

Minutes 27 June 2006



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 27 June 2006, commencing at 5.34pm.

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; Sustainable Planning Group Manager; Business and Support Group Manager.

556	Councillor Jordan Councillor Dingle	Resolved that the minutes of the Ordinary meeting of Port Stephens Council held on 23 rd May & 13 th June be confirmed.
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MAYORAL MINUTES

MAYORAL MINUTE

ITEM NO. 1

FILE NO: A2004-0216

SISTER CITY RELATIONSHIP WITH TATEYAMA

THAT COUNCIL:

In recognition of the long and meaningful relationship between the citizens of Port Stephens and Tateyama, Japan that Council enter into a formal Sister City agreement.

Invite the former Mayors, Deputy Mayors, any interested Councillors and the Executive of the Port Stephens Sister Cities Committee, at their own cost, to attend the signing in Japan on behalf of the Port Stephens community.

BACKGROUND

Port Stephens Sister Cities Committee has enjoyed a steady and meaningful exchange with the citizens of Tateyama over the years. The Mayor of Tateyama, Minoru Tsujita has written to Council requesting this relationship be formalised.

It would be a fitting exchange in 2006 as this is the “Australia-Japan Year of Exchange”. The Year of Exchange commemorates the 30th anniversary of the signing of the 1976 Basic Treaty of Friendship and Cooperation between Australia and Japan, also known as the NARA Treaty (Nippon-Australia Relations Agreement). The initiative was agreed by Prime Ministers Howard and Koizumi during Mr Howard’s visit to Tokyo in July 2003.

Sister City agreements deepen the bonds between international cities and further generate future cultural exchanges.

557	Councillor Baumann Councillor Westbury	There being no objections it was resolved that the Mayoral Minute be adopted.
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A division was called for:

Those in favour: Crs Brown, Francis, Jordan, Hodges; Baumann; Dingle; Swan; Tucker; Nell; Dover; Robinson & Westbury

The vote was unanimous



PORT STEPHENS COUNCIL	
28 APR 2006	
File No.	42004-0259
Action by	J. C. ...
App No	

Councillor Craig Baumann
Mayor of Port Stephens
116 Adelaide Street (old Pacific Highway)
PO BOX 42
DX 21406
Raymond Terrace NSW 2324
Australia



Dear Mayor Baumann,

I would like to offer my gratitude for sending the group of 10 visitors, including Ted Tindall as leader to Tateyama.

I am very grateful that we have been able to continue to have a steady meaningful exchange at the citizen level, through taking turns in visiting each other.

I sincerely hope that we can continue this kind of exchange in the future as well.

Now, in regards to the proposal over the past by Port Stephens concerning the "Friendship City" naming, due to the steady exchange accumulated step by step over the past, and to the deep ties made with Tateyama citizens, Tateyama City feels that we have no obstacles in the path towards forming a Sister City relationship.

If we have an opportunity to meet in the future, I would like to sign the necessary documents for becoming a Sister City.

1145-1 Hojo, Tateyama City, Chiba Prefecture, 294-8601, JAPAN Phone: 0470-22-3147 Fax: 0470-23-3115
<http://www.city.tateyama.chiba.jp/>



TATEYAMA
CITY HALL

This year is the "Australia-Japan Year of Exchange", which is something that I think deserves commemoration. It is a time to deepen our understanding of each other, and a year to further generate more bonds between us. I believe that we should use this opportunity to further increase the exchange relationship that we have between us.

I sincerely hope for the continued development of Port Stephens, as well as for the happiness of all Port Stephens citizens.

Yours Sincerely,

辻田 美

Minoru Tsujita, Mayor
City of Tateyama

April 24th, 2006

MOTIONS TO CLOSE

ITEM NO. 1

FILE NO:1740-101

MOTION TO CLOSE MEETING TO THE PUBLIC

AUTHOR: 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 ***Tilligerry Aquatic Centre Contract Management T15-2006***
- 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 Tilligerry Aquatic Centre Contract Management T15-2006
- 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 179) of the Local Government (General) Regulation 2005.

558	Councillor Francis Councillor Robinson	It was resolved that the recommendation be adopted.
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**OPERATIONS
COMMITTEE
RECOMMENDATIONS**

ITEM NO. 1

FILE NO: 16-2006-246

**DEVELOPMENT APPLICATION FOR HOME EMPLOYMENT AT NO.
774 MARSH ROAD BOBS FARM**

AUTHOR: (PLANNING CONSULTANT)

RECOMMENDATION IS THAT COUNCIL:

Refuse Development Application 16-2006-246-1 for the following reasons:

1. The development is inconsistent with the objectives of the1 (a) Rural Agriculture Zone pursuant to Port Stephens Local Environmental Plan 2000.
 2. The development is inconsistent with the requirements of Development Control Plan PS No 5 “Home Employment Guideline.
 3. The development is considered out of character with the immediate locality and will detract from the rural setting and residential amenity.
 4. The development poses an unacceptable acoustic impact because of the activities associated with the Engineering Contracting business and proposed operating hours of the Earth Moving Business.
 5. The development poses an unacceptable social impact on properties in the locality.
 6. The development is contrary to the public interests and expectations, of an orderly and predictable environment.
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OPERATIONS COMMITTEE MEETING – 15 June 2006

RECOMMENDATION: That this matter be deferred for a site inspection.

ORDINARY MEETING OF COUNCIL – 27 JUNE 2006

RESOLUTION:

559	Councillor Nell Councillor Francis	It was resolved that Council refuse DA 16-2006-246-1 for the following reasons: 1) <ol style="list-style-type: none">1. The development is inconsistent with the objectives of the1 (a) Rural Agriculture Zone pursuant to Port Stephens Local Environmental Plan 2000.2. The development is inconsistent with the requirements of Development Control Plan PS No 5 “Home Employment Guidelines.
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		<p>3. The development is considered out of character with the immediate locality and will detract from the rural setting and residential amenity.</p> <p>4. The development poses an unacceptable acoustic impact because of the activities associated with the Engineering Contracting business and proposed operating hours of the Earth Moving Business.</p> <p>5. The development poses an unacceptable social impact on properties in the locality.</p> <p>6. The development is contrary to the public interests and expectations, of an orderly and predictable environment.</p> <p>2) Council seek legal advice regarding; a) the appropriate next steps for Council to take on this matter; and b) the potential to fulfil the intent of Council to give Hay Enterprises reasonable time to relocate</p> <p>3) Council ensures that it has a sufficient block of suitably zoned land for the operation of depot and earthmoving enterprises.</p>
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560	Councillor Hodges Councillor Jordan	It was resolved that a division be called for
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Those in favour of the motion: Crs Brown, Francis, Dingle, Nell, Westbury, Baumann

Those against the motion: Crs Jordan, Hodges, Tucker, Swan, Robinson, Dover

The Mayor, Cr Baumann used his casting vote.

BACKGROUND

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

The applicant is seeking development consent for home employment from the property known as 774 Marsh Road Bobs Farm. The Home Employment operation includes Engineering Contracting and Earth Moving Contracting businesses.

The key issues associated with this proposal are as follows:

- Compliance with the relevant planning considerations, in particular the requirements of Local Environmental Plan (LEP) 2000, and *Development Control Plan PS 5 Home Employment Guidelines*;

- Submissions objecting to the proposal;
- Residential amenity taking into consideration noise, dust and traffic movements;
- Land use conflicts between rural and industrial use;
- Land suitability and land use conflicts.

Assessment of these key issues is discussed within this report.

Council investigations have revealed the property owner has been operating a large-scale depot on the site for a number of years without development consent. During recent years Council has continued to receive complaints about the use of the subject land from surrounding neighbours. These complaints have covered a range of issues including noise, dust, odour, and traffic impacts. The Department of Education has also expressed strong concerns about the proposed development and the on-going impact the proposal will have on Bobs Farm Public School.

The proposal is recommended for refusal because the proposal is contrary to long established planning principles and sound planning practise. The proposal introduces potential land use conflict between the industrial nature of the proposed development and the school and surrounding residential dwellings. The development is contrary to the public interest and expectation of an orderly and predicable environment. As such, the proposed development is considered incompatible with the surrounding land use and should not be supported.

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

If approved the proposal is likely to generate continued complaints to Council from surrounding neighbours. These complaints are likely to generate significant demand on Council's limited development compliance resources.

LEGAL AND POLICY IMPLICATIONS

The development application is inconsistent with Council's Policy.

Australian Business Excellence Framework

This aligns with Principles 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 all stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

There are a number of significant issues associated with this proposal that will have a detrimental impact on the surrounding residents.

The proposal will have a detrimental impact on the learning environment of the students of Bobs Farm Public School because of cumulative impacts associated with this type of development. The impacts include: -

- Traffic movements in and out of the site;
- Noise associated with the use of heavy equipment;
- Dust
- Odour

ECONOMIC IMPLICATIONS

The proposal if approved under the auspices of Home Employment will generate employment for approximately 22 employees.

ENVIRONMENTAL IMPLICATIONS

The applicant has provided insufficient information to enable Council to adequately assess the potential environmental implications of this proposal. There is suitably zoned industrial land at Medowie and Taylors Beach to accommodate this type of industry.

CULTURAL IMPLICATIONS

There are no implications for European or Aboriginal heritage.

CONSULTATION

The application was exhibited in accordance with Council policy and five (5) submissions were received objecting to the proposal. 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

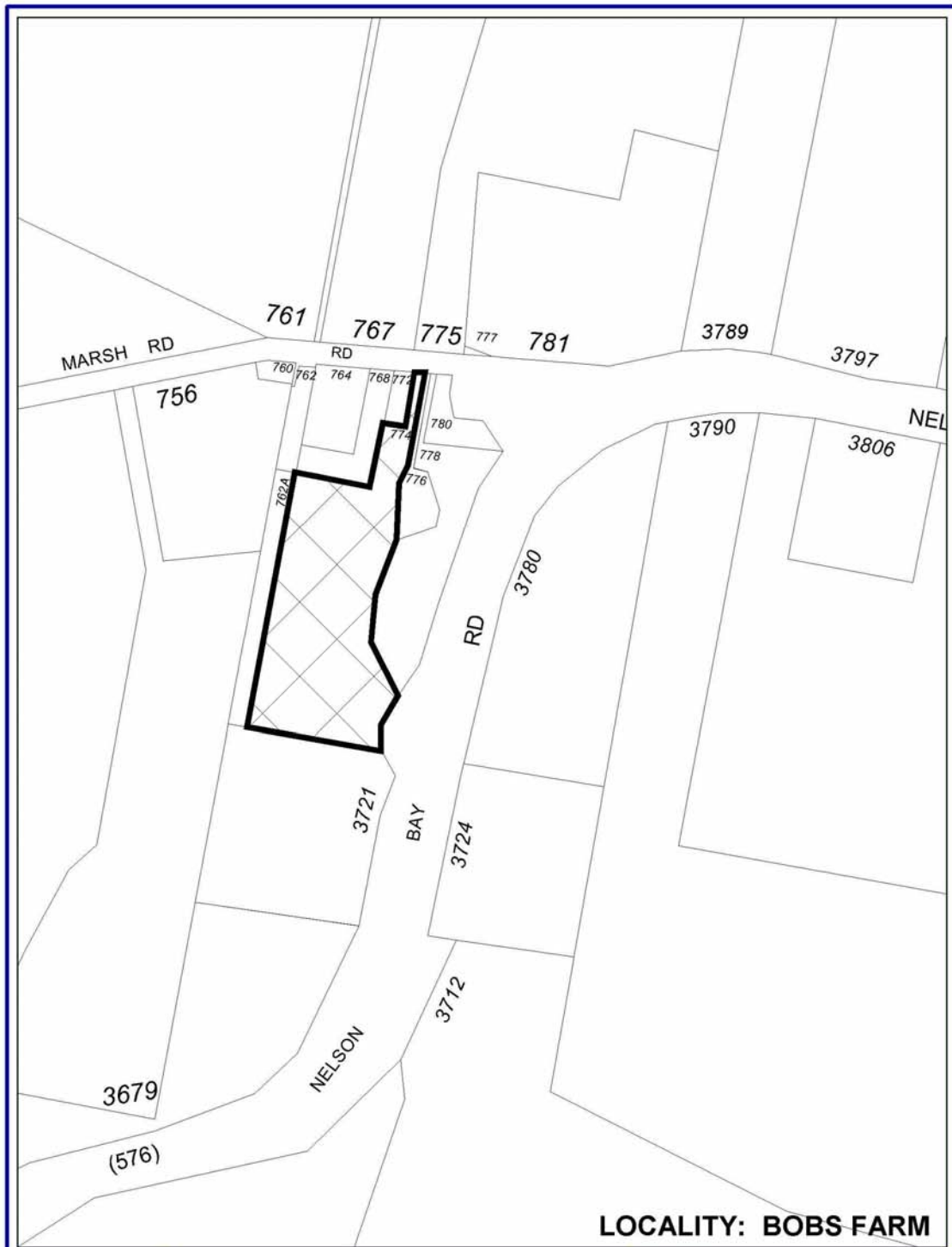
COUNCILLORS ROOM

Statement of Environmental Effects
Submissions

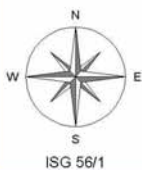
TABLED DOCUMENTS

Nil

ATTACHMENT 1
LOCALITY PLAN



LOCALITY: BOBS FARM



Port Stephens
C.O.U.N.C.I.L.
... a community partnership



SUBJECT AREA

DISCLAIMER

Port Stephens Council accepts no responsibility for any errors, omissions or inaccuracies whatsoever contained within or arising from this map. Verification of the information shown should be obtained by the relevant officers at council.

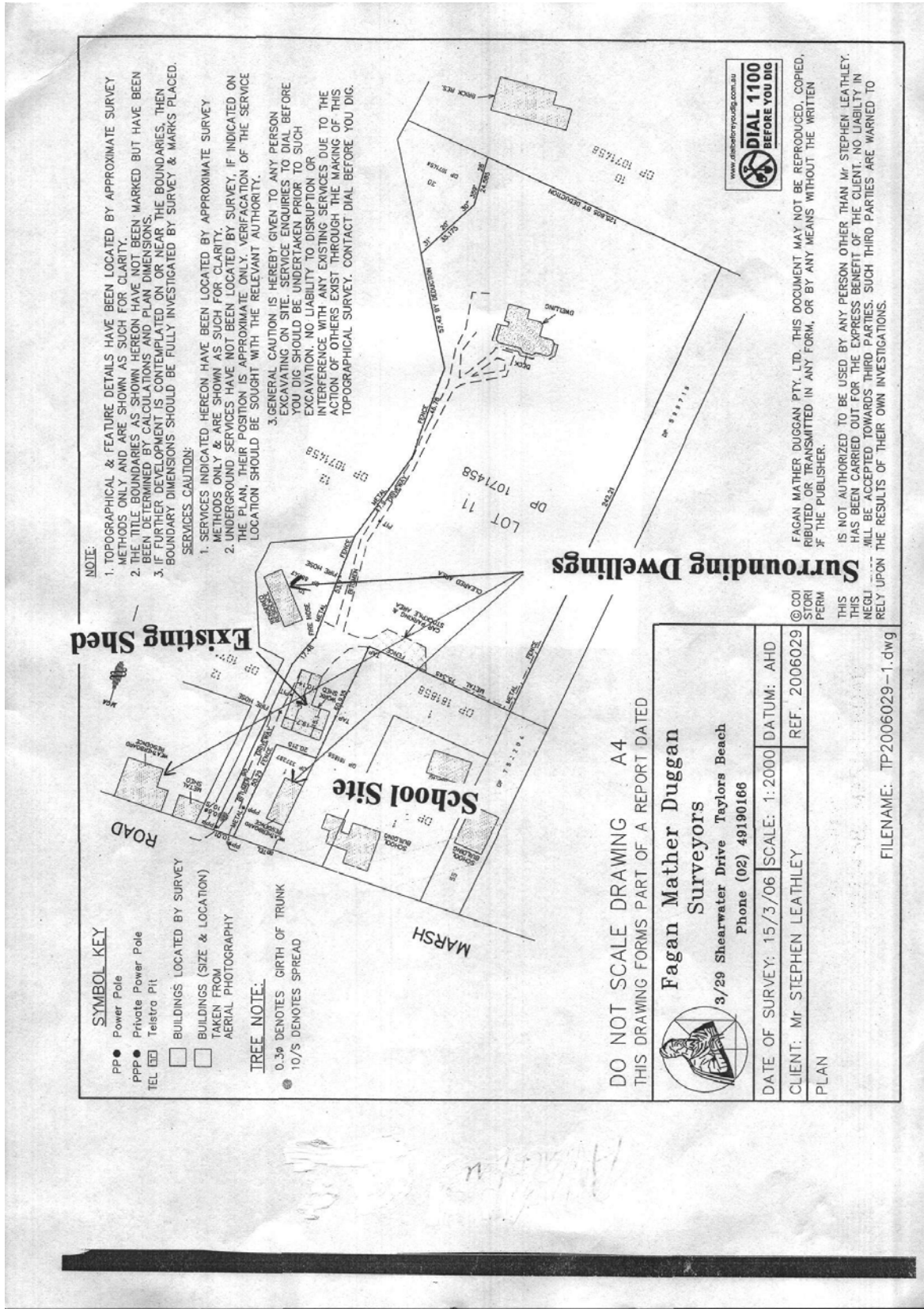
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NOT TO SCALE

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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 proposal is seeking development consent for Home Employment. The Home Employment consists of the operation of two businesses, namely Engineering Contracting and Earth Moving Contracting. The development includes the following components:

- The “Engineering Contracting” component of the Home Employment comprises an Earth Moving Business and a Metal Fabrication and Welding Business.
- The Metal Fabrication and Welding business component is to be undertaken in the existing rural shed.
- The “Earth Moving” component of the Home Employment seeks to utilise the site for the storage of vehicles, plant and machinery in an open, unsealed area, the workshop for the maintenance and repairs, and an area for the temporary stockpiling of material.

THE APPLICATION

Owner	Mr & Mrs Hay
Applicant	Insite Planning and Engineering Services
Detail Submitted	Statement of Environmental Effects

THE LAND

Property Description	Lot 11, DP 1071458
Address	774 Marsh Road
Area	2.892 Hectares
Characteristics	The subject allotment is irregular in shape and is located on the southern side of Marsh Road, Bobs Farm. The allotment can be described as a battle-axe allotment.

THE ASSESSMENT

1. Planning Provisions

LEP 2000 – Zoning	1 (a) Rural Agriculture Clause 11
Development Control Plan	DCP No 5 Home Employment Guidelines
State Environmental Planning Policies	Nil

ATTRIBUTE	PROPOSED	MAXIMUM PERMISSIBLE	COMPLIES
No of Employees	22	2	No
No of Prime Movers/Heavy equipment	Details not provided	2	Unknown
Total Floor Area	>500m ²	50m ²	No (See Note)
Hours of Operation	7.00am-5.00pm. Mon-Friday 8.00am-5.00pm Saturday	8.00am- 5.00pm Mon-Fri 9.00am-5.00pm Saturday	No

Note: The applicant has nominated that only 50m² of the existing shed will be utilised for the proposed Engineering Contracting Business. This would be extremely hard to regulate if this application was approved.

Discussion

The land is zoned for agricultural use under the provisions of the LEP 2000. Although the applicant has applied for home employment, the proposed use would be more suitable in an industrial setting. The site has not been zoned for industrial use and the site is not suitable for this purpose.

The Port Stephens Local Environmental Plan (LEP) 2000 applies to the subject land. The land is zoned Rural 1(a) Agriculture under the provisions of the LEP 2000. Under the previous planning instrument LEP 1987 and initially LEP 2000, a land use activity defined as a “depot” was a permitted land use within the Rural 1(a) Agriculture zone.

However, Council resolved to amend LEP 2000 (Amendment No.9) in March 2003, to remove a number of inappropriate land uses permissible within the rural agriculture zone, which included prohibiting a “depot” within the Rural 1(a) Agriculture Zone. This amendment was gazetted on the 5th September 2003 prohibiting “depots” within the Rural 1(a) Agriculture Zone pursuant to Local Environmental Plan 2000.

The proposal has generated a number of submission letters arguing that the development would be more suited to one of the industrial zones. The site plan in Attachment No 2 clearly identifies the surrounding residential dwellings and the adjoining school. The proposed development is likely to have a significant impact on the existing amenity of those residences and the adjoining site known as Bobs Farm Public School.

The proposal is recommended for refusal as the proposal is considered contrary to long established planning principles and sound planning practise. The proposal introduces potential land use conflict between the industrial nature of the proposed development and the interest of the school and surrounding residential dwellings. The development is contrary to the public interest and expectation of an orderly and predictable environment. As such, the proposed development is considered incompatible with the surrounding land use and should not be supported.

2. Likely Impact of the Development

Given the number of complaints Council has received over the last couple of years it is highly likely the proposal would generate a number of significant impacts for surrounding residents if the proposal was approved.

The proposal is likely to generate a number of adverse impacts on surrounding residents and adjoining land. These issues include:

- Traffic movements;
- Noise;
- Dust;
- Odour.

2.1 Development Control Plan PS 5 Home Employment Guidelines

The development application for home employment has been assessed under the provisions of Development Control Plan (DCP) PS 5 Home Employment Guidelines.

The DCP stipulates a number of guidelines and objectives for Council to consider when assessing these types of development. The DCP clearly states *“in determining a development application for home employment, Council will give consideration to the type of business activity proposed, the hours of operation of the activity, the impact of the activity on adjoining neighbours, and the location of the activity on the property. The intention is to permit small scale home employment activities in rural and residential areas where they are compatible with the surrounding landuse and will not interfere with, or reduce the amenity of, adjoining neighbours”*.

The Statement of Environmental Effects (refer to p4) states *“the Earth Moving component of the home employment seeks to utilise the site for the storage of vehicles, plant and machinery in an open, unsealed area, the workshop for the maintenance and repair, and an area for temporary stockpiling of materials”*.

During the last 12 months, Council has received a number of complaints, regarding the above property. In the process of dealing with those complaints Council has carried out a number of site inspections. During these site inspections a large-scale industrial use was observed to be operating on site. Furthermore the proposed development is considered outside the provisions of Development Control Plan (DCP) PS No 5 Home Employment Guidelines. The DCP clearly states that the establishment of any business or industry from home should not be used as a substitute for the operation of that business from an industrial premise where it may be more appropriate. Therefore, the development activities described within the Statement of Environmental Effects would be more suited to an industrial estate.

The main objectives of the DCP is to encourage the establishment of small business of a minor scale, where it can be demonstrated it may operate without the intrusion on the amenity of the neighbourhood. The proposed development is effectively a large-scale industrial use that employs approximately 22 employees, akin to a *‘depot’* as defined under Local Environmental Plan 2000. The proposal also includes a number of activities including ballustrading and general metal work. The noise and other activities associated with the proposed development will have a significant impact on the adjoining residents and school.

3. Suitability of the Site

The land is zoned for agricultural use under the provisions of the LEP 2000. Although the applicant has applied for home employment, the use would be best described as a depot or industrial use under the provisions of the LEP 2000. The site has not been zoned for this type of activity and the site is not suitable for this purpose.

The surrounding land comprises of a number of rural residential dwellings, Bobs Farm Public School and an existing Go-Kart track to the east of the site. The impacts associated with the proposed development are further compounded by the existing lot layout and the location of surrounding dwellings and school. The applicant has indicated that the existing shed, approved as a rural shed, will be used for the Metal Fabrication and Welding Business. The existing shed is in close proximity to surrounding dwellings and school and has generated a number of complaints during the last 12-18 months. These complaints have consisted of a range of issues including excess noise, vibration, dust and odour. These complaints have also raised concerns in regards to the hours of operations.

The adjoining property to the north is Bobs Farm Public School. The Department of Education has raised a number of objections to the proposed home employment application. During the last couple of years Council has received a number of complaints from the School and the Department of Education expressing concerns about the depot operation being undertaken from the site which is within a rural zone. The site is not located in an area, which is suitable for industrial use. The proposal is likely to have a significant impact on the school and the students learning environment because of noise, dust, odour and other activities, which are associated with this form of industrial landuse.

4. Submissions

The application was notified and Council received five (5) submissions objecting to the development proposal. These objections raised concerns about a number of issues including:

- Noise and dust pollution from industrial equipment. This is not conducive to providing a quality learning environment;
- Dust;
- Traffic movements;
- Odour;
- Non-compliance with Council's Development Control Plan PS No 5 - Home Employment Guidelines;
- Vibration caused by heavy equipment;
- Student's safety.

5. Public Interest

Given the nature and extent of the proposed development in this location and on going complaints from surrounding properties, the proposal is not considered in the public interest.

ITEM NO. 2

FILE NO: 16-2005-1043-1

**DEVELOPMENT APPLICATION FOR BOATSHED AT NO. 11
CASWELL CRESCENT TANILBA BAY**

AUTHOR: SENIOR DEVELOPMENT PLANNER

RECOMMENDATION IS THAT COUNCIL:

Refuse Development Application 16-2005-1043-1 for the following reasons;

- 1) The development is inconsistent with the provisions and 2(a) Zone objectives of Port Stephens Local Environmental Plan 2000.
 - 2) The development is inconsistent with clause 44 of Port Stephens Local Environmental Plan 2000. The development is likely to have a significant impact on the visual and scenic amenity of the locality and views from the waterway.
 - 3) The development is out of character with the immediate locality and will detract from the residential and visual amenity.
 - 4) The development is contrary to the public interest and expectations, of an orderly and predictable built environment.
-

OPERATIONS COMMITTEE MEETING – 15 June 2006

RECOMMENDATION: That Council approve the DA 16-2005-1043-1 subject to appropriate conditions under the delegations of the General Manager.

ORDINARY MEETING OF COUNCIL – 27 JUNE 2006

RESOLUTION:

561	Councillor Dover Councillor Tucker	It was resolved that the Operations Committee recommendation be adopted subject to the conditions contained in the supplementary information report; 1. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application. 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
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		<p>noted in red by Council on the approved plans.</p> <p>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.</p> <p>4. The development application has not been assessed against the provisions of the Building Code of Australia. A Section 96 application under the Environmental Planning & Assessment Act 1979 will be required if design amendments are necessary to comply with the provisions of the Building Code of Australia.</p> <p>5. 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. Details of erosion and sediment control are to be submitted to Council prior to issue of Construction Certificate.</p> <p>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.</p> <p>6. 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.</p> <p>7. 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.</p> <p>8. Dust control measures (eg, fine water spraying) shall be employed during demolition, excavation and construction works to prevent the emission of dust and other impurities into the surrounding environment. Dust control measures shall be approved by the Principal Certifying Authority prior to the commencement of work.</p> <p>9. A foreshore erosion study prepared by a suitably qualified and experienced person shall</p>
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		<p>be submitted to and approved by Council prior to the issue of the Construction Certificate. The foreshore study shall make recommendations about the most appropriate course of action to protect the subject land from erosion in accordance with the NSW Coastal Policy, which embodies the principles of ecological sustainable development.</p> <p>Please Note: A Section 96 application may be required to obtain approval for the recommended erosion control measures.</p> <p>10. 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.</p> <p>11. A colour scheme providing full details of the colours and character of all external building materials and finishes to be used shall be approved by Council prior to the issue of the Construction Certificate.</p> <p>12. All erosion and sediment control measures/works and other pollution control and rehabilitation measures undertaken on the site shall conform to the specifications and standards contained in the current version of;</p> <ul style="list-style-type: none"> ▪ Erosion and Sediment Control Regional Policy and Code of Practice ▪ Managing Urban Stormwater – Soils and Construction produced by Landcom 2004, <p>An erosion and sediment control plan shall be submitted for approval with the engineering plans prior to issue of Construction Certificate.</p> <p>13. A replacement planting, <i>Cupaniopsis anacardioides</i> (Tuckeroo) shall be planted with a pot size of 1400 litres, to replace the canopy currently provided by the Fig Trees. The replacement planting shall be planted in the rear of the property between the dwelling and cliff line and is to be maintained through to maturity through the use of mulch and watering to achieve its natural height. Details are to be provided to Council prior to issue of Construction Certificate outlining the proposed location of the replacement planting.</p> <p>14. Access to the rear of the site for excavation</p>
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		<p>and construction via the adjacent property is not permitted.</p> <p>15. All stormwater drainage to be connected to existing drainage system.</p> <p>16. All building work must be carried out in accordance with the provisions of the <i>Building Code of Australia</i>.</p> <p>17. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:-</p> <ul style="list-style-type: none"> * Monday to Friday, 7am to 6pm; * Saturday, 8am to 1pm; * No construction work to take place on Sunday or Public Holidays. <p>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.</p> <p>18. It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works.</p> <p>19. 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.</p> <p>a) For development incorporating pile-driving activities for a period of 5 days or more, be that consecutive or combined total:</p> <ul style="list-style-type: none"> i) An appropriately qualified Acoustic Engineer shall prepare a 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 excess of 5 days as noted above the applicant/beneficiary of the consent shall engage an Acoustic Engineer to undertake monitoring of the pile driving to verify the
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		<p>identified performance standards noted are not exceeded. Details to be forwarded to Principle Certifying Authority.</p> <p>20. Pile driving shall only be carried out between the hours of 8.00am - 3.30pm Monday to Friday excluding public holidays.</p> <p>21. Development incorporating pile-driving activities for a period of less than five (5) days be that consecutive and a total combined throughout the construction process, shall comply with the provision of British Standard 6472- 1996.</p> <p>22. The applicant or the person who is the beneficiary of the development consent incorporating pile-driving activities shall, prior to commencement of work prepare and submit for approval of a Construction Management Plan incorporating notification provisions for the pile-driving activities with practical measures taken to notify all adjoining property occupants of the commencement date and period of pile-driving works.</p> <p>The notification shall be forwarded a minimum of 2 days prior to the commencement of works.</p> <p>23. Separate approval is required to occupy, close or partially close the road reserve adjacent to the property under the Roads Act. The storage of materials, placement of toilets and rubbish skips within the road reserve is not permitted.</p> <p>24. 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.</p> <p>25. 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.</p>
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Amendment:

	<p>Councillor Francis Councillor Brown</p>	<p>That Council defer the matter for site inspection with advice on the stability of the site and the stability of the Port Jackson Figs.</p>
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The amendment, on being put, was lost.

Note: Cr Hodges left the meeting at 6.25pm during Item 2 and returned at 6.35pm during Item 2.

Note: Cr Swan left the meeting at 6.25pm during Item 2 and returned at 6.35pm during Item 2.

