

# MINUTES – 13 DECEMBER 2022



## PORT STEPHENS COUNCIL

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 13 December 2022, commencing at 7:05pm.

### PRESENT:

#### In Person

Mayor Ryan Palmer  
Cr Leah Anderson  
Cr Giacomo Arnott  
Cr Peter Francis  
Cr Peter Kafer  
Cr Steve Tucker  
Cr Jason Wells  
General Manager  
Acting Corporate Services Group Manager  
Development Services Group Manager  
Facilities and Services Group Manager  
Governance Section Manager

### ORDINARY COUNCIL MEETING - 13 DECEMBER 2022

#### MOTION

<b>318</b>	<b>Councillor Steve Tucker</b> <b>Councillor Jason Wells</b>  It was resolved that the apologies from Cr Glen Dunkley and Cr Matthew Bailey be received and noted, and leave of absence from Council
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## MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022

	meetings be approved for Cr Chris Doohan on 13 December 2022 and 14 February 2023.
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Those for the Motion: Mayor Ryan Palmer, Crs Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Crs Leah Anderson and Giacomo Arnott.

The motion was carried.

### ORDINARY COUNCIL MEETING - 13 DECEMBER 2022 MATTER ARISING

<b>319</b>	<b>Councillor Giacomo Arnott</b> <b>Councillor Leah Anderson</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) write to Cr Glen Dunkley through every means (email, text, WhatsApp and postal address, if known) requesting his urgent response about when he will be returning to his duties as a councillor.</li><li>2) seek Cr Dunkley's consideration of returning his councillor allowance for the period he has not been performing his councillor duties.</li><li>3) be provided with a copy of the correspondence forwarded to Cr Dunkley through an Information Paper.</li></ol>
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Those for the Motion: Crs Leah Anderson, Giacomo Arnott, Peter Francis, Peter Kafer and Jason Wells.

Those against the Motion: Mayor Ryan Palmer and Cr Steve Tucker.

The motion was carried.

	Cr Peter Francis declared a pecuniary conflict of interest in Item 1. The nature of the interest is that the proponent could be considered either a competitor or colleague as we are both in the same line of tourism business.
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<b>320</b>	<b>Councillor Peter Francis</b> <b>Councillor Leah Anderson</b>  It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 8 November 2022 be confirmed.
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**MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022**

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

Those against the Motion: Nil.

The motion was carried.

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# DECLARATION OF INTEREST



## Declaration of Interest form

Agenda item No. 1. \_\_\_\_\_

Report title **DEVELOPMENT APPLICATION 16-2019-598-2 FOR A S4.55(1A) MODIFICATION TO APPROVED CAMPING GROUND AT 47 THE BUCKETTS WAY, TWELVE MILE CREEK** /Councillor Francis declared a Tick the relevant response:

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

in this item. The nature of the interest is \_\_\_\_\_  
That the proponent could be considered either a competitor or colleague as we are both in the same line of tourism business.

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Mayor/Councillor left the Council meeting in Committee of the Whole at \_\_\_\_\_ pm.

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

Mayor/Councillor left the Council meeting at 7:41 pm.

Mayor/Councillor returned to the Council meeting at 7:33 pm.

# MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: 22/290858  
EDRMS NO: PSC2022-02402-0010

**MOTION TO CLOSE**

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

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**RECOMMENDATION:**

- 1) That pursuant to section 10A(2) (d)ii of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely **Proposed Sale of Land – 1 Coachwood Drive, Medowie.**
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
  - information that would, if disclosed, confer a commercial advantage on a competitor of the council.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

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**ORDINARY COUNCIL MEETING - 13 DECEMBER 2022**  
**MOTION**

<b>321</b>	<p><b>Councillor Peter Kafer</b> <b>Councillor Steve Tucker</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) That pursuant to section 10A(2) (d)ii of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely <b>Proposed Sale of Land – 1 Coachwood Drive, Medowie.</b></li><li>2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:<ul style="list-style-type: none"><li>• information that would, if disclosed, confer a commercial advantage on a competitor of the council.</li></ul></li><li>3) That the report remain confidential and the minute be released in accordance with Council's resolution.</li></ol>
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**MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022**

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

Those against the Motion: Nil.

The motion was carried.



# COUNCIL REPORTS

**MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022**

Councillor Peter Francis left the meeting at 7:19pm.

**ITEM NO. 1**

**FILE NO: 22/290752  
EDRMS NO: 16-2019-598-2**

**DEVELOPMENT APPLICATION 16-2019-598-2 FOR A S4.55(1A) MODIFICATION TO APPROVED CAMPING GROUND AT 47 THE BUCKETTS WAY, TWELVE MILE CREEK**

REPORT OF: KATE DRINAN - DEVELOPMENT AND COMPLIANCE SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application DA No. 16-2019-598-2 for a s4.55(1A) modification to the approved camping ground at 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP 243144) subject to the conditions contained in **(ATTACHMENT 1)**.

**ORDINARY COUNCIL MEETING - 13 DECEMBER 2022  
MOTION**

<b>322</b>	<p><b>Councillor Giacomo Arnott Councillor Peter Kafer</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Defer Development Application No. 16-2019-598-2 for a S4.55(1A) modification to approved camping ground at 47 The Bucketts Way, Twelve Mile Creek, for Council to receive more information regarding the definition of area for a primitive camp ground.</li><li>2) The Detention Basin Wall – The construction of the detention basin wall along the southern boundary of the site must be completed in accordance with Condition 2.15 to the satisfaction of Council.</li></ol> <p>The final pad shape, levels and location of the detention basin wall will be confirmed by the submission of a detailed survey plan prepared by a Registered Surveyor. The detailed works as executed survey plan must be provided in accordance with Council’s Infrastructure Specification to Council. Written confirmation that the works have been undertaken to the satisfaction of Council must be provided prior to reporting back to Council meeting.</p>
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## MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022

Cr Steve Tucker moved the following amendment, which was accepted by the mover and seconder and merged into the original motion:

- 1) Defer Development Application No. 16-2019-598-2 for a S4.55(1A) modification to approved camping ground at 47 The Bucketts Way, Twelve Mile Creek, for Council to receive more information regarding the definition of area for a primitive camp ground.
- 2) The Detention Basin Wall – The construction of the detention basin wall along the southern boundary of the site must be completed in accordance with Condition 2.15 to the satisfaction of Council.

The final pad shape, levels and location of the detention basin wall will be confirmed by the submission of a detailed survey plan prepared by a Registered Surveyor. The detailed works as executed survey plan must be provided in accordance with Council's Infrastructure Specification to Council. Written confirmation that the works have been undertaken to the satisfaction of Council must be provided prior to reporting back to Council meeting.

Cr Giacomo Arnott foreshadowed a matter arising.

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

Those for the Motion: Crs Leah Anderson, Giacomo Arnott, Peter Kafer and Jason Wells.

Those against the Motion: Mayor Ryan Palmer and Cr Steve Tucker.

The motion was carried.

Councillor Peter Francis returned to the meeting at 7:33pm.

### ORDINARY COUNCIL MEETING - 13 DECEMBER 2022 MATTER ARISING

<b>323</b>	<b>Councillor Giacomo Arnott</b> <b>Mayor Ryan Palmer</b>  It was resolved that Council request the General Manager to ensure that any submitters 'for' or 'against' a development application, which is then reported to Council, are notified and invited to put forward an application for public access.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, 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 present Development Application (DA) 16-2019-598-2 for a 4.55(1A) modification to the approved Camping Ground at 47 The Bucketts Way, Twelve Mile Creek to Council for determination.

A summary of the application and property is provided below:

Subject Land:	47 The Bucketts Way, Twelve Mile Creek
Total Area:	10.12ha
Zoning:	RU2 Rural Landscape
Submissions:	2
Key Issues:	Substantially the same test for S4.55(1A) modifications and compliance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

The modification application has been reported in accordance with Council's Planning Matters to be Reported to Council Policy as it has been called up by Councillors Leah Anderson, Giacomo Arnott and Peter Kafer (**ATTACHMENT 2**).

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

### Proposal

This S4.55(1A) modification application proposes to convert the approved camping ground from 50 campsites to 20 'primitive' camp sites. The specific amendments proposed are as follows:

- Reduce the total number of camp sites from 50 to 20
- Convert the use of the sites to 'primitive' camp sites rather than 'camp sites'
- Deletion of the approved storage shed and associated hardstand space located within the north eastern portion of the site.

No other changes to the approved development are proposed.

### Site Description and History

The subject site is legally identified as Lot 9 DP 243144. The site is rectangular in shape and has an area of approximately 10.12ha, refer to Figure 4 in the Planners Assessment Report (**ATTACHMENT 4**). The site currently contains 2 dwellings and a number of outbuildings. The amenities, camp kitchen and water tanks associated with the original consent have already been constructed on the site.

The site contains dense vegetation to the west. The vegetation density reduces to the east in the vicinity of the camping ground. The site is accessible from The Bucketts Way, which is approximately 550m from an intersection with the Pacific Highway. The surrounding locality is characterised by rural residential land uses.

The site has historically been utilised for rural residential purposes with historic DA's relating to a farm shed, dual occupancy and swimming pool.

The original DA (16-2019-598-1) was lodged with Council on 16 September 2019. The DA was for a camping ground consisting of 50 camp sites with amenities and a camp kitchen. The application was approved by Council on 25 August 2020.

### Key Issues

The key issues identified throughout the assessment of the modification application relate to the substantially the same test under S4.55(1A) of the EP&A Act and compliance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021. A detailed assessment of the relevant planning matters associated with the DA is contained within the Planners Assessment Report (**ATTACHMENT 4**).

### Modification Application Considerations

A development consent can only be modified if the consent authority is satisfied that the development is substantially the same development as the development for which the consent was originally granted. The modified development is considered to be substantially the same as the approved development for the following reasons:

- The development is materially the same in essence, with the use now a 'primitive campground' rather than a 'campground'. A primitive campground is a type of campground as defined under the PSLEP2013; Accordingly, there is no modification to the approved use
- There are no significant changes to the approved amenities, camp kitchen or road layout
- When considering all components of the original development consent, the quantitative and qualitative changes are considered minor and therefore, substantially the same as the original development.

On the basis of the above, the application is considered to be substantially the same under the provisions of S4.55(1A)(b).

### Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021

The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2021 (LG Regulations) contains

standards for primitive campgrounds. Subdivision 9 specifically relates to primitive campgrounds.

The proposed modification was assessed against the relevant controls identified within Subdivision 9 of the LG Regulations and found to be compliant. Conditions have been recommended to address specific requirements under the LG Regulations in relation to the placement of tents, annexes and general camping restrictions. It is noted that these controls must also be considered by Council prior to the issue of an Approval to Operate.

Two submissions were received by Council during public notification raising concern regarding the number of primitive sites proposed and noted it was non-compliant with the LG Regulations. Section 131(1) of the LG Regulations states that 'the maximum number of designated camp sites in a primitive camping ground must not exceed an average of 2 for each hectare in the camping ground'. The site has a total area of 10.2 hectares, therefore 20 designated campsites are permitted. The modified development seeks consent for 20 primitive campsites, which is considered to be consistent with the LG Regulations. Additionally, Planning Circular (PS 06-001) released by the Department of Planning and Environment establishes guidelines for primitive campgrounds. The Planning Circular acknowledges that where campsites are designated sites within a campground (as proposed), they may be concentrated within a specific area of a campground. There is no requirement for the camping sites to be distributed across the entire site.

It is noted that where camp sites are designated as part of an approval, camping is not permitted elsewhere on the site. This approach aims to preserve the natural environment and encourage campers to utilise facilities provided on the site. The proposed development seeks to consolidate the 20 camp sites within a 2 hectare area, which are in close proximity to the approved and now constructed amenities, including the camp kitchen which serves a dual purpose as a fire refuge.

### Conclusion

The proposed modifications are considered to be of minimal environmental impact and result in substantially the same development as that originally approved. The modification is therefore supported by Council staff, subject to the recommended conditions of consent in **(ATTACHMENT 1)**.

### **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Strong Economy, Vibrant Businesses, Active Investment	Support sustainable business development in Port Stephens.

**FINANCIAL/RESOURCE IMPLICATIONS**

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (S7.11)	Yes		The development is subject to S7.12 contributions.
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

The modification application is consistent with the relevant planning instruments including the Environmental Planning and Assessment Act 1979 (EP&A Act), Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021, Port Stephens Local Environmental Plan 2013 (PSLEP) and the Port Stephens Development Control Plan 2014 (DCP 2014). A detailed assessment against these environmental planning instruments is contained within the Planners Assessment Report contained at **(ATTACHMENT 4)**.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
If the DA is approved, there is a risk that the determination of the DA may be challenged by a third party in the Land and Environment Court through a judicial review.	Low	Accept the recommendation.	Yes
If the DA is refused, there is a risk that the determination of the DA may be challenged by the applicant in the Land and Environment Court.	Medium	Accept the recommendation.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

### Social and Economic Impacts

The site will provide a location for short term tourist accommodation within the locality. The modified proposal is not expected to result in any social or economic impacts not already assessed in the previous approval.

### Built Environment

The proposed development reduces the overall footprint through the removal of the storage shed and reduction in the number of camp sites. No other changes are sought and as such, there are no expected adverse impacts to the built environment.

### Natural Environment

No additional vegetation is proposed to be removed as part of the application. The location of the 20 primitive camp sites is within the same footprint as the 50 originally approved camp sites, and therefore no additional clearing or disturbance is proposed.

## **CONSULTATION**

Consultation with key stakeholders including internal referral officers has been undertaken for the purposes of the assessment of the application. Consultation with the public occurred as part of the notification process.

### Public exhibition

The application was notified in accordance with Councils Community Engagement Strategy from 24 October 2022 until 7 November 2022. During this period, 2 submissions have been received.

A detailed response to the submissions is outlined within the Planners Assessment Report (**ATTACHMENT 4**).

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Recommended Conditions of Consent.
- 2) Call to Council form.
- 3) Locality Plan.
- 4) Planners Assessment Report.



**COUNCILLORS ROOM**

- 1) Development Plans.
- 2) Unredacted submissions.

Note: Any third party reports referenced in this report can be inspected upon request.

**TABLED DOCUMENTS**

Nil.



**RECOMMENDED CONDITIONS OF CONSENT**

**1.0 - General Conditions of Consent**

The following conditions of consent are general conditions applying to the development.

- (1A) **General terms of approval** – The General Terms of Approval from state authorities must be complied with prior to, during, and at the completion of the development.

The General Terms of Approval are:

1. NSW Rural Fire Service, DA-2019-03512-S4.55-1, 28 October 2022.

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

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

Plan reference	Name of plan	Prepared by	Date
1902748 Issue I	Proposed Site Plan (2 of 5)	Sorensen Design & Planning	29/08/2022
1902748	Amenities Plan (3 of 4)	Sorensen Design & Planning	24/05/2020
1902748	Camp Kitchen Plan (4 of 4)	Sorensen Design & Planning	24/05/2020
190203	Stormwater Management Plan (Sheets CIV00 to CIV06)	DRB Consulting Engineers	15/05/2020
190203	Cut/Fill Plan (Sheets CIV13 to CIV21)	DRB Consulting Engineers	15/05/2020

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

- (3) **Amendments to documents and plans** – The development must be amended as follows:

- a) As per the annotations on Civil Plans, Ref 190203 by DRB Consulting Engineers, dated 15/05/2020.

Amended plans or documentation demonstrating compliance must be provided to the Certifying Authority and Council prior to the issue of a Construction Certificate.

**PORT STEPHENS COUNCIL**

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Raymond Terrace NSW 2324

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- (4) **Tree removal/pruning** – The trees identified below are approved for removal:
  - a) The trees identified for removal as shown on Proposed Site Plan - Proposed Campground & Eco Tourist Facility (Sheet 2 of 4; Document Reference no. 1902748) prepared by Sorensen Design and Planning, dated 24 May 2019 are approved for removal.
  - b) Eucalyptus opposite proposed site entry within the road reserve.
- (5) **Removal of Vegetation** - No vegetation or natural landscape features other than that authorised for removal or pruning by this Consent must be disturbed, damaged or removed. No additional works or access/parking routes transecting the protected vegetation must be undertaken without Council Approval. A map indicating the location of protected vegetation is available from Council upon request.
- (6) **Separate approval for signs** – A separate development application for any proposed signage, must be provide to, and approved by, the Consent Authority or under the provision of the *State Environmental Planning Policy (Exempt and Complying Codes) 2008* if applicable prior to the erection or display of any such signs.
- (7) **Building Code of Australia** – All building work must be carried out in accordance with the BCA and where applicable the Disability (Access to Premises – Buildings) Standards 2010. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (8) **Sign on building** – Except in the case of work only carried out to the interior of a building or Crown building work, a sign must be erected in a prominent position on the site showing the name, address and telephone number of the Principal Certifying Authority for the work, the name of any principal contractor and their after-hours contact number, and must contain a statement that unauthorised entry to the site is prohibited.  
  
The sign must be maintained while the work is being carried out and is to be removed when the work is completed.
- (9) **Outdoor lighting** - All lighting must comply with AS 1158 'Lighting for Roads and Public Spaces' and AS 4282 'Control of Obtrusive Effects of Outdoor Lighting'.
- (9.1) **Prior to Commencement of Use** – Prior to the commencement of use, an Approval to Operate under section 68 of the Local Government Act 1993 must be issued by Council.

**2.0 – Prior to Issue of a Construction Certificate**

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.

- (1) **Structural engineer's Certificate** A certificate must be prepared by a qualified Structural Engineer certifying that the building design is capable of withstanding the effects of flood waters, including immersion, structural stability, buoyancy, impact and loading from debris up to and including the future 1% Annual Exceedance Probability (AEP) event.

ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.



Details demonstrating compliance must be provided to the Certifying Authority.

- (2) **Free flow of water** - The location and design of the proposed doors must allow free access and escape of floodwaters without causing damage to the building. Details demonstrating compliance must be provided to the Certifying Authority.
- (3) **Potential acid sulfate soils** - A geotechnical assessment of the site is to be undertaken to determine whether the development works will disturb Potential Acid Sulfate Soils (ASS). Should ASS be encountered within the zone of works, an ASS Management Plan is to be prepared by a suitably qualified Geotechnical Engineer and submitted to the Certifying Authority.

The recommendations and/or mitigation measures contained within the ASS Management Plan must be complied with during works.

- (4) **Civil engineering plans** – Civil engineering plans prepared by a qualified Engineer, indicating drainage, roads, access ways, earthworks, pavement design, street lighting, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, must be prepared in accordance with the approved plans and Council's Infrastructure Specifications. Details demonstrating compliance must be provided to the Certifying Authority.

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

- (5) **Stormwater/drainage plans** – Detailed stormwater drainage plans must be prepared by a qualified Engineer in accordance with the approved plans, Council's Infrastructure Specifications and the current Australian Rainfall and Runoff guidelines using the Hydrologic Soil Mapping data for Port Stephens (available from Council). Details demonstrating compliance must be provided to the Certifying Authority.

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

- (6) **Flood Risk Management Plan** – A Flood Risk Management Plan prepared by a suitably qualified Engineer must be provided to the Certifying Authority demonstrating compliance with the following:
  - a) The design must show that the proposed development is capable of withstanding the effects of flood waters, including immersion, structural stability, buoyancy and impact and loading from debris up to and including the 1% Annual Exceedance Probability (AEP) event.
  - b) Certification that the proposed development/ building flood refuge is capable of withstanding the force of any flood waters experienced up to the Probable Maximum Flood Event (PMF).
  - c) Certification demonstrating that any damage to the proposed development sustained in a flood will not generate debris capable of causing damage to downstream buildings or property
  - d) Certification demonstrating that the rainwater tank, finishes, plant fittings and equipment and any other buoyant fixtures will be of materials and functional



capacity to withstand the forces of floodwater in events up to and including the 1% AEP event including hydrostatic pressure, hydrodynamic pressure and buoyancy forces.

- (7) **Stormwater system Operation and Maintenance Procedure Plan** – An Operation and Maintenance Plan for the stormwater system must be prepared by a qualified engineer detailing a regular maintenance programme for pollution control devices, covering inspection, cleaning and waste disposal. Details demonstrating compliance must be provided to the Certifying Authority.
- (8) **Approval of OSMS under LG Act** – An approval under Section 68 of the Local Government Act 1993 is to be obtained from Council for the installation of an on-site sewage management system (OSMS) prior to the issue of a Construction Certificate.
- (9) **Soil, erosion, sediment and water management** – An Erosion and Sediment Control Plan (ESCP) must be prepared in accordance with Council's Infrastructure Specifications. Details demonstrating compliance must be provided to the Certifying Authority.
- (10) **Roads Act Approval** – For construction/reconstruction of Council infrastructure, including vehicular crossings. Footpath, kerb and gutter, stormwater drainage, an application must be made for a Roadworks Permit under Section 138B of the *Roads Act 1993*.
- (11) **Construction Management Plan** - A Construction Management Plan must be submitted to and approved by to the Certifying Authority and Council. The required CMP must outline the sequence and construction methodology and specify mitigating measures to ensure all works are carried out with minimal environmental impact in relation to project staging, waste management, noise and dust management, traffic management and environmental management
- (12) **Section 7.12 development contributions** - A monetary contribution is to be paid to Council, pursuant to Section 7.12 of the *Environmental Planning & Assessment Act 1979* and the Port Stephens Council Fixed Local Infrastructure Contributions Plan, related to the Capital Investment Value (CIV) of the development as determined in accordance with clause 25j of the *Environmental Planning and Assessment Regulation 2000* and outlined in the table below.

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

The payment of the fixed development consent levy is to be accompanied by a Cost Summary Report Form setting out an estimate of the CIV in accordance with Schedule 1 of the Port Stephens Council Fixed Local Infrastructure Contributions Plan.

ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.



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

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

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

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

- (13) **Long service levy** – In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any works that cost \$25,000 or more.
- (14) **Site access / egress** - Prior to the issue of a Construction Certificate, plans are to be prepared demonstrating a BAL/BAR intersection treatment, in accordance with current Austroads Guides, at the proposed main entry to the site (this may include tree removal within the clear zone at the Direction of the Roads Authority).
- (15) **Amenity** – The detention basin wall along the southern boundary of the site must be redesigned to have a finished height of 1.2m above existing ground level.

**3.0 - Prior to Commencement of Works**

The following conditions of consent shall be complied with prior to any works commencing on the development site.

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

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

- (2) **Notice of Principal Certifying Authority appointment** – Notice must be given to Council at least two days prior to subdivision and/or building works commencing in accordance with Clause 103 of the *Environmental Planning & Assessment Regulation 2000*. The notice must include:
  - a) a description of the work to be carried out;
  - b) the address of the land on which the work is to be carried out;
  - c) the Registered number and date of issue of the relevant development consent;
  - d) the name and address of the Principal Certifying Authority (PCA), and of the person by whom the PCA was appointed;
  - e) if the PCA is an accredited certifier, their accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
  - f) a telephone number on which the PCA may be contacted for business purposes.

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- (3) **Notice commencement of work** – Notice must be given to Council at least two days prior to subdivision and/or building works commencing in accordance with Clause 104 of the *Environmental Planning & Assessment Regulation 2000*. The notice must include:
- a) the name and address of the person by whom the notice is being given;
  - b) a description of the work to be carried out;
  - c) the address of the land on which the work is to be carried out;
  - d) the Registered number and date of issue of the relevant development consent and construction certificate;
  - e) a statement signed by or on behalf of the Principal Certifying Authority to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
  - f) the date on which the work is intended to commence.

- (4) **Sign of PCA and contact details** – A sign must be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
  - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours;
  - c) the name, address and telephone number of the Principal Certifying Authority.

The sign must be maintained while the work is being carried out and must be removed upon the completion of works. Where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge.

- (5) **Construction Certificate Required** – In accordance with the provisions of Section 6.7 of the *Environmental Planning & Assessment Act 1979 (EP&A Act 1979)*, construction or subdivision works approved by this consent must not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Consent Authority;
  - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 6.5 of the *EP&A Act 1979*; and
  - c) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (6) **Site is to be secured** – The site must be secured and fenced to the satisfaction of the Principal Certifying Authority. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.
- (7) **Soil erosion and sediment control** – Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this Development Consent.

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

- (8) **All weather access** – A 3m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction for the delivery of materials and use by trades people.

No materials, waste or the like are to be stored on the all-weather access at any time.

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

No rubbish must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development. Council may issue 'on the spot' fines for pollution/littering offences under the Protection of the Environment Operations Act 1997.

- (10) **Flood design measures** – Evidence of certification demonstrating that the following flood related design precautions have been adhered to in the design must be submitted to the Principal Certifying Authority:

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

- (11) **Protection of trees/existing street trees** – Protection of trees to be retained must be in accordance with AS490 'Protection of Trees on Development Sites' and the following:

- a) No existing nature strip(s), street tree(s), tree guard(s), protective bollard(s), garden bed surrounds or root barrier installation(s) must be disturbed, relocated,



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removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

- (12) **Vegetation Management Plan** - A Vegetation Management Plan (VMP) must be developed for the retained areas of native vegetation, and submitted to Council for approval prior to any clearing works occurring on site.

The VMP must be prepared and implemented by a suitably qualified Environmental Consultant.

The plan should include clear management objectives, a schedule of works and maps in accordance with Port Stephens 'Technical Specification Vegetation' (May 2014), and shall include detailed management measures for the on-going management of habitat for the threatened orchid species *Pterostylis chaetophora* (mapped areas of habitat available from Council on request) including:

- Fencing to exclude visitor access.
- Backfilling of existing trenches by manual methods.
- 'Ecologically Sensitive Area' signage.
- Restrictions on maintenance activities (slashing/mowing) i.e. timing, frequency, slashing height.
- Weed and pathogen hygiene protocols.
- Prohibiting the use of heavy machinery or vehicle parking.
- Prohibiting the introduction of fill material or topsoil.

The Vegetation Management Plan must be approved prior to the commencement of works on the site.

**4.0 - During Works**

The following conditions of consent shall be complied with during the construction phase of the development.

- (1) **Construction hours** – Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:-

- Monday to Friday, 7am to 6pm;
- Saturday, 8am to 1pm;
- No construction work to take place on Sunday or Public Holidays.

All possible steps should be taken to silence construction site equipment.

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

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

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- (3) **Compliance with BCA** – All building work must be carried out in accordance with the requirements of the Building Code of Australia.
- (4) **Excavations and backfilling** – All excavations and backfilling associated with this development consent must be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified Structural Engineer.  
If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation must:
  - a) preserve and protect the building from damage; and
  - b) if necessary, underpin and support the building in an approved manner; and
  - c) give at least seven days notice to the adjoining owner before excavating, of the intention to excavate.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, must contact "Dial Before You Dig" prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

- (5) **Finished floor level** – A survey report prepared by a Registered Surveyor confirming that the finished floor level complies with the approved plans or floor levels specified by the development consent, must be provided to Principal Certifying Authority prior to the development proceeding beyond floor level stage. A Flood Certificate is to be sought from Council to determine the finished floor level of the site.
- (6) **Survey report** – The building must be set out by a Registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans must be provided to the Principal Certifying Authority prior to the pouring of concrete.
- (7) **Traffic Management Plan implementation** - All construction traffic management procedures and systems identified in the approved Construction Management Plan must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (8) **Stormwater disposal** – Following the installation of any roof, collected stormwater runoff from the structure must be:
  - a) Dispersed at ground level, so as not to be concentrated or create nuisance flows onto any buildings, or neighbouring properties. The discharge location must be at least 3m down slope of the building and 6m minimum clearance from receiving down slope property boundaries.
- (9) **Placement of fill** - Filling must not be placed in such a manner that natural drainage from adjoining land will be obstructed or in such a manner that surface water will be diverted.



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

- (10) **Location of stockpiles** – Stockpiles of soil must not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials must be suitably covered to prevent dust and odour nuisance.
- (11) **Tree protection measures** – All trees to be retained must be protected in accordance with AS4970 'Protection of Trees on Development Sites' for the duration of construction.
- (12) **Tree Removal** - All approved tree removal/ pruning is subject to all works being undertaken by a qualified arborist with a minimum Australian Qualification Framework Level 3 qualifications or higher. All works are to be undertaken in accordance with the relevant provisions of AS 4373 'Pruning of Amenity trees'.
- (13) **Vegetation Management Plan** - All works must be undertaken in accordance with the approved Vegetation Management Plan.
- (14) **Unexpected finds contingency (general)** – Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works must cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

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

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

- (15) **Soil, erosion, sediment and water management** – All requirements of the Erosion and Sediment Control Plan or Soil and Water Management Plan must be maintained at all times during the works and any measures required by the plan must not be removed until the site has been stabilised.
- (16) **Offensive noise, dust, odour and vibration** – All work must not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the nearest property boundary.

**5.0 - Prior to Issue of an Occupation Certificate**

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

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

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

- (2) **Approval to Operate (Waste Treatment)** - An Approval to Operate must be obtained by Council in accordance with the *Local Government Act, 1993* (Section 68A) following the satisfactory installation of the waste treatment device/human waste storage facility.
- (3) **Fire Safety Certificates** - A fire safety certificate as prescribed by Section 174 Environmental Planning & Assessment Regulations 2000 which certifies the performance of the implemented fire safety measures in accordance with Section 170 of the Regulation must be submitted to the Principal Certifying Authority and the Commissioner of New South Wales Fire Brigades. A copy of fire safety certificate needs to be forwarded to Council, If Council is not nominated as the Principal Certifying Authority. A further copy of the certificate must also be prominently displayed in the building.
- (4) **Survey Certificate** – A Registered Surveyor must prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate must be provided to the satisfaction of the Principal Certifying Authority.
- (5) **Services** – Evidence is to be provided to Council demonstrating that sufficient capacity of the following services are available to the development:
  - a) Electricity;
  - b) Water (including potable water), and;
  - c) Gas (where available).

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

- (6) **Stormwater/drainage works** – All stormwater and drainage works required to be undertaken in accordance with this consent must be completed. The certification/verification must be provided to the satisfaction of the Principal Certifying Authority.
- (7) **Rectification damage to public infrastructure** – The applicant must rectify any new damage to public infrastructure to the satisfaction of the Council as the Roads Authority.
- (8) **Completion of Roads Act Approval works** - All approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with the Roads Act Approval to the satisfaction of the Council as the Roads Authority.
- (9) **Protection and certification of electrical services** – All power points, fittings, electrical connections and the incoming meter box are to be located above the Flood Planning Level (FPL).

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Switches, light fittings and power points may be located below the FPL provided they are capable of being isolated by a single Residual Current Device (RCD) protected switch that is located above the FPL. Certification of these works are to be provided to the Principal Certifying Authority.

- (10) **Flood signage** – A flood marker sign of durable material having minimum dimensions of 600mm x 600mm, is to be installed within a prominent location indicating the expected future 1% Annual Exceedance Probability and Probable Maximum Flood levels, and the date of installation.

The level indicated on the sign shall be certified by a Registered Surveyor. Evidence of such certification shall be submitted to the Certifying Authority.

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

- (12) **Flood Emergency Response Plan** - A Flood Emergency Response Plan (FERP) for the proposed development must be provided to the Principal Certifying Authority. The FERP must include the following as a minimum:

- a) A map of the proposed evacuation route to a suitable location above the Probable Maximum Flood (*PMF*) that provides adequate shelter from the storm, including the route direction and description and identification of the depth of floodwater along the evacuation route in the 1% Annual Exceedance Probability flood and *PMF* events;
- b) Specific trigger heights linked to the nearest river and tidal gauges used for flood warnings and the specific evacuation route cut-off times linked to the gauge height;
- c) Description of the specific flood inundation at the site and the relevant surrounding area, including flood depths, direction of flow, velocities, hazard and specific relevant vulnerabilities;
- d) Consideration of and strategies for, the needs of the elderly, disabled and vulnerable who may be on site;
- e) A realistic time period for evacuation preparations linked to the trigger heights and evacuation route cut-off times, which includes:
  - Locating important papers, valuables etc., that will be evacuated
  - Locating and stacking possessions that are to be left behind, well above the predicted flood level
  - Dealing with all utilities such as electricity, gas, water, fuel, toilets, showers, wastewater system (including removal fuses) and moving pumps and machinery above the predicted flood level
  - Time to gather, identify and load animals (pets, livestock and other animals), including the possible need for additional assistance in handling your animals in an emergency.
- f) Determining the vehicular needs of the site to appropriately respond to the flood risk;
- g) A strategy for a night time flood emergency; and
- h) A strategy for effective flood risk management when the electricity, internet, telecommunications etc., are unavailable.



**Note:** Digital elevation data is available from Geosciences Australia, current flood studies are available on Council's website and river gauge/tidal gauge data is available from the Bureau of Meteorology website.

- (13) **Geotechnical Compliance Certificate** – A Certificate of Compliance prepared by a qualified Geotechnical Engineer must be provided to the Principal Certifying Authority stating that the works detailed in the Geotechnical Report have been undertaken under the Engineer's supervision and to the Engineer's satisfaction, and that the assumptions relating to site conditions made in preparation of the report were validated during construction.

This certificate must accompany the Works as Executed plans.

- (14A) **Car parking requirements** – A minimum of 20 car parking spaces are to be provided in accordance with AS2890 and the approved plans. Parking must be permanently marked on the pavement surface.

Two additional parking spaces are required for visitors and must be signposted as "visitor parking".

- (15) **Waste disposal** – The building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on public land (e.g. footpaths, roadways, plazas, reserves) at any time.

**6.0 – Prior to the Issue of an Approval to Operate (Camping Ground)**

The following conditions are to be complied with prior to the issue of an Approval to Operate under Section 68 of the Local Government Act 1993.

- (1) **Occupation Certificate required** - An Occupation Certificate for the amenities block and camp kitchen must be obtained prior to any issue of an approval to operate the development. The Principal Certifying Authority must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent.
- (2) **Site Entry** - A BAL/BAR entry in accordance with current Austroads Guides is to be constructed at the proposed new entry to the site.
- (3) **Local Government Regulations** - The camping ground must be constructed and operated in accordance with the requirements of the Local Government Regulations (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, excluding any objection approved in accordance with Section 82 of the *Local Government Act 1993*.
- (4) **Ecological Assessment** - Construction of the development must comply with the recommendations of *Ecological Assessment Report for Proposed Campground & Eco Tourist Facility at 47 The Bucketts Way Twelve Mile Creek, NSW*, prepared for: Tudor Property Services c/- Perception Planning, by Anderson Ecology and Planning, dated March 2020 (Document reference no. 1950), detailed as follows:

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- Appropriate sediment and erosion controls should be enacted to ensure that the development does not impact on the EEC and Twelve Mile Creek in the western portion of the lot, outside the subject site.
- Clearing of trees should be undertaken to ensure that trees with hollows or potential to offer nesting or roosting habitat be felled under the instruction of a suitably qualified ecologist/fauna catcher and that soft felling techniques be utilised.
- Equipment used in the felling of trees should be cleaned thoroughly and disinfected before entering site to prevent weed and disease introduction such as exotic grasses, *Phytophthora cinnamomi* (Root-rot fungus), Frog Chytrid fungus and others.
- A weed management plan should be enacted to ensure that weeds are not introduced to EEC vegetation or creek lines in the western section of the lot.

(5) **Revegetation planting** – The applicant must plant within the following areas:

- along the southern boundary;
- along the northern boundary of the lot between the new shed (east) and the parking area (west). No planting must occur within the areas of the mapped habitat area for *Pterostylis chaetophora*; and
- along the northern edge of the access road between the eastern extent of the amenities building camping site 43 (west). Planting in this area should consist of shrubs only.

The following plant species must be planted at no cost to Council:

Species name	Common name	Pot size	Density
<b>Trees</b>			
<i>Corymbia maculata</i>	Spotted Gum	Tube stock Mature tree stock (20 litre pot size)	1 per 6 m <sup>2</sup>
<i>Eucalyptus tereticornis</i>	Forest Red Gum		1 per 10 m <sup>2</sup>
<i>Eucalyptus fibrosa</i>	Broad-leaved Ironbark		
<b>Shrubs</b>			
<i>Melaleuca decora</i>	White Feather Honey Myrtle	Tube stock Mature tree stock (20 litre pot size)	1 per 4 m <sup>2</sup>
<i>Melaleuca stypheloides</i>	Prickly-leaved Paperbark		1 per 10 m <sup>2</sup>
<i>Callistemon salignus</i>	Willow Bottlebrush		
<b>Groundcover</b>			
<i>Lomandra longifolia</i>	Spiny-headed Mat-rush	Tube stock / hiko	1 per 2 m <sup>2</sup>

Planting must include at least 30% mature tree stock.

Details demonstrating compliance must be provided to the Certifying Authority.

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- (6) **Construction to be in accordance with Acoustic Report** – Certification is to be submitted to the Principal Certifying Authority to certify that the construction of the development complies with the recommendations of the Acoustic Assessment Report, prepared by RAPT Consulting dated 11 February 2020.
- (7) **Operational Plan of Management** – An Operation Plan of Management for the site is to be drafted and provided to Council outlining proposed management actions in relation to:
  - 24 hour on-site management
  - Noise management and abatement
  - Emergency procedures
  - Emergency and after hours contact numbers for visitors and nearby residents
  - Security
  - Antisocial behaviour of visitors
  - Visitor arrival and departure times
  - Maximum onsite stay of four (4) consecutive nights for visitors
  - Restriction on individual campsite fires
  - Litter Management Strategy (with the intent to reduce the impact on the site and neighbouring sites)
  - Restraining animals at all times.
- (7.1) **On-site Sewerage Management** – Prior to the issue of an Approval to Operate under Section 68 of the Local Government Act 1993, a report must be approved by Council detailing the intended use of the on-site sewerage management system and any required adaptations in order for the on-site sewerage management system to function at intended levels that achieve appropriate effluent quality. The report should also detail the service requirements and frequency.

**7.0 – Ongoing Use**

The following conditions of consent are operational conditions applying to the development.

- (1) **Manoeuvring of vehicles** – All vehicles must enter and exit the site in a forward direction.
- (2) **Parking areas to be kept clear** – At all times, the loading, car parking spaces, driveways and footpaths must be kept clear of goods and must not be used for storage purposes.
- (3) **Fire Safety Schedule** – At all times, a copy of the Fire Safety Schedule and Fire Safety Certificate must be prominently displayed in the building and a copy forwarded to the Commissioner of New South Wales Fire Brigades in accordance with the *Environmental Planning & Assessment Regulations 2000*.
- (4) **Fire Safety Schedule** - At least once in each twelve (12) month period, fire safety statements as prescribed by Section 175 Environmental Planning & Assessment Regulations 2000 in respect of each required essential fire safety measure installed within the building are to be submitted to Council. Such certificates are to state that:



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- a) The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
- b) That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building.

(5) **Amenity** – The business must be conducted, and customers controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations and residential premises.

(6) **Wastewater treatment devices** – All wastewater treatment devices (including drainage systems, sumps, traps and pumps) must be regularly maintained in good working order to ensure that they remain effective.

A maintenance schedule must be developed and incorporated into a Plan of Management (PoM) and kept on-site at all times for staff to comply with. All liquid and solid wastes collected from the treatment device must be disposed of in accordance with relevant environmental protection and waste control Legislation.

(7) **Vegetation Management Plan** - Monitoring reports in accordance with the approved Vegetation Management Plan must be prepared and submitted to Council.

(8) **Maintenance of Plantings** - Commencing from the date of practical completion, a 12-month maintenance establishment period applies. This includes the establishment, care and repair of all plantings.

The date of Practical Completion is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting.

(9A) **Use of Caravans** – A caravan is not to stay onsite for any longer than four (4) consecutive nights. The use of caravans must comply with Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

(9.1) **Camping Restricted to Designated Sites** – Camping is not permitted outside of the designated sites identified in grey hatch on the sites plans prepared by Sorensen Design and Planning, Revision I, Dated 29/08/2022.

(9.2) **Location of Caravans, Annexe and Campervans** – A caravan, annexe or campervan must not be installed within 6 metres of another caravan, annexe, campervan or tent.

(9.3) **Location of Tents** – A tent must not be permitted to be installed within 6 metres of a caravan, campervan or an annexe or within 3 metres of another tent.

(9.4) **Unoccupied caravans, campervans and tents** – Unoccupied caravans, campervans and tents are not permitted to remain in the camping ground for more than 24 hours.

(9.5) **Water Use** – Any time the private water supply is being used for any part of the primitive camp ground it must be provided in accordance with the Quality Assurance Program.



(9.6) **Site Capacity** – As per the NSW RFS General Terms of Approval (reference DA-2019-03512-S4.55-1, dated 28 October 2022), the camping ground is limited to having a maximum of 81 persons on site.

**Advice Note(s):**

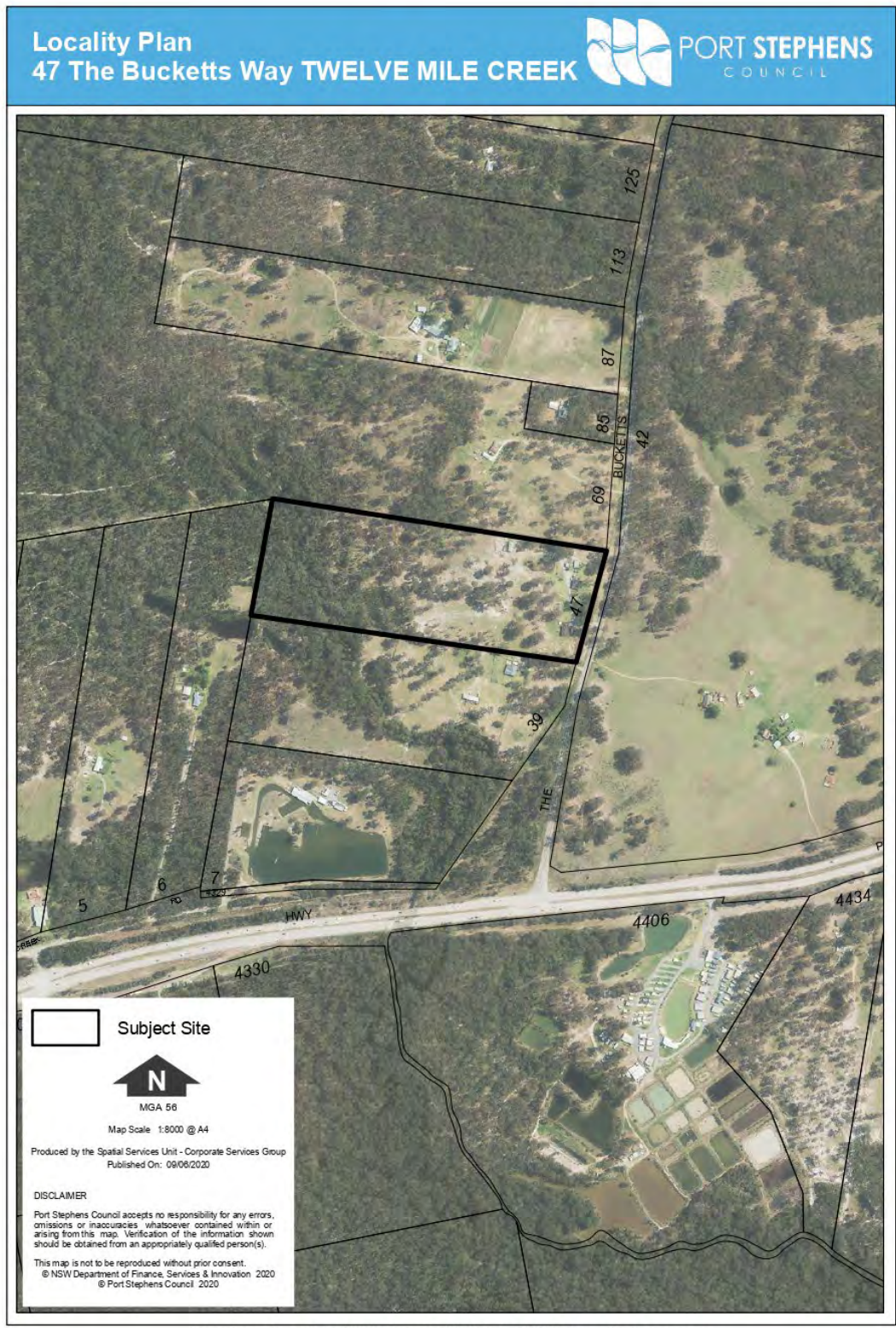
- A. **'Dial Before you Dig'** – Before any excavation work starts, contractors and others should phone the "Dial Before You Dig" service to access plans/information for underground pipes and cables.
- B. **Disability Discrimination Act** – The Commonwealth Disability Discrimination Act makes it an offence to discriminate against people on the grounds of disability, in the provision of access to premises, accommodation, or services. It is the owner/applicants responsibility to ensure compliance with the requirements of this Act.
- C. **Aboriginal archaeological deposit** – In the event of any aboriginal artefact, object or structure being unearthed, all work must cease immediately in the affected area, and the Biodiversity Conservation Division (BCD) shall be informed of the discovery. Work must not recommence until the material has been inspected and permission has been given by BCD to proceed.
- D. **Flood information is subject to change** – You are advised that flood information is subject to change if more accurate data becomes available to Council. It is the responsibility of the applicant to use the most up-to-date flood information. Prior to applying for a construction certificate, Council should be contacted to verify the currency of the flood information.
- E. **Flood Evacuation Plan** – A flood evacuation plan indicating that permanent, fail-safe, maintenance free measures are incorporated in the development to ensure that timely, orderly and safe evacuation of people and potential pollutant material from the buildings on-site should a flood occur. Details demonstrating compliance must be provided to the Certifying Authority with the Construction Certificate application.
- F. **Signage** – You are advised that any proposed advertising signs that are not shown on the approved plans, or classified as exempt development, are subject to a separate Development Application to Council.
- G. **Responsibility for damage for tree removal/pruning** – The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicants' agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.

**ITEM 1 - ATTACHMENT 2 CALL TO COUNCIL FORM.**



<b>Development application (DA) call to Council request:</b>	
I/We (Mayor/Councillor/s) <u>Arnott, Anderson and Kafer</u> request that DA number <u>16-2019-598-2</u> for DA description <u>s4.55(1A) modification to the approved camping ground</u> located at <u>47 The Bucketts Way, Twelve Mile Creek</u> be reported to Council for determination.	
<b>Reason:</b>	
Public Interest	
<b>Declaration of Interest:</b>	
I/We have considered any pecuniary or non-pecuniary conflict of interest (including political donations) associated with this DA on my part or an associated person.	
I/We (Mayor/Councillor/s) <u>Arnott, Anderson and Kafer</u> have a conflict of interest:	
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	
If <b>yes</b> , please provide the nature of the interest and reasons why further action should be taken to bring this DA to Council:	
<b>Signed:</b> Please sign or type name & attached to an email.	Date: <u>5/8/2022</u> <small>enter a date.</small>
<b>Signed:</b> Please sign or forward supporting email.	Date: <u>14/11/2022</u> <small>enter a date.</small>
<b>Signed:</b> Please sign or forward supporting email.	Date: <u>14/11/2022</u> <small>enter a date.</small>

ITEM 1 - ATTACHMENT 3 LOCALITY PLAN.



118 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800285 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

**PORT STEPHENS COUNCIL S4.55(1A) MODIFICATION APPLICATION ASSESSMENT REPORT**

**APPLICATION DETAILS**

<b>Modification application no.</b>	16-2019-598-2
<b>Development description</b>	Camping Ground (50 camp sites) with amenities and kitchen
<b>Modification description</b>	S4.55(1A) Modification to approved camping ground (50 camp sites) – convert camping ground to 20 primitive camp sites
<b>Applicant</b>	PERCEPTION PLANNING PTY LTD
<b>Date of lodgement</b>	02/08/2022

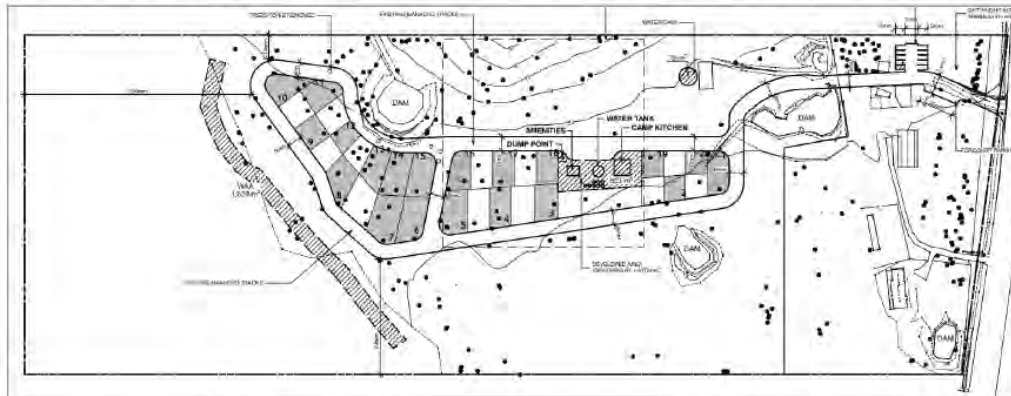
**Modification proposal**

This modification application proposes to convert the approved camping ground from 50 camp sites to 20 primitive camp sites. The amendments proposed are as follows:

- Reduce the total number of camp sites from 50 to 20;
- Convert the use of the sites to 'primitive' camp sites rather than 'camp sites'. The site plan is identified in Figure 1 with the 'primitive' camp sites shown in grey.
- Deletion of the approved storage shed and associated hard stand space located within the north eastern portion of the site. Figure 2 identifies the approved location of the shed and Figure 3 identifies the amended site plan.

No other changes to the approved development are proposed.

The conditions of consent proposed to be modified have been discussed in further detail below.



**Figure 1.** Proposed primitive sites identified shown in grey

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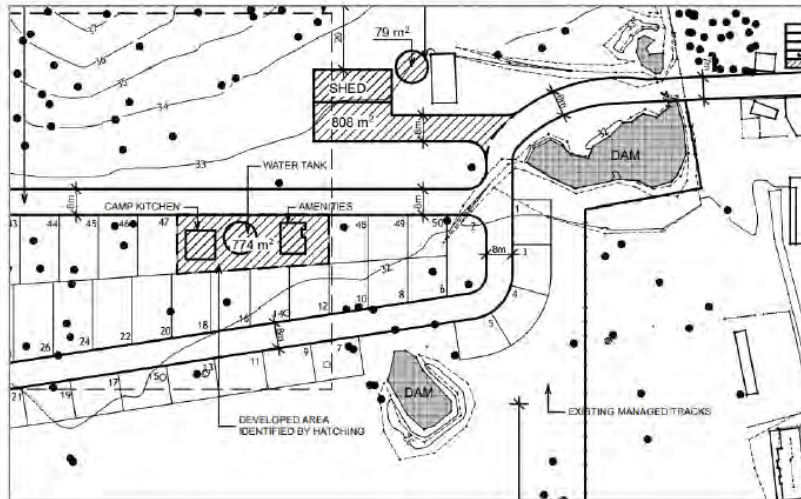


Figure 2. Approved site plan showing location of shed

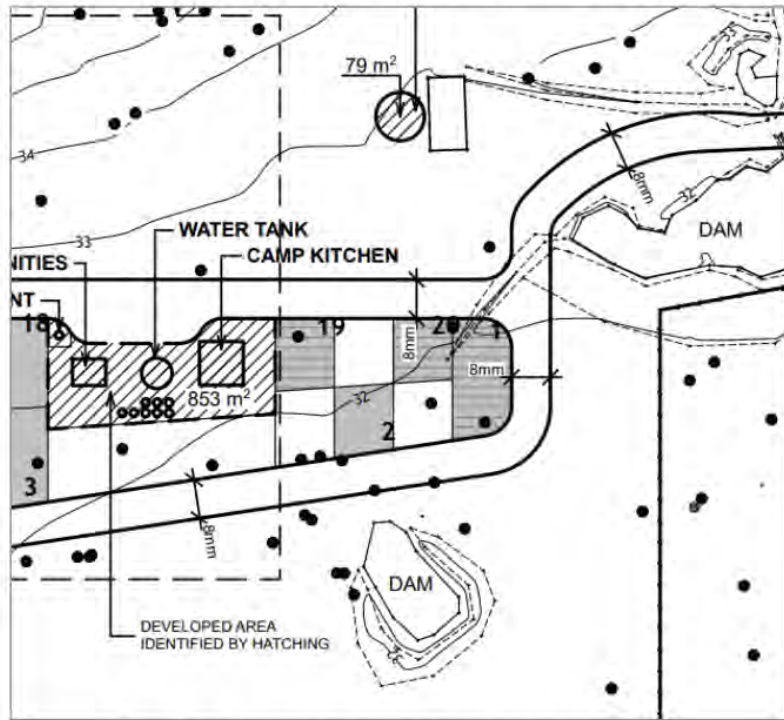


Figure 3. Proposed modified site plan with shed removed

**Site Description**

The subject site is legally identified as Lot 9 DP 243144. The site is rectangular in shape and has an area of approximately 10.12ha, refer to Figure 4. The site currently contains two dwellings and a number of outbuildings. The amenities, camp kitchen and water tanks associated with the original consent have already been constructed on the site.

The site contains dense vegetation to the west. The vegetation density reduces to the east in the vicinity of the camping ground. The site is accessible from The Bucketts Way, which is approximately 550m from an intersection with the Pacific Highway.

The surrounding locality is characterised by rural residential land uses.



Figure 4. Site Aerial

**Site History**

The site has historically been utilised for rural residential purposes with historic Development Application's (DA) relating to a farm shed, dual occupancy and swimming pool.

The original DA (16-2019-598-1) was lodged with Council on 16 September 2019. The DA was for a camping ground consisting of 50 camp sites with amenities and a camp kitchen. The application was approved by Council on 25 August 2020.

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<b>PROPERTY DETAILS</b>	
<b>Property address</b>	47 The Bucketts Way TWELVE MILE CREEK
<b>Lot and DP</b>	LOT: 9 DP: 243144
<b>Zoning</b>	RU2 RURAL LANDSCAPE
<b>Site constraints that affect the modification</b>	Bushfire Prone Land – Vegetation Category 1 and 3

<b>ASSESSMENT SUMMARY</b>	
Designated Development	The application is not designated development
Integrated Development	The initial application was referred to the Rural Fire Service (RFS) as integrated development under Section 100B of the <i>Rural Fires Act 1997</i> for Special Fire Protection Purpose (SFPP). The proposed modification seeks to amend the approved camping ground to be only 20 primitive camp sites. As such, the proposed modification was referred to the RFS for comment. Revised General Terms of Approval (GTA's) were provided from RFS to reflect the amended configuration.
Concurrence	The application does not require the concurrence of another body

**Internal Referrals**

The proposed modification was referred to the following internal specialist staff. The advice have been used to carry out the assessment against the S4.15 Matters for Consideration.

**Environmental Health** – The application was referred to Council’s Environmental Health Officer (EHO) for comment. It was noted in the referral that the previously approved (and now constructed) on-site sewerage management system (OSMS) was designed to service 50 camping sites. Given the reduction in camping sites proposed, concern was raised in regard to the partial use of the OSMS as when the system is not fully functioning it may not able to be tested appropriately. Councils EHO therefore recommended that a new condition be added to the consent requiring the submission of a report to Council, written by a suitably qualified wastewater specialist, detailing the intended use of the OSMS including any modifications or adaptations to allow the system to operate in an environmentally satisfactory manner achieving effluent quality parameters. This condition has been added to the recommended conditions of consent.

In regard to the proposed use of the site as a primitive campground, Councils EHO noted that the proposal must be undertaken in accordance with Part 3 Subdivision 9 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021. An assessment against this section has been undertaken below.

**External Referrals**

The proposed modification was referred to the following external agencies in accordance with Clause 109 of the *EP&A Regulations 2021*:



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Rural Fire Service (RFS) – The initial application was referred to the RFS as integrated development under Section 100B of the *Rural Fires Act 1997* as the proposed development was for a Special Fire Protection Purpose. The proposed modification seeks to reduce and convert the approved 50 camp sites to a total of 20 'primitive' camping sites. As such, the proposed modification was referred to the RFS for comment. Revised General Terms of Approval (GTA's) were provided by the RFS to reflect the amended camping ground layout. The revised GTAs have been incorporated through an amended condition of consent.

**MODIFICATIONS INVOLVING MINIMAL ENVIRONMENTAL IMPACT – S4.55(1A)**

**S4.55(1A)(a) – Minimal Environmental Impact**

The modification does not propose the removal of any additional vegetation and reduces the overall development footprint on the site by reducing the number of total sites and deletion of the shed. The modified development reduces the overall capacity of the camping ground and does not propose to amend the operational components or the approved amenities.

Accordingly, no adverse environmental impacts are anticipated to occur as a result of the modification. As such, the proposal is considered to be of minimal environmental impact.

**S4.55(1A)(b) – Substantially The Same Development**

The development as modified is substantially the same as the approved development on the following grounds:

- The development is materially the same in essence, with the use now a 'primitive campground' rather than a 'campground'. A primitive campground is considered to be a type of campground as defined under the PSLEP2013; Accordingly, there is no modification to the approved use;
- There are no significant changes to the approved amenities, camp kitchen or road layout;
- When considering all components of the original development consent, the quantitative and qualitative changes are considered minor and therefore, substantially the same as the original development.

On this basis, the application is considered to be substantially the same under the provisions of S4.55(1A)(b).

**S4.55(1A)(c) – Notification**

The application was notified from 24 October 2022 until 7 November 2022 in accordance with Councils Community Engagement Strategy.

