

DRAFT

Minutes 10 October 2006



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 10th October 2006, commencing at 7.02pm.

PRESENT:

Councillors R. Swan (Mayor); J. Nell, G. Francis; G Robinson; S. Tucker (Deputy Mayor); 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.

702	Councillor Hodges Councillor Nell	It was resolved that the apology from Cr Baumann be received and noted.
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MAYORAL MINUTES

MAYORAL MINUTE

ITEM NO. 1

FILE NO: A2004-0217 A2004-0573

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

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 Mayoral Minute Item 1 on the Ordinary agenda namely **Melaleuca Estates**.
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information 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 – 10 OCTOBER 2006

RESOLUTION:		
703	Councillor Jordan Councillor Tucker	It was resolved that the recommendation be adopted.

MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: 16-2006-246-1

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT

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 **HAY ENTERPRISES – 774 MARSH ROAD, BOBS FARM**
 - 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information concerning the 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.
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ORDINARY MEETING OF COUNCIL – 10 OCTOBER 2006

RESOLUTION:		
704	Councillor Hodges Councillor Brown	It was resolved that the recommendation be adopted.

GENERAL MANAGER'S REPORT

**PETER GESLING
GENERAL MANAGER**

ITEM NO. 1**FILE NO: PSC2005-5237****F3 FREEWAY TO RAYMOND TERRACE - UPGRADING THE PACIFIC HIGHWAY****REPORT OF: DAVID BROYD – GROUP MANAGER SUSTAINABLE PLANNING****RECOMMENDATION IS THAT COUNCIL:**

- 1) Forward the attached letter and submission to the Pacific Highways Manager, NSW Roads and Traffic Authority
- 2) Initiates formal approaches to gain funding to plan Heatherbrae to overcome the effects of the future Bypass

ORDINARY MEETING OF COUNCIL – 10 OCTOBER 2006**MOTION:**

705	Councillor Francis Councillor Nell	It was resolved that Council; 1) Forward the attached letter and submission to the Pacific Highways Manager, NSW Roads and Traffic Authority 2) Initiates formal approaches to gain funding to plan Heatherbrae to overcome the effects of the future Bypass
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AMENDMENT:

	Councillor Dingle Councillor Tucker	It was resolved that; 1) Forward the attached letter and submission to the Pacific Highways Manager, NSW Roads and Traffic Authority 2) Initiates formal approaches to gain funding to plan Heatherbrae to overcome the effects of the future Bypass 3) That Council provide a late submission to the RTA regarding the F3 Freeway to Raymond Terrace – upgrading the Pacific Highway
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The amendment on being put was lost

MINUTES FOR ORDINARY MEETING – 10 OCTOBER 2006

The Motion (as per the report) was put and carried

MATTER ARISING:

706	Councillor Hodges Councillor Jordan	It was resolved that in preparing the submission to the RTA, Council emphasises to the potential loss of industrial land, jobs and the impact on the economy if the RTA proceeds with the B3 Option.
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707	Councillor Hodges Councillor Jordan	It was resolved that a division be called for.
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Those in favour of the Matter Arising: Crs Jordan, Hodges, Tucker, Robinson, Dover & Swan

Those against the Matter arising: Crs Brown, Francis, Dingle, Nell & Westbury

MATTER ARISING:

708	Councillor Francis Councillor Jordan	It was resolved that Council ensures that the submission to the RTA is submitted by 13th October and is forwarded by registered post and return advice be provided to Council following receipt of the Council's submission.
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BACKGROUND

The purpose of this report is to prepare a submission to the RTA concerning the lack of Council consultation on the study, the general support for the preferred route and addressing specific issues along the preferred route.

Council was provided with an information and background report on the F3 extension to its Strategic Committee meeting of 7 March 2006. Council then resolved:

- 1) That Council make representation to the Minister for Roads and Local Member questioning the process used by the RTA determining representation from Port Stephens community regarding the F3 extension through Raymond Terrace.
- 2) Option B3 be given equal consideration.

A letter (Attachment 2) was subsequently sent to the Minister and copied to the Local Members and the office of the RTA. It would appear that the letter was not forwarded onto the consultant, as Appendix C Route Options Submissions Report, Table 4.4 states: "A submission has not yet been received from Port Stephens Council".

