.</p> <p>Ground Level provides 469.1m<sup>2</sup>, Level 1 provides 697.8m<sup>2</sup> and Level 8 provides 267.7m<sup>2</sup>.</p> <p>This provides a total of 1,434.6m<sup>2</sup> or 31% communal space, compliant with the 25% minimum requirement.</p> <p>The communal open space located to the north-east, will receive at least 3 hours sunlight to more than 50% of the area during mid-winter satisfying the requirements of the ADG.</p>
<p><i>3D-2 Communal and Public Open Space</i></p> <p>Communal open space is designed to allow for a range of activities, respond to</p>	<p>The design incorporates a mini golf course, outdoor yoga area, walking track and outdoor gym equipment in the ground level communal space to attract residents and provide opportunities for social interaction.</p>

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site conditions and be attractive and inviting							
<p><b>3D-3 Communal and Public Open Space</b></p> <p>Communal open space is designed to maximise safety.</p>	<p>The communal open space on the Ground Level will be overlooked by the eastern facing units.</p> <p>The western facing units will overlook the forecourt. The top level communal area, which includes a pool, is not overlooked due to buffers being provided between the space and the adjacent residential units to reduce noise and overlooking into private areas. It is considered the top level communal space can still remain safe as it is an open design with little opportunity for concealment.</p>						
<p><b>3D-4 Communal and Public Open Space</b></p> <p>Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.</p>	<p>Public open space is provided in the western frontage along Church Street as a gesture to the street. There is currently no public open space or existing pattern along Church Street that is similar to the proposed, however, the forecourt area is a positive change in this streetscape.</p>						
<p><b>3E-1 Deep Soil Zones</b></p> <p>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</p> <p>Numerical design criteria:</p> <ul style="list-style-type: none"> <li>• Site area greater than 1,500 m<sup>2</sup> – minimum dimension 6m and 7% of site area.</li> </ul> <p>However, the design criteria may not be possible on some sites including:</p> <ul style="list-style-type: none"> <li>• Central business district.</li> <li>• Constrained sites.</li> <li>• High density areas.</li> <li>• Commercial centres.</li> <li>• Where there is 100% site coverage or non-residential uses at ground floor.</li> </ul>	<p>The site provides 12.16% of the landscaped area as a deep soil zone, more than the 7% minimum requirement.</p>						
<p><b>3F-1 Visual Privacy</b></p> <p>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</p>	<table> <tr> <th>ADG Requirement</th><th>Proposed</th></tr> <tr> <td>Building height up to 12m (4 storeys):</td><td></td></tr> <tr> <td>Habitable rooms and balconies - 6m.</td><td>0m to 6m. See below comments for further details.</td></tr> </table>	ADG Requirement	Proposed	Building height up to 12m (4 storeys):		Habitable rooms and balconies - 6m.	0m to 6m. See below comments for further details.
ADG Requirement	Proposed						
Building height up to 12m (4 storeys):							
Habitable rooms and balconies - 6m.	0m to 6m. See below comments for further details.						

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Numerical design criteria: <ul style="list-style-type: none"> <li>Building height up to 12m (4 storeys):               <ul style="list-style-type: none"> <li>Habitable rooms and balconies - 6m.</li> <li>Non-habitable rooms – 3m.</li> </ul> </li> <li>Building height up to 25 metres (5-8 storeys):               <ul style="list-style-type: none"> <li>Habitable rooms and balconies - 9m.</li> <li>Non-habitable rooms – 4.5m.</li> </ul> </li> <li>Building height over 25m (9+ storeys):               <ul style="list-style-type: none"> <li>Habitable rooms and balconies - 12m.</li> <li>Non-habitable rooms – 6m.</li> </ul> </li> <li>No separation is required between blank walls.</li> <li>An additional 3 m separation is required when adjacent to a different zone, which permits lower density residential development to provide a transition in scale and increased landscaping.</li> </ul>	Non-habitable rooms – 3m	NA
	Building height up to 25 metres (5-8 storeys):	
	Habitable rooms and balconies - 12m.	4.5m to 9m See below comments for further details.
	Non-habitable rooms – 6m.	
	Building height over 25m (9+ storeys):	
	Habitable rooms and balconies - 12m.	8.7m to 14m. See below comments for further details.
	No separation is required between blank walls.	No separation towards elevations with blank walls.
	An additional 3 m separation is required when adjacent to a different zone, which permits lower density residential development to provide a transition in scale and increased landscaping.	NA
<p>The building provides a minimum 6m side setback to the eastern portion of the southern boundary for the first three levels and a 9m setback for levels 4 to 8.</p> <p>There is a zero lot setback on the south west and north west corner elements of the building fronting Church Street for levels 1 to 3, and a 4.5m to 8.7m setback for the remaining upper levels on the respective boundaries.</p> <p>The adjacent rooms are habitable (with no windows, doors or balconies) though are blank facades which can be considered to not require separation., the zero lot setback is adjacent to the service stairs and blank façade of the Oaks Lure (south of site) and Seaview Apartments (north of site), therefore results in no amenity impact in terms of visual privacy.</p> <p>The eastern (rear of building) aspect of the building is setback from 5.6m to 35.4m from the boundary due to the angle of the building. These setbacks provide adequate separation to the eastern neighbours.</p>		

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	Councils UDP supported the building separation and concluded the visual privacy was acceptable with regard to the ADG.
<p><i>3F-2 Visual Privacy</i></p> <p>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</p>	There are three ground floor units along Church Street, which have been raised to have adequate separation and privacy from the street. The private open space and windows are adequately separated from the communal areas and common circulation areas with retaining, fencing and landscaping.
<p><i>3G-1 Pedestrian Access and Entries</i></p> <p>Building entries and pedestrian access connects to and addresses the public domain.</p>	Two vehicle entries and two pedestrian entries are located along the western frontage to Church Street, which connects from the public domain.
<p><i>3G-2 Pedestrian Access and Entries</i></p> <p>Access, entries and pathways are accessible and easy to identify.</p>	The Landscape Plan includes paving and defined plantings to indicate the main entrance to the building. This makes the entrance easy to identify.
<p><i>3G-3 Pedestrian Access and Entries</i></p> <p>Large sites provide pedestrian links for access to streets and connection to destinations.</p>	Pedestrian links are clearly provided from the entries to the public domain and existing pathways along Church Street.
<p><i>3H-1 Vehicle Access</i></p> <p>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</p>	Two vehicle entries are proposed off the western frontage to Church Street. These are located on the opposite ends of the building and separated from the main pedestrian entry, which is centrally located along the frontage. This configuration allows the pedestrian entry and forecourt area to be centralised and provide an attractive connection to the streetscape avoiding the fragmentation multiple vehicle entries can create.
<p><i>3J-1 Bicycle and Car Parking</i></p> <p>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.</p> <p>Numerical design criteria:</p> <ul style="list-style-type: none"> <li>• on sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan Area; or</li> <li>• on land zoned, and sites within 400m of land zoned, B3 Commercial Core,</li> </ul>	The off-street parking provided is compliant with the requirements of the DCP.



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<p>B4 Mixed Use or equivalent in a nominated regional centre</p> <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever less.</p> <p>The car parking need for a development must be provided off-street.</p>	
<p><i>3J-2 Bicycle and Car Parking</i></p> <p>Parking and facilities are provided for other modes of transport.</p>	<p>There are eight motorcycle spaces provided on the lower ground floor. No bicycle parking is provided.</p> <p>A bicycle rack will be conditioned to be included on the ground floor level.</p>
<p><i>3J-3 Bicycle and Car Parking</i></p> <p>Car park design and access is safe and secure</p>	<p>There is a waste and recycling storage area provided adjacent to the lift on the ground level.</p> <p>The main waste sorting and collection area is on the lower ground level, which can be accessed from the lifts or stair wells and does not require travel over car spaces or across ramps.</p>
<p><i>3J-4 Bicycle and Car Parking</i></p> <p>Visual and environmental impacts of underground car parking are minimised.</p>	<p>The basement car park provides a logical grid design. The car park is located to the east of the building, with only the vehicle access visible along Church Street.</p>
<p><i>3J-5 Bicycle and Car Parking</i></p> <p>Visual and environmental impacts of on-grade car parking are minimised.</p>	<p>Car parking is provided in the basement, not on-grade.</p>
<p><i>3J-6 Bicycle and Car Parking</i></p> <p>Visual and environmental impacts of above ground enclosed car parking area minimised.</p>	<p>No above ground car parking is proposed.</p>
<p><i>4A-1 Solar and Daylight Access</i></p> <p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</p>	<p>Most units in the building are dual aspect.</p> <p>The units central to the building utilise the north-eastern orientation and include the main living area, a bedroom and a balcony on the north-east to optimise solar access. This provides solar exposure typically from 9am to 1pm.</p>

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<p>Numerical design criteria:</p> <ul style="list-style-type: none"> <li>In all other areas (i.e. areas outside Sydney metropolitan area, Newcastle and Wollongong local government areas), living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter</li> <li>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</li> </ul>	<p>The units on the northern corner all have optimal orientation, most with exposure north, east and west. This provides solar exposure to parts of the unit throughout the whole day.</p> <p>The units on the southern corner have either a western or an eastern orientation as well to optimise either morning or afternoon solar access into the unit. The western units gain solar access 1pm onwards and the eastern from 9am to 1pm.</p> <p>The solar access to the building has been maximised through the design and achieves a good outcome.</p>
<p><i>4A-2 Solar and Daylight Access</i></p> <p>Daylight access is maximised where sunlight is limited.</p>	<p>Sunlight access is abundant to the units due to their orientation. Daylight will also be available due to the height of surrounding developments, which do not create areas that will block or obstruct daylight.</p>
<p><i>4A-3 Solar and Daylight Access</i></p> <p>Design incorporates shading and glare control, particularly for warmer months.</p>	<p>The windows are generally setback from the balconies, which provides some shading from the roof, and also assists in glare control to reduce direct exposure, mainly on the east, north and west aspects. Louvres have been included on the western façade to manage evening glare.</p>
<p><i>4B-1 Natural Ventilation</i></p> <p>All habitable rooms are naturally ventilated.</p>	<p>All habitable rooms have openable windows providing natural ventilation. There are 'studies' included in some units which are not considered a room as they do not meet the BCA habitable room definition.</p>
<p><i>4B-2 Natural Ventilation</i></p> <p>The layout and design of single aspect apartments maximises natural ventilation.</p>	<p>Most units are dual aspect to allow cross ventilation. There are some units on the western façade orientated north with one aspect. For these single aspect units, the width of the unit has been maximised to allow large balconies and multiple rooms with openable windows and doors to achieve adequate ventilation.</p>
<p><i>4B-3 Natural Ventilation</i></p> <p>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for Residents.</p> <p>Numerical design criteria:</p> <ul style="list-style-type: none"> <li>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.</li> </ul>	<p>More than 60% of the units have cross ventilation with dual or multiple aspects. The use of openable windows and sliding doors optimises natural ventilation.</p>

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<ul style="list-style-type: none"> <li>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</li> </ul>	
<p><b>4C-1 Ceiling Heights</b></p> <p>Ceiling height achieves sufficient natural ventilation and daylight access.</p> <p>Numerical design criteria: Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <ul style="list-style-type: none"> <li>Habitable rooms – 2.7m.</li> <li>Non-habitable rooms – 2.4m,</li> <li>Two storey apartments – 2.7m for main living area floor and 2.4 m for second floor where it does not exceed 50% of the apartment area.</li> <li>Attic spaces – 1.8m at the edge of the room with a 30 degree minimum ceiling slope.</li> <li>If located in mixed use areas – 3.3m for ground floor and first floor to promote future flexibility of use.</li> </ul>	<p>Each unit provides 2.7m ceilings throughout to the habitable and non-habitable rooms. Additional space is provided between the finished ceiling level and the under floor level of the slab above for services.</p> <p>The entry level, including the gym and neighbourhood shop have a floor to ceiling height of 3.13m. This is considered acceptable as the building is within an R3 zone and the bottom floor cannot be used for commercial premises, only resident related uses or the neighbourhood shop.</p>
<p><b>4C-2 Ceiling Heights</b></p> <p>Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.</p>	<p>The 2.7m ceiling heights provide a sense of space throughout the unit and provide well-proportioned rooms.</p>
<p><b>4C-3 Ceiling Heights</b></p> <p>Ceiling heights contribute to the flexibility of building use over the life of the building.</p>	<p>Greater ceiling heights are not required on the ground floor. The site is located in a R3 zoned area with no commercial ground floor uses permissible.</p>
<p><b>4D-1 Apartment Size and Layout</b></p> <p>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</p> <p>Numerical design criteria: Apartments are required to have the following minimum internal areas:</p> <ul style="list-style-type: none"> <li>Studio – 35 m<sup>2</sup></li> <li>One bedroom – 50 m<sup>2</sup></li> </ul>	<p>The units are achieve the minimum internal size required by the ADG as outlined below (excludes balconies):</p> <p>One bedroom – 59m<sup>2</sup>  Two bedroom – 92.9m<sup>2</sup>  Three bedroom – 135m<sup>2</sup>  Four bedroom – 180m<sup>2</sup></p> <p>These are all compliant with the required minimums.</p>

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<ul style="list-style-type: none"> <li>Two bedroom – 70m<sup>2</sup></li> <li>Three bedroom – 90m<sup>2</sup></li> <li>An additional 5m<sup>2</sup> is required for apartments with more than one bathroom.</li> <li>An additional 12m<sup>2</sup> is required for a fourth, and further additional bedrooms.</li> <li>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</li> </ul>	Each habitable room has a window included to comply with the BCA.
<p><i>4D-2 Apartment Size and Layout</i></p> <p>Environmental performance of the apartment is maximised.</p> <p>Numerical design criteria:</p> <ul style="list-style-type: none"> <li>Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</li> <li>In open plan layout (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</li> </ul>	Due to the open plan layout and multiple aspects of units, every habitable room complies with the habitable room depths and spacing from windows.
<p><i>4D-3 Apartment Size and Layout</i></p> <p>Apartment layouts are designed to accommodate a variety of household activities and needs.</p> <p>Numerical design criteria:</p> <ul style="list-style-type: none"> <li>Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space).</li> <li>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</li> <li>Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> <li>- One bedroom apartments - 3.6m.</li> <li>- Two or three bedroom apartments – 4m.</li> </ul> </li> <li>The width of cross-over or cross-through apartments are at least 4m</li> </ul>	<p>The master bedrooms are typically 12.9m<sup>2</sup>.</p> <p>Each bedroom has a minimum dimension of 3m excluding the built in robes or walk in robes.</p> <p>The open plan living and dining areas have a minimum width of 4m, compliant with the requirement.</p> <p>No units are less than 4m wide.</p>

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internally to avoid deep narrow apartment layouts.	
<p><b>4E-1 Private Open Space and Balconies</b></p> <p>Apartments provide appropriately sized private open space and balconies to enhance residential amenity.</p> <p>Numerical design criteria – all apartments are required to have primary balconies as follows:</p> <ul style="list-style-type: none"> <li>• Studio apartments – 4m<sup>2</sup>.</li> <li>• One bedroom apartments – 8m<sup>2</sup> with a depth of 2m.</li> <li>• Two bedroom apartments – 10m<sup>2</sup> with a depth of 2m.</li> <li>• Three + bedroom apartments – 12m<sup>2</sup> with a depth of 2.4m.</li> <li>• For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m<sup>2</sup> and a minimum depth of 3m</li> </ul>	<p>The units provide the following primary balcony sizes at a minimum:</p> <p>One bedroom – 8.4m<sup>2</sup>  Two bedroom – 10.5m<sup>2</sup>  Three bedroom – 9.5m<sup>2</sup> (second balcony 6.8m<sup>2</sup>)  Four bedroom – 21.5m<sup>2</sup></p> <p>Three of the 3 bedroom units do not comply with the 12m<sup>2</sup> on one balcony, however each has a second balcony, which is considered a suitable alternative.</p> <p>None of the balconies are less than 2m deep. The three Ground Level units have private paved terraces and turfed courtyards that are a minimum combined area of 48.4m<sup>2</sup>.</p> <p>The private open space and balconies provided generally comply with the ADG requirements.</p>
<p><b>4E-2 Private Open Space and Balconies</b></p> <p>Primary private open space and balconies are appropriately located to enhance liveability for residents.</p>	<p>All balconies are accessed from the main living area, and several are provided access from a bedroom as well, achieving good useability and functionality of private open space areas.</p>
<p><b>4E-3 Private Open Space and Balconies</b></p> <p>Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</p>	<p>The balconies have either a soft bronze matte metal balustrade or blonde brick balustrade. This allows view corridors through the balcony but retains a sense of separation and privacy that glass balustrades do not provide.</p> <p>The two balustrade types are an attractive addition to the elevations and sympathetic to the overall architectural design.</p>

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<b>Control / Requirement</b>	<b>Compliance/Comment</b>
<p><i>4E-4 Private Open Space and Balconies</i></p> <p>Private open space and balcony design maximises safety.</p>	<p>The design does not incorporate features that would encourage climbing of balconies.</p>
<p><i>4F-1 Common Circulation and Spaces</i></p> <p>Common circulation spaces achieve good amenity and properly service the number of apartments.</p> <p>Numerical design criteria:</p> <ul style="list-style-type: none"> <li>For buildings less than ten storeys in height the maximum number of apartments off a circulation core on a single level is eight.</li> </ul>	<p>There are two separate lift cores, one servicing the south half of the building and the other the north half.</p> <p>The maximum amount of units serviced by one lift on each floor is 8.</p>
<p><i>4F-2 Common Circulation and Spaces</i></p> <p>Common circulation spaces promote safety and provide for social interaction between residents.</p>	<p>There are two main entrances into the building. Each has a lobby area, which has the lifts in easy view.</p> <p>When exiting the lift there is a short sight line before the corner to the main corridor. Doors are easily visible and no areas of concealment are throughout.</p>
<p><i>4G-1 Common Circulation and Spaces</i></p> <p>Adequate, well designed storage is provided in each apartment.</p> <p>Numerical design criteria –in addition to storage in kitchens, bathrooms and bedrooms the following storage is provided:</p> <ul style="list-style-type: none"> <li>Studio apartments – 4m<sup>2</sup>.</li> <li>One bedroom apartments – 6m<sup>2</sup>.</li> <li>Two bedroom apartments – 8m<sup>2</sup>.</li> <li>Three + bedroom apartments – 10m<sup>2</sup>.</li> <li>At least 50% of the required storage is to be located within the apartment.</li> </ul>	<p>Each unit includes built in or walk-in robes in each bedroom. There is storage within the kitchen, with some kitchens having additional pantry storage. Many units have studies or walk in storage rooms.</p> <p>The proposed internal storage is adequate for the size of each unit.</p>
<p><i>4G-2 Common Circulation and Spaces</i></p> <p>Additional storage is conveniently located, accessible and nominated for individual apartments.</p>	<p>There is some storage proposed within the private car garages in the basements levels.</p> <p>There is communal storage provided on each level, ranging from 8.96m<sup>2</sup> to 30.10m<sup>2</sup>.</p>

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<p><b>4H-1 Acoustic Privacy</b></p> <p>Noise transfer is minimised through the siting of buildings and building layout.</p>	<p>The building is adequately separated from the adjoining neighbours, reducing the transmission of noise emission between units.</p> <p>The car park is located in the basement, which may reduce the sound transmission compared to open air car parking. There are bedrooms located above the north western car park entrance, notwithstanding however, the design and materials used should mitigate nuisance noise from cars entering and exiting via that access.</p>												
<p><b>4H-2 Acoustic Privacy</b></p> <p>Noise impacts are mitigated within apartments through layouts and acoustic treatments.</p>	<p>Each unit concentrates the living and main trafficable areas together and the bedrooms and less trafficked areas together. This provides separation between the noisier and quieter areas of the home.</p>												
<p><b>4J-1 Noise and Pollution</b></p> <p>In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.</p>	<p>The locality is primarily residential and commercial, and experiences higher traffic through the seasonal peaks due to its location near Nelson Bay Town Centre. However, the area is not considered a noisy or hostile environment and no additional treatment is considered necessary to mitigate against external noise impacts outside of the proposed building setbacks.</p>												
<p><b>4J-2 Noise and Pollution</b></p> <p>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</p>	<p>The development is not located in an environment that causes adverse noise impacts, which need to be mitigated through further attenuation.</p>												
<p><b>4K-1 Apartment Mix</b></p> <p>A range of apartment types and sizes is provided to cater for different household types now and into the future.</p>	<p>The building proposes the following unit mix to cater for a range of household sizes:</p> <table border="1"> <thead> <tr> <th>Bedrooms</th><th>Quantity</th></tr> </thead> <tbody> <tr> <td>One bedroom units</td><td>5</td></tr> <tr> <td>Two bedrooms units</td><td>46</td></tr> <tr> <td>Three bedroom units</td><td>25</td></tr> <tr> <td>Four bedroom units</td><td>5</td></tr> <tr> <td><b>Total</b></td><td><b>81</b></td></tr> </tbody> </table>	Bedrooms	Quantity	One bedroom units	5	Two bedrooms units	46	Three bedroom units	25	Four bedroom units	5	<b>Total</b>	<b>81</b>
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One bedroom units	5												
Two bedrooms units	46												
Three bedroom units	25												
Four bedroom units	5												
<b>Total</b>	<b>81</b>												
<p><b>4K-2 Apartment Mix</b></p> <p>The apartment mix is distributed to suitable locations within the building.</p>	<p>The larger units are concentrated towards the top of the building, with the one, two and three bedroom units primarily on the lower floors.</p>												

## ITEM 5 - ATTACHMENT 3 PLANNERS ASSESSMENT REPORT.

Control / Requirement	Compliance/Comment
<p><i>4L-1 Ground Floor Apartments</i></p> <p>Street frontage is maximised where ground floor apartments are located.</p>	The ground floor unit is raised to provide more privacy.
<p><i>4L-2 Ground Floor Apartments</i></p> <p>Design of ground floor apartments delivers amenity and safety for residents.</p>	The ground floor unit is raised to provide privacy to the residents, but still provides ample opportunity for passive surveillance.
<p><i>4M-1 Facades</i></p> <p>Building facades provide visual interest along the street while respecting the character of the local area.</p>	<p>The building has been thoughtfully designed to include visual interest on all elevations. The western façade to Church Street has been designed to provide an inviting entrance with an indented forecourt, range of landscaping and mixture of materials.</p> <p>The other elevations all use a combination of materials and stepping in of building.</p> <p>Councils UDP were supportive of the aesthetic design of the facades.</p>
<p><i>4M-2 Facades</i></p> <p>Building functions are expressed by the façade.</p>	The pedestrian entry and vehicle entry are both clearly defined along the frontage of Church Street.
<p><i>4N-1 Roof Design</i></p> <p>Roof treatments are integrated into the building designed and positive respond to the streets.</p>	The roof structure is a flat form with overhang elements. It allows the roof to be setback in from the elevations reducing height and bulk.
<p><i>4N-2 Roof Design</i></p> <p>Opportunities to use roof space for residential accommodation and open space are maximised.</p>	Ample undercover and open communal space is provided on the roof.
<p><i>4N-3 Roof Design</i></p> <p><i>Roof design incorporates sustainability features.</i></p>	The roof design does not hinder the solar access to the units.



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<b>Control / Requirement</b>	<b>Compliance/Comment</b>
<p><i>4O-1 Landscape Design</i></p> <p>Landscape design is viable and sustainable.</p>	<p>A Landscape Plan has been provided, which incorporates an environmentally sustainable and maintainable design.</p>
<p><i>4O-2 Landscape Design</i></p> <p>Landscape design contributes to the streetscape and amenity.</p>	<p>The landscaping will contribute to the natural environment along Church Street. The planting will be a positive addition to the streetscape, which is currently underutilised.</p>
<p><i>4P-1 Planting on Structures</i></p> <p>Appropriate soil profiles are provided.</p>	<p>The planting proposed was assessed as adequate by the UDP.</p>
<p><i>4P-2 Planting on Structures</i></p> <p>Plant growth is optimized with appropriate selection and maintenance.</p>	<p>The planting proposed was assessed as adequate by the UDP.</p>
<p><i>4P-3 Planting on Structures</i></p> <p>Planting on structures contributes to the quality and amenity of communal and public open spaces.</p>	<p>The planting proposed will create a quality environment for the public and private spaces.</p>
<p><i>4Q-1 Universal Design</i></p> <p>Universal design features are included in apartment design to promote flexible housing for all community members.</p> <p>Numerical design criteria:</p> <ul style="list-style-type: none"> <li>• A benchmark of 20% of the total apartments incorporate the Liveable Housing Guidelines silver level universal design features.</li> </ul>	<p>Every apartment (100%) will incorporate the Liveable Housing Guideline's silver level universal design features.</p>
<p><i>4Q-2 Universal Design</i></p> <p>A variety of apartments with adaptable designed are provided.</p>	<p>Every apartment (100%) will incorporate the Liveable Housing Guideline's silver level universal design features.</p>

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Control / Requirement	Compliance/Comment
<p><i>4Q-3 Universal Design</i></p> <p>Apartment layouts are flexible and accommodate a range of lifestyle needs.</p>	<p>Every apartment (100%) will incorporate the Liveable Housing Guideline's silver level universal design features.</p>
<p><i>4R-1 Adaptive Reuse</i></p> <p>New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.</p>	<p>Not applicable.</p>
<p><i>4R-2 Adaptive Reuse</i></p> <p>Adapted buildings provide residential amenity while not precluding future adaptive reuse.</p>	<p>Not applicable.</p>
<p><i>4S-1 Mixed Use</i></p> <p>Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.</p>	<p>The forecourt design clearly defines the location of the neighbourhood shop and public space and where the private space begins at the residential entries.</p>
<p><i>4S-2 Mixed Use</i></p> <p>Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.</p>	<p>The ground level is designed to clearly define the area of the neighbourhood shop from the resident entries.</p>
<p><i>4T-1 Awnings and Signage</i></p> <p>Awnings are well located and complement and integrate with the building design.</p>	<p>No awnings are proposed.</p>
<p><i>4T-2 Awnings and Signage</i></p> <p>Signage responds to the context and desired streetscape character.</p>	<p>No signage is proposed.</p>
<p><i>4U-1 Energy Efficiency</i></p> <p>Development incorporates passive environmental design.</p>	<p>Adequate natural light and ventilation is provided to each unit.</p>

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<b>Control / Requirement</b>	<b>Compliance/Comment</b>
<p><i>4U-2 Energy Efficiency</i></p> <p>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.</p>	<p>The development will comply with the BASIX requirements as required.</p>
<p><i>4U-3 Energy Efficiency</i></p> <p>Adequate natural ventilation minimises the need for mechanical ventilation.</p>	<p>Natural ventilation is ample throughout all units due to the openable windows, door location and aspect orientation of units.</p>
<p><i>4V-1 Water Management and Conservation</i></p> <p>Potable water use is minimised.</p>	<p>Water fixtures complying with BASIX requirements will be installed.</p>
<p><i>4V-2 Water Management and Conservation</i></p> <p>Urban stormwater is treated on site before being discharged to receiving waters.</p>	<p>A stormwater drainage plan has been provided which provides for water re-use.</p>
<p><i>4V-3 Water Management and Conservation</i></p> <p>Flood management systems are integrated into the site design.</p>	<p>The site is not flood affected.</p>
<p><i>4W-1 Waste Management</i></p> <p>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.</p>	<p>A bin storage area is located in the basement and out of view of the street. A private contractor will collect waste from within the car park and lot along the street.</p>
<p><i>4W-2 Waste Management</i></p> <p>Domestic waste is minimised by providing safe and convenient source separation and recycling.</p>	<p>Each kitchen has a waste storage area to be used prior to placing in the council bins in the basement carpark.</p>
<p><i>4X-1 Building Maintenance</i></p> <p>Building design detail provides protection from weathering.</p>	<p>The designer has used materials that are durable and easily maintained or can be replaced if required.</p>

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Control / Requirement	Compliance/Comment
<b>4X-2 Building Maintenance</b>  Systems and access enable ease of maintenance.	Windows and glass doors can be cleaned from the balconies or internally where required.  External scaffolding should not be required to carry out general upkeep of the building.
<b>4X-3 Building Maintenance</b>  Material selection reduces ongoing maintenance costs.	The building uses render and cladding as the primarily external materials. These can be easily maintained and should stand the general wear and tear the building will receive.

**Port Stephens Local Environmental Plan 2013 (LEP)****Clause 2.3 – Zone Objectives and Land Use Table**

The proposed development is defined as a Residential Flat Building and Neighbourhood Shop with ancillary café.

The residential flat building and neighbourhood shop are permissible in the R3 zone. Cafes, which are defined as food and drinks premises are prohibited in the zone.

The applicant proposes that the café is considered an ancillary use to the neighbourhood shop. The definition of a neighbourhood shop is defined as:

*‘means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include neighbourhood supermarkets or restricted premises’.*

It is considered that the café can be considered an ‘ancillary service’ as it does assist in meeting the day to day needs of people who live in the building.

The café will be restricted to operate in the same hours of the neighbourhood shop to ensure that it remains ancillary.

The proposed gym within the building is considered ancillary to the residential flat building. It will be used only by the residents as a communal facility, similar to the outdoor equipment. It will be conditioned that this space is only to be used only by the building residents and cannot be for commercial use.

Considering the above, the development is permissible in the zone.

The development addresses the objectives of the zone as it provides for the housing needs of the community by providing 81 additional homes.

The units vary in size, which caters for several household types in a medium density setting. The neighbourhood shop with ancillary café will assist in providing a desirable service to meet the day to day needs of residents.

Due to this, the development is consistent with the objectives of the zone.

**Clause 2.7 – Demolition requiring development consent**

Clause 2.7 identifies that the demolition of a building or work may be carried out only with development consent, unless identified as exempt development under an applicable environmental planning instrument.

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No demolition is proposed. The applicant proposes to utilise the existing basement and foundations existing on site.

**Clause 4.1 – Minimum Subdivision Lot Size**

Clause 4.1 outlines the minimum lot size applicable to the subject sites, as identified on the minimum lot size map, to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls.

This clause does not apply in relation to the subdivision of any land by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015.

The lot is also proposed to be consolidated which can occur without consent as it will be above the minimum lot size.

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

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. The site is zoned R3 and requires a minimum lot size of 450m<sup>2</sup>.

The subject site has a total area of approximately 4628.79m<sup>2</sup>, which provides sufficient area to facilitate the proposed development, in accordance with the requirements of this clause.

**Clause 4.3 – Height of Buildings**

The site has a mapped maximum building height of 28m. The proposed development is 32.18m. This represents a variation of 4.18m or 14.9% above the maximum building height.

The applicant submitted a Clause 4.6 exception to development standard request, to support the variation. A detailed assessment is contained within the Clause 4.6 Assessment Report attached to this report.

**Clause 4.6 – Exceptions to development standards**

The applicant submitted a Clause 4.6 exception to development standard request, to support the variation for an increase in the building height proposed on site. The building height proposed is 32.18 m, which is 4.18m above the maximum 28m mapped onsite.

An assessment of the applicant Clause 4.6 request was conducted and is included in **Attachment 1** of this report. The assessment concluded that there is merit in applying flexibility to this development standard in this instance and the proposed height variation is supported.

**Clause 5.4 Controls relating to miscellaneous permissible uses**

The floor area of a neighbourhood shop under this plan must not include a retail area, which exceeds 100m<sup>2</sup>. The proposed neighbourhood shop is 99.7m<sup>2</sup>.

**Clause 7.1 – Acid Sulfate Soils**

The subject land is mapped as containing potential Class 5 acid sulfate soils. The proposed development is not anticipated to entail works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m Australian Height Datum and by which the water table is likely to be lowered. Most of the excavation has already occurred on site and there are no known issues of acid sulfate soil exposure.

**Clause 7.2 – Earthworks**

The development incorporates earthworks (cut) to a depth of 3.8m below ground level to establish the basement car park. The large amount of earthworks have already been commenced under DA 16-2016-631-1 through the existing foundations on site. The earthworks are not anticipated to result in any negative impacts on the subject or adjoining land, or any public place, noting that all

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boundaries will be suitably stabilised by structurally designed walls with adequate drainage during and at completion of the works.

**Clause 7.6 – Essential Services**

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 Church Street, meeting the requirements of this clause.

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

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

***Section 4.15(a)(iii) – any development control plan*****Port Stephens Development Control Plan 2014**

The Port Stephens Development Control Plan 2014 (DCP) is applicable to the proposed development and has been assessed below.

**Chapter B1 – Tree Management**

There is no tree removal proposed as part of the application.

**Chapter B2 – Natural Resources**

The subject site is not on land or is within 500m of land that contains items of environmental significance; such as threatened species or communities, listed migratory species, wildlife corridors, wetlands or riparian corridors and has the potential to affect biodiversity. It also is not seeking to use biodiversity offsets; or located on land containing noxious weeds; or located on or is in proximity to land that contains koala habitat.

**Chapter B3 – Environmental Management****Acid Sulfate Soils**

The objective of this DCP Chapter is to ensure that developments do not disturb, expose or drain Acid Sulfate Soils (ASS) and cause environmental damage. As detailed within clause 7.1 discussion above, the proposed development could be undertaken, without resulting in adverse impact to ASS. In this regard, the development is consistent with the objective and requirements of the DCP.

**Noise**

The separation distances incorporated into the development will limit any significant impacts on the adjoining development. The impacts of the development during construction could be limited through conditions of consent, which limit construction work hours and mitigate noise derived from ventilation and air conditioning systems. Subject to conditions, the application is satisfactory in regards to noise management.

**Earthworks**

As discussed at clause 7.2 above, the proposed development involves 3.8m of additional cut on site. The impacts of the proposed earthworks can be mitigated through conditions of consent. The proposal is therefore consistent with requirements outlined in Councils DCP relating to earthworks.

**Chapter B4 – Drainage and Water Quality**

A stormwater management plan was submitted with the application and includes adequate quality and quantity controls as required by Councils infrastructure technical specifications and DCP requirements. The stormwater drainage plan has been assessed as being consistent with the

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Infrastructure Specification and a condition of consent has been included in the consent requiring the provision of detailed engineering plans, prior to the issue of a construction certificate.

#### **Chapter B5 – Flooding**

The site is not flood prone.

#### **Chapter B8 – Road Network and Parking**

The development provides a total of 159 car parking spaces.

#### **Residential Parking**

The following table outlines the required car parking under the DCP and the proposed parking.

<b>Bedrooms</b>	<b>DCP required car parking total</b>	<b>Provided car parking</b>
One bedroom x 5	5	5 (min)
Two bedroom x 46	46	46 (min)
Three bedroom x 25	50	50 (min)
Four bedroom x 5	10	16 (some have 4 spaces per unit)
Visitor parking (1 per 3 dwellings)	27	27
	Total - 138	Total – 144

#### **Gymnasium Parking**

The gym will only be for the use of the residents and not be open to the public. Considering this, parking is not required for the gym as residents are already provided with parking per unit allocation.

#### **Neighbourhood Shop & ancillary café parking**

The proposed neighbourhood shop and café tenancy is approximately 100m<sup>2</sup>.

Under Figure BU of the DCP, a neighbourhood shop requires 1 car space per 20m<sup>2</sup>. Cafes outside of commercial premises require 15 car spaces per 100m<sup>2</sup> of floor area and one must be an accessible space.

The shop is the dominate use on site and the café is ancillary. It is expected the café component will likely attract residents and staff from the building and pedestrian traffic from the area, more so than specific trips via car to the premises. Accordingly, a total of 5 car spaces are required to be dedicated to the neighbourhood shop with one needing to be an accessible space.

The proposal provides for 15 car spaces, including 2 accessible spaces dedicated to the neighbourhood shop and café. The parking provision for the neighbourhood shop and café is considered acceptable with regard to the DCP parking rates.

#### **Electric Vehicles**

There is one car park dedicated to electric vehicle charging shown in space '159' on the Ground Level.

Overall, the 159 car spaces the development provides is a sufficient amount of parking to service the residents and neighbourhood shop.

#### **Traffic Network**

The development has two main vehicle entries. It is proposed that all traffic will enter left (from the north) to the site and exit left (to the south) from the site along Church Street. This removes the ability for cars to queue along Church Street northbound to turn right into the development, potentially blocking traffic into Nelson Bay Centre. Signage will be conditioned to make it clear to motorists that entry and exit is to accord with this configuration.

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SIDRA analysis was conducted as part of the Traffic Impact Assessment (TIA) prepared by Intersect Traffic, on the capacity of the road network to cater for the development. The main intersections impacted by the development will be the Nelson Bay Road / Stockton Street / Church Street roundabout intersection, the Church Street / Donald Street priority controlled give way sign T-intersection and the Government Road / Church Street roundabout intersection.

The modelling included a 1.5% background growth rate and assessed the intersections at their current design (as no upgrades are currently proposed). The modelling showed that all intersections are currently operating well within capacity and will continue to do so post development, at least through to 2031. There is no overall deterioration in level of service (LoS), with all remaining at LoS A, well within the acceptable criteria set by TfNSW. Average delays and 95 % back of queue lengths are only increased by less than 1 second and less than 2 vehicles through to 2031. It is therefore considered reasonable to conclude the development on the site will not adversely impact on these intersections nor on any other surrounding local and State road intersections.

On consideration of this analysis, the existing road network is capable of catering to the traffic increase generated from the development. Councils Traffic Engineer supported the analysis and findings of the TIA.

### Chapter C – Development Types

The proposed development is that of a residential flat building. As such, the assessment of the development is contained above in the SEPP 65 section of the report.

### Chapter D5 – Nelson Bay Centre

The development site is located within the land identified in Figure DI as Nelson Bay Centre. The site is specifically located in the Town Living and Commercial Precinct. Figure 8 shows the location of the site.

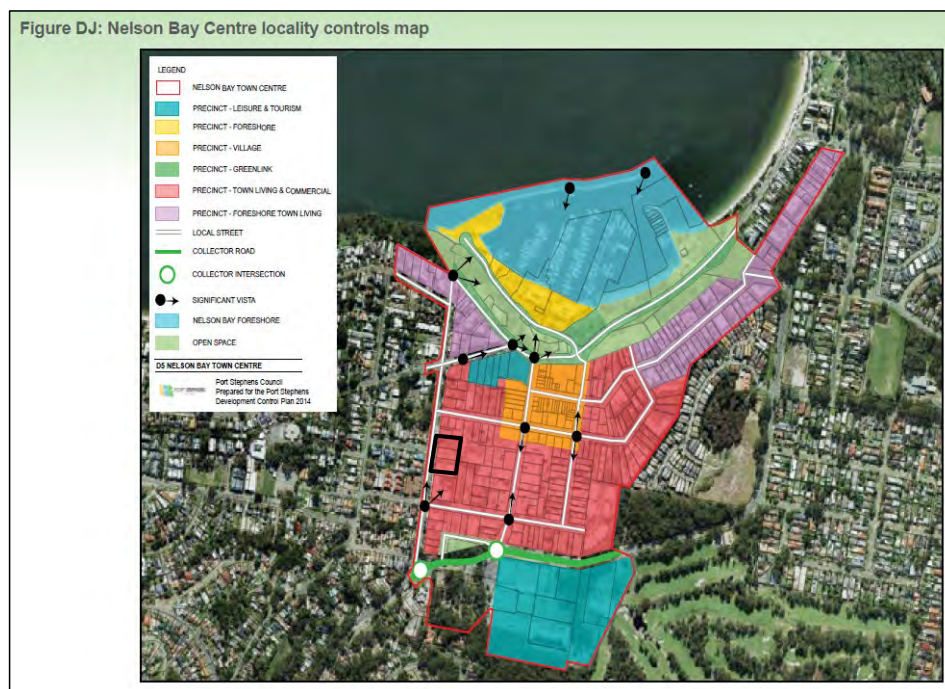


Figure 8: Site outlined in black.



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Table 4: General Controls

Development Control	Requirement	Comment
D5.1 Significant vistas	Development preserves the important vistas identified by Figure DJ  Note: C1.13 requires street layout to respond to the topographical features of the site	The building does not block the significant vista outlined as running northbound along Church Street, Stockton Street or Yacaaba Street.
D5.2 Street layout	The street layout is consistent with Figure DJ  Note: C1.13 requires the street network to be interconnected to provide a grid-like structure	The development proposes no changes to the street network.
D5.3 Roof design	Development is to ensure that roof tops do not adversely impact on the public domain when: <ul style="list-style-type: none"> <li>• Viewed from buildings at higher elevations</li> <li>• When approaching the town centre</li> <li>• Viewed from the street</li> </ul> Note: C2.1 requires building height to be in accordance with the Local Environmental Plan clauses 4.3 and 5.6	The roof area is stepped back from the street wall of the building, removing any potential to dominate the skyline when approaching the town centre.
D5.4 NSW Coastal planning guidelines	Building materials are reflective of existing buildings with reference made to the Coastal Design Guidelines for NSW12  Note: C2.17 requires building facades to use materials, colours and architectural elements to reduce bulk and scale	The proposed building is a modern design, which will increase the quality and aesthetics of the streetscape. The existing surrounding built form is comprised of simple block forms with plain colours that do not add to the aesthetic quality of the street.  The proposed building includes a variety of materials and variation in wall setbacks and heights to create visual interest on each elevation. The materials are considered to be compatible in the coastal context. Moreover, the UDP supported the selected materials and finishes of the building.
D5.5 Design excellence	Development is to demonstrate design excellence, including:	An assessment of the development against the

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Development Control	Requirement	Comment
	<ul style="list-style-type: none"> <li>Consistency with the desired character statements set out in this Part;</li> <li>Consideration of impacts on the public domain including views, overshadowing and the scale of the streetscape; and</li> <li>Architectural merit, for example by addressing local topography, the surrounding natural environment and waterways, green spaces, or vegetated ridgelines in the design of the development.</li> </ul> <p>Development in a prominent location and of a prominent scale, or where Council deems necessary, will be referred to the Urban Design Panel.</p> <p>Note: Applicants will be encouraged to consult with the Urban Design Panel prior to lodgement.</p>	<p>character statement is contained in Section D5.7.</p> <p>The development was reviewed by the UDP as outlined in previous sections of this report and endorsement provided for the designed.</p>

**D5.C Desired character - Town Living and Commercial Precinct**

The objectives of this section of the DCP are to:

- To provide character statements that were identified through the Nelson Bay Town Centre and Foreshore Strategy to guide development within the Town Living and Commercial Precinct as identified by Figure DJ
- To encourage a diversity of residential accommodation types to provide critical mass to support the role of the Village Precinct

**D5.7 Desired character - Town Living and Commercial Precinct**

Development within the Town Living and Commercial Precinct as identified on Figure DJ has regard for the following desired character statements:

**Table 5: Town Living and Commercial Precinct Controls**

Requirement	Comment
<ul style="list-style-type: none"> <li>A wide range of uses including residential, retail and business development will occur in the precinct. This will attract a range of housing types including residential flat buildings, multi dwelling housing and shop top housing</li> </ul>	<p>The proposal is a mixed-use development, which contains retail on the ground level in the form of the neighbourhood shop and ancillary café to cater to the public and buildings residents.</p> <p>The residential component is comprised of unit types varying from one bedroom to four bedrooms, catering for a range of household types and sizes.</p>

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Requirement	Comment
<ul style="list-style-type: none"> <li>The precinct is appropriate for larger scale developments, with large footprints, that may not be suitable for the Village Precinct</li> </ul>	<p>The proposal is over two parcels of land, which provides a better composition of land for larger scale developments, in comparison to the design outcomes related to residential flat buildings on smaller sites. The larger footprint has enabled large communal spaces to be provided to residents and the design of a large high quality landscaped forecourt fronting Church Street, which will positively add to the streetscape.</p> <p>The density on site will support the housing required in the area without impacting on the desired scale of the Village Precinct.</p>
<ul style="list-style-type: none"> <li>The mix of uses may encourage residential living with live-work opportunities and boutique commercial office space</li> </ul>	<p>The size of the units, some which incorporate studies in addition to the one to four bedrooms, may encourage or cater to those wishing to have flexible work from home arrangements. This can aide in retaining residents within the Nelson Bay Centre increasing the opportunity for day to day spending at local cafes and retail premises, in comparison to existing housing options which may not grant that opportunity, requiring workers to leave the Nelson Bay area throughout the work day.</p>
<ul style="list-style-type: none"> <li>Development will have regard for adjacent precincts that provide a change in scale</li> </ul>	<p>The site abuts the Nelson Bay West Foreshore Precinct, and is surrounded by the Town Living and Commercial Precinct to the north, east and south.</p> <p>The proposal will provide a transition in building scale along Church Street and in this western area of the Precinct. The building is higher than the adjacent buildings to the north and south, noting the proposal presents as a compatible built form along the streetscape and is aligned with the desired scale of buildings in this area under the 'Nelson Bay Town Centre and Foreshore Strategy'.</p> <p>The design of the frontage along Church Street, which includes a landscaped forecourt on ground level, an articulated four storey street wall with setbacks at the upper storeys, creates a compatible interface with the lower scale development to the west.</p>
<ul style="list-style-type: none"> <li>Mature street plantings are to assist in enclosing the street for pedestrians and reducing the scale of large style buildings located in this area</li> </ul> <p>Note: C1.5 requires that street trees be provided in accordance with the tree technical specification 1</p>	<p>The Church Street frontage is landscaped with several large street trees on the public verge and within the forecourt area. These trees along with other low shrubs and the pedestrian layout in the frontage, provide elements at a human scale which can mitigate the visual scale and bulk of the building in the immediate vicinity.</p>

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

There are no other regulations applicable to the development.

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

The proposed development will contribute to the housing supply in Nelson Bay and is considered a positive social impact as it will provide for 81 new homes, which comprise a range of housing sizes to meet the needs of the community. The development includes communal areas on the Ground Level and Level 8, which will provide the opportunity for social interaction between residents.

During the construction phase, the development will generate more jobs in the locality and wider LGA. The neighbourhood shop and ancillary café will be staffed at an ongoing capacity, which will generate jobs, as may the strata management, waste collection and maintenance of the building.

Impacts on the Built Environment

The proposed development is considered to result in a positive impact on the developing built form in Nelson Bay with acceptable offsite impacts. Whilst the building will create additional overshadowing in some instances, the increase is primarily within mid-winter and will not significantly decrease the amenity of neighbouring properties, noting overshadowing already occurs to some capacity within these properties. There will be view loss to some properties to the south; however that has been assessed in this report as being acceptable with consideration to the relevant case law.

The applicant provided detailed architectural plans for consideration as well as a Visual Impact Assessment (VIA), 3D renderings of the building within its adjacent context, and overshadowing diagrams. Based on this information, the proposed design and built form has been assessed by both the UDP and Council staff as being supportable.

Overall, the development will provide a high quality architecturally designed building, which will have a positive impact on the streetscape and positive impact on the public domain.

Impacts on the Natural Environment

The proposed development site does not contain any Koala habitat, critical habitat, threatened species or ecological communities. The existing site is devoid of any natural habitat or native vegetation. None of these vegetation types appear present on adjoining sites, removing any potential interference with flora or fauna habitat or corridors.

There are weeds present on site, which will be removed once construction commences. On these grounds, the development will not have an adverse impact on the natural environment.

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

The subject site is an abandoned building site currently underutilised within the Nelson Bay Centre.

The development provides for 81 new dwellings in addition to a neighbourhood shop which satisfies the objectives of the R3 Medium Density zone. The location is within an area identified for high density residential development, and will provide a development consistent the objectives of the LEP and Nelson Bay Centre as outlined in the DCP and 'Nelson Bay Town Centre and Foreshore Strategy'.

It is therefore considered that this site is suitable for the proposed development.

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

The application was exhibited from 7 September 2021 to 21 September 2022, in accordance with the provisions of the Port Stephens Council Community Engagement Strategy. There were 108 submissions received during this period.

The application was re-notified after the submission of amended plans and documentation from the applicant from 7 April 2022 to 21 April 2022. There were 28 submissions received during this period.

The matters raised during the exhibition period have been detailed in the table below.

**Table 6: Summary of public submissions**


No	Issue	Council Response
1	Building Height - Non-compliance with LEP height	<p>The proposed building is 4.18m over the maximum building height.</p> <p>Clause 4.6 is a mandatory development standard required in all LEPs in NSW. The existence of this clause is to ensure that flexibility can be applied to development standards where the proposed variation can provide a better outcome than remaining compliant with the development standard based on environmental planning grounds.</p> <p>The proposed design results in a better planning outcome on-site despite the variation, with increased setbacks and improved amenity and urban design impacts, thus the development is appropriate for the context and character of the area. All other design principles and FSR controls have generally been complied with. On these grounds, Council staff and the UDP have recommended approval of the development.</p> <p>A more detailed assessment with regard to building height can be found in Attachment 1 – Clause 4.6 Assessment Report.</p>
2	Overshadowing	<p>The architect was requested to provide detailed 3D modelling of the overshadowing impact in the form of a cross-analysis between the currently approved buildings on site that could be constructed under the existing consent and the proposed building under this application. The critical overshadowing considerations related to the overshadowing of the Oaks Lure site to the south, 18 Tomaree Street and 61 Donald Street to the east and the public domain (Church Street) to the west.</p> <p>Moreover, plans were also provided which showed the overshadowing of the existing approved buildings on 11-17 Church Street, to enable a comparison between the difference of impact under previously approved buildings and that proposed under this application.</p> <p>Considering the overshadowing documentation provided, the increase of overshadowing on the surrounding properties and public domain is resulting from the proposed development is considered acceptable. The documentation has demonstrated that these buildings already overshadow respective internal site areas, including communal open spaces and pools. Reducing the height of the building to the maximum LEP height of 28m would have minimal to no change on the existing state of overshadowing as the portion of the proposed building that overshadows the Oaks Lure is compliant with the LEP height and</p>

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No	Issue	Council Response
		<p>setback controls. As the Level 8 internal space/roof is setback considerably, these elements do not cast a shadow that extends onto the Oaks Lure site.</p> <p>The proposal will however increase the overshadowing of the Oaks Lure in winter, noting however, the summer months are only impacted to a minor extent. It is unlikely the pool area would be as well utilised in the mid-winter due to seasonal conditions and existing overshadowing occurring.</p> <p>It is therefore considered that the overshadowing impact and the proposal can be supported.</p> <p>A detailed assessment of overshadowing is contained in Table 3 in this report.</p>
3	View Loss - View loss impact business and owner returns	<p>View loss from the Oaks Lure was raised as an issue and has been addressed below this table with regard to the Land and Environment Court view sharing planning principles.</p> <p>View loss was also raised by some other residents to the west of the building.</p> <p>As outlined in the view sharing assessment below, view loss will occur and impact certain dwellings more than others, however this impact is reasonable considering compliance with the setback controls and view sharing principles is achieved. The height of the building is not an issue with regard to view loss as a compliant building 28m height would still obstruct the views to the water.</p>
4	Visual impact on locality	<p>The applicant's Visual Impact Assessment (VIA) assessed the view impact of the proposal on the broader locality.</p> <p>The Urban Design Analysis that accompanied the Nelson Bay Town Centre Strategy, identified that a primary view corridor exists from the water, looking south along Stockton Street towards Kurrara Hill. The proposed development has no impact on that view corridor remaining.</p> <p>At a human scale, when pedestrians are traversing the Nelson Bay Centre, primarily the village area bound by Stockton Street, Victoria parade, Yacaaba Street and Tomaree Street, the existing buildings will block the view towards the proposed development when viewed from people on the ground. This is represented in the VIA.</p> <p>The main visibility of the building from pedestrians and in the local context is along Church Street, and the view lines between buildings on Donald Street and Government Road. The building will blend into the scale of built form in those views and not obstruct identified vistas towards Kurrara Hill.</p>

No	Issue	Council Response
		 <p><b>View 1:</b> View from carpark on Government Road next to Little Nel Café towards the site. Crane indicates sites location.</p>  <p><b>View 2:</b> View from Donald Street. In forefront is Seaview Apartments and to the rear is Oaks Lure. Crane indicates sites location.</p> <p>The proposed building will be visible from the water (on boats or from the marinas wharf) as the distance provides an expansive view of the headlands and the town centre. Notwithstanding, a compliant building height would still be perceptible from the water, as are other buildings that exist in the Nelson Bay Town Centre.</p>

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No	Issue	Council Response
		 <p><b>View 3:</b> View from marina. Red box shows the render of the building in the context.</p> <p>As can be observed from View 3, multiple existing high rise buildings are visible from the water viewpoint, and the proposal does not detract or remove the ability to view Kurrara Hill.</p> <p>Accordingly, the scale of the building does not detract from the existing visual quality or scenic amenity of Nelson Bay to a greater extent than the existing built form.</p>
5	<p>Bulk and scale</p> <ul style="list-style-type: none"> <li>- Excessive bulk on lower levels</li> <li>- Overall scale and impacts creating overshadowing</li> </ul>	<p>Veloshin v Randwick Council [2007] NSWLEC 428 is the established planning principle in the assessment of height, bulk and scale. The principle states:</p> <p><i>“While bulk and scale tend to be used interchangeably, strictly speaking, bulk refers to the mass of a building and scale is properly used only when referring to the relative size of two or more things. When scale is used to mean apparent size, it is better to use those words. When scale is used to denote the character of an area, it is better to use that word. All the above are highly subjective terms, since a building that one person perceives as too big, another person finds appropriately sized”.</i></p> <p>There are six questions posed to guide whether the bulk and scale of a development are appropriate:</p> <ul style="list-style-type: none"> <li>• Are the impacts consistent with impacts that may be reasonably expected under the controls?</li> <li>• How does the proposal's height and bulk relate to the height and bulk desired under the relevant controls?</li> <li>• Does the area have a predominant existing character and are the planning controls likely to maintain it?</li> <li>• Does the proposal fit into the existing character of the area?</li> <li>• Is the proposal consistent with the bulk and character intended by the planning controls?</li> <li>• Does the proposal look appropriate in its context?</li> </ul> <p>The development is largely compliant with the LEP and DCP controls applying to it. The variations proposed are the height and setbacks on the western interface at the south and northern boundaries.</p> <p>It is reasonable to expect that the building will cast a degree of overshadowing on neighbouring properties when considering the 28m</p>



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No	Issue	Council Response
		<p>height limit, the 3.1:1 Floor Space Ratio (FSR) controls, and the required setbacks.</p> <p>When considering the scale or size of the building, the proposed building represents a large development and will be highly visible. In order to ensure the building does not have a negative impact, the architect has adequately articulated the building form. These include:</p> <ul style="list-style-type: none"> <li>• Tapering the sides of the building down to be a similar height to the adjoining northern and southern neighbours to assist in providing a transition of height and scale,</li> <li>• Indenting the forecourt and centre of the building along Church Street,</li> <li>• Placing the building on an angle which reduces any box like shapes, whilst also providing better solar access, and</li> <li>• Setting the top level covered communal space in further from the sides so it is not visually dominate above the height limit.</li> </ul> <p>These design elements provide a building that whilst large in scale, provides a compatible connection to the adjacent neighbours and will improve the architectural quality that exists within the locality. The objectives of the height controls are to achieve buildings with appropriate heights for the character on context whilst reflecting the hierarchy of centres and the land use structure. The objectives of the FSR control is to achieve a building compatible with the bulk and scale of the desired future character of the locality, a balance between built form and landscaping and to minimise the effects of bulk and scale.</p> <p>The design does achieve a height suitable for the area and desired hierarchy of buildings in accordance with the Nelson Bay Town Centre Strategy. It also achieves the desired built form character, as it is a modern building that will improve the aesthetic quality of the existing area. The design also provides ample landscaping and communal space to residents whilst remaining below the FSR.</p> <p>Considering the above, the bulk and scale is considered acceptable and will provide a building that achieves many of the desired outcomes intended by the applicable controls and strategies.</p>
6	Traffic and Parking	<p>The development provides parking that is compliant with the DCP rates.</p> <p>The building will be restricted to a left in and left out arrangement. This will mean that vehicles can only turn in and out of the development from the southbound lane along Church Street. This will limit cars backing up the northbound lane on Church Street to turn across the southbound lane. This arrangement has been accepted by the Council's Traffic Engineer.</p>

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**View Loss Assessment**

When assessing the impact development will have on views, *Tenacity Consulting v Warringah* [2004] NSWLEC 140 is the established planning principle adopted by the Land and Environment Court (LEC).

The Commissioner states at [25] "The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.) To decide whether or not view sharing is reasonable, I have adopted a four-step assessment".

Each of the four steps is listed below with an assessment of the developments impact.

1. [26] *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

**Oaks Lure**

Views are held in some capacity by units facing north towards Nelson Bay, Karuah River and Tea Gardens. The units facing east hold views towards Tomaree and side views, depending on the standing positioning whilst on the balcony, towards Nelson Bay (Images 9, 10, 11 and 12).

**Western properties**

Some properties to the west on the upslope from the site have views towards Nelson Bay and the headlands. The views to the east towards the proposal are predominately held over side boundaries (Image 13).



Image 9: Location of Oaks Lure Unit 47.

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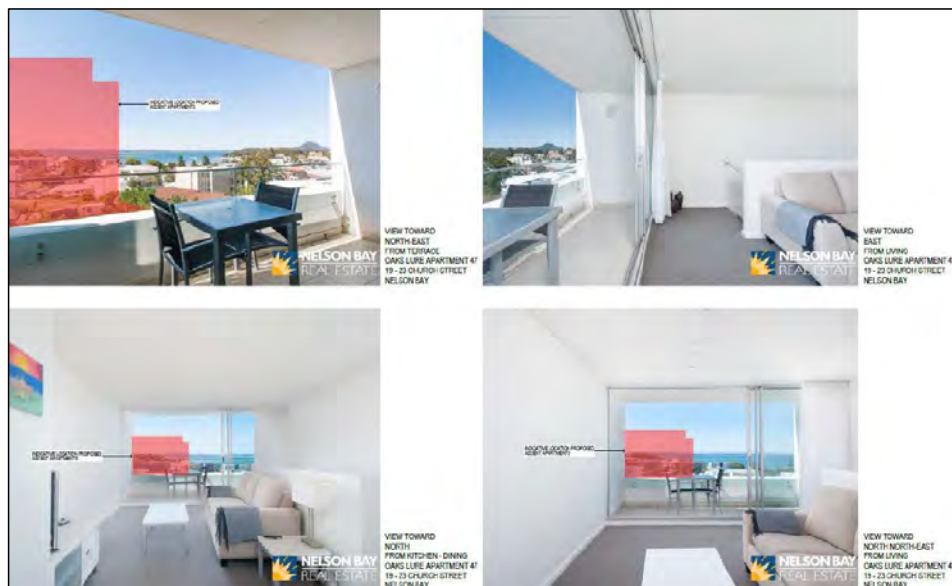


Image 10: View from Unit 47 of the Oaks Lure.



Image 11: View from Oaks Lure Unit 39.



Image 12: View from Oaks Lure east facing unit.



Image 13: View from a western property on Moorrooba Crescent.

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2. [27] *The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

Oaks Lure Northern facing units

The northern facing units do enjoy an expansive view from sitting or standing on the top levels. On the lower levels, the view is more obstructed by the rooflines of existing buildings to the north as indicated in Image 11.

Oaks Lure Eastern facing units

The eastern facing units get a direct view over the side boundary. To have a view of the water from the images provided, occupants need to stand or sit on an angle towards the north to gain the view towards the water.

Western properties

Side boundary views are not as valuable as front and rear views. The orientation of many lots to the west are on a north-south axis, so views towards the west are not from the front or rear of the site. Considering this, it is unreasonable to reduce the bulk of the building to benefit a view that is obtained from a less valuable position.

3. [28] *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

Oaks Lure Northern facing units

The building envelope does not remove the view for all the units. As demonstrated in Image 10, approximately half the view is obstructed for Unit 47. The view loss ranges from moderate to severe, as it is towards a body of water and not an icon or view, which can only be enjoyed when viewing its 'entire' form. The view loss from the most north-eastern units is likely to be minor, as the angle of the proposed development will allow them to retain the majority or entirety of their view.

Oaks Lure Eastern facing units

These views are held from an angled position from a window or balcony. It is unrealistic to maintain these views as they already require the occupant to stand in a certain direction to obtain them. These units however, may retain a partial view of the water towards Tomaree headlands.

4. [29] *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is*

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*no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

The development is compliant with the rear setback (to the east). The building height is not complaint, but when modelled, the portion of the proposed building obstructing the views is within the complaint height limit. If the whole building was reduced to 28m in height, it would not change the view impact to the water from the Oaks Lure. The building would need to need lower than the height of the Oaks Lure for apartments to retain the same or similar views, which is unreasonable and will not consistent the objectives of the zone, height limit or the desired built form character under Nelson Bay Town Centre Strategy. It would result in an underdevelopment of the site.

Changes to the form of the building are unlikely to warrant a better outcome on views as it would result in a bulkier design spanning across the site, rather than the proposed angle, which provides better solar access for the site.

The existing topography and current subdivision pattern results in the Oaks Lure losing views in most instances, noting the Oaks is not built to its full height potential under current planning controls and has so far benefitted from being adjacent to undeveloped lots.

With consideration to the assessment above, the submitted VIA and public submissions, the proposed development is considered to be supportable in terms of its impact on view loss based on the Tenacity planning principles.

**Section 4.15(1)(e) the public interest**

The proposed development is considered suitable for the site and the broader locality. The proposal will have a positive impact by providing 81 additional homes in the Port Stephens area, which will likely result in an increase of spending in the local economy and stimulate job growth, particularly during the construction phase.

The design of the building has been assessed in detail and is considered to be a positive addition to the developing character of Nelson Bay by both Council staff and the UDP.

On these grounds, the proposed development is considered to be in the public's interest.

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

Section 7.11 contributions apply to the residential portion of the development.

Under DA 16-2000-1014-1, contributions were paid on 15 February 2006 for 19 additional dwellings over two lots (21 units in total). This proposal is over two lots, and therefore, a 22 lot credit has been applied to reflect this and contributions apply for an additional 59 dwellings.

In total, the proposal will generate a monetary contribution of \$1,139,703 to be paid to Council for the provision of 59 additional dwellings.

**DETERMINATION**

The application is recommended to be approved by Council, subject to conditions of consent.

EMILY ALLEN

Senior Development Planner



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## Clause 4.6 ASSESSMENT REPORT

### Clause 4.6 – Exceptions to Development Standards

#### CLAUSE OBJECTIVES AND EXCLUSIONS

##### Clause 4.6(1) – Clause Objectives

Clause 4.6 provides a mechanism to vary the development standards, such as building height, prescribed within PSLEP 2013. The objectives of the 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.

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

The development standard Clause 4.3 Height of Building is not excluded from the operation of clause 4.6 (Refer to clauses 4.6(2); 4.6(6); and 4.6(8) of PSLEP 2013).

#### PROPOSED REQUEST

##### *Clause 4.6(3) – Request to vary development standards*

The development application includes a written request to vary a development standard in the *Port Stephens Local Environmental Plan 2013* (PSLEP).

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

Development Standard	Proposed Variation	Extent of Variation (%)
Clause 4.3 Height of Building of the PSLEP 2013	4.18m	14.9%

The height of building mapped on site under the PSLEP 2013 is 28m. The proposed development is 32.18m in height.

As the proposed variation is greater than 10%, the development application will be determined by the elected Council.

##### *Clause 4.6(3)(a) – Compliance is unreasonable or unnecessary*

Clause 4.6(3)(a) requires the application to justify the contravention of the development standard by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

The Clause 4.6 request makes reference to *Wehbe v Pittwater Council* (2007) LEC 827 (*Wehbe*), to which Chief Justice Preston noted that the starting point with any request for a variation is to demonstrate that compliance with the development standard is unreasonable or unnecessary which should generally be started by showing the proposal can meet the objectives of the development standard.



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The Clause 4.6 request notes that the objectives of the standard are achieved notwithstanding non-compliance with the standard in that:

- Strict compliance with the standard is considered unnecessary in that the impact created by the proposed development will be minor and insignificant to neighbouring development and to the wider locality.
- The proposed development does not contravene the objectives of the zone and is considered a good use of the site.
- It provides contemporary designed medium density residential development, which provides for the housing needs of the community whilst also protecting the amenity of residents and recognising the desirable elements of the existing streetscape and built form.
- It would not result in a reduced visual impact, when compared to the proposed height of building.
- The height and scale of the proposal provides an appropriate response for the Nelson Bay Town Centre, although above the permissible building envelope in terms of height.

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

Clause 4.6(3)(b) requires an application to justify the contravention of the development standard(s) by demonstrating that there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant outlined that there is sufficient environmental planning grounds to contravene the development standard as:

- The development provides eighty-one (81) residential units within the Nelson Bay area, which is identified for this type and scale of development to provide for the housing needs of the locality, including a range of bedrooms and layouts to cater for varying demographics.
- The development addresses Church Street and provides visual interest within three defined sections of the building, in contrast to existing buildings that have not been designed to address or activate the street frontage.
- The additional height over 28m will have negligible effect on shadows cast by the building on adjoining properties.
- The additional height will not impact on the privacy of adjoining residents.
- The additional height will not materially impact on view sharing due to the topography of the site and its location on the outer western edge of the Town Centre as further evidenced and detailed within the Visual Impact Assessment submitted with the



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## Clause 4.6 ASSESSMENT REPORT

application. The building above 28m is architecturally designed and appropriately articulated to provide visual interest and prominence within the Gateway of Nelson Bay, and is setback further from the boundaries to ensure it is not a visually dominating feature.

- The proposed development results in a high quality architectural design that will positively contribute to the locality.
- The proposed development will result in a large capital investment value (CIV) within the local economy, with construction providing employment opportunities in the locality and support to the local building and development industries. In addition to this, will provide direct monetary input to the local economy, the increased number of residents in the locality will provide ongoing economic input through daily living activities via shopping, working, living and recreational activities within the Town Centre and surrounds. The increase in housing within the area will directly influence and enhance business and employment opportunities within the area.

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

### ASSESSMENT

#### **Clause 4.6(4) – Assessment of request to vary development standards**

##### *Clause 4.6(4)(a)(i) - Adequacy of the applicant's request*

Clause 4.6(4)(a)(i) requires the consent authority to be satisfied the Clause 4.6 Application has adequately addressed the matters set out in clause 4.6(3) of the PSLEP listed above.

As stated in the preceding section, in *Wehbe* the Land and Environment Court 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.

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The applicant's Clause 4.6 Variation request asserts that compliance with Clause 4.3 (height of buildings) 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.

Having regard to the first test set down in *Wehbe*, it is noted that the objectives of Clause 4.3 is to ensure the height of buildings is appropriate for the context and character of the area and that building heights reflect the hierarchy of centres and land use structure.

The proposed building height is considered to be appropriate for the context and character of the area. The 'Nelson Bay Town Centre Strategy and Delivery Program', within which this site is located, outline that the ridgelines that surround the Nelson Bay Town Centre create a natural amphitheatre. This amphitheatre shape allows for views from the north of the town to maintain strong landscape character and setting. The topography of Nelson Bay along with vegetation, frames the core town centre.

In order to maintain the natural setting, taller buildings were encouraged as they would reinforce the amphitheatre and the town centre, if placed towards the outside of the town centre. The view lines between Kurrara Hill and the Nelson Bay Marina form an axis for the main street of the town centre, which should be maintained. The proposed development does not obstruct these view corridors as assessed in the VIA provided.

The applicant submits that the proposed design provides a balanced composition of elements including well-defined base/podium, middle and top sections. The form is described as:

- The base/podium is envisaged as a solid form anchoring the building to the site.
- The middle or body of the building is conceived as a screened element which extends to the ground fronting Church Street to the west. The buildings two cores and lobbies to the west are expressed as vertical elements with hanging gardens between, defining the residential entry points.
- To the east the body of the building is a horizontal expression although carefully articulated with landscape planter recesses, balconies and materiality to break down the length of the building.
- The top of the building provides primary communal areas and private open space for the penthouse apartments.

The design is considered to be well designed and articulated to reduce bulk and integrate into the adjoining neighbouring buildings. The majority of the building bulk is centralised, tapering down to the sides. This majority of the building is within the 28m height limit. This is shown in **Figure 1**.

The open and covered communal and private open space on Level 8 is the area above the 28m height limit. This space benefits all residents of the building, by providing useable communal outdoor space above ground level. Also noting the building has not used the FSR to its full potential, which would allow a much larger footprint of the building to occur on site. Instead, the



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## Clause 4.6 ASSESSMENT REPORT

building has focussed its FSR distribution vertically, resulting in only a relatively small part of the overall form exceeding the height limit. The portion that exceeds the height limit is used primarily for communal space and private open space, not as habitable floor area for units. If the space was not enclosed and roofed in the centre, the space would not be desirable for use as it would be exposed to the elements. Providing a covered portion central to this floor, indents the built form reducing its visibility from the street and various view points.

By designing the building in this manner, the form becomes less imposing and ties into the adjacent northern and southern properties. This is demonstrated in **Figure 2**. This also meets the vision of the 'Nelson Bay Town Centre Strategy' as the exceedance does not block any important view corridors, and aides in establishing the built form hierarchy.

The modulation and floor plate composition also reduces potential overshadowing occurring from the development for the portions above 28m, as the area above 28m is setback central to the building. This results in the communal area roof shadowing its own Level 8 communal area, not the neighbouring properties. This results in the overshadowing of neighbours being caused by the portion of the building that is compliant and under the 28m height limit.

By incorporating these elements into the design, the proposal is able to fit into the existing context and reflect the building height hierarchy desired in the area without adversely impacting the amenity of adjoining neighbours. On this basis, the objectives of Clause 4.3 are achieved, notwithstanding the non-compliance with the standard, and therefore compliance with the standard is unnecessary in this instance.



**Figure 1:** The blue plane is 28m above ground. The area above exceeds the height limit, which consists mainly of the covered communal and private open space for residents.

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**Figure 2: View of building along Church Street (western elevation). The sides of the building taper down to meet the height of the adjoining buildings, and centralise the main bulk of the building to the centre of the site.**

The applicant also noted in their variation request that the second and third tests set down in *Wehbe* also apply to the proposal. This is not agreed upon for the following reasons:

- In regard to the second test, it is not considered that the compliance with the standard is unnecessary. Clause 4.6 provides a mechanism to vary development standards when assessing site specific constraints. In some instances, compliance with the height control should be upheld if the outcome is not better than what non-compliance would otherwise achieve. In this instance, the amount of the building above the 28m height limit is not considered to have an adverse impact when assessing the sites constraints, and non-compliance will result in a positive outcome that is to the benefit of all the residents, without taking away from the broader community. It is unreasonable to uphold the development standard, but not unnecessary.
- In regard to the third test, it is considered that the objective or purpose of the development standard would not be defeated or thwarted if compliance was required.

The fourth and fifth tests set down in *Wehbe* are also not considered relevant to the current application, for the reasons set out below:

- In regard to the fourth test, it is considered that the development standard has not been abandoned or destroyed as the objectives of the standard are still relevant notwithstanding non-compliance with the numerical standard.
- In regard to the fifth test, the underlying purpose and objective of the maximum building height standard are still relevant to the development.

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- The zoning of the subject site is suitable and the proposed development is permissible in the zone.

*Clause 4.6(4)(a)(ii) - Public interest – consistency with objectives of the standard and objectives of the zone*

Clause 4.6(4)(a)(ii) requires the consent authority to be satisfied the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

As outlined above, notwithstanding the non-compliance with the standard, the objectives of Clause 4.3 are achieved noting that the proposed development is considered to be suitable for the character of the area, is permissible with consent in the R3 Medium Density Residential zone, and will not result in adverse impacts to neighbouring properties.

*Clause 4.6(4)(b) - Concurrence of the Secretary*

In accordance with the assumed concurrence, notified in [Planning Circular PS 08-003](#), the concurrence of the Secretary has been obtained (Clause 4.6(4)(b) of PSLEP).

**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 because the objectives of the development standard are achieved notwithstanding non-compliance and the proposal is considered to be appropriate in the context of the site.



