Minutes 28th March 2006

Port Stephens
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... a community partnership

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 28 March 2006, commencing at 5.35pm.

PRESENT: Councillors C. Baumann (Mayor); R. Swan (Deputy Mayor); J. Nell, G. Francis; G Robinson; S. Tucker H Brown; K. Jordan, G. Dingle, R. Westbury, J. Hodges, S. Dover, General Manager; Executive Manager – Corporate Management, Facilities and Services Group Manager; Acting Sustainable Planning Group Manager; Acting Business and Support Group Manager, Minutes Clerk

Note: Cr Hodges left the meeting at 5.35pm and returned at 5.37pm.
Cr Tucker was not present at the commencement of the meeting

442	**Councillor Francis** **Councillor Nell**	**It was resolved that the apology from Cr Brown be received and noted.**

443	**Councillor Swan** **Councillor Robinson**	**Resolved that the minutes of the Ordinary meeting of Port Stephens Council held on 28 February and 14 March be confirmed.**

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COMMITTEE RECOMMENDATIONS

The Committees met on the 7th & 14th March, 2006 and make the following recommendations to Council.

COMMITTEE	PRESENT	TIME
Strategic Committee	Councillors Baumann, Swan, Nell, Tucker, Francis, Dingle, Westbury, Dover, Hodges & Brown, and Messrs Gesling, Murrell, Trigar, Wickham & Ms Shine Apology: Crs Robinson, Jordan,	7 March, 2006 Commenced: 6.48pm Concluded: 7.46pm
Operations Committee	Councillors Baumann, Swan, Nell, Francis, Robinson, Jordan, Dingle, Westbury, Dover, Hodges & Brown, and Messrs Gesling, Murrell, Trigar, Wickham & Ms Shine Apology: Cr Tucker	14 March, 2006 Commenced 6.30pm Concluded 8.40pm

MAYORAL MINUTES

MAYORAL MINUTE

ITEM NO. 1 **FILE NO: A2004-0216/PSC2005-1589**

PACIFIC HIGHWAY TASKFORCE

THAT COUNCIL:

1. Endorse its membership of the Pacific Highway Taskforce
2. Allocate a suitable amount to become a financial member of the Pacific Highway Taskforce

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BACKGROUND

Pacific Highway Taskforce

In 2005, Councils along the length of the highway formed a Taskforce to pursue government commitment to increase the funds available to improve the safety of the highway.

The Pacific Highway Taskforce met for the first time on Friday 25 November in Sydney, following the initiative of two Pacific Highway summits earlier in the year.

In joining with other Councils affected by the Highway, this Council has the opportunity to work with a high-profile group representing around one million ratepayers. Added to this is representation of around two million motorists through the NRMA Motoring and Services, which has also joined the Taskforce.

The Taskforce has since adopted the following mission statement: “To achieve, through government action, the upgrading of the Pacific Highway to a four-lane dual carriageway by the year 2016, or sooner.”

The specific roles of the Taskforce members are defined as follows:

- **Taskforce:** to provide advocacy as outlined tin the mission statement, taking care to remain apolitical, and to pursue fruitful and beneficial relationships with all levels of Government.

- **NRMA Motoring and Services:** to provide leadership and advice as well as financial, logistical, media research staff and other support to the Taskforce as necessary

- **Local Councils:** to provide ongoing financial and staff support to the operation of the Taskforce, whether through ROC’s of individually

Membership of the Taskforce is limited to local government and the NRMA. Any Council affected by the upgrade of the Pacific Highway is eligible to join with Council Mayors considered to represent the views of their respective elected Councils.

The executive of the Taskforce was elected on 16 December, 2005 as follows:

Cr Ernie Bennett, Mayor of Kyogle – President NOROC – Chairman
Cr Keith Rhoades, Mayor Coffs Harbour – Mid-highway representative
Cr Robert Drew – Mayor Port Macquarie-Hastings – Southern representative
Cr Philip Silver – Mayor Ballina – North representative
Mr Alan Evans – President, NRMA Motoring and Services
Ms Wendy Machin – Director, NRMA Motoring Services, alternate

Financial Implications
In order to fund the work of the Taskforce, the executive has asked all Councils along the length of the highway to contribute up tot $2,000 for the year 2006. The NRMA has contributed $20,000.00 and will also provide staffing and research expertise.

The secretariat of the Taskforce is to be supplied by the Northern Rivers Regional Organisation of Councils (NOROC).

Consultation
Members of the Taskforce are to be kept informed via a regular newsletter. A variety of public communication avenues are currently being produced jointly between the Taskforce and the NRMA Motoring and Services.

Conclusion
The operation of the Taskforce reinforces the activities of this council over many years and as such represents a useful opportunity for the Council to cooperate regionally with other local councils for the benefit of our communities.

Further information will be forwarded to Councillors through a future report to Council.

444	**Councillor Baumann**	**There being no objections it was resolved that the Mayoral Minute be adopted.**

MOTIONS TO CLOSE

ITEM NO. 1 **FILE NO: A2004-0028**

MOTION TO CLOSE MEETING TO THE PUBLIC

AUTHOR: BRONWYN FLINN – BUSINESS PAPER CO-ORDINATOR

RECOMMENDATION:

1) That pursuant to section 10A(2)(d) 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 **Tender 2005-267T – Newcastle Airport Terminal Extension – Package 1.**

2) That the reasons for closing the meeting to the public to consider this item be that:

   i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and

   ii) In particular, the report includes confidential pricing information in respect of **Tender 2005/267T: Newcastle Airport Terminal Extension – Package 1.**

3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.

4) That the report and minutes of the closed part of the meeting are to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 20(b) of the Local Government (Tendering) Regulation 1999.

NOTE: THIS ITEM WAS WITHDRAWN

ITEM NO. 2 **FILE NO1740-170, PSC2005-4314,4318,4321,4323,A2004-1188:**

MOTION TO CLOSE MEETING TO THE PUBLIC

AUTHOR: BRONWYN FLINN – BUSINESS PAPER CO-ORDINATOR

RECOMMENDATION:

1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary agenda namely **Tender for Security Services at Port Stephens Beachside Holiday Parks.**

2) That the reasons for closing the meeting to the public to consider this item be that:

   i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and

   ii) In particular, the report includes confidential pricing information in respect of **Tender for Security Services at Port Stephens Beachside Holiday Parks.**

3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.

4) That the report and minutes of the closed part of the meeting are to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 20(b) of the Local Government (Tendering) Regulation 1999.

ORDINARY MEETING – 28 MARCH 2006

RECOMMENDATION:

445	**Councillor Hodges** **Councillor Jordan**	**It was resolved that the recommendation be adopted.**

ITEM NO. 3 **FILE NO: PSC2005 - 5724**

MOTION TO CLOSE MEETING TO THE PUBLIC

AUTHOR: BRONWYN FLINN – BUSINESS PAPER CO-ORDINATOR

RECOMMENDATION:

1) That pursuant to section 10A(2)(d) 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 3 on the Ordinary agenda namely **Tender Williams River Flood Study.**

2) That the reasons for closing the meeting to the public to consider this item be that:

   i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and

   ii) In particular, the report includes confidential pricing information in respect of **Tender Williams River Flood Study.**

3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.

4) That the report and minutes of the closed part of the meeting are to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 20(b) of the Local Government (Tendering) Regulation 1999.

ORDINARY MEETING – 28 MARCH 2006

RECOMMENDATION:

446	**Councillor Jordan** **Councillor Nell**	**It was resolved that the recommendation be adopted.**

OPERATIONS COMMITTEE RECOMMENDATIONS

ITEM NO. 1 **FILE NO: 16-2004-1727-1**

DEVELOPMENT APPLICATION FOR DWELLING, BED AND BREAKFAST ESTABLISHMENT, LANDFILL AND GARAGE AT NO. 2843 NELSON BAY ROAD, SALT ASH

AUTHOR: MELISSA THOMAS – DEVELOPMENT PLANNER

RECOMMENDATION IS THAT COUNCIL:

1) Approve Development Application 16-2004-1727-1 for the reasons contained in Attachment 4.

OPERATIONS COMMITTEE MEETING – 14TH MARCH 2006

RECOMMENDATION:

That Council defer this matter for further information to be provided to Council meeting 28/3/2006.

Matter Arising:

That the ANEF policy be reviewed.

ORDINARY MEETING – 28 MARCH 2006

RECOMMENDATION:

	Councillor Hodges Councillor Jordan	That this item be deferred for reason for refusal to be drafted by Sustainable Planning staff to look at current plan and legal implications.

Amendment:

447	**Councillor Nell** **Councillor Francis**	**It was resolved that the matter be deferred to the May Operations Committee including the matter arising and that the report include reasons for refusal, together with a site inspection prior to the Operations Committee meeting.**

The amendment on being put became the motion which was put and carried.

Note: Cr Tucker entered the meeting at 5.40pm during discussion and voting on this item.

BACKGROUND

The purpose of this report is to present a development application to Council for determination.

The application seeks approval to construct a single dwelling within the Salt Ash Air Weapons Range (SAAWR) 2012 ANEF zone 25-30 contrary to Council's adopted policy "Aircraft Noise Exposure in Port Stephens". The policy states that a dwelling house is not acceptable in the ANEF zone 25-30 and does not contain any provisions to consider an acoustic report in this aircraft noise zone.

The application seeks approval for a dwelling, bed and breakfast establishment (B&B), machinery shed and landfill on Rural 1(a) Agriculture zoned land. The subject land has a frontage to Nelson Bay Road and adjoins Tilligerry Creek to the north. The site currently has a small shed situated on it but is mostly vacant. The surrounding area is predominantly zoned Rural 1(a) Agriculture, and consists of development typical of the rural zone. The proposed dwelling consists of three bedrooms, two of which are proposed to be used as a bed and breakfast establishment. The site is relatively flat and identified as flood prone, and accordingly the application also proposes a raised fill pad to be located at the front of the site, upon which the proposed dwelling would be located to achieve a 2.5m Flood Planning Level.

Given that the application includes a B&B component, an anomaly exists in the assessment of this proposal. According to Council's Aircraft Noise Policy, bed and breakfast establishments are permitted in the ANEF zone 25-30 if supported by an acoustic report. The definition of a bed and breakfast establishment in the Local Environmental Plan 2000 clearly states that a B&B is a dwelling house, with the B&B being an additional use. Accordingly the existence of a bed and breakfast is reliant on the existence of a dwelling house. Therefore it is considered that the intention of the Aircraft Policy would be to allow the establishment of a B&B within an existing house, rather than to permit new dwellings. Accordingly, in terms of aircraft noise, the application has been assessed as a dwelling, landfill and machinery shed in the first instance, and then the proposed use as a bed and breakfast establishment was considered.

Council officers are unable to determine the application under delegated authority due to the provisions of Council's adopted policy "Aircraft Noise Exposure in Port Stephens". In regard to the subject application, a report has been received from Heggies Australia which states that specified indoor design level can be achieved as specified in the Australian Standard 2021-2000 "Acoustics – Aircraft Noise Intrusion – Building Siting and Construction" and Council's policy, incorporating noise reduction components into the building construction including alternative ventilation. This is despite the dwelling house being located in the higher ANEF zone.

The key issues associated with this proposal are as follows:-

- Inconsistency with Council's Aircraft Noise policy
- Suitability of the site
- On site wastewater disposal – Tilligerry Catchment
- Bushfire

An assessment of the development application and proposed conditions are contained in the attachments. Whilst a dwelling in the 25-30 ANEF is inconsistent with the Australian Standard and Council's Policy, the applicant has demonstrated that the proposed dwelling can be suitably attenuated in accordance with the standard. The proposal is considered to

be acceptable in terms of flooding and bushfire requirements. The application is recommended for approval with conditions requiring the attenuation measures as proposed.

LINKS TO CORPORATE PLANS

This report relates to the Goal in the Assessment and Approvals program of Council's Management Plan, which is an ordered and predictable built environment in Port Stephens.

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL AND POLICY IMPLICATIONS

The development application can achieve the indoor design level specified in the adjoining ANEF Zone 20-25, but is not consistent with the policy in regard to acceptability of dwellings in the ANEF Zone 25-30. Council's adopted policy has the potential to prevent a new dwelling being constructed on the subject land, in addition to other allotments in the immediate vicinity situated within the ANEF Zone 25-30.

Australian Business Excellence Framework

This aligns with Principles 1, 8, and 10 of the ABEF Framework.

1) Clear direction allows organisational alignment and a focus on the achievement of goals

8) Effective use of facts, data and knowledge leads to improved decisions

10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The social implications directly attributable to aircraft noise impacts include reduced residential amenity.

ECONOMIC IMPLICATIONS

Council's adopted policy may prevent a dwelling entitlement on the subject land resulting in a negative economic impact on the applicant.

ENVIRONMENTAL IMPLICATIONS

Aircraft noise has a potential adverse impact on the residential amenity of future residents.

The site is unsewered and in close proximity to Tilligerry Creek, which is currently subject to a major review of wastewater treatment systems. Council's Wastewater Management Officer has assessed the proposal and has advised that provided that the effluent disposal measures proposed are implemented, Council's requirements are achievable for the dwelling.

The northern area of the subject site has been identified on the Lower Hunter and Central Coast Regional Environmental Strategy mapping as a Mangrove-Estuarine Complex. This vegetation community is classified Coastal Salt Marsh which is an Endangered Ecological Community as defined by the Threatened Species Conservation Act 1995. The proposed works are not located in this area and it is considered that the development will not adversely

impact on any threatened species, populations or ecological communities, provided that the effluent disposal measures proposed are implemented.

CULTURAL IMPLICATIONS

The proposed development does not have any significant cultural implications.

CONSULTATION

The application was exhibited in accordance with Council policy and no submissions were received.

OPTIONS

1) Adopt the recommendation.

2) Reject or amend the Recommendations.

ATTACHMENTS

1) Locality Plan
2) Site Plan
3) Assessment
4) Conditions

COUNCILLORS ROOM

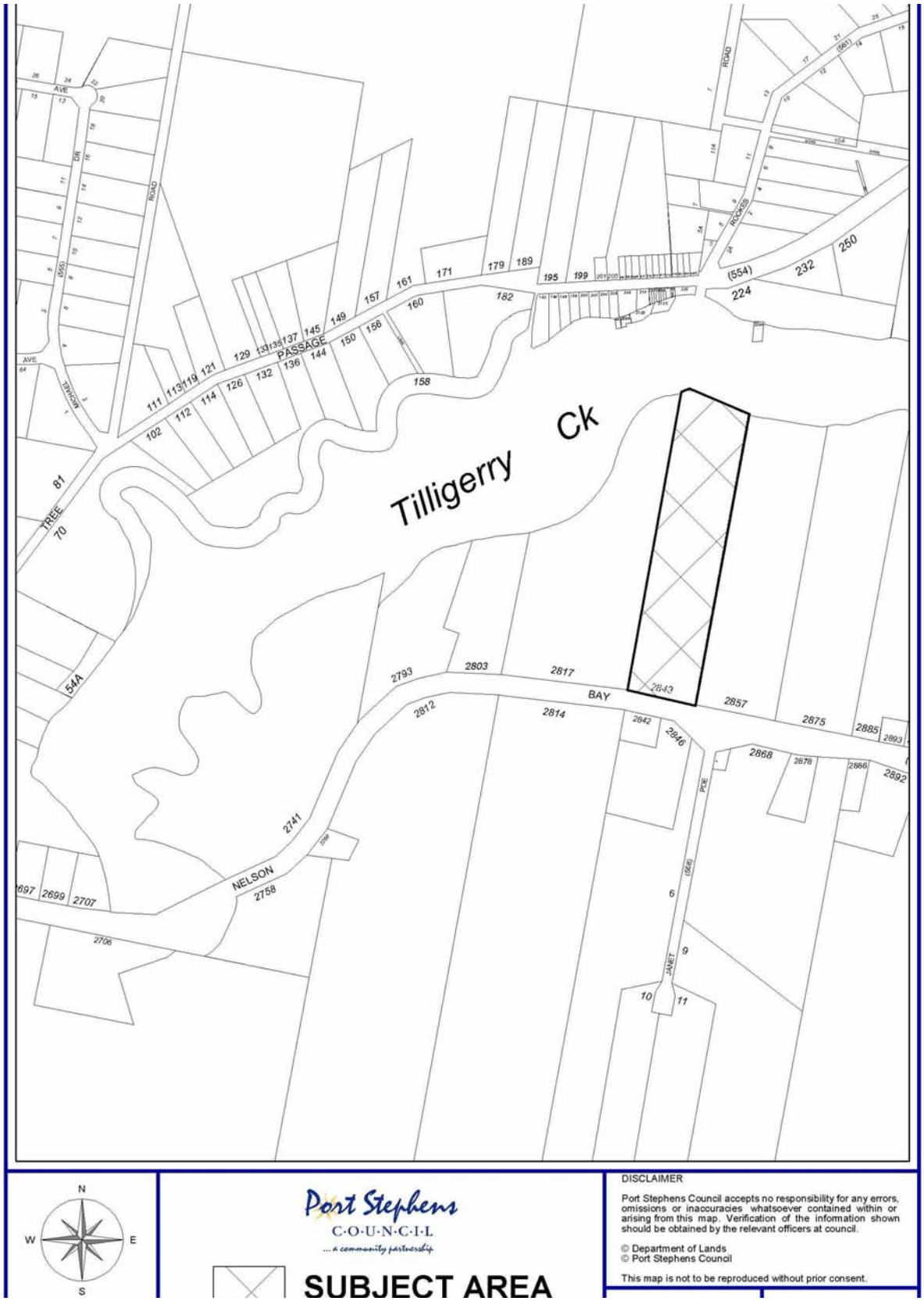
1) Plans

2) Supporting documentation (Including Statement of Environmental Effects, Aircraft Noise Assessment, Access Traffic Report)

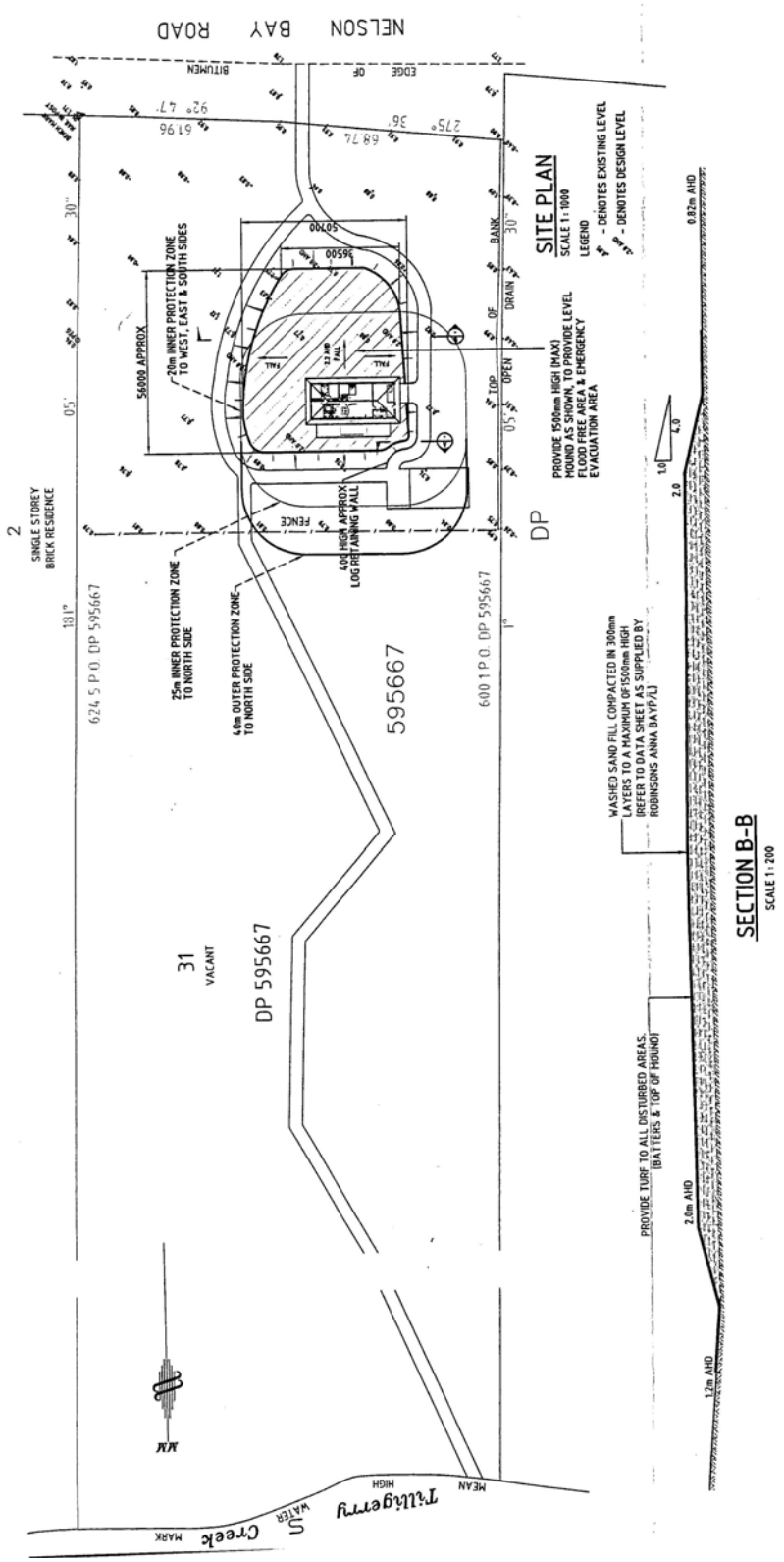
TABLED DOCUMENTS

Nil.

ATTACHMENT 1
LOCALITY PLAN



ATTACHMENT 2
SITE PLAN



ATTACHMENT 3
ASSESSMENT

The application has been assessed pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 and the following is a summary of those matters considered relevant in this instance.

THE PROPOSAL

The applicant, Thomas Dorne, proposes to construct a dwelling, bed and breakfast establishment, machinery shed and landfill. The dwelling will gain access to Nelson Bay Road via an existing rural access.

THE APPLICATION

Owner	MR TJ AND MRS HE DORNE
Applicant	THOMAS DORNE
Detail Submitted	Development Plans (including site plan, floor plans, elevations, survey plan), Statement of Environment Effects, Aircraft Noise Assessment, Access Traffic Report, Bushfire Threat Assessment, Energy Efficiency Assessment, Details for Earth Mound, and Single Site Assessment Report for waste water treatment.

THE LAND

Property Description	Lot 31 DP595667
Address	2843 Nelson Bay Road, Salt Ash
Area	7.98ha
Dimensions	130m frontage to Nelson Bay Road 600-624m depth
Characteristics	The land is accessed by Nelson Bay Road and is surrounded by rural land. Property is adjacent to Tilligerry Creek.

THE ASSESSMENT

1. Planning Provisions

LEP 2000 – Zoning	1(a) Rural Agriculture "A" Zone
Relevant Clauses	11, 14, 37, 42
Development Control Plan	PS6 – *Bed and Breakfast Establishments* PS2 – *Parking and Traffic Guidelines* PS10 – *Building Standards and Notification Procedures for Development Applications*
State Environmental Planning Policies	SEPP14 – Coastal Wetlands SEPP71 – Coastal Protection
Port Stephens Council Policies	Aircraft Noise Exposure in Port Stephens

ATTRIBUTE	PROPOSED	REQUIRED	COMPLIES
Floor Space Ratio	0.005:1	0.5:1	Yes
Minimum Area per Dwelling	56,860m^2	4000m^2	Yes
Building Line Setback	Approx. 90 metres	18 metres	Yes
Setbacks	33.6 metres	0.9 metre	Yes
Height (approx above natural ground level)	Dwelling 7.2 metres Garage/Shed 6 metres	N/A	Yes
Carparking	**Dwelling** 1 Space **Bed and Breakfast** 2 spaces	**Dwelling** 1 space **Bed and Breakfast** 2 spaces	Yes

Discussion

The development's height, bulk and scale is considered acceptable, as the building does not pose an unreasonable impact on residential amenity.

Port Stephens Local Environmental Plan 2000

Clause 11 – Rural Zonings
The land is zoned Rural 1(a) Agriculture under the provisions of the Port Stephens Local Environmental Plan (LEP) 2000. The proposed dwelling and B&B establishment are permissible forms of development with the consent of Council. The proposal is considered to be consistent with the zone objectives.

Clause 14 – Dwelling-houses and dual occupancy housing in rural zones
The proposed development is consistent with the requirements of clause 14 (2). The subject site has an area of 56,860m^2, and therefore is compliant with the 4,000m^2 minimum allotment area requirement for dwelling houses in rural areas.

Clause 37 – Development on flood prone land
The subject site is classified as Flood Prone land under the Local Environmental Plan 2000, with the proposed building located approximately 519 metres from Tilligerry Creek. The required habitable floor level is 2.5m AHD, which the proposal complies with. (Refer Condition 12)

Clause 42 – Development along arterial roads
The only available access for the proposed dwelling would be via a driveway to Nelson Bay Road. The proposed development is located across the road from the 'Pit Stop' Service Station. The Access Traffic Report submitted with the proposal concluded that the traffic generation from the site will have the capacity to operate safely whilst Nelson Bay Road remains in its present form.

The proposal has been referred to the Roads and Traffic Authority, who have no objection to the proposal provided that certain conditions are complied with. (Refer Condition 5)

Aircraft Noise Exposure in Port Stephens Policy
The application seeks approval to construct a single dwelling within the Salt Ash Air Weapons Range (SAAWR) 2012 ANEF zone 25-30 contrary to Council's adopted policy "Aircraft Noise Exposure in Port Stephens". The dwelling location is over 300m from the

2012 ANEF zone 20-25, wherein Council's adopted policy permits a dwelling house subject to an acoustic report. The policy states that a dwelling house is not acceptable in the ANEF zone 25-30 and does not contain any provisions to consider an acoustic report in this aircraft noise zone.

The development application can achieve the indoor design level specified in the adjoining ANEF Zone 20-25, but is not consistent with the policy in regard to acceptability of dwellings in the ANEF Zone 25-30. Council's adopted policy has the potential to prevent a new dwelling being constructed on the subject land, in addition to other allotments in the immediate vicinity situated within the ANEF Zone 25-30.

The proposal also requests approval for a Bed and Breakfast Establishment. According to Council's Aircraft Policy, Bed and breakfast establishments are permitted in the ANEF zone 25-30 if supported by an acoustic report. However, given that dwellings are not permitted in the zone, and the definition in the Local Environmental Plan 2000 states that a bed and breakfast establishment "*means a dwelling-house (in addition to its use as a principal place of residence) for the provision of temporary accommodation for not more than 6 tourists or travellers at any one time in not more than 3 bedrooms in the dwelling house*". Therefore the existence of a bed and breakfast is reliant on the existence of a dwelling house, which is not permitted in the aircraft noise contour. The intention of the Aircraft Policy would be to allow the establishment of a B&B within an existing house, rather than to permit new dwellings.

The key issue in this instance is the inconsistency with Council's Policy. The policy reflects Australian Standard 2021-2000 insofar as dwellings are not considered acceptable in the 25-30 ANEF. Council officers are unable to determine the application under delegated authority due to the provisions of Council's adopted policy "Aircraft Noise Exposure in Port Stephens". In regard to the subject application, an acoustic report has been received from the applicant which states that the specified indoor design sound level can be achieved in accordance with AS2010-2000 and Council's policy incorporating noise reduction components into the building construction including alternate ventilation. This is despite the dwelling house being located in the higher ANEF zone. It is considered that the proposed dwelling can be suitably attenuated to provide the indoor sound levels required by the Australian Standard. (Refer Condition 10)

PS6 – Bed and Breakfast Establishments
The proposal is considered to comply with Council's Development Control Plan for B&B Establishments, complying with the maximum number of rooms permissible. The B&B will not be connected to sewer, however the DCP allows consideration for rural lots of more than 1 hectare with appropriate on-site effluent disposal. Environmental Health and Building Standards would be imposed as conditions of consent (Refer Conditions 7, 8, 9 and 11).

PS 2 – Traffic and Parking Guidelines
Under the provisions of PS2 – Traffic and parking Guidelines, the development is required to provide one carparking space for the dwelling, in addition to 1 space per guest room for the Bed and Breakfast Establishment. As the development is proposed to have two guest rooms, it would require a total of 2 car parking spaces, which the proposal complies with.

Guest vehicles are able to enter and leave the property in a forward direction.

PS10 – Building Standards & Notification of Development Applications
Within the Rural 1(a) Agriculture zoning a building line setback of 18 metres is required for main roads. The development is considered to comply with a building line of approximately 90 metres.

Waste Water Disposal

The site is unsewered and in close proximity to Tilligerry Creek, which is currently subject to a major review of wastewater treatment systems. Council's Wastewater Management Officer has assessed the proposal and has advised that provided that the effluent disposal measures proposed are implemented, Council's requirements are achievable for the dwelling. (Refer Condition 38)

Rural Fires Act 1997
The proposal is identified as bushfire prone land and given that Bed and Breakfast Establishments is a 'Special Protection' use, a Bush Fire Safety Authority was required and received under section 100B of the Rural Fires Act 1997. (Refer Condition 4)

Landfill
The proposed landfill for the purpose of the dwelling has been assessed having regard to the flood prone nature of the subject site, and is considered satisfactory. Issues including Alligator Weed have been addressed through the conditions of consent. (Refer Conditions 13, 14, 15, 16, 17)

State Environmental Planning Policy 71 – Coastal Protection
The proposal is considered to be consistent with the provisions of this policy.

State Environmental Planning Policy 14 – Coastal Wetlands
The northern section of the subject site is identified as SEPP14 Wetland. As the proposal does not involve any clearing, construction of levees, draining or filling within the area affected, no requirements exist in accordance with this policy.

2. Likely Impact of the Development

The development does not adversely impact on the natural or built environment

3. Suitability of the Site

The subject site is zoned Rural 1(a) Agriculture, within which dwelling houses are permissible.

There are physical constraints that have been assessed in accordance with Councils policies, including the bushfire, flood and aircraft noise prone nature of the subject site.

In regard to bushfire, a bushfire hazard assessment report has been submitted. The report concludes that, the dwelling has no construction requirements under AS3959 "Construction of Buildings in Bushfire-prone areas", the proposed development will comply with "Planning for Bushfire Protection".

4. Submissions

No submissions have been received for this application.

5. Public Interest

The proposal is not contrary to the public interests as the development satisfies relevant planning considerations and maintains an acceptable level of residential amenity.

ATTACHMENT 4
CONDITIONS

1. Works shall not commence until such time as a construction certificate, where necessary, has been issued for the works approved by this application.

2. The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development consent or as noted in red by Council on the approved plans.

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 shall comply with the general terms of approval issued by the NSW Rural fire Service dated 16 May 2005 under the relevant legislation. (copy attached)

5. The development shall comply with the general terms of approval issued by the Roads and Traffic Authority Resources dated 29 September 2005 under the relevant legislation. (copy attached)

6. Certification is to be prepared by a registered surveyor and submitted to the Principal Certifying Authority at the following stages of construction:

   a. On completion of ground floor construction, confirming that the floor levels are in accordance with the Reduced Levels indicated on the approved plan.

   b. When the roof has been completed, confirmation that the building does not exceed the Reduced Levels, as indicated on the approved plan.

7. The bed and breakfast establishment is approved for a total of 2 bedrooms and shall comply with the requirements of the Port Stephens Council Development Control Plan PS6 - Bed and Breakfast Establishments.

   Each paying guest shall reside at the establishment for at least one (1) day and not more than fourteen (14) days in any month. A register shall be kept by the permanent resident to record the occupancies. This register shall be made available when requested by an authorised officer.

   The bed and breakfast establishment must be inspected annually by Council's Food Surveillance Officer. **Prior to the annual inspection** supply to Council certification by appropriately qualified person confirming that fire safety measures have been inspected as well as tested and are capable of operating to the relevant standards.

8. The bed and breakfast establishment shall provide the following fire safety measures:-
   - Smoke alarms complying with Australian Standard 3786 must be installed in all bedrooms and hallways and on each storey not already provided with an alarm. The smoke alarms must be connected to a permanent 240v electricity

supply with battery operated backup device (Refer to Part 3.7.2 BCA (Housing Provisions);

- Emergency lighting must be provided to assist evacuation of occupants. The lighting is to be activated by the smoke alarms and consist of a light incorporated in the smoke alarm or lighting located in the hallway or area serviced by the smoke alarm;
- Escape paths must be kept clear and unobstructed at all times;
- Portable fire extinguisher and fire blanket complying with Australian Standard 2444 are to be provided and installed in the kitchen area with clear instructions for use.
- No deadlocks shall be installed on bedrooms or exit doors which require an internal key release;
- No bars or restrictions to egress shall be placed on windows;
- Instructions for action in the event of fire must be placed in each guest room;
- Prior to operating the bed and breakfast establishment, Council shall issue an occupation certificate for the classification of the dwelling to 1b under the Building Code of Australia. Before the issue of the occupation certificate, Council requires certification from a suitably qualified person confirming that the required fire safety measures have been installed and are capable of operating to the relevant standards.

9. An inspection is to be undertaken by Council's Food Surveillance Officer to ensure compliance with Port Stephens Council Development Control Plan PS6 - Bed and Breakfast Establishments and the Food Safety Standards **prior to the commencement of the operation of the Bed and Breakfast operation.**

10. The development shall be constructed in accordance with the recommendations contained in the acoustic report prepared Heggies Australia and dated 27 April 2005. **Prior to the issue of any Occupation Certificate**, submit to the Principal Certifying Authority, certification confirming that the measures recommended in the acoustic report have been fully implemented. This certification should confirm specific details of measures and materials/methods of construction.

11. Any advertising structures for the Bed and Breakfast Establishment shall comply with Council's signage requirements under the Local Environmental Plan and Port Stephens Council Advertising Signs Code adopted 11th April 1995.

    No advertisement shall be displayed without the consent of Council, unless the advertisement does not require approval under the Exempt & Complying Development Control Plan or Port Stephens Council Advertising Signs Code.

12. The development shall be constructed in accordance with the NSW Government Floodplain Management Manual (2001).
    The Flood Planning Level for this development is 2.5 metres AHD.
    Flood Compatible Building Materials are listed in the attached Schedule 5.

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.

Schedule for flood compatible materials is attached.

13. Only clean fill shall be used for the approved land filling activities. The use of material such as wood, metal, plastic, asbestos, glass, any contaminated material, and general building wastes as landfill is prohibited. Council will insist on the removal of prohibited material.

14. Upon completion of the landfill activities, submit a survey plan prepared by a registered surveyor confirming that the landfilling has been undertaken in accordance with the approved plans and documentation. Council will insist on the removal of excessive fill.

15. The subject land may be partially affected by Alligator Weed. The site needs to be inspected by Council's Weed or Vegetation Officer prior to the commencement of work. An information sheet about Alligator Weed is attached to this consent.

    It is an offence under the Noxious Weeds Act 1993 to spread Alligator Weed. All machinery and equipment that has operated in affected areas is considered contaminated and must be cleaned thoroughly before leaving the site. An agreed wash down area must be established, and subsequently monitored for the presence of Alligator Weed. Cleaning must include the removal of all mud and plant matter, followed by washing down with high pressure water. Before the machine is moved to another site an inspection must be made by Council's Weed or Vegetation Officer.

16. Filling shall not obstruct any natural stormwater flowpath or water drainage system. Neither shall the fill encroach any adjoining property nor have batter slopes steeper than 1 vertical to 6 horizontal. The toe of batters shall be a minimum of 3.0 m from the adjoining property and provision made (if necessary) within that 3.0 m width for overland flowpaths to relieve runoff from both the subject property and adjoining properties.

17. In areas that are disturbed for site filling, all available topsoil shall be stockpiled and re-used at the completion of the earthworks. The topsoil shall be spread evenly and lightly rolled. All disturbed areas shall be stabilised within 14 days of completion of the filling operations with grass cover by either turfing or seeding.

18. Erosion control measures shall be put in place to prevent the movement of soil by wind, water or vehicles onto any adjoining property, drainage line, easement, natural watercourse, reserve or road surface, in accordance with "Managing Urban Stormwater", Volume 1:2004 (Landcom).

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

20. 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.

    When the construction site is in operation the L10 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.

21. 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.

22. Where the proposed development incorporates pile-driving activities associated with the construction process the applicant/beneficiary of the consent shall, prior to the release of the Construction Certificate for the works associated with the piling system undertake the following actions.

a) For development incorporating pile-driving activities for a period of 5 days or more, be that consecutive or combined total:

i) An appropriately qualified Acoustic Engineer shall prepare an report on 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).

ii) 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.

iii) For pile driving activities with a duration in access 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 Principle Certifying Authority.

23. Pile driving shall only be carried out between the hours of 8.00am - 3.30pm Monday to Friday excluding public holidays.

24. 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.

25. The applicant or the person who is the beneficiary of the development consent incorporating pile-driving activities shall, prior to release of a Construction Certificate 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.

26. Occupation of any buildings shall not take place until the building has been completed in accordance with the approved plans, specifications and conditions of this approval unless approval to occupy an incomplete building is granted by Council or an accredited certifier. Approval to occupy will not be given if any health or safety defects exist. NOTE: If an accredited certifier approves occupation of a dwelling the accredited certifier is to immediately notify Council in writing.

27. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

a) stating that unauthorised entry to the work site is prohibited, and
b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

This clause does not apply to:

a) work carried out inside an existing building, or
b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

28. If the work involved in the erection or demolition of a building:

a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
b) building involves the enclosure of a public place.

A hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

a) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
b) Any such hoarding, fence or awning is to be removed when the work has been completed.

29. Approval to occupy, close or partially close the footpath adjacent to the property to which this approval relates shall be the subject of a separate application. Without specific approval, storage of materials on or closure of the footpath is prohibited.

30. Vehicular access to the property, during construction of the dwelling is to be via an all weather access for delivery of materials & trades.

31. A waste containment facility to Council's requirements, is to be provided on the building site immediately after the first concrete pour for the building and is to be regularly serviced. Council and the Environmental Protection Authority may issue ‘on the spot’ fines if breaches of the Environmental Offences and Penalties Act, are detected.

Note: Your attention is drawn to your responsibility to control any litter arising from building works associated with this approval.

32. Approved toilet accommodation for all workmen on the building site is to be provided from the time work commences until the building is complete.

33. Retain all live trees protected by Council's Tree Preservation Order, other than those affected by the location of the building and driveways. Approval for removal of trees is limited to a distance of three (3) metres from the building and a three (3) metre wide driveway strip. A development application must be made to Council for the removal or pruning of any other tree or trees on the property ($15.00 application fee applies)

34. If the soil conditions require it retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and adequate provision must be made for drainage.

Note: Where retaining walls exceed 600 mm in height and/or are adjacent to property boundaries, details of the method of construction are to be submitted to Council for approval prior to erection.

It is recommended that the construction of any retaining walls be carried out 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.

35. A "KEEP PORT STEPHENS WATERWAYS POLLUTION FREE" sign is to be displayed for public viewing on the site at the commencement of site works and during construction of the development and is to remain in place until completion of works.

36. Collected stormwater runoff shall be piped to an infiltration trench located in the landscaped area(s), in accordance with Council's Standard Drawing S 136 (without overflow pipe).

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

38. A separate wastewater application for the installation of a waste treatment device (septic tank) shall be approved by Council prior to the **issue of the Construction Certificate**. The wastewater management for the property shall be in accordance with the details previously submitted and in accordance with Council's requirements. The application is to be accompanied by full details of the proposed system and a site assessment to comply with Division 4 of Local Government (General) Regulation 2005.

GENERAL ADVICES

a) 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.

b) 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 can be obtained from Council or the Human Rights and Equal Opportunity Commission on 008 021199.

c) Consent for the removal of any trees should be obtained from Council under the provisions of the Tree Preservation Order applying to the land. A copy of this Tree Preservation Order is attached.

d) 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.

e) The consent shall be sought and obtained prior to any change of use of the premises.

f) 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.

g) 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.

Note: Cr Baumann declared a non-pecuniary interest in Item 2 and left the meeting at 5.43pm.

