

DRAFT

Minutes 25 July 2006



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 25 July 2006, commencing at 5.35pm.

PRESENT:

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

594	Councillor Westbury Councillor Nell	It was resolved that leave of absence be granted to Cr Westbury from 17 August 2006 to 7 September 2006.
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595	Councillor Jordan Councillor Swan	Resolved that the minutes of the Ordinary meeting of Port Stephens Council held on 27 June 2006 & 11 July 2006 be confirmed.
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MAYORAL MINUTES

MAYORAL MINUTE

ITEM NO. 1

FILE NO: A2004-0216/ PSC 2006-0022

MOTION TO CLOSE COUNCIL MEETING TO THE PUBLIC

That pursuant to section 10A(2)(g) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Mayoral Minute No. 1 on the Ordinary agenda namely Tannous V Port Stephens Council, Land and Environment Court Proceedings No. 11595 of 2005, 80 Government Road, Nelson Bay

- 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 report and the minutes of the closed part of the meeting remain confidential until the matter is settled.

ORDINARY MEETING OF COUNCIL – 25 JULY 2006

RESOLUTION:		
596	Councillor Hodges Councillor Francis	It was resolved that the recommendation be adopted.

MAYORAL MINUTE

ITEM NO. 2

FILE NO: A2004-0216/PSC2006-1682

ELECTORAL BOUNDARIES

THAT COUNCIL:

Tender a submission in the terms referred to in the background of this Mayoral Minute, to the Australian Electoral Commission objecting to the proposed redistribution of Federal Electoral Boundaries.

ORDINARY MEETING OF COUNCIL – 25 JULY 2006

RESOLUTION:		
597	Councillor Baumann Councillor Francis	It was resolved that the recommendation be adopted.

Councillors Francis and Baumann called for a division.

Those for the motion: Crs Brown, Francis, Jordan, Hodges, Tucker, Swan, Dingle, Nell, Westbury, Robinson, Dover and Baumann

Those against the motion: Nil

Carried unanimously.

BACKGROUND

The Australian Electoral Commission (AEC) has exhibited for public comment proposed fresh Federal Electoral Boundaries. If adopted as proposed, the changes would see Raymond Terrace, Williamtown and that part of Port Stephens south to the Hunter River included in the Federal seat of Newcastle. Currently this part of the Port Stephens Local Government Area is wholly part of the Paterson Federal Electorate.

The AEC has invited written objections to the proposal closing 6:00 pm Friday 28th July, 2006.

In making the proposed redistribution the Federal Redistribution Committee is obliged to give consideration to the following:

- 1) community of interests within the proposed Electoral Division, including economic, social and regional interests
- 2) means of communication and travel within the proposed Electoral Division

3) the physical features and area of the proposed Electoral Division

Analysis of the electoral boundary maps and the census collector district enrolment data, indicates that it would be possible to retain the southern portion of the Port Stephens Local Government Area within the Federal Electorate of Paterson by expanding the Federal Electorate of Newcastle north/west into the Maitland Local Government Area.

That is to say, remove a corresponding number of electors out of the proposed Paterson Electorate into Newcastle and that number of electors out of Newcastle into Paterson.

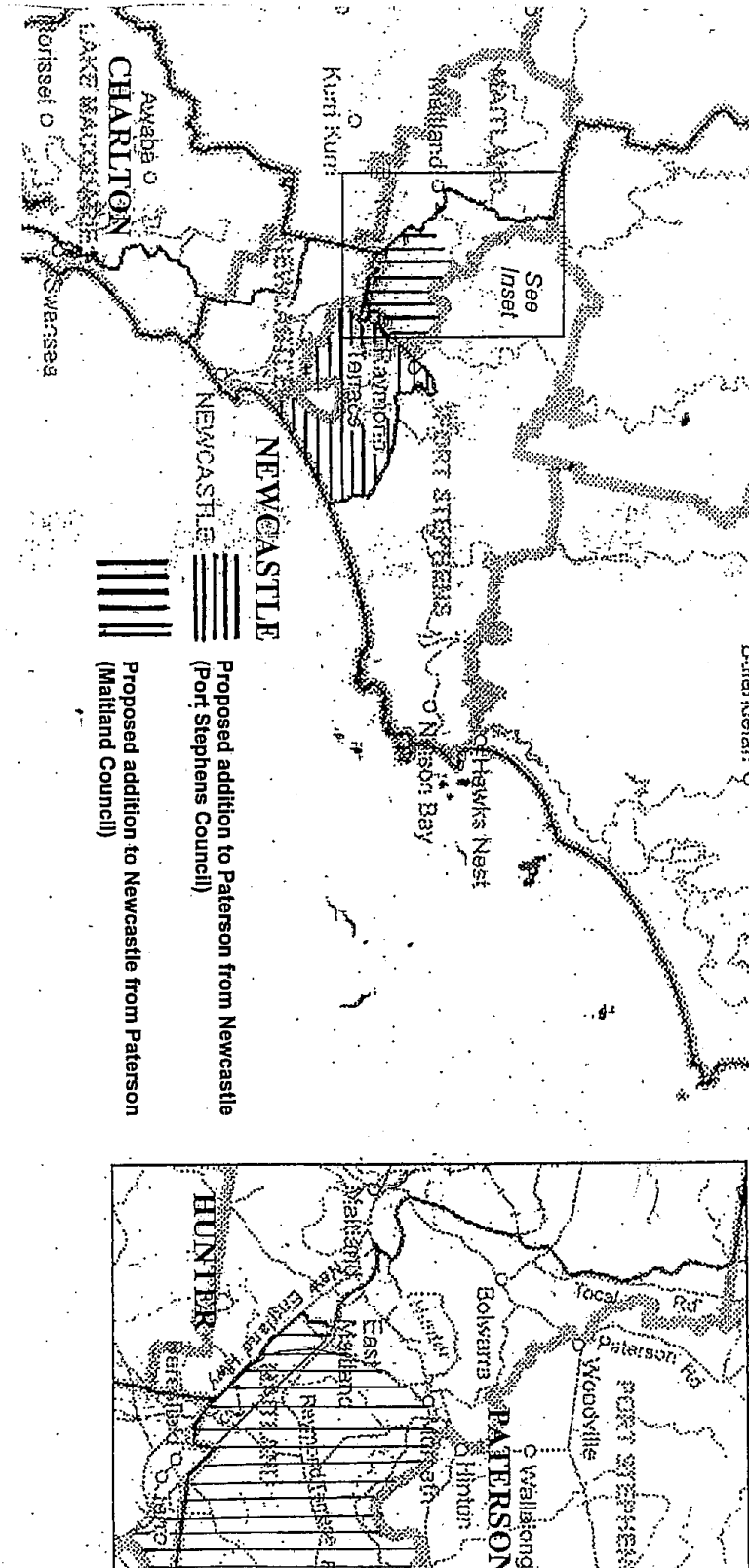
In terms of the above consideration, reasons for including more of the south east area of the Maitland LGA in the Newcastle Electorate include:

- a) The Hunter River is the natural northern boundary of the Newcastle Electorate from, say, Morpeth downstream to the Newcastle Harbour and Fullerton Cove
- b) The identification of Newcastle, after Maitland, as the nearest regional city for this part of the Maitland LGA
- c) This is also supported by the apparent premise in the proposed boundaries that there is no particular affinity between this area – on the west of the river - and the next nearest population centre on the east, Raymond Terrace. Conversely, the argument can be strongly put that, as the administrative centre of Port Stephens, Raymond Terrace has a strong affinity with Williamtown and the Tilligerry and Tomaree Peninsula's via Richardson and Nelson Bay Roads
- d) The more direct and stronger community of interest of the south east area of Maitland is to Newcastle by multiple continuous connections of the river, the New England Highway and the Great Northern rail line. This appears a stronger case than saying that Raymond Terrace and Williamtown have an affinity with Newcastle. Neither Raymond Terrace nor Williamtown have a rail connection. Both rely on bridges to cross the Hunter to get to Maitland and Newcastle.

Attachment 1

Proposed Electoral Boundary Changes

ATTACHMENT 1



Councillor Robinson declared an interest and left the meeting at 5.41pm.

RESOLUTION:		
598	Councillor Jordan Councillor Hodges	It was resolved that the Rescission Motion – item 2 be brought forward and dealt with.

RESCISSION MOTIONS

RESCISSION MOTION

ITEM NO. 2

FILE NO: A2004-0523/16-2006-246

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

COUNCILLOR: ROBINSON, DOVER, HODGES, TUCKER

That Council rescind its decision of 27th June, 2006 on Item 3 of the Ordinary Report, namely Development Application for Home Employment at No. 774 Marsh Road, Bobs Farm

ORDINARY MEETING OF COUNCIL – 25 JULY 2006

MOTION:		
	Councillor Dover Councillor Swan	That Council rescind its decision of the 27 June 2006, on Item 3 of the Ordinary Meeting, namely development application for Home Employment at No. 774 Marsh Road, Bobs Farm.

On being put the motion was lost.

Councillors Dover and Baumann called for a division.

Those in favour of the motion: Crs Jordan, Hodges, Tucker, Swan and Dover.

Those against the motion: Crs Baumann, Brown, Francis, Dingle, Nell and Westbury

BACKGROUND

ITEM NO. 1

FILE NO: 16-2006-246

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

AUTHOR: (PLANNING CONSULTANT)

RECOMMENDATION IS THAT COUNCIL:

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

1. The development is inconsistent with the objectives of the1 (a) Rural Agriculture Zone pursuant to Port Stephens Local Environmental Plan 2000.
2. The development is inconsistent with the requirements of Development Control Plan PS

ORDINARY MINUTES – 25 JULY 2006

No 5 “Home Employment Guideline.

3. The development is considered out of character with the immediate locality and will detract from the rural setting and residential amenity.
4. The development poses an unacceptable acoustic impact because of the activities associated with the Engineering Contracting business and proposed operating hours of the Earth Moving Business.
5. The development poses an unacceptable social impact on properties in the locality.
6. The development is contrary to the public interests and expectations, of an orderly and predictable environment.

OPERATIONS COMMITTEE MEETING – 15 June 2006

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

ORDINARY MEETING OF COUNCIL – 27 JUNE 2006**RESOLUTION:**

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

Those in favour of the motion: Crs Brown, Francis, Dingle, Nell, Westbury, Baumann

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

The Mayor, Cr Baumann used his casting vote.

Councillor Robinson returned to the meeting at 6.25pm.

MOTIONS TO CLOSE

ITEM NO. 1**FILE NO: A2004-0573****MOTION TO CLOSE MEETING TO THE PUBLIC****AUTHOR: BUSINESS PAPER CO-ORDINATOR**
-----**RECOMMENDATION:**

- 1) That pursuant to section 10A(2)(g) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 (General Manager's Report) on the Ordinary agenda namely **Notice of Motion – Melaleuca Estate Action Plan.**
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include advice concerning litigation, or 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 Notice of Motion, the minutes and discussion of the closed part of the meeting remain confidential until the matter is settled.

ORDINARY MEETING OF COUNCIL – 25 JULY 2006

RESOLUTION:		
599	Councillor Robinson Councillor Brown	It was resolved that the recommendation be adopted.

OPERATIONS COMMITTEE RECOMMENDATIONS

ORDINARY MINUTES – 25 JULY 2006

Councillor Baumann declared a non pecuniary interest and left the meeting 6.26pm.
Councillor Swan Chaired the meeting in the absence of Councillor Baumann.
Councillors Hodges and Dover left the meeting at 6.26pm.

RESOLUTION:

600	Councillor Francis Councillor Brown	It was resolved that Council move into a Confidential session.
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Councillor Dover returned to the meeting at 6.30pm.
Councillors Hodges returned to the meeting at 6.32pm.

RESOLUTION:

601	Councillor Francis Councillor Brown	It was resolved that Council move into Committee of the Whole to discuss the following item.
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ITEM NO. 1

FILE NO: 16-2005-757-1

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

REPORT OF: SCOTT ANSON – MANAGER DEVELOPMENT & BUILDING

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2005-757-1 for the following reasons:
 - 1) The proposed subdivision is inconsistent with the provisions and objectives of Port Stephens Local Environmental Plan 2000 and is prohibited by clause 12, clause 13 and clause 14 of Port Stephens LEP.
 - 2) Insufficient information has been submitted to assess the likely environmental impacts of the proposed rural industry.

This report was considered at the March 2006 and it was resolved that:

“Determination of DA 16-2005-757-1 be deferred subject to NSW Rural Fire Service concurrence with the conditions of consent and Rural Fire Service comments reported back to Council for determination.”

The NSW Rural Fire Service advice was received on 5 June 2006, granting a Bushfire Safety Authority under Section 100B of the Rural Fires Act 1997, with no specific conditions.

The original report from March 2006 is reproduced for determination below.

ORDINARY MINUTES – 25 JULY 2006

RECOMMENDATION: That this matter be deferred to the Ordinary Council meeting in July following a site inspection.

MATTER ARISING:

RECOMMENDATION: That Council conduct a workshop to consider amendments to the LEP (2000) following circulation of a discussion paper by the Group Manager, Sustainable Planning.

ORDINARY MEETING OF COUNCIL – 25 JULY 2006

RESOLUTION:

602	Councillor Francis Councillor Nell	It was resolved that Council move out of Committee of the Whole
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RESOLUTION:

603	Councillor Francis Councillor Nell	It was resolved that Council move out of Confidential session.
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RESOLUTION:

604	Councillor Jordan Councillor Tucker	<p>It was resolved that Council approve the development application for a two lot subdivision, erection of a shed and rural industry proposed at No. 44 Ralstons Road, Nelsons Plains, subject to conditions of consent provided in Schedule 4 of the Supplementary Information provided at the March Ordinary meeting of Council, which is shown below</p> <p><u>SCHEDULE 4</u></p> <p>The conditions to approval are made in accordance with Section 80A of the Environmental Planning and Assessment Act, 1979; and are consistent with the aims and objectives of: Council's Tree Preservation Order; and the provisions of the Port Stephen's Local Environmental Plan 2000 and ensure compliance with the Local Government Act and Building Code of Australia.</p>
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Councillor Baumann returned to the meeting at 7.21pm.

BACKGROUND

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

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

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

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

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

LINKS TO CORPORATE PLANS

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

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL AND POLICY IMPLICATIONS

The development application is inconsistent with Council's Policy.

Australian Business Excellence Framework

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

- 8) Effective use of facts, data and knowledge leads to improved decisions
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

There are no social implications.

ECONOMIC IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

Insufficient information has been supplied to assess potential environmental implications.

CULTURAL IMPLICATIONS

There are no Aboriginal or European Cultural Heritage implications.

CONSULTATION

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

OPTIONS

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

ATTACHMENTS

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

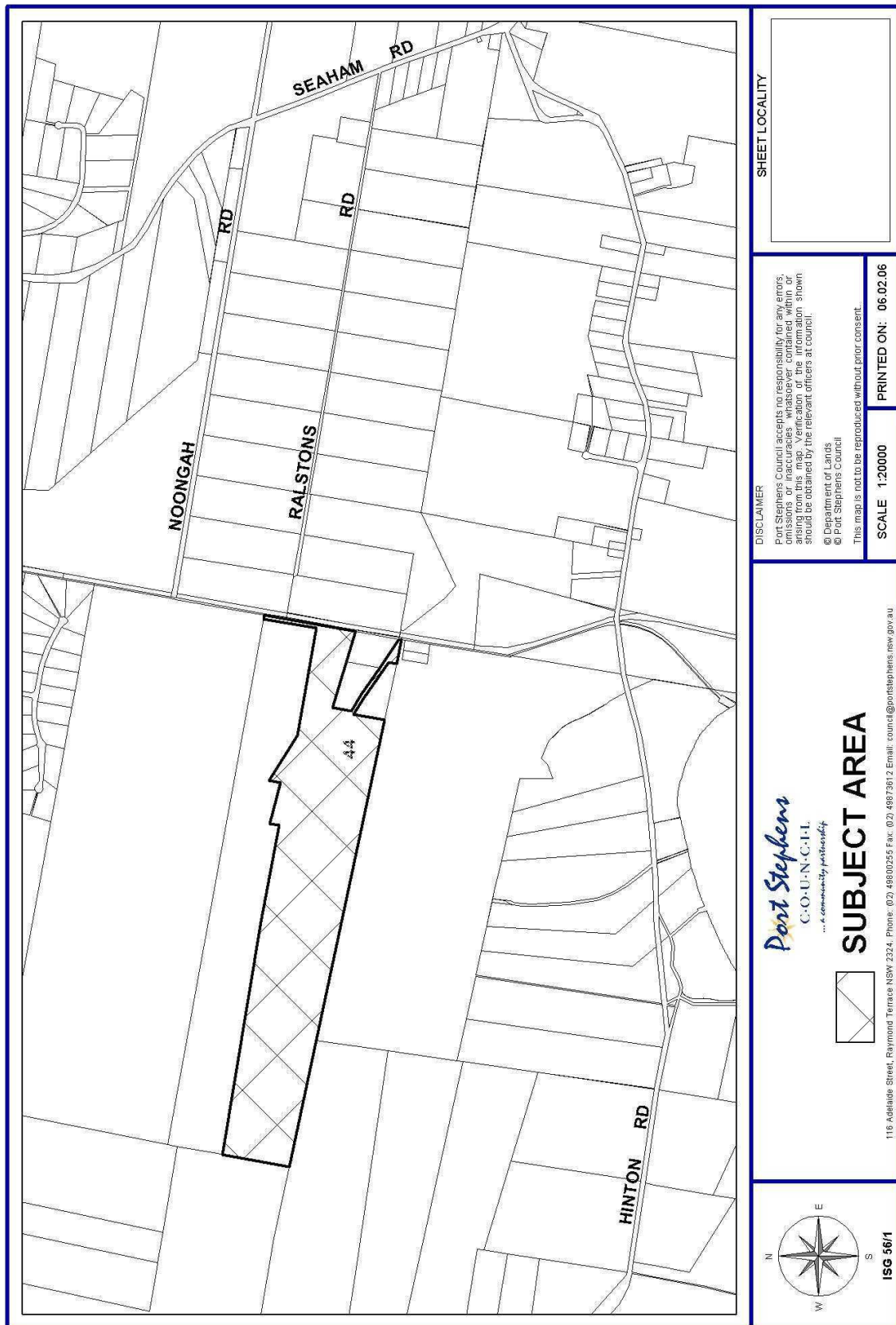
COUNCILLORS ROOM

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

TABLED DOCUMENTS

Nil

ATTACHMENT 1 LOCALITY PLAN



**SUBDIVISION PLAN
ATTACHMENT 3
ASSESSMENT**

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

THE PROPOSAL

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

THE APPLICATION

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

THE LAND

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

THE ASSESSMENT

1. Planning Provisions

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

LEP 1987

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

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

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

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

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

LEP 2000

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

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

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

Existing Use Rights

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

In addition, a person claiming existing use rights must establish (amongst other things) that the dwelling had 'lawful commencement and continuance of use' as defined under the *Environmental Planning and Assessment Act 1979* (EP & A Act). No information has been provided regarding whether the dwelling house was lawfully constructed or whether it has been continually used and not abandoned as defined under the EP & A Act.

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

2. Likely Impact of the Development

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

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

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

3. Suitability of the Site

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

The Department of Primary Industries (DPI) provided general comments regarding the proposal. The DPI noted that 'boutique' farming enterprises have a high failure rate in the first couple of years and that there is a danger during this time of the use being abandoned

and the lot sold as a rural residential lot. In this event, the DPI raises concerns regarding precedent and whether others could apply to subdivide on the basis of having two dwellings and an intent to develop a new specialist enterprise. The DPI's view is that generally small lots with residences are inappropriate in rural grazing areas and that the continued creation of such lots is likely to create additional expectations that rural residential development of the area is appropriate, increase land prices, may limit future agricultural development options and make agricultural production less sustainable.

Comment

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

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

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

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

4. Submissions

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

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

Comment

The applicant estimates that the lavender farm would require the use of a small, enclosed, rigid truck for the distribution of lavender and lavender based products that would involve no more than two vehicle movements per day (one in and one out). This amount of traffic is not considered excessive or beyond the capacity of the existing road network to accommodate. It is important to note that the use of the land for agricultural activities does not require the consent of Council. While the use of the proposed shed for a rural industry (processing and packaging lavender products) requires consent from Council, as previously stated the likely increase in traffic from this use is not considered excessive.

5. Public Interest

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

6. Conclusion

The subdivision as proposed in the development application is prohibited under Clause 12 of LEP 2000. Should Council approve the development application as submitted it would be open to legal challenge. In order to comply with the LEP, prior to the subdivision being approved, the agricultural use of the proposed lot should be established and the use of the dwelling house permitted as a manager's residence only. Alternatively, the proposed lot for the lavender farm should be located so that it does not contain one of the existing dwelling houses.

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

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

ITEM NO. 2

FILE NO: 16-2004-1709-1

**DEVELOPMENT APPLICATION FOR A SINGLE STORY DWELLING
AT NO. 26 REFLECTIONS DRIVE, ECHO BEACH ESTATE ONE MILE
– SECTION 82A REVIEW**

REPORT OF: SCOTT ANSON – MANAGER DEVELOPMENT & BUILDING

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2004-1709-1 subject to the conditions contained in Attachment 4.
- 2) Encourage a 6 metre building line for all lots fronting Reflections Drive and Echo Place within the Echo Beach Estate.

OPERATIONS COMMITTEE MEETING – 11 July 2006

RECOMMENDATION: That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 25 JULY 2006

RESOLUTION:

605	Councillor Hodges Councillor Tucker	It was resolved that the Operations Committee recommendation be adopted.
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Councillor Jordan left the meeting at 7.21pm and returned to the meeting at 7.24pm.

Councillor Dover left the meeting at 7.22pm and returned to the meeting at 7.23pm.
Councillor Hodges left the meeting at 7.30pm and returned to the meeting at 7.32pm.
Councillor Francis left the meeting at 7.32pm and returned to the meeting at 7.34pm.
Councillor Tucker left the meeting at 7.34pm and returned to the meeting at 7.39pm.
Councillor Jordan left the meeting at 7.35pm and returned to the meeting at 7.39pm.

BACKGROUND

The purpose of this report is to present a Section 82A Review to Council for determination.

The proposal is seeking development consent for the construction of a single storey dwelling on an allotment within the Echo Beach Estate at One Mile. The subject land is zoned 7(f3) Environmental Protection (Urban Conservation). Council refused Development Application 16-2004-1709-1 at its meeting on 28 June 2005.

Council refused the proposal on the following grounds:

1. The proposed development is inconsistent with objectives (a) and (c) of the 7(f3) Environmental Protection zone.
2. The proposed landfill is considered excessive
3. The applicant has failed to demonstrate that the proposed development will not adversely impact on the identified habitat of the threatened Wallum Froglet
4. The proposed development is not in the public interest

The applicant has requested a Section 82A review of Council's determination. The applicant has submitted the following additional information:

- Flora and Fauna Impact Assessment by Ecotone Ecological Consultants Pty Ltd
- Acid Sulfate Soils Assessment by Coffey Geosciences Pty Ltd
- Bushfire Assessment Report prepared by Fagan Mather Duggan Pty Ltd

The consultant reports respond to the reasons for refusal and the outstanding issue of bushfire management and recommend that the proposal be supported subject to conditions of consent.

Flora and Fauna Impact Assessment

Council engaged Wildthing Environmental Consultants to undertake an independent peer review of the flora and fauna impact report. The purpose of the peer review was to ensure scientific rigour and compliance with the provisions of the Threatened Species Conservation Act 1995 - specifically, the Eight Part Test for Threatened Species and Endangered Ecological Communities.

Wildthing agrees with the report's conclusions that the filling of an extra 6 metres of Lot 17 alone will not constitute a significant impact on the threatened species and endangered ecological community through the loss of habitat or through the isolation of presented connected areas of habit. Taking into account the effect of this proposal setting a precedent for adjoining Lots, and even applying the precautionary principle, I am not led to the conclusion that the refusal of this application can be supported on purely ecological grounds. The recommendations of the flora and fauna impact assessment have been included as conditions of consent (refer 41).

Acid Sulfate Assessment

In respect to the Acid Sulfate Assessment undertaken by Coffey Geosciences Pty Ltd, the report notes the potential for acid sulphate soil and recommends remediation measures to minimise any adverse environmental impact. Subject to compliance with the remediation measures listed in the report, it is considered that the proposed works will not result in a significant detrimental environmental impact resulting from excavation works associated with this proposal. The recommendations of the report have been included as conditions of consent (refer 40) and satisfy the provisions of the Section 88B instrument applying to the subject land.

Bushfire Assessment

The subject land is identified as bushfire prone land. The applicant has submitted a bushfire report addressing the requirements of Section 79BA of the Environmental Planning and Assessment Act 1979. The application was referred to the NSW Rural Fire Service for advice in respect to bushfire matters and the Service recommends the following conditions:

1. Construction of the southern elevations shall comply with Level 2 (AS3959-1999) and construction of the remaining elevations shall comply with Level 3 (AS3959-1999) "Construction of Buildings in Fire Prone Areas".
2. The developed portion of the property shall be managed as an "Inner Protection Area" as outlined within Section 4.2.2 in Planning for Bushfire Protection 2001.

Reasons for Refusal

Based on the additional information submitted and proposed development conditions, the proposed development is now considered consistent with objectives (a) and (c) of the 7(f3) Environmental Protection zone. Proposed development conditions addressing ecological values and inherent physical constraints will ensure the protection of the environment and ensure that the development does not have an adverse effect on sensitive ecosystems and their buffer areas. The applicant has demonstrated that the proposed additional landfill will not compromise the identified habitat of the threatened Wallum Froglet on this site.

The applicant has submitted additional information addressing the reasons for refusal and proposed development conditions to minimise any adverse environmental impacts associated with this proposal. The submission of this information has enabled a thorough assessment of the proposal to be undertaken by the consent authority, in turn allowing consideration of the public interest provisions contained in the Environmental Planning Act.

Echo Beach Estate - Anticipated Development Pattern & Streetscape

The current application and Section 82A Review has promoted a review of the anticipated development pattern and streetscape outcomes for this subdivision. The original subdivision was refused by Council in 1999 and subsequently approved by the Land & Environment Court in 2000. The legacy of this Court decision is evident in the difficulties encountered in the assessment of applications within this subdivision seeking to balance development and environmental expectations including, but not limited to:

- recent changes to bushfire legislation requiring managed buffer areas;
- the need to preserve threatened species habitat and corridors; and
- the need to import substantial quantities of landfill to establish usable and healthy building sites.

When the above issues are combined with landowners' expectations to construct a functional dwelling and optimise the use of the land, balancing these objectives is proving increasingly difficult.

As a result it is recommended to relax the 12 metre building line and establish a 6-metre minimum frontage building setback for Reflections Drive and Echo Place. Applying the current 12 metre building line results in buildings being pushed towards a potential bushfire hazard, which in turn places increased building pressure on habitat areas generally situated towards the rear half of the lots. By encouraging dwellings to be located generally within 6

metres of the front property boundary, this initiative will assist to balance the development and environmental outcomes within this subdivision. The potential negative impact is that the envisaged streetscape will not be realised.

In respect to the current proposal on Lot 17 DP 1070133 the applicant is seeking a front setback in excess of 23 metres to facilitate a circular driveway entry to the property. Consideration has been given to reducing the setback, however the applicant has demonstrated that the proposed siting of the dwelling and ancillary structures will not have a detrimental impact on the environment and can satisfy bushfire requirements. The combination of a formal circular driveway entry at the intersection of Reflections Drive and Echo Place may serve to accentuate the streetscape and provide a focal point in this location.

Conclusion

The applicant has submitted additional information responding to Council's reasons for refusal. The applicant has demonstrated through the Section 82A Review process that the proposal will not result in a detrimental environmental impact and the application is recommended for approval subject to development conditions.

LINKS TO CORPORATE PLANS

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

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL AND POLICY IMPLICATIONS

The development application is consistent with Council's Policy.

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

- 8) Effective use of facts, data and knowledge leads to improved decisions
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The proposal is unlikely to have any adverse social impacts

ECONOMIC IMPLICATIONS

The proposal is unlikely to have any adverse economic implications

ENVIRONMENTAL IMPLICATIONS

The proposal has addressed environmental considerations identified in the Section 88B instrument applying to the subject land. The proposal is unlikely to have any adverse environmental implications subject to strict compliance with development conditions.

CONSULTATION

The applicant has requested a Section 82A Review. Notification of the proposal was not required in this instance.

OPTIONS

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

ATTACHMENTS

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

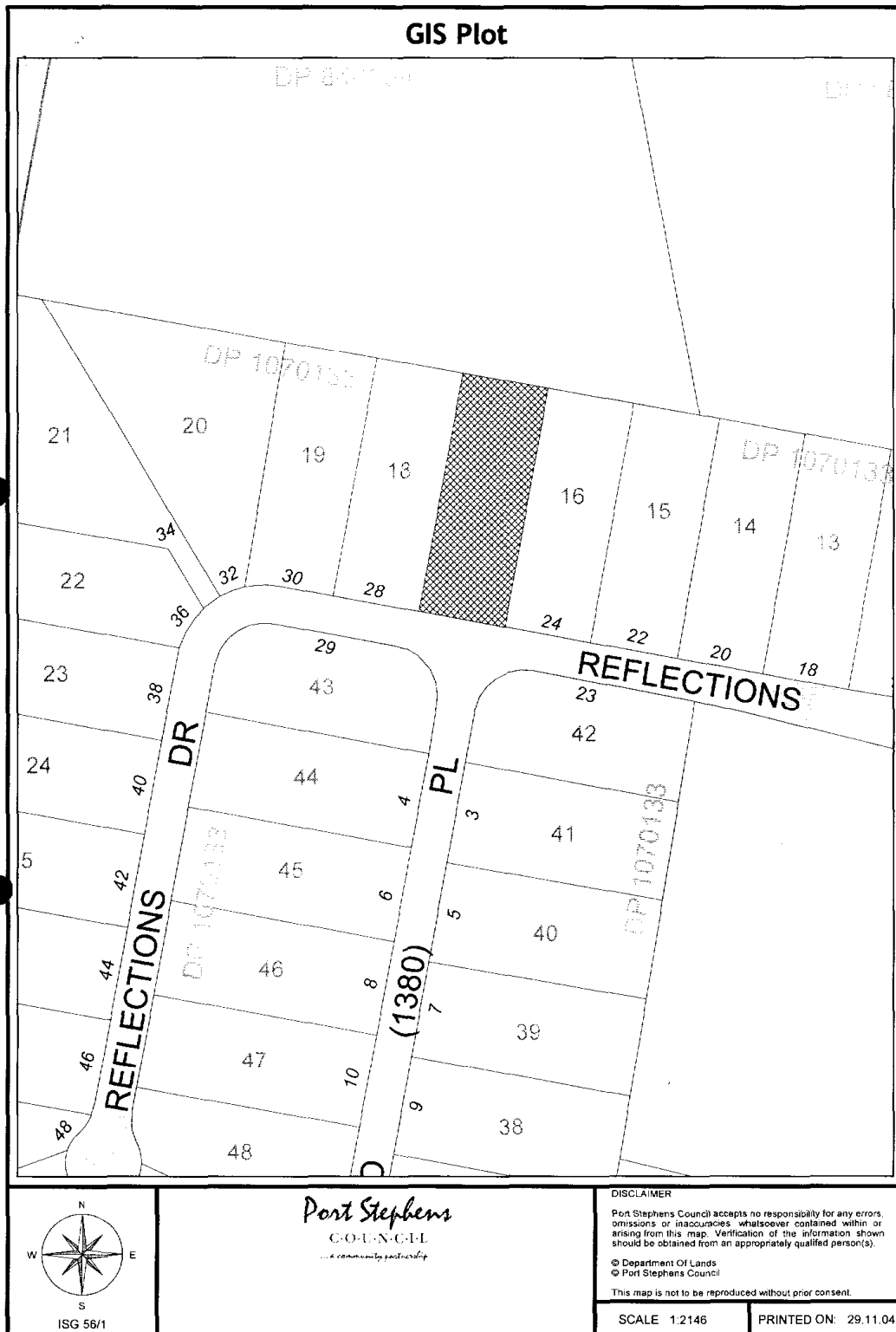
COUNCILLORS ROOM

- 1) Statement of Environmental Effects
- 2) Plans
- 3) Flora and Fauna Impact Assessment by Ecotone Ecological Consultants Pty Ltd
- 4) Acid Sulfate Soils Assessment by Coffey Geosciences Pty Ltd
- 5) Bushfire Assessment Report prepared by Fagan Mather Duggan Pty Ltd
- 6) Review of Flora and Fauna Assessment by Wildthing Environmental Consultants Pty Ltd
- 7) Previous Council Reports
- 8) Supplementary Information dated 28 June 2005, 17 June 2005, 18 May 2005 & 10 May 2005

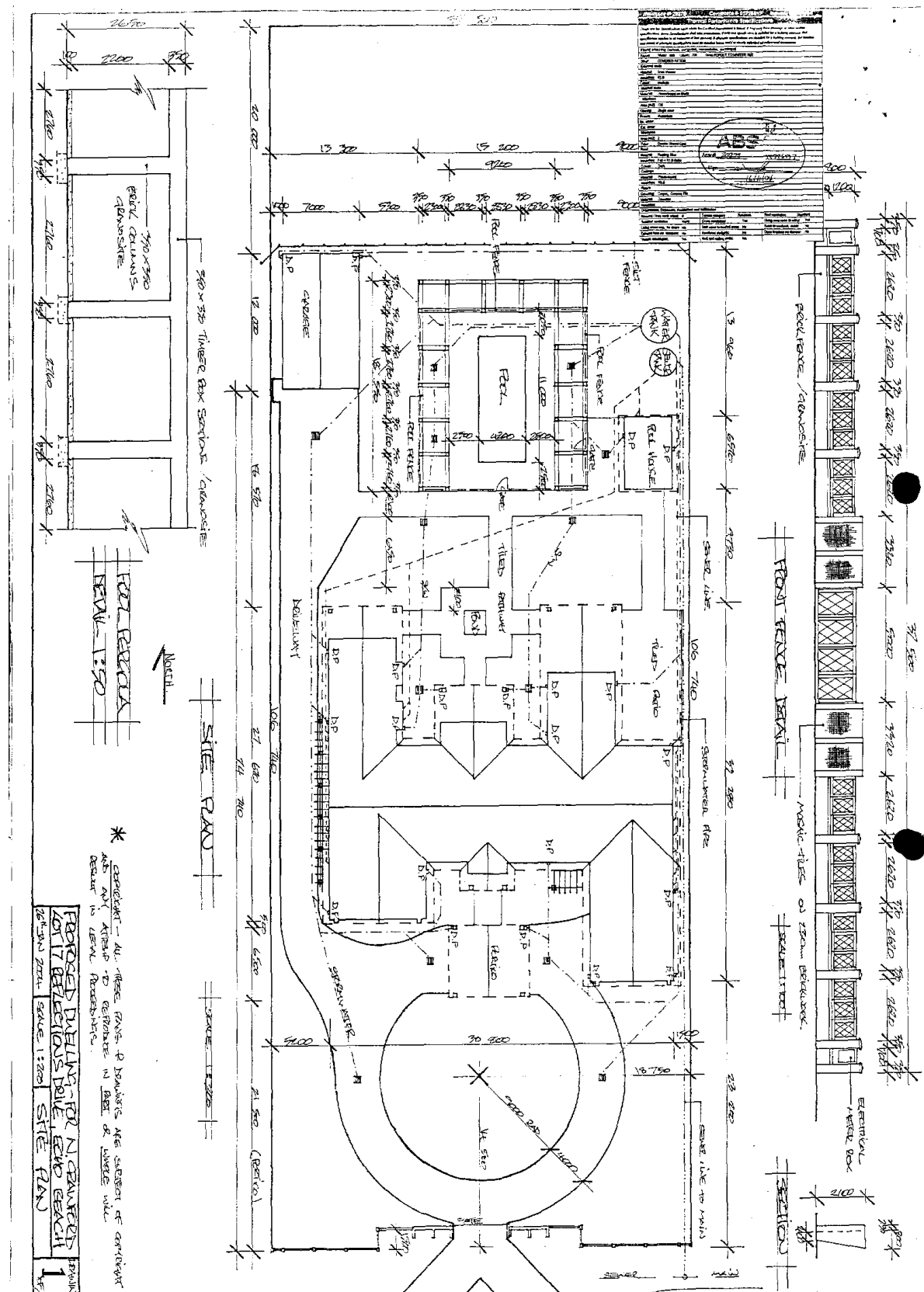
TABLED DOCUMENTS

Nil

ATTACHMENT 1 LOCALITY PLAN



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ATTACHMENT 3 ASSESSMENT

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

THE PROPOSAL

The proposal is seeking to construct a single storey dwelling having a floor area of approximately 475m², plus detached garage and swimming pool area at 26 Reflections Drive Echo Beach Estate One Mile.