**Proposed amendment to Port Stephens Local  
Environmental Plan 2013**

Rezoning of Lot 14 DP 258848  
42 Fullerton Cove Road, Fullerton Cove



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**ATTACHMENTS**

**ATTACHMENT 1** – Existing and Proposed LEP Mapping  
**ATTACHMENT 2** – Gateway Determination and Alteration  
**ATTACHMENT 3** – Fern Bay & North Stockton Commercial Lands Study  
**ATTACHMENT 4** – Fern Bay & North Stockton Commercial Lands Addendum  
**ATTACHMENT 5** – Biodiversity Development Assessment Report  
**ATTACHMENT 6** – Flood Impact Assessment  
**ATTACHMENT 7** – Acid Sulfate Soils Study  
**ATTACHMENT 8** – Preliminary Contamination Assessment  
**ATTACHMENT 9** – Transport Impact Assessment  
**ATTACHMENT 10** – Strategic Bushfire Study  
**ATTACHMENT 11** – Options Analysis  
**ATTACHMENT 12** – Aboriginal Cultural Heritage Assessment

**\*Note: relevant technical studies that form part of the planning proposal are available for review by Councillors upon request.**

**VERSION CONTROL**

Version	Date	Details
1	March 2017	Planning proposal (PP) as submitted to Council
2	February 2020	PP updated into Council template
3	April 2020	PP updated to reflect the withdrawal of the Seaside Estate PP and submitted to the Department of Planning, Industry and Environment (DPIE)
4	August 2020	PP revised by Council to address matters raised by DPIE in the adequacy assessment. The main changes include: <ul style="list-style-type: none"> <li>• Providing further information in Section A – Need for the planning proposal</li> <li>• Updating assessment against the Fern Bay and North Stockton Strategy</li> <li>• Updating assessment against Ministerial Direction 1.1 Business and Industrial Zones</li> <li>• Provided assessment against the Ministerial Direction 2.6 Remediation of Contaminated Land</li> <li>• Providing further information in response to Q9.</li> </ul>
5	March 2021	PP revised to address matters listed in the Gateway determination. The main changes include: <ul style="list-style-type: none"> <li>• Updated explanation of provisions to clarify relationship between proposed additional local clause and clause 5.4(7AA).</li> <li>• Updated to include results of further studies; Biodiversity Development Assessment Report, Flood Impact Assessment, Traffic Impact Assessment, Preliminary Contamination</li> </ul>



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		Assessment, Acid Sulfate Soils Study, and Strategic Bushfire Study.
6	January 2022	PP revised by proponent to address matters raised by DPIE relating to an increase in GFA, as well as revised to reflect updated BDAR and FIA in response to BCD referral.
7	March 2022	PP updated to reflect Gateway alteration received from DPIE to increase GFA to 5,500m <sup>2</sup> , in preparation to send for second round of consultation with BCD and TfNSW.
8	April 2022	PP updated to reflect second round of consultation agency feedback, and prepared for public exhibition.
9	August 2022	PP updated to reflect public exhibition and agency consultation, as well as results of ACHA.

**FILE NUMBERS**

**Council:** 58-2017-4-1

**Department:** PP\_2020\_PORTS\_001\_00 / PP-2021-1011

**SUMMARY**

<b>Purpose:</b>	The purpose of this planning proposal is to amend the <i>Port Stephens Local Environmental Plan 2013</i> (LEP) to enable the development of a neighbourhood centre with a neighbourhood supermarket in Fullerton Cove to provide day-to-day retail services for the residents in Fern Bay and Fullerton Cove.
<b>Subject land:</b>	Lot 14, DP 258848 42 Fullerton Cove Road, Fullerton Cove
<b>Proponent:</b>	Monteath & Powys on behalf of Christine Jordan
<b>Proposed changes:</b>	<ul style="list-style-type: none"> <li>• Rezone part of Lot 14 DP 258848 from RU2 Rural Landscape to C2 Environmental Conservation.</li> <li>• Rezone part of Lot 14 DP 258848 from RU2 Rural landscape to B1 Neighbourhood Centre.</li> <li>• Remove Minimum Lot Size requirement of the proposed B1 zone from AB2 20 hectares.</li> </ul>

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- Introduce a height of building limit of 9 metres to the B1 zone.
- Introduce a new local provision limiting future commercial development to a maximum gross floor area of 5,500 square metres.

**Area of land:** ~ 6.7 hectares

**Jobs created:** ~ 60 - 90 ongoing jobs

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**BACKGROUND**

The planning proposal seeks to amend the *Port Stephens Local Environmental Plan 2013* (LEP) to enable the development of a local centre, with a supermarket, at 42 Fullerton Cove Road, Fullerton Cove.

The subject site is currently zoned RU2 Rural Landscape and the planning proposal seeks to rezone approximately 2.5ha to B1 Neighbourhood Centre (expected to translate to E1 Local Centre in future employment zone reforms) with the remaining 4.2ha to be rezoned C2 Environmental Conservation to address the environmental constraints of the site.

The planning proposal seeks to facilitate a supermarket and shops to provide day-to-day retail services to the local community, which is currently underserved. Submissions received from the local community on the Fern Bay and North Stockton Strategy indicate a strong desire for local retail services within Fern Bay and Fullerton Cove in the immediate future.

At time of Gateway, the nearby land was previously zoned B1 Neighbourhood Centre within Seaside Estate, Fern Bay, identified in **Figure 1**. Due to its location, this land was considered less suitable for the development of a supermarket than the subject site. Landowners at Seaside Estate submitted a planning proposal with Council to rezone the land to R2 Low Density Residential. The planning proposal has since been finalised and the land is now zoned R2 Low Density Residential.

It was previously established that if both sites were to be developed to provide retail services there would have been sufficient demand within the locality to support retail development, and the initial planning proposal allowed for this with a restriction on GFA. Since the rezoning of Seaside Estate, additional studies have been undertaken that justify an increase in GFA of the subject site. A revised Gateway alteration was issued on 23 February 2022 to increase the restriction on commercial floor space area to allow for a full line supermarket and supporting commercial premises (**ATTACHMENT 2**).

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As identified in the planning proposal, the following additional investigations have been prepared in accordance with the Gateway determination and provide justification for relevant site-specific matters:

- Addendum to Fern Bay and North Stockton Commercial Lands Study
- Acid Sulfate Soils Study
- Strategic Bushfire Study
- Preliminary Contamination Assessment
- Traffic Impact Assessment
- Revised Biodiversity Development Assessment Report
- Revised Flood Impact Assessment
- Options Analysis

These investigations confirm the proposal is consistent, can be supported and proceed to the next stage. In addition to this, an Aboriginal Cultural Heritage Assessment was prepared during public exhibition to support the planning proposal and any future development application.

#### SITE

The subject site has an area of approximately 6.7 hectares and is located adjacent to the intersection of Nelson Bay Road and Fullerton Cove Road. **Figure 1** identifies the subject site and local context.

The subject site is currently zoned RU2 Rural Landscape and comprises one lot. The site is currently used for residential purposes and has been largely cleared around the existing dwellings.

The surrounding land use zones are a mixture of rural, residential, and environmental conservation zones. The neighbouring properties consist of residential, retirement village, caravan park, and rural dwellings, rural activities including livestock grazing and a wedding venue with guesthouse at Stanley Park House. The nearest commercial development that offers day-to-day grocery items is Stockton IGA located 8km to the south.

The site was previously the subject of a similar planning proposal which was refused at Gateway in 2013. The following table details how the reasons for refusal have been addressed in this planning proposal.

**Table 1 – Reasons for refusal of the previous planning proposal**

Reasons for refusal	Addressed in the planning proposal
Inconsistency with strategic framework including the Lower Hunter Regional Strategy (LHRS) and the Port Stephens Planning Strategy (PSPS)	The planning proposal has been updated to demonstrate consistency with the PSPS, the Local Strategic Planning Statement and the Hunter Regional Plan (HRP), which has replaced the LHRS.

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Lack of demonstrated site-specific merit.	The planning proposal has been updated to detail the site-specific merit criteria provided by the DPIE <i>Guide to preparing planning proposals</i> including reference to the Hill PDA Fern Bay & North Stockton Commercial Lands Study 2017, and a subsequent Addendum, justifying the need for the planning proposal and site suitability ( <b>ATTACHMENT 3 and 4</b> ).
Unable to demonstrate land could be developed.	The Biodiversity Development Assessment Report (BDAR) and Flood Impact Assessment (Flood Study) indicate the land is able to be developed, and this has been confirmed by consultation with Biodiversity Conservation Division (BCD). Other relevant site-specific matters have been adequately addressed as detailed in the planning proposal.
Inconsistent with relevant State Environmental Planning Policies (SEPPs) and Ministerial Directions.	The planning proposal has been updated to address consistency with the relevant SEPPs and Ministerial Directions. Where the planning proposal is inconsistent, the inconsistency is considered minor or justifiable.
No identification of biodiversity offsetting.	The proposed B1 Neighbourhood Centre zone has been reduced since the previous proposal. Offsetting requirements have been informed by the BDAR and can be resolved at development application stage.
Needs to demonstrate community benefit.	<b>Section C</b> of the planning proposal details the community benefit of progressing this planning proposal, including support from residents received as submissions during the exhibition of the Fern Bay and North Stockton Strategy.

Figure 1 – Locality



**ITEM 7 - ATTACHMENT 1 FINAL PLANNING PROPOSAL.****PART 1 – Intended outcome**

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The intended outcome of the planning proposal is to enable a local centre, with a supermarket, for local day-to-day retail convenience and services within the Fern Bay area while protecting and managing biodiversity values and flood prone land.

The proposal will enable the development of a local centre comprising:

- a full form supermarket,
- neighbourhood shops; and
- associated car parking and landscaping.

**PART 2 – Explanation of provisions**

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The intended outcome of the planning proposal will be achieved by the following amendments to the Port Stephens Local Environmental Plan 2013 (LEP):

- Amend Land Zoning Map Sheet LZN\_004A for Lot 14 DP 258848 from RU2 Rural Landscape to part B1 Neighbourhood Centre and part C2 Environmental Conservation.
- Amend Lot Size Map Sheet LSZ\_004A from AB2 20 hectares to part AB2 20 hectares and part no specified minimum lot size.
- Amend Height of Building Map Sheet HOB\_004A from no height specified to part no height specified and part J 9 metres.
- Introduce a new local provision limiting future commercial development to a maximum gross floor area of 5,500 square metres.

**Figures 2, 3 and 4** indicate the proposed changes to the Land Zoning Map, Lot Size Map and Height of Building Map. All maps can be found at **(ATTACHMENT 1)**.

It is noted that the proposed boundaries are supported by the findings of the Biodiversity Development Assessment Report (BDAR) and that the planning proposal can proceed to the next stage.



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Figure 2 - Existing and proposed land zoning map

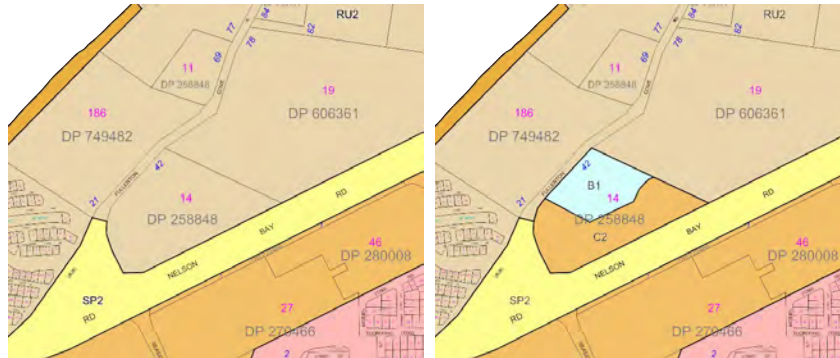


Figure 3 - Existing and proposed lot size map

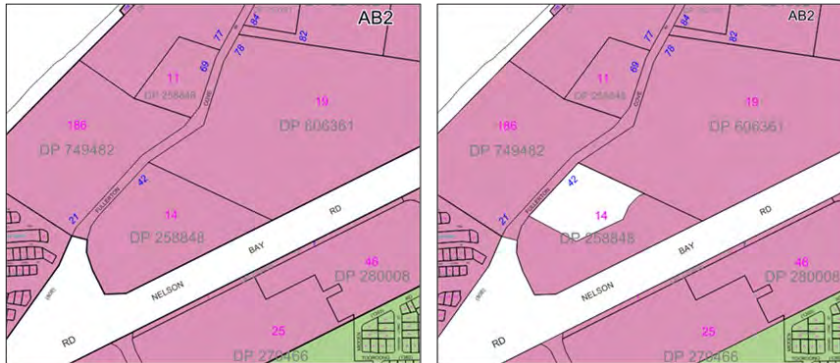


Figure 4 - Existing and proposed height of building map



**PART 3 – Justification**

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**Section A – Need for the planning proposal****Q1. Is the planning proposal a result of any strategic study or report?**

The planning proposal is the result of the Hill PDA Fern Bay and North Stockton Commercial Lands Study 2017 (the Study) (**ATTACHMENT 3**) prepared for Newcastle City and Port Stephens councils to guide the development of a land use strategy for Fern Bay and North Stockton.

The Hill PDA study identified the subject site as a potential future location for a new town centre. According to the Study, the demand for additional retail floorspace in 2017 was 2,300sqm, indicating the area is currently underserved. A shopper survey also found 75% of respondents indicated a new retail centre, or expanded retail offer, was a priority for Fern Bay and Stockton.

The Study also identified Stockton Residential Centre to be a preferred option for a town centre. The NSW Department of Communities and Justice have advised Council that they are working with the NSW Department of Planning, Industry and Environment to investigate potential future uses for the Stockton Residential Centre. The site has been deemed surplus to Ageing Disability and Home Care's needs following the relocation of its former residents in 2020. Given the uncertainty of the future of the site, the location and timing of a future town centre remains uncertain.

The subject site can provide a supermarket, to provide day-to-day services for the community. The initial planning proposal limited gross floor area for retail development of 1,500 square metres to allow future viability of commercial development within the area. It was found during further investigations and research including review of the market, and community engagement that 1,500m<sup>2</sup> would not be commercially viable or support the current needs of the community. As such, a request was made to Hill PDA to review the potential for the future Stockton Commercial Centre and the subject site as a secondary centre to co-exist (**ATTACHMENT 4**). The review noted that if the subject site maintained a GFA of 1,500m<sup>2</sup> would still enable Stockton as the primary centre to maintain a GFA of 4,500 to 6000m<sup>2</sup>. It was also noted that 1,500m<sup>2</sup> not be viable in the longer term and recommended that the GFA be reviewed, and suggested that alternative non-retail uses pursued in the longer term.

At the time of the Gateway determination there was existing B1 zoned land within Seaside Estate (shown in **Figure 1**) which has subsequently been rezoned to R2 Low Density Residential. Consideration was requested to remove the restriction on floor space area in initial Gateway Determination to support an increased GFA of 5,500m<sup>2</sup> for the subject site enables a full format supermarket and additional retail to support a local centre. This Alteration of Gateway Determination was issued on 23 February 2022 (**ATTACHMENT 2**). The increased GFA allows future diversification of alternate commercial



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outcomes on either the subject site or for the future Stockton Centre site depending on market demand, and is supported by an Options Analysis (**ATTACHMENT 11**) and Commercial Lands Addendum (**ATTACHMENT 4**). This increase in floor space area still enables the Stockton site to remain as the primary centre, and allows both centres to be viable short and long term.

Informed by the Hill PDA Study (**ATTACHMENT 3**) and Addendum (**ATTACHMENT 4**) the Fern Bay and North Stockton Strategy (FBNSS) also identified a strong community desire for a neighbourhood centre in the short to medium term to support local residents. In response to the exhibition of the FBNSS, the local community prepared a petition to support and complete this planning proposal. The petition was brought to the attention of councillors during public access on the 26 November 2019 where Councillors supported the idea of a neighbourhood supermarket at this location. The planning proposal will enable an outcome from the FBNSS by facilitating the development of a local centre in the Fern Bay and Fullerton Cove area.

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

In order to achieve the intended outcome, the following options were considered:

- a. **Develop land already zoned B1 Neighbourhood Centre** – Rather than rezone the subject site, the land at Seaside Estate that is already zoned B1 Neighbourhood Centre could be developed to facilitate a small neighbourhood centre, with a neighbourhood supermarket.

At the time of Gateway determination there was an existing B1 zoned land within Seaside Estate, which has subsequently rezoned to R2 Low Density Residential. This is no longer an option.

- b. **Rezone the Stockton Residential Centre for a new town centre** – Develop the land at Stockton Residential Centre and create a single town centre.

The Hill PDA Study found the existing Stockton Residential Centre to be the preferred location for a new town centre. The redevelopment of the Stockton Residential Centre is uncertain and there is an immediate need to service residents. The future town centre requires further strategic planning, rezoning and significant investment in order to provide an expanded retail offering. As outlined in **Section A**, this proposal will not prevent the future use of the Stockton Residential Centre for a town centre as envisioned by the FBNSS. This proposal will facilitate a neighbourhood centre to service residents in the immediate future that will complement the future town centre.

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- c. **Rezone the subject site and back zone land at Seaside Estate –**  
 Rezone 42 Fullerton Cove Road, Fullerton Cove from RU2 Rural Landscape to B1 Neighbourhood Centre and back zone land at Seaside Estate from B1 Neighbourhood Centre to R2 Low Density Residential.

Council initially considered rezoning both sites and effectively move the existing B1 zoned land at Seaside Estate to 42 Fullerton Cove Road, Fullerton Cove. Due to the existing and growing demand for retail services in the locality, at the time of Gateway Determination it was considered there was sufficient demand for both local centres to service the area. Since then, a planning proposal to rezone land at Seaside Estate from B1 Neighbourhood Centre to R2 Low Density Residential was finalised in October 2021. This outcome further reinforces the merit and need for the Fullerton Cove planning proposal.

### Section B – Relationship to strategic planning framework

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

**a) Does the proposal have strategic merit?**

Hunter Regional Plan 2036

The *Hunter Regional Plan 2036* (HRP) applies to the Port Stephens local government area (LGA) and is an applicable consideration for this planning proposal.

The HRP does not directly address Fullerton Cove but does identify the adjacent suburb of Fern Bay as a centre of local significance.

The HRP identifies a regional priority for Port Stephens to “leverage proximity to major global gateways – and its attractive and valuable natural environment and coastal and rural communities – to generate economic growth and diversity”.

The planning proposal will support this priority by enabling the development of a neighbourhood centre that will generate economic growth and diversity within the Fern Bay and Fullerton Cove localities and increase expenditure in the Port Stephens LGA.

The most relevant direction from the HRP is:

- *Direction 6 – Grow the economy of Midcoast and Port Stephens*

The planning proposal will lead to short-term jobs during construction and long-term jobs once businesses are established as a result of the zoning

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change. Approximately 60 – 90 ongoing jobs may be provided through the development of a supermarket and shops. The new retail services will also increase local expenditure by allowing locals to purchase day-to-day necessities within their own LGA instead of travelling to higher order centres in neighbouring LGAs.

The planning proposal is also consistent with:

- *Direction 8 – Promote innovative small business and growth in the service sectors* as it will provide local commercial opportunities for small businesses;
- *Direction 14 – Protect and connect natural areas* as it will rezone 4.5ha of RU2 Rural Landscape zoned land within the Watagan to Stockton Link to E2 Environmental Conservation and focus development on disturbed areas of the site;
- *Direction 16 – Increase resilience to hazards and climate change* as a Flood Study and response letter to Biodiversity Conservation Division (BCD) initial consultation (**ATTACHMENT 6**) was prepared to address resilience to hazards and climate change, and found that development of the site is not expected to result in a significant adverse impact on the site or neighbouring sites resilience to hazards and climate change;
- *Direction 17 – Create healthy built environments through good design* as the neighbourhood centre would be in walking distance and cycling distance for residents of The Cove Village and Seaside Estate. While the total walkable catchment is low, there are limited alternative locations to provide these essential services;
- *Direction 21 – Create a compact settlement* as the site is centrally located between existing residential neighbourhoods and will provide significant social benefits for residents; and
- *Direction 26 – Deliver infrastructure to support growth and communities* as development of the site will provide the growing community with day-to-day retail services including a neighbourhood supermarket.

The planning proposal is consistent with the HRP, as it will assist in growing the Port Stephens economy, provide opportunities for small businesses, provide retail facilities that support the growing community and will protect the natural environment.

#### Greater Newcastle Metropolitan Plan 2036

The *Greater Newcastle Metropolitan Plan 2036* (GNMP) applies to part of the Port Stephens LGA, including Fullerton Cove and Fern Bay.

The GNMP does not directly address Fullerton Cove but does identify the adjacent suburbs of Fern Bay and Stockton as areas “where housing and infrastructure opportunities should be maximised while protecting the transport connection between the Newcastle Airport and Newcastle Port”.

The most relevant strategy from the GNMP is:

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- *Strategy 8 – Address changing retail consumer demand.*

Changing shopper habits has led to increased demand for fresh produce, dairy, baked goods, and prepared food being purchased on a more frequent basis. The planning proposal will facilitate a local neighbourhood centre that would allow Fern Bay and Fullerton Cove residents to access grocery items and other necessities within close proximity of their homes instead of outside the local area (e.g. Raymond Terrace, Stockton, Mayfield). Given the recent impacts of COVID-19 on shopper habits, there may be further demand for smaller local services over larger shopping centres.

The planning proposal is also consistent with:

- *Strategy 9 – Plan for jobs closer to the Metro frame* as it will provide additional jobs within the Metro frame (**Figure 5**);
- *Strategy 10 – Create better buildings and great places* as future commercial development would be subject to design objectives of the Port Stephens Development Control Plan 2014;
- *Strategy 11 – Create more great public spaces where people come together* as it will facilitate the development of a neighbourhood centre where people can come together; and
- *Strategy 13 – Protect rural amenity outside urban areas* as the site is surrounded by low density urban development including The Cove Village, Bayway Village, Palm Lake Resort and Seaside Estate (**Figure 1**, page 7)
- *Strategy 14 – Improve resilience to natural hazards* a revised Flood Study determined that development of the subject site is not expected to result in significant adverse impact on the site or adjacent properties in their resilience to natural hazards.

The planning proposal is consistent, or justifiably inconsistent, with the GNMP as it will address changing retail needs, provide jobs, and create great places where people can come together.

Figure 5 - Identification of the subject site in the Greater Newcastle Metropolitan Plan (page 10)



**b) Does the proposal have site-specific merit, having regard to the following?**

Natural Environment

A Biodiversity Development Assessment Report was completed by Kleinfelder (**ATTACHMENT 9**). In respect to threatened flora the following was determined:

- The site does not contain any Area of Outstanding Biodiversity Value (AOBV).
- Four Plant Community Types (PCTs) identified and mapped in Figure 3 of the Kleinfelder report. PCT 1646 contained areas of both moderate and degraded formations. PCT 1717 contained areas of both degraded and good, although only degraded vegetation exists within the development site. PCT 1728 and 1737 are both Endangered Ecological Communities (EECs), both being moderate vegetation.
- The site surveys confirmed that the majority of the threatened flora previously recorded, identified or determined to be assessed by the BAM were not detected and deemed unlikely to occur onsite.
- All of the moderate formations are located within the proposed C2 Environmental Conservation Zone and will remain protected.

In respect to fauna the following was determined:

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- There was limited habitat that was deemed suitable for threatened fauna.
- There 14 habitat trees all identified outside of the development site (located with the proposed C2 Zone).
- The trees showed small to medium hollows, within only 1 large hollow found.
- None of the trees showed evidence of fauna occupation.

The potential impacts to Koalas from the proposed are considered negligible. Existing data pertaining to Koala habitat was ground-truthed onsite and assessed against the criterion in accordance with the Port Stephens Comprehensive Koala Plan of Management. The result of the assessment determined there were no preferred habitat or defined habitat buffers mapped within the development site or study area. The defined development area limits potential impacts on existing supplementary habitat of *Eucalyptus robusta* to one individual tree. The location of the development area will not significantly increase the fragmentation of Koala habitat or impede Koala movement.

The report confirms that the boundaries proposed for the rezoning are consistent in minimising impact on threatened species and will not generate any serious or irreversible impacts and is subject to the relevant Biodiversity Offset credits.

#### Land Uses

The proposal will not conflict with the current land uses surrounding the subject site as the proposed zoning maintains ecological values and development will complement the residential needs of the area.

The majority of the site is proposed to be zoned C2 Environmental Conservation consistent with environmental zoning at Seaside Estate. The remainder of the site is proposed to be zoned B1 Neighbourhood Centre to meet the needs of the local community and provide necessary retail services.

The subject site is suitable for a local centre, to contain a supermarket and other retail, as it has good exposure to a major arterial road, is centrally located and accessible for local residents and passing trade along Nelson Bay Road.

Fern Bay is expected to experience continued population growth where demand for retail services will continue to grow. The proposal will facilitate day-to-day retail convenience for these residents as well as provide greater employment opportunities for the local area on land that is underutilised.

#### Services and Infrastructure

All relevant infrastructure and services are available within the area and will be connected at the time of development. The sewer capacity has recently been upgraded. Local augmentation of sewer, water, drainage, and other

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infrastructure services can be undertaken as the site adjoins an existing urban area.

A Traffic Impact Assessment was completed by SCT Consulting, in consultation with Transport for NSW, to determine the impact a full-size supermarket on the development site would have on the existing infrastructure. The results of the assessment determined the following:

- The planning proposal is positively aligned with strategic planning and transport policy in the Hunter and Newcastle regions including the Hunter Regional Plan 2036, Greater Newcastle Metropolitan Plan 2036 and Port Stephens Local Strategic Planning Statement 2040. The development will promote economic activity and provide services closer to residential precincts in the area.
- The planning proposal aligns with the active transport initiatives proposed by Hunter Regional Plan 2036 and the Port Stephens Pathways Plan 2016. The proximity of the planning proposal to residential dwellings promotes the opportunity for active transport by providing a destination accessible by walking and cycling.
- Bus stops are provided within walking distance to the site on Fullerton Cove Road and Nelson Bay Road. However, the services at these stops are infrequent and would underservice the future public transport demand generated by the site. More frequent services and better bus stop amenities would greatly benefit residents travelling to and from the site and promote local mode shift onto public transport.
- The planning proposal is estimated to generate 507 vehicle trips in the PM peak and 672 vehicle trips in the weekend peak from the 5,500m<sup>2</sup> GFA development.
- Without infrastructure upgrades, the road network will have sufficient capacity to accommodate these additional trips alongside the cumulative impacts of nearby planning proposals and proposed developments.
- Future patrons of the neighbourhood centre would benefit from a footpath connection between the centre and existing footpath network along Fullerton Cove Road.

The study concluded that the impacts of the planning proposal are at a level able to be accommodated by the existing and planned infrastructure.

**Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another local strategy or strategic plan?**

Responses to the most relevant local strategies are provided below.

Port Stephens Local Strategic Planning Statement

Council adopted the Port Stephens Local Strategic Planning Statement (LSPS) on 14 July 2020. The LSPS identifies the 20-year vision for land use in Port Stephens and sets out social, economic, and environmental planning priorities for the future.

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The planning proposal is consistent with the following planning priorities from the LSPS:

- *Planning Priority 2 Make business growth easier* as the proposal will provide new business opportunities;
- *Planning Priority 6 Plan infrastructure to support communities* as the proposal will permit retail and commercial premises and community facilities to support the community;
- *Planning Priority 7 Conserve biodiversity values and corridors* as the proposed E2 zoning will conserve the environmental values of the site.
- *Planning Priority 8 Improve resilience to hazards and climate change* as the revised Flood Study determined that development of the subject site is not expected to result in significant adverse impact on the site or adjacent properties in their resilience to hazards and climate change;
- *Planning Priority 9 Protect and preserve productive agricultural land* as the land, while rural, is not productive agricultural land; and
- *Planning Priority 10 Create people friendly spaces in our local centres where people can come together* as the commercial development can provide a place for people to come together in close proximity to housing.

The planning proposal is consistent with the LSPS as it will provide business opportunities and services for the community, conserves the biodiversity values of the site, works to achieve a number of the liveability priorities identified for the area in Council's place based planning outcomes, and create a great space for people to come together.

#### Fern Bay and North Stockton Strategy

The Fern Bay and North Stockton Strategy (FBNSS) has been developed by Port Stephens Council and the City of Newcastle to guide future development and ensure sufficient community infrastructure is provided for the growing community. The City of Newcastle and Port Stephens Council adopted the FBNSS on the 24 March 2020 and 14 April 2020, respectively. The subject site is located within Precinct 6 and identified in **Figure 6**.

Fern Bay has experienced rapid population growth over the last 15 years. This has resulted in a number of disconnected residential developments with limited essential community services. Planning proposals for additional residential land is expected to further increase demand for services within the area.

The FBNSS sets out goals for the area as informed by community aspirations. One of the town centres goals to allow a local centre with a neighbourhood supermarket to service the day-to-day needs of the residents. The planning proposal can facilitate this local centre and provide a supermarket for the residents. The FBNSS included an action to:



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*Undertake a detailed assessment of the 'Request to Amend the Port Stephens Local Environmental Plan' submitted for 2 Seaside Estate, Fern Bay*

This assessment was undertaken and the land at Seaside Estate was rezoned in October last year, achieving this outcome. As provided throughout this planning proposal, there is considered sufficient demand for retail floor space within the surrounding areas to support a Local Centre with a gross floor area of this size.

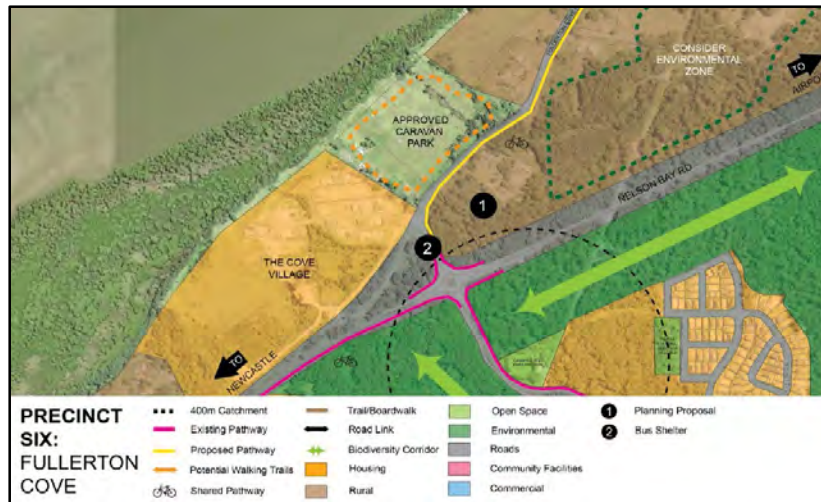
The Commercial Lands Study has been updated to give specific consideration to the planning proposal and the maximum allowable floor space area without having impact on the future primary centre (Stockton). The updated study provides further justification the planning proposal and any inconsistency with Ministerial Direction 1.1 Business and Industrial Zones.

Additionally, the planning proposal is consistent with the following planning principles and outcomes:

- *Environment Planning principle – Protect important environmental assets and enhance biodiversity connections* as it seeks to rezone 4.5ha of land with high environmental value to C2 Environmental Conservation. Rezoning this land will provide better protection of the Swamp Oak Forest located on site.
- *Overall Structure Plan Outcome – Support the development of a neighbourhood centre in Fern Bay* as it seeks to facilitate the development of a local centre, with a supermarket, in the Fern Bay area.
- *Precinct 6 Outcome – Consider rezoning land mapped as containing an endangered ecological community to an environmental zone* as it seeks to rezone the referenced land to C2 Environmental Conservation.
- *Precinct 6 Outcome – Undertake a detailed assessment of the 'Request to Amend the Port Stephens Local Environmental Plan' submitted for 42 Fullerton Cove Road, Fullerton Cove* as this has been undertaken during the progression of this planning proposal, and further studies have justified the proposal.

The planning proposal is consistent with the FBNSS as it seeks to protect environmentally significant land as well as facilitate a neighbourhood centre in the Fern Bay area.

Figure 6 - Identification of the subject site within the Fern Bay and North Stockton Strategy (page 31).



**Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?**

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

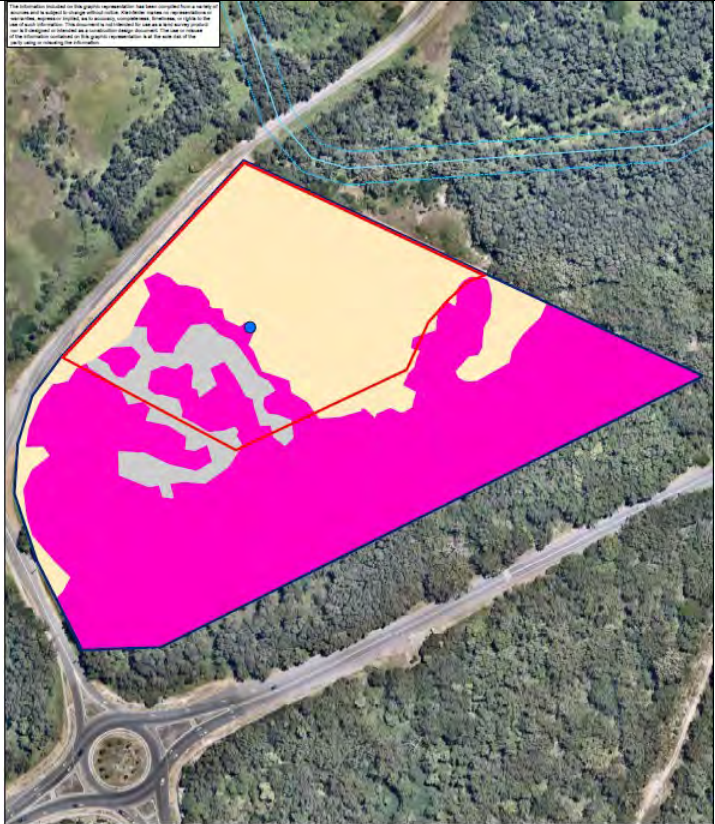
**Table 2 – Relevant State Environmental Planning Policies**

SEPP	Consistency and Implications
<b>SEPP – Koala Habitat Protection 2020</b>	<p>The Port Stephens Comprehensive Koala Plan of Management (CKPoM) has been prepared in accordance with Part 3 of the Koala Habitat Protection SEPP, and is applicable in the Port Stephens LGA.</p> <p>In accordance with Appendix 6 of the Port Stephens CKPoM, the Koala Habitat was assessed using vegetation surveys to ground-truth the Port Stephens Koala Habitat Mapping in the BDAR (<b>ATTACHMENT 9</b>) prepared by Kleinfelder.</p> <p>Appendix 2 of the CKPoM sets out the performance criteria for planning proposals, which have been addressed below.</p> <p><i>a) Not result in development within areas of preferred koala habitat;</i></p> <p>No areas of preferred koala habitat or defined habitat buffers are mapped within the development site or within the study area (<b>Figure 7</b>).</p>

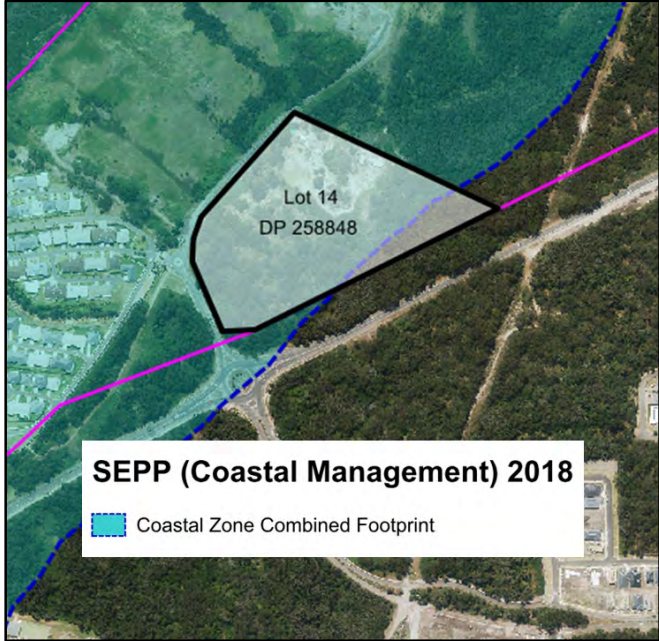
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	<p><i>b) Allow only for low impact development within areas of Supplementary Koala Habitat and Habitat Linking Areas;</i></p> <p>The proposed B1 Neighbourhood Centre contains a small portion of supplementary habitat (<b>Figure 7</b>).</p> <p><i>c) Minimise the removal of any individual preferred koala food trees, where ever they occur on the site;</i></p> <p>There are no preferred koala feed trees within the proposed B1 zone. No preferred koala feed trees will be removed as a result of this rezoning. The design of the proposed development footprint aims at avoiding large areas of supplementary habitat.</p> <p><i>d) Not result in development which would sever koala movement across the site generally and for minimising the likelihood of impediments to safe/unrestricted koala movement.</i></p> <p>Development of the site would not sever koala movement across the site. Fullerton Cove Road and Nelson Bay Road currently form significant barriers that limit koala movements through the site. Additionally, no roads or parts of the development are designed to create habitat fragmentation for Koalas.</p> <p>The BDAR of the site found that potential impacts to koalas from the proposed rezoning are considered to be negligible.</p> <p><b>Figure 7 Ground-truthed Koala Habitat Map (CKPoM)</b></p>
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	 <p><b>Legend</b></p> <ul style="list-style-type: none"> <li>Development Site Boundary</li> <li>Study Area</li> <li>Watercourse (Labelled with stream order)</li> <li>Riparian Buffers</li> <li><i>Eucalyptus robusta</i></li> <li>Ground-truthed Koala Habitat Mapping (CKPoM)</li> <li>Supplementary Koala Habitat</li> <li>Other Vegetation</li> <li>Mainly Cleared</li> </ul> <p><b>The planning proposal is consistent with this SEPP.</b></p>
<p><b>SEPP – Coastal Management 2018</b></p> <p>This SEPP applies to land within the coastal zone.</p>	<p>The Coastal SEPP provides that the coastal zone land within one or more of the following coastal management areas:</p> <ul style="list-style-type: none"> <li>(a) <i>the coastal wetlands and littoral rainforests area,</i></li> <li>(b) <i>the coastal vulnerability area,</i></li> <li>(c) <i>the coastal environment area,</i></li> <li>(d) <i>the coastal use area.</i></li> </ul> <p>The Coastal SEPP is applicable as the subject site is mapped within the NSW Coastal Zone Combined Footprint as a coastal environment area (<b>Figure 8</b>).</p> <p>The site does not have direct frontage to the coastal foreshore and is not part of the coastal use area. The planning proposal is not</p>

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	<p>likely to cause increased risk of coastal hazards. The proposal will have no direct impact on the amenity of the coastal foreshore. The proposal will not exacerbate potential impact of coastal processes and coastal hazards.</p> <p>The Flood Impact Assessment by Northrop confirms the water quality of nearby coastal bodies will not be impacted by future development on the site.</p> <p>Further assessment of the planning proposals consistency with the SEPP is provided in response to Ministerial Direction 2.2.</p> <p><b>Figure 8 - Coastal management mapping</b></p>  <p><b>SEPP (Coastal Management) 2018</b></p> <p>Coastal Zone Combined Footprint</p> <p><b>The planning proposal is consistent with this SEPP.</b></p>
<p><b>SEPP – Primary Production and Rural Development 2019</b></p> <p>This SEPP aims to facilitate the orderly economic use of rural lands,</p>	<p>The Primary Production and Rural Development SEPP applies because the subject site is currently zoned RU2 Rural Landscape and located within proximity of oyster leases in Fullerton Cove.</p> <p>The subject site, while zoned rural, is not used for agricultural purposes. Due to the environmental constraints of the site, the land is unsuitable for primary production. The site would benefit from a rezoning to C2 Environmental Conservation. The remaining land could be better utilised to provide a Local centre with a supermarket for the residents of Fullerton Cove and Fern Bay.</p>

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protect important agricultural lands and reduce land use conflict.	<p>The proposal has considered the effects of the proposal on the water quality of Fullerton Cove and potential impacts on oyster aquaculture. It is considered that redevelopment of the site is not likely to impact water quality or impact on future oyster aquaculture within the area.</p> <p><b>Any inconsistency of the planning proposal with this SEPP is considered of minor significance</b></p>
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**Q6. Is the planning proposal consistent with applicable Ministerial Directions?**

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

**Table 3 – Relevant Ministerial Directions**

Ministerial Direction	Consistency and Implications
<b>1. Employment and Resources</b>	
<b>1.1 Business and Industrial Zones</b>	<p>This direction applies because the planning proposal will affect land within a proposed business zone.</p> <p>A planning proposal must:</p> <p><i>(a) give effect to the objectives of this direction</i></p> <p>The planning proposal will provide additional employment land in close proximity to residential neighbourhoods. The proposal should not undermine employment opportunities in the area or the viability of a future town centre, as provided in the Commercial Lands Addendum (<b>ATTACHMENT 8</b>).</p> <p><i>(b) retain the areas and locations of existing business and industrial zones</i></p> <p>The planning proposal does not propose removing any existing business or industrial zones.</p> <p><i>(c) not reduce the total potential floor space area for employment uses and related public services in business zones</i></p> <p>The planning proposal seeks to provide an additional business zone and will not reduce the total potential floor space for existing or proposed business zones. The Commercial Lands Addendum confirms feasibility of a local centre at Fullerton Cove.</p> <p><i>(d) not reduce the total potential floor space area for industrial uses in industrial zones</i></p> <p>The planning proposal will not impact on the potential floor space area of industrial zones.</p>

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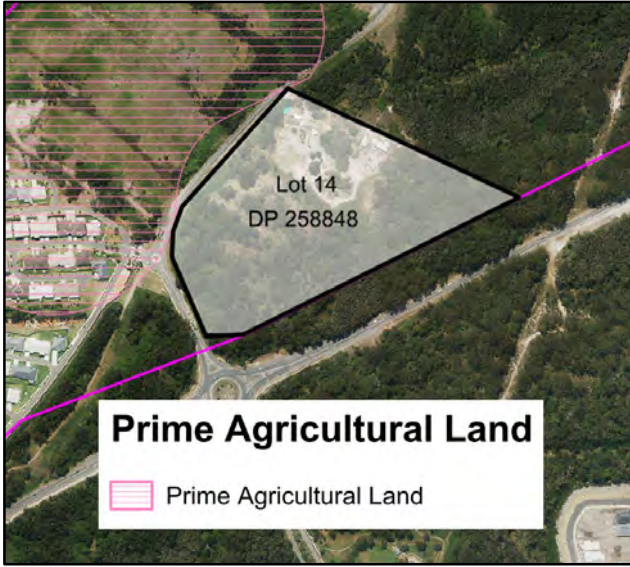
	<p><i>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment</i></p> <p>As identified in <b>Section B</b>, the planning proposal is consistent with the HRP and the GNMP.</p> <p>A planning proposal may be inconsistent with this direction if the proposal is justified by a study which gives consideration to the objectives of this direction. The planning proposal is consistent with the GNMP, which gives consideration to the objectives of this direction.</p> <p><b>The planning proposal is justifiably inconsistent with this direction.</b></p>
<p><b>1.2 Rural Zones</b></p> <p>The objective of this direction is to protect the agricultural production value of rural land.</p>	<p>This direction applies because the proposal will affect land within an existing rural zone.</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) <i>not rezone land from a rural zone to residential, business, industrial, village or tourist zone</i></li> <li>(b) <i>not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village)</i></li> </ul> <p>The planning proposal seeks to rezone rural land to B1 Neighbourhood Centre and increase the permissible density. The subject site, however, is currently used for residential purposes and is within proximity of low-density residential housing located on rural zoned land. The redevelopment of this site would be in keeping with the nearby developments and would support the neighbouring residents of Fullerton Cove and Fern Bay.</p> <p>A planning proposal may be inconsistent with this direction if the proposal is in accordance with the HRP or GNMP. The planning proposal is consistent with the GNMP, which gives consideration to the objectives of this direction.</p> <p><b>The planning proposal is justifiably inconsistent with this direction.</b></p>
<p><b>1.4 Oyster Aquaculture</b></p>	<p>This direction does not apply as the planning proposal does not affect land in proximity to a Priority Oyster Aquaculture Area. While there are current oyster leases in the area there are no operating oyster farms.</p>



<p><b>1.5 Rural Lands</b></p> <p>The objectives of this direction are to: protect the agricultural production value of rural land; facilitate the orderly and economic use and development of rural lands for rural and related purposes; assist in the proper management, development and protection of rural land to promote the social, economic and environmental welfare of the State; minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses; encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land; and support the delivery of the actions outlined in the New South Wales Right to Farm Policy.</p>	<p>This direction applies because the proposal seeks to rezone rural land.</p> <p>A planning proposal must:</p> <p><i>(a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement</i></p> <p>The planning proposal is consistent with the HRP and the GNMP, which has considered the objectives of this direction. The proposal is also consistent with the LSPS.</p> <p><i>(b) consider the significance of agriculture and primary production to the State and rural communities</i></p> <p>The planning proposal will not result in the fragmentation of agriculture and primary production lands or impact on the industry as the site is used for residential purposes.</p> <p><i>(c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources</i></p> <p>The planning proposal seeks to rezone the majority of the site from RU2 Rural Landscape to C2 Environmental Conservation to protect the environmental values of the site.</p> <p><i>(d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions</i></p> <p>The subject site is constrained by flood prone land and high environmental values, making it unsuitable for agricultural activities. The less constrained parts of the site where clearing and development has occurred is suitable for an intensification of land use through the provision of a neighbourhood centre to support surrounding residential communities.</p> <p><i>(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</i></p>
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	<p>The subject site is currently used for residential purposes and is not suitable for primary production. Rezoning the land will not impact on rural economic activities.</p> <p><i>(f) support farmers in exercising their right to farm</i></p> <p>The planning proposal will not impact on the rights of neighbouring rural properties as it will facilitate non-residential uses.</p> <p><i>(g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses</i></p> <p>The proposal will not result in the fragmentation of rural land as the subject site is not currently used for rural land uses. The proposal will complement the neighbouring residential and urban uses.</p> <p><i>(h) consider State significant agricultural land identified in State Environmental Planning Policy (Primary Production and Rural Development) 2019 for the purpose of ensuring the ongoing viability of this land</i></p> <p>The land is not State significant agricultural land and is not mapped as prime agricultural land (<b>Figure 9</b>). Additionally, the subject site is not identified in the recently released draft State Significant Agricultural Land Mapping.</p> <p><i>(i) consider the social, economic, and environmental interests of the community.</i></p> <p>The planning proposal will provide positive social, economic, and environmental outcomes for the community. The rezoning will provide additional employment and retail services for the community, boost the local economy, and will protect the environmental values of the site through C2 Environmental Conservation zoning. Additionally, the community has indicated strong support for a local supermarket at this location.</p> <p>A planning proposal may be inconsistent with this direction if the proposal is in accordance with the HRP or GNMP. The planning proposal is consistent with the GNMP which gives consideration to the objectives of this direction.</p>
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	<p><b>Figure 8 Prime agricultural land mapping</b></p>  <p><b>Prime Agricultural Land</b></p> <p>Lot 14 DP 258848</p> <p>Prime Agricultural Land</p> <p>The planning proposal is justifiably inconsistent with this direction.</p>
<b>2. Environment and Heritage</b>	
<p><b>2.1 Environmental Protection Zones</b></p> <p>The objective of this direction is to protect and conserve environmentally sensitive areas, by ensuring that planning proposals do not reduce the environmental protection standards applying to such land unless it is suitably justified by a relevant strategy or study or is of minor significance.</p>	<p>This direction applies because the planning proposal seeks to rezone part of the subject site to C2 Environmental Conservation.</p> <p><i>(4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</i></p> <p>The planning proposal seeks to protect the environmental values of the site by zoning approximately 4.2ha of land to C2 Environmental Conservation. The proposed boundary of the C2 zone has been informed by a BDAR (<b>ATTACHMENT 9</b>) taking into consideration the existing disturbed land, ecologically endangered communities, and koala habitat.</p> <p>The planning proposal does not include any environmentally sensitive areas. The BDAR and Strategic Bushfire Study informed the final zone boundaries; the proposed development site has been selected to limit direct impacts to areas of intact native vegetation and is within a previously managed portion of the site that is mostly dominated by planted and exotic vegetation.</p>

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	<p>Consultation with Biodiversity Conservation Division was undertaken to assess the suitability of the C2 zone boundaries, and confirms consistency with this direction.</p> <p><b>The planning proposal is consistent with this direction, and has been confirmed by consultation with the Biodiversity Conservation Division.</b></p>
<p><b>2.2 Coastal Management</b></p> <p>The objective of this direction is to protect and manage coastal areas of NSW.</p>	<p>This direction applies because the land is mapped within the NSW Coastal Zone Combined Footprint (<b>Figure 8</b> page 21).</p> <p>A planning proposal must:</p> <p>4) <i>include provisions that give effect to and are consistent with:</i></p> <p>a) <i>the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas;</i></p> <p>The objects of the Coastal Management Act 2016 include protecting and supporting natural coastal processes and environmental/social/economic values, facilitating ecologically sustainable development and mitigating coastal hazard risks. Although the site is mapped within the coastal environment area, the site does not have direct frontage to the coastal foreshore and is unlikely to result in any adverse impacts on the coastal environment.</p> <p>b) <i>the NSW Coastal Management Manual and associated Toolkit;</i></p> <p>The manual and toolkit provide direction for councils preparing Coastal Management Programs (CMP). Port Stephens Council is currently preparing a CMP and the planning proposal is unlikely to be inconsistent.</p> <p>c) <i>NSW Coastal Design Guidelines 2003; and</i></p> <p>Fullerton Cove is likely to be defined as 'Coastal Village', and the planning proposal is likely to result in development consistent with these guidelines. The scale and location of future development is consistent with the NSW Coastal Design Guidelines. Consideration of</p>

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	<p>relationship to the environment, visual sensitivity, access to water and natural areas is provided throughout this planning proposal including in response to Questions 7-9.</p> <p><i>d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land.</i></p> <p>Port Stephens Council is currently preparing a CMP and the planning proposal is unlikely to be inconsistent.</p> <p><i>5) not rezone land which would enable increased development or more intensive land-use on land:</i></p> <ul style="list-style-type: none"> <li><i>• within a coastal vulnerability area identified by the State Environmental Planning Policy (Coastal Management) 2018; or</i></li> <li><i>• that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:</i> <ul style="list-style-type: none"> <li><i>(i) by or on behalf of the relevant planning authority and the planning proposal authority, or</i></li> <li><i>(ii) by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.</i></li> </ul> </li> </ul> <p>The land is not within a coastal vulnerability area or affected by a coastal hazard.</p> <p><i>6) not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by the State Environmental Planning Policy (Coastal Management) 2018.</i></p> <p>The land is not within a coastal wetland or littoral rainforest area.</p>
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	<p>The direction provides that a planning proposal must not rezone land which would enable increased development or more intensive land use on land that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan. The site does not have direct access to the coastal foreshore. The planning proposal is unlikely to cause an increased risk of coastal hazards or exacerbate potential impact of coastal processes.</p> <p>The site is identified as flood prone. The Flood Study determined that the planning proposal will not cause an increased risk of coastal hazards or exacerbate potential impact of coastal processes. Flooding is addressed separately in the response to Direction 4.3 Flood Prone Land.</p> <p><b>The planning proposal is consistent with this direction.</b></p>
<p><b>2.3 Heritage Conservation</b></p> <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	<p>The direction applies to all planning proposals.</p> <p>A planning proposal must contain provisions that facilitate the conservation of:</p> <ul style="list-style-type: none"> <li>(a) <i>items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</i></li> <li>(b) <i>Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</i></li> <li>(c) <i>Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</i></li> </ul>

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	<p>The site does not contain any listed items of heritage significance listed in the LEP. The site is not identified as an area of potential archaeological value.</p> <p>There are however listed conservation items within the locality of the site (<b>Figure 9</b>). Stanley Park House is located to the north of the subject site. To the south and east is the Stockton Beach Dune System which includes Aboriginal sites, shell middens, shipwrecks, WWII ramparts, tank traps, proofing range, rifle range and tin huts.</p> <p>A search of the AHIMS database was undertaken. Some items of Aboriginal heritage were identified as being recorded in the locality including within the Stockton Beach Dune System.</p> <p>Consultation was undertaken with the Worimi Local Aboriginal Land Council as per the Gateway Determination, as well as other Registered Aboriginal Parties (RAPs). This consultation was in the form of a site walkover. During the walkover, RAPs advised of potential items of cultural heritage being on the site. An Aboriginal Cultural Heritage Assessment (ACHA) was, therefore, undertaken with the support of the RAPS (<b>ATTACHMENT 12</b>).</p> <p>The ACHA identified that there are three areas of Potential Archaeological Deposit (PAD) within the subject site. One of these PADs is within the proposed B1 zone. The significance of the PAD is unable to be determined without an archaeological subsurface test excavation programme. Owing to the nature of the PAD (Midden), an Aboriginal Heritage Impact Permit (AHIP) is required prior to any testing being undertaken.</p> <p>The ACHA concludes that the rezoning can proceed but no development can occur until the recommendations of the ACHA are carried out, including AHIP for testing of the PAD.</p> <p>Consultation is currently being undertaken with Heritage NSW to confirm consistency with this direction. The recommendations of the ACHA will inform any future development application on the site.</p>
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	<p><b>Figure 9 – Heritage conservation items map</b></p>  <p><b>The planning proposal is justifiably inconsistent with this direction, as any potential cultural material is protected, and any future works or investigations will be subject to an AHIP to determine the significance of the items.</b></p>
<p><b>2.6 Remediation of Contaminated Land</b></p> <p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p>	<p>This direction applies as the site is mapped within the broader PFAS Management Zone.</p> <p>A planning proposal must not permit a change of zoning on potentially contaminated land unless:</p> <ul style="list-style-type: none"> <li>(a) <i>the planning proposal authority has considered whether the land is contaminated, and</i></li> <li>(b) <i>if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</i></li> <li>(c) <i>if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.</i></li> </ul>



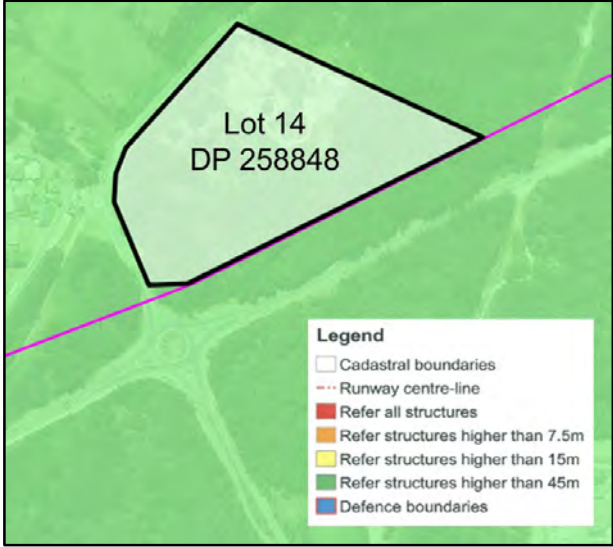
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	<p>A Preliminary Contamination Assessment (<b>ATTACHMENT 11</b>) has been prepared by Qualtest. This assessment found that the site had a history of sandmining, and indicated that further testing will be required as part of future development application to include surface soil sampling under and adjacent to the existing structures and machinery. A Hazardous Material Survey to be completed for the existing structures prior to demolition. The above testing is to be carried out under a Contaminated Land Management plan associated with the demolition of the existing structures as part of the redevelopment of the site.</p> <p>The above matters can be satisfied at development application stage. This will ensure that the land is remediated and made suitable for development of a neighbourhood centre.</p> <p><b>The planning proposal is consistent with this direction.</b></p>
<b>3. Housing, Infrastructure and urban Development</b>	
<p><b>3.4 Integrating Land Use and Transport</b></p> <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the sustainable transport objectives.</p>	<p>This direction applies because the planning proposal will create a business zone.</p> <p>The planning proposal is consistent with the aims, objectives, and principles of <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i> and <i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i> as detailed below.</p> <p><u>Improving Transport Choice</u></p> <p>The planning proposal is consistent with the following development principles of <i>Improving Transport Choice</i>:</p> <p><i>1. Concentrate in centres</i> – The subject site is located within the Fern Bay area, and within walking distance of the nearby residences. The nearest bus stop is located less than 200m from the proposed neighbourhood centre ensuring the site is accessible.</p> <p><i>2. Mix uses in centres</i> – The planning proposal will provide essential retail services for the surrounding residential neighbourhoods that are currently underserved. The site will be in walking distance of a bus stop and residences.</p> <p><i>3. Align centres within corridors</i> – The site is located adjacent to Nelson Bay Road and within walking distance</p>

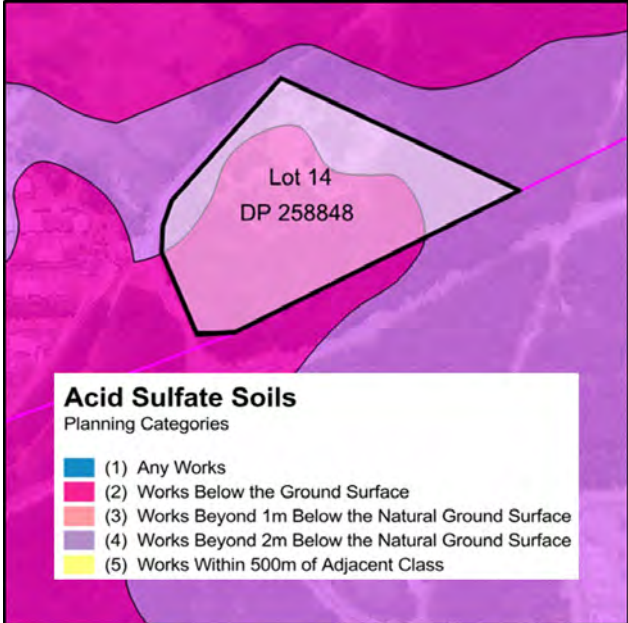
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	<p>of existing bus stops. The development of a neighbourhood centre could boost the effectiveness of the existing bus service.</p> <p><i>4. Link public transport with land use strategies</i> – The planning proposal is consistent with the FBNSS which has considered and established goals for public transport in Fern Bay.</p> <p><i>5. Connect streets</i> – The site is located adjacent to an existing bus stop and will provide a connecting pathway to the bus stop in line with the Port Stephens Development Control Plan 2014 (DCP).</p> <p><i>6. Improve pedestrian access</i> – The subject site is located within walking distance of existing residences. To comply with the DCP pathways will be provided that connect to adjacent bus stop and existing pathways on site as well as connection to the future shared pathway identified in the Port Stephens Pathways Plan.</p> <p><i>7. Improve cycle access</i> – The subject site is located within cycling distance of several existing residential neighbourhoods. Cycling facilities will be provided to comply with the DCP. A future shared pathway has been identified in the Port Stephens Pathways Plan along Fullerton Cove Road and Nelson Bay Road in proximity of the subject site.</p> <p><i>8. Manage parking supply</i> – Appropriate parking will be provided during the development application stage.</p> <p><i>9. Improve road management</i> – The development will utilise the access from Fullerton Cove Road avoiding Nelson Bay Road, a classified road.</p> <p><i>10. Implement good design</i> – The needs of pedestrians, cyclists and public transport users will be further considered during the development application stage.</p> <p><u>The Right Place for Business and Services</u></p> <p>The planning proposal is consistent with the following strategies from <i>The Right Place for Business and Services</i>:</p> <p><i>1. The right location</i> – The planning proposal seeks to provide a neighbourhood centre at a site located centrally to the Fern Bay and Fullerton Cove area. The site is within walking distance of residents of The Cove and</p>
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	<p>future residents of Seaside Estate. The site will provide the only retail services in the immediate area.</p> <p>2. <i>The right centre</i> – The planning proposal seeks to provide a neighbourhood centre to cater for the day to day retail needs of the surrounding community. The area is currently underserved and this proposal will meet those needs.</p> <p><b>The planning proposal is consistent with this direction.</b></p>
<p><b>3.5 Development Near Regulated Airports and Defence Airfields</b></p> <p>The objectives of this direction are to: ensure the effective and safe operation of regulated airports and defence airfields; ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p>	<p>This direction applies because the site is mapped within the RAAF Base Obstacle Limitations or Operations Surface Map and Height Trigger Map (<b>Figure 11</b>).</p> <p>The site is mapped within the range requiring structures higher than 45m to be referred to the Commonwealth Department of Defence.</p> <p>In the preparation of a planning proposal that sets controls for the development of land near a defence airfield, the relevant planning authority must:</p> <p>(a) <i>consult with the Department of Defence if:</i></p> <ul style="list-style-type: none"> <li>(i) <i>the planning proposal seeks to exceed the height provisions contained in the Defence Regulations 2016 – Defence Aviation Areas for that airfield; or</i></li> <li>(ii) <i>no height provisions exist in the Defence Regulations 2016 – Defence Aviation Areas for the airfield and the proposal is within 15km of the airfield.</i></li> </ul> <p>The planning proposal seeks to introduce a building height limit of 9m and will not exceed height provisions.</p> <p>(b) <i>for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</i></p> <p>The subject land is affected by the RAAF Base Weapons Range Height Trigger restricting structures over 45m (<b>Figure 11</b>). The planning proposal seeks to introduce a building height limit of 9m.</p> <p>(c) <i>not allow development types that are incompatible with the current and future operation of that airfield.</i></p> <p>The subject site is located 7km from Newcastle Airport and RAAF Base Williamtown. A neighbourhood centre at</p>


	<p>this location would not be incompatible with the current and future use of the airfields.</p> <p>While not required, consultation was undertaken the Department of Defence and Newcastle Airport who had no objections to the proposal.</p> <p><b>Figure 10 – RAAF Base Williamtown and Salt Ash Air Weapons Range Height Trigger Map</b></p>  <p><b>The planning proposal is consistent with this direction.</b></p>
<b>4. Hazard and Risk</b>	
<p><b>4.1 Acid Sulfate Soils</b></p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p>	<p>This direction applies because the site is mapped as containing Class 2 and Class 4 acid sulfate soils (<b>Figure 11</b>).</p> <p>What Council must do if this direction applies:</p> <p>(4) <i>The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</i></p> <p>(5) <i>When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate</i></p>

	<p><i>works in acid sulfate soils, those provisions must be consistent with:</i></p> <p><i>(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or</i></p> <p><i>(b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines</i></p> <p><i>(6) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the DirectorGeneral prior to undertaking community consultation in satisfaction of section 57 of the Act.</i></p> <p><i>(7) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).</i></p> <p>An Acid Sulfate Soil (ASS) Study (<b>ATTACHMENT 10</b>) was completed by Qualtest in accordance with the ASSMAC (1998) Acid Sulfate Soil Manual and the relevant National ASS Guidance. The ASS Study confirms that ASS were not considered to be present in the soils on the site to a depth of 2m below ground surface. This information negates the requirement for an ASS management plan for the development of the site, and confirms consistency with this direction.</p>
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	<p><b>Figure 11 – Acid sulfate soil mapping</b></p>  <p><b>The planning proposal is consistent with this direction.</b></p>
<p><b>4.3 Flood Prone Land</b></p> <p>The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Policy and the principles of the Floodplain Development Manual 2005 and to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes</p>	<p>This direction applies as the subject site is identified as flood prone land within the flood planning area (<b>Figure 12</b>).</p> <p>The land proposed to be zoned B1 Neighbourhood Centre is predominantly Low Hazard Flood Fringe (green), Low Hazard Flood Storage (light blue) or High Hazard Flood Storage (blue), with a small amount of Flood Prone Land (pink).</p> <p><i>(4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.</i></p> <p>The provisions of Clause 5.21 <i>Flood Planning</i> of the LEP and Chapter B5 <i>Flooding</i> of the Port Stephens Development Control Plan will apply to any future development. Both of these are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.</p>

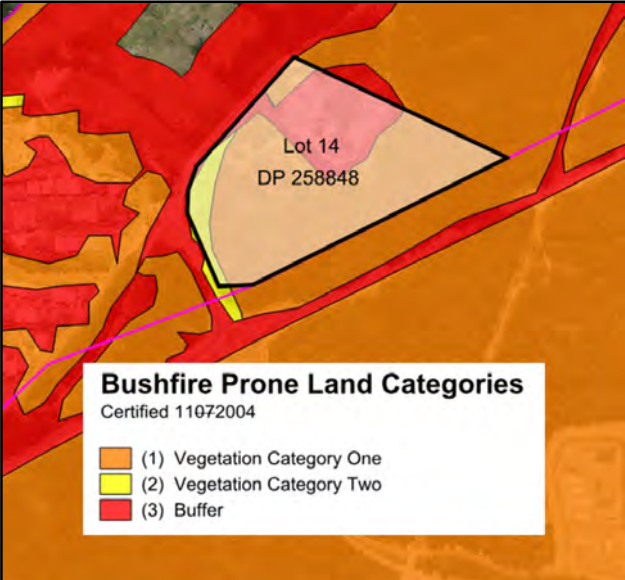
## ITEM 7 - ATTACHMENT 1 FINAL PLANNING PROPOSAL.

consideration of the potential flood impacts both on and off the subject land.	<p><i>(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</i></p> <p>While the planning proposal is inconsistent with this term, as it seeks to rezone a Rural zone to a Business zone, the proposal does seek to zone the majority of the flood affected area to an Environmental zone.</p> <p><i>(6) A planning proposal must not contain provisions that apply to the flood planning areas which:</i></p> <p><i>(a) permit development in floodway areas</i></p> <p>The planning proposal is consistent with this term. The site is identified as Low Hazard Fringe, Low Hazard Storage, Flood Prone Land, High Hazard Storage, and Flood Prone Land, but is not identified as a floodway area (<b>Figure 12</b>).</p> <p><i>(b) permit development that will result in significant flood impacts to other properties</i></p> <p>The Flood Study completed by Northrop (<b>ATTACHMENT 10</b>) confirms that the proposal will not result in any significant flood impacts on other properties within the locality or downstream.</p> <p><i>(c) permit a significant increase in the development of that land</i></p> <p>The planning proposal is inconsistent with this term but it is considered to be of minor significance as the associated risk of commercial development on the site would be commensurate with the existing and recent development on flood prone land.</p> <p><i>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services</i></p> <p>The planning proposal is unlikely to require additional government spending on flood mitigation measures.</p> <p><i>(e) permit development to be carried out without development consent except for the purposes of agriculture, roads or exempt development</i></p>
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	<p>Future development of the site would require development consent.</p> <p>The investigations confirm that the hazards relating to the site, the proposed land uses and impacts on and off the site are consistent with the relevant guidelines and policies and can proceed to the next stage.</p> <p>A planning proposal may be inconsistent with the terms of this direction if the provisions of the planning proposal that are inconsistent are of minor significance. The planning proposal is inconsistent with this direction but it is considered to be of minor significance due to the social and economic benefits of the proposal and community feedback detailed in <b>Section C</b>.</p> <p><b>Figure 12 – Port Stephens flood hazard mapping</b></p>  <p><b>Any inconsistency of the planning proposal with this direction is considered of minor significance.</b></p>
<p><b>4.4 Planning for Bushfire Protection</b></p> <p>The objectives of this direction are:</p>	<p>This direction applies because the subject site is identified as bushfire prone land (<b>Figure 13</b>).</p> <p>Consultation with the Commissioner of the NSW Rural Fire Service was undertaken, and no objections were raised.</p>



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<p>to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas; and to encourage sound management of bush fire prone areas.</p>	<p>A planning proposal must:</p> <ol style="list-style-type: none"> <li><i>have regard to Planning for Bushfire Protection 2006,</i></li> <li><i>introduce controls that avoid placing inappropriate developments in hazardous areas, and</i></li> <li><i>ensure that bushfire hazard reduction is not prohibited within the APZ</i></li> </ol> <p>The planning proposal has considered the planning principles detailed in Planning for Bushfire Protection. The Strategic Bushfire Study (<b>ATTACHMENT 13</b>) completed by Bushfire Planning Australia confirms the proposed land use is appropriate with the site posing a medium risk. The following will require consideration as part of any future development application:</p> <ul style="list-style-type: none"> <li>Access and egress to the site</li> <li>Details of the development the Local Emergency Management Committee</li> <li>Asset protection zones to be located within the property boundary</li> <li>A vegetation management plan.</li> </ul> <p>Consultation was undertaken with the NSW Rural Fire Service as per the Gateway Determination, and they supported the proposal on the basis of the outcomes and recommendations of the Strategic Bushfire Study.</p> <p><b>Figure 13 – Bushfire prone land mapping</b></p>  <p><b>Bushfire Prone Land Categories</b> Certified 11072004</p> <ul style="list-style-type: none"> <li>(1) Vegetation Category One</li> <li>(2) Vegetation Category Two</li> <li>(3) Buffer</li> </ul>
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## ITEM 7 - ATTACHMENT 1 FINAL PLANNING PROPOSAL.

	<b>The planning proposal is consistent with this direction.</b>
<b>5. Regional Planning</b>	
<b>5.10 Implementation of Regional Plans</b>  The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional plans.	This direction applies because the subject site is located within the boundaries of the Hunter Regional Plan (HRP).  As detailed under <b>Section B</b> , the planning proposal is consistent with the HRP as it will enable the development of a neighbourhood centre that will generate economic growth and diversity within the Fern Bay and Fullerton Cove locality and increase expenditure in the Port Stephens local government area.  <b>The planning proposal is consistent with this direction.</b>

**Section C – Environmental, social, and economic impact****Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

An Biodiversity Development Assessment Report (BDAR) was completed for the site (**ATTACHMENT 10**), examining the likelihood of significant impact upon any threatened species, populations or ecological communities listed within the *Biodiversity Conservation Act 2016 (NSW)*, *SEPP (Koala Habitat Protection) 2019* and the threatened entities listed federally under the *Environment Protection and Biodiversity Conservation Act (EPBC Act)*.

The BDAR was undertaken in 2020 and 2021 to determine the biodiversity offset requirements. The findings of the assessment are detailed below.

Field investigations confirmed that no threatened flora were present onsite however six threatened fauna species including the Eastern False Pipistrelle, Little Bent-winged Bat, Eastern Coastal Free-tailed Bat, Powerful Owl, Southern Myotis, Powerful Owl and the Yellow-bellied Sheathtail Bat. There were two Endangered Ecological Communities (EECs) listed under the *Biodiversity Conservation Act 2016 (NSW)*; PCT 1728: comprising Swamp Oak – Prickly Paperbark – Tall Sledge swamp forest on coastal lowlands of the Central Coast and Lower North Coast, and PCT 1737: Typha rushland. Both EECs were in moderate condition.

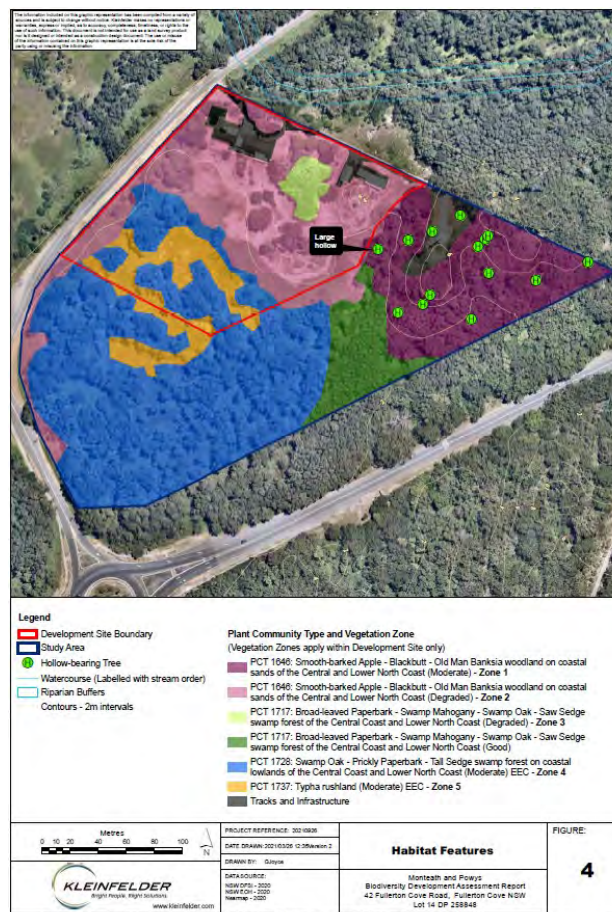
## ITEM 7 - ATTACHMENT 1 FINAL PLANNING PROPOSAL.

