

Minutes 8 MARCH 2011



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 8 March 2011, commencing at 5.33pm.

PRESENT: Councillors R. Westbury (Mayor); S. Dover (Deputy Mayor); G. Dingle; C. De Lyall, P. Kafer; K. Jordan; B. MacKenzie; J. Nell; S. O'Brien; S. Tucker, F. Ward; General Manager; Corporate Services Group Manager, Facilities and Services Group Manager; Sustainable Planning Group Manager; Commercial Services Group Manager and Executive Officer.

050	Councillor Peter Kafer Councillor Ken Jordan	It was resolved that the apology from Cr Francis be received and noted.
051	Councillor John Nell Councillor Steve Tucker	It was resolved that the minutes of the Ordinary meeting of Port Stephens Council held on 22 February 2011 be confirmed.
		Cr Sally Dover declared a significant non-pecuniary conflict of interest in Item 9. The nature of the interest is due to her positive on the Board of Management of the Christian Outreach Centre. Cr Ken Jordan declared a significant non-pecuniary conflict of interest in Item 10. The

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		<p>nature of the interest is due to his Life membership of the Bowthorne Cricket Club.</p> <p>Cr Shirley O'Brien declared a significant non-pecuniary conflict of interest in Notice of Motion Item 3. The nature of the interest is due to her position as Secretary of the Moari Club.</p>
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MAYORAL MINUTE

MAYORAL MINUTE

ITEM NO. 1

FILE NO: A2004-0146

MATTER OF URGENCY

THAT COUNCIL:

In accordance with Clause 2 of Council's Code of Meeting Practice, consider, as a matter of urgency, an additional item of business for which notice has not been given for this meeting. Notice of business has previously been provided to Council with respect to this matter.

The business in question is a Notice of Motion which was before Council at its meeting 22 February 2011 concerning a Masterplan for the Salamander Shopping Centre.

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052	Councillor Bob Westbury Councillor John Nell	It was resolved that the recommendation be adopted.
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NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217 +
PSC2009-02408

MASTERPLAN FOR SALAMANDER SHOPPING CENTRE

COUNCILLOR: JOHN NELL

THAT COUNCIL:

- 1) Prepare a Master plan for the Whole of the Salamander Commercial Precinct.
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	Councillor John Nell Councillor Frank Ward	That Council prepare a Master plan for the Whole of the Salamander Commercial Precinct.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Peter Kafer, Caroline De Lyall, Geoff Dingle, John Nell and Frank Ward.

Those against the Motion: Crs Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Sally Dover and Bob Westbury.

The motion on being put was lost.

AMENDMENT

	Councillor Bruce MacKenzie Councillor Ken Jordan	That Council's Commercial Property Section prepare a Development Control Plan (DCP) for the Council own land adjacent to the Salamander Bay Shopping Centre.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Nil.

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Those against the Motion: Crs Peter Kafer, Caroline De Lyall, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Sally Dover and Bob Westbury.

The amendment on being put as lost.

MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: PSC2010-05352

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(g) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely *Medowie Quarry*.
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information concerning the commercial arbitration and legal costs incurred and advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege
- 3) That disclosure of the information would, on balance, be contrary to the public interest, as it would prejudice Council's legal position and Council has an obligation to protect its interests and the interests of ratepayers.
- 4) That the minutes of the closed part of the meeting remain confidential until the matter is settled.

ORDINARY COUNCIL MEETING – 8 MARCH 2011

053	Councillor Ken Jordan Councillor Peter Kafer	It was resolved that the recommendation be adopted.
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**COUNCIL
COMMITTEE
RECOMMENDATIONS**

ITEM NO. 1

FILE NO: PSC2004-0212

WEST WARD COUNCILLOR NOMINATION TO THE PORT STEPHENS STRATEGIC ARTS AND CULTURAL COMMITTEE

REPORT OF: BRUCE PETERSEN - ENVIRONMENTAL & DEVELOPMENT PLANNING,
MANAGER

GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Nominate one West Ward Councillor to the 'Strategic Arts and Cultural Committee', and to lead the 'West Ward Lifestyle Network'.

COUNCIL COMMITTEE MEETING – 1 MARCH 2011

RECOMMENDATION:

	Councillor John Nell Councillor Peter Kafer	That Item 1 be deferred to the Ordinary meeting of Council.
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ORDINARY COUNCIL MEETING – 8 MARCH 2011

054	Councillor Bruce MacKenzie Councillor Caroline De Lyall	It was resolved that no nominations be received.
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BACKGROUND

The purpose of this report is to seek the nomination of a West Ward Councillor to Council's Strategic Arts and Cultural Committee, and to lead the 'West Ward Lifestyle Network'.

Council resolved on 14 December 2010, to appoint Councillors Nell, Kafer and Tucker to be the respective Ward delegates to the Strategic Arts and Cultural Committee. Due to a change in circumstances Councillor Kafer has indicated that he is no longer able to participate on this Committee. Consequently an alternate West Ward Councillor is sought to fill this vacancy.

The inaugural meetings of the West Ward Lifestyle Network and Port Stephens Strategic Arts and Cultural Committee will be held in March and April 2011 respectively.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL, POLICY AND RISK IMPLICATIONS

Nil.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Council's Executive Officer has been consulted and has advised that the vacancy needs to be filled by resolution of Council.

OPTIONS

- 1) To accept the recommendation.
- 2) To amend the recommendation.
- 3) To reject the recommendation.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 2

FILE NO: PSC2005-0629

ABORIGINAL PROJECT FUND

REPORT OF: BRUCE PETERSEN - ENVIRONMENTAL AND DEVELOPMENT PLANNING,
MANAGER
GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Supply funds from Council's Aboriginal Project Fund in accordance with the amounts and purposes prescribed below: -
 - i. \$5,000 to Kup-Poon-Dee Community Services for the Breakfast Club Project.
 - ii. \$8,500 to Kup-Poon-Dee Community Services for the Goo-Roo Mul Mur-Roo-Ma (Young to Make) Project.
 - iii. \$10,000 to Worimi Local Aboriginal Land Council for the Community Harvest Project.
 - iv. \$10,000 to Youyoong Local Aboriginal Consultative Group for the Bularr Wangga Festival.

- 2) Subject to recommendation (1) allocate all grants in accordance with the funding conditions specified in **ATTACHMENT 2** of this report.

- 3) Add unallocated Aboriginal Project Funds of \$1,500 to Council's 2011/2012 budget allocation for the Aboriginal Project Fund.

**COUNCIL COMMITTEE MEETING – 1 MARCH 2011
RECOMMENDATION:**

	Councillor Peter Kafer Councillor John Nell	That the recommendation be adopted.
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ORDINARY COUNCIL MEETING – 8 MARCH 2011

055	Councillor Peter Kafer Councillor Caroline De Lyall	It was resolved that the Council Committee recommendation be adopted.
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BACKGROUND

The purpose of this report is to seek Council endorsement for the allocation of Aboriginal Project Funds for the following projects: -

Project	Applicant	Project Overview	Amount \$
Breakfast Club	Kup-Poon-Dee Community Services	Provided breakfast 2 days a week for local primary school aged Aboriginal children. Participants will be picked up and dropped off at school. Project has been developed in consultation with local schools.	5,000
Goo-Roo Mul Mur-Roo-Ma (Young to Make)	Kup-Poon-Dee Community Services	Provide cultural dancing and art classes for Aboriginal children from Kindergarten to year 12	8500
Community Harvest	WLALC	Creation of a designated community area at the Murrook Centre for local Aboriginal People and other community members to come together. The outdoor area will be used to plant native plants with an educational value in promoting better understanding of Indigenous plants (ie; application for either medicinal or edible purposes). High level of community involvement with community to collect seeds, bush tucker plants, vegetables etc.	10,000
Bularr Wangga Festival	Youyoong Local Aboriginal Consultative Group	Bularr Wangga celebrates Aboriginal culture through dance and performances coinciding with careers information for local Aboriginal students and information about community services. The Festival aims to promote positive Aboriginal role models in the community, enhancing opportunities for Aboriginal students in schools and their communities through the process of uniting to gain a deeper understanding of Aboriginal culture. Over 800 students from Port Stephens and surrounding areas will be participating.	10,000
Total:			33,500

Council’s nationally recognised Aboriginal Project Fund that has been operating since 2002. The fund received recognition under the 2006 National Awards for Local Government. The fund was established to encourage local organisations to develop projects to meet needs identified within the local Aboriginal community by: -

- Providing local community organisations with access to a funding pool aimed specifically at funding projects that address priority needs within the Aboriginal community.
- Providing organisations with the opportunity to decide what projects are important to their community.
- Demonstrating Council’s commitment to allocate resources towards achieving its social objectives contained within the Council Plan and Council’s Social Policy.

Council advertises annually seeking funding proposals in accordance with the guidelines of Council's Aboriginal Project Fund guidelines.

FINANCIAL/RESOURCE IMPLICATIONS

A total of \$35,000 is currently available for projects under Council's Aboriginal Project Fund. The projects recommended for funding in this report total \$33,500. This report recommends the remaining \$1,500 be added to Council's 2011/2012 Aboriginal Project Fund budget.

All funded projects will be required to adhere to the conditions of funding as detailed in **Attachment 2** of this report.

LEGAL, POLICY AND RISK IMPLICATIONS

Recipients of funding under the Aboriginal Project Fund shall accept full responsibility for the liability of any programs or projects funded.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The projects recommended for funding will assist in building and strengthening the well-being of the Port Stephens Aboriginal community in a number of ways, including: -

- Supporting Aboriginal children by providing breakfast, which will improve their health and wellbeing and potentially their ability in school.
- Educate parents and carers in the importance in providing healthy nutritious meals.
- Increasing health and wellbeing through education of eating fresh and keeping active and social through gardening.
- Providing a 'project' and place that will provide opportunity for community to come together.
- Enabling Aboriginal children and young people to capture and showcase their culture through a range of art based initiatives.
- Provide local Aboriginal student the opportunity to show case their culture, to come together as a community and provide opportunities for career pathways.

CONSULTATION

In November 2010 Council advertised through the press and local networks seeking funding proposals under stage 1 of the Aboriginal Project Fund. All of the funding proposals submitted were formulated at the outset in consultation with the Worimi and Karuah Local Aboriginal Land Councils. The Aboriginal Strategic Committee met on 7 December 2010 to assess and shortlist the Stage 1 funding proposals. Shortlisted applicants were invited to submit a detailed application in accordance with Stage 2. A further meeting of the Aboriginal Strategic Committee was held on 1 February 2011 and was attended by shortlisted applicants who made a presentation on their proposed project as per **Attachment 1** of this report. Following the presentations the Aboriginal Strategic Committee finalised their assessment and formulated their recommendations to Council that form the basis of this report.

OPTIONS

- 1) To accept the recommendations.
- 2) To reject the recommendations calling for more information to support the report.

ATTACHMENTS

- 1) Minutes of Special Meeting of Aboriginal Strategic Committee on 1 Feb 2011.
- 2) Conditions of funding.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



Aboriginal Strategic Committee
Special Meeting – Assess Stage
2 Aboriginal Project Fund
Applications



MINUTES

Minutes of special meeting held on 1 February 2011 at Port Stephens Council
(Training Room)

Chair: Cr Kafer

Minute taker: Kristy Murphy

1. Present

Andrew Smith	Worimi LALC
Val Merrick	Worimi LALC
Elaine Larkins	Worimi LALC
David Feeney	Karuah LALC
Sharon Feeney	Karuah LALC
Kevin Manton	Karuah LALC
Cr Kafer	PSC
Cr Dover	PSC
Paul Procter	PSC
Cliff Johnson	PSC

2. Guests

Kristy Murphy	PSC
Chloe Beevers	PSC

2. Apologies:

Cr Bob Westbury	PSC
Cr Bruce MacKenzie	PSC
Cr Shirley O'Brien	PSC
Jason Linnane	PSC
Jamie Tarrant	Worimi LALC
Grace Kinsella	Worimi LALC

3. Purpose of meeting

To assess Aboriginal Project Fund Stage 2 funding proposals and make recommendations to Council on the allocation of available Aboriginal Project Funds.

4. Overview of Stage 2 proposals

MINUTES FOR ORDINARY MEETING – 8 MARCH 2011

Ref No:	Proposal	Applicant	Amount Requested \$
1.	Bularr Wangga Festival	Youyoong Local Aboriginal Consultative Group	10,000
2.	Breakfast Club	Kup-Poon-Dee Community Services	10,000
3.	Goo-Roo Mul Mur-Roo-Ma (Young to Make)	Kup-Poon-Dee Community Services	10,000
4.	Community Harvest	WLALC	10,000
	Total:		40,000

5. Balance of Available Funds

\$35,000 is available in 2010/2011 budget for Aboriginal Project Fund

6. Verbal Presentations by Applicants

Stage 2 applicants each made a brief presentation to the Aboriginal Strategic Committee (ASC) on their project and answered related questions.

7. Assessment of Stage 2 funding proposals

The stage 2 funding proposals were assessed as follows:

Proposal	Applicant	Amount Requested \$	ASC Comments	Recommend to Council for funding?	Grant Recommended \$
Bularr Wangga Festival	Youyoong Local Aboriginal Consultative Group	10,000	The Committee fully supports this project. Given the proposed event will be held at end of March 2011 Committee requests that Council's Community Development Officer write to Youyoong AECGI to inform them of the status of their application.	Yes	10,000
Breakfast Club	Kup-Poon-Dee Community Services	10,000	The Committee fully supports this project. Members of the committee knew of options for support or sponsorship that they will communicate with Kup-Poon-Dee to reduce the amount required and help the program to reach sustainability.	Yes	5,000
Goo-Roo Mul Mur-Roo-Ma (Young to Make)	Kup-Poon-Dee Community Services	10,000	The Committee fully supports this project	Yes	8,500
Community Harvest	WLALC	10,000	The Committee fully supports this project	Yes	10,000
Total:		40,000			33,500

8. Recommendations to Council

- 10,000 to Young Local Aboriginal Consultative Group for Bularr Wangga Festival
- 5,000 to Kup-Poon-Dee Community Services for Breakfast Club

MINUTES FOR ORDINARY MEETING – 8 MARCH 2011

- 8,500 to Kup-Poon-Dee Community Services for Goo-Roo Mul Mur-Roo-Ma (Young to Make)
- 10,000 to Worimi Local Aboriginal Land Council for Community Harvest

9. Where to from here?

A report will be presented to Council in Feb/Mar 2011 with the recommendations of the Aboriginal Strategic Committee on the allocation of available Aboriginal Project Funds and associated conditions of funding.

ATTACHMENT 2

ABORIGINAL PROJECT FUND
2010/2011 GRANT APPLICATIONS

CONDITIONS OF FUNDING

- 1) Grant to be expended in accordance with the purpose specified in funding submission
- 2) Grants over \$5,000 shall be allocated in two instalments, 50% in advance of the project and the remaining 50% upon presentation of final receipts (excluding only capital projects).
- 3) Funds to be fully expended by 31st December 2011 unless specified otherwise.
- 4) A formal invitation be extended to Council's Aboriginal Strategic Committee and Port Stephens Councillors to attend any official launches, openings, events and/or activities associated with the project.
- 5) In accordance with the funding guidelines, a representative from each organisation funded under the 'Aboriginal Project Fund' shall attend a meeting of Council's Aboriginal Strategic Committee following the expenditure of the grant to present details of the project's outcomes
- 6) At the conclusion of the project, council is to be supplied with a financial statement of project expenditure and any unexpended monies are to be returned to Council
- 7) All grants are GST exempt
- 8) Recipients of funding shall accept full responsibility for the liability and ongoing costs associated with projects funded under the Aboriginal Project Fund
- 9) A member of Council's Social Planning Team shall monitor the establishment and implementation of each project
- 10) Comply with any further conditions prescribed by Council's Aboriginal Strategic Committee during the assessment process.

ITEM NO. 3

FILE NO: PSC2010/04980

PLANNING PROPOSAL FOR MEDOWIE ROAD – MORRIS LAND

REPORT OF: BRUCE PETERSON - ENVIRONMENTAL AND DEVELOPMENT PLANNING,
MANAGER
GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolve to forward the Planning Proposal at **Attachments 1** and Proposed Zone Map at **Attachment 2** to amend the *Port Stephens Local Environmental Plan 2000* under section 55 of the *Environmental Planning and Assessment Act 1979* to the Department of Planning for exhibition to:
 - a. Rezone part of Lot 412 in DP 1063902 to part 2(a) Residential "A" Zone, part 3(a) Business General "A" Zone and part 6(a) General Recreation "A" Zone;
 - b. Rezone part of Lot 413 in DP 1063902 to part 2(a) Residential and part 1(c5) Rural Small Holdings.

COUNCIL COMMITTEE MEETING – 1 MARCH 2011

RECOMMENDATION:

	<p>Councillor Geoff Dingle Councillor Shirley O'Brien</p>	<p>That the recommendation be adopted.</p>
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In accordance with the Local Government Act 1993, a division is required for this item.

Those for the motion: Crs Bob Westbury, Sally Dover, Frank Ward, John Nell, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, Peter Kafer.

Those against the motion: Nil.

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<p>056</p>	<p>Councillor Ken Jordan Councillor Geoff Dingle</p>	<p>It was resolved that the Supplementary Information be noted and that the Council Committee recommendation be adopted.</p>
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Bob Westbury, Peter Kafer, Caroline De Lyall, Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward and Sally Dover.

Those against the Motion: Nil.

BACKGROUND

Subject land:	Lots 412 & 413 in DP 10633902
Land owners:	Mrs W Morris
Proponent:	Hunter Development Brokerage
Date of submission:	August 2010
Current zones:	Part 1(c1) and Part 1(c2) Rural Small Holdings
Proposed zones:	2(a) Residential, 3(a) Business General and 6(a) General Recreation
Area for rezoning:	Approximately 10 hectares

Council has received a request to rezone land, primarily for residential development with a small commercial centre and an area for general recreation, on the western side of Medowie Road at the southern entrance to Medowie. The request is generally in accordance with the Medowie Strategy adopted by Council in March 2009.

The planning proposal at Attachment 1 describes the proposed rezoning. It has been written by Strategic Planning Section following a review of a planning proposal submitted by the proponent.

The proposed zone map is at Attachment 2.

Based upon a density of 12 dwellings per hectare and a zoned area of approximately 10 hectares, a broad estimate is that the recommended proposal could yield between 70 to 100 dwellings (in accordance with the minimum allotment size under Port Stephens LEP 2000).

The zone footprint being recommended to Council differs from the zone footprint originally sought by the proponent. That zone footprint is not being recommended at this time because additional information is required to confirm the suitability of rezoning the western part of the site, which is subject to significant flora and fauna and flooding and drainage issues. The proponent has advised that they are willing to proceed with the revised zone footprint at this time.

Previous Resolution

On 26th February 2008 Council resolved to prepare a draft local environmental plan to rezone land on the east and west sides of Medowie Road, to facilitate an expansion of the Pacific Dunes golf course and also a mixture of additional

residential, commercial and community uses. The relevant landowners have since lodged separate and revised planning proposals for consideration by Council.

The current proposal is generally consistent with Council's previous resolution.

FINANCIAL/RESOURCE IMPLICATIONS

Rezoning Fees

Stage 1 rezoning fees were paid on 11th February 2008 as part of the previous rezoning request that combined the eastern and western sides of Medowie Road. That request did not proceed past the initial stages of rezoning and the respective landowners have since lodged separate planning proposals. Given that the current proposal under consideration by Council is modifying a previous request, no additional stage 1 fees are being sought from the proponent.

If the proposal is supported by the Department of Planning LEP Gateway determination Stage 2, rezoning fees will be sought in accordance with Council's *Fees and Charges Schedule 201-2011*.

Section 94 Development Contributions

Council's Section 94 Development Contributions Plan has not been amended at this time to account for any specific additional infrastructure required in Medowie as a result of growth under the Medowie Strategy, including the proposal subject of this report. This may potentially include broader off-site infrastructure such as flooding, drainage or road works or similar infrastructure. Further investigation is required to determine the appropriate timing and mechanisms for the developer to contribute towards covering the cost of any additional infrastructure that may be required, prior to finalisation of the planning proposal.

LEGAL, POLICY AND RISK IMPLICATIONS

Lower Hunter Regional Strategy

Medowie is identified in the Lower Hunter Regional Strategy as a proposed urban area with boundaries to be defined through local planning. Council subsequently prepared and adopted the Medowie Strategy in 2009.

A strict interpretation of the Lower Hunter Regional Strategy identifies the land in the Watagan Stockton Green Corridor, where rezoning for urban development is to be excluded. In this instance however, the land has considerable merit for being investigated for rezoning to support development because of site characteristics (it is cleared land to a large extent) and its identification for development in the adopted Medowie Strategy.

Clarification of the site's location relative to the green corridor under the Lower Hunter Regional Strategy should be provided through the NSW Department of Planning's LEP Gateway determination. It is noted that the Department of Planning

supported Council's previous proposed rezoning of the land in February 2008 for additional residential land, notwithstanding the Lower Hunter Regional Strategy.

Medowie Strategy

The Medowie Strategy was adopted by Council in March 2009 and provides a framework for considering rezoning requests in the area.

The site is identified in the Medowie Strategy for a mixture of rural small holdings, residential, commercial, open space and community uses. At the time of adopting the Medowie Strategy the site was associated with a proposed expansion of the Pacific Dunes Golf Course across Medowie Road. Given that the respective landowners are no longer proceeding with a joint arrangement, the current proposal differs from the Medowie Strategy with respect to facilities that may have been provided in association with expansion of the golf course.

With the exception of development that would have been provided with the expansion of the golf course, the proposal is generally in accordance with the Medowie Strategy by proposing primarily residential development, a small commercial area and land zoned for recreation.

There is additional land on the west and southern parts of the site identified for potential urban development under the Medowie Strategy, however it is subject to significant flora and fauna and flooding and drainage constraints. This part of the site is not proposed for rezoning at this time and may be subject to a future planning proposal, subject to addressing those constraints up-front in a more comprehensive manner.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Flora and Fauna

The flora communities on the site have been mapped by the proponent and identify:

- Swamp Sclerophyll Forest (Endangered Ecological Community) in the western and low-lying parts of the site
- Wetlands - including wetlands mapped under State Environmental Planning Policy 14 - Coastal Wetlands at the southern part of the site
- Cleared pasture and small areas of pine forest and Coastal Sand Apple – Blackbutt Forest.

The recommended zone footprint avoids flora and fauna impacts to a large extent. It primarily seeks urban development on land that is cleared. Only part of the zone footprint extends over Swamp Sclerophyll Forest (an Endangered Ecological Community) at the northern part of the site, primarily with potential for impact if Kingfisher Close is extended to provide road access.

Natural Resources section advice is that the site is known to be an important area for Koalas locally and as such are not supportive of any loss of preferred Koala habitat. Furthermore, their preference is that all SEPP 14 Coastal Wetlands, Preferred Koala Habitat and Endangered Ecological Community be zoned for Environmental Protection. Natural Resources also comment that the proponent will still need to address the *Port Stephens Comprehensive Koala Plan of Management* performance criteria for rezoning requests and provide an assessment of significance on threatened species and clarify buffers to SEPP 14 Coastal Wetlands.

Given the reduced level of likely impact compared to the original proposal, Strategic Planning advice is that these matters can be addressed following the NSW Department of Planning's LEP Gateway Determination and further consultation with DECCW.

Flooding and drainage

An earlier version of the proposal sought to rezone a substantial part of the site at the south and west that is low-lying and flood prone. Although that part of the site is identified for potential development on the Medowie Strategy, no study was submitted that investigates the flooding and drainage characteristics of the site or how to manage these matters in the event that the land is rezoned as proposed. This issue is of very significant importance to Council as the relevant planning authority, because it needs to be assured that future development will not be impacted by flooding and drainage and that the issue can be managed. Primarily for this reason, the proponent was provided with the option of undertaking a flooding and drainage study, or revising the proposed zone footprint to avoid flood prone land. A revised zone footprint has been submitted and is recommended to proceed.

The proposal now mostly avoids areas of flood prone land. Relatively minor areas of land proposed for development remain identified as flood prone, but to a lesser extent compared to other parts of the site originally proposed for development, particularly to the west. These areas are likely to require filling with the amount and method to do this requiring clarification.

There are drainage lines across the site that will also need to be accounted for in the development of the land. The main drainage path is at the northern boundary of the site that is linked to an existing detention basin on the eastern side of Medowie Road. A further hydrological study into how these parts of the site will be managed and developed is likely to be required as part of the rezoning process.

Council has received the first draft of its comprehensive flooding and drainage study for Medowie. If developers seek to pursue the rezoning of land prior to the completion of that study it is necessary for them to undertake a suitable study at their own cost, as set down in the Medowie Strategy.

Traffic Infrastructure

Council's Engineering Services Section has provided preliminary comment on the proposal as follows:

- Likely traffic impacts will be:
 - the connection to Medowie Road at South Street;
 - the connection via Kingfisher Close and Blueberry Road to Medowie Road;
- The connection at South Street is likely to require a roundabout – potentially dual lane;
- The connection from Blueberry Road is likely to require upgrading depending on detailed assessment of traffic impacts; and
- Kingfisher Close and Blueberry Road are currently quite narrow and may not be suited to higher traffic volumes in the current configuration and will possibly require upgrading.

It needs to be noted that Council is considering a planning proposal to rezone land for additional residential development at Pacific Dunes Golf Course on the opposite side of Medowie Road. It may be appropriate for the respective developers to apportion the cost of any intersection upgrade of South Street with Medowie Road according to the number of lots being sought.

Traffic infrastructure requirements will require further investigation prior to finalising the planning proposal.

CONSULTATION

If the proposal proceeds to public exhibition, it is recommended that it be placed on exhibition for a period of 14 days and relevant government authorities consulted.

Adjoining landowners will be notified of the exhibition.

OPTIONS

- 1) Adopt the recommendations of this report.
- 2) Amend the recommendations of this report.
- 3) Reject the recommendations of this report.

ATTACHMENTS

- 1) Planning Proposal.
- 2) Proposed Zone Map.

COUNCILLORS ROOM

- 1) Planning Proposal.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1
PLANNING PROPOSAL

Planning Proposal – Medowie Road Morris Land

Part 1 – Objectives or Intended Outcomes

The planning proposal aims to rezone land at 2 Kingfisher Close and 507 Medowie Road, Medowie, for residential, commercial and open space purposes generally in accordance with Council's adopted Medowie Strategy.

Part 2 – Explanation of Provisions

The proposal will be implemented by amendment of the Port Stephens Local Environmental Plan 2000 Zoning Map in accordance with the proposed map shown on the attached map, which will:

- Rezone Lot 412 in DP 1063902 to part 2(a) Residential "A" Zone, part 3(a) Business General "A" Zone and part 6(a) General Recreation "A" Zone
- Rezone Lot 413 in DP 1063902 to part 2(a) Residential "A" Zone and Part 1(c5) Rural Small Holdings "C5" Zone.

Note: Minimum lot sizes for the 2(a) Residential "A" Zone and 1(c5) Rural Small Holdings are set down in the Port Stephens Local Environmental Plan 2000.

Part 3 – Justification

Section A – Need for the planning proposal.

Is the planning proposal a result of any strategic study or report?

Yes. The site is identified for urban development in the Medowie Strategy. The Medowie Strategy is a local planning strategy adopted by Council in March 2009. It provides a framework for urban growth and development in Medowie. The Medowie Strategy was prepared in response to Medowie's identification as a proposed urban area in the NSW Department of Planning's Lower Hunter Regional Strategy.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The existing 1(c1) and 1(c2) Rural Small Holdings zone applying to the land have limited permissible uses, large lot sizes and inconsistent objectives compared to the intended use of the land under the Medowie Strategy. A change of zoning via an amendment to the Port Stephens Local Environmental Plan 2000 is the only available option to facilitate the proposed development of the land.

Is there a community benefit?

Yes. The site is located at Medowie, a recognised growth area under the Lower Hunter Regional Strategy.

The proposal will not create a precedent, change the expectations of other landowners in the locality or lead to other 'spot' rezoning requests. Development of the site is generally consistent with the Medowie Strategy.

The proposal should result in an increase in permanent employment generating activities as a result of additional demand for goods and services in the area generally and the proposed commercial area on the site. There will short-term employment benefits because of construction work.

The proposal will create additional supply of residential land of various sizes. This should impact positively upon the supply of residential land and housing supply and affordability. Based upon a density of 12 dwellings per hectare and a zoned area of approximately 10 hectares, a broad estimate is that the recommended proposal could yield between 70 to 100 dwellings.

Public infrastructure is generally available in the locality. Consultation with utility providers will take place during the consultation process to confirm availability. Provision for pedestrian and cycle access will be included in the final subdivision design. Public transport is able to be provided to the site.

The proposal includes the provision of land for a local neighbourhood shopping centre. This will limit the need to travel to larger commercial centres. The proposal will see an increase in

choice and competition by increasing the number of retail and commercial premises operating in the area. Its limited scale means that it should not compete with higher order centres.

As a result of the increased population in the area, the planning proposal will inevitably result in an increase in the reliance on the car for transport to employment and other services not available in the immediate locality. There will be some adverse amenity impacts likely to arise from the development of vacant rural land for urban purposes. Road safety will be addressed via appropriate traffic management. Road infrastructure may require upgrading, including intersection works. This will be confirmed through the rezoning process.

There are no significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal in a negative way. A positive impact may be the provision of additional housing in proximity to the Williamstown RAAF Base, a major employer in the Hunter Region.

It is considered that the planning proposal is in the public interest. It is generally consistent with the long term development strategies for the area.

The implications of the development not proceeding include a deficiency in the supply of land and housing in the area and the underutilisation of land suitable for urban purposes.

Section B – Relationship to strategic planning framework.

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Lower Hunter Regional Strategy

The Lower Hunter Regional Strategy identifies Medowie as a proposed urban area with boundaries to be defined through local planning. The local planning was undertaken by Council through the development and adoption of the Medowie Strategy in March 2009, which identifies parts of the site as suitable for rezoning for urban development.

A strict interpretation of the Lower Hunter Regional Strategy identifies the land in the Watagan Stockton Green Corridor, where rezoning for urban development is to be excluded. In this instance, however, the land has considerable merit for being investigated for rezoning to support development because of site characteristics (it is cleared land to a large extent) and also its identification for development in the adopted Medowie Strategy.

Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

Medowie Strategy

The land is identified for development in the Medowie Strategy, adopted by Council in March 2009. The proposal is generally in accordance with the Medowie Strategy by proposing primarily residential development and a small commercial area and land for recreation.

Under the Medowie Strategy, the site is identified for a mixture of rural small holdings, residential, commercial, open space and community uses. At the time of adopting the Medowie Strategy the site was associated with a proposed expansion of the Pacific Dunes Golf Course across Medowie Road. Given that the respective landowners are no longer proceeding with a joint arrangement, the current proposal differs from the Medowie Strategy with respect to facilities that may have been provided in association with expansion of the golf course.

Is the planning proposal consistent with applicable state environmental planning policies?

SEPP 14 Coastal Wetlands

Council mapping indicates that a SEPP 14 Coastal Wetland is located on the south west part of Lot 412 in DP 1063902. The location of 'wetland vegetation' has been identified in the attached Ecological Constraints Report (Wildthing Environmental Consultants, July 2010). The proposed zone footprint avoids land mapped as SEPP 14 and areas of 'wetland vegetation' and there is suitable buffer distance available.

SEPP 44 Koala Habitat Protection

The Port Stephens Comprehensive Koala Plan of Management (CKPoM) applies in Port Stephens Local Government Area. Existing mapping in the CKPoM for the site has been confirmed as accurate in fieldwork undertaken for the Ecological Constraints Study Report (Wildthing, July 2010). Areas of Swamp Sclerophyll Forest, a Preferred Koala Habitat, have been identified on the site. The revised zone layout shows that only small areas of Swamp Sclerophyll Forest are identified for rezoning for urban development. The main area of potential impact is at the southern end of Kingfisher Close to allow for a potential road connection.

SEPP 55 Remediation of Land

A Preliminary Contamination Assessment has been submitted (Coffey Environments, Preliminary Contamination Assessment Proposed Mixed Use Rezoning Medowie Road, Medowie NSW, June 2010). The conclusion and recommendations of the assessment are as follows:

Environmental soil samples were taken from areas of fill across the site (the two fill mounds surrounding the racing track and the gravel driveway). The results of the laboratory analysis of the samples indicated that significant contamination is unlikely to be present in these fill areas.

A number of Areas of Environmental Concern (ECS) identified at the site were not investigated during the PCA. The AECs not investigated during this assessment included the

buildings currently on the site, the septic tanks, the wastewater treatment plant and the electrical substation.

Coffey recommends that a Phase 2 Environmental Site Assessment (ESA) be carried out at the Development Application stage. The following works should be included in the Phase 2 ESA:

- Additional investigations targeting the septic tanks, the electrical transformer, areas of previous agricultural activity and the site boundary adjacent to the wastewater pumping station;*
- A hazardous materials survey on the buildings currently on the site if these are to be removed during construction works; and*
- If the wastewater treatment plant and / or the electrical transformer yard are to be removed during construction works, additional sampling of the resultant excavations should be carried out.*

The fill currently on the site in the mounds around the racing track and the gravel driveway is suitable to remain on site.

Waste classification of material to be disposed offsite may be required during the construction of the buildings on the site. The need for waste classification would be more satisfactorily assessed once the final lot areas and locations and building designs are identified.

Based on the above conclusions, it is considered that the land is suitable for rezoning for residential use.

Is the planning proposal consistent with applicable Ministerial Directions?

Direction 1.1 Business and Industrial Zones

The objectives of the Direction are to encourage employment growth in suitable locations; protect employment land in business and industrial zones; and support the viability of existing centres. The proposal is consistent with the objectives of this Direction. The proposal is seeking a mixture of land uses. The size of the proposed commercial zone should not detract from the existing commercial area of Medowie and will support the growth of the immediate area by providing additional services to the local population. The proposed commercial zone is consistent with the Medowie Strategy.