**S4.55(1A)(d) – Submissions**

There was two submissions we received during the notification period. The matters raised in the submissions objecting to the development are discussed in the table below:

<b>Objection</b>	<b>Comments</b>
<b>Submission 1</b>	
<p><u>Failure to comply with maximum number of designated campsites</u></p> <p>The submission references that the Local</p>	<p>Council have assessed the total number of allowable primitive camp sites based on the total area of the site. The total area of the site</p>

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<p>Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 states that "if an approval to operate a primitive camping ground designates one or more camp sites within that ground, then the maximum number of designated camp sites is not to exceed a mean average of 2 for each hectare of the camping ground (where that figure is the average calculated over the total area of the primitive camping ground)." The submission notes that the plans provided with the application reference the campground area to be 2.079ha and therefore the maximum number of campsites allowable should be 4 rather than 20 as proposed.</p>	<p>is 10.2 hectares, permitting 20 primitive camp sites, as proposed. The planning circular for primitive campgrounds (PS 06-001) acknowledges that where camp sites are designated (as proposed) they may be concentrated within a specific area of a campground using the example that:</p> <p><i>In a five-hectare primitive camp ground with designated camp sites there might be ten sites all within a two hectare section of the camping ground.</i></p> <p>It is noted that where camp sites are designated, camping is not permitted elsewhere on the site. The intention of this approach is to conserve the natural environment and encourage campers to utilise facilities required by the regulation. The proposed development seeks to concentrate the 20 camp sites within a 2 hectare area, which are located in close proximity to the approved and constructed amenities including the camp kitchen, which is required to serve a dual purpose as a fire refuge.</p> <p>A condition has been recommended to be added to the consent noting that camping outside of the designated sites is prohibited.</p> <p>It is further noted that the campground, as modified, is capable of complying with the required setbacks from neighbouring sites as identified in Section 131 (3)(c) and (d) of the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i>.</p>
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<p><u>Amenity, Rural Landscape and Character</u></p> <p>The submission raised concern regarding the proposals impacts on amenity, rural landscape and character.</p> <p>The submission notes that a number of conditions on the consent have failed to be satisfied despite the issuing of a Construction Certificate (CC).</p> <p>The submission questioned the cost of works associated with the modification noting that there is still outstanding works which have costs associated with them.</p> <p>The submission requested that the width of planting be expanded to provide reasonable protection to their properties amenity.</p>	<p>The proposal seeks to reduce the total number of camp sites from 50 to 20 and remove the approved storage shed from the approved plans. It is considered that the reduction in sites will not exacerbate potential negative impacts on the amenity of the area, nor the surrounding rural landscape or character.</p> <p>Non-compliance with conditions of consent and potential unlawful issuing of a CC is not a matter assessed through the DA modification process, but is rather a compliance matter which is dealt with separately.</p> <p>The modification seeks to reduce the total number of camp sites from 50 to 20 and remove the approved storage shed from the plans. The costs associated with outstanding works under the original approval is a separate matter to the modifications proposed.</p> <p>The majority of the outstanding works identified within the submission would have been taken into consideration in the cost of works associated with the original DA minus those costs associated with conditions added to the consent. It is noted that cost of works are required for Development Applications (DA) as this is how DA fees are estimated. \$4.55 fees are then estimated based on cost of works associated with the original DA.</p> <p>The proposal seeks to reduce the capacity of the campground. The proposed modification is therefore not considered likely to exacerbate amenity impacts to neighbouring properties. The existing condition relating to planting remains appropriate.</p>
<p><u>Ongoing issues with the development</u></p> <p>The submission noted that sites unlawful operations and non-compliance with conditions outlined in the consent. The submission raised concern regarding the continued unlawful use of the site despite the modifications proposed. It was requested that an additional condition be added to the consent noting that camping must not occur outside the designated area and that fencing be constructed around the designated</p>	<p>A condition has been added to the consent noting that camping is not to occur outside of the designed camp sites. It is not considered necessary to require additional fencing around the permitter of the designated camping area. There is no requirement for this measure under the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation</i></p>

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<p>campground area.</p> <p>The submission noted that patrons of the campground have entered into their property. The submission requested assurance from Council that patrons are unable to enter their property. It was recommended that this be done through perimeter fencing around the designated campground area or enhanced barriers between the campground and their property.</p> <p>The submission noted that animals of been unrestrained and there have been individual campfires despite conditions of consent. It has been requested that both animals and individual campsites be made prohibited due to the historic non-compliances.</p>	<p>2021.</p> <p>Neither the existing nor modification provides consent for patrons of the campground to enter neighbouring properties. This is a trespassing matter.</p> <p>Condition 6.7 remains on the consent relating to the requirement for an Operational Management Plan to address matters of this nature. The Management Plan is required to be provided to Council prior to issue of an Approval to Operate.</p>
<p><b>Submission 2</b></p>	
<p>The submission raised concern regarding failure to comply with the Regulations in that 20 campsites are proposed to be provided within a 2 hectare area.</p> <p>Concern was also raised that the septic system would not be designed appropriately to cater for the 20 primitive sites.</p>	<p>As noted above, Council have assessed the total number of allowable primitive camp sites based on the total area of the site. The total area of the site is 10.2 hectares, permitting 20 primitive camp sites, as proposed. The planning circular for primitive campgrounds (PS 06-001) acknowledges that where camp sites are designated (as proposed) they may be concentrated within a specific area of a campground using the example that:</p> <p style="padding-left: 40px;"><i>In a five-hectare primitive camp ground with designated camp sites there might be ten sites all within a two hectare section of the camping ground.</i></p> <p>It is noted that where camp sites are designated, camping is not permitted elsewhere on the site. The intention of this approach is to conserve the natural environment and encourage campers to utilise facilities required by the regulation. The proposed development seeks to concentrate the 20 camp sites within a 2 hectare area, which are located in close proximity to the approved and constructed amenities including the camp kitchen, which is required to serve a dual purpose as a fire refuge.</p> <p>A condition has been recommended to be added to the consent noting that camping outside of the designated sites is prohibited.</p>

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	<p>It is further noted that the campground, as modified, is capable of complying with the required setbacks from neighbouring sites as identified in Section 131 (3)(c) and (d) of the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i>.</p> <p>In regard to the septic system, it was approved and has since been constructed to service the originally approved 50 sites. Given the campground capacity is proposed to be reduced, a condition has been recommended to be added to the consent requiring that a report be provided to Council prior to the approval to operate detailing the required adaptations in order for the on-site sewerage management system to function at intended levels that achieve appropriate effluent quality.</p>
<p>Given the non-compliance with the Regulations, the submission requested that Council reduce the number of campsites proposed to be compliant with the Regulations.</p> <p>It was also requested that caravans not be allowed to be located on the campground.</p>	<p>As noted above, Council have assessed the proposed number of campgrounds against the Regulations and note that given the total area of the site is 10.2 hectares, it is considered that 20 primitive camp sites are permitted. This proposed modification reduces the number of sites from 50 to 20 therefore significantly reducing the sites capacity. It is further noted that as per the RFS General Terms of Approval, only 81 patrons are permitted on site at any one time. A condition has also been recommended to be added to consent noting this maximum number of persons. A condition has also been recommended to be added to the consent restricting the maximum number of patrons to use the campground.</p> <p>The Regulations note that the installation of tents, caravans and annexes is permitted within a primitive campground as long as the appropriate setbacks are achieved. It is considered that the setbacks are achieved and conditions regarding the setbacks have been recommended to be added to the consent.</p>
<p>The submissions notes that requirements of the originally application such as landscaping along the northern and southern boundary and creation of a mound has not been completed. It was requested that these requirement be bet</p>	<p>The landscaping is required to be completed prior to the issue of an Approval to Operate despite the modification. Details demonstrating compliance is required to be provided to Council.</p>

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before any further operation of the campground takes place.	
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**S4.55(3) – S4.15(1) Assessment**

**s4.15(1)(a)(i) – The provisions of any EPI**

The modification is consistent with the provision of the PSLEP 2013 and all relevant SEPPs applicable to the development.

**Port Stephens Local Environmental Plan 2013**

**Clause 2.3 – Zone Objectives and Land Use Table**

The site is zoned RU2 Rural Landscape. The proposed modification seeks to convert the 50 approved camp sites to 20 'primitive' camping sites. A primitive camping ground is considered to be a type of camping ground, which is permissible with consent in the RU2 Rural Landscape zone.

The proposed modification is considered to be consistent with the zoning objectives.

**Clause 7.6 – Essential Services**

The site is not connected to reticulated sewer and therefore relies on an on-site sewerage management system (OSMS). The OSMS approved under the original consent was designed to cater for 50 camp sites. Given the reduction in camping sites proposed, concern was raised by Council's Environmental Health Officer (EHO) with regard to the partial use of the OSMS. When the system is not fully functioning, it may not be able to be operate appropriately. Councils EHO therefore recommended that a new condition be added to the consent, requiring a report written by a suitably qualified wastewater consultant be provided to Council detailing the intended use of the OSMS. This report must include any modifications or adaptations to enable the system to operate in an environmentally satisfactory manner, achieving effluent quality parameters. This condition has been incorporated into the recommended conditions of consent.

**s4.15(1)(a)(ii) – Any Draft EPI**

		<b>Notes (what draft EPI if needed and comments where not compliant)</b>
<input checked="" type="checkbox"/>	There are no draft EPI's that are relevant to the proposed development	
<input type="checkbox"/>	A draft EPI is relevant to the proposed development however the application is consistent with the aims and objectives of the document.	

**s4.15(1)(a)(iii) – Port Stephens Development Control Plan 2014**

<b>Chapter</b>	<b>Compliant</b>	<b>Notes (where needed or if not compliant)</b>
B	<input checked="" type="checkbox"/> General Controls	<u>Chapter B3 Environmental Management</u> <u>B3.C Noise</u> The proposed modification seeks to reduce the overall number of camp sites on the site from

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		<p>50 to 20. It is therefore considered that noise impacts will not be increased as a result of the modification.</p> <p><b>B8 Road Network and Parking</b></p> <p>Figure BU of this Chapter identifies that a camping ground is to provide:</p> <ul style="list-style-type: none"> <li>• 1 car space per site; and</li> <li>• 1 visitor space for every 10 sites.</li> </ul> <p>Condition 5.0(14) addressed the required car parking under the original consent. This condition has been recommended to be updated to reflect number of parking spaces required for the modified camp sites which is:</p> <ul style="list-style-type: none"> <li>• 20 car spaces;</li> <li>• 2 visitor spaces.</li> </ul>
C	<input checked="" type="checkbox"/> Development Types	No applicable requirements.
D	<input checked="" type="checkbox"/> Specific Areas	No applicable requirements.

s4.15(1)(a)(iia) – Any planning agreement or draft planning agreement entered into under section 93F

	Notes (where needed)
<input checked="" type="checkbox"/> There are no planning agreements that have been entered into under section 7.4 relevant to the proposed development.	Nil applicable.

s4.15(1)(a)(iv) – The regulations

*Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*

*Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2021* (LG Regulations) contains standards for primitive campgrounds. Clause 71 of the LG Regulations stipulate that Council must not grant an approval to operate a primitive campground, under the Local Government Act 1993 (LG Act) unless it is satisfied that it will be designed, constructed, maintained and operated in accordance with the relevant requirements of Division 3, Subdivision 9.

The relevant matters relate to the design and operation of the site. A Section 68 approval cannot be granted to an operation that is inconsistent with the approved development, therefore, consideration has been given to the relevant provisions of the LG Regulations in Table 1 below.

**Table 1.** Subdivision 9 – Primitive camping grounds

Clause	Comment	Complies
<b>Subdivision 9 – Primitive Camping Grounds</b>		
<b>Section 131 Primitive Camping Grounds</b>		

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Clause	Comment	Complies
<p>(1) The maximum number of designated camp sites in a primitive camping ground must not exceed an average of 2 for each hectare in the camping ground.</p>	<p>The site has an area of 10 hectares and therefore is able to support a total of 20 primitive sites. The proposal seeks to modify the consent from 50 camp sites to a total of 20 primitive camp sites, which is compliant with this control.</p>	<p>Yes</p>
<p>(2) If the approval to operate a primitive camping ground does not designate camp sites, a council may impose a condition on the approval that the installation of tents, caravans, campervans and annexes is not permitted in specified areas of the primitive camping ground—</p> <p>(a) for the health and safety of occupiers of the camping ground, or</p> <p>(b) to ensure consistency with the principles of ecologically sustainable development, or</p> <p>(c) for another purpose.</p>	<p>N/A - the proposal designates the 20 primitive camp sites as per the proposed site plan.</p>	<p>Yes</p>
<p>(3) The following conditions apply to a primitive camping ground—</p> <p>(a) if at least 1 camp site is designated—camping is not permitted within the primitive camping ground other than on the designated camp site or sites,</p> <p>(b) if no camp sites are designated—the maximum number of caravans, campervans and tents permitted to use the camping ground at the same time must not exceed an average of 2 for each hectare in the camping ground,</p> <p>(c) a caravan, annexe or campervan must not be permitted</p>	<p>The proposal designates campground area. A condition has been recommended that camping is not permitted outside of the designated camp sites.</p> <p>N/A</p> <p>A condition has been recommended to be</p>	<p>Yes</p>



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Clause	Comment	Complies
<p>to be installed within 6 metres of another caravan, annexe, campervan or tent,</p> <p>(d) a tent must not be permitted to be installed within 6 metres of a caravan, campervan or an annexe or within 3 metres of another tent,</p> <p>(e) the camping ground must be provided with a water supply, toilet and refuse disposal facilities as specified in the approval for the camping ground,</p> <p>(f) unoccupied caravans, campervans and tents are not permitted to remain in the camping ground for more than 24 hours,</p> <p>(g) if a fee is charged for camping—a register must—</p> <p>(i) be kept in accordance with section 121, and</p> <p>(ii) must specify the size of the group accompanying the registered person,</p> <p>(h) fire fighting facilities required by the approval must be provided at the primitive camping ground.</p>	<p>added to the consent to this regard.</p> <p>A condition has been recommended to be added to the consent to this regard.</p> <p>The site is provided with appropriate amenities as originally approved.</p> <p>A condition has been recommended to be added to the consent to this regard.</p> <p>Noted. To be managed as part of the s68 approval to operate.</p> <p>Noted. To be managed as part of the s68 approval to operate.</p>	
<p>(4) Subdivisions 1–8 do not apply to a primitive camping ground.</p>	<p>Noted.</p>	<p>N/A</p>
<p>(5) The general manager of the council for the area in which a primitive camping ground is located may modify the conditions applying to the camping ground if the general manager is reasonably satisfied that it is necessary to accommodate displaced persons.</p>	<p>Noted.</p>	

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Clause	Comment	Complies
(6) In subsection (3)(b), 2 or more tents occupied by no more than 12 persons camping together must be counted as 1 tent.	Noted. To be managed through the s68 approval to operate.	Yes

s4.15(1)(b) – The likely impacts of the development

	Notes (where needed)
<input checked="" type="checkbox"/> Social and Economic Environment: There would be beneficial impacts as a result of the development.	The site will provide a location for short term tourist accommodation within the locality. The modified proposal is not expected to result in any social or economic impacts not already assessed in the previous approval.
<input checked="" type="checkbox"/> Built Environment: The proposed development would not cause harm to the existing character.	The proposed development reduces the overall footprint through the removal of the storage shed and reduction in the number of camp sites. No other changes are sought and as such, there are no expected adverse impacts to the built environment.
<input checked="" type="checkbox"/> Natural Environment: There are no adverse impacts expected as a result of the proposed development and appropriate conditions have been added.	No additional vegetation is proposed to be removed as part of the application. The location of the 20 primitive camp sites is within the same footprint as the 50 originally approved camp sites, and therefore no additional clearing or disturbance is proposed.

s4.15(1)(c) – The suitability of the site

The site suitability considerations assessed under the original application remain unchanged as a result of the proposed modification.

s4.15(1)(d) – Any submissions

Consideration of submissions has been given against section S4.55(1A)(d) above.

s4.15(1)(e) – The public interest

The proposed modification is considered to be in the public interest as it will continue to provide tourist and visitor accommodation within the locality.

**MODIFIED CONDITIONS**

**Existing condition**

**1.0 - General Conditions of Consent**

(1) **General terms of approval** – The General Terms of Approval from state authorities must be complied with prior to, during, and at the completion of the development.

The General Terms of Approval are:

1. NSW Rural Fire Service, DA-2019-03512-CL55-1, 25 May 2020

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

**Modified Condition**

**1.0 - General Conditions of Consent**

(1A) **General terms of approval** – The General Terms of Approval from state authorities must be complied with prior to, during, and at the completion of the development.

The General Terms of Approval are:

1. NSW Rural Fire Service, DA-2019-03512-S4.55-1, 28 October 2022.

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

**Existing Condition**

**1.0 - General Conditions of Consent**

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

Plan reference	Name of plan	Prepared by	Date
1902748	Proposed Site Plan (2 of 4)	Sorensen Design & Planning	24/05/2020
1902748	Amenities Plan (3 of 4)	Sorensen Design & Planning	24/05/2020
1902748	Camp Kitchen Plan (4 of 4)	Sorensen Design & Planning	24/05/2020
190203	Stormwater Management Plan (Sheets CIV00 to CIV06)	DRB Consulting Engineers	15/05/2020
190203	Cut/Fill Plan (Sheets CIV13 to CIV21)	DRB Consulting Engineers	15/05/2020

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

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**Modified Condition**

**1.0 - General Conditions of Consent**

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

Plan reference	Name of plan	Prepared by	Date
1902748 Issue 1	Proposed Site Plan (2 of 5)	Sorensen Design & Planning	29/08/2022
1902748	Amenities Plan (3 of 4)	Sorensen Design & Planning	24/05/2020
1902748	Camp Kitchen Plan (4 of 4)	Sorensen Design & Planning	24/05/2020
190203	Stormwater Management Plan (Sheets CIV00 to CIV06)	DRB Consulting Engineers	15/05/2020
190203	Cut/Fill Plan (Sheets CIV13 to CIV21)	DRB Consulting Engineers	15/05/2020

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

**New Condition**

**1.0 – General Conditions of Consent**

(9.1) **Prior to Commencement of Use** – Prior to the commencement of use, an Approval to Operate under section 68 of the Local Government Act 1993 must be issued by Council.

**Existing Condition**

**5.0 - Prior to Issue of an Occupation Certificate**

(14) **Car parking requirements** – A minimum of 50 car parking spaces are to be provided in accordance with AS2890 and the approved plans. Parking must be permanently marked on the pavement surface.

Five additional parking spaces are required for visitors, and must be signposted as "visitor parking".

**Modified Condition**

**5.0 - Prior to Issue of an Occupation Certificate**

(14A) **Car parking requirements** – A minimum of 20 car parking spaces are to be provided in accordance with AS2890 and the approved plans. Parking must be permanently marked on the pavement surface.

Two additional parking spaces are required for visitors, and must be signposted as "visitor parking".

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<p>parking”</p> <p><b>Comment:</b></p> <p>Condition amended to ensure required car parking reflects the updates number of sites proposed.</p>
<p><b>New Conditions</b></p>
<p><b>6.0 – Prior to the Issue of an Approval to Operation (Camping Ground)</b></p> <p>(7.1) <b>On-site Sewerage Management</b> – Prior to the issue of an Approval to Operate under Section 68 of the Local Government Act 1993, a report must be approved by Council detailing the intended use of the on-site sewerage management system and any required adaptations in order for the on-site sewerage management system to function at intended levels that achieve appropriate effluent quality. The report should also detail the service requirements and frequency.</p>
<p><b>Existing Condition</b></p>
<p><b>7.0 – Ongoing Use</b></p> <p>(9) <b>Use of Caravans</b> – No more than 25 caravans are permitted on site at any one time. A caravan is not to stay onsite for any longer than four (4) consecutive nights.</p>
<p><b>Modified Condition</b></p>
<p><b>7.0 – Ongoing Use</b></p> <p>(9A) <b>Use of Caravans</b> – <del>No more than 25 caravans are permitted on site at any one time.</del> A caravan is not to stay onsite for any longer than four (4) consecutive nights. The use of caravans must comply with Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.</p> <p><b>Comment:</b></p> <p>Condition 9.2 has been added to limit the number of caravans in accordance with the Local Government Regulations.</p>
<p><b>New Conditions</b></p>
<p><b>7.0 – Ongoing Use</b></p> <p>(9.1) <b>Camping Restricted to Designated Sites</b> – Camping is not permitted outside of the designated sites identified in grey hatch on the sites plans prepared by Sorensen Design and Planning, Revision I, Dated 29/08/2022.</p> <p>(9.2) <b>Location of Caravans, Annexe and Campervans</b> – A caravan, annexe or campervan must not be installed within 6 metres of another caravan, annexe, campervan or tent.</p> <p>(9.3) <b>Location of Tents</b> – A tent must not be permitted to be installed within 6 metres of a caravan, campervan or an annexe or within 3 metres of another tent.</p> <p>(9.4) <b>Unoccupied caravans, campervans and tents</b> – Unoccupied caravans, campervans and tents are not permitted to remain in the camping ground for more than 24 hours.</p> <p>(9.5) <b>Water Use</b> – Any time the private water supply is being used for any part of the primitive camp ground, it must be provided in accordance with the Quality Assurance Program.</p>

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(9.6) **Site Capacity** – As per the NSW RFS General Terms of Approval (reference DA-2019-03512-S4.55-1, dated 28 October 2022), the camping ground is limited to having a maximum of 81 persons on site.

#### DETERMINATION

The modification application is recommended to be approved by Council, subject to the recommended amended conditions as shown above.

**ITEM NO. 2**

**FILE NO: 22/293420  
EDRMS NO: 16-2007-15-6**

**DEVELOPMENT APPLICATION 16-2007-15-6 FOR A S4.55(1A) MODIFICATION TO AN APPROVED CARAVAN PARK AT 16 TROTTER ROAD, BOBS FARM**

REPORT OF: KATE DRINAN - DEVELOPMENT AND COMPLIANCE SECTION  
MANAGER

GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application (DA) No: 16-2007-15-6 for a S4.55(1A) modification to an approved Caravan Park at 16 Trotter Road, Bobs Farm (Lot: 2 DP 954600) subject to the conditions contained in **(ATTACHMENT 1)**.

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**ORDINARY COUNCIL MEETING - 13 DECEMBER 2022  
MOTION**

<b>324</b>	<p><b>Councillor Leah Anderson Councillor Jason Wells</b></p> <p>It was resolved that Council approve Development Application (DA) No: 16-2007-15-6 for a S4.55(1A) modification to an approved Caravan Park at 16 Trotter Road, Bobs Farm (Lot: 2 DP 954600) subject to the conditions contained in <b>(ATTACHMENT 1)</b>.</p>
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Mayor Palmer vacated the Chair at 7:38pm. Deputy Mayor chaired the meeting at this point.

Mayor Palmer resumed the Chair at 7:39pm.

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, 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 present Development Application (DA) 16-2007-15-6 for a S4.55(1A) modification to an approved Caravan Park at 16 Trotter Road, Bobs Farm to Council for determination.

A summary of the application and property is provided below:

Subject Land:	16 Trotter Road, Bobs Farm (Lot 2 DP 954600)
Total Area:	8.09ha
Zoning:	RU2 Rural Landscape
Submissions:	2
Key Issues:	Amendments to internal layout, staging and managing environment impacts

The modification application has been reported to Council as it seeks to delete a condition that was imposed by the Council at its 26 October 2021 meeting. Specifically, the following additional condition was imposed by Council:

“Prior to the issue of any Construction Certificate, the Concept masterplan, dwg. 240060-DA-001-E, Version Q, prepared by ADW Johnson and dated 2/09/2021 is to be amended to remove sites 104, 112, 113 and 114 from the area outside the development footprint approved under DA 16-2007-15-3.”

A locality plan is provided at **(ATTACHMENT 2)**.

This application was previously reported to the 25 October 2022 Council meeting however, was deferred due to a late request for amended information being issued by the NSW Rural Fire Service (RFS). The additional information has since been provided by the applicant and General Terms of Approval have been issued by the NSW RFS. The modified General Terms of Approval are included in the conditions contained in **(ATTACHMENT 1)**.

**Proposal**

The modification application seeks to modify the caravan park approved under DA 16-2007-15-5, which was determined by Council at its 26 October 2021 meeting. The modification seeks to amend conditions of consent and the approved plans. The amendments sought are as follows:

- Deletion of condition 1.1 of the consent, which required the plans to be updated to remove sites 104, 112, 113 and 114
- Internal layout changes including the relocation of the north-western perimeter road and relocation of the stormwater basin situated in the north-western corner of the development area
- Adjustment to the road alignment to widen the corridor for koala passage between the dam to facilitate koala habitat retention



- Reduction of the approved yield by 2 sites as a result of adjustments to the location and dimensions of various long term sites within the development footprint, resulting in a total of 111 long term sites and the maintenance of 2 short term sites (113 sites in total)
- Ecological restoration of areas under the Vegetation Management Plan
- Modifications to conditions 75 and 90, which relate to swimming pool access and mosquito management
- Other minor amendments and adjustments as outlined within the Planners Assessment Report (**ATTACHMENT 3**).

### Site Description and History

The subject site is legally identified as Lot 2 DP 954600, is rectangular in shape and with an area of approximately 8.09ha. The site contains a large dam, which was created as a result of historic sand mining activities. The site previously contained 2 dwellings and a farm shed, which have recently been demolished. The site contains areas of vegetation, which are mapped as containing preferred koala habitat and endangered ecological communities.

The site is zoned RU2 Rural Landscape and rural residences are located to the west and east. To the south is an approved caravan park, comprising 196 long term sites, known as the Sunrise over 55s lifestyle community. A wetland is located to the north and north east of the site.

The original DA was approved in 2008 for 156 sites including 81 long-term sites and 75 short-term sites. The DA has been subject to a number of modifications since its original approval.

### Key Issues

The key issues identified during assessment relate to the environmental impacts. A detailed assessment of the DA is contained within the Planners Assessment Report (**ATTACHMENT 3**).

### Environmental Impacts

The previous modification application (DA 16-2007-15-5) sought to remove an additional 0.48ha of native vegetation, including 6 koala feed trees. The tree removal was assessed and supported by Council officers subject to conditions of consent including the planting of 80 compensatory preferred koala feed trees at the rear of the site. To improve the koala corridor to the north of the development, Condition 1.1 was added to the consent during the 26 October 2021 Council meeting, which required that sites 104, 112, 113 and 114 be removed.

Following determination of the application, post approval consultation was undertaken between the applicant, interest groups and Council officers to identify opportunities to increase the separation between the development areas and the dam to the north-west to facilitate improved koala movement.

In order to achieve the widening of the koala corridor, this modification seeks to amend the approved design by relocating the north-western perimeter road, relocating the stormwater basin that was situated in the north-western corner of the development area and an adjustment to the road alignment. The amended design also results in the retention of an additional koala tree.

The modified plans were assessed by Council's Environmental Planner who supported the amendments subject to new and modified conditions. The new conditions recommended by Council's Environmental Planner require the salvaging of preferred koala feed tree saplings from the development site for planting elsewhere and the retention of preferred koala feed trees within the location of the 2 short term sites where possible.

Concern was raised in the submissions regarding the installation of koala friendly fencing. In response, Condition 62B has been amended to provide clarity on the fencing type to be used on the site. The new and amended conditions recommended for endorsement have been outlined in the conditions of consent in **(ATTACHMENT 1)**.

The modification application also seeks to remove Condition 1.1, which required the removal of sites 104, 112, 113 and 114 from the area outside the development footprint approved under DA 16-2007-15-3. This condition is proposed to be removed to reflect the proposed amendments to the site layout and improved retention of koala habitat areas under this modification.

#### Conclusion

It is considered that the proposed modification results in improved environmental impacts and is therefore supported by Council staff, subject to the recommended conditions of consent in **(ATTACHMENT 1)**.

Overall, the land use will remain unchanged as previously approved (caravan park), and the development will continue to provide both long term and 2 short term sites.

#### **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Thriving and Safe Place to Live	Provide land use plans, tools and advice that sustainably support the community.

#### **FINANCIAL/RESOURCE IMPLICATIONS**

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

**MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022**

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	Yes		As a result of the reduction of approved yield by 2 sites under the application, the applicable developer contributions have reduced from \$596,242 to \$570,862 (subject to CPI increases).
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

The modification application is consistent with the relevant planning instruments including the Environmental Planning and Assessment Act 1979 (EP&A Act), Port Stephens Local Environmental Plan 2013 (PSLEP) and the Port Stephens Development Control Plan 2014 (DCP 2014). A detailed assessment against these environmental planning instruments is contained within the Planners Assessment Report contained at **(ATTACHMENT 3)**.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
If the DA is approved, there is a risk that the determination of the DA may be challenged by a third party in the Land and Environment Court through a judicial review.	Low	Accept the recommendation.	Yes
If the DA is refused, there is a risk that the determination of the DA may be challenged by the applicant in the Land and Environment Court.	Medium	Accept the recommendation.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

### Social and Economic Impacts

The proposed modification provide long term sites for residency, which will have ongoing positive impacts on the local economy and contribute to housing supply.

### Built Environment

The proposed modification will not cause harm to the existing character of the area. The proposed amendments to the entry signage are considered minor in nature and appropriate in identifying the site. The signage is compatible with the surrounding landscape.

### Natural Environment

The proposed modification will result in habitat connectivity between the development area and the dam resulting in improved environmental outcomes. The new and modified recommended conditions require salvaging of existing saplings on the site for replanting, the retention of koala feed trees within the short terms sites where possible and clarity regarding the use of koala friendly fencing.

## **CONSULTATION**

Consultation with key stakeholders, including external agencies and internal referral officers has been undertaken for the purposes of the assessment of the application. Consultation with the public occurred through the notification process.

### Public exhibition

The application was notified in accordance with Councils Community Engagement Strategy from 26 May 2022 until 9 June 2022. During this period 2 submissions were received.

A detailed response to the submissions is outlined within the Planners Assessment Report (**ATTACHMENT 3**).

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Recommended Conditions of Consent.
- 2) Locality Plan.

3) Planners Assessment Report.

**COUNCILLORS ROOM**

- 1) Development Plans.
- 2) Unredacted submissions.

Note: Any third party reports referenced in this report can be inspected upon request.

**TABLED DOCUMENTS**

Nil.

**RECOMMENDED CONDITIONS OF CONSENT**

1. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.
  - 1.1 CONDITION DELETED UNDER DA 16-2007-15-6.
2. CONDITION DELETED UNDER DA16-2007-15-5.
3. Failure to comply with the conditions of consent constitutes a breach and on the spot fines may be issued under the Environmental Planning & Assessment Act 1979 and or the Protection of the Environment Operations Act 1997.
4. The development application has not been assessed against the provisions of the Building Code of Australia. A Section 96 application under the Environmental Planning & Assessment Act 1979 will be required if design amendments are necessary to comply with the provisions of the Building Code of Australia.
5. The excavated and/or filled areas of the site are to be stabilised and drained to prevent scouring and the finished ground around the perimeter of the building is to be graded to prevent ponding of water and ensure the free flow of water away from the building.
6. Access to an adjoining property for construction & maintenance work requires the owner(s) consent. It is the responsibility of the owner/applicant to ensure that no part of the structure encroaches onto the adjoining property. The adjoining property owner can take legal action to have an encroachment removed.
7. A garbage storage area is to be provided, designed and constructed so as to conceal its contents from view from public places and adjacent properties and is to be integrated into the landscaping scheme. The storage area shall be located so as to be readily accessible from within the site, and serviceable by the waste collector from the adjoining road.
8. A Construction Management Plan shall be submitted and approved by Council, prior to commencement of any work. The construction management plan shall specify operational details to minimise any potential impact to adjoining properties. The construction management plan should include but not limited to the following information:- Construction techniques, noise and vibration management, storage of equipment and building materials, hours of work., primary route for truck movements, etc.
- 9A. The caravan park shall be constructed and operated in accordance with the requirements of the Local Government Regulations (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005,

**PORT STEPHENS COUNCIL**

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excluding any objection approved in accordance with Section 82 of the Local Government Act 1993.

10. Submit full details prior to commencement of any work showing compliance with the Regulation are to be provided to Council in regard to the following:
  - a. Size of the dwelling sites and camp sites (Clause 85);
  - b. Setbacks of Community Buildings (Clause 88);
  - c. Setbacks of sites from roads and boundaries (clause 89);
  - d. Widths of entrance roads and forecourt (clause 92);
  - e. Construction of the amenities Block (clause 110);
  - f. Proximity of the sites from Amenities Block (Clause III) Note: The large vehicle sites shall be classified as short term sites;
  - g. Fire hydrants (Clause 128);
  - h. Fire Hose Reels (Clause 129);
  - i. Provision of a common soil waste dump point (Clause 102); and
  - j. The development shall be constructed in accordance with the NSW Government Floodplain Management Manual (2001).
  
- 11A. The Flood Planning Level for this development is 3.2 metres AHD. Flood Compatible Building Materials are listed in the attached Schedule.
 

Habitable room for the purposes of this clause includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, sunroom, bathroom, laundry and water closet.

The following design precautions must be adhered to:

  - a. The floor level of any habitable room is to be located at a height not less than the Flood Planning Level. A survey certificate verifying compliance with this condition shall be provided to the Principal Certifying Authority as soon as practical on completion of the floor level. In sewered areas some plumbing fixtures may be located below the Flood Planning Level. Where this occurs sanitary drainage is to be fitted with a reflux valve to protect against internal sewage surcharge;
  - b. No potentially hazardous or offensive material is to be stored on site that could cause water contamination during floods;
  - c. All building materials, equipment, ducting, etc., below the Flood Planning Level shall be flood compatible;
  - d. All main power supply, heating and air conditioning service installations, including meters shall be located above the Flood Planning Level;
  - e. All electrical wiring below the Flood Planning Level shall be suitable for continuous submergence in water. All conduits below the Flood Planning Level shall be self-draining. Earth core leakage systems or safety switches are to be installed;
  - f. All electrical equipment installed below the Flood Planning Level shall be capable of disconnection by a single plug from the power supply.
  - g. Where heating equipment and fuel storage tanks are not feasible to be located above the Flood Planning Level then they shall be suitable for continuous



submergence in water and securely anchored to overcome buoyancy and movement which may damage supply lines. All storage tanks shall be vented to an elevation above the Flood Planning Level;

- h. All ducting below the Flood Planning Level shall be provided with openings for drainage and cleaning;
- i. Septic and holding tank lids, inspection openings and associated electrical equipment connections and switchgear must be located above the 1% AEP Flood level;
- j. Any on-site effluent on site disposal must be carried out in an area above the 5% AEP flood level; and
- k. THIS CONDITION DELETED UNDER DA16-2007-15-3.

12C. **Prior to the issue of any Construction Certificate or commencement of use** of the relevant stage, whichever occurs first, a monetary contribution is to be paid to Council pursuant to section 4.17(1) of the *Environmental Planning and Assessment Act 1979*, Section 7.11 of the *Environmental Planning and Assessment Act 1979*, and Council's Section 94 Contribution Plan towards the provision of the following public facilities:

Stage One

<b>40 LONG TERM SITES</b>		
<b>Facility</b>	<b>Per lot/dwelling</b>	<b>Total</b>
Civic Administration	\$178.00	\$7,120.00
Public Open Space, Parks and Reserves	\$968.00	\$38,720.00
Sports and Leisure Facilities	\$2,281.00	\$91,240.00
Cultural and Community Facilities	\$1,147.00	\$45,880.00
Road Works	\$432.00	\$17,280.00
Fire & Emergency Services	\$70.00	\$2,800.00
<b>Total</b>		<b>\$203,040.00</b>

Stage Two

<b>28 LONG TERM SITES</b>		
<b>Facility</b>	<b>Per lot/dwelling</b>	<b>Total</b>
Civic Administration	\$178.00	\$4,984.00
Public Open Space, Parks and Reserves	\$968.00	\$27,104.00
Sports and Leisure Facilities	\$2,281.00	\$63,868.00
Cultural and Community Facilities	\$1,147.00	\$32,116.00
Road Works	\$432.00	\$12,096.00
Fire & Emergency Services	\$70.00	\$1,960.00





	<b>Total</b>	<b>\$142,128.00</b>
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Stage Three

<b>43 LONG TERM SITES</b>		
<b>Facility</b>	<b>Per lot/dwelling</b>	<b>Total</b>
Civic Administration	\$178.00	\$7,654.00
Public Open Space, Parks and Reserves	\$968.00	\$41,624.00
Sports and Leisure Facilities	\$2,281.00	\$98,083.00
Cultural and Community Facilities	\$1,147.00	\$49,321.00
Road Works	\$432.00	\$18,576.00
Fire & Emergency Services	\$70.00	\$3,010.00
	<b>Total</b>	<b>\$218,268.00</b>

<b>2 SHORT TERM SITES</b>		
<b>Facility</b>	<b>Per lot/dwelling</b>	<b>Total</b>
Civic Administration	\$178.00	\$356.00
Public Open Space, Parks and Reserves	\$968.00	\$1,936.00
Sports and Leisure Facilities	\$2,281.00	\$4,562.00
Cultural and Community Facilities	\$0.00	\$0.00
Road Works	\$216.00	\$432.00
Fire & Emergency Services	\$70.00	\$140.00
	<b>Total</b>	<b>\$7,426.00</b>

Note: The amount of contribution payable under this condition has been calculated at the time of determination and in accordance with the Port Stephens Section 94 Contributions Plan. The contribution amount is valid for twelve months from the consent date. Should payment take place after twelve months the contribution shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics.

13. The construction site adjoins a public reserve. The following activities are not permitted to take place on or over the public reserve at any time during construction:
  - a. Access to the public reserve;
  - b. Use of the reserve by vehicles or machinery;
  - c. Storage of site sheds, building materials, cleared vegetation, rubbish etc; or
  - d. Any tree pruning, lopping or removal.

**ITEM 2 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.**



14. Lighting of the site shall be consistent with the approved Lighting Layout. This lighting shall be operational prior to the issue of any Occupation Certificate.
15. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
16. Where no sanitary facilities currently exist onsite for construction workers toilet accommodation for all tradespersons shall be provided from the time of commencement until the building is complete. The toilet facilities shall be located so as to have minimal impact of adjoining properties and shall not be placed on the road reserve, without separate approval from Council.
17. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:
  - a. Monday to Friday, 7am to 6pm;
  - b. Saturday, 8am to 1pm; and
  - c. No construction work to take place on Sunday or Public Holidays.

When the construction site is in operation the LIO level measured over a period of not less than 15 minutes must not exceed the background by more than 10dB(A). All possible steps should be taken to silence construction site equipment.
18. It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works.
19. Where the proposed development incorporates pile-driving activities for a period of 5 days or more (consecutive or non-consecutive combined total), prior to the commencement of works associated with piling system the applicant/beneficiary of the consent shall undertake the following actions:
  - a. An appropriately qualified Acoustic Engineer shall prepare a report on File No: 16-2007-15-1 the impact on adjoining properties in relation to anticipated noise and vibration with reference to compliance with British Standard 6472 - 1996 Guide to evaluation of human exposure to vibration in buildings (1Hz to 80 Hz);
  - b. Where the anticipated impacts exceed the prescribed performance standards of the noted Standard the consultant shall make recommendations on the method of minimising the noted impacts to meet the performance standards; and
  - c. For pile driving activities with a duration in excess of 5 days as noted above the applicant/beneficiary of the consent shall engage an Acoustic Engineer to undertake monitoring of the pile driving to verify the identified performance standards noted are not exceeded. Details to be forwarded to Principal Certifying Authority.
20. Pile driving shall only be carried out between the hours of 8.00am - 3.30pm Monday to Friday excluding public holidays.

ITEM 2 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.



21. Development incorporating pile-driving activities for a period of less than five (5) days be that consecutive and a total combined throughout the construction process, shall comply with the provision of British Standard 6472- 1996.
22. The applicant or the person who is the beneficiary of the development consent incorporating pile-driving activities shall, prior to commencement of work prepare and submit for approval of a Construction Management Plan incorporating notification provisions for the pile-driving activities with practical measures taken to notify all adjoining property occupants of the commencement date and period of pile-driving works.  
The notification shall be forwarded a minimum of 2 days prior to the commencement of works.
23. Separate approval is required to occupy, close or partially close the road reserve adjacent to the property under the Roads Act. The storage of materials, placement of toilets and rubbish skips within the road reserve is not permitted.
24. No construction or demolition work shall obstruct pedestrian or vehicular traffic in a public place, a hoarding or fence must be erected between the construction site and the public place.
25. Approved toilet accommodation for all tradespersons on the building site is to be provided from the time work commences until the building is complete. The toilet shall not be placed on the road reserve, without separate approval from Council.
26. A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced. **Council may issue 'on the spot' fines for pollution/littering offences under the Protection of the Environment Operations Act 1997.**
27. CONDITION DELETED UNDER DA 16-2007-15-6.
28. Construction details for retaining walls greater than 600mm in height shall be submitted and approved by the Principal Certifying Authority prior to commencement of works associated with the retaining wall All retaining walls in excess of 1m shall designed by a Practicing Structural Engineer.  
  
Where retaining walls exceed 1m in height and located within 500mm of a site boundary, they shall be constructed of masonry material.  
  
It is recommended to construct the retaining walls prior to the commencement of any other work, while the area is readily accessible and to prevent any movement of soil and/or potential damage to adjoining properties.
29. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with AS2601-2001 and WorkCover Authority requirements.

**ITEM 2 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.**

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

30. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment, the person undertaking the excavation must preserve and protect the building from damage, which may involve underpinning and supporting the building in an approved manner.

The adjoining property owner shall be given 7 days notice before excavating below the level of the base of the footings of a building on an adjoining allotment of land. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition, allotment of land includes a public road and any other public place.

31. The construction site is to be adequately protected and drainage controlled to ensure that erosion and sediment movement is kept on your site. Construction sites without appropriate erosion and sediment control measures have the potential to pollute the waterways and degrade aquatic habitats. Offenders will be issued with an 'on the spot' fine under the Protection of the Environment Operations Act 1997.

Note: Erosion and sediment control measures prepared in accordance with the Erosion and Sediment Control Regional Policy and Code of Practice or Managing Urban Stormwater - Soils and Construction produced by Landcom 2004, need to be maintained at all times. A copy of Landcom 2004 bluebook may be purchased by calling (02) 98418600.

32. CONDITION DELETED UNDER DA 16-2007-15-5.

33. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

34. A "KEEP PORT STEPHENS WATERWAYS POLLUTION FREE" sign shall be displayed and be clearly visible from the road frontage for public viewing on the site at the commencement of works and remain in place until completion of the development. Signs are available from Port Stephens Council.

35. Prior to the commencement of work, provide a 3m wide all weather vehicle access from the kerb and gutter to the building under construction for the delivery of materials & trades to reduce the potential for soil erosion. Sand shall not be stockpiled on the all weather vehicle access.

36. All stockpiled materials shall be retained within the property boundaries. Stockpiles of topsoil, sand, aggregate, spoil or other materials shall be stored clear of the all weather vehicle access and drainage lines.

37. CONDITION DELETED UNDER DA 16-2007-15-5.

38. CONDITION DELETED UNDER DA 16-2007-15-5.

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39. The Principal Certifying Authority shall only issue an occupation certificate when the building has been constructed in accordance with the approved plans, specifications and conditions of consent. No occupational use is permitted until the Principal Certifying Authority issues an occupation certificate.

NOTE: If an accredited certifier approves occupation of a dwelling the accredited certifier is to immediately notify Council in writing.

40. Prior to occupying the approved dwelling(s), contact Council's Land Information Section on 49800357 to obtain the correct house numbering.
- 41A. Demolition of the existing dwelling is to be carried out in accordance with Australian Standard AS 2601 'The demolition of Structures'. All waste materials are to be either recycled or disposed of to a licensed waste facility.

Any asbestos containing material encountered during demolition or works, is to be removed in accordance with the requirements of Safe Work NSW and disposed of to an appropriately licenced waste facility.

Evidence is to be provided to the Certifying Authority demonstrating that asbestos waste has been disposed of in accordance with this condition.

- 41.1 The development is to be carried out in accordance with the recommendations of the Aboriginal Heritage Due Diligence Assessment, prepared by McCardle Cultural heritage, report no. J20096 DD and dated 16 February 2021.
- 41.2 The temporary community building must be made available for use by residents at the commencement of Stage 1 of the development and remain available for use until an occupation certificate has been issued for the permanent community building within Stage 3.

Following the issue of an occupation certificate for the permanent community building, the temporary community building is to be decommissioned and the site utilised as a long term site.

- 41.3 The pond indicated on the Concept masterplan, dwg. 240060-DA-001-E, Version Q, prepared by ADW Johnson and dated 2/09/2021 is not to be used for recreational purposes such as swimming or fishing.

Suitable signposting is to be installed to indicate the use limitations of the pond.

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

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



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

**Provision of Services**

- 42A. **Prior to the issue of an Occupation Certificate or the commencement of use of the relevant stage, whichever occurs first, a section 50 certificate or other evidence from Hunter Water Corporation is to be provided that demonstrates water and sewer services have been adequately provided to the relevant stage of the development.**
- 42.1 Prior to the commencement of use of each stage, an on-site sewage management system shall be installed in accordance with an approval issued under Section 68 of the *Local Government Act 1993* to service the relevant stage, and an approval to operate the system shall be obtained.
- 43. Prior to the commencement of any work, the applicant shall provide written evidence from Hunter Water to Council demonstrating that all necessary pre-construction approvals have been granted from Hunter Water Corporation for the connection of water and sewer to the development.
- 44. Prior the commencement of any work written evidence must be submitted to Council from Telstra Australia and Energy Australia confirming that satisfactory arrangements have been made for the provision of their respective services to the development.
- 45. The submission of documentary evidence from Energy Australia that satisfactory arrangements have been made for the provision of grid based electricity supply to the development, prior to the occupation of any component of the development.

**Operational Conditions**

- 46. A register shall be kept by the owner or proprietors to record the occupancies and shall be available at any time for inspection by an authorised officer of Council.
- 47B. The caravan park is approved for a maximum number of 117 long term sites and 2 short term sites. The caravan park shall be constructed and operated in accordance with the requirements of the Local Government Regulations (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, excluding any objection approved in accordance with Section 82 of the Local Government Act 1993.  
  
Prior to operation, the applicant shall obtain separate approval to operate a caravan park under Section 68 of the Local Government Act.
- 48A. ~~CONDITION DELETED UNDER DA 16-2007-15-5.~~
- 49A. **Immediately following the commencement of use of stage 1, a temporary bus service consisting of a chartered bus or the like with a minimum of 12 seats, is to be engaged which services the site at least two times per week. The service must**



connect to both the Salamander Bay Shopping Centre and the Nelson Bay CBD. The service must be available to all permanent residents of the development.

**Immediately following the commencement of use of stage 3**, the chartered service is to be replaced with a permanent on-site bus service that is maintained for the life of the development. The permanent bus service shall:

- a. Travel a route that includes the Anna Bay CBD, Salamander Shopping Centre and the Nelson Bay CBD;
- b. Be available to all permanent residents at no cost; and
- c. Operate in and out of the commercial centres at least once a day (Monday to Saturday inclusive).

- 50. The Community Hall, Pool, BBQ area and tennis courts shall be accessible and available to permanent residents, to the extent that they are made available to short term occupants (ie. tourists).
- 51. THIS CONDITION DELETED UNDER DA16-2007-15-3
- 52. The caravan park or camping ground must be designed, constructed, maintained and operated in accordance with the relevant requirements of Subdivisions 1-8 of Division 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
- 53. A person must not be permitted to stay in a moveable dwelling that occupies a short-term site or camp site for a total of more than 150 days in any 12 month period, unless the moveable vehicle is a holiday van and the person is the owner of that holiday van.
- 54. The owner of a holiday van that occupies a short term site or camp site must not be permitted to stay in the holiday van for a total of more than 180 days in any 12 month period.
- 55. The occupancy restrictions shall be incorporated into a Management Agreement for the Tourist Facility. A copy of the Management Agreement shall be provided to Council prior to the issue of the occupation certificate.
- 55.1. All doors and windows along the northern, southern and eastern facades of the workshop/mens shed are to remain closed when shed is in use.
- 55.2. The workshop/mens shed is only to operate between the hours of 8:00am – 6:00pm, 7 days a week. Tools and machinery should not be operated every day or for long continuous periods.

**Landscaping and Fencing Conditions**

- 56C. Landscaping shall be carried out in accordance with the approved Landscape Plan prepared by Mara Consulting and dated 19 July 2022 (Job No.: 2112, Revision I, Sheet L100 to L110). The landscape designer must provide a compliance certificate to the Principal Certifying Authority certifying that the landscaping has been carried out in accordance with the approved plan and as amended by conditions of consent,

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prior to the issue of any Occupation Certificate. Where Council is not the Principal Certifying Authority, a copy of the certificate must be provided for Council's records.

- 57. The area contained in the front setback facing Trotter Road is to be landscaped and kept clear of vehicles and materials at all times (excludes parking areas shown on the approved site plan).
- 58C. Plantings and fencing is to be carried out in accordance with the Landscape Plan prepared by Mara Consulting and dated 19 July 2022 (Job No: 2112, Revision I, Sheet L100 to L110) and the conditions of consent.
- 59. THIS CONDITION DELETED UNDER DA16-2007-15-3.
- 60B. The approved landscape plan prepared by Mara Consulting and dated 19 July 2022 (Drawing Number: 2112, Revision I, Sheet L100 to L110), is to be amended to include the following:
  - a. Additional hedge planting on along the southern (front) boundary, with a species that reaches a minimum mature height of 1.5 metres.

The amended plans are to be submitted to Council for approval, **prior to the issue of any Construction Certificate.**

- 61. CONDITION DELETED UNDER DA 16-2007-5-5.
- 62B. Fencing must not compromise the potential for safe movement of koalas across the site. The fencing as shown in the approved landscape plan can be installed along the southern boundary (frontage to Trotters Road), along the western boundary in line with Lots 3 – 11, and along the eastern boundary alongside the stormwater basin. This fencing must be rural timber style fencing as identified on Sheet L-108 of the approved landscaping plan prepared by Mara Consulting, dated 19 July 2022. The remainder of the site must use koala friendly fencing, including:
  - a. open post and rail or post and wire fencing (no barbed wire on the bottom strand) and must be a minimum of 200 mm above ground level that would allow koalas to move underneath; or
  - b. a koala friendly alternative as agreed in consultation with Council's Natural Systems team.
- 63. Lighting on the site is to be designed in accordance with Australian Standard 4282-1997 - Control of the obtrusive effects of outdoor lighting. Any lighting on the site is to be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.





**Flora and Faunal Environmental Conditions**

63.1A Construction of the development must comply with the recommendations of the 'Biodiversity Assessment' Version 2, prepared by MJD Environmental, dated March 2021 detailed as follows:

- a. Demarcate subject site boundary with visible flicker tape of temporary fencing to ensure no impacts occur to retained vegetation adjacent to the site.
- b. All contractors will be specifically advised of the designated work area.
- c. All construction vehicles/machinery are to use the designated access from main roads. Speeds will be limited to reduce the potential of fauna strike and to reduce dust generation;
- d. Prior to the commencement of any vegetation removal, a preclearance survey will be conducted by the Project Ecologist to identify any areas containing significant habitat features. During the pre-clearance survey, any significant habitat features or trees that are known to have resident fauna present and all hollow-bearing trees will be:
  - i. Marked around the trunk of the tree at approximately 1.5 metres high with a 'H' marked several sides of the trunk using fluorescent spray marking paint; and/ or
  - ii. Marked with highly visible flagging tape.
- e. Tree removal is to be strictly limited to the subject site.
- f. Any mulch generated from the removal of vegetation on Site is to be reused on Site.
- g. Felled trees must be stockpiled and processed within marked clearing boundaries.
- h. Any fauna is handled appropriately, including the relocation of any arboreal mammals in accordance with PSC Technical Specification – Vegetation (PSC 2014);

Natural hollows of a suitable size and configuration should be salvaged and reinstalled in retained areas of vegetation in the Subject Site where possible to provide ongoing arboreal habitat opportunities for local fauna PSC Technical Specification - Nest Boxes (PSC 2014).

63.2 All hollows identified during the pre-clearance survey shall be replaced with nest boxes (built to a standard consistent with the PSC Technical Specification - Nest Boxes (PSC 2014) at a ratio of 1:1.

Nest boxes must be installed within retained native vegetation on site prior to the removal of any hollow bearing trees.

64B. The following vegetation within the subject site as identified on 'Figure 4: Vegetation' of the 'Biodiversity Assessment' Version 2, prepared by MJD Environmental, dated March 2021 is approved for removal / pruning:

- a. Non-native/ Plantings Vegetation
- b. Grassland/Pasture

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Vegetation type MU 34: Coastal Sand Wallum Woodland (Disturbed) is approved for removal / pruning with the exception of Tree Number 1 and the tree identified as MU 34 located directly to the east of the Dam adjacent to MU 40 - Swamp Oak Rushland Forest, as identified in 'Attachment 1: Eucalyptus tereticornis Locations' in the '20111 – RFI Response – Ecology 16 Trotters Road, Bobs Farm', prepared by MJD Environmental, dated 11 May 2021.

- 65B. A minimum of eighty (80) mature koala feed trees, (i.e. Eucalyptus tereticornis, Eucalyptus robusta or Eucalyptus parramattensis), and any salvagable saplings from the development site shall be planted within the 100 m coastal wetland buffer area.  
  
All mature compensatory plantings are to have a minimum pot size of 200L.  
  
Documentary evidence of koala feed tree planting must be provided to and approved by Council prior to the issue of any Occupation Certificate.
- 66A. Nest boxes as shown on 'Figure 5: Existing Nest Box Locations' in the 'Biodiversity Assessment' Version 2, prepared by MJD Environmental, dated March 2021 that have been installed within trees approved to be removed must be relocated by a suitably qualified ecologist and be placed within trees along the north eastern boundary of the dam and retained vegetation in the northeast of site.
- 67. THIS CONDITION DELETED UNDER DA16-2007-15-3.
- 68. Only Virgin Excavated Natural Material (VENM) in accordance with the Environmental Protection Agency NSW statutory definition shall be used for the approved land filling activities. The use of any material other than VENM may require an EPA licence for use as a landfill. The use of any material other than VENM for land filling purposes, without prior approval of council is prohibited. Council will insist on the removal of any prohibited material.
- 69A. A geotechnical assessment of the site is to be undertaken to determine whether the development works will disturb Potential Acid Sulfate Soils (ASS). Should ASS be encountered within the zone of works, an ASS Management Plan is to be prepared by a suitably qualified Geotechnical Engineer and submitted to the Certifying Authority, **prior to the issue of any Construction Certificate.**  
  
The recommendations and/or mitigation measures contained within the ASS Management Plan must be complied with during works.
- 70. Low downward lighting shall be used on site to prevent an unreasonable impact on native fauna.
- 71A. A Vegetation Management Plan shall be prepared and approved by Council's Natural Systems team. The approved plan shall be implemented to manage and maintain the open space area in the northern portion of the property, i.e. the wetland buffer area. This management plan shall include a planting plan in accordance with Condition

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65B, and prescribe bush regeneration methods and techniques to ensure that the area is effectively managed in perpetuity.

72. No domestic dogs or cats are to be permitted on the subject site. Appropriate signage indicating this restriction shall be installed at the front entrance and/or front office detailing this restriction prior to the issue of any Occupation Certificate. The sign shall detail that this restriction is in place for the protection of native wildlife. This sign shall be maintained in perpetuity.

72.1A The removal of existing vegetation is not to occur until the issue of the Construction Certificate.

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

All approved landscaping works are to be maintained in perpetuity. Where landscape plantings or koala feed tree plantings die, replacement plantings of the same species are to be implemented.

72.2 The Eucalyptus tereticornis trees within the location of the two short term sites shall be retained where possible. Any excavations associated with construction of the adjacent road shall be undertaken under the supervision and guidance of an Australian Qualification Framework Level 5 Arborist.

72.3 **Vegetation Management Plan** - Monitoring reports in accordance with the approved Vegetation Management Plan must be prepared and submitted to Council.

72.4 **Maintenance of Nest Boxes** - All installed Nest Boxes must be maintained for a period of 5 years.

If any nest box is damaged, it is to be replaced.

**Swimming Pool conditions**

73. Details of the construction of the proposed swimming pool shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

74. The pool fencing shall be a material that prevents the access of koalas into this area, to reduce the potential of drowning.

75. CONDITION DELETED UNDER DA 16-2007-15-6.

76. The construction of the swimming pool shall comply with the Swimming Pools Act and also the NSW Health Public Swimming Pool and Spa Pool guidelines (June 1996). The guidelines prescribed facilities required for public pools along with disinfection requirements.



- 77. Details of the Construction of the proposed swimming pool shall be forward to the Principal Certifying Authority prior to the issue of the Construction Certificate.
- 78. The swimming pool is to be fully enclosed with fencing and gates to comply with the Swimming Pool Act 1992 and Regulations.
- 79. All backwash/pool waste water is to be piped/drained to the sewer of the Hunter Water Corporation in accordance with the requirements of the Hunter Water Corporation.
- 80. A durable resuscitation instruction chart is to be displayed in a prominent position in the pool at all times.
- 81. Where a common boundary fence forms part of the pool enclosure, maintenance and effectiveness of the fence is the responsibility of the pool owner, whilst ever the pool exists.
- 82. Pool plant and equipment shall be sited or enclosed in a sound absorbing enclosure to minimise any potential offensive noise impacts to adjoining neighbours as defined under the Protection of the Environment Operations Act 1997.
- 83. The swimming pool surrounds and/or paving is to be constructed in a manner so as to ensure water from the pool overflow does not discharge onto the neighbouring properties.
- 84. Where there is possible access from a window in any residential building to the swimming pool, access is to be restricted by:
  - a. The bottom of the lowest opening panel of the window must (when measured in the closed position) be at least 1.2 metres above finished floor level; and
  - b. There must not be any footholds wider than ten (10) millimetres between the bottom of the lowest opening panel of the window and any point within 1.1 metres below the bottom of that panel.

This does not apply to a child safe window or to a window that is totally enclosed by a child-safe grill.

Note: Child safe means a window being of substantial construction and being so fixed (by means of a keyed locking device or other child resistant device) that it has no opening through which it is possible to pass a standard test bar.

- 85. THIS CONDITION DELETED UDER DA16-2007-15-3
- 86. THIS CONDITION DELETED UNDER DA16-2007-15-3
- 87. THIS CONDITION DELETED UNDER DA16-2007-15-3

**Bushfire Conditions**

- 88. THIS CONDITION DELETED UNDER DA16-2007-15-3



89. An emergency/evacuation plan is to be prepared consistent with the NSW Rural Fire Service Guidelines for the Preparation of Emergency/Evacuation Plan for implementation by the occupants in the event of a required evacuation. The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments.

**Mosquito Management**

- 90A. Mosquito Management shall be performed in accordance with the details submitted with the application dated 26 September 2007. Management techniques shall include:
- a. A Public Education Display, being a notification of a community notice board or sandwich board type warning sign displayed at peak mosquito periods, as well as printed fact sheets detailing effective personal prevention techniques.
  - b. ~~CONDITION DELETED UNDER DA 16-2007-15-6.~~
  - c. Methods to minimise water holding areas on the property (please note that no works are authorised in protected wetland areas without approvals from the relevant authorities).
  - d. The preparation of an on-site manual/ management plan that involves the continual assessment of the vulnerability of occupants to exposure and the potential duration and seasonality of exposure. This document shall also contain a planning and management response (i.e. education, warnings, monitoring of on-site breeding etc.)

These measures shall be implemented prior to the issue of any Occupation Certificate.

91. All dwellings and buildings must be equipped with effective screens on all windows, doors and openings, to reduce the potential for mosquito borne disease. All screens must be installed prior to the issue of any Occupation Certificate.
92. Any rainwater tanks and fabricated water storage structures must be equipped with effective screens on all openings, to reduce the potential for mosquito borne disease.

**Disability Conditions**

93. The proposed development shall be provided with access and facilities for the disabled in accordance with Australian Standard 1428.1 and the relevant provisions of the Building Code of Australia. Details of such access and facilities shall be submitted to the Prescribed Certifying Authority with the Application for a Construction Certificate for the buildings.
94. A continuous and accessible path of travel, designed in accordance with Australian Standard 1428.1 shall be provided to and within any building on the site. This accessway shall provide access to all required facilities.
95. External access to the building required to be accessible must be in accordance with the Building Code of Australia Part D and Australian Standard 1428.1, and must be provided:



- a. From the allotment boundary at the main points of entry;
- b. From any accessible car parking space on the allotment;
- c. From any adjacent and associated accessible building on the allotment; and
- d. Through the principal public entrance.

Details shall be provided demonstrating compliance with these requirements prior to the release of the Construction Certificate.

The minimum number of accessible car parking spaces shall be provide in accordance with the Building Code of Australia Section D Subsection 3.5 and designed in accordance with Australian Standard 2890.1

Access and facilities for the disabled provided in accordance with Australian Standard 1428.1 and the relevant provisions of the Building Code of Australia. These shall be maintained for the life of the development by existing or future owners.

96. The minimum number of accessible car parking spaces shall be provide in accordance with the Building Code of Australia Section D Subsection 3.5 and designed in accordance with Australian Standard 2890.1. Details shall be provided prior to the release of the Construction Certificate.

#### **Environmental Health Conditions**

97. The construction of the kiosk shall comply with the National Food Premises Code.
98. Food preparation, storage and service areas are to be designed and constructed to comply with AS4674-2004 for the construction & fit out of food premises.  

Where Council is nominated as the Principal Certifying Authority, Council's Food Surveillance Officer shall be given 48 hours' notice to inspect the premise for compliance under AS4674-2004 for the construction & fit out of food premises before operating the business.

Where Council is not nominated as the Principal Certifying Authority, submit certification from an appropriate qualified person confirming compliance with AS4674-2004 for the construction & fit out of food premises before the issue of the occupation certificate.

Note: The business needs to be registered with Council so it can be added to the inspection program.
- 98.1 The maintenance shed/work shop must be constructed in accordance with the recommendations of the Noise Assessment prepared by Spectrum Acoustics dated July 2022, project no. 212220R.

#### **Signage Conditions**

99. The advertising structures shall comply with Council's signage requirements under the Local Environmental Plan and Port Stephens Development Control Plan 2007. No advertisement shall be displayed without the consent of Council, unless the advertisement does not require approval under Council policy.



100. Flashing illuminated signage is not permitted. Illuminated signs must be fitted with an automatic timing device to extinguish the illumination between the hours of 10.00pm and 7.00am.
101. Any exempt advertisements shall relate to the approved development or premises situated on that land. The advertisement must be maintained in a presentable and satisfactory state of repair.
102. No signage is permitted within any Council or RTA Road Reserve.

