

**MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024**

Councillor Giacomo Arnott returned to the meeting at 5:55pm.  
Councillor Peter Francis returned to the meeting at 5:55pm.

**ITEM NO. 3****FILE NO: 24/25814  
EDRMS NO: PSC2022-01211****DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN - ROAD NETWORK  
AND PARKING (ELECTRIC VEHICLES)**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receives and note the submission received during the exhibition period **(ATTACHMENT 1)**.
- 2) Endorses the Port Stephens Development Control Plan 2014 Chapter B8 Road Network and Parking (electric vehicles) **(ATTACHMENT 2)**.
- 3) Provides public notice that the amendment Port Stephens Development Control Plan 2014 Chapter B8 Road Network and Parking (electric vehicles) has been approved in accordance with the Environmental Planning and Assessment Regulation 2021.

**ORDINARY COUNCIL MEETING - 27 FEBRUARY 2024  
MOTION**

<b>014</b>	<p><b>Councillor Giacomo Arnott</b> <b>Councillor Leah Anderson</b></p> <p>It was resolve that Council:</p> <ol style="list-style-type: none"><li>1) Receives and note the submission received during the exhibition period <b>(ATTACHMENT 1)</b>.</li><li>2) Endorses the Port Stephens Development Control Plan 2014 Chapter B8 Road Network and Parking (electric vehicles) <b>(ATTACHMENT 2)</b>.</li><li>3) Provides public notice that the amendment Port Stephens Development Control Plan 2014 Chapter B8 Road Network and Parking (electric vehicles) has been approved in accordance with the Environmental Planning and Assessment Regulation 2021.</li><li>4) Request the General Manager to prepare a report to the Council outlining the best way to implement an amendment to the DCP at BB.20 to remove "excluding dwelling houses, dual occupancies and semi-detached dwellings".</li></ol>
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**MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024**

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**BACKGROUND**

The purpose of this report is to advise Council of the outcomes of the consultation undertaken on draft Port Stephens Development Control Plan 2014 Chapter B8 Road Network and Parking (electric vehicles) (DCP) and to seek Council endorsement to make the amendment.

On 11 April 2023, Minute No. 093 (**ATTACHMENT 3**), Council considered a report on the NSW Electric Vehicle Strategy and resolved to endorse the DCP to be amended to include requirements for new development to cater for an increased uptake in electric vehicles ('EV Ready').

To enact the resolution, funding was allocated as part of Council's membership to the NSW Sustainability Advantage Program allowing for the preparation of the Port Stephens Development Control Plan – Electric Vehicle (EV) Update Report (**ATTACHMENT 4**). The report provided benchmarking for EV infrastructure provisions made within other local government area DCPs, a review of equivalent policies regarding EVs and recommendations for amendments to the DCP. These recommendations have been supported in full and achieve alignment with the NSW Electric Vehicle Strategy.

On 10 October 2023, Minute No. 233 (**ATTACHMENT 5**), Council endorsed the DCP for exhibition. The draft was publicly exhibited for 28 days from 16 October 2023 to 13 November 2023.

1 submission was received during the exhibition period. The submission is summarised and addressed in (**ATTACHMENT 1**). No changes have been made to the DCP in response to the submission.

**COMMUNITY STRATEGIC PLAN**

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



**MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024****FINANCIAL/RESOURCE IMPLICATIONS**

There are no known financial or resource implications for Council as a consequence of the proposed recommendations.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**Environmental Planning and Assessment Act 1979 (EP&A Act)

Division 3.6 of the EP&A Act relates to development control plans. Should Council resolve to proceed with the DCP, all necessary matters in preparing the plan will be carried out in accordance with the EP&A Act.

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

Division 2 of Part 2 of the EP&A Regulation specifies the requirements for public participation. The recommendation is in accordance with the provisions of the EP&A Regulation.

Port Stephens Development Control Plan 2014

This report recommends endorsement of amendments to DCP Chapter B8 Road Network and Parking to introduce objectives and development controls for future development to be EV Ready consistent with the recommendation of the Port Stephens Development Control Plan – EV Update Report (**ATTACHMENT 3**).

## MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources ?
There is a risk that development does not make provision for electric vehicle infrastructure, which in turn limits the potential uptake of EVs.	Low	Accept the recommendation.	Yes.

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The proposed amendments to DCP Chapter B8 Road Network and Parking are considered to have positive social, environmental and economic implications by ensuring that new development provides the requisite infrastructure to support the uptake of EVs in Port Stephens.

Support within the built environment through facilitating charging infrastructure provides significant benefits to the community as Council continues to plan for and adapt to climate change impacts.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section.

Internal

Internal consultation has been undertaken with the Development Planning unit on the objectives and development controls for electric vehicles.

External

The DCP was publicly exhibited for 28 days from 16 October 2023 to 13 November 2023. 1 submission was received during the exhibition period. The submission is summarised and addressed in (**ATTACHMENT 1**). No changes have been made to the DCP in response to the submission.

**OPTIONS**

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

**ITEM 4 - ATTACHMENT 2 COUNCIL MEETING 27 FEBRUARY 2024 MINUTE 014.****MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024****ATTACHMENTS**

- 1) Submission Table.
- 2) Port Stephens Development Control Plan 2014 Chapter B8 Road Network and Parking.
- 3) Minute No. 093, 11 April 2023.
- 4) Port Stephens Development Control Plan - EV Update Report.
- 5) Minute No. 233, 10 October 2023.

**COUNCILLORS' ROOM**

- 1) Unredacted submissions (available via the Councillors' Dashboard).

Note: Any third party reports referenced in this report can be uploaded to the Councillors' Dashboard upon request.

**TABLED DOCUMENTS**

Nil.

## ITEM 4 - ATTACHMENT 2 COUNCIL MEETING 27 FEBRUARY 2024 MINUTE 014.

## MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024

## ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

Submissions Table: Port Stephens Development Control Plan 2014 Chapter B8  
Road Network and Parking (electric vehicles)

No.	Author of submission	Comment	Council response
1	Renew, Hunter Region Branch	The submission recognises the need to align the Development Control Plan (DCP) with the Volume 1, Section J9D4 of the National Construction Code 2022 (NCC) changes that came into force earlier this year.	Noted. The Development Control Plan (DCP) controls are intended to be supplementary to the requirements of the National Construction Code (NCC).
		The submission is concerned the DCP does not set out the requirements for different building classes as defined in the NCC.	Applications for new buildings will refer directly to the provisions of the NCC for the different building classes.
		The submission writes that the proposed simplified residential and non-residential development controls in the DCP do not address the diversity of requirements for future EV charging in the Port Stephens LGA.	The DCP controls are intended to be supplementary to the requirements of the NCC. This avoids the need to duplicate prescriptive DCP controls for EV charging infrastructure in new development.
		The submission considers the DCP and the NCC to be 'short-sighted' in relation to electrical infrastructure required to best support the fully electrified road transport network within the lifespan of the majority of developments. The submission writes that as Australia's electrical generation shifts towards renewables, electricity availability and cost will shift from excess/cheap coal based electricity overnight to excess/cheap renewables during the day, and that this will dramatically shift the need to have EV charging facilities available where vehicles are parked during the day to avoid the	The DCP has been prepared to provide flexibility to support EV uptake consistent with but not higher than the standards of the NCC. The DCP adopts a precautionary approach to development controls for EVs. The purpose is to ensure that adequate provision is made in new development to accommodate the demands for EV use, while allowing for flexibility and adaptability as demand for EVs increases and technological changes are implemented.

## MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024

## ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

		infrastructure costs associated of duplication of EV storage capacity needed if vehicles are recharged overnight.	
		The submission states, for parking associated with Class 5 (office/commercial) buildings, the requirement for 10% of available spaces to be capable of installing chargers and the omission of class 7a (dedicated car parks), in particular where vehicles are parked while people are at work (e.g. for retail workers and for commuter park-and-ride facilities) are inadequate.	For office/commercial buildings the DCP controls align with the NCC requirements to accommodate an electric vehicle charger in 10% of car parking spaces associated with an office/commercial building. Development applications for dedicated car parks are included in the DCP by the term 'non-residential development' and will need to respond to the objectives and controls of the DCP.
		<p>The submission encourages Council to fully comply with the NCC and in addition, include provision to:</p> <ul style="list-style-type: none"> <li>require a capability to support 50% of parking spaces are having either 7kw charging or 12kwh capacity facilities for class 5 buildings (offices).</li> <li>require a capability to support 25% of either 7kw charging or 12kwh capacity charging for spaces associated with the expected day-time workforce for all other building classes included in the NCC/Vol 1/J9D4.</li> <li>include specific requirements for class 7a (public/commercial car parks) where these are associated with people parking while at</li> </ul>	<p>The DCP is intended to be supplementary to and align with the requirements of the NCC. The NCC requires:</p> <ul style="list-style-type: none"> <li>10% of car parking spaces associated with office buildings and shops to support the future installation of a 7kW electric vehicle charger.</li> <li>Office buildings and shops to have the capacity to support an electric vehicle charger able to deliver a minimum of 12 kWh from 9:00 am to 5:00 pm daily.</li> <li>Car parks to have capacity for each circuit to support an electric vehicle charger able to deliver a minimum of 12 kWh from 9:00 am to 5:00 pm daily.</li> </ul>

## ITEM 4 - ATTACHMENT 2 COUNCIL MEETING 27 FEBRUARY 2024 MINUTE 014.

## MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024

## ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

		work between 9am and 5pm.	The DCP will require car parking for 'non-residential development' where 10 or more parking spaces are provided to include provision for installation of at least one shared electric vehicle charging point for every 10 car parking spaces. This aligns with the requirements of the NCC.
		The submission encourages Council to actively seek partnerships similar to those established in other LGAs to provide publicly accessible charging facilities for visiting tourists.	Noted. Council staff are progressing with the development of an Expressions of Interest process relating to opportunities for EV charging providers to be installed and publicly available on Council property. This will contribute to a framework to provide publicly accessible charging facilities for visiting tourists.
		The submission encourages Council to investigate financial levies to encourage short term rentals to provide for visitor EV charging to offset the need to Council and other ratepayers to provide these facilities to support the tourism industry in parallel with the DCP requirements for the Class 3 buildings (other residential buildings).	Noted. However, the purpose of this report is only to consider DCP controls and not investigate potential financial levies to provide for visitor EV charging. EV charging infrastructure is able to be provided within existing private residential dwellings used for short-term accommodation.

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MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024

ITEM 3 - ATTACHMENT 2 PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 CHAPTER B8 ROAD NETWORK AND PARKING.

B8

**B8.F Electric Vehicle Infrastructure**

**Objectives**

- To recognise the increasing use and demand for electric vehicles and ensure new development is designed to reflect this
- To ensure development includes adequate infrastructure to provide for the charging of electric vehicles

**Development controls**

B8.20

Car parking for residential accommodation (excluding dwelling houses, dual occupancies and semi-detached dwellings) is to be designed to include provision of electrical circuitry with capacity to provide charging facilities for an electric vehicle to each car parking space.

B8.21

Car parking for non-residential development where 10 or more parking spaces are provided is to include provision for the installation of at least 1 shared electric vehicle charging point per 10 car parking spaces.

Development Control Plan

Port Stephens Council10

**ITEM 4 - ATTACHMENT 2 COUNCIL MEETING 27 FEBRUARY 2024 MINUTE 014.****MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024****ITEM 3 - ATTACHMENT 3 MINUTE NO. 093, 11 APRIL 2023.****MINUTES ORDINARY COUNCIL - 11 APRIL 2023****ITEM NO. 3****FILE NO: 23/10211  
EDRMS NO: PSC2023-01019****NSW ELECTRIC VEHICLE STRATEGY****REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Note the report on local planning and infrastructure responses to the NSW Electric Vehicle (EV) Strategy (**ATTACHMENT 1**).
- 2) Endorse the Port Stephens Development Control Plan 2014 to be amended to include requirements for new development to be EV Ready.
- 3) Endorse the development of a grant application seeking to upgrade a passenger fleet vehicle to an EV with associated charging infrastructure.
- 4) Endorse the development of an Expressions of Interest process relating to opportunities for EV charging providers to be installed and publically available on Council property.

**ORDINARY COUNCIL MEETING - 11 APRIL 2023  
MOTION**

<b>093</b>	<b>Councillor Leah Anderson Councillor Matthew Bailey</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Note the report on local planning and infrastructure responses to the NSW Electric Vehicle (EV) Strategy (<b>ATTACHMENT 1</b>).</li><li>2) Endorse the Port Stephens Development Control Plan 2014 to be amended to include requirements for new development to be EV Ready.</li><li>3) Endorse the development of a grant application seeking to upgrade a passenger fleet vehicle to an EV with associated charging infrastructure.</li><li>4) Endorse the development of an Expressions of Interest process relating to opportunities for EV charging providers to be installed and publically available on Council property.</li></ol>
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Those for the Motion: Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

**PORT STEPHENS COUNCIL****78****PORT STEPHENS COUNCIL****81**



## ITEM 4 - ATTACHMENT 2 COUNCIL MEETING 27 FEBRUARY 2024 MINUTE 014.

## MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024

ITEM 3 - ATTACHMENT 3 MINUTE NO. 093, 11 APRIL 2023.

## MINUTES ORDINARY COUNCIL - 11 APRIL 2023

Those against the Motion: Nil.

The motion was carried.

**BACKGROUND**

The purpose of this report is to provide information on local planning and infrastructure responses that can be undertaken to support the delivery of the NSW EV Strategy. This report follows a Notice of Motion at the Council meeting of 27 September 2022, Minute No. 269 (**ATTACHMENT 2**).

The NSW EV Strategy (**ATTACHMENT 3**) is the NSW Government's plan to accelerate the State's vehicle fleet of the future. It outlines the government's commitments to increasing the uptake of EVs to ensure New South Wales (NSW) shares in the benefits.

Through the NSW EV Strategy, NSW Government is targeting key areas of action to make NSW the easiest place to buy and use EVs in Australia. The NSW EV Strategy includes rebates, phased removal of stamp duty for EVs, targets for NSW Government fleet, incentives for council and private fleets and major investment to ensure widespread, world-class EV charging coverage.

The NSW EV Strategy is intended to increase EV sales to 52% by 2030–2031 and help NSW achieve net-zero emissions by 2050.

The report provided within (**ATTACHMENT 1**) provides Council with benchmarking data from other local Councils and an assessment of the available options for Council to consider.

The recommended options (Options 1, 2 and 3) of the report provided within (**ATTACHMENT 1**) can be delivered within Council's existing budget and subject to grant funding (option 2).

**COMMUNITY STRATEGIC PLAN**

Strategic Direction	Delivery Program 2022-2026
Environmental resilience Ecosystem function	Develop and deliver a program for Council leading the way to a climate positive future and mitigating environmental risks.

**FINANCIAL/RESOURCE IMPLICATIONS**

This report presents options for Council to consider which have a range of potential short term and long term costs. Council would be provided with more detailed cost implications subject to the options selected and once the scope has been determined.

## ITEM 4 - ATTACHMENT 2 COUNCIL MEETING 27 FEBRUARY 2024 MINUTE 014.

## MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024

ITEM 3 - ATTACHMENT 3 MINUTE NO. 093, 11 APRIL 2023.

## MINUTES ORDINARY COUNCIL - 11 APRIL 2023

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		As per recommendation. Cost and resourcing implications of options 4 and 5, provided within (ATTACHMENT 1), are to be determined should these be progressed.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

## LEGAL, POLICY AND RISK IMPLICATIONS

Any future actions would require an assessment of legal, policy and risk implications.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that without Council investment, residents, visitors and businesses will not have access to EV infrastructure.	Low	Accept the recommendation.	Yes
There is a risk that not supporting the transition to EV's will conflict with Council's commitment to carbon neutrality and community expectations.	Low	Accept the recommendation.	Yes
There is a risk that adopting Options 4 or 5 would place increased pressure on the Council budget in both the short and long term.	Medium	Accept the recommendation.	Yes

**ITEM 4 - ATTACHMENT 2 COUNCIL MEETING 27 FEBRUARY 2024 MINUTE 014.****MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024****ITEM 3 - ATTACHMENT 3 MINUTE NO. 093, 11 APRIL 2023.****MINUTES ORDINARY COUNCIL - 11 APRIL 2023****SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The recommendation will contribute to improved environmental outcomes as the passenger vehicles across the State transition to EVs rather than combustion engines. In addition to this, having a network of charging infrastructure can support businesses by ensuring that infrastructure is provided at destinations and along key movement routes. Supporting the uptake of EV's within the built environment and facilitating charging infrastructure provides significant benefits to the community as we consider the impacts of climate change.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section.

Internal

Stakeholders identified a number of potential opportunities and/or constraints to the delivery of EV infrastructure across the LGA. To inform this report staff engaged with:

- Assets Section
- Strategy and Environment Section
- Strategic Property

External

No external consultation was undertaken.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Report on local planning and infrastructure responses to the NSW Electric Vehicle (EV) Strategy.
- 2) 27 September 2022, Minute No. 269.
- 3) NSW Electric Vehicle Strategy.

**COUNCILLORS ROOM**

Nil.

**ITEM 4 - ATTACHMENT 2      COUNCIL MEETING 27 FEBRUARY 2024 MINUTE 014.**

**MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024**

**ITEM 3 - ATTACHMENT 3      MINUTE NO. 093, 11 APRIL 2023.**

**MINUTES ORDINARY COUNCIL - 11 APRIL 2023**

**TABLED DOCUMENTS**

Nil.

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MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024

ITEM 3 - ATTACHMENT 4 PORT STEPHENS DEVELOPMENT CONTROL PLAN - EV UPDATE REPORT.



## ITEM 4 - ATTACHMENT 2



## COUNCIL MEETING 27 FEBRUARY 2024 MINUTE

014.

## MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024

ITEM 3 - ATTACHMENT 4 PORT STEPHENS DEVELOPMENT CONTROL  
PLAN - EV UPDATE REPORT.Monteath  
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Our Ref: 23/0148	15 June 2023
Project	Port Stephens Development Control Plan – Electric Vehicle Update
Client	Port Stephens Council
Author	Courtney Rovere Planner Graduate Certificate in Urban Design
Signature	
Reviewer	Lachlan Sims Principal Planner Bachelor of Urban and Regional Planning
Signature	

This report was prepared by Monteath &amp; Powys Pty Ltd.

Document Control					
Revision	Date	Revision Details	Author	Verifier	Approver
0	24/05/2023	Draft	CR	LS	LS
1	05/06/2023	Draft for Review	CR	LS	LS
2	9/10/2023	Final	CR	LS	LS

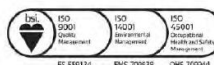
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ITEM 4 - ATTACHMENT 2 COUNCIL MEETING 27 FEBRUARY 2024 MINUTE 014.

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ITEM 3 - ATTACHMENT 4 PORT STEPHENS DEVELOPMENT CONTROL PLAN - EV UPDATE REPORT.

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**1. INTRODUCTION**

Port Stephens Council has engaged Monteath & Powys to review their Development Control Plan (DCP) against other Local Governments Areas (LGA) and their policies regarding electric vehicles (EV) and to recommend amendments to the DCP in accordance with these findings and the NSW Electric Vehicle Strategy.

This review aims to provide recommendations for the inclusion of appropriate provisions within the Port Stephens DCP to development controls remain current with contemporary and emerging standards for new technology, particularly regarding EVs. This includes consideration of providing appropriate infrastructure to ensure provision is made to accommodate the storage, parking and charging of EVs. within private development. The current industry trends, key outcomes from research, best practices, government policies, and anticipated future EV uptake will be outlined. Additionally, the existing strategies and development controls implemented by leading New South Wales (NSW) LGAs are evaluated. Based on the DCP provision review, we will recommend the appropriate development objectives and controls that align with industry trends and support sustainable living for the local community.

This review has been undertaken in response to Port Stephens Council's resolution dated 11 April 2023 (reference EDRMS No: PSC2023-01019) which includes the endorsement that the Port Stephens DCP 2014 is to be amended to include requirements for new development to be EV ready.

It is the intention of this review to provide sufficient information that will assist Council in clarifying its current EV policies and in comparison, with those of other Local Governments and to determine the necessary actions required to amend the DCP. The following areas will be discussed below:

- Overview and summary of current industry trends
- Existing Practices and Policies of Local Governments
- Anticipated future uptake of EVs.
- Evaluation of strategies implemented by Local Governments
- Overview of existing Port Stephens DCP provisions
- Recommendations for development objectives and controls



## MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024

## ITEM 3 - ATTACHMENT 4 PORT STEPHENS DEVELOPMENT CONTROL PLAN - EV UPDATE REPORT.

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## 2. OVERVIEW

This section summarises current industry trends and key outcomes from the EV research conducted. It outlines the adoption of EVs across NSW, the anticipated future uptake, and projections of EV charging infrastructure development. Followed by analysing the best practices, government policies, and initiatives to promote EVs, providing insights into the strategies for EV integration.

### 2.1 Current Industry Trends and EV Adoption

There has been a significant surge in the demand for EVs in Australia in 2023. During January, EVs comprised 5.7% of all vehicles sold, followed by February, which incorporated 6.8% of new car sales. Notably, a total of 5,932 EV sales were recorded in February.

On 3 May 2023, the FCAI issued a media release highlighting key trends in the automotive market. According to FCAI Chief Executive Tony Weber, EVs accounted for 8% of sales in April. Government and Business fleet sales increased by 8.1% and 2.9%, respectively. In contrast, sales in NSW declined by 1.5% (25,040 vehicles) compared to the same month in the previous year.

The National Roads and Motorists' Association Ltd (NRMA) has taken a significant step towards supporting EV infrastructure by establishing 50 electric car charging stations along major roads. The NRMA continues to expand its charging network to enable EV drivers to travel through NSW with peace of mind. These charging stations are located along several main highways, including the Pacific Highway.

By installing charging stations along these routes, the NRMA is actively facilitating the growth and adoption of EVs, offering convenient and accessible charging options for EV drivers on their journeys.

### 2.2 Existing Practices and Policies

The Australian Electric Vehicle Industry Recap 2022, compiled by the Electric Vehicle Council (EVC), reveals a growth in EV adoption as seen in **Figure 1**. The report indicates EV buyers nearly doubled in 2022, marking an 86% increase over the year. Currently, Australia offers a range of 70 EV models, supported by an extensive network of approximately 5000 public charging stations.

Since the Federal Government introduced several initiatives in 2022, including the National EV Strategy, Electric Car Discount, Emission Reduction Targets, Heavy Vehicles Transition Support, and the Driving the Nation Fund, state and territory governments are now actively joining the efforts to promote adopting EVs. These governments are actively supporting the transition and working towards establishing a favourable environment for EV owners.

## MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024

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PLAN - EV UPDATE REPORT.Monteath  
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Figure 1: EV Statistics (Source: Australian Electric Vehicle Industry Recap 2022)

The demand for EVs is pivotal in providing certainty for investors and governments considering investments in charging infrastructure that may initially have limited utilisation. Contrarily, the need for charging infrastructure delays EV uptake as potential drivers voice concerns about the availability and convenience of charging facilities. This includes accessible and conveniently located public facilities as well as the capacity to connect and charge an EV at home or at the workplace.

Easily identifiable and accessible EV charging infrastructure helps familiarise potential EV drivers with the technology, instilling confidence in the automotive sector's future. It also addresses the concerns of existing and prospective EV owners by providing convenient charging options.

By strategically placing visible charging infrastructure, councils can address recharging concerns while ensuring fair access to charging facilities. This proactive approach supports the broader adoption of EVs and contributes to building sustainable communities. To complement the provision of publicly available and accessible EV charging locations, it is also essential that adequate provision is made for EV charging capacity in locations where vehicles are parked overnight or for extended periods, particularly in residential development.

### 2.3 Anticipated Future Uptake of EVs and Charging Infrastructure

The NSW Government has launched an Electric Vehicle Strategy which aims for 52% of all new car sales to be EVs by 2031. According to **Figure 2** below, the future uptake of EVs in Australia is predicted to reach 80,000 by 2024. This means the availability of EV charging capacity and infrastructure will become an increasing expectation and an essential requirement for consideration in the servicing needs for new development.

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ITEM 3 - ATTACHMENT 4 PORT STEPHENS DEVELOPMENT CONTROL  
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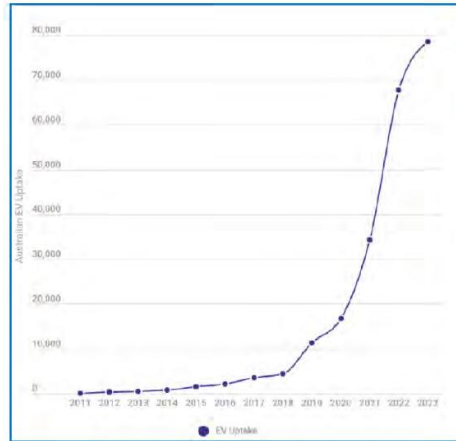


Figure 2: Australian EV Uptake (Source: vFacts, The Driven)

## MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024

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## 2.4 EV Charging Requirements

The charging requirements for an EV will vary depending on the make of vehicle and the capacity of the charging infrastructure. In general, the charging time for an EV is directly relative to the capacity of the charging infrastructure. Charging infrastructure can be divided into different levels as illustrated in **Figure 3**. In most domestic/residential and small-scale commercial settings, charging infrastructure can be expected at Level 1 or Level 2 only. Faster charging infrastructure requires much greater electrical input capacity and will only be accessible at specially designed locations with access to sufficient infrastructure.

	Power	Range added per hour	Charging time	Typical application
Level 1 – single phase (domestic)	2.4-3.7kW	10-20km range / hour	5-16 hours	Home
Level 2 slow – single phase (domestic or public)	7 kW	30-45km range / hour	2-5 hours	Home/work, shopping centres, car parks
Level 2 fast – three-phase (public)	11-22kW	50-130km range / hour	30mins – 2 hours	Urban roadside
Level 3 – fast charge (public)	50kW	250-300km range / hour	20-60 mins	Regional near highways, motorways and key routes
Level 4 – super-fast charge (public)	120kW	400-500km range / hour	20-40 mins	Regional near highways, motorways and key routes
Ultra-fast charge (public)	350kW	1000+ km range / hour	10-15 mins	Highways and motorways

Figure 3 EV charging types (Source: Transport for NSW)

Information provided by Transport for NSW indicates that most EVs can be charged via a standard single phase 10-amp electric plug (the standard home plug used for most electric appliances). The provision of single phase 10-amp power access to most residential and commercial charging settings will be readily possible in most new developments and can be easily retrofitted to most existing car parking locations.

In addition to the above, an EV owner has the option of installing higher capacity charging infrastructure that will run on a single-phase domestic supply (see **Figure 4**). These facilities can be supplied and installed by a number of providers and will require appropriate wiring and support infrastructure.

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*Figure 4 Example of higher capacity domestic EV charging appliance (Source: TfNSW)*

The provision of higher capacity three phase electric charging requires enhanced electrical circuitry and will require specific wiring and switchboard capacity, thus reducing its accessibility and cost effectiveness in most residential situations. Where this infrastructure is desirable, it is essential to ensure provision is made in the electrical design of the development to enable access and connectivity to three phase electrical circuits in car parking areas.

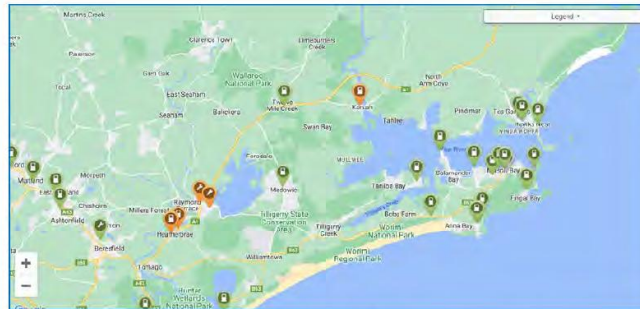
Currently, higher capacity EV charging infrastructure is typically provided in publicly accessible sites by private operators including large commercial establishments. New and redeveloped service station sites are also beginning to provide high-capacity EV charging infrastructure. Information provided by Transport for NSW indicates that a range of publicly accessible EV charging facilities are available in the Port Stephens area (see **Figure 5**). It is noted, however, that many of these identified sites have limited capacity and accessibility and do not all provide high capacity, fast charging services.



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**Figure 5** Publicly accessible EV charging infrastructure in Port Stephens  
Source: Transport for NSW

It is important to note in the consideration of the above that because of the newness and rapid development of the EV market and its ongoing evolution, charging requirements and options will be constantly changing. The requirements necessary to service EVs today will likely be significantly different in future as the technology and charging capacities/requirements advance.

#### 2.4 National Construction Code

A range of new provisions have been incorporated into the 2022 edition of the National Construction Code. These new provisions include requirements for electric vehicle charging infrastructure in Part J9 of the Building Code of Australia (BCA) that will take effect on 1 October 2023. From this date, new buildings having car parking areas associated with Class 2, 3, 5, 6, 7b, 8 or 9 buildings must be provided with electrical distribution boards dedicated to electric vehicle charging. Class 2, 3, 5, 6, 7b, 8 or 9 buildings include apartment and multi-unit residential buildings, boarding houses, hostels, office and commercial buildings, retail developments, warehouses, factories and industrial buildings and public buildings. An extract of Part J9 is provided in **Figure 6** below.

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**J9D4 Facilities for electric vehicle charging  
equipment**

(1) Subject to (2), a carpark associated with a Class 2, 3, 5, 6, 7b, 8 or 9 building must be provided with electrical distribution boards dedicated to electric vehicle charging—

- (a) in accordance with Table J9D4 in each storey of the carpark; and
- (b) labelled to indicate use for electric vehicle charging equipment.

(2) Electrical distribution boards dedicated to serving electric vehicle charging in a carpark must—

- (a) be fitted with a charging control system with the ability to manage and schedule charging of electric vehicles in response to total building demand; and
- (b) when associated with a Class 2 building, have capacity for each circuit to support an electric vehicle charger able to deliver a minimum of 12 kWh from 11:00 pm to 7:00 am daily; and
- (c) when associated with a Class 5 to 9 building, have capacity for each circuit to support an electric vehicle charger able to deliver a minimum of 12 kWh from 9:00 am to 5:00 pm daily; and
- (d) when associated with a Class 3 building, have capacity for each circuit to support an electric vehicle charger able to deliver a minimum of 48 kWh from 11:00 pm to 7:00 am daily; and
- (e) be sized to support the future installation of a 7 kW (32 A) type 2 electric vehicle charger in—
  - (i) 100% of the car parking spaces associated with a Class 2 building; or
  - (ii) 10% of car parking spaces associated with a Class 5 or 6 building; or
  - (iii) 20% of car parking spaces associated with a Class 3, 7b, 8 or 9 building; and
- (f) contain space of at least 36 mm width of DIN rail per outgoing circuit for individual sub-circuit electricity metering to record electricity use of electric vehicle charging equipment; and
- (g) be labelled to indicate the use of the space required by (f) is for the future installation of metering equipment.

*Figure 6 National Construction Code 2022 Extract – Part J9  
Source: Australian Building Codes Board*

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& Powys**3. LOCAL GOVERNMENT APPROACH**

Many Local Government Authorities (LGAs) across Australia have embraced the increasing accessibility of EV technology to include EVs in Council fleets as part of efforts to increase sustainability and reduce carbon emissions. Many Councils have adopted EV policies as analysed further below, examining their effectiveness in promoting EV adoption, advancing charging infrastructure development, and addressing any associated challenges. The evaluation will compare the policies implemented by other LGAs to identify successful approaches adaptable to the Port Stephens region.

**3.1 Implemented Council Policies on EV Infrastructure**

Within NSW, LGAs have recognised the significance of EVs and have taken steps to incorporate EV policies into their council areas. In many instances, these provisions only apply to Councils provision and support for public EV infrastructure. The following tables present an overview of these local government areas and their commitment to the adoption of EVs.

Common Trends in Local Government EV Policies	
Commitment to transitioning to electric or hybrid vehicles	
Focus on reducing emissions and promoting sustainability	
Integration of EVs into council fleet vehicles	
Implementation of EV procurement policies	
Collaboration with stakeholders to develop charging infrastructure	

The commitment to transitioning to electric or hybrid vehicles is a prevalent theme, demonstrating their recognition of the environmental benefits and the need to reduce carbon emissions.

These local government areas prioritize sustainability and actively seek ways to promote clean energy alternatives by integrating EVs into their fleet vehicles. By leading by example, they aim to encourage the wider community to consider EVs as a viable transportation option.

Furthermore, the implementation of EV procurement policies showcases a commitment to supporting the EV market and driving demand for EVs. By prioritising EVs in their procurement processes, local councils send a clear message that they value sustainable transportation solutions.

Collaboration with stakeholders, such as energy providers and charging infrastructure developers, is another crucial aspect of these EV policies. By working together, local government areas can develop robust charging infrastructure networks that provide convenient and accessible charging options for EV owners.



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In summary, local government areas in NSW have recognized the importance of EVs and have embraced various policies to support their adoption. By prioritizing electric or hybrid vehicles, reducing emissions, integrating EVs into fleet vehicles, implementing EV procurement policies, and collaborating with stakeholders, these councils are actively contributing to a cleaner and more sustainable future for their communities.

**Table 1:** Local Government Areas and Future Electric Vehicle Replacement Plans

LGA	Future Electric Vehicle Replacement Plan
City of Newcastle	The Newcastle Council presently operates a total of 14 EV charging bays across four locations. The Council's vision of fostering a livable, sustainable, and inclusive city aligns with its objective of achieving a registered EV count of 10,000 by 2025. In line with this commitment, the Council actively encourages and supports the early adoption of EVs within the community.
Northern Beaches	This plan encompasses all publicly accessible EV charging infrastructure on public land (established by the Council or third-party entities). It outlines the comprehensive guidelines for providing public EV charging infrastructure, catering to residents, businesses, and visitors' needs.
Lake Macquarie City	Lake Macquarie Council has officially adopted an Electric Vehicle Charging Strategy to implement a comprehensive charging infrastructure plan that effectively prepares the local community for the ongoing global shift towards EVs. This strategy seeks to address the emerging needs and challenges associated with the widespread adoption of EVs, ensuring the community is well-equipped to embrace this transformative transition.
Woollahra	Woollahra Council has designed an Electric Vehicle Charging Infrastructure Policy to facilitate the establishment of publicly accessible EV charging infrastructure. This policy serves as a guide for the Council in installing public EV charging infrastructure, aiming to encourage and facilitate the adoption of EVs within the community. This policy aligns with similar initiatives Randwick and Waverley Local Government Areas have implemented.
Shoalhaven City	Shoalhaven Council has proactively installed electrical lines for EV charging in all residential developments, except for single-dwelling houses, dual occupancies, and boarding houses. This infrastructure will streamline the cost-effective installation of vehicle charging stations and associated wiring at a later stage.  In non-residential developments in B3 Commercial Core and B4 Mixed Use zones in the Nowra CBD, where ten or more parking spaces are required, a minimum of 10% of these spaces must be designed and constructed to allow for the installation of EV charging points/stations, either presently or in the future.
City of Parramatta	As per the guidelines set by the Parramatta Council, all residential apartment car parking spaces must include an EV Ready Connection for at least one parking space per dwelling, along with EV Distribution Boards of sufficient capacity and ample space for future installations. Additionally, visitor's car spaces must have a shared EV connection available.  In commercial buildings, car parking facilities must provide one shared EV connection for every ten commercial car spaces, ensuring an evenly distributed availability of EV charging points throughout the car park.
Blacktown	The Western Sydney EV Roadmap sets out targets to achieve by 2030. These targets include transitioning at least 50% of council fleets to EVs, ensuring that all buses operate with zero emissions, and aiming for 50% of taxis, car shares, and ferries to be powered by zero-emission technologies. The roadmap serves as a strategic plan to drive the adoption of EVs and promote sustainable transportation solutions in the Western Sydney region.
Inner West	The Inner West Council has implemented an Electric Vehicle Encouragement Strategy 2022. This strategy encompasses publicly accessible EV charging facilities, both kerbside and within Council car parks. It also extends its provisions to address the charging requirements of both new and existing developments, aiming to meet residents' needs and facilitate EV car share schemes. The Council is actively engaged in educational initiatives and awareness campaigns to promote the adoption of EVs within the community.

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## 3.2 Council Adopted Development Controls

As noted above, while many LGAs have adopted policies on incorporating EVs into Council fleets and demonstrating commitments to the provision of accessible and available public charging infrastructure, many Councils are yet to incorporate guidance and requirements for the inclusion of EV charging infrastructure in private developments. Some Councils have taken early steps to adopt EV charging requirements into their DCPs while others are in the process of drafting amendments to incorporate EV provisions. The information provided below contains an assessment of several NSW Councils that have adopted development controls to specifically require the consideration and inclusion of EV charging infrastructure in new private developments.

## Newcastle City Council

Newcastle City Council has included provisions for EV charging in Part 7.03 Traffic Parking and Access. It contains specific provisions in Section F based on the objective "to encourage and support increased usage and demand for electric vehicles". The DCP references that charging standards are defined by the NSW Electric and Hybrid Vehicle Plan, Future Transport 2056.

The DCP notes that compliance with the controls specified will lead to a development being EV Ready and for larger development this includes ensuring the installation of appropriate electrical circuitry to allow for future EV charging points, by pre-wiring. These controls do not require the installation of a charging point but are encouraged.

The Newcastle DCP specifies different controls based the scale of development as follows:

- new development that involves car parking, or residential alterations and additions with an estimated cost of equal to or more than \$200,000, and
- new residential accommodation development that involves car parking, excluding dwelling houses, semi-detached dwellings, secondary dwellings or dual occupancies

New development that involves car parking, or residential alterations and additions with an estimated cost of equal to or more than \$200,000	
1	Electric circuitry to accommodate 'Level 2' or higher standard EV charging points must be integrated into all off-street car parking of new residential and non-residential development to ensure that 100% of car spaces can install EV charging points in the future. This must include: <ul style="list-style-type: none"> <li>(a) Ensuring adequate electrical capacity and infrastructure (cable size, distribution board size etc.) for the EV charging point system; and</li> <li>(b) Providing either buried cables underground or cable trays sufficient to accommodate electric circuitry to each car space (see Figures below).</li> </ul>
2	Minimum electric circuitry for a 'Level 2' EV charging point, if provided, is required to be: <ul style="list-style-type: none"> <li>Privately available spaces: 'Level 2' slow – single phase with 7kW power or higher standard; and</li> <li>Shared spaces: 'Level 2' fast – three-phase with 11-22kW power or higher standard.</li> </ul>
3	In addition to EV Ready, the installation of electric circuitry for a 'Level 2' or higher standard electric vehicle charging point is encouraged for new dwelling houses, semi-detached dwellings or dual occupancies.

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4	A Development Application is accompanied by a report prepared by a suitably qualified and experienced person (such as an electrical engineer) demonstrating how the development will be EV Ready. This report should also include an accurate electrical plan, specifications for any off-street car parking and any electric kiosk requirements.
5	Provide EV Distribution Board(s) of sufficient size to allow connection of all EV Ready connections.
6	Locate EV Distribution Board(s) so that no future EV Ready connection will require a cable of more than 50 metres from the parking bay to connect.
7	Identify on the plans submitted with the development application, the future installation location of the cable trays from the EV Distribution Board to the car spaces allocated to each dwelling that are provided a Future EV connection, with confirmation of adequacy from a suitably qualified person (such as an electrical engineer). Spatial allowances are to be made for cables trays and EV Distribution Board(s) when designing in other services.
<b>New residential accommodation development that involves car parking, excluding dwelling houses, semi-detached dwellings, secondary dwellings or dual occupancies</b>	
8	Development must provide 1 car parking space or 5% of all car parking spaces – whichever is greater – to have a 'Level 2' or higher standard EV charging point installed. A Development Application is accompanied by a report prepared by a suitably qualified and experienced person (such as an electrical engineer) demonstrating how the development will provide the specified EV charging point(s). This report should also include an accurate electrical plan, specifications for any off-street car parking and any electric kiosk requirements.