The BDAR found the planning proposal will not adversely impact on threatened flora or fauna populations or matters of national environmental significance however it is anticipated to have the following ecological impacts:

- Direct removal of PCT's 1646, 1717 and part of 1728 and 1737 within the B1 zone; and
- Indirect impacts to retained vegetation including parts of the listed 1728 and 1737.

The BDAR indicates that the vegetation within the B1 Zone is mainly degraded with minor impacts on moderate vegetation within the area. The removal of this vegetation, not being important to the threatened species that move throughout the site thus confirming the location of the proposed B1 Neighbourhood Centre zone boundary will not create any serious or irreversible impacts (SAIL).

Figure 7 - Environmental Constraints mapping (ATTACHMENT 9, page 39).



**ITEM 7 - ATTACHMENT 1 FINAL PLANNING PROPOSAL.****Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The subject site is identified as flood prone, however it is not susceptible to inundation from a flood event. A preliminary flooding and stormwater study was undertaken to determine the feasibility of developing the site so as to comply with Council policies. The study found that Council policies regarding water quality and detention for the hypothetical development can be achieved. It is expected the proposed filling for development of approximately 2.5ha will not have a significant impact on flood levels. Riparian corridors are not expected to be a constraint for the proposed development, however liaison with the Biodiversity Conservation Division – Water (BCD) during the development application phase should be undertaken to confirm this.

The Flood Study and a response letter based on comments from BCD (**ATTACHMENT 10**) by Northrop confirmed the outcome of this preliminary study. The detailed study also determined that the water quality of nearby coastal bodies will not be impacted by future development on the site, and that development of the subject site is not expected to result in significant adverse impact on the site or adjacent properties in their resilience to natural hazards.

After initial consultation with BCD, additional sensitivity modelling has been completed by Northrop to ensure that BCD's suggestions have been appropriately considered. The response letter by Northrop provides justification and demonstrates that the results of the original flood assessment are not expected to significantly change. The study investigated the downstream impact of the proposed cut and fill, and it was considered of minor significance. Environmental effects such as stormwater quality can be managed at development application stage.

As outlined above in response to Ministerial Direction 2.3 – Heritage Conservation, the Aboriginal Cultural Heritage Assessment undertaken for the planning proposal identified areas of Potential Archeological Deposit (PAD) within the subject site. It is understood that the rezoning can progress, but any future development must undertake archeological subsurface testing to determine the significance of the PADs. Any future investigation on the site will be subject to an Aboriginal Heritage Impact Permit (AHIP).

**Q9. Has the planning proposal adequately addressed any social and economic effects?**

The population of Fern Bay and Fullerton Cove increased by 103% between 2006 and 2016. This growth has increased demand for additional retail services in the area. During the exhibition of the FBNSS, many submissions were received that supported the outcomes of this planning proposal to enable a local supermarket. Additionally, a petition of 634 signatures in support of this proposal was provided to Council during public access on the 26 November 2019. In response to community demand, the FBNSS was

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amended to include an action to undertake a detailed assessment of this planning proposal.

The Fern Bay and Fullerton residents currently have limited supermarket options with large travel distances. The nearest supermarket is an IGA (8km) that provides local convenience for the Stockton Area. The nearest large supermarkets for Fern Bay and Fullerton Cove residents are Mayfield Aldi (13km), Mayfield Woolworths (13.2km), or Warabrook Woolworths (13.5km). These supermarkets each take over 15 minutes to reach by car, or up to 45 minutes by bus. A supermarket on the subject site, would provide a significantly more convenient option for the areas approximate 3,500 residents.

The planning proposal is intended to complement the existing business zones. As confirmed by the Commercial Lands Addendum (**ATTACHMENT 8**) the proposal will not have an impact on the economic viability of the existing Stockton centre or a future town centre at the Stockton Residential Centre.

In addition to facilitating the community desire for a local supermarket the proposal will also result in the following significant positive social and economic effects:

- Increased employment opportunities in the Port Stephens LGA and Hunter Region through construction jobs to carry out building works, as well as ongoing employment through retail and transport jobs to service the future commercial development;
- Increased commercial opportunities for businesses within the Port Stephens LGA;
- Increased expenditure within the Port Stephens LGA;
- A place for the community to come together;
- Increased provision of day-to-day retail services including a supermarket and specialty retail; and
- Reduced travel times for Fern Bay and Fullerton Cove residents to access everyday essentials such as groceries and in turn reduced carbon emissions and air pollution.

The residents of the local area have demonstrated a clear desire for this planning proposal to be progressed to facilitate a local supermarket. A neighbourhood centre would create a public space for people as well as deliver necessary retail services to support the community. It would provide a convenient and accessible location for residents to purchase everyday necessities as well as provide additional business and employment opportunities. The liveability of the Fullerton Cove and Fern Bay residents will be significantly improved through the provision of a local centre, with a supermarket and supporting retail, at this location.

Given the clear desire of the community, the proposal is considered to have an overall positive impact on the community.

**Section D – State and Commonwealth interests****Q10. Is there adequate public infrastructure for the planning proposal?**

All relevant infrastructure and services are available within the area and will be connected as part of the future development of the land.

There is sufficient infrastructure capacity in the existing road networks to support the proposal. The Traffic and Transport Impact Assessment by SCT Consulting (**ATTACHMENT 13**) was prepared to consider the impact of development on the local road network. The Traffic Assessment confirms that there is sufficient capacity in the existing road network to cater for the expected increase of 507 vehicle trips in the PM Peak and 672 vehicles in the weekend peak. The road network will have sufficient capacity to accommodate the additional trips alongside the cumulative impacts of nearby planning proposals and proposed developments. No upgrades are required for the intended redevelopment of the site.

Local augmentation of sewer, water, drainage, and other infrastructure services can be undertaken as the site adjoins an existing urban area.

**Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

Consultation with relevant State and Commonwealth agencies has been undertaken following Gateway determination, prior to community consultation. The following agencies have been consulted with:

- NSW Rural Fire Service
- Department of Primary Industries – Agriculture
- Commonwealth Department of Defence
- Newcastle Airport
- Transport for NSW
- Biodiversity Conservation Division
- Worimi Aboriginal Land Council

A second round of consultation was undertaken with BCD and TfNSW prior to community consultation, as a result of initial consultation resulting in a revised TIA, BDAR, and Flood Study to adequately address agency comments. These additional comments have been included in the below table. There are no outstanding comments from agencies.

In addition, pending the preparation of the revised ACHA, Heritage NSW will be consulted with to confirm consistency with Ministerial Direction 2.3 prior to finalisation of the planning proposal in order to inform any future development application on the site.

The table below summarises the key issues raised by each agency and provides a response to each issue raised:

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Table 4 – Consultation with Agencies

Author of Referral	Recommendation	Council Response
Biodiversity Conservation Division (BCD)	The planning proposal should be amended to be consistent with the BDAR and clearly identify the Threatened Ecological Communities found on site.	The planning proposal has been updated to be consistent with the BDAR.
	Further surveys should be undertaken for the Wallum froglet, green and golden bell frog and Mahony's toadlet to satisfy relevant frog survey guidelines.	Kleinfelder has since updated the BDAR to address these comments. 4 nights of targeted surveys have now been completed in accordance with survey guidelines, and this information is provided in Table 9 of the BDAR.
	The BDAR should be amended to include all components required by Table 25 of the BAM.	This has been addressed in the revised BDAR.
	The species polygon for southern myotis should be amended to include PCT 1737 and the species credit calculations are adjusted accordingly.	This has been addressed in the revised BDAR.
	The steps taken to avoid and minimise impacts of the development on the two TECs should be included in the BDAR.	This has been addressed in the revised BDAR.
	The proponent should review the adopted hydraulic roughness values used for the flood assessment.	Northrop have undertaken a sensitivity analysis to test the potential impacts of increasing the mannings roughness (in-line with Council's flood studies).
	The hydraulic model should be revised so that Bellbird Ct is included in the TUFLOW hydraulic model and flood impact assessment should be reassessed accordingly.	Northrop have updated the roughness in the Bellbird Ct drainage channel as part of the sensitivity assessment.
	The proponent should review the size and need for on-site	Northrop have run an additional sensitivity test to show the potential impacts of a future

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	detention and review capacity of the receiving 450mm pipe.	development without the use of OSD. The sensitivity test has indicated that the requirement for OSD may not be necessary, however would be reliant on a more detailed assessment of what is accurately being proposed on the site and its impacts to the downstream drainage facilities at future DA stage.
Transport for NSW (TfNSW)	The referral notes that cumulative traffic impact from surrounding future development (including remaining lot yield from nearby Fern Bay Seaside Village and the Stockton Rifle Range), the TIA concludes that the intersection performance of the roundabout at Nelson Bay Road / Fullerton Cove Road / Seaside Boulevard is reduced to a Level of Service (LoS) D in the PM peak and creates a unacceptable delay on the network.	<p>Council facilitated a meeting between the proponent, SCT consulting, and TfNSW on 9 September 2021 to discuss an update to the TIA and revised modelling.</p> <p>It was noted that the existing modelling used contained additional traffic numbers providing a worst-case scenario.</p> <p>It was expressed and noted that the modelling for 1,500m<sup>2</sup> indicates an LoS of 'D' for the roundabout which is not deemed acceptable, LoS of C or better is required.</p>
	The referral recommends Council consider the anticipated traffic impact on the classified (State) road network and require that the proponent investigate mitigation measures to address the adverse impacts of the development at the intersection of Nelson Bay Road / Fullerton Cove Road / Seaside Boulevard.	<p>A revised TIA was undertaken by SCT Consulting, with revised modelling in consultation with TfNSW and an updated increased floor space area.</p> <p>The revised TIA addresses these concerns and concludes that the impacts of the planning proposal are at a level able to be accommodated by the existing and planned infrastructure.</p>
	The referral requests that Council establish an 88B Instrument by means of access restriction on the site across the boundaries marked by blue colour as per Attachment 1. The 88B will protect the State road corridor and intersection from any future development of	This request can be addressed at DA stage.



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	Main Road (MR108) wanting direct access points. The authority to vary, revoke and/or rescind the restriction will be Council however, not without the concurrence of TfNSW.	
NSW Rural Fire Service	The proposal is supported on the basis of the outcomes and recommendations of the Strategic Bushfire Study, prepared by Bushfire Planning Australia dated February 2021. Future development shall reflect the principles and recommendations of the study.	Noted.
Worimi Local Aboriginal Land Council	A site walkover was requested by Worimi, following identification of potential significant Shell Deposits on the site by Council staff.	<p>A site visit was conducted with Council officers, Worimi LALC and other Registered Aboriginal Parties (RAPs) on 9 June 2021. Shell material was observed on many areas of the site, with a sandy ridgeline having potential to be a burial site. It was deemed an Aboriginal Cultural Heritage Assessment (ACHA) was necessary to determine mitigation and management measures.</p> <p>NGH Consulting has been commissioned to undertake a Aboriginal Cultural Heritage Assessment of the site. Worimi and other RAPs have been consulted as part of this process and will sign off on the final ACHA.</p>

**PART 4 – Mapping**

The proposed map layer amendments are included as **ATTACHMENT 1** to the planning proposal in the following order:

- a) Current Zoning Map LZN\_004A
- b) Proposed Zoning Map – Map Amendment to Land Zoning Map – Sheet LZN\_004A from RU2 Rural Landscape to part B1 Neighbourhood Centre and part E2 Environmental Conservation Zone
- c) Current Lot Size Map LSZ\_004A
- d) Proposed Lot Size Plan – Map Amendment to Lot Size Map – Sheet LSZ\_004A from AB2 20 hectares to part AB2 20 hectares and part no specified minimum lot size
- e) Current Height of Building Map Sheet HOB\_004A
- f) Proposed Height of Buildings Map – Map amendment to Height of Buildings Map – Sheet HOB\_004A from no specified height to part no specified height and part J 9 metres

**PART 5 – Community consultation**

External consultation has been undertaken during the preparation of the Fern Bay and North Stockton Strategy. During the exhibition period, a petition in support of this proposal was provided to Council. After consideration of the petition and submissions received, the FBNSS was amended to address the community desire for a neighbourhood centre with a neighbourhood supermarket to be located within the Fern Bay area.

Community consultation for the planning proposal was undertaken in accordance with the Gateway determination, which required the planning proposal to be publicly exhibited for a period of 28 days from 12 May 2022 to 9 June 2022.

Port Stephens Council is not authorised as the local plan-making authority.

Notice of the public exhibition period was placed in the local newspaper, The Examiner, and notification in writing was sent to affected and adjoining landowners. The exhibition material was available on Council's website, in Councils Administration Building and in the Tomaree, Tilligerry and Raymond Terrace libraries.

During the exhibition period, 9 submissions were received from the community. The majority of the submissions were in support of the proposal. Matters raised in other submissions related primarily to ensuring retention of important vegetation or concerns relating to the increase in traffic. The submissions not justify further amendment to the planning proposal.

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**PART 6 – Project timeline**

The additional technical information, studies and investigations identified in the planning proposal have been completed. The planning proposal is expected to be reported to Council following the completion of the public exhibition period. The following timetable is proposed:

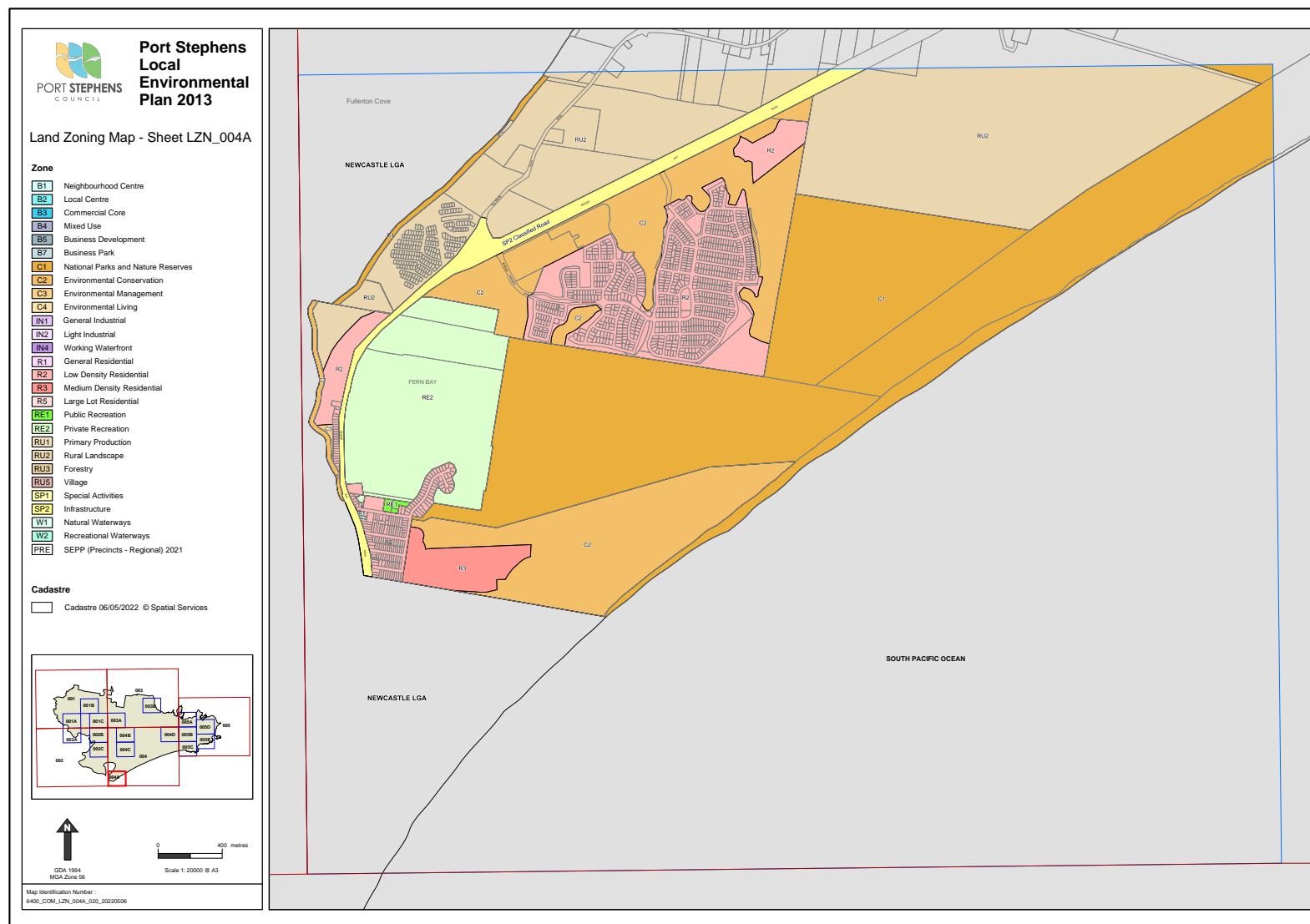
X – indicates additional consultation undertaken with Heritage NSW

	June 2022	July 2022	Aug 2022	Sept 2022	Oct 2022
Agency Consultation			X		
Public Exhibition					
Review of Submissions					
Council Report					
Parliamentary Counsel					

**ATTACHMENT 1a – Current Land Zoning Map**

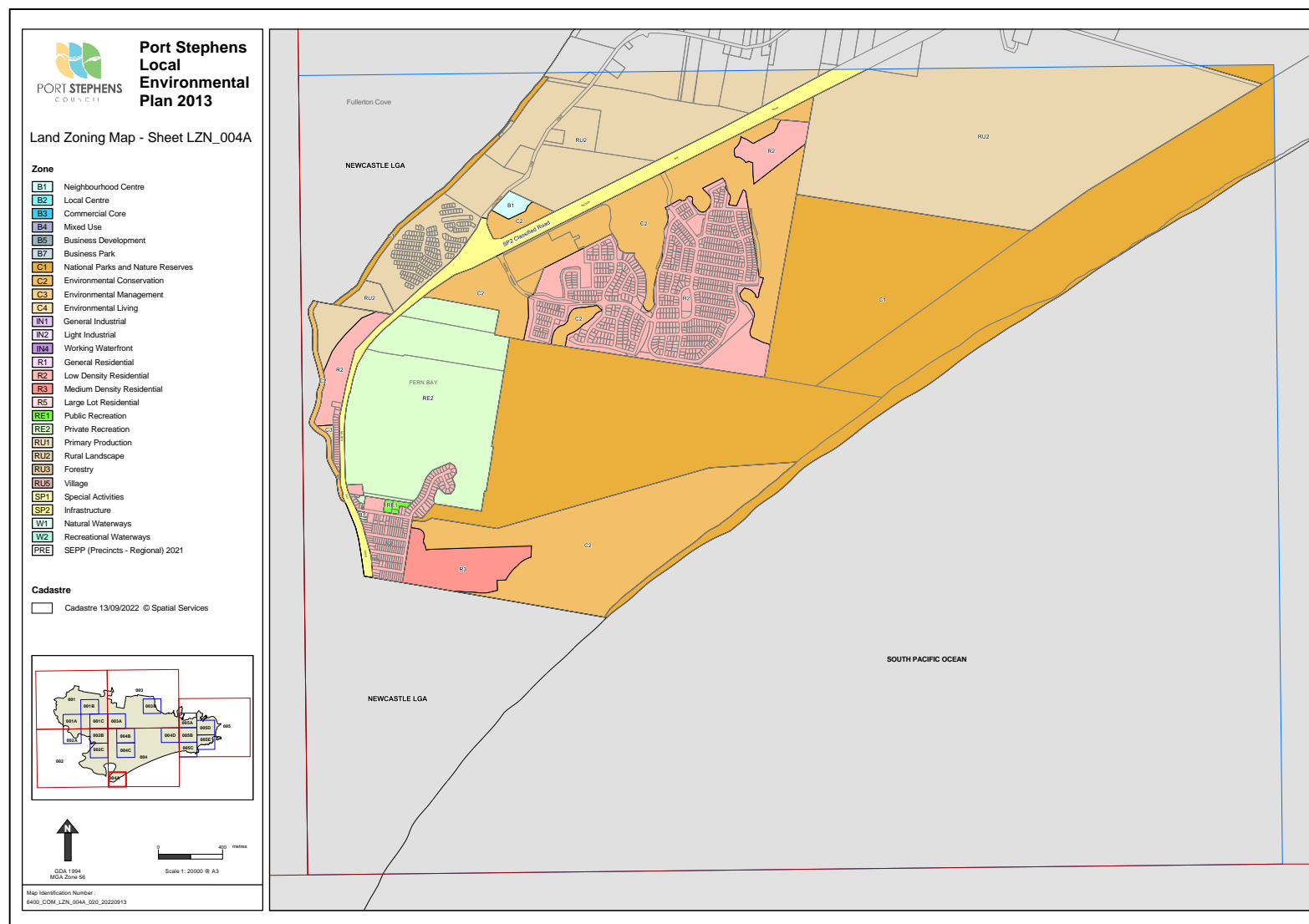
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ATTACHMENT 1b – Proposed Land Zoning Map

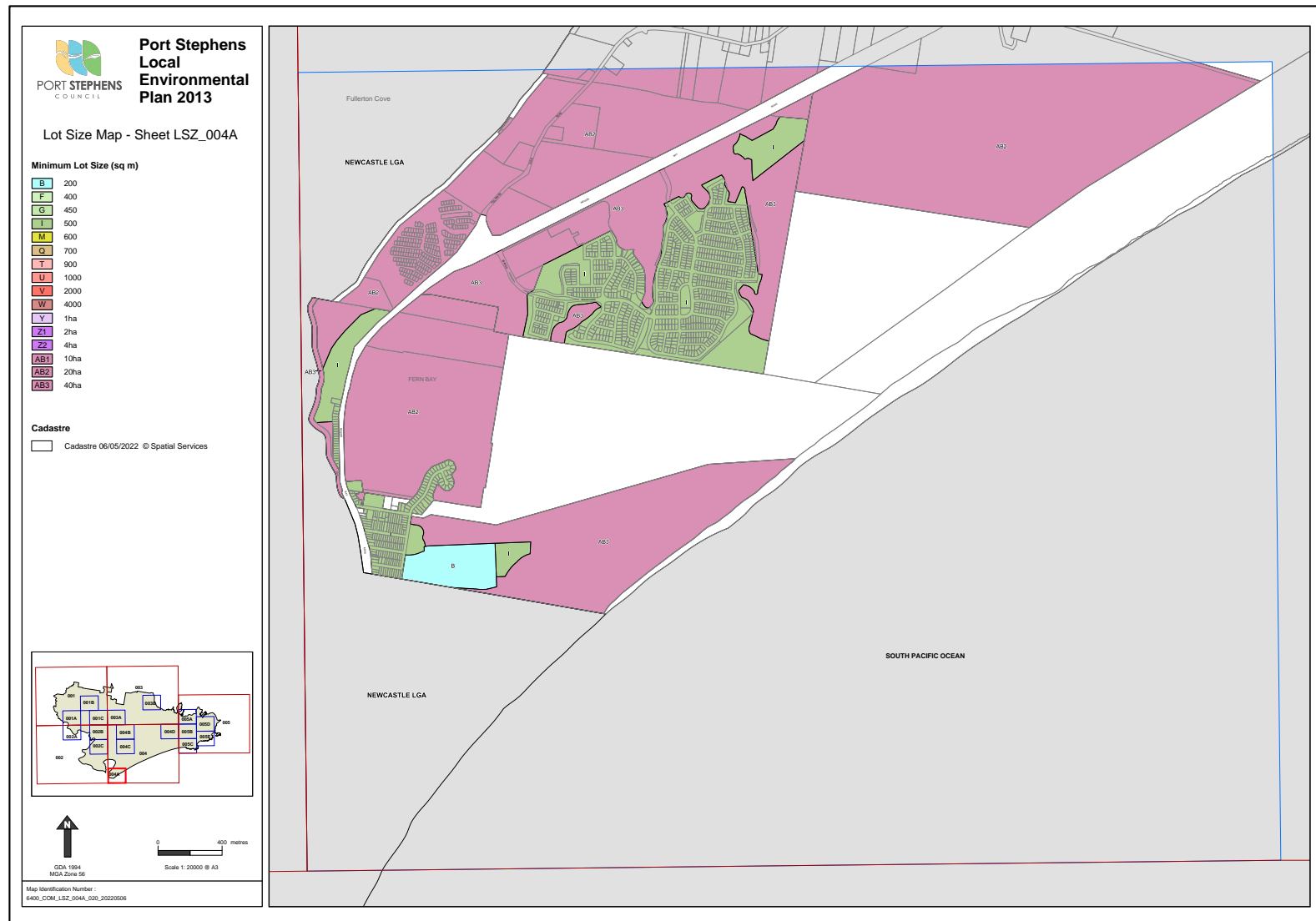
ITEM 7 - ATTACHMENT 1 FINAL PLANNING PROPOSAL.



ATTACHMENT 1c – Current Lot Size Map

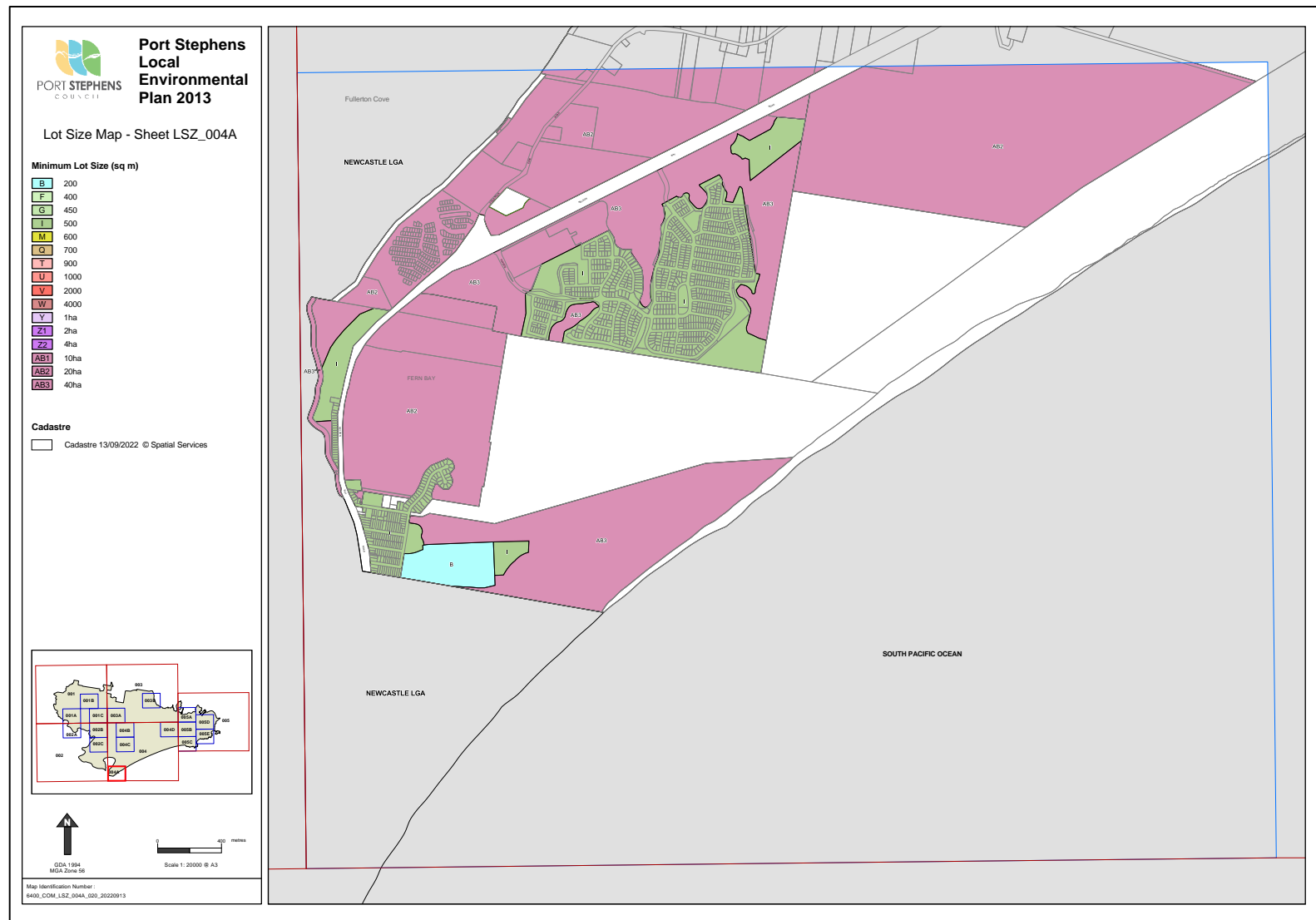
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ATTACHMENT 1d – Proposed Lot Size Map

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ATTACHMENT 1e – Current Height of Building Map

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ATTACHMENT 1f – Proposed Height of Building Map

ITEM 7 - ATTACHMENT 1 FINAL PLANNING PROPOSAL.






ITEM 8 - ATTACHMENT 1 DRAFT AMENDED LOCAL INFRASTRUCTURE  
CONTRIBUTIONS PLAN - AMENDMENT 2.



# Local Infrastructure Contributions Plan



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**ITEM 8 - ATTACHMENT 1 DRAFT AMENDED LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN - AMENDMENT 2.**

Port Stephens Local Infrastructure Contribution Plan

## 1.0 Executive Summary

Part 7 of the *Environmental Planning and Assessment Act 1979* (the Act) authorises Port Stephens Council (Council) to collect contributions of money, land or both from new development to provide for local infrastructure needs. The Port Stephens Local Infrastructure Contributions Plan (the Plan) has been prepared in accordance with the Act for the purpose of imposing conditions requiring contributions. The Plan authorises the imposition of conditions of consent requiring contributions and provides the framework for the calculation and collection of contributions.

The Plan describes the areas where contributions apply, the types of new development required to pay contributions, how contributions are calculated and the infrastructure that will be funded (wholly or partly) by contributions.

In the period 2016-2036, the population of Port Stephens is expected to increase at a rate of 1.1% per annum. Council will provide new or upgraded local infrastructure such as roads, parks and sporting facilities to accommodate this growth. This Plan sets out the infrastructure and upgrades that will be funded (wholly or partly) by new development and the rate of contributions that will be levied.

The Plan was adopted by Council at a meeting held on 10 December 2019 and came into effect on 1 January 2020. The Plan supplements the provisions of the *Port Stephens Local Environmental Plan LEP 2013* (LEP) (as amended from time to time).

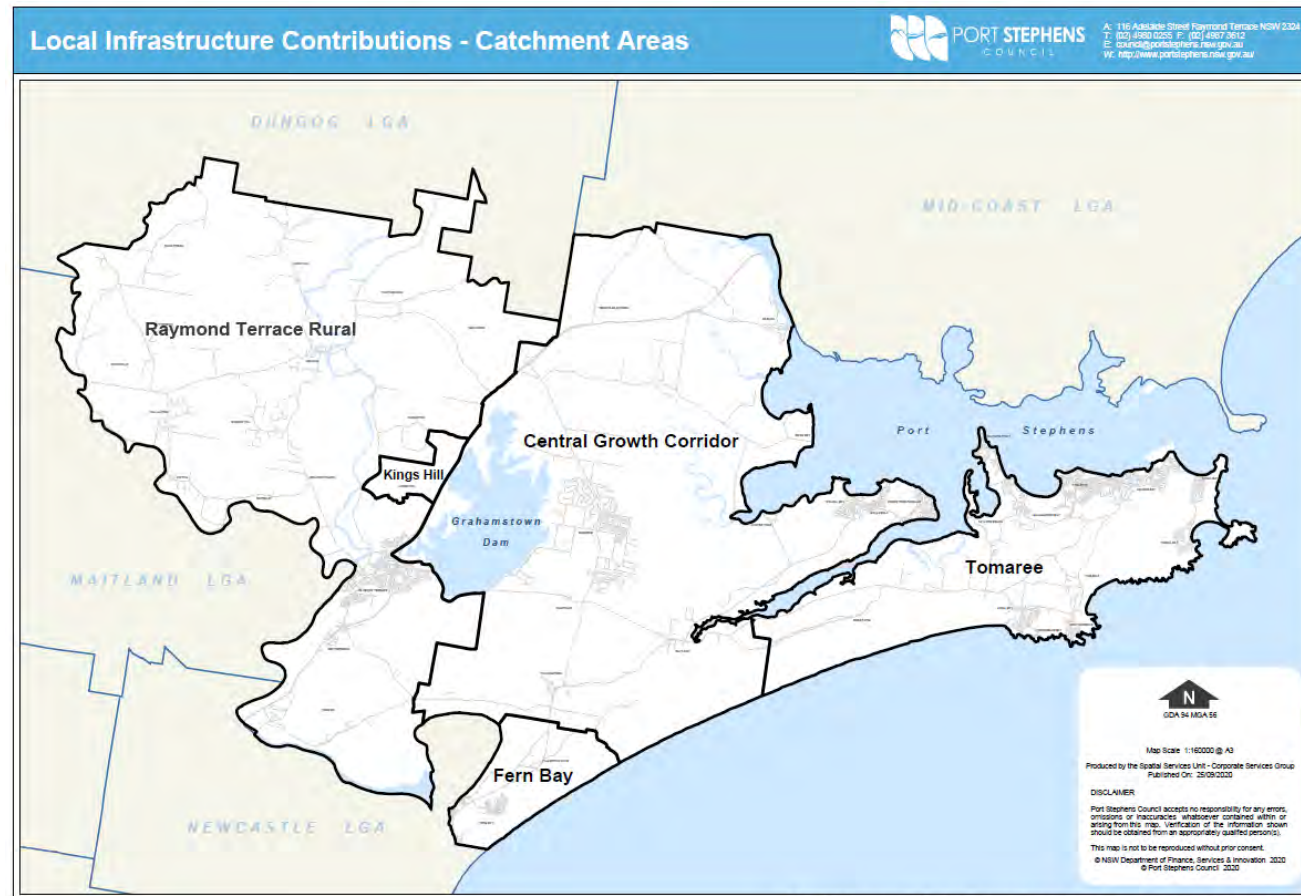
### 1.1 Structure of the Plan

The Plan has the following chapters:

- Chapter 1 – Executive Summary: A summary of the essential components of the Plan, including a summary of the contribution rates;
- Chapter 2 – Introduction: Outlines the purpose and objectives of the Plan, including the catchments of land and the types of development it applies to;
- Chapter 3 – Plan Operation: Provides a description of how the contributions are calculated, how they will be indexed in the future and details on making payments;
- Chapter 4 – Administration: Describes the management and administration of the Plan, including how contributions are reported;
- Chapter 5 – Contribution Strategy: Lists each local infrastructure contribution category within each catchment in detail and includes the nexus between new development and the need for additional local infrastructure.
- Appendices: Includes a detailed Work Schedule that lists the infrastructure and upgrade works to be funded (wholly or partly) by contributions and maps showing the location of the works.

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Port Stephens Local Infrastructure Contribution Plan



FILE LOCATION: G:\gmaps\Section 11-7 Local Infrastructure Contributions Plan\2020\Catchment Areas\Local Infrastructure Contributions - Catchment Areas (A3).svg

## ITEM 8 - ATTACHMENT 1 DRAFT AMENDED LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN - AMENDMENT 2.

Port Stephens Local Infrastructure Contribution Plan

### 1.2 Summary of Contribution Rates

For the purposes of this Plan, the local government area (LGA) has been divided into ~~four~~ **five** catchments as illustrated in the Catchment Area Map above.

Contributions rates for each catchment have been calculated based on the items listed in the Work Schedule at Appendix A and the Contribution Strategy in Chapter 5 of this Plan.

Table 1 below provides a summary of the contributions payable towards the specific infrastructure categories in each catchment. Further details are provided in Chapter 5 of this Plan.

Table 1 – Summary of local infrastructure contribution category rates per catchment

Infrastructure Category	Catchment Rate (per dwelling/lot)				
	Raymond Terrace and the West	Central Growth Corridor	Tomaree	Fern Bay	Kings Hill URA
Civic Administration – Plan Management	\$479 <b>\$650</b>	\$479 <b>\$650</b>	\$479 <b>\$650</b>	\$479 <b>\$650</b>	\$479 <b>\$650</b>
Civic Administration – Works Depot	\$1,250 <b>\$1,257</b>	\$1,250 <b>\$1,257</b>	\$1,250 <b>\$1,257</b>	\$1,250 <b>\$1,257</b>	\$1,250 <b>\$1,257</b>
Town Centre Upgrades	\$3,369 <b>\$3,386</b>	\$3,369 <b>\$3,386</b>	\$3,369 <b>\$3,386</b>	\$3,369 <b>\$3,386</b>	\$3,369 <b>\$3,386</b>
Public Open Space, Parks and Reserves	\$830 <b>\$853</b>	\$2,255 <b>\$2,277</b>	\$2,044 <b>\$2,070</b>	\$342 <b>\$365</b>	\$342 <b>\$365</b>
Sports and Leisure Facilities	\$1,830 <b>\$1,831</b>	\$2,845	\$1,944 <b>\$1,947</b>	\$1,637	\$1,637
Community and Cultural Facilities	\$437 <b>\$439</b>	\$437 <b>\$439</b>	\$1,317 <b>\$1,323</b>	\$437 <b>\$439</b>	\$437 <b>\$439</b>
Road Works	\$5,340 <b>\$5,661</b>	\$3,186 <b>\$3,206</b>	\$3,545 <b>\$3,544</b>	\$2,685 <b>\$3,931</b>	\$0
Medowie Traffic and Transport	\$0	\$3,137 <b>\$3,093</b>	\$0	\$0	\$0
Shared Paths	\$3,850 <b>\$4,203</b>	\$498 <b>\$474</b>	\$3,247 <b>\$3,262</b>	\$2,798 <b>\$3,448</b>	\$0
Bus Facilities	\$18	\$32	\$12 <b>\$9</b>	\$1,116 <b>\$1,111</b>	\$0
Fire and Emergency	\$36	\$0	\$243	\$0	\$0

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Flood and Drainage Works	<del>\$718</del> <b>\$714</b>	<del>\$1,764</del> <b>\$1,770</b>	<del>\$1,875</del> <b>\$1,863</b>	\$0	\$0
Cross Boundary Contributions	\$0	\$0	\$0	<del>\$3,324</del> <b>\$3,309</b>	\$0
Kings Hill Urban Release Area	<del>\$781</del> <b>\$785</b>	<del>\$298</del> <b>\$300</b>	<del>\$298</del> <b>\$300</b>	<del>\$298</del> <b>\$300</b>	<del>\$16,902</del> <b>\$16,992</b>
<b>Total</b>	<del><b>\$18,938</b></del> <b>\$19,833</b>	<del><b>\$19,550</b></del> <b>\$19,729</b>	<del><b>\$19,623</b></del> <b>\$19,854</b>	<del><b>\$17,735</b></del> <b>\$19,833</b>	<del><b>\$24,416</b></del> <b>\$24,726</b>

**Table 2 – Summary of discounts for Secondary Dwellings, Tourist and Visitor Accommodation and Housing for Seniors or People with a Disability**

Infrastructure Category	Catchment Rate (per dwelling/lot)				
	Raymond Terrace and the West	Central Growth Corridor	Tomaree	Fern Bay	Kings Hill URA
Civic Administration – Plan Management	<del>\$240</del> <b>\$325</b>	<del>\$240</del> <b>\$325</b>	<del>\$240</del> <b>\$325</b>	<del>\$240</del> <b>\$325</b>	<del>\$240</del> <b>\$325</b>
Civic Administration – Works Depot	<del>\$626</del> <b>\$629</b>	<del>\$626</del> <b>\$629</b>	<del>\$626</del> <b>\$629</b>	<del>\$626</del> <b>\$629</b>	<del>\$626</del> <b>\$629</b>
Town Centre Upgrades	<del>\$1,685</del> <b>\$1,693</b>	<del>\$1,685</del> <b>\$1,693</b>	<del>\$1,685</del> <b>\$1,693</b>	<del>\$1,685</del> <b>\$1,693</b>	<del>\$1,685</del> <b>\$1,693</b>
Public Open Space, Parks and Reserves	<del>\$415</del> <b>\$427</b>	<del>\$1,128</del> <b>\$1,139</b>	<del>\$1,022</del> <b>\$1,035</b>	<del>\$171</del> <b>\$183</b>	<del>\$171</del> <b>\$183</b>
Sports and Leisure Facilities	<del>\$914</del> <b>\$916</b>	<del>\$1,421</del> <b>\$1,423</b>	<del>\$972</del> <b>\$974</b>	<del>\$818</del> <b>\$819</b>	<del>\$818</del> <b>\$819</b>
Community and Cultural Facilities	<del>\$218</del> <b>\$220</b>	<del>\$218</del> <b>\$220</b>	<del>\$658</del> <b>\$662</b>	<del>\$218</del> <b>\$220</b>	<del>\$218</del> <b>\$220</b>
Road Works	<del>\$2,671</del> <b>\$2,831</b>	<del>\$1,593</del> <b>\$1,603</b>	<del>\$1,773</del> <b>\$1,772</b>	<del>\$1,343</del> <b>\$1,966</b>	\$0
Medowie Traffic and Transport	\$0	<del>\$1,569</del> <b>\$1,547</b>	\$0	\$0	\$0
Shared Paths	<del>\$1,924</del> <b>\$2,102</b>	<del>\$249</del> <b>\$237</b>	<del>\$1,623</del> <b>\$1,631</b>	<del>\$1,398</del> <b>\$1,724</b>	\$0
Bus Facilities	\$9	\$16	\$5	<del>\$557</del> <b>\$556</b>	\$0
Fire and Emergency	\$18	\$0	\$122	\$0	\$0

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Flood and Drainage Works	\$359 \$357	\$882 \$885	\$938 \$932	\$0	\$0
Cross Boundary Contributions	\$0	\$0	\$0	\$1,663 \$1,655	\$0
Kings Hill Urban Release Area	\$149 \$393	\$149 \$150	\$149 \$150	\$149 \$150	\$8,450 \$8,496
<b>Total</b>	<b>\$9,470 \$9,920</b>	<b>\$9,776 \$9,867</b>	<b>\$9,813 \$9,930</b>	<b>\$8,868 \$9,920</b>	<b>\$12,208 \$12,365</b>

Table 3 – Summary of discounts for Caravan Parks and Moveable Dwellings

Infrastructure Category	Catchment Rate (per dwelling/lot)				
	Raymond Terrace and the West	Central Growth Corridor	Tomaree	Fern Bay	Kings Hill URA
Civic Administration – Plan Management	\$240 \$325	\$240 \$325	\$240 \$325	\$240 \$325	\$240 \$325
Civic Administration – Works Depot	\$626 \$629	\$626 \$629	\$626 \$629	\$626 \$629	\$626 \$629
Town Centre Upgrades	\$1,685 \$1,693	\$1,685 \$1,693	\$1,685 \$1,693	\$1,685 \$1,693	\$1,685 \$1,693
Public Open Space, Parks and Reserves	\$415 \$427	\$1,128 \$1,139	\$1,022 \$1,035	\$171 \$183	\$171 \$183
Sports and Leisure Facilities	\$914 \$916	\$1,421 \$1,423	\$972 \$974	\$818 \$819	\$818 \$819
Community and Cultural Facilities	\$218 \$220	\$218 \$220	\$658 \$662	\$218 \$220	\$218 \$220
Road Works	\$4,272 \$4,529	\$2,549 \$2,565	\$2,836 \$2,835	\$2,148 \$3,145	\$0
Medowie Traffic and Transport	\$0	\$2,509 \$2,474	\$0	\$0	\$0
Shared Paths	\$1,924 \$2,102	\$249 \$237	\$1,623 \$1,631	\$1,398 \$1,724	\$0
Bus Facilities	\$9	\$16	\$5	\$557 \$556	\$0

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Fire and Emergency	\$18	\$0	\$122	\$0	\$0
Flood and Drainage Works	<del>\$359</del> \$357	<del>\$882</del> \$885	<del>\$938</del> \$932	\$0	\$0
Cross Boundary Contributions	\$0	\$0	\$0	<del>\$1,663</del> \$1,655	\$0
Kings Hill Urban Release Area	<del>\$391</del> \$393	<del>\$149</del> \$150	<del>\$149</del> \$150	<del>\$149</del> \$150	<del>\$8,450</del> \$8,496
<b>Total</b>	<del>\$11,071</del> \$11,618	<del>\$11,672</del> \$11,756	<del>\$10,876</del> \$10,993	<del>\$9,673</del> \$11,099	<del>\$12,208</del> \$12,365

Table 4 – Summary of road haulage contribution

Development Type	Contribution Amount
Extractive Industry and/or mining	\$0.086/t/km

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## **2.0 Introduction**

### **2.1 Name of this Plan and Commencement**

This is the Port Stephens Local Infrastructure Contributions Plan 2020 (the Plan). The Plan commenced on 1 January 2020. Amendments to the Plan are identified in Appendix B.

### **2.2 Purpose and Objectives of this Plan**

The primary purpose of the Plan is to satisfy the requirements of the Environmental Planning and Assessment Act 1979 (the Act) and authorise the imposition of conditions of consent requiring contributions for the provision of public services and amenities as a result of the increase in demand caused by new development.

The objectives of the Plan are to:

- (a) Authorise the consent authority, or an accredited certifier, to impose conditions under Section 7.11 and 7.12 of the Act requiring contributions when granting consent to development on land to which this Plan applies, including complying development;
- (b) Provide an administrative framework for Port Stephens Council (Council) in relation to contributions towards the provision, extension or augmentation of local infrastructure;
- (c) Identify additional local infrastructure that will be required to service future development;
- (d) Ensure that local infrastructure is provided to service the needs of the future population without unfairly burdening the existing community with the costs of providing this infrastructure;
- (e) Enable Council to recoup funds it will or may spend in the provision of local infrastructure in anticipation of new development, subject to any amendment to the plan;
- (f) Provide a comprehensive strategy for the assessment, collection, expenditure, accounting and review of local infrastructure contributions on an equitable basis; and,
- (g) Ensure Council is accountable in the administration of the Plan and the local infrastructure contributions framework.

### **2.3 Land to which this Plan Applies**

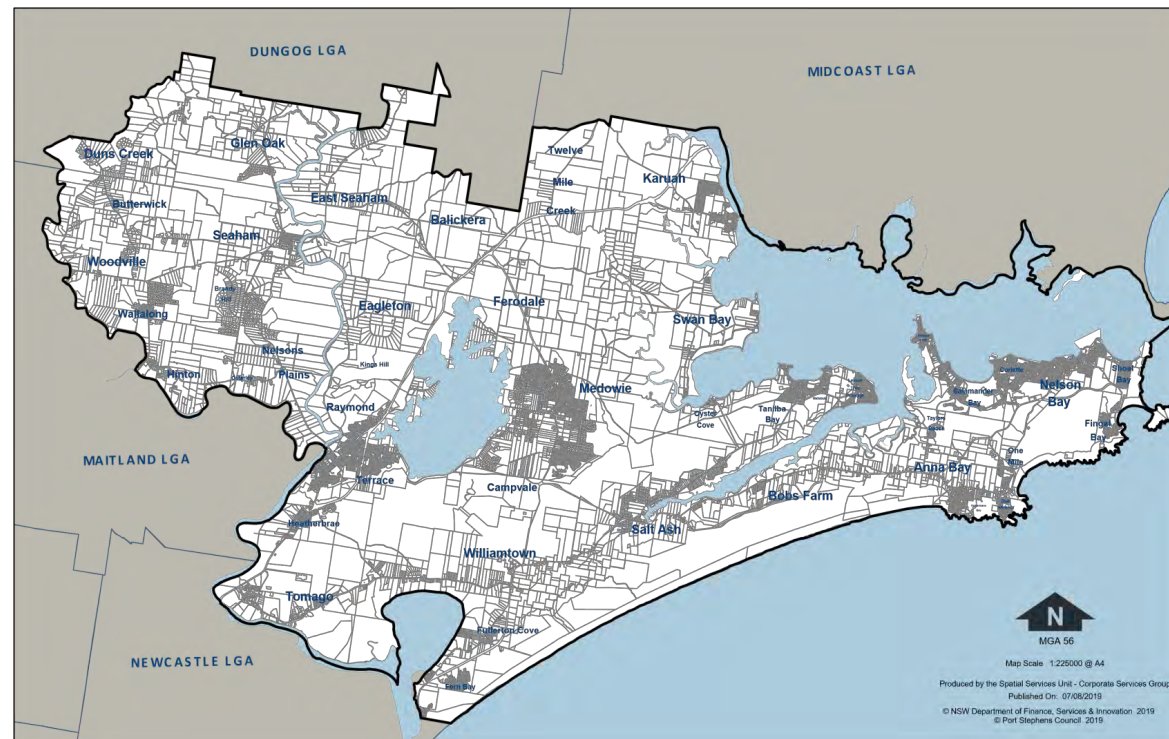
This Plan applies to all land within the Port Stephens Local Government Area (LGA) (see Land Application Map below).

Port Stephens Council – Local Infrastructure Contribution Plan

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**Land Application Map (excluding cross-boundary areas)**

**PORT STEPHENS**  
 COUNCIL



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Port Stephens Council – Local Infrastructure Contribution Plan

### 2.4 Interpretation

Words and expressions used in this Plan have the same meaning as the Act and *Port Stephens Local Environmental Plan 2013* (PSLEP), unless otherwise defined in the Plan.

### 2.5 Development to which this Plan Applies

This Plan applies to development as outlined in the table below.

DEVELOPMENT TYPE	DEVELOPMENT CONTRIBUTION TYPE
The subdivision of land, where the subdivision would facilitate a potential increase in the number of dwellings permitted on that land	Section 7.11
Residential accommodation	Section 7.11
Seniors housing as defined in the <i>State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004</i> (Seniors Housing SEPP), excluding residential care facilities	Section 7.11
Tourist and visitor accommodation	Section 7.11
Caravan parks	Section 7.11
Moveable dwellings	Section 7.11
Manufactured homes, as defined in <i>State Environmental Planning Policy 36 – Manufactured Home Estates</i>	Section 7.11
Manufactured home estates, as defined in <i>State Environmental Planning Policy 36 – Manufactured Home Estates</i>	Section 7.11
Extractive industry	Section 7.11 (haulage)
Mining	Section 7.11 (haulage)
All other types of development not captured above (with the exception of alterations to or the construction of single dwellings) where the proposed cost of carrying out the development is more than \$100,000	Section 7.12

This Plan does not apply to development identified as exempt from requirements to pay contributions under any applicable Ministerial Direction issued under Section 7.17 of the Act.

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This Plan does not apply to public infrastructure carried out by or on behalf of Council, such as, but not limited to: libraries, community facilities, recreation areas and facilities or car parks.

**2.6 Rate Adjustments for Section 7.11 Contributions**

Certain development has the potential to have a lesser impact on the demand for local infrastructure or should be facilitated for policy reasons. Contributions rate reductions relate solely to Section 7.11 contributions and apply to the following development for the reasons set out below.

**2.6.1 Secondary Dwellings (Granny Flats)**

Secondary dwellings are subservient to a primary dwelling, ~~being either 60m<sup>2</sup> or 40% of the floor area of the primary dwelling. Secondary dwellings are also~~ and are recognised as a form of affordable housing to be incentivised, consistent with the aims and objectives outlined in ~~State Environmental Planning Policy (Affordable Rental Housing) 2009 2021.~~

Therefore the contribution rate will be 50% of all local infrastructure categories.

**2.6.2 Caravan Parks**

The Australian Bureau of Statistics Census of Population and Housing 2016 (2016 Census) identified an occupancy rate of 2.5 persons per dwelling for the LGA. The occupancy rate for caravan parks was reported as 1.7 persons per dwelling or caravan. Due to the lower occupancy rate, it is considered that there would be a lesser demand for local infrastructure generated from caravan parks. In addition, caravans are generally towed to site, and therefore the impact on road infrastructure is considered likely greater from this form of development. Therefore a lesser discount should be applied for road work categories.

Therefore the contribution rate will be 50% for all local infrastructure categories except for the road work categories, where the discount will be 20%.

A caravan park might include both caravans and moveable dwellings. Where development includes moveable dwellings with long term occupants, which have similar demands for the provision of Council facilities and services as other medium density development, no adjustment to the contribution rate will be applied.

This Plan also permits Council to not adjust the contribution rate for caravan parks at its discretion, depending on the circumstances of the case. Some of the matters Council might consider include the status of the majority of the occupancy (long term or short term), the size and nature of the proposed dwellings (caravans or moveable dwellings installed onsite) and the provision of affordable housing options in the locality.

**2.6.3 Tourist and Visitor Accommodation**

Tourist visitation can create additional demands on local infrastructure in excess of a permanent population demand. For example, demand for public assets and services such as roads, parking, cycleways, boat ramps, tourist information services, foreshore and beach facilities, wharf and aquatic facilities, playing field facilities and passive open space and libraries are all increased as a result of tourist visitation.

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However occupancy rates for tourist and visitor accommodation is more sporadic than residential accommodation. Therefore the contribution rate will be 50% for all infrastructure categories.

**2.6.4 Housing for Seniors or People with a Disability**

Seniors housing is defined under the Seniors Housing SEPP as:

*residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:*

- (a) a residential care facility, or*
- (b) a hostel, or*
- (c) a group of self-contained dwellings, or*
- (d) a combination of these,*

*but does not include a hospital.*

The Ministerial Direction, issued on 14 September 2007 under Section 7.17 of the Act, exempts payment of a contribution for development carried out under the Seniors Housing SEPP where undertaken by a social housing provider. The SEPP sets out the recognised social housing providers that will be exempt from contributions.

Seniors housing contributes to the demand for local infrastructure, however occupancy rates for seniors housing is less than that of standard dwellings, at a rate of 1.5 people per dwelling. Therefore for seniors housing that is not subject to the Ministerial Direction, the contribution rate will be 50% for all infrastructure categories.

**Note:** Local Infrastructure Contributions under Section 7.11 do not apply to residential care facilities and therefore this adjustment does not apply to this type of development. However, Section 7.12 may still be applicable, provided the cost of works is over \$100,000 and is not exempt under the Ministerial Direction.

**2.6.5 Moveable Dwellings**

For moveable dwellings that do not meet any of the other definitions listed in the table in section 2.5 of this Plan, the contribution rate will be 50% for all local infrastructure categories except for the road work categories, where the discount will be 20%.

Moveable dwellings might include caravans and other larger moveable dwellings. Where development includes moveable dwellings with long term occupants, which have similar demands for the provision of Council facilities and services as other medium density development, no adjustment to the contribution rate will be applied.

This Plan also permits Council to not adjust the contribution rate for moveable dwellings at its discretion, depending on the circumstances of the case. Some of the matters Council might consider include the status of the majority of the occupancy (long term or short term), the size and nature of the proposed dwellings and the provision of affordable housing options in the locality.

**2.7 Savings and Transitional Arrangements**

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The local infrastructure contributions for development under this Plan shall be determined at the date of determination of the development application or the date of issue of the complying development certificate.

This Plan applies to applications lodged but not determined before the date of commencement of the Plan.

This Plan does not affect any conditions imposed under a previous plan(s). Any application made under the Act to modify a development consent issued before the commencement date of this Plan will be determined against the plan that applied at the date the consent was originally determined.

**2.8 Relationship to other plans**

This Plan repeals the Port Stephens Development Contributions Plan 2007. The repeal of the Port Stephens Development Contributions Plan 2007 does not affect the previous operation of that plan or anything duly completed under that plan, including any indexation provisions. Development consents, including a condition requiring development contributions levied under a previous plan, will continue to be in force.

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Port Stephens Local Infrastructure Contribution Plan

### 3.0 Plan Operation

#### 3.1 Calculating the Contributions

The formula for calculating the amount of local infrastructure contributions required under Section 7.11 will vary according to the type of amenity or service to be provided. The formula is based on consideration of:

- The demand generated by a development, based on a calculation recognising population, dwellings, traffic or other relevant factors;
- The current capital cost of providing the amenity or service including, where appropriate, the current cost of acquiring land; and
- The calculation will be rounded up to the nearest dollar.

Contributions required under Section 7.12 will be determined in accordance with the maximum levies set out in **Clause 25K 208** of the Environmental Planning and Assessment Regulation 2000 **2021** (the Regulation), as summarised in the table below.

Type of Development	Levy
All development with a proposed cost of up to and including \$100,000	Nil
All development with a proposed cost of more than \$100,000 and up to and including \$200,000	0.5% of that cost
All development with a proposed cost of more than \$200,000	1% of that cost

#### 3.2 Section 7.12: Calculating the Cost of Works

Clause 25J 208 of the Regulation provides the framework for determining the proposed cost of development:

(1) The proposed cost of carrying out development is to be must be determined by the consent authority for the purpose of a 7.12 levy, by adding up all the costs and expenses that have been or are to be will be incurred by the applicant in carrying out the development including the following.

- if the development involves the erection of a building, or the carrying out of engineering or construction work, the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation;
  - if the development involves a change of use of land, the costs of or incidental to doing anything necessary to enable the use of the land to be changed;
  - if the development involves the subdivision of land, the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.
- 2) For the purpose of determining the proposed cost of carrying out development, a consent authority may have regard to an estimate of the proposed cost of carrying out the development prepared by a person, or a person of a class approved by the consent authority to provide such estimates.



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- 3) The following costs and expenses are not to be included in any estimate or determination of the proposed cost of carrying out development:
- (a) the cost of the land on which the development is to be carried out;
  - (b) the costs of any repairs to any building or works on the land that are to be retained in connection with the development;
  - (c) the costs associated with marketing or financing the development (including interest on any loans);
  - (d) the costs associated with legal work carried out or to be carried out in connection with the development;
  - (e) project management costs associated with the development;
  - (f) the cost of building insurance in respect of the development;
  - (g) the costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land);
  - (h) the costs of commercial stock inventory;
  - (i) any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law;
  - (j) the costs of enabling access by disabled persons in respect of the development;
  - (k) the costs of energy and water efficiency measures associated with the development;
  - (l) the cost of any development that is provided as affordable housing;
  - (m) the costs of any development that is the adaptive reuse of a heritage item.

(2) The costs of carrying out development include the costs of, and costs incidental to, the following—

(a) if the development involves the erection of a building or the carrying out of engineering or construction work—

(i) erecting the building or carrying out the work, and

(ii) demolition, excavation and site preparation, decontamination or remediation,

(b) if the development involves a change of use of land—doing anything necessary to enable the use of the land to be changed,

(c) if the development involves the subdivision of land—preparing, executing and registering—

(i) the plan of subdivision, and

(ii) the related covenants, easements or other rights.

(3) In determining the proposed cost, a consent authority may consider an estimate of the proposed cost that is prepared by a person, or a person of a class, approved by the consent authority to provide the estimate.

(4) The following costs and expenses must not be included in an estimate or determination of the proposed cost—

(a) the cost of the land on which the development will be carried out,

(b) the costs of repairs to a building or works on the land that will be kept in connection with the development,

(c) the costs associated with marketing or financing the development, including interest on loans,



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- (d) the costs associated with legal work carried out, or to be carried out, in connection with the development,
  - (e) project management costs associated with the development,
  - (f) the cost of building insurance for the development,
  - (g) the costs of fittings and furnishings, including refitting or refurbishing, associated with the development, except if the development involves an enlargement, expansion or intensification of a current use of land,
  - (h) the costs of commercial stock inventory,
  - (i) the taxes, levies or charges, excluding GST, paid or payable in connection with the development by or under a law,
  - (j) the costs of enabling access by people with disability to the development,
  - (k) the costs of energy and water efficiency measures associated with the development,
  - (l) the costs of development that is provided as affordable housing,
  - (m) the costs of development that is the adaptive reuse of a heritage item.
- (5) The proposed cost may be adjusted before payment of a development levy, as specified in a contributions plan, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan between the day on which the proposed cost was determined by the consent authority and the day by which the development levy must be paid.

For the purposes of subclause ~~(2)~~ (3) above, a development application or an application for a complying development certificate *must* be accompanied by a report setting out an estimate of the proposed cost of carrying out development prepared as follows:

- **Where the estimated cost of carrying out the whole of the development as approved by the consent is \$1,000,000 or less** - a cost summary report in accordance with Appendix C of this Plan; or
- **Where the estimated cost of carrying out the whole of the development as approved by the consent is more than \$1,000,000** - A quantity surveyor's detailed cost report, completed by a quantity surveyor who is a registered associate member or above of the Australian Institute of Quantity Surveyors, in accordance with Appendix C of this Plan of this Plan.

Council may review the valuation of works and seek to have the report independently reviewed to verify the costs. The cost of any independent review will be borne by the applicant prior to the determination of the application. No consent will be issued until such time that the costs have been paid.

### 3.3 Indexation of Section 7.11 Contributions

To ensure that the value of local infrastructure contributions are not eroded over time by movements in the Consumer Price Index (CPI) or through changes in the costs of studies used to support the Plan, local infrastructure contribution rates will be reviewed with reference to the following specific costs and indices:

- Changes in the capital costs associated with provision of administration and salary costs for staff involved in implementing this Plan by reference to increases

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in salary rates under the Port Stephens Council Enterprise Agreement 2018 (or any subsequent Enterprise Agreement);

- Changes in the capital costs of various studies and activities required to support the strategies in the Plan by reference to the actual costs incurred by Council in obtaining these studies; and
- Changes in the CPI Sydney – All Groups.

In accordance with the *Environmental Planning and Assessment Regulation 2000* **2021** (the Regulation), the rates set out in the Plan will be amended without the need to prepare a new contributions plan if the amendments are necessary to fix minor typographical errors, index rates according to the CPI, and to omit the details of works that have been completed.

For changes to the CPI Sydney - All Groups, the contribution rates within the Plan will be amended on a quarterly basis in accordance with the following formula:

$$\$Ca + \frac{\$Ca (Current Index - Base Index)}{Base Index}$$

Where:

**\$Ca** is the contribution at the time of adoption of the Plan expressed in dollars.

**Current Index** is the CPI Sydney - All Groups, as published by the Australian Bureau of Statistics available at the time of review of the contribution rate.

**Base Index** is the CPI Sydney - All Groups, as published by the Australian Bureau of Statistics. At the date of adoption of the Plan this figure is 115.4.

**Note:** In the event that the Current CPI Sydney - All Groups, is less than the previous CPI Sydney - All Groups, the current index shall be taken as not less than the previous index.

### 3.3.1 Land Cost

Land acquisition costs will be subject to indexation as described under this section of the Plan. The value assessed for land acquisition costs will be reviewed as and when required and this factor will be varied, as necessary, to reflect current costs.

### 3.3.2 Consent

The local infrastructure contributions conditioned in a development consent are calculated on the basis of the contribution rates determined in accordance with this Plan. If the local infrastructure contributions are not paid within the quarter in which consent is granted then the contributions payable will be adjusted as follows:

$$\$Cp = \$Cdc + \frac{\{\$Cdc (\$Cq - \$Cc)\}}{\$Cc}$$

Where:

**\$Cp** is the amount of the local infrastructure contribution calculated at the time of payment.

**\$Cdc** is the amount of the original local infrastructure contribution as set out in the development consent.

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**\$C<sub>q</sub>** is the local infrastructure contribution rate applicable at the time of payment.

**\$C<sub>c</sub>** is the local infrastructure contribution rate applicable at the time of the original consent.

The current contributions are as stated in this Plan.

### 3.4 Indexation of Section 7.12 Contributions

Pursuant to Clause 25J(4) 208 of the Regulation, the proposed cost of carrying out development is to be indexed before payment to reflect quarterly variations in the CPI All Group Index Number for the weighted average of eight capital cities between the date the proposed cost was determined by the Council and the date the levy is paid.

Contributions required as a condition of consent under the provisions of this Plan will be adjusted at the time of payment of the contribution in accordance with the following formula:

$$ODC + A$$

Where:

**ODC** is the original contribution as set out in the consent

**A** is the adjustment amount which is:

$$A = ODC \left\{ \frac{(Current\ Index - Base\ Index)}{Base\ Index} \right\}$$

Where

**Current Index** is the CPI Sydney - All Groups, as published by the Australian Bureau of Statistics available at the time of review of the contribution rate.

**Base Index** is the CPI Sydney - All Groups, as published by the Australian Bureau of Statistics at the date of issuing development consent or the Complying Development Certificate.

**Note:** In the event that the Current CPI Sydney - All Groups, is less than the previous CPI Sydney - All Groups, the current index shall be taken as not less than the previous index.

### 3.5 Ministerial Direction: Section 7.11 Thresholds

On 21 August 2012, the then Minister for Planning and Infrastructure issued a Direction under Section 7.17 of the Act that places a cap on local infrastructure contributions required under Section 7.11 for residential development.

The Direction requires, among other things, that a consent authority or planning panel cannot impose a section 7.11 condition on a development consent for residential dwellings or residential lots that exceeds the following caps:

- \$30,000 for each dwelling or lot within a greenfield area; and
- \$20,000 for each dwelling or lot in infill areas.

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The contribution rates calculated in accordance with this Plan will not exceed the thresholds in the Ministerial Direction, unless the Plan is subject to an IPART review or any subsequent direction from the Minister.

**3.6 Other Forms of Contributions**

Other forms of local infrastructure contributions that may be considered under the provisions of the Act include:

- 1 Dedication of land;
- 2 Voluntary Planning Agreement; and
- 3 Works in Kind or Material Public Benefit Agreement.

**3.6.1 Dedication of Land**

A decision as to whether to accept the dedication of land free of cost to Council will be at the complete discretion of Council. Factors Council will take into consideration matters including, but not limited to:

- The extent to which the land satisfies a community need;
- The extent to which the land satisfies the purpose for which the contribution was sought;
- Consideration of location and other factors which may affect the benefit to Council and the community; and
- An assessment of recurrent maintenance costs to Council.

**3.6.2 Voluntary Planning Agreements (VPA)**

A VPA under Section 7.4 of the Act is a legally binding arrangement between one or more planning authorities and a developer.

Under a VPA, the developer may offer to pay money, dedicate land, carry out works, or provide other material public benefits for public purposes. The provisions under a VPA may be additional to, or instead of, payment of contributions imposed under Section 7.11 or Section 7.12 of the Act.

The offer to enter into a VPA will generally need to accompany the relevant development application or planning proposal. Developers should refer to any relevant Council policies and guidelines available on Council's website.

**3.6.3 Works in Kind Agreement (WIKa) and Material Public Benefit Agreement (MPBA)**

A WIKa is the undertaking of a work or provision of a facility that is scheduled within the Works Schedule of this Plan (Appendix A) in lieu of the part or full payment of either a monetary contribution or the dedication of land that would normally apply.

A MPBA involves the undertaking of a work or provision of a facility in part or full satisfaction of a condition requiring the payment of a monetary contribution or the dedication of land. An MPBA may include the provision of work that is not scheduled within the Works Schedule of this Plan (Appendix A). Council may accept the provision of a MPBA for projects not nominated in the Works Schedule if it can be justified that the public benefit is of equivalent or greater value to the community.

The acceptance of works through a WIKa or MPBA is at the complete discretion of Council and developers should refer to any relevant Council policies and guidelines available on Council's website.

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### 3.7 Settlement of Contributions

The local infrastructure contribution must be paid at the time specified in the development consent or complying development certificate, which will generally be determined in accordance with this Plan.

Settlement of contributions shall be finalised at the following stages:

- Development applications for subdivision – prior to release of the subdivision certificate;
- Development applications for building or other work - prior to the issue of the construction certificate;
- Applications for both building work and subdivision – prior to the issue of the construction certificate, subdivision works certificate, or release of the subdivision certificate, whichever comes first;
- Development applications where no building approval is required – prior to commencement of use in accordance with the conditions of consent or upon issue of the occupation certificate, whichever occurs first;
- Development requiring a complying development certificate – before the commencement of any building work or subdivision work authorised by the certificate; or
- Development applications for moveable dwellings, manufactured homes, caravan parks or manufactured home estates and the like – prior to approval under Section 68 of the Local Government Act 1993.

### 3.8 Deferred Payment of Contributions

Council, at its complete discretion, may permit the settlement of monetary contributions for local infrastructure on a deferred basis. Such a request must:

- Be made in writing by the applicant with valid reasons for deferral;
- Not prejudice the timing or the manner of the provision of public facilities included in the Works Schedule; and
- In the case of a contribution being made by way of a VPA, WKA, MPBA or land dedication in lieu of a cash contribution, Council and the applicant must have a legally binding agreement for the provision of works or land dedication.

If the application for deferral is accepted, the following conditions will apply:

- (a) Deferral of settlement will be for a maximum of one year or until commencement of use in accordance with the conditions of consent (whichever comes first);
- (b) The bank guarantee will be issued by an Australian bank or a bank in Australia for the amount of the total contribution or the amount of the outstanding contribution, plus an amount equal to thirteen months interest;
- (c) Any changes associated with managing the bank security are payable by the applicant;
- (d) The bank unconditionally pays the guaranteed sum to the Council, if the Council so demands in writing, not earlier than 12 months from the provision of the guarantee or completion of the work;
- (e) The bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development;

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- (f) The bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when Council notifies the bank in writing that the guarantee is no longer required;
- (g) Where a bank guarantee has been deposited with Council, the guarantee shall not be cancelled until such time as the original contribution and accrued interest are paid; and
- (h) Indexing will be calculated from the date the contribution was due until the date of payment.

**3.9 Paying the Contributions**

Prior to the payment of contributions, an applicant must request an updated contributions calculation from Council. This will confirm the contributions amount payable which may or may not be inclusive of indexing. Applicants should email the request to Council.

Council will issue email advice that will remain valid until the next quarterly CPI update released by the Australian Bureau of Statistics. If the contributions are not paid by the date specified in the advice, a new request will be required.

Once an applicant obtains the advice, the applicant can present the email and pay the contributions in person or by mail, email or telephone.

Council will provide a receipt confirming payment. In the case of a development application, an applicant can provide a copy of the receipt to the accredited certifier in the process of obtaining a Construction Certificate.

**3.10 Refunding the Contribution**

The Act does not refer to refunds for contributions and there is no express power for a council to refund contributions already paid in accordance with a condition of consent. However, Council, at its complete discretion, may consider a refund of a contribution where:

- (a) A consent has been modified under the Act resulting in a reduction of the contributions payable; or
- (b) Development has not commenced and will not proceed in accordance with the consent and the contributions have been paid. In this case the consent will need to be surrendered in accordance with the Act.

In each case, Council will consider refunding the contributions if it has not been spent and the refund will not impact on Council's ability to deliver the works in the Works Schedule. The applicant must apply for the refund in writing within 12 months from the payment of the contribution.

**3.11 Contributions for Mixed Use Development**

Pursuant to Section 7.12(2) of the Act, a consent authority cannot impose a condition for contributions under both Section 7.11 and 7.12.

Where development includes elements that may be captured under Section 7.11 and Section 7.12 (for example, mixed used development comprising of commercial development and shop top housing), Section 7.11 contributions will **generally** take precedence, however, this is at the discretion of Council.

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## **4.0 Plan Administration**

### **4.1 Accredited Certifiers**

In accordance with the Regulation, an accredited certifier must not issue a certificate for building work or subdivision work unless it has verified that the condition requiring the payment of monetary contributions has been satisfied.

In particular, the accredited certifier must ensure that the applicant provides a receipt(s) confirming that the monetary contributions have been paid in full to Council. Further, a copy of the receipt(s) must be included with the certified plans provided to Council in accordance with the Regulation. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to these requirements are where a VPA, WIKA, MPBA, dedication of land or deferred payment arrangement has been agreed to by Council. In such cases, Council will issue advice confirming that an alternative payment method has been agreed with the applicant.