**Fire Safety Conditions**

103. A fire safety schedule pursuant to Section 168 of the Environmental Planning & Assessment Amendment Regulation 2000 must be attached to the construction certificate, which specifies the fire safety measures that should be implemented in the building premises.
104. A fire safety certificate as prescribed by Section 174 Environmental Planning & Assessment Regulations 2000 which certifies the performance of the implemented fire safety measures in accordance with Section 170 of the Regulation must be submitted to the Principal Certifying Authority and the Commissioner of New South Wales Fire Brigades. A copy of fire safety certificate needs to be forwarded to Council, if Council is not nominated as the Principal Certifying Authority. A further copy of the certificate must also be prominently displayed in the building.
105. At least once in each twelve (12) month period, fire safety statements as prescribed by Section 175 Environmental Planning & Assessment Regulations 2000 in respect of each required essential fire safety measure installed within the building are to be submitted to Council. Such certificates are to state that:
  - a. The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
  - b. That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building.

**Stormwater Conditions**

- 105.1. Prior to the issue of a Construction Certificate, the stormwater management plan must be updated in accordance with the approved architectural plans and the Stormwater Management Plan – Addendum #1 letter prepared by Torque Project dated 13 May 2022.
- 106C. Detailed stormwater drainage plans, DRAINS model and MUSIC model must be prepared by a qualified Engineer in accordance with the approved Stormwater Management Plan, Issue F, prepared by ADW Johnson and dated 12 September 2022, Council's Infrastructure Specifications and the current Australian Rainfall and Runoff guidelines using the Hydrologic Soil Mapping data for Port Stephens (available from Council). The detailed plans must also include the following information in order to comply with the PSC DCP:



- a. Additional onsite infiltration to reduce the volume and discharge of stormwater leaving the site to reduce impacts to the downstream wetland. The plans must demonstrate how the quantity of water and means of discharge is managed to mimic the existing environment and not concentrate flows.
- b. The drainage strategy must incorporate the external catchment contributing runoff through this development. A catchment plan must be submitted at CC stage which includes the external catchment which contributes runoff and allowance must be made within the internal drainage system to incorporate the runoff from the external catchment.
- c. Detailed basin cross sections and long sections and comprehensive DRAINS and MUSIC models are to be submitted at CC stage to reflect the approved strategy. These models must comprehensively reflect the proposed design.
- d. The bio-retention basin design must be informed by a groundwater assessment to consider rises in groundwater level.
- e. Sizing and configuration of Basin 3 to accommodate upstream catchment from Trotters Road in accordance with ADW Johnson Stormwater Improvements Report (Ref AL:LCO:240060(1)) dated 8 November 2022.
- f. Confirmation to be provided to demonstrate that 1% AEP overland flowpaths will be conveyed to appropriate legal point of discharge without overtopping onto adjacent private land.
- g. All basin weirs and scour protection to be designed to appropriately control basin outflows and prevent downstream scour and erosion.
- h. DRAINS model for this development to be updated to match the details in the ADW Johnson Stormwater Improvements Report (Ref AL:LCO:240060(1)) dated 8 November 2022.
- i. The PSC Infrastructure Specification requires a factor of safety of 5 for infiltration testing rates. Update the design of the basins to comply with the PSC Infrastructure Specification requirement.
- j. DRAINS modelling to be undertaken to the satisfaction of a suitably qualified Engineer for sizing of basins, swales and the internal reticulation system to ensure requirements from PSC Infrastructure Specification are satisfied.

Details demonstrating compliance must be provided to the Certifying Authority, **Prior to the issue of a Construction Certificate for Each Stage.**

107. CONDITION DELETED UNDER DA16-2007-15-3

**Traffic and Road Conditions**

108. THIS CONDITION DELETED UNDER DA16-2007-15-3.

107. THIS CONDITION DELETED UNDER DA16-2007-15-3.  
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- 110. THIS CONDITION DELETED UNDER DA16-2007-15-3.
- 111. The vehicle driveway from the roadway to the property boundary incorporating the gutter crossing shall be constructed in accordance with the options shown on **Council's Standard Dwg No. S123.**
- 112. A concrete dish crossing shall be constructed within the table drain in accordance with **Council's Standard Drawing No. S106.** Driveway grades shall be adjusted, if practical, to achieve this, or where driveway grades do not permit a dish crossing, provide a pipe (minimum 375mm diameter) for small catchments, 5.0m long, at a minimum distance of 2.0 m from the edge of the roadway, ensuring an adequate grade within the drain. Gravel backfill and concrete headwalls shall be placed as indicated on **Council's Standard Drawing No. S107.**
- 113. The stormwater system, including any water quality or quantity components, shall be maintained in perpetuity for the life of the development.
- 114. Submission of Works- As-Executed plans and report prepared and certified by a suitability qualified drainage engineer confirming all drainage works (volume, discharge, levels, location, etc) are built in accordance with conditions of consent and the approved plan. Minor variations in height can be certified providing they are clearly identified in the report and the engineer certifies that the overland flow paths are not altered, discharge rates are not increased, and no additional negative effects are imparted on any dwellings or property. Minor variations can only be certified where it can be demonstrated that the ease of maintenance and monitoring of the system has not been negatively affected.  
  
The documents shall be submitted to, and accepted by the Certifying Authority, prior to issue of the occupation certificate.
- 115. Works associated with the approved plans and specifications shall not commence until:
  - a. A Construction Certificate has been issued, and
  - b. The Principal Certifying Authority has been nominated, and
  - c. Council has received two days notice of the commencement date.
- 116A. All civil engineering works for each stage shall be carried out in accordance with the Construction Certificate and Council's Subdivision & Development Code, to the satisfaction of Council or the Certifying Authority prior to the issue of any Occupation Certificate or the commencement of use of the land in the relevant stage.
- 117A. All civil engineering works associated with the Roads Act Approval shall be carried out to the satisfaction of Council as the Roads Authority (with a letter of practical completion issued) prior to issue of any Occupation Certificate or the commencement of use of the land. All works associated with the Roads Act Approval shall be at no cost to Council.
- 118. Works associated with the Roads Act Approval are subject to:
  - a. Inspection by Council;

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- b. Testing by a registered NATA Laboratory and
- c. Approval by Council at each construction stage as determined by Council.

- 119A. The developer is to provide the following plans and/or CAD files:
- a. Road construction plans in CAD form prior to commencement of road works; and
  - b. Works-as-executed drawings and CAD files of all engineering works prior to the issue of any Occupation Certificate or the use of the land.

The data is to be supplied as ACAD or DXF to the requirements of Council's Civil Asset Engineer.

- 120. THE CONDITION DELETED UNDER DA16-2007-15-3.
- 121. A pedestrian footpath and connections shall be provided for the development, from the access to the development to the bus stop on Nelson Bay Road.
- 122. Provision for one (1) car parking space shall be made for every temporary and permanent site. This space shall not be located on the internal road network.
- 123B. Car parking is to be provided in accordance with Concept masterplan, dwg. 240060-DA-001-E, Version Q, prepared by ADW Johnson and dated 2/09/2021. These spaces shall be separately accessible, clearly line-marked, clearly signposted and adequately paved and drained in accordance with the Port Stephens Development Control Plan. Car parking must be provided prior to the issue of the occupation certificate or commencement of the use of the land in the relevant stage.
- 124. Prior to the commencement of use, Trotter Road is to be upgraded to Council's Rural access class road (currently 6 metre sealed carriageway 1 x 10<sub>6</sub> ESAs) across the frontage of the development to the intersection of Trotter Road and Nelson Bay Road.
- 125. THIS CONDITION DELETED UNDER DA16-2007-15-3.
- 126. THIS CONDITION DELETED UNDER DA16-2007-15-3.
- 127. Engineering details in accordance with Council's Subdivision & Development Code of proposed road and drainage works shall be submitted to Council for approval prior to issue of the Construction Certificate.
- 128. All works as listed as conditions of development consent, which are located in public roads are subject to approval under section 138 of the Roads Act 1993. Engineering details in accordance with Council's File No: 16-2007-15-1 Subdivision and Development Code, of such works shall be submitted with a Roads Act application form and then approved by Council prior to approval to commence these works and prior to issue of the Construction Certificates. The following items are also required to be approved by Council prior to approval being granted to commence works:
  - a. Traffic control plans in accordance with the Roads and Traffic Authority - Traffic Control at Worksites Manual;



- b. Payment of fees and bonds (same Principle Certifying Authority fees, inspection fees and maintenance bonds as relevant to subdivisions); and
- c. Contractors public liability insurances to a minimum value of \$1 0 million dollars.

129A. The following fees and/or bonds are to be paid as part of this consent:

- a. Construction certificate/plan approval fee, prior to approval of construction certificate or plans;
- b. PCA/inspection fee, prior to approval of construction certificate or plans;
- c. Long Service Levy, prior to issue of construction certificate (verification of payment is required if paid directly to Long Service Board);
- d. Maintenance Bond, prior to commencement of the use; and

The rates are as listed in Council's fees and charges. Contact Council's Subdivision Engineer prior to payment.

130. All works required to be completed in accordance with the Roads Act approval shall be completed prior to the occupation of any component of the development.

**APPROVED PLAN CONDITIONS AND EXTERNAL AGENCY APPROVALS**

131B. The development is to be carried out in accordance with the General Terms of Approval Issued by the following agencies:

- a. NSW Rural Fire Service - Bushfire Safety Authority (Reference Number DA-2007-00971-CL55-1) dated 3 November 2022.
- b. Natural Resource Access Regulator – General Terms of Approval (Reference Number S961135700) dated 3 June 2021.

132B. The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent or as noted in red by Council on the approved plans:

Plan/Doc.Title	Plan Ref. No	Sheet.	Date	Drawn By
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**ITEM 2 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.**



<b>Plan/Doc.Title</b>	<b>Plan Ref. No</b>	<b>Sheet.</b>	<b>Date</b>	<b>Drawn By</b>
Concept Masterplan	240060-DA-002-F, Version F	1 Sheet	6 July 2022	ADW Johnson
Landscape Plans (9 sheets)	Rev I	L-100 – L110	19 July 2022	Mara Consulting
Trotter Road Caravan Park Modification Concept Engineering Lot 2 D.P. 954600 DA 16-2007-15-5	240060 Issue No. C	001 – 002 101 – 106 201-208 211-212 511 801-802	24 October 2022	ADW Johnson
Temporary Clubhouse siting	Issue A	01	5 March 2021	MB
Ground Floor Plan (Temporary Clubhouse)	20L000AA Rev A	1 of 8	25 January 2021	Ingenia
Community Building Plans (7 sheets)	21-0008 Issue B	DA-A1-0-02, DA-A1-2-01, DA-A1-2-02, DA-A1-6-01, DA-A2-1-01, DA-A2-1-02	2 March 2021	Arqus Design
Maintenance Shed	Issue A	01	5 March 2021	Ingenia Lifestyle

<b>Document Title</b>	<b>Prepared by</b>	<b>Date</b>
Stormwater Management Plan (Issue F)	ADW Johnson	12 September 2022

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail. If there is any inconsistency between the plans and documentation referred to above the most recent document shall prevail to the extent of any inconsistency.

**ADVICES**

The following general information is provided to assist you with the preparation and prompt processing of your Construction Certificate where such application is made to Council.

**ITEM 2 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.**



- A) Plans in respect of an application for a Construction Certificate must be submitted to the Hunter Water Corporation for checking & stamping prior to application for the Construction Certificate being made.
- B) In the case of residential building work, prior to commencement of work submit to Council or a private certifying authority a copy of the contract of insurance under Part 6 of the Home Building Act 1989 (specific for the building work the subject of this approval) and builders licence details. (Or alternatively present to Council a copy of an Owner Builders Permit issued by the Department of Fair Trading.)
- C) If the value of the work is \$25,000 or more, you will need to pay a levy to the Long Service Corporation prior to issue of the construction certificate. You can either pay the Long Service Levy Corporation direct and show us your receipt OR you can pay us and we'll send your money to them.

Note: Owner builders can ask for a reduction in the levy. For more details contact the Long Service Corporation, Locked Bag 3000, CCDS, Lisarow 2252, phone 131441.

- D) Access to an adjoining property for construction & maintenance work requires the owner(s) consent. It is the responsibility of the owner/applicant to ensure that no part of the structure encroaches onto the adjoining property. The adjoining property owner can take legal action to have an encroachment removed.
- E) This approval relates to Development Consent only and does not infer any approval to commence excavations or building works upon the land. A Construction Certificate should be obtained prior to works commencing.
- F) An agreement should be formed between the owners and the NSW Department of Environment and Conservation to eradicate and take measures to control weeds along the common property boundary.
- G) The developer should note that vehicular access in and out of Trotter Road from Nelson Bay Road may be restricted to left in/left out only as a result of the future upgrade along this section of Nelson Bay Road.
- H) This consent has been issued based on the development being connected to an existing sewerage treatment system, and that the proposed development would be located a minimum distance from the SEPP 14 wetland. If either of the these assumptions were to be amended, then a new opinion should be sought from the Department of Planning, as to whether the proposal would be considered as a Major Project pursuant to State Environmental Planning Policy (Major Projects) 2005.
- I) Council's Development Control Plan PS 2 Parking and Traffic Guidelines, requires that the car parking spaces have the following dimensions where:

	Length	Width
A parking space has a wall or obstruction on one side	5.5m	2.8m
A parking space is enclosed on both sides	5.5m	3.0m

**ITEM 2 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.**

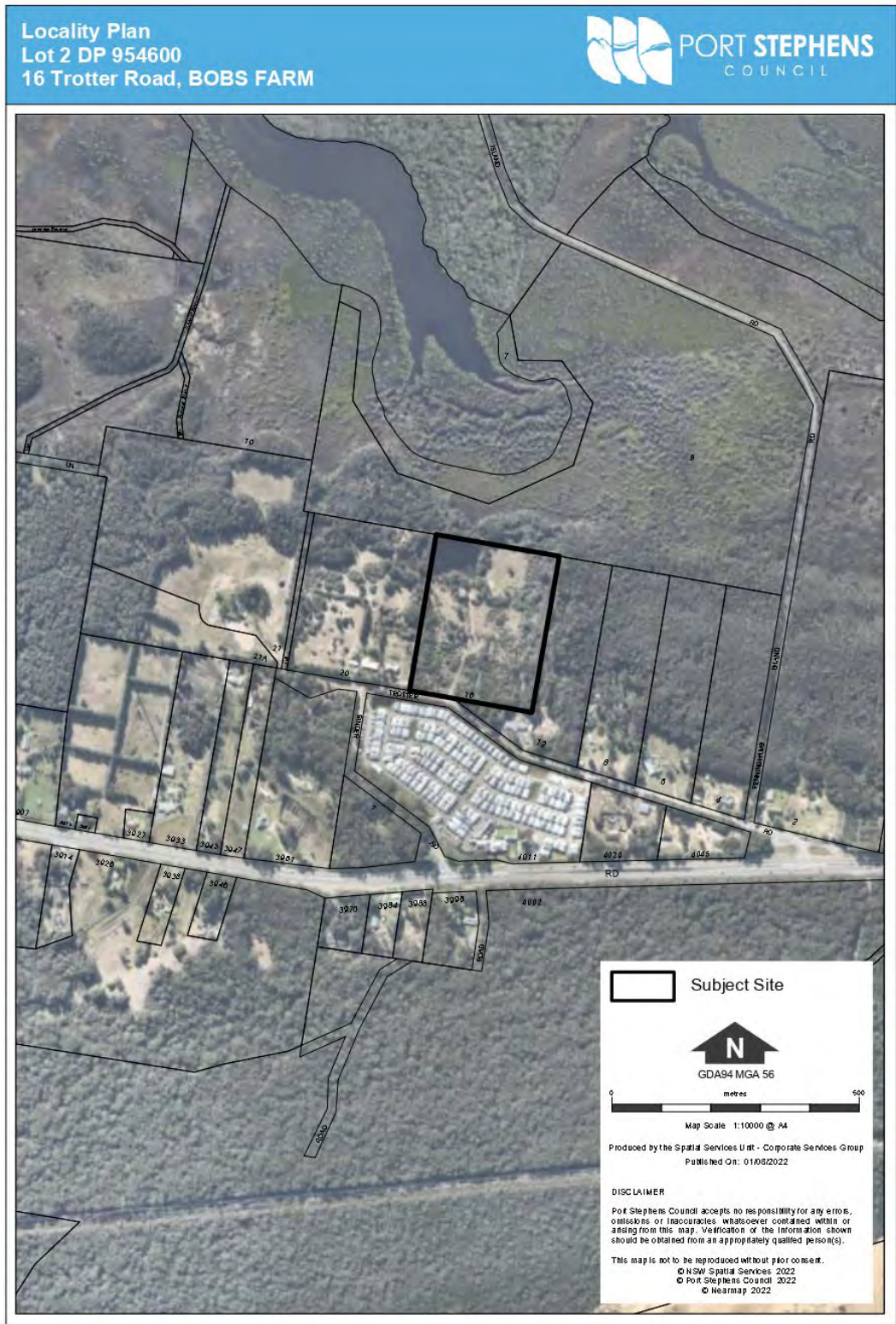


A parking space is parallel to kerb	6.0m	2.6m
A parking space is unobstructed on both sides	5.5m	2.6m

The turning area required for 900 parking is 6.7m to 7.0m. Where the required turning area is not available, Council may be approached to approve a reduction where wider car spaces are provided.

- J) The consent shall be sought and obtained prior to any change of use of the premises.
- K) Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work shall cease and the National Parks and Wildlife Service shall be consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- L) The developer is responsible for full costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposal. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- M) The Commonwealth Disability Discrimination Act makes it an offence to discriminate against people on the grounds of disability, in the provision of access to premises, accommodation, or services. This applies particularly to new buildings or significant building alterations. It is the owner/applicants responsibility to ensure compliance with the requirements of this Act. Further information about disabled access obligations can be found at the Human Rights and Equal Opportunities Commission website [www.hreoc.gov.au](http://www.hreoc.gov.au)
- N) Consideration should be given to the following enhanced access and facilities provisions for the proposed development:
  - I. Australian Standard 1428.2 Design for access and mobility - Enhanced and additional requirements - buildings and facilities; and
  - II. Australian Standard 1428.4 Design for access and mobility - Tactile ground surface indicators for the orientation of people with vision impairment
- O) There are electricity network assets adjacent to the proposed development in Trotter Road. Any works undertaken adjacent to Ausgrid asset must be undertaken with care in accordance with Ausgrid Network Standard Document NS 156 – Work Near or Around Underground Cables.

ITEM 2 - ATTACHMENT 2 LOCALITY PLAN.



116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800253 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au



**APPLICATION DETAILS**

<b>Modification application no.</b>	16-2007-15-6
<b>Development description</b>	Caravan Park (81 long term sites, 75 short term sites)
<b>Modification description</b>	S4.55(1A) modification to approved Caravan Park – internal layout changes, reduction in yield to 111 long term sites, maintain 2 short term sites and other changes to site infrastructure
<b>Applicant</b>	Sungenia Landco Management Pty Limited
<b>Date of lodgement</b>	20/05/2022

**Modification proposal**

The application proposes to modify the approved caravan park under DA 16-2007-15-5, which approved 115 sites comprising 113 long term sites and 2 short terms sites. The modification seeks to amend conditions of consent and the approved plans. The modifications sought are as follows:

- Deletion of condition 1.1 of the consent, which required the plans to be updated to remove sites 104, 112, 113 and 114.
- Internal layout changes including the relocation of the north-western perimeter road, relocation of the stormwater basin situated in the north-western corner of the development area and an adjustment to the road alignment to widen the corridor for Koala passage between the dam to facilitate koala habitat retention.
- Reduction of the approved yield by 2 sites as a result of adjustments to the location and dimensions of various long term sites within the development footprint, resulting in a total of 111 long term sites and the maintenance of 2 short term sites (113 sites in total).
- Adjustments to staging as demonstrated in Figure 2.
- Minor adjustment to the location of the sewer pump station position to provide an improved pathway for koala movements.
- Amendments to temporary community facility and open space, refer to Figures 5 and 6.
- Deletion of LPG gas storage area in northern portion of site.
- Adjustment to maintenance shed to function as both a maintenance shed and community workshop (mens shed) for use by residents.
- Adjustment to site entry arrangements: forecourt area; boom gates; and car parking areas. The amendments are shown in Figure 4.
- Amendments to approved entry signage, refer to Figures 7 and 8.
- Ecological restoration of area impacted by Vegetation Management Plan.



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- Modifications to Conditions 70, 75 and 90 which relate to lighting, swimming pool access and mosquito management. This is discussed further below.

The approved master plan is shown in Figure 1 and the proposed amended master plan in Figure 2, which demonstrates the proposed layout changes.

The applicant has requested Conditions 70, 75 and 90 be amended. Condition 70 currently notes that low downward light is to be used on site to ensure that there is no unreasonable impact on native fauna. The applicant has requested the condition be modified to make the site entry exempt from this requirement. This is requested to enable minor up-lighting of front entry walls.

Condition 75 relates to the swimming pool and requires that a rope be affixed and left dangling at least 1m into the pool to allow for koala to escape. The applicant has requested this be condition be deleted on the basis that Condition 74 requires the installation of pool fencing that prevents access of koalas to the swimming pool area.

Condition 90(a) currently requires a public education display being a sandwich board sign be displayed at peak mosquito periods. The applicant has requested this be amended to include the display of a mosquito education display on a community notice board.

Condition 90(b) currently requires that a staff member or representative be trained in mosquito biology and is to be responsible for customer and visitor education. The applicant has requested that this condition be deleted given it is not practical to implement.

Council staff are supportive of the proposed amendments to conditions with the exception of Condition 70, which is detailed in this report.

The conditions of consent proposed to be modified have been discussed in further detail below.

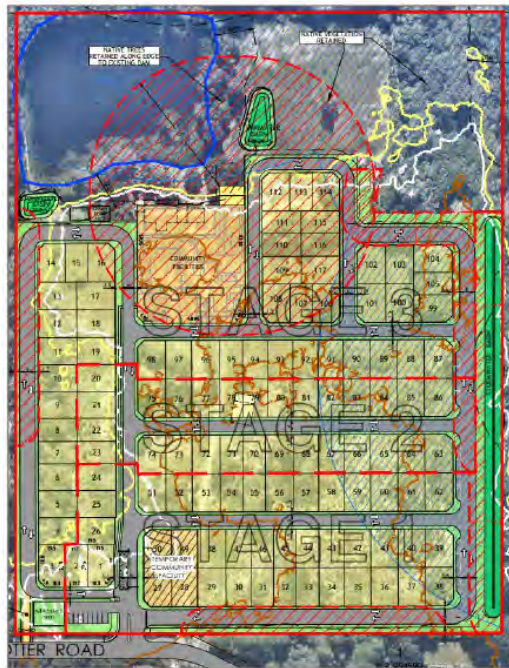


Figure 1. Approved site plan under DA 16-2007-15-5

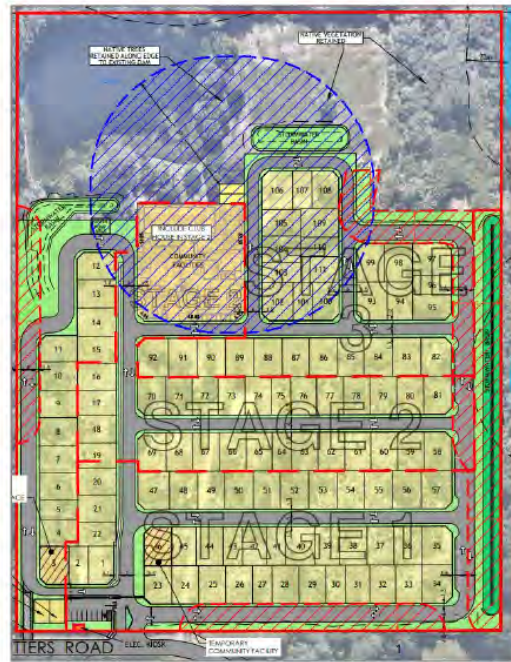


Figure 2. Proposed site plan



Figure 3. Approved access

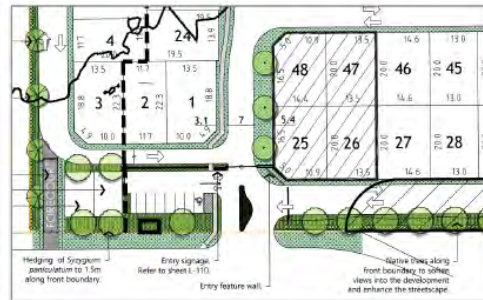


Figure 4. Proposed modified access



Figure 5. Approved temporary community facility



Figure 6. Proposed amended location of temporary community facility

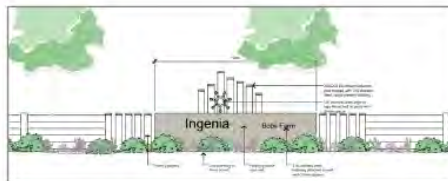


Figure 7. Approved entry signage

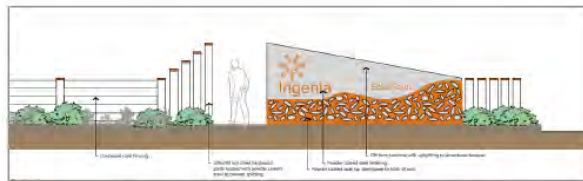


Figure 8. Proposed entry signage

**Site Description**

The subject site is legally identified as Lot 2 DP 954600, is rectangular in shape and with an area of approximately 8.09ha. The site contains a large dam, which was created as a result of historic sand mining activities. The site previously contained two dwellings and a farm shed, which have recently been demolished. The site contains substantial vegetation, which is mapped as containing preferred koala habitat and endangered ecological communities.

The site is zoned RU2 Rural Landscape and rural residences are located to the west and east. To the south is an approved caravan park, comprising 196 long term sites, known as the Sunrise over 55s lifestyle community. A wetland is located to the north and north east of the site.

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**Site History**

The site has historically been used as a rutile and sand mine. A large dam located in the north east of the site remains as a result of previous mining activity. The site is used for rural residential purposes and had previously contained two dwellings that have since been demolished.

The original DA for a caravan park was approved on the 21st of February 2008, comprising of 156 sites, including 81 Long-Term Sites and 75 Short-Term Sites.

This development consent has subsequently been modified three times under Section 4.55 (formerly Section 96) of the Environmental Planning & Assessment Act 1979, as follows:

- DA-16-2007-15-3 – Section 96(1A) Application for the modification of Staging and Addition of Fifteen (15) Sites and Car Wash - Approved on 22nd November 2011.
- DA-16-2007-15-4 – Section 4.55(1) Application to correct an administrative error to consent - Approved on 29th April 2019.
- DA 16-2007-15-5 – Section 4.55(2) Application to amend lot layout and internal road network, reduce total number of sites to 119, amend short term sites to long term, new community facilities and additional dwelling sites – Approved by Council 26 October 2021.

DA16-2007-15-2 was a Section 96(1A) Application to amend the internal site layout and configuration, however was withdrawn prior to determination.

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<b>PROPERTY DETAILS</b>	
<b>Property address</b>	16 Trotter Road BOBS FARM
<b>Lot and DP</b>	LOT: 2 DP: 954600
<b>Zoning</b>	RU2 RURAL LANDSCAPE
<b>Site constraints that affect the modification</b>	Bushfire Prone Land – Vegetation Category 1 and 3 Koala Habitat – Preferred, 50m buffer over cleared, link over cleared and mainly cleared. Endangered Ecological Communities – Swamp Sclerophyll Forest Biodiversity Values Mapping Coastal Management - Proximity to Coastal Wetlands, Coastal Environment and Coastal Use Combined Corridor Map – Core habitat, local link, landscape habitat link NSW Wildlife Atlas – koala Flood Prone Land LEP Wetlands

<b>ASSESSMENT SUMMARY</b>	
<b>Designated Development</b>	The application is not designated development
<b>Integrated Development</b>	The application does require additional approvals listed under s.4.46 of the EP&A Act
<b>Concurrence</b>	The application does not require the concurrence of another body

**Internal Referrals**

The proposed modification was referred to the following internal specialist staff. The comments of the listed staff have been used to carry out the assessment against the S4.15 Matters for Consideration below.

Development Engineer – Given the proposed modification includes amendments to the design and location of stormwater basins and access arrangements, the application was referred to Council’s Development Engineer for assessment. The proposed amendments were supported by Council’s Development Engineer subject to amendments to existing Condition 106B (proposed 106C).

Development Contributions – Supported with amended conditions.

Natural Systems – The application was referred to Council’s Natural Systems team for comment. Council’s Natural Systems team supported the majority of the proposed modification noting that the amendments result in the retainment of habitat connectivity between the development area

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and the dam. Natural Systems however did not support the amendment to condition 70, which would allow for minor up-lighting at the sites entry. This was not supported on the basis that a roadside corridor of native vegetation exists on the opposite side of the road to the site and that the 'National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds' (Commonwealth of Australia 2020) strongly advises against the use of up-lighting due to impacts on fauna. The other proposed modifications were supported subject to conditions. The conditions have been included within the recommended conditions of consent.

Environmental Health – The proposal seeks to use the approved maintenance shed as a community workshop/men's shed which is located within 10m of the boundaries including those of internal neighbouring sites. This is inconsistent with Section 88(1) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021. However, Section 88(2) allows a concession to the 10m setback control as long as Council is satisfied that the community building will be properly screened, fenced, enclosed or otherwise treated to reduce noise and amenity impacts. Council's Environmental Health Officer therefore requested that an Acoustic Impact Assessment be provided to understand the potential impacts of the community building (workshop) location and any mitigation measures required. An Acoustic Impact Assessment was provided to Council prepared by Spectrum Acoustics. The acoustic assessment was assessed by Council's Environmental Health officer and ultimately the modification was supported subject to conditions which have been included in the recommended conditions of consent. Further discussion regarding noise impacts and the acoustic assessment is included in the assessment against the Regulation and Chapter B3 of the Port Stephens Development Control Plan (DCP).

**External Referrals**

The proposed modification was referred to the following external agencies in accordance with clause 109 of the regulations:

Rural Fire Service (RFS) – The application was referred to the NSW Rural Fire Service (RFS) for a modified Bushfire Safety Authority (BSA), as the application is for a Special Fire Protection Purpose (Caravan Park) and is therefore considered integrated development per the Rural Fires Act 1997. A modified BSA was issued by the RFS dated 3 November 2022, which supported the proposed modification subject to conditions outlined within the referral.

Department of Planning and Environmental – Water (DPE Water) – The application was referred to DPE Water as integrated development under the Water Management Act 2000 as the proposed amendments to the master plan are within proximity to a coastal wetland and watercourse. Updated General Terms of Approval (GTAs) were not received within the statutory timeframe. Given the modifications are minor in nature it is considered that the existing GTAs are still relevant.

Transport for New South Wales (TfNSW) – The original application was sent Roads and Maritime Services (now Transport for NSW (TfNSW)) for comment. Accordingly, the proposed modification was sent to TfNSW for further comment. In response, TfNSW raised no objection and provided no requirements for the proposed development as it is was considered there will be no significant impact on the nearby classified (State) road network, being Nelson Bay Road.

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**MODIFICATIONS INVOLVING MINIMAL ENVIRONMENTAL IMPACT – S4.55(1A)**

**S4.55(1A)(a) – Minimal Environmental Impact**

The proposal is considered to be of minimal environmental impact as:

- The proposal does not result in any additional vegetation removal but rather seeks to improve environmental outcomes through widening the movement corridor between the northern development footprint and the south western portion of the dam to facilitate improved koala movement opportunities.
- Conditions are recommended to be included on the consent, which requires the salvaging of preferred koala feed tree saplings from the development site and the retention of preferred koala feed trees within the location of the two short term sites where possible, contributing to improved environmental outcomes.
- The proposed workshop/men’s shed will not result in adverse amenity impacts subject to recommended conditions regarding construction and operational matters.

**S4.55(1A)(b) – Substantially The Same Development**

The development as modified is substantially the same as the approved development for the following reasons:

- The proposed modification generally maintains the same development footprint as approved with minor amendments to the north-western corner of the development site through the relocation the stormwater basin and sewer pump southward to widen the movement corridor to facilitate improved koala movement opportunities and retain additional vegetation.
- The land use will remain unchanged as previously approved (caravan park).
- The proposal will continue to provide both long term and two short term sites.
- The footprint of the approved maintenance shed remains unchanged despite its proposed use as a community workshop in addition to the maintenance shed use.
- The proposal seeks to reduce the number of sites from the approved 115 to 113, which are to be located within largely the same footprint as previously approved.

On this basis, the application is considered substantially the same.

**S4.55(1A)(c) – Notification**

The application has been notified from 26 May 2022 – 9 June 2022 in accordance with Councils Community Participation Plan.

**S4.55(1A)(d) – Submissions**

The matters raised in the submissions objecting to the development are discussed in the table below:

Objection	Comments
The submission noted appreciation for the modification that allows for further retention of koala feed and habitat trees noting that the design amendment creates a better koala	Noted.

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<b>Objection</b>	<b>Comments</b>
<p>corridor.</p> <p>The objection sought clarification on the proposed fencing. It was noted that the plans indicate that use of steel palisade fencing and rural post and timber rail fencing around the site. The submissions noted that confirmation was needed that fencing on site does not obstruct the koala/wildlife corridor.</p> <p>The submissions requested that short term sites be constructed in a way that minimises the impact to surrounding vegetation to enable the corridor.</p>	<p>Condition 62A relates to fencing and was recommended to be amended by Council's Natural Systems team to note that boundary fencing as shown in the approved landscape plan can be installed along the southern boundary (frontage to Trotters Road), along the western boundary in line with Lots 3 – 11, and along the eastern boundary alongside the stormwater basin. The remainder of the site is required to use koala friendly fencing, which includes an open post and rail or post and wire fence. The conditions note that any alternative fencing proposed must be agreed in consultation with Council's Natural Systems team. The amended conditions have been included in the recommended conditions.</p> <p>All trees within the short term sites are to be maintained in accordance with APZ requirements and the Planning for Bushfire Protection 2019. Notwithstanding, a condition has been recommended to be included on the consent noting that the Eucalyptus tereticornis trees within the location of the two short term sites should be retained where possible.</p>
<p>Concern was raised over the impervious area resulting from the proposed development which was noted to exceed Council's DCP requirements. It was noted that the increased impervious area may increase flood risk to neighbouring properties and threat to the wetlands buffer.</p> <p>The submissions noted errors within reports submitted with the DA including within the drainage plan.</p>	<p>The impervious area is decreasing as a result of the proposed modification to reduce the required clearing. When assessing a modification application, Council can only consider matters that directly relate to the items being modified and cannot undertake a reassessment of the existing approvals in place. The original DA was granted consent prior to the current DCP and respective stormwater requirements.</p> <p>Flooding has been assessed by Council under previous DAs. Flooding impacts are not expected to be exacerbated as a result of the proposed modifications.</p> <p>The stormwater design is required to be designed to include stormwater quality improvement devices to ensure no impacts to the nearby wetland. The modified stormwater</p>

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Objection	Comments
<p>The submission suggested that the APZ is also incorrect.</p> <p>The submissions noted that the plans associated with the development should be reviewed by a fully qualified independent body.</p> <p>It was noted that the palisade fencing should be made to be koala friendly to ensure koala can utilise the corridor.</p>	<p>plans have been assessed and supported by Council's Development Engineering team.</p> <p>The modification application was referred to the Rural Fire Service (RFS) who issued a modified Bushfire Safety Authority (BSA) in support of the proposed development.</p> <p>When assessing any application, the RFS review the proposal to ensure it complies with standards regarding setbacks, provision of water supply and other matters considered to be necessary to protect persons, property or the environment from danger that may arise from a bush fire including asset protection zones. As noted above, the RFS assessed the modification application and issued a modified BSA demonstrating that the proposal has satisfied all items of the Planning for Bushfire Policy 2019.</p> <p>Councils internal specialist staff and external agencies where required review and assess the lodged documentation. Council officers are independent from the applicant.</p> <p>As previously noted, Condition 62A relates to fencing and was recommended to be amended by Council's Natural Systems team to note that the fencing as shown in the approved landscape plan can be installed along the southern boundary (frontage to Trotters Road), along the western boundary in line with Lots 3 – 11, and along the eastern boundary alongside the stormwater basin. The remainder of the site is required to use koala friendly fencing, which includes an open post and rail or post and wire fence. This includes the fencing adjacent to the corridor. The amended conditions has been included in the recommended conditions.</p>

**S4.55(3) – S4.15(1) Assessment**

**s4.15(1)(a)(i) – The provisions of any EPI**

The application is consistent with the provision of the PSLEP 2013 and all relevant SEPPs applicable to the proposal.



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State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 Coastal Management

The subject land is located with the Coastal Environment Area, Coastal Use Area and land within the proximity area of a coastal wetland.

The application seeks to modify the approved stormwater basin location and size as well as reduce the amount of clearing required to facilitate the proposal and was therefore referred to Council's Natural Systems and Development Engineering sections. It was concluded that the proposed modifications will not impact the biophysical or ecological integrity of the adjacent wetland, nor is it considered to impact the quality/quantity of the surface and ground water flows to and from the respective wetland areas.

The proposed amendments are not considered likely to further impact the coastal environment area, nor the coastal use area, but rather improve outcomes given further vegetation is being retained as a result of the modifications. It is therefore considered that the proposal is consistent with the Chapter 2 of this SEPP.

Chapter 4 Remediation of Land

Section 4.66 of this policy requires the consent authority to consider whether land is contaminated, is in a suitable state despite contamination, or requires remediation to be made suitable for the proposed development.

The site has historically been used for rutile and sand mining, established during the 1960s. The site has also been used to support a residential dwelling and a tea tree plantation since 1980. The previous modification (16-2007-15-5) was supported by a Preliminary Site Investigation (PSI) to investigate potential contamination of the site. The proposal was supported by Council officers subject to conditions, which were included on the consent and remain in the recommended conditions.

The proposal does not seek to extend the building footprint beyond the approved area and therefore further investigation regarding contamination are not required. It is considered that current conditions imposed on the consent address contamination on site.

State Environmental Planning Policy (Housing) 2021

Part 9 Caravan Parks

On 26 November 2021, State Environmental Planning Policy (Housing) 2021 (Housing SEPP) commenced, which consolidated a number of housing related State Environmental Planning Policies, including State Environmental Planning Policy No 21 – Caravan Parks (SEPP 21).

Section 133 of this policy outlines matters to be considered by Council prior to granting development consent. An assessment against these matters is provided below:

Clause	Comment
(a) whether, because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence,	<p>The development was approved under DA 16-2007-15-5 with 115 sites including 113 long terms sites and 2 short term sites. The proposal seeks to reduce the yield to 111 long term sites and maintain the 2 short term sites.</p> <p>As previously assessed under the original application, the land is considered to be</p>

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<b>Clause</b>	<b>Comment</b>
	appropriate for long-term residences.
(b) whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence,	There is no known shortage of tourist accommodation within the locality. The proposal seeks to retain the approved two short terms sites.
(c) whether there is adequate low-cost housing, or land available for low-cost housing, in that locality	Under the modification, the development would continue to provide long term sites, potentially suitable for housing purposes. The development provides a positive contribution to the local housing mix.
(d) whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park	<p>The approved development included a number of community facilities including a swimming pool, bowling green, recreational hall, gym, library, theatre room, kitchen, lounge and BBQ facilities. These facilities will remain unchanged by the modification.</p> <p>The modification also seeks to allow for the use of the already approved maintenance shed as a community workshop as well providing further community facilities for the development.</p> <p>Access to all facilities and services will be maintained within the site.</p>
(e) any relevant guidelines issued by the Director, and	N/A
(f) the provisions of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993.	This regulation is repealed and was in effect from 1 July 1993 to 31 August 1995.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4 Koala Habitat Protection 2021

Chapter 4 of this policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. The site is mapped as containing preferred koala habitat.

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The proposed modifications seek to improve outcomes for koala habitat and corridors on the site through amendments to the approved design, these amendments include:

- Relocation of the stormwater basin and sewer pump southward to widen the movement corridor between the development and dam. To facilitate this relocation, three (3) sites are proposed to be removed and the perimeter road realigned. These amendments also result in the retention of a koala use tree previously approved for removal.
- In the corridor all non-native trees are proposed to be removed and replaced by preferred koala tree species as per the Port Stephens Council Koala Plan of Management.

The proposed modifications have been supported by Council’s Natural Systems team subject to new and amended conditions which have been put in the recommended conditions of consent.

s4.15(1)(a)(ii) – Any Draft EPI

		<b>Notes (what draft EPI if needed and comments where not compliant)</b>
	<input checked="" type="checkbox"/> There are no draft EPI's that are relevant to the proposed development	
	<input type="checkbox"/> A draft EPI is relevant to the proposed development however the application is consistent with the aims and objectives of the document.	

s4.15(1)(a)(iii) – Port Stephens Development Control Plan 2014

<b>Chapter</b>	<b>Compliant</b>	<b>Notes (where needed or if not compliant)</b>
B	<input checked="" type="checkbox"/> General Controls	<p><b>B2 Natural Resources</b></p> <p>The application largely seeks to improve environmental outcomes and retain additional vegetation to improve the habitat corridor to what had previously been approved. Council’s Natural Systems team supported the proposed modification noting that the amendments result in the retainment of habitat connectivity between the development area and the dam.</p> <p>Notwithstanding the above, Council’s Natural Systems did not support the amendment to condition 70, which would allow for minor up-lighting at the sites entry. This was not supported on the basis that a roadside corridor of native vegetation exists on the opposite side of the road to the site and that the ‘National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds’ (Commonwealth of Australia 2020) strongly advises against the use of up-lighting</p>

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		<p>due to impacts on fauna.</p> <p>Overall, the proposed modification is considered to be consistent with Section B2 of the DCP.</p> <p><b>B3 Environmental Management</b></p> <p><u>B3.C Noise</u></p> <p>The proposal seeks to use the approved maintenance shed as a community workshop/men’s shed, which is located within 10m of the boundaries including those of internal neighbouring sites. An Acoustic Impact Assessment prepared by Spectrum Acoustics was provided to Council, which found that the noise generated from the proposed workshop could be mitigated through construction techniques (steel cladding, laminated glass for windows and innerskin of sound check plaster board) as well as operational techniques including operating hours and closure of any doors along the northern, southern and eastern facades whilst power tools are being utilised.</p> <p>Conditions have been recommended to address the mitigation measures noted within the Acoustic Impact Assessment. Further discussion regarding noise impacts and the acoustic assessment is included in the assessment against the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 below.</p> <p><b>B4 Drainage and Water Quality</b></p> <p>Given the proposal seeks to relocate the approved stormwater basin and amend their sizing, the application was required to be assessed against Chapter B4 and was referred to Council Development Engineer for assessment. The proposed stormwater amendments were supported by Council’s Development Engineer. The updated stormwater report is included under amended Condition 106C.</p> <p><b>B8 Road Network and Parking</b></p> <p>The proposal seeks to amend the approved access to the site and reduce the number of</p>
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		<p>long term sites from 113 to 111 sites. It is noted however, that the proposal was previously assessed as containing 117 long term sites with this being number being reduced through a condition imposed by Council.</p> <p>Council's Traffic Engineer reviewed the proposal and raised no concerns with the proposed modifications noting there will be no significant impact on the local road network. Visitor car parking provided remains unchanged by the proposed modifications.</p>
C	<input type="checkbox"/> Development Types	N/A
D	<input type="checkbox"/> Specific Areas	N/A

s4.15(1)(a)(iia) – Any planning agreement or draft planning agreement entered into under section 93F

	Notes (where needed)
<input checked="" type="checkbox"/> There are no planning agreements that have been entered into under section 7.4 relevant to the proposed development.	

s4.15(1)(a)(iv) – The regulations

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021

The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2021 (LG Regulations) contains standards for Caravan Parks. Clause 71 of the regulations state that Council must not grant an approval to operate a caravan park or camping ground, under the Local Government Act 1993 (LG Act) unless it is satisfied that it will be designed, constructed, maintained and operated in accordance with the relevant requirements of Subdivisions 1–8 of Division 3 of the LG Regulation.

The relevant matters relate to the design and operation of the site. A Section 68 approval cannot be granted to an operation that is inconsistent with the approved development, therefore, consideration has been given to the relevant provisions of the LG Regulations for the purposes of DA assessment.

Part 3 Caravan parks, camping grounds and moveable dwellings

Division 3 Caravan Parks and Camping Grounds

Subdivision 2 Setbacks

Section 88 requires any community building to be setback 10 metres from the caravan park boundary or a dwelling site boundary (unless appropriately screened, which in this case a setback of 3-5 metres applies).

The proposal seeks to use the approved maintenance shed as a community workshop/men's shed, which is located within 10m of the boundaries including those of internal neighbouring sites. This is inconsistent with Section 88(1). However, as noted above, Section 88(2) allows a

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concession to the 10m setback control as long as Council is satisfied that the community building will be properly screened, fenced, enclosed or otherwise treated to reduce noise and amenity impacts.

An Acoustic Impact Assessment was prepared by Spectrum Acoustics to enable Council to understand the potential impacts of the community building (workshop) location and any mitigation measures required. The Acoustic Impact Assessment found that the noise generated from the proposed workshop could be mitigated through construction techniques (steel cladding, laminated glass for windows and innerskin of soundcheck plaster board) as well as operational techniques including operating hours and closure of any doors along the northern, southern and eastern facades whilst power tools are being utilised.

Conditions have been recommended noting that the community building (workshop) must be constructed in accordance with the minimum construction requirements detailed within the Acoustic Assessment Report, condition of operating hours and that all doors and windows along the northern, southern and eastern facades to remain closed when shed is in use.

The acoustic assessment was assessed by Council’s Environmental Health officer and ultimately the location of the proposed workshop was supported.

s4.15(1)(b) – The likely impacts of the development

	<b>Notes (where needed)</b>
<input checked="" type="checkbox"/> Social and Economic Environment: There would be beneficial impacts as a result of the development.	The proposed modification will continue to provide long term sites for residency, which will have ongoing positive impacts on the local economy and housing demands.
<input checked="" type="checkbox"/> Built Environment: The proposed development would not cause harm to the existing character.	The proposed modifications will not cause harm to the existing character of the area. The proposed amendments to the entry signage are considered minor in nature and appropriate in identifying the site.
<input checked="" type="checkbox"/> Natural Environment: There are no adverse impacts expected as a result of the proposed development and appropriate conditions have been added.	The proposed modification will result in the retainment of habitat connectivity between the development area and the dam resulting in improved environmental outcomes. The new and modified recommended conditions require salvaging of existing saplings on the site for replanting, the retainment of koala feed trees within the short terms sites where possible and clarity regarding the use of koala friendly fencing.

s4.15(1)(c) – The suitability of the site

The site suitability considerations assessed under the original application remain unchanged as a result of the proposed modification. The modification improves ecological outcomes and the site remains suitable for the proposed development.

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s4.15(1)(d) – Any submissions

Consideration of submissions has been given against section S4.55(2)(d) above

s4.15(1)(e) – The public interest

The proposed modification is considered to be in the public interest as it seeks consent for minor design amendments that result in improvements to ecological outcomes through the reduction of vegetation clearing.

Further, the development will continue to provide long term sites to service the needs of the locality community which is considered to be in the public interest.

**MODIFIED CONDITIONS**

Existing condition		
1.1	Prior to the issue of any Construction Certificate, the Concept masterplan, dwg. 240060-DA-001-E, Version Q, prepared by ADW Johnson and dated 2/09/2021 is to be amended to remove sites 104, 112, 113 and 114 from the area outside the development footprint approved under DA 16-2007-15-3.	
Modified condition		
1.1	CONDITION DELETED UNDER DA 16-2007-15-6.	
<b>Comment:</b>		
Condition no longer required as the proposed amendments result in the widening of the movement corridor between the northern development footprint and the south western portion of the dam to facilitate improved koala movement opportunities.		
Existing condition		
12B.	<b>Prior to the issue of any Construction Certificate or commencement of use</b> of the relevant stage, whichever occurs first, a monetary contribution is to be paid to Council pursuant to section 4.17(1) of the <i>Environmental Planning and Assessment Act 1979</i> , Section 7.11 of the <i>Environmental Planning and Assessment Act 1979</i> , and Council's Section 94 Contribution Plan towards the provision of the following public facilities:	
Stage One		
41 LONG TERM SITES		
Facility	Per lot/dwelling	Total
Civic Administration	\$178.00	\$7,298.00
Public Open Space, Parks and Reserves	\$968.00	\$39,688.00
Sports and Leisure Facilities	\$2,281.00	\$93,521.00
Cultural and Community Facilities	\$1,147.00	\$47,027.00
Road Works	\$432.00	\$17,712.00
Fire & Emergency Services	\$70.00	\$2,870.00
	<b>Total</b>	<b>\$208,116.00</b>

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Stage Two

<b>28 LONG TERM SITES</b>		
<b>Facility</b>	<b>Per lot/dwelling</b>	<b>Total</b>
Civic Administration	\$178.00	\$4,984.00
Public Open Space, Parks and Reserves	\$968.00	\$27,104.00
Sports and Leisure Facilities	\$2,281.00	\$63,868.00
Cultural and Community Facilities	\$1,147.00	\$32,116.00
Road Works	\$432.00	\$12,096.00
Fire & Emergency Services	\$70.00	\$1,960.00
<b>Total</b>		<b>\$142,128.00</b>

Stage Three

<b>47 LONG TERM SITES</b>		
<b>Facility</b>	<b>Per lot/dwelling</b>	<b>Total</b>
Civic Administration	\$178.00	\$8,366.00
Public Open Space, Parks and Reserves	\$968.00	\$45,496.00
Sports and Leisure Facilities	\$2,281.00	\$107,207.00
Cultural and Community Facilities	\$1,147.00	\$53,909.00
Road Works	\$432.00	\$20,304.00
Fire & Emergency Services	\$70.00	\$3,290.00
<b>Total</b>		<b>\$238,572.00</b>

<b>2 SHORT TERM SITES</b>		
<b>Facility</b>	<b>Per lot/dwelling</b>	<b>Total</b>
Civic Administration	\$178.00	\$356.00
Public Open Space, Parks and Reserves	\$968.00	\$1,936.00
Sports and Leisure Facilities	\$2,281.00	\$4,562.00
Cultural and Community Facilities	\$0.00	\$0.00
Road Works	\$216.00	\$432.00
Fire & Emergency Services	\$70.00	\$140.00
<b>Total</b>		<b>\$7,426.00</b>

Note: The amount of contribution payable under this condition has been calculated at the time of determination and in accordance with the Port Stephens Section 94



Contributions Plan. The contribution amount is valid for twelve months from the consent date. Should payment take place after twelve months the contribution shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics.

**Modified condition**

12C. Prior to the issue of any Construction Certificate or commencement of use of the relevant stage, whichever occurs first, a monetary contribution is to be paid to Council pursuant to section 4.17(1) of the *Environmental Planning and Assessment Act 1979*, Section 7.11 of the *Environmental Planning and Assessment Act 1979*, and Council's Section 94 Contribution Plan towards the provision of the following public facilities:

Stage One

<b>40 LONG TERM SITES</b>		
<b>Facility</b>	<b>Per lot/dwelling</b>	<b>Total</b>
Civic Administration	\$178.00	\$7,120.00
Public Open Space, Parks and Reserves	\$968.00	\$38,720.00
Sports and Leisure Facilities	\$2,281.00	\$91,240.00
Cultural and Community Facilities	\$1,147.00	\$45,880.00
Road Works	\$432.00	\$17,280.00
Fire & Emergency Services	\$70.00	\$2,800.00
<b>Total</b>		<b>\$203,040.00</b>

Stage Two

<b>28 LONG TERM SITES</b>		
<b>Facility</b>	<b>Per lot/dwelling</b>	<b>Total</b>
Civic Administration	\$178.00	\$4,984.00
Public Open Space, Parks and Reserves	\$968.00	\$27,104.00
Sports and Leisure Facilities	\$2,281.00	\$63,868.00
Cultural and Community Facilities	\$1,147.00	\$32,116.00
Road Works	\$432.00	\$12,096.00
Fire & Emergency Services	\$70.00	\$1,960.00
<b>Total</b>		<b>\$142,128.00</b>

Stage Three

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<b>43 LONG TERM SITES</b>		
<b>Facility</b>	<b>Per lot/dwelling</b>	<b>Total</b>
Civic Administration	\$178.00	\$7,654.00
Public Open Space, Parks and Reserves	\$968.00	\$41,624.00
Sports and Leisure Facilities	\$2,281.00	\$98,083.00
Cultural and Community Facilities	\$1,147.00	\$49,321.00
Road Works	\$432.00	\$18,576.00
Fire & Emergency Services	\$70.00	\$3,010.00
<b>Total</b>		<b>\$218,268.00</b>

<b>2 SHORT TERM SITES</b>		
<b>Facility</b>	<b>Per lot/dwelling</b>	<b>Total</b>
Civic Administration	\$178.00	\$356.00
Public Open Space, Parks and Reserves	\$968.00	\$1,936.00
Sports and Leisure Facilities	\$2,281.00	\$4,562.00
Cultural and Community Facilities	\$0.00	\$0.00
Road Works	\$216.00	\$432.00
Fire & Emergency Services	\$70.00	\$140.00
<b>Total</b>		<b>\$7,426.00</b>

Note: The amount of contribution payable under this condition has been calculated at the time of determination and in accordance with the Port Stephens Section 94 Contributions Plan. The contribution amount is valid for twelve months from the consent date. Should payment take place after twelve months the contribution shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics.

**Comment:** Contributions updated to reflect the modified number of sites and the amended staging.

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<b>Existing condition</b>
27. Tree clearing shall be carried out in accordance with Council's Tree Preservation Order. The development consent and construction certificate must be issued before it is possible to remove any trees within 3m of any approved building, as measured horizontally from the building wall to the outside trunk of the tree. Tree clearing for the vehicle driveway or any other purpose requires separate approval under the Tree Preservation Order. A copy of the Tree Preservation Order is attached.
<b>Modified condition</b>
27. CONDITION DELETED UNDER DA 16-2007-15-6.
<b>Comment:</b> Condition has been replaced with modified Condition 72.1A.
<b>New Condition</b>
55.1. All doors and windows along the northern, southern and eastern facades of the workshop/mens shed are to remain closed when shed is in use.
<b>New Condition</b>
55.2. The workshop/mens shed is only to operate between the hours of 8:00am – 6:00pm, 7 days a week. Tools and machinery should not be operated every day or for long continuous periods.
<b>Existing Condition</b>
56B. Landscaping shall be carried out in accordance with the approved Landscape Plan prepared by Mara Consulting and dated 3 September 2021 (Drawing Number: 2112, Revision F, Sheet L100 to L110). The landscape designer must provide a compliance certificate to the Principal Certifying Authority certifying that the landscaping has been carried out in accordance with the approved plan and as amended by conditions of consent, prior to the issue of any Occupation Certificate. Where Council is not the Principal Certifying Authority, a copy of the certificate must be provided for Council's records.
<b>Modified Condition</b>
56C. Landscaping shall be carried out in accordance with the approved Landscape Plan prepared by Mara Consulting and dated <b>19 July 2022 (Job No.: 2112, Revision I, Sheet L100 to L110)</b> . The landscape designer must provide a compliance certificate to the Principal Certifying Authority certifying that the landscaping has been carried out in accordance with the approved plan and as amended by conditions of consent, prior to the issue of any Occupation Certificate. Where Council is not the Principal Certifying Authority, a copy of the certificate must be provided for Council's records.
<b>Comment:</b> Condition has been amended to reflect the updated landscaping plan.
<b>Existing Condition</b>
58B. Tree plantings and fencing is to be carried out in accordance with the Landscape Plan

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<p>prepared by Mara Consulting and dated 3 September 2021 (Drawing Number: 2112, Revision F, Sheet L100 to L110).</p>
<p><b>Modified Condition</b></p>
<p>58C. Tree plantings and fencing is to be carried out in accordance with the Landscape Plan prepared by Mara Consulting and dated <b>19 July 2022 (Job No: 2112, Revision I, Sheet L100 to L110) and the conditions of consent.</b></p>
<p><b>Comment:</b> Condition has been amended to reflect the updated landscaping plan.</p>
<p><b>Existing Condition</b></p>
<p>60A. The approved landscape plan prepared by Mara Consulting and dated 3 September 2021 (Drawing Number: 2112, Revision F, Sheet L100 to L110), is to be amended to include the following:</p> <ul style="list-style-type: none"> <li>a. Additional hedge planting on along the southern (front) boundary, with a species that reaches a minimum mature height of 1.5 metres.</li> </ul> <p>The amended plans are to be submitted to Council for approval, <b>prior to the issue of any Construction Certificate.</b></p>
<p><b>Modified Condition</b></p>
<p>60B. The approved landscape plan prepared by Mara Consulting and dated <b>19 July 2022</b> (Drawing Number: 2112, Revision I, Sheet L100 to L110), is to be amended to include the following:</p> <ul style="list-style-type: none"> <li>a. Additional hedge planting on along the southern (front) boundary, with a species that reaches a minimum mature height of 1.5 metres.</li> </ul> <p>The amended plans are to be submitted to Council for approval, <b>prior to the issue of any Construction Certificate.</b></p>
<p><b>Comment:</b> Condition has been amended to reflect the updated landscaping plan.</p>
<p><b>Existing Condition</b></p>
<p>62A. Fencing within the area to the north of the northern most perimeter road, must not compromise the potential for safe movement of koalas across the site. Suitable fencing may include:</p> <ul style="list-style-type: none"> <li>a. open post and rail or post and wire fencing (no barbed wire on the bottom strand) and must be a minimum of 200 mm above ground level that would allow koalas to move underneath; or</li> <li>b. a koala friendly alternative as agreed in consultation with Council's natural resources team.</li> </ul> <p>Fencing around the developed areas to the south of the northern most perimeter road must include measures to deter Koala movement through the development.</p>
<p><b>Modified Condition</b></p>

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- 62B. Fencing must not compromise the potential for safe movement of koalas across the site. The fencing as shown in the approved landscape plan can be installed along the southern boundary (frontage to Trotters Road), along the western boundary in line with Lots 3 – 11, and along the eastern boundary alongside the stormwater basin. This fencing must be rural timber style fencing as identified in on Sheet L-108 of the approved landscaping plan prepared by Mara Consulting, dated 19 July 2022. The remainder of the site must use koala friendly fencing, including:
- a. open post and rail or post and wire fencing (no barbed wire on the bottom strand) and must be a minimum of 200 mm above ground level that would allow koalas to move underneath; or
  - b. a koala friendly alternative as agreed in consultation with Council's **Natural Systems** team.

**Comment:**

Condition has been amended to provide clarity on approved fencing and improve koala movements across the site.

**Existing Condition**

- 63.1 Construction of the development must comply with the recommendations of the 'Biodiversity Assessment' Version 2, prepared by MJD Environmental, dated March 2021 detailed as follows:
- a. Demarcate subject site boundary with visible flicker tape of temporary fencing to ensure no impacts occur to retained vegetation adjacent to the site.
  - b. All contractors will be specifically advised of the designated work area.
  - c. All construction vehicles/machinery are to use the designated access from main roads. Speeds will be limited to reduce the potential of fauna strike and to reduce dust generation;
  - d. Prior to the commencement of any vegetation removal, a preclearance survey will be conducted by the Project Ecologist to identify any areas containing significant habitat features. During the pre-clearance survey, any significant habitat features or trees that are known to have resident fauna present and all hollow-bearing trees will be:
    - i. Marked around the trunk of the tree at approximately 1.5 metres high with a 'H' marked several sides of the trunk using fluorescent spray marking paint; and/ or
    - ii. Marked with highly visible flagging tape.
  - e. Tree removal is to be strictly limited to the subject site.
  - f. Any mulch generated from the removal of vegetation on Site is to be reused on Site.
  - g. Felled trees must be stockpiled and processed within marked clearing boundaries.
  - h. Any fauna is handled appropriately, including the relocation of any arboreal mammals in accordance with PSC Technical Specification – Trees (PSC 2014);

Natural hollows of a suitable size and configuration should be salvaged and reinstalled in retained areas of vegetation in the Subject Site where possible to provide ongoing arboreal habitat opportunities for local fauna PSC Technical Specification - Nest Boxes (PSC 2014).