Direction 1.2 Rural Zones

The objective of this direction is to protect the agricultural production value of rural land. The proposal is consistent with this Direction. The land is currently used for rural residential purposes, including a go-kart track, and does not support agricultural production. The proposed use will not result in the decrease of agricultural production on the land.

Direction 1.5 Rural Lands

The objectives of this direction are to protect the agricultural production value of rural land and to facilitate the orderly and economic development of rural lands for rural and related purposes. The proposal is consistent with this Direction. The land is currently used for rural residential purposes, including a go-kart track, and does not support agricultural production.

Direction 2.1 Environmental Protection Zones

The objective of this Direction is to protect and conserve environmentally sensitive areas. The proposed zone layout has been amended to minimise impact on vegetated areas. The main area of potential impact is at the southern end of Kingfisher Close to allow for a potential road connection.

The proposal seeks to retain the existing 1(a) Rural Agriculture zone that applies to the residual areas of the site.

Direction 3.1 Residential Zones

The objectives of this Direction are to encourage a variety and choice of housing types to provide for existing and future housing needs; to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and to minimise the impact of residential development on the environment and resource lands. The proposal is consistent with these objectives. The concept supports a range of housing types on the site. Future residents will have access to infrastructure and services on-site and locally within Medowie. The zone layout seeks to minimise vegetation removal and impact on areas of Swamp Sclerophyll Forest, although there is likely to be some clearing required in the northern area of the site.

Direction 3.4 Integrating Land Use and Transport

The objective of this Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- improving access to housing, jobs and services by walking, cycling and public transport, and
- increasing the choice of available transport and reducing dependence on cars, and
- reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- supporting the efficient and viable operation of public transport services, and
- providing for the efficient movement of freight.

The proposal is consistent with this Direction. The site is located on Medowie Road which is the main transport route into Medowie, providing good opportunity for the future provision of public transport. A small area of commercial zoned land is also proposed on the site to service new and existing residents in the immediate area, reducing travel distance and encouraging walking and cycling. The proposal is consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for planning and development (DUAP, 2001), and The Right Place for Business and Services – Planning Policy (DUAP, 2001).

Direction 3.5 Development near Licensed Aerodromes

The objectives of this Direction are to:

- ensure the effective and safe operation of aerodromes;
- ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity and;
- ensure development for residential purposes or human occupation, if situated on land within Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

The proposal is consistent with this Direction. The 2025 ANEF map impacts the south-west corner of the site. The 2025 ANEC map dated 1st September 2010 also affects the south-west part of the site but to a lesser extent. However, no part of the site mapped within ANEF or ANEC contours is proposed to be rezoned for urban development and no noise attenuation of dwellings will be required.

Direction 4.1 Acid Sulphate Soils (ASS)

The objective of this Direction is to avoid significant adverse environmental impacts from the use of the land that has a probability of containing acid sulphate soils. The proposal is consistent with this Direction. The revised zone layout proposes urban development on low risk class 4 and class 5 acid sulphate soils only. There is existing provision in the Port Stephens LEP 2000 to direct development on land where acid sulphate soils are present.

Direction 4.3 Flood Prone Land

The objectives of this Direction are to ensure that development on flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005; and to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. The proposal is consistent with this Direction. Parts of the land are mapped as flood prone, particularly the north and west parts of Lot 413 in DP 1063902 and the south and west parts of Lot 412 in DP 1063902. The revised zone layout generally avoids these areas. Only minor parts of the site are proposed for urban

development and on this basis the impact of any filling is expected to be minimal. A draft master plan prepared for the site shows that lowing lying areas in the northern part of the site may serve as a detention basin.

Direction 4.4 Planning for Bushfire Protection

The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas and to encourage sound management of bush fire prone areas. The proposal is consistent with this Direction. Although the land is mapped as bushfire prone any subsequent subdivision will be designed in accordance with the provisions of Planning for Bushfire Protection.

Direction of 5.1 Implementation of Regional Strategies

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies. The proposal is located within the Watagan Stockton Green Corridor in the Lower Hunter Regional Strategy. However, the land proposed for urban development is primarily cleared of vegetation and the site is identified for urban development within the Medowie Strategy, which was adopted by Council in March 2009.

Section C – Environmental, Social and Economic Impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

An Ecological Constraints Study has been carried out by Wildthing Environmental Consultants (Ecological Constraints Study, Wildthing Environmental Consultants, July 2010). Note: the Ecological Constraints Study is based on a more extensive urban development footprint that has since been revised to avoid land that is significantly constrained.

The various vegetation assemblages on the site are identified on page 12 of the Ecological Constraints Study. Swamp Sclerophyll Forest, an Endangered Ecological Community, was found to be present on the site. The zone footprint has been revised to reduce impact on this vegetation type, There may be potential for impact in the vicinity of Kingfisher Close as a result of a potential road connection and landfill or detention basin. Further investigation of any impacts will be considered through the rezoning or development application process however the level of disturbance should be minimal.

The Ecological Constraints Study notes that the Wallum Froglet was observed calling from the large wetland area in the west of the site. The two small wetlands in the north-west of the site are also considered to be habitat for this species. The revised zone footprint does not impact upon these wetlands.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Part of Lot 412 in DP 1063902 is mapped as having a SEPP 14 Coastal Wetland located upon it. The proposed zone footprint avoids this area and there is adequate provision for a buffer to be provided.

The revised zone layout has minimised environmental impact by proposing rezoning development primarily on cleared land.

Has the planning proposal adequately addressed any social and economic effects?

Yes. The social and economic benefits to the community are those usually associated with the provision of employment opportunities within the commercial area; provision of additional transport opportunities; and the provision of additional housing choice and supply of land to the market.

Section D – State and Commonwealth interests.

Is there adequate public infrastructure for the planning proposal?

The provision of public infrastructure for growth in Medowie is being investigated by Council and these investigations are ongoing.

The Medowie Strategy contains information concerning the provision of basic infrastructure. An infrastructure plan is to be prepared for Medowie to address growth under the Medowie Strategy.

If the proposal is to proceed prior to completion of the infrastructure plan, detailed investigation will be required during the rezoning process to identify any infrastructure required, including implementation and funding mechanisms. In particular, infrastructure for flooding and drainage and traffic will need to be confirmed and clarified prior to finalising any rezoning of the land.

Hunter Water Corporation, the RTA and electricity providers will be further consulted during the referral process to identify their infrastructure requirements.

What are the views of the State and Commonwealth public authorities consulted in accordance with the gateway determination?

The views of State and Commonwealth public authorities will be sought as part of the consultation process.

Part 4 – Community Consultation

The following agencies or authorities will be consulted during the preparation of the proposal:

- Utility providers (e.g. Hunter Water Corporation, Energy Australia)
- Department of Defence
- Department of Environment, Conservation, Climate Change and Water
- Roads and Traffic Authority

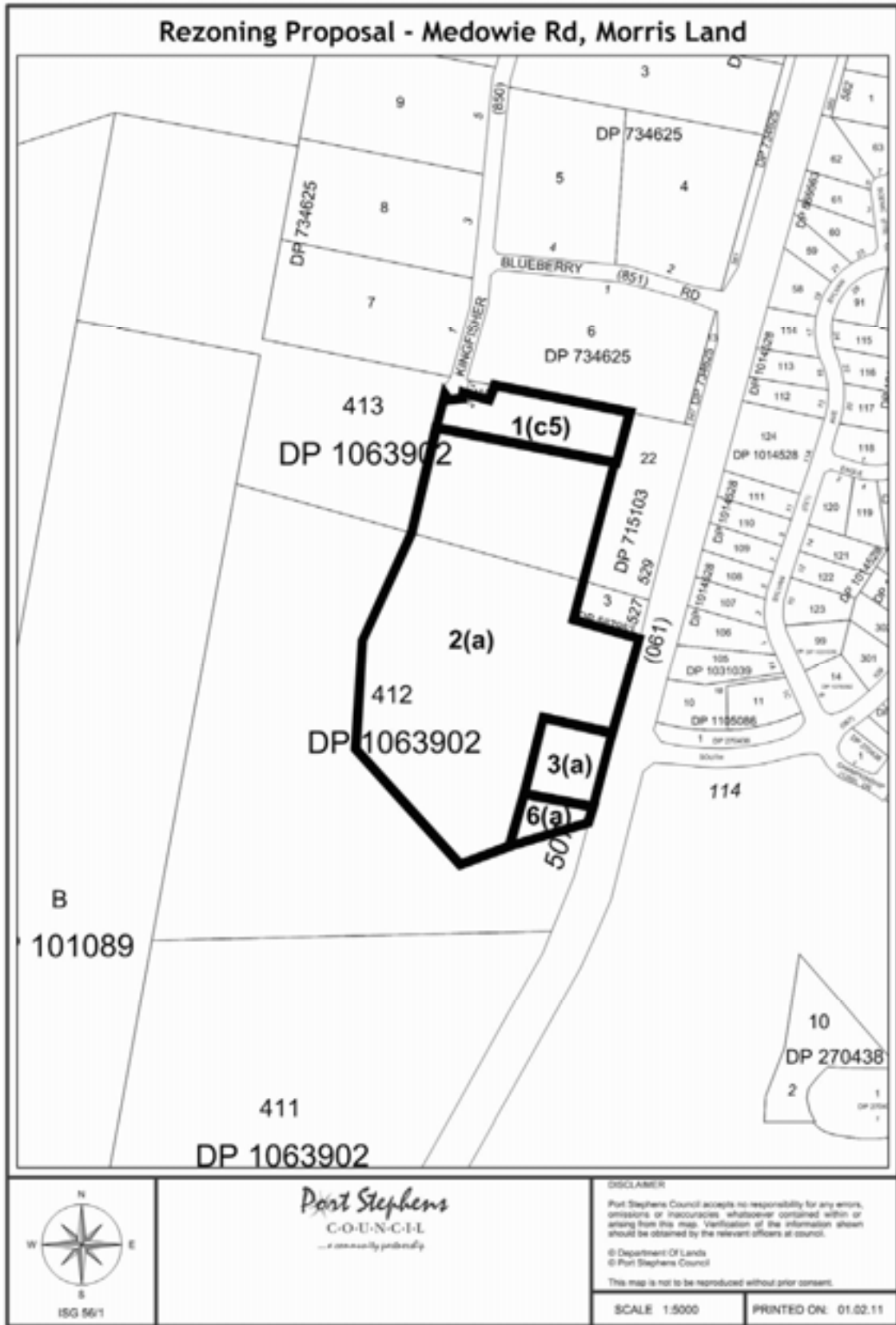
Notice of the proposal will be placed in the local newspaper and Council's website. Adjoining landowners will be notified in writing.

Exhibition documentation will be made available at local libraries and on Council's website, and will include at least the following:

- This Planning Proposal
- Medowie Strategy
- Planning Proposal as submitted by HDB Town Planning and Design (August 2010) incorporating:
 - Ecological Constraints Study (Wildthing Environmental Consultants, July 2010)
 - Preliminary Contamination Assessment (Coffey Geotechnics, June 2010)
 - Aboriginal Heritage Due Diligence Assessment (Len Roberts, July 2010)

It is proposed to put the planning proposal on public exhibition for 14 days because it is generally consistent with the adopted Medowie Strategy.

ATTACHMENT 2
PROPOSED ZONE MAP



ITEM NO. 4

FILE NO: A2004-0511

LOCAL TRAFFIC COMMITTEE MEETING – 7 DECEMBER 2010

REPORT OF: JOHN MARETICH – CIVIL ASSETS SECTION, MANAGER

GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the recommendations contained in the minutes of the local Traffic Committee meeting held on 7th December 2010.
-

COUNCIL COMMITTEE MEETING – 1 MARCH 2011

RECOMMENDATION:

	Councillor Bruce MacKenzie Councillor Steve Tucker	That the recommendation be adopted.
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ORDINARY COUNCIL MEETING – 8 MARCH 2011

057	Councillor Caroline De Lyall Councillor Geoff Dingle	It was resolved that the Council Committee recommendation be adopted.
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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.

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 Plan" for consideration in the annual budget process.

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.

LEGAL, POLICY AND RISK 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, NSW Police, the Roads & Traffic Authority and Port Stephens Council.

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

CONSULTATION

The Committee's technical representatives are the Police, Roads and Traffic Authority, 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, Integrated Planning Manager and Road Safety Officer. During this period comments are received and taken into consideration during discussions at the Traffic Committee meeting.

Additional consultation was undertaken for Item C6 – Geer Street and for Item C7 – Elkin Avenue. Consultation letters were sent to residents of the properties likely to be affected by proposed parking restrictions.

OPTIONS

- 1) Adopt all or part of the recommendations.
- 2) Reject all or part of the recommendations.
- 3) Council may choose to adopt a course of action for a particular item other than that recommended by the Traffic Committee. In which case Council must first notify both the RTA and NSW Police representatives in writing. The RTA or Police may then lodge an appeal to the Regional Traffic Committee.

ATTACHMENTS

- 1) Port Stephens Local Traffic Committee Meeting 7 December 2010

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

**PORT STEPHENS
LOCAL TRAFFIC COMMITTEE MEETING
HELD ON TUESDAY 7TH DECEMBER, 2010
AT 9:30AM**

Present:

Cr Peter Kafer, Cr Geoff Dingle - Port Stephens Council, Snr Cnst John Simmons NSW Police, Ms Michelle Mexon representing Craig Baumann MP, Mr Bill Butler – RTA, Mr Brian Moseley – Hunter Valley Buses, Mr Joe Gleeson (Chairperson), Mr Graham Orr, Ms Lisa Lovegrove - Port Stephens Council

Apologies:

Cr Bob Westbury – Mayor, The Hon. Mr Frank Terenzini MP, Mr Mark Newling – Port Stephens Coaches, Ms Michelle Page – Port Stephens Council,

A. ADOPTION OF MINUTES OF MEETING HELD 2ND NOVEMBER, 2010

B. BUSINESS ARISING FROM PREVIOUS MEETING

C. LISTED MATTERS

D. INFORMAL MATTERS

E. GENERAL BUSINESS

**PORT STEPHENS
LOCAL TRAFFIC COMMITTEE AGENDA**

**INDEX OF LISTED MATTERS
TUESDAY 7TH DECEMBER, 2010**

- A. ADOPTION OF THE MINUTES OF 2ND NOVEMBER, 2010
- B. BUSINESS ARISING FROM PREVIOUS MEETING
- C. LISTED MATTERS
- C.1 36_12/10 GOVERNMENT ROAD SHOAL BAY – REQUEST FOR INSTALLATION OF IMPROVED DELINEATION ADJACENT TO NO.122
- C.2 37_12/10 STILL STREET SEAHAM – REQUEST FOR INSTALLATION OF PARKING RESTRICTIONS AT SEAHAM PUBLIC SCHOOL
- C.3 38_12/10 FERODALE ROAD MEDOWIE – INSTALLATION OF NEW BUS STOPS AT MEDOWIE SHOPS
- C.4 39_12/10 AUSTRAL STREET NELSON BAY – INSTALLATION OF A NEW BUS STOP OPPOSITE SEABREEZE SHOPS
- C.5 40_12/10 TERAMBY ROAD NELSON BAY – REQUEST FOR POLICE/EMERGENCY VEHICLES PARKING AT NO.12B
- C.6 41_12/10 GEER STREET RAYMOND TERRACE – REQUEST FOR CHANGES TO PARKING RESTRICTIONS AT IRRAWANG PUBLIC SCHOOL
- C.7 42_12/10 ELKIN AVENUE HEATHERBRAE – REQUEST TO CHANGE 'NO PARKING' ZONE TO A LOADING ZONE AT HUNTER RIVER HIGH SCHOOL
- C.8 43_12/10 TOMAREE STREET NELSON BAY – REQUEST FOR INSTALLATION OF A LOADING ZONE TO ALLOW GARBAGE PICK-UP ADJACENT TO NO.1A
- D. INFORMAL MATTERS
- E. GENERAL BUSINESS
- E.1 607_12/10 SCHEDULE OF MEETING DATES FOR PORT STEPHENS LOCAL TRAFFIC COMMITTEE FOR 2010

C. Listed Matters

C.1 Item: 36_12/10

GOVERNMENT ROAD SHOAL BAY – REQUEST FOR INSTALLATION OF IMPROVED DELINEATION ADJACENT TO NO.122

Requested by: A resident

File:

Background:

Council has received requests to improve the safety for road users at the bend in Government Road Shoal Bay.

Comment:

The resident is requesting installation of city studs around the bend to improve lane discipline. This has been considered previously by Traffic Committee with objections at the time preventing city studs being installed.

Legislation, Standards, Guidelines and Delegation:

Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

Recommendation to the Committee:

For discussion

Discussion:

Committee members discussed the merits of installing city studs. The cost and the frequency with which they can be dislodged by traffic are seen as major limiting factors for the use of city studs. Raised reflective pavement markers are a much cheaper option and can be more readily maintained.

Committee's Recommendation:

The Committee recommended installing closely spaced, raised, reflective pavement markers.

Support for the recommendation:

- | | | |
|---|-------------------|---|
| 1 | Unanimous | ✓ |
| 2 | Majority | |
| 3 | Split Vote | |
| 4 | Minority Support | |
| 5 | Unanimous decline | |

C.2 Item: 37_12/10

STILL STREET SEAHAM – REQUEST FOR INSTALLATION OF PARKING RESTRICTIONS AT SEAHAM PUBLIC SCHOOL

Requested by: Ms Chris Lewis – Seaham Public School

File: PSC2005-4189/038

Background:

Council has been contacted by the Seaham Public School principal requesting installation of parking restrictions to improve the safety for children at the school.

Comment:

Vehicles are often parked up to and across the driveways to the staff car parks at Seaham Public School, making it difficult and unsafe for drivers when exiting. In addition, vehicles occupy the car parks close to the school gate meaning that children have to walk in between and around parked cars to get to their parents/carers vehicles.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule167 – No Stopping signs, Rule168 – No Parking signs

RTA signs database – R5-400, R5-41

Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

Recommendation to the Committee:

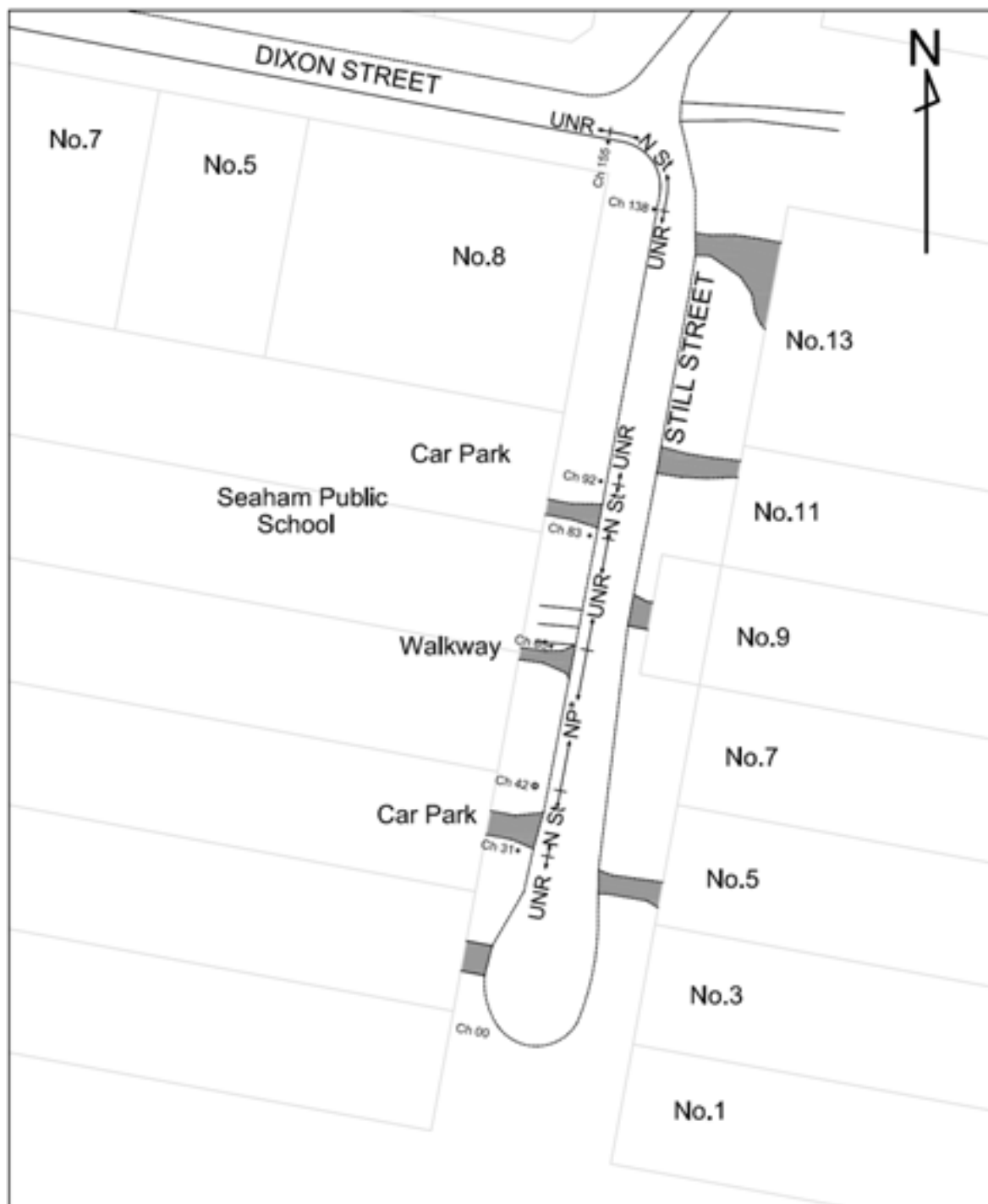
Install 'No Stopping' and part-time 'No Parking' restrictions in Still Street Seaham, as shown on the attached sketch, Annexure A.

Discussion:

Committee members discussed the impacts of the proposed restrictions and noted that currently there are no restrictions in Still Street and that this is probably the only school without a drop-off and pick-up area.

Support for the recommendation:

- | | | |
|---|-------------------|---|
| 1 | Unanimous | ✓ |
| 2 | Majority | |
| 3 | Split Vote | |
| 4 | Minority Support | |
| 5 | Unanimous decline | |



Legend

- UNR = Unrestricted parking
- N St = No Stopping
- NP* = No Parking - 8.00-9.30am, 2.30-4.00pm School Days

C.3 Item: 38_12/10

FERODALE ROAD MEDOWIE – INSTALLATION OF NEW BUS STOPS AT MEDOWIE SHOPS

Requested by: Hunter Valley Buses

File: PSC2005-5388/053

Background:

Council has received a letter from Hunter Valley Buses seeking approval for use of Council roads as part of the new bus routes announced this week by the NSW Minister for Transport. The new bus stops do not require Traffic Committee approval however some of the locations have existing parking restrictions that will require removal to allow buses to stop legally.

Comment:

The Medowie shops on Ferodale Road will become a major bus stop area. Council has plans for construction of bus lay-bys to reduce the impact on traffic flow however this is a long-term goal and in the meantime buses must be accommodated on the existing street. A temporary bus stop is required in front of the Community Centre for west bound services and in front of property 37F.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule167–No Stopping signs, Rule183–Stopping in a bus zone

RTA signs database – R5-400, R5-20

Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

Recommendation to the Committee:

Remove existing 'No Stopping' signs at the Community Centre and install a bus zone at No.37F Ferodale Road Medowie, as shown on the attached sketch, Annexure A.

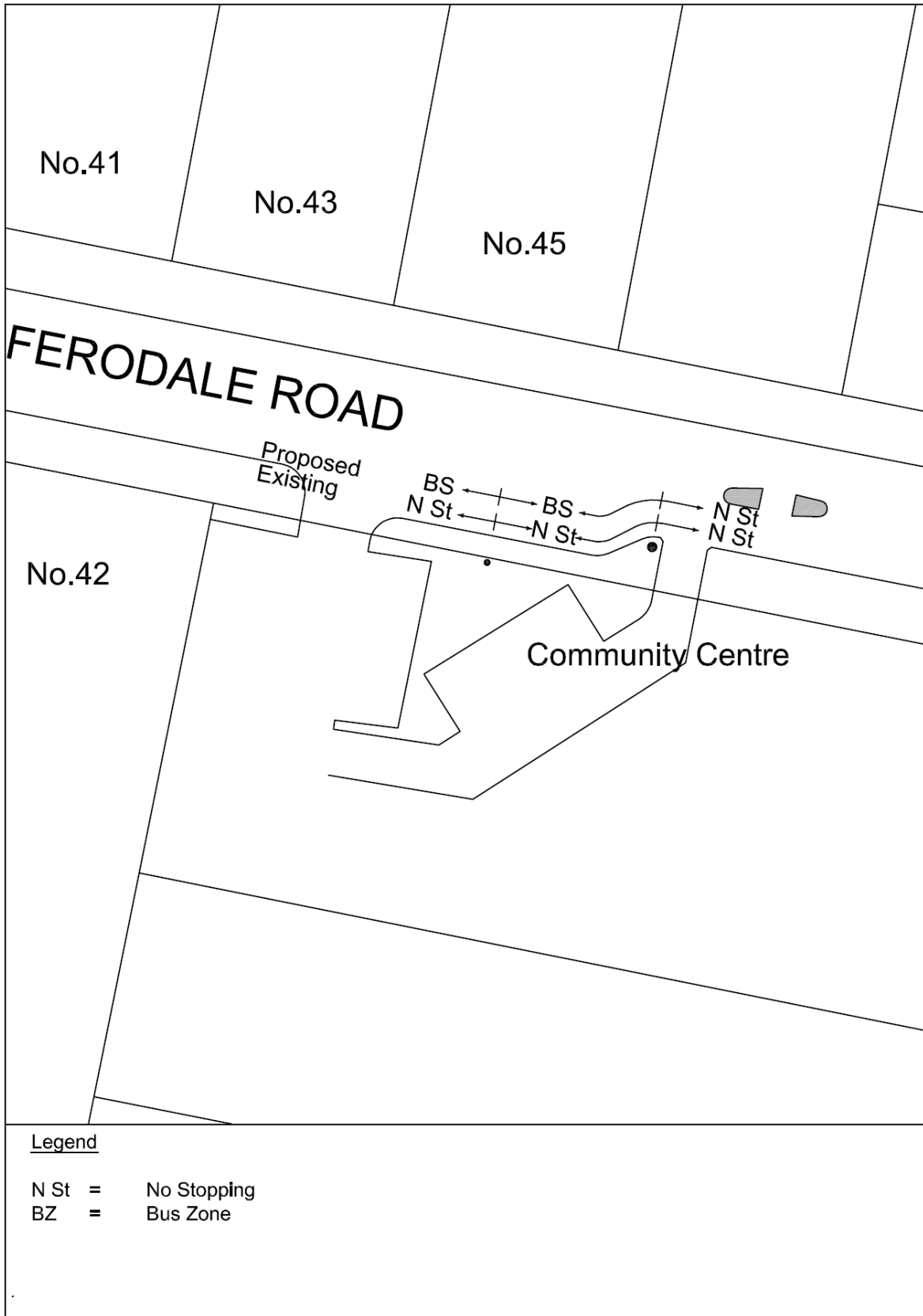
Discussion:

Cr Dingle discussed that the 'No Stopping' at the community centre was originally installed to assist with sight distance issues in connection with people using the mobile library. It was noted that buses would not be standing for long periods at the bus stop.

Committee members were advised that Council has a longer term plan to construct a bus lay-by on the northern side of Ferodale that will allow buses to stop nearer to the shopping centre.

Support for the recommendation:

- | | | |
|---|-------------------|---|
| 1 | Unanimous | ✓ |
| 2 | Majority | |
| 3 | Split Vote | |
| 4 | Minority Support | |
| 5 | Unanimous decline | |





C.4 Item: 39_12/10

AUSTRAL STREET NELSON BAY – INSTALLATION OF A NEW BUS STOP OPPOSITE SEABREEZE SHOPS

Requested by: Port Stephens Coaches

File: PSC2005-4189/036

Background:

Council has received a letter from Port Stephens Coaches seeking approval for use of Council roads as part of the new bus routes announced this week by the NSW Minister for Transport. The new bus stops do not require Traffic Committee approval however some of the locations have existing parking restrictions that will require removal to allow buses to stop legally.

Comment:

Similar to the previous item

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule167 – No Stopping signs, Rule183 – Stopping in a bus zone

RTA signs database – R5-400, R5-20

Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

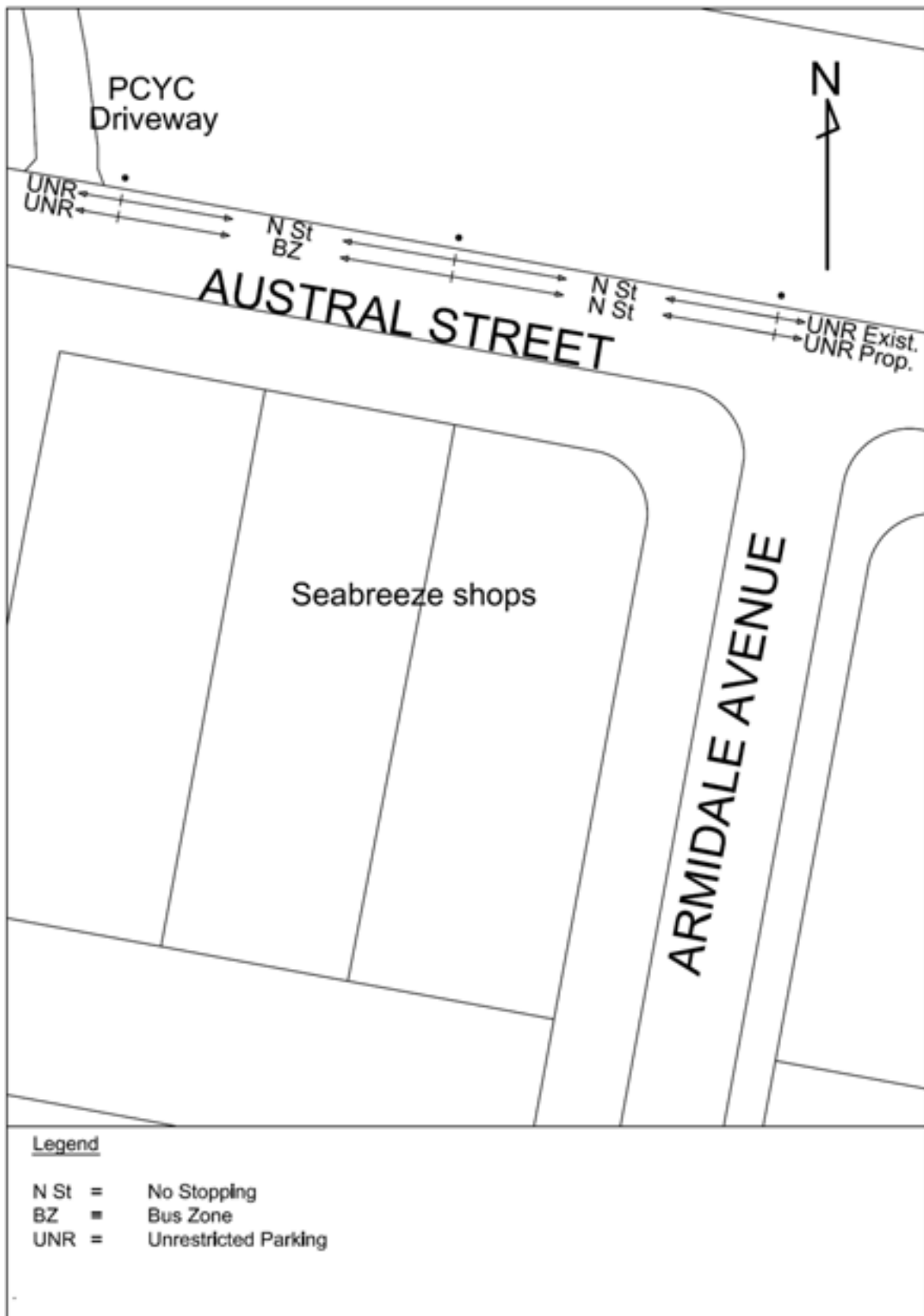
Recommendation to the Committee:

Replace part of existing 'No Stopping' zone with bus zone signs opposite the Sea breeze shops Nelson Bay, as shown on the attached sketch, Annexure A.

Discussion:

Support for the recommendation:

- | | | |
|---|-------------------|---|
| 1 | Unanimous | ✓ |
| 2 | Majority | |
| 3 | Split Vote | |
| 4 | Minority Support | |
| 5 | Unanimous decline | |



C.5 Item: 40_12/10

TERAMBY ROAD NELSON BAY – REQUEST FOR POLICE/EMERGENCY VEHICLES PARKING AT NO.12B

Requested by: NSW Water Police

File: A2004-1377/019

Background:

NSW Water Police are one of the tenants in offices situated at No.12B Teramby Road. Other tenants include Maritime Services and National Parks and Wildlife, all of whom have operational vehicle requirements requiring fast and easy access to vehicles. Teramby Road is currently controlled by ticket parking with parking spaces in high demand at peak holiday times. Ticket parking was installed in Teramby Road in August 2003.

Comment:

A meeting on-site with members of the Traffic Inspection Committee, Water Police and the building manager agreed to pursue installation of 'No Parking – Police and Authorised vehicles excepted' restrictions outside No.12B Teramby Rd. The requested restrictions would cover approximately 40m of kerb including 2 driveways – approximately 5 vehicle spaces. Of this area, the last 2 spaces are outside the ticket parking area, so there would be a loss of 3 ticket parking spaces. The requested changes will allow some Police, National Parks & Wildlife and Maritime Services operational vehicles to park on-street for ease of access.