Under the Act, accredited certifiers are responsible for calculating local infrastructure contributions for complying development and imposing a condition requiring contributions on a complying development certificate in accordance with this Plan. Accredited certifiers must notify Council of their determination within two business days of making the determination, in accordance with the Regulation. Applicants must pay the monetary contribution before commencing the complying development works.

### **4.2 Accounting for Contributions**

Council has established identifiable accounts for the management of local infrastructure contributions, including details of financial transactions for specific categories of works and contributions. Contributions will be spent in accordance with this Plan. Interest will be calculated on funds held and credited as appropriate. Council will maintain a register of all contributions received in accordance with the Act and Regulation.

### **4.3 Annual Statement**

Council will produce an annual statement in accordance with the Regulation. This information will be available for public inspection on Council's website following adoption by Council.

### **4.4 Review of This Plan**

The Works Schedule will be reviewed annually in line with capital works programming and updated in accordance with the Regulation.

Council will generally review this Plan every five years or as required to ensure it addresses community needs, Council priorities and relevant legislation.

The Plan will also be amended to address the matters listed in the Regulation. In particular, indexation of contributions will be reviewed and the Plan amended on a quarterly basis without the need for a public exhibition.

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**4.5 Pooling of Contributions**

This Plan expressly authorises monetary contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. In this regard, contributions collected will be allocated to works as indicated in the Work Schedule of this Plan (Appendix A).

**4.6 Repealed Contributions**

Council will continue to collect contributions under repealed plans, which will be used to fund works or the provision of facilities within the equivalent catchment area listed in the Works Schedule of this Plan (Appendix A).

**4.7 Application of Section 7.12 Monies Collected under this Plan**

Money paid to Council under a condition for Section 7.12 contributions authorised by this Plan is to be applied towards meeting the costs of one or more local infrastructure projects listed within the Works Schedule, but not necessarily in the order specified in the Works Schedule.



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## 5.0 Contributions Strategy

Council provides public facilities for the current and future population of Port Stephens, including visitors to the area and the workforce located in the LGA. For Council to levy contributions, there must be a clear nexus between the proposed development and the need for the infrastructure, public service or amenity which the contributions will fund. This Chapter details the relationship (nexus) between the expected development in the Port Stephens LGA and the demand for infrastructure, services or amenity.

Council levies new development based on the cost of providing a reasonable standard of public facilities and amenities. A baseline level of adequate infrastructure is determined through developing strategic asset management documents (e.g. Council's Strategic Asset Management Plan and Plans of Management).

Contributions are determined by equating the contribution to the cost per person or cost per vehicular movement, or other appropriate basis for the provision of the infrastructure item, public service or amenity.

The methodology adopted in calculating development contributions (excluding heavy haulage levies) is based on the following steps:

- Step 1: Determine the number of existing lots/dwellings in each catchment as at 1 July 2018
- Step 2: Forecast the number of lots/dwellings in each catchment as at 30 June 2037. This data has been collated and prepared by REMPLAN and is based on the 2016 census, trends (such as births, deaths and migration) and an audit of the development pipeline.
- Step 3: Calculate the number of future lots/dwellings to be developed until 30 June 2037 in each catchment by subtracting the numbers in Step 1 from Step 2. For each catchment, this is as follows:
  - Raymond Terrace and the West – 1,447 lots/dwellings
  - Central Growth Corridor – 2,846 lots/dwellings
  - Tomaree – 1,484 lots/dwellings
  - Fern Bay – 507 lots/dwellings
  - Kings Hill – 3,500 lots/dwellings
- Step 4: Determine the cost and timing of projects in each catchment that are required solely due to new development occurring.
- Step 5: Determine the cost and timing of projects in each catchment that are required which will benefit both existing residents and new developments.
- Step 6: Allocate percentage of the cost of projects in Step 4 to be recovered through developer contributions. This information is provided in the Work Schedule attached as Appendix A.
- Step 7: Allocate a proportion of the costs of projects identified in Step 5 to be funded by general rates based on the number of lots/dwellings in each catchment as at 1 July 2019 divided by the number of lots/dwellings in each catchment as at 30 June 2036.

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Step 8: Allocate the remaining costs of projects in Step 6 to be recovered through developer contributions.

Step 9: Calculate the development contribution by adding the sum of projects in each catchment from Step 5 and Step 7, divided by the number of lots/dwellings in each catchment calculated in Step 3 and times the apportionment rate determined in Step 6.

$$\$C = \sum \left( \frac{\$TP}{ND} \right) \times \%F\$$$

Where:

- \$C** is the amount of contributions per lot/dwelling for a given catchment.
- \$TP** is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold).
- %F\$** is the apportionment of the project cost towards local infrastructure contributions.
- ND** is the amount of new lots/dwellings to be developed within that catchment.

### 5.1 Nexus and Apportionment

There must be an established nexus or relationship between the expected types of development in the area and the demand for public amenities and services. Contributions must also be based on a reasonable apportionment of costs to reflect the needs of new development, the existing community and different land uses.<sup>1</sup>

This Chapter describes how nexus and apportionment have been considered in the preparation of this Plan and the determination of local infrastructure requirements and contributions.

#### 5.1.1 Nexus

In establishing nexus and identifying the projects in the Works Schedule, the following matters have been considered:

- Whether the anticipated development creates a need or increases the demand for the particular public facility;
- What types of facilities will be required to address that demand;
- Whether existing facilities can satisfy that demand (or a component of it); and
- When new facilities or upgrades will be required to satisfy the demand (i.e. thresholds or timing).

<sup>1</sup> Secretary's Practice Note: Local Infrastructure Contributions, published by the NSW Department of Planning, Infrastructure, January 2019.

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**5.1.2 Apportionment**

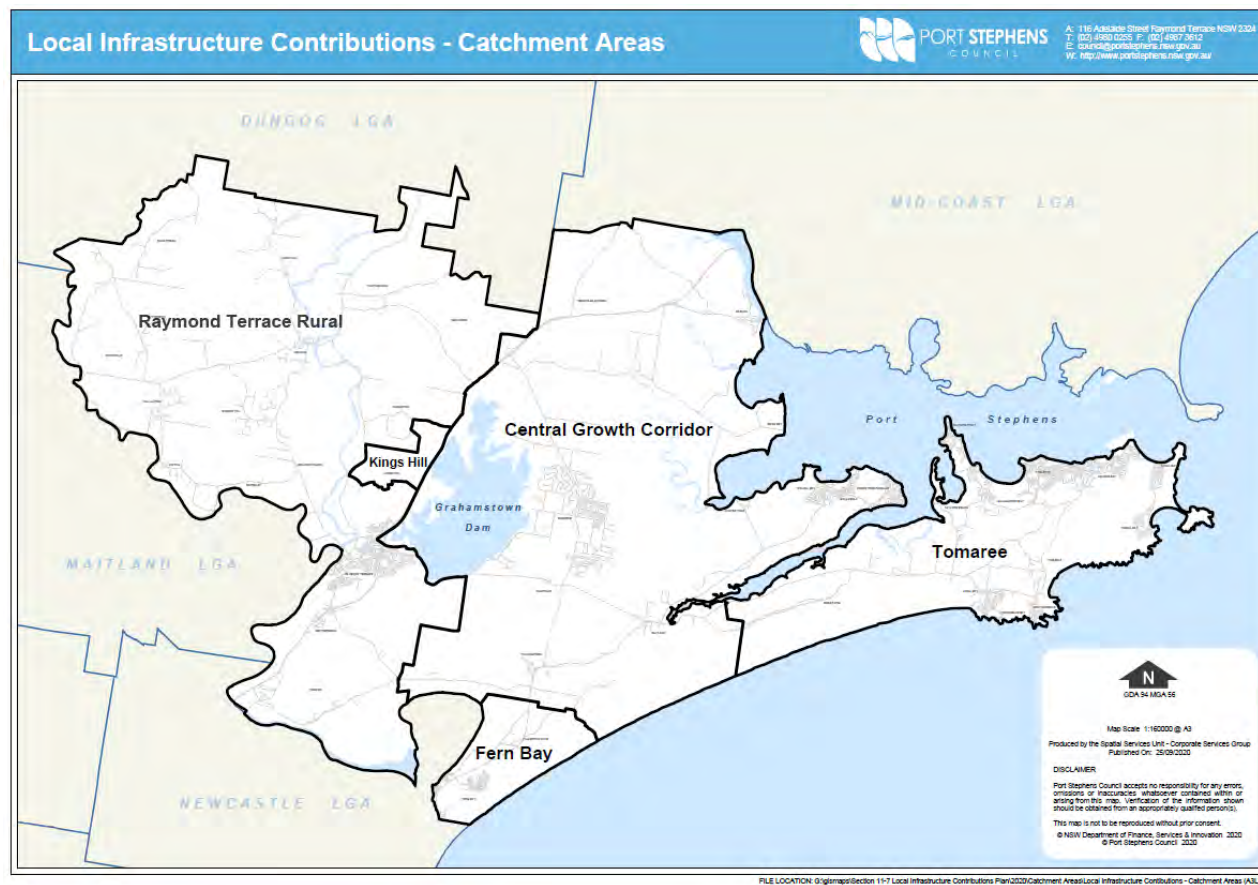
Apportionment ensures that new development pays contributions towards local infrastructure proportionate to the demand created by the new development. The type of new development and land use is considered when estimating the likely future demands. The needs of the existing population and community are also estimated and considered in determining the amount of funding for new infrastructure or upgrades which will be sourced from contributions levied on new development.

**5.2 Contributions Catchments**

The contribution catchments are geographic areas where new development will contribute to the infrastructure items and upgrades identified in the Works Schedule for each catchment. The catchments are areas where new development and the infrastructure it will fund are located and the boundaries of the catchments have been identified based on where and how new populations are likely to access public amenities and services. The size of the catchments have been calculated to promote efficiency in the timing of the provision of infrastructure whilst also ensuring that the spatial nexus between local infrastructure and development is retained. The catchment areas are illustrated in the Catchment Area Map below.

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### 5.3 Local Infrastructure Categories

This Plan provides for Section 7.11 Contributions separated into the categories described below. This Chapter provides a brief description of each category and the nexus identified between expected new development and the local infrastructure to be provided.

#### 5.3.1 Civic Administration – Plan Management

Council must provide resources and expend funds to prepare Contribution Plans, provide for the ongoing administration of plans and the review and preparation of new plans. This includes employee resources as well as consultant costs to prepare background studies.

The services provided by the employees dedicated to the administration of local infrastructure contributions is directly attributable to the increase in demand for public amenities and services created by new development.

It is considered reasonable and equitable that a management charge should apply to the management and administration of the Plan. The management of the Plan is a LGA-wide costs and therefore the rate is split evenly across all catchments and wholly funded by local infrastructure contributions.

The costs of plan management have been determined using estimates of yearly administration based on employee wages, estimates of yearly consumables and estimates of plan costs for plan updates every 5 years. The final contribution amount has been determined using the following formula:

$$\$C = \sum \frac{\$TA}{ND}$$

Where:

- \$C** is the amount of contributions per lot/dwelling for a given catchment.
- \$TA** is the total cost of each activity to administer the Plan over the lifetime of the Plan.
- ND** is the amount of new lots/dwellings to be developed within that catchment.

#### Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the West	<del>\$479</del> <b>\$650</b>
Central Growth Corridor	<del>\$479</del> <b>\$650</b>
Tomaree	<del>\$479</del> <b>\$650</b>
Fern Bay	<del>\$479</del> <b>\$650</b>
Kings Hill URA	<del>\$479</del> <b>\$650</b>

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### 5.3.2 Civic Administration – Works Depots

The Strategic Asset Management Plan (Adopted January 2019) identifies future plans to redevelop and relocate the Raymond Terrace and Nelson Bay works depots. The projects are identified as necessary to meet the needs of future growth and maintain a desired level of service.

A site area for a new works depots at Raymond Terrace is estimated at between 2.02 to 2.6 hectares and for Nelson Bay, between 1.4 to 1.6 hectares. These areas are based on the functional life of a depot facility for a maximum of 50 years, servicing a population of 160,000.

The construction of a new works depot at Raymond Terrace, including all assets and infrastructure, is estimated at \$11.25 million and at Nelson Bay \$7.5 million. It should be noted that the unit costs are strategic estimates and are dependent on the final site selected and construction materials used.

The depots provide a base for Council to provide maintenance and construction services for the entire Port Stephens LGA. The expected population increase will result in additional demand for services operating out of Council's depots, such as road works and construction services. Therefore it is considered reasonable that a portion of contributions collected from development be applied towards the redevelopment of Council's work depots.

It is also identified that the provision of Council services through the works depots is a LGA-wide costs and therefore the rate is split evenly across all catchments.

The funding has been apportioned to take into account the demands of projected growth. The formula below has been used to calculate the contribution:

$$\$C = \sum \left( \frac{\$TP}{ND} \right) \times \%F\$$$

Where:

- \$C** is the amount of contributions per lot/dwelling for a given catchment.
- \$TP** is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold).
- %F\$** is the apportionment of the project cost towards local infrastructure contributions.
- ND** is the amount of new lots/dwellings to be developed within that catchment.

#### Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the West	\$1,250 <b>\$1,257</b>

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Central Growth Corridor	\$1,250	\$1,257
Tomaree	\$1,250	\$1,257
Fern Bay	\$1,250	\$1,257
Kings Hill URA	\$1,250	\$1,257

#### 5.3.3 Town Centre Upgrades

The State Government has identified Raymond Terrace and Nelson Bay as Strategic Centres in the Hunter Regional Plan 2036. The Hunter Regional Plan also identifies Medowie and Fern Bay as a regionally significant centre and the location of current and future housing opportunities in our LGA.

Raymond Terrace provides vital civic and commercial services to the residents of Port Stephens, with the Council administration building, NSW Services and the Port Stephens Hunter Police District headquarters located in the town centre.

Nelson Bay is a primary driver for the visitor and tourist economy in the LGA and Greater Newcastle. Nelson Bay is identified as a regional tourist destination and significant population centre in Port Stephens, offering lifestyle and leisure opportunities for both residents and visitors.

Medowie and Fern Bay are thriving centres earmarked for growth in the State's Hunter Regional Plan. Establishing and consolidating the town centres and surrounding recreation and community facilities will ensure they can service the needs of the growing community and beyond.

To support these strategic centres, Council has prepared local land use strategies that identify town centre improvements and upgrades in Raymond Terrace, Medowie and Nelson Bay to accommodate predicted growth (See the Raymond Terrace and Heatherbrae Strategy, Medowie Planning Strategy, the Nelson Bay Delivery Program and related public domain plans). Additionally Port Stephens Council and City of Newcastle are preparing the Fern Bay/North Stockton Strategy that will unlock the development of a town centre. The Strategic Asset Management Plan (adopted January 2019) also lists identified projects.

Town centre improvements will contain the following works:

- Road and intersection upgrades.
- Street furniture.
- Signage and wayfinding.
- Amenity improvements.
- Kerb and gutter improvements and drainage works

The town centre improvements and upgrades outlined in these plans and strategies will support growth in these strategic centres. The anticipated demand for services and amenities within these centres is likely to increase as a result of population growth caused by new development. Further it is recognised that these regionally significant centres are likely to provide amenities to residents and visitors beyond the boundaries of their respective catchments. Therefore contributions towards town centre upgrades in these centres have been applied equally across the LGA at a common rate.

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The estimated costs within this category has been determined based on works identified within local land use strategies, public domain plans, and the Strategic Asset Management Plan. The apportionment of funding from local infrastructure contributions has been determined taking into account the increased demand on town centres from new development. The below formula has been used to calculate the contribution:

$$\$C = \sum \left( \frac{\$TP}{ND} \right) \times \%F\$$$

Where:

- \$C** is the amount of contributions per lot/dwelling for a given catchment.
- \$TP** is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold).
- %F\$** is the apportionment of the project cost towards local infrastructure contributions.
- ND** is the amount of new lots/dwellings to be developed within that catchment.

#### Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the West	<del>-\$3,369</del> <b>\$3,386</b>
Central Growth Corridor	<del>\$3,369</del> <b>\$3,386</b>
Tomaree	<del>\$3,369</del> <b>\$3,386</b>
Fern Bay	<del>\$3,369</del> <b>\$3,386</b>
Kings Hill URA	<del>\$3,369</del> <b>\$3,386</b>

#### 5.3.4 Public Open Space, Parks and Reserves

Council owned open space, parks and reserves are an important public amenity providing spaces for sport and play, healthy activity, social gathering, and green spaces in urban areas.

Council has prepared an LGA-wide Recreation Strategy to provide the overarching framework and strategic direction for recreation facilities and services in Port Stephens, including open spaces. Council, as a land manager, has also prepared both individual and generic Plans of Management and master plans for Council's parks and open spaces. These documents identify the need for new and augmented infrastructure works and have informed the Works Schedule.

New development will increase our population and place an increased demand for open space, parks and reserves and that this creates an appropriate nexus with the local infrastructure included within the Works Schedule. Projects have been listed where they are of regional value, and therefore attract a high demand from future



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populations, including populations beyond the immediate locality, as well as projects in areas that are already at capacity.

All new park and recreation items are the result of identified new community demand and are required to cater for the Port Stephens community moving forward. Therefore all new facilities will be funded wholly by local infrastructure contributions. Likewise, the acquisition of new land to service an identified community need is linked directly to a requirement for an increased level of service. As such, land acquisitions may be wholly funded through contributions.

The replacement and upgrade of existing park infrastructure involves a review of the park layout, relocation of assets as required and upgrade of the assets with current products. As some assets continue to serve the same purpose, a stronger reliance on replacement is evident with these items and therefore local infrastructure contributions may not fund the entirety of these works. In these instances apportionment of funding from local infrastructure contributions has been determined taking into account the increased demand on town centres from new development.

The below formula has been used to calculate the contribution:

$$\$C = \sum \left( \frac{\$TP}{ND} \right) \times \%F\$$$

Where:

- \$C** is the amount of contributions per lot/dwelling for a given catchment.
- \$TP** is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold).
- %F\$** is the apportionment of the project cost towards local infrastructure contributions.
- ND** is the amount of new lots/dwellings to be developed within that catchment.

### Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the West	<del>\$830</del> <b>\$853</b>
Central Growth Corridor	<del>\$2,255</del> <b>\$2,277</b>
Tomaree	<del>\$2,044</del> <b>\$2,070</b>
Fern Bay	<del>\$342</del> <b>\$365</b>
Kings Hill URA	<del>\$342</del> <b>\$365</b>

### 5.3.5 Sports and Leisure Facilities

Sports and leisure facilities range from large integrated complexes, such as Tomaree Sport Complex and Lakeside Sport Complex, to local level facilities such as skate

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parks, netball courts and tennis courts. These facilities play a vital role in the community, supporting active lifestyles and opportunities for social interactions.

Council has prepared an LGA-wide Recreation Strategy to provide the overarching framework and strategic direction for recreation facilities and services in Port Stephens. Council, as a land manager, has also prepared both individual and generic Plans of Management and master plans for sports and leisure facilities. These documents identify the need for new and augmented infrastructure works, and have informed the Works Schedule.

The anticipated population increase as a result of new development will create additional demand for sports and leisure facilities. Therefore it is considered that there is an appropriate nexus between development and the projects listed in the work schedule under this category.

It should be noted that Council will collect contributions for regional facilities, such as Tomaree Sports Complex and facilities at Lakeside, from development across the entire Port Stephens LGA. This is considered to be reasonable as it is likely that populations outside of their respective geographical catchment will utilise these larger, regional scale facilities.

Sporting and leisure infrastructure is a maintenance heavy asset class. The ongoing maintenance tasks associated with these assets are funded through the Public Domain and Services budget. However, where infrastructure works will increase the capacity of the open space to cater for more regular use as a result of new development (i.e. field renovation, drainage works, surface replacement and flood lighting), the increased level of service is to be reflected in the apportionment of funding from local infrastructure contributions. Should new fields or playing surfaces be required, these assets will provide for an increased level of community service and will be able to be funded wholly through development contributions.

The development of master planning documents for key community and recreation precincts will set the strategic direction for facilities upgrades, inform Council's planning strategies and provide accurate project costings for the implementation of the plan. As such, these plans may be funded through local infrastructure contributions.

The below formula has been used to calculate the contribution:

$$\$C = \sum \left( \frac{\$TP}{ND} \right) \times \%F\$$$

Where:

<b>\$C</b>	is the amount of contributions per lot/dwelling for a given catchment.
<b>\$TP</b>	is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold).
<b>%F\$</b>	is the apportionment of the project cost towards local infrastructure contributions.
<b>ND</b>	is the amount of new lots/dwellings to be developed within that catchment.

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### Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the West	<del>\$1,830</del> \$1,831
Central Growth Corridor	\$2,845
Tomaree	<del>\$1,944</del> \$1,947
Fern Bay	\$1,637
Kings Hill URA	\$1,637

### 5.3.6 Community and Cultural Facilities

Community and cultural facilities can range from multipurpose indoor or outdoor spaces that facilitate social and community interaction, including library facilities and the resources within, to cemeteries.

Multipurpose community facilities can include meeting spaces for centre-based activities such as playgroups, youth, aged and people with a disability. Indoor spaces could include a hall, meeting rooms, offices and activity rooms. Outdoor spaces could include fenced / enclosed areas, play equipment and garden sheds.

Council has identified a range of multipurpose community facilities in the Works Schedule. The anticipated population growth caused by new development will increase the demand for these types of facilities and therefore it is considered that there is an appropriate nexus between development and this category. The funding has been apportioned to take into account the demands of projected growth.

Council provides a public service to the community through the provision of cemeteries. The anticipated population growth through new development will likely increase the demand for these types of facilities and therefore it is considered that there is an appropriate nexus between development and this category.

Libraries provide a focal point for community access to information, recreation and technology resources. As a public service, libraries should attract users of all ages, income levels and backgrounds, providing areas for relaxation, research, leisure, learning and entertainment.

There are currently two branch libraries (Raymond Terrace and Tomaree) and two library lounges (Tilligerry and the mobile library) in Port Stephens. As Council has a desired provision of one branch library for every 20,000 people and one library lounge for every 10,000 people, it is considered that future population growth from new development will cause a demand for additional facilities.

In addition to library facilities, the collection of library resources such as books, ebooks, periodical subscriptions and other media is required to meet public expectations. Council currently has a collection of 96,684 resource items, which is rotated between the branch libraries and library lounges, and Council aims to meet the minimum standards outlined in 'NSW Living Learning Libraries: Standards and Guidelines for NSW Public Libraries'.

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Population growth, residential development and demographic changes significantly influence the demand for library resources. Therefore, it is considered that there is an appropriate nexus between development and the provision of new resources under the plan.

The below formula has been used to calculate the contribution:

$$\$C = \sum \left( \frac{\$TP}{ND} \right) \times \%F\$$$

Where:

- \$C** is the amount of contributions per lot/dwelling for a given catchment.
- \$TP** is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold).
- %F\$** is the apportionment of the project cost towards local infrastructure contributions.
- ND** is the amount of new lots/dwellings to be developed within that catchment.

#### Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the West	<del>\$437</del> <b>\$439</b>
Central Growth Corridor	<del>\$437</del> <b>\$439</b>
Tomaree	<del>\$1,317</del> <b>\$1,323</b>
Fern Bay	<del>\$437</del> <b>\$439</b>
Kings Hill URA	<del>\$437</del> <b>\$439</b>

#### 5.3.7 Road Works

Council provides a public service to the community through the provision of new roads and the upgrade of existing roads. This service applies to local roads within the Port Stephens LGA.

The Plan provides the means of collecting contributions from new development and expending payments received on identified local road projects, on a prioritised basis.

This Plan provides for all new development that will lead to increased traffic generation to contribute. It is based on there being zero traffic generation from vacant land at the date of adoption of this Plan.

The nexus has been established through considering the following:

- The anticipated increase in external traffic (to and from the new development) which will create a demand for improvements to the existing road network.
- The nexus between the anticipated development and the improvements to the existing road network taking into account :

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- The traffic generated according to the type of development;
- The expected increase in traffic as a consequence of that development;
- The availability, status and capacity of the existing road network;
- The extent to which the proposed road network will meet the needs of the public;
- Those road projects which will be used on a collective basis within the districts; and
- Apportionment of costs to reflect the sharing of the roadwork projects between existing population/road users and those users created by new development.

The Works Schedule identifies:

- Projects which have or will be undertaken to satisfy future demand; and
- Projects that are proposed to be undertaken within a timeframe related to the collection of anticipated income from contributions and the Council apportioned income.

To determine the growth of traffic from new development, the total projected traffic generation for road works has been determined by extending the existing traffic generation by the expected growth rate over the life of the Plan.

In determining the apportionment, Council has considered the ratio of complete replacement against the cost of upgrade. This is shown using the following formula:

$$\%F^{\$} = \frac{C^u - C^l}{C^u}$$

Where:

**$\%F^{\$}$**  is the apportionment of costs towards local infrastructure contributions.

**$C^u$**  is the cost of upgrade.

**$C^l$**  is the current literal replacement cost.

Based on the apportionment, the below formula has been used to calculate the contribution:

$$\$C = \sum \left( \frac{\$TP}{ND} \right) \times \%F^{\$}$$

Where:

**$\$C$**  is the amount of contributions per lot/dwelling for a given catchment.

**$\$TP$**  is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold).

**$\%F^{\$}$**  is the apportionment of the project cost towards local infrastructure contributions.

**$ND$**  is the amount of new lots/dwellings to be developed within that catchment.

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### Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the West	<del>\$5,340</del> <b>\$5,661</b>
Central Growth Corridor	<del>\$3,186</del> <b>\$3,206</b>
Tomaree	<del>\$3,545</del> <b>\$3,544</b>
Fern Bay	<del>\$2,685</del> <b>\$3,931</b>
Kings Hill URA	\$0

### 5.3.8 Medowie Traffic and Transport

Medowie, which is identified as a regionally significant centre in the Hunter Regional Plan 2036 and Greater Newcastle Metropolitan Plan 2036, is slated for long-term housing growth with a number of urban release areas and potential future growth opportunities identified.

The additional population generated because of development will create additional vehicle, pedestrian and cycle movements. The impacts of increased traffic in the area and on adjoining intersections and other road connections has been considered and appropriate facilities and upgrades identified to maintain appropriate safety and amenity.

An assessment of the future traffic and transport needs for Medowie has been carried out to determine future requirements as the result of Medowie's growth. This was undertaken as a series of Local Area Traffic Management studies prepared by Urban Research and Planning (URaP) in 2017. The studies identified works that are to be implemented within designated time periods throughout Medowie. These works have informed the projects listed within the Works Schedule.

The need for the proposed traffic and transport upgrades and infrastructure has been determined on the basis of an analysis of the road network, safety measures, environmental capacities of roads for the existing traffic situation, as well as the estimated additional traffic resulting from forecast growth in terms of population, land use, and floor space area within Medowie. From this, an appropriate nexus has been identified and the cost of works has been apportioned between the existing community and future development accordingly.

It should be noted that this category is unique to the Central Catchment and the contributions will only apply to new development in that catchment.

The apportionment rate has been determined based on the percentage of population increase expected in the catchment area. Therefore local infrastructure contributions will only be applied towards the portion of expected population increase.

The below formula has been used to calculate the contribution:

$$\$C = \sum \left( \frac{\$TP}{ND} \right) \times \%F\$$$

Where:

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<b>\$C</b>	is the amount of contributions per lot/dwelling for a given catchment.
<b>\$TP</b>	is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold).
<b>%F\$</b>	is the apportionment of the project cost towards local infrastructure contributions.
<b>ND</b>	is the amount of new lots/dwellings to be developed within that catchment.

### Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the West	\$0
Central Growth Corridor	<del>\$3,137</del> <b>\$3,093</b>
Tomaree	\$0
Fern Bay	\$0
Kings Hill URA	\$0

### 5.3.9 Shared Pathways

A shared pathway is an area open to the public that is designated for use by both bicycle riders and pedestrians. Shared pathways are an important piece of local infrastructure to ensure active transportation between development and existing areas, including town centres.

Council's Pathway Plans and locational Pedestrian Access and Mobility Plans (PAMPs) identify current and planned shared pathways. The anticipated population increase as a result of new development will create additional demand for these identified pathways. Therefore it is considered that there is an appropriate nexus between development and the projects listed in the Works Schedule under this category.

Similar to projects in public open space, parks and reserves, all new pathways that provide an improved level of service to the community will be funded wholly by local infrastructure contributions.

The below formula has been used to calculate the contribution:

$$\$C = \sum \left( \frac{\$TP}{ND} \right) \times \%F\$$$

Where:

<b>\$C</b>	is the amount of contributions per lot/dwelling for a given catchment.
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- \$TP** is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold).
- %F\$** is the apportionment of the project cost towards local infrastructure contributions.
- ND** is the amount of new lots/dwellings to be developed within that catchment.

## Calculation of Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the West	<del>\$3,850</del> <b>\$4,203</b>
Central Growth Corridor	<del>\$498</del> <b>\$474</b>
Tomaree	<del>\$3,247</del> <b>\$3,262</b>
Fern Bay	<del>\$2,798</del> <b>\$3,448</b>
Kings Hill URA	\$0

## 5.3.10 Bus Facilities

Whilst Transport for NSW controls the routes and operations of buses in the Port Stephens LGA, it is Council's responsibility to provide the local infrastructure, such as seating and shelters.

All forms of urban development, including residential, will result in a need for public transport. Shelters and seating are an integral part of bus facilities to provide comfort and weather protection for the public.

Council has identified a number of projects within the Works Schedule and appropriately apportioned local infrastructure contributions against these works. The anticipated population increase as a result of new development will create additional demand for these bus facilities. Therefore it is considered that there is an appropriate nexus between development and the projects listed in the Works Schedule under this category.

$$\$C = \sum \left( \frac{\$TP}{ND} \right) \times \%F\$$$

Where:

- \$C** is the amount of contributions per lot/dwelling for a given catchment.
- \$TP** is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold).
- %F\$** is the apportionment of the project cost towards local infrastructure contributions.



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**ND** is the amount of new lots/dwellings to be developed within that catchment.

### Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the West	\$18
Central Growth Corridor	\$32
Tomaree	<del>\$12</del> \$9
Fern Bay	<del>\$1,116</del> \$1,111
Kings Hill URA	\$0

### 5.3.11 Fire and Emergency

Council undertakes a number of activities on behalf of, and in consultation with, emergency services such as the Rural Fire Service and State Emergency Services. This includes the construction and upgrade of emergency facilities on Council owned land.

Port Stephens often suffers from a number of natural disasters, including bushfires, flooding and storm events, which requires action from emergency services. Therefore the facilities provided by Council play a vital public service role to the community.

The anticipated population increase as a result of new development will create additional demand for fire and emergency services. Therefore it is considered that there is an appropriate nexus between development and the projects listed in the Works Schedule under this category.

The capital replacement of emergency services facilities is linked to a community requirement for an increased level of service. These replacements occur intermittently and similar to community facilities, involve a significant budget allowance. As these facilities have wide ranging community benefits to existing and future populations, the apportionment of funding from local infrastructure contributions has been determined taking into account the increased demand from new development.

The below formula has been used to calculate the contribution:

$$\$C = \sum \left( \frac{\$TP}{ND} \right) \times \%F$$

Where:

**\$C** is the amount of contributions per lot/dwelling for a given catchment.

**\$TP** is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold).

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**%F\$** is the apportionment of the project cost towards local infrastructure contributions.

**ND** is the amount of new lots/dwellings to be developed within that catchment.

### Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the West	\$36
Central Growth Corridor	\$0
Tomaree	\$243
Fern Bay	\$0
Kings Hill URA	\$0

### 5.3.12 Flood and Drainage Works

As a result of local characteristics, the Port Stephens LGA suffers from a range of flooding and drainage issues. New development can increase the amount of non-porous area, which then results in additional flow rates and volume and impacts the existing flooding and drainage network. Therefore it is considered that there is a suitable nexus between flood and drainage works and new development generally.

Council has identified a number of projects relating to flooding and drainage through the Strategic Asset Management Plan. This Plan identifies a number of those projects to be funded by contributions in the Works Schedule where new development will have an impact. The cost of the works have been appropriately apportioned towards local infrastructure contributions.

Therefore it is considered that there is an appropriate nexus between new development and the projects listed in the Works Schedule under this category.

The flooding and drainage works listed in the Work Schedule are anticipated to benefit both existing and identified future residential land. In order to determine the amount to be funded by local infrastructure contributions, Council has determined the approximate area of land that would be positively affected by the works. The percentage of the developable land resulting from the works is taken to be the percentage amount funded by local infrastructure contributions.

The below formula has been used to calculate the contribution:

$$\$C = \sum \left( \frac{\$TP}{ND} \right) \times \%F\$$$

Where:

**\$C** is the amount of contributions per lot/dwelling for a given catchment.

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<b>\$TP</b>	is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold).
<b>%F\$</b>	is the apportionment of the project cost towards local infrastructure contributions.
<b>ND</b>	is the amount of new lots/dwellings to be developed within that catchment.

#### Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the West	<del>\$718</del> <b>\$714</b>
Central Growth Corridor	<del>\$1,764</del> <b>\$1,770</b>
Tomaree	<del>\$1,875</del> <b>\$1,863</b>
Fern Bay	\$0
Kings Hill URA	\$0

#### 5.3.13 Cross Boundary Contributions

Section 7.14 of the Act enables conditions to be imposed for contributions for the benefit of an area that adjoins the local government area in which the new development is to be carried out. A contributions plan approved by both councils can set out the apportionment between councils.

This Chapter provides for the local infrastructure contributions to be paid between Council and the City of Newcastle in specified areas. The contribution is required to be paid at a time specified in the condition imposing the contribution, however if no time is specified, the contribution must be paid in accordance with Chapter 3.4 Timing of Settlement in this Plan.

#### City of Newcastle

These site-specific contributions will apply to land in the localities of Fern Bay and Fullerton Cove as shown in the Catchment Area Map.

The anticipated residential growth within Fern Bay and Fullerton Cove will result in demand for local infrastructure located within both Newcastle and Port Stephens LGAs. This demand will require the upgrade of existing facilities, as well as require the provision of new local infrastructure in both LGAs. This category relates to works within the City of Newcastle LGA only as projects within Fern Bay and Fullerton Cove will be funded by contributions collected under other categories.

Council, with the assistance of the City of Newcastle, has identified a number of projects that the cross boundary contribution will fund in the Works Schedule.

The costs will be shared between Port Stephens and City of Newcastle based on the percentage of the expected population increases. Using projection data provided by the City of Newcastle's website and detailed projections undertaken by Port Stephens Council for the preparation of this plan, it is expected that the population of

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the Fern Bay/Fullerton Cove and Stockton area will increase by 1,314. Of that increase, it is expected that 79.1% will occur in Fern Bay/Fullerton Cove. Therefore, contributions from Port Stephens Council will contribute 79.1% towards the total costs of projects. A formula is provided below:

$$\%PSC = \frac{PFB}{PopTot}$$

Where:

**%PSC** is the proportion of costs towards Port Stephens Council.

**PFB** is the projected population increase in Fern Bay, taken to be 1,039.

**PopTot** is the projected population increase in Fern Bay and Stockton, taken to be 1,314

The below formula is then used to calculate the contribution:

$$\$C = \sum \left( \frac{\$TP}{ND} \right) \times \%F\$$$

Where:

**\$C** is the amount of contributions per lot/dwelling for a given catchment.

**\$TP** is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold).

**%F\$** is the apportionment of the project cost towards local infrastructure contributions.

**ND** is the amount of new lots/dwellings to be developed within that catchment.

All of the contributions received under this category will be wholly apportioned to the City of Newcastle.

It should be noted that these contributions will only apply to new development in the Fern Bay/Fullerton Cove catchment because there is only a nexus between the cross boundary infrastructure requirements and development in that catchment.

### Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the West	\$0
Central Growth Corridor	\$0
Tomaree	\$0
Fern Bay	<del>\$3,324</del> <b>\$3,309</b>
Kings Hill URA	\$0

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### 5.3.14 Road Haulage

There are a number of extractive industries operating in the Port Stephens LGA and there could be opportunities for new development or expansion of existing sites, subject to relevant approvals.

Extractive industries generate significant truck movements in Port Stephens, which impacts the road performance and conditions along haulage routes. To offset the impact of haulage associated with mining and extractive industry, this Plan authorises the consent authority to apply a haulage contribution rate where an application is made for such a use. It should be noted that the haulage rate will apply to the proposed haulage route for the life of the development (subject to CPI amendments) and contributions collected will only go towards the road repairs, resealing, upgrading and reconstruction of that road.

The contributions rate for heavy haulage has been calculated based on the following:

- Step 1: Determine the design Equivalent Standard Axles (ESA) per applicable vehicle (classes 3-12) for affected local roads.

$$dESA = \frac{365 \times AADT \times ESA \times DL \times DF}{NoHR}$$

Where:

**dESA** is the design ESA.

**AADT** is the annual average daily traffic count for heavy vehicles over Council's haulage routes.

**ESA** is the average ESA per heavy vehicle.

**DL** is the design life in years.

**DF** is the directional distribution factor.

**NoHR** is the number of haulage routes used to determine the ESA and AADT

- Step 2: Estimate the cost to reconstruct/maintain one lane for one kilometre for the above ESA, which is based on the capital cost, maintenance cost and whole of life cost for Council's haulage routes.

- Step 3: Calculate the reconstruction/maintenance cost per ESA per km by dividing the outcome from Step 2 by the outcome from Step 1.

$$\$km = \frac{\$M}{dESA}$$

Where:

**\$km** is the cost of maintenance per ESA per km.

**dESA** is the design ESA calculated in step 1.

**\$M** is the cost to reconstruct/maintain one land for one kilometre.

- Step 4: Determine the typical heavy haulage vehicle ESA (assumed at 2.6 ESA based on a typical truck and dog combination).

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- Step 5: Calculate the reconstruction/maintenance cost per typical heavy haulage vehicle per km by multiplying the outcome from Step 3 by the outcome from Step 4.

$$\$HVkm = \$km \times hvESA$$

Where:

***\$HVkm*** is the maintenance cost per typical heavy vehicle.

***\$km*** is the cost of maintenance per ESA per km as calculated in step 3.

***hvESA*** is the heavy vehicle ESA.

- Step 6: Determine the typical load per typical heavy haulage vehicle (assumed at 15 tonnes).

- Step 7: Calculate the reconstruction/maintenance cost per tonne per km by dividing the outcome from Step 5 by the outcome from Step 6.

$$\$tkm = \frac{\$HVkm}{t}$$

Where:

***\$tkm*** is the maintenance cost per tonne per km.

***\$HVkm*** is the maintenance cost per typical heavy vehicle as calculated in Step 5.

***t*** is the typical load per typical heavy vehicle.

- Step 8: Determine the administration on-cost applicable relating this Plan, i.e. the preparation, implementation and administration as a proportion of the calculated cost of reconstruction/maintenance (calculated at 2.79%).

- Step 9: Calculate the total contribution rate by multiplying the outcome from Step 8 by the outcome from Step 7.

$$\$CR = \$tkm \times (100\% + \$PA)$$

Where:

***\$CR*** is the contribution rate per tonne per kilometre.

***\$tkm*** is the maintenance cost per tonne per km.

***\$PA*** is the cost of administering the Plan.

Based on the above, the contribution rate set out below will apply to this development type across the entire Port Stephens LGA. Notwithstanding the above, Council will accept a variation to the below contribution rate where it is justified by a Traffic and Transport Economic Study that has been prepared to the satisfaction of Council.

### Section 7.11 Contribution:

\$0.0856/t/km (which is equivalent to \$1.2347/t based on a 14.5km haulage route)

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Port Stephens Local Infrastructure Contribution Plan

**5.3.15 Kings Hill Urban Release Area****Introduction**

This chapter addresses the contributions that apply to development in the urban release area known as Kings Hill, namely:

- a) Contributions for local infrastructure within the Kings Hill area catchment,
- b) Contributions for Kings Hill and Raymond Terrace, and
- c) Contributions for LGA wide infrastructure

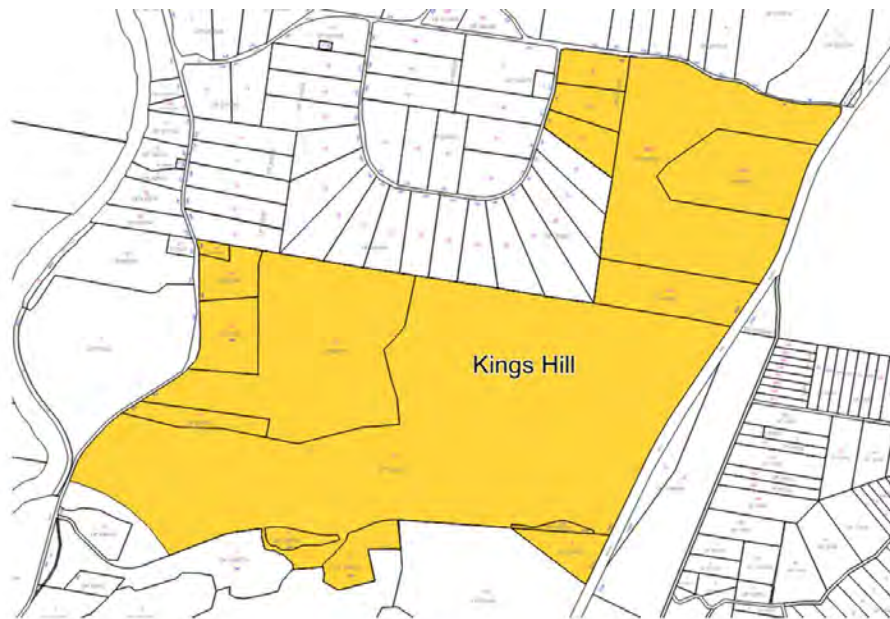
Contributions (b) and (c) are described elsewhere in other sections of the Plan.

This section of the Plan is subject to all the administration, indexation and other matters contained in other sections of the Plan.

**Area and Expected Development**

Kings Hill Urban Release Area (URA) is located to the north of Raymond Terrace, bordered by the Pacific Highway to the east and the localities of Eagleton (north) and Nelsons Plains (west) as shown in Figure 1.

The site was rezoned by the NSW Government in 2010 for residential, commercial, recreation and environmental management/conservation areas.



Source: Port Stephens Council

**Figure 1 Kings Hill Urban Release Area**

Kings Hill URA is expected to provide 3,500 new dwellings that will house a population of about 8,750 people. Development will comprise a variety of dwelling forms and non-residential development.

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### Port Stephens Local Infrastructure Contribution Plan

#### Infrastructure Needs

##### Stormwater drainage, highway access and school

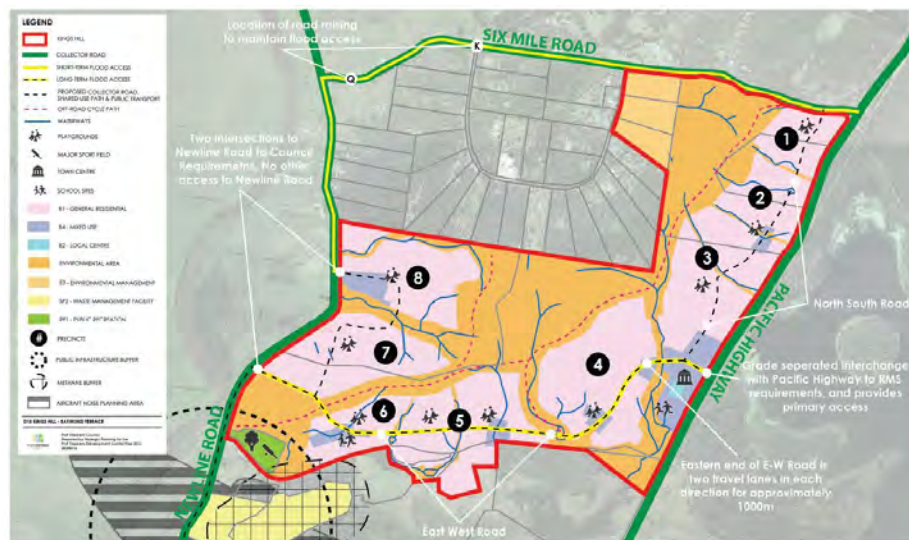
Due to water quality impacts to the drinking water catchment known as Grahamstown Dam to the east of the release area, the State Government proposed the construction of drainage infrastructure along the eastern boundary.

Future access into Kings Hill will be provided by an interchange at the Pacific Highway. The interchange will be constructed and delivered by Transport for NSW and it is possible that up to 400 lots may be able to be constructed before the interchange is required, provided flood free access is maintained.

Developers are expected to make monetary contributions toward the provision of the drainage and interchange infrastructure, together with the dedication of land for a public school, via a separate planning agreement with the NSW Government.

##### Local infrastructure needs and nexus

The local infrastructure needs of Kings Hill were first outlined in Part D14 of the Port Stephens Development Control Plan, as shown in the 'locality controls map' of that plan (Figure 2 below).



Source: Port Stephens Council DCP

**Figure 2 Indicative layout of Kings Hill Urban Release Area**

Since the DCP was prepared, Council commissioned the following studies to better understand the demand created by Kings Hill URA:

- Kings Hill Urban Release Area Community and Recreation Infrastructure Study (2020), GHD



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## Port Stephens Local Infrastructure Contribution Plan

- Kings Hill Residential Lands Rezoning Updated Traffic and Transport Study (2019), GHD
- Draft Port Stephens Demographic and Housing Overview (May 2019), REMPLAN
- Kings Hill Flood Free Access Review Study (Nov 2017), BMT WBM

The studies have informed the local infrastructure requirements for Kings Hill URA included in the Plan. Some of the items identified by the studies are not included in the works schedule to contain the costs or because they can be provided by other means. The cost associated with some of the infrastructure has been updated since the publication of the studies because there has been further investigation of the existing site conditions and constraints.

The schedule of infrastructure land and works that Kings Hill URA development will contribute towards is included in Appendix A. The schedule contains details of costs, cost apportionment and staging. Locations of facilities are shown on the map in Appendix D.

The following is a summary of the infrastructure items.

- 1) Local infrastructure in the Kings Hill URA:
  - a) Traffic and transport:
    - East-west collector road – from Pacific Highway interchange works to Newline Road
    - East-west collector road intersection with north-south collector road
    - East-west collector intersection with Newline Road
    - Newline Road shoulder widening
    - William Bailey Street, Seaham Road, Newline Road & Port Stephens Street intersection upgrade including signalisation<sup>2</sup>
    - Newline Road shared pathway
  - b) Community and recreation and emergency services
    - Multi-purpose community space with pop-up library
    - RFS building
    - District park
    - Skate park
    - Multi-purpose sports court

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<sup>2</sup> Located outside the URA, the costs of these works are apportioned 45% to Kings Hill URA development – i.e. Kings Hill traffic as a percentage of overall traffic growth

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## Port Stephens Local Infrastructure Contribution Plan

## 2) Kings Hill and Raymond Terrace:

The increase in population because of the Kings Hill URA development, will also place additional demand for some of the regional community and recreation services beyond the site.

The items identified include:

- Central library expansion
- Cemetery expansion and niche walls
- Upgrades to Riverside Park and Lakeside Reserve
- Lakeside district sports complex
- Fitzgerald bridge reserve
- Indoor sports and recreation centre

## 3) LGA wide infrastructure

The Plan levies contributions across Port Stephens LGA for infrastructure that services an LGA wide catchment. These contributions are discussed in Sections 5.3.1 – 5.3.6 of the Plan, and include:

- Administration and plan management
- Council works depot
- Town centre upgrades
- Public open space, parks and reserves – regional facilities
- Sports and leisure – regional facilities
- Community and cultural – regional facilities

**Apportionment and Contribution Rate Calculation***Traffic and transport*

All items inside the Kings Hill URA are required to accommodate the demand created by the new residents of Kings Hill. For this reason, the costs of these infrastructure works are apportioned entirely to the future development.

The widening of Newline Road and the intersection of William Bailey Street, Seaham Road, Newline Road and Port Stephens Street is to accommodate the demand created by existing residents of Raymond Terrace and the future residents of Kings Hill. It is reasonable that for the purposes of determining the contribution rate, the

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### Port Stephens Local Infrastructure Contribution Plan

costs of the infrastructure are apportioned to both the existing and future development. The cost of the works apportioned to Kings Hill is 45%.<sup>3</sup>

The contribution calculation is as follows:

$$\text{Contribution per person (\$)} = \sum \left( \frac{\$INF \times A\%}{D} \right)$$

Where:

- \$INF** is the estimated cost of providing each infrastructure item in this category, in dollars
- A%** is the proportion of the infrastructure item cost that new development should reasonably be required to pay
- D** is the expected residential development in Kings Hill URA (i.e. 3,500 lots).

Using the above formula, the contribution per lot is \$12,552.00

### Community and recreation and emergency services

All the facilities proposed within the release area are to accommodate the demand created by the new residents of Kings Hill. For this reason, the costs of infrastructure works are apportioned entirely to the future development.

The contribution calculation is as follows:

$$\text{Contribution per person (\$)} = \sum \left( \frac{\$INF \times A\%}{D} \right)$$

Where:

- \$INF** is the estimated cost of providing each infrastructure item in this category, in dollars
- A%** is the proportion of the infrastructure item cost that new development should reasonably be required to pay
- D** is the expected residential development in Kings Hill URA (i.e. 3,500 lots).

Using the above formula, the contribution per lot is \$2,546.00

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<sup>3</sup> Apportionment is provided in the GHD traffic and transport study. It is calculated as the Kings Hill traffic as a percentage of the overall traffic growth.

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## Port Stephens Local Infrastructure Contribution Plan

### Kings Hill and Raymond Terrace

All the facilities are to accommodate the demand created by existing residents of Raymond Terrace and the future residents of Kings Hill URA. It is reasonable that for the purposes of determining the contribution rate, the costs of the infrastructure are apportioned to both the existing and future development. The apportionment<sup>4</sup> to Kings Hill is as follows.

INFRASTRUCTURE ITEM	APPORTIONMENT TO KINGS HILL URA
Library expansion	12%
Cemetery expansion	12%
Cemetery niche walls	50%
Indoor sports and recreation centre	12%
Fitzgerald bridge reserve	28%
Riverside Park and Lakeside Reserve	28%
Lakeside sports complex	28%

The contribution calculation is as follows:

$$\text{Contribution per person} = \sum \left( \frac{\$INF \times A\%}{D} \right)$$

Where:

**\$INF** is the estimated cost of providing each infrastructure item in this category, in dollars

**A%** is the proportion of the infrastructure item cost that new development should reasonably be required to pay

**D** is the expected residential development in Kings Hill URA (i.e. 3,500 lots).

Using the above formula, the contribution per lot is \$731.00

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<sup>4</sup> Apportionment is provided in the GHD Kings Hill Urban Release Area Community and Recreation Infrastructure Study. It is calculated as the Kings Hill population as a percentage of the combined Raymond Terrace/Kings Hill population.

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Port Stephens Local Infrastructure Contribution Plan

*LGA wide facilities*

The new development in Kings Hill will be required to contribute their share of the infrastructure items that are apportioned to all new development in the Port Stephens LGA. The infrastructure item costs are contained in Table 1 of the Executive Summary of the Plan.

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# Appendix A

## Work Schedule

A.1	Depot and Administration Building
A.2	Town Centre Upgrades
A.3	Public Open Space, Parks & Reserves
A.4	Sports & Leisure Facilities
A.5	Community & Cultural Facilities
A.6	Road Works
A.7	Medowie Traffic & Transport
A.8	Shared Paths
A.9	Bus Facilities
A.10	Fire and Emergency Services
A.11	Flooding and Drainage Works
A.12	Newcastle Council Cross Boundary Projects
A.13	Kings Hill Urban Release Area

The Work Schedule gives detail of the specific public amenities and services proposed by the Council, together with an estimate of their cost and staging.

Both staging and costs will be reviewed annually in line with capital works programming and a full review of Works Schedules will be conducted every 5 years.

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**A.1    Depot and Administration Buildings**

**All Catchments**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
CAF1	Raymond Terrace Works Depot	11,250,000	60%	2020
CAF2	Nelson Bay Works Depot	7,500,000	60%	2020
<b>Total Estimate</b>		<b>18,750,000</b>		

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## A.2 Town Centre Upgrades

### All Catchments

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
TCU1	Medowie – Town Centre Upgrades	7,500,000	60%	2036
TCU2	Fern Bay – Town Centre Upgrades	7,500,000	60%	2036
TCU3	Nelson Bay – Town Centre Upgrades	15,000,000	60%	2036
TCU4	Raymond Terrace – Town Centre Upgrades	20,500,000	60%	2036
Total Estimate		50,500,000		



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A.3 Public Open Space, Parks and Reserves

Raymond Terrace - Rural

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
OSF1	Kinross Park, Raymond Terrace – playground replacement	70,000	60%	2020
OSF2	Lakeside 2 Reserve, Raymond Terrace - public amenities	150,000	100%	2020-2024
OSF3	Bettles Park, Raymond Terrace – park improvements, entry feature, succession planting, park furniture etc.	120,000	40%	2020
OSF4	Feeney Park, Raymond Terrace – playground	70,000	60%	2020-2030
OSF5	Seaham Park, Seaham – playground	150,000	60%	2020-2027
OSF6	Seaham Park, Seaham – park furniture, shelters and BBQ	60,000	40%	2020-2027
OSF7	Kitty Hawk, Raymond Terrace – playground, park furniture and shade trees	120,000	60%	2024
OSF8	Raymond Terrace Foreshore, Raymond Terrace - Riverside Park - public amenities	150,000	60%	2025
OSF9	Wallalong – playground	150,000	60%	2025
OSF59	Playground Upgrade - Elkin Ave Reserve- Replacement	80,000	70%	2024
OSF60	Boomerang Park Irrigation upgrade	55,000	60%	2029
Total Estimate		1,040,000 \$985,000		

Central Growth Corridor

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
OSF10	Boyd Oval, Medowie – play facilities, furniture, paths and landscape improvements	70,000	60%	2020
OSF11	Aliceton Reserve, Karuah – landscaping, playground and recreation facilities	250,000	100%	2020-2023
OSF12	Memorial Park, Karuah – park furniture and carpark works	50,000	40%	2020-2025
OSF13	Kindlebark Reserve, Medowie – playground	70,000	60%	2020-2028
OSF14	Kooindah Park to Rudd Reserve, Lemon Tree Passage - park furniture and respite seating	50,000	100%	2020-2024
OSF15	Peace Park, Tanilba Bay – park furniture and BBQ facilities	50,000	60%	2020
OSF16	Aliceton Reserve, Karuah – public amenities	150,000	100%	2024-2023
OSF17	Medowie - playground, amenities, park furniture, paths and landscape improvements	2,000,000	100%	2024-2026
OSF18	Coolabah Reserve, Medowie – park furniture, seating and half multi-sport court	70,000	60%	2024
OSF19	Crichton Drive Reserve, Medowie - playground	70,000	60%	2024-2029
OSF20	Coachwood Reserve, Medowie – off-leash dog exercise area improvements	80,000	40%	2024
OSF21	Henderson Park, Lemon Tree Passage – masterplan and design	30,000	100%	2024
OSF22	Henderson Park, Lemon Tree Passage – upgraded paths, landscaping, park furniture and BBQ	150,000	60%	2024
OSF23	Foster Park, Tanilba Bay – boat ramp	300,000	60%	2024-2027
OSF24	Gula Reserve, Tanilba Bay - playground	70,000	60%	2024-2029
OSF25	Lilly Pilly Reserve, Lemon Tree Passage - boat ramp	300,000	60%	2025
OSF26	McCann Park, Lemon Tree Passage - recreation facility improvements	150,000	60%	2025
OSF27	Kooindah Park, Lemon Tree Passage - formalise off-leash dog exercise area	80,000	100%	2025
OSF28	Sunset Park, Tanilba Bay - park furniture and upgrade works	60,000	40%	2025
OSF29	Henderson Park, Lemon Tree Passage - playground	150,000	60%	2031
OSF30	Medowie South – open space land acquisition	750,000	100%	2031
OSF31	Medowie North – open space land acquisition	750,000	100%	2031
OSF61	Salt Ash Amenities Building	120,000	60%	2024

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OSF69	Medowie South - open space land acquisition	750,000	100%	2031
OSF70	Medowie North - open space land acquisition	750,000	100%	2031
Total Estimate		5,700,000		

Tomaree

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
OSF32	Conroy Park Upgrades, Corlette – park furniture, shelters and BBQs	80,000	40%	2020-2024
OSF33	Spencer Park, Soldiers Point - playground and park furniture	190,000	60%	2020-2023
OSF34	Taylors Beach – playground	70,000	60%	2020-2023
OSF35	Little Beach, Nelson Bay – playground facilities upgrade	150,000	60%	2024
OSF36	George Reserve, Soldiers Point – playground, accessible pathways, landscaping and park furniture	250,000	60%	2024
OSF37	Shoal Bay Foreshore Reserve, Shoal Bay – park furniture, shelters and park facilities upgrades	200,000	100%	2024
OSF38	Anna Bay Recreation Area, Anna Bay - facilities improvement	100,000	60%	2025
OSF39	Angophora Park, Corlette - playground and park furniture	110,000	60%	2025-2027
OSF40	Conroy Park, Corlette – public amenities block	150,000	60%	2025
OSF41	Barry Park, Fingal Bay – park furniture and improvements	60,000	60%	2025
OSF42	Fisherman's Bay – park furniture and shelters	60,000	60%	2025
OSF43	One Mile Beach, One Mile – park furniture, shelters and BBQs	60,000	60%	2025
OSF44	Bob Cairns, Salamander Bay - playground	70,000	60%	2025
OSF45	Pearson Park, Soldiers Point – park furniture upgrade	70,000	40%	2025-2027
OSF46	Birubi Point Aboriginal Place, Anna Bay -masterplan implementation	1,000,000	60%	2025
OSF47	Boat Harbour – seating, shelters and BBQs	80,000	40%	2031
OSF48	Little Beach, Nelson Bay – car park upgrade	850,000	80%	2031
OSF62	Fingal Bay Foreshore - Furniture Replacement and Amenities	295,000	60%	2023
OSF63	Korora Oval Playground	80,000	60%	2024
OSF64	Shoal bay east amenities	140,000	60%	2025
OSF65	Taylors beach foreshore reserve furniture	40,000	60%	2026
OSF67	Neil Carroll Amenities	88,000	60%	2024
Total Estimate		3,550,000 3,683,000		

All Catchments

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
OSF49	Boomerang Park Raymond Terrace – off-leash dog exercise area	80,000	100%	2020
OSF50	Lakeside Aquatic Centre, Raymond Terrace – facilities upgrades	500,000	60%	2025
OSF51	Tomaree Aquatic Centre, Nelson Bay – facilities upgrades	500,000	60%	2025
OSF52	Tilligerry Aquatic Centre, Mallabula – facilities upgrades	200,000	60%	2025
OSF53	Nelson Bay Foreshore, Nelson Bay - playground upgrades and park facilities improvements	750,000	80%	2025-2030
OSF54	Nelson Bay Foreshore, Nelson Bay - viewing platforms, lighting, beach facilities, beach access points, landscape improvement	500,000	80%	2025-2030
OSF55	Apex Park redevelopment, Nelson Bay – implementation of masterplan	500,000	80%	2025-2027
OSF56	Boomerang Park, Raymond Terrace – playground upgrade, park facilities improvements and skate park improvements	500,000	80%	2025
OSF57	Fly Point Reserve, Nelson Bay – skate park improvements	250,000	80%	2025
OSF58	Boomerang Park, Raymond Terrace – car park upgrade	600,000	81%	2030

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OSF68	Boomerang Park, Raymond Terrace – playground upgrade, park facilities improvements and skate park improvements	600,000	80%	2030
Total Estimate		<del>4,380,000</del> 4,400,000		

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A.4 Sports and Leisure Facilities

Raymond Terrace - Rural

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SRF1	Lakeside Sports Complex, Raymond Terrace - Field renovation	200,000	60%	2025
SRF2	Brandon Park, Seaham - netball and tennis surface upgrades	150,000	60%	2025
SRF3	Brandon Park, Seaham - carpark upgrades	80,000	60%	2025
SRF23	Brandon Park, Seaham - facility upgrades including pathways, amenities, lighting, landscaping	80,000	60%	2023
Total Estimate		430,000		

Central Growth Corridor

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SRF4	Mallabula Sports Complex, Mallabula - playground upgrades	400,000	60%	2020
SRF5	Mallabula Sports Complex, Mallabula - review of masterplan	50,000	100%	2024
SRF6	Mallabula Skate Park, Mallabula - facilities upgrade	150,000	60%	2024
SRF7	Medowie - new courts and carpark for tennis	150,000	60%	2025
SRF8	Ferodale Sports Complex, Medowie - additional playing field and facility improvements	2,000,000	100%	2025
SRF9	Yulong Oval, Medowie - multipurpose amenities upgrades	1,200,000	60%	2025
SRF10	Mallabula Sports Complex, Mallabula - floodlighting and power upgrades	250,000	60%	2031
SRF22	Yulong Oval, Medowie - multipurpose amenities upgrades	1,450,000	60%	2023
Total Estimate		3,900,000		

Tomaree

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SRF11	Tomaree Aquatic Centre, Nelson Bay - shade structure	150,000	100%	2024
SRF12	Salamander Sports Complex, Salamander Bay - lighting upgrades	50,000	60%	2024
SRF13	Salamander Sports Complex, Salamander Bay - field renovation	400,000	60%	2024
Total Estimate		600,000		

All Catchments

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SRF14	King Park Sports Complex, Raymond Terrace - carpark upgrade	500,000	60%	20202026
SRF15	Tomaree Sports Complex, Nelson Bay - Don Waring field upgrade	1,535,364	60%	2024
SRF16	Tomaree Sports Complex, Nelson Bay - sports pavilion B1	2,726,072	100%	2024
SRF17	King Park Sports Complex, Raymond Terrace - Implementation of Masterplan	7,500,000	100%	2025
SRF18	King Park Sports Complex, Raymond Terrace - Field renovation	400,000	60%	2025
SRF19	Tomaree Sports Complex, Nelson Bay - upgrade to Oval 1	3,644,952	60%	2027
SRF20	Tomaree Sports Complex, Nelson Bay - road realignment and new car park	786,659	60%	2027
SRF21	Tomaree Sports Complex, Nelson Bay - entry car park	625,515	60%	2027
SRF24	Tomaree Sports Complex, Nelson Bay - Sports Pavilion B1	476,072	100%	2023
SRF25	Tomaree Sports Complex, Nelson Bay - Don Waring field and car park upgrade	5,910,879	60%	2027
Total Estimate		17,718,562		
		19,218,562		

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## A.5 Community and Cultural Facilities

### Tomaree

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
CCF1	Anna Bay – multi-purpose community facility	1,500,000	80%	2027
<b>Total Estimate</b>		<b>1,500,000</b>		

### All Catchments

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
CCF2	Library Resources	4,000,000	100%	2020-36
<b>Total Estimate</b>		<b>4,000,000</b>		

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A.6 Roadworks

Raymond Terrace - Rural

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
RW1	Richardson Road/Halloran Way, Raymond Terrace – roundabout extension	200,000	100%	2020-2027
RW2	Paterson Street, Hinton – bridge to 3 Paterson Street	108,739	63%	2020-2027
RW3	Duns Creek Road, Duns Creek – 201 Duns Creek Road to 238 Duns Creek Road	296,352	48%	2020-2024
RW4	Clarence Town Road, Glen Oak – 1598 Clarence Town Road to 1676 Clarence Town Road	346,949	47%	2020-2022
RW5	Kuranga Avenue/Dawson Road, Raymond Terrace – upgrade intersection to roundabout	950,000	100%	2020-2025
RW6	East Seaham Road, East Seaham – 806 East Seaham Road to 1042 East Seaham Road	1,121,170	48%	2020-2023
RW7	Glenelg Street, Raymond Terrace - 12 Glenelg Street to Adelaide Street	165,750	54%	2025
RW8	Adelaide Street, Raymond Terrace – 249a Adelaide Street to 251 Adelaide Street	268,497	54%	2025
RW9	East Seaham Road, East Seaham – 248 East Seaham Road to 248 East Seaham Road	149,532	64%	2025
RW10	East Seaham Road, East Seaham – 248 East Seaham Road to 318 East Seaham Road	163,218	64%	2025
RW11	East Seaham Road, East Seaham – 318 East Seaham Road to 348 East Seaham Road	337,634	64%	2025
RW12	East Seaham Road, East Seaham – 348 East Seaham Road to 407 East Seaham Road	481,257	64%	2025
RW13	Rees James Road, Raymond Terrace – Bellevue Street to Kuranga Avenue	768,006	81%	2025
RW14	Rees James Road, Raymond Terrace – Kuranga Avenue to 40 Rees James Road	427,775	81%	2025
RW15	Rees James Road, Raymond Terrace – 42 Rees James Road to 50 Rees James Road	354,822	81%	2025
RW16	Rees James Road, Raymond Terrace – 50 Rees James Road to end	666,517	88%	2025
RW17	Central Carpark, Raymond Terrace	729,302	44%	2025
RW18	Lakeside Sports Complex 1, Raymond Terrace	795,984	33%	2025
RW19	Lakeside Sports Complex 2, Raymond Terrace	1,475,695	70%	2025
RW20	King Park Sports Complex 1, Raymond Terrace	959,023	44%	2025
RW21	Laverick Avenue, Tomago – 21 Laverick Avenue	333,590	64%	2025
RW22	Boomerang Park 2, Raymond Terrace	271,187	44%	2030
RW55	Rees James Road, Raymond Terrace – Bellevue Street to Kuranga Avenue	1,095,000	90%	2025
RW56	Rees James Road, Raymond Terrace – Kuranga Avenue to Harold Road	720,000	90%	2025
RW57	Rees James Road, Raymond Terrace – Harold Road to Dairyman Drive	896,000	90%	2030
RW58	Rees James Road, Raymond Terrace – Dairyman Drive to end	341,000	75%	2035
Total Estimate		11,370,998		
		11,555,495		

Central Growth Corridor

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
RW23	The Bucketts Way, Twelve Mile Creek – 309 The Bucketts Way to 309 The Bucketts Way	235,104	38%	2020-2025
RW24	The Bucketts Way, Twelve Mile Creek – 451 The Bucketts Way to boundary	272,256	33%	2020-2025
RW25	Ferodale Road, Medowie – 51 Ferodale Road to 85 Ferodale Road	360,000	72%	2020-2027
RW26	Taniila Road, Mallabula – Fairlands Road to Mallabula Road	606,864	85%	2020
RW27	Ferodale Road – Campvale drain bridge upgrade	1,200,000	100%	2020-2032
RW28	Richardson Road/Grahamstown Dam Road, Campvale – upgrade intersection to roundabout	2,000,000	100%	2020-2030
RW29	Ferodale Road/Peppertree Road, Medowie – upgrade intersection to signalised	1,600,000	100%	2020-2027
RW30	Medowie Road, Campvale – 276 Medowie Road to start of island	108,548	63%	2025

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RW31	Ferodale Road, Medowie – Roundabout to 38 Ferodale Road	187,479	54%	2025
RW32	Ferodale Road, Medowie – Roundabout to 46 Ferodale Road	111,387	54%	2025
RW33	Ferodale Road, Medowie – 38 Ferodale Road to 44 Ferodale Road	157,783	54%	2025
RW34	Avenue Of The Allies, Tanilba Bay - Diggers Drive to Lemon Tree Passage Road	664,589	66%	2025
RW35	Grahamstown Road, Medowie – Aquatic Centre to 8 Grahamstown Road	886,761	74%	2025
RW36	James Road, Medowie – 52 James Road to 101 James Road	650,000	78%	2025
RW37	Tarean Road, Karuah – 233 Tarean Road to 264 Tarean Road	275,962	54%	2030
RW38	Tarean Road, Karuah – 264 Tarean Road to 370 Tarean Road	275,962	54%	2030
RW39	Tarean Road, Karuah – 423 Tarean Road to 443 Tarean Road	173,664	54%	2030
RW40	Tarean Road, Karuah - 443 Tarean Rd to 446 Tarean Rd	275,962	54%	2030
RW41	Yulong Park, Medowie	584,634	44%	2030
RW59	James Road, Medowie – 52 James Road to 76 James Road	620,000	78%	2025
RW60	James Road, Medowie – 90 James Road to 101 James Road	640,000	78%	2027
RW61	Cook Parade, Lemon Tree Passage - Meredith Ave to Shearman Ave	432,000	50%	2027
RW62	Franklin Street, Karuah - initial seal	576,000	41%	2030
RW63	Wycheewood Avenue, Mallabula - Strathmore Road to Hartford Street	1,319,200	30%	2030
Total Estimate		10,626,947		
		11,804,199		

Tomaree

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
RW42	Tomaree Road, Shoal Bay – Messines Street to 42 Tomaree Road	294,940	78%	2020
RW43	Tomaree Road, Shoal Bay – 42 Tomaree Road to 86 Tomaree Road	522,161	78%	2020
RW44	Gowrie Avenue, Nelson Bay – Shoal Bay Road to Kerrigan Street	308,172	78%	2020-2030
RW45	Tomaree Sports Complex 2, Nelson Bay	1,273,795	70%	2020 2027
RW46	One Mile Beach Reserve 2, One Mile	255,024	70%	2020
RW47	Dowling Street, Nelson Bay – Fingal Street to 29 Dowling Street	359,558	73%	2025
RW48	Foreshore Drive, Corlette – 45 Foreshore Drive to 83 Foreshore Drive	418,736	75%	2025
RW49	Church Street, Nelson Bay – Government Road to Dowling Street	479,338	50%	2025
RW50	Dowling Street, Nelson Bay – parking action – bypass work	750,000	100%	2022 2029
RW51	Dowling St/Fingal St – parking action – signalised intersection	1,600,000	40%	2026
RW52	Donald St/Stockton St – parking action – signalised intersection	1,600,000	40%	2026
RW64	Tomaree Road, Shoal Bay – Messines Street to Edward Street	862,500	80%	2026
RW65	Tomaree Road, Shoal Bay – Edward Street to Verona Road	901,250	80%	2026
Total Estimate		7,861,694		
		7,655,275		

Fern Bay

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
RW53	Rankin Road, Fern Bay – Popplewell Road to Nelson Bay Road	800,000	85%	2025
RW54	Taylor Road, Fern Bay – Popplewell Road to Nelson Bay Road	700,000	85%	2025
RW66	Rankin Road, Fern Bay – Popplewell Road to Nelson Bay Road	850,000	85%	2032
RW67	Taylor Road, Fern Bay – Popplewell Road to Nelson Bay Road	750,000	85%	2032



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RW68	Vardon Road, Fern Bay - 19 Vardon Road to Poppelwell Road	290,000	85%	2028
RW69	Braid Road, Fern bay - from Popplewell Road to Nelson Bay Road	500,000	50%	2035
Total Estimate		1,500,000		
		2,390,000		

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A.7 Medowie Traffic & Transport