BACKGROUND

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

The development application seeks approval for a boatshed and ramped walkway on the rear of the property fronting the Port Stephens waterway. The siting of the development will require the removal of two Port Jackson figs and significant earthworks to the shoreline cliff.

The following key issues are associated with this development;

- Visual amenity associated with the proposed boat shed and access ramp when viewed from the Port Stephens waterway.
- The visual impact of removing the coastal vegetation buffer and excavation of the foreshore cliff line,
- Site suitability, and
- Variation of the 20m foreshore building line.

It is considered that the removal, modification or destruction of the cliff line and fig trees will result in an adverse environmental and visual amenity impacts on the subject site and surrounding locality, particularly when viewed from the waterway. The proposal is therefore recommended for refusal.

A full assessment of the above issues is provided in the attachments.

In September 2000, a Development Application 16-2000-1427-1 was lodged proposing a single dwelling, bed and breakfast and boatshed. At the time of this application a large number of submissions were received relating to the proposal and the application was called before Council for determination. In February of 2001 Council determined the application by way of approval subject to the deletion of the boatshed from the proposal.

In March 2001 a subsequent Section 96 amendment was lodged with Council to allow a 1.5m access ramp to be built. This was presented to Council for determination in August 2001 and was refused for the following reasons.

1. The modified location is unsuitable to accommodate the proposed development given its proximity to the boundary and possible impacts on the adjoining property.

A full chronology of the original application has been included within Attachment 4 of this report.

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 all stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The site is a fully serviced 2(a) residential allotment with frontage to the Port Stephens waterway. It is considered that the removal of the vegetation screen from the foreshore will result in a negative social impact in terms of visual and scenic amenity.

ECONOMIC IMPLICATIONS

It is considered that the development will not have any adverse economic implications.

ENVIRONMENTAL IMPLICATIONS

The development will require the removal of two (2) Port Jackson figs and the excavation of a large portion of coastal foreshore cliff in order to site the proposal. Associated with the excavation is the potential for erosion during and after the construction period.

Both the figs and the cliff are considered to be of significance to the local visual amenity, particularly when viewed from the waterways. The fig trees make a significant contribution to the foreshore vegetation, providing a natural visual buffer to the buildings situated along Caswell Crescent. The roots of the fig tree also contribute to the stability of the cliff line with the root system retaining rocks and soil. Removal of the fig trees will contribute to the destabilisation of the cliff line area.

The foreshore cliff has been weathered by years of exposure to the natural elements contributing to the local visual and scenic amenity of the foreshore when viewed from the Port Stephens waterway.

It is considered that the removal, modification or destruction of the cliff line and fig trees will result in an adverse environmental and visual amenity impacts on the subject site and

surrounding locality, particularly when viewed from the waterway. The proposal is therefore recommended for refusal.

CONSULTATION

The application was exhibited in accordance with Council policy and eleven submissions were received. Three of these submissions were in support of the proposal, eight in opposition. The submissions are discussed in Attachment 3.

OPTIONS

- 1) Adopt the recommendation.
- 2) Reject or amend the Recommendation.

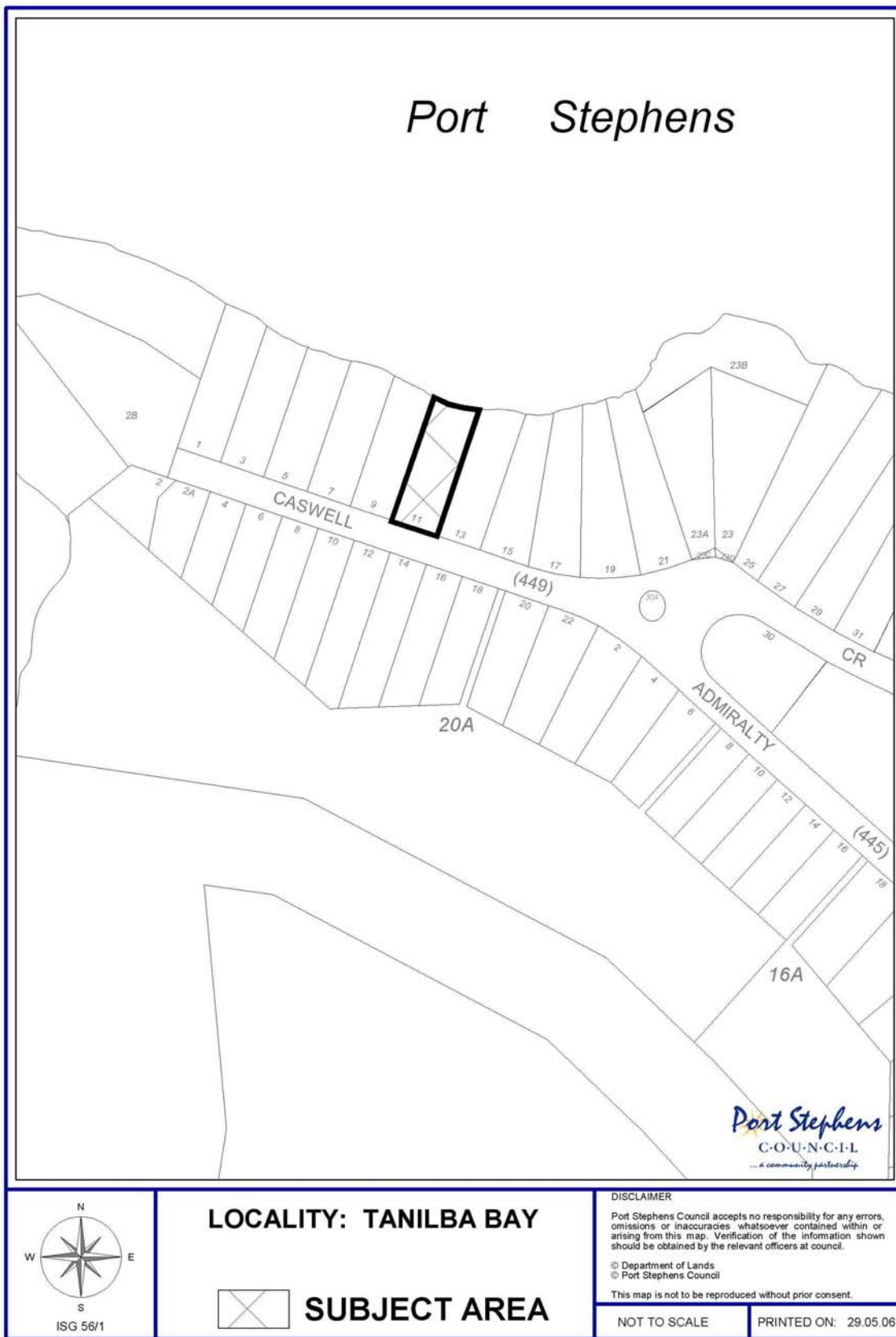
ATTACHMENTS

- 1) Locality Plan
- 2) Site Plan
- 3) Assessment
- 4) Reasons for Refusal.

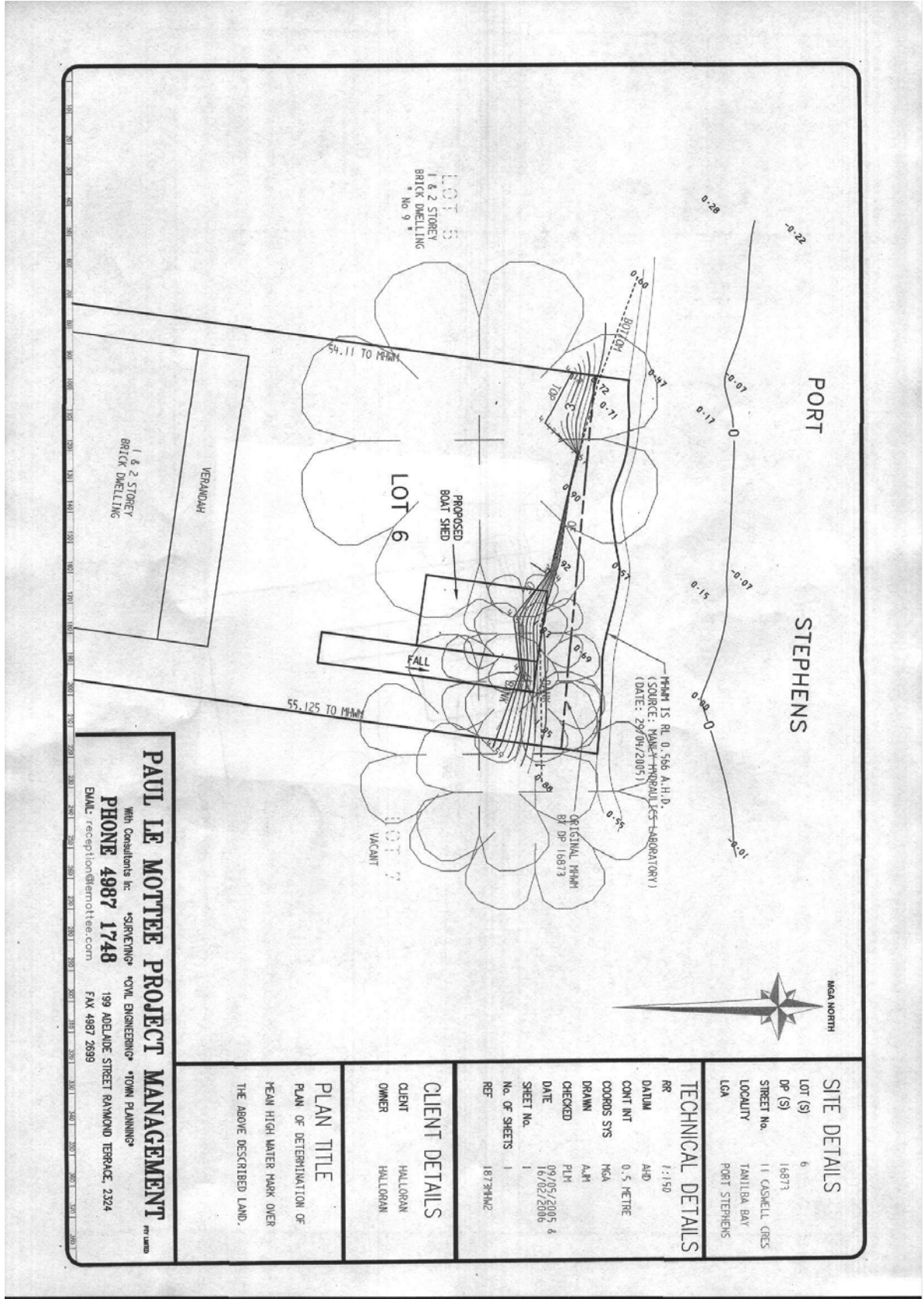
COUNCILLORS ROOM

- 1) Development Plans
- 2) Statement of Environmental Effects
- 3) Submissions

ATTACHMENT 1
LOCALITY PLAN



ATTACHMENT 2
SITE PLAN



PAUL LE MOTTEE PROJECT MANAGEMENT
 With Consultants in: SURVEYING CIVIL ENGINEERING TOWN PLANNING
 PHONE 4987 1748 199 ADELAIDE STREET RAMONDO TERRACE 2324
 EMAIL: reception@lemottee.com FAX 4987 2699

**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 boatshed that will be cut into a foreshore cliff. The proposal will require the removal of fig trees currently providing a visual buffer between the waterway of Port Stephens and the buildings addressing Caswell Crescent.

THE APPLICATION

Owner	Mr S F & Mrs J N Halloran
Applicant	Mr S F Halloran
Detail Submitted	Statement of Environmental Effects Development Plans

THE LAND

Property Description	Lot 6 DP 16873
Address	11 Caswell Crescent TANILBA BAY
Area	961.1m ²
Dimensions	Rectangular shaped block 18.29m wide at the Caswell Crescent frontage and side boundaries of 49.89m and 53.34m. The rear of the property is defined by the Mean High Water Mark.
Characteristics	The site is generally flat, falling slightly from the rear of the dwelling to the rear. On the rear boundary stands a cliff that falls some 4m to the High Water Mark.

THE ASSESSMENT

1. Planning Provisions

LEP 2000 – Zoning Relevant Clauses	2a - Residential 16, 44,
Development Control Plan	PS10
State Environmental Planning Policies	SEPP71

Discussion

SEPP 71 – Coastal Protection

The aims of SEPP 71 relevant to this application include;

- (e) to ensure that the visual amenity of the coast is protected*
- (g) to protect and preserve native coastal vegetation.*

It is considered that the application as proposed will result in adverse impacts upon both the visual amenity of the coastline and also the native coastal vegetation.

It is required that in the assessment of any application upon which SEPP71 applies that the following matters be taken into consideration.

- (a) the aims of the policy set out in clause 2;*
- (d) the suitability of development given its type, location and design and its relationship with the surrounding area;*
- (e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore;*
- (f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities.*

It is considered that the application as proposed is inconsistent with the aims set out in Clause 2 and the matters required to be taken into consideration in the assessment of development applications.

In particular, given the vegetation removal and excavation required to facilitate this proposal, it is considered that the proposed development is not suitable for the site when taking into consideration the site location, site constraints and relationship with the surrounding area.

The current high visual amenity of the area will be subject to a significant adverse impact and visual scarring should the proposal be constructed. It is further considered that the development is of high importance to the local visual amenity and as such the development is not compatible with the aims, objectives and requirements of SEPP71.

Port Stephens Local Environmental Plan, 2000

Clause 16

Development for the purposes of a boatshed is considered to be permissible with development consent under the provisions of Clause 16 of the Port Stephens Local Environmental Plan 2000.

The zone objectives state;

(b) to ensure that infill development has regard to the character of the area in which it is proposed and does not have an unacceptable effect on adjoining land by way of shading, invasion of privacy, noise and the like.

(e) to ensure that the design of residential areas takes into account environmental constraints including soil erosion, flooding and bushfire risk.

There are currently other examples in the general locality of waterfront sheds. These sheds are small freestanding structures that have required minimal excavation to be located in close proximity to the water. The properties these structures are located on slope toward the waterfront and contain a mix of vegetation species around the sheds.

It is considered that the proposed structure is inconsistent with the zone objectives in that it does not have regard to the character of the general area in that it requires extensive excavation and vegetation removal to enable the construction of the boatshed. Furthermore, it is considered that this excavation and vegetation removal does not have due regard to the environmental constraints of the subject site.

Clause 44

Clause 44(1) requires that consent not be granted to development of land adjacent to or within view of a waterway unless the consent authority has regard to the aesthetic appearance of the proposed building or work or that land when used for the purpose proposed and viewed from that waterway.

Currently in the Caswell Crescent area of Tanilba Bay, there exists a vegetated buffer between the waterway and the buildings along Caswell Crescent. This buffer has the effect of softening the impact of the built form when viewed from the waterways or the nearby waterfront.

Removal of this vegetated buffer will have the effect of causing a substantial break in the existing foreshore vegetation and will emphasise the presence of the substantial dwelling on the subject site.

Clause 44(3) specifically requires

(3) In determining whether to grant a consent referred to in subclause (1), the consent authority shall consider the following.

(e) whether carrying out the development is essential to the viability of the land concerned.

(f) the likely extent and effect of carrying out the development on vegetation on the land concerned.

With respect to the requirements of Clause 44, it is considered that the development is in consistent with subclause (3).

Development for the purposes of the boat shed is not essential for the viability of the residential land. The development will have a significant and adverse impact upon the sites existing vegetated buffer with the waterfront area.

Development Control Plan PS10 - Building Standards & Notification of Development Applications

Development Control Plan PS10 - Building Standards & Notification of Development Applications sets out the required setbacks for waterfront development.

Clause 10.4 – Building Line Setbacks, states that any property with absolute water frontage shall have a building line setback of 20m to the high water mark.

The application proposes to have a total setback from the high water mark of some 4m, representing a 16m variation to the Development Control Plan requirements.

The applicant has requested a variation, stating that the development will not impede access to the foreshore, will not adversely impact upon adjoining properties, and that the design of the boat shed has been done so as to take into account environmental constraints including topography, vegetation, soils, drainage and flooding.

It is considered that removal of the fig trees and/or modification of the cliff line present an unacceptable impact on the visual amenity of the locality when viewed from the waterway and nearby waterfront, and is significant enough to warrant refusal of the application.

Part 3A of the Rivers and Foreshores Improvement Act, 1948

Part 3A of the Rivers and Foreshores Improvement Act, applies to “protected land”. Development of protected land under the Rivers and Foreshores Act requires that all development of protected land constitutes “integrated development”.

Under an order published in the Government Gazette on the 24th December 2004, certain works are exempt from the requirement of a 3A permit. Specified works include developments ancillary to an existing dwelling house or dual occupancy development including detached sheds or garages.

It is considered that no Part 3A permit is required for this proposal.

2. Likely Impact of the Development

It is considered that the development will have a significant adverse impact upon the scenic and visual qualities of the local area.

Currently when viewed from the waterway and nearby waterfront there is an effective vegetation buffer which serves to lessen the impact of the buildings and structures addressing Caswell Crescent. The dwellings are elevated relative to the waterfront, due to the sites topography, which serves to increase the impacts and dominance of the built form over the natural environment. This dominance of the built form atop of the cliff adds further value to the significance of the existing vegetation.

The vegetated buffer on the subject property is made up of the two port Jackson figs to be removed and an Ironbark to the west of the site. Elsewhere along the surrounding properties water frontage, the immediate shoreline and the built form behind, are broken up by significant vegetation including other examples of Port Jackson Figs. The vegetative screen serves to reduce sight lines to the existing buildings when viewed from the waterways and preserves much of the areas natural visual appeal.

It is considered that removal of these figs will result in an excessive break in this foreshore vegetation screen resulting in the residential dwelling becoming the visually dominant feature of the area when viewed from the waterway.

3. Suitability of the Site

While the site has legal water frontage, the topography presents a physical barrier to pedestrian access to the waterfront.

The rear of the property contains a cliff of approximately 4m in height. On the eastern side of this cliff stands two fig trees and to the west a large Ironbark Gum.

When viewed from the waterway the natural processes shaping the foreshore cliff are clearly visible, contributing to the scenic value of the subject site and surrounding locality. As a result the subject site is considered to be a site of high visual sensitivity and the removal of the fig trees and modification or destruction of the foreshore cliff will result in an adverse impact on the visual amenity of the subject site and surrounding locality.

The site currently has no direct pedestrian access to the waterfront due to the sites physical constraints. Granting this direct access would require removal of the fig trees and modification of the cliff line. It is considered that the subject site is not suitable for the proposed development due to the cliff line modification and vegetation removal required.

In assessing the site suitability, Council also considered the potential to re-site the proposed boatshed to the centre of the sites rear boundary. Given the impact upon the cliff and its visual significance, and the fact that the fig tree root zone is largely unpredictable, it was considered that this positioning of the boatshed was also unacceptable. It should be further noted that in this central location the roots of the Ironbark may also be encountered.

4. Submissions

In total eleven (11) submissions were received to the proposal. Of these submissions eight (8) were opposed to the development. Two of the submissions opposing the development were received outside of the submission period, however a request was made for the submission to be considered as the authors were absent during the submission period.

Three (3) submissions were received in support of the proposal including one submission from the applicant.

Issues raised in the submissions opposing the development include:

- Vegetation Removal
- Destabilisation of the cliff face
- Adverse impact on visual amenity

Comment

The issues raised above and the associated impacts are discussed elsewhere in this report. It is considered that the vegetation removal is not acceptable and that the proposal will have an adverse impact on the visual amenity of the locality.

- Access to the site for earthmoving equipment

Comment

The applicant has submitted details stating that a suitable excavator can access the site utilising the space between the dwelling and boundary.

- Destruction of Fossils in the cliff face

Comment

Council consulted with the Department of Environment and Conservation (DEC) and the Department of Environment and Heritage (DEH) with respect to the fossil cave. DEH advised they have no records of the fossil cave in their data base nor is the site listed in the register of national state or as a protected area.

- Application has been previously refused

Comment

A chronology of the previous application has been provided in Attachment 4.

- Impact on access to foreshore

Comment

It is considered that the development will not impact on existing access to the foreshore area.

- Impact on water quality

Comment

The development has the potential to impact upon water quality, however these issues could be dealt with through erosion fencing and a construction management plan.

Issues raised in support of the proposal

- Proposal is consistent with existing foreshore development,

Comment

The development is not considered to be consistent with the existing foreshore structures.

- Will not result in an environmental impact.

Comment

The impact of the development on the environment and visual amenity is discussed elsewhere in this report.

5. Public Interest

The proposal is contrary to the public interests as the development serves to diminish the existing visual and built character of the locality. The proposal has no regard for the sites topographical and environmental constraints and as such it would be in the public interest to refuse the application.

**ATTACHMENT 4
CHRONOLOGY OF ORIGINAL DEVELOPMENT APPLICATION**

14/09/2000

- Application lodged for Dwelling, Bed and Breakfast, Boat Shed and Ramp.
- Council received some seventeen (17) submissions.

23/01/2001

- Report was put to Council recommending approval
- Application deferred pending a report on the visual impact of the development when viewed from the water.

26/02/2001

- Memo to Council advising that there was no precedent set by the existing boatsheds on 13, 15, 17 Caswell Crescent as Council has no record of approval.

27/02/2001

- Supplementary report provided to Council on visual impact, report concluded;
 - Significant excavation
 - Removal of at least 15% of the sites vegetation screen. (from photos it appears some of this screen has since been removed).
 - Arborist report.
- Council resolved that DA be approved minus the boat shed and ramp.

08/03/2001

- Consent Issued for the dwelling.

23/03/2001

- Section 96 modification lodged proposing the construction of a ramp but no boat shed.

24/07/2001

- Report to Council recommending approval.
- Development deferred by council pending additional information.

14/08/2001

- Report to Council recommending refusal because *“the modified location is unsuitable to accommodate the proposed development given its proximity to the boundary and possible impacts on the adjoining property. [s79c(1)(c)]”*. Council accepted this recommendation and resolved to refuse the application.

28/08/2001

- Development Refusal issued.

22/08/2005

- Development application lodged for boatshed and ramp, the subject of this report to Council.

ITEM NO. 3

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: DEVELOPMENT PLANNER

RECOMMENDATION IS THAT COUNCIL:

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

OPERATIONS COMMITTEE MEETING – 15 June 2006

RECOMMENDATION: That Council approve the DA 16-2004-1727-1 for the reasons contained in Attachment 4.

MATTER ARISING:

That a report be provided to Council with a review of all Council's policies in relation to ANEF zones.

ORDINARY MEETING OF COUNCIL – 27 JUNE 2006

RESOLUTION:

562	Councillor Robinson Councillor Dover	It was resolved that the Operations Committee Recommendation be adopted with the following conditions; <ol style="list-style-type: none">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)
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		<p>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)</p> <p>6. Certification is to be prepared by a registered surveyor and submitted to the Principal Certifying Authority at the following stages of construction:</p> <p>a. On completion of ground floor construction, confirming that the floor levels are in accordance with the Reduced Levels indicated on the approved plan.</p> <p>b. When the roof has been completed, confirmation that the building does not exceed the Reduced Levels, as indicated on the approved plan.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>8. The bed and breakfast establishment shall provide the following fire safety measures:-</p> <ul style="list-style-type: none"> - 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
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		<p>Provisions);</p> <ul style="list-style-type: none"> - 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. <p>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.</p> <p>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</p>
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		<p>measures and materials/methods of construction.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>The following design precautions must be adhered to:-</p> <p>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.</p> <p>In sewerred 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.</p> <p>b. No potentially hazardous or offensive material is to be stored on site that could cause water contamination during floods.</p> <p>c. All building materials, equipment, ducting, etc., below the Flood Planning Level shall be flood compatible.</p> <p>d. All main power supply, heating and air conditioning service installations, including meters shall be located above the Flood Planning Level.</p> <p>e. All electrical wiring below the Flood</p>
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		<p>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.</p> <p>f. All electrical equipment installed below the Flood Planning Level shall be capable of disconnection by a single plug from the power supply.</p> <p>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.</p> <p>h. All ducting below the Flood Planning Level shall be provided with openings for drainage and cleaning.</p> <p>i. Septic and holding tank lids, inspection openings and associated electrical equipment connections and switchgear must be located above the 1% AEP Flood level.</p> <p>j. Any on-site effluent on site disposal must be carried out in an area above the 5% AEP flood level.</p> <p>Schedule for flood compatible materials is attached.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>It is an offence under the Noxious Weeds</p>
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		<p>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.</p> <p>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.</p> <p>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.</p> <p>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).</p> <p>19. All building work must be carried out in accordance with the provisions of the Building Code of Australia.</p> <p>20. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:-</p> <ul style="list-style-type: none"> * Monday to Friday, 7am to 6pm; * Saturday, 8am to 1pm; * No construction work to take place on Sunday or Public Holidays. <p>When the construction site is in operation the L10 level measured over a period of not less than 15 minutes must not exceed</p>
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		<p>the background by more than 10dB(A). All possible steps should be taken to silence construction site equipment.</p> <p>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.</p> <p>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.</p> <p>a) For development incorporating pile-driving activities for a period of 5 days or more, be that consecutive or combined total:</p> <p>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).</p> <p>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.</p> <p>iii) For pile driving activities with a duration in excess of 5 days as noted above the applicant/beneficiary of the consent shall engage an Acoustic Engineer to undertake monitoring of the pile driving to verify the identified performance standards noted are not exceeded. Details to be forwarded to Principle Certifying Authority.</p> <p>23. Pile driving shall only be carried out between the hours of 8.00am - 3.30pm</p>
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		<p>Monday to Friday excluding public holidays.</p> <p>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.</p> <p>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.</p> <p>The notification shall be forwarded a minimum of 2 days prior to the commencement of works.</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> 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. <p>Any such sign is to be removed when the work has been completed.</p> <p>This clause does not apply to:</p> <ul style="list-style-type: none"> 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
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		<p>working hours) while the work is being carried out.</p> <p>28. If the work involved in the erection or demolition of a building:</p> <p>a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or</p> <p>b) building involves the enclosure of a public place.</p> <p>A hoarding or fence must be erected between the work site and the public place.</p> <p>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.</p> <p>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.</p> <p>b) Any such hoarding, fence or awning is to be removed when the work has been completed.</p> <p>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.</p> <p>30. Vehicular access to the property, during construction of the dwelling is to be via an all weather access for delivery of materials & trades.</p> <p>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.</p> <p>Note: Your attention is drawn to your responsibility to control any litter arising from building works associated with this approval.</p> <p>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.</p> <p>33. Retain all live trees protected by Council's Tree Preservation Order, other than those affected by the location of the building</p>
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		<p>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)</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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).</p> <p>37. All building work must be carried out in accordance with the provisions of the Building Code of Australia.</p> <p>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.</p> <p>GENERAL ADVICES</p> <p>a) Access to an adjoining property for</p>
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		<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>e) The consent shall be sought and obtained prior to any change of use of the premises.</p> <p>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.</p> <p>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.</p>
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ORDINARY MINUTES – 27 JUNE 2006

563	Councillor Hodges Councillor Tucker	It was resolved that a division be called for
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Those for the motion: Crs Brown, Francis, Jordan, Tucker, Swan, Dingle, Nell, Westbury, Robinson, Baumann & Dover

Those against the motion: Cr Hodges

Matter Arising:

564	Councillor Francis Councillor Brown	That a moratorium be placed on further bed and breakfast development applications in 25-30 ANEF zones until the review of Council's policies in relation to ANEF zones is complete. The Manager Sustainable Planning be required to complete this review as a matter of priority
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Matter Arising:

565	Councillor Jordan Councillor Francis	Council request that the Department of Defence consider buying back the 15 lots identified in the Supplementary Information Report.
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Note: Cr Tucker left the meeting at 7pm during Item 3 and returned at 7.12pm during Item 3.

Note: Cr Jordan left the meeting at 7.02pm during Item 3 and returned at 7.04pm during Item 3.

Note: Cr Hodges left the meeting at 7.06pm during Item 3 and returned at 7.10pm during Item 3.

Note: The meeting was suspended at 7.30pm for short break. Meeting resumed at 7.38pm

BACKGROUND**NOTE:**

This report was considered at the March Council meeting and was deferred pending a site inspection and receipt of further information.