THE APPLICATION

Owner Mr N Crawford
Applicant Mr N Crawford
Detail Submitted Plans and Specifications

THE LAND

Property Description Lot 17 DP 1070133
Address 26 Reflections Drive Echo Beach Estate One Mile
Area 4002 m²
Dimensions 37.5 metres by 106.7 metres
Characteristics Vacant land

THE ASSESSMENT

1. Planning Provisions

LEP 1987 – Zoning 7(f3) Environmental Protection (Urban Conservation)
Relevant Clauses Clause 32

Development Control Plan Development Control Plan PS 10 Building Standards
and Notification Procedures for Development Applications.

ATTRIBUTE	PROPOSED	REQUIRED	COMPLIES
Height	6.2 metres	9 metres (max.)	Yes
Floor Space Ratio	0.12 :1	No requirement	No requirement
Building line	21.5 metres	12 metres	Yes

The Port Stephens Local Environmental Plan applies to the subject land. The land is zoned 7(f3) Environmental Protection (Urban Conservation) and the zone objectives seek to permit low density residential development which is compatible with and sympathetic to the environment, and to ensure that developments and land use practices do not have an adverse effect on sensitive ecosystems and their buffer areas. Development must not harm or compromise ecological habitats.

The subject land is identified as bushfire prone land. The proposal has been assessed in regard to Section 79BA and found to be satisfactory subject to NSW Rural Fire Service conditions.

2. Likely Impact of the Development

Flora and Fauna Impact Assessment

The applicant has prepared an Eight Part Test in respect to the threatened Wallum Froglet. Council has engaged Wildthing Environmental Consultants to undertake an independent peer review of this assessment to ensure scientific rigour and compliance with the provisions of the Threatened Species Conservation Act.

The report suggests that the main consideration for ameliorative measures within the study area is the management of run off and containment of silt that might otherwise be washed into the adjacent vegetation from earthworks required for the proposal. The report recommends the following measures:

- To use only clean sand fill for the site.
- As is usually required for any construction site, current best practice measures should be adopted to prevent fill and silt from entering the adjacent swamp habitat during construction. This could include the installation of an appropriate barrier and silt fence to contain the fill and disturbed soil within the works area as soon as the fill has been installed and compacted. These measures are designed to prevent it from being washed off site during heavy rainfall events.
- Any runoff from roofs and impervious areas of the site post-construction should be directed to the stormwater system and not be separately discharged to the swamp at the rear of the lot".

Council's consultant has reviewed the assessment and agrees with the reports conclusions that:

- the filling of an extra 6 metres of Lot 17 alone will not constitute a significant impact on the threatened species and endangered ecological community through the loss of habitat or through the isolation of presented connected areas of habit. Taking into account the effect of this proposal setting a precedent for adjoining Lots, and even applying the precautionary principle, I am not led to the conclusion that the refusal of this application can be supported on purely ecological grounds.

The recommendations of the flora and fauna impact assessment have been included as conditions of consent (refer 41).

Acid Sulfate Assessment

In respect to the Acid Sulfate Assessment undertaken by Coffey Geosciences the report notes the potential for acid sulphate soil and recommends remediation measures to minimise any adverse environmental impact. Subject to compliance with the remediation measures listed in the report it is considered that the proposed works will not result in a significant detrimental environmental impact resulting from excavation works associated with this proposal. The recommendations of the report have been included as conditions of consent (refer 40) and satisfy the provisions of the Section 88B instrument applying to the subject land.

Bushfire Assessment

The subject land is identified as bushfire prone land. The applicant has submitted a bushfire report addressing the requirements of Section 79BA of the Environmental Planning and Assessment Act 1979. The application was referred to the NSW Rural Fire Service for advice in respect to bushfire matters and the Service recommends the following conditions:

1. Construction of the southern elevations shall comply with Level 2 (AS3959-1999) and construction of the remaining elevations shall comply with Level 3 (AS3959-1999) "Construction of Buildings in Fire Prone Areas".
2. The developed portion of the property shall be managed as an "Inner Protection Area" as outlined within Section 4.2.2 in Planning for Bushfire Protection 2001.

The above recommendations have been included as conditions of consent (Refer 38 & 39).

3. Suitability of the Site

The site is an environmentally constrained site as evidenced by the S88B instrument. The site is considered suitable for sympathetic, low-density residential development that meets the intent and requirements of the 7(f3) Environmental Protection zone and the 88B instrument.

4. Submissions

Nil

5. Public Interest

The proposal is not considered contrary to the public interest subject to strict compliance with development conditions.

ATTACHMENT 4 CONDITIONS

1. The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development consent or as noted in red by Council on the approved plans.
2. Failure to comply with the conditions of consent constitutes a breach and on the spot fines may be issued under the Environmental Planning & Assessment Act 1979 and or the Protection of the Environment Operations Act 1997.
3. All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.
4. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:-

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

When the construction site is in operation the L₁₀ level measured over a period of not less than 15 minutes must not exceed the background by more than 10dB(A). All possible steps should be taken to silence construction site equipment.

5. It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works.
6. Where the proposed development incorporates pile-driving activities associated with the construction process the applicant/beneficiary of the consent shall, prior to the release of the Construction Certificate for the works associated with the piling system undertake the following actions.
 - a) For development incorporating pile-driving activities for a period of 5 days or more, be that consecutive or combined total:
 - i) An appropriately qualified Acoustic Engineer shall prepare an report on the impact on adjoining properties in relation to anticipated noise and vibration with reference to compliance with British Standard 6472 - 1996 Guide to evaluation of human exposure to vibration in buildings (1Hz to 80 Hz).
 - ii) Where the anticipated impacts exceed the prescribed performance standards of the noted Standard, the consultant shall make recommendations on the method of minimising the noted impacts to meet the performance standards.
 - iii) For pile driving activities with a duration in excess of 5 days as noted above the applicant/beneficiary of the consent shall engage an Acoustic Engineer to undertake monitoring of the pile driving to verify the identified performance standards noted are not exceeded. Details to be forwarded to Principle Certifying Authority.

7. Pile driving shall only be carried out between the hours of 8.00am - 3.30pm Monday to Friday excluding public holidays.
8. Development incorporating pile-driving activities for a period of less than five (5) days be that consecutive and a total combined throughout the construction process, shall comply with the provision of British Standard 6472- 1996.
9. The applicant or the person who is the beneficiary of the development consent incorporating pile-driving activities shall, **prior commencement of works** prepare and submit for approval of a Construction Management Plan incorporating notification provisions for the pile-driving activities with practical measures taken to notify all adjoining property occupants of the commencement date and period of pile-driving works.

The notification shall be forwarded a minimum of 2 days prior to the commencement of works.

10. Separate approval is required to occupy, close or partially close the road reserve adjacent to the property under the Roads Act. The storage of materials, placement of toilets and rubbish skips within the road reserve is not permitted.
11. No construction or demolition work shall obstruct pedestrian or vehicular traffic in a public place, a hoarding or fence must be erected between the construction site and the public place.
12. Approved toilet accommodation for all tradespersons on the building site is to be provided from the time work commences until the building is complete. The toilet shall not be placed on the road reserve, without separate approval from Council.
13. A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced. Council may issue 'on the spot' fines for pollution/littering offences under the Protection of the Environment Operations Act 1997.
14. Tree clearing shall be carried out in accordance with Council's Tree Preservation Order. The development consent and construction certificate must be issued before it is possible to remove any trees within 3m of any approved building, as measured horizontally from the building wall to the outside trunk of the tree. Tree clearing for the vehicle driveway or any other purpose requires separate approval under the Tree Preservation Order. A copy of the Tree Preservation Order is attached.
15. Construction details for retaining walls greater than 600mm in height shall be submitted and approved by the Principal Certifying Authority **prior to commencement of works associated with the retaining wall**. All retaining walls in excess of 1m shall designed by a Practicing Structural Engineer.

Where retaining walls exceed 1m in height and located within 500mm of a site boundary, they shall be constructed of masonry material.

It is recommended to construct the retaining walls prior to the commencement of any other work, while the area is readily accessible and to prevent any movement of soil and/or potential damage to adjoining properties.

16. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with AS2601-2001 and Workcover Authority requirements.

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

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

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

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

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

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

19. A "KEEP PORT STEPHENS WATERWAYS POLLUTION FREE" sign shall be displayed and be clearly visible from the road frontage for public viewing on the site at the commencement of works and remain in place until completion of the development. Signs are available from Port Stephens Council.
20. Prior to the commencement of work, provide a 3m wide all weather vehicle access from the kerb and gutter to the building under construction for the delivery of materials & trades to reduce the potential for soil erosion. Sand shall not be stockpiled on the all weather vehicle access.
21. All stockpiled materials shall be retained within the property boundaries. Stockpiles of topsoil, sand, aggregate, spoil or other materials shall be stored clear of the all weather vehicle access and drainage lines.
22. The development shall take place in accordance with the stated values of the energy efficiency scorecard or NatHERS assessment and/or the BASIX certificate submitted with the application. **Prior to the issue of any occupation certificate** an appropriately qualified person shall certify compliance with these requirements, as applicable.

23. The Principal Certifying Authority shall only issue an occupation certificate when the building has been constructed in accordance with the approved plans, specifications and conditions of consent. No occupational use is permitted until the Principal Certifying Authority issues an occupation certificate. NOTE: If an accredited certifier approves occupation of a dwelling the accredited certifier is to immediately notify Council in writing.
24. Prior to occupying the approved dwelling(s), contact Council's Land Information Section on 49800357 to obtain the correct house numbering.
25. The vehicle driveway from the roadway to the property boundary incorporating the gutter crossing shall have a width of between 3 and 4 metres and shall be constructed as either:- Details are to be approved by the Principal Certifying Authority or Council **prior to issue of a Construction Certificate.**
 - i) a granular pavement having a minimum compacted depth of 200mm or,
 - ii) in accordance with the options shown on **Council's Standard drawing No. S122**
26. A concrete dish crossing shall be constructed within the table drain in accordance with **Council's Standard Drawing No. S106A.** Details are to be approved by the Principal Certifying Authority or Council **prior to issue of a Construction Certificate.**
27. The driveway (within the road reserve) shall have a minimum of 0.5 metres clearance from the edge of existing drainage structures, pits, power poles etc._ Details shall be approved by the certifying authority **prior to issue of the construction certificate.**
28. A single driveway shall intersect the roadway at not less than 75 degrees. Details are to be approved by the Principal Certifying Authority or Council **prior to issue of a Construction Certificate.**
29. Collected stormwater runoff shall be piped to an infiltration trench located in the front landscaped area(s), in accordance with **Council's Standard Drawing S 136** with an overflow pipe to the street.
30. The swimming pool is to be fully enclosed with fencing and gates to comply with the Swimming Pool Act 1992 and Regulations.
31. All backwash/pool wastewater is to be piped/drained to the sewer of the Hunter Water Corporation in accordance with the requirements of the Hunter Water Corporation.
32. A durable resuscitation instruction chart is to be displayed in a prominent position in the pool at all times.
33. Where a common boundary fence forms part of the pool enclosure, maintenance and effectiveness of the fence is the responsibility of the pool owner, whilst ever the pool exists.
34. Pool plant and equipment shall be sited or enclosed in a sound absorbing enclosure to minimise any potential offensive noise impacts to adjoining neighbours as defined under the Protection of the Environment Operations Act 1997.

35. The swimming pool surrounds and/or paving is to be constructed in a manner so as to ensure water from the pool overflow does not discharge onto the neighbouring properties.
36. Where there is possible access from a window in any residential building to the swimming pool, access is to be restricted by
- a) the bottom of the lowest opening panel of the window must (when measured in the closed position) be at least 1.2 metres above finished floor level; and
 - b) there must not be any footholds wider than ten (10) millimetres between the bottom of the lowest opening panel of the window and any point within 1.1 metres below the bottom of that panel.
- **This does not apply to a child safe window or to a window that is totally enclosed by a child-safe grill.**
- Note: Child safe means a window being of substantial construction and being so fixed (by means of a keyed locking device or other child resistant device) that it has no opening through which it is possible to pass a standard test bar.
37. Dust control measures (eg, fine water spraying) shall be employed during demolition, excavation and construction works to prevent the emission of dust and other impurities into the surrounding environment. Dust control measures shall be approved by the Principal Certifying Authority prior to the commencement of work.
38. Construction of the southern elevations shall comply with level 2 (AS3959-1999) and Construction of the remaining elevations shall comply with level 3 (AS3959-1999) 'Construction of Buildings in Bushfire Prone Areas'.
39. The developed portion of the property shall be managed as an 'Inner Protection Area' as outlined within section 4.2.2 in Planning for Bushfire Protection 2001.
40. Excavation works and associated site management for the proposed dwelling shall be undertaken in accordance with the Acid Sulphate Soils Management Plan prepared by Coffey Geosciences Pty Ltd dated 27 September 2005.
41. The development and earthworks are to be carried out in accordance with the Flora and Fauna Impact Assessment and recommendations prepared by Ecotone Ecological Consultants Pty Ltd dated 6 January 2006 including the following specific requirements:
- The development to use only clean sand fill for the site.
 - The development to incorporate best practice erosion and sediment control measures to prevent fill and silt from entering the adjacent swamp habitat during construction. An erosion and sediment control plan shall be prepared for the site and submitted to Council for approval prior to the release of the Construction Certificate.
 - Any runoff from roof and impervious areas of the site post-construction, shall be directed to the Council approved stormwater system and shall not be separately discharged to the swamp habitat at the rear of the subject land.
42. Construction details of all fencing proposed on the site shall be submitted to Council for approval prior to issue of the Construction Certificate. The fencing details shall address the Koala provisions contained in the Section 88B instrument applying to the subject land.

RESOLUTION:		
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606	Councillor Dingle Councillor Francis	It was resolved that the Rescission Motion – item 1 be brought forward and dealt with.
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RESCISSION MOTIONS

RESCISSION MOTION

ITEM NO. 1

FILE NO: PSC2005-0627

SHOAL BAY NEW YEAR'S EVE

COUNCILLORS: NELL, BROWN & ROBINSON

That Council rescind its decision of 18th April 2006 on Item 3 of the Strategic Committee Recommendations Report, namely Shoal Bay New Year's Eve.

ORDINARY MEETING – 23 May 2006

RECOMMENDATION:

543	Councillor Nell Councillor Jordan	It was resolved that this matter be deferred to the June Ordinary Meeting of Council.
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ORDINARY MEETING OF COUNCIL – 25 July 2006

	Councillor Nell Councillor Robinson	That Council rescind its decision of 18 April 2006 on Item 3 of the Strategic Committee recommendation report namely Shoal Bay New Years Eve.
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On being put the motion was lost.

BACKGROUND

The purpose of this report is to provide feedback on the Shoal Bay New Year's Eve event in 2005/06 and make recommendation as to whether Council should be involved in a similar event in 2006/07 and if so, how it should be managed.

Shoal Bay New Years Eve is a community partnership with Port Stephens Council, the Nelson Bay Blues, NSW Police, Shoal Bay traders including Shoal Bay Resort and Spa and Port Stephens Coaches. The organisation of the event has continued to improve since 2003 when the current agreement with the Nelson Bay Blues commenced.

ORDINARY MINUTES – 25 JULY 2006

The Nelson Bay Blues Rugby League Football Club has delegated authority from Council to organise the event up to and including 2006/07.

Given the size and magnitude of the event, it ran very smoothly in 2005/06 with few incidents. Each year after the event there is a debrief meeting where all participants discuss the event and procedures on the night and make suggestions for changes in the management of the next years event. The focus at this years debrief was on strategies to lessen the impact of people camping at Zenith Beach Reserve and Pozieres Park. The minutes of the debrief are included as Attachment 1.

The event has generated community complaint. Prior to 2005 Council received a petition from local residents, two phone complaints and one written complaint were received after the event.

The issue of moving the event was discussed with all involved at the debrief. Subsequent meetings with key stakeholders including Council, the Nelson Bay Blues, Shoal Bay Resort and Spa and the NSW Police discussed the future direction of the event and possible relocation. The proposal from the Nelson Bay Blues for the event in 2006 and 2007 is included as Attachment 2 to this report. At the meeting held 19th June 2006 there was unanimous support by all stakeholders for the relocation of the event to Tomaree Sports Complex in 2006. At a further meeting of Shoal Bay traders on 20th June 2006 sponsorship from the traders plus administrative and event management support from Shoal Bay Resort and Spa was offered to expedite the relocation to Tomaree. Assistance with the cost of transporting patrons from Shoal Bay to Tomaree was part of the agreement. The NSW Police have changed their view and support the relocation to Tomaree in 2006. They would assist as required to move people on from Shoal Bay and to police the event at Tomaree.

The relocation of the event to Tomaree did not appear possible at first, due to the No. 1 Sports field being booked for a rodeo on 28th December 2006, two days before New Year's Eve. Subsequent discussions however with Council's Recreation Manager who fully supports the re-location, along with Operations Staff from the Tomaree Sports Complex have indicated that it would be possible for the soil which is required to be laid for the rodeo and for the purpose of top dressing the field, could be cleared in time for the New Year's Eve event and re-laid again after the event. This double handling will incur an additional cost that will need to be included within the New Year's Eve costings.

LINKS TO CORPORATE PLANS

This report relates to the Social Planning Goal of enhancing the well-being and welfare of the community.

FINANCIAL/RESOURCE IMPLICATIONS

This year the income from the event was \$124,399 including GST and expenditure was \$199,974 including \$50,623 half share of the income to the Northern Blues. The final cost to Council was \$75,575, \$30,000 more than in 2005. Discussions will be undertaken with The Blues in an attempt to reduce expenditure in 2006.

Despite the cost of the event, there are benefits from other stakeholders including the NSW Police waiving a fee for service charge, over 80 community volunteers assisting with the

organisation of the event and the in-kind contribution from the Shoal Bay Resort & Spa providing rooms and hospitality to the Police.

Although the event is organised by The Blues, other sporting groups receive small donations in return for their voluntary assistance. It also takes considerable resources from Council in staff time.

The proposal from the Nelson Bay Blues (Attachment 2) as indicated in Part B for the event to be held at Tomaree would require Council to pay the football club \$25,000 as a maximum payment and \$5,000 to advertise the relocation of the event. The offer of financial assistance from the Shoal Bay traders would assist Council with the cost of the event.

Once the event moved to Tomaree, Council would no longer need to be involved in the event.

LEGAL AND POLICY IMPLICATIONS

The Nelson Bay Blues are required to provide Public Liability Insurance for the event with Port Stephens Council noted as an interested party. Council is exploring the cost of insurance against cancellation for this year's event. A risk assessment is conducted by Council staff and forwarded to Council's insurer. From the debrief meetings, the risk assessment for next year's event will be completed in consultation with the NSW Police and the security firm engaged for the event.

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 4) to improve the outcome, improve the system and its associated processes
- 6) Continual improvement and innovation depend on continual learning
- 7) All people work IN a system; outcomes are improved when people work ON the system
- 8) Effective use of facts, data and knowledge leads to improved decisions
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

All stakeholders present at the debrief meeting and subsequent meetings agreed that the event should relocate to Tomaree Sports Complex as soon as possible. The NSW Police have dismissed their earlier concerns and are supportive of relocating the event. If the event remains at Shoal Bay further safety strategies would need to be implemented to reduce the impact of anti-social behaviour in the residential streets of Shoal Bay.

The clean up of the event area and streets of Shoal Bay is an important strategy for council to maintain good public relations with the Shoal Bay traders and residents. This year the clean up was complete by 10am on New Years Day.

The event is organised to provide a safe venue for people to celebrate New Year's Eve by Council providing a controlled space with entertainment and thus minimising the risk of injury to patrons and property damage for traders and residents.

ECONOMIC IMPLICATIONS

Attendance this year was 3,829. There has been a positive flow on effect for the retail and hospitality trade on the Tomaree Peninsula.

ENVIRONMENTAL IMPLICATIONS

The impact on the reserve and the streets of Shoal Bay was minimal due to an immediate clean up of the area at the close of the event. A similar clean up strategy would be developed for the Tomaree Sports Complex should the event be re-located. Concerns were raised this year about broader emergency service issues on the Peninsula due to high tourist numbers. Councils Facilities and Services Operations Manager will take this up through the Emergency Service Team Chaired.

CONSULTATION

The debrief meeting held in February 2006 recommended keeping the event at the same size with several strategies suggested to monitor a safe number of people attending, including pre-sale of tickets, wristbands and a pre-determined capacity limit for the event. SNP Security continues to monitor the safety of the event, their recommendations impact on the cost of the event. An increase in the entry fee to \$20 was used to pay for additional security measures. All other stakeholders in the event are pleased with the improvements the Nelson Bay Blues have made over the last three years.

This year following the debrief meeting, Council's Community Planning Manager met with the Manager, Shoal Bay Resort and Spa. At this meeting the Resort Manager expressed an interest to be further involved in event management in the future. A further meeting was held with key stakeholders on 19th June 2006 and with Shoal Bay traders on 20th June 2006. These meetings unanimously supported moving the event from Shoal Bay to Tomaree Sports Complex in 2006.

OPTIONS

- 1) Adopt the report
- 2) Amend the report

ATTACHMENTS

- 1) Notes from the debrief held 23 February 2006
- 2) New Year's Eve 2006 Proposal and 2007 Proposal from Nelson Bay Blues

TABLED DOCUMENTS

Nil

**ATTACHMENT 1
NOTES FROM DEBRIEF**

***SHOAL BAY NY'S EVE
DEBRIEF MEETING 23 February 2006***

Attendance

Councillor Sally Dover (PSC)
Jenny Smith (PSC)
Christine Judd (PSC)
Helen Smyth (PSC Community Safety)
Graham Orr (PSC Road Safety)
Catherine McClintock (PSC Holiday Parks)
Geoff Dann (PSC Parks)
Craig Dews (PSC Civil Works)
Peter Murray (PSC Facilities & Services)
Linda Winn (Hunter New England NSW Health)
Malcolm Smith (NSW Fire Brigade)
Matthew Stephens (Shoal Bay Resort & Spa)
Matthew Bliss (Nelson Bay Blues)
Alfie Patane (Nelson Bay Blues)
Lynn Howlett (St John Ambulance)
Tamara Bayly (SNP Security)
Tony Townsend (NSW Police)
Wayne Humphrey (NSW Police)

Apologies

Mark Newling (PS Coaches)

Catherine McClintock:

From a Holiday Parks point of view, the event was better organised, compared to last year when people had to return to collect tickets on NY's Eve
Worked well not selling tickets at Shoal Bay Holiday Park on NY's Eve
31st is still a difficult day with change overs at all Holiday Parks
Suggest the Nelson Bay Blues open the ticket booth earlier in the day on NY's Eve
Catherine is willing to support the event again this year, by selling tickets from Holiday Parks

Wayne Humphrey:

Issue with Zenith Beach and lighting

Alfie Patane:

Many enquiries for ticket sales
Conflict with some Shoal Bay traders – Aussie Bob objected to early half road close at 6am
Support from newsagent
Queues at entry points – suggestion to have separate entry for under 18's, no need to check ID, still need wristbands
No evidence that tickets were copied – special stamp produced this year
Make entry points the same size – one at Tomaree Rd end smaller
A small number were able to jump double fencing, but overall this initiative was successful

Only noted one scuffle in front of the beer outlet at 1pm, need more people serving at food and beverage outlet

Excellent support from SNP Security, Martin McLean, including monitored the event from the game fishing club

Clean up – need to return all equipment to the site at Government Rd car park, including water barriers

Waste bins emptied early 6-6.30am

Alfie swept the street where he could, difficult around the double fencing on shop side

Some of the volunteers didn't attend, as expected which increased the pressure on volunteers setting up and at the event

Thank you to everyone who helped with the event

Tamara Bayly:

SNP focus is on the event running smoothly and safely

SNP would like to be involved with the set up of the event, staff in attendance from midday, could assist with set up – porta loos at Tomaree Rd end too close to the entry point, back of stage not fenced off adequately

Tony Townsend added that generators at the back of food and beverage were not fenced and the need to secure back of stage area

Suggested similar barriers as at entry points rather than star pickets and wire, to queue at food and beverage area

Suggested further segregation of money area to food and beverage service

Insufficient lighting on the beach, alleged OD's and sexual assaults, no charges

Tickets give a better idea of how many attending the event; SNP would like to know progressively how many are at the event

Chill out area too small; suggest incorporating with St John – Alfie's comment that the chill out area seemed a waste of space, Lynn's comment that St John caravan needs to be on the road, Tony Townsend's comment that ambulance vehicle needs to be accessible to St John

Lynn Howlett:

Less casualties than last year – 8 casualties treated – 3 from unknown substances and transported to hospital by ambulance, 1 patient with cut taken by parents back to Newcastle, 4 with small lacerations, band-aids for many girls with foot blisters from high shoes

Appreciative of generator providing light inside the caravan

Graham Orr:

Alternative transport Smart Bus and PS Coaches worked well – 840 on Smart bus up to 12.30pm, 2,000 on PS Coaches

Lighting at the bakery Government Rd could be improved, more police at bus stops when the bulk of people leave the event

Suggest buses not turn into Messines St, go straight down Government Rd

Extra bins provided assisted with clean up

Geoff Dann:

Parks staff haven't cleaned the area after NY's Eve for a few years, felt they were understaffed and at risk early in the day – advised by Police not to clean Zenith Beach area until later in the day

Also thought the event area could have been cleaner, Geoff agreed to discuss this issue with Nelson Bay Blues

Nelson Bay area needed additional cleaning

Tony Townsend advised that although the event is at Shoal Bay beach front, the impact is wider and affects residential areas of Shoal Bay

Suggestion to do 2 clean up shifts, Alfie thought may need to still clean first thing for senior citizens who go walking early

Suggested extra skip bins at the boat ramp Zenith Beach, Pozieres Reserve, Government Rd

Interference with the grassed areas where porta loos were located – Alfie needed to remove some sand to level the toilets

Suggest Nelson Bay Blues work with Geoff on set up at the site

Craig Dews happy delivery and collection of equipment from Council

Tony Townsend:

From a licensing point of view – the event is the whole area not just the event site, impacts on residents, traders and police

Incident outside the event, at the time of exit – Police officer struck in the head with a bottle, no charges

Exit at Government Rd end may have been too quick – suggest letting people finish last drinks and exit at their own pace, a controlled exit – pedestrians were at risk on the road

Government Rd is the main thoroughfare for traffic, high risk for pedestrians trying to cross the road and police

Council Traffic Committee to look at better traffic control

Need to have security check for people exiting with alcohol as well as entry

Need extra security and lighting on the beach

Consider how to manage Pozieres Reserve – bins, toilets, and lighting – police confiscated keys and alcohol, legislative procedures for disposal of alcohol

If Pozieres was closed, more pressure on Zenith Beach area

Zenith Beach area is not affecting residents in the same way as Pozieres – police strategies to manage problems at Zenith

Engage ambulance services in the planning of the event – suggest an ambulance on site, use the event as a base

Mobile phones ineffective due to increased SMS text traffic, ambulance co-ordinator went to police command

Police on site from 9am, command from 2.30pm until 4am, 52 staff 5pm-5am

Need more mobile patrols to manage after the event

Aside from issues at Zenith Beach area, event is as good as it ever has been

Suggestion from Cr Sally Dover to relocate the event – Tony reiterated traditionally people have and will continue to congregate at Shoal Bay, that the event was set up to control an out of control situation, that police are at full capacity on NY's Eve and resources cannot be split to manage two locations, that 40 police can control the impact of the existing event in an isolated area on the peninsula

Peter Murray:

Local representative of Emergency Management Group – a need to look at NY's Eve and the movement of emergency vehicles during the night

Police had planning in place to shut down the road for emergency access, evacuation and for an incident at the venue

Concern that there is only one road in and out, fear of the management of a mass incident

Tomaree is considered the busiest area in NSW on NY's Eve; need to consider strategies to manage the whole area

Police advised water police are also involved in planning strategies for NY's Eve

Matthew Stephens:

Considers hotel patrons at risk, and has objection to the licensing of the event

NY's Eve is worth \$180,000 to the Shoal Bay resort & Spa, but this year refunded \$60,00 to patrons who complained

ORDINARY MINUTES – 25 JULY 2006

Tony Townsend explained the history of the area on NY's Eve – now alcohol free zones in place including the resort, where previously people congregated drinking from eskies, high incidence of assault, that the event has given stability to the area with security at the resort and police and security at the event, a vast improvement on the previous situation

If you don't have an event, you will have 5-10,000 people without control and less resources

Linda Winn – without a planned event there are sanitation issues

Jenny Smith/Helen Smyth – people gather outside the event & enjoy the entertainment, suggestion to remove hessian was rejected by SNP

Matthew Bliss – people buy tickets for both the event and to the resort

Suggest relocating entertainment further away from the main entertainment area of the resort

From here:

A report will be prepared for council, including debrief notes and the budget for the event.

**ATTACHMENT 2
PROPOSAL FROM NELSON BAY BLUES**



**NELSON BAY BLUES RUGBY
LEAGUE FOOTBALL CLUB**

INCORPORATED

ABN: 93 424 943 058

MATTHEW BLISS - PRESIDENT

MOB: 0404 820 099 PH: 4982 2266 FAX: 4982 2268



Friday, 19 May 2006

REF: 13184/RB/NBB/C

**ATTENTION: MAYOR CRAIG BAUMANN
PORT STEPHENS COUNCIL**

EMAIL: craig@valleyhomes.com.au

RE: NEW YEARS EVE 2006 PROPOSAL AND 2007 PROPOSAL

Dear Craig

Further to various meetings held by Council, Police, Blues committee, I advise that we The Nelson Bay Blues have come up with a draft proposal for you and Councils review and comments.

May I say before we move onto our proposal, "The Blues" make this offer as we believe in the need to have a controlled event as we have all seen the problems an unstructured event can cause, we believe in offering this to our visitors at Shoal Bay, as well as locals. As a community based club we would like to feel that we have made a significant contribution to our tourist orientated area, as well as to our youth of the area.

We have heard many people from Council condemn us for the money we made through this event even though had we expended the same amount of time on other areas of fundraising and events we would have made in excess of New Years Eve earning with less hassles. If Council were to look at the time taken to plan and manage the event and if this had to be paid for it would far outweigh the income.

Regardless of peoples opinions the previous Council back in the 90's encourage this event by providing facilities such as Barricades, lighting, permitting alcohol to be consumed in the street. As such the Council does partially own the event or have some responsibility with it.

It is now time for this current Council to move forward and yes look to move the event and also try and make it self funding. Unfortunately this takes time and effort by all parties, I am prepared as are the bulk of our committee prepared to get behind a proposal to reduce costs for 2006 and at the same time relocate for 2007 to Tomaree No1 Match Field.

Below is the Blues proposal for 2006, 2007 years with an option reviewed for 2008 onwards.

REF: 13184/RB/NBB/C/P

A) 2006 New Years Eve - Shoal Bay Road Event

- A1) Council pay to The Nelson Bay Blues the sum of \$47,000.00 plus GST as a maximum payment for staging the event in 2006.
The Blues will provide all services etc as in the past with no more to pay by Council to The Blues.
All income from ticket sales, sales of food and drink are to be retained by The Blues.
Note: This is subject to a minimum of 3000 in ticket sales being retained by The Blues on the night. This can be verified by pre ticket sales
- A2) Council will provide the same level of assistance and in house fees etc it was responsible for in previous years.
- A3) The Council will take out event insurance or The Blues take it out on Council behalf to cover cancellation costs. This is in addition to the \$47,000.00
- A4) Should the event be cancelled the Council will guarantee The Blues a payment of \$24,000.00 + GST. This can come under the event insurance.
- A5) The Blues will advertise the event being the last year at Shoal Bay and that Next year 2007 the event will be at Tomaree No 1 Match Field. The Council will also advertise as it sees fit for same.
Eg. Web site, flyers etc.
- A6) The Council pay \$24,000.00 of the fee noted in A1, on or before the 1/12/2006. With the remainder being paid on or before 07/01/07.
- A7) The Council provide ticket sales outlets at Parks and visitor centres in Port Stephens as in previous years.
- A8) Police to support the event as in past years.

B) 2007 New Years Eve - Tomaree No 1 Match Field Event

- B1) Council to pay the Nelson Bay Blues \$25,000.00 +GST as a maximum payment for staging the event at Tomaree No 1 subject to (B2).
- B2) Council fee in B1 is subject to 3000 people attending, this can be verified via ticket sales.
- B3) Council to expend extra money on advertising for the first year to a value of \$5,000.00 extra.
- B4) Police and Council will need to bus or move people that go to Shoal Bay to the New Event.
- B5) Council to ensure power supplies are sufficient to run the event at Tomaree, also continue to supply support from staff, supply items as in previous years and waive fees at ground.
- B6) Council to provide pre ticket sales at Caravan Parks and visitor Centres as in year 2006 which can then verify ticket sales as noted in B2 above.

I trust this meets with your approval as you can see The Blues are taking on some of the risk. Any questions please don't hesitate to call me.

Regards

**MATTHEW BLISS
PRESIDENT**

REF: 13184/RB/NBB/C/P

Councillor Hodges left the meeting at 8.25pm

ITEM NO. 3

FILE NO: PSC2005-0627

SHOAL BAY NEW YEAR'S EVE

REPORT OF: JENNY SMITH - COMMUNITY PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

Support the New Years Eve Event at Shoal Bay in 2006/07 for social and safety reasons with:

- 1) the event relocating to Tomaree Sports Complex in 2006/07, and
 - 2) a cost minimisation strategy being developed with stakeholders
-

OPERATIONS COMMITTEE MEETING – 11 July 2006

RECOMMENDATION: That Council;

- 1) Remove all funding and support for the Shoal Bay New Year's Eve Event**
 - 2) Funding be made available to advertise the cancellation of the Shoal Bay New Year's Eve Event.**
-

ORDINARY MEETING OF COUNCIL – 25 July 2006

MOTION:		
	Councillor Francis Councillor Dingle	<p>That Council:</p> <ol style="list-style-type: none">1. Note the resolution of the 18 April 2006, Minute No 497 - It was resolved that Council withdraw funding and support for the 2006 New Years Eve event at Shoal Bay.2. Funding be made available to advertise the cancellation of the Shoal Bay New Year's Eve Event.3. The funds available for the Shoal Bay New Years Event be reallocated to the Cultural Events Budget for 2006/07.

ORDINARY MINUTES – 25 JULY 2006

On being put the motion was lost.

RESOLUTION:

607	Councillor Hodges Councillor Dover	It was resolved that Council: 1. Note the resolution of the 18 April 2006, Minute No 497 - It was resolved that Council withdraw funding and support for the 2006 New Years Eve event at Shoal Bay. 2. Funding be made available to advertise the cancellation of the Shoal Bay New Year's Eve Event
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Councillor Hodges returned to the meeting at 8.27pm.

Councillor Jordan left the meeting at 8.34pm.

ITEM NO. 4

FILE NO: A2004-0511

LOCAL TRAFFIC COMMITTEE MEETING – 6TH JUNE, 2006

REPORT OF: JENNY SMITH – COMMUNITY PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

Adopt the recommendations contained in the minutes of the local Traffic Committee meeting held on 6th June, 2006.

OPERATIONS COMMITTEE MEETING – 11 July 2006

RECOMMENDATION: That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 25 July 2006

RESOLUTION:		
608	Councillor Hodges Councillor Dingle	It was resolved that the Operations Committee recommendations be adopted with the exception of Items C5, C10 & C12 which are to be referred back to the Traffic Committee for re-consideration after discussion with affected parties, namely Nelson Bay Town Management.

Councillor Jordan returned to the meeting at 8.38pm.