A further letter and submission is therefore proposed as shown in Attachment No1. This letter is intended to express Council's concern with the lack of consultation while still supporting the preferred route (B3). It is also recommended that the terminology "possible interchange" at Tomago Road be changed to reflect the essential need for a fully operational interchange. The submission draws the attention of the effect of the route on the southern portion of Heatherbrae industrial area and internal road relocation at RTA expense.

LINKS TO CORPORATE PLANS

The Council's Management Plan does not have any program or stated goal or objective for the F3 Freeway which is an RTA responsibility.

The submission, the subject of this report falls within the broader Council aims and objectives of community representation.

FINANCIAL/RESOURCE IMPLICATIONS

Development applications affected by the preferred route will require additional time and referrals to process.

LEGAL AND POLICY IMPLICATIONS

Council's draft Development Control Plan chapter C8 – Heatherbrae Industrial Area will be required to be amended upon final adoption of the route

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 4) to improve the outcome, improve the system and its associated processes
- 5) The potential of an organisation is realised through its people's enthusiasm, resourcefulness and participation
- 6) Continual improvement and innovation depend on continual learning
- 7) All people work IN a system; outcomes are improved when people work ON the system
- 8) Effective use of facts, data and knowledge leads to improved decisions
- 9) All systems and processes exhibit variability, which impacts on predictability and performance
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society

- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders
- 12) Senior leadership's constant role-modelling of these principles, and creating a supportive environment in which to live these principles will help the enterprise and its people to reach their full potential

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The preferred route will affect local businesses. While the majority of businesses at Heatherbrae rely on local and district trade, those who depend on passing trade may be affected. Reduced traffic flow will improve the amenity for local residents and the high school.

ECONOMIC IMPLICATIONS

The loss of industrial land at Heatherbrae will have impacts on potential business and employment growth that may need review and a plan for alternative land zonings and development options. It is recommended that Council flag that it is intended to seek funding from the RTA (similar to that gained for Karuah) and to build upon the Heatherbrae Planning Study endorsed by Council in September to allow more detailed planning and design of the future of Heatherbrae as a town that;

- Allows highway based businesses to adapt over time and the attraction of new businesses. Physically redesigns the entire Heatherbrae highway corridor to integrate the adjoining private land and development and the town itself.
- Identifies proposed changed land uses along corridor including land between Heatherbrae and the western side of the proposed bypass that will have reduced ecological values due to fragmentation.
- Identifies the future role Heatherbrae in the centres hierarchy of Port Stephens including proposed Kingshill that then informs the above dot points.
- Informs the kind of Intersection treatments north and south of Heatherbrae to allow the town to survive by tapping into the Brisbane to Sydney movement network and economy (if necessary or desired).

In a wider context, clearly the Freeway upgrading has major economic and road safety benefits.

The status of the existing highway may revert to a Local Road under Councils control.

ENVIRONMENTAL IMPLICATIONS

The preferred route will have environmental implications, which will be the responsibility of the RTA to address. There are potential ecological impacts with the preferred route – particularly in terms of koala habitat fragmentation.

CONSULTATION

The preferred route is on public display until 13 October 2006.

OPTIONS

- 1) Forward the attached letter and submission to the RTA.
- 2) Not send or amend the letter.

ATTACHMENTS

- 1) Recommended letter and submission to RTA.
- 2) Previous letter to Minister.

ATTACHMENT 1

Recommended letter and submission to RTA

Mr Bob Higgins
Pacific Highway Manager
Motorways
NSW RTA
PO Box 546
Grafton NSW 2460

Dear Bob

Re: F3 Freeway to Raymond Terrace – Upgrading the Pacific Highway

I refer to the preferred route currently on display and to our recent meeting of 1 September 2006.

I wish to confirm that Council is concerned with the lack of prior consultation before Public exhibition of the preferred Route Option documents and the cancellation of a briefing to Council that was proposed in June 2006. Such a briefing was to be the foundation of Council's further evaluation of the route options. Also, Council sought further consultation before the Minister's announcement and this did not occur.

