

Minutes 25 September 2007



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 25 September 2007, commencing at 5.30pm.

PRESENT:

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

256	Councillor Hodges Councillor Francis	Resolved that the minutes of the Ordinary meeting of Port Stephens Council held on 28 August 2007 & 11 September 2007 be confirmed.
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ORDINARY MEETING – 25 SEPTEMBER 2007

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MAYORAL MINUTES

MAYORAL MINUTE

ITEM NO. 1

FILE NO: PSC2005-5185

REQUEST FOR FINANCIAL ASSISTANCE

THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act from the Mayoral Funds to the organisations listed below.

BACKGROUND

The purpose of this report is to determine and, where required, authorise payment of financial assistance to recipients judged by Councillors as deserving of public funding. The Council's policy gives Councillors a wide discretion to either grant or to refuse any requests.

The Council regularly receives requests for financial assistance from community groups and individuals. However, Council is unable to grant approval of financial assistance to individuals unless it is performed in accordance with the Local Government Act. This would mean that the financial assistance would need to be included in the Management Plan or Council would need to advertise for 28 days of its intent to grant approval. Council can make donations to community groups.

Council's policy for financial assistance has been developed on the basis it is "seed" funding and that there is benefit to the broader community. Funding under Council's policy is not intended for ongoing activities.

The requests for financial assistance are shown below:-

- | | | |
|----|--|--------|
| 1) | Port Stephens Prose, Poetry and Storytelling | \$1000 |
| 2) | Medowie Public School Canteen | \$ 500 |
| 3) | Raymond Terrace Neighbourhood Centre | \$ 200 |

ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007

RESOLUTION:

257	Councillor Swan	There being no objection it was resolved that the Mayoral Minute be adopted.
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MAYORAL MINUTE

ITEM NO. 2

FILE NO: 5120-022

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(c) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Mayoral Minute Item 1 on the Ordinary meeting agenda namely ***Sale of Land***.
- 2) That the reasons for closing the meeting to the public to consider this item be that it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a person with whom the Council proposes to conduct business.
- 3) In particular, the information and discussion concerns Sale of land.
- 4) On balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as the information and discussion need to be carried out confidentially to protect the interests of both parties. Any breach of such confidentiality could prejudice Council's position.
- 5) That the minutes relating to this item be made public on settlement if the proposed acquisition goes ahead or when negotiations are ended.

ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007

RESOLUTION:

258	Councillor Swan	There being no objection it was resolved that the Mayoral Minute be adopted.
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MOTION:

259	Councillor Swan Councillor Baumann	That the Confidential Mayoral Minute be dealt with in conjunction with the Confidential reports at the end of the meeting.
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The Motion on being put was carried.

The Mayor handed the Meeting over to the General Manager to conduct the Mayoral and Deputy Mayor Elections.

The General Manager advised he has delegated the role of Returning Officer to Council's Governance Coordinator.

ELECTION OF MAYOR AND DEPUTY MAYOR

1. BACKGROUND

The election of the Mayor and Deputy Mayor is to be held in accordance with the provisions of the Local Government Act 1993 and the Local Government (General) Regulation 2005. The General Manager has appointed Council's Governance Coordinator as Returning Officer for the election.

2. NOMINATIONS FOR THE OFFICE OF MAYOR

Nominations may be made without notice and should be made in writing by two (2) or more Councillors (one of whom may be the nominee). A nomination is not valid unless the nominee has indicated consent in writing. The returning officer will announce the name(s) of the nominee(s) at the Council meeting at which the election is to be held. If more than one Councillor is nominated, an election will take place.

3. DETERMINE METHOD OF VOTING FOR ELECTION OF MAYOR

- a). Preferential Ballot
- b). Ordinary Ballot
- c). Open Voting

4. STATEMENT FROM MAYORAL CANDIDATES (OPTIONAL)

A time limit of five minutes per candidate will apply, in accordance with Council's Code of Meeting Practice.

5. ELECTION OF MAYOR

6. NOMINATIONS FOR THE OFFICE OF DEPUTY MAYOR

Nominations may be made without notice and should be made in writing by two (2) or more Councillors (one of whom may be the nominee). A nomination is not valid unless the nominee has indicated consent in writing. The returning officer will announce the name(s) of the nominee(s) at the Council meeting at which the election is to be held. If more than one Councillor is nominated, an election will take place.

7. DETERMINE METHOD OF VOTING FOR ELECTION OF DEPUTY MAYOR

- a). Preferential Ballot
- b). Ordinary Ballot
- c). Open Voting

8. ELECTION OF DEPUTY MAYOR

The returning officer was Tony Wickham, Council's Governance Coordinator.

ORDINARY MEETING – 25 SEPTEMBER 2007

Nominations of Office of Mayor:

1. Cr Ken Jordan
2. Cr Ron Swan
3. Cr Bob Westbury

ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007

RESOLUTION:

260	Councillor Nell Councillor Baumann	It was resolved that the method of voting be by Ordinary Ballot
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MOTION:

261	Councillor Baumann Councillor Swan	It was resolved that there be no Statement from the Mayoral Candidates.
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The motion on being put was carried.

Election of Mayor

Following the first round of voting, Cr Westbury was eliminated. Cr Jordan was eliminated following a second round of voting. Cr Ron Swan was elected Mayor.

Nominations of Office of Deputy Mayor

1. Cr Sally Dover
2. Cr Glenys Francis
3. Cr Joshua Hodges
4. Cr Steve Tucker
5. Cr Bob Westbury

ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007

RESOLUTION:

262	Councillor Hodges Councillor Baumann	It was resolved that the method of voting be by Ordinary Ballot
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Following the first round of voting, Cr Tucker was eliminated. Cr Hodges was eliminated following the second round of voting. Cr Westbury was eliminated following a third round of voting. Following the fourth round of voting Crs Dover and Francis tied the vote, with the result being decided with a draw of the "lot" by the Returning Officer.

ORDINARY MEETING – 25 SEPTEMBER 2007

Cr Dover was elected Deputy Mayor.

Cr Swan resumed the Chair.

RESOLUTION:

263	Councillor Swan Councillor Dover	It was resolved the meeting be adjourned at 6.10pm for a fifteen (15) minute break.
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The meeting reconvened at 6.25pm with the Mayor as Chairperson. All those present at the adjournment were present.

MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: PSC2005- 3586

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(d) (i) 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 Meeting of Council agenda namely ***Proposed Extension to Soldiers Point Marina.***
- 2) That the reasons for closing the meeting to the public to consider this item be that the report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
- 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 it may prejudice the commercial position of the person who supplied it.
- 4) That the minutes of the closed part of the meeting are to be made public as soon as possible after the meeting and the report is to remain confidential.

ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007

RESOLUTION:

264	Councillor Nell Councillor Dingle	That the recommendation be adopted.
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ITEM NO. 2

FILE NO: CM T18-20074

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(d)(i) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary agenda namely ***Newcastle Airport Ltd Eastern Apron Extension Main Works Tender.***
- 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.
- 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. **Port Stephens Council's resolution will remain confidential until Newcastle City Council has made its decision.**

ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007

RESOLUTION:		
265	Councillor Nell Councillor Dingle	That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007

RESOLUTION:

266	Councillor Baumann Councillor Hodges	That Items 1 and 2 of the General Manager's report be brought forward and dealt with.
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GENERAL MANAGER'S REPORT

**PETER GESLING
GENERAL MANAGER**

ITEM NO. 1

FILE NO: 16-2007-316-1

DEVELOPMENT APPLICATION FOR TWO STOREY DWELLING AT NO. 480 HINTON ROAD, HINTON

REPORT OF: SCOTT ANSON – MANAGER, DEVELOPMENT & BUILDING

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2007-316-1 for the following reasons:
1. The proposed development is inconsistent with the provisions of the Hunter Regional Environmental Plan by being an inappropriate land use since it will increase the number of people susceptible to the effects of inundation.
 2. The proposed development is inconsistent with the provisions of Port Stephens Local Environmental Plan 2000, in particular, the Rural 1(a) Zone objectives and planning considerations for development on flood prone land.
 3. The proposed development is located in a Floodway & Excessive Depth Zone and the Paterson River Floodplain Management Study (2001) recommends that no additional dwellings should be permitted in this location.
 4. The proposed development is considered an inappropriate land use under the Floodplain Development Manual 2005.
 5. Approving additional dwelling houses in a high risk flood area places further demand on the already limited resources of the SES due to domestic property protection, evacuation and/or re-supply.
 6. Approval of this application would have an undesirable cumulative effect by increasing the community's susceptibility to flooding in terms of social, economic and environmental/ecological consequences.
 7. It is not possible to implement an evacuation plan which provides permanent, fail safe, maintenance free measures to ensure the timely, orderly and safe evacuation of occupants.

ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007

MOTION:		
	Councillor Brown Councillor Francis	That the recommendation be adopted.

The Motion on being put was lost.

RESOLUTION:

<p>267</p>	<p>Councillor Robinson Councillor Jordan</p>	<p>That the development application for a two storey dwelling be approved with conditions of consent contained in ATTACHMENT 3.</p> <p>CONDITIONS OF APPROVAL</p> <ol style="list-style-type: none"> 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 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 application has not been assessed against the provisions of the Building Code of Australia. A Section 96 application under the Environmental Planning & Assessment Act 1979 will be required if design amendments are necessary to comply with the provisions of the Building Code of Australia. 5. 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. 6. No construction or demolition work shall obstruct pedestrian or vehicular traffic in
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		<p>a public place, a hoarding or fence must be erected between the construction site and the public place.</p> <p>7. 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>8. 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.</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>9. 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>10. Prior to the commencement of work, provide a 3m wide all weather vehicle access from the kerb and gutter to the building under construction for the delivery of materials & trades to reduce the potential for soil erosion. Sand shall not be stockpiled on the all weather vehicle access.</p>
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		<p>11. 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>12. The development shall take place in accordance with the stated values of the energy efficiency scorecard or NatHERS assessment and/or the BASIX certificate submitted with the application. Prior to the issue of any occupation certificate an appropriately qualified person shall certify compliance with these requirements, as applicable.</p> <p>13. 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> <p>14. Prior to occupying the approved dwelling(s), contact Council's Land Information Section on 49800357 to obtain the correct house numbering. Be advised that any referencing on Development Application plans to house or lot numbering operates to provide identification for assessment purposes only.</p> <p>15. The development shall be carried out in accordance with the Building Sustainability Index (BASIX) certificate number 127587S. Where minor changes to the development occur (eg colours and the like) these changes shall be referred to Council prior to the changes being made.</p> <p>Where approved, a copy of the amended/new BASIX Certificate shall be submitted to Council within fourteen days and will be considered sufficient to</p>
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		<p>satisfy this condition.</p> <p>16. A concrete dish crossing shall be constructed within the table drain in accordance with Council’s Standard Drawing No. S106. Driveway grades shall be adjusted, if practical, to achieve this, OR</p> <p>Where driveway grades do not permit a dish crossing, a driveway application is to be submitted so that Council can nominate a pipe size and invert levels. The pipe is to be 5.0m long, at a minimum distance of 2.0 m from the edge of the roadway, ensuring an adequate grade within the drain. Gravel backfill and concrete headwalls shall be placed as indicated on Council’s Standard Drawing No. S107.</p> <p>The construction of the footpath crossing and associated lipless layback must be constructed prior to the issue of any Interim and Final Occupation Certificate.</p> <p>17. 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, with an overflow pipe connected to the existing easement/system in accordance with the attached detail Council’s Standard Drawing S147</p> <p>18. 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 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>19. The development shall be constructed in accordance with the NSW Government Floodplain Management Manual (2001).</p>
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		<p>20. <u>The Flood Planning Level</u> for this development is 6.7 metres AHD. <u>Flood Compatible Building Materials</u> are listed in the attached Schedule</p> <p><u>Habitable room</u> 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:-</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 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</p>
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		<p>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>21. 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>22. Schedule for flood compatible materials is attached.</p> <p>23. <u>The Designated flood</u> is the 1 % AEP Flood. A structural engineer shall design and certify that all building structures and earth mounds are able to withstand the flood forces, debris impact and buoyancy uplift for the 1% AEP Flood prior to the issue of the Construction Certificate,</p> <p>24. A flood management plan which covers evacuation and the provision of emergency food, medical supplies, power/communication, water and effluent disposal, etc. shall be submitted and approved by Council prior to the issue of the Construction Certificate.</p> <p>25. The ground floor area shall only be used for vehicle parking, workshop and laundry. The ground floor shall not be occupied as a habitable area. The titles of these properties shall be endorsed</p>
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		<p>under S88B Subdivision of the Conveyancing Act to give effect to this condition prior to the issue of an Occupation Certificate. Council shall be nominated as the sole authority permitted to alter/remove the endorsement.</p> <p>26. Only Virgin Excavated Natural Material (VENM) in accordance with the Environmental Protection Agency NSW statutory definition shall be used for the approved land filling activities. The use of any material other than VENM may require an EPA licence for use as a landfill. The use of any material other than VENM for land filling purposes, without prior approval of council is prohibited. Council will insist on the removal of any prohibited material.</p> <p>27. 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>28. Submit full details of the proposed earthen mound. Details shall include a fully dimensioned site plan showing proposed footprint of the mound, any watercourses/drains within the proposed mound, showing height and batters and how batters are to be stabilised</p> <p>29. All building work must be carried out in accordance with the provisions of the <i>Building Code of Australia</i>.</p> <p>30. Where no sanitary facilities currently exist onsite for construction workers toilet accommodation for all tradespersons shall be provided from the time of commencement until the building is complete. The toilet facilities shall be located so as to have minimal impact of adjoining properties and shall not be placed on the road reserve, without separate approval from Council.</p> <p>31. Construction work that is likely to cause</p>
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		<p>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>32. 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>33. The excavated and/or filled areas of the site are to be stabilised and drained to prevent scouring and the finished ground around the perimeter of the building is to be graded to prevent ponding of water and ensure the free flow of water away from the building.</p> <p>34. A septic application under Section 68 of the Local Government Act 1993 shall be submitted to Council for consideration and approval prior to the issue of the Construction Certificate.</p>
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The Motion on being put was carried.

Councillors Brown and Francis called for a division.

Those for the Motion: Crs Jordan, Hodges, Tucker, Baumann, Westbury, Robinson, Dover and Swan.

Those against the Motion: Crs Brown, Francis, Dingle and Nell.

BACKGROUND

This Development Application was considered by Council in August with the following Resolution:

OPERATIONS COMMITTEE RECOMMENDATIONS – 14 August 2007

RECOMMENDATION:

1. That Council be recommended to express support for the Applicant's Development Application; and
2. That the Group Manager Sustainable Planning be requested to bring forward draft Conditions of Consent in the event that Council determines to approve this application.

ORDINARY MEETING OF COUNCIL – 28 August 2007

That the recommendation be adopted.

Draft Conditions of Consent have been included as Attachment 3 below.

The purpose of this report is to present a development application to Council for determination on a policy position in regards to restricting development in an area subject to flooding.

The applicant has previously submitted an application to Council, seeking approval to erect a two storey dwelling upon a mound located at the abovementioned property. Development Application number 16-2000-1483-1 was submitted on 25 September 2000 and was refused by Council on 29 June 2001.

This application proposes the construction of a two storey dwelling house upon an elevated earth mound situated 155 metres from the northern boundary addressing Hinton Road and 60 metres from the western boundary.

The subject site is zoned 1(a) – Rural Agriculture, which is described in Port Stephens Local Environmental Plan 2000 (LEP) as land of agricultural value and land which has not been set aside for rural residential development.

The subject site is identified as flood prone land and Clause 37 of the LEP addresses development on flood prone land.

The Paterson River Floodplain Management Study (Adopted November 2001) indicates that the subject property is located in a "**Floodway & Excessive Depth Zone**" where it is recommended that no additional residential dwellings should be permitted. At this location, the 1% Annual Exceedence Probability (AEP) flood level is 6.2 metres AHD (Australian Height Datum) with a velocity between 0 and 0.5 metres per second. Atkinson & Tattersall Surveyors have identified a surface level of 2.56 metres AHD at a location approximately 40 metres south of the northern boundary (which addresses Hinton Road). Based upon these figures it is expected that this property will be inundated by floodwater to a depth of approximately 3.64 metres. The 1955 flood level in this locality was recorded at 6.3 metres AHD.

On 11 June 2007, the most recent flooding event occurred. A flood level of 5.8 metres AHD was recorded at the Hinton Bridge. This flood event was calculated to be approximately a

5% Annual Exceedance probability flood event (this is in the order of a 1 in 20 or 1 in 15 year flood). Emergency Services personnel evacuated numerous residents from dwellings surrounding Hinton. The nearest flood free land is the elevated areas of Hinton village which is physically isolated and an island refuge accessible only via boat or helicopter. If approved, the introduction of an additional dwelling and potential for further dwellings to follow the precedent established will place further pressure on emergency service resources in a known floodway and excessive depth zone.

The proposed dwelling and earth mound will have a maximum height of approximately 12.4 metres AHD which equates to 9.5 metres above the existing (natural) ground level.

Although flood inundation gives rise to temporary/intermittent impacts, the introduction of additional people and dwellings into a known floodway is not supported and is contrary to the provisions of the *New South Wales Floodplain Development Manual 2005*.

It is recommended that this application be refused based upon the expected level of flood risk and associated social, economic and environmental impacts.

LINKS TO CORPORATE PLANS

This report relates to the Goals in the Assessment and Approvals program of Council's Management Plan, which is an ordered and predictable built environment in Port Stephens. The following goals are considered applicable in this case:

G1. Lifestyle

To provide opportunities for people to participate in a healthy lifestyle.

G4. Safety

To provide programs and planning instruments that enhance the safety of individuals and the community whilst preserving social amenity and discouraging social isolation.

G5. Housing

To provide for an increase in diversified, affordable and sustainable housing stock across the Local Government Area.

G13. Environmental Protection

To protect the unique Local Government Area environmental heritage and mitigate the effects of climate change and population growth on the environment.

G14. Education and Communication

Encourage a partnership with our community and visitors to protect the Port Stephens environment.

G17. Strategy and Planning

Plan for sustainability and allow for balanced growth in the community.

G18. Knowledge and Information

All decision-making will be based upon unbiased, well-researched data.

G20. Customer and Market Focus

Port Stephens Council will develop and enhance opportunities for the community and stakeholders to have relevant input into all Council decisions that affect the direction of Council.

G21. Innovation, Quality and Improvement

Council will facilitate improvement in every aspect of its operations.

G25. Infrastructure and Services

To provide sustainable facilities and services to the community of Port Stephens now and into the future.

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL AND POLICY IMPLICATIONS

Council may become legally liable in cases of property damage and/or loss of life where approval has been given to construct dwellings and reside in flood prone areas while being aware of the risks associated with same.

The Councillors attention is specifically drawn to Sections 733(1) and 733(4) of the Local Government Act 1993 relating to exemption from liability with respect to flood prone land and the basis of “good faith” defence established in legal case law.

If Council approves the subject application, Council will be establishing a significant planning and environmental precedent in this locality and other flood prone areas within Port Stephens LGA, effectively encouraging residential development in known flood prone areas.

Should this application be refused, the applicant has the right of appeal.

The development application is inconsistent with Council’s Policy.

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

- 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

Approval of this application increases the community’s susceptibility to the effects of flooding and the associated consequences. The effects of flooding may be distinguished between social, economic and environmental implications

SOCIAL IMPLICATIONS

The social implications directly attributable to flood inundation include but are not limited to community disruption, direct and indirect damages caused by floodwaters, (property

damage, loss of goods and personal possessions), emotional, mental and physical health costs, provision of food and accommodation for evacuees, loss of wages and opportunity cost to the public caused by the closure or limited operation of public facilities.

ECONOMIC IMPLICATIONS

Introducing additional dwelling houses into known high flood risk areas is not desirable. Refusal of this application may have an immediate economic impact upon the property owner but, in the long term reduces private and public losses attributed to flooding.

ENVIRONMENTAL IMPLICATIONS

The temporary and intermittent impacts of unsuitable development on flood prone land contribute to environmental pollution through erosion, waterborne debris, residual debris, structural failure of dwellings, fences, outbuildings and other domestic/rural infrastructure, and possible effluent pollution (from onsite sewage treatment systems in instances where the occupant chooses not to evacuate).

There are no flora and fauna issues associated with this application.

CONSULTATION

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

The assessment included a comprehensive review of the previous application, an SES response to that application and a report from Council's Flooding Engineer (Land Use Planning Department).

The SES have advised that they have no statutory authority to endorse or reject development applications and/or private flood plans. However, they consider that approving the construction of dwelling houses in flood plain areas is undesirable since it places an additional demand upon already limited resources due to an expectancy of property and infrastructure protection, evacuation and/or re-supply.

The preparation of private evacuation plans may reduce the demand upon SES resources however these plans are usually ineffective during significant flood events and are not to be relied upon.

PLEASE NOTE: Refusal of this application is recommended based on the level of flood risk upon the proposed development and NOT as a consequence of advice received by the SES.

Refusal of this application is recommended since the property in question is situated in an area considered to be at a high risk of flooding. The level of risk is determined by flood depths and velocities, flood frequency, isolation, emergency response and the cumulative effect of permitting the construction of additional dwellings with the resultant increase in occupant numbers placed at risk. These contributing factors are discussed further in the assessment.

OPTIONS

- 1) Adopt the recommendation.

- 2) Reject or amend the Recommendations.
- 3) Council support in principle approval of Development Application and request the Group Manager, Sustainable Planning to prepare Conditions of Approval.

ATTACHMENTS

- 1) Locality Plan
- 2) Assessment

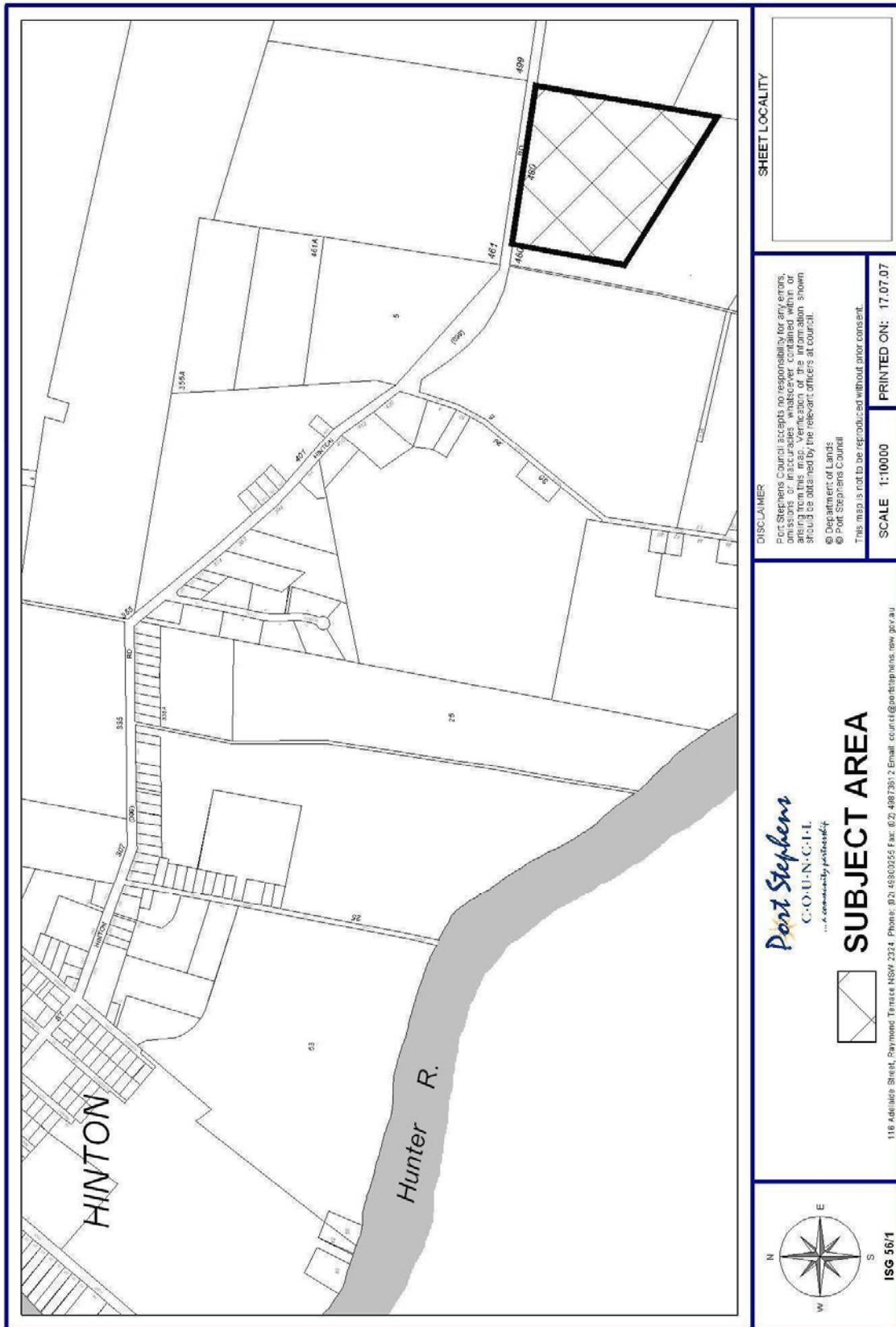
COUNCILLORS ROOM

- 1) Plans and elevations
- 2) Port Stephens Examiner report on Hinton's isolation during June 2007 flood event
- 3) Photographs taken by Council officers during June 2007 flood event depicting subject site
- 4) S733(4) Local Government Act 1993 *Exemption from liability – flood liable land and land in coastal zone*

TABLED DOCUMENTS

- 1) Port Stephens Examiner report on Hinton's isolation during June 2007 flood event
- 2) Photographs taken by Council officers during June 2007 flood event depicting subject site
- 3) S733(4) Local Government Act 1993 *Exemption from liability – flood liable land and land in coastal zone*

ATTACHMENT 1
LOCALITY PLAN



SHEET LOCALITY

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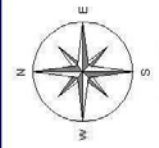
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Port Stephens
C·O·U·N·C·I·L
...A community partnership



SUBJECT AREA

118 Adelaide Street, Raymond Terrace NSW 2254 Phone: (02) 49602355 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au



ISG 56/1

**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

The applicant seeks approval to construct a two storey dwelling house on an elevated earth mound located 155 metres to the south of Hinton Road and 60 metres from the western boundary. The dwelling consists of a lounge/dining/kitchen area, three (3) bedrooms and associated bathroom/ensuite to the upper level and a store room/workshop, entry, laundry, bathroom and car parking area to the lower level.

The application proposes to construct the lower floor level at 5.09 metres AHD.

THE APPLICATION

Owner	Ms K Jenkins
Applicant	Ms K Jenkins
Detail Submitted	Development plans which include site and floor plans, elevations, structural engineer's details and specifications.

THE LAND

Property Description	Lot 6, DP 9567
Address	Number 480 Hinton Road, HINTON
Area	9.82 Hectares
Characteristics	The land is generally level with a slight fall towards Hinton Road. The dwelling is proposed to be constructed upon an earthen mound located approximately 700 metres distance from flood free land in the township of Hinton, which also becomes isolated during extreme flood events. Full details of the earthen mound have not been submitted with the application other than a mention in the Statement of Environmental Effects which says "Filling of the site is proposed by way of benching the building area to a height of 2.42 metres to bring the finished level to 5.0m AHD."

Full details of the proposed mound have not been requested at this point in time so as not to impose additional expense upon the applicant. Should Council's determination be to approve the application, this matter may be addressed either by conditions of consent or to request further information at that time.

THE ASSESSMENT

1. Planning Provisions

LEP 2000 – Zoning
Relevant Clauses

Rural 1(a) RURAL AGRICULTURAL “A”
Clause 11 (2)(e) and Clause 38 (including
“Objectives for development on flood
prone land”)

Development Control Plan

Port Stephens Development Control Plan
2007 (Adopted 31 May 2007). Application
received 18 April 2007.

Development Control Plan PS10 (Building
Standards and Notification Procedures for
Development Applications)

State Environmental Planning Policies

Not applicable.

ATTRIBUTE	PROPOSED	REQUIRED	COMPLIES
LEP Requirements			
Minimum area per dwelling	9.82 Hectares (98,200 m ²)	4000 m ² minimum	Yes
Floor Level (Flood Prone Land)	7.74m AHD	6.7m AHD	Yes
Floodway & Excessive Depth Zone	New dwelling	No dwelling	No*
DCP Requirements			
Building Line Setback	155 metres from North boundary (Hinton Road)	12 metres from North boundary (Hinton Road)	Yes
Side Boundary Setbacks	60 metres (West Boundary)	900mm	Yes
BASIX Requirements	Water Score 42 Energy Score 43	Target 40 Target 40	Yes Yes

* The proposal is not consistent with Clause 52 of Hunter Regional Environmental Plan, Clause 73 Port Stephens LEP 2000, Flood Management Manual 2001 or the Paterson River Floodplain Management Study 2001 and is the primary basis for recommending refusal in this instance. In a 1% Annual Exceedence Probability flood event, the proposed dwelling will be physically isolated due to severe flood inundation. The nearest flood free land in proximity to the subject land is the village of Hinton which is also subject to extended periods of isolation in a flood event, placing further pressure upon emergency services and potentially placing dwelling occupants and volunteer emergency personnel at risk. The June 2007 flood event was calculated as approximately a 5% Annual Exceedence Probability flood event.

Discussion

The proposed development is inconsistent with the provisions of:

- **Hunter Region Environmental Plan**
- **Port Stephens Local Environmental Plan 2000**
- **Floodplain Management Manual 2001**
- **Paterson River Floodplain Management Study 2001**

Hunter Region Environmental Plan (REP)

The Hunter Regional Environmental Plan (REP) aims to achieve the balanced development of the region by the optimum utilisation of resources, whilst facilitating the improvement of the urban and rural environments. *Port Stephens Local Environmental Plan 2000 (LEP)* gazetted on 29 December 2000 is consistent with the provisions of the REP and reinforces its aims and regional policies.

Clause 52 of the REP requires Councils to develop strategies to control developments on flood prone land and encourage floodplain management practices which ensure maximum personal safety whilst at the same time encouraging appropriate land uses.

The Paterson River Floodplain Management Study (2001) indicates that the subject property is located in a “**Floodway & Excessive Depth Zone**” where it is recommended that no additional dwelling houses should be permitted.

The proposed dwelling house is an inappropriate land use since it increases the number of persons susceptible to the effects of flooding.

Port Stephens Local Environmental Plan 2000

The subject land is zoned Rural 1(a) and under the provisions of *Port Stephens Local Environmental Plan 2000*, dwelling houses are permissible with development consent.

The proposal is inconsistent with the Rural 1(a) zone objective to maintain the rural character of the area and to promote the efficient and sustainable utilisation of rural land and resources.

New developments should not increase the community's susceptibility to flood inundation and related impacts. In this instance, the construction of a dwelling house in a high flood risk area increases the social, economic and environmental consequences caused by flooding.

Clause 37 outlines the factors to be considered by Council in the assessment of a development on flood prone land. These are outlined as follows:-

- (a) The extent and nature of the flooding or inundation hazard affecting the land.
- (b) Whether or not the proposed development would increase the risk or severity of flooding or inundation affecting other land or buildings, works or other land uses in the vicinity.
- (c) Whether the risk of flooding or inundation affecting the proposed development could be reasonably mitigated and whether conditions should be imposed on any consent to further the objectives of this plan.
- (d) The social impact of flooding on occupants, including the ability of emergency services to access, rescue and support residents of flood prone areas.

- (e) The provisions of any floodplain management plan or development control plan adopted by the Council.

This development is located in a high flood risk area as identified by the *Paterson River Floodplain Management Study (2001)*, where the 1% Annual Exceedence Probability (AEP) flood level is recorded at 6.2 metres AHD, with a velocity between 0 and 0.5 metres per second. Based on a natural ground level of 2.5 metres AHD, the land will be inundated by floodwater to a depth of 3.7 metres. Even in moderate floods, for example, the 5% AEP in this location is 4.9 metres AHD, the property will be inundated by floodwaters to a depth of 2.4 metres.

It is not possible to condition this application to mitigate the effects of flooding. The applicant could prepare an evacuation plan but this would need to demonstrate to Council that there are permanent, fail safe, maintenance free measures available to ensure the timely, orderly and safe evacuation of occupants should flooding occur. The SES have advised that private evacuation plans are usually ineffective thereby placing additional demand upon limited SES resources.

Without a permanent fail safe evacuation plan addressing the approval of additional dwelling houses in high flood risk areas, the adverse social implications discussed throughout this report can be expected.

Council has not yet adopted a floodplain management plan however, the *Paterson River Floodplain Management Study (2001)* recommends that additional residential dwellings should not be permitted in these areas.

Based on the abovementioned considerations, this application is inconsistent with the provisions of *Port Stephens Local Environmental Plan 2000*.

Floodplain Development Manual 2005

The primary objective of *the Floodplain Management Manual* is to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone properties and to reduce private and public losses as a result of flooding.

The Paterson River Floodplain Management Study (2001) has been prepared in accordance with this manual and it stipulates appropriate land use management policies. As already mentioned in this report, the Study recommends that no additional residential dwellings be permitted in this locality.

The Floodplain Management Manual (2001) provides interim guidelines for determining appropriate land uses in flood prone areas (refer Appendix I). Under these guidelines, the subject land is categorised as high hazard flood storage generally inundated by more than 1 metre depth of floodwater.

Floodways are those areas where a significant volume of water flows during floods and are often aligned with obvious natural channels. They are areas that, even if only partially blocked, would cause a significant increase in flood levels and/or a significant redistribution of flood flow, which may in turn adversely affect other areas

Flood storage areas are those parts of the floodplain that are important for the temporary storage of floodwaters during the passage of the flood. If the capacity of a flood storage area is substantially reduced by, for example, the construction of levees or by landfill, flood levels

in nearby areas may rise and the peak discharge downstream may be increased. Substantial reduction of the capacity of a flood storage area can also cause a significant redistribution of flood flows.

The Manual suggests that the property owner be required to demonstrate that the proposed development will not increase the flood damage or flood hazard to other properties or adversely affect flood behaviour. A detailed report by an appropriately qualified consulting engineer and a detailed study assessing the social, environmental and ecological impacts should be required in support of a development application. This has not been requested at this point in time so as not to impose additional costs upon the applicant.

The proposed development should be refused since it increases the community's susceptibility to flooding. There is no permanent, fail safe evacuation plan in place to ensure a timely, orderly and safe evacuation of occupants. In an emergency, evacuation of occupants would only be possible by boat or helicopter, which may place rescuers/operators at risk.

Paterson River Floodplain Management Study (2001)

The Paterson River Floodplain Management Study (2001) defines a Floodway as that part of the floodplain which conveys significant quantities of flow path and would pose a significant hazard to property and persons as determined by an application of the principles contained within the Floodplain Development Manual. An objective of the study is to prevent intensification of the use of floodways and, wherever possible, allow for their conversion to natural waterway corridors.

The Floodway and Excessive Depth Zone identifies that part of the floodplain where there is considered to be no potential to implement ameliorative measures and/or allow for any structures or intensive activity at a level of risk which would be considered acceptable to the community. Floodways are areas conveying a significant proportion of the flood flow and where partial blocking will adversely affect flood behaviour to a significant and unacceptable extent. The principal risk criterion in this zone exists when flood water velocities exceed levels which may threaten the integrity of built structures or the safety of persons. The threat to personal safety and to gross structural damage caused by floods, depends largely upon the speed and depth of floodwaters. These, in turn, are dependent upon both the size of the flood and the hydraulic characteristics of the river and its floodplain. If the flood velocity is significant, buildings can be severely damaged (even destroyed). The build up of debris and the impact of floating logs can cause significant structural damage to buildings. Consequently, the property owner should demonstrate that any building or structure can withstand the force of flowing floodwater, including debris and buoyancy forces as appropriate. A detailed report from an appropriate consulting structural engineer should be required in support of a development application. This has not been requested as part of this assessment so as not to impose additional costs upon the applicant at this point in time.

2. Likely Impact of the Development

As discussed throughout this report, the approval of this application increases the community's susceptibility to the effects of flooding in terms of social, economic and environmental consequences.

Rural Amenity

The proposed development maintains an acceptable level of residential amenity in regards to visual appearance boundary setbacks and visual and acoustic privacy.

The two storey dwelling and earth mound will have a total height of 9.5 metres. This is considered compatible with existing dwellings located upon the floodplain.

Access

The surrounding road system is sufficient to accommodate vehicular traffic associated with the proposed development. However, in moderate floods, the access roads will be inundated by floodwaters, rendering the occupants isolated and reliant upon the SES for property protection, evacuation and/or supplies.

Emergency Response

SES advised that it is undesirable to increase the number of dwellings and occupants susceptible to flooding since it places an excessive demand on already limited SES resources due to the ineffectiveness of private evacuation plans.

In this locality, the awareness of property owners/occupants is hampered by the lack of a telemetered flood warning system and the Bureau of Meteorology does not advise of predicted flood levels.

Cumulative Effect

Approval of this application further increases the number of people susceptible to the effects of flooding in this locality. The problem arises when the cumulative impact of developments that have individually small (or even no impact), but which collectively have significant effects on flood behaviour. The most common examples of this are:

- blocking of floodways and flowpaths by individual developments and levees;
- loss of flood storage due to filling of floodplain areas for individual developments and the consequential rise in flood levels; and
- increase over time in the at-risk population living and working on flood prone land and their impacts on emergency management resources or the capacity of evacuation routes.

Whilst it is true that each development by itself may not lead to a significant increase in flood levels, risk, evacuation needs or potential damage, the increase occasioned by the cumulative effects of a number of such developments is often unacceptable. Land use on a floodplain should be compatible with and able to withstand the effects of flooding.

3. Suitability of the Site

The subject land is considered unsuitable for rural-residential development taking into account the level of flood risk and likely social, economic and environmental consequences.

4. Submissions

The application was advertised and notified. No objections or submissions were received.

5. Public Interest

This proposal is contrary to the public interest in that it has the potential to further exacerbate the impact of flooding and private and public losses in this locality, the potential to increase demand upon emergency services and an unnecessary and unreasonable demand on limited SES resources. Development should not detrimentally increase the potential flood displacement onto other development/properties within this area.

**ATTACHMENT 3
DRAFT CONDITIONS OF CONSENT**

CONDITIONS OF APPROVAL

35. 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.
36. 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.
37. 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.
38. 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.
39. 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.
40. No construction or demolition work shall obstruct pedestrian or vehicular traffic in a public place, a hoarding or fence must be erected between the construction site and the public place.
41. 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.**
42. The construction site is to be adequately protected and drainage controlled to ensure that erosion and sediment movement is kept on your site. Construction sites without appropriate erosion and sediment control measures have the potential to pollute the waterways and degrade aquatic habitats. Offenders will be issued with an 'on the spot' fine under the Protection of the Environment Operations Act 1997.

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

43. 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.
44. Prior to the commencement of work, provide a 3m wide all weather vehicle access from the kerb and gutter to the building under construction for the delivery of materials & trades to reduce the potential for soil erosion. Sand shall not be stockpiled on the all weather vehicle access.
45. 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.
46. The development shall take place in accordance with the stated values of the energy efficiency scorecard or NatHERS assessment and/or the BASIX certificate submitted with the application. **Prior to the issue of any occupation certificate** an appropriately qualified person shall certify compliance with these requirements, as applicable.
47. 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.
48. **Prior to occupying the approved dwelling(s)**, contact Council's Land Information Section on 49800357 to obtain the correct house numbering. Be advised that any referencing on Development Application plans to house or lot numbering operates to provide identification for assessment purposes only.
49. The development shall be carried out in accordance with the Building Sustainability Index (BASIX) certificate number 127587S. Where minor changes to the development occur (eg colours and the like) these changes shall be referred to Council **prior to the changes being made**.

Where approved, a copy of the amended/new BASIX Certificate shall be submitted to Council within fourteen days and will be considered sufficient to satisfy this condition.

50. A concrete dish crossing shall be constructed within the table drain in accordance with **Council's Standard Drawing No. S106**. Driveway grades shall be adjusted, if practical, to achieve this, OR

Where driveway grades do not permit a dish crossing, a driveway application is to be submitted so that Council can nominate a pipe size and invert levels. The pipe is to be 5.0m long, at a minimum distance of 2.0 m from the edge of the roadway, ensuring an adequate grade within the drain. Gravel backfill and concrete headwalls shall be placed as indicated on Council's Standard Drawing No. S107.

The construction of the footpath crossing and associated lipless layback must be constructed **prior to the issue of any Interim and Final Occupation Certificate**.

51. 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**, with an overflow pipe connected to the existing easement/system in accordance with the attached detail **Council's Standard Drawing S147**
52. 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 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.
53. The development shall be constructed in accordance with the NSW Government Floodplain Management Manual (2001).
54. The Flood Planning Level for this development is 6.7 metres AHD.
Flood Compatible Building Materials are listed in the attached Schedule

Habitable room for the purposes of this clause includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, sunroom, bathroom, laundry and water closet. The following design precautions must be adhered to:-

a. The floor level of any habitable room is to be located at a height not less than the Flood Planning Level. A survey certificate verifying compliance with this condition shall be provided to the Principal Certifying Authority as soon as practical on completion of the floor level.

In 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.
55. 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.
56. **Schedule for flood compatible materials is attached.**
57. The Designated flood is the 1 % AEP Flood. A structural engineer shall design and certify that all building structures and earth mounds are able to withstand the flood forces, debris impact and buoyancy uplift for the 1% AEP Flood **prior to the issue of the Construction Certificate,**
58. A flood management plan which covers evacuation and the provision of emergency food, medical supplies, power/communication, water and effluent disposal, etc. shall be submitted and approved by Council **prior to the issue of the Construction Certificate.**
59. The ground floor area shall only be used for vehicle parking, workshop and laundry. The ground floor shall not be occupied as a habitable area. The titles of these properties shall be endorsed under S88B Subdivision of the Conveyancing Act to give effect to this condition **prior to the issue of an Occupation Certificate.** Council shall be nominated as the sole authority permitted to alter/remove the endorsement.
60. Only Virgin Excavated Natural Material (VENM) in accordance with the Environmental Protection Agency NSW statutory definition shall be used for the approved land filling activities. The use of any material other than VENM may require an EPA licence for use as a landfill. The use of any material other than VENM for land filling purposes, without prior approval of council is prohibited. Council will insist on the removal of any prohibited material.
61. 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.
62. Submit full details of the proposed earthen mound. Details shall include a fully dimensioned site plan showing proposed footprint of the mound, any watercourses/drains within the proposed mound, showing height and batters and how batters are to be stabilised
63. All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.
64. Where no sanitary facilities currently exist onsite for construction workers toilet accommodation for all tradespersons shall be provided from the time of commencement until the building is complete. The toilet facilities shall be located so as to have minimal impact of adjoining properties and shall not be placed on the road reserve, without separate approval from Council.

65. 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 L_{10} 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.

66. 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.

67. The excavated and/or filled areas of the site are to be stabilised and drained to prevent scouring and the finished ground around the perimeter of the building is to be graded to prevent ponding of water and ensure the free flow of water away from the building.

68. A septic application under Section 68 of the Local Government Act 1993 shall be submitted to Council for consideration and approval **prior to the issue of the Construction Certificate.**

ITEM NO. 2

FILE NO: 16-2007-227-1

POLICY IMPLICATIONS ASSOCIATED WITH DEVELOPMENT APPLICATION FOR PLACE OF PUBLIC WORSHIP AT NO. 43 SHEARWATER DRIVE, TAYLORS BEACH

REPORT OF: SCOTT ANSON – MANAGER –DEVELOPMENT & BUILDING

RECOMMENDATION IS THAT COUNCIL:

Resolve not to support proposals for *places of public worship* that:

- 1) Do not achieve an appropriate level of on-site car parking resulting in undesirable impacts on the road network thereby compromising the efficient and coordinated development of the zone;
- 2) Potentially conflicts with other permissible uses in the zone such as *brothels* and other uses intended for the industrial zone (by Council resolution) such as *restricted premises* to be solely permitted within industrial zoned land;
- 3) Are retro-fit into existing built developments in the circumstance where the total existing floor space available for use by members of the congregation would need to be restricted to ensure the efficient and coordinated development of the zone;
- 4) Result in undesirable precedent being established with respect to:
 - the provision of on-site car parking;
 - the efficient and coordinated development of the zone;
 - undesirable land-use compatibility within the zone; and
 - the adaptive re-use of existing purpose built developments that have not been designed to properly accommodate proposed alternate/change of use.

RESOLUTION:

268	Councillor Dover Councillor Robinson	That the development application be adopted subject to the conditions contained in the supplementary information provided at the Council meeting on the 25 September 2007, and including a variance of 70 patrons on weekend as contained in the Traffic Impact report.
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Councillor Baumann left the meeting at 6.47pm during Item 2

Councillor Jordan left the meeting at 6.58pm during Item 2.

Councillors Dover and Nell called for a division.

ORDINARY MEETING – 25 SEPTEMBER 2007

Those for the Motion: Crs Hodges, Tucker, Dingle, Westbury, Robinson, Dover and Swan.

Those against the Motion: Crs Brown, Francis and Nell.

MATTER ARISING:		
269	Councillor Francis Councillor Brown	<ol style="list-style-type: none">1. That all Section 96 amendments to this development application be brought before Council.2. That a report be brought before Council regarding the two (2) churches operating in the Industrial area.

BACKGROUND

This DA was considered at the August Ordinary Meeting of Council with the following Resolution:

That Council express support for the Development Application for the place of public worship at No. 43 Shearwater Drive, Taylors Beach and request the Group Manager Sustainable Planning to bring forward draft Conditions of Consent to the next Council meeting in the event that Council determines to approve this application.

Draft conditions of consent have been brought forward as Attachment 3 of this report.

Specific issues requiring management that were identified during the assessment of this application and subsequent meetings with the applicant have been incorporated into the draft conditions of consent. These include the following conditions:

- time limit consent to five years;
- restriction of numbers of patrons to thirty on a weekday and seventy on a weekend;
- requirement for a S96 modification to amend hours of operation of approved Restaurant/Take Away component to be submitted and approved by Council prior to commencement of use; and
- a revised carparking plan to be submitted prior to issue of Construction Certificate.

The purpose of this report is to highlight to Council the policy implications for the approval of a significant carparking variation for a proposed place of public worship within the Taylors Beach Industrial Estate.

The applicant is seeking consent for a change of use from an approved industrial warehouse/medical centre/restaurant to a place of public worship/restaurant. The subject site is located within the Taylors Beach Industrial Estate which is zoned 4(a) Industrial General "A". A place of public worship is permissible within this zone.

The applicant is proposing to use the medical centre component for Sunday worship services and the industrial building component as a weekday/weekend church hall with ancillary activities e.g. Kids' Club, dance classes and the like. The upper floor is now proposed as offices, storage, lounge area and a meeting room. The restaurant, originally approved

without restricted hours of operation, would remain as a restaurant use and would be available to lease to external parties.

LEGAL/POLICY IMPLICATIONS

There are significant policy implications for Council relating to this application. The key issues are summarised and discussed below:

Key Policy Issues

The key issues for development policy and precedent associated with the proposal are:

- 1) Variation to parking which is proposing more than fifty per cent (50%) of the parking to be located off site (on street parking).
- 2) Incompatibility with the zone objectives.
- 3) Potential statutory implications arising from current Council resolutions.
- 4) Future land use compliance issues.
- 5) Undesirable planning precedent.

Variation to carparking requirements

Under Port Stephens Council Development Control Plan PS2 – Parking and Traffic Guidelines (DCP PS2) the Schedule of Car Parking Requirements identifies calculation rates based on the use. A *place of public worship* requires the car parking rates to be determined on merit, whilst the other components of the building are calculated on floor space. An objective of DCP PS2 is to ensure that developments provide an appropriate level of off-street car parking. Council's merit based assessment must also be satisfied that the proposed parking and manoeuvring arrangements are safe and practical. The combined amount of car parking required for each component of the building as proposed totals 96.5 parking spaces.

Council's Development Control Plan PS2 – Parking and Traffic Guidelines (PS2) allows for 'combined use discounting' where a proposal has several components. Even allowing for certain components of the development to operate under restricted hours creates an overflow of parking onto the street on weekdays and on Sundays in excess of 50% (see car parking calculation table below).

The Traffic Impact Statement submitted with this application demonstrates that one space is currently required for every 1.8 persons attending the current Sunday services. This equates to 43.7 spaces for an 80 seat congregation assembling in the church auditorium. Only eighteen (18) vehicles can be accommodated on site if the restaurant and the other parts of the building are closed. There is currently no restriction on the hours of operation of the restaurant, so this creates an additional demand/conflict.

The carparking requirement for the church hall (dance class, kids' club and the like) is for 31.4 car parking spaces. The restaurant and church hall require 38.9 spaces in total if operated simultaneously.

The applicant originally chose to withdraw the weekday activities or locate them elsewhere, but has since returned to their original submission and requested the weekday activities to be considered.

The Taylors Beach Industrial Estate contains thirty nine (39) lots and currently just over fifty percent (50%) of the lots are developed. Of the lots developed, only two (2) lots currently restrict Sunday trading. This means that the remaining lots are permitted to trade on Sundays which may present a further conflict on Shearwater Drive in relation to traffic volumes and available overflow parking.