**Modified Condition**

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- 63.1A Construction of the development must comply with the recommendations of the 'Biodiversity Assessment' Version 2, prepared by MJD Environmental, dated March 2021 detailed as follows:
- i. Demarcate subject site boundary with visible flicker tape of temporary fencing to ensure no impacts occur to retained vegetation adjacent to the site.
  - j. All contractors will be specifically advised of the designated work area.
  - k. All construction vehicles/machinery are to use the designated access from main roads. Speeds will be limited to reduce the potential of fauna strike and to reduce dust generation;
  - l. Prior to the commencement of any vegetation removal, a preclearance survey will be conducted by the Project Ecologist to identify any areas containing significant habitat features. During the pre-clearance survey, any significant habitat features or trees that are known to have resident fauna present and all hollow-bearing trees will be:
    - iii. Marked around the trunk of the tree at approximately 1.5 metres high with a 'H' marked several sides of the trunk using fluorescent spray marking paint; and/ or
    - iv. Marked with highly visible flagging tape.
  - m. Tree removal is to be strictly limited to the subject site.
  - n. Any mulch generated from the removal of vegetation on Site is to be reused on Site.
  - o. Felled trees must be stockpiled and processed within marked clearing boundaries.
  - p. Any fauna is handled appropriately, including the relocation of any arboreal mammals in accordance with PSC Technical Specification – **Vegetation** (PSC 2014);

Natural hollows of a suitable size and configuration should be salvaged and reinstalled in retained areas of vegetation in the Subject Site where possible to provide ongoing arboreal habitat opportunities for local fauna PSC Technical Specification - Nest Boxes (PSC 2014).

**Comment:**

Condition has been amended to reference the correct technical specification.

**New Condition**

- 63.2 All hollows identified during the pre-clearance survey shall be replaced with nest boxes (built to a standard consistent with the PSC Technical Specification - Nest Boxes (PSC 2014) at a ratio of 1:1.
- Nest boxes must be installed within retained native vegetation on site prior to the removal of any hollow bearing trees.

**Existing Condition**

- 65A. A minimum of eighty (80) mature koala feed trees, i.e. Eucalyptus tereticornis, Eucalyptus robusta or Eucalyptus parramattensis shall be planted within the 100 m coastal wetland buffer area.
- All compensatory plantings are to have a minimum pot size of 200L.
- Documentary evidence of koala feed tree planting must be provided to and approved by

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Council prior to the issue of any Occupation Certificate.	
<b>Modified Condition</b>	
65B.	A minimum of eighty (80) mature koala feed trees, (i.e. Eucalyptus tereticornis, Eucalyptus robusta or Eucalyptus parramattensis), and any salvageable saplings from the development site shall be planted within the 100 m coastal wetland buffer area. All mature compensatory plantings are to have a minimum pot size of 200L. Documentary evidence of koala feed tree planting must be provided to and approved by Council prior to the issue of any Occupation Certificate.
<b>Comment:</b> Condition has been amended to require that any salvageable saplings from the development site be replanted.	
<b>Existing Condition</b>	
71.	A Weed Management Plan shall be prepared to manage the on-going maintenance of the open space area in the western portion of the property, i.e. the wetland buffer area. This management plan shall include bush regeneration methods and techniques that ensure that this area is effectively managed in perpetuity.
<b>Modified Condition</b>	
71A.	A Vegetation Management Plan shall be prepared and approved by Council's Natural Systems team. The approved plan shall be implemented to manage and maintain the open space area in the northern portion of the property, i.e. the wetland buffer area. This management plan shall include a planting plan in accordance with Condition 65B, and prescribe bush regeneration methods and techniques to ensure that the area is effectively managed in perpetuity.
<b>Comment:</b> Condition has been amended to provide clarity on what is required from the Vegetation Management Plan.	
<b>Existing Condition</b>	
72.1	No vegetation or natural landscape features other than that authorised for removal / pruning by this Consent must be disturbed, damaged or removed. No additional works or access/parking routes transecting the protected vegetation must be undertaken without Council Approval. All approved landscaping works are to be maintained in perpetuity. Where landscape plantings die, replacement plantings of the same species are to be implemented.

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Modified Condition	
72.1A	<p>The removal of existing vegetation is not to occur until the issue of the Construction Certificate.</p> <p>No vegetation or natural landscape features other than that authorised for removal / pruning by this Consent must be disturbed, damaged or removed. No additional works or access/parking routes transecting the protected vegetation must be undertaken without Council Approval.</p> <p>All approved landscaping works are to be maintained in perpetuity. Where landscape plantings or koala feed tree plantings die, replacement plantings of the same species are to be implemented.</p>
<b>Comment:</b>	
First line has been added to replace condition 27.	
New Condition	
72.2	<p>The Eucalyptus tereticornis trees within the location of the two short term sites shall be retained where possible. Any excavations associated with construction of the adjacent road shall be undertaken under the supervision and guidance of an Australian Qualification Framework Level 5 Arborist.</p>



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<b>New Condition</b>	
72.3	<b>Vegetation Management Plan</b> - Monitoring reports in accordance with the approved Vegetation Management Plan must be prepared and submitted to Council.
<b>New Condition</b>	
72.4	<b>Maintenance of Nest Boxes</b> - All installed Nest Boxes must be maintained for a period of 5 years.  If any nest box is damaged, it is to be replaced.
<b>Existing Condition</b>	
75.	A rope of 50mm or greater in diameter shall be affixed and left dangling at least 1m into the swimming pool to allow koalas to escape.
<b>Modified Condition</b>	
75.	CONDITION DELETED UNDER DA 16-2007-15-6.
<b>Comment:</b>  Condition 75 was requested to be deleted by the applicant as condition 74 of the consent requires that pool fencing be constructed of a material that prevents the access of koalas into this area, to reduce the potential of drowning. The deletion of this condition was supported by Council's Natural Systems team.	
<b>Existing Condition</b>	
90.	Mosquito Management shall be performed in accordance with the details submitted with the application dated 26 September 2007. Management techniques shall include: <ul style="list-style-type: none"> <li>a. A Public Education Display, being a sandwich board type warning sign displayed at peak mosquito periods, as well as printed fact sheets detailing effective personal prevention techniques.</li> <li>b. A staff member/representative employed by the development that is available to the residents that is trained in mosquito biology. The person shall be responsible for customer/visitor education.</li> <li>c. Methods to minimise water holding areas on the property (please note that no works are authorised in protected wetland areas without approvals from the relevant authorities).</li> <li>d. The preparation of an on-site manual/ management plan that involves the continual assessment of the vulnerability of occupants to exposure and the potential duration and seasonality of exposure. This document shall also contain a planning and management response (i.e. education, warnings, monitoring of on-site breeding etc.)</li> </ul> <p>These measures shall be implemented prior to the issue of any Occupation Certificate.</p>
<b>Modified Condition</b>	
90A.	Mosquito Management shall be performed in accordance with the details submitted with the application dated 26 September 2007. Management techniques shall include:

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- a. A Public Education Display, being a notification of a community notice board or sandwich board type warning sign displayed at peak mosquito periods, as well as printed fact sheets detailing effective personal prevention techniques.
- b. **CONDITION DELETED UNDER DA 16-2007-15-6.**
- c. Methods to minimise water holding areas on the property (please note that no works are authorised in protected wetland areas without approvals from the relevant authorities).
- d. The preparation of an on-site manual/ management plan that involves the continual assessment of the vulnerability of occupants to exposure and the potential duration and seasonality of exposure. This document shall also contain a planning and management response (i.e. education, warnings, monitoring of on-site breeding etc.)

These measures shall be implemented prior to the issue of any Occupation Certificate.

**Comment:**

The applicant requested that Council amend Condition 90 by accepting the display of the mosquito warning sign on a community notice board. The applicant also requested that point (b) of the condition be deleted as it was not considered practical for implementation. The amendment to the condition was supported by Council's Natural Systems team.

**New Condition**

98.1 The maintenance shed/work shop must be constructed in accordance with the recommendations of the Noise Assessment prepared by Spectrum Acoustics dated July 2022, project no. 212220R.

**New Condition**

105.1. Prior to the issue of a Construction Certificate, the stormwater management plan must be updated in accordance with the approved architectural plans and the Stormwater Management Plan – Addendum #1 letter prepared by Torque Project dated 13 May 2022.

**Existing Condition**

- 106B. Detailed stormwater drainage plans, DRAINS model and MUSIC model must be prepared by a qualified Engineer in accordance with the approved Stormwater Management Plan, Issue B, prepared by ADW Johnson and dated 4 June 2021, Council's Infrastructure Specifications and the current Australian Rainfall and Runoff guidelines using the Hydrologic Soil Mapping data for Port Stephens (available from Council). The detailed plans must also include the following information in order to comply with the PSC DCP:
- a. Additional onsite infiltration to reduce the volume and discharge of stormwater leaving the site to reduce impacts to the downstream wetland. The plans must demonstrate how the quantity of water and means of discharge is managed to mimic the existing environment and not concentrate flows.
  - b. The drainage strategy must incorporate the external catchment contributing runoff through this development. A catchment plan must be submitted at CC stage which includes the external catchment which contributes runoff and allowance must be made within the internal drainage system to incorporate the runoff from the external catchment.
  - c. Detailed basin cross sections and long sections and comprehensive DRAINS and MUSIC models are to be submitted at CC stage to reflect the approved strategy. These models must comprehensively reflect the proposed design.
  - d. The bio-retention basin design must be informed by a groundwater assessment to consider rises in groundwater level.

Details demonstrating compliance must be provided to the Certifying Authority, **Prior to the issue of a Construction Certificate for Each Stage.**

**Modified Condition**

- 106C. Detailed stormwater drainage plans, DRAINS model and MUSIC model must be prepared by a qualified Engineer in accordance with the approved Stormwater Management Plan, **Issue F**, prepared by ADW Johnson and dated **12 September 2022**, Council's Infrastructure Specifications and the current Australian Rainfall and Runoff guidelines using the Hydrologic Soil Mapping data for Port Stephens (available from Council). The detailed plans must also include the following information in order to comply with the PSC DCP:
- a. Additional onsite infiltration to reduce the volume and discharge of stormwater leaving the site to reduce impacts to the downstream wetland. The plans must demonstrate how the quantity of water and means of discharge is managed to mimic the existing environment and not concentrate flows.
  - b. The drainage strategy must incorporate the external catchment contributing runoff through this development. A catchment plan must be submitted at CC stage which includes the external catchment which contributes runoff and allowance must be made within the internal drainage system to incorporate the runoff from the external catchment.
  - c. Detailed basin cross sections and long sections and comprehensive

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<p>DRAINS and MUSIC models are to be submitted at CC stage to reflect the approved strategy. These models must comprehensively reflect the proposed design.</p> <ul style="list-style-type: none"> <li>d. The bio-retention basin design must be informed by a groundwater assessment to consider rises in groundwater level.</li> <li>e. Sizing and configuration of Basin 3 to accommodate upstream catchment from Trotters Road in accordance with ADW Johnson Stormwater Improvements Report (Ref AL:LCO:240060(1)) dated 8 November 2022.</li> <li>f. Confirmation to be provided to demonstrate that 1% AEP overland flowpaths will be conveyed to appropriate legal point of discharge without overtopping onto adjacent private land.</li> <li>g. All basin weirs and scour protection to be designed to appropriately control basin outflows and prevent downstream scour and erosion.</li> <li>h. DRAINS model for this development to be updated to match the details in the ADW Johnson Stormwater Improvements Report (Ref AL:LCO:240060(1)) dated 8 November 2022.</li> <li>i. The PSC Infrastructure Specification requires a factor of safety of 5 for infiltration testing rates. Update the design of the basins to comply with the PSC Infrastructure Specification requirement.</li> <li>j. DRAINS modelling to be undertaken to the satisfaction of a suitably qualified Engineer for sizing of basins, swales and the internal reticulation system to ensure requirements from PSC Infrastructure Specification are satisfied.</li> </ul> <p>Details demonstrating compliance must be provided to the Certifying Authority, <b>Prior to the issue of a Construction Certificate for Each Stage.</b></p>
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<p><b>Comment:</b></p> <p>Condition has been updated to reference amended plans and additional requirements noted by Council's Development Engineer.</p>
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<p><b>Existing Condition</b></p> <p>131A. The development is to be carried out in accordance with the General Terms of Approval Issued by the following agencies:</p> <ul style="list-style-type: none"> <li>a. NSW Rural Fire Service - Bushfire Safety Authority (Reference Number DA-2007-00971-S4.55-1) dated 20 May 2021.</li> <li>b. Natural Resource Access Regulator – General Terms of Approval (Reference Number S961135700) dated 3 June 2021.</li> </ul>
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**Modified Condition**

- 131B. The development is to be carried out in accordance with the General Terms of Approval Issued by the following agencies:
- a. NSW Rural Fire Service - Bushfire Safety Authority (Reference Number DA-2007-00971-CL55-1) dated 3 November 2022.
  - b. Natural Resource Access Regulator – General Terms of Approval (Reference Number S961135700) dated 3 June 2021.

**Existing Condition**

- 132A. The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent or as noted in red by Council on the approved plans:

Plan/Doc.Title	Plan Ref. No	Sheet.	Date	Drawn By
Concept Masterplan	240060-DA-001-E, Version Q	1 Sheet	2 September 2021	ADW Johnson
Landscape Plans (9 sheets)	Rev F	L-100 – L110	3 September 2021	Mara Consulting
Western Boundary Perimeter Road – Sites 3-14	TP144-001 Rev A	1 Sheet	2 September 2021	Torque Projects
Trotter Road Caravan Park Modification Concept Engineering Lot 2 D.P. 954600 DA 16-2007-15-4	240060 Issue No. B	001, 002, 1101, 102, 211,231, 232, 233, 501, 701, 801 and 802	4 June 2021	ADW Johnson
Temporary Clubhouse siting	Issue A	01	5 March 2021	MB
Ground Floor Plan (Temporary Clubhouse)	20L000AA Rev A	1 of 8	25 January 2021	Ingenia
Community Building Plans (7 sheets)	21-0008 Issue B	DA-A1-0-02, DA-A1-2-01, DA-A1-2-02, DA-A1-6-01, DA-A2-1-01, DA-A2-1-02	2 March 2021	Arqus Design

**ITEM 2 - ATTACHMENT 3 PLANNERS ASSESSMENT REPORT.**

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Maintenance Shed	Issue A	01	5 March 2021	Ingenia Lifestyle
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Document Title	Prepared by	Date
Stormwater Management Plan (Issue B)	ADW Johnson	4 June 2021

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail. If there is any inconsistency between the plans and documentation referred to above the most recent document shall prevail to the extent of any inconsistency.

**Modified Condition**

132B. The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent or as noted in red by Council on the approved plans:

Plan/Doc.Title	Plan Ref. No	Sheet.	Date	Drawn By
Concept Masterplan	240060-DA-002-F, Version F	1 Sheet	6 July 2022	ADW Johnson
Landscape Plans	Rev I	L-100 – L110	19 July 2022	Mara Consulting
Trotter Road Caravan Park Modification Concept Engineering Lot 2 D.P. 954600 DA 16-2007-15-5	240060 Issue No. C	001 – 002 101 – 106 201-208 211-212 511 801-802	24 October 2022	ADW Johnson
Temporary Clubhouse siting	Issue A	01	5 March 2021	MB
Ground Floor Plan (Temporary Clubhouse)	20L000AA Rev A	1 of 8	25 January 2021	Ingenia

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Community Building Plans (7 sheets)	21-0008 Issue B	DA-A1-0-02, DA-A1-2-01, DA-A1-2-02, DA-A1-6-01, DA-A2-1-01, DA-A2-1-02	2 March 2021	Arqus Design
Maintenance Shed	Issue A	01	5 March 2021	Ingenia Lifestyle

Document Title	Prepared by	Date
Stormwater Management Plan (Issue F)	ADW Johnson	12 September 2022

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail. If there is any inconsistency between the plans and documentation referred to above the most recent document shall prevail to the extent of any inconsistency.

**Comment:**

Condition has been updated to reflect amended plans.

**DETERMINATION**

The modification application is recommended to be approved by Council, subject to the amended conditions as shown above.

**ITEM NO. 3**

**FILE NO: 22/239514  
EDRMS NO: PSC2019-05625**

**ELECTION SIGNAGE**

REPORT OF: KATE DRINAN - DEVELOPMENT AND COMPLIANCE SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse continuing to utilise the development standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for the management of election signage during future electoral campaigns.
- 2) Endorse the development of an election signage education program as standard process 6 weeks prior to commencement of future electoral campaigns.

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**ORDINARY COUNCIL MEETING - 13 DECEMBER 2022  
MOTION**

<b>325</b>	<p><b>Councillor Giacomo Arnott Councillor Jason Wells</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse continuing to utilise the development standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for the management of election signage during future electoral campaigns and that if signage does not comply with these development standards that Council impound relevant signage within 24 hours of complaint being lodged in Council's CRM system.</li><li>2) Endorse the development of an election signage education program as standard process 6 weeks prior to commencement of future electoral campaigns.</li></ol>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.



**BACKGROUND**

This report is in response to a matter arising from the 23 August 2022 Council meeting (**ATTACHMENT 1**), requesting that staff investigate strategies and approaches that may assist with strengthening regulation and enforcement action for all future election campaigns.

This investigation has now been completed, with benchmarking undertaken in collaboration with a number of local government organisations including Newcastle, Maitland, Lake Macquarie, Cessnock, Singleton, Central Coast and Midcoast Councils. Through this benchmarking, it was determined that the current approach from Port Stephens is consistent with that being used by other local government organisations.

The collective approach from the majority of Councils is to rely on the development standards contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 which provides specific development standards relating to election signs (**ATTACHMENT 2**).

As part of the benchmarking with other Councils has identified approach was where a designated areas made available for the erection of election signage with a monetary bond payable to Council. This bond is refundable once signage has been removed by the applicant. Advice has been that this has created an additional burden on administrative resources and has not had a significant impact in limiting non-compliant election signage across the Local Government Area.

Through this investigation, the approach of staff to election signage compliance has been confirmed as generally consistent with other local government organisations. As per the recommendations, it is proposed that staff continue to undertake election signage compliance operations and strengthen candidate awareness of the development standards through education programs.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Thriving and Safe Place to Live	Enhance public safety, health and liveability through use of Council's regulatory controls and services.

**FINANCIAL/RESOURCE IMPLICATIONS**

The recommendations of this report will not create additional financial or resourcing implications.

## MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022

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

### LEGAL, POLICY AND RISK IMPLICATIONS

The recommendations of this report utilise NSW State legislation and development standards that apply to the specific subject matter. No significant legal or policy risks have been identified.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that the creation of additional compliance controls or policies above State legislation places a higher burden on Council's limited resources.	Medium	Endorse the recommendations	Yes

### SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Significant implications relating to social, economic and environmental matters have not been identified.

### CONSULTATION

Consultation has been undertaken by the Compliance Section to ensure that our current approach is fair and reasonable, complies with the relevant legislation, is consistent with other NSW Councils, is aligned with the needs of other sections of Port Stephens Council and meets community expectation.

#### Internal

- Development and Compliance Section
- Governance Section
- Assets Section

External

- Maitland Council
- Cessnock Council
- Lake Macquarie Council
- Central Coast Council
- Newcastle Council
- Singleton Council
- Midcoast Council

**OPTIONS**

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

**ATTACHMENTS**

- 1) Minute No. 228, 23 August 2022.
- 2) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**MINUTES ORDINARY COUNCIL - 23 AUGUST 2022**

Cr Giacomo Arnott foreshadowed a Matter Arising.

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

Those against the Motion: Nil.

The motion was carried.

**ORDINARY COUNCIL MEETING - 23 AUGUST 2022  
MATTER ARISING**

<b>228</b>	<p><b>Councillor Giacomo Arnott Councillor Jason Wells</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Notes that during the 2021 Council campaign, several candidates were responsible for the placement of illegal campaign signage.</li><li>2) Notes that members of the public, and other candidates, reported illegal signage on several occasions, with action to remedy the signage being slow and sometimes not occurring at all.</li><li>3) Notes that illegal signage has the potential to cause traffic issues, and introduces safety issues for pedestrians.</li><li>4) Agrees that illegal signage remaining up is a minor issue in the grand scheme of things, but has the potential to subvert democracy if one or more candidates can unfairly place their signs in high impact areas unlawfully.</li><li>5) Requests the General Manager prepare a report on how to strengthen Council enforcement policies for illegal election signage, to ensure better guidelines and response protocols to be in place prior to the next Council election.</li><li>6) The resolution of Council be forwarded to NSW Electoral Commission.</li></ol>
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Those for the Motion: Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Mayor Ryan Palmer, Crs Chris Doohan and Glen Dunkley.

The motion was carried.

**ITEM 3 - ATTACHMENT 2 STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008.**

**ATTACHMENT 2**

**State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

***Subdivision 13 Election signs***

**2.106 Specified development**

- (1) The display of any poster that contains electoral matter in relation to an election held under the Commonwealth Electoral Act 1918 of the Commonwealth, the Parliamentary Electorates and Elections Act 1912 or the Local Government Act 1993 is development specified for the purposes of this code.
- (2) In this clause, electoral matter means:
  - (a) any matter that is intended or calculated or likely to affect or is capable of affecting the result of an election or that is intended or calculated or likely to influence or is capable of influencing an elector in relation to the casting of his or her vote at an election, or
  - (b) the name of a candidate at an election, the name of the party of any such candidate and the picture of any such candidate (including any photograph of the candidate and any drawing or printed matter that purports to depict any such candidate or to be a likeness or representation of any such candidate).

**2.107 Development standards**

The standards specified for that development are that the development must:

- (a) not be more than 0.8m<sup>2</sup> in area, and
- (b) if on the site of a heritage item or draft heritage item—not be attached to a building, and
- (c) be displayed by or on behalf of a candidate at an election referred to in clause 2.106 or the party (if any) of any such candidate, and
- (d) be displayed in accordance with any relevant requirements of the Act under which the election is held, and
- (e) be displayed only during the following periods:
  - (i) 5 weeks immediately preceding the day on which the election is held,
  - (ii) the day on which the election is held,
  - (iii) 1 week immediately following the day on which the election is held.

**ITEM NO. 4**

**FILE NO: 22/270051  
EDRMS NO: PSC2022-01759**

**DRAFT LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN - AMENDMENT 2**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Note that there were no submissions received during the exhibition period.
- 2) Approve the Port Stephens Local Infrastructure Contribution Plan – Amendment No. 2 as amended (**ATTACHMENT 1**).
- 3) Provide public notice that the Port Stephens Local Infrastructure Contribution Plan – Amendment No. 2 has been approved, in accordance with the Environmental Planning and Assessment Regulations 2021 (NSW).

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**ORDINARY COUNCIL MEETING - 13 DECEMBER 2022  
MOTION**

<b>326</b>	<p><b>Councillor Steve Tucker Councillor Leah Anderson</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Note that there were no submissions received during the exhibition period.</li><li>2) Approve the Port Stephens Local Infrastructure Contribution Plan – Amendment No. 2 as amended (<b>ATTACHMENT 1</b>).</li><li>3) Provide public notice that the Port Stephens Local Infrastructure Contribution Plan – Amendment No. 2 has been approved, in accordance with the Environmental Planning and Assessment Regulations 2021 (NSW).</li><li>4) The General Manager will, by the end of March 2023, provide a report to Council outlining:<ol style="list-style-type: none"><li>i. What actions Council could take to revoke the developer contribution discount which is applied to caravan parks and moveable dwellings</li><li>ii. The impact of Council revoking the developer contribution discount which is applied to caravan parks and moveable dwellings</li><li>iii. What actions Council could take to increase the haulage fees applicable to extractive industries which use Council's local roads</li><li>iv. The impact of Council increasing the haulage fees applicable to extractive industries which use Council's local roads.</li></ol></li></ol>
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Cr Giacomo Arnott moved the following amendment, which was accepted by the mover and seconder and merged into the original motion:

- 1) Note that there were no submissions received during the exhibition period.
- 2) Approve the Port Stephens Local Infrastructure Contribution Plan – Amendment No. 2 as amended (**ATTACHMENT 1**).
- 3) Provide public notice that the Port Stephens Local Infrastructure Contribution Plan – Amendment No. 2 has been approved, in accordance with the Environmental Planning and Assessment Regulations 2021 (NSW).
- 4) The General Manager will, by the end of March 2023, provide a report to Council outlining:
  - v. What actions Council could take to revoke the developer contribution discount which is applied to caravan parks and moveable dwellings
  - vi. The impact of Council revoking the developer contribution discount which is applied to caravan parks and moveable dwellings
  - vii. What actions Council could take to increase the haulage fees applicable to extractive industries which use Council's local roads
  - viii. The impact of Council increasing the haulage fees applicable to extractive industries which use Council's local roads.

Councillor Peter Kafer left the meeting at 8:00pm.

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, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**ORDINARY COUNCIL MEETING - 13 DECEMBER 2022  
MOTION**

<b>327</b>	<b>Councillor Giacomo Arnott</b> <b>Councillor Steve Tucker</b>  It was resolved that Item 13 be brought forward to Item 5 and Item 9 be brought forward to Item 6.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Peter Francis, 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 the draft Port Stephens Local Infrastructure Contribution Plan (LIC) – Amendment No. 2 (the Amendment) and to seek Council endorsement to make the Amendment (**ATTACHMENT 1**).

Council collects local infrastructure contributions to support growth from new developments by funding community infrastructure such as local roads, pathways, parks and sporting facilities. Local infrastructure contributions are levied in accordance with Part 7 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the endorsed LIC plan. The funds collected must be allocated to the projects identified within the LIC plan.

The LIC plan is amended on an annual basis to make administrative changes and to update projects identified to support growth and development.

At its meeting on 13 September 2022, Minute No. 245 (**ATTACHMENT 2**), Council endorsed the draft Amendment for public exhibition. The draft was publicly exhibited for 28 days from Thursday 15 September 2022 to Thursday 13 October 2022 in accordance with the Environmental Planning and Assessment Regulations 2021 (NSW) (EP&A Regulation).

The exhibited draft amendment included the removal of infrastructure items, the amendment of the amounts required to deliver infrastructure items and the introduction of additional infrastructure items.

The administrative amendments to the LIC plan relates to:

- clarifications regarding secondary dwellings, moveable dwellings and cost of works
- replacement of any reference to the recently repealed Environmental Planning and Assessment Regulations 2000 (EP&A Regulation) and its contents with the Environmental Planning and Assessment Regulations 2021 (EP&A Regulation) and its contents.

The removal of infrastructure items from the LIC plan relates to:

- items that have been funded by the LIC plan and completed
- items that have been funded by sources other than infrastructure contributions (i.e. grant funding)
- items that are not considered feasible within the life of the plan due to population growth and contributions income within the catchment.

The amendment of the amounts dedicated to infrastructure items from the LIC plan relates to:



## MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022

- increasing market values for the delivery of infrastructure
- increased scope of the infrastructure projects to be delivered.

The introduction of new infrastructure items into the LIC plan relates to:

- the addition of infrastructure projects that have been identified as being required to support growth and development.

The exhibited draft included the proposed contribution rates for each catchment shown in the table below.

<b>Contributions catchments</b>	<b>Current contribution rate</b>	<b>Proposed contribution rate</b>	<b>Difference</b>
Raymond Terrace and the West	\$18,938	\$19,833	\$895
Central Growth Corridor	\$19,550	\$19,729	\$179
Tomaree	\$19,623	\$19,854	\$231
Fern Bay	\$17,735	\$19,833	\$2,098
Kings Hill Urban Release Area (URA)	\$24,416	\$24,726	\$310

No submissions were received during the exhibition period.

The following minor typographical errors and clarifications are proposed to the Amended Works Schedule following exhibition:

- OSF19 – Clarify spelling in item description
- OSF18 – Amend staging threshold to 2027
- SRF7 – Clarify description to ‘Medowie – tennis facility upgrade’
- OSF22 – Clarify item description to ‘reserve upgrades’
- OSF29 – Clarify item description to ‘reserve upgrades’

### COMMUNITY STRATEGIC PLAN

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Thriving and Safe Place to Live	Provide land use plans, tools and advice that sustainably support the community.

### FINANCIAL/RESOURCE IMPLICATIONS

The Amendment aims to secure contributions from development towards local infrastructure. Should the Amendment be adopted, it would enable funding and

construction of essential public infrastructure to satisfy the demands of the future population.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Developer Contributions (S7.11)	Yes		The preparation of the Amendment has been funded by local infrastructure contributions.
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that Council will not be able to provide the necessary infrastructure to support new development if the Amendment is not adopted.	Medium	Adopt the recommendations.	Yes

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

Part 7 of the EP&A Act authorises Council to collect local infrastructure contributions from new development. Conditions imposed on new development would be in accordance with an approved local infrastructure contributions plan.

The Amendment has been prepared in accordance with Division 7.1 of the EP&A Act. It will enable contributions to be collected under sections 7.11 and 7.12.

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

Part 9 of the EP&A Regulation relates to development contributions. The Amendment will amend the current contributions plan, pursuant to clause 215 (1).

Clause 212 sets out the particulars a local infrastructure contributions plan must contain. The Amendment is consistent with this clause.

Clause 213 sets out the exhibition requirements for amendments and draft contributions plans. The public exhibition of the Amendment was carried out in accordance with the EP&A Regulation, as detailed below.

It is recommended that Council approve the Amendment as amended (**ATTACHMENT 1**). It is also recommended that a notice of the approval of the Amendment be published in accordance with clause 215(3) of the EP&A Regulation.

Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012 (the Direction)

The Direction sets maximum contribution rates for new development and development in URAs, unless a contributions plan is reviewed by the Independent Pricing and Regulations Tribunal. In Port Stephens, the maximum rate per residential lot is \$20,000, and in the Kings Hill URA the maximum rate per residential lot is \$30,000. As the proposed rates are below these figures, the Amendment satisfies the Direction.

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The Amendment ensures an adequate standard of services and facilities can be provided in the Local Government Area without imposing a financial burden on the existing community. This has been balanced against the need to ensure unreasonable costs are not imposed upon new residential development, thereby reducing financial viability. Therefore, it is expected that the Amendment will have an overall positive economic impact.

**CONSULTATION**

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

Internal

The Amendment has been prepared in consultation with the Development Contributions Analysis Team, Financial Services, Assets and Development Assessment and Compliance Sections.

The projects in the Amendment have been aligned with Council's Strategic Asset Management Plan and Capital Works Program, together with other strategic asset management documents including plans of management and adopted land use strategies.

On 21 June 2022 a Councillor two way conversation was held to discuss the proposed amendment.

External

The draft Amendment was publicly exhibited for 28 days from Thursday 15 September 2022 to Thursday 13 October 2022 in accordance with the EP&A Regulation 2021. There were no submissions received.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Port Stephens Local Infrastructure Contributions Plan.
- 2) Minute No. 245, 13 September 2022.

**COUNCILLORS ROOM**

Nil.


**TABLED DOCUMENTS**

Nil.



# Local Infrastructure Contributions Plan



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**ITEM 4 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.**

Port Stephens Local Infrastructure Contribution Plan

## 1.0 Executive Summary

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

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

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

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

### 1.1 Structure of the Plan

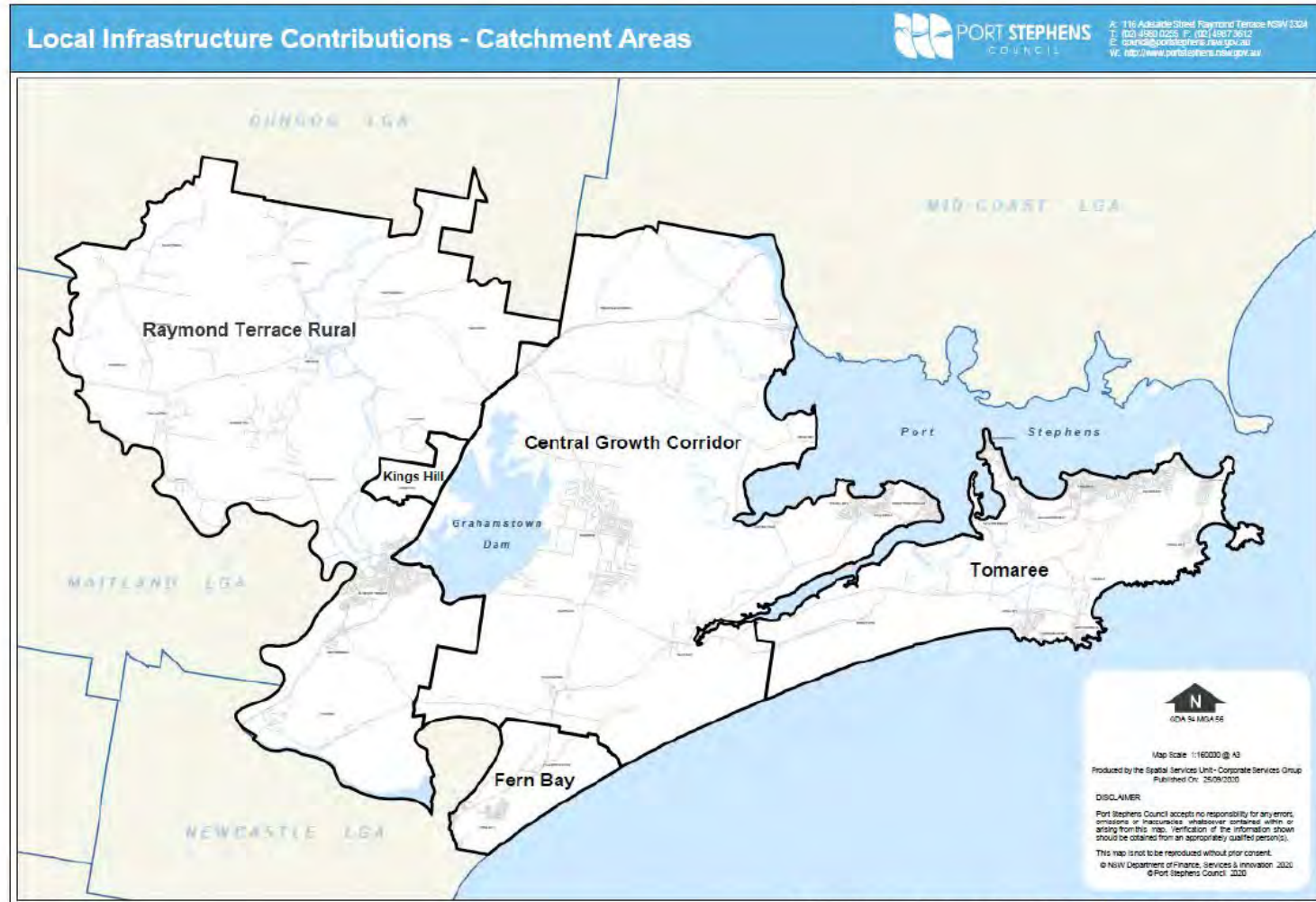
The Plan has the following chapters:

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

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**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 West	Central Growth Corridor	Tomaree	Fern Bay	Kings Hill URA
Civic Administration – Plan Management	\$650	\$650	\$650	\$650	\$650
Civic Administration – Works Depot	\$1,257	\$1,257	\$1,257	\$1,257	\$1,257
Town Centre Upgrades	\$3,386	\$3,386	\$3,386	\$3,386	\$3,386
Public Open Space, Parks and Reserves	\$853	\$2,277	\$2,070	\$365	\$365
Sports and Leisure Facilities	\$1,831	\$2,845	\$1,947	\$1,637	\$1,637
Community and Cultural Facilities	\$439	\$439	\$1,323	\$439	\$439
Road Works	\$5,661	\$3,206	\$3,544	\$3,931	\$0
Medowie Traffic and Transport	\$0	\$3,093	\$0	\$0	\$0
Shared Paths	\$4,203	\$474	\$3,262	\$3,448	\$0
Bus Facilities	\$18	\$32	\$9	\$1,111	\$0
Fire and Emergency	\$36	\$0	\$243	\$0	\$0
Flood and Drainage Works	\$714	\$1,770	\$1,863	\$0	\$0
Cross Boundary Contributions	\$0	\$0	\$0	\$3,309	\$0
Kings Hill Urban Release Area	\$785	\$300	\$300	\$300	\$16,992
<b>Total</b>	<b>\$19,833</b>	<b>\$19,729</b>	<b>\$19,854</b>	<b>\$19,833</b>	<b>\$24,726</b>

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

Infrastructure Category	Catchment Rate (per dwelling/lot)				
	Raymond Terrace and the West	Central Growth Corridor	Tomaree	Fern Bay	Kings Hill URA
Civic Administration – Plan Management	\$325	\$325	\$325	\$325	\$325
Civic Administration – Works Depot	\$629	\$629	\$629	\$629	\$629
Town Centre Upgrades	\$1,693	\$1,693	\$1,693	\$1,693	\$1,693
Public Open Space, Parks and Reserves	\$427	\$1,139	\$1,035	\$183	\$183
Sports and Leisure Facilities	\$916	\$1,423	\$974	\$819	\$819
Community and Cultural Facilities	\$220	\$220	\$662	\$220	\$220
Road Works	\$2,831	\$1,603	\$1,772	\$1,966	\$0
Medowie Traffic and Transport	\$0	\$1,547	\$0	\$0	\$0
Shared Paths	\$2,102	\$237	\$1,631	\$1,724	\$0
Bus Facilities	\$9	\$16	\$5	\$556	\$0
Fire and Emergency	\$18	\$0	\$122	\$0	\$0
Flood and Drainage Works	\$357	\$885	\$932	\$0	\$0
Cross Boundary Contributions	\$0	\$0	\$0	\$1,655	\$0
Kings Hill Urban Release Area	\$393	\$150	\$150	\$150	\$8,496
<b>Total</b>	<b>\$9,920</b>	<b>\$9,867</b>	<b>\$9,930</b>	<b>\$9,920</b>	<b>\$12,365</b>

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

Infrastructure Category	Catchment Rate (per dwelling/lot)				
	Raymond Terrace and the West	Central Growth Corridor	Tomaree	Fern Bay	Kings Hill URA
Civic Administration – Plan Management	\$325	\$325	\$325	\$325	\$325
Civic Administration – Works Depot	\$629	\$629	\$629	\$629	\$629
Town Centre Upgrades	\$1,693	\$1,693	\$1,693	\$1,693	\$1,693
Public Open Space, Parks and Reserves	\$427	\$1,139	\$1,035	\$183	\$183
Sports and Leisure Facilities	\$916	\$1,423	\$974	\$819	\$819
Community and Cultural Facilities	\$220	\$220	\$662	\$220	\$220
Road Works	\$4,529	\$2,565	\$2,835	\$3,145	\$0
Medowie Traffic and Transport	\$0	\$2,474	\$0	\$0	\$0
Shared Paths	\$2,102	\$237	\$1,631	\$1,724	\$0
Bus Facilities	\$9	\$16	\$5	\$556	\$0
Fire and Emergency	\$18	\$0	\$122	\$0	\$0
Flood and Drainage Works	\$357	\$885	\$932	\$0	\$0
Cross Boundary Contributions	\$0	\$0	\$0	\$1,655	\$0
Kings Hill Urban Release Area	\$393	\$150	\$150	\$150	\$8,496
<b>Total</b>	<b>\$11,618</b>	<b>\$11,756</b>	<b>\$10,993</b>	<b>\$11,099</b>	<b>\$12,365</b>

**Table 4 – Summary of road haulage contribution**

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

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## 2.0 Introduction

### 2.1 Name of this Plan and Commencement

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

### 2.2 Purpose and Objectives of this Plan

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

The objectives of the Plan are to:

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

### 2.3 Land to which this Plan Applies

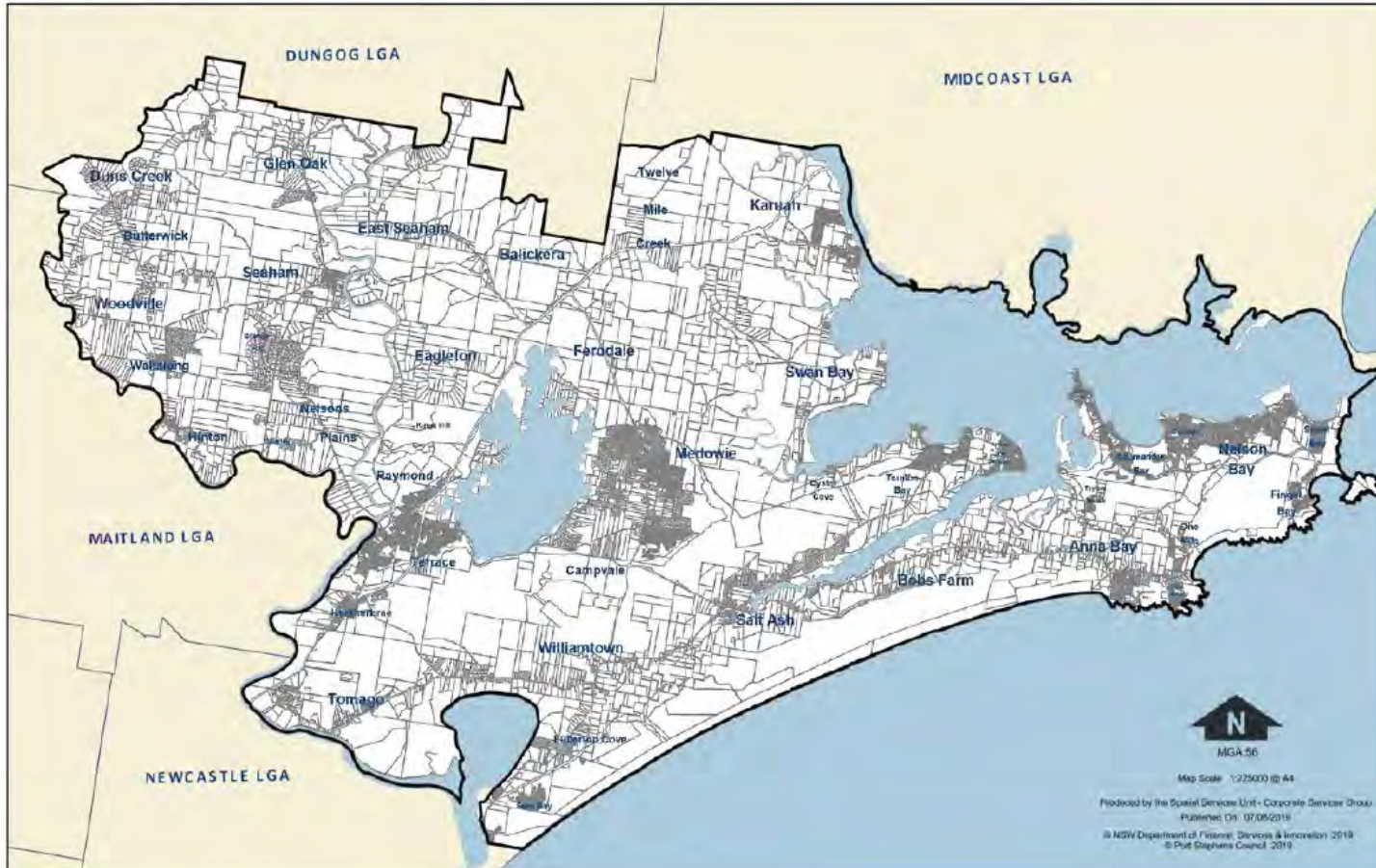
This Plan applies to all land within the Port Stephens Local Government Area (LGA) (see Land Application Map below).

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



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

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

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

**2.6 Rate Adjustments for Section 7.11 Contributions**

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

**2.6.1 Secondary Dwellings (Granny Flats)**

Secondary dwellings are subservient to a primary dwelling, and are recognised as a form of affordable 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**

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

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

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

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

**2.6.3 Tourist and Visitor Accommodation**

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

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



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

Seniors housing is defined under the Seniors Housing SEPP as:

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

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

*but does not include a hospital.*

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

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

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

**2.6.5 Moveable Dwellings**

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

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

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

**2.7 Savings and Transitional Arrangements**

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.

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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

#### 3.1 Calculating the Contributions

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

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

Contributions required under Section 7.12 will be determined in accordance with the maximum levies set out in Clause 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

Clause 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 affordable housing,
- (m) the costs of development that is the adaptive reuse of a heritage item.

(5) The proposed cost may be adjusted before payment of a development levy, as specified in a contributions plan, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan between the day on which the proposed cost was determined by the consent authority and the day by which the development levy must be paid.

For the purposes of subclause (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.

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Council may review the valuation of works and seek to have the report independently reviewed to verify the costs. The cost of any independent review will be borne by the applicant prior to the determination of the application. No consent will be issued until such time that the costs have been paid.

**3.3 Indexation of Section 7.11 Contributions**

To ensure that the value of local infrastructure contributions are not eroded over time by movements in the Consumer Price Index (CPI) or through changes in the costs of studies used to support the Plan, local infrastructure contribution rates will be reviewed with reference to the following specific costs and indices:

- Changes in the capital costs associated with provision of administration and salary costs for staff involved in implementing this Plan by reference to increases 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:

- \$Ca*** is the contribution at the time of adoption of the Plan expressed in dollars.
- Current Index*** is the CPI Sydney - All Groups, as published by the Australian Bureau of Statistics available at the time of review of the contribution rate.
- Base Index*** is the CPI Sydney - All Groups, as published by the Australian Bureau of Statistics. At the date of adoption of the Plan this figure is 115.4.

**Note:** In the event that the Current CPI Sydney - All Groups, is less than the previous CPI Sydney - All Groups, the current index shall be taken as not less than the previous index.

**3.3.1 Land Cost**

Land acquisition costs will be subject to indexation as described under this section of the Plan. The value assessed for land acquisition costs will be reviewed as and when required and this factor will be varied, as necessary, to reflect current costs.

**3.3.2 Consent**

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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.

**3.4 Indexation of Section 7.12 Contributions**

Pursuant to Clause 208 of the Regulation, the proposed cost of carrying out development is to be indexed before payment to reflect quarterly variations in the CPI All Group Index Number for the weighted average of eight capital cities between the date the proposed cost was determined by the Council and the date the levy is paid.

Contributions required as a condition of consent under the provisions of this Plan will be adjusted at the time of payment of the contribution in accordance with the following formula:

$$ODC + A$$

Where:

- ODC*** is the original contribution as set out in the consent
- A*** is the adjustment amount which is:

$$A = ODC \left\{ \frac{((Current Index - Base Index))}{Base Index} \right\}$$

Where

- Current Index*** is the CPI Sydney - All Groups, as published by the Australian Bureau of Statistics available at the time of review of the contribution rate.
- Base Index*** is the CPI Sydney - All Groups, as published by the Australian Bureau of Statistics at the date of issuing development consent or the Complying Development Certificate.

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**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:

- 1 Dedication of land;
- 2 Voluntary Planning Agreement; and
- 3 Works in Kind or Material Public Benefit Agreement.

**3.6.1 Dedication of Land**

A decision as to whether to accept the dedication of land free of cost to Council will be at the complete discretion of Council. Factors Council will take into consideration matters including, but not limited to:

- The extent to which the land satisfies a community need;
- The extent to which the land satisfies the purpose for which the contribution was sought;
- Consideration of location and other factors which may affect the benefit to Council and the community; and
- An assessment of recurrent maintenance costs to Council.

**3.6.2 Voluntary Planning Agreements (VPA)**

A VPA under Section 7.4 of the Act is a legally binding arrangement between one or more planning authorities and a developer.

Under a VPA, the developer may offer to pay money, dedicate land, carry out works, or provide other material public benefits for public purposes. The provisions under a VPA may be additional to, or instead of, payment of contributions imposed under Section 7.11 or Section 7.12 of the Act.

The offer to enter into a VPA will generally need to accompany the relevant development application or planning proposal. Developers should refer to any relevant Council policies and guidelines available on Council's website.

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**3.6.3 Works in Kind Agreement (WIKA) and Material Public Benefit Agreement (MPBA)**

A WIKA is the undertaking of a work or provision of a facility that is scheduled within the Works Schedule of this Plan (Appendix A) in lieu of the part or full payment of either a monetary contribution or the dedication of land that would normally apply.

A MPBA involves the undertaking of a work or provision of a facility in part or full satisfaction of a condition requiring the payment of a monetary contribution or the dedication of land. An MPBA may include the provision of work that is not scheduled within the Works Schedule of this Plan (Appendix A). Council may accept the provision of a MPBA for projects not nominated in the Works Schedule if it can be justified that the public benefit is of equivalent or greater value to the community.

The acceptance of works through a WIKA or MPBA is at the complete discretion of Council and developers should refer to any relevant Council policies and guidelines available on Council's website.

**3.7 Settlement of Contributions**

The local infrastructure contribution must be paid at the time specified in the development consent or complying development certificate, which will generally be determined in accordance with this Plan.

Settlement of contributions shall be finalised at the following stages:

- Development applications for subdivision – prior to release of the subdivision certificate;
- Development applications for building or other work - prior to the issue of the construction certificate;
- Applications for both building work and subdivision – prior to the issue of the construction certificate, subdivision works certificate, or release of the subdivision certificate, whichever comes first;
- Development applications where no building approval is required – prior to commencement of use in accordance with the conditions of consent or upon issue of the occupation certificate, whichever occurs first;
- Development requiring a complying development certificate – before the commencement of any building work or subdivision work authorised by the certificate; or
- Development applications for moveable dwellings, manufactured homes, caravan parks or manufactured home estates and the like – prior to approval under Section 68 of the Local Government Act 1993.

**3.8 Deferred Payment of Contributions**

Council, at its complete discretion, may permit the settlement of monetary contributions for local infrastructure on a deferred basis. Such a request must:

- Be made in writing by the applicant with valid reasons for deferral;
- Not prejudice the timing or the manner of the provision of public facilities included in the Works Schedule; and
- In the case of a contribution being made by way of a VPA, 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.

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If the application for deferral is accepted, the following conditions will apply:

- (a) Deferral of settlement will be for a maximum of one year or until commencement of use in accordance with the conditions of consent (whichever comes first);
- (b) The bank guarantee will be issued by an Australian bank or a bank in Australia for the amount of the total contribution or the amount of the outstanding contribution, plus an amount equal to thirteen months interest;
- (c) Any changes associated with managing the bank security are payable by the applicant;
- (d) The bank unconditionally pays the guaranteed sum to the Council, if the Council so demands in writing, not earlier than 12 months from the provision of the guarantee or completion of the work;
- (e) The bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development;
- (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.

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In each case, Council will consider refunding the contributions if it has not been spent and the refund will not impact on Council's ability to deliver the works in the Works Schedule. The applicant must apply for the refund in writing within 12 months from the payment of the contribution.

**3.11 Contributions for Mixed Use Development**

Pursuant to Section 7.12(2) of the Act, a consent authority cannot impose a condition for contributions under both Section 7.11 and 7.12.

Where development includes elements that may be captured under Section 7.11 and Section 7.12 (for example, mixed used development comprising of commercial development and shop top housing), Section 7.11 contributions will generally take precedence, however, this is at the discretion of Council.

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## 4.0 Plan Administration

### 4.1 Accredited Certifiers

In accordance with the Regulation, an accredited certifier must not issue a certificate for building work or subdivision work unless it has verified that the condition requiring the payment of monetary contributions has been satisfied.

In particular, the accredited certifier must ensure that the applicant provides a receipt(s) confirming that the monetary contributions have been paid in full to Council. Further, a copy of the receipt(s) must be included with the certified plans provided to Council in accordance with the Regulation. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to these requirements are where a VPA, WIKA, MPBA, dedication of land or deferred payment arrangement has been agreed to by Council. In such cases, Council will issue advice confirming that an alternative payment method has been agreed with the applicant.

Under the Act, accredited certifiers are responsible for calculating local infrastructure contributions for complying development and imposing a condition requiring contributions on a complying development certificate in accordance with this Plan. Accredited certifiers must notify Council of their determination within two business days of making the determination, in accordance with the Regulation. Applicants must pay the monetary contribution before commencing the complying development works.

### 4.2 Accounting for Contributions

Council has established identifiable accounts for the management of local infrastructure contributions, including details of financial transactions for specific categories of works and contributions. Contributions will be spent in accordance with this Plan. Interest will be calculated on funds held and credited as appropriate. Council will maintain a register of all contributions received in accordance with the Act and Regulation.

### 4.3 Annual Statement

Council will produce an annual statement in accordance with the Regulation. This information will be available for public inspection on Council's website following adoption by Council.

### 4.4 Review of This Plan

The Works Schedule will be reviewed annually in line with capital works programming and updated in accordance with the Regulation.

Council will generally review this Plan every five years or as required to ensure it addresses community needs, Council priorities and relevant legislation.

The Plan will also be amended to address the matters listed in the Regulation. In particular, indexation of contributions will be reviewed and the Plan amended on a quarterly basis without the need for a public exhibition.

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**4.5 Pooling of Contributions**

This Plan expressly authorises monetary contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. In this regard, contributions collected will be allocated to works as indicated in the Work Schedule of this Plan (Appendix A).

**4.6 Repealed Contributions**

Council will continue to collect contributions under repealed plans, which will be used to fund works or the provision of facilities within the equivalent catchment area listed in the Works Schedule of this Plan (Appendix A).

**4.7 Application of Section 7.12 Monies Collected under this Plan**

Money paid to Council under a condition for Section 7.12 contributions authorised by this Plan is to be applied towards meeting the costs of one or more local infrastructure projects listed within the Works Schedule, but not necessarily in the order specified in the Works Schedule.

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## 5.0 Contributions Strategy

Council provides public facilities for the current and future population of Port Stephens, including visitors to the area and the workforce located in the LGA. For Council to levy contributions, there must be a clear nexus between the proposed development and the need for the infrastructure, public service or amenity which the contributions will fund. This Chapter details the relationship (nexus) between the expected development in the Port Stephens LGA and the demand for infrastructure, services or amenity.

Council levies new development based on the cost of providing a reasonable standard of public facilities and amenities. A baseline level of adequate infrastructure is determined through developing strategic asset management documents (e.g. Council's Strategic Asset Management Plan and Plans of Management).

Contributions are determined by equating the contribution to the cost per person or cost per vehicular movement, or other appropriate basis for the provision of the infrastructure item, public service or amenity.

The methodology adopted in calculating development contributions (excluding heavy haulage levies) is based on the following steps:

- Step 1: Determine the number of existing lots/dwellings in each catchment as at 1 July 2018
- Step 2: Forecast the number of lots/dwellings in each catchment as at 30 June 2037. This data has been collated and prepared by REMPLAN and is based on the 2016 census, trends (such as births, deaths and migration) and an audit of the development pipeline.
- Step 3: Calculate the number of future lots/dwellings to be developed until 30 June 2037 in each catchment by subtracting the numbers in Step 1 from Step 2. For each catchment, this is as follows:
  - Raymond Terrace and the West – 1,447 lots/dwellings
  - Central Growth Corridor – 2,846 lots/dwellings
  - Tomaree – 1,484 lots/dwellings
  - Fern Bay – 507 lots/dwellings
  - Kings Hill – 3,500 lots/dwellings
- Step 4: Determine the cost and timing of projects in each catchment that are required solely due to new development occurring.
- Step 5: Determine the cost and timing of projects in each catchment that are required which will benefit both existing residents and new developments.
- Step 6: Allocate percentage of the cost of projects in Step 4 to be recovered through developer contributions. This information is provided in the Work Schedule attached as Appendix A.
- Step 7: Allocate a proportion of the costs of projects identified in Step 5 to be funded by general rates based on the number of lots/dwellings in each catchment as at 1 July 2019 divided by the number of lots/dwellings in each catchment as at 30 June 2036.

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- Step 8: Allocate the remaining costs of projects in Step 6 to be recovered through developer contributions.
- Step 9: Calculate the development contribution by adding the sum of projects in each catchment from Step 5 and Step 7, divided by the number of lots/dwellings in each catchment calculated in Step 3 and times the apportionment rate determined in Step 6.

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

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>s</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.

**§ 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.

**§ 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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**5.12 Apportionment**

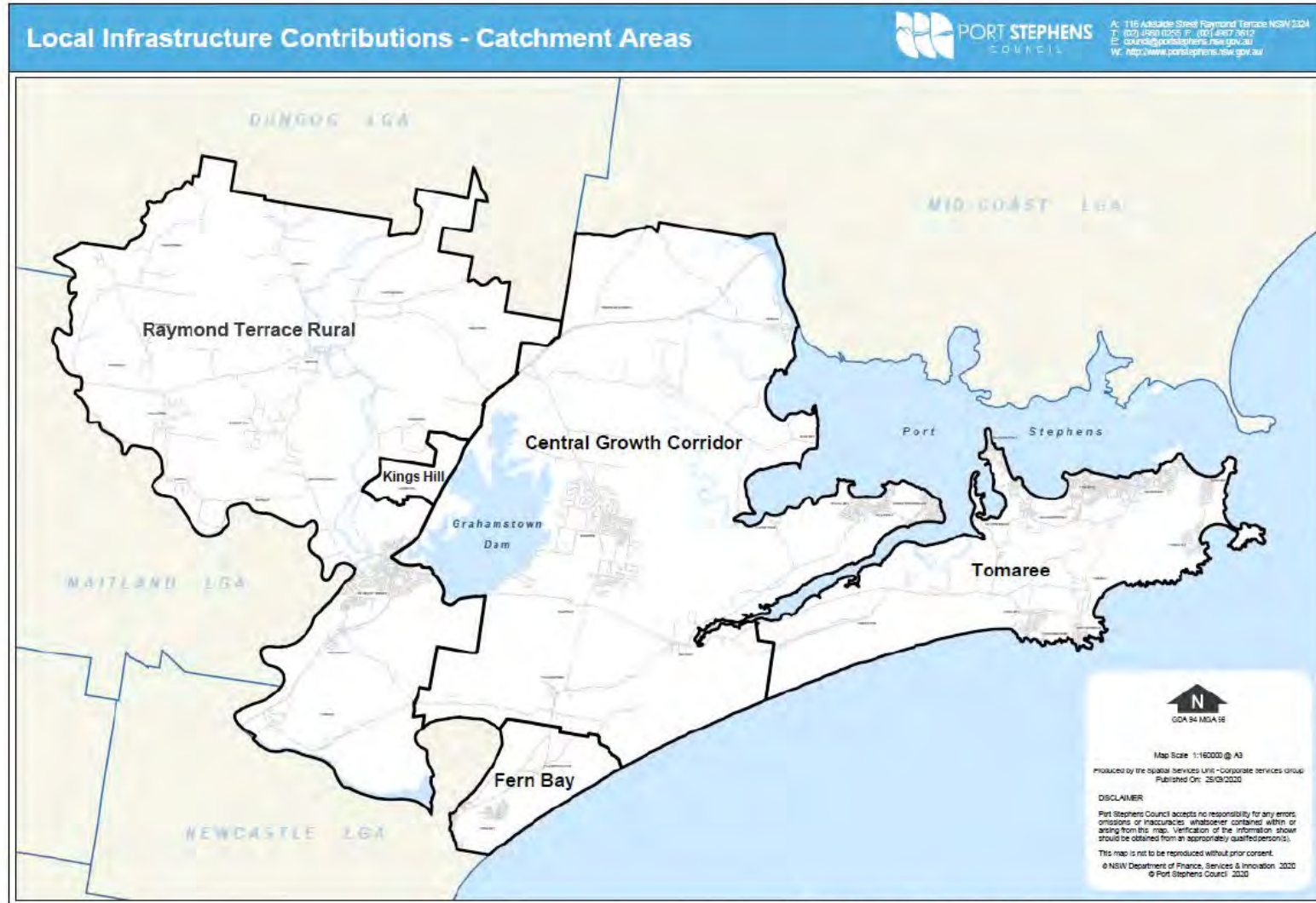
Apportionment ensures that new development pays contributions towards local infrastructure proportionate to the demand created by the new development. The type of new development and land use is considered when estimating the likely future demands. The needs of the existing population and community are also estimated and considered in determining the amount of funding for new infrastructure or upgrades which will be sourced from contributions levied on new development.