In relation to the preferred route on display, Council wishes to advise that Tomago Road is a significant State Road with access to major industrial areas at Tomago that are proposed to be expanded in the future. It is also a major access point to Williamstown Defence and Newcastle Airport and future employment lands. To identify interchange construction at the intersection of the Pacific Highway and Tomago Road as "possible" is a total misinterpretation of the essential need for the major upgrading of this intersection. As such it is requested that a fully operational interchange be constructed at this location.

Council also wishes to draw your attention to the likely impact on light industrial and residential land at the southern end of Heatherbrae. Council has a Development Control Plan for this area that will be affected and may require existing and future internal road relocation at RTA expense. In addition Council is concerned with the impact on other development and fragmentation of land and will be seeking funding to address the planning, design and viability of development in Heatherbrae as a town.

An urgent discussion between RTA management and Council is again required on this issue.

Yours faithfully

Peter Gesling
General Manager
October 2006

Cc Greg Baird
Pacific Highway Motorways
Roads and Traffic Authority
Locked Bag 30, Newcastle NSW 2300

Cc Sigrid Sanderson
Maunsell Australia Pty Ltd
PO Box Q410 QVB Post Office
Sydney NSW 1230

ATTACHMENT 2
Previous letter to Minister



116 ADELAIDE STREET (OLD PACIFIC HIGHWAY), RAYMOND TERRACE NSW 2324
PO BOX 42, RAYMOND TERRACE NSW 2324 • DX 21406 • ABN 16 744 377 876

Telephone Inquiries
Mike Trigar
Facilities & Services
Please Quote File No:PSC2005-5237

The Hon. Eric Roozendaal, BA LLB MLC
Minister for Roads
Governor Macquarie Tower
Level 30,
1 Farrer Place
SYDNEY NSW 2000

Dear Sir

Re: Pacific Highway Upgrade Program –Extension of F3 Freeway to Raymond Terrace

I wish to advise you of two Resolutions of Port Stephens's Council (Resolution No. 367 of 20/12/05 and No. 464 of 28/3/06 as attached) in regard to Council's concerns with the process used by the RTA to determine representation from the Port Stephens community regarding the F3 Freeway extension through Raymond Terrace. The major concern is that the process used did not truly represent the interests of the local residents and businesses who have requested that Option B3 as it is known, be given equal consideration by the RTA and Minister in determining the route for the F3 extension.

The Minister and RTA should also be aware that Port Stephens Council has become a member of the Pacific Highway Taskforce which seeks to achieve through government action, the upgrading of the Pacific Highway to a four-lane dual carriageway by the year 2016 or sooner.

Yours faithfully

MS (Mike) Trigar
Group Manager – Facilities & Services

Encls. (7)

cc: John Bartlett, MP
Bob Baldwin, MP
RTA Project Manager, Pacific Highway

TELEPHONE: (02) 4980 0255. FACSIMILE: (02) 4987 3612
EMAIL: COUNCIL@PORTSTEPHENS.NSW.GOV.AU [HTTP://WWW.PORTSTEPHENS.NSW.GOV.AU](http://WWW.PORTSTEPHENS.NSW.GOV.AU)
'SOLDIERS POINT / SALAMANDER BAY - AUSTRALIA'S TIDIEST TOWN 2002'

MINUTES FOR ORDINARY MEETING – 10 OCTOBER 2006**MINUTES FOR ORDINARY MEETING – 28 MARCH 2006****ITEM NO. 5****INFORMATION PAPERS****AUTHOR: BRONWYN FLINN – BUSINESS PAPER CO-ORDINATOR**
-----**RECOMMENDATION IS THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 7 March 2006.

Info. Paper No:	Report Title	:
1	Section 94 Contribution Plans – Application of CPI Increase	
2	Extension of F3 Freeway to Raymond Terrace	
3	Karuah Tarean Road Streetscaping Concept Plan	

-----**STRATEGIC COMMITTEE MEETING – 7th March 2006****RECOMMENDATION:****1) Section 94 Contribution Plans – Application of CPI Increase**

That the Information Paper be received and noted.