Deputy Mayor Cr Swan assumed the Chair at 5.43pm

ITEM NO. 2 **FILE NO: 16-2005-757-1**

DEVELOPMENT APPLICATION FOR A TWO LOT SUBDIVISION, ERECTION OF A SHED AND RURAL INDUSTRY PROPOSED AT NO. 44 RALSTONS ROAD NELSONS PLAINS

AUTHOR: PATRICIA MCCARTHY- PLANNING CONSULTANT

RECOMMENDATION IS THAT COUNCIL:

1) Refuse Development Application 16-2005-757-1 for the reasons contained in Attachment 4.

OPERATIONS COMMITTEE MEETING – 14TH MARCH 2006

RECOMMENDATION:

That Council defer the matter to Council meeting 28/3/2006 with conditions of consent to be developed and circulated to Councillors prior to the meeting.

Matter Arising:

That future diversification of rural industry be investigated.

Note: Cr Baumann declared a non-pecuniary interest in this matter and left the meeting at 6.55pm prior to discussion and voting on this item.

ORDINARY MEETING – 28 MARCH 2006

RECOMMENDATION:

448	**Councillor Jordan** **Councillor Hodges**	**It was resolved that;** **1) Determination of DA 16-2005-757-1 be deferred subject to NSW Rural Fire Service concurrence with the conditions of consent and Rural Fire Service comments reported back to Council for determination.** **2) That the attached draft conditions be noted.** **3) That future diversification of rural industry be investigated.**

Note: Cr Swan left the Chair and Cr Baumann resumed the Chair at 6pm.

BACKGROUND

The purpose of this report is to present a development application to Council for determination at the request of Councillor Jordan.

The applicant is seeking development consent for a two lot Torrens Title subdivision and the erection of a rural shed for use in conjunction with a proposed lavender farm at Lot 132 DP 871911, No. 44 Ralstons Road, Nelsons Plains.

The site contains two dwelling houses and is currently used for cattle grazing. The proposal is to create two lots of approximately 2 hectares and 67 hectares with each lot containing one dwelling house. The applicant advises that it is his client's intention to establish a lavender farm on the 2 hectare lot. In this regard, the application also includes the erection of a rural shed on this lot to store plant and equipment used in the propagation, handling and packaging of lavender and lavender based products. Access to the site is via Ralstons Road and then a right-of-carriageway. Ralstons Road is partly sealed (at the Nelsons Plains Road end) with the remainder of the road and the right-of-carriageway being gravel.

The land is zoned 1(a) Rural Agriculture under the Port Stephens Council Local Environmental Plan 2000 (LEP). The subdivision of land within the 1(a) zone is only permitted in limited circumstances. Subdivision is permitted for the purpose of creating an allotment that is intended to be used for a permissible use within the zone, for example to create an agricultural lot. Subdivision for the purpose of a dwelling house is prohibited in the zone.

No objection is raised to the establishment of a lavender farm on the property (in any event the proposed lavender farm, being agriculture, does not require development consent). However, the subdivision of the site in advance of the establishment of the lavender farm is not supported and in this case is prohibited by the LEP as it would result in a subdivision for a dwelling house.

LINKS TO CORPORATE PLANS

This report relates to the Goal in the Assessment and Approvals program of Council's Management Plan, which is *an ordered and predictable built environment in Port Stephens*.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL AND POLICY IMPLICATIONS

The development application is inconsistent with Council's Policy.

Australian Business Excellence Framework

This aligns with Principles 8, 10 & 11 of the ABEF Framework.

8) Effective use of facts, data and knowledge leads to improved decisions

10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society

11) Sustainability is determined by an organisation's ability to create and deliver value for <u>all</u> stakeholders.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

There are no social implications.

ECONOMIC IMPLICATIONS

The proposal will further fragment existing grazing land and reduce the amount of flood free land available to maintain the sustainability of the existing farming enterprise. Should the proposed lavender farm fail there is potential for the lot to be sold as a rural residential lot, which may limit future agricultural development options.

ENVIRONMENTAL IMPLICATIONS

Insufficient information has been supplied to assess potential environmental implications.

CULTURAL IMPLICATIONS

There are no Aboriginal or European Cultural Heritage implications.

CONSULTATION

The application was exhibited in accordance with Council policy and seven (7) submissions were received. These are discussed in the Attachments.

OPTIONS

1) Adopt the recommendation.

2) Reject or amend the recommendation

ATTACHMENTS

1) Locality Plan

2) Subdivision Plan

3) Assessment

4) Reasons for Refusal.

COUNCILLORS ROOM

1) Statement of Environmental Effects

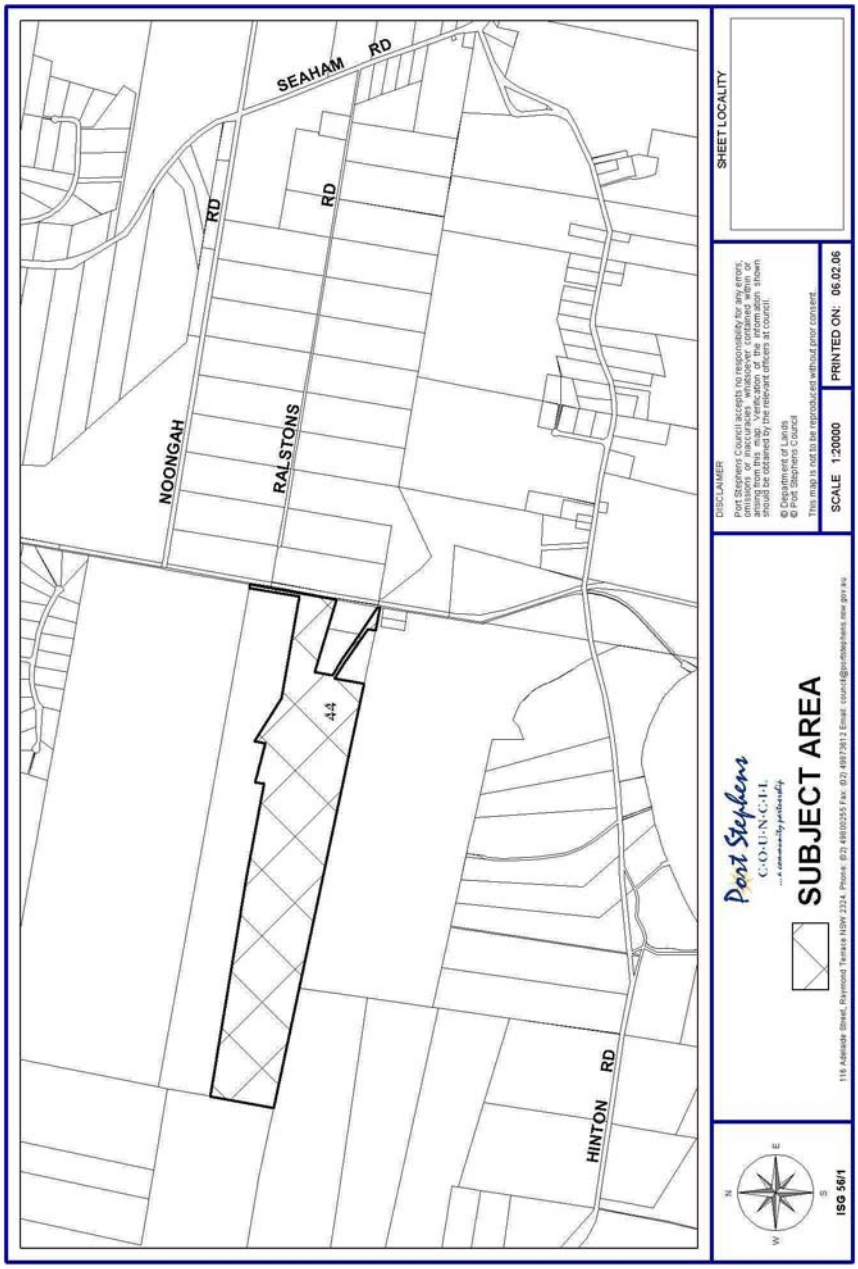
2) Plans

3) Submissions

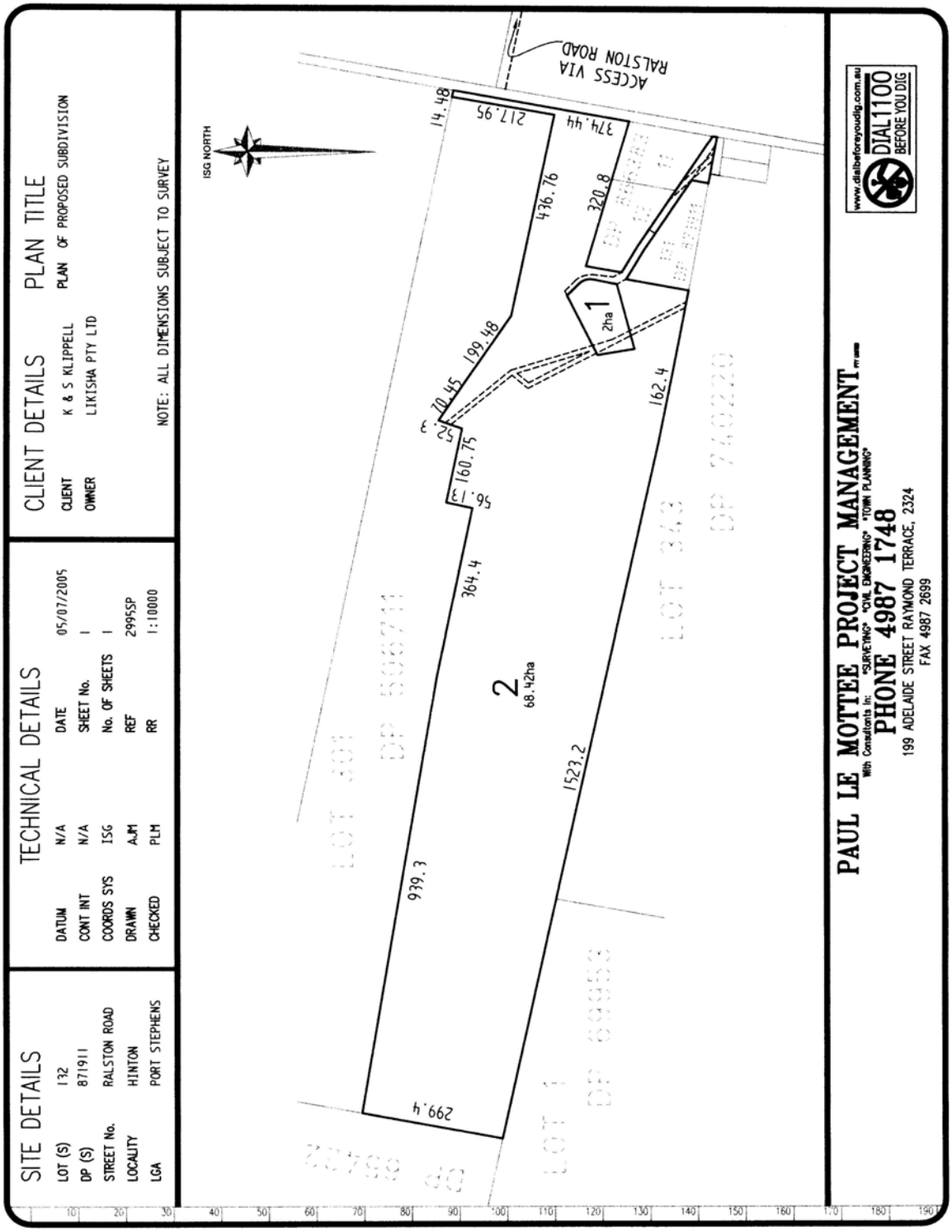
TABLED DOCUMENTS

Nil

ATTACHMENT 1
LOCALITY PLAN



ATTACHMENT 2
SUBDIVISION PLAN



ATTACHMENT 3
ASSESSMENT

The application has been assessed pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 and the following is a summary of those matters considered relevant in this instance.

THE PROPOSAL

The application is seeking development consent for a two-lot subdivision of the land, the erection of a rural shed and its use for a rural industry at 44 Ralstons Road, Nelsons Plains.

THE APPLICATION

Owner	Likisha Pty Ltd
Applicant	Synergy Environmental Planning Pty Ltd
Detail Submitted	Statement of Environmental Effects, Agronomist's Report, subdivision plan and shed elevations and floor plan

THE LAND

Property Description	Lot 132 DP 871911
Address	44 Ralstons Road, Nelsons Plains
Area	68.93 hectares
Dimensions	The site is irregular in shape
Characteristics	Cleared grazing land that falls steeply away towards the rear of the site where it becomes flood prone.

THE ASSESSMENT

1. Planning Provisions

LEP 2000 – Zoning	1(a) Rural Agriculture
Relevant Clauses	Clauses 12, 13 and 14
Development Control Plan	Nil
State Environmental Planning Policies	Nil

LEP 1987

Under LEP 1987 it had been permissible to subdivide this site into a maximum of seven lots (one lot per each ten hectares of site area). In May 1996, Council granted consent to a 2 lot subdivision (plus residue) and in 1997 a further two lot subdivision (one additional lot plus residue) was approved.

In 1998 an application was submitted for a six-lot subdivision. Council advised the applicant that it intended to refuse this application due to objections from NSW Agriculture in relation to:

- the fragmentation of grazing land
- the loss of flood free land to maintain the sustainability of the existing farm

The site is accessed via a right of way and concerns have been raised about the suitability of this access. At that time, the LEP required access via a road for three or more allotments. The applicant subsequently withdrew the application.

The current LEP was gazetted in December 2000 and the provisions that permitted the subdivision of this land were not included in the new LEP. Under LEP 2000, land zoned 1(a) Rural may only be subdivided in certain limited circumstances as discussed below.

LEP 2000

The primary issue with respect to the development application is the permissibility of the proposal under Port Stephens LEP 2000. The objectives of the zone relate to maintaining and protecting the agricultural value of land that has not been set aside for rural residential development, particularly preventing the fragmentation of grazing or prime agricultural lands. In this regard, the subdivision of rural lands is restricted by clause 12 of the LEP. In the case of land zoned 1(a) clause 12 only permits subdivision in the following circumstances:

- to accommodate a public road;
- to adjust boundaries (but not to create additional allotments);
- to consolidate lots;
- to correct encroachments;
- to create allotments corresponding to the parts of a single allotment that have been divided by a public road; or
- to create an allotment or allotments intended to be used for any one or more of the purposes (excluding dwelling-houses or dual occupancy housing) for which it may be used with or without consent.

The site currently contains two dwellings (a dual occupancy) on the site. The proposal if approved would result in the creation of two allotments each containing a dwelling house. Clause 12 of the LEP as noted above prohibits this type of subdivision. Clause 13 and Clause 14(6) of the LEP reinforce this restriction by prohibiting the subdivision of dual occupancy housing (as is proposed) in the 1(a) zone. While an allotment could be created for the lavender farm, this allotment would not have a dwelling entitlement under the provisions of LEP 2000.

Existing Use Rights

The applicant claims that the second dwelling on the site enjoys existing use rights as it was erected prior to Council's first planning instrument being enacted that would have required consent for the dwelling. The applicant has submitted an aerial photograph that he advises was taken in 1958 by the Lands Department as evidence to support his claim. The aerial photograph shows a structure in the general location of the second dwelling. It is not clear in this photograph whether the structure is a dwelling and the applicant would need to provide further evidence that the dwelling existed at this time.

In addition, a person claiming existing use rights must establish (amongst other things) that the dwelling had 'lawful commencement and continuance of use' as defined under the *Environmental Planning and Assessment Act 1979* (EP & A Act). No information has been

provided regarding whether the dwelling house was lawfully constructed or whether it has been continually used and not abandoned as defined under the EP & A Act.

The issue of existing use rights for the dwelling becomes important should Council intend to impose restrictions on the use of the dwelling, i.e. to require its demolition or use only as a manager's residence (to be demolished if the lavender farm fails). Council may not have the ability to impose such restrictions (unless the applicant agrees) should it be demonstrated that the dwelling house has existing use rights. However as discussed should the dwelling house have existing use rights, then the subdivision would be prohibited by Clauses 13 and 14 that prohibit the subdivision of dual occupancy housing in the Rural 1(a) zone.

2. Likely Impact of the Development

Sufficient information has not been provided to assess the likely environmental impacts of the proposed development. It is considered that any impacts from the development would be associated with the proposed rural industry (the processing, handling and packaging of lavender products) and not from the proposed subdivision. Growing lavender (agriculture) is permitted without development consent in the 1(a) zone and does not raise any issues in relation to environmental impacts. Similarly, the dwelling exists and appears to be occupied so that there are no new impacts in relation to the residential use of the site.

The erection of a rural shed on the property for use in association with the proposed lavender farm will have some visual impact however this impact is not considered to be significant and the shed will fit into the surrounding rural landscape that is characterised by dwellings and outbuildings. Conditions should be imposed on any consent for the shed in relation to the external colour of the walls and roof.

Details have not been provided regarding the products that will be derived from the lavender. It is not clear whether it is intended that the lavender be produced for the fresh flower market or stripped and sold to craft markets and the like, or whether it is intended to distil lavender oil on the site. The processes involved in producing lavender products for whatever market have not been detailed in the Statement of Environmental Effects so it is not known what impacts (if any) might be associated with the rural industry. This information should be provided and assessed prior to any development consent being granted for the rural industry.

3. Suitability of the Site

The agronomists report submitted by the applicant concluded that a viable lavender farm could be established on the proposed lot with adequate soil management such as the addition of lime and nitrogen fertiliser. The proposal would not impact on the existing beef enterprise or have any effect on regional agricultural production. The data indicates that a lavender farm could be viable in the fourth year after development. An initial capital outlay of over $30,000 is needed to establish the first year lavender plantings. A significant loss is anticipated in the first year (expected income of about $2,300) with losses also likely in years two and three. As productivity increases and more plants become established the income may produce a cash surplus as early as year 4 with significant income generated by year 6.

The Department of Primary Industries (DPI) provided general comments regarding the proposal. The DPI noted that 'boutique' farming enterprises have a high failure rate in the first couple of years and that there is a danger during this time of the use being abandoned and the lot sold as a rural residential lot. In this event, the DPI raises concerns regarding precedent and whether others could apply to subdivide on the basis of having two dwellings and an intent to develop a new specialist enterprise. The DPI's view is that generally small

lots with residences are inappropriate in rural grazing areas and that the continued creation of such lots is likely to create additional expectations that rural residential development of the area is appropriate, increase land prices, may limit future agricultural development options and make agricultural production less sustainable.

Comment

While the agronomist's report demonstrates that the proposed allotment is of a suitable size and soil type for lavender farming and that the operations could be profitable by the fourth year of operation, the report does not justify the need for the subdivision to ensure the continued agricultural use of the property.

The proposal will not be profitable for several years and there is a danger that the use could be abandoned and the property sold as a rural residential lot during this time. If the lavender farm was well established and demonstrably sustainable the risk of abandonment would be decreased and in this respect it is recommended that the subdivision not be approved until the lavender farm is shown to be successful. The proposed subdivision would then comply with Clause 12 of the LEP and could be approved by Council.

As the LEP permits with consent a detached dual occupancy on land within rural zones the approval of such small lot subdivisions needs to be carefully assessed. Further applications could be submitted to Council to erect a second dwelling on each of the proposed lots with subsequent applications to further subdivide the lots with a dwelling house and the expressed intention of establishing a rural enterprise.

While precedence is not normally accepted on planning grounds as an argument for or against a proposal (as each proposal should be assessed on its merits) there do not appear to be any unique circumstances in this case to prevent its general applicability to other rural properties that contain two dwellings. Approving this subdivision may therefore increase the expectation of other landowners that they may similarly subdivide their property.

4. Submissions

Seven submissions have been received objecting to the proposal. The key issue raised in all the submissions relates to vehicle access. Objectors contend that Ralstons Road is too narrow to accommodate any increase in traffic particularly as it lacks adequate drainage and being unsealed requires frequent repair and causes dust pollution.

Concerns have also been raised regarding the condition of the right-of-carriageway that provides access to the property from the end of Ralstons Road. Objectors consider that the right-of-carriageway does not cope with the existing amount of traffic that uses it (eight lots) and is in too poor a condition to handle any increase in traffic as a result of the proposed subdivision and lavender farm.

Comment

The applicant estimates that the lavender farm would require the use of a small, enclosed, rigid truck for the distribution of lavender and lavender based products that would involve no more than two vehicle movements per day (one in and one out). This amount of traffic is not

considered excessive or beyond the capacity of the existing road network to accommodate. It is important to note that the use of the land for agricultural activities does not require the consent of Council. While the use of the proposed shed for a rural industry (processing and packaging lavender products) requires consent from Council, as previously stated the likely increase in traffic from this use is not considered excessive.

5. Public Interest

The proposed development does not raise any significant general public interest issues beyond matters already addressed in this report.

6. Conclusion

The subdivision as proposed in the development application is prohibited under Clause12 of LEP 2000. Should Council approve the development application as submitted it would be open to legal challenge. In order to comply with the LEP, prior to the subdivision being approved, the agricultural use of the proposed lot should be established and the use of the dwelling house permitted as a manager's residence only. Alternatively, the proposed lot for the lavender farm should be located so that it does not contain one of the existing dwelling houses.

Insufficient information has been supplied to demonstrate whether the second dwelling enjoys the benefits of existing use rights. Should the dwelling have existing use rights, then the site contains dual occupancy housing and Clauses 13 and 14 act to prohibit the subdivision of dual occupancy housing in the 1(a) zone. As stated, the applicant would need to agree to limit the use of this dwelling house to a manager's residence only before a separate lot could be approved containing this dwelling.

Prior to approving an application for a 'rural industry' further details are required to be submitted to Council regarding the processes involved and the likely impacts so that a full assessment under Section 79C can be undertaken of this proposal.

ATTACHMENT 4
CONDITIONS/REASONS FOR REFUSAL

1) The proposed subdivision is inconsistent with the provisions and objectives of Port Stephens Local Environmental Plan 2000 and is prohibited by clause 12, clause 13 and clause 14 of Port Stephens LEP.

2) Insufficient information has been submitted to assess the likely environmental impacts of the proposed rural industry.

ITEM NO. 3 **FILE NO: 16-2005-0258-1**

DEVELOPMENT APPLICATION FOR DETACHED DUAL OCCUPANCY AND ALTERATIONS TO EXISTING DWELLING AT NO. 1 AND 1A OCEAN STREET FISHERMANS BAY

AUTHOR: LEONARD ALLEN – ACTING SENIOR DEVELOPMENT PLANNER

RECOMMENDATION IS THAT COUNCIL:

1) Approve Development Application 16-2005-0258-1 subject to the conditions contained in Attachment 4.

OPERATIONS COMMITTEE MEETING – 14TH MARCH 2006

RECOMMENDATION:

That this item be deferred for a site inspection prior to Council meeting on 28/3/2006.

Note: Item 6 was brought forward and dealt with after Item 3.

ORDINARY MEETING – 28 MARCH 2006

RECOMMENDATION:

449	**Councillor Nell** **Councillor Westbury**	**It was resolved that;** **1) Approve Development Application 16-2005-0258-1 subject to the conditions contained in Attachment 4.** **2) That the following conditions be incorporated into the conditions of consent** **41) No vehicular access to the site is permissible from the adjoining reserve to the rear of the site. Vehicular access is only permitted to be gained via Ocean Street.** **42) The rear boundary of the subject allotment adjoining the National Park shall be entirely fenced to a minimum height of 1.2m. The fence is to contain no provisions, such as a gate, allowing for vehicular access to the adjoining reserve.**

Matter Arising:

450	**Councillor Dover** **Councillor Hodges**	**It was resolved that objections be notified in writing of consideration prior to determination.**

BACKGROUND

The development application seeks approval for a detached dual occupancy development. It is proposed to undertake modifications of the existing front dwelling and to demolish and replace the existing rear building. The site has previously been subdivided.

The subject land has a frontage to Ocean Street and to the rear adjoins National Park reserve overlooking the waterfront of Fishermans Bay. Each dwelling contains three (3) bedrooms, living and dining areas, kitchen, double garage and balconies.

The development is considered to generally comply with the provisions of the *Port Stephens Local Environmental Plan 2000*, *PS1 – Urban Housing and Dual Occupancy Guidelines*, *PS2 – Traffic and Parking Guidelines* and *PS10 – Building Standards and Notification Procedures*. Where variations have been requested, they are discussed in this report.

The key issues associated with this proposal are as follows:-

- Building Bulk
- Streetscape and Visual Amenity
- View Sharing
- Privacy

An assessment of these issues is provided within the attachments.

It is recommended to approve this application, as the development is consistent with Council's codes, policies and Local Environmental Plan 2000.

LINKS TO CORPORATE PLANS

This report relates to the Goal in the Assessment and Approvals program of Council's Management Plan, which is *an ordered and predictable built environment in Port Stephens*.

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL AND POLICY IMPLICATIONS

The development application is consistent with Council's Policy.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The site is a fully serviced residential zoned allotment permitting dual occupancies up to 8 metres in height with the consent of Council. The development is not considered to result in a negative social impact

ECONOMIC IMPLICATIONS

The proposed development should create a positive multiplier effect on the local economy. Initially, through income to local contractors during the construction phase and in the longer term, through the increased demand for goods and services by residents and visitors.

ENVIRONMENTAL IMPLICATIONS

The development site has previously been cleared of any significant vegetation. As such the development should not pose an adverse effect on any known threatened species, populations or ecological communities.

CONSULTATION

The application was exhibited in accordance with Council policy and 2 submissions were received. These are discussed in the Attachments.

OPTIONS

1) Adopt the recommendation.

2) Reject or amend the Recommendation.

ATTACHMENTS

1) Locality Plan
2) Site Plan
3) Assessment
4) Conditions

COUNCILLORS ROOM

1) Development Plans

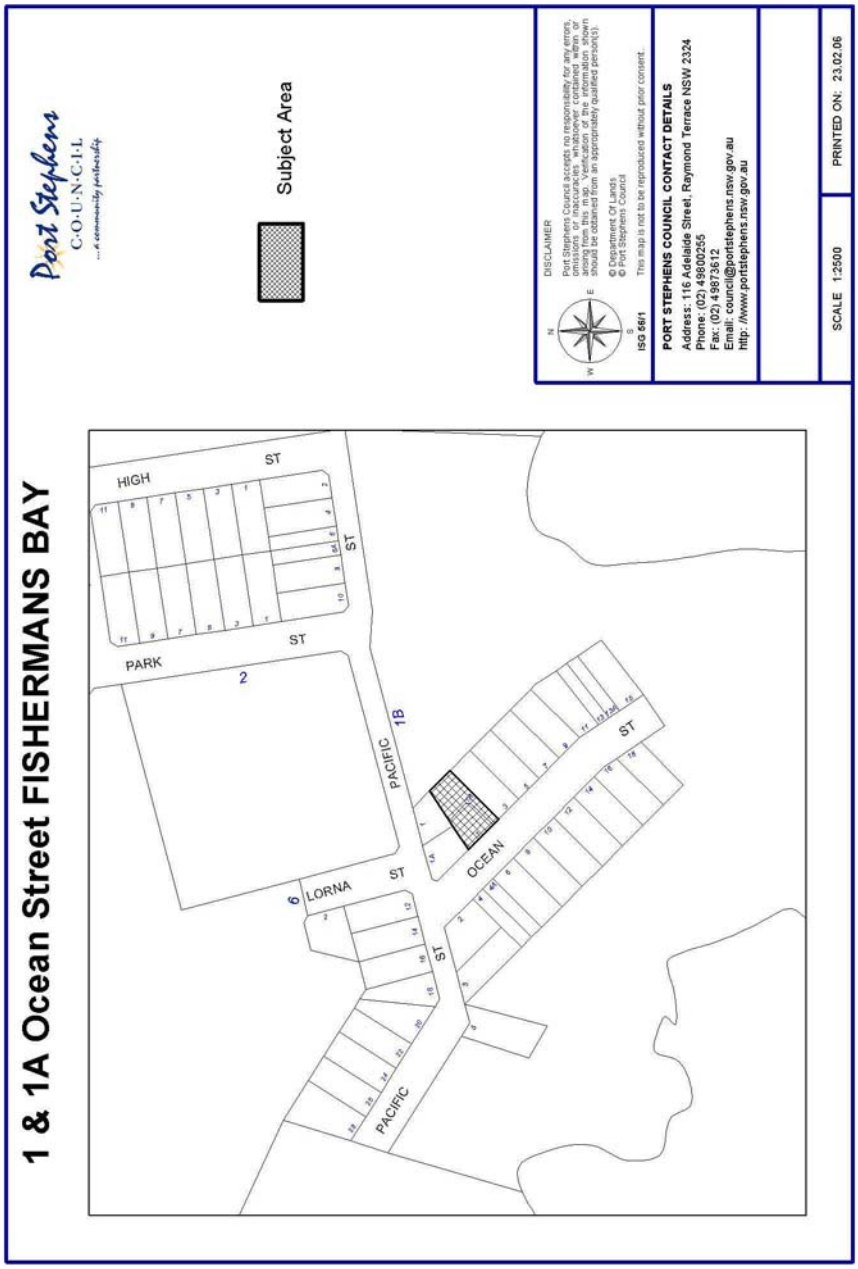
2) Statement of Environmental Effects

3) Submissions

TABLED DOCUMENTS

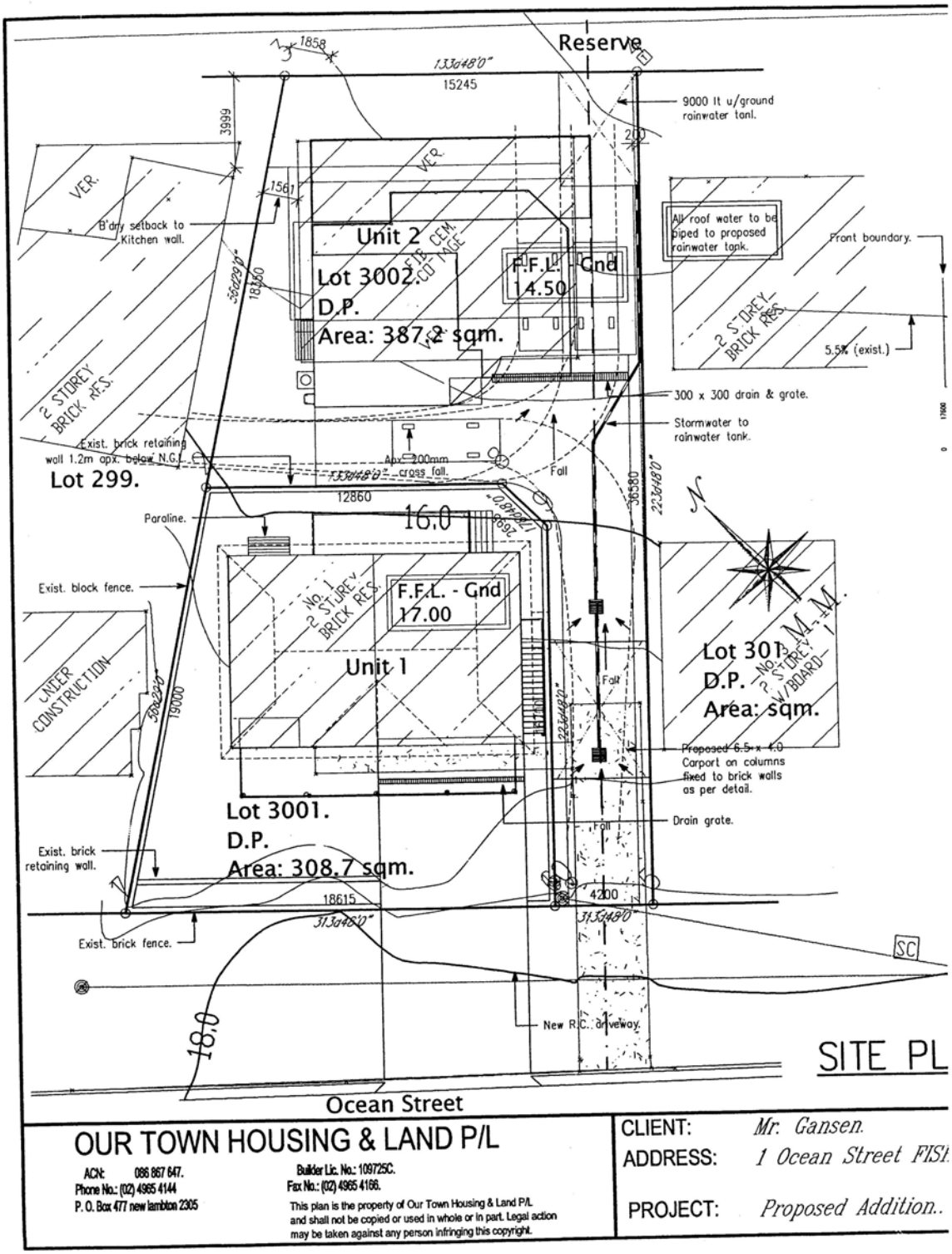
Nil

ATTACHMENT 1
LOCALITY PLAN



ATTACHMENT 2
SITE PLAN

AMENDED PLANS 20/9/05



ATTACHMENT 3
ASSESSMENT

The application has been assessed pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 and the following is a summary of those matters considered relevant in this instance.

THE PROPOSAL

The application seeks approval for a Dual Occupancy development in the form of two detached dwellings. The existing front dwelling to undergo modification is a two storey dwelling, while the proposed new rear building will be a three storey dwelling.

THE APPLICATION

Owner	Mr R J Gansen
Applicant	Our Town Housing & Land Pty Ltd
Detail Submitted	Development Plans Statement of Environmental Effects Energy Efficiency Scorecard

THE LAND

Property Description	Lot 3001, 3002 DP 1004455
Address	1 & 1A Ocean Street, FISHERMANS BAY
Area	695.9m^2
Dimensions	Irregular shaped block with a depth of approximately 36.58m and width of 12.25m at the rear and 18.62m at the street frontage
Characteristics	Currently contains two dwellings, a two storey brick dwelling fronting Ocean Street which is to be retained and a single storey weatherboard dwelling to be demolished. The site falls away from Ocean Street with a total fall of some 3.5m.

THE ASSESSMENT

1. Planning Provisions

LEP 2000 – Zoning	2 (a) Residential
Relevant Clauses	19.
Development Control Plan	PS1 – Urban Housing and Dual Occupancy Guidelines PS2 – Traffic and Parking Guidelines PS10 – Building Standards and Notification Procedures
State Environmental Planning Policies	SEPP 1

ATTRIBUTE	PROPOSED	REQUIRED	COMPLIES
LEP Requirements			
Min Area Per Dwelling	348m^2	300m^2	Yes
Floor Space Ratio	0.49:1	0.5:1	Yes
Height	8.78m	8m	No (See SEPP1 assessment)
DCP Requirements			
Building Line Setback	No change to existing setback of front building	6m	Yes
Side/Rear Setbacks	Ground Floor Zero setback on South Eastern elevation. 1.85m on the North Eastern elevation First Floor South Eastern elevation 1.8m North West Elevation 1.56m Upper Floor South Eastern elevation 2.8m North West elevation 2.6m	Ground Floor 1m 1m First Floor 1.66m 1.6m Upper Floor 1.75m 2.7m	No The development contains some areas on non-compliance with regard to Boundary setbacks. These are considered minor variations and are discussed elsewhere in this report.
Privacy	The proposed new dwelling contains minimal side windows and the rear decks are oriented away from adjoining allotments	Direct Views between living area windows shall be screened or obscured.	Yes
Useable Open Space	No change to the existing approved open space arrangements for Unit 1 Unit 2 contains 40m^2 of ground floor open space and 96.66m^2 of balcony open space having a minimum	35m^2 per dwelling with a minimum dimension of 4m	Yes

	dimension greater than 2m		
Resident Parking	4	4	Yes
Visitor Parking	0	0	Yes
Retaining Walls	No retaining walls exceeding 900mm.	If development is setback greater then 1.3m, retaining walls may be 900mm.	Yes
Solar Access	Applicant has submitted shadow diagrams addressing the requirements of DCP PS1.	Living Areas 3hrs Sunlight to North Facing Living Areas of adjoining dwelling between 9am-3pm Principle Private Open Space Sunlight to ground level areas of open space shall receive 2hrs sunlight between 9am – 3pm	Yes
NatHERS	4	3.5 Stars	Yes

Discussion

Port Stephens Local Environmental Plan 2000

Zone Description

Clause 19

The proposed development is considered to be consistent with the Development Standards specified within Clause 19 of the Port Stephens LEP 2000 relating to Minimum Site Area Per Dwelling and Floor Space Ratio.

A variation has been sought however to the standard for height. Clause 19 of the LEP specifies a maximum height for the 2(a) zone of 8m. The development proposes a maximum height of 8.78m. An objection under State Environmental Planning Policy No.1 has been submitted to accompany the application and is discussed under a separate heading.

State Environmental Planning Policy No.1

An objection under State Environmental Planning Policy No. 1 (SEPP 1) has been submitted to justify the variation to the height development standard contained within Clause 19 of the LEP.

The proposal will exceed the specified Development Standard for height by 0.78m, the applicants justification proposed within the SEPP1 Objection for exceeding the development standard is outlined in the following points.

- The finished ridge height of the development will be below the ridge height of adjoining properties.
- The development steps each level away from the reserve in order to reduce apparent bulk and to preserve views from adjoining properties.
- Improvement to streetscape as viewed from the reserve.

It is considered that the SEPP 1 objection is acceptable given that the proposal will not exceed the ridge height of surrounding properties and that the three-storey component is consistent with other dwellings located in the general area. The ridge height of the proposed second dwelling will be lower than that of the existing front dwelling.

When viewed from Ocean Street, the proposed rear dwelling will not have an impact upon the streetscape due to its position behind the existing front two-storey dwelling. When viewed from the reserve, the new dwelling is not considered to adversely impact on the visual character of dwellings along this frontage.

PS1 Dual Occupancy and Urban Housing Development Control Plan

The performance based design requirements of the Dual Occupancy and Urban Housing Development Control Plan PS1 are relevant to the assessment of this application. Assessment of the key design considerations are addressed below:-

Streetscape, Building Height, Bulk and Scale:

The immediate streetscape consists of a mixture of housing types, ranging from dwellings, dual occupancies containing a mix of one, two and three storey buildings. The proposed development is consistent with the 2(a) Residential zone description with the exception of the three storey component.

While the 2(a) zone description is characterised by two storey dwellings, there is no prohibition and given the prevalence of other three storey dwellings and large two storey dwellings in the area, the proposal will not have any adverse impact in terms of streetscape or Building Height.

The development site is in a visually prominent site when entering the Fisherman's Bay area. When viewed from across the reserve the building will present as a large structure. Several modifications have been made to the building in order to minimise the perceived bulk of the structure. These include;

- The stepping back from the rear boundary of each level,
- The stepping in of each level from the Eastern boundary,
- The articulation on the western boundary to eliminate a large blank wall.

Visual Privacy:

The main openings and balcony areas of the new dwelling face to the rear of the allotment to provide water views to the dwelling.

No openings of significance are found on the side of the dwelling and the upper storey deck has a solid wall on the eastern elevation preventing any views into adjoining properties.

The upper storey deck contains a solid wall to prevent views toward the adjoining South Eastern property. The remaining balconies contain sufficient separation to limit any adverse impacts upon the privacy of adjoining dwellings.

It is considered that the development will not compromise the visual privacy of any adjoining allotments or dwellings.

Boundary Setbacks:

The setback requirements for Dual Occupancy housing are stipulated in Section 3.2 of PS1 – Urban Housing and Dual Occupancy Guidelines.

The following setbacks apply to the proposed new dwelling at the rear of the allotment.

The garage on the ground floor of the South East elevation has a zero lot line setback. The upper storey's are stepped in to achieve the required setback for each floor. The second floor is set back 1.8m while the upper floor has a side setback of 2.8m. These setbacks are consistent with the requirements of PS1.