BACKGROUND

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

Inspections were conducted on the 25th May, 2006. In attendance were M Morrison (PSC), I Jenkins (RTA) and Snr Constable Schmidtke (NSW Police). The Local Traffic Committee met at 9.30 am on 6th June, 2006 in Council's Administration Building. In attendance were M Morrison (PSC Chairman), I Jenkins (RTA Technical representative), G Stewart (representing John Bartlett MP), Snr Constable Schmidtke (NSW Police), Councillor Dingle and L Hudson (PSC). An apology was received from John Price MP and Mr M Newling.

LINKS TO CORPORATE PLANS

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

- 1) Develop and Implement transport initiatives that provide an efficient and effective transport network.
- 2) Foster safe communities.

FINANCIAL/RESOURCE IMPLICATIONS

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

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

The items with a **Safety Priority** are listed as follows:

- | | |
|----------|---|
| Item C.7 | St Philips School, Salamander Bay – Signposting Changes |
| Item C.9 | Wahgunyah Road, Nelson Bay – Speed Reduction |

LEGAL AND POLICY IMPLICATIONS

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

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

SUSTAINABILITY IMPLICATIONS

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

SOCIAL IMPLICATIONS

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

ECONOMIC IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

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

CONSULTATION

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

As part of the business for the meeting of 6th June, 2006 no additional consultation took place.

OPTIONS

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

ATTACHMENTS

- 1) The minutes of the local Traffic Committee meeting held on 6th June, 2006 are contained in ATTACHMENT 1.

TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1
PORT STEPHENS LOCAL TRAFFIC COMMITTEE

INDEX OF LISTED MATTERS
MINUTES OF THE MEETING HELD ON TUESDAY 6TH JUNE, 2006

- A. ADOPTION OF THE MINUTES OF 4TH APRIL, 2006**
- B. BUSINESS ARISING FROM PREVIOUS MEETING**
- C. LISTED MATTERS**
 - C.1. IRRAWANG STREET, RAYMOND TERRACE – NO PARKING ZONE**
 - C.2. PACIFIC HIGHWAY, HEATHERBRAE – EXTENSION OF RIGHT TURN LANE**
 - C.3. RICHARDSON ROAD, CAMPVALE – REDUCTION IN SPEED LIMIT AT THE INTERSECTION OF GRAHAMSTOWN ROAD**
 - C.4. POPPLEWELL ROAD, FERN BAY – SPEED REDUCTION**
 - C.5. NELSON BAY ROAD, WILLIAMTOWN – SPEED ZONE FRONTING BANKSIA GROVE**
 - C.6. MEREDITH AVENUE, LEMON TREE PASSAGE – SPEED REDUCTION**
 - C.7. ST PHILIPS SCHOOL, SALAMANDER BAY – SIGNPOSTING CHANGES**
 - C.8. BAGNALL BEACH ROAD AND SALAMANDER WAY, SALAMANDER BAY – EXITS FROM SALAMANDER SHOPPING CENTRE**
 - C.9. WAHGUNYAH ROAD, NELSON BAY – SPEED REDUCTION**
 - C.10. NELSON BAY CBD – CHANGES TO LOADING ZONES**
 - C.11. TERAMBY ROAD, NELSON BAY – BUS ZONE AT REAR OF VISITORS CENTRE**
 - C.12. VICTORIA PARADE, NELSON BAY – PEDESTRIAN SAFETY ON ONE WAY SECTION**
 - C.13. SHOAL BAY ROAD, SHOAL BAY – APPLICATION FOR TEMPORARY ROAD CLOSURE**
 - C.14. MARINE DRIVE INTERSECTION OF ROCKY POINT ROAD, FINGAL BAY – INTERSECTION LINE MARKING**

C.15. KINGSLEY DRIVE, BOAT HARBOUR – ASSESS NEED FOR GUARDRAIL

D. GENERAL BUSINESS

E. ATTACHMENTS

E.1. VICTORIA PARADE, NELSON BAY – PEDESTRIAN SAFETY ON ONE WAY SECTION (ITEM C.12)

**LOCAL TRAFFIC COMMITTEE MEETING
HELD ON TUESDAY 6TH JUNE, 2006
AT 9.30 AM**

A. ADOPTION OF MINUTES OF MEETING 4TH APRIL, 2006

The minutes of the previous Local Traffic Committee Meeting dated 4th April 2006 were adopted.

B. BUSINESS ARISING FROM PREVIOUS MEETING

There was no business arising from the previous meeting.

C. LISTED MATTERS

C.1 IRRAWANG STREET, RAYMOND TERRACE – NO PARKING ZONE

Port Stephens Council Rangers have requested that the 15 minute parking at St Brigids Primary School on Irrawang Street be replaced with No Parking between 8 – 9.30 am and 2.30 – 4 pm.

REQUESTED BY:	Council Rangers	
CONSULTATION:	Nil	
INSPECTION	UNDERTAKEN	Yes
	AGREE WITH REQUEST	No
ADDITIONAL	ATTACHMENT	No
COMMENT	Nil	

RECOMMENDATION

- No action be taken to alter the zone.

ESTIMATED COST	N/A
FUNDING SOURCE	N/A

C.2 PACIFIC HIGHWAY, HEATHERBRAE – EXTENSION OF RIGHT TURN LANE

A resident has requested via Councillor Dingle an extension of the right hand turn lane at the intersection from the Botanic Gardens onto the highway.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
	AGREE WITH REQUEST	Yes
ADDITIONAL	ATTACHMENT	No

COMMENT

- Development application approved before Highway upgrade
- Nil accident history at intersection

RECOMMENDATION

- Refer to the Roads and Traffic Authority for further investigation.

ESTIMATED COST N/A
FUNDING SOURCE N/A

C.3 RICHARDSON ROAD, CAMPVALE – REDUCTION IN SPEED LIMIT AT THE INTERSECTION OF GRAHAMSTOWN ROAD

Councillor Dingle has requested Traffic Committee investigate a reduction in the speed limit on Richardson Road in the vicinity of the Grahamstown Road intersection.

REQUESTED BY: Cr Dingle

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
ADDITIONAL	AGREE WITH REQUEST	Yes
	ATTACHMENT	No

COMMENT Nil

RECOMMENDATION

- Refer to the Roads and Traffic Authority for further investigation.

ESTIMATED COST	N/A
FUNDING SOURCE	N/A

C.4 POPPLEWELL ROAD, FERN BAY – SPEED REDUCTION

A resident of Popplewell Road has requested Traffic Committee install speed humps or similar in the northern end of Popplewell Road. Both local and visiting drivers speed in this street creating a dangerous environment for young children and the elderly.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION **UNDERTAKEN** Yes

AGREE WITH REQUEST No

ADDITIONAL **ATTACHMENT** No

COMMENT

- 50 speed limit
- Northern end of cul-de-sac services 20 lots

RECOMMENDATION

- No further action be taken to install speed humps in Popplewell Road.

ESTIMATED COST N/A

FUNDING SOURCE N/A

C.5 NELSON BAY ROAD, WILLIAMTOWN – SPEED ZONE FRONTING BANKSIA GROVE

Councillor Tucker has requested Traffic Committee investigate a reduction in the speed limit on Nelson Bay Road to 80 km/hr adjacent to Banksia Grove continuing to Williamtown.

REQUESTED BY: Cr Tucker

CONSULTATION: Nil

INSPECTION **UNDERTAKEN** Yes

AGREE WITH REQUEST Yes

ADDITIONAL ATTACHMENT No

COMMENT

- Current blackspot project is to reduce speed limit from 90 km/hr to 80 km/hr and widen road shoulders
- Review of speed limit on entire length of Nelson Bay Road currently being conducted by RTA

RECOMMENDATION

- Refer to Roads and Traffic Authority for consideration.

ESTIMATED COST N/A
FUNDING SOURCE N/A

C.6 MEREDITH AVENUE, LEMON TREE PASSAGE – SPEED REDUCTION

A resident of Meredith Avenue has requested Traffic Committee investigate ways of slowing traffic in Meredith Avenue. There has been a rise in speeding motorists and vehicles towing boats most travelling in excess of 50 kmph. Many young children and elderly residents use this area.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
	AGREE WITH REQUEST	Yes
ADDITIONAL	ATTACHMENT	No

COMMENT Lower Hunter Speed Program in conjunction with local Police will target this area and road counters will also be installed.

RECOMMENDATION

- That a speed and volume count be conducted and the results brought back to the Committee for review.

ESTIMATED COST N/A
FUNDING SOURCE N/A

C.7 ST PHILIPS SCHOOL, SALAMANDER BAY – SIGNPOSTING CHANGES

The Principal of St Philips Christian School has requested signposting for the bus turn around area off Bagnall Beach Road to improve the safety and to better regulate traffic movements.

Council's Traffic Engineer and the Road Safety Officer have liaised with the school and bus company and the proposal is as attached.

REQUESTED BY: Principal, St Philips Christian School

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
	AGREE WITH REQUEST	Yes
ADDITIONAL	ATTACHMENT	No

COMMENT Further discussion required with School about pedestrian access

RECOMMENDATION

- That the plan be adopted.
- Signs be installed as per plan.
- Councils Road Safety Officer liaise with the School Principal to clarify pedestrian access issues.

ESTIMATED COST \$ 1100

FUNDING SOURCE St Philips School Contribution

THIS ITEM HAS A SAFETY PRIORITY

**C.8 BAGNALL BEACH ROAD AND SALAMANDER WAY, SALAMANDER BAY
– EXITS FROM SALAMANDER SHOPPING CENTRE**

Councillor Dover has requested Traffic Committee investigate the installation of portable traffic lights or similar at the two exits from the Salamander Shopping Centre during peak times. Buses often have to wait up to 15 minutes to make a right turn into both Bagnall Beach Road and Salamander Way during holiday periods, causing timetable delays.

REQUESTED BY: Cr Dover

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
	AGREE WITH REQUEST	Yes
ADDITIONAL	ATTACHMENT	No

COMMENT

- Vehicles can turn left and use roundabouts
- Complete intersection redesign required to accommodate traffic signals
- Traffic signals inappropriate due to queuing traffic problems

RECOMMENDATION

- No further action be taken to provide temporary traffic signals at the exits from the Salamander Shopping Centre.
- Council investigate restricting right turn movements out of Town Centre Circuit onto Bagnall Beach Road.

ESTIMATED COST N/A
FUNDING SOURCE N/A

C.9 WAHGUNYAH ROAD, NELSON BAY – SPEED REDUCTION

A resident of Wahgunyah Road has requested Traffic Committee investigate ways of slowing traffic in Wahgunyah Road. A recent accident occurred when a motorist lost control down the hill and crashed into a resident's fence.

REQUESTED BY: Resident

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
	AGREE WITH REQUEST	Yes
ADDITIONAL	ATTACHMENT	No

COMMENT

- No reminder sign for school zones
- 50 speed limit area
- Nil accident history

RECOMMENDATION

- School Zone signs and pavement patches be provided in Wahgunyah Road.

ESTIMATED COST \$ 900
FUNDING SOURCE Traffic Facilities Budget

THIS ITEM HAS A SAFETY PRIORITY

C.10 NELSON BAY CBD – CHANGES TO LOADING ZONES

NBTM have requested Traffic Committee consider alterations to the 4 loading zones in the Nelson Bay CBD. The changes requested are that the loading zones be in operation Weekdays from 6 am to 4 pm then one hour customer parking until 5.30 pm, Saturdays 6 am to 12.30 pm and unrestricted customer parking thereafter and Sundays unrestricted customer parking all day.

REQUESTED BY: Nelson Bay Town Management

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
	AGREE WITH REQUEST	No
ADDITIONAL	ATTACHMENT	No

COMMENT

- Loading zones should be uniform in times to reduce confusion, time limits are not permitted to be altered for the zones.
- Rangers requested 6 – 6 uniformity
- There are a minimum number of loading zones in the CBD to service the area. The existing zones are in the appropriate locations and should be signposted in a uniform manner.
- Changes of times and zone use leads to confusion and parking non-compliance for motorists
- Councils Rangers had previously requested an extension of the loading zones to cover Sundays as deliveries are being made on Sundays and the zones have been unavailable

RECOMMENDATION

- All Loading Zones be changed to 6 am to 6 pm all days.
- The existing Loading Zones remain in their current locations.

ESTIMATED COST	\$ 600
FUNDING SOURCE	Traffic Facilities Budget

C.11 TERAMBY ROAD, NELSON BAY – BUS ZONE AT REAR OF VISITORS CENTRE

Port Stephens Councils Road Safety Officer has requested a review of the bus zone at the rear of the Visitors Centre. Large buses create sight distance problems for pedestrians crossing to the marina. There is a need to create a clear zone for visibility and change the parking restrictions to assist visibility.

REQUESTED BY: Road Safety Officer

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
	AGREE WITH REQUEST	Yes
ADDITIONAL	ATTACHMENT	No

COMMENT

- Bus zone is used weekly by tourist coaches
- Two lanes past bus zone could be reduced to one lane
- The bus zone is better located on the Marina side of Teramby Road
- Port Stephens Coaches advised they would like to swap sides of the road
- Council Economic Development Manager advised that buses do use the stop on a weekly basis

RECOMMENDATION

- A concept design be prepared and brought back to the Committee for review.

ESTIMATED COST	N/A
FUNDING SOURCE	N/A

C.12 VICTORIA PARADE, NELSON BAY – PEDESTRIAN SAFETY ON ONE WAY SECTION

The Native Flora Garden Committee have requested a painted edge line on the one way section of road around Fly Point. Many pedestrians walk along the roadway and a painted edge line on the northern edge of the road allowing width for a pedestrian walking area may make this area safer.

They also believe the painted one way arrows on the road are too small as some motorists still ignore or are unaware the street is one way.

REQUESTED BY: Port Stephens Native Flora Garden Committee

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
	AGREE WITH REQUEST	No
ADDITIONAL	ATTACHMENT	E.1

COMMENT**RECOMMENDATION**

- An edge line be provided 4 metres from the right hand edge of the pavement on the one way section of Victoria Parade.

ESTIMATED COST	\$900
FUNDING SOURCE	Traffic Facilities Budget

C.13 SHOAL BAY ROAD, SHOAL BAY – APPLICATION FOR TEMPORARY ROAD CLOSURE

Shoal Bay Resort & Spa have requested permission for a temporary road closure of Shoal Bay Road, from the entrance of Shoal Bay Resort to Tomaree Road on Sunday 11 June from 6 am to 11 pm.

REQUESTED BY: Shoal Bay Resort & Spa

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
	AGREE WITH REQUEST	No
ADDITIONAL	ATTACHMENT	No

COMMENT

- A full closure of Shoal Bay Road from Tomaree Road to Government Road would be required.
- Pedestrian access into the area should be unrestricted
- Disruptions to bus services
- Access to eastern end of Shoal Bay would be restricted
- This is a busy weekend (June long weekend)
- Loss of approximately 60 parking spaces cannot be accommodated elsewhere

RECOMMENDATION

- That application for closure of Shoal Bay Road on Sunday 11 June be denied.

ESTIMATED COST	N/A
FUNDING SOURCE	N/A

C.14 MARINE DRIVE INTERSECTION OF ROCKY POINT ROAD, FINGAL BAY – INTERSECTION LINE MARKING

A resident of Fingal Bay has requested centre line markings be installed at the intersections of Marine Drive and Rocky Point Road and Marine Drive and Boulder Bay Road. The resident has had near misses with motorists who cut the corners at these locations.

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

RECOMMENDATION

- Double centre line marking and pavement markers be provided on Boulder Bay Road at the intersection of Marine Drive for a distance of 15 metres.
- Double centre line marking and pavement markers be provided on Rocky Point Road at the intersection of Marine Drive for a distance of 15 metres.

ESTIMATED COST	\$ 500
FUNDING SOURCE	Traffic Facilities Budget

C.15 KINGSLEY DRIVE, BOAT HARBOUR – ASSESS NEED FOR GUARDRAIL

Port Stephens Councils Road Safety Officer has requested an assessment of Kingsley Drive fronting Boat Harbour Beach, for a Guardrail. He has requested that the guardrail allow pedestrian movement behind the structure and not force pedestrians onto the road.

REQUESTED BY: Road Safety Officer

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
	AGREE WITH REQUEST	Yes
ADDITIONAL	ATTACHMENT	No

COMMENT

- Requirements for guard rail have been met
- Risk assessment required
- Guard rail would not allow access for pedestrians
- Nil accident history

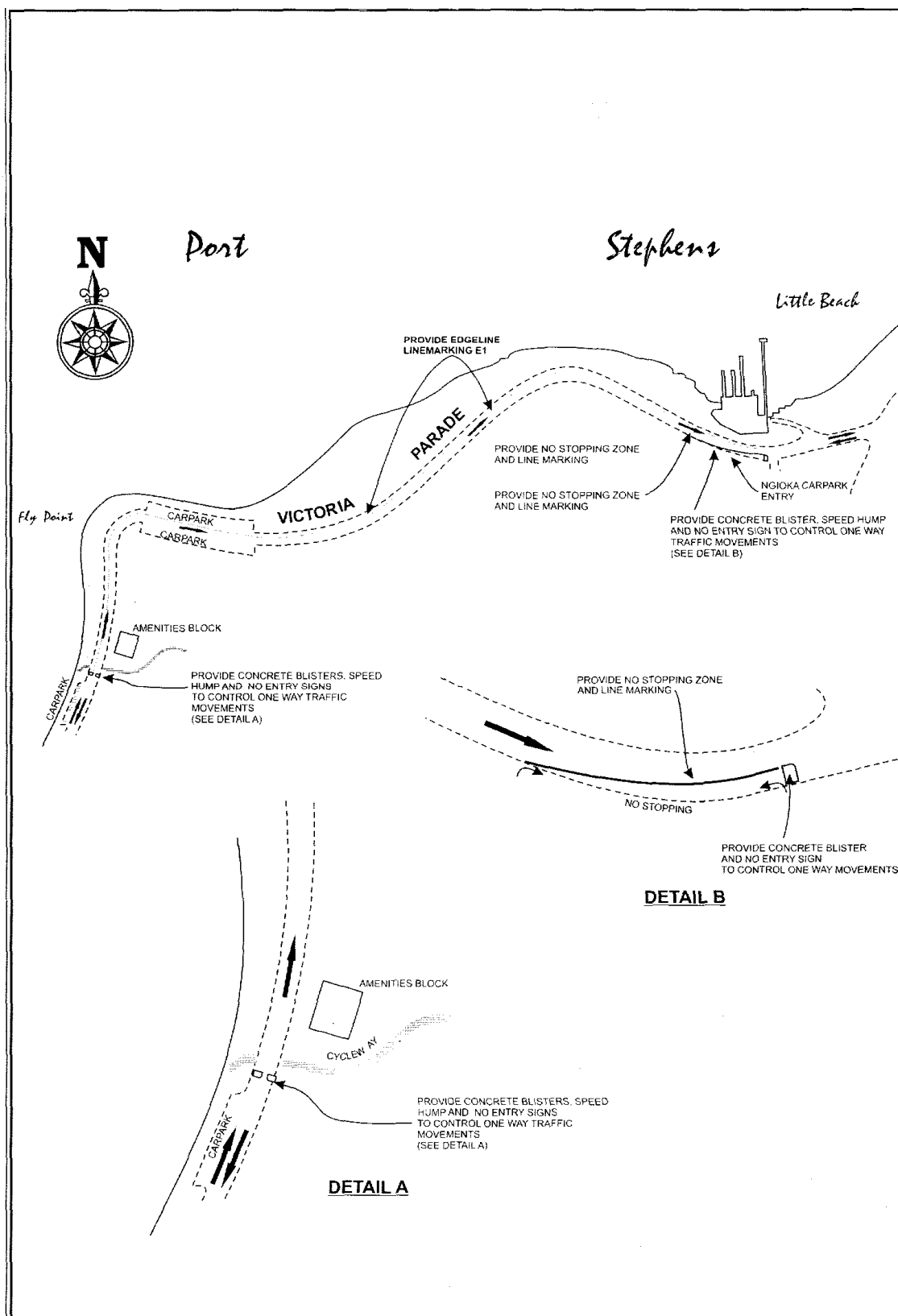
RECOMMENDATION

- Curve alignment markers be provided around curve
- Council's Asset Engineer conduct a risk assessment to determine the need for safety fencing
- More guide posts be provided around curve

ESTIMATED COST \$ 800
FUNDING SOURCE Traffic Facilities Budget

E. ATTACHMENTS

E.1 VICTORIA PARADE, NELSON BAY – PEDESTRIAN SAFETY ON ONE WAY SECTION (ITEM C.12)



ITEM NO. 5**FILE NO: PSC2005-4386****MANAGEMENT OBJECTIVES FOR THE HUNTER RIVER ESTUARY****REPORT OF: BRUCE PETERSEN – ENVIRONMENTAL SERVICES MANAGER**

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the Vision, Considerations and Management Objectives for the Hunter River Estuary Management Study and Management Plan that are included in Attachment 1

OPERATIONS COMMITTEE MEETING – 11 July 2006**RECOMMENDATION: That the recommendation be adopted.**

ORDINARY MEETING OF COUNCIL – 25 July 2006**RESOLUTION:**

609	Councillor Hodges Councillor Westbury	It was resolved that the Operations Committee recommendation be adopted.
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BACKGROUND

The purpose of this report is to seek Council's endorsement of the Vision, Considerations and Management Objectives for the Hunter River Estuary Management Study and Management Plan that are included in Attachment 1.

The Hunter Estuary is the largest estuarine system in NSW. It is of national and international ecological and economic significance and of regional and state social significance. It traverses three local government areas: Newcastle, Port Stephens and Maitland. Prior to European settlement it was home to local indigenous communities and retains significant indigenous heritage values. It is also the home of the nation's first industrial settlement and today is the largest export tonnage port in Australia.

Newcastle City Council commenced the Hunter Estuary Management Program in 1998 with the formation of the Hunter Coast and Estuary Management Committee. Port Stephens Council along with Maitland Council are members of this Committee and contribute \$10,000 per annum to the program. Under the guidance of the Committee, the program is progressing through stages one to four of the NSW estuary management planning process.

At present the Committee is overseeing development of the Hunter River Estuary Management Study and Management Plan that comprise the final planning stages of the program. The previous steps that have been completed include the Hunter Estuary Data Compilation Report (1999) and the Hunter Estuary Processes Study (2003). The project study area extends from the mouth of the Hunter River at Newcastle, upstream to the tidal limits of the Paterson River at Gostwyk, the Williams River at Seaham Weir and the Hunter River above Maitland. The project aims to establish a whole of government/community

vision for the Hunter River estuary that will be fundamental in developing a shared management direction and commitment from all stakeholders.

As part of the present process, a prioritised set of management objectives and associated vision and considerations for the Hunter estuary have been developed through broad community and stakeholder consultation and input to guide the identification of appropriate management options and to provide direction for the Management Study and Management Plan. Their establishment marks an important step in the project towards addressing priority natural resources management issues outlined in the Hunter Estuary Issues Paper, while reflecting the recognised economic, social and ecological values and uses identified for the Hunter River estuary.

The Vision, Considerations and Management Objectives document included in Attachment 1 provides a vision for the estuary, important values / considerations (under the headings of economic, social and ecological) and management objectives. The management objectives are listed in prioritised order that reflects feedback from the project consultation processes. The management objectives priorities will be used to guide the Estuary Management Study, with a view to optimising effectiveness of the process and achieving best value for money in development of the Estuary Management Plan.

The establishment of the management objectives is a key project milestone and their endorsement by Council will confirm direction and provide confidence for the project in the development of the Management Study and Management Plan.

LINKS TO CORPORATE PLANS

This report links to the Strategic Directions of *'Preserve and enhance our heritage, biodiversity and environmental health'* and *'Maintain and improve the quality of environment and recreation facilities'* that is included in the Council Plan 2005-2008.

FINANCIAL/RESOURCE IMPLICATIONS

Council currently contributes \$10,000 per annum to the Hunter Estuary Management Plan program and Councillor Helen Brown and Council's Natural Resources Co-ordinator are represented on the Hunter Coast and Estuary Committee. There are no additional financial or resource implications associated with endorsing the attached objectives.

LEGAL AND POLICY IMPLICATIONS

Nil

Australian Business Excellence Framework

This aligns with the following ABEF Principles

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action

- 7) All people work IN a system; outcomes are improved when people work ON the system
- 8) Effective use of facts, data and knowledge leads to improved decisions
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Preparation of the Hunter Estuary Management Study and Management Plan will contribute to protecting the culturally significant values of the Hunter River Estuary and provide for the access and recreation needs of residents and visitors to the estuary.

ECONOMIC IMPLICATIONS

The Port of Newcastle located within the Hunter River Estuary is the largest export port in terms of tonnage in Australia. The Port and the industry located along its shores are a substantial economic driver for not only the Hunter Region but for NSW. The considerations and management objectives included in Attachment 1 clearly recognise the importance of maintaining the economic role of the estuary.

ENVIRONMENTAL IMPLICATIONS

Preparation of the Hunter Estuary Management Study and Management Plan will contribute to protecting the local, state and internationally significant environmental values of the Hunter River Estuary.

CONSULTATION

The Coast and Estuary Management Committee, with consultants WBM Oceanics and Parsons Brinkerhoff, have conducted broad community and stakeholder consultation during the initial stages of the project. The results of this consultation are described in the Hunter Estuary Issues Paper, which identified important management issues and values for the estuary.

A targeted community and stakeholder workshop was held on 16 March 2006 to review the Issues Paper and to identify and develop management objectives that respond to the key management issues identified for the Hunter River estuary and espouse a desired position or outcome for the estuary.

Council's Estuary Technical Sub Committee, including project partners, stakeholders and the Coast and Estuary Management Committee further reviewed and refined these objectives during April and May 2006.

OPTIONS

ORDINARY MINUTES – 25 JULY 2006
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- 1) Adopt, reject or amend the recommendation.

ATTACHMENTS

- 1) Vision, Considerations and Management Objectives for the Hunter River Estuary Management Study and Management Plan

COUNCILLORS ROOM

- 1) Nil

ATTACHMENT 1

Hunter Estuary Management
Plan

VISION, CONSIDERATIONS
AND MANAGEMENT
OBJECTIVES

May 2006

Hunter Coast and Estuary Management
Committee



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BACKGROUND

An Estuary Management Plan is being developed for the Hunter River Estuary in accordance with the NSW Estuary Management Policy and NSW Coastal Policy. These policies aim to achieve effective management of the state's coast and estuaries through a series of actions and initiatives underpinned by the principles of Ecologically Sustainable Development. The policies also recognised the issue of climate change and aim to incorporate aspects such as sea level rise into future management plans.

The Hunter River Estuary Management Plan will be a strategic natural resources planning and management document aimed at securing long-term sustainability of the estuary, taking into account the estuary's ecological, social and economic values and uses. It is recognised that the Plan needs to strike a reasonable and effective balance between competing values to achieve the stated goal.

Community and stakeholder consultation has been carried out to help identify a range of estuary values and issues. The values represent those features of the estuary that are good and worthy of conservation and/or recognition. The issues represent problems with the estuary that need to be resolved in the future.

The values and issues associated with the Hunter River Estuary have been documented in an 'Issues Paper' (Parsons Brinckerhoff, 2006). Many issues have evolved through poor estuary and land management practices in the past, while others relate to the likely impact of catchment development in the future.

THIS DOCUMENT

This document presents the vision, considerations and objectives that will be used in developing management strategies and recommended actions for the Hunter Estuary Management Plan. It will form part of the Estuary Management Study and Management Plan.

A vision statement has been prepared by the Hunter Coast and Estuary Management Committee to promulgate the overall intent of future management of the estuary.

The considerations are a series of statements about the significance and values of the estuary. These considerations have been accommodated in the development of all management objectives, and will be further referenced when developing management strategies and options in the near future.

The objectives define the specific aims of the Plan, essentially defining the "goal posts" for which future management of the estuary should be targeted towards. The objectives have been prioritised (ranked from most important to least important) by representatives of the Hunter Coast and Estuary Management Committee in consultation with key estuary users. Prioritisation of the objectives will be used when defining works programs for future management actions – the most important objectives will be the first to be addressed by proposed management strategies.

A suite of future management strategies will be developed to address these objectives. The strategies will undergo a detailed multi-criteria assessment to determine which ones will give the best result for the estuary. The assessment will consider the:

- Effectiveness of the strategy in addressing the specific management issues;
- Acceptance of the strategy by the community and stakeholders;

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- Number of specific objectives addressed by each individual management strategy;
- Priority of the objectives addressed by the strategy;
- Cost of the strategy; and
- Integration with other relevant strategic planning frameworks.

Only the preferred strategies will be detailed in the final Estuary Management Plan, enabling Councils and other agencies to concentrate their efforts on actions that will truly benefit the Hunter River Estuary and lead to a more sustainable and valued environment in the future, while also accommodating economic and social needs.

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VISION

The community, industry and government working together towards a productive, economically viable and ecologically sustainable Hunter River estuary, recognising social, cultural and environmental values.

CONSIDERATIONS

Economic

- The deep water access and port-side activities of the Port of Newcastle act as a significant driver for local, regional, state and national economies.
- Agriculture around the Hunter Estuary contributes to local and regional economies.
- Fishing (commercial and recreational) and aquaculture within the Hunter Estuary contribute to the regional and local economies.
- The Hunter River Flood Mitigation Scheme has been developed to minimise damage, economic losses and risks to life during times of flood.
- The lower Hunter Estuary is considered a key attraction for tourists and recreational users to the area, with associated economic benefits.
- Wetlands within the Hunter Estuary provide habitat for prawns and fish, and thus are important to regional and local economies.
- Estuary and wetland rehabilitation works contribute to the local economy.

Social

- The Hunter River Estuary, wetlands and environs are of cultural significance to Aboriginal People.
- Newcastle and surrounds were one of the first sites of European settlement and the Hunter Estuary study area includes a unique variety of historical structures and sites of significance.
- The estuary is a significant landscape feature that determines the identity of regional communities and contributes to the amenity of the region.
- The Hunter Estuary is a focus for recreational activities in the region, including fishing, boating, water skiing, bird watching, swimming, cycling, sightseeing and walking.
- It is important to the local community that they continue to be consulted and involved in management and protection of the Hunter Estuary.

Ecological

- The Hunter River Estuary and wetlands are of international significance, being listed under the Ramsar wetland convention, and utilised by 38 of the 66 migratory species protected by the Japan-Australia Migratory Bird Agreement (JAMBA) and China-Australia Migratory Bird Agreement (CAMBA).

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- The Hunter River Estuary and wetlands is also of state and national significance, being utilised by a range of species protected under the NSW *Threatened Species Conservation Act 1995* and the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999*.
- The Hunter River Estuary encompasses a diversity of habitats, including several Endangered Ecological Communities listed under the NSW *Threatened Species Conservation Act 1995*, as well as habitats critical to migratory birds.
- Estuarine vegetation communities of the Hunter River Estuary play an important role in providing wildlife corridors of a landscape scale.
- Wetland rehabilitation works around the Hunter (such as Kooragang, Shortland and Hexham Projects) are widely regarded and have produced notable positive results.

OBJECTIVES

Recognising the economic, social & ecological considerations described above, management objectives for the Hunter River estuary are, *in priority order*:

1. To protect and enhance estuarine biodiversity, particularly Endangered Ecological Communities (as listed under the *NSW Threatened Species and Conservation Act 1995*) and other key habitats
2. To increase appropriate native riparian vegetation along the Hunter River Estuary
3. To prevent catchment and point source pollutants from compromising social, environmental and economic values of the Hunter River Estuary
4. To optimise management of flood mitigation works and other flow control structures to enhance environmental values without compromising intended function
5. To prevent further bank erosion throughout the Hunter River Estuary and remediate existing erosion sites, where appropriate.
6. To provide opportunity for effective and inclusive stakeholder involvement in the management of the Hunter River Estuary environment.
7. To acquire knowledge relevant to environmental management about the Hunter River Estuary, on a priority basis
8. To achieve consistency and integration between the Hunter Estuary Management Plan and other strategic environmental planning and Natural Resource Management instruments and programs
9. To adopt catchment wide development assessment practices that consider and address cumulative impacts on the Hunter River Estuary
10. To ascertain the impacts of past works and activities on the tidal hydraulics of the Hunter River Estuary
11. To encourage development that maintains and enhances landscape values and ecological functions of the Hunter River Estuary
12. To prevent mobilisation of contaminated sediment and groundwater contamination from impacting on environmental processes within the Hunter River Estuary

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13. To reduce the catchment sediment load to the Hunter River Estuary
14. To fulfil all requirements of international environmental management treaties and relevant conservation legislation in regard to the Hunter River Estuary
15. To prevent environmental weeds and pests from compromising the social, ecological and economic values of the Hunter River Estuary
16. To facilitate the adaptation of estuarine communities to projected climate change
17. To adopt a consistent approach to foreshore land rehabilitation and conservation along the Hunter River Estuary
18. To minimise environmental consequences of changes to flow and salinity regimes from upstream activities
19. To reduce the environmental impacts of the accumulation and migration of recent sediments within the Hunter River Estuary
20. To prevent further exposure of Potential Acid Sulfate Soils and to reduce the impacts of Actual Acid Sulfate Soils around the Hunter River Estuary
21. To increase appropriate public access and amenity to the Hunter River Estuary and wetlands, recognising sensitive habitats.
22. To enhance the scenic quality of the Hunter River Estuary
23. To facilitate appropriate reuse of sediment dredged from the Port of Newcastle
24. To minimise the environmental impacts of commercial sand and gravel extraction on the Hunter River Estuary

REFERENCES

Parsons Brinckerhoff (2006) "Hunter Estuary Issues Paper" Prepared for the Hunter Coast and Estuary Management Committee by Parsons Brinckerhoff and WBM Oceanics Australia, June 2006.

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ITEM NO. 6

FILE NO: PSC2005-4493

AMENDMENTS TO NOXIOUS WEEDS ACT 1993 AND ADOPTION OF CLASS 4 WEED CONTROL PLANS

REPORT OF: BRUCE PETERSEN – ENVIRONMENTAL SERVICES MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Class 4 Noxious Weed Control Plans included in Attachments 4 to 18
-

OPERATIONS COMMITTEE MEETING – 11 July 2006

RECOMMENDATION: That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 25 July 2006

RESOLUTION:		
610	Councillor Francis Councillor Brown	It was resolved that the Operations Committee recommendation be adopted.

BACKGROUND

The purpose of this report is to inform Council of recent amendments to the *Noxious Weeds Act 1993* and to seek Council's adoption of the Class 4 Weed Control Plans that are included in Attachments 4 to 18. Class 4 Weed Control Plans will provide the means via which Council can enforce control of weeds that pose a threat to primary production, the environment or human health, and which are widely distributed in an area and are likely to spread within the area or to another area.

Changes to the Noxious Weed Act 1993 came into effect on 1st March 2006. Key changes and implications arising from these amendments include the following:

1. All previously listed noxious weeds have been transferred to five new classes of noxious weeds. These classes replace the previous W1-W4 system. Attachment 1 contains the definitions of the 5 new Classes of Noxious Weeds.
2. Weeds previously listed under the *Weeds Act 1982* have now been transferred into the Noxious Weeds Act. In addition to this, the declaration of the twenty Weeds of National Significance and a variety of new noxious weeds has raised the number of Weeds declared noxious in Port Stephens from 42 to 93. A copy of the amended NSW Noxious Weeds list is included in Attachment 2.
3. Alligator Weed is now classified as a Class 3 Noxious Weed across the Hunter region. The new control requirement for this weed is that "*the plant must be fully and continuously destroyed*". The full implications of this change are being discussed with

regional stakeholders but it is not expected to have a significant impact on councils weed control operations.

4. All species of Lantana are now declared Noxious Weeds (including ornamental varieties). This is a technical listing as there is no requirement to control the weeds, however prohibition on sales of the species and some restrictions on disposal do apply. Lantana has been declared noxious due to its status as a Weed of National Significance
5. The new Act provides for the owners as well as occupiers of properties to be served Weed Control Notices. Under the previous Act, Weed Control Notices could only be issued to occupiers which could make the ongoing enforcement of Weed Control Notices problematic.
6. Section 17 of the amended Act provides the Minister or the council with the power to exempt occupiers from their obligations to control aquatic weeds. Where an exemption is made the council becomes responsible for the control of those weeds.