2) Extension of F3 Freeway to Raymond Terrace

- 1) That Council make representation to the Minister for Roads and Local Member questioning the process used by the RTA determining representation from Port Stephens community regarding the F3 extension through Raymond Terrace**

2) Option B3 be given equal consideration**3) Karuah Tarean Rd Streetscaping Concept Plan**

That the Information Paper be received and noted.

-----**ORDINARY MEETING – 28 MARCH 2006****RECOMMENDATION:**

464	Councillor Francis Councillor Hodges	It was resolved that the recommendations be adopted.
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INFORMATION ITEM NO. 2

EXTENSION OF F3 FREEWAY TO RAYMOND TERRACE

AUTHOR: WAL MILLS – STRATEGIC ENGINEER
FILE: PSC 2005-5237

BACKGROUND

The purpose of this report is to advise Council of the status of the RTA study and resident's letters received objecting to the Freeway option that would utilise the existing highway through Heatherbrae.

The NSW Roads and Traffic Authority (RTA) has started investigations into upgrading the Pacific Highway by providing the 'missing link' between the F3, south of John Renshaw Drive and the Raymond Terrace Bypass. It will include an additional crossing of the Hunter River.

This 12.2 km dual carriageway upgrade will improve safety and relieve traffic congestion on this section of the state road network. The planning project is being funded by the NSW State Government as part of the \$2.2 billion Pacific Highway Upgrading Program.

Investigations have been undertaken to identify feasible route options in the study area. Investigations have included noise and vibration, hydrology and hydraulic, flora and fauna, geotechnical, traffic and transport, social, land use and planning, road safety, cultural heritage, urban design landscape and visual amenity, economics and engineering.

These studies have helped to identify where route options are not feasible. An option passing to the west of Heatherbrae and Motto Farm was carefully considered, but subsequently ruled out on environmental, engineering, and socio-economic grounds. Community input has been sought and a Community Liaison Group (CLG) formed, consisting of 20 members of the public plus RTA, Consultants and Government bodies, which meet 2 to 3 times a year.

Following initial community consultation and early input from the CLG, options were narrowed down to two routes (A and B) over each of the 3 sections of the F3 extension. These A and B route options are shown in the attachments and were placed on Public Exhibition from 21 October to 2 December 2005. A Value Management Workshop was held on the 8 and 9 December 2005. Cr Glenys Francis and Mike Triggar, Group Manager Facilities & Services represented council at that workshop. The workshop participants reached consensus on the routes south of Heatherbrae with preferences for option A1 and B2. While the group also reached general consensus on the through Heatherbrae option A3, it was recommended that further investigation be undertaken to better understand the overall community impacts of the option and the overall environmental impacts of option B3, which passes through bushland and the western edge of Tomago Sands Beds.

At the CLG meeting of the 17 January 2006 the RTA advised that the Value Management Workshop's outcome was not a final decision. It was one of several factors in identifying a preferred route for the F3 Freeway to Raymond Terrace project.

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Since the exhibition of the route options and the Value Management Workshop, Council has received some 19 submissions to-date from residents objecting to Option A3 on the existing alignment through Heatherbrae and indicating support for option B3 to the east of the urban area. Replies to each resident have been sent indicating the RTA's advice that further investigation is proposed before a final decision is made.

The RTA and their consultant Maunsell Australia are proposing to meet with Council in the near future as soon as an urban design layout of A3 and B3 layout have been produced.