**Northern Beaches Council**

Northern Beaches Council have incorporated EV charging provisions into the transitional Warringah DCP. These provisions currently only apply to new development in the Dee Why Town Centre with general traffic and parking requirements including the following EV provisions:

<i>Car parking areas should be designed and constructed so that electric vehicle charging points are either installed with the development or can be installed at a later time.</i>	
a.	<i>New retail, commercial or mixed use development, with a cost of works equal to or greater than \$5 million, must include publicly available electric vehicle charging points at the following rate:</i>
i.	<i>1 charge point per 30 spaces, and</i>
ii.	<i>a minimum of 2 charging points being provided.</i>
b.	<i>Car parking areas should be designed and constructed so that additional electric vehicle charging points can be installed.</i>

**Woollahra Council**

Woollahra Council's DCP provisions relating to relating to Parking and Access are contained within Part E of their DCP. EV specific provisions have been incorporated into Chapter E1.11 and include the following controls:

C1	Electric circuitry to accommodate 'Level 2' EV charging points must be integrated into all off-street car parking of new residential and non-residential development to ensure that 100% of car spaces can install EV charging points in the future. This must include:
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	a) Ensuring adequate electrical capacity and infrastructure (cable size, distribution board size etc.) for the EV charging point system; and b) Providing either buried cables underground or cable trays sufficient to accommodate electric circuitry to each car space.
C2	Minimum electric circuitry for a 'Level 2' EV charging point is required to be: a) Privately available spaces: 'Level 2' slow – single phase with 7kW power; and b) Publicly available spaces: 'Level 2' fast – three-phase with 11-22kW power.
C3	The installation of a 'Level 2' EV charging point is encouraged for new dwelling houses, semi-detached dwellings or dual occupancies.
C4	All new residential and non-residential development (other than for dwelling houses, semi-detached dwellings or dual occupancies) must provide 1 car parking space or 10% of all car parking spaces – whichever is greater – to have a 'Level 2' EV charging point installed.

**Waverley Council**

The Waverley DCP includes provisions for EV charging points in Chapter B7 Transport of Part B based on the objective of preparing future buildings for the requirements of EVs. The DCP includes the controls below as well as a table specifying the required number of charging spaces and their energy capacity.

- a) Electric vehicle chargers and Electric Vehicle Ready infrastructure should be installed as per the rates and specifications in Table 7.
- b) Electric Vehicle Distribution Boards should be installed to achieve the requirements in Table 7.
- c) All charging point locations are to be identified on CC Plans.
- d) All charging points are to have clear signage identifying location, any fees and charges and whether the bay is for public or private use only.
- e) Charging stations should allow for monitoring and individual billing payment through an Open Charge Point Protocol compatible software back end and NMI registered electricity meters.
- f) All mixed use, commercial and residential flat building development with on-site car parking should provide at least 1 dedicated space and charging point to be used for electric bicycles and mobility scooters.

Building Class	Car Space Type	Minimum Charging Stations Installed (% of spaces)	Minimum Number of EV Ready Spaces (%)	Minimum Current per Space (A)	Minimum Energy Capacity per Space Day = 9am-5pm Night = 11pm-7am (kWh)
Low density residential	Resident	0	100	16	Night 24
Medium & high density residential (3 + dwellings)	Resident	20	100	16	Night 15
	Visitor	100	100	32	Day 15
Boarding houses, co-living, hostels, hotels, motels	Any	20	40	32	Night 48
Business & office premises	Any	20	40	32	Day 15
Retail premises	Any	20	40	32	Day 15
Other premises	Any	20	40	32	Day 15



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**Shoalhaven City Council**

Shoalhaven Council have included provisions for EV charging in Chapter G21 of their DCP relating to car parking and traffic. This DCP identifies the performance standard and acceptable solutions to achieve the standard. For EVs, the Shoalhaven DCP's performance standard is "provision is made for charging facilities for electric vehicles". Their identified acceptable solutions to meet this standard are copied below:

- |      |   |
|------|---|
| A3.1 | The installation of electrical conduits for electric vehicle charging for each dwelling in a residential development (excluding single dwelling houses and, dual occupancies or boarding houses) to facilitate cost effective installation of vehicle charging stations and associated wiring at a later date.  |
| A3.2 | Where 10 or more parking spaces are required for non-residential development within the B3 Commercial Core and B4 Mixed Use zones in the Nowra CBD, a minimum of 10% of spaces are to be designed and constructed so that electrical vehicle charging points/stations can be installed now, or at a later time. |

**City Of Parramatta**

The City of Parramatta has included requirements for EV charging infrastructure in their draft citywide DCP. These are based on the following objectives:

- |                   |   |
|-------------------|---|
| <b>Objectives</b> |   |
| O.1               | Ensure new development in Parramatta provides the necessary infrastructure to support the charging of electric vehicles.  |
| O.2               | To ensure new development in Telopea provides the necessary infrastructure to support the charging of electric vehicles.  |
| O.2               | Minimise the impact of electric vehicle charging on peak electrical demand requirements.  |
| <b>Controls</b>   |   |
| C.1               | All residential accommodation (excluding dwelling houses, secondary dwellings and dual occupancy) car parking must:   |
| a)                | Provide an EV Ready Connection to at least one car parking space for each dwelling/apartment.   |
| b)                | Provide EV Distribution Board(s) of sufficient size to allow connection of all EV Ready Connections and Shared EV connections.  |
| c)                | Locate EV Distribution board(s) so that no future EV Ready Connection will require a cable of more than 50 metres from the parking bay to connect.  |
| d)                | All car share spaces and spaces allocated to visitors must have a Shared EV connection.   |
| e)                | Identify on the plans the future installation location of the cable trays from the EV Distribution Board to the car spaces allocated to each dwelling that are provided a Future EV connection, and to make spatial allowance for it when designing in other services.  |
| C.2               | All commercial building car parking must:   |
| a)                | Provide 1 Shared EV connection for every 10 commercial car spaces distributed throughout the carpark to provide equitable access across floors and floor plates.  |
| b)                | All car share spaces and spaces allocated to visitors must have a Shared EV connection.   |
| c)                | Identify on the plans submitted with the Development Application the future installation location of the cable trays from the EV Distribution Board to the car spaces allocated to each dwelling that have an EV Ready Connection, with confirmation of adequacy from an electrical engineer. Spatial allowances are to be made for cables trays and EV Distribution Board(s) when designing in other services. |
| C.3               | All garages in single and dual occupancy dwellings are to be provided with a Private EV connection, which must be illustrated on plans submitted with the Development Application.  |

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### 3.3 Evaluation and Recommendations

The range of controls identified above varies from highly prescriptive to overly general but with a consistent trend demonstrating the importance of focusing on ensuring development has capacity to adapt and accommodate the needs of EV charging requirements into the future. It is further noted that some of the adopted provisions by some Councils has the effect of duplicating and potentially conflicting with the new NCC requirements that take effect on 1 October 2023.

It can be considered that, based on current and anticipated EV trends, most low-density housing arrangements with provision for off-street parking will be readily adaptable to allow for the fitting and retrofitting of EV charging infrastructure. Based on this, and consistent with the requirements of the NCC 2022, it is not recommended any specific development controls be implemented for low scale residential development such as dwelling houses, secondary dwellings or dual occupancies (NCC Class 1 buildings).

The key consideration for Port Stephens Council in reviewing and updating its DCP controls is to ensure future multi dwelling, medium and high density residential, mixed use, commercial and tourist development can accommodate the expected demands for EV charging into the future. Based on this and from the examples above, the incorporation of appropriate but flexible and adaptable EV charging requirements into the DCP that supplement the forthcoming NCC requirements will ensure new development is designed and constructed to contain appropriate provision for EV charging that meets future expectations.

In summary, the current acceptable standards for the provision of EV charging infrastructure within new developments are:

- To provide adequate electrical circuitry and capacity within larger scale development to service an appropriate level of charging connectivity to all car spaces (this provision will largely be addressed by the NCC requirements),
- To provide shared, public car parking with charging points (or capacity for their installation) in retail, commercial, mixed use and tourist developments at an appropriate ratio (e.g. 1 per 10 spaces),
- Car parking in development is designed with capacity to incorporate future EV infrastructure without substantial reconfiguration or redesign, and
- Residential apartment development provides 1 car parking space per dwelling with capacity for EV charging (either provided with the development or with capacity for future installation at occupant's expense).

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**4. PORT STEPHENS DCP REVIEW**

The Port Stephens DCP currently contains requirements for car parking infrastructure in Part B8. This part specifies the expected on-site parking provisions for new development and is the recommended location for inclusion of EV specific considerations.

Consistent with the projected increase in the use and ownership of EVs and using the model of similar approaches taken by other LGAs, it is recommended Port Stephens Council considers a range of minor amendments to Part B8 of the DCP to incorporate the provision of EV infrastructure in new development.

**4.1 Recommended DCP Amendments**

The most appropriate location within the current Port Stephens DCP for inclusion of provisions for EVs is within Part B8 which contains provisions relating to Road Network and Parking. The recommended additional provisions relating to EVs can be included as separate component in Part B8.F and can supplement and complement the existing parking provisions without impacting on the function of the existing objectives and controls. The recommended additional objectives and controls to facilitate the provision of EV infrastructure in new developments are provided below.

**Objectives**

It is standard practice in the application of development controls to ensure these are based on a performance objective. To enable and support the provision of EV related controls and expectations for new development in Port Stephens, it is recommended an appropriate additional objective be included in a new Part B8.F to reflect this as follows:

- To recognise the increasing use and demand for electric vehicles and ensure new development is designed to reflect this.
- To ensure development includes adequate infrastructure to provide for the charging of electric vehicles.

**Controls**

The findings of this report have identified the dynamic nature of the EV sector and its rapidly changing technological environment, it is recommended that prescriptive development controls for EV charging infrastructure in new development be avoided.

A precautionary approach to applying development controls is recommended. This will ensure that adequate provision is made in new development to accommodate the demands for EV use while also allowing flexibility and adaptability as demand/ownership of EVs increases and technological changes are implemented.

It is the recommendation of this report that specific EV charging controls are not applied to low density residential development (such as dwelling houses, dual occupancies and semi-detached dwellings) at this time. In general, these developments can readily provide EV charging connectivity as needed without requiring specific development controls. Other developments, such as medium and high density residential developments, require consideration of EV charging capacity at design stage given the potential difficulties of retrofitting infrastructure post-construction. Similarly, inclusion of EV charging capacity in non-residential development is relevant for at design stage for larger scale developments.

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The inclusion of stand-alone EV related objectives and controls in a new Part B8.F of the DCP that complements existing parking related requirements will also enable these provisions to be revised and updated in the future without compromising other DCP elements.

The recommended development controls for EVs to be included in a new Part B8.F of the DCP are as follows and are intended to be supplementary to the requirements of the NCC:

- |       |   |
|-------|---|
| B8.20 | Car parking for <b>residential accommodation</b> (excluding dwelling houses, dual occupancies and semi-detached dwellings) is to be designed to include provision of electrical circuitry with capacity to provide charging facilities for an electric vehicle to each car parking space. |
| B8.21 | Car parking for non-residential development where 10 or more parking spaces are provided is to include provision for the installation of at least one shared electric vehicle charging point for every 10 car parking spaces.   |



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5. CONCLUSION

This report has identified the emerging trends and anticipated increased demands expected in the use of EVs in Australia. The recently published NSW Government EV Strategy projects that by 2031, 52% of all new vehicle sales will comprise EVs. This will result in a significant increase in the demand and expectation for EV charging facilities particularly in the residential setting. This is further supported by new provisions incorporated into the NCC for the inclusion of wiring and electrical switchboard infrastructure to be designed to accommodate future demand for EV charging. Over time it is anticipated that EV charging facilities will become more standardised, and that expectations and requirements will evolve and adapt with developing technologies. The recommendations of this report provide for the implementation of a level of guidance and control for new development to ensure adequate provision is made for EV infrastructure that will meet current needs but that can also be flexible and adaptable to accommodate a changing technological environment.

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## 6. REFERENCES

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## ITEM 4 - ATTACHMENT 2 COUNCIL MEETING 27 FEBRUARY 2024 MINUTE 014.

## MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024

## ITEM 3 - ATTACHMENT 4 PORT STEPHENS DEVELOPMENT CONTROL PLAN - EV UPDATE REPORT.

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ITEM 3 - ATTACHMENT 4      PORT STEPHENS DEVELOPMENT CONTROL PLAN - EV UPDATE REPORT.



**ITEM 4 - ATTACHMENT 2 COUNCIL MEETING 27 FEBRUARY 2024 MINUTE 014.****MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024****ITEM 3 - ATTACHMENT 5 MINUTE NO. 233, 10 OCTOBER 2023.****MINUTES ORDINARY COUNCIL - 10 OCTOBER 2023****ITEM NO. 2****FILE NO: 23/143586  
EDRMS NO: PSC2022-01211****DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN - ROAD NETWORK  
AND PARKING (ELECTRIC VEHICLES)****REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: COMMUNITY FUTURES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Place the draft Port Stephens Development Control Plan 2014 Chapter B8 Road Network and Parking (electric vehicles) (**ATTACHMENT 1**) as amended on public exhibition for a period of 28 days and should no submissions be received, the Development Control Plan be adopted, without a further report to Council.

**ORDINARY COUNCIL MEETING - 10 OCTOBER 2023  
MOTION**

<b>233</b>	<b>Councillor Leah Anderson Councillor Giacomo Arnott</b>  It was resolved that Council place the draft Port Stephens Development Control Plan 2014 Chapter B8 Road Network and Parking (electric vehicles) ( <b>ATTACHMENT 1</b> ) as amended on public exhibition for a period of 28 days and a further report be provided to Council.
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Cr Arnott proposed an amendment calling for a further report to Council following public exhibition, which was accepted by the mover and incorporated into the motion.

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

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**ITEM 4 - ATTACHMENT 2 COUNCIL MEETING 27 FEBRUARY 2024 MINUTE 014.****MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024****ITEM 3 - ATTACHMENT 5 MINUTE NO. 233, 10 OCTOBER 2023.****MINUTES ORDINARY COUNCIL - 10 OCTOBER 2023****BACKGROUND**

The purpose of this report is to seek Council endorsement to place the draft amendment to the Port Stephens Development Control Plan 2014 (DCP) Chapter B8 Road Network and Parking (electric vehicles) (**ATTACHMENT 1**) on public exhibition for a period of 28 days.

On 11 April 2023, Minute No. 015 (**ATTACHMENT 2**), Council considered a report on the NSW Electric Vehicle Strategy and resolved to endorse the DCP to be amended to include requirements for new development to cater for an increased uptake in electric vehicles ('EV Ready').

To enact this resolution, funding was allocated as part of Council's membership to the NSW Sustainability Advantage Program allowing for the preparation of the Port Stephens Development Control Plan – Electric Vehicle (EV) Update Report (**ATTACHMENT 3**). The report provides benchmarking for EV infrastructure provisions made within other local government area DCPs, a review of equivalent policies regarding EV's and recommendations for amendments to the Port Stephens Council DCP. These recommendations have been supported in full and achieve alignment with the NSW Electric Vehicle Strategy.

The proposed draft amendments to DCP Chapter B8 Road Network and Parking have been provided within (**ATTACHMENT 1**).

**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

The exhibition will be managed within the existing budget and resources.

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

## ITEM 4 - ATTACHMENT 2 COUNCIL MEETING 27 FEBRUARY 2024 MINUTE 014.

## MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024

ITEM 3 - ATTACHMENT 5 MINUTE NO. 233, 10 OCTOBER 2023.

## MINUTES ORDINARY COUNCIL - 10 OCTOBER 2023

Source of Funds	Yes/No	Funding (\$)	Comment
Other	Yes	\$6,000	Preparation of the report has been funded through existing Council membership to the Sustainability Advantage Program.

## LEGAL, POLICY AND RISK IMPLICATIONS

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

Division 3.6 of the EP&A Act relates to development control plans. Should Council resolve to proceed with the amendment, all necessary matters in preparing the plan will be carried out in accordance with the EP&A Act.

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

Division 2 of Part 2 of the EP&A Regulation specifies the requirements for public participation. The recommendation is in accordance with the provisions of the EP&A Regulation.

Port Stephens Development Control Plan 2014 (DCP)

This report recommends the exhibition of proposed amendments to DCP Chapter B8 Road Network and Parking to introduce objectives and development controls for future development to be EV Ready consistent with the recommendation of the Port Stephens Development Control Plan – EV Update Report (**ATTACHMENT 3**).

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that development does not make provision for electric vehicle infrastructure which in turn limits the potential uptake of EVs.	Low	Accept the recommendation.  Place the proposed draft amendments to DCP Chapter B8 Road Network and Parking on public exhibition.	Yes.

## SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposed draft amendments to DCP Chapter B8 Road Network and Parking are considered to have positive social, environmental and economic implications by ensuring that new development provides the requisite infrastructure to support the

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uptake of EV's in Port Stephens. Support within the built environment through facilitating charging infrastructure provides significant benefits to the community as Council continues to plan for and adapt to climate change impacts.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section to identify and consider any issues prior to exhibition.

Internal

Internal consultation has been undertaken with the Development Planning unit on the proposed objectives and development controls for electric vehicles.

External

If supported, the proposed draft amendments to DCP Chapter B8 Road Network and Parking will be placed on public exhibition for a period of 28 days.

The amendments will be made available on Council's website in accordance with the EP&A Regulation and the Port Stephens Community Participation Plan.

Submissions on the proposed draft amendments to the DCP will be invited during the public exhibition period and, if submissions are received, they will be considered in a future report back to Council including any recommended post-exhibition changes.

A submission summary table will be included with the post-exhibition report to Council.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Draft Port Stephens Development Control Plan 2014 Chapter B8 Road Network and Parking (electric vehicles).
- 2) Minute No. 015, 11 April 2023.

**COUNCILLORS ROOM**

- 1) Port Stephens Development Control Plan – Electric Vehicle Update Report.

**TABLED DOCUMENTS**

Nil.

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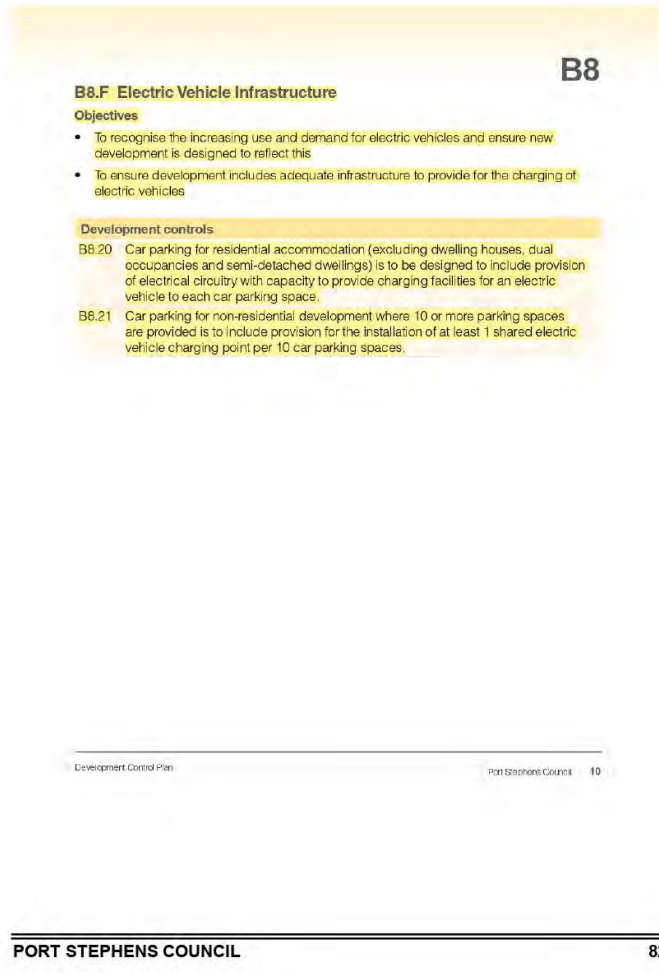
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MINUTES ORDINARY COUNCIL - 10 OCTOBER 2023

ITEM 2 - ATTACHMENT 1 DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 CHAPTER B8 ROAD NETWORK AND PARKING (ELECTRIC VEHICLES).



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EDRMS NO: PSC2023-01019****NSW ELECTRIC VEHICLE STRATEGY****REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Note the report on local planning and infrastructure responses to the NSW Electric Vehicle (EV) Strategy (**ATTACHMENT 1**).
- 2) Endorse the Port Stephens Development Control Plan 2014 to be amended to include requirements for new development to be EV Ready.
- 3) Endorse the development of a grant application seeking to upgrade a passenger fleet vehicle to an EV with associated charging infrastructure.
- 4) Endorse the development of an Expressions of Interest process relating to opportunities for EV charging providers to be installed and publically available on Council property.

**ORDINARY COUNCIL MEETING - 11 APRIL 2023  
MOTION**

<b>015</b>	<b>Councillor Leah Anderson Councillor Matthew Bailey</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Note the report on local planning and infrastructure responses to the NSW Electric Vehicle (EV) Strategy (<b>ATTACHMENT 1</b>).</li><li>2) Endorse the Port Stephens Development Control Plan 2014 to be amended to include requirements for new development to be EV Ready.</li><li>3) Endorse the development of a grant application seeking to upgrade a passenger fleet vehicle to an EV with associated charging infrastructure.</li><li>4) Endorse the development of an Expressions of Interest process relating to opportunities for EV charging providers to be installed and publically available on Council property.</li></ol>
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Those for the Motion: Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

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Those against the Motion: Nil.

The motion was carried.

**BACKGROUND**

The purpose of this report is to provide information on local planning and infrastructure responses that can be undertaken to support the delivery of the NSW EV Strategy. This report follows a Notice of Motion at the Council meeting of 27 September 2022, Minute No. 269 (**ATTACHMENT 2**).

The NSW EV Strategy (**ATTACHMENT 3**) is the NSW Government's plan to accelerate the State's vehicle fleet of the future. It outlines the government's commitments to increasing the uptake of EVs to ensure New South Wales (NSW) shares in the benefits.

Through the NSW EV Strategy, NSW Government is targeting key areas of action to make NSW the easiest place to buy and use EVs in Australia. The NSW EV Strategy includes rebates, phased removal of stamp duty for EVs, targets for NSW Government fleet, incentives for council and private fleets and major investment to ensure widespread, world-class EV charging coverage.

The NSW EV Strategy is intended to increase EV sales to 52% by 2030–2031 and help NSW achieve net-zero emissions by 2050.

The report provided within (**ATTACHMENT 1**) provides Council with benchmarking data from other local Councils and an assessment of the available options for Council to consider.

The recommended options (Options 1, 2 and 3) of the report provided within (**ATTACHMENT 1**) can be delivered within Council's existing budget and subject to grant funding (option 2).

**COMMUNITY STRATEGIC PLAN**

Strategic Direction	Delivery Program 2022-2026
Environmental resilience Ecosystem function	Develop and deliver a program for Council leading the way to a climate positive future and mitigating environmental risks.

**FINANCIAL/RESOURCE IMPLICATIONS**

This report presents options for Council to consider which have a range of potential short term and long term costs. Council would be provided with more detailed cost implications subject to the options selected and once the scope has been determined.

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Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		As per recommendation. Cost and resourcing implications of options 4 and 5, provided within (ATTACHMENT 1), are to be determined should these be progressed.
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

Any future actions would require an assessment of legal, policy and risk implications.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that without Council investment, residents, visitors and businesses will not have access to EV infrastructure.	Low	Accept the recommendation.	Yes
There is a risk that not supporting the transition to EV's will conflict with Council's commitment to carbon neutrality and community expectations.	Low	Accept the recommendation.	Yes
There is a risk that adopting Options 4 or 5 would place increased pressure on the Council budget in both the short and long term.	Medium	Accept the recommendation.	Yes

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Includes Social, Economic and Environmental Implications

The recommendation will contribute to improved environmental outcomes as the passenger vehicles across the State transition to EVs rather than combustion engines. In addition to this, having a network of charging infrastructure can support businesses by ensuring that infrastructure is provided at destinations and along key movement routes. Supporting the uptake of EVs within the built environment and facilitating charging infrastructure provides significant benefits to the community as we consider the impacts of climate change.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section.

Internal

Stakeholders identified a number of potential opportunities and/or constraints to the delivery of EV infrastructure across the LGA. To inform this report staff engaged with:

- Assets Section
- Strategy and Environment Section
- Strategic Property

External

No external consultation was undertaken.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Report on local planning and infrastructure responses to the NSW Electric Vehicle (EV) Strategy.
- 2) 27 September 2022, Minute No. 269.
- 3) NSW Electric Vehicle Strategy.

**COUNCILLORS ROOM**

Nil.

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**ITEM 4 - ATTACHMENT 2      COUNCIL MEETING 27 FEBRUARY 2024 MINUTE 014.**

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**MINUTES ORDINARY COUNCIL - 11 APRIL 2023**

**TABLED DOCUMENTS**  
  
Nil.



Development Control Plan  
**FACT SHEET**

Proposed: Tree Permits

Former: Tree Management

Chapter B1

Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

## Background

Chapter B1 of the Development Control Plan (DCP) is the only chapter of this DCP that includes statutory requirements and has statutory weight beyond the guidance provided in the other chapters of the DCP. Chapter B1 specifically regulates unauthorised tree removal in non-rural areas in accordance with Part 2.3 in Chapter 2 of the (*State Environmental Planning Policy (Biodiversity and Conservation) 2021*) (Biodiversity SEPP).

Chapter B1 is the only chapter of this DCP that does not apply to development applications, it only relates to tree removal and the tree permit process prescribed under the Biodiversity SEPP. Chapter B2 of this DCP applies to the assessment of development applications that include tree removal.

## Proposed changes:

- 1 The State government has recently issued guidance on the tree permit process that local councils administer under their DCPs and the Biodiversity SEPP. Chapter B1 has been reviewed against the current provisions of the Biodiversity SEPP and changes have been made to align the DCP and the tree permit process with the legislation, including by:
  - Specifying that tree removal or pruning that:
    - requires a Tree Permit and is carried out without a Tree Permit, is an offence under the planning legislation. See clause 2.6(6) of the Biodiversity SEPP.
    - the council is satisfied is a risk to human life or property does not need a Tree Permit. Fact sheets will be published outlining how Council determines whether there is a risk to human life or property. See clause 2.7(3)(a) of the Biodiversity SEPP.
    - is for a traditional Aboriginal cultural activity, other than a commercial cultural activity, does not need a Tree Permit. See clause 2.7(3)(b) of the Biodiversity SEPP.
    - is carried out by Council on land under the care, control or management of Council, does not need a Tree Permit and will be assessed under the provisions of Part 5 of the

## ITEM 4 - ATTACHMENT 3 DCP-FACT SHEETS.



Environmental Planning and Assessment Act 1979 (unless it is part of a heritage item, heritage conservation area, Aboriginal object or Aboriginal place of significance, when it will need either a Tree Permit or development consent). See clause 2.8 of the Biodiversity SEPP.

- is carried out on primary production land in zones R5, C2, C3 or C4 and complies with requirements in the Biodiversity SEPP, does not need a Tree Permit. See Part 2.5 of the Biodiversity SEPP.
  - Removing specific references to tree removal or pruning that needs a licence, permit, or approval under other legislation rather than a Tree Permit. Council's online Tree Removal and Pruning Form will provide information on when these other requirements apply instead of the DCP or how to find out if they apply.
  - Removing provisions that specify tree removal or pruning on Biodiversity Values Mapped land requires a Tree Permit, because the Biodiversity SEPP requires clearing on Biodiversity Values Mapped land to obtain approval from the Native Vegetation Panel. See clause 2.6(2) of the Biodiversity SEPP.
- 2 A new provision to target habitat loss through regulating the removal of understorey vegetation on land mapped as Preferred Koala Habitat, Preferred Koala Habitat Buffer or Wetlands in the LEP has been introduced. This new clause incorporates the existing requirements that regulate the unlawful removal of Koala feed tree species, NSW Christmas Bush and cabbage tree palms that are below 3 metres in height and more specifically targets the underscrubbing that can occur on large lots with native vegetation, particularly prior to lodgement of applications for subdivision.
  - 3 Information about notification, information requirements and detail about Council's consideration of notifications and Tree Permit applications that was located in the DCP has been removed and will be provided on Council's website.
  - 4 Information relevant to development applications that include the removal of vegetation has been relocated to Chapter B2 Biodiversity. This ensures Chapter B1 only relates to the tree permit process prescribed under the Biodiversity SEPP.



For further information on the DCP go to our website:



[portstephens.nsw.gov.au/development-control-plan](https://portstephens.nsw.gov.au/development-control-plan)



02 4988 0255



[dcp@portstephens.nsw.gov.au](mailto:dcp@portstephens.nsw.gov.au)







Development Control Plan  
**FACT SHEET**

**Proposed: Natural Environment**  
**Former: Flora and Fauna**

Chapter B2

Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

### Proposed changes:

- 1 The name of the chapter has changed from 'Flora and Fauna' to 'Natural Environment' because it now includes provisions to protect riparian corridors that have been relocated from other parts of the DCP.
- 2 The Application of the chapter has been amended to:
  - Include new references to the Coastal Wetlands mapping under the *State Environmental Planning Policy (Resilience and Hazards) 2021* and riparian corridors;
  - Clarify that the chapter applies to development applications that include tree removal or pruning; and
  - Clarify that the chapter applies to tree removal or pruning that requires development consent (rather than a Tree Permit under Chapter B1).
- 3 All information requirements have been relocated to Council's Development Application Supporting Handbook (DASH), which will be referenced in Chapter A and given legal weight through a standalone clause.
- 4 Control B2.3 requiring buffers for riparian corridors is an existing control that has been relocated from another chapter of the DCP.
- 5 A new control that expands on the requirement for biodiversity corridors has been included to give applicants more guidance and a note has been included that refers applicants to a supplementary document on planning for biodiversity corridors to be published by Council.
- 6 Control B2.5 makes it clearer that development should be designed so that buildings and structures are located to avoid environmentally sensitive land and land with high value ecological features.



- 7 Control B2.6 (existing control B2.4) has been amended so that it applies to native vegetation buffers, biodiversity corridors and riparian corridors and amended to include additional guidance on site layout and design.
- 8 Control B2.7 (existing B2.6) has been amended to clarify existing assessment processes that assume the total clearing for subdivisions on land zoned for urban residential subdivision will be the entire lot. A note has been introduced to clarify the matters that need to be included in an application considering the total clearing for other types of subdivision applications.
- 9 Existing control B2.9 which requires compensatory planting of Koala feed trees has been deleted because it is duplicated in B2.11 (existing control B2.10).
- 10 Control B2.12 is a new clause requiring compensatory planting if certain species that have been recently identified as important Koala vegetation (other than Koala feed tree species identified in Council's Comprehensive Koala Plan of Management) are removed.
- 11 Control B2.13 has been amended to fix an error so that compensatory planting requirements apply to the removal of native trees with a height of greater than 3m or trees with a trunk diameter of greater than 300mm.



**For further information on the DCP go to our website:**



[portstephens.nsw.gov.au/development-control-plan](https://portstephens.nsw.gov.au/development-control-plan)



02 4988 0255



[dcp@portstephens.nsw.gov.au](mailto:dcp@portstephens.nsw.gov.au)





### Proposed changes:

- 1 Former Chapter B3 Environmental Management has been removed as the controls in this chapter were requirements for information to accompany a development application.
- 2 As part of this comprehensive review of the DCP, all information requirements have been relocated to the DA Supporting Handbook (DASH). The DASH sets out the information that is required to accompany a development application to address the relevant objectives and controls.



For further information on the DCP go to our website:



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### Proposed changes:

- 1 The title of the chapter has been amended from 'Drainage and Water Quality' to 'Stormwater Management' to reflect that the chapter now has controls relating to more than just water quality.
- 2 The application of the chapter now includes reference to the Port Stephens Local Environmental Plan clause 7.8 drinking water catchments and clause 7.10 Williams River catchment.
- 3 Stormwater quantity requirements have been introduced. These are based on stormwater areas mapping, available on Council's online mapping portal, which refer to:
  - Areas with an approved regional stormwater treatment system (e.g. a Water Sensitive Urban Design Strategy or 'WSUD' Strategy)
  - Stormwater control areas
  - Areas that are not mapped
- 4 Figure BC Maximum impervious surface table has been removed and replaced by a hyperlink to Council's design specification '0074 Stormwater Drainage Design' to provide a single consistent control for future effective impervious areas.
- 5 "Deemed to Comply" stormwater quantity controls for small-scale residential development have been included. For all other development, stormwater quantity control area requirements based upon mapped soil types have been included. The mapping is available on Council's online mapping portal and is hyperlinked from the control.
- 6 Figure E Water quality table has been replaced with listed written controls based on a site location within, or outside of, a drinking water catchment. Council's water quality stripping targets have been included.



- 7 Reference to 'SSSQM Certificates' has been removed.
- 8 Existing Sub-chapter B4.D Riparian corridors has been relocated to proposed Chapter B2 Natural Environment. This control is to protect and retain environmental corridors as locations of environmental importance, rather than stormwater management.
- 9 Specific guidance regarding stormwater drainage plans has been moved to the Development Application Supporting Handbook (DASH).



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## Background

There are no major changes to flood policy and no changes to the restrictions on the types of development that are considered suitable on flood prone land.

There is a new control to facilitate alterations and additions to existing commercial and industrial development on flood prone land. This will facilitate economic growth in some town centres such as Raymond Terrace.

The chapter and objectives have been restructured to align with the NSW Flood Risk Management Manual (Department of Planning and Environment, June 2023) and the recently released NSW Shelter in Place Guidelines.

A standalone amendment of the flooding chapter will be exhibited late 2025 in response to the draft cumulative flood controls developed in collaboration with Maitland City Council and the City of Newcastle.

## Proposed changes:

- 1 The chapter is now numbered B4. The numbering of the controls and sub-chapters has been updated to reflect this.
- 2 Reference is made to the recently adopted Local Environmental Plan (LEP) clause Section 5.22.
- 3 The draft chapter has been grouped into sub-chapters to be consistent with the principles of the Flood Risk Management Manual.
- 4 The figures in the chapter have been amended and rearranged to provide better visual guides.
- 5 A new explanation of flood certificates and a link has been inserted.

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- 6 Amendments were made to the objectives in the chapter to:
  - Delete the reference to satisfying the provisions of the LEP because the purpose and aim of the DCP is already provided for in A2.
  - Delete the reference to providing controls in accordance with the planning legislation as this purpose of the DCP is already provided for in A5.
  - Update the reference to the Australian Building Codes Board Standard.
  - Replace the reference to implementing the principles of the Floodplain Risk Management Manual with providing controls for development on floodprone land in accordance with the Manual.
  - Replaced existing objectives with new objectives that refer to reducing risks to life and property, reducing adverse cumulative impacts that increase risks for surrounding property, and avoiding adverse changes as a result of climate change.
- 7 Existing B5.2 was simplified (New B4.2).
- 8 Existing B5.3 has been separated into two controls for readability (New B4.3 and B4.4).
- 9 In Figure 8 (existing Figure BJ), an explanation of farm buildings is provided, and “Sensitive and hazardous development” has been removed as it is inconsistent with clause 5.22 of the LEP.
- 10 Existing B5.7 was amended to include “with appropriate mitigation measures such as bunding” to make sure the control will apply to uses such as petrol stations (see new B4.9).
- 11 A note has been added to existing B5.9 (new control B4.11) to identify that the *NSW Department of Primary Industries – Agriculture 2009*, ‘Primefacts: Livestock flood refuge mounds’ guidelines do not override other DCP and LEP flood impact considerations such as adverse impacts to adjoining properties.
- 12 Existing B5.14 was amended to include a requirement for an application to “demonstrate how future development can comply...” with other requirements in the chapter (see new B4.13).
- 13 A note has been added to specify that the NSW Flood Risk Management Guideline provides Flood Impact Risk Assessment requirements to support development.
- 14 Existing B5.12 has been amended as the control was not effective if vehicular access was able to be constructed to a road with a lower flood immunity (new control B4.14).
- 15 New controls B4.16 and B4.17 give effect to the NSW Shelter In Place Guidelines (NSW Department of Planning Housing & Infrastructure, February 2025) and replace existing control B5.15.
- 16 A note has been added in response to the NSW Shelter In Place Guidelines.
- 17 Existing B5.11 has been amended to clarify that the control only applies to ground floor alterations and additions (see new B4.18).
- 18 B4.19 is a new control to facilitate alterations and additions to existing commercial and industrial development on flood prone land.
- 19 Existing controls B5.17 and B5.18 have been combined into one control (new B4.7).



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Development Control Plan  
**FACT SHEET**

## Aircraft Noise and Safety

Chapter B6

Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

### Background

Chapter B6 applies to land around RAAF Base Williamtown - Newcastle Airport and the Salt Ash Air Weapons Range and includes controls to ensure development considers the operational needs of these facilities and residential amenity.

### Proposed changes:

- 1 The title of the chapter has been revised from Williamtown RAAF Base – Aircraft Noise and Safety to Aircraft Noise and Safety.
- 2 The Application of the chapter has been updated to advise the DCP should be read in conjunction with Local Environmental Plan (LEP) clause 7.5 Development in areas subject to aircraft noise, Defence (RAAF Base Williamtown Defence Aviation Area) Declaration 2024 and the National Airports Safeguarding Framework (NASF) principles and guidelines.
- 3 Reference to the Defence and Airport Related Employment Zone (DAREZ) and the B7 Business Park zone as an area where development can be considered has been updated to refer to the Newcastle Airport Master Plan area.






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- 4 “High technology industries” has been added as a use where development can be considered within “unacceptable” noise contours subject to merit assessment and an acoustic report. The purpose is to support the ongoing implementation of the Rural Economic Development planning proposal previously adopted by Council that made this use permissible in and around Williamtown.
- 5 The indoor design sound level table has been updated to be consistent with AS 2015:2021.
- 6 A new control has been prepared to ensure development with the potential to compromise aircraft and community safety through the creation of gas plumes, particulate emissions, building generated windshear and turbulence, and electromagnetic radiation must demonstrate consistency with the applicable NASF principles and guidelines.
- 7 The illustration of building site acceptability based on ANEF zone has been removed.
- 8 The note referencing LEP clause 7.4 Airspace operations and the RAAF Base Williamtown Obstacle Limitation Map was amended to reference that a development may need concurrence from the Commonwealth if the site is identified in the Defence (RAAF Base Williamtown Defence Aviation Area) Declaration 2024.
- 9 Existing Figure BR: RAAF Base Williamtown Obstacle Limitation Map has been removed. It is available on Council's online mapping portal.