Class 4 Control Plans

Another key change arising from the amendments to the Noxious Weeds Act includes the requirement by councils to prepare and publish Weed Control Plans for noxious weeds categorised as Class 4. In the Port Stephens Local Government Area there are 24 noxious weeds declared in this class. A list of these weeds is included in Attachment 3.

Class 4 noxious weeds are plants that pose a threat to primary production, the environment or human health, are widely distributed in an area and are likely to spread within the area or to another area. This Class is intended to provide for enforceable control where necessary on a local or regional basis. The plans are written in a way that considers control may be difficult and it may sometimes be unreasonable to eliminate all infestations at once, or that a private/community program is progressively destroying an infestation. It is a requirement of the Act that these Class 4 Control Plans be formally adopted by Council in order for them to be legally enforceable.

The Class 4 Weed Control Plans developed for the Port Stephens LGA are included in Attachments 4 – 18. Please note that some of the Class 4 Weed Control Plans address more than one weed species.

LINKS TO CORPORATE PLANS

This report relates to the goal in the Environmental Management Section of the Council Plan 2005-2008 that “*Port Stephens Council is a leader in the management and promotion of the area’s natural environment, amenity, health and safety*”.

FINANCIAL/RESOURCE IMPLICATIONS

The amendments to the Act do require increased control obligations in respect to existing infestations of Alligator Weed and also of Chinese Violet that has now been listed as a Noxious Weed. While management of these weed species is currently being undertaken using existing Council resources and temporary increases in external grants, it should be noted that a substantial increase in resources would be required to make effective in roads to the effective management and control of these and other noxious weed species.

LEGAL AND POLICY IMPLICATIONS

Council is legally bound by the Noxious Weeds Act. The Class 4 Control Plans must be formally adopted by Council in order for council to fulfil its obligation to require landowners to control noxious weeds.

Australian Business Excellence Framework

This aligns with the following ABEF Principles:

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 4) to improve the outcome, improve the system and its associated processes
- 7) All people work IN a system; outcomes are improved when people work ON the system
- 8) Effective use of facts, data and knowledge leads to improved decisions
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The uncontrolled spread of weeds can have an effect on the amenity of the Port Stephens Local Government Area. It is important that council continue existing programs to contain and reduce noxious weed infestations where they may spread into agricultural or environmentally valuable lands. By controlling those weeds that pose a risk to the health of persons and animals in accordance with the Class 4 Control Plans, Council will contribute to maintaining and improving the amenity of the area for the benefit of the community.

ECONOMIC IMPLICATIONS

Uncontrolled weeds can have a serious effect on agricultural land and the economic viability of that land. The Class 4 Control Plans aim to reduce the economic impact of noxious weeds by requiring control of weeds before they become more widely established and expensive to control.

ENVIRONMENTAL IMPLICATIONS

Noxious weeds can severely affect natural environments by invading and disrupting the natural ecosystem, often resulting in irreversible changes to the ecology of infested areas.

Bitou Bush and Blackberry are Weeds of National Significance. The invasion of native vegetation by Bitou Bush is formally listed as a key threatening process under the NSW Threatened Species Act and as such is a widely recognised threat to the natural biodiversity of Port Stephens.

Control of aquatic weeds including Water Hyacinth and Ludwigia is essential to protect the important wetlands and water resources of Port Stephens.

The Class 4 Control Plans aim to reduce the negative environmental impacts of noxious weeds by enabling council to require landowners to undertake suitable control measures.

CONSULTATION

The Hunter and Central Coast Weed Management Committee have prepared the control plans during consultation with state government agencies. A briefing was held for Port Stephens council staff from across the organisations operational areas on 14 June 2006 to enable them to provide input to the Class 4 Control Plans. .

OPTIONS

- 1) Adopt, reject or amend the recommendation

ATTACHMENTS

- 1) Definition of Weed Classes
- 2) Amended NSW Noxious Weeds list
- 3) List of Class 4 Weeds for the Port Stephens Local Government Area
- 4) Local Weed Control Plan for AFRICAN BOXTHORN- (*Lycium ferocissimum*)
- 5) Local Weed Control Plan for BITOU BUSH- (*Chrysanthemoides monilifera* subspecies *monilifera*) and BONESEED- (*C. monilifera* subspecies *rotundata*)
- 6) Local Weed Control Plan for PAMPAS GRASS- (*Cortaderia* species)
- 7) Local Weed Control Plan for JOHNSON GRASS- (*Sorghum halepense*) and COLUMBUS GRASS- (*Sorghum x alnum*)
- 8) Local Weed Control Plan for LONG-LEAF WILLOW PRIMROSE (*Ludwigia longifolia*)
- 9) Local Weed Control Plan for PATERSON'S CURSE- (*Echium plantagineum*), ITALIAN BUGLOSS- (*E. italicum*) & VIPER'S BUGLOSS- (*E. vulgare*)
- 10) Local Weed Control Plan for SPINY EMEX- (*Emex australis*)
- 11) Local Weed Control Plan for BLACKBERRY- *Rubus fruticosus* (aggregate species)
- 12) Local Weed Control Plan for SPINY BURR-GRASS (*Cenchrus incertus* & *C. longispinus*)
- 13) Local Weed Control Plan for CROFTON WEED- (*Ageratina adenophora*) & MISTFLOWER- (*A. riparia*)
- 14) Local Weed Control Plan for SERRATED TUSSOCK- (*Nassella trichotoma*) & CHILEAN NEEDLE GRASS- (*Nassella neesiana*)
- 15) Local Weed Control Plan for PRICKLY PEARS- (*Opuntia* spp.), ROPE PEARS- (*Cylindropuntia* spp.) & HARRISIA CACTI- (*Harrisia* spp.)
- 16) Local Weed Control Plan for RHUS TREE- (*Toxicodendron succedaneum*)
- 17) Local Weed Control Plan for ST. JOHN'S WORT (*Hypericum perforatum*)
- 18) Local Weed Control Plan for WATER HYACINTH- (*Eichhornia crassipes*)

COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1 DEFINITION OF WEED CONTROL CLASSES

CLASS 1

Number declared Port Stephens Council- 27

Class 1 noxious weeds are plants that pose a potentially serious threat to primary production or the environment and are not present in the State or are present only to a limited extent.

The intent of this class is to provide a high level of action to those weeds of Statewide significance. The aim is to prevent the establishment of new species in NSW. This would not impose a significant burden on any individual, as the species should be of very limited distribution, if present. These weeds will be declared for the whole of the state.

Control requirement- The plant must be eradicated from the land and the land must be kept free of the plant.

Local example- *Asystasia gangetica* subspecies *micrantha* (Chinese Violet)

CLASS 2

Number declared Port Stephens Council- 1

Class 2 noxious weeds are plants that pose a potentially serious threat to primary production or the environment of a region to which the order applies and are not present in the region or are present only to a limited extent.

The intent of this class is that the weed is eradicated from the region. Similar to Control Class 1, this is intended to provide a high level of control on a regional or local basis. These weeds will be declared for part of the state. Weeds in this Class may have a limited biological range and therefore do not require Statewide enforced control. The weed may be abundant in other parts of NSW, but can be prevented from establishing in new areas. The aim is to restrict the spread of existing species in NSW.

This would not impose a significant burden on any individual, as the species should be of very limited distribution, if present.

While this may appear to have potential to severely restrict trade within the state, these species are of such importance that this is essential. Any absolutely necessary exemptions to the restrictions on movement of materials etc. can be effectively dealt with by permit.

Control requirement- Eradicate from the land and keep the land free of the weed.

Local example - *Hygrophila costata* (Glush Weed)

CLASS 3

Number declared Port Stephens Council- 6

Class 3 noxious weeds are plants that pose a serious threat to primary production or the environment of an area to which the order applies, are not widely distributed in the area and are likely to spread in the area or to another area.

This Class is intended to provide for enforceable control where necessary on a local or regional basis. Examples are weeds that may be relatively common but have not yet reached the limit of their range or weeds that may impact on parts of the State but not on others. Further spread in the area or to another area is likely and should be stopped.

Control may be difficult and it is unreasonable to eliminate all areas at once. Or a community program is progressively destroying an infestation. Movement of propagules should be limited. The aim is to reduce the area of the species in NSW

Control requirement- The plant must be fully and continuously suppressed and destroyed.

Local example- *Alternanthera philoxeroides* (Alligator Weed)

CLASS 4

Number declared Port Stephens Council- 24

Class 4 noxious weeds are plants that pose a threat to primary production, the environment or human health, are widely distributed in an area to which the order applies and are likely to spread in the area or to another area.

This Class is intended to provide for enforceable control where necessary on a local or regional basis. Examples are weeds that may be relatively common but have not yet reached the limit of their range or weeds that may impact on parts of the State but not on others. Further spread in the Area or to another Area is likely and should be stopped. Control may be difficult and it is unreasonable to eliminate all areas at once, or a community program is progressively destroying an infestation. Movement of propagules is limited. The aim is to reduce the area of the species in NSW

Control requirement- The growth and spread of the weed must be controlled to the extent specified by the Local control authority.

Note: a Local control authority cannot direct anything which is contrary or in excess of the objectives and intent of the Act, nor higher than the objective for Class 4

Local example- *Chrysanthemoides monillifera* (Bitou Bush)

CLASS 5

Number declared Port Stephens Council- 35

Class 5 noxious weeds are plants that are likely, by their sale or the sale of their seeds or movement within the State or an area of the State, to spread in the State or outside the State.

This class is intended to provide control on the presence of certain weeds and weed seeds in seed offered for sale for sowing, and also in fodder moved into or within NSW, and in some

circumstances, on turf, animals, machinery or other products. This class will accommodate those formerly listed under the Seeds Act 1982. The obligations and conditions to apply will be specified in a Weed Control Order. The aim is to prevent the establishment of new species in NSW

Control requirement- A person must comply with requirements in the Act for a notifiable weed.

These requirements do not apply to serrated tussock, blackberry, Chilean needle grass, lantana, bitou bush, boneseed, willow and gorse. These requirements do not apply to the sale or movement of infested wool, grain, animals or other things that will be processed so that all seed will be destroyed.

Local example- *Lantana* species

**ATTACHMENT 2
AMENDED NSW NOXIOUS WEEDS LIST**

**NOXIOUS WEEDS ACT 1993
WEED CONTROL ORDER No. 19**

Order declaring certain plants to be noxious weeds.

I, IAN MACDONALD MLC, Minister for Primary Industries, pursuant to sections 7 and 8 of the *Noxious Weeds Act 1993*, hereby:

1. revoke all orders made pursuant to section 7 and 8 of the Act and any order revived as a result of this revocation;
2. declare the plants listed in column 1 of Schedules 1, 2, 3, 4 and 5, and alternatively described in columns 2 and 3 of those Schedules, to be noxious weeds;
3. apply the following weed control classes to these plants:
 - a. A weed control class of 1 is applied to all plants listed in Schedule 1;
 - b. A weed control class of 2 is applied to all plants listed in Schedule 2;
 - c. A weed control class of 3 is applied to all plants listed in Schedule 3;
 - d. A weed control class of 4 is applied to all plants listed in Schedule 4;
 - e. A weed control class of 5 is applied to all plants listed in Schedule 5;
4. specify that, in respect of each plant listed in column 1 of Schedules 1, 2, 3, 4 and 5, the land to which the order applies in respect of each such plant is that land described in column 4 of those Schedules opposite the relevant entry in column 1;
5. specify that, in respect of each plant listed in column 1 of Schedules 1, 2, 3, 4 and 5, the control measures that are to be applied to each such plant are as described in column 5 of those Schedules opposite the relevant entry in column 1;
6. specify the control objectives for the plants as follows:
 - a. the control objective for weed control class 1 is to prevent the introduction and establishment of those plants in NSW.
 - b. the control objective for weed control class 2 is to prevent the introduction and establishment of those plants in parts of NSW.
 - c. the control objective for weed control class 3 is to reduce the area and the impact of those plants in parts of NSW.
 - d. the control objective for weed control class 4 is to minimise the negative impact of those plants on the economy, community or environment of NSW.
 - e. the control objective for weed control class 5 is to prevent the introduction of those plants into NSW, the spread of those plants within NSW or from NSW to another jurisdiction.

This order commences on 1 March 2006 and will remain in force for a period of five (5) years unless otherwise amended or revoked.

IAN MACDONALD MLC
Minister for Primary Industries

ORDINARY MINUTES – 25 JULY 2006

Common name	Scientific name	Control measures	Class
Karoo Thorn	<i>Acacia karroo</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1
Prickly Acacia	<i>Acacia nilotica</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1
Pond Apple	<i>Annona glabra</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1
Chinese Violet	<i>Asystasia gangetica</i> subspecies <i>micrantha</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1
Kochia	<i>Bassia scoparia</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1
Spotted Knapweed	<i>Centaurea maculosa</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1
Black Knapweed	<i>Centaurea nigra</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1
Siam Weed	<i>Chromolaena odorata</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1
Rubbervine	<i>Cryptostegia grandiflora</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1
Anchored Water Hyacinth	<i>Eichhornia azurea</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1
Horsetail	<i>Equisetum</i> species	The plant must be eradicated from the land and the land must be kept free of the plant	1
Senegal Tea Plant	<i>Gymnocoronis spilanthoides</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1
Hawkweed	<i>Hieracium</i> species	The plant must be eradicated from the land and the land must be kept free of the plant	1
East Indian Hygrophila	<i>Hygrophila polysperma</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1
Hymenachne	<i>Hymenachne amplexicaulis</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1
Lagarosiphon	<i>Lagarosiphon major</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1
Yellow Burrhead	<i>Limnorcharis flava</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1
Miconia	<i>Miconia</i> species	The plant must be eradicated from the land and the land must be kept free of the plant	1

ORDINARY MINUTES – 25 JULY 2006

Common name	Scientific name	Control measures	Class
Mimosa	<i>Mimosa pigra</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1
Eurasian Water Milfoil	<i>Myriophyllum spicatum</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1
Mexican Feather Grass	<i>Nassella tenuissima</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1
Broomrapes	<i>Orobanche</i> species except the native <i>O. cernua</i> variety <i>australiana</i> and <i>O. minor</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1
Parthenium Weed	<i>Parthenium hysterophorus</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1
Water Lettuce	<i>Pistia stratiotes</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1
Water Soldier	<i>Stratiotes aloides</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1
Witchweed	<i>Striga</i> species except native species and <i>Striga parviflora</i>	The plant must be eradicated from the land and the land must be kept free of the plant	1
Water Caltrop	<i>Trapa</i> species	The plant must be eradicated from the land and the land must be kept free of the plant	1
Hygrophila	<i>Hygrophila costata</i>	The plant must be eradicated from the land and the land must be kept free of the plant	2
Alligator Weed	<i>Alternanthera philoxeroides</i>	The plant must be fully and continuously suppressed and destroyed	3
Groundsel Bush	<i>Baccharis halimifolia</i>	The plant must be fully and continuously suppressed and destroyed	3
Mother-of-millions	<i>Bryophyllum</i> species and hybrids	The plant must be fully and continuously suppressed and destroyed and the plant may not be sold, propagated or knowingly distributed	3
Green Cestrum	<i>Cestrum parqui</i>	The plant must be fully and continuously suppressed and destroyed	3
Salvinia	<i>Salvinia molesta</i>	The plant must be fully and continuously suppressed and destroyed	3
Giant Parramatta Grass	<i>Sporobolus fertilis</i>	The plant must be fully and continuously suppressed and destroyed	3
Crofton Weed	<i>Ageratina adenophora</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4

ORDINARY MINUTES – 25 JULY 2006

Common name	Scientific name	Control measures	Class
Mistflower	<i>Ageratina riparia</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4
Spiny Burrgrass	<i>Cenchrus incertus</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority and the plant may not be sold, propagated or knowingly distributed	4
Spiny Burrgrass	<i>Cenchrus longispinus</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority and the plant may not be sold, propagated or knowingly distributed	4
Boneseed	<i>Chrysanthemoides monilifera subsp. monilifera</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4
Bitou Bush	<i>Chrysanthemoides monilifera subsp. rotunda</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4
Pampas Grass	<i>Cortaderia species</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4
Prickly Pear	<i>Cylindropuntia species</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority and the plant may not be sold, propagated or knowingly distributed	4
Paterson's Curse, Vipers Bugloss, Italian Bugloss	<i>Echium species</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4
Water Hyacinth	<i>Eichhornia crassipes</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4
Spiny emex	<i>Emex australis</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4
Harrisia Cactus	<i>Harrisia species</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority and the plant may not be sold, propagated or knowingly distributed	4
St. John's Wort	<i>Hypericum perforatum</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4

ORDINARY MINUTES – 25 JULY 2006

Common name	Scientific name	Control measures	Class
Long-leaf Willow Primrose	<i>Ludwigia longifolia</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4
African Boxthorn	<i>Lycium ferocissimum</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4
Cape Tulip	<i>Moraea</i> species	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4
Chilean Needle Grass	<i>Nassella neesiana</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority and the plant may not be sold, propagated or knowingly distributed	4
Serrated tussock	<i>Nassella trichotoma</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority and the plant may not be sold, propagated or knowingly distributed	4
Prickly pear	<i>Opuntia</i> species except <i>O. ficus-indica</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority and the plant may not be sold, propagated or knowingly distributed	4
Blackberry	<i>Rubus fruticosus</i> aggregate species	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority and the plant may not be sold, propagated or knowingly distributed	4
Johnson Grass	<i>Sorghum halepense</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4
Columbus Grass	<i>Sorghum x alnum</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4
Rhus Tree	<i>Toxicodendron succedanea</i>	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4
Bathurst/Noogoora/Californian/Cockle Burrs	<i>Xanthium</i> species	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4
Espartillo	<i>Achnatherum brachychaetum</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5

ORDINARY MINUTES – 25 JULY 2006

Common name	Scientific name	Control measures	Class
Dodder	All <i>Cuscuta</i> species except the native species <i>C. australis</i> , <i>C. tasmanica</i> and <i>C. victoriana</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
Oxalis	All <i>Oxalis</i> species and varieties except the native species <i>O. chnoodes</i> , <i>O. exilis</i> , <i>O. perennans</i> , <i>O. radicosa</i> , <i>O. rubens</i> , and <i>O. thompsoniae</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
Onion Grass	All <i>Romulea</i> species and varieties except <i>R. rosea</i> var. <i>australis</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
Annual Ragweed	<i>Ambrosia artemisiifolia</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
Burr Ragweed	<i>Ambrosia confertiflora</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
Mexican Poppy	<i>Argemone mexicana</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
Bridal Creeper	<i>Asparagus asparagoides</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
Sand Oat	<i>Avena strigosa</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
Smooth-stemmed Turnip	<i>Brassica barrelieri</i> subspecies <i>oxymrhina</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
Cabomba	<i>Cabomba caroliniana</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
Glaucous Star Thistle	<i>Carthamus glaucus</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
Gallon's Curse	<i>Cenchrus biflorus</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
Fine-bristled burr grass	<i>Cenchrus brownii</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
Mossman River Grass	<i>Cenchrus echinatus</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
Artichoke Thistle	<i>Cynara cardunculus</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
Yellow Nutgrass	<i>Cyperus esculentus</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5

ORDINARY MINUTES – 25 JULY 2006

Common name	Scientific name	Control measures	Class
Clockweed	<i>Gaura lindheimeri</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
Clockweed	<i>Gaura parviflora</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
Texas Blueweed	<i>Helianthus ciliaris</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
Lantana	<i>Lantana</i> species	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
Long-leaf Willow Primrose	<i>Ludwigia longifolia</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
Red Rice	<i>Oryza rufipogon</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
African Feather Grass	<i>Pennisetum macrourum</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
Fountain Grass	<i>Pennisetum setaceum</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
Soldier Thistle	<i>Picnomon acarna</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
Arrowhead	<i>Sagittaria montevidensis</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
Sagittaria	<i>Sagittaria platyphylla</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
Willows	<i>Salix</i> species except <i>S. babylonica</i> , <i>S. x reichardtii</i> , <i>S. x calodendron</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
Golden Thistle	<i>Scolymus hispanicus</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
African Turnip Weed	<i>Sisymbrium runcinatum</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
African Turnip Weed	<i>Sisymbrium thellungii</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
Corn Sowthistle	<i>Sonchus arvensis</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
Cayenne Snakeweed	<i>Stachytarpheta cayennensis</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5
Athel Tree/Athel Pine	<i>Tamarix aphylla</i>	The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with	5

Common name	Scientific name	Control measures	Class
Mesquite	<i>Prosopis</i> species	A person must not sell or purchase the plant, or any animal or thing which has on it or contains such weed material	
Parkinsonia	<i>Parkinsonia aculeata</i>	A person must not sell or purchase the plant, or any animal or thing which has on it or contains such weed material	
Blue Hound's Tongue	<i>Cynoglossum creticum</i>	A person must not sell or purchase the plant, or any animal or thing which has on it or contains such weed material	
Cape Broom	<i>Genista monspessulana</i>	A person must not sell or purchase the plant, or any animal or thing which has on it or contains such weed material	
Gorse	<i>Ulex europaeus</i>	A person must not sell or purchase the plant, or any animal or thing which has on it or contains such weed material	

ATTACHMENT 3
CLASS 4 WEEDS IN THE PORT STEPHENS LOCAL GOVERNMENT AREA

Common name	Scientific name
Crofton Weed	<i>Ageratina adenophora</i>
Mistflower	<i>Ageratina riparia</i>
Spiny Burrgrass	<i>Cenchrus incertus</i>
Spiny Burrgrass	<i>Cenchrus longispinus</i>
Boneseed	<i>Chrysanthemoides monilifera</i> <i>subspecies monilifera</i>
Bitou Bush	<i>Chrysanthemoides monilifera</i> <i>subspecies rotunda</i>
Pampas Grass	<i>Cortaderia</i> species
Prickly Pear	<i>Cylindropuntia</i> species
Paterson's Curse, Vipers Bugloss, Italian Bugloss	<i>Echium</i> species
Water Hyacinth	<i>Eichhornia crassipes</i>
Spiny emex	<i>Emex australis</i>
Harrisia Cactus	<i>Harrisia</i> species
St. John's Wort	<i>Hypericum perforatum</i>
Long-leaf Willow Primrose	<i>Ludwigia longifolia</i>
African Boxthorn	<i>Lycium ferocissimum</i>
Cape Tulip	<i>Moraea</i> species
Chilean Needle Grass	<i>Nassella neesiana</i>
Serrated tussock	<i>Nassella trichotoma</i>
Prickly pear	<i>Opuntia</i> species except <i>O. ficus-indica</i>
Blackberry	<i>Rubus fruticosus</i> aggregate species
Johnson Grass	<i>Sorghum halepense</i>
Columbus Grass	<i>Sorghum</i> x <i>almum</i>
Rhus Tree	<i>Toxicodendron succedanea</i>
Bathurst/Noogoora/Californian/Cockle Burrs	<i>Xanthium</i> species

ATTACHMENT 4
**LOCAL WEED CONTROL PLAN FOR AFRICAN BOXTHORN- (*LYCIUM*
FEROCISSIMUM) (“THE WEED”).**

This plan is published in accordance with Order No.19 (made under the Noxious Weeds Act 1993) and outlines requirements to control class 4 noxious weeds by private occupiers and or owners of land in the Port Stephens Council area.

Objective of class 4 noxious weed declaration:

To minimise the negative impact of class 4 noxious weeds on the economy, environment and community of NSW.

Plan period

This plan commences on **25 July 2006** and remains in force until 11 July 2011. Council reserves the right to review, revoke, vary or amend this plan at any time by publication of a revised control plan.

Obligations of landholders (Section 12, Noxious Weeds Act 1993)

Private occupiers of land must control noxious weeds on land.

An occupier (other than a public authority or a local control authority) of land to which a weed control order applies must control noxious weeds on the land as required under the order.

Note: If an occupier fails to comply with obligations under a weed control order, those obligations may be enforced against the owner of the land as well as the occupier by a weed control notice issued under section 18.

Prescribed Control Measures as per Weed Control Order No. 19 made under the Noxious Weeds Act 1993

The growth and spread of the weed must be controlled to the extent specified in the following control measures and the plant may not be sold, propagated or knowingly distributed.

The weed must be prevented from growing within 20 metres of a property boundary or watercourse.

Treat all weeds prior to seed set by:

applying a registered herbicide as per label

or by physical destruction

Correspondence contact:

**General Manager
Port Stephens Council
PO Box 42
Raymond Terrace, NSW 2324**

Telephone inquiries: Weed Office 49800239

Plan authorisation

Signed:

Position:

Date authorised:

ATTACHMENT 5

LOCAL WEED CONTROL PLAN FOR BITOU BUSH- (*CHRYSANTHEMOIDES MONILIFERA* SUBSPECIES *MONILIFERA*) AND BONESEED- (*C. MONILIFERA* SUBSPECIES *ROTUNDATA*) (“THE WEED”).

Bitou Bush and Boneseed are a notifiable weed (class 2) in another part of the state and as such parts of sections 28 and 29 of the Noxious Weeds Act also apply.

This plan is published in accordance with Order no.19 (made under the Noxious Weeds Act 1993) and outlines requirements to control class 4 noxious weeds by private occupiers and or owners of land in the Port Stephens Council area.

Objective of class 4 noxious weed declaration.

To minimise the negative impact of class 4 noxious weeds on the economy, environment and community of NSW.

Plan period

This plan commences on **25 July 2006** and remains in force until 11 July 2011. Council reserves the right to review, revoke, vary or amend this plan at any time by publication of a revised control plan.

Obligations of landholders (Section 12, Noxious Weeds Act 1993)

Private occupiers of land must control noxious weeds on land.

An occupier (other than a public authority or a local control authority) of land to which a weed control order applies must control noxious weeds on the land as required under the order.

Note: If an occupier fails to comply with obligations under a weed control order, those obligations may be enforced against the owner of the land as well as the occupier by a weed control notice issued under section 18.

Prescribed Control Measures as per Weed Control Order No. 19 made under the Noxious Weeds Act 1993

The growth and spread of the weed must be controlled to the extent specified in the following control measures.

- The weed must be prevented from seeding unless being managed in accordance with a management plan approved in writing by council weed officers.
- The weed must be prevented from spreading by any human assisted means, such means to include but not limited to the following;
 - Slashing, cutting or cultivating; or
 - Excavation works; or
 - Transport of hay or other fodder; or
 - Movement of vehicles, machinery and implements

Treat all weeds annually prior to seed set by:

- applying a registered herbicide as per label
- or by physical removal

ATTACHMENT 6

LOCAL WEED CONTROL PLAN FOR PAMPAS GRASS- (*CORTADERIA* SPECIES)("THE WEED").

This plan is published in accordance with Order No.19 (made under the Noxious Weeds Act 1993) and outlines requirements to control class 4 noxious weeds by private occupiers and or owners of land in the Port Stephens Council area. This plan refers to and includes all species of the genus *Cortaderia* (Pampas Grass).

Objective of class 4 noxious weed declaration:

To minimise the negative impact of class 4 noxious weeds on the economy, environment and community of NSW.

Plan period

This plan commences on **25 July 2006** and remains in force until 11 July 2011. Council reserves the right to review, revoke, vary or amend this plan at any time by publication of a revised control plan.

Obligations of landholders (Section 12, Noxious Weeds Act 1993)

Private occupiers of land must control noxious weeds on land.

An occupier (other than a public authority or a local control authority) of land to which a weed control order applies must control noxious weeds on the land as required under the order.

Note: If an occupier fails to comply with obligations under a weed control order, those obligations may be enforced against the owner of the land as well as the occupier by a weed control notice issued under section 18.

Prescribed Control Measures as per Weed Control Order no. 19 made under the Noxious Weeds Act 1993

Prescribed Control Measures as per Weed Control Order No. 19 made under the Noxious Weeds Act 1993

The growth and spread of the weed must be controlled to the extent specified in the following control measures.

- Prevent the spread and growth of the weed by treating all weeds prior to flowering or seeding.
- The weed must be prevented from growing within 10 metres of a property boundary or watercourse.
- The weed must be prevented from spreading by any human assisted means, such means to include but not limited to the following;
 - Slashing, cutting or cultivating; or
 - Excavation works; or
 - Transport of hay or other fodder; or
 - Movement of vehicles, machinery and implements

ATTACHMENT 7

**LOCAL WEED CONTROL PLAN FOR JOHNSON GRASS- (*SORGHUM*
HALEPENSE) AND COLUMBUS GRASS- (*SORGHUM X ALMUM*)("THE WEED").**

This plan is published in accordance with Order no.19 (made under the Noxious Weeds Act 1993) and outlines requirements to control class 4 noxious weeds by private occupiers and or owners of land in the Port Stephens Council area.

Objective of class 4 noxious weed declaration:

To minimise the negative impact of class 4 noxious weeds on the economy, environment and community of NSW.

Plan period

This plan commences on **25 July 2006** and remains in force until 11 July 2011. Council reserves the right to review, revoke, vary or amend this plan at any time by publication of a revised control plan.

Obligations of landholders (Section 12, Noxious Weeds Act 1993)

Private occupiers of land must control noxious weeds on land.

An occupier (other than a public authority or a local control authority) of land to which a weed control order applies must control noxious weeds on the land as required under the order.

Note: If an occupier fails to comply with obligations under a weed control order, those obligations may be enforced against the owner of the land as well as the occupier by a weed control notice issued under section 18.

Prescribed Control Measures as per Weed Control Order No. 19 made under the Noxious Weeds Act 1993

The growth and spread of the weed must be controlled to the extent specified in the following control measures.

- The weed must be prevented from growing within 10 metres of a property boundary or watercourse.
- The weed must be prevented from spreading by any human assisted means, such means to include but not limited to the following;
 - Slashing, cutting or cultivating; or
 - Excavation works; or
 - Transport of hay or other fodder; or
 - Movement of vehicles, machinery and implements

Treat all weeds prior to seed set by:

- applying a registered herbicide as per label
- or by physical destruction

ATTACHMENT 8

**LOCAL WEED CONTROL PLAN FOR LONG-LEAF WILLOW PRIMROSE
(*LUDWIGIA LONGIFOLIA*)(“THE WEED”).**

This plan is published in accordance with Order no.19 (made under the Noxious Weeds Act 1993) and outlines requirements to control class 4 noxious weeds by private occupiers and or owners of land in the Port Stephens Council area. Long-leaf Willow Primrose is a notifiable weed (class 5) throughout NSW and must not be bought or sold.

Objective of class 4 noxious weed declaration.

To minimise the negative impact of class 4 noxious weeds on the economy, environment and community of NSW.

Plan period

This plan commences on **25 July 2006** and remains in force until 11 July 2011. Council reserves the right to review, revoke, vary or amend this plan at any time by publication of a revised control plan.

Obligations of landholders (Section 12, Noxious Weeds Act 1993)

Private occupiers of land must control noxious weeds on land.

An occupier (other than a public authority or a local control authority) of land to which a weed control order applies must control noxious weeds on the land as required under the order.

Note: If an occupier fails to comply with obligations under a weed control order, those obligations may be enforced against the owner of the land as well as the occupier by a weed control notice issued under section 18.

Prescribed Control Measures as per Weed Control Order No. 19 made under the Noxious Weeds Act 1993

The growth and spread of the weed must be controlled to the extent specified in the following control measures.

- Infestations must be treated a minimum of three times per year.
- The weed must be prevented from spreading by any human assisted means, such means to include but not limited to the following;
 - Slashing, cutting or cultivating; or
 - Excavation works; or
 - Transport of hay or other fodder; or
 - Movement of vehicles, machinery and implements

ATTACHMENT 9

LOCAL WEED CONTROL PLAN FOR PATERSON'S CURSE- (*ECHIMUM PLANTAGINEUM*), ITALIAN BUGLOSS- (*E. ITALICUM*) & VIPER'S BUGLOSS- (*E. VULGARE*) ("THE WEED").

This plan is published in accordance with Order no.19 (made under the Noxious Weeds Act 1993) and outlines requirements to control class 4 noxious weeds by private occupiers and or owners of land in the Port Stephens Council area. This plan applies to all species of *Echium*.

Objective of class 4 noxious weed declaration:

To minimise the negative impact of class 4 noxious weeds on the economy, environment and community of NSW.

Plan period

This plan commences on **25 July 2006** and remains in force until 11 July 2011. Council reserves the right to review, revoke, vary or amend this plan at any time by publication of a revised control plan.

Obligations of landholders (Section 12, Noxious Weeds Act 1993)

Private occupiers of land must control noxious weeds on land.

An occupier (other than a public authority or a local control authority) of land to which a weed control order applies must control noxious weeds on the land as required under the order.

Note: If an occupier fails to comply with obligations under a weed control order, those obligations may be enforced against the owner of the land as well as the occupier by a weed control notice issued under section 18.

Prescribed Control Measures as per Weed Control Order No. 19 made under the Noxious Weeds Act 1993

The growth and spread of the weed must be controlled to the extent specified in the following control measures.

- The weed must be prevented from spreading by any human assisted means, such means to include but not limited to the following;
 - Slashing, cutting or cultivating; or
 - Excavation works; or
 - Transport of hay or other fodder; or
 - Movement of vehicles, machinery and implements
- Occupiers of land may submit a noxious weed management plan to council for approval.

Treat all weeds prior to seed set by:

- applying a registered herbicide as per label
- or by physical destruction

ATTACHMENT 10

**LOCAL WEED CONTROL PLAN FOR SPINY EMEX-
(*EMEX AUSTRALIS*)("THE WEED").**

This plan is published in accordance with Order No.19 (made under the Noxious Weeds Act 1993) and outlines requirements to control class 4 noxious weeds by private occupiers and or owners of land in the Port Stephens Council area.

Objective of class 4 noxious weed declaration:

To minimise the negative impact of class 4 noxious weeds on the economy, environment and community of NSW.

Plan period

This plan commences on **25 July 2006** and remains in force until 11 July 2011. Council reserves the right to review, revoke, vary or amend this plan at any time by publication of a revised control plan.

Obligations of landholders (Section 12, Noxious Weeds Act 1993)

Private occupiers of land must control noxious weeds on land.

An occupier (other than a public authority or a local control authority) of land to which a weed control order applies must control noxious weeds on the land as required under the order.

Note: If an occupier fails to comply with obligations under a weed control order, those obligations may be enforced against the owner of the land as well as the occupier by a weed control notice issued under section 18.

Prescribed Control Measures as per Weed Control Order No. 19 made under the Noxious Weeds Act 1993

The growth and spread of the weed must be controlled to the extent specified in the following control measures.

- The weed must be prevented from spreading by any human assisted means, such means to include but not limited to the following;
 - Slashing, cutting or cultivating; or
 - Excavation works; or
 - Transport of hay or other fodder; or
 - Movement of vehicles, machinery and implements.
- Occupiers of land may submit a noxious weed management plan to council for approval.
- The weed must be prevented from growing within ten (10) metres of a property boundary or watercourse.

Treat all weeds prior to seed set by:

- applying a registered herbicide as per label
- or by physical destruction

ATTACHMENT 11

**LOCAL WEED CONTROL PLAN FOR Blackberry- *RUBUS FRUITICOSUS*
(AGGREGATE SPECIES)(“THE WEED”).**

This plan is published in accordance with Order no.19 (made under the Noxious Weeds Act 1993) and outlines requirements to control class 4 noxious weeds by private occupiers and or owners of land in the Port Stephens Council area.

Objective of class 4 noxious weed declaration:

To minimise the negative impact of class 4 noxious weeds on the economy, environment and community of NSW.

Plan period

This plan commences on **25 July 2006** and remains in force until 11 July 2011. Council reserves the right to review, revoke, vary or amend this plan at any time by publication of a revised control plan.

Obligations of landholders (Section 12, Noxious Weeds Act 1993)

Private occupiers of land must control noxious weeds on land.

An occupier (other than a public authority or a local control authority) of land to which a weed control order applies must control noxious weeds on the land as required under the order.

Note: If an occupier fails to comply with obligations under a weed control order, those obligations may be enforced against the owner of the land as well as the occupier by a weed control notice issued under section 18.

Prescribed Control Measures as per Weed Control Order No. 19 made under the Noxious Weeds Act 1993

The growth and spread of the weed must be controlled to the extent specified in the following control measures **and the plant may not be sold, propagated or knowingly distributed.**

- Prevent the spread and growth of the weed by treating all weeds prior to seeding.
- All weeds growing within 10 metres of a property boundary or watercourse must be treated with a registered herbicide or physically destroyed.
- Occupiers of land may submit a noxious weed management plan to council for approval.