The applicant has provided an amended carparking plan showing eighteen (18) carparks on site. The following table identifies the number of original approved parking spaces, the activities proposed and the number of proposed parking spaces required for these activities.

ORDINARY MEETING – 25 SEPTEMBER 2007

CAR PARKING CALCULATIONS

	Original approved parking spaces	Floor Area	Parking Generation	Parking Spaces required for seating/floor space	Sunday	Weekday and Saturday Afternoon ⁽⁴⁾	Weeknight
Café/Restaurant	7.5	50 m ²	15 spaces per 100 m ²	7.5	7.5 ⁽¹⁾	7.5	7.5
Church Auditorium (Sunday Worship Service)	4 (Medical Centre)	146 m ²	1 car per 1.8 persons ⁽²⁾ (Place of Public Worship)	43.7 ⁽³⁾ (80 seats)	43.7 Morning Service Evening service	0	n/a
Church Hall (plus Ancillary activities)	2 (Warehouse)	314m ²	1 space per 10 m ² (Place of Assembly)	31.4	0	31.4 Friday morning Play Group Wed afternoon Dance Class Saturday afternoon Kids Craft Club	0 No definite activities proposed.
Meeting Room/Lounge (upstairs)	0 (Storage only for warehouse)	98m ²	1 space per 10 m ² (Place of Assembly)	9.8	0		9.8 Friendship group. Counselling
Lounge/Office (upstairs – excludes storage rooms)	0 (Storage only for warehouse)	41m ²	1 space per 10 m ² (Place of Assembly)	4.1	0		4.1 Friendship group. Counselling
				TOTAL 96.5	51.2 required 18 on site 33.2 on road	38.9 required 18 on site 20.9 on road	13.9 required 18 on site

⁽¹⁾ Café/Restaurant was approved with unrestricted hours of operation.

⁽²⁾ The calculation of parking spaces for Place of Public Worship is merit based. The Traffic Impact Statement shows '1 vehicle per 1.8 persons' is the actual vehicle generation.

⁽³⁾ Based on 80 seats (Note: Recent verbal advice from applicant suggests that congregation will total 70 persons maximum)

⁽⁴⁾ There are currently only two (2) lots with restricted hours of operation in this industrial estate.

Comment

The available car parking reflects the parking requirements for the current approved use which is predominantly industrial in nature based on existing floor space. When higher parking generating elements are introduced onto the site as proposed under the current application for a change of use, parking requirements quickly exceed the on-site capacity.

Even if Council considers accepting a parking concession to apply on Sundays only, weekday and Saturday parking provision requires greater than 50% of the required parking to be situated off site (Shearwater Drive). This situation is considered to generate conflicts with the efficient functioning of industrial zoned land. The primary role of industrial land is to provide for employment generating activities for the local government area.

Incompatibility with land use zones

The proposed land use is to be located within Taylors Beach Industrial Estate which is zoned 4(a) Industrial. A *place of public worship* is not prohibited within this zone. However the proposal does not appear to satisfy the objectives of the zone.

The objectives of the Industrial General “A” Zone are:

- (a) to enable the development of a wide range of industrial, service and storage activities and a limited range of business and retail activities, and
- (b) to allow industrial development only after comprehensive hazard analysis and risk assessment provide adequate safeguards designed to protect the surrounding environment and ecological balance, and
- (c) to regulate industries in proximity to urban localities and to ensure that adequate buffers are provided in the vicinity of adjacent zones, so that activities near the boundary of an adjacent zone will not have a significant detrimental effect on the amenity of that zone, and
- (d) to enable the most efficient and effective industrial development of waterfront industrial land by encouraging associated waterfront land uses sympathetic to the environment and ecology of the waterfront lands, and
- (e) to allow commercial, retail, residential, or other development only where it is associated with, ancillary to, or supportive of, industrial development, and
- (f) to limit development for the purpose of bulky goods salesrooms or showrooms, and
- (g) to encourage a high standard of design and amenity in industrial areas.

Specifically, *places of public worship* are inconsistent with the industrial zone objectives because the use is not development that is associated with, ancillary to, or supportive of industrial development. The current proposal introduces potential adverse impacts upon the existing industrial road network due to overflow car parking unable to be catered for on-site. Encouraging significant overflow car parking associated with this land use into a street utilised by industrial traffic gives rise to potential safety issues and wider consideration of safe paths of travel for pedestrians accessing the site.

The above issues raise significant concern for the efficiency and coordinated development of the industrial zoned land. Industrial zones provide an area of land for the purpose of industrial activities and employment generation. The introduction of land uses that compromise, restrict or impede these core objectives should not be supported.

Potential Statutory Implications

Council has recently refused to consent to a *restricted premises* proposal within the Nelson Bay commercial area. On 26th September 2006 Council resolved to prepare a draft LEP amendment to make restricted premises, sex services and sex services premises prohibited in all zones in Port Stephens LEP except in industrial zones.

The purpose of the amendment was to restrict businesses of a sexual nature to industrial areas to avoid conflict with other sensitive land uses. *Brothels* are currently permitted with Council consent in 4(a) Industrial zoned land. *Restricted premises* are currently prohibited within 4(a) Industrial zoned land.

Council further resolved to require a report on other provisions that could be included in an amendment to Council's *Development Control Plan 2007* (DCP 2007) to restrict brothels/sex services premises and restricted premises proposed to be located in close proximity to churches, schools, residential properties and community facilities.

If Council were to approve a *place of public worship* within an existing industrial estate, it could undermine the intent of the above resolution designed to provide for restricted premises in the industrial zone. Alternatively, if the *place of public worship* was approved in the 4(a) industrial zone a *brothel* or *restricted premises* (subject to enacting the above mentioned Council resolution) could be located in close proximity to the *place of public worship*.

Future land use compliance issues.

The proposal is for a *place of public worship* to be retro-fit into existing purpose built development currently providing extensive floor space for, predominantly, industrial purposes.. The available floor space for use by members of the church congregation would need to be restricted. If this application was approved, a condition of consent would require the number of patrons using this site to be limited as the floor space available within this building would allow a greater number of patrons than the carparking spaces provided for on site. Compliance of such an arrangement would be difficult to practically achieve or enforce. The applicant has provided verbal assurances that any conditions of consent applied to the *place of public worship* would be met.

If approved subject to the above restriction to the number of patrons, this would result in an undesirable precedent being established with respect to the adaptive re-use of existing purpose built developments. Future alternative uses proposed for the site within the industrial area, or indeed within the local government area in general, would seek similar car parking concessions and the like to apply to their development proposals, in effect undermining the consistent application of Council's development controls.

Undesirable Precedent

If Council were to support a *place of public worship* in a partially developed industrial estate allowing less than 50 percent (50%) of parking on-site, this would set a significant precedent for the Port Stephens local government area. The development application is considered inconsistent with Council policy and is considered incompatible with the objectives of the 4(a) Industrial zone. In addition, approval of the proposed *place of public worship* within 4(a) industrial land would be incompatible with Council's Draft LEP Amendment to make

restricted premises, sex services and sex services premises prohibited in all zones in Port Stephens LEP 2000 except in industrial zones.

LINKS TO CORPORATE PLANS

This report relates to the following Goals of the Port Stephens Council Plan.

- G10 Attract new businesses that provide a new approach to economic sustainability.
- G12 Target future needs & work to retain the young people in the local government area.
- G16 Planning is integrated to provide clear direction that allows focus on achievements of organisational and personal goals.
- G17 Plan for sustainability and allow for balanced growth of our community.
- G18 All decision-making will be based on unbiased, well-researched data.

FINANCIAL/RESOURCE IMPLICATIONS

Nil

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 8) Effective use of facts, data and knowledge leads to improved decisions
- 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 social implications of this application are considered a key issue and have been identified and addressed in detail within the legal/policy section of this report.

ECONOMIC IMPLICATIONS

The proposal could impact on the efficient development of industrial zoned land which has been specifically identified for employment-generating activities within the Port Stephens local government area.

ENVIRONMENTAL IMPLICATIONS

The proposal is located in an existing approved development and would not involve the removal of any vegetation.

CONSULTATION

The application was exhibited in accordance with Council policy and there were no written submissions received, however two verbal submissions against the proposal due to lack of on- site carparking were received.

ATTACHMENTS

- 1) Locality Plan
- 2) Draft Carparking Plan

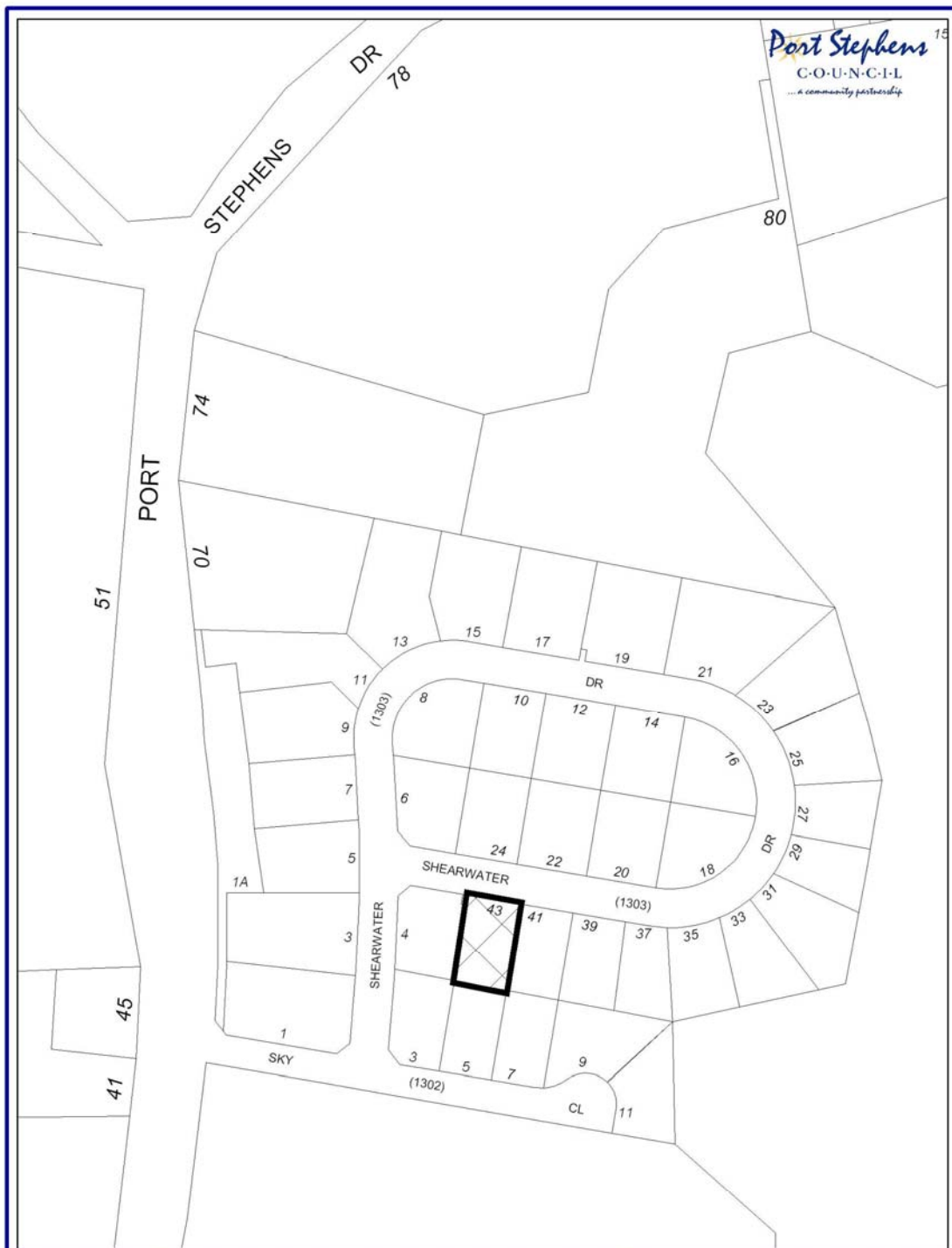
COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1
LOCALITY PLAN



LOCALITY: TAYLORS BEACH



SUBJECT AREA

DISCLAIMER

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116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

**ATTACHMENT 3
DRAFT CONDITIONS OF CONSENT**

1. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.
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 application has not been assessed against the provisions of the Building Code of Australia. A Section 96 application under the Environmental Planning & Assessment Act 1979 will be required if design amendments are necessary to comply with the provisions of the Building Code of Australia.
5. The development has been approved for five (5) years from the date of issuing this consent. A S96 application must be approved before the consent lapses, to continue the use beyond that date.
6. The ground floor (excluding the existing Restaurant/Takeaway) and the upper floor of the development have been approved as a place of public worship as defined under the Local Environmental Plan 2000 and in accordance with development consent 16-2007-227-1.
7. The advertising structures shall comply with Council's signage requirements under the Local Environmental Plan and Port Stephens Council Development Control Plan 2007 – B12 Advertising Signs.

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 Development Control Plan 2007 – B12 Advertising Signs.

8. The development shall be constructed/managed in accordance with the bushfire report prepared by Newcastle Bushfire Consulting and dated 9 March 2007, except as modified by specific conditions of consent.
9. Approval is granted for 'place of public worship' and a congregation of a maximum of thirty (30) people on a weekday and maximum of sixty (60) people on a weekend. A S96 application must be submitted for Council assessment if the congregation was proposed to exceed the specified numbers associated with this development consent.

10. **Prior to commencement of use**, a S96 Modification must be lodged and determined over DA 16-2002-201-1 to amend the commercial hours of operation of the existing approved Restaurant/Take-away to 9am to 3pm Monday to Friday and closed for commercial use on Saturday and Sunday.
11. **Prior to occupation certificate**, an emergency evacuation plan must be made in accordance with Section 4.2.7 of Planning for Bush Fire Protection 2006. The Emergency/Evacuation Plan must be submitted to the Local District Office of the NSW Rural Fire Service and should detail the following:
 - * Under what circumstances will the complex be evacuated.
 - * Where will all persons be evacuated to.
 - * Roles and responsibilities of persons co-ordinating the evacuation.
 - * Roles and responsibilities of persons remaining with the complex after evacuation.
 - * A procedure to contact the NSW Rural Fire Service District Office/NSW Fire Brigade and inform them of the evacuation and where persons will be evacuated to.
12. The development shall provide 18 on-site car parking spaces, including 1 disabled parking space, with the minimum dimensions of 5.5m x 2.6m. The Disabled spaces shall be 3.2m wide. An additional 300mm width shall be added to each side of a parking space where a wall or obstruction is against that side. These spaces shall be separately accessible, clearly line-marked and adequately paved and drained in accordance with the Port Stephens Development Control Plan PS2 Parking and Traffic Guidelines. Car parking must be provided **prior to the issue of the occupation certificate or use of the development**.
13. Vehicle parking spaces 10 to 18 shall be designed and linemarked in accordance with the minimum width and space 18 shall be turned 90 degrees to be parallel with space 17. Details are to be approved by the Principal Certifying Authority or Council **prior to issue of a Construction Certificate**.
14. The development shall provide bollards, wheel stops or other provisions in accordance with section 2.4.5 of AS2890.1:2004 Off-street car parking to ensure unobstructed pedestrian access to the fire doors. Details are to be approved by the Principal Certifying Authority or Council **prior to issue of a Construction Certificate**.
15. A revised carparking plan shall be submitted to Council for approval demonstrating compliance with carparking provisions and Building Code of Australia (ie paths of travel and egress stairs). Details are to be approved by the Principal Certifying Authority or Council **prior to issue of a Construction Certificate**.
16. The proposed development shall be provided with access and facilities for the disabled in accordance with Australian Standard 1428.1 and the relevant provisions of the Building Code of Australia.
17. A continuous and accessible path of travel, designed in accordance with Australian Standard 1428.1 shall be provided to and within any building on the site. This accessway shall provide access to all required facilities.
18. External access to the building required to be accessible must be in accordance with the Building Code of Australia Part D and Australian Standard 1428.1, and must be provided:

- a) from the allotment boundary at the main points of entry; and
 - b) from any accessible carparking space on the allotment; and
 - c) from any adjacent and associated accessible building on the allotment; and
 - d) through the principal public entrance.
19. The minimum number of accessible car parking spaces shall be provided in accordance with the Building Code of Australia Section D Subsection 3.5 and designed in accordance with Australian Standard 2890.1
 20. Access and facilities for the disabled provided in accordance with Australian Standard 1428.1 and the relevant provisions of the Building Code of Australia. These shall be maintained for the life of the development by existing or future owners.
 21. 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.
 22. No construction or demolition work shall obstruct pedestrian or vehicular traffic in a public place, a hoarding or fence must be erected between the construction site and the public place.
 23. 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.**
 24. 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.
 25. A fire safety schedule pursuant to Section 168 of the Environmental Planning & Assessment Amendment Regulation 2000 must be attached to the construction certificate, which specifies the fire safety measures that should be implemented in the building premises.
 26. A fire safety certificate as prescribed by Section 174 Environmental Planning & Assessment Regulations 2000 which certifies the performance of the implemented fire safety measures in accordance with Section 170 of the Regulation must be submitted to the Principal Certifying Authority and the Commissioner of New South Wales Fire Brigades. A copy of fire safety certificate needs to be forwarded to Council, If Council is not nominated as the Principal Certifying Authority. A further copy of the certificate must also be prominently displayed in the building.
 27. At least once in each twelve (12) month period, fire safety statements as prescribed by Section 175 Environmental Planning & Assessment Regulations 2000 in respect of each required essential fire safety measure installed within the building are to be submitted to Council. Such certificates are to state that:
 - a) The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and

- b) That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building.
28. Light and ventilation provisions to the proposed rooms shall be constructed in accordance with Part F4 Building Code of Australia 2007.
29. Swing of doors and operation of door latches shall be constructed in accordance with Parts D2.19, D2.20 and D2.21 of the Building Code of Australia 2007.
30. All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.
31. Where no sanitary facilities currently exist onsite for construction workers toilet accommodation for all tradespersons shall be provided from the time of commencement until the building is complete. The toilet facilities shall be located so as to have minimal impact of adjoining properties and shall not be placed on the road reserve, without separate approval from Council.
32. 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 L_{10} 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.
33. 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.

**OPERATIONS
COMMITTEE
RECOMMENDATIONS**

ITEM NO. 1

FILE NO: PSC2005-4161

TEMPORARY SUSPENSION OF SECTION OF NELSON BAY CBD ALCOHOL-FREE ZONE (AFZ)

AUTHOR: TREVOR ALLEN - ACTING COMMUNITY PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves the temporary suspension of a section of the Nelson Bay CBD alcohol-free zone on 10 November 2007 between the hours of 9.00am and 11.00pm and on 11 November 2007 between the hours of 9.00am and 6.00pm in the areas shown in Attachment 1 of this report, for the facilitation of the *Annual Tastes of the Bay Food & Wine Festival*.

OPERATIONS COMMITTEE MEETING – 11 September 2007

RECOMMENDATION: That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007

RESOLUTION:

270	Councillor Hodges Councillor Nell	That the recommendation be adopted.
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Councillor Robinson left the meeting at 7.15pm and did not return.

BACKGROUND

The purpose of this report is to inform Council that a request has been received from Nelson Bay Town Management Inc. to temporarily suspend specific areas of the Nelson Bay alcohol-free zone (AFZ) during the 7th Annual *Tastes of the Bay Food and Wine Festival* to be held on 10th and 11th November 2007.

The areas for which approval is sought (as shown in attachment 1) are as follows: -

- The d’Albora Marina Foreshore to ‘Cruise In’, east of the Marina boundary on the foreshore
- Apex Park
- Stockton Street between Magnus Street and Victoria Parade.

The hours of suspension would be Saturday 10 November 2007 from 9.00am to 11.00pm and Sunday 11 November 2007 from 9.00am to 6.00pm. At all other times the area would operate as an alcohol-free zone.

Nelson Bay Town Management Inc and d’Albora Marina have undertaken to employ security staff to patrol these areas during the suspension of the AFZ. These staff will also supervise the exiting of the areas at the end of the requested times to ensure that people are aware that AFZ conditions should be observed. All staff and volunteers involved in the handling of alcohol will be required to have Responsible Service of Alcohol training.

Council will inform the public of the proposed area and hours of the suspension by notice published in the local paper at least 7 days before the event.

LINKS TO CORPORATE PLANS

The temporary suspension of a section of the Nelson Bay CBD alcohol-free zone links to the following strategy contained in Council's *Council Plan 2007 – 2011*: -

GOAL 6

Cultural Planning: *Facilitate, communicate and promote cultural projects and initiatives throughout the LGA*

FINANCIAL/RESOURCE IMPLICATIONS

There will be no cost to Council.

LEGAL AND POLICY IMPLICATIONS

Suspensions of AFZ are guided by Section 645 of the *Department of Local Government's Ministerial Guidelines on AFZ* which state: -

- *A Council is not limited in the reasons for which it may suspend... an alcohol-free zone. A suspension would not usually be appropriate for any period longer than one month, and generally would be of a much shorter duration (eg. to accommodate a specific event).*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Suspension of the AFZ in these areas could possibly lead to an increase in alcohol related crime and anti-social behaviour. However, this will be mitigated by the strict supervision of the area by security staff employed by d'Albora Marina and Nelson Bay Town Management Inc.

ECONOMIC IMPLICATIONS

The suspension of the AFZ will allow the *Annual Tastes of the Bay Food and Wine Festival* to take place. This annual festival attracts many tourists to Port Stephens and helps promote the area, increasing income and employment opportunities.

ENVIRONMENTAL IMPLICATIONS

There will be no environmental implications.

CONSULTATION

The local Police have been notified and support the proposal subject to the presence of security guards for the duration of the suspension.

OPTIONS

- 1) To accept the recommendation
- 2) To amend the recommendation
- 3) To reject the recommendation calling for more information to support the report

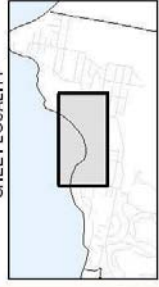
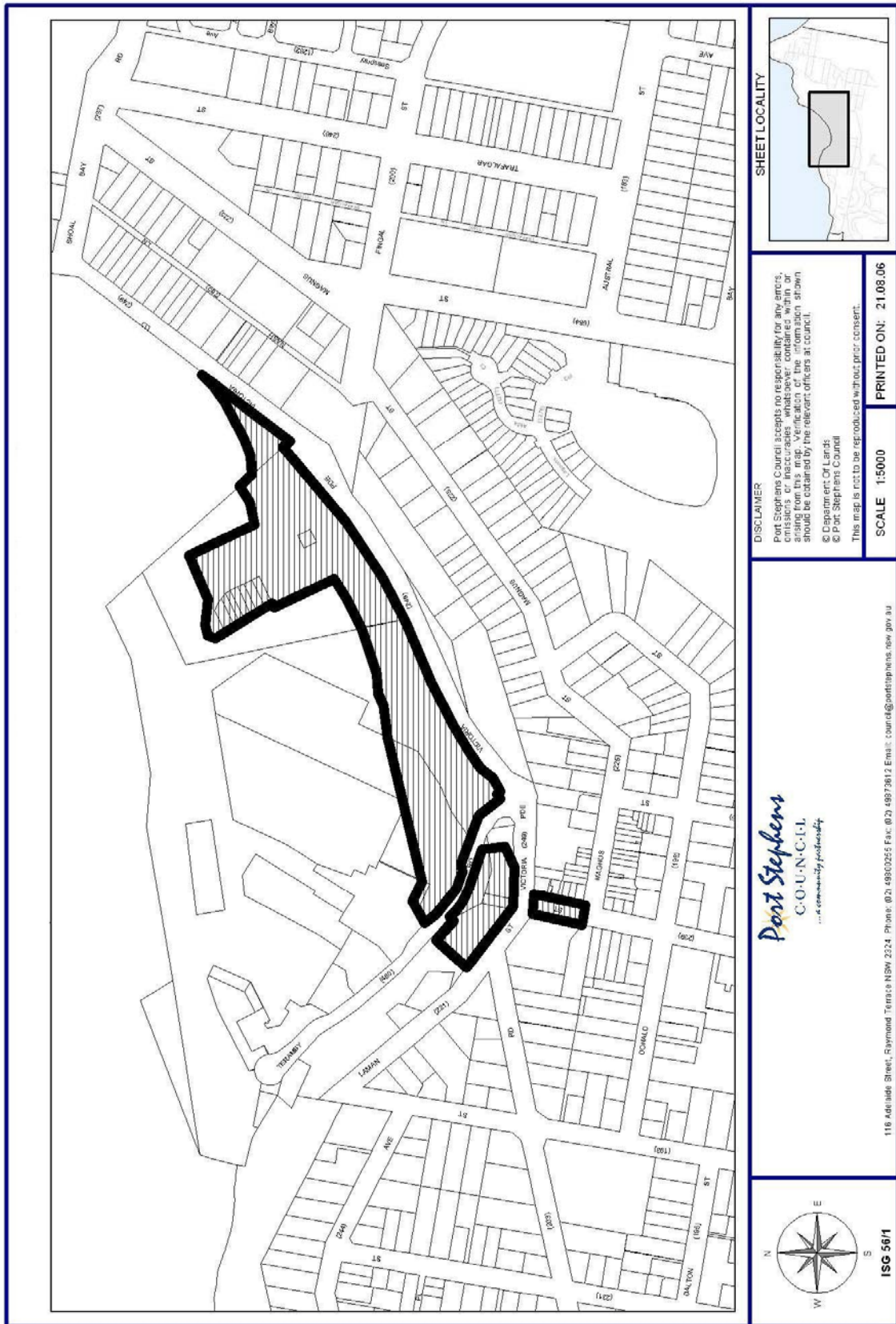
ATTACHMENTS

- 1) Map identifying proposed area affected by the temporary suspension of the Nelson Bay CBD AFZ.

TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1
MAP IDENTIFYING PROPOSED AREA

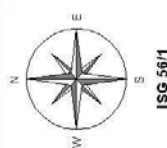


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ISG 56/1

ITEM NO. 2

FILE NO: PSC2005-4161

**RE-ESTABLISHMENT OF ALCOHOL-FREE ZONE IN SHOAL BAY
CENTRAL BUSINESS DISTRICT**

AUTHOR: TREVOR ALLEN – ACTING COMMUNITY PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Undertakes a public consultation process in accordance with section 644A of the Local Government Amendment (Alcohol-Free Zones) Act 1995 to re-establish the Shoal Bay Central Business District Alcohol-Free Zone for another three years.

OPERATIONS COMMITTEE MEETING – 11 September 2007

RECOMMENDATION: That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007

RESOLUTION:

271	Councillor Hodges Councillor Nell	That the recommendation be adopted.
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BACKGROUND

The purpose of this report is to recommend that Council undertakes a process of community consultation in compliance with the Department of Local Government's Ministerial Guidelines on Alcohol-Free Zones (AFZ) for the purpose of re-establishing the existing Shoal Bay Central Business District (CBD) AFZ for a further 3 years.

The existing Shoal Bay AFZ will expire on 23 December 2007. The Police Licensing Sergeant for the Lower Hunter Local Area Command has recommended the re-establishment of the AFZ in the Shoal Bay CBD. This recommendation is based on an analysis by the Police of alcohol related crime statistics before and after the establishment of the existing AFZ.

LINKS TO CORPORATE PLANS

The provision of AFZ in strategic locations is in line with Council's *Council Plan 2007-2011* Social Sustainability Directional Statement: -

- 'Working to support people's feeling of safety'.

In addition, Council's *2006-2010 Social and Community Plan* lists the goal of its safety strategy as: -

- 'a community where people feel safe at home, at work, and when they are out and about'.

In addition to this, Council's *Crime Prevention Plan 2006 to 2009* states that Council will: -

- *'follow the Ministerial Guidelines on Alcohol-Free Zones in response to all community members and Police requests for establishment or re-establishment of alcohol free zones'.*

FINANCIAL/RESOURCE IMPLICATIONS

Re-establishing the Shoal Bay AFZ will cost approximately \$1,200 including advertising (\$400) and amending the existing street signs (\$800). These costs will be covered within the existing Social Planning budget.

LEGAL AND POLICY IMPLICATIONS

The implementation of an AFZ is governed by Section 646 (1) of the Local Government Act 1993 and by the Local Government Amendment (Alcohol-Free Zones) Act 1995. AFZs are also guided by the Department of Local Government's Ministerial Guidelines on AFZ. Exclusions within the designated area only relate to footway areas set aside for dining purposes (Alfresco Dining) approved and licensed under Section 68 of the Local Government Act 1993 and Section 125 of the Roads Act 1993.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The re-establishment of an AFZ in the Shoal Bay CBD will help to improve public perceptions of safety in the area and should contribute to a reduction in the number of alcohol related crime and anti-social behaviour incidents.

ECONOMIC IMPLICATIONS

Reductions in alcohol related criminal incidents and anti-social behaviour within the Shoal Bay CBD should contribute to an increase in economic activity, as more people are likely to patronise local businesses and amenities in the CBD especially at night. Other likely benefits include lower costs to businesses and Council due to a reduction in the incidences of vandalism and theft to shops and local infrastructure.

ENVIRONMENTAL IMPLICATIONS

Changing the patterns of alcohol consumption in Shoal Bay should help reduce the amount of rubbish and broken glass found in the area, improving the overall amenity and safety of the environment.

CONSULTATION

Consultation will be consistent with the Department of Local Government's Ministerial Guidelines on Alcohol-Free Zones and includes:

- Publishing a notice of the proposal in a newspaper circulating in the area, allow inspection of the proposal and invite representations or objections within 14 days. The notice should state the exact location of the proposed alcohol-free zone and the place and time at which the proposal may be inspected
- Sending a copy of the proposal to:

- (a) the officer in charge of the police station within or nearest to the proposed zone,
 - (b) liquor licensees and secretaries of registered clubs whose premises border on or adjoin or are adjacent to the proposed zone, and invite representations or objections within 30 days
- Sending a copy of the proposal to any known organisation representing or able to speak on behalf of an identifiable Aboriginal or ethnic group within the local area and invite representations or objections within 30 days.

OPTIONS

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

ATTACHMENTS

Nil

TABLED DOCUMENTS

Nil.

ITEM NO. 3

FILE NO: PSC2006-0071

HERITAGE STRATEGY ANNUAL REPORT 2006-07 TO 2007-08

REPORT OF: TREVOR ALLEN – ACTING COMMUNITY PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the PSC Heritage Strategy Annual Report 2006-07 to 2007-08.

OPERATIONS COMMITTEE MEETING – 11 September 2007

RECOMMENDATION: That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007**RESOLUTION:**

272	Councillor Francis Councillor Brown	That the recommendation be adopted.
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BACKGROUND

The purpose of this report is to advise Council of the completion of the Heritage Strategy Annual Report.

Each year Council receives funding from the NSW Heritage Office to assist in the employment of a Heritage Advisor and provide a Local Heritage Assistance Fund. As part of this arrangement, Council is required to provide an annual report on heritage matters to the NSW Heritage Office.

The Heritage Strategy Annual Report ranks Council's performance against a series of key performance indicators.

LINKS TO CORPORATE PLANS

Completing the Heritage Strategy Annual Report is consistent with Part 8 Environmental Sustainability of the Council Plan 2007-2011. It contributes towards the Directional Statement of protecting significant items of natural, cultural and built heritage.

Completing the Heritage Strategy Annual Report is also consistent with the following goals of the Council Plan 2007-2011:

G13 Environmental Protection - The Heritage Strategy Annual Report enables Council staff to review the performance of heritage protection measures on an annual basis.

G14 Education and Communication – The Heritage Strategy Annual Report is communicated to the NSW Heritage Office.

G17 Strategy and Planning – The Heritage Strategy Annual Report provides Council staff with a formal mechanism to measure performance on heritage matters on an annual basis. It also sets down what Council aims to achieve in the forthcoming year.

G20 Customer and Market Focus – Completing the Heritage Strategy Annual Report allows Council to meet its funding obligations with the NSW Heritage Office. This ensures the continued availability of funding for the Local Heritage Assistance Fund and a Heritage Advisor.

FINANCIAL/RESOURCE IMPLICATIONS

Council is required to adopt the Heritage Strategy Annual Report to meet its financial obligations with the NSW Heritage Office.

LEGAL AND POLICY IMPLICATIONS

Nil

Australian Business Excellence Framework

This aligns with the following ABEF Principles:

- 2) Mutually agreed plans translate organisational direction into actions
- 8) Effective use of facts, data and knowledge leads to improved decisions

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Funding of the Heritage Advisor provides valuable service to development control in Heritage Areas. This contributes to the retention and conservation of heritage built form in established neighbourhoods. Contributes sponsorship maintenance of heritage items stimulates care and pride in contributing buildings that provide an overall benefit to history of a place.

ECONOMIC IMPLICATIONS

Adopting the Heritage Strategy Annual Report is a requirement of Council's funding arrangements with the NSW Heritage Office for assistance in employing a Heritage Advisor and providing a Local Heritage Assistance Fund.

\$16 285 was granted to local heritage projects under the Local Area Heritage Assistance Fund during 2006-07. These projects include:

- 15 King Street Raymond Terrace (former Princess Café) - roof and gutter restoration \$2 585
- Meridian Park lime kiln at Tanilba Bay - repair and reinstatement of bush rock and repointing of joints \$1 200
- Nelson Head Lighthouse at Nelson Bay - repair and replacement of floor to south-western room of lighthouse keepers cottage \$2 500
- Rosemount at Hinton - repair of deteriorated brickwork salt removal \$8 000
- Tanilba House at Tanilba Bay - republishing of historic booklet \$2 000

Council claimed \$7 000 from the NSW Heritage Office for the employment of a Heritage Advisor during 2006-07.

ENVIRONMENTAL IMPLICATIONS

Carrying out the Heritage Strategy Annual Report allows Council to monitor its progress on heritage matters within the LGA. This contributes to the overall protection of built heritage.

CONSULTATION

Nil

OPTIONS

- 1) Adopt the PSC Heritage Strategy Annual Report 2006-07 to 2007-08
- 2) Not adopt the PSC Heritage Strategy Annual Report 2006-07 to 2007-08

ATTACHMENTS

- 1) PSC Heritage Strategy Annual Report 2006-07 to 2007-08

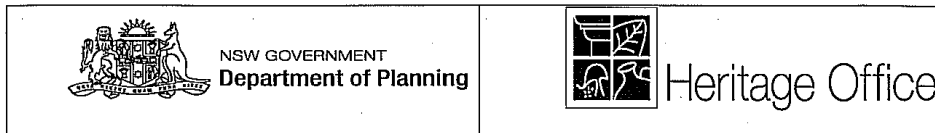
COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1
PSC HERITAGE STRATEGY ANNUAL REPORT 2006-07 TO 2007-08



**Heritage Incentives Program
Local Government Heritage Management Program**

Template for Heritage Strategy Annual Report 2006-07 to 2007-08

Background

A requirement of the local government heritage advisor funding program is that each Council must prepare, adopt and implement a Heritage Strategy for 2006-2008. This strategy must be based on the Heritage Office publication, 'Suggestions on how local councils can promote heritage conservation'.

Changed local government heritage advisor annual reporting requirements for 2006-07

Up until now, heritage advisors have been required to provide an annual report on activities performed against the heritage advisor duty statement to Council to enable council to claim its annual reimbursement.

The Heritage Office has reviewed its local government and heritage advisor annual reporting requirements and from 2006-07, will require a report on the implementation of the Council's Heritage Strategy to be prepared by council's heritage advisor and council's heritage officer. This will replace the annual report from heritage advisors.

Reporting on the heritage strategy incorporates all of the areas formerly covered by the heritage advisor's annual report using the 'suggestions' framework, which underpins the heritage strategy.

All Councils to use the Heritage Strategy Annual Report template

The 2006-2008 heritage strategy annual report outcomes and indicators included in the report template are based on a standardised heritage strategy document derived from the 'suggestions on how local councils can promote heritage conservation' publication.

Please use the template below to prepare an annual report to summarise your council's achievements throughout the year. It is suggested that you complete this template electronically by inserting your responses as follows:

1. Fill in the key performance indicator data in the boxes as indicated for each heritage strategy suggestion.
2. Using this data, complete all four evaluation questions for each outcome.

Please do not change or amend the template. You are welcome to add as much qualitative information in the evaluation section about your council as needed.

The Heritage Office will collect and aggregate this data for use in its annual report on the local government heritage management program across NSW, as funded through this program.

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Lodging your heritage strategy annual report

As per the heritage advisor agreement, a copy of this annual report must be:

1. lodged with Council for adoption.
2. lodged with the Heritage Office along with claims for payment in May each financial year.

Suggestion 1

Establish a heritage committee to deal with heritage matters in your area

Outcome 1 (Caring for our heritage)

Increased community participation, awareness and appreciation of heritage in the local area

Key Performance Indicators

Please complete this section

Heritage committee established	Yes
Heritage committee constituted under S377 of Local Government Act	Yes
Heritage policy written and adopted by Council	Yes Heritage Strategy reviewed 2006 Date reviewed and updated: Bi annually or as need arises
Heritage committee advice/input to council decision making	3 of pieces of advice/input to Council decision making
Local heritage consultants directory established	Yes, available on Councils' Web Site
Local services and suppliers directory established	Yes, available on Councils' Web Site

Evaluation: (social, environmental, economic)

Please add your commentary after each question

1. What do the KPIs tell you about this outcome?

The continuity of the Port Stephens Heritage Advisory Committee has involved increased participation from the community and has led to an awareness and appreciation of heritage in the Port Stephens Area.

Environmentally the group is sensitive to the historic surroundings and the management of that environment where development is proposed to be integrated into identified sensitive locations.

Economically the value of heritage is recognised by government, local and private individuals who have provided adaptive reuse to local buildings and dwellings in the area.

Council is encouraging of Heritage Committee input and interaction over local issues and matters. The Heritage Committee was consulted over at least 3 matters in the last 12 months that provided input into Council decision making.

2. What were the key results or achievements for this year?

- Management of heritage in the local area achieved identification of additional items for future inclusion on the LEP. Clarification of information on existing items, such as state nominated items continued.
 - Education and training of the committee in inventory form provision commenced, resulting in much needed updating and inclusion of information for listed items by committee members.
 - Completion of local heritage and information brochures.
3. Were there any challenges or disappointments that had a major effect on your results? Briefly describe and show what action has been taken to address this.

Challenges have included the upgrading of the committee status to a 355B committee and the associated documentation and processes required to achieve that status.

4. What will you do next year?

Ensure that the following is completed:

- Review of Councils Heritage Strategy required.

Suggestion 2

Identify the heritage items in your area and list them in your local environmental plan.

Outcome 2 (Knowing and valuing our heritage)

Increased knowledge and proactive management of heritage in your local area

Key Performance Indicators

Please complete this section

Community based heritage study completed	Yes Date completed: 2000 Date reviewed and updated 2002 468 heritage items initially recommended for inclusion in LEP heritage schedule
Aboriginal heritage study completed	No Date completed Date reviewed and updated
No. of heritage items included in existing LEP heritage schedule	60 state + 66 local = 192 heritage items included in LEP heritage schedule Date completed: 2000 Date reviewed and updated
Council has gazetted a principal LEP with model heritage provisions in accordance with Standard Instrument (LEPs) Order	Yes 2000
Statement of significance for all heritage items in existing LEP	Yes Currently being updated

Evaluation: (social, environmental, economic)
Please add your commentary after each question

1. What do the KPIs tell you about this outcome?

Port Stephens LEP 2000 came into force on 29 December 2000 but retained the same schedule of 95 items from the draft LEP. The Community-based Heritage Study of the whole LGA, which the previous Heritage Advisor helped to coordinate, identified many listed and potential heritage items. Many of these were then further investigated as part of the Study process and a Draft Heritage Schedule of 128 items and potential items was submitted for Council's endorsement in June 2002.

The first amendment to the Heritage Schedule arising from the Heritage Study, representing an increase of 40 listed items, many not previously afforded statutory protection, was gazetted in November 2003. The amended schedule also includes upgrades of levels of significance for many items from the former category of 'Regional' to 'State'. All items are better defined than previously and descriptions now include itemisation of buildings, outbuildings, structures and landscape settings.

Not all items identified in the Heritage Study have been adopted in the LEP. Further reviews of nominated items by the advisor and committee will occur to enable an assessment to be made of items that were not adopted.

2. What were the key results or achievements for this year?

- Out of 62 State items included in the LEP, 52 items are not identified on NSW Heritage Office State Heritage Register.
- Management of heritage in the local area identified additional items, by the committee, for future inclusion on the LEP.
- Training in completing SHI data forms has commenced and this will assist in the completion of dated information or where no information currently is available.

3. Were there any challenges or disappointments that had a major effect on your results? Briefly describe and show what action has been taken to address this.

Challenges have included the reassessment and nomination of 52 identified State Items included in the LEP to be completed on Heritage Office state listing application forms for adoption on the State Heritage Register. The committee are researching and updating 3 items per meeting to be completed and forwarded to the Heritage Office. In the capacity of Heritage Advisor training is being provided to assist the committees effective completion of this work. The main challenge in this process is producing comparative analysis for those items and the time restraints that are resultant from that process.

4. What will you do next year?

Continue the above process, as time allows, until this shortcoming has been rectified.



Suggestion 3

Appoint a heritage and urban design advisor to assist the council, the community and owners of listed heritage items.

Outcome 3 (Caring for our heritage)

Increased community participation and proactive heritage and urban design management in your local area

Key Performance Indicators

Please complete this section

Site visits	65 heritage site visits/ Development Applications undertaken
Heritage/urban design advice given	In all 65 cases heritage/urban design advice has been given
Pre DA advice given on heritage/urban design issues	In all 65 cases pre DA and recommended advice given on heritage/urban design issues
Advice to Council DAs provided on heritage/urban design projects	In all cases lodged at Council advice provided on heritage/urban design projects

Evaluation: (social, environmental, economic)

Please add your commentary after each question

1. What do the KPIs tell you about this outcome?

The community are becoming increasingly aware of services provided by local councils and the Heritage Office in provision of Heritage Advisory Services and are willing to seek advice and clarification prior to undertaking projects.

2. What were the key results or achievements for this year?

Advice on applications prior to lodgement was sort by the community in more than half the applications received.

3. Were there any challenges or disappointments that had a major effect on your results? Briefly describe and show what action has been taken to address this.

Challenges have involved the increased complexity of application assessment and additional time required to assess same and provide appropriate recommendations and outcomes. Quite regularly advice is given and is then often sought a number of further times by Council Officers until the project has been resolved. The Council has responded to increasing time pressures by allowing additional time such as an extra day per month for advisory services.

4. What will you do next year?

Encourage the community through education and promotion of heritage advisory services to seek prior advice before lodgement of applications. Ensure that enquiries are followed up by the provision of appropriate Heritage Brochures and guideline information.

Suggestion 4

Manage local heritage in a positive manner

Outcome 4 (Caring for our heritage)

Proactive heritage and urban design management in your local area

Key Performance Indicators

Please complete this section

Heritage DCP	Yes Date completed: 2005 Date reviewed and updated N/A
Urban design DCP	Yes Date completed: 2005 Date reviewed and updated: N/A
Waive or reduce DA fees	No
Adopt a flexible approach to planning and building requirements	Yes – through proactive involvement

Evaluation: (social, environmental, economic)

Please add your commentary after each question

1. What do the KPIs tell you about this outcome?

Management of heritage in this area has been carefully considered resulting in adequate guidelines to manage development to provide effective and positive outcomes.

2. What were the key results or achievements for this year?

Effective heritage management through implemented policy practice.

3. Were there any challenges or disappointments that had a major effect on your results? Briefly describe and show what action has been taken to address this.

New development impingements in conservation areas. In some instances applications were able to be modified with the cooperation of the applicant, for others studies were commissioned by the Council to provide direction and allow modified development to proceed.

4. What will you do next year?

Encourage and support this ongoing activity.

Suggestion 5

Introduce a local heritage incentives fund to provide small grants to encourage local heritage projects

Outcome 5 (Caring for our heritage)

Increased community participation and proactive conservation and management of heritage in your local area

Key Performance Indicators

Please complete this section

Local heritage fund operational	Yes
Heritage projects funded with this years funding	5 heritage projects funded this financial year
Total project value	Total \$39,739.00 project value
Total local heritage fund contribution	Total \$16,285.00 contributed by local heritage fund
Total owner contribution to project	Total \$23,454.00 contributed by local heritage owners to heritage projects
Heritage projects that contribute to local tourism	100% of heritage projects contributed to local tourism
Projects created paid employment	50% of jobs created
Projects created volunteer opportunities	40 of volunteer hours contributed

Evaluation: (social, environmental, economic)

Please add your commentary after each question

1. What do the KPIs tell you about this outcome?

The Local Heritage Assistance Fund is well received and utilised in the Port Stephens area.

2. What were the key results or achievements for this year?

Projects that contribute to local tourism were well supported this year.

3. Were there any challenges or disappointments that had a major effect on your results? Briefly describe and show what action has been taken to address this.

Some small funds were not expended this year (\$115.00). In past years all funding has been expended on projects. This may be due to the fund not being advertised more than once in the local media over the last 12 months. Funding information and application forms are available on the Councils Web Page.

Next financial year additional local advertising will be undertaken to promote this fund.

4. What will you do next year?

Review the take up of funding early in 2008 and advertise to utilise all available funding opportunities.

Suggestion 6

Run a heritage main street program

Outcome 6 (Caring for our heritage)

Council, owners and the community actively participate in active, attractive and well managed heritage main streets

Key Performance Indicators

Please complete this section

Heritage main street committee operational	No: Main street is not in Conservation Area
Heritage main street study completed	No: Main street is not in Heritage Conservation Area Date completed Nil Date reviewed and updated Nil
Heritage main street study recommendations implemented	No Date completed Nil
Heritage main street program expanded to other main streets in LGA	Yes: King Street, Raymond Terrace

Evaluation: (social, environmental, economic)

Please add your commentary after each question

1. What do the KPIs tell you about this outcome?

The Main Street areas of Raymond Terrace and Port Stephens are not located within a Heritage Conservation Area. Nearby significant streets (King Street) have been included in studies that identify their historical significance and make recommendation for retention and appropriate future development.

2. What were the key results or achievements for this year?

A report was prepared on King Street Raymond Terrace identifying the importance of this street to the community. Council commissioned a study as a result of development pressure on that area:

"King Street Waterfront Heritage Precinct, Raymond Terrace, NSW: Urban Design Study" Dickson Rothschild February 2007

The purpose of the study is to provide a suite of urban design plans, strategies and recommendations to guide the appropriate future development in the precinct.¹

3. Were there any challenges or disappointments that had a major effect on your results? Briefly describe and show what action has been taken to address this.

This area has seen continued focus from the Heritage Committee and Council because of its enduring heritage qualities, location and development potential.

4. What will you do next year?

Encourage the implementation of the King Street study.

¹ Dickson Rothschild February 2007

Suggestion 7

Present educational and promotional programs

Outcome 7 (Valuing our heritage)

Increased awareness and appreciation of heritage by the Council, owners and the community in your local area

Key Performance Indicators

Please complete this section

Heritage information available for LGA (eg brochures, website, guidelines etc)	Yes February 2007 Current
Heritage promotional events held (eg National Trust Heritage festival, local heritage festivals, heritage awards scheme, main street festivals etc)	Events held by Historical Societies and local historic houses
Heritage tourism strategy completed	Yes Date completed: Current Date reviewed and updated
Heritage trail completed	N/A Date completed: Date reviewed and updated:
Heritage training for staff	Yes: Heritage Committee and Council Staff have attended training
Heritage training for Councillors	Yes Councillors have attended training
Heritage training/workshops for heritage owners	Yes: by way of Heritage Committee and Hunter Heritage Network
Heritage training /workshops for local professionals	Yes: Hunter Heritage Network 12 local professionals attended training

Evaluation: (social, environmental, economic)

Please add your commentary after each question

1. What do the KPIs tell you about this outcome?

Training provided by the Heritage Office, Heritage Advisor, Hunter Heritage Network and other training agencies is effectively implemented and is assisting the Council, Committee and Community.

2. What were the key results or achievements for this year?

The Heritage Advisor continued in-service training of Council Officers who have to deal with heritage matters. This has been mostly in the form of on-site training in the office and during inspections of heritage properties subject to development proposals.

Education of the community continued through the Heritage Advisor's involvement with the Port Stephens Heritage Advisory Committee, which continued in the role of the Steering Committee in the implementation of the Port Stephens Community-based Heritage Study and has contact with a wide range of property-owners and interested groups and individuals.

At every opportunity the Heritage Advisor has disseminated relevant conservation literature to owners and managers of heritage properties, particularly NSW Heritage Office publications about conservation guidelines and incentives.

3. Were there any challenges or disappointments that had a major effect on your results? Briefly describe and show what action has been taken to address this.

The committee has identified issues with the Heritage Office data and inventory forms and this information was forwarded to the NSW Heritage Office as comment.

4. What will you do next year?

Continue with the implementation of training initiatives.