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Development Control Plan  
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**Heritage**  
Chapter B7




Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

### Proposed changes:

- 1 Controls for King Street have been removed from the Raymond Terrace Town Centre chapter and added to this chapter. (The public domain controls were removed and will be reviewed as part of a planning update for Raymond Terrace.)
- 2 A new map has been added identifying the King Street Heritage Precinct.
- 3 Controls considered to be information requirements rather than controls have been moved to the DA Supporting Handbook (DASH).
- 4 Information about works of minor nature, Aboriginal heritage and Requirements under the *National Parks and Wildlife Act 1974* and have been added.



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### Proposed changes:

- 1 This chapter is now numbered B5. The numbering of the controls and sub-chapters has been updated to reflect this.
- 2 Existing controls B8.1, B8.2 and B8.3 are information requirements and have been relocated to the DA Supporting Handbook (DASH).
- 3 B5.1 is a new control to support meeting the objective of considering impacts of traffic generating development.
- 4 Existing controls B8.5, B8.6 and B8.7 which relate to parking requirements that cannot be provided or where a reduction may be considered, have been removed. These on-site parking controls are assessed on merit on a case-by-case basis.
- 5 Existing sub-chapters B8.B On-site parking provisions and B.8C On-site parking access have been combined in B5.B On-site parking and access - General.
- 6 A new sub-chapter for accessible parking has been added called B5.C On-site parking and access – Accessible parking.
- 7 Where appropriate, Australian Standards are referenced as the development guide to ensure requirements are complying with current standards.
- 8 B5.8 is a new control for the minimum vertical clearance of parking areas.





- 9 Figure numbers have been amended.
- 10 B5.9 (existing control B8.11) has been amended to provide clarification to the placement of on-site parking areas.
- 11 Electric vehicle (EV) charging requirements were amended to:
  - Include controls for dwellings, dual occupancies, semi-detached dwellings, multi dwelling housing and attached dwellings.
  - Reduce the number of EV charging spaces for non-residential development from 1 per 10 car spaces to 5% of total car spaces.
- 12 A new figure has been included to provide guidance on loading bay requirements for different development types.
- 13 Figure 10 (existing Figure BU) was updated to align with current requirements in the Transport for New South Wales Guide to Transport Impact Assessment.



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### Proposed changes:

- 1 No policy changes have been made to this chapter.
- 2 As part of the comprehensive review of the DCP, all information requirements have been relocated to the Development Application Supporting Handbook (DASH). Items relocated from this chapter include information on lifecycle and maintenance costs and landscaping requirements.
- 3 A diagram demonstrating the requirements for solar access has been included.
- 4 Existing Figure CD: Public open space hierarchy was removed and replaced as a note as this is determined through a merit-based assessment that considers existing facilities, population and proximity to facilities.
- 5 References to major subdivision in sub-chapter headings were removed as the controls apply to all subdivisions.
- 6 Sub-chapters have been reorganised to improve readability of the chapter.
- 7 Information about access handles was reorganised to make it clearer to understand.



**8**

Several controls were rewritten as notes as they were providing information rather than a control to be assessed against. These include:

- Reference to the LEP providing information on minimum lot sizes for subdivision.
- Requirements for subdivisions that require an access handle and/or right of carriageway.
- References to infrastructure needing to comply with the Port Stephens Council Infrastructure Specification.
- Reference to infrastructure considerations such as lifecycle and maintenance costs when considering alternative methods, products and manufacturers.
- Reference to the Port Stephens Council's Biodiversity Technical Specification for guidance on the number of trees to be provided.
- Land that may be deemed unsuitable for use as public open space.



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### Proposed changes:

- 1 Sub-chapters C2.A Height and C2.C Building form and massing were combined and simplified to reduce duplication of objectives.
- 2 The existing front setback control requires all commercial development to be built to the front property line. This is not always appropriate. Existing control C2.7 has been removed and replaced with proposed controls C2.6, C2.7 and C2.8 to provide varying setback requirements for different types of commercial developments.
- 3 The side setback control has been amended to provide greater flexibility in the determination of side setbacks and improve consistency with existing development.
- 4 The longitudinal gradient control C2.14 has been removed as it is an unnecessary requirement.
- 5 Existing Sub-chapters C2.D Facades, C2.E Awnings and C2.F Building entries were merged and renamed C2.C Streetscape to be consistent with other chapters. The order of the streetscape controls were also amended.




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- 6 A note was added to inform that development needs to minimise land use conflict and operate under appropriate environmental mitigation measures by managing waste and minimising air, water and noise pollution.
- 7 The landscaping control C2.32 has been removed as it is an unnecessary requirement.
- 8 Part of control C2.34 was moved from C2.E Landscaping to C2.B Site frontage and setbacks as it relates to rear setbacks.
- 9 New objectives have been inserted into C2.F Public art to place a greater focus on public art that contributes to place-making. The threshold for commercial development to provide public art has increased from \$2M to \$5M to reflect the current cost of development. This threshold has not been raised since 2015.
- 10 C2.L Signage has been removed and inserted into the new signage chapter.



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### Proposed changes:

- 1 The front setback control has been amended from “maximum 6m” to “5m, or in line with existing average building line” to allow for landscaping and customer parking whilst still maintaining character.
- 2 The front fence maximum height was increased to 1.8m as the existing control of 1.2m was considered impractical for the land use.
- 3 Landscaping controls were amended:
  - Removed the minimum width and length requirements for areas to be counted as part of total landscaping, in line with chapter C2 Commercial and chapter C4 Residential Development.
  - Amended a control to require a portion of landscaping in the front setback in order to help soften the large hard stand spaces that industrial sites often have.
- 4 A note was added to inform that development needs to minimise land use conflict and operate under appropriate environmental mitigation measures by managing waste and minimising air, water and noise pollution.
- 5 Appropriate sub-chapters have been merged to simplify the chapter.
- 6 Diagrams have been updated to improve interpretation of the requirements.



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### Proposed changes:

- 1 Chapter C4 Residential Development is a combination of the following chapters from the existing Port Stephens DCP:
  - C4 Dwelling House, Secondary Dwelling, or Dual Occupancy
  - C5 Multi Dwelling Housing or Seniors Housing
  - C8 Ancillary Structures (Sheds, carports, swimming pools, fencing, retaining walls and shipping containers)
- 2 The chapter is presented with the following subchapters:
  - Residential Development - General
  - Residential Development - Housing on large lots
  - Residential Development - Multi-dwelling housing
- 3 Controls have been updated to:
  - Be consistent across all forms of residential development, for example by simplifying building setbacks to be the same for residential dwellings, dual occupancies and multi-dwelling housing.
  - Reduce duplication of identical controls for different forms of residential development (for example, reference to building heights).
  - Be more user friendly and incorporate plain English.
- 4 Reference to 'Seniors Living Development' has been removed. These requirements are set out in the *State Environmental Planning Policy (Housing) 2021* and do not need to be replicated in the DCP.
- 5 Landscaping and private open space controls have been standardised across all forms of residential housing to ensure that all occupants are provided with an appropriate amount of open space and landscaping amenity regardless of housing form.
- 6 Where necessary, sub-chapters provide specific requirements for a residential form. For example, the 'Housing on large lots' sub-chapter provides alternative building setback requirements to ensure that development is appropriately sited on larger/rural lots.



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## Home business or home industry

Chapter C5 (former Chapter C6)


Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.


### Proposed changes:

- 1 This chapter is now numbered C5. The numbering of the controls and sub-chapters has been updated to reflect this.
- 2 All controls are related to amenity and as such have been grouped under the sub-heading 'Residential amenity'.
- 3 A new control has been introduced to clarify development should not impact on residential amenity by way of dust, noise, vibration, smell, waste or traffic generation.



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## Restricted or Sex Services Premises

Chapter C6 (former Chapter C7)

Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

### Proposed changes:

- 1 This chapter is now numbered C6. The numbering of the controls and sub-chapters has been updated to reflect this.
- 2 Controls that were considered onerous or unnecessarily restrictive have been amended:
  - Part of existing control C7.1, which prevents restricted premises from being located within 400m of another restricted premises, has been removed.
  - Measures to address minimising noise transmission in existing control C7.9 have been removed.



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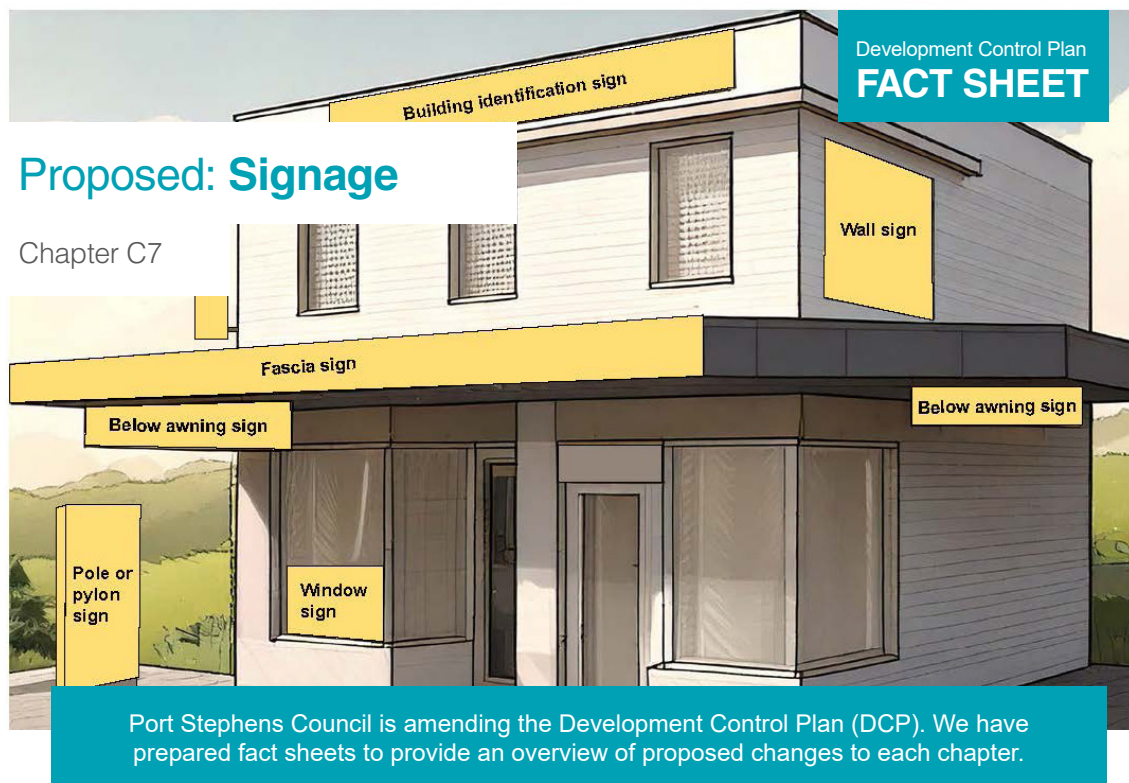


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## Background

- 1 Chapter C7 Signage is a new chapter created to provide guidance on signage on private land.
- 2 Signage controls were previously located across various chapters and only stated the types of signs that aren't supported, rather than providing specific controls. Where signage is specific to an area or development type, it remains in that relevant chapter.
- 3 Although this DCP includes controls for more types of signs, this chapter is to be read in conjunction with Chapter 3 Advertising and signage of the State Environmental Planning Policy (SEPP) (Industry and Employment) 2021.



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## Heatherbrae




Chapter D1

### Proposed changes:

- 1 The existing Pacific Highway setback controls, D1.1 and D1.2, have been combined and simplified. The requirement to create a 'restriction to user' has been removed, as this is considered too onerous.
- 2 Sub-chapter D1.C Street layout was expanded to require access to Masonite Road be consistent with mapping.
- 3 Sub-chapter D1.D Drainage was amended to identify on-site infiltration requirements.
- 4 Sub-chapter D1.E Airport operational requirements has been removed as this information is identified in Figure 51.
- 5 Sub-chapter D1.F Gateway signage has been removed as this is a requirement for Council and not relevant to developers/applicants.
- 6 Figure 51 has been updated to reflect recent subdivisions and identify an indicative intersection on Masonite Road. Reference to the Obstacle Limitation Surface was removed as this was inaccurate.



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### Proposed changes:

- 1 Chapter D2 Karuah has been removed as most development has either occurred or is no longer consistent with the Karuah Place Plan (KPP) which identifies land in addition to that shown in the DCP. The KPP does not identify residential land in the areas that are located within the buffer areas specified in this chapter. It is anticipated that a new DCP chapter for Karuah will be prepared in conjunction with planning proposals that are consistent with the KPP. Staging and road layout for land release may be detailed in the new chapter.
- 2 The commercial components of the chapter are considered outdated. Proposed commercial development can rely on controls in Chapter C2 Commercial.



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### Proposed changes:

- 1 Chapter D3 Lemon Tree Passage has been removed as it contains controls that make it difficult and expensive to undertake development in Lemon Tree Passage. Very little development has occurred since the DCP was created in 2007.
- 2 A place plan is being prepared for the Tilligerry. Some of the concepts shown in the DCP, such as the laneway between Shearmen and Meredith Avenues, are discussed in the place plan.

Future development in Lemon Tree Passage may require the preparation of a new town centre DCP. Smaller development applications will rely on general controls in the DCP.



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### Proposed changes:


- 1 Former Chapter D4 Koala Bay - Tanilba Bay has been removed as all of the identified land has been developed.
- 2 The 6m front setback in D4.1 is important for Koala movement and has been incorporated into proposed Chapter C4 Residential Development.
- 3 Control D4.2 is a development application requirement that has been moved to the Development Application Supporting Handbook.
- 4 Control D4.3, requiring a section 88B covenant, has been deleted.
- 5 The swimming pool requirements in control D4.4 have been relocated to Chapter C4 Residential Development.
- 6 The fencing requirements in control D4.5 are already covered by the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* which includes consideration for fencing in Koala areas.



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## Background

Chapter D5 relates to the Nelson Bay Town Centre and reflects the outcomes of the strategies and plans prepared for Nelson Bay Town Centre.

The changes proposed as part of this review are administrative and do not alter the strategic or policy intent of the chapter. The changes listed below have been made to align the provisions with state legislation and guidance (which prevails over local controls) and to make it easier to read and understand.

## Proposed changes:

- 1 This chapter is now numbered D2. The numbering of the sub-chapters and controls has been amended to reflect this.
- 2 Objectives have been removed where they only repeat the purpose of the DCP, for instance the objective "To provide general provisions that apply to all precincts identified in the Nelson Bay Centre" has been deleted.
- 3 Objectives for each precinct have been amended to make it clear that the controls give effect to the character statements identified in the strategic plans for the centre.
- 4 Headings have been amended to be clearer about the application of the controls such as "General precinct provisions" amended to "General provisions".

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- 5 Reference to the *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* (SEPP 65) has been amended to note that the NSW Apartment Design Guidelines will prevail over the DCP.
- 6 More detail has been provided in some controls to better articulate the intent of the provisions, for example a control requiring buildings to ‘maintain the rhythm of the traditional main street’ has been re-worded to list the types of articulation in new buildings that that would achieve this outcome.
- 7 A control that specified that a hotel and conference centre would be appropriate in the Tourism and Leisure Precinct has been removed because the DCP cannot regulate specific land uses if other uses are also permissible in the zone.
- 8 Notes in the chapter that reference controls in other chapters have been removed to avoid duplication. A general provision in the DCP requires all applications to have regard for all relevant controls.
- 9 A control requiring development needing to present a facade to street boundaries of no more than 2 storeys was removed as it was inconsistent with the NSW Apartment Design Guide which prevails over the DCP.
- 10 D5.2 Street layout control was removed as the street layout in the centre is already established.
- 11 D5.6 ‘Magnus Street is a pedestrian focused main street and acts as a focal point for the town centre’ was removed as it was similar to another control in existing D5.6 ‘Development retains and enhances the existing character and function of Stockton and Magnus Streets as the main shopping streets in the town centre.’
- 12 Existing D5.9 was amended to align with the changes made to controls for provision of public art in the C2 Commercial chapter.



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**FACT SHEET**

## Former Chapter D6 Nelson Bay West


Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.


### Proposed Changes:


- 1 Chapter D6 Nelson Bay West has been removed as most of the identified precincts have been developed and many of the controls are duplicating those in Section B and Section C of the DCP.



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## Seabreeze Estate - Nelson Bay

Chapter D3 (former Chapter D7)

Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

### Proposed changes:

- 1 The chapter is now numbered D3. The numbering of the controls and sub-chapters has been updated to reflect this.
- 2 Figure 53 (existing Figure DN) Seabreeze Estate – Nelson Bay Land Application Map has been updated to refine the DCP boundary where there was minor misalignment with existing lot boundaries.
- 3 All the controls refer to stormwater management and the subchapter heading has been amended to reflect this.
- 4 The objective 'to reduce the need for potable water to irrigate' has been deleted as there is no corresponding development control.
- 5 Information requirements for a stormwater drainage plan have been removed and relocated to the DA Supporting Handbook (DASH). The DASH sets out the information that is required to accompany a development application to address the relevant objectives and controls of this DCP.
- 6 The note referencing B4.2 has been removed as the information is included in Chapter B3 Stormwater Management (existing Chapter B4 Drainage and Water Quality).

Further information about the proposed DCP amendments can be found on our website:



[portstephens.nsw.gov.au/development-control-plan](https://portstephens.nsw.gov.au/development-control-plan)



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## Salamander Bay Shopping Centre

Chapter D4 (former Chapter D8)

Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

---

### Background

No policy changes have been made to this chapter.

A Salamander Bay Town Centre Place Plan is being prepared to inform and consult with the community on future growth and development within the town center precinct. A review of the Salamander Bay Shopping Centre DCP is a likely outcome of the Place Plan.

---



For further information on the DCP go to our website:



[portstephens.nsw.gov.au/development-control-plan](https://portstephens.nsw.gov.au/development-control-plan)



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## Former Chapter D9 North Medowie - Medowie

Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

### Proposed changes:

1

Chapter D9 North Medowie - Medowie has been removed as development on this site is mostly complete.



For further information on the DCP go to our website:



[portstephens.nsw.gov.au/development-control-plan](https://portstephens.nsw.gov.au/development-control-plan)



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## Former Chapter 10 Pacific Dunes - Medowie


Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.


### Proposed changes:

- 1 Chapter D10 Pacific Dunes - Medowie has been removed as all of the identified precincts have been developed.



For further information on the DCP go to our website:

 [portstephens.nsw.gov.au/development-control-plan](https://portstephens.nsw.gov.au/development-control-plan)

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**Former Chapter D11**

**Raymond Terrace Town Centre**

Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

### Proposed changes:

- 1 Chapter D11 Raymond Terrace Town Centre has been removed. It contains objectives and controls that are unnecessary or are already included in other DCP chapters or plans, including the Port Stephens Local Environmental Plan (LEP) 2013 and the Raymond Terrace Public Domain Plan.
- 2 D11.A Residential setbacks refers only to garage setbacks within residential zones in a heritage conservation area. This control is unnecessary because garage setbacks are already addressed in Chapter C4 Residential Development (existing C4 Dwelling House, Secondary Dwelling, or Dual Occupancy).
- 3 D11.B Facades refers only to pedestrian corridors providing a direct line of sight from entry to exit of buildings. This control is unnecessary because facades for commercial development are already addressed in C2 Commercial.
- 4 D11.C Solar access unnecessarily applies to existing development along William Street. Solar access for commercial development is already addressed in C2 Commercial.
- 5 D11.D King Street heritage controls have been moved to Chapter B7 Heritage which applies to all land that contains a heritage item, is within a heritage conservation area or could potentially contain an Aboriginal object.
- 6 D11.E Street layout is already addressed in Chapter C1 Subdivision and the Raymond Terrace Public Domain Plan.





- 7 D11.F Pedestrian and cycling is not required as pedestrian and cycle paths are addressed in the Raymond Terrace Public Domain Plan.
- 8 D11.G Street trees are addressed in the Raymond Terrace Public Domain Plan and the Port Stephens LEP lists a number of the locations, including tree plantings, referred to in the DCP.
- 9 D11.H Open space is addressed in the Raymond Terrace Public Domain Plan and its ongoing implementation.
- 10 D11.I Flood hazard is addressed in Chapter B4 Flooding.
- 11 D11.J Drainage and water quality can be suitably considered with any future development of the large parcel of Council-owned land using the controls in Chapter B3 Stormwater Management (existing Chapter B4 Drainage and Water Quality) and Chapter B4 Flooding (existing Chapter B5).



**For further information on the DCP go to our website:**



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### Proposed changes:

- 1 The chapter is now numbered D5. The numbering of the controls and sub-chapters has been updated to reflect this.
- 2 Figure DV Richardson Road - Raymond Terrace Land Application Map, has been removed. Site identification and area extent is now shown on Figure 55 (existing Figure DW) Richardson Road - Raymond Terrace Locality Controls Map.
- 3 Control D5.3 has been added to ensure future development provides safe and appropriate road access.
- 4 Control D5.4 (existing control D12.3) has been expanded to apply to any developments proposing road layouts. The previous wording excluded developments such as multi-dwelling housing which do not require subdivision.
- 5 Sub-chapter D12.B Staging has been replaced with new control D5.6. The control is easier to interpret and achieves the same outcomes.
- 6 Sub-chapter D12.C Aircraft Noise was removed as this is addressed in Chapter B6 Aircraft Noise and Safety.

Further information about the proposed DCP amendments can be found on our website:



[portstephens.nsw.gov.au/development-control-plan](https://portstephens.nsw.gov.au/development-control-plan)



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## Rees James Road - Raymond Terrace

Chapter D6 (former Chapter D13)

Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

### Proposed changes:

- 1 The chapter is now numbered D6. The numbering of the controls and sub-chapters has been updated to reflect this.
- 2 Figure DX Rees James Road – Raymond Terrace Land Application Map, has been removed. Site identification and area extent is now shown on Figure 56 (existing Figure DY) Rees James Road – Raymond Terrace Locality Controls Map.
- 3 Figure 56 (existing Figure DY) has been amended to:
  - Reflect recent subdivisions and delivered infrastructure.
  - Remove landscaping and noise attenuation in the road reserve between Rees James Road and the Pacific Highway as this land, which is located within the Pacific Highway road reserve, is already comprised of extensive native vegetation and the main development (Potters Lane) has already been completed.
  - Remove identification of land for investigation between Rees James Road and the Pacific Highway as this land, which is owned by Hunter Water Corporation, is able to be investigated for potential alternative land uses separately from the development control plan.
  - Remove an indicative pathway along Rees James Road as this item is listed in the Port Stephens Local Infrastructure Contributions Plan.

Further information about the proposed DCP amendments can be found on our website:



[portstephens.nsw.gov.au/development-control-plan](https://portstephens.nsw.gov.au/development-control-plan)



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### Background

Kings Hill has been nominated as an urban growth area for several years. The development control plan sets out a broad development pattern as well as the additional information that is required to accompany a development application for new development in Kings Hill.

No policy changes have been made to the chapter as part of this review.

### Proposed changes:

- 1 The Kings Hill chapter is now numbered D7. The numbering of the controls and sub-chapters has been updated to reflect this.
- 2 Figure DAC Kings Hill – Raymond Terrace Land Application Map has been removed. Site identification is now shown on Figure 57 Kings Hill – Raymond Terrace Locality Controls Map 1 and Figure 58 Kings Hill – Raymond Terrace Locality Controls Map 2. Reference to Figure DAC in the chapter has subsequently been amended to Figure 57.
- 3 Incorrect references to DCP chapters and controls that have changed as a result of the comprehensive review have been amended:
  - D7.35 (existing D14.35) – reference to B4 has been updated to B2 Natural Environment to reflect relocation of the control relating to riparian corridors.
  - D7.38 (existing D14.38) – removed references to B3 Environmental Management as this chapter has been removed and information requirements have been relocated to the Development Application Supporting Handbook (DASH).
  - D7.40 (existing D14.40) - amended reference from B6.1 to B6 Aircraft Noise and Safety.

Further information about the proposed DCP amendments can be found on our website:



[portstephens.nsw.gov.au/development-control-plan](https://portstephens.nsw.gov.au/development-control-plan)



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## Background

The DAREZ site is subject to an existing approved masterplan development. Consultation with Newcastle Airport Pty Ltd is recommended for any detailed design guidelines or requirements, which may be more current than the controls in this development control plan for their land. This development control plan may be subject to further review and update in consultation with the landowners at a future time.

## Proposed changes:

- 1 This chapter is now numbered D8. The numbering of the controls and sub-chapters has been updated to reflect this.
- 2 Figure DAF Williamstown DAREZ Land Application Map has been removed. Site identification and area extent is now shown on Figure 62 Williamstown DAREZ Locality Controls Map.
- 3 Figure 62 (existing Figure DAG) Williamstown DAREZ Locality Controls Map has been updated to reflect existing development.
- 4 A chapter summary has been added stating that development within the DAREZ DCP locality should be prepared to be consistent with any design guidelines issued by, and closely associated with the guidance of Newcastle Airport Pty Ltd (NAPL).
- 5 Sub-headings that are unnecessary have been removed.
- 6 Incorrect reference to chapters in this DCP that have changed as a result of the review have been updated.
- 7 Duplication has been removed in the notes in D8.G (existing D15.G) Airport operational requirements.

Further information about the proposed DCP amendments can be found on our website:



[portstephens.nsw.gov.au/development-control-plan](https://portstephens.nsw.gov.au/development-control-plan)



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## Medowie Planning Strategy (Precinct E and F)

Chapter D9 (former Chapter D16)

Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.

### Proposed changes:

- 1 The chapter is now numbered D9. The numbering of the controls and sub-chapters has been updated to reflect this.
- 2 This chapter is new and no policy changes have been made.
- 3 Figure DAH Medowie Planning Strategy (Precinct E and F) Land Application Map, has been removed. Site identification is now shown on Figure 63 (existing Figure DAI) Medowie Planning Strategy (Precinct E and F) Locality Controls Map. Reference to Figure DAH in the chapter has subsequently been amended to Figure 63.
- 4 Headings in the sub-chapters have been removed in line with the new style of the DCP. Where confusion may occur as a result of this, clarification has been provided in the relevant control.



For further information on the DCP go to our website:



[portstephens.nsw.gov.au/development-control-plan](https://portstephens.nsw.gov.au/development-control-plan)



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## Stockton Rifle Range

Chapter D10 (former Chapter D17)


Port Stephens Council is amending the Development Control Plan (DCP). We have prepared fact sheets to provide an overview of proposed changes to each chapter.


### Proposed changes:

- 1 The chapter is now numbered D10. The numbering of the controls and sub-chapters has been updated to reflect this.
- 2 No policy changes have been made as this chapter is relatively new and a development application is currently under assessment.
- 3 Figure DAJ Stockton Rifle Range Land Application Map, has been removed. Site identification and area extent is now shown on Figure 64 (existing Figure DAK) Stockton Rifle Range Locality Controls Map.
- 4 Reference to Flexible Housing Project has been amended to "locality controls map" to reflect the consistent mapping name used throughout the DCP.



For further information on the DCP go to our website:

 [portstephens.nsw.gov.au/development-control-plan](https://portstephens.nsw.gov.au/development-control-plan)

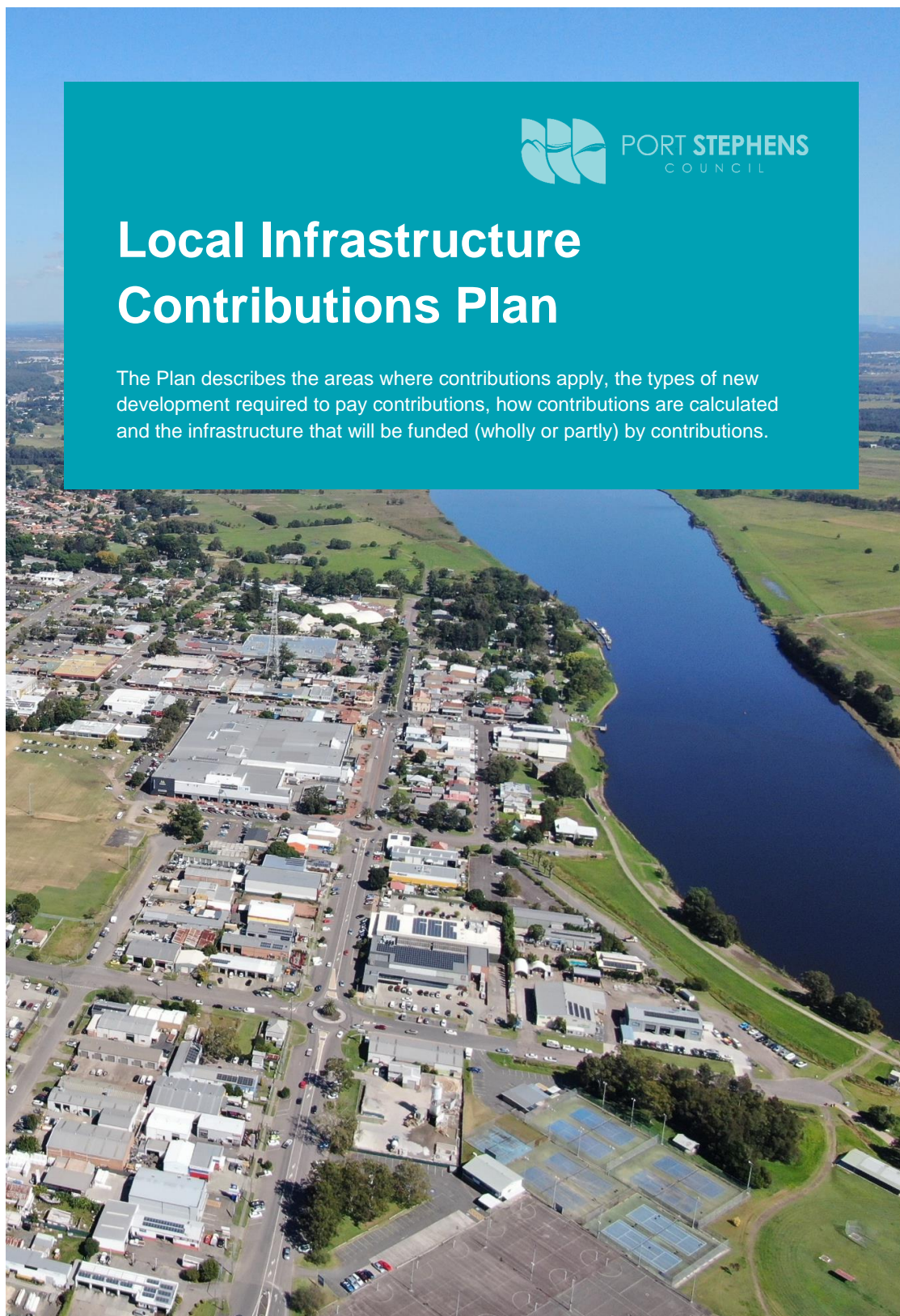
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ITEM 5 - ATTACHMENT 1 DRAFT PORT STEPHENS LOCAL  
INFRASTRUCTURE CONTRIBUTIONS PLAN.





## ITEM 5 - ATTACHMENT 1 DRAFT PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.

### GUUDJI YIIGU

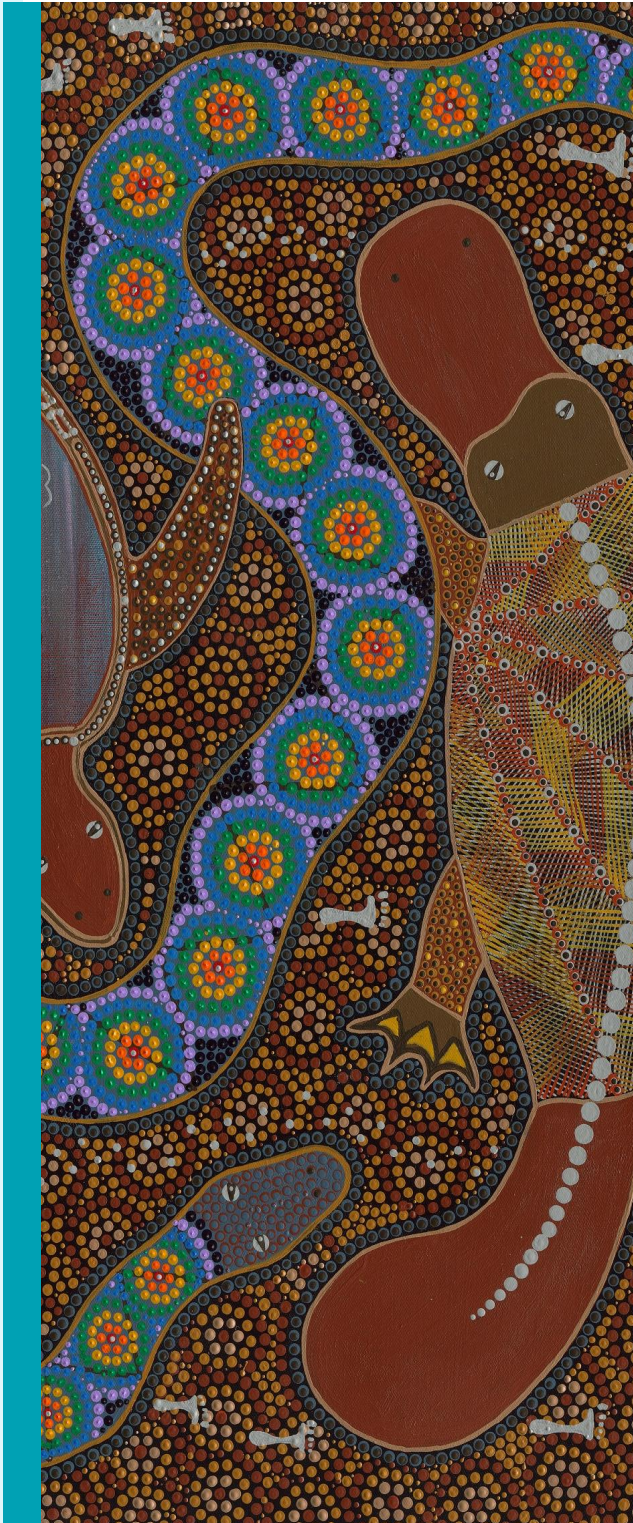
(GOO-JEE IK-KOO)

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

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

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

Artwork by Regan Lilley.



Local Infrastructure Contributions Plan...i

ITEM 5 - ATTACHMENT 1 DRAFT PORT STEPHENS LOCAL  
INFRASTRUCTURE CONTRIBUTIONS PLAN.

## 1.0 Executive Summary

Local Infrastructure Contributions Plan...ii

**ITEM 5 - ATTACHMENT 1      DRAFT PORT STEPHENS LOCAL  
INFRASTRUCTURE CONTRIBUTIONS 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

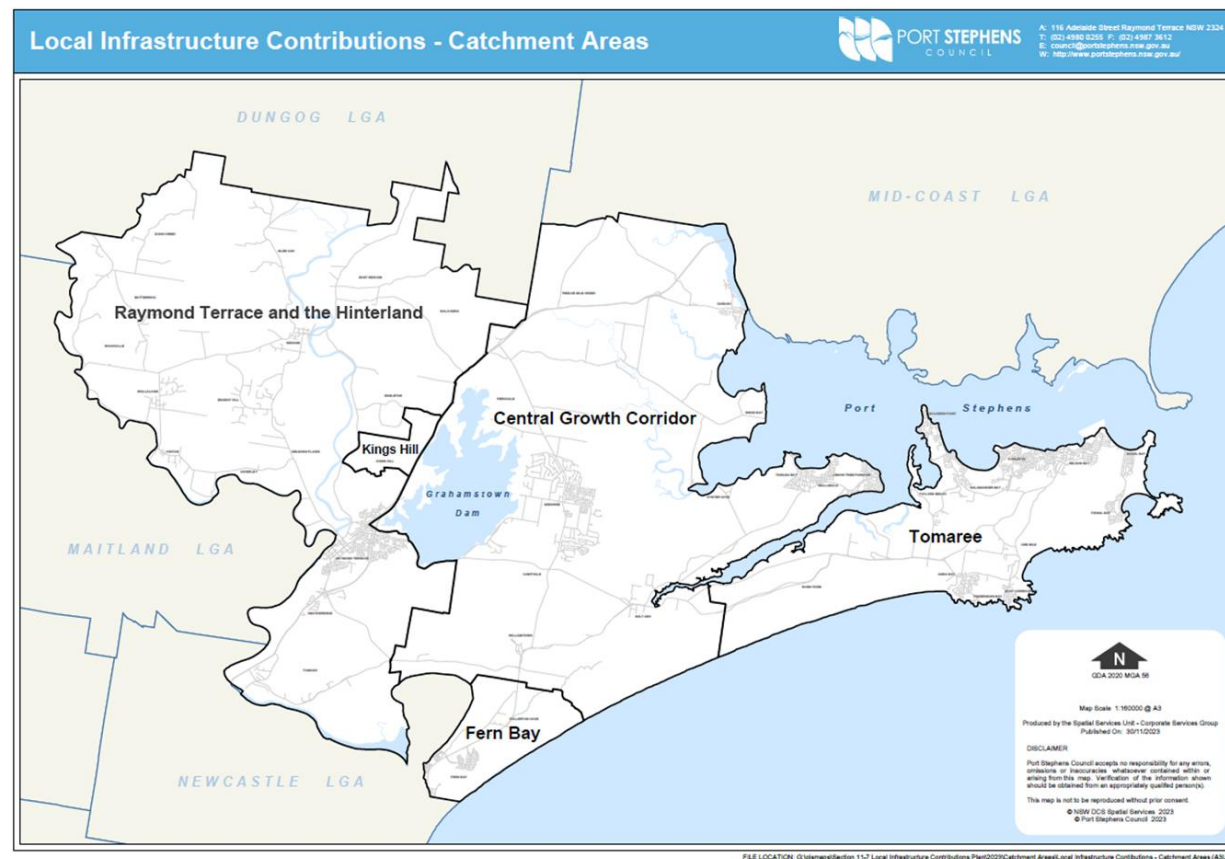
The Plan has the following chapters:

- 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.

Local Infrastructure Contributions Plan...iii

ITEM 5 - ATTACHMENT 1 DRAFT PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.

Port Stephens Local Infrastructure Contributions Plan



Local Infrastructure Contributions Plan...iv



## ITEM 5 - ATTACHMENT 1 DRAFT PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.

### Port Stephens Local Infrastructure Contributions Plan

#### 1.2 Summary of Contribution Rates

For the purposes of this Plan, the local government area (LGA) has been divided into 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 Hinterland	Central Growth Corridor	Tomaree	Fern Bay	Kings Hill URA
Civic Administration – Plan Management	<del>\$655</del> \$755	<del>\$658</del> \$757	<del>\$655</del> \$755	<del>\$655</del> \$756	\$723
Civic Administration – Works Depot	<del>\$1,268</del> \$1,170	<del>\$1,274</del> \$1,170	<del>\$1,266</del> \$1,170	<del>\$1,268</del> \$1,170	\$1,401
Town Centre Upgrades	\$3,414	\$3,433	\$3,412	\$3,414	\$3,772
Public Open Space, Parks and Reserves	\$861	<del>\$2,308</del> \$2,443	<del>\$2,085</del> \$2,264	\$368	\$407
Sports and Leisure Facilities	<del>\$1,846</del> \$4,282	<del>\$2,884</del> \$3,565	<del>\$1,961</del> \$2,082	<del>\$1,651</del> \$1,948	\$1,824
Community and Cultural Facilities	\$443	\$445	<del>\$1,332</del> \$445	\$443	\$489
Road Works	<del>\$5,708</del> \$3,190	<del>\$3,250</del> \$2,439	\$3,570	<del>\$3,963</del> \$4,804	\$0
Medowie Traffic and Transport	\$0	\$3,135	\$0	\$0	\$0
Shared Paths	\$4,239	\$481	\$3,286	<del>\$3,477</del> \$2,336	\$0
Bus Facilities	\$18	\$33	\$9	\$1,121	\$0
Fire and Emergency	<del>\$36</del> \$116	\$0	<del>\$245</del> \$528	\$0	\$0
Flood and Drainage Works	\$720	\$1,795	<del>\$1,877</del> \$2,177	\$0	\$0
Cross Boundary Contributions	\$0	\$0	\$0	\$3,337	\$0

Local Infrastructure Contributions Plan...v



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INFRASTRUCTURE CONTRIBUTIONS PLAN.