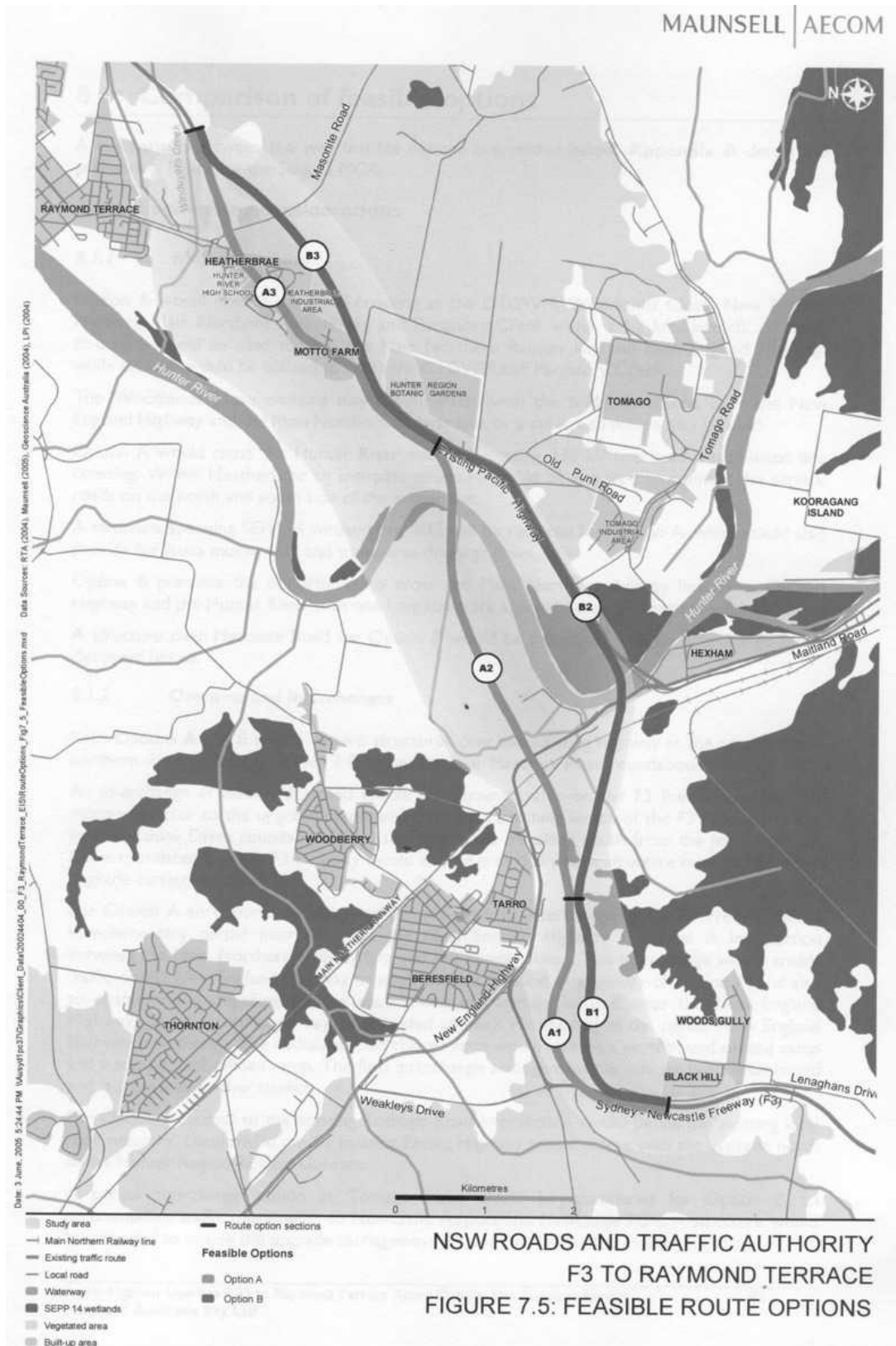
Should Councillors wish to view any copies of the letters these are available in Council's Trim System.

ATTACHMENTS

- 1) Route options placed on public exhibition October to December 2005.
- 2) Sample reply to resident's letters.

ATTACHMENT 1

ROUTE OPTIONS PLACED ON PUBLIC EXHIBITION OCTOBER TO DECEMBER 2005



**ATTACHMENT 2
SAMPLE REPLY TO RESIDENTS' LETTERS**

Telephone Enquires:(02) 49800 299
Wal Mills
Land Use Planning Section
Please Quote File No:PSC2005-5237

Your Reference:

Mr and Mrs #####
#####.
Heatherbrae NSW 2324

Dear Mr and Mrs #####

Re: Upgrading F3 Pacific Highway to Raymond Terrace – Route Option

Thank you for your letter of # February 2006 regarding your opposition to the A3 route option and support for the B3 Option. Your letter has been referred to myself as the Council Liaison officer for this project. I appreciate your concerns and these will be conveyed to the RTA who are the responsible Authority for the upgrade and to Maunsell Australia who are the management consultants for this project.