The development has a setback of 4.0m to the rear of the property from the rear wall of the dwelling. The second storey deck has a setback of 2.8m. This elevation of the building is considered to comply with the requirements of PS1.

The ground floor of the North Western elevation has a side setback of 1.858m, which given the walls height of 2.7m, complies with the requirements of PS1. The second storey has a side setback of 1.56m for the overhanging kitchen component of the wall. While a side setback of 1.6m is required under PS1, the setback is considered acceptable as the side setback quickly increases along the length of the wall as the boundary angles away from the building. The overhanging component of the wall also aids in the reduction of the perceived bulk of the wall. The upper storey component of the dwelling has a side setback of 2.6m. PS1 requires a side setback of some 2.7m, however given the nature of the boundary angling away from the building, the setback quickly complies and as such the setbacks are considered to be adequate.

No changes to the existing side setbacks are proposed for the front dwelling to be renovated.

The development generally complies with the requirements of PS1 – Urban Housing and Dual Occupancy Guidelines with regard to side and rear setback requirements, with variations considered minor and unlikely to pose any adverse impacts on adjoining properties.

Site Coverage:

The proposed development, including hardstand areas, covers 60%of the site. Under the requirements of DCP PS1, the development can achieve a maximum site coverage of 60% and as such the development is considered to comply with Councils site coverage requirements.

Acoustic Privacy:

The development does not pose an unreasonable acoustic privacy impact. All noise generated (construction and on-going) from this development will need to comply with the Protection of the Environment Operations Act 1997.

Solar Access:

Shadow diagrams have been provided for the proposal demonstrating the impact on adjoining properties in terms of solar access.

The property to the South East, No.3 Ocean Street, currently contains a two-storey brick dwelling.

From the shadow diagrams provided it is considered that the property will obtain the required 2 hours of direct sunlight between 9am to 3pm on 21st June (winter solstice) over private open space.

Views:

The development site and adjacent properties contain water views of Fishermans Bay to the east.

The proposal will impact upon these water views from the side windows of No. 1 Pacific Street, however, requiring the proposal to retain these glimpses is considered to be unreasonable given that the view is across the subject allotment. Water views will be maintained from the open deck at the rear of No 1 Pacific Street.

Parking & Traffic:

The parking and traffic arrangements are in accordance with Council's Development Control Plan, PS2.

The development provides garages parking for two cars per dwelling. There is no requirement for the provision of visitor parking for Dual Occupancy development.

The parking layout and garage design are considered to comply with the provisions of PS1.

The trafficable width of Ocean Street is considered to be able to accommodate the traffic generated by this development.

The garage of the rear dwelling contains a garage door allowing access to the rear of the property. A condition of consent has been included to prohibit access to the site via the adjoining rear reserve.

Useable Open Space:

The open space provided is considered to be both useable and private and as such in accordance with the requirements of DCP PS1 – *Urban Housing and Dual Occupancy Guidelines*.

As the dual occupancy development has previously been subdivided, the proposal will have no impact upon the approved open space for dwelling 1.

The proposal provides open space to dwelling 2 in the form of open balconies on the second and third floor and turfed private open space and swimming pool, accessible from ground floor living areas.

The ground floor open space comprises an area of approximately 40m^2 with the first floor balcony containing 43.62m^2 of area with a minimum dimension of 3.6m. The upper storey deck has an area of approximately 53.043m^2.

It is considered that the development complies with the requirements of PS1 in regard to private open space.

Landscaping:

No landscaping plan has been submitted to accompany the development application. It is considered that this issue can be dealt with via a condition of consent requiring a landscape plan to be submitted to and approved by Council prior to the issue of the Construction Certificate.

Bushfire

The subject site is identified as Bushfire Prone Land. As the development does not include subdivision, the development is assessed under *Section 79BA of the Environmental Planning and Assessment Act, 1979*.

The bushfire report submitted to accompany the application has recommended that no additional measures of construction be imposed upon the development.

2. Likely Impact of the Development

The proposed development is consistent with the requirements of the Port Stephens Local Environmental Plan 2000 and DCP PS1 – *Urban Housing and Dual Occupancy Guidelines*.

The development is consistent in bulk, scale and appearance to other developments in the general vicinity.

It is considered that the proposed development will not have an adverse impact on the amenity of any surrounding allotments.

3. Suitability of the Site

The site is fully serviced and there are no physical constraints on the site that would make the land unsuitable for this development.

It is considered that the proposed development, with suitable landscaping, is compatible and sympathetic with existing and envisaged residential streetscape.

4. Submissions

The original and revised applications were exhibited in accordance with Council's requirements. A total of 2 submissions were received. The main points of objection are summarised as follows:-

- Access over rear National Park Reserve

- Privacy
- Views
- Height
- Three Storey Dwelling
- Side Carport
- Parking
- Setbacks
- Bulk and Scale

The above issues have been addressed in this report.

5. Public Interest

The proposal is not contrary to the public interests as the development satisfies relevant planning considerations and maintains an acceptable level of residential amenity.

ATTACHMENT 4
CONDITIONS

1. Works shall not commence until such time as a construction certificate, where necessary, has been issued for the works approved by this application.

2. The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development consent or as noted in red by Council on the approved plans.

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. Certification is to be prepared by a registered surveyor and submitted to the Principal Certifying Authority at the stages of construction indicated:

   a. On completion of ground floor construction, confirmation that the floor levels are in accordance with the Reduced Levels indicated on the approved plan.

   b. On completion of each subsequent floor level, confirming that the floor levels are in accordance with Reduce Levels indicated on the approved plan.

   c. When the roof has been completed, confirmation that the building does not exceed the Reduced Levels as indicated on the approved plan.

5. The vehicle driveway from the roadway to the property boundary incorporating the gutter crossing shall have a width of 3m and shall be constructed in concrete or interlocking pavers in accordance with the options shown on **Council's Standard Drawing No. S122A & S105A.**

6. Collected stormwater runoff shall be piped to an infiltration trench, in accordance with Council's **Standard Drawing S 136** (without overflow pipe). Stormwater is to be discharged into a pit **prior to entering the infiltration trench.**

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

8. 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.

   When the construction site is in operation the L10 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.

9. 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.

10. Where the proposed development incorporates pile-driving activities associated with the construction process the applicant/beneficiary of the consent shall, prior to the release of the Construction Certificate for the works associated with the piling system undertake the following actions.

    a) For development incorporating pile-driving activities for a period of 5 days or more, be that consecutive or combined total:

    i) An appropriately qualified Acoustic Engineer shall prepare an report on 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).

    ii) 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.

    iii) For pile driving activities with a duration in access 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 Principle Certifying Authority.

11. Pile driving shall only be carried out between the hours of 8.00am - 3.30pm Monday to Friday excluding public holidays.

12. 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.

13. The applicant or the person who is the beneficiary of the development consent incorporating pile-driving activities shall, prior to release of a Construction Certificate 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.

14. 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.

15. 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.

16. 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.

17. 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.**

18. 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.

19. 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.

20. 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.

    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.

21. 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.

22. 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.

23. 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.

24. 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.

25. The development shall take place in accordance with the energy efficiency scorecard or ABSA certificate submitted with the application. Prior to the issue of any occupation certificate an appropriately qualified person shall certify compliance with the energy efficiency requirements.

26. All toilet cisterns, shower heads and aerators on bathroom and kitchen hand basins shall be a minimum rating of "AAA".

27. 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.

28. Prior to occupying the approved dwelling(s), contact Council's Land Information Section on 49800357 to obtain the correct house numbering.

29. The swimming pool is to be fully enclosed with fencing and gates to comply with the Swimming Pool Act 1992 and Regulations.

30. 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.

31. A durable resuscitation instruction chart is to be displayed in a prominent position in the pool at all times.

32. 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.

33. 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.

34. 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.

35. 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;
    d) Any tree pruning, lopping or removal.

    For further information contact the Parks and Recreation Section of Council's Community & Recreation Services Department on (02) 4980 0255.

36. 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.

37. No climbable elements are to be within a 1.2m radius from the top of the pool fence.

38. The pool fence is to be located so as to provide a minimum clear width of 750mm between the pool edge and the pool fence along the side of the pool which is parallel and adjacent to the dwelling (Note: It may be necessary to revise the pool dimensions to achieve compliance.)

CONDITIONS RELATING TO ISSUE OF CONSTRUCTION CERTIFICATE

39. A landscaping plan shall be submitted to and approved by the Principal Certifying Authority prior to issue of Construction Certificate showing compliance with Port Stephen Council Landscaping Code. The plan shall indicate all existing trees, specifying those trees to be retained and those proposed to be removed. It shall specify details of proposed planting, including common and botanical names and height and spread at maturity.

    The plan shall also include:-

    a The location of driveways, parking garbage storage areas, drying areas and fencing and materials and design details for these facilities;

    b Details of the proposed method of protection of those trees to be retained on site during construction;

    c Details of earthworks including mounding and retaining walls;

    d Details of planting procedure and maintenance.

    All landscaping works must be completed **prior to issue of Occupation Certificate.**

40. Plans which clearly indicate how the pool fence will be constructed to comply with the requirements of AS1926 and the development consent are to be submitted and approved **prior to issue of the Construction Certificate**.

ITEM NO. 4 **FILE NO: A2004-0511**

LOCAL TRAFFIC COMMITTEE MEETING – 7TH FEBRUARY, 2006

AUTHOR: MARK MORRISON –TRAFFIC ENGINEER

RECOMMENDATION IS THAT COUNCIL:

Adopt the recommendations contained in the minutes of the local Traffic Committee meeting held on 7th February, 2006.

OPERATIONS COMMITTEE MEETING – 14TH MARCH 2006

RECOMMENDATION:

That the recommendation be adopted except for Item C9 and that this matter be referred back to Management for further consideration on timed parking.

Matter Arising:

That Council investigate DA conditions in relation to alternate parking for employees on development site.

ORDINARY MEETING – 28 MARCH 2006

RECOMMENDATION:

451	**Councillor Dingle** **Councillor Swan**	**It was resolved that the recommendation be adopted with the exception of C7.**

Matter Arising:

452	**Councillor Nell** **Councillor Westbury**	**It was resolved that Council investigate DA conditions in relation to alternate parking for employees on development site and that Council investigate the position of compliance officer.**

BACKGROUND

The purpose of this report is to bring to Council's attention traffic issues raised and detailed in the Traffic Committee minutes and to meet the legislative requirements for the installation of any regulatory traffic control devices associated with Traffic Committee recommendations.

Inspections were conducted on the 18th January, 2006. In attendance were M Morrison (PSC), I Jenkins (RTA) and Snr Constable Schmidtke (NSW Police). The Local Traffic Committee met at 9.30 am on 7th February, 2006 in Council's Administration Building. In attendance were M Morrison (PSC Chairman), S Kerr (RTA Technical representative), G Stewart (representing John Bartlett MP), Snr Constable Schmidtke (NSW Police), Mr M Newling (Port Stephens Coaches), Councillor Dingle and L Hudson (PSC). An apology was received from John Price MP, Rod Landers, Ian Jenkins and Councillor Hodges.

LINKS TO CORPORATE PLANS

The items referred to the local Traffic Committee and the subsequent recommendations are linked to Council's current Management Plan 2003 - 2006. In the Urban Settlement section of the "Plan", the Local Traffic Committee contributes to the following strategies:

1) Develop and Implement transport initiatives that provide an efficient and effective transport network.

2) Foster safe communities.

FINANCIAL/RESOURCE IMPLICATIONS

Council receives an annual grant from the RTA to complete the installation of regulatory traffic controls (signs and markings) recommended by the local Traffic Committee. The construction of traffic control devices and intersection improvements resulting from the Committee's recommendations are not included in this funding. These works will be listed within Council's "Forward Works Program" for consideration in the annual budget process. There were no item recommendations to be listed in the next "Forward Works Program" review. The local Traffic Committee procedure provides a mechanism to respond to and remedy problems in accordance with Council's "Best Value Services" Policy. The recommendations contained within the local Traffic Committee Minutes can be completed within the current Traffic Committee budget allocations and without additional impact on staff or the way Council's services are delivered.

The installation of regulatory traffic controls or traffic control devices that are noted as having a **Safety Priority** shall be attended to before other works undertaken by Council. These works are generally of an urgent nature requiring immediate action.

The items with a Safety Priority are listed as follows:

Item C.5 Hastings Drive, Raymond Terrace
Item C.11 Rigney Street, Shoal Bay

LEGAL AND POLICY IMPLICATIONS

The local Traffic Committee is not a Committee of Council; it is a technical advisory body authorised to recommend regulatory traffic controls to the responsible Road Authority. The Committee's functions are prescribed by the Transport Administration Act with membership extended to the following stakeholder representatives; the Local Member of Parliament, the Department of Transport, NSW Police, Roads & Traffic Authority and Council.

The procedure followed by the local Traffic Committee satisfies the legal requirements required under the Transport Administration (General) Act furthermore there are no policy implications resulting from any of the Committee's recommendations.

SUSTAINABILITY IMPLICATIONS

The recommendations from the local Traffic Committee aim to improve traffic management and road safety.

SOCIAL IMPLICATIONS

A safer road environment reduces costs to the Council and community by reducing the number and severity of accidents on our roads.

ECONOMIC IMPLICATIONS

Improved transport efficiency assists in the reduction in green house gases and vehicle operating costs.

ENVIRONMENTAL IMPLICATIONS

Transport efficiency and road user safety; contribute positively to the quality of life for residents and visitors to Port Stephens. Improved road user safety distributes benefits to all road users including commercial and private motorists, cyclists and pedestrians. These benefits include improved accessibility, mobility and safer road environment.

CONSULTATION

The Committee's technical representatives are the Police, RTA, and Council Officers; they investigate issues brought to the attention of the Committee and suggest draft recommendations for further discussion during the scheduled meeting. Prior to the local Traffic Committee meeting copies of the agenda are forwarded to the Committee members, Councillors, Facilities and Services Group Manager, Community Planning Manager and Road Safety Officer. During this period comments are received and taken into consideration during discussions at the Traffic Committee meeting.

As part of the business for the meeting of 7th February, 2006 the following additional consultation took place:

C.9 Nelson Bay Town Management

OPTIONS

1) Adopt the Recommendation.

2) Adopt specific item recommendations contained in the minutes of the local Traffic Committee and refer non-adopted matters back to the next meeting of the local Traffic Committee with suggested amendments.

ATTACHMENTS

1) The minutes of the local Traffic Committee meeting held on 7th February, 2006 are contained in **ATTACHMENT 1**.

TABLED DOCUMENTS

1) Nil

ATTACHMENT 1

PORT STEPHENS LOCAL TRAFFIC COMMITTEE

INDEX OF LISTED MATTERS
MINUTES OF THE MEETING HELD ON
TUESDAY 7TH FEBRUARY, 2006

A. ADOPTION OF THE MINUTES OF 8TH NOVEMBER, 2005

B. BUSINESS ARISING FROM PREVIOUS MEETING

C. LISTED MATTERS

C.1. HUNTER STREET, RAYMOND TERRACE – TAXI SIGNAGE OUTSIDE THE JUNCTION INN

C.2. PORT STEPHENS STREET, RAYMOND TERRACE – EXTENSION OF TAXI ZONE

C.3. TREGENNA STREET, RAYMOND TERRACE – TIMINGS OF TRAFFIC SIGNALS

C.4. BANKS STREET, RAYMOND TERRACE – SPEEDING TRAFFIC

C.5. HASTINGS DRIVE, RAYMOND TERRACE – CHANGE TO NO PARKING ZONE

C.6. NELSONS PLAINS ROAD, SEAHAM – SPEED LIMIT

C.7. FATHOM CLOSE, CORLETTE – PARKING RESTRICTIONS

C.8. BURBONG STREET, NELSON BAY – ACCESS ROAD ONTO DUTCHMAN'S BEACH

C.9. YACAABA STREET, NELSON BAY – ALTERATION OF PARKING SIGNS

C.10. MARINE DRIVE & BOULDER BAY ROAD, FINGAL BAY – DANGEROUS INTERSECTION

C.11. RIGNEY STREET, SHOAL BAY - CHANGE TO NO PARKING ZONE

C.12. ROBINSON ROAD, ANNA BAY – NO PARKING SIGNS

C.13. STOCKTON STREET, NELSON BAY – RAAF REUNION MARCH

D. GENERAL BUSINESS

D.1. NELSON BAY ROAD, SALT ASH – DIRECTIONAL ARROWS

D.2. GAN GAN ROAD, ANNA BAY – SIGHT DISTANCE AT THE INTERSECTION OF MORNA POINT ROAD

D.3. SEAVIEW CRESCENT, SOLDIERS POINT – APPLICATION FOR TEMPORARY ROAD CLOSURE

E. ATTACHMENTS

E.1. BURBONG STREET, NELSON BAY – ACCESS ROAD ONTO DUTCHMAN'S BEACH

LOCAL TRAFFIC COMMITTEE MEETING
HELD ON TUESDAY 7TH FEBRUARY, 2006
AT 9:30AM

A. ADOPTION OF MINUTES OF MEETING 8TH NOVEMBER, 2005

The minutes of the previous Local Traffic Committee Meeting dated 8th November, 2005 were adopted.

B. BUSINESS ARISING FROM PREVIOUS MEETING

There was no business arising from the previous meeting.

C. LISTED MATTERS

C.1 HUNTER STREET, RAYMOND TERRACE – TAXI SIGNAGE OUTSIDE THE JUNCTION INN

A Maitland Taxi driver has requested the time limits on the taxi signs outside the Junction Inn be altered. The current time limit (10 pm to 5 am) prevents them from easily setting down and picking up passengers outside these times, forcing them to double park.

REQUESTED BY:	Maitland Taxis	
CONSULTATION:	Nil	
INSPECTION	**UNDERTAKEN**	Yes
	AGREE WITH REQUEST	Yes
ADDITIONAL	**ATTACHMENT**	No
COMMENT	Only 1 space located between car parking spaces	

RECOMMENDATION

- The Taxi Zone be made full time
- The Taxi Zone be extended to the north to provide 2 spaces for the Taxi Zone

ESTIMATED COST	$200
FUNDING SOURCE	Traffic Facilities Budget

C.2 PORT STEPHENS STREET, RAYMOND TERRACE – EXTENSION OF AFTER HOURS TAXI ZONE

Maitland Taxis have requested Council consider the extension of the after hours taxi zone in Port Stephens Street. The extension is requested down in front of the Palms Hotel. The area will be located where there is better lighting and the extension will allow for 6 taxis to clear the area quicker in peak times.

REQUESTED BY: Maitland Taxis

CONSULTATION: Nil

INSPECTION	**UNDERTAKEN**	Yes
	AGREE WITH REQUEST	Yes
ADDITIONAL	**ATTACHMENT**	No
COMMENT	The Taxi Zone in front of the Solicitors and Cycle Shop should be removed	

RECOMMENDATION

- The existing Taxi Zone fronting the Solicitors be removed
- A Taxi Zone be provided (6) spaces, fronting the Palms Hotel in Port Stephens Street for after hours use only

ESTIMATED COST $250
FUNDING SOURCE Traffic Facilities Budget

C.3 TREGENNA STREET, RAYMOND TERRACE – TIMINGS OF TRAFFIC SIGNALS

Councillor Baumann has requested Traffic Committee investigate and make representation to the RTA to make changes to the timings of the Tregenna Street/Adelaide Street Traffic Signals.

REQUESTED BY:	Councillor Craig Baumann	
CONSULTATION:	Nil	
INSPECTION	**UNDERTAKEN**	Yes
	AGREE WITH REQUEST	Yes
ADDITIONAL	**ATTACHMENT**	No
COMMENT	RTA advises that the adjustment to the timings of the signals will be investigated	

RECOMMENDATION

- That this matter be referred to the RTA for further consideration.

ESTIMATED COST	N/A
FUNDING SOURCE	N/A

C.4 BANKS STREET, RAYMOND TERRACE – SPEEDING TRAFFIC

A resident of Banks Street has requested the installation of speed control measures similar to those installed in Troman Parade.

Many drivers speed through Banks Street as it is the main thoroughfare to Brown and Watt Streets. There are many children in the area who travel to and from the local Primary School and the resident fears that there will soon be an accident.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION	**UNDERTAKEN**	Yes
	AGREE WITH REQUEST	Yes
ADDITIONAL	**ATTACHMENT**	No

COMMENT Nil

RECOMMENDATION

- That speed and volume counts be undertaken to determine the extent of the problem and the results be forwarded to Raymond Terrace Highway Patrol.

ESTIMATED COST N/A
FUNDING SOURCE N/A

C.5 HASTINGS DRIVE, RAYMOND TERRACE – CHANGE TO NO PARKING ZONE

Councils Road Safety Officer has requested the No Parking zone signs in Hastings Drive fronting Grahamstown Public School be altered to time restricted No Parking signs 8 – 9.30 am and 2.30 – 4 pm as per the school zone times.

REQUESTED BY: Road Safety Officer

CONSULTATION: Nil

INSPECTION	**UNDERTAKEN**	Yes
	AGREE WITH REQUEST	Yes
ADDITIONAL	**ATTACHMENT**	No
COMMENT	Nil	

RECOMMENDATION

- The times on the Parking Signs be amended to the same times as the school zones – 8.00 – 9.30 am and 2.30 – 4 pm school days

ESTIMATED COST $100
FUNDING SOURCE Traffic Facilities Budget

THIS ITEM HAS A SAFETY PRIORITY

C.6 NELSONS PLAINS ROAD, SEAHAM – SPEED LIMIT

A resident has requested Council investigate lowering the speed limit from Brandon Park to the local church to 50 km per hour.

The resident feels that the condition of the road, and the presence of a school and parks, warrants lowering of the speed limit in this vicinity.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION	**UNDERTAKEN**	Yes
	AGREE WITH REQUEST	Yes
ADDITIONAL	**ATTACHMENT**	No

COMMENT Council has plans to reconstruct this section of road and provide an off road cycleway link to Brandon Park

RECOMMENDATION

- This matter to be referred to the RTA for review of the speed limit.

ESTIMATED COST N/A
FUNDING SOURCE N/A

C.7 FATHOM CLOSE, CORLETTE – PARKING RESTRICTIONS

A resident of Fathom Close has asked if it is possible to have parking restrictions placed in the turning circle area of Fathom Close. The garbage truck has difficulty accessing the cul-de-sac due to the number of vehicles parking in the area. He is also concerned about a proposed building project to be undertaken in the cul-de-sac and the amount of trades vehicle that may block access for the garbage truck and other users.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION	**UNDERTAKEN**	Yes
	AGREE WITH REQUEST	No
ADDITIONAL	**ATTACHMENT**	No

COMMENT

- Council's waste services section advised that the contractors have many problem areas in Council area
- Garbage services operate once per week and are in the street for a very short time
- Parking restrictions could not be supported due to the inconvenience and impracticality it would cause for all residents in cul-de-sacs
- Parking restrictions will not be imposed on road ways to eliminate vehicles from building trades from parking

RECOMMENDATION

- No further action be taken

ESTIMATED COST N/A
FUNDING SOURCE N/A

C.8 BURBONG STREET, NELSON BAY – ACCESS ROAD ONTO DUTCHMAN'S BEACH

A resident of Burbong Street has requested Council install speed control measures on Burbong Street. The access road onto Dutchman's Beach is very popular with visitors and locals, many whom walk with small children and prams and some that use mobility scooters.

Many cars travel at speed on this road, and the resident feels this is too dangerous considering the pedestrians in the area.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION	**UNDERTAKEN**	Yes
	AGREE WITH REQUEST	Yes
ADDITIONAL	**ATTACHMENT**	E.1

COMMENT

- Council has a current proposal for a footpath to join the two reserves to separate pedestrian and vehicular traffic
- Access road is restrictive and not conducive to high speeds but a speed hump at the entry to the access could be beneficial in reducing the speed of traffic entering the access road.

RECOMMENDATION

- A Watts Profile speed hump and signposting be provided at the entrance to the access road just north of Gloucester Street.

ESTIMATED COST $1000
FUNDING SOURCE Traffic Facilities Budget

C.9 YACAABA STREET, NELSON BAY – ALTERATION OF PARKING SIGNS

A local business owner has requested the alteration of the 2 hour parking signs outside number 9 and 11 Yacaaba Street, be altered to 1 hour parking.

Since construction work began on the units on the old bus depot site, customers have had difficulty accessing parking to drop off bulky items to their business. They report that the construction vehicles arrive at 7 am and park for 8 to 9 hours every weekday and shuffle cars when a ranger is in the area.

The business owner has made direct representation to Grant Constructions, to no avail.

REQUESTED BY: Leading Edge Computers

CONSULTATION: Nelson Bay Town Management

INSPECTION	**UNDERTAKEN**	Yes
	AGREE WITH REQUEST	No
ADDITIONAL	**ATTACHMENT**	No

COMMENT Nil

RECOMMENDATION

- No further action be taken to alter the time restrictions from 2 hour to 1 hour parking
- Council's Parking Patrol Officers be requested to monitor the area

ESTIMATED COST N/A
FUNDING SOURCE N/A

C.10 MARINE DRIVE & BOULDER BAY ROAD, FINGAL BAY – DANGEROUS INTERSECTION

A resident has requested that Traffic Committee investigate options of making this intersection safer. Many pedestrians, cyclists and vehicles use this intersection and they have suggested re-design of the road junction to control the speed of vehicles passing through it, or possibly a roundabout.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION **UNDERTAKEN** Yes
AGREE WITH REQUEST No
ADDITIONAL **ATTACHMENT** No

COMMENT

- Nil accident history
- Good sight distance available at intersection

RECOMMENDATION

- The existing Give Way signs in Boulder Bay Road be duplicated

ESTIMATED COST $100
FUNDING SOURCE Traffic Facilities Budget

C.11 RIGNEY STREET, SHOAL BAY - CHANGE TO NO PARKING ZONE

Council's Road Safety Officer has requested the No Parking zone signs in Rigney Street fronting Shoal Bay Public School be altered to time restricted No Parking signs 8 – 9.30 am and 2.30 – 4 pm as per the school zone times.

REQUESTED BY: Road Safety Officer

CONSULTATION: Nil

INSPECTION	**UNDERTAKEN**	Yes
	AGREE WITH REQUEST	Yes
ADDITIONAL	**ATTACHMENT**	No

COMMENT Nil

RECOMMENDATION

- The southern half of the existing No Parking Zone be changed to 15 minute parking 8 am – 9.30 am and 2.30 pm – 4 pm school days only

ESTIMATED COST $200
FUNDING SOURCE Traffic Facilities Budget

THIS ITEM HAS A SAFETY PRIORITY

C.12 ROBINSON STREET, ANNA BAY – NO PARKING SIGNS

A resident of Anna Bay has raised the concern over the width of the road in the vicinity of the Birubi Beach Carpark.

Often vehicles are parked at this location, making it difficult for cars to pass in either direction. Pedestrians often walk on the roadway to the beach, creating a further hazard. The resident has requested the installation of No Parking signs at this vicinity.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION	**UNDERTAKEN**	Yes
	AGREE WITH REQUEST	Yes
ADDITIONAL	**ATTACHMENT**	No

COMMENT Nil

RECOMMENDATION

- No Stopping signs be provided on both sides of Robinson Street along the section of double centre lines around the curve.

ESTIMATED COST $500
FUNDING SOURCE Traffic Facilities Budget

C.13 STOCKTON STREET, NELSON BAY – RAAF REUNION MARCH

The RAAF is organising a 45 year reunion of apprentices on Wednesday 8th March, 2006 and seek Council approval to march from the Nelson Bay Bowling Club, down Stockton Street to the Cenotaph at the Marina at 12.45 pm.

REQUESTED BY: RAAF Reunion Organiser

CONSULTATION: Nil

INSPECTION	**UNDERTAKEN**	Yes
	AGREE WITH REQUEST	No
ADDITIONAL	**ATTACHMENT**	No

COMMENT

- Busy CBD
- Council will not approve Stockton Street closure during the middle of the day

RECOMMENDATION

- No further action

ESTIMATED COST N/A
FUNDING SOURCE N/A

D. GENERAL BUSINESS

D.1 NELSON BAY ROAD, SALT ASH – DIRECTIONAL ARROWS

Council's Road Safety Officer has requested that directional arrows be placed on the road in the vicinity of Port Stephens Winery.

Cars exiting the winery have been observed turning right therefore travelling the wrong way down the one way section of Nelson Bay Road.

REQUESTED BY:	Road Safety Officer	
CONSULTATION:	Nil	
INSPECTION	**UNDERTAKEN**	NA
	AGREE WITH REQUEST	Yes/No
ADDITIONAL	**ATTACHMENT**	Yes/No
COMMENT	Nil	

RECOMMENDATION

- That this matter be listed for inspection and included for discussion at the next traffic committee meeting.

ESTIMATED COST	N/A
FUNDING SOURCE	N/A

D.2 GAN GAN ROAD, ANNA BAY – SIGHT DISTANCE AT THE INTERSECTION OF MORNA POINT ROAD

A resident has raised concerns over the sight distance available when exiting Morna Point Road onto Gan Gan Road.

Cars park close the intersection obstructing the view of oncoming traffic.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION	**UNDERTAKEN**	NA
	AGREE WITH REQUEST	Yes/No
ADDITIONAL	**ATTACHMENT**	Yes/No

COMMENT Nil

RECOMMENDATION

- That this matter be listed for inspection and included for discussion at the next traffic committee meeting.

ESTIMATED COST N/A
FUNDING SOURCE N/A

D.3 SEAVIEW CRESCENT, SOLDIERS POINT – APPLICATION FOR TEMPORARY ROAD CLOSURE

An application for a temporary road closure has been received for the 19th October, 2006. The application requests the closure of the one-way section of Seaview Crescent past the Sailing Club.

REQUESTED BY: Nelson Bay Rotary Club

CONSULTATION: Nil

INSPECTION	**UNDERTAKEN**	NA
	AGREE WITH REQUEST	Yes/No
ADDITIONAL	**ATTACHMENT**	Yes/No
COMMENT	Nil	

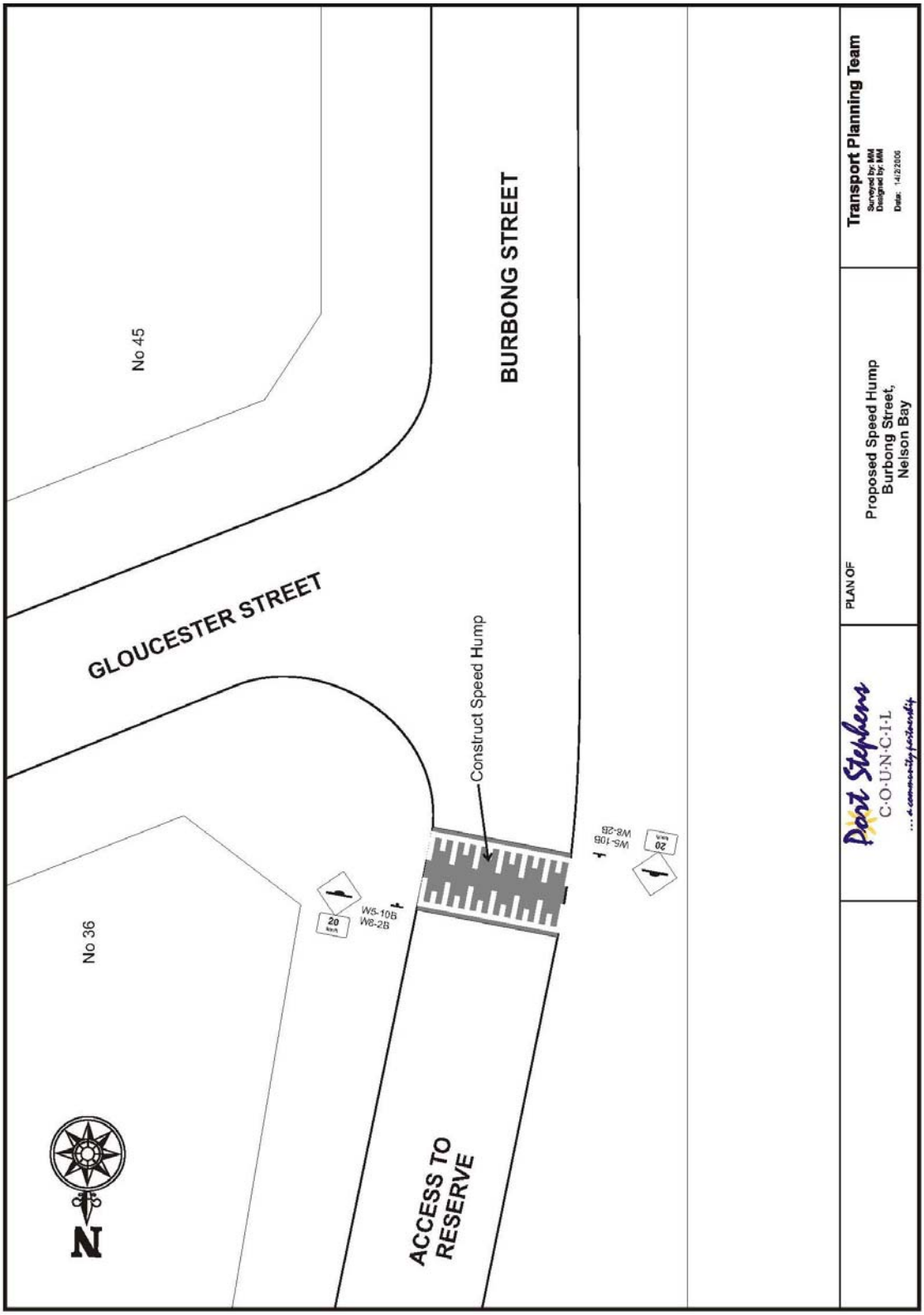
RECOMMENDATION

- That this matter be listed for inspection and included for discussion at the next traffic committee meeting.

ESTIMATED COST N/A
FUNDING SOURCE N/A

E. ATTACHMENTS

E.1 BURBONG STREET, NELSON BAY – ACCESS ROAD ONTO DUTCHMAN'S BEACH (ITEM C.8)



ITEM NO. 5 **FILE NO: PSC 2005-4039**

COMMUNITIES FOR CHILDREN INITIATIVE, RAYMOND TERRACE AND KARUAH

AUTHOR: PHILIP CROWE - COMMUNITY & LIBRARY SERVICES MANAGER AND SIMONE SILBERBERG - COMMUNITY DEVELOPMENT OFFICER

RECOMMENDATION IS THAT COUNCIL:

1) Enter into a funding agreement with The Smith Family, facilitating partner, for the delivery of projects under the Communities for Children initiative of the Department of Family, Community and Indigenous Affairs.

2) Authorise the affixing of the seal to the funding agreement.

OPERATIONS COMMITTEE MEETING – 14TH MARCH 2006

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING – 28 MARCH 2006

RECOMMENDATION:

453	**Councillor Dingle** **Councillor Westbury**	**It was resolved that the recommendation be adopted.**

BACKGROUND

The purpose of this report is to recommend that Council accept a funding agreement with the Smith Family, facilitating partner, as a part of the Communities for Children Initiative of Department of Family, Community and Indigenous Affairs.

The Communities for Children Initiative is part of the Stronger Families and Communities strategy of the Department, which takes a collaborative approach to achieve better outcomes for young children and their families. In 2004, Raymond Terrace and Karuah were selected as one of 45 communities around Australia that would benefit from this Federal Government initiative.

In 2005, The Smith Family, in partnership with the Family Action Centre at the University of Newcastle, were appointed “Facilitating Partners” for Raymond Terrace and Karuah by the Department of Family, Community and Indigenous Affairs. The Facilitating Partners then identified, in extensive consultation with the target communities, a range of projects aimed at meeting the five key priority areas of the National Agenda for Early Childhood:

- Healthy young families
- Early learning and care
- Child-friendly communities
- Supporting families and parenting and
- Family and Children's services working effectively together as a system

Expressions of interest were then called for from service providers to deliver on the projects determined through that local consultation process.

Council has been successful in tendering to provide projects in the two areas that we submitted Expressions of Interest for: Early Learning and Care and Child Friendly Communities. As a result, we have been offered $580,000 in funding over 4 years from the Federal Government through the Communities for Children Initiative.

The Council's Community Planning and Community Services Sections will use the funds to involve children and their communities in the redevelopment of significant public spaces, to boost the current "New Neighbour" program, to duplicate the existing "Kids Who Read Succeed" program to other areas in Raymond Terrace and Karuah, and to provide transition to school programs and to raise awareness of child friendly communities through an extensive education and events campaign. The projects will commence in April 2006.

LINKS TO CORPORATE PLANS

The Communities for Children projects link to the following key areas contained in the Council Plan 2005 –2008.

Community

- Build the capacity of the community to be involved with Council's activities and decision-making

Lifestyle

- Provide a range of quality, affordable and accessible facilities and services.
- Encourage partnerships in the provision of services and facilities.
- In partnerships with the community, enhance the capacity and opportunities for social, economic, recreational and cultural interaction.

Infrastructure

- Deliver facilities and services to meet community needs now and in the future

FINANCIAL/RESOURCE IMPLICATIONS

The Federal Department of Family, Community Services and Indigenous Affairs has offered $580,000 in funding over 4 years through the Communities for Children Initiative. The programs tendered for by Council through this funding will be self-sustaining for the period of the funding. The funding will assist Council in improving the planning and delivery of services for families and children in Raymond Terrace and Karuah in the long term. These improvements will also flow on to planning for these services in all areas of Port Stephens LGA.

LEGAL AND POLICY IMPLICATIONS

By adopting the recommendations of this report, Council will approve the attachment of the seal of Council to the Funding Agreement.
The programs that are being undertaken as a part of this funding meet with Council's Social Policy (2002) which states the following commitment; Council will develop a co-operative relationship with all levels of government, acting as an advocate on identified high needs to ensure the highest quality of service and facilities to residents.

Australian Business Excellence Framework

This aligns with Principles 1, 2, 3, 5 and 6 of the ABEF Framework.

1) Clear direction allows organisational alignment and a focus on the achievement of goals
2) Mutually agreed plans translate organisational direction into actions
3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
5) The potential of an organisation is realised through its people's enthusiasm, resourcefulness and participation
6) Continual improvement and innovation depend on continual learning

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Raymond Terrace and Karuah were identified as sites that would benefit from this national initiative on the basis of a range of relative disadvantage measures. The specific initiatives being funded as a part of this program are designed to address this disadvantage and to develop partnerships with government and community to improve long-term outcomes for families and their children.

ECONOMIC IMPLICATIONS

The Communities For Children initiative will spend up to $2 million dollars over four years the targeted communities and this funding is designed to address issues over a longer term. Recent studies show that initiatives that invest in the early years of children and their families have sustained long-term financial benefit by reducing long-term costs to the community.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications

CULTURAL IMPLICATIONS

A range of the initiatives, particularly in the Child Friendly Communities category, will have long-term impacts upon the way we develop and design significant public spaces. This will include reference to the cultural aspects of design and development.

CONSULTATION

Significant consultation has been undertaken with community partners in developing the expressions of interest for these projects including, NSW Department of Housing, NSW

Department of Sport and Recreation, Port Stephens Children's Services, Port Stephens Family Support Services, Thou Walla Schools as Communities Centre, Karuah Community Preschool, Karuah Working Together Committee, Playgroup Association, Port Stephens Zone, Community Planning Section, Community Services Section and the Sport and Recreation Section of Council.

OPTIONS

1) To accept the recommendation

2) To reject the recommendation

ITEM NO. 6 **FILE NO: PSC2005-4282 9460-026**

TILLIGERRY OYSTER HARVESTING CLOSURE STATUS REPORT

AUTHOR: BRUCE PETERSEN- ENVIRONMENTAL SERVICES MANAGER

RECOMMENDATION IS THAT COUNCIL:

1) That Council adopts option 3 -

   Increase the wastewater fee by $5 per wastewater customer and utilise the additional income of $25,000 to increase Council's water quality monitoring program in Port Stephens (subject to Community Consultation as part of the Council Plan.)