NSW Water Police have requested that these alterations to signage be installed urgently so that Police operations are not impeded by a lack of parking during the peak summer holiday period.

A development application was approved in July 2008 for the addition of a third floor to the building at 12B Teramby Road. The conditions of consent required the applicant to make a substantial section 94 contribution in lieu of providing the required amount of on-site parking. The statement of environmental effects submitted in support of the application states that "as commercial offices, a proportion of the parking requirement can be met by the week day use of under utilised public parking areas that are provided to cater for weekend tourist activity". Site inspections indicate that the car park area at 12C Teramby Road has a sign stating that the area is a private boat ramp for the use of Government departments and authorised professional fishermen only.

Council's Civil Assets Coordinator has stated that loss of ticket parking spaces will impact on the operation of the ticket machine in this area. However, Council would have no objection to the use of the 2 parking spaces on the northern end of the ticket parking area, as indicated on the sketch.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule167 – No Stopping signs, Rule168 – No Parking signs

RTA signs database – R5-400, R5-40

Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

Recommendation to the Committee:

For discussion

Discussion:

The Committee members noted that parking in Teramby Road is generally in high demand and that there needs to be a greater justification to consider removal of car parking for any reason. The Committee members recommended that Council officers investigate further whether there are any viable alternatives such as dedicating spaces in the adjacent car park.

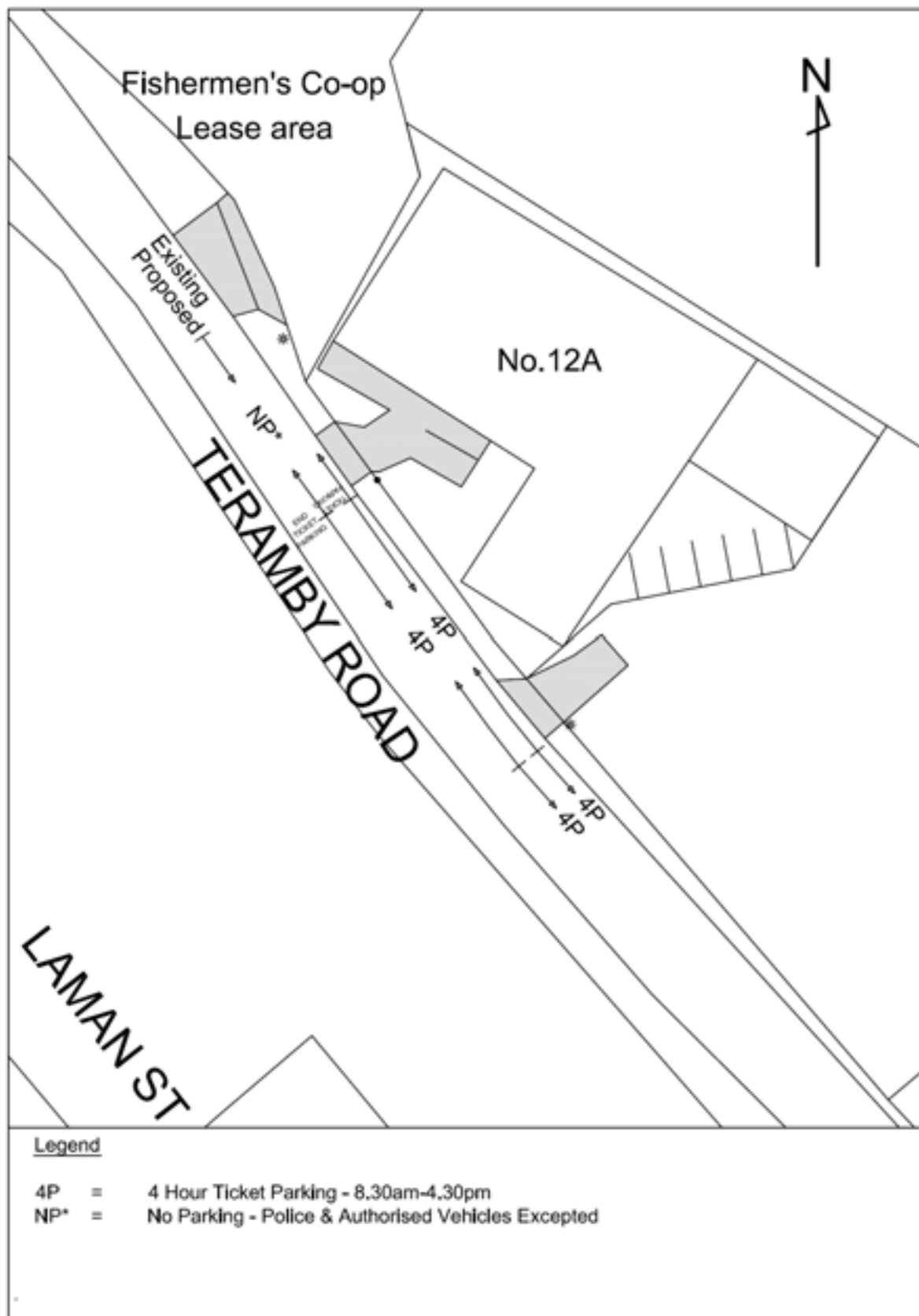
The Committee members noted that problems are most likely to occur in peak holiday times when off-duty personnel may be called in on emergencies and when parking is also in the highest demand.

Committee's Recommendation:

The Committee recommended that 2 spaces to the north of the ticket parking area be signposted immediately for 'No Parking - Police & Authorised vehicles excepted', as requested and that Council liaise with the applicant regarding other possible assistance that can be offered.

Support for the recommendation:

- | | | |
|---|-------------------|---|
| 1 | Unanimous | ✓ |
| 2 | Majority | |
| 3 | Split Vote | |
| 4 | Minority Support | |
| 5 | Unanimous decline | |



C.6 Item: 41_12/10

GEER STREET RAYMOND TERRACE – REQUEST FOR CHANGES TO PARKING RESTRICTIONS AT IRRAWANG PUBLIC SCHOOL

Requested by: Irrawang Public School

File:

Background:

Parents dropping children at the school are nosing into the driveway of No.30 and reversing when turning around. In addition, children dropped off in the 'No Parking' zone have to cross the school driveway to access the pedestrian gate. This could be eliminated if drivers were encouraged to u-turn in the street and park on the northern side while dropping off. Suggestion is for part-time 'No Stopping' along the southern end of Geer St and part-time 'No Parking' on the northern side.

Comment:

The suggested changes will improve safety for children by eliminating the need for vehicles to be reversing at the school gate.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule167 – No Stopping signs, Rule168 – No Parking signs

RTA signs database – R5-400, R5-41

Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

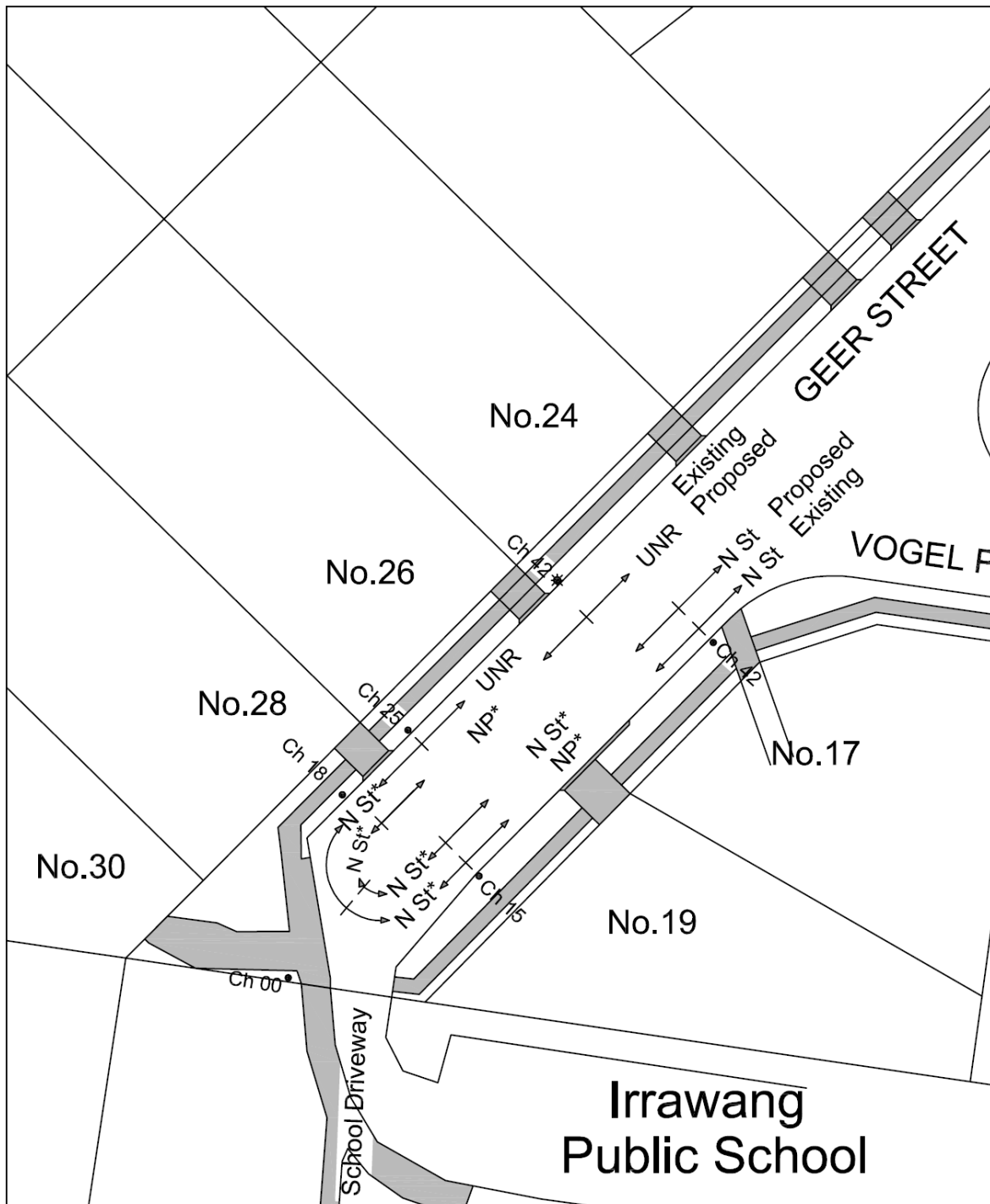
Recommendation to the Committee:

Install part-time 'No Stopping' in the existing 'No Parking' and relocate the part-time 'No Parking' to the unrestricted parking on the western side of Geer Street, as shown on the attached sketch, Annexure A.

Discussion:

Support for the recommendation:

- | | | |
|---|-------------------|---|
| 1 | Unanimous | ✓ |
| 2 | Majority | |
| 3 | Split Vote | |
| 4 | Minority Support | |
| 5 | Unanimous decline | |



Legend

- N St = No Stopping
- N St* = No Stopping - 8.00-9.30am, 2.30-4.00pm School Days
- NP* = No Parking - 8.00-9.30am, 2.30-4.00pm School Days
- UNR = Unrestricted Parking

C.7 Item: 42_12/10

ELKIN AVENUE HEATHERBRAE – REQUEST TO CHANGE 'NO PARKING' ZONE TO A LOADING ZONE AT HUNTER RIVER HIGH SCHOOL

Requested by: Ms Kim Hill – Hunter River High School

File: PSC2005-4022/019

Background:

The school has difficulties getting deliveries due to lack of parking for delivery vehicles in Elkin Avenue adjacent to the school administration building. They request changing the 'No Parking' zone to a loading zone to allow delivery drivers to park and leave the vehicle.

Comment:

Elkin Avenue has no turning facilities and is difficult to turn around in when vehicles are parked right up to the school gates. The inspection Committee suggested retaining the 'No Parking' on the southern side of Elkin Avenue and installing an additional Loading zone on the opposite side of the road.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules –Rule179 – Stopping in a Loading Zone

RTA signs database – R5-23

Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

Recommendation to the Committee:

Install a part-time loading zone on the northern side of Elkin Avenue adjacent to the school gates, as shown on the attached sketch, Annexure A.

Discussion:

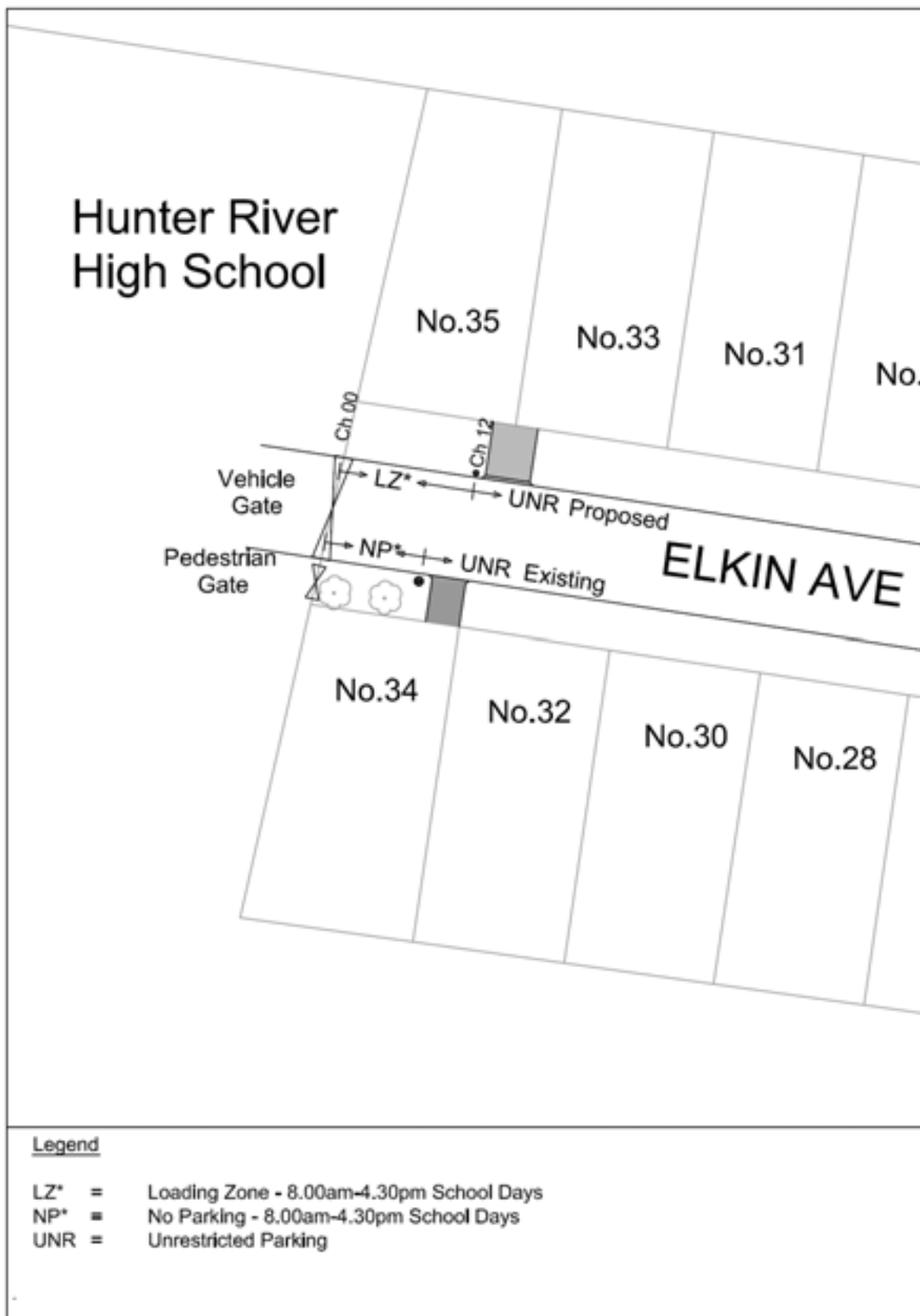
The Committee members discussed whether it may be more appropriate for the school to provide loading facilities on-site rather than for Council to be expected to provide them on-street. It is a standard condition of consent that all developments need to carry out any loading or unloading of delivery vehicles on-site.

Committee's Recommendation:

That Hunter River High School provide access to the school grounds for deliveries.

Support for the recommendation:

- | | | |
|---|-------------------|---|
| 1 | Unanimous | ✓ |
| 2 | Majority | |
| 3 | Split Vote | |
| 4 | Minority Support | |
| 5 | Unanimous decline | |



C.8 Item: 43_12/10

TOMAREE STREET NELSON BAY – REQUEST FOR INSTALLATION OF A LOADING ZONE TO ALLOW GARBAGE PICK-UP ADJACENT TO NO.1A

Requested by: Steve Bernasconi – Port Stephens Council

File: PSC2005-4189/037

Background:

A situation arises regularly whereby the weekly collection of garbage bins around 1A Tomaree Street Nelson Bay (Mantra Aqua) is seriously hindered by vehicles parking in front of the bins. This adds to the already difficult and less than ideal method of collecting the growing number of bins from Aqua Mantra as this site grows. Drivers often have to double park and manually move bins into the roadway so that they can access them.

Comment:

Part-time loading zones would prevent vehicles parking on-street for the specific times required to service the garbage pick-up.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule167 – No Stopping signs, Rule179 – Stopping in a Loading Zone

RTA signs database – R5-400, R5-23

Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

Recommendation to the Committee:

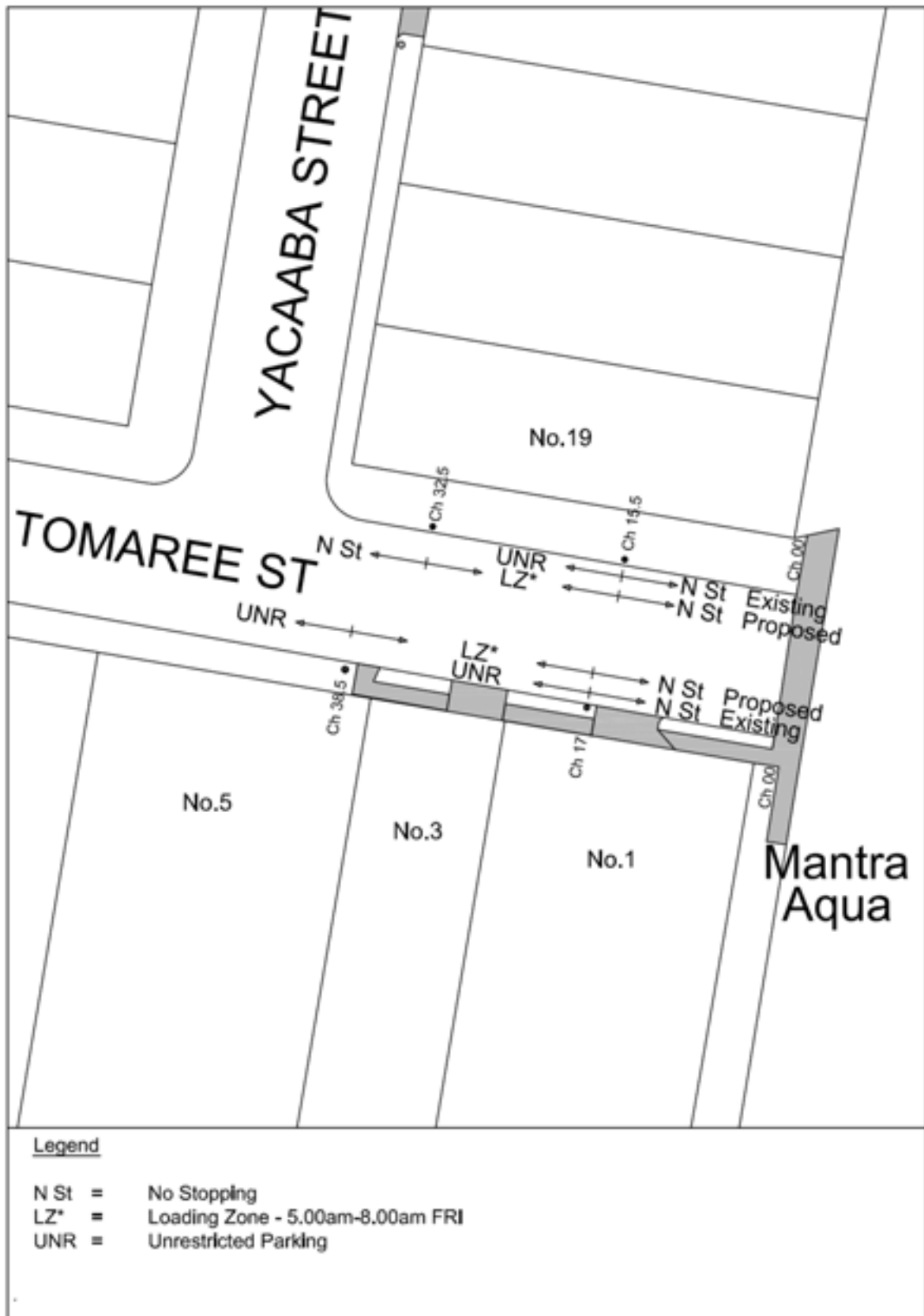
Install part-time loading zones, to operate from 5.00am-8.00am on Fridays only, both sides of the road at the eastern end of Tomaree Street Nelson Bay, as shown on the attached sketch, Annexure A.

Discussion:

The Committee members discussed the need to ensure that any new developments must provide facilities to allow waste collections to be carried out on-site so as to avoid similar situations in the future.

Support for the recommendation:

- | | | |
|---|-------------------|---|
| 1 | Unanimous | ✓ |
| 2 | Majority | |
| 3 | Split Vote | |
| 4 | Minority Support | |
| 5 | Unanimous decline | |



E: General Business

E.1 Item: 607_12/10

SCHEDULE OF MEETING DATES FOR PORT STEPHENS LOCAL TRAFFIC COMMITTEE FOR 2010

Requested by: Port Stephens Council

File:

Background:

Below is a draft schedule of meeting dates for Traffic Inspection Committee and for Port Stephens Local Traffic Committee for 2011.

Port Stephens Local Traffic Committee schedule for 2011:

	Port Stephens Local Traffic Committee	Traffic Inspection Committee
January	No Meeting	Wednesday 19 th
February	Tuesday 1 st	Wednesday 16 th
March	Tuesday 1 st	Wednesday 16 th
April	Tuesday 5 th	Wednesday 20 th
May	Tuesday 3 rd	Wednesday 18 th
June	Tuesday 7 th	Wednesday 15 th
July	Tuesday 5 th	Wednesday 20 th
August	Tuesday 2 nd	Wednesday 17 th
September	Tuesday 6 th	Wednesday 21 st
October	Tuesday 4 th	Wednesday 19 th
November	Tuesday 1 st	Wednesday 16 th
December	Tuesday 6 th	No Meeting

E.2 Item: 608_12/10

ESSINGTON WAY ANNA BAY – SAFETY CONCERNS WITH VEHICLES BEING PARKED ON-STREET

Requested by: A resident

File:

Background:

Council has received calls from residents regarding safety concerns with vehicles being parked on-street at the crest near No. 77. The road is relatively narrow and when cars are parked on-street the width is further restricted. Residents are concerned that the combination of restricted road width and limited sight distance, due to the crest, is creating an unacceptable hazard.

Committees Advice:

The Committee recommended deferral until an inspection can be arranged.

E.3 Item: 609_12/10

UPDATE ON BLACKSPOT FUNDING APPLICATIONS

Requested by: Port Stephens Council

File:

Background:

Graham Orr gave the Committee members an update on the situation regarding Blackspot funding.

In response to the recent increase in the road toll, the NSW government announced in March 2010 a new program called the Road Toll Response Package. The package includes a "Local Government Road Review and Works program" which is designed to target local government roads with a high crash risk over a 5 year period.

In 2010/11 financial year, the RTA is seeking to commence the Local Government works program with an early works program. Federal Blackspot nominations from Hunter region councils for the 2011/12 period were considered and 3 sites from Port Stephens Council have been selected in the early works package announced by the RTA. Funding totalling \$1.04m for Port Stephens Council LGA will be provided by the RTA for the following sites:

Project WBS	SITE	PROPOSED TREATMENT
S/05876	Masonite Road, 600m – 3.5km south of Pacific Highway	<ul style="list-style-type: none"> - Widen shoulder on outside of curve 150m -southern end - Widen shoulders and reseal 700m – Northern end - Install guide posts at increased intervals - Linemarking (barrier , edge lines) - RRPM on centre line - CAMs on all curves - Reduce speed limit
S/05878	Bucketts Way – 1km – 5km north of Pacific Highway, Twelve Mile Creek	<ul style="list-style-type: none"> - Widen shoulders & Overlay black length distance (from 1 km – 5km north of Pacific Hwy) - Install guide posts - Linemarking (barrier , edge lines) - RRPM on centre line
S/05877	Newline Road from 4.5-11km north of Raymond Terrace, Eagleton	<ul style="list-style-type: none"> - Install extra guide post in black length area - CAMs installed on outside of curves (north and south bound) - Linemarking (barrier , edge lines) - RRPM on centre /edge lines

ITEM NO. 5

FILE NO: A2004-0511

LOCAL TRAFFIC COMMITTEE MEETING – 1 FEBRUARY 2011

REPORT OF: JOHN MARETICH – CIVIL ASSETS SECTION, MANAGER
 GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the recommendations contained in the minutes of the local Traffic Committee meeting held on 1st February 2011.
-

COUNCIL COMMITTEE MEETING – 1 MARCH 2011

RECOMMENDATION:

	Councillor Bruce MacKenzie Councillor Steve Tucker	That the recommendation be adopted.
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MATTER ARISING

	Councillor John Nell Councillor Bruce MacKenzie	That the Local Traffic Committee consider providing a safe pedestrian crossing at Galoola Drive and Stockton Street, Nelson Bay.
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ORDINARY COUNCIL MEETING – 8 MARCH 2011

058	Councillor Ken Jordan Councillor Bruce MacKenzie	It was resolved that the Council Committee recommendation be adopted.
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MATTER ARISING

059	Councillor Ken Jordan Councillor Bruce MacKenzie	It was resolved that the Local Traffic Committee consider providing a safe pedestrian crossing at Galoola Drive and Stockton Street, Nelson Bay.
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MATTER ARISING

	Councillor John Nell Councillor Geoff Dingle	That Council replace the dangerous temporary speed ramps in Wallawa Road, Nelson Bay with full road width permanent ramps
--	---	---

AMENDMENT

060	Councillor Frank Ward Councillor Sally Dover	It was resolved that Council refer the matter of replacing the temporary speed humps in Wallawa Road to the Local Traffic Committee along with the geotechnical report that is being prepared.
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The amendment on being put became the motion which was carried.

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.

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 Plan" for consideration in the annual budget process.

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.

LEGAL, POLICY AND RISK 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, NSW Police, the Roads & Traffic Authority and Port Stephens Council.

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

CONSULTATION

The Committee's technical representatives are the Police, Roads and Traffic Authority, 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, Integrated 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 was undertaken for any of the listed agenda items

OPTIONS

- 1) Adopt all or part of the recommendations.
- 2) Reject all or part of the recommendations.
- 4) Council may choose to adopt a course of action for a particular item other than that recommended by the Traffic Committee. In which case Council must first notify both the RTA and NSW Police representatives in writing. The RTA or Police may then lodge an appeal to the Regional Traffic Committee.

ATTACHMENTS

- 1) Local Traffic Committee Meeting – 1 February 2011

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

**LOCAL TRAFFIC COMMITTEE MEETING
HELD ON TUESDAY 1ST FEBRUARY 2011
AT 9:30AM**

Present:

Cr Bob Westbury – Mayor, Cr Peter Kafer, Snr Constable John Simmons NSW Police, Mr Craig Baumann MP, Mr Bill Butler – RTA, Mr Joe Gleeson (Chairperson), Mr Graham Orr, Ms Michelle Page – Port Stephens Council,

Apologies:

The Hon. Mr Frank Terenzini MP, Cr Geoff Dingle - Port Stephens Council, Mr Brian Moseley – Hunter Valley Buses, Mr Mark Newling – Port Stephens Coaches, Ms Lisa Lovegrove - Port Stephens Council

A. ADOPTION OF MINUTES OF MEETING HELD 7TH DECEMBER, 2010

F. BUSINESS ARISING FROM PREVIOUS MEETING

G. LISTED MATTERS

H. INFORMAL MATTERS

I. GENERAL BUSINESS

**PORT STEPHENS
LOCAL TRAFFIC COMMITTEE AGENDA**

**INDEX OF LISTED MATTERS
TUESDAY 1ST FEBRUARY, 2011**

- A. ADOPTION OF THE MINUTES OF 7TH DECEMBER, 2010
- C. BUSINESS ARISING FROM PREVIOUS MEETING
- C. LISTED MATTERS
- 01_02/11 DIGGERS DRIVE TANILBA BAY – REQUEST FOR INSTALLATION OF GIVE WAY SIGNS
- 02_02/11 SOLDIERS POINT ROAD SALAMANDER BAY – REQUEST FOR REVIEW OF THE BUS ZONE AT WANDA SHOPS
- 03_02/11 ELKIN AVENUE HEATHERBRAE – INSTALLATION OF ADDITIONAL NO STOPPING RESTRICTIONS
- 04_02/11 COXS LANE FULLERTON COVE – ALTERATION FROM GIVE WAY TO STOP SIGN AT NELSON BAY ROAD OFF-RAMP INTERSECTION
- 05_02/11 GAN GAN ROAD ANNA BAY – INSTALLATION OF NO STOPPING AT THE 4WD BEACH ACCESS TRACK
- D. INFORMAL MATTERS
- 501_02/11 NELSON BAY ROAD ANNA BAY – REQUEST FOR IMPROVED SAFETY AT THE ANNA BAY CEMETERY ACCESS
- 502_02/11 MASONITE ROAD HEATHERBRAE – REQUEST FOR A REVIEW OF THE SPEED LIMIT IN THE VICINITY OF THE SANDVIK DEVELOPMENT
- 503_02/11 LEMON TREE PASSAGE ROAD TANILBA BAY – REQUEST FOR ALTERATION OF THE EXISTING BUS ROUTE TO SERVICE COLES SHOPPING CENTRE
- E. GENERAL BUSINESS
- 603_08/10 MEDOWIE ROAD MEDOWIE – COMPLAINTS FROM MEDOWIE RESIDENTS REGARDING THE LARGE VOLUME OF HEAVY VEHICLES USING MEDOWIE ROAD

C. Listed Matters

Item: 01_02/11

DIGGERS DRIVE TANILBA BAY – INSTALLATION OF GIVE WAY SIGNS

Requested by: Port Stephens Council

File:

Background:

Landcom has recently completed roadworks within the Koala Bay Estate at Tanilba Bay and some of the intersections are unclear as to which road has priority.

Comment:

The roads were designed to reduce vehicle speeds by making the intersections irregular in shape. While there have been no incidents reported to Council as yet it may well be that as more homes are built and traffic volumes increase that driver confusion may arise.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule69 – Giving way at a give way sign or give way line

RTA signs database – R1-2

Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

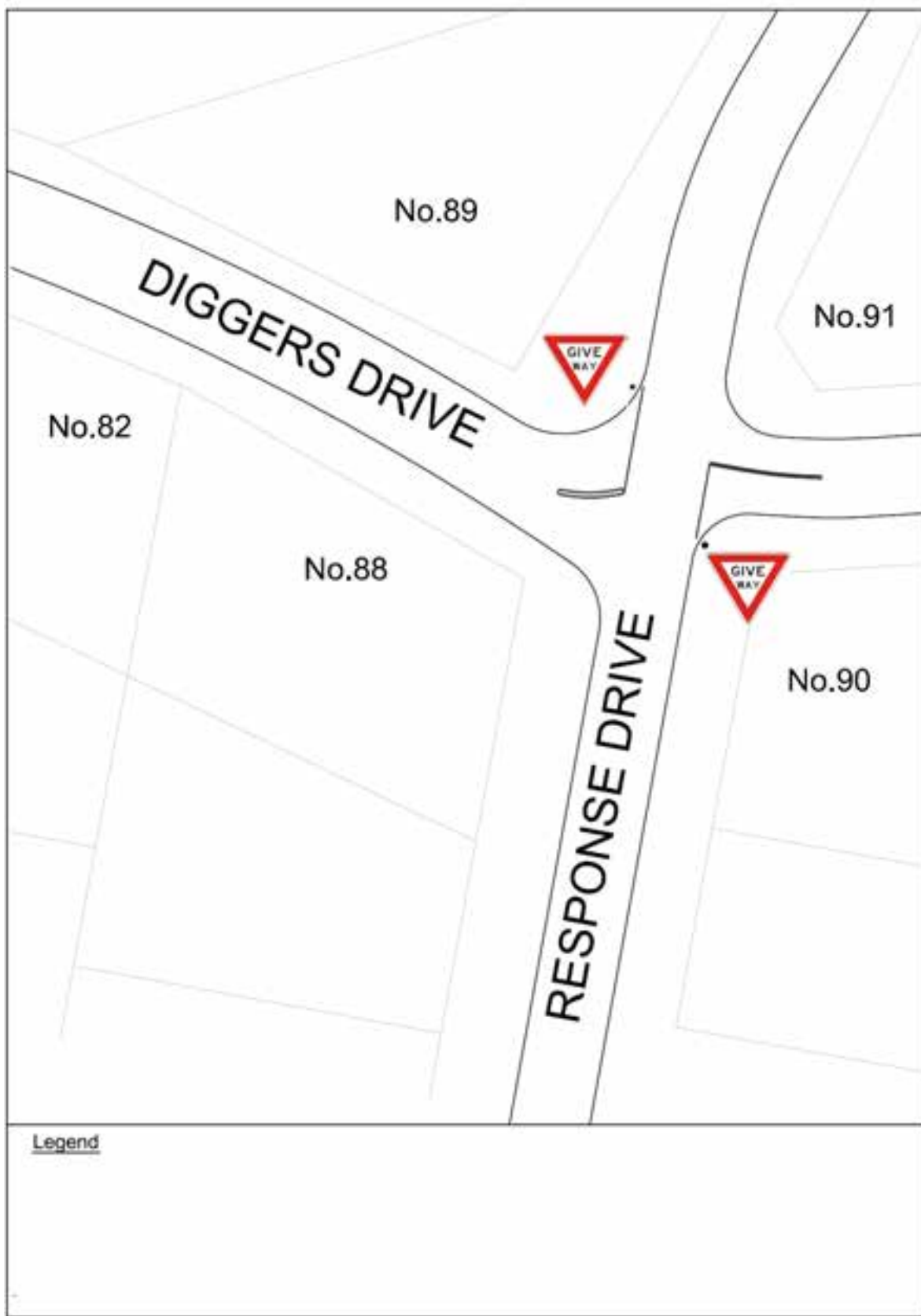
Recommendation to the Committee:

Install Give Way signs and holding lines in Diggers Drive at Response Drive intersection, as shown on the attached sketch, Annexure A.