ATTACHMENT 12
**LOCAL WEED CONTROL PLAN FOR SPINY BURR-GRASS (*CENCHRUS*
INCERTUS & *C. LONGISPINUS*)(“THE WEED”).**

This plan is published in accordance with Order no.19 (made under the Noxious Weeds Act 1993) and outlines requirements to control class 4 noxious weeds by private occupiers and or owners of land in the Port Stephens Council area.

Objective of class 4 noxious weed declaration:

To minimise the negative impact of class 4 noxious weeds on the economy, environment and community of NSW.

Plan period

This plan commences on **25 July 2006** and remains in force until 11 July 2011. Council reserves the right to review, revoke, vary or amend this plan at any time by publication of a revised control plan.

Obligations of landholders (Section 12, Noxious Weeds Act 1993)

Private occupiers of land must control noxious weeds on land.

An occupier (other than a public authority or a local control authority) of land to which a weed control order applies must control noxious weeds on the land as required under the order.

Note: If an occupier fails to comply with obligations under a weed control order, those obligations may be enforced against the owner of the land as well as the occupier by a weed control notice issued under section 18.

Prescribed Control Measures as per Weed Control Order No. 19 made under the Noxious Weeds Act 1993

The growth and spread of the weed must be controlled to the extent specified in the following control measures and the plant may not be sold, propagated or knowingly distributed.

- The weed must be prevented from spreading by any human assisted means, such means to include but not limited to the following;
 - Slashing, cutting or cultivating; or
 - Excavation works; or
 - Transport of hay or other fodder; or
 - Movement of vehicles, machinery and implements
- Occupiers of land may submit a noxious weed management plan to council for approval.
- The weed must be prevented from growing within ten (10) metres of a property boundary or watercourse.

Treat all weeds prior to seed set by:

- applying a registered herbicide as per label
- or by physical removal

ATTACHMENT 13

LOCAL WEED CONTROL PLAN FOR CROFTON WEED- (*AGERATINA ADENOPHORA*) & MISTFLOWER- (*A. RIPARIA*)(“THE WEED”).

This plan is published in accordance with Order no.19 (made under the Noxious Weeds Act 1993) and outlines requirements to control class 4 noxious weeds by private occupiers and or owners of land in the Port Stephens Council area.

Objective of class 4 noxious weed declaration:

To minimise the negative impact of class 4 noxious weeds on the economy, environment and community of NSW.

Plan period

This plan commences on **25 July 2006** and remains in force until 11 July 2011. Council reserves the right to review, revoke, vary or amend this plan at any time by publication of a revised control plan.

Obligations of landholders (Section 12, Noxious Weeds Act 1993)

Private occupiers of land must control noxious weeds on land.

An occupier (other than a public authority or a local control authority) of land to which a weed control order applies must control noxious weeds on the land as required under the order.

Note: If an occupier fails to comply with obligations under a weed control order, those obligations may be enforced against the owner of the land as well as the occupier by a weed control notice issued under section 18.

Prescribed Control Measures as per Weed Control Order No. 19 made under the Noxious Weeds Act 1993

The growth and spread of the weed must be controlled to the extent specified in the following control measures and the plant may not be sold, propagated or knowingly distributed.

- Prevent the spread and growth of the weed by treating all weeds prior to seeding or annually before 1 July
- The weed must be prevented from growing within 3 metres of a property boundary or watercourse.
- Extensive infestations over 1 Hectare in area must be controlled in accordance with an agreed management plan approved in writing by Council's weeds officer.

Treat all weeds prior to seed set by:

- applying a registered herbicide as per label
- or by physical removal

ATTACHMENT 14

LOCAL WEED CONTROL PLAN FOR SERRATED TUSSOCK- (*NASSELLA TRICHOTOMA*) & CHILEAN NEEDLE GRASS- (*NASSELLA NEESIANA*)(“THE WEED”).

This plan is published in accordance with Order No.19 (made under the Noxious Weeds Act 1993) and outlines requirements to control class 4 noxious weeds by private occupiers and or owners of land in the Port Stephens Council area.

Objective of class 4 noxious weed declaration:

To minimise the negative impact of class 4 noxious weeds on the economy, environment and community of NSW.

Plan period

This plan commences on **25 July 2006** and remains in force until 11 July 2011. Council reserves the right to review, revoke, vary or amend this plan at any time by publication of a revised control plan.

Obligations of landholders (Section 12, Noxious Weeds Act 1993)

Private occupiers of land must control noxious weeds on land.

An occupier (other than a public authority or a local control authority) of land to which a weed control order applies must control noxious weeds on the land as required under the order.

Note: If an occupier fails to comply with obligations under a weed control order, those obligations may be enforced against the owner of the land as well as the occupier by a weed control notice issued under section 18.

Prescribed Control Measures as per Weed Control Order No. 19 made under the Noxious Weeds Act 1993

The growth and spread of the weed must be controlled to the extent specified in the following control measures and the plant may not be sold, propagated or knowingly distributed.

Treat all weeds annually prior to seed set by:

- applying a registered herbicide as per label
- or by physical removal

ATTACHMENT 15

LOCAL WEED CONTROL PLAN FOR PRICKLY PEARS- (*OPUNTIA SPP.*), ROPE PEARS- (*CYLINDROPUNTIA SPP.*) & HARRISIA CACTI- (*HARRISIA SPP.*)(“THE WEED”).

The following species are included in this plan; Tiger Pear- (*Opuntia aurantiaca*), Prickly Pear- (*Opuntia elatior*), Creeping Pear- (*Opuntia humifusa*), Smooth Tree Pear- (*Opuntia monacantha*), Common Prickly Pear- (*Opuntia stricta* var. *stricta*), Rope Pear- (*Cylindropuntia imbricata*), Moonlight Cactus- (*Harrisia martinii*), Harrisia Cactus- (*Harrisia tortuosa*).

This plan is published in accordance with Order no.19 (made under the Noxious Weeds Act 1993) and outlines requirements to control class 4 noxious weeds by private occupiers and or owners of land in the Port Stephens Council area.

Objective of class 4 noxious weed declaration:

To minimise the negative impact of class 4 noxious weeds on the economy, environment and community of NSW.

Plan period

This plan commences on **25 July 2006** and remains in force until 11 July 2011. Council reserves the right to review, revoke, vary or amend this plan at any time by publication of a revised control plan.

Obligations of landholders (Section 12, Noxious Weeds Act 1993)

Private occupiers of land must control noxious weeds on land.

An occupier (other than a public authority or a local control authority) of land to which a weed control order applies must control noxious weeds on the land as required under the order.

Note: If an occupier fails to comply with obligations under a weed control order, those obligations may be enforced against the owner of the land as well as the occupier by a weed control notice issued under section 18.

Prescribed Control Measures as per Weed Control Order No. 19 made under the Noxious Weeds Act 1993

The growth and spread of the weed must be controlled to the extent specified in the following control measures and the plant may not be sold, propagated or knowingly distributed.

Treat all weeds annually prior to seed set by:

- applying a registered herbicide as per label
- or by physical removal
- Biological control may be used in accordance with an agreed management plan approved in writing by Council's weeds officer.

ATTACHMENT 16

**LOCAL WEED CONTROL PLAN FOR RHUS TREE- (*TOXICODENDRON
SUCCEDANEUM*)("THE WEED").**

This plan is published in accordance with Order no.19 (made under the Noxious Weeds Act 1993) and outlines requirements to control class 4 noxious weeds by private occupiers and or owners of land in the Port Stephens Council area.

Objective of class 4 noxious weed declaration:

To minimise the negative impact of class 4 noxious weeds on the economy, environment and community of NSW.

Plan period

This plan commences on **25 July 2006** and remains in force until 11 July 2011. Council reserves the right to review, revoke, vary or amend this plan at any time by publication of a revised control plan.

Obligations of landholders (Section 12, Noxious Weeds Act 1993)

Private occupiers of land must control noxious weeds on land.

An occupier (other than a public authority or a local control authority) of land to which a weed control order applies must control noxious weeds on the land as required under the order.

Note: If an occupier fails to comply with obligations under a weed control order, those obligations may be enforced against the owner of the land as well as the occupier by a weed control notice issued under section 18.

Prescribed Control Measures as per Weed Control Order no. 19 made under the Noxious Weeds Act 1993

Prescribed Control Measures as per Weed Control Order No. 19 made under the Noxious Weeds Act 1993

The growth and spread of the weed must be controlled to the extent specified in the following control measures.

- All parts of the weed must be prevented from growing within 5 metres of a property boundary.

Treat all weeds annually prior to seed set by:

- applying a registered herbicide as per label
- or by physical removal

ATTACHMENT 17

LOCAL WEED CONTROL PLAN FOR ST. JOHN'S WORT (*HYPERICUM PERFORATUM*)("THE WEED").

This plan is published in accordance with Order no.19 (made under the Noxious Weeds Act 1993) and outlines requirements to control class 4 noxious weeds by private occupiers and or owners of land in the Port Stephens Council area.

Objective of class 4 noxious weed declaration:

To minimise the negative impact of class 4 noxious weeds on the economy, environment and community of NSW.

Plan period

This plan commences on **25 July 2006** and remains in force until 11 July 2011. Council reserves the right to review, revoke, vary or amend this plan at any time by publication of a revised control plan.

Obligations of landholders (Section 12, Noxious Weeds Act 1993)

Private occupiers of land must control noxious weeds on land.

An occupier (other than a public authority or a local control authority) of land to which a weed control order applies must control noxious weeds on the land as required under the order.

Note: If an occupier fails to comply with obligations under a weed control order, those obligations may be enforced against the owner of the land as well as the occupier by a weed control notice issued under section 18.

Prescribed Control Measures as per Weed Control Order No. 19 made under the Noxious Weeds Act 1993

The growth and spread of the weed must be controlled to the extent specified in the following control measures.

- The weed must be prevented from growing within 20 metres of a property boundary.
- The weed material must be prevented from spreading from the property

Treat all weeds annually prior to seed set by:

- applying a registered herbicide as per label
- or by physical removal

ATTACHMENT 18

LOCAL WEED CONTROL PLAN FOR WATER HYACINTH- (*EICHHORNIA CRASSIPES*)("THE WEED").

This plan is published in accordance with Order no.19 (made under the Noxious Weeds Act 1993) and outlines requirements to control class 4 noxious weeds by private occupiers and or owners of land in the Port Stephens Council area. As Water Hyacinth is a notifiable weed (class 2) in another part of the state parts of sections 28 and 29 of the Noxious Weeds Act may also apply.

Objective of class 4 noxious weed declaration:

To minimise the negative impact of class 4 noxious weeds on the economy, environment and community of NSW.

Plan period

This plan commences on **25 July 2006** and remains in force until 11 July 2011. Council reserves the right to review, revoke, vary or amend this plan at any time by publication of a revised control plan.

Obligations of landholders (Section 12, Noxious Weeds Act 1993)

Private occupiers of land must control noxious weeds on land.

An occupier (other than a public authority or a local control authority) of land to which a weed control order applies must control noxious weeds on the land as required under the order.

Note: If an occupier fails to comply with obligations under a weed control order, those obligations may be enforced against the owner of the land as well as the occupier by a weed control notice issued under section 18.

Prescribed Control Measures as per Weed Control Order No. 19 made under the Noxious Weeds Act 1993

The growth and spread of the weed must be controlled to the extent specified in the following control measures.

- The weed must be prevented from growing within 20 metres of a property boundary.

Treat all weeds annually prior to seed set by:

- applying a registered herbicide as per label
- or by physical removal
- or in accordance with an agreed management plan approved in writing by Council's weeds officer.

ITEM NO. 7

FILE NO: PSC2006-1162

MAKING OF RATES AND CHARGES FOR 2006/2007

THIS ITEM WAS DEALT WITH AT THE ORDINARY MEETING – 11 JULY 2006

ITEM NO. 8

FILE NO: PSC2005-1544

ROAD CLOSURE PART GAN GAN ROAD AT NELSON BAY

REPORT OF: PHIL BUCHAN – ACTING BUSINESS & DEVELOPMENT MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Not support the application for closure and purchase of a section of Gan Gan Road adjoining Lot 2 DP 599313.
- 2) Advise the National Parks and Wildlife Service that the application is not supported by Council and if the Service wished to acquire the subject section of road under its Legislation Council would not oppose such action.

OPERATIONS COMMITTEE MEETING – 11 July 2006

RECOMMENDATION:

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

ORDINARY MEETING OF COUNCIL – 25 July 2006

MOTION:

	Councillor Nell Councillor Brown	That Council: 1) Not support the application for closure and purchase of a section of Gan Gan Road adjoining Lot 2 DP 599313. 2) Advise the National Parks and Wildlife Service that the application is not supported by
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ORDINARY MINUTES – 25 JULY 2006

		Council and if the Service wished to acquire the subject section of road under its Legislation Council would not oppose such action.
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On being put the motion was lost.

RESOLUTION:

611	Councillor Robinson Councillor Dover	It was resolved that the Operations Committee recommendation be adopted.
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BACKGROUND

The purpose of this report is to recommend that Council not support the application to close and purchase the section of Gan Gan Road adjoining Lot 2 DP59931. As a consequence of new information received at the Council Meeting of 27 June 2006, this report and recommendations will now supersede the previous report deferred from that meeting.

Council first received a report on this road closure proposal in April 2006, the recommendations to the April Committee Meeting (**Attachment 1**) were proposed following notification to the adjoining owners and over six months after the closing date for submissions. No response was received from the owners, including NPWS and in terms of the notification there were no objections received. The Committee recommended that the matter be deferred for a site inspection prior to for 16 May 2006. The day before the inspection contact was made with NPWS to clarify their situation regarding the proposed closure. The result was that day a written objection was received from the service. (**Attachment 2**). This information was conveyed to each of the Ward Councillors by e-mail.

At the Council meeting of 27 June 2006 a letter addressed to the Member for Port Stephens from the Minister for the Environment was tabled. (**Attachment 3**). Some clarification of points mentioned in the letter is necessary. Firstly Gan Gan Road is a Council public road, if it was a Crown road the application could not be lodged with Council but would need to be lodged with Department of Lands. As mentioned previously at the time of the earlier recommendation no objection had been received from adjoining owners, contrary to the information in **Attachment 3**. There is no "parcel" of closed road at this stage as the area is public road. If NPWS wished to pursue the addition of the proposed parcel into Tomaree National Park there appears to be no reason for Council to oppose it.

LINKS TO CORPORATE PLANS

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

FINANCIAL/RESOURCE IMPLICATIONS

The recommendation will result in the application not proceeding and no income will be derived from the sale. As the area of road is unnecessary for Council or public use it will remain under Council's maintenance programme in the future. If NPWS does acquire the section of road the maintenance will then be the responsibility of that service.

If the application was supported by Council the applicant would be responsible for the survey and plan lodgement at the office of Land and Property Information. These costs would be in the order of \$5,000. Council is not in a position to finance such action so if NPWS wished to acquire the section of road it will be responsible for any plan that is required.

LEGAL AND POLICY IMPLICATIONS

If the original application is not supported by Council then the matter cannot proceed as the Roads Act 1993 does not make provision for an appeal. Application cannot be made directly to the Department of Roads

Australian Business Excellence Framework

This report aligns with the following ABEF Principles.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 5) The potential of an organisation is realised through its people's enthusiasm, resourcefulness and participation
- 8) Effective use of facts, data and knowledge leads to improved decisions

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Of a minor nature in the form of maintenance for bushfire protection

ENVIRONMENTAL IMPLICATIONS

If the section of road was to be sold application could be made to zone the area the same as the applicants Lot 2 DP 599313, that is 1a Rural or some other zoning. Such action could have poor environmental outcomes. The adjoining Tomaree National Park is zoned 7c Environmental Protection.

CONSULTATION

Applicants
Department of Lands
Council's Facilities & Services Group
Council's Property Advisor,
National Parks and Wildlife Service
Service Authorities and adjoining owners

OPTIONS

- 1) Adopt recommendation
- 2) Adopt previous recommendations from April Meeting
- 3) Not advise NPWS that Council would not approve an acquisition by that Service

ATTACHMENTS

- 1) Council Report April 2006
- 2) Letter of objection from Nation Parks and Wildlife Service
- 3) Letter from Minister for the Environment to Member for Port Stephens

COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1

ITEM NO. 7

FILE NO: PSC2005-1544

ROAD CLOSURE PART GAN GAN ROAD AT NELSON BAY

AUTHOR: PRINCIPAL PROPERTY ADVISOR

RECOMMENDATION IS THAT COUNCIL:

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

BACKGROUND

NOTE:

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

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

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

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

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

If the closure is successful a Certificate of Title will issue in Council's name and this will be transferred to the applicant on the payment of the purchase price and costs. As is normal in

ATTACHMENT 1

these matters the State Valuation Office will be required to provide a valuation for the closed road and this will be used as the purchase price.

LINKS TO CORPORATE PLANS

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

FINANCIAL/RESOURCE IMPLICATIONS

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

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

LEGAL AND POLICY IMPLICATIONS

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

Australian Business Excellence Framework

This aligns with the following Principles of the ABEF Framework.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 5) The potential of an organisation is realised through its people's enthusiasm, resourcefulness and participation
- 8) Effective use of facts, data and knowledge leads to improved decisions

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil, as the area is not used.

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

There should be no implications

ATTACHMENT 1

CULTURAL IMPLICATIONS

Nil

CONSULTATION

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

OPTIONS

- 1) Accept Consent
- 2) Refuse Consent

ATTACHMENTS

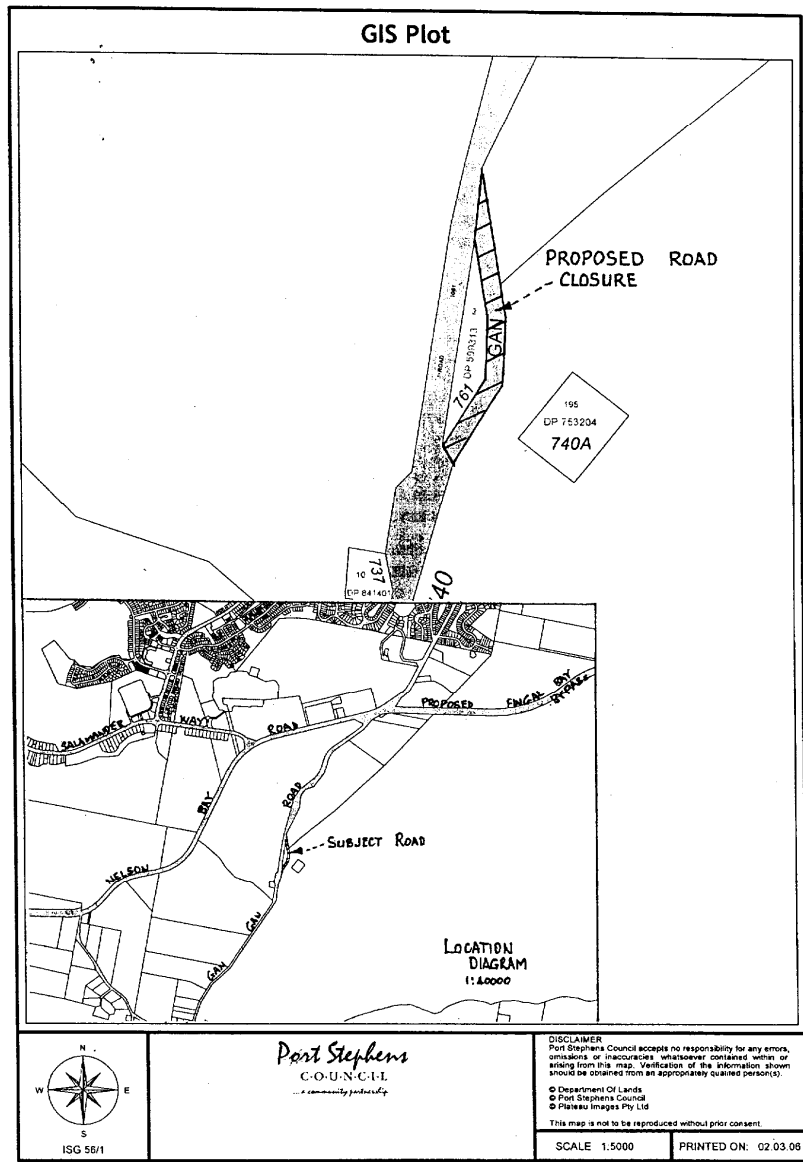
- 1) Plan showing proposed closure

TABLED DOCUMENTS

- 1) Nil.

ATTACHMENT 1

ATTACHMENT 1



ATTACHMENT 2



15th May 2006

Cliff Johnson
Port Stephens Council
PO Box 42
Raymond Terrace 2324

NSW
NATIONAL
PARKS AND
WILDLIFE
SERVICE

NPWS is now part
of the Department
of Environment
and Conservation

ABN 30 841 387 271

Dear Mr Johnson,

**Re: Closure of disused part of Council public road comprising
approximately 5200 sq metres, known as (disused part of) Gan Gan
Road adjoining Lot 2 D.P. 599313 at Nelson Bay, Parish of Tomaree,
County of Gloucester**

NSW National Parks and Wildlife Service (NPWS) objects to the closure of
the aforementioned road, except for the purpose of addition to Tomaree
National Park.

In the event of closure, NPWS would object to any rezoning that would
facilitate development of the site as NPWS would anticipate inability to comply
with the "Planning for Bushfire Protection 2001" guidelines for Asset
Protection Zones.

If you require further information or have any enquiries please contact
Ranger, Richard Ghamraoui on 02 49848205.

Yours Sincerely,

R. Gibbs

Rob Gibbs
Area Manager
Hunter Coast Area
National Parks and Wildlife Service

Hunter Region
12B Teramby Road
Nelson Bay
NSW 2315 Australia
Locked Bag 99
Nelson Bay Delivery
Centre
NSW 2315 Australia
Tel: (02) 4984 8200
Fax: (02) 4981 5913
Email: hunter.region
@npws.nsw.gov.au

43 Bridge Street
PO Box 1967
Hurstville NSW
2220 Australia
Tel: (02) 9585 6444
Fax: (02) 9585 6555
www.environment.
nsw.gov.au

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ATTACHMENT 3

26-6-06;10:40 ;Attorney General

:02 9228 3166

1/ 1



MINISTER FOR THE ENVIRONMENT

In reply please quote: MOF23811

Mr J Bartlett MP
Member for Port Stephens
PO Box 585
MAYFIELD NSW 2304

Dear Mr Bartlett

Thank you for your representations of 15 June 2006 on behalf of Cr J Nell, 95 Sergeant Baker Drive, Corlette 2315, concerning plans by Port Stephens Shire Council to sell a section of the Gan Gan Road, adjacent to Tomaree National Park.

I am advised that the Gan Gan Road is a Crown road reserve under the ownership of Department of Lands, and that the private owners of the adjoining former Gan Gan army camp applied to Council to close the road reserve and purchase the land.

The Department of Environment and Conservation (DEC) received notification of the proposal in its capacity as an affected neighbour in July 2005, and again in May 2006, with a request for submissions to Council.

DEC advises that it wrote to Council on 15 May 2006 clearly objecting to the road closure, unless it took place for the purpose of adding the land to Tomaree National Park. DEC also advised that, in the event of closure and sale of the land to private interests, it would object to any re-zoning that would facilitate development on the site due to bush fire management requirements. Council wrote to DEC on 23 May 2006 acknowledging receipt of the objection.

Subsequently, however, it appears that a recommendation has been put to Council that it consent to the closure and sale of the road, on the basis that there were no objections from adjoining owners. This is clearly incorrect.

DEC considers that the land should be included in the adjacent Tomaree National Park. Further, as Crown land, DEC is not necessarily required to purchase it, and the land could be reserved as part of the park with the approval of the Department of Lands.

I have therefore written to our colleague, the Hon Tony Kelly MLC, Minister for Lands, seeking his agreement for the Crown reserve to be added to Tomaree National Park.

Yours sincerely

Bob Debus

John Kelly
16/05/06 561

Level 36, Governor Macquarie Tower,
1 Farrer Place, Sydney NSW 2000
Telephone: (02) 9228 3071

Postal: PO Box A290, Sydney South NSW 1232

Facsimile: (02) 9228 3166

ITEM NO. 9**INFORMATION PAPERS****REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT**

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 11th July, 2006.

No:	Report Title	Page:
1	Access Committee Minutes	128
2	Indigenous Strategic Committee	131
3	Draft Zoning Plan – Port Stephens Marine Park	135
4	ACIF CODE Guidelines – Improving Local Gov't Involvement in Mobile Phone Base Station Deployment	140
5	Port Stephens Asset Based Community Development Workshop	144
6	Outcome of Funding Applications Under the Weeds of National Significance (WONS) Program	145
7	Advice from Dept of Planning re Spot Rezoning	148
8	Manager's Monthly Report July 2006	151
1	Motorplex Development (Confidential)	187

OPERATIONS COMMITTEE MEETING – 11 July 2006

RECOMMENDATION: That the information papers be received and noted.

ORDINARY MEETING OF COUNCIL – 25 July 2006**RESOLUTION:**

612	Councillor Hodges Councillor Jordan	It was resolved that the Operations Committee recommendation be adopted.
-----	--	--

OPERATIONS COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

ACCESS COMMITTEE MINUTES

POSITION TITLE: DISABILITY ACCESS OFFICER
FILE: A2004-0226

BACKGROUND

The purpose of this report is to present to Council the minutes of the Access Committee Annual General Meeting held on the 6 June 2006.

Key issues addressed at the meeting included: -

- 1) Executive elections conducted
- 2) Improving liaison with other Committees
- 3) Access to Council pools

ATTACHMENTS

- 1) Minutes of the Access Committee Annual General Meeting held on 6 June 2006.

ATTACHMENT 1

**PORT STEPHENS ACCESS COMMITTEE MINUTES
OF ANNUAL GENERAL MEETING HELD 6 JUNE 2006
AT O'CARROLLYNS, ONE MILE BEACH**

Present:

Ken Whiting, Karen Whiting, Cr. Sally Dover, Michael Elliott, Jessica Hill, Michelle Pavy, Jeremy Delia, Kathy Delia, Susan Rosier, Judy Rosier, Pam Raeburn, Tony Kean, Erin Devlin, David Painter, Val Painter, Elizabeth Osborne, Robert Harper, Cathy Jennings, Deborah Franklin, Margaret O'Leary and student Rebecca, Greg Wilson,

Apologies:

Cr. Helen Brown, Carol Last, John Last, Bill Bobbins, Joe Delia

1. MINUTES OF PREVIOUS MEETING

The Minutes of 2 May 2006 were accepted as an accurate record of that meeting.

Moved: David Painter Seconded: Erin Devlin

2. CHAIRPERSON'S REPORT

- Chairperson Ken Whiting presented his report. He commended those involved in the Access Awareness Day held for Council staff on the 30 May 2006 reporting that it was a very successful event.
- Ken extended the Committee's appreciation to Greg Wilson for hosting this meeting at his premises (O'Carrolllys at One Mile Beach).
- Ken also reported on the 12 May meeting 2006 with the Hon. John Ryan (NSW Shadow Minister for Disabilities and Ageing). The purpose of the meeting was to discuss disability issues in Port Stephens, it was a very constructive meeting with approximately 20 people in attendance.

3. BUSINESS ARISING

3.1 ACCESS TO COUNCIL SWIMMING POOLS

The issue of free admission for carers into Council swimming pools was again raised. Ken informed the Committee that Council were currently investigating the matter further.

3.2 LIAISON WITH OTHER COMMITTEES

A motion was put forward by Karen Whiting that the Access Committee build relationships with other similar existing Committees. David Painter seconded the motion. Some suggestions included sharing meeting minutes and representatives attending other Committee meetings where appropriate.

3.3 JOINT MEETING BETWEEN COUNCIL AND THE ACCESS COMMITTEE

The upcoming joint meeting was discussed with the following items put forward to be added to the agenda: -

- i. *Access provisions at the Tomaree Aquatic Centre*
- ii. *Funding for the Access Committee*
- iii. *Extending the hours of the position of the Disability Access Officer*

4. GENERAL BUSINESS

4.1 Occupational Health & Safety Training

The recent Occupational Health & Safety Training provided by Council for all volunteer Committee members was discussed. Several members of the Access Committee completed the training.

4.2 Disability Survey

Michael Elliott thanked Committee members for completing the Council's recent disability survey. Data collected from the survey will be used to assist in identifying the needs of people with disabilities in Port Stephens. This information will assist in the development of Council's new Disability Action Plan.

4.3 Fluorescent Vests

Jessica Hill (student on placement at Council) handed out fluorescent vests to wheelchair and scooter users. The vests attach to the back of wheelchairs and/or scooters to improve user visibility.

4.4 Certificate of Appreciation

Access Committee member Tony Kean presented a *Certificate of Appreciation* from the Committee to Greg Wilson from O'Carrolllys at One Mile Beach for his continued support of the Access Committee and his efforts in providing an excellent range of facilities and services for people with a disability.

4.5 Elections of the Executive

Michael Elliott was the Returning Officer for the annual election of the Executive for the Access Committee. No pecuniary interests were declared. The results of the elections were as follows;

- *Chairperson:* *Ken Whiting*
- *Deputy Chairperson:* *Robert Harper*
- *Alternate Deputy Chairperson:* *Cathy Jennings*
- *Media Officer:* *Karen Whiting*

In accordance with the Committee's constitution Michael Elliott remains Secretary.

5. NEXT MEETING

The next meeting will be held on 4 July 2006 at the Raymond Terrace Community Care Centre from 10.30am to 12.30pm.

INFORMATION ITEM NO. 2

INDIGENOUS STRATEGIC COMMITTEE

POSITION TITLE: SOCIAL PLANNING CO-ORDINATOR
FILE: A2004-0601

BACKGROUND

The purpose of this report is to present to Council the minutes of the Indigenous Strategic Committee meeting held on 5 June 2006 with the Karuah Local Aboriginal Land Council.

Key issues discussed at the meeting included: -

- 1) Aboriginal Project Fund Outcomes
- 2) Draft Council Plan 2006-2009
- 3) 2006 Joint ISC Meeting

ATTACHMENTS

- 1) Minutes of Indigenous Strategic Committee Meeting held 5 June 2006 with Karuah Local Aboriginal Land Council.

ATTACHMENT 1

**INDIGENOUS STRATEGIC COMMITTEE MEETING
WITH KARUAH LOCAL ABORIGINAL LAND COUNCIL
MONDAY 5 JUNE 2006
HELD AT PORT STEPHENS COUNCIL**

Present:

Bev Manton	Karuah LALC
Cr Brown	PSC
Cr Dover	PSC
Paul Procter	PSC

Apologies:

Colleen Perry	Karuah LALC
Cr Baumann	PSC
Cr Swan	PSC
Peter Gesling	PSC
Mike Trigar	PSC
David Broyd	PSC
Stewart Murrell	PSC
Jason Linnane	PSC
Cliff Johnson	PSC

Cr Brown Chaired and opened the meeting at 1:45pm

1. KARUAH LALC BUSINESS ARISING FROM PREVIOUS MINUTES

ITEM 12: Old Karuah School House

Bev Manton indicated that whilst the former schoolhouse remains in its current location on Franklin St, Karuah Local Aboriginal Land Council (ie; KLALC) has carried out work to enhance the security of the building (eg; solid doors) as well as carrying out grass slashing work. In regards to the preparation of a Development Application for the proposed relocation and re-establishment of the building, Council's Principle Property Adviser indicated that it would be appropriate for KLALC to attend a meeting of Council's Development Advisory Panel to discuss the proposed Development Application.

Action	1. Council's Principle Property Adviser will organise for Bev Manton to attend a meeting of Council's Development Advisory Panel to discuss the proposed Development Application.
--------	---

ITEM 17: Tjurunga Arts Project Update

Bev Manton indicated that KLALC has decided to withdraw from preceding any further with this project. The decision was prompted by several factors such as the potential risk associated with the project failing to become sustainable. A meeting has been organised for

10th June 2006 for Bev Manton to meet with Council's General Manager, Economic Development Manager, Paul Procter and Ian Mackey to bring some closure to the process.

ITEM 19: Aboriginal Project Fund

Paul Procter indicated that at the Ordinary meeting of Council on 23 May 2006 Council considered a report on the 2005/2006 grant applications and supported the ISC recommendations as follows: -

- 1) *Note the achievements of projects funded to date under Council's Aboriginal Project Fund as outlined in Attachment 1 of this report.*
- 2) *Supply funds from Council's Aboriginal Project Fund in accordance with the amounts and purposes prescribed below: -*
 - 2.1 *A grant of \$5,500 to Hunter River High School for 'Crocfest 2006'.*
 - 2.2 *A grant of \$6,000 to Karuah Preschool for the 'Linking Attendance, Literacy, Numeracy & Culture Project'.*
- 3) *All grants allocated as per recommendation (2) shall be subject to the funding conditions specified in Attachment 3 of this report*
- 4) *Carry forward any unallocated funds in the Aboriginal Project Fund from the 2005/2006 budget over into Council's 2006/2007 budget for re-allocation via Council's Aboriginal Project Funding program.*

It is anticipated that the ISC will call for new expressions of interest for these funds in July/August 2006.

ITEM 21: Exhibition of Draft Council Plan 2006 – 2009

Bev Manton indicated that KLALC submitted a letter to Council outlining their concerns on the possible reduction in Council's Aboriginal Project Fund in the Draft 2006/2007 Council Budget as specified in Option B.

ITEM 22: Tennis Court

Paul Procter indicated that he has explored a range of potential funding sources (eg; Dept of Sport & Rec) to assist KLALC in re-fencing the existing tennis court. However the project falls outside of the guidelines of the funding sources identified to date. Council's Recreational Services staff have been made aware of this and are also exploring possible external funding sources. A potential option in the coming months may be the 2006/2007 funding round of the Hunter Area Assistance Scheme. Bev Manton indicated that KLALC will continue to pursue other funding sources such as local business support.

ITEM 23: Naidoc Week 2006

Bev Manton has set up a Naidoc Week Committee to develop and run local activities (eg; stilt walking).

ITEM 24: Foreshore Rehabilitation Works

Bev Manton indicated that Council's Acting Parks Co-ordinator is coming out to the Mission next week to determine the size of the picnic tables required for the concrete platform slabs which have been constructed on the foreshore.

ITEM 25 Joint ISC Meeting Guest Speaker

Paul Procter indicated that he has invited John Lester from the Dept of Aboriginal Education to attend this year's Joint ISC meeting on 18 July 2006. He went on to indicate that Council's General Manager has asked him to discuss with KLALC and WLALC their feelings on the joint ISC meeting being postponed until 17 October 2006, owing to a conflict in meeting schedules. Bev Manton indicated that KLALC are happy for the meeting to be postponed subject to WLALC concurring. Cr Brown also expressed support for this as she is unable to attend the July meeting owing to having a prior Council commitment.

Action	1. Paul Procter will speak to Worimi LALC and will notify all ISC members accordingly of any changes to the meeting schedule. Subject to the meeting being postponed, John Lester will be invited to attend October 2006 meeting.
--------	---

ITEM 26 Labelling Council's Artefacts Display

Bev Manton indicated that she is meeting after this meeting with Council's Cultural Development Officer to provide names for the artefacts displayed in the artefacts display unit located in the foyer of Council's Administration Building. This will enable Council to get labels made and displayed with the corresponding artefacts.

2. GENERAL BUSINESS**2.1 Boat Building Project Update**

The boat-building project is going well. Plans are underway to move into the next stage of this project that centres on the construction of kayaks. Aim is to have a bridge-to-bridge kayak race on the Karuah River.

2.2 Skate ramp Plans

Bev indicated that the young people in Karuah are eager to see the proposed skate ramp become a reality.

Action	1. Paul Procter will follow up the status of this project (eg; funding, location, timeframe) and will report back at next meeting.
--------	--

2.3 Clean Bushland Program

Council has been successful in securing an Indigenous grant for the clean up of Indigenous land holdings in Port Stephens. Council's Waste Management Co-ordinator has been working closely with KLALC and WLALC to formulate a suitable strategy for the removal of dumped items. Inspections of affected areas have been carried out and it is anticipated that the clean up will be conducted shortly.

3. NEXT MEETING

To be confirmed.