Central Growth Corridor

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
MTT1	Medowie Road – gateway treatment at entrance to Medowie north of Boundary Road	33,000	43%	2024 <del>2026</del>
MTT2	Medowie Road – gateway treatment and change in speed zone north of Kindlebark Drive,	33,000	43%	2024 <del>2026</del>
MTT3	Medowie Road – gateway treatment at entrance to Medowie south of South Street	33,000	43%	2024 <del>2026</del>
MTT4	Medowie Road – gateway treatment and change in speed zone south of Ferodale Road	33,000	43%	2024 <del>2026</del>
MTT5	Medowie Road/Brocklesby Road – upgrade intersection to roundabout	2,050,000	43%	2024 <del>2032</del>
MTT6	Lisadell Road and Abundance Road – pavement widening from Fairlands Road to Industrial Road	2,050,000	43%	2024
MTT7	Lisadell Road/Fairlands Road – road widening and upgrade intersection to roundabout	802,000	43%	2024 <del>2030</del>
MTT8	Lisadell Road/Abundance Road – road realignment to create a T intersection with priority given to the through movement.	615,000	43%	2024 <del>2027</del>
MTT9	Abundance Drive – gateway treatment and change in speed zone south of Industrial Road	33,000	43%	2024 <del>2026</del>
MTT10	Abundance Drive/Ferodale Road – upgrade intersection to roundabout	902,000	43%	2024 <del>2032</del>
MTT11	Ferodale Road/Kirrang Drive – upgrade existing roundabout	820,000	43%	2024 <del>2030</del>
MTT12	Ferodale Road – upgrade entrance to commercial land at 37B Ferodale Road to roundabout	820,000	43%	2024 <del>2035</del>
MTT13	Various roads – on-road signage and line markings	16,500	43%	2024 <del>2023</del>
MTT14	Medowie Road – off-road shared path from Medowie Road to Cherry Tree Close	50,000	43%	2024 <del>2028</del>
MTT15	Medowie Road – off-road shared path from Silver Wattle Drive to Ferodale Road	205,000	43%	2024 <del>2022</del>
MTT16	Medowie Road – off-road shared path from Ferodale Road to 500m south	500,000	43%	2024 <del>2026</del>
MTT17	Various roads – on-road signage and line markings within rural-residential areas	16,500	43%	2024 <del>2024</del>
MTT18	Ferodale Rd – Off-road shared path from Kirrang Drive to Coachwood Drive	1,080,000	43%	2024 <del>2035</del>
MTT19	Ford Avenue – off-road shared path with cadastral corridor from Ford Avenue to Sylvan Avenue	50,000	43%	2024 <del>2029</del>
MTT20	Medowie Road – upgrade pedestrian refuge at Kirrang Drive/Federation Drive	24,200	43%	2024
MTT21	Medowie Road – upgrade pedestrian refuge south of Kindlebark Drive	24,200	43%	2024 <del>2026</del>
MTT22	Medowie Road – install pedestrian refuge island at Silver Wattle Drive	24,200	43%	2024 <del>2022</del>
MTT23	Silver Wattle Drive – install pedestrian refuge island at Medowie Road	24,200	43%	2024 <del>2022</del>
MTT24	Medowie Road – upgrade pedestrian refuge island at Ferodale Road	24,200	43%	2024
MTT25	Medowie Road – install pedestrian refuge island south of Ferodale Road	50,000	43%	2024 <del>2028</del>
MTT26	Medowie Road install pedestrian refuge island at Blueberry Road	24,200	43%	2024 <del>2030</del>
MTT27	Kirrang Drive – install pedestrian refuge island at Ferodale Road	24,200	43%	2024 <del>2030</del>
MTT28	Brocklesby Road – install pedestrian refuge island at Ferodale Road	25,000	43%	2024 <del>2023</del>
MTT29	Ferodale Road – upgrade pedestrian refuge island west of Medowie Road	24,200	43%	2024 <del>2023</del>
MTT30	Various Intersection Upgrades – kerb and gutter and ramps at Ferodale Road intersection with Waropara, Bottle Brush Avenue and Kirrang Drive	157,500	43%	2024 <del>2028</del>
MTT31	Install Bicycle Parking Facilities	50,000	43%	2024 <del>2030</del>
MTT32	Medowie Road/Kindlebark Drive – upgrade intersection to roundabout	820,000	43%	2032
MTT33	Brocklesby Road – off-road shared path from Medowie Road to Ferodale Road	975,000	43%	2032
MTT34	Medowie Road – off-road shared path from Ferodale Road to South Street	1,280,000	43%	2032
MTT35	Waropara Rd – off-road shared path from Ferodale Road to Kula Road	800,000	43%	2032
MTT36	Medowie Road/Blueberry Road – improve channelisation of intersection	176,000	43%	2032
MTT37	Medowie Rd – improve roundabout approaches at intersections with Ferodale Road, South Street and access to Kingston site	3,000,000	43%	2032

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MTT38	Wilga Road – off-road shared path from Wilga Road to Town Centre including bridge for creek crossing	360,000	43%	2032
MTT39	Kirrang Drive – off-road shared path from Ferodale Road to Medowie Road	870,000	43%	2032
MTT40	Lisadell Road and Abundance Road – pavement widening from Fairlands Road to Abundance road	1,025,000	55%	2023
MTT41	Medowie Road/Kindlebark Drive – upgrade intersection to roundabout	1,500,000	55%	2032
MTT42	Medowie Road – off-road shared path from Ferodale Road to South Street	1,280,000	56%	2022
MTT43	Waropara Rd – off-road shared path from Ferodale Road to Kula Road	400,000	51%	2032
MTT44	Medowie Rd – improve roundabout approaches at intersections with Ferodale Road, South Street and access to Kingston site	1,827,500	51%	2025
MTT45	Kirrang Drive – off-road shared path from Ferodale Road to Medowie Road	1,270,000	45%	2032
Total Estimate		18,899,100		
		17,333,200		

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A.8 Shared Paths

Raymond Terrace - Rural

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SP1	Raymond Terrace to Lakeside, Raymond Terrace - construction of a new shared pathway	350,000	100%	2020 2030
SP2	Brandy Hill Drive, Brandy Hill – shared path from Clarence Town Road to Seaham Road	2,500,000	60%	2025
SP3	Kingston Parade, Heatherbrae – shared path from Kingston Parade to Pacific Highway	28,500	100%	2027
SP4	Pacific Highway, Heatherbrae – shared path from Kingston Parade to Hunter River High School	108,300	100%	2027
SP5	Paterson Road, Hinton – shared path from High Street to Swan Street	250,000	100%	2027
FP6	Swan Street, Hinton – footpath from Hinton Road to Stuart Park	85,500	100%	2027
SP7	<del>Warren Street, Seaham – shared path from school crossing to community hall.</del>	<del>70,300</del>	<del>400%</del>	<del>2027</del>
SP8	Lakeside No.2 Reserve, Raymond Terrace shared path from Halloran Way to Luskin Close	48,600	100%	2027
SP9	King Park Reserve, Raymond Terrace – shared path from Newline Road to Fitzgerald Bridge	315,400	100%	2027
SP10	Beaton Avenue, Raymond Terrace – shared path from Kanwary Close to King Park	220,000	100%	2027
SP11	Adelaide Street, Raymond Terrace – shared path from Richardson Road to Roslyn Park	280,000	100%	2027
SP12	Mount Hall Road, Raymond Terrace – shared path from Clyde Circuit to Pacific Highway underpass	81,700	100%	2027
SP13	Glenelg Street, Raymond Terrace – shared path from Adelaide Street to Golf Course Charles Street	400,000	100%	2027
SP14	Hunter Street, Raymond Terrace – shared path from William Street to Barnier Lane	74,000	100%	2027
SP15	Newbury Park Reserve, Raymond Terrace – shared path from Adelaide Street to Mount Hall Road	89,700	100%	2027
SP16	<del>Pacific Highway, Raymond Terrace – shared path from Martens Avenue to Rosemount Drive</del>	<del>92,000</del>	<del>400%</del>	<del>2027</del>
FP17	Kangaroo Street, Raymond Terrace – footpath from Port Stephens Street to Carmichael Street	16,100	100%	2027
SP18	Adelaide Street, Raymond Terrace – shared path from Pacific Highway to Elkin Avenue	45,600	100%	2027
SP19	<del>Adelaide Street, Raymond Terrace – shared path from Kangaroo Street to Sturgeon Street</del>	<del>49,000</del>	<del>400%</del>	<del>2027</del>
SP20	Adelaide Street, Raymond Terrace – shared path from Rees James Road to Richardson Road	110,200	100%	2027
SP21	Adelaide Street, Raymond Terrace – shared path from Rees James Road to Bellevue Street	312,000	100%	2027
SP22	Rees James Road, Raymond Terrace – shared path from Bellevue Street to end	675,000	100%	2027
FP23	Kangaroo Street, Raymond Terrace – footpath from Carmichael Street to Sturgeon Street North	6,125	400%	2027
FP24	Kangaroo Street, Raymond Terrace – footpath from Sturgeon Street to Adelaide Street (median)	2,500	400%	2027
FP65	Kangaroo Street, Raymond Terrace – footpath from Carmichael Street to Sturgeon Street North	33,600	95%	2027
FP66	Kangaroo Street, Raymond Terrace – footpath from Sturgeon Street to Adelaide Street (median in Sturgeon Street)	25,520	95%	2027
FP67	Wahroonga Street, Raymond Terrace - footpath from 5 Wahroonga Street to Adelaide Street	19,000	75%	2027
SP68	Adelaide Street, Raymond Terrace – shared path from Kangaroo Street to William Bailey Street	62,900	95%	2027
SP69	Sturgeon Street, Raymond Terrace from Jacaranda Street to Glenelg Street	68,200	75%	2027
SP70	Rees James Drive, Raymond Terrace - shared path from pathway at end of Bennett Place to Bellevue Street	150,000	85%	2027
SP78	Elizabeth avenue, Raymond Terrace - Shared path from Charles street to end	800,000	45%	2026
Total Estimate		6,240,525 7,149,820		

Central Growth Corridor

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SP25	Wattle Street, Karuah shared path from Tarean Road to Engel Avenue	45,600	100%	2027

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SP26	Engel Avenue, Karuah – shared path From Wattle Street to Karuah MPC	39,900	100%	2027
SP27	Mustons Road, Karuah – shared path from Boronia Road to Mustons Gully	64,600	100%	2027
SP28	Mustons Road, Karuah – shared path from Mustons Gully to Tarean Road	133,000	100%	2027
FP29	Tarean Road, Karuah – footpath from Bundabah Street to Longworth Park	28,000	100%	2027
SP30	South Street, Medowie – shared path from Medowie Road to Sylvan Avenue	72,200	100%	2027
SP31	Silver Wattle Drive, Medowie – shared path from Medowie Road to Bottle Brush Avenue	19,250	100%	2027
FP32	Grey Gum Street, Medowie – footpath from Medowie Road to Bottle Brush Avenue	17,000	100%	2027
SP33	Lemon Tree Passage Road, Lemon Tree Passage – shared path from end of existing to Crawley Avenue	40,000	100%	2027
SP34	Lemon Tree Passage Road, Lemon Tree Passage – shared path from Crawley Avenue to Blanch Street	123,500	100%	2027
SP35	Meredith Avenue, Lemon Tree Passage - from Kawarren Street to Kenneth Parade	39,900	100%	2027
SP36	Cook Parade, Lemon Tree Passage – shared path from Morton Avenue to Meredith Avenue	338,200	100%	2027
SP37	Kawarren Street, Lemon Tree Passage – shared path from Blanch Street to Kenneth Parade	171,000	100%	2027
SP38	President Wilson Walk, Tanilba Bay – shared path from Pershing Place to Diggers Drive	106,400	100%	2027
SP39	President Wilson Walk, Tanilba Bay – shared path from Diggers Drive to King Albert Avenue	68,400	100%	2027
SP40	President Wilson Walk, Tanilba Bay – footpath from Lemon Tree Passage Road to Lloyd George Grove	19,800	100%	2027
SP71	Strathmore Road, Mallabula and Fairlands Road, Mallabula shared path from Pershing Place to Aquatic Centre	160,400	24%	2028
SP72	Barclay Street, Karuah - Shared path from Bundabah Street to Longworth Park	112,600	40%	2028
SP73	Mustons Road, Karuah – shared path from Boronia Road to Mustons Gully	188,300	85%	2024
SP74	Mustons Road, Karuah – shared path from Mustons Gully to Tarean Road	162,550	85%	2024
Total Estimate		1,326,750		
		1,497,500		

Tomaree

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SP41	Gan Gan Road, Anna Bay shared path from existing path to existing path	250,000	100%	2027
SP42	Campbell Avenue, Anna Bay – shared path from Gan Gan Road to Robinson Street	220,000	100%	2027
SP43	Robinson Street, Anna Bay – shared path from Campbell Avenue to Robinson Reserve	165,000	100%	2027
SP44	Sandy Point Road, Corlette – shared path from Roy Wood Reserve to foreshore	19,000	100%	2027
SP45	Foreshore Drive, Salamander Bay/Corlette – shared path from Cook Street to Sandy Point Road	931,000	100%	2027
SP46	Bagnall Beach Road, Corlette – shared path from Marlin Street to crossing point	19,000	100%	2027
SP47	Bagnall Beach Road, Corlette – shared path from crossing point to Maruway Street	49,400	100%	2027
SP48	Bagnall Beach Road, Corlette – shared path from King Fisher Reserve to detention basin	103,000	100%	2027
SP49	Bagnall Beach Road, Corlette – shared path from Marlin Street to end of existing	24,700	100%	2027
SP50	Marine Drive, Fingal Bay – shared path from Boulder Bay Road to Barry Park	300,000	100%	2027
SP51	Beach Road, Nelson Bay – shared path from Gowrie Avenue to Harwood Avenue	220,000	100%	2027
SP52	Beach Road, Nelson Bay – shared path from Victoria Parade to boat ramp	85,880	100%	2027
SP53	Beach Road, Nelson Bay – shared path from boat ramp to Gowrie Avenue	45,600	100%	2027
SP54	Victoria Parade, Nelson Bay – shared path from Fly Point to Beach Road	248,000	100%	2027
FP55	Donald Street, Nelson Bay – footpath from Magnus Street to grassy knoll	7,875	100%	2027
SP56	Victoria Parade, Nelson Bay – shared path from Magnus Street to Yacaaba Street	165,300	100%	2027
SP57	Salamander Way, Salamander Bay – shared path from Port Stephens Drive to Community Close	904,500	100%	2027

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SP58	Beach Road, Shoal Bay – shared path from Harwood Avenue to Shoal Bay Road	161,500	100%	2027
SP59	Government Road, Shoal Bay – shared path from Messines Street to Peterie Street	241,300	100%	2027
SP60	Government Road, Shoal Bay – shared path from Peterie Street to Sylvia Street	159,600	100%	2027
SP61	Shoal Bay Road, Shoal Bay – shared path from Beach Road to end of existing path	155,800	100%	2027
SP62	Sylvia Street, Shoal Bay – shared path from Government Road to Horace Street	36,100	100%	2030
SP75	Government Road, Shoal Bay – shared path from Peterie Street to Sylvia Street	185,000	100%	2035
SP76	Shoal Bay Road, Shoal Bay – shared path from Beach Road to end of existing path	355,800	100%	2027
SP77	Beach Road, Shoal Bay – shared path from Harwood Avenue to Shoal Bay Road	900,000	96%	2027
Total Estimate		4,542,555		
		4,545,455		

**Fern Bay**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SP63	Nelson Bay Road, Fern Bay – shared path from Braid Road to Bayway Village	579,000	100%	2026
SP64	Shared path between Seaside Boulevard and Popplewell Road	725,000	100%	2026
SP79	Shared path - Braid Road, Fern bay - shared path from Popplewell Road to Nelson Bay Road	300,000	100%	2035
Total Estimate		1,304,000		
		1,604,000		

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**A.9 Bus facilities**

**Raymond Terrace - Rural**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
BS1	Elizabeth Avenue at Bareena Street, Raymond Terrace – bus shelter	20,000	60%	2036
BS2	Rees James Road (near SES), Raymond Terrace – bus shelter	20,000	60%	2036
<b>Total Estimate</b>		<b>40,000</b>		

**Central Growth Corridor**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
BS3	Tarean Road at golf course, Karuah – bus shelter	40,000	80%	2036
BS4	Admiralty Drive at Caswell Crescent, Tanilba Bay – bus shelter	20,000	80%	2036
BS5	Lemon Tree Passage Road at Blanch Street, Lemon Tree Passage – bus shelter	20,000	60%	2036
BS6	Nelson Bay Road at Lemon Tree Passage Road, Salt Ash – bus shelter	20,000	60%	2036
BS7	Nelson Bay Road at Steel Street, Williamtown – bus shelter	20,000	60%	2036
<b>BS10</b>	<b>Medowie Road, Medowie near intersection of Gardenia Drive</b>	<b>20,000</b>	<b>60%</b>	<b>2036</b>
<b>Total Estimate</b>		<b>120,000</b>		

**Tomaree**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
BS8	Fitzroy Street at Campbell Avenue, Anna Bay – bus shelter	20,000	60%	2036
<b>Total Estimate</b>		<b>20,000</b>		

**Fern Bay**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
BS9	Fern Bay – relocate, replace, upgrade or remove 11 existing bus shelters and provide pedestrian refuge on Nelson Bay Road for access	515,000	100%	2036
<b>Total Estimate</b>		<b>515,000</b>		

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## A.10 Fire and Emergency Services

### Raymond Terrace - Rural

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
FEF1	Seaham – enclose existing carport at RFS station to provide a training room and kitchen facilities	80,000	60%	2020-2022
<b>Total Estimate</b>		<b>80,000</b>		

### Tomaree

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
FEF2	<del>Corlette – Expand current SES building by three vehicle bays</del> Upgrade to Tomaree SES	300,000	60%	2023
FEF3	Soldiers Point - expand current facility to 3 vehicle-bay and adding a training room at Soldiers Point	250,000	60%	2031
<b>Total Estimate</b>		<b>550,000</b>		



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A.11 Flooding and Drainage Works

Raymond Terrace - Rural

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
FD1	Tregenna Street, Raymond Terrace – upgrading the drainage system at the intersection of Tregenna Street and Adelaide Street	650,000	70%	2020-2027
FD2	Elizabeth Street, Raymond Terrace – construction of a new drainage system from Elizabeth Street to Phillip Street via Charles Street	550,000	70%	2020-2027
FD3	Kingston Parade, Heatherbrae – upgrading the drainage system from Kingston Parade to the floodplain via 5 Kingston Parade	300,000	70%	2020-2027
FD4	Richardson Road/Halloran Way, Raymond Terrace - detention basin with pre-treatment	850,000	70%	2020-2027
FD5	Enterprise Drive, Tomago - upgrade drainage system at Enterprise Drive	350,000	70%	2027
Total Estimate		2,700,000		

Central Growth Corridor

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
FD6	Abundance Road, Medowie - construction of a new drainage system from Abundance Road to Campvale Drain	600,000	100%	2027
FD7	Abundance Road, Medowie – land acquisition	2,000,000	100%	2025
FD8	Campvale Drain, Medowie – augmentation of Campvale Drain from pinch Point to the pumping station	500,000	100%	2027
FD9	James Road, Medowie - enlarge 200m of existing drain between 102 and 104 James Road, creation of trunk drainage system and easement	900,000	70%	2027
FD10	George Street, Karuah – construct a new drainage system	200,000	100%	2027
FD11	Medowie Road, Medowie – culvert upgrade between 38 Ferodale Road and 754 Medowie Road	350,000	100%	2030
FD12	Medowie Road, Medowie – channel improvement from Medowie Road to 38 Ferodale Road	220,000	100%	2030
FD13	Meredith Avenue, Lemon Tree Passage – upgrade the existing drainage system	500,000	50%	2032
FD20	Medowie – improve and enlarge existing drains crossing roads, overland flow paths, downstream drainage systems	500,000	100%	2027
Total Estimate		5,270,000		

Tomaree

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
FD14	Waratah Avenue, Soldiers Point – upgrading the drainage system and construction of a new drainage channel	400,000	50%	2020-2027
FD15	Magnus Street, Nelson Bay – construct drainage system from Magnus Street to Victoria Parade and construct the overflow pipe drainage system	800,000	50%	2027
FD16	Soldier Point Road, Salamander Bay - upgrading the trunk drainage system at the intersection of Fleet Street and Soldiers Point Road	300,000	50%	2027
FD17	Nelson Bay Road, Anna Bay – widening of Fern Tree Drain	800,000	50%	2027
FD18	Stockton Street, Nelson Bay - extending and upgrading the drainage system at 45 Donald Street to Donald Street drainage system	300,000	50%	2027
FD19	Gan Gan Road, Anna Bay – upgrade drainage between Morna Point Road and McKinley Swamp	3,765,000	50%	2032
FD21	Tomaree – construct and / or improve drainage and overland flow paths	800,000	50%	2027
Total Estimate		6,365,000		

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**A.14 Cross Boundary Projects – City of Newcastle**

**Fern Bay**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
CPB1	South Stockton Active Hub	158,143	100%	2022
CPB2	Stockton sporting facilities – upgrades to Corroba Oval, Ballast Ground, pool, netball and tennis court and supporting infrastructure	2,372,146	60%	2023
<b>Total Estimate</b>		<b>2,530,289</b>		

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**A.13 Kings Hill Urban Release Area**

**Kings Hill**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
KH1	East/west collector road (land acquisition and capital costs)	27,496,123	100%	2024
KH2	Intersection of east/west collector road and north/south road (land acquisition and capital costs)	4,393,000	100%	2024
KH3	Intersection of east/west collector road and Newline Road (land acquisition and capital costs)	4,075,800	100%	2024
KH4	Newline Road – road upgrades	2,256,800	45%	2027
KH5	Intersection upgrade at Newline Road, Seaham Road, Port Stephens Street, William Bailey Drive	4,355,000	45%	2027
KH6	Shared pathway along Newline Road	4,992,000	100%	2027
KH7	Multi-purpose community space (land acquisition and capital costs)	1,515,000	100%	2030
KH8	District park (land acquisition and capital costs)	6,018,530	100%	2032
KH9	Skate Park	374,000	100%	2032
KH10	Multi-purpose sports court	600,000	100%	2032
KH11	RFS station (land acquisition and capital costs)	404,500	100%	2036
<b>Total Estimate</b>		<b>56,480,753</b>		

**Kings Hill & Raymond Terrace**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
KH12	Riverside Park and Lakeside Reserve – upgrade play equipment, additional pathways and amenity	700,000	28%	2024
KH13	Fitzgerald Bridge reserve – enhance area surrounding boat ramp	1,137,500	28%	2024
KH14	Raymond Terrace Cemetery – niche walls	98,000	50%	2029
KH15	Raymond Terrace Cemetery – expansion	3,627,000	12%	2036
KH16	Lakeside Sports Complex – floodlighting and car park upgrade	1,880,000	28%	2036
KH17	Raymond Terrace Library – expansion	5,921,000	12%	2036
<b>Total Estimate</b>		<b>13,363,500</b>		

**All Catchments**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
KH18	Raymond Terrace – indoor sports and recreation centre	22,754,000	12%	2024
<b>Total Estimate</b>		<b>22,754,000</b>		

**ITEM 8 - ATTACHMENT 1      DRAFT AMENDED LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN - AMENDMENT 2.**

# Appendix B

## List of Amendments to the Plan

TITLE	DESCRIPTION	DATE OF COMMENCEMENT
	CPI adjustment for quarter ended 31 December 2019. All groups CPI weighted average of eight capital cities – 116.2 (December 2019)	29 January 2020
	CPI adjustment for quarter ended 31 March 2020 All groups CPI weighted average of eight capital cities – 116.6 (March 2020)	29 April 2020
	CPI Adjustment for quarter ended 31 December 2020. All groups CPI weighted average of eight capital cities – 117.2 (Dec 2020)	27 January 2021
<b>Amendment No. 1</b>	Addition of Kings Hill URA chapter and administrative amendments, including the incorporation of the Port Stephens Fixed Local Infrastructure Contribution Plan 2020 and changes to remove completed projects.	1 March 2021
	CPI Adjustment for quarter ended 31 March 2021. All groups CPI weighted average of eight capital cities – 117.9 (Mar 2021)	28 April 2021
	CPI Adjustment for quarter ended 30 June 2021. All groups CPI weighted average of eight capital cities – 118.8 (June 2021)	28 July 2021
	CPI Adjustment for quarter ended 30 September 2021. All groups CPI Sydney – 120.2 (September 2021)	27 October 2021
	CPI Adjustment for quarter ended 31 December 2021.	25 January 2022

**ITEM 8 - ATTACHMENT 1      DRAFT AMENDED LOCAL INFRASTRUCTURE  
CONTRIBUTIONS PLAN - AMENDMENT 2.**

	All groups CPI Sydney – 121.6 (December 2021)	
	CPI Adjustment for quarter ended 31 March 2022. All groups CPI Sydney – 123.7 (March 2022)	27 April 2022
	CPI Adjustment for quarter ended 30 June 2021. All groups CPI Sydney – 125.7 (June 2022)	27 July 2022

# **Appendix C**

## **Cost Summary Reports**

**ITEM 8 - ATTACHMENT 1      DRAFT AMENDED LOCAL INFRASTRUCTURE  
CONTRIBUTIONS PLAN - AMENDMENT 2.**

## Cost Summary Report

Development Costs less than \$1,000,000

Development Application No:	_____
Complying Development No:	_____
Date:	_____
Applicant's name:	_____
Applicant's address:	_____
Development type:	_____
Development address:	_____

DEVELOPMENT COSTS:

Demolition and alterations	\$
Structure	\$
External walls, windows and doors	\$
Internal walls, screens and doors	\$
Wall finishes	\$
Floor finishes	\$
Ceiling finishes	\$
Fittings and equipment	\$
Hydraulic services	\$
Mechanical services	\$
Fire Services	\$
Lift Services	\$
External works	\$
External services	\$
Other related works	\$
Subtotal	\$
Subtotal above carried forward	\$
Preliminaries and margin	\$

**ITEM 8 - ATTACHMENT 1 DRAFT AMENDED LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN - AMENDMENT 2.**

Consultants fees	\$
Other related development costs	\$
GST	\$
Total Development Costs	\$

I certify that I have:

- Inspected the plans the subject of the application for development consent, complying development certificate.
- Calculated the proposed cost of carrying out the development in accordance with clause ~~251~~ 208 of the *Environmental Planning and Assessment Regulation 2000* 2021 at current prices.
- Included GST in the calculation.

Signed:

\_\_\_\_\_

Name:

\_\_\_\_\_

Position & Qualifications:

\_\_\_\_\_



**ITEM 8 - ATTACHMENT 1 DRAFT AMENDED LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN - AMENDMENT 2.**

Quantity Surveyor's Cost Summary Report  
Development Costs greater than \$1,000,000

Development Application No: \_\_\_\_\_

Complying Development No: \_\_\_\_\_

Date: \_\_\_\_\_

Applicant's name: \_\_\_\_\_

Applicant's address: \_\_\_\_\_

Development type: \_\_\_\_\_

Development address: \_\_\_\_\_

Development Details:

Gross Floor Area – Commercial	m <sup>2</sup>	Gross Floor Area – other	m <sup>2</sup>
Gross Floor Area – Residential	m <sup>2</sup>	Total Gross Floor Area	m <sup>2</sup>
Gross Floor Area – Retail	m <sup>2</sup>	Total Site Area	m <sup>2</sup>
Gross Floor Area Car parking	m <sup>2</sup>	Total car parking spaces	
Total Development Cost	\$		
Total Construction Cost	\$		
Total GST	\$		

Estimate Details

Professional fees	\$	Excavation	\$
% of Development cost	%	Cost per m <sup>2</sup> of site area	\$ /m <sup>2</sup>
% of Construction cost	%	Car park	\$
Demolition and site preparation	\$	Cost per m <sup>2</sup> of site area	\$ /m <sup>2</sup>
Cost per m <sup>2</sup> - site area	\$ /m <sup>2</sup>	Cost per space	\$
Construction - Commercial	\$	Fit out – Commercial	\$
Cost per m <sup>2</sup> - commercial area	\$ /m <sup>2</sup>	Cost per m <sup>2</sup> - commercial area	\$ /m <sup>2</sup>

# ITEM 8 - ATTACHMENT 1 DRAFT AMENDED LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN - AMENDMENT 2.

Construction Residential	\$	Fit out - residential	\$
Cost per m <sup>2</sup> - residential area	\$ /m <sup>2</sup>	Cost per m <sup>2</sup> - residential area	\$ /m <sup>2</sup>
Construction – retail	\$	Fit out - retail	\$
Cost per m <sup>2</sup> - retail area	\$ /m <sup>2</sup>	Cost per m <sup>2</sup> - retail area	\$ /m <sup>2</sup>

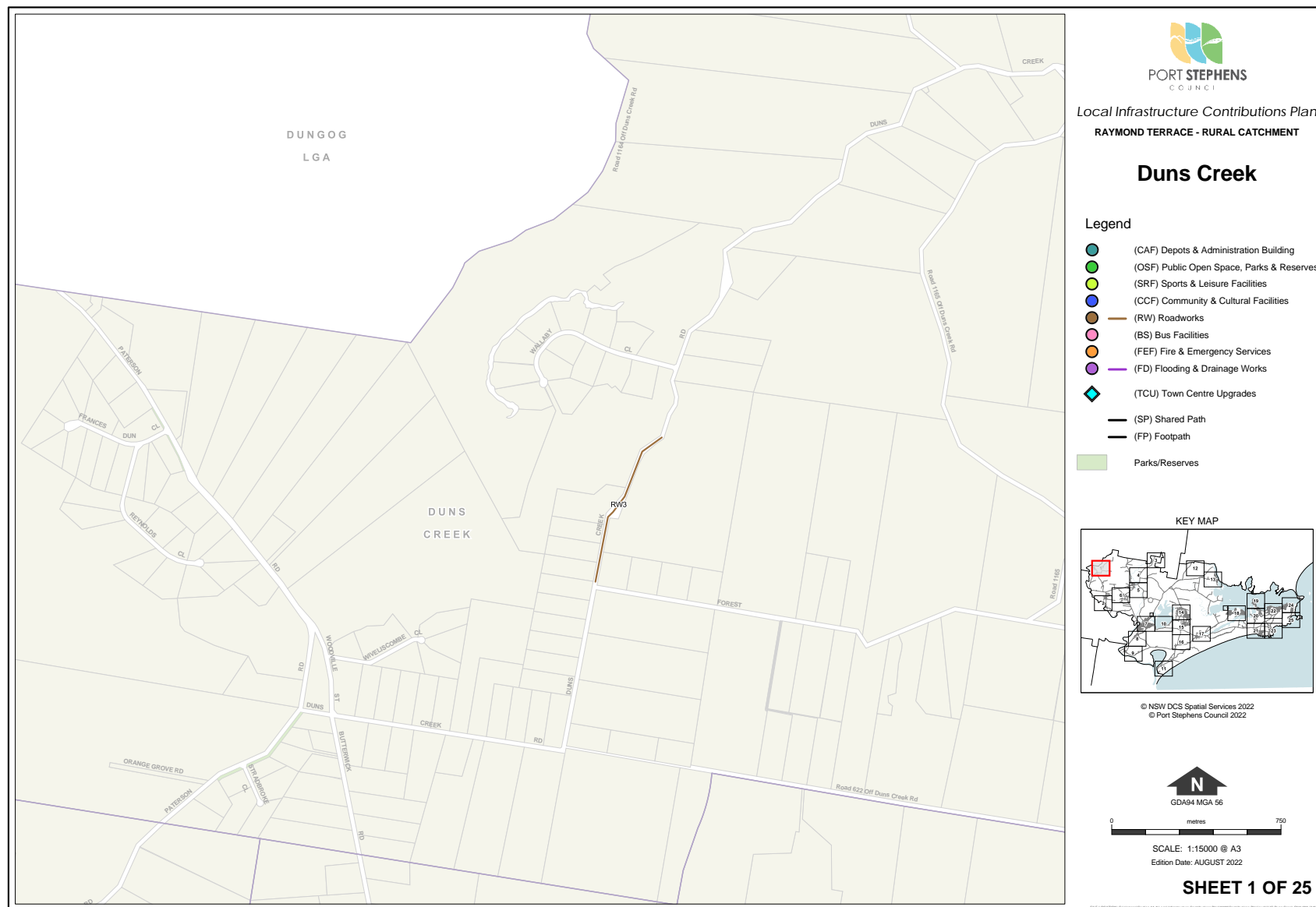
I certify that I have:

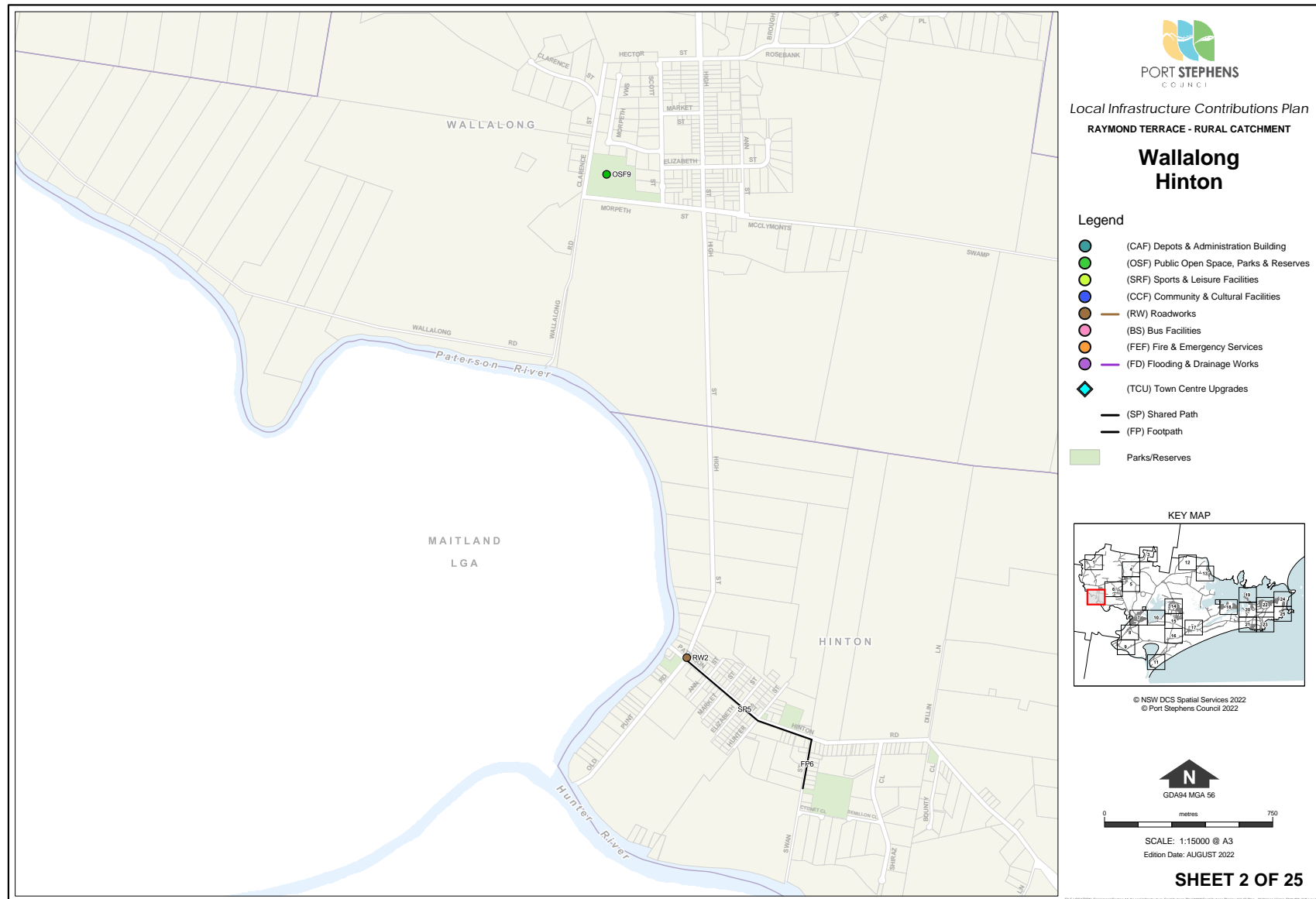
- Inspected the plans the subject of the application for development consent, complying development certificate.
- Prepared and attached an elemental estimate generally prepared in accordance with the most recent Australian Cost Management Manuals published by the Australian Institute of Quantity Surveyors (AIQS).
- Calculated the proposed cost of carrying out the development in accordance with clause 254 208 of the *Environmental Planning and Assessment Regulation 2000 2021* at current prices.
- Included GST in the calculation.
- Measured gross floor areas in accordance with the Method of Measurement of Building Area in the AIQS Cost Management Manual Volume 1, Appendix A2.

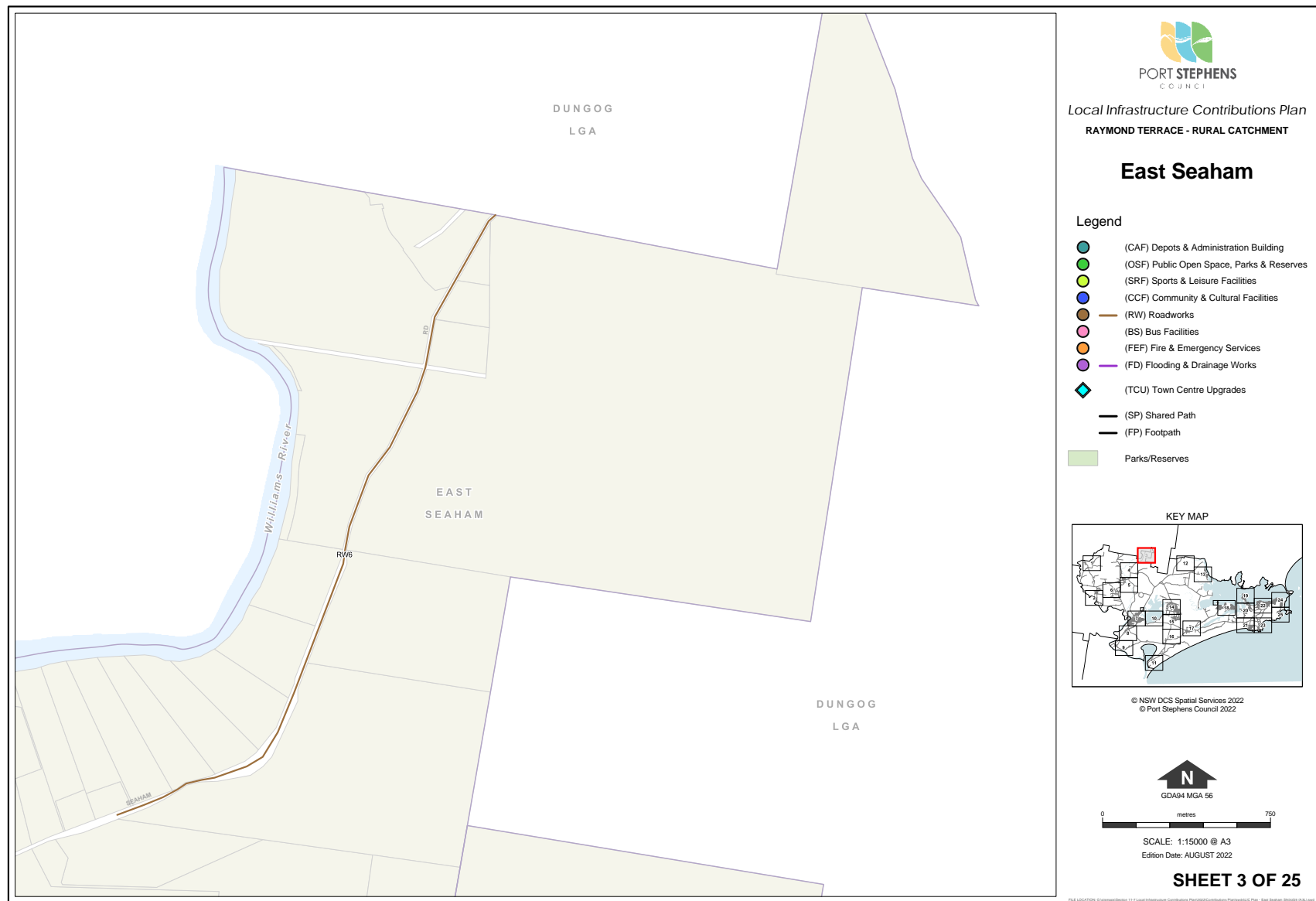
Signed: \_\_\_\_\_

Name: \_\_\_\_\_

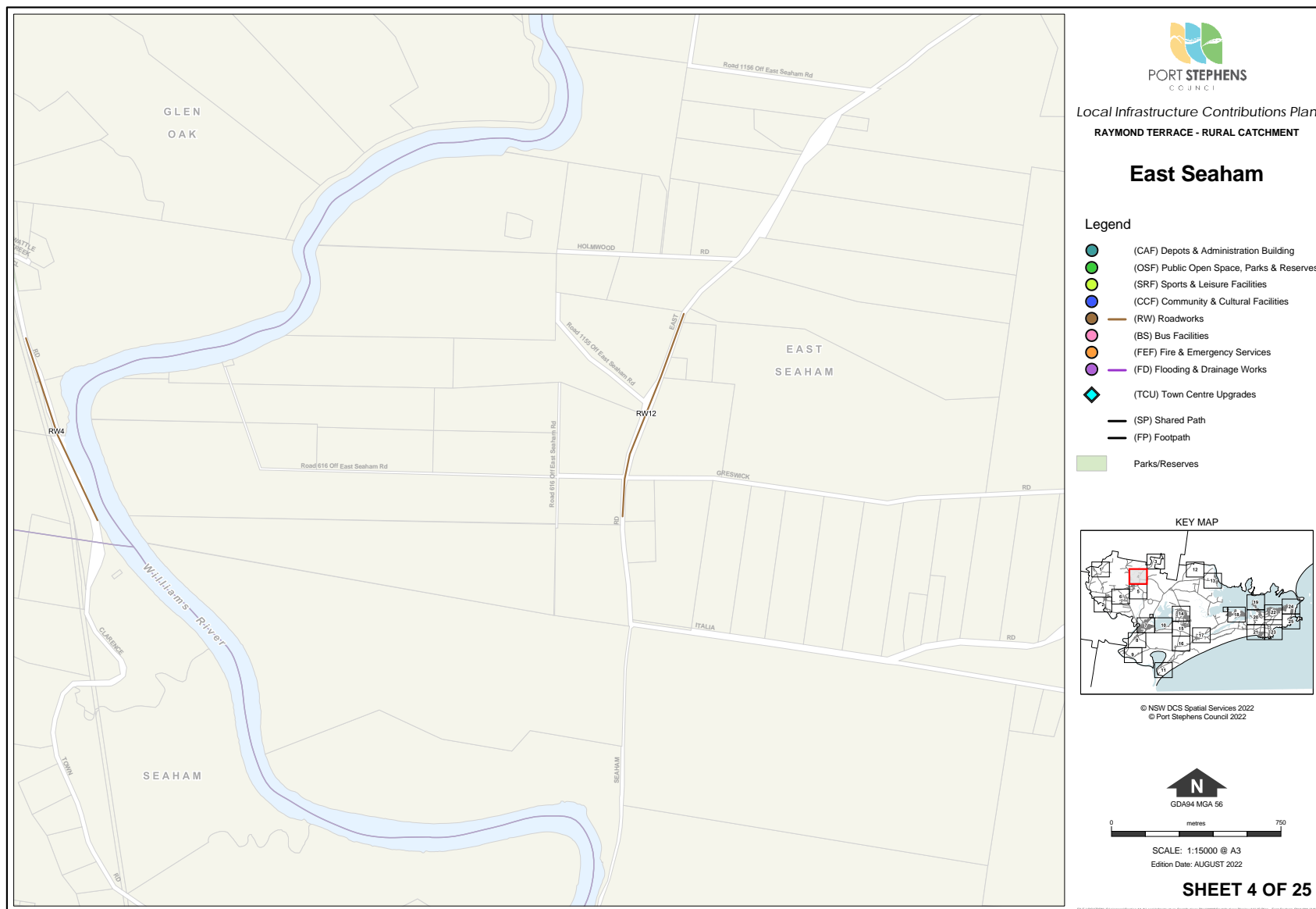
Position & Qualifications: \_\_\_\_\_



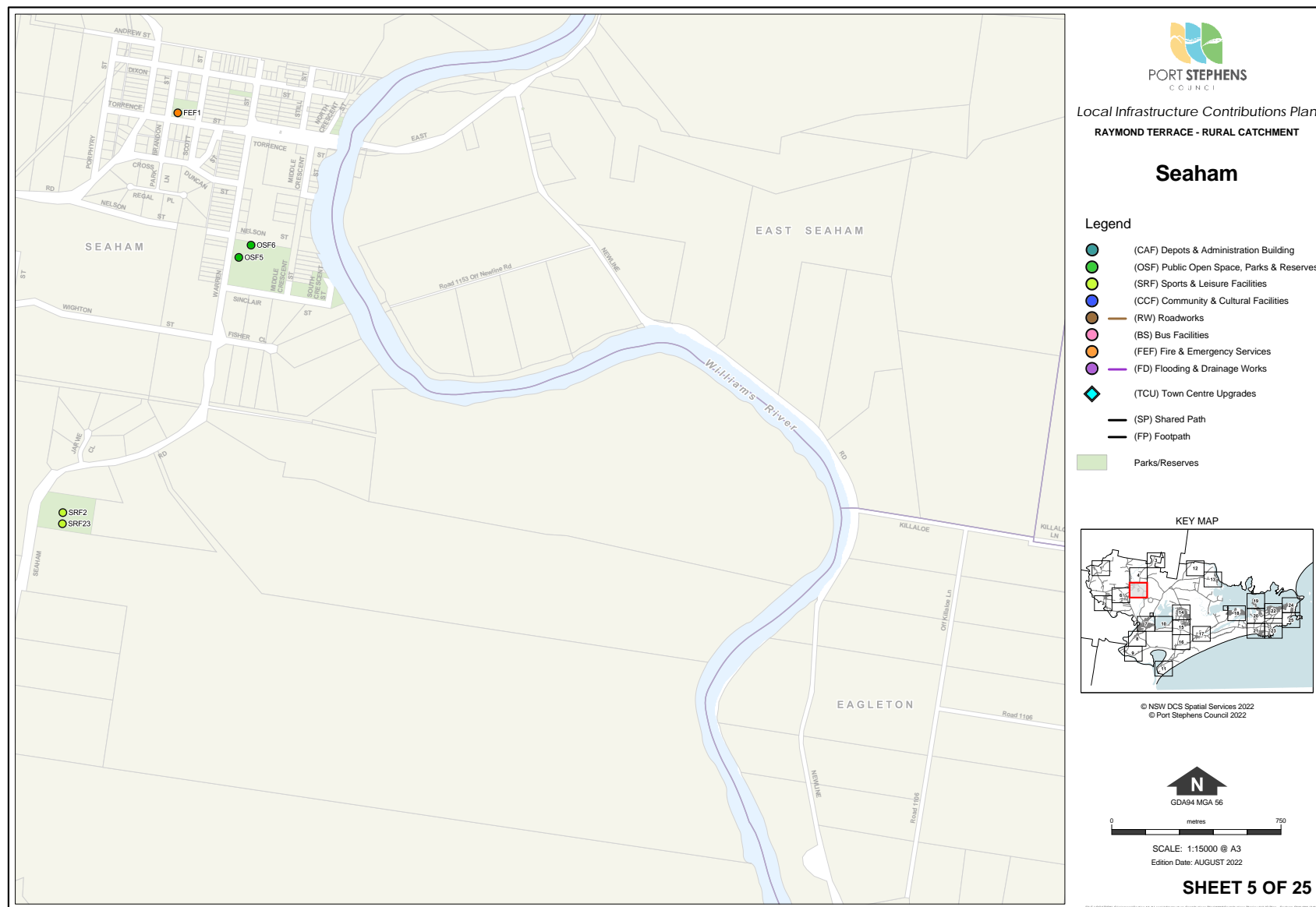


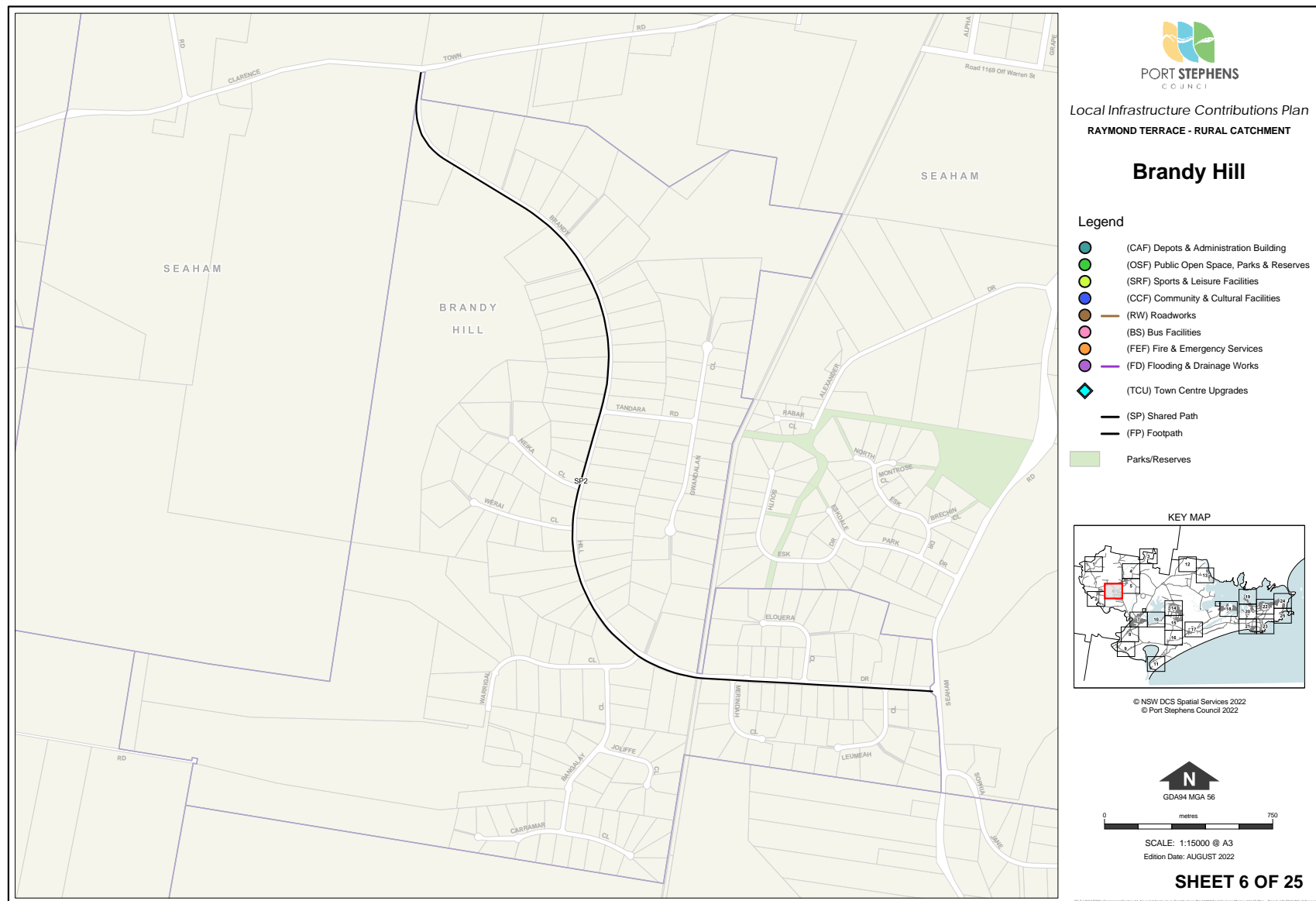


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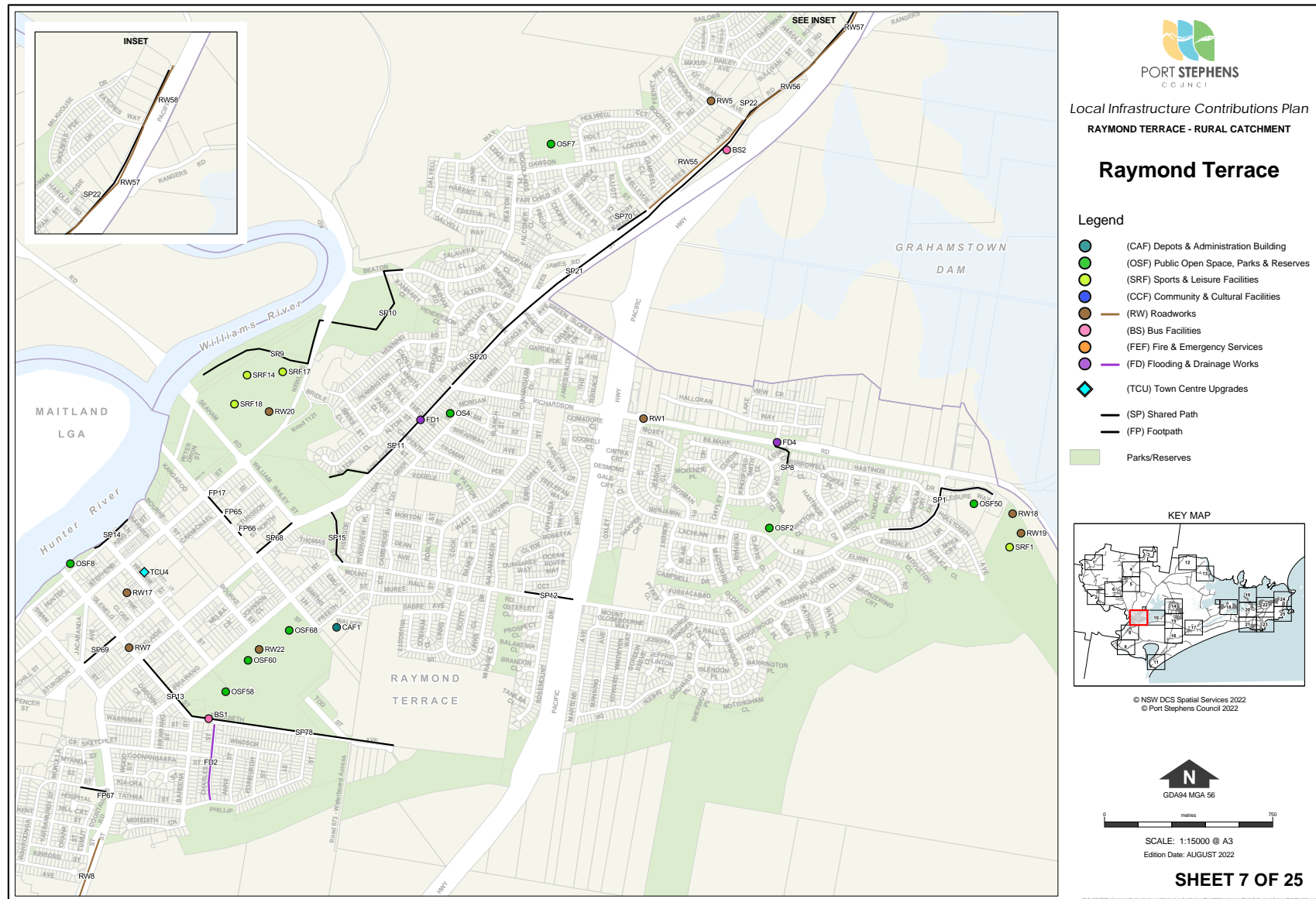


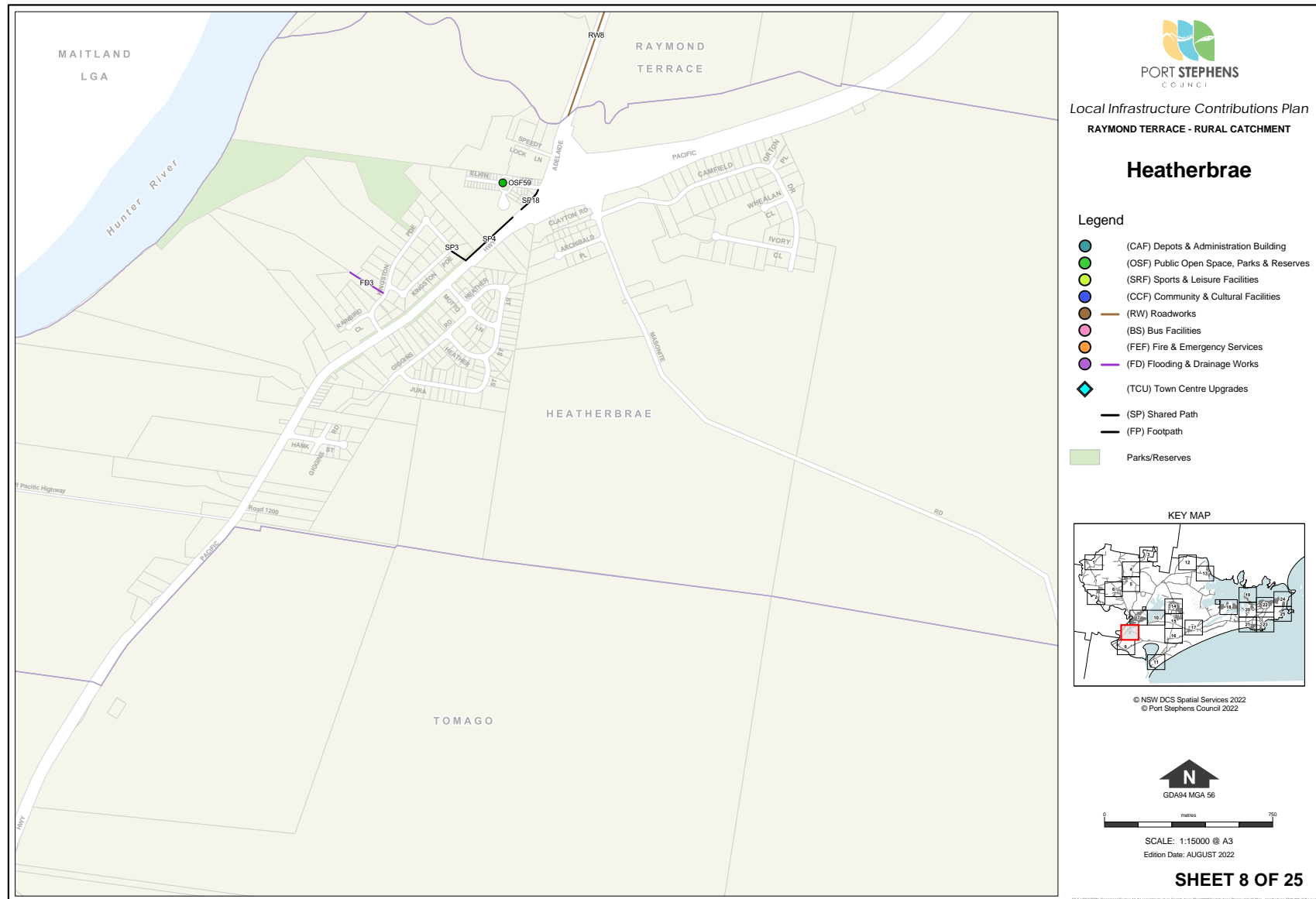
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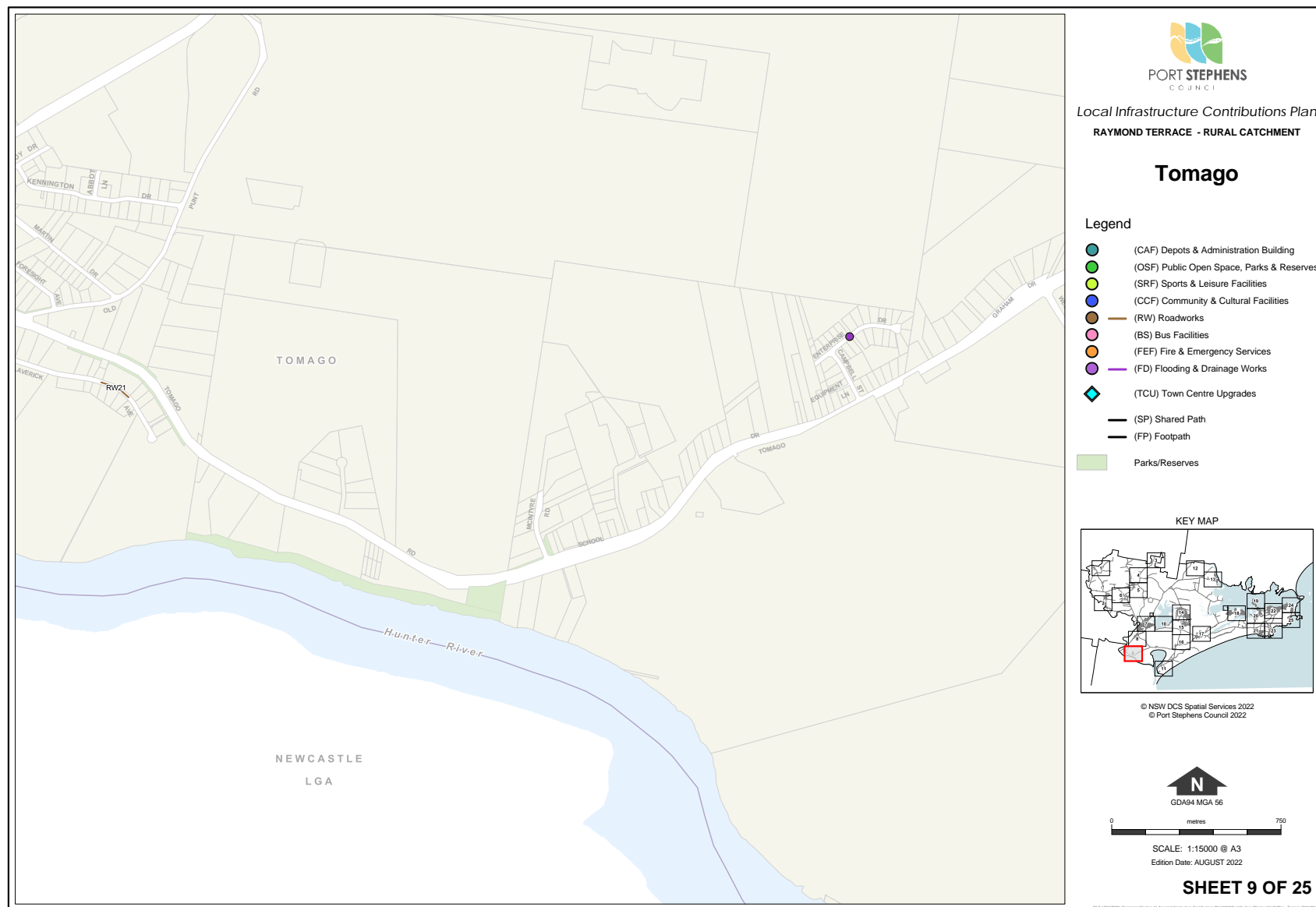