Discussion:

Support for the recommendation:

- | | | |
|---|-------------------|---|
| 1 | Unanimous | ✓ |
| 2 | Majority | |
| 3 | Split Vote | |
| 4 | Minority Support | |
| 5 | Unanimous decline | |



Item: 02_02/11

SOLDIERS POINT ROAD SALAMANDER BAY – REQUEST FOR REVIEW OF THE BUS ZONE AT WANDA SHOPS

Requested by: Port Stephens Coaches

File:

Background:

Council has been contacted by Port Stephens Coaches following an incident where a passenger tripped while alighting from a bus. The fall was caused by the bus being unable to manoeuvre close enough to the kerb to allow passengers to get off safely.

Comment:

The bus stop is poorly positioned due to proximity to the pedestrian crossing and the competing needs of residents and businesses for parking on-street. The bus zone length is less than desirable and when vehicles are parked too close, this makes it difficult for the bus to access the kerb.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule183 – Stopping in a bus zone

RTA signs database – R5-20

Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

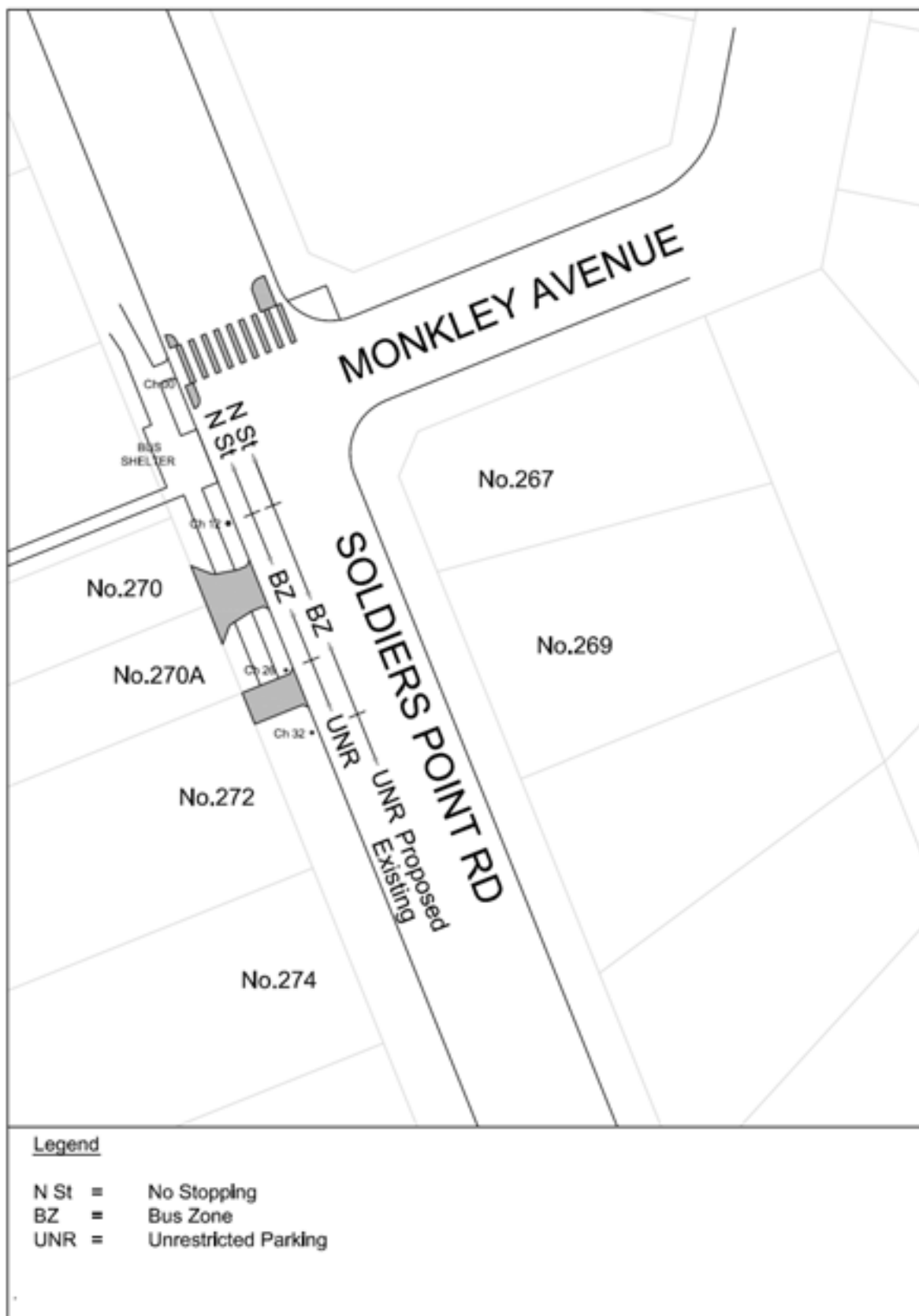
Recommendation to the Committee:

Relocate the bus zone sign on the southern side of Soldiers Point Road to increase the zone length, as shown on the attached sketch, Annexure A.

Discussion:

Support for the recommendation:

- | | | |
|---|-------------------|---|
| 1 | Unanimous | ✓ |
| 2 | Majority | |
| 3 | Split Vote | |
| 4 | Minority Support | |
| 5 | Unanimous decline | |



Item: 03_02/11

ELKIN AVENUE HEATHERBRAE – INSTALLATION OF ADDITIONAL NO STOPPING RESTRICTIONS

Requested by: Port Stephens Council Rangers

File:

Background:

Council Rangers have requested installation of further 'No Stopping' around the corner of Elkin Ave, adjacent to the central island. Cars are parked constantly at the corner, making it very difficult for buses departing the high school. The problem occurs mainly at school pick-up time so the 'No Stopping' restrictions can be timed.

Comment:

The Traffic Inspection Committee noted that this is an ongoing problem and installation of 'No Stopping' is supported around the corner.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules - Rule167 – No Stopping signs

RTA signs database – R5-400

Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

Recommendation to the Committee:

Install part-time 'No Stopping' signs in Elkin Avenue at the corner adjacent to the roundabout, as shown on the attached sketch, Annexure A.

Discussion:

Support for the recommendation:

- | | | |
|---|-------------------|---|
| 1 | Unanimous | ✓ |
| 2 | Majority | |
| 3 | Split Vote | |
| 4 | Minority Support | |
| 5 | Unanimous decline | |



Item: 04_02/11

COXS LANE FULLERTON COVE – ALTERATION FROM GIVE WAY TO STOP SIGN AT NELSON BAY ROAD OFF-RAMP INTERSECTION

Requested by: Boral Quarries

File: PSC2005-4019/288

Background:

Boral's quarry manager has raised safety concerns regarding inadequate sight distance for vehicles entering Coxs Lane from the Nelson Bay Road off-ramp. Sight distance is restricted due to the bridge embankment. The intersection currently has 'Give Way' control however the warrant is met for change to 'Stop' sign control.

Comment:

Required intersection sight distance is 120m however available sight distance is only approximately 50m.

Council's accident database shows no reported accidents at this location over the most recent 5 year period.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules - Rule67 – Stopping and giving way at a stop sign or stop line at an intersection without traffic lights

RTA signs database – R1-1

Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

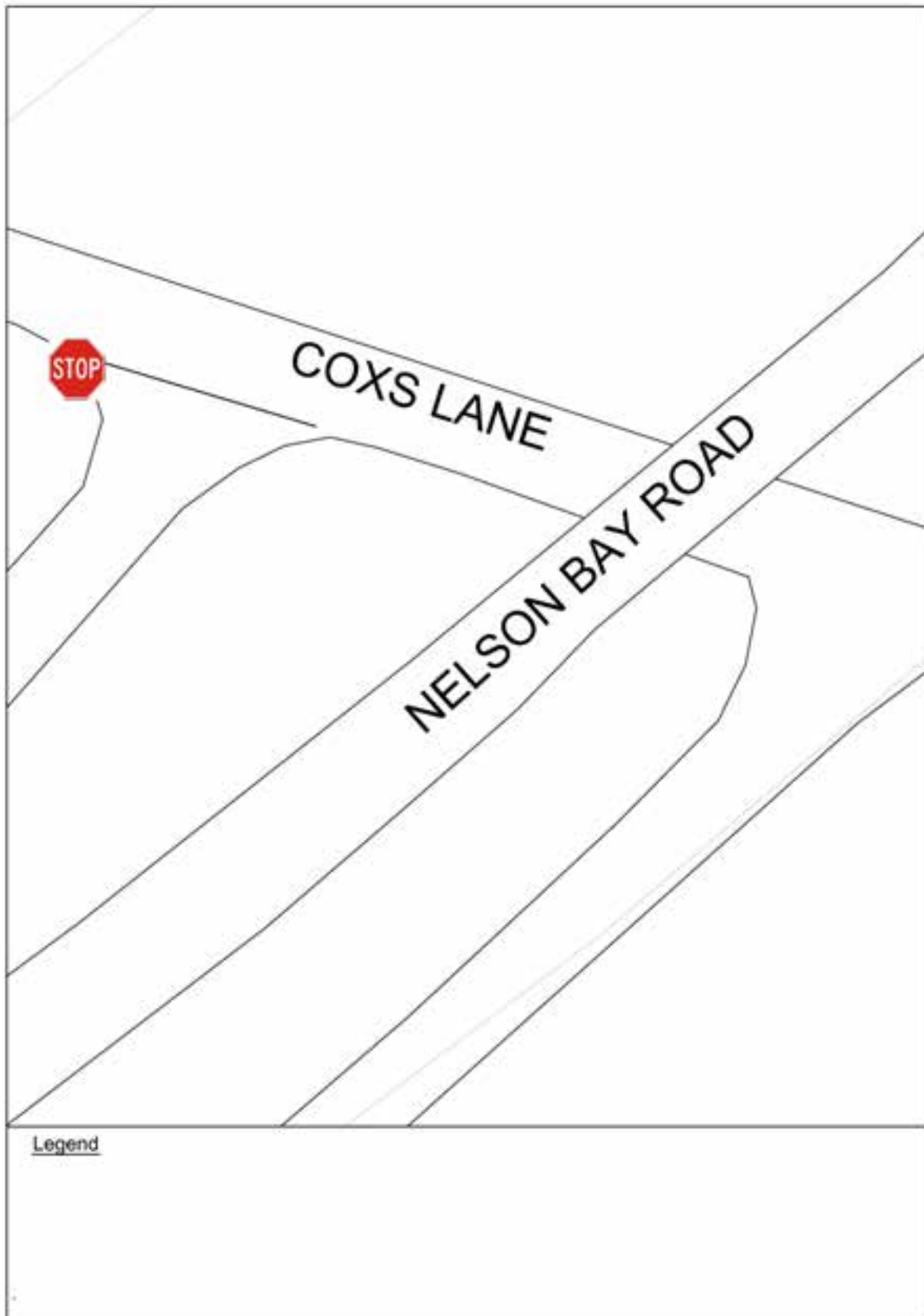
Recommendation to the Committee:

Change the existing 'Give Way' sign to a 'Stop' sign and remark the line markings as a solid stop line at the intersection of Nelson Bay Road and Coxs Lane Fullerton Cove, as shown on the attached sketch, Annexure A.

Discussion:

Support for the recommendation:

- | | | |
|---|-------------------|---|
| 1 | Unanimous | ✓ |
| 2 | Majority | |
| 3 | Split Vote | |
| 4 | Minority Support | |
| 5 | Unanimous decline | |



Item: 05_02/11

GAN GAN ROAD ANNA BAY – INSTALLATION OF NO STOPPING AT THE 4WD BEACH ACCESS TRACK

Requested by: Port Stephens Coaches

File:

Background:

Port Stephens Coaches has requested installation of 'No Stopping' restrictions on Gan Gan Road at the 4wd beach access track. During peak holiday times vehicles are queueing at the intersection, blocking access for other vehicles and causing congestion on Gan Gan Road. Port Stephens Coaches do an interchange between buses for beach tours which uses a bus stop on Gan Gan Road just to the west of the intersection. In peak times the buses have been unable to access the bus stop due to the 4WD vehicles queued to access the beach.

Comment:

The queuing occurs when drivers stop to adjust tyre pressure prior to leaving the sealed road. There is no need for this to happen right at the intersection as there is ample room further along the track.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules - Rule167 – No Stopping signs

RTA signs database – R5-400

Traffic control devices installed under Part 4 Div. 1 Road Transport (STM) Act

Recommendation to the Committee:

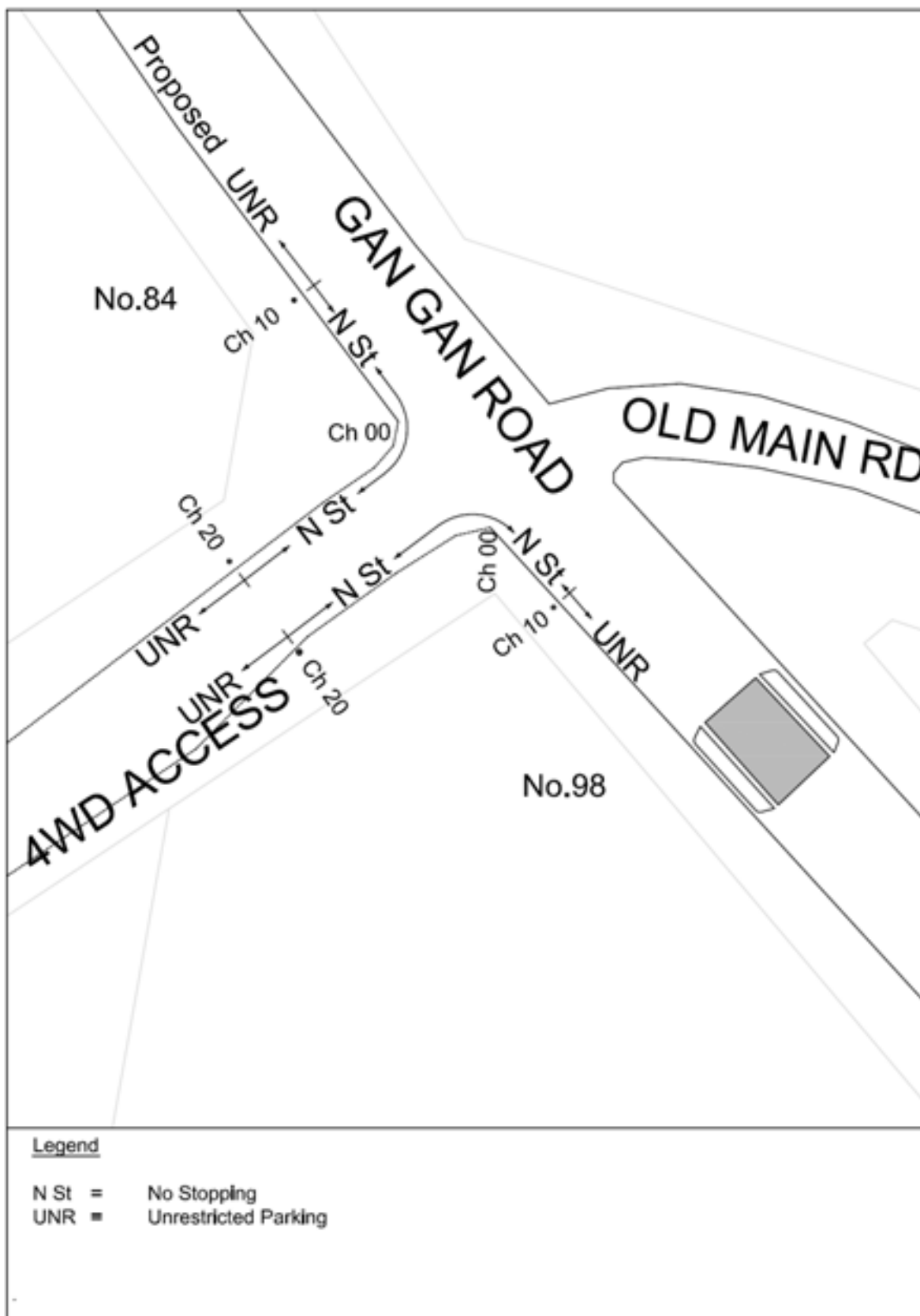
Install 'No Stopping' signs in the 4WD access track and Gan Gan Road intersection, as shown on the attached sketch, Annexure A.

Discussion:

It was noted that this is only an issue on the busiest days. Committee discussed the need to ensure that posts used are firmly anchored in the sand and it was suggested that treated pine posts may have a longer lifespan given the harsh environment.

Support for the recommendation:

- | | | |
|---|-------------------|---|
| 1 | Unanimous | ✓ |
| 2 | Majority | |
| 3 | Split Vote | |
| 4 | Minority Support | |
| 5 | Unanimous decline | |



D: Informal Matters

Item: 501_02/11

NELSON BAY ROAD ANNA BAY – REQUEST FOR IMPROVED SAFETY AT THE ANNA BAY CEMETERY ACCESS

Requested by: Cr Westbury
File: PSC2005-4189/036
Background:

Port Stephens Council Mayor, Cr Westbury has requested that action be taken to improve safety for visitors to Anna Bay Cemetery. Currently the access road is poorly signposted and intersects with a narrow section of Nelson Bay Road with no shoulder widening to allow safe overtaking of turning vehicles.

Committee's discussion:

Cr Westbury detailed the dangers and difficulties involved in accessing the cemetery. The existing sign is only street blade sized and does not stand out to drivers looking for the entrance turnoff. This needs to be improved with advanced warning signs for both approaches.

Safe access also needs to be provided by shoulder widening and improvements to the entry by widening to 2 lanes and sealing.

Committee's recommendation:

The Committee recommends that Council Officers write to the Roads and Traffic Authority requesting installation of the required signage and to discuss other road improvements.

Support for the recommendation:

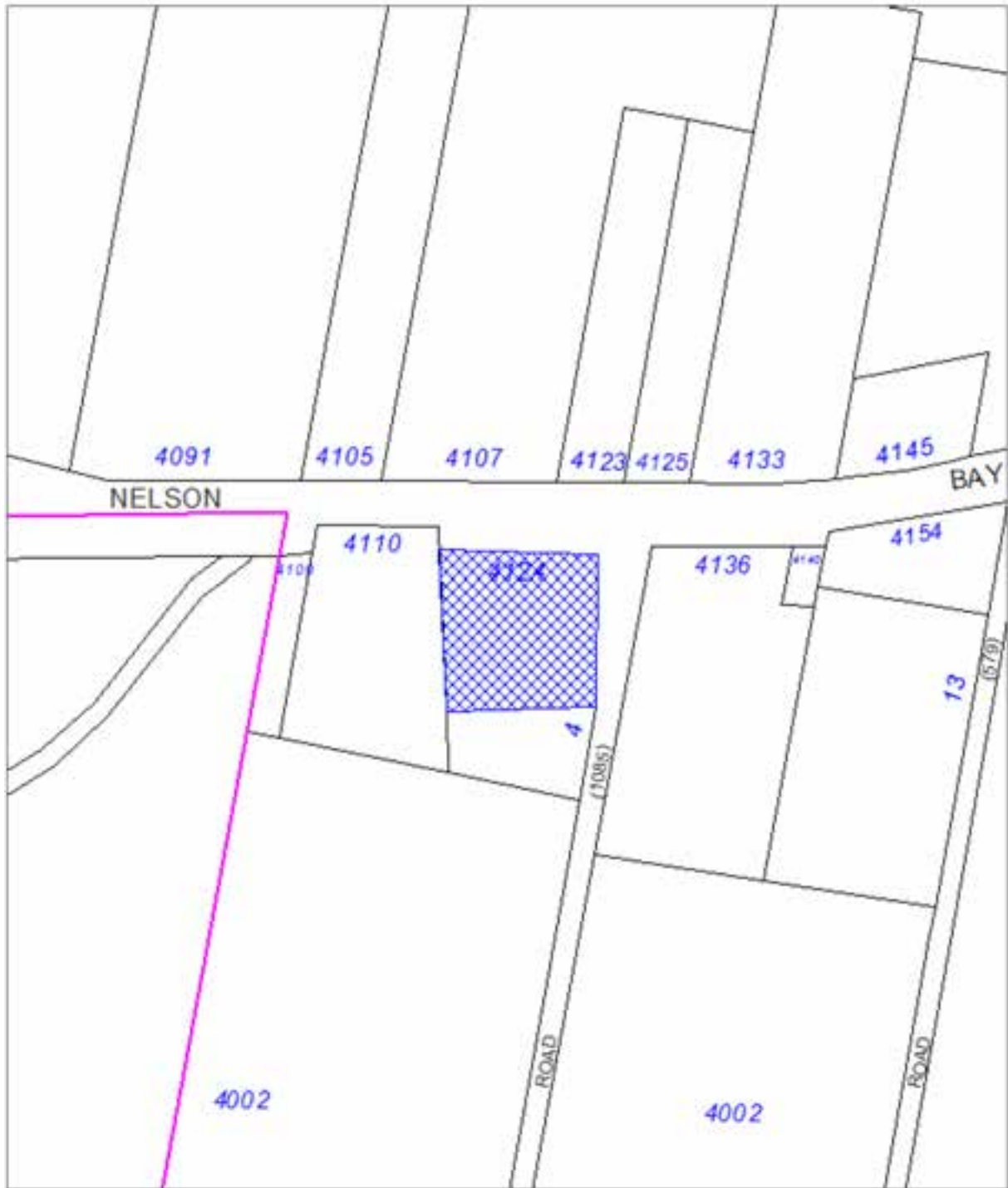
- | | | |
|---|-------------------|---|
| 1 | Unanimous | ✓ |
| 2 | Majority | |
| 3 | Split Vote | |
| 4 | Minority Support | |
| 5 | Unanimous decline | |

MINUTES FOR ORDINARY MEETING – 8 MARCH 2011

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 1 February 2011

ITEM NO.501_02/11
Street: Nelson Bay Road

ANNEXURE A
Page 1 of 1



Item: 502_02/11

MASONITE ROAD HEATHERBRAE – REQUEST FOR ALTERATION TO EXISTING SPEED ZONES

Requested by: Port Stephens Council

File: PSC2005-4189/036

Background:

Port Stephens Council is requesting relocation of speed limit signs and or reduction of the speed limit on Masonite Road Heatherbrae. A new industrial development is currently under construction which will include 3 new property access points on the southern side of Masonite Road, heading toward the current speed limit changeover. The development will result in a large increase in traffic, especially heavy vehicles, using Masonite Road. Heavy vehicles turning into the development will be especially vulnerable to traffic approaching at high speed from the east.

Committee's discussion:

RTA advises that Masonite Road is currently under review with speed limits being examined along the entire length.

Committee's recommendation:

The Committee recommends that Council liaise with the RTA regarding future developments and requirements along Masonite Road.

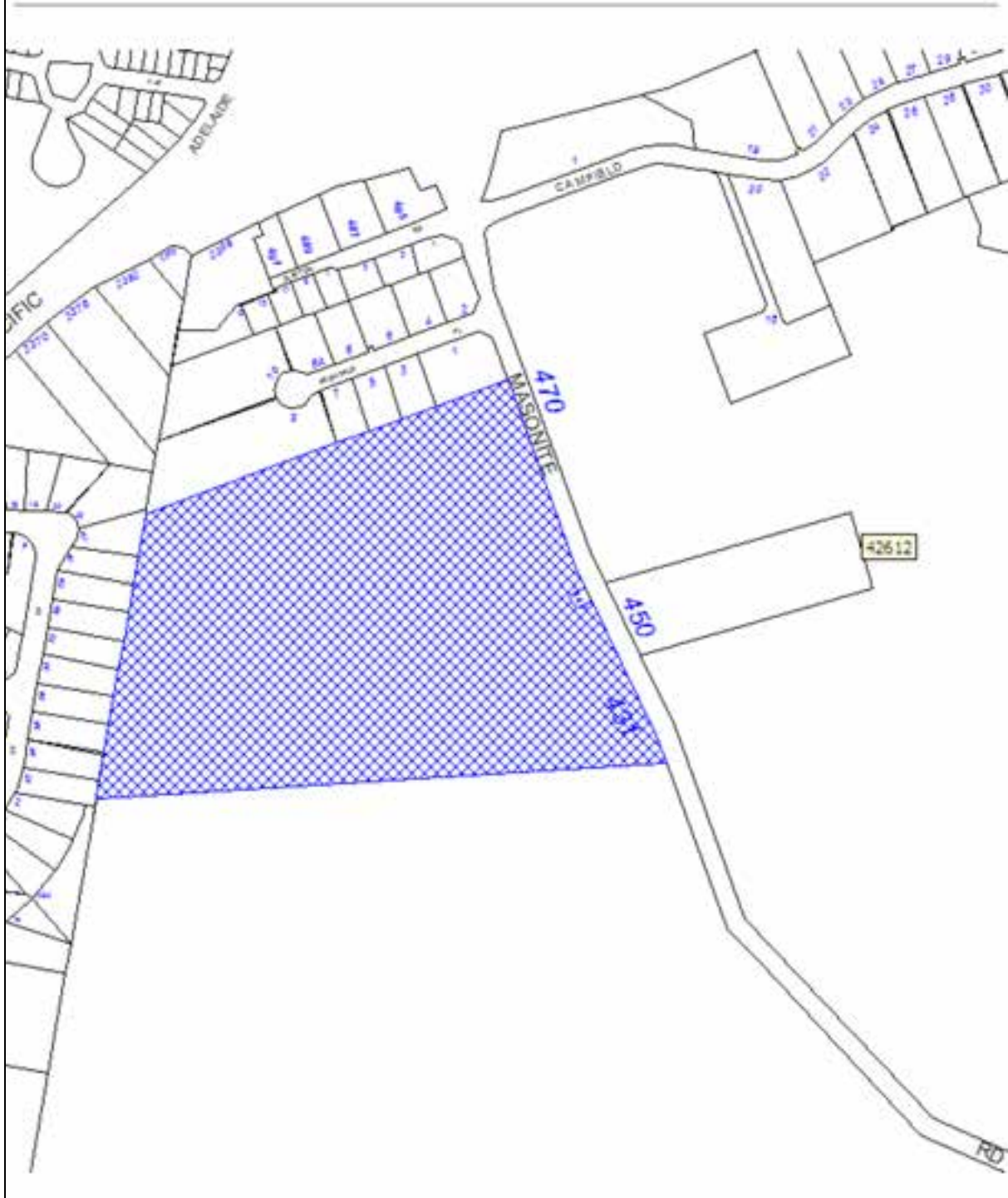
Support for the recommendation:

- | | | |
|---|-------------------|---|
| 1 | Unanimous | ✓ |
| 2 | Majority | |
| 3 | Split Vote | |
| 4 | Minority Support | |
| 5 | Unanimous decline | |

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 1 February 2011

ITEM NO.502_02/11
Street: Masonite Road

ANNEXURE A
Page 1 of 1



Item: 503_02/11

LEMON TREE PASSAGE ROAD TANILBA BAY – REQUEST FOR ALTERATION OF THE EXISTING BUS ROUTE TO SERVICE COLES SHOPPING CENTRE

Requested by: Tanilba Bay residents

File: 130693-2011

Background:

Tanilba Bay residents have approached Council seeking better public transport access to the shopping centre in Tanilba Bay. Currently buses heading to Lemon Tree Passage turn into Avenue of the Allies, loop around Tanilba Bay and exit from President Wilson Walk. On the return journey the same route is followed in reverse, meaning that no route buses go past Coles along Lemon Tree Passage Road. The closest bus stop to Coles is over 400m away in President Wilson Walk with no pedestrian facilities connecting.

Committee's discussion:

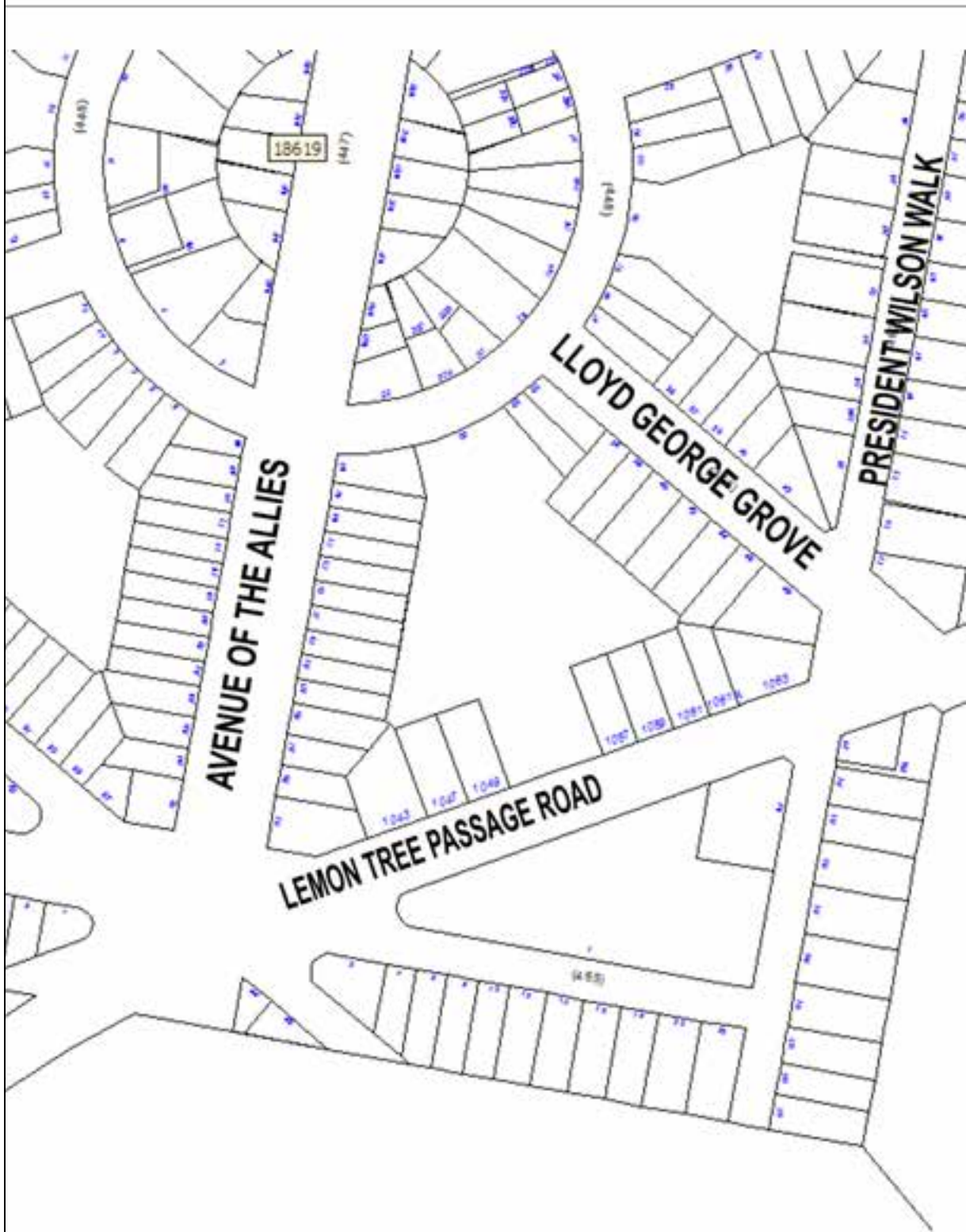
The Committee members discussed the current arrangements with bus routes not running past the Coles shopping centre along Lemon Tree Passage Road. It was noted that changing the bus route to include stops in front of Coles would increase route length by approximately 300m in each direction. This was seen as a positive step in promoting public transport use.

Committee's recommendation:

The Committee recommended further discussion with Hunter Valley Buses on this matter.

Support for the recommendation:

- | | | |
|---|-------------------|---|
| 1 | Unanimous | ✓ |
| 2 | Majority | |
| 3 | Split Vote | |
| 4 | Minority Support | |
| 5 | Unanimous decline | |



Item: 603_08/10

MEDOWIE ROAD MEDOWIE – COMPLAINTS FROM MEDOWIE RESIDENTS REGARDING THE LARGE VOLUME OF HEAVY VEHICLES USING MEDOWIE ROAD

Requested by: Cr Dingle, Craig Baumann MP

File: PSC2005-4019/277

Background:

Cr Dingle has requested an update on this issue raised in August 2010. Medowie residents have made representations regarding the number of heavy vehicles using Medowie Road and the noise that they make. Council has been asked to install noise reduction signage and to investigate the apparent increased usage of Medowie Road by semi-trailers. Council has also been asked to provide advice on whether it is possible to impose load limits on Medowie Road.

Discussion:

Committee members raised the issue of damage being done to Medowie Road by the large numbers of heavy vehicles. It was discussed that Medowie Road is an attractive alternative for trucks heading to and from Kooragang Island from the North. The 100km/h speed limit, no traffic lights and lack of traffic congestion make this more attractive than the highway.

The RTA representative advised that the imposition of load limits was a matter for Council but that it would be unlikely that the RTA would support such a move.

Council officers advised that this had been discussed at Road Freight Group meetings where objections were raised by transport operators and RTA representatives.