Suggestion 8

Set a good example to the community by properly managing places owned or operated by the council

Increased community participation and proactive conservation and management of heritage in your local area

Outcome 8 (Caring for our heritage)

Council proactively conserves and manages its heritage assets

Key Performance Indicators

Please complete this section

Council has an asset management plan with action plans for heritage assets	Yes
CMPs/CMS prepared for state significant heritage assets	² of CMPs/CMS prepared for state significant items this financial year
Annual works budget secured for heritage asset maintenance and repairs	Yes

Evaluation: (social, environmental, economic)

Please add your commentary after each question

1. What do the KPIs tell you about this outcome?
- Council manages its heritage-listed items appropriately ensuring regular maintenance
 - Funding for CMPS/ CMS should be made available. Only 1 Conservation Management Plan was commissioned: Hinton School of Arts. 1 private conservation management plan was commissioned: Rosemount.

² Hinton School of Arts

2. What were the key results or achievements for this year?

Increased involvement of the Heritage Advisor with Council Works and Parks Division to provide interaction and assistance in the management of monuments and Council owned properties.

3. Were there any challenges or disappointments that had a major effect on your results? Briefly describe and show what action has been taken to address this.

To enable the effective management of Council owned State Items a funding or incentive program should be made available for the commissioning of CMP's to encourage that process.

4. What will you do next year?

Encourage interaction of the Heritage Advisor with Council departments to assist with management of Council owned heritage items.

Look for opportunities where possible to encourage the preparation of Conservation management Plans (CMP) and Conservation Management Strategies (CMS).

ITEM NO. 4

FILE NO: A2004-0511

LOCAL TRAFFIC COMMITTEE MEETING – AUGUST, 2007

AUTHOR: TREVOR ALLEN - ACTING COMMUNITY PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

Adopt the recommendations contained in the minutes of the Local Traffic Committee meeting held in August, 2007.

OPERATIONS COMMITTEE MEETING – 11 September 2007

RECOMMENDATION: That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007**RESOLUTION:**

273	Councillor Nell Councillor Hodges	That the recommendation be adopted.
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MATTER ARISING: That Council ask Energy Australia to replace the light pole at Bagnall Beach Road exit of Salamander Shopping Complex before Christmas 2007.

ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007**RESOLUTION:**

274	Councillor Nell Councillor Hodges	That Council ask Energy Australia to replace the light pole at Bagnall Beach Road exit of Salamander Shopping Complex before Christmas 2007.
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BACKGROUND

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

Inspections were conducted on 25th July, 2007. In attendance were Port Stephens Council's Technical representative and NSW Police's representative.

The Local Traffic Committee meeting was conducted electronically due to the small number of items listed, comments were requested by close of business Friday 10th August, 2007. Minutes were emailed to Port Stephens Council's Technical representative, Roads and Traffic Authority's representative, Port Stephens Council's Road Safety Officer, Port Stephens Council's elected representative, NSW Police's representative, Local Member for Port Stephens Mr C Baumann, Local Member for Maitland Mr F Terenzini, Port Stephens Coaches representative and Hunter Valley Buses representative.

LINKS TO CORPORATE PLANS

The items referred to the local Traffic Committee, and the subsequent recommendations are linked to the current Council Plan 2007 - 2011. In Parts 5 and 7 of the Plan, the Local Traffic Committee contributes to the following directions and goals:

- 1) Provide programs and planning instruments that enhance the safety of individuals and the community whilst preserving social amenity and discouraging social isolation.
- 2) Providing good community planning and the development of quality infrastructure.

FINANCIAL/RESOURCE IMPLICATIONS

Council has an annual budget of \$41 000 (\$25 000 grant from the RTA and General Revenue) to complete the installation of regulatory traffic controls (signs and markings) recommended by the Local Traffic Committee. The construction of traffic control devices and intersection improvements resulting from the Committee's recommendations are not included in this funding and are listed within Council's "Forward Works Program" for consideration in the annual budget process. The construction of traffic control devices and intersection improvements for items with a **SAFETY PRIORITY** (listed below) have a budget of \$ 25 000 (Safety Around Schools Program).

The local Traffic Committee procedure provides a mechanism to respond to and remedy problems in accordance with Council's "Best Value Services" Policy. The recommendations contained within the local Traffic Committee Minutes can be completed within the current Traffic Committee budget allocations and without additional impact on staff or the way Council's services are delivered.

SAFETY PRIORITIES

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

The items with a Safety Priority are listed as follows:

- C.2 Old Main Road, Anna Bay – Safety at rear access of Anna Bay Public School
- C.3 Kent Gardens, Soldiers Point – Rear to kerb parking

LEGAL AND POLICY IMPLICATIONS

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

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

AUSTRALIAN BUSINESS EXCELLENCE FRAMEWORK

This aligns with the following ABEF Principles.

- 2) Mutually agreed plans translate organisational direction into actions
- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 6) Continual improvement and innovation depend on continual learning
- 8) Effective use of facts, data and knowledge leads to improved decisions

- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

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

THE SOCIAL, ECONOMIC AND ENVIRONMENTAL IMPLICATIONS ARE AS FOLLOWS:

- A safer road environment reduces costs to the Council and community by reducing the number and severity of accidents on our roads.
- Transport efficiency and road user safety; contribute positively to the quality of life for residents and visitors to Port Stephens. Improved road user safety distributes benefits to all road users including commercial and private motorists, cyclists and pedestrians. These benefits include improved accessibility, mobility and safer road environment.

CONSULTATION

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

No additional consultation took place for any of the items listed in the minutes of the August Traffic Committee Meeting.

OPTIONS

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

ATTACHMENTS

- 1) The minutes of the local Traffic Committee meeting held in August, 2007 are contained in ATTACHMENT 1.

TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1
PORT STEPHENS LOCAL TRAFFIC COMMITTEE MINUTES

INDEX OF LISTED MATTERS

- A. ADOPTION OF THE MINUTES OF 9TH JULY, 2007
- B. BUSINESS ARISING FROM PREVIOUS MEETING
- C. LISTED MATTERS
 - C.1. NEWLINE ROAD, RAYMOND TERRACE – REVIEW OF 100 KM/HR SPEED LIMIT
 - C.2. OLD MAIN ROAD, ANNA BAY – SAFETY AT REAR ACCESS OF ANNA BAY PUBLIC SCHOOL
 - C.3. KENT GARDENS, SOLDIERS POINT – REAR TO KERB PARKING
- D. GENERAL BUSINESS
- E. ATTACHMENTS

**LOCAL TRAFFIC COMMITTEE MEETING
CONDUCTED ELECTRONICALLY
OPEN FOR COMMENT BETWEEN 6TH – 10TH AUGUST, 2007**

A. ADOPTION OF MINUTES OF MEETING 9TH JULY, 2007

The minutes of the previous Local Traffic Committee Meeting dated 9th July, 2007 are yet to be adopted.

B. BUSINESS ARISING FROM PREVIOUS MEETING

There was no business arising from the previous meeting.

C. LISTED MATTERS

C.1 NEWLINE ROAD, RAYMOND TERRACE – REVIEW OF 100 KM/HR SPEED LIMIT

Road Safety Officers from Dungog and Port Stephens Councils have requested a review of the 100 km/hr speed limit on Newline Road.

REQUESTED BY: Port Stephens & Dungog Councils Road Safety Officers

CONSULTATION: Nil

INSPECTION UNDERTAKEN Yes

AGREE WITH REQUEST Yes

ADDITIONAL ATTACHMENT No

COMMENT Nil

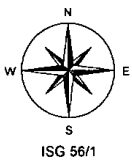
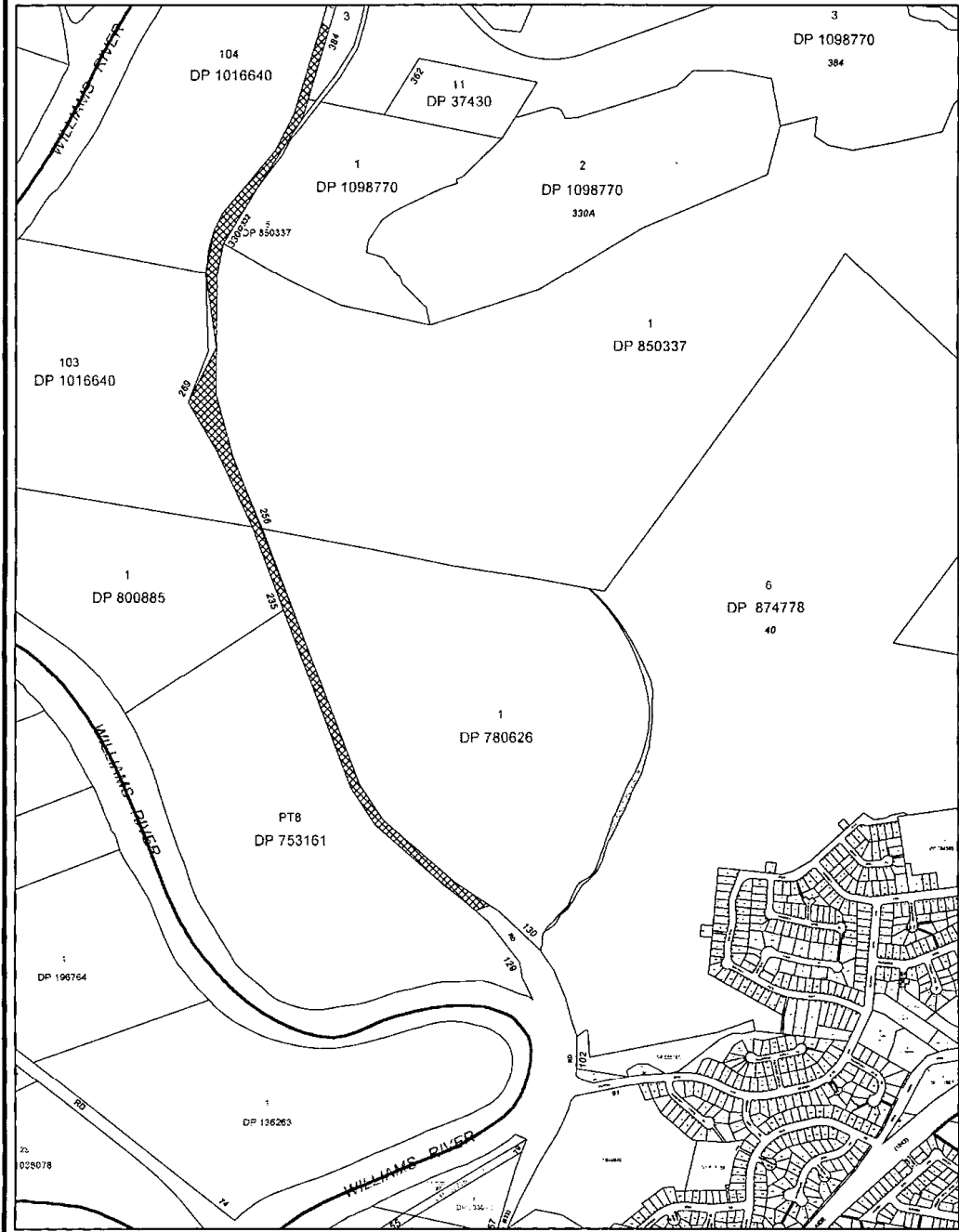
RECOMMENDATION

- That this item be referred to the Roads and Traffic Authority for consideration

ESTIMATED COST N/A

FUNDING SOURCE N/A

Item C.1



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

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 from an appropriately qualified person(s).

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SCALE 1:13127

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116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49802255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

C.2 OLD MAIN ROAD, ANNA BAY – SAFETY AT REAR ACCESS OF ANNA BAY PUBLIC SCHOOL

A resident has requested a change to the parallel parking along the fence line to 'No Stopping', so parents and children can walk along the fence line.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION UNDERTAKEN Yes

AGREE WITH REQUEST Yes

ADDITIONAL ATTACHMENT No

COMMENT No footpath and shoulder is overgrown and steep. Existing No Stopping zone covers the entrance to the school

FILE PSC2005-4019

RECOMMENDATION

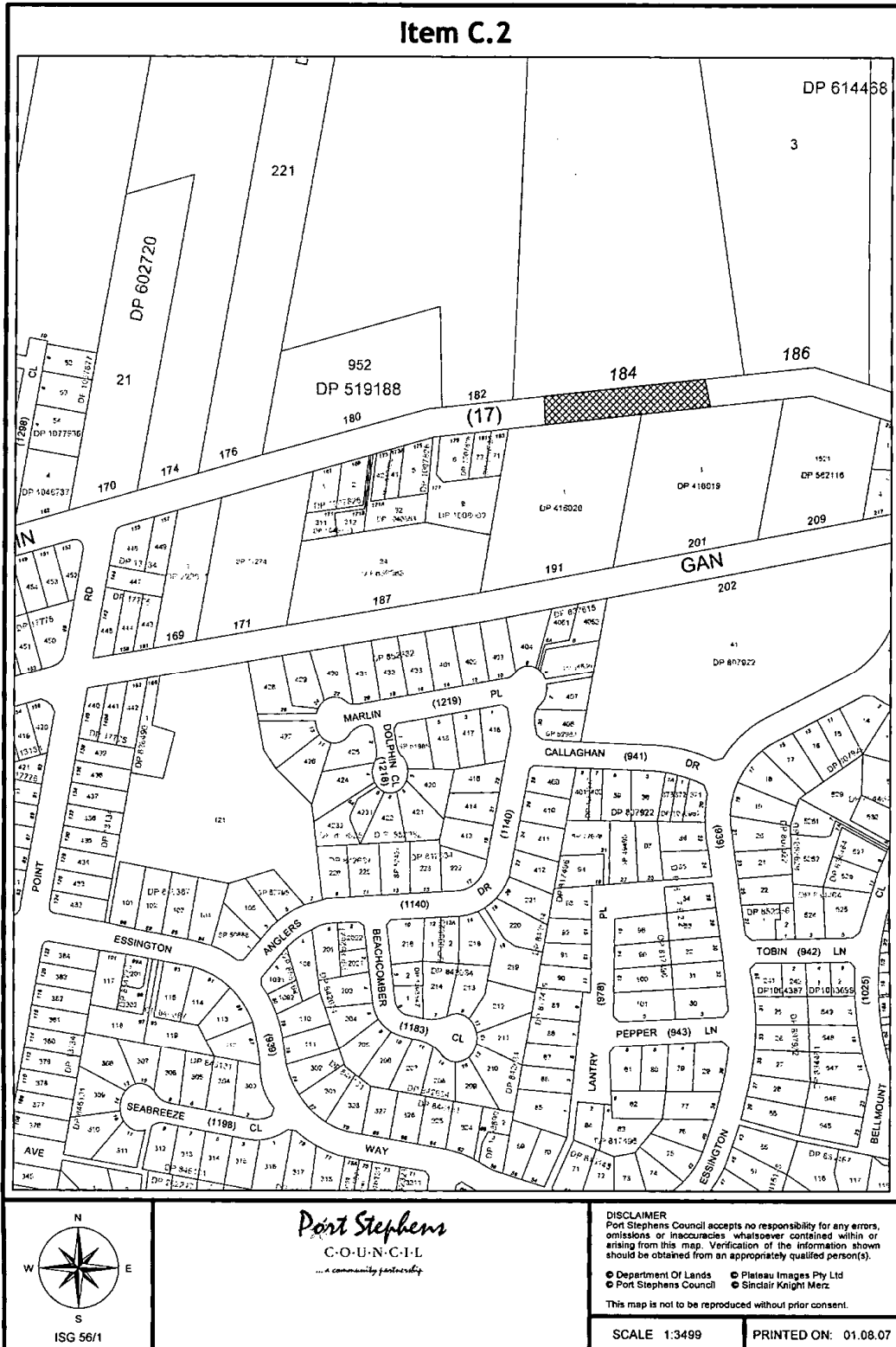
- That the existing No Stopping zone on the school side of Old Main Road be extended east for approximately 20m

ESTIMATED COST \$100

FUNDING SOURCE Traffic Facilities Budget

THIS ITEM HAS A SAFETY PRIORITY

Item C.2



116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

C.3 KENT GARDENS, SOLDIERS POINT – REAR TO KERB PARKING

A resident is concerned with the number of parents parking their vehicles nose in when dropping off or picking up their children from Soldiers point School. No stopping parking restrictions have been implemented on the opposite side of Bagnall Avenue to the school and more parents are using the parking area in Kent Gardens. Can this carpark area be signposted as 90 degree rear to kerb.

REQUESTED BY:	Resident		
CONSULTATION:	Nil		
INSPECTION	UNDERTAKEN		Yes
	AGREE WITH REQUEST		Yes
ADDITIONAL	ATTACHMENT		No
COMMENT	Nil		
FILE	PSC2005-4019		

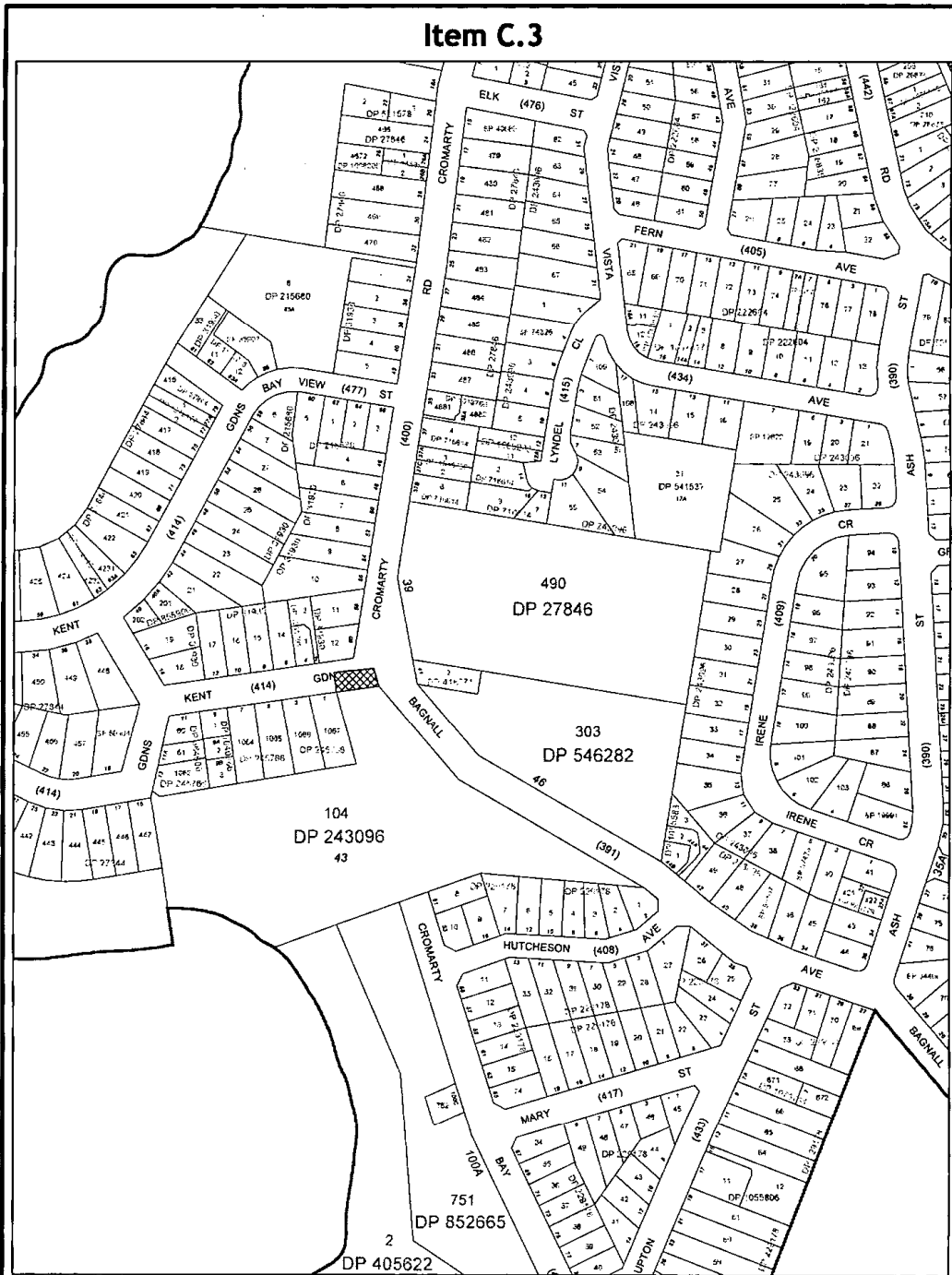
RECOMMENDATION

- That 90 angle parking rear to kerb signs be provided in Kent Gardens for the frontage of the reserve

ESTIMATED COST	\$200
FUNDING SOURCE	Traffic Facilities Budget

THIS ITEM HAS A SAFETY PRIORITY

Item C.3



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

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 from an appropriately qualified person(s).

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116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

REZONE LAND NELSON BAY ROAD, FULLERTON COVE

ITEM NO. 5

FILE NO: PSC2006-1004

REQUEST TO AMEND LOCAL ENVIRONMENTAL PLAN 2000 - REZONE LAND NELSON BAY ROAD, FULLERTON COVE, TO FACILITATE RESIDENTIAL DEVELOPMENT AND ENVIRONMENTAL PROTECTION.

REPORT OF: TREVOR ALLEN – ACTING MANAGER, COMMUNITY PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Not support a request to prepare a draft LEP over Lots 1 and 2 DP 1006399 and Lot 3 DP 664552 Nelson Bay Road, Fullerton Cove for residential purposes.
- 2) As part of the review of the Port Stephens LEP 2000 by 2011, support the inclusion of:
 - (a) the subject land with the intent to rezone to environmental protection that facilitates the required long term rehabilitation and ecological restoration of the site; and,
 - (b) the residual residential zoned land associated with the Seaside development, that will not be developed for ecological reasons outlined in the Species Impact Statement with the intent to rezone to environmental protection -in recognition of the high environmental and conservation values of these lands forming part of the regional ground water catchment area and Watagan Stockton Green Corridor and the potential for these lands to be included as part of the Stockton conservation area.

OPERATIONS COMMITTEE MEETING – 11 September 2007

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

ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007

RESOLUTION:

275	Councillor Francis Councillor Nell	That the Operations Committee recommendation be adopted.
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Councillor Hodges left the meeting at 7.16pm during Item 5.

BACKGROUND

The purpose of this report is to recommend that Council not support the request to prepare a draft LEP over the subject land for residential purposes but resolve to include the subject land in the LEP 2000 review that reflects; the proponent's obligations to rehabilitate the site disturbed by sand extraction activities; the predominant land use of adjoining lands in this location; the subject land's location relative to existing public infrastructure, services and facilities; and, Council's ability to provide, maintain and replace infrastructure, services and facilities to new development in this area.

PROPOSAL DETAILS

Owners: Boral Resources (NSW) Pty Ltd

Proponent: Environmental Resources Management Australian Pty Ltd (ERM)

Date of submission: November 2006

Site: Lots 1 and 2 DP 1006399 and Lot 3 DP 664552 Nelson Bay Road, Fullerton Cove

Existing zoning: 1(a) Rural Agriculture "A"

Proposed zoning:

- Residential 2(a) Zone (approx. 80 ha, 1,100 dwellings / 2,800 residents);
- environmental conservation zone (approx. 125ha);
- retention of a rural zone to allow continued sand extraction (approx. 20 years); and
- an enabling clause to permit a tourist development within the proposed 2(a) residential zone and to permit the relocation of the depot and haul road within the proposed 7(a) environment protection 'a' zone.

Attachment 1	Location of the site and existing zoning of adjoining lands.
Attachment 2	Relationship of the site to the Worimi Conservation lands.
Attachment 3	Site showing extent of site disturbance in relation to the total area.
Attachment 4	Rezoning and Development Concept Plan for the site
Attachment 5	Reduction of residential zoned land in Fern Bay area since 1996.
Attachment 6	Relationship of Development Concept Plan to the latest Seaside "village" masterplan.

The site covers an area of approximately 246ha. The site adjoins a corridor that links the Tomago Coastal Plain with the Lower Hunter plain, west to the Sugarloaf Range and is surrounded by State Recreation and Conservation areas. The site directly adjoins lands referred to as the Worimi Conservation Lands that include the new 1905ha Stockton National Park, a 1475ha State Conservation area and the 818ha Regional Park. The relationship of the Worimi Conservation lands to the site is shown in **Attachment 2**. The site adjoins land to the north fronting Stockton Bight that is identified as a State Heritage item under LEP 2000. This land includes the Stockton Beach Dune System, Aboriginal artefacts and WW11 items. The Boral site is considered to have historical value as well as conservation value to the Port Stephens LGA.

Sand extraction activities were approved under DA D2010/94 and have disturbed approximately 25% of the site. An aerial view of the site showing the extent of site disturbance in relation to the entire site is included at **Attachment 3**. This controversial DA was approved by Council following an extensive consultation period where Council sought the independent advice of the Office of the Commissioners of Inquiry for Environment and Planning to assist in the assessment of the proposal and to make recommendations on determining the proposal and the drafting of conditions of consent.

Consent for sand extraction was to lapse on 1st May 2006 but has been extended for 3 years by Council through a Section 96 amendment. It is expected that the sand resource will be depleted within this time. It is a condition of consent that disturbed areas of the site be rehabilitated. The landowner is obligated to undertake this rehabilitation work and has prepared a Management Plan to direct this work. The remainder of the site is undisturbed and includes high conservation value vegetation and habitat.

A proposal to extract wind blown sand on the eastern edge of the property was approved by the Minister for Planning on 24 January 2006. The sand extraction activity is likely to last 20 years. Cox's Lane will be utilised as the haul road.

The proponent met with Council's Rezoning Assessment Panel in December 2005 and was advised:

1. *Settlement Strategy is under review. The existing Urban Settlement Strategy will be relied upon to guide assessment and advice to council.*

2. *If rezoning is supported by Council, loss of ecological values will need to be addressed through ecological offsets.*
3. *Development concepts will need to be supplied to provide a taste of what is proposed. Land Use Planning will undertake internal consultation and assess strategic factors before reporting to council. If Council supports rezoning subject to resolution of certain matters then these matters can then be resolved through the rezoning process.*
4. *Need to address draft Lower Hunter Regional Strategy Sustainability Criteria.*

In April 2006 a detailed rezoning request for the site was submitted to Council but later withdrawn by the proponent on the basis that; the proposed area for residential development had been increased; and the Department of Planning is now seeking short concise strategically based rezoning submissions. In November 2006 a revised request was submitted requesting an area greater than that disturbed by sand extraction activities be rezoned for residential development. The Concept Plan for the site is shown in **Attachment 4**.

In the meantime, the State government has released the Lower Hunter Regional Strategy, established the LEP Review Panel and significantly reformed the policy framework governing rezoning requests. Council has adopted the Council Plan 2007-2011 that emphasises the social, cultural, economic and environmental pillars of sustainability, ensuring that short term decision-making is based upon long term directions and that, as a performance indicator, rezoning requests are offset and measured against community gain. Council has also adopted the Community Settlement and Infrastructure Strategy 2007 that integrates Council's Sustainability Policy with the State government's Integrating Land Use and Transport policy package, Coastal Design Guidelines and the Lower Hunter Regional Strategy.

Reduction of the Fern Bay urban release area and Fern Bay Seaside "village" development

During the 1990's Council and the State government considered Fern Bay to be a significant area for future urban development both strategically and through land use zoning. However, over time the size and yield of urban development from this area has significantly decreased. This has been a result of an increasing appreciation of the area's environmental attributes, detailed studies of this area, subsequent land use planning decisions by Council and the State Government rezoning residential land to environmental protection, plus, a general desire by the State Government to protect sensitive coastal lands from inappropriate development (e.g. proposals to create a Stockton Bight National Park in 1995, SEPP 71 Coastal Protection policy and the recent granting by the State government of crown lands in the Stockton Bight to the Worimi Local Aboriginal Land Council to be leased back to the government as conservation reserves).

For the Fern Bay Seaside "village", consultation with government authorities resulted in the establishment of a 200m environmental corridor along Nelson Bay Rd and a north-south environmental corridor between Seaside "village" and the subject site. These corridors have left the "village" disconnected from Nelson Bay Road, the subject site and from Fern Bay itself. The Species Impact Statement prepared for the "village" states that land zoned residential and deemed to be ecologically sensitive will not be developed but rezoned to environmental protection. The result is an isolated community that would not be considered a sustainable urban development. The reduction of residential zoned land in the Fern Bay area since 1996 that led to the current development area of the Seaside "village" can be seen in **Attachment 5**.

LINKS TO CORPORATE PLANS

This report addresses the strategic and future directions of Council's Plan 2007-2011 in particular:

- Integrating planning for facilities and services.
- Council's facilities and services meet community need.
- Promote, plan and guide development to create sustainable community that conserve and enhance the natural and built environment.
- Port Stephens treasured environment is maintained and improved for the well being of our community.
- Alignment of Council Plans
- Alignment of State and Regional Plans
- Development focuses on our communities being sustainable
- Our Council will plan and manage our finances to maximize community benefit.

FINANCIAL/RESOURCE IMPLICATIONS

The preparation and delivery of Council's strategic planning priorities over the last 12 months has lead to the need for a planning consultant, appointed by Council and funded through rezoning fees, to undertake the investigation and analysis of the rezoning request and preparation of this report.

Should council not adopt the recommendations of this report and resolve to prepare a draft LEP in accordance with the proponent's submission (that is then supported by the Department of Planning's LEP Review Panel), this will require the appointment by Council of a planning consultant to; process the draft LEP, including an LES prepared by Council and funded by the proponent; prepare Section 94 plan and developer agreements and development control matters.

LEGAL AND POLICY IMPLICATIONS

Legal – there are no legal implications if Council adopts the recommendations of this report.

Policy - Community Settlement & Infrastructure Strategy 2007.

The relevant sections of the Strategy guide the assessment of the rezoning request as follows:

Part D Strategic Directions; - the subject site is identified on Figure 21 as Rural and Agricultural land only.

Part E Local Area Strategies - a Local Area Strategy has not been undertaken for the Fern Bay / Fullerton Cove area.

Part G Implementation - as the subject site has not been strategically identified for urban development in Parts D or E, Part G3 Land Not Identified for Development applies.

Part G3 Land Not Identified for Development

G3 Criteria 1: Assessment of the proposal against Part F Sustainability Principles and Criteria is as follows:

F1 Settlement Structure and Movement Network - Principles 3 and 5

The proposed rezoning is neither a village or a town located on a transport corridor consistent with Figures 26, 27 28 and 29. It is a car dependent development only and

does not support the public transport network for direct and efficient connections to access jobs, services and provide choice in modes of travel.

Residents would have to access community services and facilities outside the development. Based on the moderate figure of 6 car movements per dwelling per day, an additional 6,600 car movements would be generated. This adds to the 19967 (2005 data) vehicles per day travelling along Nelson Bay Road. The separation of the proposed development from the transport corridor reinforces the development as a car oriented development only. The proposed development would marginalise children, young adults, elderly and people physically or financially incapable of driving or owning a motor vehicle.

Principle 8 - the proposed rezoning does not support direct and efficient public transport as it is located separate to the transport corridor and has only one access point.

F2 Infrastructure Services and Facilities - Principles 18 - 25

How infrastructure, services and facilities including human support services and programs will be delivered to the site is not detailed. The nearest services in the LGA are at Raymond Terrace some 17 kms away, alternatively, at Stockton in the Newcastle LGA some 12 km away. Future residents would be dependent upon private motor vehicle to access services and facilities.

Current council negotiations concerning Seaside “village” and community facilities are highlighting the physical difficulties in providing facilities in good locations in Fern Bay. Health, education, legal, cultural and community development services are located at existing centres well removed from the subject site. The ability to provide future services and facilities in Fern Bay that are accessible and financially viable is problematic.

F3 Quality Places to Live - Principles 26-29. N/A at this stage.

F4 Natural Areas and Resources

Principle 30 – it is unclear if site is located above or forms a catchment to a regional aquifer. According to Council’s mapping, Hunter Water Corporation Special Areas are delineated to the north and south of the site by the property boundaries of the subject land. These lands are also zoned environment protection for water catchment purposes.

Principle 32 – proposed rezoning is an opportunistic development proposal as part of the land owner’s investigations for further development of the site post cessation of sand extraction activities. The proposal does not pose significant economic, environmental or social benefits to the community enough to justify that the loss of ecological values or processes on the site can be offset by same ecological values or processes elsewhere.

F5 Economics and Employment

Principle 52 – the rezoning proposal does not facilitate local employment and business opportunities. By locating “offline” from the transport corridor, local employment and business opportunities would only be serviced by the primary catchment area of the proposed development. It is unlikely that such activities could be economically sustained over the long term. Furthermore, retailing on the site is likely to be limited in product range and price and require residents to shop at Raymond Terrace, Medowie or Stockton. Opportunities to move the development

towards Nelson Bay Road are limited by the 200 metre environmental corridor that runs between Nelson Bay Road and the proposed development area.

F6 Sustainability Criteria (derived from the Lower Hunter Regional Strategies

Sustainability Threshold Criteria and to be applied for any proposed development outside designated areas in Regional Strategy):

These criteria are for consideration by the Department of Planning.

The proposal is not consistent with the Integrating Land Use and Transport policy package particularly Principle 3, align centres with corridors, and Principle 4, link public transport with land use.

The proposal is inconsistent with the objectives of the NSW Coastal Design Guidelines. In particular, to limit coastal sprawl, to integrate land use with transport, to encourage new coastal settlement to be appropriately located, and, to create neighbourhoods centred around services and facilities.

G3 Criteria 2: the site is not located on a transport corridor for the purposes of the Figure 45 of the CSIS. This is because the majority of Nelson Bay Road runs through land that the regional strategy and the draft Regional Conservation Plan have identified as having high conservation value with significant areas of land added to the national park estate. The regional strategy does not allow the Sustainability Threshold Criteria to be applied to these lands but can apply to the subject land.

The Concept Plan for the site indicates 80ha of land for consideration for residential purposes, over the 50ha minimum. This 'developable' land includes land that Boral is obligated to rehabilitate, as well as the clearing of vegetation adjoining the Seaside "village" site that is identified in a previous ecological assessment by the proponent as having high conservation value.

G3 Criteria 3: The site is not suitable for urban development as it is located away from a transport corridor and has the land use constraint of a 200m environmental corridor along Nelson Bay Road that restricts vehicular and pedestrian access. This restriction undermines the appropriateness of developing the land for urban development and supports the continued rehabilitation of the land by the current owner undertaking sand extraction.

G3 Criteria 4: A Local Environmental Study would be required if a rezoning proposal for urban development were to be supported.

G3 Criteria 5: – N/A

G3 Criteria 6: The concept plan (Attachment 4) illustrates that the proposed development is unable to compliment the transport network or the centers hierarchy for retail or employment. The required environmental corridor prohibits the new community from integrating with the transport corridor and cannot achieve the principles of the Strategy to create a more sustainable community.

G3 Criteria 7: The proposed development is restricted by environmental constraints that limit access points and permit only restricted connection to Nelson Bay Road.

G3 Criteria 8: Proponent has indicated that they are prepared to meet housing diversity/choice targets of 80% detached and 20% attached. Aged, disabled or affordable housing via market delivery is unlikely to be achieved on site as it is isolated making it difficult for social and economic planning goals to be achieved. A combination of location, remoteness, environmental and design factors undermine the appropriateness of seeking

affordable housing outcomes for this site. Market intervention to facilitate such outcomes on the site would be undesirable and not in the public interest.

G3 Criteria 9: The site is attached to existing urban-zoned land to the south. However, as recommended by the Species Impact Statement for the Seaside development, this land is recommended to be included in the LEP review for 2011 to be rezoned to environmental protection. Consequently, the proposed development cannot connect to existing urban developed land and cannot demonstrate a logical extension of existing urban areas. Development of the site will create a physical community with characteristics similar to a gated community and no connection to adjoining areas.

G3 Criteria 10 - 12 – N/A

G3 Criteria 13: The rezoning request indicates that an assessment of the costs of construction, operation and maintenance of public infrastructure and whether increased rate revenue to council from future residents can financially support the development will be determined through the rezoning process. However, the challenges of providing public infrastructure to the site is illustrated by the following standards table from Council's recently adopted Section 94 plan adapted to include the likely point of access to facilities for development on the site:

Facility	Standard	Existing facilities Fern Bay area	Required to serve population 2800	Point of access for Boral development
Community Services				
Cemeteries				
Burials	1 plot	0	700	Anna Bay
Niches	1 niche wall		3	
Multipurpose Children's space	1 child care place	0	50 spaces	Stockton
Multipurpose Community Space	100sqm of space	Fern Bay Hall	280m2	Fern Bay
Cultural Services and Leisure Facilities				
Libraries	1 branch library	Mobile library	contribution	Raymond Terrace
	1 library lounge		contribution	Mobile Library
Exhibition Space	100m2	0	30m2	Raymond Terrace
Recreational facilities				
Leisure Centres	n/a	0	contribution	Lakeside Raymond Terrace
Surf Lifesaving Clubs	n/a	0	contribution	Birubi Surf Club
Boat Ramps and jetties	n/a	0	contribution	Port Stephens
Parks and reserves				
Local Parks and Playgrounds	0.3ha	Provided with development	1ha	On site
Neighbourhood	1ha	0	0.7ha	On site
District Parklands	1ha	0	0.7ha	Raymond Terrace Medowie
Natural Open Areas	2.5ha	Reserves surrounding Fern Bay	7ha	On site
Sports Facilities				
Netball Courts	1 comp level	0	1	Raymond Terrace
Skate Parks	1 park	0	1	Raymond Terrace
BMX tracks	n/a	0	Contribution	
Sport Fields	1 ha	0	3-4ha contribution	Raymond Terrace
Tennis Courts	1 court	1	2	Raymond Terrace
Swimming Facilities	1 facility	30,000	Contribution	Lakeside Raymond Terrace

The amount of public facilities and infrastructure generated by the proposed development would be located at Raymond Terrace, Medowie or Stockton some 17, 12 and 12 km away respectively. This combined with the need for shopping, banking, medical, employment and

other support activities, means that residents would be dependent on traveling significant distances to meet their daily needs. This is not a sustainable form of development.

Internal consultation on this rezoning request expressed strong concerns over the appropriateness and the ability of Council to provide public facilities for this proposal. This is on top of the existing difficulties to negotiate financially and socially sound outcomes for public facilities associated with the Seaside “village” and other developments in Fern Bay to the south of the subject land.

This concern is reflected by Newcastle City Council’s formal request for cross boundary section 94 contributions plan to offset the impacts of the Seaside development upon Newcastle’s infrastructure in Stockton. A separate report dealing with the Newcastle’s request is being prepared for Port Stephens Council. The provision of public facilities on site means the ongoing burden to Port Stephens Council to manage isolated facilities is likely to far exceed expected rate income, broader social outcomes and facility utilisation rates.

G3 Criteria 14: Rate revenue from the proposed development is unlikely to support the level of public facilities and infrastructure required of the development and would require subsidisation by ratepayers across the LGA. If these costs were to be borne by the developer and future residents in perpetuity this in effect would lead to the proposed development becoming a private gated community. This, combined with high private transport costs to access facilities, means that such a community could not be considered appropriate to address housing affordability issues.

Lower Hunter Regional Strategy

The LHRS provides that ‘former mining land offers opportunities for conservation and development outcomes when activities are completed.’ The rezoning request explores a development outcome with no consideration given to a conservation outcome. A conservation outcome will be consistent with the obligations to restore the site and in keeping with the predominately environmental, conservation, forest and rural land uses adjoining the site. The CSIS and the LHRS show the site as having Rural and Agricultural land uses.

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 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

The rezoning request has been submitted on the following basis:

1. *the site is disturbed land*

Response: the site has been disturbed to enable the proponent to access a resource. The legally agreed end use is to rehabilitate the site to its original state as specified by conditions of consent. For the land owner to circumvent it's legal obligations by seeking to change the land use to allow permanent residential development on the basis that the land is disturbed is a circular argument that ignores the sustainability issues raised in this report. There are many areas of disturbed land across the LGA that do not automatically lead to the conclusion that such lands are suitable for urban development.

2. *the site is relatively constraint free and the proposal will provide much needed housing to assist in accommodating the projected population over the next 25years*

Response: The site is not constraint free as the legally agreed end use is a rehabilitated site to restore ecological values lost through sand extraction activities. Had the site not been disturbed in the first instance raises the question whether the site is a good location for accommodating future population growth. Under the LHRS and the CSIS, the State Government and Council have not identified the site as suitable for urban development. These Strategies have identified suitably located lands to accommodate the projected population over the next 25 years that satisfy economic, social and environmental criteria for creating more sustainable communities.

3. *the site is well located to the proposed Williamtown employment lands.*

Medowie is better located to support the Williamtown employment land as an airport town that can more sustainably accommodate growth in population, infrastructure and services far superior to that offered by the subject site.

Access to employment is only one criterion for the creation of a sustainable community. Future development at Medowie will provide residential land well located to the proposed Williamtown employment lands and will be integrated with current and future community facilities and services linked to public transport.

The proposed development will result in the destruction of rehabilitated land and the removal of approximately 25 ha of Coastal Sand Apple-Blackbutt forest – an Endangered Ecological Community. The clearing of this section of the site aims to facilitate a connection to the Seaside “village” to the south. However, such a connection is unlikely to be achieved as the Species Impact Statement for Seaside development recommends that this land be rezoned from Residential 2(a) to environmental protection. The relationship of the Concept plan to the latest Seaside masterplan is shown on the map at **Attachment 6**.

Port Stephens Comprehensive Koala Plan of Management aims to achieve no further loss of Koala Habitat. Koala Habitat has already been lost in the Fern Bay area through the development of the Seaside “village”. The site has disturbed areas of Koala Habitat that will be rehabilitated following sand extraction. Further vegetation loss is unlikely to be supported by relevant Government Departments and Agencies as demonstrated by the restrictions and requirements placed by these authorities on the Seaside “village”.

Residential development of the site will adversely impact on the environmental qualities of the site through the additional clearing of high quality vegetation and habitat and the introduction of edge effects of residential uses adjoining sensitive ecosystems.

Contamination

A phase 1 remediation report has identified contamination near the depot and ORX across the Boral site. The need for further detailed investigation has been identified. The Concept Plan indicates development restricted to the low risk areas of the site.

CONSULTATION

Internal consultation has been undertaken with Council Officers and their comments have been incorporated into this report.

CONCLUSION

The proponent's rezoning request is not recommended to be supported as:

- The site is not identified in the LHRS or the CSIS for urban development.
- The rezoning request has been assessed against Council's Community Settlement and Infrastructure Strategy 2007 Part G Implementation criteria. The assessment finds that housing 2800 people in this location as proposed would lead to poor economic, social, environmental and cultural sustainability outcomes.
- The LHRS and CSIS have both identified other more suitable and sustainable sites to accommodate population growth for the next 25 years. This includes Medowie where future population growth will be supported by employment opportunities at Williamstown employment zone whilst co-located with current and future infrastructure, services and community facilities.
- Fern Bay as a major urban release area has been significantly reduced by past Council and State Government planning decisions reflecting the environmental sensitivities and significance of the area.
- Provision of current and future infrastructure, services and facilities to this area is problematic due to location and inability to achieve economies of scale to achieve more sustainable provision. The proposed development, in terms of location and design, does not assist Council in providing more equitable and sustainable infrastructure and services to the Fern Bay/Fullerton Cove area.
- The rezoning request is an opportunistic proposal for short term gain that provides little to no long term community benefits to existing residents of Fern Bay or Port Stephens generally.
- The site has been disturbed for sand extraction but the land owner is obligated to rehabilitate the site as part of conditions of consent issued by Council. The basis of this consent, and community expectation, is the agreed end result that the site will be rehabilitated to allow it to regain its ecological values over time. The proposition that the land is disturbed is a circular argument that ignores the legal responsibilities of the land owner to rehabilitate the site.
- The development proposes to clear undisturbed heavily vegetated land that includes possible EEC and Koala habitat;
- The site is sensitively located adjoining the southern edge of Stockton Bight, with links to the Watagan Stockton Bight corridor;
- The Conservation and Heritage significance of this location holds long-term sustainable economic and tourist values for the Port Stephens LGA ;

- The site does not directly link to any sustainable area of urban development with the predominant surrounding land uses being rural, environmental protection or recreation.

Based on the above points it is considered that a conservation end use for the site is the most sustainable end use. This would reflect the conservation values of the site and adjoining lands, historical land use decisions by council and the state government, and facilitate the continued rehabilitation of the site.

OPTIONS

- 1) Council adopt the recommendations of this report.
- 2) Not adopt the recommendations of this report and under Section 54 of the EP& A Act resolve to prepare a draft LEP over the subject land in accordance with the request of the proponent and refer matter to the LEP Review Panel.

ATTACHMENTS

- 1) Location of the site and zoning of adjoining lands.
- 2) Relationship of the site to the Worimi Conservation lands.
- 3) Site showing extent of site disturbance in relation to the total area.
- 4) Rezoning and Development Concept Plan for the site
- 5) Reduction of residential zoned land in Fern Bay area since 1996.
- 6) Relationship of Development Concept Plan to the latest Seaside “village” masterplan.