Kings Hill Urban Release Area	\$792	\$304	\$302	\$303	\$21,384
Total	\$20,000	\$20,000	\$20,000	\$20,000	\$30,000

Table 2 – Summary of infrastructure rates for secondary dwellings, ~~tourist and visitor accommodation and housing for seniors or people with a disability and affordable housing~~ (only applicable by meeting the requirements as set out in Section 2.6 of this Plan)

Infrastructure Category	Catchment Rate (per dwelling/lot)				
	Raymond Terrace and the Hinterland	Central Growth Corridor	Tomaree	Fern Bay	Kings Hill URA
Civic Administration – Plan Management	<del>\$327</del> \$378	<del>\$329</del> \$379	<del>\$327</del> \$378	<del>\$327</del> \$378	\$362
Civic Administration – Works Depot	<del>\$634</del> \$585	<del>\$637</del> \$585	<del>\$633</del> \$585	<del>\$634</del> \$585	\$700
Town Centre Upgrades	\$1,707	<del>\$1,716</del> \$1,717	\$1,706	\$1,707	\$1,887
Public Open Space, Parks and Reserves	\$431	<del>\$1,154</del> \$1,222	<del>\$1,043</del> \$1,132	\$184	\$203
Sports and Leisure Facilities	<del>\$924</del> \$2,141	<del>\$1,443</del> \$1,783	<del>\$984</del> \$1,041	<del>\$826</del> \$974	\$912
Community and Cultural Facilities	\$222	\$223	<del>\$667</del> \$223	\$222	\$245
Road Works	<del>\$2,854</del> \$1,595	<del>\$1,625</del> \$1,220	\$1,785	<del>\$1,982</del> \$2,402	\$0
Medowie Traffic and Transport	\$0	<del>\$1,569</del> \$1,568	\$0	\$0	\$0
Shared Paths	<del>\$2,119</del> \$2,120	<del>\$240</del> \$241	<del>\$1,644</del> \$1,643	<del>\$1,738</del> \$1,168	\$0
Bus Facilities	\$9	<del>\$16</del> \$17	\$5	\$561	\$0
Fire and Emergency	<del>\$18</del> \$58	\$0	<del>\$121</del> \$264	\$0	\$0
Flood and Drainage Works	\$360	<del>\$897</del> \$898	<del>\$938</del> \$1,089	\$0	\$0
Cross Boundary Contributions	\$0	\$0	\$0	<del>\$1,668</del> \$1,669	\$0
Kings Hill Urban Release Area	\$396	\$152	\$151	<del>\$151</del> \$152	\$10,691
Total	<del>\$10,001</del> \$10,000	<del>\$10,001</del> \$10,000	<del>\$10,001</del> \$10,000	\$10,000	\$15,000

Local Infrastructure Contributions Plan...vi

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Table 3 – Summary of discounted infrastructure rates for caravan parks and moveable dwellings only applicable by meeting the requirements as set out in section 2.6 of this Plan

Infrastructure Category	Catchment Rate (per dwelling/lot)				
	Raymond Terrace and the Hinterland	Central Growth Corridor	Tomaree	Fern Bay	Kings Hill URA
Civic Administration – Plan Management	\$327	\$329	\$327	\$327	\$362
Civic Administration – Works Depot	\$634	\$637	\$633	\$634	\$700
Town Centre Upgrades	\$1,707	\$1,716	\$1,706	\$1,707	\$1,887
Public Open Space, Parks and Reserves	\$431	\$1,154	\$1,043	\$184	\$203
Sports and Leisure Facilities	\$924	\$1,443	\$981	\$826	\$912
Community and Cultural Facilities	\$222	\$223	\$667	\$222	\$245
Road Works	\$4,633	\$2,600	\$2,856	\$3,171	\$0
Medowie Traffic and Transport	\$0	\$2,508	\$0	\$0	\$0
Shared Paths	\$2,119	\$240	\$1,644	\$1,738	\$0
Bus Facilities	\$9	\$16	\$5	\$561	\$0
Fire and Emergency	\$18	\$0	\$121	\$0	\$0
Flood and Drainage Works	\$360	\$897	\$938	\$0	\$0
Cross Boundary Contributions	\$0	\$0	\$0	\$1,668	\$0
Kings Hill Urban Release Area	\$396	\$152	\$151	\$151	\$10,691
<b>Total</b>	<b>\$11,780</b>	<b>\$11,915</b>	<b>\$11,072</b>	<b>\$11,189</b>	<b>\$15,000</b>

ITEM 5 - ATTACHMENT 1 DRAFT PORT STEPHENS LOCAL  
INFRASTRUCTURE CONTRIBUTIONS PLAN.

Table 3 – Summary of discounted infrastructure rates for tourist and visitor accommodation and caravan parks for short term occupation (only applicable by meeting the requirements as set out in Section 2.6 of this Plan)

Infrastructure Category	Catchment Rate (per dwelling/lot)				
	Raymond Terrace and the Hinterland	Central Growth Corridor	Tomaree	Fern Bay	Kings Hill URA
Civic Administration – Plan Management	\$566	\$568	\$566	\$567	\$542
Civic Administration – Works Depot	\$878	\$878	\$878	\$878	\$1,051
Town Centre Upgrades	\$2,561	\$2,575	\$2,559	\$2,561	\$2,829
Public Open Space, Parks and Reserves	\$646	\$1,832	\$1,698	\$276	\$305
Sports and Leisure Facilities	\$3,212	\$2,674	\$1,562	\$1,461	\$1,368
Community and Cultural Facilities	\$332	\$334	\$334	\$332	\$367
Road Works	\$2,393	\$1,829	\$2,678	\$3,603	\$0
Medowie Traffic and Transport	\$0	\$2,351	\$0	\$0	\$0
Shared Paths	\$3,179	\$361	\$2,465	\$1,752	\$0
Bus Facilities	\$14	\$25	\$7	\$7	\$0
Fire and Emergency	\$87	\$0	\$396	\$396	\$0
Flood and Drainage Works	\$540	\$1,346	\$1,633	\$841	\$0
Cross Boundary Contributions	\$0	\$0	\$0	\$2,503	\$0
Kings Hill Urban Release Area	\$594	\$228	\$227	\$227	\$16,038
<b>Total</b>	<b>\$15,000</b>	<b>\$15,000</b>	<b>\$15,000</b>	<b>\$15,000</b>	<b>\$22,500</b>

Table 5 – Summary of road haulage contribution

Development Type	Contribution Amount
Extractive Industry and/or mining	\$0.097/t/km

Local Infrastructure Contributions Plan...viii

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## **2.0 Introduction**

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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:

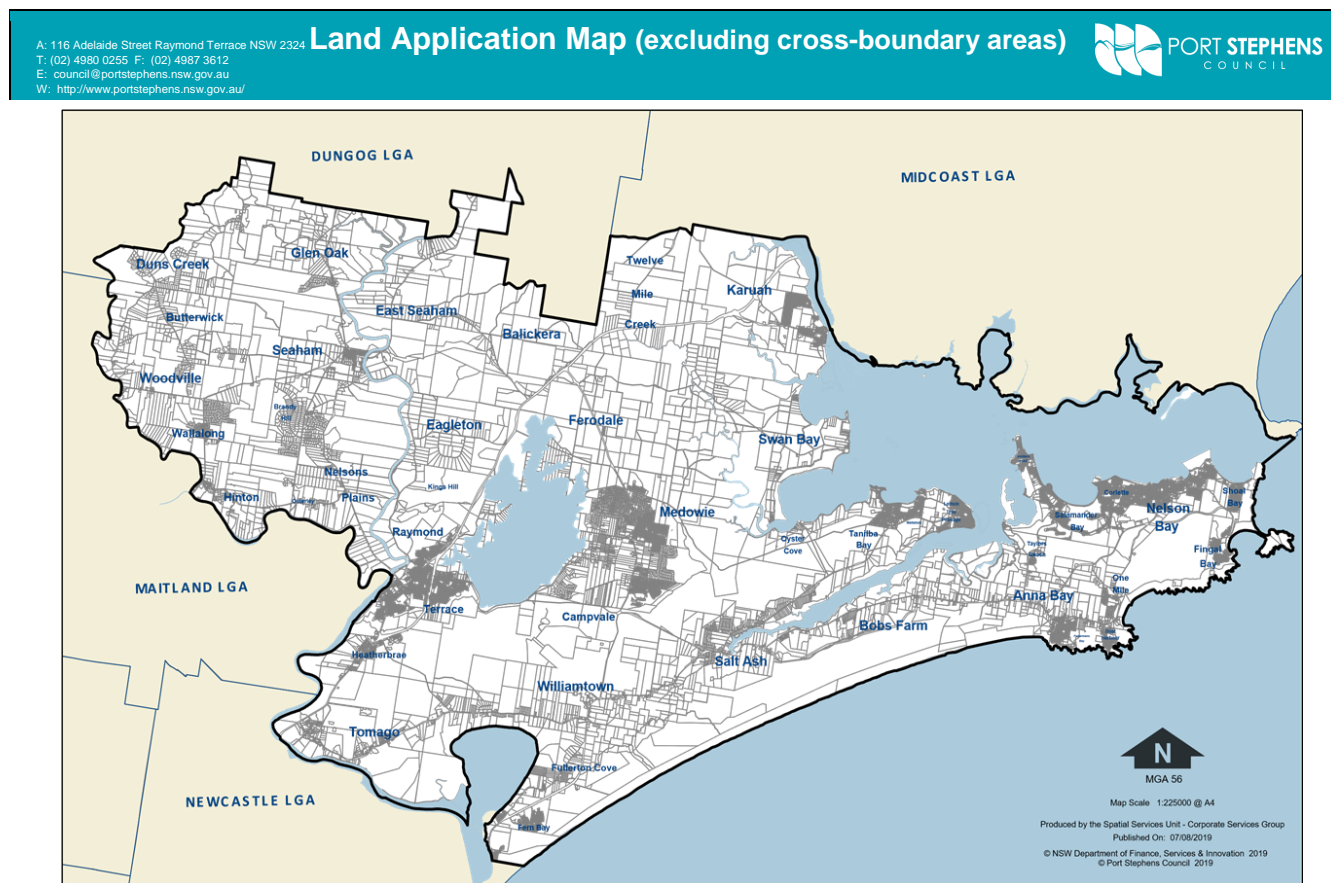
- (a) Authorise the consent authority, or an accredited certifier, to impose conditions under Section 7.11 and 7.12 of the Act requiring contributions when granting consent to development on land to which this Plan applies, including complying development;
- (b) Provide an administrative framework for 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).

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### 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 State Environmental Planning Policy (Housing) 2021 (Housing SEPP), excluding residential care facilities	Section 7.11
Affordable rental housing as defined in the Housing SEPP <b>managed by a Community Housing Provider</b>	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
Development that 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 or Section 7.12 (whichever is greater)

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, and are recognised as a form of diverse housing to be incentivised, consistent with the aims and objectives outlined in *State Environmental Planning Policy (Housing) 2021*.

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

**2.6.2 Caravan Parks**

~~Caravan parks and moveable dwellings are not eligible for a contributions discount, unless the development:~~

- ~~• Provides short term accommodation for tourists and visitors; or~~
- ~~• The applicant can demonstrate the development will contribute to housing that will meet the needs of more vulnerable members of the community, including rental accommodation for very low to moderate income households or people needing temporary emergency accommodation, and the development will not contribute to the loss of existing lower cost housing options in the locality.~~

~~Council will consider the following when deciding whether or not a discount should apply:~~

- ~~• The status of the majority of the occupancy (short term or long term);~~
- ~~• The size and nature of the proposed dwellings (caravans or moveable dwellings installed onsite); and~~
- ~~• Evidence the proposed dwelling(s) or caravan(s) shall be used for the purpose of affordable rental housing managed by a social housing provider (e.g. a registered Community Housing Provider, NSW Land & Property Corporation, Aboriginal Housing Office, or NSW Department of Communities and Justice) for a minimum of 15 years from the date of first occupation of the dwelling(s) or caravan(s).~~

~~A development with long term occupants that cannot otherwise meet the above criteria will have similar demands for the provision of Council facilities and services as other medium density development, and no discount to the contribution rate will be applied.~~

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~~The Australian Bureau of Statistics Census of Population and Housing 2021 (2021 Census) identified an occupancy rate of 2.4 persons per residential dwelling in Port Stephens. The occupancy rate for caravan parks was reported as 1.4 persons per moveable dwelling or caravan in Port Stephens in the same Census.~~

~~Due to the lower occupancy rate, it is considered that there would be a lesser demand for local infrastructure generated from caravan parks and moveable dwellings. However, because caravans are generally towed to site, the impact on road infrastructure is still relevant to consider and a lesser discount on contributions is applied for road works.~~

~~The contribution rate for caravan parks and moveable dwellings that are eligible for contributions discounts is 50% for all local infrastructure categories except for the road work category, where the discount is 20%. If only part of the development meets the criteria, the discount will only be applied to that proportion of the development.~~

### 2.6.3 Tourist and Visitor Accommodation and Caravan Parks

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.

However, occupancy rates for tourist and visitor accommodation and caravan parks providing short term accommodation are more sporadic than long term residential accommodation. Therefore, the contribution rate will be discounted by 25% 50% for all infrastructure categories.

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

Seniors housing is defined in the Standard Instrument (Local Environmental Plans) Order 2006 as:

*a building or place that is—*

- (a) a residential care facility, or*
- (b) a hostel within the meaning of State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 5, or*
- (c) a group of independent living units, or*
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for—*
- (e) seniors or people who have a disability, or*
- (f) people who live in the same household with seniors or people who have a disability, or*
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place, but does not include a hospital.*

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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 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 Affordable Rental Housing**

Affordable rental housing is housing that is managed by a registered Community Housing Provider (such as Hume Community Housing or Home In Place).

It can also include rental properties managed by social housing providers such as NSW Land & Property Corporation, Aboriginal Housing Office, or NSW Department of Communities and Justice, however these providers generally do not pay contributions when undertaking new development.

Affordable rental housing is housing that meets the needs of a range of very low to moderate income households and priced so that these households are also able to meet other basic living costs, such as food, clothing, transport, medical care and education. A condition of consent requires affordable rental housing to be managed by a community housing provider usually for a period of at least 15 years.

Affordable rental housing is recognised as a form of diverse housing to be incentivised, consistent with the aims and objectives outlined in *State Environmental Planning Policy (Housing) 2021*.

The contribution rate for residential development being used for affordable rental housing will be discounted by 50% for all infrastructure categories. The discount only applies to the affordable rental housing components of the development.

Council will consider the following when deciding whether or not a discount should apply:

- Evidence the proposed dwelling(s) shall be used for the purpose of affordable rental housing for a minimum of 15 years from the date of first occupation of the dwelling(s)

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Where a development is proposing multiple uses, the above discount will only apply to the dwellings and/or rooms that are being used as affordable rental housing.

**2.6.6 Moveable Dwellings**

Moveable dwellings can include:

- Short term accommodation for tourists and visitors located in a caravan park; or
- Long term accommodation for residents in caravan parks.

For moveable dwellings in caravan parks that are short-term tourist and visitor accommodation, the discount on the contributions rate that applies to other tourist and visitor accommodation will apply (see 2.6.3).

For moveable dwellings that provide long term accommodation in caravan parks, no discount will apply.

Moveable dwellings are not eligible for a contributions discount, unless the development:

- Provides short term accommodation for tourists and visitors; or
- The applicant can demonstrate the development will contribute to housing that will meet the needs of more vulnerable members of the community, including rental accommodation for very low to moderate income households or people needing temporary emergency accommodation, and the development will not contribute to the loss of existing lower cost housing options in the locality.

Council will consider the following when deciding whether or not a discount should apply:

- The status of the majority of the occupancy (short term or long term);
- The size and nature of the proposed dwellings (moveable dwellings towed or installed onsite); and
- Evidence the proposed dwelling(s) shall be used for the purpose of affordable rental housing managed by a social housing provider (e.g. a registered Community Housing Provider, NSW Land & Property Corporation, Aboriginal Housing Office, or NSW Department of Communities and Justice) for a minimum of 15 years from the date of first occupation of the dwelling(s).

A development with long term occupants that cannot otherwise meet the above criteria will have similar demands for the provision of Council facilities and services as other medium density development, and no discount to the contribution rate will be applied.

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



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~~meets the criteria, the discount will only be applied to that proportion of the development.~~

## **2.7 Savings and Transitional Arrangements**

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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## 3.0 Plan Operation

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### 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 Section 208 of the *Environmental Planning and Assessment Regulation 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

Section 208 of the Regulation provides the framework for determining the proposed cost of development:

- (1) *The proposed cost of carrying out development must be determined by the consent authority by adding up all the costs and expenses that have been or will be incurred by the applicant in carrying out the development.*
- (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.*

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- (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,*
  - (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 diverse 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 subsection (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

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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 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 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:

$$\$Ca + \frac{\$Ca (\text{Current Index} - \text{Base Index})}{\text{Base Index}}$$

Where:

<b>\$Ca</b>	is the contribution at the time of adoption of the Plan expressed in dollars.
<b>Current Index</b>	is the CPI Sydney - All Groups, as published by the Australian Bureau of Statistics available at the time of review of the contribution rate.
<b>Base Index</b>	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.



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### 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.
- \$Cq** is the local infrastructure contribution rate applicable at the time of payment.
- \$Cc** is the local infrastructure contribution rate applicable at the time of the original consent.

The current contributions are as stated in this plan.

### 3.3.3 Heavy haulage

For changes to the Producer Price Index (PPI) - Road and bridge construction NSW, the contribution rates within the plan will be amended on an annual 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 PPI Road and bridge construction, as published by the Australian Bureau of Statistics available at the time of review of the contribution rate.
- Base Index** is the PPI Road and bridge construction, as published by the Australian Bureau of Statistics. At the date of adoption of the Plan this figure is 147.7.

## 3.4 Indexation of section 7.12 contributions

Pursuant to Section 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.

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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.

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:

- Dedication of land;
- Voluntary Planning Agreement; and

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- 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.

VPAs offer an enhanced and more flexible mechanism for collecting development contributions which achieves net community benefits from development wherever possible and appropriate.

The offer to enter into a VPA will generally need to accompany the relevant development application or planning proposal. A Letter of Offer template is available on Council's website. Unless otherwise agreed with a developer, Council will manage the preparation of any draft VPA. Developers should refer to any relevant Council policies and guidelines available on Council's website.

In considering, negotiating and entering into a VPA, Council will consider the following objectives:

- Compensation for the loss of, or damage to, a public amenity, service, resource or asset caused by the development through its replacement, substitution, repair or regeneration.
- It meets the demands created by the development for new public infrastructure, amenities and services.
- It achieves community benefits, such as the provision of affordable rental housing, securing conservation outcomes, placemaking or economic development opportunities and initiatives.
- It addresses a deficiency in the existing provision of public facilities in the Council's area.
- It achieves ongoing funding in respect of public facilities or management of land, including bushland.

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- That the prescribed inclusions in the development are consistent with Council's strategic and infrastructure plans and meets specific planning objectives of Council.
- Allowing the payment of monetary contributions at various stages of development which may differ to that specified in an adopted Contributions Plan, pending careful consideration of public facility delivery, delivery of community benefits and associated financial implications.

VPA seeking conservation outcomes will be unlikely to replace obligations for the payment of contributions imposed under Section 7.11 or Section 7.12 of the Act.

Council plans and policies may identify funding targets for VPAs and other planning agreements. These will reflect the cost of the infrastructure needed to support growth in an identified precinct.

The developer is responsible for all costs related to the negotiation and execution of the VPA.

These costs include:

- Negotiating, preparing, advertising and entering into the VPA (including but not limited to legal fees, consultants, valuers, quantity surveyors' fees and Council staff costs);
- Registration of the VPA on the title of any relevant land; and
- Enforcement of the VPA.

The Port Stephens Fees and Charges set out the minimum fees payable by the developer, however additional costs may be incurred. Council will recover any additional costs via a term within the VPA.

### **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 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. A 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.

When deciding to accept a WIKa or MPBA proposal, Council will consider (but not be limited to) the following:

- The works in kind facilities which are already included in the Contributions Plan, or other works as identified in the Strategic Asset Management Plan, Public Domain Plans, Place Plans or Council's other adopted planning documents.

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- The impending need to construct the works for which the contributions are to be offset.
- The value of the works to be undertaken are equal to or greater than the value of the contribution assessed in accordance with the Plan
- An assessment of the shortfall or credit in contributions as a result of the proposals.
- The impact on provision of other facilities in a timely and orderly manner.
- The extent to which the works satisfy the purpose for which the contribution was sought.

The acceptance of works through a WKA 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. Unless otherwise agreed with a developer, Council will manage the preparation of any draft agreement

**3.6.4 Works required as a condition of consent**

In addition to infrastructure contributions, development may be conditioned to require the provision of infrastructure.

Council maintains existing infrastructure as necessary to ensure an acceptable standard of service. Some infrastructure and locations may not be able to accommodate additional growth (for example new housing or additional heavy vehicle loading) without immediate upgrades. For example, there may be upgrades to roads, footpaths, drains, or traffic facilities that are directly required by a development and without which the development could not or should not reasonably occur.

New infrastructure, or upgrades to existing infrastructure, may be required to accommodate the additional growth and the impacts attributed to the new development.

Existing infrastructure items listed in the Plan to be funded by contributions may not have been designed to accommodate the level of additional growth that is attributed to a new development. These items may have been considered sufficient to maintain an acceptable level of service without the new development, but would be insufficient to maintain that level should the new development go ahead. In these instances, the upgrades required to these infrastructure projects can be attributed to the new development and without which the development could not or should not reasonably occur.

Where a development requires works to be undertaken, the requirement will be by way of a condition imposed on the development consent under section 4.17(1)(f) of the EP&A Act. This will be in addition to any local infrastructure contributions required.



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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, WIKA, 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;

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- (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;
- (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.

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**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

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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.

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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.

**4.5 Pooling of Contributions**

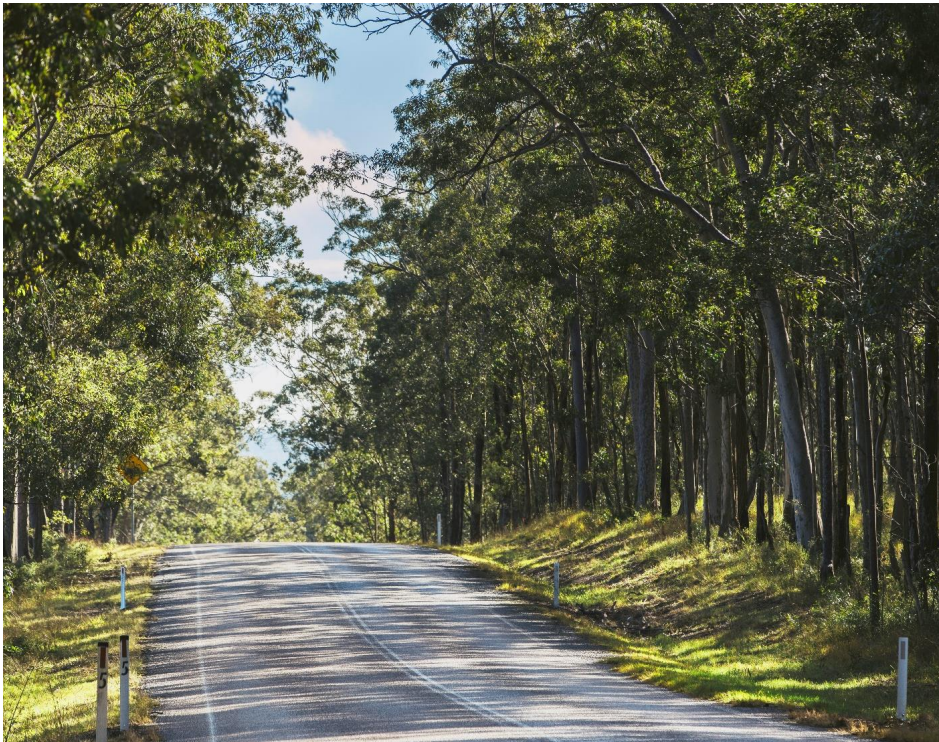
This plan authorises monetary contributions paid for different purposes to be pooled and applied (progressively or otherwise) to any item as set out in the Works Schedule of this Plan (Appendix A).

**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

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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 Hinterland – 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<sup>\$</sup>** 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.

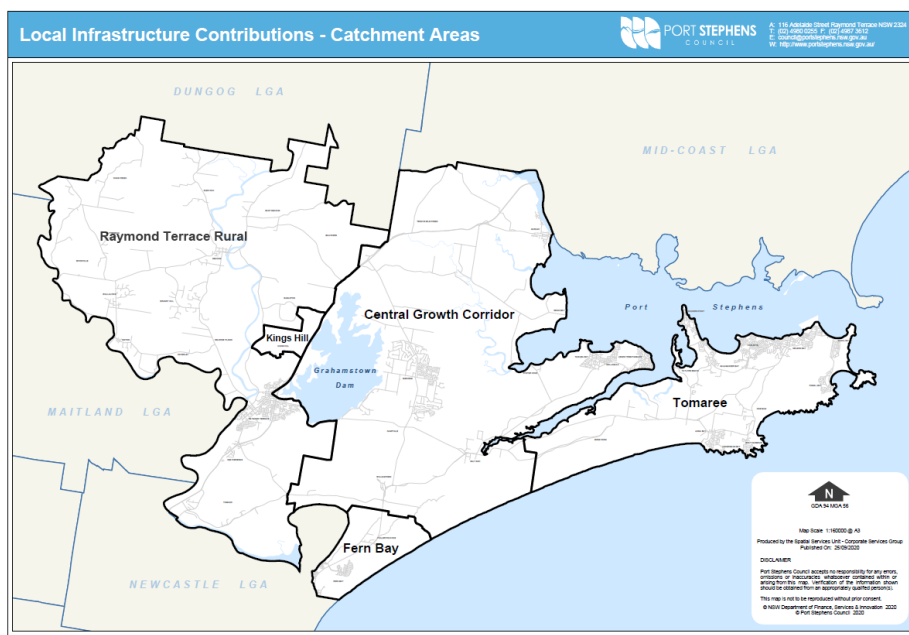
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### 5.1.2 Apportionment

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.



### 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



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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.

#### Civic Administration - Plan Management Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the Hinterland	<del>\$655</del> <b>\$755</b>
Central Growth Corridor	<del>\$658</del> <b>\$757</b>
Tomaree	<del>\$655</del> <b>\$755</b>
Fern Bay	<del>\$655</del> <b>\$756</b>
Kings Hill URA	\$723

### 5.3.2 Civic Administration - Works Depot

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.

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A site area for a new works depot at Raymond Terrace is estimated at between 2.02 to 2.6 hectares and for Nelson Bay is estimated between 1.4 to 1.6 hectares. This area is 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, including all assets and infrastructure is estimated at \$7.5 \$13.75 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 depot provides 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 cost 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<sup>\$</sup>** 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.

### Civic Administration Works - Depot Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the Hinterland	<del>\$1,268</del> \$1,170
Central Growth Corridor	<del>\$1,274</del> \$1,170
Tomaree	<del>\$1,266</del> \$1,170
Fern Bay	<del>\$1,268</del> \$1,170
Kings Hill URA	\$1,401

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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.

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

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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<sup>\$</sup>** 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.

### Town Centre Upgrades Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the Hinterland	\$3,414
Central Growth Corridor	\$3,433
Tomaree	\$3,412
Fern Bay	\$3,414
Kings Hill URA	\$3,772

### 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 a 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 masterplans 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 populations, including populations beyond the immediate locality, as well as projects in areas that are already at capacity.

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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<sup>\$</sup>** 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.

### Public Open Space, parks and Reserves Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the Hinterland	\$861
Central Growth Corridor	<del>\$2,308</del> <b>\$2,443</b>
Tomaree	<del>\$2,085</del> <b>\$2,264</b>
Fern Bay	\$368
Kings Hill URA	\$407

### 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 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 a LGA-wide Recreation Strategy to provide the overarching framework and strategic direction for recreation facilities and services in Port

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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:

- \$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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### Sports and Leisure Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the Hinterland	<del>\$1,846</del> <b>\$4,282</b>
Central Growth Corridor	<del>\$2,884</del> <b>\$3,565</b>
Tomaree	<del>\$1,961</del> <b>\$2,082</b>
Fern Bay	<del>\$1,651</del> <b>\$1,948</b>
Kings Hill URA	\$1,824

### 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

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the minimum standards outlined in 'NSW Living Learning Libraries: Standards and Guidelines for NSW Public Libraries'.

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<sup>\$</sup>** 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.

### Community and Cultural Facilities Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the Hinterland	\$443
Central Growth Corridor	\$445
Tomaree	<del>\$1,332</del> <b>\$445</b>
Fern Bay	\$443
Kings Hill URA	\$489

### 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.

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- The nexus between the anticipated development and the improvements to the existing road network taking into account:
  - 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<sup>\$</sup>** is the apportionment of costs towards local infrastructure contributions.
- C<sup>u</sup>** is the cost of upgrade.
- C<sup>l</sup>** 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<sup>\$</sup>** 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.

### Road Works Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the Hinterland	<del>\$5,708</del> <b>\$3,190</b>
Central Growth Corridor	<del>\$3,250</del> <b>\$2,439</b>
Tomaree	\$3,570
Fern Bay	<del>\$3,963</del> <b>\$4,804</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 2041 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:

$$\$C = \sum \left( \frac{\$TP}{ND} \right) \times \%F\$$$

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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.

### Medowie Traffic and Transport Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the Hinterland	\$0
Central Growth Corridor	\$3,135
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:

**\$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<sup>\$</sup>** 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.

### Shared paths section 7.11 contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the Hinterland	\$4,239
Central Growth Corridor	\$481
Tomaree	\$3,286
Fern Bay	\$3,477 <b>\$2,336</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<sup>\$</sup>** 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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### Bus Facilities Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the Hinterland	\$18
Central Growth Corridor	\$33
Tomaree	\$9
Fern Bay	\$1,121
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).
- %F<sup>\$</sup>** 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.

### Fire and Emergency Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the Hinterland	<del>\$36</del> <b>\$116</b>
Central Growth Corridor	\$0
Tomaree	<del>\$245</del> <b>\$528</b>
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 projects 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.
- \$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.

### Flood and drainage Works Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the Hinterland	\$720
Central Growth Corridor	\$1,795
Tomaree	<del>\$1,877</del> <b>\$2,177</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 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:



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$$\%PSC = \frac{PFB}{PopTot}$$

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.

## Cross boundary contributions section 7.11 contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the Hinterland	\$0
Central Growth Corridor	\$0
Tomaree	\$0
Fern Bay	\$3,337
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).

For the purpose of this Plan, the contributions collected for haulage will go towards all necessary works of carriageway construction and maintenance, including pavement, associated culverts, bridges, drainage, signs, line marking, noise attenuation measures, landscaping, safety and traffic management measures, including bus bays, pedestrian crossings and footpaths associated with the haulage route.

Some roads and infrastructure may not be able to accommodate additional heavy vehicle loading without immediate upgrades. There may be upgrades to roads or traffic facilities that are directly required by a development and without which the development could not or should not reasonably occur. New roads, or upgrades to the existing road network, may be required to accommodate the additional heavy vehicle loading. Where a development requires works to be undertaken, the requirement will be by way of a condition imposed on the development consent under section 4.17(1)(f) of the EP&A Act. This will be in addition to contributions required for haul routes.

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.

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**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).

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 10%).

Step 9: Calculate the total contribution rate by multiplying the outcome from Step 8 by the outcome from Step 7.

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$$\$CR = \$tkm \times (100\% + \$PA)$$

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:

\$0.086 **\$0.097**/t/km (which is equivalent to \$1.247/t based on a 14.5km haulage route)

### 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:

- Contributions for local infrastructure within the Kings Hill area catchment,
- Contributions for Kings Hill and Raymond Terrace, and
- Contributions for LGA wide infrastructure

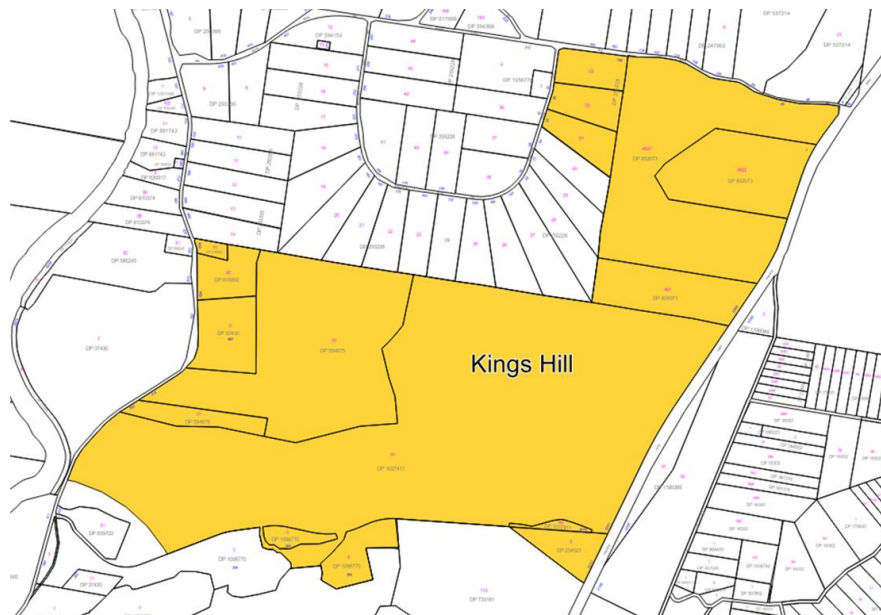
Contributions (b) and (c) are described elsewhere in other sections of the Plan. This section of the Plan is subject to all the administration, indexation and other matters contained in other sections of the Plan.

#### 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.

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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.

### **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.

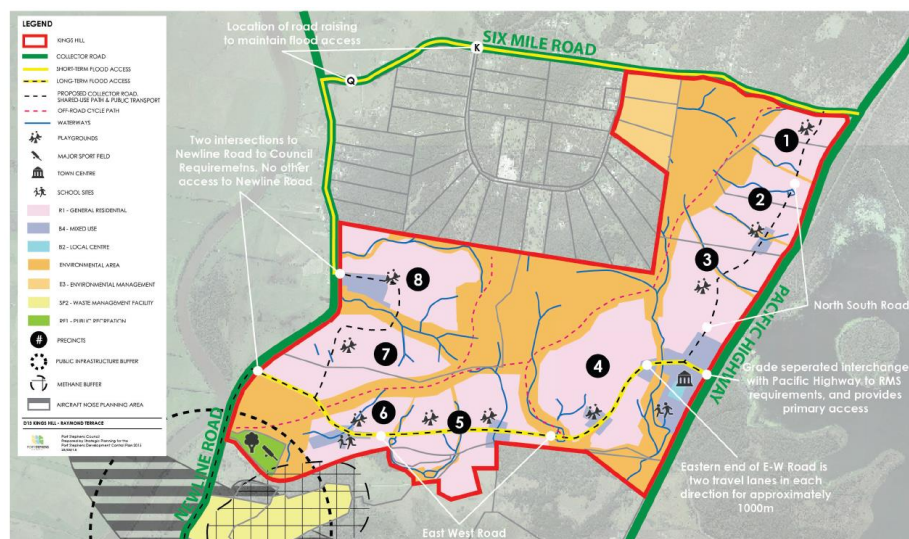
#### Local infrastructure needs and nexus

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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
- 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,

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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
- 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

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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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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 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).

#### 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.

<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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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).