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

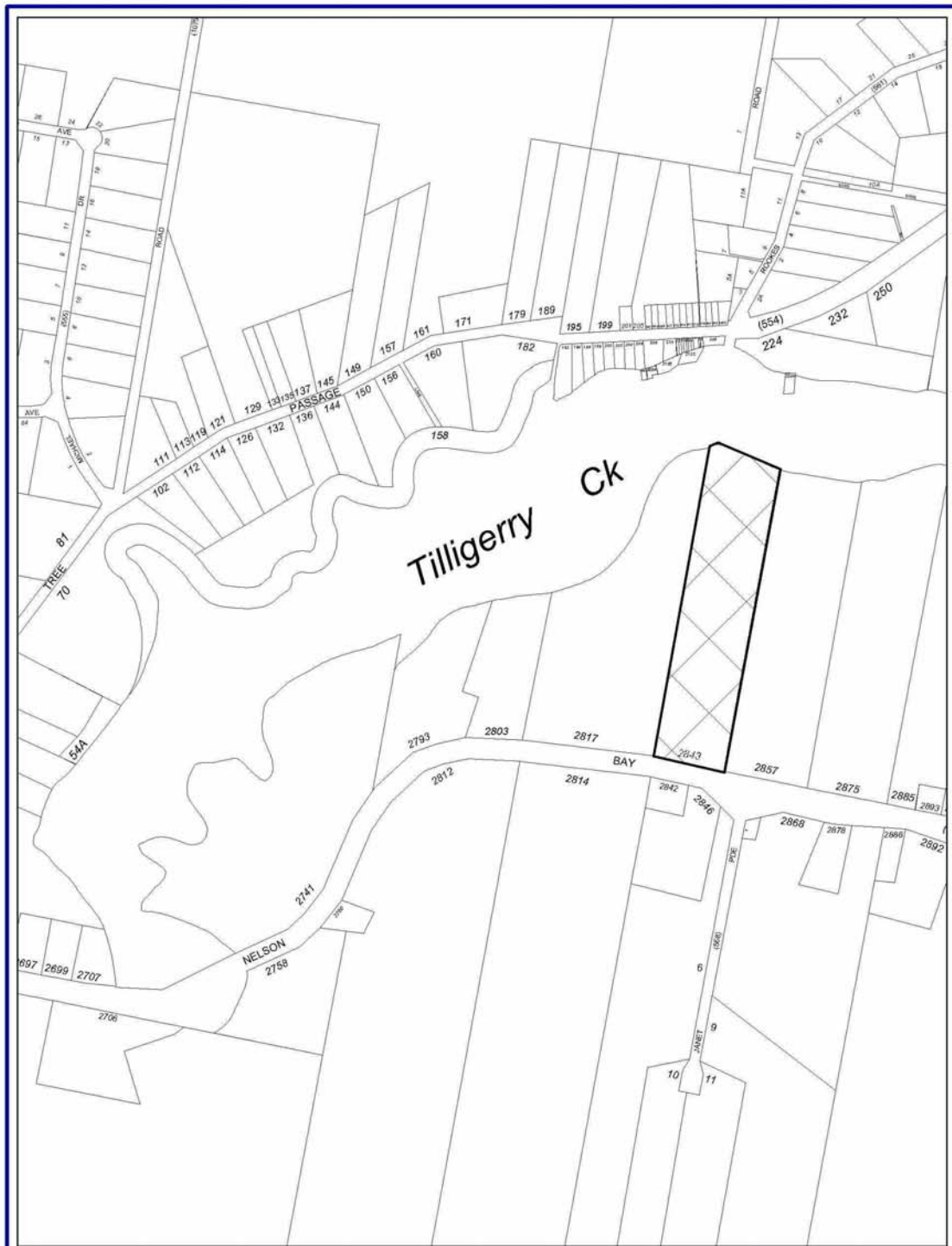
COUNCILLORS ROOM

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

TABLED DOCUMENTS

Nil

ATTACHMENT 1
LOCALITY PLAN



Port Stephens
C.O.U.N.C.I.L.
... a community partnership



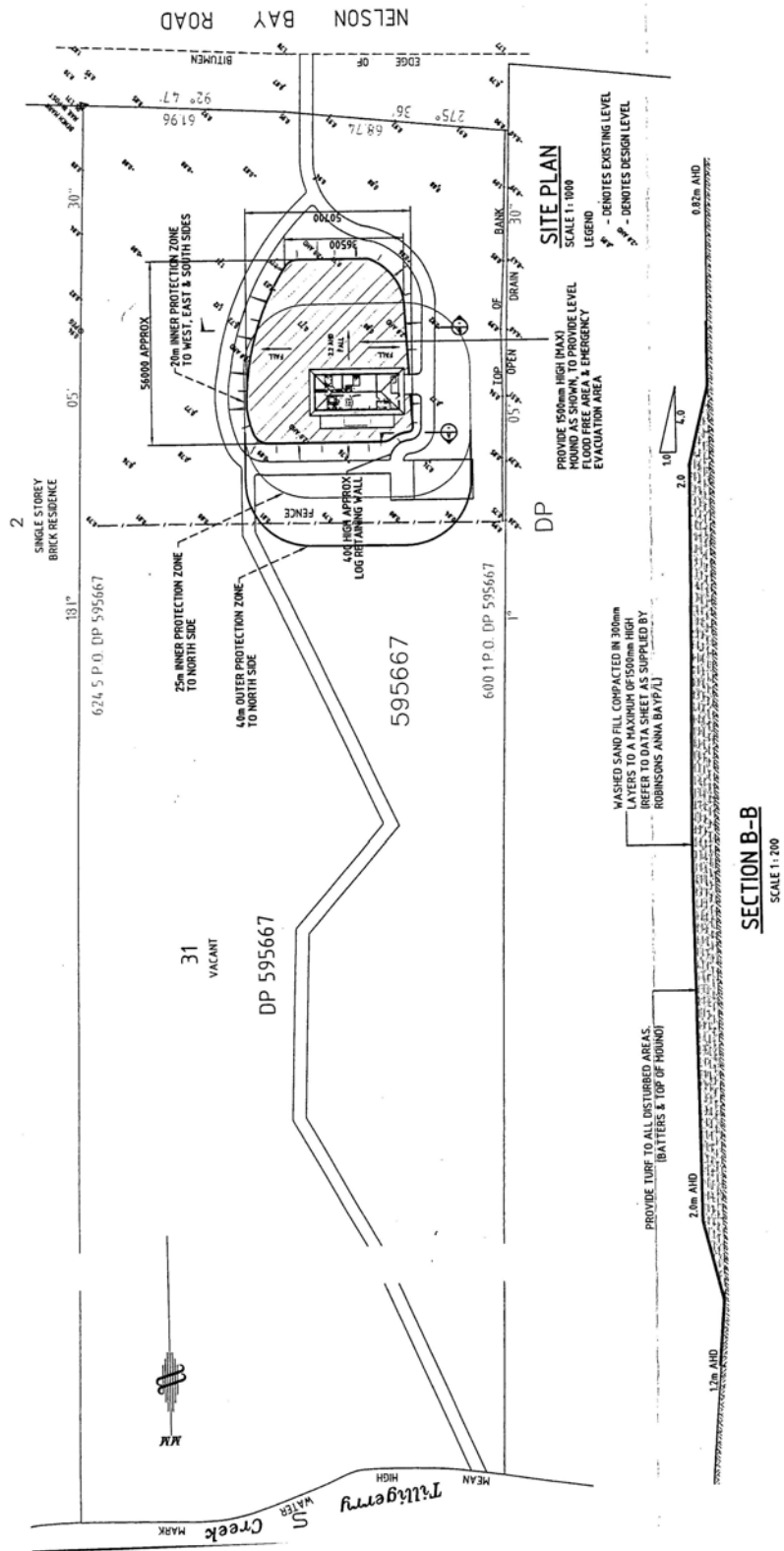
SUBJECT AREA

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NOT TO SCALE

PRINTED ON: 06.02.06

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 – <i>Bed and Breakfast Establishments</i> PS2 – <i>Parking and Traffic Guidelines</i> PS10 – <i>Building Standards and Notification Procedures for Development Applications</i>
State Environmental Planning Policies	SEPP14 – Coastal Wetlands SEPP71 – Coastal Protection
Port Stephens Council Policies	Aircraft Noise Exposure in Port Stephens

ORDINARY MINUTES – 27 JUNE 2006

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 56,860m², and therefore is compliant with the 4,000m² 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 sewerred 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 a 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 excess of 5 days as noted above the applicant/beneficiary of the consent shall engage an Acoustic Engineer to undertake monitoring of the pile driving to verify the identified performance standards noted are not exceeded. Details to be forwarded to 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.

ORDINARY MINUTES – 27 JUNE 2006

566	Councillor Robinson Councillor Westbury	It was resolved that Council bring forward Notice of Motion No. 2 namely Protection of Stoney Ridge Reserve
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NOTE: THIS ITEM (ITEM 4) FOLLOWED NOTICE OF MOTION 2 – NAMELY STONEY RIDGE RESERVE WHICH WAS BROUGHT FORWARD AND DEALT WITH FOLLOWING ITEM 3 OF THE OPERATIONS COMMITTEE RECOMMENDATIONS.

ITEM NO. 4

FILE NO: 16-2000-1774-5

SECTION 96 MODIFICATION TO DEVELOPMENT CONSENT TO AMEND CONDITION 10 OF CONSENT FOR THE MEDOWIE CHRISTIAN SCHOOL AT NO. 6B WAROPARA ROAD, MEDOWIE

AUTHOR: DEVELOPMENT CO-ORDINATOR

RECOMMENDATION IS THAT COUNCIL:

Refuse Section 96 Modification to Development Consent No.16-2000-1774-5 for the reasons outlined as follows (contained in Attachment 3):-

- 1) The proposal is inconsistent with the requirements of Austroads standards Part 5, Section 6.7.5.1 and Council's requirements, in particular Standard Drawing S145.
- 2) The proposal poses an unacceptable impact on traffic safety grounds, whereby public safety will be compromised through inadequate provision of access and passing lane required for the school.
- 3) The development is contrary to the public interests and expectations of an orderly, predictable and safe traffic environment.

OPERATIONS COMMITTEE MEETING – 15 June 2006

RECOMMENDATION: That this matter be deferred to the Council meeting in June 2006

ORDINARY MEETING OF COUNCIL – 27 JUNE 2006

RESOLUTION:

568	Councillor Dover Councillor Robinson	It was resolved that the matter be deferred to the July 2006 Ordinary Council meeting.
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BACKGROUND

NOTE:

This report was considered at the May Ordinary Meeting and deferred to the June Operations Committee meeting.

The purpose of this report is to present a Section 96 Modification Application to Council for determination at the request of Mayor Bauman and Councillor Swan.

The Development Application was originally approved on 20 June 2001 for Medowie Christian School at Lot 22 DP 1036306, No.6B Waropara Road, Medowie subject to conditions of consent. As part of the original consent Condition No.10 read as follows:-

10. ***“Prior to the operation of Stage 1 of the development, provide an access treatment at the junction with the public road in accordance with Council’s Standard Drawing S145 to incorporate a treatment for:***
- i) access entry / exit;*
 - ii) passing lane.*

A Section 96 Modification was lodged with Council and approved on 27 June 2001. The modification application primarily related to a change in staging of the development proposal and subsequent works required at various stages. Therefore, in granting approval to this modification, Condition 10 was amended. The extent of works required to be undertaken remained unchanged, however, the timing or staging was amended to read as follows:- ***“Prior to the operation of Stage 2 of the development”***.

A Section 96 Modification was lodged with Council and approved on 11 November 2005 further amending the timing for undertaking the works required in Condition 10. Condition 10 was amended to read as follows: ***“Prior to the operation of Stage 3 of the development”***. A further Section 96 Modification Application has been lodged on 15 December 2005, which is the subject of this Council report requesting to further amend Condition 10 of development consent. The request reads as follows:-

Prior to the operation of Stage 5 of the development a review of the background traffic and traffic generation characteristics of the school is to be carried out by a suitably qualified traffic engineer and a report including the findings of such a review be submitted to Council.

Should such a review not justify to the satisfaction of Council further deferment of an access treatment then, it is suggested that the Condition require the access treatment works to be undertaken “Prior to the operation of Stage 5 of the development”.

This Section 96 Modification Application was referred to the Local Development Traffic Committee for consideration given the condition was originally a requirement of the Traffic Committee. The recommendation of the Traffic Committee reads as follows:-

“That Condition 10 remains as a condition of consent that must be complied with Prior to the operation of Stage 3 of the development. Therefore the Committee recommends that the Section 96 Modification not be supported by Council”.

Therefore, based on both the recommendations of the Traffic Committee and non-compliance with Austroads Standards and Council’s requirements, it is recommended that the Section 96 modification be refused based on traffic safety grounds.

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

There is potential for financial / resource implications in respect to Council liability in the event a traffic incident were to occur compromising public safety due to inadequate road safety measures being imposed for the operation of the school.

LEGAL AND POLICY IMPLICATIONS

The Section 96 Modification Application is inconsistent with the requirements of Council and the Local Development Traffic Committee based on traffic safety grounds. To support such a request would compromise public safety and may result in liability issues for Council in the event, a traffic incident were to occur due to inadequate road safety measures imposed for the school.

Australian Business Excellence Framework

This aligns with the following Principles 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 all stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

There is potential for social implications if the Section 96 Modification Application was supported based on traffic safety grounds, whereby public safety will be compromised through inadequate provision of road safety measures for the school.

ECONOMIC IMPLICATIONS

There are no economic implications.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

CULTURAL IMPLICATIONS

There are no Aboriginal or European cultural heritage implications.

CONSULTATION

The application was exhibited in accordance with Council policy and one (1) submission was received. This is discussed in the Attachments.

OPTIONS

- 1) Adopt the recommendation.
- 2) Reject or amend the Recommendations.

ATTACHMENTS

- 1) Locality Plan
- 2) Assessment
- 3) Reasons for Refusal.

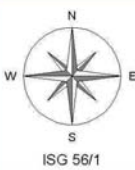
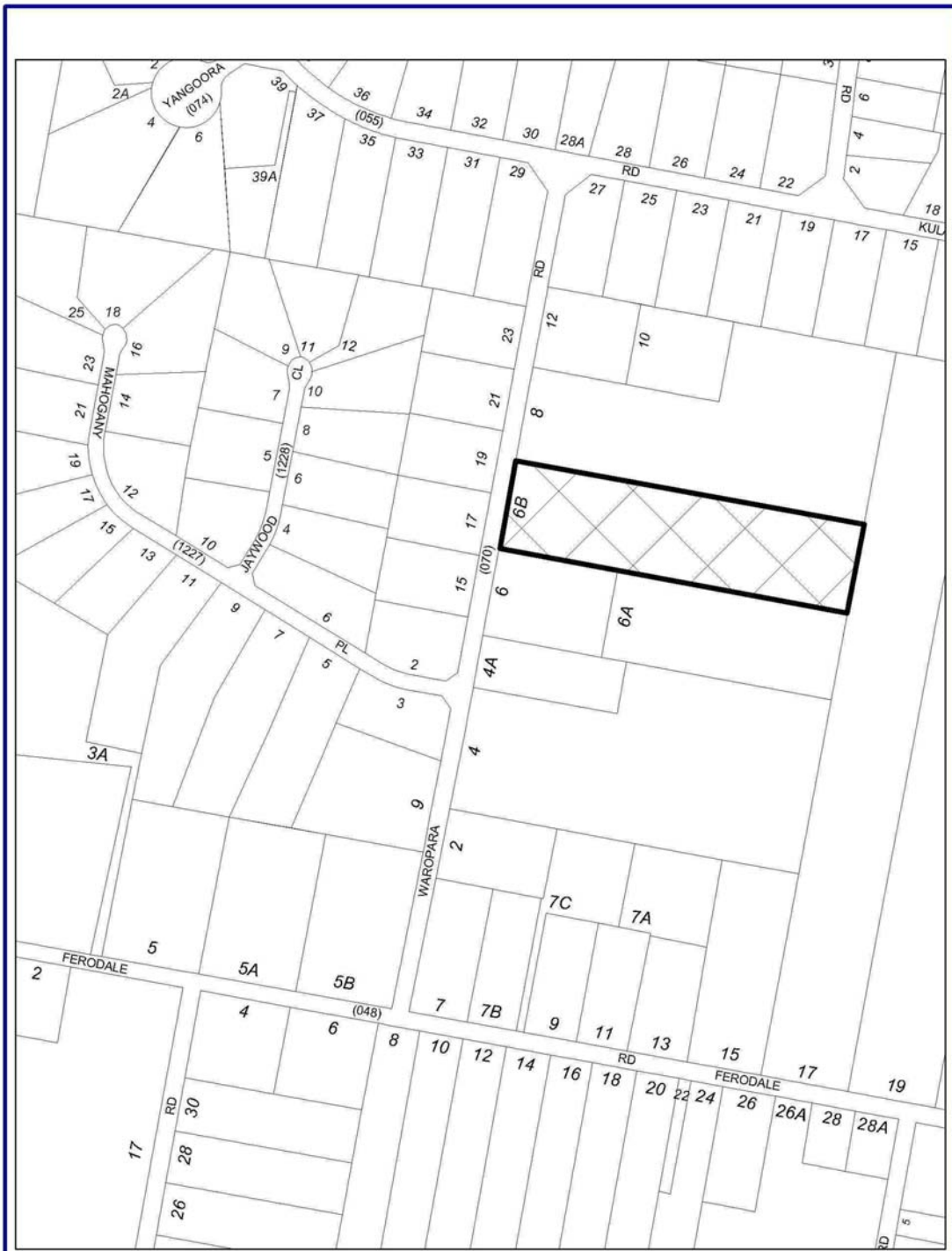
COUNCILLORS ROOM

- 1) Copy of the Section 96 Amendment document submitted with the application.
- 2) Copy of Council's Standard Drawing S145.

TABLED DOCUMENTS

Nil

ATTACHMENT 1
LOCALITY PLAN



Port Stephens
C·O·U·N·C·I·L
... a community partnership



SUBJECT AREA

DISCLAIMER
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SCALE 1:6000

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ATTACHMENT 2 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

A Section 96 Modification Application has been lodged on 15 December 2005 requesting an amendment to Condition 10 of development consent. The staging of this condition has been amended on two previous occasions, firstly on 27 June 2001 and again on 11 November 2005, whereby the timing for these works to be undertaken was amended from originally Stage 1, to Stage 2 and then Stage 3 respectively. Therefore, the current Condition 10 reads as follows:-

10. *“Prior to the operation of Stage 3 of the development, provide an access treatment at the junction with the public road in accordance with Council’s Standard Drawing S145 to incorporate a treatment for:*

- i) access entry / exit;*
- ii) passing lane.”*

The Section 96 Modification Application is requesting to further amend Condition 10. The request reads as follows:-

Prior to the operation of Stage 5 of the development a review of the background traffic and traffic generation characteristics of the school is to be carried out by a suitably qualified traffic engineer and a report including the findings of such a review be submitted to Council.

Should such a review not justify to the satisfaction of Council further deferment of an access treatment then, it is suggested that the Condition require the access treatment works to be undertaken “Prior to the operation of Stage 5 of the development”.

Given this was an original requirement of the Local Traffic Committee, the modification request was referred to the Committee for consideration. The recommendations of the Traffic Committee concluded that Condition 10 remain as is, with the works to be undertaken prior to the operation of Stage 3. Their recommendation to Council reads as follows:-

“That Condition 10 remains as a condition of consent that must be complied with Prior to the operation of Stage 3 of the development. Therefore the Committee recommends that the Section 96 Modification not be supported by Council”.

The Traffic Committee has justified their recommendation stating as follows:-

“This condition has been reviewed a number of times. The condition requires the development to have a widened sealed shoulder at the access to the development, which the Committee feels is warranted and justifiable on safety grounds.

The claim that 'Traffic flow levels for Stage 3 and 4 of the development do not trigger the Austroads warrants for auxiliary lane treatment at the school entrance'... are not accurate. The Austroads standards states .. that the minimum treatment should provide sufficient pavement width for a through vehicle to pass a vehicle waiting to turn right on two lane, two way roads. (Austroads Part 5, Section 6.7.5.1) Council's Standard Drawing S145 is a reflection of the Austroads requirement with the difference being the widening be sealed.

Therefore, based on both the recommendations of the Traffic Committee and non-compliance with Austroads Standards and Council's requirements, it is recommended that the Section 96 modification be refused based on traffic safety grounds.

THE APPLICATION

Owner	Medowie Christian School Limited
Applicant	Medowie Christian School Limited
Detail Submitted	Section 96 Modification Application, documentation relating to the proposal

THE LAND

Property Description	Lot 22 DP 1036306
Address	No.6B Waropara Road, Medowie
Area	N/A
Dimensions	N/A
Characteristics	N/A

2. Likely Impact of the Development

The proposed Section 96 modification to further delay the roadworks would pose an unacceptable risk to the public on traffic safety grounds.

3. Suitability of the Site

The site is considered suitable for the school, currently operating on site subject to development consent (16-2000-1774-1).

4. Submissions

The Section 96 Modification Application was publicly exhibited in accordance with Council policy and one (1) submission was received raising issues associated with traffic safety.

5. Public Interest

To support the Section 96 Modification Application would be contrary to the public interests and expectations of an orderly, predictable and safe traffic environment.

**ATTACHMENT 3
REASONS FOR REFUSAL**

- 1) The proposal is inconsistent with the requirements of Austroads standards Part 5, Section 6.7.5.1 and Council's requirements, in particular Standard Drawing S145.
- 2) The proposal poses an unacceptable impact on traffic safety grounds, whereby public safety will be compromised through inadequate provision of access and passing lane required for the school.
- 3) The development is contrary to the public interests and expectations of an orderly, predictable and safe traffic environment.

ITEM NO. 5

FILE NO: PSC2006-0063

SECTION 94A PLAN FOR PUBLIC FACILITIES

AUTHOR: STRATEGIC ENGINEER

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Tabled S94A Plan - Exhibited Plan with the following amendments as recommended by the Contributions Advisory Panel:
 - i. That no contribution be levied on single dwellings;
 - ii. Not change the value of development of \$500,000 before a Quantity Surveyors report is required;
 - iii. That the Cost Summary and Quantity Surveyors Reports not be required until prior to the issue of the Construction Certificate/s;
 - iv. That residential subdivisions and multiple residential dwellings and units not be levied S94A but that mixed use (eg Shops lower floor, residential above) may be levied S94A.
- 2) Adopt the following recommendations of the Contributions Advisory Panel:
 - i. Operate S94 and S94A in parallel for Commercial, Retail and other development as defined in the S94A Plan, and apply the levy that provides the greatest Public Benefit.
 - ii. Distribute Funds received from S94A levies in accordance with the formula outlined in this report.
 - iii. Endorse Developer Agreements as an available alternative to S94 and S94A when it is beneficial to do so.
 - iv. Expedite the review of the current S94 Plans.

OPERATIONS COMMITTEE MEETING – 15 June 2006

RECOMMENDATION: That Council defer this matter for a Councillor Briefing of all Councillors to discuss Port Stephens S94A Development Contributions Plan (Draft May 2006).

ORDINARY MEETING OF COUNCIL – 27 JUNE 2006

RESOLUTION:

569	Councillor Jordan Councillor Dover	It was resolved that Council; <ol style="list-style-type: none">1. Adopt the Tabled S94A Plan - Exhibited Plan with the following amendments as recommended by the Contributions Advisory Panel:<ol style="list-style-type: none">i. That no contribution be levied on single dwellings;ii. Not change the value of development of \$500,000 before a Quantity Surveyors report is required;iii. That the Cost Summary and Quantity Surveyors Reports not be required until prior to the issue of the Construction
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		<p>Certificate/s;</p> <p>iv. That residential subdivisions and multiple residential dwellings and units not be levied S94A but that mixed use (eg Shops lower floor, residential above) may be levied S94A.</p> <p>2. Adopt the following recommendations of the Contributions Advisory Panel:</p> <p>i. Operate S94 and S94A in parallel for Commercial, Retail and other development as defined in the S94A Plan, and apply the levy that provides the greatest Public Benefit.</p> <p>ii. Endorse Developer Agreements as an available alternative to S94 and S94A when it is beneficial to do so.</p> <p>iii. Expedite the review of the current S94 Plans.</p>
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BACKGROUND

The purpose of this report is to advise Council of the exhibition of the new S94A Plan and proposed amendments as recommended by Council’s Contributions Advisory Panel.

A new S94A Plan was developed based on the suggested Department of Planning model and other Council’s Plans. Following approval by the Contributions Panel, the Plan was placed on exhibition from 6 April to 18 May 2006. A number of formal submissions were received as well as newspaper articles (attached).

A number of other Councils have now, under the new legislation, either a draft or an adopted S94A Plan. All of these Plans provide for a 1% levy of the development. The table included in the attachments has been prepared to compare the issues raised by the submissions with options proposed by other Councils.

RECOMMENDATION BY COUNCIL’S CONTRIBUTIONS PANEL

That the exhibited S94A Plan be amended as follows:

- That no contribution be levied on single dwellings;
- Not change the value of development of \$500,000 before a Quantity Surveyors report is required;
- That the Cost Summary and Quantity Surveyors Reports not be required until prior to the issue of the Construction Certificate/s;
- That residential subdivisions and multiple residential dwellings and units not be levied S94A but that mixed use (eg Shops lower floor, residential above) may be levied S94A.

In addition the Panel recommended that:

- S94 and S94A for Commercial, Retail and other development as defined in the S94A Plan, run in parallel and that the levy which provides the greatest Public Benefit be applied;

- Council endorse Developer Agreements as an available alternative to S94 and S94A when it is beneficial to do so;
- Funds received from S94A levies be distributed in accordance with the formula:

50% of the S94A levied for each application be allocated to the S94 Plan Area of the application and the remaining 50% be allocated across the Council area. That each of these splits then be allocated across the categories similar to the S94 Plan split, viz 13% Open Space; 25% Recreation; 15% Community Facilities; 5% Fire and Emergency Services; 2% Library Resources, 25% Roads, 10% Drainage and 5% Cycleways/footpaths (new). Further that funds within each category then be allocated in accordance with the priorities of Council's adopted Forward Works Program (FWP).
- The review of the current S94 Plans be expedited.

LINKS TO CORPORATE PLANS

This report relates to the key result areas of "Planning and Development – Our development focuses on our communities being sustainable".

Community

Our Council will provide opportunities for effective consultation and participation in Council's activities. " Involving the Community"

Lifestyle

Our community celebrates its diversity, contributes to and enjoys the lifestyle of Port Stephens. "Enriching the Community"

Planning and Development

Our development focuses on our communities being sustainable. " Managing Growth and Planning for our Future"

FINANCIAL/RESOURCE IMPLICATIONS

All forms of Developer Contributions are to provide cash or land dedication for, or construction of, Public Facilities for the benefit of the future population or commercial activities. S94 and S94A Plan and Developer Agreement preparation and administration are funded by these levies.

LEGAL AND POLICY IMPLICATIONS

S94 (traditional levy), S94A (Flat rate levy) and S93 (Developer Agreements) are legislated by the Environmental Planning and Assessment Act 1979 and associated regulation. The Minister also has powers under that Act to make or amend Council's S94 and S94A Plans. The recommended approach accords with that legal framework.

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

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The recommendations will assist Council to construct Public Infrastructure, Services and facilities.

ECONOMIC IMPLICATIONS

The recommendations will signify an additional cost to the development industry, which may not necessarily offset the impact of that development on the Public Infrastructure including recurrent costs. Council's General Fund has to compliment Section 94 funding on many projects to provide Public Infrastructure.

ENVIRONMENTAL IMPLICATIONS

There are no direct environmental implications in adopting the recommendations.

CULTURAL IMPLICATIONS

There are no direct cultural implications in adopting the recommendations.

CONSULTATION

Internal: Facilities and Services group; Developer Contributions Advisory Panel.

External: The S94A Plan has been placed on Public Exhibition as legislated.

All six submissions received objected to the S94A levy being imposed on residential development in addition to the S94 levy already imposed at subdivision stage. In addition one submission objected to the need for a Quantity Surveyors Certificate.

CONCLUSIONS

The Developer Contributions Advisory Panel recommendations were made for the following reasons:

NO CONTRIBUTION BE LEVIED ON SINGLE DWELLINGS.

Although S94 may have already been collected from developers of subdivisions, legislation allows S94A to be applied to any new development on any lot created by that subdivision with the only restriction that both forms of levy cannot be imposed on the SAME Development Consent. The imposition of a condition under S94 may however become invalid as the calculation of the (S94) levy on the original subdivision is based on the fact that a dwelling will be constructed on each new lot with the people moving there requiring public facilities. The vacant lot of a subdivision in itself does not require public facilities. In essence Council is collecting S94 in advance of development.

NOT CHANGE THE VALUE OF DEVELOPMENT OF \$500,000 BEFORE A QUANTITY SURVEYORS REPORT IS REQUIRED.

It is most likely that lenders will also require a similar report for funding the application and also most other Council's have adopted this value. Only 20 of 86 applications in 2005 and 24 of 78 applications in 2004 would have been affected.

THAT THE COST SUMMARY AND QUANTITY SURVEYORS REPORTS NOT BE REQUIRED UNTIL PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE/S;

There is no certainty that an application would be approved and that most applications only included concept design drawings at Development Application (DA) stage. Changing to Construction Certificate stage will provide certainty to both developers and Council. It will also allow better cash flow for developers, particularly for staged development.

THAT RESIDENTIAL SUBDIVISIONS AND MULTIPLE RESIDENTIAL DWELLINGS AND UNITS NOT BE LEVIED S94A BUT THAT MIXED USE (EG SHOPS LOWER FLOOR, RESIDENTIAL ABOVE) MAY BE LEVIED S94A.

These options will provide the maximum levy for Council.

OPERATE S94 AND S94A IN PARALLEL FOR COMMERCIAL, RETAIL AND OTHER DEVELOPMENT AS DEFINED IN THE S94A PLAN, AND APPLY THE LEVY THAT PROVIDES THE GREATEST PUBLIC BENEFIT.

Self explanatory.

DISTRIBUTE FUNDS RECEIVED FROM S94A LEVIES IN ACCORDANCE WITH THE FORMULA OUTLINED IN THIS REPORT.

The levy split across the categories is in the same proportions as that collected under the existing S94 plans. This and the 50:50 split - district to shire wide, will provide probity, equity and certainty to projects within Councils Forward Works Programs.

ENDORSE DEVELOPER AGREEMENTS AS AN AVAILABLE ALTERNATIVE TO S94 AND S94A WHEN IT IS BENEFICIAL TO DO SO.

Developer Agreements with individual developers may provide developer construction of facilities and may also include recurrent/ongoing costs not possible under S94 or S94A. There may be an advantage to Council to enter into these agreements, which will need to be assessed on an individual basis.

EXPEDITE THE REVIEW OF THE CURRENT S94 PLANS.

The projects within the existing S94 Plans are being reviewed on an individual category and Plan basis. This process is taking a substantial amount of time and consultants have been

engaged to facilitate the Community and Recreation component. As soon as all Plans have been thoroughly reviewed to comply with the new legislation an option is to repeal and replace the current Plans. The Panel has recommended expediting this process.

OPTIONS

- 1) Adopt the recommendations.
- 2) Reject or amend the Recommendations.

ATTACHMENTS

- 1) Councils that have either adopted or have S94A plans on exhibition
- 2) Example of distribution of S94A Levy.

COUNCILLORS ROOM

- 1) Revised S94A Plan (changes highlighted)
- 2) Copies of submissions received and newspaper reports

TABLED DOCUMENTS

- 1) Revised S94A Plan

ATTACHMENT 1

COUNCILS THAT HAVE EITHER ADOPTED OR HAVE S94A PLANS ON EXHIBITION

Council	Relationship to S94 Plans ¹	Development Type levied S94A	Development Value at which S94A imposed ²	When Value Assessed ³	Value at which QS Report Req ⁴
Canada Bay	In Parallel	All	\$0	DA Stage	\$500,000
City of Sydney	Not Applicable	All	\$200,000	Construction Certificate	\$2,000,000
Waverly	Replaces S94	All	\$0	Construction Certificate	\$500,000
Woollahra	In Parallel	All	\$0	DA Stage	\$750,000
Warringah (draft)	Replaces S94	All	\$100,000	DA Stage	\$500,000
Mid-Western Regional Council	In Parallel	Specific types in specified Catchments	\$0	Not Stated	\$1,000,000
Hawkesbury	In Parallel	All, Except single dwellings less than \$150,000 and Class 10 structures	\$0	Not Specified, appears to be DA stage	\$1,000,000
Maitland	In Parallel	Excludes Dwelling/s additions and small structures associated with dwellings	\$0 for other types	DA Stage	\$500,000
Wollongong	Replaces S94	Excludes Public Facilities, Social Needs and other specific types	\$75,000	Construction Certificate	\$500,000
Port Stephens ⁵	In Parallel	Specific types. Excludes single Dwellings	\$50,000	Construction Certificate	\$500,000

¹ "In Parallel" – Both S94 and S94A plans operate with only one applying to any one Development Application. "Replaces S94" – only S94A will apply to any development.