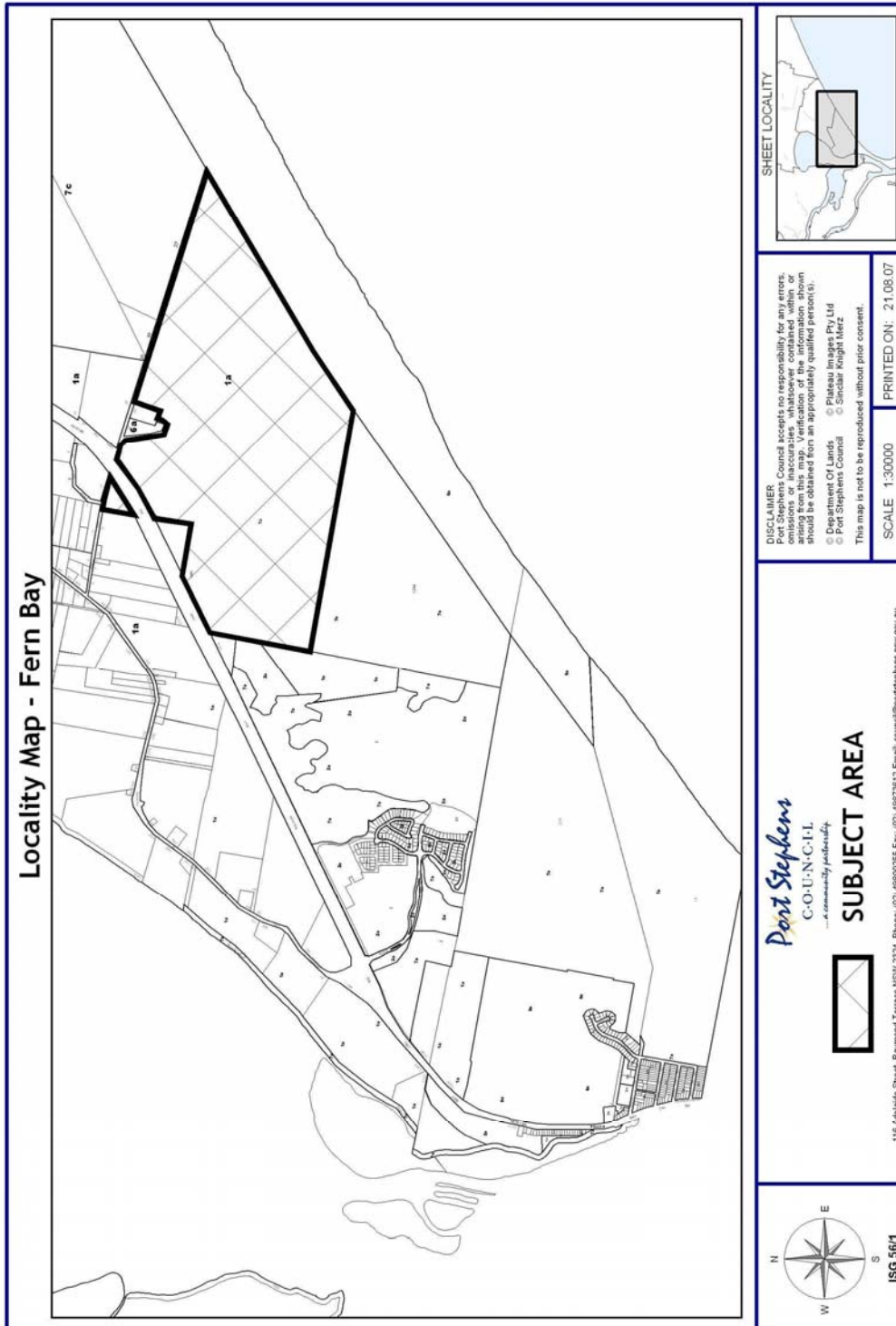
COUNCILLORS ROOM

- 1) Boral Stockton Sand Quarry Rezoning Proposal - November 2006

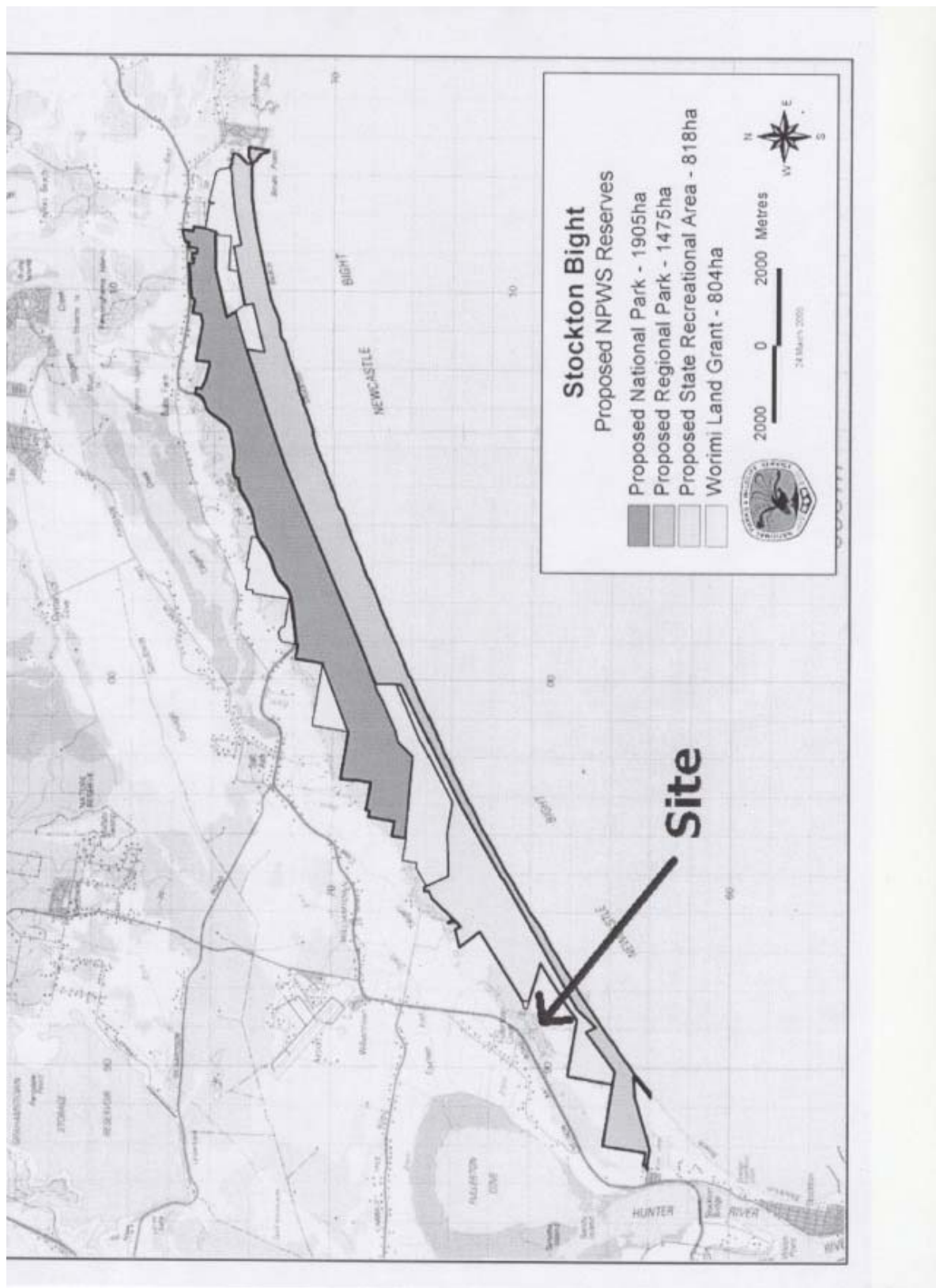
TABLED DOCUMENTS

Nil

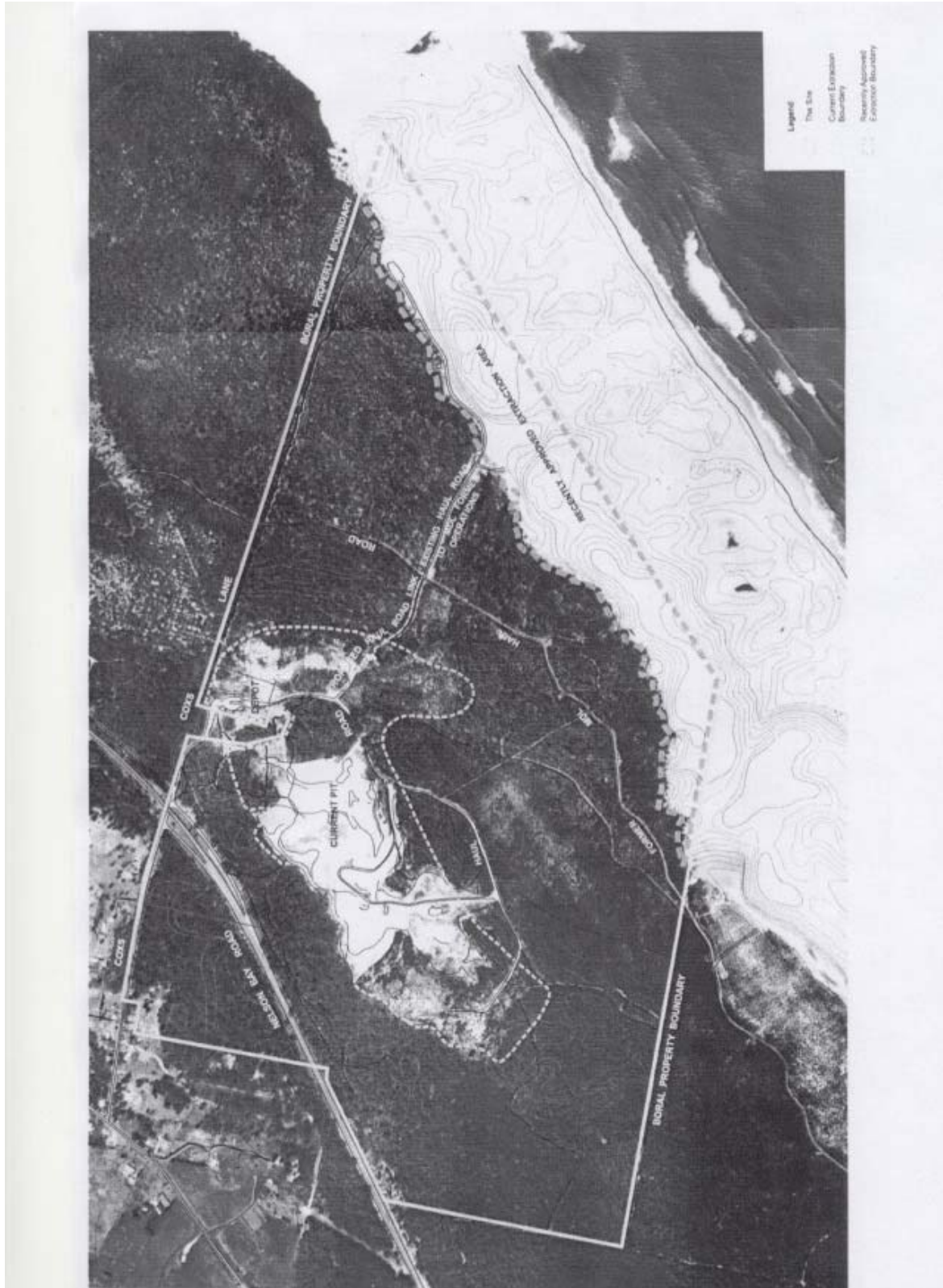
ATTACHMENT 1
LOCATION OF SITE AND ZONING OF ADJOINING LANDS



ATTACHMENT 2
RELATIONSHIP OF SITE TO WORIMI CONSERVATION LANDS



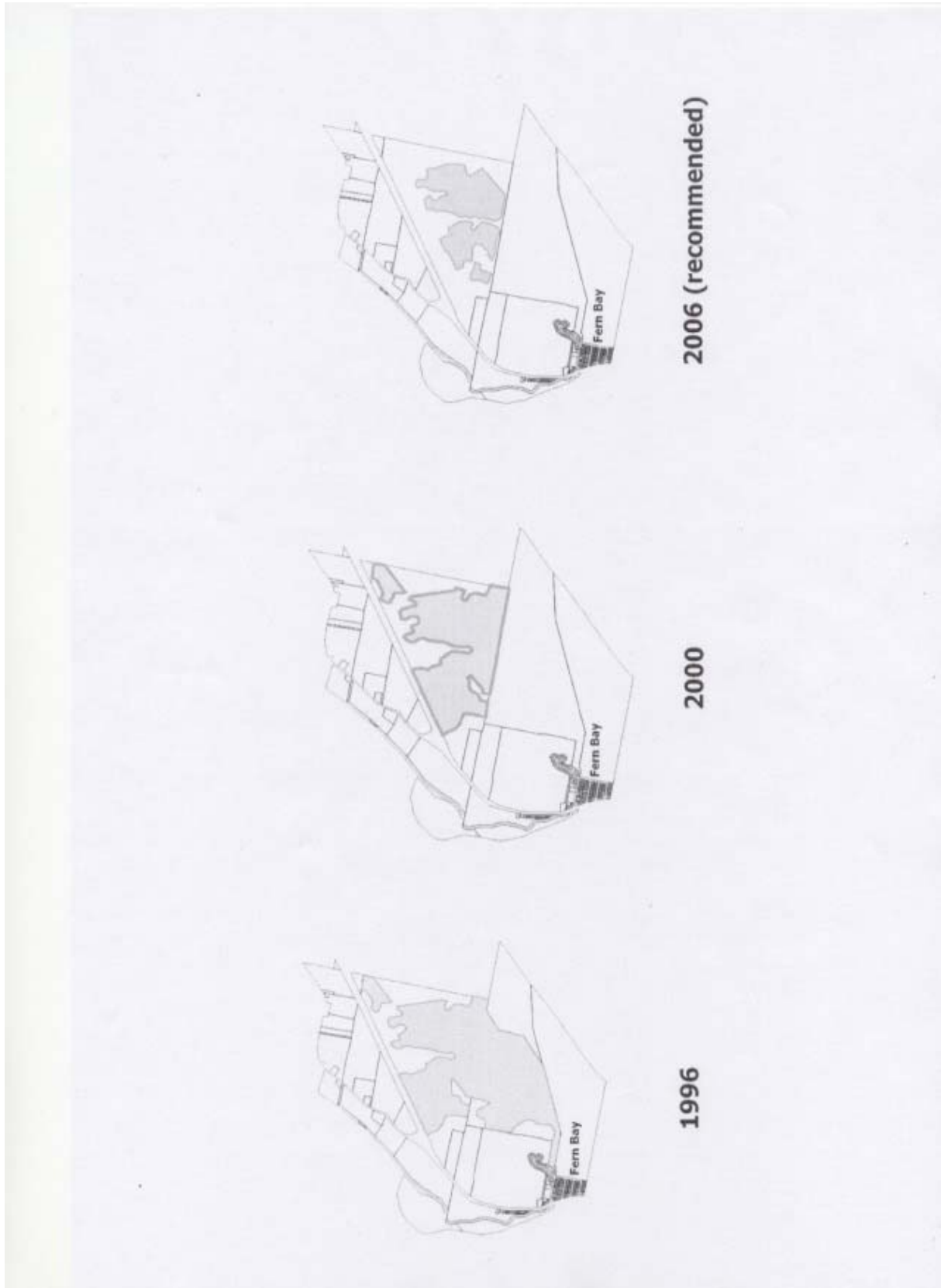
ATTACHMENT 3
SITE SHOWING EXTENT OF SITE DISTURBANCE IN RELATION TO THE TOTAL
AREA



ATTACHMENT 4
REZONING AND DEVELOPMENT CONCEPT PLAN FOR SITE



**ATTACHMENT 5
REDUCTION OF RESIDENTIAL ZONED LAND IN FERN BAY AREA SINCE 1996**



ATTACHMENT 6
RELATIONSHIP OF DEVELOPMENT CONCEPT PLAN TO LATEST SEASIDE
“VILLAGE” MASTERPLAN



ITEM NO. 6

INFORMATION PAPERS

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER, CORPORATE MANAGEMENT

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 11 September, 2007.

No: Report Title

1. Aboriginal Strategic Committee Meeting with Worimi Local Aboriginal Land Council
 2. 2006/2007 Hunter Area Assistance Scheme Funding Round Announcements
 3. Quarterly Update on the Hunter Central Coast Regional Environmental Management Strategy
 4. Council Ward Funds
 5. Cash and Investment held at 31 July 2007
 6. Developer Contributions (Section 94) – Fern Bay cross boundary plan with Newcastle City Council
-

OPERATIONS COMMITTEE MEETING – 11 September 2007

RECOMMENDATION: That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007

RESOLUTION:

276	Councillor Nell Councillor Dover	That the recommendation be adopted.
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Councillor Tucker left the meeting at 7.17pm during Item 6.

Councillor Hodges returned to the meeting at 7.22pm during Item 6.

OPERATIONS COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

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

**REPORT OF: TREVOR ALLEN - ACTING COMMUNITY PLANNING
 MANAGER**

FILE: PSC2005-0629

BACKGROUND

The purpose of this report is to present to Council the minutes of the Aboriginal Strategic Committee meeting with Worimi Local Aboriginal Land Council on 13 August 2007.

Key issues considered at the meeting included:

- 1) Referring of Development Applications
- 2) Middens at Birubi Headland
- 3) 2007 Local Government Aboriginal Network Conference
- 4) Aboriginal Project Fund

ATTACHMENTS

- 1) Minutes of Aboriginal Strategic Committee meeting with Worimi LALC on 13 August 2007.

ATTACHMENT 1

**ABORIGINAL STRATEGIC COMMITTEE MEETING
WITH WORIMI LOCAL ABORIGINAL LAND COUNCIL
HELD ON THE 13 AUGUST 2007
AT THE MURROOK CULTURAL & LEISURE CENTRE**

Present:

Andrew Smith	Worimi LALC
Cr Ron Swan	PSC
Cr Helen Brown	PSC
Paul Procter	PSC
Cliff Johnson	PSC
Nick Greenhalgh	PSC

Apologies:

Delece Manton	Worimi LALC
Jamie Tarrant	Worimi LALC
Peter Gesling	PSC
Mike Trigar	PSC
Val Merrick	Worimi LALC
Janice MacAskill	Worimi LALC
Cr Sally Dover	PSC
Jason Linnane	PSC
Scott Anson	PSC

Cr Brown chaired and opened the meeting at 1:25pm

1. MINUTES OF PREVIOUS MEETING

Cr Brown moved that the minutes of the previous meeting held on 14 May 2007 be accepted.
Seconded by Cliff Johnson.

2. BUSINESS ARISING FROM PREVIOUS MINUTES

Item 1: Referring of Development Applications to LALCs for Comment

Council's Principle Property Officer tabled a draft list of definitions for sites of significance for comment. Nick Greenhalgh suggested that consideration be given to amending Council's Development Application checklist to ensure that special consideration is given to archeologically significant sites. He indicated that he would like to see the definitions be more site specific than township specific.

Discussion was also held around the option of formulating a memorandum of understanding between Port Stephens Council and the Local Aboriginal Land Councils in regards to the assessment and referral of Development Applications.

Action:	1. WLALC and relevant Council Officers will review the 'Draft Definitions for Sites of Significance' and forward any comments directly to Council's Principle Property Officer.
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Item 2: Middens at Birubi Headland

A Green Corp Group comprising of Worimi members will undertake the rehabilitation of the middens. They will be inducted to the site by Council's Parks Co-ordinator (East). WLALC currently providing Council with a list of the materials required. It is anticipated that the work will be completed by the end of the year.

Item 3: Proposed Fingal Bay Link Rd

Council's Principle Property Adviser has provided Andrew Smith with a chronological history of the proposed link road. Andrew Smith and Jamie Tarrant are planning to hold a workshop with WLALC members to provide them with an overview of the background to the project and current data collected. The workshop will be held in a few months time once WLALC have completed implementing the reforms under the Land Rights Act that is their current priority of focus. It is proposed that once this workshop has been held, consideration will be given to a further meeting between WLALC members and Council's Principle Property Officer to further discuss the proposed link rd and associated issues.

Item 4: Aboriginal Employment Strategy and Cultural Awareness Training

Given the demands placed upon everyone's time in planning for this year's Naidoc Week celebrations, the working parties which were established to look at Aboriginal employment and cultural awareness training were placed on hold. The current focus of the Land Councils in implementing the reforms to the Land Rights Act over the coming months, Paul Procter suggested that he could take responsibility for researching and formulating a Draft Aboriginal Employment Strategy for Cultural Awareness Training Program for Council. He would liaise with the Land Councils informally throughout the development of these strategies to ensure they are aligned with the Land Councils needs and expectations. This suggestion was supported by the Aboriginal Strategic Committee.

Item 6: 2007 Joint ISC Meeting

The joint meeting held on 17 July 2007 was a great success. Unfortunately the planned guest speaker, Dr William Jonas was unable to attend due to ill health. He has offered to come and speak on a future occasion.

Item 7: Naidoc Week 2007

The Naidoc Day Celebrations held on 8 July 2007 in Raymond Terrace was a great success. It was a credit to the efforts and contributions of the Worimi and Karauh Local Aboriginal Councils and Council Officers involved.

Item 8: Birubi Surf Club

WLALC is waiting to receive a copy of Council's preliminary plans for the surf club.

Action:	1. Paul Procter will organise for a copy of the preliminary plans to WLALC for comment.
	2. Paul Procter to organise for the Mayor to be briefed on the status of planning for this project.

Item 9: Soldiers Point Boatramp

WLALC have commented on the concept plan.

Actions:	1. Paul Procter will follow up the inclusion of WLALC comments in the concept plan.
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Item 10: Stockton Bight Signage

Previously, Council's Recreation Services Manager indicated that an onsite meeting with NPWS is being sought to discuss the provision of culturally appropriate signage for the new

conservation lands. Advice from WLALC is needed, as there is currently no consistency in any of the current signage in the area, as well as no interpretive signage.

Action:	1. Paul Procter will speak to Council's Recreation Services Manager to ensure that WLALC are notified and invited to any onsite meetings with NPWS.
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Item11: 2007 Local Government Aboriginal Network Conference

Andrew Smith and Cr Brown will be representing Council's Aboriginal Strategic Committee at this year's Conference that will be held in September at Coffs Harbour.

3. GENERAL BUSINESS

3.1 Aboriginal Project Fund:

Paul Procter indicated that expressions of interest for the 2007/2008 funding round of Council's Aboriginal Project Fund would be called shortly.

3.2 Citizenship Ceremony

Cr Swan informed the Committee that tomorrow afternoon Council will be holding a Citizenship Ceremony with Worimi Elder, John Ridgeway bringing the *Welcome to Country*.

4. NEXT MEETING

The next meeting with WLALC will be held on 8 October 2007 at 1:00pm at Murrook.

INFORMATION ITEM NO. 2

2006/2007 HUNTER AREA ASSISTANCE SCHEME FUNDING ROUND ANNOUNCEMENTS

REPORT OF: TREVOR ALLEN - ACTING COMMUNITY PLANNING MANAGER

FILE: PSC2005-3943

BACKGROUND

The purpose of this report is to inform Council of the successful Port Stephens projects funded under the 2006/2007 funding round of the Hunter Area Assistance Scheme.

The Hunter Area Assistance Scheme (HAAS) is a regional community development grants program administered by the Communities Division of the NSW Department of Community Services. The purpose of HAAS is to support community development and the integrated provision of services in regions experiencing social stress and/or undergoing rapid urban growth or change. The Department has announced the successfully funded projects for from the 2006/2007 funding round, with Port Stephens receiving funding for two projects as outlined below: -

PROJECT 1: Growing Spaces	
Organisation	Growing Spaces
Location	Tomaree Neighbourhood Centre
Funding amount	\$47,324
Funding Term	2 years
Project Background	<p>The outreach play sessions program had identified a lot of single mothers, lonely mothers whose partners do shift work and travel long distances to work who required support, characterised by: -</p> <ul style="list-style-type: none"> • Predominantly lower - middle class families, struggling and reluctant to use services. This resulted in the development of the 'Growing Spaces Project' as outlined below.
What will the Project do?	<p>The Growing Spaces project will provide holistic service delivery to socially and geographically isolated and marginalised families with young children living on the Tomaree Peninsula. Outreach play sessions will be held at local parks and venues, to encourage families who are normally difficult to reach and where pockets of social disadvantage have been identified</p> <ul style="list-style-type: none"> • Through play experiences with their young children • Through informal parenting and relationship support • Providing spaces for children and families to 'grow' friendships, support networks and community connections • Creating spaces for services to engage families within their neighbourhoods • Families experiencing social, economic or cultural marginalisation; including carers other than parents, young parents, families from Culturally & Linguistically Diverse backgrounds, families experiencing disability or chronic illness.

ORDINARY MEETING – 25 SEPTEMBER 2007

How will the Project meet the outcomes and priorities of the Area Assistance Scheme?	<i>Connecting communities through partnerships.</i> Growing Spaces will bring information and support to families with young children in their own community, where they feel most comfortable. Representatives from local agencies and community groups will be invited to visit sessions, to network with families and to provide resources and information. Community links will be enhanced through advertising displayed across the Interagency spectrum as well as within participating services, local businesses and through community volunteers
PROJECT 2:	Relationship Counselling for Couples and Men
Organisation	Women's Information and Counselling Service Port Stephens Inc
Location	112 Stockton Street, Nelson Bay
Funding amount	\$47,324
Funding Term	2 years
Project Background	In November 2005 a HAAS funded project, 'Tomaree Together – Say NO to Violence', held an Expo. The idea of the Expo was to promote community safety, and it brought together local services and resources to the attention of the general public. The Expo exposed the need for services for men and couples in the LGA, to work towards prevention and early intervention in keeping relationships strong to promote community safety.
What will the Project do?	Relationship Counselling for Couples and men will: - <ul style="list-style-type: none"> • Forge partnerships with services within LGA providing outreach for support and counselling • Provide individual counselling for men and couples in the LGA • Provide education and information for men and couples through groups and workshops • Offer ongoing support for men and couples after initial counselling • Be available for telephone counselling where appropriate.
How will the Project meet the outcomes and priorities of the Area Assistance Scheme?	<i>Promoting safe communities</i> through identifying services for men and couples in the LGA, to work towards prevention and early intervention in keeping relationships strong to promote community safety.

For further information regarding the Hunter Area Assistance Scheme please contact Council's Community Development & Planning Officer on 4980 0288.

INFORMATION ITEM NO. 3

**QUARTERLY UPDATE ON THE HUNTER CENTRAL COAST
REGIONAL ENVIRONMENTAL MANAGEMENT STRATEGY**

REPORT OF: BRUCE PETERSEN – ENVIRONMENTAL SERVICES MANAGER

FILE: PSC2005-4459

BACKGROUND

The purpose of this report is to provide Councillors with an update on the Hunter Central Coast Regional Environmental Management Strategy.

The Lower Hunter Central Coast Regional Environmental Management Strategy (LHCCREMS) was originally conceived in 1993 by Environmental Managers of Lower Hunter Central Coast Councils who felt that there was significant potential to work collaboratively, and more cost effectively, on regional environmental management issues. As a result, a Steering Committee was formed which comprised senior staff and elected representatives of all interested Councils.

The original LHCCREMS project was developed in 1995 and in 2002 the project was extended to include the Upper Hunter Councils and in 2004, Greater Taree City Council was welcomed to the program. At this time the project was renamed the Hunter Central Coast Regional Environmental Management Strategy (HCCREMS).

HCCREMS is supported by the Environment Division of Hunter Councils and all supporting Councils make a financial contribution to the program to allow for the regional coordination.

The steering committee, which is chaired by Cr Helen Brown, meets quarterly and is supplemented by interim meetings that aim to provide the opportunity for a wider range of staff from councils to provide focused input and expertise to the development and implementation of projects that are of particular concern to Councils.

HCCREMS is making good progress in all of the projects currently underway and has resulted in gains for all members including Port Stephens Council. The attached report is prepared by the Director of HCCREMS and provides a good mechanism for keeping Councils better informed of the progress of HCCREMS.

ATTACHMENTS

- 1) Hunter & Central Coast Regional Environmental Management Strategy Steering Committee Report August 2007

HUNTER & CENTRAL COAST REGIONAL ENVIRONMENTAL MANAGEMENT STRATEGY

Steering Committee Report

August 2007

I GENERAL INFORMATION

WELCOMING NEW STAFF

We are very pleased to welcome Michelle Avice-Demay to the Environment Division in role of the Executive Assistant. Michelle will work closely with the Director in the overall management of the Division's activities and the development of systems to support the ever-growing HCCREMS program.

We are currently in the process of recruiting a Regional Water Program Technical Officer, and a GIS/Data manager, and will commence engagement of two to three more staff to coordinate implementation of the Regional Sustainability Education Program in September.

GMAC STRATEGIC PLANNING SESSION

This session was convened in early July. Greg Walkerden facilitated the session which was attended by General Managers, Directors and/or Senior Managers from each of the 14 HCCREMS Councils. Three key areas were discussed:

Financial sustainability

Issues

The financial *sustainability* of Hunter Councils environment division was a key concern. HCCREMS - the (mostly) grant funded project component - has been extremely successful and grown exponentially, however the sources of funds on which it depends are volatile. The stable core funding is relatively small. Finding ways to diversify the Environment Division's funding base, in a way that adds stability to its cash flow and the ability to retain key staff, without disrupting its grant seeking efforts, is important.

Options discussed

(1) Developing a 'fee for service' program, meeting needs of Hunter and Central Coast Councils. Activities that the Environment Division could undertake would be ones which:

- further environmental management in the region,
- where a regional group would be a better vehicle than consultants, because, for example, there is some benefit in keeping information confidential, or where consolidating the work would lower costs,
- which Councils are already paying for, or are willing to fund,
- where there is sufficient volume of work to make appointment of one or more regional specialists financially viable.

Examples of areas where this may be viable are:

- water sensitive urban design for large developments, and specifically evaluation of developers' MUSIC water quality modelling
- marine ecology
- coastal hazards.

(2) Tailoring outputs from HCCREMS projects to better support individual Councils e.g. massaging biodiversity data for local application. (Fee for service work that is linked to more effective delivery of HCCREMS grant funded projects is particularly attractive. NB that grants fund general distribution, not tailored delivery.)

(3) What markets are there for HCCREMS products? eg intellectual property.

Communication, engagement and governance

Issues

There are a number of issues regarding relationships between HCCREMS / the Environment Division and the Councils that appear to call for some kind of changes in practice. For example:

- Communication “black holes”: communication not occurring. There are cases where Councils, or some Council staff, misperceive or misunderstand, or are simply unaware of HCCREMS’ projects, products and services.
- More could be done to leverage regional data for advocacy with State and Federal governments, and policy research. (Tackling State government cost-shifting to local government is one opportunity)
- How adequate, and how clear, are current governance arrangements?
 - Accountabilities include:
 - to the HCCREMS Steering Committee,
 - to grant a variety of regional, state and federal funding bodies (quarterly reporting and financial acquittals),
 - to a variety of project-based technical and stakeholder committees
 - to Hunter Council’s CEO, GMAC and Hunter Council’s Board.
 - In governance, function should drive form - i.e. find out what needs to be done, and design governance arrangements accordingly. Substantial governance shifts *could* come with funding model shifts.
 - Important to maintain the benefits of both Councillor and staff involvement in HCCREMS Steering Committee; but need senior management input (Director level) somehow.

Options discussed

- Review current governance arrangements
- Do more to support advocacy by GMAC and Hunter Councils.
- Involving Directors more, for example by: a Directors forum to provide guidance on advocacy opportunities, service provision opportunities, ways of engaging member Councils more effectively, grant funding needs, and opportunities for subregional partnerships (including pairing big and small Councils on some projects).

Regional ecosystem management / cross-boundary opportunities

Issues

Brokering more regional cooperation, on the model of ongoing effective processes (e.g. regional approaches to compliance).

Options discussed

Facilitate more sub-regional partnering. Areas where this could help include:

- Compliance
- flood management,
- wildlife corridors,
- noise (e.g. motorbikes, aircraft),
- air quality,
- weeds,
- coastal & estuarine management,
- climate change mitigation and adaptation, and
- biodiversity mapping, planning & conservation

This facilitation could also be funded on the shared or “fee for service” model, with the Environment Division working up options for sub-regional cooperation / projects for Councils to consider.

ORDINARY MEETING – 25 SEPTEMBER 2007

Maintain a networking data management and mapping repository (as per the ILAC model).

Next steps

Engaging Greg Walkerden to provide a detailed report on the workshop session and develop some options to progress the issues discussed.

G R A N T S

New Grants Awarded to HCCREMS

Commonwealth Sustainability Education Grant – Land & Water Australia - \$50,000 to develop a capacity building program for elected representatives of councils.

New Grant Applications

Environmental Trust: Urban Sustainability Grant Application – Regional Sustainability Compliance Program – Host Council (on behalf of HCCREMS) Cessnock City Council - \$1.4million

Unsuccessful Grant Applications

Grant Body	Grant Title	Project Title	Funds Requested	Project Total	Status
Environmental Trust	Environmental Education Program 07-08	Climate Change Education Resource Kit & Capacity Building Program (EOI)	\$75,000 - \$100,000	N/A	Unsuccessful
HCRCMA	Environmental Education Program 06-08	Attitudes, understanding and awareness about the environment of communities across the Central Coast, Lower Hunter, Upper Hunter and Lower North Coast (Detailed Application)	\$70,000	\$120,000	Unsuccessful

II PROJECT UPDATES

WATER PROGRAM REPORT

(Coordinator – Hugh Cross)

Revised WaterSmart Model Planning Provisions & Practice Notes

Comments on the WaterSmart *Model Planning Provisions* and the 11 Water Smart *Practice Notes* have been incorporated into the final versions which were published on the new HCCREMS and Hunter Councils websites mid-July (see 'Other Initiatives' section below).

Register of IWCM Demonstration Sites

Additional sites have been added to the Register by HCCREMS staff – a total of 25 demonstration sites from across the region are now represented on the database incorporating highly useful technical information. Web publishing of the site is proving challenging and we will need to invest significant funds over the next few months in enabling it. In the meantime – please contact Hugh Cross (water@huntercouncils.com.au) for a DVD /CD copy.

Central Coast Public Schools Integrated Water Program

In June most of the 10 schools involved in program began their curricular programs assisted by the *Supporting Curricular Activities* guide developed by Hugh. Although the students will undertake School Water Audits, Water

Save Australia was contracted in July to undertake a professional audit of each school to ensure a standardised review. The audit reports will be submitted to HCCREMS in early August to augment detailed water use data obtained from the smart water meters over the preceding months, providing a sound basis from which to conclude the most cost effective water saving options. The selected water saving devices for each school will be installed over the next couple of months using the funds provided in the Water Saving Grant.

The three water authorities (Hunter Water, MidCoast Water and Gosford Wyong Water Authority) have all expressed interest in supporting a broader roll-out of the program across the region. To date discussions have been held with the Regional office of the Department of Education and Training (DET) and Hunter Water to clarify what funding and other resources they could apply. Subject to funding, those two organisations would like to see the expanded program coordinated by HCCREMS/Hunter Councils via new (temporary) coordination staff over a couple of years. The Regional Water Program Coordinator is preparing a draft proposal for consideration in mid August, and discussions with Mid-Coast water will commence shortly.

Capacity Building Events

UTS and HCCREMS hosted a regional one day training workshop on WSUD designed for DA Assessors and Certified Checkers on 12th July. The backgrounds of the attending group were much wider, demonstrating the appeal that an introductory WSUD course has to council planning, engineering and stormwater staff, as well as to the private sector. The main presenter, Dr. Simon Beecham of the University of South Australia (formerly of UTS) was no doubt a major draw-card, given his high profile research and considerable expertise in WSUD.

Feedback provided by the post-course evaluation questionnaire indicated strong satisfaction from those who returned the form.

A WSUD Breakfast Seminar for engineers was hosted and delivered by Hardies and HCCREMS on 27th July. The 20 or so attendees expressed keen interest in the Water Program Coordinator's overview on WSUD and the Hardies presentation and trailer demonstration of pipe technologies that can facilitate best management practices.

Reflecting Natural Resource Management targets for IWCM in the LEP template

As part of the Environment Division's role in facilitating assistance with the LEP Standard Instrument across the region, the Regional Water Program Coordinator was nominated to assist a (Department of Planning lead) sub-group develop standard local (NRM) LEP objectives and associated clauses. The Coordinator developed and presented draft clauses for IWCM and flooding issues at a series of meetings in June/July. A final round of revisions is being made in early August with the Department of Planning to take to a wider State Government group for their consideration. Council workshops to consider the objectives and clauses will follow.

National IWCM Capacity Building Forum

We are collaborating with representatives from WA, Victoria, NSW, SA and SE Queensland - engaging in a series of telephone conferences in June/July - to discuss a possible national forum for the coordinated promotion and delivery of IWCM capacity building initiatives. The group will seek funds from the National Water Initiative's "Raising National Water Standards" program

Regional Water Program Steering Committee

The Committee met on the 7th June for its third quarterly meeting. The main issues of note were:

- Site Discharge Index (SDI) – a measure of impervious surface used to establish on-site detention and/or retention measures. It was noted that local planning provisions using such concept may generate duplicating or conflicting requirements in areas served by 3rd pipe reticulated recycled water.
- Rainwater Tank (RWT) use for non-residential purposes – NSW Health has advised that ANZECC Drinking Water Guidelines must be complied with where employees or the public are using the water.

- Use of Community title to cover operational costs – noted that Community Title fees >\$1,200/yr/allotment will discourage home buyers. Community Title is therefore not a panacea for meeting operational costs of WSUD elements.
- RWT versus Tillegra Dam – a presentation by Hunter Water demonstrated that the additional security of supply that can be afforded by rainwater tanks is marginal (in the order of one or two months additional supply prior to imposition of severe water restrictions). Tillegra Dam will supply much greater reliability. However, the Committee noted the assumptions (small tanks, etc) were key to those findings and suggested that other water saving measures should be considered, such as a drought tariff and precinct level stormwater harvesting. The Committee asked whether Hunter Water should consider incremental introduction of IWCM alternative water supplies, rather than building Tillegra at huge cost to address only three events in 100 years?
- Stormwater Management Services Charge (SMSC) – the Coordinator presented a table summarising regional Councils currently using the charge and those considering it. Seven of the 14 councils use the SMSC. Newcastle is planning to introduce it in 2007-08. Two others use environmental or lake levies, whilst Gosford uses a drainage levy under its water utility provisions. Greater Taree, Great Lakes and Muswellbrook do not have any charge. It was noted that for councils with small to moderate urban populations, the charge raises only a small proportion of what is needed annually for effective stormwater management.
- Need for a Regional Environmental Plan or a “Growth Area Commission” - The UDIA is currently promoting the need for such a commission (similar to that which exists for Sydney) with the NSW government to ensure better coordination of development.
- Nutrient Trading Schemes – the Great Lakes Coastal Catchment Initiative (CCI) Project held a workshop with experts from Melbourne and Sydney to consider introducing a nutrient trading scheme. It concluded that whilst a formal scheme is unlikely to be viable, a policy supporting an ad hoc council scheme has merit to meet the last 20% of the proposed “No net increase in annual nutrient load” policy for the lakes’ catchment areas.
- Draft Regional IWCM Capacity Building Strategy – the preliminary draft Strategy presented to the June meeting has been followed by a second draft, to be circulated to all councils in August and finalised by 30 September to meet the project milestone. The second draft takes account of the Committee’s comments indicating that industry is both a keen partner and key target of the program, as are the major water authorities. The strategy will deliver a consistent region wide program, but will require multiple delivery of events in sub-regions for logistical and local needs reasons.

Program Assistant

A position for a graduate-level Program Assistant was advertised in July to provide hydrologic, engineering, and/or planning technical support to the *Integrated Urban Water Cycle Management Program* and *Regional Sustainability Capacity Building and Education Program*, primarily using funds from the latter. The position is for an initial period of 12 months (full or part time) with potential for extension. The Assistant will help research and/or develop technical information, computer models, guidelines, industry standards, planning instruments, policy, technology, and new commercial products. It is expected to fill the position by the end of August.

II BIODIVERSITY PROGRAM

(Coordinators: Angela McCauley & Michael Sommerville)

The main focus of the Biodiversity Program over the past two months has been to initiate vegetation surveys for the CMA vegetation mapping project, to progress a project proposal that was developed for the Central Coast, and to facilitate potential collaboration between Lower North Coast councils to complete local scale vegetation

mapping. These items are discussed in more detail below, along with summary information on other Biodiversity-related initiatives.

1. CMA Vegetation Mapping Project.

Project aims: The primary aim of this project is to produce a regional scale vegetation community classification scheme that cross-references other existing schemes and provides a consistent approach to describing vegetation throughout the region. The ultimate objective is to use this information to produce a vegetation community map of the region. There are a number of components to this project, including data collation, vegetation survey, vegetation mapping, and community analysis.

Data Collation: To date, the project team have collated 5,870 vegetation survey records and approximately 207 vegetation maps, comprising 32 regional scale maps, 67 local scale maps and numerous site specific or broad-scale datasets. These data will be used to assist the site selection for additional surveys in the region, to complete regional-scale vegetation community mapping, and for other related projects under the REMS program.

Vegetation Surveys: Currently, five teams of consulting botanists are undertaking systematic vegetation surveys within areas identified by the project team as a high priority for survey. These areas are considered to be relatively poorly sampled based on the analysis of existing survey data and environmental variability in the region. In total, 120 target sites have been allocated to this first stage of surveys. A second round of surveys comprising an additional 230 sites are scheduled to take place over the Spring season. The first set of survey results have been received and work is underway to review and integrate this data with the existing vegetation survey database.

Vegetation Mapping: Work is continuing on a review of existing vegetation map data in order to determine the quality, resolution and coverage of these data for potential integration and generation of a 'vegetation map mosaic'. The results of the work will identify data gaps for targeting any additional API mapping in the region.

Vegetation Community Analysis: this work is pending the completion of vegetation surveys and the integration of the existing vegetation survey data to generate an analysis dataset.

2. **Central Coast Project Proposal (Vegetation community mapping – Second Iteration).** This proposal was circulated to Central Coast Councils and a meeting was held on 21 June 2007 to discuss the proposal. A number of issues were raised at this meeting regarding the vegetation community classification scheme and the derivation of RSV layers, particularly given the potential for duplication by the current CMA vegetation mapping project and the conservation assessment being completed by DECC. Further advice has been sought from DECC prior to making a decision on whether or not to proceed with the proposed second iteration.

3. **Collaboration between Lower North Coast Councils.** Previous discussions with Port Stephens, Great Lakes and Greater Taree Councils identified a common need for local scale data, and vegetation mapping in particular, to guide local scale planning and ultimately (for some Councils) the development of a conservation plan that addresses local scale issues and priorities. However, there is limited capacity within each Council to achieve this and as such, some scope exists for Councils to pool resources and collaborate on developing the required baseline data. A meeting was held with the three lower north coast Councils on 28 June 2007 to explore opportunities for such collaboration. The meeting concluded that all three councils are prepared to collaborate on developing priority datasets and to share expertise relating to the development of a conservation strategy -work is continuing to develop these opportunities further.

4. Other Activities

- An update of the ATLAS data was received from DECC in May 2007 and this data has been on-supplied to all 14 Councils in the region. The data supply was standardised for projections and formats and made available to each council as an Excel Spreadsheet and as GIS layers for the following: vascular plant species; fauna species; TSC records; endangered species and populations; and species listed under Category 2 of the DECC Threatened Species Information Disclosure Policy.

- Data requests have also been made by DECC officers (eg. for REMS survey data and Fauna Models), and by individual councils (eg. Lake Macquarie and Port Stephens for survey and mapping data). These data requests have been processed and the data on-supplied where data licence conditions provided for such.
- A GIS mapping project has been initiated on behalf of Dungog Council to complete GIS reporting and mapping for the proposed Tillegra Dam. This project has been sub-contracted by Planning Workshop Australia and is the first GIS commercial venture for HCCREMS.
- We are continuing to develop opportunities for collaboration with the University of Queensland (UQ) under their 3 year ARC-funded project for integrating multiple conservation values for the protection and restoration of native vegetation. The project will involve Professor Bob Pressey from James Cook University and Dr Doug Ward from the Ecology Centre of UQ, who have given their in principle support to collaborate on the development of GIS datasets that are mutually beneficial for their project and the Biodiversity Program.
- The Conservation Planning Workshop held on 30 May 2007 was well attended by approximately 50 representatives from 13 Councils and the Hunter-Central Rivers CMA. Greg Low from The Nature Conservancy gave a presentation on Conservation Action Planning (CAP) and how it has been applied to prioritise conservation efforts throughout 30 Countries and in targeting activities to save the last great places on Earth. In brief, CAP is a systematic approach to determining where to work, what to conserve, what strategies should be used and how to measure the effectiveness of conservation measures. Feedback from workshop participants identified a number of potential applications of this planning tool, ranging from prioritising weed species to assessing socio-economic factors and developing a 'sustainability' CAP for the Hunter region. The Nature Conservancy has offered to provide Councils with further opportunities for practical demonstrations on how to apply the CAP approach, targeting specific Council issues. If Councils are interested in finding out more, they can visit TNC's web site. Alternatively, if you would like to discuss opportunities for a practical demonstration on how to use the CAP toolkit, contact the Biodiversity Program Coordinator, Angela McCauley on 4978 4025.

The Nature Conservancy Website with CAP toolkit can be found at:

<http://conserveonline.org/workspaces/cbdgateway/cap/>



Left: Greg Low was in Australia recently to develop a CAP for councils in WA. Greg has served on The Nature Conservancy's staff since 1974 and spearheaded the Conservancy's initial state programs. He has worked with over 150 project teams to develop effective conservation strategies for 49 states and 11 countries, including 16 different projects in Australia.

Below: The Workshop was well attended by Local Government, with around 50 participants representing 13 councils in the region.



III ROADSIDE ENVIRONMENT PROJECT

(Coordinators: Steve Wilson and Michelle Foate)

Stage 1 of the Regional Roadside Environment Program has now been finalised. The outputs of this Stage include:

1. Systematic Vegetation Surveys of Icon roadside sites

Detailed systematic vegetation surveys have been completed at twenty eight icon roadside sites in the region. Two sites were identified and surveyed within each LGA. Icon sites are defined as:

‘Sites of regionally significant remnant vegetation in locations that provide opportunities for development of broad community awareness and furthering the engagement of key stakeholders in the development of regional & local roadside vegetation management activities’.

These surveys provided a depth of information in regard to the condition, habitat value and management issues facing high quality remnants of roadside vegetation within the region. The detailed findings of this survey work are included in the report titled *‘An Evaluation of Linear Roadside Reserves in the Hunter and Central Coast Region’*. The information obtained from this process will also provide an important benchmark against which future survey and monitoring can evaluate the effectiveness of ongoing roadside management strategies.

2. Consultation with Councils.

A two stage consultation process has been undertaken with councils in regard to implementation of the Regional Roadside Environment Program and development of the Regional Strategy. Stage 1 involved meetings with each council to identify existing management issues and roadside management information and initiatives that exist in the region, while Stage 2 aimed to generate council input into the nature and content of management recommendations to be included in the Regional Strategy. In total, seventy six council staff representing a diversity of roles and council management hierarchies participated in the consultation process.

In general all councils throughout the region identified a relatively common suite of management issues (aside from those driven by particular demographics, geography or site specific characteristics). However, the level of awareness, capacity and extent of implementation of systems, processes and on ground initiatives to manage these issues and roadside environmental values generally by councils is quite varied.

The process also identified that considerable opportunity exists for regional collaboration between councils in regard to the implementation of enhanced roadside environmental management initiatives. This is particularly true in the areas of training, materials purchasing, community education and awareness, and the development of regionally consistent policy, planning, and environmental assessment and management tools. In addition to promoting a more consistent approach to roadside environmental management, such collaboration also has the potential to generate significant cumulative resource and financial savings for councils across the region, while addressing a range of targets contained in the HCRCMA's Catchment Action Plan.

FURTHER DETAILS REGARDING THE NATURE AND FINDINGS OF THE CONSULTATION PROCESS ARE INCLUDED IN THE REPORT ENTITLED *‘REGIONAL ROADSIDE ENVIRONMENT STRATEGY: OUTCOMES OF CONSULTATION WITH COUNCILS’*. THIS REPORT WILL BE DISTRIBUTED TO COUNCILS DURING AUGUST/SEPTEMBER.

3. Regional Roadside Environment Mapping and NRM / Environmental Assessment Tool

Mapping that shows the interaction between the regional road network and six key NRM / environmental parameters has been completed. These NRM / environmental data layers include Salinity (extent and recharge areas), Acid Sulfate Soils, Ordered Streams, Icon Roadside Vegetation and Highly Erodible Soils. Roadside management parameters including sealed / unsealed roads and Local, Regional and State Roads have also been mapped in a GIS format.

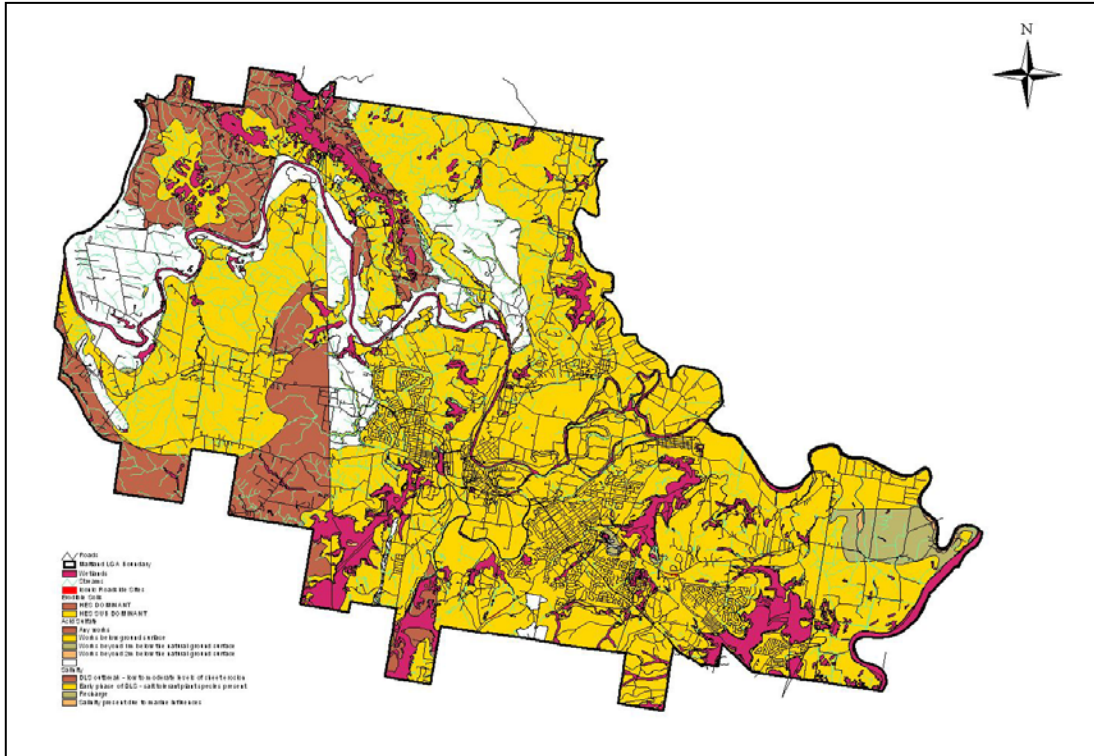


Figure: An example of the Roadside Environment Mapping for the Maitland LGA in which all of the environmental / NRM datasets have

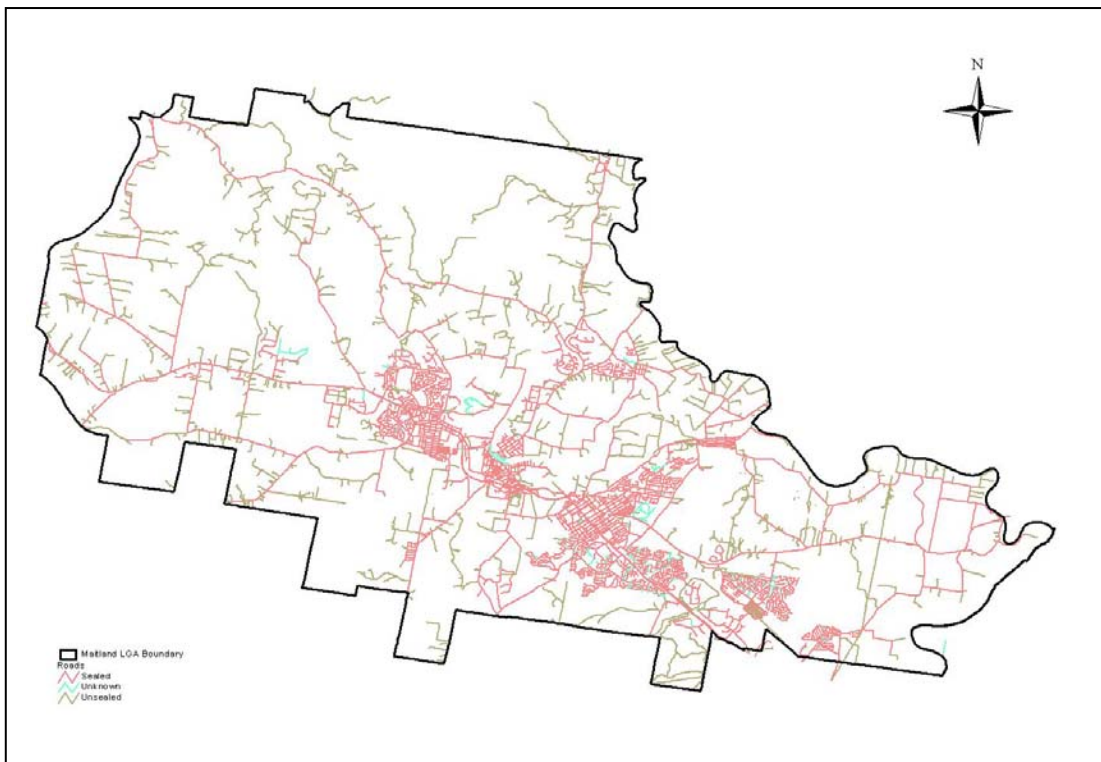


Figure: Roadside mapping for the Maitland LGA showing the distribution of sealed and unsealed roads.