**5.2 Contributions Catchments**

The contribution catchments are geographic areas where new development will contribute to the infrastructure items and upgrades identified in the Works Schedule for each catchment. The catchments are areas where new development and the infrastructure it will fund are located and the boundaries of the catchments have been identified based on where and how new populations are likely to access public amenities and services. The size of the catchments have been calculated to promote efficiency in the timing of the provision of infrastructure whilst also ensuring that the spatial nexus between local infrastructure and development is retained. The catchment areas are illustrated in the Catchment Area Map below.

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FILE LOCATION: G:\gis\maps\Section 1-7 Local Infrastructure Contributions Plan\2023\Catchment Areas\Local Infrastructure Contributions - Catchment Areas(ASL).swd



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**5.3 Local Infrastructure Categories**

This Plan provides for Section 7.11 Contributions separated into the categories described below. This Chapter provides a brief description of each category and the nexus identified between expected new development and the local infrastructure to be provided.

**6.3.1 Civic Administration – Plan Management**

Council must provide resources and expend funds to prepare Contribution Plans, provide for the ongoing administration of plans and the review and preparation of new plans. This includes employee resources as well as consultant costs to prepare background studies.

The services provided by the employees dedicated to the administration of local infrastructure contributions is directly attributable to the increase in demand for public amenities and services created by new development.

It is considered reasonable and equitable that a management charge should apply to the management and administration of the Plan. The management of the Plan is a LGA-wide costs and therefore the rate is split evenly across all catchments and wholly funded by local infrastructure contributions.

The costs of plan management have been determined using estimates of yearly administration based on employee wages, estimates of yearly consumables and estimates of plan costs for plan updates every 5 years. The final contribution amount has been determined using the following formula:

$$\$C = \sum \frac{\$TA}{ND}$$

Where:

**\$C** is the amount of contributions per lot/dwelling for a given catchment.

**\$TA** is the total cost of each activity to administer the Plan over the lifetime of the Plan.

**ND** is the amount of new lots/dwellings to be developed within that catchment.

**Section 7.11 Contribution:**

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the West	\$650
Central Growth Corridor	\$650
Tomaree	\$650
Fern Bay	\$650
Kings Hill URA	\$650

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**5.3.2 Civic Administration – Works Depots**

The Strategic Asset Management Plan (Adopted January 2019) identifies future plans to redevelop and relocate the Raymond Terrace and Nelson Bay works depots. The projects are identified as necessary to meet the needs of future growth and maintain a desired level of service.

A site area for a new works depots at Raymond Terrace is estimated at between 2.02 to 2.6 hectares and for Nelson Bay, between 1.4 to 1.6 hectares. These areas are based on the functional life of a depot facility for a maximum of 50 years, servicing a population of 160,000.

The construction of a new works depot at Raymond Terrace, including all assets and infrastructure, is estimated at \$11.25 million and at Nelson Bay \$7.5 million. It should be noted that the unit costs are strategic estimates and are dependent on the final site selected and construction materials used.

The depots provide a base for Council to provide maintenance and construction services for the entire Port Stephens LGA. The expected population increase will result in additional demand for services operating out of Council's depots, such as road works and construction services. Therefore it is considered reasonable that a portion of contributions collected from development be applied towards the redevelopment of Council's work depots.

It is also identified that the provision of Council services through the works depots is a LGA-wide costs and therefore the rate is split evenly across all catchments.

The funding has been apportioned to take into account the demands of projected growth. The formula below has been used to calculate the contribution:

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

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>S</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.

**Section 7.11 Contribution:**

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the West	\$1,257

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Central Growth Corridor	\$1,257
Tomaree	\$1,257
Fern Bay	\$1,257
Kings Hill URA	\$1,257

**3.3.6 Town Centre Upgrades**

The State Government has identified Raymond Terrace and Nelson Bay as Strategic Centres in the Hunter Regional Plan 2036. The Hunter Regional Plan also identifies Medowie and Fern Bay as a regionally significant centre and the location of current and future housing opportunities in our LGA.

Raymond Terrace provides vital civic and commercial services to the residents of Port Stephens, with the Council administration building, NSW Services and the Port Stephens Hunter Police District headquarters located in the town centre.

Nelson Bay is a primary driver for the visitor and tourist economy in the LGA and Greater Newcastle. Nelson Bay is identified as a regional tourist destination and significant population centre in Port Stephens, offering lifestyle and leisure opportunities for both residents and visitors.

Medowie and Fern Bay are thriving centres earmarked for growth in the State's Hunter Regional Plan. Establishing and consolidating the town centres and surrounding recreation and community facilities will ensure they can service the needs of the growing community and beyond.

To support these strategic centres, Council has prepared local land use strategies that identify town centre improvements and upgrades in Raymond Terrace, Medowie and Nelson Bay to accommodate predicted growth (See the Raymond Terrace and Heatherbrae Strategy, Medowie Planning Strategy, the Nelson Bay Delivery Program and related public domain plans). Additionally Port Stephens Council and City of Newcastle are preparing the Fern Bay/North Stockton Strategy that will unlock the development of a town centre. The Strategic Asset Management Plan (adopted January 2019) also lists identified projects.

Town centre improvements will contain the following works:

- Road and intersection upgrades.
- Street furniture.
- Signage and wayfinding.
- Amenity improvements.
- Kerb and gutter improvements and drainage works

The town centre improvements and upgrades outlined in these plans and strategies will support growth in these strategic centres. The anticipated demand for services and amenities within these centres is likely to increase as a result of population growth caused by new development. Further it is recognised that these regionally significant centres are likely to provide amenities to residents and visitors beyond the boundaries of their respective catchments. Therefore contributions towards town centre upgrades in these centres have been applied equally across the LGA at a common rate.

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The estimated costs within this category has been determined based on works identified within local land use strategies, public domain plans, and the Strategic Asset Management Plan. The apportionment of funding from local infrastructure contributions has been determined taking into account the increased demand on town centres from new development. The below formula has been used to calculate the contribution:

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

Where:

- \$C** is the amount of contributions per lot/dwelling for a given catchment.
- \$TP** is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold).
- %F<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.

**Section 7.11 Contribution:**

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the West	\$3,386
Central Growth Corridor	\$3,386
Tomaree	\$3,386
Fern Bay	\$3,386
Kings Hill URA	\$3,386

**5.3.1.4 Public Open Space, Parks and Reserves**

Council owned open space, parks and reserves are an important public amenity providing spaces for sport and play, healthy activity, social gathering, and green spaces in urban areas.

Council has prepared an LGA-wide Recreation Strategy to provide the overarching framework and strategic direction for recreation facilities and services in Port Stephens, including open spaces. Council, as a land manager, has also prepared both individual and generic Plans of Management and master plans for Council’s parks and open spaces. These documents identify the need for new and augmented infrastructure works and have informed the Works Schedule.

New development will increase our population and place an increased demand for open space, parks and reserves and that this creates an appropriate nexus with the local infrastructure included within the Works Schedule. Projects have been listed where they are of regional value, and therefore attract a high demand from future

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

All new park and recreation items are the result of identified new community demand and are required to cater for the Port Stephens community moving forward. Therefore all new facilities will be funded wholly by local infrastructure contributions. Likewise, the acquisition of new land to service an identified community need is linked directly to a requirement for an increased level of service. As such, land acquisitions may be wholly funded through contributions.

The replacement and upgrade of existing park infrastructure involves a review of the park layout, relocation of assets as required and upgrade of the assets with current products. As some assets continue to serve the same purpose, a stronger reliance on replacement is evident with these items and therefore local infrastructure contributions may not fund the entirety of these works. In these instances apportionment of funding from local infrastructure contributions has been determined taking into account the increased demand on town centres from new development.

The below formula has been used to calculate the contribution:

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

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>s</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.

**Section 7.11 Contribution:**

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the West	\$853
Central Growth Corridor	\$2,277
Tomaree	\$2,070
Fern Bay	\$365
Kings Hill URA	\$365

**5.1.5 Sports and Leisure Facilities**

Sports and leisure facilities range from large integrated complexes, such as Tomaree Sport Complex and Lakeside Sport Complex, to local level facilities such as skate

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parks, netball courts and tennis courts. These facilities play a vital role in the community, supporting active lifestyles and opportunities for social interactions.

Council has prepared an LGA-wide Recreation Strategy to provide the overarching framework and strategic direction for recreation facilities and services in Port Stephens. Council, as a land manager, has also prepared both individual and generic Plans of Management and master plans for sports and leisure facilities. These documents identify the need for new and augmented infrastructure works, and have informed the Works Schedule.

The anticipated population increase as a result of new development will create additional demand for sports and leisure facilities. Therefore it is considered that there is an appropriate nexus between development and the projects listed in the work schedule under this category.

It should be noted that Council will collect contributions for regional facilities, such as Tomaree Sports Complex and facilities at Lakeside, from development across the entire Port Stephens LGA. This is considered to be reasonable as it is likely that populations outside of their respective geographical catchment will utilise these larger, regional scale facilities.

Sporting and leisure infrastructure is a maintenance heavy asset class. The ongoing maintenance tasks associated with these assets are funded through the Public Domain and Services budget. However, where infrastructure works will increase the capacity of the open space to cater for more regular use as a result of new development (i.e. field renovation, drainage works, surface replacement and flood lighting), the increased level of service is to be reflected in the apportionment of funding from local infrastructure contributions. Should new fields or playing surfaces be required, these assets will provide for an increased level of community service and will be able to be funded wholly through development contributions.

The development of master planning documents for key community and recreation precincts will set the strategic direction for facilities upgrades, inform Council's planning strategies and provide accurate project costings for the implementation of the plan. As such, these plans may be funded through local infrastructure contributions.

The below formula has been used to calculate the contribution:

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

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>S</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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**Section 7.11 Contribution:**

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the West	\$1,831
Central Growth Corridor	\$2,845
Tomaree	\$1,947
Fern Bay	\$1,637
Kings Hill URA	\$1,637

**5.3.6 Community and Cultural Facilities**

Community and cultural facilities can range from multipurpose indoor or outdoor spaces that facilitate social and community interaction, including library facilities and the resources within, to cemeteries.

Multipurpose community facilities can include meeting spaces for centre-based activities such as playgroups, youth, aged and people with a disability. Indoor spaces could include a hall, meeting rooms, offices and activity rooms. Outdoor spaces could include fenced / enclosed areas, play equipment and garden sheds.

Council has identified a range of multipurpose community facilities in the Works Schedule. The anticipated population growth caused by new development will increase the demand for these types of facilities and therefore it is considered that there is an appropriate nexus between development and this category. The funding has been apportioned to take into account the demands of projected growth.

Council provides a public service to the community through the provision of cemeteries. The anticipated population growth through new development will likely increase the demand for these types of facilities and therefore it is considered that there is an appropriate nexus between development and this category.

Libraries provide a focal point for community access to information, recreation and technology resources. As a public service, libraries should attract users of all ages, income levels and backgrounds, providing areas for relaxation, research, leisure, learning and entertainment.

There are currently two branch libraries (Raymond Terrace and Tomaree) and two library lounges (Tilligerry and the mobile library) in Port Stephens. As Council has a desired provision of one branch library for every 20,000 people and one library lounge for every 10,000 people, it is considered that future population growth from new development will cause a demand for additional facilities.

In addition to library facilities, the collection of library resources such as books, ebooks, periodical subscriptions and other media is required to meet public expectations. Council currently has a collection of 96,684 resource items, which is rotated between the branch libraries and library lounges, and Council aims to meet the minimum standards outlined in 'NSW Living Learning Libraries: Standards and Guidelines for NSW Public Libraries'.

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Population growth, residential development and demographic changes significantly influence the demand for library resources. Therefore, it is considered that there is an appropriate nexus between development and the provision of new resources under the plan.

The below formula has been used to calculate the contribution:

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

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>S</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.

**Section 7.11 Contribution:**

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the West	\$439
Central Growth Corridor	\$439
Tomaree	1,323
Fern Bay	\$439
Kings Hill URA	\$439

**5.3.7 Road Works**

Council provides a public service to the community through the provision of new roads and the upgrade of existing roads. This service applies to local roads within the Port Stephens LGA.

The Plan provides the means of collecting contributions from new development and expending payments received on identified local road projects, on a prioritised basis.

This Plan provides for all new development that will lead to increased traffic generation to contribute. It is based on there being zero traffic generation from vacant land at the date of adoption of this Plan.

The nexus has been established through considering the following:

- The anticipated increase in external traffic (to and from the new development) which will create a demand for improvements to the existing road network.
- The nexus between the anticipated development and the improvements to the existing road network taking into account :



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- The traffic generated according to the type of development;
- The expected increase in traffic as a consequence of that development;
- The availability, status and capacity of the existing road network;
- The extent to which the proposed road network will meet the needs of the public;
- Those road projects which will be used on a collective basis within the districts; and
- Apportionment of costs to reflect the sharing of the roadwork projects between existing population/road users and those users created by new development.

The Works Schedule identifies:

- Projects which have or will be undertaken to satisfy future demand; and
- Projects that are proposed to be undertaken within a timeframe related to the collection of anticipated income from contributions and the Council apportioned income.

To determine the growth of traffic from new development, the total projected traffic generation for road works has been determined by extending the existing traffic generation by the expected growth rate over the life of the Plan.

In determining the apportionment, Council has considered the ratio of complete replacement against the cost of upgrade. This is shown using the following formula:

$$\%F^{\$} = \frac{C^u - C^l}{C^u}$$

Where:

$\%F^{\$}$  is the apportionment of costs towards local infrastructure contributions.

$C^u$  is the cost of upgrade.

$C^l$  is the current literal replacement cost.

Based on the apportionment, the below formula has been used to calculate the contribution:

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

Where:

$\$C$  is the amount of contributions per lot/dwelling for a given catchment.

$\$TP$  is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold).

$\%F^{\$}$  is the apportionment of the project cost towards local infrastructure contributions.

$ND$  is the amount of new lots/dwellings to be developed within that catchment.

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**Section 7.11 Contribution:**

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the West	\$5,661
Central Growth Corridor	\$3,206
Tomaree	\$3,544
Fern Bay	\$3,931
Kings Hill URA	\$0

**3.3.8 Medowie Traffic and Transport**

Medowie, which is identified as a regionally significant centre in the Hunter Regional Plan 2036 and Greater Newcastle Metropolitan Plan 2036, is slated for long-term housing growth with a number of urban release areas and potential future growth opportunities identified.

The additional population generated because of development will create additional vehicle, pedestrian and cycle movements. The impacts of increased traffic in the area and on adjoining intersections and other road connections has been considered and appropriate facilities and upgrades identified to maintain appropriate safety and amenity.

An assessment of the future traffic and transport needs for Medowie has been carried out to determine future requirements as the result of Medowie's growth. This was undertaken as a series of Local Area Traffic Management studies prepared by Urban Research and Planning (URaP) in 2017. The studies identified works that are to be implemented within designated time periods throughout Medowie. These works have informed the projects listed within the Works Schedule.

The need for the proposed traffic and transport upgrades and infrastructure has been determined on the basis of an analysis of the road network, safety measures, environmental capacities of roads for the existing traffic situation, as well as the estimated additional traffic resulting from forecast growth in terms of population, land use, and floor space area within Medowie. From this, an appropriate nexus has been identified and the cost of works has been apportioned between the existing community and future development accordingly.

It should be noted that this category is unique to the Central Catchment and the contributions will only apply to new development in that catchment.

The apportionment rate has been determined based on the percentage of population increase expected in the catchment area. Therefore local infrastructure contributions will only be applied towards the portion of expected population increase.

The below formula has been used to calculate the contribution:

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

Where:

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- \$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.

**Section 7.11 Contribution:**

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the West	\$0
Central Growth Corridor	\$3,093
Tomaree	\$0
Fern Bay	\$0
Kings Hill URA	\$0

**5.19 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.

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- \$TP** is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold).
- %F<sup>s</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.

**Calculation of Section 7.11 Contribution:**

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the West	\$4,203
Central Growth Corridor	\$474
Tomaree	\$3,262
Fern Bay	\$3,448
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.

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

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>s</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.

**Section 7.11 Contribution:**

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the West	\$18
Central Growth Corridor	\$32
Tomaree	\$9
Fern Bay	\$1,111
Kings Hill URA	\$0

**5.1.11 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:

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

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>s</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.

**Section 7.11 Contribution:**

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the West	\$36
Central Growth Corridor	\$0
Tomaree	\$243
Fern Bay	\$0
Kings Hill URA	\$0

**5.3.12 Flood and Drainage Works**

As a result of local characteristics, the Port Stephens LGA suffers from a range of flooding and drainage issues. New development can increase the amount of non-porous area, which then results in additional flow rates and volume and impacts the existing flooding and drainage network. Therefore it is considered that there is a suitable nexus between flood and drainage works and new development generally.

Council has identified a number of projects relating to flooding and drainage through the Strategic Asset Management Plan. This Plan identifies a number of those projects to be funded by contributions in the Works Schedule where new development will have an impact. The cost of the works have been appropriately apportioned towards local infrastructure contributions.

Therefore it is considered that there is an appropriate nexus between new development and the projects listed in the Works Schedule under this category.

The flooding and drainage works listed in the Work Schedule are anticipated to benefit both existing and identified future residential land. In order to determine the amount to be funded by local infrastructure contributions, Council has determined the approximate area of land that would be positively affected by the works. The percentage of the developable land resulting from the works is taken to be the percentage amount funded by local infrastructure contributions.

The below formula has been used to calculate the contribution:

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

Where:

**\$C** is the amount of contributions per lot/dwelling for a given catchment.

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- \$TP** is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold).
- %F<sup>s</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.

**Section 7.11 Contribution:**

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the West	\$714
Central Growth Corridor	\$1,770
Tomaree	\$1,863
Fern Bay	\$0
Kings Hill URA	\$0

**7.13 Cross Boundary Contributions**

Section 7.14 of the Act enables conditions to be imposed for contributions for the benefit of an area that adjoins the local government area in which the new development is to be carried out. A contributions plan approved by both councils can set out the apportionment between councils.

This Chapter provides for the local infrastructure contributions to be paid between Council and the City of Newcastle in specified areas. The contribution is required to be paid at a time specified in the condition imposing the contribution, however if no time is specified, the contribution must be paid in accordance with Chapter 3.4 Timing of Settlement in this Plan.

City of Newcastle

These site-specific contributions will apply to land in the localities of Fern Bay and Fullerton Cove as shown in the Catchment Area Map.

The anticipated residential growth within Fern Bay and Fullerton Cove will result in demand for local infrastructure located within both Newcastle and Port Stephens LGAs. This demand will require the upgrade of existing facilities, as well as require the provision of new local infrastructure in both LGAs. This category relates to works within the City of Newcastle LGA only as projects within Fern Bay and Fullerton Cove will be funded by contributions collected under other categories.

Council, with the assistance of the City of Newcastle, has identified a number of projects that the cross boundary contribution will fund in the Works Schedule.

The costs will be shared between Port Stephens and City of Newcastle based on the percentage of the expected population increases. Using projection data provided by the City of Newcastle's website and detailed projections undertaken by Port Stephens Council for the preparation of this plan, it is expected that the population of

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the Fern Bay/Fullerton Cove and Stockton area will increase by 1,314. Of that increase, it is expected that 79.1% will occur in Fern Bay/Fullerton Cove. Therefore, contributions from Port Stephens Council will contribute 79.1% towards the total costs of projects. A formula is provided below:

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

Where:

- %PSC** is the proportion of costs towards Port Stephens Council.
- PFB** is the projected population increase in Fern Bay, taken to be 1,039.
- PopTot** is the projected population increase in Fern Bay and Stockton, taken to be 1,314

The below formula is then used to calculate the contribution:

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

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>S</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.

All of the contributions received under this category will be wholly apportioned to the City of Newcastle.

It should be noted that these contributions will only apply to new development in the Fern Bay/Fullerton Cove catchment because there is only a nexus between the cross boundary infrastructure requirements and development in that catchment.

**Section 7.11 Contribution:**

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
Raymond Terrace and the West	\$0
Central Growth Corridor	\$0
Tomaree	\$0
Fern Bay	\$3,309
Kings Hill URA	\$0



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**5.3.14 Road Haulage**

There are a number of extractive industries operating in the Port Stephens LGA and there could be opportunities for new development or expansion of existing sites, subject to relevant approvals.

Extractive industries generate significant truck movements in Port Stephens, which impacts the road performance and conditions along haulage routes. To offset the impact of haulage associated with mining and extractive industry, this Plan authorises the consent authority to apply a haulage contribution rate where an application is made for such a use. It should be noted that the haulage rate will apply to the proposed haulage route for the life of the development (subject to CPI amendments) and contributions collected will only go towards the road repairs, resealing, upgrading and reconstruction of that road.

The contributions rate for heavy haulage has been calculated based on the following:

- Step 1: Determine the design Equivalent Standard Axles (ESA) per applicable vehicle (classes 3-12) for affected local roads.

$$dESA = \frac{365 \times AADT \times ESA \times DL \times DF}{NoHR}$$

Where:

- dESA** is the design ESA.
- AADT** is the annual average daily traffic count for heavy vehicles over Council's haulage routes.
- ESA** is the average ESA per heavy vehicle.
- DL** is the design life in years.
- DF** is the directional distribution factor.
- NoHR** is the number of haulage routes used to determine the ESA and AADT

- Step 2: Estimate the cost to reconstruct/maintain one lane for one kilometre for the above ESA, which is based on the capital cost, maintenance cost and whole of life cost for Council's haulage routes.
- Step 3: Calculate the reconstruction/maintenance cost per ESA per km by dividing the outcome from Step 2 by the outcome from Step 1.

$$\$km = \frac{\$M}{dESA}$$

Where:

- \$km** is the cost of maintenance per ESA per km.
- dESA** is the design ESA calculated in step 1.
- \$M** is the cost to reconstruct/maintain one land for one kilometre.

- Step 4: Determine the typical heavy haulage vehicle ESA (assumed at 2.6 ESA based on a typical truck and dog combination).

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Step 5: Calculate the reconstruction/maintenance cost per typical heavy haulage vehicle per km by multiplying the outcome from Step 3 by the outcome from Step 4.

$$\$HVkm = \$km \times hvESA$$

Where:

$\$HVkm$  is the maintenance cost per typical heavy vehicle.

$\$km$  is the cost of maintenance per ESA per km as calculated in step 3.

$hvESA$  is the heavy vehicle ESA.

Step 6: Determine the typical load per typical heavy haulage vehicle (assumed at 15 tonnes).

Step 7: Calculate the reconstruction/maintenance cost per tonne per km by dividing the outcome from Step 5 by the outcome from Step 6.

$$\$tkm = \frac{\$HVkm}{t}$$

Where:

$\$tkm$  is the maintenance cost per tonne per km.

$\$HVkm$  is the maintenance cost per typical heavy vehicle as calculated in Step 5.

$t$  is the typical load per typical heavy vehicle.

Step 8: Determine the administration on-cost applicable relating this Plan, i.e. the preparation, implementation and administration as a proportion of the calculated cost of reconstruction/maintenance (calculated at 2.79%).

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

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

Where:

$\$CR$  is the contribution rate per tonne per kilometre.

$\$tkm$  is the maintenance cost per tonne per km.

$\$PA$  is the cost of administrating 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/t/km (which is equivalent to \$1.247/t based on a 14.5km haulage route)

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**5.3.15 Kings Hill Urban Release Area**

**Introduction**

This chapter addresses the contributions that apply to development in the urban release area known as Kings Hill, namely:

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

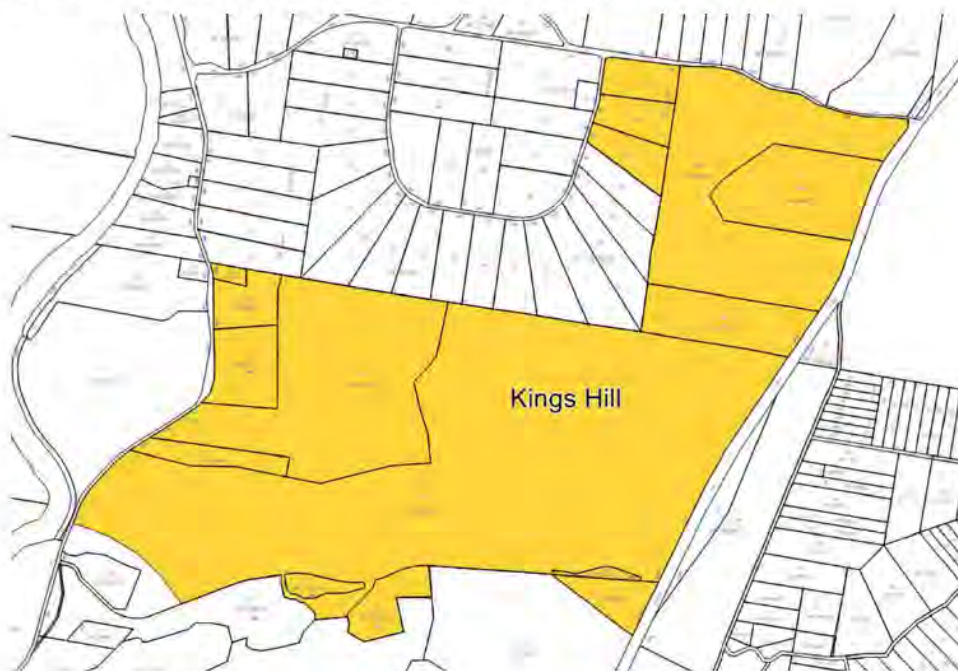
Contributions (b) and (c) are described elsewhere in other sections of the Plan.

This section of the Plan is subject to all the administration, indexation and other matters contained in other sections of the Plan.

**Area and Expected Development**

Kings Hill Urban Release Area (URA) is located to the north of Raymond Terrace, bordered by the Pacific Highway to the east and the localities of Eagleton (north) and Nelsons Plains (west) as shown in Figure 1.

The site was rezoned by the NSW Government in 2010 for residential, commercial, recreation and environmental management/conservation areas.



Source: Port Stephens Council

**Figure 1 Kings Hill Urban Release Area**

Kings Hill URA is expected to provide 3,500 new dwellings that will house a population of about 8,750 people. Development will comprise a variety of dwelling forms and non-residential development.

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**Infrastructure Needs**

Stormwater drainage, highway access and school

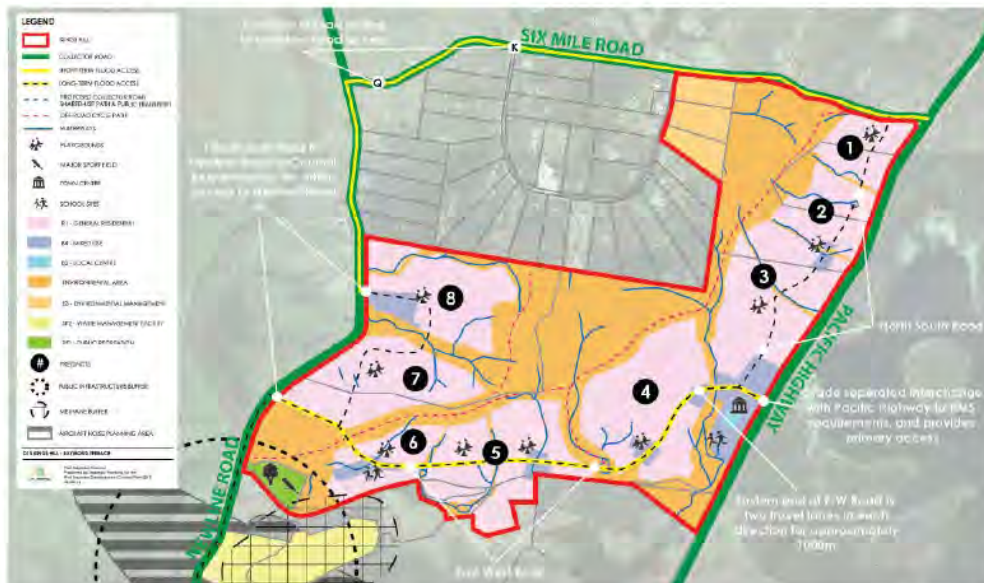
Due to water quality impacts to the drinking water catchment known as Grahamstown Dam to the east of the release area, the State Government proposed the construction of drainage infrastructure along the eastern boundary.

Future access into Kings Hill will be provided by an interchange at the Pacific Highway. The interchange will be constructed and delivered by Transport for NSW and it is possible that up to 400 lots may be able to be constructed before the interchange is required, provided flood free access is maintained.

Developers are expected to make monetary contributions toward the provision of the drainage and interchange infrastructure, together with the dedication of land for a public school, via a separate planning agreement with the NSW Government.

Local infrastructure needs and nexus

The local infrastructure needs of Kings Hill were first outlined in Part D14 of the Port Stephens Development Control Plan, as shown in the 'locality controls map' of that plan (Figure 2 below).



Source: Port Stephens Council DCP

**Figure 2 Indicative layout of Kings Hill Urban Release Area**

Since the DCP was prepared, Council commissioned the following studies to better understand the demand created by Kings Hill URA:

- Kings Hill Urban Release Area Community and Recreation Infrastructure Study (2020), GHD

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- Kings Hill Residential Lands Rezoning Updated Traffic and Transport Study (2019), GHD
- Draft Port Stephens Demographic and Housing Overview (May 2019), REMPLAN
- Kings Hill Flood Free Access Review Study (Nov 2017), BMT WBM

The studies have informed the local infrastructure requirements for Kings Hill URA included in the Plan. Some of the items identified by the studies are not included in the works schedule to contain the costs or because they can be provided by other means. The cost associated with some of the infrastructure has been updated since the publication of the studies because there has been further investigation of the existing site conditions and constraints.

The schedule of infrastructure land and works that Kings Hill URA development will contribute towards is included in Appendix A. The schedule contains details of costs, cost apportionment and staging. Locations of facilities are shown on the map in Appendix D.

The following is a summary of the infrastructure items.

- 1) Local infrastructure in the Kings Hill URA:
  - a) Traffic and transport:
    - East-west collector road – from Pacific Highway interchange works to Newline Road
    - East-west collector road intersection with north-south collector road
    - East-west collector intersection with Newline Road
    - Newline Road shoulder widening
    - William Bailey Street, Seaham Road, Newline Road & Port Stephens Street intersection upgrade including signalisation<sup>2</sup>
    - Newline Road shared pathway
  - b) Community and recreation and emergency services
    - Multi-purpose community space with pop-up library
    - RFS building
    - District park
    - Skate park
    - Multi-purpose sports court

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<sup>2</sup> Located outside the URA, the costs of these works are apportioned 45% to Kings Hill URA development – i.e. Kings Hill traffic as a percentage of overall traffic growth

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2) Kings Hill and Raymond Terrace:

The increase in population because of the Kings Hill URA development, will also place additional demand for some of the regional community and recreation services beyond the site.

The items identified include:

- Central library expansion
- Cemetery expansion and niche walls
- Upgrades to Riverside Park and Lakeside Reserve
- Lakeside district sports complex
- Fitzgerald bridge reserve
- Indoor sports and recreation centre

3) LGA wide infrastructure

The Plan levies contributions across Port Stephens LGA for infrastructure that services an LGA wide catchment. These contributions are discussed in Sections 5.3.1 – 5.3.6 of the Plan, and include:

- Administration and plan management
- Council works depot
- Town centre upgrades
- Public open space, parks and reserves – regional facilities
- Sports and leisure – regional facilities
- Community and cultural – regional facilities

**Apportionment and Contribution Rate Calculation**

Traffic and transport

All items inside the Kings Hill URA are required to accommodate the demand created by the new residents of Kings Hill. For this reason, the costs of these infrastructure works are apportioned entirely to the future development.

The widening of Newline Road and the intersection of William Bailey Street, Seaham Road, Newline Road and Port Stephens Street is to accommodate the demand created by existing residents of Raymond Terrace and the future residents of Kings Hill. It is reasonable that for the purposes of determining the contribution rate, the

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costs of the infrastructure are apportioned to both the existing and future development. The cost of the works apportioned to Kings Hill is 45%.<sup>3</sup>

The contribution calculation is as follows:

$$\text{Contribution per person } (\$) = \sum \left( \frac{\$INF \times A\%}{D} \right)$$

Where:

- \$INF** is the estimated cost of providing each infrastructure item in this category, in dollars
- A%** is the proportion of the infrastructure item cost that new development should reasonably be required to pay
- D** is the expected residential development in Kings Hill URA (i.e. 3,500 lots).

Using the above formula, the contribution per lot is \$12,552.00

Community and recreation and emergency services

All the facilities proposed within the release area are to accommodate the demand created by the new residents of Kings Hill. For this reason, the costs of infrastructure works are apportioned entirely to the future development.

The contribution calculation is as follows:

$$\text{Contribution per person } (\$) = \sum \left( \frac{\$INF \times A\%}{D} \right)$$

Where:

- \$INF** is the estimated cost of providing each infrastructure item in this category, in dollars
- A%** is the proportion of the infrastructure item cost that new development should reasonably be required to pay
- D** is the expected residential development in Kings Hill URA (i.e. 3,500 lots).

Using the above formula, the contribution per lot is \$2,546.00

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<sup>3</sup> Apportionment is provided in the GHD traffic and transport study. It is calculated as the Kings Hill traffic as a percentage of the overall traffic growth.

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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:

$$Contribution\ per\ person = \sum \left( \frac{\$INF \times A\%}{D} \right)$$

Where:

- \$INF** is the estimated cost of providing each infrastructure item in this category, in dollars
- A%** is the proportion of the infrastructure item cost that new development should reasonably be required to pay
- D** is the expected residential development in Kings Hill URA (i.e. 3,500 lots).

Using the above formula, the contribution per lot is \$731.00

<sup>4</sup> Apportionment is provided in the GHD Kings Hill Urban Release Area Community and Recreation Infrastructure Study. It is calculated as the Kings Hill population as a percentage of the combined Raymond Terrace/Kings Hill population



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Port Stephens Local Infrastructure Contribution Plan

LGA wide facilities

The new development in Kings Hill will be required to contribute their share of the infrastructure items that are apportioned to all new development in the Port Stephens LGA. The infrastructure item costs are contained in Table 1 of the Executive Summary of the Plan.

# Appendix A

## Work Schedule

- A.1 Depot and Administration Building
- A.2 Town Centre Upgrades
- A.3 Public Open Space, Parks & Reserves
- A.4 Sports & Leisure Facilities
- A.5 Community & Cultural Facilities
- A.6 Road Works
- A.7 Medowie Traffic & Transport
- A.8 Shared Paths
- A.9 Bus Facilities
- A.10 Fire and Emergency Services
- A.11 Flooding and Drainage Works
- A.12 Newcastle Council Cross Boundary Projects
- A.13 Kings Hill Urban Release Area

The Work Schedule gives detail of the specific public amenities and services proposed by the Council, together with an estimate of their cost and staging.

Both staging and costs will be reviewed annually in line with capital works programming and a full review of Works Schedules will be conducted every 5 years.

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## A.1 Depot and Administration Buildings

**All Catchments**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
CAF1	Raymond Terrace Works Depot	11,250,000	60%	2020
CAF2	Nelson Bay Works Depot	7,500,000	60%	2020
<b>Total Estimate</b>		<b>18,750,000</b>		

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A.2 Town Centre Upgrades

**All Catchments**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
TCU1	Medowie – Town Centre Upgrades	7,500,000	60%	2036
TCU2	Fern Bay – Town Centre Upgrades	7,500,000	60%	2036
TCU3	Nelson Bay – Town Centre Upgrades	15,000,000	60%	2036
TCU4	Raymond Terrace – Town Centre Upgrades	20,500,000	60%	2036
<b>Total Estimate</b>		<b>50,500,000</b>		

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**A.3 Public Open Space, Parks and Reserves**

**Raymond Terrace - Rural**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
OSF2	Lakeside 2 Reserve, Raymond Terrace - public amenities	150,000	100%	2024
OSF4	Feeney Park, Raymond Terrace – playground	70,000	60%	2030
OSF5	Seaham Park, Seaham – playground	150,000	60%	2027
OSF6	Seaham Park, Seaham – park furniture, shelters and BBQ	60,000	40%	2027
OSF7	Kitty Hawk, Raymond Terrace – playground, park furniture and shade trees	120,000	60%	2024
OSF8	Raymond Terrace Foreshore, Raymond Terrace - Riverside Park - public amenities	150,000	60%	2025
OSF9	Wallalong – playground	150,000	60%	2025
OSF59	Playground Upgrade - Elkin Ave Reserve- Replacement	80,000	70%	2024
OSF60	Boomerang Park Irrigation upgrade	55,000	60%	2029
<b>Total Estimate</b>		<b>\$985,000</b>		

**Central Growth Corridor**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
OSF11	Aliceton Reserve, Karuah – landscaping, playground and recreation facilities	250,000	100%	2023
OSF12	Memorial Park, Karuah – park furniture and carpark works	50,000	40%	2025
OSF13	Kindlebark Reserve, Medowie – playground	70,000	60%	2028
OSF14	Koindah Park to Rudd Reserve, Lemon Tree Passage - park furniture and respite seating	50,000	100%	2024
OSF16	Aliceton Reserve, Karuah – public amenities	150,000	100%	2023
OSF17	Medowie - playground, amenities, park furniture, paths and landscape improvements	2,000,000	100%	2026
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	60%	2029
OSF25	Lilly Pilly Reserve, Lemon Tree Passage - boat ramp	300,000	60%	2025
OSF26	McCann Park, Lemon Tree Passage - recreation facility improvements	150,000	60%	2025
OSF27	Koindah Park, Lemon Tree Passage - formalise off-leash dog exercise area	80,000	100%	2025
OSF28	Sunset Park, Tanilba Bay - park furniture and upgrade works	60,000	40%	2025
OSF29	Henderson Park, Lemon Tree Passage - reserve upgrades	150,000	60%	2031
OSF61	Salt Ash Amenities Building	120,000	60%	2024
OSF69	Medowie South - open space land acquisition	750,000	100%	2031
OSF70	Medowie North - open space land acquisition	750,000	100%	2031
<b>Total Estimate</b>		<b>5,700,000</b>		

**Tomaree**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
OSF32	Conroy Park Upgrades, Corlette – park furniture, shelters and BBQs	80,000	40%	2024
OSF33	Spencer Park, Soldiers Point - playground and park furniture	190,000	60%	2023

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OSF34	Taylor's Beach – playground	70,000	60%	2023
OSF35	Little Beach, Nelson Bay – playground facilities upgrade	150,000	60%	2024
OSF38	Anna Bay Recreation Area, Anna Bay - facilities improvement	100,000	60%	2025
OSF39	Angophora Park, Corlette - playground and park furniture	110,000	60%	2027
OSF40	Conroy Park, Corlette – public amenities block	150,000	60%	2025
OSF42	Fisherman's Bay – park furniture and shelters	60,000	60%	2025
OSF43	One Mile Beach, One Mile – park furniture, shelters and BBQs	60,000	60%	2025
OSF44	Bob Cairns, Salamander Bay - playground	70,000	60%	2025
OSF45	Pearson Park, Soldiers Point – park furniture upgrade	70,000	40%	2027
OSF46	Birubi Point Aboriginal Place, Anna Bay -masterplan implementation	1,000,000	60%	2025
OSF47	Boat Harbour – seating, shelters and BBQs	80,000	40%	2031
OSF48	Little Beach, Nelson Bay – car park upgrade	850,000	80%	2031
OSF62	Fingal Bay Foreshore - Furniture Replacement and Amenities	295,000	60%	2023
OSF63	Korora Oval Playground	80,000	60%	2024
OSF64	Shoal bay east amenities	140,000	60%	2025
OSF65	Taylor's beach foreshore reserve furniture	40,000	60%	2026
OSF67	Neil Carroll Amenities	88,000	60%	2024
<b>Total Estimate</b>		<b>3,683,000</b>		

**All Catchments**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
OSF50	Lakeside Aquatic Centre, Raymond Terrace – facilities upgrades	500,000	60%	2025
OSF51	Tomaree Aquatic Centre, Nelson Bay – facilities upgrades	500,000	60%	2025
OSF52	Tilligerry Aquatic Centre, Mallabula – facilities upgrades	200,000	60%	2025
OSF53	Nelson Bay Foreshore, Nelson Bay - playground upgrades and park facilities improvements	750,000	80%	2030
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	81%	2030
OSF68	Boomerang Park, Raymond Terrace – playground upgrade, park facilities improvements and skate park improvements	600,000	80%	2030
<b>Total Estimate</b>		<b>4,400,000</b>		

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**A.4 Sports and Leisure Facilities**

**Raymond Terrace - Rural**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SRF1	Lakeside Sports Complex, Raymond Terrace - Field renovation	200,000	60%	2025
SRF2	Brandon Park, Seaham - netball and tennis surface upgrades	150,000	60%	2025
SRF23	Brandon Park, Seaham - facility upgrades including pathways, amenities, lighting, landscaping	80,000	60%	2023
<b>Total Estimate</b>		<b>430,000</b>		

**Central Growth Corridor**

Project No	Project Description	Estimate \$	Apportionment	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	100%	2025
SRF10	Mallabula Sports Complex, Mallabula - floodlighting and power upgrades	250,000	60%	2031
SRF22	Yulong Oval, Medowie - multipurpose amenities upgrades	1,450,000	60%	2023
<b>Total Estimate</b>		<b>3,900,000</b>		

**Tomaree**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SRF11	Tomaree Aquatic Centre, Nelson Bay – shade structure	150,000	100%	2024
SRF12	Salamander Sports Complex, Salamander Bay - lighting upgrades	50,000	60%	2024
SRF13	Salamander Sports Complex, Salamander Bay - field renovation	400,000	60%	2024
<b>Total Estimate</b>		<b>600,000</b>		

**All Catchments**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SRF14	King Park Sports Complex, Raymond Terrace - carpark upgrade	500,000	60%	2026
SRF17	King Park Sports Complex, Raymond Terrace - Implementation of Masterplan	7,500,000	100%	2025
SRF18	King Park Sports Complex, Raymond Terrace - Field renovation	400,000	60%	2025
SRF19	Tomaree Sports Complex, Nelson Bay - upgrade to Oval 1	3,644,952	60%	2027
SRF20	Tomaree Sports Complex, Nelson Bay - road realignment and new car park	786,659	60%	2027
SRF24	Tomaree Sports Complex, Nelson Bay - Sports Pavilion B1	476,072	100%	2023
SRF25	Tomaree Sports Complex, Nelson Bay - Don Waring field and car park upgrade	5,910,879	60%	2027
<b>Total Estimate</b>		<b>19,218,562</b>		

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A.5 Community and Cultural Facilities

**Tomaree**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
CCF1	Anna Bay – multi-purpose community facility	1,500,000	80%	2027
<b>Total Estimate</b>		<b>1,500,000</b>		

**All Catchments**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
CCF2	Library Resources	4,000,000	100%	2020-36
<b>Total Estimate</b>		<b>4,000,000</b>		



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**A.6 Roadworks**

**Raymond Terrace - Rural**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
RW1	Richardson Road/Halloran Way, Raymond Terrace – roundabout extension	200,000	100%	2027
RW2	Paterson Street, Hinton – bridge to 3 Paterson Street	108,739	63%	2027
RW3	Duns Creek Road, Duns Creek – 201 Duns Creek Road to 238 Duns Creek Road	296,352	48%	2024
RW4	Clarence Town Road, Glen Oak – 1598 Clarence Town Road to 1676 Clarence Town Road	346,949	47%	2022
RW5	Kuranga Avenue/Dawson Road, Raymond Terrace – upgrade intersection to roundabout	950,000	100%	2025
RW6	East Seaham Road, East Seaham – 806 East Seaham Road to 1042 East Seaham Road	1,121,170	48%	2023
RW7	Glenelg Street, Raymond Terrace - 12 Glenelg Street to Adelaide Street	165,750	54%	2025
RW8	Adelaide Street, Raymond Terrace – 249a Adelaide Street to 251 Adelaide Street	268,497	54%	2025
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%	2025
RW18	Lakeside Sports Complex 1, Raymond Terrace	795,984	33%	2025
RW19	Lakeside Sports Complex 2, Raymond Terrace	1,475,695	70%	2025
RW20	King Park Sports Complex 1, Raymond Terrace	959,023	44%	2025
RW21	Laverick Avenue, Tomago – 21 Laverick Avenue	333,590	64%	2025
RW22	Boomerang Park 2, Raymond Terrace	271,187	44%	2030
RW55	Rees James Road, Raymond Terrace – Bellevue Street to Kuranga Avenue	1,095,000	90%	2025
RW56	Rees James Road, Raymond Terrace – Kuranga Avenue to Harold Road	720,000	90%	2025
RW57	Rees James Road, Raymond Terrace – Harold Road to Dairyman Drive	896,000	90%	2030
RW58	Rees James Road, Raymond Terrace – Dairyman Drive to end	341,000	75%	2035
<b>Total Estimate</b>		<b>11,555,495</b>		

**Central Growth Corridor**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
RW23	The Bucketts Way, Twelve Mile Creek – 309 The Bucketts Way to 309 The Bucketts Way	235,104	38%	2025
RW24	The Bucketts Way, Twelve Mile Creek – 451 The Bucketts Way to boundary	272,256	33%	2025
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	100%	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
RW31	Ferodale Road, Medowie – Roundabout to 38 Ferodale Road	187,479	54%	2025
RW32	Ferodale Road, Medowie – Roundabout to 46 Ferodale Road	111,387	54%	2025
RW34	Avenue Of The Allies, Tanilba Bay - Diggers Drive to Lemon Tree Passage Road	664,589	66%	2025
RW37	Tarean Road, Karuah – 233 Tarean Road to 264 Tarean Road	275,962	54%	2030
RW38	Tarean Road, Karuah – 264 Tarean Road to 370 Tarean Road	275,962	54%	2030
RW39	Tarean Road, Karuah – 423 Tarean Road to 443 Tarean Road	173,664	54%	2030
RW40	Tarean Road, Karuah - 443 Tarean Rd to 446 Tarean Rd	275,962	54%	2030
RW41	Yulong Park, Medowie	584,634	44%	2030
RW59	James Road, Medowie – 52 James Road to 76 James Road	620,000	78%	2025
RW60	James Road, Medowie – 90 James Road to 101 James Road	640,000	78%	2027

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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
<b>Total Estimate</b>		<b>11,804,199</b>		

**Tomaree**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
RW44	Gowrie Avenue, Nelson Bay – Shoal Bay Road to Kerrigan Street	308,172	78%	2030
RW45	Tomaree Sports Complex 2, Nelson Bay	1,273,795	70%	2027
RW47	Dowling Street, Nelson Bay –Fingal Street to 29 Dowling Street	359,558	73%	2025
RW50	Dowling Street, Nelson Bay – parking action – bypass work	750,000	100%	2029
RW51	Dowling St/Fingal St – parking action – signalised intersection	1,600,000	40%	2026
RW52	Donald St/Stockton St – parking action – signalised intersection	1,600,000	40%	2026
RW64	Tomaree Road, Shoal Bay – Messines Street to Edward Street	862,500	80%	2026
RW65	Tomaree Road, Shoal Bay – Edward Street to Verona Road	901,250	80%	2026
<b>Total Estimate</b>		<b>7,861,694</b>		

**Fern Bay**

Project No	Project Description	Estimate \$	Apportionment	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>Total Estimate</b>		<b>2,390,000</b>		

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**A.7 Medowie Traffic & Transport**

**Central Growth Corridor**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
MTT1	Medowie Road – gateway treatment at entrance to Medowie north of Boundary Road	33,000	43%	2026
MTT2	Medowie Road – gateway treatment and change in speed zone north of Kindiebark Drive,	33,000	43%	2026
MTT3	Medowie Road – gateway treatment at entrance to Medowie south of South Street	33,000	43%	2026
MTT4	Medowie Road – gateway treatment and change in speed zone south of Ferodale Road	33,000	43%	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
MTT15	Medowie Road – off-road shared path from Silver Wattle Drive to Ferodale Road	205,000	43%	2022
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
MTT21	Medowie Road – upgrade pedestrian refuge south of Kindiebark Drive	24,200	43%	2026
MTT22	Medowie Road – install pedestrian refuge island at Silver Wattle Drive	24,200	43%	2022
MTT23	Silver Wattle Drive – install pedestrian refuge island at Medowie Road	24,200	43%	2022
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
MTT38	Wilga Road – off-road shared path from Wilga Road to Town Centre including bridge for creek crossing	360,000	43%	2032
MTT40	Lisadell Road and Abundance Road – pavement widening from Fairlands Road to Abundance road	1,025,000	55%	2023
MTT41	Medowie Road/Kindiebark Drive – upgrade intersection to roundabout	1,500,000	55%	2032
MTT42	Medowie Road – off-road shared path from Ferodale Road to South Street	1,280,000	56%	2022
MTT43	Waropara Rd – off-road shared path from Ferodale Road to Kula Road	400,000	51%	2032
MTT44	Medowie Rd – improve roundabout approaches at intersections with Ferodale Road, South Street and access to Kingston site	1,827,500	51%	2025

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MTT45	Kirrang Drive – off-road shared path from Ferodale Road to Medowie Road	1,270,000	45%	2032
<b>Total Estimate</b>		<b>17,333,200</b>		

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**A.8 Shared Paths**

**Raymond Terrace - Rural**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SP1	Raymond Terrace to Lakeside, Raymond Terrace - construction of a new shared pathway	350,000	100%	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
SP9	King Park Reserve, Raymond Terrace – shared path from Newline Road to Fitzgerald Bridge	315,400	100%	2027
SP10	Beaton Avenue, Raymond Terrace – shared path from Kanwary Close to King Park	220,000	100%	2027
SP11	Adelaide Street, Raymond Terrace – shared path from Richardson Road to Roslyn Park	280,000	100%	2027
SP12	Mount Hall Road, Raymond Terrace – shared path from Clyde Circuit to Pacific Highway underpass	81,700	100%	2027
SP13	Glenelg Street, Raymond Terrace – shared path from Adelaide Street to Charles Street	400,000	100%	2027
SP14	Hunter Street, Raymond Terrace – shared path from William Street to Barrier Lane	74,000	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
SP22	Rees James Road, Raymond Terrace – shared path from Bellevue Street to end	675,000	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
SP78	Elizabeth avenue, Raymond Terrace - Shared path from Charles street to end	800,000	45%	2026
<b>Total Estimate</b>		<b>7,149,820</b>		

**Central Growth Corridor**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SP25	Wattle Street, Karuah shared path from Tarean Road to Engel Avenue	45,600	100%	2027
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	19,250	100%	2027
FP32	Grey Gum Street, Medowie – footpath from Medowie Road to Bottle Brush Avenue	17,000	100%	2027
SP35	Meredith Avenue, Lemon Tree Passage - from Kawarren Street to Kenneth Parade	39,900	100%	2027
SP36	Cook Parade, Lemon Tree Passage – shared path from Morton Avenue to Meredith Avenue	338,200	100%	2027

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SP37	Kawaren Street, Lemon Tree Passage – shared path from Blanch Street to Kenneth Parade	171,000	100%	2027
SP38	President Wilson Walk, Tanilba Bay – shared path from Pershing Place to Diggers Drive	106,400	100%	2027
SP39	President Wilson Walk, Tanilba Bay – shared path from Diggers Drive to King Albert Avenue	68,400	100%	2027
SP71	Strathmore Road, Mallabula and Fairlands Road, Mallabula shared path from Pershing Place to Aquatic Centre	160,400	24%	2028
SP72	Barclay Street, Karuah - Shared path from Bundabah Street to Longworth Park	112,600	40%	2028
SP73	Mustons Road, Karuah – shared path from Boronia Road to Mustons Gully	188,300	85%	2024
SP74	Mustons Road, Karuah – shared path from Mustons Gully to Tarean Road	162,550	85%	2024
<b>Total Estimate</b>		<b>1,497,500</b>		

**Tomaree**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SP41	Gan Gan Road, Anna Bay shared path from existing path to existing path	250,000	100%	2027
SP42	Campbell Avenue, Anna Bay – shared path from Gan Gan Road to Robinson Street	220,000	100%	2027
SP43	Robinson Street, Anna Bay – shared path from Campbell Avenue to Robinson Reserve	165,000	100%	2027
SP44	Sandy Point Road, Corlette – shared path from Roy Wood Reserve to foreshore	19,000	100%	2027
SP46	Bagnall Beach Road, Corlette – shared path from Marlin Street to crossing point	19,000	100%	2027
SP47	Bagnall Beach Road, Corlette – shared path from crossing point to Maruway Street	49,400	100%	2027
SP48	Bagnall Beach Road, Corlette – shared path from King Fisher Reserve to detention basin	103,000	100%	2027
SP49	Bagnall Beach Road, Corlette – shared path from Marlin Street to end of existing	24,700	100%	2027
SP50	Marine Drive, Fingal Bay – shared path from Boulder Bay Road to Barry Park	300,000	100%	2027
SP51	Beach Road, Nelson Bay – shared path from Gowrie Avenue to Harwood Avenue	220,000	100%	2027
SP52	Beach Road, Nelson Bay – shared path from Victoria Parade to boat ramp	85,880	100%	2027
SP53	Beach Road, Nelson Bay – shared path from boat ramp to Gowrie Avenue	45,600	100%	2027
SP54	Victoria Parade, Nelson Bay – shared path from Fly Point to Beach Road	248,000	100%	2027
FP55	Donald Street, Nelson Bay – footpath from Magnus Street to grassy knoll	7,875	100%	2027
SP56	Victoria Parade, Nelson Bay – shared path from Magnus Street to Yacaaba Street	165,300	100%	2027
SP57	Salamander Way, Salamander Bay – shared path from Port Stephens Drive to Community Close	904,500	100%	2027
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	100%	2027
SP77	Beach Road, Shoal Bay – shared path from Harwood Avenue to Shoal Bay Road	900,000	96%	2027
<b>Total Estimate</b>		<b>4,545,455</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>		

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**A.9 Bus facilities**

**Raymond Terrace - Rural**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
BS1	Elizabeth Avenue at Bareena Street, Raymond Terrace – bus shelter	20,000	60%	2036
BS2	Rees James Road (near SES), Raymond Terrace – bus shelter	20,000	60%	2036
<b>Total Estimate</b>		<b>40,000</b>		

**Central Growth Corridor**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
BS3	Tarean Road at golf course, Karuah – bus shelter	40,000	80%	2036
BS4	Admiralty Drive at Caswell Crescent, Tanilba Bay – bus shelter	20,000	80%	2036
BS5	Lemon Tree Passage Road at Blanch Street, Lemon Tree Passage – bus shelter	20,000	60%	2036
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 \$	Apportionment	Staging Threshold
BS8	Fitzroy Street at Campbell Avenue, Anna Bay – bus shelter	20,000	60%	2036
<b>Total Estimate</b>		<b>20,000</b>		

**Fern Bay**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
BS9	Fern Bay – relocate, replace, upgrade or remove 11 existing bus shelters and provide pedestrian refuge on Nelson Bay Road for access	515,000	100%	2036
<b>Total Estimate</b>		<b>515,000</b>		

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A.10 Fire and Emergency Services

**Raymond Terrace - Rural**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
FEF1	Seaham – enclose existing carport at RFS station to provide a training room and kitchen facilities	80,000	60%	2022
<b>Total Estimate</b>		<b>80,000</b>		

**Tomaree**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
FEF2	Upgrade to Tomaree SES	300,000	60%	2023
FEF3	Soldiers Point - expand current facility to 3 vehicle-bay and adding a training room at Soldiers Point	250,000	60%	2031
<b>Total Estimate</b>		<b>550,000</b>		



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**A.11 Flooding and Drainage Works**

**Raymond Terrace - Rural**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
FD1	Tregenna Street, Raymond Terrace – upgrading the drainage system at the intersection of Tregenna Street and Adelaide Street	650,000	70%	2027
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
<b>Total Estimate</b>		<b>2,700,000</b>		

**Central Growth Corridor**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
FD6	Abundance Road, Medowie - construction of a new drainage system from Abundance Road to Campvale Drain	600,000	100%	2027
FD7	Abundance Road, Medowie – land acquisition	2,000,000	100%	2025
FD9	James Road, Medowie - enlarge 200m of existing drain between 102 and 104 James Road, creation of trunk drainage system and easement	900,000	70%	2027
FD10	George Street, Karuah – construct a new drainage system	200,000	100%	2027
FD11	Medowie Road, Medowie – culvert upgrade between 38 Ferodale Road and 754 Medowie Road	350,000	100%	2030
FD12	Medowie Road, Medowie – channel improvement from Medowie Road to 38 Ferdoale Road	220,000	100%	2030
FD13	Meredith Avenue, Lemon Tree Passage – upgrade the existing drainage system	500,000	50%	2032
FD20	Medowie – improve and enlarge existing drains crossing roads, overland flow paths, downstream drainage systems	500,000	100%	2027
<b>Total Estimate</b>		<b>5,270,000</b>		

**Tomaree**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
FD14	Waratah Avenue, Soldiers Point – upgrading the drainage system and construction of a new drainage channel	400,000	50%	2027
FD16	Soldier Point Road, Salamander Bay - upgrading the trunk drainage system at the intersection of Fleet Street and Soldiers Point Road	300,000	50%	2027
FD17	Nelson Bay Road, Anna Bay – widening of Fern Tree Drain	800,000	50%	2027
FD18	Stockton Street, Nelson Bay - extending and upgrading the drainage system at 45 Donald Street to Donald Street drainage system	300,000	50%	2027
FD19	Gan Gan Road, Anna Bay – upgrade drainage between Morna Point Road and McKinley Swamp	3,765,000	50%	2032
FD21	Tomaree – construct and / or improve drainage and overland flow paths	800,000	50%	2027
<b>Total Estimate</b>		<b>6,365,000</b>		

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A.14 Cross Boundary Projects – City of Newcastle

**Fern Bay**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
CPB1	South Stockton Active Hub	158,143	100%	2022
CPB2	Stockton sporting facilities – upgrades to Corroba Oval, Ballast Ground, pool, netball and tennis court and supporting infrastructure	2,372,146	60%	2023
<b>Total Estimate</b>		<b>2,530,289</b>		

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**A.13 Kings Hill Urban Release Area**

**Kings Hill**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
KH1	East/west collector road (land acquisition and capital costs)	27,496,123	100%	2024
KH2	Intersection of east/west collector road and north/south road (land acquisition and capital costs)	4,393,000	100%	2024
KH3	Intersection of east/west collector road and Newline Road (land acquisition and capital costs)	4,075,800	100%	2024
KH4	Newline Road – road upgrades	2,256,800	45%	2027
KH5	Intersection upgrade at Newline Road, Seaham Road, Port Stephens Street, William Bailey Drive	4,355,000	45%	2027
KH6	Shared pathway along Newline Road	4,992,000	100%	2027
KH7	Multi-purpose community space (land acquisition and capital costs)	1,515,000	100%	2030
KH8	District park (land acquisition and capital costs)	6,018,530	100%	2032
KH9	Skate Park	374,000	100%	2032
KH10	Multi-purpose sports court	600,000	100%	2032
KH11	RFS station (land acquisition and capital costs)	404,500	100%	2036
<b>Total Estimate</b>		<b>56,480,753</b>		

**Kings Hill & Raymond Terrace**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
KH12	Riverside Park and Lakeside Reserve – upgrade play equipment, additional pathways and amenity	700,000	28%	2024
KH13	Fitzgerald Bridge reserve – enhance area surrounding boat ramp	1,137,500	28%	2024
KH14	Raymond Terrace Cemetery – niche walls	98,000	50%	2029
KH15	Raymond Terrace Cemetery – expansion	3,627,000	12%	2036
KH16	Lakeside Sports Complex – floodlighting and car park upgrade	1,880,000	28%	2036
KH17	Raymond Terrace Library – expansion	5,921,000	12%	2036
<b>Total Estimate</b>		<b>13,363,500</b>		

**All Catchments**

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
KH18	Raymond Terrace – indoor sports and recreation centre	22,754,000	12%	2024
<b>Total Estimate</b>		<b>22,754,000</b>		