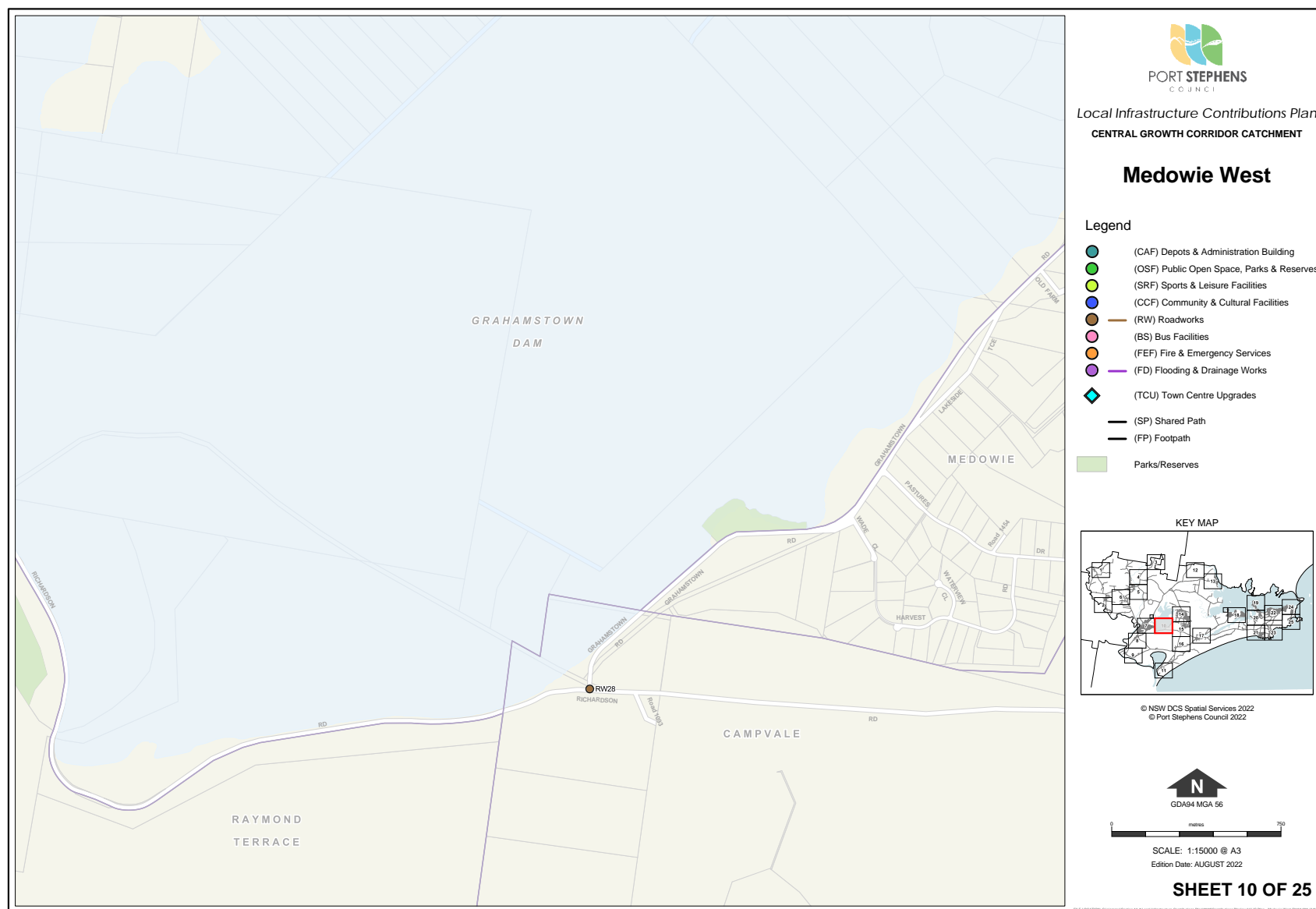




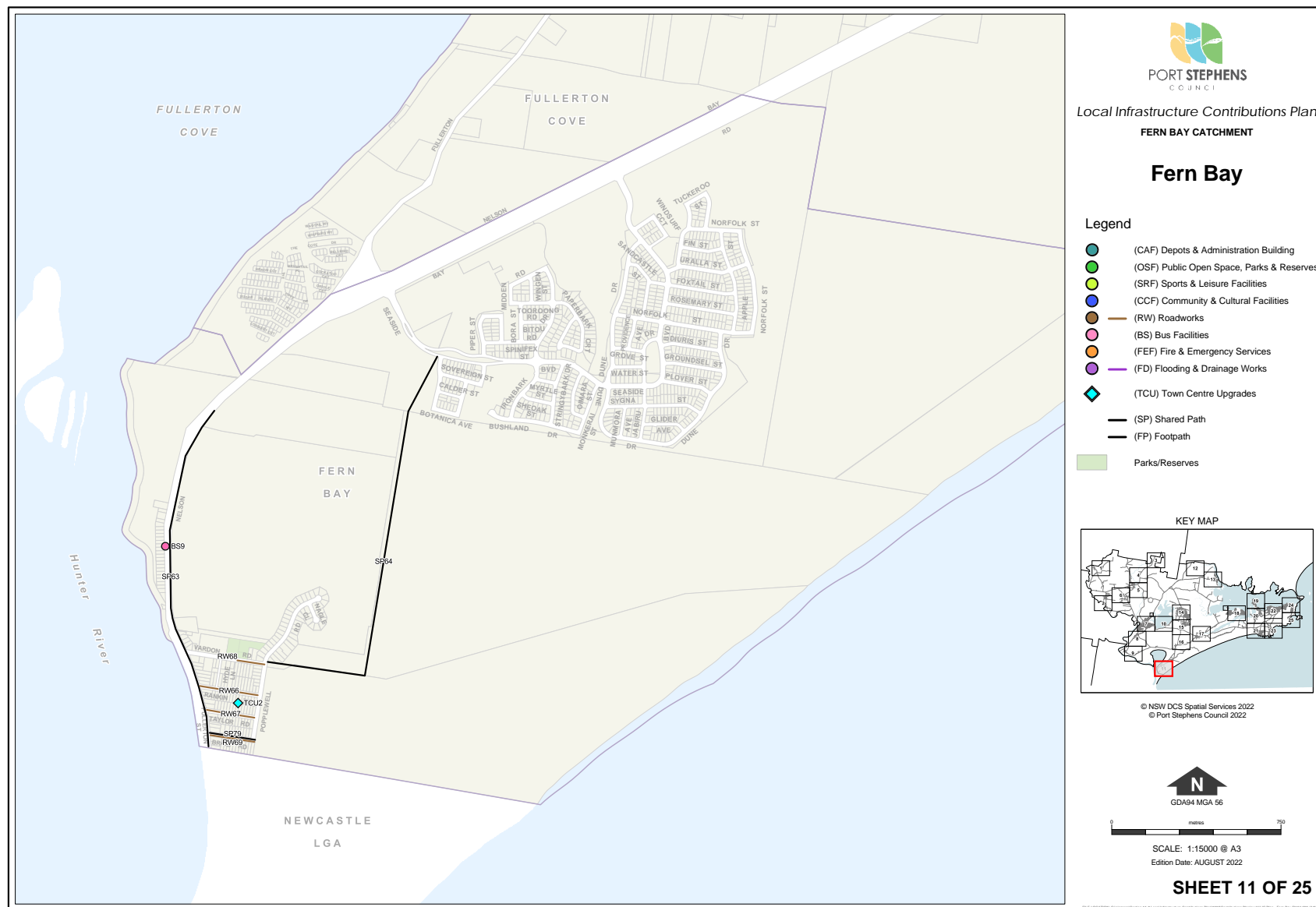


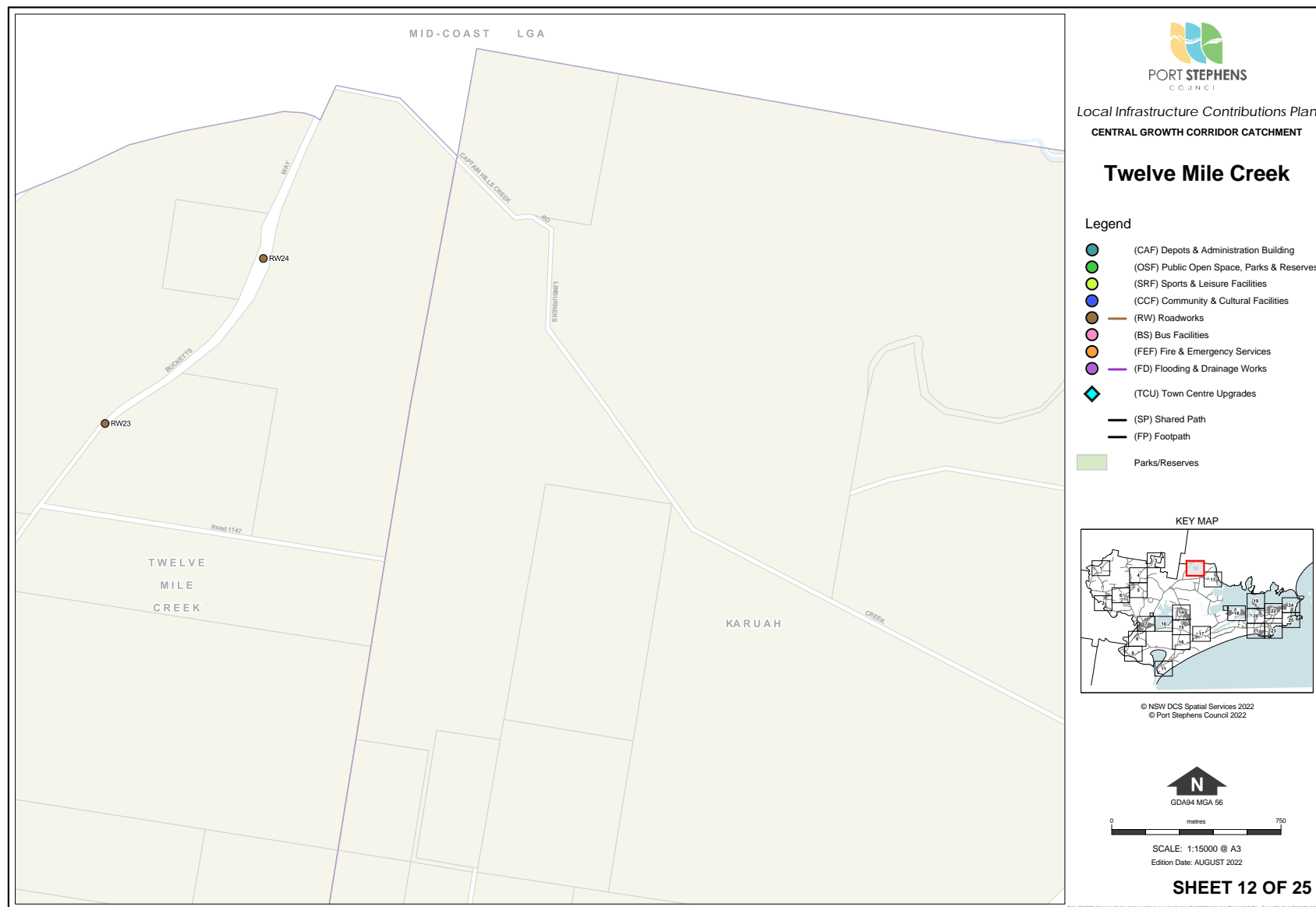


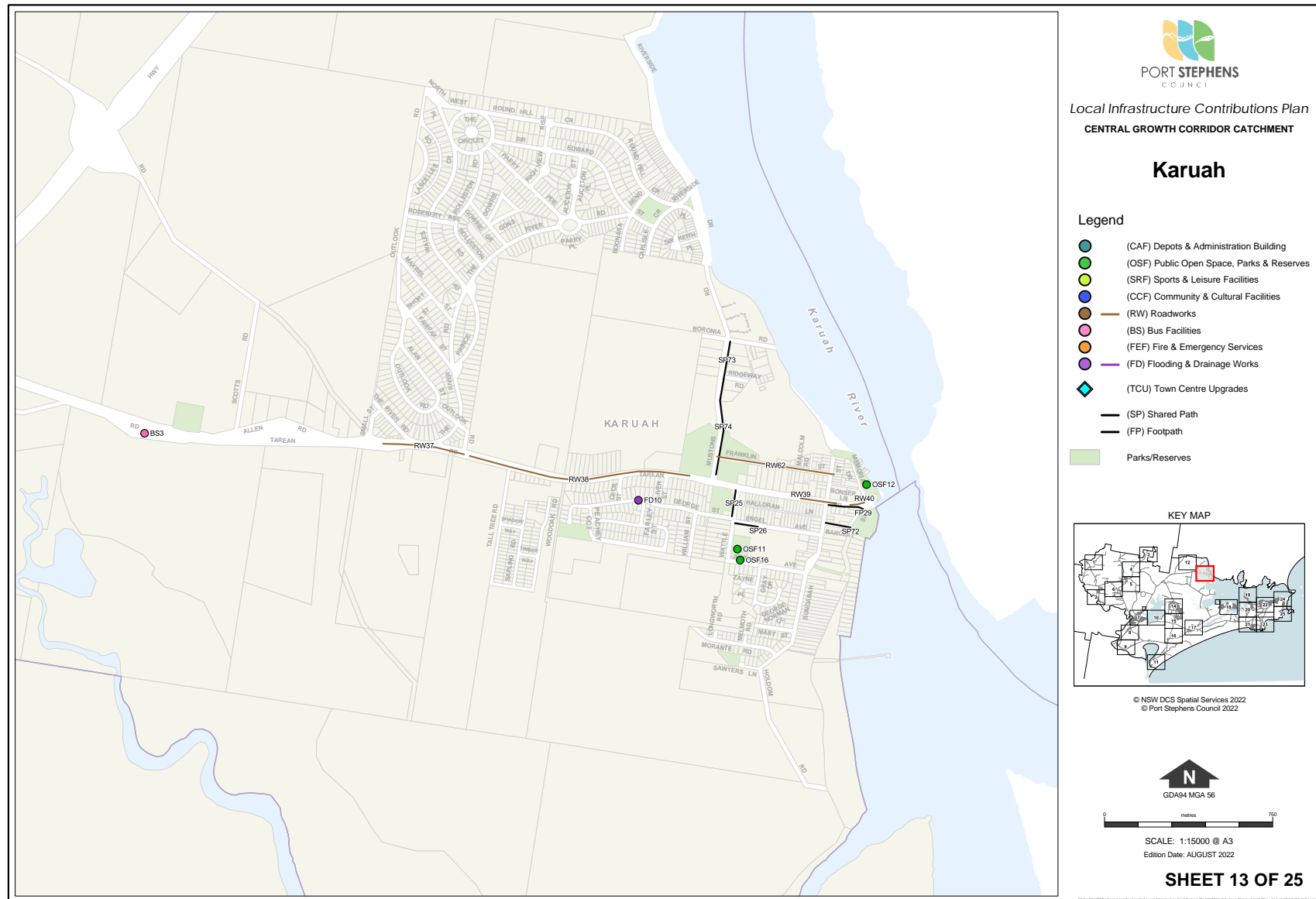




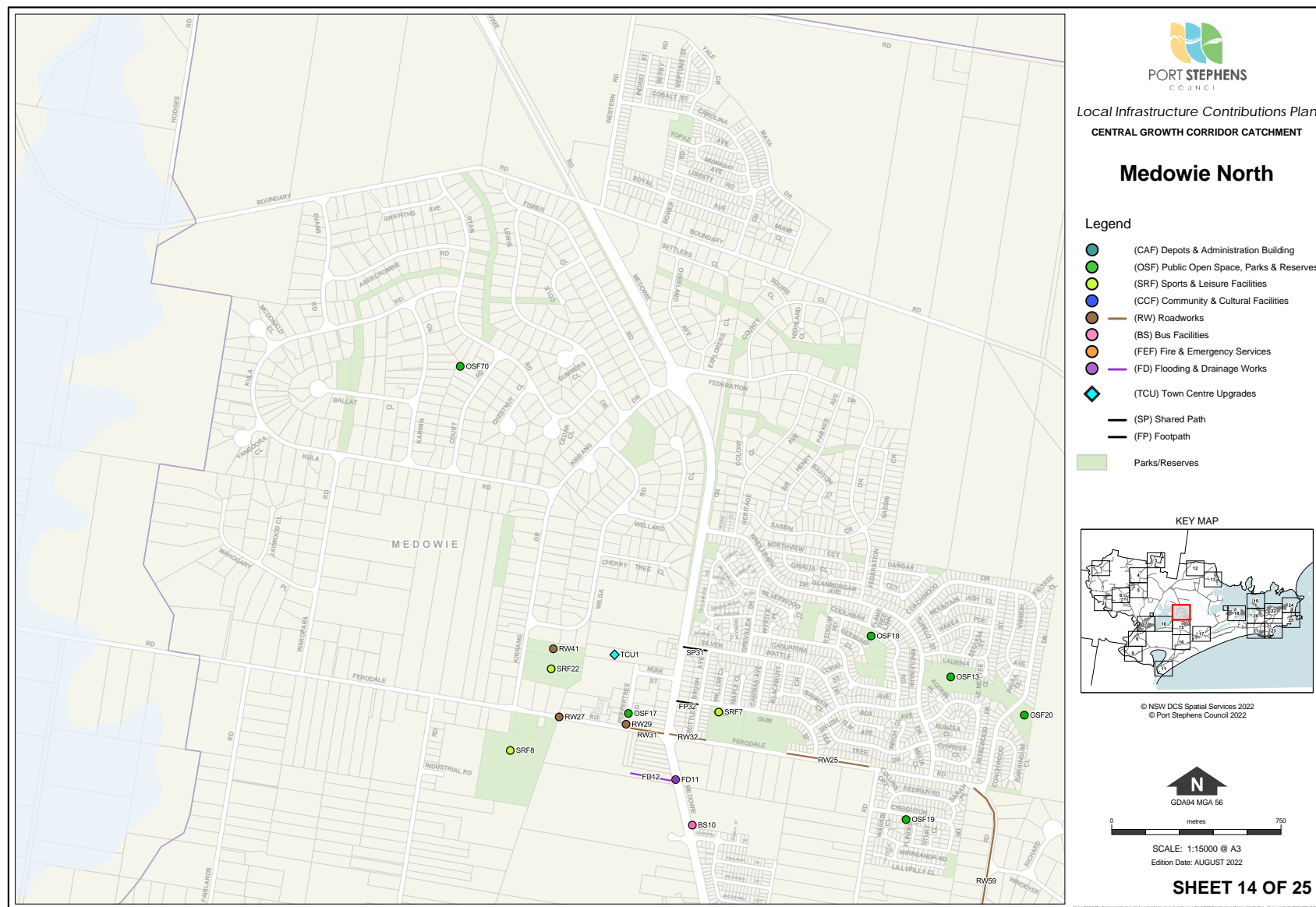
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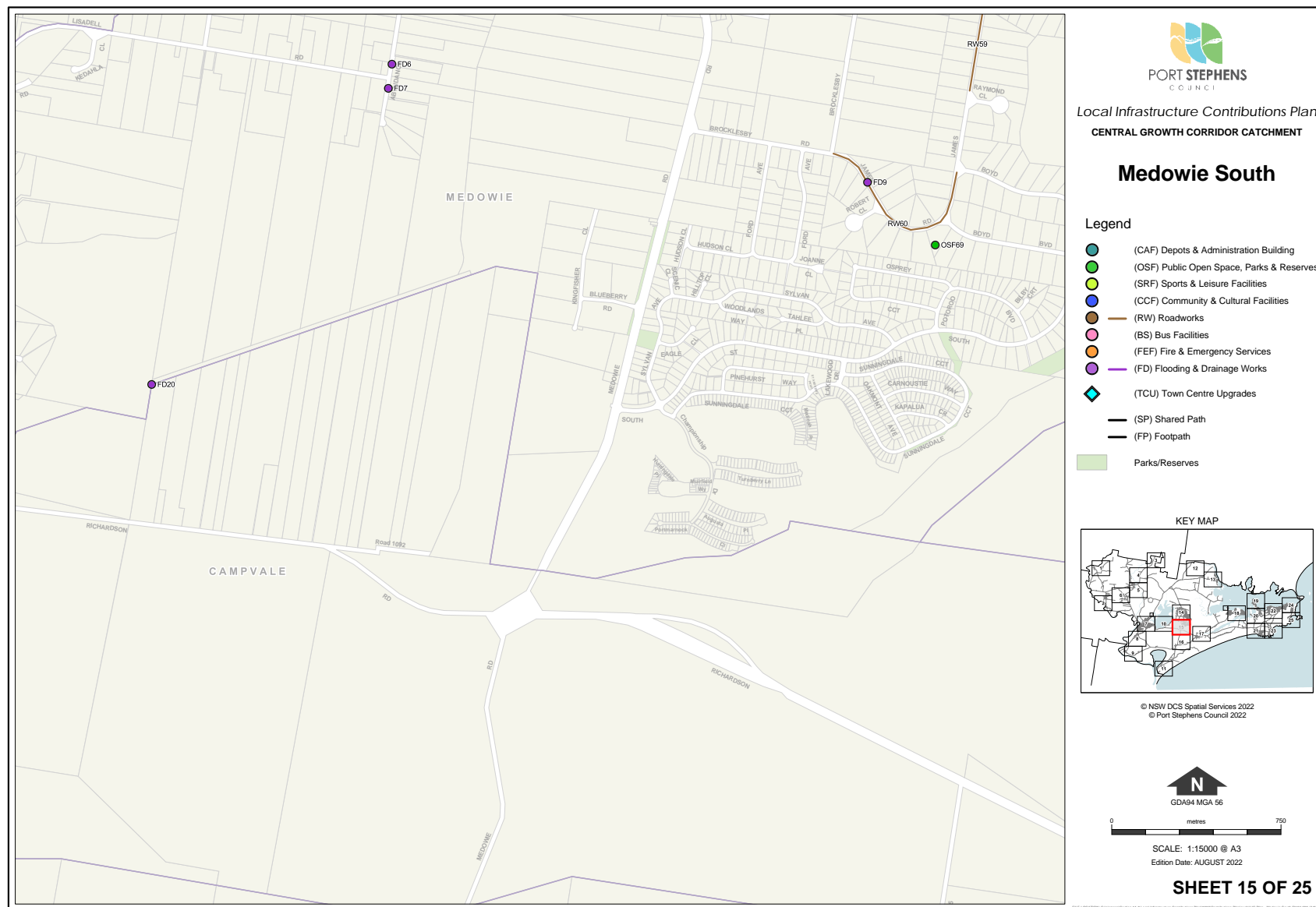


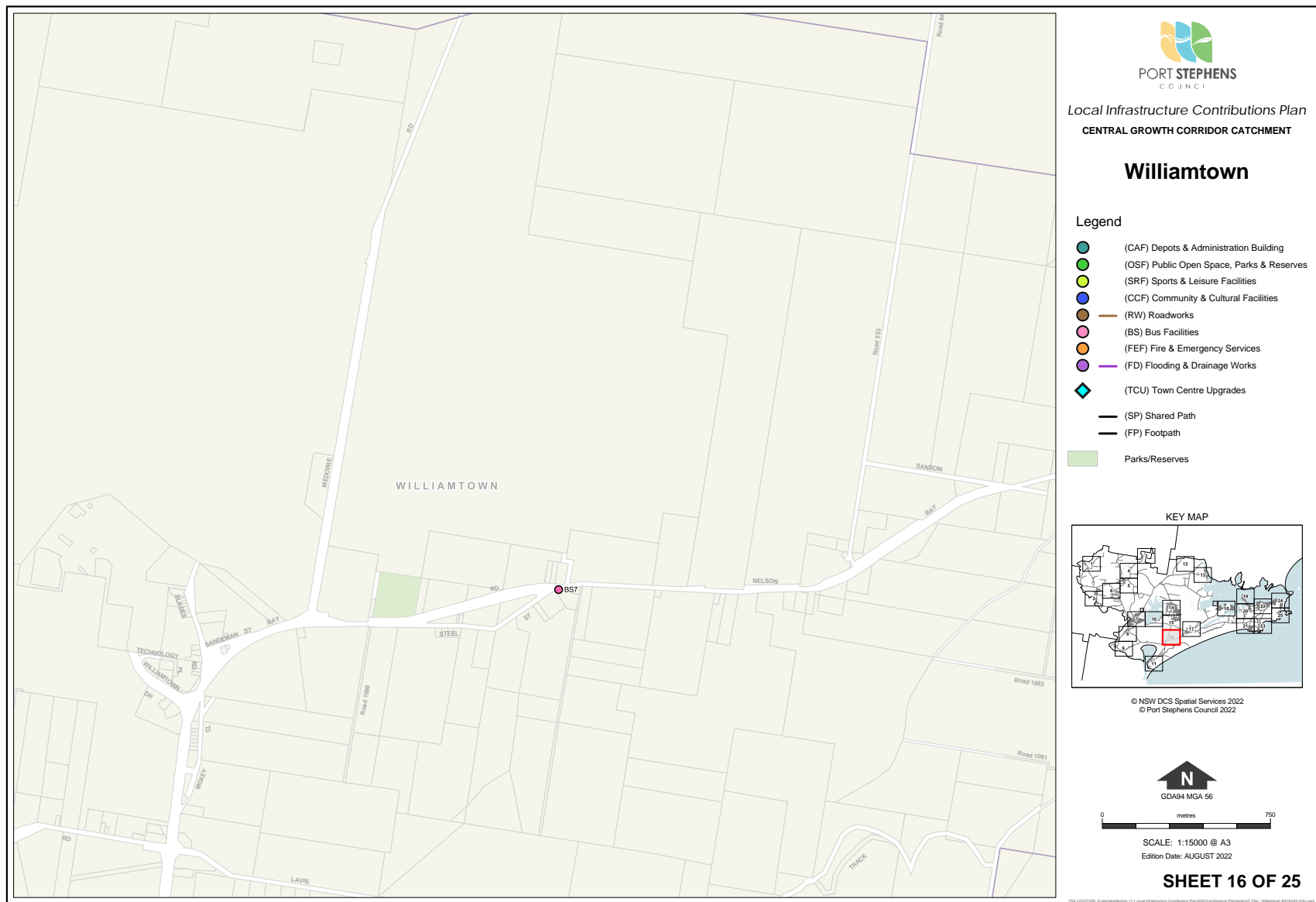


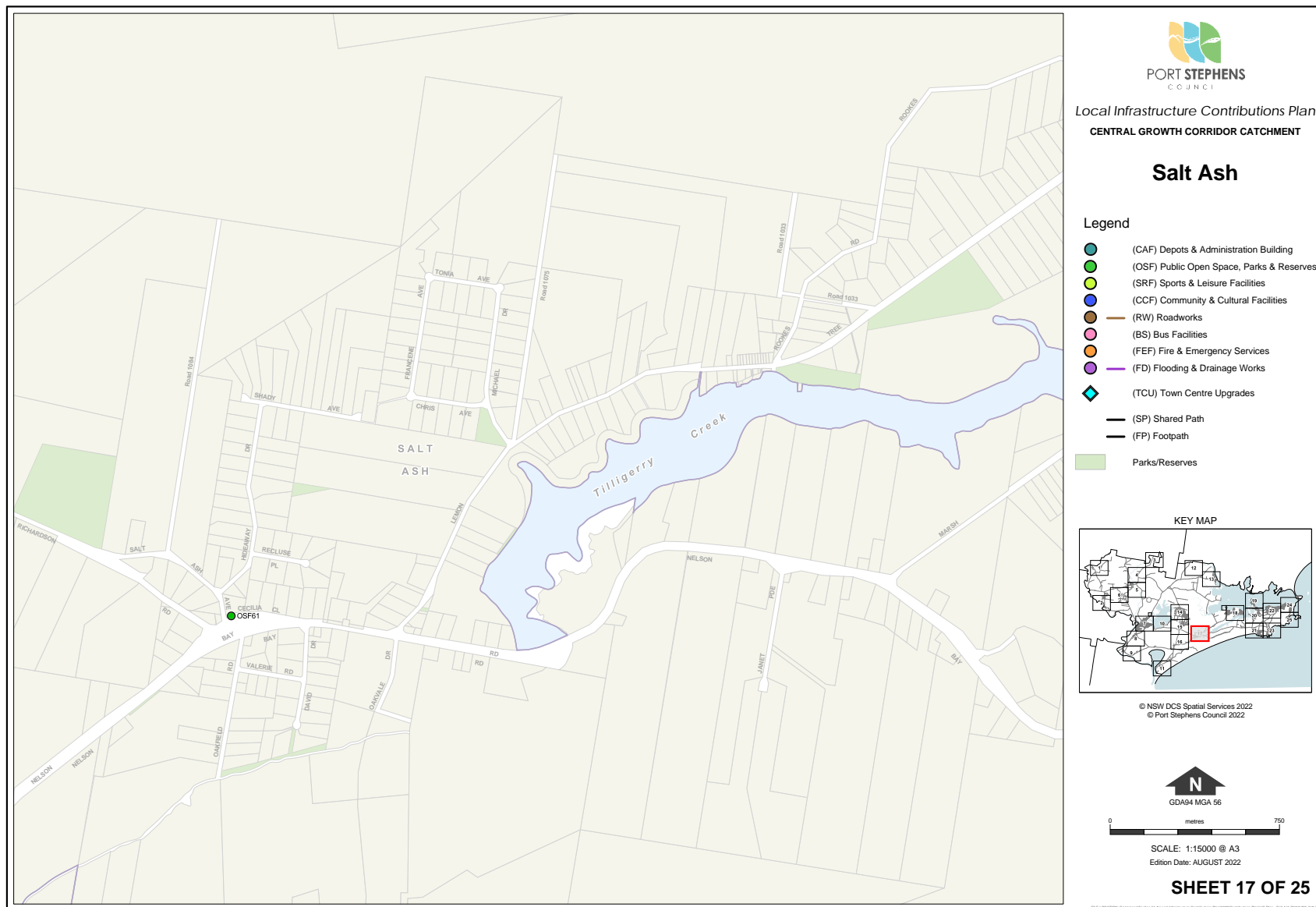


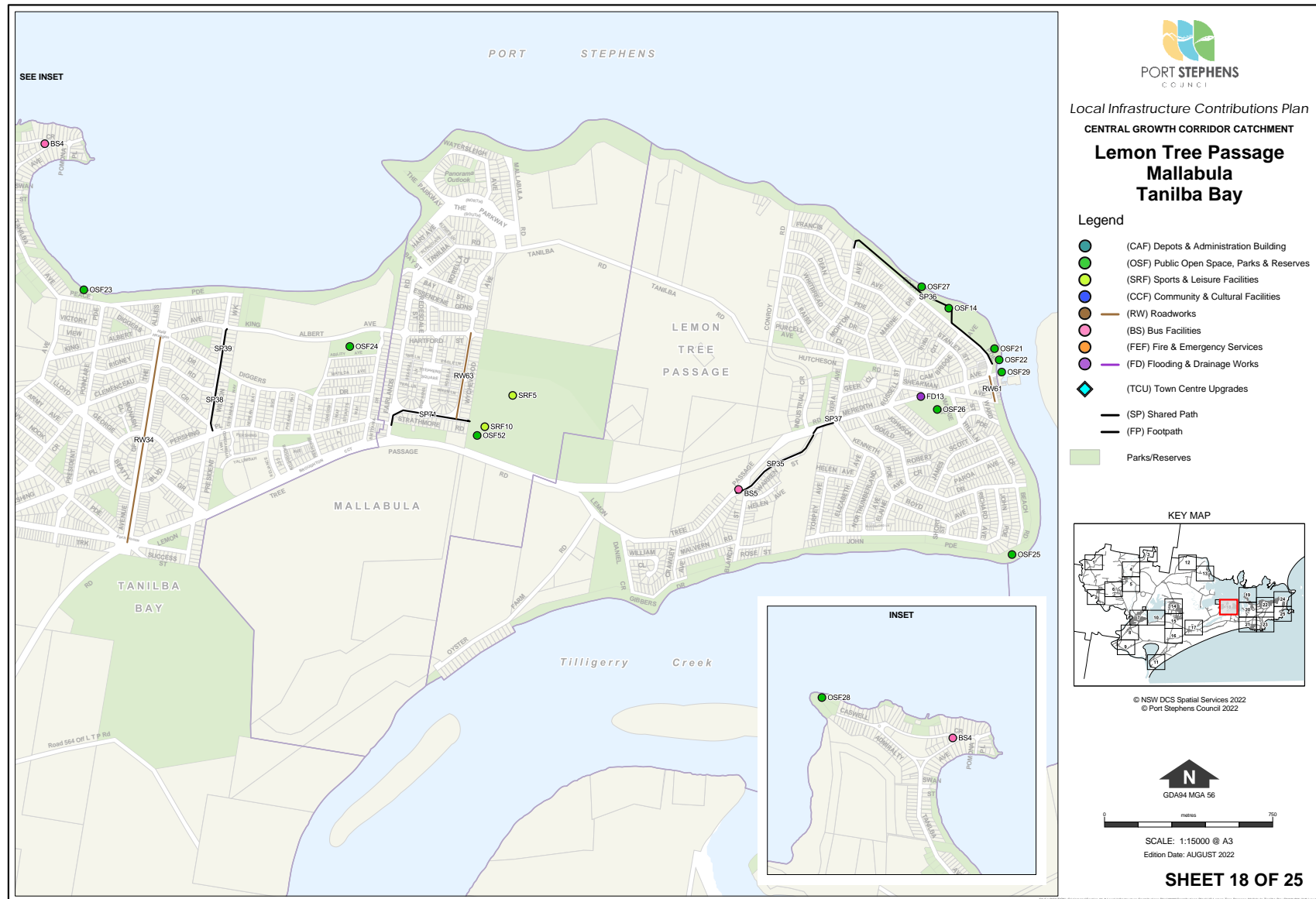




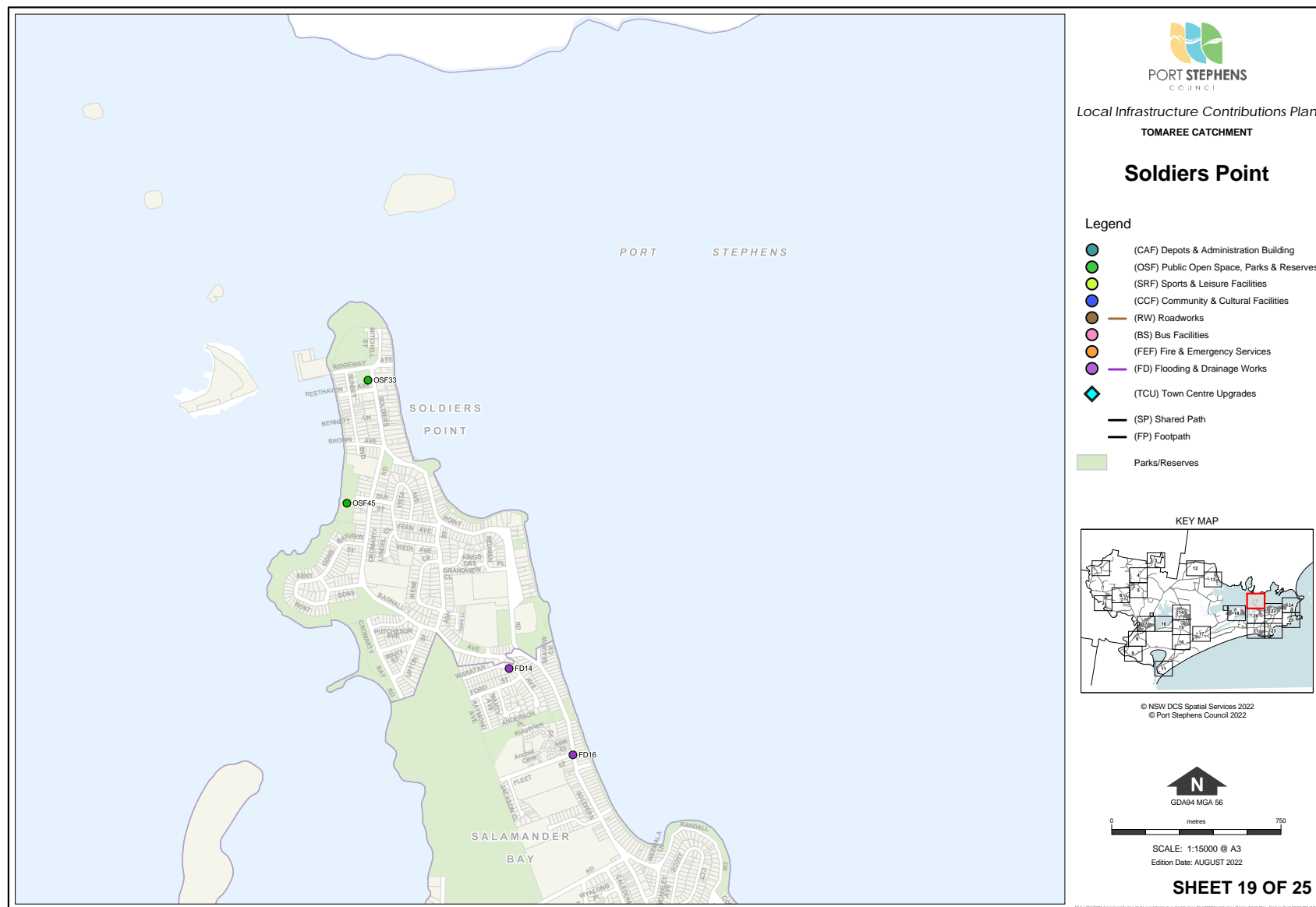


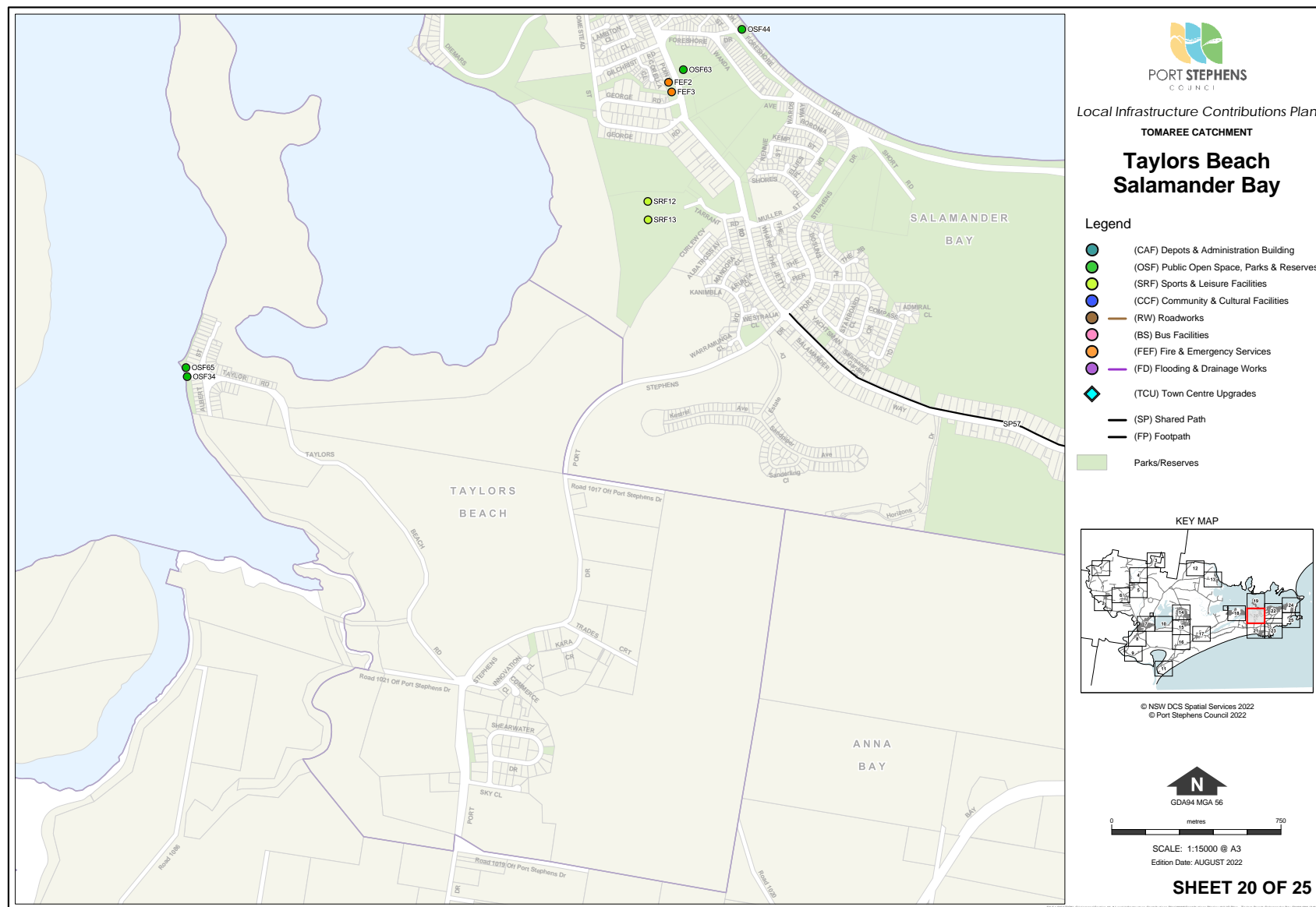


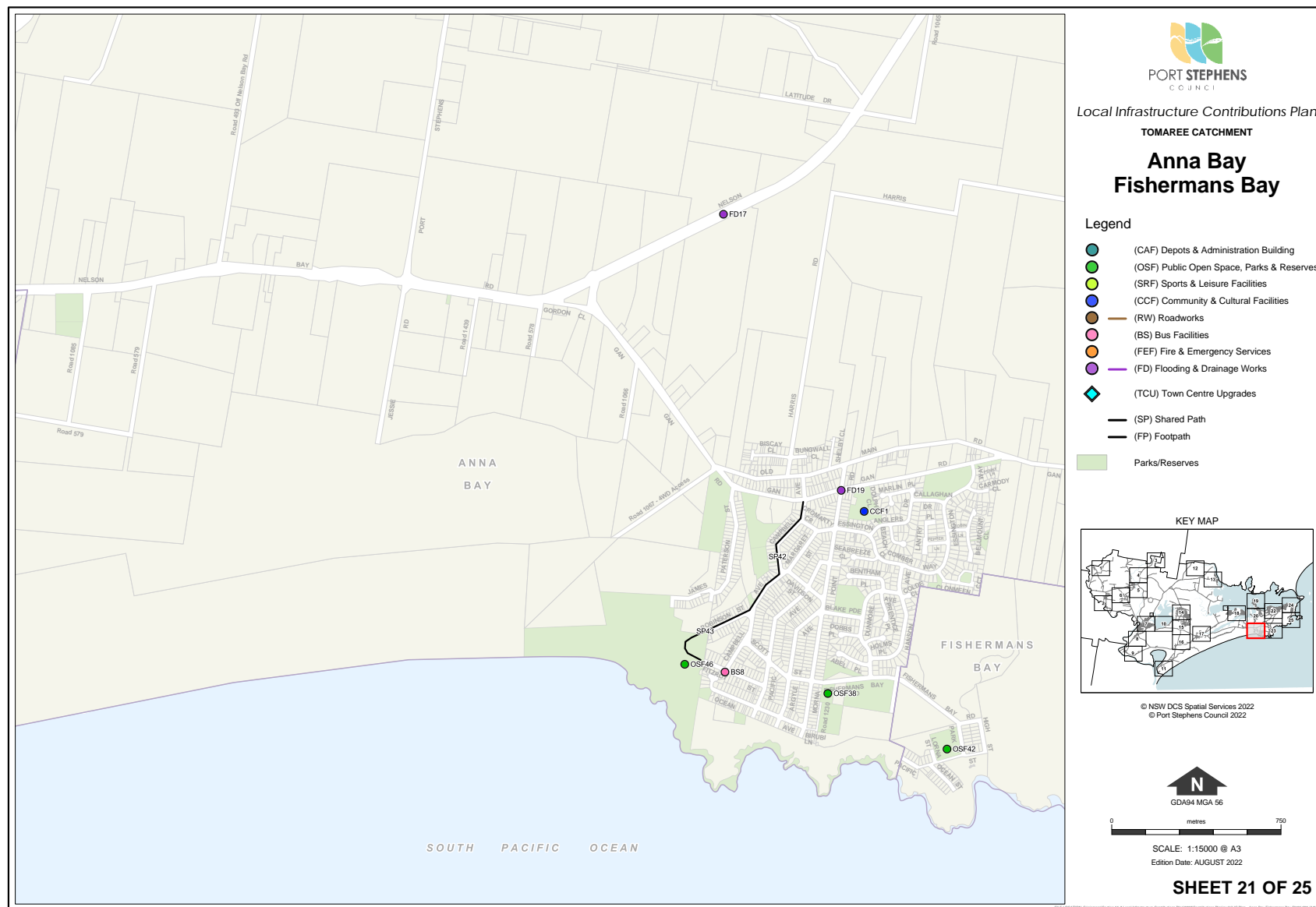




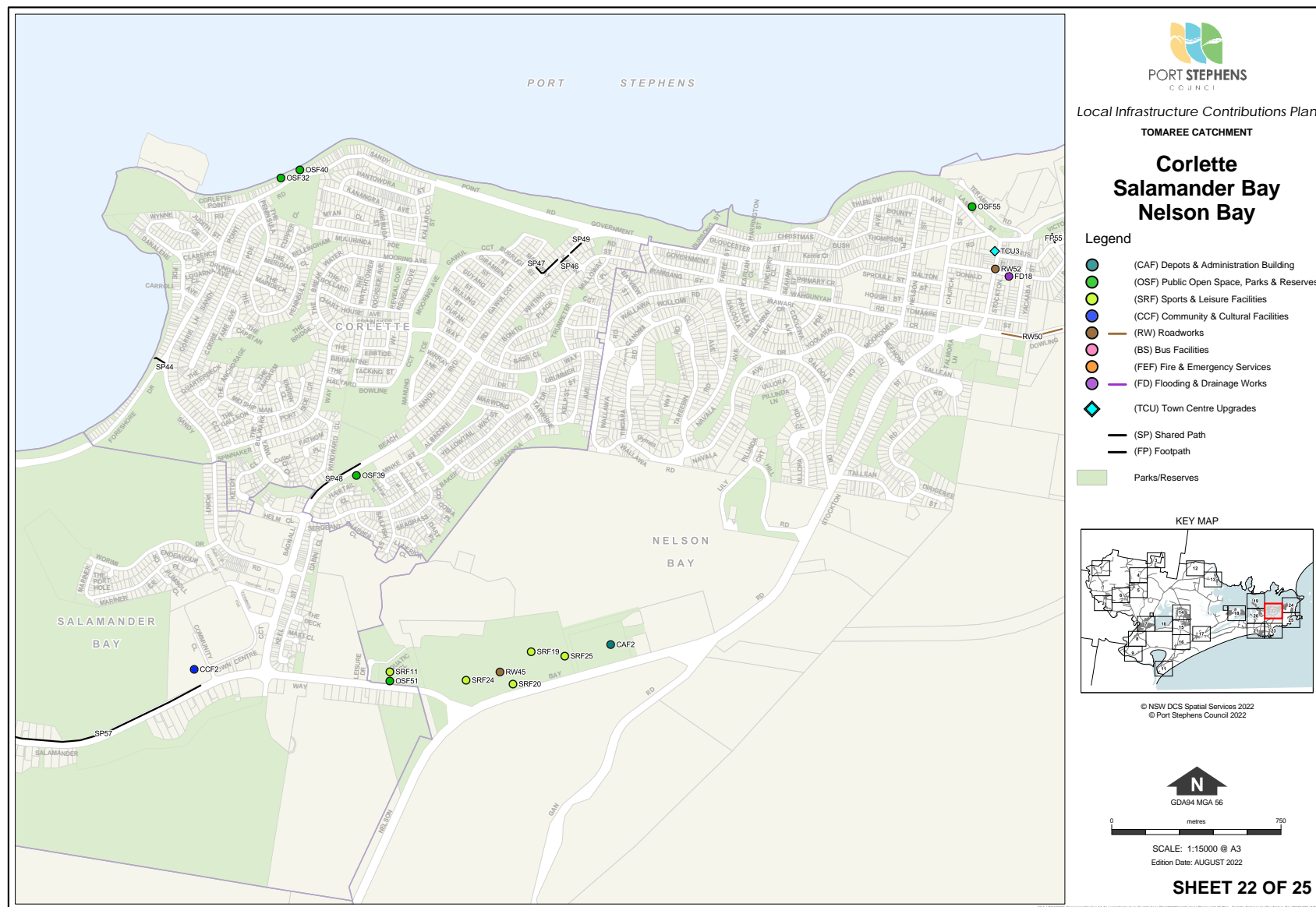
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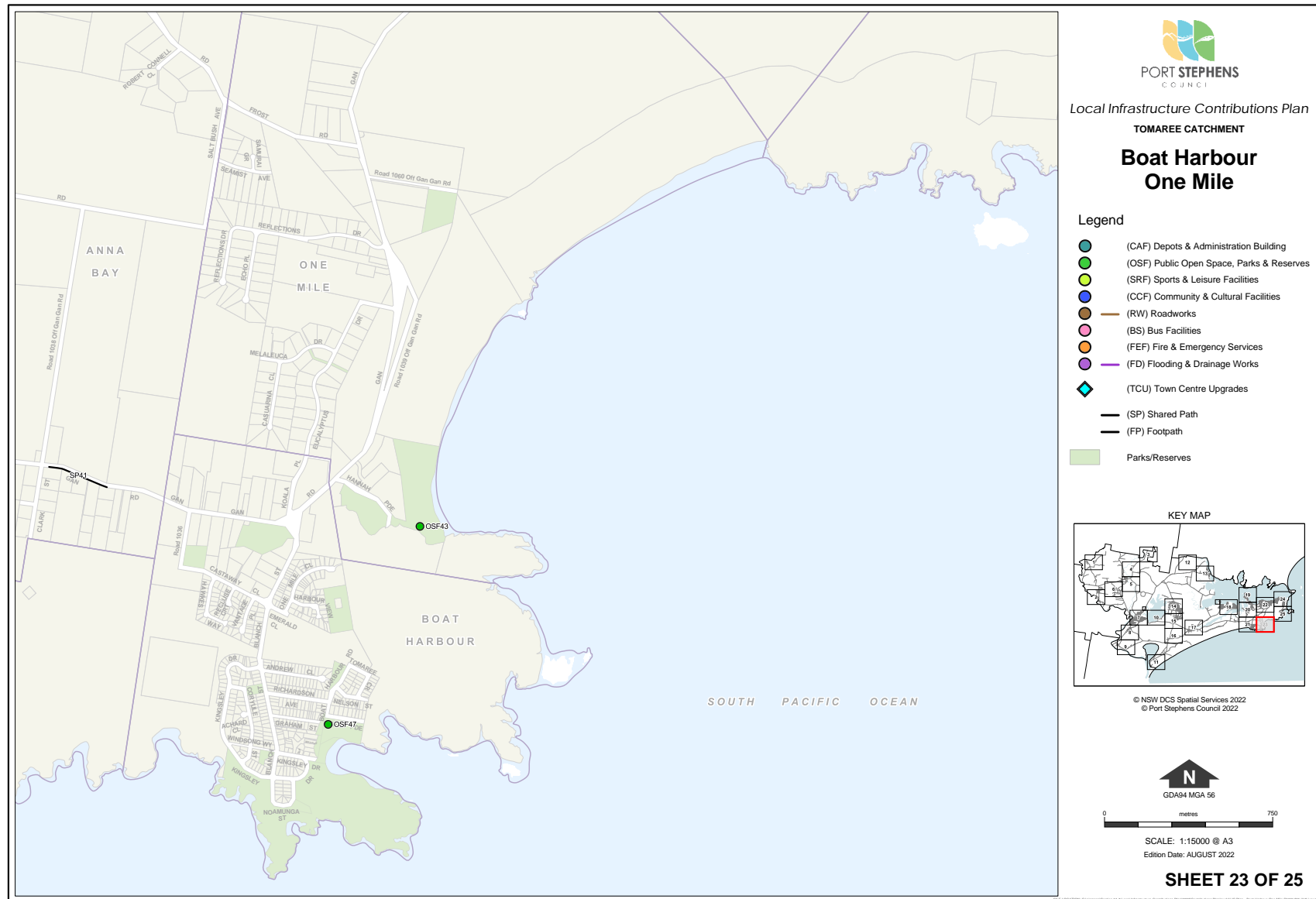


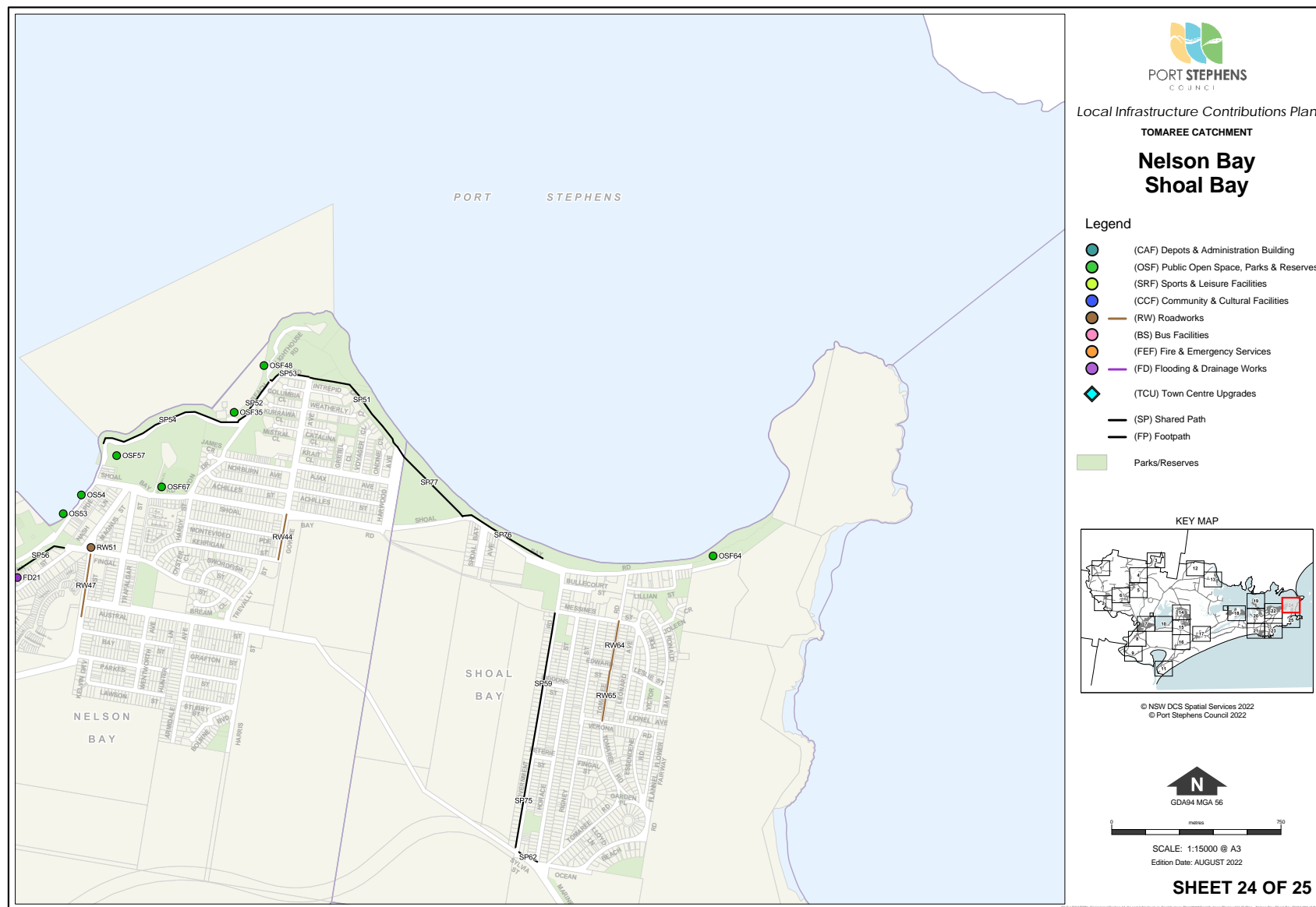


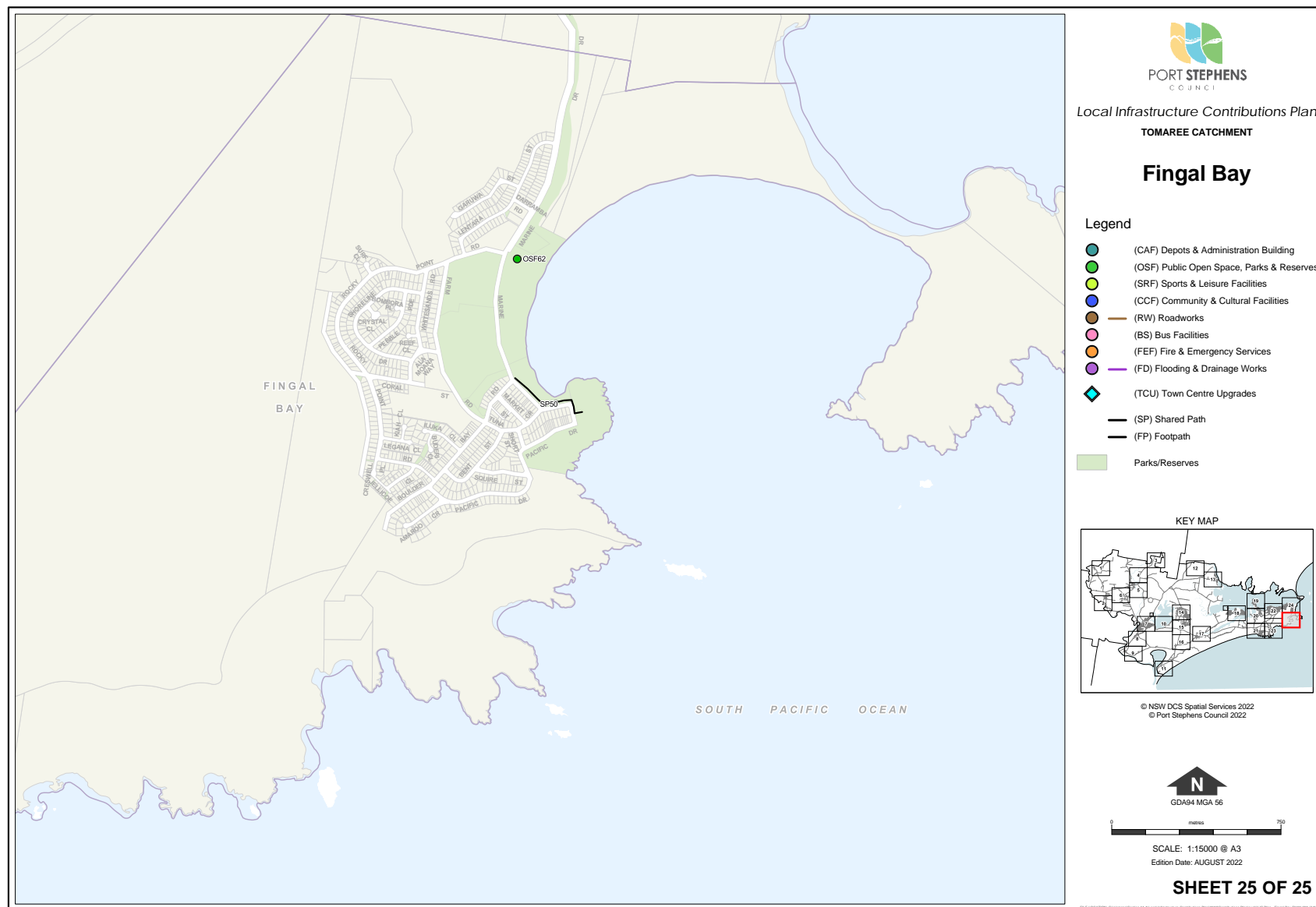






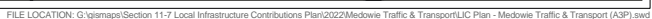






ITEM 8 - ATTACHMENT 1 DRAFT AMENDED LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN - AMENDMENT 2.





ITEM 8 - ATTACHMENT 1 DRAFT AMENDED LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN - AMENDMENT 2.



**ITEM 8 - ATTACHMENT 1      DRAFT AMENDED LOCAL INFRASTRUCTURE  
CONTRIBUTIONS PLAN - AMENDMENT 2.**



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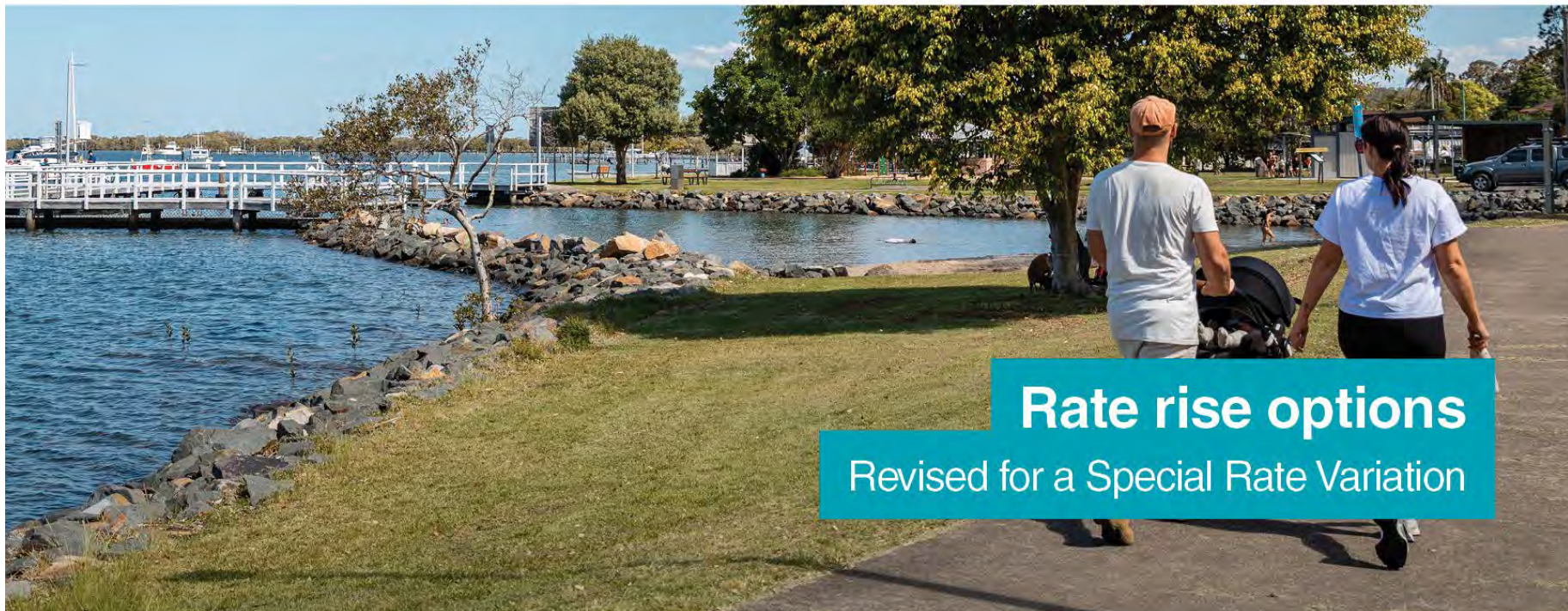


ATTACHMENT 1

# Delivery Program 2022 to 2026 and Operational Plan 2023 to 2024



**DRAFT**





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## Message from the General Manager



Welcome to our 4-year Delivery Program and annual Operational Plan. This document provides the framework for the delivery of Council services for the next four years, – it sets out the projects we will do, the services we provide, the staffing levels needed and the budget required to achieve it all.

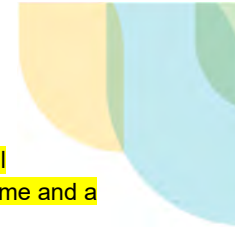
To develop this plan, we have worked closely with our Councillors and our community. We have engaged with our residents to understand both their values and priorities and are committed to delivering actions which improve the liveability and wellbeing of those that live, work and visit Port Stephens.

Striking a balance between the needs of our community and our funded future is an ongoing challenge for Council and the long term sustainability of Council is key priority of this plan.

Like many other businesses around the world, the last two years have had a considerable impact on our budget. Income from our holiday parks, childcare centres and Newcastle Airport have been reduced while at the same time costs associated with construction and transport have significantly increased. Major storm events have increased our maintenance costs, insurance prices and diverted funds away from planned projects.

To help balance our budget, we've focused on improving our productivity, streamlining services, containing our costs and increasing revenue. Despite our best efforts, our financial forecast has shown that if we keep going this way and continue to retain our low residential base rate we'll spend more on our services than we can afford.

ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&R DOCUMENTS REVISED FOR A SPECIAL RATE VARIATION.



Over the past six months, we have been having the discussion with our community on ways to improve our long-term financial sustainability. As part of this conversation we've discussed options around reducing service delivery, increasing non-rate income and a special rate variation.

These conversations combined with independent expert advice have led us on a path forward to include a range of financial sustainability options within our Delivery and Operational Plan.

One option includes an application to the Independent Pricing and Regulatory Tribunal (IPART) for a rate increase – known as a special rate variation (SRV). The key purpose of this SRV is to eliminate forecasted budget shortfalls and create financial sustainability. Where additional funds may be available this would enable Council to further invest in the community priorities for road maintenance, condition of our public spaces, and the protection our waterways and natural environment.

It's a tough decision and not one we are considering lightly. We know that even a small rise in rates may be difficult for some within our community and that is why we have work with our Councillors to propose additional measures to help those most vulnerable.

This plan and program provides a way forward for our Council and our community. It provides options on two special rate variations both of which have been modelled to show the impact on our delivery program and services. It is imperative that we take action now to safeguard our long-term financial future and ensure the community of Port Stephens continues to enjoy a great lifestyle in a treasured environment.

We encourage our community to have their say, provide their feedback and participate in the decision making for our funded future.

Tim Crosdale  
General Manager

## Proposed Special Rate Variation (SRV)

Council is considering making an application to the Independent Pricing and Regulatory Tribunal (IPART) for a special rate variation (SRV). An SRV is a tool used by Councils to adjust its fixed income base when reducing operating expenditure alone does not balance the budget.

It is unsustainable for Council to operate year after year with budget shortfalls. The increased income raised by a Special Rate Variation would be used to eliminate forecasted shortfalls, covering the rising costs associated with delivering planned services to our community. Meaning council will be able to fund and meet community expectations as outlined in our Integrated Planning and Reporting suite of documents. Where additional funds are generated Council will be able to increase funding into community priorities being road maintenance, condition of our public spaces, and protecting our waterways and natural environment.

Two special rate variation scenarios are being considered and have been modelled in these Integrated Planning and Reporting documents. Both scenarios are inclusive of the 2.5% rate cap.

**Single Year Scenario** – A 26% increase for a single year, being 2023-2024 only.

**Independent Recommendation Scenario** - A cumulative increase of 34.92%, being a 10.5% increase for three consecutive years 2023-2024 to 2025-2026.

Council is proposing that the increase be retained permanently in the rates general income base. This means that rate levels in the first year after the SRV and subsequent years will only increase by the rate cap set by the state government and rates will not be reduced to pre-SRV levels.

Council would need to adopt these suite of documents and submit an intent to apply to IPART, after which a formal application would be made to IPART in February 2023. IPART would then consider Council's application based on detailed criteria and guidelines, open their community consultation period to take submission and then make a determination in May 2023. An approved rate increase would commence 1 July 2023.

## ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&amp;R DOCUMENTS REVISED FOR A SPECIAL RATE VARIATION.

**Background**

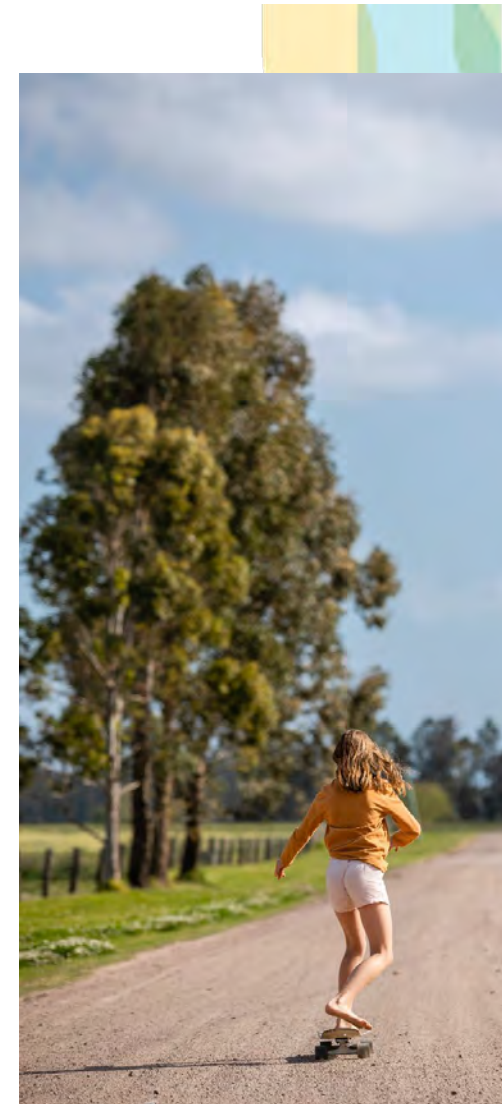
Financial Sustainability has been a long-term focus at Port Stephens Council. Council's consideration to apply for a rate increase has not been taken lightly and follows numerous councillor workshops and extensive community engagement. With the Long Term Financial Plan (LTFP) predicting tough times in 2022, the financial impacts of COVID-19 and numerous weather events it was clear Council needed to address this issue proactively.

At its meeting in October 2021, Council acknowledged the ongoing impacts on its financial sustainability outlook and endorsed the Financial Sustainability and Prosperity (later renamed resilience) fund to set key directions for ongoing financial sustainability. After overcoming the delayed Council election the incoming Council swiftly began regularly holding workshops to set the strategic direction to further address Council's financial sustainability.

Council engaged Professor Dollery and Professor Drew for an independent assessment, in which Council opted to forgo traditional commercial consultants as the Professors are widely accepted by the sector as independent voices with a level of depth and insight beyond standard practices within the local government sector. The reports recognised the effects taken by the organisation over the past few years in delivery services valued by the community under extremely low rate income compared to other councils of the same size and nature, but considered that such an ongoing approach could not be sustained. Numerous recommendations were made and have since been implemented, one that is now for consideration by the community is a Special Rate Variation.

At the 28 June 2022 Council meeting, Council adopted its 2022-2032 Long Term Financial Plan, which projected a ten-year \$80 million dollar operating shortfall. Along with the LTFP, Council endorsed the Financial Sustainability Report and a detailed engagement program, named Our Funded Future, to discuss financial sustainability with the community and seek feedback on a number of options.

In July/August 2022, Council undertook extensive community engagement that included five different options for a Special Rate Variation, ranging from 26% to 45% cumulative. This was alongside options



**ITEM 10 - ATTACHMENT 1    AMENDMENTS TO DRAFT IP&R DOCUMENTS REVISED FOR A SPECIAL RATE VARIATION.**

for increasing fees and charges, reducing service delivery, selling underperforming assets, removal of the residential paid parking exemption and continuing efforts to seek grant funding.

Council considered the community feedback from the Our Funded Future engagement at its meeting at the end of August 2022 and resolved to endorse the development of revised IP&R documents. These documents include two Special Rate Variation scenarios, the base scenario of reducing services, inclusion of a one-off 5% increase in fees and charges, continued efforts in seeking grant funding and the continued investigation with community consultation of selling underperforming assets. It was decided that any net profits from the sale of underperforming assets were to be placed in the Resilience Fund. Council also sought to exclude the removal of the residential paid parking exemption option from being further considered.

Through the engagement, it was clear the support for having a financially sustainable council was high, as was the desire for enhanced services in particular areas of council. Council also received feedback around the sentiment of focusing on the basics. Key areas of service priority included fixing our roads, looking after our public space and protecting our natural environment, foreshores and waterways. Both SRV scenarios include a slight increase of enhancement in these areas, where additional funds are generated.

**Rate rise options additional affordability measures**

We understand that it may be difficult for some of our community to pay for an increase in rates. We have a range of current initiatives in place to assist ratepayers experiencing hardship, whether it be for a short or long time. These can be found in our existing Debt Recovery and Hardship Policy.

To ensure that there is ample assistance available to those who may experience financial stress as a result of an approved rate increase Council is proposing additional affordability measures that will be considered as part of the special rate variation. This would include,

- Include pensioners, and increase the amount of assistance for non-pensioners.
- Financial assistance to include waste charges reduction for koala carers and ratepayers with medical conditions that result in large amounts of waste.
- Include referral of financial hardship matters to Council in the event of a significant event affecting Port Stephens primary producers.

**ITEM 10 - ATTACHMENT 1    AMENDMENTS TO DRAFT IP&R DOCUMENTS REVISED FOR A SPECIAL RATE VARIATION.**

- Increase the debt balance threshold for commencement of legal action

We are asking our community to provide further feedback on these proposed additional affordability measures. Details of these proposed additional affordability measures can be found in appendix four in this document and on Council's website.

**Productivity and Cost Containment Measures**

Council runs a whole suite of strategies to help save money and run efficiently. These include our Service Review Program, Business Improvement Ideas, and our Problem/Opportunity 'Plan Do Study Act' program. All of these are designed to ensure business improvement and excellence. Since 2012 over \$7 million dollars in savings, (hard and reinvested efficiency savings) have been achieved.

These programs utilise the Australian Business Excellence Framework (ABEF), which ensures a consistent approach to continuous improvement across the whole organisation, while better managing scarce resources. PSC is one of the first councils in NSW to implement these types of regular efficiency reviews. Our focus on improving efficiency and finding productivity enhancements is supported by dedicated teams to do just that and we now average 30 reviews per annum and continually refine our process.

To contain our costs council use a centralised treasury model approach to budgeting. This means that our Executive set the overall budget parameters and our financial services team then ensure control over council's budget. This ensures a uniform approach and transparency. Deviations from the budget are highly scrutinised through a rigorous approval process. This budgeting approach encourages business units within Council to coordinate and collaborate with each other so that resources are optimally pooled and programs appropriately targeted to inclusively service the needs of the community.

Independent experts Professor Dollery and Professor Drew looked into how efficiently we are operating when compared to other similar NSW local Councils. Our efficiency was close to the typical score when assessed against 67 Councils. In their reports, the Professors assured that Council is providing good value for money.

It goes without saying that Council will continue to implement strict budget controls and pursue productivity efficiencies. But it is clear that the current financial position is unsustainable, and that significant change will need to be made.

## SRV Scenarios



### Planned Services

The key purpose of Council applying for a special rate variation is for Financial Sustainability. Council has predicated an \$80 million shortfall for the next ten years without having a special rate variation. With an approved special rate variation, this would mean that the \$80 million shortfall would be eliminated and the bulk of the funds raised would go towards funding existing planned current services, activities and actions outlined within the Community Strategic Plan, Delivery Plan and Operational Plan. Meaning there would be no reduction in services delivery and services would continue to be delivered as expected over the next ten years. The funds raised through a special rate variation would see Council's operational day-to-day budget strengthen, to overcome external shocks, keep up with rising cost pressures and ensure long term financial sustainability of Port Stephens.

### Enhanced Services

From our discussions with our community we not only financial sustainability was critical but there is a desire for enhanced current services, and for these enhancements to be enacted as quickly as possible. We initially asked if there were to be additional funds over and above daily needs what areas the community sees as a priority. The two modelled special rate variation scenarios take what we heard in from our initial conversations with the community and put it into a detailed action plan for further community engagement. Whilst the level of additional funds are similar in each scenario, the expected timeframes for delivery differ.

All proposed works delivered by income raised by a Special Rate Variation will be reported to IPART in Council's application. Council is required to report to IPART each year of the SRV to ensure funds are spent in accordance with the application.



ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&R DOCUMENTS  
REVISED FOR A SPECIAL RATE VARIATION.

**Single Year Scenario:** 26% increase for a single year, being 2023-2024 only.



Fixing the budget, delivering planned services

**\$99 million** over ten years

Current levels of services to stay  
Delivering planned services as outlined in the CSP

Below enhancements **immediately funded**



Fixing our roads

**\$14 million** over ten years

Targeting roads with a high number of reoccurring potholes



Protecting our natural environment

**\$6 million** over ten years + continued funding

Dedicated recurrent works focused on protecting and enhancing our natural environment



Looking after our waterways and foreshores

**\$4.5 million** one-off 3-year target program

Funding for **three years** of targeted works focused on looking after our waterways and foreshores across Port Stephens



Looking after our public space

**\$3 million** over ten years

Fixing defects throughout our community buildings, and replacing lighting with more energy-efficient LED globes

ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&R DOCUMENTS  
REVISED FOR A SPECIAL RATE VARIATION.

**Independent Recommendation Scenario: 10.5% over three consecutive years.**



Fixing the budget, delivering planned services

**\$99 million** over ten years

Current levels of services to stay  
Delivering planned services as outlined in the CSP

Below enhancements **gradual** as SRV funds builds up



Fixing our roads

**\$14 million** over ten years

Targeting roads with a high number of reoccurring potholes



Protecting our natural environment

**\$5 million** over ten years + continued funding

Dedicated recurrent works focused on protecting and enhancing our natural environment



Looking after our waterways and foreshores

**\$5 million** over ten years + continued funding

Dedicated recurrent maintenance works focused on proactively looking after our waterways and foreshores across Port Stephens



Looking after our public space

**\$3 million** over ten years

Fixing defects throughout our community buildings, and replacing lighting with more energy-efficient LED globes

## ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&amp;R DOCUMENTS REVISED FOR A SPECIAL RATE VARIATION.

**Financial Sustainability**

The past three years Council has been facing its toughest challenge financially to date. With the Long Term Financial Plan anticipating that 2021-2022 Council would be stretched to its limits due to a range of factors, including the Superannuation Guarantee and growing insurances costs. Accumulated impacts of the unprecedented COVID-19 pandemic with state-mandated lockdowns in our non-rate revenue areas of our business, growing internal and external financial pressures such as inflation, further increased insurance costs, and multiple natural disasters, have impacted severely Council's financial sustainability outlook.

In 2020 Council predicted a deficit of \$4.3 million and again in 2021 predicted a deficit of \$2.3 million, through effective short-term strategies Council was able to deliver a modest \$583K and \$147K surplus respectively. This savings of \$7.4 million across two financial years came at a costs to our service delivery and our community felt it.

Council will continue to critically review the current level of service provisions in an endeavour to deliver services as outlined in this plan in accordance with our service review program.

To address this, Council commissioned independent reports from Professor Drew and Professor Dollery, which confirmed that Council is facing a financial sustainability gap. These reports reinforced the extent of impacts from external factors and highlighted Council's reliance on commercial income and with that, the commercial risk that is associated with operations such as Holiday Parks and the Newcastle Airport. Given the

assessment of council's low rates income compared to those of a similar size and nature, a special rate variation was recommended.

In addition to the current austerity measures and prior to discussing an SRV with the community, Council ensured it has exhausted all other avenues. All non-statutory fees and charges increased 10% for the 2022-2023 year, surplus land was identified for potential sale and further rollout of smart parking was commenced to be introduced in "Fly Point, Little Beach, Birubi, Fingal Bay, One Mile, Shoal Bay and the expansion of Nelson Bay Foreshore".

Council's income is limited by rate-capping, which hinders on Council's ability to maintain financial sustainability whilst delivering services at the level the community desires. With Council's low rate base, the extended period of reliance on commercial risks it was timely to investigate the merits of a potential Special Rate Variation (SRV). If approved the SRV overrides the rate cap limit that applies to rate increases within a Council area for a year or a set number of years.

As part of this process, Council engaged extensively with the community to ensure that it has adequately captured the community's priorities and reflect on their consultation regarding any application to IPART. Council's Long Term Financial Plan (LTFP) has been revised to incorporate options discussed with the community and reflect different scenarios.

CSP Key Strategy - L2.1 Maintain financial sustainability.


Delivery Program - L2.1.1 Manage implementation of the Long Term Financial Plan 2023 to 2033.

# ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&R DOCUMENTS REVISED FOR A SPECIAL RATE VARIATION.

The LTFP 2023 to 2033 presents financial forecasts associated with the following scenarios.

INCOME	Base Scenario 2.5% Rate Cap	Single Year 26% one year	Independent 34.92% Cumulative 10.5% for three years
<b>Rates</b>			
Pegging factor applied	2.50%	26.00%	10.50%
Ongoing peg factor beyond 2023/2024	2.50%	2.50%	10.50% until 2026 2.50% beyond 2027
New annual rates assessment	150	150	150
User fees and charges *5% one off increase for non-statutory 2023-2024	2.50%	2.50%	2.50%
Operating grants and Contributions Annual factor	1.00%	1.00%	1.00%
<b>Other</b>			
Cash investment returns	2.00%	2.50%	2.50%
Other income	1.00%	2.00%	2.50%
Rental income	1.00%	1.00%	1.00%
Airport dividend *unknown return at this time. Any dividend received to be held in the financial sustainability & resilience fund.	Nil	Nil	Nil

# ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&R DOCUMENTS REVISED FOR A SPECIAL RATE VARIATION.



EXPENSES	Base Scenario	Single Year	Independent Recommendation
Salaries and allowances	2.25%	2.25%	2.25%
Materials and contracts			
2024	6.00%	6.00%	6.00%
2025	4.50%	4.50%	4.50%
2026 - beyond	3.50%	3.50%	3.50%
Other expenses	2.50%	2.50%	2.50%
Services levels	Reduction required	Maintain current service levels (subject to our rolling service review program) Some enhancements funded through additional SRV funding	Maintain current service levels (subject to our rolling service review program) Some enhancements funded through additional SRV funding

PROJECTED RESULT \$'000	Base Scenario	Single Year Scenario	Independent Recommendation
2022-20234 (Current)	(1,122)	(1,122)	(1,122)
2023-2024	(3,295)	1,501	538
2024-2025	(4,733)	1,525	1,252
2025-2026	(5,738)	1,728	2,020
2026-2027	(8,218)	1,863	1,977
2027-2028	(9,296)	1,612	1,711
2028-2029	(10,321)	1,410	1,493
2029-2030	(11,671)	1,085	1,151
2030-2031	(13,119)	741	947
2031-2032	(14,239)	549	615
2032-2033	(15,570)	128	306

88 | DRAFT Delivery Program 2022 to 2026, Operational Plan 2023 to 2024 – Revised for a Special Rate Variation



## Appendix two: Statement of revenue policy

Council is considering making an application to the Independent Pricing and Regulatory Tribunal (IPART) for a special rate variation (SRV) to ordinary rates.