Committees Advice:

The Committee requested that Council officers prepare a discussion paper for Council, to commence the process of community consultation regarding the possible imposition of load limits on Medowie Road.

Support for the recommendation:

- | | | |
|---|-------------------|---|
| 1 | Unanimous | ✓ |
| 2 | Majority | |
| 3 | Split Vote | |
| 4 | Minority Support | |
| 5 | Unanimous decline | |

ITEM NO. 6

FILE NO: PSC2005-4161

RE-ESTABLISHMENT OF NELSON BAY, ANNA BAY AND RAYMOND TERRACE ALCOHOL-FREE ZONES

REPORT OF: BRUCE PETERSEN - ENVIRONMENTAL & DEVELOPMENT PLANNING,
MANAGER

GROUP: SUSTAINABLE PLANNING

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 in relation to the proposed re-establishment of the Nelson Bay, Anna Bay and Raymond Terrace Alcohol-Free Zones (specified in **Attachments 1, 2 and 3**) for a period of 4 years, effective 1 September 2011.
-

COUNCIL COMMITTEE MEETING – 1 MARCH 2011

RECOMMENDATION:

	Councillor John Nell Councillor Shirley O'Brien	That the recommendation be adopted.
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MATTER ARISING

	Councillor Peter Kafer Councillor John Nell	That Council investigate the establishment of an alcohol free zone in the vicinity of the Lakeside Tavern, Raymond Terrace.
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ORDINARY COUNCIL MEETING – 8 MARCH 2011

061	Councillor Peter Kafer Councillor Ken Jordan	It was resolved that the Council Committee recommendation be adopted.
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MATTER ARISING

062	Councillor Peter Kafer Councillor Ken Jordan	It was resolved that Council investigate the establishment of an alcohol free zone in the vicinity of the Lakeside Village Shopping Centre/Lakeside Tavern, Raymond Terrace the recommendation be adopted.
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BACKGROUND

The purpose of this report is to:

- Inform Council that the Nelson Bay, Anna Bay and Raymond Terrace Alcohol-Free Zones expire on 31 August 2011.
- Recommend a consultation process that complies with the Department of Local Government's Ministerial Guidelines on Alcohol-Free Zones.

Alcohol Free Zones (AFZ) are effective tools for local police to deal with alcohol-related offences to reduce anti-social behaviour and provide a safer street environment for the community. AFZs give police the power to seize and tip out or otherwise dispose of alcohol without the need to issue a warning and they can also use their discretion to issue a warning to a person who is drinking in an AFZ, for example, where the person may be unaware of the zone. In circumstances where a person does not co-operate with a police officer, they can be charged with obstruction under section 660 of the Local Government Act which carries a maximum penalty of \$2,200.

An AFZ can be established for a maximum period of four years, after which it must be re-established following the procedure prescribed by the Department of Local Government's Ministerial Guidelines on Alcohol-Free Zones.

In Nelson Bay the AFZ covers all streets and car parks bounded by and including part of Church Street, part of Stockton Street, Yacaaba Street, part of Tomaree Street, part of Donald Street, part of Magnus Street, part of Government Road, Laman Street, part of Victoria Parade, Teramby Road, the two Council public car parks in Donald Street and Apex Park as per Attachment 1. Areas contained within the licensed "alfresco dining" areas on footpaths are exempt from the AFZ.

In Anna Bay the AFZ includes the road and footpath on Gan Gan Road from James Paterson Street to Morna Point Road, including the public car parks to the Anna Bay Tavern and the IGA Shopping Centre as per Attachment 2.

In Raymond Terrace the following roads and footpaths are included in the AFZ as per Attachment 3:

- Area bounded by the Pacific Highway from Swan Street to Riverside Park and Kangaroo Street to the Hunter River;

- The streets of Sturgeon, Port Stephens, Hunter, Henry Carmichael, Bourke William, Glenelg, Jacaranda Avenue and The Boulevard.

FINANCIAL/RESOURCE IMPLICATIONS

The costs of establishing an AFZ include installing AFZ street signs and advertising the proposal. Funds to cover these costs will be sourced from available funds within the Environmental & Development Planning budget

LEGAL, POLICY AND RISK IMPLICATIONS

The establishment of AFZ is governed by section 646 (1) of the Local Government Act 1993 and by the Local Government Amendment (Alcohol-Free Zones) Act 1995.

The Department of Local Government's Ministerial Guidelines on Alcohol-Free Zones stipulates that a proposal to establish an AFZ must adequately address the following:

- Reasons supporting an AFZ
- Location of an AFZ
- Duration of an AFZ
- Consultation with local Police Patrol Commander

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

AFZs assist Police in reducing anti-social and criminal behaviour in public places. The establishment of AFZ in Nelson Bay, Anna Bay and Raymond Terrace has helped to improve public perceptions of safety in the area and this can increase social and economic activities. Reduced crime can also lead to reductions in the costs of repairing vandalised premises, replacing stolen goods and insurance premiums.

Changing the patterns of alcohol consumption in Nelson Bay, Anna Bay and Raymond Terrace has reduced the amount of litter and broken glass found in the area and improved the overall amenity and safety of the environment.

CONSULTATION

The consultation process will include the steps prescribed by the Department of Local Government's Ministerial Guidelines on Alcohol-Free Zones:

- 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 AFZ 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.

OPTIONS

- 1) Accept the recommendation
- 2) Reject the recommendation

ATTACHMENTS

- 1) Map showing Nelson Bay AFZ
- 2) Map showing Anna Bay AFZ
- 3) Map showing Raymond Terrace AFZ

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Map showing Nelson Bay AFZ



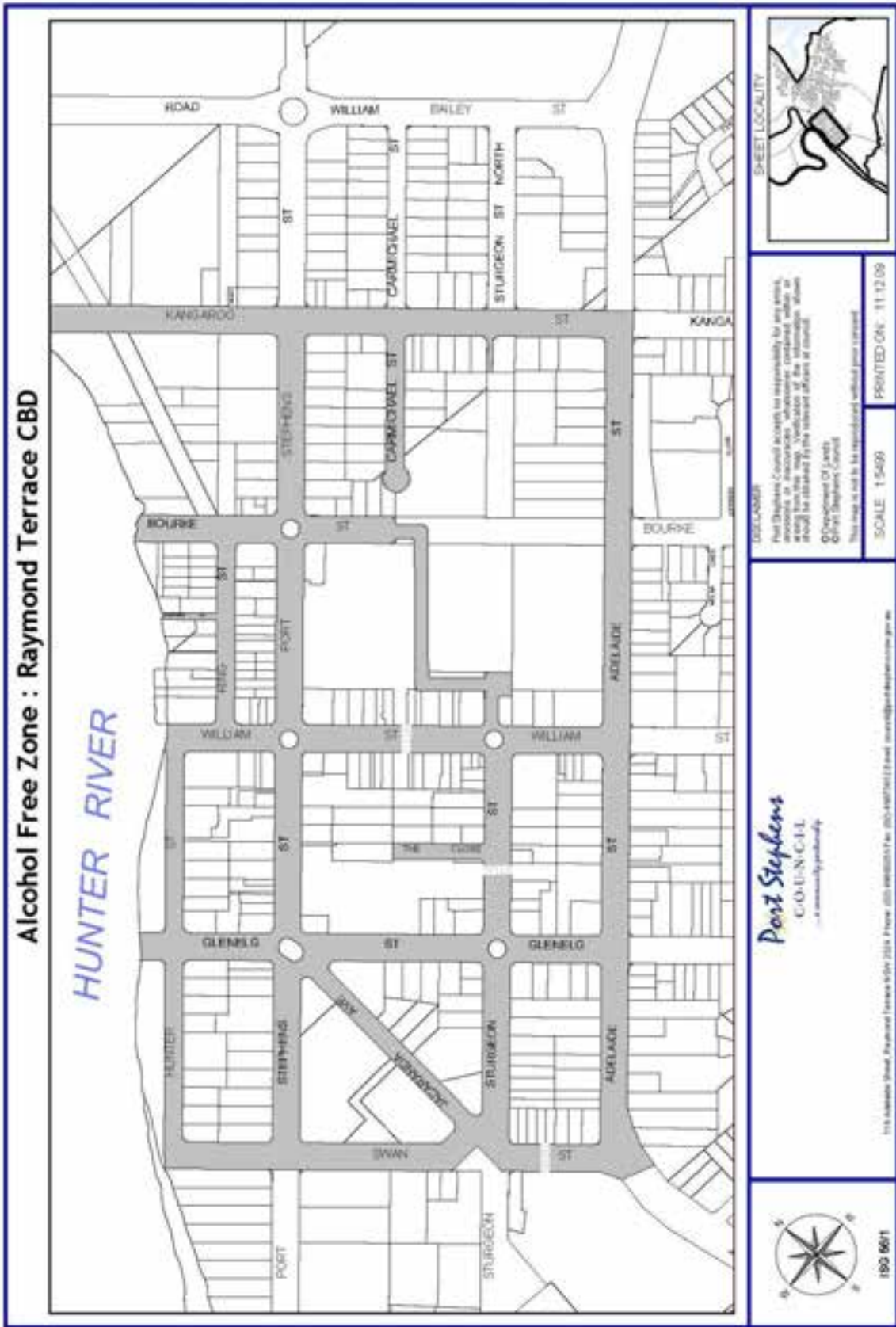
ATTACHMENT 2

Map showing Anna Bay AFZ



ATTACHMENT 3

Map showing Raymond Terrace AFZ



ITEM NO. 7

FILE NO: A2004-0945

COMPULSORY ACQUISITION OF EASEMENT OVER LOT 3 DP 340555

REPORT OF: PETER AVIS – PROJECT SERVICES, MANAGER

GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Authorises the acquisition of the proposed easement to drain water, right of access and maintenance 14 metres wide and variable over the property Lot 3 in Deposited Plan Numbered 340555 by compulsory process.
- 2) Registers at Land & Property Management Authority a plan of acquisition of an easement to drain water, right of access and maintenance 14 metres wide and variable over the property Lot 3 in Deposited Plan Numbered 340555.
- 3) Authorises the making of an application for consent to the Minister of Local Government and approval of the Governor for the compulsory acquisition of an easement to drain water, right of access and maintenance 14 metres wide and variable over Lot 3 in Deposited Plan Numbered 340555.

COUNCIL COMMITTEE MEETING – 1 MARCH 2011

RECOMMENDATION:

	<p>Councillor Bruce MacKenzie Councillor John Nell</p>	<p>That the recommendation be adopted.</p>
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ORDINARY COUNCIL MEETING – 8 MARCH 2011

063	<p>Councillor Ken Jordan Councillor Peter Kafer</p>	<p>It was resolved that the Council Committee recommendation be adopted.</p>
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BACKGROUND

The purpose of this report is to recommend the completion of the actions of Council resolution minute number 1425 from Council Report of 18 December 1990 :-

"That Council take the following steps in relation to drainage in Main Road, Bobs Farm:

Steps be taken to obtain drainage easements to allow drainage from the Main Road to be discharged through private property to a suitable point of discharge. The easement to be obtained by negotiation, or if this fails, by resumption.

Negotiations be entered into with landowners to allow for the temporary discharge of water, pending the resolution of 1. above."

One of the properties referred to in the Report is the subject property which is currently known as Lot 3 Deposited Plan Numbered 340555 No. 3933 Nelson Bay Road, Bobs Farm.

Negotiations have continued since the Council meeting of 18 December 1990 without agreement being reached. Earlier negotiations were conducted by Council's Principal Property Advisor and more recently by Council's Senior Survey and Land Information Manager.

Council's drainage section has investigated the drainage through the subject property and advise that the original easement of 5 metres wide and variable determined in 1995 would be inadequate.

As access to the property has been an issue for maintenance in the past, an easement of 14 metres wide and variable will be required to accommodate the drain and provision of access. See Attachment 1 for the plan of the proposed easement.

FINANCIAL/RESOURCE IMPLICATIONS

Funding for the acquisition is available from the Civil Assets budget. Regular maintenance will be conducted and funded as part of the Drainage Maintenance Program.

LEGAL, POLICY AND RISK IMPLICATIONS

Negotiations have been in progress since 1990 without agreement and compulsory acquisition will be the most effective way to complete the acquisition. Under the compulsory acquisition process the valuation of the compensation is assessed in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 by the Valuer-General.

Actions for this matter fall under the Local Government Act 1993, Roads Act 1993, Land Acquisition (Just Terms Compensation) Act 1991, Conveyancing Act 1919 and Real Property Act 1900. There are no Council Policies involved. Risks implications are that an objection to the Valuer-General's valuation could be lodged with the Land and Environment Court by the owner.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The acquisition of the easement will provide a social benefit to surrounding properties with the controlled drainage of stormwater to reduce the possibility of inundation.

There are no economic or environmental implications with the acquisition of the easement.

CONSULTATION

Consultation has involved the owners of the land, their legal, survey and valuation representatives, Roads and Traffic Authority, Land and Property Management Authority, Council Staff and Council's Legal Consultant's.

OPTIONS

- 1) Adopt recommendations.
- 2) Not acquire easement and cease maintenance.

ATTACHMENTS

- 1) Plan of proposed easement.

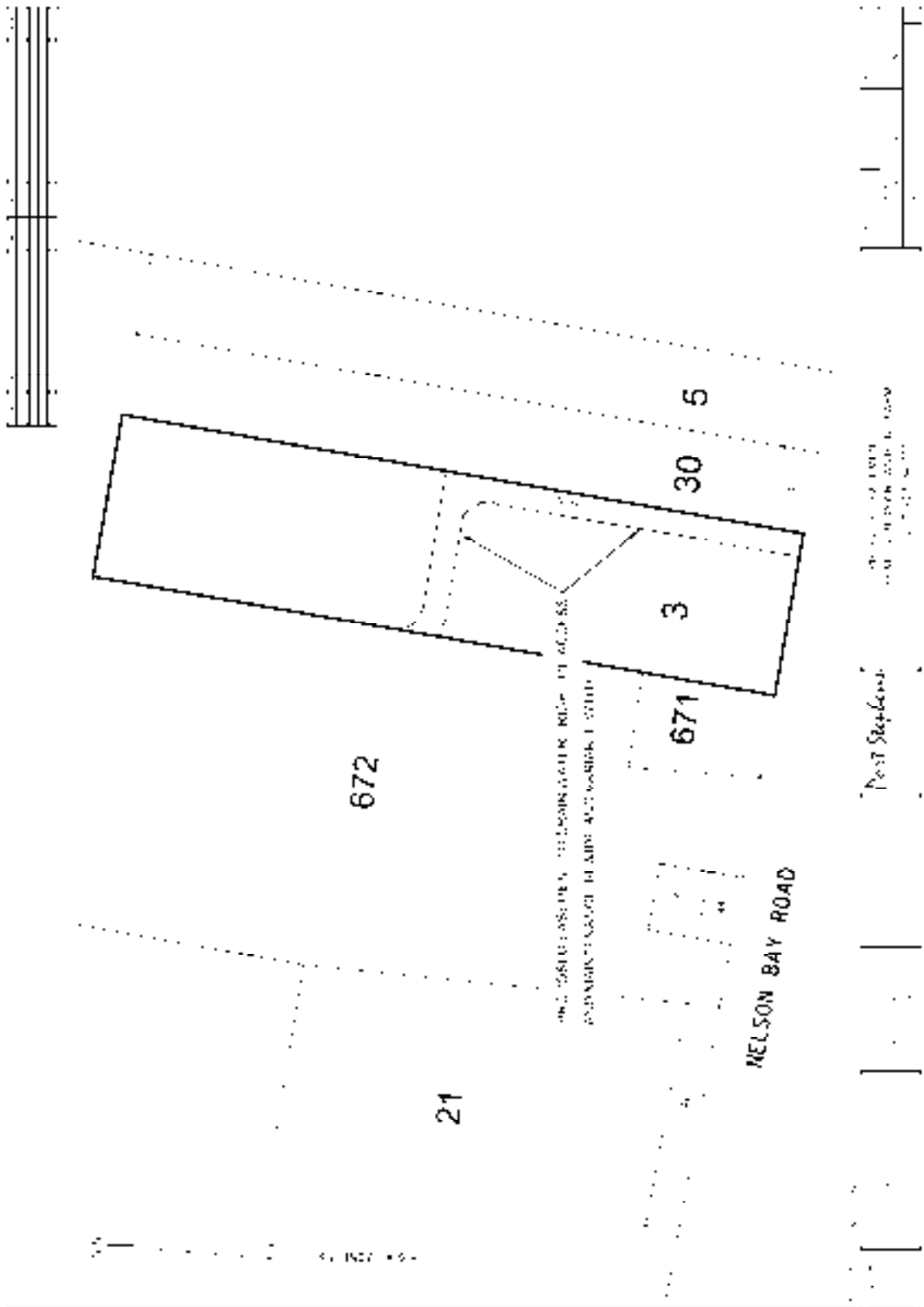
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



ITEM NO. 8

FILE NO: PSC2005-3231

ASSET MANAGEMENT POLICY

REPORT OF: JASON LINNANE – GROUP MANAGER FACILITIES & SERVICES

GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves the public exhibition of the revised draft Asset Management Policy for a period of 28 days.

COUNCIL COMMITTEE MEETING – 1 MARCH 2011

RECOMMENDATION:

	<p>Councillor Bruce MacKenzie Councillor Steve Tucker</p>	<p>That the recommendation be adopted.</p>
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ORDINARY COUNCIL MEETING – 8 MARCH 2011

064	<p>Councillor John Nell Councillor Ken Jordan</p>	<p>It was resolved that the Council Committee recommendation be adopted.</p>
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BACKGROUND

The purpose of this report is to seek the endorsement of Council to place on public exhibition a revised draft version of the Asset Management Policy.

Section 8 of the Local Government Act 1993 provides as part of its Charter that Council:

"provide directly or on behalf of other levels of government after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed effectively and efficiently; have regard for the long term and cumulative effects of its decisions; bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible".

As part of the Local Government (Integrated Planning and Reporting) Act 2009 Council is required to have a Resource Strategy linked to its Community Strategic Plan. The Resource Strategy is to contain an Asset Management Plan for the next ten years. An element of the Asset Management Plan is the Asset Management Policy.

The present policy was adopted by Council on 23 May 2006 (Minute No. 532) and amended on 22 May 2007 (Minuted No. 131), and was due to be reviewed in May 2009. It is consequently overdue for consideration and revision.

The principle changes proposed to the existing policy are:

- overall simplification of the language;
- removal of those paragraphs that proffered single option solutions and provided more scope should circumstances change; for example, rehabilitation rather than replacement does not take account of the potential cost benefit and the need to have options to meet community service level expectations;
- taken account of the need to consider and manage risk in the asset management environment;
- taken account of technical levels of service that require compliance with legislation.

FINANCIAL/RESOURCE IMPLICATIONS

Public exhibition is within existing budget. It is proposed that the policy be exhibited on Council's website, at its libraries and advertised in the local paper. Copies will also be available to the Residents' Panel and at the front counter.

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal or policy implications. The revised draft Asset Management Policy has taken account of the risks to assets and made provision for risk management in the asset management context.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

All categories of asset contribute to one or more pillars of sustainability and the revised draft policy provides for sustainable asset management, having regard to current global best practice in asset management.

CONSULTATION

Consultation is in two stages: the revised draft Asset Management Policy was developed by the asset category managers from across Council; the second stage is consultation with the community of Port Stephens through the exhibition process as proposed in this Report.

OPTIONS

- 1) Adopt the recommendation to place the revised draft Asset Management Policy (Attachment 1) on public exhibition.
- 2) Amend the revised draft Asset Management Policy (Attachment 1 of this document) and require it to be placed on exhibition for a period of 28 days as amended.

ATTACHMENTS

- 1) Revised draft Asset Management Policy
- 2) Attachment 2: Current Asset Management Policy

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



POLICY

Adopted: 23 May 2006
Minute No: 532
Amended: 22 May 2007
Minute No: 131

FILE NO: PSC2005-3231

TITLE: ASSET MANAGEMENT POLICY

REPORT OF GROUP MANAGER FACILITIES & SERVICES

BACKGROUND

Port Stephens Council is responsible for a large and diverse asset base. These assets include roads, bridges, footpaths, drains, libraries, childcare centres, halls, parks, sporting facilities, fleet, land and information communication technology-related assets. According to Council's Charter under the Local Government Act, Council should:

provide directly or on behalf of other levels of government after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed effectively and efficiently;
have regard for the long term and cumulative effects of its decisions;
bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible.

Over time Port Stephens Council has greatly increased its assets, which has consequently increased its depreciation, operation and maintenance costs to an already large sum and contributed aging asset base.

In order to manage this asset base, strategies and plans need to be developed which are designed to address issues regarding asset life cycles and risk. Such strategies and plans should ensure that their content addresses priorities in line with organisational objectives. Finance and expenditure should also be planned and controlled in line with these priorities. Resources should be used as effectively and efficiently as possible. Technical levels of service that related to compliance requirements in legislation should be maintained.

OBJECTIVE

The objective of this policy is to provide a framework for:

- developing, managing, maintaining and operating Council's assets;
- ensuring levels of service agreed in consultation with the community;
- optimising life cycle costs in accordance with current asset management global best practice.

PRINCIPLES

- 1) Understand what markets and customers value, now and into the future and use this to drive organisational design, strategy, products and services;
- 2) Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision-making;
- 7) Behave in an ethically, socially and environmentally responsible manner
- 8) Focus on sustainable results, value and outcomes

POLICY STATEMENT

Council is committed to undertake the management of assets in accordance with current global best practice and Asset Lifecycle Management. Asset Lifecycle Management is the term used to describe the management of an asset during its life. Asset Lifecycle Management is comprised of processes or planning documents that outlines what is required to effectively undertake the lifecycle management of an asset. These processes form the basis of an Asset Management Plan.

- Background Data of the Asset
- Planning
- Creation/Acquisition/Augmentation Plan
- Financial/Risk Management Plan
- Operations and Maintenance Plan
- Condition and Performance Monitoring
- Rehabilitation/Renewal/Replacement Plan
- Consolidation/Rationalisation Plan
- Audit Plan/Review
-

Key elements that drive the above asset lifecycle management processes include:

- Levels of Service
- Future Demand
- Lifecycle Management Plan
- Financial Summary
- Asset Management Practices
- Plan Improvement and Monitoring

Council will maintain and regularly review the Strategic Asset Management Plan.

RELATED POLICIES

Asset management covers many activities in local government and as a multidisciplinary organisation there is an extensive list of related community and Council strategies, plans and policies. However the Integrated Plans 2010-2022 is the principal document that reflects the associated policies.

SUSTAINABILITY IMPLICATIONS

SOCIAL/CULTURAL IMPLICATIONS

This policy has implications of community safety, needs and priorities, equity, amenity and utilisation.

ECONOMIC IMPLICATIONS

The provision of assets such as roads, drainage and lighting facilitates economic development and employment locally. Of particular economic impact are assets such as sports grounds, parks, beaches and open space in Port Stephens. Asset condition, availability of external funds, user and owner costs have local economic implications. Maintaining quality infrastructure facilitates transport and attracts businesses and tourists to the LGA. This policy recognises the contribution these assets make to the economy of the LGA.

ENVIRONMENTAL IMPLICATIONS

The policy impacts on protection and conservation of environmental assets, resource use, energy and water conservation.

GOVERNANCE AND CIVIC LEADERSHIP

The policy provides for the management of risks associated with assets.

RELEVANT LEGISLATIVE PROVISIONS

Local Government Act 1993

Local Government (Integrated Planning & Reporting) Act 2009

IMPLEMENTATION RESPONSIBILITY

Group Manager Facilities & Services

REVIEW DATE

February 2012

ATTACHMENT 2

Port Stephens
C·O·U·N·C·I·L
POLICY

Adopted: 23 May 2006
Minute No: 532
Amended: 22 May 2007
Minute No: 131

FILE NO: PSC2005-3231

TITLE: ASSET MANAGEMENT POLICY

RESPONSIBLE OFFICER: ENGINEERING SERVICES MANAGER

BACKGROUND

Port Stephens Council is responsible for a large and diverse asset base. These assets include roads, bridges, footpaths, drains, libraries, childcare centres, halls, parks, sporting facilities, land, commercial properties and investments to name a few. According to Council's Charter under the Local Government Act, with regard to asset management, Council should:

- Provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services are managed efficiently and effectively;
- Have regard to the long term and cumulative effects of its decisions; and
- Bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible.

Over time Port Stephens Council has greatly increased its net assets, which has consequently increased its depreciation, operating and maintenance costs to an already large and aging asset base. In order to manage this asset base, strategies and plans designed to address issues regarding asset lifecycles need to ensure that priorities are designed in line with organisational objectives, that financing and expenditure is planned and controlled in accordance with these priorities, and that resources are used as effectively and efficiently as possible. This Asset Management Policy is a general statement of how Port Stephens Council will manage its assets into the future.

OBJECTIVE

The objectives of this policy is to demonstrate Council's commitment to developing, managing, maintaining and operating its assets to an agreed level of service with its community while optimising lifecycle costs in accordance with current asset management world and Australian best practice.

PRINCIPLES

Australian Business Excellence Framework

This aligns with the following Principles of the ABE Framework namely:

- 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
- 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

POLICY STATEMENT

Council is committed to undertake the management of assets in accordance with current best practice that is outlined in the accompanying Port Stephens Council's Asset Management Guideline. The guideline details areas of asset management to be addressed including:

- Gathering Background Data of the Asset (What is the asset, the capacity, the value)
- Planning (The Big Picture)
- Creation / Acquisition / Augmentation Plan (How we gain assets)
- Financial / Risk Management Plan (How we fund asset management)
- Operations and Maintenance Plan (How we maintain asset and to what standard)
- Condition and Performance Monitoring (What is asset performance against needs)
- Rehabilitation / Replacement Plan (How and when we upgrade our asset)
- Consolidation / Rationalisation Plan (How we optimise our management of assets)
- Audit Plan (Is the process working efficiently and effectively)

In accordance with asset management best practice Council in consultation and partnership with its community shall:

- Provide non-asset answers for current and future service delivery wherever possible
- Prefer rehabilitation to replacement to embellishment to new asset works to become more sustainable in the long term
- Provide consolidated assets designed to fulfil multi-purpose activities thereby maximising utilisation and lowering overhead and other costs
- Provide consolidated assets also designed for flexibility to respond to changing community needs into the future
- Periodically review its asset base based on changing community needs and expectations.

RELATED POLICIES

Asset management covers many activities in local government and as a multidisciplinary organisation there is an extensive list of related community and Council strategies, plans and

policies. Therefore only a selection of key related strategies, plans and policies are listed below.

- Port Stephens Local Environmental Plan (LEP) 2000
- Port Stephens Urban Settlement Strategy
- Port Stephens Economic Development Strategy
- Port Stephens Community Services and Facilities Strategy
- Port Stephens Social and Community Plan
- Port Stephens S94 Plans
- PS 10 Building Standards and Notification Procedures for Development Applications
- PS 8 Guidelines for Exempt and Complying Developments
- PS Generic Sportsground Plan of Management
- Communication and Consultation Strategy
- Sustainability Policy
- Risk Management Strategy
- Disability Access Policy
- Assessment and Maintenance of Roads Policy
- Assess and Maintenance of Footways Cycleways Policy

SUSTAINABILITY IMPLICATIONS

The Port Stephens Council's Asset Management Policy and accompanying Asset Management Guideline provides the tools to ensure that Council examines and reviews the services and standards provided by its assets to sustainability meet current and futures needs. Asset management directions and actions shall be considerate of but not limited to the implications listed below.

SOCIAL IMPLICATIONS

The social implication of community safety, needs and priorities, equity, amenity and utilization.

ECONOMIC IMPLICATIONS

asset condition, availability of external funds, user and owner costs, impacts on local economic activities

ENVIRONMENTAL IMPLICATIONS

protection and conservation of environmental assets, resource use, energy and water conservation.

RELEVANT LEGISLATIVE PROVISIONS

Local Government Act 1993 - Section 8 The Council Charter

IMPLEMENTATION RESPONSIBILITY

All Council Staff responsible for the whole or part lifecycle management of Council assets.

REVIEW DATE

May 2009

ATTACHMENT 2

EXTRACT FROM DEPARTMENT OF LOCAL GOVERNMENT REPORT "LOCAL GOVERNMENT REFORM PROGRAM, PROMOTING BETTER PRACTICE" ASSET MANAGEMENT RECOMMENDATIONS FOR PORT STEPHENS COUNCIL.

Recommendation 13:

Council should develop a comprehensive disposal policy for its assets.

Recommendation 27:

Council should complete the development of its long-term financial plan in conjunction with its strategic planning processes, taking into account the following considerations

- a. Alternative sources of revenue
- b. Long term rates strategy (rating structure, special variations etc)
- c. Long term borrowing needs and debt service ratio
- d. Investment strategies
- e. The alignment of its long-term financial plan with other strategic directions such as 2030, asset management, social and strategic plans
- f. Long-term plans for capital works, land acquisition and anticipated demand for community facilities
- g. Reserves and Section 94 contributions
- h. Asset management plan
- i. Ward funds

Recommendation 29:

Council should link its current review of Section 94 contributions plans to its capital works program and long term financial and asset management plans.

Recommendation 30 and 31:

Council should continue to develop a comprehensive asset management plan, which includes the rationalisation of assets and a maintenance program. Council is encouraged to continue in its process of linking:

- Inventory collection – frequency, condition assessments
- Service levels – internal and external, maintenance plans
- Risk assessment – public liability and risk
- Asset life – future demand analysis, deterioration and depreciation
- Sustainability gap.

Cr Sally Dover left meeting at 6.30pm due to a significant non-pecuniary conflict of interest.

ITEM NO. 9

FILE NO: PSC2011-00057

COMMUNITY GRANTS – FINANCIAL ASSISTANCE

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act from Ward funds as detailed below:

EAST WARD

- a) 22ND Construction Sqn RAE 45th Anniversary Reunion – Costs associated with holding the reunion in Port Stephens - \$1,000.
- b) Nelson Bay Croquet Club Inc – Costs associated with the purchase of a new small refrigerator - \$200.
- c) Port Stephens Community Arts Centre Inc. – Costs associated with documenting the last 30 years of the organisation for the community - \$1,000.
- d) Rotary Club of Nelson Bay – Costs associated with the RYDA program for the youth - \$2,000.
- e) Port Stephens Christian Outreach Centre – Costs associated with the purchase of a freezer - \$500.

CENTRAL WARD

- a) Medowie Tennis Club Inc. – Costs associated with repairs to courts 1 and 2 - \$1,200.
 - b) Lions Club of Tilligerry Peninsula Inc. – Costs associated with holding the 2011 Lions 201N3 District Convention - \$1,000.
 - c) Tilligerry Habitat Association Inc. – Costs associated with construction of a new roof over the outdoor deck - \$500.
 - d) Port Stephens Veterans Golf Assoc. – Costs associated with the annual competition - \$1,000.
 - e) 1st Tilligerry Scout Group – Costs associated with the installation of a new irrigation system - \$500.
 - f) Lemon Tree Passage and Districts RSL Sub-Branch – Costs associated with the ANZAC Day Services on the Tilligerry Peninsula - \$400.
- 2) In addition to the funds allocated in Item 1, Council also provide funds with each Ward contributing equally to the following groups/organisations:

MINUTES FOR ORDINARY MEETING – 8 MARCH 2011

- a) Newcastle Neptunes Underwater Club Inc. – Costs associated with entry to Council facilities for the Championships - \$500 in total.
- b) Benevolent Society – Hunter – Costs associated with programs that are run the Port Stephens LGA - \$1,500 in total.
- c) Nelson Bay Pony – Costs associated with holding competition for the Hinton/Wallalong, Raymond Terrace, Nelson bay and Salt Ash Pony Clubs - \$500 in total.
- d) Sailability NSW – Port Stephens Branch – Costs associated with the purchase of new equipment and the celebration of the 10th Anniversary \$1,500 in total.

COUNCIL COMMITTEE MEETING – 1 MARCH 2011**RECOMMENDATION:**

	Councillor Shirley O'Brien Councillor Steve Tucker	That the recommendation be adopted.
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ORDINARY COUNCIL MEETING – 8 MARCH 2011

065	Councillor John Nell Councillor Shirley O'Brien	It was resolved that the Council Committee recommendation be adopted.
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BACKGROUND

The Financial Assistance Policy adopted by Council 19 May 2009, to commence from 1 July 2009, provides for Community Grants to be called in July and January each year. This is the third round of funding under this Policy.

Council called for Community Grant applications from 9 December 2010 to 27 January 2011. All applications received are shown at **ATTACHMENT 1**. A total of 18 applications were received. No grants were received directly from the West Ward.

The total value of the Grants received is:

East Ward	\$ 9,730 – shown in blue in attachment
Central Ward	\$12,400 – shown in green in attachment
West Ward	\$ 0
Whole of LGA	<u>\$ 2,439</u> – shown in white in attachment
	\$24,569

The applications received were assessed by the panel comprising of the Mayor, Cr Westbury, Councillor's Dover, Tucker, Jordan, in accordance with the criteria under the Financial Assistance Policy.

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 Community Strategic Plan or Council would need to advertise for 28 days of its intent to grant approval. Council can make donations to community groups.

FINANCIAL/RESOURCE IMPLICATIONS

Council Ward Funds are the funding source for all financial assistance. Council has provided for \$36,000 per year, with \$18,000 being available on each occasion Grants are called. These Grants are limited to \$2000 per grant.

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.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The provision of the Community Grants allows organisations and groups to build relationships and provide events to the local community whilst further developing the cultural, social and economic aspects of the local government area.

CONSULTATION

Mayor
Councillors
General Manager
Port Stephens community

OPTIONS

- 1) Adopt the recommendation.
- 2) Vary the dollar amount before granting each or any request.

- 3) Decline to fund all the requests.