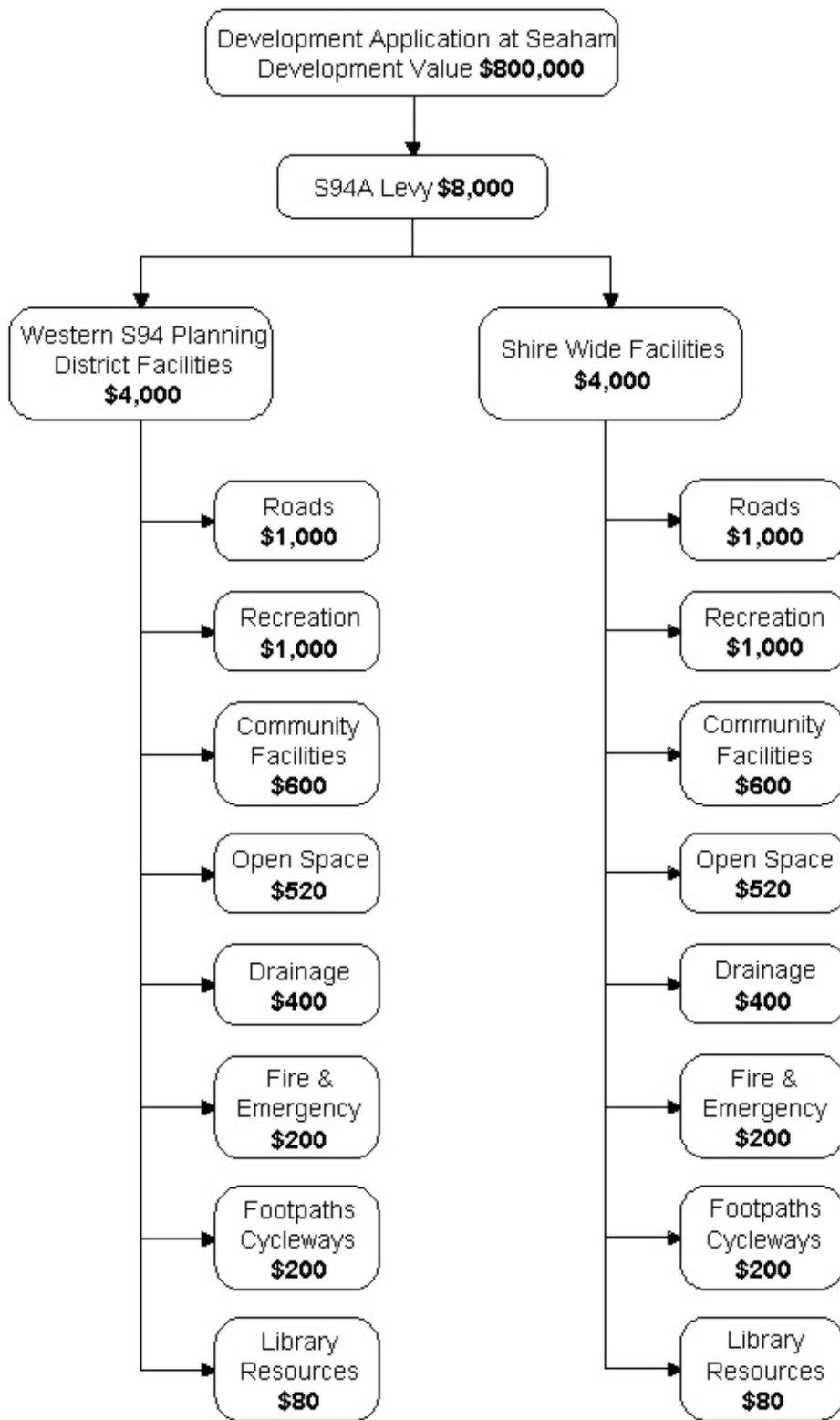
² Value of development before S94A is levied.

³ Stage at which value of development is calculated for the purposes of S94A.

⁴ Value of development above which a registered Quantity Surveyor must supply detailed costing of the development.

⁵ Port Stephens exhibited S94A Plan with added recommendations in this report.

**ATTACHMENT 2
EXAMPLE OF DISTRIBUTION OF S94A LEVY**



ITEM NO. 6

FILE NO: A2004-0284

REVIEW OF THE CODE OF MEETING PRACTICE

AUTHOR: GOVERNANCE COORDINATOR

RECOMMENDATION IS THAT:

- 1) The revised Code of Meeting Practice as shown in the attachment be placed on public exhibition for at least 28 days as required by Section 361 of the Local Government Act, 1993.
-

OPERATIONS COMMITTEE MEETING – 15 June 2006

RECOMMENDATION: That the revised Code of Meeting Practice as shown in the attachment be placed on public exhibition for at least 28 days as required by Section 361 of the Local Government Act, 1993.

ORDINARY MEETING OF COUNCIL – 27 JUNE 2006

RESOLUTION:

570	Councillor Francis Councillor Jordan	It was resolved that the Operations Committee recommendation be adopted.
------------	---	---

BACKGROUND

Council adopted the Code of Meeting Practice in March 1994 with subsequent reviews in 2000 and 2004.

The conduct of meetings of Councils and Committees of Councils of which all the members are councillors, is governed by the Local Government (General) Regulation 2005.

By Section 360 of the Local Government Act, a Council may adopt a code of meeting practice that incorporates the Regulation and supplement the Regulation with provisions that are not inconsistent with the Regulation. Once adopted, Council and Committee meetings must be conducted in accordance with the code of meeting practice.

Several amendments have been made to improve the Code and to update the Code in line with the Regulations. The changes are indicated in the tabled document – insertions are highlighted in red with the deletions highlighted in blue.

Some of the changes include:-

- Section 2 - clarification on the 3 days notice of meetings to include weekends in the notice.
- Section 2.1 (c) (ii) – Regulations have removed this clause
- Section 2.3 - giving of public notice of meetings.

Section 6, item 9 - matters that can be considered at the Ordinary meetings after the Operations Committee meeting.

Section 6.3 (d) – Orders of the Day. Orders of the Day do not exist under any legislation, therefore they have been reduced from the Code. Should a report be deferred from one Council meeting to another it will appear in the business paper simply as a report, indicating that the report has been previously considered.

Section 8.7 (2) (b) - Lodgement time for Rescission Motions

Section 9.3 - Dealing with Disorder at Meetings

The Declaration of Interest form has been updated to include staff and volunteers

LINKS TO CORPORATE PLANS

This report relates to Key Result Area – Corporate Accountability – Our Council is open, transparent and accountable in its decision making.

FINANCIAL/RESOURCE IMPLICATIONS

The Code will be implemented within current financial and human resources.

Once adopted, the Code of meeting practice must be available for public inspection free of charge at the office of the Council during ordinary office hours. Copies of the Code must be available free of charge or, if the Council determines, on payment of the approved fee.

LEGAL AND POLICY IMPLICATIONS

Under Section 361 of the Local Government Act, the draft Code must be placed on public exhibition for not less than 28 days. The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the Council. The council must consider all submissions received before determining the Code.

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
- 4) To improve the outcome, improve the system and its associated processes
- 6) Continual improvement and innovation depend on continual learning
- 8) Effective use of facts, data and knowledge leads to improved decisions
- 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

SOCIAL IMPLICATIONS

The code allows Councillors to effectively carry out their responsibilities at meetings of the council and committees of which all the members are councillors.

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

General Manager
Executive Manager – Corporate Management

OPTIONS

- 1) Adopt the recommendation
- 2) Amend the draft Policy and then advertise
- 3) Retain the existing policy

ATTACHMENTS

- 1) Nil

TABLED DOCUMENTS

- 1) Draft Code

ITEM NO. 7

FILE NO: PSC2005-1544

ROAD CLOSURE PART GAN GAN ROAD AT NELSON BAY

AUTHOR: PRINCIPAL PROPERTY ADVISOR

RECOMMENDATION IS THAT COUNCIL:

- 1) Consents to the closure and sale of a section of Gan Gan Road adjoining Lot 2 DP 599313.
 - 2) Makes application under Section 34 Roads Act 1993 to the Department of Lands for the closure to be processed.
 - 3) Obtains a valuation from the State Valuation Office of the proposed closure area and the valuation be set as the purchase price.
 - 4) On finalisation of the closure and payment of all costs and the purchase price by the applicant (owner Lot 2) a land Transfer for the closure area from Council to the applicant be prepared.
 - 5) Lodges subdivision application with Council for the lot, as required by Land and Property Information NSW.
 - 6) Require the subject area to be consolidated with the adjoining lot (owned by the applicant) if the application is successful. The plan of consolidation to be registered at the office of Land and Property Information.
 - 7) Allocate proceeds from the sale to road improvements in the vicinity.
 - 8) Grants authority to affix the Council Seal and Signatures to the future Transfer, if the matter is successfully concluded.
-

OPERATIONS COMMITTEE MEETING – 15 June 2006

RECOMMENDATION: That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 27 JUNE 2006

MOTION:

571	Councillor Nell Councillor Dover	It was resolved that the matter be deferred to the Operations Committee Meeting in July 2006.
------------	---	--

The motion on being put was carried.

Note: Cr Robinson left the meeting at 8.20pm during Item 7.

BACKGROUND

NOTE:

This report was considered at the April Ordinary Meeting and deferred pending a site inspection on 16 May 2006.

The purpose of this report is to recommend the closure of a section of Gan Gan Road and sale to the owner of lot 2 DP599313 if the closure is successful.

Council has received an application to close and purchase a section of the road shown in **ATTACHMENT 1**, (public road) adjoining the eastern boundary of lot 2 DP599313.

The proposed closure has been advised to the other adjoining owners with no objections being received. Council has been advised that the Service Authorities have no assets in the area and therefore raise no objection to the proposal. Council's staff have no objections to the proposed closure.

The area applied for is a residue after the road deviation and construction to straighten the road for safety reasons. There is no use being made of the area now and it is a burden on Council roadside maintenance programme.

If the closure is successful a Certificate of Title will issue in Council's name and this will be transferred to the applicant on the payment of the purchase price and costs. As is normal in these matters the State Valuation Office will be required to provide a valuation for the closed road and this will be used as the purchase price.

LINKS TO CORPORATE PLANS

The report relates to Facilities and Services Transport Infrastructure Objectives of maintaining a safe environment for road users as well as Properties Section Objectives of maximising opportunities for Council owned land.

FINANCIAL/RESOURCE IMPLICATIONS

As this area of road is unnecessary and only adds to the total area of road reserve to be maintained by mowing etc, it seems reasonable to dispose of it. The Road Act states any income benefit from sale must be expended on roads in the vicinity.

The applicant must meet all costs associated with the closure process. If these costs are not met at different stages through the process the next stage is not commenced, until such payment is made.

LEGAL AND POLICY IMPLICATIONS

All actions relating to road closures and purchases are controlled by the Roads Act 1993 with the application being made under Section 34. The Department of Lands is responsible for the process once Council consents to the closure. That Department makes the final decision and gazettes the closure. The Conveyancing Act controls the actual sale process once the new Certificate of Title has been issued. Council's Road Closure Policy details the actions to be followed.

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
- 5) The potential of an organisation is realised through its people's enthusiasm,

resourcefulness and participation

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

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil, as the area is not used.

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

There should be no implications

CULTURAL IMPLICATIONS

Nil

CONSULTATION

Applicant, Department of Lands, Council's Facilities and Services Group, Council's Property Advisor, Service Authorities and residents in the area.

OPTIONS

- 1) Accept Consent
- 2) Refuse Consent

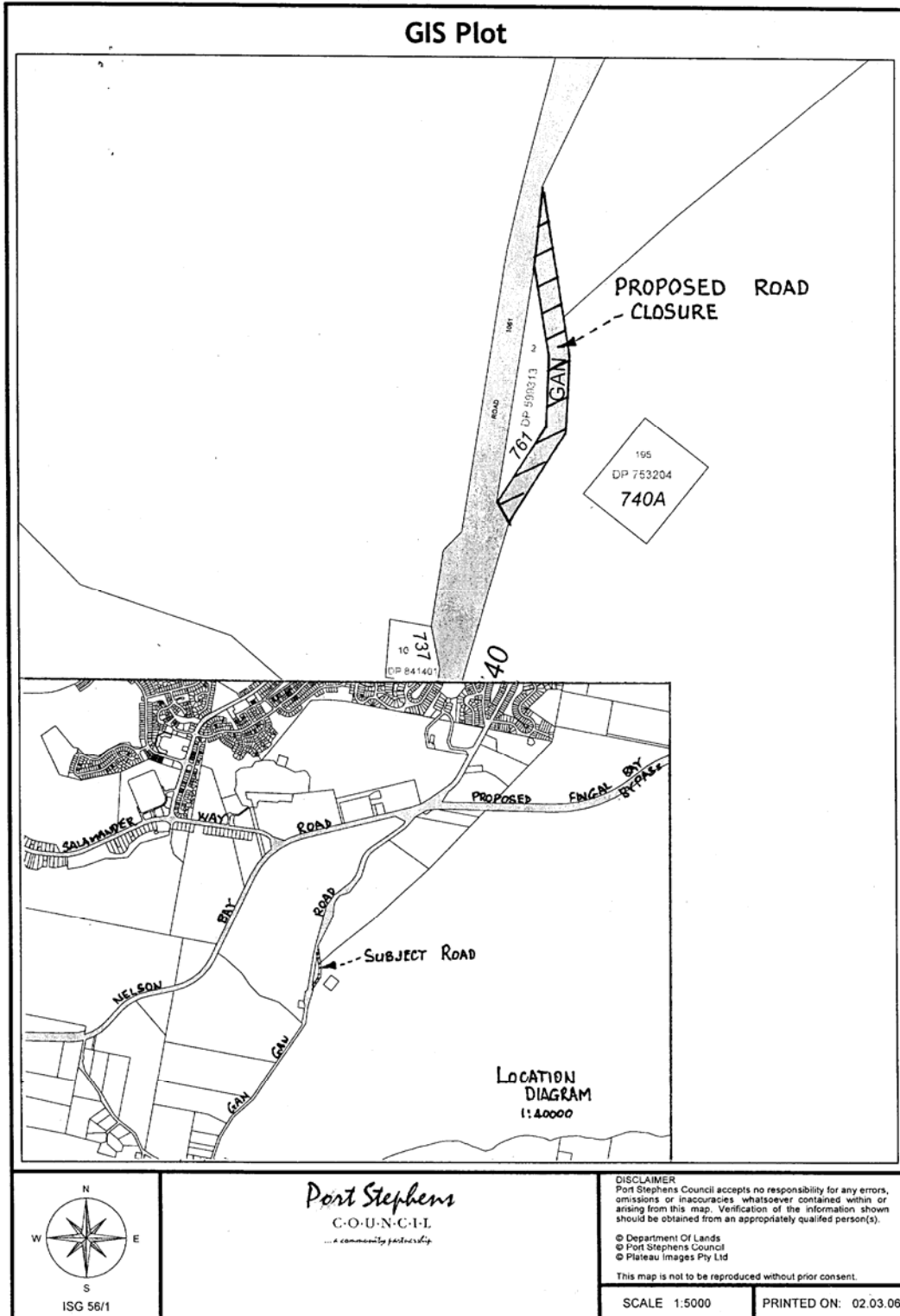
ATTACHMENTS

- 1) Plan showing proposed closure

TABLED DOCUMENTS

- 1) Nil.

ATTACHMENT 1



ITEM NO. 8

FILE NO: A2004-0198

SPORTS COUNCILS – MINUTES OF ANNUAL GENERAL MEETINGS

AUTHOR: SPORT & RECREATION ADMINISTRATION OFFICER

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive the report and note the resolutions of the Sports Council Annual General Meetings of 2006.

OPERATIONS COMMITTEE MEETING – 15 June 2006

RECOMMENDATION: That Council receive the report and note the resolutions of the Sports Council Annual General Meetings of 2006.

ORDINARY MEETING OF COUNCIL – 27 JUNE 2006

RECOMMENDATION:

572	Councillor Jordan Councillor Hodges	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is for Council to receive and note the resolutions of the Sports Council Annual General Meetings held between 2 February 2006 and 1 March 2006.

LINKS TO CORPORATE PLANS

The reports relates to the Objectives:

- To ensure that Facilities and Services are meeting the community needs
- Provide information and involve the community in asset management and planning

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL AND POLICY IMPLICATIONS

Meetings are held in accordance with the Sports Council Constitutions.

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

SOCIAL IMPLICATIONS

The Sports Council structure provides a mechanism for the local community to be involved in the management of local sports facilities.

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CULTURAL IMPLICATIONS

Nil

CONSULTATION

Nil

OPTIONS

- 1) Accept/reject report

ATTACHMENTS

- 1) Minutes of the Medowie Sports Council Annual General Meeting
- 1A) Treasurers Report of the Medowie Sports Council Annual General Meeting

ORDINARY MINUTES – 27 JUNE 2006

- 2) Minutes of the Raymond Terrace Sports Council Annual General Meeting
- 2A) Treasurers Report of the Raymond Terrace Sports Council Annual General Meeting
- 3) Minutes of the Tilligerry Sports Council Annual General Meeting
- 4) Minutes of the Rural West Sports Council Annual General Meeting
- 5) Minutes of the Tomaree Sports Council Annual General Meeting
- 5A) Treasurers Report of the Tomaree Sports Council Annual General Meeting

TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1

MINUTES OF THE MEDOWIE SPORTS COUNCIL ANNUAL GENERAL MEETING:

Medowie Sports Council Annual General Meeting reports having met at the Ferodale Function Room, on Monday 6 February 2006 commencing at 7.05pm and terminating at 7.30pm.

PRESENT:

Cr Dingle (Port Stephens Council), D Sedgman (Medowie Soccer Club), R Bradbury (Medowie Soccer Club), J Bradbury (Medowie Soccer Club), B Turnbull (Medowie Junior Cricket Club), G Stuart (Medowie Senior Cricket Club), J Hills (Medowie Tennis Club), R Bishop (Port Stephens Junior Australian Football Club), N Marriott (Port Stephens Junior Australian Football Club), S Xenos (Medowie Rugby Union Club), K Whitty (Medowie Netball Club), C Hollings (Medowie Netball Club), K Johnson (Grahamstown Sailing & Aquatic Club).

IN ATTENDANCE:

B Sutton (PSC), P Nichols (PSC), J Campbell (PSC), J Megson (PSC), S Scott (Medowie Christian School), J Sharkey (Interested Rate Payer), P Sharkey (Interested Rate Payer), B Niland (Medowie Rugby Union Club).

APOLOGIES:

N Reynolds

NOMINATIONS FOR APPROVAL

Nil

MINUTES FROM PREVIOUS MEETING:

- Moved N Marriott 2nd S Xenos
- That the minutes from the previous be accepted as a true and accurate record
- **CARRIED**

MATTERS ARISING FROM MINUTES:

Nil

Treasurers Report:

- Moved B Turnbull 2nd R Bradbury
- That the Treasurers report be accepted
- **CARRIED**

The Sports Council President Gary Stuart thanked the Medowie Sports Council and Port Stephens Council staff for all their support during 2005.

Cr Dingle acted as the returning Officer and declared all positions vacant and asked for nominations to the position listed below

ELECTION OF OFFICERS:

PRESIDENT:

Gary Stuart nominated by Ken Johnson 2nd Robyn Bishop
ELECTED UNOPPOSED

SENIOR VICE PRESIDENT:

Steve Xenos nominated by Noel Marriott 2nd Gary Stuart
ELECTED UNOPPOSED

JUNIOR VICE PRESIDENT:

Noel Marriott nominated by Julie Bradbury 2nd Ken Johnson
ELECTED UNOPPOSED

TREASURER:

Julie Bradbury nominated by Gary Stuart 2nd Bev Turnbull
ELECTED UNOPPOSED

MANAGEMENT COMMITTEE

Bev Turnbull nominated by Cr Dingle 2nd Rod Bradbury
ELECTED UNOPPOSED

Lee Miller nominated Rodney Bradbury 2nd Julie Bradbury
ELECTED UNOPPOSED

Caroline Hollings nominated by David Sedgman 2nd G Stuart
ELECTED UNOPPOSED

Jillian Hills nominated by Cr Dingle 2nd B Turnbull
ELECTED UNOPPOSED

BOOKINGS OFFICER

Gary Stuart nominated by N Marriott 2nd B Turnbull
ELECTED UNOPPOSED

GENERAL BUSINESS:

Committee Operations

Gary Stuart tabled the Committee Operations document to be completed by the Medowie Sports Council delegates at the Annual General meeting. This is to ensure that the Medowie Sports Council meets the requirements from the Department of Local Government to ensure Council's 355 (b) committees are operating according to the statutory requirements of their constitutions and Council's Code of Conduct.

Document was appropriately completed.

Number of Sports Council Meetings Per Year

- Moved D Sedgman 2nd R Bishop
- That the number of Sports Council meetings be decreased from 4 to 3 and that the new months for the meetings be February (AGM included), June & October.
- CARRIED

ATTACHMENT 1A

MedowieSports Council

Treasurers Report
6th Febraury 2006

PORT STEPHENS COUNCIL
07 FEB 2006
File No. A2004-0518
Action by P.Nichols
App. No.

Balance as at:7/11/2006		\$30992.47
ADD INCOME: INTEREST		\$107.02

		\$31099.49
LESS EXPENDITURE		\$1174.41
BANK BALANCE AS AT 31/1/2006		\$29925.08

OUTSTANDING DEPOSITS

CASH	\$50.00	
AFL	\$320.00	
AFL LOAN REPAYMENT	\$97.87	
MEDOWIE CRIC SNR LOAN REPAY	\$195.74	
MEDOWIE SOCCER	\$1053.00	
DEBBIE RAE DANCE	\$320.00	

	\$2036.61	\$2036.61

AVAILABLE FUNDS \$31961.69

JULIE BRADBURY
TREASURER 6/2/2006

ATTACHMENT 2

MINUTES OF THE RAYMOND TERRACE SPORTS COUNCIL ANNUAL GENERAL MEETING:

Raymond Terrace Sports Council Annual General Meeting reports having met at the King Park Function Room, on Monday 13 February 2006 commencing at 7.05pm and terminating at 7.35pm.

PRESENT:

A Norford (Community Representative), D Hall (Raymond Terrace Athletics Centre), M Smith (Port Stephens Netball Association), S Rainbow (Raymond Terrace Hockey Club), B Singleton (Raymond Terrace Junior Rugby League Football Club), A Harding (Port Stephens Cricket Club), T Harden (Raymond Terrace Soccer Club), S Soars (Raymond Terrace Soccer Club), S Giggins (Raymond Terrace District Cricket Club), C Maddocks (Raymond Terrace District Tennis Club), P Thomas (Raymond Terrace Water Polo)

IN ATTENDANCE:

D Jones (Raymond Terrace Swimming Club), B Sutton (Port Stephens Council), P Nichols (Port Stephens Council).

APOLOGIES:

Cr Brown (Port Stephens Council) J Linnane (Port Stephens Council)

NOMINATIONS FOR APPROVAL

Nil

MINUTES FROM PREVIOUS MEETING:

- Moved S Giggins 2nd A Norford
- That the minutes from the previous be accepted as a true and accurate record
- **CARRIED**

MATTERS ARISING FROM MINUTES:

Nil

Treasurers Report:

- Moved M Smith 2nd C Maddocks
- That the Treasurers report be accepted
- **CARRIED**

The Sports Council President Chris Maddocks the Medowie Sports Council and Port Stephens Council staff for all their support during 2005.

Brad Sutton acted as the returning Officer and declared all positions vacant and asked for nominations to the position listed below

ELECTION OF OFFICERS:

PRESIDENT:

Chris Maddocks nominated by Allan Norford 2nd S Giggins
ELECTED UNOPPOSED

SENIOR VICE PRESIDENT:

Shane Giggins nominated by Trevor Harden 2nd Marcia Smith
ELECTED UNOPPOSED

JUNIOR VICE PRESIDENT:

Deidre Hall nominated by C Maddocks 2nd Marcia Smith
ELECTED UNOPPOSED

TREASURER:

Marcia Smith nominated by Bill Boland 2nd Chris Maddocks
ELECTED UNOPPOSED

MANAGEMENT COMMITTEE

Allan Norford nominated by Deidre Hall 2nd Bill Boland
ELECTED UNOPPOSED

Trevor Harden nominated Shane Giggins 2nd Marcia Smith
ELECTED UNOPPOSED

GENERAL BUSINESS:

Committee Operations

Gary Stuart tabled the Committee Operations document to be competed by the Raymond Terrace Sports Council delegates at the Annual General meeting. This is to ensure that the Raymond Terrace Sports Council meets the requirements from the Department of Local Government to ensure Council's 355 (b) committees are operating according to the statutory requirements of their constitutions and Council's Code of Conduct.

Document was appropriately completed.

Number of Sports Council Meetings Per Year

Allan Norford suggested that a constant agenda item relating to the number of Sports Council meetings be put into place for every AGM. This will give delegates the opportunity to give feedback on the new structure.

- Moved A Norford 2nd S Maddocks
- That the number of Sports Council meetings be decreased from 4 to 3 and that the new months for the meetings be February (AGM included), June & October.
- CARRIED

ATTACHMENT 2A

A 2004 - 0516

Raymond Terrace Sports Council

13-Feb-2006

Opening Balance \$39,100.34

Income

Interest 327.50
Ground Fees 2280.40

Expenditure

Nil

Total Income: \$2,607.90

Total Expenditure: \$0.00

Account Balance \$41,708.24

ATTACHMENT 3

MINUTES OF THE TILLIGERRY SPORTS COUNCIL ANNUAL GENERAL MEETING:

Tilligerry Sports Council Annual General Meeting reports having met at the Lemon Tree Passage Bowling Club, on Monday 20 February 2006 commencing at 7.10pm and terminating at 7.30pm.

PRESENT:

Cr Tucker (Port Stephens Council), J Campbell (Skate Park Committee), R Boiden (Mallabula Rugby League Football Club), T Gaff (Tanilba Bay Sailing Club), M Judge (Tilligerry Tennis Club), R Weir (Tilligerry Cricket Club).

IN ATTENDANCE:

B Sutton (PSC), P Nichols (PSC), D Mackenze (Tilligerry Soccer Club), M Curry (Tilligerry RSL Cricket Club), A Bridge (Tilligerry RSL Cricket Club).

APOLOGIES:

J Linnane (Port Stephens Council)

NOMINATIONS FOR APPROVAL

Nil

MINUTES FROM PREVIOUS MEETING:

- Moved M Judge 2nd W Weir
- That the minutes from the previous be accepted as a true and accurate record
- **CARRIED**

MATTERS ARISING FROM MINUTES:

Nil

Treasurers Report:

Nil

Brad Sutton acted as returning officer and called for nominations for the positions listed below.

ELECTION OF OFFICERS:

PRESIDENT:

James Campbell nominated by Robert Weir 2nd Tom Gaff
ELECTED UNOPPOSED

SENIOR VICE PRESIDENT:

Robert Boiden nominated by Tom Gaff 2nd Robert Weir
ELECTED UNOPPOSED

JUNIOR VICE PRESIDENT:

Tom Gaff nominated by Michele Judge 2nd Robert Boiden
ELECTED UNOPPOSED

TREASURER:

Carmelle Elder nominated by Tom Gaff 2nd Robert Boiden
ELECTED UNOPPOSED

MANAGEMENT COMMITTEE

Nathan Stephenson nominated by James Campbell 2nd Robert Boiden
ELECTED UNOPPOSED

Bob Weir nominated Robert Boiden 2nd James Campbell
ELECTED UNOPPOSED

GENERAL BUSINESS:

Committee Operations

James Campbell tabled the Committee Operations document to be competed by the Tilligerry Sports Council delegates at the Annual General meeting. This is to ensure that the Tilligerry Sports Council meets the requirements from the Department of Local Government to ensure Council's 355 (b) committees are operating according to the statutory requirements of their constitutions and Council's Code of Conduct.

Document was appropriately completed.

Number of Sports Council Meetings Per Year

- Moved R Weir 2nd Cr Tucker
- That the number of Sports Council meetings be decreased from 4 to 3 and that the new months for the meetings be February (AGM included), June & October.
- CARRIED

ATTACHMENT 4

MINUTES OF THE RURAL WEST SPORTS COUNCIL ANNUAL GENERAL MEETING:

Rural West Sports Council Annual General Meeting reports having met at the King Park Function Room, on Wednesday 1 March 2006 commencing at 7.10pm and terminating at 7.30pm.

PRESENT:

Cr Jordan (PSC), Cr Hodges (PSC), J Lantry (Bowthorne Cricket Club), S Hanson (Community Representative), A Cooper (Hinton Cricket Club), R Crosby (Seaham Cricket Club), T Wilson (Community Representative), J Shields (Hinton Wallalong District Pony Club), T Griffiths (Seaham Bowthorne Soccer Club), K McMurray (Community Representative).

IN ATTENDANCE:

J Linnane (PSC), P Nichols (PSC), Sarah-Jane Hazell (Hinton Wallalong District Pony Club).

APOLOGIES:

Cr Francis (PSC), P Hughes (Community Representative), I Scanlon (Community Representative), I McMurray (Community Representative).

NOMINATIONS FOR APPROVAL

Nil

MINUTES FROM PREVIOUS MEETING:

- Moved T Griffiths 2nd R Crosby
- That the minutes from the previous be accepted as a true and accurate record
- **CARRIED**

MATTERS ARISING FROM MINUTES:

Nil

Treasurers Report:

Nil

Jason Linnane acted as returning officer and called for nominations for the positions listed below.

ELECTION OF OFFICERS:

PRESIDENT:

Tim Griffiths nominated by Jason Lantry 2nd Stephen Hanson

ELECTED UNOPPOSED

SENIOR VICE PRESIDENT:

Ray Crosby nominated by Tom Wilson 2nd Adam Cooper

ELECTED UNOPPOSED

JUNIOR VICE PRESIDENT:

Jason Lantry nominated by Adam Cooper 2nd Ray Crosby

ELECTED UNOPPOSED

TREASURER:

Kerry McMurray nominated by Tom Wilson 2nd Stephen Hanson

ELECTED UNOPPOSED

MANAGEMENT COMMITTEE

Janelle Shields nominated by Cr Jordan 2nd Ray Crosby

ELECTED UNOPPOSED

Ian McMurray nominated by Cr Jordan 2nd Ray Crosby

ELECTED UNOPPOSED

Adam Cooper nominated by Cr Jordan 2nd Ray Crosby

ELECTED UNOPPOSED

GENERAL BUSINESS:

Committee Operations

Tim Griffiths tabled the Committee Operations document to be completed by the Rural West Sports Council delegates at the Annual General meeting. This is to ensure that the Rural West Sports Council meets the requirements from the Department of Local Government to ensure Council's 355 (b) committees are operating according to the statutory requirements of their constitutions and Council's Code of Conduct.