OPERATIONS COMMITTEE MEETING – 14TH MARCH 2006

RECOMMENDATION:

That Council adopts Option 3 – Increase the wastewater fee by $5 per wastewater customer and utilise the additional income of $25,000 to increase Council's water quality monitoring program in Port Stephens (subject to Community Consultation as part of the Council Plan.)

Matter Arising:

That the benefits and costs in the motion be communicated in public exhibition period of the Council Plan.

ORDINARY MEETING – 28 MARCH 2006

RECOMMENDATION:

454	**Councillor Hodges** **Councillor Francis**	**It was resolved that the recommendation be adopted.**

Matter Arising:

455	**Councillor Hodges** **Councillor Nell**	**It was resolved that the benefits and costs in the motion be communicated in public exhibition period of the Council Plan.**

BACKGROUND

The purpose of this report is provide Councillors with an update on issues relating to the closure of oyster harvesting zone 5B within Tilligerry Creek, particularly relating to actions arising from a task force established by the Premiers Department, relief for affected oyster farmers and Council's response to the problem.

The Issue

In June last year the NSW Food Authority closed an additional 3 kilometres of Tilligerry Creek to oyster harvesting due to the detection of human enteric viruses found in oysters in harvesting zone 5B.

An inspection program was initiated in the Salt Ash/Bobs Farm area late June 2005, to identify any failing septic systems. Council's water quality monitoring program was intensified to help identify sources of faecal contamination entering Tilligerry Creek and Council took out a one page advertisement outlining the contamination issue and measures that were being put in place by Council, the oyster industry and State Government Departments to address the contamination. The NSW Premiers Department became involved as well due to the role the State Government plays in regulating the oyster farming industry and its role in sewage management.

Premiers Department Involvement

The Premiers Department coordinated a number of meetings of Government Agencies and Council involved in the Tilligerry Creek oyster harvesting closure. The Premier's Department (on behalf of the NSW State Government) has taken on a coordinating role to ensure that all State Agencies, the Commonwealth and Council are working in a unified way to address this issue in the short and longer term. The following is a summary of the outcomes from those meetings.

- It was agreed by the Premiers Department and State Government Agencies that the decision to relocate oyster leases was a business decision for each individual oyster farmer and if any financial assistance were sought it would need to be carefully considered.
- The Commonwealth Government arranged financial counselling services for affected farmers. The Commonwealth has made its Counsellors available to all effected oyster farmers and is actively pursuing affected oyster farmers to ensure that they are aware of the Commonwealth's financial assistance packages for farmers.
- The NSW Food Authority has reduced fees in the Tilligerry Creek area (zone 5B).
- The NSW Food Authority collected additional oyster samples in September 2005 for further viral testing in Zones 5C, 5D and 5E of Tilligerry Creek. The results indicated that the only problem area at that time was one oyster lease area within zone 5B. All other areas tested were clean. The Food Authority will conduct further viral testing later this year once all failing septic tanks have been repaired or upgraded.
- The Department of Lands have stated that they will assist with any relocation of oyster leases and have reduced its normal lease fees.
- The Department of Environment and Conservation (Environment Protection Agency) has investigated a number of reports of alleged illegal discharge of human faecal matter onto a property in the Tilligerry Creek catchment, however the investigations have not indicated any illegal activities nor human faecal contamination issues on the property in question.

Council Activities

Water Quality Monitoring

Council is working closely with local oyster farmers and the NSW Food Authority to reduce the migration of human faecal waste into Tilligerry Creek following the closure of Zone 5B. This team effort has involved the establishment of a joint water quality monitoring program to identify sources of faecal pollution and to measure changes in water quality within the creek. Resources are being pulled together to minimise the high cost of water quality monitoring and Council contributed $5000 towards further viral monitoring by the NSW Food Authority from its environmental levy budget. Oyster farmers are contributing by collecting water samples for faecal sterol testing at the University of Newcastle. The joint testing program is helping to highlight problem areas within Salt Ash and Bobs Farm.

Oyster Farmers under the direction of the NSW Food Authority have undertaken extensive quality assurance monitoring program within Port Stephens Waterways. This consists of oyster farmers arranging for the collection of water samples within oyster harvesting areas, and includes testing for faecal contamination, algal counts and heavy metals. This program is expensive for the oyster farmers and the oyster industry have asked that Council contribute to this water quality monitoring program by increasing the annual onsite wastewater fee. It is proposed in Council's Annual Fees and Charges that the onsite wastewater fee be increased by another $5 to enable additional water quality sampling by Council. This increase will provide another $25,000 that can be used to strategically monitor water quality within septic tank areas and should help to reduce the program currently conducted by oyster farmers.

This money is additional to the funds already allocated to water quality monitoring within Port Stephens under the Environmental Levy Program.

Septic System Inspections

Council inspected the 470 septic tanks in the Salt Ash and Marsh Road areas. Of these, Notices were served on 50. Significant upgrades were required for many of these failing systems and minor repairs need to be carried out on others. Follow up inspections have been conducted to ensure failing septic systems are satisfactorily upgraded. To-date most systems have been repaired/upgraded or are in the process of being up-graded. Less than 20 premises remain outstanding and discussions are currently being held with these residents to ensure they comply with Council Orders to up-grade or repair. Residents that refuse to comply with Council's Orders will be prosecuted in the Land and Environment Court depending on the seriousness of the breach. Some residents (at least 4 of the 50) are experiencing some financial hardship. Council staff are working closely with these customers to reach a suitable outcome which could involve some level of assistance.

Time For Creek To Recover

It will take at least 6 months before any significant changes in the levels of contaminants leaching into the groundwater from failing systems is achieved. It will take longer for background levels of contaminants to decrease as viruses can survive in the soils and sediments for many months. Council does not expect to see any significant changes in the levels of faecal and viral contamination in the oyster harvesting areas of Tilligerry Creek for at least 12 months. This is due to the time it will take for residents to upgrade their systems and because of the background levels of contaminants within the ground water and sediments of the Tilligerry Creek system.

Feasibility Study Into Sewerage Services

Council and Hunter Water are jointly funding a feasibility study into the most effective way of providing a sewerage system to this area. It is envisaged that it may be possible to provide some sort of a sewerage system to Salt Ash and a portion of Bob's Farm. As part of the development of this feasibility study residents of Salt Ash and Bobs Farm will be consulted within the next 3 months. The feasibility study will be completed by June this year and will provide a number of options for managing sewage in Salt Ash and Bobs Farm.

Future Activities and Actions

Council will continue to conduct its septic tank inspections and require residents to upgrade their systems where necessary. Council will also continue to work closely with oyster farmers and the NSW Food Authority to conduct water quality monitoring programs within the Tilligerry Catchment and help identify 'hot spots' and monitor changes in water quality over time.

Council has installed pollution traps in a number of Salt Ash drains near the Salt Ash community hall. This will not completely eliminate contaminants entering the waterways, however it will help to reduce the level of viruses and bacteria that are discharged through this system. It is intended to install additional traps once the existing devices have been assessed over the next 2-3 months.

Future Developments

Due to the impacts that septic tank systems within high ground water table areas of Salt Ash and Marsh Road are having on the oyster industry and the environmental health of Tilligerry Creek it is important that Council carefully considers any future development options for this catchment. In this regard the Sustainable Planning section is currently developing a Wastewater Policy that will identify areas that are suitable for various types of septic disposal systems and areas that are not suitable.

LINKS TO CORPORATE PLANS

This report relates to the strategic directions including `*Preserve and enhance our heritage biodiversity and environmental health'* and `*Mitigate risks from natural occurrences by maintaining effective community and environmental health services'* that are included in the Council Plan 2005-2008.

FINANCIAL/RESOURCE IMPLICATIONS

It is proposed that the annual wastewater fee be increased by $5 to cover the cost of additional water quality monitoring within Port Stephens therefore there will not be any further impacts on Council's general revenue budget.

LEGAL AND POLICY IMPLICATIONS

Council has legal obligation under the Local Government Act and Regulations to regulate onsite wastewater management systems.

Australian Business Excellence Framework

This aligns with Principles 4, 6, 7, 8, 9, 10 and 11 of the ABEF Framework.

4) to improve the outcome, improve the system and its associated processes

6) Continual improvement and innovation depend on continual learning

7) All people work IN a system, outcomes are improved when people work ON the system

8) Effective use of facts, data and knowledge leads to improved decisions

9) All systems and processes exhibit variability, which impacts on predictability and performance

10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society

11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The environmental health of Tilligerry Creek is important for the amenity and social wellbeing of the Salt Ash, Bobs Farm and Lemon Tree Passage areas. The health of this area has also important social implications for the rest of Port Stephens.

ECONOMIC IMPLICATIONS

The adverse impact on the oyster industry following the closure of oyster harvesting area 5B within Tilligerry Creek has had significant economic impacts on a number of local oyster farmers. If the contamination issue is not resolved further economic impacts could be felt by other oyster farmers within other parts of Tilligerry Creek. Another consideration associated with this incident is the potential impact on Tourism within other parts of Port Stephens due to the implications of part of the port being polluted.

ENVIRONMENTAL IMPLICATIONS

The contamination of the top parts of Tilligerry Creek not only have implications to the oyster farming industry, but also can have significant environmental consequences in terms of the ecological health of Tilligerry Creek, recreational activities and fishing.

CULTURAL IMPLICATIONS

The contamination of Tilligerry Creek could potentially lead to impacts on the cultural use of this area by residents and visitors.

CONSULTATION

This report has been developed in consultation with staff from Sustainable Planning, Facilities and Services, Finance and Administration, Premiers Department, the oyster industry, Fisheries and Hunter Water Corporation.

OPTIONS

1) Not increase the annual wastewater fee and not increase the water quality monitoring associated with septic systems.

2) Not increase the annual wastewater fee and take $25,000 for water quality monitoring from the general revenue budget.

3) Increase the wastewater fee by $5 per wastewater customer and utilise the additional income of $25,000 to increase Council's water quality monitoring program in Port Stephens.

ATTACHMENTS

1) Glossary of Terms

TABLED DOCUMENTS

1) NIL

ATTACHMENT 1
GLOSSARY OF TERMS

Catchment Health - A measure of the environmental quality of a water catchment area. In this case an estuary.

Enteric - This Relates to stomach region. In the case of viruses this refers to viral diseases of the stomach.

Faecal Sterols – This is a product of human digestion.

Faecal Coliforms - These are indicator organisms used to indicate faecal contamination from warm blooded animals.

Food Authority - The NSW Authority responsible for regulating the food industry including oyster farmers.

Oyster Relocations – The process of relocating live oysters from one lease to another lease.

On-Site Sewage Management System - A system introduced by Council under State Government legislation to licence, inspect and recover Council costs associated with septic to systems.

Shellfish Quality Assurance Program – This refers to a program administered by the Food Authority and conducted by oyster farmers to ensure the quality of their product.

Viral Testing of Oyster Meat - A laboratory testing procedure that isolates viral particles and therefore demonstrates the presence or absence of a particular virus.

ITEM NO. 7 **FILE NO: A2004-0028**

NEWCASTLE AIRPORT BORROWINGS

AUTHOR: JEFF SMITH – FINANCE & ASSETS CO-ORDINATOR

RECOMMENDATION IS THAT COUNCIL:

1. Approves the external borrowing of $1.350 million dollars and the on loaning of that money to Newcastle Airport at an interest rate 1% greater than what the external funds are borrowed at.
2. Delegate authority to the General Manager to negotiate a loan for $1.350 million dollars and sign all necessary documents.
3. Approve the affixing of the Council Seal to all necessary loan and contract documents.

OPERATIONS COMMITTEE MEETING – 14TH MARCH 2006

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING – 28 MARCH 2006

RECOMMENDATION:

456	**Councillor Robinson** **Councillor Nell**	**It was resolved that the recommendation be adopted.**

Note: Cr Dingle left the meeting at 6.50pm and returned at 7pm during discussion and voting on this matter.

BACKGROUND

The purpose of this report is to obtain Council's approval to provide Newcastle Airport Limited with a loan of $1.350 million dollars for the development of additional carpark facilities.

This amount represents 50% of the total borrowings being sought by Newcastle Airport to undertake the carpark development, with the other 50% being provided by Newcastle City Council.

LINKS TO CORPORATE PLANS

Council's support of the further development of Newcastle Airport links to Key Result Area 9 of the 2005-08 Council Plan, in particular, to "continue growth of investments and business activities to decrease the burden on ratepayers".

FINANCIAL/RESOURCE IMPLICATIONS

Council have two options for providing the loan funds to Newcastle Airport.

Option 1:
Council can borrow the loan funds externally and on-loan the funds to Newcastle Airport. To cover the "risk" and administration associated with loaning these funds to Newcastle Airport, Council would loan the funds at an interest rate 1% greater than that obtained by the Council from the external lender. This arrangement would result in an interest rate charged to Newcastle Airport of approximately 7.0 – 7.2% and a total net interest revenue to Council of approximately $75,500 over ten years.

Option 2:
Council could utilise investment funds for the purpose of the loan. Again, Council would require a 1% margin with the ten year Local Government Borrowing Rate being used as a base rate, adjusted every six months. Based on the current ten year Local Government Borrowing Rate of 6.40% this arrangement would result in an interest rate charged to Newcastle Airport of 7.40%, resulting in total net interest revenue to Council of approximately $68,380 over ten years.

The implications for Council of each option are as follows:

Option 1:

- Increases the total amount of external borrowings to be serviced by Council, however, loan repayments to be made by Newcastle Airport will more than cover Council's obligations to the external financier.

Option 2:

- Results in a higher interest rate being charged to Newcastle Airport, which has a negative impact on the Airport's profit and cash flow while providing no additional interest revenue to Council, compared to Option 1.
- Reduces the balance of Council's cash investment portfolio which would have a negative impact on Cash Investment Revenue.
- Utilisation of Council's cash reserves will impact upon Council's ability to cash back Internally Restricted Reserves.

LEGAL AND POLICY IMPLICATIONS

The borrowings required are consistent with Council's Business Development Funding Policy where only those activities with a repayment source and with a commercial purpose will be considered for the borrowing of money from external sources.

Subject to no other significant borrowings being undertaken by Council this financial year, Council will remain within its Department of Local Government approved borrowing limit for the 2005/06 financial year.

Australian Business Excellence Framework

This aligns with Principles 10 and 11 of the ABEF Framework.

10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society

11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

All borrowings will be repaid from profits generated by Newcastle Airport

SOCIAL IMPLICATIONS

The continued development of Newcastle Airport will provide improved air travel facilities for the local community.

ECONOMIC IMPLICATIONS

The economy of the region will benefit with additional visitors to the region together with increased employment at Newcastle Airport.

ENVIRONMENTAL IMPLICATIONS

All environmental implications have been covered within Newcastle Airport's development applications.

CONSULTATION

Newcastle Airport Board
Finance & Administration Staff

OPTIONS

1. Approve the external borrowing of $1.350 million dollars and the on loaning of that money to Newcastle Airport at an interest rate 1% greater than what the external funds are borrowed at.
2. Approve the loaning of $1.350 million dollars of investment funds to Newcastle Airport, at an interest rate 1% greater than the ten year Local Government Borrowing Rate.
3. Reject the loaning of funds to Newcastle Airport.

ATTACHMENTS

Nil

TABLED DOCUMENTS

Nil

ITEM NO. 8 **FILE NO: A 2004-0860**

PROPOSED AMENDMENT TO PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2000 – RECLASSIFICATION OF LAND FROM COMMUNITY TO OPERATIONAL AT 155 SALAMANDER WAY, SALAMANDER BAY

AUTHOR: PHIL BUCHAN – ACTING BUSINESS & DEVELOPMENT MANAGER

RECOMMENDATION IS THAT COUNCIL:

1) Pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, resolve to support an amendment to Port Stephens Local Environmental Plan 2000 to reclassify part Lot 284 DP 806310 (No. 155) Salamander Way, Salamander Bay from community land to operational land.

2) Exhibit the proposed draft amendment to Port Stephens Local Environmental Plan 2000 in accordance with the Best Practice Guidelines published by the Department of Planning.

OPERATIONS COMMITTEE MEETING – 14TH MARCH 2006

RECOMMENDATION:

That Council defer this matter to Council meeting 28/3/2006 for supplementary information.

Matter Arising:

That Port Stephens Council is committed to providing equal or better library and childcare centres on the Tomaree Peninsula.

Tabled Document: Draft Amendment to Port Stephens LEP 2000.

ORDINARY MEETING – 28 MARCH 2006

RECOMMENDATION:

457	**Councillor Nell** **Councillor Robinson**	**1) Pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, resolve to support an amendment to Port Stephens Local Environmental Plan 2000 to reclassify part Lot 284 DP 806310 (No. 155) Salamander Way, Salamander Bay from community land to operational land.** 2) **Exhibit the proposed draft amendment to Port Stephens Local Environmental**

		Plan 2000 in accordance with the Best Practice Guidelines published by the Department of Planning. **3) That Port Stephens Council is committed to providing equal or better library and childcare centres on the Tomaree Peninsula.**

Tabled Document: Draft Amendment to Port Stephens LEP 2000.

BACKGROUND

The purpose of this report is to present and provide an assessment of the reclassification request for 155 Salamander Way, Salamander Bay. The report recommends that Council support the reclassification request.

In July 2005 Council's Principle Property Consultant, Arcadia FM Property Services Pty Ltd prepared a report, referred herein as the Arcadia Report, justifying the reclassification of the precinct on which community facilities are currently located within Lot 284 DP 806310 **(as indicated to the south west of the Salamander Shopping Centre on ATTACHMENT 1).**

The "community land" classification covers approximately 1.3 hectares of the 11-hectare site, with the actual community facilities occupying 750m^2. The community facilities comprise of Salamander Child Care Centre, Tomaree Library and a Community Care Centre. The remainder of Lot 284 DP 806310 is vacant and extends both north and south of the community land precinct. Lot 284 extends towards the north east around the existing Salamander Shopping complex and has dual frontages to Salamander Way and Bagnall Beach Road. Under the Port Stephens Local Environmental Plan the entire site is zoned Commercial 3a.

The site is integral to the development of an integrated Town Centre. The existing community classification was intended to safeguard the community type uses within the broader community. According to the Arcadia Report the current classification impedes the optimal development of the broader precinct and the development of the Salamander Bay Town Centre. Contemporary planning principles incorporate community facilities into traditional commercial areas because they add value to the appeal, diversity and viability of the commercial precinct.

To enhance the development of the Salamander Bay Town Centre and the relevance of the actual community uses/facilities, the site needs to be supported by co-located non community facilities. Opportunities exist for the community facilities to either be incorporated insitu or relocated within the Salamander Way/Bagnall Beach Road commercial precinct or in the case of the child care centre, possibly relocated to another location more suited to it's function. Whilst these opportunities require further exploration, including consultation with stakeholders, reclassification at this point will provide greater flexibility to Council as landowner with respect to the implementation of identified future opportunities.

It is understood that the child care centre is currently experiencing increasing pressure for expansion. The existing site provides significant challenges for the child care centre

regarding child placement demand, ease of access, desire to be quarantined from significant vehicular activity and compatibility with commercial activities.

Logistically, the parcel of land fronting Salamander Way is isolated and unable to be integrated with the land north of the "community land". If the land is not reclassified and additional operational lands are not made available within the Salamander Bay commercial precinct, components of potential commercial development would be lost. Enquiries from potential developers indicate that there is sufficient demand to warrant the development of a broad range of bulky goods type uses within the precinct.

The demand for operational land in the precinct has attracted interest from high calibre name brand operators, which would increase the destination appeal for the community and provide strong name brand recognition for the centre. However, according to the Arcadia Report, development of the Town Centre is not driven by commercial viability to the exclusion of good community outcomes. Community outcomes achieved by sound development of the Town Centre should include increased access to a range of commercial and community facilities, expanded availability of goods and services which reduces or negates the extent of travel outside of the area and an increase in employment opportunities. The precinct has the potential to generate 50 full time and 60 part time jobs in the retail sector alone, not including jobs created outside this sector as a result of the commercial and construction activity.

It is considered that the proposal to reclassify the "community land" precinct is worthy of support. Reclassifying will provide greater flexibility to Council as landowner with respect to future opportunities for the site and the surrounding vacant operational land. It is suggested that, should the reclassification be successful, any future negotiations regarding re-location of community services be based upon the identification of the overall community benefits established through a "across Council" process.

LINKS TO CORPORATE PLANS

The reclassification of the "community land" complies with the Economic Development Directions listed in the Council Plan 2005 - 2008 and the current strategic directions listed in the Strategic Planning Outcomes Report.

FINANCIAL/RESOURCE IMPLICATIONS

Proceeds from the eventual subdivision and sale of the site will provide substantial financial benefit for Council. The services of a private consultancy firm - Harper Somers O'Sullivan Pty Ltd has been engaged to facilitate the planning works associated with the reclassification.

LEGAL AND POLICY IMPLICATIONS

The subject parcel of land is classified as "community" under the Local Government Act 1993. Reclassification to "operational" is required if Council wishes to develop and/or sell the site for purposes other than those which fall under the community definition. Reclassification to operational can occur through the LEP amendment process, and is the suggested process in this circumstance. Importantly, as a legal requirement under the Local Government Act, the reclassification process will require the holding of a public hearing at the S68 stage (after exhibition) of the LEP process.

Australian Business Excellence Framework

This aligns with the following Principles of the ABEF Framework.

1) Clear direction allows organisational alignment and a focus on the achievement of goals

3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action

8) Effective use of facts, data and knowledge leads to improved decisions

11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The site contains the Salamander Child Care Centre, Tomaree Library and a Community Care Centre which serves as a base for a number of community service groups. Users of and employees within these facilities, along with other interested persons, may raise concern regarding the impact that the reclassification may have, for example the possibility of re-location of facilities. Feedback will be sought with users / employees and others during the course of the reclassification process. Information gained will be forwarded back to Council after the exhibition process. Additionally, as required under the Local Government Act 1993 a public hearing will be held.

Should it be successful, and subject to overall Council agreement to pursue re-development, the reclassification could have potential negative social impacts of:

- Increased noise in the local area, particularly during construction.
- Increased traffic on the local road system.

Potential positive social impacts of the reclassification include:

- greater flexibility that will be afforded to Council (as landowner) in exploring future opportunities (community, commercial or both);
- Strengthening of the Salamander Bay "Town Centre" through good urban design and efficient land use;
- Access to and availability of goods and services.
- Relevance of goods and services.
- The capacity to provide employment during construction and on going operation of commercial development.
- The extent to which travel outside the area is negated.

It is suggested that, should the reclassification be successful, any future negotiations regarding possible re-location of community services be based upon the identification of the overall community benefits established through a "across Council" process.

ECONOMIC IMPLICATIONS

All services are available to the site and the reclassification of the site would allow for the optimum development of the precinct, thereby maximizing the current infrastructure that is in place. Additionally, economic stimulus through commercial growth and construction would benefit the community. The multiplier effects would also translate throughout the region because of construction and operational employment. Relocation of community services to maximize the opportunities may be warranted however such an approach should not be followed through with out a clear assessment of "community benefits" that could arise.

ENVIRONMENTAL IMPLICATIONS

The site is partially cleared with some regrowth vegetation along the western half of the "community land" and some existing original vegetation immediately to the north. Recent works with the development of Salamander Shopping Centre resulted in the reshaping of the elevated area along the northern boundary of the Lot. The site is adjacent to Mambo Wetlands, which is classified as a SEPP 14 wetland. Future development would require an assessment of the impact on the environment should the reclassification be successful.

CULTURAL IMPLICATIONS

The reclassification of the precinct should have no cultural implications.

CONSULTATION

The reclassification will be referred to all relevant government agencies. Users of and employees within the community facilities, along with other interested persons, may raise concern regarding the impact that the reclassification may have, for example the possibility of re-location of facilities. Feedback will be sought with users / employees and others during the course of the reclassification process. Information gained will be forwarded back to Council after the exhibition process. Additionally, as required under the Local Government Act 1993 a public hearing will be held.

OPTIONS

1) Adopt the recommendation

2) Adopt an alternative recommendation, and resolve to engage with current users of the facilities prior to considering formal commencement of the reclassification process.

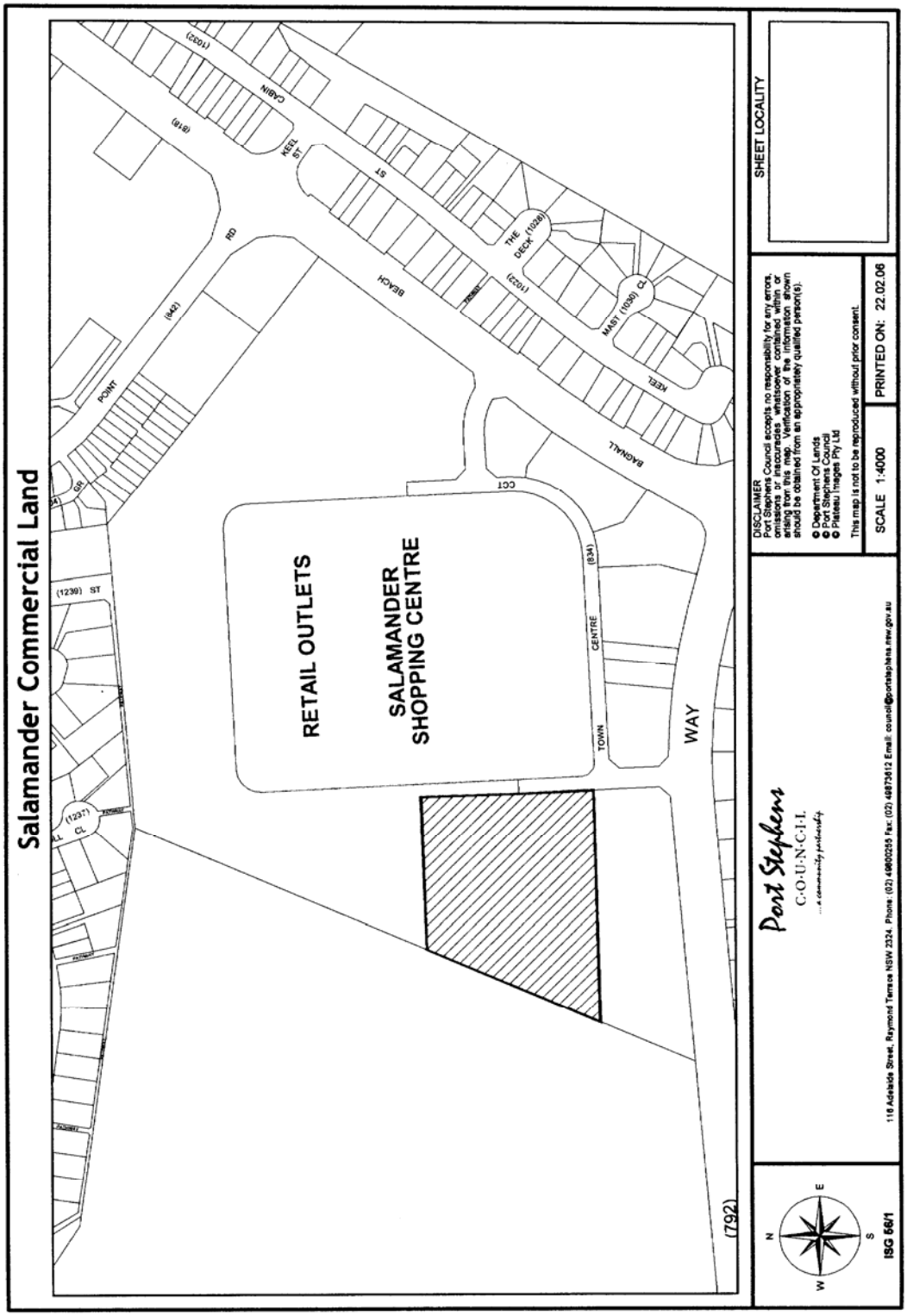
ATTACHMENTS

1) Site Plan

TABLED DOCUMENTS

1) Salamander Way (Community Land) justification for reclassification (Arcadia FM Property Services Pty Ltd, July 2005).

ATTACHMENT 1



ITEM NO. 9 **FILE NO: PSC2006-0556**

DRAFT COUNCIL PLAN 2006-2009 AND BUDGET

AUTHOR: DR FRAN FLAVEL, CONTINUOUS IMPROVEMENT COORDINATOR

RECOMMENDATION IS THAT COUNCIL:

1) Resolves to place on exhibition the Draft Council Plan 2006-2009 including the budget, as tabled together with the associated fees and charges document, also tabled.

OPERATIONS COMMITTEE MEETING – 14TH MARCH 2006

RECOMMENDATION:

That the recommendation be adopted including the supplementary information.

Tabled Document: Council Plan and Budget

ORDINARY MEETING – 28 MARCH 2006

RECOMMENDATION:

458	**Councillor Hodges** **Councillor Jordan**	**It was resolved that the recommendation be adopted.**

Tabled Document: Council Plan and Budget

Note: Cr Tucker left the meeting at 7.04pm during Item 9.

Note: Cr Hodges left the meeting at 7.10pm during Item 9.

BACKGROUND

The purpose of this report is to provide information related to the compilation of the Draft Council Plan 2006-2009 and budget, and to highlight key elements that particularly require Councillors' consideration, so that Council's Operations Committee can resolve to recommend that it, together with the fees and charges, be placed on exhibition in accordance with the provisions of the Local Government Act (NSW) 1993.

Development of the Plan

In 2004-2005 Council developed a three-year plan that included the following **Key Result Areas**, considered vital to the sustainability of Port Stephens Local Government Area:

Community:	Our Council will provide opportunities for effective consultation and participation in Council's activities.
Lifestyle:	Our community celebrates its diversity, contributes, to and enjoys the lifestyle of Port Stephens.
Environment:	Our treasured environment is maintained and improved for the well being of our community.
Economic Development:	Port Stephens attracts development & employment opportunities compatible with our environment & lifestyle values.
Planning & Development:	Our development focuses on our communities being sustainable.
Infrastructure:	Our facilities and services meet community need.
Our People:	Our Council is an employer of choice.
Corporate Accountability:	Our Council is open, transparent and accountable in its decision-making.
Our Finances:	Council will plan and manage our finances to maximise community benefit.

At its workshop on 11 February 2006, Council agreed to retain and endorse these Key Result Areas as the basis for the operations of Council and for its budgeting and allocation of resources. **Targets in the following Key Result Areas have been amended in this Plan** as follows:

- **Community** – reword performance indicator 1.1.1 to better express intended outcomes; remove 1.1.2 as it is no longer relevant; remove 1.2.4 as it is not a performance indicator and is an action subset of indicator 1.2.1. In the strategic direction 1.3, new performance indicators and targets reflect the need for a volunteer strategy and the implementation of the recommendations of the Consultation Process Review being conducted in March/April 2006.
- **Lifestyle:** addition of an indicator and target 2.3.2 related to joint meetings with the Indigenous Steering Committee and the Access Committee.
- **Environment:** Change the method of measurement from % of waste reduction to % recycled, to better measure the effectiveness of programs. Remove 3.5 as it is covered elsewhere in the Council Plan.
- **Economic Development:** recognises the need for a changed structure and refocus of efforts and so a new strategy is to be developed and staffed by December 2006.

- **Planning & Development:** a set of indicators that measure sustainability in the areas of economic, social, environmental and cultural to be in place by June 2007. Remove 5.4 as it is covered in other parts of the Plan related to consultation processes.
- **Infrastructure:** rewording of 6.1.1 to better reflect the scope of community satisfaction being surveyed; and deletion of 6.1.2 as it is now covered in 6.1.1.
- **Our People:** addition of an indicator and target related to implementation of a revised Equal Employment Opportunity Management Plan.
- **Corporate Accountability:** addition of indicator and target related to the Department of Local Government Report on Council under the Better Practice Program; addition of target related to the internal audit program. Amended 8.4.2 target to September 2006 to ensure compliance with State Records Act 1998.
- **Our Finances:** a new set of indicators to specify the performance parameters of:
  - Operational income and expenditure
  - Investments & business activities in terms of returns, cash back restricted funds
  - Financial modelling

As required by the Department of Local Government's Review of Port Stephens Council under the Better Practice Program, the Plan now contains an expanded statement on Access and Equity, and provides links to the extended policy and action plans.

Financial Aspects of the Draft Council Plan 2006-2009

At its workshop in November 2005, Council developed the following parameters to be followed in the development of the budget and schedule of fees and charges:

- wage increases would be determined by the State Government and would be in the order of 5.5% on-costed and should be allowed for in the Plan
- Council will not have a balanced budget in the financial year 2006-2007 without profits from land sales
- fees and charges should be increased by a minimum of 5% across all Council activities except for those governed by statutory requirements for prescribed charges, and where market forces would render an increase of this magnitude uncompetitive.

Council also acknowledged that the environment and the roads rehabilitation, as well as the Nelson Bay Promotion levies would all expire in June 2006.

At the same workshop it was recognised by Councillors that the current deficit budget was unsustainable in the long term, and that whilst property sales could adjust the situation in the short term, that the rate base was insufficient to maintain the current level of services. Accordingly Councillors required that the option for special levies be investigated with the Department of Local Government, and tested in the community. Council staff were also asked to identify areas where services could be reduced or eliminated, and where savings could be made in the event that the Minister for Local Government would not accede to the request for levies, should Council apply.

Council initially entertained the concept of four levies:

- environment
- roads rehabilitation
- some form of support for Nelson Bay
- sustainability levy to improve the budget position to enable more services to be retained.

Accordingly this year the draft Council Plan 2006-2009 and budget predicates an application to vary the rates via an application to the Minister for Local Government.

Rate Variation Process

The Department of Local Government requires a rigorous consultation process with the community that includes being able to demonstrate the impact of all increases in fees and charges, together with the impact of a rates variation, has been canvassed with the community. (Reference Department of Local Government Circulars 05-04 and 05-06). In addition, the Minister has informed local government generally, and the General Manager and Mayor of Port Stephens Council that he will not approve any variation that is at or exceeds 10%. Advice from the Minister that, whilst it was Council's choice to have more than one levy, he would prefer to evaluate and determine one sustainability rate variation that encompassed all Council's aspirations.

The expiration of the environment and roads rehabilitation levies would provide ratepayers across Port Stephens LGA a reduction in rates of approximately 2%. This means that the notional income of Port Stephens Council has to be adjusted down by an amount of $690,532.

Working within these parameters, and the guidelines set by Councillors, Council staff identified a number of areas where services could be reduced or eliminated and at the same time, worked models to achieve a balanced outcome for the Council. The community was consulted via written survey using a random sample technique that encompassed all categories.

At the instigation of Nelson Bay Town Management Inc, the organisation that had administered the Nelson Bay Promotion Levies, a new levy would be canvassed with the community that would include 1200 rateable properties in a geographical area in proximity to the town Central Business District. This proposal would incorporate residential ratepayers for the first time, in a location-specific additional levy.

Survey of Port Stephens Community

As part of the Department of Local Government's requirement of Council to consult its community regarding rate variations, and to assess the community's views regarding services to be reduced or eliminated should no rate variation occur, Council conducted a written survey of a randomly selected sample across its three assessment categories – business, residential and farming. The sample was taken applying 95% confidence levels and 0.5 standard deviation.

The survey instrument was accompanied by a letter from the General Manager outlining the options to be considered, and providing a table of rates related to each category, including the Council's fees and charges. This table demonstrated the total impact any rate variation would have on each category of ratepayer. It is a requirement of the Department of Local Government that Council fully inform ratepayers of the total impact of any proposed changes,

and to demonstrate how it has done so. This survey and the publicity attending the results, has met this requirement.

In addition, a separate survey was prepared for all the 1200 affected ratepayers should the Nelson Bay proposal be considered. To assess the community's views regarding this proposal, entertained by Council because of the recognition that the Tomaree Peninsula, and Nelson Bay in particular, carries the burden of the trebling of population in a long peak season, a written survey was conducted. This survey was identical to that for the random survey generally, in that it contained the same issues to be considered, however it also asked for specific feedback related to issues affecting Nelson Bay.

Results of the Survey

In the randomly selected general survey, a response of 23.35% was achieved, and 16.26% in the Nelson Bay survey. Both responses exceed the notional 10% and so the surveys can be seen as a valid expression of the community's views in both cases.

Feedback from all categories of rate payers was weighted and more than 40% agreed that it was sufficiently important to maintain the services targeted for reduction or elimination overall, and would be prepared to support an application for an increase.

However, in the case of Nelson Bay, the community expressed a strong view that security, cleanliness, parking and infrastructure issues should be addressed by Council. The community was of the view that the impost of an additional charge was not warranted.

Proposed Application for Sustainability Variation to Rates

1. On the adjusted notional income base of $23,977,429 the Draft Council Plan 2006-2009 includes a nominal increase of 9.96%. The effect of this on ratepayers will be an increase in the order of 7%.

2. The proposal does not include a levy for Nelson Bay, in line with the community's feedback – in consequence of this some business rate payers will in fact have a reduction in rates.

3. The draft Council Plan 2006-2009 contains two options:

   Financial Option A — The proposed increase in the base via a rate variation as described above. *This option is outlined in detail in Section 11: Financial Plans 2006-2009 of the draft Council Plan 2006-2009.*

   Financial Option B — The nature and extent of the services to be reduced or eliminated should the rate variation not be supported by the community, or not approved by the Minister. *This option is outlined in detail in Section 11: Financial Plans 2006-2009 of the draft Council Plan 2006-2009.*

4. In developing the Sustainability Rate application to the department, Council has carefully examined those services that may be reduced or eliminated if unsuccessful, and weighed up the impacts of this on the community. Council's financial trend indicates that until 2001-2002, our expenses were growing at a faster rate than our income. Since this period Council has implemented various cost saving measures to

minimise expenses. As a quality driven organisation using the Australian Business Excellence Framework for driving organisational excellence Council continues to improve processes to create efficiencies and savings in relation to a broad range of areas across Council. *These are outlined in detail in section 11: Financial Plans 2006-2009 in the draft Council Plan, under Financial Strategies.*

The adoption of this continuous improvement model to improve efficiencies was strongly supported by the Department of Local Government in their review of Councils operations in 2005 under the Local Government Reform Program - *Promoting Better Practice*. This final Review Report acknowledged Port Stephens Council as a well-managed authority, actively pursuing continuos improvement. One of a number of recommendations in this Report supported the continuation of using the Australian Business Excellence Framework as a priority to promote better practices. The following is an excerpt from this Report:

Executive Summary:

Port Stephens Council has shown that it is a well-managed authority. It enjoys good resident and employee satisfaction and is actively pursuing continuous improvement. Council has strong and positive links with the local community it serves. It works well with a wide range of partners both at the local and broader Hunter regional level.

The council has set the foundations for a strong strategic approach to its future needs. There is a mature approach by both council management and elected officials to decision-making. Despite different political views among its councillors, there is a shared vision for a better Port Stephens council area. Councillors work together to achieve this goal.

Council is characterised by a culture that strives to be effective. Senior management and councillors appear to be committed to developing and realising a strategic direction for the organisation.

Five years ago, to develop an integrated planning model for council and the Port Stephens local government area, council starting using the Business Excellence Framework. The model includes a long-term strategic vision and plan, high level community and organisational strategies, the annual management plan and budget, business plans, team plans and individual work plans

A key aspect of the introduction of the model is the identification and refining of its core business activities. However, council needs to consider change management processes and the development of strategies to support any re-defined core business activities.

Council's evolving integrated planning model and processes should be underpinned by financial modelling. This financial planning should identify alternative sources of revenue, a long-term rates strategy, and the establishment of reserves for capital works, land acquisition and anticipated demand for community facilities.

Council aligns its strategic directions with its identified goals. However, it appeared to the review team that council is involved in quite a number of projects and activities to meet these goals. Many projects are works in progress.

Senior management has acknowledged the need to "put some things on the stop doing list". This is crucial to the successful achievement of its goals. Improved prioritisation of projects and activities is also essential.

Current progress is monitored against priorities and documented in quarterly financial reports. Accordingly, this monitoring should be used to move finances to continuously align with changing business priorities.