Following the concerns of both residents and local businesses the RTA has now advised that both option A3 and B3 will be further examined before a decision is made. More particularly further investigation is to be undertaken to better understand the overall community impacts of option A3 on the existing alignment and the overall environmental impacts of option B3, which passes through bushland and the western edge of Tomago Sands Beds.

Should you wish to obtain further information please feel free to contact the Project consultants:

M/s Sigrid Sanderson,
Maunsell Australia Pty Ltd
PO Box Q410, QCB Post Office
Sydney NSW 1230
Ph 1800 094 895
Fax 92625060
Email:F3RTIN@Maunsell.com

Yours faithfully

W. A. Mills
Strategic Engineer
February 2006

MAYORAL MINUTE

ITEM NO. 3

FILE NO: PSC2005-5237

PACIFIC HIGHWAY UPGRADE PROGRAM

THAT COUNCIL:

Make representations to the Roads and Traffic Authority to ensure that option B3 is fully evaluated in the EIS process.

BACKGROUND

The New South Wales Roads and Traffic Authority (RTA) has been investigating route options to upgrade the Pacific Highway between the F3 Freeway and the Raymond Terrace bypass. Planning for this project is being funded by the NSW Government as part of the 10 year Pacific Highway Upgrade Program and there is currently no preferred option for the project.

The project will target the objectives of the Pacific Highway Upgrade Program to:

- Significantly reduce road accidents and injuries.
- Reduce travel times.
- Reduce freight transport costs.
- Develop a route that involves the community and considers their interests.
- Provide route that supports economic development.
- Manage the upgrading of the route in accordance with the principles of ecologically sustainable development.
- Maximise the effectiveness of expenditure.

The F3 Freeway to Raymond Terrace project will provide the 'missing link' between the F3 Freeway, south of John Renshaw Drive and the Raymond Terrace bypass, north of Heatherbrae. The project will involve the construction of a new 13 km section of dual carriageway highway and include interchanges at the F3 Freeway (southern) and Masonite Road (northern), service roads and a new bridge structure across the Hunter River.

The RTA has initiated the route options development process, with two feasible route options identified within the defined study area. These options were publicly displayed between Friday 21 October and Friday 2 December 2005 and some feedback was received by the due date. It is now believed that further feedback is slowly filtering in.

As part of the consultation, evaluation and design process, a Value Management Study is being carried out. Central to the VMS was a Value Management Workshop (VMW) on the 8th and 9th December 2005 at Shoal Bay attended by representatives from relevant government agencies, local councils, road transport groups, the local Aboriginal community,

MINUTES FOR ORDINARY MEETING – 10 OCTOBER 2006

utility providers and key members of the project team. Cr Francis and Mr Mike Trigar attended on Port Stephens Council's behalf.

Day One was spent reviewing and clarifying the information gathered to date and agreeing on the differentiation criteria and weightings to be used to select between the two options. Day Two involved scoring against the criteria and validating this scoring in order to provide route options recommendations for further investigation.

The options recommended by the workshop for further investigation were A1, B2 and A3. However there was a minority view expressed regarding the selection of B3. Because the information from the community received to date was mixed, it did not differentiate between A3 (through Motto Farm and Heatherbrae) and B3 (southeast of these areas and the new Wethertex industrial area) and given the large concern regarding possible impact to the environmentally sensitive area to the southeast, this differentiation was scored at the extreme.

Therefore it is intended that further representations be made to the RTA and their consultants during the next phase of the study to ensure all aspects of the impact to the Port Stephens area are justly considered.

367	Councillor Baumann	➤ There being no objections it was resolved that the Mayoral Minute be adopted.
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ORDINARY MEETING OF COUNCIL – 10 OCTOBER 2006

RESOLUTION:

709	Councillor Hodges Councillor Robinson	It was resolved that Council move into Confidential Session.
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CONFIDENTIAL ITEMS

I certify that pages 1-22 of the Ordinary Meeting of Council dated 10 October 2006 were confirmed by Council at its meeting held on Tuesday 24 October 2006.

Cr Ron Swan
MAYOR