In addition to these mapping layers, a GIS based Regional Roadside Environmental Assessment Tool has also been developed. This tool directly integrates mapping of the regional road network with the above NRM and road

management datasets by attributing individual road segments with this data. This provides a 'one stop shop' for determining the presence of road management and environmental / NRM issues at any particular location within the road network, simply by navigating a computer mouse over the road segment in question.

The Assessment Tool has also been developed in a manner that provides for its ongoing attribution with road management and environmental / NRM datasets, both at regional and local government area wide scales over time. This will enable individual councils to incorporate locally specific information that they may wish to have considered during road planning, construction and maintenance works, and enable new environmental / NRM datasets at both local and regional scales to continue to be added as they become available.

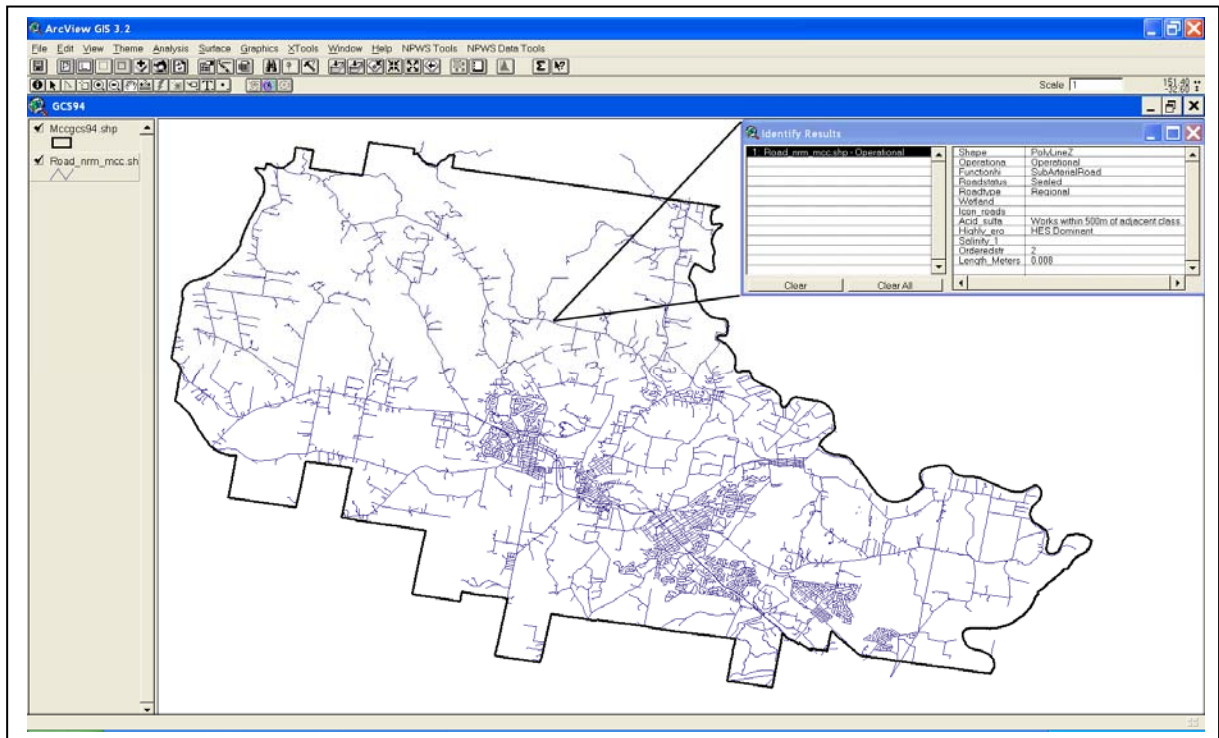


Figure: A pop up screen lists the road management and NRM / environmental parameters that can be found in any particular road segment.

4. Draft Regional Roadside Environmental Management Strategy

A draft Regional Roadside Environmental Management Strategy has also been finalised. This Strategy aims to provide the strategic framework, direction and priorities for ongoing implementation of the Regional Roadside Environment Program. It incorporates recommendations to meet and address the needs and management issues that have been identified by councils, and incorporate and build upon existing roadside management initiatives, programs and systems identified during literature reviews and consultation processes. In particular, the recommendations aim to:

1. Build a consistent and comprehensive understanding, suite of skills, and information resources within councils to facilitate improved environmental assessment, protection, management and rehabilitation of council managed roadside environments.
2. Recognise the considerable potential that exists for collaboration and resource sharing between councils in this regard to achieve multiple benefits including cost savings and efficiencies, avoidance of duplication of effort, and consistency in policy and practises.

3. Contribute to the achievement of key management targets and investment priorities included in the Hunter-Central Rivers Catchments Action Plan.

Recommended actions for implementation during Stage 2 of the Roadside Program (2007/08) include:

- Establishment of a Regional Roadside Environment Network
- Complete development of Regional Roadside Environmental Management Policy
- Implement a rapid roadside assessment program throughout the region
- Commence development of a series of management guidelines / practice notes to assist councils in improving the management and protection of roadside environments.
- Develop an enhanced, regionally specific roadside training and capacity building package for council staff
- Facilitate regional or sub-regional collaboration of grant proposals to undertake strategic on-ground works such as erosion & sediment control, remnant vegetation rehabilitation, restoration of fish passages etc
- Consider development of a standard Review of Environmental Factors template for council road works
- Consider development of a Model Development Control Plan to provide for the protection and management of roadside environmental values during the design and construction of new developments

IV CLIMATE CHANGE PROJECT

(Coordinators: Steve Wilson & Danielle Verdon)

Climate Change Research

Stage 1 of the four research stages being undertaken by the University of Newcastle for the Regional Climate Change Project has recently been completed. A summary of the nature and scheduled time frame for completion of each of the 4 research stages is provided below:

Description	Completion date
<p>Stage 1: Identify the key synoptic patterns relevant to the study region</p> <p>Classify monthly circulation patterns affecting the region into a defined number of synoptic types using a Self Organising Map (SOM) approach</p>	31 July 2007
<p>Stage 2: Determine how the synoptic patterns (identified in Stage 1) drive climate and climate related variability in the region</p> <p>Analyse the relationship between the regional synoptic patterns and local changes in key climate variables (e.g. rainfall variability, temperature variability and extremes, wind speed and direction, relative humidity, frequency of extreme weather events, levels of runoff, evaporation rates, coastal erosion, wave climate and storm magnitude/frequency). The key climate variables will be identified using previous stakeholder surveys conducted by the CSIRO and via stakeholder workshops conducted by HCCREMS.</p>	<p>September 2007 (Draft Climate Variability Report)</p> <p>28 February 2008 (Final Climate Variability Report)</p>
<p>Stage 3: Downscale CSIRO Global Climate Model (GCM) predictions for NSW to the study region</p> <p>Undertake a statistical analysis of the CSIRO climate change modelling data for NSW to identifying likely changes in the frequency and nature of the regional synoptic patterns identified in Stage 1 which will enable the assessment of sub regional impacts of climate change for the study region</p>	30 June 2008 (Preliminary Report on Climate Change Impact)

Stage 4: Determine the potential impacts of climate change on the region based on the statistical downscaling conducted in Stage 3

Address physical impacts on at least 4 key sectors (eg. agriculture, water resources (i.e. water balance), coastal and estuarine management and bushfire management). The impacts will be assessed using the key climatic variables and climate related indices (e.g. heat stress index, bushfire index) identified during workshops conducted by HCCREMS and from previous CSIRO reports.

31 December 2008 (Final Hunter Climate Impact Report)

The two key activities and the outcomes of these completed during Stage 1 are provided below:

1. Identification and analysis (including quality assurance checking) of climate and climate related data sources for the study region

Climate data has been analysed for daily precipitation, maximum and minimum temperatures, daily average temperature, relative humidity, daily average windspeed, daily maximum wind thrust speed and daily pan evaporation. These particular climate variables were chosen because not only have they been identified by CSIRO as key climate indicators for the region (determined by previous regional stakeholder workshops), but because they are suitable for undertaking climate impact assessments on a range of climate variables including drought, evaporation, bushfire risk, heat stress, frost and stream flow etc. The review of this data has identified that they are of sufficient quality and provide adequate geographic coverage for the study. In particular, the geographic spread of rainfall data for the region is considered excellent, with at least one rainfall station in each of the 14 LGA's.

2. Development of a methodology to identify the key synoptic patterns that drive climate variability in the region.

Synoptic typing has been performed on a monthly basis for the region using a methodology called Self Organised Mapping (SOM). This has identified 35 synoptic types that influence the region's weather patterns, and which show a high degree of promise for studying climate impacts on a regional basis. Each month from January 1948 through to April 2007 has been classified according to the 35 synoptic patterns, resulting in a monthly time series of synoptic types. These will be used during Stage 2 of the research to analyse the relationship between regional synoptic patterns and local changes in key climatic variables.

Reports will be distributed at the August HCCREMS Steering Committee Meeting

Local Government Climate Change Forum

HCCREMS is presently organising a Local Government Climate Change Forum to be held at the University of Newcastle on the 29th August 2007. The forum will provide an overview of a range of existing climate change adaptation research and project initiatives that are presently underway that have particular relevance to councils. Those presenting at the forum and the subject areas that they will be addressing include:

John Hudson (Department of Planning) – High resolution terrain mapping of the coast
Danielle Verdon (University of Newcastle) – identifying the regional and local scale impacts of climate change
Bridget Dwyer (LGSA) – Climate Change Action Kit for Councils
David Hanslow (Department of Environment & Climate Change) – Climate Change and the Coast.

V RURAL RESIDENTIAL SUSTAINABILITY EDUCATION PROJECT

Rural Residential Resource Guide

Final design of the `Guide to Rural Residential Living in the Hunter, Central and Lower North Coast Region (in both CD and folder formats) has been completed. The aim of this Guide is to provide rural residential landowners with the opportunity to readily access a diverse range of materials that are available to assist them in meeting their land management objectives whilst reducing the potential impact of their activities on the environment. Final printing and production of these products is presently underway.

The process of developing this Resource Guide has included:

- Distribution and analysis of 2903 surveys distributed to rural residential landowners across the region. The purpose of this survey was to identify the key land management issues being experienced by this landowner group. The overall response rate to the survey was 21%. The key land management issues identified by landowners included water and weed management.
- Completion of a comprehensive audit and review of existing information and materials for inclusion in the Resource Guide. This process identified the existence of 390 resources potentially relevant for inclusion, of which 200 have been selected and included.
- Development of the Resource Guide, which it would seem (based upon the results of the resource audit), brings together for the first time in one central location the range of existing land management information and educational materials and resources of particular relevance to rural residential landowners. The Resource Guide has been developed in both a ring bound folder format and a CD version. Whilst funding was only provided for the production of a CD version, strong demand for the paper based version by those landowners surveyed (due to a significant proportion of residents not having access to a computer) led to the design and production of a limited run of paper based Resource Guides.

Landowner Workshops

Another key component of the project included the delivery of four landowner information workshops / field days throughout the region (ie Central Coast, Upper Hunter, Lower Hunter and Lower North Coast). However, despite two scheduled attempts, the workshop for the Upper Hunter had to be cancelled due to inadequate participant registrations.

The remaining three workshops were well attended by landowners. The location of these workshops and the number of participants attending included: Central Coast (75), Lower Hunter (23) and Lower North Coast (45). The format for these workshops included an introduction to the Resource Guide, followed by two presentations on the topics of water and weed management. These topics reflected the key land management issues identified by rural residential landowners across the region via the landowner survey.

The relatively large numbers of participants attending and the feedback provided through the workshop evaluation forms indicates that there is further demand for educational workshops of this nature, particularly in coastal areas. Particular subject areas identified by participants as potential future workshop topics included wildlife, native vegetation, water and pest animal management.

III OTHER INITIATIVES

New HCCREMS & Hunter Councils Websites

In early July the new HCCREMS (www.hccrems.com.au) and Hunter Councils Environment Division (www.huntercouncils.com.au/environment) websites went live. Much work had gone into ensuring that they presented a modern but highly functional showcase for these two highly recognised 'brand' names.

Whilst the two sites share a similar overall 'look', they differ in both purpose and style; the Hunter Councils Environment Division site provides information on regional networks, staff, products and services. A large number of reports, practice notes, maps and other material produced by the Division (largely through HCCREMS

projects) are available for download and/or purchase in hard copy or CD-ROM. Links to member councils' websites are provided under the "Contact Us" page, whilst other useful links are listed on the "Links" page.

Information on each of the current HCCREMS projects is housed in the HCCREMS site. Further information will be added under each project as they develop, with additional pages being added as necessary. In general, seamless links from the HCCREMS site to the publications page of Environment Division site provide online access to any HCCREMS project reports or publications, thereby ensuring that there is a single, more easily maintained repository.

LEP Planning Project

The various NRM state government agencies and CMA are currently finalising their recommendations to all Councils re: "model" objectives and clauses to be considered in the finalisation of LEPs utilising the new Template. The Environment Division will now facilitate, in partnership with the CMA, a series of workshop sessions for Councils to consider and discuss the potential incorporation of agency inputs. The purpose of this project is to explore the potential for:

- implementing a more coordinated approach to ecosystem management issues across the region through the new LEP template process
- developing a stronger communication and liaison role between all NRM state agencies and local government

The RCMG (network of key state agency and LG regional Directors facilitated by Premier's Department) has recently committed additional financial support to the project.

INFORMATION ITEM NO. 4

COUNCIL WARD FUNDS

**REPORT OF: JUNE SHINE, EXECUTIVE MANAGER- CORPORATE
MANAGEMENT**

FILE: PSC 2007-0183

BACKGROUND

The purpose of this report is to provide the current Ward Funds expenditure and the balance as at 17 August 2007.

ATTACHMENTS

- 1) Ward Funds
- 2) Minor Works

ATTACHMENT 1

2007/2008 ALLOCATIONS OF COUNCILLOR WARD FUNDS

WARDS	EAST	CENTRAL	WEST
ESTIMATED BALANCE B/FWD FROM 30 JUNE 2007	-15,468	-174,934	65,925
FUNDS REALISED IN 2006-2007	0	0	0
TOTAL AVAILABLE 1 JULY 2007	-15,468	-174,934	65,925

ALLOCATED TO:-

From Original Budget

TOTAL ALLOCATED	0	0	0
BALANCE as at 17.8.07	-15,468	-174,934	65,925

ATTACHMENT 2

WARDS	EAST	CENTRAL	WEST
BALANCE B/FWD FROM 30 JUNE 2007	6,458	16,568	4,298
2007/2008 BUDGET ALLOCATION FROM REVENUE	20,000	20,000	20,000
TOTAL AVAILABLE 1 JULY, 2007	26,458	36,568	24,298
ALLOCATED TO:-			
Allocated 2007/2008 Financial Year			
TOTAL ALLOCATED	0	0	0
BALANCE AVAILABLE as at 17.8.07	26,458	36,568	24,298

INFORMATION ITEM NO. 5

CASH AND INVESTMENTS HELD AT 31 JULY 2007

**REPORT OF: JEFF SMITH, FINANCIAL SERVICES MANAGER
FILE: PSC2006-6531**

BACKGROUND

The purpose of this report is to present Council's schedule of Cash and Investments Held at 31 July 2007.

ATTACHMENTS

- 1) **Cash and Investments Held at 31 July 2007.**
- 2) **Monthly Cash and Investments Balance August 2006 – July 2007**

ATTACHMENT 1

CASH & INVESTMENTS HELD - AS AT 31 JULY 2007

INVESTED WITH	INV. TYPE	DATE INVESTED	MATURITY OR COUPON DATE	NO. OF DAYS	AMOUNT INVESTED	INTEREST RATE	% OF TOTAL FUNDS HELD
GRANGE SECURITIES							
WIDE BAY CAPRICORN BUILDING SOCIETY	Floating Rate Sub Debt	15-Jun-07	15-Sep-07	92	500,000.00	8.03%	1.96%
MAGNOLIA FINANCE LTD 2005-14 "FLINDERS AA"	Floating Rate CDO	20-Jun-07	20-Sep-07	92	1,000,000.00	7.96%	3.93%
NEXUS BONDS LTD "TOPAZ AA-"	Floating Rate CDO	23-May-07	22-Nov-07	183	422,500.00	6.47%	1.66%
HERALD LTD "QUARTZ AA"	Floating Rate CDO	20-Jun-07	20-Sep-07	92	450,000.00	7.96%	1.77%
STARTS CAYMAN LTD "BLUE GUM AA-"	Floating Rate CDO	22-Jun-07	24-Sep-07	94	1,000,000.00	7.90%	3.93%
HELIUM CAPITAL LTD "ESPERANCE AA+"	Floating Rate CDO	20-Jun-07	20-Sep-07	92	1,000,000.00	7.56%	3.93%
HOME BUILDING SOCIETY	Floating Rate Sub Debt	26-Jul-07	26-Oct-07	92	500,000.00	7.56%	1.96%
DEUTSCHE BANK CAPITAL GUARANTEED YIELD CURVE NOTE	Yield Curve Note	18-Jul-07	18-Oct-07	92	500,000.00	8.25%	1.96%
GRANGE SECURITIES "KAKADU AA"	Floating Rate CDO	20-Jun-07	20-Sep-07	92	1,000,000.00	7.46%	3.93%
GRANGE SECURITIES "COOLANGATTA AA"	Floating Rate CDO	20-Jun-07	20-Sep-07	92	1,000,000.00	7.76%	3.93%
ANZ PRINCIPAL PROTECTED YIELD CURVE NOTE	Yield Curve Note	17-Jul-07	17-Oct-07	92	500,000.00	8.25%	1.96%
MACQUARIE CASH MANAGEMENT TRUST	Cash Management Trust	1-Jul-07			515,505.03	5.42%	2.02%
TOTAL GRANGE SECURITIES					\$8,388,005.03		32.94%
ABN AMRO MORGANS							
REMBRANDT ISOSCELES SERIES 1	Floating Rate CDO	20-Jun-07	20-Sep-07	92	2,000,000.00	7.86%	7.85%
GLOBAL PROTECTED PROPERTY NOTES VII	Property Linked Note	21-Mar-07	21-Mar-08	366	1,000,000.00	7.00%	3.93%
TOTAL ABN AMRO MORGANS					\$3,000,000.00		11.78%
ANZ INVESTMENTS							
ECHO FUNDING PTY LTD SERIES 16 "3 PILLARS AA-"	Floating Rate CDO	6-Jul-07	8-Oct-07	94	500,000.00	7.64%	1.96%
PRELUDE EUROPE CDO LTD "CREDIT SAIL AAA"	Floating Rate CDO	20-Jun-07	20-Sep-07	92	1,000,000.00	7.96%	3.93%
MOTIF FINANCE (IRELAND) PLC	Floating Rate CDO	1-Jun-07	31-Aug-07	91	500,000.00	7.56%	1.96%
TOTAL ANZ INVESTMENTS					\$2,000,000.00		7.85%
RIM SECURITIES							
HERITAGE BUILDING SOCIETY LTD (2008)	Floating Rate Sub Debt	30-Jul-07	29-Oct-07	91	500,000.00	8.28%	1.96%
CSFB AUSTRALIA PROPERTY LINKED NOTE (2010)	Property Linked Note	21-Jun-07	21-Sep-07	92	1,000,000.00	2.00%	3.93%
GENERATOR INCOME NOTE AAA (2011)	Floating Rate CDO	9-Jul-07	11-Oct-07	94	2,000,000.00	8.45%	7.85%
ELDERS RURAL BANK (2011)	Floating Rate Sub Debt	5-Jul-07	5-Oct-07	92	1,000,000.00	7.13%	3.93%
TOTAL RIM SECURITIES					\$4,500,000.00		17.67%
WESTPAC INVESTMENT BANK							
HOME BUILDING SOCIETY (2010)	Floating Rate Sub Debt	27-Jul-07	29-Oct-07	94	500,000.00	7.71%	1.96%
MACKAY PERMANENT BUILDING SOCIETY	Floating Rate Sub Debt	21-May-07	18-Aug-07	89	500,000.00	7.47%	1.96%
TOTAL WESTPAC INV. BANK					\$1,000,000.00		3.93%

ATTACHMENT 1

LONGREACH CAPITAL MARKETS							
LONGREACH SERIES 16 PROPERTY LINKED NOTE	Property Linked Note	7-Mar-07	7-Sep-07	184	500,000.00	6.66%	1.96%
LONGREACH SERIES 19 GLOBAL PROPERTY LINKED NOTE	Property Linked Note	6-Mar-07	6-Sep-07	184	500,000.00	6.00%	1.96%
TOTAL LONGREACH CAPITAL					\$1,000,000.00		3.93%
FUND MANAGERS							
						RATE OF RETURN - MTH	
MERRILL LYNCH INVESTMENT MANAGERS					117,481.54	6.80%	0.46%
PERPETUAL INVESTMENTS					149,948.77	6.74%	0.59%
ADELAIDE MANAGED FUNDS					250,000.00	6.36%	0.98%
TOTAL FUND MANAGERS					\$517,430.31		2.03%
COMMONWEALTH BANK							
PRINCIPAL PROTECTED YIELD ACCRUAL NOTE	Yield Curve Note	7-May-07	5-Aug-07	90	500,000.00	9.25%	1.96%
PRINCIPAL PROTECTED YIELD ENHANCED ACCRUAL NOTE "COMMETS AA-"	Yield Curve Note	31-Jan-07	31-Oct-07	273	500,000.00	7.15%	1.96%
CALLABLE CPI LINKED NOTE	Yield Curve Note	4-Jul-07	4-Oct-07	92	500,000.00	9.00%	1.96%
TOTAL COMMONWEALTH BANK					\$1,500,000.00		5.89%
FIGG SECURITIES							
CREDIT SUISSE PRINCIPAL PROTECTED NOTE AQUADUCT AA-	Principal Protected Note	22-Jun-07	22-Sep-07	92	1,000,000.00	7.00%	3.93%
TOTAL FIGG SECURITIES					\$1,000,000.00		3.93%
MAITLAND MUTUAL							
	Floating Rate Sub Debt	16-Jul-07	15-Oct-07	91	500,000.00	7.53%	1.96%
	Term Deposit	2-Jun-07	31-Aug-07	90	1,331,808.76	6.61%	5.23%
	Floating Rate Sub Debt	11-Jun-07	11-Sep-07	92	500,000.00	7.35%	1.96%
TOTAL M'LAND MUTUAL					\$2,331,808.76		9.16%
TOTAL INVESTMENTS					\$25,237,244.10		99.10%
CASH AT BANK					\$229,689.80	6.20%	0.90%
TOTAL CASH & INVESTMENTS					\$25,466,933.90		100.00%

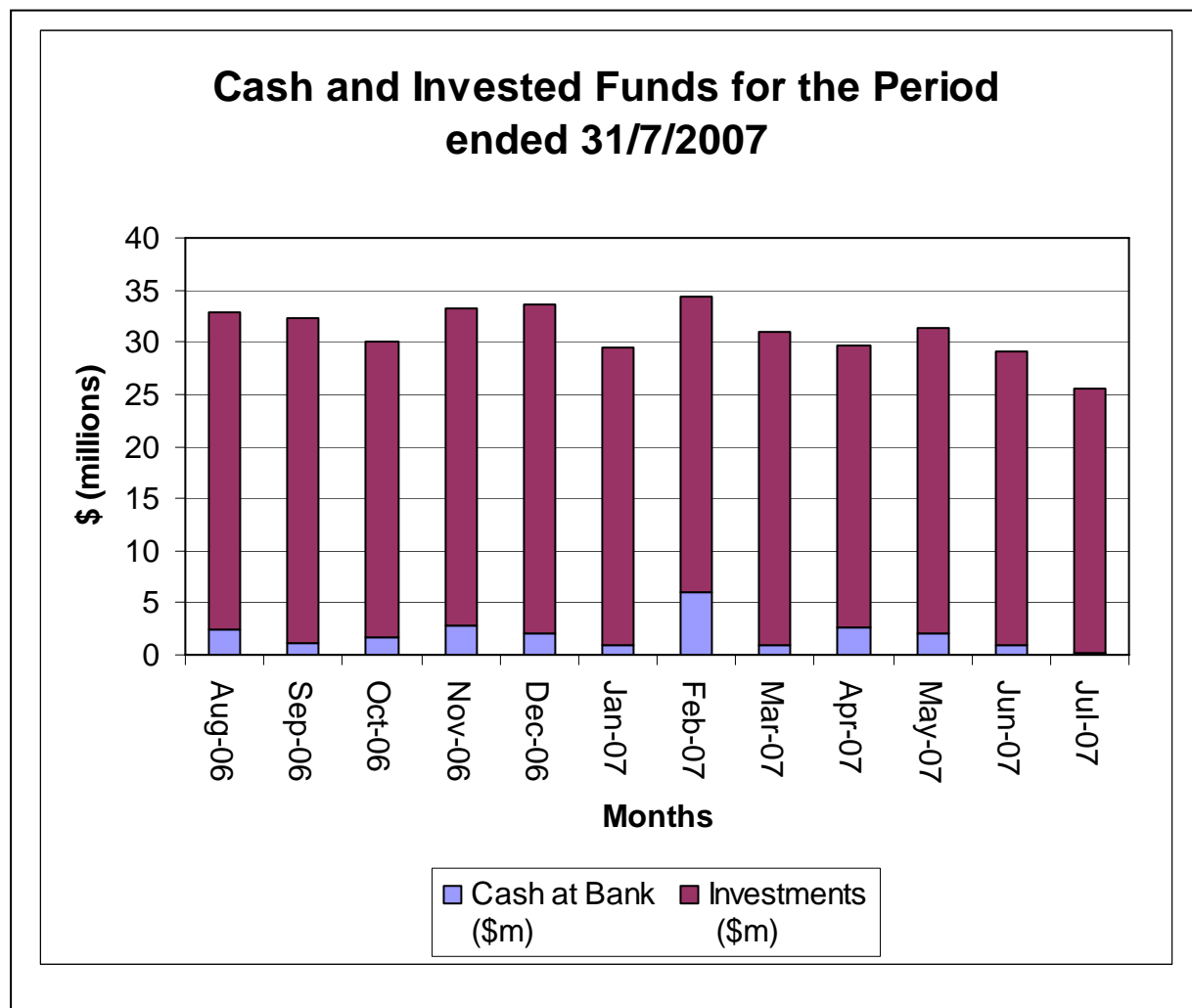
CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER

I, Peter Gesling, being the Responsible Accounting 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

ATTACHMENT 2

Date	Cash at Bank (\$m)	Investments (\$m)	Total Funds (\$m)
Aug-06	2.496	30.388	32.884
Sep-06	1.191	31.189	32.380
Oct-06	1.644	28.442	30.086
Nov-06	2.879	30.448	33.327
Dec-06	2.135	31.493	33.628
Jan-07	0.906	28.501	29.408
Feb-07	5.956	28.502	34.458
Mar-07	1.012	30.045	31.058
Apr-07	2.607	27.057	29.664
May-07	2.081	29.308	31.389
Jun-07	1.001	28.103	29.104
Jul-07	0.230	25.237	25.467



INFORMATION ITEM NO. 6

**DEVELOPER CONTRIBUTIONS (SECTION 94) – FERN BAY CROSS
BOUNDARY PLAN WITH NEWCASTLE CITY COUNCIL**

**REPORT OF: DAVID BROYD – GROUP MANAGER, SUSTAINABLE PLANNING
FILE: PSC2006-006**

The purpose of this report is to advise Council of progress with a Cross Boundary S94 Plan with Newcastle City Council and the challenges to Council of physically and financially providing facilities for the residents of Fern Bay and Fullerton Cove.

Council resolved at its meeting of 26 June 2007 to “Undertake discussions with Newcastle City Council with a view to preparing a cross boundary Contributions Plan” (Minute 162). Newcastle City Council are concerned that the new developments proceeding within Fern Bay will require access to current and future facilities within Stockton and the Newcastle Local Government Area. Newcastle have now written to this Council (Attachment No 1) requesting that a Cross Boundary S94 Plan be created and part of the S94 Levy received from Fern Bay development be forwarded to them for proposed facilities as outlined in their letter.

S94 LEVY

Under the Standards Approach adopted in the new S94 Plan there will be no change in the S94 Levy imposed on development. The schedule will require amending and the S94 plan exhibited to include projects in the Newcastle Local Government area. S94 funds collected will be redistributed between the two councils.

CONSULTATION

The assessment of facility needs by the Fern Bay and Fullerton Cove residents has been determined from the Standards appendix of the S94 Plan. This has been referred to Council’s Recreation Services Manager, Community & Library Services Manager and Social Planning Co-ordinator to determine what facilities are required and their location. A summary of their views are shown in Attachment No 2 along with Community Planning comments regarding Nexus as required by legislation. The comments provided by Council’s Strategic Engineer are intended to highlight the difficulties with Council’s current approach and to facilitate the consultation process.

In addition to the views of the different sections of council and legislation nexus requirements below, consultation will also take place with Central Ward Councillors, Council’s Developer Contributions Panel and the residents of Fern Bay and Fullerton Cove before determining what facilities are to be provided and their location. Consultation will take place with Council’s Community engagement Panel to devise a suitable program to involve the community.

The changes to the S94 Plan will also be placed on Public Exhibition.

NEXUS AND OTHER LEGAL REQUIREMENTS

The requirement to satisfy nexus is one of the core components of a valid development contributions plan and is a specific requirement of clause 27(1)(C) of the EP&A Regulation. Nexus is the relationship between the expected types of development in the area and the demonstrated need for additional public facilities created by those developments and includes causal nexus, spatial nexus and temporal nexus.

Nexus under the S94 legislation and confirmed by the courts, requires that new development must have benefit and reasonable access to facilities for which a S94 levy has been imposed. Nexus must be complied with in determining the location of facilities if S94 is to be allocated to a project.

Selection of projects and enabling of Cross Boundary Developer Contributions must follow the requirements of Section 94 of the Environmental Planning and Assessment Act (1979) and Regulation as amended from time to time;

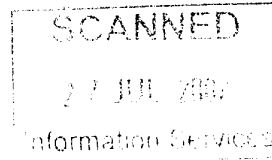
The changes to the S94 Plan will also be placed on Public Exhibition. Consultation will take place with Council's Community engagement Panel to devise a suitable program to involve the community.

ATTACHMENTS

- 1) Letter from Newcastle Council dated 26 July 2007
- 2) Comments from Newcastle Council and Port Stephens Staff

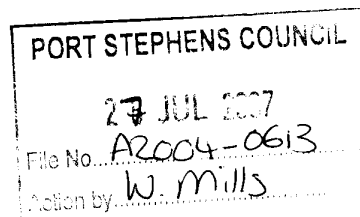
ATTACHMENT 1
LETTER FROM NEWCASTLE COUNCIL

SP&D.K PARTINGTON
Phone: (02) 4974 2892



26 July 2007

Mr Trevor Allen
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324



PO Box 489, Newcastle
NSW 2300 Australia
Phone 02 4974 2000
Facsimile 02 4974 2222
Email mail@ncc.nsw.gov.au

Dear Mr Allen

CROSS BOUNDARY SECTION 94 CONTRIBUTION PLAN

I refer to our letter dated 15 May 2007 and your subsequent letter dated 24 May 2007 in relation to the draft Section 94 Contributions Plan and development in Fern Bay. It is noted that the Section 94 Development Contributions Plan (the Plan) was adopted by Port Stephens Council (PSC) on 26 June 2007.

It is also acknowledged that a wider discussion on the management of cross border impacts needs to occur between both Councils, however, due to the limited time frame regarding the Fern Bay Estate development, this letter focuses on developer contributions only.

A number of issues were outlined in our letter. In particular, acknowledgement of cross-border impacts be included in a revised Draft Port Stephens Section 94 Plan. It was suggested this could include revision of the Works Schedule and maps to include works in Stockton. This issue was not addressed in the body of the Council Report and was responded to in Attachment 1, recommending the draft document be adopted and that a further report be presented to Council when a strategy is complete. This approach has significantly affected the time frame in which to adopt a cross boundary development contribution plan and places considerable pressure on both Councils to adopt a plan prior to the assessment of the Fern Bay Estate development by the Department of Planning.

As stated in previous correspondence, the population projections of Stockton have been relatively stable showing a slight decline from 2001 (4,370 people) to 2006 (4,208 people). The population projections of Fern Bay in 2021 of 5,470 people will place considerable pressure on existing services in Stockton.

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Contributions and proposed works under the Plan

Based on the Plan, PSC will collect approximately \$7.8 million from the Fern Bay Estate development based on the approval of 742 lots made up of the following categories:

1. Civic Administration	\$264,000
2. Public open space, parks & reserves	\$1.4 million
3. Sports & leisure facilities	\$3.4 million
4. Cultural and community facilities	\$1.6 million
5. Roadworks	\$962,000
6. Fire & emergency services	\$102,000
7. Bus Shelters	\$92,750

The suburb of Fern Bay is located within the Fern Bay Contribution Plan Area (CPA), with Rural East being the closest CPA to the north.

The following works have been identified in the Plan to be undertaken in the Fern Bay CPA, including inter catchment projects.

Civic Administration

Approximately \$144,000 levied for total management cost, and \$120,000 levied to redevelop and relocate works depot.

Public open space, parks and reserves

The Plan does not list any works to be carried out in the Fern Bay CPA in regard to open space, parks and reserves.

It is understood that the developer will be providing open space, parks and reserves as part of the development, which is proposed to be maintained under the community title.

Sports and leisure facilities

The Plan does not list any works to be carried out in the Fern Bay CPA in regard to sports and leisure facilities. Inter catchment projects such as the Lakeside Leisure Centre, are not listed as servicing the Fern Bay CPA.

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Cultural and Community facilities

The Plan lists works at the Fern Bay Hall to be undertaken including an internal and external repaint and other rehabilitation works with an estimated cost of \$60,000. No other cultural and community facilities are identified for the Fern Bay CPA.

Inter catchment projects identified in the Plan to facilitate the Fern Bay CPA include a study reviewing the future provision of community facilities in PSC (\$30,750) and the redevelopment and relocation of the Raymond Terrace library (\$4,000,000).

It is understood that the developer will be providing a Community Centre as part of the development, which is proposed to be maintained under the community title.

Roadworks

Identified roadworks in the Fern Bay CPA include intersection treatments at Cox's Lane, Fullerton Cove with an estimated cost of \$50,000 and rehabilitation works on Fullerton Cove Road with an estimated cost of \$149,040.

Fire and Emergency Services

Various projects are identified to assist in the increase of demand on fire and emergency services.

Fern Bay – Bus Shelters

The provision of bus shelters and seating are identified in the Plan with an estimated cost of \$7,000 for Fern Bay.

Page 3-2 of the Plan states, "*this plan identifies the location of the public facilities to be provided relative to the communities and consequential development that they are intended to service.*"

A number of questions were raised in our letter with subsequent responses in Attachment 1 of the Council report. One question raised the application of physical nexus, for example, are contributions collected from a particular area to be expended only in that area? The response noted that monies received from section 94 are to be spent in the catchment of the category from which it was collected.

As outlined above, PSC will collect \$1,400,000 for public open space, parks and reserves works and \$3,400,000 for sports and leisure activities, however no works are identified in the Fern Bay CPA. What projects will be funded with these monies?

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Another question raised in our letter asked, does completion of the Works Schedule ensure that residents of the various areas will, over time, be provided with facilities in accordance with the benchmarks? The answer provided was, yes.

The benchmark for sports fields outlined in the *Review of Standards Guiding the Provision of Council's Community and Recreational Facilities* (Appendix A of the Plan) is 1ha per 400 people aged 5 – 39 years, with a minimum size of 3ha for any sports complex. In 2021 it is estimated that 2,241 people aged 5 – 39 will live in Fern Bay, which equates to two 3ha fields to service the area.

How does the Work Schedule provided in the Plan facilitate the sports field benchmark?

Review of Benchmarks in relation to existing facilities in Stockton and Fern Bay

The attached table outlines the provision of facilities for Stockton and Fern Bay based on the standards in the *Review of Standards Guiding the Provision of Council's Community and Recreational Facilities*. The population figures used for Fern Bay are 5,470 people, project population in 2021. The population figures used for Stockton are 4,208 people, which is the population of Stockton from the 2006 Census.

As shown in the attached table, the facilities in Stockton meet the standard of provision outlined in the Plan based on the existing population. Newcastle City Council (NCC) has identified a number of works that could be completed in Stockton to increase its capacity for residents.

The resolution of PSC Council on 26 June 2007, and previous correspondence with PSC, stated discussions be undertaken with NCC with a view to prepare a cross boundary contributions plan.

As you are aware Stockton is covered by the *Newcastle City Council Section 94A Developer Contributions Plan 2006* (S94A Plan), which came into effect 15 January 2007. Schedule 1 of the S94A Plan identifies proposed works to be undertaken across the local government area. In Stockton, these include embellishment of Corroba Oval, embellishment works at Stockton Beach and improvement works at Stockton Pool. These works have been identified through NCC's *Newcastle Recreation Plan 2006-2016*, which was adopted in September 2006.

The relatively minor works proposed in Stockton reflect the limited capacity of the suburb to expand in the future.

Given the limited number of services provided in Fern Bay for future residents, as outlined in Table 1, it would be reasonable that contributions collected from major development in the area be allocated towards services that will be utilised by those residents, as outlined in page 3-2 of the Plan.

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The following table outlines works identified in Stockton to aid in the facilitation of the growing population in the Fern Bay area. These facilities should be incorporated in any cross boundary plan with PSC.

Map Ref	Public Facility	Estimated Cost	Staging Threshold
1.	Extension and redevelopment of Corroba Oval	\$600,000	3
2.	Continuing cycle track between Fern Bay and Stockton foreshore	\$1,200,000	2
3.	Removal of current amenities and installation of two accessible unisex toilets at Griffith Park	\$150,000	4
4.	Stockton Pool redevelopment	\$10,000,000	5
6.	Embellishment of Regional library	\$152,100	6
7.	Stockton Beach Improvement Program	\$30,000	1

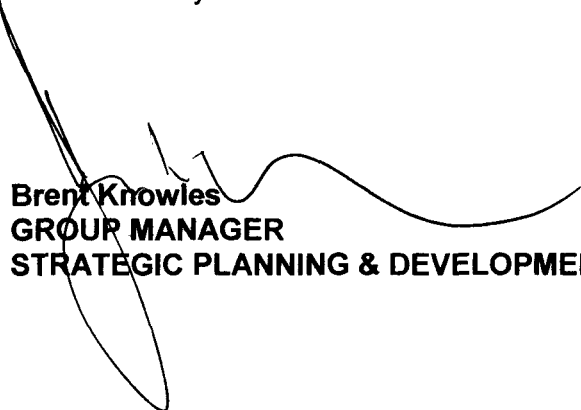
Table 2: NCC draft Work Schedule for Cross Boundary Plan

Council requests that acknowledgement of cross-border impacts be included in a revised Draft Port Stephens Section 94 Plan. This would require identifying the Fern Bay area as contributing towards works in Stockton and would include a revision of the Works Schedule and maps to include those works listed in Table 2.

Due to the limited timeframe regarding the assessment of the Fern Bay Estate development application it is necessary to act promptly in order to exhibit a revised Plan.

Please contact Council's Development Contributions Co-ordinator Karen Partington, on telephone (02) 4974 2892 or email kpartington@ncc.nsw.gov.au to progress this matter.

Yours faithfully



Brent Knowles
 GROUP MANAGER
 STRATEGIC PLANNING & DEVELOPMENT

Facility	Standard based on Stockton population	Existing facilities in Stockton	Standard based on Fern Bay population	Existing facilities in Fern Bay
Community Services				
Cemeteries:				
- <i>Burials</i>	1,052	Although Council does not collect for plots or niche walls it is estimated Stockton cemetery has further capacity.	1,368	0
- <i>Niches</i>	4		5	0
Multipurpose Children's Space	24 places ^{a)}	46 places for 0-5yrs at Stockton ABC Learning Centre.	45 places ^{a)}	0
Multipurpose Community Space	421m ²	Stockton Surf Club approximately 281m ² and Senior Citizens Club approximately 100m ² .	547 m ²	Fern Bay Hall and proposed Community Hall
Cultural Services and Leisure Facilities				
Branch libraries	n/a		n/a	
Library Lounges	1 (for Fern Bay and Stockton population)	Stockton Library – 19 King Street	1 (for Fern Bay and Stockton population)	Mobile Library
Exhibition Space	100m ² (for Fern Bay and Stockton population)	Library size 157m ² . Council and community information exhibited on two library shelves.	100m ² (for Fern Bay and Stockton population)	0
Recreation Facilities				
Leisure Centres	n/a	Stockton Swim Centre	n/a	0
Surf Lifesaving Clubs	n/a	Stockton Surf Lifesaving Club, 124 Mitchell Street	n/a	0
Boat Ramps	1	2 - Stockton North and Stockton	1	0

Facility	Standard based on Stockton population	Existing facilities in Stockton	Standard based on Fern Bay population	Existing facilities in Fern Bay
Wharves/Jetties	1	3 Jettys & Ferry Wharf	1	0
Parks and Reserves				
– Local parks and playgrounds	1.6ha		2ha	3 parklands provided by the Developer
– Neighbourhood and district parkland reserves	1.05ha	North Stockton Beach Reserve (1ha), Pitt Street Reserve (1.4ha – playground and open space) and Breen Park (0.25ha).	1.37ha	
Tidal Pools	n/a	0	n/a	0
Undeveloped Natural Areas/Open Space	10.52ha	There are no undeveloped natural areas in Stockton due to dredging of the harbour and the formation of the area over time. Open space – Griffith Park (16ha), Ballast Ground (12ha), Rawson Park (11ha).	13.68ha	Reserves surrounding development in Fern Bay
Sports Facilities				
Netball Courts	1 court	4 netball courts (2 grass, 2 asphalt)	2 courts	0
Skate Parks	1 park	1 skateboard facility, Pitt Street	1 park	0
BMX Tracks	n/a	0	n/a	0
Sports Fields	1 x 3ha field	Corroba Oval (2.2ha), Ballast Ground (2ha) and Lyn Oval (1ha).	2 x 3ha field	0
Tennis Courts	3 courts	5 tennis courts	3 courts	1
Croquet Courts	n/a	0	n/a	0
Swimming facilities	n/a	Stockton Swimming Centre	n/a	Swimming pool proposed in Fern Bay Estate

a) Based on 487, 0 – 12 children in Stockton and 905, 0 – 12 children in Fern Bay

Table 1: Provision of Facilities for Stockton and Fern Bay

**ATTACHMENT 2
COMMENTS FROM NEWCASTLE COUNCIL AND PORT STEPHENS STAFF**

Facility	Existing facilities in Stockton (Comments by NCC)	Standards requirement based on future Fern Bay population of 5463 persons	Comments from Facilities and Services Group and Social Planning Coordinator			Comments by Strategic Engineer (Refer to Nexus in main report)
			Existing facilities in Fern Bay	Location of Fern Bay Facility	Comments	
Community Services						
Cemeteries:						
Burials	Although Council does not collect for plots or niche walls it is estimated Stockton cemetery has further capacity.	1,368	0	RT and Anna Bay sites have capacity for further growth. High % to be kept for work at these sites	Need to work out the % split for these	Stockton Cemetery is 3.5km Raymond Terrace 23km and Anna Bay 35 km do not meet the requirements of Nexus
Niches		5	0	NCC		
Multipurpose Children's Space	46 places for 0-5yrs at Stockton ABC Learning Centre.	45 places a)	0		catered for by existing private facilities	S94 levy should be removed or credited
Multipurpose Community Space	Stockton Surf Club approximately 281m ² and Senior Citizens Club approximately 100m ² .	547 m ²	Fern Bay Hall		Needs to be provided. Our understanding will be provided by Developer. Catered for within the development	The Community Title of the development restricts use to those residents only. S94 can only be levied on Public Facilities maintained by Council
Cultural Services and Leisure Facilities						
Branch libraries	Stockton Library - 19 King Street	n/a	Mobile Library		Not needed	S94 to be allocated to Stockton Library provided by NCC

STRATEGIC COMMITTEE – TUESDAY 4 SEPTEMBER 2007

Facility	Existing facilities in Stockton (Comments by NCC)	Standards requirement based on future Fern Bay population of 5463 persons	Comments from Facilities and Services Group and Social Planning Coordinator			Comments by Strategic Engineer (Refer to Nexus in main report)
			Existing facilities in Fern Bay	Location of Fern Bay Facility	Comments	
Library Lounges		1 (for Fern Bay and Stockton population)			according to our modelling the Mobile will service the area and the Stockton (or indeed other branches) are adequate to cope with the demand i.e. are within the standard as outlined.	PSC Mobile Library provides for Lounge NCC provides Branch
Exhibition Space	Library size 157m ² . Council and community information exhibited on two library shelves.	100m ² (for Fern Bay and Stockton population)	0		Given the relative small catchment area, exhibition space is not really a major issue. There could be an opportunity to incorporate some exhibition space within the multipurpose community space	S94 may only be levied for Council facility open to General Public
Recreation Facilities						
Leisure Centres	Stockton Swim Centre	n/a	0	Should be % CTW to both Stockton and Lakeside. I suggest the majority to Lakeside for our planned development	Need to work out the % split for these and amend our S94 plan. What plans are there for leisure facilities at Stockton. We have firm plans for Lakeside	Lakeside does not comply with Nexus
Surf Lifesaving Clubs	Stockton Surf Lifesaving Club, 124 Mitchell Street	n/a	0	Majority should be provided to Stockton facility development with small % to Birubi Surf Club	Need to work out the % split for these	Stockton Surf Club is 10km. Birubi at 35 km does not meet the requirements of Nexus
Boat Ramps	2 - Stockton North and Stockton	1	0	Should be provided to Stockton facility development		S94 to NCC

STRATEGIC COMMITTEE – TUESDAY 4 SEPTEMBER 2007

Facility	Existing facilities in Stockton (Comments by NCC)	Standards requirement based on future Fern Bay population of 5463 persons	Comments from Facilities and Services Group and Social Planning Coordinator			Comments by Strategic Engineer (Refer to Nexus in main report)
			Existing facilities in Fern Bay	Location of Fern Bay Facility	Comments	
Wharves/Jetties	3 Jettys & Ferry Wharf	1	0	should be % CTW to both Stockton and Port Stephens facilities	Need to work out the % split for these and amend our S94 plan	The nearest Jetty at Stockton is 6 km The nearest Public boat ramp in PSC is 25 km and does not meet the requirements of Nexus
Parks and Reserves						
Local parks and playgrounds	North Stockton Beach Reserve (1ha), Pitt Street Reserve (14ha - playground and open space) and Breen Park (0.25ha).	2ha	3 parklands provided by the Developer	provided in development as community title		Aspen Developer credited with S94 where full facility provided Council must provide for other development
Neighbourhood and district parkland reserves		1.37ha		provided in development as community title		S94 may only levied for Council facility open to General Public
Tidal Pools	0	n/a	0	not applicable unless NCC commits to building and operating one.	If they take this option, NCC can have S94 for such	This component of S94 must be removed from levy
Undeveloped Natural Areas/Open Space	There are no undeveloped natural areas in Stockton due to dredging of the harbour and the formation of the area over time. Open space - Griffith Park (16ha), Ballast Ground (12ha), Rawson Park (11ha).	13.68ha	Reserves surrounding development in Fern Bay	provided in development as community title		S94 may only levied for Council facility open to General Public
Sports Facilities						
Netball Courts	4 netball courts (2 grass, 2 asphalt)	2 courts	0	At Stockton or National Park		S94 to NCC

STRATEGIC COMMITTEE – TUESDAY 4 SEPTEMBER 2007

Facility	Existing facilities in Stockton (Comments by NCC)	Standards requirement based on future Fern Bay population of 5463 persons	Comments from Facilities and Services Group and Social Planning Coordinator			Comments by Strategic Engineer (Refer to Nexus in main report)
			Existing facilities in Fern Bay	Location of Fern Bay Facility	Comments	
Skate Parks	1 skateboard facility, Pitt Street	1 park	0	At Stockton		S94 to NCC
BMX Tracks	0	n/a	0	At Stockton		S94 to NCC
Sports Fields	Corroba Oval (2.2ha), Ballast Ground (2ha) and Lyn Oval (1ha).	2 x 3ha field	0	Majority should be provided to Stockton facility development with small % to PSC for Lake and Medowie	Need to work out the % split for these and amend our S94 plan	Lakeside and Medowie do not meet the requirements of Nexus
Tennis Courts	5 tennis courts	3 courts	1	Contributions required for facility development at Fern bay courts and Stockton	Need to work out the % split for these	As existing facilities are being provided consideration should be given to expansion
Croquet Courts	0	n/a	0	NA		S94 levy should be removed or credited
Swimming facilities	Stockton Swimming Centre	n/a	Swimming pool proposed in Fern Bay Estate	should be % CTW to both Stockton and Lakeside	Need to work out the % split for these	The Project Plan for Fern Bay does not provide for swimming facilities Lakeside does not meet requirements for nexus. S94 to NCC for Stockton

STRATEGIC COMMITTEE RECOMMENDATIONS

ITEM NO. 1

FILE NO: PSC2006-0038

DRAFT CHAPTER B2 ENVIRONMENTAL & CONSTRUCTION MANAGEMENT - AIRCRAFT NOISE OF PORT STEPHENS DCP 2007

REPORT OF: TREVOR ALLEN - ACTING COMMUNITY PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolve to adopt chapter B2 of the Port Stephens Development Control Plan 2007: Environmental & Construction Management – Aircraft Noise.