ATTACHMENTS

- 1) Community Grants applications received.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Port Stephens Council December 2010

ID	Name	Organisation Name	1. What is the total amount of your request (exclusive of GST)?	2. What is the total cost of the project (exclusive of GST)?	3. If Council is not the sole source of funds for the project, please provide details of the source of other funds	4. Why is the project not able to be funded from other sources?	5. Has you and/or your organisation made application for financial assistance from other bodies in the last 12 months?
42 Pg 1	Laurie Nelms	22nd Construction Sqn RAE 45th Aniversary Re-Union	\$2000.00 plus discount vouchers if available.	\$14000.00 approx. and does not include accomadation.	The attendee's will make up any short fall and the Dept of Veterans Affairs MIGHT provide a small amount of funding.	DVA might provide a small amount of funding if we met their criteria.	Yes
00048 Pg 6	Ron Exton	Nelson Bay Croquet Club Inc	\$660	\$660	Nelson Bay Croquet Club reserve funds	Existing club funds in reserve have been nearly fully allocated to to maintenance of the lawns. While the club operates from a council owned facility we are still paying council for a share of the capital development of the facility and have full responsibility ongoing maintenance, estimated to cost >\$12000 p.a.	No

MINUTES FOR ORDINARY MEETING – 8 MARCH 2011

00049 Page 13	Margaret Wilkinson	Corlette Hall Parks and Reserves	\$1,000	\$1001.65	Hall funds. During the last 6 months Hall funds have already been used to purchase very basic tools for our volunteers.	Current funds available in the Hall account are either grant funds temporarily held and which are currently being expended on projects or surplus hall funds being held to make a contribution to the cost of internal painting of the Hall and sunshade shelter for the play area. The cost of equipment sought is to help volunteers undertake bush regeneration and plantings using safe and suitable tools. We have keen new volunteers and limited tools for them to work with.	Yes
00057 Page 19	Diane Hart	Port Stephens Community Arts Centre Inc	\$1,250	\$1,750	PSCAC will provide \$500 towards the cost of the project	PSCAC will provide a contribution towards the cost of the project but has heavy demands on the funds which are raised by our volunteer members.	Yes
00061 Page 29	Steve Crooks	NGIOKA HORTICULTURE THERAPY CENTRE	\$1,910.00	\$1,950.00	N/A	LACK OF FUNDS	Yes
00062 Page 33	Greg Flux	Rotary Club of Nelson Bay	\$2000	\$4000	Floster Automotive Group	Project is not gov't funded, Partial sponsorship is sought, other funds in club accounts are allocated to other community projects/events. Project is being run on PSC property and complements PSC aims.	Yes
00064 Page 41	Mandy Gould	Port Stephens Christian Outreach Centre	\$909.09	\$1000		Global Care/Foodcare is a not for profit organisation distributing low cost groceries to the needy in our community.	Yes

MINUTES FOR ORDINARY MEETING – 8 MARCH 2011

ID	Name	Organisation Name	1. What is the total amount of your request (exclusive of GST)?	2. What is the total cost of the project (exclusive of GST)?	3. If Council is not the sole source of funds for the project, please provide details of the source of other funds	4. Why is the project not able to be funded from other sources?	5. Has you and/or your organisation made application for financial assistance from other bodies in the last 12 months?
00045 Page 48	Medowie tennis Club	Medowie Tennis Club Inc	\$2,000.00	Repairs of Court 1 & 2	Fund raising by the tennis club	The cost of the repairs and maintenance for court 1 and 2 is unable to be met by the level of membership for the club. The repairs are urgently required and the funding for out government grants	No
00047 Page 53	Robert Owen	Lions Club of Tilligerry Peninsula Inc	\$2000	\$28 912.00	Registration fees, in kind support, Lions District 201N3, community sponsorship, social functions	Being a charitable organisation the Lions Club is committed to providing service and financial support to needy causes and persons. The Lions Club wishes to promote both the convention and our local area to the best it can... additional financial support will ensure that we can maximise our capacity to do this and access better quality, quantity and value with regards to promotional materials, administration and convention inclusions. In this way we will make the convention a memorable experience for the conventioners and promote our area in a manner which makes those attending want to come back to our local government area.	Yes
00050 Page 59	Dick Offner	Tilligerry Habitat Association Inc	\$2000.00	\$2000.00	Council is sole funding	We don't have the money - no other grants are applicable	Yes

MINUTES FOR ORDINARY MEETING – 8 MARCH 2011

00052 Page 66	Sue Mc donnell	Hunter Koala Preservation Society	\$2000.00	approx \$2500.00	From the Society.	Due to the expansion of our area which now includes the Tomaree Pinsular we now have to provide new care facilities in the Anna Bay area to date we have provided rehabilitator facilities and we now need to provide a recovery shed / cage adjacent to that area.	Yes
00053 Page 70	Murray Black	Port Stephens Veterans Golf Association	\$2,000	\$25,000	1) Competition Fees 2) Bank Interest 3) Program Advertising Revenue 4) General fund raising - e.g. raffles	All avenues are utilised	No
00056 Page 75	Ross Kalie	1st Tilligerry Scout Group	\$2000	\$4000	\$2000 will cover the first stage of this project.	We only raise funding as a local group which only cover ongoing costs and maintenance. We receive no financial support from Scouts Australia	No
00058 Page 81	BOB ROYAL	LEMON TREE PASSAGE AND DISTRICTS RSL SUB-BRANCH	\$400.00	\$400.00		Funding unavailable from local sources other than Council	No

MINUTES FOR ORDINARY MEETING – 8 MARCH 2011

ID	Name	Organisation Name	1. What is the total amount of your request (exclusive of GST)?	2. What is the total cost of the project (exclusive of GST)?	3. If Council is not the sole source of funds for the project, please provide details of the source of other funds	4. Why is the project not able to be funded from other sources?	5. Has you and/or your organisation made application for financial assistance from other bodies in the last 12 months?
00046 Page 84	Dallas Davies	Newcastle Neptunes Underwater Club Incorporated	\$500 or cost of site fees paid to Port Stephens Council	\$10 000	Competitors registration fees	Sponsorship is sought from other individuals and companies to assist with total funding, this is usually in the form of prizes to be awarded to competitors. Proceeds of fish auction paid to Westpac helicopter service.	No
00055 Page 89	Helen Marquez	Benevolent Society - Hunter	\$2,000	\$2,000	In-kind support from community partners, Port Stephens Parenting & Playgroup program, Hunter Brighter Futures program, Thou-Walla Family Centre and Benevolent Society.	Pilot project for Port Stephens LGA. Once pilot has been completed, evaluated and evidence recorded will look for opportunities to secure recurrent funding.	No
00059 Page 93	Sue Woolaston	Nelson Bay Pony Club	\$500.00	\$1000	Each rider pays a \$10 fee each day - this barely covers our judges		No

MINUTES FOR ORDINARY MEETING – 8 MARCH 2011

00063 Page 100	Richard Byrne	Sailability NSW Port Stephens Branch	\$1,939	\$1,763.00	We do have Public Liability Insurance but I am not in a position to attach a file. I will bring in a hard copy of this application along with a copy of the Policy, along with the financial reports you request.	Requests for funding not forthcoming	Yes
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MINUTES FOR ORDINARY MEETING – 8 MARCH 2011

Cr Ken Jordan left meeting at 6.31pm due to a significant non-pecuniary conflict of interest.

Cr Sally Dover returned to the meeting at 6.31pm.

ITEM NO. 10

FILE NO: 1190-001

REQUEST FOR FINANCIAL ASSISTANCE

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:-
 - e) Port Stephens Historical Society Inc. – Donation towards Tomaree Library Room Fees for Historical Talks – Requisition for Funding – East Ward Funds - \$240.00
 - f) Port Stephens Council – Project Funds - Donation towards Shoal Bay Tennis re-surfacing – East Ward Funds - \$4,241.00
 - g) Port Stephens Council – Project Funds - Donation towards slit drainage at Bowthorne – to match potential grant funding \$ for \$ – West Ward Funds - \$17,000.00.

COUNCIL COMMITTEE MEETING – 1 MARCH 2011**RECOMMENDATION:**

	Councillor Bruce MacKenzie Councillor John Nell	That the recommendation be adopted.
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ORDINARY COUNCIL MEETING – 8 MARCH 2011

066	Councillor John Nell Councillor Peter Kafer	It was resolved that the Council Committee recommendation be adopted.
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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 new Financial Assistance Policy adopted by Council 19 May 2009, to

MINUTES FOR ORDINARY MEETING – 8 MARCH 2011

commence from 1 July 2009, gives Councillors a wide discretion to either grant or to refuse any requests.

The new Financial Assistance Policy provides the community and Councillors with a number of options when seeking financial assistance from Council. Those options being:

1. Mayoral Funds
2. Rapid Response
3. Community Financial Assistance Grants – (bi-annually)
4. Community Capacity Building

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.

The requests for financial assistance are shown below is provide through Mayoral Funds, Rapid Response or Community Capacity Building:-

WEST WARD (Crs Francis, Kafer, Jordan, De Lyall)

Port Stephens Council Project Funds	Donation towards slit drainage at Bowthorne – to match potential grant funding \$ for \$ – West	\$17,000.00
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EAST WARD (Crs Westbury, Nell, Dover, Ward)

Port Stephens Historical Society Inc	Donation towards Room Fees for Historical Talks 2011	\$240.00
Port Stephens Council Project Funds	Donation towards Shoal Bay Tennis re-surfacing	\$4,241.00

FINANCIAL/RESOURCE IMPLICATIONS

Council Ward, Minor Works and Mayoral 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.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Mayor
Councillors
Port Stephens Community

OPTIONS

- 1) Adopt the recommendation.
- 2) Vary the dollar amount before granting each or any request.
- 3) Decline to fund all the requests.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES FOR ORDINARY MEETING – 8 MARCH 2011

Cr Ken Jordan returned to the meeting at 6.31pm.

ITEM NO. 11

INFORMATION PAPERS

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER
GROUP: GENERAL MANAGERS OFFICE

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 1 March 2011.

No:	Report Title	Page:
1	PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2000 DRAFT (AMENDMENT NO. 18)	
2	ABORIGINAL STRATEIC COMMITTEE	
3	CASH AND INVESTMENTS HELD AT 31 JANUARY 2011-02-17	

COUNCIL COMMITTEE MEETING – 1 MARCH 2011
RECOMMENDATION:

	Councillor Steve Tucker Councillor Shirley O'Brien	That the recommendation be adopted.
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Cr Shirley O'Brien left the meeting at 6.19pm.
Cr Shirley O'Brien returned to the meeting at 6.20pm.

MATTER ARISING

	Councillor Bruce MacKenzie Councillor Ken Jordan	That Council reaffirm its support for the draft environmental plan (LEP) – noting the acoustic reports and for this draft LEP to be submitted to the Department of Planning and the Minister of Planning for approval.
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Cr Peter Kafer left the meeting at 6.32pm prior to voting on Item 11.

MINUTES FOR ORDINARY MEETING – 8 MARCH 2011

Cr Peter Kafer returned to the meeting at 6.34pm prior to voting on Item 11.

ORDINARY COUNCIL MEETING – 8 MARCH 2011

067	Councillor John Nell Councillor Bruce MacKenzie	It was resolved that the recommendation be adopted.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Ken Jordan, Bruce MacKenzie, Shirley O'Brien, John Nell, Frank Ward, Sally Dover and Bob Westbury.

Those against the Motion: Crs Peter Kafer, Caroline De Lyall, Steve Tucker and Geoff Dingle.

MATTER ARISING

068	Councillor Bruce MacKenzie Councillor Ken Jordan	It was resolved that Council reaffirm its support for the draft environmental plan (LEP) – noting the acoustic reports and for this draft LEP to be submitted to the Department of Planning and the Minister of Planning for approval.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Ken Jordan, Bruce MacKenzie, Shirley O'Brien, John Nell, Frank Ward, Sally Dover and Bob Westbury.

Those against the Motion: Crs Peter Kafer, Caroline De Lyall, Steve Tucker and Geoff Dingle.

COUNCIL COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

**PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2000 DRAFT
(AMENDMENT NO.18)**

**REPORT OF: BRUCE PETERSEN - ENVIRONMENTAL AND DEVELOPMENT PLANNING
MANAGER**

GROUP: SUSTAINABLE PLANNING

FILE: PSC2006-0183

BACKGROUND

The purpose of this report is to update Council on the progress of the subject draft LEP relating to land owned by the Moxey Family north of Raymond Terrace. The draft LEP instrument and map are at Attachment 1.

In particular, Council is required to:

Note the findings of the acoustic report (refer to Attachment 2) based upon the latest advice received from the Department of Defence (refer to Attachment 3); and Council note the legal advice received and that the safest option for Council is not to rezone the land.

Council has a duty of care to inform members of the public the impact of aircraft noise and restrictions on the development of the land.

Should Council be of a mind to rezone the land, then it should disclose noise information on certificates under 149 of the Act and require that a restrictive covenant to impose building requirements be imposed on the land.

History

On 22nd June 2004 Council resolved to prepare and exhibit the subject draft LEP to rezone Lots 13, 15, 16, 17 & 18 in DP 32005, Lots 1 & 2 in DP 1107061, Lots 2, 3 & 4 in DP 223418, Lots 1 & 2 in DP 528304, Lot 411 in DP 584360, Lots 42, 43, 44 & 45 in DP 239098 & Lot 3 in DP 1107061 for residential purposes.

On 11th February 2004 the Department of Planning issued a certificate enabling the public exhibition of the draft LEP, subject to further consultation with the Department of Defence.

The relevant Department of Defence (Defence) advice was provided on 31st August 2005 and 19th October 2005 and is included at Attachment 3.

MINUTES FOR ORDINARY MEETING – 8 MARCH 2011

The draft LEP was placed on public exhibition from 3rd March 2005 until 4th April 2005. No submissions were received.

Council wrote to the Department of Planning requesting that the Minister make the LEP on 13th January 2006. The Department responded on 29th August 2006 that it was currently considering aircraft noise issues in relation to the Lower Hunter Regional Strategy and determined that the draft LEP should not be forwarded to the Minister until such time as aircraft noise and land use planning issues have been satisfactorily resolved.

The draft LEP was effectively on hold during 2006 to 2010, pending satisfactory resolution of aircraft noise issues associated with the proposed introduction of the Joint Strike Fighter.

A request was made to the Department of Planning on 30th April 2010 for the draft LEP to be converted to an equivalent stage in the format of a planning proposal (the new rezoning system under the Environmental Planning and Assessment Act 1979) to enable the rezoning to proceed, without the need to restart the rezoning process.

Not long after, Council resolved at its meeting on 25th May 2010, via a matter arising, that the draft LEP for the Moxeys land and adjacent 10 lots be forwarded to the Department of Planning requesting that the Minister approve the rezoning. This resolution was made on the same date as Council's resolution to forward the Kings Hill LEP to the Minister to be made.

On 8th June 2010 the Department of Defence provided updated specific advice concerning aircraft noise levels at the site, including average maximum noise levels for the Hawk, Hornet and Joint Strike Fighter (included at Attachment 3). Defence reiterated its earlier advice that it does not recommend that Council support the rezoning and that it will not accept any future liabilities.

On 21st June 2010 the Department of Planning LEP Gateway Determination advised the draft LEP had been converted to a planning proposal. It included advice that there is still an outstanding issue of aircraft noise relating to this LEP, including the advice from Defence 8th June 2010, which Council will need to address before assessment of the plan can be finalised.

On 26th July 2010 the advice from Defence was forwarded to the proponent requesting that they consider the advice with a view to demonstrating that, in the event the land is rezoned for residential development, subsequent dwellings will be able to meet the design requirements of AS 2021-2000. No response was provided by the proponent. Council subsequently appointed and funded Hunter Acoustics to prepare a report. The report by Hunter Acoustics was completed in January 2011 and is included at Attachment 2.

Council now needs to consider the relevant advice on aircraft noise and determine whether it still wishes to proceed with the draft LEP.

Aircraft Noise

A summary of aircraft noise issues is as follows:

Under the former ANEF 2012 part of the site is located within the 20-25 noise contours;
Under the ANEF 2025 the property is wholly located within the 20-25 noise contours;
Under the ANEC 2025 dated 1st September 2010 the property remains located wholly within the 20-25 noise contours;

Under AS 2021-2000 dwellings are considered 'conditionally acceptable' – the condition being that the design requirements of AS 2021-2000 for noise attenuation are met;

Despite being 'conditionally acceptable' the site is subject to high average maximum noise levels that may make it difficult to achieve the indoor design noise levels set in AS 2021-2000; and

Defence advise the following average maximum noise levels across the site:

Joint Strike Fighter 80-95 dB(A)

Hornet 90-92 dB(A)

Hawk 80-90 dB(A).

Duty of Care

Past experience in dealing with aircraft noise matters and land use planning indicates that Council does have a duty of care with respect to persons purchasing or developing land affected by aircraft noise. The implications of not giving due consideration to aircraft noise matters in land use planning are exemplified in the NSW Court of Appeal judgement made on 27th September 2005 in Port Stephens Council v Booth & Ors. For the current planning proposal, there is potential for future landowners to argue that the land is not suitable for residential development due to exposure to aircraft noise, with a risk that compensation will be sought from Council as the relevant planning authority.

Acoustic Report

The findings of the acoustic report are summarised as follows:

Based on the average maximum noise levels shown in the updated data from the Department of Defence a range of typical project home designs, which are likely to be constructed in the area proposed for the rezoning, can adequately be treated to meet the internal noise levels set by AS 2021-2000;

The cost of treatments is substantial and may increase the cost of a dwelling in the order 20% and 25% over and above the cost of an untreated project home (an additional minimum \$25 000 to \$35 000); and

The impact of aircraft noise on external recreational spaces will cause some inconvenience to residents and the level of inconvenience will be likely to be acceptable to many people but may not be acceptable to some people.

The report by Hunter Acoustics at Attachment 2 should be directly referred to for further detail.

Legal Advice

MINUTES FOR ORDINARY MEETING – 8 MARCH 2011

Following the completion of the acoustic report, legal advice was sought on the following matters:

1. Whether or not Council has a duty of care to disclose the information in the acoustic report to future potential landowners;
2. If the answer to the above is yes, the best means to do it. In particular, can or should advice be provided via a section 88B instrument under the Conveyancing Act 1919; and
3. General advice.

After consideration of the legal advice provided to Council planning staff, Council should consider the following:

- The safest way for Council to comply with the objectives of the draft Aircraft Noise Policy 2010 and the objectives of the draft Port Stephens LEP 2000 for aircraft noise would be not to rezone the land;
- If Council does support the rezoning of the land, the combined notification to future potential landowners through the provisions of the draft LEP and draft Port Stephens LEP 2000 for aircraft noise would most certainly provide some level of information to the recipients of certificates, pursuant to section 149 of the Environmental Planning and Assessment Act 1979; and
- If Council decides to maximise its chances of complying with its duty of care then the creation of restrictive covenants under section 88B of the Conveyancing Act 1919 to impose building requirements as detailed in the Hunter Acoustics report should also be implemented.

ATTACHMENTS

- 1) Draft LEP map
- 2) Acoustic Assessment of Aircraft Noise Impacts for Proposed Rezoning of Various Lots at Rees James Road Raymond Terrace (Hunter Acoustics, January 011)
- 3) various Department of Defence Advice

ATTACHMENT 1
DRAFT LEP MAP

**PORT STEPHENS LOCAL ENVIRONMENTAL
PLAN 2000 DRAFT (AMENDMENT NO. 18)**

under the Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N04/135)

Minister for Planning

Clause 1 Port Stephens Local Environmental Plan 2000 (Amendment No 18)

Port Stephens Local Environmental Plan 2000 (Amendment No 18)

Under the Environmental Planning and Assessment Act 1979

1 Name of Plan

This plan is *Port Stephens Local Environmental Plan 2000 (Amendment No 18)*.

2 Aims of plan

This plan aims:

- (a) to rezone part of the land to which this plan applies from Zone No 1(a) (Rural Agricultural "A" Zone to Zone No. 2(a) (Residential "A" Zone under the Port Stephens Local Environmental Plan 2000 to facilitate residential development, and
- (b) to insert a clause into the Port Stephens Local Environmental Plan 2000 relating to bushfire matters;
- (c) to insert a clause into the Port Stephens Local Environmental Plan 2000 relating to aircraft and motor vehicle noise matters.

3 Land to which plan applies

1. To the extent that this plan rezones part of the land to the Residential "A" Zone, it applies to land situated in the local government area of Port Stephens being: Lot 4121 DP 814864, Lots 13 to 18 DP 32005, Lots 1 to 4 DP 223418, Lots 1 & 2 DP 528304, Lots 42 to 45 DP 239098 and Lot 411 DP 584360, Rees James Road, Raymond Terrace, as shown edged heavy black, coloured pink and lettered "2(a)" on the map marked "Port Stephens Local Environmental Plan 2000 (Amendment No 18)" deposited in the office of Port Stephens Council.
2. To the extent that this plan inserts a clause relating to bushfire matters, it applies to all land in the local government area of Port Stephens.
3. To the extent that this plan inserts clauses relating to aircraft and motor vehicle noise, it applies to land as shown edged heavy black, coloured pink and lettered "2(a)" on the map marked "Port Stephens Local Environmental Plan 2000 (Amendment No 18)" deposited in the office of Port Stephens Council.

4 Amendment of Port Stephens Local Environmental Plan 2000

Port Stephens Local Environmental Plan 2000 is amended as set out in Schedule 1.

Port Stephens Local Environmental Plan 2000 (Amendment No 18)

Schedule 1 Amendments

Schedule 1 Amendments

[1] Dictionary

Insert in appropriate order in the definition of **the map**:

Port Stephens Local Environmental Plan 2000 (Amendment No.18)

Insert in appropriate order the following definition:

ANEF contour means a noise exposure contour shown as an ANEF contour on the *Aircraft Noise Exposure Forecast 2025* map of RAAF Base Williamtown or surrounding land prepared by the relevant authority, a copy of which is available for inspection by the public during office hours in the office of the Council.

[2] Clause 44A

Insert after Clause 44 the following:

Clause 44A Bushfire prone land

- (1) This clause applies to land identified as bush fire prone land on the Bush Fire Prone Land map prepared pursuant to Section 146(2) of the Environmental Planning and Assessment Act 1979, and certified by the Commissioner of the NSW Rural Fire Service.
- (2) In deciding whether to grant consent to any development on bush fire prone land, Council shall:
 - (a) have regard to, and be satisfied that, the relevant provisions of the Rural Fires Act 1997, the Environmental Planning and Assessment Act 1979 and the Planning for Bushfire Protection guidelines, or such Acts, Regulations or guidelines as may replace these, have been met; and
 - (b) consider whether the measures adopted to avoid or mitigate the threat from bushfire, including siting of development, design and construction of structures, clearing of vegetation, provision of Asset Protection Zones, landscaping and fire control aids such as roads and water supplies, are adequate for the locality; and
 - (c) consider the potential environmental impacts of measures proposed to avoid or mitigate the threat from bushfire.

[3] Clause 54C

Insert after Clause 54B the following:

Clause 54C Development in the residential zone at Rees James Road, Raymond Terrace subject to aircraft noise under Australian Noise Exposure Forecast 2025

- (1) The objectives of this clause are to ensure that development in the vicinity of the RAAF Base Williamtown and Newcastle Airport:
 - (a) has regard to the operations of the airbase and airport; and
 - (b) does not hinder or have any other adverse impact on the development or operation of the airbase and airport;

(c) incorporates acoustic treatments into the design, materials and construction of development as are necessary to ensure a reasonable amenity of those living, or working on land to which this clause applies.

(2) This clause applies to land as shown edged heavy black on the map marked Port Stephens Local Environmental Plan 2000 (Amendment No. 18).

(3) Development consent is required for the erection of a building for residential purposes, or any other purpose involving regular human occupation, if the ANEF contour for the land on which the building is to be erected exceeds 20.

(4) Consent shall not be granted for noise sensitive development (including but not limited to dwellings, places of public worship, hospitals, and educational establishments) unless:

(a) a noise assessment has been carried out in accordance with *Australian Standard 2021-2000, Acoustics – Aircraft noise intrusion – Building siting and construction*, to the satisfaction of the consent authority;

(b) it has been demonstrated, to the satisfaction of the consent authority, that the development when completed will meet the requirements of *AS 2021-2000, Acoustics – Aircraft noise intrusion – Building siting and construction*, and any other standards which may be specified in the Development Control Plan applying to the land.

[4] Clause 54D

Insert after Clause 54C the following:

54D Development in area at Rees James Road, Raymond Terrace subject to road vehicle noise from the Pacific Highway

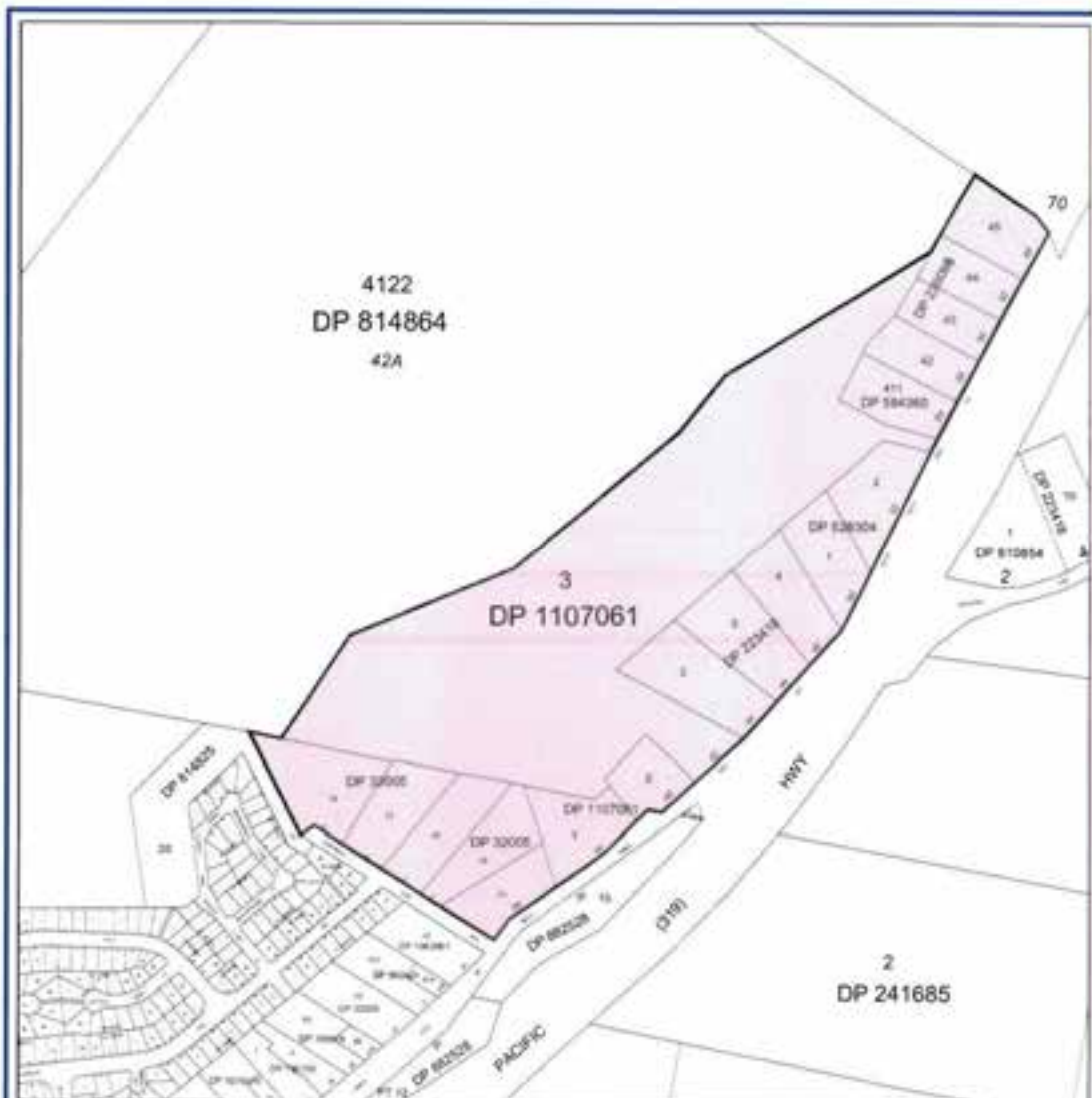
(1) The objective of this clause is to ensure that development in the vicinity of the Pacific Highway incorporates acoustic treatment in the design, materials and construction of the development to ensure a reasonable amenity of those living and working on land to which this clause applies.

(2) This clause applies to land as shown edged heavy black on the map marked Port Stephens Local Environmental Plan 2000 (Amendment No. 18).

(3) Consent shall not be granted for the subdivision of land, or for noise sensitive development (including but not limited to dwellings, places of public worship, hospitals, and educational establishments) unless:

(a) it has been demonstrated that the development when completed will meet the requirements of *Australian Standard 3671-1989 Acoustics- Road Traffic Noise Intrusion – Building, Siting and Construction* and any other standards which may be specified in the Development Control Plan applying to the land; and,

(b) is to the satisfaction of the consent authority.



 **2a Residential**

SCALE 1:8000

LOCALITY: RAYMOND TERRACE

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

**DRAFT
PORT STEPHENS
AMENDMENT No. 18**

DRAWN BY: KG	DATE: APRIL 2010
SUPERVISING DRAFTSPERSON: KG	
PLANNING OFFICER: T ALLEN	
COUNCIL FILE No: S8140-100	
DEPT. FILE No:	
CERTIFICATE PLAN No: DATED: X	
CERTIFICATE ISSUED UNDER S65 EPA ACT	
GOVT. GAZETTE OF	

STATEMENT OF RELATIONSHIP WITH OTHER PLANS
AMENDS PORT STEPHENS LEP 2000 PLANNING SCHEME

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS AS AMENDED

AUTHORISED COUNCIL EMPLOYEE: _____ DATE: _____



ATTACHMENT 2

Acoustic Assessment of Aircraft Noise Impacts for Proposed Rezoning of Various Lots at Rees James Road Raymond Terrace (Hunter Acoustics, January 2011)



REF 8314-401.2 - Rees James Road

**Acoustic Assessment of Aircraft Noise Impacts
for Proposed Rezoning of Various Lots at
Rees James Road Raymond Terrace**

**Prepared For:
Port Stephens Council**

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20 January, 2011

I. INTRODUCTION

Hunter Acoustics has been engaged by Port Stephens Council to prepare an assessment of the impacts of Aircraft Noise from Williamstown airport on a proposed rezoning of land at Rees James Road Raymond Terrace. The rezoning proposes to change the zone from its existing classification to 2a Residential as shown in Draft Amendment No 18 to the Port Stephens LEP 2000. The change of classification requires that the impact of aircraft noise be assessed in accordance with the requirements of AS 2021-2000 Acoustics - Aircraft noise intrusion - Building Siting and construction. This report assesses the noise impact on the area proposed for rezoning and provides specifications for noise control treatments that will be required for typical project homes that are likely to be constructed in the area.

AS2021 requires that dwellings be individually assessed according to the particular dwelling design and orientation with respect to the noise source. It is not possible to make assessment on individual dwellings for a rezoning application because designs do not exist. In order to be able to make valid commentary on the practicality and cost effectiveness of meeting the requirements of AS2021 for dwellings that are likely to be constructed in the proposed rezoning area it was necessary to define the design parameters for a typical dwelling.

While the "Typical Dwelling" does not truly exist I consider that there is sufficient commonality in current local building design parameters, such as window sizes and floor areas, to be able to specify a set of parameters for dwelling designs within which a standardised set of noise treatments may be determined. The design parameters I have included in this report are sufficiently broad to cover most common project home designs and, therefore, represent a basis for comment on the cost effectiveness and applicability of aircraft noise controls sufficient to achieve the requirements of AS2021 within dwellings in the proposed rezoning area.

In documenting the common design parameters I have taken the approach of setting a minimum dwelling design standard, which I have called the "Basic Dwelling Design Standard", that may be considered as acceptable for the application of the noise attenuation treatments specified in this report. The "Basic Dwelling Design Standard" sets building design parameters within which the aircraft noise treatments specified in this report can be reliably applied without the need for further assessment. If a proposed dwelling design does not fall within the parameters of the "Basic Dwelling Design Standard" then the noise treatments specified in this report do not apply and an individual assessment of the proposed dwelling will be required.

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2. DESCRIPTION OF THE DEVELOPMENT

The proposal before council is to rezone Lots 4121 DP 814864, Lots 13 to 18 of DP 35002, Lots 1 to 4 of DP 223418 Lots 1 and 2 of DP528304, lots 42 to 45 of DP 239098 and Lot 411 DP 584360. The proposed rezoning will form Lot 3 of DP 1107061 which then may potentially be subdivided into individual residential lots. The land that is the subject of the proposed rezoning is located wholly within the 20-25 zone under the 2012 and 2025 Aircraft Noise Exposure Forecast released by Department of Defence in October 2009 and updated with additional information in June 2010 after adjustment of flight tracks and dispersions.

3. ASSESSMENT CRITERIA

3.1 DETERMINATION OF NOISE LEVELS AND CRITERIA

The assessment is conducted in accordance with the Port Stephens Aircraft Noise policy 2010 and is based on information provided by Department of Defence including A-Weighted Average maximum Noise levels for the area and Spectral data provided by DOD under cover of Letter REF 2005/1112532/7.