Document was appropriately completed.

Number of Sports Council Meetings Per Year

- Moved A Cooper 2nd S Shields
- That the number of Sports Council meetings be decreased from 4 to 3 and that the new months for the meetings be February (AGM included), June & October.
- CARRIED.

ATTACHMENT 5

TOMAREE SPORTS COUNCIL:

ANNUAL GENERAL MEETING

Tomaree Sports Council reports having met in the Burwell Oval Clubroom on Wednesday 22nd February 2006 at 7.45pm and terminating at 8.20pm.

PRESENT:

W Lilly(Strikers Baseball Club), Peter Sosso (Nelson Bay Rugby Union), Ashley Bellman (Nelson Bay Jnr AFL), Polly Brown (Nelson Bay Pony Club Steve Mathieson (Nelson Bay Pony Club), Rob Duff (Birubi Surf Lifesaving Club), Charlie Elias (Nelson Bay Jnr RLFC), Zoran Rankovic (Nelson Bay United Soccer Club), Craig Harris (Nelson Bay Touch Football), Peter Davies (Port Stephens Bridge Club), Michael Monin(Nelson Bay Jnr Soccer Club) Alan Thompson (Nelson Bay Jnr Soccer Club), Cr John Nell (PSC), Peter Swarbrick (Nelson Bay AFL), Bruce Scott (Port Stephens Tennis Association), Margaret Kohler (Nelson Bay Strikers Baseball Club) Cr Sally Dover, Greg Curry (Nelson Bay Jnr RLFC), Steve Laut(Nelson Bay Touch), Geoff Bulmer(Nelson Bay Blues RLFC),John Edmonds (Nelson Bay Rugby), Craig Harris (Nelson Bay Touch), Michael Halls Thompson(Nelson Bay Croquet), Mark Palmer (Nelson Bay Cricket), Chris Fotis (Nelson Bay Cricket),Jeff Halliday (Port Stephens Athletics), Lindsay Brown (Port Stephens Hockey)

IN ATTENDANCE:

Jason Linnane (PSC), Rachel Wood (PSC)

APOLOGIES:

Cr Bob Westbury, David Blackledge (PSC), Matt Bliss (Nelson Bay Blues RLFC),

NOMINATION OF NEW DELEGATES:

- Moved Peter Swarbrick 2nd Charlie Elias
- That the nomination of Steve Mathieson representing Nelson Bay Pony Club be accepted as 1st delegate to the Tomaree Sports Council and the nomination of Wayne Bennett representing Nelson Bay Pony Club as 2nd delegate be accepted.
- **CARRIED**

MINUTES OF PREVIOUS MEETING:

- Moved Peter Swarbrick 2nd Zoran Rankovic
- That the minutes from the previous meeting be accepted as a true and accurate record
- **CARRIED.**

MATTERS ARISING FROM PREVIOUS MINUTES:

- 1) NIL

TREASURERS REPORT:

- Moved Warrick Lilly 2nd Ashley Bellman
- That the Treasurers Report be accepted as a true and accurate record.
- **CARRIED**

Bruce Scott thanked the Tomaree Sports Council and Councillors for their support in 2005 and welcomed all new delegates.

Bruce especially thanked Warrick Lilly for his efforts and assistance as Treasurer in 2005.

Cr Sally Dover acted as returning officer.

ELECTION OF OFFICERS:

President

Bruce Scott nominated by Cr John Nell 2nd Zoran Rankovic
Elected Unopposed.

Senior Vice President

Cr John Nell nominated by Peter Swarbrick 2nd Zoran Rankovic
Elected Unopposed.

Junior Vice President

Peter Swarbrick nominated by Cr John Nell 2nd Bruce Scott
Elected Unopposed.

Treasurer

Peter Davies nominated by Zoran Rankovic 2nd John Nell
Elected Unopposed.

Account Name: Tomaree Peninsula Sports and Recreation Council
Account Number: 06 2826 28013008 and 06 2826 50089519
Current Signatories: Bruce Scott, Peter Swarbrick, Warrick Lilly
Number of Signatories to sign Cheques = 2

Warrick Lilly to be removed from current list of signatories and Peter Davies and John Nell to be added.

Management Committee

Bruce Scott nominated by Cr John Nell 2nd Zoran Rankovic
Elected Unopposed.

Cr John Nell nominated by Peter Swarbrick 2nd Zoran Rankovic
Elected Unopposed.

Peter Swarbrick nominated Cr John Nell 2nd Zoran Rankovic
Elected Unopposed.

Ashley Bellman nominated Peter Sosso 2nd Warwick Lilly
Elected Unopposed.

Alan Thompson nominated by Peter Swarbrick 2nd Zoran Rankovic
Elected Unopposed.

Peter Sosso nominated by Peter Swarbrick 2nd Zoran Rankovic.
Elected Unopposed.

Peter Davies nominated by Peter Swarbrick 2nd Zoran Rankovic.
Elected Unopposed.

CORRESPONDENCE:

1) Committee Operations

Bruce Scott read through and completed Annual General Meeting Checklist for Committee Operations for Tomaree Sports Council.

- Moved Warwick Lilly 2nd John Nell
- That the Annual General Meeting Checklist is a true and accurate record.
- **CARRIED.**

Annual General Meeting Closed 8.10pm.

ATTACHMENT
5A

11/05/2006 12:59 0249841855

PORT STEPHENS VIC

PAGE 02/03

Source of Funds.

Date	User	E. Visting	No 1 Matchfield	Alcohol Ris	Cleaning	Canteen	Kitchen	Membership	Markets	Other Grounds	Fluoridlight Chgs	Rubbish Removal	Late Fee
15/02/2005	Port Stephens Council	\$950.00											
15/02/2005	Port Stephens Council	\$180.00										\$180.00	
15/02/2005	Northern Blues RLFC	\$90.00	\$150.00										
15/02/2005	PS Jullia Athletics	\$155.00											
4/02/2005	Port Stephens Council	\$1,820.00	\$150.00	\$25.00	-\$90.00	\$50.00							
30/3/2005	Port Stephens Bridge	\$135.00					\$25.00						
5/03/2005	Northern Blues RLFC	\$90.00					\$25.00						
15/03/2005	Port Stephens Council	\$60.00											
4/04/2005	PS Jullia Athletics	\$60.00											
3/04/2005	Northern Blues RLFC	\$69.00							\$1,980.00				
	Nelson Bay Strikers												
	Port Stephens Enterprises												
	Nelson Bay Junior Soccer												
	Brant P13LSC												
12/04/2005	Croftville Filtration												
22/04/2005	Nelson Bay Hockey	\$135.00	\$150.00	\$25.00		\$50.00							
	Northern Blues RLFC	\$135.00	\$150.00	\$25.00		\$50.00							
	Nelson Bay RSL Swimming												
	Nelson Bay AFL												
	Nelson Bay Netball												
	Nelson Bay Jnr AFL												
23/04/2005	Tonawee High School	\$185.00			\$35.00								
	Port Stephens Council												
12/05/2005	Nelson Bay Croquet		\$450.00	\$25.00		\$150.00							
	Nelson Bay United Soccer	\$135.00	\$150.00	\$25.00		\$50.00							
	Northern Blues RLFC	\$60.00											
	Nelson Bay Touch												
24/05/2005	Port Stephens Council	\$60.00	\$150.00	\$25.00		\$50.00							
	Port Stephens PSSA	\$135.00	\$225.00	\$25.00		\$50.00							
	Northern Blues RLFC												
	Nelson Bay Ferry Club		\$150.00										
7/05/2005	Tonawee High School	\$20.00	\$60.00	\$25.00		\$200.00							
	Port Stephens Council	\$370.00	\$700.00	\$50.00		\$100.00							
21/05/2005	Nelson Bay United Soccer	\$540.00											
	Tonawee Public School												
	Port Stephens Council												
	Nelson Bay Jnr AFL	\$135.00	\$175.00	\$25.00	\$50.00								
01/07/2005	Northern Blues RLFC	\$135.00	\$175.00	\$25.00	\$50.00								
	Northern Blues RLFC												
	Mudgee Public School												
	Port Stephens Enterprises												
12/07/2005	Hunter Schools Sports Ass									\$1,847.55			
10/08/2005	Nelson Bay Rugby Club	\$60.00	\$225.00										
	Northern Blues RLFC												
	Catholic Sports												
	Nelson Bay Pistol Club												

ATTACHMENT
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11/05/2006 12:59 0249841855

PORT STEPHENS VIC

PAGE 03/03

Date	User	E. Waring	No 1 Matchfield	Alcohol Rts	Cleaning	Canteen	Kitchen	Membership	Marble	Other Grounds	Floodlight Chgs	Rubbish Removal	Late Fee
	TAC Management Sst. Tennis							\$55.00		\$1,329.00			
	Nelson Bay Tennis Club							\$55.00					
	Sodliffers Point Tennis Club							\$500.00					
	Nelson Bay Jnr RLFC												
	Tonnaree High School	\$150.00											
	Tonnaree High School	\$150.00											
	Tonnaree High School	\$149.84											
	Tonnaree High School	\$75.00											
	Tonnaree High School	\$1,810.00											
	Catholic Sports Co-ord												
	Port Stephens Bridge Club							\$20.00					
	Nelson Bay United Soccer							\$282.00					
	Nelson Bay Cricket Club							\$596.00					
	PS Athletics Club												
	13/3/2005 Tonnaree High School												
	14/09/2005 Nelson Bay Jnr Cricket												
	30/09/2005 M Nichol (beast control)	\$75.00											
	Northern Bays RLFC/Unauth. use												
	Nelson Bay Touch							\$4,500.00					
	Nelson Bay Hockey	\$50.00											
	Nelson Bay Netball												
	18/11/2005 Tonnaree High School	\$1,300.00											
	Port Stephens Bridge Club	\$80.00											
	Port Stephens Council												
	Port Stephens Enterprises												
	Port Stephens High School												
	14/11/2005 Tonnaree High School	\$120.00											
	17/11/2005 Northern Bays RLFC	\$150.00											
	17/11/2005 Northern Bays RLFC	\$975.00											
	30/11/2005 Nelson Bay Rotary Club	\$100.00											
	30/11/2005 Nelson Bay Rotary Club	\$150.00											
	30/11/2005 Govega Pools HFSS	\$300.00											
	12/12/2005 Nelson Bay United Soccer	\$100.00											
	30/12/2005 St Nicholas Catholic Church	\$320.00											
	Port Stephens Enterprises												
	Port Stephens Bridge Club	\$1,120.00											
	Totals	\$11,010.00	\$6,654.84	\$415.00	\$419.00	\$1,220.00	\$75.00	\$12,914.90	\$6,374.85	\$2,164.00	\$185.00	\$720.10	\$49.60
	Total 2005	\$44,751.48											
	Allocation from Council	\$9,000.00											
	February	\$12,49.00											
	March	\$2,335.00											
	April	\$7,786.00											
	May	\$1,309.00											
	Total Interest from Cheque Account												
	Interest from Fixed Deposit												
	June	\$3,120.00											
	July	\$3,802.35											
	August	\$6,575.94											
	September	\$5,666.00											
	October												
	November												
	December												

ATTACHMENT
5A

Commonwealth Bank
Commonwealth Bank of Australia
ABN 48 123 123 124 AFSL 234945



THE TREASURER
TOMAREE SPORTS COUNCIL
6 BOTTLENOSE ST
CORLETTE NSW 2315

Statement	55 (Page 1 of 1)
Statement begins	2 December 2005
Statement ends	3 January 2006
Closing balance	\$37,976.70 CR
Enquiries	13 2221 (8am to 8pm, Mon to Fri)

Cheque Acct Bearing Interest

Account number 06 2826 28013008

Name: TOMAREE PENINSULA SPORTS REC COUNCL
Branch: NELSON BAY NSW.
Bank, State & Branch number (BSB) 06 2826

Note: Proceeds of cheques are not available until cleared. Please check that the entries listed on this statement are correct. If there are any errors, please contact the Bank immediately on 13 2221.

Further information about your account, including details of benefits or fees and charges, is available by telephoning the enquiry number listed above. If you have a complaint, information about our dispute resolution process is available from the same enquiry number.




Date	Transaction	Debit	Credit	Balance														
02 Dec 2005	OPENING BALANCE			\$35,135.85 CR														
06 Dec	000126	118.17		\$35,017.68 CR														
12 Dec	DEPOSIT		544.50	\$35,562.18 CR														
30 Dec	DEPOSIT		2,430.00															
30 Dec	CASHED CHEQUE 000127	30.00		\$37,962.18 CR														
03 Jan	CREDIT INTEREST		14.52	\$37,976.70 CR														
03 Jan 2006	CLOSING BALANCE			\$37,976.70 CR														
<table border="0" style="width: 100%;"> <tr> <td style="text-align: right;">Opening balance</td> <td style="text-align: center;">-</td> <td style="text-align: right;">Total debits</td> <td style="text-align: center;">+</td> <td style="text-align: right;">Total credits</td> <td style="text-align: center;">=</td> <td style="text-align: right;">Closing balance</td> </tr> <tr> <td style="text-align: right;">\$35,135.85 CR</td> <td></td> <td style="text-align: right;">\$148.17</td> <td></td> <td style="text-align: right;">\$2,989.02</td> <td></td> <td style="text-align: right;">\$37,976.70 CR</td> </tr> </table>					Opening balance	-	Total debits	+	Total credits	=	Closing balance	\$35,135.85 CR		\$148.17		\$2,989.02		\$37,976.70 CR
Opening balance	-	Total debits	+	Total credits	=	Closing balance												
\$35,135.85 CR		\$148.17		\$2,989.02		\$37,976.70 CR												

ATTACHMENT
5A

Commonwealth Bank
Commonwealth Bank of Australia
ABN 48 123 123 124 AFSL 234945



Date printed	13 January 2006
Term Deposit Number	06 2826 50081891
Closed on	12 January 2006
 Enquiries	13 2221 8am to 8pm, Mon to Fri

MR WARWICK LILY
6 BOTTLENOSE ST
CORLETTE NSW 2315

Term Deposit Closed Account Notice

Closure details	Your Term Deposit with us, in the name of TOMAREE PENINSULAR SPORTS REC, was closed on 12 January 2006. Any interest owing on your Term Deposit was also paid on that date. Investment balance as at start of reporting period 31 August 2005\$50,000.00 Closing balance as at 12 January 2006\$0.00
Interest details and deductions	Total interest for the financial year ending 30 June 2006 (use this amount for taxation purposes)\$919.17
Contact us	Further information about your Term Deposit, including details of benefits or fees and charges, is available by calling the enquiry number listed above. If you have a complaint, information about our dispute resolution process is available from the same enquiry number.
Important information	Please keep this notice for taxation purposes. This notice replaces any previous details for this Term Deposit. - end of notice -



ATTACHMENT
5A

Application of Funds		
Date	Payee	Description
23/02/2005	Precarious	\$2,000.00 Refund of Circus Bond
8/03/2005	Nelson Bay pony Club	\$500.00 Refund of Bond
12/04/2005	Port Stephens Council	\$136.65 Electricity
24/04/2005	Nelson Bay Cricket Club	\$2,711.50 Shipping Container Burwell Oval
6/06/2005	Port Stephens Council	\$200.00 Sports Star Awards
29/06/2005	Port Stephens Council	\$13,000.00 Air Conditioning E. Waring Room
31/08/2005	Port Stephens Council	\$519.19 Electricity Tennis Courts 1st & 2nd Qtr 05
28/11/2005	Port Stephens Council	\$118.17 Electricity
23/12/2005	Australia Post	\$30.00 Postage 2005
	Total	\$19,215.51

ITEM NO. 9

INFORMATION PAPERS

AUTHOR: BUSINESS PAPER CO-ORDINATOR

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 13 June 2006.

No:	Report Title	Page
1	Access Committee Minutes	91
2	Indigenous Strategic Cttee Meeting with Worimi LALC	95
3	Feasibility of a Koala Underpass & Sugar Glider Overpass for Soldier Pt Rd	99
4	Managers Monthly Report	103

OPERATIONS COMMITTEE MEETING – 15 June 2006

RECOMMENDATION: That the information papers be received and noted.

ORDINARY MEETING OF COUNCIL – 27 JUNE 2006

RECOMMENDATION:

573	Councillor Brown Councillor Jordan	It was resolved that the information papers be received and noted.
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Note: Cr Robinson returned to the meeting at 8.25pm during Item 9.

OPERATIONS COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

ACCESS COMMITTEE MINUTES

POSITION TITLE: DISABILITY ACCESS OFFICER

FILE: A2004-0226

BACKGROUND

The purpose of this report is to present to Council the minutes of the Access Committee Meeting held on the 2 May 2006.

Key issues addressed at the meetings included: -

- 1) Access Awareness Day Update
- 2) Presentation of Certificates of Appreciation
- 3) Little Beach Ramp Update

ATTACHMENTS

- 1) Minutes of the Access Committee Meeting held on 2 May 2006.

ATTACHMENT 1

**PORT STEPHENS ACCESS COMMITTEE
MINUTES OF MEETING HELD 2 MAY 2006
RAYMOND TERRACE COMMUNITY CARE CENTRE**

Present:

Ken Whiting, Cr Helen Brown, Michael Elliott, Karen Whiting, Joe Delia, Kathy Delia, Justin Delia, Margaret O'Leary, Liz Osborne, Deborah Franklin, Tony Cremens, Michelle Pavy, David Painter, Val Painter, Erin Devlin, Carol Last, Bill Bobbins,

Apologies:

Cr Sally Dover, Robert Harper, Sue Spleit, Alice De Carle, Tony Kean, Cathy Jennings, Carolyn Parsons

1. MINUTES OF PREVIOUS MEETING

The Minutes of 4 April 2006 were accepted as an accurate record of that meeting.

Moved: Ken Whiting Seconded: David Painter.

2. CHAIRPERSON'S REPORT

- Chairperson, Ken Whiting presented his report. He welcomed the work being carried out to improve access in the Salamander Bay Town Centre
- Ken extended an invitation to Committee members to attend a meeting with Shadow Minister for Ageing and Disability, John Ryan which has been organised by Councillor Dover to discuss disability issues in Port Stephens at the Raymond Terrace Community Centre on Friday the 12 May 2006 from 10.30am - 12.30pm.

3. BUSINESS ARISING

A) ACCESS ISSUES AT COUNCIL OWNED SWIMMING POOLS

At the request of Councillor Dover (who was unable to be attend this meeting), Chairperson Ken Whiting raised the issue of access at Port Stephens Council owned swimming pools, with the tabling of the following issues/suggestions on behalf of Councillor Dover: -

- A wheelchair be provided for use at all Council Swimming Pools for transport to/from the carpark for people with a permanent or temporary disability
- The existing chairlift at the Tomaree Aquatic Centre requires repairing as it has been out of commission for some time
- When patrons attend Council owned swimming pools and are accompanied by their carer, entry fee for the carer only should be waived.

Ken passed a motion requesting support to pursue these matters further with Council Officers on behalf of the Access Committee that was seconded by David Painter. A vote was taken and the motion was carried.

Action:	1) Michael Elliot will refer these matters to the attention of Council's Acting Sport and Recreation Manager for consideration.
---------	---

B) ACCESS AWARENESS DAY

Preparations for the *Access Awareness Day* are progressing well. It will be held on 31 May 2006 from 9:30am – 1:30pm at the Port Stephens Council Administration Building in Adelaide Street Raymond Terrace. Committee members are welcome to attend to observe and give advice during the event. Robert Farley has tentatively accepted an invitation to be guest speaker on the day. If you wish to attend you must RSVP to Michael Elliott on 49800 355 before 3.00pm on 16 May 2006.

C) CERTIFICATES OF APPRECIATION

Certificates have been produced along with the preparation of a list of recipients for the inaugural allocation of the Committee's *Certificates of Appreciation*. Discussion was given to the possible presentation of these Certificates at the upcoming joint meeting with Council in June 2006 along with a motion by Bill Bobbins that the certificates be framed prior to their presentation. In lieu of these two suggestions, the Committee supported the process of presenting the *Certificates of Appreciation* directly to people at Committee meetings where possible.

Subsequently, *Certificates of Appreciation* were presented by Chairperson Ken Whiting to Access Committee members David Painter and Liz Osborne in recognition of their contributions in the disability field.

4. GUEST SPEAKER – ANDREA THOMAS

Andrea Thomas from Port Stephens Home Modification and Maintenance Service gave an interesting presentation about the range of services provided by her organisation. For further information contact her office on 4987 4622.

5. GENERAL BUSINESS

5.1 Donation towards 2006 International Day of People with a Disability Picnic

Chairperson Ken Whiting announced receipt of a pledge of \$1000 donation towards the *2006 International Day of People with a Disability Picnic* from the "Refused and Reused Centre" Salamander Bay. This organisation generously donated the same amount to last year's picnic

David Painter and Michelle Pavy are currently drafting letters to be sent out to businesses seeking donations towards the International Day of People with a Disability Picnic

5.2 Little Beach Ramp Update

Michael Elliott informed the Committee that a delay of approximately a month had been announced in supply of the treated timber for use on the Little Beach Wharf. This delay was beyond Council's control

5.3 Raymond Terrace Community Centre

David Painter indicated the handrail on the ramp at the Raymond Terrace Community Centre was unsatisfactory and needs a second rail installed to prevent persons in a wheelchair from accidentally going under the existing rail.

Action:	1) Michael Elliot will refer this matter onto Council's Community Services Manager for investigation.
---------	---

5.4 Provision of Accessible Toilet at John Renshaw Dr, Driver Reviver Stop

David Painter mentioned that an accessible toilet was unlikely to be provided by the Morisset Lions Club Driver Reviver Stop on John Renshaw Drive, which the Access Committee asked previously to be considered.

5.5 Committee Executive

The Committee's Annual General Meeting will be held on 6 June 2006 at O'Carrollyns at One Mile Beach. A nomination form will be forwarded to each Committee member to nominate an individual you think may be appropriate. Nominations to be received by the 31 May 2006 (although nominations will also be accepted on the day).

6. CORRESPONDENCE

Michael Elliott presented the following items of correspondence: -

- A free seminar on *'Memory and Ageing'* will be presented at the Nelson Bay RSL Club on Thursday the 8 June 2006 from 9.30am - 12.00pm. Registration is not required and morning tea will be provided
- An article in Volume 1 of *'Walk on Wheels'* about how to select a motorised scooter that will suit your needs.

7. NEXT MEETING

Our next meeting will be the **Annual General Meeting** at O'Carrollyns at One Mile Beach, 10.30am - 12.30pm on Tuesday the 6 June 2006.

INFORMATION ITEM NO. 2

**INDIGENOUS STRATEGIC COMMITTEE MEETING WITH
WORIMI LOCAL ABORIGINAL LAND COUNCIL**

POSITION TITLE: SOCIAL PLANNING CO-ORDINATOR

FILE: PSC2005-0629

BACKGROUND

The purpose of this report is to present to Council the minutes of the Indigenous Strategic Committee meeting with Worimi Local Aboriginal Land Council (LALC) held on 8 May 2006.

Key issues considered at the meeting included:

- 1) Referring of Development Applications to LALCs for Comment
- 2) Stockton Bight Update
- 3) Middens at Birubi Headland Update

ATTACHMENTS

- 1) Minutes of Indigenous Strategic Committee meeting with Worimi LALC on 8 May 2006.

ATTACHMENT 1

**INDIGENOUS STRATEGIC COMMITTEE MEETING
WITH WORIMI LOCAL ABORIGINAL LAND COUNCIL
HELD ON THE 8 MAY 2006
AT THE MURROOK CULTURAL & LEISURE CENTRE**

Present:

Val Merrick	Worimi LALC
Janice MacAskill	Worimi LALC
Len Anderson	Worimi LALC
Cr Helen Brown	PSC
Cr Ron Swan	PSC
Cr Sally Dover	PSC
Jason Linnane	PSC
Mike Trigar	PSC
Paul Procter	PSC
Cliff Johnson	PSC
Scott Anson	PSC

Apologies:

Andrew Smith	Worimi LALC
Delece Manton	Worimi LALC
Cr Craig Baumann	PSC
Peter Gesling	PSC
Stewart Murrell	PSC
David Broyd	PSC

Cr Brown chaired and opened the meeting at 1:15pm

1. BUSINESS ARISING FROM PREVIOUS MINUTES

Business from previous Ordinary Meeting held on 13 March 2006 were accepted as follows:

Note:

Discussion of Item 3 was carried out first as Council's Manager Development & Building, Scott Anson had to leave the meeting early to attend another appointment.

Item 3: Referring of Development Applications to LALCs for Comment

Council's Manager Development & Building, Scott Anson attended the meeting to discuss with WLALC their ideas on how the current notification and referral process could be improved. He is happy to work together with WLALC to review and look at ways of improving existing processes.

WLALC indicated that they would like to see consideration given to: -

- requesting applicants to consider upfront Archaeological issues by requesting applicants seek Land Council certification upfront (where relevant) when seeking to lodge a Development Application. They would need to provide a certificate of registration from the relevant LALC. This would obviously need to be processed in a timely manner so as to meet timelines

- look at developing a trigger in Council's assessment systems (eg; GIS overlay) to flag and identify any sites which may have higher sensitive areas of cultural and archaeological significance so as to convey upfront to developers whether or not there may be cultural issues associated with the proposed site. Map could also possibly be made available to private certifiers.
- formulating some specific guidelines to identify developments which may have an archaeological impact such as developments which are larger than a standard housing block
- provision of cultural awareness training including an overview of local Indigenous issues and key sites as part of Council's staff induction program (for relevant staff).

Action:	<ol style="list-style-type: none"> 1. Council's Principal Property Advisor Cliff Johnson will work with WLALC to formulate a map of sensitive sites 2. Scott Anson will review existing processes and forms with reference to the suggestions and comments made by WLALC
---------	--

Finally, in regards to discussion at the previous meeting concerning the use of Private Certifiers, Scott Anson indicated that a letter is being prepared following a Council resolution to write to the Minister for Planning in relation to a number of issues associated with the current use of Private Certifiers.

Item 1: Stockton Bight

Council's Acting Sport & Recreation Manager Jason Linnane reported that he has met with Andrew Smith, Val Merrick and the Interim Management Committee where it was decided that any change in the scale of operators on the Bight is not supported at this time. Council is allocating licences to operators for only 6 months rather than for 12 months in anticipation of the pending changeover. This information has also been past onto the NPWS.

In addition to this, Council's Rangers are conducting random checks of users on the Bight.

Item 2: Middens at Birubi Headland

Jason Linnane met onsite with Andrew Smith, Jamie Tarrett, Carol Ridgeway-Bissett and Council's Parks Co-ordinator for the East Ward, Geoff Dann to seek feedback on how Council can most effectively spend the funds totalling approximately \$20,000 to carry out remediation works on the midden site in partnership with WLALC.

At the meeting it was agreed that Andrew Smith and Jamie Tarrett would go away and formulate a plan for carrying out the works with consideration given to the incorporation of opportunities to skill up some of their members.

Action	1. WLALC to formulate a plan/proposal to carry out the remediation works.
--------	---

Item 4: Labelling Artefacts Display

Council has forwarded photographs of the artefacts contained in Council's Aboriginal Artefacts display belonging to Karuah LALC for identification and naming. Len Anderson indicated that some of the artefacts were also sourced by WLALC when the display was originally set up.

ORDINARY MINUTES – 27 JUNE 2006

Action:	1. Paul Procter will forward a copy of the photos onto WLALC so they can identify and name the items they provided.
---------	---

Item 5: Land Acquisition for Fingal Bay Link Rd

Council's Group Manager Facilities & Services, Mike Trigar indicated that he would be briefing Andrew Smith on correspondence Port Stephens Council has sent to the Administrator of WLALC in relation to the proposed acquisition of land for the Fingal Bay Link Rd. He also indicated that a full study of the proposed route would need to be carried out in the future. Where required, Council would seek WLALC approval to access certain areas to conduct the study.

Action:	1. Mike Trigar will brief the WLALC at the next ISC meeting on the status of this matter.
---------	---

Item 6: Mu-roo-ma Inc Representation on ISC

Paul Procter indicated that Ma-roo-ma Inc is still interested in being represented on the ISC as part of the WLALC membership. He indicated that the ISC Constitution membership allows up to 3 WLALC representatives plus one Elder.

Action:	1. Paul Procter will write to WLALC General Manager, Andrew Smith seeking notification in writing of the names of the three WLALC representatives and Elder who will represent WLALC on the ISC for the next 12 months.
---------	---

Item 7: 2006 Joint ISC Meeting

Paul Procter indicated that KLALC and Cr Dover have suggested consideration be given to inviting John Lester, Director of Aboriginal Education along to the July 2006 Joint Meeting as guest speaker.

WLALC suggested Kelvin Kon as an alternate option. It was agreed that Kelvin be approached first, and if unavailable, an invitation be extended to John Lester. It was also suggested that consideration also be given to inviting the Commonwealth Commissioner for Aboriginal Affairs to attend the 2007 Joint Meeting as guest speaker.

Action	1. Paul Procter will extend an invitation to Kelvin Kon to attend the July 2006 joint meeting as guest speaker.
	2. Subject to Kelvin Kon's ability to attend, an invitation will be extended to John Lester.
	3. Cliff Johnson liaise with the Commonwealth Commissioner for Aboriginal Affairs with whom he is acquainted, over the possibility of their attendance at the 2007 Joint ISC meeting.

2. GENERAL BUSINESS

There was no general business

3. NEXT MEETING

The next meeting will be the joint meeting between Port Stephens Council and Worimi and Karuah Land Councils. The meeting will be held on Tuesday 18 July 2006 at 5:30pm at Port Stephens Council.

INFORMATION ITEM NO. 3

**FEASIBILITY OF A KOALA UNDERPASS AND SUGAR GLIDER
OVERPASS FOR SOLDIERS POINT RD**

**AUTHOR: CIVIL AND LANDSCAPE PROJECTS COORDINATOR
FILE: 7345.008; PSC2005-1079**

BACKGROUND

The purpose of this report is to advise council of the feasibility of a koala underpass and a sugar glider overpass adjacent to the intersection of Soldiers Point Rd and the new access road to the Salamander Recreation Area, Waste Transfer Station and the Refuse and Recycle Centre. Further information is also provided regarding the details of the Local Traffic Management Scheme for this section of road.