Council commenced developing high level performance indicators to measure its progress in achieving social, economic and environmental sustainability. These do not, however, appear to be applied consistently. Council needs to adopt clear performance indicators, particularly in its areas of service delivery, to ensure a best value approach to services is developed across all areas of the council's operations.

The council is mindful of its responsibility as trustee of public assets. However, it needs to develop a comprehensive asset management plan. This will allow council to assess, evaluate, maintain and replace assets proactively.

Overall, Port Stephens Council has a strong community service focus. The council understands its community and has comprehensive community services and activities to meet community needs. We noted, however, that council has not fully acknowledged the impact of a rapidly ageing population in the area. As a matter of priority, council needs to review and build upon its current plans and policies to develop an integrated approach to respond effectively to this very real challenge.

Similarly, the council faces a future challenge with an ageing workforce. Succession plans have been included in the plans of various work groups. However, council needs to develop a workforce plan to identify specific changes that may occur in workload in particular work groups and determine strategies for the acquisition and transfer of skills.

Summary

In summary, councillors and senior management are leading a positive and vigorous change process to more strategically address the future needs for the Port Stephens Council area. The pace and volume of change needs to be monitored and managed at a level that ensures priority tasks can be achieved.

The sustainability rate variation, if achieved, does not allow us to balance the budget nor to improve or increase services. It will improve the deficit position but Council will still have to find alternative revenue sources. In future this may mean further applications for additional variations due to restrictions imposed on councils by the continued application of the rate cap.

Fees and Charges

In accordance with the parameters set by Council at its workshop in November 2005, the fees and charges have been adjusted to reflect an increase of at least 5%, where permitted in legislation and with the exception of statutory fees and charges. A letter was sent to all Council's 355(b) committees to request them to increase their fees by at least 5%, and indicating that if they did not do so, then Council would reflect the 5% increase in the fees and charges booklet that accompanies the draft Council Plan 2006-2009.

355(b) committees were also advised that the fees and charges would be on exhibition with the draft Council Plan 2006-2009, and that committees can make submissions for exemptions during the exhibition period.

Exhibition

Under the requirements of the Local Government Act 1993, the Draft Council Plan 2006-2009 with the budget and the fees and charges, are to be available to the community for a period of one month to enable the community to evaluate the Plan, and to make submissions to Council in relation to the Plan.

Should Council agree to the recommendation, the Draft Council Plan 2006-2009 and the Fees and Charges booklet would be made available at libraries, post offices and Council premises for the period 1 – 27 April 2006. In addition, these would be placed on the Council's website. An advertisement in local media would highlight the process, the key elements of the Draft Plan and how to access copies and make submissions.

It is also proposed to conduct three (3) briefing sessions within this exhibition process, one in each ward. Dates will be determined based on booking suitable venues. It is proposed to chose venues that provide maximum accessibility to the community, and to extensively advertise them via the local media.

At the conclusion of the exhibition period, the submissions will be collated and a brief provided to Councillors on 2 May 2006. After taking account of the submissions the Draft Council Plan 2006-2009 and attendant documents would be presented to Council for formal adoption at the meeting of Council 23 May 2006.

Performance Review of Council Plans

As required by the Local Government Act 1993, a quarterly report is required to be provided to Council on the progress of the Plan; and the Annual Report – also provided to Council – documents the performance of the plan for the first year ie 2006-2007.

Council is currently developing an integrated planning process as part of the continuous improvement process adopted by Council, and is working with the Department of Local Government to assist with its integrated planning project (Circular 06-11).

LINKS TO CORPORATE PLANS

State of the Environment Report 2004 and Supplementary Report 2005
Budget 2006-2007 as detailed in the tabled document
Cultural Plan 2005 – 2008
Social Plan 2005-2010
Forward Works Program December 2005

FINANCIAL/RESOURCE IMPLICATIONS

The cost of production of the documents for distribution in hard copy (as part of the exhibition process and then in final copy to relevant stakeholders) as well as consultations to the community scheduled for April is funded in the 2005-2006 budget allocations.

LEGAL AND POLICY IMPLICATIONS

This document is the strategic framework for the operations of Port Stephens Council, including resources and revenue/expenditure parameters.

Australian Business Excellence Framework

This aligns with the following principles of the ABEF Framework.

1) Clear direction allows organisational alignment and a focus on the achievement of goals
2) Mutually agreed plans translate organisational direction into actions
3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society
11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The Draft Council Plan 2006-2009 provides the resources and directions to enable implementation of the Social Plan 2005-2010, and contributes to the overall enhancement of the lifestyle of the citizens of Port Stephens.

ECONOMIC IMPLICATIONS

The Draft Council Plan 2006-2009 drives the businesses of Council and contributes through budget and other indicators to the overall economic leadership of the LGA.

ENVIRONMENTAL IMPLICATIONS

The Draft Council Plan 2006-2009 provides the resources and directions to enable implementation of the Environmental Management Plan, which in turn gives effect to the recommendations in the State of the Environment Report. In this way it contributes to the protection and enhancement of the natural environment, and the heritage (indigenous and non-indigenous) of Port Stephens.

CULTURAL IMPLICATIONS

The Draft Council Plan 2006-2009 provides the resources and directions to enable

implementation of the Cultural Plan 2005-2008, and contributes to the enrichment of the experience of living in Port Stephens.

CONSULTATION

1. The Draft Council Plan 2006-2009 was developed under the auspices of Council, by initial consultation with Councillors in November 2005, and in February 2006.

2. A community survey was conducted in January/February 2006 related to the possibilities for inclusion/exclusion of services predicated on a proposed variation in rates and levies. This feedback from the community was included in briefing to Councillors in February 2006 and to the media, for promulgation throughout the LGA.

3. Should Council adopt the Draft Council Plan 2006-2009, under the provisions of the Local Government Act 1993, it, together with the fees and charges document, will be on public exhibition from 1 to 27 April 2006, to allow for further input in the form of submissions, from the community of Port Stephens.

OPTIONS

1) Council may accept the recommendation
2) Council may amend the recommendation
3) Council may reject the recommendation

ATTACHMENTS

1) Copy of sample correspondence with ratepayers related to the survey conducted in January/February 2006, together with the survey instrument.

TABLED DOCUMENTS

1) Draft Council Plan 2006-2009 including budget 2006-2007
2) Schedule of Fees and Charges 2006-2007

ITEM NO. 10

INFORMATION PAPERS

AUTHOR: BRONWYN FLINN – BUSINESS PAPER CO-ORDINATOR

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 14 March, 2006.

Info. Paper No:	Report Title	Page No:
1	Access Committee Minutes	107
2	Indigenous Strategic Cttee with KLALC	111
3	Petition Request for Restricted Parking outside 184 Soldiers Pt Rd, Salamander Bay	115
4	Managers Monthly Report February 2006	116

OPERATIONS COMMITTEE MEETING – 14TH MARCH 2006

RECOMMENDATION:

That the information papers be received and noted.

Tabled Document: Petition 184 Soldiers Pt Rd, Salamander Bay

ORDINARY MEETING – 28 MARCH 2006

RECOMMENDATION:

459	**Councillor Nell** **Councillor Jordan**	**It was resolved that the information papers be received and noted.**

Tabled Document: Petition 184 Soldiers Pt Rd, Salamander Bay

Note: Cr Tucker returned to the meeting at 7.11pm at the end of Item 10.

OPERATIONS COMMITTEE INFORMATION PAPERS

INFORMATION ITEM NO. 1

ACCESS COMMITTEE MINUTES

AUTHOR: MICHAEL ELLIOTT – DISABILITY ACCESS OFFICER

FILE: 7200-001

BACKGROUND

The purpose of this report is to present to Council the minutes of the Access Committee Meeting held on the 7 February 2006.

Key issues addressed at the meetings were:

1) Little Beach Disabled Access Wharf

2) Update on Development of Port Stephens Mobility Map

3) Access Awareness Training

ATTACHMENTS

1) Minutes of the Access Committee Meeting held on the 7 February 2006.

ATTACHMENT 1

PORT STEPHENS ACCESS COMMITTEE
MINUTES OF MEETING HELD 7 FEBRUARY 2006
NELSON BAY R.S.L CLUB

Present:
Ken Whiting, Karen Whiting, Carol Last, Joe Delia, Kathy Delia, Margaret O'leary, Cathy Jennings, Bill Bobbins, Liz Osborne, Michael Elliott, Cr Sally Dover, Deborah Franklin, Tony Cremens, Michell Pavy, Geoff McClelland, Juliette Roosendaal,

Apologies:
Cr Helen Brown, Judy Rosier, Suzie Rosier, Erin Devlin, Robert Harper, David Painter, Val Painter, Kathy Lees, Tony Kean

1. MINUTES OF PREVIOUS MEETING

The Minutes of 29 November 2005 were accepted as a record of the previous meeting.
Moved: Ken Whiting Seconded: Michael Elliott.

2. CHAIRPERSON'S REPORT

Committee Chairperson, Ken Whiting, presented his report raising the following issues: -

- Review of the Committee's achievements for 2005
- Announcement of the passing away of Mr Bruce Davis, an Access Committee member
- Announcement that the pre-arranged guest speaker Andrea Thomas from DADAHC was unable to attend but will be attending the March 2006 meeting instead

3. GENERAL BUSINESS

A) LITTLE BEACH DISABLED ACCESS WHARF

Mr Geoff McClelland raised his personal concerns about the reconstruction of the Little Beach Disabled Access Wharf citing rocks and water movements as being dangerous to swimmers in that location. A general discussion on the wharf followed with the resulting motion being put forward by Bill Bobbins and seconded by Cathy Jennings: -

"The Port Stephens Access Committee request that the Port Stephens Council suspend work on the Little Beach Disabled Access Wharf until further investigation is made into the safety issues of rocks and dangerous water movements at the site and further request that a Council

representative attend a future Access Committee meeting to explain the plans in detail and answer any concerns raised prior to commencement of construction."

The motion was passed unanimously.

B) MOBILITY MAPS

The Port Stephens Council Disability Access Officer, Michael Elliott, gave a presentation on the Mobility Maps Project, outlining several different options for production of the maps. Input was solicited from the Committee in the form of a vote. The results of that vote were: -

- 14 votes for the combined online maps / internally produced maps
- 0 votes for maps professionally produced externally

C) ACCESS AWARENESS DAY

Occupational Therapist Margaret O'Leary gave a presentation on the *'Barrier Free Zone'* access awareness training day planned for relevant Council staff. The day is to be held in May 2006. Cr Sally Dover expressed her interest in participating in the training.

D) MAINTENANCE ISSUES

- Juliette Roosendaal raised the issue of the toilet door lock buttons at the Salamander Bay Shopping Centre

- Bill Bobbins raised the issue of the paved footpath in Port Stephens Street outside Fry's Funeral Parlour Raymond Terrace, the pavers are slippery when wet and some are not flush

- Bill Bobbins raised the issue of the dish ramps on the footpaths at the intersection of Adelaide and William Streets, Raymond Terrace. The ramps are too steep for motorised wheelchair users and on one occasion the dolly wheel at the rear of a motorised wheelchair became stuck on the dish ramp

- Carol Last raised the issue of the corner of Perishing Place and President Wilson Walk Lemon Tree Passage where there is a very steep camber on the footpath

All these items were added to the Access Committee's Works Priority List for assessment.

E) COUNCIL FUNDING

Ken Whiting enquired about the $10,000 Council funding and what exactly the money was for. Michael Elliott will find out and report back to the Committee.

4. CORRESPONDENCE

- Michael Elliott tabled a range of disability publications.

- Chairperson, Ken Whiting presented a petition regarding access issues at the Tanilba Bay Public School. This issue has already been assessed by Council Traffic Engineers who have identified work required to improve the situation. It is now in the hands of the Design and Project Engineers for prioritisation and integration into works programs.

5. NEXT MEETING

The next meeting will be held downstairs at the Raymond Terrace Community Centre at 10.30am on Tuesday the 7th March 2006.

INFORMATION ITEM NO. 2

INDIGENOUS STRATEGIC COMMITTEE WITH KARUAH LOCAL ABORIGINAL LAND COUNCIL

AUTHOR: PAUL PROCTER – SOCIAL PLANNING CO-ORDINATOR

FILE: A7030-008

BACKGROUND

The purpose of this report is to present to Council the minutes of the Indigenous Strategic Committee meeting held on 14 February 2006 with the Karuah Local Aboriginal Land Council.

Key issues discussed at the meeting included: -

1. Beacon Foundation Project Update

2. Karuah Working Together Inc Update

ATTACHMENTS

1) Minutes of Indigenous Strategic Committee Meeting held 14 February 2006 with Karuah Local Aboriginal Land Council.

ATTACHMENT 1

INDIGENOUS STRATEGIC COMMITTEE MEETING WITH KARUAH LOCAL ABORIGINAL LAND COUNCIL TUESDAY 14 FEBRUARY 2006

Present:

Bev Manton	Karuah LALC
Colleen Perry	Karuah LALC
Cr Dover	PSC
Peter Gesling	PSC
Mike Trigar	PSC
Cliff Johnson	PSC
Jason Linnane	PSC
Paul Procter	PSC

Apologies:

Cr Baumann	PSC
Cr Swan	PSC
Cr Brown	PSC
June Shine	PSC
Stewart Murrell	PSC
Jenny Smith	PSC

Cr Dover Chaired and opened the meeting at 1:25pm

1. KARUAH LALC BUSINESS ARISING FROM PREVIOUS MINUTES

ITEM 12: Old Karuah School House

Bev Manton indicated that the Land Council is still in the process of seeking funds towards the re-location and re-establishment of the building. They will also need to prepare a Development Application.

ITEM 17: Beacon Foundation Project Update

The Development Application for the construction of a workshop has been approved. Opportunities for inkind support to assist in the construction of the workshop will be explored. In addition to this, Wayne Ping commenced on 31st January 2006 on a two-month contract to supervise the planning for the project including the finalisation of the business plan.

Action	1. Paul Procter to organise the inaugural meeting of the project steering committee. 2. Paul Procter will speak to Scott Harris from the Beacon Foundation in relation to the project budget.

ITEM 18: Karuah Working Together Inc

Bev Manton indicated that the lantern parade held during the recent Karuah Oyster & Aquatic Festival was an outstanding success. She also indicated that Karuah Working Together Inc have been successful with a number of funding submissions they have made during the last

3 months including a grant of $25,000 from DSRD to assist with the marketing and branding of Karuah.

In addition to this, the Land Council has been successful in obtaining a grant of $20,000 for its *Celebrating Diversity* proposal under the Federal Government's Communities for Children Program.

ITEM 19: Aboriginal Project Fund
Paul Procter indicated that Council has received a total of 9 submissions. A meeting of the ISC will be scheduled in the coming weeks to assess all the applications and to formulate recommendations for funding to Council.

2. GENERAL BUSINESS

2.1 Group Manager Sustainable Planning
Peter Gesling advised that Council's Group Manager of Sustainable Planning, Paul Douglass has left Council. June Shine is Acting Group Manager Sustainable Planning until a new Group Manager is recruited.

2.2 Karuah Boatshed
Council is still awaiting a response from the Dept of Lands in relation to the expression of interest process undertaken last year for a commercial lease of the building.

Action	1.	Cliff Johnson will contact Dept of Lands concerning status of expression of interest process.

2.3 Draft Council Management Plan & Budget
Peter Gesling mentioned that Council's new Draft Management Plan and budget for 2006/2007 will be placed on public exhibition shortly and he encouraged the Land Councils to make a formal submission.

2.4 Sewerage:
Bev Manton indicated that all homes on the Mission are now hooked up to the sewerage line and the new workshop will be connected once constructed.

2.5 Tennis Court
Bev Manton indicated that the Land Council is seeking funding to assist in the re-fencing of the tennis court at the Mission. Cost is estimated at $10,000.

2.6 Naidoc Week 2006
Bev Manton indicated that the Land Council is planning a large celebration in Memorial Park focusing on reconciliation as part of this year's annual Naidoc Week Celebrations in July.

2.7 Aboriginal Traineeships
The Land Council is exploring opportunities for traineeships.

Action	1.	Paul Procter to investigate with Council's Human Resources opportunities for Aboriginal Traineeships within Local Government.

2.9 Riverside Footpath

Bev Manton indicated that the Land Council received a few years ago a small grant from the Environmental Trust to assist in building a viewing platform on the river edge. For various reasons this project was unable to be carried out. Consequently, Bev Manton has just received approval for a variation to the grant expenditure to be used on funding the construction of a small footpath on the riverbank that will help enhance access to this picturesque spot for everyone to enjoy. Support from Council and the community is sought to assist with this project (eg; picnic tables, mulch).

Action	1.	Mike Trigar and Jason Linnane will explore opportunities for Council and community inkind support.

3. NEXT MEETING

The next meeting with KLALC will be on Monday 10th April 2006 at 1:00pm at the Karuah Mission.

Meeting closed 2:45pm.

INFORMATION ITEM NO. 3

PETITION – REQUEST FOR RESTRICTED PARKING OUTSIDE 184 SOLDIERS POINT ROAD, SALAMANDER BAY

AUTHOR: ANN EDWARDS – EXECUTIVE ASSISTANT
FILE: PSC2006-0511

BACKGROUND

The purpose of this report is to advise Council of a petition that has been received requesting that parking be restricted outside 184 Soldiers Point Road, Salamander Bay (the office of Tomaree Nursing Service).

The petition states:

> *"We, the undersigned, request that in the interests of safety, motorists visiting your premises refrain from parking their vehicles outside the building known as 184 Soldiers Point Road, Salamander Bay.*
>
> *Vehicles parked in this location create a hazard for motorists attempting to turn from Fleet Street onto Soldiers Point Road, as visibility is severely limited. Motorists must move their vehicles out onto Soldiers Point Road without first being able to thoroughly assess northbound traffic. This is particularly dangerous during the holiday period when traffic is heavy".*

Traffic Inspection Committee Comments:

On a previous inspection of this intersection it was noted that the road alignment and parked vehicles do restrict sight distance if motorists stop behind the kerb line. If a motorist moves out to the hold line marking, adequate sight distance is achieved. Parking restrictions are not considered necessary if appropriate driver attitude is taken.

The road alignment towards Salamander Bay has a slight left curve and sight distance would be jeopardised if vehicles were permanently parked on each side of the road. Parking restrictions would be warranted in this case, however, there is little to no evidence to suggest that the parking of vehicles is anything more than short term. Council records indicate no accident history at this location and the Traffic Committee supported the Inspection Committee's comments and recommendations.

TABLED DOCUMENT

1) Petition.

INFORMATION ITEM NO. 4

MANAGER'S MONTHLY REPORT FEBRUARY 2006

AUTHOR: BRONWYN FLINN – BUSINESS PAPER CO-ORDINATOR
FILE: 3200-001

BACKGROUND

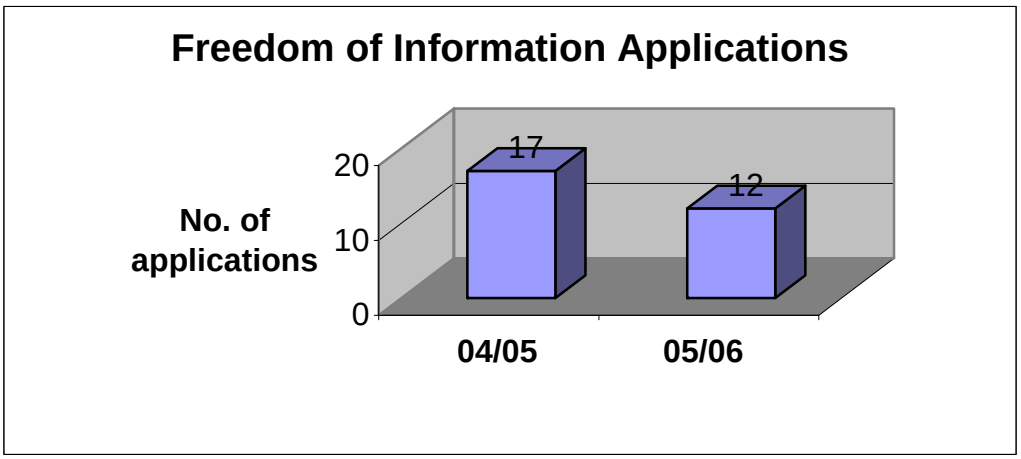
The purpose of this report is to present the February 2006 Monthly Report in ATTACHMENT 1.

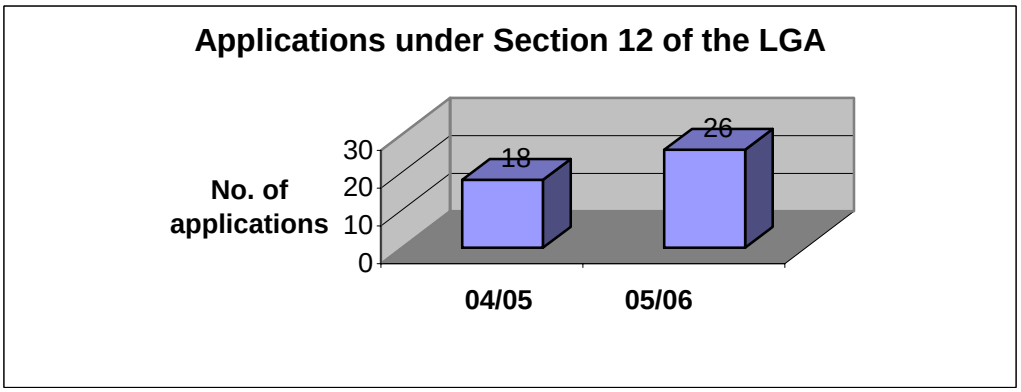
ATTACHMENTS

Monthly Manager's Report – February 2006.

MANAGERS
MONTHLY REPORT
FEBRUARY 2006 STATISTICS

CORPORATE MANAGEMENT





2005/2006 ALLOCATIONOF MINOR WORKS				
WARDS	EAST	CENTRAL	WEST	TOTAL
BALANCE B/FWD 30 JUNE 2005	**4,408**	**-22,759**	**10,423**	**-7,928**
2005/2006 BUDGET ALLOCATION	**20,000**	**20,000**	**20,000**	**60,000**
TOTAL AVAILABLE 1 JULY, 2005	**24,408**	**-2,759**	**30,423**	**52,072**
ALLOCATED TO:-				
Rotary Club of Nelson Bay 2005-2746/001	2,720			**2,720**
Port Stephens Sister Cities 26/7/2005	380			**380**
Nelson Bay Pistol Club 26/7/2005	1,500			**1,500**
Medowie Soccer Club 26/7/2005		1084		**1,084**
Medowie Scout Group 26/7/2005		500		**500**
Medowie Community Pre-school 26/7/2005		5000		**5,000**
Little Beach Power Box 2005-3738/001	1260	1260	1260	**3,780**
Transferred $20,000 from Salamander Funds		-20000		**-20,000**
Towing of Life Education Van August Meeting	1400	1400	1400	**4,200**
Gyro Spinner Alma Street reserve 2005-3622/17			5500	**5,500**
Hunter Valley Vaulting Centre 27/09/2005		100		**100**
St Bridgids School 27/09/2005			1000	**1,000**
Tar Seal Pomona Place Tanilba Bay 2005-5376/01		2500		**2,500**
Irrawang High School CM 346/05			200	**200**
Hunter River High CM 346/05			220	**220**
PS Business Chamber CM346/05			500	**500**
Hinton Public School CM346/05			1000	**1,000**
Seaham Public School CM346/05			1000	**1,000**
Anna Bay Community Centre CM346/05	6258			**6,258**
Tilligerry Adult and Community Centre CM346/05		500		**500**
Hunter New England NSW Health CM 346/05		154		**154**
Tanilba Bay Rural Fire Brigade Comm. CM346/05		330		**330**
Toilligerry Chamber of Commerce CM346/05		1000		**1,000**
Lions Club Tilligerry Pen. CM 346/05		1000		**1,000**
Medowie Public School CM346/05			200	**200**
Hunter River High CM 346/05			200	**200**
Neil Carroll Park Clr Req	3443			**3,443**
Apex Park Clr Req	3000			**3,000**
Beat the Bitou at Birubi Clr Req		5000		**5,000**
TOTAL ALLOCATED	**19,961**	**-172**	**12,480**	**32,269**
BALANCE AVAILABLE as at 24.2.06	**4,447**	**-2,587**	**17,943**	**19,803**
TOTAL AVAILABLE	**414,765**	**232,731**	**397,354**	**1,064,850**

2005/2006 PROJECT FUNDS - WARDS				
WARDS	EAST	CENTRAL	WEST	TOTAL
BALANCE B/FWD 30 JUNE 2005	383,148	498,148	508,251	1,389,547
Estimate for 2005/6	391,500	391,500	391,500	1,174,500
TOTAL AVAILABLE 1 JULY 2005	774,648	889,648	899,751	2,564,047
ALLOCATED TO:-				
Transfer $20,000 to Minor Works		20,000		20,000
2005/2006 Original Budget				0
Main Road Medowie Upgrade		0		0
Seaham Rd and Clarencetown Rd - Reconstruction			0	0
Fingal Bay link road - acquisition and design	0			0
LTP Road Upgrade near Salt Ash		0		0
Footpath Construction - West,East and Central Wards	30,000			30,000
			30,000	30,000
Cycleway Medowie - Warapora Road		110,000		110,000
Gateway signage West,Central and East Wards	20,000		20,000	40,000
Gateway signage West,Central and East Wards	21,330	41,330	21,340	84,000
Karuah main street - Bypass mitigation works			20,000	20,000
Cycleway Anna Bay to Salamander Stage 4		0		0
Cycleway along Mustons Rd Karuah			10,000	10,000
Cycleway Soldiers Point Rd - Diemars Rd to Gilchrist Rd - Stage 2	0			0
Pedestrian Access mobility plan	50,000		25,000	75,000
Various Minor Works East Ward	0			0
Various Minor Works Central Ward		0		0
Various Minor Works West Ward			0	0
Footpaths Community Survey		5,000		5,000
Bus Shelters Medowie		25,000		25,000
Bus Shelters Anna Bay		25,000		25,000
Bus Shelters Lemon Tree Passage		25,000		25,000
LTP Coast Guard Access Sealing		0		0
Karuah Community Hub Project			0	0
Raymond Terrace Senior Citizens Centre			50,000	50,000
Wallalong Multi Purpose Centre			10,000	10,000
Seaham Hall Upgrade			22,000	22,000
Salt Ash Hall		8,500		8,500
Hinton Community Hall			31,000	31,000
Mayo Building Verandah			15,000	15,000
Raymond Terrace Library Concept Plan			0	0
RT Community Centre Upgrade			88,000	88,000
Medowie Community Upgrade		50,000		50,000
Fern Bay Hall		60,000		60,000
Tanilba Hall		5,000		5,000
Tomaree Sports Complex Carpark & Access Upgrade	90,000			90,000

Mallabula Sports Complex floodlighting		50,000		**50,000**
Bowthorne Park Floodlighting			10,000	**10,000**
Anzac Park Carpark and Access	13,000			**13,000**
Soldiers Point Boat Ramp Amenities	120,000			**120,000**
Tomaree Aquatic Centre Development design	0			**0**
Tomaree Sports Complex Lighting Upgrade	0			**0**
Sabre Jet Monument, Bettles Park			0	**0**
Tomaree Aquatic Centre liner replacement	0			**0**
Nelson Bay Tennis Courts	0			**0**
Little Beach Disability Ramp Upgrade	20,000			**20,000**
Donald Street Carpark Additions	0			**0**
Raymond Terrace F'shore Upgrade Stage 1,2, &3			0	**0**
Lakeside Leisure Centre Upgrade			20,000	**20,000**
Aliceton Reserve & Boat Ramp			0	**0**
Hinton Foreshore Lanscaping			0	**0**
Raymond Terrace Skate Park Stage 2			0	**0**
Karuah BMX & Mini Skate Park			0	**0**
Lakeside Sports Field G'Stand Stage 2			0	**0**
Rural West Sportsfield Drainage			21,000	**21,000**
Seaham Park Stand Restoration and Trail			0	**0**
Hinton River Toilets Installation			0	**0**
Medowie Amenities Block		80,000		**80,000**
Medowie Car Park Entrance		15,000		**15,000**
Medowie Skate Park		0		**0**
Medowie Sportsfields Lighting		61,000		**61,000**
Medowie Sportsfield Drainage		0		**0**
Medowie Sports Facilities Upgrades		5,000		**5,000**
Birubi Surf Club		25,000		**25,000**
4WD Access		0		**0**
Stockton Bight Public Toilets		0		**0**
Tilligerry Pool Car Park		0		**0**
Tilligerry Pool Cover		0		**0**
Tilligerry Skate Park		33,000		**33,000**
Stephens Square		0		**0**
Caswell Reserve		0		**0**
McCann Park Amenities		0		**0**
Tanilba Sailing Club Amenities		10,000		**10,000**
Tanilba Park		0		**0**
Tanilba Lighting of Stone Gates		500		**500**
Koala Park Project		0		**0**
RT SES/RFS Operations Centre Extension			40,000	**40,000**
Medowie RFS Station Extensions		0		**0**
King Park Shade Shelters CM 20/12/2005			7,000	**7,000**
RT Tennis Courts CM 20/12/2005			50,000	**50,000**
Contribution to RT Comm & Policing Services Rental assistance CM372/05			30,000	**30,000**
TOTAL ALLOCATED	**364,330**	**654,330**	**520,340**	**1,519,000**
BALANCE as at 24.2.06	**410,318**	**235,318**	**379,411**	**1,045,047**

ENGINEERING SERVICES & OPERATIONS

Roadworks

- Work has commenced on Medowie Road between Silver Wattle Drive and Kindlebark Drive. Road reconstruction, a cycleway and two new bus shelters are included in this project.
- Roundabout construction is well advanced at Boat Harbour and should be completed in March. The cycleway between the roundabout and Hannah Parade has commenced.
- Road rehabilitation work in Carmichael Street, Raymond Terrace has been completed and further work on Paterson Road at Duns Creek has commenced.
- Guardrail safety fencing has been installed over Deadman's Creek on the Woodville Road.
- Negotiations with a landowner at Wallalong are nearly completed which will allow access to get the new drainage line in McClymonts Swamp Road and Ann Street underway, possibly in March.

Drainage

- A new drainage line will be started in late March in a reserve off King Albert Avenue at Tanilba Bay.
- Negotiations with landowners are underway for the work proposed on the Raymond Terrace to Seaham Road near Jarvie Close.

Waste

- The annual general waste cleanup is approximately half way completed at the time of writing with the crews one day behind their schedule.

PROJECT SERVICES

- Karuah - Longworth Park Shelter Repaint completed.
- Mallabula Oval – Clean up of fire damaged Amenities completed.
- Nelson Bay Gateway Project – completed.
- Raymond Terrace - Leisure Centre Gym relocation completed.
- Raymond Terrace - Administration Building roof membrane and box gutter protective recoating and air conditioning access boardwalks completed 23 January 2006.
- Little Beach Restricted Mobility Landings and Jetties - construction on target for completion June 2006.
- Raymond Terrace - Administration Building east elevation retaining wall works completed 9 February 2006. Landscaping to be completed by June 2006.
- Raymond Terrace - Administration Building Reflection Pond and Cascade fountain remedial works on target for completion May 2006.
- Raymond Terrace Depot – IT Disaster Room to be completed 17/2/06.
- Raymond Terrace Depot – External lining to the Disaster room & under ramp to be completed 3/3/06.
- Raymond Terrace - Senior Citizens Community Hall design has been submitted for DA/CC.
- Raymond Terrace - Tennis Courts construction has commenced and the agreed completion date is the middle of March 2006.

- Salamander Bay - Recreation Area Stage 2 construction work is still on target for the agreed completion date of March 2006.
- Salamander Bay - Recreation Area Amenities Building construction is programmed for completion by March 06.
- Salamander Bay - Recreation Area Field Lighting to be completed 1/4/06.
- Shoal Bay Wharf - concrete and timber structural integrity preventative maintenance investigation on target for completion 27 March 2006.
- Soldiers Point - Retaining Wall construction has commenced and on target for agreed completion date of the end of February 2006.
- Tomaree soccer amenities extensions and alterations design has been submitted for DA/CC approval with construction commencing March.
- Tomaree Sport Complex No1 Car Park construction has reached practical completion by the agreed date of early February 2006 Minor concrete works will be finished by the end of February.
- Wallalong Pre School – Storage extension proposed completion 17/2/06.
- Nelson Bay - Apex Park Banner Poles Installing 8 new banner poles 8/2/06, delivery 3/3/06.
- Mallabula - Oval temporary change sheds & showers completion 3/3/06.
- Raymond Terrace – Work on improving hygiene of the CABA breathing apparatus service room at Fire Control was completed on 20/2/06.
- Raymond Terrace - Administration Building improvements to controlled temperature and air handling systems and equipment investigation due for completion May 2006.
- Raymond Terrace - Foreshore Rotunda & Associated Works.
- Raymond Terrace Depot and Diemars Quarry redevelopment projects options, concepts and design.

BUILDING TRADES JOB INSTRUCTION STATISTICS FOR THE MONTH JANUARY 06

Received	Completed
Jan-241	Jan- 238

SPORT & RECREATION

- Salamander Tip Project progressing as per schedule. Expected first use by sporting club on 11 March, 2006.
- Insurance assessments being completed at Fingal Bay Surf Club and Mallabula Sports Complex. Temporary accommodation being arranged for Mallabula Rugby League Club for season's commencement.
- Work commenced on lights at Bowthorne/Ferodale Park. Both should be up and running by the end of daylight saving.
- Urgent works being completed at Shoal Bay and Nelson Bay Wharfs. Detailed reports to be available within 4 weeks.
- Successful coordination meetings have been held with Department of Lands with many issues discussed. Minutes will be forwarded to Councillors when compiled.

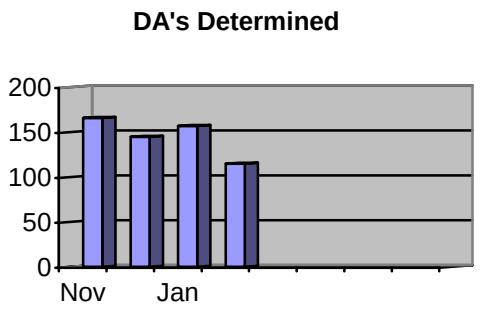
SUSTAINABLE PLANNING

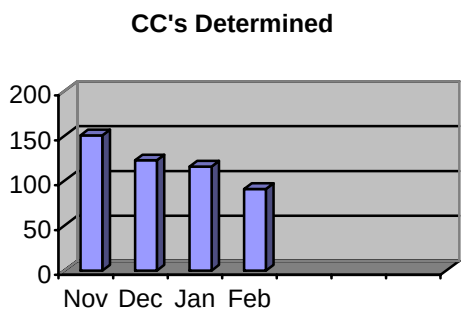
Community Planning

- Port Stephens Smart Bus ran throughout January and had 2898 passengers over 16 nights(two nights less than previous year). This was a 10% increase in overall numbers, 70% increase in family tickets on '05.
- Holiday Road Safety Display - Nelson Bay Visitor Information Centre
- Safety Around Port Stephens School Program - Iona Public School, Mt Kanwary Public School and St Phillips Christian School
- UTS-Centre for Local Government have commenced review of Council's community consultation processes
- New Community Development & Planning Officer, Simone Silberberg
- Community Planning's '2006 Community Survey' questionnaire finalised
- AEC Group have commenced review of the standards guiding the provision of Council's community and recreational facilities
- Expressions of interest called for Council staff to be trained as mentors under Council's innovative Mentors@Work program
- Commenced preparation of new Port Stephens Disability Action Plan
- Commenced preparation of new Port Stephens Crime Profile
- EOI's, Medowie Structure Plan advertised and received
- Draft LEP 26, Exempt and Comply off exhibition. No submissions received
- Meet with Defence re Aircraft Noise Issues, Kingshill and Medowie
- Council lodged submission to Lower Hunter Regional Strategy
- Consolidated DCP began with internal draft due in February
- Organised Economic Analysis input into Settlement Strategy Review

Development Approvals

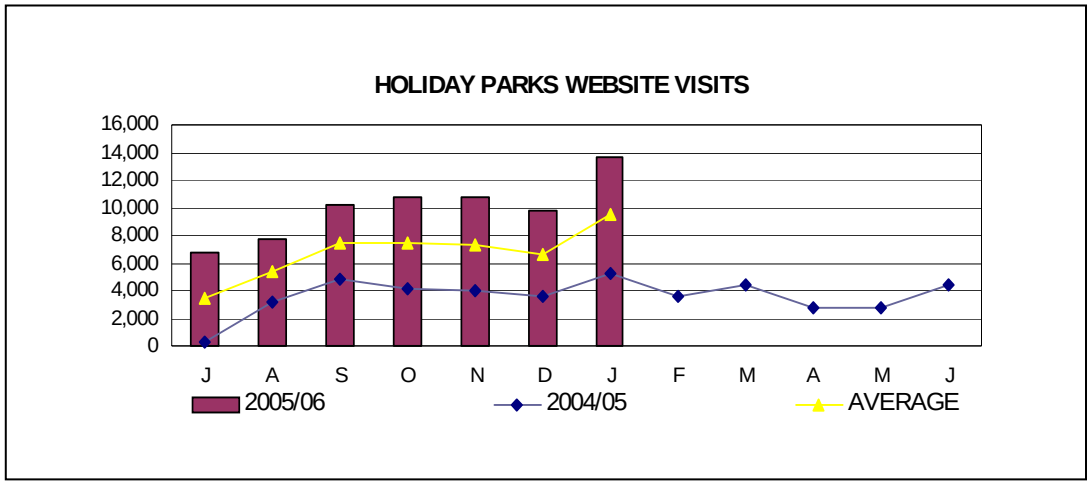
DA's determined during the month	115
Modifications to DA's during the month	19
Construction Certificates approved during the month	91



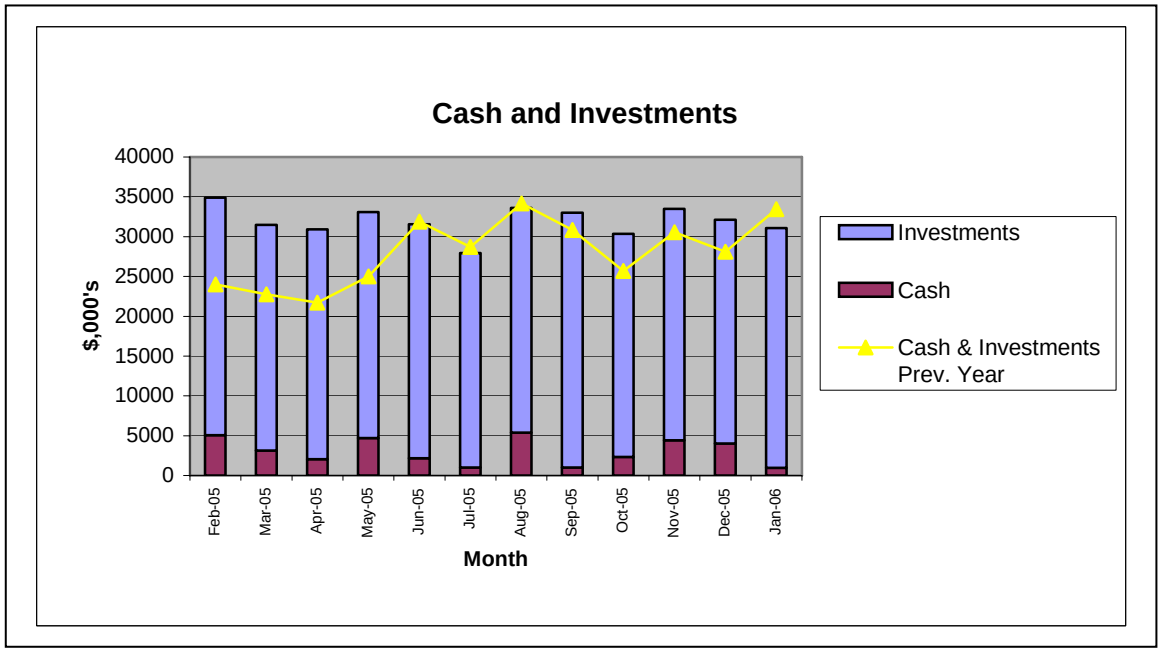


BUSINESS & DEVELOPMENT

- Holiday Parks ran at full capacity during the school holiday period. Parks Staff showed a high level of professionalism and effort over this busy season.
- Samurai Beach Resort (4star) and Soldiers Point Holiday Park (4 star) inspected by AAA and their maintained star ratings. Assessor commented that both properties were very well presented.
- Online bookings excellent for 'western' members, which points to excellent holiday season.
- Meetings with Dept Lands and Integrated Site Design scheduled to discuss future direction of Holiday Parks in the development of Plans of Management.
- Commencement of yacht club retaining wall at soldiers point Holiday Park is due to finish late February.