The location of the block with respect to the flight path was determined from the TNP information issued by the Department of Defence for the 2025 ANEF PER and the Department of Lands Spatial Information Exchange. Design noise levels were taken from the average maximum noise level (L_{Amax}) contours shown in the information provided by Department of Defence under cover of a letter dated 8th of June 2010 DOD Ref AF3937733. The maps show that the property that is the subject of this assessment is located within the 20-25 ANEF zone and shows an average maximum noise level from aircraft passing over and near the property to access the Williamtown Airport and the Salt Ash Air Weapons Range to vary from 95 dB(A) at the southern end of the property for the 2025 combined JSF Average maximum Noise level to approximately 80 dB(A) for the ILS approach and the composite Hawk Average Maximum Noise Level map. The composite Hornet Average maximum Noise level map shows a consistent average Maximum Noise level across the site of between 90 to 92 dB(A). Based on the information provided by DOD, 92dB(A) is adopted as the external design noise level as required by AS-2021-2000 for the assessment of aircraft noise impacts. The adoption of 92dB(A) is based on the fact that the JSF composite map shows a variation noise levels across the area south to north while the composite map for the Hornet shows consistent levels north to south with only small variation east to west across the area concerned. Adopting 92 dB(A) as the external design noise level means that occasionally some dwellings in the south of the area may receive noise levels above 92 dB L_{Amax} but this will be infrequent and the variation does not justify a separate specification for this small southern part of the area. Equally the remaining parts of the site are subjected to lower noise levels during some flying operations but AS 2021 require a worst case design for the highest Average maximum noise levels from aircraft and using 92 dB(A) ensures that the internal noise levels required by AS2021 will be achieved for all aircraft conditions.

Table 3.3 of AS 2021 2000 Acoustics Aircraft Noise Intrusion Building Sighting and Construction recommends a maximum internal design sound level of 50 dB(A) for sleeping areas, 55 dB(A) for normal domestic areas, and 60 dB(A) for non habitable spaces. The criteria in AS 2021 -2000 are for areas that surround urban airports and Note 1 on page 19 of AS2021 states that these design levels are based on general Australian experience and may not be satisfactory for people who are sensitive to aircraft noise.

3.2 DETERMINATION OF REQUIRED BUILDING ELEMENT NOISE ATTENUATION PERFORMANCE AND CONFIGURATION

The proposed subdivision may subsequently contain many single detached dwellings that will most likely be constructed by project home builders using typical construction materials and techniques.

AS 2021 requires that each building element (ie Walls, Windows Doors, etc) that provides a sound transmission path from outside the dwelling into a room space be individually assessed according to

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the area of each element, its orientation with respect to the noise source, and its sound transmission characteristics. While this may readily be done for dwelling that has a final design layout it may not be done for in a general sense for any dwelling.

Given that most dwellings constructed in Australia and in the local area in particular have typical design characteristics, and have common construction standards and methods, it is possible to base an assessment for many dwellings in an area on a typical dwelling and specify design and construction constraints so that the acoustic design remains applicable across a range of floor layouts and dwelling designs. Applying a standardised acoustic design in this way does constrain dwelling design slightly but ensures that an assessment of typical constructions can be made. It also allows the application of a Design Standard across the proposed rezoning area through a DCP or other planning instrument.

Should an applicant in the future wish to construct a dwelling that is outside the parameters of the design standard then that proposed dwelling layout will require an individual assessment and such a design may or may not be found to be able to comply with the requirements of AS2021.

The typical dwelling design that has been used in this assessment has the characteristic listed below and these characteristics may be considered as a mandatory requirement for any dwelling proposed in the rezoning area. The Basic Design Standard is not a specification for aircraft noise treatment but sets out the requirements for a dwelling that can be adequately treated with the noise control treatments specified in this report. The additional noise control treatments that are to be applied to a dwelling that meets the Basic Design Standard are given in Section 4 of this report.

3.2.1 Basic Dwelling Design Standard

The parameters for the Basic Dwelling Design Standard are set out below. Any dwelling of a design such that the building parameters fall within the constraints set out below may have the specified noise treatments applied without further assessment.

- Single story slab on ground construction with no elevated floor sections is preferred,
- Should site slope require an elevated floor construction then under floor spaces are to be fully enclosed by masonry walls and floors are to be of concrete construction with a minimum concrete thickness of 80 mm.
- External walls to be cavity brick, concrete block or brick veneer construction with timber or steel framing. The minimum mass per unit area of the external wall skin is to be not less than 130 kg/m²,
- Roof is pitched to minimum of 20 degrees and to be clad with steel sheet (custom orb or equivalent) of minimum 0.6mm BMT,
- Minimum eave overhang of 600mm at all points (ie no alcoves or similar extending room spaces to edge of roof.)
- HIP roofs to be standardised (gable ends and porticos etc required special treatments).
- Minimum and maximum room sizes,
 - Floor area of sleeping spaces to be no less than 15m² and no larger than 30m²,
 - Floor area of working and recreational spaces to be no less than 20m² and no larger than 45m²,
 - Ceiling heights to be not less than 2.7 metres,
- Maximum window dimensions for Sleeping Spaces:-
 - Windows to sleeping spaced not to exceed 10% of the floor area and not to exceed 4 square metres in total,
 - No single window to be larger than 2.1m by 1.8m.
- Maximum window dimensions for Working and Recreational spaces:-

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- o Windows to work or recreational spaces not to exceed 40% of the floor area and not to exceed 8 square metres in total.
- o No single window in a work or recreational space to be larger than 2.1 m by 3.6 m.

Based on the building design parameters in the Basic Building Standard the applicable Building element ANAc requirements were determined in accordance with Appendix F of AS 2021 (2000) for a typical dwelling. An acoustic design specification that will meet the overall building design ANAc values specified in Table 1 was determined using one third octave band test data from manufactures of building materials and field performance data measured by Hunter Acoustics. Spectral data for military aircraft flyovers were taken from our data base library developed using measurements around the Williamstown Airport and spectral data provided by Department of Defence for the JSF.

In each case the building element performance has been calculated in accordance with Appendix G of AS 2021 (2000) using one third octave band test data over the range 64Hz to 4000 Hz to determine a maximum internal noise level that will meet the appropriate RC spectral distribution curves which has been determined to be least offensive to humans.

Table 1 Design Maximum Internal Noise Levels and Building Element ANAc Values.

Room	Average Maximum Internal Aircraft Noise Level dB(A)	Building Element ANAc Required			Building Element Rw Required		
		As per AS2021 (2000)			Window	Ext Wall	Roof / Ceiling
	AS2021 (2000)	Window	Ext Wall	Roof / Ceiling	Window	Ext Wall	Roof / Ceiling
Working and Recreational Areas	55 dB(A)	41	42	45	46	47	50
Sleeping Areas	50 dB(A)	43	53	55	48	48	60
Other	60 dB(A)	30	40	40	35	45	45

4. SPECIFICATION OF ACOUSTIC TREATMENTS

In addition to the "Basic Building Design Standard" the acoustic treatments below are to be applied to habitable spaces within the building as noted.

4.1 ROOF /CEILING SYSTEM

- Pitched metal deck roof as per Basic Building Design Standard.
- Prior to fixing roof sheet fit 18mm ply wood to top of roof trusses over entire roof area, fit minimum 50mm battens or top hats to outer surface of ply wood screwed though to trusses.
- Provide minimum R1.5 building blanket between plywood and metal sheet.
- Fix metal sheeting to battens/top hats.
- *Ceilings of Sleeping areas* to be two layers of 10 mm 7.2 kg/m² plasterboard,
- *Ceilings of non Sleeping areas* to be one layer of 10mm 7.2 kg/m² plasterboard,
- Provide minimum R2.5 glass wool ceiling in roof cavity above ceilings.
- All Wall / Ceiling and External Wall / Wall joints to have not more than 3 mm gap and to be filled with CSR fire mastic or equivalent prior to applying cornice or setting. Alternatively fit one off 55mm cornice followed by 1 off 90 mm cornice,
- Recessed light fittings are not recommended but any recessed lights installed in habitable spaces are to have a minimum acoustic rating of Rw 30.

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4.2 EXTERNAL WALL SYSTEMS

All external wall systems are to be constructed as conventional brick veneer or cavity masonry.

- External wall construction as per Basic Building Design Standard,
- Insulate wall cavity for all walls with minimum R 2.0 glass wool batts,
- Extend wall and ceiling insulation so that they overlap (two thicknesses) to cover the area between top of brickwork and wall top plate and fix securely,
- To protect the area between top of brickwork and top plate fit all eave linings with two layers of 6mm FC sheet,
- Internal walls to be 10mm CD plasterboard fixed to 90mm timber / steel studs with resilient wall ties to walls for sleeping areas and overlapping a minimum of one metre beyond sleeping area internal walls.
- All external wall penetrations for pipes etc to be sealed with fire mastic or equivalent,

4.3 WINDOW SYSTEMS

When installing windows the framing for all windows and doors is to be sealed with Firemastic or equivalent to brickwork and internal framing. No unsealed spaces are to remain between reveals and frames or between reveals and brickwork. Windows are to be fitted in standard domestic frames with cushion type seals and not fibre type seals.

The following points detail the glazing requirements for window and sliding door systems:-

- All external windows and sliding doors to habitable spaces are to be fitted with double window / doors systems with *outer pane* minimum 6.38mm laminated glass, and *inner pane* minimum 8.38 mm laminated glass, minimum of 100 mm air space between panes. Vantage "SoundOut" system or equivalent will be suitable. Provide absorptive material minimum 25mm thick acoustic foam ("Echosorb" or equivalent) to the side and top reveals within the space between glass panes.
Note The window systems **do not need** to be vacuum sealed double glazing units but can be individual glazed frames fitted to the inside and outside of the reveals.
- All external sliding doors and windows to be fitted with cushion type Qlon seals not fibre seals,
- All external swinging doors to be fitted with acoustic seals Lorient IS7110 and IS 8010 or equivalent,
- Bathroom, Laundry, Toilet be fitted with minimum 5mm float glass.

5. COST AND APPLICABILITY

The recommended treatments above when applied to a dwelling whose design falls within the parameters set out in the Basic Building Design Standard above will enable the dwellings within the rezoning area to comply with the internal sound levels set out in AS2021 during military aircraft over flights. The specified treatments use commonly available standard building materials and are applied with standard construction techniques. All of the treatments listed above have previously been successfully applied in buildings in the Raymond Terrace area and have proven to be successful in controlling noise intrusion into the dwellings.

The building purchase cost for the construction of project homes that are commonly bought in the Port Stephens area ranges from about \$130,000 to \$180,000 with dwellings available either side of the range depending on the design. This cost is for the basic dwelling without final finish or landscaping. The anticipated cost per dwelling over and above the basic price

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of a standard project home for the treatments specified will be approximately 20% dwelling price and therefore in the range \$25,000 and \$35,000 depending of the size of the dwelling and the number of rooms.

6. IMPACT OF AIRCRAFT NOISE ON EXTERNAL SPACES

AS 2021 also requires that consideration be given to the impact of aircraft noise on external spaces. It is sufficient to say in respect of this area that when Military Aircraft are flying over the area it will be impractical to use external spaces for recreational activities. The duration and frequency of military aircraft over flights is such that adequate windows of time will remain when military aircraft are not present to enable social activity to be conducted outdoors. There effect will be that there will be constraints on times when the residents will be able to enjoy outdoor areas and it will be a personal decision as to whether a occupant finds the level of constraint on outdoor use acceptable. Domestic commercial flights do not cause excessive impacts on external areas and are not considered as a significant issue in this regard.

7. SUMMARY OR ASSESSMENT

Based on the average maximum aircraft noise levels shown in the updated data from the Department of Defence a range of typical project home designs, which are likely to be constructed in the area proposed for the rezoning, can be adequately treated to meet the internal noise levels set out in AS 2021. The costs of the treatments are substantial and may increase the cost of a dwelling in the order of 20% to 25% over and above the cost of an untreated project home.

The impact of aircraft noise on external recreational spaces will also cause some inconvenience to residents and the level of inconvenience will be likely to be acceptable to many people but may not be acceptable to some people.

Yours Sincerely
Hunter Acoustics



Ray Turney BEng (Mech), MEnv Stud, MIEAust, MAAS.
Principal Acoustic Engineer

Date 20 January 2011

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8. TERMS AND DEFINITIONS

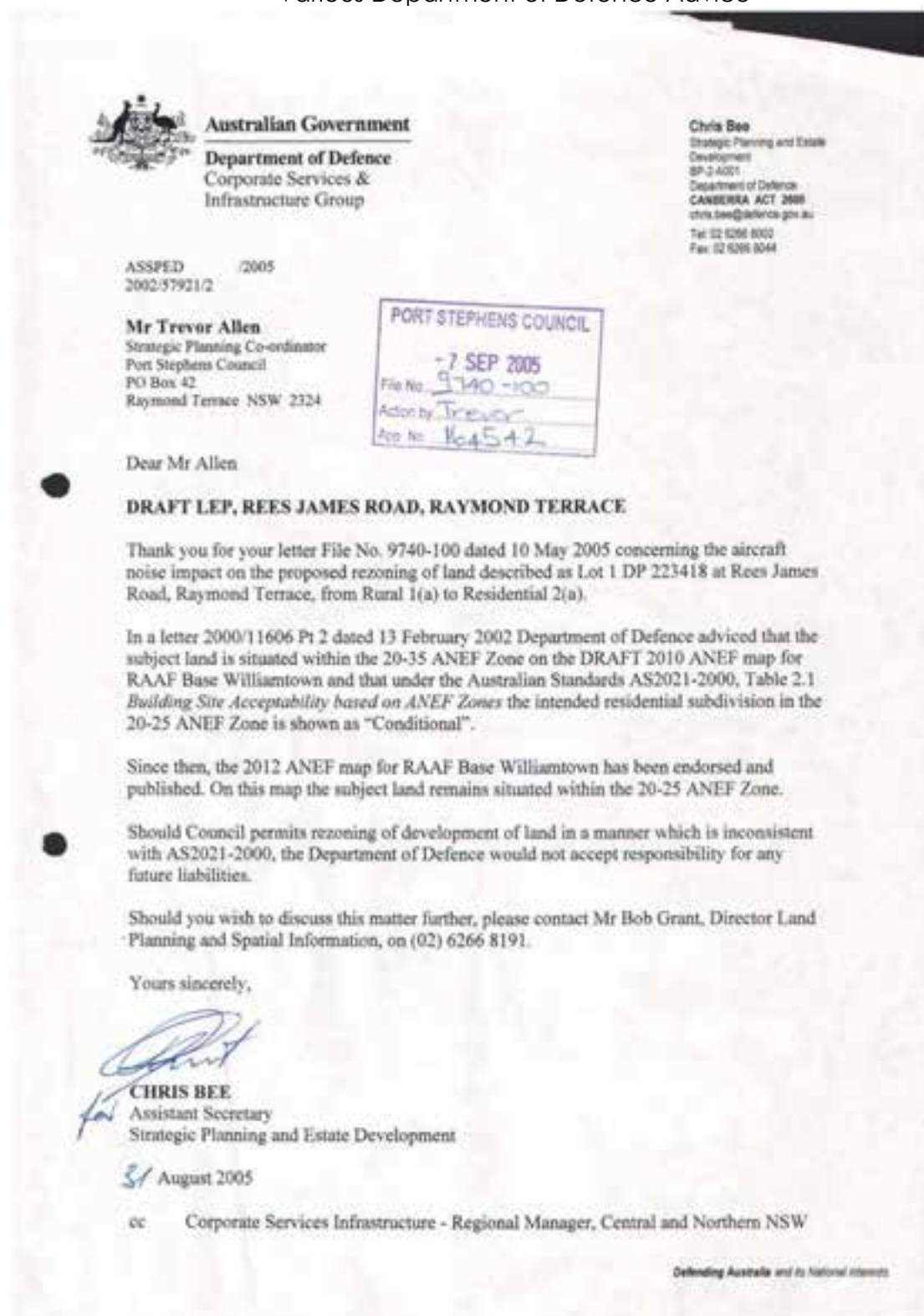
dB(A).....	Unit of sound pressure level, modified by the A-weighting network to represent the sensitivity of the human ear.
SPL.....	The incremental variation of sound pressure from the reference pressure level expressed in decibels.
SWL (L_w).....	Sound Power Level of a noise sources per unit time expressed in decibels from reference level W_0 .
L_x	Statistical noise descriptor. Where (x) represents the percentage of the time for which the specified noise level is exceeded.
L_{eq}	Equivalent continuous noise level averaged over time on an equivalent energy basis.
L_t	Average Peak Noise Level in a measurement period.
L_{10}	Average Maximum Noise Level in a measurement period.
L_{90}	Average Minimum Noise Level in a measurement period.
L_{max}	Maximum Noise Level in a measurement period.
Background Noise Level.....	Noise level determined for planning purposes as the one tenth percentile of the ambient L_{A90} noise levels.
P_0	Reference Sound Pressure for the calculation of SPL in decibels.
W_0	Reference Sound Power for the calculation of SWL in decibels.

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ATTACHMENT 3
Various Department of Defence Advice



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FAX NO. 61 2 62688192

P. 01



Australian Government
 Department of Defence
 Corporate Services &
 Infrastructure Group

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 Strategic Planning and Estate
 Development
 BP-2-A001
 Department of Defence
 CANBERRA ACT 2600
 chris.bee@defence.gov.au
 Tel: 02 6266 8002
 Fax: 02 6266 8044

ASSPFD 556 /2005
 2002/18317/pd

Mr Trevor Allen
 Strategic Planning Co-ordinator
 Port Stephens Council
 PO Box 42
 RAYMOND TERRACE NSW 2324

Dear Mr Allen

I refer to your correspondence dated 13 September, 2005 regarding previous advice provided by the Department of Defence concerning aircraft noise and the proposed residential rezonings at Rees James Road, Raymond Terrace and North Raymond Terrace (proposed town of Kingshill). In this correspondence you made reference to the manner in which the Department responded to the proposed rezonings with regard to aircraft noise and sought clarification of the Department's position with respect to the RAAF Base Williamstown 2012 Australian Noise Contour Forecast (2012 ANEF).

As you are aware the 2012 ANEF is a planning tool indicative of the exposure of a site to aircraft noise. This exposure is calculated over a twelve month period and is not definitive as it is affected by prevailing weather, topography, type of aircraft and pilot behaviour among other things. As such the 2012 ANEF provides guidance as to the application or otherwise of AS 2021-2000. It is also pointed out that land beyond the 20 ANEF should not be misinterpreted as land unaffected by aircraft noise. Your attention is drawn to Table 2.1, Note 1 in AS 2021-2000 which identifies the difficulty in defining accurately the 20 ANEF contour and also that the procedure of Clause 2.3.2 (i.e. conditionally acceptable) that may be followed for building sites outside but near to the 20 ANEF contour. Furthermore, AS 2021-2000 is written in the context of maintaining the amenity of indoor spaces and is qualified by the assumption that external doors and windows are shut; the acceptability or otherwise of outdoor spaces is not addressed. The reliance therefore of planning decisions in areas affected by aircraft noise purely on the technical application of AS 2021-2000 does not holistically address quality of life for future residents with respect to the outdoor use and enjoyment of their land.

Defence is duly concerned to ensure that the long-term viability of RAAF Base Williamstown and associated establishments is not compromised by inappropriate zoning (and subsequent development) of surrounding land and that the assessment of rezoning applications and development proposals in the vicinity of the RAAF Base Williamstown adequately consider and address the presence and impact of Defence activities.

On review of Defence's previous correspondence on the Rees James Road rezoning, it appears that our position was not put forward clearly. To clarify, Defence cannot support

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the proposed rezoning given the residential nature and scale of the proposal, it's proximity to RAAF Base Williamtown and the fact that it is subject to aircraft noise; being located partially within the 20-25 ANEF contour. Should Council permit the rezoning, and subsequent development of the land in a manner that is inconsistent with AS2021-2000, Department of Defence will not accept responsibility for any future liabilities.

With respect to the North Raymond Terrace rezoning proposal, whilst the land is situated beyond the 20 ANEF contour, it should not be misinterpreted as being unaffected by aircraft noise. As such, Defence reiterates its previous position that it cannot support the proposed rezoning given the residential nature and scale of the proposal, it's proximity to RAAF Base Williamtown and potential impacts on the land by aircraft noise.

I trust this correspondence clarifies Defence's position. Further information regarding this matter can be directed to Meagan Cousins, Executive Officer External Land Use Planning, on telephone number (02) 6266 8138 or by e-mail on meagan.cousins@defence.gov.au.

Yours sincerely


for **CHRIS BEE**
Assistant Secretary
Strategic Planning and Estate Development

19 October 2005

Cc Department of Planning – Hunter Region



Australian Government
Department of Defence
Defence Support Group

2005/1112532/7
Our ref: AF3937733

Mr David Broyd
Manager Sustainable Planning
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Dear Mr Broyd *David*,

**Re: Draft Amendment to Port Stephens Local Environmental (LEP) 2000
No. 18 – Rees James Road, Raymond Terrace.**

I refer to previous correspondence of 16 March 2010 from Mr Ian Shillington in relation to the above rezoning application. Further to this letter, at our meeting of 29 March 2010, I made an undertaking to provide additional average maximum noise level information to assist Council in its assessment of the rezoning proposal over the land known as "Moxey's" or "Riverview Ridge" (location 8 of the nine 'hotspots' identified by Council). Please find attached maps for the Hawk Lead-In Fighter, the Hornet, and the Joint Strike Fighter with the calculated average maximum noise levels contours.

At the workshop held with Council staff on 29 March 2010, it was noted Location 8 was virtually under the extended runway centreline on the Instrument Landing System approach to RAAF Base Williamtown. For the ILS approach, the workshop also noted there should be a reduction in aircraft noise as one progressed in a north easterly direction across the proposed development site (refer to the Composite 2012-2025 ANEF Hornet ILS and JSF Average Maximum Noise Level maps).

However, as one moves towards the north eastern corner of the proposed development site, the influence of aircraft tracking up Grahamstown Dam or taking off from Runway 30 (towards the west) and doing a right hand turn to the Salt Ash Air Weapons Range (SAWR) produces greater noise levels than those movements coming down the ILS approach.

On an absolute maximum noise level basis, movements departing from Runway 30 to go to the SAWR produce noise levels at the north eastern corner of the site greater than under the ILS approach. However, the average maximum noise levels are lower by reason of the dispersion of aircraft tracks across Grahamstown Dam.

Therefore, both the Hawk and Hornet operations show noise contours that run parallel to the ILS and then approximately perpendicular to the ILS as a result of the mixture of the two flight tracks (refer to Hawk and Hornet Average Maximum Noise Level maps).

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In terms of the former 2012 ANEF contours and for that part of the proposed development site to the south of the 20 ANEF contour (inside the red dotted line on the maps), the maps show that both existing Hornet operations, as described above, and future JSF operations produce very high average maximum noise levels. Previous workshops held with your staff noted that, at these average maximum noise levels, it can be very difficult to achieve the degree of noise controls required to comply with the indoor design sound levels prescribed at Table 3.3 in Australian Standard 2021-2000.

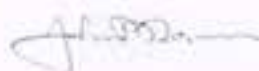
In terms of the 2025 ANEF map, the entire development site would be required to implement noise control measures. On the basis of JSF average maximum noise levels, residential development south of Grid Points 8G and 8H should not occur, again due to the difficulty of achieving the degree of noise controls required to comply with Table 3.3 of AS2021-2000.

On the basis of the composite 2021-2025 ANEF map, as proposed by Council, again one would need to consider noise controls across the entire development site. Such controls would need to take into account the existing Hornet average maximum noise levels, particularly those shown on the map titled "Composite 2012-2025 ANEF Location 8 – Riverview Ridge Hornet Average Maximum Noise Level", as well as JSF average maximum noise levels.

In conclusion, Defence does not recommend that Council support this rezoning for the reasons outlined above. If, however, Council decides to support the rezoning to permit residential development in a manner which would be inconsistent with AS2021-2000, Defence would not accept responsibility for any future liabilities.

I trust this information will be of assistance to you. Should you require additional information or wish to discuss the matter further, please contact Jim Ponton on (02) 6266 8186, or by email at jim.ponton@defence.gov.au.

Yours sincerely

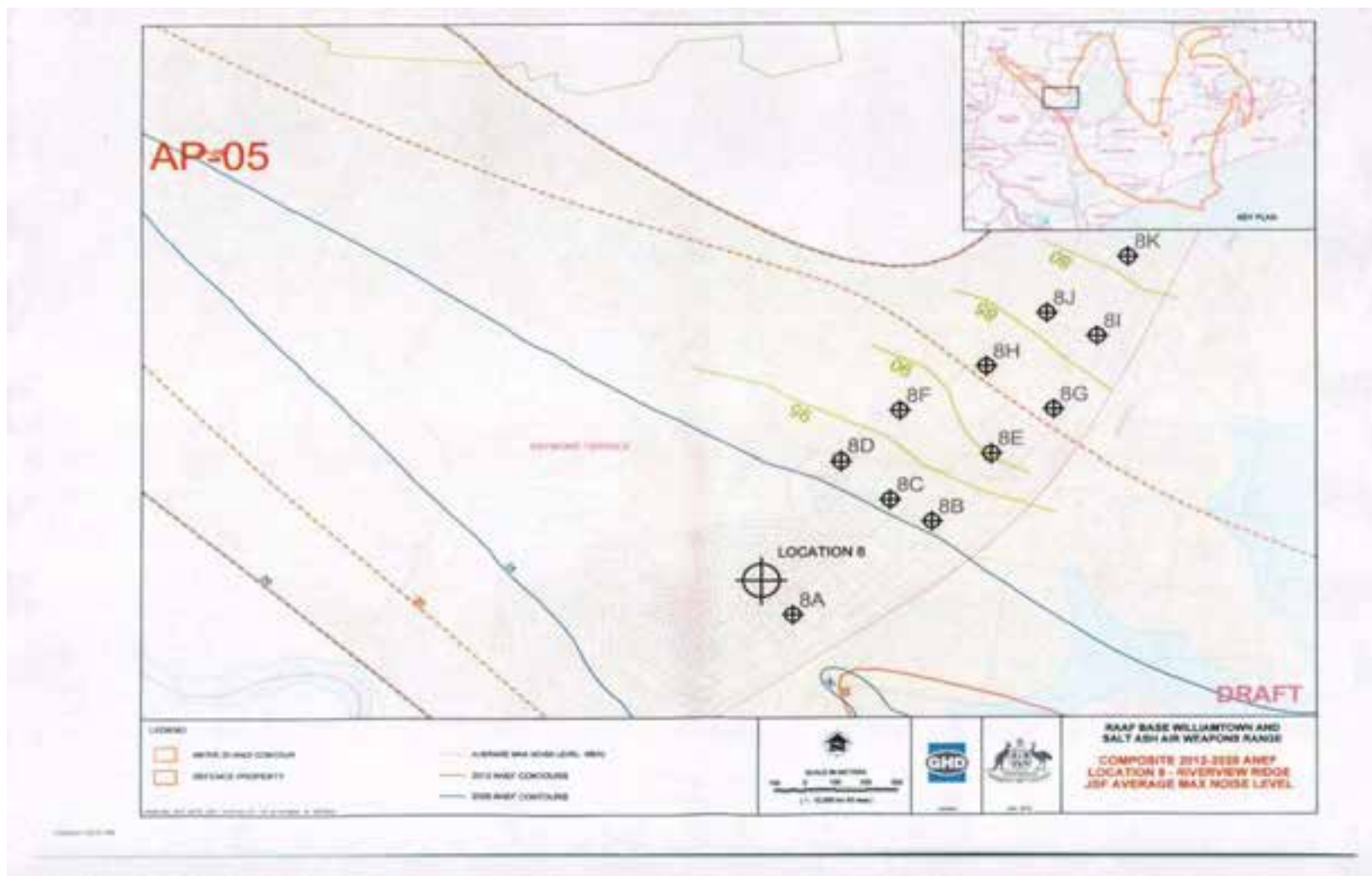


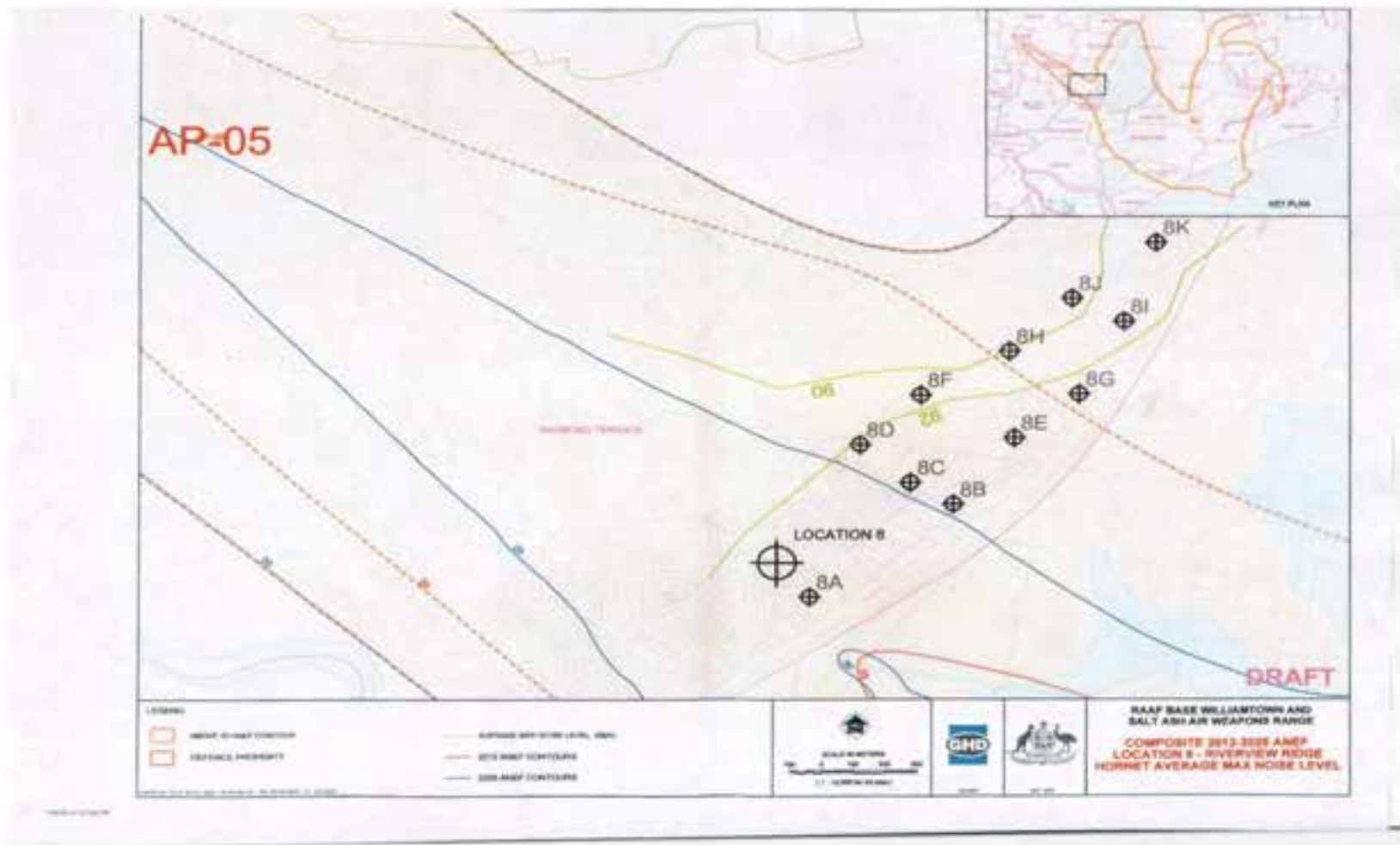
John Kerwan
Director Land Planning & Spatial Information
Department of Defence
BP3-1-A052
Brindabella Park
Canberra ACT 2600