# Appendix B

## List of Amendments to the Plan

TITLE	DESCRIPTION	DATE OF COMMENCEMENT
	CPI adjustment for quarter ended 31 December 2019. All groups CPI weighted average of eight capital cities – 116.2 (December 2019).	29 January 2020
	CPI adjustment for quarter ended 31 March 2020. All groups CPI weighted average of eight capital cities – 116.6 (March 2020).	29 April 2020
	CPI Adjustment for quarter ended 31 December 2020. All groups CPI weighted average of eight capital cities – 117.2 (Dec 2020).	27 January 2021
<b>Amendment No. 1</b>	Addition of Kings Hill URA chapter and administrative amendments, including the incorporation of the Port Stephens Fixed Local Infrastructure Contribution Plan 2020 and changes to remove completed projects.	1 March 2021
	CPI Adjustment for quarter ended 31 March 2021. All groups CPI weighted average of eight capital cities – 117.9 (Mar 2021).	28 April 2021
	CPI Adjustment for quarter ended 30 June 2021. All groups CPI weighted average of eight capital cities – 118.8 (June 2021).	28 July 2021
	CPI Adjustment for quarter ended 30 September 2021. All groups CPI Sydney – 120.2 (September 2021).	27 October 2021
	CPI Adjustment for quarter ended 31 December 2021.	25 January 2022

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	All groups CPI Sydney – 121.6 (December 2021).	
	CPI Adjustment for quarter ended 31 March 2022. All groups CPI Sydney – 123.7 (March 2022).	27 April 2022
	CPI Adjustment for quarter ended 30 June 2022. All groups CPI weighted average of eight capital cities – 125.7 (June 2022).	27 July 2022
<b>Amendment No. 2</b>	Administrative amendments, the removal of and amendments to infrastructure items and the introduction of additional infrastructure items.	22 November 2022

# Appendix C

## Cost Summary Reports

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**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:**

\_\_\_\_\_



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**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>

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<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:**

\_\_\_\_\_

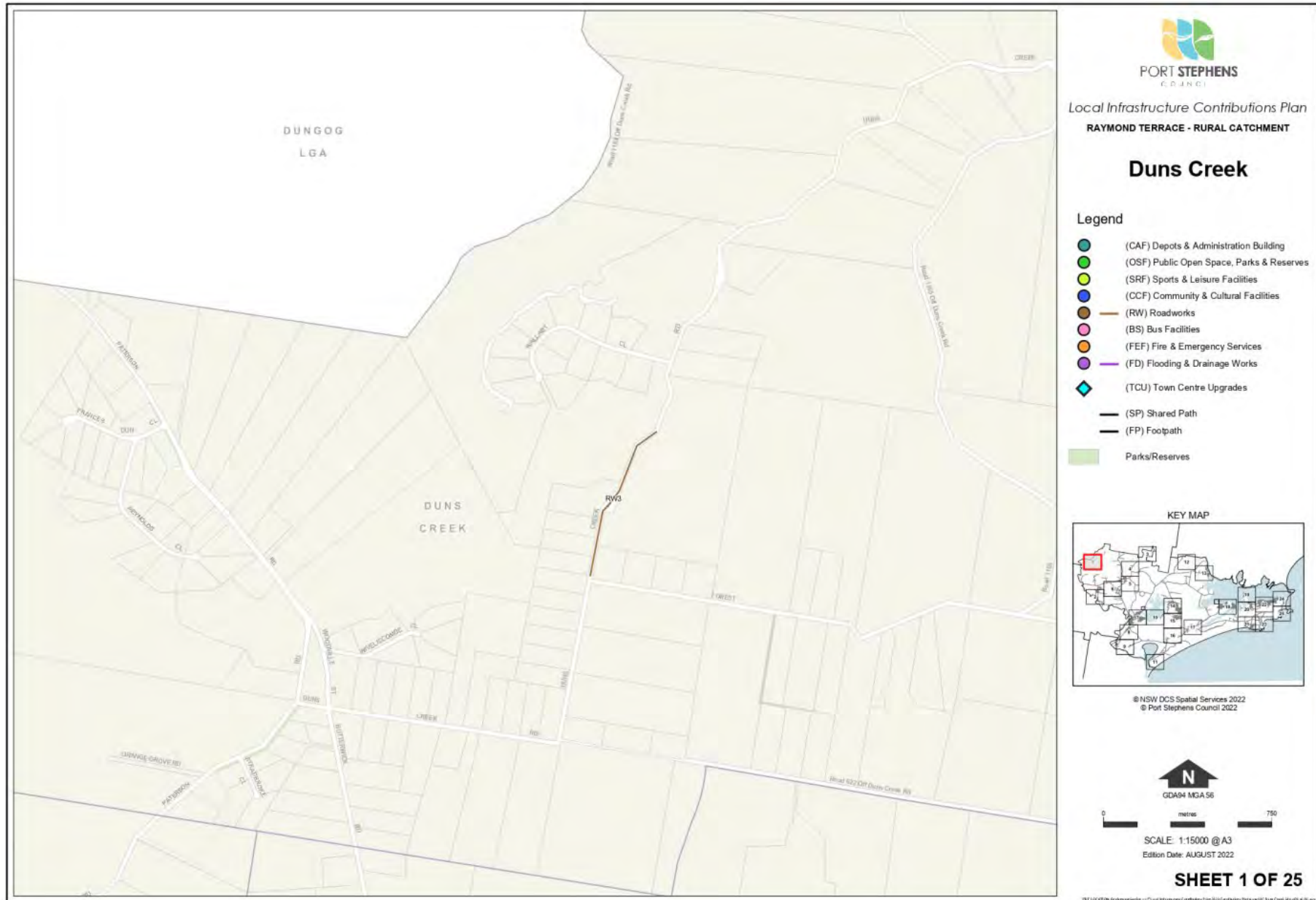
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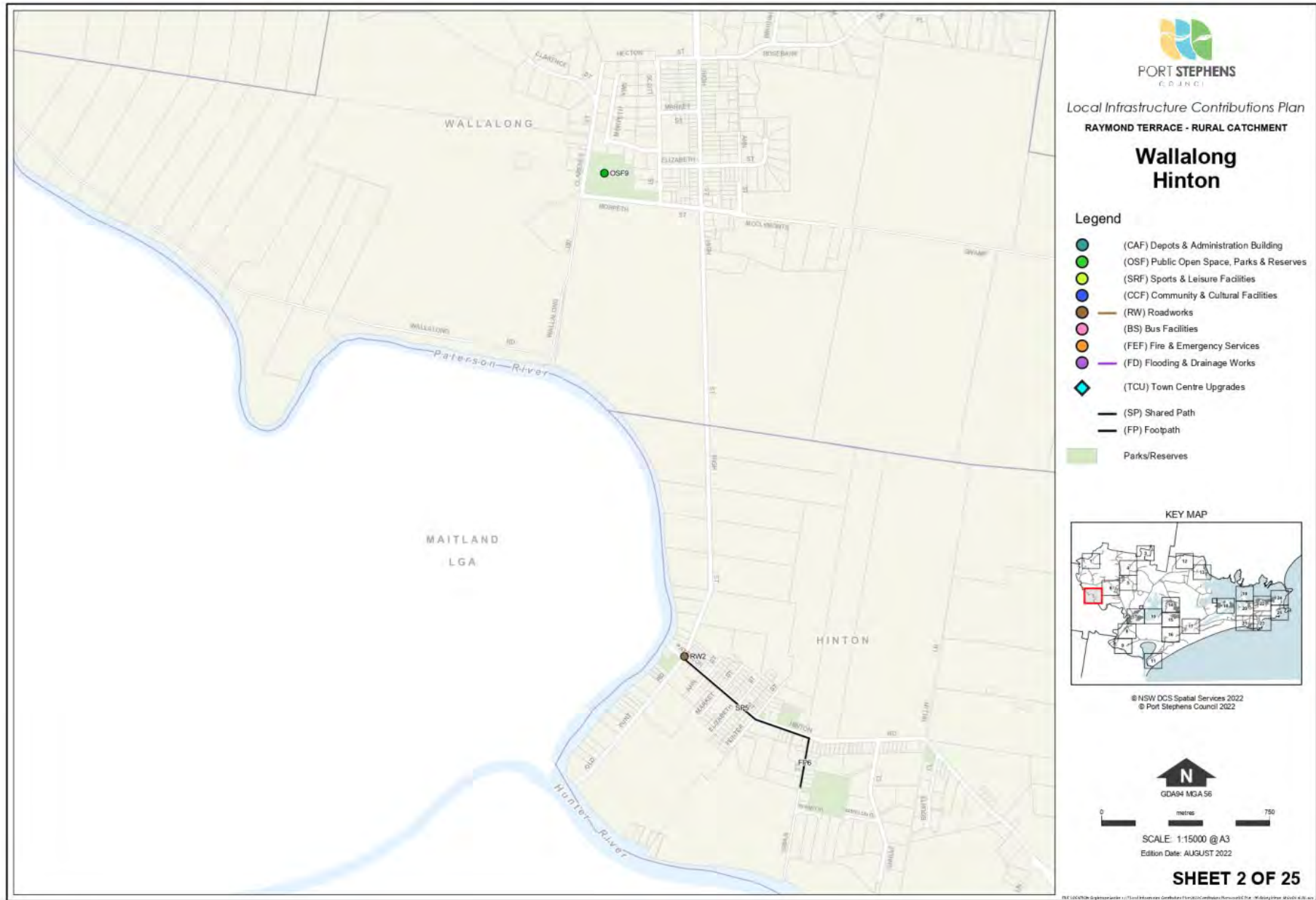
**Position & Qualifications:**

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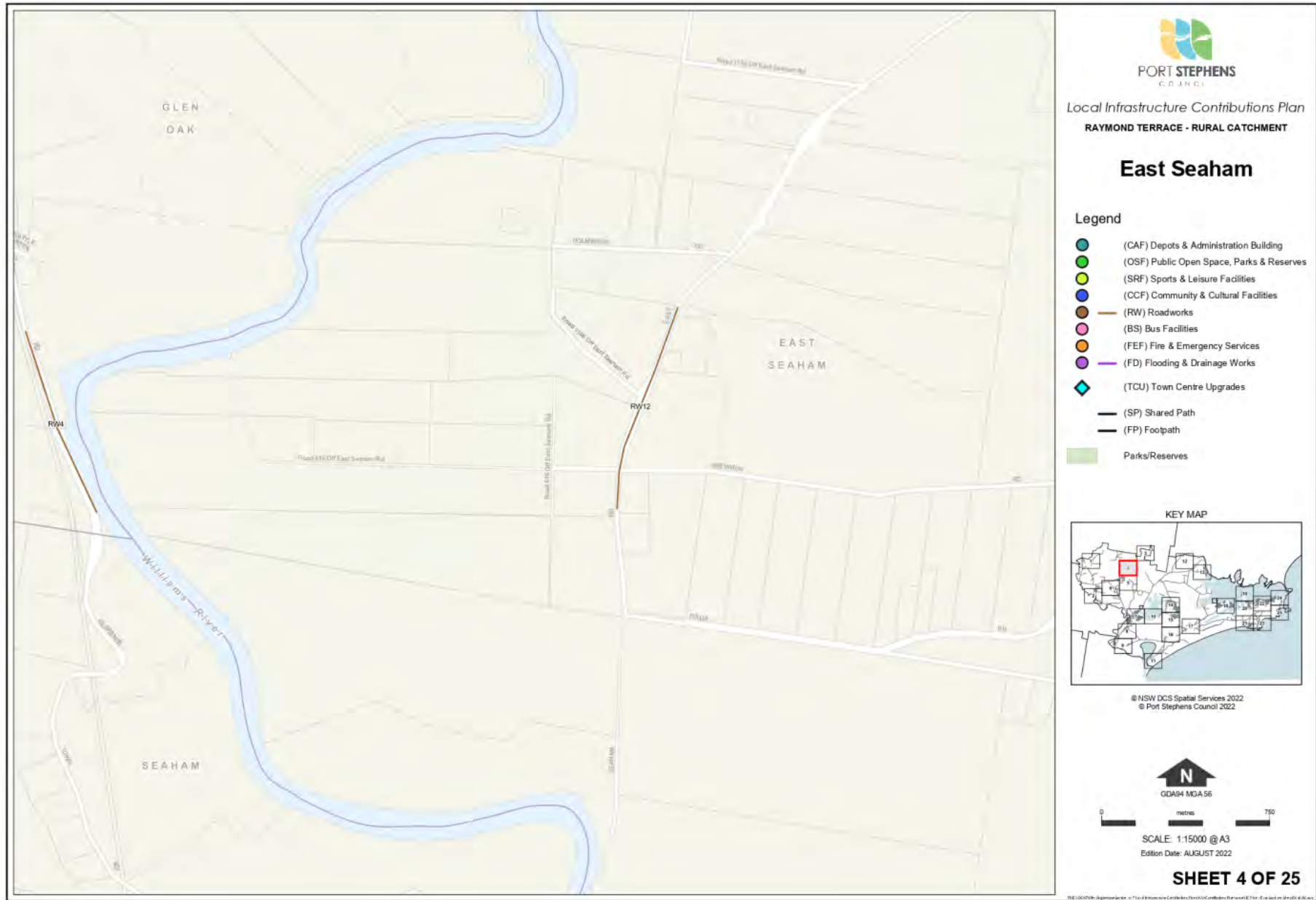
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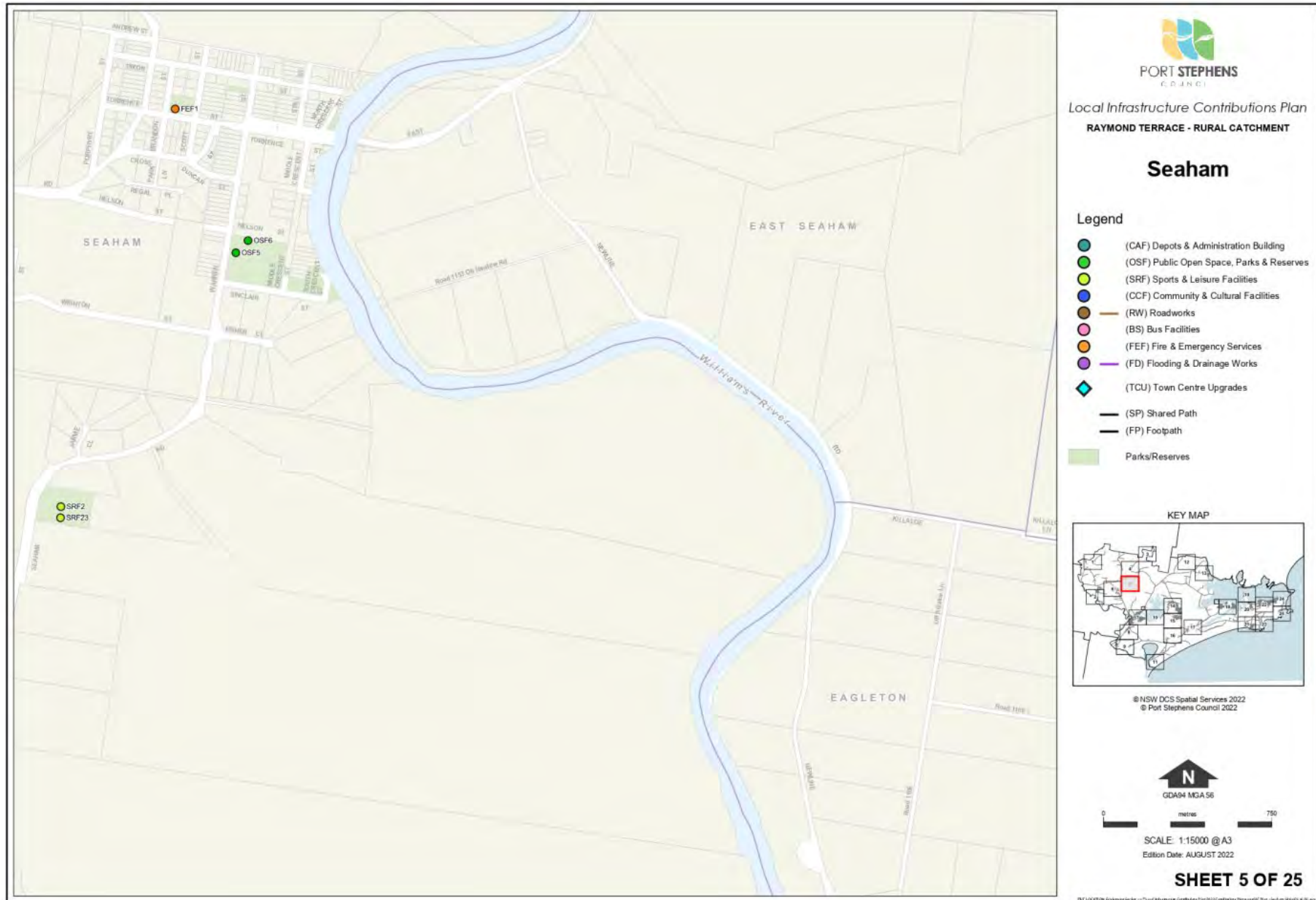
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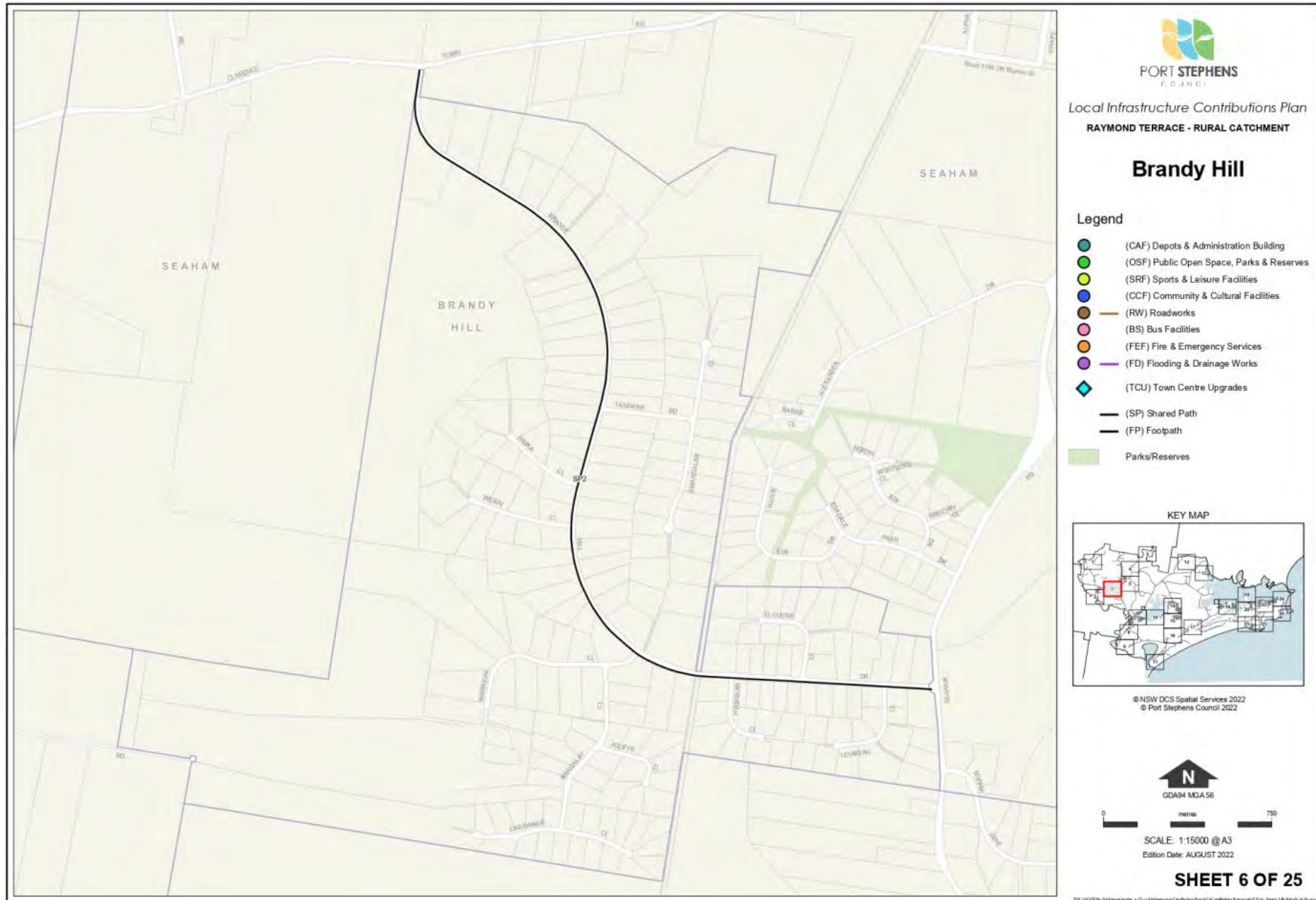


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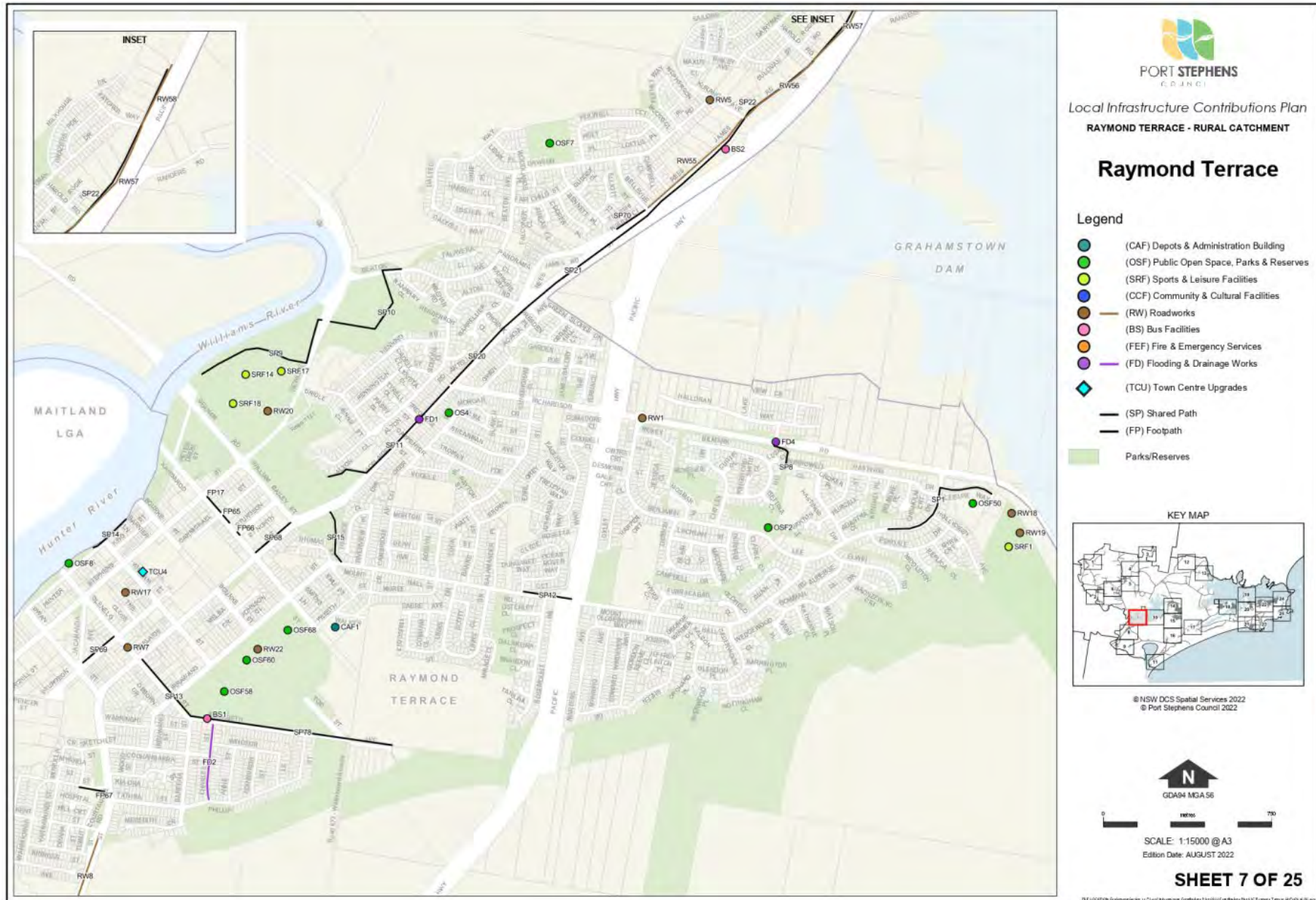
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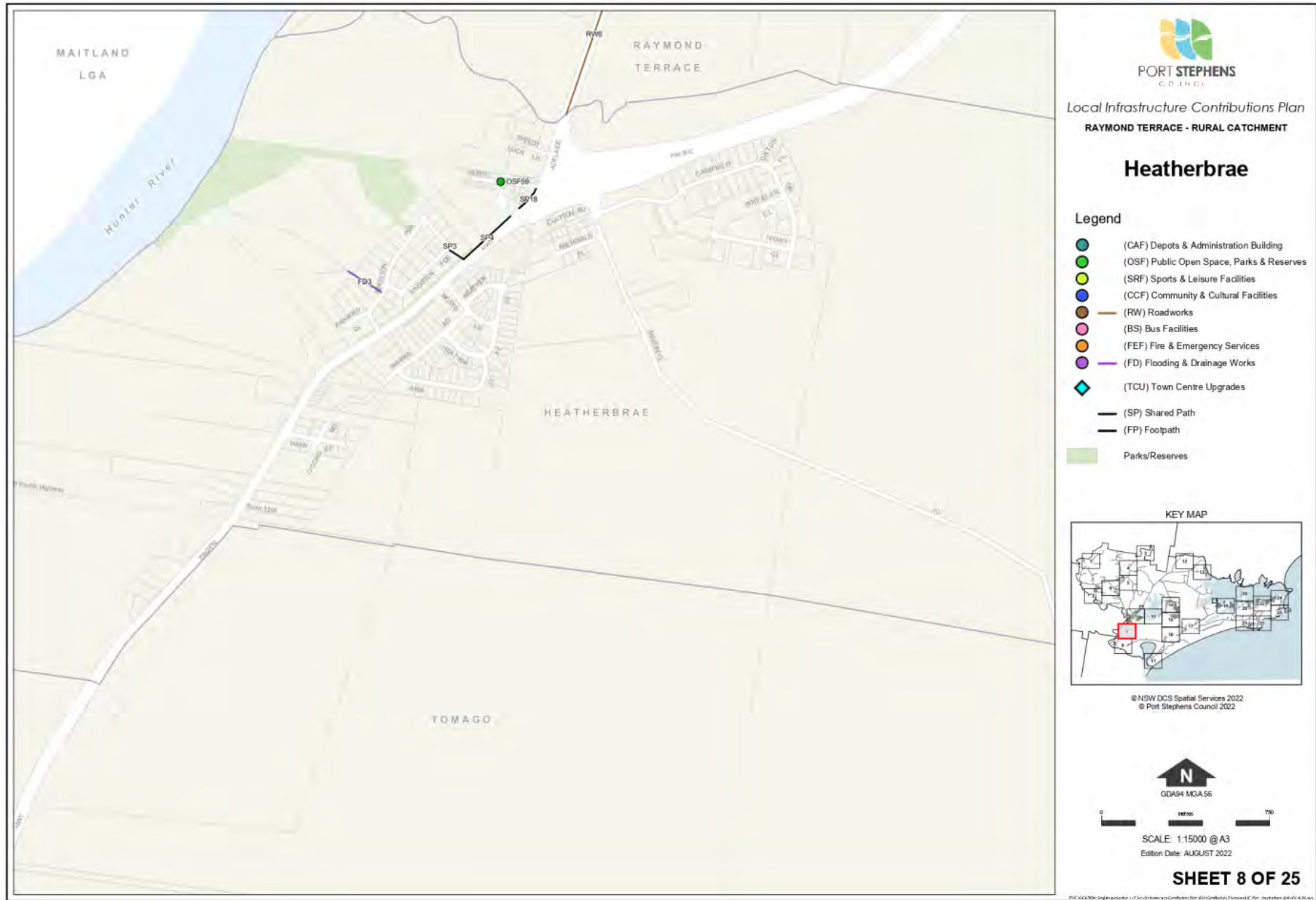




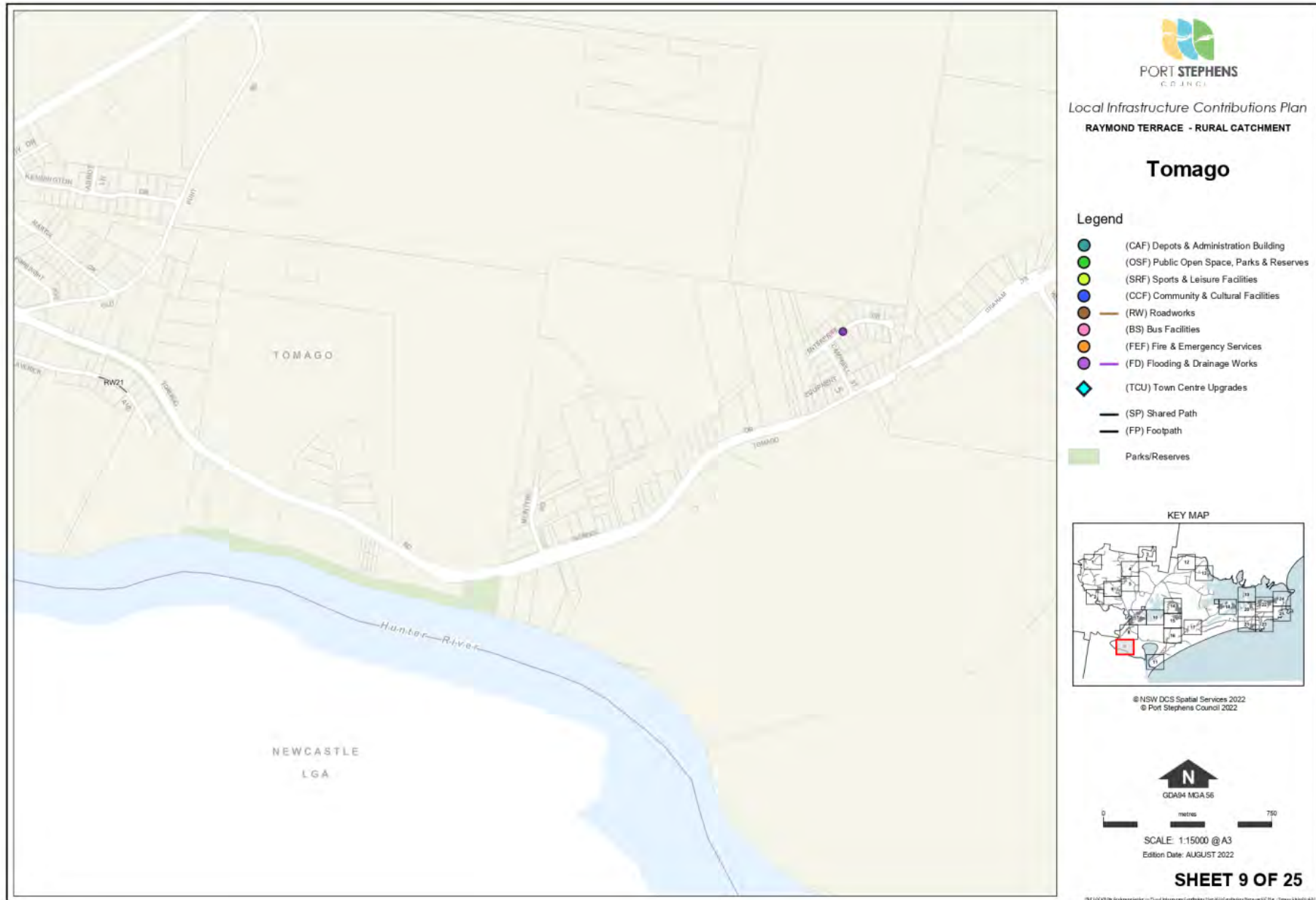
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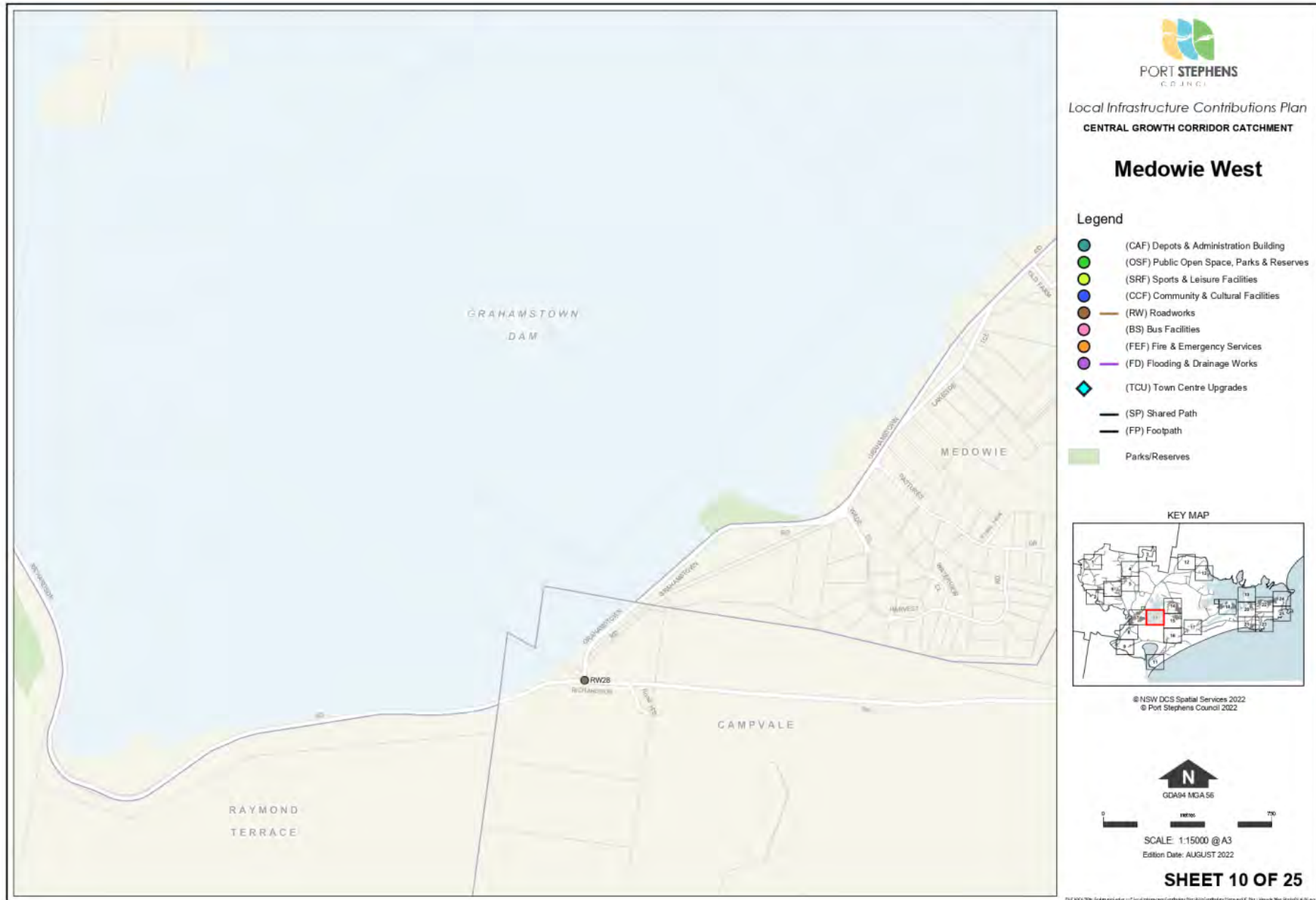
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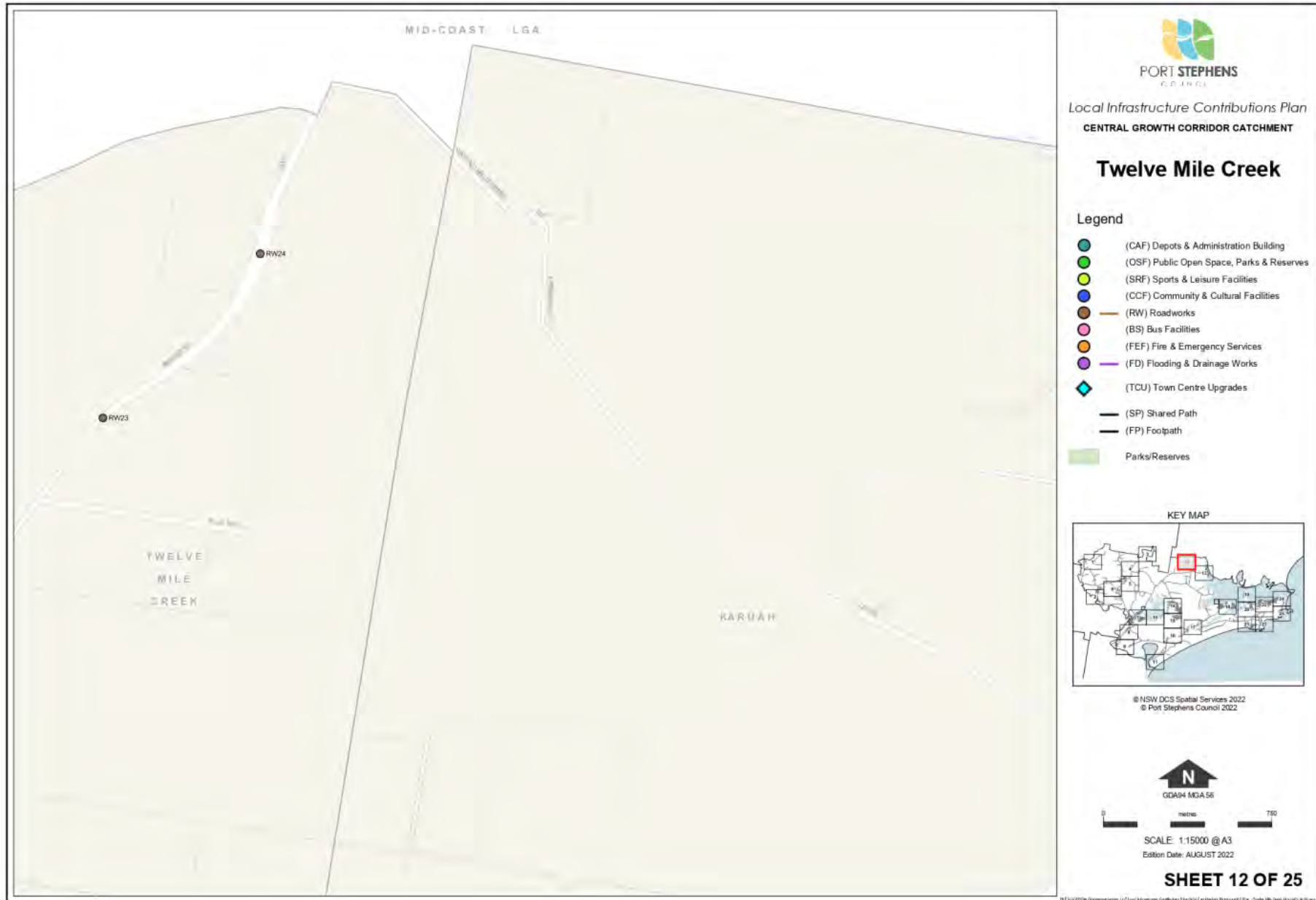
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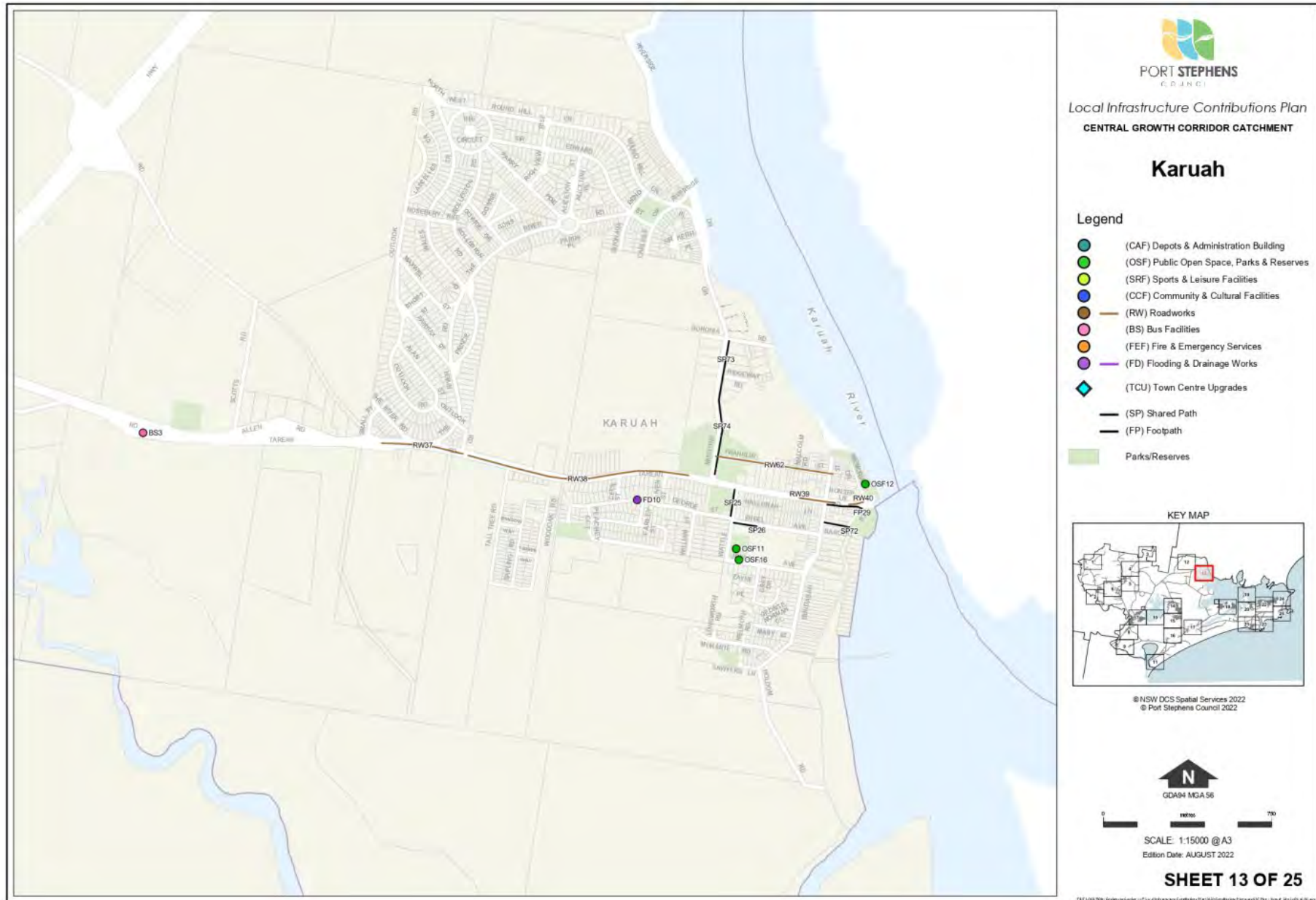
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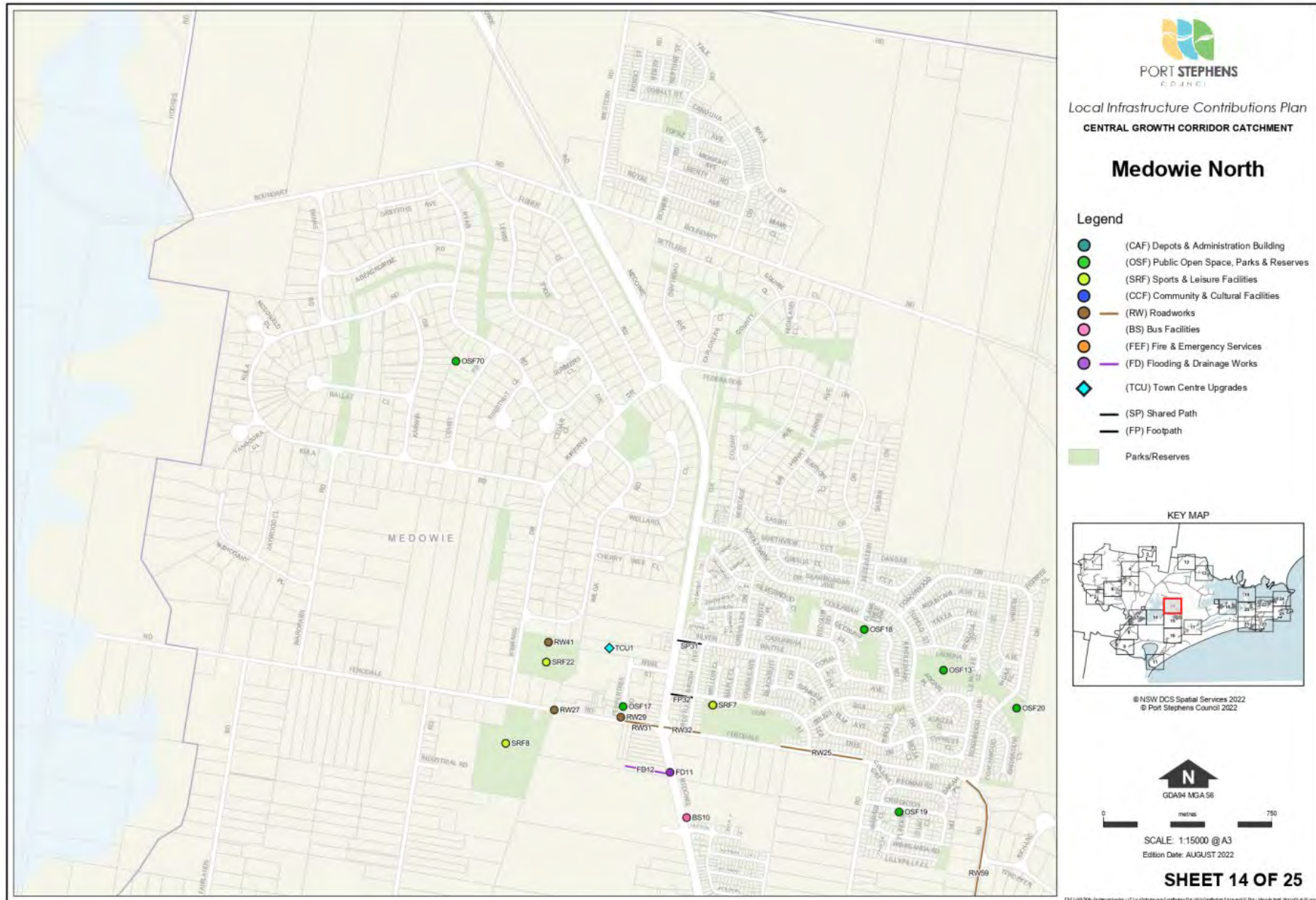


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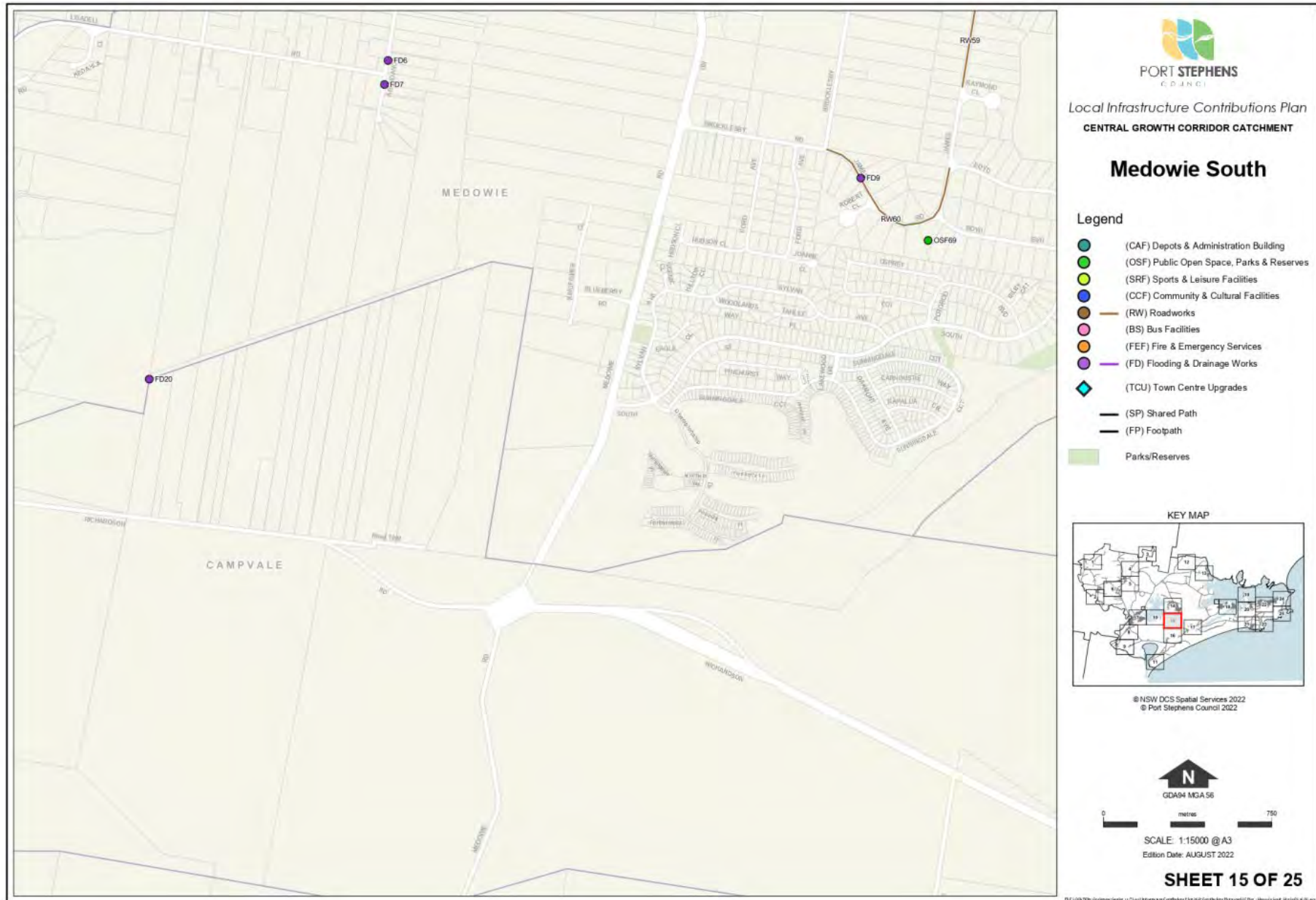
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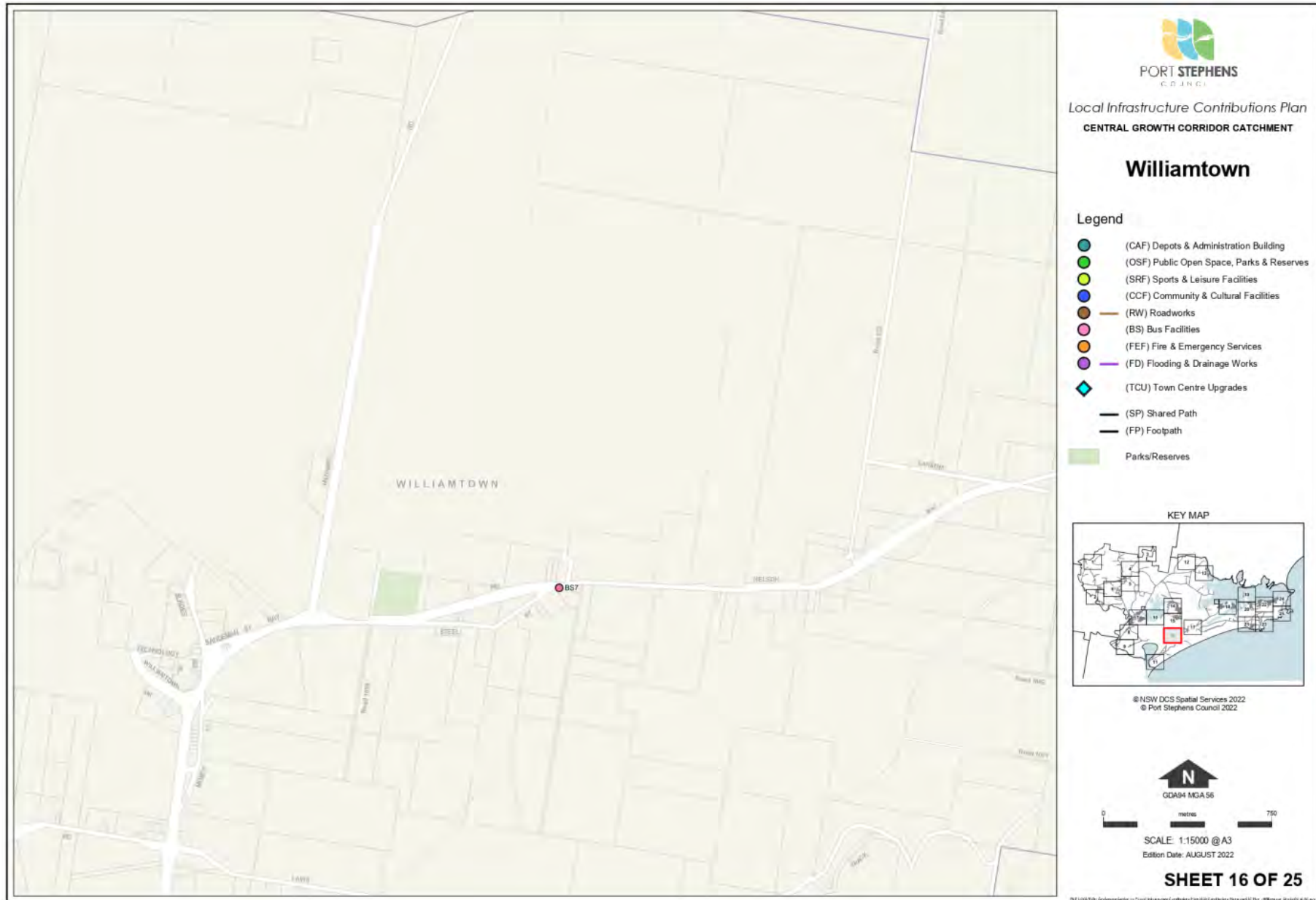