Meeting closed at 3:00pm

INFORMATION ITEM NO. 3

DRAFT ZONING PLAN – PORT STEPHENS- MARINE PARK

AUTHOR: ENVIRONMENTAL SERVICES MANAGER
FILE: PSC2005-4446

BACKGROUND

The purpose of this report is to provide Council with a progress report on the development of the Draft Zoning Plan for the Port Stephens- Great Lakes Marine Park by the Marine Park Authority. A more detailed report will be submitted to the Strategic Committee for 1 August.

SUMMARY

The Draft Zoning Plan for the Marine Park is now on public exhibition until the 21 August 2006. The Marine Park Authority will be the consent Authority for developments within the waterway and also will have a concurrence role within the defined catchment area of Port and estuarine waterways. A Marine Park Regulation is currently being drafted for the Park and the proposed zonings cannot be implemented until that Regulation has been gazetted.

The Marine Park Authority is scheduled to brief Councillors on the Draft Zoning Plan on the 27th of June 2006. This will provide over a month for Council to consider the zonings before a submission is lodged with the Marine Park Authority in August. A full report on Council's proposed submission will be submitted to the Strategic and Ordinary meetings of Council in August 2006.

Discussions are currently being held between Council and the Marine Parks Authority to develop the framework for a Memorandum of Understanding (MOU) between the two organisations to help clarify some of the referral requirements for Development Applications.

The Draft Zoning Plan has been subject to considerable public comment particularly from recreational and commercial fishing groups. The Sanctuary zones will exclude fishing from a number of areas within the port. The impact of these exclusions will vary depending on a number of factors including the historical use and location of the areas and the availability of alternative fishing locations.

The impact of the Marine Park and the various zones on tourism is unclear with some groups claiming that it will boost tourism and others claiming that it will not.

BACKGROUND

On the 1st December 2005 the NSW Government established the Port Stephens – Great Lakes Marine Park. The aim of the park is to preserve marine habitats, biological diversity and ecological processes. Four zones will be created in the park, including:

- **Sanctuary**, which provides the highest level of protection and will restrict many activities that could adversely affect these zones. Only activities such as boating,

swimming, diving, research and commercial tour operations are allowed in these zones.

- **Habitat Protection**, which provides for conservation of marine biodiversity by restricting certain activities. Fishing will be allowed in these zones as well as edible oyster farming.
- **General Use**, which provides for a wide range of uses including commercial and recreational activities including fishing.
- **Special Purpose**, which allows for the management of places and features requiring special arrangements including cultural and heritage issues. Marinas and other similar commercial operations are allowed in these zones.

The boundaries are from Cape Hawke Surf Life Saving Club near Forster to the Northern end of Stockton Beach. It includes all of Port Stephens and all the creeks and tributaries to the limit of tidal influence. This Marine Park is the largest in NSW covering 97,200 hectares.

The park will include protection of important sites for threatened species including little Terns, Green Sea Turtles, migratory waders, marine plants and many more. The park will also help to protect important eco-tourism activities such as boating, dolphin watching and whale watching.

The limit of the Marine Park is up to the mean high tide level.

GENERAL ISSUES

The Marine Park Authority will have a planning and Consent Authority role within the estuary. In particular all Development Applications within the estuary from now will require concurrence of the Marine Park Authority. For example: proposed wharves, jetties, aquaculture activities etc will need to be forwarded to the Authority for their approval.

Development Applications for proposed land uses or infrastructure works adjacent to the Estuary that could have an impact on the park will need to be forwarded to the Authority for their comments. This will include any proposed residential or commercial subdivisions and drainage works that could impact on the estuary.

To help clarify some of the referral requirements, the Marine Park Authority is considering entering into a Memorandum of Understanding (MOU) with Council. This MOU will outline the sorts of proposals that need to be referred to the Authority for their comments or their concurrence. In the meantime however Council staff will ensure they liaise closely with the Marine Park Authority regarding these new arrangements and the introduction of the Marine Park Zones.

The MOU will also consider other issues such as signage, wharves, jetties, beach hire, foreshore access, water quality issues and conflict resolution.

DRAFT ZONING PLAN

The Draft Zoning Plan went on public exhibition in May this year. Submissions on the draft zones are to be lodged with the Marine Parks Authority by 14th August. There are a number of ways that the Marine Park zonings could impact on Council's functions including planning, regulatory, tourism and development applications:

TOURISM AND RECREATIONAL IMPACTS

Depending on the nature of different zones within the port, it could restrict some recreational and tourist related activities, including recreational fishing and enhance others. Some groups are suggesting that the Marine Park will enhance tourism and others are claiming that it will not. The Marine Park with appropriate zonings and adequate policing should be able provide a higher level of protection to some commercial tourism activities such as dolphin watching.

Dog access to the Marine Park will be the same as Council's approved access except where the beach adjoins a National Park.

Recreational fishing will be restricted to the General Use, Habitat Protection and Special Purpose Zones. Considerable comment has been received by the Marine Parks Authority from fishing groups regarding the location of some of the zones, particularly Sanctuary Zones. The impact on recreational fishing will vary depending on the location. Considerable comment has been received about the impact of the proposed Sanctuary Zone at Little Beach on recreational fishing. This spot is used by local residents and tourists for fishing off the beach and jetty and has been used in this way for a long time.

Vehicles will only be permitted in some areas along the foreshore. The impact of this on recreation and tourism is unclear at this stage.

DEVELOPMENT AND BUILDING IMPACTS

Some developments will not be permitted within certain zones eg commercial aquaculture activities will only be permitted within specific zones such as Special Purpose zones and Habitat Protection Zones. Other activities such as marinas will not be allowed in Sanctuary zones but will be allowed in Special Purpose zones. New commercial and industrial land uses will be difficult to establish adjacent to a Sanctuary Zone as these zones have the highest level of protection.

Beachfront operators will continue to need approval from Council to operate as most of these operations are outside the mean high tide zone. There will be some potential overlaps between Council and the marine Parks Authority however these will be minimal. Jetties, wharves and other similar structures in the foreshore area will be covered by an MOU between Council and the Marine Parks Authority.

FORESHORE PARKS AND RESERVE IMPACTS

The impact of the proposed zonings on Council's assets along the foreshore will be minimal. The only likely impacts may involve additional assessment processes for future capital or drainage works that could impact on a sensitive marine area.

PLANNING IMPACTS

Council under its current LEP has zoned the waterways of the Port as 7W. With the introduction of the final zoning plan by the Marine parks Authority, there will no longer be any need for the 7W zone. It is therefore proposed that this zone be removed. This means that the Marine Park Authority will be the consent authority for any developments within the port (up to the mean high tide mark). Council will be able to comment on any proposed developments in the Marine Park as part of our relationship with the Marine Parks Authority.

Due to the restrictive nature of Sanctuary Zones, any future re-zonings by Council (under its planning responsibilities) on terrestrial land directly adjacent to these areas to create industrial or commercial zones will be extremely difficult. A general review of the current land use zones adjacent to the Marine Park does not reveal any significant problems or incompatibilities with the proposed Marine Park Zones and the existing LEP except for the industrial land zoning (4a Industrial General) at Cromarty Bay off Diemars Road. This area is adjacent to a proposed Sanctuary Zone. The Marine Parks Authority is currently liaising with some of the owners of that land regarding a possible compromise, including the relocation of at least part of the Sanctuary Zone outside Cromarty Bay to include the western foreshore area north of Taylors Beach.

MARINE PARK AUTHORITY STRUCTURE

The Authority is made up of representatives from Department of Primary Industries, Department of Environment and Conservation and the Premiers Department. The Ministers responsible for the Authority are: the Minister for Primary Industries and the Minister for the Environment.

LOCAL ADVISORY COMMITTEE

The Marine Park Authority has established an Advisory Committee. Members include representation from:

- Marine science representatives
- Scuba diving
- Speer fishing
- Marine Conservation
- Tourism
- Recreational fishers
- Port Stephens and Great Lakes Councils
- Aboriginal people
- Commercial fishers
- Scuba divers
- NSW Government

The Advisory Committee will provide advice on zoning proposals and will comment on proposed developments within the park.

PERMITS

All commercial activities within the Marine Park will require a Permit to operate. This will include commercial fishers, tourist operators etc. Existing commercial operators will be granted permits as long as they make application to the Authority within 12 months. The permits will be issued at no cost to the operators.

FINANCIAL/RESOURCE IMPLICATIONS

Development assessment and compliance resources are currently directed to Port and waterways issues and approvals under the current 7(w) zone. These resources will be able to be substantially relocated to other development assessment responsibilities. There will be some increased administrative costs and considerable staff involvement in working with the Marine Park Authority in carrying out their concurrence role. Discussions have been initiated on a Memorandum of Understanding to seek to achieve efficiencies in how such referrals and concurrence issues are dealt with.

LEGAL AND POLICY IMPLICATIONS

Clearly there are major policy implications with the Marine Park proposal and these will be reported upon in full to the August Committee and Council Meetings. It is also aimed for a draft Memorandum of Understanding to be available for Council's information and consideration as part of the August reports.

ATTACHMENTS

- 1) Nil

COUNCILLORS ROOM

- 1) Draft Zoning Plan Overview and Submission Form.

INFORMATION ITEM NO. 4

ACIF CODE GUIDELINES – IMPROVING LOCAL GOVERNMENT INVOLVEMENT IN MOBILE PHONE BASE STATION DEPLOYMENT

AUTHOR: ASSISTANT PLANNER

FILE: PSC2005-5517

BACKGROUND

The purpose of this report is to advise Councillors of the ACIF Code Guidelines, prepared in response to community and Council concerns regarding design and operation of telecommunication facilities.

The 'Australian Communications Industry Forum C564:2004 Deployment of Mobile Phone Network Infrastructure Industry Code' (ACIF Code) adds an additional layer of requirements that must be undertaken by Carriers when deploying telecommunications facilities. The Code is not a legislative instrument & doesn't replace any existing legislation, codes of practice or state based planning laws.

The Code was prepared in response to community & Council concerns regarding design & operation of telecommunication facilities & the lack of opportunity for people to have a say in the establishment of facilities that don't require a Development Application. Eg Low impact facilities.

The Code was drafted by a Working Committee with representation from Local Government, Unions, community groups & carriers. It was registered following extensive consultation across Australia.

The use of the guidelines is not mandatory, but aimed to assist Council understanding the ACIF Code & participate in ACIF Code processes. The ACIF Code is founded on two key principles:

- the application of a precautionary approach to site selection, design, installation, maintenance & operation;
- informing Councils and the community of proposed installations that do not require a development application.

The first principle applies to all types of telecommunication facilities; the second principle only applies to low impact facilities.

The following benefits for Council by the introduction of the ACIF Code include:

- Carriers are now required to notify and/or consult regarding facilities that do not require a Development Application;
- Improves & increases Carriers consultative & notification obligations;

- Code requires Carriers to seek and consider Council's opinion;
- Code embodies a precautionary approach in that it seeks to minimise unnecessary & incidental radio emissions from all types of radio communications infrastructure.

The ACIF Code does not provide Council with powers to veto a site, determine what the carrier can & cannot do at the site or place conditions of approval on the site. Council has no power of direction relating to facilities that do not require a development application.

The ACIF Code provides a complaint handling procedure, which must be implemented if a Carrier receives a written expression of dissatisfaction. The Australia Communications & Media Authority can warn or direct a Carrier to comply with the ACIF Code.

Prior to the introduction of the ACIF Code Carriers were not required to consult with Councils and the community about non-development application facilities. The introduction of the ACIF Code has also ensured that Carriers have a written process that is underpinned by the application of a precautionary approach to site design & construction.

The opportunities for Council involvement provided by the ACIF Code include:

- Engaging with Carriers regarding their network planning;
- Responding to a proposed consultation plan regarding the construction of a non-development facility;
- Ensuring that the consultation plan proposed by the Carrier is appropriate given particular circumstances;
- Reviewing the Carrier's summary of submissions report to ensure that the Carrier has addressed any concerns raised by submissions;
- Ensuring that Carriers provide all necessary information when notifying the Council.

ATTACHMENTS

- 1) ACIF Code - Guidelines for Local Government – Deployment of Mobile Phone Network Infrastructure, January 2006

ACIF CODE GUIDELINES

The 'Australian Communications Industry Forum C564:2004 Deployment of Mobile Phone Network Infrastructure Industry Code' (ACIF Code) adds an additional layer of requirements that must be undertaken by Carriers when deploying telecommunications facilities. The Code is not a legislative instrument & doesn't replace any existing legislation, codes of practice or state based planning laws.

The Code was prepared in response to community & Council concerns regarding design & operation of telecommunication facilities & the lack of opportunity for people to have a say in the establishment of facilities that don't require a Development Application. Eg Low impact facilities.

The Code was drafted by a working committee with representation from local government, unions, community groups & carriers. It was registered following extensive consultation across Australia.

The use of the guidelines is not mandatory, it is aimed to assist Council understanding the ACIF Code & participate in ACIF Code processes.

The ACIF Code is founded on two key principles:

- the application of a precautionary approach to site selection, design, installation, maintenance & operation.
- informing Councils & the community of proposed installations that do not require a DA.
-

The first principle applies to all types of telecommunication facilities, the second principle only applies to low impact facilities.

ACIF Code benefits for Council:

- Carriers are now required to notify and/or consult regarding facilities that don't require a Development Application.
- Improves & increases Carriers consultative & notification obligations.
- Code requires Carriers to seek & consider Councils' opinion.
- Code embodies a precautionary approach in that it seeks to minimise unnecessary & incidental radio emissions from all types of radio communications infrastructure.

The ACIF Code does not provide Council with powers to veto a site, determine what the carrier can & cannot do at the site or place conditions of approval on the site. Council has no power of direction relating to facilities that do not require a development application.

The ACIF Code provides a complaint handling procedure which must be implemented if a Carrier receives a written expression of dissatisfaction. The Australia Communications & Media Authority can warn or direct a Carrier to comply with the ACIF Code.

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The opportunities for Council involvement provided by the ACIF Code include:

- Engaging with Carriers regarding their network planning.
- Responding to a proposed consultation plan regarding the construction of a non-development facility.
- Ensuring that the consultation plan proposed by the Carrier is appropriate given particular circumstances.
- Reviewing the Carrier's summary of submissions report to ensure that the Carrier has addressed any concerns raised by submissions.
- Ensuring that Carriers provide all necessary information when notifying the Council.

INFORMATION ITEM NO.5

**PORT STEPHENS ASSET BASED
COMMUNITY DEVELOPMENT WORKSHOP**

AUTHOR: COMMUNITY DEVELOPMENT & PLANNING OFFICER
FILE: PSC2006-1360

BACKGROUND

The purpose of this report is to inform Council of the outcomes of the one-day *Asset Based Community Development - Community Partnership Building Workshop* Council hosted in May 2006.

Early this year it came to Council's attention that Jody Kretzmann, Co-director of the Asset-Based Community Development Institute in Chicago was coming to Australia in May and would be in the Hunter for a short period. Council was fortunate enough to secure the services of Jody Kretzmann to facilitate a one day workshop in Port Stephens for community organisations and Hunter Councils on '*Building Mutually Beneficial Community Partnerships*'.

Jody Kretzmann is a renowned International speaker and works with community-builders across the world to harness local capacities and mobilise citizen's resources. He is the co-founder of Asset-Based Community Development (ABCD), which is a bottom-up, inclusive approach to community capacity building which advocates that any capacity building activity needs to start with the identification of local assets rather than its needs.

The workshop was sponsored by a number of organisations including Family Action Centre, Mission Australia, Port Stephens Council and The Smith Family. The workshop was attended by 74 people with more than a third of participants coming from other Councils such as Maitland and as far as Hastings Port Macquarie.

The evaluation of the workshop showed that most participants found the day very useful in terms of their work based learning, as well as the opportunity to network and establish links with other participants. The majority of the participants (73%) expressed an interest in attending future training. Another outcome of the workshop has been Council's Public Communications Officer expressing a strong desire to where possible, showcase stories of successful community partnerships through different avenues such as Local Government Week.

Since the workshop, an ABCD Action Group has been established to enhance the working relationships between local businesses and community organisations.

For further information on the outcomes of the workshop and details of the ABCD Action Group, please contact Council's Community Development & Planning Officer on 4980 0288.

INFORMATION ITEM NO. 6

**OUTCOME OF FUNDING APPLICATIONS UNDER THE WEEDS OF
NATIONAL SIGNIFICANCE (WONS) PROGRAM**

**AUTHOR: SENIOR WEEDS PEST MANAGEMENT OFFICER
FILE: PSC2005-5329**

BACKGROUND

Council has received approval for a grant of \$104,816 following a successful application submitted by both Council and the Hunter Central Coast Regional Environmental Management Strategy (HCCREMS) under the Federal Government's "Defeating the Weed Menace" Program to eradicate Chinese Violet (*Asystasia gangetica subspecies micrantha*). Another application to contain the spread of Alligator Weed (*Alternanthera philoxeroides*) within the region was unsuccessful.

Chinese Violet

The weed commonly known as Chinese Violet (*Asystasia gangetica subspecies micrantha*) is a garden plant that has become naturalised in Port Stephens and is spreading rapidly. Discovered in 1999, *Asystasia* is currently known only in the Port Stephens Council (60 sites) and Newcastle Council (2 sites) areas. A major weed in several countries, *Asystasia* is banned from import into Australia, is listed on the National Weed Alert List and since 1st March 2006 has been declared a Class 1 Noxious Weed throughout NSW.

Since being discovered eradication at the original site has been underway and is almost complete. Various other works have been completed in preparing for a wider eradication program including herbicide trials conducted by NSW Department of Primary Industries experts which have identified common bindi sprays as the most effective and suitable herbicides.

A survey conducted by Port Stephens Council weeds staff during 2004 was used to determine the extent of infestations and the data collected was used in the preparation of the following reports to determine the feasibility of eradication.

1) *Prioritising sleeper weeds for eradication* (Federal Bureau of Rural Sciences). This report recommended eradication based on both potential impact and feasibility of eradication. The report found that at risk from *Asystasia* are all cropping, grazing, horticulture and other land uses in Australia over 1.7 million km².

2) *Weed Categories for Natural and Agricultural Ecosystems Management* (Bureau of Rural Sciences). This report also recommended eradication for both feasibility reasons and the weed's impact on both natural ecosystems and agricultural systems.

During 2005 Council applied to the Federal Government for a grant of \$104,816 over three years to implement an eradication program for Chinese Violet. Council was recently advised

that this application has been successful. In addition, Council has also received \$10,000 from the NSW Department of Primary Industries to contribute to the eradication of Chinese Violet.

This project is of national and international interest with the Australian Weeds Cooperative Research Centre expressing an interest in using the project as a case study into the eradication of new weed incursions. Port Stephens Council will communicate the project utilising media and other techniques into the community and to a wider audience via existing natural resource management networks.

The money received is conditional upon council following an agreed contract which specifies actions and reporting processes. A project officer will be employed part time for the three year project. Landowners will be assisted and encouraged to eradicate the weed from their property. Infestations on council and crown lands will be eradicated. Monitoring and evaluation will also be undertaken to ensure the effectiveness of the eradication.

Alligator Weed

During 2005 Council also worked with the Hunter Central Coast Regional Environmental Management Strategy (HCCREMS) to submit a funding application to the value of \$372,900 to contain the spread of nationally significant infestations of Alligator weed within the Lower Hunter from reaching broader geographic regions. The project aimed to establish Alligator Weed Containment Zones within which weed control activities would be focused. The project was to include targeted education of industry and government stakeholders and landholders with the capacity to spread this weed via the transport of machinery, livestock and other agricultural products. The project also included the development of a regional Alligator Weed Policy to improve consistency in the identification and management of Alligator Weed throughout the region.

Unfortunately Council and HCCREMS were recently advised that this project was unsuccessful. Although no clear reasons were provided it is believed an emphasis on other weed programs (at a national level) for this round of funding reduced the likelihood of the Alligator Weed application succeeding. Projects focused on the management and control of Lantana received a considerable proportion of the total funding available under the program. It is the intention of Council and HCCREMS that this application will continue to be refined and resubmitted during the next round of Defeating the Weed Menace Funding.

ATTACHMENTS

- 1) Chinese Violet Fact Sheet

ATTACHMENT 1 CHINESE VIOLET FACT SHEET



WEED INFORMATION SHEET



Chinese Violet

Asystasia gangetica subspecies *micrantha*

ACANTHACEAE

*Smothers shrubs and fences

*Invades and out competes other plants

*Grows prolifically

*Pretty white flowers

Description

Asystasia gangetica subspecies *micrantha* originates in Africa and can potentially become a serious environmental and agricultural weed here. It grows with broad pointed leaves and reaches from .1-3 metres tall (when supported). Prostrate plants grow happily in exposed or mown situations. The white bell shaped flowers are about 25mm long at most, but are often smaller in dry or winter conditions. Each flower usually has two mauve stripes on the lower inside surface, although pure white is recorded. The seed capsules are about 3 cm long and contain four flattened seeds flung free when the pod ripens. Dispersal in soil and garden maintenance activities should be prevented as seeds remain viable for several years. Propagation also occurs when branches take root and develop into new plants.



Photographs: Graham Prichard

Left: Invasive habit.

Right: Flower and fruit.

REPORT ALL SUSPECTED OCCURRENCES TO THE WEEDS OFFICER AT YOUR LOCAL COUNCIL

Control methods

Mechanical Cultivation should be avoided due to the risk of spreading plant fragments and seeds. Slashing will reduce seed set but could also spread plants unless care is taken. Hand pulling seedlings before they flower is effective but can be difficult due to the high numbers, rapid growth and brittle stems. Ensure any machinery used is cleaned and do not transport soil from affected sites.

Herbicide control Common garden herbicides containing glyphosate (eg: roundup) or dicamba MCPA (eg: bindi sprays) are effective. For garden beds the glyphosate sprays are suitable however for lawns and open areas it is best to use the selective sprays. Follow the instructions on the container and obtain copies of permit no. 6964 and 6748 from <http://www.apvma.gov.au/>. Learn about herbicides before you apply them for safety and practical reasons.

Cultural control Establish and maintain a strong ground cover of lawn or other plants. Use a combination of measures to form an integrated management strategy that does not rely too much on single actions. eg: start with an overall spray. When dead remove, burn or slash the plants. Replant or assist native plants to recover the area. Treat seedlings with a selective spray and by hand weeding, making sure no flowers are allowed to appear.

Disposal Correct disposal is essential due to the abundant long-lived seeds present on the plants and in nearby soil. Plants should be carefully handled and bagged to contain seeds which can be disposed of in domestic garbage. Never place unwanted plants into bush land or reserves. Contact council for advice on disposing of soil.

For further information please contact the Weeds or Vegetation Officer your local Council

The information contained in this document is based on knowledge and understanding at the time of writing (March 2004). Persons are reminded of the need to ensure that any product purchased for the control of *Asystasia gangetica* subsp. *micrantha* is lawful for that purpose. Written by Graham Prichard 032004. ©

***Asystasia gangetica* subsp. *micrantha* – AN ENVIRONMENTAL WEED INCLUDED IN THE NATIONAL WEED ALERT LIST**

INFORMATION ITEM NO. 7

ADVICE FROM DEPARTMENT OF PLANNING RE SPOT REZONINGS

AUTHOR: STRATEGIC PLANNING COORDINATOR

FILE: PSC2006-0241

BACKGROUND

The purpose of this report is inform Council of advice received from the Department of Planning indicating their objective of reducing the number of draft LEPs or spot rezonings in the planning system.

On the 29th May 2006, the Director General of the Department of Planning wrote to all Councils across New South Wales to clarify the Department's position on spot rezonings. The Department is concerned that a large number of spot rezonings are being undertaken without a clear strategic basis and that they place a significant administrative load on councils, the Department and Parliamentary Counsel (responsible for advising Councils, the Department and the Minister for Planning on draft LEP legal matters).

To this end, the Department is encouraging Councils to prepare only one draft LEP or a limited number of draft LEPs per year. In future, when Land Use Planning submits requests to prepare a draft LEP to Council for its consideration, advice will be provided concerning the Department's direction.

Another matter raised by the Department's advice is the need for Council's to address a number of questions when considering whether to resolve to prepare a draft LEP which would constitute a spot rezoning. These questions are required to be answered to satisfy the recently established LEP Review Panel when it determines whether or not the Department would support the spot rezoning. In future, when Land Use Planning submits requests to prepare a draft LEP to Council for its consideration, advice will be provided that answers these questions.

The Department's advice to Council has now been backed by a Planning Circular PS 06-015 dated 15th June 2006.

ATTACHMENTS

- 1) Copy of letter from the Director General of the Department of Planning.

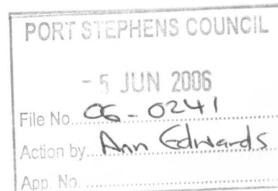
ATTACHMENT 1
LETTER FROM DIRECTOR GENERAL, DEPARTMENT OF PLANNING



NSW GOVERNMENT
Department of Planning

Office of the Director General

Mr Peter Gesling
General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324



29 May 2006

Dear Mr Gesling

Re: Spot Rezoning

I am writing to clarify the Department's position on spot rezonings, as previous letters and circulars issued over the past year appear to have given rise to different interpretations.

Approximately half of the section 54 notifications received by the Department over the past three months have been for spot rezonings. These spot rezonings have been considered by the Department, including the new LEP Review Panel, on the basis of the pro forma for spot rezonings submitted by councils. The evaluation criteria set out in the pro forma make it clear that there are circumstances in which spot rezonings can be justified and may in fact be necessary.

When considering whether to resolve to prepare a draft LEP which would constitute a spot rezoning, councils should address the questions outlined in the pro forma:

- Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800m of a transit node)?
- Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s.117) directions?
- Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?
- Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?
- Will the LEP be compatible/complementary with surrounding land uses?
- Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders?
- Will the LEP deal with a deferred matter in an existing LEP?
- Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?

Bridge St Office 23-33 Bridge St Sydney NSW 2000 GPO Box 39 Sydney NSW 2001 DX 22 Sydney
Telephone: (02) 9228 6111 Facsimile: (02) 9228 6191 Website planning.nsw.gov.au

ATTACHMENT 1

Having considered these questions, a council may decide either to proceed with the proposed draft plan as a spot rezoning and to notify the Department, or to deal with the proposal as part of a broader plan. For example, council may decide to plan for the site in conjunction with other similar sites or uses, or by changing the permissible uses in a zone. In the case of reclassification of council land, council may decide that reclassifying several sites together is the proper approach to enable the strategic direction for council's land management to be understood and scrutinised.

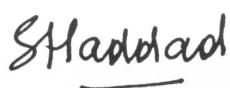
The Department does have an objective to reduce the number of spot rezonings. There are two main reasons for encouraging this practice. Firstly, the aim is to encourage a planning approach which is fair and transparent, deals with all like cases consistently, and provides for planning decisions with a clear strategic basis. Secondly, reducing the number of amending LEPs in the planning process reduces the administrative load for councils, the Department and the Parliamentary Counsel. The Department encourages councils to prepare only one amendment, or a limited number of amendments, to their existing instruments per year, incorporating the minor proposals for changes in development controls.

The objective of reducing the number of draft plans in the system does not mean, however, that spot rezonings will not be considered by the Department. Councils which are satisfied that a spot rezoning needs to be advanced in that form can justify the proposal for consideration by the Department. Justification should take account of the public interest and explain the implications of not proceeding at that time.

The Department will continue to assess spot rezoning proposals on a merit basis.

Should you have any further enquiries about this matter, I have arranged for Ms Faye Roberts, of my Office, to assist you. Ms Roberts may be contacted on telephone number (02) 9228 6113.

Yours sincerely



Sam Haddad
Director General

INFORMATION ITEM NO. 8

MANAGER'S MONTHLY REPORT JULY 2006

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

BACKGROUND

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

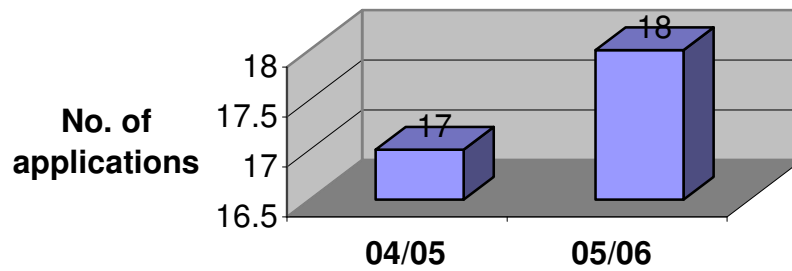
ATTACHMENTS

Monthly Manager's Report – July 2006.

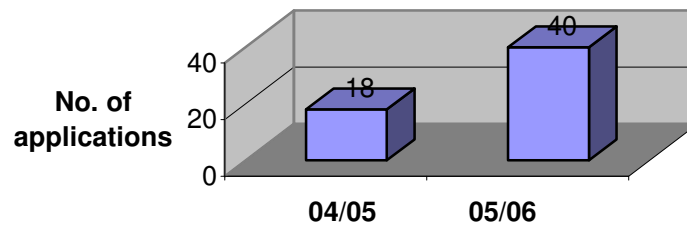
MANAGERS
MONTHLY REPORT
JUNE 2006 STATISTICS

CORPORATE
MANAGEMENT

Freedom of Information Applications



Applications under Section 12 of the LGA



2005/2006 ALLOCATION OF MINOR WORKS

2005/2006 ALLOCATION OF MINOR WORKS				
WARDS	EAST	CENTRAL	WEST	TOTAL
BALANCE B/FWD 30 JUNE 2005	5,800	-21,367	11,817	-3,750
2005/2006 BUDGET ALLOCATION	20,000	20,000	20,000	60,000
TOTAL AVAILABLE 1 JULY, 2005	25,800	-1,367	31,817	56,250
ALLOCATED TO:-				
Rotary Club of Nelson Bay 2005-2746/001	2,720			2,720
Port Stephens Sister Cities 26/7/2005	380			380
Nelson Bay Pistol Club 26/7/2005	1,500			1,500
Medowie Soccer Club 26/7/2005		1084		1,084
Medowie Scout Group 26/7/2005		500		500
Medowie Community Pre-school 26/7/2005		5000		5,000
Little Beach Power Box 2005-3738/001	1260	1260	1260	3,780
Transferred \$20,000 from Salamander Funds		-20000		-20,000
Towing of Life Education Van August Meeting	1400	1400	1400	4,200
Gyro Spinner Alma Street reserve 2005-3622/17			5500	5,500
Hunter Valley Vaulting Centre 27/09/2005		100		100
St Bridgids School 27/09/2005			1000	1,000
Tar Seal Pomona Place Tanilba Bay 2005-5376/01		2500		2,500
Irrawang High School CM 346/05			200	200
Hunter River High CM 346/05			220	220
PS Business Chamber CM346/05			500	500
Hinton Public School CM346/05			1000	1,000
Seaham Public School CM346/05			1000	1,000
Anna Bay Community Centre CM346/05		6258		6,258
Tilligerry Adult and Community Centre CM346/05		500		500
Hunter New England NSW Health CM 346/05		154		154
Tanilba Bay Rural Fire Brigade Comm. CM346/05		330		330
Tilligerry Chamber of Commerce CM346/05		1000		1,000
Lions Club Tilligerry Pen. CM 346/05		1000		1,000
Medowie Public School CM346/05			200	200
Hunter River High CM346/05			200	200
Hunter Botanic Gardens CM387/05			420	420
Grahamstown Public School CM387/05			50	50
Grahamstown Public School CM 387/05			1000	1,000
ST Johns Anglican Church CM 387/05			200	200
Anna Bay Public School CM 387/05		200		200
Rotary Club Nelson Bay CM 387/05	1500			1,500

ORDINARY MINUTES – 25 JULY 2006
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Nelson Bay Pistol Club CM 387/05	1500			1,500
Neil Carroll Park Clr Req	3443			3,443
Apex Park Clr Req	3000			3,000
Beat the Bitou at Birubi Clr Req		5000		5,000
Rotary Club of Maitland Sunrise CM434/06			1000	1,000
RT Water Polo Club CM434/06			500	500
Port Stephens Community Care CM434/06		1000		1,000
Nelson Bay Town Management CM434/06	1000			1,000
PS Community Art Centre CM465/06	500			500
Medowie Rugby Club CM 465/06			5000	5,000
RT Tennis Club CM 465/06			2500	2,500
Anna Bay Public School CM 465/06		100		100
Medowie Public School CM 465/06			1500	1,500
Karuah RSL CM 501/06			180	180
Seaham Scout Group CM 501/06			180	180
Medowie Lions Club CM 501/06		180		180
Thou Willa CM 501/06			1000	1,000
Royal Volunteer Coastal Patrol CM 536/06	3841.75			3,842
Medowie Community Preschool CM 536/06		2500		2,500
Fern Bay Public School CM 536/06		500		500
Medowie Community Centre CM 536/06		110		110
LTP Community Care Centre CM 536/06		2820		2,820
LTP Rural Fire Service CM 536/06		3000		3,000
TOTAL ALLOCATED	22,045	16,496	26,010	64,551
BALANCE AVAILABLE as at 27.6.06	3,755	-17,863	5,807	-8,301
PLUS Expected Property Profits Funds (30%)	49,749	-257,410	28,842	-178,819
TOTAL AVAILABLE	53,504	-275,273	34,649	-187,120

2005/2006 PROJECT FUNDS - WARDS

WARDS	EAST	CENTRAL	WEST	TOTAL
BALANCE B/FWD 30 JUNE 2005	383,148	498,148	508,251	1,389,547
Left over from previous works	34,191	34,192	34,192	102,575
TOTAL AVAILABLE 1 JULY 2005	417,339	532,340	542,443	1,492,122
ALLOCATED TO:-				
Transfer \$20,000 to Minor Works		20,000		20,000
Footpath Construction - West,East and Central Wards	30,000			30,000
Cycleway Medowie - Warapora Road		110,000		110,000
Gateway signage West,Central and East Wards	20,000		20,000	40,000
Gateway signage West,Central and East Wards	21,330	41,330	21,340	84,000
Karuah main street - Bypass mitigation works			20,000	20,000
Cycleway along Mustons Rd Karuah			10,000	10,000
Pedestrian Access mobility plan	50,000		25,000	75,000
Footpaths Community Survey		5,000		5,000
Bus Shelters Medowie		25,000		25,000
Bus Shelters Anna Bay		25,000		25,000
Bus Shelters Lemon Tree Passage		25,000		25,000
Raymond Terrace Senior Citizens Centre			50,000	50,000
Wallalong Multi Purpose Centre			10,000	10,000
Seaham Hall Upgrade			22,000	22,000
Salt Ash Hall		8,500		8,500
Hinton Community Hall			31,000	31,000
Mayo Building Verandah			15,000	15,000
RT Community Centre Upgrade			88,000	88,000
Medowie Community Upgrade		50,000		50,000
Fern Bay Hall		60,000		60,000
Tanilba Hall		5,000		5,000
Tomaree Sports Complex Carpark and Access Upgrade	90,000			90,000
Mallabula Sports Complex floodlighting		50,000		50,000
Bowthorne Park Floodlighting			10,000	10,000
Anzac Park Carpark and Access	13,000			13,000
Soldiers Point Boat Ramp Amenities	120,000			120,000
Little Beach Disability Ramp Upgrade	20,000			20,000
Lakeside Leisure Centre Upgrade			20,000	20,000
Rural West Sportsfield Drainage			21,000	21,000
Medowie Amenities Block		80,000		80,000

ORDINARY MINUTES – 25 JULY 2006

Medowie Car Park Entrance	15,000			15,000
Medowie Sportsfields Lighting	61,000			61,000
Medowie Sports Facilities Upgrades	5,000			5,000
Birubi Surf Club	25,000			25,000
Tilligerry Skate Park	33,000			33,000
Tanilba Sailing Club Amenities	10,000			10,000
Tanilba Lighting of Stone Gates	500			500
RT SES/RFS Operations Centre Extension		30,000		30,000
King Park Shade Shelters CM 20/12/2005		7,000		7,000
RT Tennis Courts CM 20/12/2005		50,000		50,000
Contribution to RT Comm & Policing Services Rental assistance CM372/05		15,000		15,000
Contribution to RT Comm & Policing Services Rental assistance CM372/05		15,000		15,000
Tanilba Bay Golf Club CM 434/06	35,000			35,000
Salt Ash Sports Ground CM 434/06	35,000			35,000
Nelson Bay Pony Club CM 536/06	22,160			22,160
Medowie Rural Fire Station CM 536/06	40,000			40,000
Hunter Botanical Gardens CM 535/06	3,260	3,260	3,261	9,781
TOTAL ALLOCATED	367,590	789,750	513,601	1,670,941
BALANCE as at 27.6.06	49,749	-257,410	28,842	-178,819

ENGINEERING SERVICES & OPERATIONS

Roads & Bridges

- Rain over the last 3 weeks has disrupted a number of major projects expected to have been completed by now.
- Rehabilitation of a section of the Clarencetown Road near Glen Oak has substantially been completed however the wet weather has damaged the new seal and repairs are needed to the surface.
- Rehabilitation of a section of Kirrang Drive has started.
- Sealing of a section of Lavis Lane at Williamtown has been delayed with the wet weather but is expected to be completed by the end of the month.
- Caswells Creek Bridge has suffered some damage to part of the decking and significant urgent repairs to keep it safe are underway. The bridge was scheduled for replacement later this year and investigation and design work has just commenced. This work will be brought forward.
- Design work for the roundabout on Soldiers Point Road at the new access to the sports fields and waste facility is nearing completion. Tenders for its construction will be called later this year.