STRATEGIC COMMITTEE MEETING – 4 September 2007

RECOMMENDATION:

That Council adopt chapter B2 of the Port Stephens Development Control Plan 2007: Environmental & Construction Management – Aircraft Noise, with an additional footnote on Table 1 in the attachment that states that the references to home employment and home occupation being “conditional acceptable” to 30-35 ANEF is predicated upon such activities being within existing premises.

ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007

RESOLUTION:

277	Councillor Hodges Councillor Nell	That the recommendation be adopted.
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MATTER ARISING:

That Council request the Department of Defence to develop new ANEF contour maps to take into account the introduction of new aircraft over the next five (5) years.

ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007

RESOLUTION:

278	Councillor Hodges Councillor Nell	That Council request the Department of Defence to develop new ANEF contour maps to take into account the introduction of new aircraft over the next five (5) years.
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BACKGROUND

The purpose of this report is to advise on the public exhibition of Draft Chapter B13 Aircraft Noise of Port Stephens DCP 2007.

Council resolved on 24th April 2007 to publicly exhibit Draft Chapter B13 Aircraft Noise of Port Stephens DCP 2007. The exhibition period has closed and one submission was received from the Department of Defence.

Addressing aircraft noise as a chapter within the Port Stephens DCP 2007 was recommended in the recent review of Council’s policy *Aircraft Noise Exposure in Port Stephens*.

LINKS TO CORPORATE PLANS

The DCP Chapter is relevant to the following goals of the *PSC Plan 2007-2011*:

G1 Lifestyle - Greater consistency with AS 2021-2000 on aircraft noise matters should contribute towards protecting the lifestyle of residents from aircraft noise impacts.

G5 Housing - The draft chapter requires that proposed dwellings on land affected by aircraft noise are consistent with AS 2021-2000 concerning aircraft noise.

G14 Education and Communication - Addressing aircraft noise within PSC DCP 2007 contributes towards streamlining access to the range of development controls within one document. This should improve communication of Council policy.

G17 Strategy and Planning - The draft chapter is based upon AS 2021-2000 and the current ANEF maps endorsed by the Department of Defence. The approach is based upon the recognised method of planning for aircraft noise in Australia.

G18 Knowledge and Information - The draft DCP chapter is based upon AS 2021-2000 and the current ANEF maps endorsed by the Department of Defence. The method used is based upon the current official approach to managing aircraft noise within Australia.

G20 Customer and Market Focus - Customers will be able to access information on the range of development controls, including aircraft noise, in one DCP. This will provide easier access to information for customers.

G21 Innovation, Quality and Improvement - Addressing aircraft noise as a chapter within PSC DCP 2007 is a recommendation of a recent review into Council's policy Aircraft Noise Exposure in Port Stephens.

G24 Legal Matters - Addressing aircraft noise within a DCP, based upon AS 2021-2000 should provide a stronger legal base for Council to make decisions where aircraft noise is concerned.

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL AND POLICY IMPLICATIONS

Upon adoption development controls concerning aircraft noise will be inserted into Port Stephens DCP 2007.

It should be noted that the draft chapter was exhibited as a stand-alone chapter titled B13 Aircraft Noise. However, it is recommended that the exhibited development controls be inserted into the existing chapter B2 Environmental and Construction Management for administrative efficiency.

Australian Business Excellence Framework

This aligns with the following ABEF Principles:

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

SUSTAINABILITY IMPLICATIONS

SOCIAL, ECONOMIC AND ENVIRONMENTAL IMPLICATIONS

Future land use decisions made in accordance with the draft chapter should result in a more consistent approach to managing development applications within ANEF contours. The revised development controls are also closely aligned to the provisions of AS 2021-2000. This should have a positive impact upon managing the relationship between development and aircraft noise by creating greater certainty for landowners.

Indoor sound design levels are based on Table 3.3 *Indoor Sound Design Levels for Determination of Aircraft Noise Reduction* of AS 2021-2000.

The proposed amendment now includes consideration of the effect of aircraft noise on outdoor spaces associated with any development type in a development application. This is additional to Council's current policy and conforms with the Australian standard.

CONSULTATION

The draft chapter was placed on public exhibition from 17th May to 12th July 2007 with only one submission received, from the Department of Defence.

The Department does not agree with the current approach detailed in the draft chapter. The Department submits that ANEF contours do not provide an adequate basis for long term planning in the vicinity of military airfields, and has reservations regarding military aircraft noise impacts being adequately addressed by AS2021-2000. The acceptability of outdoor spaces is not covered by AS2021-2000.

The concerns of the Department are acknowledged, however the Department is unable to provide an alternative to the approach used in the draft chapter. Furthermore, the Department was involved in the preparation of AS2021-2000 and officially endorsed the 2012 ANEF contour maps for RAAF Base Williamtown and the Salt Ash Air Weapons Range. Under these circumstances the approach used in the draft DCP chapter represents the best information available to Council and is considered appropriate.

The Department recommended further detailed changes to the draft chapter and these have been included where appropriate. Most of the changes are minor and relate to the acceptability of certain types of development within ANEF contours. The main changes are indicated by text that has been 'crossed out'.

It should be noted that the Council's Acoustic Consultant for the Kings Hill draft LEP has indicated that the Department has not voiced any of its concerns with AS 2021-2000 at the relevant Committee EV/11, Aircraft and Helicopter Noise (Challis Consulting Pty Ltd, November 2006, pages 10). Council's consultant indicates that he has attended each of the relevant Committee meetings.

OPTIONS

- 1) Adopt Chapter B2 Environmental & Construction Management - Aircraft Noise of Port Stephens Development Control Plan 2007, as amended.
- 2) Maintain Council's current policy Aircraft Noise Exposure in Port Stephens.

ATTACHMENTS

- 1) Draft Chapter B2 Environmental & Construction Management - Aircraft Noise of Port Stephens Development Control Plan 2007, as amended
- 2) Submission – Department of Defence – dated 12th June 2007.

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1
DRAFT CHAPTER B2

B2.13 Aircraft Noise

WHERE THIS PART APPLIES

This Part applies to all land identified within the Australian Noise Exposure Forecast (ANEF) contours as identified in Figure B2.2 *ANEF Chart*.

It should be noted that all areas of the Port Stephens Local Government Area experience noise from civilian or military aircraft from time to time. Applicants who apply for development consent outside of the ANEF contours should make an independent decision and assessment of whether noise attenuation measures are required.

BACKGROUND

The Port Stephens Local Government Area is subject to aircraft noise from military jets operating from the Royal Australian Air Force base at Williamstown and the associated use of the Salt Ash Air Weapons Range facility. Noise generated by military jets is an ongoing impact within the local government area.

ANEF contour charts assist in managing the impacts of noise from the operation of military jet aircraft by indicating ANEF contour charts that indicate land area most affected by aircraft noise and the likely level of exposure within a given time. The ANEF charts are used in conjunction with *Australian Standard 2021-2000 – Acoustics – Aircraft Noise Intrusion – Building Siting and Construction* to determine the acceptability of different types of development within the ANEF contours. This forms the basis of Council's approach to the management of exposure to aircraft noise.

PRINCIPLES

B2.P23 Applicants should acquaint themselves with the level of aircraft noise that may be experienced from time to time on property that is situated within the Port Stephens LGA;

B2.P24 Council needs to take into consideration the likely impact of aircraft noise when assessing and determining development applications;

B2.P25 *Australian Standard 2021-2000* is the recognised document for assessing the impact of aircraft noise on development and determining what measures might be employed to reduce the impacts and provide acceptable indoor sound levels;

B2.P26 Applying *Australian Standard 2021-2000* relies on the availability of ANEF contours as well as actual flight path and noise levels of operating aircraft;

B2.P27 ANEF contour charts provide a broad-scale planning tool for identifying areas affected by aircraft noise and the degree to which areas are affected. Depending on the degree of impact development may be acceptable, conditionally acceptable or unacceptable;

B2.P28 ANEF contour charts must be considered in conjunction with *Australian Standard 2021-2000* and the *Defence Aircraft Indicative Noise Level Tables*.

B2.P29 The Department of Defence advises that noise level should always be confirmed on site.

B2.P30 Indoor design sound levels are based on Table 3.3 *Indoor Design Sound Levels for Determination of Aircraft Noise Reduction* of Australian Standard 2021-2000.

B2.P31 The effect of aircraft noise on outdoor spaces associated with any development type should be considered in a development application.

B2.P32 Nothing prevents a person from lodging a development application under the provisions of the *Environmental Planning and Assessment Act 1979*.

DEVELOPMENT CONTROLS

B2.C71 Table 1 *Building Site Acceptability Based on ANEF Zones* shows the acceptability of different types of development and their acceptability based on Australian Standard 2021-2000. It specifies the detail required to be submitted with development applications for each type of development. When a development application is received for a type of development that is not listed Council will exercise its discretion as to whether an acoustic report is required.

Where Table 1 specifies that a development application is 'Conditionally Acceptable', an acoustic report must be submitted that is signed and endorsed by an acoustic engineer. The report must demonstrate that Australian Standard 2021-2000 has been considered in the design of the building and any proposed attenuation measures must be incorporated into the design and conditions of the consent.

~~C2.C1 ANEF contour charts must address Australian Standard 2021-2000 and the *Defence Indicative Noise Level Tables* (available from the Department of Defence).~~

B2.C72 Indoor sound design levels must be consistent with Table 3.3 *Indoor Sound Design Levels for Determination of Aircraft Noise Reduction* of Australian Standard 2021-2000.

How to apply this part

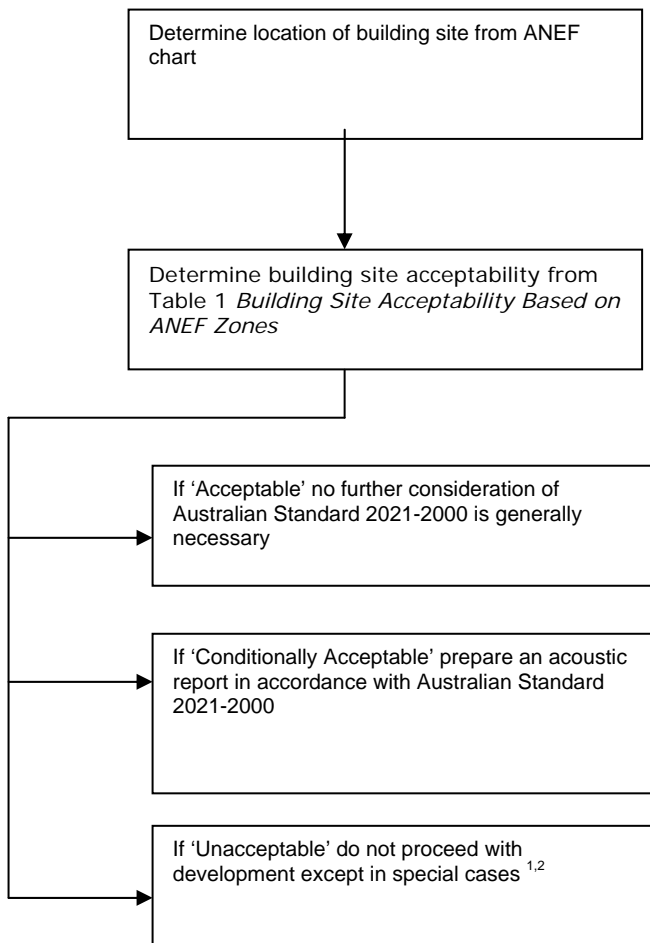


Figure B2.1 How to apply this part

¹Australian Standard 2021-2000 does not recommend development in unacceptable areas. However, where the planning authority determines that any development may be necessary within existing built-up areas (areas zoned residential) designated as unacceptable, it is recommended that such development should achieve the aircraft noise reduction (ANR) in accordance with Australian Standard 2021-2000.

²No new development should take place in greenfield sites deemed unacceptable because such development may impact airport and weapon range operations.

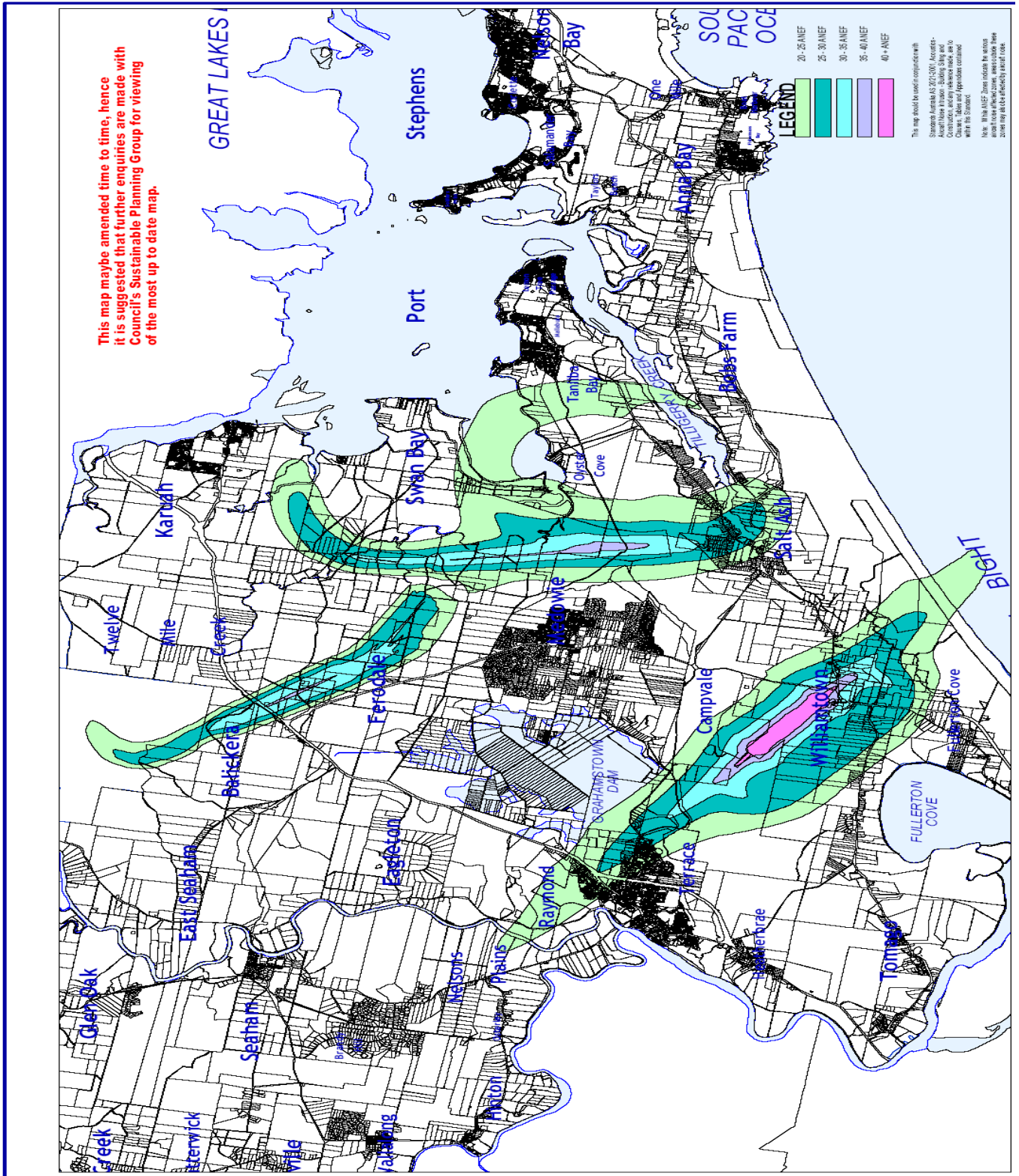


Figure B13.2 ANEF Chart

Table 1 Building Site Acceptability Based on ANEF Zones

Type of development	20-25 ANEF	25-30 ANEF	30-35 ANEF	35-40 ANEF	40+ ANEF
Abattoir	Acceptable	Acceptable	Acceptable	Acceptable	Acceptable
Addition to existing dwelling (<40% increase in GFA)	Acceptable	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Conditionally Acceptable
Addition to existing dwelling (>40% increase in GFA)	Conditionally Acceptable	Conditionally Acceptable	Conditionally Acceptable	Conditionally Acceptable	Conditionally Acceptable
Airport and heliport (terminal buildings)	Acceptable	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Conditionally Acceptable
Bed and breakfast establishment (forming part of an existing approved dwelling)	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Bed & breakfast establishment (forming part of a new dwelling)	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Boarding house	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Brothel	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable
Bulky goods sales room or showroom	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable
Camp or caravan site	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Child care centre	Unacceptable	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Club	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable
Commercial premises	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable
Community facility	Conditionally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable
Depot	Acceptable	Acceptable	Acceptable	Acceptable	Acceptable
Dual occupancy	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Dwelling house	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Educational establishment	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Exhibition home	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Hazardous industry	Acceptable	Acceptable	Acceptable	Acceptable	Acceptable
Type of Development	20-25 ANEF	25-30 ANEF	30-35 ANEF	35-40 ANEF	40+ ANEF

Health care professional	Conditionally Acceptable Acceptable	Unacceptable Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable
Health consulting rooms	Conditionally Acceptable Acceptable	Conditionally Acceptable Unacceptable	Unacceptable	Unacceptable	Unacceptable
Home employment	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable
Home occupation	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable
Hospital	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Hotel	Acceptable	Conditionally Acceptable	Unacceptable ²	Unacceptable ²	Unacceptable ²
Industry and industrial-type development in the 4(a) zone (excluding those types of industrial development listed elsewhere in this table)	Acceptable	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable
Institution	Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable
Materials recycling facility	Acceptable	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable
Medical centre	Conditionally Acceptable Acceptable	Unacceptable Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable
Motor showroom	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable
Offensive industry	Acceptable	Acceptable	Acceptable	Acceptable	Acceptable
Offensive storage establishment	Acceptable	Acceptable	Acceptable	Acceptable	Acceptable
Outdoor spaces associated with a development - verandahs, pergolas, outdoor enclosures, swimming pools and the like	Acceptable ¹	Acceptable ¹	Acceptable ¹	Acceptable ¹	Acceptable ¹
Place of assembly	Conditionally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable
Place of public worship	Conditionally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable
Recreation facility (building)	Acceptable	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable

Type of Development	20-25 ANEF	25-30 ANEF	30-35 ANEF	35-40 ANEF	40+ ANEF
Replacement of dwelling	Conditionally Acceptable	Conditionally Acceptable	Conditionally Acceptable	Conditionally Acceptable	Conditionally Acceptable
Restaurant	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable
Restricted premises	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable
Retail plant nursery (building only)	Acceptable	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable
Road transport terminal	Acceptable	Acceptable	Acceptable	Acceptable	Acceptable
Service station	Acceptable	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable
Shop	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable
Subdivision of residential land	Conditionally acceptable	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Tourist facility	Conditionally Acceptable Acceptable	Conditionally Acceptable	Unacceptable ²	Unacceptable ²	Unacceptable ²
Urban housing	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Veterinary hospital	Conditionally Acceptable Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable
Warehouse	Acceptable	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable

¹The effect of aircraft noise on outdoor spaces associated with any development type must should be considered in a development application.

²Except if located within Newcastle Airport Area, as illustrated in Figure B2.3, where such a use may be conditionally acceptable. In such instances an acoustic report is required with noise levels to be confirmed on site.

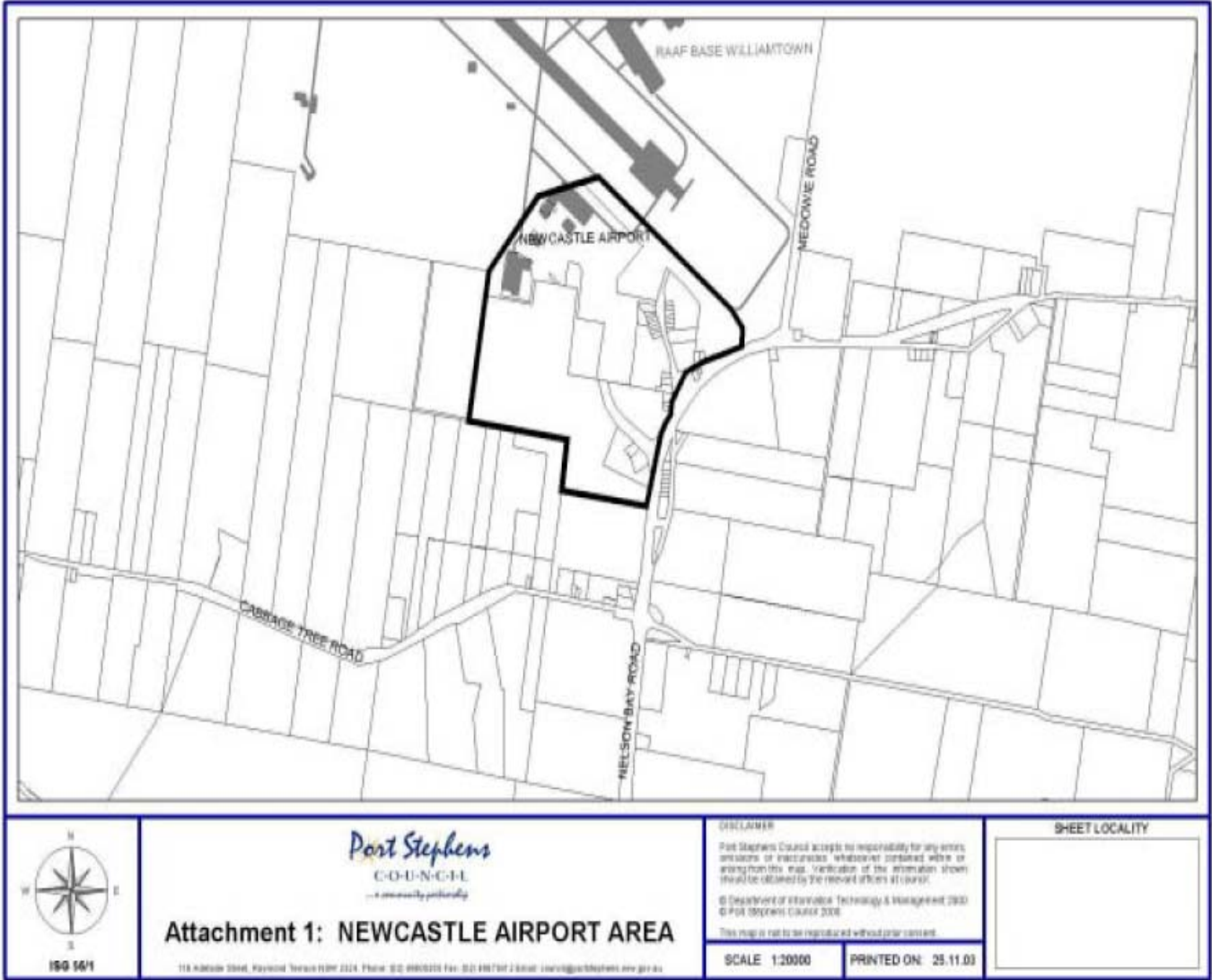


Figure B2.3 Newcastle Airport Area

ATTACHMENT 2
SUBMISSION 12 JUNE 2007



Australian Government
Department of Defence
Defence Support Group

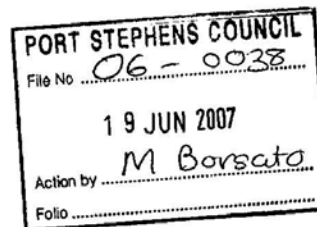
Alison Clifton
Assistant Secretary
Strategic Planning & Estate Development
BP3-2-A001
Department of Defence
CANBERRA ACT 2600
alison.clifton@defence.gov.au

Tel: 02 6266 8002
Fax: 02 6266 8044

ASSPED/OUT/2007/179
2002/18317/4

The General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Attention: Matthew Borsato



Dear Sir

DRAFT PORT STEPHENS DCP 2006 – AIRCRAFT NOISE

Thank you for the opportunity to comment on the *draft Port Stephens Development Control Plan (DCP) 2006 – Aircraft Noise*. Defence has previously provided comments on an earlier version of the draft DCP (our correspondence dated 9 January 2007).

Defence has reviewed the latest version of the draft plan, and notes some changes have been made to the draft in response to previous comments made by Defence. However, it is also noted a number of other suggestions made by Defence have not been given effect in the current draft. Both general and specific comments on the draft DCP are provided below.

Generally

The key principles and development controls contained in the draft DCP appear to have been drafted to generally implement the current provisions of *Australian Standard AS2021-2000 Acoustics- Aircraft Noise Intrusion- Building siting and construction*. Council should be aware that Defence has genuine reservations regarding military aircraft noise impacts being adequately addressed by AS2021-2000, in particular *Table 2.1 Building Site Acceptability Based on ANEF Zones*. This provision fails to appropriately differentiate the impacts of civil and military aircraft in its application, and also, that ANEF contours for military airfields generally only represent short to medium-term noise impacts. The ANEF contours for military airfields can change rapidly and significantly in a short time period with either the introduction of new aircraft or as a consequence of operational needs. Accordingly, using these contours as a basis for making long-term land use planning decisions in the vicinity of military airfields is likely to result in settlement patterns that promote land use conflict between the respective uses in the future.

Defending Australia and its National Interests

Defence will be working with other relevant authorities with a view to ensuring the noise impacts of military aircraft are given greater recognition when considering land use planning matters. Defence would argue that Council should give consideration to a range of other measures beyond AS2021-2000, that also provide an indication of existing and future exposure to aircraft noise, such as known flight paths and actual (and predicted) on-ground noise levels.

Specifically

- **B13.1** – Council should clarify the area the DCP applies to. As currently written, the DCP only applies to ‘*all land identified within the ANEF contours as identified in Figure B13.2*’. Accordingly, if land is not included within these contours (the ANEF 20 being the outer contour), the DCP does not apply. However paragraph 2 of B13.1, and other information under B13.2 and B13.3, subsequently suggest the DCP is also relevant to land not within the ANEF 20 contour. Given the DCP acknowledges all areas of the Local Government Area (LGA) experience aircraft noise from civilian and military activities, the DCP should apply to the whole LGA, even if the detailed considerations are only applicable when the subject land is within the ANEF 20 contour.
- **B13.2** – The application of AS2021-2000 as the only basis for considering land use in the vicinity of military airfields is not supported by Defence. The second paragraph potentially implies Defence supports Council’s application of ANEFs and AS2021-2000 as the only method for assessing military aircraft noise impacts on surrounding land. This is not the case. Defence has reservations regarding such a simple application of AS2021-2000, and strongly recommends that proponents have regard to other considerations such as known flight-paths, the frequency and intensity of aircraft movements, and, on-ground noise levels (both existing and predicted into the future).
- **B13. (Principle 1)** – It is unclear how proponents will acquaint themselves with the level of aircraft noise at a particular property. There are no references or measures as to how this might best be done.
- **B13. (Principle 2)** – How will Council consider the likely impacts of aircraft noise where a property is marginally outside of the ANEF 20 contour? The DCP is written in a manner that means Council will only consider aircraft noise impacts where a property is located within the ANEF 20. The appropriate consideration of aircraft noise issues outside the ANEF 20 contour is a crucial issue of concern for Defence that is not addressed by the draft DCP. The wording of this principle, and more generally the DCP overall, should also include some reference to the likely impact of existing and future aircraft noise. The DCP appears to focus only on existing noise levels, and not how these might change into the future.
- **B13. (Principle 6)** – The Defence Aircraft Indicative Noise Level Tables previously provided to Council by Defence are generally only suitable for consideration by acoustical technicians rather than the general public. There is the potential for this information to be misinterpreted by the public, and for this reason, should not be made publicly available.
- **B13. (Principle 8)** – Defence supports the general principle that any development should achieve the indoor sound levels at Table 3.3 of AS2021. However, it is unclear if this is the actual intent of this principle. Further, this outcome should be *for all development in the long-run*. Accordingly, land located outside of the ANEF 20 contour but in the vicinity of known flight paths should also be required to achieve those respective indoor sound levels at Table 3.3.

Defending Australia and its National Interests

- **B13. (Principle 9)** – Whilst it is appreciated this principle has been added in response to Defence’s initial comments on the draft DCP, it is still unclear how this consideration will actually be undertaken. This principle needs to provide more detail as to how it will be considered and addressed.
- **C2.C2** – This provision does not appear to be a development control. It is unclear what this provision is intending to achieve and does not appear to be relevant to a proponent undertaking development. Regardless, as previously noted, the Defence Aircraft Indicative Noise Level Tables are not suitable to be made available to the general public.
- **C2.C3** – As previously mentioned, Defence supports the general principle that the Indoor Sound Levels at Table 3.3 of AS2021-2000 should be achieved for all development in the long run. However, as currently drafted the DCP only applies to property within the current ANEF 20 contour. Defence would argue that this requirement should be extended to all development likely to be experience significant aircraft noise, both within and outside the ANEF 20 contour.

Table One – Building Site Acceptability Based On ANEF Zones

It is Defence’s view that a number of changes should be made to Table One of the DCP. These are detailed below.

- Addition to existing dwelling – Regardless of the proportional increase in the size of the dwelling, any development that includes additional rooms (particularly bedrooms and living areas) within the 20-35 ANEF contours should be ‘conditionally acceptable’. It is unlikely any development above the ANEF 35 contour would be able to achieve appropriate noise reduction to allow it to be ‘conditionally acceptable’ and in this regard would be more appropriately identified as ‘unacceptable’.
- Bed and breakfast establishments – Regardless of existing or not, should be ‘conditionally acceptable’ within the 20-25 ANEF contours and ‘unacceptable’ elsewhere.
- Camp or caravan site – The definition for ‘camp or caravan park’ in Council’s LEP includes the permanent accommodation of manufactured housing. It is unlikely such manufactured housing can be appropriately attenuated, and in this regard should be ‘unacceptable’. As an example, Defence receives numerous complaints from residents at the Banksia Grove Village.
- Health care professional, Health consulting rooms, and, Medical centre – All of these uses should also be ‘conditionally acceptable’ within the ANEF 20-25 contours and unacceptable elsewhere.
- Home employment and Home occupation – Given these uses envisage permanent occupation of dwellings, both should be ‘conditionally acceptable’ within the ANEF 20-25 contours and ‘unacceptable’ elsewhere.
- Replacement of dwelling - Replacement of dwellings should be ‘unacceptable’ within the ANEF 35 contour and above. An analysis of the existing ANEF contours for RAAF Base Williamtown and the Salt Ash Weapons Range indicates there most of these areas are located within land currently owned by Defence.
- Tourist facility – Should be ‘conditionally acceptable’ within the ANEF 20-25 contours.
- Veterinary hospital – Veterinary hospitals should be ‘conditionally’ acceptable within the ANEF 20-25 contours.

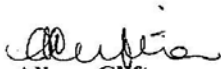
Defence is of the view that Council should be looking to develop further provisions that manage aircraft noise in addition to AS2021-2000. Council is well aware of Defence's ongoing concerns regarding urban encroachment, land use conflict and aircraft noise in the vicinity of RAAF Base Williamtown. However, the draft DCP in this instance largely implements and reinforces the provisions of AS2021-2000. Defence's experience is that residential development in the vicinity of military airfields can result in representations to have flights limited (either flight frequency, hours or flight paths) inevitably leading to having operations curtailed. Defence already receives many complaints from Port Stephens residents located outside the ANEF 20. Continuing to allow development to occur on the bases of AS2021-2000 alone, is likely to encourage urban encroachment and compromise the operational environment of RAAF Base Williamtown in the long-run.

Accordingly, Defence does not agree with the current approach detailed in the draft DCP.

Given that the Department of Planning has also appointed an independent acoustic consultant to consider in detail the noise issues associated with the proposed Kings Hill development, it would be proper to await the findings of that work prior to finalising the draft DCP in this instance.

Should you wish to discuss this matter further, please contact John Kerwan, Director, Land Planning & Spatial Information, on 6266 8191.

Yours sincerely



Alison Clifton
Assistant Secretary
Strategic Planning & Estate Development

12 June 2007

ITEM NO. 2

FILE NO: PSC2007-1978

CULTURAL PROJECT FUNDING

REPORT OF: TREVOR ALLEN – ACTING COMMUNITY PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve funding of cultural projects as recommended in Attachment 1.

STRATEGIC COMMITTEE MEETING – 4 September 2007

RECOMMENDATION: That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007

RESOLUTION:

279	Councillor Hodges Councillor Dingle	That the recommendation be adopted.
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Table Document: Cultural Project Fund Information Package

BACKGROUND

The purpose of this report is to allocate financial resources in response to applications received in accordance with cultural development funding criteria.

Council has allocated a total of \$30,000.00 in the current budget for funding of cultural projects. A maximum of \$10,000 has been allocated per Ward.

Applications were called for via advertisements in the Port Stephens Examiner in May/June 2007. All applications received were considered and rated according to the following funding criteria:

- Projects will extend or diversify knowledge or experience of cultural or artistic programs or skills of practitioners in the community and has the ability to attract new audiences.
- Projects will increase opportunities to extend community capacity for cultural and/or artistic activity.
- Projects will offer opportunities for employment generation.
- Projects will complement Council’s own community and cultural objectives, strategies and programs and will contribute to a vibrant cultural and community life for Port Stephens and its permanent and visiting community.

Seventeen applications were received requesting a total of \$54,453.48. The number of applications and a subtotal for each ward are as follows:

West Ward - 5 applications totalling \$16,653.48
Central Ward - 8 applications totalling \$20,800.00
East Ward – 4 applications totalling \$17,000.00

Of these, eleven (11) applications were reduced to keep within the \$30,000.00 budget.

A total of four applications were received for the Tilligerry Festival. Based upon the available budget, the standard of applications received and the demand on Central Ward cultural funds, three of the four applications have been recommended for part funding.

In 2006/2007 direct support was identified for budget items such as artists' fees and prize money within each funding application. Following positive feedback from the community this approach has continued. These details are included in Attachment 1, as is the percentage of funding against each project cost and overall programme costs for 2007/2008.

LINKS TO CORPORATE PLANS

Council funding \$30,000.00 towards 2007/2008 cultural projects is linked to the following Goals of the 2007-2011 Council Plan:

G1 Lifestyle – Provide opportunities for people to participate in a healthy lifestyle.

G3 Young People & Children – provide opportunities for children and young people to thrive in our community.

G9 Community – Provide opportunities for the community to participate in cultural projects.

G10 Economic Planning – Attract new businesses that provide a new approach to economic sustainability.

Through the support of these projects Council is promoting business partnerships with the community through project sponsorship and service exchange; and the generation of employment for arts industry practitioners and workers.

FINANCIAL/RESOURCE IMPLICATIONS (ATTACHMENT 1)

As outlined in Attachment 1, and in the table below, the total production cost for the 2007/2008 cultural projects is \$164,225.18. Only \$54,453.48 (or 33%) has been requested to support these projects. The balance of 67% for production costs is met through local business sponsorship, in-kind support and volunteering.

From the \$54,453.48 requested by applicants, Council is only able to provide 55% support on the current budget, being \$30,000.00. It is worthwhile for Council to consider annual budgetary increases of 10% to assist in bridging this gap.

TOTAL PRODUCTION COST FOR PROJECTS	\$167,225.18	100%
TOTAL FUNDING REQUESTED FROM COUNCIL	\$54,453.48	33%
DIFFERENCE	\$112,771.70	67%
TOTAL FUNDING REQUESTED FROM COUNCIL	\$54,453.48	100%
TOTAL COUNCIL FUNDING RECOMMENDED	\$30,000.00	55%
DIFFERENCE	\$24,453.48	45%

LEGAL AND POLICY IMPLICATIONS

Applications have been assessed in accordance with the Cultural Project Funding Package and Ranking Criteria developed specifically for cultural activity.

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

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

Cultural projects reflect community spirit and enhance economic and community partnerships by attracting audiences, participants and practitioners. In assisting the funding of cultural projects Council is supporting these partnerships within the community.

In the 2007/2008 programme this report recommends supporting two community projects working within the arts to develop community pride and increase confidence through creative expression.

The first project, a partnership between Council, Terrace Tenants & Associates Inc, Irrawang Primary School and the Department of Housing, is a photographic project, "Community Pride and Living in Raymond Terrace", which will be held over 10 weeks culminating in an exhibition at Council's Mezzanine Public Gallery in January 2008. The work will be produced through workshops focusing on mixed media usage and production, and the exploration of community pride and connection.

The second project, a partnership between Council, Tilligerry RSL, Tanilba Bay Primary School and Youth Events Inc, is Stage 2 of the Handstand project, again promoting a sense of community and belonging through creative workshops culminating in a screening of work at Tilligerry RSL. The work will be produced through workshops focusing on sound engineering and video production.

Another project providing social implications is Jazz on the Dam, by *Sailability*, the first cultural project for Medowie and Grahamstown Dam. The objective stated in their application is *to overcome a lack of cultural activities and to encourage greater cultural awareness within the local area*. This will be achieved through a Jazz Festival of local artists and the incorporation of an exhibition and competition of local visual artists during the festival.

ECONOMIC IMPLICATIONS

Cultural projects funded by Council generate employment opportunities for local artists and industry practitioners. Cultural activities also open up dealings with local business and suppliers in order to develop and/or mount projects. This can include catering, accommodation, venue hire, printing, advertising, and the like. Cultural activities not only enhance the lives of our existing permanent community but they also attract new community members, and visitors to the area by enhancing recreational opportunities for singles, youth, children and families within Port Stephens.

ENVIRONMENTAL IMPLICATIONS

All environmental concerns will be addressed by way of Council procedures for approval process for relevant projects funded under the 2007/2008 programme.

In the 2007/2008 programme this report recommends supporting an environmental themed project with the Tilligerry Habitat. The project involves the production and publication of *Essences of Tilligerry Habitat* a book of photographs, short stories, interviews and poems exploring the essence and components that underlie the Tilligerry Habitat and the people involved.

CONSULTATION

All applicants have consulted with Council's Cultural Development Officer. The round of funding was advertised in The Examiner for two consecutive weeks (June 7th & 14th) and open to applications for two months. Over the past twelve months, the fund and criteria were discussed with community members, and forms given to community groups. For the first time the funding information and application form were listed on Council's website for direct access, and this proved to be very efficient and effective.

Due to the June 8 storm and damage to Hinton, several projects have not been able to proceed; these include Mt Kanwary Primary fundraising event, Hinton History Film Night and Woodville Community Hall fundraiser including a history walk and ride (bike & boat). It is hoped these projects will seek funding and be supported in the 2008/2009 programme.

OPTIONS

- 1) Approve as recommended
- 2) Amend the recommendation

ATTACHMENTS

- 1) List of Applicants

TABLED DOCUMENTS

- 1) Cultural Project Fund Information Package

**ATTACHMENT 1
LIST OF APPLICANTS**

LIST OF APPLICANTS

ATTACHMENT 1

PSC CULTURAL PROJECT FUNDING 2007/2008

WEST WARD

	ORGANISATION	CONTACT	PHONE	DATE	PROJECT	TOTAL COST	REQUESTED	RECOMMEND	FOR	% COST
1	Karuah Oyster & Timber Festival	Dawn Lyall	4997 3088	Mar 08	Karuah Oyster & Timber Festival	\$10,000.00	\$5,000.00	\$3,000.00	Prize money	30
2	Karuah Progress Association Inc	Fred McInerney	4987 0104	15 Dec 07	Karuah Carols by Torchlight	\$2,600.00	\$800.00	\$600.00	Performers' fees	23
3	Karuah Working Together Inc	Hope Simpson	4997 5627	1-2 Dec 07	Celebrating our Bridge (50th anniversary of Karuah Bridge)	\$17,095.00	\$4,660.00	\$2,146.00	Band fees	13
4	Port Stephens Community Band	Michelle Sciberras	4988 6623	Oct 07- Jun 08	PS Community Band	\$5,288.58	\$5,088.58	\$3,059.00	Music score fees for Oct 07/Jun 08 performances	58
5	Terrace Tenants & Associates Inc	Laraine Dickson	4987 5397	Noc-Dec 07	Photographic Art Project	\$10,820.00	\$1,104.90	\$1,195.00	Prizes 1st to 3rd 1 xHC, 2xComm	11
						\$45,803.58	\$16,653.48	\$10,000.00	TOTAL	22
								\$10,000.00	BUDGET	
								\$0.00	BALANCE	

CENTRAL WARD

	ORGANISATION	CONTACT	PHONE	PROJECT DATE	PROJECT	TOTAL COST	REQUESTED	RECOMMEND	FOR	% COST
1	Fellowship of Australian Writers Inc	Christine Gregory	4982 2004	Oct/Nov 07	Port Stephens Prose Poetry Storytelling (film documentary)	\$8,881.60	\$7,700.00	\$2,500.00	DOP fee (w/camera) @\$500 x 5 days	28
2	Hands on Youth Events (HOYE) Inc	Janine Campbell	0413 547 446	Jan-Jun 08	Handstand 'Stage 2'	\$11,535.00	\$3,500.00	\$1,500.00	Tutor (techwrkshp) fees & MC x 3 live gigs	13
3	Lions Club of Tilligerry Peninsula	Kevin Coleman	4984 5931	15-19 Nov 07	Tilligerry Art & Craft Show	\$8,930.00	\$1,000.00	\$1,000.00	\$500 Quilt Prize \$500 Art Prize	11
4	Port Stephens Family History Society Inc	Lorraine Cottam	4982 1275	Oct 07-Jun08	1868 Sydney Morning Herald	\$8,712.00	\$2,500.00	\$2,000.00	Production & Printing	23
5	Sailability	Paul Sandeman	4981 8436	Mar/Apr 08	Jazz on the Dam	\$8,500.00	\$3,500.00	\$1,500.00	\$1,000 Jazz Band \$500 Art Prize	18
6	Tilligerry Adult & Community Education	Carole Walker	4982 3986	15-19 Nov 07	PS Examiner Literature Awards	\$1,300.00	\$500.00	\$500.00	Prize money	38
7	Tilligerry Committee	Fran Corner	0414 281 754	15-19 Nov 07	Tilligerry Arts Festival (TAF)	\$5,000.00	\$1,100.00	\$0.00	Not Recommended. This Fund has pledged 3.5K for three TAF projects.	0
8	Tilligerry Habitat Association Inc	Murray Black	4984 5677	15-19 Nov 07 Launch 17 Nov 07	Essences of Tilligerry Habitat (photography coffee table book)	\$1,263.00	\$1,000.00	\$1,000.00	Printing & production	79
						\$54,121.60	\$20,800.00	\$10,000.00	TOTAL	18
								\$10,000.00	BUDGET	
								\$0.00	BALANCE	

EAST WARD

	ORGANISATION	CONTACT	PHONE	DATE	PROJECT	TOTAL COST	REQUESTED	RECOMMEND	FOR	% COST
1	Musical Matinees Inc	Fay Ingram	4981 4483	17 Nov 07	Rod Barnes Big Band Concert	\$4,000.00	\$1,500.00	\$1,500.00	Band fee	38
2	Nelson Bay Town Management	Peter Clough	4984 4751	23 Dec 07	Carols by the Bay	\$22,300.00	\$6,500.00	\$4,000.00	Artists fees	18
3	Tomaree Musical Theatre Co Inc	Judith Dark	4984 3764	May/Jun 08	Music Theatre	\$8,000.00	\$2,000.00	\$1,500.00	Score rights	19
4	Williamstown Rotary	Malcolm Campbell	4980 0375	16-18 May 08	Scottish and Celtic Festival	\$33,000.00	\$7,000.00	\$3,000.00	Artists fees	9
						\$67,300.00	\$17,000.00	\$10,000.00	TOTAL	16
								\$10,000.00	BUDGET	
								\$0.00	BALANCE	

17 TOTAL APPLICATIONS

TOTAL PRODUCTION COST FOR PROJECTS	\$167,225.18	100
TOTAL FUNDING REQUESTED FROM PSC	\$54,453.48	33
DIFFERENCE	\$112,771.70	67
TOTAL FUNDING REQUESTED FROM PSC	\$54,453.48	100
TOTAL PSC FUNDING RECOMMENDED	\$30,000.00	55
DIFFERENCE	\$24,453.48	45

\$30,000.00	TOTAL BUDGET
\$30,000.00	TOTAL FUNDING
\$0.00	BALANCE

ITEM NO. 3

FILE NO: PSC2006-2097

POLICY FOR AREAS AFFECTED BY FLOODING AND/OR INUNDATION**REPORT OF: DAVID BROYD– GROUP MANAGER, SUSTAINABLE PLANNING****RECOMMENDATION IS THAT COUNCIL:**

- 1) Amend the Policy for Areas Affected By Flooding And/Or Inundation as provided in Attachment No 1.

STRATEGIC COMMITTEE MEETING – 4 September 2007**RECOMMENDATION:** That the recommendation be adopted.**ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007****MOTION:**

	Councillor Nell Councillor Dingle	That the recommendation be adopted.
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AMENDMENT:

280	Councillor Hodges Councillor Westbury	<ol style="list-style-type: none"> 1. That the recommendation be adopted. 2. That when a flood study needs to be provided it does not need to be prepared by an approved consultant from Department of Environment and Conservation.
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Councillor Swan vacated the Chair and left the meeting at 7.34pm. Councillor Dover chaired the meeting during Item 3.

Councillor Tucker returned to the meeting at 7.37pm during Item 3.

Councillor Swan returned to the meeting at 7.37pm during Item 3.

BACKGROUND

The purpose of this report is to review and amend Council's Policy for Areas Affected By Flooding and/or Inundation.

This policy was last amended in October 2006 (Minute number 732) and requires updating to provide the opportunity for applicants to submit a flood report to Council where there is the intention to refuse a development application due to flooding.

LINKS TO CORPORATE PLANS

This report relates to Councils Plan (2005-2008) Key Result No 5. Planning and Development - Our development focuses on our communities being sustainable.

The report focuses on the following Strategic Directions:-

1. Identify the capabilities of the Port Stephens area to sustain growth;

2. Promote, plan and guide development to create sustainable communities that conserve and enhance the natural and built environment; and
4. Planning and development processes involve community participation and development outcomes reflect community values.

FINANCIAL/RESOURCE IMPLICATIONS

The proposed changes to the policy will be implemented using Council's current resources.

LEGAL AND POLICY IMPLICATIONS

Council is indemnified, under S733 of the Local Government Act, 1993, from liability in respect of flooding advice furnished, or anything done or omitted to be done, in good faith. This indemnity is on the proviso that such advice or action is carried out in accordance with the principles contained in the relevant manual as gazetted by the Minister for Planning. The relevant manual being the State Governments "Floodplain Development Manual (2005)".

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

- 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 Policy will be used to provide advice and development controls to reduce the likely impacts of flooding on current and future residential development. It will also provide advice for levee banks, drainage schemes and the like.

ECONOMIC IMPLICATIONS

The Policy will have some economic implications for individuals constructing dwellings within affected areas, such as raising floor levels or other flood proofing of buildings. There will also be direction for industrial and commercial activities on the floodplain. These controls will however reduce the economic costs to individuals, rescue services and the community.

There will also be a cost to applicants to engage a flood expert.

ENVIRONMENTAL IMPLICATIONS

The Policy will provide assessment of environmental considerations in the flood-affected areas.

CONSULTATION

Strategic Engineer

OPTIONS

- 1) Adopt the proposed policy
- 2) Not adopt or amend the proposed policy

ATTACHMENTS

- 1) Proposed Flood Policy

ATTACHMENT 1



PROPOSED POLICY

Adopted: 27/1/98
 Minute No: 12
 Amended: 19/12/2000
 Minute No: 711
 Amended: 19/10/2004
 Minute No: 375
 Amended: 24/10/2006
 Minute No: 732

FILE NO.: PSC2006-2097

TITLE: AREAS AFFECTED BY FLOODING AND/OR INUNDATION

REPORT OF: TREVOR ALLEN, ACTING MANAGER, COMMUNITY PLANNING

BACKGROUND

Council's original policy was introduced to manage the development on land within the Council area that is affected by flooding and/or inundation. The Policy was amended in December 2000 and October 2004 in accordance with changes to Government Policy, the NSW Floodplain Development Manual and available flooding information. This policy has been now been amended to incorporate the revised NSW Floodplain Development Manual 2005 and the provisions of draft and adopted Floodplain Management Plans prepared for land within the Port Stephens Local Government Area.