FINANCE



CASH & INVESTMENTS HELD - AS AT 31 JANUARY 2006

INVESTED WITH	INV. TYPE	DATE INVESTED	MATURITY OR COUPON DATE	NO. OF DAYS	AMOUNT INVESTED	INTEREST RATE	% OF TOTAL FUNDS HELD
GRANGE SECURITIES							
THUNDERBIRD INVESTMENTS PLC - SERIES 3 "BALMORAL AA"	Floating Rate CDO	5-Dec-05	6-Mar-06	91	1,000,000.00	6.91%	3.22%
WIDE BAY CAPRICORN BUILDING SOCIETY	Floating Rate Sub Debt	15-Dec-05	15-Mar-06	90	500,000.00	7.29%	1.61%
SAPHIR FINANCE PLC 2004 - 4 "ENDEAVOUR AAA"	Floating Rate CDO	4-Nov-05	6-Feb-06	94	1,000,000.00	6.94%	3.22%
GREEN FOREST SECURITIES 2004 - 12 "HOTHAM AAA"	Floating Rate CDO	22-Dec-05	22-Mar-06	90	1,000,000.00	6.64%	3.22%
SAVINGS & LOANS CREDIT UNION (SA) LTD (2008)	Floating Rate Sub Debt	12-Dec-05	14-Mar-06	92	500,000.00	8.38%	1.61%
MAGNOLIA FINANCE LTD 2005-14 "FLINDERS AA"	Floating Rate CDO	20-Dec-05	20-Mar-06	90	2,000,000.00	7.15%	6.44%
APHEX CAPITAL PLC "JADE AA"	Floating Rate CDO	20-Dec-05	20-Mar-06	90	1,000,000.00	6.85%	3.22%
NEXUS BONDS LTD "TOPAZ AA-"	Floating Rate CDO	24-Nov-05	22-May-06	179	1,500,000.00	8.55%	4.83%
BISHOPSGATE CDO LTD "WENTWORTH AA-"	Floating Rate CDO	30-Dec-05	30-Mar-06	90	2,000,000.00	7.15%	6.44%
HERALD LTD "QUARTZ AA"	Floating Rate CDO	20-Dec-05	20-Mar-06	90	1,000,000.00	7.15%	3.22%
STARTS CAYMAN LTD "BLUE GUM AA-"	Floating Rate CDO	22-Dec-05	22-Mar-06	90	2,000,000.00	7.04%	6.44%
CYPRESS TREE CDO LTD "LAWSON AA"	Floating Rate CDO	21-Dec-05	30-Mar-06	99	1,000,000.00	6.95%	3.22%
TOTAL GRANGE SECURITIES					**$14,500,000.00**		**46.67%**
ABN AMRO MORGANS							
REMBRANDT ISOSCELES SERIES 1	Floating Rate CDO	20-Dec-05	20-Mar-06	90	2,000,000.00	7.05%	6.44%
TOTAL ABN AMRO MORGANS					**$2,000,000.00**		**6.44%**
ANZ INVESTMENTS							
ECHO FUNDING PTY LTD SERIES 16 "3 PILLARS AA-"	Floating Rate CDO	6-Jan-06	6-Apr-06	90	500,000.00	6.83%	1.61%
PRELUDE EUROPE CDO LTD "CREDIT SAIL AAA"	Floating Rate CDO	20-Dec-05	20-Mar-06	90	1,000,000.00	7.15%	3.22%
TOTAL ANZ INVESTMENTS					**$1,500,000.00**		**4.83%**
MACQUARIE FINANCIAL SERVICES							
HERITAGE BUILDING SOCIETY LTD (2008)	Floating Rate Sub Debt	30-Jan-06	28-Apr-06	88	500,000.00	7.33%	1.61%
CSFB AUSTRALIA PROPERTY LINKED NOTE (2010)	Property Linked Note	19-Dec-05	20-Mar-06	91	2,000,000.00	2.00%	6.44%
GENERATOR INCOME NOTE AAA (2011)	Floating Rate CDO	9-Jan-06	7-Apr-06	88	1,000,000.00	7.63%	3.22%
ROCK BUILDING SOCIETY LTD (2007)	Floating Rate Sub Debt	31-Jan-06	1-May-06	90	1,000,000.00	8.38%	3.22%
TOTAL MACQUARIE F.S.					**$4,500,000.00**		**14.48%**
WESTPAC INVESTMENT BANK							
HOME BUILDING SOCIETY (2010)	Floating Rate Sub Debt	27-Jan-06	27-Apr-06	90	500,000.00	6.78%	1.61%
TOTAL MACQUARIE F.S.					**$500,000.00**		**1.61%**

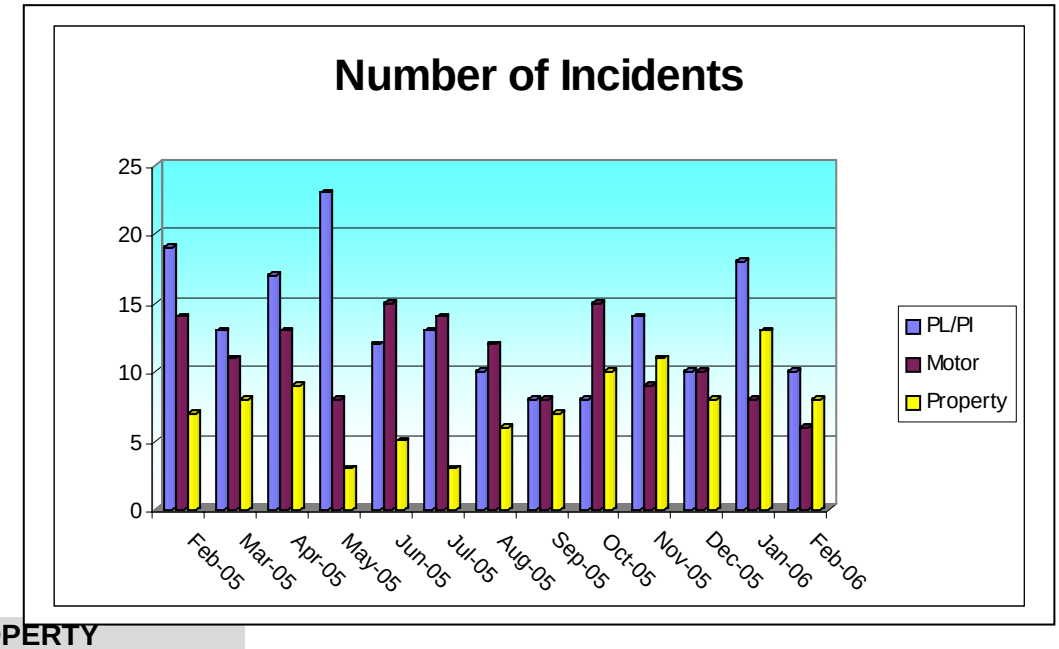
FUND MANAGERS						RATE OF RETURN - MONTH	RATE OF RETURN - FYTD	
DEUTSCHE ASSET MANAGEMENT					1,076,992.08	6.47%	6.41%	3.47%
MERRILL LYNCH INVESTMENT MANAGERS					1,047,414.53	7.63%	6.53%	3.37%
PERPETUAL INVESTMENTS					1,097,005.74	6.80%	6.53%	3.53%
ADELAIDE MANAGED FUNDS					1,000,000.00	5.75%	5.75%	3.22%
TOTAL FUND MANAGERS					**$4,221,412.35**			**13.59%**
MAITLAND MUTUAL	Floating Rate Sub Debt	16-Jan-06	16-Apr-06	90	500,000.00	6.62%		1.61%
	Term Deposit	4-Dec-05	4-Mar-06	90	1,897,402.28	5.91%		6.11%
	Floating Rate Sub Debt	11-Dec-05	11-Mar-06	90	500,000.00	6.63%		1.61%
TOTAL M'LAND MUTUAL					**$2,897,402.28**			**9.33%**
TOTAL INVESTMENTS					**$30,118,814.63**			96.94%
CASH AT BANK					**$949,592.93**	5.45%		3.06%
TOTAL CASH & INVESTMENTS					**$31,068,407.56**			100.00%

CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER

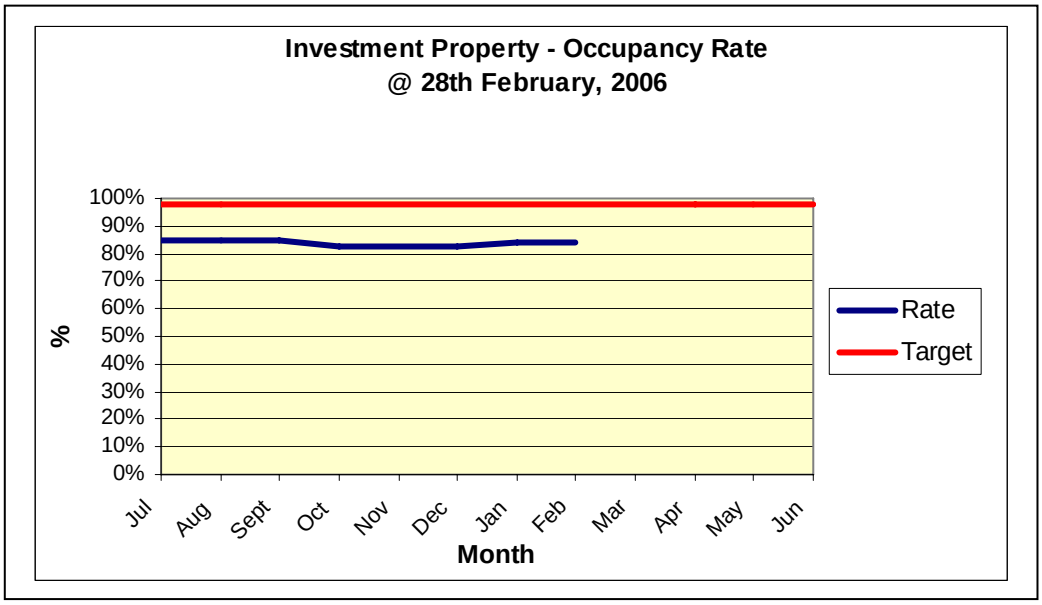
I, Peter Gesling, being the Responsible Officer of Council, hereby certify that the Investments have been made in accordance with the Local Government Act 1993, the Regulations and Council's investment policy.

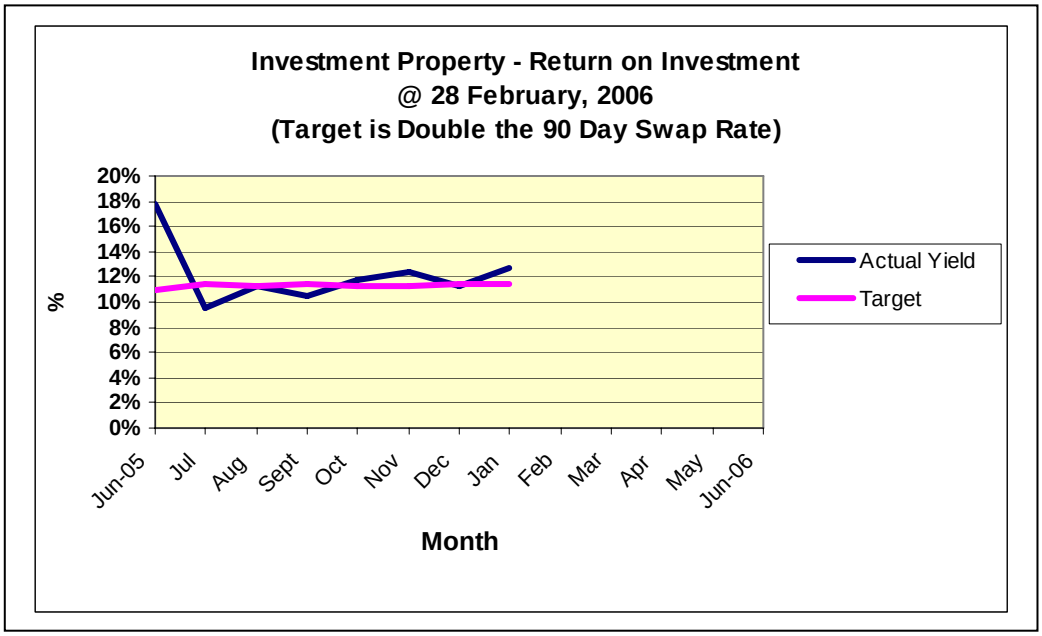
P GESLING

RISK MANAGEMENT



PROPERTY





ORGANISATION DEVELOPMENT

- Sample Job Activity focus teams have been established and commenced February 15th. The Focus teams will meet four times to establish the Job Activities that support our new competency framework. This will complete the compilation of competency dictionaries for the organisation.

Resignations

Employee	Section	Date
▪ Cate Bennett	LIS Officer	13th January 2006
▪ Shane Cahill	Senior Strategic Planner	13th January 2006
▪ Harry Keeley	Works Supervisor	3rd January 2006
▪ Rachel Bartlett	Works Hand	6th January 2006

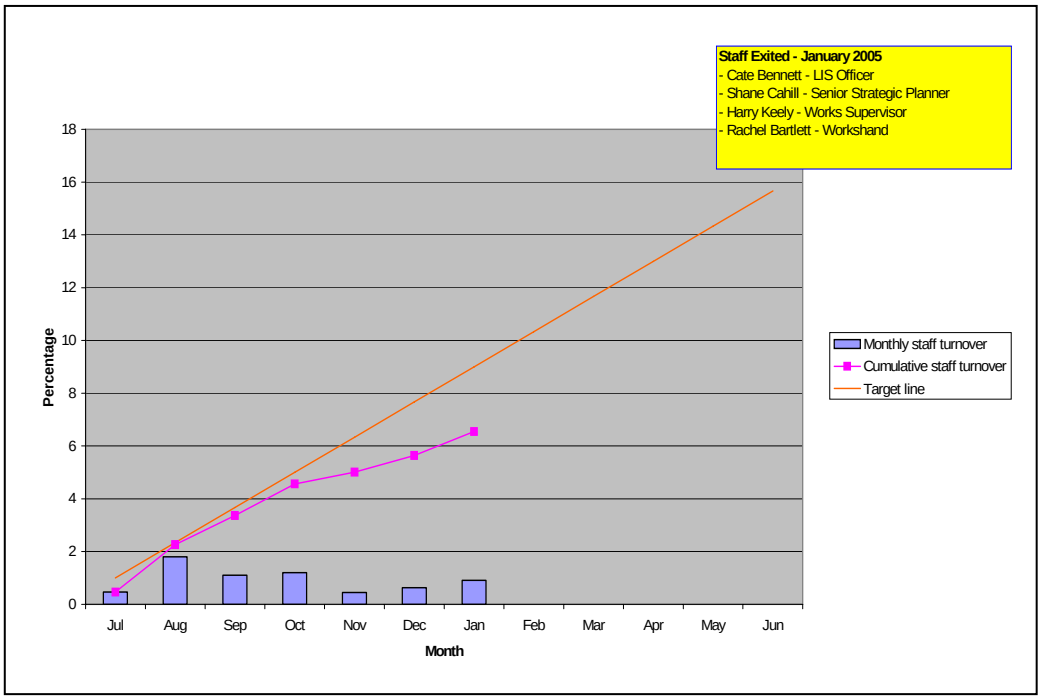
New Staff

Employee	Section	Date
▪ Ian Williamson	IT Team Leader	16th January 2006
▪ Mitchell Crowhurst	Apprentice Plant Mechanic	9th January 2006
▪ Lucas Greene	Apprentice Boilermaker	9th January 2006
▪ Barry Eslick	Boilermaker	16th January 2006
▪ Kim Hammond	Rates Clerk	3rd January 2006
▪ Megan Thomas	Apprentice Gardener	9th January 2006
▪ Simone Silberberg	Temp Community Development Officer	16th January 2006
▪ 2 x Library Casuals		

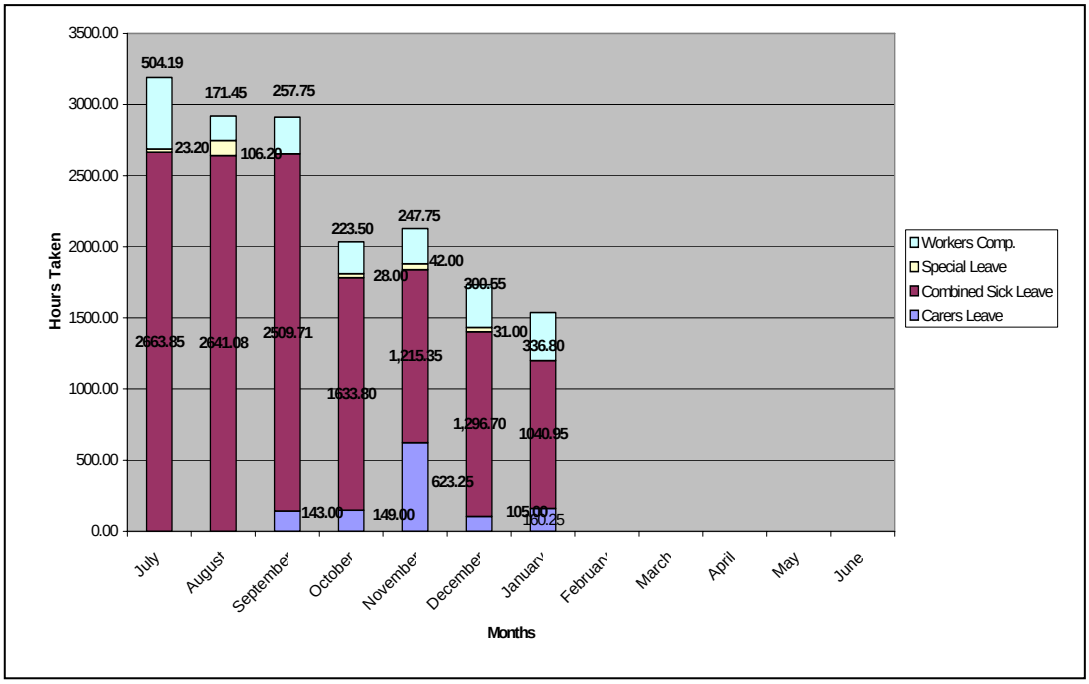
Number of Vacancies

- 36 currently recruiting for 18 positions

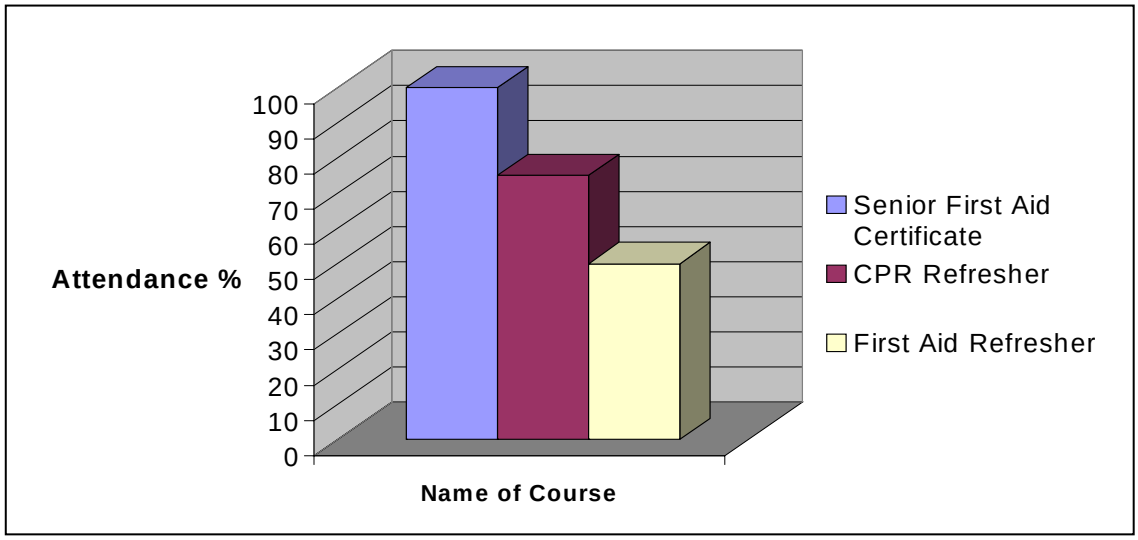
Staff Turnover – Ratio of Employment Departures to Equivalent Full Time Staff as a Percentage



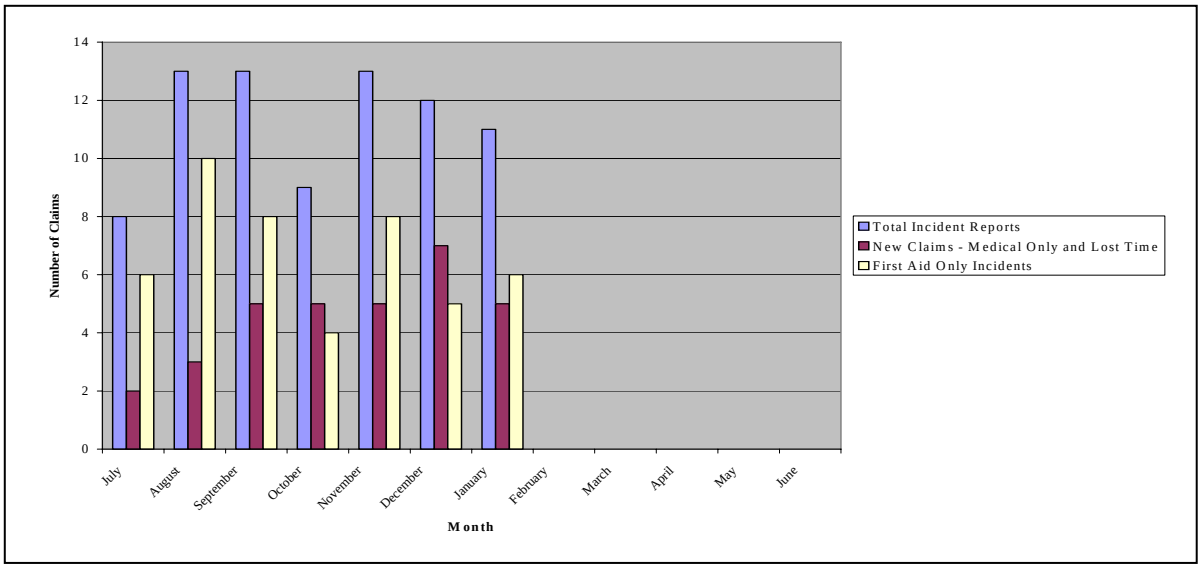
Unplanned Leave Taken – 2005 and 2006 Comparison



January 2006 Training Attendance



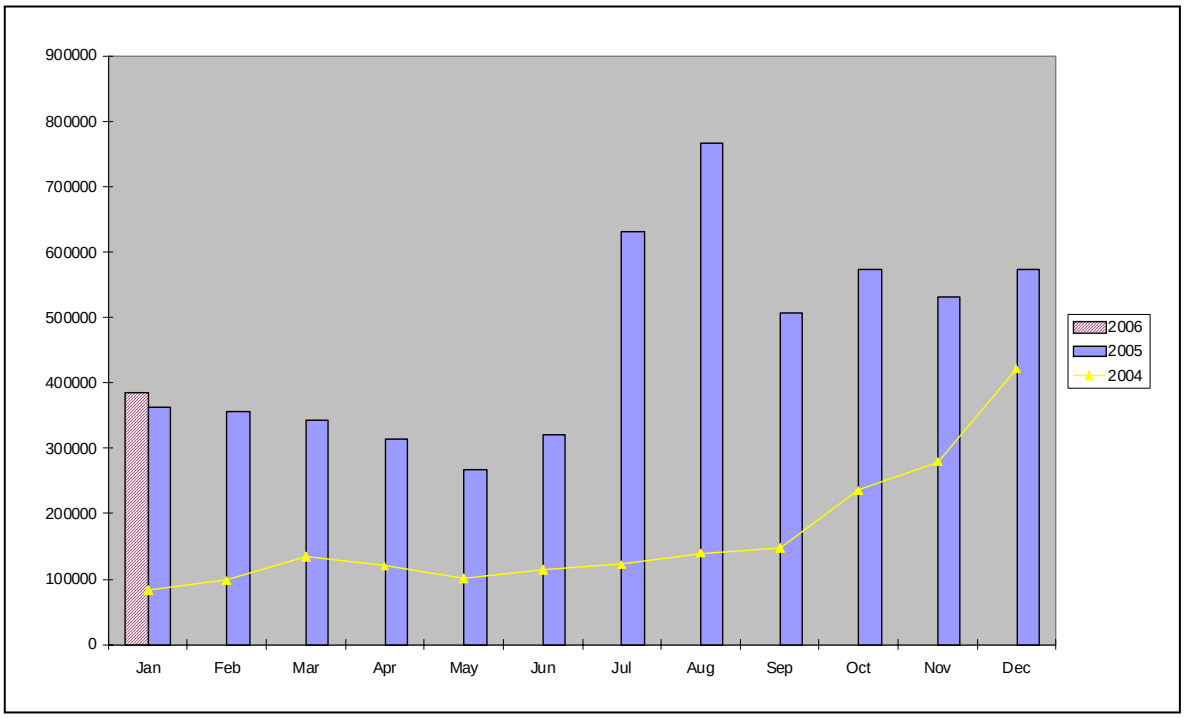
Monthly Incidents and New Claims



RESOURCES

- Development of IT Disaster Recovery Room at Raymond Terrace Depot commenced
- Technical training in the eservices application was held during January. This is part of the eservices application installation

Port Stephens WebPage Hits



STRATEGIC COMMITTEE RECOMMENDATIONS

ITEM NO. 1 **FILE NO: PSC2005-2853**

LIVING WITH MOSQUITOES REGIONAL STRATEGY

AUTHOR: STEVE WILSON – NATURAL RESOURCES CO-ORDINATOR

RECOMMENDATION IS THAT COUNCIL:

1) Endorse the regional strategy `Living With Mosquitoes in the Lower Hunter and Mid North Coast Region of NSW'.

STRATEGIC COMMITTEE MEETING – 7TH MARCH 2006

RECOMMENDATION:

1) Endorse the regional strategy "Living with Mosquitoes in the Lower Hunter and Mid North Coast Region of NSW"

2) **That Council develop a local mosquito management Policy that reflects the principles of the "Living with Mosquitoes in the Lower Hunter and Mid North Coast Region of NSW"**

Tabled Document: "Living With Mosquitoes in the Lower Hunter & Mid North Coast Region of NSW".

ORDINARY MEETING – 28 MARCH 2006

RECOMMENDATION:

460	**Councillor Francis Councillor Dingle**	**It was resolved that the recommendation be adopted.**

Tabled Document: "Living With Mosquitoes in the Lower Hunter & Mid North Coast Region of NSW".

Note: Cr Hodges returned to the meeting at 7.12pm during discussion on this matter.
o Awareness Officer

6) Integration of mosquito management issues into urban planning processes

7) Undertaking further mosquito research

LINKS TO CORPORATE PLANS

This report relates to the strategic directions including `*Preserve and enhance our heritage biodiversity and environmental health'* and `*Mitigate risks from natural occurrences by*

maintaining effective community and environmental health services' that are included in the Council Plan 2005-2008.

FINANCIAL/RESOURCE IMPLICATIONS

The objectives and actions included in the Regional Strategy are largely consistent with mosquito management initiatives already being implemented by Council. The contribution of Council to implementation of the regional strategy will largely be through existing staff resources and current budget allocations. However, some additional funding may need to be allocated to contribute to actions including employment of a Regional Mosquito Awareness Officer, the development and distribution of educational materials and as a contribution to research projects. Environment levy funding is currently available in the 2005/06 financial year to contribute to these initiatives, however ongoing financial commitments will need to be evaluated in relation to overall budget priorities.

LEGAL AND POLICY IMPLICATIONS

Mosquitoes represent a serious public nuisance and health risk, as well as a potential liability risk to Council should it continue to permit urbanisation in areas known to be affected by mosquitoes without requiring the implementation of appropriate ameliorative measures. The regional Living With Mosquitoes Strategy provides a regional framework via which to address these mosquito management issues and therefore will contribute to reducing the legal and policy risks to which Council may be exposed. To further strengthen the regional strategy at the local level in Port Stephens, it is proposed to develop a local Mosquito Management Policy that reflects the principles of the regional strategy and a Development Control Plan to ensure mosquito management issues are considered during land use planning, rezoning and development assessment processes.

Australian Business Excellence Framework

This aligns with Principles 1, 2, 3, 6, 8, & 10 of the ABEF Framework.

1) Clear direction allows organisational alignment and a focus on the achievement of goals
2) Mutually agreed plans translate organisational direction into actions
3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
6) Continual improvement and innovation depend on continual learning
8) Effective use of facts, data and knowledge leads to improved decisions
10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The nuisance and public health risks associated with mosquitoes can have a significant negative impact on the health and lifestyle of residents and visitors to the area. Implementation of the regional strategy will contribute to reducing these negative social impacts associated with mosquitoes.

ECONOMIC IMPLICATIONS

Public health and nuisance problems associated with mosquitoes may detrimentally impact local economies through deterring tourists and visitors and potentially reducing residential property values. Implementation of the regional strategy will contribute to reducing negative economic impacts associated with mosquitoes.

ENVIRONMENTAL IMPLICATIONS

Mosquitoes are an important component of the wetland ecosystem, providing food for some birds, bats, amphibians, fish and macro invertebrates. The environmental values of wetlands also mean that modification of such environments (eg draining or filling) to control mosquito breeding are no longer acceptable due to community attitudes and environmental legislation. The regional strategy recognises the importance of protecting these environments in attempting to implement mosquito management strategies.

CULTURAL IMPLICATIONS

Mosquitoes can have a detrimental impact on cultural events and activities via the nuisance they cause to participants. Implementation of the regional strategy will contribute to reducing the negative impact of mosquitoes on such events and activities.

CONSULTATION

Development of the strategy has been co-ordinated by a range of stakeholders including representatives from the Premiers Department, Department of Primary Industries, Fisheries, Hunter, New England Health, Port Stephens, Newcastle, Great Lakes, Maitland and Lake Macquarie Councils, Hunter Central Rivers Catchment Management Authority, Department of Environment and Conservation and Australian Quarantine and Inspection Service.

OPTIONS

1) Adopt, reject or amend the recommendation

ATTACHMENTS

1) Nil

TABLED DOCUMENTS

1) Living With Mosquitoes in the Lower Hunter and Mid North Coast Region of NSW

ITEM NO. 2 **FILE NO: S 9750-018**

PROPOSED AMENDMENT TO PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2000 – TO FACILITATE SUBDIVISION AND RESIDENTIAL DEVELOPMENT OF LOT 52 DP 735066, 339 TAREAN ROAD KARUAH.

AUTHOR: PAUL MAHER – LAND USE PLANNER

RECOMMENDATION IS THAT COUNCIL:

1) Pursuant to Section 54 of the Environmental Planning and Assessment Act 1979 to prepare and exhibit an amendment to Port Stephens Local Environmental Plan 2000 to:

   a) create under Clauses 16 and 21 a medium density residential zone and a mixed use zone respectively that is consistent with the zones contained in the Standard Local Environmental Plans instrument proposed by the State government;

   b) apply these new zones to facilitate subdivision, residential and limited mixed use development of Lot 52 DP 735066, 339 Tarean Road KARUAH NSW; and

   c) protect the ecological values of the site through an environmental protection zoning.

STRATEGIC COMMITTEE MEETING – 7TH MARCH 2006

RECOMMENDATION:

1) **That Council defer the matter until a site inspection can be arranged.**

2) **That consultation also be carried out with the relevant affected parties including the Karuah Tidy Towns, Parks & Reserves Committee.**

ORDINARY MEETING – 28 MARCH 2006

RECOMMENDATION:

461	**Councillor Francis** **Councillor Jordan**	**It was resolved that the Strategic Committee recommendation be adopted.**

THE PROPOSAL

Amend Port Stephens Local environmental Plan 2000 (LEP) to allow residential development and environmental protection.

Owners	Mr P & Mrs R D Oxford
Proponent	Harper Somers O'Sullivan
Date of submission	October 2005
Subject land	Lot 1 DP: 436702
Existing zoning	1(a) Rural Agriculture zone
Proposed zoning	2(a) Residential zone and part 7(a) Environmental Protection

To make the proposal work, Land Use Planning is recommending to also amend LEP 2000 to include;

- Medium Density zone to facilitate medium density residential and diversity of lot sizes; and,
- Mixed Use zone to permit commercial premises, shop, restaurant and dwellings in the zone.

BACKGROUND

The purpose of this report is to:

1) Present a rezoning request to Council for consideration
2) Recommend that Council resolve to prepare a draft LEP to rezone the subject lands
3) Recommend Council amend LEP 2000 to include the Medium Density Residential zone and Mixed Use zone

The subject site is identified on the locality plan shown in Attachment 1.

Key aspects of the proposal are increased population within walking distance from the town centre, integrated access to the existing street and pedestrian network, protection of SEPP 14 Wetlands running through the site and the viability of permitting mixed uses situated at the entry to the site and adjoining Karuah Hotel and adjoining Country Life Motel. The Mixed Use zone would permit commercial and retail uses adjacent to or attached residential uses.

The subject site is identified for residential growth in *Port Stephens Urban Settlement Strategy 2002, Karuah Local Area Plan 2003* and *Karuah Urban Management Plan 2002*. The township of Karuah is also identified in the *Lower Hunter Regional Strategy 2006* as suitable to increase in population up to 2,000 people by 2031. The current population of Karuah is 1,240 and the proposed rezoning has the potential to increase to 1,640 people.

A copy of the Planning Report submitted with the request to rezone may be viewed in the Councillors Room. Internal referrals to Environmental Services, Subdivision Engineering, Drainage and Flooding, Traffic, Community Services and Land Use Planning prompted various specific concerns that are covered in the Sustainability Implications section of this report. In summary, it is considered that to rezone a portion of the site for residential purposes is consistent with sustainability principles and a population increase may be catered for within the capacity of available infrastructure.

Initial concerns raised by internal referrals can be adequately addressed prior to exhibition of the draft Environmental Plan.

LINKS TO CORPORATE PLANS

This report relates to the key result area of "Planning and Development – Our development focuses on our communities being sustainable". The following strategic directions are applicable:

> Promote, plan and guide development to create sustainable communities that conserve and enhance the natural and built environment.
>
> Ensure that our planning framework provides appropriate levels of housing, transport, infrastructure, human services and community facilities across all our communities.

FINANCIAL/RESOURCE IMPLICATIONS

This request attracted an initial lodgement and preliminary investigation fee of $4,000. Stage 2 for this site attracts an additional $12,640 fee to cover internal referrals and the Council Report. If Council supports this proposal, Stage 3 fees are applicable, amounting to a further $12,640 to cover costs for seeking comments from Government agencies, advertising and exhibiting the plan, preparing a second report to Council if necessary and preparing the necessary documents to the Minister for Gazettal.

LEGAL AND POLICY IMPLICATIONS

The Draft Amendment, when completed and placed in the Government gazette, will be a legal instrument.

It is envisaged that development controls for the site will be incorporated into Council's Consolidated DCP that is currently being prepared in accordance with the recent changes to the EP&A Act. The recent State Government changes to the Act require that one DCP may apply to each individual parcel of land. Land Use Planning will submit the consolidated DCP for Council's consideration in the near future.

Australian Business Excellence Framework

To recommend that Council pursue an amendment to LEP 2000 to allow residential subdivision on this land is aligned with Principles 1, 2, 3, 8, 11 of the ABEF Framework.

1) Clear direction allows organisational alignment and a focus on the achievement of goals
2) Mutually agreed plans translate organisational direction into actions
3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
8) Effective use of facts, data and knowledge leads to improved decisions
11) Sustainability is determined by an organisation's ability to create and deliver value for <u>all</u> stakeholders

SUSTAINABILITY IMPLICATIONS

STRATEGIC PLANNING

The proposed rezoning will increase Karuah's population by approximately 400 people within 500m from the town centre. The additional population will provide support for the existing town centre that has been affected economically by the By-pass. The proposal offers a range of housing types within 170 lots that would suit a cross section of the housing markets and also presents logic in the placement of lot sizes which support a small, sustainable neighbourhood centre.

Ecologically the site possesses a wetland and surrounding sensitive vegetation that acts as a constraint but also provides the opportunity for passive recreation around its edges. Dimensions of buffer zones for bushfire protection and environment conservation will be resolved through the consultation process.

Required developer-funded wastewater strategies will be resolved with Hunter Water prior to Gazettal. Stormwater management techniques will be employed and enforced in order to protect the water quality and water level of the wetland.

The proposal is supported through the Lower Hunter Regional Strategy 2006, which foreshadows a rounding-off of Karuah by increasing the total population by up to an additional 2,000 people.

Water and Sewer Servicing

The Karuah Wastewater Treatment Works (WWTW) has capacity of 2500 EP and can be upgraded to 4000 EP. The system currently operates for 546 ET and 1420 EP (Equivalent Person & Tenements).
The subject site is not included in *Karuah Sewerage Scheme 1997* but may be included in the *Karuah WWTW Strategy 2006* if a developer-funded wastewater servicing strategy is provided considering surrounding development areas within the natural catchment, scope and timing of the upgrade.

Transport and Traffic

Council's Traffic Engineers raised an issue regarding the treatment of the proposed intersection with Tarean Road and the impacts of the traffic generated from the proposed residential subdivision on Cecil Road. Cecil Road connects River Glades Estate and other residential subdivisions to the south with Tarean Road. Cecil Street intersection is offset approximately 50m West of the proposed intersection. The treatment of the intersection may be resolved within the LEP Amendment process and does not preclude rezoning from proceeding.

The proposed single access point onto Tarean Road is balanced by the opportunities presented for land West and East of the site to connect to the street network.

Open Space Network

Council's Recreation Services Department have questioned future ownership and maintenance of the proposed village green associated with the neighbourhood centre and the proposed walkway/cycleway through the wetland buffer zone. While matters of

ownership and maintenance are required to be resolved prior to implementation they do not prevent Council from pursuing this Amendment.

The concept of the village green creates a place at the entryway to the proposed subdivision and is consistent with the Open Space principles in Council's *Urban Settlement Strategy 2002.* The proposed walkway/cycleway promotes passive recreation and walkable neighbourhoods and will connect the site with Council's existing wetland boardwalks and proposed Mustons Road cycleway.

SOCIAL IMPLICATIONS

The site is identified in the Karuah LAP as a potential residential development site. The LAP states that future development should encourage increased residential density to support the town centre and that the existing urban character, street network and topography be maintained. The proposal establishes links with the existing street network and provides opportunities for the network to be extended to the land to the west and future connections beyond Karuah Oval. The site is within 500m of the main street and consequently does not fragment the urban fabric of Karuah.

The proposal provides a mix of housing types and some employment opportunities in the neighbourhood centre. Recreation of the residents is catered for through public walkway and cycleways along the edge of the Wetland complex connecting to "Tidy Towns" constructed boardwalks and viewing platforms. Population increase as a result of this rezoning will provide economic and social stimulus for Karuah that is currently readjusting to the By-pass and the loss of traffic and passing trade.