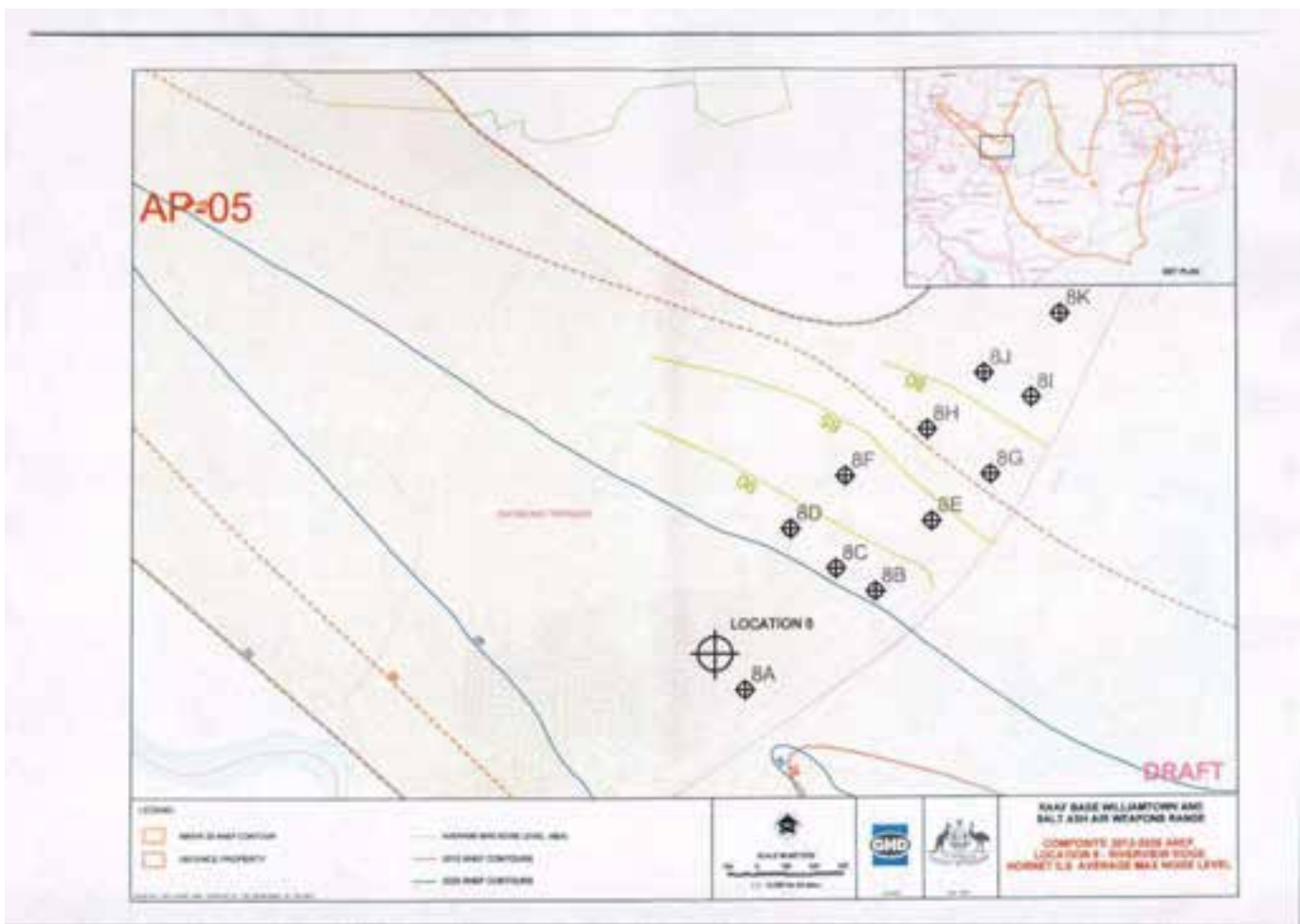
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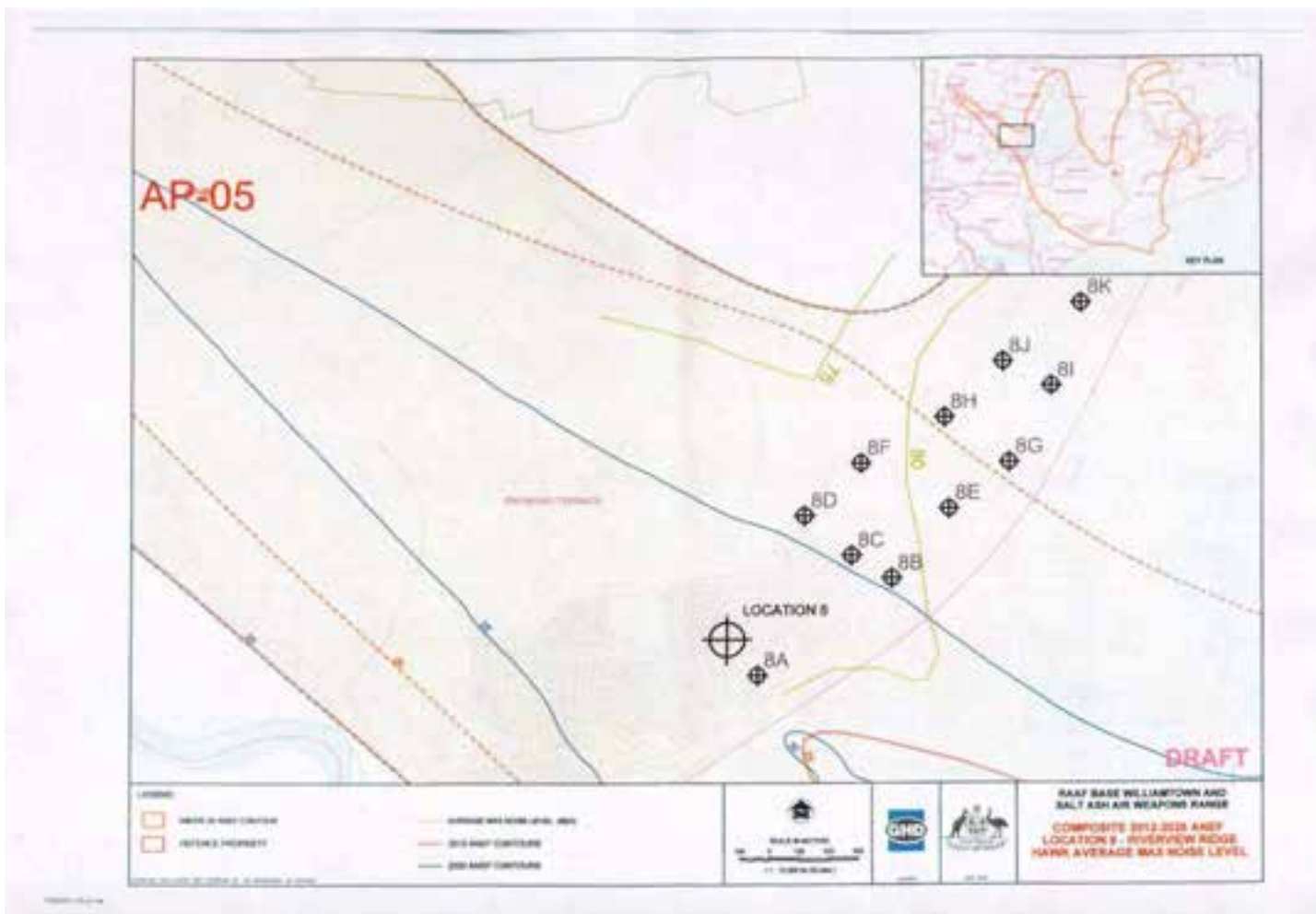
Cc: RD DSO NNSW
Mr Michael Leavey, Regional Director, Hunter Office, NSW Department of Planning

Defending Australia and its National Interest









INFORMATION ITEM NO. 2

ABORIGINAL STRATEGIC COMMITTEE

REPORT OF: BRUCE PETERSEN - ENVIRONMENTAL AND DEVELOPMENT PLANNING,
MANAGER

GROUP: SUSTAINABLE PLANNING

FILE: PSC2005-0629

BACKGROUND

The purpose of this report is to present to Council the minutes of the Aboriginal Strategic Committee meeting held with Worimi Local Aboriginal Land Council on 7 December 2010.

The role of Council's Aboriginal Strategic Committee is:

- 1) To advise Council in relation to issues of concern between Council and the Aboriginal community,
- 2) To promote a positive public image with respect to issues for Aboriginal people in Port Stephens,
- 3) To provide a consultative mechanism with respect to development issues,
- 4) To improve relations between the Aboriginal and non Aboriginal community of Port Stephens,
- 5) To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people,
- 6) To promote mutual awareness and respect for the cultures of both Aboriginal and non Aboriginal communities, and
- 7) To promote an increased awareness of the needs of Aboriginal communities and to assist with the development of programs to address those needs where possible and appropriate.

ATTACHMENTS

- 1) Minutes of Aboriginal Strategic Committee meeting held 7 December 2010.

ATTACHMENT 1



**Aboriginal Strategic
Committee Meeting with
Worimi Local Aboriginal Land
Council**



MINUTES

Minutes of meeting held on 7 December 2010 at Murrook Cultural & Leisure Centre

Acting Chair: Cr Peter Kafer

Minute taker: Paul Procter

Present:

Cr Peter Kafer
Cr Sally Dover
Cr Shirley O'Brien
Andrew Smith
Elaine Larkins
Val Merrick
Paul Procter
Cliff Johnson

Port Stephens Council
Port Stephens Council
Port Stephens Council
Worimi Local Aboriginal Land Council
Worimi Local Aboriginal Land Council
Worimi Local Aboriginal Land Council
Port Stephens Council
Port Stephens Council

Guest Attendees required for specific agenda items:

Chloe Beevers
Kristy Murphy

Port Stephens Council
Port Stephens Council

Apologies:

Cr Bob Westbury
Cr Bruce MacKenzie
Jason Linnane
Jamie Tarrant
Grace Kinsella

Port Stephens Council
Port Stephens Council
Port Stephens Council
Worimi Local Aboriginal Land Council
Worimi Local Aboriginal Land Council

1. WELCOME TO COUNTRY

Val Merrick behalf of Elders past and present welcomed everyone to the land of the Worimi Nation.

2. DECLARATION OF CONFLICTS OF INTEREST

Nil

3. MINUTES OF PREVIOUS MEETING

The minutes of previous meeting held 26 October 2010 were adopted.

4. BUSINESS ARISING FROM PREVIOUS MINUTES

The following items of business arising from the meeting held on 26 October 2010 were discussed:

MINUTES FOR ORDINARY MEETING – 8 MARCH 2011

Item 1: Birbui Point Surf Club Update:

No further news to report at present.

Item 2: Murrook Centre Future Plans:

Council's Recreation Services will be contacting WLALC CEO concerning playground designs and specifications.

WLALC CEO has asked that their request to have a site visit from a member of Development & Building Section to advice on proposed plans be placed on hold due to WLALC reviewing their own plans for the site.

Item 3: Aboriginal Project Fund Update:

Council's Community Development Officer indicated that stage 1 applications closed on 3 December 2010 with four applications received. After discussing the applications it was agreed that these four applicants be invited to proceed to submitting a stage 2 application to be prepared with regard to feedback from Council's Community Development Officer.

Also due to time constraints proposed meeting between WLALC CEO and KLALC CEO and relevant Council Officers to discuss and review guidelines of Council's Aboriginal Projects Fund and the Cultural Projects Fund has not progressed and will be postponed until first quarter of 2011.

Action:	<ol style="list-style-type: none">1. Council's Community Development Officer to advise and invite all stage 1 applicants to prepare and submit a stage 2 application.2. Council's Social Planning Co-ordinator to organise a meeting with the CEOs of KLALC, WLALC and Council's Community Development Officer, and Community Planner Cultural Development to review and amend guidelines of Cultural Project Fund and the Aboriginal Project Fund to ensure clear differentiation between the programs.
---------	---

5. CLOSING THE GAP REPORT

Recent Indigenous Report published by 'Newcastle Herald' has reportedly received significant praise for showcasing work being undertaken in relation to Aboriginal Affairs including Port Stephens. Newcastle Herald is planning to run a second report due to demand and opportunity for local input exists if desired. It was agreed that the Aboriginal Strategic Committee would not submit an article on this occasion; however individual organisations can still approach the paper directly if they wish to still contribute.

6. GRANTS FOR ILLEGAL DUMPING

State Government is currently offering grants to NSW Local Aboriginal Land Councils towards cleaning up illegal dumping activities occurring on their land. WLALC are in the process of preparing a funding submission with in-kind assistance from Council.

7. ABORIGINAL ARTS & CULTURAL STRATEGY

Council's Community Planner – Cultural Development gave an overview of State Governments Aboriginal Arts & Cultural Strategy. They indicated how it aligns with Council's Community Strategic Plan and will provide the opportunity to assist in seeking additional grant funding for various partnership based initiatives.

8. 2011 MEETING SCHEDULE

Next year's meeting schedule for the Aboriginal Strategic Committee has been distributed to all members.

9. GENERAL BUSINESS

Port Stephens Arts & Culture Committee:

Council's Community Planner – Cultural Development mentioned that Council is considering a report on establishment of an Arts & Culture Committee. Subject to the Committee up to two representatives from the Aboriginal Strategic Committee will be invited to join the membership of this new Committee.

Retirement of Committee Member:

Council's Principle Property Adviser who has been a long term member of Council's Aboriginal Strategic Committee indicated that this would be their last meeting before retiring from Council. The whole Committee thanked them for their years of service and wished them well for the future.

Soldiers Point Midden:

Cr Dover mentioned a midden at Soldiers Point which requires works to protect it.

Action:	1. Council's Social Planning Co-ordinator to refer to relevant Council Officer for consideration.
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Proposed Aboriginal Arts & Cultural Exhibition:

Council's Community Planner – Cultural Development indicated opportunity exists to exhibit at Council's mezzanine gallery (Administration Building) during NAIDOC Week 2011.

Local Government Cultural 2011 Awards:

Council's Community Planner – Cultural Development indicated that there is an Aboriginal category under the awards program.

Action:	1. Place this item on agenda for next meeting.
---------	--

10. DETAILS OF NEXT MEETING

1 February 2011 (Special Meeting: Aboriginal Project Fund 1pm at Council's Administration Building) and;

1 March 2011 normal meeting 1pm at Murrook)

INFORMATION ITEM NO. 3

CASH AND INVESTMENTS HELD AT 31 JANUARY 2011

REPORT OF: DAMIEN JENKINS – FINANCIAL SERVICES MANAGER
GROUP: COMMERCIAL SERVICES

FILE: PSC2006-6531

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held at 31 January 2011.

ATTACHMENTS

- 1) Cash and investments held at 31 January 2011.
- 2) Monthly cash and investments balance January 2010 – January 2011.
- 3) Monthly Australian term deposit index January 2010 – January 2011.

ATTACHMENT 1

CASH & INVESTMENTS HELD - AS AT 31 JANUARY 2011

INVESTED WITH	INV. TYPE	CURRENT RATING	MATURITY DATE	AMOUNT INVESTED	% of Total Portfolio	Current Int Rate	Market Value November	Market Value December	Market Value January	Current Mark to Market Exposure
GRANGE SECURITIES										
MAGNOLIA FINANCE LTD 2005-14 "FLINDERS AA"	Floating Rate CDO	NR	20-Mar-12	\$1,000,000	3.98%	6.45%	\$857,000	\$855,000	\$855,000	-\$145,000
NEXUS BONDS LTD "TOPAZ AA-"	Floating Rate CDO		23-Jun-15	\$412,500	1.64%	0.00%	\$278,437	\$274,313	\$274,313	-\$138,187
HERALD LTD "QUARTZ AA"	Floating Rate CDO	matured					\$447,525			
STARTS CAYMAN LTD "BLUE GUM AA-"	Floating Rate CDO	NR	22-Jun-13	\$1,000,000	3.98%	3.08%	\$0	\$0	\$0	-\$1,000,000
HELIUM CAPITAL LTD "ESPERANCE AA+ "	Floating Rate CDO	NR	20-Mar-13	\$1,000,000	3.98%	0.00%	\$0	\$0	\$0	-\$1,000,000
HOME BUILDING SOCIETY	Floating Rate Sub Debt	NR	25-Jul-11	\$500,000	1.99%	5.97%	\$472,265	\$475,060	\$478,235	-\$21,765
GRANGE SECURITIES "KAKADU AA"	Floating Rate CDO	CCC	20-Mar-14	\$1,000,000	3.98%	6.35%	\$354,100	\$332,000	\$369,000	-\$631,000
GRANGE SECURITIES "COOLANGATTA AA" "	Floating Rate CDO	NR	20-Sep-14	\$1,000,000	3.98%	0.00%	\$0	\$0	\$0	-\$1,000,000
TOTAL GRANGE SECURITIES				\$5,912,500	23.54%		\$2,409,327	\$1,936,373	\$1,976,548	-\$3,935,952
ABN AMRO MORGANS										
GLOBAL PROTECTED PROPERTY NOTES VII	Property Linked Note	A+	20-Sep-11	\$1,000,000	3.98%	0.00%	\$932,200.00	\$932,200	\$935,700	-\$64,300
TOTAL ABN AMRO MORGANS				\$1,000,000	3.98%		\$932,200	\$932,200	\$935,700	-\$64,300
ANZ INVESTMENTS										
PRELUDE EUROPE CDO LTD "CREDIT SAIL AAA"	Floating Rate CDO	B	30-Dec-11	\$1,000,000	3.98%	0.00%	\$852,500	\$823,800	\$849,800	-\$150,200
ANZ ZERO COUPON BOND	Zero Coupon Bond	AA	1-Jun-17	\$1,017,876	4.05%	0.00%	\$643,186	\$645,384	\$640,163	-\$377,713
TOTAL ANZ INVESTMENTS				\$2,017,876	8.03%		\$1,495,686	\$1,469,184	\$1,489,963	-\$527,913
RIM SECURITIES										
GENERATOR INCOME NOTE AAA (2011)	Floating Rate CDO		8-Oct-11	\$2,000,000	7.96%	0.00%	\$1,750,000	\$1,760,000	\$1,835,000	-\$165,000
ELDERS RURAL BANK (2011)	Floating Rate Sub Debt		5-Apr-11	\$1,000,000	3.98%	5.62%	\$976,110	\$981,180	\$991,470	-\$8,530
COMMUNITY CPS CREDIT UNION	Term Deposit	N/R	7-Feb-11	\$1,000,000	3.98%	5.85%	\$1,000,000.00	\$1,000,000	\$1,000,000	\$0
SUNCORP METWAY	Term Deposit	A-1	9-Feb-11	\$1,000,000	3.98%	5.57%	\$1,000,000.00	\$1,000,000	\$1,000,000	\$0
TOTAL RIM SECURITIES				\$5,000,000	19.90%		\$3,847,611	\$4,741,180	\$4,826,470	-\$173,530
WESTPAC INVESTMENT BANK										
MACKAY PERMANENT BUILDING SOCIETY	Floating Rate Sub Debt		21-Nov-11	\$500,000	1.99%	6.10%	\$489,025	\$489,990	\$489,990	-\$10,010
TOTAL WESTPAC INV. BANK				\$500,000	1.99%		\$489,025	\$489,990	\$489,990	-\$10,010
CURVE SECURITIES										
RAILWAYS CREDIT UNION	Term Deposit	N/R	9-Feb-11	\$1,000,000	3.98%	5.72%	\$1,000,000.00	\$1,000,000	\$1,000,000	\$0
BANK OF CYPRUS AUSTRALIA LIMITED	Term Deposit	N/R	9-Feb-11	\$1,000,000	3.98%	6.13%	\$1,000,000.00	\$1,000,000	\$1,000,000	\$0
QANTAS STAFF CREDIT UNION	Term Deposit	N/R	7-Mar-11	\$1,000,000	3.98%	6.02%		\$1,000,000.00	\$1,000,000	\$0
TOTAL CURVE SECURITIES				\$3,000,000	11.94%		\$2,000,000.00	\$3,000,000	\$3,000,000	\$0
LONGREACH CAPITAL MARKETS										
LONGREACH SERIES 16 PROPERTY LINKED NOTE	Property Linked Note	A+	7-Mar-12	\$500,000	1.99%	0.00%	\$467,165	\$469,050	\$469,050	-\$30,950
LONGREACH SERIES 19 GLOBAL PROPERTY LINKED NOTE	Property Linked Note	A+	7-Sep-12	\$500,000	1.99%	0.00%	\$447,550	\$449,500	\$449,500	-\$50,500
TOTAL LONGREACH CAPITAL				\$1,000,000	3.98%		\$914,715	\$918,550	\$918,550	-\$81,450

ATTACHMENT 1

COMMONWEALTH BANK										
EQUITY LINKED DEPOSIT	Equity Linked Note	AA	20-Sep-11	\$500,000	1.99%	3.00%	\$488,050	\$487,750	\$489,850	-\$10,150
EQUITY LINKED DEPOSIT ELN SERIES 2	Equity Linked Note	AA	05-Nov-12	\$500,000	1.99%	3.00%	\$474,500	\$475,900	\$474,550	-\$25,450
BENDIGO BANK SUBORDINATED DEBT	Floating Rate Sub Debt	BBB	09-Nov-12	\$500,000	1.99%	6.23%	\$487,890	\$488,365	\$473,580	-\$26,420
BANK OF QUEENSLAND BOND	Bond	BBB+	16-Mar-12	\$1,000,000	3.98%	5.35%	\$1,000,000	\$1,000,000	\$1,000,000	\$0
TOTAL COMMONWEALTH BANK				\$2,500,000	9.95%		\$2,450,440	\$2,452,015	\$2,437,980	-\$62,020
FIG SECURITIES										
TELSTRA LINKED DEPOSIT NOTE	Principal Protected Note		30-Nov-14	\$500,000	1.99%	6.04%	\$459,145	\$459,805	\$459,805	-\$40,195
ING BANK AUSTRALIA LIMITED	Term Deposit	A1	21-Mar-11	\$1,000,000	3.98%	5.78%	\$1,000,000.00	\$1,000,000	\$1,000,000	\$0
TOTAL FIG SECURITIES				\$1,500,000	5.97%		\$1,459,145	\$1,459,805	\$1,459,805	-\$40,195
MAITLAND MUTUAL										
MAITLAND MUTUAL SUB DEBT	Floating Rate Sub Debt	N/R	30-Jun-13	\$500,000	1.99%	6.54%	\$500,000	\$500,000	\$500,000	\$0
MAITLAND MUTUAL SUB DEBT	Floating Rate Sub Debt	N/R	31-Dec-14	\$500,000	1.99%	6.54%	\$500,000	\$500,000	\$500,000	\$0
TOTAL M'LAND MUTUAL				\$1,000,000	3.98%		\$1,000,000	\$1,000,000	\$1,000,000	\$0
FARQUHARSON SECURITIES										
QUEENSLAND POLICE CREDIT UNION	Term Deposit	withdrawn			0.00%		\$500,000	\$500,000		\$0
SQE CREDIT UNION	Term Deposit	withdrawn			0.00%		\$1,000,000	\$1,000,000		\$0
TOTAL FARQUHARSON SECURITIES				\$0	0.00%		\$1,500,000	\$1,500,000	\$0	\$0
TOTAL INVESTMENTS										
				\$23,430,376	93.27%		\$18,498,149	\$19,899,297	\$18,535,006	-\$4,895,370
AVERAGE RATE OF RETURN ON INVESTMENTS						3.57%				
CASH AT BANK										
				\$1,689,512	6.73%	4.70%	\$10,822,057	\$4,175,476	\$1,689,512	\$0
AVERAGE RATE OF RETURN ON INVESTMENTS + CASH						3.65%				
TOTAL CASH & INVESTMENTS				\$25,119,888	100.00%		\$29,320,206	\$24,074,773	\$20,224,518	-\$4,895,370
BBSW FOR PREVIOUS 3 MONTHS						5.05%				

* Lehman Brothers is the swap counterparty to these transactions and as such the deals are in the process of being unwound. No valuation information is available.

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.

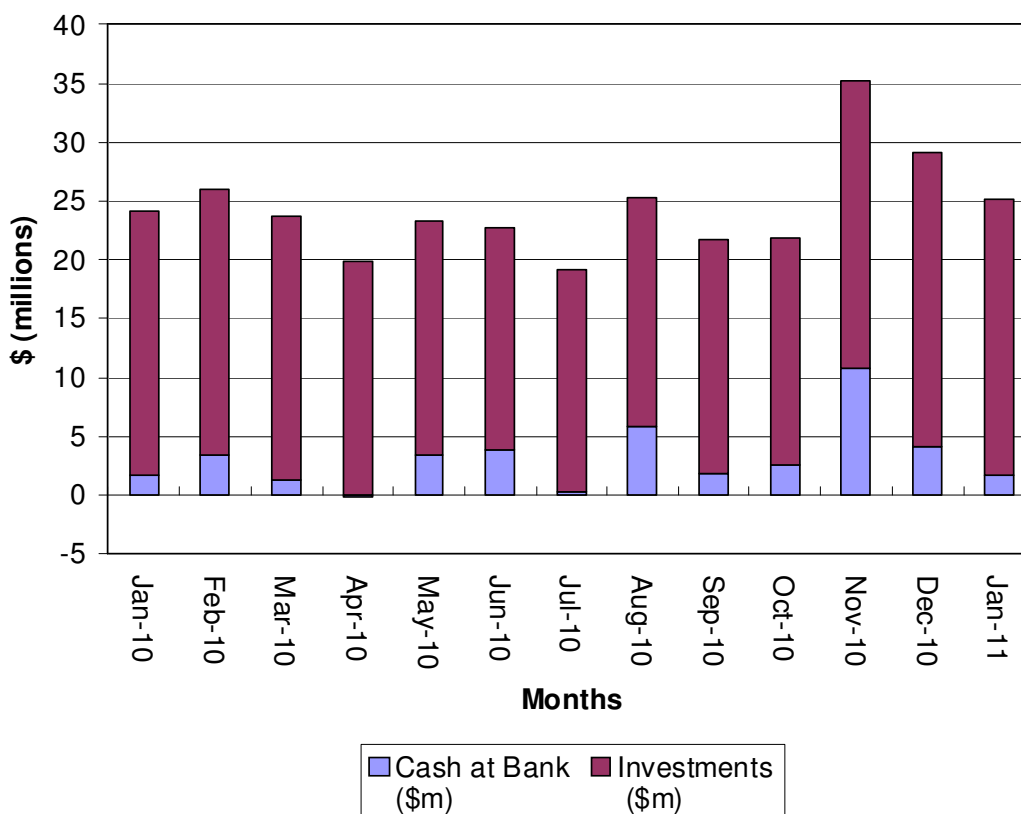
P GESLING

ATTACHMENT 2

Cash and Investments Held

Date	Cash at Bank (\$m)	Investments (\$m)	Total Funds (\$m)
Jan-10	1.670	22.455	24.125
Feb-10	3.489	22.455	25.944
Mar-10	1.311	22.380	23.691
Apr-10	0.206	19.880	19.675
May-10	3.425	19.880	23.305
Jun-10	3.847	18.880	22.728
Jul-10	0.285	18.880	19.165
Aug-10	5.888	19.380	25.268
Sep-10	1.879	19.880	21.759
Oct-10	2.512	19.380	21.892
Nov-10	10.822	24.380	35.202
Dec-10	4.175	24.930	29.106
Jan-11	1.690	23.430	25.120

Cash and Invested Funds for the Period ended 31/01/2011

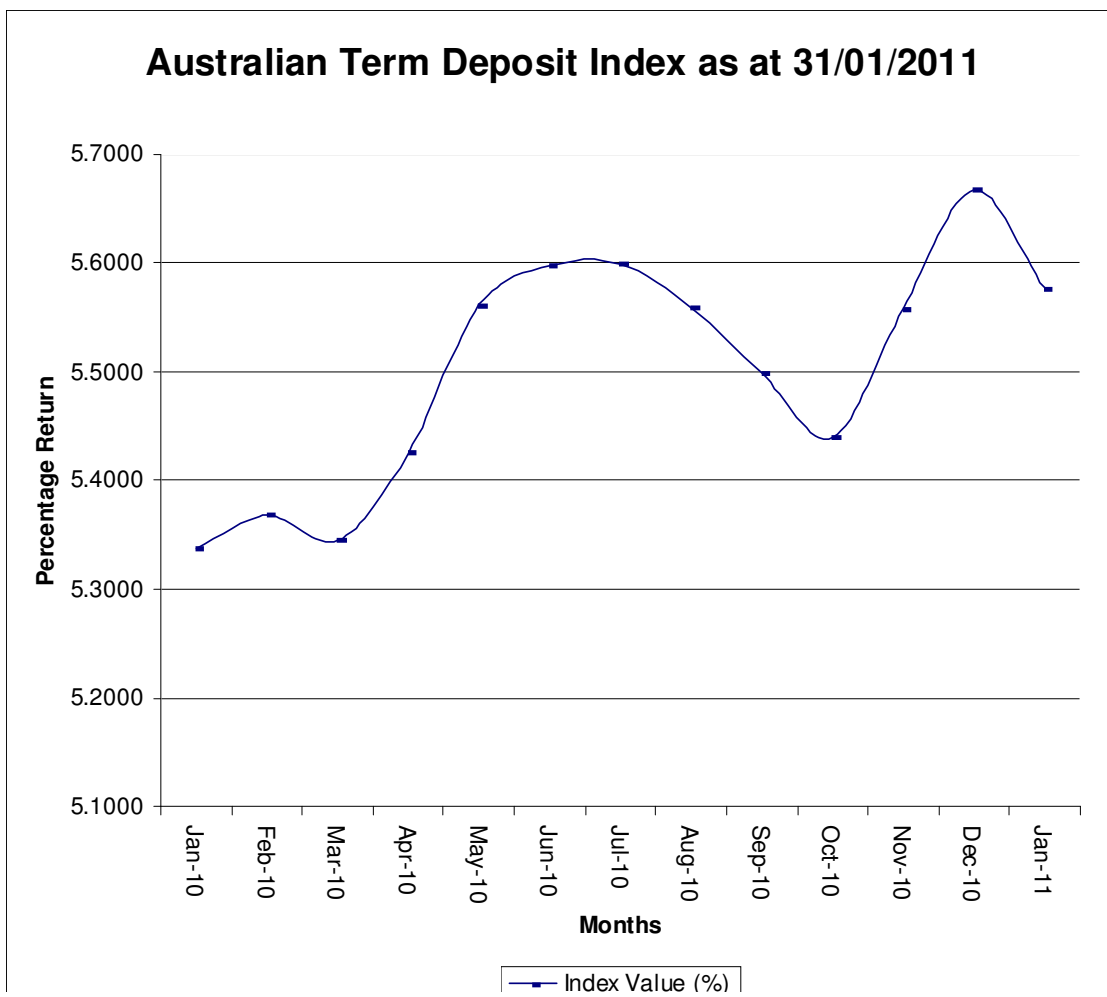


ATTACHMENT 3

Australian Term Deposit Accumulation Index

Date	Index Value (%)
Jan-10	5.3373
Feb-10	5.3685
Mar-10	5.3452
Apr-10	5.4259
May-10	5.5615
Jun-10	5.5974
Jul-10	5.5992
Aug-10	5.5587
Sep-10	5.4991
Oct-10	5.4396
Nov-10	5.5583
Dec-10	5.6675
Jan-11	5.5774

Australian Term Deposit Index as at 31/01/2011



NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217 + PSC2005-3587

FUNDING FOR KARUAH BOAT RAMP

COUNCILLORS: JORDAN, FRANCIS

THAT COUNCIL:

- 1) Allocate West Ward Funds to the value of \$30,000 to enable proposed works at Karuah Boat Ramp to be completed.
-

ORDINARY COUNCIL MEETING – 8 MARCH 2011

069	Councillor Ken Jordan Councillor Caroline De Lyall	It was resolved that Council allocate West Ward Funds to the value of \$30,000 to enable proposed works at Karuah Boat Ramp to be completed.
-----	---	--

BACKGROUND REPORT OF: JASON LINNANE – GROUP MANAGER, FACILITIES AND SERVICES

BACKGROUND

After the completion of stage one of Karuah Boat Launching Ramp, it was decided to seek quotations for two pontoons to complete this project. During the initial investigations and public consultation it became apparent that a dual pontoon system would make the boat ramp far easier to use and safer for the boating public.

At present, the removal of the old ramp and reconstruction of a dual lane ramp as per the attached has been completed at a cost of \$318,000.00. These funds were obtained on a dollar for dollar basis through Council's S94 funds and a Better Boat Program grant from NSW Maritime. This included environmental studies and design work, which were required in the approval process.

The recommended tender price for the supply and installation of the pontoon system is \$180,000.00, this price is currently being held until the March 2011. This can be funded through three different funding streams being –

- NSW Maritime Authority Better Boating Program - \$90,000.00 - Representing 50% funding.
- Sec94 - \$60,000.00 – Representing 35% of funding.
- Additional Council allocation required – \$30,000.00 – 15% of funding.

MINUTES FOR ORDINARY MEETING – 8 MARCH 2011

It is estimated that the full cost of the upgrade for Karuah Boat Ramp will be \$500,000.00, which will be made up of -

- \$250,000.00 BBP grant funding
- \$220,000.00 Sec 94 funding.
- \$30,000.00 of additional funding yet to be allocated.

NOTICE OF MOTION

ITEM NO. 2

FILE NO: A2004-0217 +
PSC2009-01668

FUNDING FOR KARUAH WORKING TOGETHER NEWSLETTER

COUNCILLORS: JORDAN, FRANCIS

THAT COUNCIL:

- 1) Allocate West Ward Funds to the value of \$1,200.00 to the Karuah Working Together Group to produce their newsletter.
-

ORDINARY COUNCIL MEETING – 8 MARCH 2011

070	Councillor Ken Jordan Councillor Peter Kafer	It was resolved that Council allocate West Ward Funds to the value of \$1,200.00 to the Karuah Working Together Group to produce their newsletter.
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Cr Shirley O'Brien left the meeting at 6.51pm due to a significant non-pecuniary conflict of interest and did not return to the meeting.

NOTICE OF MOTION

ITEM NO. 3

FILE NO: A2004-0217

WILLIAMTOWN LAND CONTAINING LOCAL TENNIS COURTS

COUNCILLOR: MACKENZIE

THAT COUNCIL:

- 1) Allow for a report to be prepared on the future management of the land at Williamtown that contains the local tennis courts.
-

BACKGROUND REPORT OF: JASON LINNANE– GROUP MANAGER, FACILITIES AND SERVICES

ORDINARY COUNCIL MEETING – 8 MARCH 2011

071	Councillor Bruce MacKenzie Councillor Caroline De Lyall	It was resolved that Council call for a report to be prepared on the future management of the land at Williamtown that contains the local tennis courts.
------------	--	--

BACKGROUND

The subject land is currently greatly underutilised. It is poorly located, has significant access impediments and lacks supporting infrastructure.

Council currently has a licence with a local cultural group for use of part of the site. This body will be consulted as part of the proposed report.

Licensee: Ako Kotahtanga Maori Cultural Group
Land: Occupy the land being the whole of 2039 Nelson Bay Road Williamtown which is known as Part Lot 37 DP 753192
Premises: Has three buildings
Permitted Use: For recreational and cultural activities
Hours of access: 24 hours
Commencement date of licence: 31 March 2009
Termination date: 30 March 2014
Licence paid in full

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.

ORDINARY COUNCIL MEETING – 8 MARCH 2011

072	Councillor Peter Kafer Councillor John Nell	It was resolved that Council move into Confidential Session.
-----	--	--

CONFIDENTIAL

ITEM NO. 1

FILE NO: PSC2010-05352

MEDOWIE QUARRY

REPORT OF: PETER GESLING - GENERAL MANAGER

GROUP: GENERAL MANAGER'S OFFICE

ORDINARY COUNCIL MEETING – 8 MARCH 2011

075	Councillor John Nell Councillor Steve Tucker	It was resolved that Council endorse the course of action outlined in the report.
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There being no further business the meeting closed at 7.16pm.

I certify that pages 1 to 167 of the Open Ordinary Minutes of Council 8 March 2011 and the pages 168 to 171 of the Confidential Ordinary Minutes of Council 8 March 2011 were confirmed by Council at its meeting held on 22 March 2011.

.....
Cr Bob Westbury
MAYOR