### 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).

<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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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**

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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 Building

### All Catchments

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTION- MENT	STAGING THRESHOLD
CAF1	Raymond Terrace Works Depot	11,250,000	60%	2020
CAF2	Nelson Bay Works Depot - Phase 1	3,750,000 13,750,000	60%	2024 2027
CAF3	Council Administration Building Upgrade, Raymond Terrace - Phase 1	3,750,000	60%	2024
CAF4	Council Administration Building Upgrade, Raymond Terrace - Phase 2	3,750,000	60%	2025
Total Estimate		18,750,000 17,500,000		

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### A.2 Town Centre Upgrades

#### All Catchments

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTION- MENT	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 and the Hinterland

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTIONMENT	STAGING THRESHOLD
OSF2	Lakeside 2 Reserve, Raymond Terrace - public amenities	150,000 210,000	100% 70%	2024 2026
OSF4	Feeney Park, Raymond Terrace - playground	70,000 150,000	60%	2030
OSF5	Seaham Park, Seaham - playground	150,000	60%	2027
OSF6	Seaham Park, Seaham - park furniture, shelters and BBQ	60,000	40%	2027
OSF8	Riverside Park, Raymond Terrace - public amenities	150,000 210,000	60%	2025 2028
OSF9	Wallalong - playground	150,000	60%	2025
OSF59	Elkin Ave Reserve - playground upgrade / replacement	80,000	70%	2024
OSF60	Boomerang Park - irrigation upgrade	55,000	60%	2027
OSF71	Riverside Park, Raymond Terrace - park infrastructure	72,000 100,000	100% 71%	2024 2027
OSF77	Riverside Park, Raymond Terrace - playground	150,000	60%	2027
Total Estimate		985,000 1,175,000		

#### Central Growth Corridor

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTIONMENT	STAGING THRESHOLD
OSF13	Kindlebark Reserve, Medowie - playground	70,000 150,000	60%	2028 2027
OSF14	Koondah Park to Rudd Reserve, Lemon Tree Passage - park furniture and respite seating	50,000	100%	2024 2026
OSF46	Aliceton Reserve, Karuah - public amenities	150,000	100%	2023
OSF18	Coolabah Reserve, Medowie - park furniture, seating and half multi-sport court	70,000	60%	2027
OSF19	Creighton Drive Reserve, Medowie - playground	70,000	60%	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 - reserve upgrades	150,000	60%	2024
OSF23	Foster Park, Tanilba Bay - boat ramp	300,000	60%	2027
OSF24	Gula Reserve, Tanilba Bay - playground	70,000 150,000	60%	2029 2028
OSF25	Lilly Pilly Reserve, Lemon Tree Passage - boat ramp	300,000 500,000	60%	2025 2027
OSF26	McCann Park, Lemon Tree Passage - recreation facility improvements	150,000	60%	2025 2027
OSF27	Koondah Park, Lemon Tree Passage - formalise off-leash dog exercise area	80,000	100%	2025 2027



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OSF28	Sunset Park, Tanilba Bay - park furniture and upgrade works	60,000	40%	2025
OSF29	<del>Henderson Park, Lemon Tree Passage - reserve upgrades</del>	<del>150,000</del>	<del>60%</del>	<del>2031</del>
OSF61	Salt Ash - amenities building	120,000	60%	2024
OSF72	Medowie Recreation Precinct - upgrades	3,500,000	100%	2026
OSF73	Memorial Park, Karuah - upgrades	<del>20,000</del> 120,000	100%	<del>2025</del> 2027
OSF76	Aliceton Reserve, Karuah - <del>upgrades</del> implement masterplan	<del>250,000</del> 800,000	<del>100%</del> 60%	<del>2026</del>
OSF78	Henderson Park, Lemon Tree Passage - playground	180,000	60%	2031
OSF79	Longworth Park, Karuah - playground	150,000	60%	2027
Total Estimate		5,670,000 6,530,000		

**Tomaree**

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTIONMENT	STAGING THRESHOLD
OSF33	Spencer Park, Soldiers Point - playground and park furniture	190,000	60%	<del>2023</del> 2025
OSF34	<del>Taylors Beach - playground</del>	<del>70,000</del>	<del>60%</del>	<del>2023</del>
OSF38	Anna Bay Recreation Area, Anna Bay - facilities improvement	<del>100,000</del> 150,000	<del>60%</del> 50%	<del>2025</del>
OSF39	Angophora Park, Corlette - playground and park furniture	<del>110,000</del> 150,000	60%	<del>2027</del> 2030
OSF40	Conroy Park, Corlette - public amenities block	<del>150,000</del> 210,000	60%	<del>2025</del> 2026
OSF42	<del>Fisherman's Bay - park furniture and shelters</del>	<del>60,000</del>	<del>60%</del>	<del>2025</del>
OSF43	One Mile Beach, One Mile - <del>park furniture, shelters and BBQs</del> amenities	<del>60,000</del> 500,000	60%	<del>2025</del> 2026
OSF44	Bob Cairns, Salamander Bay - playground	<del>70,000</del> 150,000	60%	<del>2025</del> 2026
OSF45	Pearson Park, Soldiers Point - <del>park furniture upgrade</del> playground and amenities	<del>70,000</del> 500,000	40%	<del>2027</del> 2028
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 - <del>furniture replacement and</del> amenities	<del>295,000</del> 400,000	60%	<del>2023</del> 2028
OSF63	<del>Kerera Oval - playground</del>	<del>80,000</del>	<del>60%</del>	<del>2024</del>
OSF64	<del>Shoal Bay East - amenities</del>	<del>140,000</del>	<del>60%</del>	<del>2025</del>
OSF65	Taylors Beach - foreshore reserve furniture	40,000	60%	2026
OSF67	Neil Carroll - amenities	88,000	60%	2024
OSF74	<del>Little Beach Reserve - upgrades</del>	<del>150,000</del>	<del>60%</del>	<del>2024</del>
OSF75	<del>Corlette Headland - boardwalk upgrade</del>	<del>80,000</del>	<del>40%</del>	<del>2025</del>
Total Estimate		3,683,000 4,290,000		

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All Catchments

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTION- MENT	STAGING THRESHOLD
OSF50	Lakeside Aquatic Centre, Raymond Terrace - facilities upgrades	500,000	60%	2025 2027
OSF51	Tomaree Aquatic Centre, Nelson Bay - facilities upgrades	500,000	60%	2025 2027
OSF52	Tilligerry Aquatic Centre, Mallabula - facilities upgrades	200,000 400,000	60%	2025 2028
OSF53	Nelson Bay Foreshore, Nelson Bay - playground upgrades and park facilities improvements	750,000	80%	2030 2028
OSF54	Nelson Bay Foreshore, Nelson Bay - viewing platforms, lighting, beach facilities, beach access points, landscape improvement	500,000	80%	2030
OSF55	Apex Park redevelopment, Nelson Bay - implementation of masterplan	500,000	80%	2027
OSF57	Fly Point Reserve, Nelson Bay - skate park improvements	250,000	80%	2025
OSF58	Boomerang Park, Raymond Terrace - car park upgrade	600,000	80%	2030
OSF68	Boomerang Park, Raymond Terrace - playground upgrade, park facilities improvements and skate park improvements	600,000	80%	2030 2035
OSF80	Flypoint - Neil Carroll, Shoal Bay - masterplan design	100,000	80%	2026
Total Estimate		4,400,000 4,450,000		

Local Infrastructure Contributions Plan...3

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### A.4 Sports and Leisure Facilities

#### Raymond Terrace and the Hinterland

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTION- MENT	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
SRF23	Brandon Park, Seaham – facility upgrades including pathways, amenities, lighting, landscaping	80,000	60%	2023
SRF27	Lakeside Sports Complex, Raymond Terrace - implement masterplan	6,000,000	60%	2025
SRF28	Boomerang Park, Raymond Terrace - dog park, building renovation	300,000	60%	2028
SRF29	Stuart Park, Hinton - field lighting	350,000	60%	2027
Total Estimate		430,000 6,650,000		

#### Central Growth Corridor

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTION- MENT	STAGING THRESHOLD
SRF5	Mallabula Sports Complex, Mallabula – review of masterplan	50,000	100%	2024
SRF7	Medowie - tennis facility upgrade	150,000	60%	2025
SRF8	Ferodale Sports Complex, Medowie - additional playing field and facility improvements	2,000,000 4,000,000	100% 60%	2025 2027
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
SRF30	Mallabula Sports Complex, Mallabula - implement masterplan	6,500,000	40%	2026
Total Estimate		3,900,000 10,650,000		

#### Tomaree

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTION- MENT	STAGING THRESHOLD
SRF11	Tomaree Aquatic Centre, Nelson Bay - shade structure	150,000	100%	2024
SRF12	Salamander Sports Complex, Salamander Bay - lighting upgrades	50,000 350,000	60%	2024
SRF13	Salamander Sports Complex, Salamander Bay - field renovation	400,000	60%	2024
Total Estimate		600,000 900,000		

#### Fern Bay

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTION- MENT	STAGING THRESHOLD
SRF31	Fern Bay - tennis court upgrade	250,000	60%	2027
Total Estimate		250,000		

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## All Catchments

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTION- MENT	STAGING THRESHOLD
SRF14	King Park Sports Complex, Raymond Terrace - carpark upgrade	500,000	60%	2026 2027
SRF17	King Park Sports Complex, Raymond Terrace - implementation of masterplan	7,500,000	100%	2025 2026
SRF18	King Park Sports Complex, Raymond Terrace - field renovation	400,000	60%	2025 2026
SRF26	Tomaree Sports Complex - implementation of masterplan	6,681,566	100%	2025
Total Estimate		15,081,566		

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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
Total Estimate		1,500,000		

### All Catchments

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTIONMENT	STAGING THRESHOLD
CCF2	Library Resources	4,000,000	100%	2020-36
Total Estimate		4,000,000		



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### A.6 Roadworks

#### Raymond Terrace and the Hinterland

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTIONMENT	STAGING THRESHOLD
RW2	Paterson Street, Hinton – bridge to 3 Paterson Street	108,739	63%	2027
RW5	Kuranga Avenue/Dawson Road, Raymond Terrace – upgrade intersection to roundabout	1,150,000	100%	2025
RW8	Adelaide Street, Raymond Terrace – 249a Adelaide Street to 251 Adelaide Street	268,497	54%	2025
RW12	East Seaham Road, East Seaham – 348 East Seaham Road to 407 East Seaham Road	481,257	64%	2025
RW17	Central Carpark, Raymond Terrace	729,302	44% 50%	2025 2027
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 - carpark	959,023	44% 50%	2025 2027
RW21	Laverick Avenue, Tomago - 21 Laverick Avenue	333,590	64%	2025 2027
RW22	Boomerang Park 2, Raymond Terrace - carpark	271,187 300,000	44% 50%	2030
RW55	Rees James Road, Raymond Terrace - Bellevue Street to Kuranga Avenue	1,095,000	90%	2025 2026
RW56	Rees James Road, Raymond Terrace - Kuranga Avenue to Harold Road	720,000	90%	2025 2026
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
RW70	East Seaham Road, East Seaham – 806 East Seaham Road to 1042 East Seaham Road	1,537,353	48%	2023
RW71	Duns Creek Road, Duns Creek - 201 Duns Creek Road to 238 Duns Creek Road	406,359	48% 30%	2023 2027
Total Estimate		11,568,986 5,780,274		

#### Central Growth Corridor

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTIONMENT	STAGING THRESHOLD
RW25	Ferodale Road, Medowie - 51 Ferodale Road to 85 Ferodale Road	360,000	72%	2027
RW27	Ferodale Road - Campvale drain bridge upgrade	1,200,000 3,200,000	100% 50%	2032
RW28	Richardson Road/Grahamstown Dam Road, Campvale – upgrade intersection to roundabout	2,000,000	100%	2030
RW29	Ferodale Road / Peppertree Road, Medowie - upgrade intersection to signalised	1,600,000	100%	2027
RW32	Ferodale Road, Medowie – roundabout to 46 Ferodale Road	111,387	54%	2025
RW37	Tarean Road, Karuah – 233 Tarean Road to 264 Tarean Road	275,962	54%	2030

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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
<b>RW75</b>	<b>Tarean Road, Karuah - road improvements</b>	<b>1,200,000</b>	<b>60%</b>	<b>2027</b>
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	Wychewood Avenue, Mallabula - Strathmore Road to Hartford Street	1,319,200	30%	2030
RW72	The Bucketts Way, Twelve Mile Creek - 309 The Bucketts Way to 309 The Bucketts Way	860,214	38%	2025
RW73	The Bucketts Way, Twelve Mile Creek - 451 The Bucketts Way to boundary	1,024,798	33%	2025
RW74	Yulong Park, Medowie - carpark	707,331 <b>750,000</b>	44% <b>50%</b>	2030
<b>RW76</b>	<b>Ferodale Road, Medowie - 36 to 44 Ferodale Road</b>	<b>1,210,000</b>	<b>80%</b>	<b>2032</b>
<b>Total Estimate</b>		<b>12,452,480</b> <b>10,215,200</b>		

Tomaree

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTION- MENT	STAGING THRESHOLD
RW44	Gowrie Avenue, Nelson Bay - Shoal Bay Road to Kerrigan Street	308,172	78%	2030
RW45	Tomaree Sports Complex 2, Nelson Bay - carpark	1,273,795	70%	2027
RW47	Dowling Street, Nelson Bay - Fingal Street to 29 Dowling Street	359,558	73%	2025 <b>2026</b>
RW50	Dowling Street, Nelson Bay - <del>parking action</del> - town centre bypass work	750,000	100%	2029
RW51	Dowling St/Fingal St - <del>parking action</del> - signalised intersection	1,600,000	40%	2026 <b>2030</b>
RW52	Donald St/Stockton St - <del>parking action</del> - signalised intersection	1,600,000	40%	2026 <b>2030</b>
RW64	Tomaree Road, Shoal Bay - Messines Street to Edward Street	862,500	80%	2026 <b>2032</b>
RW65	Tomaree Road, Shoal Bay - Edward Street to Verona Road	901,250	80%	2026 <b>2032</b>
<b>Total Estimate</b>		<b>7,655,275</b>		

Fern Bay

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTION- MENT	STAGING THRESHOLD
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
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
<b>RW77</b>	<b>Fern Bay Reserve, Fern Bay - carpark</b>	<b>1,420,000</b>	<b>30%</b>	<b>2030</b>
<b>Total Estimate</b>		<b>2,390,000</b> <b>3,810,000</b>		

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### A.7 Medowie Traffic and 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	33,600	43% 65%	2026
MTT2	Medowie Road - gateway treatment and change in speed zone north of Kindlebark Drive,	33,000	43% 60%	2026
MTT3	Medowie Road - gateway treatment at entrance to Medowie south of South Street	33,000	43% 60%	2026
MTT4	Medowie Road - gateway treatment and change in speed zone south of Ferodale Road	33,000	43% 60%	2026
MTT5	Medowie Road/Brocklesby Road - upgrade intersection to roundabout	2,050,000	43%	2032
MTT7	Lisadell Road/Fairlands Road - road widening and upgrade intersection to roundabout	802,000	43%	2030
MTT8	Lisadell Road/Abundance Road - road realignment to create a T intersection with priority given to the through movement.	615,000	43%	2027
MTT9	Abundance Drive - gateway treatment and change in speed zone south of Industrial Road	33,000	43%	2026
MTT10	Abundance Drive/Ferodale Road - upgrade intersection to roundabout	902,000	43%	2032
MTT11	Ferodale Road/Kirrang Drive - upgrade existing roundabout	820,000	43%	2030
MTT12	Ferodale Road - upgrade entrance to commercial land at 37B Ferodale Road to roundabout	820,000	43%	2035
MTT13	Various roads - on-road signage and line markings	16,500	43%	2023
MTT14	Medowie Road - off-road shared path from Medowie Road to Cherry Tree Close	50,000	43%	2028
MTT16	Medowie Road - off-road shared path from Ferodale Road to 500m south	500,000	43%	2026
MTT17	Various roads - on-road signage and line markings within rural-residential areas	16,500	43%	2024
MTT18	Ferodale Rd - off-road shared path from Kirrang Drive to Coachwood Drive	1,080,000	43%	2035
MTT19	Ford Avenue - off-road shared path with cadastral corridor from Ford Avenue to Sylvan Avenue	50,000	43%	2029
MTT25	Medowie Road - install pedestrian refuge island south of Ferodale Road	50,000	43%	2028
MTT26	Medowie Road - install pedestrian refuge island at Blueberry Road	24,200	43%	2030
MTT27	Kirrang Drive - install pedestrian refuge island at Ferodale Road	24,200	43%	2030
MTT28	Brocklesby Road - install pedestrian refuge island at Ferodale Road	25,000	43%	2023
MTT29	Ferodale Road - upgrade pedestrian refuge island west of Medowie Road	24,200	43%	2023
MTT30	Various Intersection Upgrades - kerb and gutter and ramps at Ferodale Road intersection with Waropara, Bottle Brush Avenue and Kirrang Drive	157,500	43%	2028
MTT31	Install Bicycle Parking Facilities	50,000	43%	2030
MTT33	Brocklesby Road - off-road shared path from Medowie Road to Ferodale Road	975,000	43%	2032
MTT36	Medowie Road/Blueberry Road - improve channelisation of intersection	176,000	43%	2032

Local Infrastructure Contributions Plan...3

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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
MTT41	Medowie Road/Kindlebark Drive - upgrade intersection to roundabout	1,500,000	55%	2032
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
MTT46	Kirrang Drive - off-road shared path from Ferodale Road to Medowie Road	2,830,000	45%	2030
MTT47	Lisadell Road and Abundance Road - pavement widening from Fairlands Road to Abundance road	1,268,942	55%	2023
<b>Total Estimate</b>		<b>17,579,542</b>		
		<b>17,523,000</b>		

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### A.8 Shared Paths

#### Raymond Terrace and the Hinterland

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTIONMENT	STAGING THRESHOLD
SP1	Raymond Terrace to Lakeside, Raymond Terrace - construction of a new shared pathway	350,000	100%	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
SP8	Lakeside No.2 Reserve, Raymond Terrace - shared path from Halloran Way to Luskin Close	48,600	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
SP14	Hunter Street, Raymond Terrace - shared path from William Street to Barnier Lane	74,000 409,500	100%	2027
SP15	Newbury Park Reserve, Raymond Terrace - shared path from Adelaide Street to Mount Hall Road	89,700	100%	2027
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
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
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
SP80	Glenelg Street, Raymond Terrace - shared path from Adelaide Street to Charles Street	504,573	100%	2027



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SP81	Rees James Road, Raymond Terrace - shared path from Bellevue Street to end	851,467	100%	2027
SP82	Elizabeth avenue, Raymond Terrace - shared path from Charles street to end	1,009,146	45%	2026
<b>Total Estimate</b>		<b>7,324,606</b>		

**Central Growth Corridor**

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTION- MENT	STAGING THRESHOLD
SP25	Wattle Street, Karuah - shared path from Tarean Road to Engel Avenue	45,600	100%	2027
SP26	Engel Avenue, Karuah - shared path From Wattle Street to Karuah MPC	39,900	100%	2027
FP29	Tarean Road, Karuah - footpath from Bundabah Street to Longworth Park	28,000	100%	2027
SP31	Silver Wattle Drive, Medowie - shared path from Medowie Road to Bottle Brush Avenue	<del>19,250</del> 20,000	100%	2027
SP36	<del>Cook Parade, Lemon Tree Passage - shared path from Morton Avenue to Meredith Avenue</del>	<del>338,200</del>	100%	2027
SP37	<del>Kawarren Street, Lemon Tree Passage - shared path from Blanch Street to Kenneth Parade</del>	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	<del>68,400</del> 69,000	100%	2027
SP71	Strathmore Road / Fairlands Road, Mallabula - shared path from Pershing Place to Aquatic Centre	<del>160,400</del> 161,000	24%	2028
SP72	Barclay Street, Karuah - Shared path from Bundabah Street to Longworth Park	112,600	40%	2028
SP83	Mustons Road, Karuah - shared path from Boronia Road to Mustons Gully	<del>219,992</del> 520,000	85%	<del>2024</del> 2026
SP84	Mustons Road, Karuah - shared path from Mustons Gully to Tarean Road	<del>197,799</del> 495,000	85%	<del>2024</del> 2026
<b>Total Estimate</b>		<b>1,507,541</b> <b>1,597,500</b>		

**Tomaree**

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTION- MENT	STAGING THRESHOLD
SP42	Campbell Avenue, Anna Bay - shared path from Gan Gan Road to Robinson Street	317,000	<del>100%</del> 60%	2027
SP43	Robinson Street, Anna Bay - shared path from Campbell Avenue to Robinson Reserve	165,000	<del>100%</del> 60%	2027
SP44	Sandy Point Road, Corlette - shared path from Roy Wood Reserve to foreshore	19,000	100%	2027
SP46	Bagnall Beach Road, Corlette - shared path from Marlin Street to crossing point	<del>19,000</del> 60,000	100%	2027
SP47	Bagnall Beach Road, Corlette - shared path from crossing point to Maruway Street	<del>49,400</del> 129,000	100%	2027
SP48	Bagnall Beach Road, Corlette - shared path from King Fisher Reserve to detention basin	<del>103,000</del> 200,000	100%	2027

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SP49	Bagnall Beach Road, Corlette - shared path from Marlin Street to end of existing	24,700 60,000	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	220,000 950,000	100% 80%	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	401,000	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
SP59	Government Road, Shoal Bay - shared path from Messines Street to Peterie Street	241,300	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	355,800 700,000	100% 80%	2027
SP77	Beach Road, Shoal Bay - shared path from Harwood Avenue to Shoal Bay Road	900,000	96% 100%	2027
<b>Total Estimate</b>		<b>4,545,455</b> <b>5,032,200</b>		

**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
<b>Total Estimate</b>		<b>1,604,000</b> <b>1,025,000</b>		

Local Infrastructure Contributions Plan...3

## ITEM 5 - ATTACHMENT 1 DRAFT PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.

### A.9 Bus Facilities

#### Raymond Terrace and the Hinterland

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTION-MENT	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 \$	APPORTION-MENT	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
BS7	Nelson Bay Road at Steel Street, Williamtown - bus shelter	20,000	60%	2036
BS10	Medowie Road, Medowie near intersection of Gardenia Drive - bus shelter	20,000	60%	2036
<b>Total Estimate</b>		<b>120,000</b>		

#### Tomaree

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTION-MENT	STAGING THRESHOLD
BS8	Fitzroy Street at Campbell Avenue, Anna Bay - bus shelter	20,000	60%	2036
<b>Total Estimate</b>		<b>20,000</b>		

#### All Catchments

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTION-MENT	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>		

## ITEM 5 - ATTACHMENT 1 DRAFT PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.

### A.10 Fire and Emergency Services

#### Raymond Terrace and the Hinterland

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTION- MENT	STAGING THRESHOLD
FEF1	Seaham RFS - enclose existing carport at RFS station to provide a training room and kitchen facilities	80,000 280,000	60%	2022 2028
Total Estimate		80,000 280,000		

#### Tomaree

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTION- MENT	STAGING THRESHOLD
FEF2	Upgrade to Tomaree Soldiers Point SES - Tomaree emergency facilities	300,000 3,000,000	60% 20%	2023 2025
FEF3	Soldiers Point RFS - Tomaree emergency facilities - expand current facility to 3 vehicle bay and adding a training room at Soldiers Point	250,000	60%	2031
Total Estimate		550,000 3,250,000		

## ITEM 5 - ATTACHMENT 1 DRAFT PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.

### A.11 Flooding and Drainage Works

#### Raymond Terrace and the Hinterland

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTIONMENT	STAGING THRESHOLD
FD2	Elizabeth Street, Raymond Terrace – construction of a new drainage system from Elizabeth Street to Phillip Street via Charles Street	550,000	70%	2027
FD3	Kingston Parade, Heatherbrae – upgrading the drainage system from Kingston Parade to the floodplain via 5 Kingston Parade	300,000	70%	2027
FD4	Richardson Road/Halloran Way, Raymond Terrace – detention basin with pre-treatment	850,000	70%	2027
FD5	Enterprise Drive, Tomago – upgrade drainage system at Enterprise Drive	350,000	70%	2027
FD22	Raymond Terrace – Rural Catchment – construct and / or upgrade drainage systems and overland flow paths	–455,000	100%	2027
FD26	Raymond Terrace - construct and / or upgrade drainage systems and overland flow paths within the urban catchment	1,875,000	60%	2030
FD27	Heatherbrae - construct and / or upgrade drainage systems and overland flow paths within the urban catchment	450,000	70%	2030
FD28	Tomago - construct and / or upgrade drainage systems and overland flow paths within the industrial catchment	450,000	70%	2030
FD29	Hinterland - construct and / or upgrade drainage systems and overland flow paths	450,000	30%	2030
Total Estimate		2,505,000 3,225,000		

#### 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 2030
FD7	Abundance Road, Medowie - land acquisition	2,000,000	100%	2025 2030
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 Ferdeale Road and 754 Medowie Road	350,000	100%	2030
FD12	Medowie Road, Medowie – channel improvement from Medowie Road to 38 Ferdeale Road	220,000	100%	2030
FD13	Meredith Avenue, Lemon Tree Passage - upgrade the existing drainage system	500,000	50%	2032
FD23	Medowie – improve and enlarge existing drains crossing roads, overland flow paths, downstream drainage systems	–190,000	100%	2027
FD24	Central Growth Corridor – construct and / or upgrade drainage systems and overland flow paths	–310,000	100%	2027
FD30	Medowie - construct and / or upgrade drainage systems and overland flow paths within the urban catchment	1,680,000	85%	2030

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FD31	Karuah - construct and / or upgrade drainage systems and overland flow paths within the urban catchment	400,000	80%	2030
FD32	Tilligerry Peninsula - construct and / or upgrade drainage systems and overland flow paths within the urban catchment	500,000	80%	2030
Total Estimate		5,270,000		
		5,180,000		

Tomaree

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTION- MENT	STAGING THRESHOLD
FD14	Waratah Avenue, Soldiers Point – upgrading the drainage system and construction of a new drainage channel	400,000	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
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
FD25	Tomaree – construct and / or upgrade drainage systems and overland flow paths	400,000	100%	2027
FD33	Shoal Bay - construct and / or upgrade drainage systems and overland flow paths within the urban catchment	1,000,000	80%	2030
FD34	Nelson Bay - construct and / or upgrade drainage systems and overland flow paths within the urban catchment	460,000	80%	2030
FD35	Soldiers Point - construct and / or upgrade drainage systems and overland flow paths within the urban catchment	400,000	50%	2030
FD36	Salamander Bay - construct and / or upgrade drainage systems and overland flow paths within the urban catchment	450,000	60%	2030
Total Estimate		6,365,000		
		6,060,000		



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## A.12 Cross Boundary Project - City of Newcastle

### Fern Bay

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTION- MENT	STAGING THRESHOLD
CBP1	South Stockton Active Hub	158,143 350,000	100% 57%	2022 2026
CBP2	Stockton sporting facilities – upgrades to Corroba Oval, Ballast Ground, pool, netball and tennis court and supporting infrastructure	2,372,146 2,303,217	60%	2023 2030
Total Estimate		2,530,289 2,653,217		

## ITEM 5 - ATTACHMENT 1 DRAFT PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.

### A.13 Kings Hill Urban Release Area

#### Kings Hill

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTION-MENT	STAGING THRESHOLD
KH1	East/west collector road (land acquisition and capital costs)	32,496,123	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)	2,015,000	100%	2030
KH8	District park (land acquisition and capital costs)	8,018,530	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>63,980,753</b>		

#### Kings Hill and Raymond Terrace

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTION-MENT	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>		

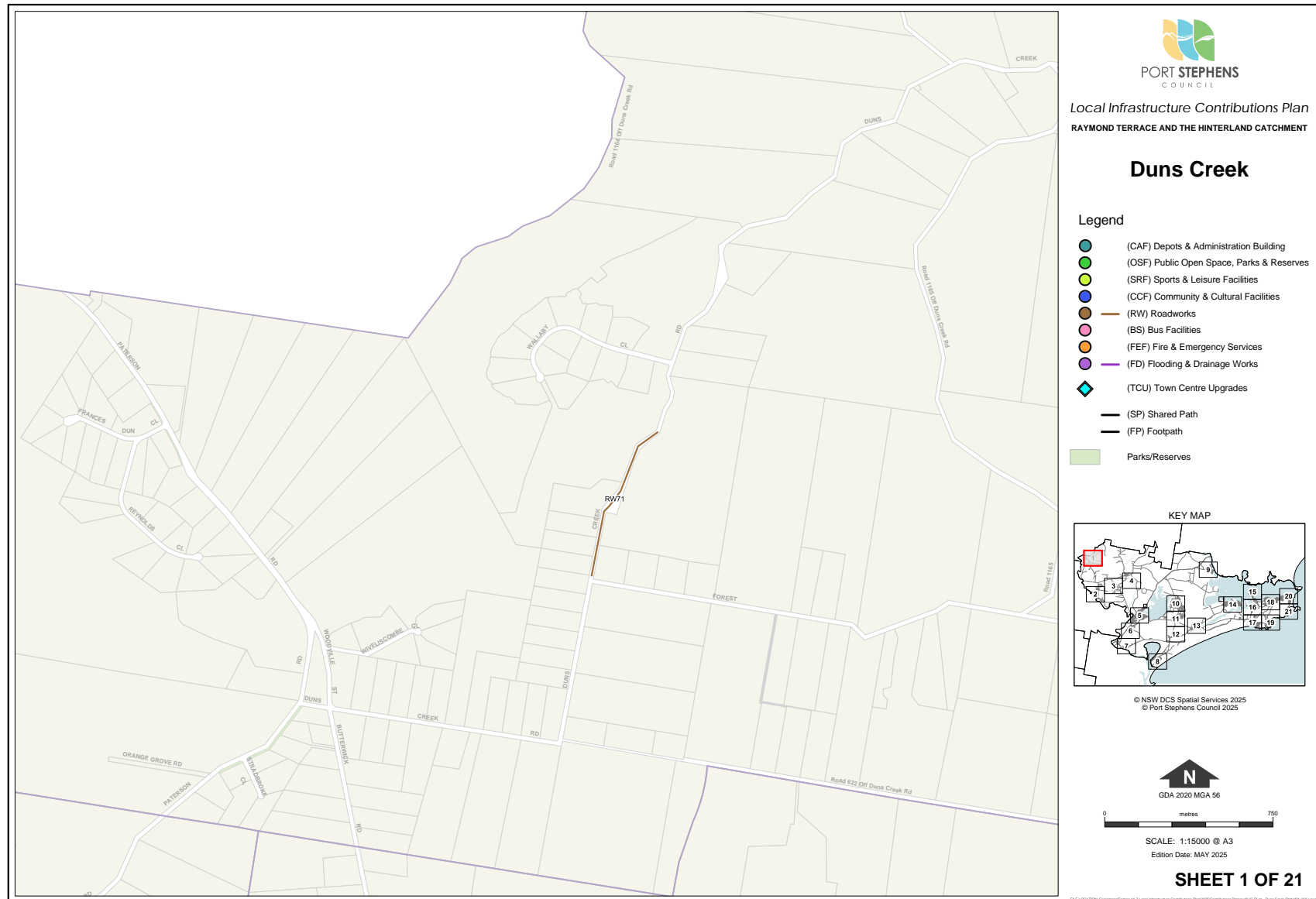
#### All Catchments

PROJECT NO	PROJECT DESCRIPTION	ESTIMATE \$	APPORTION-MENT	STAGING THRESHOLD
KH18	Raymond Terrace - indoor sports and recreation centre	22,754,000	12%	2024
<b>Total Estimate</b>		<b>22,754,000</b>		

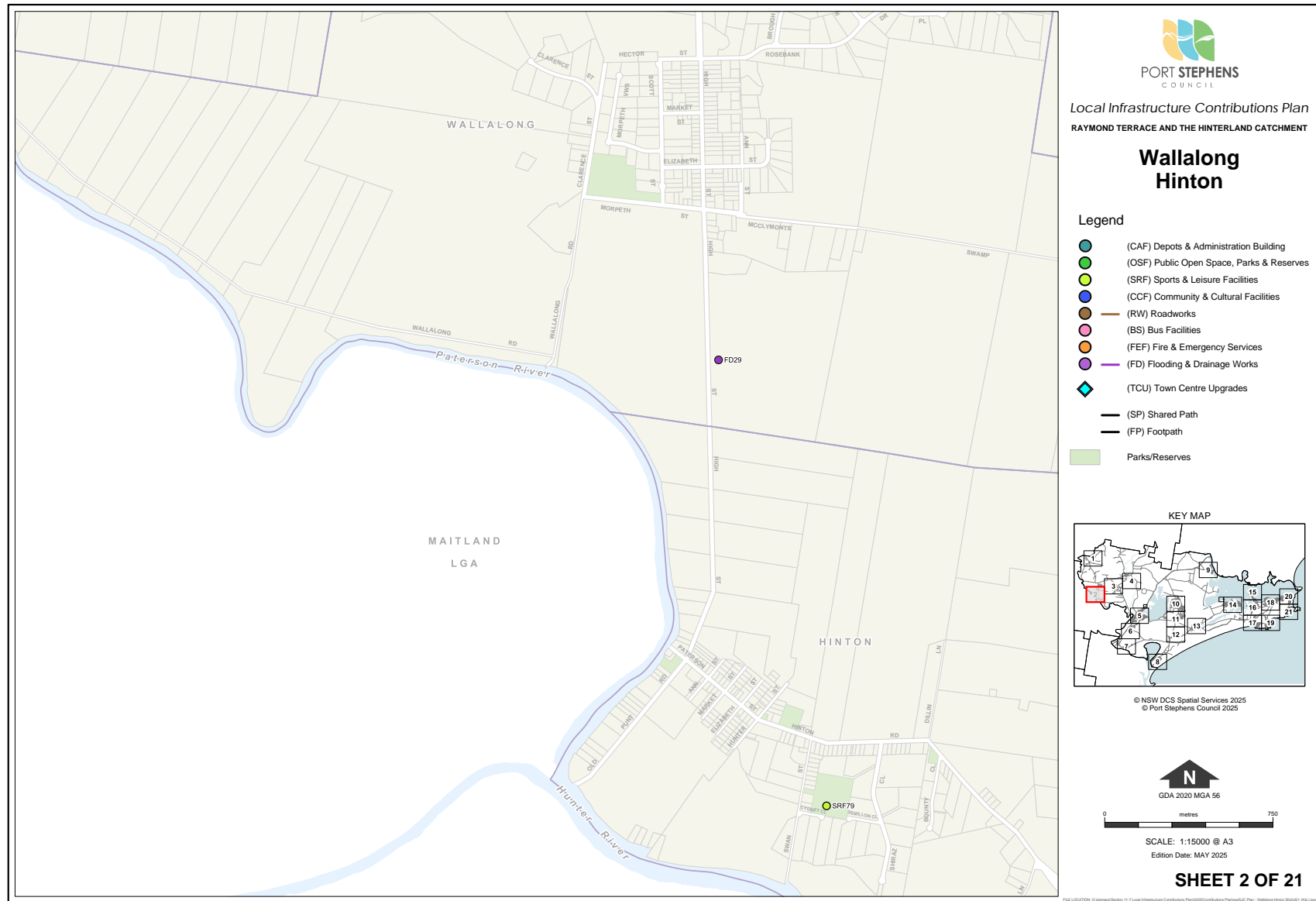
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## **Appendix B Mapping**

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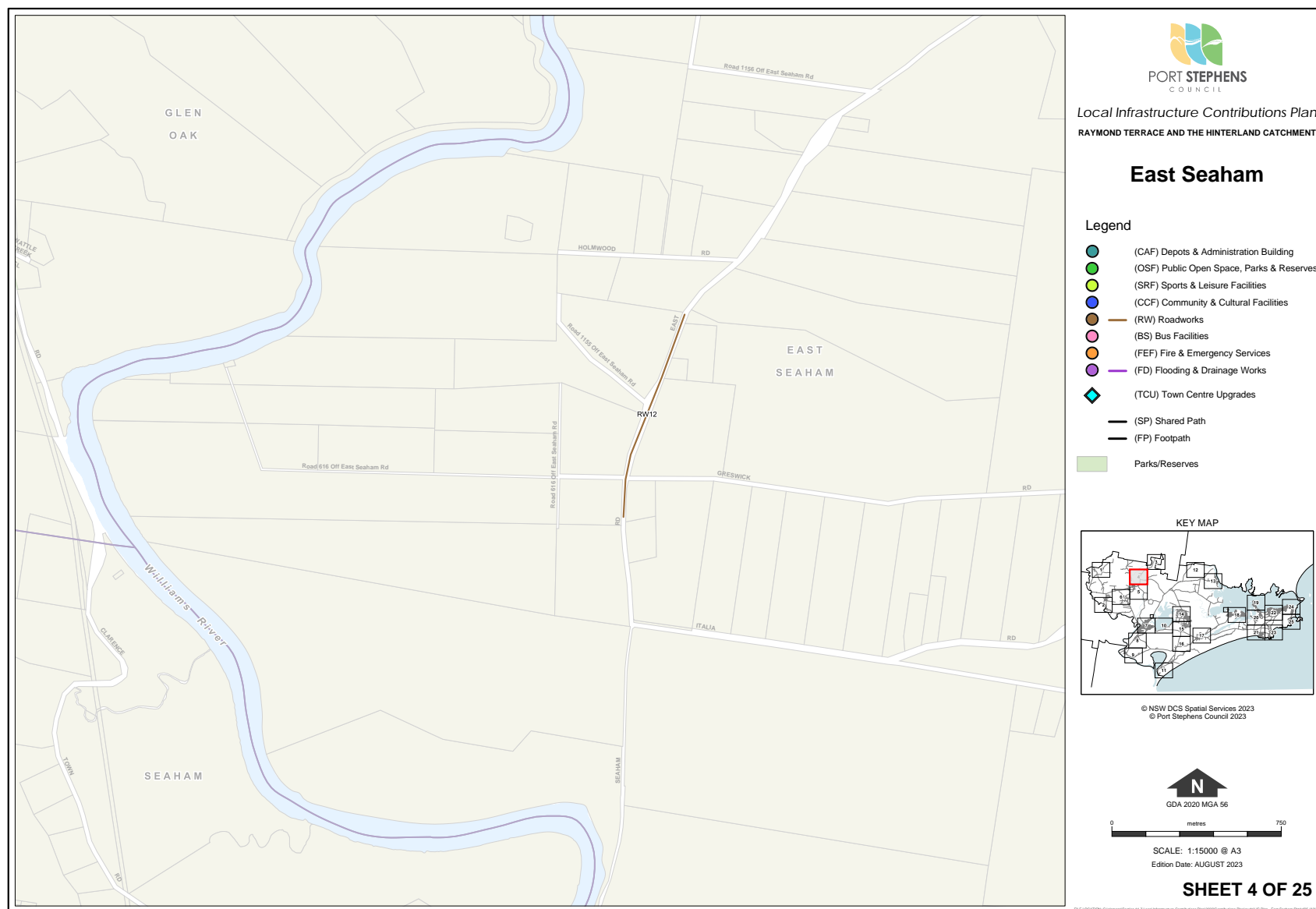
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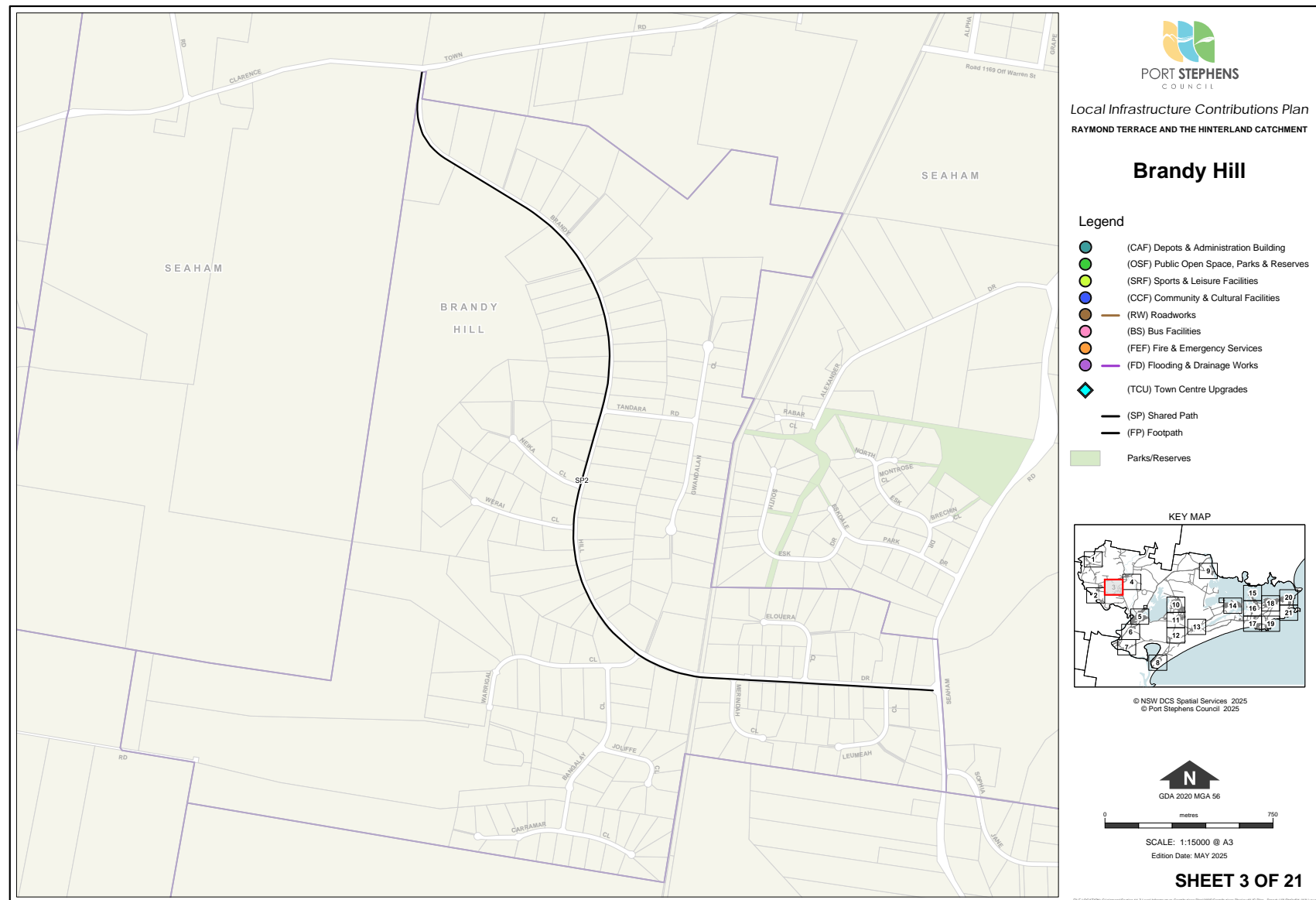