Two SRV scenarios are being considered and have been modelled in these Integrated Planning and Reporting documents. Both SRV scenarios are inclusive of the 2.5% rate peg.

Council is proposing that the increase be retained permanently in the rates general income base. This means that rate levels in the first year after the SRV and subsequent years will only increase by the rate peg set by the State Government and rates will not be reduced to pre-SRV levels.

The following rates are proposed for 2023-2024, and key elements of Council's rating policy are:

- **Base Scenario** – 2.5% state imposed rate cap assumption;  
Special Rate Variation Scenarios:
- **Single Year Scenario** – A 26% increase for a single year, being 2023-2024 only;
- **Independent Recommendation Scenario** - A cumulative increase of 34.92%, being a 10.5% increase for three consecutive years 2023-2024 to 2025-2026;
- All scenarios include continuation of sub-categories in the residential and farmland categories aligned with the Williamstown Management Area;
- It is proposed to continue to make the farmland rate the same as the residential rate;
- 35% base amounts are proposed to continue in the main residential rate category and business rate category

## ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&amp;R DOCUMENTS REVISED FOR A SPECIAL RATE VARIATION.

## Base Scenario Rate Structure

## 2.5% - rate peg

Category	Sub-Category	Ad Valorem Rate in \$	Base Amount \$	Base Amount Yield %	Estimated Rate Yield '000s
Residential	n/a	0.002940	413	35	\$38,138
Residential	Williamstown Primary Zone	0.001959	276	39	\$17
Residential	Williamstown Secondary Zone	0.002203	310	41	\$118
Residential	Williamstown Broader Zone	0.002647	372	40	\$234
Farmland	n/a	0.002940	413	21	\$882
Farmland	Williamstown Primary Zone	0.001959	276	30	\$8
Farmland	Williamstown Secondary Zone	0.002203	310	25	\$22
Farmland	Williamstown Broader Zone	0.002647	372	26	\$23
Business	n/a	0.008119	1,770	35	\$9,669
Mining	n/a	0.008119	0	n/a	Nil
Total					\$49,111

## ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&amp;R DOCUMENTS REVISED FOR A SPECIAL RATE VARIATION.

## Single Year Scenario Rate Structure

## 26% - special rate variation

Category	Sub-Category	Ad Valorem Rate in \$	Base Amount \$	Base Amount Yield %	Estimated Rate Yield '000s
Residential	n/a	0.003613	508	35	\$46,883
Residential	Williamstown Primary Zone	0.002409	339	39	\$21
Residential	Williamstown Secondary Zone	0.002708	381	41	\$144
Residential	Williamstown Broader Zone	0.003255	457	40	\$288
Farmland	n/a	0.003613	508	20	\$1,085
Farmland	Williamstown Primary Zone	0.002409	339	30	\$10
Farmland	Williamstown Secondary Zone	0.002708	381	25	\$27
Farmland	Williamstown Broader Zone	0.003255	457	26	\$28
Business	n/a	0.009978	2,176	35	\$11,884
Mining	n/a	0.009978	0	n/a	nil
Total					\$60,370



## ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&amp;R DOCUMENTS REVISED FOR A SPECIAL RATE VARIATION.

## Independent Recommendation Scenario Rate Structure

## 10.5% for three years - special rate variation

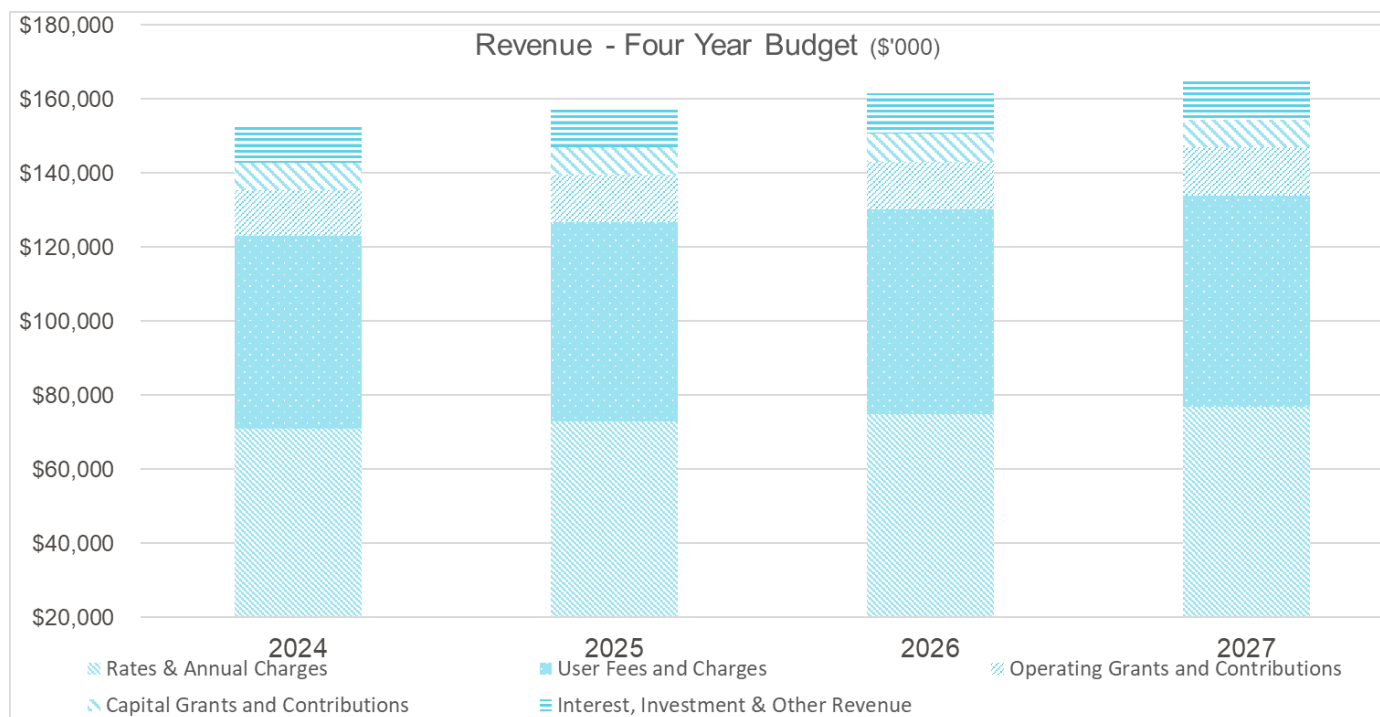
Category	Sub-Category	Ad Valorem Rate in \$	Base Amount \$	Base Amount Yield %	Estimated Rate Yield '000s
Residential	n/a	0.003170	445	35	\$41,112
Residential	Williamstown Primary Zone	0.002114	297	39	\$18
Residential	Williamstown Secondary Zone	0.002375	334	41	\$127
Residential	Williamstown Broader Zone	0.002854	401	40	\$252
Farmland	n/a	0.003170	445	21	\$951
Farmland	Williamstown Primary Zone	0.002114	297	30	\$9
Farmland	Williamstown Secondary Zone	0.002375	334	25	\$24
Farmland	Williamstown Broader Zone	0.002854	401	26	\$24
Business	n/a	0.008755	1,908	35	\$10,425
Mining	n/a	0.008755	0	n/a	Nil
Total					\$52,942

Council has calculated the above rating structures using current land values, which have a base date of 01/07/2019. Rates will be calculated for Year 1 (2023-2024), Year 2 (2024-2025) and Year 3 (2025-2026) using 01/07/2022 base date land values. The NSW Valuer General has not yet provided 01/07/2022 land values to Council. For this reason, the rates structures above are an estimate only using the best information currently available to Council and rates levied may vary from this estimate depending upon changes in individual land values compared to the Rate Category average. General revaluations performed by the NSW Valuer General do not result in any increase to Council total rate income. Total rate income increases are capped by IPART. Council is required to reduce the rate in the dollar if general revaluation total land value increases would result in a total rate income increase exceeding the rate peg.

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**Budget Summary – 4 year Budget Forecast**

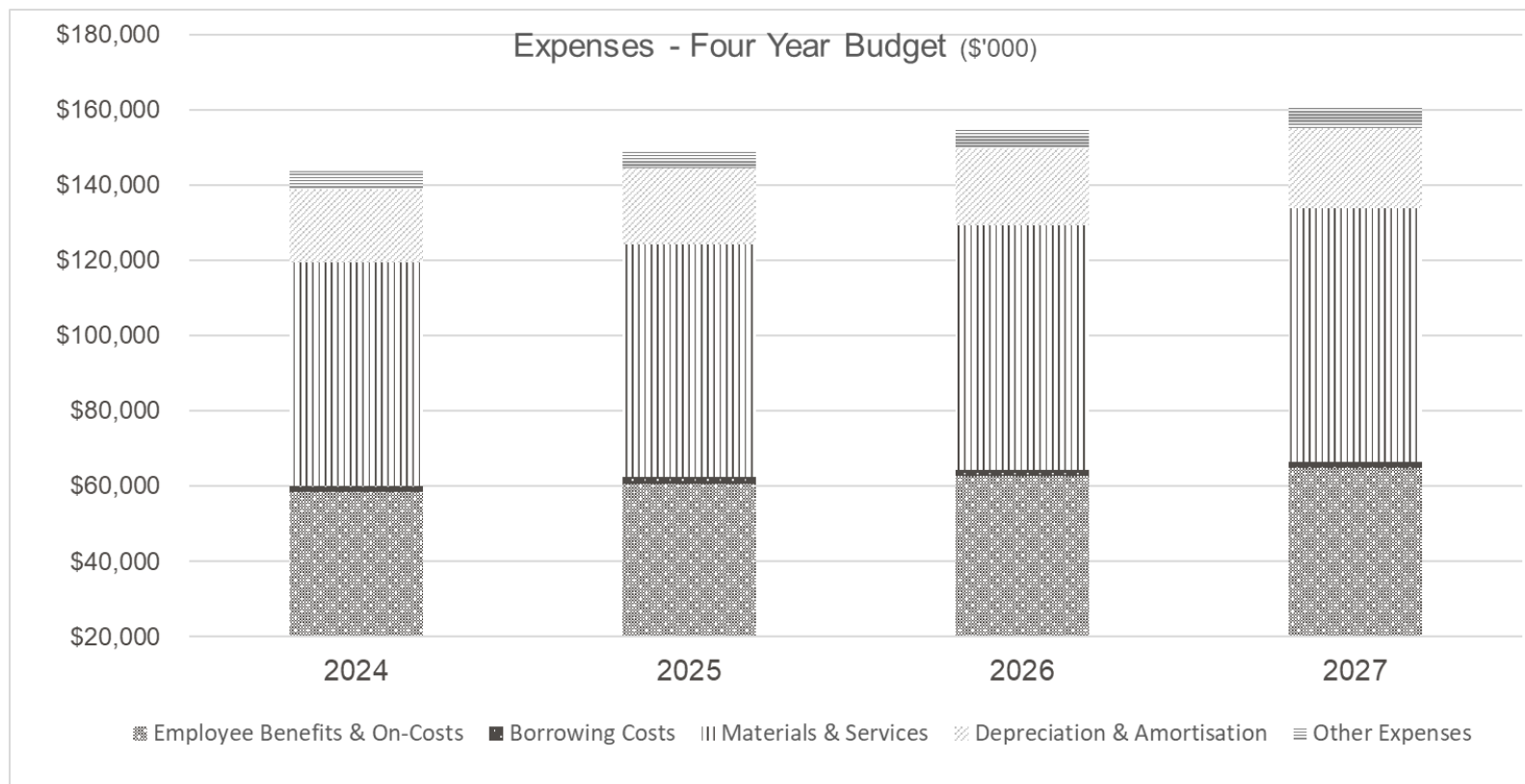
Revenue and Expenditure for 2023-2027 reflects the forecasted impacts of COVID-19 pandemic, however as the pandemic continues to evolve we will remain flexible and agile to respond as required, with financial impacts and adjustments reported to Council through the Quarterly Budget Review and Annual Reporting process.

**Revenue 2023-2024, 2024-2025, 2025-2026, 2026-2027 (\$000s) - Base Scenario**

ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&R DOCUMENTS REVISED FOR A SPECIAL RATE VARIATION.

Expenditure 2023-2024, 2024-2025, 2025-2026, 2026-2027 (\$000s) – **Base Scenario**

Refer to the Long Term Financial Plan 2023-2033 document for more details of the Budget Summary.



## Appendix four: Proposed additional affordability measures

These proposed additional measures are being considered as part of the proposed special rate variation in order mitigate the impact of a rate increase to those ratepayers who may experience financial stress.

### 1. Increase the scope of the Rates Assistance Program to include pensioners to a limit of \$250 and increase the limit for non-pensioners to \$500.

The current limit is \$250 per non-pensioner ratepayer per annum. There is potential to increase the individual ratepayer assistance limit to \$500 for non-pensioner ratepayers and introduce a \$250 limit for pensioner ratepayers. This higher level of assistance might encourage more ratepayers experiencing financial hardship to seek to take up assistance under the program.

### 2. Increase the scope of the Fees and Charges financial assistance to include waste charges reduction for koala carers, in addition to ratepayers with medical conditions that result in a large amount of waste.

This kind of financial assistance has been offered in the past however, this change would look to formalise the financial assistance to koala carers who require an additional waste service for their volunteer activities, in addition to ratepayers with medical conditions.

### 3. Increase the scope of the Debt Recovery and Hardship Policy to include a mechanism, within appropriate parameters, for referral of financial hardship matters to Council in the event of a significant event affecting Port Stephens primary producers.

The Debt Recovery and Hardship Policy could potentially include a clause to invoke referral to Council of hardship considerations for primary producers in the event of a natural disaster such as storm, flood, bushfires or disease outbreak. It is envisaged a report to Council would quantify the financial impacts and propose a response feasible within financial constraints.

### 4. Increase the debt balance threshold for commencement of legal action from \$1,200 to \$1,400.

The current processes are working satisfactorily, with the notice periods ratepayers are generally unsurprised at the commencement of legal action should it be required. No change to processes or timeframes proposed. It is proposed to increase the legal action commencement threshold from \$1,200 to \$1,400 to mirror increases in legal costs, rates and charges.



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REVISED FOR A SPECIAL RATE VARIATION.



# Resourcing Strategy

**2023 to 2033**

**DRAFT**



**Rate rise options**

Revised for a Special Rate Variation

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REVISED FOR A SPECIAL RATE VARIATION.



## Message from the General Manager

*Our Place. Our Plan. Our Future* can only happen with appropriate and dedicated resources. True integrated planning involves translating community vision, needs and priorities into a tangible and workable program that's within our resource capacity

– it's a fine balance of managing sustainable assets, finance and workforce.

In formulating the 2022 to 2026 Delivery Program and 2023 to 2024 Operational Plan, Council has assessed what is realistic and affordable. The past 2 years of natural disasters and COVID-19 have significantly impacted our resources, with extra works needed to rehabilitate our assets and running our budgets tight with revenue down and costs up.

Now is the time for us to reassess what we can reasonably deliver given the events of the past determining our current position. Our long term planning goes beyond the Council term. The decisions we make at this critical time will have long-lasting implications and will safeguard our future.

Our planning and decision making is being driven by hard data collated from the 2020 Liveability Index Survey and reports independently commissioned by Council to review our financial sustainability. One of the reports (outlined further in the Long Term Financial Plan) looked at the efficiency of Council and confirmed that ratepayers can be assured Council is providing "good value for money".

The independent reports confirmed that prudent financial management is being exercised by Council, but that the impacts of COVID-19 and other natural disasters are having an ongoing and significant financial impact– affecting ongoing financial sustainability, which needs to be addressed. Addressing the financial sustainability gap needs to be coordinated at various levels and includes steering away from our reliance on commercial income and not taking on additional debt.

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With many competing priorities across Council, the aim of asset management is to find the balance between providing a satisfactory (or above) service to the community and managing an asset with financial and risk responsibility. Previous targets have aimed at having more assets with Near Perfect condition ratings, but in some cases, this isn't financially responsible or possible.

So far, our funding strategies provide a solid foundation with a high proportion of our assets in good or better quality. The pandemic however has severely changed the open market and an increase in the cost of materials and external labour has resulted in the need for more funds to maintain our assets. Without an increase in funds, our asset quality will deteriorate quickly.

This is why Council is having discussions with our community regarding our financial position and long-term financial sustainability. Council is proposing to address this issue in the form of increases in our non-rate and rate income as well as continuing to make savings through our regularly and extensive service review program.

Proposing a Special Rate Variation is not a decision we have rushed into but one we believe is a proactive and imperative part of addressing our forecast budget shortfall and ensuring long-term financial sustainability.

At Port Stephens Council we're dedicated to meeting the present and future needs of our community in a cost-effective, accountable and collaborative way.

Tim Crosdale

Tim Crosdale, General Manager

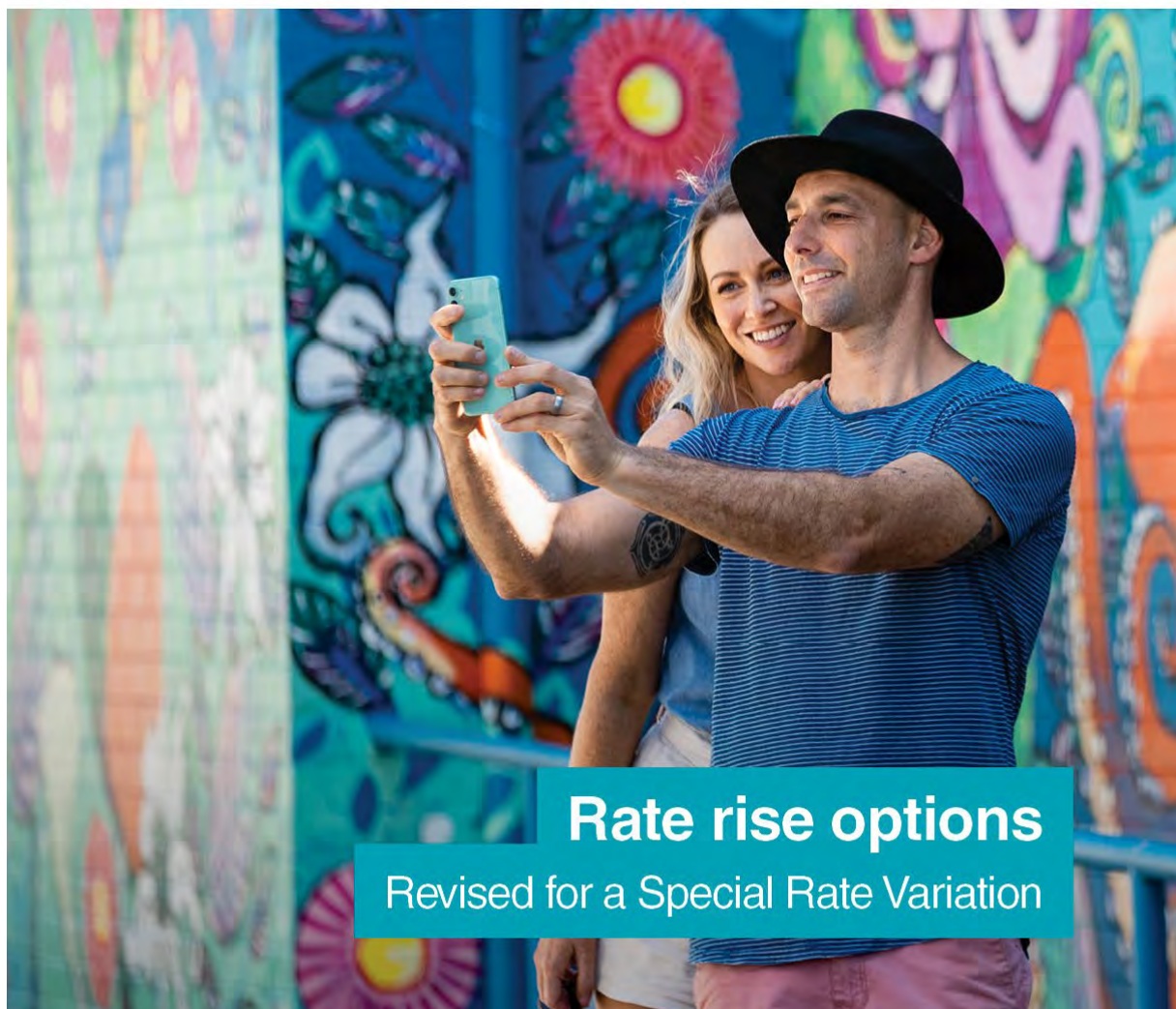


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REVISED FOR A SPECIAL RATE VARIATION.



# Workforce Management Strategy

2022 to 2026 **DRAFT**



**Rate rise options**

Revised for a Special Rate Variation



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REVISED FOR A SPECIAL RATE VARIATION.**

## Rate rise options

Through the independent assessment recently conducted, confirming that Council staff have exercised extraordinary cost control; Port Stephens Council spends less on staff per assessment than its typical peer does. This means that we are staffed appropriately and our workforce runs leaner than most.

### Base Scenario

Under the base option, Council's rate income would only increase by the rate cap, being 2.5%. The income we get will not cover what we need to spend to deliver services as they currently are. Council will not be financially sustainable, our assets will deteriorate, and we will look at reducing or ceasing services.

At the current levels of our workforce, reducing services would more than likely translate to reducing staff. This is not ideal but would be necessary to return to a balanced budget. As with services, Council would not and is unable to reduce our workforce immediately. What this does mean, is that staff levels would not increase with service delivery demand and overtime positions that become vacant may not be filled. Given the diversity of the services we deliver, natural attrition through not filling vacancies is both unsustainable and unsafe as we are not able to redistribute the staff due the vast differences in skills and experience needed to deliver our 60 services. The level of service in which our workforce provides to the community would therefore be reduced.

If this is the path forward Council would need to have extensive conversations with the community to understand what services the community is prepared to see reduced or stopped in the future. Council would then begin internal processes to align our workforce with those reduced service levels.

### Special Rate Variation Scenarios

The proposed special rate variations are to eliminate proposed budget shortfalls by funding planned services, activities and actions outlined in the CSP, DP and OP. It would mean council's current workforce would remain at the right level to deliver the services required and be in line with good practice service delivery models. Council would ensure any enhanced services are achieved in line with our current standard of delivery either through our workforce or works contracted out. Council's workforce would remain highly engaged and committed to delivering services valued by our community in the best possible way.

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REVISED FOR A SPECIAL RATE VARIATION.



# Long Term Financial Plan

**2023 to 2033**

**DRAFT**



**ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&R DOCUMENTS  
REVISED FOR A SPECIAL RATE VARIATION.**

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### Executive Summary

The Long Term Financial Plan 2022-2032 (LTFP) aligns the long term aspirations and goals of the Community Strategic Plan (CSP) with Council's financial ability to deliver these ambitions.

It provides a robust yet dynamic framework in which Council can review and assess its financial sustainability in conjunction with its core functions and responsibilities. The LTFP contains a set of long range financial projections based on a set of assumptions. It covers a 10 year period from 2023-2024 to 2032-2033.

At its meeting on the 13 September 2022, Council resolved to develop the revised integrated and planning documents including the LTFP. This iteration of the LTFP is to model and inform residents on the outcomes of the three financial scenarios based on the extensive engagement conducted surrounding financial sustainability. Two scenarios are inclusive of a special rate variation.

A special rate variation would see council submit an application to the Independent Pricing and Regulatory Tribunal IPART and if approved rate income would increase above the anticipated rate cap set by IPART. Council's key purpose for applying for a special rate variation would be financial sustainability. The increased income raised by a Special Rate Variation would be used to eliminate forecasted shortfalls, covering the rising costs associated with delivering planned services to our community. This would mean council will be able to fund and meet community expectations as outlined in the Community Strategic Plan (CSP), Delivery Program (DP) and Operational Plan (OP).

A summary of each scenario is as follows:

The future sustainability of Council is dependent upon generating sufficient funds to meet the costs of maintaining and renewing assets to deliver services.

#### Base Scenario - State imposed rate cap 2.5%

In this scenario, income budget parameters are set at state imposed levels of the 2.5% rate cap. The outcome is that Council would not generate sufficient funds to continue providing current service levels or renew its assets when required. Council will not be financially sustainable and we will look at reducing or ceasing services. This scenario would result in annual operating shortfalls if no corrective action occurred.

#### Single year Scenario – Special Rate Variation - 26% for a single year (inclusive of the 2.5% rate cap)

Under this scenario, as a result, of an approved special rate variation for 26% for a single year. After which rate capping would be re-instated at 2.5%. Council would repair the budget in the first year of the special rate variation and eliminate every

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year of forecasted shortfalls of the base scenario. Council would remain above the 1% resilience target for the majority of the life of the plan and would see a steep injection of additional funds in the first year of the SRV. Where additional funds are generated Council will be able to increase funding into community priorities being road maintenance, condition of our public spaces, and protecting our waterways and natural environment. An annual operating surplus is achieved under this scenario.

**Independent Recommendation Scenario – Special Rate Variation - A cumulative increase of 34.92%, being a 10.5% increase for three consecutive years (inclusive of the 2.5% rate cap)**

Under this scenario, as a result, of an approved special rate variation for 10.5% for a three-year period, being a cumulative increase of 34.92%. After which rate capping would be re-instated at 2.5%. Council would break even in the first year of the special rate variation and eliminate every year of forecasted shortfalls of the base scenario. Council would remain above the 1% resilience target for the entirety of the plan. It would see a slow growth of additional funds over the three-year period of the SRV. Where additional funds are generated Council will be able to increase funding into community priorities being road maintenance, condition of our public spaces, and protecting our waterways and natural environment. An annual operating surplus is achieved under this scenario

**Permanent in nature**

Council is proposing that the special rate variations increases be retained permanently in the rates general income base. This means that rate levels in the first year after the SRV and subsequent years will only increase by the rate peg set by the state government and rates will not be reduced to pre-SRV levels.

Assumptions for each respective scenario are for financial modelling purposes, Council endorsement and the necessary legislative approvals are required before implementation.

# ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&R DOCUMENTS REVISED FOR A SPECIAL RATE VARIATION.

The main assumptions used for each scenario is as follows:

INCOME	Base Scenario 2.5% Rate Cap	Single Year 26% one year	Independent 34.92% Cumulative 10.5% for three years
<b>Rates</b>			
Pegging factor applied	2.50%	26.00%	10.50%
Ongoing peg factor beyond 2023/2024	2.50%	2.50%	10.50% until 2026 2.50% beyond 2027
New annual rates assessment	150	150	150
User fees and charges *5% 23/24 for non-statutory	2.50%	2.50%	2.50%
Operating grants and Contributions Annual factor	1.00%	1.00%	1.00%
<b>Other</b>			
Cash investment returns	2.00%	2.50%	2.50%
Other income	1.00%	2.00%	2.50%
Rental income	1.00%	1.00%	1.00%
Airport dividend – unknown return	Nil	Nil	Nil
Any dividend received to be held in the financial sustainability & resilience fund.			

**ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&R DOCUMENTS  
REVISED FOR A SPECIAL RATE VARIATION.**

EXPENSES	Base Scenario	Single Year	Independent Recommendation
Salaries and allowances	2.25%	2.25%	2.25%
Materials and contracts			
2024	6.00%	6.00%	6.00%
2025	4.50%	4.50%	4.50%
2026 - beyond	3.50%	3.50%	3.50%
Other expenses	2.50%	2.50%	2.50%
Services levels	Reduction required	Maintain current service levels (subject to our rolling service review program) Some enhancements funded through additional SRV funding	Maintain current service levels (subject to our rolling service review program) Some enhancements funded through additional SRV funding

PROJECTED RESULT \$'000	Base Scenario	Single Year Scenario	Independent Recommendation
2022-20234 (Current)	(1,122)	(1,122)	(1,122)
2023-2024	(3,295)	1,501	538
2024-2025	(4,733)	1,525	1,252
2025-2026	(5,738)	1,728	2,020
2026-2027	(8,218)	1,863	1,977
2027-2028	(9,296)	1,612	1,711
2028-2029	(10,321)	1,410	1,493
2029-2030	(11,671)	1,085	1,151
2030-2031	(13,119)	741	947
2031-2032	(14,239)	549	615
2032-2033	(15,570)	128	306



## ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&R DOCUMENTS REVISED FOR A SPECIAL RATE VARIATION.

can have a major impact on future financial plans. The three scenarios within the LTFP allow Council to model the potential impact of various assumptions and is a critical management tool.

Quarterly Budget Reviews provide the ability to regularly monitor the LTFP forecasts against actual activity, update assumptions and make amendments that have a permanent impact on the Plan. Council also reviews and updates relevant sections and projections of the Long Term Financial Plan on an annual basis.

### 1.5 Key Assumptions

The LTFP and the financial models are based on a number of key assumptions.

#### Rate Increases

Council is subject to an annual rate-capping regime to be determined by The Independent Pricing and Regulatory Tribunal (IPART) each year and as such, IPART instructs Council to assume a rate cap increase of 2.5% when preparing their Long Term Financial Plan (LTFP) and upcoming financial year budgets.

This iteration of the LTFP incorporates two scenarios of SRV. Both SRV scenarios are inclusive of the 2.5% rate peg.

- **Single Year Scenario** – A 26% increase for a single year, being 2023-2024 only.
- **Independent Recommendation Scenario** - A cumulative increase of 34.92%, being a 10.5% increase for three consecutive years 2023-2024 to 2025-2026.

Council is proposing that the increase be retained permanently in the rates general income base. This means that rate levels in the first year after the SRV and subsequent years will only increase by the rate peg set by the State Government and rates will not be reduced to pre-SRV levels.

#### Certainty of Revenue Streams

Projections of revenue streams over the next ten years are based on historic trends, planned pricing methodologies, known and recurrent grants, current statutory prices and the assumption of the continuation of annual rate capping. Pricing methodologies are aimed to provide services in a sustainable manner, with the community's capacity to pay taken into consideration.

Due to the level of support received from the Financial Assistance Grant (FAG) program, any reduction in the overall available funds for distribution is likely to result in a diminished allocation to Council. This will have a direct impact on the level of works able to be delivered by Council.

## ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&R DOCUMENTS REVISED FOR A SPECIAL RATE VARIATION.

### 2. Other Resourcing Strategies

#### 2.1 Workforce Management Strategy

As employment costs are a large proportion of Council's operational expenditure, effective workforce planning and management is critical to long term financial sustainability.

The Workforce Management Strategy establishes Council's human resource hierarchy which informs the required level of employment remuneration in the LTFP. Council delivers a diverse range of more than 300 services which have been grouped into discrete service packages. They are delivered under the following organisation structure:

- Corporate Services Group responsible for internal service provision;
- Development Services Group responsible for enabling balanced growth;
- Facilities and Services Group responsible for external service delivery; and
- General Manager's Office responsible for provision of strategic leadership and governance.

In addition, the Workforce Management Strategy outlines a number of strategies that Council has or will implement in order to meet the challenges of providing appropriately qualified staff for today and the future.

#### Base Scenario

At the current levels of our workforce, reducing services would more than likely translate to reducing staff. This is not ideal but would be necessary to return to a balanced budget. As with services, Council would not and is unable to reduce our workforce immediately. What this does mean, is that staff levels would not increase with service delivery demand and overtime positions that become vacant may not be filled. Given the diversity of the services we deliver, natural attrition through not filling vacancies is both unsustainable and unsafe as we are not able to redistribute the staff due the vast differences in skills and experience needed to deliver our 60 services. The level of service in which our workforce provides to the community would therefore be reduced.

#### Special Rate Variation Scenarios

The proposed special rate variations are to eliminate budget shortfalls by funding planned services, activities and actions outlined in the CSP, DP and OP. It would mean council's current workforce would remain at the right level to deliver the services required and be in line with good practice service delivery models. Council would ensure any enhanced services are achieved in line with our current standard of delivery either through our workforce or works contracted out. Council's workforce would remain highly engaged and committed to delivering services valued by our community in the best possible way.

**ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&R DOCUMENTS  
REVISED FOR A SPECIAL RATE VARIATION.****2.2 Strategic Asset Management Plan**

Council is responsible for a large and diverse asset base. These assets include roads, bridges, footpaths, drains, libraries, childcare centres, halls, parks, sporting facilities, fleet, land and information communication technology-related assets.

Council's Strategic Asset Management Plan (SAMP) is a comprehensive record of Council's asset maintenance, renewal and construction of new infrastructure. It aims to prioritise works according to key factors such as asset condition and safety, community priority and efficient service delivery. The LTFP is dependent on information provided in the SAMP to develop long term financial plans to deliver actions articulated in the SAMP.

Over time, Council has greatly increased its assets, which has consequently increased its depreciation, operation and maintenance costs and contributed to the ageing asset base. Infrastructure assets are a significant part of Council's operations with depreciation alone accounting for around 14-15% of Council's annual operating budget.

The financial modelling suggests that the SAMP would affect each scenario as follows:

**Base Scenario**

It would be unsustainable for Council to continue to operate with annual operating shortfalls. To address this Council would look to reduce services to the community to balance the budget. As part of those efforts, the overall current condition of our assets would decrease. This would mean the levels and timeliness at which we maintain, renew and construct new infrastructure would be reduced. Over 90% of Council's assets currently sit in a condition rating of 1-3, meaning assets are in excellent to satisfactory condition. Under the base scenario, the community would see over time these assets slip into the condition category of poor and very poor. Council may also look at asset rationalisation, meaning that Council may sell or dispose of assets to minimize ongoing maintenance costs to slightly minimise the burden. This does not mean corners would be cut; Council is committed to ensuring our assets are safe for our community.

**Special Rate Variation Scenarios**

The proposed special rate variations are to eliminate proposed budget shortfalls by funding planned services, activities and actions outlined in the CSP, DP and OP. This means council's current asset management plans would remain fully funded and the overall condition of assets would remain at current levels. The special rate variation scenarios allow for some enhanced services as desired by the community. This would see Council's target our road network, public space and our natural environment. This target would focus on providing safer assets for the community to use.

## ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&R DOCUMENTS REVISED FOR A SPECIAL RATE VARIATION.

### 3. Planning Assumptions

Council's LTFP, associated scenarios and resulting financial models have been based on a number of key planning assumptions.

#### Service Levels

Under the base scenario, a reduction in service levels would need to be explored in order to return a balanced budget.

Under the special rate variations scenarios, the current levels relating to services are maintained in line with the CSP. There would also be some enhanced services in current service areas.

#### Infrastructure

For all 3 scenarios the LTFP is based on the assumption that no major new capital works are undertaken in the next ten years other than those funded by Contribution Plans, Voluntary Planning Agreements and/or Reserves. For new major works to be undertaken, existing planned asset renewal funding would need to be reallocated to those works or appropriate grant funding for the works being obtained.

#### Population Growth and Demographic changes

The LTFP is based on existing local government area (LGA) boundaries and the assumption that Council's projected population movement over the next ten years will not be significant. This may result in an increasingly older population placing increased pressure on existing infrastructure and services.

#### Economic Growth

The LTFP is based on moderate economic recovery for Council and the LGA as a result of COVID-19. However, as indicated in the CSP, Council will continue to focus on supporting business and local jobs through the tourism and economic strategies.

#### Interest Rates

The LTFP is based on stable interest rates and an investment portfolio reflecting projected income and expenditure. Interest rates during 2021/2022 were low due to reductions in the official cash rate. It is anticipated that rates will start to increase in the near future. Council has been proactive in locking in low interest rates where possible. Whilst it is recognised that interest rates will fluctuate over a ten year period, the financial modelling is based on an average constant interest rate over the LTFP timeframe.

#### COVID 19

All 3 scenarios assume that no services are closed as a result of COVID-19 infections with the level of economic recovery differing between the 3 scenarios.

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### 4. Financial Position

The Statement of Financial Position discloses the assets, liabilities and equity of Council. The table below displays Council's reported Balance Sheet as at 30 June 2021.

Statement of Financial Position (Balance Sheet)	Actual 2021 \$'000
<b>Current Assets</b>	
Cash & Investments	57,687
Receivables	9,673
Inventories & Other Assets	2,647
<b>Total Current Assets</b>	<b>70,007</b>
<b>Non-Current Assets</b>	
Investments	1,102
Receivables	160
Inventories & Other Assets	52,929
Infrastructure, Property, Plant, Equipment, Intangibles & ROU Assets	1,040,969
Investments using the equity method	431
<b>Total Non-Current Assets</b>	<b>1,095,591</b>
<b>Total Assets</b>	<b>1,165,598</b>
<b>Current Liabilities</b>	
Payables & Contract liabilities	21,627
Provisions	16,268
Borrowings & Lease liabilities	3,797
<b>Total Current Liabilities</b>	<b>41,692</b>
<b>Non-Current Liabilities</b>	
Payables & Contract liabilities	2,922
Provisions	776
Borrowings & Lease liabilities	32,803
<b>Total Non-Current Liabilities</b>	<b>36,501</b>
<b>Total Liabilities</b>	<b>78,193</b>
Net Assets	1,087,405
<b>Equity</b>	<b>1,087,405</b>

2021\* figures have been used as at the time of revising the LTFP, Council's 2022 set of financial accounts were undergoing final external audit process. Council's audited 2022 financial accounts will be made available for the community during the annual public exhibition period.

**ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&R DOCUMENTS  
REVISED FOR A SPECIAL RATE VARIATION.****Cash and Investments**

Maintaining adequate cash levels and cash flow is vital in ensuring Council can deliver service to the community. Council has policies in place to ensure its portfolio is managed appropriately however there are challenges with such restrictions. Council is required by statute or other external conditions to restrict assets (predominately cash and investments) for specific purposes in future periods. These restrictions are called Externally Restricted Assets. In addition to external restrictions Council, like other councils in NSW, has also resolved to hold assets in the same way to fund works or expenses in future periods.

Where the decision to restrict assets is made by Council and is not required by legally enforceable external conditions, it is referred to as an Internally Restricted Asset. Internally Restricted Assets held by Council currently fall into five groups (a listing and overview of each restricted asset is attached):

- Net revenue streams held for specific purpose
- Provisions held as cash to meet possible or probable future expense
- Allocations for future projects
- Allocations for asset maintenance
- Investment

In relation to externally restricted reserves, the LTFP reflects projected reserve movements and balances as determined by the programs' respective ten year plans. Internally restricted reserves over the next ten years are projected in line with the expected timing of the specific expenditure the reserves are aimed at funding.

A large part of Council's cash restrictions is to fund future capital work projects. A listing and policy statement on Council's cash reserves can be found at Appendix 1.

It is apparent under the base scenario, that future cash flows will not be sufficient to cover projected levels of cash restrictions and as such urgent remedial action is required. Expenditure commitments will need to be further reviewed, over and above austerity measures recently employed to assist with a positive cash flow.

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### 5. Financial Performance

Council generates revenue through the levying of general rates and annual charges, user fees, investment income, grants and other income sources. Some expenditure items include employee costs, materials, contractors, legal expenses, utilities, contributions and insurance.

The tables below show Council's audited financial results for the 2020/2021 financial year.

Statement of Financial Performance (Income Statement)	Actual 2021 \$'000
<b>Income from continuing operations</b>	
Rates and annual charges	63,396
User charges and fees	39,886
Other revenue	4,516
Grants and contributions	45,024
Interest and investment revenue	1,042
Other income	4,197
Net gains from the disposal of assets	2,349
<b>Total income from continuing operations</b>	<b>160,410</b>
<b>Expenses from continuing operations</b>	
Employee benefits and on-costs	51,662
Materials and services	50,601
Borrowing costs	854
Depreciation and amortisation	18,331
Other expenses	6,153
Net loss from the disposal of assets	-
<b>Total expenses from continuing operations</b>	<b>127,601</b>
<b>Operating result from continuing operations</b>	<b>32,809</b>
<b>Net operating result for the year before grants and contributions provided for capital purposes</b>	<b>2,817</b>

2021\* figures have been used as at the time of revising the LTFP, Council's 2022 set of financial accounts were undergoing final external audit process. Council's audited 2022 financial accounts will be made available for the community during the annual public exhibition period.

#### Potential Impacts on Income and Expenditure

The projected income and expenditure could be impacted by the following:

- variations in underlying planning assumptions;
- changes to legislation and/or relevant regulations;
- future Council resolutions;
- major unplanned projects; and
- service level reviews arising from a community consultation process.
- service shutdown and increased cost pressures due to COVID-19

**ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&R DOCUMENTS  
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Council's rating strategy and structure is reviewed every year as part of the annual Operational Plan process. Council's proposed rating structure provides for three different categories of ordinary rates: residential, farmland and business. The rate type applicable to a particular property is determined on the basis of the property's rating categorisation. All properties are categorised in accordance with the provisions set out in the *Local Government Act 1993*.

**5.1.2 Comparison of rates with other councils**

Comparison of rating between councils is affected by the rating and charging strategies they have each adopted. Some councils rely solely on the ordinary rate for rate income while others levy special rates and annual charges for specific purposes that supplement ordinary rate income.

Income from ordinary rates, special rates and drainage services are subject to State government rate capping while domestic waste management service annual charges are limited to recovering the reasonable cost of providing those services.

Councils may choose a mix of ordinary and special rates and vary those from year to year, however the annual increase in total rate income from all rates is not to exceed the percentage specified by IPART each year. Council currently has no special rates.

The Office of Local Government (OLG) publishes annual comparative information on council rating, financial indicators, service costs and service performance. The information is separated into 11 groups of similar councils based on size and character. Port Stephens Council is placed within OLG's Group 5. The data published by the OLG indicates Councils ordinary rates are low compared with other Hunter Councils and other Group 5 Councils.

**Rating assumptions**

This LTFP includes three different rating assumptions

**Base Scenario** – 2.5% state imposed rate cap assumption;

**Single Year Scenario** – A 26% increase for a single year, being 2023-2024 only;


**Independent Recommendation Scenario** - A cumulative increase of 34.92%, being a 10.5% increase for three consecutive years 2023-2024 to 2025-2026;

**Domestic Waste Charges**

Council's Domestic Waste Management Program is self-funded by way of an externally restricted reserve. The *Local Government Act 1993* limits annual domestic waste management charges to an amount sufficient to recover the costs of providing the service. As such, revenue from Council's annual domestic waste charges included in this LTFP is based on the projected full cost to provide the waste service over the next ten years. For the 2023 and 2024 financial years the projected charge per household is as follows:



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Financial Year	Section 406 charge	Section 501 charge
2022-2023	\$500.00	\$110.00
2023-2024	\$512.50	\$113.00

It is to be noted that the projected increases in the domestic waste charges reflect increasing cost pressures within the waste services industry as well as projected increases in the Section 88 Waste and Environment Levy imposed on Council by NSW Government.

### 5.1.2 User charges and fees

For all scenarios, user charges and fees have been modelled to increase by 5% for non-statutory fees for the first year of the plan and then return to 2.5% per year for the life of this plan.

### 5.1.3 Other income

Other income has been modelled to increase by between 2% and 3% per year for the life of this plan depending on the revenue stream. This income stream is less reliant on inflation therefore a more conservative increase has been used in comparison to the user charges and fees.

### 5.1.4 Grants and contributions

For scenarios 2 and 3, all operating grants and contributions with the exception of the Roads to Recovery Program grant have been modelled to increase by 1.0% per year for the life of this plan.

The NSW Government's Financial Assistance Grant program was paid in advance (50%) prior to the start of the 2018 financial year. It is expected that the payment schedule will revert back to being paid within the financial year that it relates. The Federal Government's Roads to Recovery Program reverted back to 2013-2014 levels of funding from 2021 and beyond.

Operating grants are quite unpredictable and if a grant has been received in one year there is no guarantee that it will be received again in the following year. Even though the modelling of future operating grants is contained in this plan if a significant number of operating grants are no longer received then the levels of service provided may need to be decreased.

The only capital grants or contributions that have been modelled in the LTFP are those grants confirmed for the immediate financial year, Section 7.11 Developer Contributions and dedicated subdivisions. Any un-forecasted capital grants or contributions that are received would be applied to the Capital Works Plus Program attached to the SAMP.

Council has set an aspirational goal to establish a Grants Co-Contribution Reserve that will be utilised to apply for external grant funding in which a co-contribution is

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### 5.2.1.4 Workers compensation

Council places a high priority on workplace safety, commitment to performing safety observations, reporting near misses and implementing many safe workplace policies. Workers Compensation premiums have been increasing in recent years due to significant one off claims. Whilst Council will maintain a strong commitment to worker safety and wellbeing, premiums have been modelled off known levels increasing with inflation. Increases in the premium beyond inflation will require a review of insurance strategies and service levels to ensure financial sustainability is maintained. Any reductions in the premium that does occur due to claims history will benefit Councils operating budget.

### 5.2.2 Borrowing costs

Council has taken advantage of a declining cash rate over the past two years by installing the majority of its loan portfolio at fixed interest rates. This allows for borrowing costs to be forecasted accurately using existing loan schedules, which remains the same across all three scenarios as well as providing security against impending cash rate increases. Council benchmarks the performance of its loans portfolio against the Reserve Bank of Australia's national average lending rate for large business.

### 5.2.3 Materials and contracts

A consumer price index of 6% has been assumed for the 2023-2024 financial year, 4.5% in 2024-2025, and returning to 3.5% for the remainder of the life of the plan. These assumptions are based on current economic factors and official Australian sources such as the RBA and ABS. It is perhaps reasonable to suggest that this assumption may well be insufficient given the current unstable economic times, PPI/construction costs index currently running at 9% and economists are predicting inflation to remain at 5% for a number of years. With income capped, any increase in expenditure will place additional financial pressures on the organisation that will require further management.

### 5.2.4 Depreciation

Council's major non-cash operating expense is depreciation. Council infrastructure, property, plant, and equipment are depreciated using various methods which are specific to the asset category. These methods include, condition based, consumption based, straight line and diminishing value.

Condition based depreciation methods rely upon a known correlation between the physical characteristics of the asset (for example, cracking, rutting, roughness, and oxidation) and the relevant remaining useful life.

Consumption-based depreciation is based on measuring the level of the asset's remaining service potential after taking into account both holistic and component specific factors. It relies upon the determination of a pattern of consumption consistent

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with the asset's residual value and path of transition through the various stages of an asset's lifecycle.

The straight line method of depreciation ensures that there will be no major peaks or troughs in depreciation expense from year to year as this method ensures a uniform rate of depreciation of infrastructure, property, plant and equipment.

The diminishing value method provides for a higher depreciation charge in the first year of an asset's life and gradually decreasing charges in subsequent years. It is based on the assumption that the asset loses most of its value as soon as it is put into use and the rate of depreciation then reduces over time.

For each scenario the growth in depreciation expense is linked to the annual investment in infrastructure, property, plant and equipment. The depreciation expense ignores the effect of any asset revaluation that is mandatory.

### **5.3 Other factors**

#### **5.3.1 Newcastle Airport Partnership & Greater Newcastle Aerotropolis Partnership**

Under the Australian Accounting Standards, Council is required to consolidate and report on its 50% proportionate ownership of Newcastle Airport Partnership (NAP) & Greater Newcastle Aerotropolis Partnership (GNAP). The consolidation process requires the net profit to be included in the income statement and any related transactions eliminated; e.g. the annual dividend. To calculate Council's underlying result the NAP & GNAP profit is deducted and the dividend received from NAP is added back.

Covid-19 has required NAP and GNAP to use a significant proportion of cash reserves and furthermore Council has not received a dividend as expected since the pandemic commenced. It is unclear at this stage as to when a dividend will resume.

Council has been undertaking a financial restructure, moving away from its reliance on commercial income to fund its daily operations. As part of that, any future dividends received will be held in the Resilience fund. The overall aim of the Resilience Fund is to ensure that the use of excess non-rate revenue is directed towards significant projects, investments or initiatives to achieve the strategies of Council.

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### 7. Financial Modelling Assumptions and Results

The LTFP is structured as a series of 'scenarios', each of which shows a specific financial outlook. Each of the scenarios relates to particular Council plans or policies. The scenarios are cumulative so that each scenario incorporates the assumptions and financial outcomes of the previous scenarios. The scenarios can also be looked at in isolation.

#### **Base Scenario - State imposed rate cap 2.5%**

In this scenario, income budget parameters are set at state imposed levels of the 2.5% rate cap. The outcome is that Council would not generate sufficient funds to continue providing current service levels or renew its assets when required. Council will not be financially sustainable and we will look at reducing or ceasing services. This scenario would result in annual operating shortfalls if no corrective action occurred.

#### **Single year Scenario – Special Rate Variation - 26% for a single year (inclusive of the 2.5% rate cap)**

Under this scenario, as a result, of an approved special rate variation for 26% for a single year. After which rate capping would be re-instated at 2.5%. Council would repair the budget in the first year of the special rate variation and eliminate every year of forecasted shortfalls of the base scenario. Council would remain above the 1% resilience target for the majority of the life of the plan and would see a steep injection of additional funds in the first year of the SRV. Where additional funds are generated Council will be able to increase funding into community priorities being road maintenance, condition of our public spaces, and protecting our waterways and natural environment. An annual operating surplus is achieved under this scenario

#### **Independent Recommendation Scenario – Special Rate Variation - A cumulative increase of 34.92%, being a 10.5% increase for three consecutive years (inclusive of the 2.5% rate cap)**

Under this scenario, as a result, of an approved special rate variation for 10.5% for a three-year period, being a cumulative increase of 34.92%. After which rate capping would be re-instated at 2.5%. Council would break even in the first year of the special rate variation and eliminate every year of forecasted shortfalls of the base scenario. Council would remain above the 1% resilience target for the entirety of the plan. It would see a slow growth of additional funds over the three-year period of the SRV. Where additional funds are generated Council will be able to increase funding into community priorities being road maintenance, condition of our public spaces, and protecting our waterways and natural environment. An annual operating surplus is achieved under this scenario

# ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&R DOCUMENTS REVISED FOR A SPECIAL RATE VARIATION.

## Permanent in nature

Council is proposing that the special rate variations increases be retained permanently in the rates general income base. This means that rate levels in the first year after the SRV and subsequent years will only increase by the rate peg set by the state government and rates will not be reduced to pre-SRV levels.

INCOME	Base Scenario 2.5% Rate Cap	Single Year 26% one year	Independent 34.92% Cumulative 10.5% for three years
<b>Rates</b>			
Pegging factor applied	2.50%	26.00%	10.50%
Ongoing peg factor beyond 2024	2.50%	2.50%	10.50% until 2026 2.50% beyond 2027
New annual rates assessment	150	150	150
User fees and charges	2.50%	2.50%	2.50%
*5% one off for non-statutory			
Operating grants and Contributions Annual factor	1.00%	1.00%	1.00%
<b>Other</b>			
Cash investment returns	2.00%	2.50%	2.50%
Other income	1.00%	2.00%	2.50%
Rental income	1.00%	1.00%	1.00%
Airport dividend	Nil	Nil	Nil
*unknown return at this time. Any dividend received to be held in the financial sustainability & resilience fund.			

**ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&R DOCUMENTS  
REVISED FOR A SPECIAL RATE VARIATION.**

EXPENSES	Base Scenario	Single Year	Independent Recommendation
Salaries and allowances	2.25%	2.25%	2.25%
Materials and contracts			
2024	6.00%	6.00%	6.00%
2025	4.50%	4.50%	4.50%
2026 - beyond	3.50%	3.50%	3.50%
Other expenses	2.50%	2.50%	2.50%
Services levels	Reduction required	Maintain current service levels (subject to our rolling service review program) Some enhancements funded through additional SRV funding	Maintain current service levels (subject to our rolling service review program) Some enhancements funded through additional SRV funding

PROJECTED RESULT	Base Scenario	Single Year Scenario	Independent Recommendation
\$'000			
2022-20234	(1,122)	(1,122)	(1,122)
2023-2024	(3,295)	1,501	538
2024-2025	(4,733)	1,525	1,252
2025-2026	(5,738)	1,728	2,020
2026-2027	(8,218)	1,863	1,977
2027-2028	(9,296)	1,612	1,711
2028-2029	(10,321)	1,410	1,493
2029-2030	(11,671)	1,085	1,151
2030-2031	(13,119)	741	947
2031-2032	(14,239)	549	615
2032-2033	(15,570)	128	306

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## 8. Financial Statements – Base Scenario

## 8.1 Base Scenario – Income Statement

## INCOME STATEMENT

For the period ended 30 June

	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Revenue</b>											
Rates & Annual Charges	68,994	70,888	72,829	74,819	76,858	78,949	81,092	83,288	85,539	87,847	90,212
User Fees and Charges	47,079	52,272	53,916	55,469	57,061	58,692	60,365	62,079	63,836	65,637	67,483
Interest & Investment Revenue	1,063	1,460	1,608	1,638	1,534	1,527	1,496	1,454	1,396	1,315	1,179
Other Revenues	4,330	4,416	4,505	4,595	4,687	4,780	4,876	4,974	5,073	5,174	5,278
Operating Grants and Contributions	12,761	12,328	12,752	12,879	13,008	13,138	13,269	13,402	13,536	13,671	13,808
Capital Grants and Contributions	19,573	7,319	7,393	7,467	7,541	7,617	7,693	7,770	7,847	7,926	8,005
Gain on Sale of assets	250	250	250	250	250	250	250	250	250	250	250
Other Income - Rental Income	3,098	3,129	3,160	3,192	3,224	3,256	3,289	3,322	3,355	3,388	3,422
Other Income - Fair Value increment	843	1,237	1,274	1,312	1,351	1,392	1,434	1,477	1,521	1,567	1,614
<b>Total Revenue</b>	<b>157,990</b>	<b>153,300</b>	<b>157,686</b>	<b>161,621</b>	<b>165,514</b>	<b>169,601</b>	<b>173,763</b>	<b>178,015</b>	<b>182,353</b>	<b>186,776</b>	<b>191,251</b>
<b>Operating Expenses</b>											
Employee Benefits & On-Costs	56,552	58,373	60,652	62,803	64,789	66,843	68,979	71,197	73,487	75,868	78,330
Borrowing Costs	1,713	1,757	1,653	1,562	1,611	1,525	1,436	1,382	1,296	1,211	1,148
Materials & Services	55,916	59,270	61,938	64,805	67,399	69,758	72,200	75,477	77,342	80,049	82,851
Depreciation & Amortisation	18,999	19,528	20,266	20,744	21,379	21,774	22,022	22,458	22,947	23,002	23,116
Other Expenses	4,586	4,752	4,865	5,032	5,152	5,277	5,402	5,545	5,688	5,834	5,985
<b>Total Operating Expenses</b>	<b>137,766</b>	<b>143,680</b>	<b>149,373</b>	<b>154,947</b>	<b>160,330</b>	<b>165,177</b>	<b>170,039</b>	<b>176,059</b>	<b>180,760</b>	<b>185,964</b>	<b>191,429</b>
<b>Operating Surplus / (Deficit)</b>	<b>20,224</b>	<b>9,619</b>	<b>8,313</b>	<b>6,673</b>	<b>5,184</b>	<b>4,424</b>	<b>3,724</b>	<b>1,955</b>	<b>1,593</b>	<b>812</b>	<b>(178)</b>
Other Comprehensive Income	-	-	-	-	-	-	-	-	-	-	1
<b>Total Comprehensive Income</b>	<b>20,224</b>	<b>9,619</b>	<b>8,313</b>	<b>6,673</b>	<b>5,184</b>	<b>4,424</b>	<b>3,724</b>	<b>1,955</b>	<b>1,593</b>	<b>812</b>	<b>(177)</b>
<b>Net Operating Result before Capital Grants</b>	<b>651</b>	<b>2,300</b>	<b>921</b>	<b>(793)</b>	<b>(2,357)</b>	<b>(3,192)</b>	<b>(3,969)</b>	<b>(5,814)</b>	<b>(6,254)</b>	<b>(7,114)</b>	<b>(8,182)</b>
<b>Adjustments for Underlying Result</b>											
Gain on Sale of assets	(250)	(250)	(250)	(250)	(250)	(250)	(250)	(250)	(250)	(250)	(250)
Investment property fair value increases & royalties	(2,679)	(3,109)	(3,184)	(3,260)	(3,339)	(3,419)	(3,501)	(3,586)	(3,672)	(3,761)	(3,852)
NAP Profit	1,156	(2,235)	(2,220)	(2,134)	(2,272)	(2,434)	(2,601)	(2,771)	(2,943)	(3,115)	(3,286)
Local election costs	-	-	-	700	-	-	-	750	-	-	-
<b>Underlying result</b>	<b>(1,122)</b>	<b>(3,295)</b>	<b>(4,733)</b>	<b>(5,738)</b>	<b>(8,218)</b>	<b>(9,296)</b>	<b>(10,321)</b>	<b>(11,671)</b>	<b>(13,119)</b>	<b>(14,239)</b>	<b>(15,570)</b>

## ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&amp;R DOCUMENTS REVISED FOR A SPECIAL RATE VARIATION.

## 8.2 Base Scenario – Statement of Financial Position (Balance Sheet)

## STATEMENT OF FINANCIAL POSITION

As at 30 June:	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>ASSETS</b>											
<b>Current Assets</b>											
Cash and Cash Equivalents	14,043	19,956	21,178	16,996	16,720	15,479	13,819	11,476	8,251	2,785	-2,577
Investments	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247
Receivables	11,027	11,726	12,147	12,533	12,927	13,332	13,746	14,171	14,606	15,051	15,508
Inventories & Other	2,647	2,647	2,647	2,647	2,647	2,647	2,647	2,647	2,647	2,647	2,647
<b>Total Current Assets</b>	<b>64,965</b>	<b>71,577</b>	<b>73,219</b>	<b>69,422</b>	<b>69,542</b>	<b>68,705</b>	<b>67,460</b>	<b>65,541</b>	<b>62,751</b>	<b>57,730</b>	<b>52,825</b>
<b>Non Current Assets</b>											
Infrastructure, Property, Plant & Equipment	1,098,970	1,103,929	1,107,417	1,115,031	1,117,525	1,120,293	1,122,510	1,124,720	1,127,071	1,129,854	1,133,175
Right of Use Asset	2,031	1,776	993	3,405	3,185	2,428	2,071	1,850	1,093	3,504	3,285
Investments using Equity Method	431	431	431	431	431	431	431	431	431	431	431
Inventories & Other	7,427	8,437	9,457	10,487	11,528	12,579	13,641	14,713	15,796	16,889	17,994
Investment Properties	41,223	42,460	43,733	45,045	46,397	47,789	49,222	50,699	52,220	53,787	55,400
Intangibles	5,645	5,162	4,767	4,444	4,183	3,976	3,814	3,692	3,604	3,545	3,513
<b>Total Non Current Assets</b>	<b>1,155,726</b>	<b>1,162,195</b>	<b>1,166,799</b>	<b>1,178,844</b>	<b>1,183,249</b>	<b>1,187,496</b>	<b>1,191,689</b>	<b>1,196,105</b>	<b>1,200,215</b>	<b>1,208,012</b>	<b>1,213,800</b>
<b>Total Assets</b>	<b>1,220,691</b>	<b>1,233,771</b>	<b>1,240,019</b>	<b>1,248,266</b>	<b>1,252,791</b>	<b>1,256,201</b>	<b>1,259,149</b>	<b>1,261,646</b>	<b>1,262,966</b>	<b>1,265,742</b>	<b>1,266,625</b>
<b>LIABILITIES</b>											
<b>Current Liabilities</b>											
Trade & Other Payables	17,065	17,669	18,149	18,665	19,132	19,556	19,996	20,586	20,922	21,409	21,913
Lease liabilities	795	840	850	617	690	740	755	709	785	839	688
Borrowings	2,312	1,524	1,552	1,580	1,597	1,382	1,323	1,054	1,074	1,094	1,116
Provisions	16,624	17,146	17,008	17,306	17,742	18,212	18,285	19,331	20,081	19,762	22,350
<b>Total Current Liabilities</b>	<b>36,795</b>	<b>37,179</b>	<b>37,559</b>	<b>38,168</b>	<b>39,161</b>	<b>39,890</b>	<b>40,360</b>	<b>41,680</b>	<b>42,862</b>	<b>43,106</b>	<b>46,071</b>
<b>Non Current Liabilities</b>											
Trade & Other Payables	1,831	1,286	740	195	0	0	0	0	0	0	0
Lease liabilities	1,235	935	144	2,788	2,496	1,688	1,316	1,142	308	2,665	2,597
Borrowings	36,154	39,630	38,077	36,497	34,899	33,518	32,194	31,140	30,066	28,971	27,855
Provisions	1,294	1,741	2,185	2,632	3,063	3,509	3,959	4,410	4,862	5,320	4,599
<b>Total Non Current Liabilities</b>	<b>40,514</b>	<b>43,591</b>	<b>41,146</b>	<b>42,110</b>	<b>40,458</b>	<b>38,715</b>	<b>37,469</b>	<b>36,691</b>	<b>35,235</b>	<b>36,957</b>	<b>35,053</b>
<b>Total Liabilities</b>	<b>77,309</b>	<b>80,770</b>	<b>78,704</b>	<b>80,278</b>	<b>79,620</b>	<b>78,605</b>	<b>77,829</b>	<b>78,371</b>	<b>78,098</b>	<b>80,063</b>	<b>81,124</b>
<b>Net Assets</b>	<b>1,143,382</b>	<b>1,153,001</b>	<b>1,161,314</b>	<b>1,167,988</b>	<b>1,173,172</b>	<b>1,177,596</b>	<b>1,181,320</b>	<b>1,183,275</b>	<b>1,184,868</b>	<b>1,185,679</b>	<b>1,185,501</b>
<b>EQUITY</b>											
Accumulated Surplus	729,034	738,653	746,968	753,641	758,825	763,248	766,972	768,929	770,522	771,331	771,152
Asset Revaluation Reserves	414,346	414,346	414,346	414,346	414,346	414,346	414,346	414,346	414,346	414,346	414,346
<b>Total Equity</b>	<b>1,143,380</b>	<b>1,152,999</b>	<b>1,161,314</b>	<b>1,167,987</b>	<b>1,173,171</b>	<b>1,177,594</b>	<b>1,181,318</b>	<b>1,183,275</b>	<b>1,184,868</b>	<b>1,185,677</b>	<b>1,185,498</b>



## ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&amp;R DOCUMENTS REVISED FOR A SPECIAL RATE VARIATION.

## 8.3 Base Scenario – Statement of Cash flows

## CASHFLOW STATEMENT

For the period ended 30 June

Cash Flows from Operating Activities

Receipts:

	2023 \$'000	2024 \$'000	2025 \$'000	2026 \$'000	2027 \$'000	2028 \$'000	2029 \$'000	2030 \$'000	2031 \$'000	2032 \$'000	2033 \$'000
Rates & Annual Charges	66,623	70,189	72,408	74,433	76,463	78,544	80,677	82,864	85,104	87,400	89,755
User Charges & Fees	47,079	52,272	53,916	55,469	57,061	58,692	60,365	62,079	63,836	65,637	67,483
Interest & Investment Revenue Received	1,063	1,460	1,608	1,638	1,534	1,527	1,496	1,454	1,396	1,315	1,179
Grants & Contributions	29,721	16,982	17,425	17,572	17,720	17,869	18,019	18,169	18,321	18,474	18,627
Other Income - Rental Income	3,098	3,129	3,160	3,192	3,224	3,256	3,289	3,322	3,355	3,388	3,422
Other	4,330	4,416	4,505	4,595	4,687	4,780	4,876	4,974	5,073	5,174	5,278

Payments:

Employee Benefits & On-Costs	(57,259)	(59,342)	(60,958)	(63,547)	(65,657)	(67,759)	(69,503)	(72,693)	(74,690)	(76,007)	(80,197)
Materials & Contracts	(55,795)	(59,329)	(61,872)	(64,776)	(67,671)	(70,183)	(72,639)	(76,066)	(77,678)	(80,537)	(83,356)
Borrowing Costs	(1,713)	(1,757)	(1,653)	(1,562)	(1,611)	(1,525)	(1,436)	(1,382)	(1,296)	(1,211)	(1,148)
Other	(3,653)	(2,639)	(4,334)	(3,459)	(3,008)	(2,589)	(3,493)	(1,283)	(2,658)	(4,478)	(1,155)

Net Cash provided (or used in) Operating Activities

Cash Flows from Investing Activities

Receipts:

Sale of Infrastructure, Property, Plant & Equipment	250	250	250	250	250	250	250	250	250	250	250
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Payments:

Purchase of Real Estate Assets	(1,000)	(1,010)	(1,020)	(1,030)	(1,041)	(1,051)	(1,062)	(1,072)	(1,083)	(1,094)	(1,105)
Purchase of Infrastructure, Property, Plant & Equipment	(30,977)	(20,176)	(19,404)	(24,096)	(19,553)	(20,275)	(19,869)	(20,351)	(20,847)	(21,356)	(21,878)
Purchase of Intangible Assets	(400)	(424)	(443)	(459)	(475)	(491)	(508)	(526)	(545)	(564)	(583)

Net Cash provided (or used in) Investing Activities

Cash Flows from Financing Activities

New Borrowings

		5,000									
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Repayment of leases principal	(606)	(795)	(840)	(850)	(617)	(690)	(740)	(755)	(709)	(785)	(839)
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Repayment of Borrowings & Advances	(3,147)	(2,312)	(1,524)	(1,552)	(1,580)	(1,597)	(1,382)	(1,323)	(1,054)	(1,074)	(1,094)
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Net Cash Flow provided (used in) Financing Activities

	(3,753)	1,893	(2,365)	(2,402)	(2,198)	(2,287)	(2,122)	(2,079)	(1,763)	(1,859)	(1,934)
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Net Increase/(Decrease) in Cash & Cash Equivalents	(2,387)	5,913	1,222	(4,183)	(275)	(1,241)	(1,660)	(2,343)	(3,225)	(5,466)	(5,362)
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plus: Cash - beginning of year	16,430	14,043	19,956	21,178	16,996	16,720	15,479	13,819	11,476	8,251	2,785
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Cash - end of the year	14,043	19,956	21,178	16,996	16,720	15,479	13,819	11,476	8,251	2,785	(2,577)
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plus: Investments - end of the year	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247
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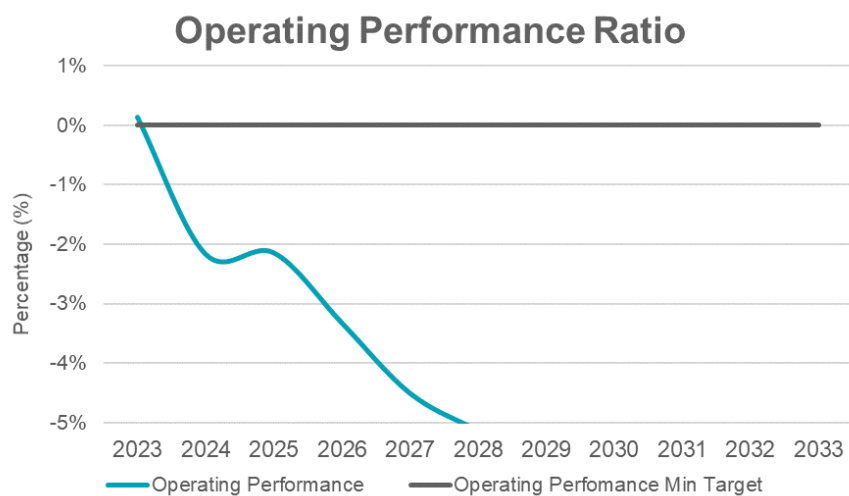
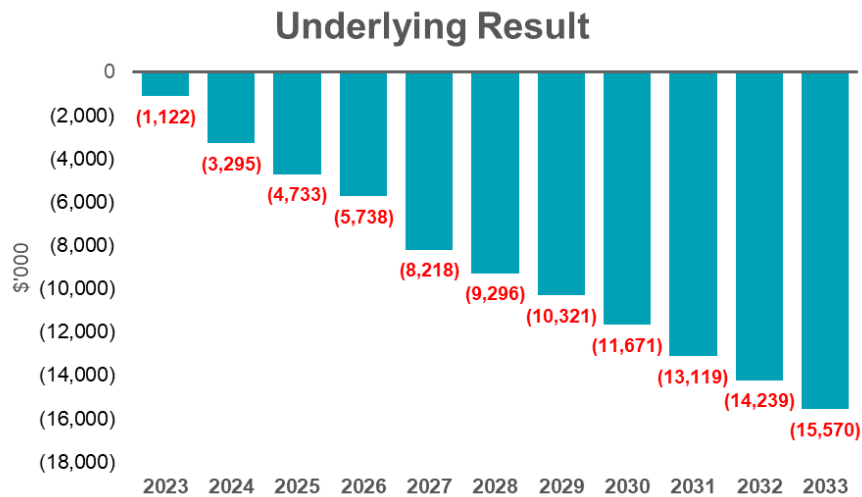
Total Cash & Investments - end of the year	51,290	57,203	58,425	54,243	53,967	52,726	51,066	48,723	45,498	40,032	34,670
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Less restricted Cash (NAL)	(14,234)	(16,228)	(18,127)	(20,216)	(22,493)	(24,959)	(27,613)	(30,452)	(33,475)	(36,681)	(40,066)
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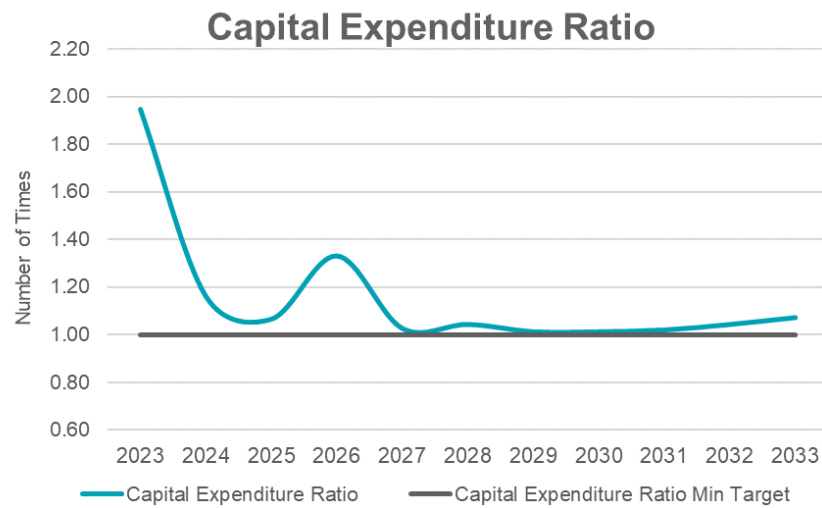
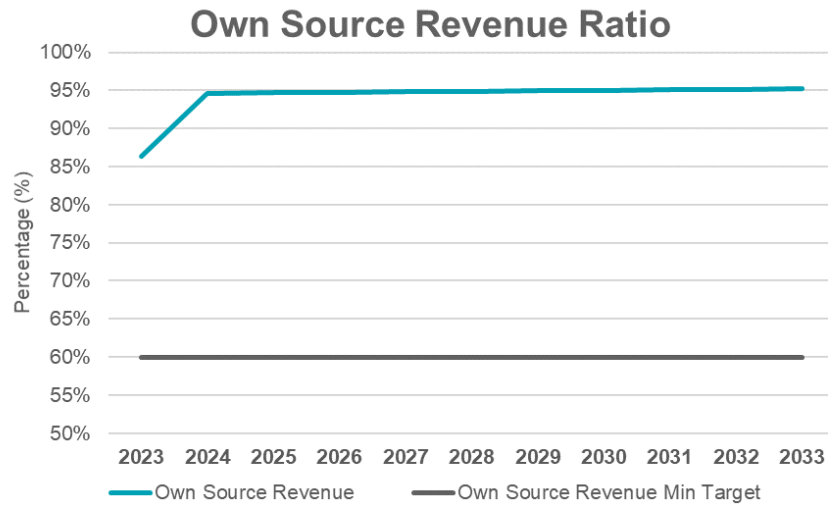
Cash, Cash Equivalents & Investments - end of the year	37,057	40,976	40,298	34,027	31,474	27,767	23,454	18,272	12,023	3,351	(5,397)
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ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&R DOCUMENTS  
REVISED FOR A SPECIAL RATE VARIATION.