Koala Underpass and Sugar Glider Overpass Feasibility

The feasibility of these installations was assessed in consultation with council staff, expert advice and reference to the Comprehensive Koala Plan of Management at the same time as the Local Traffic Management Scheme for Soldiers Point Road between Mullers Rd and Foreshore Drive was developed.

The installations were considered not feasible for the following reasons:

- The underpass would be inundated with water either permanently or frequently due to the high level of the water table in the area.
- Fauna, particularly koalas, are unlikely to use an overpass at such an urbanised location.
- The overpass would be in conflict with the existing overhead power lines, which would necessitate additional work to reroute the power lines underground.
- There is no way of reliably directing fauna to either of the installations at this location.
- The installations will not improve safety of the fauna if they are not used.
- The CKPoM notes that neither of the methods have been demonstrated to have functioned effectively.
- The installations will not improve either pedestrian or vehicle safety.

Soldiers Point Rd Local Traffic Management Scheme

The Local Traffic Management Scheme for this section of road was developed because of a fatal accident in 2005, the recreation area will attract more vehicle and pedestrian traffic into the area, that would offset the reduction of garbage truck movements to the Waste Transfer Station. The site is seen as a wildlife corridor and the section of road is identified in the CKPoM as a potential conflict area.

Existing safety measures include:

- Street lighting (the section in front of the R & R Centre is to be reviewed)
- Road markings including centrelines and edge lines.
- Construction of footpaths and traffic blisters.

- Wildlife Injury signs installed at Muller Road and Georges Road.
- 50 kph speed zone.

The following additional measures will be undertaken to improve road safety on Soldiers Point Rd between Muller Road and Foreshore Drive:

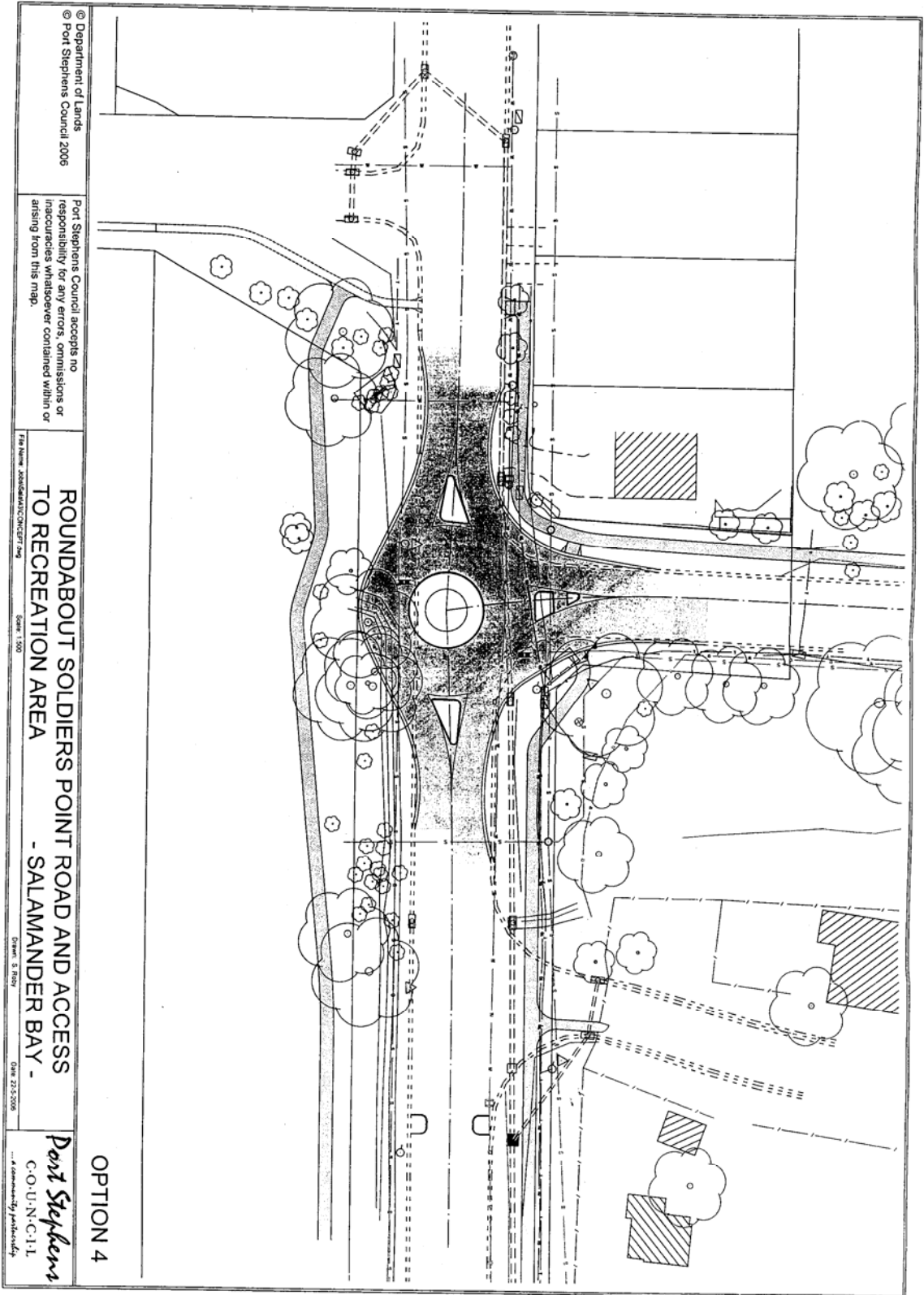
- Roundabout construction at the intersection of Soldiers Point Rd and the access road to the recreation and waste facilities to reduce traffic speed and improve safety at the intersection.
- Installation of crossings, traffic blisters and threshold treatments to provide safer crossing points, slow traffic and reinforce the 50kph speed limit.
- Construction of footpaths and cycleways to provide safe passage for pedestrians and cyclists using the area.
- Installation of additional signage and road markings to identify the wildlife corridor and increase public awareness of the potential for wildlife crossing the road.
- The measures are consistent with the design principles for koala road crossings specified in the CKPoM.
- The measures will define and improve visibility over the length of the carriageway and over the verges which will improve safety for **all** users of the area whether motorists, pedestrians or fauna.

The concept plan is complete (see attached) and the detailed design is now in progress. The installation of the traffic blisters and footpaths is currently in progress and it is anticipated that the construction of the roundabout should be complete by December 2006.

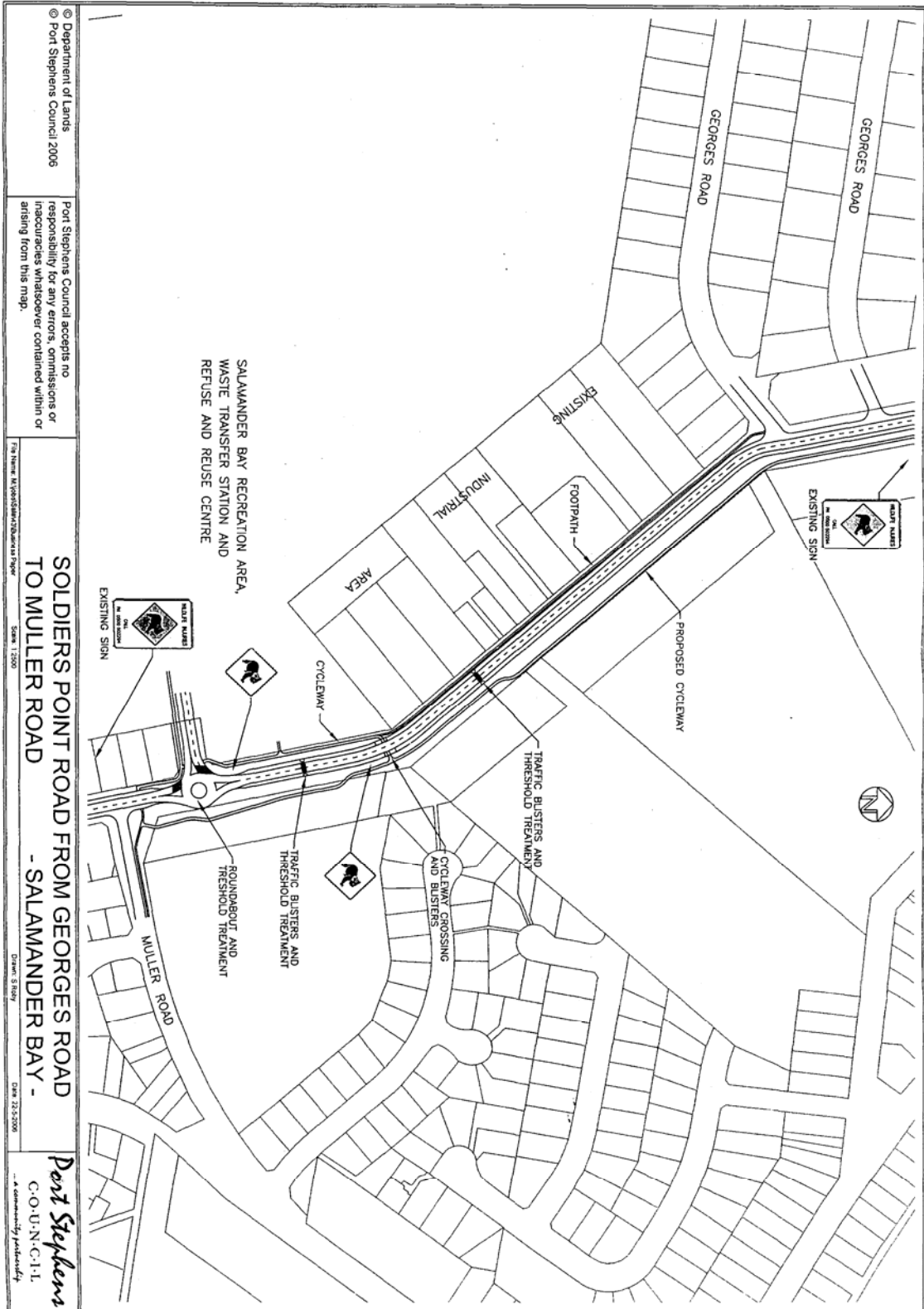
ATTACHMENTS

- 1) Concept Plan – Roundabout
- 2) Concept Plan – Traffic Measures

ATTACHMENT 1



ATTACHMENT 2



© Department of Lands
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Port Stephens Council accepts no responsibility for any errors, omissions or inaccuracies whatsoever contained within or arising from this map.

File Name: Map06042006.mxd
 Scale: 1:200

**SOLDIERS POINT ROAD FROM GEORGES ROAD
 TO MULLER ROAD
 - SALAMANDER BAY -**

Drawn: S. Raby Date: 22/3/2006

Port Stephens
 C.O.U.N.C.I.L.
 ... a community partnership

INFORMATION ITEM NO. 4

MANAGER'S MONTHLY REPORT MAY 2006

POSITION TITLE: BUSINESS PAPER CO-ORDINATOR
FILE: A2004-0498

BACKGROUND

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

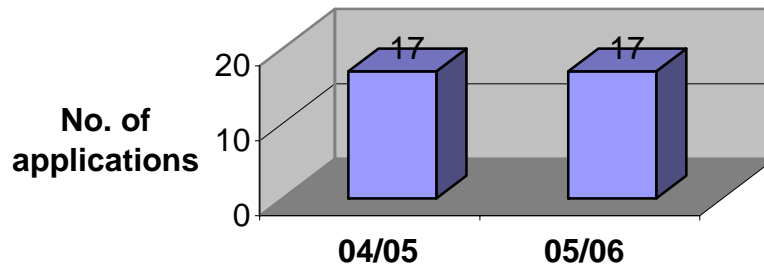
ATTACHMENTS

- 1) Monthly Manager's Report – May 2006.

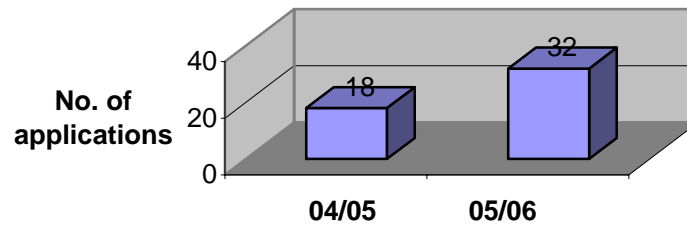
MANAGERS
MONTHLY REPORT
MAY 2006 STATISTICS

CORPORATE
MANAGEMENT

Freedom of Information Applications



Applications under Section 12 of the LGA



2005/2006 ALLOCATION OF MINOR WORKS

WARDS	EAST	CENTRAL	WEST
BALANCE B/FWD 30 JUNE 2005	4,408	-22,759	10,423
2005/2006 BUDGET ALLOCATION	20,000	20,000	20,000
TOTAL AVAILABLE 1 JULY, 2005	24,408	-2,759	30,423
ALLOCATED TO:-			
Rotary Club of Nelson Bay 2005-2746/001	2,720		
Port Stephens Sister Cities 26/7/2005	380		
Nelson Bay Pistol Club 26/7/2005	1,500		
Medowie Soccer Club 26/7/2005		1084	
Medowie Scout Group 26/7/2005		500	
Medowie Community Pre-school 26/7/2005		5000	
Little Beach Power Box 2005-3738/001	1260	1260	1260
Transferred \$20,000 from Salamander Funds		-20000	
Towing of Life Education Van August Meeting	1400	1400	1400
Gyro Spinner Alma Street reserve 2005-3622/17			5500
Hunter Valley Vaulting Centre 27/09/2005		100	
St Bridgids School 27/09/2005			1000
Tar Seal Pomona Place Tanilba Bay 2005-5376/01		2500	
Irrawang High School CM 346/05			200
Hunter River High CM 346/05			220
PS Business Chamber CM346/05			500
Hinton Public School CM346/05			1000
Seaham Public School CM346/05			1000
Anna Bay Community Centre CM346/05	6258		
Tilligerry Adult and Community Centre CM346/05		500	
Hunter New England NSW Health CM 346/05		154	
Tanilba Bay Rural Fire Brigade Comm. CM346/05		330	
Toilligerry Chamber of Commerce CM346/05		1000	
Lions Club Tilligerry Pen. CM 346/05		1000	
Medowie Public School CM346/05			200
Hunter River High CM346/05			200
Neil Carroll Park Clr Req	3443		
Apex Park Clr Req	3000		
Beat the Bitou at Birubi Clr Req		5000	
Rotary Club of Maitland Sunrise CM434/06			1000

ORDINARY MINUTES – 27 JUNE 2006

RT Water Polo Club CM434/06			500
Port Stephens Community Care CM434/06		1000	
Nelson Bay Town Management CM434/06	1000		
Karuah RSL CM 501/06			180
Seaham Scout Group CM 501/06			180
Medowie Lions Club CM 501/06		180	
Thou Willa CM 501/06			1000
TOTAL ALLOCATED	20,961	1,008	15,340
BALANCE AVAILABLE	3,447	-3,767	15,083
PLUS Expected Property Profits Funds (30%)	410,318	165,318	379,411
TOTAL AVAILABLE as at 22.5.06	413,765	161,551	394,494

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
Main Road Medowie Upgrade		0		0
Seaham Rd and Clarendetown 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

ORDINARY MINUTES – 27 JUNE 2006

Medowie Community Upgrade	50,000		50,000
Fern Bay Hall	60,000		60,000
Tanilba Hall	5,000		5,000
Tomaree Sports Complex Carpark and 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

ORDINARY MINUTES – 27 JUNE 2006

Contribution to RT Comm & Policing Services Rental assistance CM372/05			30,000	30,000
Tanilba Bay Golf Club CM 434/06		35,000		35,000
Salt Ash Sports Ground CM 434/06		35,000		35,000
				0
TOTAL ALLOCATED	364,330	724,330	520,340	1,609,000
BALANCE as at 22.5.06	410,318	165,318	379,411	955,047

ENGINEERING SERVICES & OPERATIONS

Roads

- Relocation of Telstra pits is holding up work on the Gan Gan Road cycleway near Boat Harbour. Work is expected to get underway in June now.
- Footpath paving and the installation of concrete threshold treatments as part of the traffic management plan on Soldiers Point Road near the R & R Centre are underway.
- Bus shelters and connecting paths at Anna Bay and on the Tilligerry Peninsula have been completed. The bus shelters on Medowie Road will be installed during June.
- The “Gateway” sign project has been completed.
- The cycleway on Medowie Road at the RAAF Base entrance will be started in June.
- Road rehabilitation along a 1 km stretch of Paterson Road near Stradbroke Close has been completed and the crew have commenced a 500m section of Clarencetown Road near Timbertop Road. The next project will be to rehabilitate a 200m section of Kirrang Drive at Medowie, with a section of Sturgeon Street between The Close and Glenelg Street to follow. Another crew is currently working on Lavis Lane near the sand mine entrance.
- The footpath paving in various Raymond terrace Streets will get underway in early June.
- The two alternative routes for the western end of the Corlette Cycleway have been pegged so people can get an appreciation of the impacts on trees. Further consultation with community groups is planned for June.

Drainage

- The work through the Golf Course at Tanilba Bay has been completed with 3 new crossings installed with the assistance of volunteers from the Club.
- The drainage line in Grafton Street is nearing completion with additional works in Austral and Armidale Streets carried out concurrently.
- The pollution control device for the end of Elwin Road, Raymond Terrace has been started.
- Pipelines in McClymonts Swamp Road at Wallalong will commence in early June.

Waste

- A new domestic medical sharps bin was installed at Karuah alongside the pharmacy bringing the number of bins now installed throughout the Council area to 5.
- Steve Bernasconi attended a Waste Management Conference in Melbourne where he presented a paper on co-operative framework between Local Government and the private sector in waste management.

COMMUNITY & LIBRARY SERVICES

- **Raymond Terrace and Tomaree Libraries** commenced opening at 9.30 am, a half hour earlier on business days as a result of a review of work practices by staff at the libraries.
- 20 children attended a **Twilight Storytime** session, which was filmed for a presentation at a conference on early literacy which was attended by several staff members.
- **Storytime at Tomaree Library and Community Centre** continues to grow with Tomaree's numbers increasing significantly again this month.
- Staff of the **Mobile Library** took advantage of a marketing opportunity by attending the Lemon Tree Passage Seniors Expo at Lemon Tree Passage RSL. This increased the profile of the Mobile Library in the community and will bring an increase in new membership hopefully over the next few months.
- Electrical upgrades are being undertaken at **Boomerang Park and Medowie Before and After School Care**. Also the roller door will be replaced at Boomerang Park and the gate is being widened for the new van.

RECREATION SERVICES

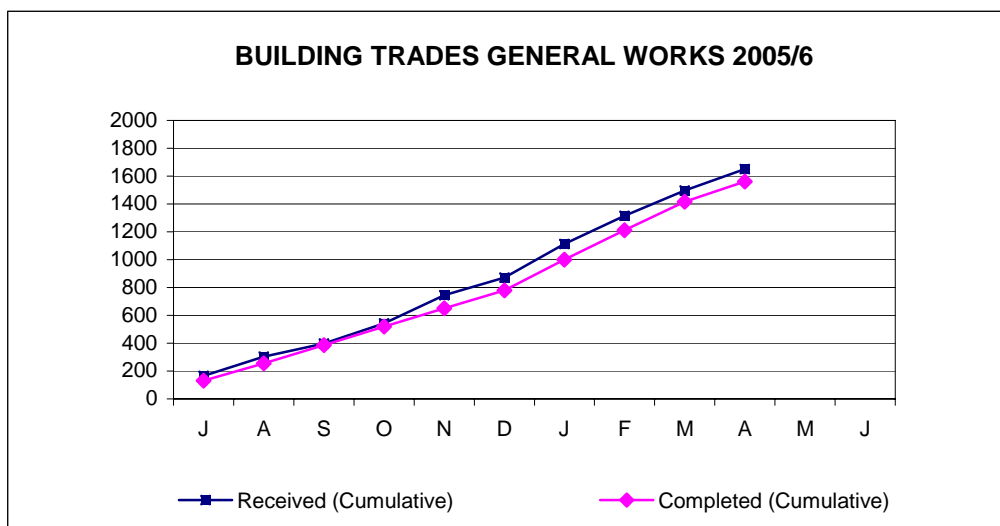
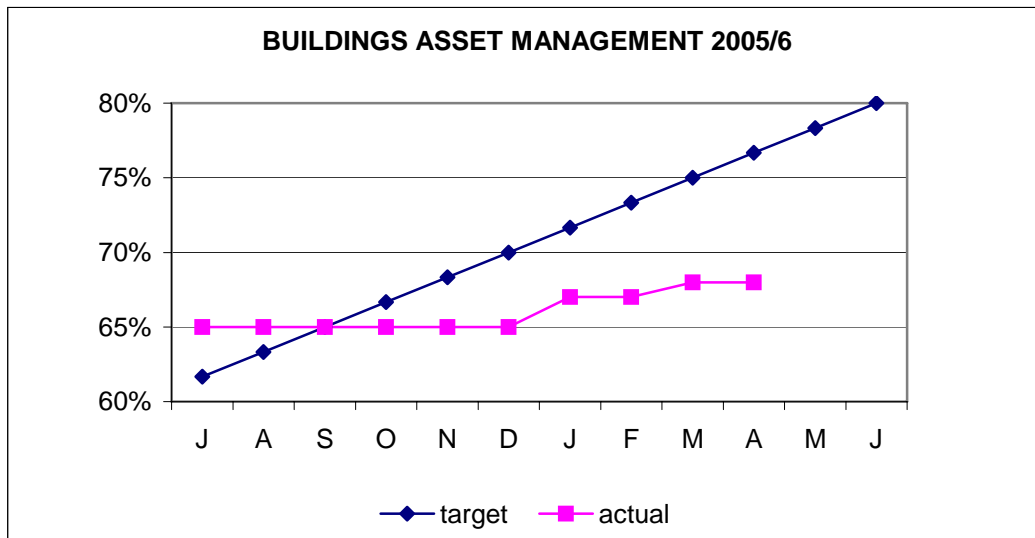
- Official Opening of **Salamander Sport Complex** successfully held.
- **Tomaree Sports Complex** soccer/touch football amenities project has commenced. All stakeholders have been informed.
- Range of works continue for **Rural West Sports Ground** upgrades.
- Bowthorne Park & Ferodale Park floodlighting completed.
- Ongoing discussions have been held with National Parks & Wildlife, the WALC and Department of Lands in regards to the handover of Stockton Beach. Land Claim to be finalised in near future by Department of Lands.
- Beach Vehicle Permit & Commercial Operators renewals have commenced for Stockton Beach.

PROJECT SERVICES

- Caswells Creek Bridge Maintenance completed.
- Information Services – Office alterations completed.
- Medowie Ferodale Park sports field lighting completed.
- Salamander Recreation Area – Shade shelters & storage completed.
- Salt Ash old RFS demolition completed.
- Shoal Bay Wharf – Initial stage of remedial work completed.
- Wallalong Bowthorne Park sports field lighting completed.
- Anna Bay RFS depot preliminary design has been completed. Project ON HOLD whilst funding being sought.
- Anzac Park DA will be re lodged by the end of May and otherwise is on target for completion by the end of November.
- Karuah Multi-Purpose Child Care Centre design has been submitted for DA approval with details design scheduled for completion mid June.
- Medowie Community Centre car park preliminary design has been completed and circulated for comment including a detailed investigation of the environmental effects of the proposal.
- R T Administration Building Council Chambers mural to be replaced similar to existing.

ORDINARY MINUTES – 27 JUNE 2006

- R T Administration building, investigation on controlled temperature and air handling systems and equipment for completion June 2006.
- Raymond Terrace Administration Building basement storage room design has been completed with construction scheduled mid year.
- Raymond Terrace Depot redevelopment concept brief being prepared.
- Raymond Terrace Foreshore Improvements design has commenced and construction is on target for completion by the end of August 2006.
- Raymond Terrace Senior Citizens Community Hall design has been submitted for DA approval with detailed design scheduled for completion in May.
- Raymond Terrace SES depot extension preliminary design has been completed. Project ON HOLD whilst funding being sought
- Tomaree Aquatic Centre Pool Liner Temporary repairs (July 2006) and full renovation (July 2007) being investigated.
- Tomaree Touch Football Extension – Rescheduled to be completed 3/6/06.



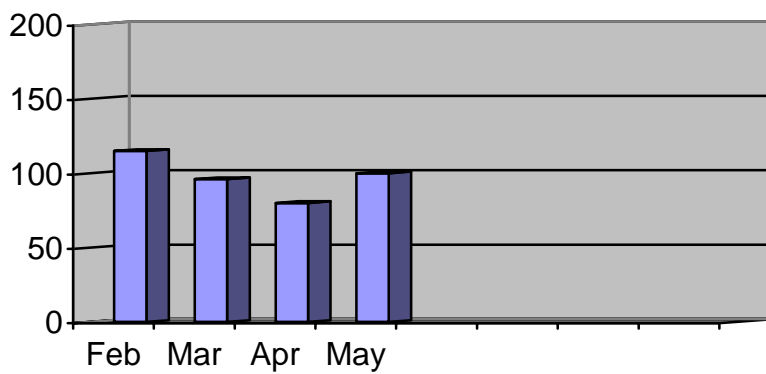
SUSTAINABLE PLANNING

Community Planning

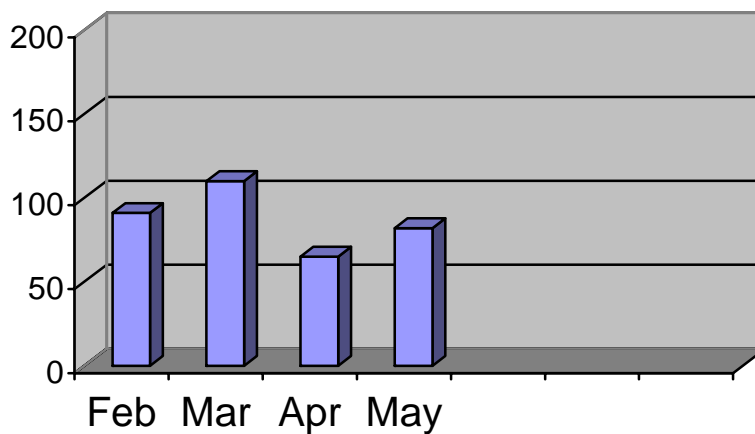
Development Approvals

DA's determined during the month	100
Modifications to DA's during the month	22
Construction Certificates approved during the month	82

DA's Determined



CC's Determined



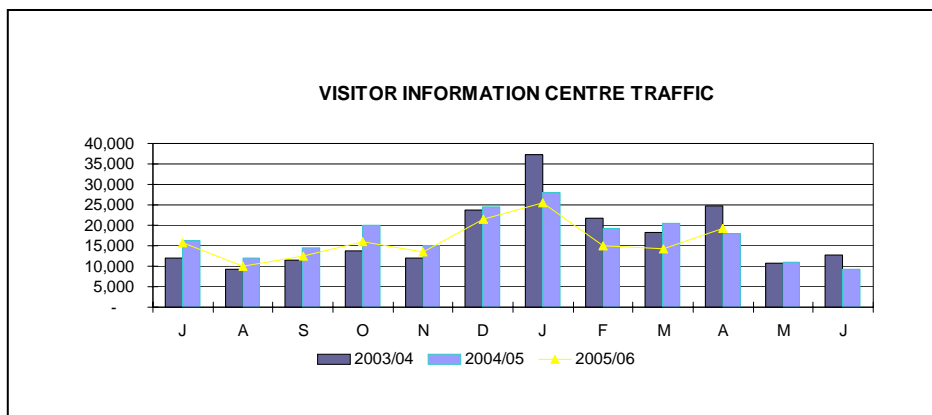
Marketing

- Discover Down Under (Channel 10) episode featured Soldiers Point Holiday Park Saturday 8th April.
- Beachside Bonus Memberships now over 600.

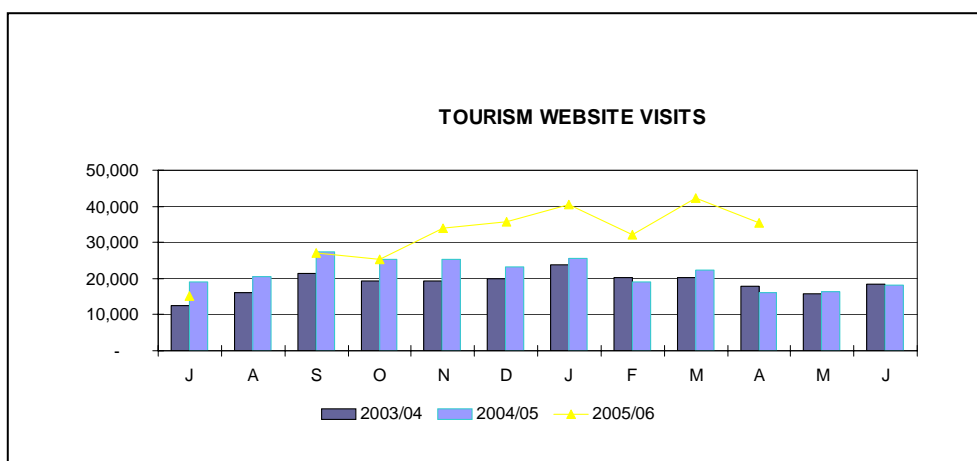
Strategic Planning

- Holiday Parks
- POM's for Holiday Parks currently underway. Due for review with consultants - Integrated Site Design.