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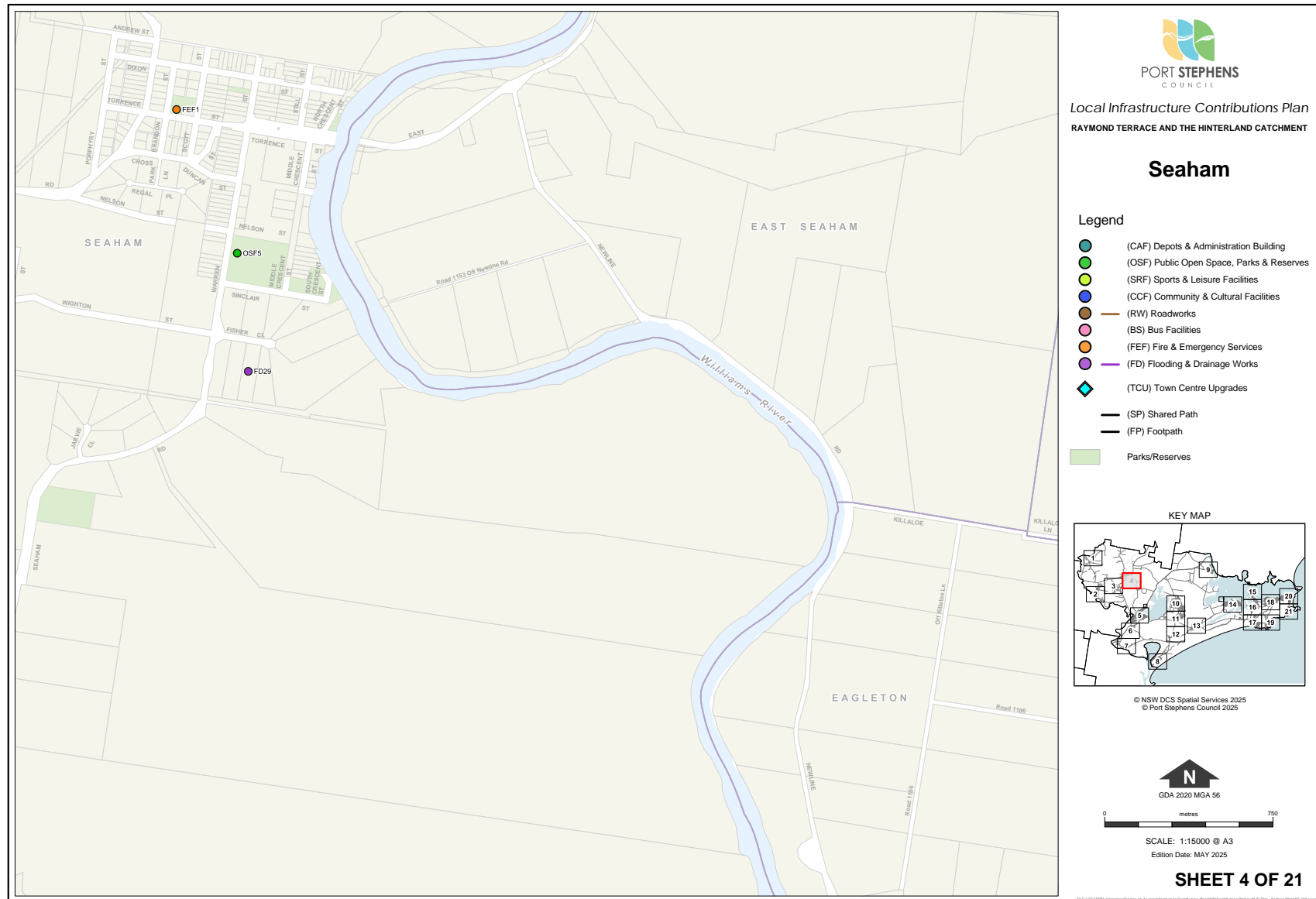


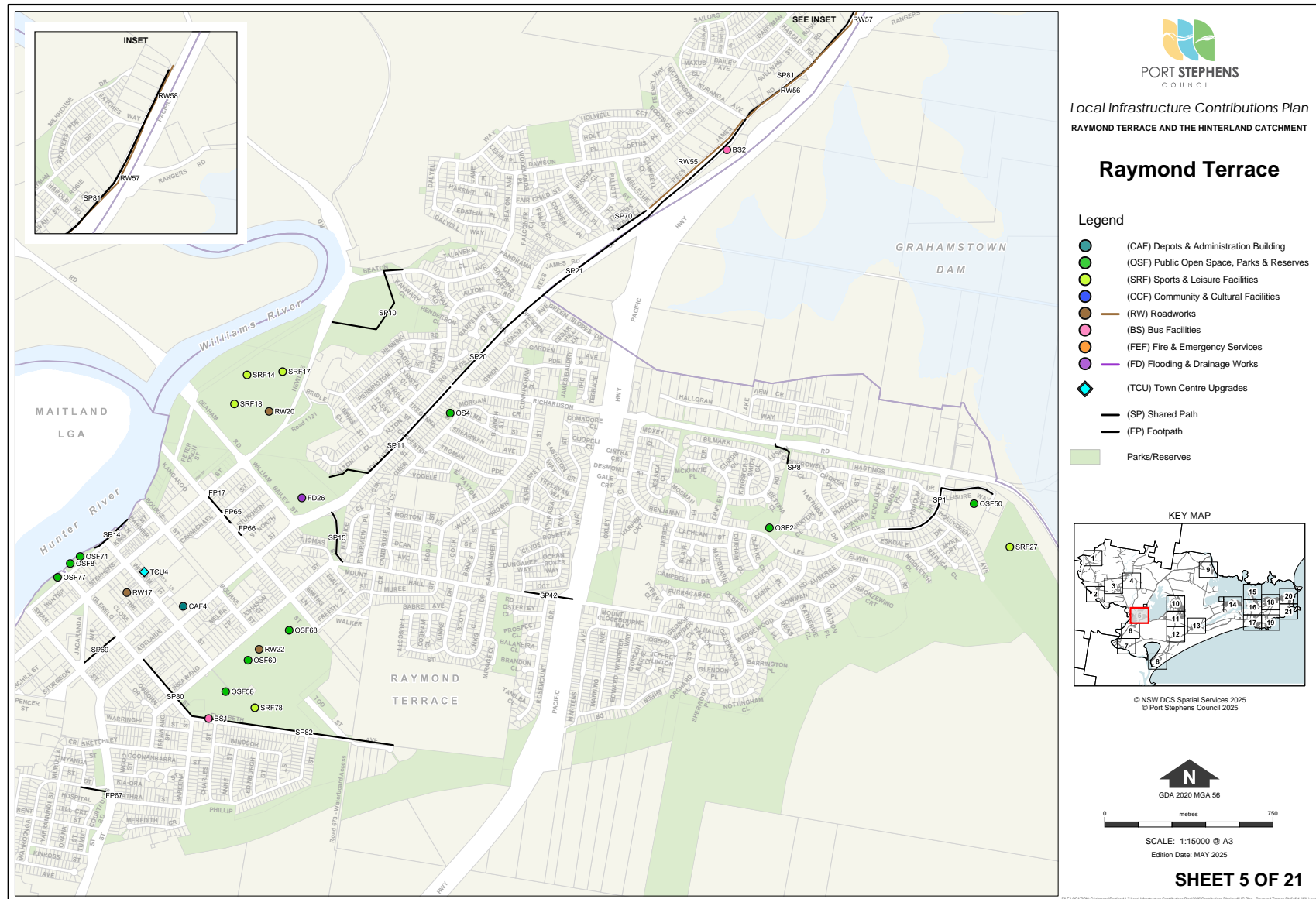


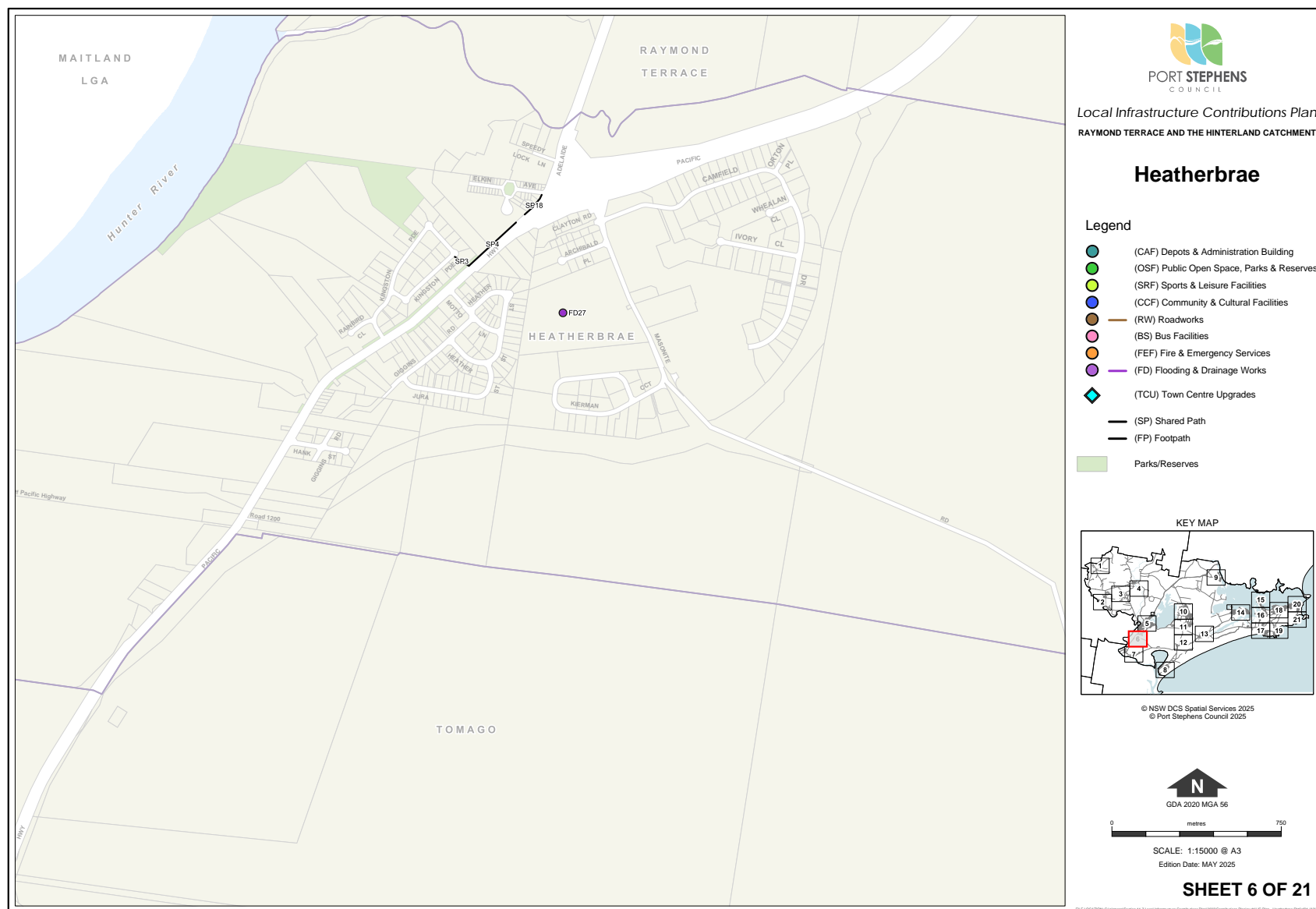




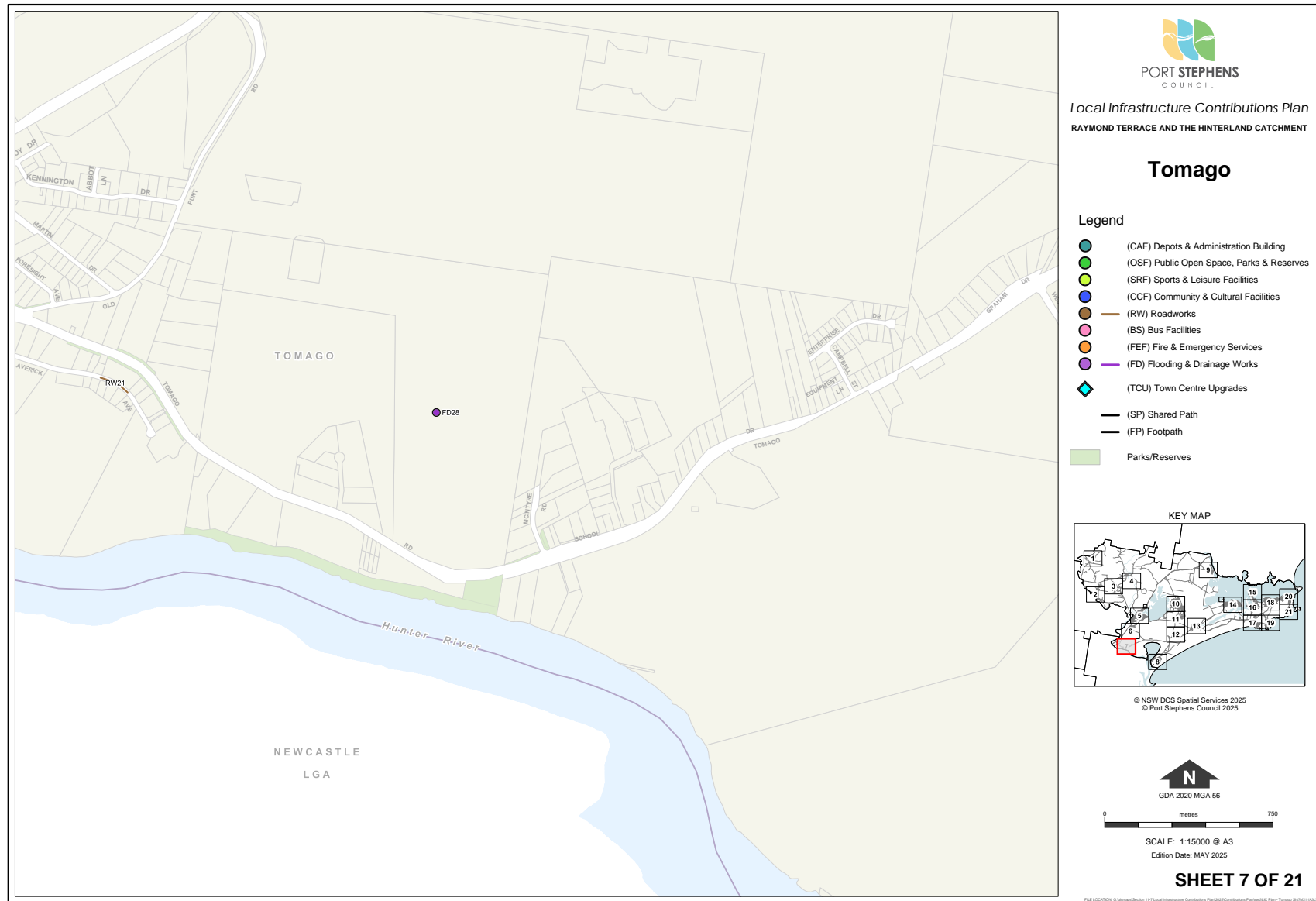
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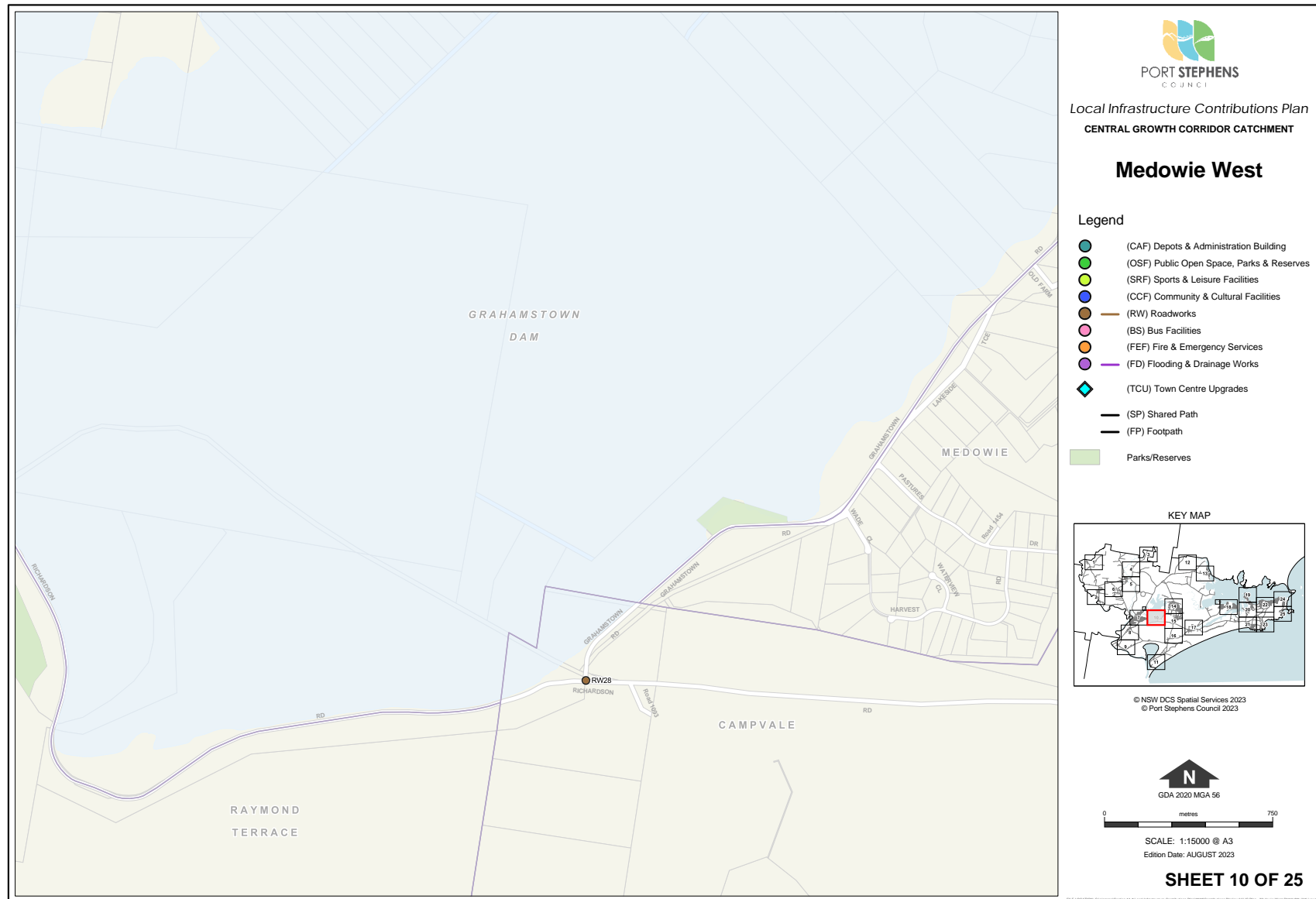


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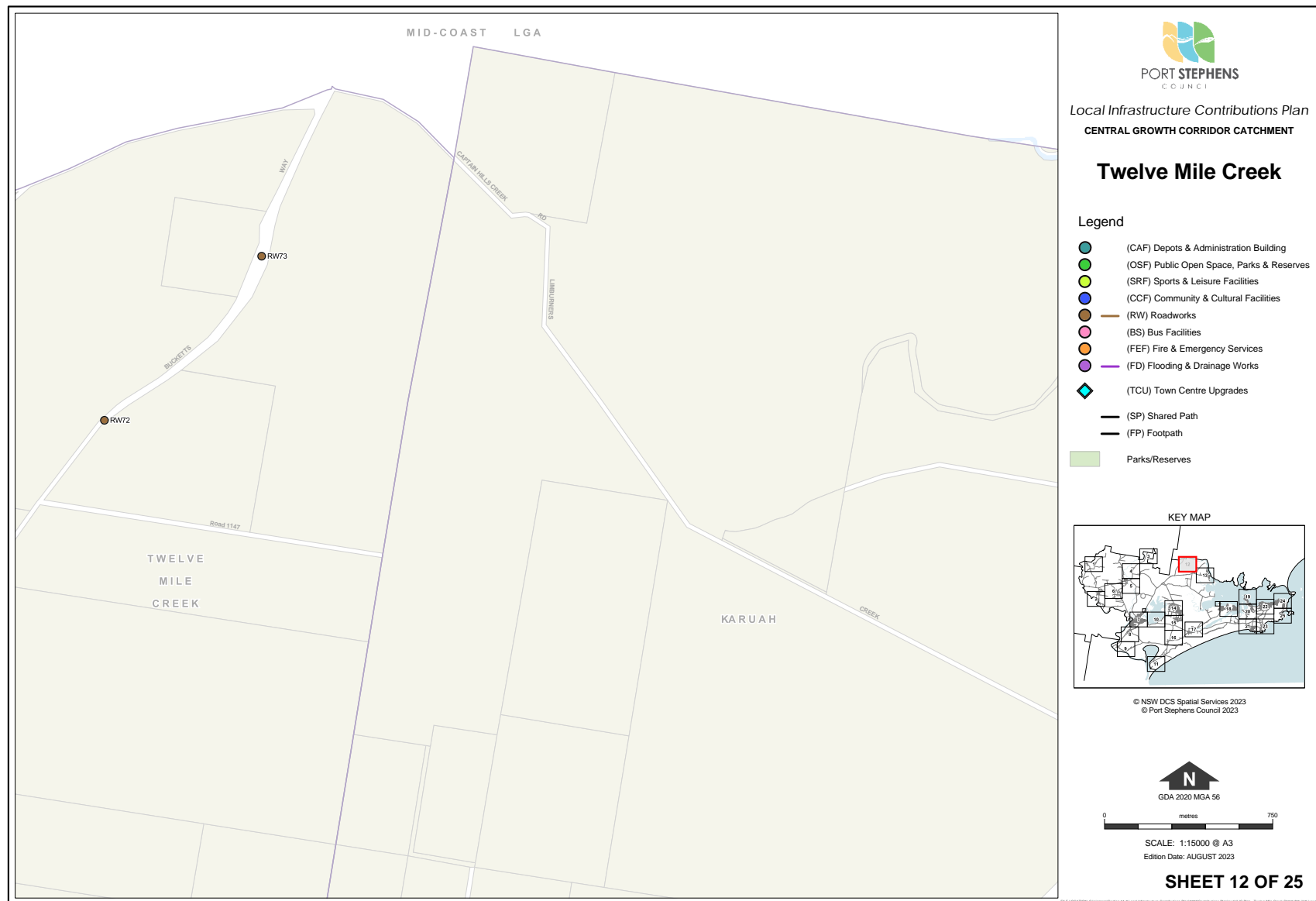


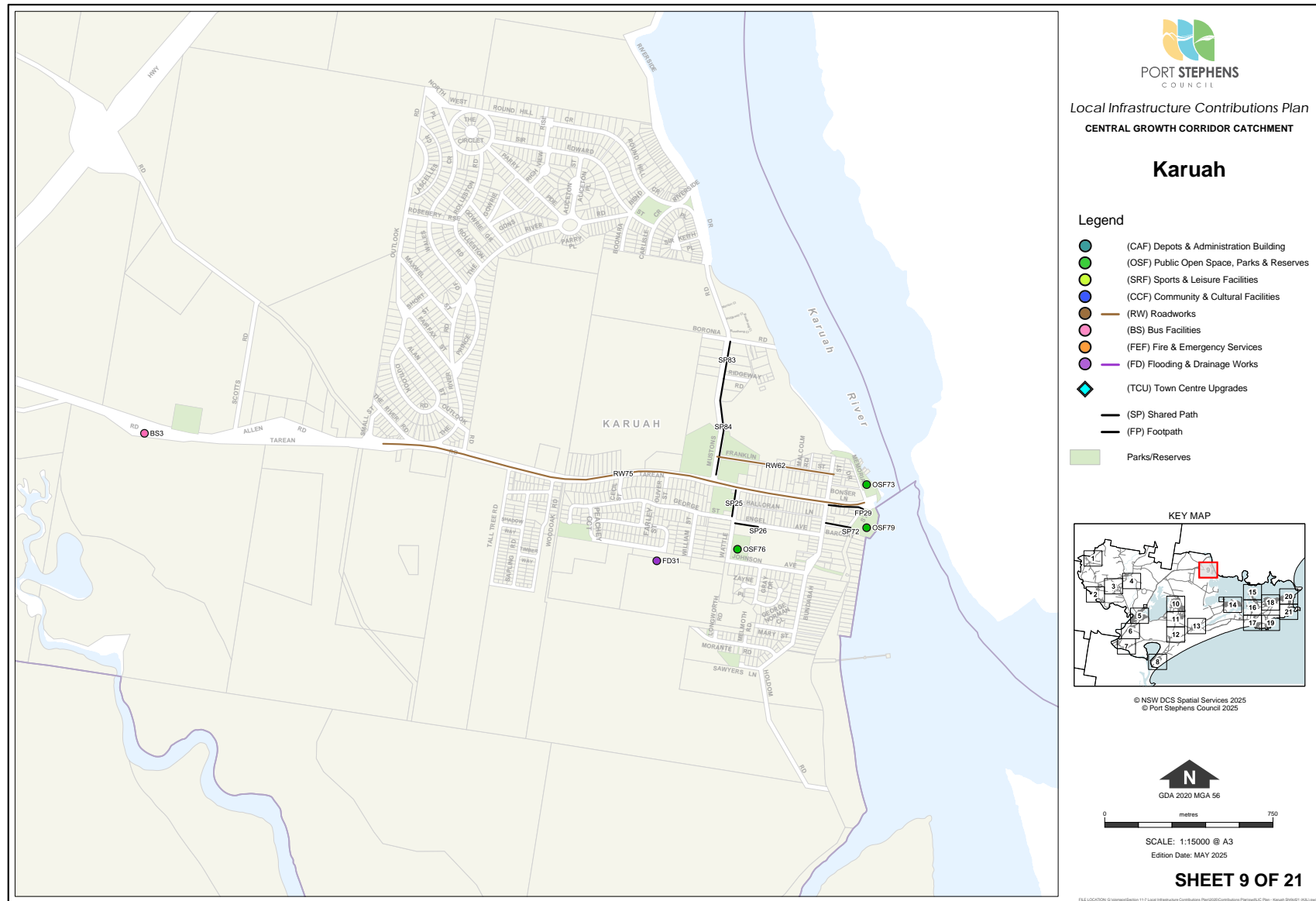
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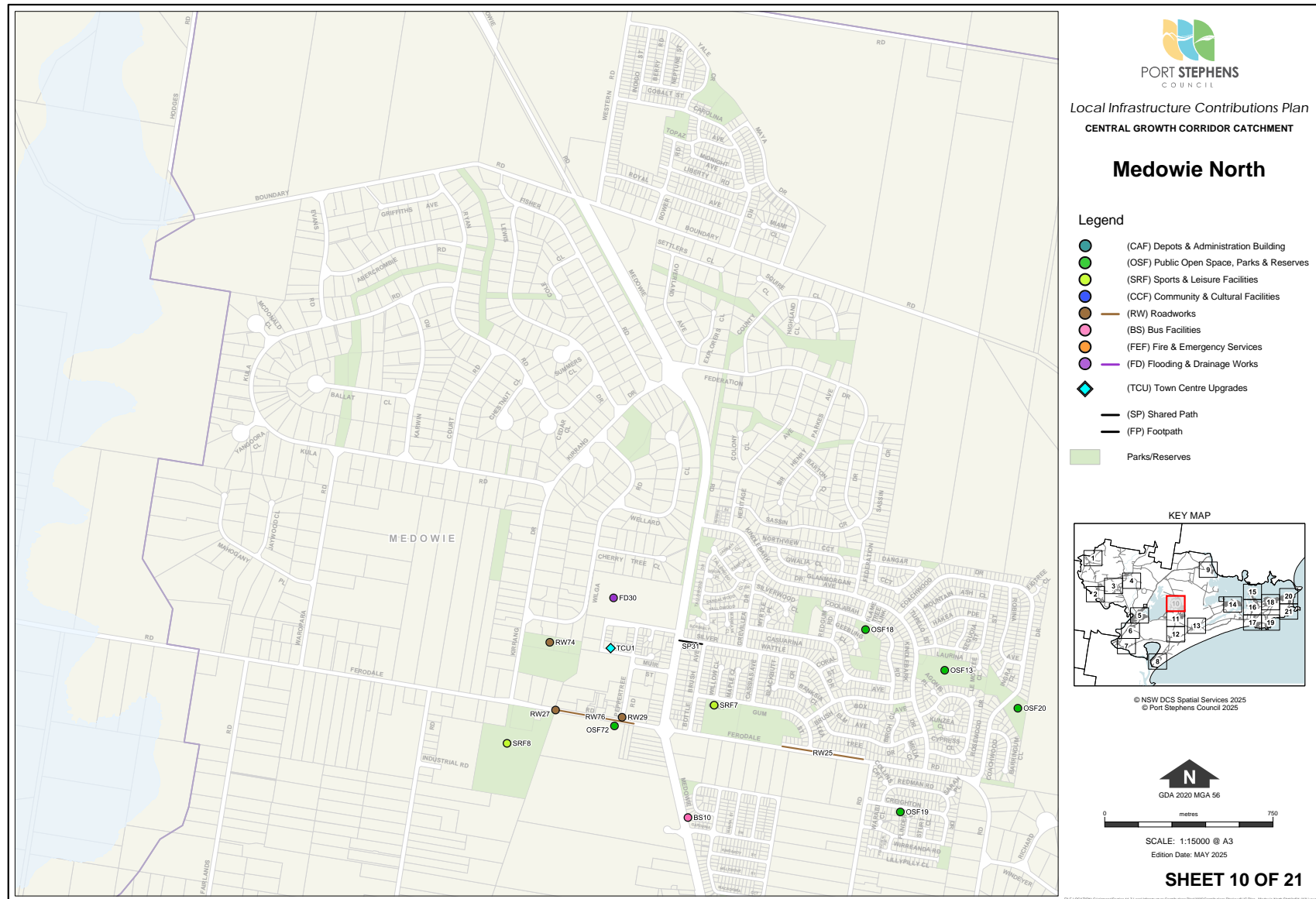




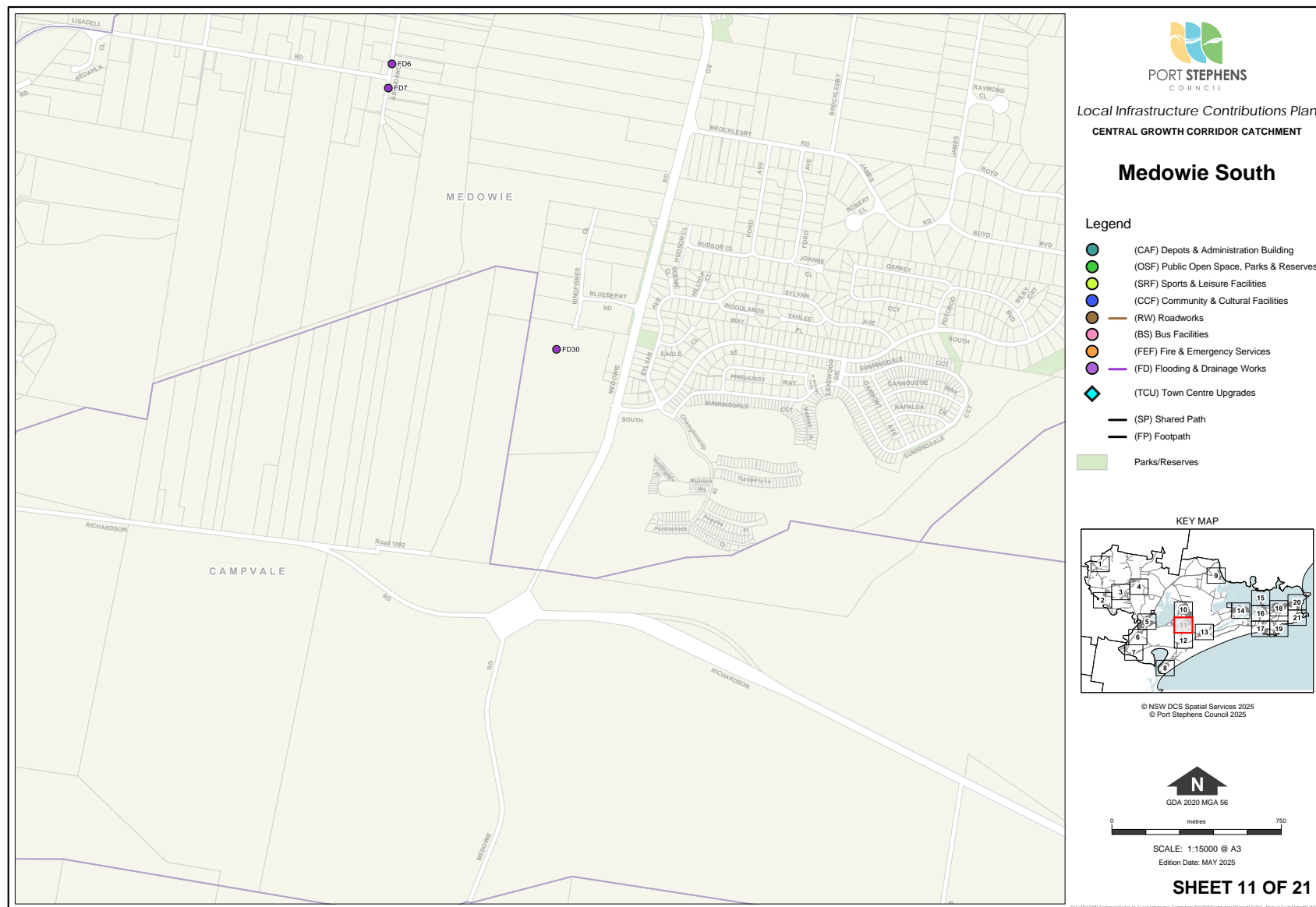
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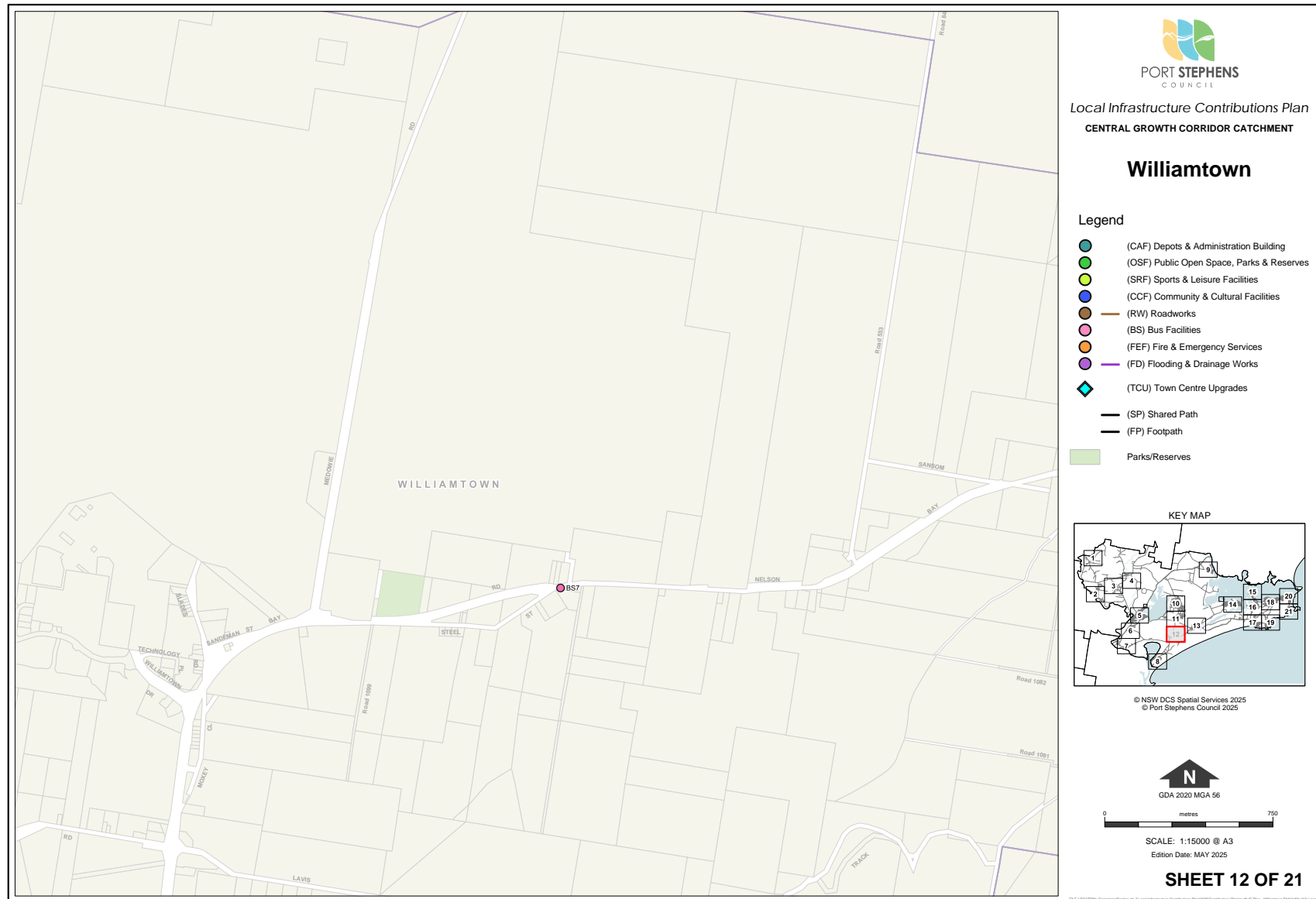