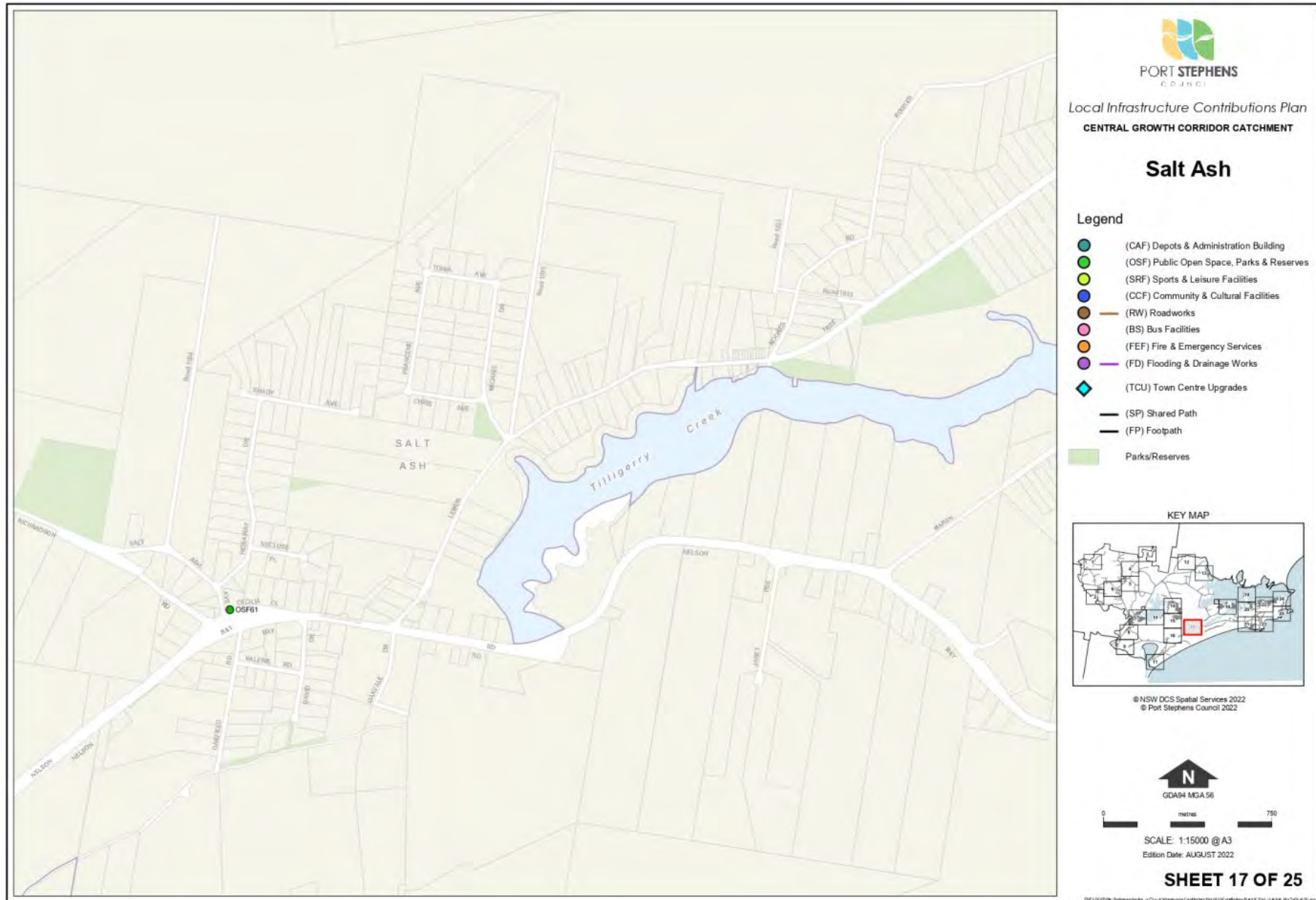
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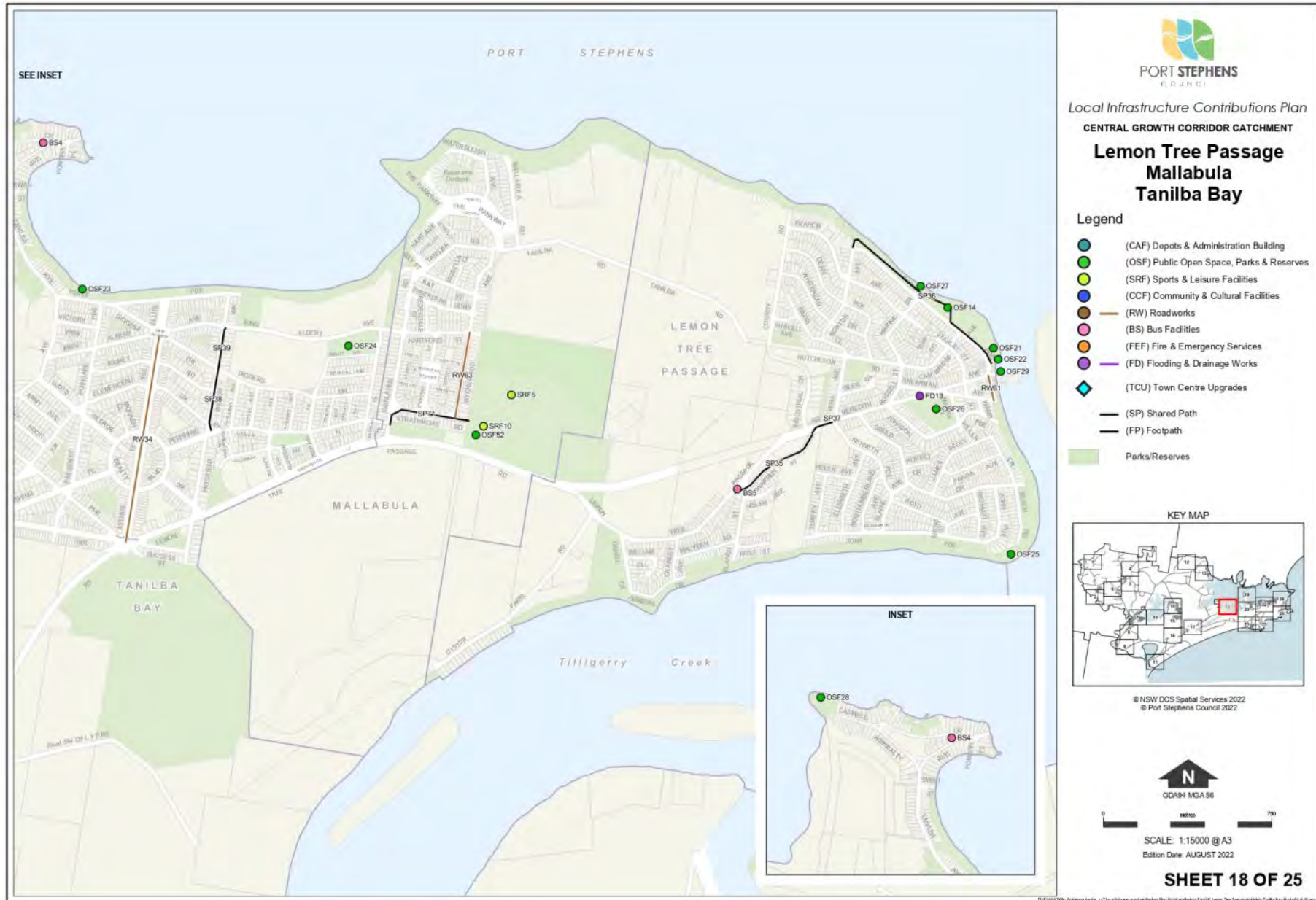
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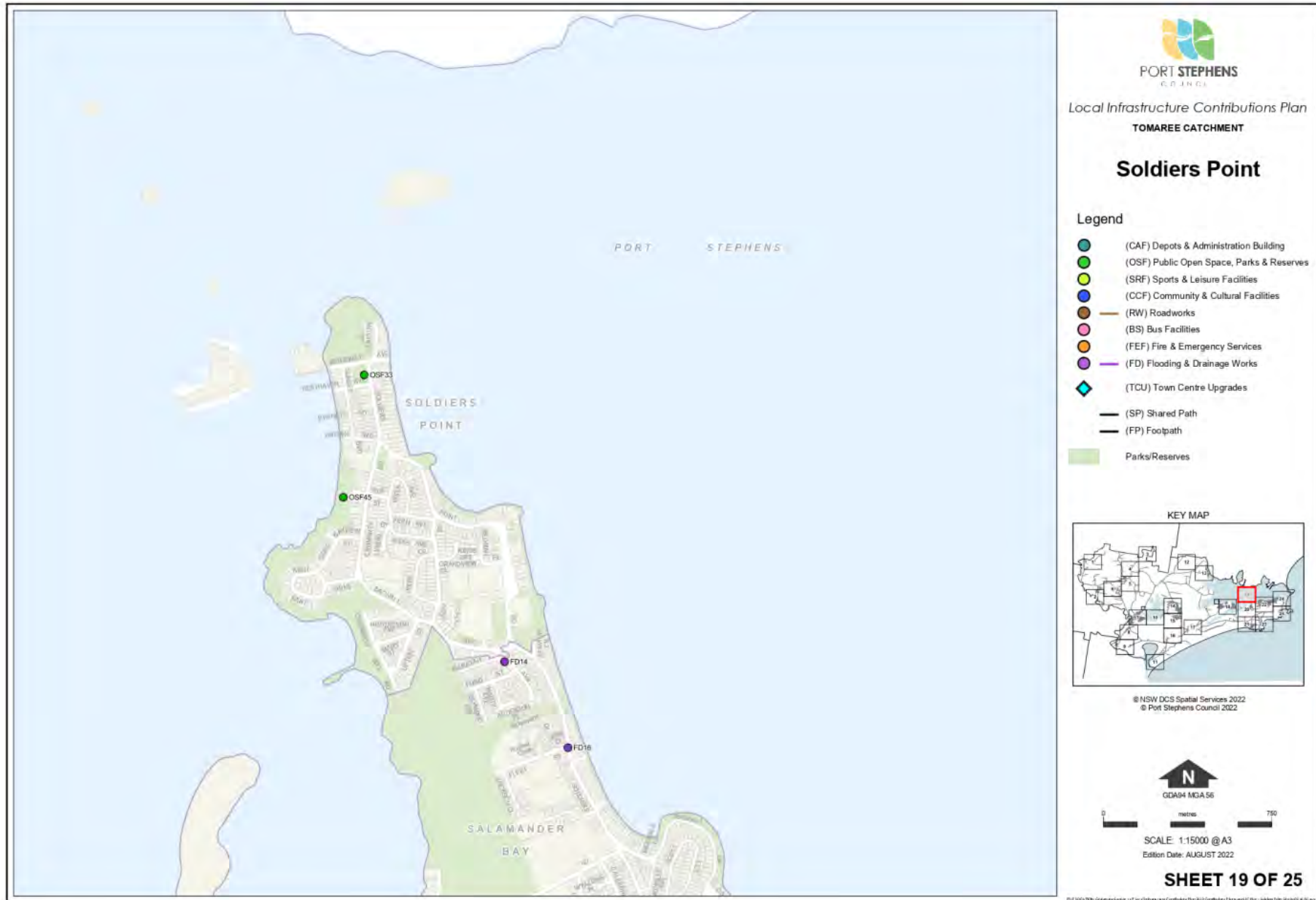
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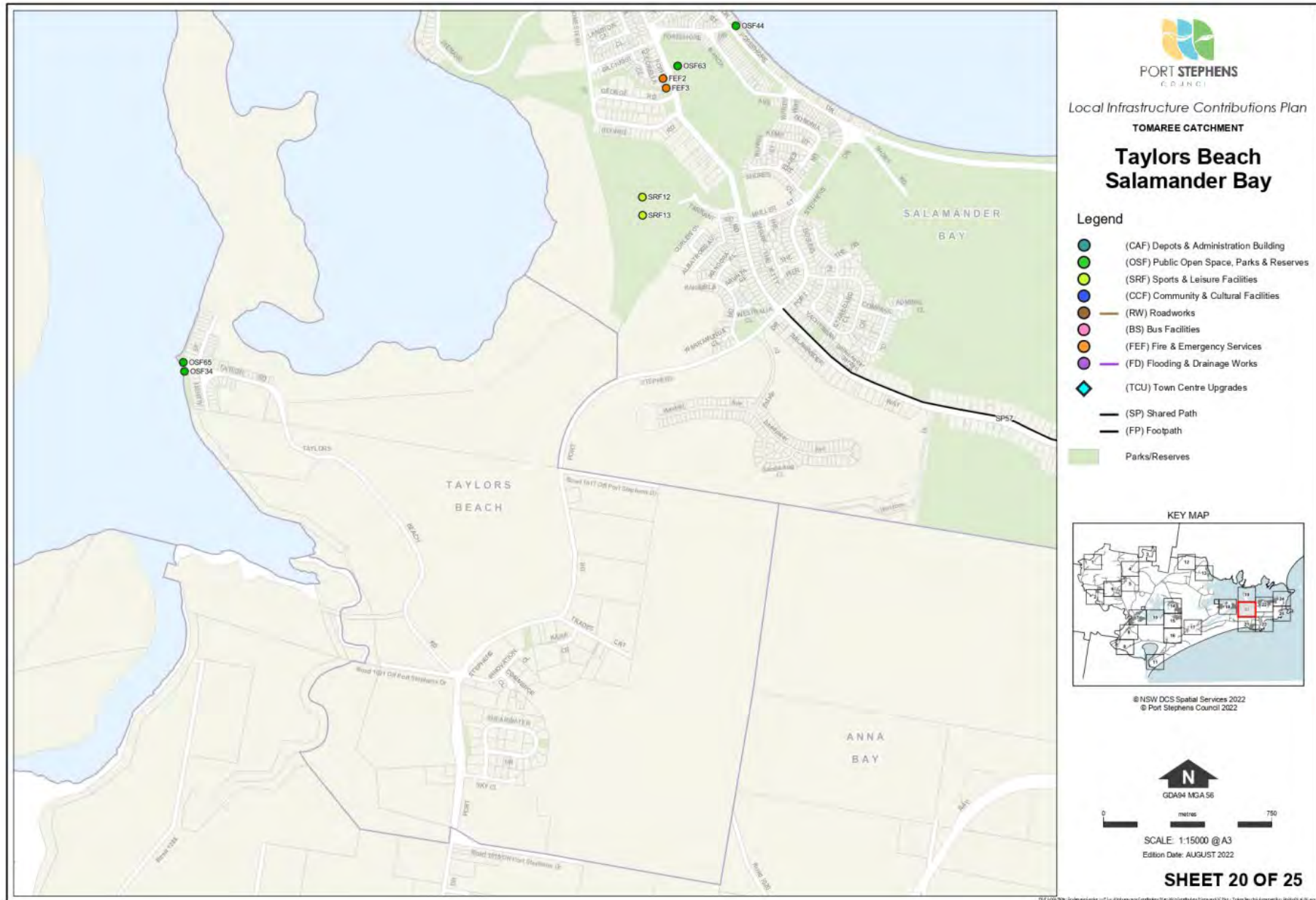
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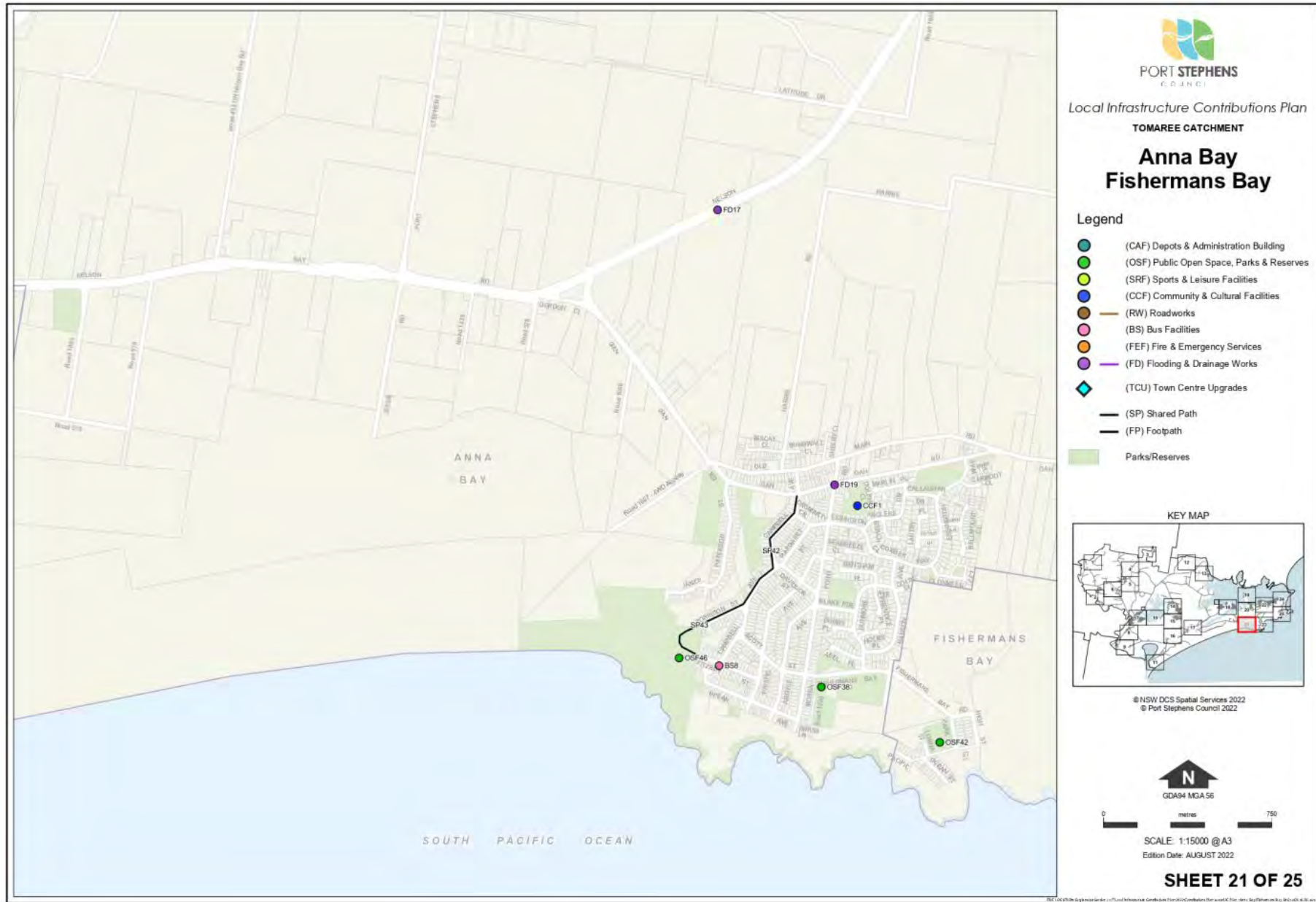
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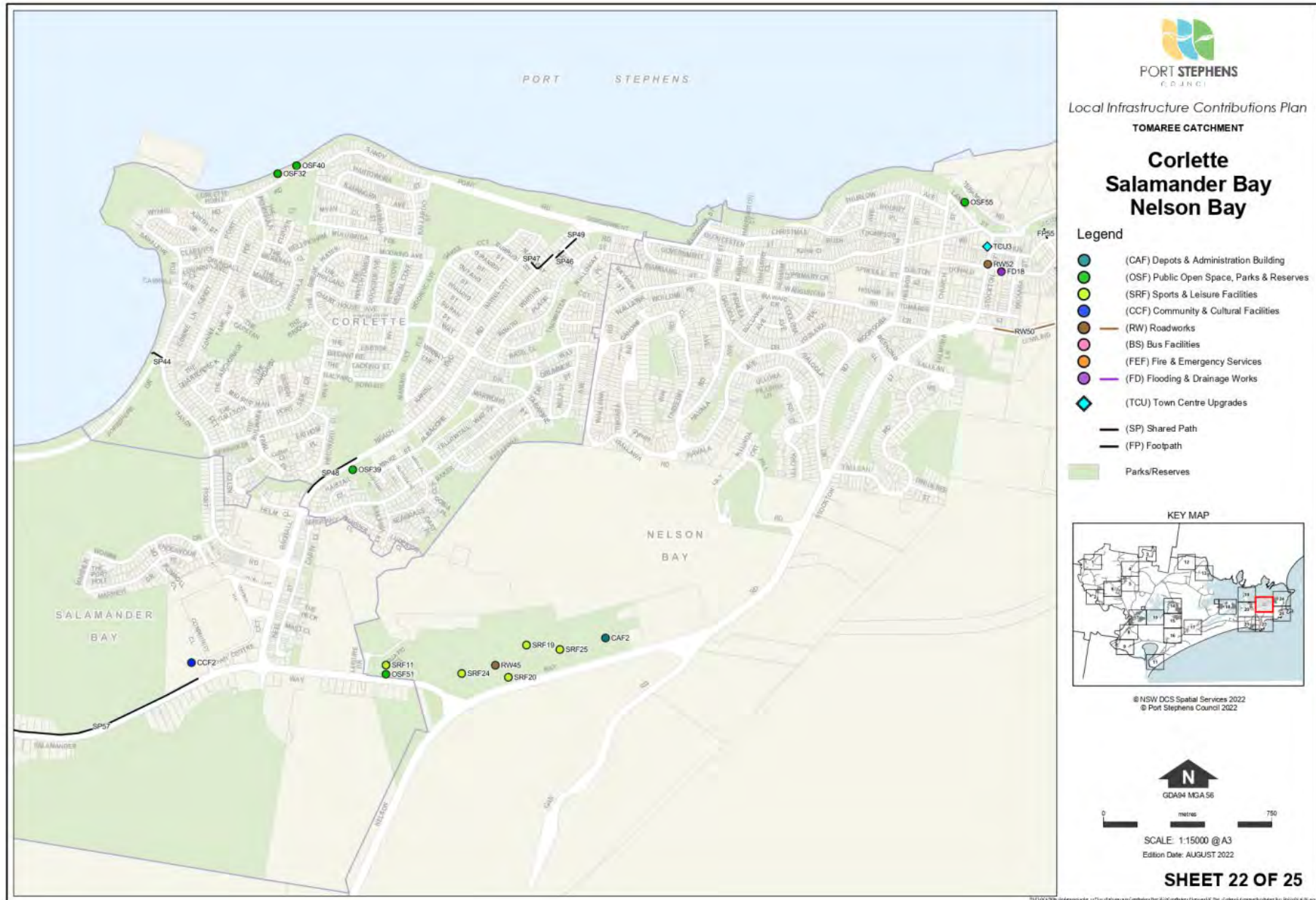
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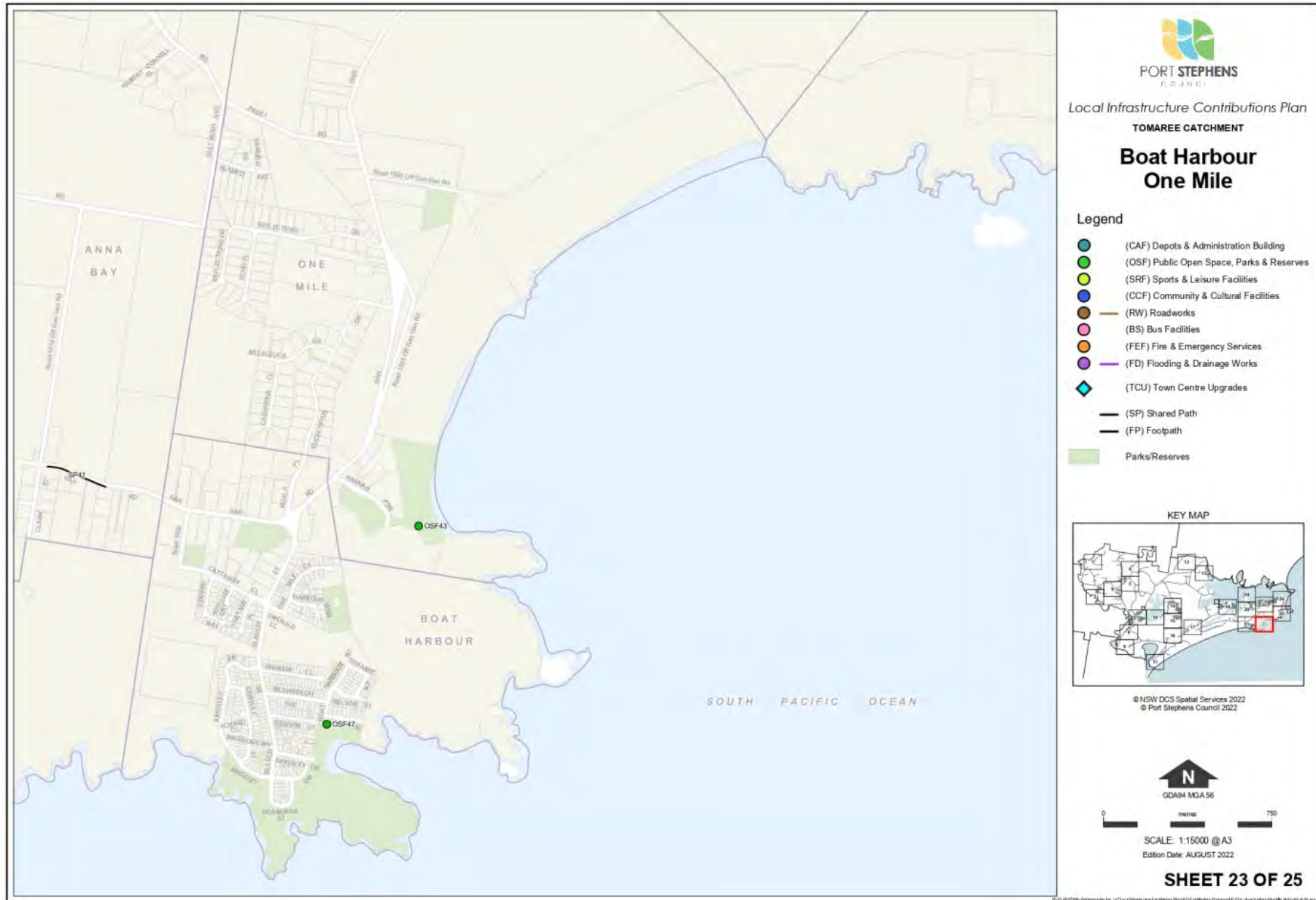


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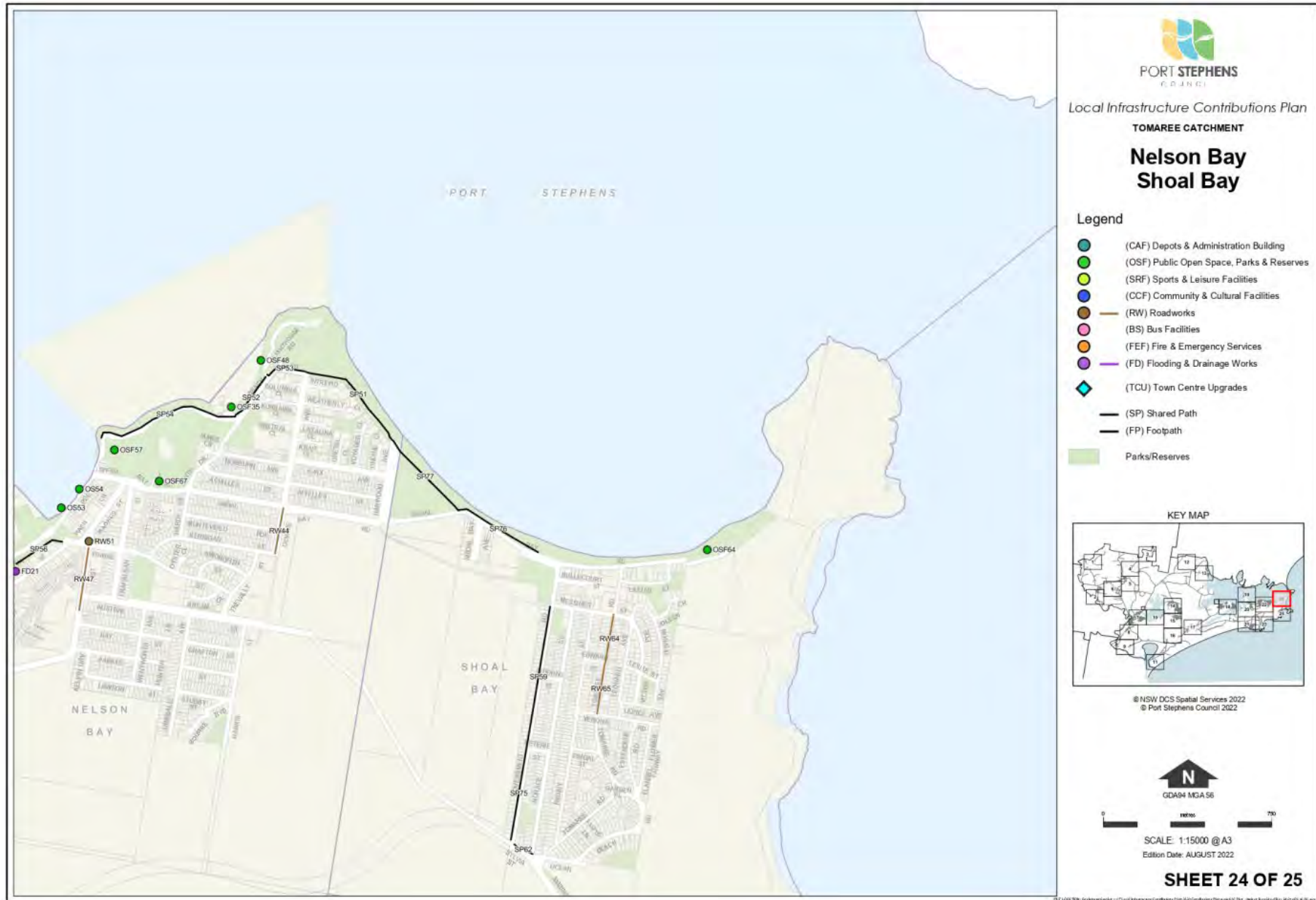




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ITEM 4 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.

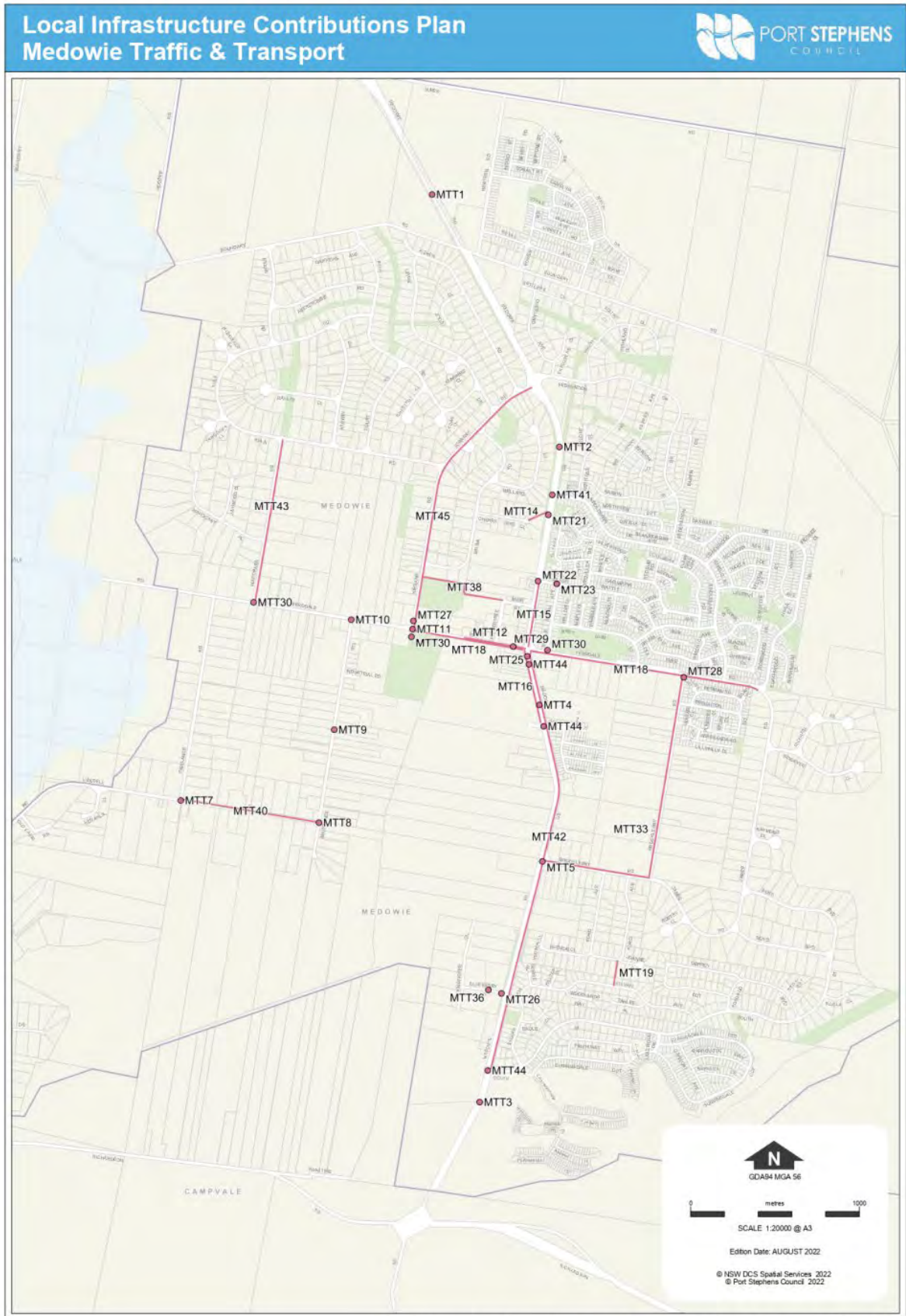


ITEM 4 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.



FILE LOCATION: G:\gismaps\Section 11.7 Local Infrastructure Contributions Plan\2022\Newcastle Council Cross Boundary Projects\LIC Plan - Newcastle Council Cross Boundary Projects (ASP).sxd

ITEM 4 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.



FILE LOCATION: G:\gismaps\Section 11-7 Local Infrastructure Contributions Plan\2022\Medowie Traffic & Transport\LIC Plan - Medowie Traffic & Transport (A3P).ind

ITEM 4 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.



FILE LOCATION: G:\gmapse\Section 11-7 Local Infrastructure Contributions Plan\2022\Kings Hill Urban Release Area\LIC Plan - Kings Hill Urban Release Area (A3P) .awd

**MINUTES ORDINARY COUNCIL - 13 SEPTEMBER 2022**

ITEM NO. 8

FILE NO: 22/151756  
EDRMS NO: PSC2022-01759**DRAFT LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2020 –  
AMENDMENT NO. 2**REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the draft Port Stephens Local Infrastructure Contributions Plan - Amendment No. 2 (**ATTACHMENT 1**) for exhibition.
- 2) Exhibit the draft Port Stephens Local Infrastructure Contributions Plan - Amendment No. 2 (the Amendment) for 28 days in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021.
- 3) If no submissions are received, approve the Amendment as exhibited, without a further report to Council.

**ORDINARY COUNCIL MEETING - 13 SEPTEMBER 2022  
MOTION**

<b>245</b>	<p><b>Councillor Leah Anderson</b> <b>Councillor Giacomo Arnott</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Endorse the draft Port Stephens Local Infrastructure Contributions Plan - Amendment No. 2 (<b>ATTACHMENT 1</b>) for exhibition.</li> <li>2) Exhibit the draft Port Stephens Local Infrastructure Contributions Plan - Amendment No. 2 (the Amendment) for 28 days in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021.</li> </ol>
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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.

**PORT STEPHENS COUNCIL****132**

**MINUTES ORDINARY COUNCIL - 13 SEPTEMBER 2022**

The motion was carried.

**BACKGROUND**

The purpose of this report is to seek endorsement to publicly exhibit the draft Port Stephens Local Infrastructure Contributions Plan (LIC plan) – Amendment No. 2 (the Amendment).

Council collects local infrastructure contributions to support growth from new developments by funding community infrastructure such as local roads, pathways, parks and sporting facilities. Local infrastructure contributions are levied in accordance with Part 7 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the endorsed LIC plan. The funds collected must be allocated to the projects identified within the LIC plan.

The LIC plan is amended on an annual basis to make administrative changes and to update projects identified to support growth and development. The amendment includes the removal of infrastructure items, the amendment of the amounts required to deliver infrastructure items and the introduction of additional infrastructure items.

The administrative amendments to the LIC plan relates to:

- Clarifications regarding secondary dwellings, moveable dwellings and cost of works
- Replacement of any reference to the recently repealed Environmental Planning and Assessment Regulations 2000 (EP&A Regulation) and its contents with the Environmental Planning and Assessment Regulations 2021 (EP&A Regulation) and its contents.

The removal of infrastructure items from the LIC plan relates to:

- Items that have been funded by the LIC plan and completed
- Items that have been funded by sources other than infrastructure contributions (i.e. grant funding), or
- Items that are not considered feasible within the life of the plan due to population growth and contributions income within the catchment.

The amendment of the amounts dedicated to infrastructure items from the LIC plan relates to:

- Increasing market values for the delivery of infrastructure, or
- Increased scope of the infrastructure projects to be delivered

The introduction of new infrastructure items into the LIC plan relates to:

- The addition of infrastructure projects that have been identified as being required to support growth and development



**MINUTES ORDINARY COUNCIL - 13 SEPTEMBER 2022**

The Amendment results in changes to the contribution rates for all of the catchments in the Local Government Area as shown in the table below.

<b>Contributions catchments</b>	<b>Current contribution rate</b>	<b>Proposed contribution rate</b>	<b>Difference</b>
Raymond Terrace and the West	\$18,938	\$19,833	\$895
Central Growth Corridor	\$19,550	\$19,729	\$179
Tomaree	\$19,623	\$19,854	\$231
Fern Bay	\$17,735	\$19,833	\$2,098
Kings Hill URA	\$24,416	\$24,726	\$310

The rate for the Fern Bay catchment would be increased under the Amendment as the LIC plan includes new infrastructure items to support future growth. This achieves alignment with Actions 13 and 14 of the adopted Fern Bay and North Stockton Strategy.

Proposed changes to the LIC plan are outlined in more detail in the Amendment (**ATTACHMENT 1**).

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2022</b>
Thriving and Safe Place to Live	Provide land use plans, tools and advice that sustainably support the community.

**FINANCIAL/RESOURCE IMPLICATIONS**

The Amendment aims to secure contributions from development towards local infrastructure. Should the Amendment be adopted, it would enable funding and construction of essential public infrastructure to satisfy the demands of the future population.

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

**MINUTES ORDINARY COUNCIL - 13 SEPTEMBER 2022**

**LEGAL, POLICY AND RISK IMPLICATIONS**

<b>Risk</b>	<b>Risk Ranking</b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the Amendment includes infrastructure not considered essential to support new development.	Low	The LIC plan is informed by independent studies and Council's adopted Strategic Asset Management Plan. The plan identifies the infrastructure needs of projected population increases. Endorse the Amendment for public exhibition.	Yes
There is a risk that local infrastructure contributions will impact development feasibility.	Low	Contributions rates have been calculated in accordance with the relevant Ministerial Direction which sets a maximum cap of \$20,000 for residential contribution rates. Rates have been calculated to fund the infrastructure prioritised as necessary to provide the facilities and services of the projected population. Rates have also been benchmarked to ensure development charges are reasonable.	Yes
There is a risk the Amendment includes infrastructure items that have been incorrectly costed and Council will need to fund a shortfall in the future.	Low	The LIC plan is informed by independent studies and Council's adopted Strategic Asset Management Plan. The plan identifies the infrastructure costs based on current market conditions. The annual review of the LIC plan allows for cost escalation. Endorse the Amendment for public exhibition.	Yes

**MINUTES ORDINARY COUNCIL - 13 SEPTEMBER 2022**Environmental Planning and Assessment Act 1979 (EP&A Act)

Part 7 of the EP&A Act authorises Council to collect local infrastructure contributions from new development. Conditions imposed on new development would be in accordance with an approved local infrastructure contributions plan.

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

Part 9 of the EP&A Regulation relates to development contributions. The Amendment will amend the current contribution plan, pursuant to clause 215 (1).

Clause 212 sets out the particulars a local infrastructure contributions plan must contain. The Amendment is consistent with this clause.

Clause 213 sets out the exhibition requirements for amendments and draft contributions plans. The public exhibition of the Amendment will be carried out in accordance with the EP&A Regulation, as detailed below.

Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012 (the Direction)

The Direction sets maximum contribution rates for new development and development in URAs, unless a contributions plan is reviewed by the Independent Pricing and Regulations Tribunal. In Port Stephens, the maximum rate per residential lot is \$20,000, and in the Kings Hill URA the maximum rate per residential lot is \$30,000. As the proposed rates are below these figures, the Amendment satisfies the Direction.

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The Amendment ensures an adequate standard of services and facilities can be provided in the LGA and that the existing community will not be funding the infrastructure needs that result from new development. This has been balanced against the need to ensure unreasonable costs are not imposed upon new residential development, thereby reducing financial viability.

**CONSULTATION**

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

Internal

The Amendment has been prepared in consultation with the Development Contributions Analysis Team, Financial Services Section, Assets Section and Development Assessment and Compliance Section.

**MINUTES ORDINARY COUNCIL - 13 SEPTEMBER 2022**

The projects in the Amendment have been aligned with Council's Strategic Asset Management Plan, Capital Works Program, Plans of Management and adopted land use strategies.

**External**

The Amendment will be publicly exhibited in accordance with the EP&A Regulations for a period of 28 days, including being made available on Council's website. Submissions made during the exhibition period will be considered in a report to Council with details of any post-exhibition changes.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Draft Amended Local Infrastructure Contributions Plan - Amendment 2. (Provided under separate cover)

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 13**

**FILE NO: 22/286927  
EDRMS NO: PSC2015-03017**

**PETITION - PATHWAY ON BRANDY HILL DRIVE, BRANDY HILL**

REPORT OF: JOHN MARETICH - ASSET SECTION MANAGER  
GROUP: FACILITIES & SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receive and note the petition with 502 signatures regarding the proposed pathway at Brandy Hill Drive, Brandy Hill.
- 2) Continue planning to construct the shared path, as designed, utilising both sides of Brandy Hill Drive, Brandy Hill.

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**ORDINARY COUNCIL MEETING - 13 DECEMBER 2022  
MOTION**

<b>328</b>	<p><b>Councillor Giacomo Arnott Mayor Ryan Palmer</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Receive and note the petition with 502 signatures regarding the proposed pathway at Brandy Hill Drive, Brandy Hill.</li><li>2) Continue planning to construct the shared path.</li></ol>
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Cr Arnott foreshadowed the following matter arising:

“That Council write to Hanson Construction Materials Pty Ltd Brandy Hill Quarry noting that Council's position on the Voluntary Planning Agreement has changed, and will now require up to \$5million for the construction of a shared pathway along the northern side of Brandy Hill Drive, requesting that they agree to the proposed amount, as a show of faith and goodwill to the community who will have to live with their ongoing operations for decades to come.”

Councillor Peter Kafer returned to the meeting at 8:05pm.  
Councillor Jason Wells left the meeting at 8:06pm.  
Councillor Jason Wells returned to the meeting at 8:08pm.

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

## MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022

Those against the Motion: Nil.

The motion was carried.

### ORDINARY COUNCIL MEETING - 13 DECEMBER 2022 MATTER ARISING

<b>329</b>	<b>Councillor Giacomo Arnott Mayor Ryan Palmer</b>  It was resolved that Council write to Hanson Construction Materials Pty Ltd Brandy Hill Quarry noting that Council's position on the Voluntary Planning Agreement has changed, and will now require up to \$5 million for the construction of a shared pathway along the northern side of Brandy Hill Drive, requesting that they agree to the proposed amount, as a show of faith and goodwill to the community who will have to live with their ongoing operations for decades to come.
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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, 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 a petition received with 502 signatures regarding the proposed footpath construction along Brandy Hill Drive, Brandy Hill and provide options to try and resolve the issues identified.

Brandy Hill Drive is a rural collector road linking Clarence Town Road to Seaham Road originally developed by the Brandy Hill quarry to shorten haulage lengths through surrounding areas and avoid haulage trucks traversing through Seaham.

The Independent Planning Commission (IPC) determined the Expansion of the Brandy Hill Quarry (SD5899) a state significant development in July 2020. This included a requirement for the Developer and Council to enter into a planning agreement for Council to design and construct a shared pathway along Brandy Hill Drive including six bus bays before the expansion commences.

An initial walkthrough with Council staff was undertaken and a high level concept was developed for conversation with the quarry and the State Government. This concept

described the shared path to be constructed on the south/western side of Brandy Hill Drive, noting a number of separate construction profiles due to changes in terrain and difficulty.

The path's purpose is to increase community safety by separating pedestrians from the heavy haulage truck traffic that will increase once the expansion occurs.

The proposed pathway will be constructed on the eastern and western side of Brandy Hill Road. The design location of the pathway was chosen on meeting sight distance requirements and minimising power pole relocations, property acquisitions, steep table drains/batter slopes, rock excavation, narrow road reserve and utility relocations.

Choosing to place the pathway on one side of the road will result in required power pole relocations, private property land acquisition to shift the road reserve and table drains onto private property, some retaining wall construction, rock excavation and utility relocation. Undertaking all of these activities to keep the pathway on one side of the road will add years to the project which will not meet the local community expectations, will increase project estimate in excess of \$750,000 at Council's cost and result in Council owning an asset that will cost more into the future with asset maintenance liability compared to the crossing option.

It should also be noted that Council will be contributing to the pathway above the IPC Condition of Consent value of works. It is in Council's financial interest to minimise the cost of this project.

Road crossing points were chosen to ensure they meet required specifications in regards to sight distance and all required signage will be installed to help motorists locate and react accordingly (if required) to potential path users utilising the crossing points. Installing fixed crossing points rather than relying on ad-hoc crossing of Brandy Hill will aid residents of Tandara Road and Gwandalan Close, Werai Close and Neika Close to safely cross Brandy Hill Drive.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Infrastructure and Facilities	Build Council's civil and community infrastructure to support the community.

## **FINANCIAL/RESOURCE IMPLICATIONS**

Timing of the paths construction is critical for the quarry to meet contractual obligations. Outlined in the development consent the quarry owner must not transport more than a certain amount of quarry products from the site in any calendar year until the bus bays and shared pathway along Brandy Hill Drive are constructed.

## MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022

Council's Capital Works Section have a timeslot allocated in their program of works to construct this path commencing soon after a planning agreement is signed by both parties.

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

### LEGAL, POLICY AND RISK IMPLICATIONS

Council will be entering a planning agreement with the Developer as required in the Independent Planning Commission of NSW's Development Consent for Hanson Construction Materials Pty Ltd Brandy Hill Quarry Expansion Project.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that the desire for the path to be only on one side of Brandy Hill Dr adds time and expense above what the developer is willing to cover.	Medium	Council have investigated the proposals, performed high level cost estimates and time programming to ensure the path constructed presents the best value for money.	Yes
There is a risk that Council will be required to fund the gap between developer contribution and construction estimate.	High	Continue negotiations with the developer as to funding strategies.	Yes
There is a risk that constructing the path to utilise both sides of the road forces path users to cross the road putting the path user at risk.	Medium	Ensure crossing points meet all required design specifications. Locate crossing points in positions to help both road users and path users be aware of each other's presence to ensure a safe passage for path users.	Yes



## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Constructing a shared path for the length of Brandy Hill Drive will enable users an off-road alternate to traverse through the area for leisure or commute. Residents have requested a path for some time now stating that they are required to walk along the shoulder of the road pavement as no formed path area exists due to the rural location. It is a school bus route with a number of informal stops on both sides of the road which are used daily. Installing a path will enable school aged bus users a safe option to traverse between properties and bus stops.

Council is in negotiation with the developer in regards to the cost of the path and mechanisms to pay for its construction to ensure the quarry can meet development consent conditions and the community receives the pathway they have requested.

Environmental impacts are low, with minimal vegetation disturbance required. There is no significant environmental locations within close proximity of the project. Council will be undertaking environmental assessments through its usual processes for the construction of the path and bus bays.

## **CONSULTATION**

Ongoing discussions and consultation with key stakeholders is still being undertaken by the Capital Works Section.

### Internal

Ongoing discussion between the relevant sections in the Development Services Group, Facilities and Services Group, and Corporate Services Group have occurred due to the complexity of the project.

### External

Public consultation took place 23 November 2021 with over 200 directly affected and nearby residents informed prior to the meeting. Due to COVID restrictions this took place in an online video conference with 15 attendees. Council staff discussed what has been proposed and why. Concerns were raised in regards to the posted speed limit, the reasoning behind the path changing sides and bus stop locations. Council has yet to respond to the local community in regards to the final design and when the path is due to commence construction as we are still in negotiations with Brandy Hill Quarry to agree to terms of the paths construction and path costs.

Council is in negotiation with Hanson Construction Materials Pty Ltd in regards to the Development Consent and the Planning Agreement.

## **OPTIONS**

- 1) Accept the recommendations.

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

**ATTACHMENTS**

- 1) Petition.

**COUNCILLORS ROOM**

- 1) Petition.

**TABLED DOCUMENTS**

Nil.

ITEM 13 - ATTACHMENT 1 PETITION.

Council is CONSTRUCTION A FOOTPATH ON BRANDY HILL DR.  
with 2-3 Z ON THE ROAD.

- 1) WILL BE DANGEROUS HAZARDOUS TO IMPLICATE
- 2) A SAFETY ISSUE FOR SCHOOL CHILDREN CATCHING BUSES
- 3) SENIORS WALKING DOGS ANY TIME OF DAY OR EVENING.  
WILL BE STRESSFULL CROSSING AT ANY TIME.
- 4) IT WOULD HAVE TO SHOW TRAFFIC MOVEMENT IMMENSELY.

THIS PETITION IS TO HAVE A FOOTPATH ONLY ON  
ONE SIDE.

**ITEM NO. 9**

**FILE NO: 22/304444  
EDRMS NO: PSC2021-04195**

**DEVELOPMENT APPLICATION AWARENESS CAMPAIGN**

REPORT OF: JANELLE GARDNER - COMMUNICATIONS SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the Development Application (DA) awareness campaign communication plan (**ATTACHMENT 1**) and commence the trial period.
- 2) Approves to create a criteria for advertising development applications lodged with Council weekly in the Port Stephens Examiner and locate the operational budget allocation to support this.

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**ORDINARY COUNCIL MEETING - 13 DECEMBER 2022  
MOTION**

<b>330</b>	<p><b>Councillor Giacomo Arnott Councillor Peter Francis</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the Development Application (DA) awareness campaign communication Plan and commence the trial period.</li><li>2) Approve the weekly advertising of all DAs lodged with Council in the Port Stephens Examiner.</li><li>3) Fund the additional costs for the trial period through increased revenues across the Development Services Group.</li><li>4) Communicate with the Port Stephens News of the Area, to secure quotes for an extension of advertisement of DA's into News of the Area, to be reported back to Council's next meeting for decision on whether to extend DA advertisement into News of the Area.</li></ol>
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Those for the Motion: Crs Leah Anderson, Giacomo Arnott, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells

Those against the Motion: Mayor Ryan Palmer.

The motion was carried.

## **BACKGROUND**

The purpose of this report is to provide information on Newspaper Notices. This report follows a Notice of Motion raised by Council at its 22 February 2022 meeting **(ATTACHMENT 1)**

Port Stephens Council is home to 74,506 people with a median age of 45 years. As part of Councils commitment to engaging and informing the local community, Council publishes Public Notices in print and/or online depending on the type of notice and the legislative requirements surrounding the communication of this notice.

In April 2020, changes to legislation in NSW no longer required Council to publish all Public Notices in print. This change was to help Councils across NSW reduce costs and redirect funds to areas of greater need. At this time, Council reduced its print advertising saving approximately \$63,000 in the first year.

The Port Stephens Examiner is part of the Australian Community Media Group and published every Thursday. The paper has an average readership of 31,320. The other local print publication, the Port Stephens News of the Area has a circulation of 10,000.

The Port Stephens Examiner continues to increase its online presence and as at 11 November 2022, has a digital readership of 25,319 per month. News of the area has approximately 8,000 followers on Facebook.

Although Port Stephens has a higher population of older residents, we also know that 79.6% of the Port Stephens population have internet access available from their dwelling (Remplan 2022). Based on this data and an analysis of the costs

surrounding print distribution and readership the following operational changes were implemented in April 2020:

- Reduce the size of print advertising
- Remove the weekly advertising of Development Applications
- Email or mail distribution of Public Notices to community members who can only access information in specific formats
- Distribute hard copies of all public notices to all Council libraries for public display each week

Since this time, Council has continued to advertise a range of public notices and general information to the community.

Council has received ongoing community feedback regarding the cancellation of newspaper advertising for DAs. It has been identified that there is a perception within the community that removing the newspaper advertising was an attempt to hide/withhold information. This feedback has been sourced directly from the community via the recent Place and Vision Workshops during the Community

Strategic Plan review and during the public exhibition of the Communication and Engagement Strategy. Councillors have also advised staff that there is regular feedback regarding the cancellation of the advertising of DAs in the local newspaper.

As part of the newly developed Communications and Engagement Strategy 2022, Council will continue to test and trial methods to increase opportunities for residents and business to contribute to broader decision making.

A new DA Awareness Campaign has been developed which aims to increase the community's understanding of the development application process, DAs lodged with Council and how the community can register to be informed of and access information on DAs from both Council and the State Government.

It must be noted that this campaign does not form part of the formal notification period for a Development Application as outlined in the Councils Community Participation Plan. It's a complementary program aimed at increasing transparency and opportunity for the community to contribute to broader decision making.

The DA Awareness Campaign will deliver a number of actions including:

- A DA Email subscription service where every week, a list of all DAs lodged in the previous week will be email directly to subscribers
- A communication campaign to inform the community of the new Email subscription service and existing services including weekly mailed DA newsletter
- Weekly communication advising of development applications lodged by Council the previous week in the following mediums:
  - Print advertising in the Port Stephens Examiner
  - Social media posts (organic and paid) linking to the website and DA tracker
  - Direct email through E-subscription
- Communication aimed at educating the community about the DA process, how to make a DA submission and the functionality of the NSW Planning Portal

A detailed Communication Plan has been developed and included as **(ATTACHMENT 1)**.

It is proposed to trial this campaign from the 9 January 2023 to 30 June 2023 with an evaluation report provided to Council for consideration before committing to the ongoing implementation of the campaign.

The trial will evaluate community benefit and value for money with success measures to include:

- Minimal negative community feedback on awareness campaign
- High reach across communications methods
- 1,500 subscribers to DA E-subscription service during trial period (2% of the population)

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2022-2026</b>
Communication and Engagement	Provide information in a range of accessible formats.

**FINANCIAL/RESOURCE IMPLICATIONS**

Council has been successful in securing funding through the NSW Government Local Assessment Grant Program which is designed to reduce the median assessment timeframe for housing DAs and subdivision DAs. Part of this funding includes the development of the new E-subscription service.

More recently, Council has reviewed opportunities to increase advertising in local print publications, with costs for print advertising remaining high. Based on current advertising rates to reinstate a weekly print advertising in the Port Stephens Examiner for the trial period for all development applications lodged with Council is \$40,028. This cost covers the weekly half page advertisement during the trial period.

Possible savings could be made with print advertising if a criteria was developed enabling development applications lodged over a certain threshold only to be advertised. For example this criteria may include development applications for works over \$500,000 only. This would reduce the number of development applications to be listed in the advertisement and allow a smaller, quarter page advertisement resulting in a saving of approximately \$14,125.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes	\$15,500	Funding for a ¼ page weekly newspaper advertisement would be sourced from existing operational budgets. Please note other projects will need to be reduced to accommodate this spend.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	Yes	\$10,000	
Other	No		

**MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022**

Should Council resolve to increase funding to incorporate a weekly ½ page newspaper advertisement for \$29,625, an alternative funding source will need to be identified.

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no legal or policy impediments to adopting the recommendations. Risks are identified in the table below.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Community and staff perception on reversing previous decision to remove newspaper advertisement notification of development applications.	Medium	Clear messaging relating to recently adopted Communications and Engagement Strategy Clear messaging in campaign about community feedback received. - Clear messaging in campaign about the new approach complementing the formal notification process, not replacing it.	Yes
There is a risk that Community and staff perception of increased budget for awareness campaign in current financial environment.	Medium	Clear messaging in campaign about community feedback received. Clear messaging in campaign about the trial being externally funded.	No
There is a risk that new E-subscription service isn't accessible for community members not comfortable with or without technology or internet.	Low	Inclusion of the weekly advertisement in campaign methods informing community of development application lodged the previous week.	No
There is a risk that the Community is not satisfied that weekly newspaper advertisement doesn't form part of the notification process.	Low	Clear messaging in campaign about the new approach complementing the formal notification process, not replacing it.	Yes



There is a risk that the Community education campaign is complex and technical.	Low	Simple messaging with use of video and images where possible.	Yes
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**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Adopting the recommendations in this report will increase opportunities for Port Stephens residents and business to contribute to broader decision making.

Economic implications have been outlined in the Financial Implications table above.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Communications section as outlined below.

Please note indirect consultation also occurred via the recent Communications and Engagement Strategy engagement program.

Internal

Development and Compliance Team  
Communications and Engagement Team

External

Port Stephens Examiner  
News of the Area

**OPTIONS**

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

**ATTACHMENTS**

- 1) DA Awareness Campaign Communication Plan Final.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

# Communications Plan

## DA awareness campaign



Improving community awareness of development applications lodged with Council.



## ITEM 9 - ATTACHMENT 1 DA AWARENESS CAMPAIGN COMMUNICATION PLAN FINAL.

## Introduction

In April 2020, changes to legislation in NSW no longer required Council to publish all Public Notices in print. This change was implemented to help Councils across NSW reduce costs, and redirect funds to higher priority services. At this time, Council reduced its print advertising, saving approximately \$63,000 in the first year. Council currently publishes Public Notices in print and/or online depending on the type of notice and the legislative requirements surrounding the communication of such notices as outlined in Councils Community Participation Plan.

Over the past two years, both Councillors and staff have received community feedback requesting that print advertising of development applications (DAs) be reinstated. Feedback has also referred to community members being unaware of DAs lodged with Council and open for submission.

As part of the newly developed Communications and Engagement Strategy 2022, Council continues to test and trial methods to increase opportunities for Port Stephens residents and business to contribute to broader decision making.

The DA awareness campaign is a new communications program aimed to increase the community's understanding of the development application process, DAs lodged with Council and how the community can register to be informed of and access information on DAs from both Council and the State Government.

The DA awareness program will initiate as a trial from 9 January 2023 to 30 June 2023. On completion of the trial the program will be evaluated and reported back to Council to determine whether the program remains a permanent part of Council's services.

## Objectives



Create awareness and increase subscribers to the [new DA E-Subscription service](#)



Raise [awareness of development applications](#) lodged at Council through various channels



Educate the [community](#) on the development application process and the NSW Planning Portal

# Scope

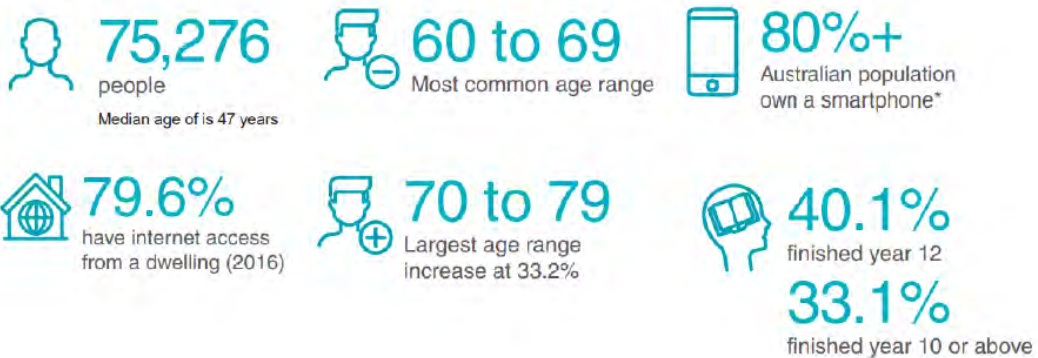
The DA awareness campaign includes:

- Development of a new E-subscription service
- Communication campaign for a new E-subscription service
- Weekly communication campaign through various channels
- Community education on DA process and NSW Planning Portal

This campaign raises awareness of development applications lodged by Council the previous week. This campaign does not form part of the formal notification periods as outlined in the Councils Community Participation Plan.

# Audience profile

The DA awareness campaign have been developed considering a wide audience.



**ITEM 9 - ATTACHMENT 1      DA AWARENESS CAMPAIGN COMMUNICATION PLAN FINAL.**

# Communication methods

Communication methods consider the two elements of the DA awareness campaign:

1. Awareness raising of the new E-Subscription service
2. Awareness raising of development applications lodged at Council
3. Community education on DA process and NSW Planning Portal

Communication methods	
<b>DA E-subscription service</b>	
<ul style="list-style-type: none"> <li>• Media release</li> <li>• Social media (organic)</li> <li>• Paid social media</li> <li>• Newspaper advertisements – existing notices</li> <li>• Your Port Rates notices</li> <li>• Council website page</li> </ul>	<ul style="list-style-type: none"> <li>• On hold messaging</li> <li>• Administration building TV notification</li> <li>• Poster at Council venues</li> <li>• Your Port E-Newsletter</li> <li>• Biz Link E-Newsletter</li> </ul>
<b>DA weekly awareness</b>	
<ul style="list-style-type: none"> <li>• Weekly social media (organise and paid)</li> <li>• Weekly newspaper advertisements (½ to full page)</li> <li>• Weekly E-subscription service</li> </ul>	
<b>Community education</b>	
<ul style="list-style-type: none"> <li>• Video series of DA process and NSW Planning Portal</li> <li>• Social media (organic)</li> <li>• Your Port E-newsletter</li> </ul>	



# Key messaging

## General

- Our newly developed Communications and Engagement Strategy aims to increase opportunities for Port Stephens residents and business to have input into our decision making.
- Our community have informed us they would like information about development applications reinstated in the newspaper for residents without internet access.
- To complement our current development application notification requirements under NSW legislation and our Community Participation Plan, we are trialing a new approach to make sure our community is aware of what development applications have been lodged with us.
- Our new approach will be trialed from 9 January to 30 June 2022 to make sure it is meeting both Council and community needs before we make this a permanent approach for the future.
- The DA awareness campaign is a new communications program aimed to increase the community's understanding of the development application process, DAs lodged with Council and how the community can register to be informed of and access information on DAs from both Council and the State Government.
- The DA awareness campaign trial is externally funded through the NSW Governments Faster Local Assessment Grant Program.

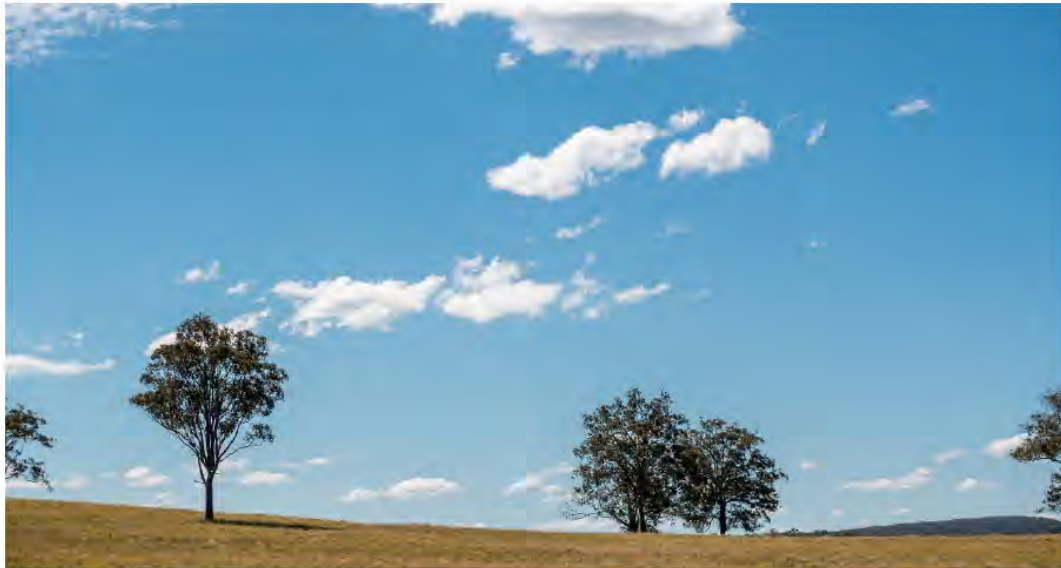
## DA E-Subscription service

- We have a new service in place to help keep you informed of development applications lodged with Council.
- Sign up to our E-subscription service to receive a weekly email informing you of the development applications lodged with Council the previous week.
- The E-Subscription service will list the development application lodged the previous week and give you direct links to application information and where you can provide feedback.
- Register for the new E-subscription service by visiting [portstephes.nsw.gov.au](http://portstephes.nsw.gov.au) or calling our us on 4988 0255

## DA weekly awareness

- We want to make sure you are aware of the development applications lodged last week.
- For more information visit Councils DA Tracker at [datracker.portstephes.nsw.gov.au](http://datracker.portstephes.nsw.gov.au) or contact 49880255.

ITEM 9 - ATTACHMENT 1 DA AWARENESS CAMPAIGN COMMUNICATION PLAN FINAL.