CHANGES TO PREVIOUS POLICY

No Change

OBJECTIVE

- To manage the development of land subject to or affected by the likelihood of flooding and/or tidal inundation defined as floodprone land in the Port Stephens Local Environmental Plan 2000.
- To base the nature of the restriction applied to an affected site on the principles of the NSW Floodplain Development Manual 2005, the Port Stephens Foreshore (Floodplain) Management Study and Plan 2002, the Paterson River Floodplain Management Study and Plan 2001, the draft Lower Hunter Valley Floodplain Management

No change

No change

Study 2001, the Williamstown Salt Ash Flood Study and any further flooding information available to Council at the time.

- To ensure that decisions in relation to the acquisition and development of land are made having regard to the best flooding information available.
- To ensure that Council complies with the provision of S733 of the Local Government Act 1993 - Exemption from liability—flood liable land and land in coastal zone

No change

No change

PRINCIPLES

The policy manages development of flood prone and flood-affected land and requires assessment of the risks and consideration of satisfactory precautions where appropriate.

No change

POLICY STATEMENT

1. Land affected by flooding should not be developed without adequate assessment of the risks and consideration of the satisfactory precautions where appropriate.

No change

2. Council must, before granting development consent on flood prone land or on land directly or indirectly affected by flooding, consider the following:

No change

- The extent and nature of the flooding or inundation hazard affecting the land,
- Whether or not the proposed development would increase the risk of or severity of flooding or inundation affecting other land or buildings, works or other land uses in the vicinity,
- Whether the risk of flooding or inundation affecting the proposed development could be reasonably mitigated and whether conditions should be imposed on any consent to further objectives of this plan,
- The social impact of flooding on occupants, including the ability of emergency services to access, rescue and support residents of flood affected areas, and
- The provisions of any Floodplain Management Plan, Floodplain Study or Development Control Plan adopted by Council or in draft form.

No change

No change

No change

No change

No change

3. (a) **If Council determines that a comprehensive flood report is required to support the development application, then this shall be** prepared by an experienced Flood Engineer approved by the NSW Department of Environment and Climate Change or such department as administering the NSW Government Floodplain Development Manual from time to time.

New Clause

3. (b) **Council will then assess the applicant's flood report as part of the assessment and determination of the application. If the flood report is concluded to be inadequate to achieve full merit assessment, then the Council shall advise the applicant, in writing, within 21 days of receipt.**

New Clause

The applicant will then have 28 days in which to provide a response to the issues. Should the response not be received within that time period, or inadequate justification is given for an extension of time, the application will be refused under delegation.

4. Land use and purchase decisions are best made with the best knowledge available of any potential risks to life and property.

No change.

RELATED POLICIES

N/A

REVIEW DATE

This policy will be reviewed within 3 years after the date on which Council adopted it.

No change

RELEVANT LEGISLATIVE PROVISIONS

Environmental Planning and Assessment Act 1979 (NSW)
Local Government Act 1993 (NSW)
Port Stephens Draft Local Environmental Plan 2000

No change

IMPLEMENTATION RESPONSIBILITY

The Community Planning section of Council, through its Strategic Planning Team is responsible for the implementation of this policy in conjunction with other staff as appropriate.

No change

ITEM NO. 4

FILE NO: C1610-01

ORGANISATION STRUCTURE

REPORT OF: ANNE SCHMARR – ORGANISATION DEVELOPMENT MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the Organisation Structure, Senior Staff positions and establishment numbers as shown in **ATTACHMENT 1, 2 and 3** for 2007/08.

STRATEGIC COMMITTEE MEETING – 4 September 2007

RECOMMENDATION: That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007**RESOLUTION:**

281	Councillor Westbury Councillor Dingle	That the recommendation be adopted.
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MATTER ARISING:

1. That a report be prepared on the future directions of Anzac Park.
2. That a report be prepared on the number of indoor staff administration positions created during the term of this Council and the cost of these positions. Also the number of outdoor staff positions created and the costs for these positions.
3. That Council have a maximum finishing time of all Council and Committee meetings of 9pm. Extensions can be given in 30 minute time slots.

ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007**RESOLUTION:**

282	Councillor Westbury Councillor Dingle	That a report be prepared on the future directions of Anzac Park.
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RESOLUTION:

283	Councillor Westbury Councillor Dingle	That a report be prepared on the number of indoor staff administration positions created during the term of this Council and the cost of these positions. Also the number of outdoor staff positions created and the costs for these positions.
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RESOLUTION:

284	Councillor Westbury Councillor Dingle	hat Council have a maximum finishing time of all Council and Committee meetings of 9pm. Extensions can be given in 30 minute time slots.
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Councillor Francis left the meeting at 7.45pm during Item 4.

Councillor Francis returned to the meeting at 7.50pm during Item 4.

BACKGROUND

The purpose of this report is to seek Council's approval on the Organisation Structure, Senior Staff positions and establishment numbers.

CURRENT STRUCTURE

The current three group structure consisting of Facilities and Services, Business and Support, Sustainable Planning plus the Corporate Management area, was adopted by Council at its meeting on 27th February, 2001.

Senior Staff Positions

The General Manager and Group Managers' positions have previously been determined by Council to be the four senior staff positions that exist within the current organisation structure.

A senior staff position is one where:

- The total remuneration package is to be at least equal to or greater than that of NSW Senior Executive Service (SES) Level 1 (currently minimum \$136,800)
- Senior staff are to be employed under performance based fixed term contracts not less than 12 months and not exceeding 5 years
- Minimum conditions of employment are governed by the Annual Holidays Act and the Long Service Leave Act.

PROPOSED CHANGES TO STRUCTURE

Given the significant organisation structure review undertaken in 2006/07, only minor changes are proposed to the structure for 2007/08.

BUSINESS AND SUPPORT GROUP

Resources

1) NAR Officer

For the past four years Council has employed up to three temporary staff to undertake an audit of Council's Name and Address Register (the NAR). The NAR underpins our Authority System, which integrates all corporate applications, including the financial management module, payroll, rates, DA's, purchasing and property. Duplications within the NAR register have now been eliminated; however, there is an on-going need for a permanent NAR Officer to maintain the integrity of this data base. It is proposed to replace the three temporary positions with one permanent position.

2) Helpdesk Officer

For the past two years, Council has employed a temporary Helpdesk officer to assist the Helpdesk Team with supporting the development and implementation of hardware and software solutions. With an increasing reliance on IT within the organisation, and the complexity of applications, it has become apparent that an additional Helpdesk Officer is required to support the maintenance of our IT systems both within the Administration Building and our remote sites. It is proposed to change the status of this position from temporary to permanent.

SUSTAINABLE PLANNING

Community Planning

1) Trainee GIS Officer

With the wide application of our Geographic Information System, and to meet the skills shortfall in this field, it is proposed that Council employs a GIS Trainee. This is also consistent with Council's objective of employing 20 trainees within the organisation.

LINKS TO CORPORATE PLANS

Relates to Goal 19 of the Council Plan – “Enhance Council's ability to attract and retain quality staff”. – Council will annually review the staffing structure.

The role of elected representatives, as outlined in the Council Plan, is to direct and control the affairs of Council in accordance with the Local Government Act, and to participate in the optimum allocation of the council's resources for the benefit of the area.

FINANCIAL/RESOURCE IMPLICATIONS

Employee costs to cover the structure shown in Attachment 1 are estimated to be \$30.059M in the 2007/08 budget. To reflect the proposed structural changes, there would be an additional \$44,339 impact on revenue.

Helpdesk Position

This position will be funded from the IT Restricted Fund budget, resulting in a nil impact on operating budget and general revenue.

Permanent NAR Officer

This position will be funded from general revenue. Historically, this position has been partly funded from the IT Restricted Fund and partly funded from general revenue. A budget allocation of \$42,485 currently exists within general revenue. However, the total cost of this position (including on costs) is \$54,324. As a result, a budget shortfall of \$11,839 exists.

GIS Trainee

This position will be funded from general revenue

LEGAL AND POLICY IMPLICATIONS

Under Section 332 of the Local Government Act, Council is required to determine an organisation structure, the resources to be allocated towards the employment of staff and those positions within the organisation structure that are senior staff positions. Section 333 provides that the structure may be re-determined by the Council from time to time. It must be re-determined within 12 months after any ordinary election of the Council.

Australian Business Excellence Framework

This aligns with the following ABEF Principles. (Please delete what is not applicable)

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions

- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 5) The potential of an organisation is realised through its people's enthusiasm, resourcefulness and participation
- 8) Effective use of facts, data and knowledge leads to improved decisions

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Council as a major employer acknowledges its role in providing trainee and apprentice opportunities.

ECONOMIC IMPLICATIONS

As a major employer there are significant "flow on" effects into the Port Stephens economy as well as improving the areas skill base.

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Councillors
Staff
Section Managers
Executive Team

OPTIONS

- 1) Approve the recommendation
- 2) Not approve the recommendation

ATTACHMENTS

- 1) Current Organisation Structure by Group and Section
- 2) Establishment numbers by Group and Section
- 3) Proposed Additional Changes to Structure

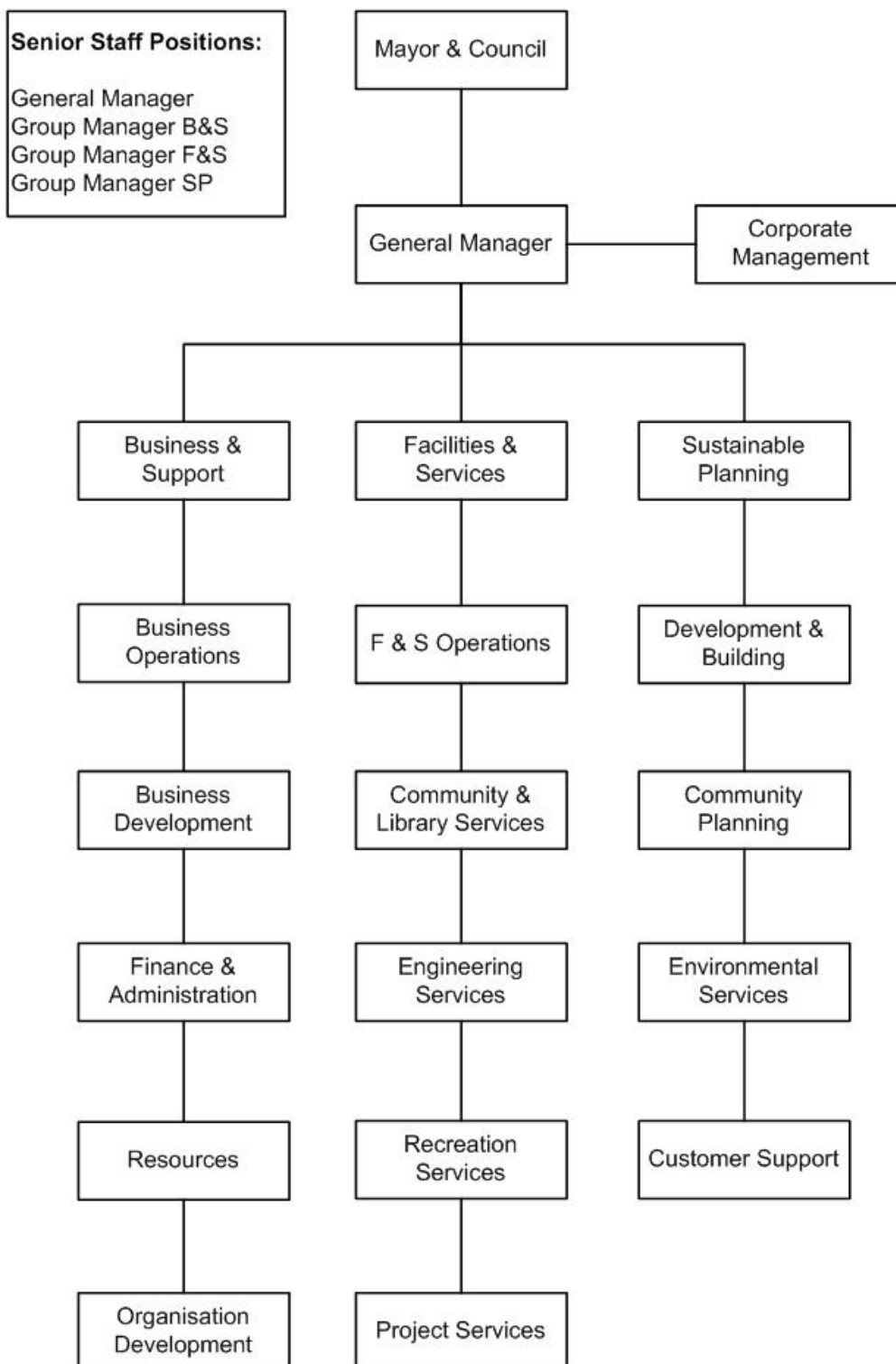
COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1



ATTACHMENT 2

Establishment Numbers by Group and Section

GROUP	SECTION	EFT 2005/2006	2006/2007	PROPOSED 2007/08	CHANGES
Business & Support	Group Manager & EA/ED Unit	2	4	4	0
	Finance & Admin	29.23	29.83	29.83	0
	Organisation Dev	9	8	8	0
	Business Development	56.41	12.6	12.6	0
	Business Operations		43.71	43.71	0
	Resources	44	42	40	-2 (NAR)
Total Business & Support		140.68	140.14	138.14	-2
Facilities & Services	Group Manager & Admin	4	4	4	0
	Operations	112	112	112	0
	Sport & Rec	7.6	7.6	7.6	0
	Engineering	21.2	21.2	21.2	0
	Community & Library	42.86	42.24	42.24	0
	Project Services	23	24	24	0
Total Facilities & Services		210.66	211.04	211.04	0
Sustainable Planning	Group Manager & Admin	14	14	14	0
	Community Planning	19.60	21.40	22.40	+1 (GIS)
	Environmental Services	20.20	21.40	21.40	0
	Development & Building	19.20	21.20	21.20	0
Total Sustainable Planning		73.00	78.00	79.00	+ 1
Corporate Management		11	13	13	0
Total Corporate Management		11	13	13	0
Total Establishment		435.34	442.18	441.18	-1

ATTACHMENT 3

ADDITIONAL CHANGES TO THE STRUCTURE

Group	Name of Position	New Position, Redesignated Position	Source of Funding
Business & Support	NAR Officer	Temporary to Permanent	Budget allocation of \$42,485.34 currently exists within general revenue. However, the total cost of this position (including oncosts) is \$54,324. As a result, a budget shortfall of \$11,839 exists.
	Help Desk Officer	Temporary to Permanent	\$51,565 to be funded from the IT Strategy
Sustainable Planning	GIS Trainee	New position	\$32,500 to be funded from Revenue

Total impact on Revenue = \$44,339

GENERAL MANAGER'S REPORT

**PETER GESLING
GENERAL MANAGER**

ITEM NO. 3

FILE NO: A2004-0373

COUNCIL PRAYER AND TRADITIONAL WELCOME AT COUNCIL MEETINGS

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER, CORPORATE MANAGEMENT

RECOMMENDATION IS THAT COUNCIL:

- 1) That Council continue with the current Prayer and Traditional Welcome at Council meetings.
-

ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007

RESOLUTION:

285	Councillor Nell Councillor Dover	That the recommendation be adopted with the following changes to the wording of the traditional welcome:- “I acknowledge and pay respect to the Worimi People of Port Stephens, who are the traditional owners of this land on which we stand/meet today”.
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BACKGROUND

The purpose of this report is allow Council the opportunity to consider whether to continue with the prayer and traditional welcome at Council meetings. Council’s current Code of Meeting Practice makes provision for the prayer at the commencement of all ordinary meetings of Council.

Port Stephens Council in the past commenced Council meetings with the following prayer –

“We ask Almighty God to help us serve the community to the best of our ability, and make Port Stephens a happy and healthy place in which to live, work and visit. Amen.”

Council previously passed a resolution to include a Traditional Welcome at each Council meeting. The Traditional Welcome is to follow the Prayer at the commencement of each Council meeting.

The Traditional Welcome is as follows:-

“I would like to acknowledge and pay respect to the Worimi People of Port Stephens, who are the traditional owners of this land on which we stand/meet today”.

LINKS TO CORPORATE PLANS

Cultural Sustainability – *Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity.*

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL AND POLICY IMPLICATIONS

Nil

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

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

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Nil

OPTIONS

- 1) Adopt the recommendation
- 2) Resolve to cease having the prayer and/or the traditional welcome at Council meetings

ATTACHMENTS

Nil

TABLED DOCUMENTS

Nil

ITEM NO. 4

FILE NO: A2004-0372

COUNCIL AND COMMITTEE CYCLE

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER, CORPORATE MANAGEMENT

RECOMMENDATION IS THAT COUNCIL:

- 1) Continue with the meeting cycle as detailed in the report.
- 2) The Ordinary Council Meeting to be held on 23 October 2007 be transferred to the 30 October 2007 due to the Local Government Conference being held from 20-24 October 2007.

ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007

RESOLUTION:		
286	Councillor Westbury Councillor Nell	That the recommendation be adopted.

BACKGROUND

The purpose of this report is to inform Council of the current Council and Committee meetings cycle.

Council at its meeting in September 2005 adopted this meeting cycle. Council established two Standing Committees and a number of Joint Committees. The Standing Committees are Committees of the Whole as follows:

Operations Committee – dealing with all present matters in the current work program of Council;

Strategic Committee – dealing with all future proposals or strategies.

1) Week 1

Inspections and/or Briefings as required

Followed by public access and Strategic Committee, if the business paper warrants a Committee meeting. Should there not be sufficient matters to form an agenda the General Manager may convene a briefing evening for Councillors to attend. This will be at the discretion of the General Manager in accordance with the Local Government Act

2) Week 2

Inspections and/or Briefings as required

Followed by public access, Operations Committee and Ordinary Meeting (if required)

Note: As a general rule the Ordinary Meeting that may follow an Operations Committee

meeting is to allow Council to deal with property matter and tenders that require a resolution of Council, which are unable to wait until the end of the month Ordinary meeting. There is also occasion when matters such as development application can be considered at this time due to the nature or urgency of the development application for a particular reason. This can be brought forward by the Mayor and/or placed on the agenda by the General Manager.

3) Week 3

Inspections and/or briefings as required. Several meetings will be scheduled to occur on this Tuesday throughout the twelve month period.

4) Week 4

Briefings followed by Council meeting.

5) Week 5

Briefings, if required.

LINKS TO CORPORATE PLANS

Council meetings contribute and enhance the Social, Cultural, Economic and Environmental Sustainability.

FINANCIAL/RESOURCE IMPLICATIONS

Financial and Resource implications are provided for within the existing budget.

LEGAL AND POLICY IMPLICATIONS

Section 365 of the Local government Act requires Council to meet at least 10 times per year in different months. The Local Government (General) Regulation provides for Council to establish such committees, as it considers necessary. Council must specify the functions of such committees.

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals.
- 2) Mutually agreed plans translate organisational direction into actions

SUSTAINABILITY IMPLICATIONS SOCIAL IMPLICATIONS

This cycle will allow Councillors and the community additional time to properly consider all issues before a Council meeting.

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

General Manager
Executive Manager – Corporate Management

OPTIONS

- 1) Adopt the recommendation
- 2) Reject the recommendation.

ATTACHMENTS

Meeting cycle

TABLED DOCUMENTS

Nil

ATTACHMENT 1

Week 1

Inspections and/or briefings as required followed by public access and Strategic Committee meeting as determined by the General Manager.

5.00 – 5.30 pm	Afternoon Tea
5.30pm	Public Access
Followed by	Strategic Committee
Followed by	Dinner with Councillors & Staff

Week 2

Inspections and/or briefings as required followed by public access and Operations Committee meeting.

5.00 – 5.30 pm	Afternoon Tea
5.30pm	Public Access
Followed by	Operations Committee
Followed by (if required)	Ordinary meeting of Council to deal with recommendations from the Operations Committee relating to tender, property matters and development applications
Followed by	Dinner with Councillors & Staff

Week 3

5.30pm Inspections and/or briefings as required.

Note: Several meetings will be scheduled to occur on this Tuesday throughout the 12 month period.

Week 4

Briefings if required followed by Council meeting.

5.00 – 5.30 pm	Afternoon Tea
5.30pm	Council meeting to consider Mayoral Minutes, Committee recommendations and General Manager's reports. To be preceded by any formal presentations
Followed by	Dinner with Councillors & Staff

Week 5

Briefings if and when required

ITEM NO. 5

FILE NO: A2004-0370

MEMBERSHIP OF COMMITTEES

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER, CORPORATE MANAGEMENT

RECOMMENDATION IS THAT COUNCIL:

- 1) Nominates membership of Standing Committees;
- 2) Elects the Chair and Deputy Chair of each Standing Committee (where applicable);
- 3) Determines the quorum for Committee meetings;
- 4) Nominates membership of Council Committees, 355(b) Committees and Regional Committees and Groups, and amends the constitutions to include new membership where applicable.
- 5) Abolish the following committees/groups:
 - a) Williams River Catchment Management Committee
 - b) Port Stephens Community Infrastructure Settlement Reference Group
 - c) Raymond Terrace Community Care Centre Advisory Committee
 - d) Lemon Tree Passage Tidy Towns, Parks and Reserves

ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007

RESOLUTION:

287	Councillor Dover Councillor Tucker	<p>It was resolved that:-</p> <ol style="list-style-type: none"> 1) Membership of Standing Committees being all twelve (12) Councillors on each Committee; 2) The Chair and Deputy Chair of each Standing Committee be deferred to the respective Committee meetings for election; 3) The quorum for Committee meetings be in accordance with Council’s Code of Meeting Practice; 4) Membership of Council Committees, 355(b) Committees and Regional Committees and Groups be in accordance with the list shown below. 5) Abolish the following committees/groups: <ol style="list-style-type: none"> a) Williams River Catchment Management Committee b) Port Stephens Community Infrastructure Settlement Reference Group c) Raymond Terrace Community Care Centre Advisory Committee d) Lemon Tree Passage Tidy Towns, Parks and Reserves
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MINUTES FOR ORDINARY MEETING – 25 SEPTEMBER 2007

ELECTION OF REPRESENTATIVES ON COUNCIL COMMITTEES AND REGIONAL COMMITTEES AND GROUPS

2007/08 Delegates

Committee Name	Purpose of Committee	Meeting Cycle	Group	Delegate
1 Access Committee of Port Stephens	<ul style="list-style-type: none"> ➤ To provide a community forum for the discussion of disability issues. ➤ To raise awareness of and provide advice to Council on the access requirements of people with disability. ➤ To contribute to the development of Council policies on access and monitor their implementation. 	<i>Monthly Meetings held alternately in Raymond Terrace & Tomaree</i>	Sustainable Planning	<i>Cr Brown Cr Dover</i>
2 Anna Bay, Birubi Pt Reserves, Hall & Tidy Towns Committee	To assist Council in the management of Anna Bay Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Swan Cr Dover</i>
3 Boat Harbour Parks and Reserves Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Dover</i>
4 Bobs Farm Public Hall Committee	To assist Council in the management of Bobs Farm Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Swan</i>
5 Corlette Headland Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Westbury</i>
6 Corlette Reserves & Hall 355(b) Committee	To assist Council in the management of Corlette Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Westbury</i>

MINUTES FOR ORDINARY MEETING – 25 SEPTEMBER 2007

Committee Name	Purpose of Committee	Meeting Cycle	Group	Delegate
7 Fern Bay Public Hall, Reserves and Tidy Towns Committee	To assist Council in the management of Fern Bay Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Dingle Cr Swan</i>
8 Fingal Bay Parks & Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	<i>Cr Nell Cr Dover</i>
9 Hinton School of Arts Committee	To assist Council in the management of Hinton School of Arts.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Jordan</i>
10 Aboriginal Strategic Committee	To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people. To promote mutual awareness and respect for the cultures of both Aboriginal and non Aboriginal communities.	<i>Monthly Meetings held alternatively with Worimi Land Council & Karuah Land Council</i>	Sustainable Planning	<i>Cr Dover Cr Brown Mayor (Cr Swan)</i>
11 Karuah Community Centre Committee	To assist Council in the management of Karuah Community Centre.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Francis Cr Brown</i>
12 Karuah Tidy Towns, Parks Reserves & Wetlands Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	<i>Cr Brown Cr Francis</i>
13 Lemon Tree Passage Parks, Reserves & Tidy Towns Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	<i>Cr Tucker Cr Swan</i>

MINUTES FOR ORDINARY MEETING – 25 SEPTEMBER 2007

Committee Name		Purpose of Committee	Meeting Cycle	Group	Delegate
14	Mallabula Community Centre Committee	To assist Council in the management of Mallabula Community Centre.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Tucker Cr Swan</i>
15	Mallabula Parks and Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Tucker Cr Swan</i>
16	Mambo Wanda Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	<i>Cr Dover Cr Nell</i>
17	Medowie Community Centre Committee	To assist Council in the management of Medowie Community Centre.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Dingle Cr Tucker</i>
18	Medowie Sports Council	➤ To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	<i>Every 4 months– February, June, October 1st Monday</i>	Facilities & Services	<i>Cr Swan Cr Dingle</i>
19	Medowie Tidy Towns & Cycleway Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Dingle</i>
20	Nelson Bay Senior Citizens Hall Committee	➤ To assist Council in the management of Nelson Bay Senior Citizens Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Dover</i>

MINUTES FOR ORDINARY MEETING – 25 SEPTEMBER 2007

Committee Name		Purpose of Committee	Meeting Cycle	Group	Delegate
21	Nelson Bay West Parkcare Committee	<ul style="list-style-type: none"> ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Nell</i>
22	Ngioka Centre Committee	<ul style="list-style-type: none"> ➤ To assist in the care and management of the Ngioka Centre (a facility to provide for education and therapy focusing on people with a disability and disadvantaged people) 	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Dover</i>
23	Port Stephens Adult Choir Committee	<ul style="list-style-type: none"> ➤ To promote, organise and train the Port Stephens Choir. ➤ To develop a sense of community identity and belonging by involving participants in community cultural projects. 	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i>	Sustainable Planning	<i>Cr Brown Cr Hodges</i>
24	Port Stephens Australia Day Celebrations Coordinating Committee	<ul style="list-style-type: none"> ➤ To co-ordinate the annual celebration of Australia Day in Port Stephens in line with recommendations from Australia Day Council. ➤ To organise the Citizen of the Year and the Junior Citizen of the Year activity. 	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i>	Sustainable Planning	<i>Cr Francis Cr Westbury Cr Tucker</i>
25	Port Stephens Sister Cities Committee	<ul style="list-style-type: none"> ➤ To promote positive and ongoing relationships between international communities providing opportunities for cultural exchange 	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i>	Corporate Management	<i>All Councillors</i>
26	Port Stephens Community Band Committee	<ul style="list-style-type: none"> ➤ To promote, organise and train the Port Stephens Community Band. ➤ To develop a sense of community identity and belonging by involving youth and adults in community cultural projects. 	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Sustainable Planning	<i>Cr Swan Cr Brown</i>
27	Port Stephens Economic Development Advisory Panel	<ul style="list-style-type: none"> ➤ Act as a communication and advisory mechanism to Council on relevant Economic Development issues. ➤ Oversee the review and implementation of the Economic Development Strategy. 	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Business & Support	<i>Cr Baumann Cr Westbury Cr Hodges (one from each Ward)</i>
28	Port Stephens Native Flora Garden Committee	<ul style="list-style-type: none"> ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	<i>Quarterly</i>	Facilities & Services	<i>Cr Nell</i>

MINUTES FOR ORDINARY MEETING – 25 SEPTEMBER 2007

Committee Name		Purpose of Committee	Meeting Cycle	Group	Delegate
29	Port Stephens Sports Council	<ul style="list-style-type: none"> ➤ To provide input and forward planning, from a Council wide basis, on facilities, sporting statistics, policies and recommendations on future needs. ➤ To administer the Sportsperson of the Year Award. 	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i>	Facilities & Services	Cr Swan
30	Port Stephens Telecentre Advisory Committee	<ul style="list-style-type: none"> ➤ To assist Council in the management and promotion of the Telecentre. 		Business & Support	Cr Francis Cr Brown
31	Raymond Terrace Parks, Reserves & Tidy Towns Committee	<ul style="list-style-type: none"> ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	Cr Brown
32	Raymond Terrace Senior Citizens Hall Management Committee	<ul style="list-style-type: none"> ➤ To assist Council in the management of the Raymond Terrace Senior Citizens Hall. 	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Francis
33	Raymond Terrace Sports Council	<ul style="list-style-type: none"> ➤ To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council. 	<i>Every 4 months– February, June, October 2nd Monday</i>	Facilities & Services	Cr Jordan Cr Hodges Cr Francis Cr Brown
34	Rural West Sports Council	<ul style="list-style-type: none"> ➤ To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council. 	<i>Every 4 months– February, June, October 2nd Wednesday</i>	Facilities & Services	Cr Hodges Cr Jordan Cr Brown
35	Salamander Ecology Group	<ul style="list-style-type: none"> ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	Cr Nell
36	Salt Ash Community Hall, Reserves and Tennis Courts Committee	<ul style="list-style-type: none"> ➤ To assist Council in the management of Salt Ash Community Hall & Tennis Courts. ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Tucker Cr Swan

MINUTES FOR ORDINARY MEETING – 25 SEPTEMBER 2007

Committee Name	Purpose of Committee	Meeting Cycle	Group	Delegate
37 Salt Ash Sports Ground Committee	➤ To assist Council in the management, maintenance and improvements to Salt Ash Oval.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Swan Cr Tucker
38 Seaham Park, Wetland and Tidy Towns Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	Cr Jordan Cr Brown
39 Seaham School of Arts and Community Hall Committee	➤ To assist Council in the management of: Seaham School of Arts Seaham Community Hall	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Jordan
40 Shoal Bay Beach Preservation Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Westbury
41 Soldiers Point-Salamander Bay Parks, Reserves and Hall Committee	➤ To assist Council in the management of Soldiers Point Hall. ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Dover
42 Soldiers Point-Salamander Bay Tidy Towns and Landcare Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	Cr Dover
43 Tanilba Bay Parks, Reserves & Hall Committee	➤ To assist Council in the management of Tanilba Bay Hall. ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Tucker Cr Swan

MINUTES FOR ORDINARY MEETING – 25 SEPTEMBER 2007

Committee Name		Purpose of Committee	Meeting Cycle	Group	Delegate
44	Tanilba Bay Senior Citizens Hall Management Committee	➤ To assist Council in the management of Tanilba Bay Senior Citizens Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Swan Cr Tucker
45	Taylors Beach Reserves, Tidy Towns & Landcare Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	Cr Nell
46	Tilligerry Aquatic Centre Advisory Committee	➤ To promote the Tilligerry Aquatic Centre within the community ➤ To establish and promote links with local primary, secondary schools and the community.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Swan Cr Tucker
47	Tilligerry Community Centre Committee	➤ To assist Council in the management of Tilligerry Community Centre and surrounds.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Swan Cr Tucker
48	Tilligerry Sports Council	➤ To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council.	<i>Every 4 months– February, June, October 3rd Monday</i>	Facilities & Services	Cr Swan Cr Tucker
49	Tomaree Education Complex Multi Purpose Centre Committee	➤ To assist Council with the care, management and promotion of the facility. ➤ To make recommendation to Council as to the development, planning and management of Tomaree Education Complex Multi Purpose Centre. ➤	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Westbury
50	Tomaree Sports Council	➤ To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council.	<i>Every 4 months– February, June, October 3rd Wednesday</i>	Facilities & Services	Cr Westbury Cr Nell Cr Dover Cr Robinson

MINUTES FOR ORDINARY MEETING – 25 SEPTEMBER 2007

Committee Name		Purpose of Committee	Meeting Cycle	Group	Delegate
51	West Tilligerry Tidy Towns and Landcare Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	<i>Cr Tucker</i>
52	West Ward Cemeteries Committee	➤ To undertake maintenance and improvements to cemeteries in West Ward.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Francis</i>
53	Williamstown Public Hall Committee	➤ To assist Council in the management of Williamstown Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Dingle Cr Swan</i>
54	Port Stephens Heritage Advisory Committee	➤ This committee is run by Council and supported by funds from the Heritage Office. Community members meet to raise and make recommendation on local heritage issues	<i>Committee is required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Sustainable Planning	<i>Cr Brown Cr Francis</i>

MINUTES FOR ORDINARY MEETING – 25 SEPTEMBER 2007

REGIONAL COMMITTEES AND GROUPS

	Name of Organisation	Purpose of Committee	Group	Delegate/ Member
55	Comprehensive Koala Plan of Management Implementation Committee	Responsible for overseeing the implementation of the Port Stephens Council Comprehensive Koala Plan of Management.	Sustainable Planning	<i>Cr Brown</i>
56	Conduct Committee – Code of Conduct	This committee is convened at the discretion of the Mayor and General Manager to consider breaches of the Code of Conduct.	Corporate Management	<i>Mayor & (General Manager & Legal Rep)</i>
57	Country Public Libraries Association & Joint Library Advisory Committee	Country Public Libraries Association constitution requires a Councillor representative. This Association provides support for country public libraries. The Joint Library Advisory Committee's constitution also requires a Councillor representative in line with the Newcastle Regional Library agreement.	Facilities & Services	<i>Cr Brown</i>
58	Hunter Coast & Estuary Management Committee	This Committee includes representatives from Port Stephens, Maitland and Newcastle Councils and is responsible for long term planning for the estuary and Newcastle coastline.	Sustainable Planning	<i>Cr Brown Cr Westbury</i>
59	Hunter Councils (formerly Hunter Regional Organisation of Councils)	To discuss regional issues in the Hunter	Corporate Management	<i>Cr Swan (Mayor) Cr Robinson (alternate) Cr Brown</i>
60	Hunter Water Corporation Community Consultative Committee	This committee is an advisory committee to Hunter Water Corporation.	Corporate Management	<i>Cr Nell</i>
61	Karuah Working Together Inc.	This Committee was established to forward the recommendations of the Karuah Community & Economic Redevelopment Strategy.	Sustainable Planning	<i>Cr Hodges Cr Francis Cr Brown Cr Jordan</i>
62	Hunter & Central Coast Regional Environmental Management Strategy Steering Committee (HCCREMS) <i>Formerly</i> Lower Hunter & Central Coast Regional Environmental Management Strategy Steering Committee	This is a subcommittee of Hunter Councils and is responsible for environmental management initiatives on regional basis.	Sustainable Planning	<i>Cr Brown</i>

MINUTES FOR ORDINARY MEETING – 25 SEPTEMBER 2007

	Committee Name	Purpose of Committee	Group	Delegate/ Member
63	Lower Hunter Councils Transport Group	This is a working party that coordinates projects and transport issues across local government boundaries.	Sustainable Planning	<i>Cr Francis</i>
64	Lower Hunter Zone Bushfire Management Committee	The committee is a legislative requirement and is to discuss direction across local government areas and across agencies in regard to bushfire management.	Facilities & Services	<i>Cr Dover Cr Brown (alternate)</i>
65	Lower Hunter Zone Liaison Committee	To review the progress of the Service Level Agreement between Port Stephens Council and NSW Rural Fire Service in the Local Government Area.	Facilities & Services	<i>Cr Dover Cr Brown (alternate)</i>
66	Lower Tilligerry Floodplain Risk Management Committee	To oversee the Flood Studies for the Tilligerry Creek catchment	Sustainable Planning	<i>Cr Baumann Cr Tucker Cr Swan Cr Dingle</i>
67	National Parks & Wildlife Service Regional Advisory Committee <i>Ministerial Appointment</i>	This is a community reference group run by National Parks & Wildlife Service. It is not a Council committee.	Sustainable Planning	<i>Cr Brown Ministerial Appointment</i>
68	Nelson Bay Adult Education Committee	This committee is an advisory committee for Adult Education.	Corporate Management	<i>Cr Westbury</i>
69	Newcastle Road Freight Group	This group is coordinated by the RTA and provides Local Government the opportunity to meet with the heavy vehicle industry.	Sustainable Planning	<i>Cr Robinson</i>
70	Port Stephens East Local Health Advisory Committee	To discuss health issues on the Tomaree Peninsula.	Sustainable Planning	<i>Cr Dover Cr Robinson</i>
71	Port Stephens West Local Health Advisory Committee	To discuss health issues in the western zone of the local government area.	Sustainable Planning	<i>Cr Francis Cr Dingle</i>
72	Port Stephens Tidy Town & Landcare Co-ordinating Group	To provide a forum for volunteers working within Council's bushland, parks and reserves to discuss relevant issues and ideas relating to current and potential projects, problems they experience, and additional training and resources they require.	Sustainable Planning	<i>Cr Dingle Cr Brown Cr Dover Cr Swan (alternate)</i>
73	Port Stephens Tourism Joint Venture Committee	This Committee is the liaison between Port Stephens Council and Port Stephens Tourism for the promotion of tourism in the Port Stephens Shire.	Business & Support	<i>Cr Westbury Cr Hodges Cr Swan</i>

MINUTES FOR ORDINARY MEETING – 25 SEPTEMBER 2007

	Committee Name	Purpose of Committee	Group	Delegate/ Member
74	Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee	This Committee includes representatives from Great Lakes Council and is responsible for long term planning for the estuary and the coastline.	Sustainable Planning	<i>Cr Nell Cr Westbury</i>
75	Regional Mosquito Management Working Group	This is a regional committee initiated by the Premiers Department to develop strategies to manage our interaction with mosquitoes.	Sustainable Planning	<i>Cr Brown</i>
76	Local Development Committee	Local Traffic Committee (see 83) providing advice to Council on development.	Sustainable Planning	<i>Cr Dingle Cr Hodges (alternate)</i>
77	Local Traffic Committee	This is an RTA-based committee which allows Council to have delegated authority to install or remove regulatory sign posting on public roads.	Sustainable Planning	<i>Cr Westbury Cr Hodges (alternate)</i>
78	Urban Animal Management Committee	This committee seeks to develop local strategies to better manage domestic dogs.	Sustainable Planning	<i>Cr Brown Cr Swan</i>
80	Williams River Floodplain Risk Management Committee	To oversee the Flood Studies for the Williams River catchment including Dungog shire	Sustainable Planning	<i>Cr Jordan Cr Brown</i>
81	Nelson Bay Town Management Inc	This group coordinates business promotion and improvement in the Nelson Bay CBD	Business & Support	<i>Cr Nell Cr Westbury Cr Dover Cr Robinson</i>
82	Marine Parks Advisory Panel <i>Ministerial Appointment</i>	Community Consultative Committee regarding the proposed Marine Park in Port Stephens	Sustainable Planning	<i>Cr Westbury Ministerial Appointment</i>
83	Raymond Terrace Community Care Centre Advisory Committee	To liaise with tenants and user groups in relation to the use of the Raymond Terrace Community Care Centre	Facilities & Services	<i>Cr Hodges</i>
84	North Coast NSW Regional Tourism Board	To work with Tourism bodies and groups on a regional basis.	Business & Support	<i>Cr Westbury</i>
85	Port Stephens Futures Strategy – Reference Group	Group just initiated and membership is recommended to stay the same as resolved upon in June 2007.	Sustainable Planning	<i>Cr Brown - West Ward Cr Swan – Central Ward Cr Nell – East Ward</i>
86	Worimi Conservation Lands Board of Management <i>Ministerial Appointment</i>	To oversee the management of the lands owned by the Aboriginal owners and leased back to the NSW Government.	Corporate Management	<i>Cr Swan Ministerial Appointment Cr Dover Alternate delegate</i>

MINUTES FOR ORDINARY MEETING – 25 SEPTEMBER 2007

	Committee Name	Purpose of Committee	Group	Delegate/ Member
87	Windeyers Creek Committee <i>Formerly Windeyers Creek Catchment Committee</i>	To oversee the management of the Windeyers creek management plan.	Sustainable Planning	<i>Cr Brown</i>
88	Tilligerry Catchment Management Committee <i>This is a new committee.</i>	To develop and implement the Tilligerry Catchment management Plan which will result in improved water quality in Tilligerry Creek.	Sustainable Planning	<i>Cr Westbury Cr Dingle.</i>
89	Police Action Community Team <i>New Team</i>	To provide a forum for local community members, service providers and the police to discuss issues and appropriate strategies relating to crime and community safety.	Sustainable Planning	<i>Mayor</i>
90	Port Stephens Transport Forum	The Ministry for Transport convenes these forums which have been established in most LGAs throughout NSW. It provides the opportunity for local transport providers (eg; community transport, bus and taxi operators) and local residents to discuss local and regional transport related issues and to formulate appropriate strategies to more effectively improve the delivery of existing public transport services in meeting the community's transport needs.	Sustainable Planning	<i>Mayor</i>

BACKGROUND

In accordance with legislation Council is required to nominate delegates and adopt the list of 355(b) Committees.

As part of Council's commitment to community partnerships it provides opportunities for the community to be involved with the management of the facilities they use. Council has established over 50 community committees, which are involved in the care and management of Council's parks, reserves, services and facilities.

These committees are allowable under Section 355 and Section 377 of the Local Government Act, which allow Council to delegate certain functions.

For a 355(b) committee, the written record of delegations is contained in the **committee constitution** as prepared and adopted by Council. Functions that cannot be delegated (under Section 377) are listed in the constitution. Any change to delegations to a 355(b) committee must be effected by resolution of Council.

The key concept is that a 355(b) committee is a **Council** committee. Committees include Councillor representation and a Council staff member responsible for liaison. A 355(b) committee operates as an entity of Port Stephens Council and not as a separate entity in a commercial sense. This means that these committees use Council's Australian Business Number (ABN) when trading goods and services and are also required to report on a monthly basis as is required of Council.

Council has approximately fifty 355(b) committees with about 500 – 600 members in total.

MINUTES FOR ORDINARY MEETING – 25 SEPTEMBER 2007

A number of 355(b) Committees undertake work in areas such as dune stabilisation, weed eradication, litter removal, Tidy Towns program participation and providing environmental information and support to Council. These groups work under direction from Council staff to ensure these activities are performed in accordance with recognised practices.

The activities and projects undertaken by committees are often those not financially possible for Council without this volunteer assistance. *Examples include:*

FACILITY MANAGEMENT	MAINTENANCE & IMPROVEMENTS TO RESERVES	OTHER
Community Halls	Parks & Reserves	Band
Sporting Ovals	Foreshore Reserves	Choir
Cemeteries		Advisory Committees
		Sports Council

Council can delegate certain functions to a committee: these are listed in the committee's schedule, which forms part of their constitution. A 355(b) committee constitution consists of a standard constitution, which is applicable to all committees and a schedule customised for each individual committee. This provides the framework of how a 355(b) committee operates and is supported by procedures, systems and reporting requirements.

Council has the same responsibilities for 355(b) committee members as they do for staff including Occupational Health & Safety (OH&S), Code of Conduct and responsibility for activities.

Regional Committees and Groups

In addition to the 355(b) Committees, Councillors and Council staff participate in, and are members of a number of regional committees and groups established to promote an integrated approach to delivering and managing services and addressing issues across the Local Government Area.

Note: The previous list of Committees and Groups are shown below with previous delegates shown in *italics*.

ELECTION OF REPRESENTATIVES ON COUNCIL'S STANDING COMMITTEES

Membership:

OPERATIONS COMMITTEE

- Committee of the Whole
Current Chair: *Cr Hodges*
Current Deputy Chair: *Cr Jordan*

STRATEGIC COMMITTEE

- Committee of the Whole
Current Chair: *Cr Dingle*
Current Deputy Chair: *Cr Brown*

ELECTION OF CHAIR AND DEPUTY CHAIR OF COMMITTEES

Clause 10.7 of Council's Code of Meeting Practice provides as follows:

- a) The Chair of each Committee must be:-
 - i) The Mayor; or
 - ii) If he/she prefers, the Council may elect a Chair; or
 - iii) If the **Council** does not elect a Chair, the **Committee** may elect a Chair.
- b) A Council or Committee may elect a Deputy Chair.

QUORUM FOR COMMITTEE MEETINGS

Clause 10.2(c) of Council's Code of Meeting Practice provides as follows:-

The quorum for a meeting of a Committee of the Council is to be:-

- i) Such number of members as the Council decides; or
- ii) If the Council has not decided, then the majority of the members of the Committee.