Footpaths, Cycleways & Other

- Parking lane blisters on Soldiers Point Road near the hardware store are substantially completed. More footpath paving in this area is scheduled for July.
- The cycleway along Gan Gan Road near Boat Harbour is continuing now that the telephone pit modifications have been agreed to by Telstra.
- The cycleway near the RAAF Base entrance has commenced. Some road shoulder sealing will also be carried out in this area.
- The town name signs under the “gateway” project have now all been installed.

ORDINARY MINUTES – 25 JULY 2006

- Footpath and driveway alterations in Banks Street, Raymond Terrace have commenced.
- Footpath, cycleway and bus shelters on Medowie Road near Cherry Tree Close are underway.

Drainage

- The drainage line in Grafton Street, Nelson Bay has been completed.
- The rain has delayed the contractor engaged to construct the pollution control device at the end of Elwin Road at Raymond Terrace.
- Flooding properties on Richardson Road near Watt Street are being studied and a solution will be implemented in the next three months.
- Design for a major upgrading of the open drain below Old Punt Road at Tomago is nearly completed. Some open drain cleaning associated with the subdivision there has been completed.
- The major drainage upgrade on McClymonts Swamp Road at Wallalong has now commenced.

Waste

- Council staff participated in a regional illegal dumping workshop recently. A round table discussion on PSC's issues will be held in mid August.
- Recycling rates remain very high with the Collection Contract performing very well.

COMMUNITY & LIBRARY SERVICES

- Staff from the **Library and Family Day Care** conducted a workshop presentation on *"Kids Who Read Succeed"* at the National Family Day Care Conference in Alice Springs highlighting the cooperation between various Council programs in developing innovative projects for children within Port Stephens. This workshop highlighted our Read and Rhyme Time program at the libraries, the Read with Care program within Family Day Care and the innovative Stories in the Street Program. All of these programs create exiting early literacy opportunities for children within Port Stephens. The workshop was extremely well received.
- **Australian Library and Information Week (22-28th May 2006)** aims to communicate and promote the tremendous contribution libraries and information services and information professionals make to educate, inform and entertain all Australians. The theme this year was *"Linking people with ideas @ your Library"*. At Tomaree Library and Community Centre (TLACC) staff, tenants and users of the Centre combined activities and events to celebrate our profession, and to demonstrate how we link people with ideas at TLACC as part of Port Stephens Library. Despite the rain more than 700 people attended the Open Day on Saturday 27/05/06.
- The **Mobile Library** undertook a storytime and visit on the 2 May at Soldiers Point Activity Van Preschool with around 12 children attending. Port Stephens Library has begun liaising with other Council programs, including the Activity Van playgroups. This is the second month the Mobile Library has visited the Soldiers Point group. We also have the children from Karuah Preschool visit and borrow from the truck once every 4 weeks. Visits to other play groups are also planned in the future.
- **Raymond Terrace Before and After School Service** will be undertaking National Childcare Accreditation validation on June 26,27,28 and Vacation Care on July 10,11,12. Staff at both programs have been working extremely hard to ensure that both programs are well prepared for this process.

- **Port Stephens Youth Services** have received a \$2,000 grant from the State Government to undertake a program with young people in Port Stephens looking at the issue of racism.

RECREATION SERVICES

- **Tilligerry Pool Tender** report prepared and presented to Council for recommendation for future contract management.
- All five **Sports Council meetings** were successfully held with great attendance at all.
- **NSW Department of Sport and Recreation Capital Assistance Grants** were completed and a total of 4 applications for grants have been applied for. If successful this will enable \$380,000 worth of works to be completed with the focus of these works being on existing assets.
- **OHS Induction Training** for volunteers was conducted in the form of day and night sessions over three locations, Raymond Terrace, Medowie and Tomaree with over 120 attendees. The attendees are accredited with a HROC OHS Induction. There has been a good response from Sporting Clubs as well with several opting to send quite a few members so they can increase the profile of OHS generally to their sporting group. This is probably the last large training exercise as we are now close to having the majority of existing volunteers trained.

PROJECT SERVICES

- Raymond Terrace Administration Building east elevation landscaping beautification and remedial works completed.
- Wallalong Bowthorne Field Lighting has been completed.
- Karuah Multi-Purpose Child Care Centre design has been submitted for DA approval with detailed design scheduled for completion late July.
- Lakeside Pool Multi-Purpose room extension concept design has been scheduled to commence in 2006/7.
- Little Beach Restricted Mobility Landings and Jetties construction works scheduled for completion end of July 2006.
- Mallabula amenities extension design has been completed and circulated for comment; scheduled for DA submission mid July.
- Medowie Community Centre car park preliminary design has been completed and a consultant engaged to consider the environmental effects of the proposal.
- Raymond Terrace Administration Building Council Chambers mural replacement quotations received.
- R T Administration Building reflection pond and cascade fountain repairs commenced, with operation of pond including new lighting system for completion by end of June.
- Raymond Terrace Administration Building basement storage room design has been completed with construction scheduled mid year.
- Raymond Terrace Foreshore Improvements still on target for completion by the end of August 2006.
- Raymond Terrace Senior Citizens Community Hall design has been submitted for DA approval with detailed design now scheduled for completion in July.
- Salamander Bay – Diemars Quarry Redevelopment community meeting held; Consultant's options review scheduled for completion and briefing proposed mid September 2006..
- Shoal Bay Wharf cost estimate of proposed remedial works are being developed and when completed (by end June) will be considered by asset owner.

ORDINARY MINUTES – 25 JULY 2006

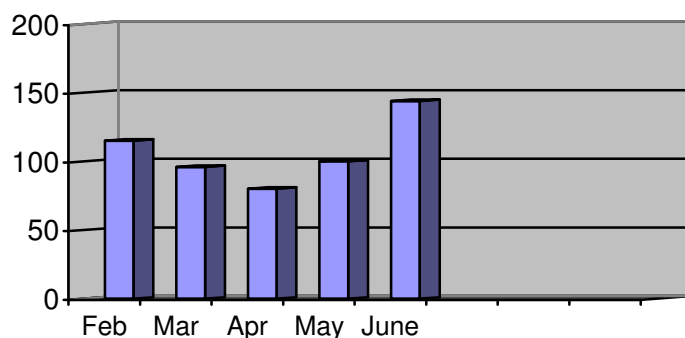
- Soldiers Point holiday Park work shed design has been completed and submitted for DA approval.
- Soldiers Point Rd Improvements has commenced and is on target for completion by December 2006.
- Tomaree Aquatic Centre – Pool Liner repairs scheduled for first week in July 2006.
- Tomaree touch amenities extensions and alterations construction has been delayed due to additions to design and poor weather, scheduled for completion 7 July 2006.
- Various public hall evacuation layout plans has commenced and is scheduled for completion late July.
- 68% assets inspected to date. Target 78% with the lag in inspections to be made up by end of 2006/7

SUSTAINABLE PLANNING

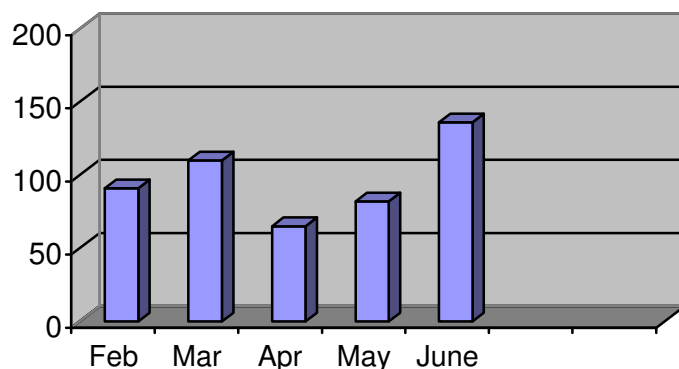
Development Approvals

DA's determined during the month	144
Modifications to DA's during the month	16
Construction Certificates approved during the month	136

DA's Determined



CC's Determined



Community Planning

- Hosted Asset Based Community Development Workshop
- Co-ordinated Consultation Review Workshop with key member of staff in conjunction with UTS – Centre for Local Government
- Participated in Lower Hunter Regional Housing Group
- Participated in meeting of Port Stephens West Local Health Advisory Committee
- Facilitated annual meeting of Port Stephens CDSE Committee to review and assess CDSE 2006 grant applications
- Facilitated meeting of Karuah In-house Working Group
- Participated in Port Stephens Transport Forum
- Facilitated meeting of Raymond Terrace Integrated Service Centre Steering Committee
- Medowie inception meeting with consultants
- Stoney Ridge Reserve proposed environmental zone stakeholders on-site meeting
- Updating State Significant Heritage items to the State Heritage Register
- Parliamentary Counsel opinion received on exempt and complying development draft LEP
- Consultants appointed for Williamstown Land Use Strategy
- Meeting Number 6 for Project Reference Group for the review of the Port Stephens Settlement Strategy. Subsequent testing of strategy and internal consultation required. Preliminary draft completed.
- Rezoning submission for 100 Salamander Way received.

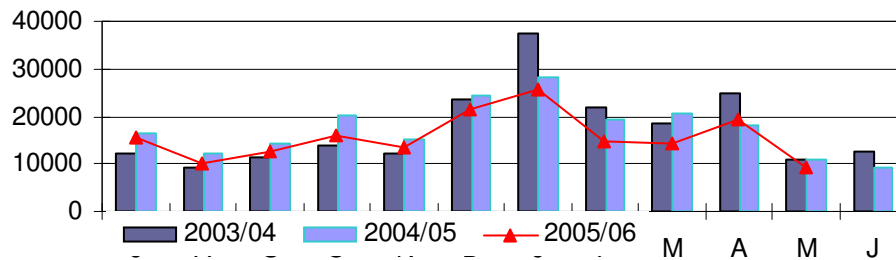
**BUSINESS &
DEVELOPMENT****Property**

- Following endorsement by Council rezoning application for 100 Salamander Way was lodged on 26 May 2006. Statutory rezoning process has now commenced and will be guided through in consultation with ERM, Consultants acting on Council's behalf.
- Major review of income undertaken in April review. Figure reduced from \$3,125,000 to \$275,000 for balance of financial year.

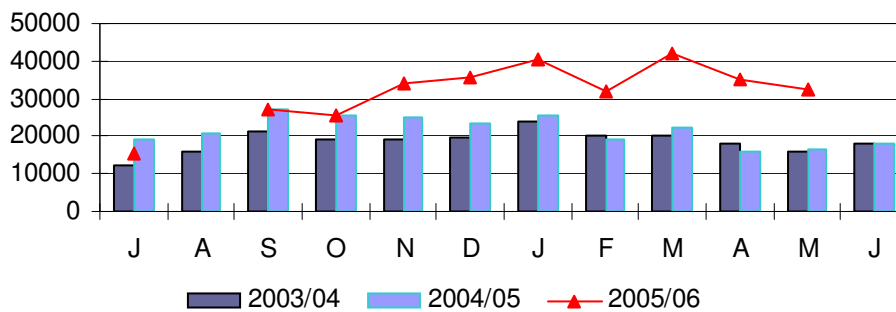
Marketing

- North Coast Touring Route publication – Holiday Park
- \$99 best available room offer – Samurai (website, funnelweb & RAAF intranet)
- Cooperative links to Moonshadow & Imagine websites featuring Whale packages

VISITOR INFORMATION CENTRE TRAFFIC



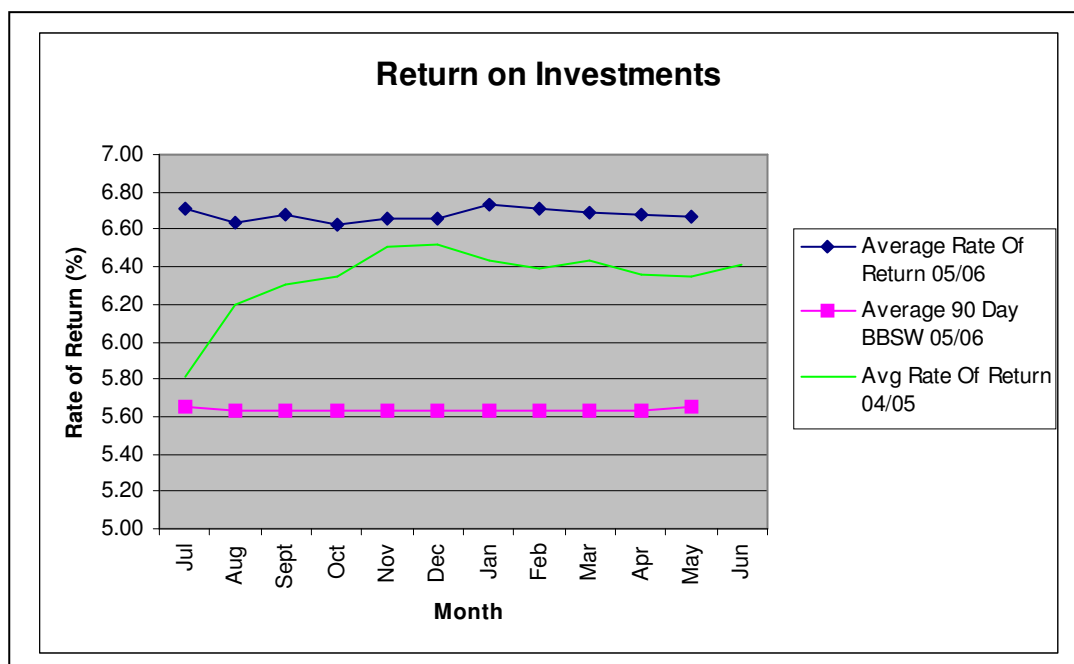
TOURISM WEBSITE VISITS



FINANCE

- Council's ROI for May was 101 basis points above the 90 day BBSW.
- PABX Replacement Project – Project completed, new PABX now live.
- TRIM Project – Remote sites rollout is underway. Rolled out to Family Day Care, Activity Van, and Libraries. Holiday Parks will be rolled out in June. On target to meet the July 2006 deadline contained in the 2005-08 Council Plan.

Return on Investments



DEBTORS AGING (Sundry Debtors) as at May 2006

DEBTOR CATEGORY	Current	30 days	60 days	90 days	120 days	Total
Miscellaneous	70,913	54,287	25,136	16,210	34,717	201,263
Dog Impounding Fees	0	0	0	-864	864	0
Contribution to Works - Kerb & Guttering	0	0	0	618	8,738	9,356
Shire Property Rents	8,765	5,662	2,720	-139	1,024	18,032
Section 149 Certificates	5,200	2,080	780	100	180	8,340
Real Estate data	0	0	0	-909	909	0
Tipping Fees	9,709	1,824	5,161	-29	2,071	18,736
Contributions - Other	0	0	0	0	0	0
Sporting Clubs/355B Committee's	9,790	390	0	-2364	10,057	17,873
Contributions to Works - Footpaths	0	0	0	5,100	16,782	21,882
Council Uniforms	0	0	0	-7	-407	-414
Effluent	0	0	0	0	0	0
Grants	60,646	0	29,500	0	55,000	145,146
On Site Sewerage Management	-300	142	55	0	0	-103
On Site Sewerage Inspections	2,000	890	350	280	-241	3,279
Business Inspections - Food	426	1,420	638	-113	2,440	4,811
Business Inspections - Hair/Beauty	0	0	0	0	130	130
Business Inspections - Caravan Parks	0	0	0	0	1,863	1,863
Business Inspections - Skin	0	0	0	0	0	0
Business Inspections - Mortuaries	0	0	0	0	0	0
TOTAL	167,149	66,695	64,340	17,883	134,127	450,194

Total Outstanding Rates as at May 2006 = \$2,788,649.27

ORDINARY MINUTES – 25 JULY 2006

CASH & INVESTMENTS HELD -AS AT 31 MAY 2006								
INVESTED WITH	INV. TYPE	DATE INVESTED	MATURITY OR COUPON DATE	NO. OF DAYS	AMOUNT INVESTED	INTEREST RATE		% OF TOTAL FUNDS HELD
GRANGE SECURITIES								
WIDE BAY CAPRICORN BUILDING SOCIETY	Floating Rate Sub Det	15-Mar-06	15-Jun-06	92	500,000.00	7.26%		1.63%
SAPHIR FINANCE PLC 2004 - 4 "ENDEAVOUR AAA"	Floating Rate CDO	4-May-06	4-Aug-06	92	1,000,000.00	7.18%		3.27%
SAVINGS & LOANS CREDIT UNION (SA) LTD (2008)	Floating Rate Sub Det	14-Mar-06	13-Jun-06	91	500,000.00	8.36%		1.63%
MAGNOLIA FINANCE LTD 2005-14 "FLINDERS AA"	Floating Rate CDO	20-Mar-06	20-Jun-06	92	1,000,000.00	7.10%		3.27%
APHEX CAPITAL PLC "JADE AA"	Floating Rate CDO	20-Mar-06	20-Jun-06	92	1,000,000.00	6.80%		3.27%
NEXUS BONDS LTD "TOPAZ AA-"	Floating Rate CDO	25-May-06	24-Nov-06	183	1,500,000.00	6.59%		4.90%
HERALD LTD "QUARTZ AA"	Floating Rate CDO	20-Mar-06	20-Jun-06	92	1,000,000.00	7.10%		3.27%
STARTS CAYMAN LTD "BLUE GUM AA-"	Floating Rate CDO	22-Mar-06	22-Jun-06	92	1,000,000.00	6.99%		3.27%
CYPRESS TREE CDO LTD "LAWSON AA"	Floating Rate CDO	30-Mar-06	30-Jun-06	92	1,000,000.00	6.91%		3.27%
CORSAIR NO. 2 LTD "NEWPORT AAA"	Floating Rate CDO	20-Mar-06	20-Jun-06	92	1,000,000.00	6.60%		3.27%
HELIUM CAPITAL LTD "ESPERANCE AA+"	Floating Rate CDO	22-Mar-06	22-Jun-06	92	2,000,000.00	6.70%		6.53%
HELIUM CAPITAL LTD "SCARBOROUGH AA"	Floating Rate CDO	25-May-06	23-Jun-06	29	1,000,000.00	7.11%		3.27%
TOTAL GRANGE SECURITIES					\$12,500,000.00			40.81%
ABN AMRO MORGANS								
REMBRANDT ISOSCELES SERIES 1	Floating Rate CDO	20-Mar-06	20-Jun-06	92	2,000,000.00	7.00%		6.53%
TOTAL ABN AMRO MORGANS					\$2,000,000.00			6.53%
ANZ INVESTMENTS								
ECHO FUNDING PTY LTD SERIES 16 "3 PILLARS AA-"	Floating Rate CDO	6-Apr-06	6-Jul-06	91	500,000.00	6.83%		1.63%
PRELUDE EUROPE CDO LTD "CREDIT SAIL AAA"	Floating Rate CDO	20-Mar-06	20-Jun-06	92	1,000,000.00	7.10%		3.27%
ECHO FUNDING PTY LTD SERIES 20 "ECHO CHARLIE AA"	Floating Rate CDO	20-Mar-06	20-Jun-06	92	500,000.00	7.10%		1.63%
TOTAL ANZ INVESTMENTS					\$2,000,000.00			6.53%
MACQUARIE FINANCIAL SERVICES								
HERITAGE BUILDING SOCIETY LTD (2008)	Floating Rate Sub Det	28-Apr-06	28-Jul-06	91	500,000.00	7.52%		1.63%
CSFB AUSTRALIA PROPERTY LINKED NOTE (2010)	Property Linked Note	21-Mar-06	21-Jun-06	92	2,000,000.00	2.00%		6.53%
GENERATOR INCOME NOTE AAA (2011)	Floating Rate CDO	7-Apr-06	7-Jul-06	91	2,000,000.00	7.65%		6.53%
ROCK BUILDING SOCIETY LTD (2007)	Floating Rate Sub Det	30-Apr-06	31-Jul-06	92	500,000.00	8.55%		1.63%
TOTAL MACQUARIE F.S.					\$5,000,000.00			16.33%

ORDINARY MINUTES – 25 JULY 2006

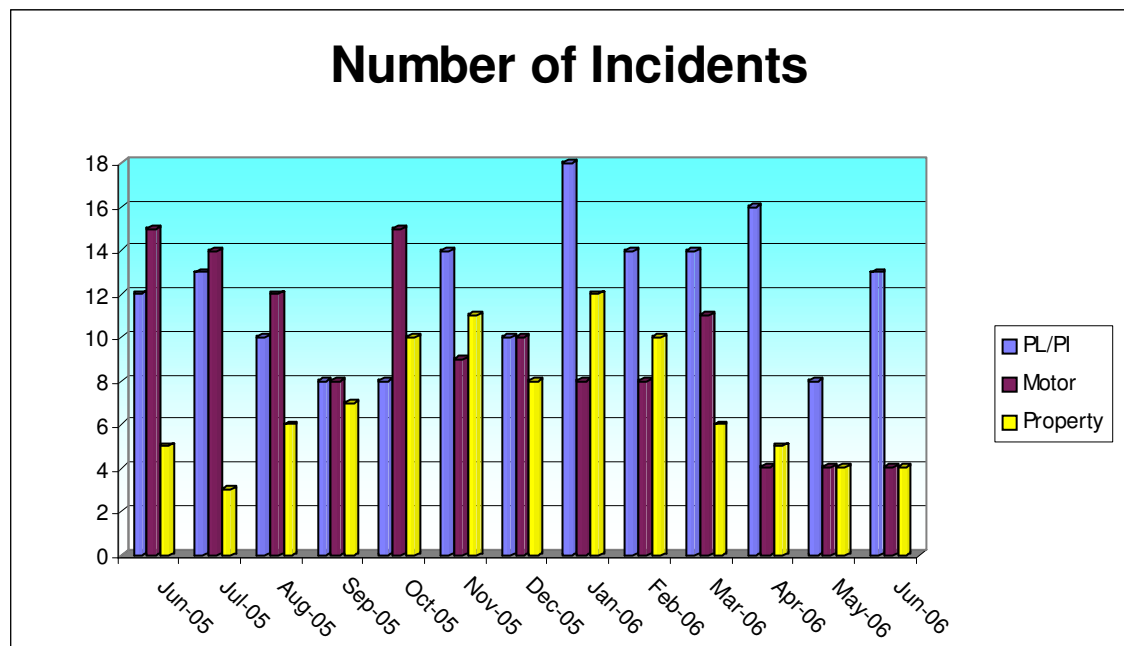
WESTPAC INVESTMENT BANK								
HOME BUILDING SOCIETY (2010)	Floating Rate Sub Deb	27-Apr-06	27-Jul-06	91	500,000.00	6.94%		1.63%
TOTAL WESTPAC INV. BANK					\$500,000.00			1.63%
LONGREACH CAPITAL MARKETS								
LONGREACH SERIES 16 PROPERTY LINKED NOTE	Property Linked Note	6-Mar-06	15-Aug-06	162	500,000.00	7.00%		1.63%
TOTAL LONGREACH CAPITAL					\$500,000.00			1.63%
RIM SECURITIES								
ELDERS RURAL BANK (2011)	Floating Rate Sub Deb	5-Apr-06	5-Jul-06	91	1,000,000.00	6.31%		3.27%
TOTAL RIM SECURITIES					\$1,000,000.00			3.27%
FUND MANAGERS								
						RATE OF	RATE OF	
						RETURN - MONTHLY	RETURN - FYTD	
MERRILL LYNCH INVESTMENT MANAGERS					63,324.13	6.73%	6.65%	0.21%
PERPETUAL INVESTMENTS					113,390.82	6.07%	6.27%	0.37%
ADELAIDE MANAGED FUNDS					1,250,000.00	5.90%	5.90%	4.08%
TOTAL FUND MANAGERS					\$1,426,714.94			4.66%
MAITLAND MUTUAL								
	Floating Rate Sub Deb	16-Apr-06	16-Jul-06	91	500,000.00	6.67%		1.63%
	Term Deposit	4-Mar-06	4-Jun-06	92	1,925,052.37	5.85%		6.29%
	Floating Rate Sub Deb	11-Mar-06	11-Jun-06	92	500,000.00	6.61%		1.63%
TOTAL M'LAND MUTUAL					\$2,925,052.37			9.55%
TOTAL INVESTMENTS					\$27,851,767.32			90.94%
CASH AT BANK					\$2,774,941.13	5.70%		9.06%
TOTAL CASH & INVESTMENTS					\$30,626,708.45			100.00%

CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER

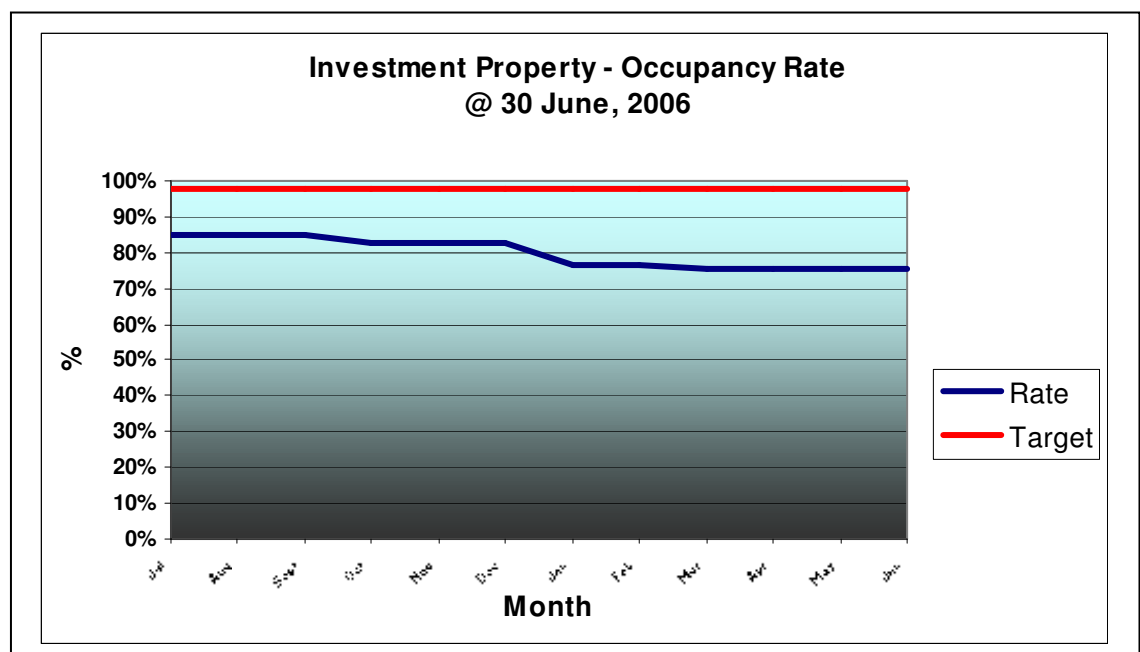
I, Peter Gesling, being the Responsible Accounting Officer of Council, hereby certify that the Investments have been made in accordance with the Local Government Act 1993, the Regulations and Council's investment policy.

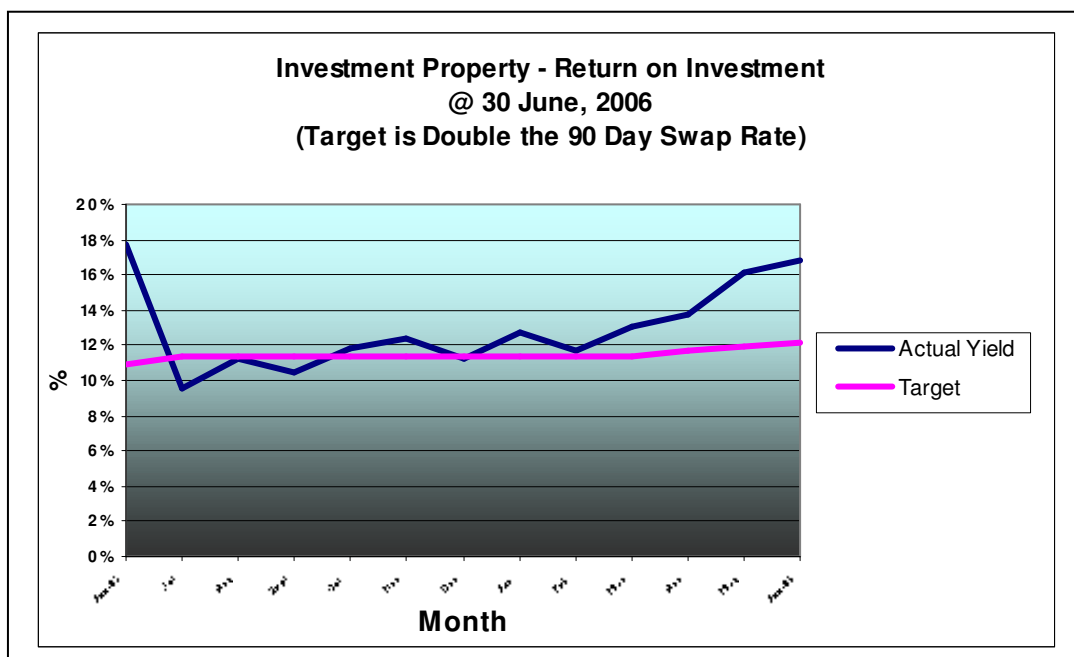
P GESLING

RISK MANAGEMENT



PROPERTY





ORGANISATION DEVELOPMENT

Resignations

Employee	Section	Date
▪ Robyn Platt	Environmental Health Team Leader	11 th May 2006
▪ Isobel Widdison	Ranger	3 rd May 2006
▪ Jennifer Baker	Library Assistant	20 th May 2006

New Staff

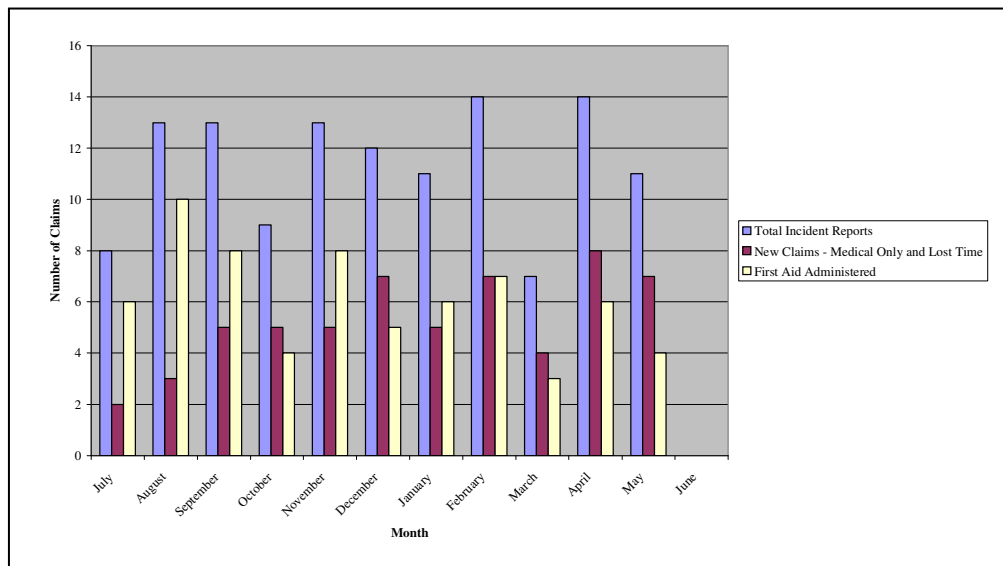
Employee	Section	Date
▪ Paul Bettini Jnr	Works Hand	1 st May 2006
▪ Trent McDougall	Works Hand	1 st May 2006
▪ Sara Kennedy	Trainee Environmental Health Officer	1 st May 2006
▪ Janene Campbell	Casual Youth Worker	1 st May 2006
▪ Claire Miller	Casual Library Assistant	31 st May 2006
▪ Julie Noble	Casual Mobile Library Driver	31 st May 2006
▪ Robyn Platt	Casual Environmental Officer	22 nd May 2006

Number of Vacancies

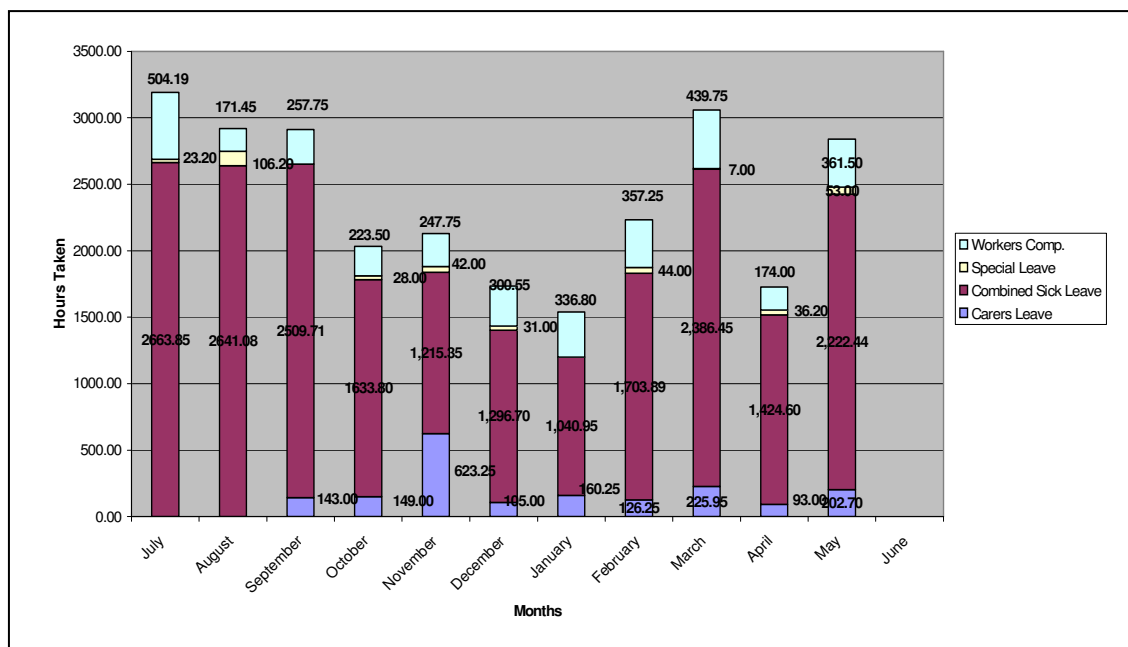
31

MINUTES FOR ORDINARY MEETING – 25 JULY 2006

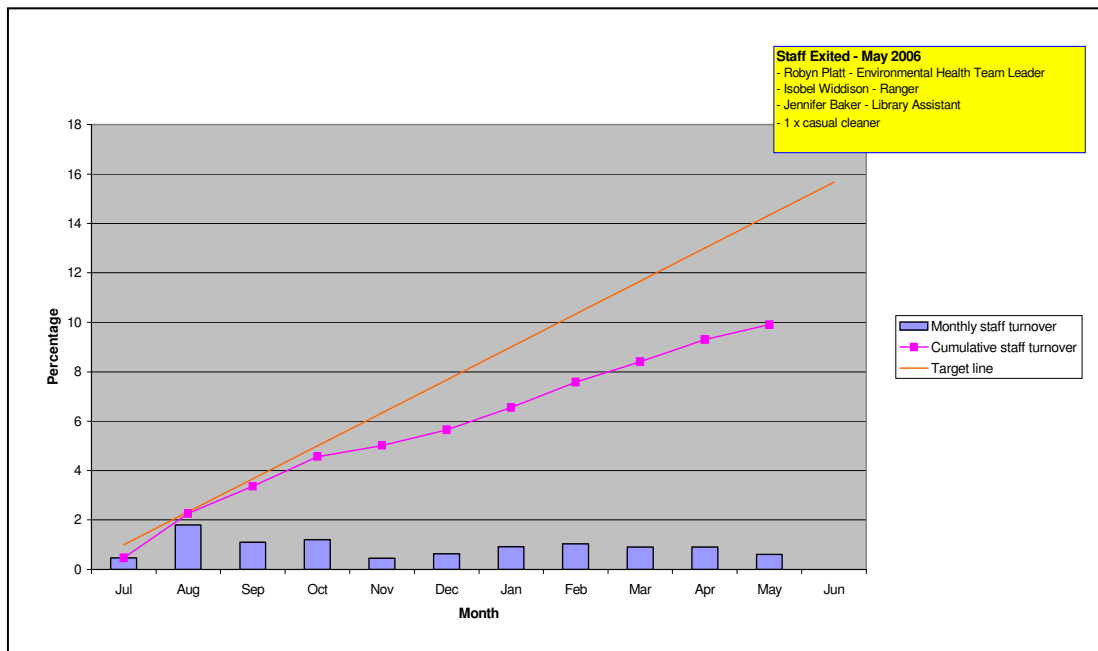
Monthly Incidents and New Claims



Unplanned Leave Taken 2005 Comparison



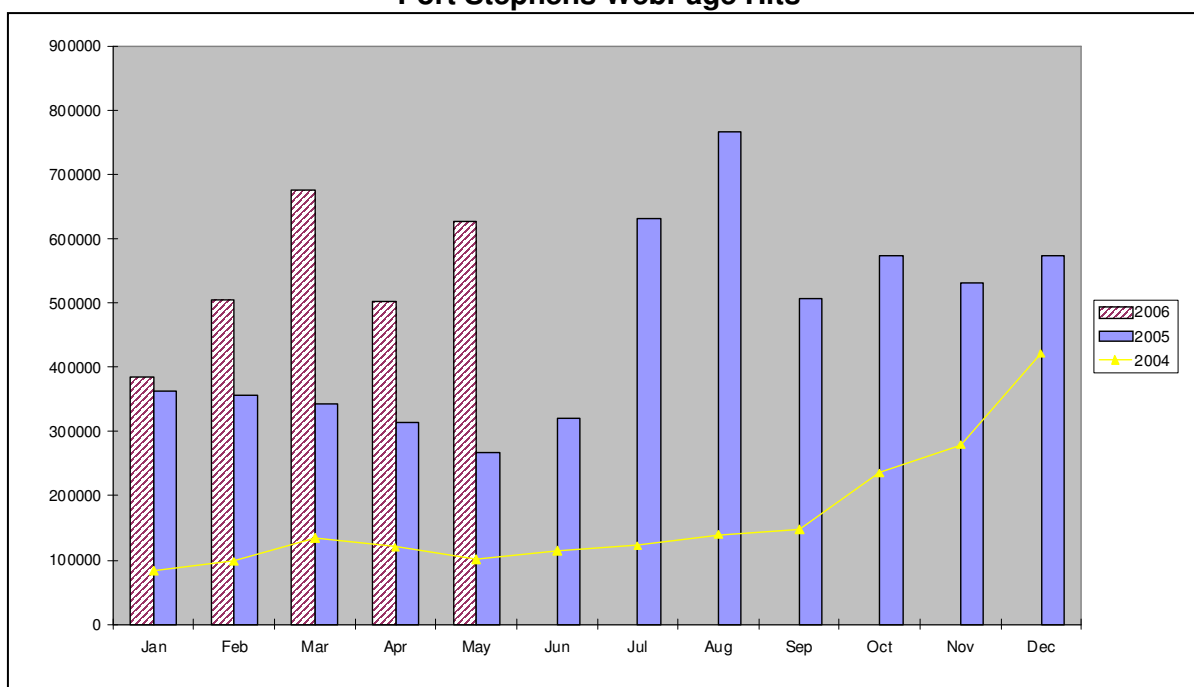
Ratio of Employment Departures to EFT as a Percentage



RESOURCES

- DR room now has a commissioned NAS system.
- DR room now has a functional standby server for the “Authority” system.