Visitor Information Centre Traffic:

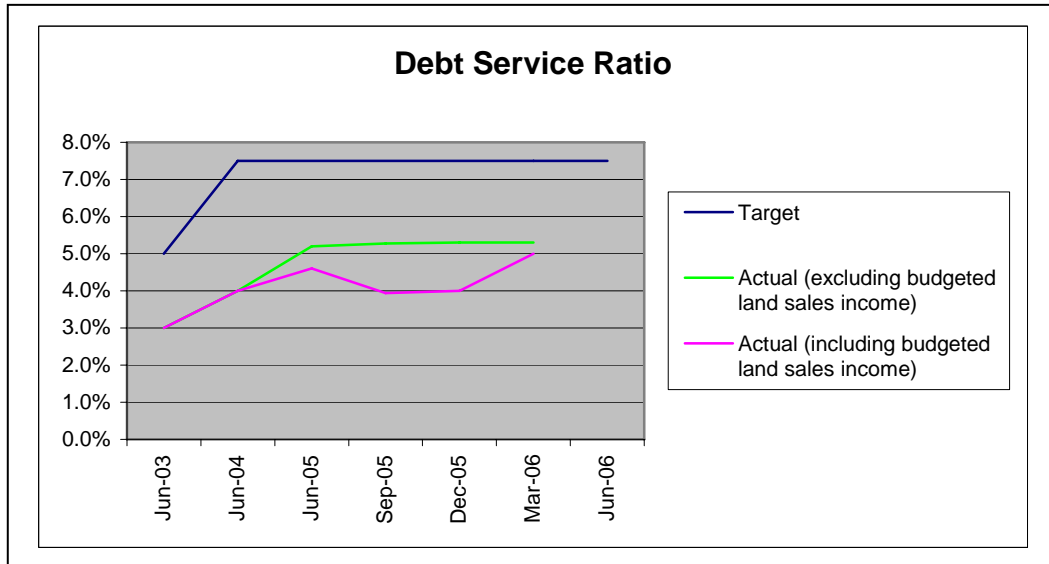


Tourism Website Visits

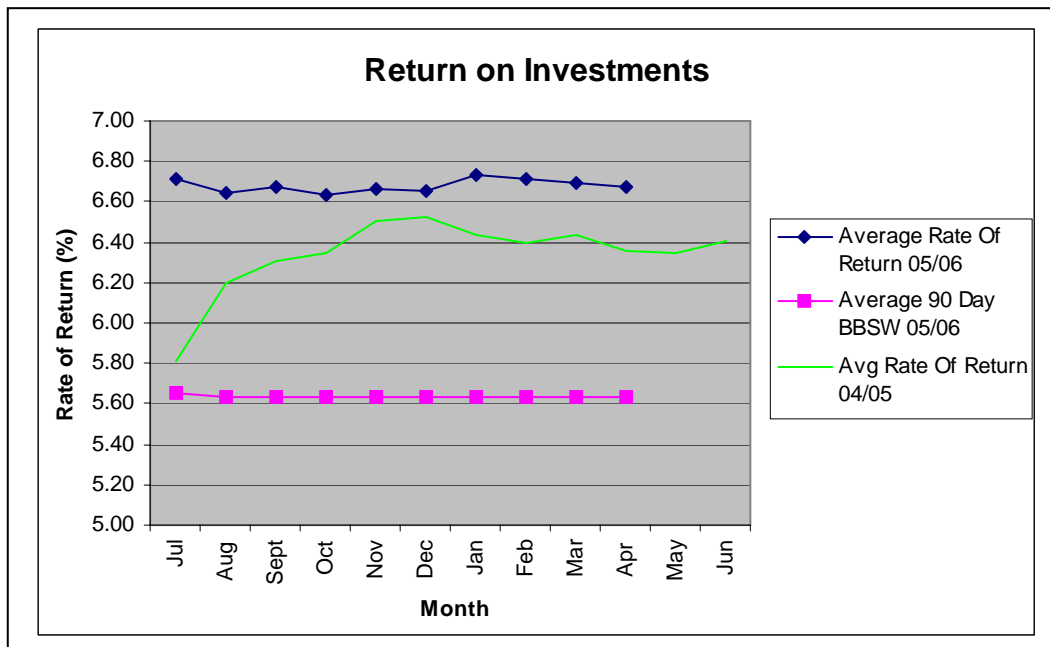


FINANCE

Debt Service Ratio (reported Quarterly)



Return on Investments



DEBTORS AGING (Sundry Debtors) as at April 2006

DEBTOR CATEGORY	Current	30 days	60 days	90 days	120 days	Total
Miscellaneous	65,819	27,494	16,692	1,549	33,195	144,750
Dog Impounding Fees	0	0	-864	0	864	0
Contribution to Works - Kerb & Guttering	0	0	618	-618	9,451	9,451
Shire Property Rents	12,661	7,831	-139	-1,580	2,604	21,377
Section 149 Certificates	3,260	2,460	100	100	380	6,300
Real Estate data	0	0	-909	0	909	0
Tipping Fees	7,202	11,164	-29	58	2,013	20,408
Contributions - Other	0	0	0	0	0	0
Sporting Clubs/355B Committee's	490	100	9,032	0	11,024	20,646
Contributions to Works - Footpaths	0	0	5,150	0	16,782	21,932
Council Uniforms	0	0	-7	-78	-329	-414
Effluent	0	0	0	0	0	0
Grants	0	29,500	0	0	55,000	84,500
On Site Sewerage Management	142	55	0	40	-40	197
On Site Sewerage Inspections	2,650	1,400	760	40	239	5,089
Business Inspections - Food	2,130	1,609	-113	284	2,156	6,066
Business Inspections - Hair/Beauty	0	0	0	0	130	130
Business Inspections - Caravan Parks	0	0	0	0	2,863	2,863
Business Inspections - Skin	0	0	0	0	0	0
Business Inspections - Mortuaries	0	0	0	0	0	0
TOTAL	94,354	81,613	30,290	-205	137,240	343,293

Total Outstanding Rates as at April 2006 = \$8,238,574.17

The amount of Sundry Debtors outstanding 120+ days at 30 April 2006 was \$137,240, compared to \$138,991 at 31 March 2006. Overall, outstanding sundry debts decreased from \$357,973 to \$343,293 during the month.

CASH & INVESTMENTS HELD							
INVESTED WITH	INV. TYPE	DATE INVESTED	AS AT 30 APRIL 2006		AMOUNT INVESTED	INTEREST RATE	% OF TOTAL FUNDS HELD
			MATURITY OR COUPON DATE	NO. OF DAYS			
GRANGE SECURITIES							
WIDE BAY CAPRICORN BUILDING SOCIETY	Floating Rate Sub Debt	15-Mar-06	15-Jun-06	92	500,000.00	7.26%	1.68%
SAPHIR FINANCE PLC 2004 - 4 "ENDEAVOUR AAA"	Floating Rate CDO	6-Feb-06	5-May-06	88	1,000,000.00	6.93%	3.36%
SAVINGS & LOANS CREDIT UNION (SA) LTD (2008)	Floating Rate Sub Debt	14-Mar-06	13-Jun-06	91	500,000.00	8.36%	1.68%
MAGNOLIA FINANCE LTD 2005-14 "FLINDERS AA"	Floating Rate CDO	20-Mar-06	20-Jun-06	92	1,000,000.00	7.10%	3.36%
APHEX CAPITAL PLC "JADE AA"	Floating Rate CDO	20-Mar-06	20-Jun-06	92	1,000,000.00	6.80%	3.36%
NEXUS BONDS LTD "TOPAZ AA-"	Floating Rate CDO	24-Nov-05	22-May-06	179	1,500,000.00	6.58%	5.04%
BISHOPSGATE CDO LTD "WENTWORTH AA-"	Floating Rate CDO	30-Mar-06	30-Jun-06	92	1,000,000.00	7.11%	3.36%
HERALD LTD "QUARTZ AA"	Floating Rate CDO	20-Mar-06	20-Jun-06	92	1,000,000.00	7.10%	3.36%
STARTS CAYMAN LTD "BLUE GUM AA-"	Floating Rate CDO	22-Mar-06	22-Jun-06	92	2,000,000.00	6.99%	6.72%
CYPRESS TREE CDO LTD "LAWSON AA"	Floating Rate CDO	30-Mar-06	30-Jun-06	92	1,000,000.00	6.91%	3.36%
CORSAIR NO. 2 LTD "NEWPORT AAA"	Floating Rate CDO	20-Mar-06	20-Jun-06	92	1,000,000.00	6.60%	3.36%
HELIUM CAPITAL LTD "ESPERANCE AA+"	Floating Rate CDO	22-Mar-06	22-Jun-06	92	2,000,000.00	6.70%	6.72%
TOTAL GRANGE SECURITIES					\$13,500,000.00		45.37%
ABN AMRO MORGANS							
REMBRANDT ISOSCELES SERIES 1	Floating Rate CDO	20-Mar-06	20-Jun-06	92	2,000,000.00	7.00%	6.72%
TOTAL ABN AMRO MORGANS					\$2,000,000.00		6.72%
ANZ INVESTMENTS							
ECHO FUNDING PTY LTD SERIES 16 "3 PILLARS AA-"	Floating Rate CDO	6-Apr-06	6-Jul-06	91	500,000.00	6.83%	1.68%
PRELUDE EUROPE CDO LTD "CREDIT SAIL AAA"	Floating Rate CDO	20-Mar-06	20-Jun-06	92	1,000,000.00	7.10%	3.36%
ECHO FUNDING PTY LTD SERIES 20 "ECHO CHARLIE AA"	Floating Rate CDO	20-Mar-06	20-Jun-06	92	500,000.00	7.10%	1.68%
TOTAL ANZ INVESTMENTS					\$2,000,000.00		6.72%
MACQUARIE FINANCIAL SERVICES							
HERITAGE BUILDING SOCIETY LTD (2008)	Floating Rate Sub Debt	28-Apr-06	28-Jul-06	91	500,000.00	7.52%	1.68%
CSFB AUSTRALIA PROPERTY LINKED NOTE (2010)	Property Linked Note	21-Mar-06	21-Jun-06	92	2,000,000.00	2.00%	6.72%
GENERATOR INCOME NOTE AAA (2011)	Floating Rate CDO	7-Apr-06	7-Jul-06	91	2,000,000.00	7.65%	6.72%
ROCK BUILDING SOCIETY LTD (2007)	Floating Rate Sub Debt	30-Apr-06	31-Jul-06	92	500,000.00	8.55%	1.68%
TOTAL MACQUARIE F.S.					\$5,000,000.00		16.80%

ORDINARY MINUTES – 27 JUNE 2006

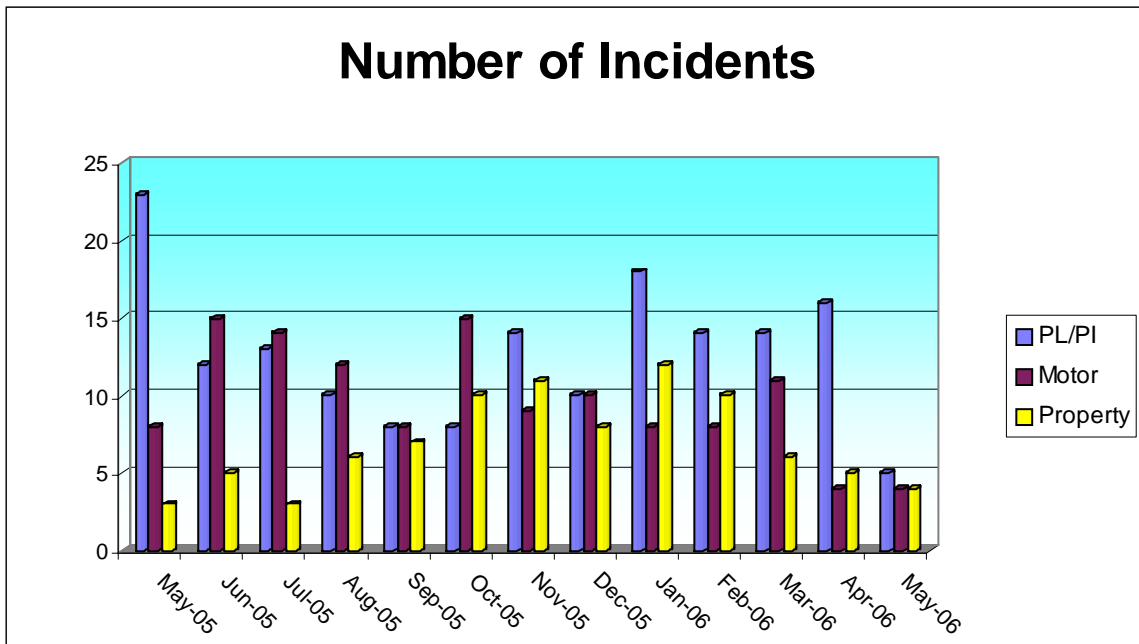
WESTPAC INVESTMENT BANK								
HOME BUILDING SOCIETY (2010)	Floating Rate Sub Debt	27-Jan-06	27-Apr-06	90	500,000.00	6.78%		1.64%
TOTAL WESTPAC INV. BANK					\$500,000.00			1.64%
LONGREACH CAPITAL MARKETS								
LONGREACH SERIES 16 PROPERTY LINKED NOTE	Property Linked Note	6-Mar-06	15-Aug-06	162	500,000.00	7.00%		1.64%
TOTAL LONGREACH CAPITAL					\$500,000.00			1.64%
FUND MANAGERS						RATE OF RETURN - MONTH	RATE OF RETURN - FYTD	
MERRILL LYNCH INVESTMENT MANAGERS					1,058,877.75	5.85%	6.49%	3.48%
PERPETUAL INVESTMENTS					1,108,080.68	5.94%	6.42%	3.64%
ADELAIDE MANAGED FUNDS					250,000.00	5.75%	5.75%	0.82%
TOTAL FUND MANAGERS					\$2,416,958.42			7.94%
MAITLAND MUTUAL								
	Floating Rate Sub Debt	16-Jan-06	16-Apr-06	90	500,000.00	6.62%		1.64%
	Term Deposit	4-Mar-06	4-Jun-06	92	1,925,052.37	5.85%		6.33%
	Floating Rate Sub Debt	11-Mar-06	11-Jun-06	92	500,000.00	6.61%		1.64%
TOTAL M'LAND MUTUAL					\$2,925,052.37			9.61%
TOTAL INVESTMENTS					\$29,842,010.80			98.06%
CASH AT BANK					\$590,437.97	5.45%		1.94%
TOTAL CASH & INVESTMENTS					\$30,432,448.77			100.00%

CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER

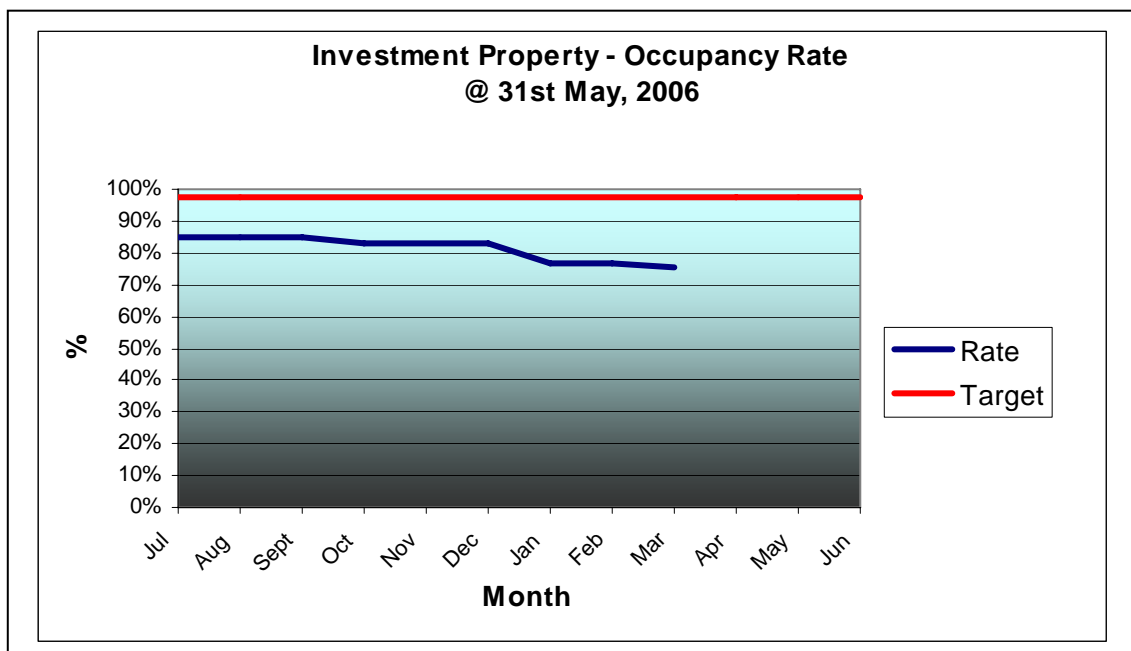
I, Peter Gesling, being the Responsible Officer of Council, hereby certify that the Investments have been made in accordance with the Local Government Act 1993, the Regulations and Council's investment policy.

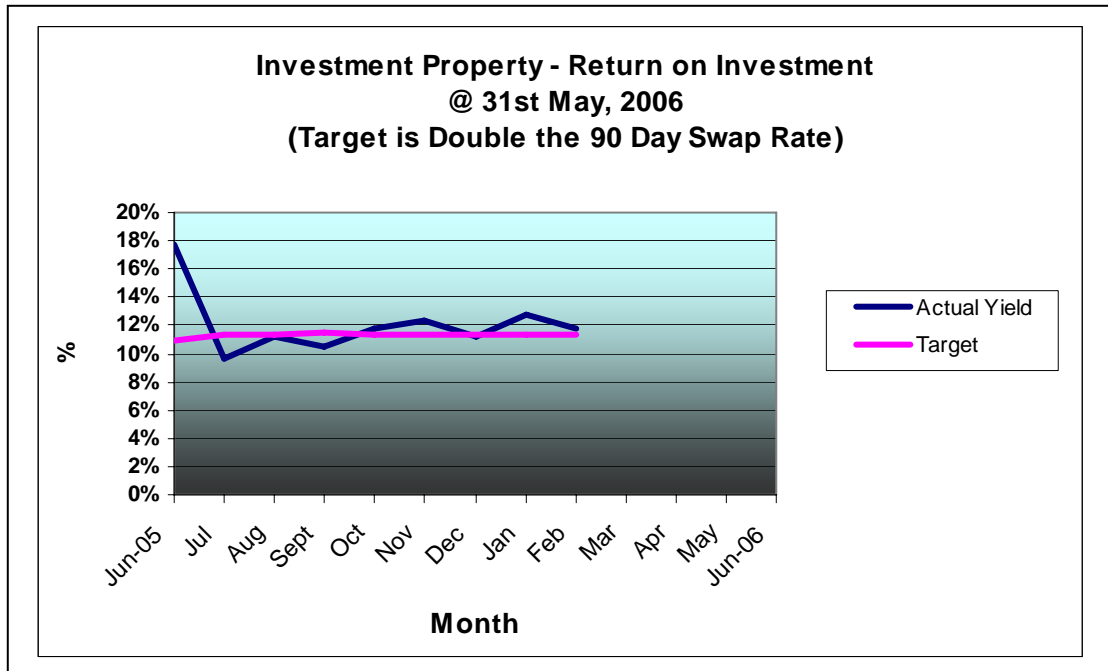
P GESLING

RISK MANAGEMENT



PROPERTY





**ORGANISATION
DEVELOPMENT**

Resignations

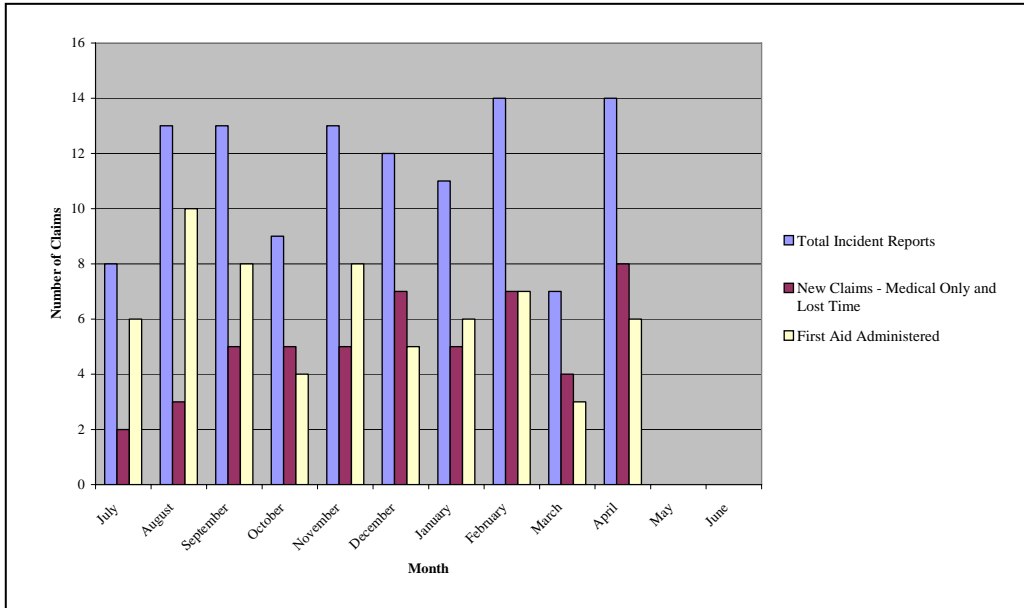
Employee	Section	Date
Paul Hughes	Group Manager Business & Support	1 st April 2006
Amanda Sutton	Customer Support Officer	7 th April 2006
David Paine	Senior Planner	18 th April 2006
Nathan Hegarty	PC Support Officer	3 rd April 2006

New Staff

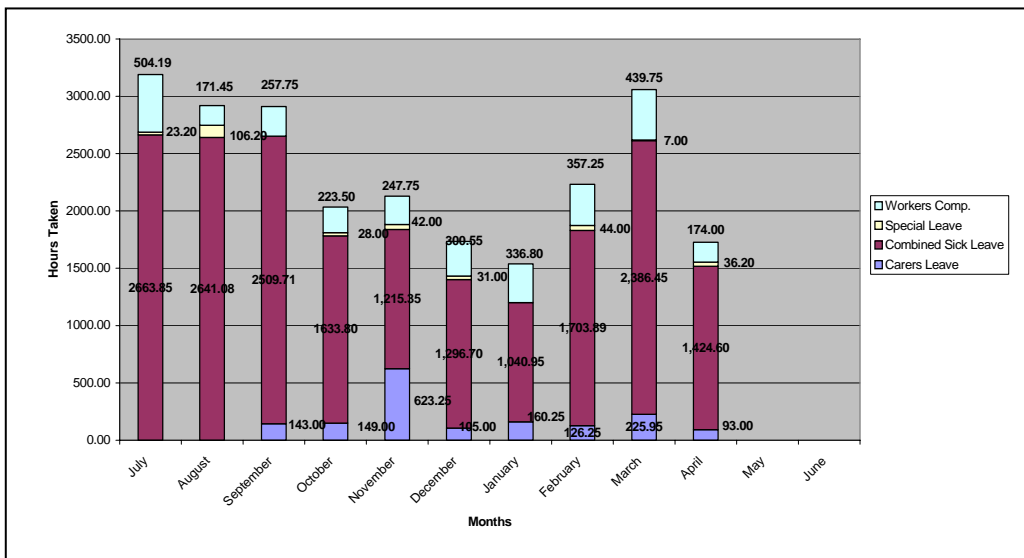
Employee	Section	Date
David Broyd	Group Manager Sustainable Planning	10 th April 2006
Bruce Burns	Operator B	3 rd April 2006
Greg Bulbert	Team Leader, Operations	10 th April 2006
Susan Young	Senior Strategic Planner	26 th April 2006

Number of Vacancies

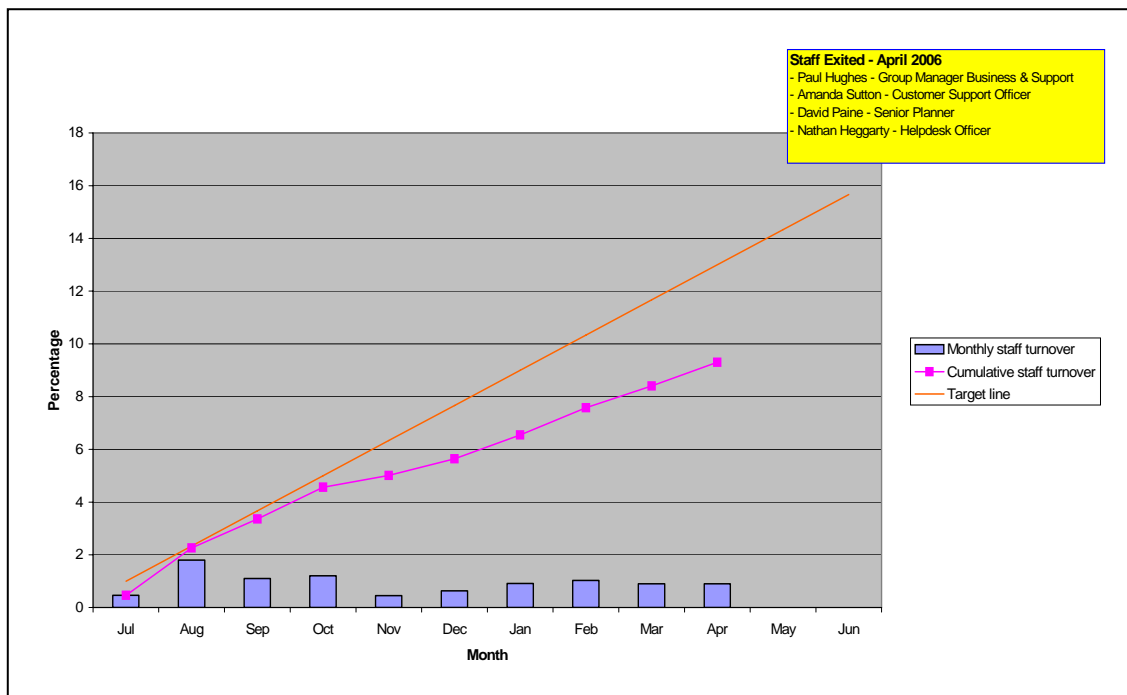
Monthly Incidents and New Claims



Unplanned Leave Taken 2005 and 2006



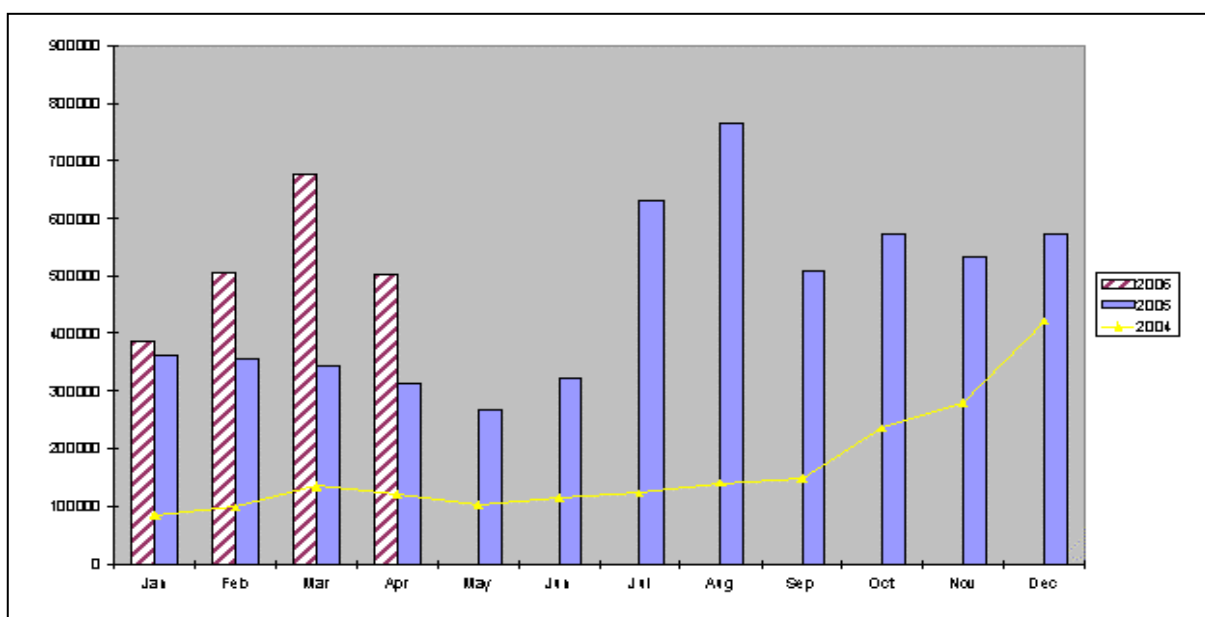
Ratio of Employment Departures to EFT as a Percentage



RESOURCES

- Microwave link Admin Building to Raymond Terrace Depot is now operational.
- DR room in Raymond Terrace Depot is now furnished.

Port Stephens WebPage Hits



**STRATEGIC
COMMITTEE
RECOMMENDATIONS**

ITEM NO. 1

FILE NO: PSC2005-4446

COMPREHENSIVE AQUACULTURE MANAGEMENT PLAN FOR PORT STEPHENS

AUTHOR: MANAGER ENVIRONMENTAL SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Write to the Department of Primary Industry (Fisheries) requesting that they develop a Comprehensive Aquaculture Management Plan for Port Stephens.

STRATEGIC COMMITTEE MEETING – 6 June 2006

RECOMMENDATION:

That Council write to the Department of Primary Industry (Fisheries) requesting that they develop a Comprehensive Aquaculture Management Plan for Port Stephens to include edible oysters, pearl oysters, fish farmers and prawn farmers.

ORDINARY MEETING OF COUNCIL – 27 JUNE 2006

RECOMMENDATION:

574	Councillor Swan Councillor Robinson	It was resolved that the Committee recommendation be adopted.
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BACKGROUND

The purpose of this report is to seek Council support for a resolution arising from the Port Stephen and Myall Lakes Estuary and Coastal Zone Management Committee meeting held on the 12th April 2006. The resolution was for Council to write to the Department of Primary Industries (Fisheries) asking that they development a Comprehensive Aquaculture Management Plan for Port Stephens.

Aquaculture is a growing industry in NSW due to increasing pressure on wild fish stocks. The Department of Primary Industries (Fisheries) is responsible for managing aquaculture within NSW and has developed various management plans for certain types of aquaculture including oysters, silver perch and prawn farming. NSW Fisheries is also carrying out aquaculture research into ways to better farm a number of species including snapper, oysters and perch. In this way aquaculture can not only take the pressure off wild fish stocks, but also help to enhance job creation and economic growth within NSW.

NSW Fisheries has a NSW Oyster Industry Sustainable Aquaculture Strategy currently on public exhibition. This plan is only for edible oyster management. The Port Stephens Myall Lakes Estuary and Coastal Zone Management Committee considers that there is a need for

a broader aquaculture management strategy that covers other forms of aquaculture including pearl oyster, prawn and fish farming. The committee considers that the current approach to aquaculture within Port Stephens is too narrow, only focussing on edible oysters.