ELECTION OF REPRESENTATIVES ON COUNCIL COMMITTEES AND REGIONAL COMMITTEES AND GROUPS

The previous 2006/07 membership is listed below
(previous delegates are denoted in italics)

Committee Name	Purpose of Committee	Meeting Cycle	Group	Delegate	No. of Councillor Attendances
1 Access Committee of Port Stephens	<ul style="list-style-type: none"> ➤ To provide a community forum for the discussion of disability issues. ➤ To raise awareness of and provide advice to Council on the access requirements of people with disability. ➤ To contribute to the development of Council policies on access and monitor their implementation. 	<i>Monthly Meetings held alternately in Raymond Terrace & Tomaree</i>	Sustainable Planning	<i>Cr Brown</i> <i>Cr Dover</i>	No record available
2 Anna Bay, Birubi Pt Reserves, Hall & Tidy Towns Committee	To assist Council in the management of Anna Bay Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Swan</i> <i>Cr Dover</i>	1 1
3 Boat Harbour Parks and Reserves Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Dover</i>	No record available
4 Bobs Farm Public Hall Committee	To assist Council in the management of Bobs Farm Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Swan</i>	No record available
5 Corlette Headland Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Westbury</i>	No record available

MINUTES FOR ORDINARY MEETING – 25 SEPTEMBER 2007

Committee Name	Purpose of Committee	Meeting Cycle	Group	Delegate	No. of Councillor Attendances
6 Corlette Reserves & Hall 355(b) Committee	To assist Council in the management of Corlette Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Westbury</i>	No record available
7 Fern Bay Public Hall, Reserves and Tidy Towns Committee	To assist Council in the management of Fern Bay Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Dingle Cr Swan</i>	No record available
8 Fingal Bay Parks & Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	<i>Cr Nell Cr Dover</i>	1
9 Hinton School of Arts Committee	To assist Council in the management of Hinton School of Arts.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Jordan</i>	1
10 Aboriginal Strategic Committee	To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people. To promote mutual awareness and respect for the cultures of both Aboriginal and non Aboriginal communities.	<i>Monthly Meetings held alternatively with Worimi Land Council & Karuah Land Council</i>	Sustainable Planning	<i>Cr Dover Cr Brown Mayor (Cr Swan)</i>	No record available
11 Karuah Community Centre Committee	To assist Council in the management of Karuah Community Centre.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Francis Cr Brown</i>	1
12 Karuah Tidy Towns, Parks Reserves & Wetlands Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	<i>Cr Jordan Cr Francis</i>	No record available 1

MINUTES FOR ORDINARY MEETING – 25 SEPTEMBER 2007

Committee Name	Purpose of Committee	Meeting Cycle	Group	Delegate	No. of Councillor Attendances	
13	Lemon Tree Passage Parks, Reserves & Tidy Towns Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	Cr Tucker Cr Swan	No record available
14	Mallabula Community Centre Committee	To assist Council in the management of Mallabula Community Centre.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Tucker Cr Swan	No record available
15	Mallabula Parks and Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Tucker Cr Swan	1
16	Mambo Wanda Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	Cr Dover Cr Nell	No record available 1
17	Medowie Community Centre Committee	To assist Council in the management of Medowie Community Centre.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Dingle Cr Tucker	No record available
18	Medowie Sports Council	➤ To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	<i>Every 4 months– February, June, October 1st Monday</i>	Facilities & Services	Cr Swan Cr Dingle	No record available 1
19	Medowie Tidy Towns & Cycleway Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Dingle	8

MINUTES FOR ORDINARY MEETING – 25 SEPTEMBER 2007

Committee Name	Purpose of Committee	Meeting Cycle	Group	Delegate	No. of Councillor Attendances
20 Nelson Bay Senior Citizens Hall Committee	➤ To assist Council in the management of Nelson Bay Senior Citizens Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Dover	No record available
21 Nelson Bay West Parkcare Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Nell	2
22 Ngioka Centre Committee	➤ To assist in the care and management of the Ngioka Centre (a facility to provide for education and therapy focusing on people with a disability and disadvantaged people)	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Dover	No record available
23 Port Stephens Adult Choir Committee	<ul style="list-style-type: none"> ➤ To promote, organise and train the Port Stephens Choir. ➤ To develop a sense of community identity and belonging by involving participants in community cultural projects. 	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i>	Sustainable Planning	Cr Brown Cr Hodges	No record available
24 Port Stephens Australia Day Celebrations Coordinating Committee	<ul style="list-style-type: none"> ➤ To co-ordinate the annual celebration of Australia Day in Port Stephens in line with recommendations from Australia Day Council. ➤ To organise the Citizen of the Year and the Junior Citizen of the Year activity. 	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i>	Sustainable Planning	Cr Francis Cr Westbury Cr Tucker	No record available
25 Port Stephens Sister Cities Committee	➤ To promote positive and ongoing relationships between international communities providing opportunities for cultural exchange	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i>	Corporate Management	All Councillors	No record available
26 Port Stephens Community Band Committee	<ul style="list-style-type: none"> ➤ To promote, organise and train the Port Stephens Community Band. ➤ To develop a sense of community identity and belonging by involving youth and adults in community cultural projects. 	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Sustainable Planning	Cr Swan Cr Brown	No record available

MINUTES FOR ORDINARY MEETING – 25 SEPTEMBER 2007

Committee Name	Purpose of Committee	Meeting Cycle	Group	Delegate	No. of Councillor Attendances	
27	Port Stephens Economic Development Advisory Panel	<ul style="list-style-type: none"> ➤ Act as a communication and advisory mechanism to Council on relevant Economic Development issues. ➤ Oversee the review and implementation of the Economic Development Strategy. 	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Business & Support	Cr Baumann Cr Westbury Cr Hodges (one from each Ward)	No record available
28	Port Stephens Native Flora Garden Committee	<ul style="list-style-type: none"> ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	Quarterly	Facilities & Services	Cr Nell	1
29	Port Stephens Sports Council	<ul style="list-style-type: none"> ➤ To provide input and forward planning, from a Council wide basis, on facilities, sporting statistics, policies and recommendations on future needs. ➤ To administer the Sportsperson of the Year Award. 	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i>	Facilities & Services	Cr Swan	No record available
30	Port Stephens Telecentre Advisory Committee	<ul style="list-style-type: none"> ➤ To assist Council in the management and promotion of the Telecentre. 		Business & Support	Cr Francis Cr Brown	No record available
31	Raymond Terrace Parks, Reserves & Tidy Towns Committee	<ul style="list-style-type: none"> ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). 	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	Cr Hodges Cr Brown	No record available
32	Raymond Terrace Senior Citizens Hall Management Committee	<ul style="list-style-type: none"> ➤ To assist Council in the management of the Raymond Terrace Senior Citizens Hall. 	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Hodges Cr Francis	No record available
33	Raymond Terrace Sports Council	<ul style="list-style-type: none"> ➤ To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council. 	<i>Every 4 months– February, June, October 2nd Monday</i>	Facilities & Services	Cr Jordan Cr Hodges Cr Francis Cr Brown	1 No record available 2 No record available

MINUTES FOR ORDINARY MEETING – 25 SEPTEMBER 2007

Committee Name	Purpose of Committee	Meeting Cycle	Group	Delegate	No. of Councillor Attendances
34 Rural West Sports Council	➤ To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council.	<i>Every 4 months– February, June, October 2nd Wednesday</i>	Facilities & Services	<i>Cr Hodges Cr Jordan Cr Brown</i>	No record available 1 No record available
35 Salamander Ecology Group	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	<i>Cr Nell</i>	1
36 Salt Ash Community Hall, Reserves and Tennis Courts Committee	➤ To assist Council in the management of Salt Ash Community Hall & Tennis Courts. ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Tucker Cr Swan</i>	No record available
37 Salt Ash Sports Ground Committee	➤ To assist Council in the management, maintenance and improvements to Salt Ash Oval.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Swan Cr Tucker Cr Dingle</i>	No record available
38 Seaham Park, Wetland and Tidy Towns Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	<i>Cr Jordan Cr Brown</i>	No record available
39 Seaham School of Arts and Community Hall Committee	➤ To assist Council in the management of: Seaham School of Arts Seaham Community Hall	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Jordan</i>	No record available

MINUTES FOR ORDINARY MEETING – 25 SEPTEMBER 2007

Committee Name	Purpose of Committee	Meeting Cycle	Group	Delegate	No. of Councillor Attendances	
40	Shoal Bay Beach Preservation Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Westbury	1
41	Soldiers Point-Salamander Bay Parks, Reserves and Hall Committee	➤ To assist Council in the management of Soldiers Point Hall. ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Dover	1
42	Soldiers Point-Salamander Bay Tidy Towns and Landcare Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	Cr Dover	No record available
43	Tanilba Bay Parks, Reserves & Hall Committee	➤ To assist Council in the management of Tanilba Bay Hall. ➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Tucker Cr Swan	No record available
44	Tanilba Bay Senior Citizens Hall Management Committee	➤ To assist Council in the management of Tanilba Bay Senior Citizens Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Swan Cr Tucker	No record available
45	Taylor's Beach Reserves, Tidy Towns & Landcare Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning	Cr Nell	No record available
46	Tilligerry Aquatic Centre Advisory Committee	➤ To promote the Tilligerry Aquatic Centre within the community ➤ To establish and promote links with local primary, secondary schools and the community.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Swan Cr Tucker Cr Hodges	No record available

MINUTES FOR ORDINARY MEETING – 25 SEPTEMBER 2007

Committee Name	Purpose of Committee	Meeting Cycle	Group	Delegate	No. of Councillor Attendances
47	Tilligerry Community Centre Committee	➤ To assist Council in the management of Tilligerry Community Centre and surrounds.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services <i>Cr Swan Cr Tucker</i>	No record available
48	Tilligerry Sports Council	➤ To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council.	<i>Every 4 months– February, June, October 3rd Monday</i>	Facilities & Services <i>Cr Swan Cr Tucker</i>	No record available 3
49	Tomaree Education Complex Multi Purpose Centre Committee	➤ To assist Council with the care, management and promotion of the facility. ➤ To make recommendation to Council as to the development, planning and management of Tomaree Education Complex Multi Purpose Centre.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services <i>Cr Westbury</i>	No record available
50	Tomaree Sports Council	➤ To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council.	<i>Every 4 months– February, June, October 3rd Wednesday</i>	Facilities & Services <i>Cr Westbury Cr Nell Cr Dover Cr Robinson</i>	No record available 3 1
51	West Tilligerry Tidy Towns and Landcare Committee	➤ To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services /Sustainable Planning <i>Cr Tucker</i>	No record available
52	West Ward Cemeteries Committee	➤ To undertake maintenance and improvements to cemeteries in West Ward.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services <i>Cr Francis</i>	No record available

MINUTES FOR ORDINARY MEETING – 25 SEPTEMBER 2007

Committee Name	Purpose of Committee	Meeting Cycle	Group	Delegate	No. of Councillor Attendances	
53	Williamstown Public Hall Committee	➤ To assist Council in the management of Williamstown Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	Cr Dingle Cr Swan	No record available
54	Port Stephens Heritage Advisory Committee	➤ This committee is run by Council and supported by funds from the Heritage Office. Community members meet to raise and make recommendation on local heritage issues	<i>Committee is required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Sustainable Planning	Cr Brown Cr Francis	No record available

REGIONAL COMMITTEES AND GROUPS

	Name of Organisation	Purpose of Committee	Group	Delegate/ Member
55	Comprehensive Koala Plan of Management Implementation Committee	Responsible for overseeing the implementation of the Port Stephens Council Comprehensive Koala Plan of Management.	Sustainable Planning	<i>Cr Brown</i>
56	Conduct Committee – Code of Conduct	This committee is convened at the discretion of the Mayor and General Manager to consider breaches of the Code of Conduct.	Corporate Management	<i>Mayor & (General Manager & Legal Rep)</i>
57	Country Public Libraries Association & Joint Library Advisory Committee	Country Public Libraries Association constitution requires a Councillor representative. This Association provides support for country public libraries. The Joint Library Advisory Committee's constitution also requires a Councillor representative in line with the Newcastle Regional Library agreement.	Facilities & Services	<i>Cr Brown</i>
58	Hunter Coast & Estuary Management Committee	This Committee includes representatives from Port Stephens, Maitland and Newcastle Councils and is responsible for long term planning for the estuary and Newcastle coastline.	Sustainable Planning	<i>Cr Brown Cr Westbury</i>
59	Hunter Councils (formerly Hunter Regional Organisation of Councils)	To discuss regional issues in the Hunter	Corporate Management	<i>Cr Swan (Mayor) Cr Robinson (alternate) Cr Brown</i>
60	Hunter Water Corporation Community Consultative Committee	This committee is an advisory committee to Hunter Water Corporation.	Corporate Management	<i>Cr Nell</i>
61	Karuah Working Together Inc.	This Committee was established to forward the recommendations of the Karuah Community & Economic Redevelopment Strategy.	Sustainable Planning	<i>Cr Hodges Cr Francis Cr Brown Cr Jordan</i>
62	Hunter & Central Coast Regional Environmental Management Strategy Steering Committee (HCCREMS) <i>Formerly Lower Hunter & Central Coast Regional Environmental Management Strategy Steering Committee</i>	This is a subcommittee of Hunter Councils and is responsible for environmental management initiatives on regional basis.	Sustainable Planning	<i>Cr Brown</i>

MINUTES FOR ORDINARY MEETING – 25 SEPTEMBER 2007

	Committee Name	Purpose of Committee	Group	Delegate/ Member
63	Lower Hunter Councils Transport Group	This is a working party that coordinates projects and transport issues across local government boundaries.	Sustainable Planning	<i>Cr Francis</i>
64	Lower Hunter Zone Bushfire Management Committee	The committee is a legislative requirement and is to discuss direction across local government areas and across agencies in regard to bushfire management.	Facilities & Services	<i>Cr Dover Cr Brown (alternate)</i>
65	Lower Hunter Zone Liaison Committee	To review the progress of the Service Level Agreement between Port Stephens Council and NSW Rural Fire Service in the Local Government Area.	Facilities & Services	<i>Cr Dover Cr Brown (alternate)</i>
66	Lower Tilligerry Floodplain Risk Management Committee	To oversee the Flood Studies for the Tilligerry Creek catchment	Sustainable Planning	<i>Cr Baumann Cr Tucker Cr Swan Cr Dingle</i>
67	National Parks & Wildlife Service Regional Advisory Committee <i>Ministerial Appointment</i>	This is a community reference group run by National Parks & Wildlife Service. It is not a Council committee.	Sustainable Planning	<i>Cr Brown Ministerial Appointment</i>
68	Nelson Bay Adult Education Committee	This committee is an advisory committee for Adult Education.	Corporate Management	<i>Cr Westbury</i>
69	Newcastle Road Freight Group	This group is coordinated by the RTA and provides Local Government the opportunity to meet with the heavy vehicle industry.	Sustainable Planning	<i>Cr Robinson</i>
70	Port Stephens East Local Health Advisory Committee	To discuss health issues on the Tomaree Peninsula.	Sustainable Planning	<i>Cr Dover Cr Robinson</i>
71	Port Stephens West Local Health Advisory Committee	To discuss health issues in the western zone of the local government area.	Sustainable Planning	<i>Cr Francis Cr Dingle</i>
72	Port Stephens Tidy Town & Landcare Co-ordinating Group	To provide a forum for volunteers working within Council's bushland, parks and reserves to discuss relevant issues and ideas relating to current and potential projects, problems they experience, and additional training and resources they require.	Sustainable Planning	<i>Cr Dingle Cr Brown Cr Dover Cr Swan (alternate)</i>
73	Port Stephens Tourism Joint Venture Committee	This Committee is the liaison between Port Stephens Council and Port Stephens Tourism for the promotion of tourism in the Port Stephens Shire.	Business & Support	<i>Cr Westbury Cr Hodges Cr Swan</i>

MINUTES FOR ORDINARY MEETING – 25 SEPTEMBER 2007

	Committee Name	Purpose of Committee	Group	Delegate/ Member
74	Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee	This Committee includes representatives from Great Lakes Council and is responsible for long term planning for the estuary and the coastline.	Sustainable Planning	<i>Cr Nell Cr Westbury</i>
75	Regional Mosquito Management Working Group	This is a regional committee initiated by the Premiers Department to develop strategies to manage our interaction with mosquitoes.	Sustainable Planning	<i>Cr Brown</i>
76	Local Development Committee	Local Traffic Committee (see 83) providing advice to Council on development.	Sustainable Planning	<i>Cr Dingle Cr Hodges (alternate)</i>
77	Local Traffic Committee	This is an RTA-based committee which allows Council to have delegated authority to install or remove regulatory sign posting on public roads.	Sustainable Planning	<i>Cr Dingle Cr Hodges (alternate)</i>
78	Urban Animal Management Committee	This committee seeks to develop local strategies to better manage domestic dogs.	Sustainable Planning	<i>Cr Brown Cr Swan</i>
80	Williams River Floodplain Risk Management Committee	To oversee the Flood Studies for the Williams River catchment including Dungog shire	Sustainable Planning	<i>Cr Jordan Cr Brown</i>
81	Nelson Bay Town Management Inc	This group coordinates business promotion and improvement in the Nelson Bay CBD	Business & Support	<i>Cr Nell Cr Westbury Cr Dover Cr Robinson</i>
82	Marine Parks Advisory Panel <i>Ministerial Appointment</i>	Community Consultative Committee regarding the proposed Marine Park in Port Stephens	Sustainable Planning	<i>Cr Westbury Ministerial Appointment</i>
83	Raymond Terrace Community Care Centre Advisory Committee	To liaise with tenants and user groups in relation to the use of the Raymond Terrace Community Care Centre	Facilities & Services	<i>Cr Hodges</i>
84	North Coast NSW Regional Tourism Board	To work with Tourism bodies and groups on a regional basis.	Business & Support	<i>Cr Westbury</i>
85	Port Stephens Futures Strategy – Reference Group	Group just initiated and membership is recommended to stay the same as resolved upon in June 2007.	Sustainable Planning	<i>Cr Brown - West Ward Cr Swan – Central Ward Cr Nell – East Ward</i>
86	Worimi Conservation Lands Board of Management <i>Ministerial Appointment</i>	To oversee the management of the lands owned by the Aboriginal owners and leased back to the NSW Government.	Corporate Management	<i>Cr Swan Ministerial Appointment Cr Dover Alternate delegate</i>

MINUTES FOR ORDINARY MEETING – 25 SEPTEMBER 2007

	Committee Name	Purpose of Committee	Group	Delegate/ Member
87	Windeyers Creek Committee <i>Formerly Windeyers Creek Catchment Committee</i>	To oversee the management of the Windeyers creek management plan.	Sustainable Planning	<i>Cr Brown</i>
88	Tilligerry Catchment Management Committee <i>This is a new committee.</i>	To develop and implement the Tilligerry Catchment management Plan which will result in improved water quality in Tilligerry Creek.	Sustainable Planning	<i>Cr Westbury Cr Dingle.</i>
89	Police Action Community Team <i>New Team</i>	To provide a forum for local community members, service providers and the police to discuss issues and appropriate strategies relating to crime and community safety.	Sustainable Planning	<i>Nil</i>
90	Port Stephens Transport Forum	The Ministry for Transport convenes these forums which have been established in most LGAs throughout NSW. It provides the opportunity for local transport providers (eg; community transport, bus and taxi operators) and local residents to discuss local and regional transport related issues and to formulate appropriate strategies to more effectively improve the delivery of existing public transport services in meeting the community's transport needs.	Sustainable Planning	<i>Nil</i>

Committees to be abolished by Council:-

- 1) Williams River Catchment Management Committee – This Committee have been disbanded by the Catchment Management Authority (CMA).
- 2) Port Stephens Community Infrastructure Settlement Reference Group – This Reference Group has been disbanded as the process of reviewing the CSIS is now complete.
- 3) Raymond Terrace Community Care Centre Advisory Committee – This Committee is obsolete.
- 4) Lemon Tree Passage Tidy Towns, Parks and Reserves – The Executive of the Committee have advised that the Committee has become dysfunctional and requested that the Committee be disbanded.

LINKS TO CORPORATE PLANS

Through working with the various Community and business groups and organisation Council is actively working towards the Sustainability Actions of the Council Plan (Social, Cultural, Economic and Environmental)

FINANCIAL/RESOURCE IMPLICATIONS

Financial and Resource implications are provided for within the existing budget.

LEGAL AND POLICY IMPLICATIONS

Council has a legal obligation under the Local Government Act 1993.

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

- 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
- 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

6) SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

General Manager
Executive Manager – Corporate Management

OPTIONS

- 1) Note the report and endorse existing appointments.
- 2) Review committee appointments.

ATTACHMENTS

Nil

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ITEM NO. 6

FILE NO: PSC2005-4217

**2006/2007 GENERAL PURPOSE FINANCIAL REPORTS AND
SPECIAL PURPOSE FINANCIAL REPORTS**

REPORT OF: JEFF SMITH – FINANCIAL SERVICES MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Ratify the referring of the draft 2006/2007 General Purpose Financial Reports and Special Purpose Financial Reports for audit.
- 2) Sign the Statement on the General Purpose Financial Reports.
- 3) Sign the Statement on the Special Purpose Financial Reports

ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007**RESOLUTION:**

288	Councillor Nell Councillor Dingle	That the recommendation be adopted.
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BACKGROUND

The purpose of this report is to advise that the draft General Purpose Financial Reports and Special Purpose Financial Reports for the period ended 30th June 2007 have been prepared and the audit is due to commence Monday 24th September.

Under Section 413 of the Local Government Act 1993 Council is required to submit, with the General Purpose Financial Reports, a statement as to its opinion on the reports (refer Attachment 1).

The Local Government Code of Accounting Practice and Financial Reporting requires that commencing from the 1998/99 reporting period Council shall complete a Special Purpose Financial Report for all business activities declared by Council.

The Code requires a statement by Council indicating whether or not the Council's Special Purpose Financial Reports have been drawn up in accordance with the Local Government Code of Accounting Practice and Financial Reporting (refer Attachment 2).

LINKS TO CORPORATE PLANS

The annual financial statements provide an opportunity for analysis of Council's financial performance against the budget prepared at the beginning of the financial year and included in the Council Plan.

FINANCIAL/RESOURCE IMPLICATIONS

The 2006/2007 General Purpose Financial Reports have been prepared in compliance with the Local Government Act 1993, the Local Government Code of Accounting Practice and Financial Reporting, the Australian Accounting Standards and the Asset Accounting Manual.

All revenues received for 2006/2007 have been recognised together with any revenues due but not received, which have been raised as debtors for the period.

All expenditure incurred for the period has been recognised.

Provision has been made for all unpaid creditors.

Funds received for specific purposes but not expended during the period have been identified as either external or internal restrictions.

All known assets acquired during the period have been recognised at actual cost.

All known liabilities incurred during the period have been recognised at actual or committed cost.

All known assets of Council have now been recognised and brought to account.

The 2006/2007 Special Purpose Financial Reports have been prepared in accordance with the Local Government Code of Accounting Practice and Financial Reporting.

LEGAL AND POLICY IMPLICATIONS

Signing of the Statement giving Council's opinion on the financial reports will comply with Section 413 of the Local Government Act 1993.

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

- 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

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

The annual financial reports are useful in providing Council, the Department of Local Government and general-purpose users of local government with financial information to assist in making and evaluating decisions about the allocation of Council's resources, its efficiency, financial sustainability and comparability.

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

PriceWaterhouseCoopers, Council's External Auditor, in providing advice on accounting concepts and standards.

The Department of Local Government in providing advice on recent changes to the Code of Accounting Practice

OPTIONS

- 1) Ratify the referring of the draft 2006/2007 General Purpose Financial Reports and Special Purpose Financial Reports for audit and sign the Statements.
- 2) Reject the referring of the draft 2006/2007 General Purpose Financial Reports and Special Purpose Financial Reports for audit and not sign the Statements

ATTACHMENTS

- 1) Statement by Council as to its opinion on the General Purpose Financial Reports
- 2) Statement by Council as to its opinion on the Special Purpose Financial Reports

TABLED DOCUMENTS

General Purpose Financial Reports, Special Purpose Financial Reports, and Special Schedules

ATTACHMENT 1
PORT STEPHENS COUNCIL

General purpose financial reports
for the year ending 30 June 2007

Statement by Councillors and Management
made pursuant to Section 413(2)(c) of the Local Government Act 1993 (as amended)

The attached General Purpose Financial Report has been prepared in accordance with:

- The Local Government Act 1993 (as amended) and the Regulations made thereunder.
- The Australian Accounting Standards and professional pronouncements.
- The Financial Statement Guidelines for NSW Councils.

To the best of our knowledge and belief, these Reports:

- Present fairly the Council's operating result and financial position for the year, and
- Accord with Council's accounting and other records.

We are not aware of any matter that would render this Report false or misleading in any way.

Signed in accordance with a resolution of Council made on 25 September 2007.

P Gesling
General Manager/
Responsible Accounting
Officer

Mayor

Councillor

ATTACHMENT 2
PORT STEPHENS COUNCIL

Special purpose financial reports
for the year ending 30 June 2007

Statement by Councillors and Management
made pursuant to the Local Government Code of Accounting
Practice and Financial Reporting

The attached Special Purpose Financial Reports have been prepared in accordance with:

- NSW Government Policy Statement “*Application of National Competition Policy to Local Government*”
- Department of Local Government Guidelines “*Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality*”
- Financial Statement Guidelines for NSW Councils.

To the best of our knowledge and belief, these Reports:

- Present fairly the operating result and financial position for each of Council’s declared Business Activities for the year, and
- Accord with Council’s accounting and other records.

We are not aware of any matter that would render the reports false or misleading in any way.

Signed in accordance with a resolution of Council made on 25 September 2007.

P Gesling
General Manager/
Responsible Accounting
Officer

Mayor

Councillor

ITEM NO. 7

FILE NO: PSC2005-5185

REQUEST FOR FINANCIAL ASSISTANCE

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER, CORPORATE MANAGEMENT

RECOMMENDATION IS THAT COUNCIL:

1. Approves provision of financial assistance under Section 356 of the Local Government Act from the respective Mayoral and Ward Funds to the following:-
 - a) Rotary Club Nelson Bay – Golf Sponsorship - \$1000 (East Ward)
 - b) Taylors Beach Reserves Tidy Towns – Hand Basins \$270 (East Ward)
 - c) Port Stephens Family History – LTP Community Centre - \$960 (Central Ward)
 - d) Port Stephens Community Care - Hire of Hall - \$228.25 (Mayoral Fund)
-

ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007

RESOLUTION:

289	Councillor Westbury Councillor Dover	1. It was resolved that Council approves provision of financial assistance under Section 356 of the Local Government Act from the respective Mayoral and Ward Funds to the following:- a) Rotary Club Nelson Bay – East Timor Education Fund - \$1000 (East Ward) b) Taylors Beach Reserves Tidy Towns – Hand Basins \$270 (East Ward) c) Port Stephens Family History – LTP Community Centre - \$960 (Central Ward) d) Port Stephens Community Care - Hire of Hall - \$228.25 (Mayoral Fund)
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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.

The Council regularly receives requests for financial assistance from community groups and individuals. However, Council is unable to grant approval of financial assistance to individuals unless it is performed in accordance with the Local Government Act. This would mean that the financial assistance would need to be included in the Management Plan or Council would need to advertise for 28 days of its intent to grant approval. Council can make donations to community groups.

Council's policy for financial assistance has been developed on the basis it is "seed" funding and that there is benefit to the broader community. Funding under Council's policy is not intended for ongoing activities.

The requests for financial assistance are shown below:-

MAYORAL DONATIONS

Port Stephens Community Care	Hire of Hall	\$228.25
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WEST WARD - NIL**CENTRAL WARD**

Medowie Public School	Canteen Program	\$500.00
Port Stephens Family History	Lemon Tree Passage Community Centre	\$960.00

EAST WARD

Rotary Club Nelson Bay	Golf Sponsorship	\$1000.00
Taylor's Beach Reserves Tidy Towns	Hand Basins	\$270.00

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.

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:

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

Australian Business Excellence Framework

This aligns with the following ABEF Principles:

- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders.

ATTACHMENTS

Nil

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ITEM NO. 8

INFORMATION PAPERS

REPORT OF: PETER GESLING – GENERAL MANAGER

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 25 September 2007.

No:	Report Title	Page:
1	RTA Licensing of Older Drivers Discussion Paper	92

ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007**RESOLUTION:**

290	Councillor Hodges Councillor Brown	That the recommendation be adopted.
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MATTER ARISING:

291	Councillor Francis Councillor Brown	That Council prepare a submission on the RTA Licensing of Older Drivers Discussion Paper and that Councillor Francis be consulted to provide input into the submission.
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GENERAL MANAGERS INFORMATION PAPERS



INFORMATION ITEM NO. 1

RTA LICENSING OF OLDER DRIVERS DISCUSSION PAPER

**REPORT OF: TREVOR ALLEN – ACTING MANAGER, COMMUNITY
 PLANNING**

FILE: PSC2005-1712

BACKGROUND

The purpose of this report is to inform Council of the RTA’s Discussion Paper for Older Drivers and the implications it may have for Port Stephens.

“The Australian Bureau of Statistics (ABS) estimates that over the next 30 years Australia’s population over 60 will double. The ABS also forecasts the greatest population increases in the over 80 year old age group. It is predicted the greatest growth in the over 85 population outside Sydney will be in the coastal areas of **Port Stephens**, Shellharbour, Shoalhaven, Tweed and the Great Lakes. This combination of growth in the aged population and the number of older drivers with licences will naturally lead to increased road safety issues for older people”. (RTA discussion paper)

Port Stephens Council has a specific interest in this proposal from the RTA regarding older drivers in our community and is already proactively addressing some of these emerging issues. As quoted above, Port Stephens is mentioned in this Discussion Paper as "one of the greatest growth areas of over-85 population outside Sydney.”

The general direction of the recommendations is to lower the age of annual medical tests for all drivers to seventy five years of age, down five years from the current age of eighty. The proposed changes to older driver testing, at the age of eighty five, is to invert the system of mandatory testing to renew a licence, to an automatic reduction of driving privileges through a 10 km distance radius from home. This condition can be removed or altered by being tested to ‘remove or modify their radius restriction’. A ‘home to town’ restriction would be available for rural drivers.

No definition of ‘rural’ could be obtained prior to the finalisation of this Discussion Paper to determine if Port Stephens was included in this definition.

Current vs. proposed changes

The major proposed changes are shown in the following table:

Current RTA requirements	Proposed RTA requirements
Mandatory annual medical test for all licence holders 80 years of age and older	Mandatory annual medical test for all licence holders 75 years of age and older
Mandatory annual driving test for all car and rider licence holders over the age of 80	Place a 10km radius restriction on all licence holders aged 85 (instead of mandatory annual driving test)

MINUTES FOR ORDINARY MEETING – 25 SEPTEMBER 2007

Current RTA requirements	Proposed RTA requirements
	<p>A 'home to town' restriction would be available to rural drivers- which would allow travel from home to the closest town</p> <p>Drivers aged over 85 would need to pass a driving test if they needed to remove or modify their radius restrictions</p>
<p>Reporting unsafe driving behaviour can currently be done by completing a form at the RTA registry. When the RTA receives these forms the matter is investigated and the licence holder may be requested to undertake a medical assessment or on road driving test.</p>	<p>The current system of follow up action will be improved</p>

Possible Effects – Positive

- Testing (which can be a very stressful experience) would not be required to continue driving within a 10 km radius from home
- Medical assessments at seventy five years of age will enhance the safety of older drivers and the wider community
- The proposal discusses improvements to the testing for eye disease by eye care professionals - this would have many benefits to the safety of drivers
- Reducing risk for older drivers and increasing knowledge of changing road rules

Possible Effects – Negative

- Testing for most drivers not required to continue driving within a 10 km radius from home would not maintain driving standards.
- Greater planning and funding of infrastructure needs in relation to decreased mobility
- Public and community transport requirements for residents and visitors would be difficult to measure
- Early identification of medical issues earlier and may cause some drivers to bring forward their cessation of driving which may add to the overall number of drivers in the community requiring alternative transport.
- The medical tests would be at the expense of the older driver.
- Community groups with older drivers as volunteers, carers and primary carers may be affected
- Risk of increased social isolation for older drivers not being able to readily independently access family members and friends living outside 10 km radius of their home. This is a particular concern for older drivers who may have a spouse in hospital or aged care facility further than 10 km from their home.

Issues

- Port Stephens may be affected adversely by the 'Home to Town' restriction for rural drivers given the scattered settlement patterns of villages and townships within an LGA covering 979 square kilometres
- State Government responsibility for funding of infrastructure required due to changes in licensing
- The education strategy mentioned in the Discussion Paper needs to be delivered to the community
- Transport alternatives for non metropolitan areas

MINUTES FOR ORDINARY MEETING – 25 SEPTEMBER 2007

- Enforcement of 10km radius
- Testing for dementia is not mentioned
- Specialist training for GP's to carry out medical 'fit to drive' tests. This will place added pressure on already stretched medical resources
- Implications for the siting of 'Seniors Living Developments'

Port Stephens LGA Statistics

Population (Resident's 85+ years):

2006	971	1.6% of pop
2001	637	1.1% of pop
1996	392	0.8% of pop

(Source: Census statistics)

Crash Involvement (No of motor vehicle controllers involved in all accidents):

Driver's 70+ years

2005	26	5.8% of all drivers
2004	27	5.7% of all drivers
2003	27	5.6% of all drivers
2002	30	5.5% of all drivers

Number of Casualties:

Driver's 70+ years

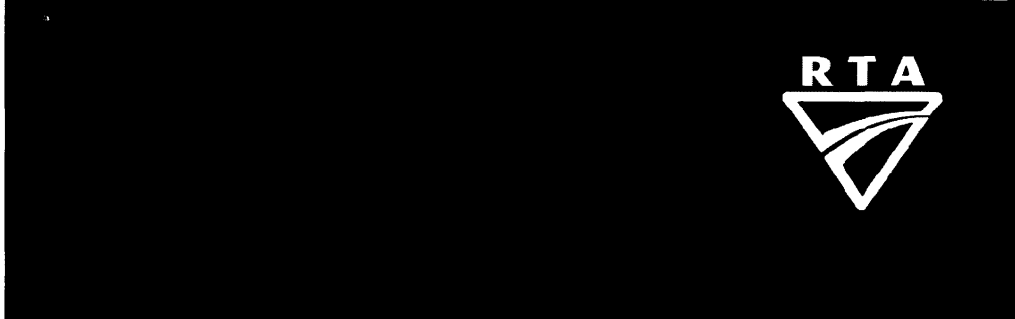
2005	12	6.7% of all casualties
2004	14	6.48% of all casualties
2003	13	5.85% of all casualties
2002	14	5.18% of all casualties

(Source: RTA Crash statistics)

ATTACHMENTS

- 1) RTA Licensing of older driver Discussion Paper (July 2007)
- 2) Port Stephens LGA Senior Driver Age and Post Code

ATTACHMENT 1
DISCUSSION PAPER



Licensing of older driver
Discussion paper

JULY 2007

Introduction

The number of older drivers is growing significantly due to the ageing of the 'baby boomer' generation and an increase in life expectancy. The new generation of older drivers is healthier, more active and more mobile than previous generations. Many of the areas where the 'baby boomers' live are vehicle dependent – outer suburban and rural locations where public transport and pedestrian facilities are limited.

The RTA's challenge is to address the road safety implications of this ageing population, while recognising that the next generation of older people will be very dependent on driving to access facilities and services.

Older people are over-represented in pedestrian fatalities and have a greater chance of being killed when they are involved in a motor vehicle crash. Dementia and vision problems are likely to be the most significant health issues affecting the future generation of older drivers.

This document examines some of the road safety implications of the ageing population, current licensing systems and emerging ideas being developed in Australia and overseas. The paper proposes an option for the licensing system that maintains the mobility of older drivers without impacting on road safety.

The current system

NSW has a comprehensive assessment system to ensure the ongoing competency of older licence holders. Most jurisdictions examining this issue are considering introducing licensing practices that NSW has in place, such as shorter licence renewal periods and annual medical assessments for older drivers.

In NSW all licence holders must have an annual medical test from age 80. Annual driving tests begin at age 85 for class 'C' (car) and class 'R' (rider) licence holders, and age 80 for heavy vehicle drivers. The annual medical test is based on the Austroads' standard 'Assessing fitness to drive', which is used by all Australian jurisdictions with medical assessments in their licensing systems. The practical driving test used for older drivers is basically the same as that used for licensing new drivers (with modifications including a removal of the parking manoeuvres and an increase in time allowed).

Following a medical or driving test a restriction may be placed on a driver's licence. The most common restrictions are limiting the licence holder to driving only between sunrise and sunset and restricting the radius of travel from the driver's home.

Members of the public, such as close family and friends, Police and medical practitioners, can inform the RTA if they are concerned about the competence of a driver. The concerned person completes an 'Unsafe Driving Report' that is processed by the RTA Medical Unit. After an initial assessment the unit may require the driver to undertake a medical assessment or on-road driving test.

Approaches in other jurisdictions

NSW is one of a few jurisdictions worldwide that has a mandatory driving test for older drivers. The following table summarises the approach to medical and driving tests in other Australian states.

Commencement age	Medical test	Driving test
No mandatory requirement	Victoria and Northern Territory	Victoria, Queensland, ACT, South Australia and Northern Territory
Age 70	South Australia	-
Age 75	ACT, Queensland, Western Australia and Tasmania	-
Age 80	New South Wales	-
Age 85	-	New South Wales, Tasmania and Western Australia

Internationally, most European countries commence medical testing at age 70, New Zealand conducts a medical at 75, then biennially from 80.

The ageing population

The issues associated with older drivers will become increasingly significant as the population ages and driving patterns change. The Australian Bureau of Statistics (ABS) estimates that over the next 30 years Australia's population aged over 60 will double. The ABS also forecasts the greatest population increases in the over 80-year-old group.

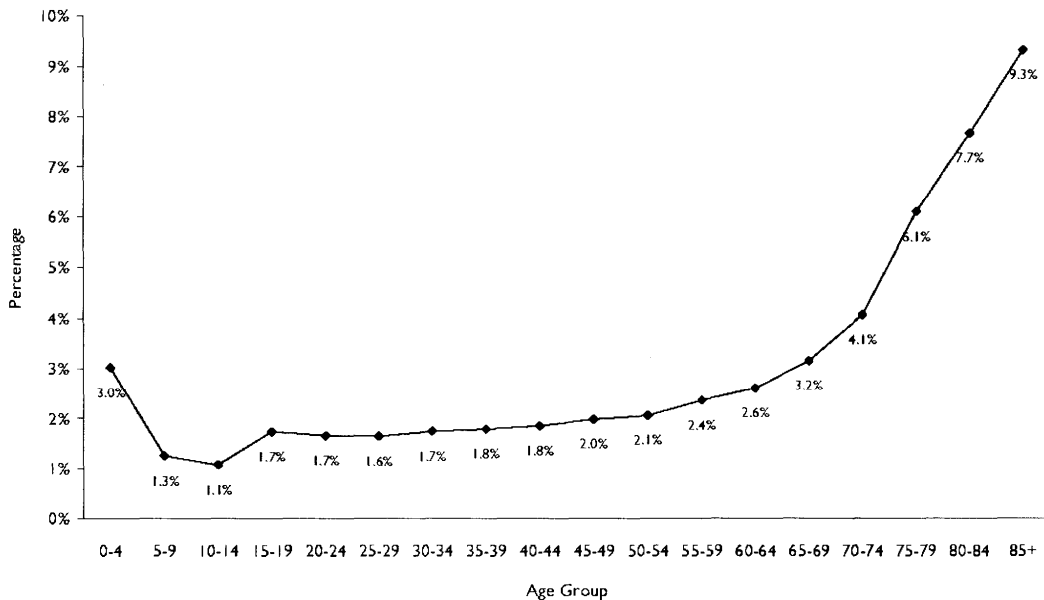
The greatest growth in the over-85 population outside Sydney will be in the coastal areas of Port Stephens, Shellharbour, Shoalhaven, Tweed and the Great Lakes. In Sydney, the greatest growth in population over the age of 85 will be in Baulkham Hills, Blacktown, Liverpool, Penrith, Fairfield and Sutherland.

The combination of growth in the aged population and the number of older drivers with licences will naturally lead to increased road safety issues for older people.

Older driver crashes

Although older people are more likely to be seriously injured or killed in a crash due to their increased frailty (*see graph below*), the total number of fatalities amongst the older population is actually low compared to other age groups (*see graph next page*). Older driver crash risk is difficult to determine as they have very different driving patterns to drivers in other age groups. When factors such as distance travelled, frailty and licences per population are taken into account, older drivers may have a marginally lower crash risk per kilometre than other drivers.

Percentage of Casualties Who Are Killed, Average 2002 to 2004, Age Groups



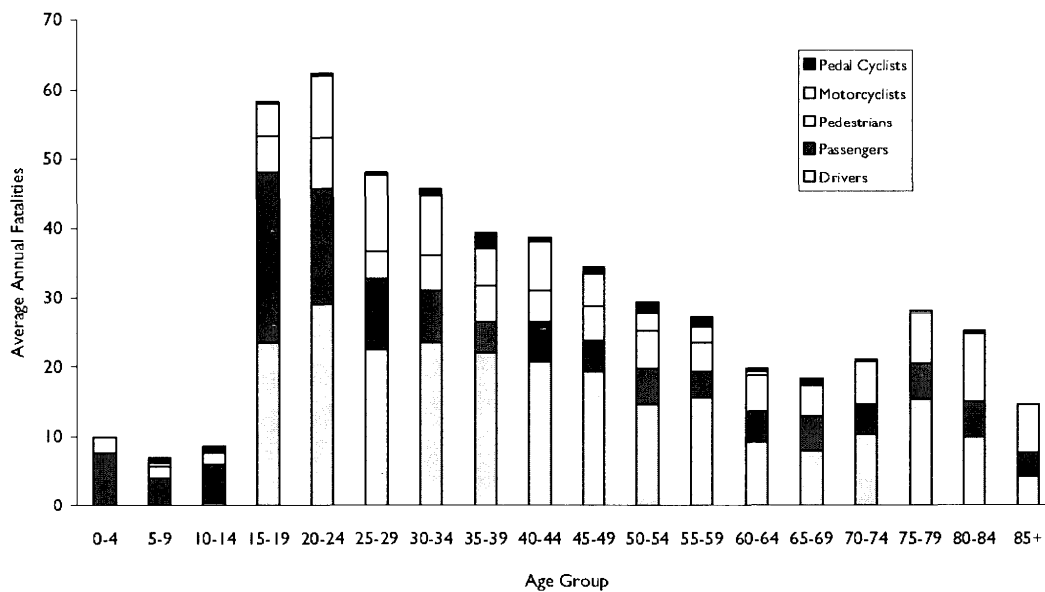
The fatal crash patterns for older drivers are significantly different to those of other age groups. For drivers age 80 and over the highest percentage of fatalities occurs from:

- Intersection crashes, particularly where the older driver is turning right causing crashes with on-coming traffic.
- Crashes where the older driver drives off path on a straight or curved section of road.

A major contributing factor to older driver crashes is poor gap selection. Most older drivers will experience a loss of sensory, cognitive and motor skills to some

degree and impairments such as declines in visual acuity, reduced perceptual performance and loss of memory capacity are likely to be a contributing factor to the types of crashes older drivers have. Older drivers may also be more susceptible to fatigue related crashes.

Average Annual Fatalities, NSW, 2002-2004, Age Group, Class of Road User



In NSW between 2002 and 2004, 30 per cent of crashes for drivers aged 85-89, occurred outside the driver's own local government area (LGA), this is significant given that 18.1 per cent of drivers in this age group have a radius restriction on their licence. From information gained by focus groups, research and other sources, it is understood that many older drivers are self restricting and limit their driving to local areas where they are familiar with the traffic conditions. Furthermore, many older drivers develop strategies to reduce driving risks around their local areas, eg using back streets to avoid complex or difficult traffic situations and self restricting their driving to daylight hours.

Health issues for older drivers

Dementia and vision conditions will probably be the most significant health issues for older drivers.

Australians over the age of 65 have a one in 15 chance of developing dementia. One in nine people between the ages of 80 and 84 have some form of dementia and the rate is one in four for people over the age of 85. All forms of dementia affect a person's ability to drive safely.

Eye diseases common to older people include cataracts, glaucoma and age-related macular degeneration (ARMD). ARMD affects 23 per cent of people over the age of 65 and 31 per cent of those over the age of 80. ARMD accounts for 70 per cent of serious vision impairment in people over the age of 70. While the RTA requires an annual eyesight test for drivers from the age of 80, the test is usually performed by a GP rather than an eye care professional. Although GPs are able to identify most common eye diseases, they are generally not equipped to detect eye disease in its early stages. The RTA will be investigating the feasibility of enhancing the requirements of GPs to make referrals to specialist eye doctors. It is critical for road safety that conditions that affect driver competency are identified early and appropriate precautions implemented.

The effect of ceasing driving

Ceasing driving can sometimes have extreme effects on the life of an elderly person. The loss of a driver's licence reduces a person's independence and mobility. For many, a licence represents freedom, treasured memories and a connection with the community and its loss is felt as a crushing blow to a person's self-esteem.

After the loss of their licence many older people become dependent on family or the community to provide access to food and medical services. An older person's social and community interaction can become extremely limited.

NSW Photo Card

When an older driver ceases driving, their licence may be exchanged at no fee for a NSW Photo Card. The Photo Card carries the same identity information as the licence and is accepted for transactions such as opening bank accounts, connecting the telephone and other services.

PROPOSED SYSTEM FOR LICENSING OLDER DRIVERS

Considering the issues mentioned in this paper, a system for improving licensing of older drivers is proposed.

The objectives of the improvements are to:

- Maintain current levels of road safety.
- Manage the increase in the aged driving population.
- Graduate the licensing process to better prepare older people for ceasing driving.
- Assist aged drivers in identifying when to stop driving.
- Provide assessment that is relevant and appropriate, to ensure the competency of aged drivers.
- Foster and support the continued mobility and independence of the older community.

The concept behind the proposal is the progressive introduction of interventions that reduce older drivers' exposure to risk while meeting their mobility needs. When the driver has greater mobility needs, these interventions can be delayed if the driver provides evidence of his or her driving fitness, competency and ability to manage these risks. In this way, drivers can examine their individual mobility needs and choose whether or not to undertake assessments. The proposal is also designed to identify medical conditions early enough for effective treatment, thus prolonging the competent mobility of the driver.

Proposal

- *Replace the current older driver licensing system with a graduated licensing system in which restrictions are progressively placed on the older driver.*
 - Annual medical testing will commence from age 75 rather than at age 80.
 - At age 85, a 10km radius restriction will be placed on the driver's licence in lieu of the current mandatory driving test. A 'home to town' restriction would be available for rural drivers. Older drivers would only be required to pass a driving test if they needed to remove or modify their radius restriction.
- *Enhance the system for reporting unsafe driving behaviours.*

Currently people who are concerned about a driver's skill or ability can advise the RTA of the problem by completing an *Unsafe driver report* at a motor registry. For older drivers, these reports are generally from immediate family or close friends and also from the Police and medical practitioners. When a report is received by the RTA, the matter is investigated and appropriate action taken. Depending on the outcome, a medical assessment or on-road driving test may be required.

Features of the proposal

Reducing the commencement age of annual medical tests from age 80 to age 75:

- More closely aligns NSW with the standard applied in international jurisdictions.
- Supports the early diagnosis of a range of medical conditions, in particular dementia.
- Places greater responsibility on medical practitioners to identify at risk drivers in the 75 to 80 age group.
- Improves road safety by identifying older drivers who are affected by the early stages of medical conditions such as Alzheimer's or Parkinson's disease.
- Supports the early referral to eye specialists.

Automatically imposed radius restrictions:

- Provides a 'graduate out' structure, progressively preparing older drivers for the cessation of driving.
- Reduces older drivers' exposure to known risk situations (driving in unfamiliar areas).
- Allows older people to make essential journeys within 10km of their home or to the closest town in the case of rural drivers.
- Allows the removal of restrictions for drivers who can prove their ability to manage complex driving situations.
- Improves road safety by reducing older drivers' exposure to 'at risk' driving situations.

Enhancing the system for reporting unsafe driving behaviours

- Improved utilisation of *Unsafe driving reports* and follow-up action.

Proposed changes for heavy vehicle licence holders

Annual medicals and driving tests for heavy vehicle drivers currently begin at age 80. It is proposed that the current system of annual driving tests commencing at age 80 be retained, while medical and vision tests would be aligned with the new requirements for class C and R licences which is age 75.

Education strategy

The introduction of a new licensing scheme for older drivers would be accompanied by a comprehensive education strategy. The strategy would provide information for older drivers on:

- The new licensing scheme
- Maintaining safe driving practices
- Identifying when to give up driving
- Alternative transport options

ATTACHMENT 2
 PORT STEPHENS LGA SENIOR DRIVER AGE AND POST CODE

Postcode	Age group				Total
	75-79	80-84	85-89	90+	
2315	561	327	103	14	1005
2316	115	63	22	1	201
2317	237	144	40	11	432
2318	158	67	10	0	235
2319	177	107	27	3	314
2324	566	271	65	8	910
Total	1814	979	267	37	3097

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 3150-029

PARKS AND RESERVES FUNDING

COUNCILLOR: DOVER & NELL

THAT COUNCIL:

- 1) Prepare an urgent report on the following;
 - a) Increasing Parks and Reserves staff by two
 - b) Increasing funding for Parks and Reserves and Public amenities by \$200,000 per annum.
-

ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007

RESOLUTION:		
292	Councillor Dover Councillor Nell	It was resolved that the Notice of Motion be adopted.

BACKGROUND REPORT OF: JASON LINNANE– RECREATION SERVICES MANAGER

BACKGROUND

The Recreation Area Maintenance budget increased by \$437,000 from the 2006/7 to 2007/8 budget. The positive impacts of this increase are not yet evident but they will be significant. The means by which they have been allocated are outlined in a Supplementary Information Report that Council will consider at its Ordinary Meeting in September 2007.

Further work is being completed at present in respect to an overall review of how we deliver Recreation Area Maintenance services. Our service level program is to be reviewed for effectiveness and appropriateness and Council has entered a program which will enable us to compare our performances with other similar Councils across Australia and New Zealand.

These processes will provide us with much needed data to assist us in our continuous improvement journey and gain a clear view on where extra resources are required. It is expected that they will both be completed by May 2008.

It is the firm view of the Recreation Services Section, which is supported by clear data, that at this point in time and until such time as the two processes mentioned above are completed any increases in resources in the Recreation Services budget should be for asset management purposes only.

MINUTES FOR ORDINARY MEETING – 25 SEPTEMBER 2007

Councillor Hodges left the meeting at 8.42pm during Item 1 and returned at 8.43pm during Item 1.

NOTICE OF MOTION

ITEM NO. 2

FILE NO: 3150-029

SALAMANDER COMMERCIAL LAND

COUNCILLOR: NELL & SWAN

THAT COUNCIL:

- 1) Prepare a progress report on the sale/development of the Salamander Commercial land (Lot 284 DP806310) including update on discussions, negotiations and offers.

ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007

RESOLUTION:		
293	Councillor Nell Councillor Swan	It was resolved that the Notice of Motion be adopted.

BACKGROUND REPORT OF: STEWART MURRELL - GROUP MANAGER BUSINESS & SUPPORT

BACKGROUND

In Confidential session at the Ordinary Meeting of Council on 22 March 2005 it was resolved that Council enter into agreement for the continuation of the Call for Detailed Proposal process for the sale of part of Salamander Commercial land (Part Lot 284 DP806310). Since that date discussions have continued, with the preferred proponent requesting several terms to be re-negotiated. Council has continued to maintain the stance that the proposal as submitted and evaluated was the preferred proposal and any significant variation would not be entertained.

In addition to the above, Council resolved in Confidential session on the 10th April 2007 to delegate to the General Manager to enter into non-binding Heads of Agreement and subsequently to negotiate final lease terms in respect to part of Lot 284 DP806310. Due diligence is currently underway with both proponents.

Since resolving as above, Council has received an offer to enter into an exclusive dealings option period with an alternate developer. Clarification of the offer has been sought from the developer by both the Group Manager Business & Support as well as Council's appointed consultants Arcadia. The offer as received contained several inaccuracies. The developer has subsequently advised that it is not practical for them to speculatively dedicate resources of both time and money to the project.

It is intended to provide Council with a briefing on this property in November 2007.

NOTICE OF MOTION

ITEM NO. 3

FILE NO: 3150-029

UPGRADE OF SEWER MAINS

COUNCILLOR: NELL, DOVER, ROBINSON & WESTBURY

THAT COUNCIL:

- 1) Request Hunter Water Corporation to urgently upgrade its sewer system in Government Road, Nelson Bay to avoid further sewage venting accidentally onto private and public property. The upgrade be requested on the basis that the continual surcharges are causing a potential public health and environmental hazard.
-

ORDINARY MEETING OF COUNCIL – 25 SEPTEMBER 2007

RESOLUTION:		
294	Councillor Dover Councillor Nell	It was resolved that the Notice of Motion be adopted.

BACKGROUND REPORT OF: BRUCE PETERSEN – ENVIRONMENTAL SERVICES MANAGER

BACKGROUND

Council has received information from Nelson Bay Baptist Church that their property at 19 Government Road Nelson Bay has been affected by large discharges of sewage on a regular basis since 2000.

Investigations by the Church and also Hunter Water Corporation have determined that the problem is being caused by blockages to Hunter Water's sewer main, with sewage venting into the Baptist Church property, being the lowest point, and also through a manhole on the footpath adjoining the property.

The Church has been exposed to the expense of installing a reflux valve to protect their property but also inconvenience caused by regular sewage discharges. These discharges represent a potential public health threat as well as a pollution issue where the resulting effluent, including chemicals used in cleanups, is washed into the stormwater system.

The Church has requested Council assistance in requesting Hunter Water Corporation to upgrade the ageing sewer system in this area to eliminate the discharge events. Having regard to the potential public health and environmental issues associated with this matter, Council should assist where possible.

ORDINARY MEETING OF COUNCIL – 25 September 2007

RESOLUTION:

295	Councillor Nell Councillor Hodges	That Council move into Confidential Session.
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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.

There being no further business the meeting closed at 9.10pm.