Port Stephens WebPage Hits



STRATEGIC COMMITTEE RECOMMENDATIONS

ITEM NO. 1**FILE NO: PSC2005-3448****DRAFT CRIME PREVENTION PLAN 2006-2009****REPORT OF: JENNY SMITH – COMMUNITY PLANNING MANAGER****RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the public exhibition of the *Draft Port Stephens Crime Prevention Plan 2006 - 2009* for 42 days in accordance with the prescribed requirements for the preparation of local crime prevention plans in the *Children (Protection and Parental Responsibility) Act 1997*.

STRATEGIC COMMITTEE MEETING – 4 July 2006**RECOMMENDATION:****That the matter be deferred to Ordinary Council meeting in July**

Tabled Document: Draft Crime Prevention Plan 2006-2009

ORDINARY MEETING OF COUNCIL – 25 July 2006**RESOLUTION:**

613	Councillor Westbury Councillor Brown	It was resolved that the Operations Committee recommendation be adopted.
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Tabled Document: Draft Crime Prevention Plan 2006-2009

BACKGROUND

The purpose of this report is to present to Council the *Draft Port Stephens Crime Prevention Plan 2006-2009*.

Council's initial Crime Prevention Plan that was adopted in 2002 laid the foundation for Council's community safety program that resulted in the implementation of a number of successful crime prevention initiatives and programs. The *Draft Port Stephens Crime Prevention Plan 2006-2009* aims to build upon the achievements of the previous plan whilst setting the direction of Council's crime prevention program for the next 3 years. The *Draft Port Stephens Crime Prevention Plan 2006-2009* comprises two key components: -

- i. *Crime Profile - (ie; a detailed crime profile based on an analysis of local crime statistics and the outcomes of an extensive community consultation process)*
- ii. *Action Plan – (ie; a detailed list of strategies and actions aimed at redressing the crime issues identified in the above mentioned Crime Profile)*

As with Council's previous Crime Prevention Plan, the new Plan has been designed to: -

- respond to local community priorities
- be appropriate for local government
- draw on existing knowledge about 'best practice' in crime prevention
- address both the causes and symptoms of crime
- encourage partnerships between Council and community organisations

LINKS TO CORPORATE PLANS

The *Draft Port Stephens Crime Prevention Plan 2006-2009* is linked to the Council Plan 2005-2008 in the following key result areas:

Lifestyle: *Our community celebrates its diversity, contributes to and enjoys the lifestyle of Port Stephens*

Environment: *Our treasured environment is maintained and improved for the well being of our community*

Planning & Development: *Our development focuses on our communities being sustainable*

Infrastructure: *Our facilities and services meet community need*

FINANCIAL/RESOURCE IMPLICATIONS

A range of funding sources will be explored as part of the implementation of the plan. It is expected that most of the funding will be acquired from external sources such as State and Commonwealth grants. Council's Community Projects Officer – Community Safety shall oversee the implementation of the plan.

LEGAL AND POLICY IMPLICATIONS

In order to have the plan endorsed by the NSW Attorney General, it is necessary to follow the process prescribed for local crime prevention plans in the *Children (Protection and Parental Responsibility) Act 1997*. This process includes a public notice, an exhibition period of 28 days and a fourteen-day period for community feedback.

Australian Business Excellence Framework

This aligns with the following ABEF Principles: -

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 5) The potential of an organisation is realised through its people's enthusiasm, resourcefulness and participation
- 8) Effective use of facts, data and knowledge leads to improved decisions
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society

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

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Community safety continues to rank as one of the highest issues of concern amongst the general community. These concerns primarily fall into four key areas: -

- i. *Domestic and community violence*
- ii. *Security of self, family and property*
- iii. *Drug and alcohol abuse*
- iv. *Young people and crime*

It is anticipated that the implementation of the various strategies contained within the *Draft Port Stephens Crime Prevention Plan 2006-2009* will have a positive impact in improving the community's sense of social well-being.

ECONOMIC IMPLICATIONS

The cost of crime in Port Stephens can be conservatively estimated at \$19 million per year, based on a per-capita cost of \$300 per year (*Source: Commonwealth Attorney General's Department*).

Evidence also indicates that reductions in criminal behaviour can lead to lower costs in the areas of criminal justice, insurance premiums, repairs to damaged property, replacement of stolen property, lost employee productivity, security and alarm systems, and health care services for victims of crime.

ENVIRONMENTAL IMPLICATIONS

One crime prevention strategy has significance for the built environment - the application of Crime Prevention Through Environmental Design (CPTED) principles to the development approval process and other Council practices. CPTED can assist in the creation of built environments that reduce opportunities for criminal acts and improve perceptions of safety in public spaces.

CONSULTATION

An extensive consultation process was conducted as part of the development of the *Draft Port Stephens Crime Prevention Plan 2006-2009*. This included building upon the outcomes of the community consultation process undertaken in developing Council's 2006-2010 Social & Community Plan and Council's 2006 Community Survey.

In addition to this, a special one day workshop was held with local and regional crime specialists (eg; police) and other key stakeholders to formulate evidence-based crime prevention strategies with reference to an analysis of local crime data and community safety issues identified during the community consultation process.

A briefing to Council on the *Draft Port Stephens Crime Prevention Plan 2006-2009* was conducted on 20 June 2006.

OPTIONS

- 1) To accept the recommendation
- 2) To reject the recommendation and call for more information to support the report

ATTACHMENTS

- 1) Nil

COUNCILLORS ROOM

- 1) *Draft Port Stephens Crime Prevention Plan 2006 - 2009*

TABLED DOCUMENTS

- 1) Draft Port Stephens Crime Prevention Plan 2006 – 2009

ITEM NO. 2

FILE NO: PSC2006 - 0615

DRAFT DISABILITY ACTION PLAN 2006-2010

REPORT OF: JENNY SMITH – COMMUNITY PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the public exhibition of the *Draft Port Stephens Disability Action Plan 2006-2010* for 28 days.
-

STRATEGIC COMMITTEE MEETING – 4 July 2006

RECOMMENDATION:

That Council endorse the Public Exhibition of the Draft Port Stephens Disability Action Plan 2006-2010 for 28 days.

Tabled Document: Draft Port Stephens Disability Action Plan 2006-2010

ORDINARY MEETING OF COUNCIL – 25 July 2006

RESOLUTION:		
614	Councillor Francis Councillor Brown	It was resolved that the Operations Committee recommendation be adopted.

Tabled Document: Draft Port Stephens Disability Action Plan 2006-2010

BACKGROUND

The purpose of this report is to present to Council the *Draft Disability Action Plan 2006 - 2010*.

Council's are required to produce a Disability Action Plan in accordance with the Disability Discrimination Act (1992). Council's previous *Disability Action Plan 1999* has resulted in a number of successful disability initiatives and programs being implemented during the last four years. The *Draft Port Stephens Disability Action Plan 2006–2010* aims to build upon the achievements of the previous plan whilst setting the direction of Council's disability program for the next four years. The *Draft Port Stephens Disability Action Plan 2006–2010* comprises two key components: -

- iii. *Background information - (ie; information about Disabilities and Disability Action Plans, a detailed demographic profile, a needs assessment including the outcomes of community consultation process)*

- iv. *Action Plan – (ie; a detailed list of strategies and actions aimed at redressing the disability issues identified)*

LINKS TO CORPORATE PLANS

The *Draft Port Stephens Disability Action Plan 2006–2010* is linked to the Council Plan 2005-2008 in the following key result areas:

<i>Lifestyle:</i>	<i>Our community celebrates its diversity, contributes to and enjoys the lifestyle of Port Stephens</i>
<i>Environment:</i>	<i>Our treasured environment is maintained and improved for the well being of our community</i>
<i>Planning & Development:</i>	<i>Our development focuses on our communities being sustainable</i>
<i>Infrastructure:</i>	<i>Our facilities and services meet community need</i>

The Draft Plan is also aligned with the aims and objectives of the following Council plans: -

- 2006-2010 Social and Community Plan
- 2004 Pedestrian Access Mobility Plan
- Draft 2006 Urban Settlement Strategy

FINANCIAL/RESOURCE IMPLICATIONS

Council's Disability Access Officer will be responsible for overseeing the implementation of the *Draft Port Stephens Disability Action Plan 2006–2010* which will be implemented within existing financial resources. In the event that additional resources are required, external funding will be sourced.

LEGAL AND POLICY IMPLICATIONS

The Disability Discrimination Act 1992 (DDA) requires all services and facilities to be accessible for people with a disability. Failure to provide that access, or failure to require others to provide it where that is a responsibility, can lead to prosecution.

By developing and lodging a Disability Action Plan with the Human Rights and Equal Opportunities Commission, Council is demonstrating its commitment and intent to act in a reasonable timeframe in accordance with the DDA. In doing this, Council reduces its liability to prosecution and further, the document can act as a strong tool to assist with mediation should any complaints arise.

Other relevant legislative requirements relating to a Disability Action Plan for Council are included within; NSW Anti-Discrimination Act 1977, Local Government Act 1993, Building Code of Australia 2006 and the Australian Standards 2001.

The *Draft Port Stephens Disability Action Plan 2006-2010* complies with all of these legislative requirements and is in accordance with Council's Disability Access Policy 2004.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The overall intention of the *Draft Port Stephens Disability Action Plan 2006-2010* is to create an equitable, inclusive and socially cohesive community. Access, both physical and non-physical to services and facilities is the right of all people in the community. Access improvements made to the built environment for people with a disability assist the entire community.

ECONOMIC IMPLICATIONS

Facilitating an accessible community means that people with a disability are able to make a full and meaningful contribution to society (*eg; employment, tourism, retail, community events*) thus utilising this otherwise wasted resource.

Retrofitting buildings and amenities to provide access is far more expensive than integrating it into either initial construction or renovation phases. The *Draft Port Stephens Disability Action Plan 2006-2010* ensures this early integration of access provisions avoiding costly rework for both Council and private owners.

ENVIRONMENTAL IMPLICATIONS

The *Draft Port Stephens Disability Action Plan 2006-2010* will have a positive impact on the environment by providing a framework for the continuation of improvements which will assist in removing physical barriers which deny people with disabilities, parents/carers with prams, elderly etc from interacting and enjoying the local environment of Port Stephens.

CONSULTATION

Public consultation was undertaken to draw input from a wide range of sources including people with disabilities, carers, community organisations, disability service providers and Council Officers. A variety of methods were employed to obtain the input and feedback such as workshops, surveys and face-to-face interviews. Council's Access Committee have been consulted and updated on a monthly basis on the development of the Draft Plan.

A briefing to Council on the *Draft Port Stephens Disability Action Plan 2006–2010* was conducted on 20 June 2006.

OPTIONS

- 1) To accept the recommendation
- 2) To reject the recommendation and call for more information to support the report

ATTACHMENTS

- 1) Nil

COUNCILLORS ROOM

- 1) *Draft Port Stephens Disability Action Plan 2006 - 2010*

TABLED DOCUMENTS

- 1) Draft Port Stephens Disability Action Plan 2006 - 2010

ITEM NO. 3**FILE NO: PSC2005-0692****2006-2007 FEES AND CHARGES - UPDATE****REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT****RECOMMENDATION IS THAT COUNCIL:**

- 1) Amend the 2006-2007 Fees and Charges to include waving of the fees associated with road closures for all Anzac Day marches in the Local Government area.

STRATEGIC COMMITTEE MEETING – 4 July 2006**RECOMMENDATION:**

That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 25 July 2006**RESOLUTION:**

615	Councillor Jordan Councillor Francis	It was resolved that the Operations Committee recommendation be adopted.
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BACKGROUND

The purpose of this report is for Council to consider waiving the road closure costs associated with the annual Anzac Day Marches in the Local Government area.

On the 23 May 2006, Council resolved to adopt the Council Plan 2006-2009 with the resolution also requesting further consideration be given to the road closures associated with Anzac Day marches.

The costs that Council are requested to consider waiving relate to the advertising costs associated with advising the community that the roads will be closed. Each road closure normally would incur a cost of around \$165.

Given that Council would generally approve the waiving of the fees each year and to improve efficiencies, it would make more sense to include a section in the Fees and Charges. Council is therefore requested to include a section in the Fees & Charges 2006-07, waiving road closure costs for Anzac Day Marches.

LINKS TO CORPORATE PLANS

Corporate Accountability – Our Council open, transparent and accountable in its decision making.

FINANCIAL/RESOURCE IMPLICATIONS

The financial implications would be in the order of around \$500 per year.

LEGAL AND POLICY IMPLICATIONS

A legal requirement exists to ensure all road closures are advertised.

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 6) Continual improvement and innovation depend on continual learning
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Executive Manager – Corporate Management
Facilities & Services Group Manager

OPTIONS

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

ATTACHMENTS

Nil

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ITEM NO. 4

INFORMATION PAPERS

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 4 July 2006.

No:	Report Title	Page:
1	Progress on Council's Energy Saving Plan	17

STRATEGIC COMMITTEE MEETING – 4 July 2006

RECOMMENDATION:

That the Information Paper be received and noted.

MATTER ARISING:

That a Councillor Briefing be arranged to view the Solar City bid.

ORDINARY MEETING OF COUNCIL – 25 July 2006

RESOLUTION:		
616	Councillor Brown Councillor Westbury	It was resolved that the Operations Committee recommendation be adopted.

Matter Arising:

RESOLUTION:		
617	Councillor Brown Councillor Westbury	It was resolved that a Councillor Briefing be arranged to view the Solar City bid.

STRATEGIC COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

**INFORMATION PAPER – PROGRESS ON DEVELOPMENT OF
COUNCIL'S ENERGY SAVING ACTION PLAN**

AUTHOR: Environmental Education/Sustainability Officer
FILE: PSC2005-5205

BACKGROUND

The purpose of this report is to inform Council of the response from the State Government to Council's letters requesting financial assistance and a time extension to complete the Energy Savings Action Plan (ESAP) as legislated by the State Government. Council resolved to write to the State Government in this regard at its meeting on 24th January 2006

The requirement by the State Government to prepare an ESAP is being imposed on all organisations considered to be high-energy users. In the case of local government, having a population greater than 50,000 classifies it as being a high-energy user. The deadline for organisations to complete an ESAP is 30 September 2006. As a guideline, the Department of Energy, Utilities and Sustainability (DEUS) expects organisations should achieve energy savings of 20%.

At its January 2006 meeting, Council passed a resolution to support the principle of developing an Energy Savings Action Plan and additionally to request financial assistance and a time extension from the State Government. Letters were written to the Director General of the Department of Energy, Utilities and Sustainability (DEUS), the NSW Premier and the NSW Treasurer to this effect.

The response from both the Department of Energy, Utilities and Sustainability and the NSW Treasurer did not approve either an extension or financial assistance as the timeline had already been extended by 3 months, from 30 June 2006 to 30 September 2006, to allow Councils to meet the cost involved in preparing the plan in the 2006-07 budget.

Presently, those aspects of the plan not requiring a financial contribution by Council are being undertaken in the 2005/06 financial year. \$30,000 has been allocated in Council's 2006/07 budget to enable completion of the remaining components of the ESAP that will require a financial contribution by Council.

ATTACHMENTS

- 1) Letter to NSW Premier, CC to NSW Treasurer, requesting financial assistance to complete the ESAP.
- 2) Letter to Director General of DEUS requesting an extension to complete the ESAP.
- 3) Response from NSW Treasurer to Council's letter.
- 4) Response from Director General of DEUS to Council's letter.

**ATTACHMENT 1
LETTER TO NSW PREMIER**

*Telephone Inquiries
(02) 49800255
Please Quote File No:
PSC2005-5205*

The Hon. Morris Iemma
NSW Premier
GPO Box 5341
SYDNEY NSW 2001

Dear Mr Iemma

Re: Financial Assistance to Complete the Energy Savings Action Plan

At its meeting on the 24th January 2006 Port Stephens Council resolved to support the principle of developing an Energy Savings Action Plan, however, it is concerned that it will not have the resources available to comply with the directive issued by the Department of Energy, Utilities and Sustainability.

This is primarily due to financial constraints as the timing of the announcement and subsequent notification to Council (July 2005) did not allow any finances to be allocated in the 2005/06 budget.

Council is aware of the grants available through the Energy Savings Fund, however, this fund only provides assistance to the implementation stage of the plan. This leaves Council to bear the considerable cost of developing the plan and engaging a consultant to undertake the required technical reviews.

In order to meet this initiative from the State Government, Council requests financial support from the State Treasury so that the program can be achieved without reducing essential community services.

Yours faithfully

PETER GESLING
GENERAL MANAGER

cc: The Hon. Michael Costa, NSW Treasurer, Office of Financial Management, Level 27 Governor Macquarie Tower, 1 Farrer Place Sydney NSW 2000

**ATTACHMENT 2
LETTER TO DIRECTOR GENERAL OF DEUS**

*Telephone Inquiries
(02) 49800255
Please Quote File No:
PSC2005-5205*

Mr David Nemtzow
Director General
Department of Energy Utilities and Sustainability
GPO Box 3889
SYDNEY NSW 2001

Dear Mr Nemtzow

Re: Timeline to Complete the Energy Savings Action Plan

At its meeting on the 24th January 2006 Port Stephens Council resolved to support the principle of developing an Energy Savings Action Plan, however, it is concerned that it will not have the resources available to comply with the Department's set deadline of 30 September 2006.

This is primarily due to financial constraints as the timing of the announcement and subsequent notification to Council (July 2005) did not allow any finances to be allocated in the 2005/06 budget.

Council will include the project for consideration in the 2006/07 budget.

Yours faithfully

PETER GESLING
GENERAL MANAGER

ATTACHMENT 3
RESPONSE FROM NSW TREASURER



*Treasurer
Minister for Infrastructure
Minister for the Hunter*

Peter Gesling
General Manager
Port Stephens Council
116 Adelaide Street
RAYMOND TERRACE NSW 2324

PORT STEPHENS COUNCIL	
PSC2005-5205	
File No.	
28 APR 2006	
Action by	A EDWARDS
Folio	

Contact: Lisa Welsh
Telephone: (02) 9228 4884
Our Reference: D06/01066
Your Reference: PSC2005-5205

20 APR 2006

Dear Mr Gesling

I refer to your letter to the Premier, and copied to myself, of 3 March 2006 requesting financial assistance to complete an Energy Savings Action Plan.

I note you are requesting financial assistance as the timeframe originally nominated by the Department of Energy, Utilities and Sustainability (DEUS) to prepare a Plan may not have provided sufficient notice for Council to allow resources to be allocated in the budget for 2005-06.

I am advised other Councils have expressed similar concerns to DEUS and, as a result, DEUS has extended the deadline for submission of the Plan from 30 June 2006 to 30 September 2006. The extension was intended to assist Councils in meeting potential external costs from 2006-07 budgets. These costs should not be excessive as DEUS has prepared detailed guidelines and held training sessions to enable Councils to begin developing the plans using internal resources. I understand Port Stephens Council was represented at the training day held in Maitland in February 2006.

Accordingly I believe that the extended deadline provides sufficient notice for the Council to accommodate any additional costs in its 2006-07 budget.

Yours sincerely

MICHAEL COSTA

Level 31, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000
Tel: (02) 9228 5665 Fax: (02) 9228 5699

ATTACHMENT 4
RESPONSE FROM DIRECTOR GENERAL OF DEUS



DEPARTMENT OF ENERGY,
UTILITIES AND SUSTAINABILITY
NEW SOUTH WALES GOVERNMENT

Leadership in energy and water sustainability
for New South Wales

9 March 2006

Peter Gesling
General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE 2324

PORT STEPHENS COUNCIL	
File No.	PSC2005-5205
14 MAR 2006	
Action by	S. WHITEHEAD
FBI#	

Dear Mr Gesling

I refer to your letter of 3 March 2006 requesting that DEUS extend the deadline for Port Stephens Council to submit its Energy Savings Action Plan, on the basis that the Council did not allocate any finances to the preparation of the Plan in the 2005/06 budget.

The deadline for the Energy Savings Action Plans was originally in June, 2006. However, following representations from the Local Government and Shires Association, the deadline was extended to 30 September 2006.

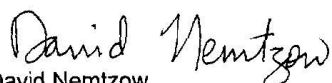
At this point the budgetary constraints outlined in your letter do not appear sufficient to warrant a further extension of the deadline.

DEUS recommends you proceed with the aspects of the Plan that are not cost-intensive, such as the Baseline and Management Review, with a view to completing the other elements of the Plan once the 2006/07 financial year commences. This leaves a period of three months for completion of the Plan.

DEUS will continue to work with and support your organisation in developing the Savings Action Plan. If you have enquiries please contact Ross Ferrier on 8281 7381.

Thank you for your organisation's commitment and I look forward to continuing to work with your organisation to deliver energy savings.

Yours sincerely


David Nemtzow
Director-General

GENERAL MANAGER'S REPORTS

PETER GESLING
GENERAL MANAGER

ITEM NO. 1**FILE NO: PSC2005-5185****REQUEST FOR FINANCIAL ASSISTANCE****REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT****RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under section 356 of the Local Government Act from the respective Ward Funds to the following:
 - a) Medowie Scout Group - \$110 – donation for hire of hall for fundraising night
 - b) Hunter Valley Research Foundation - \$792 – donation in support of 50 years celebrations
 - c) Rotary Club of Nelson Bay - \$2,500 – “U-Turn the Wheel Program”
 - d) Shoal Bay Public School - \$869 – Donation for light and sand equipment

ORDINARY MEETING OF COUNCIL – 25 July 2006**RESOLUTION:**

618	Councillor Nell Councillor Westbury	It was resolved that the recommendation be adopted with the word “sand” being replaced with “sound” in item 1(d)
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BACKGROUND

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

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

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

The requests for financial assistance are shown below:-

MAYORAL DONATION

Hunter Valley Research Foundation	Donation in support of 50 years celebrations	\$792.00
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MINUTES FOR ORDINARY MEETING – 25 JULY 2006

CENTRAL WARD – Councillors Baumann, Dingle, Swan, Tucker

Medowie Scout Group	Donation for hire of hall for fundraising night	\$110.00
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EAST WARD – Councillors Nell, Dover, Robinson, Westbury

Rotary Club Nelson Bay	Donation for U-Turn the Wheel	\$2,500
Shoal Bay Public School	Donation for light & sand equipment	\$869

LINKS TO CORPORATE PLANS

The Council's Management Plan does not have any program or stated goal or objective for the granting of financial assistance.

The requests the subject of this report all fall within the broader Council aims and objectives of community, culture and recreation.

FINANCIAL/RESOURCE IMPLICATIONS

Council Ward Funds are the funding source for all financial assistance.

LEGAL AND POLICY IMPLICATIONS

To qualify for assistance under Section 356(1) of the Local Government Act, 1993, the purpose must assist the Council in the exercise of its functions. Functions under the Act include the provision of community, culture, health, sport and recreation services and facilities.

The policy interpretation required is whether the Council believes that:

- 1) Applicants are carrying out a function, which it, the Council, would otherwise undertake;
- 2) The funding will directly benefit the community of Port Stephens;
- 3) Applicants do not act for private gain.

The policy has other criteria, but these have no weight as they are not essential.

These criteria are:

- 1) A guarantee of public acknowledgment of the Council's assistance
- 2) The assistance encouraging future financial independence of the recipient
- 3) The assistance acting as 'seed' funding with a multiplier effect on the local economy.

Australian Business Excellence Framework

This aligns with Principles 3, 10 & 11 of the ABEF Framework.

- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society

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

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Mayor
Ward Councillors

OPTIONS

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

ATTACHMENTS

Nil

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ITEM NO. 2

FILE NO: 16-2000-1774-5

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

REPORT OF: SCOTT ANSON – MANAGER DEVELOPMENT & BUILDING

NOTE: THIS ITEM HAS BEEN WITHDRAWN AT THE REQUEST OF THE APPLICANT

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217 + PSC2006-1643

TRUCK PARKING BUSINESS OPPORTUNITY

COUNCILLOR: FRANCIS, SWAN, TUCKER

THAT COUNCIL:

Investigate a truck parking yard as a business development opportunity. This is to investigate zoning, needs of local businesses and implementations opportunities. This business is to include secure parking, wash down bays, and hygiene opportunities for drivers.

ORDINARY MEETING OF COUNCIL – 25 July 2006

RESOLUTION:		
619	Councillor Francis Councillor Swan	It was resolved that the recommendation be adopted.

BACKGROUND REPORT OF: PETER GESLING - GENERAL MANAGER

BACKGROUND

If supported by Council discussions will be arranged with transport industry representatives to develop a proposal for consideration of relevant business interests. Provided investment returns are satisfied this facility could be considered as part of Council's future depot facilities

Councillor Robinson declared a conflict of interest and left the meeting at 8.50pm.

NOTICE OF MOTION

ITEM NO. 2

FILE NO: A2004-0217+ PSC2006-0039

DEPOTS IN LEP 2000

COUNCILLOR: DOVER, HODGES, SWAN, JORDAN

THAT COUNCIL:

Prepare a draft amendment for the Port Stephens Local Environmental Plan 2000 to propose that depots become permissible use in Rural 1(a) zone.

ORDINARY MEETING OF COUNCIL – 25 July 2006

RESOLUTION:		
620	Councillor Hodges Councillor Tucker	It was resolved that the matter be referred to the workshop to be held to consider amendments to the Port Stephens Local Environmental Plan 2000.

BACKGROUND REPORT OF: DAVID BROYD - GROUP MANAGER, SUSTAINABLE PLANNING
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BACKGROUND

Providing for depots to be permissible throughout the rural 1(a) zone is problematic – there are many locations in rural areas where the scale of transport and works associated with depots cannot be supported.

Hence, a supplementary Development Control Plan should be prepared that would include criteria about locations and scale of operations of depots in rural areas.

One recommendation that I would make for such criteria would be that they are not in proximity of residential areas and/or schools to cause adverse effects on amenity – and thereby such a recommendation, if accepted by the Council, would still lead to non-support for Hays Enterprises at Bobs Farm.

A depot in the Port Stephens LEP is defined as:

“... a building or place used for the servicing, repair and storage of any plant, machinery, motor vehicles or stock of materials or spare parts used in the course of any one business or industrial undertaking or public utility undertaking, but does not include any part of the building or place used for sales by retail, wholesale or otherwise”

MINUTES FOR ORDINARY MEETING – 25 JULY 2006
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It is recommended that this issue be incorporated with a Matter Arising from the Operations Committee meeting on 11 July 2006, Item 1 in the Operations section of this Business Paper.

Matter Arising:

Moved Cr Hodges Seconded Cr Tucker

Recommendation:

That Council conduct a workshop to consider amendments to the LEP (2000) following circulation of a discussion paper by the Group Manager, Sustainable Planning.

Councillor Robinson returned to the meeting at 8.52pm.

NOTICE OF MOTION

ITEM NO. 3

FILE NO: 3150-029 + PSC2006-1627

MINIMUM STREET FRONTAGE

COUNCILLOR: WESTBURY, NELL DOVER, ROBINSON

THAT COUNCIL:

Prepare a report on selling a minimum street frontage in the residential 2(a) Zoning, to reduce overdevelopment in cul de sacs.

ORDINARY MEETING OF COUNCIL – 25 July 2006

RESOLUTION:		
621	Councillor Westbury Councillor Nell	It was resolved that the recommendation be adopted.

BACKGROUND REPORT OF: DAVID BROYD - GROUP MANAGER SUSTAINABLE PLANNING

BACKGROUND

The Draft Port Stephens Consolidated DCP 2006 includes several additional controls to guide development on lots fronting a cul-de-sac. The proposed controls are intended to protect streetscape quality, to maintain pedestrian amenity, and to prevent the visual intrusion of extensive driveway paving and garages fronting the street.

1. Subdivision - Greenfield sites

The Draft DCP requires that a new sub-division provide an interconnected street network with regular block and lot layout. The creation of a new cul-de-sac or battle-axe block is contrary to this principle and would be considered in exceptional circumstances only (such as the need to protect a significant natural site feature). The length of any new cul-de-sac would be restricted as well as the number of lots facing the head of the cul-de-sac

Subdivision includes the following controls:

- Subdivision must create regular shaped lots.
- Streets must be designed to enable each lot to front a street.

- Cul-de-sacs are only permissible in exceptional circumstances. A cul-de-sac must be a maximum of 75 metres in length and allow a clear line of sight from the nearest intersection to the head of the cul-de-sac.
- Subdivision must create lots with a minimum street frontage of 10m.

2. Subdivision - Established areas

In established areas, subdivision controls are proposed to protect streetscape quality and to restrict the number of driveway crossings in an existing cul-de-sac.

- Subdivision must create lots with a minimum street frontage of 10m. Battle-axe lots may be considered only if there is no practicable way to provide direct street frontage, and if no more than 3 lots are served by a single access handle or right-of-way.
- Subdivision of a lot with frontage to an existing cul-de-sac to create a battle-axe block must provide legal access via the access handle or right-of-way to the existing or proposed dwelling on that lot. Development must reinstate all public infrastructure including kerb, gutter and footpath across the extent of the redundant driveway.

The latter control would generally mean removal of the existing driveway to the front dwelling and new access from the right of way to the side or rear of the front dwelling (or its replacement). This would negate the impact of extra pavement and driveway crossovers and shift garaging out of site.

3. Residential Development - Dual Occupancy Development

Dual occupancy development in the 2(a) zone often creates an additional or double width driveway, reduces street landscape areas and increases the impact of garages fronting the street. Where a dual occupancy application is accompanied by a subdivision application the controls in (2) above would apply.

The proposed Residential Development controls include:

- Dual occupancy development must provide access to both dwellings via the same driveway crossing at the street and a shared right of carriageway.
- Within the public road reserve a driveway crossing to a residential lot must be no more than 3.5m in width.

It is recommended that Council refer this issue be incorporated with a Matter Arising from the Operations Committee meeting on 11 July 2006.

Matter Arising:

Moved Cr Hodges Seconded Cr Tucker

Recommendation:

That Council conduct a workshop to consider amendments to the LEP (2000) following circulation of a discussion paper by the Group Manager, Sustainable Planning.

NOTICE OF MOTION

ITEM NO. 4

FILE NO: 3150-029 + PSC 2006-1621

REPORT ACID SULPHATE RUNOFF

COUNCILLOR: NELL, DOVER, WESTBURY, ROBINSON

THAT COUNCIL:

Prepare a report on the Acid Sulphate runoff episode into Tilligerry Creek and Wallis Creek, Port Stephens over the period from June to July 2006.

ORDINARY MEETING OF COUNCIL – 25 July 2006

RESOLUTION:		
622	Councillor Swan Councillor Hodges	It was resolved that the recommendation be adopted.

BACKGROUND REPORT OF: BRUCE PETERSEN - MANAGER, ENVIRONMENTAL SERVICES

BACKGROUND

The problem of high acid readings in Port Stephens' creeks in June was highlighted by water quality testing by NSW Fisheries in Wallis and Tilligerry Creeks last month.

The major cause of the high readings in June was a long dry spell followed by heavy rain. Acid sulphate soils occur naturally in the area, particularly the Anna Bay catchment which drains west to Tilligerry Creek, and the recent heavy rain reacted with the soil to release sulphuric acid into the local drains and creeks. The key to reducing the severity and frequency of acid sulphate soil runoff is to minimise disturbance of these naturally occurring soils.

A joint task force of five government agencies and the Council have met to develop a plan to address the problem. This Task Force is moving to raise landowner awareness and encourage improved land use practices as it is considered that the situation requires coordinated remedial action by private and public land owners.

RESCISSION MOTIONS

Rescission Motion Item No. 1 was brought forward and dealt with prior to Item 3

Rescission Motion Item No. 2 was brought forward and dealt with prior to the Motion to Close

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 MEETING OF COUNCIL – 25 July 2006

RESOLUTION:		
623	Councillor Hodges Councillor Jordan	It was resolved that Council move into Confidential Session.

MINUTES FOR ORDINARY MEETING – 25 JULY 2006
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I certify that pages 1-207 of the Ordinary Meeting of Council dated 25 July 2006 were confirmed by Council at its meeting held on Tuesday 22 August 2006.

Cr Craig Baumann
MAYOR