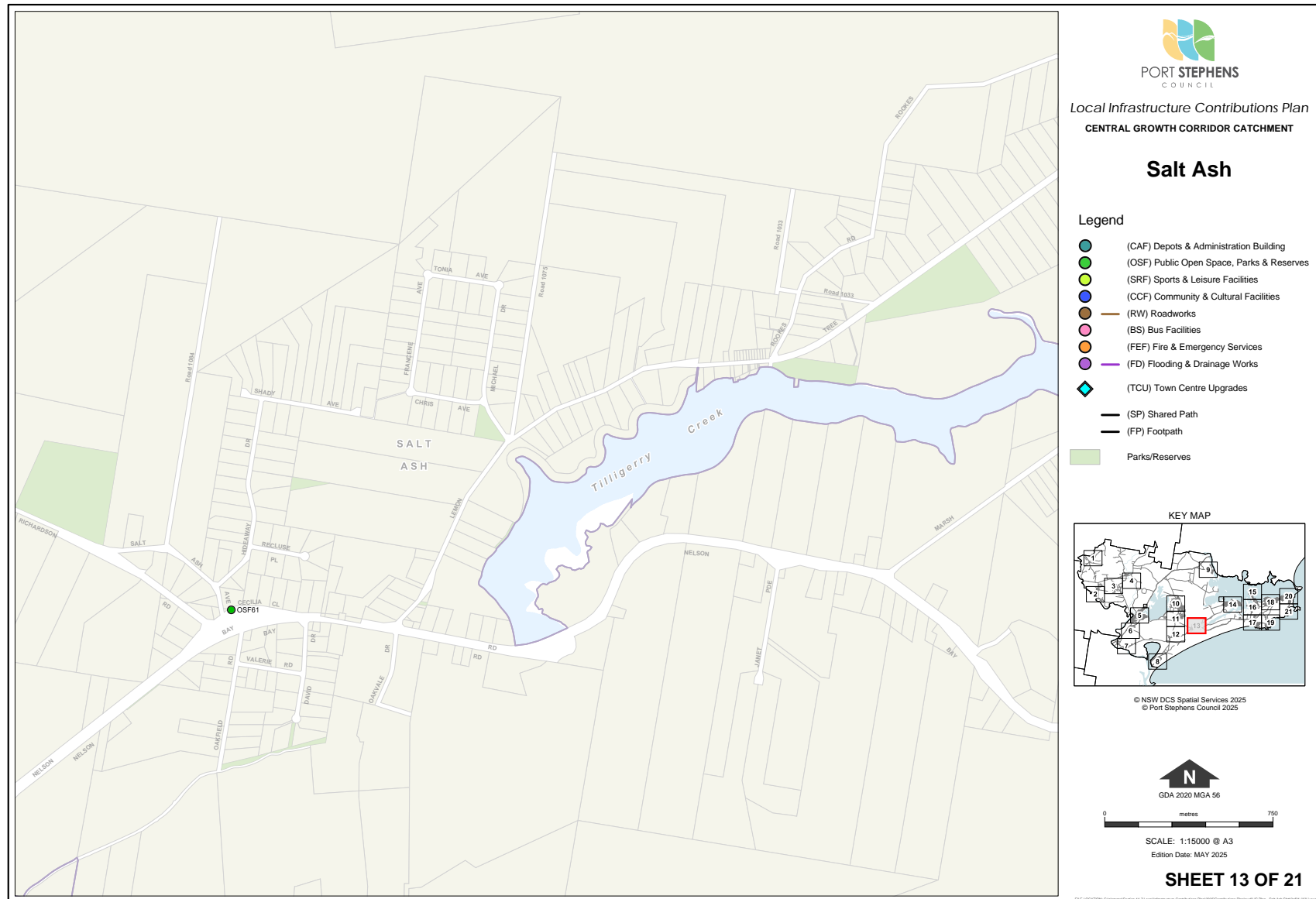
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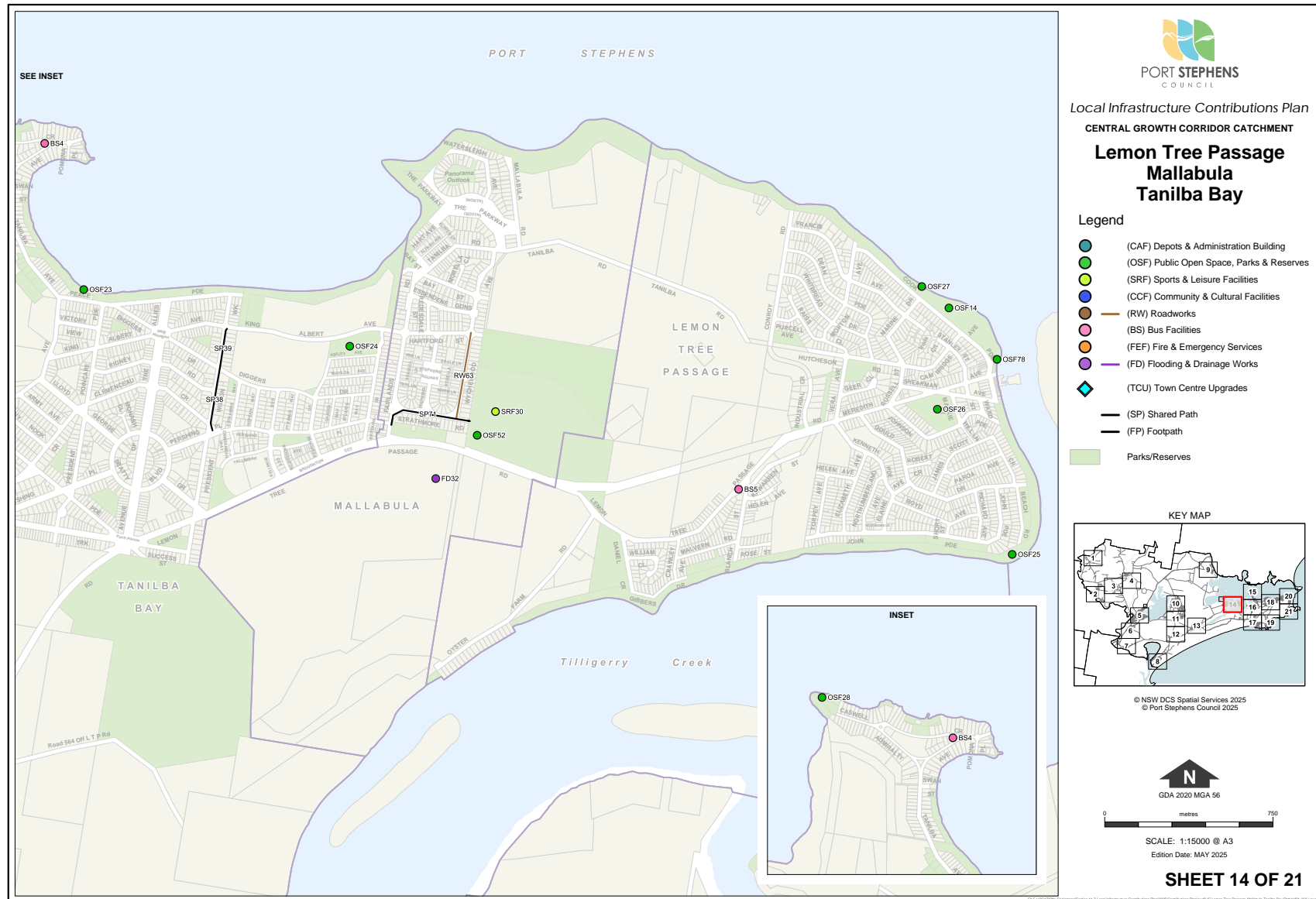


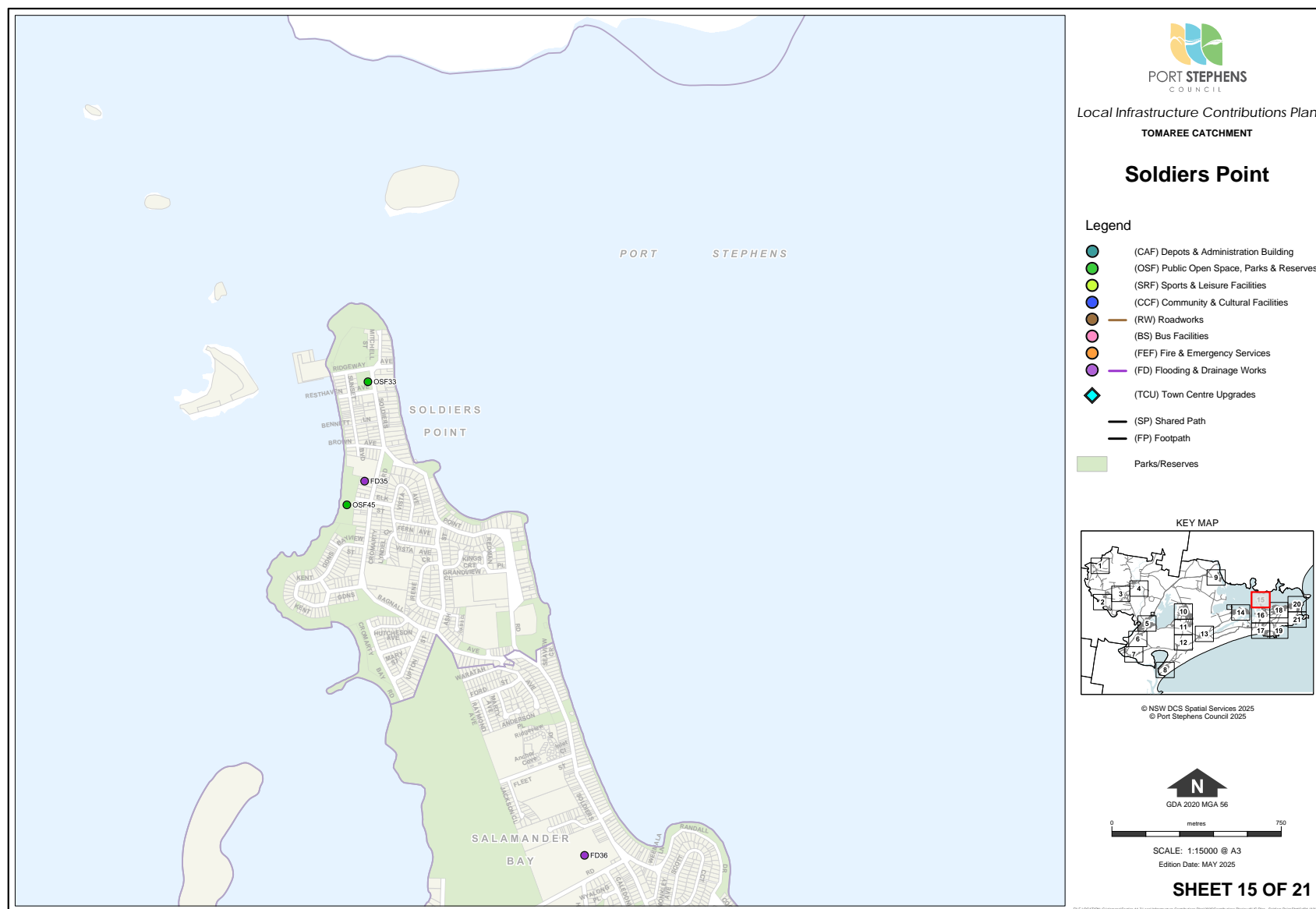
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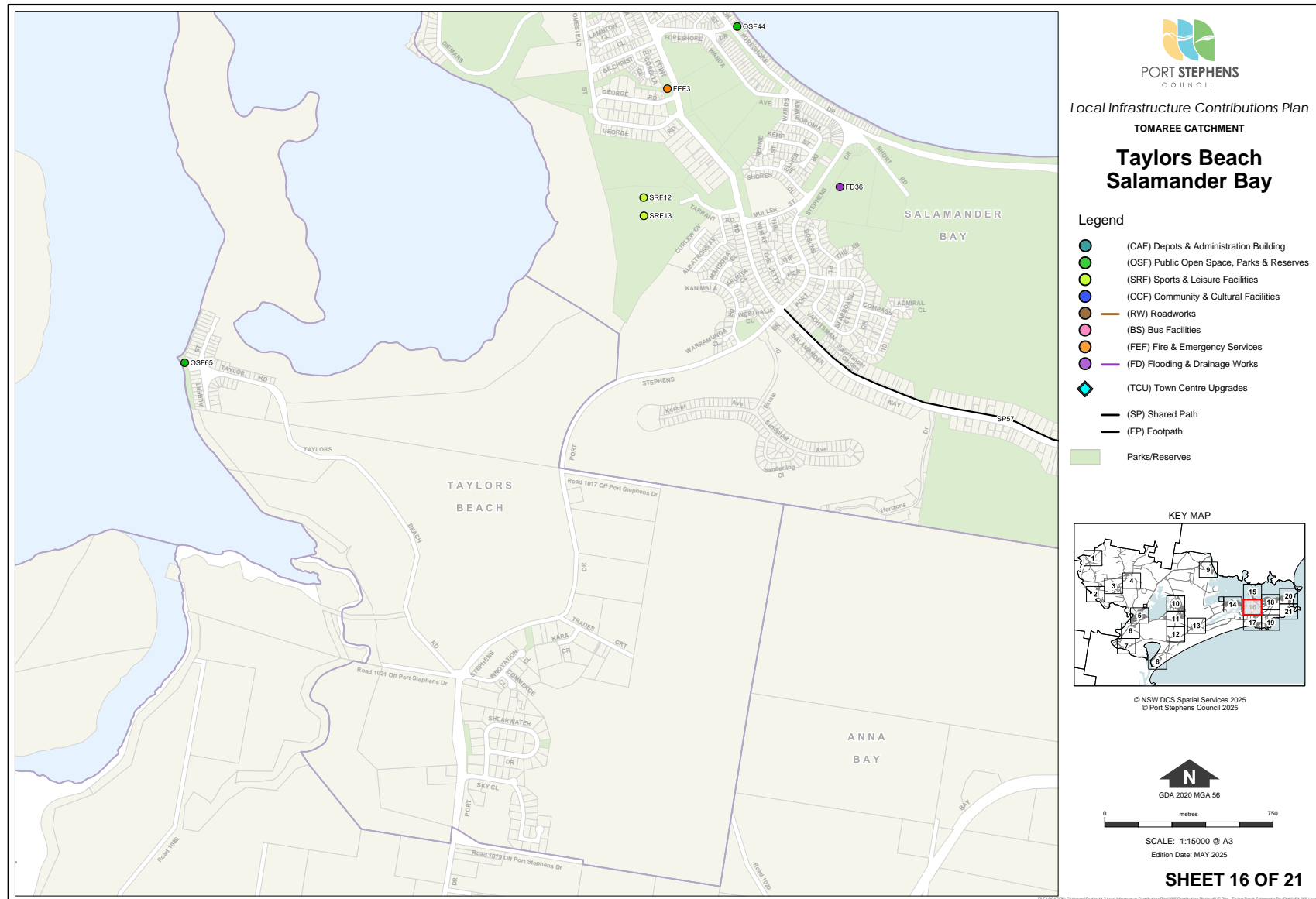


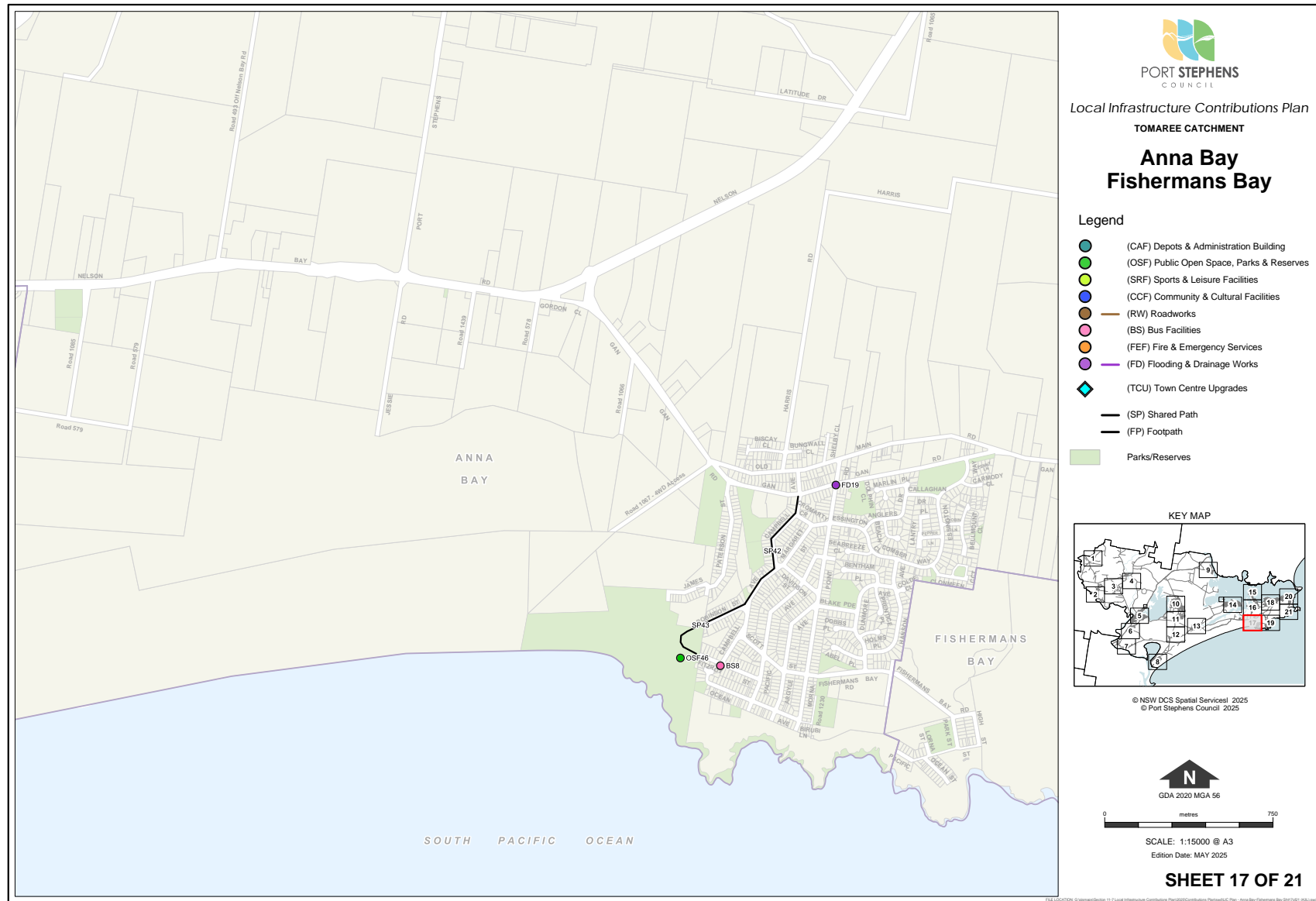


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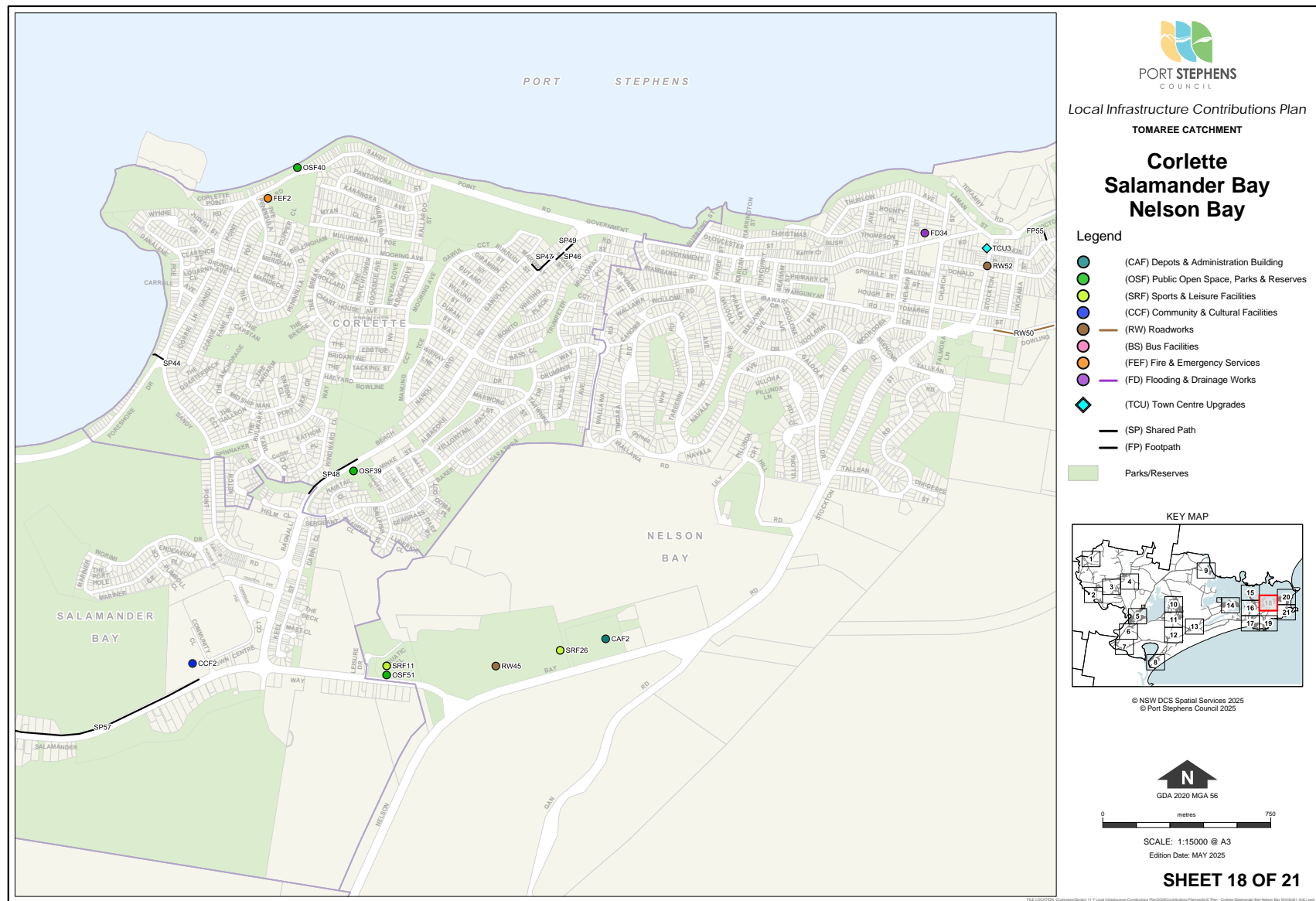




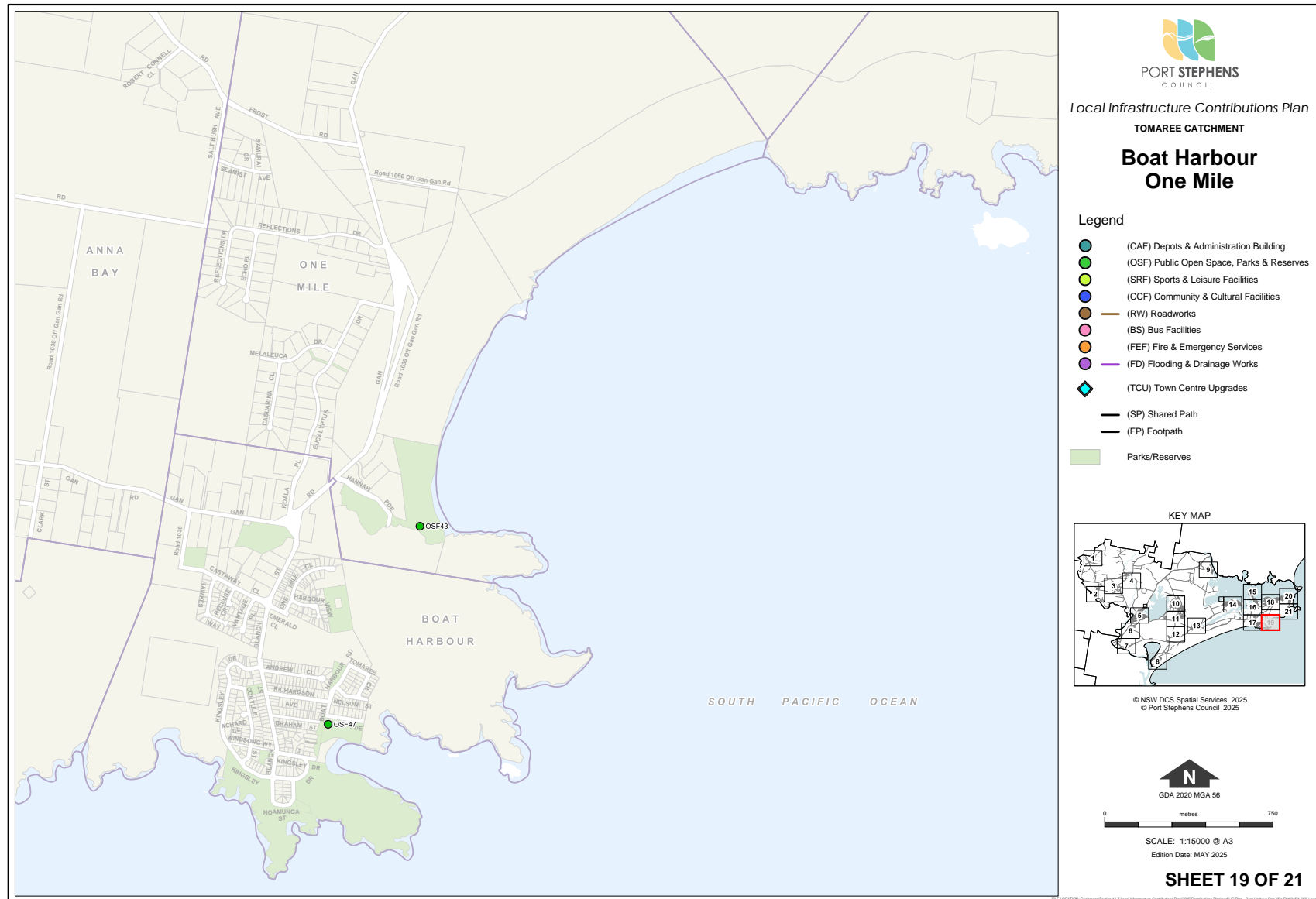




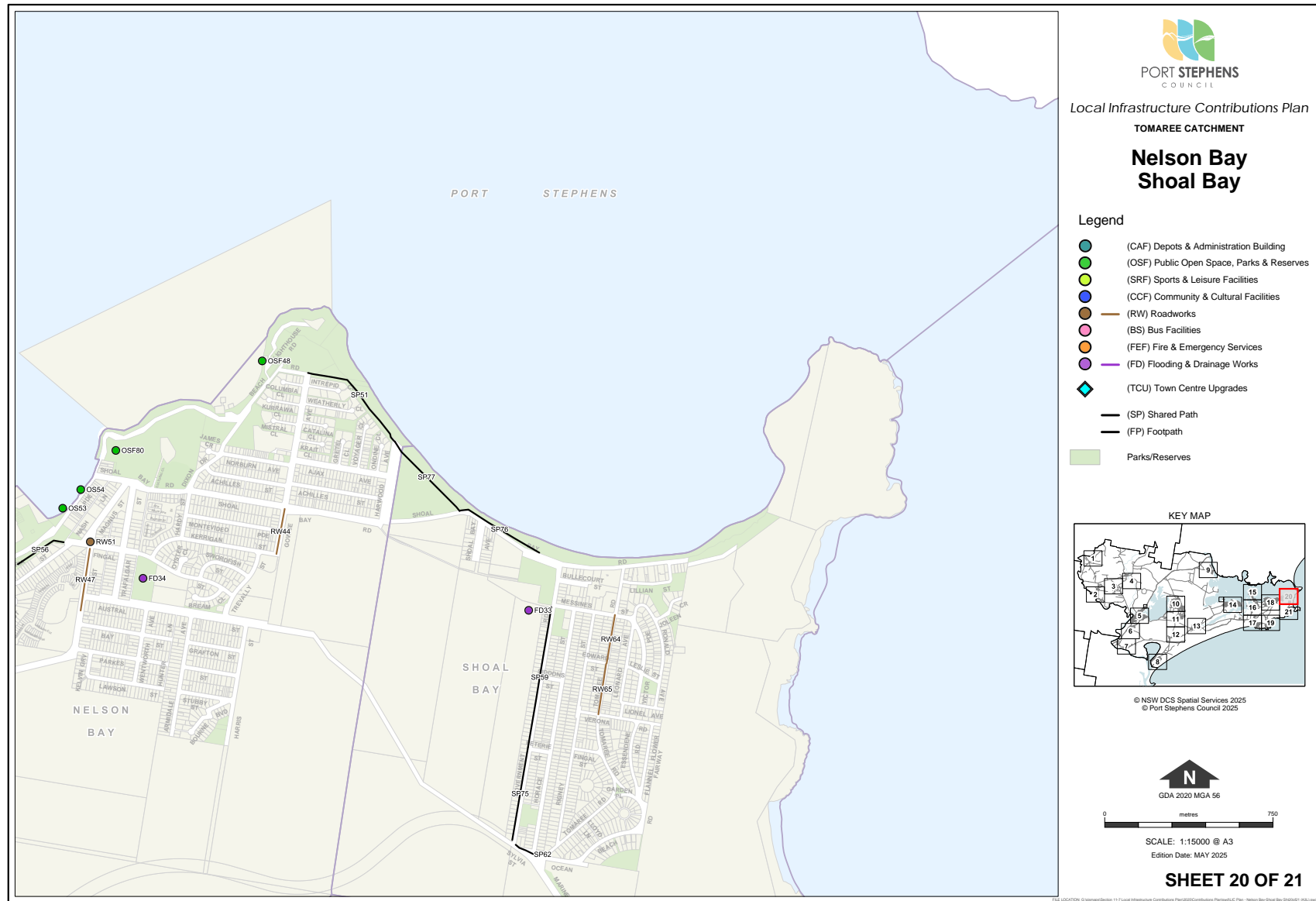




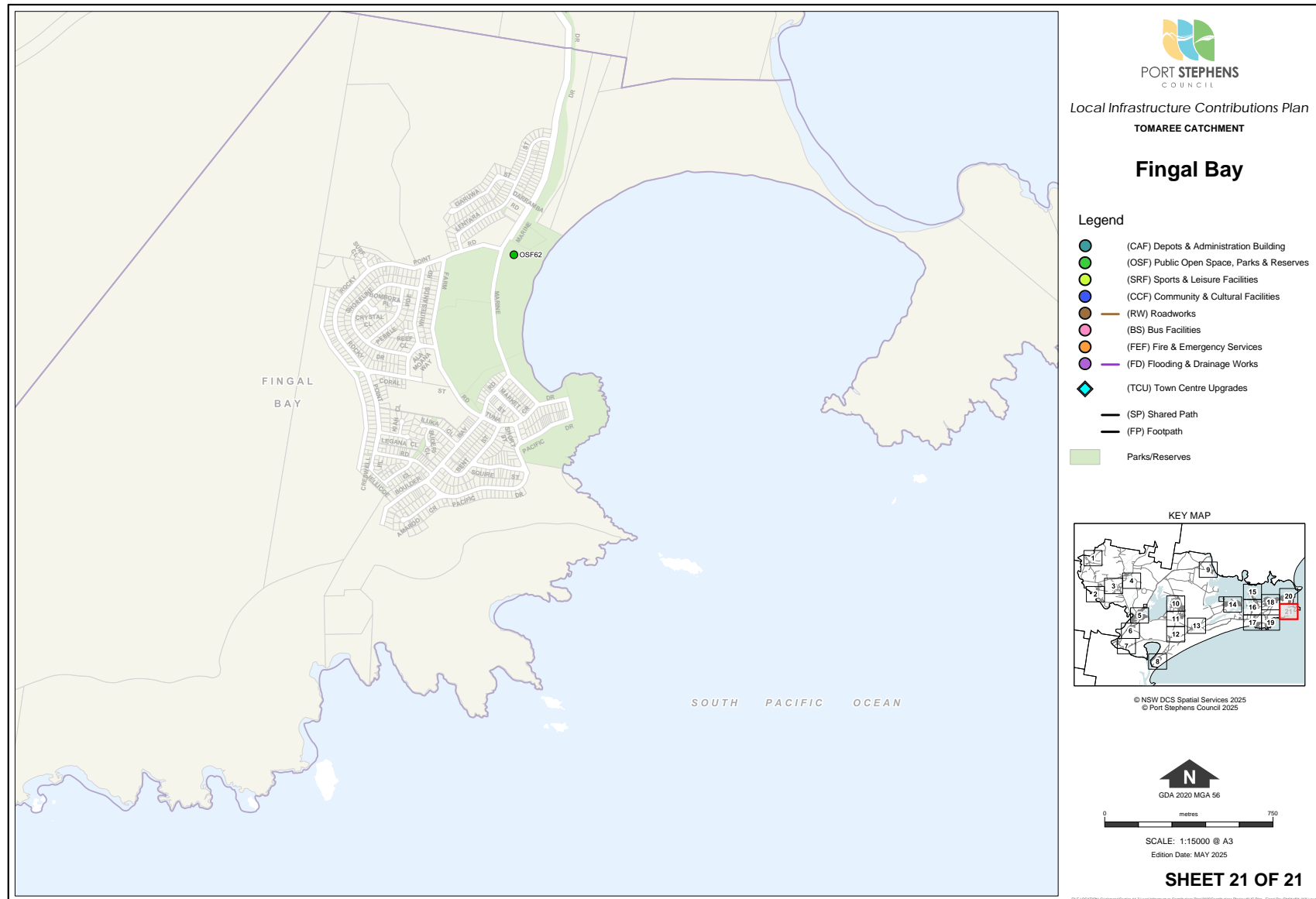
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## **Appendix C Cost Summary Reports**

# ITEM 5 - ATTACHMENT 1 DRAFT PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.

## 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	\$
<b>Subtotal</b>	<b>\$</b>
<b>Subtotal above carried forward</b>	<b>\$</b>
Preliminaries and margin	\$



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Consultants fees	\$
Other related development costs	\$
GST	\$
<b>Total Development Costs</b>	<b>\$</b>

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 208 of the *Environmental Planning and Assessment Regulation 2021* at current prices.
- Included GST in the calculation.

**Signed:**

\_\_\_\_\_

**Name:**

\_\_\_\_\_

**Position & Qualifications:**

\_\_\_\_\_

# ITEM 5 - ATTACHMENT 1 DRAFT PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.

## 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

<b>Professional fees</b>	\$	<b>Excavation</b>	\$
% of Development cost	%	Cost per m <sup>2</sup> of site area	\$ /m <sup>2</sup>
% of Construction cost	%	<b>Car park</b>	\$
<b>Demolition and site preparation</b>	\$	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	\$
<b>Construction - Commercial</b>	\$	<b>Fit out – Commercial</b>	\$
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 5 - ATTACHMENT 1 DRAFT PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.

<b>Construction Residential</b>	\$	<b>Fit out - residential</b>	\$
Cost per m <sup>2</sup> - residential area	\$ /m <sup>2</sup>	Cost per m <sup>2</sup> - residential area	\$ /m <sup>2</sup>
<b>Construction – retail</b>	\$	<b>Fit out - retail</b>	\$
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 208 of the *Environmental Planning and Assessment Regulation 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:**

\_\_\_\_\_

## Appendix D List of Amendments to the Plan

**ITEM 5 - ATTACHMENT 1 DRAFT PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.**

**Appendix D**

**List of Amendments to the Plan**

TITLE	DESCRIPTION	DATE OF COMMENCEMENT
<b>CPI update</b>	CPI adjustment for quarter ended 31 December 2019. All groups CPI weighted average of eight capital cities – 116.2 (December 2019).	<b>29 January 2020</b>
<b>CPI update</b>	CPI adjustment for quarter ended 31 March 2020. All groups CPI weighted average of eight capital cities – 116.6 (March 2020).	<b>29 April 2020</b>
<b>CPI update</b>	CPI Adjustment for quarter ended 31 December 2020. All groups CPI weighted average of eight capital cities – 117.2 (Dec 2020).	<b>27 January 2021</b>
<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.	<b>1 March 2021</b>
<b>CPI update</b>	CPI Adjustment for quarter ended 31 March 2021. All groups CPI weighted average of eight capital cities – 117.9 (Mar 2021).	<b>28 April 2021</b>
<b>CPI update</b>	CPI Adjustment for quarter ended 30 June 2021. All groups CPI weighted average of eight capital cities – 118.8 (June 2021).	<b>28 July 2021</b>
<b>CPI update</b>	CPI Adjustment for quarter ended 30 September 2021. All groups CPI Sydney – 120.2 (September 2021).	<b>27 October 2021</b>
<b>CPI update</b>	CPI Adjustment for quarter ended 31 December 2021. All groups CPI Sydney – 121.6 (December 2021).	<b>25 January 2022</b>
<b>CPI update</b>	CPI Adjustment for quarter ended 31 March 2022. All groups CPI Sydney – 123.7 (March 2022).	<b>27 April 2022</b>
<b>CPI update</b>	CPI Adjustment for quarter ended 30 June 2022. All groups CPI Sydney – 125.7 (June 2022).	<b>27 July 2022</b>
<b>CPI update</b>	CPI Adjustment for quarter ended 30 September 2022. All groups CPI Sydney – 128.6 (September 2022).	<b>26 October 2022</b>
<b>Amendment No. 2</b>	Administrative amendments, the removal of and amendments to infrastructure items and the introduction of additional infrastructure items.	<b>13 December 2022</b>
<b>CPI update</b>	CPI Adjustment for quarter ended 31 December 2022. All groups CPI Sydney – 130.9 (December 2022).	<b>25 January 2023</b>
<b>CPI update</b>	CPI Adjustment for quarter ended 31 March 2023. All groups CPI Sydney – 132.7 (March 2023).	<b>26 April 2023</b>
<b>CPI update</b>	CPI Adjustment for quarter ended 30 June 2023. All groups CPI Sydney – 134.0 (June 2023).	<b>26 July 2023</b>
<b>CPI update</b>	CPI Adjustment for quarter ended 30 September 2023. All groups CPI Sydney – 135.8 (September 2023).	<b>25 October 2023</b>
<b>Amendment No. 3</b>	Administrative and minor policy amendments, the removal of and amendments to infrastructure items and the introduction of additional infrastructure items.	<b>28 November 2023</b>
<b>CPI update</b>	CPI Adjustment for quarter ended 31 December 2023.	<b>31 January 2024</b>

**ITEM 5 - ATTACHMENT 1      DRAFT PORT STEPHENS LOCAL  
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	All groups CPI Sydney – 136.4 (December 2023).	
<b>CPI update</b>	CPI Adjustment for quarter ended 31 March 2024. All groups CPI Sydney – 137.7 (March 2024).	<b>24 April 2024</b>
<b>CPI update</b>	CPI Adjustment for quarter ended 30 June 2024. All groups CPI Sydney – 139.1 (June 2024).	<b>31 July 2024</b>
<b>CPI update</b>	CPI Adjustment for quarter ended 30 September 2024. All groups CPI Sydney – 139.80 (September 2024).	<b>30 October 2024</b>
<b>CPI update</b>	CPI Adjustment for quarter ended 31 March 2025. All groups CPI Sydney – 140.9 (March 2025).	<b>30 April 2025</b>

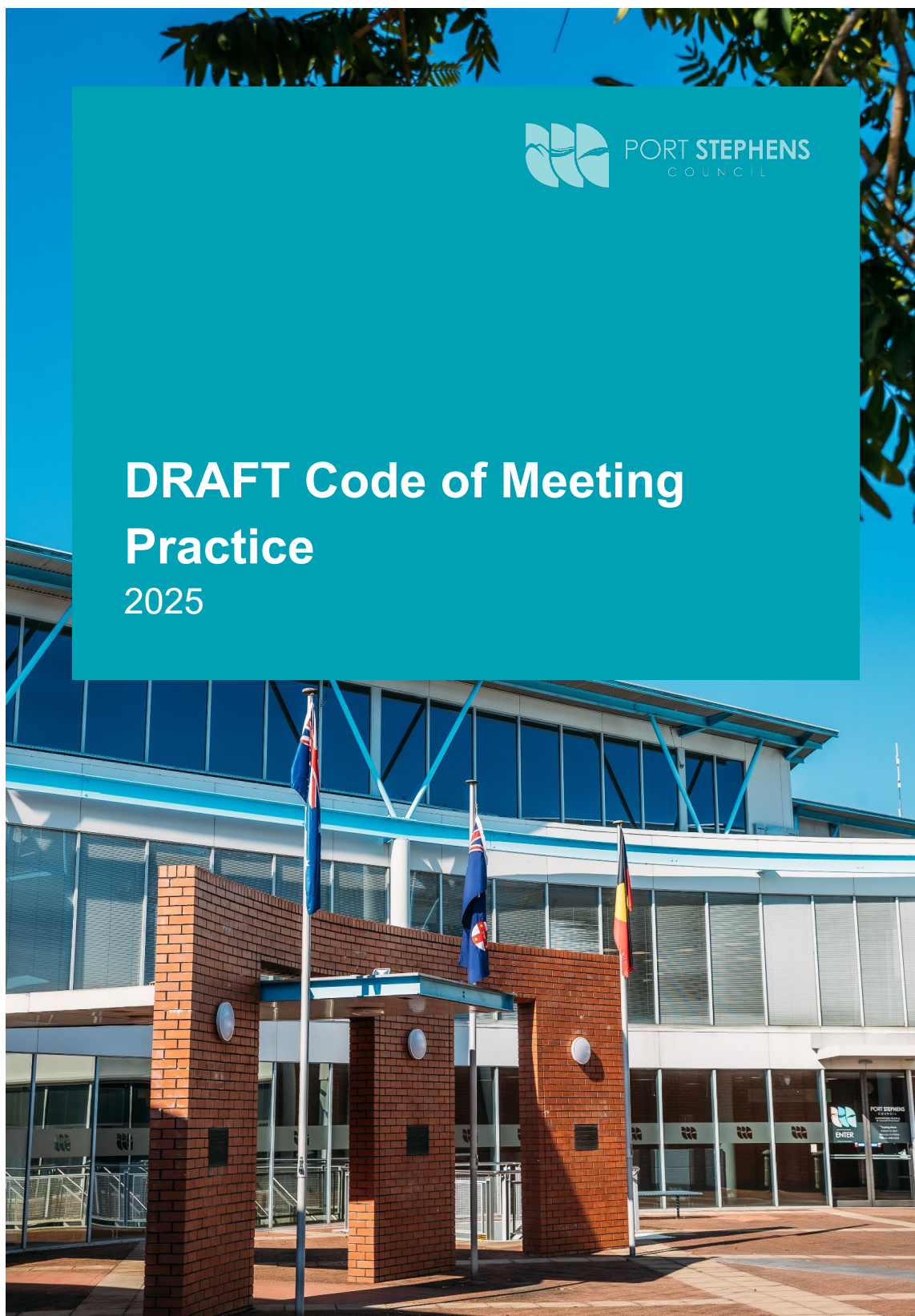


**ITEM 5 - ATTACHMENT 1      DRAFT PORT STEPHENS LOCAL  
INFRASTRUCTURE CONTRIBUTIONS PLAN.**



**PORT STEPHENS**  
COUNCIL

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**ITEM 10 - ATTACHMENT 1      REVISED CODE OF MEETING PRACTICE.**

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## **1 INTRODUCTION**

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is prescribed under section 360 of the Local Government Act 1993 (the Act) and the Local Government (General) Regulation 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 10 - ATTACHMENT 1      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. The last Ordinary Council meeting of the Council term will be held in August of the fourth year of the term.
- 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. The business paper will be published on the Council website by 10am following the release of the business paper to the Mayor and Councillors under clause 3.7.
- 3.6     For the purposes of clause 3.4, notice of more than 1 meeting may be given in the same notice.