A broad range of lot sizes, housing types and price levels augurs well for the integration of a varied demographic mix. The range of people attracted to live in this neighbourhood will be diverse. According to *2004 Port Stephens Community Profile*, Karuah is dominated by residents over 50 years drawn to the area for retirement in a coastal location. The demographic ranges from couple families without children representing 47.7% to one-parent families representing 14% (*Census 2001*). As Karuah evolves from a highway village to a seaside town, the available housing product must adapt with the demographic change.

ECONOMIC IMPLICATIONS

The economic implications of the rezoning would be the overall increase in housing stock and the generation of revenue from Section 94 contributions.

The proposal would reinforce the long-term economic feasibility of Karuah by increasing retail and service demands through the inclusion of 170 new households. It is reasonable to consider that a percentage of household expenditure for food (36%) and transport (25%) will be spent within Karuah and therefore an overall increase in population will result in a rise in the economic viability of the town. *(ABS figures for Hunter Region1998/99)*

The neighbourhood centre will provide limited services for the residents on the subject site and those residents in proximity to the south (along the highway and from River Glades Estate) through the implementation of the Mixed Use zone. The role of the neighbourhood centre will be secondary to the main street within the centre hierarchy. The purpose of the neighbourhood is not to detract from those services provided for in the town centre. A small amount of retail and commercial uses will act as a buffer from the existing hotel/ motel and the dwellings. It is intended to surround the neighbourhood centre with a limited number of cottage allotments.

ENVIRONMENTAL IMPLICATIONS

The wetlands, including the SEPP 14 Wetland, is to be protected through zoning the land 7 (a) Environmental Protection. It is proposed that 7(a) zoned land would include a 40m buffer zone to protect the ecosystem. It is proposed that the 40m would include Asset Protection Zones for bushfire protection purposes. It is not considered sustainable that a managed bushfire protection zone acts as a suitable buffer for the wetland. Furthermore, Department of Environment and Conservation may require a 50m buffer zone to protect the wetland.

The hydrology of the wetland is to be protected from urban runoff and stormwater through appropriate water quality management methods. The proposal intends to employ adequate Water Sensitive Urban Design methods, the details of which are required to be agreed upon prior to the making of the plan.

Endangered species, *Tetratheca juncea* and *Angohpora inopina* are located on site and will be protected from development through the implementation of the 7(a) Environmental Zone.

Mosquitoes affect the land and it is recommended that the proponents prepare a Mosquito Management Plan suitable for the site. Methods of housing construction to combat against mosquitoes may be enforced through adopting appropriate controls for development on the subject land.

CULTURAL IMPLICATIONS

Two Karuah site officers and a representative from Goondawirrow Heritage carried out a survey and prepared an Aboriginal Archaeological Heritage Impact Assessment Report. No evidence was found during the course of the survey and the report found that the potential for finding such evidence was low. However it was recommended that Karuah Local Aboriginal Land Council (KLAC) be contacted to survey the land when civil works are to be commenced.

The report advised that no works are to take place within the proposed buffer zone of the wetland as the wetland holds significance to the Worimi people.

Council also advises as the site adjoins Karuah Aboriginal Mission that the proponents contact KLALC prior to exhibition.

CONSULTATION

Preliminary internal consultation on the rezoning request has been carried out and issues raised have been considered in this report. Consultation with public authorities will be undertaken should Council resolve to prepare a draft LEP.

OPTIONS

1) Adopt the recommendations

2) Reject or amend the recommendations

ATTACHMENTS

1) Locality Plan

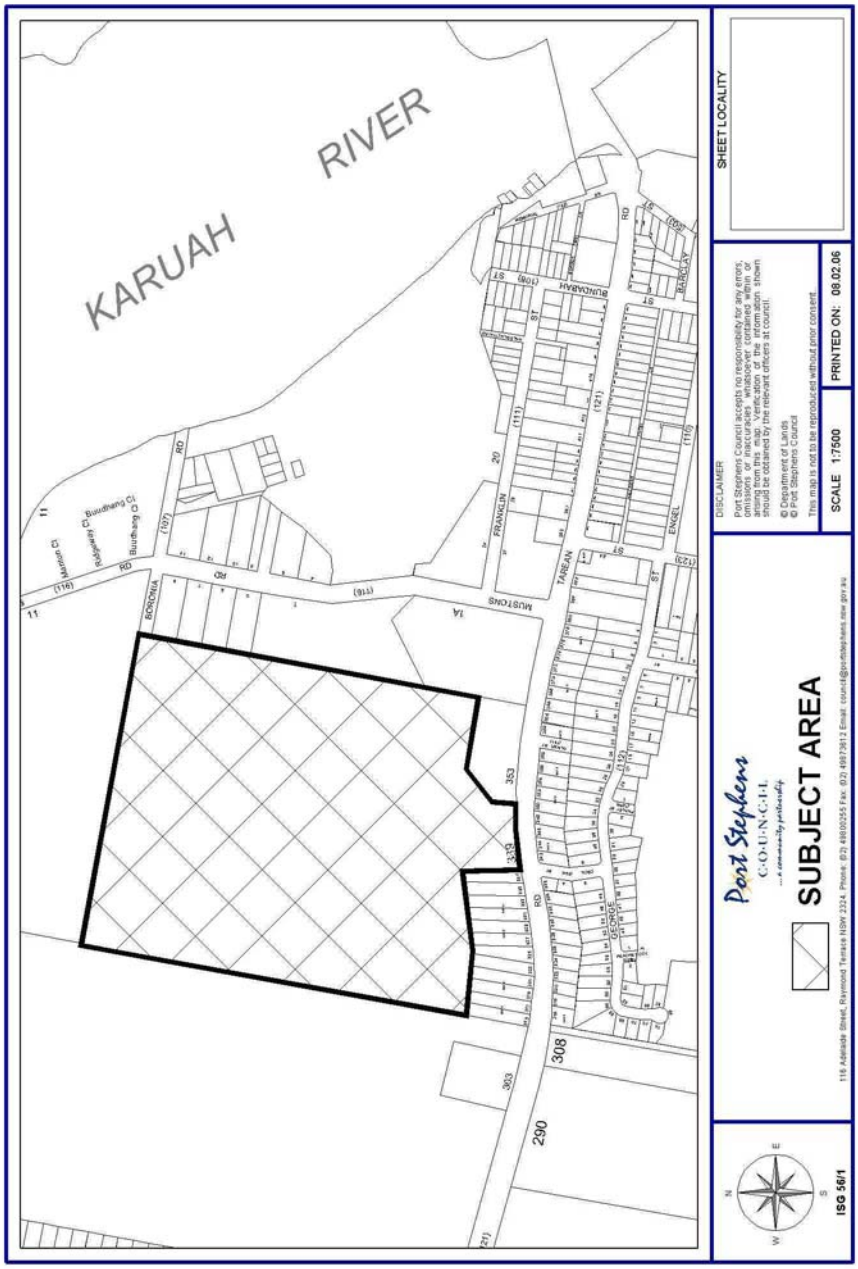
COUNCILLORS ROOM

1) Planning report prepared by Harper Somers O'Sullivan

TABLED DOCUMENTS

1) Nil

ATTACHMENT 1
LOCALITY PLAN



ITEM NO. 3 **FILE NO: A2004-0194**

ACCESSING INFORMATION POLICY REVIEW

AUTHOR: TONY WICKHAM – GOVERNANCE COORDINATOR

RECOMMENDATION IS THAT COUNCIL:

1) Revoke the current policy adopted on 19 October 2004, minute no. 375, ATTACHMENT 1.

2) Adopt the reviewed policy in ATTACHMENT 2.

STRATEGIC COMMITTEE MEETING – 7TH MARCH 2006

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING – 28 MARCH 2006

RECOMMENDATION:

462	**Councillor Robinson** **Councillor Hodges**	**It was resolved that the recommendation be adopted.**

BACKGROUND

The purpose of this report is to provide the opportunity for the Accessing Information Policy to be reviewed.

The Accessing Information Policy has been reviewed with minor changes to reflect the option of accessing information under Section12 of the Local Government Act, as well as the Freedom of Information Act. There were also changes to staff position titles. All changes have been shaded in ATTACHMENT 2.

LINKS TO CORPORATE PLANS

Corporate Accountability – *Our Council is open, transparent and accountable in its decision-making.*

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL AND POLICY IMPLICATIONS

There are a number of pieces of legislation that Council is required to comply with in relation to the release of information held by Council. They include the Local Government Act,

Privacy and Personal Information Protection Act, Health Records and Information Protection Act and the Freedom of Information Act.

Australian Business Excellence Framework

This aligns with Principles 1,3,4 and 10 of the ABEF Framework.

1) Clear direction allows organisational alignment and a focus on the achievement of goals
3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
4) To improve the outcome, improve the system and its associated processes
10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

NIL

CULTURAL IMPLICATIONS

Nil

CONSULTATION

Nil

OPTIONS

1) Adopt the recommendation
2) Change the recommendation

ATTACHMENTS

1) The current Accessing Information Policy
2) The new Accessing Information Policy

TABLED DOCUMENTS

Nil

ATTACHMENT 1

Port Stephens
C·O·U·N·C·I·L
POLICY

Adopted: 16/09/97
Minute No: 1282
Amended: 19/10/2004
Minute No: 375

FILE NO: A2004-0194

TITLE: ACCESSING INFORMATION

RESPONSIBLE OFFICER: GOVERNANCE OFFICER

BACKGROUND

To date Council has received requests for information in writing under Section of the Local Government Act 1993, Privacy & Personal Protection Act 1998, Freedom of Information Act 1989 and the Health Records & Information Privacy Act 2002. Council has endeavoured to provide information to members of the public, councillors and other agencies where possible in accordance with the relevant legislation.

OBJECTIVE

- To guide staff in determining requests for information;
- To ensure that all members of the public receive consistent access to information on request;
- To clarify the documentation or information available to the general public without the need for a Freedom of Information Application.
- To comply with the requirements of the Freedom of Information Act, 1989

NOTE:

Council's Statement of Affairs is available at the front counter and lists the range of documents that are available for inspection by the general public to view without a Freedom of Information Application. The following policy specifies other documents that may be viewed by the public.

Fees and charges may be applicable to obtain copies of certain documents.

Council staff will endeavour to give members of the public immediate access to documents however, should a building or development application file be requested the Council reserves the right to provide it in a reasonable time.

PRINCIPLE

Council has a responsible as a public sector agency/local authority to provide reasonable and fair access to Council documents.

POLICY STATEMENT

1) Building and Development Applications

The following items may be inspected by the public free of charge. Copies may be provided subject to copying fees specified in Council's Fees & Charges:-

- Building/Development application computerised register
- Building/Development application
- Building/Development determination
- Site plans and elevations
- Submissions (Objections lodged with Council will not be considered as confidential. Objectors will be informed on notices to adjoining owners that confidentiality will not be available.)
- Supporting documentation provided by applicant
- Associated documents issued or created by Council, for example Letters to applicant and development assessment sheets Note: see exemptions below first.

[Sections 12, 113(5) & 117 of the Local Government Act as amended]

Exemptions

The following are not to be given out in respect of building and development application files.

- floor plans and specifications contained in building and development applications for any residential parts of a proposed building. Note: approval of the copyright owner must be obtained before allowing a plan to be copied. This does not apply to plans showing height and external configurations [The Copyright Act 1968]
- commercial information which would be likely to prejudice the commercial position of the person who supplied it, or reveal a trade secret.
- Documents that contain advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings.

Check with your Section Manager or Council's Governance Officer if unsure.

Section 12(6) of the Local Government Act

OTHER DOCUMENTS

Development Control Plans, Draft Local Environmental Plans are available for inspection free of charge or a copy can be obtained for a fee. [Environmental Planning & Assessment Act]

The register of business papers and minutes, any matter that has been considered before an open meeting of Council including minutes, reports, attachments and any tabled item are available to the public free of charge. [See Council's Code of Meeting Practice & Section 10E(6) of the LG Act]

A copy of a Building Certificates may be supplied with the owners consent. [Section 174 of the Local Government Act]

GENERAL EXEMPTIONS

10. The following documents are not available for public inspection:-

Residential roll of electors [S302(1) Local Government Act]
The resumes of candidates for election [S308 Local Government Act]
Complainant's name and address or other personal details (see B below).

PROCEDURE

11a) Before allowing a member of the public to view a building or development application file staff should check the file for any privileged information such as legal advice, confidential reports or commercial information. The Section Managers in Sustainable Development or Council's Executive Manager – Corporate Management and Governance Officer can assist staff to identify exempt documents.

b) If access is denied to any document then written reasons must be given to the applicant and the reasons made publicly available.

c) A review of any restriction must be made every 3 months after it is imposed. If council finds that there are no grounds for restriction, or if access to the information is obtained under the FOI Act, then council must remove the restriction.

d) A Councillor or member of the public dissatisfied with the decision on access to documents has the right to seek access through the FOI Act.

FREEDOM OF INFORMATION

Access to all other documents or Council files will require a Freedom of Information Application. You can apply to obtain or view any documents that Council holds but has not made public. However, some documents may require consultation with a third party or will remain exempt under the Freedom of Information Act.

Any person seeking details or the substance of a complaint against them may make an application under the Freedom of Information Act, 1989. The application will then be assessed under the Freedom of Information Act.

All complaints will be taken in confidence and as a general rule Council will not release the complainants name and address. Whether the identity of the complainant will be released or not will depend on an assessment using the following criteria.

If the complaint was:-
was clearly made in good faith; AND
discloses a contravention or possible contravention of the law, for the purpose of enabling or assisting the council to enforce or administer the law; OR [Cl4(1)(a) & (b) of Schedule 1]
it is clear that the life or physical safety of the complainant could reasonably be expected to be endangered. [Clause 4(1)c) of Schedule 1]
[Source: Freedom of Information Act, 1989 & Ombudsman Guidelines No. 7]

RELATED POLICIES

Nil

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

RELEVANT LEGISLATIVE PROVISIONS

Local Government Act 1993
Privacy & personal Information Act 1998
Freedom of Information Act 1989
Health Records & Information Privacy Act 2002

IMPLEMENTATION RESPONSIBILITY

Corporate Management

REVIEW DATE

Twelve months from the date of adoption.

ATTACHMENT 2

Port Stephens
C·O·U·N·C·I·L
POLICY

Adopted: 16/09/97
Minute No: 1282
Amended: 19/10/2004
Minute No: 375

FILE NO: A2004-0194

TITLE: ACCESSING INFORMATION

RESPONSIBLE OFFICER: GOVERNANCE COORDINATOR

BACKGROUND

To date Council has received requests for information in writing under Section of the Local Government Act 1993, Privacy & Personal Protection Act 1998, Freedom of Information Act 1989 and the Health Records & Information Privacy Act 2002. Council has endeavoured to provide information to members of the public, councillors and other agencies where possible in accordance with the relevant legislation.

OBJECTIVE

- To guide staff in determining requests for information;
- To ensure that all members of the public receive consistent access to information on request;
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[Sections 12, 113(5) & 117 of the Local Government Act as amended]

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The following are not to be given out in respect of building and development application files.

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- documents that contain advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings.

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Section 12(6) of the Local Government Act

OTHER DOCUMENTS

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The resumes of candidates for election [S308 Local Government Act]
Complainant's name and address or other personal details (see B below).

PROCEDURE

11a) Before allowing a member of the public to view a building or development application file staff should check the file for any privileged information such as legal advice, confidential reports or commercial information. The Section Managers in Sustainable Planning or Council's Executive Manager – Corporate Management and Governance Coordinator can assist staff to identify exempt documents.

b) If access is denied to any document then written reasons must be given to the applicant and the reasons made publicly available.

c) A review of any restriction must be made every 3 months after it is imposed. If council finds that there are no grounds for restriction, or if access to the information is obtained under the FOI Act, then council must remove the restriction.

d) A Councillor or member of the public dissatisfied with the decision on access to documents has the right to seek access through the FOI Act.

FREEDOM OF INFORMATION

Access to all other documents or Council files can be provided under the Freedom of Information Act subject to all other avenues to provide information having been exhausted, such as Section 12 of the Local Government Act. You can apply to obtain or view any documents that Council holds but has not made public. However, some documents may require consultation with a third party or will remain exempt under the Freedom of Information Act.

Any person seeking details or the substance of a complaint against them may make an application under the Freedom of Information Act, 1989. The application will then be assessed under the Freedom of Information Act.

All complaints will be taken in confidence and as a general rule Council will not release the complainants name and address. Whether the identity of the complainant will be released or not will depend on an assessment using the following criteria.

If the complaint was:-
was clearly made in good faith; AND
discloses a contravention or possible contravention of the law, for the purpose of enabling or assisting the council to enforce or administer the law; OR [Cl4(1)(a) & (b) of Schedule 1]
it is clear that the life or physical safety of the complainant could reasonably be expected to be endangered. [Clause 4(1)c) of Schedule 1]

[Source: Freedom of Information Act, 1989 & Ombudsman Guidelines No. 7]

RELATED POLICIES

Nil

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

RELEVANT LEGISLATIVE PROVISIONS

Local Government Act 1993
Privacy & personal Information Act 1998
Freedom of Information Act 1989
Health Records & Information Privacy Act 2002

IMPLEMENTATION RESPONSIBILITY

Corporate Management

REVIEW DATE

Two years after adoption.

ITEM NO. 4 **FILE NO: PSC2005-5161**

FINANCIAL SUSTAINABILITY OF NSW LOCAL GOVERNMENT

AUTHOR: TONY WICKHAM – GOVERNANCE COORDINATOR

RECOMMENDATION IS THAT COUNCIL:

1) Contribute $2924.90 towards the Independent Inquiry into the Financial Sustainability of NSW Local Government.

STRATEGIC COMMITTEE MEETING – 7TH MARCH 2006

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING – 28 MARCH 2006

RECOMMENDATION:

463	**Councillor Robinson** **Councillor Jordan**	**It was resolved that the recommendation be adopted.**

BACKGROUND

The purpose of this report is for Council to consider making a contribution as a member Council to the Local Government Association of NSW and Shires Association of NSW towards the costs of the Financial Sustainability of NSW Local Government Independent Inquiry.

In July 2005 Council was advised that the Associations would be establishing an Independent Inquiry into the Financial Sustainability of Local Government in NSW. The Inquiry was launched in October 2005 with an interim report released on 28 February 2006. The final report will be released on 1 May 2006.

The Associations are requesting each member Council to contribute towards to the costs of the Inquiry. Port Stephens Council contribution is $2924.90. Council will note that in the correspondence in ATTACHMENT 1, the costs associated were $550,000.

LINKS TO CORPORATE PLANS

Our development focuses on our communities being sustainable and our Council will plan and manage its finances to maximise community benefit.

FINANCIAL/RESOURCE IMPLICATIONS

The amount of $2924.90 has not been budget for in the current years budget.

LEGAL AND POLICY IMPLICATIONS

Council as a member Council of the Local Government & Shires Association of NSW has a role to play in the statewide implications affecting Local Government in NSW.

Australian Business Excellence Framework

This aligns with Principles 11 of the ABEF Framework.

11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

The Inquiry will provide useful information and research to Local Government, which will have an economic benefit to Local Government and the communities it serves.

ENVIRONMENTAL IMPLICATIONS

Nil

CULTURAL IMPLICATIONS

Nil

CONSULTATION

General Manager

OPTIONS

1) Adopt the recommendation

2) Change the recommendation

ATTACHMENTS

1) Letter from the Local Government Association & Shires Association of NSW

TABLED DOCUMENTS

Nil

ATTACHMENT 1

Local Government Association of NSW

Shires Association of NSW

PORT STEPHENS COUNCIL
File No. 05 - 516
30 JAN 2006
Action by G.M.A.
Files

Our Ref: R05/0035 Out-13233

23 January 2006

Mr Peter Gesling
General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Dear Mr Gesling

In July 2005 the Presidents wrote to all Mayors to advise that the Associations were establishing an Independent Inquiry into the Financial Sustainability of NSW Local Government. This is a major initiative which will be of critical importance to the future of Local Government in NSW. The announcement of this initiative received overwhelming support from councils.

The motivation for the Inquiry is the widespread concern in many circles about Local Government's financial capacity to continue to meet the growing demands for infrastructure and services. The shortfall in infrastructure investment is already well documented and the deficit continues to grow. There is also an evident gap between service delivery and community demands.

There are serious questions about Local Government's ongoing ability to fulfil its roles and responsibilities within current intergovernmental arrangements and financial constraints. Cost shifting on to Local Government and Local Government's limited revenue base are central to these concerns. The problems are exacerbated by a range of external forces including demographic change and skills shortages. Rate pegging remains a significant problem.

As previously advised, the Inquiry is being conducted by an independent Panel chaired by Professor Percy Allan, AM, assisted by Inquiry members, Ms Libby Darlison and Ms Diana Gibbs.

The Associations are encouraged by the strong response to the Inquiry by councils, other stakeholders and the general public. Over 100 submissions have been received by the Inquiry, of which 75 were made by councils and ROCs. Many more councils participated in the series of workshops held around the state and several participated directly in research components commissioned by the Inquiry.

The Inquiry received a further 29 submissions from other stakeholders and individuals. These included submissions from government agencies, professional associations, environmental groups, community groups and unions. In addition, the Inquiry has conducted numerous interviews with key bureaucrats and other stakeholder representatives.

The Inquiry also commissioned several specific research papers on various aspects of Local Government finance and management. These have now been completed.

GPO Box 7003 Sydney NSW 2001
L8, 28 Margaret St Sydney NSW 2000
Tel: (02) 9242 4000 • Fax: (02) 9242 4111
www.lgsa.org.au • lgsa@lgsa.org.au

ATTACHMENT 1

In all, the Inquiry has amassed a considerable volume of research and submissions which the Panel members and their researchers are currently working through. The Inquiry's initial findings will be produced in an Interim Report (Findings and Options Paper) to be released on 28 February 2006. Councils and other stakeholders will have a further opportunity to comment on the interim report before the Final Report is released on 1 May 2006.

As indicated at the outset, the Inquiry is a major undertaking and involves considerable costs. The total budget for the Inquiry has now been finalised at $550,000. In July 2005 the Presidents advised that the Associations had resolved to seek member contributions for 50% of the cost of the Inquiry (based on members annual subscription formula) with the balance to be funded by the Associations. The Associations now request your contribution. An invoice for your council is attached.

I have every confidence that the Inquiry's findings and recommendations will provide NSW Local Government with sound guidance for the future and better equip Local Government to secure a better deal from the State and Federal Governments.

Yours sincerely

Bill Gillooly AM
Secretary General

2

ITEM NO. 5

INFORMATION PAPERS

AUTHOR: BRONWYN FLINN – BUSINESS PAPER CO-ORDINATOR

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 7 March 2006.

Info. Paper No:	Report Title	Page No:
1	Section 94 Contribution Plans – Application of CPI Increase	34
2	Extension of F3 Freeway to Raymond Terrace	39
3	Karuah Tarean Road Streetscaping Concept Plan	43

STRATEGIC COMMITTEE MEETING – 7TH MARCH 2006

RECOMMENDATION:

1) Section 94 Contribution Plans – Application of CPI Increase

That the Information Paper be received and noted.

2) **Extension of F3 Freeway to Raymond Terrace**

1) **That Council make representation to the Minister for Roads and Local Member questioning the process used by the RTA determining representation from Port Stephens community regarding the F3 extension through Raymond Terrace**
2) **Option B3 be given equal consideration**

3) Karuah Tarean Rd Streetscaping Concept Plan

That the Information Paper be received and noted.

ORDINARY MEETING – 28 MARCH 2006

RECOMMENDATION:

464	**Councillor Francis** **Councillor Hodges**	**It was resolved that the recommendations be adopted.**

STRATEGIC COMMITTEE INFORMATION PAPERS

INFORMATION ITEM NO. 1

SECTION 94 CONTRIBUTION PLANS APPLICATION OF CPI INCREASE

AUTHOR: WAL MILLS – SECTION 94 CO-ORDINATOR
FILE: S9820-18

BACKGROUND

The purpose of this report is to inform Council of the amendment to all Section 94 Contribution Plans based on the December 2005 release of details on the Consumer Price Index (CPI).

Council applies levies to new development for Community facilities under legislation as outlined in the Attachments. This levy is in accordance with documents prepared under the legislation and titled "Section 94 Contributions Plans".

Council's Section 94 Contribution Plans provide for on-going variation to the contribution levies based on the Consumer Price Index. The Australian Bureau of Statistics advises Council about changes to the CPI on a quarterly basis. The December 2005 quarter details have been received, and in accordance with Section 2.2.1 of each Section 94 Contribution Plan, the contributions levy has been adjusted by 0.53%.

Public notice of the adoption of the CPI amendments was published in "The Examiner" on Thursday 9th February 2006 and the Newcastle Herald on Saturday 11th February 2006. The amendments came into effect on Thursday 9th February 2006. A table detailing the schedule of previous and current Section 94 Contribution Rates is contained in the attachments.

Further amendments to the Section 94 Contribution Plans, based upon the CPI, will continue to be made on a quarterly basis, in accordance with advice received from the Australian Bureau of Statistics and Section 2.2.1 of each Section 94 Contribution Plan.

ATTACHMENTS

1) Legislative background
2) Schedule of Current and Previous Section 94 Contribution Levy
3) Example of Section 94 Contribution Levy Calculation

ATTACHMENT 1

BACKGROUND TO S94 LEVIES
IMPOSED BY ALL COUNCILS ON NEW DEVELOPMENT

New development means an increase in either population and traffic in the case of residential development, or traffic in the case of businesses. In order to provide for the needs of the new population and/or increased traffic from development, Councils are permitted by legislation to levy a contribution on new development towards the new facilities. The contribution is imposed as part of the conditions of consent.

The NSW State Government amended legislation in 1993 to ensure that NSW Councils only levied developers for legitimate projects and fair apportionment.

This levy (S94) is imposed under the Section 94 of the NSW Environmental Planning and Assessment Act (1999) and the accompanying regulations. That section of the Act stipulates certain requirements on Council, the main requirements being:-

- Contributions can only be levied on developers through S94 legislation;
- Levies may only be for Council Public facilities initial construction and not ongoing costs with the exception of roads maintenance required due to heavy vehicle damage;
- The facilities must be part of a valid S94 Plan (document);
- The facility must be as a consequence of the new development (eg not replacing an existing facility or providing one due to existing population needs);
- There must be a reasonable proximity between the new facility and the development;
- The levy received from the development must be spent within a reasonable time;
- The cost of new facilities must be apportioned to the new developments use compared to the existing population;

The legislation requires Councils to be financially accountable and sets out in quite detail financial reporting requirements.

ATTACHMENT 2

SCHEDULE OF CURRENT AND PREVIOUS SECTION 94 CONTRIBUTION RATES PER LOT

CPI Change – 0.41%	Combined Open Space / Recreation Facilities		Open Space		Recreation Facilities		Community Facilities/Services		Bush Fire Facilities / Services		Library Bookstock		Roadworks		Bus Shelters	
	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous
1 Western Shire																
Residential Subdivision			733	729	1417	1409	782	778	242	241	121	120	1982	1971		
Caravan/Mobile Home Parks (Perm)			366	364	709	705	391	389	122	121	60	60	661	657		
Tourist Accommodation			366	364	709	705	391	389	122	121	60	60	330	329		
Bed & Breakfast			184	183	354	352	195	194	61	61	30	30	330	329		
2 Raymond Terrace																
Residential Subdivision			519	516	5004	4977	940	935	242	241	121	120	588	585		
Caravan/Mobile Home Parks (Perm)			259	258	2501	2488	469	467	122	121	60	60	196	195		
Tourist Accommodation			259	258	2501	2488	469	467	122	121	60	60	98	98		
Bed & Breakfast			130	129	1251	1244	234	233	61	61	30	30	98	98		
3 Medowie																
Residential Subdivision			798	794	1504	1496	1033	1028	242	241	121	120	1068	1062		
Caravan/Mobile Home Parks (Perm)			399	397	752	748	517	514	122	121	60	60	356	354		
Tourist Accommodation			399	397	752	748	517	514	122	121	60	60	178	177		
Bed & Breakfast			200	199	375	373	258	257	61	61	30	30	178	177		
4 Karuah/Swan Bay																
Residential Subdivision	2311	2299					808	804	242	241	121	120	697	693		
Caravan/Mobile Home Parks (Perm)	1156	1150					404	402	122	121	60	60	232	231		
Tourist Accommodation	1156	1150					404	402	122	121	60	60	116	116		
Bed & Breakfast	577	574					202	201	61	61	30	30	116	116		
5 Tilligerry Peninsula																
Residential Subdivision	2017	2006					794	790	242	241	121	120	814	810		
Caravan/Mobile Home Parks (Perm)	1008	1003					397	395	122	121	60	60	271	270		
Tourist Accommodation	1008	1003					397	395	122	121	60	60	136	135		
Bed & Breakfast	505	502					199	198	61	61	30	30	136	135		
6 Tomaree Peninsula																
Residential Subdivision			958	953	2329	2317	530	527	242	241	121	120	751	747		
Caravan/Mobile Home Parks (Perm)			479	476	1165	1159	265	264	122	121	60	60	250	249		
Tourist Accommodation			479	476	1165	1159	265	264	122	121	60	60	125	125		
Bed & Breakfast			239	238	581	578	133	132	61	61	30	30	125	125		

CPI Change – 0.41%	Combined Open Space / Recreation Facilities		Open Space		Recreation Facilities		Community Facilities/Services		Bush Fire Facilities / Services		Library Bookstock		Roadworks		Bus Shelters	
	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous
7 Fern Bay																
Residential Subdivision	1435	1427					1682	1673	242	241	121	120	335	333	110	109
Caravan/Mobile Home Parks (Perm)	718	714					841	837	122	121	60	60	112	111	55	55
Tourist Accommodation	718	714					841	837	122	121	60	60	56	56	55	55
Bed & Breakfast	358	356					421	419	61	61	30	30	56	56	27	27

ATTACHMENT 2 CONTINUED

SCHEDULE OF CURRENT AND PREVIOUS SECTION 94 CONTRIBUTION RATES PER LOT

CPI Change – 0.41%	Combined Open Space / Recreation Facilities		Open Space		Recreation Facilities		Community Facilities/Services		Bush Fire Facilities / Services		Library Bookstock		Roadworks		Bus Shelters	
	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous
8 Rural Balance																
Residential Subdivision	747	743					309	307	242	241	121	120	425	423		
Caravan/Mobile Home Parks (Perm)	373	371					154	153	122	121	60	60	142	141		
Tourist Accommodation	373	371					154	153	122	121	60	60	71	71		
Bed & Breakfast	187	186					77	77	61	61	30	30	71	71		

ATTACHMENT 3

EXAMPLES OF A CURRENT SECTION 94 CONTRIBUTION LEVY CALCULATION

1. Residential Subdivision at Salamander Bay:

   Use Plan No. 6 Tomaree Peninsula

   Contribution per lot:

Open Space	$ 958
Recreation Facilities	$2,329
Community Facilities	$ 530
Bush Fire Facilities / Services	$ 242
Library Bookstock	$ 121
Roadworks	$ 751
Bus Shelters	NIL
Total	$4,931

If developing 10 lots, the total contribution would be: $4,931 x 10 = $49,310

2. Residential Unit development at Karuah:

   Use Plan No. 4 Karuah / Swan Bay

   Contribution per unit:

Combined Open Space / Recreation Facilities	$2,311
Community Facilities	$ 808
Bush Fire Facilities / Services	$ 242
Library Bookstock	$ 121
Roadworks	$ 697
Bus Shelters	NIL
Total	$4,179

If developing 10 residential units, the total contribution would be: $4,179 x 10 = $41,790

INFORMATION ITEM NO. 2

EXTENSION OF F3 FREEWAY TO RAYMOND TERRACE

AUTHOR: WAL MILLS – STRATEGIC ENGINEER
FILE: PSC 2005-5237

BACKGROUND

The purpose of this report is to advise Council of the status of the RTA study and resident's letters received objecting to the Freeway option that would utilise the existing highway through Heatherbrae.

The NSW Roads and Traffic Authority (RTA) has started investigations into upgrading the Pacific Highway by providing the 'missing link' between the F3, south of John Renshaw Drive and the Raymond Terrace Bypass. It will include an additional crossing of the Hunter River.

This 12.2 km dual carriageway upgrade will improve safety and relieve traffic congestion on this section of the state road network. The planning project is being funded by the NSW State Government as part of the $2.2 billion Pacific Highway Upgrading Program.

Investigations have been undertaken to identify feasible route options in the study area. Investigations have included noise and vibration, hydrology and hydraulic, flora and fauna, geotechnical, traffic and transport, social, land use and planning, road safety, cultural heritage, urban design landscape and visual amenity, economics and engineering.

These studies have helped to identify where route options are not feasible. An option passing to the west of Heatherbrae and Motto Farm was carefully considered, but subsequently ruled out on environmental, engineering, and socio-economic grounds. Community input has been sought and a Community Liaison Group (CLG) formed, consisting of 20 members of the public plus RTA, Consultants and Government bodies, which meet 2 to 3 times a year.

Following initial community consultation and early input from the CLG, options were narrowed down to two routes (A and B) over each of the 3 sections of the F3 extension. These A and B route options are shown in the attachments and were placed on Public Exhibition from 21 October to 2 December 2005. A Value Management Workshop was held on the 8 and 9 December 2005. Cr Glenys Francis and Mike Trigar, Group Manager Facilities & Services represented council at that workshop. The workshop participants reached consensus on the routes south of Heatherbrae with preferences for option A1 and B2. While the group also reached general consensus on the through Heatherbrae option A3, it was recommended that further investigation be undertaken to better understand the overall community impacts of the option and the overall environmental impacts of option B3, which passes through bushland and the western edge of Tomago Sands Beds.

At the CLG meeting of the 17 January 2006 the RTA advised that the Value Management Workshop's outcome was not a final decision. It was one of several factors in identifying a preferred route for the F3 Freeway to Raymond Terrace project.

Since the exhibition of the route options and the Value Management Workshop, Council has received some 19 submissions to-date from residents objecting to Option A3 on the existing alignment through Heatherbrae and indicating support for option B3 to the east of the urban area. Replies to each resident have been sent indicating the RTA's advice that further investigation is proposed before a final decision is made.

The RTA and their consultant Maunsell Australia are proposing to meet with Council in the near future as soon as an urban design layout of A3 and B3 layout have been produced.

Should Councillors wish to view any copies of the letters these are available in Council's Trim System.

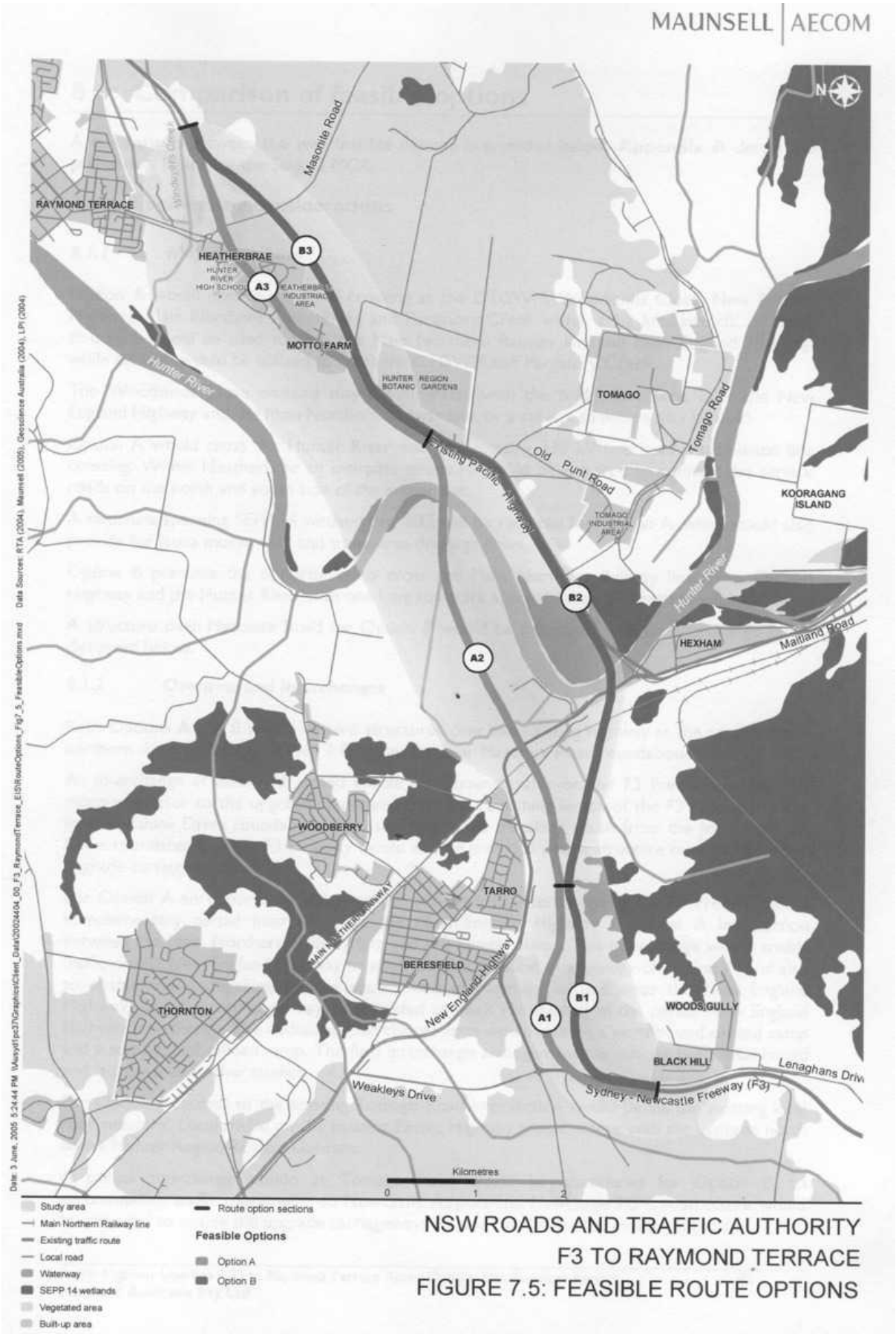
ATTACHMENTS

1) Route options placed on public exhibition October to December 2005.

2) Sample reply to resident's letters.

ATTACHMENT 1

ROUTE OPTIONS PLACED ON PUBLIC EXHIBITION OCTOBER TO DECEMBER 2005


MAUNSELL | AECOM
N
RAYMOND TERRACE
Masonite Road
HEATHERBRAE
HUNTER RIVER HIGH SCHOOL
A3
B3
MOTTO FARM
Hunter River
HUNTER REGION BOTANIC GARDENS
TOMAGO
Tomago Road
Old Punt Road
Pacific Highway
KOORAGANG ISLAND
B2
Hunter River
HEXHAM
Maitland Road
A2
WOODBERRY
TARRO
BERESFIELD
New England Highway
THORNTON
B1
A1
WOODS GULLY
BLACK HILL
Lenaghans Drive
Weakleys Drive
Sydney - Newcastle Freeway (F3)
Kilometres
0
1
2
Study area
Main Northern Railway line
Existing traffic route
Local road
Waterway
SEPP 14 wetlands
Vegetated area
Built-up area
Route option sections
Feasible Options
Option A
Option B
NSW ROADS AND TRAFFIC AUTHORITY
F3 TO RAYMOND TERRACE
FIGURE 7.5: FEASIBLE ROUTE OPTIONS

ATTACHMENT 2
SAMPLE REPLY TO RESIDENTS' LETTERS

Telephone Enquires:(02) 49800 299
Wal Mills
Land Use Planning Section
Please Quote File No:PSC2005-5237

Your Reference:

Mr and Mrs #####
#####.
Heatherbrae NSW 2324

Dear Mr and Mrs #####

Re: Upgrading F3 Pacific Highway to Raymond Terrace – Route Option

Thank you for your letter of # February 2006 regarding your opposition to the A3 route option and support for the B3 Option. Your letter has been referred to myself as the Council Liaison officer for this project. I appreciate your concerns and these will be conveyed to the RTA who are the responsible Authority for the upgrade and to Maunsell Australia who are the management consultants for this project.