## Key risks

Risk	Mitigation strategy
Community and staff perception on reversing previous decision to remove newspaper advertisement notification of development applications.	<ul style="list-style-type: none"> <li>• Clear messaging relating to recently adopted Communications and Engagement Strategy</li> <li>• Clear messaging in campaign about community feedback received.</li> <li>• Clear messaging in campaign about the new approach complementing the formal notification process, not replacing it.</li> </ul>
Community and staff perception of increased budget for awareness campaign in current financial environment.	<ul style="list-style-type: none"> <li>• Clear messaging in campaign about community feedback received.</li> <li>• Clear messaging in campaign about the trial being externally funded.</li> </ul>
New E-subscription service isn't accessible for community members not comfortable with or without technology or internet	<ul style="list-style-type: none"> <li>• Inclusion of the weekly ½ or full page advertisement in campaign methods informing community of development application lodged the previous week</li> </ul>
Community not satisfied that weekly newspaper advertisement doesn't form part of the notification process.	<ul style="list-style-type: none"> <li>• Clear messaging in campaign about the new approach complementing the formal notification process, not replacing it.</li> </ul>
Community expectation the campaign becomes a permanent service delivered by Council	<ul style="list-style-type: none"> <li>• Clear messaging the campaign is a trial</li> <li>• Evaluation report outlining the campaigns success.</li> </ul>
Community education campaign is complex and technical	<ul style="list-style-type: none"> <li>• Simple messaging with use of video and images where possible</li> </ul>

# Key milestones

Milestone	Date
DA awareness campaign trial commences	9 January 2023
E-subscription service launched	9 January 2023
DA awareness campaign trial concludes	30 June 2023
Evaluation report completed	14 July 2023
Report to Council	22 August 2023

# Budget


Budget item	Budget
<b>DA E-subscription service</b>	
• DA E-subscription service development and subscription	\$7,880*
• Paid social media advertising	\$1,000*
<b>DA weekly awareness</b>	
• Option 1 - Weekly newspaper advertisement – all DAs lodged (½ page)	\$29,625
• Option 2 – Weekly newspaper advertisement – DAs above certain criteria) (1/4 page)	\$15,500
• Paid social media posts (25 weeks)	\$1,220*
<b>TOTAL (option 1 inclusive)</b>	<b>\$39,725</b>
<b>TOTAL(option 2 inclusive and recommended)</b>	<b>\$25,600</b>
External funding*	\$10,000
Internal funding	\$15,600




Community Engagement and Communications Plan 9




## Success criteria




10% increase in visits to development applications on exhibitions webpage and DA Tracker



Minimal negative community feedback on awareness campaign



High reach across communications methods



1,500 subscribers to DA E-subscription service during trial period

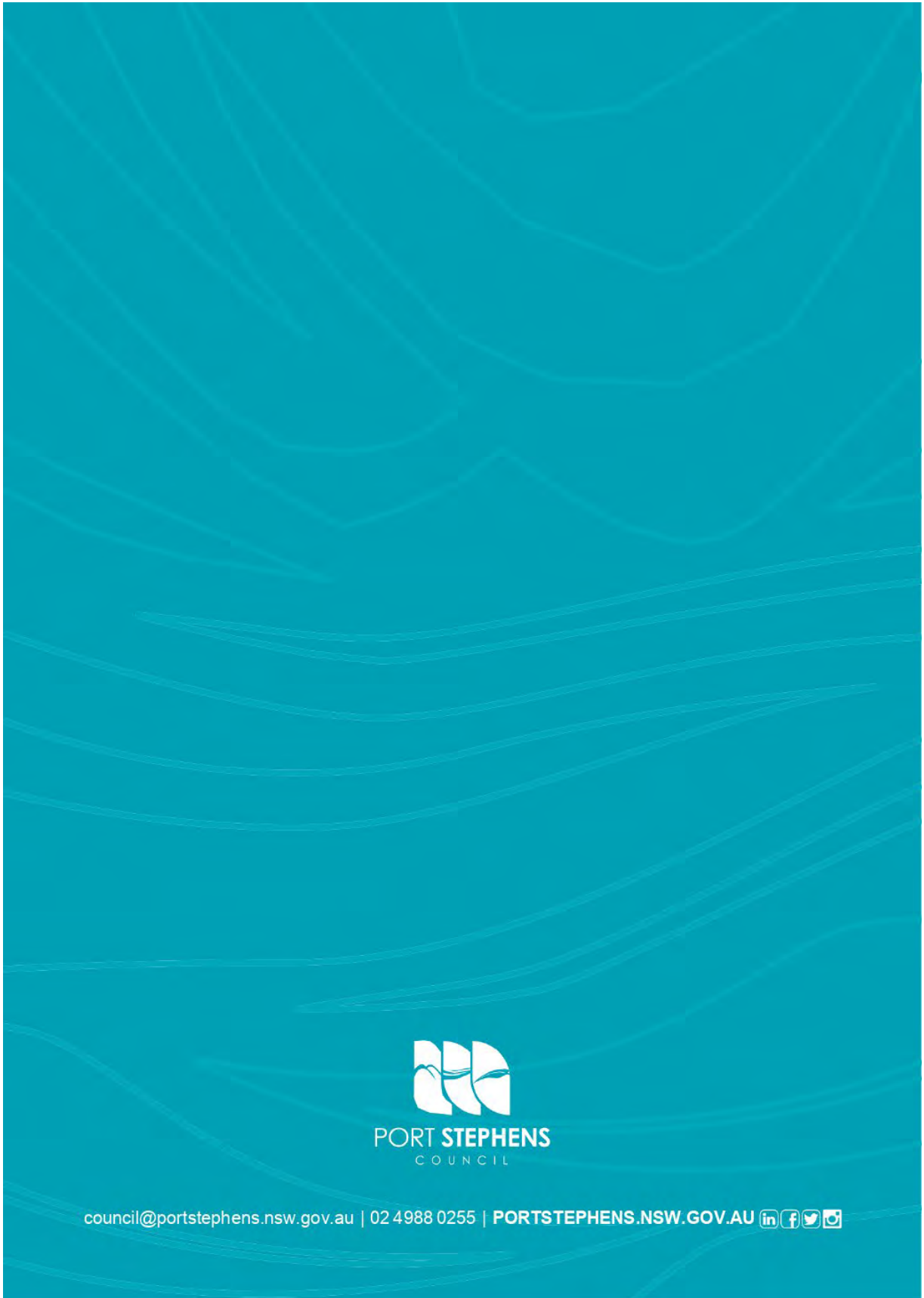
## Action plan

Activity	Date
DA awareness campaign commenced	9 January 2023
<b>DA E-Subscription</b>	
Updated Council web page live	9 January 2023
Media release distributed	9 January 2023
Organic social media post	9 January 2023
Paid social media	9 January 2023, 3 April 2023
Posters distributed	9 January 2023
Administration building TV screen slide uploaded	9 January 2023
On hold messaging live	9 January 2023
Newspaper advertisement (existing notices)	12 January 2023
E-Newsletters articles distributed	14 January 2023
Your Port article	January and April notices
<b>DA weekly awareness</b>	
Weekly newspaper advertisement	Weekly 12 January 2023 – 29 June 2023
Weekly social media post	Weekly 12 January 2023 – 29 June 2023
Weekly E-Subscription email distributed (automated)	Weekly 12 January 2023 – 29 June 2023
<b>Community education</b>	
Education series developed	3 February 2023
Education series promoted through various channels	6 February 2023 – 29 June 2023
Evaluation report completed	14 July 2023
Business paper report to Council	22 August 2023

**ITEM 9 - ATTACHMENT 1 DA AWARENESS CAMPAIGN COMMUNICATION PLAN FINAL.**



ITEM 9 - ATTACHMENT 1 DA AWARENESS CAMPAIGN COMMUNICATION PLAN FINAL.



PORT STEPHENS  
COUNCIL

[council@portstephens.nsw.gov.au](mailto:council@portstephens.nsw.gov.au) | 02 4988 0255 | [PORTSTEPHENS.NSW.GOV.AU](http://PORTSTEPHENS.NSW.GOV.AU)    

**ITEM NO. 5**

**FILE NO: 22/263140  
EDRMS NO: PSC2021-04195**

**HOMELESSNESS IN PORT STEPHENS**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Note findings and information within the report.
  - 2) Request the General Manager to prepare a report after further investigation of the options outlined in this report.
- 

**ORDINARY COUNCIL MEETING - 13 DECEMBER 2022  
MOTION**

<b>331</b>	<p><b>Councillor Leah Anderson Councillor Giacomo Arnott</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Note findings and information within the report.</li><li>2) Request the General Manager to prepare a report after further investigation of the options outlined in this report for the Council meeting to be held on 28 February 2023.</li><li>3) Establishes the Stakeholder Advocacy Group with key community, government and industry representatives as soon as possible.</li><li>4) Councillor Leah Anderson and Councillor Peter Kafer be nominated to attend the Stakeholder Advocacy Group and extend an invitation to the Member for Port Stephens and the Member for Paterson.</li></ol>
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Cr Giacomo Arnott moved the following amendment, which was accepted by the mover and seconder and merged into the original motion:

‘That Councillor Leah Anderson and Councillor Peter Kafer be nominated to attend the Stakeholder Advocacy Group and extend an invitation to the Member for Port Stephens and the Member for Paterson.’

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, 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 present available local data on homelessness, the current action that Council undertakes in this space, models of service provision and potential options available to further address the impacts of homelessness. This report follows a Notice of Motion at its meeting of 23 August 2022, Minute No. 229 (**ATTACHMENT 1**).

The Australian Bureau of Statistics (ABS) definition of homelessness identifies three categories within the homeless population:

- Primary homelessness – no conventional accommodation/shelter (e.g. sleeping rough, squatting, sleeping in cars)
- Secondary homelessness – temporary accommodation/shelter (e.g. staying with friends/relatives or in emergency/transitional accommodation)
- Tertiary homelessness – medium/long term accommodation that is below the minimum community standard (e.g. no bathroom, no kitchen, lack of secure tenure, severe overcrowding).

The ABS Census of Population and Housing's 2016 report 'Estimating Homelessness' found that across Australia:

- People sleeping rough made up just 7% of homeless people
- People living in severely overcrowded dwellings (44%) people in supported accommodation (18%)
- People staying temporarily with others (15%)
- People living in boarding houses (15%) being larger sub-groups of people experiencing homelessness.

Addressing homelessness is primarily a mandate of the NSW State Government. In 2019, The NSW Government committed to reduce street homelessness across NSW by 50% by 2025, with the target later becoming one of the NSW Premier's Priorities. The NSW Government also oversees the delivery of the NSW Homelessness Strategy.

## **LOCAL DATA**

Obtaining clear evidence based data relating to homelessness in Port Stephens is difficult. Council does have access to ABS data however, this data is currently dated (2016) and we are awaiting the latest 2021 census data to provide a more accurate picture of homelessness in Port Stephens post COVID-19.

Whilst awaiting this data which is expected in mid-2023, Council have engaged with local support agencies to gain insights into the current impacts of homelessness in

Port Stephens. More detailed research is required to support a greater understanding of the specific causes of homelessness in Port Stephens, vulnerable location and local priorities.

### **NSW Department of Communities and Justice (DCJ)**

DCJ conducts street counts of people experiencing street homelessness. Street counts provide a point-in-time of the number of people in a location who are observed to be experiencing street homelessness. Data has been collected for 3 years in Port Stephens:

- 2020 a total of 4 people were identified as sleeping rough
- 2021 a total of 12 people were identified as sleeping rough
- 2022 a total of 12 people were identified as sleeping rough

### **Port Stephens Family and Neighbourhood Services**

Port Stephens Family and Neighbourhood Services provide early intervention and homelessness services to people experiencing or at risk of homelessness. In 2021/2022 they reported:

- 879 clients were allocated emergency housing including 337 children under 16 years of age
- 291 clients identified they are homeless directly due to domestic violence
- 202 people were identified as sleeping rough or in cars, an increase from 92 in 2019/2020.

And, in January to September 2022:

- 571 people experienced homelessness
- 54% are female
- 192 people were children under the age of 18
- 54 people were over the age of 55.

### **Hume Community Housing**

Hume Community Housing provides homes and services to more than 9,000 customers across New South Wales. Hume Community Housing build new properties and project manages developments on behalf of government, provide tenancy management and maintenance and property management services.

In 2021/2022 Hume Community Housing reported that 323 households were provided with temporary accommodation. This is an increase from 86 in the previous year.

**BENCHMARKING**

It is well recognised that Local Government is not best placed to act in the role of direct services providers however, evidence shows that success can be achieved through collaboration at all levels of government and the community sector.

Councils and the community sector can deliver a range of initiatives that seek to alleviate homelessness issues. The following benchmarking provides examples only of actions undertaken by others. Further reviews are required to understand the outcomes and value of these actions within their local communities.

<b>Program</b>	<b>Description</b>
<b>Mobile Service – Orange Sky</b>	<p>Orange Sky, a national organisation that provides free mobile regular laundry and shower services on a regular basis for people experiencing homelessness.</p> <p>Purpose built vans with laundry and shower services operate in locations where the homeless feel most comfortable, often co-located with existing service providers. This service also provides an outreach function directing users to other support services.</p>
<b>Integrated Service Delivery - Our Backyard Car to Home Project</b>	<p>Our Backyard Car to Home Project is a designated private car park space that allows men, couples, women or families who are sleeping in their cars a place to park and sleep, in the Newcastle and Lake Macquarie areas.</p> <p>Entry into the carpark is from 4pm each day and individuals need to be off-site by 10am the next day. Support workers assist individuals to access community support services and refer individuals to specialist homeless service providers. Security is also provided as part of this service.</p> <p>This service is run by the community sector and privately funded through Macquarie Care.</p>
<b>Rate Concessions for Housing Providers – City of Newcastle</b>	<p>In November 2021, NSW Land and Housing Corporation (LAHC) and the City of Newcastle signed a Memorandum of Understanding (MOU) aimed at increasing new social housing development in the region and create local jobs.</p> <p>The MOU sees the City of Newcastle supporting LAHC's redevelopment program through the provision of an annual payment equivalent to the rates paid to Council by LAHC in the Newcastle LGA for a period of three years. The payment will be reinvested into funding new social housing in the region during the same period.</p>
<b>Community Forum – City of Newcastle</b>	<p>In 2021 the City of Newcastle hosted two community forums inviting the community sector, socially responsible businesses</p>

<b>Program</b>	<b>Description</b>
	and organisations to contribute to a collective Newcastle response to the affordable housing and homelessness matters.
<b>Sector Coordination – City of Coffs Harbour</b>	<p>City of Coffs Harbour provides the backbone support to the Coffs Harbour Homelessness Sector Action Plan (HSAP). The HSAP aims to address the growing challenges relating to homelessness within the Coffs Harbour Local Government Area and work towards solutions. This involves:</p> <ul style="list-style-type: none"> <li>• Developing an evidence-based research report to identify the critical local issues and themes relating to homelessness.</li> <li>• Preparing an action plan with activities to address the identified issues.</li> <li>• Facilitating regular action-based meetings with sector representatives for each theme identified in the research report.</li> </ul>
<b>Homelessness Plan - Lake Macquarie Council</b>	Lake Macquarie City Council adopted the draft Ending Homelessness Plan 2021-2024. The plan outlines a strategic direction for Council to support community organisations and government agencies, and will deliver on Council's commitment towards ending homelessness in Lake Macquarie.

## **OUR CURRENT APPROACH**

Port Stephens Council supports the rights of all of our community members to use public spaces, including people experiencing homelessness. We work closely with service providers and the community to address concerns about homelessness and implement actions to both support the homeless and reduce homelessness across Port Stephens.

In 2021, Council hosted a community and housing sector workshop to respond to growing concerns around homelessness. The key priorities identified were as follows:

- Training and support for frontline workers
- Priority housing for women and families with children impacted by domestic violence
- Easy access to emergency accommodation
- Outreach service provision including meals, mental health support and drug and alcohol support
- Increased affordable, stable and appropriate housing supply that meet people's needs
- Coordinated engagement with stakeholders from real estates, developers and politicians
- Maintaining rental vacancy databases and/or living documents
- Increasing bulk billing services in the area through advocacy and incentives.



From this, Council has implemented a number of actions across key service areas as follows:

**Sector Support**

- Coordinate and support the delivery of actions from the Interagency Network made up of key support services, including the housing sector.
- Provide support for homelessness day coordination, information sharing, grants and advocacy projects.
- Rent subsidies on Council owned buildings for eligible community organisations delivered through the Community Tenancy and Leasing Policy.
- Identified land for housing providers to situate emergency housing.
- Grant funding to support programs aimed at reducing issues related to homelessness.

**Advocacy**

- Drive awareness around homelessness through campaigns and communications.
- Support DCJ with annual street count and other advocacy projects.

**Regulatory Support**

- Manage community concerns and complaints about rough sleeping.
- Ensure a holistic approach to regulation by partnership with housing services.
- Clean up of sites deemed to be dangerous.

**Local Infrastructure Contributions**

- Housing affordability is supported via reduced local infrastructure contributions for diverse housing types such as secondary dwellings and long term caravans in caravan parks. These development types attract up to a 50% discount on the contribution.
- Locations for secondary dwellings have recently being expanded via the Rural Economic Development Planning Proposal. In summary, rural zoned properties are now able to build a secondary dwelling at a reduced contributions rate.

**Strategic Planning**

- The Port Stephens Housing Strategy aims to address housing affordability through Outcome 2 - Improve Housing Affordability. The key priorities within this focus area are responding to housing stress, providing more affordable housing near jobs and reducing the cost of new housing.
- Associated with these priorities are a number of actions that the Strategic Planning team are presently working on which are directly connected to the issues around homelessness. These include:
  - Identify and securing grant funding to create a framework that would allow for the renewal of existing social housing and the development of additional

affordable housing in Raymond Terrace with NSW Land and Housing Corporation (NSW LAHC). This may also support the growth of additional social housing across other locations in Port Stephens.

- Monthly meetings with Transport for NSW (TfNSW) to discuss projects, priorities and advocate for better transport outcomes to enable those most vulnerable to access employment and essential services.
- Identify and securing grant funding solutions to support investment in infrastructure such as drainage to encourage infill housing.

## **ACTIONS FOR CONSIDERATION**

When working to resolve issues relating to homelessness, Council should consider the broader needs of individuals experiencing homelessness. The community support sector are the critical link providing not only housing support but also, health services and access to other community support providers.

The following provides options for consideration that facilitate connections to social, health and community services, increase opportunities for housing supply, policy frameworks and improved advocacy.

Further review of each option would be required to determine the most suitable outcomes to address homelessness in Port Stephens.

<b>Options for Consideration</b>	<b>Action Required</b>	<b>Indicative Resourcing &amp; Timeframes</b>
<p><b>Stakeholder Advocacy Group</b> Work in partnership with community, government and industry to determine achievable solutions to homelessness in Port Stephens.</p>	<ul style="list-style-type: none"> <li>● Invite representatives to participate in a stakeholder group</li> <li>● Meet monthly to review opportunities, develop actions and review implementation</li> </ul>	<p>Managed within existing operational budgets.</p> <p>Expected time frame to implement the stakeholder group : 3 months</p> <p>Expected timeframe to determine and deliver actions: 6 months to 2 years</p>
<p><b>Access to Council Amenities</b> Council open facilities outside regular usage to be used by people experiencing primary, secondary and tertiary homelessness in partnership with the community sector.</p>	<p>In partnership with community sector organisations, a criteria would be developed to determine the most suitable facilities. This would include:</p> <ul style="list-style-type: none"> <li>● amenity numbers</li> <li>● Crime Prevention Through Environmental Design (CPTED) risk</li> </ul>	<p>Council would be required to provide annual funding for this service. Additional maintenance of facilities may also be required.</p> <p>Based on one facility opened once per week it is estimated this would cost \$20,000 per annum.</p>

**MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022**

<b>Options for Consideration</b>	<b>Action Required</b>	<b>Indicative Resourcing &amp; Timeframes</b>
	<ul style="list-style-type: none"> <li>• child safety risk</li> <li>• distance to respective Central Business District</li> <li>• car parking</li> <li>• disability access</li> <li>• key community and stakeholder input</li> </ul>	<p>Expected time frame to delivery: 6 months to 1 year.</p>
<p><b>Targeted advocacy program</b>            Acknowledging the housing crisis is not something that Council can fix on its own, there are a number of key priorities for Council to advocate State and Federal governments on.</p>	<p>Develop an advocacy program to focus on the following priorities:</p> <ul style="list-style-type: none"> <li>• build more social housing in Port Stephens</li> <li>• invest in crisis housing</li> <li>• build worker housing prior to major infrastructure projects</li> </ul>	<p>Managed within existing operational budgets</p> <p>Expected timeframe to deliver advocacy program: 2 months</p>
<p><b>Homelessness Policy</b>            Develop a policy to establish key principles and identify council's role in addressing homelessness.</p>	<ul style="list-style-type: none"> <li>• Source data on homelessness in Port Stephens</li> <li>• Engage with community and key stakeholders on the purpose and outcomes of the policy</li> <li>• Develop policy and seek Council endorsement</li> </ul>	<p>Managed within existing operational budgets</p> <p>Expected timeframe to deliver a new policy: 6-12 months</p>
<p><b>Review of Council owned land</b>            Review Council owned land to assess sites that may be appropriate for temporary/emergency housing.</p>	<ul style="list-style-type: none"> <li>• Undertake assessment of sites through the Strategic Property team</li> <li>• Determine options for temporary/emergency housing</li> <li>• Partner with housing provider to assess appropriate temporary housing type for site – may include converted shipping container or modular homes</li> </ul>	<p>Managed within existing operational budgets</p> <p>Expected timeframe to deliver a report to Council: 6-12 months</p>

<p><b>Council Holiday Parks</b> Enable holiday parks to provide emergency housing.</p>	<ul style="list-style-type: none"> <li>• Consult with service providers to understand needs and identify appropriate facilities.</li> <li>• Establish a partnership model</li> </ul>	<p>Costs of providing service would need to be determined following further review.</p> <p>Expected timeframe to establish scope and commence program: 6 months to 1 year.</p>
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### **Affordable Housing Contribution Schemes and Local Environmental Plan (LEP) Provisions**

Affordable housing contribution schemes are Council-led document which set out how, where and at what rate local infrastructure contributions can be collected by Council to reinvest in affordable housing.

To establish an affordable housing scheme a Council must:

- Establish an evidence base
- Identify areas for rezoning
- Establish an affordable housing contribution rate for the scheme
- Prepare the scheme
- Prepare a Planning Proposal to include the scheme in the LEP
- Amend the LEP
- Apply conditions of consent to applicable development applications
- Collect funds and allocate in accordance with the contribution scheme.

Funding for an affordable housing contribution scheme forms part of an additional fee paid by developers outside of the Local Infrastructure Contributions Plan (LIC). To access funds for affordable housing, a series of statutory changes is required to the LEP.

All funds collected under an affordable housing scheme must be reserved on affordable housing in what is recognised as an Accessible Area. There is currently no land in Port Stephens recognised as an Accessible Area.

In addition, any changes to the LEP are required to use standard terminology. Affordable housing is a defined term. LEP amendments which require delivery of an affordable housing outcome can only apply to locations defined as an Accessible Area.

Accessible Areas are determined by the NSW State Environmental Planning Policy (Housing). Accessible Areas must have a connection to major public transport nodes such as rail, light rail, ferries or major bus terminals or a combination of these.

## MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022

Therefore, the delivery of a scheme such as this would be very difficult. Better outcomes could be delivered by increasing our focus on advocacy for public transport connections within Port Stephens.

Council is currently working with Transport for NSW to build transport connections and service frequency with a focus on Raymond Terrace. Once this is established, there will be opportunity for further investigation of affordable housing requirements for new development.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Thriving and safe place to live	Deliver an annual program for Council to provide development services to enhance public safety, health and liveability.

### FINANCIAL/RESOURCE IMPLICATIONS

Estimated costs and resource implications are outlined above. Items may require additional funding once further detail and scope has been determined.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
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.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that unless action is taken, homelessness across Port Stephens will continue to increase.	Medium	Maintain strong relationships with State and Federal government departments to ensure there is alignment.  Recognise State and Federal policy and strategy frameworks when considering actions.	Yes
There is a risk that Council is deviating from its role and function in addressing issues managed by State and Federal Governments.	Low	Maintain strong relationships with State and Federal government departments to ensure there is alignment.  Recognise State and Federal policy and strategy frameworks when considering actions.	Yes

## **SUSTAINABILITY IMPLICATIONS**

People experiencing and at risk of homelessness are our most vulnerable community members. Homelessness can expose people to violence, cause long-term unemployment and lead to the development of chronic ill health.

Homelessness results in significant social and economic costs not just to individuals and their families, but also to our local towns and the broader local government area and can negatively impact the liveability and wellbeing of our community.

## **CONSULTATION**

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

### Internal

Consultation allowed for a complete understanding of the diversity of tasks Council already undertake in relation to homelessness. A range of opportunities were identified to expand the initiatives in responding to homelessness issues in Port Stephens.

Stakeholders identified a number of potential initiatives that could be adopted to increase Council's level of service in addressing impacts of homelessness. To inform this report staff engaged with:

- Assets Section
- Strategic Property
- Strategy and Environment
- Regulatory Services

#### External

Council engages with external stakeholders on an ongoing and needs basis. Council hosts a monthly community sector interagency meeting, meets regularly with housing providers and liaises with state government departments as matters arise.

To inform this report Council has engaged with:

- Port Stephens Family and Neighbourhood services
- Hume Housing
- Yacaaba Centre
- Department of Communities and Justice

#### **OPTIONS**

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

#### **ATTACHMENTS**

- 1) Minutes of Council Meeting - 23 August 2022.

**MINUTES ORDINARY COUNCIL - 23 AUGUST 2022**

**NOTICE OF MOTION**

**ITEM NO. 1**

**FILE NO: 22/214550**

**EDRMS NO: PSC2021-04195**

**HOMELESSNESS IN PORT STEPHENS**

**COUNCILLOR: LEAH ANDERSON**

**THAT COUNCIL:**

- 1) Notes the increasing prevalence and risk of homelessness across the Port Stephens Local Government Area (LGA).
- 2) Requests a report from the General Manager that:
  - a. Quantifies the issue within the Port Stephens LGA
  - b. Provides a comparative analysis of other Councils in the Hunter Region
  - c. Identifies actions that other Councils have taken to address this issue, and
  - d. Outlines potential options for Council to address this issue going forward.
- 3) Resolves to write to all owners presently offering their dwellings for short term rental accommodation (ie Airbnb) asking them to consider putting their housing back into the long term rental market to assist in boosting supply.

**ORDINARY COUNCIL MEETING - 23 AUGUST 2022  
MOTION**

<b>229</b>	<p><b>Councillor Leah Anderson Councillor Peter Kafer</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Notes the increasing prevalence and risk of homelessness across the Port Stephens Local Government Area (LGA).</li><li>2) Requests a report from the General Manager that:<ol style="list-style-type: none"><li>a. Quantifies the issue within the Port Stephens LGA</li><li>b. Provides a comparative analysis of other Councils in the Hunter Region</li><li>c. Identifies actions that other Councils have taken to address this issue, and</li><li>d. Outlines potential options for Council to address this issue going forward.</li></ol></li><li>3) Resolves to write to all owners presently offering their dwellings for short term rental accommodation (ie Airbnb) asking them to consider putting their housing back into the long term rental market to assist in boosting supply.</li></ol>
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**ITEM 5 - ATTACHMENT 1 MINUTES OF COUNCIL MEETING - 23 AUGUST 2022.****MINUTES ORDINARY COUNCIL - 23 AUGUST 2022**

- |  |  |
|--|--|
|  | 4) Writes to the NSW Premier, demanding that he put in place the suggestion by the Member for Port Stephens to allow the Stockton and Tomaree Centres to be used for temporary accommodation for homeless people in Port Stephens, noting that the excuse of 'plumbing problems' is outrageous and ignores this major issue in Port Stephens and beyond. |
|--|--|

Councillor Peter Francis left the meeting at 8:30pm.  
Councillor Glen Dunkley left the meeting at 8:41pm.  
Councillor Glen Dunkley returned to the meeting at 08:44pm.

**ORDINARY COUNCIL MEETING - 23 AUGUST 2022  
MOTION**

	<b>Councillor Giacomo Arnott</b> <b>Councillor Leah Anderson</b>
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	That the motion be put.
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Councillor Giacomo Arnott left the meeting at 8:45pm.  
Councillor Giacomo Arnott returned to the meeting at 8:46pm.  
Councillor Steve Tucker left the meeting at 8:46pm.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Kafer and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

Councillor Peter Kafer left the meeting at 8:47pm and did not return to the meeting.  
Councillor Peter Francis returned to the meeting at 8:47pm.  
Councillor Steve Tucker returned to the meeting at 8:47pm.  
Councillor Leah Anderson left the meeting at 8:47pm.

**BACKGROUND REPORT OF: BROCK LAMONT – STRATEGY AND ENVIRONMENT SECTION MANAGER****BACKGROUND**

Homelessness Week 2022 took place on Monday 1 August to Sunday 7 August 2022. Homelessness Week aims to raise awareness of the impact of homelessness on Australia at both a national and local scale. Organised events seek to provide information on the importance of housing as a solution and educating communities on how they can make a difference.

**ITEM 5 - ATTACHMENT 1 MINUTES OF COUNCIL MEETING - 23 AUGUST 2022.****MINUTES ORDINARY COUNCIL - 23 AUGUST 2022**

In Australia, there are estimated to be over 116,000 people experiencing homelessness on any given night. Within the Port Stephens LGA, concerns regarding homelessness or the risk of homelessness have been raised by local non-government organisations and community housing providers. Factors such as COVID-19, the rising cost of living and broader social and economic changes are believed to have contributed to a shortage of accessible and affordable accommodation. This, in turn, has had an impact on the prevalence and risk of homelessness within the area.

The NSW State Government is responsible for the provision of social housing stock through the Department of Communities and Justice and Land and Housing Corporation.

**FINANCIAL/RESOURCE IMPLICATIONS**

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

**ATTACHMENTS**

Nil.

**ITEM NO. 6**

**FILE NO: 22/215017  
EDRMS NO: PSC2013-00406-053**

**COUNCIL RELATED PLANNING MATTERS POLICY**

REPORT OF: KATE DRINAN - DEVELOPMENT AND COMPLIANCE SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Council Related Planning Matters policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Council Related Planning Matters policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.
- 3) Revoke the Planning Matters to be Reported to Council policy dated 10 November 2020, (Minute No. 237) should no submissions be received.

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**ORDINARY COUNCIL MEETING - 13 DECEMBER 2022  
MOTION**

<b>332</b>	<p><b>Councillor Giacomo Arnott Councillor Peter Kafer</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Receive and note submission shown at <b>(ATTACHMENT 3)</b>.</li><li>2) Adopt the revised Planning Matters to be Reported to Council Policy shown at <b>(ATTACHMENT 1)</b>.</li><li>3) Revoke the Planning Matters to be Reported to Council Policy dated 10 November 2020 (Minute No. 237).</li><li>4) Endorse the revised Council-Related Planning Matters Policy for Council-related development shown at <b>(ATTACHMENT 6)</b>.</li><li>5) Place the revised Council-Related Planning Matters Policy shown at <b>(ATTACHMENT 6)</b> on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.</li><li>6) Revoke the Planning Matters to be Reported to Council Policy dated 13 December 2022, should no submissions be received.</li></ol>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, 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 seek Council's endorsement of the revised Council Related Planning Matters policy (the Policy) (**ATTACHMENT 1**).

A revised 'Planning Matters to be Reported to Council' Policy was endorsed for public exhibition on 14 June 2022. The revised Policy was exhibited with a number of changes, which can be summarised as follows:

- Changes endorsed by Council on 22 February 2022 (Minute No. 60) that require certain Section 4.55(1A) modification applications to be reported to the Council for determination (**ATTACHMENT 2**).
- Clarifying the process of withdrawing support to have a planning matter called to Council for determination.
- Various minor administrative amendments.

The revised Policy was placed on public exhibition from 16 June 2022 to 14 July 2022. During this period 1 submission was received which is addressed at (**ATTACHMENT 3**).

Since the revised Policy was exhibited, new requirements were introduced into the Environmental Planning and Assessment Regulation 2021 (EP&A Regulations) to address conflicts of interest for Council related developments. Those requirements included adopting a policy that specifies how conflicts of interests for Council related development applications are to be managed. It is considered that rather than having a separate policy to manage conflicts of interests for Council related development, these provisions can be incorporated into the existing Planning Matters Policy.

The Policy has also been amended in response to a notice of motion at the 25 October 2022 Council meeting (**ATTACHMENT 4**) which resolved to amend the 'Planning Matters to be Reported to Council' Policy to include a provision that reads as follows:

'Development Applications which would result in the removal of any trees or public assets on Council owned land, except where required for a driveway crossover, are to be reported to Council for determination.'

Noting the above, the Planning Matters to be Reported to Council Policy has been amended to incorporate the submissions comments (where deemed applicable), the Council resolution of 25 October 2022 (Minute No. 298) (**ATTACHMENT 4**) and the new EP&A Regulation 2021 requirements. By incorporating these changes, the

## MINUTES ORDINARY COUNCIL - 13 DECEMBER 2022

Policy has been renamed to the 'Council Related Planning Matters Policy'. Given the extent of the amendments, the Policy requires re-exhibition prior to it being adopted.

The key aspects of the new conflict of interest requirements included in the policy are as follows:

- Processes for identifying whether a DA or modification application is one in which a potential conflict of interest exists
- Identifying management controls to be implemented during the assessment and determination of Council-related development applications (DAs) and modification applications, dependent on the scale of the development.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Thriving and Safe Place to Live	Provide land use plans, tools and advice that sustainably support the community.

### FINANCIAL/RESOURCE IMPLICATIONS

There are no direct financial/resource implications, as the policy will continue to be implemented as part of ongoing operations.

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

### LEGAL, POLICY AND RISK IMPLICATIONS

There are positive legal, policy, and risk implications in reviewing and updating existing policies to assist in facilitating more accurate and robust decision making.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk of making inconsistent decisions as a result of an out-dated policy.	Low	Adopt the recommendations	

## **SUSTAINABILITY IMPLICATIONS**

There are minimal direct sustainability implications. The Policy enables the effective determination of planning matters on a merits basis considering all respective legislation.

## **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Development and Compliance Section.

### Internal

Consultation has been undertaken with the Strategic Planning team. The Executive Team has been consulted to seek management endorsement for the revised Policy.

### External

In accordance with local government legislation, the revised policy was placed on public exhibition from 16 June 2022 to 14 July 2022.

During public exhibition, 1 submission was received. Specific matters raised in the submission have been addressed in the response to submissions provided at **(ATTACHMENT 3)**.

In accordance with local government legislation, the revised 'Council Related Planning Matters' Policy will go on public exhibition for a further 28 days.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Revised Council Related Planning Matters Policy.
- 2) Minute No. 60, 22 February 2022.
- 3) Response to Submission.
- 4) Minute No. 298, 25 October 2022.
- 5) Council Conflict of Interest Management Statement.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

ITEM 6 - ATTACHMENT 1 REVISED COUNCIL RELATED PLANNING MATTERS POLICY.

Policy



**FILE NO:** PSC2013-00406  
**TITLE:** COUNCIL-RELATED PLANNING MATTERS POLICY TO BE REPORTED TO COUNCIL  
**POLICY OWNER:** DEVELOPMENT ASSESSMENT & COMPLIANCE SECTION MANAGER

**1. PURPOSE:**

- 1.1 To ensure that Councillors are provided with the opportunity for input into the determination of development applications (DA's) prior to decisions being finalised and determinations granted.
- 1.2 To ensure that Councillors are provided with the opportunity for input into planning proposals prior to forwarding applications for Gateway determination.
- 1.3 To manage potential conflicts of interest and increase transparency in the assessment and determination of development for Council-related development.

**2. CONTEXT/BACKGROUND:**

- 2.1 The majority of DA's are determined by Council's assessment officers, utilising delegated authority, and may require review in accordance with Council's Development Assessment Process (DAP). This policy provides Council with an understanding of the types of applications that are mandatory to report to Council for determination and the process involved in calling DA's to Council prior to determination.
- 2.2 Council's Rezoning Request Policy does not require reporting of some planning proposals prior to forwarding proposals to the Department of Planning, Infrastructure and Environment for Gateway determination. This policy provides Council with an understanding of the process involved in calling planning proposals to Council prior to seeking Gateway determination.
- 2.3 The Environmental Planning and Assessment Regulation 2021 requires all Councils to develop a conflict of interest policy for Council-related DA's. The policy is to establish the process through which potential conflicts of interest will be identified, procedures for risk assessment and the management controls to be implemented.

**3. SCOPE:**

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ITEM 6 - ATTACHMENT 1 REVISED COUNCIL RELATED PLANNING MATTERS POLICY.

Policy



- 3.1 The use of delegated authority provides an opportunity for effective and timely decision making; however, it is appropriate that Council is informed of the exercise of delegated authority.
- 3.2 Given the scope of planning decisions, it is appropriate that delegated assessment staff, are able to use their discretion and judgement for those matters which should be reported to Council.
- 3.3 The Mayor/Councillors may request the delegation be withdrawn and a DA or planning proposal be reported to Council. ~~To do this, the Mayor/Councillor completes the Call to Council Form and obtains 2 other~~ the supporting of ~~1 other~~ Councillors ~~by signatures or email.~~
- 3.4 Conflicts of interest may arise where Council is both the consent authority for development and has a commercial interest in development. This policy details the procedures to be implemented for managing conflicts of interest when assessing and determining Council-related DA's.

4. DEFINITIONS:

Council	Port Stephens Council
DA	Development Application
DAP	Development Assessment Process
Signatories	Mayor / Councillors
Council-related Development Application	Means development for which Council is the applicant, developer (whether lodged by or on behalf of Council), landowner, or has a commercial interest in the land the subject of the application, where it will also be the regulator or consent authority.

Note: A word or expression used in this policy has the same meaning as it has within the Environmental Planning and Assessment Act 1979 and any instruments made under that Act, unless otherwise defined in this policy.

5. POLICY STATEMENT:

**Council Related Planning Matters to be Reported to Council Policy**

- 5.1 Council shall be informed with regard to DA's and Section 4.55 modification applications planning matters in the following way:

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- a) All current DA's lodged are publicly available and listed on the Council website via the DA Tracker.
- b) A report is generated weekly of all new DA's lodged and this is circulated weekly via PS Newsletter to the Mayor/Councillors and other relevant internal staff.
- c) At any time prior to determination of a DA, the Mayor/Councillors may request that the application be reported to Council for determination by completing a Call to Council Form with **the 2 other supporting support of 1 other** Councillors **by signature or email**. If a completed Call to Council Form is submitted to Council prior to determination of the DA, a report will be forwarded to Council at the completion of the assessment.
- d) **The Mayor/Councillors may withdraw their support for calling a planning matter to Council via email at any time, prior to being included in the Council business paper. This would result in the matter being able to be determined by Council officers under delegated authority unless further support is provided to a total of 2 signatories.**

**Mayor/Councillors who withdraw their support for calling a planning matter to Council must inform all other signatories of their withdrawal of support.**

- e) DA's with a cost of works exceeding \$250,000, with the exception of infrastructure works within Council's road reserve, and Section 4.55(2) modification applications will be reported to Council where Council is the owner of the land on which the development is to be carried out or where the development is being carried out on behalf of Council. Where not reported to Council, those Council DA's with a cost of works of less than \$250,000 or for infrastructure works within a Council road reserve or Section 4.55(1A) modification applications, will be reported in the PS Newsletter prior to determination.
- f) DA's and Section 4.55 modification applications will be reported to Council where the application relates to the carrying out of development on Community land, other than where the proposed works comprise amenity buildings and structures such as; toilet facilities, playgrounds, small refreshment kiosks and the like.
- g) Section 4.55(2) modification applications where the original DA was determined by Council, will be reported to Council for determination.
- h) Councillors will be advised via PS Newsletter prior to the determination of Section 4.55(1A) modification applications where the original DA was determined by Council. **In the event a Section 4.55(1A) modification application proposes an amendment to a condition moved on the floor of Council and approved by the Council, the application will be reported to the Council for determination.**

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**ITEM 6 - ATTACHMENT 1 REVISED COUNCIL RELATED PLANNING MATTERS POLICY.**

Policy



- i) DA's which would result in the removal of any trees or public assets on Council owned land, except where required for a driveway crossover, are to be reported to Council for determination.
- j) DA's with a Request to vary a Development Standard, which seeks to vary a development standard by greater than 10%, will be reported to Council for determination.
- k) The Group Manager, Development Services and/or Section Manager, Development Assessment & Compliance, at their discretion, may report any DA to Council for determination.

5.2 Council shall be informed with regard to planning proposals in the following way:

- a) A report is generated of all new planning proposals lodged and this is circulated via PS Newsletter to the Mayor/Councillors and other relevant internal staff.
- b) At any time prior to forwarding a planning proposals for Gateway determination, the Mayor/Councillor may request that the application be reported to Council for determination by completing a Call to Council Form with 2 other supporting the support of 1 other Councillors by signature or email . If a completed Call to Council Form is submitted to Council prior to forwarding a planning proposals for Gateway determination, a report will be forwarded to Council.
- c) The Group Manager, Development Services and/or Section Manager, Strategy and Environment, at their discretion, may report any planning proposal to Council.

**Conflicts of interest policy for Council-related development**

- 5.3 Only Council development assessment staff not involved with preparing a council-related DA or modification application will assess the application. The staff will remain separated from the project team for all Council-related DA's and modification applications.
- 5.4 The elected Council is required to ensure they manage any actual or perceived conflict of interest in accordance with the Code of Conduct.
- 5.5 The management controls outlined in the following table are to be applied to the assessment and determination of Council-related DA's and modification applications:

Development Type	Management Control
Council-related DA's with a cost of works less than \$250,000.	<ul style="list-style-type: none"> <li>• DA to be assessed by Council staff.</li> </ul>

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Policy



	<ul style="list-style-type: none"> <li>DA to be determined under delegated authority, unless otherwise called to Council in accordance with this policy.</li> </ul>
Council-related DA's with a cost of works between \$250,000 and \$5 million.	<ul style="list-style-type: none"> <li>DA to be assessed by Council staff.</li> <li>Should there be a perceived conflict of interest, the DA will be peer reviewed by a third party consultant prior to determination if assessed by Council staff.</li> <li>DA to be determined by Council.</li> </ul>
Council-related DA's with a cost of works greater than \$5 million.	<ul style="list-style-type: none"> <li>DA to be assessed by Council staff.</li> <li>DA to be determined by the Hunter and Central Coast Regional Planning Panel.</li> </ul>
Council-related S4.55(1A) S4.55(1) Modifications.	<ul style="list-style-type: none"> <li>Application to be assessed by Council staff.</li> <li>Application to be determined under delegated authority, unless otherwise called to Council in accordance with this policy.</li> </ul>
Council-related S4.55(2) Modifications.	<ul style="list-style-type: none"> <li>Application to be assessed by Council staff.</li> <li>Application to be determined under delegated authority, unless otherwise called to Council in accordance with this policy or except as specified under Section 275 of the Environmental Planning and Assessment Regulation 2021, where the HCCRPP will be the consent authority.</li> </ul>

5.5 The following types of development do not require management controls:

- a) Commercial fit outs and minor changes to building facades.
- b) Internal alterations and additions to buildings that are not a heritage item.
- c) Advertising signage.
- d) Minor building structures projecting from a building façade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services).
- e) Development where Council might receive a small fee for the use of their land.

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ITEM 6 - ATTACHMENT 1 REVISED COUNCIL RELATED PLANNING MATTERS POLICY.

Policy



- f) The installation of solar energy systems and small-scale battery systems in connection with an existing building.
- g) Temporary structures to be erected for a duration of 3 days or less and a cost of works less than \$10,000.
- h) DA's with a cost of works less than \$250,000.

**Identifying whether a potential conflict of interest exists and assessment of risk**

5.6 DA or modification application for Council-related development is to be referred to the Development and Compliance Section Manager following lodgement of the application to undertake the following:

- a) Assess whether the application is one in which a potential conflict of interest exists.
- b) Determine what management controls should be implemented based on the identified conflict of interest having regard to the controls and strategies outlined in section 5.3 and 5.4 above.
- c) Document the proposed management approach for the proposal in a statement that is published on the NSW Planning Portal.

**6 POLICY RESPONSIBILITIES:**

6.1 Development Services Group is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the Policy.

**7 RELATED DOCUMENTS:**

- 7.1 Development Control Plan
- 7.2 Environmental Planning & Assessment Act 1979
- 7.3 Department Planning and Environment (DPE) – Development Assessment Best Practice Guide – March 2017
- 7.4 Rezoning Request Policy
- 7.5 Community Engagement Strategy
- 7.6 Code of Conduct



**ITEM 6 - ATTACHMENT 1 REVISED COUNCIL RELATED PLANNING MATTERS POLICY.**

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<b>TRIM container No</b>	PSC2013-00406	<b>TRIM record No</b>	20/349965
<b>Audience</b>	Elected Council, Public and Development Services		
<b>Process owner</b>	Manager Development Assessment & Compliance		
<b>Author</b>	Development Planning Coordinator Planning & Developer Relations		
<b>Review timeframe</b>	2 3 Years	<b>Next review date</b>	TBA
<b>Adoption date</b>	26/02/2002		

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1	26/2/2002	Group Manager Sustainable Planning	Original planning matters to be reported to Council policy.	048
2	23/6/2013	Manager Development Assessment and Compliance	Updated policy to Development applications to be reported to Council.	217
3	10/11/2015	Coordinator Planning and Developer Relations	Review and minor updates to policy.	339



ITEM 6 - ATTACHMENT 1 REVISED COUNCIL RELATED PLANNING MATTERS POLICY.

Policy



4	September 2018	Manager Development Assessment and Compliance	<p>Updated to new policy template to include paragraph numbering and update version control.</p> <p>3.3: Updated number of Councillors required to call a DA to Council to reflect the DPE Development Assessment Best Practice Guide.</p> <p>5.1.2: Modified mechanism to report weekly DA list to Mayor/Councillors.</p> <p>5.1.3: Updated requirements for Call to Council form.</p> <p>5.1.4, 5.1.5, 5.1.6, 5.1.7, 5.1.8: Included additional DA types to be reported to Council for determination.</p> <p>7.5 Inclusion of Department Planning and Environment (DPE) – Development Assessment Best Practice Guide.</p>	098
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ITEM 6 - ATTACHMENT 1 REVISED COUNCIL RELATED PLANNING MATTERS POLICY.

Policy



5	10/11/2020	Manager Development Assessment and Compliance	<p>Review and update template to include:                  Updated title of policy to reflect inclusion of planning proposals into the policy.                  1.2, 2.2 - Inclusion of new provisions to reflect inclusion of planning proposals into the policy.                  2.1 - Clarify background and process of the policy.                  3.3 -Amendment of existing provisions to reflect inclusion of planning proposals into the policy.                  5.1 d) - Modified mechanism to report DA's and modification applications on Council land or where the works are to be undertaken on behalf of Council.                  5.1 h) - Delete 'Clause 4.6 Variation Request' and replaced with 'Request to vary a Development'.                  5.2: a), b) and c) – Added new paragraphs to clarify how Councillors will be informed with regard to planning proposals.                  6.1 - Update responsible authority to reflect inclusion of planning proposals into the policy.</p>	237
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**ITEM 6 - ATTACHMENT 1      REVISED COUNCIL RELATED PLANNING MATTERS POLICY.**

Policy



			<p>7.1 Delete Sustainability Review – End to End Process.                  7.3 Delete Work Practice Note: Development Assessment Process.                  7.4 Added Rezoning Request Policy.                  7.5 Added Community Engagement Strategy.</p>	
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**ITEM 6 - ATTACHMENT 1 REVISED COUNCIL RELATED PLANNING MATTERS POLICY.**

Policy



6	TBA	Manager Development & Compliance	<p>Added conflicts of interest policy for Council-related development throughout, including update to title of the policy.</p> <p>Updated position titles and section names throughout.</p> <p>2.1 – Deleted “and may require review in accordance with Council’s Development Assessment Process (DAP)”</p> <p>3.3 – deleted the explanation of the call to Council form process.</p> <p>4 – Added – definition of signatories to include Mayor/Councillors and definitions relevant to the conflicts of interest policy for Council-related development policy.</p> <p>5.1 – Added “In the event a Section 4.55(1A) modification application proposes an amendment to a condition moved on the floor of Council and approved by the Council, the application will be reported to the Council for determination.”</p> <p>5.1 – Added “The Mayor/Councillors may</p>	TBA
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ITEM 6 - ATTACHMENT 1 REVISED COUNCIL RELATED PLANNING MATTERS POLICY.

Policy



			<p>withdraw their support for calling a planning matter to Council via email at any time , prior to being included in the Council business paper".</p> <p>5.1 - Updated the requirement for Councillor Call Up to be supported by 1 other Councillor and include email option throughout.</p> <p>5.3-5.6 inserted new clauses for conflict of interest provisions.</p>	
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Policy

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**MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022**

**NOTICE OF MOTION**

**ITEM NO. 7**

**FILE NO: 22/46118**

**EDRMS NO: PSC2021-04195**

**MINOR DA MODIFICATION REPORTING**

**COUNCILLOR: GIACOMO ARNOTT**

**THAT COUNCIL:**

- 1) Acknowledges that when the elected Council puts a condition on a Development Application that it decides, it is important for that condition to be followed.
- 2) Notes that several proponents have had conditions imposed on them by the elected Council, who have then submitted a minor modification (4.55(1A)) application, which does not require report back to the elected Council per the Planning Matters to be Reported to Council Policy.
- 3) Agrees that 5.1(g) of the Planning Matters to be Reported to Council Policy should be amended to read:
  - a. Section 4.55(1A) modification applications where the original DA was determined by Council, will be reported to Council for determination.
- 4) Places the amended policy on exhibition in line with regular exhibition requirements, to be reported back to Council should there be any submissions. Otherwise, it will be amended without report-back in line with existing practice.

**ORDINARY COUNCIL MEETING - 22 FEBRUARY 2022  
MOTION**

<b>060</b>	<p><b>Councillor Giacomo Arnott</b> <b>Councillor Steve Tucker</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Acknowledges that when the elected Council puts a condition on a Development Application that it decides, it is important for that condition to be followed.</li> <li>2) Notes that several proponents have had conditions imposed on them by the elected Council, who have then submitted a minor modification (4.55(1A)) application, which does not require report back to the</li> </ol>
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**MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022**

	<p>elected Council per the Planning Matters to be Reported to Council Policy.</p> <p>3) Agrees that 5.1(g) of the Planning Matters to be Reported to Council Policy should be amended to read:</p> <p style="padding-left: 20px;">a. Section 4.55(1A) modification applications where the proposed modification is an amendment to a condition moved on the floor of Council and approved by the Council, it will be reported to the Council for determination.</p> <p>4) Places the amended policy on exhibition in line with regular exhibition requirements, to be reported back to Council should there be any submissions. Otherwise, it will be amended without report-back in line with existing practice.</p>
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The motion was carried.

**BACKGROUND REPORT OF: – KATE DRINAN – DEVELOPMENT AND COMPLIANCE SECTION MANAGER**

**BACKGROUND**

Currently, in accordance with the Planning Matters to be Reported to Council Policy, where the original DA was determined by Council, Councillors are advised via PS Newsletter prior to the determination of Section 4.55(1A) modification application. On notification of the 4.55(1A) modification application, Councillors may elect to have the matter called to Council for determination subject to the support of 2 other Councillors.

Section 4.55 (1A) modification applications involve minimal environmental impact changes from the original approval.

Section 4.55(2) modification applications are automatically reported to Council in accordance with the Planning Matters to be Reported to Council Policy. Section 4.55(2) applications involve more significant environmental impacts changes from the original approval.

Reporting a 4.55(1A) modification application to Council may add significant additional time to the assessment of the application noting the 6 week lead time to report a matter to Council.

**MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022****FINANCIAL/RESOURCE IMPLICATIONS**

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

**ATTACHMENTS**

Nil.

**ITEM 6 - ATTACHMENT 3      RESPONSE TO SUBMISSION.**

Policy Review: Planning Matters to be Reported to Council

<b>No.</b>	<b>Author of submission</b>	<b>Comment</b>	<b>Council Response</b>
1	Tomaree Ratepayers and Residents Association Inc. (TRRA)	Seeks greater transparency and accountability of planning matters – requests DA and Planning Proposal information contained in the PS Newsletter be made public.	The PS Newsletter is a confidential document that is not shared with the public.  All lodged development applications are made available on Council's DA Tacker and is available to the public via Council's website.
		The Planning Matters to be Reported to Council Policy should not be separated from the Draft Port Stephens Communication and Engagement Strategy and should be considered concurrently.	The policies have a different purpose and do not require concurrent consideration.
		The Policy should reference the Community Participation Plan (CPP)	The policies have a different purpose and do not require cross referencing.
		The Policy should include a requirement for at least all Councillors sponsoring a 'call-up' to be informed of any withdrawal of support.	This is supported and modifications to the policy have been made accordingly.
		A field should be included in Council's DA Tracker to inform the public of the status of a DA with respect to delegated authority, with similar transparency for the status of Planning Proposals.	This is supported in principle however DA Tracker does not allow for this additional field.
		Requests that the criterion for reporting under clause 5.1(h) be changed to 'DAs which seek to vary a development standard by more than 10%'.	This is supported and modifications to the policy have been made accordingly.
		Request that clause 5.1 (h) variations to development standard greater than 10%, include	Development standards greater than 10% require reporting to Council in accordance with the Department of Planning Environment delegations. Development

**ITEM 6 - ATTACHMENT 3      RESPONSE TO SUBMISSION.**

		<p>not just Local Environmental Plan (LEP) Development Standards but also Development Control Plan (DCP) Controls.</p>	<p>standards relate to LEP development standards and do not apply to DCP Controls. In accordance with Land and Environment Court rulings, the DCP is a guideline and can be readily varied under staff delegation.</p> <p>DCP variations greater than 10% may include things such as a 9cm variation to a side setback, which is not considered to warrant full Council consideration.</p> <p>There would be significant implications if DCP variations greater than 10% were required to reported to Council, including a significant increase in development assessment timeframes, significant increase in Council officer resources and significant increase in the number of DAs being reported. Changes of this nature may result in planning powers being removed from the elected Council.</p> <p>In the event that an objector/objectors are concerned about a significant variation to the DCP, they can request the elected Council call the matter to Council.</p>
		<p>Requests that there should be an additional criterion for reporting a DA to Council, along the lines of: 'where either the planners or objectors raise legitimate concerns about the cumulative impact of multiple variations, even where they are individually less than 10%'.</p>	<p>The suggestion is considered to have the potential to result in subjective assessments and potential confusion. In the event that there are concerns about multiple variations by objectors, they can requests Councillors call the matter to Council. There is no explicit planning provision, which refers to 'cumulative impact of multiple variations'. Variations are considered on a merits and site by site basis, thus an amendment of this nature is not axiomatic with decisions by the Land and Environment Court or the statutory planning framework.</p>
		<p>Requests that the cost of works threshold for DA's where Council is the owner of the land or where the development is being carried out on behalf of Council be lowered to \$100,000 from \$250,000.</p>	<p>The cost of works threshold of \$250,000 is considered to be low and would capture most of Council's DA's. The impacts of development where the cost of works is less than \$250,000 would be generally quite low, noting limited works can be undertaken for that cost. In the event that the impacts were considered significant enough to warrant full Council consideration, the opportunity is afforded to Councillors to call the matter to</p>

**ITEM 6 - ATTACHMENT 3      RESPONSE TO SUBMISSION.**

			Council noting DAs with a cost of works less than \$250,000 would be reported in the PS Newsletter prior to determination. Reducing the cost to \$100,000 could adversely impact Council operations through extended assessment timeframes.
		Requests that 5.1(d) and (e) be replaced by a single clause, requiring reporting to Council for all DAs and s.4.55 modifications with a cost of works of more than \$100,000 on Council owned or managed land, whether classified as Community or Operational.	DA's on community land and operational land are separated in the Policy as all DA's on community land regardless of the cost of works require reporting to Council, with the exception of proposed works that comprise amenity buildings and structures such as; toilet facilities, playgrounds, small refreshment kiosks and the like. These requirements are enshrined through Section 47E of the Local Government Act 1993.
		Suggested 5.1(f) and 5.1(g) be consolidated and simplified to require all modifications 4.55(1A) and 4.55(2) to be reported to Council where the original DA was reported to Council.	5.1(g) has been specifically amended to require modification applications which seek to vary a condition applied via an amendment moved on the floor of Council to be mandatorily reported back to Council. Requiring all 4.55(1A) applications to be reported to Council would unnecessarily add time to an assessment and result in additional resourcing to accommodate the request. Councillors are made aware of 4.55(1A) modification applications where the DA was originally reported to Council in the PS Newsletter and can call a matter to Council if requested. A large quantum of S4.55(1A) amendments are very minor and may relate to minor items such as relocating services or administrative changes to conditions.



**MINUTES ORDINARY COUNCIL - 25 OCTOBER 2022**

**NOTICE OF MOTION**

**ITEM NO. 1**

**FILE NO: 22/260112**

**EDRMS NO: PSC2021-04195**

**PLANNING MATTERS REPORTED TO COUNCIL POLICY**

**COUNCILLOR: GIACOMO ARNOTT**

**THAT COUNCIL:**

- 1) Notes that the Planning Matters to be Reported to Council Policy (the Policy) has finished public exhibition and is due to be reported back to Council in the near future.
- 2) Agrees to amend the policy as follows:
  - a. Changes the current 5.1 i) to be 5.1 j)
  - b. Inserts 5.1 i) which reads:  
'Development Applications which would result in the removal of any trees or public assets on Council owned land, except where required for a driveway crossover, are to be reported to Council for determination.'

**ORDINARY COUNCIL MEETING - 25 OCTOBER 2022  
MOTION**

<b>298</b>	<p><b>Councillor Giacomo Arnott</b> <b>Councillor Jason Wells</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Notes that the Planning Matters to be Reported to Council Policy (the Policy) has finished public exhibition and is due to be reported back to Council in the near future.</li><li>2) Agrees to amend the policy as follows:<ol style="list-style-type: none"><li>a. Changes the current 5.1 i) to be 5.1 j)</li><li>b. Inserts 5.1 i) which reads: 'Development Applications which would result in the removal of any trees or public assets on Council owned land, except where required for a driveway crossover, are to be reported to Council for determination.'</li></ol></li></ol>
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Those for the Motion: Crs Leah Anderson, Giacomo Arnott, Peter Kafer and Jason Wells.

**MINUTES ORDINARY COUNCIL - 25 OCTOBER 2022**

Those against the Motion: Mayor Ryan Palmer, Crs Matthew Bailey and Steve Tucker.

The motion was carried.

**BACKGROUND REPORT OF: KATE DRINAN – DEVELOPMENT AND COMPLIANCE SECTION MANAGER****BACKGROUND**

The Planning Matters to be Reported to Council Policy (the Policy) was established to ensure that Councillors are provided with the opportunity for input into the determination of development applications and planning proposals prior to decisions being finalised and determinations granted.

The Policy is currently being reviewed and updated following the public exhibition of a revised Policy.

If supported, staff shall update the Policy in accordance with the resolution of Council.

**FINANCIAL/RESOURCE IMPLICATIONS**

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

**ATTACHMENTS**

Nil.

**ITEM 6 - ATTACHMENT 5 COUNCIL CONFLICT OF INTEREST MANAGEMENT STATEMENT.**



**COUNCIL CONFLICT OF INTEREST MANAGEMENT STATEMENT**

DA NUMBER:	
DEVELOPMENT SITE:	
DEVELOPMENT DESCRIPTION:	
APPLICANT:	
POTENTIAL CONFLICT:	
MANAGEMENT STRATEGY:	<p>The Council is managing potential conflicts of interest in this matter as follows (delete if not applicable):</p> <ul style="list-style-type: none"> <li>• Only Council development assessment staff not involved with preparing a Council-related DA or modification application will assess the application. The staff will remain separated from the project team for all Council-related DA's and modification applications;</li> <li>• DA to be determined under delegated authority, unless otherwise called to Council in accordance with Council Related Planning Matters Policy;</li> <li>• Where a potential for a conflict of interest exists, where the DA will be assessed by a third party consultant.</li> </ul>
CONTACT:	<p>Anyone with concerns about Council fulfilling its obligations should report their concerns to the Development Planning Coordinator or Development and Compliance Section Manager on (02) 4988 0255.</p>