**ITEM 10 - ATTACHMENT 1      REVISED CODE OF MEETING PRACTICE.**Notice to councillors of ordinary council meetings

- ~~3.7- The General Manager must send to each Councillor, at least by close of business on the first Friday after the previous meeting of the Council (with the exception of the first ordinary meeting each year and where an ordinary meeting occurs on a public holiday), 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. The notice for the first ordinary meeting each year or where an ordinary meeting occurs on a public holiday is to be sent to each Councillor 18 days prior to the meeting.~~

- 3.7 The General Manager must send to each Councillor, at least 3 days after the previous Ordinary Council meeting (with the exception of the February ordinary meeting each year where the business paper is to be released 3 days after the fourth Tuesday of January), 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 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

**ITEM 10 - ATTACHMENT 1      REVISED CODE OF MEETING PRACTICE.**

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
  - (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.

**ITEM 10 - ATTACHMENT 1      REVISED CODE OF MEETING PRACTICE.**

- 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

- 3.24 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 3.24 reflects section 9(2) and (4) of the Act.**

- 3.25 Clause 3.24 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.

**ITEM 10 - ATTACHMENT 1      REVISED CODE OF MEETING PRACTICE.**

**Note: Clause 3.25 reflects section 9(2A)(b) of the Act.**

- 3.26 For the purposes of clause 3.24, 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 3.26 reflects section 9(3) of the Act.**

- 3.27 A copy of an agenda, or of an associated business paper made available under clause 3.24, may in addition be given or made available in electronic form.

**Note: Clause 3.27 reflects section 9(5) of the Act.**

Agenda and business papers for extraordinary meetings

- 3.28 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.
- 3.29 Despite clause 3.28, 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.
- 3.30 A motion moved under clause 3.29 (a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.31 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.29 (a) can speak to the motion before it is put.
- 3.32 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29 (b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 3.33 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.
- 3.34 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.
- 3.36 The General Manager or a member of staff nominated by the General Manager is to preside at pre-meeting briefing sessions.

**ITEM 10 - ATTACHMENT 1      REVISED CODE OF MEETING PRACTICE.**

- 3.37 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.
- 3.38 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.

**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.~~
- 4.1 The Council may hold a public forum on the second Tuesday of each month (and the fourth Tuesday of the month at the discretion of the Mayor) 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.
- 4.3 Public forums are to be chaired by the Mayor or their nominee.
- 4.4 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.
- 4.5 A person may apply to speak on no more than 2 items of business on the agenda of the Council meeting.
- 4.6 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.

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- 4.7 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.
- 4.8 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.~~
- 4.9 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.
- 4.10 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.
- 4.11 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.
- 4.12 The Mayor or their delegate is to determine the order of speakers at the public forum.
- 4.13 Each speaker will be allowed 5 minutes to address the Council. This time is to be strictly enforced by the chairperson.
- 4.14 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.
- 4.15 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.
- 4.16 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, will be regulated by the chairperson.
- 4.17 Speakers at public forums cannot ask questions of the Council, Councillors or Council staff.
- 4.18 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.
- 4.19 Where an address made at a public forum raises matters that require further consideration by Council staff, the General Manager may recommend that



**ITEM 10 - ATTACHMENT 1      REVISED CODE OF MEETING PRACTICE.**

the Council defer consideration of the matter pending the preparation of a further report on the matters.

- 4.20 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.
- 4.21 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.20, 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.
- 4.22 Clause 4.21 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.
- 4.23 Where a speaker engages in conduct of the type referred to in clause 4.20, 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.
- 4.24 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.
- 4.27 Mayor and Councillor attendance at public forum sessions will be recorded.

**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.

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**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.
- 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:

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- (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 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 or a public health emergency, the Mayor may, in consultation with the General Manager and, as far as is practicable, with 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

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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 by audio-visual link only when the meeting is held in accordance with 5.15 to 5.17 of the Code, and may attend and participate in Committees of the Council by audio-visual link at any time, unless it is a Committee of the Whole.
- 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

- 5.23 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 5.23 reflects section 10(1) of the Act.**

- 5.24 Clause 5.23 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.25 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:

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- (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 5.25 reflects section 10(2) of the Act.**

**Note: Clause 15.14 authorises chairpersons to expel persons other than councillors from a council or committee meeting.**

Webcasting of meetings

- 5.26 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.

Attendance of the general manager and other staff at meetings

- 5.32 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 5.32 reflects section 376(1) of the Act.**

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- 5.33      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.

**Note: Clause 5.33 reflects section 376(2) of the Act.**

- 5.34      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 5.34 reflects section 376(3) of the Act.**

- 5.35      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.



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

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- (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.
- 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.

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- 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 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 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.

**ITEM 10 - ATTACHMENT 1      REVISED CODE OF MEETING PRACTICE.****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.

Notices of motion

- 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.

**ITEM 10 - ATTACHMENT 1      REVISED CODE OF MEETING PRACTICE.**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 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

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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 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.



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- 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.

**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.**

- 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.

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- 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.

**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.

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**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
  - (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.**

**ITEM 10 - ATTACHMENT 1      REVISED CODE OF MEETING PRACTICE.**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.

**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.

**ITEM 10 - ATTACHMENT 1      REVISED CODE OF MEETING PRACTICE.**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.
- 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

- 14.21 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 14.21 reflects section 10D of the Act.**

Resolutions passed at closed meetings to be made public

- 14.22 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.
- 14.23 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 14.22 during a part of the meeting that is webcast.



**ITEM 10 - ATTACHMENT 1      REVISED CODE OF MEETING PRACTICE.****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.
- 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:

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- (a) Contravenes the Act, the Regulation or this code, or
- (b) Assaults or threatens to assault another Councillor or person present at the meeting, or
- (c) Moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or the committee, or addresses or attempts to address the Council or the committee on such a motion, amendment or matter, or
- (d) Insults, makes unfavourable personal remarks about, 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), (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.

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**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.
- 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

- 15.22 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.
- 15.23 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.
- 15.24 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 15.23, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.25 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.

**ITEM 10 - ATTACHMENT 1      REVISED CODE OF MEETING PRACTICE.****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 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.**

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- 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.**

- 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.

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- 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.

**18 TIME LIMITS ON COUNCIL MEETINGS**

- 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.
  - (b) Details of each motion moved at a council meeting and of any amendments moved to it,
  - (c) The names of the mover and seconder of the motion or amendment,



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- (d) Whether the motion or amendment was passed or lost, and
- (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.

**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.

**ITEM 10 - ATTACHMENT 1      REVISED CODE OF MEETING PRACTICE.**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.**

**20      COUNCIL COMMITTEES**Application of this Part

- 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

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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.

Non-members entitled to attend committee meetings

- 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.

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- 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 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.
  - (b) Details of each motion moved at a council meeting and of any amendments moved to it,
  - (c) The names of the mover and seconder of the motion or amendment,
  - (d) Whether the motion or amendment was passed or lost, and
  - (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.
- 20.24 The minutes of meetings of each committee of the Council must be confirmed at a subsequent meeting of the committee.
- 20.25 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.
- 20.26 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

**ITEM 10 - ATTACHMENT 1      REVISED CODE OF MEETING PRACTICE.**

- 20.27 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.
- 20.28 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.**

**ITEM 10 - ATTACHMENT 1 REVISED CODE OF MEETING PRACTICE.****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.

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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 2021.
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 10 - ATTACHMENT 1 REVISED CODE OF MEETING PRACTICE.

## CONTROLLED DOCUMENT INFORMATION:

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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

## ITEM 10 - ATTACHMENT 1 REVISED CODE OF MEETING PRACTICE.

1.2	13 September 2022	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 Introduction - replaced "made" with "prescribed" and updated the Local Government (General) Regulation to 2021. 3.5 – update to include timeframe to publish business paper on website. 3.7 – update to include distribution of business paper to Mayor and Councillors. 3.10 – change to timeframe to lodge a notice of motion. 3.23 - new clause "Statement of ethical obligations". 3.35 – new clause to enable pre-meeting briefings to be held by audio-visual link. 4.2 &amp; 4.2(a) – new clause to enable public forums to be held by audio-visual link. 4.11 – Minor amendment to wording. 4.21, 4.23 – updated reference to clause 4.20.</p>	240
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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>11.6 – 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 10 - ATTACHMENT 1      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>16.3 – 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>	
1.3	28 February 2023	Governance Section Manager	3.7 – updated to reflect public holidays and number of days to distribute the business paper in this situation.	029

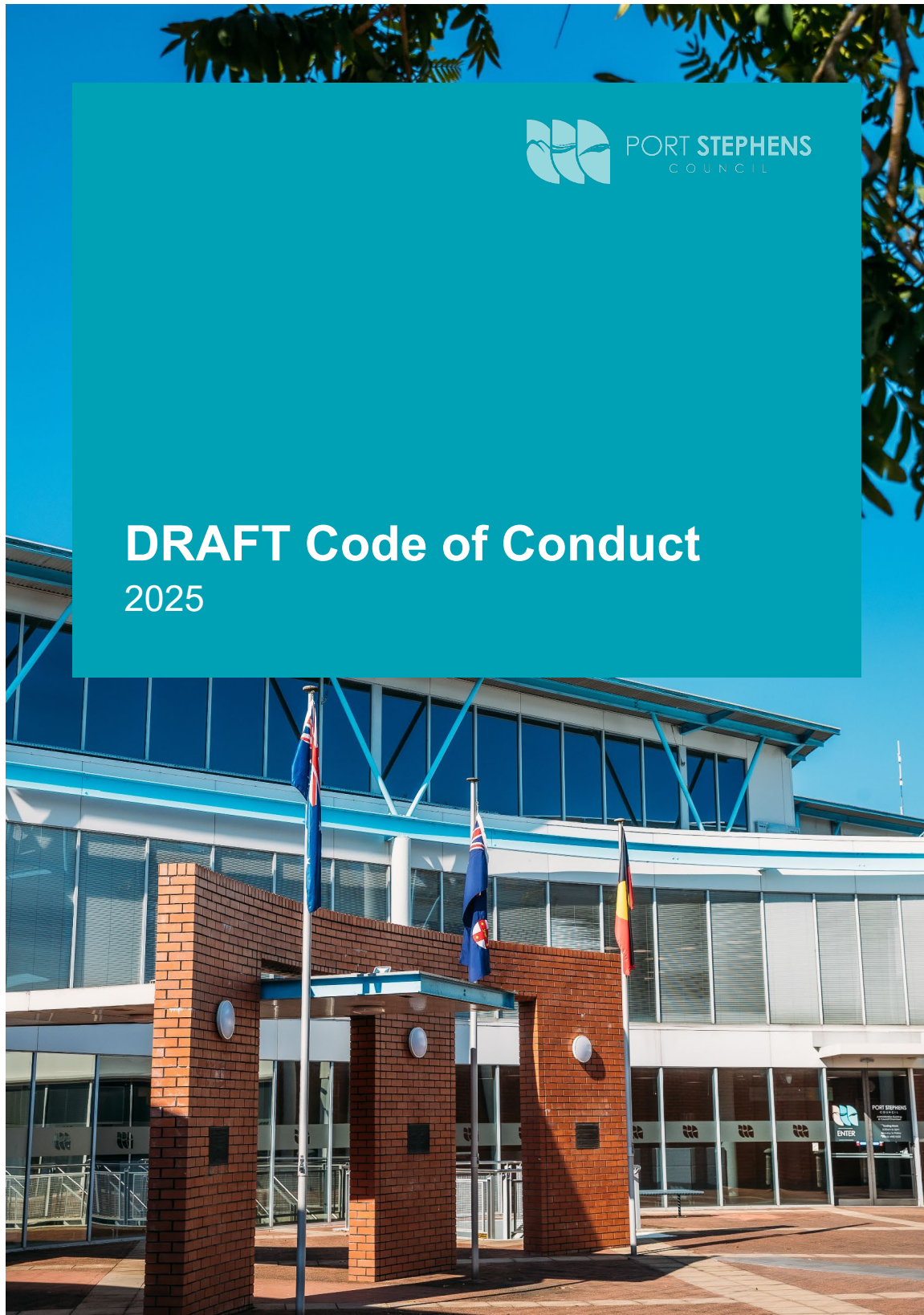
**ITEM 10 - ATTACHMENT 1      REVISED CODE OF MEETING PRACTICE.**

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Details</b>	<b>Minute No.</b>
1.4	TBC	Governance Section Manager	<p>3.1 – included timing of the last meeting of the Council term.</p> <p>3.5 – updated the publication on the website to be in accordance with clause 3.7.</p> <p>3.7 – updated the notice of the meeting to councillor to be 3 days after the previous council meeting.</p> <p>4.1 – updated timing of public access to be on the second Tuesday and the fourth Tuesday at the discretion of the Mayor.</p> <p>4.8 – remove the limit of 12 speakers at public access.</p> <p>4.27 – new clause to require Councillor attendance at public access to be recorded.</p>	TBC



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**ITEM 11 - ATTACHMENT 1      REVISED CODE OF CONDUCT.**

The Port Stephens Council has adopted the Model Code of Conduct developed by the Department of Local Government. This Code enhances the Model Code providing Councillors, staff and other council officials with the requirements of Council to ensure Council's commitment to transparency and accountability is maintained in the Port Stephens local government area.

**PART 1      INTRODUCTION**

This Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") is made under section 440 of the Local Government Act 1993 ("LGA") and the Local Government (General) Regulation 2005 ("the Regulation").

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council's or joint organisation's adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "council officials" for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

A council's or joint organisation's adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council's or joint organisation's adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of their council's code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with a council's code of conduct may give rise to disciplinary action.

**PRINCIPLES FOR LOCAL GOVERNMENT**

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

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

**Guiding principles for Council****1) Exercise of functions generally**

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

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

**2) Decision-making**

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

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

**3) Community participation**

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

**Principles of sound financial management**

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

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

**Integrated planning and reporting principles that apply to Council**

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

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

## ITEM 11 - ATTACHMENT 1 REVISED CODE OF CONDUCT.

## COUNCIL VALUES

	<b>RESPECT</b> Creating a unique, open and trusting environment in which each individual is valued and heard	<b>Expected Behaviours</b> <ul style="list-style-type: none"> <li>• Being fair and courteous to each other.</li> <li>• Acknowledging individual contributions and differences.</li> <li>• Listening to our customers and keeping them involved.</li> <li>• Embracing the complexities of local government.</li> </ul>	<b>Unacceptable Behaviours</b> <ul style="list-style-type: none"> <li>• Making promises we know we can't keep.</li> <li>• Tolerating a blame culture.</li> <li>• Gossiping.</li> <li>• Disregarding the differing views of the community.</li> </ul>
	<b>INTEGRITY</b> Being honest and inspiring trust by being consistent, matching behaviours to words and taking responsibility for our actions.	<b>Expected Behaviours</b> <ul style="list-style-type: none"> <li>• Doing what we say we are going to do.</li> <li>• Leading by example and setting a positive direction.</li> <li>• Making the right choices, not just the easy ones.</li> <li>• Being present and actively listening.</li> </ul>	<b>Unacceptable Behaviours</b> <ul style="list-style-type: none"> <li>• Making excuses for not delivering what is expected of us.</li> <li>• Doing the bare minimum just to get by.</li> <li>• Allowing personal interest to affect our judgement.</li> <li>• Giving different messages to different people.</li> </ul>
	<b>TEAMWORK</b> Working together as one Council, supporting each other to achieve better results for everyone.	<b>Expected Behaviours</b> <ul style="list-style-type: none"> <li>• Tapping into the knowledge and experience of our people.</li> <li>• Helping each other and provide support to a workmate in need.</li> <li>• Communicating clearly and often.</li> <li>• Acknowledging and celebrate work well done.</li> </ul>	<b>Unacceptable Behaviours</b> <ul style="list-style-type: none"> <li>• Working in isolation or pursuing personal agendas.</li> <li>• Taking credit for the work of others.</li> <li>• Being negative about our workmate behind their back.</li> <li>• Acting in a way that impacts negatively on others.</li> </ul>
	<b>EXCELLENCE</b> Improving the way we work, to meet the challenges of the future.	<b>Expected Behaviours</b> <ul style="list-style-type: none"> <li>• Working according to the business excellence principles.</li> <li>• Basing all decisions on data and experience.</li> <li>• Seeking feedback to continuously improve what we do.</li> <li>• Encouraging ideas and suggestions and empowering people to develop new approaches.</li> </ul>	<b>Unacceptable Behaviours</b> <ul style="list-style-type: none"> <li>• Resisting change because 'we have always done it this way'.</li> <li>• Taking unnecessary risks when trying new things.</li> <li>• Avoiding responsibility for negative outcomes.</li> <li>• Using jargon over plain English.</li> </ul>
	<b>SAFETY</b> Providing a safety focused workplace culture to ensure the wellbeing of staff, their families and the community	<b>Expected Behaviours</b> <ul style="list-style-type: none"> <li>• Working safely at all times.</li> <li>• Taking responsibility for the safety of others as well as ourselves.</li> <li>• Speaking up and reporting unsafe acts.</li> <li>• Using our risk management system to create an even safer workplace.</li> </ul>	<b>Unacceptable Behaviours</b> <ul style="list-style-type: none"> <li>• Continuing with a job or task if we feel unsafe.</li> <li>• Using equipment that we aren't trained to use.</li> <li>• Taking short cuts because we are busy, or pressed to do so</li> <li>• Taking risks that compromise the safety and welfare of staff, volunteers, contractors and/or members of the public.</li> </ul>



**PART 2      DEFINITIONS**

In this code the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns

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environmental planning instrument	has the same meaning as it has in the Environmental Planning and Assessment Act 1979
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 400O of the LGA
LGA	Local Government Act 1993
local planning panel	a local planning panel constituted under the Environmental Planning and Assessment Act 1979
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the Local Government (General) Regulation 2005
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to

**PART 3      GENERAL CONDUCT OBLIGATIONS**General conduct

- 3.1 You must not conduct yourself in a manner that:
- a) is likely to bring the council or other council officials into disrepute
  - b) is contrary to statutory requirements or the council's administrative requirements or policies
  - c) is improper or unethical
  - d) is an abuse of power
  - e) causes, comprises or involves intimidation or verbal abuse
  - f) involves the misuse of your position to obtain a private benefit
  - g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (section 439).
- 3.3 A Code of Conduct declaration must be signed by all Council officials stating that they have received, read and understand their obligations under the Code of Conduct at the completion the Code of Conduct training.

Fairness and equity

- 3.4 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.5 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.6 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.4 or 3.5.

Harassment and discrimination

- 3.7 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.
- 3.8 For the purposes of this code, "harassment" is any form of behaviour towards a person that:

**ITEM 11 - ATTACHMENT 1      REVISED CODE OF CONDUCT.**

- a) is not wanted by the person
- b) offends, humiliates or intimidates the person, and
- c) creates a hostile environment.

**Bullying**

3.9 You must not engage in bullying behaviour towards others.

3.10 For the purposes of this code, "bullying behaviour" is any behaviour in which:

- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
- b) the behaviour creates a risk to health and safety.

3.11 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

- a) aggressive, threatening or intimidating conduct
- b) belittling or humiliating comments
- c) spreading malicious rumours
- d) teasing, practical jokes or 'initiation ceremonies'
- e) exclusion from work-related events
- f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- g) displaying offensive material
- h) pressure to behave in an inappropriate manner.

3.12 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:

- a) performance management processes
- b) disciplinary action for misconduct
- c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
- d) directing a worker to perform duties in keeping with their job
- e) maintaining reasonable workplace goals and standards
- f) legitimately exercising a regulatory function
- g) legitimately implementing a council policy or administrative processes.

**ITEM 11 - ATTACHMENT 1      REVISED CODE OF CONDUCT.**Work health and safety

- 3.13 All council officials, including councillors, owe statutory duties under the Work Health and Safety Act 2011 (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety
  - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
  - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
  - d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
  - e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
  - f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

- 3.14 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.15 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

- 3.16 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.17 For the purposes of clause 3.16, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.18 Clause 3.16 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or

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committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.

- 3.19 Clause 3.16 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Obligations in relation to meetings

- 3.20 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.21 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.22 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.23 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
  - b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
  - c) deliberately seek to impede the consideration of business at a meeting.

Protecting and supporting Children

- 3.24 Council fully supports the aims and objectives of child protection legislation and associated provisions. Child protection is everyone's responsibility and you have an obligation to protect children from abuse and to report any suspected reportable allegations of Council employees, Mayor, Councillors and contractors engaged in child related work, to your supervisor, People and Cultural or directly to the General Manager.

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3.26 The Children's Guardian Act 2019 defines reportable conduct as:

- a) A sexual offence, for example, sexual touching of a child, a child grooming offence, production, dissemination or possession of child abuse material.
- b) Sexual misconduct, for example, conduct that is sexual in nature towards or in the presence of a child such as descriptions of sexual acts without legitimate reasons to provide the descriptions, sexual comments, conversations or communications.
- c) Ill-treatment of a child, for example, conduct that is seriously inappropriate, improper, inhumane or cruel such as excessive or degrading demands of a child, a pattern of hostility towards a child or using inappropriate forms of behaviour management towards a child.
- d) Neglect of a child, for example, significant failure to provide adequate and proper food, supervision, nursing, clothing, or medical aid for a child in your care whilst engaged in Council duties.
- e) An assault against a child, meaning intentional or reckless application of physical force without lawful justification or excuse, including, hitting, striking, kicking, punching, dragging or threatening to physically harm a child.
- f) An offence under s 43B (failure to protect a child) or s 316A (failure to report child abuse) of the Crimes Act 1900
- g) Behaviour that causes significant emotional or psychological harm to a child, for example conduct that is intentional and reckless which results in significant harm or trauma to a child. This might be an unreasonable act or a series of acts which results in evidence of psychological harm such as regressive behaviour in the child, distress, anxiety and other physical symptoms.

**3.27 As a Council official you must:**

- a) Treat children with respect and value their ideas and opinions
- b) Listen to children and respond to them appropriately
- c) Report any conflicts of interest (such as an outside relationship with a child for whom you are caring)
- d) Take all reasonable steps to protect children from abuse
- e) Welcome children and their families to participate in programs, services and provide feedback
- f) Respect the privacy of children and their families by keeping information about child protection concerns confidential in accordance with the law
- g) Take a child seriously if they disclose harm or abuse
- h) Uphold the rights of the child and prioritise their needs, safety and wellbeing
- i) Report any misconduct or inappropriate behaviour in relation to children, to your supervisor, People support or the CEO
- j) Contact the police if a child is at immediate risk of abuse – phone 000.



3.28 As a Council official you must not:

- a) Shame, humiliate, oppress, belittle or degrade children
- b) Use hurtful, discriminatory or offensive behaviour or language with children
- c) Engage in unwarranted and inappropriate touching involving a child
- d) Be alone with a child unnecessarily and for more than a very short time
- e) Arrange contact, including online contact, with children, outside of Council's services, programs and activities
- f) Photograph or video an individual child without the consent of the child and their parent/s or guardian
- g) Work with children while impaired by alcohol or illegal drugs
- h) Engage in discussions of a sexual nature in the presence of children or show children pornographic images.
- i) Failure to adhere to these standards of behaviour may result in a reportable allegation to the Office of Children's Guardian and/or disciplinary action.

**ITEM 11 - ATTACHMENT 1      REVISED CODE OF CONDUCT.****PART 4      PECUNIARY INTERESTS**What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
  - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
  - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- (a) Your “relative” is any of the following:
    - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - ii) your spouse’s or de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
  - (b) “de facto partner” has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
  - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
  - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

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4.6 You do not have to disclose the following interests for the purposes of this Part:

- (a) your interest as an elector
- (b) your interest as a ratepayer or person liable to pay a charge
- (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
- (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
- (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
- (f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
- (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
- (h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
- (i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
  - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
  - ii) security for damage to footpaths or roads
  - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
- (j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
- (k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
- (l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
- (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person

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- (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
  - (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.
- 4.7 For the purposes of clause 4.6, “relative” has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

4.8 Designated persons include:

- (a) the general manager
- (b) other senior staff of the council for the purposes of section 332 of the LGA
- (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person’s duty as a member of staff or delegate and the person’s private interest
- (d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council’s functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member’s duty as a member of the committee and the member’s private interest.

4.9 A designated person:

- (a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
- (b) must disclose pecuniary interests in accordance with clause 4.10.

4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person’s salary as a member of staff, or to their other conditions of employment.

4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

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- 4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council staff other than designated persons?

- 4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council advisers?

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a council committee member?

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

What disclosures must be made by a councillor?

- 4.20 A councillor:
- (a) must prepare and submit written returns of interests in accordance with clause 4.21, and
  - (b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

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- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a councillor or designated person, and
  - (b) 30 June of each year, and
  - (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
  - (b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:

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- (a) at any time during which the matter is being considered or discussed by the council or committee, or
  - (b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
- (a) a member of, or in the employment of, a specified company or other body, or
  - (b) a partner of, or in the employment of, a specified person.
- Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.
- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- (a) the matter is a proposal relating to:
  - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or



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- (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
- (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
- (c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.

4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:

- (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
- (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.

4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- (b) that it is in the interests of the electors for the area to do so.

4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

**PART 5      NON-PECUNIARY CONFLICTS OF INTEREST**What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

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- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
- a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
  - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
  - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
  - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
  - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
  - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
  - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of

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interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.

- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Political donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.

- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:

- a) made by a major political donor in the previous four years, and
- b) the major political donor has a matter before council,

you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.

- 5.17 For the purposes of this Part:

- a) a “reportable political donation” has the same meaning as it has in section 6 of the Electoral Funding Act 2018
- b) “major political donor” has the same meaning as it has in the Electoral Funding Act 2018.

- 5.18 Councillors should note that political donations that are not a “reportable political donation”, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.

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- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:

- a) the matter is a proposal relating to:
  - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
  - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
- c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

- 5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- b) that it is in the interests of the electors for the area to do so.

- 5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

- 5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.

- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the

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employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.

- 5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.
- 5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
  - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
  - c) require them to work while on council duty
  - d) discredit or disadvantage the council
  - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

**ITEM 11 - ATTACHMENT 1      REVISED CODE OF CONDUCT.****PART 6      PERSONAL BENEFIT**

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) items with a value of \$10 or less
  - b) a political donation for the purposes of the Electoral Funding Act 2018
  - c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
  - d) a benefit or facility provided by the council to an employee or councillor
  - e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
  - f) free or subsidised meals, beverages or refreshments provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
    - i) the discussion of official business
    - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
    - iii) conferences
    - iv) council functions or events
    - v) social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

How are offers of gifts and benefits to be dealt with?

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
  - b) seek gifts or benefits of any kind
  - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
  - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9



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- e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
  - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
  - g) personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
- a) the nature of the gift or benefit
  - b) the estimated monetary value of the gift or benefit
  - c) the name of the person who provided the gift or benefit, and
  - d) the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$100. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100
  - b) gifts of alcohol that do not exceed a value of \$100
  - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
  - d) prizes or awards that do not exceed \$100 in value.

Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

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- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$100 in value.
- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

“Cash-like gifts”

- 6.13 For the purposes of clause 6.5(e), “cash-like gifts” include, but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

**PART 7      RELATIONSHIPS BETWEEN COUNCIL OFFICIALS**Obligations of councillors and administrators

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
  - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
  - c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
  - d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.
- 7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of council must:
- a) give their attention to the business of the council while on duty
  - b) ensure that their work is carried out ethically, efficiently, economically and effectively
  - c) carry out reasonable and lawful directions given by any person having authority to give such directions

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- d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
- e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

Inappropriate interactions

7.6 You must not engage in any of the following inappropriate interactions:

- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

**PART 8      ACCESS TO INFORMATION AND COUNCIL RESOURCES**Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the Government Information (Public Access) Act 2009 (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

- 8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Refusal of access to information

- 8.8 Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The

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general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

- 8.9 In regard to information obtained in your capacity as a council official, you must:
- a) subject to clause 8.14, only access council information needed for council business
  - b) not use that council information for private purposes
  - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
  - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11 In addition to your general obligations relating to the use of council information, you must:
- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
  - b) protect confidential information
  - c) only release confidential information if you have authority to do so
  - d) only use confidential information for the purpose for which it is intended to be used
  - e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
  - f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
  - g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

- 8.12 When dealing with personal information you must comply with:
- a) the Privacy and Personal Information Protection Act 1998
  - b) the Health Records and Information Privacy Act 2002
  - c) the Information Protection Principles and Health Privacy Principles
  - d) the Council's privacy management plan
  - e) the Privacy Code of Practice for Local Government

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- 8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
  - b) the representation of employees with respect to grievances and disputes
  - c) functions associated with the role of the local consultative committee.
- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
  - b) for other non-official purposes.
- 8.19 You must not convert any property of the council to your own use unless properly authorised.

Internet access

- 8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.



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- 8.21 You must not use social media to post comments, photos, sound recordings or other information that:
- a) compromises your capacity to perform your official duties in an unbiased manner
  - b) has the potential to have a negative impact on your working relationships within the Council or with external parties
  - c) is offensive, humiliating, threatening or intimidating to other Council officials or those that deal with the Council
  - d) has the capacity to damage the Council's reputation or contains content about the Council that may be misleading or deceptive
  - e) divulges confidential Council information
  - f) breaches the privacy of other Council officials or those that deal with Council
  - g) contains allegations of suspected breaches of this code or information about the consideration of a matter under this code, or
  - h) could be perceived to be an official comment on behalf of the Council where you have not been authorised to make such comment.

Council record keeping

- 8.22 You must comply with the requirements of the State Records Act 1998 and the council's records management policy.
- 8.23 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the State Records Act 1998 and the council's approved records management policies and practices.
- 8.24 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.25 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the State Records Act 1998.

Councillor access to council buildings

- 8.26 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.

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- 8.27 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.28 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

**PART 9      MAINTAINING THE INTEGRITY OF THIS CODE**Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to bully, intimidate or harass another council official
  - b) to damage another council official's reputation
  - c) to obtain a political advantage
  - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
  - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
  - f) to avoid disciplinary action under the Procedures
  - g) to take reprisal action against a person for making a complaint alleging a breach of this code
  - h) to take reprisal action against a person for exercising a function prescribed under the Procedures
  - i) to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
  - b) intimidation or harassment
  - c) discrimination, disadvantage or adverse treatment in relation to employment
  - d) dismissal from, or prejudice in, employment
  - e) disciplinary proceedings.

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- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.

Disclosure of information about the consideration of a matter under the Procedures

- 9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12 You must not disclose information about a complaint you have made alleging a breach of this code or any other matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the Public Interest Disclosures Act 1994.

Complaints alleging a breach of this Part

- 9.14 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.
- 9.15 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.

**SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21**Part 1: PreliminaryDefinitions

1. For the purposes of the schedules to this code, the following definitions apply:

*address* means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

*de facto partner* has the same meaning as defined in section 21C of the Interpretation Act 1987.

*disposition of property* means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

*gift* means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

*interest* means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or

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- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth) in securities issued or made available by the corporation.

*listed company* means a company that is listed within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth.

*occupation* includes trade, profession and vocation.

*professional or business association* means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

*property* includes money.

*return date* means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

*relative* includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

*travel* includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.

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4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returnsReal property

5. A person making a return under clause 4.21 of this code must disclose:
- a) the street address of each parcel of real property in which they had an interest on the return date, and
  - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
  - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
- a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
  - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
8. For the purposes of clause 5 of this schedule, “interest” includes an option to purchase.

Gifts

9. A person making a return under clause 4.21 of this code must disclose:
- a) a description of each gift received in the period since 30 June of the previous financial year, and
  - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
- a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
  - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - c) the donor was a relative of the donee, or
  - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.



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12. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
  - b) the dates on which the travel was undertaken, and
  - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
  - b) was made by a relative of the traveller, or
  - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
  - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
  - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the Electoral Funding Act 2018, or
  - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
  - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
  - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
  - c) the nature of the interest, or the position held, in each of the corporations, and
  - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.

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16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
  - a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
  - b) required to apply its profits or other income in promoting its objects, and
  - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

*close associate*, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the Electoral Funding Act 2018.

*property developer* has the same meaning as it has in Division 7 of Part 3 of the Electoral Funding Act 2018.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:
  - a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
  - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
  - c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

**ITEM 11 - ATTACHMENT 1      REVISED CODE OF CONDUCT.**Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
  - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
    - (i) a description of the occupation, and
    - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
    - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
  - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
  - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.

**ITEM 11 - ATTACHMENT 1      REVISED CODE OF CONDUCT.**

29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
  - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
    - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
    - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
  - b) the person was liable to pay the debt to a relative, or
  - c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
  - d) in the case of a debt arising from the supply of goods or services:
    - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
    - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
  - e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

**SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED  
UNDER CLAUSE 4.21****Code of Conduct****Office Use only:**

Date Received: \_\_\_\_\_

Received by: \_\_\_\_\_

**Schedule 2 Form of return—disclosure of interest****'Disclosures by councillors and designated persons' return**

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

**Important information**

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary

## ITEM 11 - ATTACHMENT 1 REVISED CODE OF CONDUCT.

action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by *[full name of councillor or designated person]*

as at *[return date]*

in respect of the period from *[date]* to *[date]*

*[councillor's or designated person's signature]*

*[date]*

#### A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest

#### B. Sources of income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)

## ITEM 11 - ATTACHMENT 1 REVISED CODE OF CONDUCT.

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee
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3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

*[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]*

#### C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
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#### D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
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#### E. Interests and positions in corporations

Name and address of each corporation in which I had an interest (if interest or held a position at the return date/at any time since 30 June)	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
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F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

#### G. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
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**ITEM 11 - ATTACHMENT 1      REVISED CODE OF CONDUCT.****H. Debts**

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

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**I. Dispositions of property**

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

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2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

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**J. Discretionary disclosures**

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**SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37**

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

Important information

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

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

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

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

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

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

## ITEM 11 - ATTACHMENT 1 REVISED CODE OF CONDUCT.

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

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

which is to be considered at a meeting of the *[name of council or council committee (as the case requires)]*

to be held on the                      day of                      20     .

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

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

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

## ITEM 11 - ATTACHMENT 1 REVISED CODE OF CONDUCT.

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

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

Councillor's signature

Date

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

## ITEM 11 - ATTACHMENT 1 REVISED CODE OF CONDUCT.

## CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website <a href="http://www.portstephens.nsw.gov.au">www.portstephens.nsw.gov.au</a>			
<b>EDRMS container No</b>	A2004-0984	<b>EDRMS record No</b>	<del>22/292010</del> TBC
<b>Audience</b>	Elected Council, administrators, council employees, volunteers and contractors		
<b>Process owner</b>	Governance Section Manager		
<b>Author</b>	Governance Section Manager		
<b>Review timeframe</b>	3 <del>4</del> years	<b>Next review date</b>	<del>30 September 2025</del> 30 September 2029
<b>Adoption date</b>	26 March 2019		

## VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	26 March 2019	Governance Section Manager	New model code of conduct release by the Office of Local Government.	058

## ITEM 11 - ATTACHMENT 1 REVISED CODE OF CONDUCT.

2.1	22 September 2020	Governance Section Manager	<p>A revised Model Code of Conduct has been released by the Office of Local Government.</p> <p>Definitions updated in include Council's audit, risk and improvement committee.</p> <p>3.7 – updated to reflect more contemporary standards.</p> <p>3.10 – insert a comma.</p> <p>3.13 – delete WH&amp;S and insert WHS.</p> <p>6.2a) – insert items with a value of \$10 or less</p> <p>6.2d) – insert benefit or facility provided by the council to an employee or councillor.</p> <p>6.8, 6.9, 6.10, 6.11 – replace \$50 with \$100.</p> <p>6.13 – insert a comma after the word include.</p> <p>7.6e) – insert the word 'or administrator after the word councillor.</p> <p>9.9 – delete "Where you are a Councillor or the General</p>	193
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## ITEM 11 - ATTACHMENT 1 REVISED CODE OF CONDUCT.

Version	Date	Author	Details	Minute No.
			Manager, you must comply with any Council resolution requiring you to take action as a result of a breach of this code." 9.12 – delete “a” after the word or and insert “any other”.	
2.2	27 September 2022	Governance Section Manager	The Code of Conduct has been reviewed and no amendments have been made, which the exception of updating the version control.  The review has been conducted to satisfy section 440(7) of the Local Government Act 1993.	266
2.3	TBC	Governance Section Manager	The Code of Conduct has been reviewed.  3.24-3.28 – new clauses to comply with the Children’s Guardian Act and regulations  The version control has been updated.	TBC



**PORT STEPHENS**  
COUNCIL

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