Following the concerns of both residents and local businesses the RTA has now advised that both option A3 and B3 will be further examined before a decision is made. More particularly further investigation is to be undertaken to better understand the overall community impacts of option A3 on the existing alignment and the overall environmental impacts of option B3, which passes through bushland and the western edge of Tomago Sands Beds.

Should you wish to obtain further information please feel free to contact the Project consultants:

M/s Sigrid Sanderson,
Maunsell Australia Pty Ltd
PO Box Q410, QCB Post Office
Sydney NSW 1230
Ph 1800 094 895
Fax 92625060
Email:F3RTIN@Maunsell.com

Yours faithfully

W. A. Mills
Strategic Engineer
February 2006

INFORMATION ITEM NO. 3

KARUAH TAREAN ROAD STREETSCAPING CONCEPT PLAN

AUTHOR: PAUL PROCTER – SOCIAL PLANNING CO-ORDINATOR AND MICK LOOMES – ENGINEERING SERVICES MANAGER

FILE: A2004-0322

BACKGROUND

The purpose of this report is to inform Council on the outcomes of the public exhibition of the Karuah Tarean Road Streetscaping Concept Plan which Council resolved on 20th December 2005 to place on public exhibition.

A total of 11 submissions have been received during the exhibition period. Among the submissions received was a detailed 24 page summary report of a survey undertaken independently by Karuah Working Together Inc to gain the views of the community and businesses on various aspects of the plan. Overall, residents and businesses alike do not support a significant number of elements contained in the concept plan. Aspects of the plan which people objected to included reduction in road width and parking alterations. Aspects supported included tree planting, landscaping, improved street lighting and footpaths.

To ensure the plan reflects the needs and aspirations of Karuah residents and visitors alike, it is proposed that Council Officers: -

i. Use the site survey of Tarean Road that is nearing completion as a basis for developing a revised streetscaping concept plan.

ii. Facilitate a workshop with Karuah Working Together Inc to incorporate the relevant findings from the survey undertaken by this group and the various elements contained in the various submissions lodged individually by residents and businesses.

Karuah Working Together Inc is the most ideally placed forum for engaging the Karuah community in formulating a revised plan as its membership comprises key stakeholders in Karuah including: -

- Karuah Community and Economic Development Co-ordinator
- Elected representative from Port Stephens Council
- Port Stephens Business Chamber – Karuah Chapter Representative
- Karuah Local and Aboriginal Land Council Representative
- Karuah Tidy Towns / Parks and Reserves / Wetlands 355B Committee Representative
- Karuah Progress Association Representative
- Karuah Community Centre 355B Committee Representative
- Karuah Oyster Farmers
- Two Community Representatives

It is also proposed that representation from the Karuah RSL and the Karuah Public School be sought to participate in the proposed workshop.

This delay in finalising the Karuah Tarean Road Streetscaping Concept Plan will not adversely impact upon the proposed upgrading of the Karuah Main Street as a number of financial issues concerning the funding of this project are still to be resolved.

A further report will be presented to Council in the coming months once the concept plan has been revised in line with community needs.

GENERAL MANAGER'S REPORTS

PETER GESLING
GENERAL MANAGER

ITEM NO. 1 **FILE NO: PSC2005-5185**

REQUEST FOR FINANCIAL ASSISTANCE

AUTHOR: JULIE SIMMONS – MAYOR'S EXECUTIVE ASSISTANT

RECOMMENDATION IS THAT COUNCIL:

1) Approves provision of financial assistance under section 356 of the Local Government Act from the Mayor's Donation Fund to the following:

2) Approves provision of financial assistance under section 356 of the Local Government Act from the respective Ward Funds to the following:

a) Port Stephens Community Arts Centre – $500 – Sponsorship of the ceramics section of the Art Show

b) Medowie Rugby Club – $5,000 – Donation for repairs to Boyd Oval, Medowie Rugby amenities building

c) Raymond Terrace & District Tennis Club – $2,500 – Sponsorship for the Easter Open Tennis Tournament & the Raymond Terrace Odd Age Tennis Tournament

d) Anna Bay Public School – $100 – Donation for Rope Burner Skipping Team

e) Medowie Public School – $1,500 – Donation towards outdoor play equipment

ORDINARY MEETING – 28 MARCH 2006

RECOMMENDATION:

465	**Councillor Jordan** **Councillor Hodges**	**It was resolved that the recommendations be adopted.**

BACKGROUND

The purpose of this report is to determine, and where required, authorise payment of, financial assistance to recipients judged by Councillors as deserving of public funding. The Council's policy gives Councillors a wide discretion to either grant or to refuse any requests.

The Council regularly receives requests for financial assistance from community groups and individuals. However, Council is unable to grant approval of financial assistance to individuals unless it is performed in accordance with the Local Government Act. This would mean that the financial assistance would need to be included in the Management Plan or Council would need to advertise for 28 days of its intent to grant approval. Council can make donations to community groups.

Council's policy for financial assistance has been developed on the basis it is "seed" funding and that there is benefit to the broader community. Funding under Council's policy is not intended for ongoing activities.

The requests for financial assistance are shown below:-

WEST WARD – Councillors Brown, Francis, Hodges, Jordan

Raymond Terrace & District Tennis Club	Sponsorship for the Easter Open Tennis Tournament & the Raymond Terrace Odd Age Tennis Tournament	$2,500

CENTRAL WARD – Councillors Baumann, Dingle, Swan, Tucker

Medowie Rugby Club	Donation for repairs to Boyd Oval, Medowie Rugby amenities building	$5,000
Anna Bay Public School	Donation for Rope Burner Skipping Team	$100
Medowie Public School	Donation towards outdoor play equipment	$1,500

EAST WARD – Councillors Dover, Nell, Westbury, Robinson

Port Stephens Community Arts Centre	Sponsorship of the ceramics section of the Art Show	$500

LINKS TO CORPORATE PLANS

The Council's Management Plan does not have any program or stated goal or objective for the granting of financial assistance.

The requests the subject of this report all fall within the broader Council aims and objectives of community, culture and recreation.

FINANCIAL/RESOURCE IMPLICATIONS

Council Ward Funds are the funding source for all financial assistance.

LEGAL AND POLICY IMPLICATIONS

To qualify for assistance under Section 356(1) of the Local Government Act, 1993, the purpose must assist the Council in the exercise of its functions. Functions under the Act include the provision of community, culture, health, sport and recreation services and facilities.

The policy interpretation required is whether the Council believes that:

1) Applicants are carrying out a function, which it, the Council, would otherwise undertake;
2) The funding will directly benefit the community of Port Stephens;
3) Applicants do not act for private gain.

The policy has other criteria, but these have no weight as they are not essential.

These criteria are:

1) A guarantee of public acknowledgment of the Council's assistance

2) The assistance encouraging future financial independence of the recipient

3) The assistance acting as 'seed' funding with a multiplier effect on the local economy.

Australian Business Excellence Framework

This aligns with Principles 3, 10 & 11 of the ABEF Framework.

3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action

10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society

11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Mayor
Ward Councillors

OPTIONS

1) Adopt the recommendation

2) Vary the dollar amount before granting each or any request

3) Decline to fund all the requests

ATTACHMENTS

NIL

TABLED DOCUMENTS

NIL

ITEM NO. 2 **FILE NO: PSC2005-0532**

NATIONAL SEACHANGE FOR LOCAL & REGIONAL PLANNING

AUTHOR: PETER GESLING – GENERAL MANAGER

RECOMMENDATION IS THAT COUNCIL:

1) The Report of the research project titled 'Meeting The Sea Change Challenge: Best Practice Models of Local & Regional Planning for Sea Change Communities' be received and noted.

ORDINARY MEETING – 28 MARCH 2006

RECOMMENDATION:

466	**Councillor Nell** **Councillor Jordan**	**It was resolved that the recommendation be adopted.**

Tabled Document: National Seachange for Local and Regional Planning Document.

BACKGROUND

The purpose of this report is to receive the final report of the research project titled 'Meeting The Sea Change Challenge: Best Practice Models of Local & Regional Planning for Sea Change Communities'.

One of the first actions of the National Sea Change Taskforce has been to commission research to find out more about the nature and impact of the movement of population to the coast. This first phase of research, released in February 2005, identified the key social, economic, and environmental planning issues facing coastal sea change communities in Australia and reviewed current responses to these issues. (In November 2005 this first phase of research won two major awards at the Planning Institute of Australia NSW 2005 Awards for Excellence - the President's Award and the Institute's Planning Scholarship, Research or Teaching Award).

The second phase of the research project, titled Meeting The Sea Change Challenge: Best Practice Models of Local & Regional Planning for Sea Change Communities, was released on 23 January 2006, **ATTACHMENT 1**. This report documents the range of governance, environmental, community, economic, and infrastructure challenges affecting "sea change" councils in Australia and internationally, and identifies best practice in addressing these issues. The phase two report builds on the earlier research and provides planning authorities with a best practice planning 'tool kit' to address the challenges of coastal growth.

One of the key points to emerge from the Phase 2 report is the need for a comprehensive strategic framework, covering coastal management and protection, environmental conservation land use planning and community wellbeing, as the basis for integrating the multiple issues affecting sea change communities. It is the view of the National Sea Change Taskforce that development of a national strategic planning framework, which would assist in establishing a more consistent and better coordinated planning process for coastal areas in Victoria, is a necessary precursor to streamlining planning processes in the States.

As the Meeting The Sea Change Challenge report indicates, in the section headed Best Practice Principles and Strategic Responses, (p8):

'Ideally, frameworks will be developed at national, state, regional and local scales, through integrative processes to coordinate the various jurisdictions with responsibility for planning and management in coastal areas. Such processes should include mechanisms for involvement by the various coastal stakeholders, particularly local governments, as well as local residents and traditional indigenous owners, environmental groups, industry representatives, and recreational users. Frameworks should:

- *Set clear goals and indicators to show how these goals are being addressed;*
- *Adopt a long term planning horizon (at least 15-20 years, with longer time frames for certain issues, such as the management of sea level rise);*
- *Reflect the diversity of environmental, social, and economic values and needs of coastal communities;*
- *Be "place based" rather than "issue based" – in other words, tailor goals and strategies to particular spatial areas, recognizing their diversity;*
- *Draw on broad based community involvement and establish ongoing mechanisms for community participation;*
- *Apply the principle of "subsidiarity" – that is, that higher levels of government should not take responsibility for matters able to be addressed by lower levels of government, but rather, should fully support and enable lower levels of government, particularly local government, to adopt these roles; and,*
- *Be closely linked to implementation tools (ie. regulatory frameworks and financial resource allocation processes').*

As further indicated in the Meeting the Sea Change Challenge report, in the section headed National and Regional Approaches (p8):

'At the national level, a strategic framework should articulate overall objectives in line with the national and international values associated with the coastal zone. It should provide a basis for coordinating policy making and land use planning on coastal areas with the other national interests and responsibilities that impact on development in the coast (such as environmental protection and heritage, management of territorial waters, defence, infrastructure provision, and regional economic development). The New Zealand Resource Management Act 1991 provides a good model for the national coordination of coastal policy and planning with broader resource management and land use decisions at national, regional, and local levels (Nolan and Kirman 2004).

'Other examples of national approaches to integrated coastal governance include the national coastal planning policy of the United Kingdom (UK) (UK Planning Policy Guidance 20). This policy must be implemented by local authorities in their plan making and development assessment activities. To some extent, the existence of a national policy reflects administrative arrangements in the UK (where there are no "state" governments and only a recently introduced regional tier). Thus parallels could be drawn between this policy and equivalent state coastal policies in Australia. However, the benefit of a national approach provides consistency in management of all coastal areas and provides an administrative basis to coordinate the various roles and responsibilities associated with coastal issues.'

The Phase 2 research report identifies more than 140 examples of best practice models from Australia, New Zealand, North America, and Europe to assist local government authorities in 'sea change' areas to address the land use planning and management issues in coastal areas. It is also aimed at providing best practice models for local government authorities seeking to engage with stakeholder groups and the community to identify what needs to change and how to make these changes.

LINKS TO CORPORATE PLANS

Planning and Development – *Our development focuses on our communities being sustainable.*

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL AND POLICY IMPLICATIONS

Nil

Australian Business Excellence Framework

This aligns with the following Principles of the ABEF Framework.

1) Clear direction allows organisational alignment and a focus on the achievement of goals
6) Continual improvement and innovation depend on continual learning
8) Effective use of facts, data and knowledge leads to improved decisions
11) Sustainability is determined by an organisation's ability to create and deliver value for <u>all</u> stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CULTURAL IMPLICATIONS

Nil

CONSULTATION

National Seachange Taskforce

OPTIONS

1) Adopt the recommendation

2) Amend the recommendation

ATTACHMENTS

1) Executive Summary of the Report

TABLED DOCUMENTS

1) Meeting The Sea Change Challenge: Best Practice Models of Local & Regional Planning for Sea Change Communities Report No. 2

ATTACHMENT 1

EXECUTIVE SUMMARY

This is the second report for the National Sea Change Taskforce. The first report by the Planning Research Centre, *Meeting the Sea Change Challenge: Sea Change Communities in Coastal Australia* (March 2005), identified the key social, economic, and environmental planning issues facing coastal sea change communities in Australia, and reviewed current responses to these issues (Gurran et al 2005). This report documents the range of governance, environmental, community, economic, and infrastructure challenges affecting "sea change" councils in Australia and internationally, and identifies best practice in addressing these issues. It has been prepared for the National Sea Change Taskforce, which includes over 60 local government areas in New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia. The research contained in this report forms part of a broader study being conducted by the Planning Research Centre at the University of Sydney, in partnership with Australian coastal communities represented by the National Sea Change Taskforce.

Meeting the Sea Change Challenge was reported widely in the national media and referred to in the recent NSW Parliamentary Inquiry into Infrastructure Provision in Coastal Growth Areas. This report builds on the earlier research and has three main objectives:

- To identify best practice principles for responding to the governance, environmental, community, economic, and infrastructure needs of non-metropolitan coastal communities in Australia affected by the sea change phenomenon;

- To identify actual examples of national and international best practice in planning for rapid growth and change within highly environmentally sensitive contexts analogous to non-metropolitan coastal Australia; and,

- To define a set of tools and planning options suitable for implementation within the various types of sea change communities in Australia.

The research included three steps: (1) a review of international literature on the environmental, social, economic, and governance challenges associated with migration to high amenity destinations; (2) identifying best practice responses to these challenges, through an analysis of the literature and through discussion with practitioners working in sea change communities of Australia; and, (3) identifying actual examples of innovative or best practice suitable for implementation within sea change communities in Australia.

The Sea Change Challenge

Sections 1-5 of the report highlight the specific challenges associated with rapid population growth in high amenity and non metropolitan coastal areas, referring to five key themes: governance, environment, community wellbeing, economy and tourism, and infrastructure. "Best practice" principles and strategies to respond to these challenges are then identified, followed by examples that have been implemented in sea change communities.

Governance - Best Practice Principles and Strategic Responses

Systems of governance for coastal areas of Australia should:

- Integrate social, economic, and environmental considerations at local and regional levels, consistent with the goals of Integrated Coastal Zone Management;

- Provide for cross agency collaboration, between different levels of government and across administrative boundaries;

- Engage the community and private sectors; and,

- Apply the principle of "subsidiarity" – that is, that higher levels of government should not take responsibility for matters able to be addressed by lower levels of government, but rather, should fully support and enable lower levels of government, particularly local government, to adopt these roles.

Strategies for better governance in coastal areas include:

- The development of a comprehensive strategic framework covering coastal management and protection, environmental conservation, land use planning and community well being. Ideally, frameworks will be developed at national, state, regional and local scales. Examples include the South East Queensland Regional Plan (2005), and the Santa Monica Sustainable City Plan.

- The development of sustainability decision making support systems or assessment tools, to assist local policy makers and planners evaluate the potential consequences of a particular decision, in relation to overall sustainability goals (examples include the *Mornington Peninsula Sustainability Framework* and the *Wanneroo Smart Growth Strategy*);

- Regular reporting against sustainability indicators (such as the *Newcastle City Sustainable Report Card*);

- Implementation of a community governance model to empower and resource members of the local community to enable community input into future planning and research. (such as the "Community Sector Boards" established by Noosa Council); and,

- Community involvement strategies designed to engage new and existing residents in civic activities and encourage ongoing participation in decision making (the *Maroochy Public Participation Program* is a leading example).

Environment - Best Practice Principles and Strategic Responses

Within the context of an overall sustainable planning framework, local and regional land use plans should integrate urban settlement with environmental conservation, natural resource management, and coastal and catchment protection strategies. Best practice principles for such plans include:

- Recognizing fundamental ecological limits by minimising urban footprints and impacts on natural systems;

- Limiting the use of non renewable resources and the production of waste;

- Explicitly preventing further urban exposure to coastal hazards, including potential sea level rise;

- Reducing existing exposure to coastal hazards where possible, or select hazard mitigation strategies that limit environmental disturbance;

- Minimizing potential landuse conflict between conservation, tourism, residential, and agricultural / fishing industries (in rural contexts), and manufacturing / other industries in coastal cities, by recognizing the significance of existing activities and promoting transition to appropriate new uses, particularly of underutilized or redundant "brownfield" sites; and,

- Reflecting and promoting indigenous input to coastal planning and management decisions, including ongoing fulfillment of custodian obligations and protection of traditional resource access rights.

Strategic responses and tools for better environmental planning in high amenity and coastal settings include:

- Growth management approaches such as: the use of Urban Growth Boundaries (limiting the urban footprint of a community); and Population Caps (defining the maximum number of people, or households, that can be accommodated within a specific spatial area). Examples include the *Surf Coast Planning Scheme,* and the *Noosa Planning Scheme.*

- Environmental protection and conservation mechanisms such as: Habitat Protection Plans (allowing some development within strictly determined parameters designed to protect the habitat of a particular species under threat); Tradable / Transferable Development Rights (preserving significant landscapes or areas of high biodiversity value by allowing landholders to sell theoretical development rights forfeited by the restrictive designation of their land); Voluntary Conservation Schemes (formally enabling a landholder to voluntarily protect the conservation values of their property); and, Green Offsets (actions undertaken to mitigate the environmental impact of a particular development, ensuring a "net environmental improvement" from development). Examples of these approaches have been developed by Port Stephens Shire, Wollongong City Council, and Johnstone Shire.

- Coastline Management Plans, to provide an integrated basis for addressing coastal hazards and protecting and enhancing the amenity of beaches (for example Newcastle City Council Coastline Management Plan).

- Local plans for the management of natural water systems, such as estuary and river management plans, which operate within a supportive whole-of-catchment management framework (eg, Tweed Shire Estuary Management Plan).D

- Indigenous Land Use Agreements / Joint Management arrangements, to provide a way of sharing the management of lands or waters (typically environmentally significant areas such as national parks, reserves, and marine protected areas) with traditional indigenous owners. A key example is the Arkawal Agreement developed in Byron Shire.

Community Wellbeing - Best Practice Principles and Strategic Responses

Strategic planning frameworks for amenity and high growth coastal settings must aim to:

- Protect and enhance the unique character and sense of place of coastal and hinterland settlements and surrounding landscapes;

- Build social cohesion, by actively seeking to integrate new residents within the community, and fostering an active civil sector through participatory activities and volunteering;

- Maintain social equity and diversity, by ensuring that new housing opportunities and services cater to people of diverse incomes and stages of life; existing forms of low cost housing supply are protected, or strategies to mitigate the loss of such supply are in place; and ensuring that all members of the community share access to environmental and physical amenities and services; and, where appropriate, maintain opportunities for lower cost holiday accommodation and visitor facilities.

Best practice strategies and approaches to implement these principles include:

- Strategies to ensure that urban planning and design frameworks protect unique attributes of place such as: undertaking a study of "sacred spaces" to identify areas of specific importance to residents; using recreational access strategies to diffuse demand for particular sites, distinguishing between areas of high tourism potential and places for lower key local recreation, congregation, or contemplation; undertaking a local heritage study; establishing a "design review board" to facilitate community and expert input into decisions about new developments; and, holding award programs to recognize good design and to educate developers about appropriate responses to the local environment. Good examples have been developed by Surf Coast Shire, and Gold Coast City Council.

- Seeking to build social cohesion by undertaking research to understand the needs of new residents and their settlement experiences; providing information packages to assist new residents settle into the new community; bringing existing and new residents together by holding community events such as clean up days or gardening competitions; recruiting new residents and older residents for volunteer activities. Examples have been developed by Shoalhaven City Council, and Hervey Bay City Council.

- Preparing a local housing strategy; protecting particular types of low cost housing such as caravan parks or rental accommodation, through special controls on demolition, change of use, or the proportion of existing or replacement accommodation that must be retained for permanent residents; enable lower cost forms of housing to be developed through the private market, subject to appropriate locational and design criteria; provide planning incentives for developments in high value locations to contribute financially to a local affordable housing program; and perhaps requiring developers to make a contribution towards a local affordable housing program, particularly in relation to developments within certain high value areas of for certain types of development that will result in a loss of existing affordable housing and or generate a demand for affordable housing. Key examples have been developed by Byron Shire, Gosford City Council, and Newcastle City Council.

Economy and Tourism - Best Practice Principles and Strategic Responses

Principles for the sustainable economic development of coastal communities and other high amenity destinations include:

- Adopting a regional approach to development, collaborating with other local government areas at regional and sub regional levels, in recognition that economies are rarely confined to local government area boundaries;

- Fostering economic development policies that result in widespread benefits for local and regional residents and businesses, particularly benefits that will endure even if a specific firm closes or relocates (Kane 2005);

- Attempting to address the needs of the most disadvantaged groups in the community, including young people, the long term unemployed or underemployed, and those with a disability, by connecting them to meaningful training and employment opportunities;

- Encouraging industries that cater to external markets or compete for a share of local markets that would otherwise be targeted by an external competitor;

- Actively protecting and enhancing the quality of life of the region to attract educated and skilled workers, entrepreneurs and business leaders (Kane 2005). (Enterprise zones, which are intended to facilitate economic development through the targeted provision of infrastructure, and in many cases, flexible or facilitated planning approval, often fail to deliver expected local employment benefits and may be incompatible with the character of high amenity destinations);

- Seeking industries that offer high wages and highly skilled positions, to improve the employment opportunities of low skilled and under employed residents;

- Developing tourism strategies that build explicitly on local assets, character and resources, closely supported by planning regulations that only permit developments that are consistent with existing settlement scale or the desired future character of the community;

- Similarly, fostering tourism strategies that build on opportunities for tourism attractions to connect with and support existing and emerging activities – eg. gourmet agricultural produce and viticulture; conservation efforts (eg. voluntary conservation tourism); training and education (eg. educational tourism); and, indigenous industries.

- Tourism strategies and ventures that disperse visitor spending across the local area (rather than capturing onsite through contained and isolated resort developments) may be preferred. Tourism developments that provide amenity benefits for local residents are encouraged.

Specific mechanisms or tools used by high amenity and sea change communities include:

- Regional economic development strategies, containing an agreed set of development planning principles and a shared vision or goal, and linked to regional approaches to housing, transport, infrastructure, and the environment. A key example is the *Sunshine Coast Regional Economic Development Strategy* (2004).

- Business incentive / incubation strategies – for instance, encouraging businesses to locate within the local area by preparing sites and reducing development assessment fees and related charges; assisting businesses to apply for grants; supporting the establishment of business incubation centres to undertake local and regional marketing activities; provide space for emerging businesses; facilitate networks of compatible industries; offer business training, and even help local graduates initiate new businesses. Examples are contained in the *Knowledge Economy Strategy: Creating Smart Jobs on the Sunshine Coast (2005);* and the *Maroochy Economic Plan 2004-2009.*

- Building a skilled workforce - by developing skills amongst the existing population, retaining graduates and experienced younger workers, and encouraging younger professionals to relocate to the area. Shoalhaven Council has adopted such an approach.

- Information and monitoring - maintaining and disseminating information such as local and regional economic reports; business surveys; skill audits; infrastructure gap analyses; industry forums; and a database of local businesses. Examples are provided in the *Noosa Council Economic Strategies and Innovations Implementation Strategy 2004-2007.*

The report also lists a number of strategies to support key industry sectors important to sea change areas, including agriculture, cultural and creative industries, health and community services, retail, and tourism.

Infrastructure - Best Practice Principles and Strategic Responses

Best practice principles for infrastructure provision in sea change communities and other amenity destinations are listed below.

- Infrastructure needs must be determined through appropriate research and needs assessment, considering the type, capacity, and location of existing infrastructure, current populations and forecast demographic trends and patterns of visitation (including population thresholds whereby existing infrastructure will be at peak capacity); potential fluctuations in migration; the social and economic needs and aspirations of residents and businesses; environmental capacity; the location of coastal hazards, environmental assets, cultural heritage and landscape values; current maintenance and servicing requirements and the long term costs of maintenance for proposed new facilities.

- Infrastructure investment decisions should prioritise environmental protection, rehabilitation, and sustainable patterns of resource use and management; the promotion of social equity in access to services (with particular emphasis on the needs of low income and socially disadvantaged groups); and preferred economic activities (existing and prospective).

- Infrastructure investment decisions (the type, location, and timing of new infrastructure) must be determined in the context of local or regional planning frameworks, and support desired future settlement patterns and environmental capacity.

- All levels of government involved in infrastructure provision must *collaboratively* plan for the type, location, and timing of new infrastructure, consistent with local or regional planning frameworks, and in consultation with local communities.

- Infrastructure charges and development levies should recognize the real cost of infrastructure provision associated with the development.

- Public-private partnerships in infrastructure funding and provision are desirable where the infrastructure decision remains consistent with broader community aspirations reflected in the local or regional planning framework.

- Community facilities should be designed for flexibility and multi purpose uses.

- Community consultation and research should inform the assessment of infrastructure priorities (the type, location, level, timing, and scale of infrastructure).

In line with these principles, strategies for managing infrastructure provision, and for delivering particular types of infrastructure suitable for coastal and high amenity communities affected by rapid growth include:

- Regional infrastructure planning, to co-ordinate infrastructure provision across all levels of government consistent with regional and local comprehensive planning frameworks. Regional infrastructure plans should incorporate long term funding commitments, provisions for the staging of key infrastructure in relation to population thresholds or environmental indicators, and arrangements for managing capital assets (or funding services) over time. A leading example is the *Regional Infrastructure Plan and Program 2005-2026, South East Queensland.*

- Financial mechanisms such as: "toilet taxes" and other visitor charges - from flat entrance fees to visit key attractions such as beaches, national parks, or historic communities, through to "bed taxes" collected by accommodation providers; negotiated infrastructure agreements between planning authorities and developers; special rates to pay for specific works or services for a particular area; and differential rates applying to some land uses in high amenity areas, such as holiday houses and holiday rental properties.

- Planning for specific types of infrastructure, including: "ecological infrastructure" - infrastructure which contributes positively to the environment, while addressing community needs; "Integrated Water Cycle Management" and "Water Sensitive Urban Design" - holistic approaches to the management of water supply, sewerage and stormwater, resulting in better environmental outcomes and reduced costs of water supply and management; and innovative approaches to transport, including community transport schemes, and information strategies to encourage the use of existing non motorized and shared transport options. Examples include the *Eurobodalla Integrated Water Cycle Management Strategy (2003)* and the *Sunshine Coast Integrated Transport Strategy.*

Meeting the Sea Change Challenge: Tools for Policy Makers and Planners

The final section of the report (**Section 7**) summarises the key strategies and tools to address the governance, environmental, community, economic and infrastructure challenges of sea change in a matrix specifying the main implementation considerations associated with each approach. The section also highlights broader implementation requirements, in particular, the ways in which national and State governments can support local councils in developing appropriate responses to coastal urbanization. These include:

- The development of a collaborative national approach to managing population growth in non metropolitan coastal Australia;
- Enhancing existing sources of funding for local government initiatives, to include a specific coastal focus;
- Coordinating national, State and regional investment decisions (particularly those relating to infrastructure) through collaborative regional planning processes that recognize and support the strategic objectives and directions contained in local planning frameworks;
- Ensuring that State planning and related legislation supports local planning initiatives; and,
- Facilitating local government access to environmental, demographic, and economic data and expertise.
-

Finally, the report concludes that more detailed research within specific communities is now needed to develop new responses to growth in non metropolitan coastal Australia, particularly in terms of promoting community wellbeing – strengthening social cohesion during a process of rapid change; avoiding socio-economic and socio-spatial polarization as the cost of living in coastal communities becomes more expensive; and preserving sense of place. Economic development research targeted to the specific needs of small to medium sized communities situated within highly sensitive environmental contexts is an important priority. There is also a need to better understand and develop appropriate policies for sustainable environmental design (urban design and infrastructure provision) within coastal settings. These research priorities should form part of a long term coordinated action research strategy by coastal sea change councils to develop better approaches to the challenges of growth and change in coastal Australia; to monitor the implementation of new practices; and, where necessary, to document the results of poor planning and inaction by all levels of government.

ITEM NO. 3 **FILE NO: PSC2005-5161**

INDEPENDENT INQUIRY INTO THE FINANCIAL SUSTAINABILITY OF LOCAL GOVERNMENT

AUTHOR: PETER GESLING – GENERAL MANAGER

RECOMMENDATION IS THAT COUNCIL:

1) Supports the submission to the Independent Inquiry.

ORDINARY MEETING – 28 MARCH 2006

RECOMMENDATION:

467	**Councillor Westbury** **Councillor Robinson**	**It was resolved that the recommendation be adopted.**

Tabled Document: Independent Inquiry into the Financial Sustainability of Local Government Report.

BACKGROUND

The purpose of this report is to seek Council's support for Port Stephens Council's submission to the Inquiry.

The Local Government industry in NSW has contributed to the conduct of this Inquiry. The draft report was provided on 3 March 2006 and is available on www.lgi.org.au which Council has previously been advised.

I have extracted the options from the report and a draft submission will be circulated with this business paper for Councillors' consideration.

LINKS TO CORPORATE PLANS

This report links to Council's Charter:

- To exercise community leadership;
- To have regard to the long term and cumulative effects of its decisions and
- To bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible.

FINANCIAL/RESOURCE IMPLICATIONS

Council has contributed towards the cost of holding the Inquiry via a contribution to the NSW Local Government & Shires Association. Financial and resource implications in the immediate term are met from existing budgets and workloads. The future sustainability of

Local Government is important to all communities and any opportunity should be taken to enhance the institution of Local Government.

LEGAL AND POLICY IMPLICATIONS

The State Government has made very clear its intentions to retain rate capping in NSW and, while Council should take every opportunity to seek to have this policy amended, we should not allocate undue resources to matters, which are outside our control.

Australian Business Excellence Framework

This aligns with the following Principles of the ABEF Framework.

1) Clear direction allows organisational alignment and a focus on the achievement of goals.
2) Mutually agreed plans translate organisational direction into actions.
3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action.
4) to improve the outcome, improve the system and its associated processes.
5) The potential of an organisation is realised through its people's enthusiasm, resourcefulness and participation.
6) Continual improvement and innovation depend on continual learning.
7) All people work IN a system, outcomes are improved when people work ON the system.
8) Effective use of facts, data and knowledge leads to improved decisions.
9) All systems and processes exhibit variability, which impacts on predictability and performance.
10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society.
11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders.
12) Senior leadership's constant role-modelling of these principles, and creating a supportive environment in which to live these principles will help the enterprise and its people to reach their full potential.

SUSTAINABILITY IMPLICATIONS

Financial sustainability underpins a community's capacity to meet the social, environmental and cultural aspects of sustainability. Some of the options presented by the draft discussion paper could provide significant limitations in social, environmental and cultural areas should Council support them. For example, if Council supported a minimalist approach to the provision of Local Government services.

Alternatively, an optimalist approach, which is Port Stephens Council's current approach to this issue, should optimise services to the community.

CONSULTATION

Councillors and staff.

OPTIONS

1) Amend the submission.

ATTACHMENTS

Nil.

TABLED DOCUMENTS

1) Submission.
2) Interim Report Findings and Options.

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1 **FILE NO: A2004-0216/PSC2005-3695**

RECLASSIFICATION OF 'DOG ON LEAD' AREA

COUNCILLOR: TUCKER

THAT COUNCIL:
Move to amend the Tilligerry Dog Exercise Area plan "On Lead" access for the portion of Tanilba Bay foreshore reserve from time restricted Dog "On Lead" access to a 24 hour "Dog On Lead" exercise area.

BACKGROUND BRAD SUTTON – RECREATION PLANNER

BACKGROUND

The Tilligerry Dog Exercise Plan has been subject to a number of formal reviews over the past 5 years. One of the most recent reviews included the adoption of the foreshore area along Peace as a time restricted "On – Lead" Dog exercise area between the hours of 3pm and 9am for the area of foreshore including:

- ·1A Peace Parade, Tanilba Bay - Portion of Foreshore Reserve - On lead (between 3pm & 9am)
- ·18a Tanilba Avenue, Tanilba Bay, Portion of Reserve - On lead (between 3pm & 9am)
- ·7b Swan Street, Tanilba Bay, - Portion of Foreshore Reserve - On lead (between 3pm & 9am)

As a result this area of foreshore reserve is now fully serviced by dog refuse bins and provides an increase area for "On –lead" dog exercise purposes.

The rationale behind the time-share "On- lead" between 3pm and 9am was to accommodate wider community concerns raised during the exhibition period to provide dog free foreshore recreation areas. 24 hour Dog "On-Lead" access to the "Off-lead" dog exercise area located at 76 Peace Pde, Tanilba Bay (Portion of foreshore reserve -beach area only facility) is currently accommodated through the adjoining Caswell Reserve 24 hr dog exercise area.

Changing the current time restricted "On lead" dog exercise areas to 24 hour "On lead" access would provide for a controlled increased use of the foreshore area for dog exercise purposes. Any change to the Dog Exercise Area Plan would require new Park Regulation signs to reflect the proposed changes.

ORDINARY MEETING – 28 MARCH 2006

RECOMMENDATION:

468	**Councillor Tucker** **Councillor Baumann**	**There being no objections it was resolved that the recommendation be adopted.**

NOTICE OF MOTION

ITEM NO. 2 **FILE NO: A2004-0216/PSC2006-0210**

LEMON TREE PASSAGE DEVEOPMENT CONTROL PLAN

COUNCILLOR: STEVE TUCKER

THAT COUNCIL:

Place a Development Control Plan for the Lemon Tree Passage Town Centre on the Community Planning Works Program and allocate $12,500 from Central Ward minor works funds toward the project.

BACKGROUND PAUL MAHER– STRATEGIC PLANNER

BACKGROUND

Port Stephens Urban Settlement Strategy 2002 identifies the Tilligerry Peninsula as showing modest residential growth, however it states that there is potential to develop new neighbourhoods and to strengthen existing town centres on the Tilligerry Peninsula. Lemon Tree Passage (2001 Census) accounted for 96% of population growth on the Tilligerry Peninsula between the 1996 and 2001 *Census*.

More recently, development applications on the waterfront and commercial centre of Lemon Tree Passage have given rise for the need for better development controls to preserve and enhance the existing character. The underlying objectives of developing a DCP are to:

- supplement the objectives in Port Stephens Council LEP 2000
- guide built form in the 3(a) Business General zone in LTP in order to;
    - Promote economic development and maintain foreshore amenity and view sharing
    - Provide built form design solutions that address the waterfront and the main street
    - Provide commercial building types specifically suited to the characteristics of LTP and coastal villages in NSW
    - To retain and where possible re-instate sympathetic public access to the waterfront and foreshore and associated public facilities
    - Create a safe, dynamic town centre with opportunities for passive surveillance and community activities

The DCP shall provide detail to inform built form in the study area through investigation of the following aspects;

- Coastal village commercial built form
- Commercial façade design for single and 2-3 storey building types
- Floor heights and number of floors within the permitted height limit
- Top floor balcony guidelines to control privacy, overlooking and facilitate view sharing
- Vehicular and pedestrian access to the precinct and individual properties
- Rear loading of vehicles to shops and offices
- Street parking format & traffic calming elements
- Formalise and connect pedestrian access based on the informal pedestrian trail from Johnson Parade and residential areas to the south of the town centre.

ORDINARY MEETING – 28 MARCH 2006

RECOMMENDATION:

469	**Councillor Tucker** **Councillor Swan**	**There being no objections it was resolved that the recommendation be adopted.**

NOTICE OF MOTION

ITEM NO. 3 **FILE NO: A2004-0217/PSC2005-3698**

SIGNAGE FOR SWIMMING BEACHES

COUNCILLOR: NELL

THAT COUNCIL:

Prepare a report on having some beaches or sections of beaches designated as "Swimming Beaches".

BACKGROUND JASON LINNANE – ACTING SPORT AND RECREATION MANAGER

BACKGROUND

Formal designation of "swimming only" beaches is an issue that should be planned in conjunction with Maritime Services.

Staff will undertake such consultation with Maritime Services to ascertain latest participation trends and any regulatory issues.

Further to this, the Marine Park proposal will require consideration and as such discussions will need to be held with the Marine Park Authority.

ORDINARY MEETING – 28 MARCH 2006

RECOMMENDATION:

470	**Councillor Nell** **Councillor Baumann**	**There being no objections it was resolved that the recommendation be adopted.**

NOTICE OF MOTION

ITEM NO. 4 **FILE NO: A2004-0217**

CANCER COUNCIL

COUNCILLOR: HODGES, JORDAN

THAT COUNCIL:

Acknowledges the high level of physical and emotional suffering and financial burden caused by cancer in our community. By creating a community partnership with the Cancer Council, we undertake to work together to reduce the impact of this disease in our community by:

- Learning about and adopting new policies that will help reduce the incidence of cancer in our area
- Supporting the Cancer Council advocacy campaigns that will benefit the people of our community
- Using our communication channels, venues and networks to help deliver Cancer Council information and education
- Allowing free use of Council venues for support group meetings, education programs and other activities that benefit cancer patients and their families in our area
- Supporting Cancer Council efforts in our area to raise money for cancer research, prevention and support

Further, Port Stephens Council nominates <Senior Staff Member 1> and <Senior Staff Member 2> as the dedicated Relationship Managers for this community partnership.

BACKGROUND PETER GESLING – GENERAL MANAGER

BACKGROUND

1) This proposal was launched by Cr Phylis Miller, Chair of the NSW Cancer Council and former President of the NSW Shires Association. It was launched at the 2005 LGSA Christmas function in Sydney.

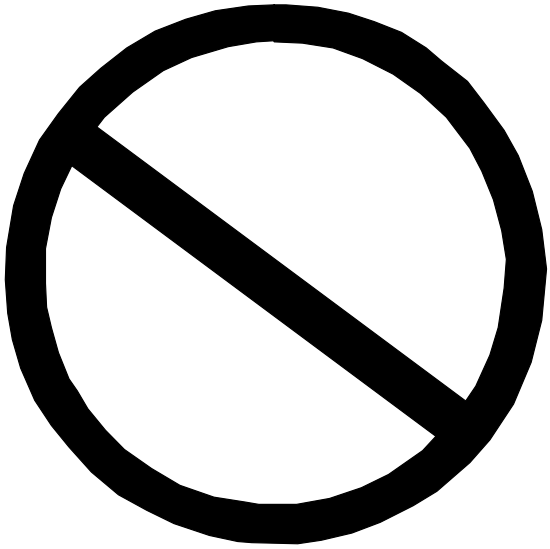
2) Concerns are raised at the cost of providing free access to Council facilities and the setting of a precedent for any other like association.

ORDINARY MEETING – 28 MARCH 2006

RECOMMENDATION:

471	**Councillor Hodges** **Councillor Jordan**	**There being no objections it was resolved that the recommendation be adopted.**

CONFIDENTIAL ITEMS



472	**Councillor Nell** **Councillor Dingle**	**It was resolved that the meeting move into confidential session.**

I certify that pages 1-207 of the Ordinary Minutes of Council dated 28th March 2006 were confirmed by Council at its meeting held on Tuesday 18th April 2006.

Cr Craig Baumann
MAYOR