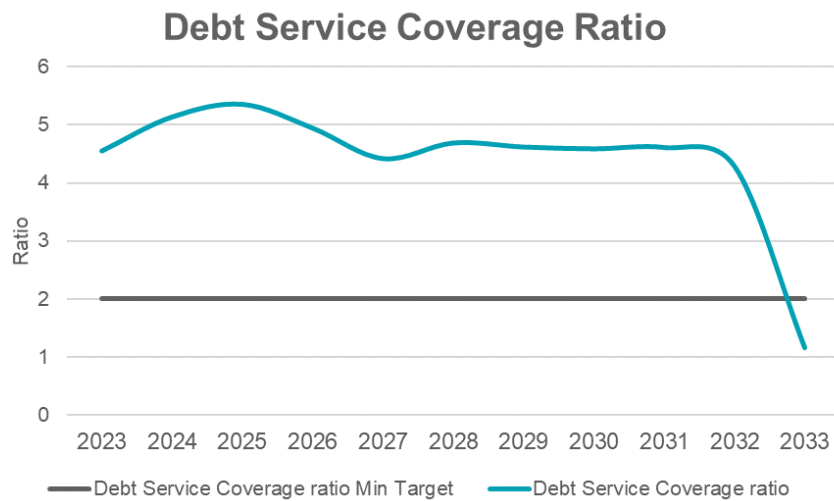
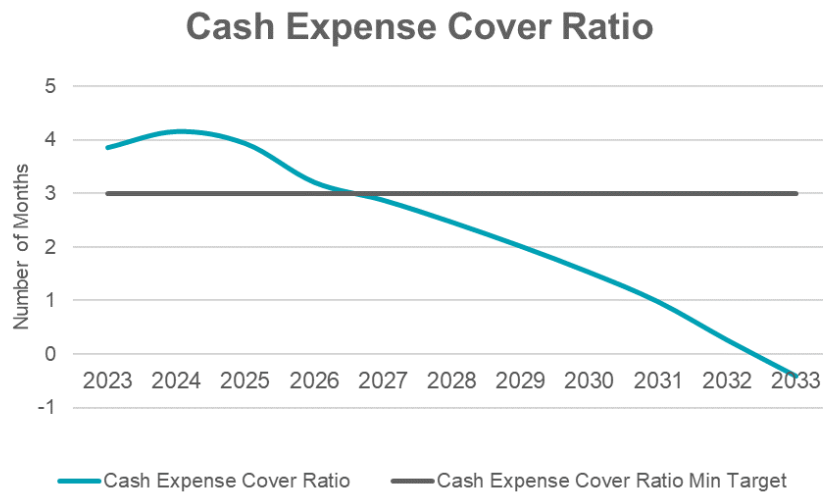
8.4 Base Scenario – Graphs



ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&R DOCUMENTS  
REVISED FOR A SPECIAL RATE VARIATION.



ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&R DOCUMENTS  
REVISED FOR A SPECIAL RATE VARIATION.



**ITEM 10 - ATTACHMENT 1      AMENDMENTS TO DRAFT IP&R DOCUMENTS  
REVISED FOR A SPECIAL RATE VARIATION.****9. Financial Statements - Single Year Scenario****9.1 Introduction**

**Single year Scenario – Special Rate Variation - 26% for a single year** (inclusive of the 2.5% rate cap)

Under this scenario, as a result, of an approved special rate variation for 26% for a single year. After which rate capping would be re-instated at 2.5%. Council would repair the budget in the first year of the special rate variation and eliminate every year of forecasted shortfalls of the base scenario. Council would remain above the 1% resilience target for the majority of the life of the plan and would see a steep injection of additional funds in the first year of the SRV. An annual operating surplus is achieved under this scenario

**Permanent in nature**

Council is proposing that the special rate variations increases be retained permanently in the rates general income base. This means that rate levels in the first year after the SRV and subsequent years will only increase by the rate peg set by the state government and rates will not be reduced to pre-SRV levels.

## ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&amp;R DOCUMENTS REVISED FOR A SPECIAL RATE VARIATION.

## 9.2 Financial Statements – Single Year Scenario

## Single Year Scenario – Income Statement

INCOME STATEMENT		SRV Yr 1										
For the period ended 30 June	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	
Revenue												
Rates & Annual Charges	68,994	82,147	84,370	86,648	88,984	91,377	93,831	96,346	98,924	101,566	104,274	
User Fees and Charges	47,079	52,272	53,916	55,469	57,061	58,692	60,365	62,079	63,836	65,637	67,483	
Interest & Investment Revenue	1,063	1,460	1,728	1,910	1,988	2,223	2,462	2,712	2,970	3,233	3,464	
Other Revenues	4,330	4,416	4,505	4,595	4,687	4,780	4,876	4,974	5,073	5,174	5,278	
Operating Grants and Contributions	12,761	12,328	12,752	12,879	13,008	13,138	13,269	13,402	13,536	13,671	13,808	
Capital Grants and Contributions	19,573	7,319	7,393	7,467	7,541	7,617	7,693	7,770	7,847	7,926	8,005	
Gain on Sale of assets	250	250	250	250	250	250	250	250	250	250	250	
Other Income - Rental Income	3,098	3,129	3,160	3,192	3,224	3,256	3,289	3,322	3,355	3,388	3,422	
Other Income - Fair Value increment	843	1,237	1,274	1,312	1,351	1,392	1,434	1,477	1,521	1,567	1,614	
Total Revenue	157,990	164,559	169,348	173,722	178,093	182,725	187,468	192,330	197,312	202,412	207,598	
Operating Expenses												
Employee Benefits & On-Costs	56,552	58,873	61,164	63,331	65,332	67,404	69,556	71,791	74,099	76,499	78,979	
Borrowing Costs	1,713	1,757	1,653	1,562	1,611	1,525	1,436	1,382	1,296	1,211	1,148	
Materials & Services	55,916	65,235	66,828	68,913	69,353	71,414	73,597	76,441	77,828	80,267	82,851	
Depreciation & Amortisation	18,999	19,528	20,266	20,744	21,379	21,774	22,022	22,458	22,947	23,002	23,116	
Other Expenses	4,586	4,752	4,865	5,032	5,152	5,277	5,402	5,545	5,688	5,834	5,985	
Total Operating Expenses	137,766	150,145	154,775	159,583	162,828	167,393	172,013	177,618	181,858	186,812	192,078	
Operating Surplus / (Deficit)	20,224	14,415	14,572	14,139	15,266	15,332	15,456	14,712	15,454	15,600	15,520	
Other Comprehensive Income	-	-	-	-	-	-	-	-	-	-	1	
Total Comprehensive Income	20,224	14,415	14,572	14,139	15,266	15,332	15,456	14,712	15,454	15,600	15,521	
Net Operating Result before Capital Grants	651	7,095	7,180	6,673	7,724	7,715	7,763	6,942	7,606	7,674	7,516	
Adjustments for Underlying Result												
Gain on Sale of assets	(250)	(250)	(250)	(250)	(250)	(250)	(250)	(250)	(250)	(250)	(250)	
Investment property fair value increases & royalties	(2,679)	(3,109)	(3,184)	(3,260)	(3,339)	(3,419)	(3,501)	(3,586)	(3,672)	(3,761)	(3,852)	
NAP Profit	1,156	(2,235)	(2,220)	(2,134)	(2,272)	(2,434)	(2,601)	(2,771)	(2,943)	(3,115)	(3,286)	
Local election costs	-	-	-	700	-	-	-	750	-	-	-	
Underlying result	(1,122)	1,501	1,525	1,728	1,863	1,612	1,410	1,085	741	549	128	

## ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&amp;R DOCUMENTS REVISED FOR A SPECIAL RATE VARIATION.

## Single Year Scenario – Statement of Financial Position (Balance Sheet)

## STATEMENT OF FINANCIAL POSITION

As at 30 June:	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>ASSETS</b>											
<b>Current Assets</b>											
Cash and Cash Equivalents	14,043	24,778	32,039	35,156	44,548	54,133	64,130	74,437	84,957	94,201	104,466
Investments	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247
Receivables	11,027	12,909	13,359	13,775	14,201	14,637	15,084	15,542	16,011	16,492	16,984
Inventories & Other	2,647	2,647	2,647	2,647	2,647	2,647	2,647	2,647	2,647	2,647	2,647
<b>Total Current Assets</b>	<b>64,965</b>	<b>77,581</b>	<b>85,292</b>	<b>88,824</b>	<b>98,642</b>	<b>108,664</b>	<b>119,108</b>	<b>129,873</b>	<b>140,862</b>	<b>150,587</b>	<b>161,345</b>
<b>Non Current Assets</b>											
Infrastructure, Property, Plant & Equipment	1,098,970	1,103,929	1,107,417	1,115,031	1,117,525	1,120,293	1,122,510	1,124,720	1,127,071	1,129,854	1,133,175
Right of Use Asset	2,031	1,776	993	3,405	3,185	2,428	2,071	1,850	1,093	3,504	3,285
Investments using Equity Method	431	431	431	431	431	431	431	431	431	431	431
Inventories & Other	7,427	8,437	9,457	10,487	11,528	12,579	13,641	14,713	15,796	16,889	17,994
Investment Properties	41,223	42,460	43,733	45,045	46,397	47,789	49,222	50,699	52,220	53,787	55,400
Intangibles	5,645	5,162	4,767	4,444	4,183	3,976	3,814	3,692	3,604	3,545	3,513
<b>Total Non Current Assets</b>	<b>1,155,726</b>	<b>1,162,195</b>	<b>1,166,799</b>	<b>1,178,844</b>	<b>1,183,249</b>	<b>1,187,496</b>	<b>1,191,689</b>	<b>1,196,105</b>	<b>1,200,215</b>	<b>1,208,012</b>	<b>1,213,800</b>
<b>Total Assets</b>	<b>1,220,691</b>	<b>1,239,775</b>	<b>1,252,091</b>	<b>1,267,668</b>	<b>1,281,892</b>	<b>1,296,160</b>	<b>1,310,797</b>	<b>1,325,978</b>	<b>1,341,077</b>	<b>1,358,598</b>	<b>1,375,145</b>
<b>LIABILITIES</b>											
<b>Current Liabilities</b>											
Trade & Other Payables	17,065	18,742	19,029	19,404	19,484	19,855	20,247	20,759	21,009	21,448	21,913
Lease liabilities	795	840	850	617	690	740	755	709	785	839	688
Borrowings	2,312	1,524	1,552	1,580	1,597	1,382	1,323	1,054	1,074	1,094	1,116
Provisions	16,624	17,281	17,146	17,448	17,889	18,363	18,441	19,491	20,247	19,932	22,526
<b>Total Current Liabilities</b>	<b>36,795</b>	<b>38,388</b>	<b>38,577</b>	<b>39,050</b>	<b>39,660</b>	<b>40,339</b>	<b>40,767</b>	<b>42,014</b>	<b>43,115</b>	<b>43,315</b>	<b>46,246</b>
<b>Non Current Liabilities</b>											
Trade & Other Payables	1,831	1,286	740	195	0	0	0	0	0	0	0
Lease liabilities	1,235	935	144	2,788	2,496	1,688	1,316	1,142	308	2,665	2,597
Borrowings	36,154	39,630	38,077	36,497	34,899	33,518	32,194	31,140	30,066	28,971	27,855
Provisions	1,294	1,741	2,185	2,632	3,063	3,509	3,959	4,410	4,862	5,320	4,599
<b>Total Non Current Liabilities</b>	<b>40,514</b>	<b>43,591</b>	<b>41,146</b>	<b>42,110</b>	<b>40,458</b>	<b>38,715</b>	<b>37,469</b>	<b>36,691</b>	<b>35,235</b>	<b>36,957</b>	<b>35,053</b>
<b>Total Liabilities</b>	<b>77,309</b>	<b>81,979</b>	<b>79,723</b>	<b>81,160</b>	<b>80,118</b>	<b>79,054</b>	<b>78,236</b>	<b>78,705</b>	<b>78,350</b>	<b>80,272</b>	<b>81,299</b>
<b>Net Assets</b>	<b>1,143,382</b>	<b>1,157,796</b>	<b>1,172,368</b>	<b>1,186,508</b>	<b>1,201,773</b>	<b>1,217,105</b>	<b>1,232,561</b>	<b>1,247,273</b>	<b>1,262,727</b>	<b>1,278,326</b>	<b>1,293,846</b>
<b>EQUITY</b>											
Accumulated Surplus	729,034	743,449	758,022	772,161	787,427	802,758	818,214	832,927	848,380	863,978	879,497
Asset Revaluation Reserves	414,346	414,346	414,346	414,346	414,346	414,346	414,346	414,346	414,346	414,346	414,346
<b>Total Equity</b>	<b>1,143,380</b>	<b>1,157,795</b>	<b>1,172,368</b>	<b>1,186,507</b>	<b>1,201,773</b>	<b>1,217,104</b>	<b>1,232,560</b>	<b>1,247,273</b>	<b>1,262,726</b>	<b>1,278,324</b>	<b>1,293,843</b>

## ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&amp;R DOCUMENTS REVISED FOR A SPECIAL RATE VARIATION.

## Single Year Scenario - Statement of Cash Flows

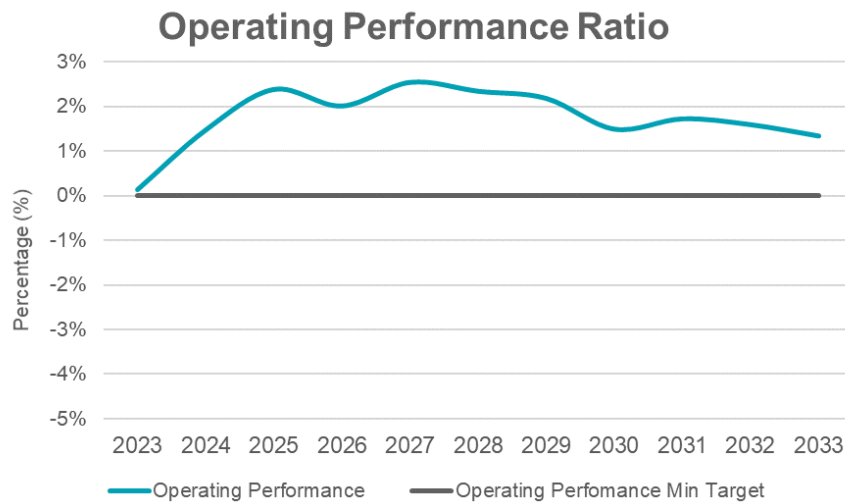
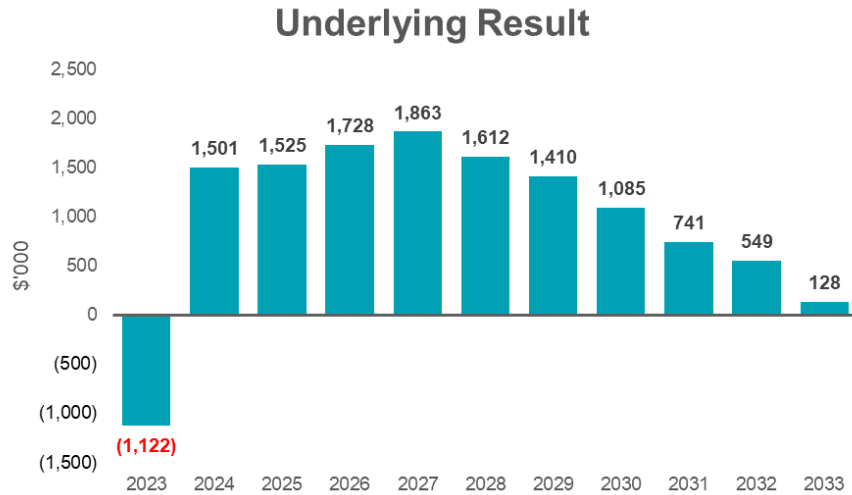
## CASHFLOW STATEMENT

For the period ended 30 June	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
Cash Flows from Operating Activities	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Receipts:</b>											
Rates & Annual Charges	66,623	80,266	83,920	86,233	88,558	90,941	93,384	95,888	98,454	101,084	103,781
User Charges & Fees	47,079	52,272	53,916	55,469	57,061	58,692	60,365	62,079	63,836	65,637	67,483
Interest & Investment Revenue Received	1,063	1,460	1,728	1,910	1,988	2,223	2,462	2,712	2,970	3,233	3,464
Grants & Contributions	29,721	16,982	17,425	17,572	17,720	17,869	18,019	18,169	18,321	18,474	18,627
Other Income - Rental Income	3,098	3,129	3,160	3,192	3,224	3,256	3,289	3,322	3,355	3,388	3,422
Other	4,330	4,416	4,505	4,595	4,687	4,780	4,876	4,974	5,073	5,174	5,278
<b>Payments:</b>											
Employee Benefits & On-Costs	(57,259)	(59,977)	(61,474)	(64,079)	(66,205)	(68,323)	(70,084)	(73,292)	(75,307)	(76,642)	(80,852)
Materials & Contracts	(55,795)	(66,367)	(66,569)	(68,743)	(69,238)	(71,785)	(73,990)	(76,954)	(78,077)	(80,707)	(83,317)
Borrowing Costs	(1,713)	(1,757)	(1,653)	(1,562)	(1,611)	(1,525)	(1,436)	(1,382)	(1,296)	(1,211)	(1,148)
Other	(3,653)	(222)	(4,714)	(3,733)	(3,775)	(2,688)	(3,577)	(1,430)	(2,821)	(4,564)	(1,223)
<b>Net Cash provided (or used in) Operating Activities</b>	<b>33,493</b>	<b>30,202</b>	<b>30,244</b>	<b>30,853</b>	<b>32,408</b>	<b>33,440</b>	<b>33,308</b>	<b>34,086</b>	<b>34,508</b>	<b>33,866</b>	<b>35,515</b>
<b>Cash Flows from Investing Activities</b>											
<b>Receipts:</b>											
Sale of Infrastructure, Property, Plant & Equipment	250	250	250	250	250	250	250	250	250	250	250
<b>Payments:</b>											
Purchase of Real Estate Assets	(1,000)	(1,010)	(1,020)	(1,030)	(1,041)	(1,051)	(1,062)	(1,072)	(1,083)	(1,094)	(1,105)
Purchase of Infrastructure, Property, Plant & Equipment	(30,977)	(20,176)	(19,404)	(24,096)	(19,553)	(20,275)	(19,869)	(20,351)	(20,847)	(21,356)	(21,878)
Purchase of Intangible Assets	(400)	(424)	(443)	(459)	(475)	(491)	(508)	(526)	(545)	(564)	(583)
<b>Net Cash provided (or used in) Investing Activities</b>	<b>(32,127)</b>	<b>(21,360)</b>	<b>(20,617)</b>	<b>(25,335)</b>	<b>(20,818)</b>	<b>(21,567)</b>	<b>(21,189)</b>	<b>(21,700)</b>	<b>(22,225)</b>	<b>(22,763)</b>	<b>(23,316)</b>
<b>Cash Flows from Financing Activities</b>											
New Borrowings		5,000									
Repayment of leases principal	(606)	(795)	(840)	(850)	(617)	(690)	(740)	(755)	(709)	(785)	(839)
Repayment of Borrowings & Advances	(3,147)	(2,312)	(1,524)	(1,552)	(1,580)	(1,597)	(1,382)	(1,323)	(1,054)	(1,074)	(1,094)
<b>Net Cash Flow provided (used in) Financing Activities</b>	<b>(3,753)</b>	<b>1,893</b>	<b>(2,365)</b>	<b>(2,402)</b>	<b>(2,198)</b>	<b>(2,287)</b>	<b>(2,122)</b>	<b>(2,079)</b>	<b>(1,763)</b>	<b>(1,859)</b>	<b>(1,934)</b>
<b>Net Increase/(Decrease) in Cash &amp; Cash Equivalents</b>	<b>(2,387)</b>	<b>10,735</b>	<b>7,261</b>	<b>3,116</b>	<b>9,392</b>	<b>9,585</b>	<b>9,997</b>	<b>10,307</b>	<b>10,520</b>	<b>9,244</b>	<b>10,266</b>
<b>plus: Cash - beginning of year</b>	<b>16,430</b>	<b>14,043</b>	<b>24,778</b>	<b>32,039</b>	<b>35,156</b>	<b>44,548</b>	<b>54,133</b>	<b>64,130</b>	<b>74,437</b>	<b>84,957</b>	<b>94,201</b>
<b>Cash - end of the year</b>	<b>14,043</b>	<b>24,778</b>	<b>32,039</b>	<b>35,156</b>	<b>44,548</b>	<b>54,133</b>	<b>64,130</b>	<b>74,437</b>	<b>84,957</b>	<b>94,201</b>	<b>104,466</b>
<b>plus: Investments - end of the year</b>	<b>37,247</b>	<b>37,247</b>	<b>37,247</b>	<b>37,247</b>	<b>37,247</b>	<b>37,247</b>	<b>37,247</b>	<b>37,247</b>	<b>37,247</b>	<b>37,247</b>	<b>37,247</b>
<b>Total Cash &amp; Investments - end of the year</b>	<b>51,290</b>	<b>62,025</b>	<b>69,286</b>	<b>72,403</b>	<b>81,795</b>	<b>91,380</b>	<b>101,377</b>	<b>111,684</b>	<b>122,204</b>	<b>131,448</b>	<b>141,713</b>
<b>Less restricted Cash (NAL)</b>	<b>(14,234)</b>	<b>(16,228)</b>	<b>(18,127)</b>	<b>(20,216)</b>	<b>(22,493)</b>	<b>(24,959)</b>	<b>(27,613)</b>	<b>(30,452)</b>	<b>(33,475)</b>	<b>(36,681)</b>	<b>(40,066)</b>
<b>Cash, Cash Equivalents &amp; Investments - end of the year</b>	<b>37,057</b>	<b>45,797</b>	<b>51,159</b>	<b>52,187</b>	<b>59,301</b>	<b>66,421</b>	<b>73,765</b>	<b>81,232</b>	<b>88,729</b>	<b>94,767</b>	<b>101,647</b>

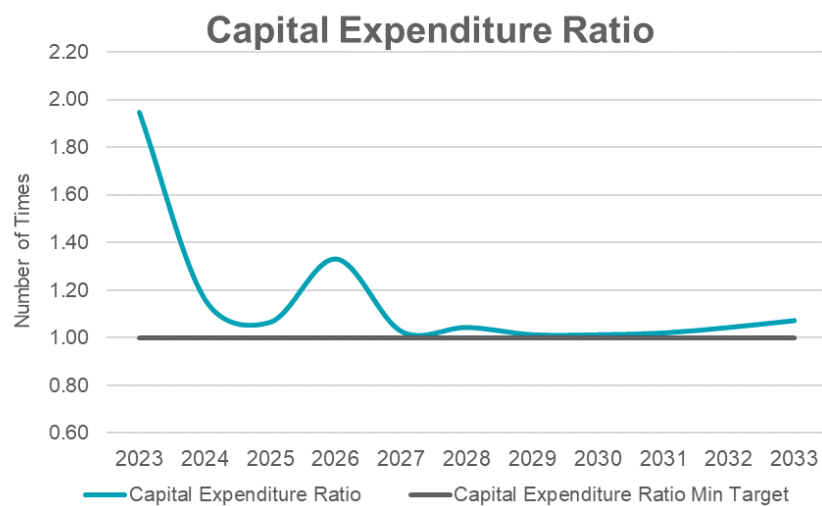
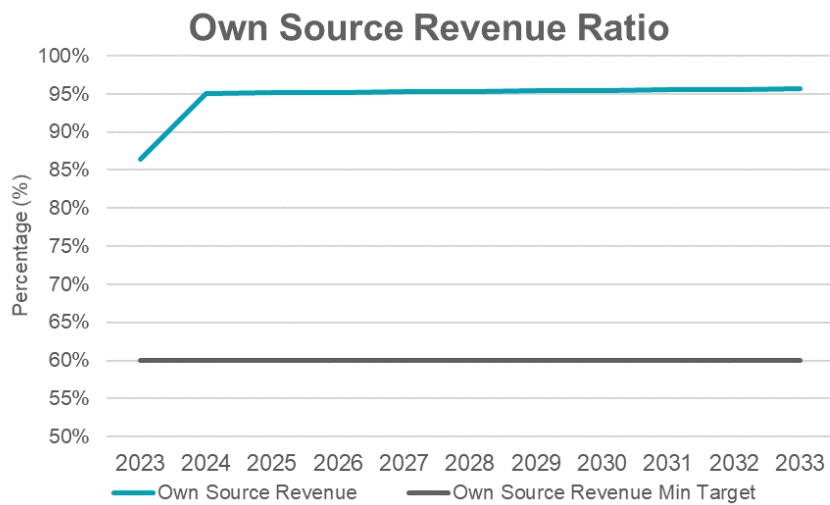


ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&R DOCUMENTS  
REVISED FOR A SPECIAL RATE VARIATION.

9.3 Single Year Scenario Graphs

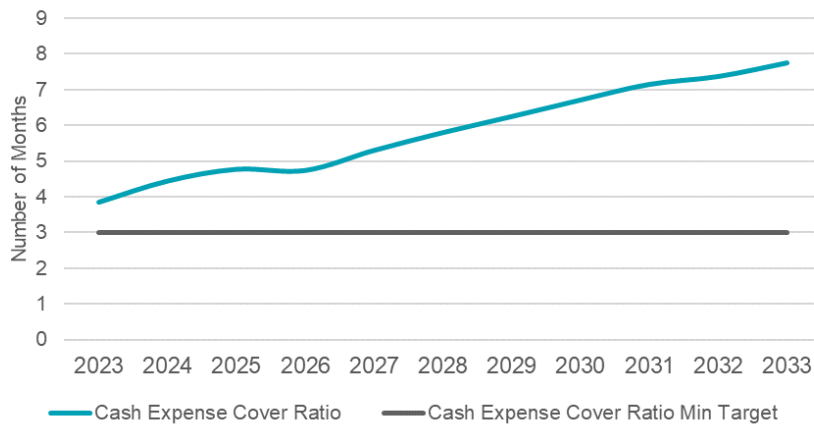


ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&R DOCUMENTS  
REVISED FOR A SPECIAL RATE VARIATION.

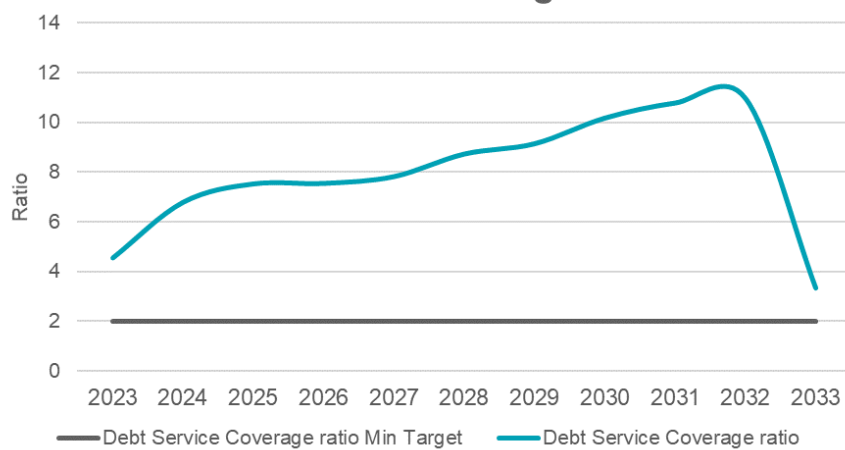


ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&R DOCUMENTS  
REVISED FOR A SPECIAL RATE VARIATION.

### Cash Expense Cover Ratio



### Debt Service Coverage Ratio



ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&R DOCUMENTS  
REVISED FOR A SPECIAL RATE VARIATION.

10. Financial Statements - Independent Recommendation Scenario

10.1 Introduction

**Independent Recommendation Scenario – Special Rate Variation - A cumulative increase of 34.92%, being a 10.5% increase for three consecutive years (inclusive of the 2.5% rate cap)**

Under this scenario, as a result, of an approved special rate variation for 10.5% for a three-year period, being a cumulative increase of 34.92%. After which rate capping would be re-instated at 2.5%. Council would break even in the first year of the special rate variation and eliminate every year of forecasted shortfalls of the base scenario. Council would remain above the 1% resilience target for the entirety of the plan. It would see a slow growth of additional funds over the three-year period of the SRV. An annual operating surplus is achieved under this scenario

**Permanent in nature**

Council is proposing that the special rate variations increases be retained permanently in the rates general income base. This means that rate levels in the first year after the SRV and subsequent years will only increase by the rate peg set by the state government and rates will not be reduced to pre-SRV levels.

## ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&amp;R DOCUMENTS REVISED FOR A SPECIAL RATE VARIATION.

## 10.2 Financial Statements - Independent Scenario

## Independent Recommendation Scenario – Income Statement

## INCOME STATEMENT

	SRV Yr										
	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
For the period ended 30 June	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Revenue</b>											
Rates & Annual Charges	68,994	74,721	80,993	87,868	90,233	92,658	95,144	97,692	100,303	102,980	105,723
User Fees and Charges	47,079	52,272	53,916	55,469	57,061	58,692	60,365	62,079	63,836	65,637	67,483
Interest & Investment Revenue	1,063	1,460	1,694	1,875	1,966	2,205	2,447	2,699	2,959	3,226	3,460
Other Revenues	4,330	4,416	4,505	4,595	4,687	4,780	4,876	4,974	5,073	5,174	5,278
Operating Grants and Contributions	12,761	12,328	12,752	12,879	13,008	13,138	13,269	13,402	13,536	13,671	13,808
Capital Grants and Contributions	19,573	7,319	7,393	7,467	7,541	7,617	7,693	7,770	7,847	7,926	8,005
Gain on Sale of assets	250	250	250	250	250	250	250	250	250	250	250
Other Income - Rental Income	3,098	3,129	3,160	3,192	3,224	3,256	3,289	3,322	3,355	3,388	3,422
Other Income - Fair Value increment	843	1,237	1,274	1,312	1,351	1,392	1,434	1,477	1,521	1,567	1,614
<b>Total Revenue</b>	<b>157,990</b>	<b>157,133</b>	<b>165,936</b>	<b>174,906</b>	<b>179,321</b>	<b>183,988</b>	<b>188,766</b>	<b>193,663</b>	<b>198,680</b>	<b>203,819</b>	<b>209,043</b>
<b>Operating Expenses</b>											
Employee Benefits & On-Costs	56,552	58,373	61,652	63,833	65,850	67,936	70,105	72,357	74,682	77,098	79,597
Borrowing Costs	1,713	1,757	1,653	1,562	1,611	1,525	1,436	1,382	1,296	1,211	1,148
Materials & Services	55,916	59,270	63,202	69,303	69,951	72,046	74,263	77,144	78,408	81,009	83,501
Depreciation & Amortisation	18,999	19,528	20,266	20,744	21,379	21,774	22,022	22,458	22,947	23,002	23,116
Other Expenses	4,586	4,752	4,865	5,032	5,152	5,277	5,402	5,545	5,688	5,834	5,985
<b>Total Operating Expenses</b>	<b>137,766</b>	<b>143,680</b>	<b>151,637</b>	<b>160,475</b>	<b>163,943</b>	<b>168,557</b>	<b>173,228</b>	<b>178,886</b>	<b>183,020</b>	<b>188,153</b>	<b>193,345</b>
<b>Operating Surplus / (Deficit)</b>	<b>20,224</b>	<b>13,452</b>	<b>14,299</b>	<b>14,431</b>	<b>15,379</b>	<b>15,431</b>	<b>15,538</b>	<b>14,777</b>	<b>15,659</b>	<b>15,666</b>	<b>15,698</b>
Other Comprehensive Income	-	-	-	-	-	-	-	-	-	-	1
<b>Total Comprehensive Income</b>	<b>20,224</b>	<b>13,452</b>	<b>14,299</b>	<b>14,431</b>	<b>15,379</b>	<b>15,431</b>	<b>15,538</b>	<b>14,777</b>	<b>15,659</b>	<b>15,666</b>	<b>15,699</b>
<b>Net Operating Result before Capital Grants</b>	<b>651</b>	<b>6,133</b>	<b>6,906</b>	<b>6,964</b>	<b>7,838</b>	<b>7,815</b>	<b>7,846</b>	<b>7,007</b>	<b>7,812</b>	<b>7,740</b>	<b>7,693</b>
<b>Adjustments for Underlying Result</b>											
Gain on Sale of assets	(250)	(250)	(250)	(250)	(250)	(250)	(250)	(250)	(250)	(250)	(250)
Investment property fair value increases & royalties	(2,679)	(3,109)	(3,184)	(3,260)	(3,339)	(3,419)	(3,501)	(3,586)	(3,672)	(3,761)	(3,852)
NAP Profit	1,156	(2,235)	(2,220)	(2,134)	(2,272)	(2,434)	(2,601)	(2,771)	(2,943)	(3,115)	(3,286)
Local election costs	-	-	-	700	-	-	-	750	-	-	-
<b>Underlying result</b>	<b>(1,122)</b>	<b>538</b>	<b>1,252</b>	<b>2,020</b>	<b>1,977</b>	<b>1,711</b>	<b>1,493</b>	<b>1,151</b>	<b>947</b>	<b>615</b>	<b>306</b>

## ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&amp;R DOCUMENTS REVISED FOR A SPECIAL RATE VARIATION.

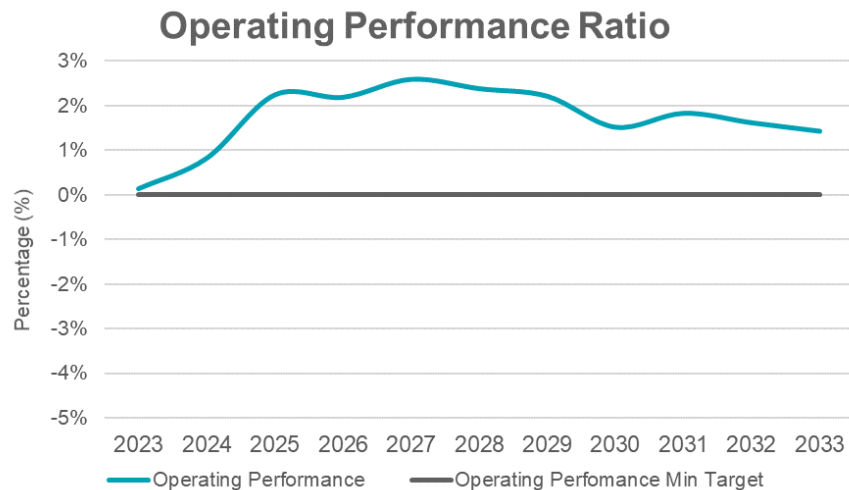
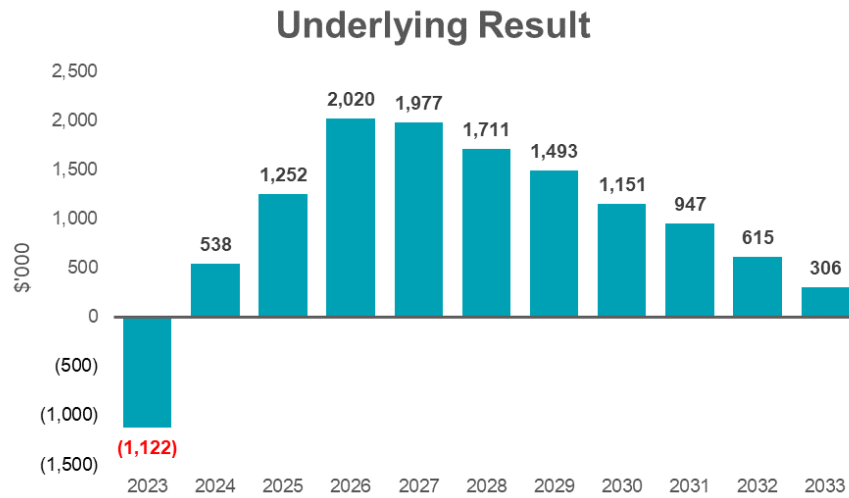
## Independent Recommendation Scenario – Statement of Financial Position (Balance Sheet)

## STATEMENT OF FINANCIAL POSITION

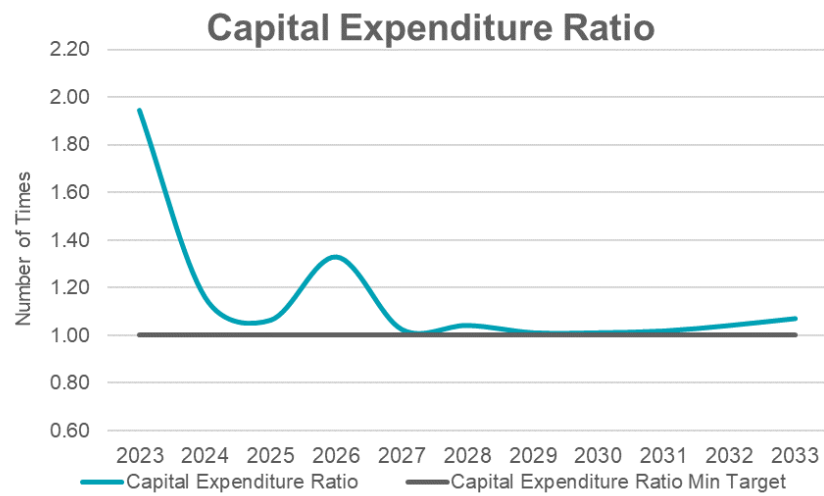
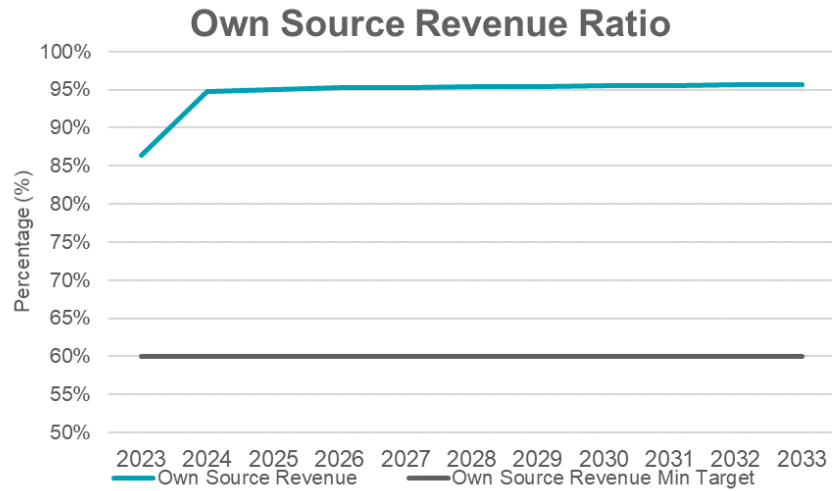
As at 30 June:	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>ASSETS</b>											
<b>Current Assets</b>											
Cash and Cash Equivalents	14,043	23,387	30,637	34,290	43,833	53,524	63,612	73,991	84,696	94,036	104,464
Investments	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247	37,247
Receivables	11,027	12,129	13,004	13,903	14,332	14,771	15,222	15,683	16,156	16,640	17,136
Inventories & Other	2,647	2,647	2,647	2,647	2,647	2,647	2,647	2,647	2,647	2,647	2,647
<b>Total Current Assets</b>	<b>64,965</b>	<b>75,410</b>	<b>83,536</b>	<b>88,086</b>	<b>98,059</b>	<b>108,190</b>	<b>118,727</b>	<b>129,569</b>	<b>140,746</b>	<b>150,570</b>	<b>161,494</b>
<b>Non Current Assets</b>											
Infrastructure, Property, Plant & Equipment	1,098,970	1,103,929	1,107,417	1,115,031	1,117,525	1,120,293	1,122,510	1,124,720	1,127,071	1,129,854	1,133,175
Right of Use Asset	2,031	1,776	993	3,405	3,185	2,428	2,071	1,850	1,093	3,504	3,285
Investments using Equity Method	431	431	431	431	431	431	431	431	431	431	431
Inventories & Other	7,427	8,437	9,457	10,487	11,528	12,579	13,641	14,713	15,796	16,889	17,994
Investment Properties	41,223	42,460	43,733	45,045	46,397	47,789	49,222	50,699	52,220	53,787	55,400
Intangibles	5,645	5,162	4,767	4,444	4,183	3,976	3,814	3,692	3,604	3,545	3,513
<b>Total Non Current Assets</b>	<b>1,155,726</b>	<b>1,162,195</b>	<b>1,166,799</b>	<b>1,178,844</b>	<b>1,183,249</b>	<b>1,187,496</b>	<b>1,191,689</b>	<b>1,196,105</b>	<b>1,200,215</b>	<b>1,208,012</b>	<b>1,213,800</b>
<b>Total Assets</b>	<b>1,220,691</b>	<b>1,237,605</b>	<b>1,250,335</b>	<b>1,266,930</b>	<b>1,281,308</b>	<b>1,295,686</b>	<b>1,310,417</b>	<b>1,325,673</b>	<b>1,340,961</b>	<b>1,358,582</b>	<b>1,375,294</b>
<b>LIABILITIES</b>											
<b>Current Liabilities</b>											
Trade & Other Payables	17,065	17,669	18,376	19,475	19,591	19,968	20,367	20,886	21,113	21,582	22,030
Lease liabilities	795	840	850	617	690	740	755	709	785	839	688
Borrowings	2,312	1,524	1,552	1,580	1,597	1,382	1,323	1,054	1,074	1,094	1,116
Provisions	16,624	17,146	17,278	17,584	18,029	18,507	18,589	19,644	20,404	20,094	22,692
<b>Total Current Liabilities</b>	<b>36,795</b>	<b>37,179</b>	<b>38,056</b>	<b>39,256</b>	<b>39,907</b>	<b>40,597</b>	<b>41,035</b>	<b>42,293</b>	<b>43,377</b>	<b>43,611</b>	<b>46,530</b>
<b>Non Current Liabilities</b>											
Trade & Other Payables	1,831	1,286	740	195	0	0	0	0	0	0	0
Lease liabilities	1,235	935	144	2,788	2,496	1,688	1,316	1,142	308	2,665	2,597
Borrowings	36,154	39,630	38,077	36,497	34,899	33,518	32,194	31,140	30,066	28,971	27,855
Provisions	1,294	1,741	2,185	2,632	3,063	3,509	3,959	4,410	4,862	5,320	4,599
<b>Total Non Current Liabilities</b>	<b>40,514</b>	<b>43,591</b>	<b>41,146</b>	<b>42,110</b>	<b>40,458</b>	<b>38,715</b>	<b>37,469</b>	<b>36,691</b>	<b>35,235</b>	<b>36,957</b>	<b>35,053</b>
<b>Total Liabilities</b>	<b>77,309</b>	<b>80,770</b>	<b>79,202</b>	<b>81,366</b>	<b>80,365</b>	<b>79,312</b>	<b>78,504</b>	<b>78,984</b>	<b>78,612</b>	<b>80,568</b>	<b>81,583</b>
<b>Net Assets</b>	<b>1,143,382</b>	<b>1,156,834</b>	<b>1,171,133</b>	<b>1,185,564</b>	<b>1,200,943</b>	<b>1,216,374</b>	<b>1,231,912</b>	<b>1,246,689</b>	<b>1,262,349</b>	<b>1,278,014</b>	<b>1,293,712</b>
<b>EQUITY</b>											
Accumulated Surplus	729,034	742,487	756,786	771,217	786,596	802,026	817,565	832,343	848,002	863,667	879,363
Asset Revaluation Reserves	414,346	414,346	414,346	414,346	414,346	414,346	414,346	414,346	414,346	414,346	414,346
<b>Total Equity</b>	<b>1,143,380</b>	<b>1,156,833</b>	<b>1,171,132</b>	<b>1,185,563</b>	<b>1,200,942</b>	<b>1,216,372</b>	<b>1,231,911</b>	<b>1,246,689</b>	<b>1,262,348</b>	<b>1,278,013</b>	<b>1,293,709</b>

ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&R DOCUMENTS  
REVISED FOR A SPECIAL RATE VARIATION.

10.3 Independent Recommendation Scenario Graphs



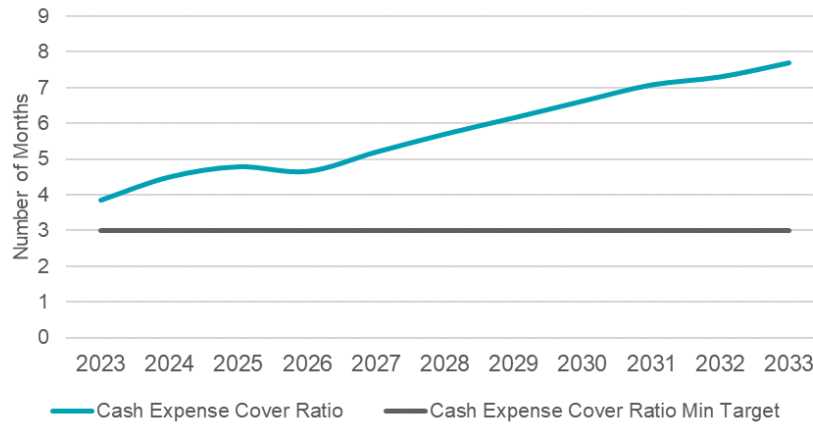
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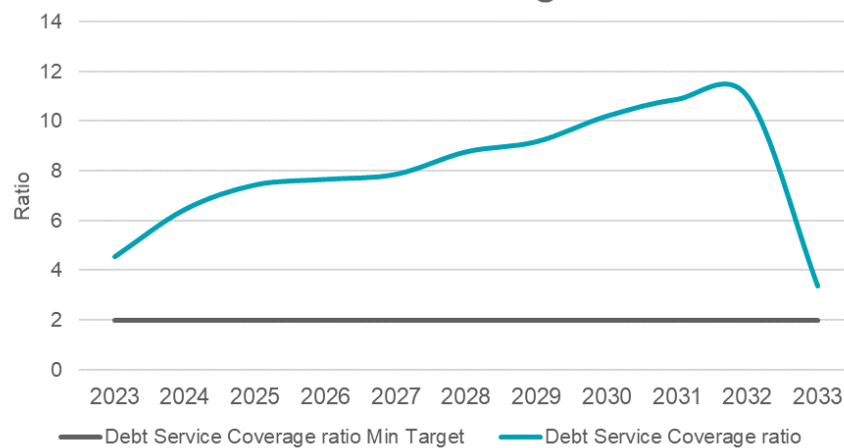


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### Cash Expense Cover Ratio



### Debt Service Coverage Ratio



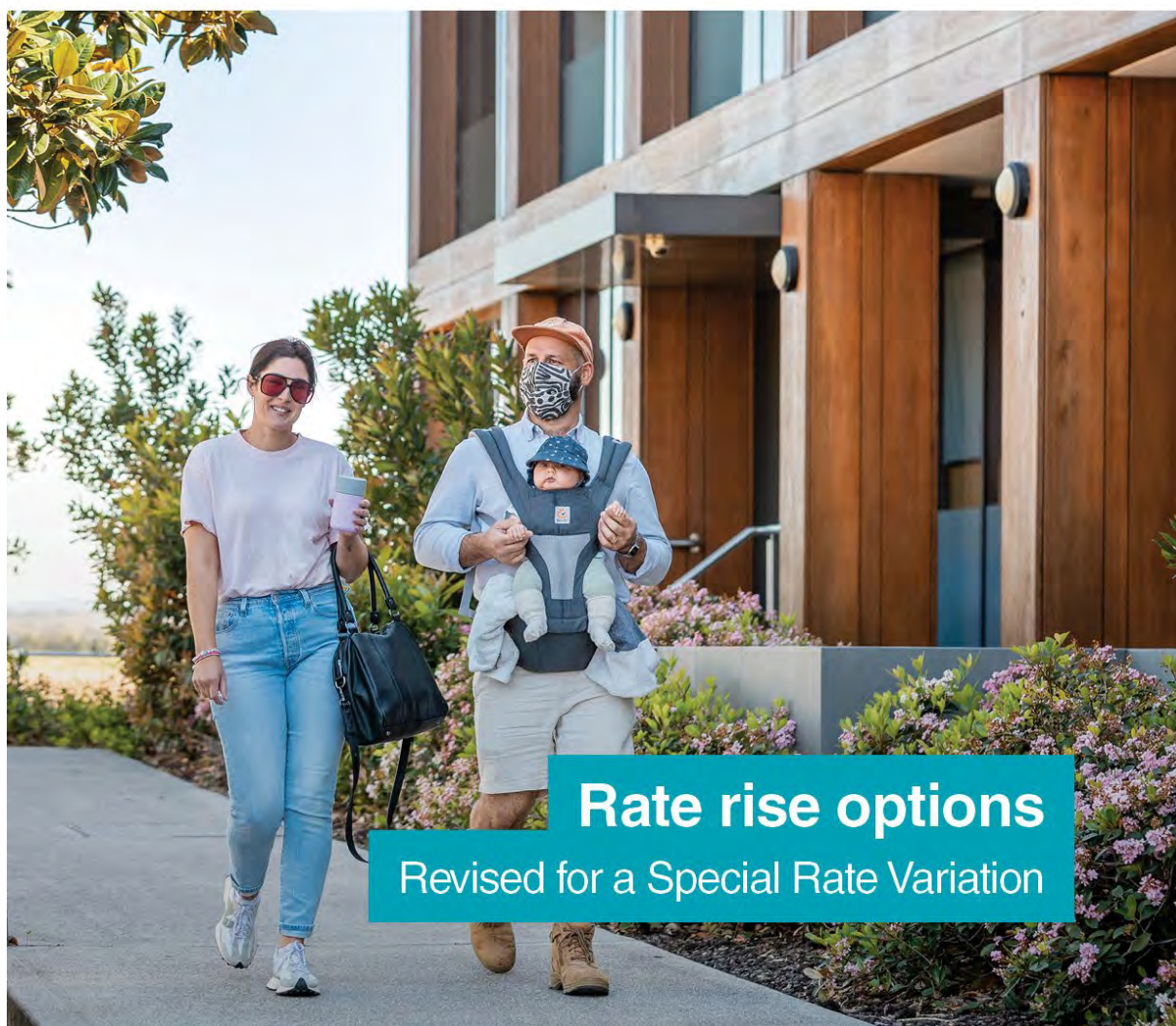
ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&R DOCUMENTS  
REVISED FOR A SPECIAL RATE VARIATION.



# Strategic Asset Management Plan

**2023 to 2033**

**DRAFT**



**ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&R DOCUMENTS  
REVISED FOR A SPECIAL RATE VARIATION.**

# Rate Rise Options

## Base Scenario


It would be unsustainable for Council to continue to operate with annual operating shortfalls. To address this Council would look to reduce services to the community to balance the budget. As part of those efforts, the overall current condition of our assets would decrease. This would mean the levels and timeliness at which we maintain, renew and construct new infrastructure would be reduced. Over 90% of Council's assets currently sit in a condition rating of 1-3, meaning assets are in excellent to satisfactory condition. Under the base scenario, the community would see over time these assets slip into the condition category of poor and very poor. Council may also look at asset rationalisation, meaning that Council may sell or dispose of assets to minimize ongoing maintenance costs to slightly minimise the burden. This does not mean corners would be cut; Council is committed to ensuring our assets are safe for our community.


## Special Rate Variation Scenarios

The proposed special rate variations are to eliminate proposed budget shortfalls by funding planned services, activities and actions outlined in the CSP, DP and OP. This means council's current asset management plans would remain fully funded and the overall condition of assets would remain at current levels. The special rate variation scenarios allow for some enhanced services as desired by the community. This would see Council's target our road network, public space and our natural environment. This target would focus on providing safer assets for the community to use.

## ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&amp;R DOCUMENTS REVISED FOR A SPECIAL RATE VARIATION.

**Single Year Scenario** A 26% increase for a single year, being 2023-2024 only.

Priority Area	Detail
<p><b>Fixing our roads</b></p>  <p><b>\$14 million</b> Over 10 years</p>	<p>Sections of roads have been identified for SRV funding based on current data, not limited to the condition rating, the number of potholes, re-occurring need for heavy patching, and sections of roads where we don't expect grant funding to be available. Under the single year scenario, enhanced road maintenance works would start in the <b>first year</b> of the rate rise.</p> <ul style="list-style-type: none"> <li><b>2024</b> <ul style="list-style-type: none"> <li>Lewis Drive, Medowie</li> <li>Medowie Road, Campvale</li> <li>Medowie Road, Williamtown</li> <li>Phillip Street, Raymond Terrace</li> </ul> </li> <li><b>2025</b> <ul style="list-style-type: none"> <li>Clarencetown Road, Seaham</li> <li>Italia Road, Balickera</li> <li>Marsh Road, Bobs Farm</li> <li>Taylors Beach Road, Taylors Beach</li> </ul> </li> <li><b>2026</b> <ul style="list-style-type: none"> <li>Kindlebark Dr , Medowie</li> <li>Lemon Tree Passage Road, Lemon Tree Passage</li> <li>Tarean Road, Karuah</li> </ul> </li> <li><b>2027</b> <ul style="list-style-type: none"> <li>East Seaham Road, East Seaham</li> <li>Kirrang Drive, Medowie</li> </ul> </li> <li><b>2028</b> <ul style="list-style-type: none"> <li>Lemon Tree Passage Road, Salt Ash</li> <li>Links Drive, Raymond Terrace</li> </ul> </li> <li><b>2029</b> <ul style="list-style-type: none"> <li>Hinton Road, Nelsons Plains</li> </ul> </li> <li><b>2020</b> <ul style="list-style-type: none"> <li>Corrie Parade, Corlette</li> </ul> </li> </ul>
CSP Strategy	P2.1 Deliver and maintain sustainable community infrastructure
Delivery Program 2022 to 2026 Activity	P2.1.4 Deliver the program for maintenance of Council's assets
Operational Plan 2023 to 2024 Action	P2.1.1.1 Provide, manage and maintain community assets

Priority Area	Detail
<p><b>Protecting our natural environment</b></p>  <p><b>\$6 million</b></p> <p>Over 10 years + CONTINUED funding</p>	<p>Council would utilise SRV funds to enhance our current range of works that protect our natural environment. These funds would allow Council to undertake further works more frequently and in a proactive matter.</p> <p>Areas of focus for increased maintenance and ongoing programs would commence in <b>the first year of the rate rise</b> and include</p> <ul style="list-style-type: none"> <li>• Bush regeneration</li> <li>• Environmental/cultural burn programs</li> <li>• Habitat improvements</li> <li>• Strengthening animal movement corridors</li> </ul>

CSP Strategy	E1.1 Protect and enhance our local natural and built environment
Delivery Program 2022 to 2026 Activity	E1.1.1 Develop and deliver a program for Council to implement environmental strategies and policies E3.1.1 Develop and deliver a program for Council leading the way to a climate positive future and mitigating environmental risks
Operational Plan 2023 to 2024 Action	E1.1.1.2 Provide environmental impact assessment services and a range of nature conservation, biosecurity and rehabilitation programs E3.1.1.2 Implement Climate Change Adaptation Action Plan encompassing mitigation and adaptation for Council and Community

Priority Area	Detail
<p><b>Looking after our waterways and foreshores</b></p>  <p><b>\$4.5 million</b> one-off 3-year target program</p>	<p>Council would inject SRV funds to enhance our current range of waterways and foreshores initiatives. These funds would see a three-year targeted program starting in the <b>first year of the rate rise</b>. After the three-year program works would return to pre-SRV levels</p> <p>Areas of focus would align with unfunded works identified in the incoming Coastal Management Plan and would include works such as,</p> <ul style="list-style-type: none"> <li>• Waterway, foreshore, and dune area restoration</li> <li>• Strengthening fencing</li> <li>• Access points improvements</li> <li>• Beach management activities</li> <li>• Seawalls, rock revetment, and larger scale revegetation stabilisation</li> </ul> <p>The Coastal Management Plan is currently being finalised through community consultation.</p>
CSP Strategy	E3.1 Support community resilience to climate change including coastal and waterway hazards
Delivery Program 2022 to 2026 Activity	E3.1.1 Develop and deliver a program for Council leading the way to a climate positive future and mitigating environmental risks
Operational Plan 2023 to 2024 Action	E3.1.1.2 Implement Climate Change Adaptation Action Plan encompassing mitigation and adaptation for Council and Community




## ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&amp;R DOCUMENTS REVISED FOR A SPECIAL RATE VARIATION.

Priority Area	Detail
<p>Looking after our public space</p>  <p><b>\$3 million</b> Over 10 years</p>	<p>The proposed works would look at enhancing the condition of our public spaces and community amenities. Getting back to basics by fixing known defects as well as ensuring more energy-efficient lighting. These additional public space maintenance works would start in the <b>first year</b> of the rate rise.</p>
	<ul style="list-style-type: none"> <li>• Beach fencing - Fingal Bay Foreshore</li> <li>• Boardwalk handrails - Pirrarea Gardens Boardwalk</li> </ul>
	<p><b>2024</b></p> <ul style="list-style-type: none"> <li>• Boardwalk repairs - Gula Park</li> <li>• Field lighting - fitting replacement - King Park Sports Complex</li> <li>• Building Renovation - remove demountable - Williamtown Oval Amenities</li> </ul>
	<p><b>2025</b></p> <ul style="list-style-type: none"> <li>• Field lighting - fitting replacement - Ferodale Sports Complex &amp; Tomaree Sports Complex</li> <li>• Building Renovation- Boomerang Park Dog Club Amenities</li> </ul>
	<p><b>2026</b></p> <ul style="list-style-type: none"> <li>• Boardwalk repairs - Tanilba Bay Boardwalk</li> <li>• Field lighting - fitting replacement - Fingal Bay Oval &amp; Lakeside Sports Complex</li> <li>• Building Renovation - Karuah Tennis Clubhouse, Korora Oval Amenities</li> </ul>
	<p><b>2027</b></p> <ul style="list-style-type: none"> <li>• Field lighting - fitting replacement - Salamander Sports Complex</li> <li>• Shade Shelters - Tilligerry Aquatic Centre</li> <li>• Building Renovation - Medowie Tennis Clubhouse, Raymond Terrace RFS Station</li> </ul>
	<p><b>2028</b></p> <ul style="list-style-type: none"> <li>• Beach fencing - Shoal Bay Foreshore</li> <li>• Shade Shelters - Tomaree Aquatic Centre</li> </ul>
	<p><b>2029</b></p> <ul style="list-style-type: none"> <li>• Field lighting - fitting replacement - Fern Bay Tennis Courts</li> </ul>
	<p><b>2030</b></p> <ul style="list-style-type: none"> <li>• Field lighting - fitting replacement - Stuart Park Tennis</li> <li>• Building Renovation - Tilligerry Library</li> </ul>
	<p><b>2031</b></p> <ul style="list-style-type: none"> <li>• Field lighting - fitting replacement - Fingal Bay Tennis, Karuah Tennis, Mallabula Sports Complex</li> <li>• Building Renovation - Tanilba Bay Sailing Club Amenities</li> <li>• Building Renovation - Soldiers Point Community Hall</li> </ul>
	<p><b>2032</b></p> <ul style="list-style-type: none"> <li>• Field lighting - fitting replacement - Lionel Morton Oval &amp; Stuart Park</li> <li>• Building Renovation - Tomaree Netball Clubhouse</li> </ul>
CSP Strategy	P2.1 Deliver and maintain sustainable community infrastructure
Delivery Program 2022 to 2026 Activity	P2.1.4 Deliver the program for maintenance of Council's assets
Operational Plan 2023 to 2024 Action	P2.1.1.1 Provide, manage and maintain community assets


## ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&amp;R DOCUMENTS REVISED FOR A SPECIAL RATE VARIATION.

**Independent Recommendation Scenario:** A cumulative increase of 34.92%, being 10.5% increase for three consecutive years


Priority Area	Detail																		
<p><b>Fixing our roads</b></p>  <p><b>\$14 million</b></p> <p>Over 10 years</p>	<p>Sections of roads have been identified for SRV funding based on current data, not limited to the condition rating, the number of potholes, re-occurring need for heavy patching, and sections of roads where we don't expect grant funding to be available. These additional road maintenance works would start in the <b>second year of the rate rise.</b></p> <table> <tr> <td><b>2025</b></td><td>Taylors Beach Road, Taylors Beach</td></tr> <tr> <td><b>2026</b></td><td>Lemon Tree Passage Road, Lemon Tree Passage Medowie Road, Campvale Medowie Road, Williamtown Corrie Parade, Corlette</td></tr> <tr> <td><b>2027</b></td><td>Clarencetown Road, Seaham Kindlebark Drive, Medowie</td></tr> <tr> <td><b>2028</b></td><td>Phillip Street, Raymond Terrace Tarean Road, Karuah</td></tr> <tr> <td><b>2029</b></td><td>East Seaham Road, East Seaham Links Drive, Raymond Terrace</td></tr> <tr> <td><b>2030</b></td><td>Hinton Road, Nelsons Plains</td></tr> <tr> <td><b>2031</b></td><td>Kirrang Drive, Medowie</td></tr> <tr> <td><b>2032</b></td><td>Lemon Tree Passage Road, Salt Ash Marsh Road, Bobs Farm</td></tr> <tr> <td><b>2033</b></td><td>East Seaham Road, East Seaham</td></tr> </table>	<b>2025</b>	Taylors Beach Road, Taylors Beach	<b>2026</b>	Lemon Tree Passage Road, Lemon Tree Passage Medowie Road, Campvale Medowie Road, Williamtown Corrie Parade, Corlette	<b>2027</b>	Clarencetown Road, Seaham Kindlebark Drive, Medowie	<b>2028</b>	Phillip Street, Raymond Terrace Tarean Road, Karuah	<b>2029</b>	East Seaham Road, East Seaham Links Drive, Raymond Terrace	<b>2030</b>	Hinton Road, Nelsons Plains	<b>2031</b>	Kirrang Drive, Medowie	<b>2032</b>	Lemon Tree Passage Road, Salt Ash Marsh Road, Bobs Farm	<b>2033</b>	East Seaham Road, East Seaham
<b>2025</b>	Taylors Beach Road, Taylors Beach																		
<b>2026</b>	Lemon Tree Passage Road, Lemon Tree Passage Medowie Road, Campvale Medowie Road, Williamtown Corrie Parade, Corlette																		
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CSP Strategy	<b>P2.1</b> Deliver and maintain sustainable community infrastructure																		
Delivery Program 2022 to 2026 Activity	<b>P2.1.4</b> Deliver the program for maintenance of Council's assets																		
Operational Plan 2023 to 2024 Action	<b>P2.1.1.1</b> Provide, manage and maintain community assets <b>P2.1.4.1</b> Maintain Council's civil and community infrastructure																		




## ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&amp;R DOCUMENTS REVISED FOR A SPECIAL RATE VARIATION.

Priority Area	Detail
<p><b>Protecting our natural environment</b></p>  <p><b>\$5 million</b></p> <p>Over 10 years + CONTINUED FUNDING</p>	<p>Council would utilise SRV funds to enhance our current range of works that protect our natural environment. These funds would allow Council to be more undertake works more frequently and in a proactive matter and be ongoing into the future.</p> <p>Areas of focus for increased maintenance and ongoing programs would commence in the <b>first year</b> of the rate rise, be <b>ongoing</b> and include works such as</p> <ul style="list-style-type: none"> <li>• Bush regeneration</li> <li>• Environmental/cultural burn programs</li> <li>• Habitat improvements</li> <li>• Strengthening animal movement corridors</li> </ul>
CSP Strategy	E1.1 Protect and enhance our local natural and built environment
Delivery Program 2022 to 2026 Activity	<p>E1.1.1 Develop and deliver a program for Council to implement environmental strategies and policies</p> <p>E3.1.1 Develop and deliver a program for Council leading the way to a climate positive future and mitigating environmental risks</p>
Operational Plan 2023 to 2024 Action	<p>E1.1.1.2 Provide environmental impact assessment services and a range of nature conservation, biosecurity and rehabilitation programs</p> <p>E3.1.1.2 Implement Climate Change Adaptation Action Plan encompassing mitigation and adaptation for Council and Community</p>

## ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&amp;R DOCUMENTS REVISED FOR A SPECIAL RATE VARIATION.

Priority Area	Detail
<p><b>Looking after our waterways and foreshores</b></p>  <p><b>\$5 million</b></p> <p><b>Over 10 years + CONTINUED FUNDING</b></p>	<p>Council would utilise SRV funds to enhance our current range of waterways and foreshore works. These funds would allow Council to be more undertake works more frequently and in a proactive matter and be ongoing into the future.</p> <p>Areas of focus for increased maintenance and ongoing programs would commence in the <b>first year</b> of the rate rise, be <b>ongoing</b> and include works such as</p> <ul style="list-style-type: none"> <li>• Waterway, foreshore and dune area restoration</li> <li>• Strengthening fencing</li> <li>• Access points improvements</li> <li>• Beach management activities</li> </ul> <p>The Coastal Management Plan is currently being finalised through community consultation.</p>
CSP Strategy	<p><b>E1.1</b> Protect and enhance our local natural and built environment</p> <p><b>E3.1</b> Support community resilience to climate change including coastal and waterway hazards</p>
Delivery Program 2022 to 2026 Activity	<p><b>E1.1.1</b> Develop and deliver a program for Council to implement environmental strategies and policies</p> <p><b>E3.1.1</b> Develop and deliver a program for Council leading the way to a climate positive future and mitigating environmental risks</p>
Operational Plan 2023 to 2024 Action	<p><b>E1.1.1.2</b> Provide environmental impact assessment services and a range of nature conservation, biosecurity and rehabilitation programs</p> <p><b>E3.1.1.2</b> Implement Climate Change Adaptation Action Plan encompassing mitigation and adaptation for Council and Community</p>

## ITEM 10 - ATTACHMENT 1 AMENDMENTS TO DRAFT IP&amp;R DOCUMENTS REVISED FOR A SPECIAL RATE VARIATION.

Priority Area	Detail
<p><b>Looking after our public space</b></p>  <p><b>\$3 million</b> Over 10 years</p>	<p>The proposed works would look at enhancing the condition of our public spaces and community amenities. Getting back to basics by fixing known defects as well as ensuring more energy-efficient lighting. These additional public space maintenance works would start in the <b>second year</b> of the rate rise.</p>
	<ul style="list-style-type: none"> <li>• Beach fencing - Fingal Bay Foreshore</li> </ul>
	<p><b>2025</b></p> <ul style="list-style-type: none"> <li>• Building Renovation, remove demountable - Williamtown Oval Amenities</li> <li>• Field lighting - fitting replacement - King Park Sports Complex</li> </ul>
	<ul style="list-style-type: none"> <li>• Boardwalk handrails - Pirralea Gardens Boardwalk</li> <li>• Boardwalk repairs - Gula Park</li> </ul>
	<p><b>2026</b></p> <ul style="list-style-type: none"> <li>• Boardwalk repairs - Tanilba Bay Boardwalk</li> <li>• Building Renovation - Boomerang Park Dog Club Amenities, Karuah Tennis Clubhouse</li> <li>• Field lighting - fitting replacement - Ferodale Sports Complex</li> </ul>
	<ul style="list-style-type: none"> <li>• Building Renovation - Korora Oval Amenities</li> <li>• Building Renovation - Raymond Terrace RFS Station</li> <li>• Field lighting - fitting replacement - Lakeside Sports Complex</li> <li>• Field lighting - fitting replacement - Tomaree Sports Complex</li> </ul>
	<p><b>2027</b></p> <ul style="list-style-type: none"> <li>• Building Renovation - Korora Oval Amenities</li> <li>• Building Renovation - Raymond Terrace RFS Station</li> <li>• Field lighting - fitting replacement - Lakeside Sports Complex</li> <li>• Field lighting - fitting replacement - Tomaree Sports Complex</li> </ul>
	<ul style="list-style-type: none"> <li>• Building Renovation - Medowie Tennis Clubhouse</li> <li>• Field lighting - fitting replacement - Fingal Bay Oval</li> <li>• Field lighting - fitting replacement - Salamander Sports Complex</li> </ul>
	<p><b>2028</b></p> <ul style="list-style-type: none"> <li>• Building Renovation - Medowie Tennis Clubhouse</li> <li>• Field lighting - fitting replacement - Fingal Bay Oval</li> <li>• Field lighting - fitting replacement - Salamander Sports Complex</li> </ul>
	<ul style="list-style-type: none"> <li>• Beach fencing - Shoal Bay Foreshore</li> <li>• Building Renovation - Tilligerry Library</li> <li>• Field lighting - fitting replacement - Fern Bay Tennis Courts</li> <li>• Shade Shelters - Tilligerry Aquatic Centre</li> <li>• Shade Shelters - Tomaree Aquatic Centre</li> </ul>
	<p><b>2029</b></p> <ul style="list-style-type: none"> <li>• Beach fencing - Shoal Bay Foreshore</li> <li>• Building Renovation - Tilligerry Library</li> <li>• Field lighting - fitting replacement - Fern Bay Tennis Courts</li> <li>• Shade Shelters - Tilligerry Aquatic Centre</li> <li>• Shade Shelters - Tomaree Aquatic Centre</li> </ul>
	<ul style="list-style-type: none"> <li>• Building Renovation - Tanilba Bay Sailing Club Amenities</li> <li>• Field lighting - fitting replacement - Mallabula Sports Complex</li> <li>• Field lighting - fitting replacement - Stuart Park Tennis</li> </ul>
	<p><b>2030</b></p> <ul style="list-style-type: none"> <li>• Building Renovation - Tanilba Bay Sailing Club Amenities</li> <li>• Field lighting - fitting replacement - Mallabula Sports Complex</li> <li>• Field lighting - fitting replacement - Stuart Park Tennis</li> </ul>
	<ul style="list-style-type: none"> <li>• Building Renovation - Raymond Terrace SES, Soldiers Point Community Hall</li> <li>• Field lighting - fitting replacement - Fingal Bay &amp; Karuah Tennis, Lionel Morton Oval, Stuart Park</li> </ul>
	<p><b>2031</b></p> <ul style="list-style-type: none"> <li>• Building Renovation - Raymond Terrace SES, Soldiers Point Community Hall</li> <li>• Field lighting - fitting replacement - Fingal Bay &amp; Karuah Tennis, Lionel Morton Oval, Stuart Park</li> </ul>
	<p><b>2032</b></p> <ul style="list-style-type: none"> <li>• Building Renovation - Nelson Bay Tennis</li> </ul>
	<p><b>2033</b></p> <ul style="list-style-type: none"> <li>• Building Renovation - Greenwattle Creek Equestrian Centre Amenities</li> </ul>
CSP Strategy	P2.1 Deliver and maintain sustainable community infrastructure
Delivery Program 2022 to 2026 Activity	P2.1.4 Deliver the program for maintenance of Council's assets
Operational Plan 2023 to 2024 Action	P2.1.1.1 Provide, manage and maintain community assets