A broad based Aquaculture Plan for Port Stephens should provide an additional level of protection for certain types of Aquaculture within the port and would compliment the protection offered by the Marine Park Authority. The establishment of best practice standards for aquaculture management should also provide a streamlined approvals process for proposals that are located in areas identified as priority aquaculture areas.

LINKS TO CORPORATE PLANS

This initiative would relate to the Corporate Council Plan:

- Preserving and enhancing our heritage, biodiversity and environmental health
- Maintaining and improving the quality of environment and recreation facilities

It also links to the Port Stephens Estuary and Coastal Management Plan

FINANCIAL/RESOURCE IMPLICATIONS

This initiative would not have any significant resource or financial implications.

LEGAL AND POLICY IMPLICATIONS

This initiative would not have any legal and policy implications for Council.

Australian Business Excellence Framework

This aligns with the following Principles of the ABEF Framework.

- 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
- 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
- 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

A broad aquaculture management plan may deliver positive social outcomes including job creation and tourism opportunities.

ECONOMIC IMPLICATIONS

Successful aquaculture activities can lead to job creation and economic growth.

ENVIRONMENTAL IMPLICATIONS

Providing that aquaculture activities are carried out in accordance with best practice standards, there should be minimal adverse impacts on estuarine habitats.

CULTURAL IMPLICATIONS

Nil

CONSULTATION

There has been broad consultation with many stakeholders through the Estuary and Coastal Management Committee.

OPTIONS

Adopt, reject or amend the recommendation.

ATTACHMENTS

- 1) Nil

ITEM NO. 2

FILE NO: A2004-1094

RESTRICTED FUNDS POLICY REVIEW

AUTHOR: ACTING FINANCE & ADMINISTRATION MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the amendment to the “Restricted Funds Policy” as contained in **ATTACHMENT 1** of this report.
 - 2) Revoke the “Restricted Funds Policy” adopted on 19/10/04 as contained in **ATTACHMENT 2** of this report.
 - 3) Approve the creation of the “Newcastle Airport” Restricted Fund as contained in **ATTACHMENT 3** of this report.
-

STRATEGIC COMMITTEE MEETING – 6 June 2006

RECOMMENDATION:

That the recommendation be adopted.

Matter Arising:

That Council review the Integrated Works Program schedule to identify priority projects for each ward.

Matter Arising:

That a Councillor briefing on Council’s Business activities in relation to profit and loss for 2005/2006 be provided.

ORDINARY MEETING OF COUNCIL – 27 JUNE 2006

RECOMMENDATION:

575	Councillor Francis Councillor Hodges	It was resolved that the recommendation be adopted.
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MATTER ARISING:

RECOMMENDATION:

576	Councillor Francis Councillor Hodges	It was resolved that the recommendations contained in the Matters Arising be adopted.
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BACKGROUND

The purpose of this report is to recommend amendments to Council's Restricted Funds Policy, and endorse the creation of the "Newcastle Airport" Restricted Fund.

Restricted Funds Policy

Two changes are recommended for Council's Restricted Funds policy. Changes to the Policy are shown in Bold

1. It is recommended that budgeting for the expenditure of profits from land development activities only occur after the physical receipt of sale proceeds by Council.

As Council has experienced, the timing of property sales can be very difficult to predict and can often be delayed across numerous financial years. As Council's budgeting process is financial year based, when expenditure of these funds is budgeted and the sales do not occur it creates two major problems. Firstly, it results in a significant amount of rework for Council staff as budgets need to be reviewed and works programs amended, while secondly it results in a gap between community expectations and Council's works program over a given period.

2. It is recommended that Council target for all Restricted Funds, both Externally and Internally restricted, to be 100% cash backed unless specifically approved by Council.

The current version of the policy only requires Externally Restricted Funds to be 100% cash backed.

Newcastle Airport Restricted Fund

For accounting purposes, Newcastle Airport is classified as a "Joint Venture Operation". One of the implications of such a classification, is that Council must consolidate its 50% share of Newcastle Airport's financial position amongst each of the relevant categories of assets and liabilities, as opposed to reporting Council's share of equity in Newcastle Airport as a single asset item. As a result, Council reports 50% of Newcastle Airport's Cash Investments in addition to Council's Cash Investment balance at the end of each financial year.

This accounting treatment results in Council's reporting of available cash being distorted, as the Cash Investments of Newcastle Airport are not available to Council under normal circumstances. To eliminate the effect of this, it is recommended that Council establish a "Newcastle Airport" Restricted Fund, the balance of which would move in line with Council's reported share of Newcastle Airport Cash Investments from year to year.

LINKS TO CORPORATE PLANS

The creation of the "Newcastle Airport" Restricted Fund link to Key Result Area 8 of the 2005-08 Council Plan, in particular, "reporting exceeds compliance and is designed to measure progress towards a more sustainable community".

FINANCIAL/RESOURCE IMPLICATIONS

The creation of the "Newcastle Airport" Restricted Fund ensures that reporting of Council's financial position more accurately reflects Council's cash position.

LEGAL AND POLICY IMPLICATIONS

The establishment of a restricted fund needs to be undertaken by Council resolution.

Australian Business Excellence Framework

This aligns with Principles 1, 2, 4, 7, 8, 10, and 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
- 4) To improve the outcome, improve the system and its associated processes
- 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
- 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

Finance & Administration Manager

Group Manager Business & Support

OPTIONS

- 1) Adopt the recommendations
- 2) Reject the recommendations

ATTACHMENTS

- 1) Restricted Funds Policy – updated version
- 2) Restricted Funds Policy – as adopted 19/10/2004
- 3) “Newcastle Airport” Restricted Fund Application Form

TABLED DOCUMENTS

Nil

ATTACHMENT 1



POLICY

Adopted: 19/10/2004
Minute No: 374
Amended:
Minute No:

FILE NO: 1130-006

TITLE: RESTRICTED FUNDS POLICY

RESPONSIBLE OFFICER: FINANCE AND ASSETS CO-ORDINATOR

BACKGROUND

Local Government will continue into the foreseeable future, to be challenged by a tightening cash position through increasing demands for cash for daily operations, restricted rate income levels, increasing demands for expenditure on new infrastructure and the maintenance and rehabilitation of existing infrastructure. Port Stephens Council is certainly subject to these same pressures, exacerbated by high growth in population and development activity, significant environmental responsibilities and an added responsibility as a quality Tourist destination.

A strategic financial response to these pressures is necessary for Port Stephens Council to remain a sustainable community leader.

OBJECTIVE

Council will from time to time decide, or be required by legislation, to set aside funds for specific purposes for which clear guidelines are set to ensure Council's Cash Position and Investment Portfolio is adequate and managed responsibly.

PRINCIPLES

- (1) Council is the custodian of financial and built assets on behalf of the Port Stephens Community.
- (2) Council provides works, services and facilities to the Community through limited financial means.
- (3) Council is required to operate within the framework and supporting guidelines of:
 - The Local Government Act (NSW) 1993
 - The Local Government Code of Accounting Practice and Financial Reporting
 - The Local Government Asset Accounting Manual
 - The Australian Accounting Standards

- 4) A strategic financial plan and supporting policies are required to support Council's service delivery and asset management strategies, ensuring long term financial viability.

POLICY STATEMENT

- Council will set aside funds as required from time to time by specific legislation. These funds will be managed and accounted for so as to comply with the relevant legislation.
- Council will also from time to time set aside additional funds for Council specific purposes.
- Restricted Funds will be reported in the Annual Financial Statements and reviewed annually against the specified requirements of each fund.
- Restricted Funds will be reviewed at least quarterly against the Annual Budget by the Section Manager accountable for that fund.
- Each specific fund shall be approved by Council and must be supported by a statement which outlines the following:
 - Purpose of Restricted Funds
 - Source of funds
 - The proportion of the fund to be "Cash Backed"
 - The apportionment of interest earned on cash held for that fund.
 - A specific Statement including targets, sinking funds, timeframes for accumulation and expenditure of funds.
 - Accountability for the collection, management and expenditure of that fund.
 - Relevant legislation or Council Minute supporting the creation of the fund.
- Creation of all restricted funds shall be in accordance with this policy.
- Expenditure of Restricted Funds shall be in strict accordance with the approved Budget, and expenditure shall not exceed funds available without specific Council Resolution.
- ***Budgeting for the expenditure of profits from land development activities will only occur after the physical receipt of sale proceeds by Council.***
- ***Unless specifically approved by Council, all Restricted Funds are to be 100% cash backed.***

RELATED POLICIES

- Cash Investment Policy
- Property Investment and Development Policy
- Beach Vehicle Permit Policy
- Community and Recreation Loans Policy
- Business Development Funding Policy

REVIEW DATE

Review of this policy will be undertaken 12 months after the date of its adoption by Council. Should amendments to the relevant legislation occur within that 12 month period, review will take place as near as possible to the commencement of such amendments.

RELEVANT LEGISLATIVE PROVISIONS

Local Government Act (NSW) 1993
Code of Accounting Practice and Financial Reporting
Environmental Planning and Assessment Act (NSW) 1979
Crown Lands Act (NSW) 1989
Department of Lands – Crown Lands Caravan Park Policy (April 1990)

IMPLEMENTATION RESPONSIBILITY

Business and Support Group – Finance and Administration Section

DEFINITIONS

Restricted Funds refers to funds currently held by Council in reserve.

Externally Restricted Funds refers to those funds, which have an external restriction, whether by statute or otherwise, which governs the management of money held within the fund.

Internally Restricted Funds refers to those funds, which Council has adopted to set up, to hold monies for specific purposes. The operation of such funds is purely governed by Council.

Cash Backed refers to having an equivalent amount of funds available to match the specified value of the fund.

Internal Loans refers to those monies transferred within Council to cover identified projects, where the money is to be repaid to the restricted fund from a specified source. Internal Loans are subject to specific Council approval.

ATTACHMENT 2



POLICY

Adopted: 26/3/2002
Minute No: 105
Amended: 19/10/2004
Minute No: 374

FILE NO: 1130-006

TITLE: RESTRICTED FUNDS POLICY

RESPONSIBLE OFFICER: FINANCE AND ASSETS CO-ORDINATOR

BACKGROUND

Local Government will continue into the foreseeable future, to be challenged by a tightening cash position through increasing demands for cash for daily operations, restricted rate income levels, increasing demands for expenditure on new infrastructure and the maintenance and rehabilitation of existing infrastructure. Port Stephens Council is certainly subject to these same pressures, exacerbated by high growth in population and development activity, significant environmental responsibilities and an added responsibility as a quality Tourist destination.

A strategic financial response to these pressures is necessary for Port Stephens Council to remain a sustainable community leader.

OBJECTIVE

Council will from time to time decide, or be required by legislation, to set aside funds for specific purposes for which clear guidelines are set to ensure Council's Cash Position and Investment Portfolio is adequate and managed responsibly.

PRINCIPLES

- 1) Council is the custodian of financial and built assets on behalf of the Port Stephens Community.
- 2) Council provides works, services and facilities to the Community through limited financial means.
- 3) Council is required to operate within the framework and supporting guidelines of:
 - The Local Government Act (NSW) 1993
 - The Local Government Code of Accounting Practice and Financial Reporting
 - The Local Government Asset Accounting Manual
 - The Australian Accounting Standards

- 4) A strategic financial plan and supporting policies are required to support Council's service delivery and asset management strategies, ensuring long term financial viability.

POLICY STATEMENT

- Council will set aside funds as required from time to time by specific legislation. These funds will be managed and accounted for so as to comply with the relevant legislation.
- Council will also from time to time set aside additional funds for Council specific purposes.
- Restricted Funds will be reported in the Annual Financial Statements and reviewed annually against the specified requirements of each fund.
- Restricted Funds will be reviewed at least quarterly against the Annual Budget by the Section Manager accountable for that fund.
- Each specific fund shall be approved by Council and must be supported by a statement which outlines the following:
 - ❖ Purpose of Restricted Funds
 - ❖ Source of funds
 - ❖ The proportion of the fund to be "Cash Backed"
 - ❖ The apportionment of interest earned on cash held for that fund.
 - ❖ A specific Statement including targets, sinking funds, timeframes for accumulation and expenditure of funds.
 - ❖ Accountability for the collection, management and expenditure of that fund.
 - ❖ Relevant legislation or Council Minute supporting the creation of the fund.
- Creation of all restricted funds shall be in accordance with this policy.
- Expenditure of Restricted Funds shall be in strict accordance with the approved Budget, and expenditure shall not exceed funds available without specific Council Resolution.
- Unless specifically approved by Council, all Externally Restricted Funds are to be 100% cash backed.

RELATED POLICIES

- Cash Investment Policy
- Property Investment and Development Policy
- Beach Vehicle Permit Policy
- Community and Recreation Loans Policy
- Business Development Funding Policy

REVIEW DATE

Review of this policy will be undertaken 12 months after the date of its adoption by Council. Should amendments to the relevant legislation occur within that 12 month period, review will take place as near as possible to the commencement of such amendments.

RELEVANT LEGISLATIVE PROVISIONS

Local Government Act (NSW) 1993
Code of Accounting Practice and Financial Reporting
Environmental Planning and Assessment Act (NSW) 1979
Crown Lands Act (NSW) 1989
Department of Lands – Crown Lands Caravan Park Policy (April 1990)

IMPLEMENTATION RESPONSIBILITY

Business and Support Group – Finance and Administration Section

DEFINITIONS

Restricted Funds refers to funds currently held by Council in reserve.

Externally Restricted Funds refers to those funds which have an external restriction, whether by statute or otherwise, which governs the management of money held within the fund.

Internally Restricted Funds refers to those funds, which Council has adopted to set up, to hold monies for specific purposes. The operation of such funds is purely governed by Council.

Cash Backed refers to having an equivalent amount of funds available to match the specified value of the fund.

Internal Loans refers to those monies transferred within Council to cover identified projects, where the money is to be repaid to the restricted fund from a specified source. Internal Loans are subject to specific Council approval.

ATTACHMENT 3

RESTRICTED FUND FORM

Name of Fund:	Newcastle Airport
Purpose:	To restrict Port Stephens Council's share of Newcastle Airport Cash Investments as reported in the Annual Financial Statements
Source of Funds:	Newcastle Airport net cashflows
Cash Backing:	Nil (cash backed 100% by Newcastle Airport)
Interest Earned:	Interest Earned will remain with NAL
Internal/External Restriction:	Internal
Statement:	<p>The movement of the Newcastle Airport Restricted Fund from year to year will be in line with Council's share of Newcastle Airport Cash Investments reported in Council's Financial Statements.</p> <p>The creation of the "Newcastle Airport" Restricted Fund ensures that reporting of Council's financial position more accurately reflects Council's cash position.</p>
Management Accountability:	Business & Support – Finance & Administration
Minute No.:	/2006
Relevant Legislation:	Nil

ITEM NO. 3

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	21
2	Council Arts and Business Program	26

STRATEGIC COMMITTEE MEETING – 6 June 2006

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 27 JUNE 2006

RECOMMENDATION:

577	Councillor Francis Councillor Hodges	It was resolved that the information papers be received and noted.
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STRATEGIC COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

**SECTION 94 CONTRIBUTION PLANS
APPLICATION OF CPI INCREASE**

**AUTHOR: SECTION 94 CO-ORDINATOR
FILE: PSC2006-0064**

BACKGROUND

The purpose of this report is to inform Council of the amendment to all Section 94 Contribution Plans based on the March 2006 release of details on the Consumer Price Index (CPI).

Council levies 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 March 2006 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 0.86%.

Public notice of the adoption of the CPI amendments was published in "The Examiner" on Thursday 4th May 2006 and the Newcastle Herald on Saturday 6th May 2006. The amendments came into effect on Thursday 4th May 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		TOTAL	
	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous
	1 Western Shire															
Residential Subdivision			741	735	1433	1421	792	785	245	243	122	121	1989	1980	5322	5285
Caravan/Mobile Home Parks (Perm)			370	367	717	711	395	392	123	122	62	61	663	660	2330	2313
Tourist Accommodation			370	367	717	711			123	122			332	330	1542	1530
Bed & Breakfast			187	185	358	255			63	62			332	330	940	932
2 Raymond Terrace																
Residential Subdivision			524	520	5063	5020	951	943	245	243	122	121	603	594	7508	7441
Caravan/Mobile Home Parks (Perm)			262	260	2531	2509	475	471	123	122	62	61	201	198	3654	3621
Tourist Accommodation			262	260	2531	2509			123	122			101	99	3017	2990
Bed & Breakfast			131	130	1266	1255			63	62			101	99	1561	1546
3 Medowie																
Residential Subdivision			808	801	1522	1509	1046	1037	245	243	122	121	1080	1071	4823	4782
Caravan/Mobile Home Parks (Perm)			403	400	761	754	522	518	123	122	62	61	360	357	2231	2212
Tourist Accommodation			403	400	761	754			123	122			180	179	1467	1455
Bed & Breakfast			203	201	379	376			63	62			180	179	825	818
4 Karuah/Swan Bay																
Residential Subdivision	2339	2319					818	811	245	243	122	121	711	702	4235	4196
Caravan/Mobile Home Parks (Perm)	1170	1160					408	405	123	122	62	61	237	234	2000	1982
Tourist Accommodation	1170	1160							123	122			119	117	1412	1399
Bed & Breakfast	584	579							63	62			119	117	766	758
5 Tilligerry Peninsula																
Residential Subdivision	2040	2023					804	797	245	243	122	121	828	819	4039	4003
Caravan/Mobile Home Parks (Perm)	1021	1012					401	398	123	122	62	61	276	273	1883	1866
Tourist Accommodation	1021	1012							123	122			138	137	1282	1271
Bed & Breakfast	510	506							63	62			138	137	711	705
6 Tomaree Peninsula																
Residential Subdivision			969	961	2357	2337	537	532	245	243	122	121	765	756	4995	4950
Caravan/Mobile Home Parks (Perm)			484	480	1179	1169	268	266	123	122	62	61	255	252	2371	2350
Tourist Accommodation			484	480	1179	1169			123	122			128	126	1914	1897
Bed & Breakfast			242	240	588	583			63	62			128	126	1021	1011

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		TOTAL	
	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous
7 Rural Balance																
Residential Subdivision	755	749					313	310	245	243	122	121	441	432	1876	1855
Caravan/Mobile Home Parks (Perm)	377	374					155	154	123	122	62	61	147	144	864	855
Tourist Accommodation	377	374							123	122			74	72	574	568
Bed & Breakfast	190	188							63	62			74	72	327	322
8 Fern Bay																
Residential Subdivision	1451	1439					111	110	1702	1687	245	243	122	121	3982	3942
Caravan/Mobile Home Parks (Perm)	726	720					55	55	851	844	123	122	62	61	1934	1916
Tourist Accommodation	726	720					55	55	123	122			59	57	963	954
Bed & Breakfast	362	359					27	27	63	62			59	57	511	505

Note: The above table does not show site specific Contribution Levies.

**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	\$ 969
Recreation Facilities	\$2,357
Community Facilities	\$ 537
Bush Fire Facilities / Services	\$ 245
Library Bookstock	\$ 122
Roadworks	\$ 765
Bus Shelters	NIL
<u>Total</u>	<u>\$4,995</u>

If developing 10 lots, the total contribution would be: \$4,995 x 10 = \$49,950

2. Residential Unit development at Karuah:

Use Plan No. 4 Karuah / Swan Bay

Contribution per unit:

Combined Open Space / Recreation Facilities	\$2,339
Community Facilities	\$ 818
Bush Fire Facilities / Services	\$ 245
Library Bookstock	\$ 122
Roadworks	\$ 711
Bus Shelters	NIL
<u>Total</u>	<u>\$4,235</u>

*If developing 10 residential units, the total contribution would be:
\$4,235 x 10 = \$42,350*

INFORMATION ITEM NO. 2

COUNCIL ARTS AND BUSINESS PROGRAM

**AUTHOR: CULTURAL DEVELOPMENT & EVENTS OFFICER
FILE: PSC 2005-3978**

BACKGROUND

The purpose of this report is to give feedback to Council on the Council Arts and Business program (CAB) run by Australian Business Arts Foundation during 2005.

The program commenced in December 2004, with five Hunter Councils including Port Stephens participating. The aim of the program is to 'connect local businesses, arts organisations and councils for the benefit of communities'. 'In practice Australian Business Arts Foundation brings together everyone from car dealerships to dentists with local performers, artists, art events and council officers, to find ways of connecting for mutual benefit. Toyota Community Spirit, Toyota Australia's corporate citizenship program is the National Principal Partner of this initiative'.

A launch of the program was held in Newcastle on 15 June 2005. A workshop at Maitland, seminar at Newcastle and a business forum at Singleton followed, culminating in presentations of the achievements of the program at Maitland in October 2005 and at Singleton in March this year. Crs Brown, Hodges, Robinson and Swan supported the program by attending CAB functions.

Each Council was invited to have five participants in the program, including the Cultural Development Officer. Of the five Councils taking part in the program, Port Stephens' participants maintained the highest level of commitment to the CAB program. The benefits gained included the development of business plans, a better understanding and management of existing relationships and in kind support for art initiatives.

A disappointing aspect of the program was the lack of interest and involvement by businesses in Port Stephens. The locally planned workshop in July was eventually cancelled due to insufficient numbers. Feedback was that it was difficult for businesses to attend functions in the evening at Newcastle and Raymond Terrace. Future partnerships with artists and art organisations would have more chance of success if meetings were arranged at more convenient locations and times.

Although a regional program was difficult to manage, the benefits gained for Port Stephens were the interaction with arts organisations and businesses in other Local Government areas and the mentoring provided by Hugo Leschen from Australian Business Arts Foundation.

GENERAL MANAGER'S REPORT

**PETER GESLING
GENERAL MANAGER**

ITEM NO. 1

FILE NO: PSC2005-5185

REQUEST FOR FINANCIAL ASSISTANCE

AUTHOR: 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 Vote to the following:
 - a) Port Stephens RAAF Williamtown Support Group – \$500 – Donation towards PS RAAF Citizen of the Year Award
 - b) Port Stephens Veterans Golfers Association - \$1,000 – Donation in support of the Veterans Golf Tournament
 - c) Federation of Parents & Friends Associations - \$500 – Donation in support of 25th Anniversary Celebrations
- 2) Approves provision of financial assistance under section 356 of the Local Government Act from the respective Ward Funds to the following:
 - a) Tilligerry Lions & Habitat Arts Festival - \$500 – Donation in support of this event
 - b) Glen Oak School of Arts - \$339 – Donation in support of the running of this community hall.
 - c) Our Lady of Rosary Catholic Church Karuah - \$1,500 – Donation to enable the completion of concrete pathways

ORDINARY MEETING OF COUNCIL – 27 JUNE 2006

RECOMMENDATION:

578	Councillor Tucker Councillor Hodges	It was resolved that the recommendation be adopted.
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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.

MINUTES FOR ORDINARY MEETING – 27 JUNE 2006

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 is shown below:-

MAYORAL DONATION – Councillor Baumann

Port Stephens RAAF Williamtown Support Group	Donation towards PS RAAF Citizen of the Year Award	\$500
Port Stephens Veterans Golfers Association	Donation in support of the Veterans Golf Tournament	\$1,000
Federation of Parents & Friends Associations	Donation in support of 25 th Anniversary Celebrations	\$500

CENTRAL WARD – Councillors Baumann; Swan; Dingle & Tucker

Tilligerry Lions & Habitat Arts Festival	Donation in support of this event	\$500
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WEST WARD – Councillors Brown, Francis, Hodges and Jordan

Glen Oak School of Arts	Donation in support of the running of this community hall	\$339
Our Lady of Rosary Catholic Church Karuah	Donation to enable the completion of concrete pathways	\$1,500

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:

- a) applicants are carrying out a function which it, the Council, would otherwise undertake;
- b) the funding will directly benefit the community of Port Stephens;
- c) 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:

- d) a guarantee of public acknowledgment of the Council's assistance
- e) the assistance encouraging future financial independence of the recipient
- f) the assistance acting as 'seed' funding with a multiplier effect on the local economy.

SUSTAINABILITY IMPLICATIONS

The provision of assistance will have a positive economic and social impact. No particular environmental issues are raised.

CONSULTATION

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

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217

ADVERTISING SIGNS FOR INDUSTRIAL ESTATES

COUNCILLOR: NELL, DOVER

THAT COUNCIL:

Prepare a report on the possible amendment of its advertising code to allow advertising signs for industrial estates.

ORDINARY MEETING OF COUNCIL – 27 JUNE 2006

RECOMMENDATION:

579	Councillor Nell Councillor Dover	It was resolved that the recommendation be adopted.
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BACKGROUND AUTHOR: BUILDING & DEVELOPMENT MANAGER

BACKGROUND

Council adopted the *Port Stephens Advertising Signs Code* on 11 April 1995. The code applies the following objectives to industrial zones:

- To permit the display of the name of the occupier and the activity conducted in the building; and
- To reduce the possibility of the area becoming a “defacto” commercial area.

Advertising signs proposed for industrial subdivision satisfying the above objectives can be considered under the existing Code. A directory sign for an industrial subdivision could be in the form of a roof sign, flush sign or a pole/pylon sign.

For example a pole/pylon sign with a display/face area of 8m², a minimum of 2.6 metres above ground level and not exceeding 7 metres in height or projecting over a road reserve could be considered on merit.

Council is currently preparing a consolidated Development Control Plan (DCP). It is proposed to update signage provisions in the current Code as part of the DCP review process. The inclusion of a directory sign for all industrial subdivisions could be encouraged as part of this DCP to assist the general public to locate tenants within an industrial estate. The consolidated DCP also presents an opportunity to integrate signage, reduce visual clutter and improve the overall presentation of employment lands within Port Stephens. The DCP will need to be placed on public exhibition and any proposed changes to advertising signage can be considered at that time.

RECOMMENDATION

That Council note this report.

NOTE: THIS ITEM WAS BROUGHT FORWARD AND DEALT WITH FOLLOWING ITEM 3 OF THE OPERATIONS COMMITTEE RECOMMENDATIONS

NOTICE OF MOTION

ITEM NO. 2

FILE NO: A2004-0217

PROTECTION OF STONEY RIDGE RESERVE

COUNCILLOR: NELL, WESTBURY, DOVER, ROBINSON

THAT COUNCIL:

Prepare a report on the protection of Stoney Ridge Reserve, Salamander Bay including the following:

- 1) Rezoning the area of land known as Stoney Ridge, Salamander Bay, Part Lot 51, DP 803471 (the large area up to Diemars Road), from 6a General Recreation to 7a Environmental Protection
- 2) Rezoning the Wildlife Corridor from Stoney Ridge Reserve to George Reserve, Part Lot 2, DP 791551 (not including the 2a land adjoining Colonial Ridge Resort), from 6a General Recreation to 7a Environmental Protection and reclassifying this land from Operational to Community Land
- 3) Rezoning Continuing Wildlife Corridor Lot 3, DP 791551 from 6a General Recreation to 7a Environmental Protection
- 4) Rezoning Continuing Wildlife Corridor Lot 164, DP 27047 from 6a General Recreation to 7a Environmental Protection
- 5) That Councillors inspect Stoney Ridge Reserve

ORDINARY MEETING OF COUNCIL – 27 JUNE 2006

RESOLUTION:

567	Councillor Robinson Councillor Westbury	It was resolved that the recommendation be adopted.
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BACKGROUND AUTHOR: NATURAL RESOURCES COORDINATOR

BACKGROUND

Stoney Ridge Reserve is an ecologically significant area of Council owned bushland reserve located at Soldiers Point. It forms an integral component of a network of wildlife corridors on the Tomaree Peninsula as well as containing Preferred and Supplementary Koala Habitat, and endangered flora and fauna species. All of the land affected by this NOM includes Council Community land zoned 6(a) Public Recreation, except for one parcel (Lot 2, DP 791551) that is currently classified as Council Operational Land with a split zoning of 2(a) Residential and 6(a) Public Recreation. A report will be provided to Council recommending a holistic and integrated approach to the rezoning of the land covered by this NOM.

NOTICE OF MOTION

ITEM NO. 3

FILE NO:A2004-0217

REPORT AUTHORS AND TITLES

COUNCILLOR: DOVER, SWAN, HODGES, WESTBURY

THAT COUNCIL:

Resume the inclusion of authors and their titles on Council Business Papers.

ORDINARY MEETING OF COUNCIL – 27 JUNE 2006

RECOMMENDATION:

	Councillor Dover Councillor Westbury	That the recommendation be adopted.
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Amendment:

580	Councillor Nell Councillor Brown	It was resolved that the General Manager consider the inclusion of the staff names onto the Council Business papers and each report have a contact name.
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The amendment on being put, became the motion which was put and carried.

Matter Arising:

581	Councillor Jordan Councillor Hodges	It was resolved that the General Manager review Council's Policy on media releases and all releases be issued through Managers.
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Note: Cr Tucker left the meeting at 8.38pm during Item 3 and returned at 8.40pm during Item 3.

Note: Cr Swan left the meeting at 9pm during Item 3 and returned at 9.02pm during Item 3.

**BACKGROUND AUTHOR: EXECUTIVE MANAGER CORPORATE
MANAGEMENT**

BACKGROUND

In March this year the General Manager made a decision to remove the name of the author of the reports contained in Council's Business Papers. This decision was taken as a result of concern raised by staff and Managers following an incident where a staff members name was printed in a newspaper article in the Newcastle Herald regarding a Development Application.

In this instance, given the contentious nature of the DA, it would have been more appropriate for the Group Manager to have provided comment to the media about the DA.

As a result of this, and after much discussion, the Executive Team agreed that in future where there were particularly contentious matters before Council that each of the Executive Team will be responsible for approaching the media after the Council/Committee meeting to provide comment.

In addition in future, the Business Paper reports would contain the staff members position title only and that there names would be removed.

Following this decision and as a result of a request from the Councillors to have access to the names of the authors of the reports, they are now provided with a list of the authors of the Council Reports with each Business Paper. This list is not available to the media.

CONFIDENTIAL ITEMS



In accordance with Section 10A, of the Local Government Act 1993, Council can close part of a meeting to the public to consider matters involving personnel, personal ratepayer hardship, commercial information, nature and location of a place or item of Aboriginal significance on community land, matters affecting the security of council, councillors, staff or council property and matters that could be prejudice to the maintenance of law.

Further information on any item that is listed for consideration as a confidential item can be sought by contacting Council.

582	Councillor Robinson Councillor Nell	It was resolved that Council move into Confidential Session.
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I certify that pages 1-177 of the Ordinary Minutes of Council dated 27 June 2006 were confirmed by Council at its meeting held on Tuesday 25th July 2006.

Cr Craig Baumann
MAYOR